The City of South Lyon
Regular City Council Meeting
December 14, 2015

Mayor Galeas called the meeting to order at 7:30 p.m.
Mayor Galeas led those present in the Pledge of Allegiance.

PRESENT: Mayor Galeas
Council Members: Dedakis, Kivell, Kramer, Kurtzweil, and Wedell
Also Present: City Manager Ladner, Chief Collins, Chief Kennedy, Department Head Martin, Attorney Wilhelm, and Clerk/Treasurer Deaton

ABSENT: Councilman Ryzyi

CM 12-1-15 MOTION TO APPROVE ABSENCE

Motion by Dedakis, supported by Kurtzweil
Motion to approve absence of Councilman Ryzyi

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Councilman Kivell stated there are a few language changes and an additional sentence he would like added. He stated on page 6, the word ansular, should be ancillary. He further stated on page 7 he would like a sentence added stating Councilman Kivell agreed the changes should be made but regrets they weren't conveyed to the City Attorney in private before the meeting. He further stated on page 10 he would like the sentence to state, Councilman Kivell stated in the past there have been conversations in regards to expanding the DDA area, and the problem was the existing agreement has a 20 year sunset.
Councilmember Kurtzweil stated the correct spelling for Branford Mayes is Maynes. She further stated she would like to add the sentence on page 7, Councilman Kurtzweil stated the matter regarding lease terms needs to be discussed in a public meeting because it is a public matter. She further stated on page 11 the correct spelling of the owner's name of South Lyon Square is Najor.

CM 12-2-15 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Wedell
Motion to approve minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Kurtzweil stated she has 3 questions. One is regarding the check listed as overpayment for Rachel Baker for $2,281.64. Clerk/Treasurer Deaton stated that is for a summer tax that was paid as an overpayment, meaning it was paid twice. Councilmember Kurtzweil stated her second question is regarding the tuition reimbursement for Sgt. Baaki. Chief Collins stated the City pays a portion of the employee's tuition for higher education. Councilmember Kurtzweil stated she wants to congratulate him for taking advantage of the City's reimbursement program, the City benefits when the employees take advantage of furthering their education. She stated her 3rd question is regarding the check payable to the State of Michigan for $30.00 for the sex offender registration fee. Chief Collins stated the State requires sex offenders to register at their local Police Department. The Police Department collects a fee and keeps anything over the $30.00 the State charges.

CM 12-3-15 MOTION TO APPROVE BILLS AS PRESENTED

Motion by Kramer, supported by Kivell
Motion to approve payment of bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

City Manager Ladner stated there are 2 items she would like to remove. She stated she would like to remove item #1 under Old Business. She has received feedback from South Lyon Area Recreation Authority and they now have questions regarding the new lease contract for 318 W Lake, therefore she would like that remove until those concerns can be addressed. She further stated she would like to remove item number #4 because there are changes that need to be made to the contract.

CM 12-4-15 MOTION TO APPROVE AGENDA

Motion by Kramer, supported by Dedakis
Motion to approve agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Linda Ross of 373 Harvard stated she is here to introduce herself as the President of the Historical Society and she also introduced Larry Ledbetter as the President of the Historical Commission. Mr. Ledbetter of 11343 Clovis Pointe stated the Commission is responsible for maintaining the grounds in the Historical Village, along with the help of the Department of Public Works, and the Society. Ms. Ross stated the Historical Society is responsible for greeting visitors to the Depot, overseeing donations, conducting tours for groups, keeping the Depot clean, and updating the calendar of groups that use the rooms for meetings, programs and events. She further stated they have a gardening group which helps maintain the plantings. Mr. Ledbetter stated he welcomes anyone that hasn't visited the Historical Village to come and see it. He further stated everyone on the Historical Society and Commission are dedicated volunteers. Councilman Kivell asked the status regarding the bell tower in the Chapel being fixed. Mr. Ledbetter stated they are having some problems finding a contractor that is able to fix it, but they are working on it.
Carl Richards of 390 Lenox stated the boats have been removed from the Michigan Seamless Tube yard. He further stated the project at Bigby coffee is almost completed. Mr. Richards stated the last wall at 390 S Lafayette was removed. He further stated the contract he read didn't include the contractor removing the concrete foundation from the old bowling alley. He further stated he hopes they will take care of that. Mr. Richards stated some things at the Knolls are wonderful, but he does have some issues and we will have to wait and see what happens with the grade on some of the properties.

OLD BUSINESS- None

NEW BUSINESS

1. Public Hearing- CDBG Program Year 2016
    a. Approval of Application

City Manager Ladner stated the Community Development Block Grant program is a Federal Government program for which the City gets an estimated allotment of $35,261.00 The final amount we will get is determined after the first of the year. In the past we have used this money for support of Haven which is a domestic abuse shelter program as well as The Center for Active Adults. She further stated at the last meeting Council discussed looking into other local projects that we may support for fiscal year 2017. City Manager Ladner stated the Center for Active Adults is also funded by Lyon Township and Green Oak Township and it is located in the High School on Pontiac Trail. She further stated the application is due to the County on the 18th, therefore she is asking for approval tonight to move forward with the application.

PUBLIC HEARING- CDBG

Mayor Galeas opened the public hearing at 7:45.
Public Comment- None
Mayor Galeas closed the public hearing at 7:46

CM 12-5-15 MOTION TO APPROVE CDBG APPLICATION

Motion by Kivell, supported by Wedell
Motion to approve the planned use of the CDBG funds, and the CDBG application.

VOTE: MOTION CARRIED UNANIMOUSLY

City Manager Ladner asked if Council would approve the resolution to include with the application because we will not have time to have minutes approved from this meeting.

CM 12-6-15 MOTION TO APPROVE RESOLUTION FOR CDBG APPLICATION AND FUNDS
Motion by Kramer, supported by Wedell
Motion to approve resolution of planned use of CDBG funds and CDBG application

VOTE: MOTION CARRIED UNANIMOUSLY

2. Discussion with Council on blight, unsafe structures and problematic property owners with Attorney Paul Burns and associate

Paul Burns of the Law Offices of Paul E. Burns gave a power-point presentation regarding the City of Brighton's Ordinances and procedures for dealing with blight and problematic property owners. Mr. Burns stated he has been the City of Brightons Attorney since 1980. He introduced Brad Maynes who has been with his firm for 10 years. He stated what they decided to do in Brighton was to create a team of blight busters. The team consisted of the Code Enforcement Officer, Building Inspector, engineer, Planner, and the Zoning Enforcement Officer. They made a list of problem properties in town. Internally they were then ranked from worst to least problem. The theory they used was the properties which created a health safety welfare problem is considered the worst. There were other properties that were so blighted they were curbing the growth and development of the area. He stated they also had a few long time property owner problems as well. He stated the City always tries to keep the communication open with property owners and try to get their properties in compliance without the courts being involved. Mr. Burns explained the City of Brighton was able to use the administrative search warrant which is basically a civil warrant. He further stated by gaining the search warrant we were able to get our inspectors into the buildings to see the condition of the properties. Mr. Burns stated the usual tools for successfully fighting blight problems are the Michigan Building Code, Property Maintenance Code, Unsafe/dangerous building ordinance and Common-Law nuisance.
The first step is to recognize the top problem properties, then to rank the top problems by the severity of the problem. He stated the second step is looking at the enforcement tools, such as ordinances, statutes and building/property codes. The third step is to determine who owns the property and contact them. The Code Enforcement Officer will send the property owner a certified letter to attempt to correct the situation. The fourth step is a formal demand of compliance. Courts expect to see attempts to resolve the situation without litigation. All documentation and events must be memorialized. Step 6 is a hearing before City Council which could be formal or informal. Step 7 is

litigation which can be a lengthy process and is handled through the Circuit Court. Litigation will most likely involve expert witnesses on both sides and will take a lot of time for staff and consultants. Councilmember Kurtzweil asked how quickly did the demand for downtown real estate demand rise. Mr. Burns stated it didn't take very long, but there is more to this than the blight issue. He stated there was also a downtown liquor license which changed many of the occupancies. The DDA began the flower program and it all came together. He further stated the planning commission also needs to be involved with the downtown. Mr. Burns stated the DDA was also buying property and knocking down old buildings, recently they purchased a building to tear down which will be used for parking. Discussion was held regarding some of the success of the Brighton downtown area being good planning and some was just happenstance. Mayor Galeas stated it seems very methodical, and engaged everyone working together hand in hand. He stated we haven't always been on the same page with our businesses. He asked how long did it take until everyone understood and got on board. Mr. Burns stated it wasn't immediate, but once everyone understood this is what needs to happen to make the downtown area successful and they understood the rules, they came together. Councilman Kivell stated you have to spend money to buy buildings to knock down for parking, but then you're also losing tax dollars. Councilmember Kurtzweil asked how many properties they had to litigate. Mr. Burns stated there were just a handful of properties, but most property owners don't want to go to court, so most will comply. Councilmember Kurtzweil asked if they have their own expert witnesses that have testified. Mr. Maynes stated they do and they have testified in court. Councilman Kurtzweil asked if they are ever granted attorney fees. Mr. Burns stated they have not been successful with that, the Judges see that as a cost of doing government business. Councilman Kurtzweil asked what the average time length for litigation is. Mr. Burns stated 18 months to 2 years. Discussion was held regarding the expert witnesses being part of the problem cases from the beginning. Councilman Kivell stated their expert witnesses have already built their credibility as well.

3. Consider appointment/resignations from City Commissions:
    a. Resignation from John Spencer

Mayor Galeas stated we have received a resignation from John Spencer from the Cultural Arts Commission.

<u>CM 12-7-15 MOTION TO ACCEPT RESIGNATION</u>

Motion by Wedell, supported by Kivell
Motion to accept John Spencer's resignation with thanks.

VOTE: <u>MOTION CARRIED UNANIMOUSLY</u>

b. Appointment of Josey Kearns

Mayor Galeas stated he has received an application from Josey Kearns for the Cultural Arts Commission.

City Manager Ladner stated she has been working with the Cultural Arts Commission ad hock. Councilmember Dedakis asked if Ms. Kearns has any experience with writing grants and applying for grants. City Manager Ladner stated she believes she has grant experience in her work history. Councilmember Kurtzweil stated she knows of Josey Kearns for her craft, she is a poet. She was part of the event that took place at Third Monk Brewery. She brings some great talent to the Commission.

CM 12-8-15 MOTION TO APPROVE APPOINTMENT

Motion by Kivell, supported Wedell
Motion to appoint Jose Kearns to the Cultural Arts Commission

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider dedication of Lexington Place Condominiums Water and Wastewater Utilities to the City

City Manager Ladner stated she has been working with Robertson Brothers and Mike Darga to have everything ready to proceed with the dedication of the water and sanitary sewer utilities. Councilmember Kurtzweil stated she has some questions for the City Attorney. She stated she believed that this development was closed out in 2013, and if that is the case, there needs to be some further investigation. She stated this development is similar to Lafayette Woods. She stated this is a condominium development and according to the condominium act after a certain number of units are sold, the property is actually owned by the Homeowners Association. She further stated the developer may not have the authority to dedicate the utilities to the City. Attorney Wilhelm stated he doesn't believe it excludes the developer's right to dedicate the utilities. Attorney Wilhelm stated he will discuss this with the developer and condominium association to ensure we have the proper paperwork for the dedication. He further stated he will bring this back at a future date.

CM 12-9-15 MOTION TO POSTPONE THE DEDICATION OF WATER AND WASTEWATER UTILITIES TO THE CITY

Motion by Kurtzweil, supported by Dedakis
Motion to postpone the dedication of water and wastewater utilities to the City

VOTE: MOTION CARRIED UNANIMOUSLY

5. Discussion: Pete's True Value- Status of Site Plan Approval

City Manager Ladner stated she spoke with Carmine, but he is unable to be here tonight. She further stated the Planning Commission approved the site plan approximately a year ago with conditions. She further stated a demo permit was issued for the mill building earlier this year and that structure was razed. Site plan approval was approved for a storage building in its place, although no building permits

have been applied for. She further stated the property owner will have to ask for a site plan extension from the Planning Commission before they can proceed. The City cannot force him to build on his property. Councilman Kivell asked if anyone has been in contact with them. City Manager Ladner stated Kelly McIntyre is in the process of getting up to date on this and she will be contacting the owner.

6. Discussion: Performance Bonds

Councilmember Kurtzweil stated she believes this is one aspect we can improve the way we are delivering services to our businesses in our City. She stated there has been an issue with a cash performance bond in the past, and this particular one has been waiting for 7 months to be closed out. She further stated there is nothing in writing regarding this particular bond. Councilmember Kurtzweil stated if the City is looking for someone to pay review fees, that is a separate issue. They pay to have the site reviewed, then they put the money down, but then the City decided to keep some of the money. She stated performance bonds are contracts and there needs to be terms for what is in that contract or it could lead to litigation. She further stated she would like to know what authority the City believes they had to keep the money. Councilman Kivell stated he believes this has been done according to past practice. Mayor Galeas stated this is a generic issue and we need to have rules and procedures regarding how performance bonds are issued. Further discussion was held regarding performance bonds. Councilman Kivell stated anything the City can do to lessen the ambiguity of how things are processed at City Hall is better for the City. Councilmember Kurtzweil asked if there is a written bond for the Robertson Brothers Bond. City Manager Ladner stated she will get a copy of the court order to show what the terms of the bond are. Councilmember Kurtzweil stated it could be best if the bonds are collected to secure the work to be completed, and any review fees be invoiced separately. Attorney Wilhelm stated this was handled according to past practice, and this will be corrected, we will come up with a straight forward policy. Councilman Wedell stated after all fees are paid which are owed to the City, we then return the bond. Councilmember Kurtzweil stated that is fine if that is written out in the Bond Agreement. Mayor Galeas stated there are some things changing rapidly, and this is one area we need to tighten up so that future issues such as this do not arise in the future.

IV. Discussion on Blight Ordinance and unsafe structure placard

Councilmember Dedakis thanked Councilmember Kurtzweil for asking the Brighton City Attorney's to attend our meeting. Councilmember Kurtzweil stated she thinks they are very talented. Mayor Galeas stated it was nice to hear their insight, and they told us what we need to be doing to help with the same kind of matters. Councilman Wedell stated it doesn't have to be harder than it is, the plan seems simple and we should be capable of dealing with this. Discussion was held regarding the timeline of 18 months to 2 years for dealing with dangerous structures and problem owners. Councilman Kivell stated we do have some things to tighten up, but we have already been pushing toward this and we should be able to begin to make headway. Councilman Kramer stated we have a lot of things ready to go, but we may need to get a committee together and he would like to get things going. Councilman Kivell agreed. Councilman Kivell stated we have a lot going for us right now, this is at the brink of the Master Plan approval to push everyone in the same direction and that coupled with getting the expertise group

aligned and organized will give us the ability to find the answers we need, both to address the problem people, and to strategize. The only problem we have is money, and deciding what kind of structure and at what location. City Manager Ladner stated the Planning Commission is holding their Master Plan public hearing in February then it will come before Council in March.
Councilmember Kurtzweil stated she would like to expedite the process and hire the City of Brighton's Attorneys. She further stated they have the expertise and the ability to do this. Councilman Kivell stated Johnson Rosati is a huge law firm with the same level of expertise. Councilmember Kurtzweil stated she isn't fond of the Johnson Rosati law firm, because they have some weaknesses and the Paul E. Burns law firm already has the experience and are ready to go now. She further stated she thinks they could have this ready to go within 60 days. Mayor Galeas stated the attorneys did a great job of laying out the plan, and we know what we need to do. We already have many of the tools needed, we now have the opportunity to use what we already have available to make sure this happens. He further stated we need to start moving forward with the Ordinances. Councilmember Dedakis stated she would like to discuss hiring them at them at the next meeting, she would like to explore this in more detail because she understands hiring them could come at a heavy price, but in the end it could be in the best interest of the City. Councilman Kramer stated he doesn't believe having two legal firms is in the City's best interest. Councilmember Kurtzweil stated they could be a special Council. Councilman Kramer stated special Council will come with special rates.

V. Discussion- Downtown

Mayor Galeas asked City Manager Ladner how the demolition of 390 Lafayette is coming along. City Manager Ladner stated it is moving along very well and she will follow up with the concerns of Mr. Richards regarding the foundations being removed, the contract states any and all foundations need to be removed. Councilmember Wedell asked if the City Manager could do some research regarding expanding the DDA district. City Manager Ladner stated she and Kelly McIntyre are looking into that, the last time it was discussed was in 2008. Councilman Kivell stated he liked Carmine's idea of expanding the DDA to grow the TIF instead of letting things escalate to where things were before the downfall. Councilmember Kurtzweil stated if we approve the downtown, we also need to improve the approaches. She further stated how Lake Street looks as you're coming into town is just as important as downtown. Councilmember Kurtzweil stated Peters True Value came before the Planning Commission stating he was going put in a nice building and landscaping. It was an attempt by the Planning Commission to improve an approach to the City, and a land owner that is not following through. Some Planning Commission members wanted the mill to stay, and some wanted it torn down. If people are not going to invest in the town, there will be blight. True Value got what they wanted, they got the vacant building torn down that was costing him a lot of money in insurance, but what did the City get? She has heard he has purchased property in another City. He has money, but he is not spending it in the City. We may need to discuss this with the owners of True Value and see if we could get him moving along with the original plan. Mayor Galeas stated sometimes things are unsalvageable. Councilman Kivell stated the demo was not predicated on them building a new storage building. Councilmember Kurtzweil stated it was, and they didn't have a problem with that. Councilman Kivell stated he doesn't believe the Planning Commission can stop someone from doing a demo on their own property.

Councilmember Kurtzweil stated it was not condemned and he was using it. Mayor Galeas stated he loved the building also, and would have liked it to be refurbished, but you cannot force someone to put his money into something that isn't going to work. Mayor Galeas stated we do not have the authority to force property owners into building on their property. Discussion was held regarding if the new storage building was part of the demolition permit. Attorney Wilhelm stated building the storage building was not part of the demolition permit. There isn't any connection between the demolition and the site plan that was brought before the Planning Commission. Councilman Kramer stated this is sending a mixed message to new businesses. We are asking them to come here, but then we want to force them to build things on their property. Councilman Kivell stated we need to focus on the downtown area itself. He further stated we need to come to some kind of vision of how we are going to supply the parking for the new businesses when the new Master Plan comes into effect. Ben Verish of 630 Hagadorn stated he grew up in downtown Plymouth. He further stated they built a parking structure which had a lot to do with the City's expansion and development. He came to South Lyon because of the hometown feeling and it reminds him of Plymouth. He would like this resolved. He suggested the City speak with Dan Gilbert because he will tell you, you can have the best lawyers, but if you don't have a shared vision of what you want downtown South Lyon to be, this conversation will mean nothing. Councilman Kivell stated engaging everyone to have the same vision is a huge undertaking.

VI. Managers' Report

City Manager Ladner stated she reached out to facilitators for the Council retreat, and she has received a proposal, but she is waiting for the other two. She suggested moving the retreat to February or March will help with the additional two proposals. Councilman Kivell stated he does not like the idea of spending money on a separate location when our City Attorney's Office has offered the use of their building. Discussion was held regarding the retreat being an open meeting to the public as well as the location. Councilmember Kurtzweil suggested the City Manager look into the location because it needs to not become a hindrance to any resident that wants to attend. City Manager Ladner stated she also wanted to remind everyone of the holiday party for the City employees and volunteers. She also wished everyone a Merry Christmas.

VII. Council Comments

Councilman Kivell stated he has ornaments to give to Council from Herb Stricker of Superb Fabricating, which are laser cut pieces of sheet metal, and really pretty. Councilman Kivell stated the Cool Yule was very nice and having access to the chapel to listen to the High School Choir was great. Councilmember Dedakis stated she attended the newly elected officials training and it was really informative. She discussed our downtown issues with some of the other officials, and they have grant writers that have helped them a great deal. She stated at a future meeting she would like to discuss hiring a grant writer. Councilmember Dedakis asked if anything has occurred with Dr. Kaplan and the Road Commission. Councilmember Kurtzweil stated she met with them and they are a wonderful group of individuals and it was a very positive meeting. She further stated they are very welcoming and interested in the relationship with South Lyon. Councilmember Dedakis stated Mayor Wallace

contacted her regarding payment for the last Council Meeting and asked City Manager Ladner what the status of that was. City Manager Ladner stated as he chose to not attend the meeting today, she is acting according to past practice, and we have not paid the outgoing Mayor and Council at the meeting when the new Members take their place. Councilmember Dedakis stated recently there was a dedication of a football field here in the City for fallen soldier Dominic Ciaramitaro, and he was a really good person. Our Community is fantastic for doing that. Councilmember Dedakis stated the City's website needs to be updated. City Manager Ladner stated we are in the process of moving context over to the new site, and it should happen within the next few weeks. She further stated she wanted to wish everyone Happy Holidays.

Councilmember Kurtzweil stated she wanted to thank the Oakland County Road Commission for acting quickly and adding a stop sign at 9 Mile and Griswold. Councilmember Kurtzweil stated she wants to make sure people know that there is not a limit of how much the City can sell the 390 S. Lafayette for, but the City cannot make a profit, anything over that must be paid back to the County because it was purchased from tax forfeiture. She further stated she reviewed the Attorney's invoices for October, but she stated he bills for when he discusses things with Council Members on the phone. She stated she will not be doing that, anything she discusses with the City Attorney will be held in pubic, and if she does discuss anything on the phone, she wants her name on the bill for transparency purposes.

Councilmember Kurtzweil stated we have a wonderful City and many homes are decorated beautifully. They do a great job in Hidden Creek and we try to give a fabulous light show for everyone. She further stated she wanted to wish everyone a belated Happy Hanukah and Merry Christmas.

Mayor Galeas stated he received notice that Stephanie Schimp was given the 2015 Fire Department Firefighter of the year award. He stated she is going above and beyond what the average is. Mayor Galeas stated he met with the City manager and Mayor of Chelsea and they discussed the growing pains of their area. Their downtown is thriving, but they are having a hard time attracting younger families. It was a great meeting and it was a good discussion. They had great things to say about South Lyon. He further stated he met with the Mayor of Novi, and he also met with the Northville Mayor, and he is interested in having further discussions with them regarding road, traffic issues, and how they attract new businesses. Mayor Galeas stated he attended a meeting and the speaker was the Oakland County Great Lakes Water Authority Director. He stated they now have a signed agreement for the Great Lakes Water Authority and Oakland County will now have a big say with how the water situation is handled in Flint and

It is very evident how important our water is here in South Lyon. He wished everyone Happy Holidays.

VIII. Adjournment

CM 12-10-15 MOTION TO ADJOURN

Motion by Wedell, supported by Kivell
Motion to adjourn meeting at 10:00

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

_____ _____

John Galeas Jr. Mayor Lisa Deaton Clerk/Treasurer