

**CITY OF SOUTH LYON  
REGULAR COUNCIL MEETING  
JULY 10, 2017**

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

PRESENT: Mayor Galeas, Councilmembers: Kivell, Kramer, Kurtzweil, Parisien, Ryzyi and Wedell  
Also Present: City Manager Ladner, Chief Collins, Fire Chief Kennedy, Attorney Wilhelm and Deputy Clerk Pieper  
Absent: Department Head Martin and Clerk Deaton

**MINUTES**

Councilmember Wedell stated he wanted to add that he did not approve the minutes from the previous meeting.

**CM 7-1-17 MOTION TO APPROVE THE MINUTES AS AMENDED**

Motion by Kivell, supported by Parisien

Motion to approve the minutes as amended

VOTE: **MOTION CARRIED UNANIMOUSLY**

**BILLS**

Councilmember Ryzyi stated on page 1, there is a charge for CIB Planning for \$5,345. and he asked if that is higher than their normal retainer. City Manager Ladner stated that is higher than normal, but that is based on fees such as site plan fees. Councilmember Ryzyi stated he will be keeping an eye on this and we may need to see their invoices in the future. He further asked if we can get a breakdown of the Martin Hardware bills based on what is on the check register. Councilmember Ryzyi questioned the two payments for the concerts in the park because he was under the impression we had a fixed payment. He further asked if this should have been bid out. City Manager Ladner stated if we bid this out we would be bidding out to a concert promoter, as we do it now, we contract with individual bands at different rates to ensure we provide a variety of genres. Councilmember Ryzyi then asked about the charge for \$550.00 for storm damage for the City. City Manager Ladner stated she is not familiar with that charge, she will have to check with Bob Martin. Councilmember Ryzyi asked about which sidewalk we repaired and if it was under the sidewalk repair line item. City Manager Ladner stated she will check with Bob Martin. Councilmember Ryzyi asked about the new hire Marino and which department that was. City Manager Ladner stated that would be the Fire Department. Councilmember Ryzyi stated there is a charge from the City Attorney for labor matters in the amount of \$2,864.00. He further stated the contract we are voting on tonight is not favorable for the taxpayers and his opinion this is not a good deal for the City. Councilmember Ryzyi stated he has some questions for Bob Martin regarding the fountain for Aqua Masters. He wants some clarification because he asked him if this was bid out, and he was told no other companies supply these types of parts and services. He stated he did a quick search and found many places in Michigan and Indiana. He found 7 different companies in Michigan and he thinks we could have gotten a better deal, but because of that and the other reasons he had, he will not approve the bills tonight.

Councilmember Kurtzweil asked about the Fuller appraisal, she asked if the City will be incurring that cost. City Manager Ladner stated the City will be paying for that. Councilmember Kurtzweil asked  
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about the charge for repairs to the movie screen. City Manager Ladner stated the City along with other communities all share a portable movie screen, and if one of the communities find damage, they fix it, then the cost is split between all communities that share the movie equipment. Councilmember Kurtzweil asked about the overtime cost for the DPW, Water and Sewer, and the Police Department. She stated when she looked at the overtime numbers and if we stay with some of these numbers, they will be over their overtime in the budget cycle, so the Police Department doesn't break down the numbers of hours in overtime, but the wastewater does. She is letting the Department Heads know she is watching the overtime and we could have a problem down the road. Councilmember Rzyzi stated he is not asking as much about the overtime for the Police Department, but for the Water and DPW Departments if there is any protocol for overtime, apparently you can work 8 hours and still get paid overtime. City Manager Ladner stated sometimes they get overtime because they are required for call in and we are required to check the well and do lab work 7 days a week. Councilmember Rzyzi stated he understands that and it should be easy to plan, but what concerns him is some of the overtime hours are for the higher paid employees and this is not budgeted for. We need to look at the approval process and make sure we aren't over budget. Councilmember Kurtzweil stated the overtime for the wastewater and this is expensive overtime and if you look at the narrative states what the estimated overtime will be, if you look at what the current overtime is, we will be way over budget. Councilmember Rzyzi stated he has questions regarding the attorney's invoices. The suggestion was made to have the presentations before we finish the bills.

#### **CM 7-2-17 MOTION TO AMEND AGENDA**

Motion by Kurtzweil, supported by Kivell

Motion to move the approval of bids, approval of agenda and public comment to the end of the swearing in of new officers and the presentation of the unit citation

VOTE:

**MOTION CARRIED UNANIMOUSLY**

#### **SWEARING IN OF NEW FIREFIGHTERS**

Deputy Clerk Pieper did the swearing in of the new firefighters.

1. Brittany Tooman
2. Kirsten McGahan
3. Zack Dobrick
4. Austin Vliet

Each new firefighter received their badge and was given a certificate of completion from Fire Chief Kennedy.

#### **PRESENTATION OF UNIT CITATION – RE: LAKEWOOD DRIVE**

Engine 1

1. Captain Cory Armstrong
2. Lieutenant Tim Wilson
3. Firefighter Cindy Conrad
4. Firefighter Brittany Tooman
5. Firefighter Zack Dobrick

## Engine 2

1. Lieutenant Jeff Noechel
2. Firefighter Tim McGilen
3. Firefighter Alex Good
4. Firefighter Kirsten McGahan
5. Firefighter Austin Vliet

Each Firefighter received a citation for a job well done on the fire at Lakewood Drive

## **BILLS- Continued**

Councilmember Ryzyi stated the invoices we have today are from May, but we are approving them now, he stated we should be approving the bills as they are presented not after. He stated on page 5 there is an entry for receipt and review of correspondence for temporary certificate of occupancy and related issues, he then asked what that was for. Attorney Wilhelm stated that was regarding the Mediterranean restaurant. Councilmember Ryzyi then asked about research regarding federal and state requirements for A.D.A. accessible and barrier free restaurants. Attorney Wilhelm stated that was for the same restaurant. Councilmember Ryzyi stated there are some entries regarding the organization second hand network. He stated they have come into town a few times, and he had reports of knocking on windows. He thought this was addressed a few years ago, why did the attorney have to work on this again for over an hour. Attorney Wilhelm stated he discussed this with the Police Department to make sure they had everything they needed and to touch base on if there was any change in direction we wanted to bring to Council regarding this group knowing that it would affect all organizations. Councilmember Ryzyi asked if anything has changed. Chief Collins stated it should be understood we do not issue any permits for soliciting in the streets, he believes it is a safety issue, but we have to treat all groups alike, and Council would have to make the decision, and knowing if we change something it will affect any local groups as well. He stated the Police Department will enforce anything Council decides to do. Chief Collins stated he spoke with one of the organizers to go over the ground rules and he cautioned them about blocking traffic, and told them they can only go in the street if there is a red light. He stated he also told them they cannot place safety cones in the streets. Councilmember Ryzyi stated he supports the local groups, but he had 9 or 10 people say they were knocking on windows and swearing at them. He is glad we laid down the ground rules. Councilmember Ryzyi stated he is in favor of looking at a new ordinance. Councilmember Ryzyi stated there were many entries regarding the budget, and he asked if this was regarding the chicken little letter. Attorney Wilhelm stated if you are talking about the letter where he told Council about the consequences of passing a budget without a millage, yes. Councilmember Ryzyi stated there are numerous discussions with Councilmember for .2 hours and he is curious if this was about the budget and if Attorney Wilhelm contacted the councilmembers. Mayor Galeas stated he called him. Attorney Wilhelm stated it was a combination of both. Councilmember Ryzyi stated he and Councilmember Kurtzweil did not receive a phone call, so he doesn't know if this was regarding gaining votes. Councilmember Kurtzweil stated she should have asked this in the past, but what are the charges for regarding the mediation with the Police Department. City Manager Ladner stated there is a grievance filed by both Police unions regarding the health insurance, they have not been able to resolve it and they are preparing to go into arbitration. Councilmember Kurtzweil asked what the problem is. City Manager Ladner stated there is a disagreement regarding the level of health coverage they receive. Councilmember Kurtzweil stated this is eating up a lot of time, what are we not covering. City Manager Ladner stated there is a disagreement with the number of physical therapy appointments each year, as well as the level

of medications, and how quickly they are receiving reimbursement for their co pays. She further stated one of the disagreements are lifestyle drugs. Councilmember Rzyzi asked if lifestyle drugs meant ciales, aka Viagra. Discussion was held regarding the appropriateness of having this discussion considering this is in arbitration. Councilmember Kurtzweil stated that is an attitude problem, you can't ask the taxpayers to pay for everything. Councilmember Kurtzweil asked about the telephone conference with the City Manager regarding the Knolls. Attorney Wilhelm stated there are setback issues with a few of the lots because of the elevation drop and they have some concerns about trees that need to be planted, there was a proposal and he was asked to review it to see if it needs to go to Planning Commission. City Manager Ladner stated this has to do with some of the smaller lots because the PUD states they need to plant so many trees per lot, and they are complaining that if they do that they won't have a backyard. Councilmember Kurtzweil asked Attorney Wilhelm if he has an opinion regarding the truth in taxation regarding the notice to the public. Attorney Wilhelm stated there is a secondary amendment that states as long as specific language is used in the notice when you combine the notice of budget meeting and mill meeting, and the City did do that. Councilmember Kurtzweil asked about the offer to purchase the City's claim. Attorney Wilhelm stated it is regarding outstanding unmetered water and there are several water connections and due to the timing of the bankruptcy there are unpaid bills. Councilmember Kurtzweil stated they couldn't pay within 90 days because they would have chosen the City over other creditors. She then asked who is trying to purchase the city's claim. Attorney Wilhelm stated there are companies that purchase the cities claim. Councilmember Rzyzi asked if he was able to check with his assistant to ensure the City is being charged for anything that is marked as no charge on the bills. Attorney Wilhelm stated he did and the City is not charged for anything that is marked no charge on the bills. Mayor Galeas suggested this has been going on and still continuing, a lot of research goes into the bills and there are many questions, and there is a total lack of trust, but this isn't going to go away. There is an agenda here and this takes up a lot of time and we are supposed to give our attorney and our City Manager the respect that they are doing their jobs. Galeas goes on to state that he agrees with Rzyzi and if they had the bills ahead of time, it would help us and allow us to question ahead of time so that we do not have to do this at our meetings. Councilmember Kurtzweil stated your opinion is very shallow and a disservice to the taxpayers. She states she is not here to speed through a meeting, so John, you can go back and sit on your barstool. She stated she is here to question anyone she needs to question to ensure the taxpayers money is being spent properly. She stated you hold people accountable and to say people are doing things in front of the camera, you should scrutinize the bills and be a leader. Mayor Galeas stated he does speak with our City Manager and gets his answers ahead of time. Councilmember Kivell stated this is a reoccurring event, and Joe questions the phone calls between Councilmembers and our Attorney and we are talking to Tim to get the answers that we have and if anything is necessary for the public to know, we can then bring to Council, instead of wasting everyone's time flushing out things that are incidentals. He further stated he wishes people would be responsible and ask Tim and if you cannot get it at that time, he can get the answer to you at the next meeting.

#### **CM 7-3-17 MOTION TO APPROVE BILLS**

Motion by Kramer, supported by Parisien

VOTE:

#### **ROLL CALL VOTE**

Kivell- Yes  
 Parisien- Yes  
 Rzyzi- No  
 Galeas- Yes  
 Wedell- Yes

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Kramer- Yes

Kurtzweil- No

**MOTION CARRIED- 2 OPPOSED**

**AGENDA**

Councilmember Ryzyi stated one of the things we had happening in 2015 is that we had a lot of unneeded closed sessions, so one of the things he campaigned on was the City violated the Open Meetings Act and he understands that negotiations are a legal reason to go into closed session, but we have gone into closed session and then we go into the open session and rubber stamp them. He stated the taxpayers are getting a bad deal. He stated this contract is a FOIAable document and he prefers this is discussed in the public. He stated we need to do this in public because there are a lot of cadillac benefits that most of the residents do not get. City Manager Ladner stated this document is not a public document until it is ratified. If we discuss this in public it puts the City at a disadvantage in the negotiations. Councilmember Kramer stated if there are reasons why we don't want to approve this contract you want it on the record, have you thought about that Joe. Councilmember Wedell stated before the closed session there will be a roll call vote and then you have a chance to vote no. Councilmember Kivell stated you will also have a chance in open session to discuss what your views are in open session and we can still get legal advice of any pitfalls may be. He further stated we need a moment to discuss this amongst ourselves and if you don't agree you can vote and make your opinion known in open session. Further discussion regarding going into closed sessions. Councilmember Ryzyi stated it is clear the contract will be approved when we go into open session. Councilmember Kramer asked Councilmember Ryzyi if when he goes into negotiations with a seller, do you discuss what your company discusses before negotiations or do you just go into everything your company wants to do and what they don't want to do. Councilmember Ryzyi stated significant money has already been spent on negotiations and we are more or less a formality. Councilmember Kramer stated you are presuming a lot because he has a lot of questions regarding this contract. Councilmember Kurtzweil stated the problems with closed meetings has been a problem with Council and she wants to remind them taking something into closed session is not a right, the Open Meetings Act says Council may meet in closed session for collective bargaining agreement. She further stated she doesn't think having this issue discussed during an open session will affect our bargaining session one way or another, there is nothing wrong with letting the public know what is being considered. She further stated it is common knowledge the only topics are retirement, wages and time off. She did not read the summary letter from Johnson Rosati Law Firm because she doesn't have an interest in it, but the issues to be discussed should be heard by the taxpayers.

**CM 7-4-17 MOTION TO APPROVE AGENDA**

Motion by Kivell, supported by Parisien

Motion to approve the Agenda

VOTE:

**ROLL CALL VOTE**

Kivell- Yes

Parisien- Yes

Ryzyi- No

Galeas- Yes

Wedell- Yes

Kramer- Yes

Kurtzweil- No

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## **MOTION CARRIED- 2 OPPOSED**

### **PUBLIC COMMENT**

Carl Richards of 390 Lenox stated he wanted to give Council a heads up regarding we are having copying irregularities behind the counter. He further stated the machinery isn't working the way it should. Mr. Richards stated the deck at the rear of the school house in the historic village collapsed and the DPW fixed it. He further stated one of the sprinkler connections broken and the DPW fixed that as well. Mr. Richards stated the tube mill is in their second week of shut down.

Josie Kearns 329 Lyon Bvd stated the Art and Cars Event is coming up July 26<sup>th</sup> and we have a lot of artists coming out and it will be a very cool event. She stated she wanted to thank everyone that came to the sustainable art show.

### **OLD BUSINESS**

1. Review vacation accrual policies from other Michigan communities to identify how the Council would like to shape the new Department Head, City Manager, and collective bargaining vacation accrual policy

City Manager Ladner stated this has been discussed before and she drafted a policy that Council did not approve of. She realized it would be best to discuss with Council what they would like to see for all employees. She further stated she has information from 8 different communities for their vacation accrual policies. Councilmember Ryzyi stated he has spoken with a lot of people and most people are not allowed to have unlimited vacation time. He further stated the majority of the work force don't have pensions, or cadillac benefits, most people are struggling paying for their health care. He has been hearing this should have been changed years ago, and we just past the largest tax increase in decades. He stated his position is he will only vote for a contract with a 5-day carryover each year, we need to stop this. We have 5 million over in unfunded liabilities, the next years budget is still over budget, and unless we start getting serious we are looking at more tax increases. He stated he doesn't think we should consider what other communities do. He further stated our firefighters don't even get nearly any of these benefits, and that is a shame. The other employees get so much more, and what other cities do doesn't matter to him.

Councilmember Kramer stated he would propose 5-day (40 hours) carryover with a cap on 2 years, and if they don't use them within the 2 years, they lose them. Councilmember Wedell agrees. Discussion continues regarding explanation of change suggested by Kramer.

She stated currently the handbook states the employee will be paid out for vacation pay when they retire. City Manager Ladner stated people will always get their vacation time when they quit or retire. City Manager Ladner clarified the maximum vacation time they can be paid for is whatever their annual accumulation time is. Councilmember Ryzyi stated since we have specified the employees will not get paid banked hours, he thinks people will start using their time. Further discussion was held regarding the union payouts. City Manager Ladner stated she can have a draft at the next meeting.

## **NEW BUSINESS**

1. Consider authorizing the purchase of three sets of structural firefighting turnout gear as requested in the FY 18 Budget, to include waiving the formal bidding process of the City

Chief Kennedy stated this was a budgeted item. He stated we formed a committee to do the research and they settled on 4 suppliers, Globe, Lion, FireDex, and Janesville. He stated they want to go with Globe First Due Fire Supply. He further stated we would like everyone to have the same gear. Chief Kennedy stated we had manufacturing and service issues with Apollo who we used when we last purchased turnout gear. Therefore, they are looking for a new company this time. He stated if Council wants him to seek a competitive bid he can, but they won't receive any bids for Globe gear. He further stated Globe gear just happened to be the lowest cost as well. Councilmember Ryzyi stated this is specific gear and he thinks it is great that the firefighters did the research. Councilmember Kurtzweil stated she doesn't understand why this is not a competitive bid. Chief Kennedy stated the bid process has to be a sealed bid and a request for proposals must be posted with notice. Councilmember Ryzyi stated in the past it seems the bid process has not been followed by some departments. He further stated his opinion qualifies if you have the ability to show who you contacted and you have all the quotes with the breakdown and it doesn't need to be a sealed bid. Councilmember Kurtzweil stated she would like this attached to the minutes because last year we did 3 waivers of the bid process, and particularly in the DPW waiver we didn't put any records of the bids into the minutes, and she thinks the bids should be part of the record, so if the City got audited there would be some paper trail showing the City made some effort in providing accurate information in waiving of the bid. She stated she is bringing this up because the newspapers are doing a great job of talking about the finances of cities. She stated the latest article was about the sloppy finances of Plymouth Township. She further stated when the new administration went in they found there are no records of competitive bids. She further stated if you follow the Chicago finances, their school system is having serious problems for not following the bid process. Councilmember Kurtzweil stated we need to understand that waiving the bid process is not a normal acceptable practice. She further stated if we do waive the bid, the department Head needs to come in with very detailed information on who they contacted, and what information was supplied to them. Councilmember Kivell stated the manufacturer is specific to one vendor which is why they are asking to waive the process, and they are the lowest cost anyways. Councilmember Kurtzweil stated if the facts aren't there to waive the bidding process, there is no reason for it. She further stated you can accept a higher bid, but the reasons must be there, the ordinance doesn't state the City has to accept the lowest bid. Councilmember Kurtzweil asked if Chief Kennedy published the notice. Chief Kennedy stated he doesn't feel there is a benefit to the City to do so. Councilmember Kurtzweil asked why there would not be an advantage to the City if we followed the bid process. Chief Kennedy stated there is a lead time which is 6-8 weeks, and Globe is the manufacturer we would like to use, and the vendors will not bid against themselves. He further stated Globe does not allow the vendors to bid against each other. City Manager Ladner stated the cost of the publication is substantial. Attorney Wilhelm stated the Fire Department has specified the equipment they are looking for and it would be impractical to have a competitive sealed bid for other suppliers for the same equipment because the company will not bid against each other. Councilmember Ryzyi stated this is a good conversation to have because at the last meeting we waived the bid process for the fountain because we were told there was only one company which dealt with it, but he was able to find other companies that could have bid on the job. Councilmember Parisien asked what they will do with the gear that will be replaced. Chief Kennedy stated they have a 10-year shelf life, the idea is to purchase 2 or 3 sets every year because we don't want to get into a situation where we don't end up with a situation where we have

no compliant gear. He stated after the 10-year mark we use it for training gear and in the past, we have donated the gear to South American Fire Departments.

**CM 7-5-17 MOTION TO WAIVE SECTION 2-224 THE SOUTH LYON CODE OF ORDINANCES**

Motion by Kramer, supported by Rzyzi

Motion to waive section 2-224 of the South Lyon Code of Ordinances for approval of purchases or contracts over \$2,000 in competitive bidding for purchases or contracts over \$5,000 because no advantage to the City would result per reasons set-forth by Chief Kennedy, the City Manager and the City Attorney

VOTE:

**MOTION CARRIED UNANIMOUSLY**

**CM 7-6-17 MOTION TO APPROVE PURCHASE OF GLOBE TURNOUT GEAR FROM FIRST DUE FIRE SUPPLY**

Motion by Kramer, supported by Wedell

Motion to approve the purchase of 3 sets of firefighting turn-out gear from First Due Fire Supply for the cost of \$6,250.29

VOTE:

**MOTION CARRIED UNANIMOUSLY**

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

Mr. Avantini from CIB Planning stated this has gone before the Planning Commission denied the request and they recommend the denial of the request from Council. He stated the main reason is the property is master-planned for industrial. He stated the proposed zoning of residential does not fit with the industrial property of the tube mill because it backs up to it. He further stated the applicant didn't supply sufficient evidence that the property cannot be used for any of the current zoning uses. He further stated we need to retain the amount of industrial zoned land in the City. Mr. Avantini stated the applicant submitted information to the Planning Commission which included a financial feasibility of developing the property as industrial uses. He stated Rowe Engineering is preparing an alternate layout of the property and we are hoping to get that within a few weeks. Councilmember Kivell asked if they are looking at the existing layout or an alternate layout. Mr. Avantini stated they are looking at the current layout and the parcels that were planned to go in and if you can get enough units in there to make it financially feasible. Mr. Avantini stated we will also need to let our appraiser look at it. Mr. Avantini stated he recommends denial and his most concern is most times the residents will definitely hear the tube mill working and that is a concern, which is why have a zoning ordinance. Councilmember Kivell stated he is looking forward to the Rowe Engineering documents to see what if the existing infrastructure will be the same level of financial support for that project. He hopes they will also look at the financial implications if it was reconfigured if it was one large building as opposed to smaller units and if there were two independent things that occupy the entire property. Councilmember Rzyzi asked what the zoning was originally. City Manager Ladner stated the zoning was changed by request of the purchaser to industrial since 1989. Councilmember Rzyzi stated it is clear the property is industrial, as the master plan reflects as well and it butts up the tube mill. He further stated the Planning Commission suggests we don't rezone it. He stated one of Lyon Township resident's concerns are they don't stick with their master plan. He further stated the unfactored is not there and the residents wants the growth to slow down. Not necessarily in the City, but the quality of life is not worth the cost of rezoning this property. Councilmember Parisien stated she understands the Planning Commission suggests a denial in the rezoning request but she would like to hear



both sides. Mr. Avantini stated they always look at the balance of public interest and property owner rights and we always gather as much information as possible. Mayor Galeas stated he would like to see all the information before we make a decision. Councilmember Kramer asked what the general concept for the layout for the road. City Manager Ladner stated this was rezoned in 1989 and final site plan was completed in May of 1999. She stated the site plan reflected individual parcels that go along the u-shaped road along with retention pond and some of the utility work. Councilmember Kivell stated we are primarily residential in the City, this property gives us a little more diversity.

Richard Linnell on behalf of applicant Marc O'Rourke. He stated they recently received the appraisal but this issue hasn't been fully flushed out. He stated he also represents the owner of the property as well. Marc O'Rourke stated it is important to give Council more background. He stated they approached the Planning Commission 9 months ago. He stated originally the owner asked for the zoning to be changed from residential to industrial, which it did. He further stated he built it and designed it and marketed it unsuccessfully. He stated he has been trying to sell this property for years and all the while losing money. Councilmember Kramer asked what kind of marketing have been done in the last 5 years. Robert Mathews stated they had the property listed multiple times with different agencies and marketed it primarily with industrial firms. He stated every time they market it, everyone tells them it needs to be residential. Councilmember Kramer asked why was it originally requested to change the zoning from residential to industrial. Mr. Mathews stated they had a dream, but their dreams changed. We are trying to market the property to sell it. He stated he can't market it or sell it. He stated in fact they offered to sell it to the City. He stated the City stated they did not want it because of the poor location. Councilmember Kivell stated that was in regards to the Recreation Center that was being considered and it had to be central to all the communities that were involved. Mr. Mathews stated it was a perfect location and the utilities were there. Councilmember Kramer stated it was offered at a price and another issue was the recreation center outside of the loop. The recreation center issue died. Mr. Mathews stated the City never went any further with it. Councilmember Kramer stated the City never said it was a poor location, the recreation center committee didn't represent the City, it stated the location was not agreeable by the 3 communities.

Charles Smith stated Lyon Township and Green Oak Township stated they couldn't agree to put the recreation center there. Mr. Mathews stated nothing is working and maybe it was a bad idea to change it from residential to industrial, but it was done. He further stated we have property that is doing nothing positive for the community. This community needs to grow. Councilmember Kramer asked if they have any concerns about building a residential development directly next to the sewer department. Councilmember Ryzyi asked what is the procedure if Planning Commission doesn't approve this. City Manager Ladner stated Planning Commission voted to deny the rezoning and that is their recommendation to Council. Councilmember Kivell stated someone has recently reached out to find out what industrial property we have available in our area, so he doesn't know if it is a complete lost cause. Councilmember Kurtzweil stated she has never met Chuck Smith or Rob Mathews however she has been in an adversarial position with them regarding the Nichewa Estates Homeowners Association and she wants that on the record. Mark Szerlag stated he has been in commercial real estate for over 30 years, he has marketed the property for the last 3 years. He further stated we do occasionally get inquiries and we are aggressive at marketing. He stated following he zoning ordinance is the easiest way to go, but we have had no one express any interest in the industrial use for years. He stated for numerous reasons, there have been zero interest. He further stated what the appraisal firm has provided is theoretical. He stated the facts the owners gambled and lost. Mr. Szerlag stated it has been almost 20 years since they have been paying for that mistake. He further stated we respect the Planning Commission but because it

doesn't meet the master plan, they automatically denied it. Mr. Szerlag stated his goal over the past 3 years has been to sell the property as industrial, but we have found no one interested therefore we began looking at other uses. Mr. Szerlag stated Bob Donohue has done a great job, but the person interested past because they didn't think the property would be competitive. Councilmember Parisien asked what were the reasons Planning Commission denied. Mr. Avantini stated the need to retain industrial land in the city, not compatible with the tube mill, not compatible with the master plan, and the applicant didn't supply any proof the property can't be used for any of the approved uses. Mark Schafer stated he drafted the letter asking for the rezoning. He attended a few meetings with the Planning Commission and when we look at the history of them making the decision to deny the rezoning request, there was a great deal of discussion of the functionality of the property and the surrounding infrastructure as to the reason why this property is not good for industrial development. He further stated one of the issues was trucking, and the fact it is an unimproved road, it isn't an all-weather road, and there are weight limitations. He stated that is a concern, the distance from the express way is an issue. He further stated sending all the traffic down the middle of town will bog down the already busy traffic in the City. He further stated there was a lot of empathy from the commissioners, but when the master plan was being looked at, there was an awareness made that they want to redevelopment the site. He stated they have invested \$750,00 into this property. He further stated the industrial use is not the best use. Councilmember Kramer stated this property is light industrial, therefore there wouldn't be a lot of semis traveling to the property anyway. Mr. Schafer stated he has a developer that is willing to purchase this to build a subdivision on this property. Councilmember Parisien stated she hears many residents complaining about too much growth, and we have too many residential areas and the roads are already congested. She further stated having another residential area in that area would be unwise from what she is hearing from the community. Mr. Schafer stated there is a reason this is the only remaining undeveloped industrial property in South Lyon and it is because no one wants to be there. Further discussion was held regarding the truck traffic in the City. Councilmember Kivell stated you have to take into consideration when the zoning was changed to industrial the truck traffic would have the same issues at that time too. Mr. Shafer agrees that was a mistake at the time. Councilmember Kivell stated his concern is that the restrictions of having a road that doesn't look as though it is the best way for someone to take advantage of that property. Mr. Schafer stated Kensington Pines Industrial Park has a loop street and originally the land began selling in there at about \$27,500 an acre, and now it is fully developed. The difference is the access. The configuration of the road and the utilities aren't a problem, it is the location. Mayor Galeas stated he has a friend in a local community that moved from location and in that location, is a lot of residential, and his business is heavy stuff. He stated it is working but it doesn't seem like a very good choice. He stated he understands that is a tough spot, but his concern is it doesn't meet the master plan, and he wants to understand better. Discussion was held regarding when the master plan was adopted. Mr. Avantini stated looking at the uses, maybe large trucks can't access this property, but the question they never answered was why not use the property as business centers including office space. He stated we will get the answer when the Rowe Engineering report is done. He stated there are lingering questions on that property, maybe you can't draw from the highway, but maybe we could draw from the community. There is a wide variety of locally based businesses that can use that property. We have to do our due diligence to ensure we are being fair to the City as well as the applicant. Councilmember Kivell stated he doesn't think we should be paying for their research. Councilmember Wedell stated if we are going to see another report in the future, it seems premature for this to be discussed tonight. He further asked if Planning Commission will look at the Rowe report that we will be seeing. Mr. Avantini stated he stated Council can always send this issue back to the Planning Commission. Councilmember Kurtzweil asked if Mr. Schafer read the full appraisal. Mr. Schaffer stated he skimmed it, it is actually a snapshot as of December of last year, and we

used the Doan property as the comparable property. Councilmember Kurtzweil asked about the net operating income that someone calculated and looking at debt ratios with the bank. Mr. Schafer stated that gets more into the theoretical part. Councilmember Kurtzweil asked if he thinks their numbers were off because they were making adjustments to the income based on the square foot rental. She asked what he thinks what the net income would be. Mr. Schafer stated he went through a detailed analysis would have to rent for to be financial viable, and it didn't work. Councilmember Kurtzweil stated Mr. Dubuc has all of his rental units rented out and he has been very successful. She stated he went in and marketed them and filled them. He also has an industrial park on 10 Mile. Councilmember Kurtzweil asked why did the City order an appraisal on someone else's property. Attorney Wilhelm stated we obtained the report to address the financial feasibility and with an expectation to have to defend the zoning we received the financial analysis and it is intended to help support our industrial zoning. He stated this is a unique piece of property. Councilmember Kurtzweil stated it appears one of the appraisals supported a different use. Mr. Linnell stated this property has been sitting for almost 2 decades and they haven't turned down any offers, they haven't received any offers. He stated he can see some of the Fuller appraisal supporting their position, he then talks about half a million dollars to improve the road, but that will still not take care of the truck issues, but you make it feasible that someone might want to build on that road. Lyon Township has had numerous industrial properties developed when times were great and when times weren't so great, but it doesn't happen here. He further stated if you were looking at a small amount of time, but this has been years and years. Councilmember Kurtzweil stated she is conflicted because she isn't convinced it supports industrial use, and the problem is the City ordered it. Attorney Wilhelm stated we asked him for his opinion of the property zoned as R-1. Councilmember Kurtzweil stated your assumption is if you put houses on this property they will sell as they are selling in Lyon Township. She stated she doesn't think that is true, she doesn't think anyone will want to hear the tube mill every time you have the windows open. She asked what the price point would be, you will not have anyone wanting to buy a house in the hundreds of thousands. Councilmember Kivell asked if they can meet with Mr. Fuller regarding his appraisal. Mr. Linnell asked if Council would like them to include anyone from the City such as the planner. City Manager Ladner stated she would like to be included as well.

#### **CM 7-7-17 MOTION TO POSTPONE ORDINANCE AMENDMENT**

Motion by Wedell, supported by Kramer

Motion to postpone first reading of ordinance amendment until the first meeting in September

VOTE:

**MOTION CARRIED UNANIMOUSLY**

3. Consider request by Councilwoman Kurtzweil for the Council to suspend Councilmember Kivell from his duties as Councilmember for a period of 30-60 days related to conflict of interest

Mayor Galeas stated he contacted Lynne with his opinion. He supported the investigation to avoid what is happening right now. He feels the report was given and everyone has their own opinion. He stated we had an opportunity to censure and Council decided not to do so. He stated the prosecutor's office dropped it and in his opinion, we have wasted enough time and money of the taxpayer's money. Councilmember Kurtzweil stated the Mayor's comments was expected. She stated conflicts of interest always need to be disclosed. She stated we all know the facts and the issue is accountability although she doubts there will be any tonight. She further stated you have a seasonal elected official that clearly

understands conflict of interest such as when he was railing about Tedd Wallace and the cable channel. She stated when it comes to his own which was disclosed by a whistle-blower the rules have changed and the rationale of accountability has changed. Councilmember Kurtzweil stated there is no remorse but there is defiance, almost as if Kivell knows his friends on Council will do right by him. She stated this matter is before Council because the Dykema-Gosset report is a solid and excellent piece of legal analysis. Contrary to what the Mayor believes which it was unclear just shows his refusal to accept what a very good lawyer has put in writing about his friends. The Dykema report is beginning to be a standard in the industry in how to handle a conflict of interest. When the report was done there was no hidden agenda, or an axe to grind. She stated her opinion is that the Dykema report stands in respect to determining liability in this matter. She further stated we decided to turn this over to the Oakland County Sheriff's Department for review because the City Attorney decided the South Lyon Police Department had a conflict of interest because he didn't believe Councilmember Kivell had a conflict of interest regarding his votes for contracts that benefitted his employer, yet he believed the South Lyon Police Department would have a conflict. She further stated that is agendas at their best. She further stated everyone knows the Oakland County Prosecutors office would not issue an arrest warrant for Kivell's arrest because the County does not enforce civil documents, they enforce criminal statutes such as domestic violence, but those are statutes they would get involved in, they do not enforce the City of South Lyon's Charter. Councilmember Kurtzweil stated in April we discussed hiring an outside attorney to prosecute this matter, but she believes Chief Collins thought it would be too expensive to do so. She stated it appears Kivell will not be held criminally responsible for his conduct, no one on Council has the political will or desire to do anything, such as when his friend Mayor Galeas said earlier we just need to get past this. She further stated it appears we just have to decide how to handle it from a non-criminal standpoint, and the issue now becomes what duty did Kivell have to disclose he had a conflict of interest. She herself let everyone know earlier tonight about her possible conflict of interest and she erred on the side of caution and when you choose to voluntarily disclose a possible conflict of interest, and you choose not to disclose, you are not dealing with the same kind of conduct. She further stated at one-time Kivell apologized and admitted he should have disclosed his conflict of interest, but her opinion is he didn't think he would get caught. She stated the real problem is the cover up. She stated many people have told her how long they would like to see him suspended and the average is 30 - 45 days. She stated he cost the City almost \$38,000 and some accountability needs to be held. She is hearing from residents in the City, as well as the townships. There was clearly a conflict of interest.

Councilmember Wedell asked if there is a motion before us. Typically, the discussion follows the motion and that is when he will give his opinion. Councilmember Kurtzweil stated she already knows how this is going to happen. Councilmember Rzyzi stated we have been here over 3 hours and talked about many things and if there wasn't so much animosity it just speaks to the agenda. He further stated there is some friendships on Council that is clouding their judgement. He then quoted from section 2-75 of the City Code that states no councilmember or official or employee shall engage in any business or transaction or have a financial interest or personal interest. Councilmember Rzyzi stated the Dykema report stated in some instances there were, and in some there weren't. He further stated ultimately there was. He stated the Code also states any Councilman or other official who has a financial interest in any business or contract with the City shall make known to the proper authorities such interest in any matter when he will be called to act in his official capacity and shall not vote or participate on any contract or sale. He further stated in section 2-78 the code states violations of any code can raise conscientious questions for Councilmember concerned and to either voluntary resignation or other action to promote the best action of the City. A violation may constitute removal from office, suspension, or other disciplinary action. He stated he is going to make his closing argument and he thinks we will see two opinions, one is for a

censure that means nothing and is a slap on the wrist, or as the code states a possibility for suspension. He further stated the Dykema report clearly states that Kivell was well acquainted with conflict of interest. He further stated he was not impressed with the response which was unapologetic as if this was Council's fault, although all of Council decided to turn this over to an outside law firm for an investigation to be done. He further we received a letter from Johnson Rosati saying there was wrong doing, then after there was the apology there was a complete 180 saying this was taken care of and that is why Council hired an outside attorney because of the biases. He stated a suspension is in order because a censure is useless. Councilmember Wedell stated a censure is not up for reconsideration, that vote failed 3-3 at a previous meeting.

Ryan Lare of 716 Grand Court stated from the public's standpoint, you teach your children right from wrong and you teach them accountability. He stated the problem is you had a public official and you need to leave your friendships at the door as a Council. He stated he respectfully disagrees with Mayor Galeas. He stated he respects anyone at this table but you were elected to uphold the City Charter and the City Code. You were elected to do so. He further stated you need to remind yourself of that tonight. You are setting the standard tonight that public corruption is not tolerated and will not be accepted. He further stated that attorney was hired independently and had no axe to grind. He further stated why don't you honor his service to this City by accepting a suspension of 60 days. He then thanked Maggie for bringing this to the forefront.

Mayor Galeas stated to set the record straight he is the one that suggested we have an outside mediator because he knew what would happen based on the personalities on this Council. He further stated he was in full support of hiring the outside law firm. He further stated in his conversations with the lawyer and reading the report himself, his opinion is when they first had the opportunity to censure nothing was done because there was too much arguing. Mayor Galeas stated he questions himself if he does have any friends on Council, this is being like a baby sitter. He further stated Council then decided to send this to the prosecutor's office and you said earlier they wouldn't have done anything, so why was that suggested. Mayor Galeas stated in his mind this case is closed, he was ok with censuring him, but Council couldn't agree. He further stated no one asked Mayor Wallace to resign, or to be suspended, he was asked to step away from the cable channel. He further stated in his mind, friend or no friend, he feels everyone has stated their opinions and for two years he has been smacked by one particular person and he takes it because he is bigger than that. He further stated people need to be careful about statements they make. Councilmember Parisien stated she originally stated we should censure or suspend at the time, but she didn't feel it should have been criminally prosecuted. We have spent \$40,000 of money on an investigation but we need to move on, things like our budget and our downtown we have other things we need to focus on. She further stated she feels the punishment of losing his reputation is enough, it will always be on the internet and in the news. She further stated she has done her research and there are egregious crimes that people get suspended for. Councilmember Parisien stated there are two people on Council that will cry that she is friend with Councilman Kivell, but you have no leg to stand on, she only knows anyone on Council as councilmembers, she doesn't have any friends on Council. The code doesn't state we have to suspend, it is an option. She further stated from her end, we have spent too much time and resources and we need to focus on what really needs our attention. Councilmember Rzyzi stated he may be mistaken but it sounded like she asked Kivell for a referral for a drywaller. Councilmember Parisien stated yes, she asked him here at the meeting, she didn't call him on the phone, she doesn't socialize with him. Mayor Galeas stated he and Jim work out together at the gym but that doesn't mean they are great friends. Councilmember Rzyzi stated he doesn't know about their relationship. Councilmember Parisien stated she doesn't question his friendship with Maggie. City Manager Ladner asked if they will be excused and paid. Councilmember Kurtzweil stated it will be paid and excused.

Councilmember Ryzyi stated he will second, but he knows it will not pass, this has already been arranged. Councilmember Kramer stated how you can say this was already arranged, and how this has already been talked about, you are the one who made the motion to fire David Murphy, you were involved with the straw vote but that was 4 years ago and you feel like its under the bridge. You presume a lot. He voted to censure him at the previous meeting, he is the one that voted to turn it over to the prosecutor's office, and he voted to turn it over to Dykema. He stated the reason he isn't voting for this is the damage has been done. If you look at the South Lyon Herald, you see Mr. Kivell's face every time you're on the webpage and that doesn't go away. He stated if you want to talk about a straw vote nothing was done. He further stated listen to what your saying, you took a straw vote behind the Councilmembers back. He further stated Tedd even stated he spoke with you and Beverly and Erin nothing was done about it.

Councilmember Kramer stated he is not going to vote for a suspension. Councilmember Wedell stated he voted to send this to the investigator and the prosecutor's office because the votes that were taken were 3-3. He stated if you don't like the response you got you shouldn't have come back with a second bite at the apple. Councilmember Kurtzweil stated it is Wedell's generation of things being swept under the rug and now people are now being held accountable for things they do. She stated if the whistle blower didn't come forward it would not have been disclosed. She didn't go looking for it, the information came to her. To sit here and say enough is enough and poor Glenn than you should have thought about this and came forward instead of keeping it a secret. She asked why the standard is strict for Maggie, but not for anyone else. She stated you can say whatever you want, but the voting record shows who has friends on Council and who doesn't. Councilmember Wedell stated the voting patterns will show you need more friends. Councilmember Parisien stated the crowd you are speaking to if you speaking to one, whatever they are coming up with for a reason for suspension is one thing. She stated the crowd she is speaking to said his remorse came through when he posted his apology on Facebook and his name has been dragged through the mud, stop focusing on him and focus on the budget and downtown. She further stated she thinks there is a divide on Council, there is clear bias, Maggie, you have an agenda, during the last meeting you called Glenn your nemesis. Councilmember Kurtzweil stated for 10 years and he is a predator, he is being after me for 10 years. Councilmember Parisien stated you can't see things clearly when you have a bias. Councilmember Ryzyi stated someone asked him how no one on Council knew where he worked. He stated he didn't know because he doesn't speak to Glenn except during Council and John, you have known Glenn for years, why didn't you say anything, and the public wants to know. He further stated he doesn't know where John works. Mayor Galeas stated having an actual conversation outside of Council would be good, but for this Council to basically abandon all conversation with each other has created adversarial situation between the group. He further stated it was created when David Murphy was fired and Tedd Wallace did the straw vote. He further stated he had a lot of conversations with Maggie before running for Council and he remembers them. Councilmember Kivell stated the endless toxicity is the biggest adversarial we will be facing however long we are together. There has been an endless campaign by Joe and Maggie in particular since they got on this board and you spend so much time pointing at yourself about how important you are you lose site of we are here to work on behalf of the people that live in this community and he hopes we can start working together in a constructive matter.

Councilmember Kurtzweil stated she disagrees with Mr. Kivell because he is a bitter man and he is not truthful and when she got on Council there were violations to the open meetings act and you participated in voting in certain matters that violated the open meetings act, you participated in violations of the Charter when members of the Board of Review were not appointed in January. She further stated you participated in another vote where an interim City Manager which is outside of the Charter. She stated for him to say that things were fine is an absolute lie and this is the first time Council has complied with the Open Meetings Act. Councilmember Kivell stated that is a lie, we have always complied with the

Open Meetings Act. Councilmember Kurtzweil stated part of Kivell's problem is you are a deceitful liar. She further stated what is happening when she came on Council the debt servicing mill was not correct, and you Mr. Kivell didn't take care of the downtown which was a dust ball until the past year. Mayor Galeas gaveled the meeting back to order.

**CM 7-8-17 MOTION TO SUSPEND COUNCILMEMBER KIVELL FOR 20 DAYS**

Motion by Kurtzweil, supported by Rzyzi

Motion to suspend Councilmember Kivell for 20 days

VOTE:

**ROLL CALL VOTE**

Parisien- No

Rzyzi- Yes

Galeas- No

Wedell- No

Kramer- No

Kurtzweil- Yes

**MOTION FAILED**

**CM 7-9-17 MOTION TO TAKE A BRIEF RECESS**

Motion by Kramer, supported by Wedell

Motion to recess meeting at 11:0 p.m.

VOTE:

**MOTION CARRIED-** 1 Councilmember was not in the room at the time

Mayor Galeas called the meeting back to order at 11:03 p.m.

4. Discussion of policy issues for Council adoption being researched by City Attorney

City Manager Ladner stated there was a question at the last meeting regarding policies she and the City Attorney are working on, such as amendments to existing personal policy such as seatbelt policies, tobacco use, cell phone use and reviewing the entire manual that hasn't been updated since 2002. Attorney Wilhelm stated the City should consider making a liquor control policy before we have a restaurant come in and take the last license. He further stated the Acadis Restrictive Covenant will come back and we will have to get back with ASTI and prepare revisions to the restrictive covenant and modify the proposed additional insurance letter that was BP/Amaco.

Councilmember Rzyzi asked if the City Manager added this to the agenda. City Manager Ladner stated she was asked to add this to the agenda because there was a question about what she and Tim were working on. Councilmember Rzyzi stated he wants us to stay under the retainer because we were at one time paying \$6,250. and now we are paying \$9,000. He further stated as long as we are staying under the retainer and we aren't getting milked here, the tax payers aren't getting milked. Attorney Wilhelm stated he objects to the statement of being milked by the City Attorney's office, it is offensive. He further stated that it is extremely offensive, this is his profession and his livelihood and he is not milking anyone, and he would appreciate it if you would stop using that term. He further stated he has taken this for a long time and he finds that term in particular extremely offensive and he is sorry for his outburst. Councilmember Rzyzi stated as long as we stay under the retainer he is fine with it. He further stated he thinks Council should be notified even if it is by a memo and it should be pre-approved by you. He further asked if she

7-10-17

asked for the research to be done. City Manager Ladner stated yes, she initiated this and asked Tim to look into our policy and make sure we are staying within our City Code and if not to make recommendations. Councilmember Kurtzweil stated she is going to address the liquor control policy and why it didn't come up sooner when the gentlemen were here a year ago discussing using our last liquor license with respect to the corner deli and she is surprised it has taken over a year for someone to realize we didn't have a liquor policy. She further stated she is concerned about adopting a policy that favors local vendors, her opinion is a competitive bid is a competitive bid and to make sure we don't have issues it is better to have everything out on that table and if a local bidder is the low bidder that is fine, but if they can't compete, then they can't compete. Councilmember Kurtzweil stated when she is spending taxpayer dollars, she wants to keep it upfront as competitive and open as possible. She stated she wanted to thank Lynne for bringing this forward to flush out the policy issues, then go forward if legal drafting is necessary.

Councilmember Rzyzi stated he feels the same way, in a perfect world we could buy local, but that isn't always the case. He further stated he will not waive the competitive bids under any circumstances unless it demonstrated there is no competitive advantage. He further stated at the last meeting we voted to waive the competitive bid process and he was able to find 5 companies for the fountain, but we waived the bid. Councilmember Kurtzweil stated she encourages everyone to look at the City of Plymouth township and they were audited and you never know when that will happen. You have to stay prepared to be audited at any time. She further stated public corruption comes in when there are bids and conflicts of interests. She further stated look at the Chicago Public Schools, the bidding is where people are getting into trouble. Attorney Wilhelm stated there are a series of questions regarding the bidding process such as if Council is willing to consider to changes in the dollar thresholds for different types of the bidding process, and if Council will give the City Manager the ability to decide which type of bidding process is used given different criteria. For example, is there a threshold if over \$10,000 for sealed bids which would require a bid request for definitive specs which would compare apples to apples. Councilmember Rzyzi stated that is all stuff the City Manager can do, we don't need to spend extra resources. He stated you go to conferences and it doesn't take a genius or legal expert to make changes to a handbook. City Manager Ladner stated the goal is to look at policies that exist, which ones we need, and which ones will require legal research. She stated she hasn't written an ordinance in years, and that generally takes legal expertise. She stated writing resolutions and requests for motions on personal policies doesn't require an ordinance and she is able to do that. Councilmember Kivell stated the liquor control commission is much more important, we need to be prepared so we are not blindsided.

## **BUDGET**

City Manager Ladner stated she has no comments on the budget, we are currently preparing for the audit in early August and the presentation report will be delivered in October. Councilmember Rzyzi stated the City received a corrective action order in September 2016 from the state and in the past year, we have raised the mill rate, and if we are in the red next year, what does that mean. City Manager Ladner stated the response just stated we are going to work forward with not exceeding revenues and she hasn't received anything else from the state. Councilmember Rzyzi stated obviously that State is watching us. City Manager Ladner stated the State doesn't look at specific cities, they search a database of any City that has used portions of their fund balance in the last 3 years. They do so to keep an eye to see if there are communities with a fund balance where they are concerned with emergency management status. She further stated that doesn't happen until the fund balance is under 15% of operating expenses, our current fund balance is between 37% and 40%. Councilmember Rzyzi stated he isn't interested in the sky is falling scenario, he is interested in the fact we received the letter. He further asked how much in the hole



we are for 2018-2019. He believes that is one of the benefits of this being on the agenda. He stated he knows it is probably \$200,000. in the hole. He further stated we need to keep this on the forefront. Councilmember Kurtzweil stated she has been working on this budget for over a year. She stated she found an article that validates the issues we are having in South Lyon. The article regarding Charter Township of Plymouth states despite an increase in property values, tax revenue is only increasing the rate of inflation which remains flat, spending grew at a faster pace rising to 3.5 million from 2.8 million and 5.4 million for Police and dispatch. She further stated Plante Moran stated the Township pension cost is 65% funded, but no money was set aside for retiree health care which is paid every year without having a special fund. Councilmember Kurtzweil further stated Plante Moran urged the township to plan ahead for a 5-year projection for water and sewer needs and rates. She further stated this brings attention to realistic things we should be thinking about. She stated clearly the pension fund issue which wasn't dealt with by Council several years ago when they had the opportunity to. Councilmember Kurtzweil stated clearly there is an opportunity for a 5-year projection. She then asked how City Manager Ladner planned out for these things in her last community. City Manager Ladner stated they had a 5-year capital improvement plan, currently we have a 2 to 3-year capital improvement policy. Councilmember Kurtzweil stated there is also an article in Crain's in Chicago titled "to put out Chicago's great financial fire and to create lasting financial stability". She stated they are suggesting they change the employees' pension to a 401 K type of pensions and prohibit any enhancements to any legacy pensions. Councilmember Rzyzi stated the pensions are a very serious concern. Councilmember Kurtzweil stated there have been red flags for years and the economy is still under 2% and it doesn't look like it will do much greater than that. She further stated we may be headed for another slow down in economy which will also mean a slow down in revenue for the City. Councilmember Rzyzi stated let's just say we are in the hole by \$200,000. every time an expense comes before us, at the end of the day, he wants to challenge each purchase so we can whittle away at that lack of fund balance. City Manager Ladner stated she would argue that you are talking about the current year which would only add to the fund balance, versus next year which may or may not be a balanced budget. Councilmember Rzyzi stated he has to bring up the fountain again, it cost us \$9,900 and if Bob Martin would have contacted other distributors that are larger, they may have had more buying power and may have been able to save us a couple thousand dollars, and how is that not a save for the City when we are at a budget shortfall. City Manager Ladner stated we are not at a budget shortfall. Councilmember Kivell stated it is good practice, City Manager Ladner agrees. She stated saving money in this budget, is not the same as saving money in the budget next year.

## **DOWNTOWN**

Bob Donohue stated he doesn't know why DTE isn't picking up the pole that is laying on the ground by Norms. He stated he called them and there is a work order for someone to pick it up within 6-10 working days. Mr. Donohue stated he and Chief Collins received two emails giving them a timetable and the cost to the City is \$6,000 for the downtown signs for no truck travel. He further stated they have to make a formal request to Council at the next Council agenda. Mayor Galeas stated assuming this moves forward, how long until the signs are completed and installed. Mr. Donohue stated 2-3 months. Councilmember Rzyzi asked if we can contact our County Commissioner to try to move this forward quicker. Councilmember Kivell asked about having the arms off the two poles instead of new signs stuck in the ground. Mr. Donohue stated he doesn't have a cost for that yet. Mr. Donohue stated he has prepared a preliminary list of historic buildings in the DDA. He stated he will also be working on a list of historical buildings in the entire City. Discussion was held regarding the South Lyon Hotel opening at the end of August. Mr. Donohue stated he updated the vacancy list, and there are two less vacancies.

Councilmember Rzyzi asked about the former flooring store. Mr. Donohue stated Paddywacks has move there. Councilmember Rzyzi stated he likes that store, someone told him their kids love that store.

### **MANAGER'S REPORT**

City Manager Ladner stated this Friday the concert in the park is Pete Big Dog Band which is a city favorite. She stated Saturday the 15<sup>th</sup> is Moana, the first movie in the park. City Manager Ladner stated all of Council should have received information from the NHANES survey and a letter from the CDC which is a comprehensive and confidential survey which is conducted to identify health changes in the country and they have chosen Oakland County. She further stated we have been invited to the open house on the 18<sup>th</sup> at the Embassy Suites in Troy. She further stated if any residents are contacted to participate they should make their best effort to do so and there is no cost. If you can be involved, please do so. City Manager Ladner stated the Farmers Market has been very busy with a great mix of vegetables, crafts, flowers and the local vendors do a great job.

City Manager Ladner stated she and our bookkeeper Lori Mosier recently met with a representative from MERS regarding options to our employee retirement programs and options. She stated MERS is making changes and providing different options from what they provided to the City several years ago. She stated she is working with them to commission a report on options to bring before Council. She stated once she commissions the report she will then have a time frame, she is hoping before the end of September.

City Manager Ladner stated she met with the Parks and Recreation Commission regarding fundraising for Volunteer Park. She further stated they discussed breaking down the phase 1 cost estimate even further because there are many groups that have shown interest in doing fundraising and by doing so, it will give them manageable goals, and a target goal for specific parts of the park.

City Manager Ladner stated the Arts and Cars is happening later this month.

Councilmember Kurtzweil asked about the blight at Pontiac Trail and 9 Mile. City Manager Ladner stated she is in contact with them to ensure the parking lot and landscaping cleaned up. Councilmember Kurtzweil stated many people have also gone into CVS to try to make sure things are taken care of, and nothing has been done. She has received more complaints this weekend. City Manager Ladner stated she is working on this along with our Ordinance Officer. Councilmember Rzyzi adds, he goes to Rite Aid, it's an option. Kurtzweil questions the marketing flags that CVS has out. Ladner explains the temporary sign rules and advises that she will look in to it. Councilmember Rzyzi asked if the current union contracts are available to the public. City Manager Ladner stated yes, the current contracts are available.

Councilmember Rzyzi asked if the City pays for retiree health care. City Manager Ladner stated we pay a portion of their healthcare. Disability coverage was also discussed.

### **COUNCIL COMMENTS**

Councilmember Kramer states that he will be gone for the next meeting.

Councilmember Wedell states he has nothing to add.

Councilmember Parisien state that she may not be at the next meeting and she will be gone for the month of August, as they are taking an extended Honeymoon.

Councilmember Kivell stated we are supposed to establish policy not micromanage every aspect of the City operations. Questions can be taken care of ahead of time with a phone call to the City Manager or the City Attorney. Bills are already approved by Lynne and the Department Heads. Kivell goes on to talk

about the Arts Commission and a poet that they brought in. He states that it looks like it will be rain for most of the weekend, so at least he won't have to paint his fence.

Councilmember Kurtzweil responds to a comment from John and Glenn, she states that she does not have time to be chatting with the City Attorney on the phone about bills. And she definitely does not have time to be lurking around the administration building and hunting Lynne down and talking to her about matters. Lynne knows she is not a micro-manager, she stays out of City Hall and this is her opportunity that she sets aside twice a month to come in to City Hall and ask the questions and get the answers. For the sake of governmental transparency she states, she will continue to do what she is doing and she will not rubber stamp anything and that includes bills. She states that she is going to continue to do what she has been doing, and she will ignore the request of John Galeas and Glen Kivell. Kurtzweil states that next She would like to note that Blues, Brews and Brats are coming back to South Lyon on Saturday, August 5<sup>th</sup>, at the Whipple Street parking lot. Kurtzweil goes on to say to City Manager Ladner, that she is scheduled to be selling tickets at the gate with Ladner, she can hardly wait. She states she had a great time last year and is looking forward to this year. She states that she would like to go on to promote "Arts and Cars" that is coming to downtown South Lyon. This is a great joint event held by the Cultural Arts Commission with the wonderful, incredible Lake Street Cruising group. Thank you to Lake Street Tavern for being so accommodating for everybody, while the Lake Street Cruising is going on.

Councilmember Ryzyi states that when it comes time for the invoices and the bills, he will continue to ask the questions because that is what the residents have instructed me to do. As Maggie mentioned, Ryzyi states that he does not come in to City Hall and he does not micro-manage like some people and hang over the City Manager's door, and stuff like that, because I trust her to do her job. As she should be doing her job and if it seems like he is a little hard on Lynne, it's because he is trying to drive results and has high expectations, but it is never personal. In fact, he adds, that Lynne is doing a great job. With that being said, he will continue to look at these invoices and continue to look at the bills, because, he can't state this enough, we had the largest tax increase in almost the last 20 years. In fact, he received his tax bill, it's higher than last year because we just had a tax increase. Next year, that's why he was asking about the 18-19 Budget, at this rate current rate, taxes are going to go up again. If that means scrutinizing the bills and looking at the city attorney invoices, he is going to do it, and if it's midnight, he's going to do it. Ryzyi goes on to thank Ladner regarding MERS, he states that we won't have a solution overnight, but this is a lot more than we had before. Councilmember Ryzyi states, ending on a final positive note, with recognition to the Fire Department, he addresses Chief Kennedy and states that it is amazing that we are seeing so many new recruits. He goes on to add that it appears to be a really good core group, adding young people that are eager and he knows they are going to do a great job.

**CM 7-10-17 MOTION TO GO IN TO CLOSED SESSION UNDER SECTION 8C OF THE OPEN MEETINGS ACT CONNECTED WITH THE NEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT**

Motion by Kivell, supported by

Vote:	<b><u>ROLL CALL VOTE</u></b>
	Kurtzweil No
	Kramer Yes
	Wedell Yes
	Galeas Yes

7-10-17

Ryzyi	No
Parisien	Yes
Kivell	Yes

**MOTION CARRIED- 2 OPPOSED**

Council enters in to closed session at 12:10 a.m.

Council reconvenes the regular council meeting at 12:27 a.m.

**CM 7-11-2017 - MOTION TO DENY BARGAINING AGREEMENT CONTRACT**

Motion by Kurtzweil, supported by Rzyzi

Vote: Motion carried unanimously

**ADJOURNMENT**


**CM 7-12-17 – MOTION TO ADJOURN**

Motion by Kivell, supported by Kramer

Motion to adjourn meeting at 12:33 a.m.

Vote: **Motion carried unanimously**

Respectfully submitted.

  
Mayor John Galeas, Jr.

Deputy Judy L. Pieper