

CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
July 25, 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  
ALSO PRESENT: Council Members: Dedakis, Kivell, Kramer, Kurtzweil, Rzyzi and Wedell  
Interim City Manager Chief Collins, City Attorney Wilhelm, Department  
Head Martin and Clerk/Treasurer Deaton  
ABSENT: City Manager Ladner

MINUTES:

CM 7-1-16 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Kramer  
Motion to approve the minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

Chief Collins stated he would like to remove the report by Josey Kearns from the Cultural Arts Commission because she is unable to attend, which removes item #3. Chief Collins stated that item #10 should be a discussion item only. Councilmember Rzyzi stated he would like item #10 moved further up the Agenda. Chief Collins stated we could make it item #3.

CM 7-2-16 MOTION TO APPROVE THE AGENDA

Motion by Kivell, supported by Dedakis  
Motion to approve the Agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PRESENTATION

Chief Kennedy gave a brief presentation regarding the lifesaving efforts of Sergeant Doulas Baaki, Officer Tracy Brooks, Paramedic Andrew Bentley, Paramedic Rodrigo Fonseca, Deputy Chief Mike Wier, Captain Cory Armstrong, Lieutenant Jeff Noechel, Firefighter Ryan Carlington, Firefighter Lauren Carlington, and Firefighter Cindy Conrad. He stated they were called to a non-breathing resident at Clements Lane on June 25<sup>th</sup>. He further stated due to their life-saving efforts, they were able to regain a pulse on site, and the patient was able to walk out of the hospital a week later.

## PUBLIC COMMENT

Carl Richards of 390 Lenox stated he doesn't mind limiting his remarks to 3-6 minutes and he is comfortable with that. He further stated the Water Department randomly handed out 30 water bottles for testing and he received one. He stated Michigan Seamless Tube is running again. He further stated they allowed their workers to leave early a couple of days last week due to the weather. Mr. Richards stated the light poles are going in place for the Safe Routes to School Program and should be operating soon.

Tom Duncan of Duncan Disposal stated he and his sons would like to thank the City for the 9 years their Company was able to service the community. He further stated after a lot of thought they have sold the company to Rizzo Environmental Services and he is asking Council to approve the new contract. He stated Rizzo is family owned and they are very capable of servicing the City. He further stated they service much larger communities very successfully and they own over 450 trucks, and are located in Sterling Heights, and Wayne. Mr. Duncan further stated the current Manager for Duncan will continue working with Rizzo.

## OLD BUSINESS

### 1. Police Chief Employment Contract

Chief Collins stated he met with Attorney Wilhelm and worked on the concerns that Council had at the last meeting. He further stated they did away with the just cause from his original version, and he will remain an at will employee. Attorney Wilhelm stated the severance will not be given if he resigns or if he is terminated due to cause. He further stated this could set a precedent for future Police Chiefs as well as other Department Heads. Attorney Wilhelm stated we cannot take the termination right away from the City Manager because that would go against the Charter. Attorney Wilhelm stated the severance was matched to the City Manager's contract of 6 months. He further stated if the Chief is injured outside of work and is unable to do his job, and after 90 days he can be terminated without severance, again, this is similar to the City Manager's contract.

Councilmember Kramer stated if he is terminated with cause, there is not a severance given. If it is for no cause, that triggers the severance. He further stated this is changing the way the City currently runs because it is taking the authority away from the City Manager. He further stated he believes this will set a precedent for all other Department Heads. Attorney Wilhelm stated the Council has the authority to say no. Councilmember Wedell stated he has the same concerns and believes this will set a precedent for other employees. He further stated if job protection is the main purpose for this contract, he feels we can do that by changing the City's personnel manual to state any discipline to a Department Head over and above oral reprimand requires the approval of Council. He further stated for an example, in the future we have a City Manager and a Chief of Police that don't get along, and the City Manager fires the Chief of Police, and Council doesn't

agree and we fire the City Manager, we would have to pay 6 months' severance to the two highest paid employees of the City. Councilmember Rzyzi stated Chief Collins goes above and beyond and has for 19 years. He further stated he does not feel it would set a precedent because Council has the authority to say yes or no to another Department Heads contract. He doesn't feel this is unreasonable. Councilmember Kurtzweil stated this is still an at will contract. She further stated the only trigger is the payment of severance. She further stated the City Manager has a 6 month severance as well. She stated she spoke with other communities and it is not uncommon for the Chief of Police to have a contract. Councilmember Kurtzweil stated if he is only asking for severance she doesn't have an issue with this at all. She further stated if you don't pay your executives a good rate and benefits, you won't get quality employees. She further stated the Chief of Police is a very political position and these are the positions that when there is a change in leadership, these are the positions are the first to be terminated. Councilmember Kivell stated we have a strong City Manager form of government and to disable the ability for them to determine who runs the Departments is a disservice to them, and it creates a difficult management circumstance for people to understand where the authority lies. Councilmember Kivell stated at the last meeting Chief Collins stated he was asking for this contract because of the relationship with the existing City Manager. He further stated he will not be voting to pass this, but if this is entertained, he would hope we consider that the contract would sunset if the current City Manager leaves. He further stated this is unfortunate, but he doesn't think this will cause every Department Head to ask for and get a contract. He further stated the community enjoys being the one of the safest Cities in the state which is the result of the way the Police Department has been run in the last 19 years. He further stated because he will vote no, doesn't mean anything against the Chief, he just doesn't think this is the way the City should be run.

#### CM 7-3-16 MOTION TO APPROVE THE CHIEF OF POLICE CONTRACT AS PRESENTED

Motion by Rzyzi, supported by Kurtzweil

Motion to approve the Chief of Police contract as presented

Councilmember Wedell stated he will not be supporting this contract because, and it is nothing personal, but he believes it is a bad policy decision for the City. Councilmember Kramer stated there are other options that could have been explored, and if protection is the issue, there are other things that could have been looked into. He further stated he still believes this will be setting a precedent. Councilmember Kurtzweil stated she will vote yes because this is nothing different than other communities are doing. Councilmember Dedakis asked Attorney Wilhelm how quickly he could look at other options. Attorney Wilhelm stated there is currently a grievance process, which ends with the City Manager, but we need to be careful that we don't go against the Charter. Councilmember Dedakis stated the contract was well written, but she doesn't want to act hastily and her only concern is the impact of the contract. She further stated she would like to look at other options. Attorney Wilhelm stated there are other factors that may make this contract more acceptable. Councilmember Dedakis stated she will vote no on this contract to error on the side of caution. Further discussion was held regarding the proposed contract.



CM 7-5-16 MOTION TO PURCHASE SINGLE ELGIN PELICAN STREET SWEEPER

Motion by Wedell, supported by Kivell

Motion to approve the purchase of Elgin Pelican Single Street Sweeper from Bell Equipment Company for the price of \$197,406.30

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

## 1. Appointments- Cultural Arts Commission

CM 7-6-16 MOTION TO APPOINT LINDA ROBINSON TO THE CULTURAL ARTS COMMISSION

Appointment by Galeas, supported by Wedell

Mayor Galeas stated he would like to appoint Linda Robinson to the Cultural Arts Commission. Linda Robinson stated she is a resident and her parents moved here in 1992. She further stated she has been an artist her entire life. She stated she has been self-employed since early 2000. She further stated she loves art and she loves the City of South Lyon and she is very happy and delighted to be considered. Councilmember Kurtzweil stated Ms. Robinson has a great reputation and she has seen some of her work at the library. Ms. Robinson stated she is donating a piece of artwork she painted of the downtown Artcraft building for the City to display. Councilmember Rzyzi thanked her for volunteering.

## 2. Resignation/Appointment to Parks and Recreation

Chief Collins stated Mike Olando has resigned from the Parks and Recreation Commission and we have an application for appointment from Jodi Movens.

CM 7-7-16 MOTION TO ACCEPT RESIGNATION FROM MIKE OLANDO, WITH THANKS, AND APPROVE THE APPOINTMENT OF JODI MOVENS TO THE PARKS AND RECREATION COMMISSION

Motion by Kramer, supported by Rzyzi

Motion to accept the resignation of Mike Olando, with thanks for his many years of service and to approve the appointment of Jodi Movens to the Parks and Recreation Commission

VOTE: MOTION CARRIED UNANIMOUSLY

### 3. Discussion of ball field memorial

Councilmember Rzyzi stated there was a very tragic situation that occurred and a young girl named Maddie Doty passed away in her sleep. He stated this has drawn the community together. He further stated he and Michael Moore have been in contact with the family and together they are asking if the City can do something as a memorial. He stated he brought this topic up at the last meeting. He stated the family has always been involved with the Junior League and the parks. He further stated he has spoken with the Junior League and they don't have a problem with this. He further stated he has spoken with some members of the Parks and Recreation Commission as well, and they are on board as well. He further stated he will be meeting with the Parks and Recreation on the 24<sup>th</sup>, but he will be bringing a resolution approving an official dedication at the next Council meeting. He further stated he would like a formal dedication after the start of the school year.

Councilmember Kivell stated Parks and Recreation needs to be involved before any final decisions are made. Councilmember Dedakis stated she is in full support of this, but she would also like to have the Parks and Recreation Commission involved as well.

Councilmember Kramer stated he also believes we need Parks and Recreation's input as well as the Junior Leagues therefore we can have a unified front; we just need to follow our procedures.

Carl Richards of 390 Lenox stated there is already a dedication plaque on the fence near the ball fields. He went on to say there are a few benches, and plaques in the park that have people's names on them. He stated a few appear to have been put in place without the knowledge of the City.

Mayor Galeas stated he is in favor of this as well, and when he was in school there were a few kids that passed and they also named some ball fields after them. He stated this is for a good purpose, and we need to ensure we follow the right procedures so no red tape gets in the way.

Michael Moore stated they are not seeking any funds from the City. He further stated there are six organizations that have already donated some funds. He further stated the Junior League is on board. He further stated at the last meeting it seemed Council was also on board with this, and he put the announcement on Facebook. He further stated this is an opportunity to bring the City together and he hopes Parks and Recreation will be on board. The family is very touched by everyone's support.

Councilmember Kurtzweil asked if anyone went to Parks and Recreation before it was named Paul Baker Park or the tree that was just planted in the park. She further stated she understands Parks and Recreation need to be involved but she doesn't know to what extent. She stated she has worked for a lot of organizations that have benefited a lot of people. She further stated she has spoken with Brian Mackey of the Junior League. She stated the leadership and the dedication of the parents of the Junior League is incredible. She further stated if a child comes from an economically challenged family, the League steps up with supplying equipment to ensure that child can play. She further stated when she was on Parks and Recreation Commission; they were not able to get the fields developed. She stated the Junior League came into the picture and we were then able to develop the fields. They have contributed thousands for improvements to the ball fields and the

City needs to partner with them. She further stated this family was active with the Junior League and this group is contributing thousands of volunteer hours as well as money. Her understanding is the fields are maintained by the Junior League as well. Councilmember Kramer stated the City does partner with the Junior League, he is just asking for the Parks and Recreation to see what the scope of the project is going to be. Councilmember Dedakis stated she feels this is unanimous and everyone agrees this needs to be done, we just need to make sure the proper procedures are followed to solidify this and make sure this is done properly.

Diane Beagle of the Parks and Recreation Commission stated they are not opposed to this at all. She stated all the projects that are done in the park are brought to the Commission first, this is another way of getting input, and sometimes the Commissioners will think of something they haven't. She further stated they have discussions, it gets worked out and the project moves forward. Ms. Beagle stated this is another avenue of input to ensure the projects are done legally and meet the correct zoning. She further stated the development of the ball fields was a partnership between the Parks and Recreation Commission and the Junior League; it was not all Junior League. She stated the Parks and Recreation Commission donated many volunteer hours to the fields as well. She further stated, no one is saying no, we are saying let us get involved so we can help get the project done.

#### 4. Consider approval of Pumpkinfest 2016- Downtown road closures

Kathy Swan of the Pumpkinfest Committee stated they are asking for the road closures to be approved for the 2016 Pumpkinfest. She further stated they have added some new things for the teenagers. She stated they have added a pie eating contest, dunk tank, a photo booth, and karaoke. She stated they are asking to close the Veterans Memorial Parking lot for this purpose, but no additional road closures will be necessary. She further stated we will be losing the use of 20 parking spots, but we will be gaining some things for the teenagers to do. Councilmember Kurtzweil stated she would like to commend them on adding activities for the teenagers to enjoy. Councilmember Rzyzi stated he would like to thank all the volunteers' hard work.

#### CM 7-8-16 MOTION TO APPROVE THE REQUESTED ROAD CLOSURES FROM FRIDAY SEPTEMBER 23<sup>RD</sup> UNTIL SUNDAY SEPTEMBER 25<sup>TH</sup> AND THE CLOSURE OF THE VETERANS PARKING LOT

Motion by Kramer, supported by Wedell

Motion to approve the requested road closures from September 23<sup>rd</sup> until September 25<sup>th</sup> and the closure of the Veterans Parking lot

VOTE: MOTION CARRIED UNANIMOUSLY

#### 5. Consider approval of Pumpkinfest Parade- Downtown road closures

Phil Weipert stated the route for the Pumpkinfest Parade is the same as in past years and they are asking for approval of the road closures. The route will begin at Lyon Trail and down to Liberty and end at Bartlett School.

CM 7-9-16 MOTION TO APPROVE ROAD CLOSURES FOR PUMPKINFEST PARADE

Motion by Kramer, supported by Rzyzi

Motion to approve requested road closures for September 24 from 10:00 a.m. for the Pumpkinfest Parade

VOTE: MOTION CARRIED UNANIMOUSLY

6. Consider approval of Acting City Manager compensation for Bob Martin

CM 7-10-16 MOTION TO APPROVE PAYMENT OF \$734.89 TO ROBERT MARTIN AS COMPENSATION FOR SERVING AS ACTING CITY MANAGER FOR NINE DAYS

Motion by Wedell, supported by Kivell

Motion to approve the payment of \$734.89 to Robert Martin as compensation for serving as acting City Manager for nine days

Councilmember Kurtzweil stated she was reading the City Charter, and in section 5.8 it states the Council cannot grant or authorize extra compensation to any City Officer, or employee after the service has been rendered or after the contract has been entered into. She stated her interpretation is there was no change in the contract with Bob Martin; therefore she doesn't have an issue with this.

VOTE: MOTION CARRIED UNANIMOUSLY

7. Consider approval of purchase of 2 LifePak 1000 Automated External Defibrillators

CM 7-11-16 MOTION TO APPROVE THE PURCHASE OF 2 LIFEPAK 1000 AUTOMATED EXTERNAL DEFIBRILLATORS

Motion by Kramer, supported by Wedell

Motion to approve the purchase of 2 LifePak 1000 AEDs

VOTE: MOTION CARRIED UNANIMOUSLY

8. Consider approval of 3 sets of firefighting turnout gear

CM 7-12-16 MOTION TO WAIVE THE FORMAL BID PROCESS FOR THE PURCHASE OF THREE SETS OF FIREFIGHTING TURNOUT GEAR

Motion by Kramer, supported by Wedell

Motion to waive the formal bid process for the purchase of three sets of firefighting turnout gear

VOTE: MOTION CARRIED UNANIMOUSLY

CM 7-13-16 MOTION TO APPROVE THE PURCHASE OF THREE SETS OF FIREFIGHTING TURNOUT GEAR FROM APOLLO FIRE DEPARTMENT COMPANY FOR \$6,267.00

Motion by Kramer, supported by Wedell

Motion to approve the purchase of three sets of firefighting turnout gear from Apollo Fire Department Company for \$6,267.00

VOTE: MOTION CARRIED UNANIMOUSLY

9. 50/50 Sidewalk Program 2016

Department Head Martin stated we have \$20,000 budgeted for this program. He further stated the last time we had this program was in 1998. He stated if anyone would like to participate they need to contact the D.P.W. at 248-437-6914. Councilmember Kivell stated he hopes this will be an incentive for the repair of cracked, heaved or spalled concrete flags to remove sprained ankles, toe trips and destabilized footing hazards. He further stated this is a City contribution made from tax dollars to make our sidewalks safer and he would like guidelines to ensure it is being used for safety reasons, and not for the beautification of people's properties. He stated he would like a file made with picture of the concrete that is replaced. Department Head Martin stated he feels 3/4" to 1" are the most dangerous ones that need to be replaced. Councilmember Kivell stated also if there are gaps between the sidewalks where someone could get their heel caught should be replaced as well.

CM 7-14-16 MOTION TO APPROVE THE 50/50 SIDEWALK PROGRAM 2016 FOR FY 2016-2017 IN THE AMOUNT OF \$20,000

Motion by Kramer, supported by Kivell

Motion to approve the 50/50 sidewalk program for FY 2016-2017

VOTE: MOTION CARRIED UNANIMOUSLY

DISCUSSION- Downtown

Councilmember Rzyzi asked the status on the South Lyon Hotel. Bob Donohue, the Economic Development/Downtown Development Authority Director stated he has maintained contact with the contractor who is good friends with the family. They have hired a very good preservation architect out of Ann Arbor and they are now preparing blue prints for the restoration of the building. They currently do not have a cost of the rebuild. Mr. Donohue stated they may retain the second floor façade facing Lafayette, and they may be able to save the first floor interior. Councilmember Rzyzi asked if we have had any interest from new businesses. Mr. Donohue stated there has been a lot of interest, such as two restaurateurs, a kitchen store, an arts supply store, as well as someone interested in building an industrial lot. He stated he is still currently working with the Bonner family regarding the costs for the repairs to the Artcraft Building. Councilmember Kurtzweil asked Attorney Wilhelm if the South Lyon Hotel Reconstruction Committee will be governed by the open

meetings act. Attorney Wilhelm stated he will follow up with Bob Donohue, one of the questions will be if Council will need to take action to recognize this committee. Councilmember Kurtzweil stated she wants to bring recognition to Providence for the great job they are doing with the façade work. It is great they are investing in the City of South Lyon. She further stated the Presbyterian Church has painted the steeple, and the new landscaping looks great. Councilmember Kurtzweil stated they all need a thank you and they need to be recognized. She stated the South Lyon Theatre has also made a lot of improvements and they have done a lot of work on their façade. Mr. Donohue stated the South Lyon Theatre have plans to completely refinish the interior as well. Councilmember Kurtzweil asked if we can work on having a commercial rehab district. Mr. Donohue stated he will supply Council and Mayor with information. Mayor Galeas stated the coffee shop downtown has added a lot of flowers outside of their building as well and it looks great.

### MANAGER'S REPORT

Chief Collins stated the Kings Plaza recently connected to the City water and sewer, and according to the master deed, they need to install sidewalks. There is a deadline of September 26<sup>th</sup>, and the building or code enforcement officer will be sending them a letter.

Chief Collins stated Mike Sapo contacted him regarding Rizzo taking over the City garbage route, and he said they take care of many other communities and they are happy with their service.

Chief Collins stated they have started the sewer project on Dorothy Street, as well as they have started working on the overflow lot which will be a dual parking lot/ice rink in McHattie Park.

### COUNCIL COMMENTS

Councilmember Kivell stated Kings Plaza agreed to install a sidewalk when they connected to our water and sewer. He stated we have an extraordinary contract for waste hauling, and he is happy with Rizzo as long as they fulfill our agreement that we had with Duncan.

Councilmember Dedakis stated a few weeks ago there was a Pumpkinfest Committee meeting and the number of residents that appeared and they had many positive comments. She further stated the Pumpkinfest Committee volunteers deserve a huge thank you for all their hard work. Pumpkinfest is very important to our City and she would like to thank the residents for all their support.

Councilmember Dedakis stated she wants to make sure Chief Collins knows that he is appreciated and she would like to revisit the issue of an option other than a contract.

Councilmember Rzyzi stated the ice rink will be a hit, as well as the extra parking area. He stated it would be nice if we could add some sidewalks in that area. Councilmember Rzyzi stated he has some comments he would like to make directed to Frank Fogarty regarding the comments he made at the last meeting. Councilmember Rzyzi stated there were some comments made about Facebook. He further stated he is not afraid to share his views, he has issues with the size of government, too

much taxes, and he will never prevent himself from saying it in the future. Facebook is the way of the future, it is for people of all ages, and maybe some people may not like Facebook. Some good things can happen from Facebook, such as the food truck issue, Chad Lindsay getting shut down, Pumpkinfest and the issue is really free speech. He will not stop posting on Facebook and he will keep letting residents know what is happening in the City.

Councilmember Rzyzi stated the little free library project at McHattie Park is a great event.

Councilmember Dedakis stated not to be offensive, but Mr. Fogarty wasn't saying anything about free speech, but he was speaking toward Councilmember Rzyzi being on Facebook during the meetings. Councilmember Rzyzi stated that is his free speech right.

Mayor Galeas stated he visited the TCBY ribbon cutting, and the building looks great. The ribbon cutting was well attended. He further stated it seems this is the beginning of what is to come to the City. He further stated he spoke with someone who is looking to start a business in town as well. Mayor Galeas stated the school on Eleven Mile is really going up fast.

Councilmember Wedell stated we were very well represented by Councilmembers Kramer, and Dedakis, Mr. Donohue, along with Chief Collins at the Pumpkinfest meeting and he wanted to thank them. Councilmember Wedell stated the Splash and Play at the Fire Department was well attended, and the Fire Department was very helpful and friendly.

Councilmember Kurtzweil stated she wants to make some comments regarding the comments made by Frank Fogarty. She stated saying that little has been done since the November Election is not true. She stated this Council has been the most productive Council in decades. She further stated some of the highlights are as follows, an understanding of performance bonds, approval of Lexington Place Condo utilities, job responsibilities for the Economic Development Coordinator, we have hired a full time Economic Development Coordinator, for the first time we have adopted the 2012 Property Maintenance Code, we approved a master plan, amended code 58 adding provisions for vapor products, adopted an unsafe structure ordinance, we participated in a vision planning session and adopted a first time ever strategic plan for 2016, we have also worked with the school district and Lyon township for the Safe Routes to School program and we are on our way to having a food truck ordinance for public property. She further stated some members of Council recently learned the sewer bond was not fixed at 2.5, but that that could be changed upwards to cover the cost of the bond, why this was not known before, she doesn't know. She further stated we also recently passed a resolution lowering the mileage, which now does not cover the cost of the bond. Councilmember Kurtzweil stated we are now seeing Volunteer Park will actually be developed. She further stated Councilmember Wedell has been on Council for years, and it never occurred to him to make a motion to order quarterly amendments to the budget from the City Manager, she stated she is the one that made that motion. Councilmember Kurtzweil stated the Council has approved the first annexation of South Lyon in years. She further stated the Cultural Arts Commission is finally getting grants. She further stated we are now having the sewer lines moved on Dorothy Street which was a problem for years. Councilmember Kurtzweil stated we have also

formed a South Lyon Hotel reconstruction to facilitate the reconstruction of the hotel. She further stated tonight we passed a 50/50 split for the repair of sidewalks, and this doesn't mention the general administration work such as contracts, and sale and purchase of equipment. She further stated he is a liar, and his statement was a political statement and that is why the City looks as it does, it is the result of his political bosses. He is fine with status quo and he had no facts. Councilmember Kurtzweil stated she visited Bay City for the Tall Ships of America which is a 501(c3). She also visited Manchester for the chicken barbeque and being a prior board member of Active Faith, she has had the opportunity to view the relationship of 501(c3) along with businesses. She is very happy to hear Pumpkinfest is including Diane from Diane's Doll House. The relationship between the 501(c3) and the businesses is what will make a successful event.

### ADJOURNMENT

#### CM 7-15-16 MOTION TO ADJOURN

Motion by Kramer, supported by Kurtzweil

Motion to adjourn meeting at 10:05 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

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Mayor John Galeas

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Lisa Deaton Clerk/Treasurer