

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
NOVEMBER 27, 2017

Mayor Pelchat called the meeting to order at 7:33 p.m.
Mayor Pelchat led those present in the Pledge of Allegiance

Present: Mayor Pelchat, Councilmembers; Kivell, Kurtzweil, Parisien, Richards, Rzyzi, and Walton
Also present: Chief Collins, Chief Kennedy, Attorney Wilhelm, Clerk Deaton
Mayor Pelchat stated City Manager Ladner is absent due to being ill

MINUTES

Councilmember Kivell stated on page 6 Gready needs to be changed to the correct spelling of Grady.

CM 11-1-17 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Parisien, supported by Rzyzi

Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- NONE

AGENDA

Councilmember Kurtzweil asked if item VI should be removed because the individual isn't here because she has some questions. Attorney Wilhelm stated she wasn't intended to attend the closed session. Councilmember Kurtzweil stated for those that are new on Council a point of information is when you supply additional information to people that they may not know. She stated the OMA states a public body may meet in a closed session, it is not obligatory and a two-thirds vote is required in order to have a closed session, regardless of the purpose of the meeting and if the votes are not there, it is not required. Attorney Wilhelm stated that is an accurate reading of the OMA but not necessarily Robert's Rules of Order, and it is Council's decision by vote to do so or not.

PUBLIC COMMENT- None

PUBLIC HEARING- CDBG PY 20185 Application

Attorney Wilhelm stated this is the Community Development Block Program funds from the federal government that the City receives. He further stated the City has the ability to allocate the money for qualifying purposes and considering the City's demographics and other characteristics the City has historically allocated this money to the Senior Center and Haven. He stated by law the City must have a public hearing. Councilmember Kivell stated Haven is an organization that is dedicated to the assistance of abused women.

Mayor Pelchat opened the public hearing at 7:41 p.m.

There was no public comment made.

Mayor Pelchat closed the public hearing at 7:42 p.m.

OLD BUSINESS

1. Discussion- Downtown

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Bob Donohue stated the Ladies Night Out was on November 17th and it was very successful. He stated the businesses had record sales and we have had really good feedback from the community and businesses. He further stated the senior downtown businesses report in the past we had 175 people in attendance and this year we had over 600 people. He stated within the first 45 minutes the 250 swag bags were already gone. He stated it is a testament to the DDA and the publicity that it was given. He stated the people and the businesses really came together for this. Mr. Donohue stated the addition of the shuttle was a great success as well. Mr. Donohue stated Small Business Saturday was a great success as well. He further stated we had two exciting events go very well. Mr. Donohue stated the press release for the ribbon cutting is Friday December 1st at 9:30 a.m. Mr. Donohue stated he has included in his report notes from the Liquor License meeting.

Councilmember Parisien asked what he has heard about the new Tim Hortons. Mr. Donohue stated it isn't in the City and he has not been there yet, but they are having the same issues as any new business opening with training and issues like that. He further stated the Hotel is having some of the same issues. Mr. Donohue stated the South Lyon Hotel will be changing the lighting and there is a lot more details that are coming along, they have a lot more coming with the interior of the building.

Councilmember Richards stated he was attending Cool Yule and he saw Bob during Ladies Night Out and he enjoyed it very much. He stated he would like to know where the People's Express Shuttle was taking people to. Mr. Donohue stated the shuttles were moving every 5 minutes, the Methodist Church and the Salvation Army were the pick-up points and they dropped people off downtown. Mr. Richards stated he doesn't think people knew that. Mr. Donohue stated the businesses were telling people and it was advertised but there is always room for improvement.

Councilmember Kurtzweil stated she is interested in the business model of the downtown. She is also looking at economic data and she is concerned about the trend with the brick and mortar stores. She stated she is shocked at how quick Amazon is eating up the market. She wonders if there is some adjustment to the business model would take some of these trends into consideration. Mr. Donohue stated he is attending workshops on that. He further stated communities that have a strong downtown are trumping the internet and we will continue to work towards getting the right mix of businesses downtown and he thinks downtowns everywhere are standing up well if they are well managed. Councilmember Kurtzweil stated she has come to realize that as she has watched the downtown in the past 20 years it is much more active now than in the past, but she wonders if we have the strength in just the South Lyon market to sustain the downtown. She stated if a new business comes in they will have to have a good internet business or we will really have to market our downtown to the surrounding areas to make our downtown a destination. Mr. Donohue stated we are looking at our market and will be getting a new market analysis this year as well. Our market stretches out to Milford, Green Oak, Salem and Lyon Township. He further stated the internet is becoming a large component for businesses, but many people still like to touch and feel things before they purchase them. He further stated he feels strong we will gain 2-4 more retail stores in the next 6 months or so. He also believes we will score one of the restaurants we have been trying to get. Councilmember Kurtzweil stated Mr. Donohue is doing a fabulous job.

Councilmember Kivell stated Amazon can't compete with restaurants so we do have that. He then asked Mr. Donohue if there has been any feedback on the no truck turns in town. Mr. Donohue stated he has had great feedback and the Police Department is doing a great job. He further stated families are very happy about that as well. Councilmember Kivell stated he is happy people recognized it for what it is.

Councilmember Kivell stated he thinks it would have been great to have Mr. Donohue here before now, but he doesn't believe the impact would be as profound as it has been recently due to the density of the population around us is much higher than ever before.

Councilmember Walton asked what is considered the core downtown district. Mr. Donohue stated it is very small, which it was good to be conservative at the time it was formed. He further stated it consists of properties from Reynold Sweet to the railroad tracks as well as some back properties on Lake Street and Whipple. Councilmember Walton asked if we have ever considered expanding to include the thoroughfare of the town. Mr. Donohue stated if we change boundaries we could lose dollars because the County could pull back funds. He stated there is now a good masterplan that was passed and he thinks in the next few years the DDA will be giving money back to the general fund because we have a strong core with the master plan and we will see some major developments.

Councilmember Kivell stated in the past we have looked at broadening our border, but we enjoy that there is no sunset on our DDA, and anything that occurred after we formed ours, have a sunset of 30 years. Mr. Donohue stated there is a lack of understanding that the downtowns are never finished. He stated downtowns are a living organism but higher government doesn't always understand that.

2. Consider restrictive covenant request for 128 S Lafayette

Attorney Wilhelm stated this was brought to Council in October. He stated this is the City owned parking lot in downtown which is the former Amoco site regarding a proposed restrictive covenant. Troy Sclafani of Arcadis stated the site has issues going back to the 80's and 90's. He stated there have been multiple rounds of clean up activities and analysis and there was a feasibility study done to show what can be done about the contamination levels to get the site to regulatory closure. He further stated they tried to get the MDEQ in 2013 to accept reliance on existing institutional controls such as the due care provisions which property owners are required to act with due care in managing contaminated properties, as well as the City's ordinance. He stated they reviewed the materials, the MDEQ decided while those controls are good, they want a restrictive covenant before a closure can be done. He stated that is typical of MDEQ. He further stated that will ensure any future owner of the property is notified of the conditions of the property and any conditions in managing the property. Mr. Sclafani stated there is a lot of detail in the report that summarizes the history, corrective action, and any effect of the remaining impacts of the site. He further stated over 100 samples have been collected. The contaminants that are left on the site is residual and naturally inundating. He stated there is nothing else they can do but try to get a deed restrictive covenant to ensure the property is used in a manner that is consistent with its conditions. He further stated the release was in the 80's and it continues to degrade. He stated there is no unacceptable risks for the property. He stated currently it is a parking lot, but it can be developed on. Mr. Sclafani stated getting the site closed can be done with a restrictive covenant. He further stated this is not a reliability transfer, BP has an insurance letter acknowledging their responsibility for the environmental release at the site. The insurance letter also has a hold harmless section as well. He stated the only responsibility that is transferred is the due care. He stated this will make the property more developable and marketable. He further stated this will take care of the due process that needs to take place. Councilmember Ryzyi clarified that Arcadis is working for BP. He then asked when did the discussions begin. Attorney Wilhelm stated he believes around 2012. Councilmember Ryzyi asked if we signed this agreement if there will be some risk to the City. Attorney Wilhelm stated it depends on how you define risk. He further stated the restrictive covenant and the insurance letter needs to be reviewed and clarify in some documents that if this is approved the monitoring wells will be removed. Mr. Arcadis stated they

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will be removed after everything is approved by the MDEQ. Councilmember Rzyzi asked who will be overseeing this. Attorney Wilhelm stated we will want someone to monitor this in some way. Councilmember Rzyzi stated what stands out to him is there will be some liability to the City and at the very least we will have to spend some of our resources into this, and what is standing out to him is Arcadis is offering \$15,000 for signing the restrictive covenant. He further stated BP could pay much more than that, and he wants to see how that number was determined. Mr. Sclafani stated we take a science and engineering look at it and the cost to deal with this issue is not in line with a number Councilmember Rzyzi is thinking of. He then asked if there was another number they would be interested in. He then stated Arcadis is offering the compensation, not BP. He stated this is a very small property and they have done this with many other land owners and we calculated the value of a restrictive covenant many times and he will deal with the City to look at any costs the City is looking at in return. Councilmember Rzyzi stated he wants to see a breakdown of how Arcadis came up with the \$15,000. Councilmember Kivell stated when this started, our expectation was that it wouldn't be virgin soil, but it would have been remediated to a point that would have been concluded substantially quicker than it has. He further stated we are still in the throes of tainted soil. He stated considering the vapor barriers and other contingent operations are still necessary he was hoping it could be a lesser than circumstance and that we could have turned this over to someone to put something functional for the community on the property. He asked how it doesn't create vulnerability when pulling out the wells. Mr. Sclafani stated the wells themselves create a greater risk with not removing them. He further stated the well has sand and a slotted screen in them but it is still a hole in the ground where something can get through. Councilmember Kivell stated another concern he is having is at the end of the synopsis of the declaration it states the adequacy of the corrective action in pursuant of the CR for the closure report may not have been reviewed by the MDEQ. Mr. Sclafani stated it is standard practice and he has done 54 of these in Michigan alone. He further stated the protocols specify they do a restrictive review and they have a specialty task group that are governmental experts and it would be reviewed before this was all approved. He further stated they will ensure their experts agree with what Arcadis is saying, and he is sure MDEQ will approve this. Councilmember Kivell stated when he reads through the due care plan, the exacerbation of a water or gas line goes through this soil and allows the contaminate to go outside of the current foot print, it doesn't leave the City completely having no liability to remediate whatever damage may be caused by this. He further stated Arcadis and BP have buildings full of lawyers that are geared to find loopholes to hold us liable. He wants to find a solution to this, but he is reluctant to sign on this and later down the road someone doesn't take the due care they needed to and the City gets held reliable. Arcadis stated the best thing to do is to put our heads together and come up with mutually acceptable terms. He stated the restrictive covenant is an extra level of security for the City. Councilmember Parisien asked how many wells are currently there. Mr. Sclafani stated 20-25. Councilmember Parisien reiterated what Mr. Sclafani stated earlier that the wells staying in place is more of a danger, she then asked who is testing the soils currently. Attorney Wilhelm stated Arcadis is testing the ground water of the monitoring wells. Councilmember Parisien asked if we can turn to BP if something goes wrong when removing the wells. Attorney Wilhelm stated the idea is Amoco is the responsible party, Arcadis is their contractor hired to try to gain a closure. He further stated Amoco has offered a reassurance letter, and if the site is closed and RC is signed that may trigger a release of Amoco from some level of liability. The assurance letter will take over with extra protection of liability and that is to the City's benefit. Councilmember Parisien stated we don't have the reassurance letter. Attorney Wilhelm stated we currently do not, but they have offered to give us a detailed letter. Further discussion was held regarding the City not having any costs regarding removing the wells and follow up. Joe Beutler of ASTI stated the non-residential criteria is less restrictive than residential. The levels there are below the residential criteria and is more restrictive. Attorney Wilhelm stated you can put a building on top of this without

penetrating the contamination. Councilmember Kivell stated the contamination is below 9 feet so a foundation for a building wouldn't disturb it. Mr. Sclafani stated it is 10 feet plus below and it is good practice to use the vapor barrier anyways. He further stated the vapor intrusion is a top topic and another reason to sign a restrictive covenant. Councilmember Richards stated it has been more than 20 years since the first wells were first put in. The City bought the property in 1995, more wells were added afterwards. He worked at the gas station years ago, and the general understanding was 40 years and the well project would be over with. They told us the results were originally good and not much contamination. Why can't the City take the worst well that is there and excavate the property and remove the contaminated soil then leave a hole there and let it air out. He asked if the DEQ would approve this instead of trying to convince a developer to purchase this property. Mr. Sclafani stated if you dig up the most contaminated wells, you will still have other wells there, and you will still be required to have a restricted covenant because of the ground water. He stated it would be an excavation of 15 feet deep in the middle of town would be quite a job. He stated you would have to truck all of the soil off site. He further stated it really isn't feasible, the first rule of thumb is do no harm and hydraulically it is feasible, but what do you inject to treat the contaminates. There will be environmental and engineering concerns. Councilmember Rzyzi stated there seems to be more questions including getting a new proposal for the payment. Councilmember Kurtzweil stated there is contamination and it exceeds some MDEQ levels, and she asked what is the risk to the City's drinking water supply. Mr. Sclafani stated they have found there is no risk to the City's drinking water supply. It doesn't extend the immediate property and looking at this vertically, the City's consultant verified there is a thick clay layer separating the City wells. Councilmember Kurtzweil asked the distance from this property to the City drinking water supply. Mr. Beutler of ASTI stated there is 2.7 miles. He stated based on the investigation that has been done, he can't say there is no risk, but the risk is minimal. Councilmember Kurtzweil stated she is trying to determine risk. She stated there has to be considerable thought given to releasing Amoco from the liability of this property. She stated she read the report but it raised some concerns for her. Mr. Beutler stated the MDEQ will not sign off on this if they think the risk is too much. Councilmember Kurtzweil stated she has no confidence in the government regarding drinking water. She further stated another problem she is having is the movement of the contaminants in the ground, she is hoping it moves out of the area over time, but she is worried about it moving toward our water supply. She is looking at the worst-case scenario, and if there is any risk, how will the City plan and deal with that. Mr. Sclafani stated he thinks the risk to the City is less with the restrictive covenant. The RC is there to notify property owners. He further stated the contaminates are not moving currently they are stuck in the site. Attorney Wilhelm stated the restricted covenant will not change the residual contaminates in the ground. The RC will put people on notice that the contaminates are there and what must be done to develop on the ground. He further stated with the assurance letter, it spells everything out to everyone. Councilmember Kivell stated he understands this isn't unique to the City. He then asked if the City is moving in the right direction and with the due caution we should be. Mr. Beutler stated based on their review the restrictive covenant is a common tool to get to the site closure and the fact you can assign the covenant to the deed, will put people on notice. It closes a significant loophole. He further stated if the documentation is lost or destroyed in years to come, the deed restriction will still be there. He also stated you can guarantee the person purchasing the property will be aware of the property and any issues. Mr. Beutler stated we know it is contaminated, and this is an appropriate remedy. This is a tool to let any future purchaser of the property know of what restrictions are there and what the history of the property is. Mr. Donohue of the DDA stated he has worked with ASTI in the past and they are spot on. He further stated he has spoken with developers that are aware of the issues on the property and feel more protected if the restrictive covenant goes through. Councilmember Kurtzweil asked if there is a way to measure the rate of the contaminates in the ground degrading. Mr. Sclafani stated there are a few tools we could use, but they

don't degrade in any particular time frame. It won't totally degrade for decades. Councilmember Kurtzweil stated it is possible at some point that the contamination will degrade at some point. Further discussion was held regarding the restrictive covenant. Attorney Wilhelm stated he and the City Manager will get more information and ask for a detailed reassurance letter and bring this to Council another time.

CM 11-2-17 MOTION TO POSTPONE UNTIL THE FIRST MEETING IN JANUARY

Motion by Parisien, supported by Kivell

Motion to postpone consideration of restrictive covenant and letter of assurance for 128 S Lafayette until first meeting in January

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider second reading of Liquor License Ordinance- request tabling until sub-committee and community input compiled

Attorney Wilhelm stated the subcommittee met on the 10th of November with various store owners and he has some feedback and they are planning on meeting again on the 30th. He is hoping to have a revised draft at a meeting after that.

CM 11-3-17 MOTION TO POSTPONE UNTIL FIRST MEETING IN JANUARY

Motion by Rzyzi, supported by Walton

Motion to postpone second reading until recommendations can be made to Council at the first meeting in January

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider resolution to amend 2016-2017 fee schedule

Dennis Smith of Safebuilt stated he is here to answer any questions Council may have regarding the building permit section of the fee schedule. Mr. Smith stated it costs \$54.00 to send an inspector to a job site. He stated normally a water heater requires 2 inspections, 1 electrical and 1 plumbing/mechanical inspection. Councilmember Kivell stated he brought this up originally a while back, and he gave the City Manager some information but for some reason it isn't included in the matrix. He further stated he thinks the \$180.00 is absurd. Mr. Smith stated that is the cost of the two \$90.00 permits. Mr. Smith stated it was recommended to change that to \$108.00. Councilmember Kivell stated Lyon Township's permit is \$78.00 He further stated the average is \$81.22. He further stated he would like to have an \$80.00 permit fee. It isn't a revenue killer to lower this fee. Councilmember Parisien asked how the fees were determined and how did we end up so much higher than the other communities. Mr. Smith stated fees are supposed to be directly attributable to cost. It is State regulated. They recommended a fee schedule in the past, but that wasn't followed, it was based on whatever budget was put in place. He further stated it costs \$54.00 to send an inspector to a site, and if we are talking about water heaters, it requires 2 inspections which is \$108.00 Mr. Smith stated we have always followed the State's lead. He stated when dealing with the old furnaces and water heaters, the permits require 2 inspections. Councilmember Parisien stated it seems we are gouging our residents and she is in favor of lowering the fees. She stated we have a small population and \$108.00 is too much. Councilmember Rzyzi stated he agrees the fee should be lower as well. He stated he doesn't think our residents should be paying any more than what the surrounding communities pay. He doesn't want to bash our water system, but we have hard water and it causes people to have to replace their water heaters. He stated this has impacted 64 people and the fee

adds to their already high cost of buying a hot water heater and hiring someone to install it. Mr. Smith stated you can decide to go to a single fee for this, as well as deciding the cost.

CM 11-4-17 MOTION TO COMBINE WATER HEATER PERMITS TO ONE \$80.00 PERMIT

Motion by Kivell, supported by Walton

Motion to combine residential water heater permits to one permit with a cost of \$80.00

VOTE: MOTION CARRIED UNANIMOUSLY

CM 11-5-17 MOTION TO COMBINE WATER HEATER PERMITS TO ONE PERMIT OF \$80.00 WITH AN EFFECTIVE DATE OF NOVEMBER 28, 2017

Motion by Kivell, supported by Parisien

Motion to combine residential water heater permits for residential to one permit for \$80.00 with an effective date of November 28, 2017

VOTE: MOTION CARRIED UNANIMOUSLY

5. Discussion- condition, current needs and future plans for rental houses located on E McHattie Park property

Councilmember Kivell stated we have a breakdown included in the packet with a large expense for replacing the roof on the rented home, but we also have a master plan, but no foreseeable when that will take place. He further stated the lawn mowing will still have to be done, the snow blowing will still have to be done regardless if there is a renter there or not. He stated we are still in the black on this property. Councilmember Rzyzi stated if they will be cleaning up the area anyway, that isn't a true cost. Mayor Pelchat stated his concern is where this will end, will there be continuous problems. He further stated when should we stop investment in the property. Councilmember Kivell stated we can keep an eye on the costs. Councilmember Rzyzi stated there would still be demolition costs. Chief Kennedy stated even if we used this home as a fire training for the fire department, there will still be a small cost for demolition. Councilmember Walton asked if we can find out how long we have been charging \$900.00 and is that market value for rentals in South Lyon, as well as when was the property last updated. She would like more information. Councilmember Richards stated Glenn is right, but he wants to add when the 3 bachelors lived there 18 years ago, the rent was \$600.00 and they had use of the garage. He further stated when the new people moved in it was set at \$900.00 and they have been there almost 8 years, and they are good tenants. He stated he remembers being in that home before the trailer park was started. He further stated the tear off is only necessary on the house, not the garage. He further stated there is some electrical repair needed, but it is up to code. He stated the mitigated costs is not accurate. Councilmember Kivell asked if there is support for directing the City Manger to get bids to replace the roof. There was support.

NEW BUSINESS

1. Consider acceptance of ZBA liaison resignation- Joe Rzyzi

Councilmember Rzyzi stated he has been the ZBA Council liaison for many years and due to family functions, he must resign.

CM 11-6-17 MOTION TO ACCEPT RESIGNATION OF COUNCILMEMBER RYZYI FROM ZBA

Motion by Richards, supported by Kivell

Motion to accept resignation of Councilmember Rzyzi from the ZBA Board

VOTE: MOTION CARRIED UNANIMOUSLY

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2. Discussion regarding reduction of ZBA membership

Councilmember Ryzyi stated there are some benefits of keeping the number of ZBA members to 7, but there are also benefits to lower it to 5. He stated the benefit to the residents is having a Councilmember sitting on ZBA sometimes make them more comfortable to speak with them and they can be their advocate. He further stated if you reduce it to 5 members, it may be easier to get a quorum. Attorney Wilhelm stated another option is to use the State Statute with alternates being used in case there is a problem with getting a quorum. Councilmember Parisien stated she liked seeing the email from Ms. Blaha with her aspect on this issue. If Ms. Blaha is stating this, she is in favor of this too. Councilmember Ryzyi asked if someone resigns in the future will we then have a Council liaison again. Councilmember Kivell stated that would be an option in the future if someone resigns. Councilmember Parisien stated she would like to hear from the ZBA members themselves. Discussion was held regarding having a Council liaison in the future. Council discussed asking the ZBA members for their opinions regarding this issue.

3. Consider nominations for appointment as Delegate and Alternate to SEMCOG

Discussion was held regarding postponing this item until the next meeting for more information from the City Manager.

CM 11-7-17 MOTION TO POSTPONE TO THE FIRST MEETING IN DECEMBER

Motion by Kurtzweil, supported by Kivell

Motion to postpone the appointment for delegate and alternate for SEMCOG at the first meeting in December

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Donation acceptance- Maier Family \$150.00 to Fire Department

CM 11-8-17 MOTION TO ACCEPT \$150.00 DONATION FROM THE MAIER FAMILY TO THE FIRE DEPARTMENT

Motion by Kivell, supported by Walton

Motion to accept \$150.00 donation from the Maier Family to the Fire Department

VOTE:

MOTION CARRIED UNANIMOUSLY

Councilmember Kurtzweil asked if we need to discuss the issue of members of Council attending and speaking at other board meetings. Attorney Wilhelm stated to him the best practice is for Council not to attend and speak during meetings because the appearance of influence since Council appoints the members of other Commissions. Councilmember Parisien stated she understands Tim's recommendation and she understands not speaking at the meetings, but she thinks attending meetings are important. Councilmember Ryzyi stated everyone on Council are tax paying citizens and this is a publicly owned building and he thinks as long as no words are spoken, or influence given, he thinks Councilmembers should be able to attend other meetings. Councilmember Kurtzweil stated the attorney general opinion that was provided dealt with a case when a City Councilmember went to a commission and spoke on behalf of an applicant. She further stated as long as the councilmember attends a meeting and takes notes, but doesn't speak, should be fine. She further stated the Michigan Court of Appeals concluded that it is improper to address a city board regarding a petition but it doesn't state they can't attend a meeting.

She further stated there may be a carve out that may allow Councilmembers to attend other meetings and they could speak if they aren't speaking of their own interest, but the interest of the taxpayers. She stated Council needs to understand there is an exception. Attorney Wilhelm stated another scenario could be that a planning commission must make a controversial decision, but councilmembers are in the room, it could create a situation where the applicant that is denied could inject the biased of Council in a lawsuit. This isn't black and white, but his opinion is for councilmembers not to speak and attend other board meetings. Councilmember Kurtzweil stated she has sat in meetings before and listened, and she doesn't see how that could cause an argument. She further stated she thinks it has been done in the past with respect and didn't participate with the conversation. She stated her biggest argument with the Planning Commission was not having a professional minute taker. A few years ago, the minutes were useless, and maybe that has changed but to say you can rely on those documents is not clear. Attorney Wilhelm stated he agrees, but a savvy applicant could use that to their benefit and file a lawsuit. He then stated Council can disregard his advice, but he will not change his opinion. Councilmember Rzyzi stated this item is not on the agenda. Councilmember Parisien stated she sees it as part of her job to attend the other meetings. She stated she respects Tim's advice, but he will look into this further to see if there are policies we can put in place to handle this differently. Councilmember Richards stated the Planning Commission is focused on land development and the dynamics are very different than the Historic Commission and Cultural Arts Commission. He further stated his take on this is a Councilmember can attend a meeting as long as he isn't putting his ideas into the comments or agenda. He stated if you are just making a comment he thinks it is ok. Mayor Pelchat asked if the City Attorney can do a little more research so we can discuss this at a later date.

5. Consider approval of application for CDBG funds FY2018

CM 11-8-17 MOTION TO ALLOCATE FUND FROM CDBG TO THE SENIOR CENTER AND HAVEN

Motion by Kivell, supported by Rzyzi

Motion to allocate \$31,024 to the Center for Active Adults, and \$5,000 to Haven from the CDBG funds for FY 2018

VOTE: MOTION CARRIED UNANIMOUSLY

BUDGET

Councilmember Kurtzweil stated she has many questions on the budget as well as where we are with MERS, she was expecting a representative here tonight, but she was told the person wasn't available. She further stated how important this is to get this under control and she isn't opposed to a special meeting, this needs to be resolved as soon as possible. She further stated she has heard a rumor that the State may be working on a program to require the City to revert to a hybrid program such as they did with the schools. She further stated she is upset that this isn't resolved and the impact it is having on our employees.

Councilmember Rzyzi stated he is very disappointed as well. He stated he recalls asking Lynne during her interview if she was going to be able to help us with the MERS issue and make a recommendation and she stated yes. He further stated he is tired of waiting and this is about the employees and this Council. We still need to replace Bob Martin and if that means moving someone up internally, so be it. He stated he is at the point that we don't need to meet with MERS, Lynne should be able to make a decision and explain it to us. Attorney Wilhelm stated there are a number of different issues and it is important for MERS to be here to answer the questions Council has. He further stated the union contracts allow for the

conversion for new hires, but Pat Azeltine thinks there is some strategy that needs to be done for the union contracts. Attorney Wilhelm stated the employee, employer contribution, as well as the vesting needs to be discussed and agreed upon. Councilmember Kurtzweil stated the State will be taking care of this in the future.

Ryan Lare 760 Grand Court stated his take on this is he has had several officers approach him telling him they are over worked, they need a Clerk and he tells them he is on it, but nothing is getting done, and the City Manager isn't here and the point he wants to make is his complaint is when there is a critical meeting she isn't here.

MANAGER'S REPORT

Councilmember Rzyzi stated he has asked at the last few meetings about the Knolls of South Lyon ADA crosswalks, as well as the drains are still clogged.

Councilmember Parisien stated she wants to know when we are going to get the weekly reports.

Councilmember Richards stated he wants to know if we have enough salt for the winter. He further stated he wants to know if we received any bids for getting Hagadorn fixed yet.

COUNCIL COMMENTS

Councilmember Walton thanked everyone for coming to the meetings. She then thanked Chief Collins and Chief Kennedy for taking their time to meet with her so she can learn more about their departments.

Councilmember Rzyzi thanked everyone for coming. He then thanked the City Manager for the Mayor and Council reference manual that everyone received today. He stated there was mention of the vision session from 2016 and it was very helpful. He thinks we should have another vision session.

Councilmember Rzyzi stated he wants to stress the importance of resolving the MERS issue and it is important to get this moving along so we can get the right people in place.

Councilmember Parisien stated she appreciates Councilmember Rzyzi stating how important it is to get someone in the Water treatment plant as soon as possible. They are doing a great job, but they need leadership. She then stated the DPW does a great job as well, but they need leadership as well.

Councilmember Parisien thanked Bob Donohue and the DDA for a great job with Ladies Night Out. She then stated Cool Yule is this weekend and the parade and craft shows will be great. She then stated the High School's combined Debate Team will be having fundraiser at Alexanders tomorrow night from 5:00 p.m. to 8:00 p.m. Councilmember Parisien stated the cutest house in South Lyon is at the corner of Wells Street and 10 Mile and it is known as the Christmas House which is also a store and they have tours available.

Councilmember Kivell stated he was very happy with the weather over the Thanksgiving weekend. He stated the South Lyon Hotel and the Lake Street Tavern have been very busy. He stated the Tavern has their own clientele that they normally have but they are also getting additional traffic from the South Lyon Hotel as well. Councilmember Kivell stated the discussions Council were having regarding the billing of HRC, we should be able to have them back off and allow our employees to do the work. Councilmember Kivell stated as of November 29th the DPW will be picking up by phone request, but he hopes they will try to get as much done as possible before the ice and snow falls. Councilmember Kivell stated he wants to give tribute to Chuck Harmon, he was a Navy C.B. and a great guy and he will be really missed. Councilmember Kivell stated everyone should come into City Hall to see the quilt and

fabric show that is still happening in the South Lyon City Hall lobby. There are some really great craftsmanship that is shown.

Councilmember Richards stated he attended the memorial for Chuck Harmon and he will be sorely missed. There were medals on the wall along with pictures of him running an M60 which is mounted on a helicopter flying over the rice patties. Councilmember Richards stated the executive staff will be at Cool Yule all day Saturday, he will be there later. He stated they are also short on personnel.

Councilmember Richards stated he hopes we can get Lyon Township to put up signs at their property lines going towards Tim Hortons and he wants some understanding on the zoning. He stated they plan on building houses behind that property.

Councilmember Richards stated he hopes someone will take his place doing public comment and mentioning good things happening around town as he used to do.

Councilmember Richards stated Ladies Night Out was a success.

Councilmember Richards stated the tube mill has changed ownership, they are no longer owned by Omni. As a result of their bankruptcy, they have changed ownership and they are now owned by JJD Capital Management which is a capital management group. It is no longer MST but now called Specialty Steel Works Inc. He would like to know who the owners are now, are they cooperated in the Cayman Islands, or from Delaware, this is a hostile takeover and he is not satisfied. He stated we are all interested in transparency but he will pass this over to Tim. This is a sham. He further stated there have been various vendors in town from Omni for money owed to them in 2016 and he wonders if the City got their money. Councilmember Kivell stated they did. Councilmember Richards stated in 2013 we granted a tax abatement for 12 years for what was supposed to be a 20 million expansion their part, why did they finance 80 million. Who did that, was it the finance officers in Ohio or Omni headquarters in Florida. Why did they default on the first payment, was this planned? He then asked Attorney Wilhelm to file a motion of discovery for a crime. He then stated he wants an explanation regarding the FOIA. What about every employee whoever worked there, the retirees, they want to know what the deal was. Attorney Wilhelm stated all bankruptcy records are public records.

Councilmember Kurtzweil stated she wants to reiterate her concern about MERS and the Budget, she has been discussing this for over a year and a half. She further stated she is extremely disappointed that we aren't discussing MERS tonight but the employees concern her this isn't fair to them.

Councilmember Kurtzweil stated she had a fabulous Thanksgiving and she ran into many people from South Lyon. She stated everyone was thrilled with how great the downtown looks. If you travel down Pontiac Trail and head north and you see all the Christmas trees with the lights on, it is beautiful. She then congratulated all the DPW that decorated the downtown with the garland and it looks great.

Councilmember Kurtzweil stated the City employee appreciation party is coming up next week, please bring your spouse and it will be a great evening out.

Councilmember Kurtzweil stated the Santa letter house is up and you can drop your letter in the box because Santa does answer most of the letters.

Councilmember Kurtzweil stated she sat on the Board of Directors for Active Faith and she hopes everyone can donate to them because they do so much for our residents.

Mayor Pelchat stated he wanted to thank and congratulate our South Lyon Fire Chief who has been given the opportunity to further his career. He further stated he will be missed very much. Mayor Pelchat reminded everyone of Cool Yule and he has heard Santa is in town.

CLOSED SESSION- Pursuant to MCL 15.268 (h) of the Open Meetings Act to discuss written attorney-client privileged communication and legal opinion regarding personnel matter, which is exempt from disclosure under MCL 15.243 (g) of the Freedom of Information Act.

Council adjourned the regular meeting at 10:45 p.m.

ROLL CALL VOTE:
 Kivell- Yes
 Parisien- Yes
 Rzyzi- Yes
 Pelchat- Yes
 Richards- Yes
 Walton- Yes
 Kurtzweil- No
MOTION CARRIED

Mayor Pelchat called for a 3 minute break
 Mayor Pelchat called the meeting to order at 10:53 p.m.

CM 11-9-17 MOTION TO RECONVENE OPEN SESSION

Motion by Rzyzi, supported by Parisien
 Motion to reconvene the open session at 11:30 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

CM 11-10-17 MOTION TO USE COUNSEL FROM JOHNSON ROSATI LAW FIRM FOR PERSONNEL MATTER

Motion by Kurtzweil, supported by Walton
 Motion to use Counsel from Johnson Rosati Law Firm for personnel matter

ROLL CALL VOTE:
 Kivell- Yes
 Parisien- Yes
 Rzyzi- Yes
 Pelchat- Yes
 Richards- Yes
 Walton- Yes
 Kurtzweil- Yes
MOTION CARRIED UNANIMOUSLY

CM 11-11-17 MOTION TO REFER QUESTIONS OF PERSONNEL ISSUE TO A SUB COMMITTEE OF NOT MORE THAN 3 COUNCILMEMBERS

Motion by Kurtzweil, supported by Walton
 Motion to ask for nominations for sub-committee to discuss personnel issue of not more than 3 Councilmembers

ROLL CALL VOTE:
 Kivell- Yes
 Parisien- Yes
 Rzyzi- Yes

Pelchat- Yes
Richards- Yes
Walton- Yes
Kurtzweil- Yes
MOTION CARRIED UNANIMOUSLY

CM 11-12-17 MOTION TO NOMINATE COUNCILMEMBER KIVELL TO SUB-COMMITTEE

Motion by Parisien, supported by Walton
Motion to nominate Councilmember Kivell to sub-committee

VOTE: MOTION CARRIED UNANIMOUSLY

CM 11-13-17 MOTION TO NOMINATE MAYOR PELCHAT AS MEMBER TO SUB-COMMITTEE

Motion by Kurtzweil, supported by Walton
Motion to nominate Mayor Pelchat as a member of sub-committee regarding personnel matter

VOTE: MOTION CARRIED UNANIMOUSLY


ADJOURNMENT

CM 11-14-17 MOTION TO ADJOURN MEETING AT 11:35 P.M.


Motion by Kurtzweil, supported by Walton
Motion to adjourn meeting at 11:35 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted



Mayor Pelchat



Clerk Lisa Deaton