

CITY OF SOUTH LYON
REGULAR COUNCIL MEETING
OCTOBER 9, 2017

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

PRESENT: Mayor Galeas, Councilmembers: Kivell, Kramer, Kurtzweil, Parisien, Rzyzi and Wedell
ALSO PRESENT: City Manager Ladner, Chief Collins, Chief Kennedy, Attorney Wilhelm and Deputy Clerk Pieper
ABSENT: Clerk Deaton

MINUTES

Councilmember Kivell stated on page 2 the statement should be added; He also added he was hoping we would have a process to move toward that goal and have some example documents from other communities that have already created this rather than trying to determine it on the fly. He further stated on page 5 the second line the word “combined” head coach of the combined high school lacrosse teams. Councilmember Parisien stated during her Council Comments she thanked everyone for their hard work on Pumpkinfest and she also thanked DPW and that should be added to the minutes.

CM 10-1-17 MOTION TO APPROVE THE MINUTES AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Kurtzweil asked about the refund of a summer tax overpayment for Corelogic. Is that a tax tribunal issue? Councilmember Kurtzweil asked about a pole barn roof that was replaced. She then asked about another tax refund on the same page. City Manager Ladner stated the pole barn was for the roof at the DPW yard and it was a budgeted item. She is curious for the reason of the refund. Deputy Clerk Pieper stated that is a duplicate tax payment.

Councilmember Parisien then asked about a tax overpayment. City Manager Ladner stated that is the same one.

Councilmember Kurtzweil stated she wanted to bring to everyone’s attention the percentage of budget used for administration is 29%. City Manager Ladner stated she is aware of that.

Councilmember Wedell stated the revenue report was less than 20% and the expenditure report is closer to 25%. In the second quarter there needs to be significant attention paid to that.

CM 10-2-17 MOTION TO APPROVE THE BILLS AS PRESENTED

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

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 10-3-17 MOTION TO APPROVE THE AGENDA AS PRESENTED

Motion by Wedell, supported by Rzyzi

Motion to approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Dennis O'Connor stated he is here to observe and represent Mrs. Crawford the State Rep. Mrs. Crawford sometimes sends reps to observe and listen to local community issues. He further stated he has left a business card for her with the City Manager.

Tim McClorey of the MMRMA stated he is here to let the City know, the board of directors has decided to give \$23 million back to the communities. He further stated they have given back \$250 million over the years. Mr. McClorey stated we have a wrap program and all department heads can go through and see any grants the City will be interested in. He further stated he is giving the City a check tonight for \$30,334.00

Carl Richards of 390 Lenox stated he is here to reiterate what he said at the last meeting because it wasn't televised along with some new information. He stated the Depot Day was the biggest and best ever had and there were 1,000 people in attendance and more vendors than ever before. He further stated the Historical Society is preparing for Cool Yule whether it happens or not. The Depot will have Santa Claus and festivities. Mr. Richards stated in November they will be closing the museum on Sundays and they will be open on Saturdays instead of Thursday, more predominately next year. Mr. Richards stated the gazebo roof was completed. He further stated they agreed to go with an antique train for their design. He further stated the bidding is still open for the deck on the gazebo, the lowest bid has been \$25,000 and that is out of their budget. He further stated the museum doors have been fixed as well. Mr.

Richards stated he attended Heinanen's's open house which was the second of the year. He further stated he didn't know many people, but some knew him and were happy to see him. Mr. Richards stated Gary Fagin's business in the old Brown's building has finished their underground work, which was mandated by Oakland County and the building is coming in good. Mr. Richards stated he speaks with South Lyon Woods often, and they have agreed to give him something in writing showing what improvements they will be doing in the future. Mr. Richards stated Dante's Real Estate next to the bakery has closed. He has not spoken with the owner of the property. Mr. Richards stated it has been exactly 60 days since he was injured and he isn't completely healed, but he is working on it. He stated this has given him a greater understanding of what the handicapped people go thru with the curbs and sidewalks. It is terrible, but it is great to have the South Lyon Rehab in town. Mr. Richards stated he hopes to continue to have good weather. He then thanked everyone.

OLD BUSINESS

1. Consider second reading of Ordinance to repeal Sec 58-83 criminalizing the possession of a switchblade knife

Attorney Wilhelm stated there have been no changes from the original reading.

CM 10-4-17 MOTION TO APPROVE THE SECOND READING

Motion by Kivell, supported by Parisien

Motion to approve the second reading criminalizing the possession of a switchblade knife

VOTE: MOTION CARRIED UNANIMOUSLY

10-9-17

2. Consider first reading of ordinance amendment rezoning parcel 21-30-126-003, West End Industrial Park, from the I-1 District (light industrial) to the RM-1 District (multiple-family residential)

Attorney Wilhelm stated this was postponed from a previous meeting because we were waiting for a report from Rowe Engineering. He stated the Planning Commission recommended denial in December 2016. He has provided Council with a full packet of information such as site plans approved in 1998, application for rezoning, as well a letter from Mr. Linnell the applicants attorney. Mr. Avantini of CIB Planning stated when the applicant applied for a rezoning they suggested the lots are too small to use for industrial. He stated Rowe Engineering has supplied a report showing a range of sizes of buildings that can be built in there. He stated the range is from 8,800 square feet to 57,900 square feet. Mr. Avantini stated this is not a scientific type of thing, we are looking at land uses. He further stated based on the comment that the lots were too small for the industrial use, but there is another local community they are reviewing a building for just under 12,000 square feet and they have had an interest in that size of buildings. He further stated this is another piece of information Council can take into consideration. He further stated he still recommends the original recommendation of not changing the zoning. He further stated another concern is the noise from the tube mill. He stated it is not a good idea to put a residential use next to a manufacturing use that creates a lot of noise. He further stated that is why we began separating our land uses. Councilmember Kivell asked if the land is platted. Mr. Avantini stated there are options for different layouts. Councilmember Kramer asked if the current layout is a hinderance for new development. Mr. Avantini stated he isn't the most qualified person to speak to that, but his opinion is it potentially could be. He further stated you can fit smaller buildings in there. Councilmember Kramer asked what the original plan was when the road was put in. He further asked how the original road design came about. Mr. Avantini stated that is a question for the applicant, this was done in the 1980's. Councilmember Kramer asked if there was any marketing done before the streets were put in. Mark Zulack of the Thomas Duke Company stated once the roads were put in there were 5 or 6 industrial firms that marketed the property. Councilmember Kramer asked when it was residential was any marketing done before it was rezoned to industrial. Ralph Nunez of Nunez Design presented a power-point presentation representing their request for the rezoning. Next to speak is Richard Lanell, 2804 Orchard Lake Road, Suite #203, Keego Harbor, Michigan. After much more involved discussion, Councilmember Kramer questions what the property is marketed for and what is the asking price. Lanell advises that it is under contract right now and the asking price is \$1.8 million, pending re-zoning. Kurtzweil goes on to discuss the true value of the property priced as Industrial property. There are two different market values depending on how the property is zoned. Somebody is trying to say to the City of South Lyon that you need to help me make \$1.8 million on this property, and she believes this property was bought for \$100,000. Why is South Lyon being asked to carry the burden here of assisting somebody to sell the property at the maximum value? When the owner consciously bought the property it was zoned residential, they came to the city and asked it to be rezoned industrial, so now we did what he asked us to do. Now we are finding out, that this may be a very good zoning for this property from the arguments from our own City Planner. Lanell advises that he represents someone that would like to use the property and has determined that the best way to use this site is to make it in to a multi-family residential site. Kurtzweil poses the question, So what is the difference between this location and the Dennis DuBoc development that is doing very well, and that is about a quarter of a mile away from this property. The lengthy discussion continues between the Council and the representatives that are present. Councilmember Kramer goes on to explain that the exact same argument, but in reverse, 20 years ago, was made to the Council. We have looked at this land as Industrial for the last 20 years and when you developed the city, that part of the plan (as Light Industrial) was part of the city. Everything else has been

developed. 66% of our City is residential and we only have 4.3% of the land left in our city as Industrial. Kurtzweil goes on to discuss our City Planners argument regarding the land use inventory. Our City is rich in residential development. We have a ton of what you are proposing. This city has flat line tax revenue. We have severe pressure on our budget. We are going to compound it with 66 homes. We want Industrial use. At this time, Economic Developer and DDA Director, Bob Donohue, states that he has been in Economic Development for the last 39 years and he feels it is important to say something about his experience. Future land use regarding new construction – no community realizes or implements its entire Master Plan overnight. It's reaffirmed every five years, and he knows of no community that has every realized its Master Plan overnight, or within five years or even ten years. Donohue would like to know what marketing has been done, both in the past and the present. Light Industrial now on N. Mill Street is thriving and has no problem with location. In fact, there are two requests to expand. We just came out of the Nation's worst recession since the great depression; this has affected us for at least ten years. The subject's property is the last undeveloped zoned I1 property in the city. This alone will attract more business owners who potentially want to live and work in this community. The applicant keeps describing location doom and gloom. Donohue goes on to say that he wants all to know that all of our current occupied light industrial and heavy industrial are extremely successful. Councilmember Parisien states that she has taken a poll and the people have said they do not want to become New Hudson or Lyon Township, they are building warehouse after warehouse and factory after factory. On the other hand, people are saying that they do not want to see more houses built. So it is really a tossup. But what it comes down to is that traffic is still an issue and she is not convinced that our infrastructure can handle it. That is an average of two cars per household. Parisien states that she does not support this at this time.

Councilmember Rzyzi calls point of order, Councilmember Wedell calls the question – a motion must be made. Attorney Wilhelm strongly recommends that a motion is made.

CM 10-5-2017 Motion to deny the amendment of the official zoning map of the City of South Lyon rezoning parcel #21-30-126-003, West End Industrial Park, from the I-1 District (light industrial) to the RM-1 District (multiple-family residential) for the following reasons:

1. The proposed re-zoning is not consistent with the City of South Lyon Master Plan, and more specifically the future land use.
2. There is a need to retain the city's limited industrial land.
3. Rezoning the land to residential does not address a community need. Residential land use in the city is 65%, the site is capable of accommodating the range of uses permitted in the I-1 District.

Next, residential use at this location is not appropriate due to adjacent existing Industrial uses. Further, this motion is being made based on the recommendation of the Planning Commission and the Planning Consultants letters, and the discussion this evening and the documents provided for review and comment.

Motion by Kurtzweil, Supported by Kramer

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Consider first reading of Ordinance to amend Chapter 58 Article V Division 2 Sections 58-239, 240, 242, 243 to conform with State law changes relating to minors that purchase, possess or consume alcohol.

CM 10-6-2017 Motion

Motion by Kramer, Supported by Kurtzweil

VOTE:

MOTION CARRIED UNANIMOUSLY

Attorney Wilhelm added for clarification that the Governor did sign the legislation that will change the effective date to January 1, 2018. Wilhelm stated that he will change that date for the second reading.

BUDGET

Councilmember Kurtzweil states that she would like to add the following to the minutes (Exhibit 1), she goes on to explain that this is an article that she found that provides some interesting information and she would like to bring it to Council's attention, and everybody as we move forward in November. As she stated before, the City of East Lansing is putting before the voters a ballot initiative to provide a city income tax proposal and the reason that they are doing it is because they are looking at \$200 million in unfunded pension and health liabilities and somehow the politicians in East Lansing believe that taxing their way out of the problem is going to solve it and Kurtzweil would just like to say that maybe East Lansing needs to start sitting down and making tough decisions like what we are going to have to do in the next couple of months, making very, very tough decisions instead of going to the tax payers and asking them to bail us out a little bit.

On the spending side, in the City of East Lansing, their City Council increased spending from \$42 million to \$48 million and so I think you can see what happens when you don't have your spending under control, because there is really only one place to go for the money and that is the taxpayers, whether you are increasing property taxes or selling bonds. So this is an interesting article, it's just another point to say that we need to get some issues under control on the budget. Thank you.

Councilmember Rzyzi explains to the public that a meeting was held this past Thursday regarding MERS, the city's unfunded liability pension program. He adds that there was some very disturbing news on how we got to where we are today. That was the negative, the positive was that it did shed light on the situation we have at hand. He goes on to say that he felt it was a productive meeting and it put into perspective how much money we have that we owe (that we are in the hole) and how much money it would take to get out of the hole, and what kind of challenges this council is going to have. It's a very serious matter, but he is confident that going forward as a city council we will be able to get our arms around this. It's going to be tough. Everyone wants to keep spending, but you can't spend your way into prosperity, it doesn't work. Rzyzi goes on to say that he is confident that as a council, we will be a fiscally responsible council that will take this seriously and once and for all get ourselves on a payment plan, payment track and to get this resolved and make some changes going forward, especially we'll tackle this next year. So more to come.

Councilmember Kivell adds that the other side of the coin for the MERS meeting was that we are already on a payment plan. It will be 22 years to pay off our existing defined benefit situation. The really heartening part was the transition into a defined contribution system that we're pretty much pushing our

way in to, much as most communities are doing right now, trying to shave those legacy costs. We already have been approaching this solution.

City Manager Ladner adds that the Council will be receiving an email from her that has recent survey data done from several communities across the state of Michigan regarding revenues, proposed revenues, what they've done and when they did them. She adds that it is very informative and looks forward to discussing it.

DOWNTOWN

Economic Development and DDA Director Bob Donohue begins by stating that we are not locationally challenged, we have a great location and a great community. Donohue goes on to mention the highlights in the attached report that he had prepared, which included: the final draft of the Downtown Business Directory, the final revisions of the Downtown Historic Walking Tour Booklet, the installation of the No Truck Turn signs at Lake and Lafayette Streets, the Banner Poles, the Cornstalks in the downtown area, the annual Kids Trick or Treat and Zombie Walk, Ladies Night Out, Friday, November 17th, along with a few more items.

The discussion continues regarding the No Truck Turns and the re-routing of traffic.

Councilmember Ryzyi questions if Council will be approving the downtown street closers at the next meeting. Chief Collins advises that the Police Department has not yet received a request to close the streets (as of yet). City Manager Ladner and Donohue both confirm that this comes from the DDA (Abe Ayoub) and should be received shortly. Ryzyi adds that again he would like to say again that eventually, someday, (adding a comment to Chief Collins that we haven't always agreed on this) but it would be nice to see the roads closed all the way from the former Brown's, because we have so many kids and so many parents walking down that street and there are so many cars trying to bypass the downtown area. It would be great to extend the downtown area to make it more safe. He adds, I don't know if this is possible for this year, but he will definitely be pushing this for next year.

Councilmember Kurtzweil (requesting this to be taken back to the DDA) compliments the cornstalks downtown, stating that they look absolutely fabulous. She goes on to say that she has been in this town 20 years and that Downtown has never looked as good as it does now. To drive North on Pontiac Trail and see the American Flags and these cornstalks, you really do feel like you are in a kind of Norman Rockwell town. The visual impact that this is making by someone taking some time and beginning to add some of the touches that Downtown really really needs. And also, I wanted to bring to your attention that you do have some of the stores in the Downtown beginning to decorate. Grand Trunke looks absolutely fabulous, Lemon Tree with Annie looks absolutely great, Jan's Skin Spa and Divine Yoga have mums out there. You go down to the Hotel and he has metal carved pumpkins that are on the railings and plus he has mums out there in the landscaping, you go across the street and Emily's got the cutest little Fall things out, Diane has pumpkins in her window. It's beginning to spread and beginning to take off and she goes on to say that she thinks that that's what shoppers want to see. They want to see the seasonal decorations in the downtown. So she wants to thank you and the DDA for really putting forth a great effort. That downtown looks darling.

MANAGERS REPORT

City Manager Ladner states that some of her things have already been covered, the work session with MERS was very productive, and the MERS issue will be placed on the agenda for next week for 10-9-17

discussion. She states that they also had the sub-committee meeting for the Liquor License ordinance and that too will be on the agenda for the second reading. Thanking Councilmember Parisien for her input on this. It's that time again for the mandatory CDBG meeting which will take place next week. At the next Council meeting, we will be scheduling a public hearing, because that will only give us three more meetings until the application is due in early December. Ladner goes on to touch on the Downtown Trick or Treating and Zombie Walk, the Ladies Night Event and that the Hotel should be open by then. She encourages everyone to come down and visit our local restaurants, Draft Street, Lake Street Tavern, Corner Café and the Hotel. A reminder that there are three more weeks left of the Farmer's Market on Saturday's. A great way to get your Christmas shopping done.

Ladner states that she will be bringing to the Council for discussion getting an RFP for security systems for City Hall. Over the past several weeks we have had several incidents that have made City Hall Staff concerned about visitors at City Hall to the point where today, police assistance was requested at City Hall to manage a situation. Ladner adds that she believes it's time to add a security system to ensure the safety of our employees.

COUNCIL COMMENTS

Councilmember Wedell – Pass

Councilmember Kramer – States he has said enough

Councilmember Rzyzi – Begins by saying that he wants to give this Council a lot of credit. We had an important issue with this re-zoning request. He states that he can't speak for Council, but as you can see, it was overwhelming, pretty much the consensus that we need to maintain the character of that development and that land. He adds that he thought it was really nice and that there was some healthy discussion there and Council agreed on it, because this was a very serious discussion and an issue and the personal opinion from me is that the residents have spoken and they do not want to see re-zoning to residential. People are looking at all the development around us, in Lyon Twp., and what have you and they just see housing all over the place and they just want the growth to slow down. Rzyzi goes on to say that he was pleased on how that vote turned out and thanked Bob Donohue for speaking up. He then goes on to address Carl Richards, stating it is nice to see him here, and to see him recovering from his injury. He states that it's nice to see you come here, you have such a good following with the Senior Community and being a senior yourself, people look to you. It's good for you to come here and give that advice that so many are looking for, so thank you. Also, a big thank you to Tamara Ward, at Abbey Park, for assisting in getting Mr. Richards his scooter. For helping out one of our local watch dogs. Rzyzi goes on to state that has been quiet, but keeping his eye on the invoices from our City Attorney. He continues by telling Tim that he is very impressed with how the invoices have really been in line with staying under the retainer. Rzyzi adds that this was one of his goals, and that was one of his criticisms or scrutiny was keeping those invoices in line underneath the \$9,000 retainer, and for the past three or four months, they've been where they should be and he thanks Tim for taking all that criticism constructively and watching out for the tax payers, so thank you. He goes on to also thank the Johnson Rosati Law Firm for all the hard work they do for the city. Rzyzi then goes on to give credit to Bob Donohue and to our current Mayor, John Galeas about the signs downtown. He goes on to say to the Mayor, that he knows that he is a humble man and if he tries to him credit, he will say that this is a team effort. But they had these conversations two years ago, and that is what you said you were going to do, and you stuck to it. Trucks hitting the polls, people hitting the poles, fortunately, no one was killed or injured. The Mayor drove that project, and it's finally getting done with the assistance of Bob Donohue, so we haven't always agreed on everything, but we agree on this one, and it's a good lasting impression. He goes on to wish everyone a good week, thanking everyone for listening, thank you.

10-9-17

Councilmember Kivell – Begins with asking Chief Collins about the replacement for the PD clerical, Chief Collins advises that they have made their selection but have put the actual hiring process on hold pending an authorization from the City Manager and her discussion with Sue Fineberg to clarify some restrictions on a temporary rehire of our clerk until Council makes a final decision on a defined benefit vs a defined contribution plan. Collins goes on to say that there is a dire need to get a decision on this. Kivell then questions City Manager Ladner about a date for her evaluation. Ladner advises it will be on the next agenda. Kivell goes on to ask about the project with the schools and the improvements to the theater here. Ladner states that the schools will be doing the bidding process. Kivell goes on to discuss the position for the Water/Waste Water Director. Ladner advises the wording has been done, but again, the wait is on the MERS decision. Kivell questions the fee schedule and trying to get that worked out. Kivell and Chief Collins go on to discuss the truck pattern and how warnings will be handled as we move forward. Including classifications for trucks and the motor vehicle description of trucks.

Councilmember Kurtzweil – begins by presenting and requesting this to be attached to the minutes – the MCL 169.247 – one of the statutes out of the Michigan Campaign Finance Act and the reason that this is important, and Kurtzweil wants to make sure that the candidates running for Mayor and the candidates running for City Council understand that if you put literature out there in the public. Whether it's a lawn sign or a piece of literature that you are going to be distributing, the state does regulate that you have certain disclosures or disclaimers that are put on that literature. Failure to do so is a misdemeanor. So you don't want to start circulating printed material that does not have the proper disclosure on it and it has come to my attention that there may be some violations out there. To be fair to all the candidates running, Kurtzweil advises that she is just going to submit this statute so that you can read it. If you are going to get involved in campaigns you have the Oakland County Election Division, which is very helpful, the Secretary of State that can help you. Don't start your political careers as early as you are by not following our election statutes. They are pretty simple and easy to understand. The disclaimer is the big thing, and that disclaimer is: Paid for by the committee to blah, blah, blah....That needs to be put on your literature and your lawn signs, and it has to be readable. And you need to look at the statutes to see what address and name you need to have on it. To all of you, Good Luck, and she wishes them well. She just wants to make sure that everyone understands that you have to play by the same rules.

Kurtzweil then goes on to discuss an up and coming event at St. Joe's Catholic Parish, the Fatima Festival 100, and it's beginning Friday, Saturday and Sunday of this week. It is a full agenda of activities and speaker's from all over the country. Kurtzweil goes on to explain the history of the Fatima Festival, and goes on to welcome all that will be pilgrimaging to the city of South Lyon from all over the state and from Northern Ohio. This is a very significant event and adds that she thinks this is great for our city and it's about a time of peace. Kurtzweil goes on to say that October is a wonderful month to enjoy. Go out to the Cider Mills, carve a pumpkin or two. Kurtzweil adds that she has been to Erwin's and they have told her that they are almost hitting record numbers, same with Three Cedars Farm. Please enjoy them. October 28th is the costume party at the Witch's Hat. Kurtzweil then touches on the downtown trick or treating event and how every year they are hitting record attendance, we will go through over 1,000 – 1,500 pieces of candy just in our little block alone. This is growing leaps and bounds. Have a great October, enjoy the weather. And Carl you have been missed, not just by the seniors.

Mayor Galeas – Discusses the truck turns and the downtown area. When you live downtown you see the disruption. Galeas reflects on the conversation that he had with the Former Mayor and his response to the situation, which was, “not much we can do, it's Oakland County”. He just didn't accept that. The buck stops here at this Council table. He goes on to state that this is a very compassionate Council and that

everyone does care about this city. He goes on to make a request to all the future candidates, remember that we work for the people and represent the City. Keep that close to your heart and understand how that works.

Councilmember Parisien states that she would like to give a shout out to the South Lyon Junior Area Chamber; they are hosting a Pub Crawl on October 21st and it will include all the best Brews of South Lyon: Lake Street, Draft Street, Third Monk and Witch's Hat. And you will be able to get different brews and different drinks at discounted prices. You will get a T-shirt, and speaking of T-shirts, the Junior Chamber is looking for sponsors to put their logos on the T-shirts. So if you know or are an interested party, contact them. All the proceeds will be going to Operation Injured Soldier. There is a link on the website for tickets.

ADJOURNMENT

CM 10-7-17 MOTION TO ADJOURN

Motion to adjourn by Kramer, supported by Rzyzi

Motion to adjourn meeting at 10:15 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted

Mayor Galeas



Deputy Clerk Judy Pieper