

**CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 27, 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: Dixson, Kivell, Kopkowski, Kramer, Rzyzi, and Wedell  
City Manager Murphy  
City Attorney Salerno  
City Clerk/Treasurer Zemke  
Department Heads: Collins, Kennedy, and Martin

**APPROVAL OF AGENDA:**

City Manager Murphy stated that he would like to delete New Business #4

**CM 2-1-12 APPROVAL OF AGENDA**

Motion by Wedell, supported by Kivell

To approve the agenda as amended

**VOTE:** MOTION CARRIED UNANIMOUSLY

**APPROVAL OF MINUTES:**

**CM 2-2-12 – APPROVAL OF MINUTES- JANUARY 9, 2012**

Motion by Kivell, supported by Kopkowski

To approve the minutes of the February 13, 2012 Regular Council meeting as presented

**VOTE:** MOTION CARRIED UNANIMOUSLY

**PUBLIC COMMENT:**

**OLD BUSINESS:**

1. Second Amendment to Head-end Lease/representative from W.O.W.

City Manager Murphy stated that this is the second amendment that had previously been presented with the changes that Council requested changing "lessor"/"landlord" and the time period for the termination of the contract.

**CM 2-3-12 – APPROVAL OF VIDEO SERVICE LOCAL FRANCHISE AGREEMENT**

Motion by Kivell, supported by Kramer

To approve the Uniform Video Service Local Franchise Agreement transferring the agreement from Broadstripe, LLC to WideOpenWest Mid-Michigan, LLC

**VOTE:** MOTION CARRIED UNANIMOUSLY

Mr. Ed Sesi from WOW stated that they completed the acquisition of Broadstripe January 13<sup>th</sup> of this year. He gave a brief overview of what their plans are in the City of South Lyon. They are currently doing some surveying and engineering and plan a total re-build in the City. They expect to be complete between the 4<sup>th</sup> quarter of this year and the beginning of the first quarter of next year. They are here for the long term and will provide a high level of service.

Council Member Kopkowski asked when this is brought in are the people who are current customers going to have to have a new box. Mr. Sesi stated that they will. They have to upgrade the equipment and make the changes in those homes. He further stated that there will also be more advanced service.

Councilman Kivell asked if they will be re-wiring to the homes. Mr. Sesi stated that they will and sometimes inside the homes. They will completely dismantle the existing system.

Mayor Wallace stated that we have a strong local station from basketball to football and other community events. He asked how this change will affect that. Mr. Sesi stated that there has been some discussion and they are willing to talk about that. Councilman Kivell asked how the channel line-up will be affected. Mr. Sesi stated that is yet to be determined.

Mayor Wallace stated that he agrees that we have had some ups and downs in the past and look forward to these changes.

Councilman Kivell asked how these changes are going to affect the price. Mr. Sesi stated that the value that they bring to the home is fair to the price.

## 2. First Reading – Amendment to B3 Zoning District

Mr. Carmine Avantini, Planner stated that they were asked to review the Council's comments that were presented to the Planning Commission. They do not think that it is a good idea to have residential on the ground floor within the business district. You need to maintain proper separation of uses. It is also important to mention that it is good to have some residential downtown on the second floor because you create a 24 hour presence. He further discussed the benefits of a 24 hour presence downtown.

Councilman Kramer asked what are some of the special conditions. Mr. Avantini stated that certain like uses would be allowed subject to special conditions as long as it meets the requirements and does not have a negative impact. There are certain standards that would have to be met to allow that use.

Councilman Kramer questioned allowable "similar uses". Mr. Avantini stated that uses change all of the time. Something new can come along that we do not anticipate so we have to put in this clause. If a use is similar to something that is allowed, it gives the Planning Commission the ability to determine whether it is acceptable or not. You cannot predict everything that comes along.

Attorney Lee stated that there was a question the last time this was presented regarding why some language was changed, and the reason why is that there was a court case in the City Pontiac in which they used certain language that allowed transient workers to set up homes in storefronts. If you are going to allow residential in any business district, you need to set up a fine line in what is allowable. Discussion was held on how that is accomplished.

Councilman Kramer asked if it is recommended that we look at other ordinances. Mr. Avantini stated that we will eventually have to look at the zoning ordinance and discussed how the overall planning is accomplished. Councilman Kramer asked if we adopt this is there a conflict with our Master Plan. Mr. Avantini stated that there would not be at this point.

Councilman Kivell asked if there is a reason to require a second entrance to isolate the residential. Mr. Avantini stated that this is something that we take a more comprehensive look at the zoning ordinance.

CM 2-4-12 – FIRST READING – AMENDMENT TO CHAPTER 102

Motion by Kopkowski, supported by Dixson

That this be the first reading of the amendments to City of South Lyon Ordinance, Chapter 102 Article VI, Division 10, Sec. 102-322 “Principal uses permitted” as presented.

VOTE:

MOTION CARRIED UNANIMOUSLY

**NEW BUSINESS:**

1. DDA Update – Chairperson, Gary Fagin

Mr. Gary Fagin, DDA Chairperson gave an update of what the DDA has been looking at as well as the Design Committee. He stated that they are excited to get some of the plans in motion and working with the new planners. He discussed the speed of traffic along Pontiac Trail and the need to slow it down. He discussed the opportunity for culture and sculptures in town. He further discussed the painting of the light poles and benches in downtown.

Councilman Kivell asked if they have had any conversation about the four corners and in particular the brick paver cross-walks. City Manager Murphy stated that the County was to take care of that.

Mayor Wallace thanked Mr. Fagin for his continued support of the community.

2. Lake Street Closure Request

Mary Pool of the Lake Street Tavern stated that she was trying to come up with an idea to bring more activity and recognition to our downtown. She came up with the idea of a “Cruise In” weekly. They would bring in a D.J. and the intent is that the cars would be curb side only leaving the center open so that emergency vehicles could get through. This would create interest and activity in downtown. They did submit the request to the County through the Chief, which was denied because of the weekly basis and the high volume of traffic.

Mayor Wallace asked if they have considered the parking lot behind. Ms. Pool stated that their intent is to bring people downtown. Using the parking lot would not create the buzz and atmosphere they were looking for.

Mayor Wallace stated that he can see possibly once per month, but not weekly. Further, he stated that he has spoken to a few of the car clubs and for various reasons they did not feel that a weekly basis would work, but possibly once per month. He stated that there are other such shows around town. Ms. Pool stated that she has spoken to six groups, but they cannot commit to something until she has something more solid. There is an expense to this. It was stated that there are 21 weeks of events proposed. Council Member Dixson stated that if there is enough advertisement, she does not see why the back parking lot would not work. Ms. Pool discussed the advertising costs. She stated that it takes commitment and expense to this and their thought was that if it is once a week then it is much easier to remember than a certain day of the month.

Council Member Rzyzi stated that there are a lot of logistics to this type of event such as putting up barricades, signs, etc. and asked who would be paying for that. Ms. Pool stated that she did speak to the

DPW Superintendent who indicated that the barricades would be downtown already because of the Farmer's Market and they could easily drop them off at their location and pick them up the next morning.

Councilman Rzyzi asked Chief Collins if he could foresee any extra cost to the Police Department. Chief Collins stated that this would not cause any additional overtime. He could use on-duty personnel to block traffic to set up the barricades. However, what could be an issue is how do you get the normal business day traffic out.

Councilman Kivell stated that it would seem that there would also have to be informational signs for detour routes, etc. It was stated that we do not do that for current activities downtown, but this would be a re-occurring event.

Councilman Kramer stated that he commends Ms. Pool, and he would have some interest initially, but he is concerned about 21 weeks during the summer and the interest for that period of time. Councilman Wedell stated that he does commend the efforts to bring traffic downtown, but this might be a bit too much. He asked the criteria used by the Road Commission to determine approval or denial. Chief Collins stated that he is not sure of the criteria used, but his impression was that they probably would have approved once per month, but they felt that weekly was too much.

Discussion was held on holding an event once per month versus every week. Discussion was held on holding an event on a specific day of each month and which Wednesday. Ms. Pool stated that she would like to shoot for the 4<sup>th</sup> Wednesday. Ms. Pool stated that all of the businesses seemed enthusiastic about this.

#### CM 2-5-12 – APPROVAL OF ROAD CLOSURE

Motion by Kivell, supported by Wedell

Resolved That Julie Zemke, 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 Lake Street Cruise-in on **May 23, 2012** and the related road closures: **Lake Street between Wells St. and Lafayette St. from 6:30 p.m. to 9:30 p.m.** 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

#### CM 2-6-12 – APPROVAL OF ROAD CLOSURE

Motion by Kivell, supported by Wedell

Resolved That Julie Zemke, 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 Lake Street Cruise-in on **June 27, 2012** and the related road closures: **Lake Street between Wells St. and Lafayette St. from 6:30 p.m. to 9:30 p.m.** 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

CM 2-7-12 – APPROVAL OF ROAD CLOSURE

Motion by Kivell, supported by Wedell

Resolved That Julie Zemke, 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 Lake Street Cruise-in on **July 25, 2012** and the related road closures: **Lake Street between Wells St. and Lafayette St. from 6:30 p.m. to 9:30 p.m.** 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

CM 2-8-12 – APPROVAL OF ROAD CLOSURE

Motion by Kivell, supported by Wedell

Resolved That Julie Zemke, 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 Lake Street Cruise-in on **August 22, 2012** and the related road closures: **Lake Street between Wells St. and Lafayette St. from 6:30 p.m. to 9:30 p.m.** 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

CM 2-9-12 – APPROVAL OF ROAD CLOSURE

Motion by Kivell, supported by Wedell

Resolved That Julie Zemke, 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 Lake Street Cruise-in on **September 26, 2012** and the related road closures: **Lake Street between Wells St. and Lafayette St. from 6:30 p.m. to 9:30 p.m.** 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. Master Plan

City Manager Murphy stated that one of the things that we looked at when we went out for RFP for planners is the Master Plan. We asked for samples of Master Plans from each firm. One of the things we liked about LSL was that their master plans seemed to be specific to the communities. The City has not had a complete update of the master plan in over 20 years. State Law says you have to at least look at your Master Plan every five years. It is time for us to look at an update. We need a plan or path as to what the City of South Lyon is going to be in the future. LSL provided a quote for the work. The Planning Commission has discussed this with the Planner, which includes a Master Plan with three sub plans including downtown and

Volunteer Park. The cost is \$40,000, which is less than our previous planner. We budgeted half this year for this, and we will budget the remainder for the next fiscal year. Attorney Lee stated that the currency of our Master Plan has been raised in recent litigation.

Councilman Kivell asked if Volunteer Park is being considered as a sub area. Mr. Avantini stated that they have not gotten into specifics. The Planning Commission had about five areas they had discussed. At the next Planning Commission meeting they will discuss more detail, but the most important seemed to be the downtown and Volunteer Park. They are going to be creating a vision that will take us out the next 20 years. He discussed the public involvement being a very big part of the process as well as Council input to ensure that they are on the same page. He further discussed the open house involving the public input.

Council Member Kopkowski asked where the majority of the money is going. She discussed the task list. Mr. Avantini stated that the basic plan itself, without public involvement would be approximately \$25,000. Council Member Kopkowski stated that the majority of the City is already in use. Mr. Avantini discussed the characteristics of South Lyon and the change that occurs over a 10-20 year period of time. He discussed re-development.

Councilman Rzyzi asked in other communities what has the turn out been in the open house forum. Mr. Avantini discussed the education and information aspect as well as the advantages of an open house versus a presentation atmosphere.

Discussion was held on communities that LSL has done Master Plans for.

Councilman Kramer stated that we do spend a lot of money building plans, but he wants to know how we are going to implement. Discussion was held on implementation.

Councilman Rzyzi stated that his concern is the difference between \$25,000 and \$40,000 for public involvement. Discussion was held on the presentations and public input with the MSU Small Town Design Initiative. Mr. Avantini discussed the invitation and advertisement for public input. He further discussed the price breakdown for the open house and the three sub plans.

#### CM 2-10-12 – APPROVAL OF WORK PROPOSAL – MASTER PLAN

Motion by Wedell, supported by Kramer

To approve the Master Plan Work Proposal from LSL Planning, Inc.

Mayor Wallace stated that he personally has a problem with the price. He stated that we have employees who have not had raises in years, etc. yet understands the need of the community. He stated that we need to modify the price. Councilman Rzyzi agreed. Council member Dixson stated that she too agrees that it is too much money to be spent at this time.

ROLL CALL VOTE:

MOTION CARRIED Dixson – No  
Kivell – Yes  
Kopkowski – Yes  
Kramer – Yes  
Wedell – Yes  
Wallace - No

4. First Reading – Amendment to Chapter 38 Emergency Services – Removed from the Agenda

## 5. Community Event Sign

City Clerk/Treasurer Zemke stated that we have talked about our community event/informational sign for some time. When City Manger Murphy brought in the contract with Crown Castle, it was discussed at that time that the funds that they would provide could be used for the replacement of the sign. Many people rely on that sign for information as well as reminders that taxes, water bills, etc. are due, etc. Unfortunately our current sign is not as readable as we had hoped. We did receive quotes for a digital sign. Our thought was that we could keep with the theme of our city entrance signs as well as the signs at the historic village and still keep up with the latest technology.

Discussion was held on programming. City Clerk/Treasurer Zemke stated that it is wireless and could be done from City Hall.

Discussion was held on the difference in prices and comparing like signs.

Councilman Wedell stated that he agrees that the sign needs to be replaced and asked if there is a re-sale value of the current sign. City Clerk/Treasurer Zemke stated that there is not a re-sale value at this time, but we could look at re-using it in another area.

Councilman Rzyzi asked how many companies we received quotes from. City Clerk/Treasurer Zemke stated that we did receive approximately six quotes, but the three provided to Council were more in line with what we were looking for and the most comparable as well as the lowest. She further stated that she did have the Novi Building Department look at the quotes.

Councilman Rzyzi stated that the quote does not include permit or software installation. City Clerk/Treasurer Zemke stated that there would be no permit cost and the software would be included and easily installed. The electrical work is there and could be completed with City personnel.

Council Member Kopkowski stated that she has worked with Signs by Tomorrow and she has been very happy with them.

Councilman Rzyzi asked if there is any room for negotiation. He discussed the cost of the stone columns. City Clerk/Treasurer Zemke stated that this is a bottom line project cost. Councilman Rzyzi asked if the materials cost was questioned. City Clerk/Treasurer Zemke stated that Signs by Tomorrow has worked with us a great deal. Further discussion was held on line by line cost versus total project cost.

### CM 2-11-12 – APPROVAL OF QUOTE – NEW COMMUNITY EVENT SIGN

Motion by Kopkowski, supported by Kivell

To approve the quote from Signs by Tomorrow of Novi for the purchase and installation of a digital sign in the amount of \$19,610

City Manager Murphy stated that we may have to go before the Zoning Board of Appeals. Although we do not have to, we feel that we should do what would be expected of anyone else. Furthermore, we may want to refer the ordinance back to the Planning Commission for clarification.

Mayor Wallace stated that the funding for this project is a result of the City Manager negotiating with Crown Castle for the cell tower lease.

VOTE:

MOTION CARRIED (1 opposed)

**MANAGER'S REPORT:**

City Manager Murphy stated that today he received the easement from the post office that we had been seeking to re-route the water line that goes under the South Lyon Theater.

City Manager Murphy stated that spring clean-up is scheduled for May 12<sup>th</sup>

MMRMA, our insurance company, the State Pool is lacking two members and he is asking to serve on that committee. They meet four times per year. Council concurred.

City Manager Murphy stated that he had attended a SLRA meeting last week and discussed the need for a community center. He is suggesting 4-5 people from each community to form a committee to look into it further. If there is any interest from Council or if anyone knows of someone who could serve on the committee, please let him know. Mayor Wallace stated that he would like to be on that committee.

City Manger Murphy stated that our Personal Property tax went up 7.8674%.

**COUNCIL COMMENTS:**

Councilman Kramer stated that we just spent a lot of money tonight and it involves public participation. He asked the public to participate as much as they can.

Council Member Kopkowski stated that she would be able to serve as a team leader for the spring clean-up. The question was asked if we are going to have participation from the church groups. City Clerk/Treasurer Zemke stated that they will be coordinating volunteers.

Mayor Wallace stated that we talked about art downtown and he has not seen anything developing yet. He would like to see something happen sooner rather than later.

**ADJOURNMENT:**

**CM 2-12-12 ADJOURNMENT**

Motion by Kramer, supported by Kopkowski

To adjourn the meeting at 9:23 p.m.

VOTE:

**MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

\_\_\_\_\_  
Tedd M. Wallace  
Mayor

\_\_\_\_\_  
Julie C. Zemke  
City Clerk/Treasurer