

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
OCTOBER 24, 2016

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, Ryzyi and Wedell

ALSO PRESENT: City Manager Ladner, Department Head Martin, Chief Collins, City Attorney Wilhelm, Chief Kennedy, and Clerk/Treasurer Deaton

MINUTES- October 10, 2016 and October 3, 2016

Attorney Wilhelm stated he has suggested a few changes to the minutes from October 10, 2016. He stated on page 4, CM 10-10-16 motion to approve the quarterly budget amendments, the minutes should reflect a vote, which was unanimous. He further stated on page 8, the minutes are missing the motion and vote to approve the E-Payment Services Agreement with Point and Pay. The agenda note contained two separate motions and the vote was unanimous. He further stated on page 10 the minutes show a motion to adjourn, but the vote was not included in the minutes. Councilmember Kramer stated on page 3, it should say let, not let's. Councilmember Kurtzweil stated this is the second time we have had issues with the agenda, this is basic stuff, And maybe this is a training issue, and we need to be professional, and this is the second time this has been an issue, and they need to be reviewed before they are brought to Council. Recording a motion is very basic, and she asks everyone associated with the minutes take more care when doing them. Councilmember Kivell stated that is why the minutes are approved by Council, is gives us a chance to make revisions. Councilmember Kurtzweil stated the minutes need to be more professional.

Councilmember Ryzyi asked why the agenda was not on the website. He further stated the packet has the wrong set of minutes included online. City Manager Ladner stated she sent out an email explaining that while the new website is completed, our website will not be updated, but she will check into the packet issue. Councilmember Ryzyi further stated there should be another way for the public to see this information. City Manager Ladner stated they are always available at City Hall.

CM 10-1-16 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Kramer

Motion to approve the October 10 2016 minutes as amended, and October 3, 2016 as presented

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

City Manager Ladner stated we need to add the item regarding South Lyon Square which was tabled at the last Council meeting. Councilmember Kurtzweil stated Council tends to table items until the next meeting, and the proper motion should be a motion to postpone to a future meeting. Councilmember Wedell stated he has made motions to postpone in the past, and suggested other councilmembers to do the same, but if someone else is making the motion, he doesn't interfere. Councilmember Kurtzweil stated we need to be more professional and make sure we are doing things properly as Roberts Rules of Order suggest. Councilmember Wedell stated she is partially correct.

CM 10-2-16 MOTION TO APPROVE AGENDA

Motion by Kramer, supported by Kivell

Motion to approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Carl Richards of 390 Lenox stated he has information for Council. He stated today is United Nations Day and the first general assembly was held in 1948. He further stated we live in a globally functional world today, more so than before. Mr. Richards stated he received the water report with the results from the 30 random tests that were done throughout town. He further stated the water is good and City wide we are in the green. Mr. Richards stated this past Saturday the Presbyterian Church had a Cemetery walk and he was there and was given a pamphlet and he wanted to mention, the Presbyterian Church is still in the first sanctuary they built. He further stated James Duncan was mentioned in a pamphlet and he is an unsung hero. He came into the Victorian age and laid the ground work for this town. Mr. Richards stated he received a brick from the South Lyon Hotel. He further stated they are going to be hard to come by, and it is very historic. Mr. Richards stated there are 3 more historic pre-civil war homes in the City, but it isn't confirmed yet, he stated he chooses to use pre-1860 for his purposes.

Linda Ross president of the Historical Society and Larry Ledbetter the President of the Historical Commission were present. Mr. Ledbetter stated they are having their first open house on November 15 from 7:30 – 9:00 p.m. and everyone in the community is invited. He further stated they are charged with preserving and protecting the artifacts of historical value and there is no value unless it is shared with people. He further stated we try to get the information out. He further stated he enjoys speaking with children and telling them stories from years ago. Mr. Ledbetter stated Mr. Erwin from Erwin Farms has also come and told stories. He further stated we are having monthly meetings to discuss plans for the next Depot Day. He stated they want to have an open house to try to recruit new people and this was Connie Wickersham's idea. We will have volunteers, and refreshments as well. We would love to have a great turnout; we want to share one of the City's greatest resources. Mr. Ledbetter stated they would like to possibly build a barn between the freight house and the water plant, it would allow us to have room for more programs and room for more people to be there. Councilmember Rzyzi stated he will try to attend the event and he wants to thank them for all their hard work. He stated there should be money available to assist with building a new building, and we have the grant software that City Manager Ladner can use to see if there are grants available.

OLD BUSINESS

1a. Proposed completion agreement for South Lyon Square

City Manager Ladner stated the construction manager contacted her today to let us know they are no longer interested in having a performance completion bond, and they are going to continue working on the construction that is expected of them, but the tenant will not open until spring. Councilmember Kivell asked if the current businesses are able to use the parking lot. City Manager Ladner stated as of right now, they haven't tore up the parking lot in front of the businesses, and she believes some people are using the front and back entrances.

Councilmember Wedell stated there is parking to the side of the mall, then people can walk to the business they are going to. Councilmember Kurtzweil stated the parking lot is very rough, and there were no construction workers on site, and the work should have begun earlier in the year. Councilmember Rzyzi stated he is confused about the change from the last meeting and he is getting mixed messages. City Manager Ladner stated when she met with them, they were insisting to have the issue on the next Council meeting, therefore we did, he then blindsided us saying he wasn't comfortable signing the agreement until we were before Council. She further stated he is now saying it isn't necessary at all. Councilmember Rzyzi stated it seems we were being led on, and he hopes we can put pressure on them to get that parking lot completed. City Manager Ladner stated it is supposed to be completed by November 30th. Mayor Galeas stated he is concerned for the other business owners. Councilmember Wedell stated the business owners that are there didn't even know the parking lot was going to be torn up. Councilmember Kurtzweil stated the problem could be a debt to ratio issue and the letter of credit could have

been the issue, and she doesn't think it has anything to do with Salvation Army not opening until April, but that is the reason he is stating. Councilmember Kivell stated the parking lot needs to be amended to the people that are most vulnerable.

NEW BUSINESS

1. Appointment to Planning Commission- Michael Joseph

Mayor Galeas stated he would like to appoint Michael Joseph to the Planning Commission. Councilmember Rzyzi supported the appointment. Mayor Galeas stated we are lucky to have someone with his credentials on the Planning Commission. Councilmember Kurtzweil stated she will not support a vote for anyone for any of our Commissions that don't have the proper credentials, and we need to upgrade the credentials of our current commission members. She further stated Michael has outstanding credentials and he will be a prime candidate. Councilmember Rzyzi stated he is on the zoning board of appeals with Mr. Joseph and he will be a great additional and it is important that people have the proper credentials on our boards and commissions.

10-3-16 MOTION TO APPOINT MICHAEL JOSEPH TO PLANNING COMMISSION

Motion by Galeas, supported by Rzyzi

Motion to appoint Michael Joseph to the Planning Commission for the remainder of Carol Segals term

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider resolution adopting 2016-2017 updated fee schedule

City Manager Ladner stated a few weeks ago she brought the fee schedule before Council and we reviewed it line item by line item. She stated she has reformatted it for easier use by residents and contractors. Councilmember Dedakis asked if we are still keeping the infant graves the same cost. City Manager Ladner stated it is staying the same.

CM 10-4-16 MOTION TO APPROVE 2016-2017 FEE SCHEDULE

Motion by Kramer, supported by Wedell

Motion to approve the 2016-2017 updated fee schedule

VOTE: MOTION CARRIED UNANIMOUSLY

DISCUSSION- Downtown

Councilmember Kurtzweil asked about the blue light district downtown with the bud lite sign in the windows. City Manager Ladner stated we are working on it as a Code Enforcement issue.

10/24/16

Councilmember Kurtzweil asked about the Main Street Program and if training for the DDA will be involved. Mr. Donohue stated he will be doing the training, and he did hear from Burt Rasington from the program, and we need to work on some kind of a ceremony for the announcement. Councilmember Kurtzweil asked where we are with the downtown commercial rehab district. Mr. Donohue stated he is waiting for more information from other communities and he will be meeting with Attorney Wilhelm shortly. Attorney Wilhelm stated the State has a prepared resolution, but he needs to meet with Mr. Donohue to talk more about the policy criteria. He further stated the larger question is what do you designate as the district. He further stated we may want to get a rough draft policy guidelines then meet with the County to make sure we are on the right track, because they can deny the commercial rehab district. Mr. Donohue stated he is ok with a 30-day time frame. Councilmember Kurtzweil stated years ago, Pullum windows came to the Planning Commission and presented a wonderful façade, she said she didn't know they were a high-end window company because of how the outside of the building sends a very different message. She further stated he had a fabulous façade he wanted to do, but there was an issue because of the fire. She asked what was the obstacle for him. Chief Kennedy stated they have site plan approval, and he knows the concrete was done last week. They had to run a water main because the building that burned down was not up to our current code in terms of hydrant coverage. He further stated they also had to add a second access point because of the square footage of the building. Councilmember Kurtzweil asked if they were able to use the hydrant from across the street. Chief Kennedy stated they did, but they had to completely close the road, and the current spacing requirement is 250 feet, and the hydrant is across Lafayette. He further stated it was a large fee and we treated them as we would anyone else. Mr. Donohue stated there are some issues with the site plan and he has to scale it back a little bit due to easements. Councilmember Kurtzweil stated if we can get him an abatement and include Pullum with the commercial rehab district it would be helpful to him to get the façade work done.

Councilmember Kurtzweil asked if the South Lyon Hotel have submitted plans yet. Mr. Donohue stated they did but they have to resubmit them with proper drawings and additional information. He further stated it will be a two-story building, and the front entrance is at grade level. Councilmember Kurtzweil stated she is very connected with the business community and she received an email regarding a local business not being in compliance with our building codes. She quoted the email which said "it is my recommendation if she does not respond to our request that the City close the business until the building is brought into compliance." She stated this person never went to the business and discuss this with her, they just sent a letter. She further stated those kinds of things is what alienate our business community. She further stated she is getting rave reviews about Anne Badarak in our building department. She further stated this is the third time this person has done something like this to set off our business owners, and she thinks this needs to stop. The business owner is furious and we should be thankful for the business being in town. She further stated this is embarrassing. We need to accommodate our

businesses. She stated the Lyon Township Building Department received an award from the chamber because they are top notch and they would have never allowed that letter to happen.

Councilmember Kurtzweil asked if Mr. Donohue had time to work on getting the lights for the trees downtown. Mr. Donohue stated he hasn't had time to work on that as of yet. Mr. Donohue stated he has spoken with that business owner and she says she will meet the deadline.

Councilmember Kurtzweil asked what we are doing with 390 S Lafayette. City Manager Ladner stated we are waiting for a development plan which is after the masterplan is adopted in about 6 weeks from now. The zoning ordinance is being finalized shortly, and after those things are done we can work on the development plan. Councilmember Kurtzweil stated she wants to give credit to Bob and City Manager Ladner for the work at McHattie and Lafayette because of the draining issue. They came to them because people never listened to them in the past. She stated people have expectations that the problems will be solved. Mr. Donohue stated we are working with Oakland County Road Commission and the Drain Commission. Councilmember Kurtzweil stated when you have property that is flooded you lower the property values. She further stated to sell that property under real estate law he had to tell the buyer of the problem, and that effects all other property in the area. It is short sighted it was never fixed. Mr. Donohue stated it is a 3-4-year time frame.

Mayor Galeas stated one of the things that has always bothered him was watching the semi-trucks turn at the intersection of Lafayette and Lake Street. He further stated we are pushing hard to get a resolution to this situation because it is getting worse. The TIA person was there and witnessed the problems themselves, and he wants to thank Bob for his hard work on this.

Councilmember Rzyzi stated he has a couple of issues to discuss. He stated we need some resolution on this, and one of the things he hears from our residents is people are tired of hearing we can't do anything because it is Oakland County Road Commission, or it is Lyon Township's problem. He further stated that is an old way of thinking. Councilmember Rzyzi stated if it effects our residents then we should be able to do something for them. He further stated some of our roads are terrible, and Lyon Township is getting money for roads, he then asked Mr. Donohue to contact someone to see if we can be a part of the program. Councilmember Rzyzi stated we underutilize our County Commissioner Wierpert. Councilmember Rzyzi asked the status of the Artcraft building. Mr. Donohue stated he is meeting with Jesse Bonner shortly, and he still says he will get the building painted. Councilmember Rzyzi asked if any bricks from the South Lyon Hotel are available. Mr. Donohue stated there are no more bricks available.

Councilmember Rzyzi asked if Mr. Donohue had time to look into some kind of board with the names and descriptions of our businesses. He further stated this seems very basic. Mr. Donohue stated he can get some estimates for the kiosk. He further stated we will have a business

directory shortly. Councilmember Rzyzi asked City Manager Ladner if she has been able to visit any local businesses lately. City Manager Ladner stated she will be doing that this winter, currently she has been working on the website, the fee schedule and other things. Councilmember Rzyzi stated he has been visiting the Corner Café recently and they are doing a great business.

Councilmember Dedakis asked how the documentary went. Mr. Donohue stated it went well and he will let Council know when it will be on television.

Councilmember Kivell stated Councilmember Kurtzweil made it sound as if the local business had been abused because the letter was sent to them regarding compliance. He further stated this has been an ongoing issue for over a year, and there are public safety concerns that are our responsibility. Councilmember Kivell asked if RCOC is responsible for the storm drain. He further stated we are being led to believe the Drain Commission was responsible, and it always has been RCOC. Councilmember Kurtzweil stated the letter that was sent to the business owner without the investigator inquiring what progress has been made, which a lot of progress has been made., she is not confused, Councilmember Kivell is because he doesn't have the facts. She stated the store owner made some mistakes, but business owners aren't lawyers or contractors and they learn from their mistakes, and if you want to build a downtown you don't do that by sending out a letter such as the one that was sent. Councilmember Kivell stated the court decided on our side. Councilmember Rzyzi stated regardless of what happened, the business owner should have been treated with respect. Councilmember Rzyzi stated the brick pavers in front of Diane's Doll house haven't been fixed yet. Department Head Martin stated it will be taken care of.

Mayor Galeas stated the crosswalk signs have really helped during the Farmer's Market. Chief Collins stated we plan on using those signs at other locations as needed.

MANAGERS REPORT

City Manager Ladner stated we have received a renewal from our health carrier, but it also included an increase of 46.9%. She further stated as of January 1 all employees will be paying 20% of their insurance. She further stated we have found another health carrier which will only increase our cost by 5%. City Manager Ladner stated the downtown trick or treating event is Thursday the 27th and the streets will be closed from 6:00 to 9:00 p.m. City Manager Ladner stated she would like Council to officially approve the regular trick or treating hours from 6:00 to 8:00 p.m. on the 31st. The consensus of Council agreed. City Manager Ladner stated the Center for Active Adults is hosting a shred event November 12th from 10:00 – 12:00 p.m. with a limit of 3 boxes. City Manager Ladner reminded everyone of the November 8th Election and the Clerk's office will be open for absentee ballot requests the Saturday before the Election. Clerk/Treasurer

Deaton stated the Clerk's office will be open from 8:30 to 2:00 p.m. and that is the last day a ballot may leave our office.

Councilmember Kurtzweil stated she has been studying the budget, and she wants to bring some things to everyone's attention. She stated she is concerned regarding the letter of corrective action. She further stated we have not had a discussion on how the issues can be solved. She further stated the memo from the City Manager dated August 6th stated there was an increase in mechanic wages, increase in utilities, should not those increases been in a budget amendment because they were exceeding the budget. The bottom lines are legal limits, and if we are going over we need to make a budget amendment. She further stated we need to stay on top of this when our expenditures go beyond the budget. Councilmember Kurtzweil stated she asked Doug from Plante Moran regarding the \$180,000 difference in what was projected in the budget as revenue. She further stated we need to be looking at our revenue, and making sure our revenue is on target and if it isn't, we need a budget amendment. Councilmember Kurtzweil stated we only get revenue from taxes, and the state revenue. She further stated people can look online to find what we can expect from the state revenue. She stated the problem is Council had not been charging the proper mill level for the debt service in the past. She further stated she will be asking again in January if we need to raise that mill again for the next fiscal year.

Councilmember Kurtzweil stated when the school project was completed on Pontiac Trail and Marjorie Ann the turning lane was lost. She would like the turning lane to be shortened if possible for the people turning into St. Joseph Church.

Councilmember Kurtzweil asked where we are with the Tony VanOyen office. City Manager Ladner stated they are having issues, but we are working with them. Councilmember Kurtzweil asked if we have had any further discussions with Lyon Township regarding a building inspector. City Manager Ladner stated she has spoken with them briefly. She further stated we have received a few good applicants for the Code Enforcement position.

Councilmember Kurtzweil asked if anyone had any information if Consumers Energy has been to the Knolls yet. City Manager Ladner stated she does not have any updated information.

Councilmember Rzyzi stated he feels he has a moral obligation regarding the Rizzo contract. He further stated it seems like it was pushed through, even though he voted for it, he did have reservations. He further stated it was an uncomfortable situation, and he just heard they were bought out by a Canadian company along with the corruption probe, he would like to know if we have any options to get out of the contract. City Manager Ladner stated they are staying with Rizzo, therefore we don't need to reassign the contract, and she has researched this, and there were several communities that were in talks with Rizzo have since backed off. Councilmember Rzyzi stated it seems very coincidental that that had to be pushed through so quickly, then we

find out about the corruption probe. Attorney Wilhelm stated he would have to educate himself regarding this, because they are still performing the services we hired them to do.

Councilmember Dedakis stated according to the Detroit Free Press, Rizzo is being investigated because of the number of accounts they have acquired in the past two years it is raising red flags. Councilmember Kurtzweil stated there was a bribe by a Clinton Township Supervisor took to swing the vote for the contract. Councilmember Kivell stated they are still performing the services we hired them to do. Mayor Galeas stated there is a lot going on, and even though they are performing the service they were hired for, he would like to look at the potential to leave the contract as well. Councilmember Rzyzi stated he is shocked if there isn't concern, he wants an answer at the next meeting. Councilmember Kurtzweil stated we don't know how extensive this is, the investigation will be, it has been ongoing for a long time. Attorney Wilhelm stated they are performing the services, but we have to make sure we have another company in place if Council decided to end the contract.

COUNCIL COMMENTS

Councilmember Kivell stated the public hearing draft of the Parks and Recreation Master Plan at City Hall on November 21st at 7:30 p.m. and if anyone has any interest they are welcome to come and voice their opinions. Councilmember Kivell stated it was pretty remarkable that the Hotel was knocked down in 3 days, and he is happy they were able to save some of the bricks. He further stated he is happy they will have the entrances at street level, and he is happy they are making an effort to keep the structure similar to the original South Lyon Hotel.

Councilmember Dedakis stated she thinks the open house at the Witches Hat Depot is a great idea, it is important for the youth of the community to understand our past and understand the history behind South Lyon, and she will be attending the event. Councilmember Dedakis wished everyone a happy Halloween.

Councilmember Rzyzi stated he would like to congratulate South Lyon football for their win over Churchill with a gutsy play at the end, and they qualified for the play offs. He stated he is hoping to see them playing at Ford field. He further stated South Lyon East won as well, and the video is on Facebook, all the students rushed the field and it was a great send off for the seniors. Councilmember Rzyzi stated the Maddie Doty field has received their approval from the Parks and Recreation Commission for the memorials. He wants to thank the Parks and Recreation for their work. Councilmember Rzyzi stated he will be bringing up again next year, that we should extend the downtown road closures for the Downtown Trick or Treating, and if people are inconvenienced for a few hours for happy kids, so be it. Councilmember Rzyzi stated he takes the minutes very seriously, and they are the official documents, and he understands they are draft minutes, but he hopes there aren't many things that need to be changed. He further stated they need to be right the first time. Councilmember Rzyzi wished everyone Happy Halloween.

Mayor Galeas asked Department Head Martin if the hockey rink is ready. Department Head Martin stated it is ready. He further stated the water department is doing a great job, and all of the water testing came back very good. Department Head Martin stated the filtering process we have at that plant is incredible since our upgrade in 2005. He stated Krueger was so impressed with the way we are using their filter, he asked if we would prepare a presentation at the Water Environmental Federation. Mayor Galeas stated he enjoyed the tour Department Head Martin gave him, he stated people generally take water for granted and they don't think about what goes into keeping our water clean and the sewers working properly. Mayor Galeas wished everyone a Happy Halloween and to be safe.

Councilmember Wedell wished everyone a Happy Halloween.

Councilmember Kramer stated he would like to get copies of the Duncan contract. He stated 24 years ago his wife made him the luckiest man in the world and he wished her a Happy Anniversary.

Councilmember Kurtzweil stated the downtown lady's night was great. Coral Sash was busy, Jan's skin spa was busy and she purchased some fabulous products, Amber was busy with people shopping for Christmas, Grand Trunk was jammed and she can hardly wait to see how the downtown decorates for Christmas. Councilmember Kurtzweil wished everyone a Happy Halloween.

ADJOURNMENT

CM 10-5-16 MOTION TO ADJOURN

Motion by Kivell, supported by Rzyzi

Motion to adjourn meeting at 9:20 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

John Galeas, Mayor

Lisa Deaton Clerk/Treasurer