

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
JANUARY 9, 2017

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, Councilmembers: Kivell, Kramer, Kurtzweil, Parisien, Rzyzi and Wedell
ALSO PRESENT: City Manager Ladner, Chief Collins, Chief Kennedy, Department Head Martin, Attorney Wilhelm, and Clerk/Treasurer Deaton

MINUTES

Councilmember Parisien stated on page 6 of the minutes, it stated Councilmember Rzyzi stated the analysis by Mr. Dykema, but she believes that is a mistake, because the firm is Dykema, Mr. Dykema is not a person. Councilmember Kurtzweil stated she objects to that correction because we are not here to change the minutes, and that is what was said. The minutes should reflect what the person said, we are not here to alter the minutes, we are here to make sure the minutes are accurate. Councilmember Rzyzi stated if that is what he stated, he is ok with it as it is, he doesn't want to alter the minutes.

Councilmember Parisien stated we should make an amendment that Mr. Dykema is not a person, it is the firm that is being hired. Councilmember Rzyzi stated her comments will be reflected in this meetings minutes. He further stated he wanted to ensure the letter of the conflict of interest was added to the last meetings minutes. Clerk/Treasurer Deaton stated they were added.

Councilmember Kurtzweil stated on page 4 the word accessible should be changed to susceptible and that is what she said.

CM 1-1-17 MOTION TO APPROVE THE MINUTES AS AMENDED

Motion by Kramer, supported by Wedell

Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

CM 1-2-17 MOTION TO APPROVE THE BILLS

Motion by Kivell, supported by Parisien

Motion to approve the bills as presented

Councilmember Kurtzweil stated she has some questions regarding the City Attorney's invoices. She stated she noticed on page 15 there are multiple notes of conversations with Chief of Police, Councilmembers Kivell and Kramer, but there is no mention of her telephone conversation on November 18th. She further stated that was an important telephone conversation because she was discussing her conflict of interest and that is when she told him she heard something about Mr. Kivell. She further stated she received an email from Attorney Wilhelm stating he spoke with Mr. Kivell and that is not noted as well. She stated sometime between the 18th and the 21st he had a conversation with Mr. Kivell and that conversation is not noted either. Attorney Wilhelm stated he will check into it. Councilmember Kurtzweil further stated she doesn't understand why that wasn't included. Attorney Wilhelm stated it could have been an oversight, he has been trying to ensure he documents any general conversations with Council. Councilmember Kurtzweil stated there is no record of any of these conversations.

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Councilmember Kurtzweil stated on November 22nd and the 23rd the bills reflect research being done regarding conflicts of interest regarding Thomasville, but she wants to see the research for her conflict of interest. Her conflict was regarding legal representation and it shouldn't have had much research required. Attorney Wilhelm stated he doesn't believe it is as straight forward as Councilmember Kurtzweil states it is. He further stated there were a number of issues that came forward such as attorney rules, what obligation she would have, and it is much more complicated than it is being made out to be. Councilmember Kurtzweil stated she would like to see the research that was done. Attorney Wilhelm stated he will check his file and see what research he has. Councilmember Kramer asked if the research was done regarding the conflict of Councilmember Kurtzweil, is it research that everyone on Council can see. Councilmember Kurtzweil stated absolutely because the City Attorney doesn't represent her. Attorney Wilhelm stated he will have to look at his notes, and it would help if he knew ahead of time what Council was going to ask about so he can have paperwork with him. He further stated he doesn't recall everything, he recalls looking at various things and there were a series of communications and the letter he sent was a product of the legal research. Councilmember Kurtzweil asked Attorney Wilhelm to bring it with him to the next meeting. Councilmember Kurtzweil stated the bills reflect he was working on research on November 23 regarding continued legal research on conflicts of interest, and it didn't say which conflict of interest it was. Attorney Wilhelm stated this is part of the difficulty of dealing with some of the matters that come up. He will have to look at his notes to see which conflict it was, the recognition of both issues came up about the same time. Councilmember Kurtzweil stated it helps when you are clear about what you are working on, she doesn't know if there were other conflicts of interest or which one he was working on. She is looking for more articulation, because you are able to do it, such as on November 21 and 22 it stated you were working on the Thomasville conflict of interest. Councilmember Kurtzweil stated if you relate the note to the subject matter it will give them more knowledge. She stated on page 17 the bill once again states research regarding conflict of interest, and her conflict was very simple, and it was not a big deal, and now we are up to 4 hours of research on this matter, which is why she is questioning this. She further stated on page 18 it again reflects more research regarding the conflict. She stated her conflict was done and over with. Attorney Wilhelm stated he finds it very difficult for Councilmember Kurtzweil to say what he did or didn't do when she is trying to find out what he did. He further stated he would be happy to discuss this with her by telephone in advance, but in this forum it is difficult to deal with these issues. He further stated it may have been possible for him to differentiate or better clarify the 26th of November conflict of interest research, possibly, he stated it could have pertained to both, but he will have to check his notes. Councilmember Kurtzweil stated she is asking for clarification, and she is concerned two very important conversations were deleted from the invoice. Attorney Wilhelm stated he will discuss this with his office manager and possibly add some billing.

Mayor Galeas stated they are valid questions, but we finished on a good note in 2016. He further stated when he was on the Council in the past, we asked for more clarification from the City Manager and they were dealt with prior to the meeting instead of asking questions of people during a meeting for answers they will not necessarily have answers to. Councilmember Rzyzi stated this is a public meeting and this is when the questions should be asked, we can ask questions at this meeting, and the answers can be given at the next meeting. Councilmember Rzyzi stated on page 16 the first entry is a telephone conference call with Mayor Galeas regarding a conflict of interest, and which conflict of interest it is regarding. Attorney Wilhelm stated he will have to check his notes. Councilmember Kivell stated it would have been nice if these questions could have been asked before the meeting, so the attorney could have answered the questions. Councilmember Rzyzi stated on page 17 there was a telephone conference and attend meeting with the City Manager for 2.6 hours, and it is very vague because it just says various issues. He further

stated clarification would be good in the future. Councilmember Kurtzweil stated on page 17 there is a note regarding a conflict of interest with the Chief of Police, but it doesn't say which conflict of interest. Attorney Wilhelm stated it was not her conflict of interest. She further stated in the past, she has worked at a very good large law firm, and when the billing was done, they spent a phenomenal amount of time on them for the client and to make sure they were accurate. Attorney Wilhelm asked if her bills were submitted to the public. Councilmember Kurtzweil stated they were not. Attorney Wilhelm asked if the billings entry would have been done differently if you knew they were open to public scrutiny knowing you are representing your client? Councilmember Kurtzweil stated no, she is very detailed in her billing. Attorney Wilhelm stated he does what he can while keeping attorney client privilege in mind, to ensure he doesn't disclose something regarding a particular resident or an issue that may come up, or if it is privileged material. He further stated these are judgement calls, and he will be happy to discuss this with her. Councilmember Rzyzi stated he is uncomfortable without the explanations therefore his vote will be no on the bills. City Manager Ladner stated not approving the bills tonight, doesn't affect the Johnson Rosati bill they were discussing, it will only affect the other bills the City is obligated to pay. Mayor Galeas asked if Councilmember Kurtzweil could speak with the City Manager to ensure we have more clarification on the attorney's bills.

ROLL CALL VOTE: Kivell- Yes
 Parisien- Yes
 Rzyzi- No
 Galeas- Yes
 Wedell- Yes
 Kramer- Yes
 Kurtzweil- No

MOTION CARRIED

AGENDA

CM 1-3-17 MOTION TO APPROVE AGENDA

Motion by Kramer, supported by Wedell

Motion to approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Carl Richards of 390 Lenox stated the ice rink is getting a lot of use, and it appears most of the use is done by the older kids playing hockey. He stated he has seen some smaller kids as well. He stated the facility is beautiful and it seems everyone likes it. He stated there is a new business in town, next to Bigby Coffee, the owner of Bigby is the owner of the business. He further stated it is wonderful that we have gone 2 ½ months without a water main break and that is a good thing starting the new year.

OLD BUSINESS

1. Board of Review- Discussion

Councilmember Kurtzweil stated during the meeting discussing the poverty resolution, she and Councilmember Wedell were discussing if this had to be passed each year. She stated Attorney Wilhelm stated he didn't have any objection, but he wanted to check with OCE to make sure there was not a reason that it would need to be passed each year. She further stated she had a gut feeling, but she wasn't sure, so

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she spoke with Tracy of OCE and their recommendation was the year not be added to the resolution. She stated they talked about it, and asked why we would have to pass this every year, and it was because on page 2 of the resolution states Whereas, the following are federal poverty income guidelines which are updated annually by the United States Department of Health and Human Services. This states the guidelines will be updated annually, not the resolution. She further stated on the bottom of the same page, it clearly states the poverty guidelines will be annually updated. She further stated the most key point is the last sentence that states this resolution is hereby given immediate effect and will stay in effect for subsequent years until amended or voided, so the answer to their question at the last meeting is OCE will attach the updated guidelines each year so the resolution does not need to be updated annually. Councilmember Rzyzi stated we have come a long way with the Board of Review, we are no longer violating the City Charter by having appointments, and we have revamped the entire process, and he wants to thank Councilmember Kurtzweil for bringing this before Council.

NEW BUSINESS

1. Appointment- Parks and Recreation Commission
 - i. Rose Peruski

CM 1-4-17 MOTION TO APPOINT ROSE PERUSKI TO THE PARKS AND RECREATION COMMISSION

Motion by Galeas, supported by Wedell

Motion to appoint Rose Peruski to the Parks and Recreation Commission

VOTE: MOTION CARRIED- 1 OPPOSED

Councilmember Kurtzweil stated she will vote no because she doesn't know who this person is.

- ii. Scott Black

CM 1-5-17 MOTION TO APPOINT SCOTT BLACK TO THE PARKS AND RECREATION COMMISSION

Motion by Galeas, supported by Kivell

Motion to appoint Scott Black to the Parks and Recreation Commission

Councilmember Kurtzweil stated she knows Scott Black, but not very well. She further stated she will not be voting to approve his appointment to the Parks and Recreation because she believes his credentials would be better suited on the Planning Commission. She further stated she believes he will be under-used on the Parks and Recreation Commission. Councilmember Kurtzweil stated if he is interested in being on the Planning Commission she will be the first to make that motion. She further stated she found minutes from March 9, 2009 and at that time he was appointed to the Parks and Recreation Commission and at that time the question was asked if he would be interested in being on the Planning Commission, so it isn't just her opinion. Councilmember Kivell stated Scott applied for the Parks and Recreation Commission and he has children and he is probably more interested in the Parks and Recreation Commission than being on the Planning Commission. Councilmember Parisien stated his application specifically states he is interested in being part of the future for the parks and he has an explicit reason for being on the Parks and Recreation Commission. Mayor Galeas stated Councilmember Kurtzweil had a good question, but with his background of a landscape architect and the things we are trying to do with the parks, he will be a great asset to have. He further stated there are reasons people don't apply for other

commissions and we don't want to lose him. Councilmember Wedell stated he agrees, we don't tell people what Commissions to apply for, we should thank them for their volunteerism. Councilmember Rzyzi stated he looks at this differently. Mr. Black may be a good asset to the commission, but his concern is the vision of the parks and recreation. He further stated Mr. Black was on the Recreation Center Committee and they wanted to put the recreation center in McHattie Park. He stated he is for a recreation center, but not in McHattie Park. He further stated this was very controversial and to rip up the play structure, and the ball fields down for two years and no plan in place for traffic, and for someone to sit on that board and push for that monument brick and mortar building in our beautiful park is someone he can't get behind. Councilmember Kramer stated he was the chairperson for the recreation committee and the topic wasn't that we were going to put the building in McHattie Park, it was if it was even feasible to have a recreation center, there were no plans at all to put the recreation center in the park. He further stated Scott was not a driving force to put the recreation center in the park. He further stated Scott Black will be a great addition to the Parks and Recreation Commission.

ROLL CALL VOTE: Kivell- Yes
 Parisien- Yes
 Rzyzi- No
 Galeas- Yes
 Wedell- Yes
 Kramer- Yes
 Kurtzweil- No

MOTION CARRIED

2. Robert's Rules of Order, re: Council rules

Councilmember Parisien stated she isn't questioning Robert's Rules of Order, but she is thinking for City Council to be more pro-active in 2017 we could reflect on our performances in 2016. She stated we had growing pains and we have done a lot of things that will move the City forward, but she believes it may be good for the City to have a workshop provided by the League for rules so we can have a better understanding of how things should work and what tools we can utilize and look at tools we currently have, and make any changes necessary to facilitate a more constructive meeting. She stated everyone should be allowed to speak and freedom of speech is very important and shouldn't ever be taken away, but we should facilitate it in a matter that is more efficient, so our meetings could be more effective. She stated sometimes we get long winded, we get off focus, and our tangents seem to go down the rabbit hole. She further stated to get more things done for the City it is our job to improve ourselves and for us to represent the City better, we can look at our actions in 2016 and apply something better for 2017. City Manager Ladner stated she spoke with the Michigan Municipal League in regards to having a parliamentary speaker come to speak to all of our boards and commissions about the parliamentary procedures because everyone could benefit from that. She further stated if Council is interested she can look into this further, and she believes this would be a free service because we are a member. Councilmember Parisien stated if there is no cost to the City we should be utilizing this because it could help improve our Council and it will facilitate a more effective discussion and move the City to progress further. Mayor Galeas stated he uses sports as a tool, you lose, you win and you improve. He stated times are changing with social media and how we all relate to each other. He stated this is happening in many communities and to go back and look at how meetings are supposed to be run, and to look at how we can improve ourselves. Councilmember Parisien stated the City Manager added some materials representing other community's rules and it was very informative, and if we are making changes to our

forms and rules, we should look at other communities to see if we need to make any changes to make our meetings more efficient. Councilmember Wedell stated he attended a training session when he was first elected, and that couldn't hurt. City Manager Ladner stated they do offer that, and the 3 new members did attend those in 2015. Councilmember Rzyzi stated he doesn't disagree with this, but there is a good chance we could have 3 new councilmembers this fall he doesn't see the need to spend thousands of dollars on this. Councilmember Kivell stated it is a free service.

3. Grant Acceptance- American Police and Sheriffs Association

Chief Collins stated we received a grant for \$1,973.12 to be used for tasers and holsters. He further stated this grant was applied for in August of last year and we just received notice of the reward as well as the check.

CM 1-6-17 MOTION TO ACCEPT GRANT AWARD FROM AMERICAN POLICE AND SHERIFF'S ASSOCIATION

Motion by Rzyzi, supported by Kramer

Motion to accept the grant award in the amount of \$1,973.12 from the American Police and Sheriff's Association

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Kivell asked how often do such grant offers come forward. Chief Collins stated they don't very often. Councilmember Kivell further asked if this a result of the availability of the grant platforms that are out there. Chief Collins stated the City Manager forwarded the ECIVIS information to the Police Department last year which they moved forward with. City Manager Ladner stated she reads through all the different opportunities for grants each week and forwards any related to each department to the Department Head. Councilmember Rzyzi stated he suggested Lynne keep track of grants he suggested that during her review and he suggests she keeps that going for 2017.

4. Donation Acceptance- Tim and Jodi Yarde- \$75.00

CM 1-7-17 MOTION TO ACCEPT DONATION FROM TIM AND JODI YARDE FOR \$75.00

Motion by Wedell, supported by Kurtzweil

Motion to accept the donation of \$75.00 from Tim and Jodi Yarde for the South Lyon Police Department and thank them for the gesture

VOTE: MOTION CARRIED UNANIMOUSLY

5. Donation Acceptance (Holiday Gathering)

- i. Hubble Roth and Clark- \$400.00
- ii. CIB Planning- \$300.00
- iii. Johnson, Rosati, Schultz & Joppich- \$500.00
- iv. GFL Environmental- \$300.00

City Manager Ladner stated we may have an additional check that we haven't received yet. Councilmember Rzyzi stated he is uncomfortable with this. He further stated this is for the Holiday party for the Boards and Commissions and employees. He stated in the past the former Mayor use to go to different businesses in the City and ask for donations. He further stated it is a nice gesture but it can almost be construed as pay to play, and he will no longer approve these donations. Councilmember

Kivell stated he wants to thank all of the contractors that donated for the Holiday party. There is no obligation for them to do anything like this and it is a kind gesture and he appreciates them wanting to help supply the employees with a holiday party. Councilmember Parisien stated she appreciates any donation given to the City. Councilmember Kurtzweil stated the issue isn't not being grateful for the donation, the issue is we vote on their contracts to have them as a third-party vendor, and what obligation do we have when we look at renewing their contracts and to look at this little bit of money that may disappear from the Holiday party. Many communities are moving away from this. She further stated the money could be redirected from a holiday party to the Cultural Arts Committee and purchase a sculpture that can benefit the entire community instead of just City employees. Councilmember Parisien stated Council questioned GFL when the contracts were switching, and originally asked if they were going to be contributing to the City as Duncan use to, but now Council is saying, no don't contribute unless you're going to contribute to certain things. We can't be picky we should be appreciative to what anyone donates to the City, regardless of the amount, or if anything is given. Mayor Galeas stated he is thankful for the donations. He stated it may be a good idea at looking at other options down the line, but regardless if someone gave the City \$300.00 or \$500.00 it doesn't matter, he will judge on the results, not a donation. He further stated this is something we can review in the future. Councilmember Wedell stated he wanted to add some perspective on this. The companies didn't donate to a lavish dinner, this holiday gathering was for our Election Workers, our members of all of our Boards and Commissions that donate their time as a thank you to them. Councilmember Rzyzi stated if it isn't really that much money, we should be able to find another way to fund the holiday party. He further stated this makes him uncomfortable.

CM 1-8-17 MOTION TO ACCEPT THE DONATIONS MADE TO THE CITY TO ASSIST WITH THE APPRECIATION EVENT

Motion by Wedell, supported by Parisien

Motion to accept donations from Hubble Roth and Clark for \$400, CIB Planning for \$300, Johnson, Rosati, Schultz & Joppich for \$500.00 and GFL Environmental for \$300 with thanks

VOTE: MOTION CARRIED- 2 OPPOSED

6. Consider authorizing City Manager to attend Michigan Municipal Executive Winter Institute and MMRMA 2017 Risk Management Workshop

City Manager Ladner stated she is asking Council to authorize her attendance to the Michigan Municipal Executives Winter Institute, the conference is in Kalamazoo from January 31st thru February 3rd. She stated the cost breaks down as \$295 for the conference and pre-conference session, and the pre-conference deals with balance sheets which falls in line with her professional development plan to improve her budgeting and finance skills. She further stated the hotel including parking is \$724 and all meals are included. The second conference is the MMRMA 2017 Risk Management Workshop is in Lansing beginning on March 1st thru March 3rd. The sessions associated with human resources in relation to risk management and we have had some turnover in the past few years, therefore this would be a good session to brush up on her skills. She further stated there are also financial stress sessions and this is a free workshop in Lansing, so there will be no hotel or travel fees. Councilmember Rzyzi stated her contract calls for these workshops, and he is happy she is doing this and so soon in the year, because she will learn and gain a lot of information. Councilmember Kurtzweil stated she is pleased that one of the topics at the Kalamazoo conference is about balance sheets for municipal executives. She further stated she wanted to thank her for being very selective about the kinds of seminars she is attending. She further stated she is being very perceptive of where the weak links are such as the problems with respect with the millage. Councilmember Kurtzweil stated she can't thank her enough.

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CM 1-9-17 MOTION TO APPROVE THE CITY MANAGER TO ATTEND MICHIGAN MUNICIPAL EXECUTIVES WINTER SESSION INSTITUTE AND MMRMA 2017 RISK MANAGEMENT WORKSHOP

Motion by Rzyzi, supported by Kurtzweil

Motion to approve the City Manager to attend the Michigan Municipal Executives Winter Session Institute and MMRMA 2017 Risk Management Workshop

VOTE: MOTION CARRIED UNANIMOUSLY

DISCUSSION- DOWNTOWN

Councilmember Kurtzweil asked where we are with the commercial rehab district. Bob Donohue the Economic Development and DDA Director stated we have completed the draft, but he needs to meet with staff before moving forward. Councilmember Kurtzweil asked for an approximate time. Mr. Donohue stated there is a lot going in, but he will try for 45 days. Councilmember Kurtzweil stated he is doing a great job, but she wants to stay on top of this because it is very important for the downtown.

Councilmember Rzyzi stated we hired Mr. Donohue for improving the business climate in the City, and since he has been hired, we have seen a lot of improvement. He further stated we are making progress and all the credit goes to Mr. Donohue. Councilmember Rzyzi asked if the sushi restaurant is going to be open. Mr. Donohue stated he has seen the sign, but he doesn't have any information on that, but he will check into it. Councilmember Rzyzi asked when the Mediterranean restaurant will be opening. Mr. Donohue stated he doesn't have an exact time frame. Councilmember Rzyzi asked how the South Lyon Hotel is moving along. Mr. Donohue stated they are supposed to dig for the footing compactions on the 11th. He further stated they were hoping to pour concrete the next day, but it will depend on weather. Councilmember Rzyzi asked when the hair salon will be moving in next to Craft Worx. Mr. Donohue stated they haven't had a final inspection yet. Councilmember Rzyzi stated the Exquisite Design is moving across the street. Mr. Donohue stated they are hoping to expand their business and to bring in kitchen accessories. He further stated the building 115 and 117 were purchased by Ron Borgman, and there will be two separate businesses. The other business will be home furnishings and some women's clothing. Councilmember Rzyzi stated the Lemon Tree is open. Councilmember Rzyzi stated the report shows a deli opening in the old Browns building. Mr. Donohue stated Gary Fagin hasn't given him a time frame yet.

Mayor Galeas stated everyone is looking forward to the Mediterranean restaurant, and the Lemon Tree is a cute shop. He has heard a lot of things about the old Kathleen's store. Mr. Donohue stated they are going to remodel the interior and exterior. Mayor Galeas asked about the report from the TIA about the truck transportation. Mr. Donohue stated he met with Pat MacAuley of the TIA and he stated he would have a report by the 20th of January, and he said we should be able to have truck traffic rerouted by May or June with no truck turns at all at Lake Street and Lafayette. He further stated the total cost will be about \$5,000 or \$6,000 and there is a possibility the Road Commission will pay for it. Mr. Donohue stated 2017 will be a good year, and we have a good work plan. Councilmember Rzyzi asked about the Salvation Army. City Manager Ladner stated they took possession of the building last week. Mr. Donohue stated they are working every day. Councilmember Kivell stated this is exciting and we are in a perfect position with the Township growing as quick as they are if we can continue to gain more retail experience for everyone. Councilmember Kivell stated Mr. Donohue's report reflected a conversation he had with 2 different potential housing developers regarding the master plan. Mr. Donohue stated the senior group is very interested in the northwest quadrant of Lake and Lafayette. Councilmember Kivell stated he is hoping we don't lose all the retail opportunity for just residential. Mayor Galeas stated he was

at the Witches Hat and they were talking about seeing the show that was on Channel 56 regarding South Lyon and that is why they decided to come to our town.

Mayor Galeas called for a recess at 8:54.

Mayor Galeas reconvened the meeting at 8:56.

MANAGERS REPORT

City Manager Ladner stated we have a quote from BS&A for the final module we need for residents to be able to look up their taxes and water bills online, so they don't have to have their bills with them. She further stated it will also include builders being able to go online and schedule their own inspections and go online to see when they are completed. She stated the total cost is \$3,150 which will be divided between administration, water and sewer department and the building department. She stated depending on how long it takes them to get the software loaded, we will be able to give 48 hour's notice to revize so we can go live. She stated it could be as early as this week, but no later than the middle of next week.

Councilmember Kivell asked if parking tickets will be able to be paid as well. City Manager Ladner stated she is working with Lori to ensure all the funds go into the correct accounts, but we will get another swiper for the police department. Councilmember Parisien asked if the cost is annual. City Manager Ladner stated there are two options. She stated she believes it is a better option for the City to pay that annually, instead of residents having to pay a fee to look up their account as well as the convenience fee. Councilmember Kivell stated he doesn't necessarily agree with that. If it is an at large cost and for people that have no interest in using the technology it seems it is a hidden tax. He further asked what the cost to pay a \$100 water bill would be. City Manager Ladner stated you would pay \$2.00 fee to look it up, then the convenience fee as well. Councilmember Kramer stated we could pay it this year, then review it in the next year. Mayor Galeas asked how will the City inform the residents of the new service. City Manager Ladner stated she plans on using social media, a newspaper article as well as it will be visible on the homepage of the new website.

City Manager Ladner stated all of the plans for the Safe Routes to School project have been submitted to the State, the Road Commission and the Water Commission. She further stated MDOT will handle the bids, and we hope to be on target with a May or June construction.

City Manager Ladner stated she wants to remind everyone City Hall will be closed on January 16th for Martin Luther King Jr. Day.

Councilmember Kurtzweil asked who is on the Construction Board of Appeals. City Manager Ladner stated the normal terms are up in March, but they haven't met since 2011. She further stated of the 5 members, 3 stated they would be interested in continuing to serve, 1 has decided not to stay on the Board, and we haven't heard from the last one as of yet. She further stated that is something we will need to do in March. She stated we were looking into having a meeting regarding the Grande Trunks ADA accessible application because the State decided it was a City issue, but they have once again changed their mind, and now they are handling that again. She further stated Susan Stowe was able to get an extension until March. Councilmember Kurtzweil stated she looked at the code regarding the Construction of the Board of Appeals and Section 18-38 says they are appointed by the Chief Appointing Authority of the City, and she was confused about who that would be. City Manager Ladner stated that is the Mayor. Councilmember Kurtzweil stated she wanted to bring attention to the fact that the code requires appointments by the City and the terms are for 2 years. She further stated she believes this may have come up in 2012 because the minutes reflect there was talk of using the Novi Construction Board of Appeals. She further stated if we are only using the Construction Board of Appeals once or twice a year, it may make sense to go thru Novi instead of doing our own appointments. Attorney Wilhelm stated the tube mill had an egress issue and it had to go to the Construction Board of Appeals, they had 5 different requests and they were approved. He further stated we may have had an oversight by not reappointing the

members. He stated there was discussion about using the Novi Board of Appeals, but he will have to find out if there is a residency requirement. Councilmember Kurtzweil stated she did not see one. She said we have to look at the qualification of residency in the State Construction Code. She further stated it needs to be looked into. Councilmember Kurtzweil asked if under State law we are out of compliance because we don't have a fully functioning Construction Board of Appeals at all times. She asked this to be a priority because we are out of compliance, and if contracting with Novi will solve the problem, that would be great. Attorney Wilhelm stated there was discussion regarding appointing the Novi Construction Board of Appeals as our board members. Councilmember Kurtzweil stated the minutes reflect that Councilmember Kopkowski stated her issue with using the board from Novi is because she felt what was good for Novi, may not be good for South Lyon. She further stated Councilmember Kramer stated it was a point of efficiency, so it didn't matter if we appointed our own members, or use Novi. Attorney Wilhelm stated it isn't out of the norm to have board members that serve past their terms until someone replaces them, but he will check into this. Mayor Galeas asked if the City Manager could speak with Novi regarding this issue. Councilmember Kramer stated his issue at the time with the City of Novi is if there was going to be a charge.

Councilmember Kurtzweil asked City Manager Ladner if our expenditures exceed our revenue for this quarter. City Manager Ladner stated the finance report came out on Friday, and if there is a need for any amendments they will be done at the next meeting. Councilmember Kurtzweil stated at the meeting in December you had stated we received additional revenues from the MMRMA and that could have been dealt with during tonight's meeting. City Manager Ladner stated we approximated \$35,000 based on previous years. Councilmember Kurtzweil stated this money wasn't that much, so we will need an amendment for that as well. Councilmember Kurtzweil stated she attended the Plante Moran webinar on tax abatements. She further stated we will need to contact them to see if we need to have anything ready for any special reporting we will need for the abatements that will go into a footnote.

Councilmember Kurtzweil stated she has been looking at the City's structure and finances based on what happened last year with the mill, and she is making it a point to understand MERS. She found an article very interesting from the City Manager of Port Huron and he had a meeting with 70 communities that met to discuss the MERS problem, and she believes he called the failure to fund the unfunded portion of MERS for cities a clear and present danger to governmental services and the communities that were at that meeting were on the financial trajectory in the next 3-5 years of becoming insolvent. She further stated he also said there are plans to require any new revenue sharing to go to retiree debt. City Manager Ladner stated that is for the City of Port Hurons plan. Councilmember Kurtzweil stated he said it is going to be a requirement by the State. If the State restricts use of the revenue sharing funds to go towards the MERS unfunded liability and that will be less money that we will be able to use in our budget. City Manager Ladner stated the 70 communities he met with was not a general call for anyone to attend. She further stated Port Huron along with 69 other communities are part of a class action lawsuit against the State of Michigan because of the decrease in revenue sharing since the economic collapse in the early 2000's. She stated we can join in on that lawsuit, but there is a fee and she can contact them to see what the fee will be if the City wants to join it. Councilmember Kurtzweil stated those are options, but this is about MERS. She further stated the Brighton City Manager stated there is no easy answer, and we will have to make some hard decisions, and they have already reduced staff costs and employees are now contributing 5% to their pensions and there are unfunded capital improvements. She further stated there was another article in the Detroit News that says the first solution will be to force governments to pay the required contributions and this will be tough for struggling communities but if they don't deal with it now, they can face insolvency. She further stated she will be paying attention to this, and would like the City Manager to see what other communities are doing for this issue. Councilmember Kurtzweil asked what is our unfunded liability. City Manager stated she doesn't know the exact number without looking

up information. Councilmember Rzyzi stated he recalls it was approximately 2.7 million. Councilmember Kurtzweil stated it is probably closer to 5 million. City Manager Ladner stated she doesn't believe it is up to 5 million. Councilmember Kramer stated if we get out of the defined benefit, we would have to pay it in full. City Manager Ladner stated to get out of the defined benefit we would. She further stated we have another option of creating a new defined benefit with a lower multiplier and a higher employee contribution that we could create for new employees. She further stated any new employees would go into the new group, the current employees would stay in the original defined benefit. She stated this would reduce the amount of unfunded liability because you wouldn't be adding new employees to that group. She further stated she is working to increase the employee contributions for the unions and all other employees. City Manager Ladner stated that benefits the employees as well. Councilmember Kurtzweil stated she is bringing this up because this is a big issue, and she spoke with someone that brought up a good point. He stated if communities don't deal with this issue, it will be so expensive, and that community will be outraged with the employees, not at the Councilmembers, but they will take it out on the employees because they didn't fund their own retirement as the private sector does. She further stated the anger will be misdirected and we need to make a responsible decision how this can be taken care of. Councilmember Kramer stated we have been dealing with this for 3 years, and the problem is the numbers we are getting is from MERS, it is to the point we would have to hire someone to challenge the numbers to see if the numbers are correct. He further stated we would have to have a vote from the community to get out of the MERS as well, there were some strict requirements involved. Councilmember Kurtzweil stated Lansing is handling this, as well as Oakland County so it must be possible to get out of it. She further stated Brighton, and Kalamazoo have found ways to move forward with this. Councilmember Wedell stated we also don't know the situation with Kalamazoo. Councilmember Rzyzi stated we don't want to be in a mess in 20 years when we have to ask the State to help with this. He further stated this has always been an issue, and he made that clear to the previous City Manager, and he recalls asking City Manager Ladner if she can help with this during her interview and she said she can lead us through this. He further stated we need to find out what that number is and fix this, because this isn't going away. Councilmember Kurtzweil stated regardless of how you feel about the President Elect, we have to watch CNBC and the stock portfolio because something is beginning to happen and time will tell, but if they are correct, we are looking at the GDP going from 1.5 to 4.5 or 4.6 and that would be this year alone. That kind of growth along with the employment market that is beginning to grow and stabilize means that now is the time to issue bonds and we will have rising values and a broader base to support a millage to pay this off. We have to begin to look at it now, because we have to time it economically because this may be that window when a final decision can be done. Councilmember Kurtzweil stated she read that Novi is getting a grant for their new trail access point near 9 Mile and Garfield for \$402,000 and totaling more than \$47.6 million coming from the Michigan Natural Resource Trust Fund, and why isn't South Lyon gaining any of that money. She further stated she attended a Lyon Township meeting and they are beginning to put ballfields in Atchison Park, as well as developing the park land on Milford Road. She further stated we need to be competing with these other communities. City Manager Ladner stated we are competing, but the primary issue we had was that we had to have the Parks and Recreation Master Plan approved before we could apply for State grants. She further stated the next grant cycle is in April, and they are working on that for Volunteer Park and we are working on fundraising for Phase 1 of Volunteer Park. Councilmember Kurtzweil asked if Attorney Wilhelm has been able to solve the issue of the Economic Development Corporation and if it is even in existence. We had a Plante Moran audit that referred to an entity that she cannot find that it exists. Councilmember Kurtzweil asked if we have a final opinion on the advertising at the car wash. City Manager Ladner stated she has been giving the information to the Code Enforcement Officer and we

should be at the point where we are writing tickets. City Manager Ladner stated the Sign Ordinance states that an electronic sign cannot advertise for an off-site business. Councilmember Rzyzi stated he is somewhat torn on this issue because it is a local business and he doesn't want to restrict a business, but he gets complaints from many people about it, and it is an obnoxious sign and he is not following the Ordinance even after being warned, and he doesn't understand why we aren't doing anything about it.

Councilmember Kurtzweil stated she has been researching the Minutes of South Lyon City Council. She further stated there was a closed session in February of 2015 and it was regarding purchase of real estate property. She stated there are two options, you either buy it or you don't. She further stated there is not a decision listed in the minutes. Councilmember Rzyzi stated he remembers that and we decided not to purchase the property, and all decisions must be made in open session according to the Open Meetings Act. City Manager Ladner stated it is not a violation if Council discussed something in closed session, but didn't take any action on the item. Attorney Wilhelm stated he will gather more information and get information for Council. Councilmember Kurtzweil stated there also needs to be a roll call vote when going into closed session, and this was not done on the February 9th meeting. City Manager Ladner asked if we are on Council Comments, or the City Manager's report. She stated we seem to have two sessions when Council makes comments at each meeting and dragging the meetings out for staff, Council and the residents, when it can be handled all at one time during Council Comments. She stated she is under the impression that the Managers report is for the City Manager to update everyone on the City, it isn't open for anyone to comment on random things. Councilmember Parisien stated this reflects why we need a refresher. Councilmember Rzyzi stated we don't need a refresher, now that it is clarified, if it relates to the Manager's report Council can ask questions, but if it refers to someone else, we can ask questions during Council Comments.

COUNCIL COMMENTS

Councilmember Kivell asked about the Van Oyen property and the problem with the permits. City Manager Ladner stated originally, they didn't have the proper permits when they began the work, but they did get the proper permits in November. Councilmember Kivell stated this began as a clean-up project and it has now become a complete transitional thing. He asked if we have the ability to require them to continue the sidewalk in the front of the building. City Manager Ladner stated we don't have any requirements to require them to do that. Councilmember Kivell asked if the City Manager can look into that. Councilmember Kivell stated he is glad the State is taking back the responsibility for the ADA waiver. He stated he was worried the City would be exposed to the potential of giving a waiver and giving someone an opportunity to use it to make a point of it and expose the City to real jeopardy saying they aren't in compliance and the City approving that.

Councilmember Parisien asked if the problem with the trash that was overflowing in town near the Tavern has been resolved. City Manager Ladner stated the trash was picked up by GFL and they even picked up trash that was not in the dumpster, and it is her understanding it has not been an issue since. She stated there has been a lot of discussion with the businesses that use the dumpsters in the area that they need to take better care to ensure they are getting the trash in the dumpsters, not around it. Councilmember Parisien stated the smell is horrible in the summer time. City Manager Ladner stated they suggested the businesses to have a garbage pick-up twice a week as opposed to one.

Councilmember Rzyzi stated since we are revisiting Roberts Rules of Orders, one of the things he began revisiting is the closed sessions. He stated last year he felt we needed to reduce the number of closed session meetings. He further stated on February 11th, 2013 there was a closed session to discuss legal

opinion regarding utilities pursuant to 8(h) of the open meetings act and he doesn't feel 8(h) applied because it isn't exempt from discussion or disclosure by the statute. He further stated he won't get into specifics, but there was a decision made, but it was not put on the record and it was not voted on. He asked Attorney Wilhelm to look at the minutes of March 11th, 2013. Councilmember Rzyzi stated subsequently we received a follow up email from Attorney Wilhelm on February 22nd 2013 and he will not share the email, but it is clear the steps we were going to go through. Councilmember Rzyzi stated we had another closed session on February 25th and we did put the decision on the record but it is very vague, and it didn't really apply to what they made the decision on. He further stated his point is there have been many times in the minutes that we haven't put on record the necessary roll call votes and if we have it doesn't apply to what was discussed in an appropriate way, and with that being said we need to work on that going forward. Councilmember Rzyzi stated he tried to discuss this at the November 28th meeting but he was shouted down and he wants to get his explanation regarding the City Attorney 61% raise to the public. He stated prior to 2015 we had a monthly retainer for \$6250.00 and under that everything was covered except for a small amount of things such as personal, employment matters and tax tribunal issues. He stated that is \$75,000 a year, and that was for the most part what we were paying. He stated the issue was the Johnson Rosati Firm realized they were using more hours than what was quoted in the RFP process and they wanted to move from a retainer based to an hourly tiered structured where it is billable by the hours and the actual dollar amount goes up as the number of hours increase. His solution at the time was to decrease the number of hours spent by the City Attorney, and monitor closely where we are spending our time, to not rely on him as much, as well as sending out for an RFP. He further stated that was laughed at. He stated then there was a committee formed which included himself, Councilmember Wedell, and Councilmember Kivell. He further stated they discussed this, and one of the suggestions were to increase the retainer from \$6,250 to \$8,625 with a sliding scale which would increase as the hours went up and to 140 hours. He further stated during the meeting Councilmember Kivell stated that he had a proposal from Councilmember Kramer, and he has an email that says the above represents a 65.5% increase for the first year as opposed to the 84% increase proposed by Johnson Rosati. He further stated what this means is, originally 84% was requested, then a 65.5% raise, and the City decided on a 61% raise. Councilmember Kivell stated it is actually 44%. Councilmember Rzyzi stated at the lease increasing it from \$6,250 to \$9,000 a month, is a 44% increase but that doesn't take into account moving from outside of the retainer and anything over 80 hours is billed at a flat rate of \$135.00 an hour. He further stated it is going to fluctuate each month, but essentially it is at the very least 44% but sometimes it is as much as 80%. He further stated in addition to this huge raise, anything over 80 hours goes to the \$135.00 an hour billing, which means there is no incentive for the City Attorney to lower his hours, in fact the more hours he spends, the quicker he can go over the retainer limit and it is an alarming dynamic and he gets that this isn't unusual, but giving that we use to pay \$6,250 and now we are getting invoices for \$12,000 or \$14,000 it proves his point that we need to reduce our number of hours. Councilmember Rzyzi stated he has another comment that is disturbing, and there is Facebook or letters to the editor and this person goes by the name of Mo, and this person has been sending nasty messages on Facebook, and it is alarming. People are seeing a trend with this person. This person's history is she went after Mayor Wallace and it is bizarre behavior, and things are flaring up and people are asking him if this person is stable, and he wonders if this has anything to do with the crazy clown epic, someone told him there was a clown on Stanford. He just wants to tell the public not to panic, and hopefully it calms down and maybe Chief Collins can keep an eye on this. He further stated he looks forward to 2017 and wishes everyone a happy new year.

Councilmember Wedell stated we had the previous City Attorney for more than 30 years. He did a lot of shooting from the hip because he knew everything that was going on in the City and he wrote a lot of the

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legislation for the City. When it was determined, we needed a new City Attorney, we sent out an RFP. We were on new ground. He served on the committee that interviewed 5 different firms, and subsequently there was a contract between Johnson Rosati and the City. He stated they put a lot of time on that. He further stated after some time, Johnson Rosati came back to City Council and said this wasn't working. They were working more hours than what they should be doing and they wanted to renegotiate the contract. He further stated we renegotiated. He stated Councilmember Kivell, himself and Rzyzi served on that committee. He stated Councilmember Rzyzi made a proposal during those meetings and it was discussed, but was rejected. He further stated he spoke with Councilmember Kramer and he used some of the suggestions he had, and it rounded out an agreement between the City and Johnson Rosati. Councilmember Wedell stated there is more to the story than just that they got a big raise. It cost more and there were more services and more work than what was originally needed. Councilmember Kivell stated we were provided what other Detroit area municipal attorneys charge and they were still much lower than that. Councilmember Wedell wished everyone a happy new year.

Councilmember Kramer stated he would like an item on the next agenda regarding a discussion for a donation acceptance policy. He stated if we are going to accept donations, we need to verify what are the grounds, if we should accept it or not, and if we are going to accept donations, we need a policy, and if we aren't going to accept donations, it needs to be across the board. Councilmember Kramer stated as far as the City Attorney is concerned we have to remember that at a certain time there was a period of chaos for a good 6 months when the majority of Council fired the City Manager and there was a lot of work being done, and obviously, he was working over the retainer. We brought that on the City Attorney and the City. There was a lot of work that had to be done by the City Attorney because we didn't have a City Manager for a short time. We are still bringing more work for the City Attorney, such as all the legal research for the conflict of interest, which wouldn't be necessary if people would have spoken up. He further stated to have a discussion regarding the number of hours, we have to recognize we have an obligation to focus the City Attorney to work on City issues instead of issues what we bring onto ourselves.

Councilmember Kramer stated he was hoping we could start 2017 as we ended 2016. The last Council meeting was very productive and there was no finger pointing, and no one was being attacked. He is concerned that trend is now gone in a different direction, he hopes this year we can be courteous to each other, be productive and focus on the City and we don't have to keep bringing up there is an Election this year, when we have a full Council that wants to move the City forward. He further stated Councilmember Kurtzweil brought up some good points today and he isn't embarrassed to say that. He hopes people can focus on the City rather than themselves.

Councilmember Kurtzweil stated this will be an interesting Council Comment, she has a little bit of reflection and little commentary. She further stated she would like to thank Councilmember Kramer for recognizing the Council conducting themselves at the last meeting in a calm and courteous manner. She further stated he forgot to pat himself on the back. She doesn't think he understands how disrupting his temper is to everyone in the audience, the people that watch the videos, the people that seen the film clip on Channel 7 news, as well as the person sitting next to him. Councilmember Parisien talks about how she wants to improve City Council, but doesn't mention Councilmember Kramer's temper, because that isn't on her agenda. She further stated the last few Council Meetings have been good and they have been good because he has made a contribution, and his contribution has to do more with how this Council will operate in the future. She further stated just because you don't like what someone says, or you think someone is attacking you, she listens to what people say to her every day, and she controls her temper and

she walks out and finds another way to deal with it. That is one of the things we all need to work on, we need to work on how we treat each other. Everyone needs to be reflective of what they have done to create the problem. You don't get respect by not including everyone on your team. She further stated if you go after Councilmembers and attack them, you don't make them feel like they are part of the team, and what you do is alienate them. She further stated many Councilmembers have burned a bridge, and how they repair that is on them. Councilmember Kurtzweil stated when you lie to Council and lie to the paper about her, you will not repair that bridge for a very long time, and no rules of procedure will change that. What people are missing is the issue of the basic fundamentals of how people treat each other. If there is a battle to be fought, she will fight it and defend herself. Good luck to all of you, and she will come to every meeting and do everything the voters ask her to do. She will be very diligent and come forward with a platform for change, and she will advocate and if necessary she will banter. She further stated when she walks out of here she has another life. She further stated everyone on Council has not made her feel welcome, and that was their decision.

Councilmember Kurtzweil stated related to what Councilmember Rzyzi said about Facebook, she spoke with a lot of people over the holidays, and there is a person out there, she doesn't know the person or her name, or Maureen, or the Facebook people call her zoo monster, and she thinks there is a point to where people can attack people whether it is going into an Election or an issue people have, but when the hate mongering goes on for years, criminal profilers call that obsessive behavior. She further stated this individual has been after her for a period of time, almost since John Doyle was here, and you have to do two things. If someone goes after you for a period of time you begin to collect the evidence and put it in place with a 3rd party and that party becomes a person of interest if something happens to you. She further stated she would like to caution people what you put on your Facebook page because it becomes a paper trail that could become detrimental for them. Councilmember Kurtzweil asked if Department Head Martin knows this person. Department Head Martin asked why she would ask him that. Councilmember Kurtzweil stated someone told her he might know this person because he knows a lot of people in town. Department Head Martin stated he isn't on Facebook and asked who told her that and why. Councilmember Kurtzweil stated the other thing she tells people when there are people acting out towards you, do not engage them. Do not speak with them, do not respond to them, because you may say something and this person could flip. She further stated leave them alone, and let hate stand for what it is and hate equals unsafe.

Councilmember Kurtzweil stated a few meetings ago Department Head Martin made a statement about how late the meetings are going, and the City Manager made the same comment tonight as well. She further stated she has spoken with voters over the holidays and they heard his comments. They reminded her they didn't vote for Bob Martin, they voted for her, and they expect her to be at every meeting, to be prepared, to ask the questions for as long as it takes. They expect her to be thorough and to hold her ground as long as it takes. She further stated she will not rubber stamp anything on Council, she is going to stay and bring issues to the table and that includes not rubber stamping anything. She is sorry the meetings are being extended but the progress this City made in 2016 was phenomenal. She further stated she agrees with Bob Donohue, 2017 is going to be an explosive year for the City, but there are things that need to be solved and that isn't going to be completed in a half hour. She further stated this year we are going to see development in the downtown and she is hoping to get a million or two for Volunteer Park. Those types of things are not going to get completed by sitting here for an hour. She stated she attended a Lyon Township meeting last week, and she left at almost 11:00 and they still had 7 or 8 items on their agenda.

Councilmember Kurtzweil stated she noticed the agenda didn't include an appointment for Board of Review. She is hoping this is the last matter for the BOR. She further stated we have one more meeting until we violate the City Charter once again regarding BOR appointments. She stated she has looked through all the minutes from 2009, 2012 and 2013 and there were no BOR appointments made. She stated when John Doyle was Mayor, he was able to have all Board of Review Members appointments made. He managed his appointments very well and they were all in compliance with the Charter. She stated the investigation into the Board of Review last year clearly reflected it was in need of a make-over but, there are now problems with Council violating the City Charter by not having the appointments made. She stated how can Council censure her and say they thought she did something wrong, although they never looked at the evidence and then have violations of the Open Meetings Act and violations of the Charter. She further stated one of the things Council needs to do, is read the City Charter. We need to start with the basics and the basics are we need to understand what the Charter requires us to do. She further stated her advice is everyone has some work to do and we need to be careful who we attack because it will have consequences.

Mayor Galeas stated the word team has been brought up. He stated Councilmember Kramer has brought up some good points, and we all ran for an agenda to right the ship. He stated we have come a long way through 2016, but he doesn't like looking at the past, we can't get caught up in the past, we need to move forward. He further stated we need to do this as a team. We need to all represent ourselves better than we have in the past. He further stated he is trying to learn from what his constituents are telling him, and we need to stop attacking people. Mayor Galeas stated we have done some really good things, and we need to do a lot of grandstanding at times because there is so much stuff, but what comes out of this is we all want to do the right thing. We all need to take a look at what we are doing and hold ourselves accountable, and we need to treat each other differently. He further stated a lot of good has come but we have a long way to go. He hopes everyone pays attention and hold themselves accountable and not throw stones. He stated he is happy to be on this Board and we need to be better.

ADJOURNMENT

CM 1-10-17 MOTION TO ADJOURN

Motion by Kramer supported by Kivell

Motion to adjourn the meeting at 10:30 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor John Galeas

Lisa Deaton Clerk/Treasurer

