

CITY OF SOUTH LYON
REGULAR COUNCIL MEETING
SEPTEMBER 25, 2017

Mayor Pro Tem Wedell called the meeting to order at 7:30 p.m.
Mayor Pro Tem Wedell led those present in the Pledge of Allegiance
Mayor Pro Tem Wedell stated Mayor Galeas is absent due to work and Councilmember Kramer is out sick.

PRESENT: Mayor Pro Tem Wedell, Councilmembers: Kivell, Kurtzweil, Parisien, Rzyzi
ALSO PRESENT: City Manager Ladner, Chief Collins, Chief Kennedy, Attorney Wilhelm and Clerk Deaton

CM 9-1-17 MOTION TO EXCUSE ABSENCE OF MAYOR GALEAS AND COUNCILMEMBER KRAMER

Motion by Kivell, supported by Parisien
Motion to excuse absences of Mayor Galeas and Councilmember Kramer

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Councilmember Parisien stated on page 3 the second to the last line it states carryover over, the second over needs to be removed. She further stated on page 4 the first line stated for put the flag downtown, and it should say for putting the flag downtown.

Councilmember Kurtzweil stated on page 7 after the sentence Councilmember Kurtzweil stated she hopes those that have survived are healed from their memories of devastation and let's pray for their strength and courage. The sentence Councilmember Kurtzweil stated the text for this comment came from Catholic Relief Services.

Councilmember Rzyzi stated on page 4 after the sentence, Attorney Wilhelm stated the language doesn't read well, but it creates more efficiency for the Department Heads and City Manager, he would like the sentence added, Councilmember Rzyzi stated Attorney Wilhelm should give himself more credit.

CM 9-2-17 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Kivell, supported by Parisien
Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

CM 9-3-17 MOTION TO APPROVE THE AGENDA AS PRESENTED

Motion by Rzyzi, supported by Kurtzweil
Motion to approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- None

OLD BUSINESS- None

9-25-2017

NEW BUSINESS

1. Consider first reading of Liquor License Ordinance

Attorney Wilhelm stated this is a draft that is largely aimed at providing an application and review process for a liquor license for an establishment providing onsite liquor consumption. He stated the focus should be on the criteria to evaluate if you want to grant the license. He further stated it provides an application and review process. Attorney Wilhelm stated you may want to do an annual review. He stated they are annually renewed by the MLCC. He stated there is a distinction between the permits, extended hours, entertainment and there is some case law from 2012 that affects the permit regulations. He further stated a big issue is the transfer of licenses. The State does not allow local communities to have a say in the transferring of licenses. We are more concerned about licenses being transferred out of the City. He further stated there is a provision regarding inactive license which states if it doesn't become active within a certain amount of time it can be granted to someone else. He stated we have the ability to review the experience with license holders and object to renewal. He stated there is a profiteering provision and he lined this up to State Law which requires an agreement between the applicant and the City. He further stated if they renovate or build a new building they will need Council approval before they can apply to the Liquor License Commission. Attorney Wilhelm stated there are criteria requisition revocation and it can occur at any time. He stated there is a due process requirement regarding the revocation of the license. He further stated we will need applications prepared including background check approval. He stated we will have to decide what the costs should be and we will need to pass a resolution passing the fees. Attorney Wilhelm stated we have a limited number of quota licenses. He further stated the other issue is licenses transferred out of the community still count towards the City. Councilmember Kivell stated he believes it is best as a body to determine which direction we want to go with setting priorities with the quota licenses to establish the best fit for our community. He further stated we need to have an objective for the applicant to accomplish. He also stated he was hoping we had a process to work towards that goal and some example documentation from other communities that have already determined this instead of determining it on the fly. Councilmember Kurtzweil stated this is good work but she suggests Attorney Wilhelm put together a master list of what we need to discuss and look at the issues. She stated maybe a subcommittee is an alternative to decision making. She further stated she suggests we set a time-table since the City has never had anything like this. She stated we should look at 90 days. Attorney Wilhelm stated we can always get something in place, then tweak it as needed. Councilmember Rzyzi stated this is a good starting point and he doesn't want to make it overly difficult with a lot of restrictions to bring in new businesses because it can slow down the process. He stated he would like the City to stay out of it to a certain extent. He further stated we need to keep the government out of it a little bit. Councilmember Parisien stated she likes that Attorney Wilhelm gave Council a lot to work with. She stated she looked at Novi, Northville and Livonia and they are similar with what we have, but Novi is much more pared down. Councilmember Wedell stated his thought is to pass the first reading then postpone the second reading until the second meeting in October which will give time for the subcommittee to form and make recommendations. Councilmember Parisien stated she would like the DDA involved as well. She stated the packet with the additional information is important to link onto the website when it is completed. Mayor Pro Tem Wedell stated he would like to appoint the City Manager, Chief Collins, Bob Donohue and asked if Councilmember Parisien would like to be a part of that committee. Councilmember Parisien stated she would.

CM 9-4-17 MOTION TO APPROVE FIRST READING

Motion by Rzyzi, supported by Kurtzweil

Motion to approve the first reading of ordinance to add Chapter 8 Alcoholic Liquor, Sections 8-31 through 8-69 to the City of South Lyon Code of Ordinances to provide policies and regulations for the issuance, transfer, relocation, renewal, revocation and enforcement of liquor licenses and permits and for the operation of licensed premises

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider first reading of Ordinance to repeal Sec 58-83 criminalizing the possession of a switchblade knife

Attorney Wilhelm stated the State Law is changing to decriminalize the possession of switchblade knives and this will repeal the City's Code.

CM 9-5-17 MOTION TO APPROVE THE FIRST READING

Motion by Kurtzweil, supported by Rzyzi

Motion to approve the first reading of the Ordinance to repeal Section 58-83 – Possession of a switchblade knife, of the City of South Lyon Code of Ordinances

VOTE: MOTION CARRIED UNANIMOUSLY

BUDGET

City Manager Ladner stated she has spoken with Plante Moran and they should have their presentation at the second meeting in October. Councilmember Kurtzweil stated she has some issues to discuss but she wants to wait for the audit, but she did notice the bond payment that was over a million dollars and she asked City Manager Ladner if she had considered the feasibility of looking into a lower interest rate for the bonds we are presently paying on. She stated we could possibly lower the interest rate and put the savings toward the unfunded pension cost. She further stated she is looking for ways to pay down the unfunded pension liability without resorting to making cuts or raising taxes. City Manager Ladner stated she will contact Warren Kraemer to discuss this with him. Councilmember Kurtzweil stated the Federal Reserve is signaling they will be tightening the money supply which will increase the interest rates so we probably have a very small window to find a lower rate. Councilmember Kurtzweil stated a viewer brought her attention to an article regarding MERS. She stated she has researched looking into bonds being a way to pay off the unfunded pension portion, although we need to take a cautious approach because that will be additional bond debt for residents of the City which will be a cost to the taxpayers and we are already paying on the DWRF debt and the other mills that are ongoing. Some cities seem to be doing so. She further stated those cities have a much larger liability such as 10, 20 or 70 million in unfunded liability, but we are a small City with a small revenue stream, but she doesn't know if she would be interested in doing that. She stated it comes down to how do we pay it down without expenditures or raising taxes.

Councilmember Rzyzi stated he is pleased to see this Council is taking a pro-active approach to getting the City back in the black and paying down the unfunded liability. That is a trend we need to continue and MERS is the key and that is the biggest unfunded liability but we are making progress with the vacation payoffs as well as the contracts we will be looking at going forward.

DOWNTOWN

Bob Donohue stated he has given Council a draft of the walking tour from the historic walking tour from the Heritage Conference which was very successful. He stated the DDA has discussed putting this into a booklet, but he is looking for more input. He further stated he would like to interview a few more people. Mr. Donohue stated he is hoping to have the downtown business directory before the next meeting. Mr. Donohue stated the Hotel is hoping to open the second week in October. Corey welcomes everyone in to see the work in progress. He stated they will be having a soft opening before the grand opening to train staff. He stated everyone needs to understand it isn't the old hotel, it has a more updated industrial feel and very high quality. Mr. Donohue stated the theatre has replaced all the seats and they will be doing more remodeling, it is exciting. Mr. Donohue stated he would like to see more enforcement of the building maintenance properties. There are 4 properties in particular and we just need to follow the ordinance. The 2 Bonner buildings downtown, 110 Detroit is an interesting historic house, but it is in shoddy condition. The last property is 333 S Lafayette, Mo's repair shop, that property is sinking in the back, and he hopes this can be resolved. Councilmember Rzyzi stated he hopes this can be resolved with a conversation but enforcement if necessary.

Councilmember Kurtzweil stated she was in Detroit for the Tigers game and it was incredible, the streets were packed including sidewalks. She was there early enough during the day and noticed the landscaping which is phenomenal and the art. She stated she was with some friends and they were shocked how incredible that downtown looks. Councilmember Kurtzweil stated another thing she noticed is the portable sidewalks. They have them in Birmingham as well. She stated they are sidewalks that are built to extend into the street. She stated she was shocked. The parking lots in front of Lake Street Tavern could have a restaurant deck which covers the parking spot. You couldn't park there during the summer, but that extends the sidewalks out. They are large enough to put huge tables and umbrellas and we have been struggling to get outdoor seating and the answer was in Birmingham for downtown Detroit the whole time. Mr. Donohue stated he is familiar with them, generally the restaurants have to pay a fee for the parking spaces, because the fee is based on the loss of the parking for the adjacent businesses. Councilmember Kurtzweil stated if other communities can do it, so can South Lyon. She stated they have them in Howell and Holly as well. She stated we need to look at the business model for downtown which is mostly restaurants, why wouldn't we provide an accommodating attraction for the number one draw in those areas. Mr. Donohue stated there is a way to do it, but we have to look at the traffic on Lake Street and Pontiac Trail and how it would affect the surrounding businesses. Councilmember Kurtzweil stated we need to find a way, if that is what the businesses want. Mr. Donohue stated he will look into this further. Councilmember Kivell stated Northville has been using those for years.

MANAGERS REPORT

City Manager Ladner stated Pumpkinfest was a very successful weekend. She thanked all of the committee members and volunteers for all of their year-round dedication and hard work. City Manager Ladner stated the final Lake Street Cruise-in is this Wednesday and she wanted to remind everyone that the street closures will begin at 6:00 pm because it is getting darker earlier. City Manager Ladner stated she will have information on downtown trick or treating soon. City Manager Ladner stated Don Gotham has been in contact with the developer regarding the non ADA compliant crosswalk at Kestrel and Mill. She further stated the builder said it was an oversight on their part and it will be corrected. City Manager Ladner stated the Oakland County Times is trying to contact the candidates that are running for Election, but not all of their email addresses have been supplied to the County. She stated if any candidates would like to participate in an interview they can contact City Hall for the editor's email address. City Manager Ladner stated she has spoken with Sue from MERS and she would like to set up a

study session to discuss the new options for pension plans for new employees. After some discussion, Council decided to hold a work session on Thursday October 5, 2017 at 7:30 p.m.

Councilmember Kurtzweil stated one of the things coming up is how MERS invests. She stated since Trump was elected the stock market has been reaching record highs. She further stated she wants to know why the MERS accounts aren't increasing like her IRA's are increasing, and why is the dollar amount for the unfunded pension portion decreasing instead of increasing. She would like to ask them how they are investing as well as questions on the fees the hedge funds are taking that may be pulling money out of the unfunded pension. She then asked City Manager Ladner if we can look into a 457 for new employees. City Manager Ladner stated we currently have a 457 plan along with MERS.

Councilmember Rzyzi stated his biggest point he wants to understand is how we can be 100% fully funded and how much we would have to put aside each year. City Manager Ladner stated we should be fully funded on the current plan in 20 years based on what MERS has told us. Councilmember Rzyzi stated it was 2.5 million and now it is 5 million and he wants to understand the numbers. Councilmember Rzyzi asked if we still have the funds available that Council discussed using for McMunn street. City Manager Ladner stated the \$90,000 is still available but it must be used on a federal aid road. She further stated we have a specific road plan for this year and she is meeting with HRC for preliminary drawings. She stated it won't be a full-scale mill and overlay, but the plan is to grind, crush and overlay significant portions of Hagadorn where the street is failing. Councilmember Kivell asked if the federal aid money is applicable to Dixboro. City Manager Ladner stated she will have to look into it, but the portion that is being paved is between 8 & 9 Mile which is not in the City limits.

COUNCIL COMMENTS

Councilmember Kivell stated Pumpkinfest was a lot of fun. He stated he wanted to thank Justin, the head coach of the combined high school lacrosse teams because they helped a lot with setting up the straw pyramid. He stated he was told the numbers were down because of the heat, but it was still well attended and the committee had a different mindset this year and didn't let anyone that wanted to be cantankerous get to them. He then thanked the Committee and congratulated them on another successful Pumpkinfest.

Councilmember Parisien stated Pumpkinfest was a complete success, and thanked the Committee, the sponsors, the volunteers, Police, Fire, DPW and Councilmembers as well. She stated she attended Saturday night and they were very busy, the band was great and she has zero complaints.

Councilmember Rzyzi stated he is on the Zoning Board of Appeals and has been on there for 7 years. He stated there is not a meeting in October, but after November when the new Council is elected, he is planning on stepping down. He is very busy on Thursday nights to attend the meetings and he would like to give the opportunity for another Councilmember to participate. He stated he wants to be transparent he is stepping down due to family reasons and activities. Councilmember Rzyzi stated Sunday morning he was at the Legacy Center in Brighton for a wrestling event and he overheard people talking about Pumpkinfest and how nice it is. He stated they were from Brighton, Howell and other areas as well. He stated it is great exposure for our City. He further stated many of the volunteers are from Green Oak, Brighton, Lyon Township and they are doing so because they feel they are part of our City and they feel connected. He thanked all of the volunteers that made Pumpkinfest possible.

Councilmember Kurtzweil stated the Pumpkinfest parade was her favorite, the floats, and everything that goes on. It was fabulous. She was sitting at McDonald's and Pontiac Trail was packed with people. She

further stated she doesn't know if it slowed down in the evening due to the heat, but she was downtown Saturday and it was jammed. She stated she attended the Methodist Church chicken barbeque and it was fabulous and they sold out. She stated she heard the music of Chicago, Earth Wind and Fire, and Saturday Night Live and it was just a great parade. She then thanked Kathy Swan and everyone in town that pulled this together. She further thanked DPW and Ron Brock because on Sunday he was dealing with a sewer back up on top of Pumpkinfest. We have some hard-working guys at DPW and she thanked them. Councilmember Kurtzweil stated she wants to thank Peters True Value because they have a veterans parking spot in their parking lot and she wants to remind everyone not to park there unless you are a veteran. She thanked Peters True Value and employees for their patriotism and if you're a veteran please support them as they support you. Councilmember Kurtzweil stated there is a house bill regarding the new registry of firefighters. The registry will deal with issues with firefighters and the incidences with cancer they have due to fighting fires. She further stated this bill will deal with clinicians that will be set up to diagnose cancers due to firefighting and it includes volunteer firefighters.

Councilmember Wedell stated he wanted to thank and congratulate the Pumpkinfest Committee and the only comment he wants to make about the parade is that he was very impressed with the respect our citizens showed for the colors of the United States as they went by. He stated people know what the flag etiquette is and he is proud of us.

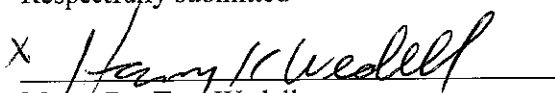
ADJOURNMENT

CM 9-6-17 MOTION TO ADJOURN


Motion by Kurtzweil, supported by Rzyzi
Motion to adjourn meeting at 8:30 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted

X 

Mayor Pro Tem Wedell



Clerk Lisa Deaton