

The City of South Lyon
Regular City Council Meeting
January 11, 2016

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

PRESENT: Mayor Pro Tem Wedell
Council Members: Dedakis, Kivell, Kramer, Kurtzweil, and Rzyzi
Also Present: City Manager Ladner, Chief Collins, Chief
Kennedy, Department Head Martin, Attorney Wilhelm, and Clerk/Treasurer Deaton
ABSENT: Mayor Galeas

CM 1-1-16 MOTION TO EXCUSE ABSENCE OF MAYOR GALEAS

Motion by Kivell, supported by Kramer
Motion to excuse absence of Mayor Galeas

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Councilmember Kurtzweil stated on page 6 paragraph 4, the minutes reflect the word donates, but it should be dedicated. She further stated on page 7 the minutes reflect Attorney Wilhelm stated it could be best if the bonds are collected to secure the work to be completed, and any review fees invoiced separately was actually stated by Councilmember Kurtzweil. She further stated on page 8 there is a grammatical correction that needs to be changed from your to you're.

CM 1-2-16 MOTION TO APPROVE MINUTES AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Rzyzi asked if we used a local vendor for the printing of the Cool Yule flyers for \$49.06. He further stated we should always try to use our local vendors before we look outside the City. City Manager Ladner stated we did and we do when it is possible. Councilmember Rzyzi questioned the bill for the service call fees for the security cameras. City Manager Ladner stated they were knocked offline

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and damaged when the roof was being replaced. Department Head Martin stated the DPW accidentally damaged the cameras when working on the roof. Councilmember Rzyzi questioned the cost of \$285.00 for the DVD player. City Manager Ladner stated this DVD player is an automatically looping system, and it quit working, therefore the Company tried to fix it, but was unable to. It was then sent to the manufacturer in California under warranty.

Councilmember Kurtzweil questioned the Singh Homes Bond refund for \$500.00. City Manager Ladner stated that is a lot refund for completing a home on a lot and meeting with all the requirements. She stated the \$500.00 is in our fee schedule. Councilmember Kurtzweil stated she would like the City Manager to explain the \$350.00 car allowance. City Manager Ladner stated that is a standard allotment that is given to City Managers for any travel they do for meetings and she does not ask for a mileage reimbursement. Councilmember Kurtzweil stated she would also like information regarding the refund of tax money for Gateway Commons and what was the basis for the decision. City Attorney Wilhelm stated that was a tax appeal and this is a consent judgement for resolution of the case. He does not know what their basis were for asking for the reduction. Councilmember Kurtzweil questioned the bill for \$484.00 for the New Dimensions Behavioral. City Manager Ladner stated they provide services to the employees of South Lyon at no cost, such as financial, counseling, as well as other services and this was approved by the Council. Councilmember Kurtzweil questioned the bill for Lexis Nexis. City Manager Ladner stated is a system we use for the property tax system. Councilmember Kurtzweil questioned the bill for MWEA Asset Management Seminar. Department Head Martin stated the DEQ now requires Asset Management and he and two of his employees will be attending this class. Councilmember Kurtzweil questioned the bill for Shred It and asked what is the City shredding. City Manager stated we collected documents from all departments, and they were such things as old ballots, and different documents that have passed the required state detention requirement.

CM 1-3-16 MOTION TO APPROVE BILLS

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

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

City Manager Ladner stated she would like to add an item under Old Business for Council to discuss the invoice for R.J. Hoffman for the demolition of 390 S Lafayette. Mayor Pro Tem Wedell stated he would like to move the Managers Report and Council Comments before Council enters into Closed Session. Councilmember Rzyzi stated there were many closed sessions in the past, and he wants to make sure the City does not take advantage of that. He questioned the need for the closed session and if the item to be discussed is actually attorney client privilege information. Attorney Wilhelm stated this pertains to an issue which he needs direction from Council regarding legal action. He further stated any action Council may take will be done in open session. Councilmember Kurtzweil stated she is questioning this

because the subject matter pertains to a public meeting. Attorney Wilhelm stated this is regarding the legal effect of action taken by the Board of Review. More discussion was held regarding the necessity of a closed session. Councilmember Dedakis stated this would be considered privileged information, which should not come out until after the discussion. Councilmember Kurtzweil stated the letter that was given to Council has information which is public information, but there is a recommendation that pertains to policy recommendations which cannot be discussed in closed session. She is very uncomfortable going forward and excluding the public from communications and allowing them to watch how Council makes their decisions. She further stated she is not convinced this is not worthy of a closed session, she is for open government and there is nothing confidential about anything that occurred at a public meeting. Attorney Wilhelm stated he is working in the best interest of the City and he is seeking input from Council. He further stated in the letter he discusses legal impacts for decisions which were made by the Board of Review. He stated he has also given privileged legal advice to the City as his client. He further stated any action which will be taken by Council will be done in a public meeting; he would just like to give the City confidential legal advice. Councilmember Rzyzi again stated there were far too many closed sessions in the past and he does not feel they should take liberties and he will vote no.

CM 1-4-16 APPROVE AGENDA AS AMENDED

Motion by Kramer, supported by Kivell
Motion to approve agenda as amended

VOTE:	ROLL CALL VOTE
	Kivell- Yes
	Dedakis- Yes
	Rzyzi- No
	Wedell- Yes
	Kramer- Yes
	Kurtzweil- No
	<u>MOTION PASSED</u>

PUBLIC COMMENT

Tim McClorey of the Michigan Municipal Risk Management Authority stated he has been here in the past to give the City good news. He stated the MMRMA is a non-profit organization and they are not an insurance company therefore when there is money left at the end of the year, we give the money back to the members. He further stated he has two checks to give back to the City this year. The City is getting a total of \$69,301.00. He stated there is also some risk avoidance money that the City may be interested in that would help with security cameras and lighting.

Tedd Wallace of 115 Elm Place stated back in June 2013 the Lions Club donated \$25,000 to the City of South Lyon to be used in case the Recreation Center was built. He stated Councilmember Kramer

worked very hard on the Recreation Center but since that isn't happening now, they would like the money to be used for the hockey tarp purchased, equipment added to the playground as well as bleachers in Volunteer Park. They originally stated if the Recreation Center didn't work out, they wanted it donated to Capital Improvements, but there is a need for other things they would like to see done. He stated if Council would like to do a formal acceptance of that money, they would be ok with that.

Ryan Lare of 716 Grand Court stated he is a staff member and council of the Submarine Museum of Silversides. He was asked to give a presentation to Council for donations. He stated the donations would be for the submarine that is located in Muskegon, Michigan at the USS Silversides Submarine Museum. The submarine was originally launched 12 days after Pearl Harbor and went on 14 patrols. The submarine was in service until 1946. The donations would be used for the repairs and upgrades to the diesel engines. He stated if anyone would like to donate you can do that over the phone, or on their website at www.silversidesmuseum.org

Carl Richards of 390 Lennox stated he agrees with everything that was done with the demolition at 390 S Lafayette. He stated he met with the building inspector as well. Mr. Richards stated he has been asking people around town and most of the comments are negative. Mr. Richards stated there are many board expirations that are coming up in March and he wanted to make sure the Mayor was aware of that. Mr. Richards stated he thinks the City needs to work closer with Lyon Township especially with the Safe Routes to School Grant.

OLD BUSINESS

1. Invoice for R.J. Hoffman (demolition of 390 S. Lafayette)

City Manager Ladner stated the invoice for 390 S Lafayette is an additional \$1,800 that is being charged to the City for work over and above the contract. She stated the contractor found a second foundation under the first foundation, as well as there were some footings that we had to keep in the ground, which caused them to order additional concrete as well as the labor. We did receive a partial credit for some of the footings we had to keep. She further stated the final cost is \$37,572.89. Councilmember Kurtzweil questioned the original contract language and whether there was or was not a basement. City Manager Ladner stated there was a possibility there was a basement closed off. Councilmember Kurtzweil stated she had been in the building and she didn't see the possibility of a basement. She further stated if the Blue Sky bid was overpriced because it was based their bid on there being a basement in the building. City Manager Ladner stated they were given the opportunity to enter the building and R.J. Hoffman was the only one that did. Councilmember Rzyzi stated he is confused how the City didn't know if there was or was not a basement. Councilmember Kivell stated we asked for the demolition, why are we being charged because they didn't know there wasn't a second foundation. City Manager Ladner stated there was no way to anticipate a second foundation under the first. There was 8 to 12 inches of sand between the two foundations and they wouldn't have bored down that far to know that ahead of time.

CM 1-5-16 MOTION TO APPROVE PAYMENT OF INVOICE FOR R.J. HOFFMAN

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Motion by Kramer, supported by Kivell

Motion to approve the additional payment of \$2,792.89 for the demolition of 390 S Lafayette

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Consider appointment/resignations from City Commissions:
 - a. Bill Jarret resignation from the Downtown Development Authority Board
 - b. Abraham Ayoub appointment to the Downtown Development Authority Board
 - c. Jennifer Dunigan appointment to the Downtown Development Authority Board

City Manager Ladner stated Mr. Jarratt has resigned from the DDA Board because his architectural firm has become very busy and doesn't have the time for the DDA Board anymore.

CM 1-6-16 MOTION TO APPROVE RESIGNATION

Motion by Kramer, supported by Kurtzweil

Motion to approve the resignation of Bill Jarratt from the DDA Board with thanks

Councilmember Dedakis stated the letter said the DDA is lacking in Agenda items and they don't seem to have much to discuss. She stated she finds it daunting the DDA doesn't have much to discuss. City Manager Ladner stated there were no items added to the Agenda from the DDA members who would have had 2 previously discussed items. They have several items to discuss at the next meeting which is this week. Councilmember Rzyzi asked if the City Manager controls the Agenda. He has spoken with the DDA Board members and they feel there is no support from the City.

VOTE: MOTION CARRIED UNANIMOUSLY

City Manager Ladner stated after the two current applicants that would like to be on the DDA Board, there are still two additional vacancies on the Board.

b. Appointments

Jennifer Dunigan of 216 E Lake also known as the Christmas House stated she is very interested in the downtown and she has a unique perspective as both a resident and a local business owner. Abe Ayoub of 417 S Lafayette stated he is very involved with the community and he feels his real estate background will be helpful and looks into being on the DDA Board and doing some good things.

Councilmember Kurtzweil stated it is very important to work with people with some very good credentials. We need to look closely at whom we appoint to the DDA Board and she feels these are two

appointments are very strategic. We have a local business owner as well and a business owner with a background in real estate. We need people that understand economic growth and economic development.

CM 1-6-16 MOTION TO ACCEPT APPOINTMENTS

Motion by Kivell, supported by Rzyzi

Motion to appoint Abe Ayoub and Jennifer Dunigan to the Downtown Development Authority Board

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider request from Cable Commission to purchase new recording and playback equipment for the cable access channel and desktop computer to remain in the administration technology room for the purpose of operating new equipment and storing files and content library.

Steve Kaukonen of 1120 Polo Drive stated when they last appeared before Council they had 3 items they discussed. Tonight they are here to discuss the software and hardware they would like to purchase. He stated this equipment will enable them to create playlists that they can schedule and let the community know what will be showing. We also will have the ability to stream the channel on the internet. Mr. Kaukonen stated they have spoken with different vendors. Rich Perry of 875 Westbrooke Drive stated the playback system, which all television channels have playback channels, and they searched for being able to schedule programs and this one does a lot more as well. Mr. Perry stated there is a lot of technology and as we looked at the different vendors, we found this playback system is middle priced and it is basic to use, but it has everything we need. We chose this software because of the functionality as well as ease of use. Mr. Perry stated this package is a standard definition package, and if we decide to change to high definition in the future it will only cost approximately \$500.00

Mr. Perry further stated Channel 19 is currently only played in homes that have WOW cable, with this system we will be able to stream it on the internet so that more people will be able to see it.

Councilmember Kivell stated this will be a monumental change in the way our local access channel functions and he is very happy about this. He further stated the high definition will be very beneficial once the library is created. Mr. Perry stated there are hardware requirements to have high definition playback and he suggests we do that now if Council is interested in this in the future. Councilmember Rzyzi stated the Cable Commission is a brand new Commission a year ago and they were unable to grow a vision which is what we need for this City. He further stated 80% of the City in South Lyon does not have WOW which means they aren't able to watch it the cable channel. With this package the entire community will be able to watch the access channel online. He stated we need to invest in our City and our community to benefit it, and he is for paying the extra \$500.00 for the high definition.

Councilmember Kurtzweil stated she would like to thank the Cable Commission for dedicating their time and there are tremendous expectations with what you will be able to do with this package. She stated

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she is tired of waiting and the City needs to make an investment in this community and if we need to spend an additional \$500.00 for high definition then we should do this. She further stated she is hoping this cable channel can be used as a tool with development in the City such as programming providing people with opportunities showing which buildings are available to rent and what can be done with the business, she is hoping they will have a business platform somewhere on this cable channel.

Councilmember Kramer asked if there has been any discussion with South Lyon Schools regarding sharing some of the cost. Mr. Perry stated he has spoken with the schools, and there is a lot of talent there, once the channel is up and running, it will be easier to get some help with the content. Dan Pelchat stated the content can be endless, but we want to get it up and running first. Councilmember Rzyzi stated he wants to ensure South Lyon East will be included.

Councilmember Kivell stated when it is streaming online, it will not be just the cable channel of South Lyon, it will be the cable channel for the area and we will have more exposure. He further stated we get franchise fees and we have revenue from our provider, and we have had little to no money reinvested in this channel. We aren't flush with money, but we have enough to make sure this is a quality opportunity to make sure we have information for our residents to view.

CM 1-7-16 MOTION TO APPROVE COST OF PLAYBACK SOFTWARE FOR CABLE CHANNEL

Motion by Kramer, supported by Kivell

Motion to allow purchase of new recording/playback equipment with software not to exceed \$7,500.00

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Review of proposals for Council Retreat facilitators and set date for March Council Retreat

City Manager Ladner stated she has received three proposals for the Council Retreat strategic planning session. She stated the low bidder was Lew Bender for \$2,300.00. She also received a bid from the MML as well as from retired Professor Joe Orin from Eastern Michigan University. She stated the proposals are similar. City Manager Ladner stated she has sat in on educational sessions with Lew Bender and he has many references and she believes we would do really well with him. Councilmember Kivell stated he is hoping during the strategic planning session will be steered in a more thoughtful conversation and push the conversation into something much more constructive. Councilmember Dedakis stated strategic planning is important, however she isn't sold on the idea of the Council having to be sat down and shown a vision, we are all intelligent adults and should be able to do this on our own. City Manager Ladner stated the idea of the retreat is to help Council agree on a 3-5 year vision and actual performance goals that help get us in that direction including Department Heads.

Councilmember Kramer stated the only reason he agrees this is a good idea, is because it seems Council runs around in circles and we don't have a common goal. He further stated if it takes someone to get everyone on the same page to gain our goals for what we want to accomplish in 3-5 years.

Councilmember Rzyzi stated he has spoken with someone about the study that Michigan State did in the

past. He further stated Michigan State came to South Lyon and made recommendations and nothing happened. He doesn't know if that is previous administration, but he wants to make sure this is accessible to the public, and on the City website with our goals and objectives along with a timeline. Councilmember Kurtzweil stated she is a business attorney and she provides business forecasting for her clients. She stated strategic planning is a way of life, and this is something that is constantly being revised and adjusted. For this City to move forward, we need to take seriously how we plan for our future. She further stated Lew Bender has some very strong credentials for a facilitator. She believes it will behoove us to begin a professional approach for a strategic plan. The component Dr. Bender brings to the table is he has done this with other communities and the reason those communities are doing so well is because they have strategic planning on the table. They are taking corporate governments and adopting corporate behavior. She further stated this is a corporate model.

Councilmember Dedakis stated she agrees with many points, but if we hire outside Council, that will be our strategic planning. If we bring them in and pay \$150.00 an hour to counsel us, they will be giving us strategic planning, and that seems like double dipping. At the previous meeting, they gave us a great strategic plan to revitalize downtown and she is willing to pay them for that, she doesn't think we should do both. Councilmember Kurtzweil stated the problem is the Brighton Attorneys will only be dealing with downtown blight. She doesn't believe they would give us a vision of revitalizing downtown that is what the facilitator will do. He will give us a more total comprehensive vision. Councilmember Kivell stated the Michigan State review was a wonderful thing, but the problem is the limited funds while still providing City services, such as Police, Fire and taking care of the roads. He further stated that will still be our biggest complication. Determining how we structure the fees to pay for our enterprise fund are actually in our best interest or if we should be change that to the model where fees are paying for the enterprise fund. There are 2 ½ mills that could be used elsewhere. Councilmember Wedell stated he agrees with Councilmember Kivell that any strategic planning session needs to be broader than just downtown, and he is willing to participate and listen. Discussion was held regarding the location for the retreat. City Manager Ladner stated we are looking at locations close to the City, such as City Hall, the Library or the upper level of South Lyon Hotel.

CM 1-8-16 MOTION TO APPROVE MOVING FORWARD WITH THE STRATEGIC PLANNING RETREAT WITH LEW BENDER

Motion by Kramer, supported by Kivell

Motion to approve moving forward with the strategic planning retreat with Lew Bender as facilitator

VOTE:

MOTION CARRIED UNANIMOUSLY

City Manager Ladner stated Mr. Bender currently has Saturday March 19th available for the retreat. Council agreed on that date if Mr. Bender still has it available.

Mayor Pro Tem Wedell recessed the Council meeting at 9:00

Mayor Pro Tem Wedell called the meeting into order at 9:10

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4. Consider application for approval for street closures for the Pint Sized Marathon on April 23, 2016

Stephanie Rife of 21011 Parkwoods stated she is here asking for Council to approve the street closures for the Pint Sized Marathon on Saturday, April 23 2016 at Noon. She further stated it was a great success last year. She stated she worked with the Police Department to change the route because of the congestion and they plan on having more Police support this year. She expects this event to continue to grow.

Chief Collins stated he approves of the route and suggests Council approve. Councilmember Rzyzi stated we need more community events such as this. Ms. Rife stated she originally expected about 100 people and it went much larger. It is a small marathon for parents and children and is community supported. Councilman Kivell stated he wanted everyone to know the road closures are from 11:00 to 2:00 p.m.

CM 1-9-16 MOTION TO APPROVE THE ROAD CLOSURES FOR THE PINT SIZED MARATHON

Motion by Rzyzi, supported by Dedakis

Motion to approve road closures for the Pint Sized Marathon as presented

VOTE: MOTION CARRIED UNANIMOUSLY

5. Consider acceptance of Risk Avoidance Program, (RAP) Grant

Chief Collins stated this is a RAP Grant for \$347.50 which is half the cost of sending an officer to a field training class. The South Lyon Police Department applied for this.

CM 1-10-16 MOTION TO APPROVE ACCEPTANCE OF THE RAP GRANT

Motion by Kivell, supported by Kramer

Motion to accept the grant from MMRMA for \$347.50

VOTE: MOTION CARRIED UNANIMOUSLY

6. Discussion and consideration of hiring special Council for the purpose of addressing unsafe structures and blight

Councilmember Kurtzweil stated as a business lawyer she counsels her clients to make change to achieve a desirable result, sometimes to align personal with the goals and objectives of the organization. She further stated she doesn't recommend change for the sake of change; she supports her decision for

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change with reasons why things can be better. She is supporting the hiring of the Paul E. Burns Law Firm for the purpose of blight busting and code enforcement because they have the credentials, qualifications and the track record. She stated she supports her decision based on her prior experience with Johnson Rosati. Councilmember Kurtzweil stated she had issues with the handling of a Planning Commission issue, as well as Colonial Acres Phase 5. She further stated as of a month ago, she found out Johnson Rosati has negotiated away a requirement for a performance bond for a completion of roads, water supply system, sanitary system and storm water retention system in the Knolls of South Lyon. She stated that is an extremely risky decision. She further stated if the Knolls of South Lyon isn't completed, the homeowners of Eagle Heights will now be saddled with the decision of the City to now require a performance bond. Councilmember Kurtzweil stated to remove the performance bond from that development was a reckless decision. She cannot support Johnson Rosati in real estate business. She further stated the cost is approximately \$3.00 more an hour than the current attorney, and by hiring the Paul Burns Law Firm the City is actually retaining the services of someone qualified to do the job. Councilmember Kurtzweil stated the surrounding area is aware of what is being voted on tonight, and everyone in the region wants to see the downtown fixed. She further stated the problems of downtown cannot be blamed on the economy, but we can be part of the solution by retaining the experts that can help us.

Councilmember Kivell stated we will have the first reading of two ordinances, which are the Dangerous Buildings Ordinance and the International Property Maintenance Code, therefore we are in the final throws of arming ourselves with the instruments that Burns will be able to provide us, so he doesn't understand the need for the transition to hire the Paul Burns Firm.

Councilmember Rzyzi stated he has seen the mishandling of Colonial acres Phase 5, and a month ago, there were problems with the SLARA contract. He further stated the previous regime hand-picked the Johnson Rosati Firm, and now we need to move forward. We are at a critical point, and even if we have new ordinances, he doesn't feel we will see results. He wants to use the proven experts that have fought blight in other communities.

Councilmember Kramer stated there was an RFP and public meetings were held when Johnston Rosati was hired. There were interviews held and it was done by the book. There were no private meetings to come to the City and ask them to solicit business from the City, which is what happened in this case. He further stated we don't know anyone's relationship with Paul Burns Law firm. He stated when we hired the Johnson Rosati Law Firm we were moving from a two person Law Firm to a much larger Law Firm that provides many different services. Councilmember Kramer stated the Council has not given the City Attorney direction as to what we want to happen.

Councilmember Kivell stated what we do know, is they were successful in prosecuting a problem landlord that is also in our backyard, but what we also know is we have been telling our Law Firm to monitor this carefully and we want to emulate everything that was going on so that we can achieve the same success that was conducted in Brighton, and that is where we are now. We are at the brink of getting the ordinances we need to duplicate that.

Councilmember Dedakis stated she has reviewed the credentials of our current Law Firm and as impressive as they are she is a little disappointed they didn't come to the City with thoughts and ideas

they had for the problems in the downtown area. She further stated she understands there was a lack of direction from Council, however there is no better expert right now than the Brighton Attorney's. Attorney Wilhelm stated he would like to make 3 points. He knows the Paul Burns Law Firm and they are good Attorneys. He further stated Johnson Rosati is a qualified Law Firm, and he has provided specific successes they have had with Ordinance Enforcement. They are capable of doing the work. He stated they have not set a vision, because there has been some turmoil since 2013 and it has been difficult to identify the highest priorities for the City. The third point is regarding the criticism of his performance, as well as his partner's performance. He further stated the issue regarding the site plan was resolved. Attorney Wilhelm stated the developer of the Knolls asked for this particular concession in not requiring an official guarantee. He stated the City was advised of the impact of not requiring a guarantee. He further stated the provision that was added to the Planned Development agreement requires the completion of all underground utilities. There is no chance of a half completed subdivision and this was all presented to Council and approved by Council. Attorney Wilhelm stated the City was being asked by Colonial Acres to accept utility pipes and infrastructure that was put in the ground 30 years ago. He further stated they were looking out for the City's best interest to make sure we had all the appropriate documentation before accepting the financial obligation. Attorney Wilhelm stated the hourly rate for his firm is \$112.00 per hour for first 80 hours, then \$135.00 after that. He stated he understands Council's prerogative to explore the possibility of hiring an outside firm, but his firm is qualified to do this work.

Councilmember Rzyzi stated Johnson Rosati is doing a good job with what they are doing, but he wants the Attorneys that have already taken a case to the Supreme Court and won against a slumlord. He wants the winners on our side with a proven track record, he doesn't want to replicate what was done. Councilmember Kurtzweil stated she has no previous relationship with the Paul Burns Law Firm, and she just walked into their office and she had never met them before.

Councilmember Kivell stated we pay a retainer of \$9,000 per month and anything additional for legal services will be over that. Further discussion was held in regards to hiring the Paul Burns Law Firm for special projects.

Councilmember Wedell stated he was impressed with the Burns Law Firm, but what he was most impressed with was the common sense of a plan which they were able to carry through. That was very well demonstrated, but he does have a problem with the letter that states they will work for the City for \$150.00 per hour but with no cap. He further stated when the decision was made to hire Johnson Rosati, we spent two days interviewing the Law Firms that responded to the RFP and the decision was made based on their presentation and they were the best fit for the City of South Lyon.

CM 1-11-16 MOTION TO POSTPONE UNTIL NEXT MEETING

Motion by Rzyzi, supported by Dedakis

Motion to postpone hiring Paul Burns Law Firm until next meeting with full Council

VOTE:

MOTION FAILED

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CM 1-12-16 MOTION TO RETAIN PAUL BURNS LAW FIRM

Motion by Kurtzweil, supported by Rzyzi

Motion to retain services of Paul Burns Law Firm for no longer than 18 months for assistance with blight and code enforcement in the downtown area

VOTE:

ROLL CALL VOTE

Kivell- No

Dedakis- Yes

Rzyzi- Yes

Wedell- No

Kramer- No

Kurtzweil- Yes

MOTION FAILED

Councilmember Rzyzi stated this comes down to 3 members voting against postponing this until we have a full Council. Discussion was held regarding refining the details of the contract.

7. Discussion regarding hiring a grant writer

Councilmember Dedakis stated she attended a meeting for newly elected officials and many of the people she spoke with stated they hire someone specifically for grant writing. She further stated it will behoove us to look at people that currently have credentials to write grants and she would like to know where the City is with this. City Manager Ladner stated she does have grant writing experience, but it has taken a back street priority because there have been other priorities that have had to be dealt with in the past 18 months. She has asked state-wide, and most cities use their engineering firms or their City staff. Councilmember Dedakis asked how many grants has the City received. City Manager Ladner stated we have received rap grants the Police Department has brought in. She further stated the DDA is considering the Blight Elimination Grant, the Parks and Recreation Commission is looking into a grant for improvements to Volunteer Park. City Manager Ladner stated prior to her starting, City Council decided to not move forward with the SAW Grant which is the sewer asset management program, which would have provided a lot of money. Department Head Martin stated they chose to not follow through with the SAW Grant was because they would have had to guarantee any repairs to anything that was found wrong with the system in the first 3 years, along with that repairing would be an increase in rates to fund the repairs. He further stated we were able to get the DWRP in the last 5 years, which was a 6 million dollar grant. Councilmember Dedakis stated she would like to know what we are currently applying for, and what grants we have already applied for. Councilmember Kurtzweil stated she is currently helping the Cultural Arts Commission look for grants. City Manager Ladner stated there is a public foundation directory that is online that will give a list of all organizations, businesses and resource that she has used in the past, but there is a cost involved. She further stated if Council is interested she will bring the costs before Council for them to decide. Discussion was held regarding the different ways

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people can search for grants. Mayor Pro Tem Wedell stated the time consuming thing is writing the grant, and that is the skill set that is needed.

8. Discussion regarding job responsibilities for the Economic Development Coordinator

Councilmember Rzyzi stated during the interviews for the City Manager position, the main reason he voted to hire City Manager Ladner was her ability to write grants. He further stated in City government we get wrapped up in the red tape of government, but we need to be business smart. He further stated we need to get more grants. Councilmember Rzyzi stated if we spend \$12,000.00 for an administrative person to work part time in City Hall free up the job responsibilities of the City Manager so that she can try for grants makes sense. He further stated the priorities don't change. There are always day to day responsibilities but there are always two top priorities, which is grant writing, as well as getting more businesses downtown. He further stated he would like to see objectives and responsibilities.

Councilmember Kurtzweil stated she disagrees with the education requirement being a G.E.D or High School Diploma for the Community Economic Developer. She further stated it seems credentials are her theme tonight. She further stated there is no way a G.E.D. or High School Graduate could perform the job functions. She stated this position needs a college degree. Kelly McIntyre stated she has a Master's Degree from the University of Maryland, and a Masters in Community Planning. She further stated she has some grant writing experience, but what she is really good at is the Community Planning. Further discussion was held regarding the different job descriptions as well as the need for degrees.

Councilmember Rzyzi stated we need grants and he thinks Kelly should help with that and that hiring a part time person for \$12,000 is the solution and he is in agreement with that.

Councilmember Kramer stated we need to keep in mind, if we move forward with this and we require college degrees, we will also be paying for that. Discussion was held regarding the use of interns for assistance to the City Manager.

9. Consider approval of revised IT/CLEMIS agreement

Chief Collins stated this is a revised agreement for a long standing agreement presented from the Oakland County and Law Enforcement Management Information System. This has a lot to do with Police and Fire records management as well as record keeping for Police reports, dispatch, and they have revised this agreement to be standardized with all the local communities. Attorney Wilhelm stated this is the County's attempt to standardize their agreement. This is a 5 year contract but can be terminated with 120 days by either party. Chief Collins stated he is in favor of this, we could not come close to providing our own radio or records management system for this cost.

CM 1-13-16 MOTION TO APPROVE IT/CLEMIS SERVICES AGREEMENT

Motion by Kramer, supported by Dedakis

Motion to approve the revised IT/CLEMIS Services Agreement as presented

VOTE: MOTION CARRIED UNANIMOUSLY

10. Discussion considering sales of City owned Real Estate located on S. Warren Street

City Manager Ladner stated she was approached by a real estate broker and asked if the City would sell Parcel #80-21-30-276-001. She stated the 48 foot wide by 198 foot long vacant parcel which is best described as the scrub brush area that provide a buffer area between the parking lot of McHattie Park and the lot just north of this. She further stated she suggests the City keep the property as a buffer and potential expansion of parking lot for McHattie Park. Councilmember Rzyzi stated he and his family enjoy McHattie Park and he can't imagine changing it in anyway. Councilmember Kramer asked if the developer was interested in the vacant parcel as well. City Manager Ladner stated if he could purchase that property, there was another person interested in purchasing the vacant lot. It was the consensus of Council to keep the Property located at 80-21-30-276-001.

11. Discussion regarding delinquent real estate tax parcel 80-21-29-101-013

City Manager Ladner stated this parcel is .02 acres and the owner is listed as unknown with the City Hall address as the mailing address. She further stated there are some complicated issues to the ownership of this parcel. Originally it was created as a child parcel of 110 E Lake. This property is located behind the resale shop between the alley between the ally and the post office. She further stated the County does not have anything reflecting who actually owns this property. She further stated the Oakland County Treasurer found title search that reflected this parcel may or may not be owned by the Masonic Temple. She further stated the County does not know who owns it. She recommends the City allow it to go to tax foreclosure, then when we get the right of refusal, we consolidate this with the alley parcel. She stated this is the cheapest way to gain clear title. Marilyn Smith owner of the Resale Shop stated she seems to remember a survey being done when David Murphy was still the City Manager that reflected the City owned it. Further discussion was held regarding the parcel. The consensus of Council was to allow this to go to tax foreclosure and let the County do the title work.

12. Review of City Attorney invoices

Councilmember Rzyzi stated there was a recent turnover on City Council. He stated one of the driving themes is improving the downtown. He further stated anything outside of the retainer work is going to cost more money whether we use the City Attorney or hire the Brighton Attorneys. Councilmember Rzyzi stated we need to save money and watch where the money is being spent. He further stated the past Council settled on a 60% increase for the City Attorneys retainer. We are paying for more hours and a higher rate which is concerning. He stated the public has the right to review the invoices and he wants these on the website. Discussion was held regarding the Attorney's invoices. Councilmember Rzyzi questioned the November 4th entry. Attorney Wilhelm stated he was asked to do some research based on the City's Charter and new elected officials. Attorney Wilhelm stated any discussion he has

based on a question from a representative from the City is considered attorney client privilege unless the City waives it. He stated Council should know what the repercussions could be before waiving privilege. Councilmember Rzyzi asked how a discussion regarding a public document could be considered attorney client privilege. Attorney Wilhelm stated a discussion regarding a public document does not waive attorney client privilege and doesn't mean the conversation shouldn't be attorney client privilege. Attorney Wilhelm stated if Council wishes to have invoices public, he can do any redactions that may be needed beforehand. Councilmember Rzyzi questioned the time spent on the food truck issue, and asked where we are with that issue. Attorney Wilhelm stated we are moving along, and there is a draft, but it may need to be revised. Councilmember Rzyzi questioned the November 11th note in the invoice. Attorney Wilhelm stated that was in anticipation of the road paving issues that may be coming up, and the concept of a millage. Councilmember Rzyzi stated if he speaks with Attorney Wilhelm, he would like his name on the invoice. Attorney Wilhelm stated he will in the future. Councilmember Rzyzi asked why there are so many billings for South Lyon Square sign, what is that for? Attorney Wilhelm stated the owner will need a variance and it will be taken to the Zoning Board of Appeals. Councilmember Rzyzi stated he voted against the pay increase for the Attorney's Office, and he suggested Attorney Wilhelm does not attend the Planning Commission meetings because we have a Planner that can handle that. Further discussion was held regarding invoices. Councilmember Dedakis stated she understands our Attorney has a fiduciary duty to keep some matters private, and then Council can decide what needs to be public. Councilmember Kurtzweil stated the invoices are her only opportunity to see what is happening in the City because she has not been receiving the weekly reports. She questioned the discussion regarding parking at the Alexander Center. Attorney Wilhelm stated he was advised there was an inquiry regarding parking and the occupancy of another part of the building. Councilmember Kurtzweil stated there is a bill for attending an appointment for DDA. She asked why Attorney Wilhelm had to attend a meeting for an appointment to the DDA. City Manager Ladner stated there was a question regarding whether the bylaws for the DDA allowed for a business owner outside of the DDA district could be a member of the DDA with the approval of the DDA members. Councilmember Kurtzweil stated she is trying to understand why the two highest paid members of the City, the City Manager and the City Attorney attending meetings together. She stated the City Manager should be capable of attending some of these meetings on her own. She stated even if it is a legal issue, the City Attorney doesn't need to attend. Councilmember Kivell stated there is an illusion being painted that we are paying for things that aren't worthy of paying our Attorney to do, but even though this month was a little higher than the previous 4 months, this bill was under the retainer, and we pay the retainer regardless. It is important for our Attorney to attend meetings to ensure the City is protected to make sure no one misrepresents the City.

13. Consider acceptance of donations:

a. Donations to the Police and Fire Departments from Ken and Barb Turner

Chief Collins stated as they have done for several years, the Turners have donated separate checks for the Police and Fire Department.

CM 1-14-16 MOTION TO ACCEPT DONATION

Motion by Kramer, supported by Dedakis

Motion to accept donation of \$100.00 for the Police Department and \$100.00 for the Fire Department with thanks from Mr. and Mrs. Turner

b. Donations to the City for the annual Holiday Party

Mayor Pro Tem Wedell stated we received several donations to support the annual Holiday Appreciation Gathering. The donations are from Community Image Builders \$200.00, Johnson Rosati \$500.00, Hubbell Roth & Clark \$400.00, Michigan Seamless Tube \$500.00, Safebuilt \$200.00, Plante & Moran \$100.00.

We are very appreciative of their support and assistance with the Holiday party to appreciate our volunteers and employees.

CM 1- 15-16 MOTION TO ACCEPT DONATIONS FOR THE ANNUAL HOLIDAY PARTY

Motion by Kivell, supported by Kramer

Motion to accept with thanks donations to support the Holiday Appreciation Gathering

VOTE:

MOTION CARRIED UNANIMOUSLY

IV. Discussion on Blight Ordinance and unsafe structures- None

V. Discussion- Downtown

Councilmember Rzyzi stated he would like to know what the City would like to do with 390 S Lafayette. City Manager Ladner stated after the Master Plan is adopted she would like to have an open house with the public and the City Planner for everyone to give their input. She further stated the Master Plan will be before Council in March, and having an open house in April or May.

Councilmember Kurtzweil stated the DDA needs a strategic plan, and there is a good example on the website of Wyandotte. She further stated Allen Park began a strategic plan in March of 2014, and their strategic plan was completed by July 2014. She stated she met with the DDA from Rochester Hills and they stated we are missing a phenomenal opportunity by not dressing up the downtown.

Councilmember Kurtzweil stated she spoke with Shaun from Peters Tru Value, and she would like to propose a tax abatement for 5 years if they build the structure. She feels the City should give tax abatements to the downtown businesses which are willing to improve their property. Councilmember Kurtzweil stated the Rochester Hills DDA members visited some of the downtown stores, and they asked how the City can expect people moving into \$500,00 and \$600,000 homes shop in businesses that haven't been redecorated in almost 25 years. She further stated the DDA needs to realize the local

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businesses need to be modernized. Councilmember Kurtzweil stated she has spoken with a business from the west coast, which would be a phenomenal business here in the City. She stated they are retail and they currently have locations in Troy and Ann Arbor. She further stated the leasing is a little difficult, but she has made them curious about the downtown South Lyon and she thinks the sales manager will be visiting our City soon. Councilmember Kurtzweil stated time is running out and we need to move forward with the DDA.

MANAGERS REPORT

City Manager Ladner stated there was a comment made earlier in regards to having a liaison with Lyon Township for the Safe Routes to School Grant. She stated she has recently met with them, and she works with the Township very well and they have a good working relationship. City Manager Ladner stated she would like to break the Budget workshops into 2 meetings and she will be getting with the Department Heads to work on the Budget. City Manager Ladner stated we will be hosting the South Oakland County Mayor Association dinner on February 10th if anyone on Council is interested in attending.

COUNCIL COMMENTS

Councilmember Kurtzweil stated she had been retained a few months ago by a business that wanted to relocate to downtown South Lyon where Grand Trunk use to be. She stated the business owner was well versed on the issues, of downtown considered a sad state, but she was willing to take a chance. She further stated this business owner was very bright and savvy, and she knows how to evaluate risk. Her decision to move into the downtown was depending on the vote tonight on hiring the Brighton lawyers; therefore we have lost a business. Councilmember Kurtzweil stated she would like to congratulate the Lyon Township DDA on the purchase of property for downtown parking. She further stated Lyon Township is expecting a retail need, and there will be an expansion for retail parking. She stated the competition is closing in fast and it is a shame that there were steps that could have been taken tonight to move forward but were not taken. Councilmember Kurtzweil stated the Lyon Township DDA has been in shorter existence than the South Lyon DDA has made great progress. She further stated she wanted to thank the Providence Hospital for the improvements they have made to their property here in downtown South Lyon. Councilmember Kurtzweil stated she and Brenda Smith C.P.A will be hosting the Chamber Buffet on January 22nd, at their offices at 417 S Lafayette at 8:30 a.m. Councilmember Kramer stated one of his biggest issues being a part of this Council is the criticism of the City employees by Council. The employees are too busy worrying about losing their jobs, rather than worrying about doing things for the City. He hopes in the strategic planning session they can discuss laying off the City employees and allowing them to do their jobs and then we can move forward. Councilmember Rzyzi stated he has some constructive criticism regarding the meeting being cancelled on December 28th. He stated this meeting could have been cut in half if that meeting was held. He further stated he went to the gym that night and drove by City Hall and the DPW did a great job plowing and salting. Councilmember Rzyzi stated he received a memo regards to limiting the time for public

comment and that is a bad and slippery slope, and if we need to sit here until midnight we can. We should never limit public comment. Councilmember Rzyzi stated the tarp for the hockey rink is a good idea. Department Head Martin stated the best place for that is the parking lot west of the water plant. He stated the DPW can repave the parking lot in the summer, then it can be flooded in the winter for ice skating. Councilmember Rzyzi stated the South Lyon Police and Fire Department both have very good Facebook pages. He further stated he believes there should be a South Lyon Facebook page. There is a lot of information we could put out there for our residents. He stated his last comment is regarding a meeting he had with a Lyon Township Board Member. He stated an idea they had was having a one time a year meeting with the City Council and the Lyon Township Board Members to discuss common goals.

Mayor Pro Tem Wedell stated he would like to reinforce the comments Councilmember Kramer made. He further stated the open ended discussion items on the agenda are largely a waste of time, and he further stated if anyone would like something on the Agenda, there should be a reason and a plan.

VI. Closed session per Section 8(h) of the OMA for discussion of information exempt from Section 13(1)(g) of the Freedom of Information Act, which exempts from public disclosure information subject to the attorney-client privilege

CM 1-16-16 MOTION TO ENTER INTO CLOSED SESSION

Motion by Kivell, supported by Kramer

Motion to enter into closed session per Section 8(h) of the OMA for the discussion of information exempt from

Section 13(1)(g) of the Freedom of Information Act which exempts from public disclosure Information subject to the attorney-client privilege at 11:50 p.m.

VOTE:

ROLL CALL VOTE

Kivell- Yes

Dedakis- Yes

Rzyzi- No

Wedell- Yes

Kramer- Yes

Kurtzweil- No

MOTION FAILED

Attorney Wilhelm stated there is a time issue regarding the issue he wished to discuss in closed session, he will try to explain the issue without too much detail because he needs direction from Council. He further stated the issue involved was the granting of two poverty exemptions that were granted but did not meet the City's policy. Two were granted, one for 50% and one for 100%. The Oakland County Assessor stated because they did not meet the City's guidelines they should not have been granted. He further stated they recommended the City file tax appeals regarding the two exemptions. Mayor Pro

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Tem Wedell stated the result of the closed session would have resulted in direction from Council in open session to proceed with the recommendation of the City Attorney. Attorney Wilhelm stated it is unclear if this is an issue of a lack of education or intentional. Councilmember Kurtzweil stated each case should be looked at case by case. It appears the first candidate did not report all income. She further stated she has an issue with the applicant who deliberately misstates assets and income. She stated the 2nd candidate didn't deliberately mis-lead the Board of Review. She cares about the conduct of the individual, not the Board of Review. Attorney Wilhelm stated this is an issue with the Board of Review. Councilmember Rzyzi stated he agrees with Councilmember Kurtzweil and he thinks the 1st applicant was deliberate, but it was not deliberate by the 2nd applicant and we should back off of the 2nd one. Councilmember Kramer stated the issue is the exemptions were already granted, therefore the Assessor is questioning if they should have been granted in the first place, therefore what position does this put the City in. Mayor Pro Tem Wedell stated either way, the proper review should be at the Michigan Tax Tribunal. Councilmember Dedakis stated if there is any question there does need to be a review.

CM 1-16-16 MOTION TO ADVISE THE CITY ATTORNEY TO MOVE FORWARD WITH THE MICHIGAN TAX TRIBUNAL

Motion by Kivell, supported by Kramer
Motion to advise the City Attorney to proceed with the Michigan Tax Tribunal for the two poverty exemptions

VOTE: MOTION CARRIED- 2 OPPOSED

Adjournment

CM 1-18-16 MOTION TO ADJOURN MEETING

Motion by Kivell, supported by Kramer
Motion to adjourn meeting at 12:00 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor Pro Tem Wedell

Lisa Deaton Clerk/Treasurer