

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
February 12, 2018

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

Present: Mayor Pelchat, Councilmembers; Kivell, Kennedy, Kurtzweil, Parisien, Richards and Walton
Also present: Chief Collins, Attorney Wilhelm, Department Head Boven, Fire Chief Vogel and Clerk Deaton

MINUTES- January 18, 2018, January 20, 2018 and January 22nd 2018
1-18-18

Councilmember Kennedy stated on page 3 the sentence should be inserted, Councilmember Parisien stated "she just said she could schedule around it." He then stated on the last paragraph the word profitably should be changed to profitability. He further stated, on page 4 the second sentence should say help them separate their wants from their needs. The next sentence should be objective not subjective. Lastly, further down on that page the personal should be changed to personnel. Councilmember Kivell stated on page 2 the words, then you might have if you're on the spot answering. He stated on page 4, the word that should be inserted that you may blur the line. Councilmember Parisien, stated on page 7 the last paragraph the word them needs to be changed to us. Councilmember Kurtzweil stated on page 2, paragraph 4, the questioning went on and she said "but if we are asking people to leave and it is their choice given that they have a right to be here, but if they choose to leave, is that a violation of the OMA."

CM 2-1-18 MOTION TO APPROVE THE MINUTES AS AMENDED

Motion by Kivell, supported by Parisien

Motion to approve the minutes of January 18, 2018 as amended

VOTE: MOTION CARRIED UNANIMOUSLY

1-20-18

CM 2-2-18 MOTION TO APPROVE THE MINUTES AS PRESENTED

Motion by Kivell, supported by Kennedy

Motion to approve the minutes of January 20, 2018 as presented

VOTE: MOTION CARRIED UNANIMOUSLY

1-22-18

Councilmember Kennedy stated he would like to include Councilmember Richards apology as part of the packet, that was beneficial so nothing was lost in the transcription. He then stated on page 14 the last paragraph instead of the words of the interview, it should say of last Thursday and the words He stated should be added to the next sentence.

CM 2-3-18 MOTION TO APPROVE THE MINUTES AS AMENDED

Motion by Kivell, supported by Parisien

Motion to approve the minutes of January 22, 2018 as amended

VOTE: MOTION CARRIED UNANIMOUSLY

2-12-18

BILLSCM 2-4-18 MOTION TO APPROVE THE BILLS

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

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

Attorney Wilhelm stated he is asking to add a closed session pursuant to 8(h) of the open meetings act to consider and discuss written Attorney-Client privilege communication which is exempt from disclosure under Section 13 1(g) of the Freedom of Information Act relating to legal matters raised in the letter submitted to his office in connection with the January 18, 2018 Council meeting. Councilmember Kurtzweil stated she has 2 issues with this. She stated the letter that was forwarded to Council and to the City Attorney's office has been made public and there is no litigation. The Open Meetings Act stated there must be litigation. She further stated she believes there is a conflict of interest for the Johnson Rosati law firm in anything else further in this matter, because Mr. Johnson was at that meeting. She further stated if anything happens to City Council regarding litigation, whether or not it survives, the City could have a case against Johnson Rosati for malpractice. She stated in the back of her mind she is wondering if the City Attorney wants to go into closed session to protect Council or his own firm. Attorney Wilhelm stated he is not aware that the letter has been made public, whether it has or not, it doesn't matter, he has written an Attorney-client privilege communication which provides a basis for entering into a closed session, litigation isn't necessary. He further stated he doesn't agree there is a conflict of interest, and his firm is capable of giving objective legal advice to Council however if Council wants to entertain that, it is your option. Councilmember Kurtzweil stated she will not waive any conflicts of interests.

Chief Collins stated he would like item #1 removed under New Business and he will reinsert that on the agenda for February 26th due to a potential legal issue that has arisen.

CM 2-5-18 MOTION TO APPROVE AGENDA AS AMENDED

Motion by Kivell, supported by Parisien

Motion to approve agenda adding a closed session after Council Comments

ROLL CALL VOTE: Walton- No
 Richards- No
 Kurtzweil- No
 Parisien- Yes
 Kivell- Yes
 Kennedy- Yes
 Pelchat- Yes
 MOTION FAILED

Attorney Wilhelm stated the motion failed because it was not approved by a super majority. He further stated there should be another motion to approve the removal of the agenda item.

CM 2-6-18 MOTION TO APROVE AGENDA AS AMENDED

Motion by Kivell, supported by Parisien

Motion to approve agenda as amended

VOTE:

MOTION CARRIED UNANIMOUSLY

INTRODUCTION OF UTILITY & PUBLIC WORKS SUPERINTENDENT

Chief Collins introduced Mike Boven, the new Utility and Public Works Superintendent. He stated today was his first day on the job, and he received his MBA from Aspen University, his undergrad degree from Olivet Nazreen University. He holds a class A wastewater license, which we are required to hold a class B license to run our wastewater plant, he also holds other licenses such as S1, D1 and F3 for water. He stated his last position was East Michigan Area Manager and was responsible for 37 wastewater projects. Councilmember Kurtzweil stated he has some of the best workers in DPW and Water, they are very dedicated and hard working. Department Head Boven stated he has met most people today, and he has a lot of goals and plans for himself and the City. Chief Collins stated he went for coffee hour this morning with the seniors at Colonial Acres. He further stated his top priority is getting any and all outstanding budgets. Councilmember Kurtzweil asked what is his background with budgets. Department Head Boven stated he was responsible for 1.7 million in projects, there was budgeting on the corporate side as well as working on the capital budgets. He further stated he has had extensive background with budgeting.

PUBLIC COMMENT

Joyce Clohosey of 954 Oxford read a letter that was sent to the City Attorney on February 16, 2018. She stated the letter was sent to Mr. Johnson of Johnson Rosati. The letter read stated in the interview for Council she was asked by Councilmember Carl Richards if she recently had a baby. Openly suggesting that being a mother would conflict with her availability to serve on Council. She then stated she had no issues with availability and failed to see what this had to do with her serving on Council. Ms. Clohosey was never asked about her degrees or experience. Following this discussion, the Council voted 4-2 to appoint one of the two males that were interviewing. She further read, Ms. Clohosey ran for a seat in the last November Election and she was the next highest vote getter. Mr. Kennedy did not even run as a candidate. She stated it is clear that but for Mr. Richards discriminately asking her those questions, and based on Council comments, she would have received at a minimum 3 yes votes from Council. It is clear that but for a sex discrimination she would have been elected for the Council seat. The fact Mr. Richards felt so comfortable clearly inappropriate questions of her client in an interview for a paid position is very troubling. The fact no one on Council called him out on his questions and the Mayor only laughed. The fact that a voting process took place without any consideration of his comments could affect the process. Therefore, this reflects the City hasn't demonstrated they understand the inappropriateness of their actions and demonstrates they need at a minimum, serious training and advice on legal issues. She and her husband are property owners in the City, they are raising their children in the City. They own multiple properties, she volunteers her time. The fact Council focused on her being a mother, then selecting a male candidate that didn't even participate in the November Election. She further read, it is insulting and discouraging to all women in the City that may want to take a leadership role in this community. This is indicative from the widespread press attention this has garnered, this has put the City in a bad light. To ensure the City takes this issue seriously, her client is filing a complaint based on sex and family status discretion with the Michigan Dept of Civil Rights. She would like the Council as a whole to apologize to her and to the community at large, not only for the actions of Councilmember Richards, but also because of the failure of the other members of Council to appropriately address the incident. Furthermore, she is requesting Council to undergo discrimination training so they are educated about the law and the potential liability the Council creates for the City when they act and speak in a discriminatory manner. She stated her attorney never received a response from the City Attorney.

Charles Duty of 40 Hillcrest Road Northville Michigan, and a former city resident. He stated it is ironic 50 years ago today, Dr. Martin Luther King Jr was demanding economic and human equal rights for all Americans of all backgrounds. He stands before Council as someone that has experienced discrimination, he has stood long and hard for all people. It is strange to stand before City Council discussing 2 very important issues. One is the discriminatory, dehumanizing questions asked to Joyce Clohosey. The time is up, the time is now. You must own this sad error and put something in place a plan to ensure that no one ever again suffers at the hands of public service. You have to say your sorry, you have to have training and make sure this doesn't happen again. Councilmembers must refrain from personal attacks on citizens, citizens are your employers. You were elected to serve all and you should. He further stated a reminder came to him that said the last line in the oath for lawyers is "I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed on members of the bar as conditions of the privilege to practice law in this state." He further stated he would like to discuss item #3 on the agenda tonight. He stated Council should have an open mind and listening ears for all comments that come before you. Refrain from calling residents liar, refrain from silencing anyone. This should be an open democracy. He stated he remembers some of the Councilmembers when they were campaigning and they said there would be transparency. He then quoted Hellen Keller "many persons have a wrong idea of what constitutes true happiness, it is not attained through self-gratification, but through fidelity to a worthy purpose."

Ryan Lare of 716 Grand Court stated he is here on behalf of Rose and Joyce. He stated he is a long-standing member of this community. He loves this town and we have a lot of church going families, and many hard-working women in this town. He further stated the questions were inappropriate. Not to mention the disgusting comments that were made by Councilmember Parisien regarding inappropriate relationships between a Councilmember and a person in the audience. He understands people interpret it different ways, but no one on Council has to reveal who their friends are. He stated Dan is best friends with William Powell, John Galeas was friends with Kivell and Wedell. Mr. Lare stated only the women were asked those questions. He is asking Council to apologize to Joyce and the community. He stated Joyce was hurt and embarrassed for the questions that were asked of her. There is no right or wrong, she answered the way she felt it was and to get mad at Rose for not disclosing she is friends with Joyce is fine. She doesn't have to, she can have friends anywhere she wants. He again told Council they should apologize to Joyce and the citizens for calling her a liar at least 3 times.

Julia Pulver 6710 Buckland Avenue in West Bloomfield. She stated she is running for State Senate which includes South Lyon. She stated she is here to support Joyce. She is also a mother and has 4 kids and if she can handle running for State Senate, someone running for a part time City Council position shouldn't have any problems. She further stated it is sad to have to be here, but she hopes Council will do the right thing.

Julie Paquet of 5688 9 Mile in Lyon Township stated she feels the questions that were asked of Joyce was inappropriate. Instead of asking her of her qualifications, she was asked about having a child. The question itself showed a lack of training, it showed a lack of judgement. She further stated the Mayor laughing showed a lack of judgement and a lack of leadership. She doesn't think this needs to be said, but the fact that someone today is being asked that question as a follow up to her answer that she is available and can do the job is unbelievable.

Vanessa Torres of 763 Norchester stated she is here in support of Joyce. She stated she did not grow up in South Lyon and it is rare she hears news of this area from family and friends that are out of town. It is

sad and incredibly disappointing that this news article came up on her social media feed, this is the one that grabs the most attention and her friends ask isn't this the town you live in. She further stated we talk to kids about teachable moments and standing up for people and doing the right thing when it doesn't seem popular or easy. She then stated Council has the opportunity to lead by example by accepting responsibility for not conducting themselves professionally. She hopes Council will reflect on the request for additional training. That isn't a punishment, but a way for improvement and a way to move forward.

Jennifer Salvatore of 304 E Lake and she is Joyce's attorney and a civil rights attorney with offices in Northville and Chicago. She specializes in women's right and gender equity work. She has lived in South Lyon for 14 years, she is raising kids here and running a business as well. She further stated she heard about this from a friend of hers in Pittsburgh. She was really disappointed and she is happy to serve as attorney pro bono for Joyce, her goal is for Council to be educated. She stated she believes some Councilmembers get it. This issue could be litigated, as well as litigated in Federal Court, this is a constitutional violation. Instead Joyce chose to file a complaint with the Michigan Department of Civil Rights. She stated this needs to be addressed and she hopes they get a response. This issue should be taken seriously and learned from so there is no further liability the City subjects itself to, and so women in this community feel comfortable taking on leadership role so they know they are valued equally to men.

OLD BUSINESS

1. Discussion- Downtown

Mr. Donohue stated the DDA Board retreat is February 15th. He stated he gave Council a list of accomplishments. He further stated they are working on the building improvements downtown. He stated the Planning Commission approved the design for 115 and 117 Lake Street. He stated the contractor has already started on the Lake Street Tavern building. The awnings will be removed and the windows will be replaced. He stated people will begin to believe change is here when they start seeing the changes being done. Mr. Donohue stated we have taken our first steps with the buildings that need maintenance. He stated they will be meeting face to face with each owner and that will start the clock. He stated they will be meeting with the owner of 110 Detroit later this week. He further stated we are excited about where we are going, 2018 will be a great year and we will be looking at a program to recognize successful and creative business owners each month. He stated we will also have the banners in, and the Bonner buildings will be for sale by the end of February. He further stated there will be more improvements for the Farmers Market and exciting new retail. More promotions on marketing as well. Mr. Donohue stated the banner will be up for the first event this year which will be for Ladies Night Out in May. Councilmember Kivell stated he hopes it is something spectacular so everyone understands the value of that. Mr. Donohue stated they are working on policies and guidelines for the banners. Councilmember Richards asked if he believes the City is interested in buying 113 Lafayette. Mr. Donohue stated the private sector needs to buy those buildings, an estimate for the repairs and improvements for the Artcraft building a minimum of \$250,000 and the City budget doesn't have that money. Councilmember Richards asked how will the City enforce the new owner to spend that much money. Mr. Donohue stated his job will be to work with the new owner and we will enforce our ordinances.

2. Proposed restrictive covenant for 128 S Lafayette

Councilmember Kurtzweil asked if the letter of assurance came in yet. Attorney Wilhelm stated we didn't get what he expected to get. They provided an environmental indemnity agreement which was

different than what the assurance letter that was presented earlier. He further stated there are things he needs additional time and the City's consultants ASTI to go through and make sure the concepts and procedures that Amoco is asking for, he wants to deal with our consultant to see what impact that has and come back with a recommendation to see if we try to revise the document before bringing it back to Council.

CM 2-7-18 MOTION TO POSTPONE REQUEST UNTIL FIRST MEETING IN JUNE

Motion by Parisien, supported by Kivell

Motion to postpone Arcadis request for approval of the restricted covenant until the first meeting in June

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider additional public comment and public comment procedures at City Council meetings

Councilmember Parisien asked what communities were looked at. Attorney Wilhelm stated he recommends this be postponed until Council has all the information to look through.

CM 2-8-18 MOTION TO POSTPONE UNTIL THE NEXT MEETING

Motion by Kivell, supported by Parisien

Motion to postpone until February 26th meeting

VOTE: MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

1. Appointment for the Board of Review- Removed from agenda
2. Traffic Control Order 18-01

Chief Collins stated a Councilmember brought to his attention on McMunn where the Rail Trail crosses, south of the tube mill. There is potentially a dangerous situation when trucks are backing out. He further stated there are appropriate crosswalks signs for the tube mill and there are some advanced signs north and south of the tube mill crosswalk, so to improve safety, all that is required is for the DPW to install the designated crosswalk signs at the rail trail and to paint the appropriate markings.

CM 2-9-18 MOTION TO APPROVE TRAFFIC CONTROL ORDER 18-01

Motion by Walton, supported by Richards

Motion to approve traffic control order 18-01 for the signs and crosswalk painting to be done

VOTE: MOTION CARRIED UNANIMOUSLY

3. Direction to bookkeeper regarding vacation time bank

Chief Collins stated this involves vacation time banks and a change that was made to the personal manual. Between the time this was first worked on and when the policy was changed, he accrued an additional 200 hours of vacation time which should be included in his frozen vacation bank so he isn't forced to use many hours of vacation time before his August anniversary date. He is asking Council to direct the City Bookkeeper to clarify that it should be 651 hours in his frozen time bank instead of the 251 hours. Councilmember Kurtzweil stated she wants to make sure she understands this, as of August 1st chief had already accumulated the additional hours. Chief Collins stated on August 4th he accrued an additional 200

hours. He stated the resolution was passed in September, the problem was, no one went back and changed the personnel manual to August 1, 2017. Councilmember Kurtzweil stated we may need to change the resolution. She then asked how many other employees are affected by this. Chief Collins stated he is the only one. Attorney Wilhelm stated it was an oversight that this wasn't changed in the personal manual. Councilmember Kivell asked if it was the expectation that we wanted this to go into effect as of August 1st. Attorney Wilhelm stated when this was presented at the 2nd meeting in July, he believes the intent was to make this policy effective at the next convenient date which would have been August 1st. Councilmember Kivell stated our City Manager has been missing a lot of time, and asked if this was a factor of this not being attended to in a timely matter. Attorney Wilhelm stated he recalls there was a lot of push about reducing the number of days employees can carry over and we created the frozen bank. It took a period of time to have this all arranged and drafted the way we wanted it. He doesn't think it was due to any absences, it was more due to tweaking the language and getting the language the way Council wanted it. Councilmember Kivell stated this is no fault of the Chief's so the way he sees it is we have to eat this one. Mayor Pelchat stated he agrees, is it ideal, probably not. Councilmember Richards stated Chief Collins is very dedicated but if we can't come to an agreement, would you be interested in taking a payout. He further stated a lot of men never take time off, a lot of men are workaholics. He asked if he wanted the time off, or if he would take a buyout. Councilmember Kurtzweil stated she is a workaholic herself and she spent a lot of time on this issue. In her mind the vacation time accrued was prior to the resolution. She is inclined to go ahead and approve this.

CM 2-10-18 MOTION TO DIRECT CITY BOOKKEEPER TO ENTER ADDITIONAL 200 HOURS INTO ACCRUED FROZEN ANNUAL LEAVE

Motion by Kurtzweil, supported by Walton

Motion to direct the City bookkeeper to enter an additional 200 hours accrued by Chief Collins on or before August 4th and prior to Council's adoption of the resolution amending the City employee personal manual to limit the accumulation of annual leave by city employees and clarified provisions and payment of the same to ensure Chief Collins total accrued hours as frozen effective tonight of a total of 651 hours

VOTE: MOTION CARRIED UNANIMOUSLY

4. DDA & Economic Development Director- Salary

Councilmember Parisien stated Council praises him often. She further stated they see what he has done in the community and we see everything he has done in the downtown and our downtown is flourishing, and it is because of him. She stated this is very much deserved. Councilmember Kivell stated he is glad we can rectify this problem. The process that got us here was a cheap shot and completely inappropriate and he hopes he understands Council doesn't feel the same way he was abused in his evaluation. He then stated Council is solidly in his corner. Councilmember Parisien asked if this will be retroactive. Chief Collins stated that wasn't his intent, there could be some legal issues with that. Councilmember Kurtzweil stated her comment is that she doesn't want to get in the business of giving raises to City employees. She further stated that is a City Manager responsibility and Chief Collins has a lot of freedom to run the City as you see fit. She stated she doesn't want to get near any employment issues with City employees, she doesn't feel Council has any authority to partake in. She further stated the two employees are stellar employees, with fabulous work ethics, but she feels this is an Interim City Manager issue. She then stated she has not seen the reviews, she isn't privy to their personal evaluations, that isn't her role or function, so she won't vote for this, not because they don't deserve it. Chief Collins stated the City Charter does give the City Manager the ability to give raises, but it states within budget. These two

positions are not currently budgeted at that salary. He further stated although with respect to Mr. Donohue the range is there. There could be a budget amendment necessary for one or both of these which is why he is seeking Council's approval. Councilmember Kurtzweil asked if the budget will have to be amended. Chief Collins stated because we have gone with some vacant positions, we may not have to. Councilmember Walton stated this seems like a human resource person would deal with this. Attorney Wilhelm stated the City doesn't have a dedicated human resource person, so it will fall under the City Manager. He further stated he believes Chief Collins is seeking to ensure Council approves. Councilmember Kurtzweil stated she doesn't agree with that because there was a new Fire Chief hired, as well as the new Superintendent for Water and DPW and that salary was negotiated without Councils involvement. Chief Collins stated the City Attorney is correct, it would be a more comfortable decision for a City Manager to make, versus an Interim City Manager.

CM 2-11-18 MOTION TO DIRECT INTERIM CITY MANAGER TO INCREASE RATE OF PAY FOR DDA DIRECTOR

Motion by Parisien, supported by Kennedy

Motion to direct the Interim City Manager to increase rate of pay for the Economic Downtown Director Bob Donohue to \$69,564.00 effective February 14, 2018

VOTE: MOTION CARRIED- 1 OPPOSED

5. Salary increase for City Bookkeeper

Councilmember Kivell asked what is the typical process for reviews of what the wage structure is. Chief Collins stated he is not aware of any annual employee evaluation. He further stated they have annual evaluations at the Police Department, but they are subject to collective bargaining agreements. Councilmember Kivell stated City Hall has a number of non-union employees, and they work very hard to make the City run smoothly, the idea of people being cherry picked for an embellishment to their wage, without some kind of structured mechanism to guide this, he doesn't want this to be a popularity contest, they should be able to appeal to their superior to get a raise on a structured time stamped environment. He would like there to be a more structured process, other than someone doing more than their job description. Chief Collins stated some of the reasons for this is in the absence of the City Manager and the structure of the current budget document preparation, we will be putting another significant function on the City Bookkeeper in addition to her accounting duties, her human resource duties and benefit coordination duties. Councilmember Kivell stated his comments are not directed towards Lori, but it is the structure this is being conducted. Chief Collins stated he would suggest at some point there should be a study of jobs and functions at City Hall to analyze work load, then have a wage and salary study done that would set appropriate wage levels. Councilmember Kivell stated we are currently in the process of losing an employee, and we have already lost another employee because there are other communities that are financially rewarding them. He stated he doesn't want to see that continue on, we have lost some really good people, he wants them to have some way they can at least be heartened that there is a process to see if their wage is appropriate.

Councilmember Parisien stated the agenda note states we are giving her a raise for having more responsibilities with the budget, but the next item is for a proposal to have a consultant to come in and provide budget preparation assistance for Lori and the City Manager for somewhere between \$12,000 and \$15,000. She stated if we are having Lori do the budget, why would we hire an outside 3rd party. She stated that is fiscally irresponsible. She doesn't see the reason to have both. Chief Collins stated the consultants he spoke with quoted between \$13,000 to \$15,000 for them to do the total budget job. He is

hoping to keep the cost in the \$7,000 range. The scenario he is recommending is using Plante Moran on an hourly as needed basis. Councilmember Parisien stated the overall issue is if we are giving the raise to the bookkeeper, she doesn't think we need to have a 3rd party come in. It is City funds going to two different places for the same thing. Councilmember Kennedy stated Plante Moran will bring much more expertise than what Lori brings. She is going to do a lot of the footwork, and Plante Moran will be providing the review of it from a CPA standpoint.

Chief Collins stated their expertise is beyond any City Manager or City Bookkeeper. He stated they will be coming to public presentations and the budget workshops explaining the process and the final budget document. Councilmember Parisien stated if the City Manager is back before then, we will have a City Manager, an Interim City Manager, the City Bookkeeper and Plante Moran all working on the budget. The budget is important, but there are other things we could be spending these funds on instead of throwing it all at the budget. She stated she doesn't want to utilize too many of our resources on one thing. Councilmember Kurtzweil asked if the bookkeepers title will be changing. Chief Collins stated he didn't plan on doing so. She stated she thinks for anyone to give someone a raise without a basis for giving that raise, beckons back to the days of sitting around the coffee table and decided who got what. There is nothing professional about what is happening here tonight. It isn't the raise, and she isn't saying they don't deserve it, but it is the process. It is unprofessional.

Councilmember Kurtzweil stated another comment she wants to say deals with other employees leaving, we need to get used to it. She stated she has stacks of employment agreements of people that are moving and changing jobs. That is the way it will be in this economy. She stated we will give employees a fair raise and benefits, and she will not feel guilty for people who are taking advantage of a good labor market. She then stated this is the way it will be. Councilmember Kivell stated everyone in business knows it costs way less to keep employees than to keep switching employees over and over again. Councilmember Kennedy asked when the last raise was given to the bookkeeper. Chief Collins stated it was in July and it was 3%.

CM 2-12-18 MOTION TO APPROVE THE WAGE INCREASE OF THE CITY BOOKKEEPER TO \$62,412.00

Motion by Kennedy, supported by Kivell

Motion to approve the raise for the City Bookkeeper to \$62,412.00

ROLL CALL VOTE: Kivell-yes
 Kennedy- yes
 Parisien- yes
 Walton-Yes
 Kurtzweil-no
 Richards-yes
 Pelchat-yes
 MOTION PASSED

6. Budget preparation consultant

Chief Collins stated he consulted with Jim Graham, Vettraino Consulting, as well as Plante Moran. He stated it is his recommendation to approve the agreement with Plante Moran, option #1. The main reason being is they are most familiar with our systems, our budget and personnel already. He believes we can get a viable budget in place with their assistance. Councilmember Richards asked if Mr. Graham and Mr.

Vettraiño will be coming to Council to speak. Chief Collins stated Mr. Graham's proposal was much more limited. Councilmember Kivell stated his cost point was significantly lower as well. Mayor Pelchat stated Mr. Graham was more interested in offering assistance with a 3-5-year plan while he is still consulting with South Lyon Community Schools. Councilmember Kivell stated that is all we are asking for. Ultimately the City Manager will be responsible for the budget, but we need someone in place to assist with this now. He further stated we know Plante Moran is very familiar with our budget and could help us direct our focus to things that may have been overlooked in the past. This isn't a comment on Plante Moran. He further stated to have Plante Moran to do a full budget for us when Lori is capable of doing a lot of the footwork it seems Mr. Graham's ability and understanding of how budgets work, he would be able to glean quickly where we need assistance.

Brian Camiller of Plante Moran stated he was on the audit team for the City from 1999-2013, so he has a history with the City and Lori. He stated he changed departments and now leads a group called Governmental Accounting Professionals. He stated they do City side accounting with 17 workers and for many different communities. He has faith that Lori could do 99.9% of the role. He further stated their team can be a sounding board, and they can come to Council to facilitate conversations. He further stated Council can approve option 1 and he may do nothing, unless needed. He stated the other option is for them to take it over and do the entire thing. Mr. Camiller stated he is sure the other two consultants would have been fine, but he is happy to help and his level of involvement is up to the City. Councilmember Kennedy stated a potential advantage with the Plante Moran approach, is with the schedule we laid out and with what we want to get accomplished, we are already behind. Using a larger organization can provide additional resources to put us back on schedule if that becomes necessary. He remembers last year when the budget was prepared at the eleventh hour with changes along with negotiations and how much revenue would be. Mr. Camiller stated according to the City's charter and many of his clients, the City isn't behind schedule. Your Charter states you have to approve your budget by the last meeting in May, which is plenty of time with what Lori has already done to still have work sessions, the review process and getting the draft and revisions done. He sees no reason why that isn't attainable. Councilmember Parisien clarified if we go with their proposal, we are authorizing our Interim City Manager to utilize them when they need them, will it be a Council decision or Interim City Manager decision. Chief Collins stated with Council's approval of utilization of Plante Moran he will work with Lori on the current budget spreadsheets we have, but if we come up with questions or something's outside of their area of expertise, they will call Brian or someone other than him for help needed at any given time. Councilmember Parisien asked if the City has done this before. Chief Collins stated he doesn't believe so.

Councilmember Kurtzweil stated she is an advocate at this time for looking at the services of Plante Moran. We don't have to do this for the next 5 years but she has studied the budget for two years and her opinion is it's a mess. She further stated she would like to sit with someone with expertise in this field for not only putting the budget together but for analyzing data. It is protocol if you are looking at funding and how you are going to fund the repairs for the water and sewer if tap in fees are in decline. She doesn't know if anyone has thought of that. She further stated we need to look at rate structure, water usage rates and looking at enterprise funds and how to build up the sufficient amount of funds. Councilmember Kurtzweil stated there are some serious systemic problems with this budget. She stated she brought it to Council's attention that the City wasn't charging the correct mill to service the bond debt for sewer and water. She further stated she has spent the last couple of years digging in the budget. We don't have a planning document because this City doesn't plan like that. She looked at a budget that was a deficit spending budget, that is unacceptable. She will not lay blame on anyone, she is only here to

solve the problem. She wants to work with someone that has the credentials in budgeting and city planning and see if that makes a difference. All she is hearing tonight is let's keep doing the same thing we have been doing for the last 10 years and lets all think we will get a different result. Unless you understand the problems in the budget, nothing will change. You may get the budget on time, but budgeting is more about how you are budgeting for the City's future. She further stated she will make a strong budget we need Plante Moran's services. She then asked if we are only working with them on the budget or a 3-year plan. Mr. Camiller stated he works at the direction of the City so he will do whatever is asked. He stated he would like to sit down and speak with Councilmember Kurtzweil on her ideas. Councilmember Kurtzweil stated we sit and talk about where we want the City to go, but we need to make a plan for that. She would like a 3-year plan as part of the agreement with Plante Moran.

Councilmember Kivell stated Mr. Bohrer stated during the audit that the doom and gloom that is being portrayed is not necessary, we are not in the stakes that some people are portraying the City. He likes the idea of a 3-year budget as well. The idea to structure something more long term makes more sense. Councilmember Kennedy stated to reiterate what other councilmembers have said, is the timing is right on this with the new Superintendent for wastewater and DPW and piggybacking on some of the conversations he had with them, looking at 5-year asset management plan so you are looking down the road so you have some idea how much that will cost. It sets the stage to do that effectively. Councilmember Richards asked if this contract is for 4 or 6 months, but he doesn't see where it is stated anywhere in the agreement. He thinks that is lacking, he thinks we should be able to get buy with just using them for 6 months. He thinks Jim Graham could do this, he worked on the School's budget for many years. We are losing money, it should be noted whatever we do, it should be noted 4-6 months, not a year. Attorney Wilhelm stated if Council is inclined to go with Plante Moran he noticed there is a provision to indemnify Plante Moran and that is something he would like changed. Councilmember Parisien stated she would like this reviewed by our City Attorney before we approve this.

2-12-18 MOTION TO AUTHORIZE THE INTERIM CITY MANAGER TO EXECUTE THE PROPOSED CONSULTING AGREEMENT WITH PLANTE MORAN- OPTION 1 FOR BUDGET CONSULTING SERVICES CONTIGENT ON CITY ATTORNEY REVIEWING THE CONTRACT

Motion by Kurtzweil, supported by Walton

Motion to authorize the Interim City Manager to execute the proposed consulting agreement with Plante Moran, PLLC- option 1 for budget consulting services

VOTE: MOTION CARRIED- 1 OPPOSED

7. Sealed bid award- Variable Frequency Drive Project High Service Pumps 3 & 4 (water treatment plant)

Councilmember Kennedy stated this is a budgeted item and is a required part while the water tower is offline being painted. He further stated we need to have this installed to maintain pressure while the water tower is offline. Besides the fact the instrumentation actually prolongs the life of the equipment installed at the water plant. He stated originally the painting of the water tower was part of this, but that will be in the next years budget. Councilmember Richards stated this isn't clear to him. He stated pumps 3 & 4, are they the well houses. He then mentioned it was 13,200 volts. Mr. Beason stated they are not, these are high service pumps. He further stated this will establish the pressure while the water tower is offline. Department Head Boven stated the speed of the pumps may only be needed at half speed, and if we do so, that will save the City money by saving on the electric bill as well as water. He stated he experienced this recently at the Village of Parma. This is a pretty common thing, two things, not wasting

water and saving on electrical cost because it is at a more efficient rate. Councilmember Kivell asked if this is real time software. Department Head Boven stated it is based on the pressure, you set it for 50 pounds and it will maintain that at a certain rate, but if it drops, it will ramp up the speed. Councilmember Richards stated he has seen the pressure go down. What if something like that happens? Department Head Boven stated you would do a boil water advisory and get the system back up and running. There is a potential it can happen, you take precaution against those things but nothing is fool proof.

CM 2-13-18 MOTION TO AWARD THE VARIABLE FREQUENCY DRIVE PROJECT TO DF BEST COMPANY FOR \$54,500, AS SPECIFIED AND AUTHORIZE CONSTRUCTION ENGINEERING COSTS FOR HRC NOT TO EXCEED \$5,450.00

Motion by Kivell, supported by Kurtzweil

Motion to award the variable frequency drive project to DF Best Company for \$54,500 as specified and authorize construction engineering costs for HRC not to exceed \$5,450.00

VOTE: MOTION CARRIED UNANIMOUSLY

8. Roof repair- 464 S Lafayette (City rental property)

Chief Collins stated Council asked for bids for a roof repair on the rental house, but it was not done previously. He stated he directed DPW Foreman to get the bids and there is some cost benefit analysis as well so Council can decide if they want to repair the house and or garage roof and if it is cost effective to remain in the rental business. Councilmember Kennedy stated this particular house, they want \$9,000 to replace the roof, and that is assuming the wood underneath is sound. If the wood is not sound, that will need to be replaced and that could be anywhere from \$100 to \$1,000. He stated there is a \$1,000 electrical repair that is necessary as well. He stated the question is do we want to continue maintaining this home or possibly using the money for other things such as the roof on the police department. We are not charging a high amount of rent for this home. He further stated he is not inclined to support this, he thinks we should get out of the rental business. He then stated the additional services we provide is shoveling the driveway, cut the lawn, even though we would do the lawn cutting anyway.

Councilmember Parisien stated we need to figure out what we want to do with this property. We need to discuss this with Parks and Recreation as well, she is not inclined to approve this as of right now. Councilmember Kivell stated the lawn mowing would be happening anyway, as well as the driveway being plowed because we need access to the garage. He stated this is a one-time occurrence, this roof will be good for 20 years. He is hoping Parks and Recreation can raise the funding to transition this to their master plan, but in the meantime, this generates money annually. Although we will incur a cost right now, we haven't had many costly repairs on this house.

Councilmember Richards stated he agrees with Glenn. He has been in this house. The tenant has been very good and not caused any problems. If he was going to move out he doesn't see why the City doesn't raise the rent. He then stated it is a fabulous location, it could be a sleeper asset for the City in the future. If the City ever has guests or a group of people and we want to put them up for a time, if we don't have a renter we could do that. He stated the idea of tearing the house down is appalling to him.

Councilmember Walton asked for a copy of the lease agreement and it is literally one page. If we are going to stay in the rental property business we need to have this reviewed, this is not a proper lease agreement. Councilmember Kennedy stated if we are renting this for \$900 a month, to find something

else similar, it is approximately \$1,700. He agrees, if we are going to be in the rental business then we should be compensated appropriately. Councilmember Walton stated for \$900 a month, you could rent a mobile home in the local trailer park. Councilmember Kivell stated he has no issues reevaluating the price point. He looks forward to that house being torn down, but we shouldn't do so until we have enough funds to follow through with the Parks and Recreation master plan. Councilmember Kennedy asked if the DPW got bids for repairing the roof, or just replacing the roof. Superintendent Boven stated he spoke with Ron at the DPW and he emphasized the roof is beyond repair.

Mayor Pelchat stated the question comes down to how much money are we will to put in versus how much money we will get back on it. Councilmember Parisien asked what the Parks and Recreation plan on doing with it. Mayor Pelchat stated it is February and he can't imagine the roof is getting any better. In good faith to the renter, we need to get this taken care of.

CM 2-14-18 MOTION TO REPAIR

Motion by Kivell, supported by Walton

Motion to authorize roof repairs by McCarter Construction for \$8,871 for the rental

VOTE:

MOTION CARRIED – 1 OPPOSED

BUDGET

Councilmember Kurtzweil stated the only thing she wants to mention the Safe Routes to School program has been cancelled. Chief Collins stated that was at the time of the memo, but it may be salvageable. Councilmember Kurtzweil asked if it will be salvageable at the original cost. Chief Collins stated he will be meeting with our engineers, Lyon Township, South Lyon Schools and we will reevaluate our original decision. Chief Collins stated June 8th was a very important date for a draw down on some grant funds. Since it didn't happen by that time, we could have been on the hook for the entire amount. We will be talking later this week because the act of rebidding which will utilize some funds, may satisfy the time constraint. Chief Collins stated that is what the representatives of MDOT suggested. Councilmember Kurtzweil asked what will happen if the bids come back higher. Chief Collins stated if the bids come in within 10% of the engineering estimates the communities are still on the hook for spending the extra funds. Our portion is the lower portion of the 3 parties involved. We do have the option if the bid comes in higher we can withdraw without penalty. Councilmember Kivell stated the 10% would obligate us to an additional \$7,000.

MANAGER'S REPORT

Chief Collins stated that he and Mr. Donohue participated in the meeting regarding the 5 properties that are concerning in the City. Immediate progress was made with 110 Detroit, they are meeting with the property owner later this week. He further stated he participated in the conference call with representatives of MDOT and the other participants, we are trying to get this project going again without putting the funds for South Lyon at risk.

Chief Collins stated the snow emergency went smoothly, and the DPW did a great job cleaning the snow off the streets pretty quickly. He then stated he dropped off a dozen donuts and thanked the DPW guys for their hard work. He further stated the Police Department did have to write 47 tickets for people not removing their car off the streets. He stated they don't like to write tickets, but it is important that the cars are removed so the streets can be cleared.

Councilmember Kurtzweil stated she heard South Lyon Recreation may be leaving the City and the City rental building. Chief Collins stated he has heard they were going to vacate the building, but haven't heard anything definite. He further stated that may be a good building for the Cultural Arts Commission to have their shows. Councilmember Kurtzweil stated she agrees but maybe we can find out when they will be vacating and for Council to consider using the building for the Cultural Arts Commission. Chief Collins stated he will check with them regarding their intentions of leaving.

Councilmember Richards stated the Safe Routes to School is a political train wreck. We committed to fund a matching fund of \$150,000. We didn't have to put it in all at once. He then asked Chief Collins how much we have in escrow. Chief Collins stated he believes the City may have extended some funds for the stop light improvements done at Marjorie Ann and Pontiac Trail. He further stated the remaining obligation would be the \$77,000 for City projects. Councilmember Richards stated it went forward slowly, then stalled 2 years ago. He is glad the traffic signal went in. He then asked if we are stuck paying this or can we walk away. Chief Collins stated we are still free to walk away from the grant funds and the project, which is what the meeting later in the week will be about. Councilmember Richards thanked Chief Collins for the work he has been doing with the weekly reports, great job.

COUNCIL COMMENTS

Councilmember Kennedy stated he has had the opportunity to speak with most of the employees of the City, including a 6-hour tour and conversation at the wastewater treatment plant. He also met with the DPW, Fire and Police Departments and administrative offices as well. He stated the City is very fortunate to have the extremely knowledgeable, experienced and dedicated employees that provide services that residents have come to expect. He found several examples of asset care best practices where equipment is carefully monitored to schedule repairs and minimize risk of failure to the City. Sometimes that meant coordinating with other cities so mobile equipment could be taken out of service for repairs while having backup equipment from the other municipality if needed. He observed crews that were scheduled assignments the previous day so they could begin their day instead of waiting for job assignments. He also observed numerous examples where employees have designed and built equipment for use rather than purchasing it, thereby saving the City money. Many of these folks work behind the scenes and often don't get the recognition they truly deserve. He encourages all the City residents to acknowledge the efforts of these folks when they see them. A wave to a police officer, or snow plow driver, or finally an email or phone call to the department head recognizing someone's efforts would go a long way to let them know we appreciate their efforts. He further stated he hopes all of Council will meet with all the departments to do so, in order to better understand the challenges they face as a department, in turn we will face as a City.

Councilmember Richards stated he is thankful for all the services the City provides such as the ambulance, fire and police department because of the extreme snowfall we have had.

Councilmember Walton stated she wants to thank everyone that came out tonight to speak during public comment. She further stated it takes a great deal of courage for anyone to do so. She hopes the City will take some of their advice, there are always teaching moments. She stated she wanted to thank the DPW for the great job they did with the snow plowing. Councilmember Walton then congratulated Martins Hardware for their 50 years in business. She further stated Mickey's dairy twist is open again as well. Councilmember Walton stated she had lunch at the Good Day Café and they were really busy and it is a great place. She then encouraged everyone to go out and enjoy our town.

Councilmember Kurtzweil thanked everyone that came out and supported Joyce, and she includes herself. Their voices were heard by her and she hopes their voices were heard by the others that needed to listen and change. What she heard tonight that was most interesting and pulled at her heart strings were from Mr. Duty. She stated he spoke of understanding discrimination. It is important for people to hear how discrimination can affect people's lives. His comments were timely, and moving and she thanked him for sharing a part of his life that was painful. She stated he came to the microphone with strength and courage. She then thanked Joyce Clohosey for the work she is doing even though this is hard for her, in her own way, she is moving the City forward with positive change. She commends Joyce. She further stated you never know why these situations happen to you, but sometimes you are put in a position in your life because that is where you are supposed to be. She stated obviously you are supposed to be here and she will take the advantage to learn from her and her lawyer.

Councilmember Kurtzweil reminded everyone that Tuesday is Fat Tuesday and the South Lyon Bakery is the best place to get a paczki and there will definitely be a line out the door. They are the best. Councilmember Kurtzweil stated Wednesday is Ash Wednesday and she likes to stop at Lake Street Tavern because they have the best French onion soup. She then stated on Thursday the South Lyon Hotel has a new menu and on the first Thursday of the month it includes perogies, kielbasa and last week they were sold out within an hour. She stated on Friday St. Joes will be having their fish fry and they do have the largest fish fry in the area. She further stated you will see many people from our community at the fish fry. She then invited everyone to go to the South Lyon Hotel and finish off the week with a great movie. Councilmember Kurtzweil stated there is no reason to leave downtown South Lyon you can enjoy the season in our great town.

Councilmember Parisien stated Parks and Recreation has a vacancy if anyone is interested in participating. She highly recommends them. She then thanked the DPW, Police and Fire for the great job they have been doing with all the snow. She stated she wanted to send her thoughts and prayers to the family of Tanner Bryan. He was a young man with deep roots in South Lyon and his loss is felt by many people.

Councilmember Kivell thanked Marilyn Smith for her decades of operating her business in the our downtown. He stated she was always ready to put in her 2 cents and he appreciates that. He then stated he heard KV Sports will be relocating there and he hopes that works out well. He then thanked Joan Ciarelli and Megan Blaha for their efforts and service as well as wishing them well. They are leaving City Hall and he wishes them the best. Councilmember Kivell thanked the DPW and all of our employees, everyone has stepped up with our uncompromising circumstances.

Mayor Pelchat stated he would also like to thank Joan Ciarelli and Megan Blaha for their commitment to the City and he wished them the best on their future endeavors. Mayor Pelchat stated the DPW did a great job this weekend with all the snow. He also thanked everyone that removed their cars from the streets, it must be very difficult for the workers to plow the streets on 12-hour shifts trying to get around cars that are parked in the road. He then stated he was supposed to be with the 2nd grade students of Brummer on Friday, but is hoping to speak with them tomorrow. Mayor Pelchat stated on a final note, to Ms. Clohosey and her representative he is standing by his statement during the last meeting.

ADJOURNMENT

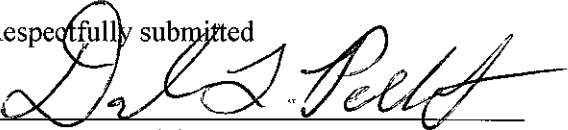
CM 2-15-18 MOTION TO ADJOURN

Motion by Kivell, supported by Parisien

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

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted



Mayor Dan Pelchat



Clerk Lisa Deaton