

The City of South Lyon
Regular City Council Meeting
September 9, 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, Rzyzi, Wedell, Kramer and Dixon
Also Present: City Manager Murphy, Department Head Martin, Chief Collins,
Chief Kennedy, Attorney Wilhelm and Clerk/Treasurer Deaton

MINUTES

Councilman Kivell stated he would like the statement on page 3 to read as follows, Kivell asked if the City could demonstrate we have been proactive and created financial projections for our future rates, would we still have to pay consultants to do the same thing or at least would the projections need to be confirmed by a firm.

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

Motion by Wedell, approved by Kopkowski
Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilman Wedell stated there is a bill for Terminix and asked if we have a pest control problem. City Manager stated we do in this building, spiders and ear wigs.

CM 9-2-13 MOTION TO APPROVE MONTHLY BILLS

Motion by Kivell, supported by Kramer
Motion to approve the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 9-3-13 MOTION TO APPROVE THE AGENDA

9/9/13

Motion by Wedell, supported by Dixon
 Motion to approve the Agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- None

OLD BUSINESS- None

NEW BUSINESS

1. Pumpkinfest 2013

Scott Black stated he is here on behalf of the Pumpkinfest Committee and they are seeking the same road closures that were used last year for Pumpkinfest, starting from September 27th at 9:30 a.m. until September 29 8:00 p.m.

CM 9-4-13 MOTION TO APPROVE ROAD CLOSURES FOR PUMPKINFEST 2013

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 permits to conduct the Pumpkinfest Downtown Event from September 27, 2013 until September 30, 2013 and the related road closures: Lafayette Street between Liberty Street and Whipple Street; Lake Street between Wells Street and Washington Street; from 9:30 a.m. on September 27, 2013 until 8:00 p.m. on September 29, 2013 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

2. Pumpkinfest Parade

Scott Black representing Pumpkinfest stated they will be using the same route and time as last year. He further stated they do not have enough volunteers, but are getting close. Chief Collins stated Phil Wiepert said they would have approximately 30 volunteers. If they don't have enough volunteers we will do the best we can with our Police Department as well as the Sheriff's department.

CM 9-5-13 MOTION TO APPROVE PUMPKINFEST PARADE ROUTE 2013

Motion by Kivell, supported by Kramer

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 Pumpkinfest Parade on September 28, 2013 at 10:00 a.m. and the related street closures:

9/9/13

Pontiac Trail from 9 Mile Road to Liberty Street; West Liberty St. from Lafayette to Warren St.; Warren St. from West Liberty St. to Bartlett Elementary School

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

3. Farmers Market

Mary Novrocki the director of the Farmers Market stated they are currently in the north parking lot, but for Pumpkinfest they are moving to the south parking lot. They are asking if they may open earlier that day, and stay open later than usual. Chief Collins stated there will be no parking on either side of the bypass roads for safety purposes. Mayor Wallace stated they will need to be set up before 10:00 a.m. Ms. Novrocki asked if the Market could be open on Sunday as well. She stated there is a strong interest by the vendors to be there on Sunday. Councilman Kivell asked if the vendors could remove their stuff so the parking lot could be used Saturday evening for parking. Ms. Nevrocki stated she will make sure they remove everything.

CM 9-6-13 MOTION TO APPROVE THE USE OF VETERANS PARKING LOT

Motion by Kramer, supported by Wedell
To approve the use of Veteran's parking lot on Saturday and Sunday
September 28th and 29th from 6:30 a.m. to 6:00 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

4. Knolls of South Lyon

Carmin Avantini of CIB Planning stated Mr. Elkow first applied to Planning for a rezoning from R2 to R3 to develop this as a single family development. The Planning Commission suggested the developer come back with a request for a planned development which will have a little more flexibility, and to save natural features and work with the open spaces. He stated the planned development density is the same as the R2 development. He further stated with this plan, they have saved a lot of areas around the wetlands and it has valuable open space for walking trails. Mr. Avantini stated the biggest item of debate was the second means of access. The only potential of a second entrance would be the closest to Mill Street which is Kestrel Ridge. There are some concerns from the Police and Fire Department because they would like it to be a thoroughfare. The residents do not want to have a second access because of traffic. He stated as a middle ground with the residents they could have an emergency access. He further stated some residents want nothing there at all, some want a thru street, and some people want an emergency access. He further stated if Council approves this planned development rezoning, it will then go back to the Planning Commission for final site plan review approval which includes the building envelope, the design of the buildings, sidewalks, landscaping, and the emergency access. He stated the residents are concerned about using the emergency access for emergencies only and to make sure it is maintained. Mayor Wallace stated he is concerned about not having an access to

Eagle Heights, and there are too many dead ends in the City. He further stated at Clarks Crossing the residents didn't want the second access, but now they love it. Mr. Avantini stated that it is always the number one choice to have a thru connection, but the emergency access was offered as a middle ground to protect the residents who had concerns about traffic. Councilman Kivell stated there isn't a natural melding of the two developments to have a thru street. He further stated to have an access that close to the main entrance is not effective as if there was an entrance half way thru or at the other end of the development. Discussion was held regarding another access point. Councilman Kivell stated we have had some problems with side and rear setbacks in other subdivisions and people have had to apply for a variance to add on a deck. He further stated this development will be facing the same thing. He stated he would like to see floor plans and elevations so we can understand the width and depth so we can see how they will fit on the building envelope. Mr. Avantini stated there are only 5 lots that will not meet the frontage because they are on a curve. Councilman Kivell stated there is a lot of information to digest in just a couple of days. He has many concerns regarding this. Mr. Avantini stated this is just the first of two readings, and Council is not being asked to approve this as a final plan. He further stated if Council has any questions he will be available to answer them before the second reading. Councilman Kivell stated our ordinance stated R2 in open space is 8750. He stated the developer is stating 7200 as the proposed development of the lots. He further stated the marginal decreases of an area can make a big difference if people would like to add a deck to their home. Councilman Kivell stated the City will end up being exposed because we have the final say, and we should act as responsibly as possible. He stated HRC couldn't make any comments on how this development will impact our waste water and water system. Mr. Avantini stated the developer will bring the layouts and designs at the final site plan and at that time HRC will be able to assess things, and if it changes the layout significantly it would have to come back to Council. Councilmember Kopkowski stated she has many of the same concerns as Councilman Kivell, and she would have liked to have seen a basic presentation to see what things will look like on that site. She further stated she would like to hear the Chief's concerns on the emergency exit as opposed to a thru fare. Chief Collins stated his main concern is the significant traffic at peak times, such as morning rushes, people trying to go to work, driving their kids to school and the school busses. If you only have one entrance it could cause trouble. He further stated it will hamper the patrol patterns because it will be too predictable if someone wanted to commit a crime in that development.

Councilmember Kopkowski stated she does feel it was a lot of material to read in a short amount of time, and Mr. Elkow at other developments has put in a farming clause, and she would like to know if there is a farming clause in this development. Mr. Avantini stated there is not. Councilman Kramer stated in his subdivision there are 167 homes, and for many years, there was only one access point, how is that different. Chief Collins stated that was built before he was the Chief and he had no input on that. He asked how the emergency entrance would be controlled. Mr. Avantini stated it could be gated and made to not look like a thoroughfare. He further stated it would just be the minimum width necessary to be accessed by fire trucks and Police and Fire would have access to the gate with possibly a lockbox.

Councilman Kramer asked if this is approved, and the developer sold the property to a third party, would that buyer be held to this preliminary plan. Mr. Avantini stated yes, and any significant changes would have to be brought back to Council. Councilman Kramer stated this is just to approve the first reading of the rezoning from R2 to PD. Mr. Avanti stated yes, and Council will review this again at the second reading. Councilman Rzyzi asked if there was support from the residents for this development. Mr. Avantini stated, most residents were not against the development itself, they were just against the second access, into their subdivision. City Attorney stated no one wanted the access next to their home. Councilman Kivell stated item #2D in the agenda states usable open space should be provided,

at least equal to the total of the minimum usable open space which would be required for each of the component uses of the development. The City may, if deemed appropriate, require for planned developments more or less open space than that required by this chapter. He asked what is the minimum open spaced used in the development. Mr. Avantini said he would have to investigate the information. Councilman Kivell asked if this was approved and turned into a planned development, would it return back to R2 if not acted on within a year? City Attorney Wilhelm stated the ordinance does speak of an automatic rezoning within a time period. Councilman Kivell stated his main concern is the one access. He further stated we need to be able to move people in and out of that subdivision if there is an emergency and to make it so constricted that it is a per event application, seems short sighted. Mr. Avantini stated it is always the best idea to have a second access, but we were making a compromise with the residents to avoid too much traffic thru their sub. Councilman Kivell stated he likes the idea of the gate, but would like it to be full sized to make it safer for cars to pass through if needed. Mr. Avantini stated Council does have the ability to approve this with conditions.

Mr. Paul Elkow stated he would like to say at the Planning Commission, the residents understood that they need another road. The residents thought they lived on a cul de sac, but their streets actually were not. They were not against the development; they were against the change that a road through their sub would change the traffic level. He further stated he is looking to provide a quality development and would like to add value to the homes that are already there. Mr. Elkow stated they did take their time and didn't try to ram anything through. He wants to have reasonably priced homes, such as \$230,000 to \$275,000, and 1400 to 1650 square feet. He further stated he feels they will raise the value of the homes in the area, and the Planning Commission will see what houses are being planned. Mr. Elkow stated they are still working on what the right product will be. He further stated he does not want to upsize the homes that are there. Councilman Kivell stated he would like to know if Mr. Elkow would entertain the idea of putting together a plan for R2 open space. Mr. Elkow stated the planning commission worked really hard on this and he is comfortable with what he is offering. He further stated people like the smaller lots because they are more manageable and he thinks this project will be well received by the public. Chief Collins stated he does not perceive the developer as the enemy of public safety, he realizes the residents were unhappy with having a thoroughfare on their street. He further stated if 8 or 9 residents objecting, versus the first responsibility of the City is the safety of all residents, and we need that access for public safety. He further stated the second access point would provide two ways out for the residents as well as the busses. Mr. Elkow stated he would like to find a way to work with the residents, Police and Fire departments to find a solution to this second access issue. Mr. Avantini stated the open space option is something they could do, but it does take away part of the open space, he would recommend the developer to show footprints with the decks to show they would fit on the envelope, because he feels the open space is important. Councilman Kivell stated if they cut back on the number of houses, they wouldn't lose a lot of the open space. Councilman Kivell stated he would like more time to investigate the information before voting on this. Mr. Elkow stated he is asking Council to approve the rezoning then he will continue with the Planning Commission and he will also share the information with Council.

Darren Anderson of 713 Kestrel Ridge court stated it was not just 9 people that lived on the court that were upset at the Planning Commission meeting. Their main concern was if the second access point was a thoroughfare. The plan they looked at and yelled about for 2 hours showed a full road access. He further stated by the end of the meeting they were happy because it was changed to be an emergency access only, not a thoroughfare. He stated the families would like to keep this as an emergency access only, not a thoroughfare.

Carl Richards of 390 Lenox stated he has done a lot of research on this property. He further stated he would like Council to be aware of the different elevations on this property. He stated at the northern to central plateau it is approximately 10 feet higher than the elevation of the base of the water tower and from that point, Eagle Heights is 6 feet higher on average. He further stated the drop off is 16 to 20 feet to the bike path and 17 feet to the watershed. He stated this property needs a topo report, an environmental statement and a DNR analysis evaluation. He further stated in the HRC statement showed they are not in favor of this project until more information is available. Mr. Richards stated something has to be done on this property, but he doesn't want another 20 million dollar mistake.

CM 9-7-13 MOTION TO APPROVE REZONING

Motion by Kramer, supported by Wedell

To approve the first reading of Ordinance No.09-13 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 the second reading.

VOTE:

MOTION FAILED

3 YES- Kivell, Wedell, Kramer

4 NO- Kopkowski, Rzyzi, Wallace, Dixson

5. DDA Appointment Conformation

City Manager Murphy stated Gary Childs has resigned from the DDA Board. He further stated he received a letter of interest from Gene Carroll who owns one of the downtown buildings. He would like Council to affirm his appointment.

CM 9-8-13 MOTION TO AFFIRM APPOINTMENT TO DDA

Motion by Kivell, supported by Kopkowski

Motion to affirm the City Manager's appointment of Gene Carroll to the DDA Board of Directors

VOTE:

MOTION CARRIED UNANIMOUSLY

6. Winter Parking

City Manager Murphy stated we need to replace the signs for the winter parking ordinance. He further stated if he doesn't want to order new signs if Council will be changing the ordinance. He stated Chief Collins has called around to different communities to see what they do for snow ordinance. He further stated most communities have some sort of a snow emergency based on how many inches of snow is in the forecast. Discussion was held regarding how other communities handle winter parking.

Councilman Kramer stated he gets complaints all winter about not being able to park on the streets when there is no snow on the ground. He further stated he is willing to try the snow emergency policy.

9/9/13

Mayor Wallace stated it is a different time now, kids are home and they have 4-5 cars per home. The consensus of the Council is for the City to give it a try for a year. City Manager Murphy stated he will bring more information to Council at the next meeting.

MANAGERS REPORT

City Manager Murphy stated the next movies in the park will be September 20th and the 27th. The movies will be Cars and Cars 2. He further stated the last Lake Street Cruise in will be the 25th of this month. He stated Pumpkinfest is the 28th and 29th of this month. City Manager Murphy stated Michigan Seamless Tube was named one of the top 10 companies to work for.

COUNCIL COMMENTS

Councilman Kramer stated he would like to thank the City Attorney, the planning consultant and the Planning Commission for all the work they put into the Knolls project.

Councilman Wedell stated he attended Depot Day and it was a really nice event. He further stated he would like to thank the Planning Commission for the work they did on the Knolls project.

Mayor Wallace stated it was the 120th anniversary of the Fire Department and the 33rd annual Depot Day. He stated the Historical Commission is still looking for volunteers. He further stated the DWRF is now reaching the main roads and it is going to get worse before it gets better, but it is in the best interest of the City and it will take care of our grand kids and beyond.

ADJOURNMENT

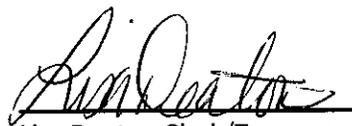
CM 9-9-13 MOTION TO ADJOURN

Motion by Kivell, supported by Kopkowski
Motion to adjourn the meeting at 9:15 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY


Tedd Wallace Mayor


Lisa Deaton Clerk/Treasurer