

The City of South Lyon  
Regular City Council Meeting  
October 26, 2015

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

Mayor Wallace led those present in the Pledge of Allegiance.

PRESENT: Mayor Tedd Wallace  
Council Members: Dixon, Kivell, Kopkowski, Kramer, Rzyzi, and Wedell  
Also Present: City Manager Ladner, Chief Collins, Chief  
Kennedy, Attorney Wilhelm and Clerk/Treasurer Deaton

ABSENT: Department Head Martin

MINUTES

CM 10-1-15 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Dixon  
Motion to approve minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

City Manager Ladner stated she would like to add item 4 as a discussion item regarding the utilities at Colonial Acres Phase 4. She further stated Councilmember Dixon asked for this to be added to the agenda.

CM 10-2-15 MOTION TO APPROVE AGENDA

Motion by Wedell, supported by Kopkowski  
Motion to approve Agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Bruce Nussbaum of 525 Willow stated he would like everyone to know Operation Injured Soldiers began in South Lyon and it is a great organization. He further stated they now own a 17 room house with 250 acres in Pelston, Michigan for hunting, fishing and recreation for the injured soldiers. There is a lot of  
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upkeep with this property; therefore they are doing more fundraisers than before. He stated if anyone is interested in having a canister at their business it is a great cause. People in South Lyon are very patriotic; the current canisters fill up quickly.

### OLD BUSINESS

1. Consider approval of the finalized Roadway Asset Management Plan

John Booth of Hubble, Roth and Clark stated he has had this discussion with Council a couple of times in the past, and he just needs the approval of Council to move forward with the Roadway Asset Management Plan so it can be sent to Traffic Asset Management Council then to proceed to search for funding.

### CM 10-3-15 MOTION TO ADOPT THE ROADWAY ASSET MANAGEMENT PLAN AND SUBMIT TO STATE

Motion by Kramer, supported by Wedell

Motion to adopt the Roadway Asset Management Plan and submit to the State of Michigan

Councilman Rzyzi stated this plan includes the City asking the voters for a 2 mill ballot issue, and this is the City planning on raising the taxes by 2 mills. City Manager Ladner stated this plan is to ask the voters for a dedicated tax levy of 2 mills for a road millage. Councilman Rzyzi asked if the ballot issue would be on a regular Election or special Election. City Manager Ladner stated this would take place on a regular Election Day, and it would begin with community meetings with residents as well as homeowners associations and different organizations to discuss the streets they feel should be prioritized. The planning will also involve educating the public regarding the plan, why the plan was made as well as how the City moves forward with getting the roads fixed. Councilman Rzyzi asked if certain condo complexes will be covered in the plan. City Manager Ladner stated the City Attorney is working on the possibility of the plan including private developments, as of right now it will only cover the city streets.

Councilmember Kopkowski asked if there will be another vote before it is decided to be added to a ballot. City Manager Ladner stated there will be a vote before the ballot language is settled upon.

Councilman Rzyzi stated he would rather look at options other than the 2 mill increase. Councilman Kivell asked if the State roads formula changes the funding, could the City lower the mill or would it have to stay at 2 mills for 3 years. Mr. Booth stated, the City can always change the Roadway Asset Management Plan, the City is not held to that permanently.

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Consider approval of Second Reading- Amendment to Chapter 38, (Section 38-53) of the City of South Lyon Code of Ordinances

Chief Collins stated there have been no changes since the first reading. The 52<sup>nd</sup> District Court has asked the City to add language to our existing ordinance to allow them to levy cost recovery fees for the City which they have been doing for some time, but they needed a resolution allowing them to do that.

CM 10-4-15 MOTION TO APPROVE SECOND READING OF AMENDMENT TO CHAPTER 38, SECTION 38-53

Motion by Kivell, supported by Kopkowski

Motion to approve the second reading of the proposed amendment to Chapter 38, (Section 38-53), of the City of South Lyon Code of Ordinances.

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Consider the approval of funding for the City's portion of the traffic signal at Pontiac Trail and Marjorie Ann due to possible delay in Safe Routes funding until 2017

City Manager Ladner stated the City, School, Lyon Township as well as the Road Commission have been working together for several months for the Safe Route to School Grant. It has been brought to their attention that the construction may be bumped until the 2017 construction season. She further stated the intersection at Pontiac Trail and Marjorie Anne, traffic light not just a pedestrian signal. It will be a part of the grant application, but not funded because it is not just a pedestrian signal but a traffic signal. The committee would like to move forward with this for 2016. She stated the breakdown for the funding is the Road Commission will pay 1/3 of the cost of installation, and the other 66% is broke down between the City, School and Township. The engineering and ADA improvements will be divided between the City, Lyon Township and School District. The total cost is \$225,868.00, of which the city's portion is \$58,034.84.

Councilman Wedell stated in the breakdown for the engineering, the numbers reflect the City is covering 40%, Lyon Township is 27%, and the school portion is 33% and he would like to know why the City is paying the majority. He further stated it has been discussed many times; the City does not want to pay for improvements for the Township's infrastructure. It seems the grand total is even amounts, except for the engineering fees. He further stated there is a number of items that will take place on the East side of Pontiac Trail which is the Township property. Councilman Wedell stated there will be more topsoil and surface work done on the Township property, which includes seeding. He further stated it appears the engineering was used to equal out the numbers. City Manager Ladner stated Lyon Townships engineering firm handled this. She further stated that some of the additional engineering costs should have been for contract administration, but she doesn't know why that line item is more, but the traffic light design is more. She further stated the City is the fiduciary agent, therefore she understands why the administration cost is more, but the not light design. Councilmember Wedell stated the City shouldn't be required to pay more just because the City is taking the lead on this project. He stated the numbers need to be revaluated to ensure the citizens of South Lyon are not paying for improvements to Lyon Township and not being overcharged. Mayor Wallace stated he is still waiting for any indication if Lyon Township will be building sidewalks for the school children. He stated he has been

asking for a while, but we still haven't heard anything. Councilman Kivell asked if we should have our engineers check the numbers out as well. City Manager Ladner stated she will ask HRC to look at it.

CM 10-4-15 MOTION TO POSTPONE APPROVAL DISCUSSION UNTIL NEXT MEETING

Motion by Wedell, supported by Dixon

Motion to postpone discussion regarding the funding of traffic light at Marjorie Ann and Pontiac Trail until the next meeting

VOTE: MOTION CARRIED UNANIMOUSLY

4. Discussion of utility dedication of Colonial Acres Phase 4

City Manager Ladner stated Councilmember Dixon asked for this to be added to the Agenda as a discussion topic. She further stated Phase 4 has given HRC the as builts for that phase, and they have been working with Department Head Martin and HRC to get a punch list of what needs to be done to continue moving forward. Currently they have engaged an Attorney, and they will be engaging a surveyor to gain the legal paperwork necessary. Councilmember Dixon gave a brief history of how this came about. She stated Phase 4 and Phase 5 originally began working on this together. After many meetings, Phase 4 decided it would be better to wait for Phase 5 to be completed before they continue. She stated Phase 4 has completed their check list, and everything has been repaired, and they have hired a surveyor and an Attorney that is working to get the paperwork completed for this to move forward. Councilmember Dixon stated on behalf of the senior citizens of Phase 4 she is asking this remain on the agenda to have the utility dedication completed as soon as possible. Mayor Wallace stated this sounds promising and it seems to be close.

NEW BUSINESS

1. Accept resignation of Keith McCormick from the Parks and Recreation Commission

City Manager Ladner stated Keith McCormick has submitted his Parks and Recreation Commission in early October and they are actively searching for new members.

CM 10-5-15 MOTION TO ACCEPT RESIGNATION

Motion by Wedell, supported by Rzyzi

Motion to accept the resignation of Keith McCormick from the Parks and Recreation Committee  
With thanks

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider adopting resolution recognizing Redline Youth Performance Ensemble as a local non-profit organization for the purpose of obtaining charitable gaming licenses

Meredith Bailey of 336 University Avenue stated she is the director for the Red Line Youth Performance Ensemble stated she is here asking Council to recognize the group as a local non-profit. She stated they would like to have their poker fundraiser to support them throughout the season. She stated their season is October thru April. Mayor Wallace stated this isn't a new concept for Council to approve of this. Councilman Wedell stated the IRS has already approved their application for their 50c3 application.

CM 10-6-15 MOTION TO RECOGNIZE REDLINE YOUTH PERFORMANCE GROUP AS NON-PROFIT

Motion by Kopkowski, supported by Rzyzi

Motion to adopt resolution recognizing Redline Youth Performance Ensemble as a local non-profit for the purpose of obtaining charitable gaming licenses

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Consider adopting new athletic field/court use application and permit policy and procedure and set administrative fees for processing use permit applications

City Manager Ladner stated South Lyon Recreation and the Parks and Recreation Commission have been working on an application and permit policy for the use of athletic fields in our parks. She further stated this is to provide a defined and fair system of scheduling the fields and courts for use by the many organizations that seek use of the fields. Due to the amount of administrative time associated with scheduling, changing and modifying the schedule, the Commission has added an application and modifications fee to the process. Councilmember Kopkowski asked if this included Volunteer Park because she believes that park was purchased with a DNR grant and you cannot charge for usage. City Manager Ladner stated she will have to look into this. Discussion was held regarding the purchase of Volunteer Park. Councilman Kramer stated the park was purchased with Bond money. City Manager Ladner stated the fees they are asking for is not for usage, but it is an administrative fee. Councilman Rzyzi stated after reading through the policy, if the field isn't being used and he wanted to take his son, would they have to pay a fee? Amy Allen of South Lyon Recreation stated there is language in the form that would allow them to waive fees for individuals. She further stated this is mainly for the larger groups. They will be very liberal with waiving the individual fees. Councilman Rzyzi stated we definitely need more ball fields, but he wants to ensure that if a resident wants to use one of the courts that aren't being used, they will be able to use the field without paying a fee. Ms. Allen stated this is just for reserving the field. Councilmember Kopkowski asked if City residents will be able to reserve the fields at no charge. Ms. Allen stated most likely the field will be waived for individuals. Diane Beagle of the Parks and Recreation Commission stated people need to contact South Lyon Recreation to ensure the fields aren't reserved for someone else. More discussion was held regarding the usage of the park by individuals. Councilman Wedell stated this is a fee for an administrative service, not to make a profit. Ms. Allen stated this is just to go towards the administrative portion. Chief Collins stated if there is a

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dispute and someone contacts the Police Department they will need to have some type of permit reflecting the field is used for them. The Police Department would like a signed document. Councilmember Kopkowski stated she would like more language in the policy with the language regarding the waiving of the fees.

More discussion was held regarding the language in the policy. Councilman Kramer suggested the Parks and Recreation Commission should change the language to reoccurring use. Councilman Kivell stated if the same groups use more than one permit to avoid the fee, you could include language that the fee is per group. Attorney Wilhelm stated the idea is to provide the discretion for the waiving of the fee, not to state specific groups that have to pay it. Councilmember Kopkowski stated if a City resident wants to have a family reunion and use the field, and it is available, they shouldn't have to pay a fee. Mayor Wallace stated the City of South Lyon is part of the South Lyon Area Recreation Authority which includes Green Oak and Lyon Township.

CM 10-7-15 MOTION TO TABLE THE APPLICATION AND PERMIT POLICY FOR PARK USE

Motion by Kopkowski, supported by Rzyzi  
Motion to table the application and permit policy for park use

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider approval for Cool Yule parade and associated road closures

Kathy Swan stated they have changed the name from Cool Yule to the Cool Yule DDA and she is the Committee Chair. She stated the DDA has taken over the parade. She further stated they are here asking for the parade road closures to be approved. Mayor Wallace stated he is happy the volunteers stepped in so this can continue. Chief Collins stated the Police Department is fine with the road closures; the route is the same as in previous years.

CM 10-8-15 MOTION TO APPROVE ROAD CLOSURES

Motion by Dixon, supported by Kramer  
Motion to approve the requested road closure for the Cool Yule DDA parade

VOTE: MOTION CARRIED UNANIMOUSLY

5. Consider approval of Kiwanis Club for use of Historic Village/Depot grounds for annual Christmas tree sale event

Phil Wiepert 135 N Warren of the South Lyon Kiwanis stated he is here asking permission for the Kiwanis to sell Christmas trees from McHattie Park Depot grounds. He further stated they use the park each year and always make sure they clean up well. Councilman Kivell stated the group always makes it look festive in that area.

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CM 10-9-15 MOTION TO APPROVE THE USE OF MCHATTIE PARK FOR TREE SALES BY THE KIWANIS CLUB

Motion by Wedell, supported by Dixon

Motion to grant permission for the Kiwanis to hold their annual Christmas tree sales at McHattie Park

VOTE: MOTION CARRIED UNANIMOUSLY

6. Update from the Cable Commission

Steve Kaukonen 1120 Polo Drive stated he is here as well as Dan Pelchat, and Amber King to update Council on what they have been working on. Mr. Kaukonen stated they would like to upgrade the equipment and they would like to get the community involved as well as the local businesses. Mr. Kaukonen stated they have been looking for a digital playback system so they can schedule what will be playing on the cable channel. They have received 3 quotes and their current intent is to download a free version to see how it will work with the current setup. Dan Pelchat 364 Stanford stated he is here to discuss the volunteer project they are having. They are having an open house and welcomes everyone to attend. He further stated they have a program to train people to record, edit and produce programs and provide technical operations for the cable channel. They are hosting a volunteer meeting with learning stations for anyone interested in learning how to record events which include editing. Mr. Kaukonen stated it is great to have a volunteer program and he hopes to reach out to different organizations to see what people want to see on the channel as well as if they can contribute anything for the channel. Amber King 791 Westbrook stated they administered a survey and so far they have had 71 responses. The analysis is the reach is limited, only about ¼ of the people have access to the channel. She further stated people find it very important to have the channel for local information and events. Ms. King stated people would like to see a calendar of events, school board meetings, parades as well as other information. Councilman Kivell stated he would like to know if it will be possible to have compatible software so we can web stream the cable channel as well. Mr. Kaukonen stated they are looking into that and it would be great if they can do that. Ms. King stated they have a Facebook page and they could add some videos to that page as well. Mr. Pelchat stated the programming will take time, but the equipment will run as a real t.v. channel. He further stated they are very excited about the things they are working on. Mr. Pelchat stated they definitely need volunteers, and they have given the schools information hoping the students would like to help out. Carl Richards stated he has resigned but he will still volunteer and he hopes to find someone to replace him shortly. Councilman Kivell stated he would like to know when they will be ready to purchase the equipment. Mr. Pelchat stated he doesn't have a time frame right now. Mr. Kaukonen stated they are hoping to use the 30 day free software package as soon as possible. He further stated hopefully within the next 2-3 weeks. Mayor Wallace stated the Commission will need to be careful with copyright infringement, he has learned that in his many years working with the channel.

7. Consider agreement between City of South Lyon and South Lyon Community Schools for the operation of Senior Citizen Program

City Manager Ladner stated this is an annual agreement for the allocation of money towards the South Lyon School for the Senior Citizen Program. This is for the current fiscal year for \$42,003.00 for the running of the Senior Center

CM 10-10-15 MOTION TO APPROVE AGREEMENT WITH SOUTH LYON SCHOOLS FOR SENIOR CITIZEN PROGRAM

Motion by Kivell, supported by Rzyzi

Motion to approve the agreement for Senior Citizen program with South Lyon Schools

VOTE: MOTION CARRIED UNANIMOUSLY

8. Discussion regarding City policies regarding organizational chain of command in absence of City Manager

Councilman Kivell suggested this to be added to the Agenda for a discussion regards to what should take place when the City Manager is not available. She further stated we currently do not have a formal or informal policy. Councilman Kivell stated he feels the City Manager has the ability to do that for herself, but you had ample time to have someone in place to field questions on urgency. Your voicemail was not changed, and there were two department heads that didn't know you were going to be out of the office. He further stated there was a lot of wonder, not knowing what was going on. No one knew who the go to person was and no one knew who to field important questions to. Although it was temporary, it put everyone in a bad spot. The complication was the City Manager was not available through the phone or email. Councilman Rzyzi stated his concern is there was a lot of confusion and luckily the Chief stepped up to help. Mayor Wallace stated he and the City Manager both believed she wasn't going to be gone as long.

MANAGERS REPORT

City Manager Ladner stated Kelly McIntyre will be starting this week as the Community Development person. She further stated she attended the CDBG workshop and is looking forward to submitting the application in December. She stated she would like to remind everyone of the downtown trick-or-treating is this week and she wants to remind everyone of the road closures from 6:00 to 9:00p.m. She further stated this weekend is the last Farmers Market and this will be Mary Novrocki's last market as she has resigned. Mary has been training her replacement. City Manager Ladner stated the DDA is very excited about sponsoring the Cool Yule.

COUNCIL COMMENTS

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Councilman Kivell asked why attendance is necessary for the CDBG. City Manager Ladner stated attendance is required by Oakland County if you apply for the CDBG. City Manager Ladner stated we currently have two qualifying quadrants for the grant to be used. She stated one is the northwest section at the apartment and condo developments by 11 mile as well as the area that includes South Lyon Woods trailer park, and they are both qualifying areas. Councilman Kivell stated he would like to know if anyone found out why we were charged a \$1,000 from HRC for the Dorothy Street parking lot. City Manager Ladner stated it was for the work they did for establishing the estimate for resurfacing the parking lot.

Councilmember Kopkowski stated she was surprised the second Planning Commission meeting for the month was cancelled. She expected they would be discussing food trucks. City Manager Ladner stated there was not enough time between the Council meeting and the Planning Commission going out to gather the information. Councilmember Kopkowski asked if Kelly McIntyre will have set hours. City Manager Ladner stated she will be working between 9:00-3:00 Monday thru Thursday.

Councilman Rzyzi stated it bothers him the \$1,000 bill for asking them for the cost of the overlay for Dorothy Street parking lot. He further stated he feels they should have been able to give us an indication as a professional courtesy. Councilman Rzyzi stated he witnessed workers at the Oakland Forty property on a Sunday and that is in violation and he hopes that was addressed. He stated he is happy the Cool Yule Parade is happening and thanks the DDA for taking that on.

Councilmember Dixson stated she wants to wish everyone a safe and happy Halloween.

Mayor Wallace stated the downtown trick-or-treating will be this Thursday and the streets will be closed between 6:00 and 9:00 p.m. although there will be other businesses outside of the road closure area as well. Mayor Wallace stated he wants to thank all the candidates that are running for Election.

## ADJOURNMENT

### CM 10-11-15 MOTION TO ADJOURN

Motion by Dixson, supported by Kivell  
Motion to adjourn meeting at 9:00 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

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Tedd Wallace, Mayor

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Lisa Deaton Clerk/Treasurer

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