

CITY OF SOUTH LYON
REGULAR COUNCIL MEETING
APRIL 10, 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 Parisien, Kivell, Kramer, Kurtzweil, Rzyzi and Wedell
ALSO PRESENT: City Manager Ladner, Chief Collins, Chief Kennedy, Department Head Martin,
Attorney Wilhelm and Clerk/Treasurer Deaton

MINUTES

Councilmember Kivell stated on page 12 the first sentence under council comments should be changed from pumped to jetted and preventive maintenance done.
Councilmember Wedell clarified on page 11 it was decided that Councilmember Kurtzweil and Parisien were going to meet with City Manager Ladner regarding her goals.

CM 4-1-17 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Rzyzi, supported by Wedell
Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

CM 4-2-17 MOTION TO APPROVE BILLS

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

VOTE: MOTION CARRIED- 2 opposed

AGENDA

City Manager Ladner stated she would like to add the consideration of repair to a hydraulic generator to the Ladder 1 truck. She further stated she would like to remove item #4 which is the consideration of approving the Peoples Express contract because she has found some discrepancies in the contract. She further stated she would like to remove item #7 for the purchase of a new server for the Police Department because they just received a second bid they would like to consider.

Councilmember Rzyzi stated he had asked for a discussion regarding Dr. Kaplan's property be added to the agenda. City Manager Ladner stated we can discuss that during Manager's report.

Councilmember Rzyzi stated he would also like to ensure as in past practice that we allow people to comment during the agenda items, because at the last meeting someone wanted to say something and they weren't allowed to speak.

CM 4-3-17 MOTION TO APPROVE THE AGENDA AS AMENDED

Motion by Kivell, supported by Parisien

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Erica Wilson stated she is here along with Dianne Beagle, and Denison Semion from the Parks and Recreation Commission. She stated they are here to clear some things up, such as the naming of City assets policy and the memorial policy which are two separate items. She stated she emailed a copy of the draft for the naming of City assets on February 13th to be added to the agenda. She received an email stating when it would be on the Council Agenda, but no one was able to attend that night. She further stated on the 23rd Lynne emailed asking them if they could attend the March 27th meeting because Council had some questions. She stated we only had one commissioner that could be at that meeting but they asked if they could have the questions, so they could be prepared at the meeting. She stated on the 31st of March they again asked for questions that Council had regarding the policy. She stated they had multiple emails with Lynne between April 5th until today's meeting regarding who could attend tonight's meeting, but Lynne still didn't have the Council's question. She stated they have a Parks and Recreation meeting this coming Wednesday, and she would like Council's questions for that meeting so they can handle this and move forward.

Gary Fagin introduced his wife Maureen, his son Josh, and daughter Jenn and he stated they are here to introduce 390 Lafayette, they will be pulling permits in 10 days. They will be opening a deli/café in the old Browns restaurant. Jenn will be running the day to day. He further stated they are vested here and love the community. He further stated this is a new adventure for them but they haven't name it yet. Councilmember Rzyzi asked if they could suspend the rules so Council may comment during the public comment portion of the meeting. Mayor Galeas stated yes. Councilmember Rzyzi asked what the main food will be. Ms. Fagin stated they will be focusing on sandwiches and she is a registered dietician and she would like to focus on healthy food. Councilmember Kurtzweil stated as a point of enthusiasm the Fagin name is synonymous with excellence, a fabulous product, it doesn't matter what the business is, with the Fagin name behind it, we know it will be an outstanding addition to the area. She further stated it will be great for all the people in the area, not just the people of South Lyon. She stated this is great news. Mayor Galeas stated he has known Gary for a long time, and this will be great. There is a huge exercise community in the area, and they will be so happy with the fresh and healthy food. Councilmember Kivell stated he is sure they will bring the same compassion and quality to this business as all the other stuff they do in town and he is looking forward to this.

Ryan Lare of 760 Grand Court stated he is now part of the Historical Society and he will be assisting with the tours and gardening and anything else they need. He further stated he wanted to thank Tedd Wallace, Linda Ross, and Carl Richards for suggesting he join.

Carl Richards of 390 Lenox stated we have a new truck in town. He stated he has seen the truck with the new chipper. He looked again because he has never seen a truck like that. He stated Mr. Martin informed him we married two trucks together by the engineering of master mechanic Doug Buers and that probably saved the City \$100,000. He further stated they engineered the turning radius for the chipper. He stated the bids came in for rebuilding the gazebo and it is too much, so the Historical Society decided they can't do it. He stated there will be work done on the caboose, even though he suggested sandblasting the wheels, it was turned down. He further stated the crane service in Ypsilanti could pick the whole thing up and be safely repaired offsite. Mr. Richards stated there will be two clean ups. One inside the Depot, then one outside of the building. He stated on April 22nd the Salvation Army is opening with a ribbon cutting ceremony. He further stated on April 18th the Historical Society meeting will be taking new people. Mr. Richards stated the quarterly report has a picture of the tree that fell into the drain, and Linda Ross puts the quarterly report out 4 times per year. Mr. Richards stated on April 29th there is another clean up happening by the union workers for the tube mill. They will be bringing their own tools and

trucks, and they are shooting for 60 people. He recommended sites to them. Mr. Richards stated there are two new businesses, a salon by Aubree's and Dominos. He further stated he has to say there is something in the works for a strip mall in the middle of town. He stated he is in favor of the development and the downtown, but the concept of a strip mall isn't going to work. The concept of knocking down buildings to make space for a \$700,000 restaurant to come to town, is something out of touch. He further stated who is to say anyone will come to the restaurant and there is no parking. He is for business, but not for this.

John Hogan 987 Oak Creek Drive stated sometimes watching these meetings are like watching Jekyll and Hyde. It would be nice if the delivery could be better. He further stated if Councilmember Rzyzi is going to question the City Attorney on his bills, perhaps he could highlight his questions before the meeting so the public doesn't have to watch him try to find everything. He stated he found it interesting that Joe and Maggie had a problem with Chief and the Attorney having a discussion about a disruption during a public meeting, why not deal with it before it happens, because it does. He further stated he found it funny the two of you thought it was about you. He stated he finds it funny that he is criticized for doing his due diligence, but later when he does, he is criticized for that too. It would be nice if we could all play nice. He stated he has a problem with Facebook when that is the only place Joe went to for the information. He further stated the water bills were handled two years ago when Joe was on Council. He asked what policy changes were made to make sure the fraudulent water bills changed. He stated there is definitely an us versus them mentality on Council. He stated at the last meeting Maggie was right on in questioning Chief Kennedy about where the money was coming from which was informative. He further stated if you could treat other people with the same respect would be great. He further stated how did no one on Council know that Glenn worked at Pullum, and why was it handled after everything was done, it could have been dealt with at the time, and it could have saved the taxpayers \$37,000. Mr. Hogan stated when 7 people look at the facts, you will always get 7 different opinions and just because you don't agree with them doesn't mean they are voting for their friends. He stated the report said there were 7 misdemeanors, but it also stated Glenn didn't receive any financial incentive from this. He further stated when he hears Councilmembers say if you want to get away with something come to South Lyon you are doing yourself a disservice. Let the punishment fit the crime, Mary suggested a suspension, and it was shot down right away.

OLD BUSINESS

1. Consider taking disciplinary action related to conflict of interest investigation
Councilmember Kivell stated the package we received for the August 8th meeting was given to everyone tonight. He stated I'd like to begin by stating that I recognize the importance of conflict of interest rules and I do take them seriously as I do the notion of truth, common sense and justice being the desired outcome in legal contests. I have always worked to behave as an honest broker and a man of reason in my decision-making role for city business. I stand by my statement made at the November 28, 2016 meeting when this concern was raised. At the time of these comments, the job had been completed and almost 4 months had passed. I received the same information at the same time as did the rest of council about the bids to provide and install windows in the police building, which was a budgeted item. I had no prior knowledge of the bid process or what companies were making proposals. I was pleased to see the low bidder was a local business, located in South Lyon since the 1960's, that employs local and area residents and that has a good reputation for quality and service. I can only assume this was the same reasoning used by other council members when the contract was approved unanimously. The controversy of my mistake of failing to disclose my employment with Pullum Windows and the approval of the contract to provide and install windows is a valid concern because it raises the question of

my motivation to lend my support of approval. As thorough as the investigation Mr. Muskovitz conducted had been, a very important aspect of the contracts that were approved had been ignored. As I mentioned in my comments when this issue arose at our November 28, 2016 meeting, the contracts were for Pullum to provide and install windows manufactured by Quaker, a product line Pullum distributes. I went back to my packet to review the information that had been provided to base our decision to approve or not approve the low bid proposal. I asked Lynne to provide copies for your review and so you could see the actual proposal. As you can see, the bid package was for the Quaker Windows which would have been shipped to Pullum and the installers would have transported and installed them. I make windows, not shipping or installing. I had no reason to believe I would play any role in any aspect of these projects. The Dykema investigation relating my having been paid to build the windows to the creation of my financial interest is based on wrong information. The discussions between the PD and Pullum to use windows built by Pullum took place after the contract approval and as was the case with the bids, I had no role in those discussions or knowledge of whether or not a change to the agreement had been made until the work order came out to the shop.

A constructive relationship between members of city council could and should have been able to identify and correct this mistake at the onset but, there has been a clear campaign of character assassination and vilification of the City Manager, City Attorney, Department Heads, Department Staff, Consultants, the Mayor and City Council members and residents, primarily associated with two Council members. The toxic environment that has been created is unproductive, unprofessional and destabilizing and really should hold no place in the way we conduct city business. This atmosphere has created a climate that made the approval of the most expensive option to further investigate this situation with an uncapped contract to Dykema Gossett which has invoiced us for over \$36,000.00 to come to a substantially more in depth, but ultimately same conclusion as I had said at the onset. I had no knowledge of or role in the bidding of the contract and I had no expectation of financial benefit in the approval of the contract.

Councilmember Parisien stated taking a step back, she originally thought a reprimand was not enough so she voted against that. She further stated the behavior was inappropriate and we don't know if it was negligence or done on purpose. She stated we already spent \$36,000 of taxpayer's money and the investigative report stated there were violations of the State law and of the City Charter, but there is a chance the prosecutor will not take this case, which would cost more money. She thinks we should cut our losses and vote for a suspension. She still believes this today. She based it on a series of factors. She researched why other Councilmembers have been suspended in other communities. She stated a councilmember in Detroit was suspended for gross misconduct such as a Detroit Councilmember having a sexual relationship with a minor, another would be domestic violence. She feels this case is negligence, but not gross misconduct enough for criminal prosecution. There was another Councilmember that was suspended for a week for funneling money into his daughter's nonprofit and that was a conflict of interest. She further stated Councilmember Kivell has been a public servant for 19 years, and has served the community well, we need to move past this we are wasting time and resources that are more important. She stated he does not have a criminal past, this was a mistake and she feels he should be suspended. She is not willing to risk spending more money because it is likely the prosecutor will not take the case.

Councilmember Rzyzi stated he finds this disturbing. We all agreed to hire an outside investigator because there was clear bias and it had to be handled by someone other than the City attorney. He further stated we all voted to move forward with the outside investigator. He stated the investigation clearly shows there was a conflict of interest. He stated there are a couple instances that stood out to him from the report such as Section 2-75 of the City Code states no councilman or other official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other

personal interest. He further stated the report also points out the City Charter states no Councilman shall vote on any question in which he is financially interested or in any question concerning his own official conduct. Councilmember Rzyzi read from page 12 of the report “below it is my opinion that by virtue of his being an employee of Pullum, Councilmember Kivell had a financial interest in the Pullum contracts, particularly since he was assembling the windows that were installed and paid to do so.” Councilmember Rzyzi again read from the report, “in any event, I believe there is evidence that would support a finding that Councilmember Kivell’s employment with Pullum constituted a pecuniary interest that should have been disclosed under MCL 15.323 prior to approval of the two contracts between the City and Pullum, and Councilmember Kivell should not have voted on the contracts. I believe there is evidence to support a finding that there has been a violation of the Act.” He further stated on page 23 of the report it states “from a review of video/audio recordings of various Council meetings it appears that Councilmember Kivell was well acquainted with the conflict of interest provisions in the Code of Ordinances and Charter.” He further stated he remembers sitting here 3 years ago when Mayor Wallace had his cable commission suspended because of provisions in the Charter and that was led by Councilmember Kivell and Council decided even though he was doing a good job and at programming, that it violated the Charter. He further stated John Galeas stood up and said what is right is right, and action was taken. He stated he is not attacking people but it seems if you have friends on Council you are protected, but if you don’t then it goes a different way. It is very clear there were 7 misdemeanors and he states there is criminal intent and he suggested to send it to law enforcement, but seeing how much money is involved and if Council will not send it out to the authorities for proper review, he will go along with suspension, but 30 days is not enough.

Councilmember Wedell stated he made a motion to give a letter of censure and the motion failed. He understands some people think there should be more and he respects that and he will listen and debate the issue. One of the things that concerned him about the prosecution aspect was when people were talking about Dykema Gossett doing the prosecution which would have only added to the bill, and he couldn’t guess how much that would be, but he is willing to hear other options.

Councilmember Kramer stated he voted to turn the investigation over to law enforcement because he didn’t want Council to end up making the call. We already spent \$36,000 on the investigation report, the findings were clear, it was a well-done report and we should turn it over and get closure which is why he voted for it at that meeting. He believes it is the best position for Council. He has known Councilmember Kivell for 7 years, but this has nothing to do with that. We spent money on an investigation that found some things against what Glenn did. If the prosecutor turns it down, it is done and over with.

Councilmember Kurtzweil stated she agrees with Councilmember Kramer with respect to her original desire to have this forwarded to law enforcement. We need to understand what happened from the beginning. The newspaper got it wrong when they said there was no financial interest, there was a financial interest. The reason it went to Dykema Gossett is because there was no confidence in the City Attorney. We needed an unbiased objective report to be done, and if there was any validation of her suspicions that the City Attorney probably would not give the result of the facts and the law is the report from Dykema Gossett. It is probably the best legal services the City has ever seen. This report clearly drew the distinction between a professional unbiased opinion of Kivell’s wrongful conduct. This attorney came into this without friendships on Council and without any bias. He did what she would have expected from any City Attorney. The report is that good. We did not get that work product from our Attorney. There was a specific reason they were hired, and Dykema Gossett did the job we asked them to do, not to give us the answer we wanted to hear, but to give us an opinion that fit the facts and the law.

The Dykema report is an excellent job in fact finding. She further stated the key of the Dykema report is in some of the discussion on page 16 of the report. Councilmember Kurtzweil read the following from the report. "As set forth above, there is authority in Michigan to support a finding that Councilmember Kivell had a financial interest in contracts between the City and his private employer, particularly because Councilmember Kivell was providing services pursuant to the contracts. Thus, because the ultimate result of a successful motion to waive was likely to be a contract in which Councilmember Kivell would arguably have a financial interest, I believe there is evidence to support a finding that Councilmember Kivell was financially interested in the waiver vote, and that his vote on the question constituted a violation of the City Charter." Councilmember Kurtzweil stated conflicts of interest go beyond having a tangible interest in the contract itself. It is true he did not get a commission, it is true he didn't have a financial in the contract itself, but what he had was a financial interest because it secured his job, he made the windows. When the average person on the street can see the conflict yet some people on Council cannot is very problematic. Councilmember Kurtzweil read the following from the report. "In this case, by virtue of his employment with Pullum, there is an argument that Councilmember Kivell could not vote to waive the bidding process without affecting his private interests, because as set forth above, approval of the waiver would likely lead to approval of a contract in which he had a financial interest." Councilmember Kurtzweil read from the report on page 17. "Because the vote to waive the bidding process for the replacement windows for the SLARA building arguably put Councilman Kivell in the position of serving two "masters," I believe there is evidence to support a finding that his vote constituted a violation of the City Code." She stated Councilmember Rzyzi already read another portion of the report on page 19 and 21 that also talks about Kivell's interest in the contract. Her opinion was she looked at the City Attorney report which was tainted and she looked at the Dykema report and it was superior legal work. She further stated when someone of Mr. Muskovitz's caliber renders an opinion that says we have 7 violations that are misdemeanors and we have to say this isn't just someone's misjudgment. She further stated when she watched the tape of the meeting when Kivell pounded Mayor Wallace on the conflict of interest. It could have been handled a different way, but these three chose that pattern and that showed direct knowledge of conflict of interest. She stated how can anyone watch that video, sit back and believe that Glenn Kivell did not know he had a conflict of interest when he voted on the contracts. She further stated her opinion is he funneling contracts to Pullum. He had a job and he had that job the beginning of January, and had been there for almost 8 months. She stated she thinks he knew what he was doing, and the fact he didn't say a word is more troubling than anything. She further stated she has said this before and she will say it again, if you have friends on Council you will have one result, if you don't, then you will have a very different result. She stated if this had happened to her or Joe, there would have been a very different result, she would have been hauled into 52nd District Court. She further stated she believes this conduct does belong in prosecution. She disagrees with Councilmember Mary, she needs to go back and study her bar materials regarding the difference between civil and criminal conduct, this has nothing to do with negligence. Councilmember Kurtzweil stated if the prosecutor decides not to charge, that is his decision. She stated to address Councilmember Weddell's issue regarding Dykema law firm handling the prosecution, she stated there is no confidence in Johnson Rosati, which is why it was given to Dykema to begin with. She further stated they messed the investigation up from the beginning, she would have no confidence Johnson Rosati would prosecute this case in the manner that is consistent with the Dykema report. She stated there could be a problem with Johnson Rosati because she spoke with Tim Wilhelm on the 18th of November when she asked him if he knew Kivell worked at Pullum, he stated he heard that too. She further stated Tim Wilhelm could be a potential witness and that alone makes the firm ineligible to prosecute this case. She stated we should use Dykema Gossett to handle the prosecution and restitution can be made to pay the attorney fees, which she hasn't heard Councilmember Kivell offer at all. Councilmember Kurtzweil stated the only person on Council that is toxic is Mr. Kivell. She stated it was

his conduct that got us in this position, it was you that deceived this Council, and you need to take responsibility and stop blaming everyone else because something came out that is not favorable to you and it was your lie that got us here tonight.

Ryan Lare stated he disagrees with Mary. He stated she is not a lawyer or prosecutor. You don't know if they would prosecute it or not. You haven't allowed the Chief to prosecute this mess, and if he doesn't want to send it over to the State Police, and if they don't, it should go to the Oakland County Sheriff. He further stated let the legal people decide if there is a criminal investigation. If you do vote for a suspension, it should be for the rest of the year. He further stated \$36,000 is a lot of money, and it isn't your \$36,000.

He further stated if it was your \$36,000 and you weren't a Councilmember and it was your tax money, your view would be a little different. Councilmember Parisien stated it is her money as well, she is a taxpayer as well. Mr. Lare stated you didn't follow the report, this man did his due diligence and no one has thanked him, only criticized him. He further stated he agrees with Maggie and there has never been such professionalism from any attorney he knows. He stated again, they didn't follow the report. Mr. Lare stated Glenn knows he is wrong, and quit trying to blame everyone else for what you did. You apologized on Facebook, and now your blaming everybody and blaming Dykema that they made errors. He further stated you did have a financial interest because during the Pullum interview he said you had to have a 40-hour work week or he would not employ you. Councilmember Kivell stated that is not what it said. Councilmember Parisien asked how much Joe and Maggie paid you to say this. Mr. Lare stated you are out of line, you are out of line. Councilmember Kurtzweil then stated to Parisien you are shameful Mary. He further stated no one pays him anything and anyone that knows him will back him on that.

Mayor Galeas stated he never bashed Dykema Gossett. He further stated he had a conversation with Lynne at the beginning and she did a very good job on this because he knew this was going to happen. He knew we needed a neutral law firm. He stated he feels terrible it cost the City this much money because that is what he was trying to keep from happening. He further stated Council had turned their heads for a very long time from the Mayor Wallace conflict. He stated it took the firing of the other City Manager for that to be dealt with and he didn't lose his job as Mayor. Mayor Galeas stated everyone has their own opinion. He also asked Mr. Muskovitz that night, and he wouldn't give us an opinion on what we should do. He stated he didn't think this was criminal. He stated he is not a lawyer, but his opinion is there are 2 levels of intent. One is to specifically deceive, which is clear cut, and another level is doing something to violate the Charter without intention. He stated he has known Councilmember Kivell for a long time, and this is hard to sit and listen to, and when you say we are only making decisions based on friendships, that is your opinion, you don't know us and don't want to. He stated he wasn't part of the Council that made Tedd Wallace give up the cable channel, and he wasn't on Council when they fired the City Manager. He further stated we ran on a platform for our constituents that said we wouldn't keep doing this but it just keeps happening, keep throwing stuff and eventually it sticks. He stated he was prepared that night to vote for a censure, and maybe even the suspension. He stated he agrees with Councilmember Wedell and he has read that report several times and it was confusing and Mr. Muskovitz stated it is complicated. He further stated he is trying to evaluate all of the options. Mayor Galeas stated he is glad this was brought back to the table because we need a civil conversation. He stated this is troubling, and he doesn't want to waste any more money than we already have. It wasn't our fault that a censure or suspension was shot down.

Councilmember Rzyzi stated everyone knows a censure is a joke, it is a slap on the wrist. He further stated it should be up to the prosecution to understand and get us out of the loop. He still thinks it is the

best course to turn it over to law enforcement, if not then suspension is in order, there has to be something done. He further stated we should not have the City Attorney prosecuting because we pay his invoices and his job depends on who is on Council and if his friends are on Council, he will render an opinion favorable to his friends, which is why we used Dykema to begin with. He would like to hear other recommendations, but he still believes it should be turned over to authorities.

Councilmember Kivell stated he never denied he doesn't understand a conflict of interest. The situation with Tedd Wallace was everything to do with his making money off a City asset. Historically it wasn't dealt with because there wasn't anyone else to handle the Cable Channel. He further stated we now have a Cable Commission so that was no longer the case. He stated it is too bad Council isn't interested in actually understanding the realities of what the bid was. The documents that were given to Council tonight, shows he wouldn't have had anything to do with the bid. He stated the product is not made at Pullum, it would have been purchased from the vendor and installed by contracted installers. He stated he wouldn't have known or seen that until the approval of the bid. He further stated he is going to pass this information on to Mel because he believes his reflection on that may have changed the direction of what his investigation had come up with.

Councilmember Kramer asked who would handle the prosecution. Chief Collins stated he and the City Attorney have a difference of opinion, but he doesn't feel it would be a conflict for the South Lyon Police Department to handle the investigation and turn it over to the Oakland County Prosecutor. If there was a conflict, it would be handled by a special prosecutor which would be costly.

Councilmember Kurtzweil stated she wanted to remind Mr. Kivell that he is the reason we are here tonight and he can continue all night long to derail his responsibility and credibility. The public is not hearing that, when the general public understands the problem, it is clear what is going on here. She further stated the Mayor needs to get his information right, we had 3 members that voted for prosecution, and we had 3 for a censure, then the outlier, which was Mary if she had voted for censure, there would have been a censure, if she would have voted for the prosecution, there would have been a prosecution, so she saved Glenn. She saved him, she never made a motion, she only said let's think about a suspension. She further stated no one knew a suspension was even going to be discussed. It was your idea of a suspension that derailed everything, that saved your friend and here we are again tonight. She further stated if people will still not consider a prosecution, she will consider a suspension, but a suspension of at least 120 days, we are looking at 7 misdemeanors, each one with a maximum of 90 days in jail. She further stated she doesn't know if he has an OUIL or a domestic abuse charge in his past, but a suspension would save him. She further stated if this would have been her or Joe, there would have been no doubt about what this Council would have done.

CM 4-4-17 MOTION TO HAVE THIS MATTER REFERRED TO THE SOUTH LYON POLICE DEPARTMENT AND TO THE OAKLAND COUNTY PROSECUTOR

Motion by Kramer, supported by Kurtzweil

Motion to have this matter referred to the South Lyon Police Department and the Oakland County Prosecutor

ROLL CALL VOTE: Parisien- No
Ryzyi- Yes
Galeas- No
Wedell- Yes
Kramer-Yes

Kurtzweil- Yes
MOTION CARRIED

Councilmember Rzyzi stated we could still discuss having a suspension. Councilmember Kramer stated he would like to wait and see what the prosecutor will do.

Councilmember Parisien stated she respects Councilmember Kurtzweil's opinion, but she isn't going to change her opinion either, she has done her research and that is what she has used to form her opinions.

Mayor Galeas stated he respects everyone's opinion. He stated we are all supposed to be somewhat of friends up here, but it isn't like that. He stated as for being censured, it is not a joke. People are making a clown show out of this, being censured is serious and it could come back later. This should be taken seriously. This whole thing has been a mess since November, and it will probably continue because it seems there is a mission here and it is very disconcerting. He still doesn't believe there is criminal intent and he doesn't feel that is warranted.

Councilmember Kurtzweil stated regarding the censure, she didn't do anything wrong, what she did was make them mad. She stated there will be a lawsuit because you can't censure someone who acts in a private capacity when they file a police complaint. She further stated hopefully the lawsuit will take care of that in due time. She further stated it is for a judge and jury to decide which is why this needs to go to the professional's office and let them make the judgment. She further stated that is favoritism, there could be criminal intent here, he has already admitted what he did.

NEW BUSINESS

1. Re-appointments to City Boards and Commissions
 - a. Planning Commission- Mike Joseph

CM 4-5-17 MOTION TO RE-APPOINT MIKE JOSEPH TO PLANNING COMMISSION

Appointed by Mayor Galeas, supported by Wedell

Appointment of Mike Joseph to Planning Commission for a term ending March 2020

VOTE: MOTION CARRIED UNANIMOUSLY

- b. Zoning Board of Appeals

CM 4-6-17 MOTION TO RE-APPOINT PHIL WIEPERT AND BRIAN DUNN TO THE ZONING BOARD OF APPEALS

Appointed by Mayor Galeas, supported by Wedell

Appointment of Phil Wiepert and Brian Dunn to the Zoning Board of Appeals for a term ending March 2020

VOTE: MOTION CARRIED UNANIMOUSLY

- c. Cable Commission

CM 4-7-17 MOTION TO RE-APPOINT AMBER KING, RICH PERRY AND STEVE KAUKONEN TO THE CABLE COMMISSION

Appointed by Mayor Galeas, supported by Kivell

Appointment of Amber King, Rich Perry and Steve Kaukonen to the Cable Commission with terms ending March 2020

VOTE: MOTION CARRIED UNANIMOUSLY

d. Historical Commission

CM 4-8-17 MOTION TO RE-APPOINT ROBERT TREMITIERE, PHIL WIEPERT AND LARRY LEDBETTER TO THE HISTORICAL COMMISSION

Appointed by Mayor Galeas, supported by Kramer

Motion to re-appoint Robert Tremitiere, Phil Wiepert, and Larry Ledbetter to the Historical Commission with term ending March 2020

VOTE: MOTION CARRIED UNANIMOUSLY

e. Housing Commission

CM 4-9-17 MOTION TO RE-APPOINT BOB MARTIN TO THE HOUSING COMMISSION

Appointed by Mayor Galeas, supported by Kramer

Motion to re-appoint Bob Martin to the Housing Commission with term ending March 2020

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider approval for Kiwanis Easter Egg Scramble

Phil Wiepert of 135 N Warren stated the Kiwanis Club is asking for use of Volunteer Park for April 15th from 10:00 a.m. to 1:00 p.m. He stated they have all the eggs stuffed and ready to go.

CM 4-10-17 MOTION TO APPROVE KIWANIS EASTER EGG SCRAMBLE IN VOLUNTEER PARK

Motion by Kivell, supported by Wedell

Motion to approve the Kiwanis Easter Egg Scramble in Volunteer Park

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider approval of LUNgevity Foundation 5K Walk/Run

David Elkins of 975 Hidden Creek stated 6 years ago tomorrow he was diagnosed with a hereditary form of cancer. He stated after a few weeks in the ICU, 3 months of chemo, and recovery time he and his wife became involved with a group called LUNgevity. It is a group based on early detection which he was lucky his cancer was detected early. He further stated the walk/run was in Ann Arbor but it was awkward. He further stated this is an amazing community and he has been a part of it for 11 years. He stated last year Team Lucky Charm collected over \$20,000 for early detection purposes. He further stated he met with Chief Collins and thanked him for his help along the way with this event. He stated it is May 20th at 9:00 a.m. to 1:00 p.m. He further stated last year their group walked along and cleaned up the path and will again this year. Mayor Galeas read the flyer to the audience.

CM 4-11-17 MOTION TO APPROVE THE USE OF THE RAIL TRAIL FOR THE LUNGEVITY FOUNDATION 5K WALK/RUN FROM 9:00 A.M. – 1:00 P.M. ON MAY 20, 2017

Motion by Kramer, supported by Rzyzi

Motion to approve the use of the rail trail for the LUNgevity Foundation 5K walk/run on May 20th from 9:00 a.m. to 1:00 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

4. Removed from Agenda
5. Consider auction of retired service vehicle

Department Head Martin stated he would like to put up a vehicle for auction on the MITN as we have in the past. This is a way to get our vehicles posted on the internet. He stated when the vehicle repairs go beyond \$500.00 we have to have council approval. He stated the other piece of equipment is a 2007 John Deere engine. The truck is for an old meter truck with a bad transmission that we have already replaced. Councilmember Kramer stated can we give you approval to sell the truck for a minimum bid of \$500.00

CM 4-12-17 MOTION TO APPROVE THE SALE OF THE 2007 FORD 350 ON MITN

Motion by Kramer, supported by Wedell

Motion to approve the sale of a 2007 Ford 350 with a minimum bid of \$500.00

VOTE: MOTION CARRIED UNANIMOUSLY

6. Consider auction of retired service vehicle engine

CM 4-13-17 MOTION TO APPROVE SALE OF 2007 JOHN DEERE ENGINE

Motion to approve the sale of 2007 John Deere engine with a minimum bid of \$500.00

VOTE: MOTION CARRIED UNANIMOUSLY

7. Removed from Agenda
8. Consider resolution designating Arbor Day 2017 in the City of South Lyon

City Manager Ladner stated part of the City being a Tree City requires us to do an Arbor Day Resolution as well as an Arbor Day celebration. She further stated this goes along with all the tree maintenance we do throughout the year. She stated Department Head Martin is deciding on a location for the tree to be planted. We will be inviting Council, the public and the media as well. Councilmember Rzyzi asked what we spend to keep this going. City Manager Ladner stated \$2.00 per capita. She further stated every dollar we spend on tree maintenance goes towards this as well, approximately \$23,000 Department Head Martin stated we have our own auger and plant all of our trees ourselves.

CM 4-14-17 MOTION TO APPROVE RESOLUTION PROCLAIMING ARBOR DAY APRIL 28, 2017

Motion by Wedell, supported by Kivell

Motion to approve the resolution proclaiming Arbor Day April 28, 2017

VOTE: MOTION CARRIED UNANIMOUSLY

9. Consider approval of agreement with Hidden Creek for the placement of decorative street and traffic control signs

City Manager Ladner stated this is similar to what Council approved for Trotters Pointe last year. Councilmember Kurtzweil stated she is the attorney for the HOA therefore she will recuse herself from the vote and discussion. Councilmember Kramer stated he is a homeowner in Hidden Creek and pays

association fees and just wanted to disclose that. Councilmember Kurtzweil stated she doesn't see how this would personally benefit him as being a homeowner. Councilmember Ryzyi stated Dennis Nagy also represents his HOA as well, but it obviously isn't an issue. Councilmember Kivell asked what will be done with the old signage. Mr. Nagy stated the Department of Public Works will be picking them up. Councilmember Ryzyi stated they did a great job in Trotters Point and it will raise home values. He further stated when the signs were installed they reversed a couple of signs. Mr. Nagy stated that was taken care of.

CM 4-15-17 MOTION TO APPROVE DECORATIVE STREET AND TRAFFIC CONTROL SIGN AGREEMENT WITH HIDDEN CREEK HOA

Motion by Kivell, supported by Parisien

Motion to approve the decorative street and traffic control sign agreement between the City of South Lyon and Hidden Creek Homeowners Association and authorize the Mayor and Clerk to sign.

VOTE: MOTION CARRIED UNANIMOUSLY

10. Discussion and resolution regarding the Economic Development Corporation of the City of South Lyon

City Manager Ladner stated Councilmember Kurtzweil asked Lisa, Lori and herself to do some research above and beyond what had been done. We found the monies went from the EDC to the DDA and there is nothing on the City's server for any further information. She stated Lori did verify the City's ledger to verify the money was moved from the EDC to the DDA.

Councilmember Kurtzweil stated this is an important issue. There is a disclosure in the audit done by Plante Moran and she questioned if the EDC was viable. She stated Tim did some research and she did as well. She stated her research took 20 minutes. She stated she spoke with Randy Clark who happened to be on the corporation in the 80s. She stated the State law was changing in regards to funding for economic development and the County was going to take over Economic Development in the communities. She stated Randy Clark recalled taking a box of documents to the old City Hall thinking the EDC was going to be dissolved. Councilmember Kurtzweil read from the minutes of May 9 1997. "City Manager Cook stated the EDC has been inactive since the early 1980s and the last project was the City brochure in 1989. In order to transfer the funds, the EDC must be dissolved." She further stated Mayor Galeas and Councilmember Kivell were on Council at the time. She stated Lori Mosier stated the only account that was associated with the EDC was closed and transferred the funds to the DDA in 1997. She further stated she doesn't have tangible evidence that the EDC was dissolved, but she has strong evidence it was.

She stated she contacted Plante Moran and she would like the emails attached to the minutes.

Councilmember Kurtzweil read part of an email which is attached to this set of minutes. She stated in 2006 Plante Moran made a statement about the Economic Development Corporation that was probably dissolved 14 years earlier and no one caught this. This is why there is criticism of what goes on with this Council. She doesn't understand why no one asked if the corporation even existed. No one even thought that some of this information is inaccurate. She asked if the City Attorney to stop billing for this research and she would like Council to just recognize that the EDC no longer exists and Plante Moran can remove it from our audit. Councilmember Ryzyi asked what was the intent of the EDC being formed.

Councilmember Kurtzweil stated in the 1970's cities with smaller populations were attempting to retain employment. Unemployment was the key issue, therefore there were projects being done at the time. She stated some cities still have these entities, and for some reason it was dissolved here in the City. She

stated it is for economic development, we are more residential. Councilmember Kramer stated he believes the County took over the economic development. Councilmember Kivell asked why it is interesting he and Mayor Galeas were on Council at the time. He stated it has been a non-issue. Mayor Galeas stated he recalls we were advised by the City Manager and City Attorney at that time and that is how they handled their business.

CM 4-16-17 MOTION FOR COUNCIL TO RECOGNIZE THE ECONOMIC DEVELOPMENT CORPORATION IS DISSOLVED

Motion by Kurtzweil, supported by Kramer

Motion that Council recognize the information presented tonight and it be included with the minutes that the EDC is dissolved given lack of inactivity, lack of bank accounts and board of directors, and for our City Manager to direct Plante Moran so the disclosure is removed from the audit

VOTE: MOTION CARRIED UNANIMOUSLY

11. Consider approval of repair costs for hydraulic generator on Ladder 1

Chief Kennedy stated we have expensive apparatus and this is from equipment failure, nothing they could have accounted for. He further stated it is a specialized piece of equipment. He stated this is an on-board generator on the ladder truck. He stated the Michigan repair company is in Reed City. It was shipped there from the local dealer in Wixom. He stated the quote for the repair is \$5,500 and a new one would cost \$10,600. Chief Kennedy stated we had a similar issue in 2005 for the alternator for \$2,100. He further stated he expects to maintain this truck for the entire life expectancy of another 12 years. Chief Kennedy stated after so many years, there is no re-sale value on it. He stated this could be used on a refurbished, one for about \$175,000 while a new one would cost approximately one million dollars. Chief Kennedy further stated when we keep them until the end of its lifetime, it holds no resale value. Councilmember Kivell asked if this was anticipated that it could fail. Chief Kennedy stated it was expected to last the lifetime of the vehicle. Councilmember Kramer asked if there has been a change in the design. Chief Kennedy stated we are looking at repositioning it so it has better air flow. Councilmember Kramer stated you are asking to waive the bid process as well as a motion for the purchase. Chief Kennedy stated it has already been shipped to Reed City and we would have to pay the freight to have it sent somewhere else for another bid. Councilmember Parisien asked if Chief Kennedy is comfortable with the 90-day warranty on this expensive of a piece of equipment. Chief Kennedy stated he is because he thinks the problem is where it was installed.

Councilmember Kurtzweil stated when she got on Council, and the bid process is waived we need to comply with the ordinance. She stated we have to determine that there is no advantage to the City to go forward with the competitive bid process. That is the language used in the Ordinance. Chief Kennedy stated at this point we would be charged for the shipping from South Lyon to Reed City, and then we would have to pay for freight from Reed City to another repair facility. The price they are quoting is in line with what he expects. Councilmember Kurtzweil stated the ordinance also states when it is a contract for professional services. Chief Kennedy stated Smart Power specializes in on board hydraulic generation and this isn't something just any repair facility can do. Councilmember Rzyzi stated he trusts his judgement and thanks him for bringing this before us. He stated this is why we scrutinize the bills and that is why he questions everything and depleting general fund is why we need to discuss things like this.

CM 4-17-17 MOTION TO WAIVE THE FORMAL BID PROCESS FOR THE REPAIR OF THE HYDRAULIC GENERATOR

Motion by Kramer, supported by Kivell

Motion to waive the formal bid process for the repair of the hydraulic generator

VOTE: MOTION CARRIED UNANIMOUSLY

CM 4-18-17 MOTION TO APPROVE THE \$5,500 QUOTE FROM HALT FIRE TO REPAIR THE HYDRAULIC GENERATOR FOR LADDER 1

Motion by Kramer, supported by Rzyzi

Motion to approve the \$5,500 quote from Halt Fire to repair the hydraulic generator for Ladder 1

VOTE: MOTION CARRIED UNANIMOUSLY

DISCUSSION- Downtown

Bob Donohue stated he apologizes he didn't have this report for the Council packet. He stated he met with the VFW and met with the Veterans and the full membership approved the relocation and expansion of the memorial. He stated the next step is to work with Parks and Recreation and the Historical Commission. Mr. Donohue stated he was told today that he was advocating for a strip mall in the downtown area. He stated he is only advocating for implementing the master plan. It included potential development of the veteran's lot, but not a strip mall. He stated there has been discussion of a two-story mixed use of that development as in the master plan. That property owner will be approaching the City and following all of the appropriate procedures.

Councilmember Rzyzi asked if there is a \$700,000 restaurant coming to town. Mr. Donohue stated the property owner has been telling people his desire is to have a mixed-use development with a restaurant. He further stated we don't currently have a space for a larger restaurant. Councilmember Rzyzi stated a restaurant will be great. He further stated bringing nice things into the City is always good. He asked if Mr. Donohue was working with the Salvation Army for their grand opening. Mr. Donohue stated he is not at this time, he is working with the Chamber for a ribbon cutting procedure. Councilmember Rzyzi stated some people were a little hesitant regarding the Salvation Army, but anytime a business comes into the City and fixes up a dilapidated building is good, and the grounds look great as well.

Mayor Galeas asked Mr. Donohue about the vacant buildings downtown. Mr. Donohue stated we actually only have 2 vacant buildings, and the buildings that are able to accept tenants are 100% filled. Councilmember Kurtzweil stated people don't like change and we have to move forward with this vision, and some business owners from the downtown are concerned because they may not make it in the future. She further stated our DDA isn't used to competition. She further stated people are trying to fit into the new era of South Lyon. She stated sometimes people assume the development is for the South Lyon crowd, but some business owners may want to focus on a different crowd. We have some inexperience in the downtown dealing with development because they never had to deal with competition, and they never had to deal with upping their game. She stated things are changing. Mr. Donohue stated he has assured people that if they are displaced during the redevelopment they will be assisted in relocating to a new location. He further stated he thinks everyone will be happy when the developer makes his plans public. Mr. Donohue stated we have two soft openings in town, Venue and Exquisite Kitchens on Good Friday. The grand openings will be later. Councilmember Parisien stated Dominos is opening as well, and she went today because she had a coupon and their food was phenomenal and their grand opening is tomorrow.

MANAGERS REPORT

City Manager Ladner stated she has researched the ride share companies in the area. She stated to bring them into our area we must have a significant number of users in the area that download their ride share app and people to sign up to be drivers. She further stated they are currently in Novi and Ann Arbor. She further stated she supports the idea of expanding our transportation in the area, but to do so, we need people to download the ride share app and the more people that do so will get their attention to look into bringing their services into the City.

City Manager Ladner stated the Parks and Recreation Commission is asking for Council's questions regarding their Parks naming policy.

City Manager Ladner stated she met with Dr. Kaplan, 5 members of the Oakland County Road Commission and other City staff. She further stated the drain the RCOC put in last year is the extent they will be working on improvements to that property. She stated the location was originally built as a residence, and it was converted to a commercial structure. She stated the biggest problem is Dr. Kaplan believes that the easement for the right of way is in fact not his property but the Road Commissions property. She stated most people don't understand that easements belong to the property owners and they are responsible for the upkeep. She further stated the issue is when the property was converted to commercial the engineering was not done properly to ensure that area would drain off. There is no storm sewer adjacent, and it is not designed to move the water to the back of the property. She stated this isn't what we want to hear, but the City cannot spend taxpayer's money on someone's personal property. That would be a slippery slope. She stated he is responsible for the pot holes in the parking lot. It is his responsibility.

City Manager Ladner reminded Council of the Budget workshop on April 19th at 6:30 p.m.

City Manager Ladner stated the Kiwanis Easter Egg Hunt is this weekend. She stated the Salvation Army is opening this weekend as well. She stated we have a new market manager named Jeff Root. She stated the new website for the farmer's market is southlyonfarmersmarket.org and the market is opening on May 13th.

Councilmember Kurtzweil asked if we have any budget amendments. City Manager Ladner stated the financials came out after the packet was ready but will be on the next agenda.

Councilmember Kurtzweil asked if everyone had gotten their goals to her for her review. City Manager Ladner stated she has received goals from the majority of Council. Councilmember Kurtzweil asked if they can sit and discuss the goals and we can prioritize them. She asked City Manager Ladner to bring them to the next meeting because Council has to approve them anyway.

Councilmember Ryzyi stated RCOC is responsible for the drain on Dr. Kaplan's property. He stated Dr. Kaplan stated by them coming out and working on this proves that it is their problem. He further stated we shouldn't spend money on a private business, but we should be pushing to get RCOC to fix it. City Manager Ladner stated RCOC has made it very clear that this is not their issue, it is the property owner's responsibility. She further stated this is the same as if it was a residents drive way. The drain is RCOC's responsibility, but not to maintain the property. Councilmember Kivell stated there is nothing to fix in the drain but if there is more water than what the drain can handle, it will puddle. Councilmember Ryzyi stated then it isn't working. City Manager Ladner stated the property owner needs to maintain his property.

COUNCIL COMMENTS

Councilmember Kurtzweil stated she wants to speak to the procedure announced the last meeting by Harvey Wedell by shutting down public comment on the Agenda items. She stated she has done her research and she didn't find any authority for that action, and it has been a long-standing practice of this Council to permit public comment on an agenda item. She then read from Roberts Rules of Order "a particular practice may sometimes come to be followed as a matter of established customs so that it is treated practically as if is prescribed by a rule. If there is no contrary provision in the parliamentary authority or written rules of the organization the established custom should be adhered to. Unless the assembly by the majority vote agrees in a particular instance to do otherwise". She stated nowhere in the rules was Harvey Wedell allowed to change a long-standing rule of Council. She further stated she believes that was his abuse of the rules and his arrogance of the right of the public to speak up. She further stated a few meetings ago he violated the rules by adjourning a meeting during Council comments. She stated it was a clear deliberate violation of the rules. She stated it is unfair when people in the audience have been told they may speak when they have a favorable person chairing the meeting and you may not speak when Harvey Wedell decides you may not speak. She further stated that is what causes the tension on Council. We have different rules for different people. She stated she suggests that maybe being Mayor Pro Tem is not the job for Harvey Wedell. She stated we have other people on Council that are qualified such as Councilmember Rzyzi and Mike Kramer. She stated if you want the Council to run as a fine oiled machine, then you need to cut out the game playing and we need to follow the rules. The public is getting tired of it. Many seniors contacted her because they watched the video and they are the people most affected by the money charged by Dykema Gosset. They were not given the opportunity to speak that night regarding their opinion of who should be responsible for that bill. She stated she will always defend and protect the public's right to speak.

Councilmember Kurtzweil stated Mikes Garden on 10 miles has a great selection and he has done a great job taking over from his father. She further stated he is a local business owner and we should support him. She further stated she will be helping with the annual Easter Egg Hunt on Saturday. She stated she wanted to thank the administrative staff Lynne Ladner, Lisa Deaton and Lori Mosier for assisting her with research and the research has been extremely accurate.

Councilmember Kurtzweil wished everyone a Happy Easter and a blessed Passover.

Councilmember Wedell stated he only has one issue tonight in response to Maggie. He stated you could have moved to object to the ruling of the Chairperson.

Councilmember Rzyzi asked Department Head Martin if the City fixed the sidewalk on Graefield. Department Head Martin stated he will find out and let him know. Councilmember Rzyzi stated on April 30th there will be the unveiling of the Maddy Doty field in McHattie Park at 4:00 p.m. Councilmember Rzyzi stated there is another event coming up, actually in June. The Blessings in a Backpack at Tanglewood on June 3rd golf fundraiser and dinner, they provide underprivileged with meals. Councilmember Rzyzi stated one of his goals for the City Manager is \$300,000 in grants for the City, and you should be bringing in as much as you are making. He further stated another goal is to limit the City Attorney's hours. Councilmember Rzyzi stated at the last meeting Councilmember Parisien called him a liar, and tonight she and Glenn sit here and smirk, and you accuse Ryan of taking a bribe. He knows Ryan and he knows where he gets his money, and that is from disability. To accuse him is not only an attack on Ryan but also anyone living on disability. He stated because he is disabled, that is why he helps the City and City events. He believes she owes him an apology. Councilmember Rzyzi started he is happy we are renewing the Peoples Express contract it is the only mode of transportation for many people. He then wished everyone a Happy Easter.

Councilmember Parisien stated she is resilient and she can be attacked but she will rise above it. She stated she hasn't passed the bar exam, but yes, she graduated law school and she has a juris doctorate that makes her a Doctor of the law. She stated she has worked in law firms, courts and municipality and she has a background in the law. She may not be able to give advice, but some people don't know this, but you have to take two exams, the character and fitness exam and the bar exam. She passed her character and fitness exam and her character and fitness and ethical background is spot on. She further stated she is not ashamed of anything and she leads a blessed life. She further stated if you want to attack me, that is fine, but you may need to look at yourselves first because there could be some unhappiness going on there. Councilmember Parisien stated she will not apologize because her question was not an accusation, it was a question, Ryan could have just answered yes or no. She further stated we need to leave this all behind and work for the City, we are so bogged down with all of this. We have so many good things going on in our community and that is what we need to focus on, and focus on giving back to the community and stop focusing on our personal agendas.

Councilmember Kivell stated it is springtime, a rebirth and a renewal. He stated all the toxicity we have to suffer through here and the people of this time are going on about their business and they are recognizing the wonderful town we live in. In spite of the nonsense that is conducted here on the 2nd and 4th Monday's of the month. He further stated clearly there are some people here that have been harmed in their life and they take it out on the world and unfortunately, we are in the throes of their toxicity. He further stated the Easter Egg Hunt is a great event, and there is a lot of participation and there will be jubilant kids and mom and dads.

Mayor Galeas stated he wanted to recognize that Clerk Deaton has been designated as a Certified Michigan Municipal Clerk. Mayor Galeas stated the City of South Lyon has cracked the top 100 safest cities nationwide. Mayor Galeas stated there are numerous businesses opening and contrary to what people say, there is a lot getting done. He further stated there will be a lot more coming. Mayor Galeas stated he wants this Council to stay on task and we need to put aside personal agenda. We need to be more civil to each other. He has thought about the social media and it is part of our lives. He stated we need to be careful how we say things on social media. He further stated he is not going to get caught up on it anymore, but there needs to be some discretion.

ADJOURNMENT

CM 4-19-17 MOTION TO ADJOURN

Motion by Kramer, supported by Kurtzweil

Motion to adjourn meeting at 10:21 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor Galeas

Lisa Deaton Clerk/Treasurer

