

CITY OF SOUTH LYON
REGULAR COUNCIL MEETING
MARCH 27, 2017

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

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

Mayor Pro Tem Wedell stated Mayor Galeas notified the City Manager he is ill and won't be attending the meeting tonight, and Councilmember Kramer mentioned at the last meeting he would be absent due to being out of town for work.

CM 3-1-17 MOTION TO EXCUSE ABSENCE OF MAYOR GALEAS AND COUNCILMEMBER KRAMER

Motion by Parisien, seconded by Kivell

Motion to approve absence of Mayor Galeas and Councilmember Kramer

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Councilmember Rzyzi stated the public comments were very detailed of Mr. Hogan, but the comments made by Ryan Lare were not very detailed. He stated he would like to add a few comments Mr. Lare had made about Councilmember Kivell. The investigator found you had a financial interest and didn't want to lose your job with Pullum Windows so you voted for the contract knowing you were safeguarding your job. Also, he added, Mr. Lare stated 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 Mr. Lare said the 3 members that voted no was Councilmembers Parisien, Mayor Galeas, and Councilmember Wedell, and he wanted to thank Mike Kramer and even 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.

Councilmember Kurtzweil stated on page 3 on the last line, she wants to add, I don't want to incur any more long term debt with the sewer and water department. She stated on page 4 she wants to add, 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 hole. We have a general fund that has lost \$2.4 million in the last few years. There is a sieve operating in this budget. Someone has to stick that finger in the dike. It is not fiscally responsible at this time.

Councilmember Wedell stated on page 4, the 4th line down after the word RFP the sentence should read, if we seed your research that is put together that will be a big leg up for your firm.

CM 3-2-17 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Rzyzi, supported by Kivell

Motion to approve minutes as amended

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VOTE:

MOTION CARRIED UNANIMOUSLY

BILLS- None

Councilmember Kivell asked Department Head Martin regarding a final bill for Bricco and what prolonged the final bill from coming in. Department Head Martin stated the was the final payment for the DWRP. It took a while because the DEQ overlooked it, and they closed it out on their books, but it had to be forwarded on to HRC, then we met with them and Bricco.

Councilmember Rzyzi stated he has some questions regarding the Attorney's invoices. Councilmember Kurtzweil stated there is a previous balance of \$9,000 and this is a request to pay the outstanding balance therefore this should be the appropriate time to discuss this. Councilmember Rzyzi asked how we have a split balance, was this a split billing period. City Manager Ladner stated she would have to check with the bookkeeper but it could be that it is part of the retainer and it didn't get paid last month.

Councilmember Rzyzi asked if the \$12,562.73 includes this month's retainer. He further stated we used to pay \$7,500 in retainer, now we are saying we are paying \$12,000 or \$15,000 and it is a blank check, we have no control over what is being billed. Attorney Wilhelm stated the previous balance pertains to the January billing, and the current invoice includes two consultant bills that are approximately \$2,900 and that is included in the \$12,562.73. Councilmember Rzyzi stated the bill reflects on 2/9/17 there was a call with Kivell, and a call with Ladner regarding the investigation, then a few days later with Kramer regarding the agenda for the conflict of interest. Attorney Wilhelm stated that was to discuss the agenda, and I have any specifics without my notes in front of me. Councilmember Rzyzi stated between 2/17/17 and 2/24/17 there were multiple hours regarding Council rules, including a call with Chief Collins. Chief Collins stated he asked Attorney Wilhelm for a legal opinion on how to best deal with disruptions of public meetings. Councilmember Rzyzi stated 13 hours about changing Council rules, and he has no idea what this is about. He further stated on page 10, legal research regarding Council rules and enforcement, discussion with Police Chief regarding public meeting disruptions. Attorney Wilhelm stated he did some legal research to provide the Police Chief with an opinion, and there is a substantial amount that was not charged. Councilmember Rzyzi stated 13 hours is pretty extensive. He further stated on 2/18/17 there was a personnel matter, there are so many hours it is hard to see how much we are being milked. Attorney Wilhelm stated he objects to the term of milking the City, he further stated this is his billing for the hours that have been worked. Councilmember Rzyzi stated on 2/24/17 review for the investigation of the conflict. He further stated he shouldn't have been involved with the investigation because we hired an outside firm. Attorney Wilhelm stated you object to the City Attorney reviewing another attorney's opinion to be prepared to what may occur in the future of the City. Councilmember Rzyzi stated we hired an outside attorney because there was an appearance of bias. Attorney Wilhelm stated he was trying to be prepared for what may happen in the future. Attorney Wilhelm stated both bills are approximately \$9,000 and this is along the lines of what he has charged the City all along. Councilmember Parisien stated we are asking our Attorney to do a job, and asking him questions he needs to be prepared for, and to conduct legal research takes time, if he has Department Heads asking him questions, she expects him to do the research and assist them. We are not asking him to do anything other than the ordinary and research takes time. She further stated it is hypocritical of us to question his bills, when we are paying Dykema \$36,000 at the same time, she encourages our Department Heads to utilize our Attorney, he is our resource.

Councilmember Kurtzweil stated she is used to reviewing bills, and contrary to Councilmember Parisiens points, when we hired the wonderful firm of Dykema, the City Attorney's research should have ended. She further stated she is shocked to see we are still being billed for research on the conflict after it was turned over to Dykema. Attorney Wilhelm stated he has not billed for any time related to the

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investigation, that time was after the report was rendered, that is billable, legitimate time reading the report. Councilmember Kurtzweil stated on page 7, February 1st, February 2nd, both have dates you are billing the City for regarding the conflict of interest, and that was after we hired Dykema Gosset, and it was her understanding, it was a unanimous vote to hire them and remove Johnson Rosati from that investigation. She further stated she was shocked on February 20th and 21st there was discussion regarding changes of rules. Councilmember Kurtzweil asked Chief Collins if there was a particular target regarding disruptions of meetings. Chief Collins stated he was concerned with being prepared because of the tone of several different meetings and various individual, and instead of waiting for an event to occur he wanted to know what ordinances would be validly enforced and to minimize the potential liability of the City. Councilmember Kurtzweil stated while Councilmember Parisien is talking about hypocrites, there is research going on behind the scenes based on what someone perceives as a disruption during a meeting, nothing occurred when Councilmember Kramer interrupted with his temper, so to her this seems like a selective reason this is going on at this time. Councilmember Parisien stated Councilmember Kurtzweil was disruptive during that meeting, Councilmember Kurtzweil stated she was not. She asked Attorney Wilhelm if he revised the special resource officer contract. Attorney Wilhelm stated he did last week. She stated on February 12th the bill says the contract was revised. Attorney Wilhelm stated he began reviewing it on the 12th, then revised it last week. Councilmember Kurtzweil asked about the continued research for the Economic Development Corporation. Attorney Wilhelm stated he was researching to find out if it was dissolved, or if it needs to be. He stated he was able to find the amended articles of 1975. Councilmember Kurtzweil asked if he looked thru the minutes between 1980 and 1985, it would have been required for Council to approve for it to be resolved.

Councilmember Kivell stated the character assassination that continues at every meeting is discouraging and nothing constructive is taking place and it should stop.

Councilmember Rzyzi stated in 2015 we paid \$7,500 a month, now we are paying \$12,000 and \$15,000 a month and who else will question the bills and he would vote no on the bills.

AGENDA

City Manager Ladner stated she would like to add item #4, Consider the naming Policy for Parks and other City owned and operated facilities and related form postponed from March 13, 2017 meeting.

CM 3-3-17 MOTION TO APPROVE THE AGENDA AS AMENDED

Motion by Kivell, supported by Parisien

Motion to approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Abe Ayoub of 417 S Lafayette stated he is here to let everyone know they will be using Volunteer Park for the Easter Egg Hunt on April 15th from 10:30-10:45 a.m. and he is hoping that is ok, and would like to have this at the next meeting.

CM 3-4-17 MOTION TO SUSPEND RULES FOR DISCUSSION DURING PUBLIC COMMENT

Motion by Kurtzweil, supported by Rzyzi

Motion to suspend rules for discussion during public comment

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Kurtzweil stated this isn't on the agenda, so they can't take action on that, but she wouldn't oppose the use of the park. Council thanked Mr. Ayoub for bringing this before Council.

Judy Keeling of 62180 Arlington Circle stated she wanted to thank Council for the time they spent on the energy with the water department and renting the property to DTE is a great idea.

Carl Richards of 390 Lenox stated the Historical Society will be having two clean ups this year, one is an inside clean up in April, along with an outside clean up in May. He stated there are also two city wide cleanups as well, one is a creek cleanup and the city wide clean up. He further stated we need more volunteers. Mr. Richards stated the City was lucky we didn't have more storm damage, that was the worse winds he has ever heard. He stated we lost a couple of trees in the park, but they will be replaced with saplings this spring. He further stated there was very little damage in Volunteer Park.

Josie Kearns of 229 Lyon Blvd stated "Ups and Downs of Life" Poetry and short story reading will be on April 28th at Third Monk Brewing Company at 7:00 p.m. and everyone is invited. She further stated the A&E One Art High Schools art show will be from May 1st thru the 26th with the opening on the 3rd of May. She thanked Tammy Impullitti and Debbie Linford for their efforts. She stated there will be a t-shirt contest as well. Ms. Kearns stated they received a grant from the Michigan Council of Arts and Cultural Arts for the sustainable art and sound art. She invites all Councilmembers and anyone else that is interested. She stated we are doing a foray into the summer arts festival booth by doing one day with the cruise in on the last Wednesday in July. She wants to thank Ken Mihalic for his work on the incredible design on the t shirts and Linda Robinson for all their hard work.

Tedd Wallace of 115 Elm Place stated several people may not know, that the Witches Hat will now be open on Sundays, and we need volunteers to help show people around and discuss the history. It is a wonderful facility and the first Sunday it will be open is this Sunday, and no charge. The kids really enjoy seeing the old things and it is a case of seeing and believing and many people are amazed at what we have here in our City.

Joyce Clohosey stated she is here to run for 1 of 3 council seats that are up this November. She further stated Mayor Galeas invited her during a debate to run for Council and she wants to thank him because it was great advice. Even though we don't always see eye to eye, we both care a lot for the City. She stated she has good analytical skills and will help the new Council with making prudent governmental decisions moving forward. Three City Council seats are available for candidates that are interested in working with citizens, Council and City Departments, Commissions and the surrounding communities. Council and the community is searching for candidates that have a genuine commitment to public service and she is that candidate, she will not let the community down by breaching the public trust. On Council, she will critically evaluate the City's budget doing so with the goals of financial responsibility and protecting the taxpayers. She further stated she has concerns about the City's budget because there is more money going out than coming in and that is highly concerning. She has managed a retail budget for a business, she knows how to read a profit and loss statement. She has managed a medical business under budgetary constraints. This may be an uncomfortable concept for some people, but budgets are vital. She further stated she brings to the table a strong desire to prudently manage the City's budget with finances that are available. This philosophy not only important to the taxpayers, but is key to the City's long term financial stability. Ms. Clohosey stated her commitment to budgetary assessment and planning is essential for our taxpayers to have faith in our City, to be happy with our City and to protect Police and Fire services and protect retirement benefits. She will be responsive from input or our taxpayers, and

business owners. She further stated she will support downtown events, and she wants a viable downtown. She will work with the economic director and businesses to achieve success in the downtown not failure. She further stated there are already many people that are working towards these efforts. She values these people that add value to our community. To name a few she supports the Cable Commission as well as the Cultural Arts Commission. She stated South Lyon has a large senior community and she thanks them for their contributions and volunteer hours for our community, she would like to bring programming to the Senior Center such as the ones Novi has. She would like to work with our state reps in an effort to bring grants and assistance to that group of citizens. She further stated she would work to incorporate physical wellness and healthy living. We need to address physical and academic needs to those people. She stated the biggest reason she has decided to run is because she has heard from citizens that people feel the City blows them off and they don't feel heard. She said this is a very broad statement because the complaints have been very broad, and our citizens deserve to be heard. She stated she comes with an interest to represent the taxpayers, and tremendous support and she has been running for Council for some time, and tonight it is official.

OLD BUSINESS

1. Second reading of Ordinance to amend the official zoning map of the City of South Lyon conditionally Rezoning 500 Stryker Street- parcel #21-29-176-012 from R-3 (1 family residential) to I-1 (light industrial)

Attorney Wilhelm stated there are two parts to this, one is the second reading of the ordinance, as well as the conditional agreement with Raymond Schovers. Attorney Wilhelm stated there have been no changes since the first reading. Councilmember Kivell asked if the zoning would be amended back to the original if the conditional agreement isn't fulfilled. Attorney Wilhelm stated it would.

CM 3-5-17 MOTION TO APPROVE THE SECOND READING OF ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SOUTH LYON

Motion by Kivell, supported by Parisien

Motion to approve the second reading of the Ordinance to amend the official zoning map of the City of South Lyon conditionally rezoning Parcel No. 21-29-176-012, 500 Stryker Street from the R-3 district (one-family residential) to the I-1 district (light industrial) subject to the conditions voluntarily offered by the property owner which are set forth in the ordinance

VOTE: MOTION CARRIED UNANIMOUSLY

CM 3-6-17 MOTION TO APPROVE THE CONDITIONAL REZONING AGREEMENT FOR PARCEL NO. 21-29-176-012

Motion by Kivell, supported by Parisien

Motion to approve the Conditional Rezoning Agreement between Raymond Schovers and the City of South Lyon regarding Parcel No. 21-29-176-012 and authorize the Mayor and Clerk to execute the Agreement.

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider approval of final bill submitted by Dykema Gossett for services rendered during conflict of interest review/investigation

City Manager Ladner stated we have received the final bill from Dykema Gossett and it is due upon receipt for fees of \$35,963.50 and disbursements of \$55.10 for copies, scanning and printing.

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Councilmember Rzyzi stated he wanted to go back to what Councilmember Parisien stated about being hypocritical of Attorney Wilhelm's bills while paying this bill from Dykema. He stated this is not hypocritical because he did not create this mess, the people that voted for this did not create this mess. It was a unanimous vote. He further stated if our City Attorney would have done his job the first time, we would not have had to hire an outside Counsel to begin with. He stated our Attorney stated one thing, then changed his opinion. He further stated then Council looked at this again, and to avoid a bias, we hired an outside distinguished law firm. He stated that 7 misdemeanors occurred. The hypocritical thing to him is being a lawyer then voting to do nothing. He said this is no coincidence this is an election year. We have an instance where people vote to protect their friends, and now our taxpayers are stuck with this \$36,000 bill. Councilmember Rzyzi asked Chief Collins why there was no outside police action. Chief Collins stated the Police Department could do an investigation if someone walked into the department and filed a criminal complaint as was done by a Councilmember in the past. He further stated that case would have been a conflict of interest for the Police Department, therefore and they had to send it out to the Sheriff's office, he doesn't think there is a conflict in this case.

Councilmember Parisien stated she thinks this is somewhat hypocritical because we scrutinize Attorney Wilhelm's bills as much as we do, why aren't we scrutinizing Dykema as well. She further stated both firms are fantastic law firms, and when we hired them, we knew Dykema came with a hefty price tag, and we knew that as Council and we as Council made that decision. She further stated Councilmember Rzyzi ran for the platform of transparency for government and you just lied about what happened. Nothing wasn't done, we had the Mayor as well as Councilmember Wedell who voted for a written reprimand, she suggested they should suspend him, and that didn't have support as well. We need to put the people first. You need to objectively reflect on both sides of the opinions, and if people are listening at home please know the information on Facebook is only one sided, do your due diligence to find out both sides of the story. The South Lyon Herald did a fantastic job explaining what happened that night and what each Councilmember thought. She stated there are no friends on Council, we are here to look at the Charter, laws and look within reason at what is best for the City.

Councilmember Kurtzweil stated she wants to put some perspective on this invoice. She stated being a practicing attorney, her strengths are in transactional negotiation, settlement and research which includes research on both the federal courts and courts of appeals, she has a keen eye for research. She stated she vehemently disagrees with Councilmember Parisien. She stated she is not a licensed attorney, she needs to pass the bar, and she doesn't have the experience she has of 30 years of researching case law. Councilmember Kurtzweil stated she did scrutinize the bill and the research and this City has never seen a law firm with this kind of legal work that was presented. The Dykema Gosset attorney was thorough, detailed and not biased and objective in his discussions, in his analysis and in his conclusions. It was a far cry from the embarrassing and tainted investigation from Johnson Rosati. She stated she wants to explain why she believes the Johnson Rosati report was tainted. She stated this goes to the essence of research, transparency and providing Council good legal advice. She further stated a short time ago, she wrote a stinging letter to Tim Wilhelm regarding his research. She is glad she did, she has been thanked for the message that was delivered to Tim, and was probably her best writing. Councilmember Kurtzweil stated in the research Tim turned over to her there was a particular Attorney General opinion of 6151. She read the Attorney General opinion and read the opinion of Attorney Wilhelm, and she was shocked that his own research that appeared to indicate potential criminal liability was deleted, missing and not even referred to in his report. She further stated as an investigator herself, she asked why was this Attorney General opinion not mentioned in his report when it was in front of him. She stated she then read the Dykema Gossett report, and on page 16 there was that attorney general opinion that clearly

supported a finding of possible criminal liability. She stated that is when she knew she could not rely on the legal advice of Johnson Rosati. She stated their legal advice is deceitful and the research was not given to her, and when you manipulate what she sees as an elective official, she throws in the towel. The Dykema Gossett report and research shows they should be the attorney for the City of South Lyon, and Johnson Rosati should be terminated. She stated don't ever lie about research again. She further stated as to the payment of the invoice, Council had a choice to get restitution. She further stated if Mayor Galeas, Councilmember Parisien, and Councilmember Wedell had voted to move this into prosecution, Kivell could have made a deal and it could have included this invoice. That didn't happen, so now what happens is if Council doesn't come up with a solution the taxpayers have been fleeced. This Council didn't even think about the taxpayers, there is a different standard on this Council. There are different standards on this Council, for people have friends and for people that have enemies on this Council and the political favors will be paid back in the next 7 months. She then asked City Manager Ladner what is left in the line item for legal fees. City Manager Ladner stated there isn't enough for this invoice and the retainer.

Councilmember Rzyzi stated during the beginning of the meeting when he was questioning the Johnson Rosati bills, there were legal opinions, and there are games going on here. He stated you don't take the bait and he will not take the bait. There was a vote to take this to law enforcement and if you want to vote on a suspension, then make the motion.

CM 3-7-17 MOTION TO PAY DYKEMA GOSSETT INVOICE FROM LINE ITEM 826 OF THE BUDGET

Motion by Kurtzweil, supported by Rzyzi

Motion to pay Dykema Gossett invoice for \$36,018.60 from line item 101-200-826 of the budget

VOTE: MOTION CARRIED UNANIMOUSLY

Discussion was held regarding public comments during an agenda item. Councilmember Rzyzi stated past practice has been to allow the public to speak during an agenda item. Councilmember Wedell stated that is also when the Mayor calls for public comment on anything not on the agenda, that was not said tonight. Councilmember Kurtzweil questioned where did this rule come from, you are using a rule that doesn't exist. Mayor Pro Tem Wedell stated he is running this meeting and this is not up for discussion.

3. Consider adoption of Policy Statement- Use of façade grant funds in Historic Downtown Core District, Façade improvement and sign grant program document, Façade Improvement Grant Priority Policy, Façade Improvement Grant application and Sign Grant Application

Mr. Donohue asked if this could be tabled until the last meeting in April. He has found out it is illegal for the City to give grants and the money will have to be transferred to the DDA then they would have to approve it. Then we could bring this back to Council at the end of April. Councilmember Kivell stated he would like to have some discussion on this.

CM 3-8-17 MOTION TO POSTPONE THE FAÇADE GRANT POLICY AND APPLICATION UNTIL LAST MEETING IN APRIL

Motion by Parisien, supported by Kurtzweil

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Kivell stated the DDA should be the vehicle this is funded through, not the City. He stated they have 2 years left until the bond will be paid off. He further stated it is important for the DDA

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to look at all the programs they would like to have and the cost, and this should be part of their budget. The whole objective is for them to do this type of project.

Councilmember Kurtzweil stated she disagrees with that approach, that was the opinion of the Council in the past. She stated we need to restructure this and get it approved, and we should fund this and stop playing around with the downtown. The same things have been happening for years, we need to get this going, you already have people waiting for this program. She asked if the City is going to invest in the downtown, she is not in favor of this being delayed. This needs to be funded, and we need to get the program going and get the enthusiasm going. Mr. Donohue stated he has no intentions on delaying anything and cultural change takes time, and we have been working to train the DDA and we have brought in the Main Street program which will be a part of this and when the City allows it, we will be ready. Councilmember Kurtzweil stated she wants to make sure the facts are correct, if we approve this grant as it is supposed to be through the DDA and they sign the documents in April, we will have the ability to make funds available as of July. Mr. Donohue stated he has definite planning stages of 5 buildings which will be \$35,000. He stated 5 of the 7 buildings will be doing their construction this construction season. Councilmember Kurtzweil stated during the workshop it was not brought up that it had to be through the DDA. Mr. Donohue stated he wasn't aware of that. Councilmember Kurtzweil stated the attorney was there and he didn't say anything. Councilmember Kivell asked if there is a way this can be paid back from the DDA because this is general fund tax dollars that will be supporting the private property owners that we are amending. Is it allowable for the DDA to take a loan from the City? Mr. Donohue stated he doesn't think so, but he can find out. He further stated for the DDA to be the vehicle public act 169 designates historic restoration as a public prudence, which is why it is just the façade. Councilmember Rzyzi stated this shows we are busting at the seams of businesses asking for financial help, and there is an archaic type of thinking that if it is public property it is hands off for the City. He further stated the business owners pay a lot of taxes and to say this is taxpayer's money is flawed, because this will be them getting some back. The downtown belongs to everyone not just the business owners. We need to get this done quick. Councilmember Kurtzweil stated the shortsightedness that this is private property and we won't do anything. We aren't paying for the whole façade work, there is a certain amount of money available and there is a cap on it. She further stated the downtown is on life support and we need to get on board with this façade grant and move forward with a different model, because the model that has been used by the City doesn't work. She further stated this is a temporary economic incentive to get the ball rolling. She stated we need to do it this year because it is a small project for the DDA to work together with the businesses and you need to look at the interest rates. It is extremely favorable for the business owners to borrow money and take care of the façade work, why wouldn't we push them to do this now instead of when the interest rates go up in 18 months. Councilmember Kurtzweil stated we need to improve this downtown and get this moving.

Councilmember Kivell stated there continues to be discussion about our decrepit downtown. He further stated we have 6 new businesses downtown and the idea that our broke down downtown is a lark. We have had plenty of conversations, and Rich Rowe was willing to do their projects without this program, as well as the 115/117 owners. He further stated if he was not mistaken Andrea Phillips was going to add some trim to her building. He stated the idea we have business owners that don't want to improve their own properties is a lark. He further stated he isn't against this, but we need to find a more practical figure and in the early on discussions, he asked if there was budget money to do this without alleviating any of our other obligations and he was assured there was. Now it doesn't seem to be the case without using general fund and it needs to be more realistic. Mr. Donohue stated the business owners were aware of the façade grants when they began their plans.

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Mayor Pro Tem Wedell stated anytime a department head comes before Council to say they need to postpone to get the paperwork right, he will vote for that anytime.

4. Consider naming policy for Parks and other City owned and operated facilities and related form postponed from March 13, 2017

City Manager Ladner stated this was postponed from the last meeting but there was not a Parks and Recreation Commission member available to come tonight, therefore she is asking for it to be postponed again. Discussion was held regarding postponing this item to a definite date or to table until a future meeting without a definite date.

CM 3-9-17 MOTION TO TABLE NAMING POLICY UNTIL FUTURE MEETING

Motion by Kivell, supported by Parisien

Motion to table until a future meeting date

VOTE: MOTION CARRIED- 1 OPPOSED

NEW BUSINESS

1. Consider approval of Dispatch/Lock-up service agreement with City of Novi

Chief Collins stated we do this every 3 years with Novi and they have raised the cost each time around 2% increase. At this time, in discussions with the public safety inspector regarding costs of equipment, they are asking for a 5% raise in cost. He further stated dispatch services for Police and Fire the proposed rates for 2017-2018 will be \$122,090. He stated for 2018-2019 the cost will be \$128,194 and for 2019-2010 \$134,604. Chief Collins stated all of those numbers are far cheaper than we could afford having a lock up service and dispatch service on our own.

CM 3-10-17 MOTION TO APPROVE 3 YEAR AGREEMENT WITH CITY OF NOVI

Motion by Rzyzi, supported by Kurtzweil

Motion to approve the three-year agreement, as presented, with the City of Novi to provide Dispatch and lock-up services for the South Lyon Police and Fire Departments

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider approval of emergency expenditure for Fire Department radio repeater at water tower on North Mill Street due to critical failure following March 8th power outage

Chief Kennedy stated since the wind damage and the power outage on March 8th, we have had transmission reception issues. He explained how the radio repeater system works. He stated we use the 911 dispatch in Novi, which then transmits to the transmitter at 10 mile and Taft, then it kicks a transmission to our water tower. We have back-up systems which we have been using since then. We have a service contract with Cynergy and we have had the contract with them for 6 years. The service technician came out and it was in a complete state of failure, so we were relying on our backup systems, and he contacted City Manager Ladner and Lyon Township. He further stated this is a shared agreement with Lyon Township so we split the cost. He further stated he would have normally brought bids to Council, but doing his own research the numbers Cynergy gave them is within reason. He further stated the current repeater came back online today.

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Councilmember Rzyzi stated sometimes these issues occur and our Department Heads do a great job, but this is again why he questions all of the invoices and we need to keep an eye on things.

Councilmember Kurtzweil asked where this will come out of the budget. She asked if possible vehicle maintenance. Chief Kennedy stated they are currently over the vehicle maintenance. Chief Kennedy stated he will have to meet with the City Manager and it will cause some budget amendments. City Manager Ladner stated it will come from administration which is our general fund. She further stated she will try to take some from here and there and will probably use some from utilities.

CM 3-11-17 MOTION TO WAIVE BID PROCESS

Motion by Kivell, supported by Parisien

Motion to waive bid process due to special circumstances

VOTE: MOTION CARRIED UNANIMOUSLY

CM 3-12-17 MOTION TO APPROVE QUOTE FOR VHF REPEATER

Motion by Kivell, supported by Parisien

Motion to approve the \$16,532 quote from Cynergy Wireless to replace the VHF repeater with

Expected \$8,266 reimbursement from Lyon Township

VOTE: MOTION CARRIED UNANIMOUSLY

3. Discussion- sidewalks

Councilmember Kurtzweil stated her understanding was \$20,000 was going into a line item for sidewalks and that money was going to be used for the residents that may have bad sidewalks and it was a 50/50 match. The City would pay \$125 and the homeowner would pay \$125. She stated she recalls seeing the revenue statement and it didn't seem correct. She stated to put this in perspective, when there is a new program sometimes things may get missed and some details don't get worked out. She further stated if you take the \$20,00 divided by 125 which was the City's contribution. She stated that equals to 160 sidewalks that could have been done. She stated when she looked at the revenue side of the program for the accounting of the program and the revenue reflects \$1,320 was paid by the homeowners and there were only 10 sidewalks done. Councilmember Kurtzweil stated she had asked earlier and was told the money was used up. City Manager Ladner stated that is what she was told, because they didn't realize how underutilized this program was used. Councilmember Kurtzweil stated her understanding is that the leftover money will be rolled over until next year. City Manager Ladner stated each individual fund zeros out at the end of each fiscal year. While this money was budgeted as an expenditure it is part of the general fund revenues, it is an extra amount of money, it is just money that wasn't spent and it will be added to the bottom line of the general fund balance. Department Head Martin stated many residents were not interested in this program. We already replace any sidewalks damaged by City trees, but the residents just weren't interested in fixing the other sidewalks. Councilmember Kurtzweil stated she wanted to thank Lori Mosier for getting the information together for her. Councilmember Rzyzi wanted to clarify that the invoices were \$4,585.25 and we are reimbursed for \$1,320.00 Department Head Martin stated we use a lot of concrete for any concrete damaged by City trees, or catch basins that need fixed. Councilmember Rzyzi stated he noticed a sidewalk being done on Graefield last fall, but he doesn't see the address on the list. Department Head Martin stated it could have been something we replaced. Councilmember Kivell stated some of the work could have been done on City sidewalks as well. He further stated he wants to make sure in the future we keep records of all addresses that we have done work

on. Councilmember Wedell stated if we didn't use all the money on the expenditure side, we would not meet the revenues we expected as well.

4. Discussion and consideration to set date for City Manager's 2017 review and designate two Councilmembers to meet with City Manager to identify, goals, performance measures and evaluation form to be used

City Manager Ladner stated we need to set up a date for her review and possibly ask two members of Council to meet with her regarding goals, as well as the evaluation form to be used. Councilmember Kurtzweil stated she is happy with the first meeting in October, and she would be happy to work with her on this. She further stated she wants to make sure the City Manager has enough time because it will be based on goals. She further stated she has an employment background herself. Councilmember Rzyzi stated he wouldn't mind working on this as well, but if Councilmember Parisien would like to work on this it is fine as well. Councilmember Parisien stated she would be fine with this. Councilmember Kivell stated he wants to make sure the goals are brought back to Council for everyone to agree on them. Councilmember Kurtzweil asked if Councilmembers could email Lynne a few lists of goals they would like to have addresses. She stated Lynne will also have an opportunity to weigh in on her goals as well. She further stated she would like to have this done in the next 30 days. It was decided Councilmember Kurtzweil and Parisien would meet with City Manager Ladner regarding her goals.

DISCUSSION- Downtown

Mr. Donohue stated there is some information that is working its way through the community which is regarding the veteran's marker. He stated he has put together a report based on the current veteran's memorial and he took it upon himself after looking at the new master plan and he noted the veterans deserve something better. He stated he met with the Veterans, and contacted Don Beagle, and he agreed to provide any services free of charge. He further stated he met with the Veterans last October and they seemed excited about the plan. He stated they all seemed very positive, but they do want to take it to their full membership. Mr. Donohue stated it is clear there are many approvals that will need to be done before we move forward with this. He stated we now have the concept plan, and he will be meeting with the Veterans again as well. He stated it will be at McHattie Park by the Blue Star Memorial. Mr. Donohue stated if they all agree to move forward with this we will move forward, if not, then we won't. Councilmember Kivell asked how close this will be to parking. Mr. Donohue stated we discussed some additional parking as the second phase. He further stated the Veterans thought the funds can be raised privately. Councilmember Rzyzi stated when people first read things, they don't always know the background. He further stated his gut is to go with the Veterans and what they want and this looks like a beautiful display. He asked if it was possible to leave the rock where it is, and still have the other area as well. Mr. Donohue stated the VFW Board felt it would be better to move the rock, the memorial bricks to the new memorial area as well. Mayor Pro Tem Wedell stated the rock has been there for a long time, as well as the VFW and they pre-date the American Legion as well, which is why the VFW is the primary focus on this. Mr. Donohue stated the DDA had their first retreat for their goals and objectives and one thing they decided was to have a monthly meeting for all property and business owners for updates. This is an additional method of communication.

Councilmember Rzyzi stated lake Kaplan has reared its ugly head again. He stated Dr. Kaplan is not happy with this at all. He has a shallow driveway and we were told it was Oakland County's responsibility and as a City government we agreed to help getting results from Oakland County and it has

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been a year or a year and a half. Department Head Martin stated the Road Commission has done a lot of work. City Manager Ladner stated she will call RCOC again and ask them to come out and look at the problem. Councilmember Rzyzi stated he just wants to see this resolved.

MANAGERS REPORT

City Manager Ladner stated we need to set a date for the budget workshop, Council should have the budget on Monday at the latest. Discussion was held regarding having a budget for the downtown area and a wish list for the next few years. Mr. Donohue stated he would like to put together a wish list for the next 2-4 years. He is very confident with the 3-5 year range we will have some projects that will add significantly to the City.

Councilmember Rzyzi asked the City Manager if she has a report on the conference. City Manager Ladner stated she sent everyone a copy of her report. She stated she is working on the MERS issue and she was hoping it would be moving forward quicker than it is. She further stated she is looking for ways to make changes to our existing MERS and searching for an outside actuary to ensure their analysis is correct. As of right now, the last few weeks her focus has been the budget and trying not to tap into the fund balances. Discussion was held regarding a time and date for the budget workshop. It was the consensus of Council to have the budget workshop on Wednesday April 19th at 6:30 p.m.

Councilmember Kurtzweil asked if the City has a disaster plan in place. City Manager Ladner stated we do, but we don't have a plan for warming centers or shelters. She stated she has been approached by a Church regarding forming such things. Councilmember Kurtzweil asked what the City would have to pay for their services or if it would be covered by insurance because there would be the cost of electricity as well as kitchen use.

Councilmember Kurtzweil stated back in February the City Attorney was working on the contract for the school resource officer, and she has spoken with a few people that are not fond of this idea, but she was told the School Board already approved it. City Manager Ladner stated they have, but she has already explained to Melissa that the City has not agreed to the language in the contract. Councilmember Kurtzweil stated how can the school board approve a contract the City has not even seen or approved. She further stated that is very odd.

COUNCIL COMMENTS

Councilmember Kivell stated there are some storm sewers on 10 Mile and in other areas of the City that need to be jetted and have preventative maintenance done. He further stated there is one in front of his house and it is just a pool of water, nothing blocking it up. He asked City Manager Ladner to contact RCOC.

Councilmember Parisien stated she understands the Kivell conflict of interest doesn't sit well with residents or Council and she asked City Manager Ladner if she could add an item to the next Agenda for consideration of a suspension motion. She further stated it is disappointing there is such a divide on Council, there is so much we could be doing, but we are just slowly progressing. We need to show each other respect. She stated she will probably receive backlash for this, but for those people that are on Facebook she uses it all the time, it is very resourceful, but again, don't take what you see for face value, do your own due diligence, read the Herald, watch the meetings, read the minutes, that is the only way you will get the whole story. Councilmember Parisien stated she wanted to remind everyone to mark

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their calendars for the great events we have in South Lyon such as the Easter Egg Hunt, and events with the Cultural Arts Commission.

Councilmember Rzyzi asked if there is a Uber driver in town and if there are any licenses that are needed. Mr. Donohue stated he hasn't followed through on that yet. City Manager Ladner stated she has looked into this, and there is some contract you have to have with the Uber cooperation to have the City listed as well as a company called Lift. Councilmember Rzyzi asked if we can have this information at the next meeting. City Manager Ladner stated there is information she can provide to Council at the next meeting, but it may not be an actionable action.

Councilmember Rzyzi asked if the Police Department had considered having a safe zone area for people for their online trades for such things as Craig's list. Chief Collins stated he is familiar with Novi's program, but we don't have the parking or the security cameras that Novi has. Councilmember Rzyzi stated that would be on his wish list.

Councilmember Rzyzi stated he received a letter from Councilmember Kurtzweil regarding the letter the Mayor sent to the employees apologizing for Council's behavior and he didn't know what this was about. He further stated he is not apologizing for his behavior and he will not stop asking questions, what he is embarrassed about is Council protecting their friend with 7 misdemeanors, and for violations of the Open Meetings Act. He is not embarrassed and he will not stop. He further stated he wanted to congratulate the lady that announced she is running for Council, he knows it isn't an easy thing. He takes this job very seriously, and maybe it is time to get rid of all the animosity on Council and thank you for caring for the City.

Councilmember Kurtzweil stated she wants to respond to a couple of things Councilmember Parisien stated tonight. She stated Councilmember Parisien should read the resolution dated 1/23/06 for Council procedures, and it states a Councilmember is allowed to speak during Council comments. She stated she was adjourned during her council comments and she was adjourned during her comments regarding the fraudulent water bills, and that was done by the Mayor Pro Tem and it was deliberate so she didn't speak about certain issues. She stated the rules state she can make comments and to adjourn her while she is speaking is breaking the rules. She also didn't hear the City Attorney say that was against the rules, yet tonight we find out the Chief of Police is working with the City Attorney to change Council rules. She further stated she serves the public, and she has a different approach than other people on Council and a different opinion and a different approach for identifying issues, and a different set of accountability. Councilmember Kurtzweil stated Mayor Galeas recessed the meeting without calling for a motion. When a motion to recess is made when no question is pending then there needs to be a motion unless the Agenda calls for a recess, not by the Mayors gavel. She further stated the meetings are not the Mayor's private meetings, there must be a motion. By doing so, this shows the Mayor doesn't have respect for any of the elected officials on Council. She stated it isn't important if she agrees with other members of Council or if they agree with her. She stated what is important is that the public is able to hear all points of view, opinions, criticisms, whether flattering or inflammatory. She further stated the City Attorney never suggested a motion should have been made. Maybe the public needed to see his melt down.

Councilmember Kurtzweil thanked Ryan Lare for his public comments from the last meeting, and noted that Councilmember Parisien didn't thank him, but she did John Hogan, because his comments fit her agenda. She further stated Ryan's comments fit her agenda, and she wants to thank him for his contributions particularly your call for collective consciousness and your reminder public trust is

paramount as a public official. Ryan's call for Kivell to resign is clearly made and directed to those Councilmembers that protected him from his case moving to the prosecutor's office. She stated this reminds her of a question directed to Judge Gorsuch, asking him if he could objectively rule and decide cases regarding President Trump. She stated he replied no one is above the law, not even President Trump. She stated South Lyon has a different standard, it doesn't matter what a professional attorney says, 7 violation, 7 misdemeanors, she stated the standard in South Lyon is how many friends do you have on City Council.

Councilmember Kurtzweil stated she wanted to thank Clerk Deaton for fulfilling the FOIA request of Mayor Galeas' letter to the City employees. She further stated there is always two sides of the story and sometimes you have to go to Facebook to get the real story that isn't allowed to come out on City Council. Councilmember Kurtzweil stated she wanted to also thank the Police Department for fulfilling the FOIA request she made to them. Councilmember Kurtzweil stated she also wanted to thank the South Lyon School District for the FOIA she filed with them as well. Councilmember Kurtzweil stated she also wanted to thank two other City employees Lori Mosier for gathering the sidewalk information and Judy Pieper who sometimes is an unsung hero at City Hall for the research for the question if there was a motion made for the recess during that particular meeting.

Councilmember Ryzyi stated he forgot to thank Ryan Lare as well, many people don't know this, but he volunteered on St Patrick's day to assist people across Pontiac Trail. He cares about the community very much and he is citizen #1 and he should be commended.

Mayor Pro Tem Wedell stated you have heard many different positions and views on what has happened and what is happening, please make up your own mind, listen to what people have to say and watch the tapes and make up your own minds based on what you know is right and wrong.

ADJOURNMENT

CM 3-13-17 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Parisien
Motion to adjourn meeting at 10:00 p.m.

Respectfully submitted,

Mayor Pro Tem Wedell

Lisa Deaton Clerk/Treasurer