

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
January 12, 2009

Mayor Doyle called the meeting to order at 7:30 p.m.

Mr. Nick Allen along with Mayor Doyle led those present in the Pledge of Allegiance to the Flag

PRESENT: Mayor Doyle
Council Members: Kivell, Kopkowski, Maida, Selden and Wedell
City Manager Murphy
Attorney Lee
City Clerk/Treasurer Zemke
Department Heads: Collins, Renwick and Martin
ABSENT: Council Member Morelli

Mayor Doyle noted that Councilman Morelli was absent

CM 1-1-09 – EXCUSE ABSENCE

Motion by Maida, supported by Selden

To excuse the absence of Councilman Morelli for reason of being out of town due to health reasons

ROLL CALL VOTE:

Kivell - Nay
Kopkowski – Nay
Selden – Yea
Doyle – Yea
Wedell – Yea
Maida – Yea

MOTION CARRIED

APPROVAL OF MINUTES:

Councilman Selden noted that his statement that he did not realize that he had been so busy, he was referring to the City Manager, not himself.

CM 1-2-09- APPROVAL OF MINUTES –DECEMBER 8, 2008

Motion by Kivell supported by Maida

To approve the minutes of the regular meeting of December 8, 2008 as amended

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills.

CM 1-3-09- APPROVAL OF MONTHLY BILLS

Motion by Wedell, supported by Maida

To approve the monthly bills as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA

Mayor Doyle stated that it has been requested that New Business #9 be removed from the agenda as the investigation has not yet been completed.

CM 1-4-09 – APPROVAL OF AGENDA

Motion by Kivell, supported by Kopkowski

To approve the agenda as amended by removing New Business #9

VOTE:

MOTION CARRIED UNANIMOUSLY

CITIZENS SUGGESTIONS:

Mr. Gary Childs of 209 S. Lafayette stated that he as well as many others present are here in support of Councilman Ron Morelli who they believe is trying to better his life and health. They all support him and hope Council would as well.

OLD BUSINESS:

1. Noise Ordinance

Attorney Lee stated that he prepared a memo which Council did not receive. He has provided the standards as far as what could be expected to be upheld as a noise level basis for industrial, commercial and residential. 95% of the population has no problem with that particular noise level. None of the complaints that we have had have risen to the level that the EPA finds unacceptable. He further explained that application of a noise ordinance. He explained the general ordinance that we have had for years is one that the Police Department uses to mediate disputes between neighboring property owners and we have been very successful in negotiating these differences. The controversial nature of noise ordinances in general and the problem that arise when you use arbitrary numbers, you take some of the civilization away. He does not think that the problem has risen to a level that needs to be addressed at this time. He further discussed ordinances in other communities and what would be involved with that. If Council believes that they wish to have one, he will draft one close to that of the Township of Orion.

Council Members Maida, Wedell are comfortable with the attorney's recommendation.

Discussion was held on ticketing cars with radios and amplifiers so loud that it shakes the vehicles. Attorney Lee explained that we can still ticket those persons and discussed the convictions of those tickets.

Council Member Kopkowski stated that she still feels there should be a happy medium and not sure what that is right now. She further asked if Mrs. Kern was invited to tonight's meeting. City Manager Murphy stated that she was not personally invited.

Councilman Kivell stated that after reading the document, it did give him confidence, especially in light of the tube mill, that we are not close in putting ourselves in jeopardy. His concern remains the subjectivity because it has the potential to become a popularity contest. He is not sure that it would be justified to go through the expense of trying to generate a new document.

2. Manager Goals

City Manager Murphy stated that he was asked to bring forth a list of goals for January through the end of the fiscal year. He has also provided comments from other Council Members.

Discussion was held on using this list of goals as a bench mark for the performance evaluation.

Mayor Doyle stated that he would like to see this list condensed a bit with those that are manageable by the end of the fiscal year.

Council Member Kopkowski stated that she was looking for more information. She was looking for it more developed as far as steps to accomplish the goals. City Manager Murphy stated that he could make them more specific. However, in general, his view of goals is just that general goals and how you get there to meet those goals would be the procedures.

Councilman Kivell stated that he thought at this point, we would weed these down and consolidate to a general consensus of Council. There are a number that are more generic. Further discussion was held on this list provided by the City Manager.

Discussion was held on narrowing this down to define it and bring it down to a manageable level of goals that are realistic. Councilman Wedell suggested that we could see how this works at evaluation time. The action steps will be added at that point. If we find that it works well we can continue or revise it, that would be the appropriate time.

Discussion was held on each Council Member choosing the top goals. The consensus of Council was that each member would choose the top six goals of those provided and get them to the City Manager for further discussion at the next meeting.

NEW BUSINESS

1. Acceptance of Resignation from Alicia Harrick.

Mayor Doyle stated that Alicia Harrick has served on the Parks and Recreation and due to her schedule has chosen to resign.

CM 1-5-09 – ACCEPTANCE OF RESIGNATION

Motion by Maida, supported by Wedell to accept the letter of resignation received from Alicia Harrick resigning from the Parks and Recreation Commission with thanks

VOTE:

MOTION CARRIED UNANIMOUSLY

Mayor Doyle stated that we have a number of vacancies that he will be reviewing applications for appointments.

2. Acceptance of Gifts for the Holiday Gathering

City Manager Murphy stated that these are the donations we received from some of our vendors to help defray the cost of the gathering. Council thanked all those who donated

CM 1-6-09 – ACCEPTANCE OF DONATIONS

Motion by Wedell supported by Maida to accept the following donations for the City Holiday gathering:

Comerica Bank	\$ 200
Hubbell, Roth & Clark	\$ 200
Plante & Moran	\$ 200
Vilican-Leman	\$ 150
Booth Patterson	\$ 200
IBEX Insurance	\$ 100
Duncan Disposal	\$ 200
National City Bank	\$ 200
Citizen's Bank	\$ 100
	<u>\$1,450</u>

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Agreement for Tax Collection for the South Lyon Schools

City Clerk/Treasurer Zemke stated that this is the standard agreement with the South Lyon Schools for the collection of their portion of taxes. In exchange they agree that we keep all interest from the funds deposited. She further stated that the funds are disbursed twice per month. Discussion was held on the amount of interest earned.

CM 1-7-09 – APPROVAL OF AGREEMENT FOR TAX COLLECTION WITH THE SCHOOLS

Motion by Kivell, supported by Kopkowski

to approve the Agreement between the City of South Lyon and the South Lyon Community Schools for the 2009 tax season as presented

4. MML Capital Conference

Council Members Maida and Wedell indicated that they would be in attendance. Council Member Maida further indicated she would also like to attend the pre-conference workshop entitled Making Michigan a Box Office Hit.

The remaining Council Members indicated that they would let the City Clerk/Treasurer know if they would be attending by the deadline.

5. Approval of SBC (AT&T) Metro Act Permit Extension

Attorney Lee stated as Council may recall we were at war with AT&T for sometime over whether they had to obtain a franchise agreement in order to allow streaming video across their telephone lines. We entered into an agreement to wait for the legislature to solve the problem. They did resolve the problem by taking away our ability to negotiate television franchises. The Metro Agreement that we had in place and the agreement was dissolved by action of the State. Therefore there is no reason not to approve this extension and receive the small sums that we receive from the Metro Act.

Discussion was held on the FCC being the prime motivator behind the Act as well as the franchising agencies joining together.

CM 1-8-09 – APPROVAL OF METRO ACT PERMIT EXTENSION

Motion by Selden, supported by Maida

To approve the Metro Act Right-of-Way Permit Extension to Michigan Bell Telephone Company formerly d/b/a SBC Michigan, now D/b/a AT&T Michigan for a term to tend on December 31, 2010.

VOTE:

MOTION CARRIED UNANIMOUSLY

6. Donation of Pierce Engine.

Chief Kaska stated that he has been in discussion with the Oakland Community College training facility to see if they wanted the old truck. We were offered \$4,500 in future training in exchange for the vehicle. This is a great offer and is more than what we were offered for a trade-in. He is requesting that Council approve the agreement.

Discussion was held on how much training the firefighters actually receive at the facility. Chief Kaska stated that we have been using the facility for the last 3 ½ years. He discussed the classes that are taken and those that will be taken. He stated that it would not take long to use the \$4,500.

Attorney Lee stated that if we do not go out to bid, we can do it by contract exchanging the vehicle for the training. Council would have to have a contract to review and approve. Chief Kaska stated that he would get a contract to bring back to Council.

CM 1-9-09 – TABLE CONSIDERATION OF DONATION OF PIERCE ENGINE

Motion by Wedell, supported by Selden

To table the consideration of donation of Pierce Engine until the next meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

7. Sign Ordinance Addition: Sandwich Board Signs 1st Reading

Attorney Lee stated that this is a proposed ordinance from the Planning Commission asking for approval. He would note however that it has been brought to his attention that we have a provisions Section 82-79 of the code which is in conflict with the ordinance that is being proposed. If Council is so inclined, they could have the first reading, but also authorize him to provide a modification of 82-79 to make it a permissible obstruction to avoid conflicting ordinances.

Discussion was held on Section 82-79 (b) which indicates that there will be at least six feet of sidewalk space kept clean and clear for free passage of pedestrians. If impractical, then a temporary plank sidewalk shall be provided around such structure.

The question was asked if this section should be repealed. Attorney Lee stated that there are situations for example if someone was working on the fascade of one of the buildings, you would have to build a plank sidewalk around the construction zone to provide for sidewalk.

The question was asked the consequences having the first reading now without the other amendment. Attorney Le stated that there would be a two week period in which we would have conflict and we would simply not enforce it during that two weeks.

Pam Weipert, Chairman of the Planning Commission stated that the Commission worked on this for some time. What we have is a workable sign ordinance similar to those in place in other communities. This would be for the downtown area on a trial basis and if it works we could try and expand it in other areas of the City. She further discussed the ordinance.

Discussion was held on the fee for the sign permit. Councilman Wedell requested a recommendation on a reasonable fee at the same time as we have the second reading. Discussion was held on the range given. Discussion was held on the fee for a temporary sign currently.

The question was asked what the violation of the ordinance would entail. Attorney Lee stated that it would be a civil infraction subject to a fine up to \$500. Discussion was held on the violation procedure. Attorney Lee stated that typically we warn people and if they continue then they are issued the ticket.

Discussion was held on the reasoning behind only allowing one sign even if a business is on a corner.

CM 1-10-09 – FIRST READING – SANDWICH BOARD SIGNS

Motion by Kivell, supported by Kopkowski

That this be the first reading of Section 70-2 - Sandwich board signs and authorize the City Attorney to prepare an amendment to Section 82-79

VOTE:

MOTION CARRIED UNANIMOUSLY

8. Ordinance Definition Addition: 102-3. Dwelling Unit Density 1st Reading

Attorney Lee stated that Council sent this back to the Planning Commission for further review. The suggestion was that they did not want to treat areas of five acres differently than others. The amendment does delete that distinction.

Discussion was held on a page 12 there is a re-statement of the same thing. Attorney Lee stated that he would review it before the second reading.

CM 1-11-09 – FIRST READING – SECTION 102-3 AND REMOVAL OF SECTION 102-460 (C) (1) &(2)

Motion by Wedell, supported by Kopkowski

That this be first reading – section 102-3 and removal of section 102-460 (c) (1) &(2)

VOTE:

MOTION CARRIED UNANIMOUSLY

9. Request to Transfer Class C Licensed Business with Dance-Entertainment Permit. – Removed from the agenda

10. Annual Liquor License Review Policy Discussion.

Councilman Wedell stated that at the time we were dealing with the transfer of liquor license for Buggy as well as authorizing our attorney to retrieve the license from Bella Luna, he had suggested that we make an annual review of all of our liquor licenses which are renewed by the State each year. Attorney Lee stated that his recommendation was that Council have their recommendation to Liquor Control by the end of March because they start their renewal process in May.

The question was asked how much investigation the State does. Attorney Lee stated that they do very little. They rely only exclusively on local Police Departments.

Discussion was held on developing a procedure and check list. Discussion was held on what could be provided by the Police Department. Further discussion was held on offenses and violations.

The consensus of Council was that Attorney Lee would develop a resolution for further discussion and consideration.

MANAGER'S REPORT:

City Manager Murphy stated that he was hoping to get a consensus of Council to move forward with the Main Street Program for the DDA. We would start out in a mentoring program and if we decide to go forward, we can belong to the Main Street Program through the County. He further discussed the process and the meetings that they have attended.

Discussion was held on the program. The consensus of Council was to move forward with the program.

City Manager Murphy stated that we have had some changes on the DDA Board. Vicki Serra has resigned as she has moved. He has appointed Jan Eldon of Jan's Skin Spa to replace her. Also Randy Clark resigned at the last meeting as well as Dawn Tenpenney. Gary Childs and Susan Stowe have been appointed as their replacements. Councilman Kivell stated that he would like to continue to be aware of the need for balance of both property owners as well as business owners. City Manager Murphy stated that he does have others waiting to become involved.

COUNCIL COMMENTS:

Council Member Maida pointed out the number of vacancies on our boards and commissions and invited anyone interested in serving the community to come forward and make application.

Council Member Wedell thanked City Manager Murphy for the quarterly report. He stated that he is hopeful that in the future we will see some analysis of that rather than just raw data.

Councilman Wedell asked how we are doing on road salt. Superintendent Renwick stated that we are holding out, but we will be cutting back to get us through the season. Councilman Wedell stated that the crew has done a very good job.

Councilman Kivell stated that the DPW has done a great job. It is very clear where our borders begin and end. He further asked if it is a concern about the budget or accessibility why we are not replenishing right now. Superintendent Renwick stated that in the spring when we order our salt, we have to give the State a number. Typically, we order 1200 tons, but we did up it this year based on last year. The question was asked if we have an outside source to augment what we have. Superintendent Renwick stated that we do, but we could pay up to \$150 per ton.

Mayor Doyle stated that the crew is doing great. There had been a sign at Equestrian and Saddle that had come down during a storm. He dropped it off to the DPW yard, and it had been put back up almost immediately.

Other members of Council thanked the other departments.

ADJOURNMENT:

CM 1-12-09 – ADJOURNMENT

Motion by Selden, supported by Maida

To adjourn the meeting at 8:53 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

John Doyle, Jr.
Mayor

Julie C. Zemke
City Clerk/Treasurer