

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
March 13, 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
Council Members: Dedakis, Kivell, Kramer, Kurtzweil, Rzyzi and Wedell
ALSO PRESENT: Chief Collins, City Attorney Wilhelm, Deputy Clerk /Treasurer Pieper
ABSENT: City Manager Ladner, Department Head Martin, Clerk/Treasurer Deaton

MINUTES – February 27, 2017

Councilmember Wedell would like to amend his statement on the first page to read out of order. Councilmember Kurtzweil stated she would like to add the following statement on page 3, paragraph 2 (that starts with Carl Richards) the last sentence to be added Kurtzweil further noted that Wedell was out of order when he addressed Carl Richards at the public comment section of the agenda. She also added to section CM 2-5-17 at the beginning of the paragraph: Kurtzweil noted that Wedell was out of place when he spoke directly to a public speaker without first making a motion to suspend the rules. Kurtzweil than asked Deputy Clerk/Treasurer Pieper for a clarification to make sure that the notes were properly transcribed, on page 8 where it says Mayor Galeas called for a 5-minute recess, she would like to make sure that there was no motion to recess. Pieper advised that she would check the tape. Councilmember Kivell made a correction to the end of page 3, regarding the last paragraph concerning Dan Pelchat. The sentence reads ulterior and it should be alternative.

CM 3-1-2017 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Rzyzi, supported by Kramer
Motion to approve minutes as amended

Vote: MOTION CARRIED UNANIMOUSLY

MINUTES – MARCH 3, 2017 – SPECIAL MEETING

CM 3-2-2017 MOTION TO APPROVE MINUTES OF MARCH 3-6-2017

Motion by Kramer, supported by Wedell
Motion to approve minutes as presented

Vote: MOTION CARRIED UNANIMOUSLY

BILLS –

Councilmember Kurtzweil has a question on the bill that was paid to Dykema Gossett, for the amount of \$2,371.20, asking for clarification if this is a final bill for all the incredible services we received from Dykema Gossett on the conflict of interest issue or if that is just his first bill? Kurtzweil goes on to question the payment of sidewalks by the residents on the revenue financial statement. She questions the original budget of \$20,000 for the sidewalks and the available balance of \$20,000. Stating that she thought that at the time of the Special Meeting that Council had, the \$20,000 was already used up, and she does not see that notation. Kurtzweil again goes on to say that it was her understanding that individuals in the community were paying for half of the cost to have the sidewalks repaired. So if that is the case, then where is the revenue showing on the revenue statement for those homes that kicked in to have their sidewalk replaced. She is just requesting a clarification on how we are documenting this and can if we can get to it in two weeks, this is not an emergency. Councilmember Rzyzi stated that he would like some detail on how many sidewalks have been fixed and what houses were done. Rzyzi goes on to state that he continues to have a concern for the attorney invoices and until he receives re-assurance that we are getting a fair deal and have something in place to control those hours, he will be not be approving the invoices from the Johnson Rosati Law Firm. Councilmember Kivell asked Attorney Wilhelm for any insight on the final payment for Bricco. Wilhelm stated he does not.

CM 3-3-17 MOTION TO APPROVE BILLS

Motion by Kivell, supported by Wedell

Motion to approve the bills as presented

VOTE: MOTION CARRIED 1 OPPOSED

AGENDACM 3-4-2017 MOTION TO APPROVE AGENDA

Motion by Kramer, supported by Wedell

Motion to approve the Agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Ryan Lare of 716 Grand Court stated that he has been a resident for 16 years and coming to the microphone brings him no pleasure at all, but for justice to the residents, he feels he must speak in regards to the conflict of interest, regarding the attorney and regarding Councilmember Kivell. He goes on to state, in his opinion, that based on the outside investigation, voted upon by Council, Councilmember Kivell needs to resign his seat effective immediately at the end of the meeting tonight. The investigator found you had a financial interest and you didn't want to lose your job with Pullum Windows so you voted for the contract knowing you were safeguarding your job. He added the Councilmembers that voted to protect you, could be charged with obstruction of justice because they didn't allow a criminal investigation to be investigated. He further stated the 3 members that voted no was Councilmembers Parisien, Mayor Galeas, and Councilmember Wedell, and he wanted to thank Mike Kramer and even

3-13-2017

though he is friends with certain people on Council, he agreed a criminal investigation should be done. Mr. Lare also stated as for restitution you should owe the entire bill, the taxpayers shouldn't have to pay for the investigation.

Carl Richards of 390 Lenox gave an update to the damage done by the wind storms that we have had in the last week. On a positive note, we sustained a minor amount of damage at the Historic Village, one of our biggest trees blew over. We also lost a few trees at McHattie Park. He goes on to state that we have one week left before Spring gets here and he guarantees that the sap is running in our Maple trees up at the north end and east end of town.

John Hogan of 987 Oak Creek Drive stated that he started watching the City Council meetings over the past couple of months, and after the last meeting on February 27, 2017, it was really just too much. He goes on to discuss two of the City Council Members and their accusations toward the City and its employees of purposely sending fraudulent water bills and participating in a cover up. He goes on to say that there was no actual fact-finding of what happened and no specific questions were asked of Department Head Robert Martin or city employees prior to the February 27, 2017 meeting. Information was based on old videos and Facebook. Hogan then refers back to the Council meeting of January 23, 2017, to again show the false accusation of a "cover-up" made by a Councilmember regarding the breakdown of the video equipment, and how an individual felt the need to step forward to state facts regarding the equipment breakdown. These facts could have easily been provided if anyone had taken the time to ask. He then stated that it has been his observation that two City Councilmembers have no intention of working with the other Councilmembers or City officials to move this City forward. They are more interested in making grandstand speeches and headlines for the paper. Mr. Hogan goes on to thank Department Head Martin, the entire team at the DPW, and to the other City employees. Further thanking Martin for his dedication, passion and positivity for the city. And to the other City Councilmembers, he hopes that they will not give up and continue to move things forward.

OLD BUSINESS

1. Presentation of updated and revised information regarding renewable energy installation at WW Treatment Plant

Corry Bala from Superior Renewable Solutions, returned with additional information regarding the renewal energy project. The new numbers for the system they are looking in to would cost \$685,000. He goes on to discuss the financing programs and over the course of 25 years, which is what the panels are warrantied for, they would be saving the City \$761,000.00. Councilmember Parisien questions if there are any known grants available or if any other communities or states have offered their communities grants to install solar panels. SRS owner Chris Yuko advises that there are no grants and refers to the financial structure on the third page of their handout. Parisien goes on to state that she has been doing some research on this subject, and feels this is the way of the future and it is an attractive offer for the City of South Lyon. Councilmember Rzyzi questioned the numbers that are presented and how they are calculated. Yuko clarified that this is not the actual breakdown of the contract, this is still an estimate. Rzyzi goes on to say that he doesn't feel that this would be that much of protection of the environment. Rzyzi states that because we know you, this is a conflict and we need to get other bids. A proposal needs to be put together without costing anything and presented to Council. Councilmember Kivell stated that

he likes the idea, but he feels it will be a competitive circumstance. Mayor Galeas stated that in the long run, if you are going to save money, he doesn't see a problem with trying to do something out front. Bala goes on to explain that the soft cost of \$3,000.00 will allow them to move forward to see if it would make sense to put a contract in place somewhere in the future. Councilmember Kurtzweil states she is all for green energy, she is not opposed to the technology; she is opposed to the timing. To the best of her knowledge the Water and Sewer Department is operating at a loss and has been operating at a loss for years. I don't want to incur any more long term debt with the sewer and water department. At this time, in the City's financial budget, she has not seen evidence that the budgeting process for the finances are strong enough to absorb another long term debt program. The water and sewer department needs to get their rates under control, so they are covering their operating expenses. Until that department operates at a break even... they have to get out of the whole. We have a general fund that has lost 2.4 million in the last few years. There is a civ operating in this budget. Someone has to stick that finger in the dyke. It is not fiscally responsible at this time.

Councilmember Kramer goes on to discuss the financial savings, and would like to see it from the city side to take a look at more numbers and make a comparison. Councilmember Wedell stated that if we go to a project of this size, we are going to have to do it through an RFP, and if we seed your research put together, that will be a big leg up for your firm. Councilmember Kurtzweil adds an additional comment regarding monopolies and states that she is not convinced that the long term business model is going to provide a benefit to the residents of the City. When the electric company notices that the electrical usage has gone down in this area, there will be a rate increase. Councilmember Rzyzi stated that he doesn't think Council would have given this 2 meetings and this much consideration if it wasn't for knowing Corry and trusting him. This is a big commitment and he doesn't feel that it is something that we should entertain and he will not vote for the motion to sign a letter of intent. Councilmember Parisien followed up saying that she would argue that this is fiscally responsible because South Lyon does have some budget issues and if in the long run it's going to save us anything then that's in the benefit of the taxpayers and they come first. She than stated, what are we leaving for South Lyon? Every single day it's just getting worse and worse when it comes to emissions and landfills, for the future of South Lyon, why not make it healthier for our children and the generations to follow. She stated that she fully supports having other bidders. Council goes on to discuss RFP's, the letter of intent and needing City Manager Ladner and Department Head Martin to weigh in on this.

NEW BUSINESS

1. Consider approval of licensing agreement with Fibertech (Lighttower Fiber Networks)

Attorney Wilhelm stated Fibertech has existing tele-communication facilities within the Cities right of way and they are proposing to install 3 DAS (Distributing Antenna System) nodes which are excluded from the Metro Act. This license agreement is modeled on the Metro Act and the Metro Act Permit and would provide them with access to the right of away and the ability to maintain those structures within the right of way. Wilhelm then refers to the packet, Exhibit A through D. After dealing with the Fibertech representative today, Wilhelm stated he is agreeable to take the suggested motion condition, item 1B, regarding the overall height for new and replacement poles being 51 feet, we would add that language verbatim to Exhibit B and that would go along with the specifications. Councilmember Rzyzi questioned if we could pass this with removing Exhibit D? Wilhelm agreed to eliminate the city-owned references to Exhibit D. Mayor Galeas confirmed that this agreement is for all city owned poles. Councilmember

Kramer questioned if Fibertech is negotiating with DTE for the use of the poles? Wilhelm confirms that he has a copy of the Pole Attachment Agreement. The City will not incur the charges and the poles are mini cellular antennas.

Wilhelm stated the second component would be to approve this type of agreement with any other company that comes in with something similar.

CM 3-5-2017 MOTION TO APPROVE THE LICENSE AGREEMENT FOR ACCESS TO AND THE USE OF RIGHT OF WAY FOR DAS ANTENNA'S AS PRESENTED WITH THE 4 CONDITIONS IN ADDITION WE WOULD REMOVE THE CITY LANGUAGE IN EXHIBIT D AND WITH THE CORRECTION OF SOUTH LYON INSTEAD OF FARMINGTON HILLS AND THE DATE IN THE ACTUAL CONTRACT

Motion by Kramer, supported by Kivell

Motion to approve the license agreement for access to and the use of right away for DAS Antenna's as presented with the 4 conditions. In addition we would remove the city language in Exhibit D and with the correction of South Lyon instead of Farmington Hills and the date in the actual contract

DISCUSSION

Councilmember Kurtzweil asked the City Attorney about the antennas and if there is any health consequences to the frequency that is being emitted from then given DTE's recent history with technology and that issue. Wilhelm stated he presumed so, but he did not have the answer to that, he stated that issue is raised under state and federal law regarding wireless communication.

VOTE: MOTION CARRIED – 1 OPPOSED

CM 3-6-2017 MOTION TO APPROVE THE LICENSING AGREEMENT FOR ACCESS TO AND USE OF THE RIGHT OF WAY FOR DAS ANTENNAS, SUPPORT STRUCTURES AND EQUIPMENT AS A GENERAL FORM FOR USE WITH OTHER TELECOMMUNICATION PROVIDERS

Motion by Kramer, supported by Kivell

Motion to approve the licensing agreement for access to and use of the right of way for DAS Antennas, supported structures and equipment as a general form for use with other telecommunication providers

VOTE: MOTION CARRIED – 1 OPPOSED

2. First reading of Ordinance to Amend the Official Zoning Map of the City of South Lyon Conditionally Rezoning 500 Stryker Street – Parcel No. 21-29-176-012 from R-3 (1-Family Residential) to I-1 (Light Industrial)

Carmen Avantini, CIB Planning, explained the history of this property and on the applicants prior to purchasing. He goes on to explain that the applicants came to the Planning Commission and discussed the options for this property and the potential uses in the district. The Planning Commission recommended that they look at a Self-Storage Facility. Avantini stated that the applicant did follow up on
3-13-2017

that and they put together a conditional re-zoning request, meaning that if Council approved this re-zoning; it can only be used as a Self-Storage Facility, not all of the other uses are permitted in an industrial zone. They will meet all ordinance requirements for screening, and this will also go back to the Planning Commission for final site plan review and approval.

Councilmember Kivell questioned the number of hydrants needed in this space. Fire Chief Kennedy explained that they have not seen the official site plan yet. Councilmember Kurtzweil discussed with the new owner some of her ideas and opinions for the buildings. Councilmember Ryzyi stated that he recognized the Schovers name and made sure this was not considered a conflict.

CM 3-7-2017 MOTION TO APPROVE THE FIRST READING OF THE ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SOUTH LYON OFFICIALLY REZONING PARCEL NO. 21-29-176-012, ALSO KNOWN AS 500 STRYKER STREET, FROM THE R-3 DISTRICT TO THE I-1 DISTRICT

Motion by Kramer, supported by Wedell

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider approval of a contract amendment and extension with Safebuilt

Attorney Wilhelm stated in light of City Manager Ladner's absence, he will explain that due to the recent retirement in the building department, there is an opportunity for Safebuilt to provide some services. Dennis Smith, Safebuilt Building Official, stated that this will extend the contract between the City and Safebuilt for an additional 3 years and it allows for the Permit Tech position that is currently vacant to be more of a permanent operation for the City with one of Safebuilt's employees. Building Inspector Smith stated that nothing else changes, service rates, percentage fees, no other changes. Councilmember Kurtzweil stated that she would like to see a cost benefit analysis to make sure that this is what we should be doing. Kurtzweil also questioned Wilhelm if he had had a chance to speak with Ladner about this. Both Wilhelm and Smith confirmed that Ladner was for it.

CM 3-8-2017 MOTION TO APPROVE THE EXTENSION OF CONTRACT AND ADDITION OF THE PERMIT TECHNICIAN FOR THE 3 YEAR CONTRACT PROVIDED

Motion by Kivell, supported by Kramer

Motion to approve the extension of contract and addition of the Permit Technician for the 3 year contract provided

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider adoption of Naming Policy for Parks and other City owned and operated facilities and related form

Councilmember Ryzyi stated that he would assume the Maddie Doty Field would be grandfathered in. He next questioned the financial contributions and what the trigger point for understanding how the

contributions would be exempt. He also added that in his personal opinion, there should be some sort of leeway for Council to have some sort of say if we want to take it upon ourselves to make our own dedication. He also added that Lynne had brought up a good point regarding a registry for this policy. Rzyzi stated that he would like to see this go back to Park and Rec and take these suggestions under consideration.

CM 3-9-2017 MOTION TO POSTPONE THIS DISCUSSION TO THE NEXT MEETING SO THAT COUNCIL CAN HAVE THE DISCUSSION WITH PARKS AND REC AND OUR CITY MANAGER

Motion by Kramer, supported by Kivell

Motion to postpone this discussion to the next meeting so that Council can have the discussion with Parks and Rec and our City Manager

VOTE: MOTION CARRIED UNANIMOUSLY

5. Update on proposal and status of discussion related to a School Resource Officer (SRO)

Councilmember Rzyzi abstained from this discussion as his wife is on the school board.

Police Chief Collins stated due to the absence of City Manager Ladner, he will offer some comment.

Collins stated that the school district would like to re-institute the School Resource Officer program for the South Lyon High School and South Lyon East High School. Lyon Township is open to this and they have already brought an additional Deputy aboard. Collins stated that the only way we can do this is to bring another officer aboard filling one of the two existing vacancies in the Police Department. He then referenced the financial models listed in the council packet. The Police Department is very interested in putting a School Resource Officer back in South Lyon High School. Councilmember Kramer asked if we had any idea of the agreement between Lyon Township and the Oakland County Sheriff Department. The discussion continued regarding the budget and the current procedures that are in place. Councilmember Wedell questioned if there are any other communities that have kids at South Lyon High School that are not in South Lyon? Collins said there are, but he does not have the current numbers.

Councilmember Kurtzweil stated that it is her understanding that the school district has issued a bond of \$60 million. Kurtzweil stated she would assume that some of that bond money went towards upgrading security provisions and accommodations in all the schools. Kurtzweil does not see where the need has been demonstrated. Nobody has justified the expense. Mayor Galeas stated that times are changing and having a police presence there may detour things from happening. Councilmember Kivell compared the procedures between a SRO Officer and a patrol officer. Councilmember Parisien stated that having an officer on duty and seeing an officer there makes a huge difference. There are a lot of drug issues coming from our young generation.

DISCUSSION – DOWNTOWN

Economic Development and DDA Director, Bob Donohue asked Council if they had any questions for him. Councilmember Kramer stated he has spoken with a member of the Ferndale Planning Commission and went on to explain that the City of Ferndale had someone come in from U of M to teach a course on the benefits of the tax abatements and how to recoup the most bang for your buck. Kramer offered to get

the information from this individual and to pass this on to Donohue. Councilmember Kurtzweil questioned when the Façade Grant will be prepared for Council and how much he will be looking for. Donohue advised that he will be ready by the next Council meeting and he is looking for a total of \$50,000, \$45,000 for Facade Grants and \$5,000 for sign grants. He added that this is a follow up from the City Manager from last August. Kurtzweil stated that this is clearly a very good program, after speaking with some City Managers that have used this program and it is unbelievable the changes that happen. Kurtzweil discussed that it is time for an investment in the downtown area. She will not be approving anything that has come up tonight my vote is going toward this, the Downtown. Kurtzweil questioned Donohue about getting lights in the trees in the downtown. Donohue goes on to discuss a few ideas that he is discussing with the DDA and the cost. Kurtzweil also questioned if a Zoning Map has been sent over to the Chamber. Councilmember Rzyzi thanked Donohue for the work he is doing not only in the downtown area. He went on to say that we need to keep the focus on the downtown and asked if Donohue has a budget for himself and if he can get it ready to be added to the budget. Donohue stated that he has put his whole career in to downtowns and he is entering his 39th year, and a strong downtown will definitely stabilize and increase the tax base of the community. Councilmember Kivell questioned if there has been any further action taken regarding the poles for banners. He also asked if a building owner makes improvements to their façade only, will this raise the value of the building. Donohue was able to question Mary Ricci of Oakland County Equalization and she said no, façade only would not immediately trigger an assessed value increase. Donohue references his first year action plan for the Economic Development/DDA Director and passed out a copy of his work so far. (Copy added to the minutes)

MANAGER REPORT

Councilmember Kurtzweil asks if Lynne has signed the amendment to her employment contract, and that maybe this should be added to the agenda for the next meeting. She would like to set a review time period for the City Manager. Also, she questioned if the City is required to have a functioning construction board of appeals. Attorney Wilhelm commented that we do have one, we do have members and we may have to appoint new members. Safebuilt representative Smith addressed Kurtzweil's questions, we do have a construction board of appeals, and their regulations and by-laws are governed by state statutes, and he will provide a copy to Council. Councilmember Rzyzi questioned if there any updates on MERS.

COUNCIL COMMENTS

Councilmember Kivell discussed the recent power outages and wondered if there were still neighborhoods without power. He is grateful that it is over as we round the last wave of snow coming through.

Councilmember Parisien thanked Mr. Hogan for taking the time to come in tonight. It's important to hear resident's feedback whether good, bad or ugly. She stated that he has brought up a very good point and that the employee morale is down. Parisien has visited with various departments and everyone is doing a great job, all of our employees in South Lyon work very, very hard. She went on to say that she can't speak for everyone on Council, but she did express her apology to all of our employees in South Lyon and if they feel that they are being attacked at all, that is not the case and sincerely sorry and thank you for all that you do for South Lyon. Have a happy and safe St. Patrick's Day.

Councilmember Rzyzi stated Council has decided not to take any action on the fraudulent water bills. Thank you Mr. Hogan for coming in and I think it is wonderful that you came up to speak and let us know some feedback. I appreciate what you said in your defense of Bob Martin, Bob should be defended, he loves his community and he's been a staple. He clarified that in regards to the facts on the water bills, it was happening, it's done and I'm glad I brought it to attention. Bob gave his word, I believe him and it's not going to happen again. It was not meant to be an attack on the Water Department. Rzyzi stated that he believes there is a benefit to Facebook, it's popular and he will not stop posting on Facebook. Rzyzi stated that in regards to the letter that the Mayor sent to the City employees, he is not embarrassed by his actions on Council. Instead of an apology he ends by offering a thank you. Thank you to all City Employees, all our Contractors and then went on to thank all staff and department heads that were attending the meeting. Thank you for listening, and he will continue to ask the tough questions.

Mayor Galeas stated that he wanted to clarify the contents of his letter. Not only did he apologize for the body of the Council, he also thanked everyone without expecting anything back. This was based on comments that have been made to him. The Mayor went on to say that when people go on to do something right, they should be acknowledged for it. Galeas went on to say that he met with the Superintendent from the Township and they had a great conversation and talked about when they had a meeting years ago and they discussed maybe it was time to have another one.

Councilmember Wedell said he would echo Mary's comments and drive carefully on Friday.

Councilmember Kramer stated that he will not be at the next meeting.

Councilmember Kurtzweil stated that he would like to respond to John Hogan's comments also regarding the water bill matter. She went on to say, John you have known me for a long time. I'm not changing for you and I'm not changing for anybody, and I'm not changing for anybody on this Council. That's the bottom line. I am an advocate. That's who I am, that's who I will always be. I will never protect an employee or a department head that deliberately sends out false information to a taxpayer. It's not going to happen on my watch, that is not why I was elected. So if you are looking for someone to sweep things under the rug, vote for a different candidate. That's not why I was elected. As long as my facts were straight and right that's all I really care about. She goes on to say, that she had a talk with Plante Moran today and she is not going to discuss that conversation, except that she finds it highly unlikely that they have any other community where this activity has gone on. I think the business model that you are advocating for, to call somebody on the phone, is the business model that flies in the face of transparency of governmental services. Which I support, I don't avoid. So, I respect your position in possibly quietly handling this matter, but the silence is not anything I will accept. Additionally, Kurtzweil went on to say that she had the opportunity to speak with individuals in other communities regarding this matter and was dismayed to hear what she heard from other communities as to what their reaction would have been had they found out the same information. Kurtzweil goes on to address Mr. Hogan and stated, I'm not going to apologize to you. I didn't apologize to you back when you were on the Chamber Board, and I'm not going to apologize to you now. Kurtzweil stated that March is Women's Month; it's a month where we honor women who have made contributions to the society in which we live. Tonight I would like to thank and honor Melissa Taylor, for coming forward on April 14, 2015, and reporting the City's use of

fraudulent water bills to get people's attention regarding outdated water meters. Her courage and her guts for bringing this to the city's attention has resulted in an obvious change in governmental practice. She has instilled in the City a renewed sense of moral character and importance of never breaching the public's trust. So to Melissa tonight, to the tax payer who came to the microphone a year ago, your efforts are dually noted and many people in the community thank you. Kurtzweil went on to thank Chief Kennedy and Chief Collins for your steady hand in the blackout. Extending the greatest amount of gratitude for everything you have done for the past 4 or 5 days.

ADJOURNMENT

CM 3-10-2017 MOTION TO ADJOURN

Motion by Kivell, supported by Kramer

Motion to adjourn the meeting at 10:35 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor Galeas

Judy Pieper Deputy Clerk/Treasurer

