

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
NOVEMBER 10, 2014

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, Kopkowski, Rzyzi, and Wedell

Also Present: City Manager Ladner, Chief Collins, Chief Kennedy,
Department Head Martin, City Attorney Wilhelm,
and Deputy Clerk/Treasurer Spaulding

MINUTES

CM 11-1-14 MOTION TO APPROVE 10-27-14 MINUTES AS PRESENTED

Motion by Kivell, supported by Dixon
Motion to approve minutes

VOTE: MOTION CARRIED UNANIMOUSLY

CM 11-2-14 MOTION TO APPROVE 10-30-14 SPECIAL MEETING MINUTES AS PRESENTED

Motion by Kramer, supported by Kopkowski
Motion to approve minutes

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

CM 11-3-14 MOTION TO APPROVE BILLS

Motion by Rzyzi, supported by Kopkowski
Motion to approve the bills as is

11/10/2014

DISCUSSION:

Councilman Kivell asked Department Head Martin if it was unusual to have two lift stations (Carriage Trace & Trotter's Pointe subdivisions) fail within the same time period. Department Head Martin responded that it was not common, but both lift stations are in extreme environments and run 24/7 off and on. Councilman Wedell asked if the Bricco/DWRF payment on page one of checks written was the last one. City Manager Ladner responded that she thought there were one or two more payments.

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

City Manager Ladner requested an addition to the agenda as item 5. A to discuss water main issues on Pontiac Trail north of 10 Mile near Waters Edge apartments.

CM 11-4-14 MOTION TO APPROVE AGENDA AS AMENDED

Motion by Kivell, supported by Kramer

Motion to approve the Agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

No public comments.

OLD BUSINESS

No old business.

NEW BUSINESS

1. Consider request for a permit for the Kiwanis Christmas Tree Sale in McHattie Park

Kiwanis member Phil Weipert of 135 N. Warren requested use of Depot grounds at McHattie Park for their annual Christmas tree sale the end of November to the end of December. He stated that the sale benefits the community and funds their annual Christmas dinner for

11/10/2014

seniors. Mr. Weipert stated that the Kiwanis Club would not disrupt Cool Yule festivities, and they would leave the grounds in better shape than they found it.

CM 11-5-14 MOTION TO APPROVE PERMIT FOR THE KIWANIS CHRISTMAS TREE SALE AT MCHATTIE PARK

Motion by Kopkowski, supported by Rzyzi

VOTE: MOTION CARRIED UNANIMOUSLY

2. Presentation by Cable Commission

Member Rich Perry of 875 Westbrooke Drive stated that four of five members were present. Mr. Perry stated that a PowerPoint presentation was included in the Council packet for reference. Mr. Perry read the mission statement of the Commission, and stated that the Commission has long and short term goals and each member would speak in more depth. Mr. Perry stated that a submission form was included in the packet that would be used for interested parties to submit material. The form includes a waiver that would ensure no adult content would be shown, no copyright infringements, etc.

Member Dan Pelchat of 364 Stanford stated that the Commission has experienced hurdles in getting information to the community and that they would like approval to start a Facebook page.

Mr. Pelchat stated that the Facebook page would include information for volunteers, content scheduling, and other pertinent information.

Member Amber King of 791 Westbrooke Drive stated that they have created a survey to solicit feedback from the community and collect general demographic information such as who has cable and what they watch. Ms. King stated that she has gotten permission to use videos from the Salem-South Lyon District Library and the recycling authority.

Member Carl Richards of 390 Lennox Street stated he is in a supportive role for the Commission and has contacted non-profits in the area to solicit content. Mr. Richards stated that the Historical Society does not currently have videos, but he has requested that they create one. Mr. Richards stated that Norm Somers can transfer photos and video into digital media for those interested. Mr. Richards stated that he has tried to contact the tube mill, which is a very important part of our community, but has not heard back from them.

11/10/2014

Mr. Perry stated that the Commission is looking to create a volunteer program similar to other local access stations to provide training and certification in multi-media production and editing. Mr. Perry stated that SLARA, the Library, and Kiwanis, etc. are good partners to have for the station. He stated that the Commission would like feedback and direction from the Council. Mr. Perry stated that he hoped to get equipment upgrades including automatic play back software, digital camera, and microphone, approved by Council in the next 12 to 24 months. Mr. Perry also stated that he would like the Commission to reach out to school booster clubs for content.

Councilman Kivell asked City Attorney Wilhelm if Council had authority to determine the destiny of the channel if they felt the Commission was losing focus of the City's vision for the channel, and if there were concerns that the channel became more "public access" than "government access." City Attorney Wilhelm stated that Councilman Kivell raised a good point, and that there should be further evaluation of submission criteria and Commission policies to avoid the channel becoming too "public access. City Attorney Wilhelm specifically mentioned policies regarding non-profit solicitations. Councilman Kivell stated existing policies prohibit soliciting. City Attorney Wilhelm stated that it does allow for sponsorships.

Councilman Kivell asked if the City would own material produced, or would it be owned by the person/group that produced it. Mr. Perry stated that the Commission would be happy to include a statement in the waiver that material produced with City equipment would be the City's property. Councilman Kivell asked if copyrighting was necessary; Mr. Perry stated it would not be necessary but individuals could take it upon themselves to copyright materials.

Councilman Rzyzi thanked the Commission for coming out, and said he had heard good things about the direction of the channel. Councilman Rzyzi stated he would like to see someone other than City Manager Ladner approve content, possibly a member of the Commission; City Attorney Wilhelm stated that the Commission could approve its own materials. Mr. Pelchat stated it would be discussed at the next Commission meeting. Ms. King stated that with Council's permission they could have volunteers approve content. Mr. Rzyzi stated that he would like to streamline the approval process.

Councilman Kramer asked the Commission if they were looking to create a Facebook page immediately; Mayor Wallace stated he didn't think the Commission need City approval. Mr. Pelchat stated that he wasn't sure if they needed permission, but wanted to be sure it was okay. Mr. Perry stated that he would like more oversight from the City, and possibly give a City employee administrative rights to a Commission Facebook page.

Mr. Richards asked Council how often they should meet, and how often the City wants updates. Mayor Wallace said the Commission should continue keeping up their minutes as they have been doing.

Councilman Rzyzi stated that he would like to include content from South Lyon East booster clubs and organizations if allowable.

NO MOTION

3. Consider request for approval of Final (Stage II) Planned Development Site Plan for Knolls of South Lyon

Planning Consultant Carmine Avantini of CIB Planning stated that he is requesting final plan approval for the Knolls of South Lyon development. Mr. Avantini stated that this approval would allow the development to move to the next step of the process, which would be engineering review. Mr. Avantini stated that he would continue to review individual home plans. Mr. Avantini stated that MDEQ would also review plans due to wetlands being located on the property. Mr. Avantini stated that the developer had revised his plans according to MDEQ requirements, and as a result, 88 lots were now being developed instead of 89. He stated that the developer has maintained all of the original open spaces of the initial plan, and has been quick to comply with requests. Mr. Avantini stated that the applicant has added a second access point connecting to Lyon Boulevard as requested, and the applicant would like to keep the existing roundabout, but with signs indicating there is no street parking.

Mr. Avantini stated that the Planning Commission has approved the landscaping for the development, which has a very natural appearance. Mr. Avantini stated that the neighborhood includes a lot of walking paths and five foot sidewalks that connect to City sidewalks. Mr. Avantini said the goal is to create a traditional-looking neighborhood with a city feel. Mr. Avantini stated that there were two phases planned, and they would be independent of each other, including utilities. Mr. Avantini stated that the homes would be attractive, use at least two building materials, and there will be standards for variety in size and color of the homes. He stated that all of the garages would be behind the porches of the homes, improving street visibility.

Councilman Kivell asked what would happen if a homeowner wanted to paint their home. Mr. Avantini stated that the homeowner would need prior approval from the homeowner/condo

association, and that the homeowner/condo association documents have been reviewed by City Attorney Wilhelm.

Mr. Avantini stated that additional landscaping has been added, there would be two street trees in front of each home, traditional streetlights, and an attractive entrance sign.

Councilman Kivell asked if the Chiefs approved the existing roundabout with signs. Fire Chief Kennedy stated that leaving the cul-de-sac as-is would require a road request order. Police Chief Collins stated that it would also require a traffic control order, which he would be happy to help with and advise Council at an appropriate time. Fire Chief Kennedy stated that he was happy with the decision of keeping the cul-de-sac with the addition of no parking signs, as it resolves his concerns and allows the applicant to continue with the process.

Councilman Kivell asked if anyone had spoken with the existing residents regarding the no parking signs in the cul-de-sac since it would significantly reduce the parking available to themselves and guests. Councilman Kivell stated that residents may prefer to take out the cul-de-sac instead. Mr. Avantini responded that taking out the cul-de-sac would present additional concerns and force residents to reconfigure their front lawns. Mr. Kivell stated that if he were an affected resident, he would prefer to be asked. Mr. Avantini stated that a public hearing was held and all residents were notified of the parking changes.

Councilman Kramer stated that he still had issues with the second access point; he prefers the second access point be for emergencies only, instead of being full access.

CM 11-6-14 MOTION TO APPROVE FINAL (STAGE II) PLANNED DEVELOPMENT SITE PLAN FOR KNOLLS OF SOUTH LYON

Motion by Kivell, supported by Wedell

VOTE: MOTION CARRIED- 1 OPPOSED

4. Consider request for approval of Planned Development Agreement between City of South Lyon and Oakland Forty Group, LLC regarding Knolls of South Lyon

City Attorney Wilhelm reiterated that the previous motion had passed, and that there was a substantial amount of information provided by the applicant. City Attorney Wilhelm stated that building elevations were incorporated into this plan and it included provisions for changing them at a later date either administratively or through Council. City Attorney Wilhelm stated that water and sanitary water would be dedicated upon completion, as well as roads.

11/10/2014

City Attorney Wilhelm stated that further clarification from both parties was needed concerning paragraph 14 of page 17 in which the applicant has requested that no financial assurance guarantee is required. City Attorney Wilhelm explained that typically a down payment of 150% of estimated construction costs up front to ensure completion of a project is required. City Attorney Wilhelm stated it may be acceptable to waive this deposit because it was agreed that improvements must be completed, inspected, and approved by City officials before any building permits are issued. City Attorney Wilhelm stated that further clarification of sidewalks was needed; his understanding is that sidewalks would not be dedicated and would remain the obligation of the property owner.

Councilman Kivell asked if dedications would occur as on the fly; Superintendent Martin replied that dedications typically occur when projects are substantially completed. City Attorney Wilhelm stated again that further clarifications were necessary, specifically regarding secondary access requirements during construction, and street lights. City Attorney stated that the City will not be willing to dedicate street lights and would be the responsibility of the development, homeowners association, and property owner collectively.

City Attorney Wilhelm stated that paragraph nine contained miscellaneous information regarding building elevations, exterior materials used, shingles and roofing, the anti-monotony clause, curbs, storm water detention and retention, and provisions for changes and alterations which may be done administratively or through Council depending on the nature of the request. City Attorney Wilhelm stated that storm water pipes within the road right-of-way will be dedicated. Also needing clarification or review are legal descriptions for open spaces, master deed and bylaws, and maintenance obligations including obligations of the developer and homeowner association to maintain improvements. City Attorney Wilhelm stated that the City had rights to go in, with proper notice and through process, in order to take care of unfinished or incomplete maintenance.

City Attorney Wilhelm stated that the financial assurance guarantee was still under review. City Attorney Wilhelm said that the City was making a major accommodation by waiving the 150% deposit, and would request a deposit of 25% of construction costs to insure the workmanship of the improvements for two years.

Councilman Kramer stated that it seemed like there were a lot of issues to be reviewed and clarified, and wondered if Council would be better off approving the plan once those issues have been resolved and the plan was closer to what Council was looking for. City Attorney Wilhelm stated that the issues were not really disagreements or negotiations, but just items

needing further clarification so that both parties had a more clear understanding. City Attorney Wilhelm advised that Council could postpone the motion, or vote that unresolved issues were subject to approval by himself and City Manager Ladner, or through Council. Councilman Kramer stated that he would personally prefer to have more answers before making a decision. City Attorney Wilhelm stated that most of the issues are related to dedications, and that he wanted to lock-step the agreement with the site plan review. Councilman Kivell stated that the issues appeared to be significant. City Attorney Wilhelm agreed that they were significant and stated that if the agreement were to be brought back before Council, there would not be a lot of further review necessary. Councilman Wedell asked what would be an appropriate time frame to clean up the loose ends. City Attorney Wilhelm stated he would like to see the agreement at the next Council meeting.

CM 11-7-14 MOTION TO POSTPONE VOTE OF APPROVAL OF PLANNED DEVELOPMENT AGREEMENT BETWEEN CITY OF SOUTH LYON AND OAKLAND FORTY GROUP, LLC REGARDING KNOLLS OF SOUTH LYON UNTIL NEXT REGULAR CITY COUNCIL MEETING ON NOVEMBER 24, 2014

Motion by Kramer, supported by Wedell and Rzyzi

VOTE: MOTION CARRIED UNANIMOUSLY

5. Consider resolution to Extend the Temporary Moratorium for a period of 6 months on Medical Marijuana Land Uses and Activities

City Attorney Wilhelm stated that on May 27, 2014 Council approved a six month moratorium to consider the issue of medical marijuana activities, and that moratorium will expire before Thanksgiving. City Attorney Wilhelm stated that the Planning Commission had addressed and considered an ordinance, but did not act on it, and recommended an extension of the moratorium. City Attorney Wilhelm stated that he had provided Council with information regarding pending legislation that may or may not affect Council's decision. City Attorney Wilhelm advised that Council could extend the moratorium for six months or whatever time frame they feel is appropriate, or they could let it expire. Mayor Wallace asked if this was the third moratorium they've had. City Attorney Wilhelm stated that at least two years had passed since they began, but that he didn't think there were any legal issues with extending the moratorium. Councilwoman Kopkowski asked if there was likely to be a result in six months. City Attorney Wilhelm replied yes. Councilwoman Kopkowski asked if that was the objective for the prior six months. Mayor Wallace stated that yes, it was flat out requested by Council. City Manager Ladner stated that she would like to point out another option that City Attorney has

11/10/2014

not presented, which would be to request to consider the ordinance themselves since the Planning Commission has failed to act. City Manager Ladner stated that Council's decision would supersede the Planning Commission's decision. Councilman Kivell stated that he is concerned about Council approving an ordinance and then having the Legislature make a decision that would leave the City vulnerable, and he is interested in holding off on a decision as long as they can. City Attorney Wilhelm stated that Council could address the issue of proposed legislation if it were to pass, which provides for an outright prohibition of these uses, and that would be at least a place-holder until proposed legislation can be further evaluated. Councilman Kivell stated that he didn't feel more vulnerable by waiting another six months until legislation coalesces. City Attorney Wilhelm stated that he is worried about the Legislature's schedule and whether they will act in the next six months. Councilman Kivell asked if they were more vulnerable by extending the moratorium, and would they be able to extend it again. City Attorney Wilhelm stated that it could be further extended, and clarified that proposed legislation was not the real purpose of the moratorium. City Attorney Wilhelm stated the reason for the moratorium is to address an ordinance dealing with the authorized activities of the Michigan Medical Marijuana Act. Councilman Kivell stated that he's not speaking to the current proposed legislation, but rather what else may suddenly spring up. Councilwoman Kopkowski stated that we should do something; Mayor Wallace agreed.

CM 11-8-14 MOTION TO EXTEND THE TEMPORARY MORATORIUM FOR A PERIOD OF 6 MONTHS ON MEDICAL MARIJUANA LAND USES AND ACTIVITIES

Motion by Kramer, supported by Dixon and Rzyzi

VOTE: MOTION CARRIED UNANIMOUSLY

5a. Address emergency sewer main problem as requested by City Manager Ladner

Superintendent Martin stated that the City has 60 miles of sewer main, and during routine maintenance it was discovered that a major manhole is failing. Superintendent Martin stated the manhole is located on the west side of Pontiac Trail about 100 yards north of 10 Mile, prior to the entrance of Waters Edge Apartments. Superintendent Martin explained that the manhole is about 60 years old, and is important because it has two incoming water mains in which 5-600,000 gallons of sanitary waste passes through it daily. Superintendent Martin said that when the issue was discovered in April or May, it was patched and monitored closely while looking for a permanent fix. Superintendent Martin stated that he thought he had a company that would provide an inexpensive solution, but due to the severity of the failure, he is not confident or comfortable with that solution. Superintendent Martin stated that the walls of the

manhole are less than an inch thick in some areas, and he was afraid that if he shored up the walls with concrete that it would collapse in on itself. Superintendent Martin said that three companies have visited the site and said they would give quotes to make repairs, but that none had come forward with anything in writing. Superintendent Martin stated that he wanted to bring this to Lynne and Council's attention because it would be a priority in the upcoming weeks, and he hoped the issue was resolved within a month. Superintendent Martin explained that this could be very costly, somewhere between fifty to one hundred thousand dollars. Mayor Wallace asked if this was for a manhole. City Manager Ladner clarified that it's a force main that is cast concrete, approximately 10-20 feet deep and 24 to 36 inches in diameter depending on where you are in the structure. City Manager Ladner stated she believed that it took a 12 inch sewer line from the north, has four lift stations feeding into it from the north, and if it collapses the whole north end of town would be without sanitary sewer until it is replaced. City Manager Ladner stated that it's not something that should be delayed. She stated that she visited the site with Superintendent Martin, and saw that the structure was one half to one inch thick. City Manager Ladner stated that the structure was four inches thick when it was cast, but sewer gasses have eaten through the concrete. City Manager Ladner reiterated that it was not a good situation, and the structure could collapse at any time. Councilman Kramer asked Superintendent Martin if there was money in the sanitary sewer account, even though this was not a budgeted item; Superintendent Martin confirmed that money was available. Superintendent Martin stated that it would be easily fixed, and he would work with HRC to get the project done. He would like Council and the public to know that it will be dealt with. City Manager Ladner requested authorization to spend up to \$75,000 to replace the structure, based on a previous estimate of \$60,000. Councilman Kramer asked what would happen if the price came in over \$75,000. City Manager Ladner responded that a special meeting would be called to obtain approval.

CM 11-9-14 MOTION TO AUTHORIZE EXPENDITURE OF \$75,000 FOR THE REMEDY

Motion by Kivell, supported by Kopkowski and Dixon

VOTE: MOTION CARRIED UNANIMOUSLY

6. Consider Cancellation of December 22, 2014 City Council Meeting

Mayor Wallace stated that it was common practice to cancel this meeting due to vacations and holiday season, and that they had cancelled this meeting in previous years. Mayor Wallace stated that if there were an emergency Council would try to have a meeting in town. City

11/10/2014

Manager Ladner stated that this came to her attention when Mayor Wallace had mentioned there only being three more Council Meetings left in the year. City Manager Ladner stated she reviewed prior years' agendas and saw that this meeting was typically cancelled with the caveat of having a special meeting if necessary. Councilman Rzyzi stated that he would not be the person to vote no on the cancellation, but that he personally didn't have a problem being at the December 22 meeting, and that it was a good example to the community to keep going to the meetings. Councilwoman Kopkowski said that she would be in town if anybody needs anything. Councilman Kivell stated that he has been around a long time and Council has never had the second meeting in December.

CM 11-10-14 MOTION TO CANCEL THE DECEMBER 22, 2014 CITY COUNCIL MEETING

Motion by Kivell, supported by Rzyzi

VOTE: MOTION CARRIED UNANIMOUSLY

7. Consider setting public hearing for 2015 CDBG grant application for December 8, 2014

Mayor Wallace explained that this public hearing would be about possible uses of grant money that is on the table.

CM 11-11-14 MOTION TO SET A PUBLIC HEARING FOR DECEMBER 8, 2014 FOR 2015 CDGB GRANT APPLICATION

Motion by Wedell, supported by Dixon

VOTE: MOTION CARRIED UNANIMOUSLY

MANAGERS REPORT- City Manager Ladner stated that there was a walk to school that morning organized by a City resident and attended by Councilman Rzyzi, Lyon Township Supervisor Lanny Young, and an officer from the Sheriff's Department. City Manager Ladner stated that the walk began from a residential neighborhood and crossed Pontiac Trail. She said the walk went very well, was very informative, and they were joined by two residents. City Manager Ladner stated that after the walk a meeting was held with all of the stakeholders including the Road Commission, Sheriff's Department, Police Department, and School District regarding the safety issues of the intersection of 9 Mile and Pontiac Trail. City Manager Ladner stated that they agreed to look into the Safe Walk to School Program, which is a grant funded by the

11/10/2014

Department of Transportation. City Manager Ladner stated that the School District suggested putting in a signal at Marjorie Ann Street to help with pedestrian and vehicle traffic. City Manager Ladner said there was discussion from parents that the crossing should be at Lillian Street. City Manager Ladner stated that a traffic audit would need to be done and would determine the best place for the crossing. City Manager Ladner stated that she had contacted our engineering firm to discuss the grant, which she then forwarded to the Schools and the Township. The Township has already made contact with the Safe Routes to Schools to establish the process for Safe Routes to School Program for the grant and the three entities are already working on establishing that grant. City Manager Ladner stated that she has contacted the Road Commission to get tentative preliminary costs for signalization of that area, and those preliminary costs would not cost us anything because they have recently put in signals in that area. City Manager Ladner stated that she requested those costs in case a grant is not received. City Manager Ladner stated that Lyon Township was going to ask the County for a photometric study of the intersection of 9 Mile and Pontiac Trail to make sure that the lighting is adequate and if it isn't we'll have to see where it needs improvement whether it's on the City or Township side, and what can be done. Lyon Township said they have the funds in place to improve the sidewalks in their area, and they will be adding additional sidewalks when they obtain the easements. Mayor Wallace asked if that was down 9 Mile as well. City Manager Ladner responded that she did not specifically ask if it was, but she thought it was just along Pontiac Trail. City Manager Ladner stated it was a very positive meeting with positive outcomes, and that all parties were looking forward to resolving these issues.

COUNCIL COMMENTS- Councilman Kivell stated that it was nice to see a great turnout for the last football game of the season, despite the terrible weather. Councilman Kivell stated that South Lyon fans outnumbered the home team, and although the outcome was disappointing, the team gave it all they had. Councilman Rzyzi stated he would like to thank all veterans for their service. Councilman Rzyzi stated he wanted to comment on his observations of the morning's walk, and he would like to preface it by saying he knew a lot of issues were on the Township side, and he appreciated the combined efforts and the hard work of City Manager Ladner. Councilman Rzyzi stated that while we can't control how residents drive or behave he wanted to share what he saw, which was improper use of left turn lane and speeding. Councilman Rzyzi stated that the intersection was very busy and dangerous, especially during morning rush hour when it's still fairly dark. Councilman Rzyzi stated that he noticed a large storm drain with large grates on Lyon Township's side, which he asked City Manager Ladner to address with Lyon Township, since it could be very dangerous to a child walking in that crosswalk. Councilman Kramer stated that the next Rec Center/Community Center meeting is Monday, November 17th at Green Oak Township. Councilman Kramer stated that he drops his kids off at Millennium every day and he thinks the biggest issue is lighting, and that it's slightly

better now due to daylight savings, but it's very hard to see kids that are crossing the street. Mayor Wallace said that we had a very successful Halloween venture downtown, and South Lyon Village Bakery handed out 2600 cookies to residents and ran out, which gives an idea of how many people participated. Mayor Wallace stated that gun season begins Saturday November 15th, and it would not be uncommon for residents to hear gunshots, but if residents hear gunshots near Volunteer Park they should call the police. Mayor Wallace stated that there were 100 acres over there, and a farmer reported seeing 25 deer. Mayor Wallace stated that tomorrow is Veteran's Day, and there would be an honorarium at the rock at 11:11 a.m. at the corner of Liberty and Pontiac Trail, and that we respect our vets.

CM 11-12-14 MOTION TO ADJOURN

Motion by Kopkowski, supported by Rzyzi
Motion to adjourn the meeting at 9:05 p.m.

Respectfully submitted,

Tedd Wallace, Mayor

Dawn Spaulding, Deputy
Clerk/Treasurer