

**CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
June 25, 2012**

Mayor Wallace called the meeting to order at 7:33 p.m.  
Mayor Wallace led those present in the Pledge of Allegiance to the Flag

**PRESENT:** Mayor Wallace  
Council Members: Dixon, Kivell, Kopkowski, Kramer, Rzyzi, and Wedell  
City Manager Murphy  
City Attorney Lee  
City Clerk/Treasurer Zemke  
Department Heads: Collins, Kennedy, and Martin

**APPROVAL OF AGENDA:**

**CM 6-1-12 APPROVAL OF AGENDA**

Motion by Kivell, supported by Kramer

To approve the agenda as presented

**VOTE:** MOTION CARRIED UNANIMOUSLY

**CM 6-2-12 – AMENDMENT TO THE AGENDA**

Motion by Wedell, supported by Kramer

To add Item #9 under New Business for the proclamation for the dedication of the trail

**VOTE:** MOTION CARRIED UNANIMOUSLY

**APPROVAL OF MINUTES:**

Councilman Wedell stated that on page 6 of the minutes, his comments relating to the budget amendments should read that changes during the budget years is difficult and is hard to do a fair analysis.

Councilman Kramer stated that on page 7, regarding the approval of the agreement for legal services, he did make the second on the motion.

**CM 6-3-12 – APPROVAL OF MINUTES- JUNE 11, 2012**

Motion by Wedell, supported by Kopkowski

To approve the minutes of the June 11, 2012 Regular Council meeting as amended

**VOTE:** MOTION CARRIED UNANIMOUSLY

**PUBLIC COMMENT:**

Jonathan Johnson of 61399 Dean Drive stated that he and his family have enjoyed Volunteer Park for many years and it is one of the major deciding factors why he purchased his house. On the City's website it states that it is 130 acre park. He would prefer that the trails stay where they were.

Mayor Wallace explained the agreement between the City and the farmer.

Mr. Johnson discussed the clearing and the lack of taxes being paid by the Farmer. Mayor Wallace stated that he does contribute back to the community including donating pumpkins to the Pumpkinfest and the dozens of bushels of vegetables donated to Active Faith.

Councilman Kivell stated that the trails were put in during the interim. The park itself will develop into a more active space, ie: ballfields, soccer fields etc. Mr. Johnson stated that as part of the Master Plan he feels that should be reconsidered to incorporate the more passive recreation.

Discussion was held on the farming. Mayor Wallace stated that it was a decision that was made by the Council.

**OLD BUSINESS:** None

**NEW BUSINESS:**

1. Planning Services Agreement

City Manager Murphy stated that back in the fall, we went out for planning services. A decision was made by the committee to enter into an agreement with LSL. That decision was made based on the lead planner being Carmine Avantini. In May Carmine Avantini left LSL to go out on his own but was working on an agreement with them. The agreement between the City and LSL was never signed. Mr. Avantini's new firm CIB will maintain the working relationship with LSL and we will not see a difference in price or quality and maybe even better.

Mr. Avantini stated that he was one of the founders of LSL, but it was time for him to move on. They are working cooperatively with LSL and have a great relationship. From the City's perspective, nothing will change. Everything on the master plan and on-going services will continue. The City will still have the same commitment, if not more commitment.

Council Member Kopkowski stated that she was on the committee and was impressed with LSL and Mr. Avantini. Council awarded the contract to LSL. She asked can we legally now take that away from LSL. Attorney Lee stated that the contract stated that Carmine would be the lead planner, but we also have the ability to terminate the contract with 30 day notice. Mr. Avantini stated that LSL has agreed to assign the contract to him. Attorney Lee stated that this is a re-arrangement or amendment to the contract.

Mayor Wallace stated that he feels that the integrity of the process has been compromised. He feels that we should re-bid.

Council Member Kopkowski stated that CIB seems more focused on marketing. Mr. Avantini stated that CIB planning is the same, but the other side is Community Image Building, helping communities build their images, social media, etc.

Discussion was held on the resources of LSL as opposed to CIB.

Councilman Rzyzi stated that section 4 refers to the fee schedule. Mr. Avantini stated that the fee schedule is the same as what was included with the LSL contract.

Discussion was held on the Master Plan and the costs associated. It was stated that LSL would still be the lead on the Master Plan.

Councilman Rzyzi asked how many people came to the break-out meeting. It was stated that 25-30. How many public were present. It was stated that this was meant for boards and commissions.

Discussion was held on the fees. It was stated that the package would be the same as what Council agreed to with LSL. It was stated that the inclusion of the fee schedule should be considered part of this agreement.

Mayor Wallace asked Mr. Avantini if he was familiar with the tax abatement for the tube mill. Mr. Avantini stated that he has heard about this. Mr. Avantini stated that they had a meeting with them, and all we were looking for was a capital plan. He further stated that there was some misunderstanding. City Manager Murphy stated that this is the time and opportunity to try and bring them up to the standard of today. They misunderstood the letter. We were simply looking for a plan for the future.

CM 6-4-12 – APPROVAL OF CONTRACT – PLANNING SERVICES

Motion by Kivell, supported by Wedell

To approve the three year contract between the City of South Lyon and CIB Planning Inc., for planning services with the understanding that the fee schedule would remain part of the agreement

Councilman Rzyzi stated that he feels that the cost of the master plan is too much.

ROLL CALL VOTE:

MOTION FAILED

Dixson – No  
Kivell – Yes  
Kopkowski – No  
Kramer – Yes  
Rzyzi – No  
Wedell – Yes  
Wallace - No

Mr. Avantini stated that there are a lot of items that they have been addressing and several issues that he has been working on with the City. He would like to see no interruptions and would like to keep them moving forward.

CM 6-5-12 – RECONSIDERATION OF CONTRACT FOR PLANNING SERVICES

Motion by Dixon, supported by Wedell

To reconsider the approval of the contract with CIB

VOTE:

MOTION FAILED

Dixson – No  
Kivell – Yes  
Kopkowski – No  
Kramer – Yes  
Rzyzi – No  
Wedell – Yes  
Wallace – NO

1. First Reading – Amendment to the Fence Ordinance

CM 6-6-12 – TABLE FIRST READING – AMENDMENT TO CHAPTER 18 – FENCE ORDINANCE

Motion by Kivell, supported by Kopkowski

To table the 1<sup>st</sup> reading of the amendments to City of South Lyon Ordinance, Chapter 18, Article IV, Section 18-133 "Construction material"

VOTE:

MOTION CARRIED UNANIMOUSLY

2. First Reading – Donation Box Ordinance

CM 6-7-12 – TABLE FIRST READING – AMENDMENT TO CITY CODE 102-113

Motion by Kopkowski, supported by Dixon

To table the 1<sup>st</sup> reading of the amendments to City of South Lyon Ordinance, Chapter 102, Section 102-113 "Donation Boxes"

VOTE: MOTION CARRIED UNANIMOUSLY

3. First Reading – Amendment to the Site Plan Review Ordinance

CM 6-8-12 – TABLE FIRST READING – AMENDMENT TO CHAPTER 102, ARTICLE IV

Motion by Kivell, supported by Dixon

To table the 1<sup>st</sup> reading of the amendments to City of South Lyon Ordinance, Chapter 102, Article IV "Site Plan Review"

VOTE: MOTION CARRIED UNANIMOUSLY

4. First Reading – Amendment to Housing Ordinance

CM 6-9-12 – FIRST READING – AMENDMENT TO CHAPTER 34

Motion by Kivell, supported by Kopkowski

That this be the first reading of an amendment to Chapter 34, Article IV, Section 34-87 and adding 34-88 through 34-91 (see attached amendment as part of these minutes)

VOTE: MOTION CARRIED UNANIMOUSLY

5. Budget Amendment

City Manager Murphy stated that the money will be coming from Capital Improvement for the design engineering for the 2012 Streets projects that Council approved at the last meeting. The work will be coming out of next year's budget.

CM 6-10-12 – APPROVAL OF BUDGET AMENDMENT

Motion by Wedell, supported by Kivell

To approve the proposed amendment to the 2011-2012 Capital Improvement and Local Streets budget as presented

VOTE: MOTION CARRIED UNANIMOUSLY

6. Purchase of Turnout Gear

Chief Kennedy stated that this is a request for 4 sets of turn-out gear. It will not be ordered until the start of the next fiscal year. There is a six-week lead time on orders, so we would like to place the order on July 2<sup>nd</sup>. We have 14 sets of this turn-out gear, and we have been very happy with this gear and would like to maintain uniformity. He further stated that this price is based on a Livingston County group discount bid specifications.

Councilman Kivell asked if there is any technology change that may take place. Chief Kennedy stated that there are standards in place.

Councilman Rzyzi stated that it is very good to see us partnering with other communities.

CM 6-11-12 – WAIVER OF BID PROCESS

Motion by Rzyzi, supported by Wedell

To waive the formal bid process for the purchase of four sets of firefighting turnout gear.

VOTE: MOTION CARRIED UNANIMOUSLY

CM 6-12-12 – APPROVAL OF PURCHASE – TURNOUT GEAR

Motion by Rzyzi, supported by Kopkowski

To approve the purchase of four sets firefighting turnout gear from Douglas Safety Systems for \$7,211.00

VOTE: MOTION CARRIED UNANIMOUSLY

7. Amendment to Interlocal Agreement – Justice Assistance Grant Program

Chief Collins stated that this is a technical clean-up. When the Oakland County Sheriff's Department started providing services to the City of Pontiac, it necessitated the transfer of grant-funded equipment from the City of Pontiac to the County of Oakland. This was based on a grant received by the City that was utilized for the acquisition of a computer server for the Police Department.

CM 6-13-12 – APPROVAL OF AMENDMENT TO INTERLOCAL AGREEMENT - JAG

Motion by Wedell, supported by Kramer

To authorize the City Manager's signature on the Amendment to the Intergovernmental Agreement Between and Among Participants in the 2009 Federal Bureau of Justice Assistance Edward Byrne Justice Assistance Grant Program

VOTE: MOTION CARRIED UNANIMOUSLY

8. Proclamation

CM 6-14-12 – PROCLAMATION – RAIL TRAIL DEDICATION

Motion by Wedell, supported by Kivell

WHEREAS, Rodney Cook began his service to the City of South Lyon in October of 1983 and remained a constant in the community until retiring in March 2008; and

WHEREAS, Rodney Cook received several awards including an Outstanding Leadership Award from the South East Michigan Council of Governments in 1998; and

WHEREAS, Rodney Cook constructed the first pedestrian bicycle trail in southwest Oakland County including development of the abandoned Grand Trunk Western Railroad right-of-way and participated in construction of over 15 miles of trail within and outside the City of South Lyon; and

WHEREAS, Rodney Cook was instrumental in the successful purchase of land now referred to as Volunteer Park; and

WHEREAS, Rodney Cook helped develop and secure funding for local road improvements including roads under the control of the Road Commission for Oakland County and Livingston County; and

NOW THEREFORE, I Tedd Wallace, Mayor of the City of South Lyon on behalf of the City Council and the entire community, do hereby dedicate the portion of the rail trail from Volunteer Park to the Salem-South Lyon District Library in honor of Mr. Rodney Cook.

VOTE:

MOTION CARRIED UNANIMOUSLY

**MANAGER'S REPORT:**

City Manager Murphy stated that he had sent out an evaluation form looking for feedback on the form itself, however he has received two completed forms. Discussion was held on the form. Councilman Kivell asked that the Manager fill one out himself as well.

**COUNCIL COMMENTS:**

Discussion was held on the status of the LSL contract.

Councilman Kramer stated that we had an organization come in who worked with the City and the Planning Consultant to make improvements to McHattie Park. We had a planning consultant that worked with us and now we are attacking the same planning consultant because he left a firm.

Councilman Kramer stated that he has had a lot of complaints about Volunteer Park. Possibly we need to have another review of the contract with the farmer.

Councilman Kramer stated that he will be on vacation for the next meeting.

Councilman Kivell discussed the library's functions this past Saturday and the dedication of the trail. He stated that it is nice to see a safe route to get people through the City and to the library.

Mayor Wallace stated that he has known Parvin since 1981. He has worked with the City for many years and it will be difficult to replace him.

Attorney Lee stated that 10 years ago he represented 7 Oakland County Communities. At that time he resigned from 6 of them, but he could not give up South Lyon. It has always been his favorite. He discussed his experience with the City. He stated that if he were starting a family, he would be looking for a home in South Lyon. He stated that he has represented 4 City Managers and many Council Members. He further stated that he hopes that the City stays on the trailing edge of technology and the cutting edge of fiscal responsibility. That is the reason that the City is the only one in Oakland County that does not have a problem. He wished all "good luck".

Scott Lanam, Chairman of the Planning Commission stated that when we went through the RFP process, what sold us was Carmine Avantini, not necessarily LSL. He is the best we have seen, by far. To go through the RFP process again that may bring us someone inferior, is a big mistake. He further discussed the expense of the Master Plan. He stated that it is at least a year process, and when you consider what

goes into it and the consequences of not having a good Master Plan the amount of money is a small amount to pay.

**ADJOURNMENT:**

**CM 6-15-12 ADJOURNMENT**

Motion by Kopkowski, supported by Kramer

To adjourn the meeting at 8:47 p.m.

VOTE:

**MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

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Tedd M. Wallace  
Mayor

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Julie C. Zemke  
City Clerk/Treasurer