

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
JANUARY 22, 2018

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

Present: Mayor Pelchat, Councilmembers; Kivell, Kennedy, Kurtzweil, Parisien, Richards and Walton
Also present: Chief Collins, Attorney Wilhelm and Clerk Deaton

MINUTES

Councilmember Kivell stated on page 2 it should state the water tower painting, not water painting. He further stated Dickson is spelled wrong, it should be Dixon. He then stated on the same page the words they are old should be added after the word generators.

Councilmember Kurtzweil stated on page 11 the first paragraph last line should say alleviate not levitates. She further stated on the last page Holmen field should be changed to Lambeau field.

Attorney Wilhelm stated he sent an email to the Clerk and Council regarding a few changes. He stated the correct acronym for the Resource Recovery & Recycling Authority of Southwest Oakland County is RRRASOC, not RRASOC. He then stated the reference to the GFL rep is incorrect, his name was Sam Caramagno. He further stated Mike Csapo's name is misspelled on page 8.

CM 1-1-18 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

Chief Collins stated he would like to insert a comment from Councilmember Richards before public comment.

CM 1-2-18 MOTION TO APPROVE AGENDA AS AMENDED

Motion by Kivell, supported by Walton

Motion to approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

COMMENT FROM COUNCILMEMBER RICHARDS

Councilmember Richards read a statement for the record. (see attached)

PUBLIC COMMENT

Joyce Clohosey of 954 Oxford stated she expected to come to the meeting on Thursday where applicants were discussed based on their qualifications and who would best serve the community. She didn't expect to attend a public interview where she would be asked if she just had a baby by Council at a microphone during a recorded meeting. Her reproductive history was a concern to Council instead of her education and experience. Questioning persisted with how long ago she had a baby, as if some answer would be better or worse. It was disgusting. That was a degrading and oversimplification of her value as a woman

1-22-18

in our community. She further stated the more she thinks about it, the sadder it is. She stated it is valuable information for South Lyon when she had a child. She is so disheartened the implication that the idea of having a child affects her ability to serve is degrading to all moms. It is not funny as the Mayor found it. Her family and friends have seen this video and they all find it disgusting and inappropriate. She then stated she lives in this City, owns 3 properties and volunteer in this City and she has advocated when she thought Council acted unethically. She is proud of her family and insulted that any woman anywhere would be treated this way. She further stated the Mayor never gaveled the question, nor did the City Attorney put the behavior in check. Ms. Clohosey stated these questions were asked by elected officials and was shameful. She feels it was to shame her from continuing to participate and speak up and hope she will go away. She then stated you don't allow those questions to an applicant that you're actually considering. She stated this is how she will be remembered, she is the applicant that was asked when she had a baby, that is what the news is reporting. She then asked Mayor Pelchat how he would feel if his partner applied for a council position and was asked about her OBGYN history and if she was in her place and laughed about it being asked. She then stated participation in the City government is low, and now if people are worried about being asked about their reproductive history, living arrangements or is it just her. She stated on a separate matter, she was asked by Councilmember Parisien if she had any personal or business relationships with anyone on Council. She said she answered she does not. Councilmember Walton told her Councilmember Parisien called her and asserted to her that she had lied because she is friends with Councilmember Walton. Ms. Clohosey stated she resents her using her answer to intimidate a Councilmember as if to expose some secret. She considers herself friends with Councilmember Kurtzweil, and Rzyzi and his wife as well, but doesn't consider that a personal relationship. She stated she is in a personal relationship with her husband. Councilmember Parisien asked multiple questions during the interview, she could have clarified friend or acquaintance if she wanted it clarified. She stated she is compelled to remove all ambiguity about her answer and make sure everyone is aware of this activity.

Ashley Enstad of 1104 Chestnut congratulated Mr. Kennedy and his experience will bring great value and hopefully a level of professionalism to the Council. She stated she is appalled by the questions that Mr. Richards asked. She stated the questions were not at all relevant and all of Council should be ashamed for not stopping the questioning, especially the Mayor. As the Mayor, it is your responsibility to intervene in these situations and turn it into a teachable moment, not nervously laugh. She then stated Mr. Richards was disappointed only 4 people applied, but this incident is a good example why our residents may be discouraged from getting involved in this community, especially for Council and other positions.

OLD BUSINESS

1. Discussion- downtown

Mr. Donohue stated he has been looking at different approaches for the development of the veterans parking lot. He stated he has been looking at a request by Superb Fabricating for a tax abatement. He further stated we are in a period of great change. People need to have patience, new businesses will be coming in and we would like to decide what businesses come in, but we can't. He further stated there will be a couple of changes, one including a new retailer. He further stated there are many buildings that will be changing hands. Mr. Donohue stated we are where we need to be, and we are just reaching the tip of the iceberg. He further stated it is an exciting time. Councilmember Parisien asked if the sidewalk platforms will be a problem because of the parking which is already scarce. She doesn't think that is something that will fit in our town, she doesn't want to take away any parking spaces. Mr. Donohue stated he will take a thorough look at this. Councilmember Kivell stated he assumes any platform dining will be associated directly with the restaurant that they are associated with, he thinks that might be a

misunderstanding that some people might imagine it would be retail space in the middle of the street. Mr. Donohue stated platform dining is the concept of using a parking space or spaces that are directly in front of the business. Chief Collins stated it is important to know in any planning or consideration of platform dining, the Road Commission will have to be involved as well. He further stated his concern will be to ensure the safety of the diners due to the narrowness of the streets. Councilmember Richards stated he visited the 4 sites that are on the red tag list. He stated they are definitely blight. He further stated he was informed both of the buildings have been cleaned out. He stated the only thing remaining in 113 is the baseboard and a piano, so there has been some work done. He stated he hasn't spoken with anyone about the building at 110, but it looks like it is in rough shape.

2. Ethics ordinance amendment- first reading

Attorney Wilhelm stated he didn't draft this ordinance but he has reviewed it. He stated this calls for an ethics board, and if this is passed, the board will need to be populated. He further stated Flint has recently went through a charter amendment and they have an interesting ethic section in their charter and he encourages everyone to read that to see how other communities are dealing with some of the same issues the City of South Lyon is dealing with. Attorney Wilhelm stated something else he wanted to point out is 276 (g) references the requirement for a disclosure statement. That would need to be signed by anyone appointed, elected and so forth. He further stated this is a step in the right direction. Councilmember Kivell asked for an example of what section 277 (a) means, it reads no appointed official or employee in the administrative service should use the prestige of their position on behalf of any political party. Attorney Wilhelm stated an example is if you suggest to someone as a Councilmember that they need to donate to an independent party. Councilmember Kivell stated speaking of the attributes of a particular party is ok, but asking someone to donate money is the illegal aspect of it. Councilmember Kivell stated he understands that if you are bullying someone into doing something, but just by being an advocate for a political position is different, we don't lose our rights just because we hold office. Attorney Wilhelm stated there is a statute he can supply to Council, and the personnel manual also has 8 different items that are prohibited activity. Councilmember Kivell stated he would like to see that, he doesn't understand how having a conversation with someone equates to the negative connotation that you associated it with. He further stated he would like to add "during working hours" to item b. Councilmember Kurtzweil stated she has a problem with the political activity because she is very politically active and if she wants to endorse a candidate she should be able to. She stated this is an important issue. She stated it reads that no appointed official shall use the prestige of their position on behalf of any political party. Attorney Wilhelm stated you can adopt this ordinance and proceed or advise him to change that section. Councilmember Kivell stated he would like those concerns addressed. We aren't abridged of our constitutional right just by holding office. He is familiar with intent and misuse of intent, he would like it be looked at. Councilmember Parisien stated it is reasonable to ask for more time to do research into the political activity section. She believes it is two different things when you have a discussion with someone versus asking them to donate money, that becomes a financial interest. She would like something like that to be added to the political section.

CM 1-3-18 MOTION TO POSTPONE THE FIRST READING OF ETHICS ORDINANCE

Motion by Kivell, supported by Parisien

Motion to table the first reading of ethics ordinance to the February 26th meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

3. First reading Liquor License ordinance

Ryan Cottongim of the Witches Hat stated he is against this ordinance. He stated he doesn't believe the statement of purpose is ok and the whole document is out of the scope of that statement of purpose. He stated our residents and entrepreneurs that want to put businesses here should be allowed to have the opportunity outside of an extra ordinance and governmental authority stopping them from doing so. It specifically states it requires City Council to identify what the City needs. That is anti-business and anti-growth. He further stated there are already laws that dictates a lot of the ordinance. They are already regulated and governed enough. Mr. Cottongim stated we have a lot of good businesses here in town and the ordinance incorporates aspects of growth. It even dictates that if you change your hours of business you have to have Council's approval. Councilmember Kivell stated on page 9 it seems like adding a letter of intent or a lease agreement or getting prior approval seems like a strong enough constraint that they are in agreement they will move forward with something. He further stated it doesn't obligate them to spend the money if they can't finalize things. He further stated he would like an explanation for the requirement of changes in operation. Our concern is our quota licenses. Odiously we don't want to get one, then have it taken out of the City, which is why we are trying to have some control of managing the functional existence within our border is driving a lot of the language in the ordinance. He assumes the change in operation will probably play some role in that with whatever revenues are being generated as a benefit of the license at that location, and if someone is not maximizing it someone else might have been able to put the City in a better financial situation.

Mr. Cottongim stated this is out of the scope, you are including his business as a microbrewery that doesn't require a quota license. He stated if he decides he wants to add 4 new tanks, and increase his sales by more than 25% he now will have to come to the City and ask permission. It is very vague and there are already laws that govern this. Councilmember Kivell asked Attorney Wilhelm why would the City be interested in a business changing its hours. Attorney Wilhelm stated the City is the first step to approve the license before they can move forward. We need to have criteria in place. He further stated this is a scarce resource and it has value to the applicant. He stated the City wants businesses to be successful and a great asset to the community, which are all governmental interests. If someone doesn't have a lease, and they get the license, they can then take that license with them and leave the City. He further stated if someone is increasing his sales, and a valid concern would be if he outgrows his building, or if there are zoning issues. The State wants to know if you change owners or open another bar in your building, why would the City not need to know. Councilmember Kivell asked if we can get an assurance that we can rescind the license if the lease doesn't go through. Attorney Wilhelm stated he will look into that, but it is harder to undo something once the license is approved because the City doesn't issue the license, the State of Michigan controls the license. He thinks it is wiser to have the applicant come to the City and tell them what they are going to do and hold them to it. Council can always approve a change if they wish to change. He stated the short answer is that it is much harder to revoke a license than it is to ensure that what was represented is done before it is issued. Councilmember Kivell stated that seems as elementary as it can be that you want to allow them to make their pitch, they have their business plan and they have everything they need to be able to predict that business will be an asset to the community for the liquor license, but they won't make the commitment to buy the building or to encumber themselves financially without knowledge that they will be able to get the license. Attorney Wilhelm stated this formalizes the approval process, right now the City doesn't have one. He further stated he was directed to be consistent with State Law but keep it to the bare minimum. He further stated you can pursue an applicant that doesn't follow through with their agreement. This ensures that applicants will do what they say they will do. Councilmember Kivell stated the 3-year timeline is a good predictor of how the business will do which is why the change in operation aspect except maybe underutilizing he doesn't see how the City is harmed if there was a change of either a more robust or scaled down version. Attorney

Wilhelm stated this process will ensure the applicant has thought everything through with formulating a business plan. Councilmember Kivell asked who in the City is supposed to keep track of that, why ask for information that we can't actually glean value from. Ryan Cottongim stated the MLCC requires them to already have a location and if they move, they can't take the license with you, it is tied to the address. He then stated they already submit all of that to the State, Health Department and the Department of Agriculture. Councilmember Parisien stated she knows nothing about how to run a business so playing devils advocate, if they come to Council to ask for a change in operation, she doesn't think Council is the right people to approve or disapprove because we don't have the qualifications. Attorney Wilhelm stated he understands the concerns. He further stated one of the scenarios he thought of when he was drafting this was what if someone opens but they only decide to be open 1 day a week, that is something Council may want to know beforehand. He further stated this is very pared down from the original list. He stated we tried to keep this basic, this isn't unreasonable, if the business owners already have to do this, why would they not give it to the City as well. Councilmember Kurtzweil stated she agrees with Ryan, she thinks the ordinance is way too restrictive for businesses. She doesn't like the government regulation and the government micromanaging almost every decision they are making. The business owner will determine when they are open, that is free market. Once you start interposing your opinion she has a problem with that, unless it relates to the public safety and health. This is over regulation of businesses. Councilmember Kivell stated the distinction between the business and what we are speaking to is a quota license which is an asset the City has. Councilmember Parisien stated this ordinance has been in the making for months. She further stated there has been a lot of revisions and it was originally much more restrictive. The ultimate goal was to match the State law and protect the interests of the City. We want to be as business friendly as necessary. Caty Stus of Pinz Bowling Center 700 Lafayette stated most of the current ordinance is almost identical to Novi's. She checked the surrounding communities and they were much shorter, maybe look at some of the other ones if you want to scale it back. She noticed in section 383 (a) states profiteering by on premises liquor licenses is contrary to the best interest of the City. That screams of being anti-business. That is something that might discourage new businesses from coming in. Councilmember Kivell stated what that is referring to is if someone comes in and they get one of our quota licenses then takes the license with them. Attorney Wilhelm stated the purpose of that is to ensure someone doesn't come into the City, get the license, then take it out of the City. Ms. Stus stated if she was looking to start a business and she went through different ordinances, would I read the 13 pages of South Lyon, or the 5 or 6 pages of Brighton and Milford. Chief Collins stated that only applies for the first 3 years of the license. Some people attended the liquor license meetings, and we sent the ordinance to all that attended, he received an email from Jeff Robinson, owner of Third Monk Brewery. He stated the email stated the revisions look good, expectations are reasonable, he is in support of the City adopting this. Councilmember Parisien asked if we can remove the first sentence in section 838a regarding profiteering. Attorney Wilhelm stated he doesn't have a problem eliminating the references to profiteering. Councilmember Parisien stated to appear more business friendly, maybe we can remove that entire section and stay with state law. Attorney Wilhelm stated just deleting the word profiteering doesn't change the meaning of it. He stated it is not business friendly or good for the City if people are taking licenses out of the City. He disagrees that this section is not in any way business friendly, but if Council wants that change made, he can do that. Mr. Donohue stated we definitely need some ability to select the best applicant, we need to have some criteria and be able to prioritize downtown. Councilmember Kivell stated he understands the intent of that comment. We have a facility come vie for a license for that facility, someone will come and in their own time. We aren't going to have a line of people wanting the license, we won't be pitting one proposal against another one. He doesn't think that is the reality. Mr. Cottongim stated this document is out of scope of the statement of purpose. He stated his brewery is not a quota license, and he understands the City wants to have the best business in town, and a brewery wants

to come in, will you tell them no because you want some other businesses that Council wants, not what the citizens want. If that is what you want to do make it about that. Why are you lumping in breweries, it makes it vague and out of scope? Make it match MLCC law, not above and beyond. Councilmember Kivell stated if the business matches the zoning, we have very little to do with what business goes in the location, we don't have a say in it. Further discussion was held regarding the liquor license ordinance. Mr. Donohue stated we will never reserve a location for anything, it is a free market system. Mayor Pelchat stated it looks like we will need to look at this again. Councilmember Parisien stated we need to stay as close as possible to State law, that was what she said from the beginning. Councilmember Kurtzweil stated we need to stay out of the businesses decisions, stay out of the free market, and we need to clarify microbreweries are exempt.

CM 1-4-18 MOTION TO POSTPONE TO THE 2ND MEETING IN MARCH

Motion by Kurtzweil, supported by Walton

Motion to postpone the first reading of the liquor license ordinance to the 2nd meeting in March

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Replacement pump- wastewater lift station

Ron Beason Chief Operator of the Water/Wastewater plant stated he is here to ask Council to waive the bidding process for pumps at Trotters Pointe lift station. On December 27 we had a pump failure, we immediately did a visual inspection, we didn't see anything wrong, so we took it to Hydro Dynamics and they broke it down and found a seal had moisture in it. There shouldn't be any moisture in that part of the pump. He further stated when that happened, it caused a bearing failure and did other damage. He further stated that is an abs pump, and it will be a back up pump, we have back ups for all our lift stations. Councilmember Kennedy stated he spoke with Ron and these are 2 identical pumps, they aren't identical to any other installations throughout the City. They get a lot of use. Councilmember Kennedy stated the life expectancy on that pump is 5-7 years, the warranty is 5 years and it failed at 4.9 years. He spoke with Chief Collins about the possibility of gaining compensation from the insurance carrier for the City. He stated the warranty is pro-rated, but shipping it back would cost more than we would recoup. Also, there is a disagreement from the manufacturer and the insurance company of what the root cause of the problem really is. He further stated he asked Ron if the pump we are going to purchase for \$12,000 is interchangeable with anything else, but it will only back up the pumps at this particular installation. He stated he spoke with Ron regarding the question what we can do going forward. We can see what happened, the seal failed, destroyed the bearings, and the stator failed, and tore up the inside of it. He then stated something caused the seal to fail, we need to do a root cause analysis to see what actually caused the seal to fail so we can avoid this in the future. Mr. Beason stated it could have been anything that caused it. Councilmember Kurtzweil stated it is her understanding the developers built the lift stations, which means the City didn't have a lot of control of what pumps they put in. She further stated they aren't going to put in the top quality equipment to make them perfect. They were never designed to last forever, they are a constant maintenance issue. Councilmember Kennedy stated we can't run with one pump, we would be in violation of DEQ requirements. Mr. Beason stated redundancy is key, we can't shut the plants down, we need the inventory and that is why each of our lift stations, we haven't had any major issues. Councilmember Kennedy stated he asked Ron when the original partner pump was installed. Mr. Beason stated he believes it was 7 years, but some pumps last for 15 years, some last 10 years. For instance, the lift station at Colonial Acres, within a 6-month span, we had both pumps in for repair. Councilmember Kennedy asked what the lead time is for this pump. Mr. Beason stated they have

one in stock, but it is normally 6-10 weeks. Councilmember Kennedy stated we will salvage whatever parts we can that may be usable. Councilmember Kivell stated the pump stations have different capacities, and it would be nice to have a uniform pump so we could have spares, but we have big and small developments, but he is glad we can harvest some parts off of that.

CM 1-5-18 MOTION TO WAIVE BID PROCESS

Motion by Kivell, supported by Parisien

Motion to waive the bid process because there would be no advantage to the City in requesting bids since Hydro Dynamics is the sole source provider of the pump

VOTE: MOTION CARRIED UNANIMOUSLY

CM 1-6-18 MOTION TO APPROVE PURCHASE OF AN ABS MODEL XFP 150G PUMP WITH EXTRA CORD FROM HYDRO DYNAMICS FOR TOTAL COST OF \$12,467.54

Motion by Kivell, supported by Walton

Motion to approve purchase of an abs model XFP 150G pump with extra cord from Hydro Dynamics for total cost of \$12,467.54

VOTE: MOTION CARRIED UNANIMOUSLY

2. SCADA upgrade

Mr. Beason stated this is a budgeted item, he is again asking Council to waive the bid process and to upgrade the present SCADA system. He stated John Patry of Utilities Instrumentation Service will give a PowerPoint presentation tonight as well. Mr. Beason stated SCADA stands for Supervisory Control and Data Acquisition. He further stated this allows the operators to control pumps, valves, and a variety of other things in one central location. He explained the other part allows them to gather data, we can see what pumps are running, we can look at trends, we can see the water tower, the lift stations, all is trended and important information. It is part of our asset management program. With using that information, we can see if any pumps are not running the best. He stated he is asking because we are losing some of our trending, it is slow, and if we lose it completely it will be very difficult to run the plant. John Patry of UIS, then gave a PowerPoint presentation. (see attached) Councilmember Richards asked where would we put the server farm. Mr. Patry stated the computer farm is only 2 boxes. Councilmember Kennedy stated the recommendation is to keep the boxes in 2 separate locations in case of fire. Councilmember Kivell asked what the life expectancy is for this package. Mr. Patry stated 7 years, but when you upgrade you are only upgrading one package instead of 2 by using only 1 software instead of 2. Councilmember Kennedy stated one of the key points is this will drive the asset management system automatically. Mr. Beason stated we implement the information ourselves. Councilmember Richards asked what would happen if the transformers failed. Mr. Beason stated the towers we currently have all have a battery backup. We can see if there is a power loss. Councilmember Kurtzweil stated so much of this is going through the internet, what keeps someone from hacking our system. Mr. Patry stated the security level is very high. Councilmember Kurtzweil asked what windows system supports this. Mr. Patry stated this runs off Windows 10. Councilmember Kurtzweil asked what is causing the need for the upgrade, is it because they are using Windows 7, or is it because the additional software enhancements. Mr. Patry stated it is a number of things such as the age of the boxes and the software. Councilmember Kurtzweil asked why this wasn't done years ago. Mr. Patry stated you aren't connected to the internet right now. Mayor Pelchat stated he thinks we are confusing Windows 7 and Windows xp. He believes Windows 7 is still supported. Mr. Patry stated it isn't that it isn't supported, it is vulnerable to hacking. He further stated the current 2 boxes don't have all the features Ron wants. Councilmember Parisien asked what will happen if we lose the internet. Mr. Patry stated it will be like it is today, he won't have it on the cell

phone. Councilmember Richards stated this sounds interesting and promising, but how much money will this save us in a 3-5-year plan. Mr. Patry stated you need to upgrade, the comparison should be with what you have now. In 7 years when you have to upgrade again, you would have to upgrade 2 separate boxes instead of 1, and software systems. He further stated it will save service time, more data for better asset management. Councilmember Richards stated we don't currently have a superintendent at the moment, but he would like to see what other employees feel about this. Councilmember Kennedy stated SCADA is used extensively for remote monitoring of assets. He spent a lot of time with oil and gas business, and this is used extensively. The real advantage is having the real time monitoring. Mr. Patry stated they do this for 130 communities. They deal with all kinds of electrical emergencies. He stated their employees are very familiar with South Lyon and their systems. He is confident his pricing would be the lowest. Mayor Pelchat thanked them for knowing this needed to be looked at.

1-7-18 MOTION TO WAIVE BID PROCESS BECAUSE THERE WOULD BE NO ADVANTAGE TO THE CITY

Motion by Kivell, supported by Parisien

Motion to waive the bid process because there would be no advantage to the City from vendors that are unfamiliar with existing SCADA systems

VOTE: MOTION CARRIED UNANIMOUSLY

1-8-18 MOTION TO APPROVE THE UPGRADE OF THE W&WW DEPT SCADA SYSTEMS AS QUOTED IN OPTION 1 BY UIS FOR A TOTAL COST OF \$28,860.00

Motion by Kivell, supported by Kennedy

Motion to approve the upgrade of the W&WW Dept SCADA system as quoted in option 1 by UIS for a total cost of \$28,860.00

VOTE: MOTION CARRIED UNANIMOUSLY

3. Appointment of SEMCOG general assembly delegate and alternate
Chief Collins explained the delegate for SEMCOG will need to attend 3 meetings a year, they meet in March, July and October. We need a delegate and an alternate. Councilmember Kurtzweil stated she wouldn't mind being the alternate, she thought Councilmember Kennedy might be interested in being the delegate. Further discussion was held regarding the delegate position.

CM 1-9-18 MOTION TO APPOINT COUNCILMEMBER KENNEDY AS DELEGATE

Motion by Kurtzweil, supported by Kivell

Motion to appoint Councilmember Kennedy as delegate to the SEMCOG general assembly

VOTE: MOTION CARRIED UNANIMOUSLY

CM 1-10-18 MOTION TO APPOINT COUNCILMEMBER KURTZWEIL AS ALTERNATE

Motion by Walton, supported by Kivell

Motion to appoint Councilmember Kurtzweil as alternate to the SEMCOG general assembly

VOTE: MOTION CARRIED UNANIMOUSLY

4. Road closure- pint size marathon
Councilmember Walton stated she wants to disclose she is on the board so she will not be taking part in the discussion. Stephanie Rife stated this is the 4th year doing this race and this will be the same route as last year as it worked out really well. She then asked for help promoting it.

Chief Collins stated this has been a very successful race and they have been very helpful as far as safety and road closures and he recommends approval.

CM 1-11-18 MOTION TO APPROVE ROAD CLOSURE FOR PINT SIZED MARATHON

Motion by Kivell, supported by Parisien

Motion to approve to approve the closure of Dorothy Street between Pontiac Trail and McMunn, McMunn between Dorothy and McHattie, McHattie between McMunn and Washington, Washington between McHattie and the Rail Trail on April 21, 2018 between 11:30 a.m. and 2:00 p.m.; and to approve use of the Witch's Hat Depot, McHattie Park, and Rail Trails for the Pint Sized Marathon

VOTE:

MOTION CARRIED UNANIMOUSLY

5. Council meeting conduct- time limits, additional public comment

Councilmember Parisien stated she looked at other communities such as Ann Arbor and Troy. Their Council comments in general are set up really well. They have a public comment at the beginning of the Council meetings, as well as a public comment at the end if they want to discuss something that happened during the meetings. She then stated in lieu of that, she thinks we should put a time limit that people speak during public comment. She believes it would behoove us to also have a time limit on how long Council speaks as well, such as 2 or 5 minutes and that would make our meetings more efficient, no grand standing, and instead of sitting here until 11:30 at night, and having our listeners sit through a 3 or 4-hour meeting. She then stated along those same lines, Ann Arbor has a 3-minute limit to discuss each item, they get a second turn as well. She thinks this will keep things more reverent. Councilmember Kurtzweil looked at the materials attached and she did some research as well. She stated she is opposed to this. She further stated there was a reference that no one can speak without being recognized by the chair, which that is contained in Roberts Rules of Order which the City does run its meetings by. She further stated the chair must recognize a member that wants to speak, that hasn't been a problem, everyone has been very respectful. She stated under Roberts Rules, when someone makes a motion the chair is supposed to allow the person that makes the motion the right to start the debate. She further stated then according to Roberts Rules, each member can speak twice on the question unless another member has not spoken on an issue. She further stated people have been responsible with their opportunity to speak, she doesn't see why we should duplicate what Roberts Rules already states. She stated Robert's Rules give Councilmembers 6 minutes to discuss an item. She further stated sometimes we all go over the 6 minutes, but who cares. Roberts Rules also have the rule of closing the debate for whatever reason, or extending the debate over 10 minutes. She stated she contacted Ann Arbor and Troy about why they put a time constraint on their councilmembers. She stated the lady from Ann Arbor said because they said they have very large agendas. She contacted Troy and they said their agendas are very long. She stated she thinks the City's meetings are moving along very well and if we need to make changes because there are issues down the line, then we can do so. Councilmember Parisien stated we rely on Robert's Rules of Order as a guideline. She stated this was a suggestion because she has gotten a lot of calls from people complaining that the meetings are too long and we are not getting as much done. She further stated it is more bickering than anything else. She stated if we focus on the issues at hand, we will get more done if we focus on moving the City forward and save everyone time. She stated if you look at the minutes from the past there has been grandstanding for pages by one particular Councilmember. Councilmember Kivell stated his only misgiving is much like the discussion earlier, some issues will take more time, and that is a different story than someone giving you teaching moments and all the nonsense we go through on a regular business. He further stated some important subjects need more than 3 minutes and he doesn't think anyone will have an issue with listening to the whole thing. He stated when you have a topic and

your trying to distill the important parts, it might take some time to find that out. He further stated he likes the idea of trimming down things as much as we can. Councilmember Kurtzweil stated this is a teaching moment, she wants to bring to everyone's attention, Robert's Rules of Order states all deliberations of Council shall be governed by Robert's Rules of Order including the most recent amendments unless it is waived by an affirmative vote of 4 councilmembers. She further stated she thinks things are moving along fine. She stated sometimes you might hear things you don't want to hear, that is just the way it is. Many people love the Council meetings, and they like hearing the differences of opinion and the transparency. Councilmember Richards stated he agrees with Maggie, we are doing very good and moving right along with progress. He then stated Ann Arbor City Council has a 10-man council, that is a big difference. Councilmember Walton stated there is a lot of things coming up that are important and some of them will be long winded conversations, she doesn't know all of the information, but some people on Council have a lot of knowledge on the subjects and she doesn't want to be cut off. She further stated we should follow Robert's Rules of Order and the Mayor can gavel more if needed. Mayor Pelchat stated he wouldn't mind looking at this again, but he agrees with Councilmember Walton there are some lengthy things coming in the future and with the overturn of Councilmembers it seems to be moving along. He thinks we should address this in the future. Attorney Wilhelm stated there are two components, one is a limitation on public comment, and most communities have some type of a time limit. He further stated what that does is keeping Council from having to play favorites, having a rule printed on the bottom of the agenda is helpful. Mayor Pelchat stated he likes the idea of having a second public comment after the meeting. Attorney Wilhelm stated 3 minutes is standard, if it a controversial issue the Mayor can always give them more time. Councilmember Parisien stated she suggested the Clerk or the Mayor keeping time. Attorney Wilhelm stated it doesn't always come into play. This City has always had a practice of allowing comments during the meeting on agenda items, but these are things that can be determined by Council. Mayor Pelchat stated he doesn't have problem keeping time. Councilmember Kivell stated he is more interested in people having the option to speak at the end of the meeting on items that were discussed during the meeting. Attorney Wilhelm suggested Council look at other communities to see where the second public comment is placed on the agenda. Mayor Pelchat stated we should discuss this at the next meeting and look at the council aspect of it later down the road. Councilmember Kurtzweil stated if we talk about public comment, we should have a public comment at the beginning and she thought we already had a 3-minute time limit. She further stated all non-agenda items are discussed at the beginning, then we normally have public comment throughout the meeting as each agenda item is discussed. She further stated if that is different we need to discuss it, then talk about the public comment at the end of the meeting.

CM 1-12-18 MOTION TO DISCUSS ALL PUBLIC COMMENT PROCEDURES AT THE NEXT COUNCIL MEETING

Motion by Parisien, supported by Kivell

Motion to discuss all public comment procedures at the next council meeting

VOTE: MOTION CARRIED UNANIMOUSLY

CM 1-13-18 MOTION TO POSTPONE DISCUSSION REGARDING COUNCIL COMMENT TIME LIMITS AT THE 2ND MEETING IN JUNE

Motion by Parisien, supported by Kivell

Motion to postpone discussion regarding Council Comment time limits at the 2nd meeting in June

VOTE: MOTION CARRIED UNANIMOUSLY

BUDGET

Chief Collins stated he and Lori met with Jim Graham and James Vettraino and obtained proposals from both. He stated he has just received a proposal from Plante Moran as well. He is hoping to make a recommendation during the next Manager's report. Councilmember Kurtzweil asked if he started asking various commissions for their budgets. Chief Collins stated he has started but not completed because he is currently working on hiring a DPW and WW superintendent. He further stated in the past the department heads weren't asked for their budgets until February and until the last few years it wasn't a problem. Councilmember Kurtzweil disagrees. She stated the budgets have been rushed and she is trying to look at budget issues so there is a change in the manner the budget is done. We don't have a 3-5-year plan. Councilmember Kurtzweil stated we are looking at making a decision to appoint someone on February 12th, that will be only 2 weeks until March, it is a short timeline, she has pages and pages of questions.

MANAGERS REPORT

Chief Collins stated he has made arrangements for candidate interviews and panel members for Wednesday January 24th. Candidate interviews will be followed by tours of the DPW and WW facilities. He hopes to have a recommendation at the next meeting, or he may have a recommendation on Wednesday. Councilmember Parisien asked if Bob Martin is involved in the interview process at all. Chief Collins stated he was involved with choosing the candidates, but he was more comfortable not being involved with the interviews. Councilmember Kurtzweil stated she thought he doesn't need Council approval to hire someone. Chief Collins stated he does not need approval from Council to hire someone and if Council is confident in his decision, perhaps Council could authorize him to work with the City Attorney so that if we do find an outstanding candidate we can negotiate with the selected candidate. Councilmember Kurtzweil stated if you find the candidate with the right criteria she thinks we should hire him. Councilmember Kennedy stated this is an excellent document to keep Council updated on what is being addressed as long as the state of progress and to ensure nothing is falling through the cracks. Chief Collins stated Depot Day has been approved for Saturday September 8th and hopes everyone can attend, it is an interesting event. Chief Collins stated he received a thank you note for Phyllis Popravsky for her assistance and knowledge in explaining the water billing. He stated he thinks we are quick to acknowledge complaints against our employees, we should also acknowledge the good. Chief Collins stated Council had a question about the roof for the rental property at 464 S Lafayette and he has given Ron Brock permission to move forward with bids. Councilmember Kivell stated he is glad that is moving along. He stated he had asked City Manager Ladner to get logins and passwords for people at City Hall for the website to make any updates necessary. He thanked Chief Collins for following through with that as well.

COUNCIL COMMENTS

Councilmember Parisien stated she wants to dispel any ideas that Ms. Clohosey may have. She stated she believes Ms. Clohosey is under the impression she didn't get the position on Council due to Councilmember Richards questions or comments. In her opinion she doesn't think that was a factor at all. There were multiple factors such as her application and that she lied. She only submitted one reference not 3 as was asked. She was asked on the record by her if she had any professional or personal relationships with anyone on Council. She stated Ms. Enstad was asked the same question and she answered openly and honestly, she didn't think there was any connotation that there was a relationship. She further stated she thought it was odd that her flier was almost to the tee as the exact same flyer as Councilmember Richards and Councilmember Walton's. That is why she asked if there was a business relationship. She then stated she found out Ms. Clohosey is friends with Councilmember Walton. A

relationship doesn't have to be a husband and wife relationship it can be a friendship as well. Ms. Enstad was very honest and stated she had spoken with each member of Council. She further stated she thinks Ms. Clohosey was caught in a lie and now is turning it around to make it look like she was asking about a personal relationship between her and Councilmember Walton. Councilmember Parisien stated because she was asked that question and she didn't say she is friends with Councilmember Walton, and she didn't say she ran her political campaign with other members of Council. She then stated that should have been disclosed. Given the fact she didn't respond honestly, she also finds it disturbing that Councilmember Walton didn't speak up and say they were friends. The credibility is lost. She further stated she wants to dispel the fact that Ms. Clohosey will not be known as the woman that had a baby, she is sure she is known in the community for other things. Councilmember Parisien stated she is confused about the phone call with Ms. Walton. She stated she reached out to her, and in full disclosure she reached out to Mayor Pelchat and Councilmember Kivell as well about something that is coming through the pipeline. She stated she doesn't know how she became her scapegoat, or how blackmail is coming in. She further stated the discussion she had about the CIP has nothing to do with blackmail. She further stated some of us are coming here to work and move the City forward. She stated she doesn't care who is friends with who, that discussion didn't come up. Ashley's Facebook post did come up at the end of the conversation. Councilmember Parisien thanked Phyllis for her hard work. She then congratulated Cindy Conrad who was promoted to master firefighter and to Austin Trudell for being hired as a new Cadet. Councilmember Parisien stated she just received the annual reports from the Police Department and the Fire Department for the great job they did, and thanked them.

Councilmember Kennedy stated he is honored to be a member of the South Lyon City Council and is looking forward to helping the City to address the challenges we face and to move the City forward.

Councilmember Richards stated we are the last line of defense to keep the City flowing with how to make the financial decisions. We are trying to keep the boat afloat and will have to make changes in the future. Councilmember Richards stated he and Larry Ledbetter were standing on the porch of the freight house when the meteor came through. He stated they thought the lights went out, almost like an optical illusion. He further stated he likes to look forward on topics that he wants to make sure people understand he wants to help the City save money.

Councilmember Walton stated she wants to thank everyone that applied for the Council position. She looks forward to working with Councilmember Kennedy. She further stated she will not go into this with Councilmember Parisien, but she asked her to call her and she did, and the entire phone conversation was Councilmember Parisien calling her a liar and the definition of a liar is someone is making a false statement and she did neither and she will not entertain this conversation. Councilmember Walton congratulated Austin Trudell the new cadet and to Cindy Conrad for her promotion to Master Firefighter.

Councilmember Kurtzweil thanked Joyce Clohosey and Asley Enstad for their comments tonight. She stated she heard their comments and she hopes others heard it as well. She then explained the candidate interviewing process was flawed and unfair. The first rule is all questions should have been the same for each candidate. She further stated all questions should have been approved ahead of time. She further stated we have an example of the unfairness of the interview process. Councilmember Parisien asked only the 2 female applicants if they had personal relationships with anyone on Council. She stated she isn't sure of the relevance of that question was and many people have interpretations of what a personal relationship is and if Joyce Clohosey answered it she was truthful. Councilmember Parisien needs to be careful calling people a liar. She stated Joyce Clohosey did not lie, her interpretation of a personal

relationship is an intimate relationship. She further stated she knew Joe Rzyzi, but she would not under any circumstances admit she had a personal relationship with him. It all depends on who is interpreting the word. If Councilmember Parisien wanted to know if Ms. Clohosey was friends with someone on Council, that is all she had to ask. A friendship is different than asking if someone has a personal relationship. She further stated Councilmember Parisien only asked that question of the 2 women applicants which shows her bigotry, that revealed her inability to be fair to all candidates that were running for the vacancy. She didn't ask the men, only the women. Councilmember Kurtzweil stated when you engage in the interviewing process, you have to be fair to everyone. If you don't you have to ask what is the advantage you want to give someone. She stated she also wants to dispute that Joyce Clohosey was here tonight because she thinks that she didn't get the position because of some of the questions that was asked of her. That isn't what she is talking about, but when you interview a candidate you must be appropriate with the questions. She further stated Councilmember Parisien is the questions were inappropriate and she is an embarrassment to Council. She then stated Councilmember Parisien is laughing at a very serious topic. She stated the interview process was not fair. It is what it is, we have to move forward and make processes so that should this happen again, we have a fair and honest process. Next, as to the comments "did you just have a baby." Mr. Richards, the only thing she will say to him at this time is she heard his apology, but she doesn't accept it completely because she needs to see that his belief system that gave rise to his questions has changed, not just his words. That question had this been an employment situation would have been prohibited. She further stated Councilmember Parisien's question, do you have a personal relationship, any question in an interview that connotes requesting sexual orientation is prohibited during an interview. She stated the person that most embarrassed the City was Mary Parisien because if anyone would have known the appropriate questions would be her. As to Dan and his laughter, her only comment is you work with an employer with a lot of women and she spoke with some of them over the weekend. It may have been a nervous laugh, but the optics were there and for someone working in a predominately female field it hurts when someone laughs at your right to bare children and have a job and not have that held against you. You are a leader and also an employee of a predominantly female field. She stated all we can do is learn from this. She further stated one thing about discrimination and one thing about things that are inappropriate is you never forget when you have been discriminated against and one thing you never forget is when it happened or who did it to you. You will never forget how you felt. She further stated she thinks Ms. Clohosey will feel embarrassed and humiliated for a very long time. She doesn't know if there are any apologies you can give them. Ms. Clohosey was very upset tonight and she had every right to be. She stated she will continue to advance the appropriate rights of women in the workplace. She will continue to work for women in public office and continue to speak out against women that attack and do not support women. This week and next week she will meet with the female City employees to ensure that they understand they are welcome and appreciated and she wants them to know she supports them and their careers in the City. She will also thank the male employees for their respectful treatment to others of a different gender and maybe a different lifestyle. She then stated she is asking the employees to ride this out. There will be a change in culture in the City and on this Council. She further stated there is a reason we have tomorrow, we have tomorrow because we learn what we do today, and tomorrow we can do it better.

Councilmember Parisien stated you are misunderstanding what is happening here. The comment regarding her family was inappropriate, but it is laughable that for someone to ask if someone has a personal or business relationship has a negative connotation that she is asking if you have a sexual relationship. That is not what she asked, you are taking my words out of context. She asked because the documentation that was provided was the exact same flier was used for Joyce, as was used for Rose and Carl and that tells her that they ran together and there might be an alliance. The question asked was

completely valid. It is something that needs to be disclosed for the record. She further stated there is no reason to hide that and when you lie there is some impropriety happening and when you lie during an interview, your credibility is shot. She doesn't understand why Maggie is attacking her and for her to say she is an embarrassment is laughable because she could say many things she could say about her, but she will not attack her because we are supposed to be better than that. She further stated she doesn't know why she is her scapegoat.

Councilmember Kurtzweil stated she spoke with many people and they interpreted that as she was asking about a sexual orientation, there was no wavering. If Joyce Clohosey interprets it differently, it doesn't mean she is a liar. Councilmember Parisien asked how Councilmember Kurtzweil you explain a business relationship. Councilmember Kurtzweil stated she works on a lot of campaigns but she doesn't get paid so that is not a business relationship. She then stated she has been defending herself for 2 years and the only person that has lied on Council was last year when Councilmember Parisien stated she got a 97 on the character and fitness doesn't have a score, she called and asked the Bar today. Councilmember Parisien stated she did.

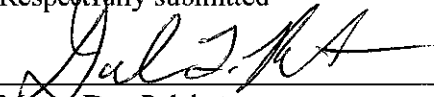
Mayor Pelchat stated he would like to apologize to anyone that was insulted by the process or questions from last Thursday. He stated there is no excuse for his reaction, and it is regrettable and he will use that as a learning experience. Mr. Richards is an elected official and he will not censor Mr. Richards, we will both use this as a learning experience and move forward and be better for it. Mayor Pelchat stated he got a letter from a 4th grade student, her name is Lily and the letter stated she is concerned about the salt being harsh on the plants and vegetation during the winter months and was wondering if the DPW could use more sand than salt. He then thanked her for taking the time to write this letter.

ADJOURNMENT

CM 1-14-18 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Walton
Motion to adjourn meeting at 11:00 p.m.

Respectfully submitted



Mayor Dan Pelchat



Clerk Lisa Deaton