

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
July 11, 2016

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
Council Members: Dedakis, Kivell, Kramer, Kurtzweil, Rzyzi and Wedell
ALSO PRESENT: Interim City Manager Chief Collins, City Attorney Wilhelm, Department Head
Martin and Clerk/Treasurer Deaton
ABSENT: City Manager Ladner

MINUTES

CM 7-1-16 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Dedakis
Motion to approve minutes

Councilmember Kurtzweil stated she would like two changes made. She stated in paragraph one under the Agenda, it should say Councilmember Kurtzweil stated she has researched the open meetings act regarding closed sessions and she understands that a determination should be made in an open session. She further stated on page 7 it should state, she believes that the Cultural Arts Commission could raise the funds to do that. She further stated on page 8 it says she spoke with HRC, but she actually spoke with Miller Canfield.

Mayor Galeas stated his name is spelled wrong on page 2.

CM 7-2-16 MOTION TO APPROVE MINUTES AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Kivell asked if the charge for the movie rentals were for all three movies. Department Head Martin stated that is the cost for all three movies in the park.
Councilmember Rzyzi asked if we are still getting redacted invoices from the City Attorney because they weren't included in the packet and he wants to see the bills for the mobile food vendor ordinance.
Attorney Wilhelm stated his secretary is working on the May bills, and the June bills are just now being finalized but he will make sure they are given to the City.

CM 7-3-16 MOTION TO APPROVE BILLS

Motion by Kivell, supported by Kramer

Motion to approve the bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

Chief Collins stated the City Attorney would like to add an item under new business for the 2nd reading of the gas franchise for Consumers Energy.

Councilmember Kurtzweil stated she doesn't understand why we need to have a closed session because the information she received from the City Attorney could be public information. She further stated if she does vote to go into closed session, she doesn't want any variance from the letter. Attorney Wilhelm stated he is asking for a closed session to discuss the information in the attorney client privilege letter he sent to Council. Councilmember Ryzyi stated he agrees with Councilmember Kurtzweil and there have been too many closed sessions and it seems shady. Councilmember Kramer stated anytime we are in closed session and a councilmember feels the discussion should be held in open session they can ask to enter into open session, and Councilmember Ryzyi has never done that. Attorney Wilhelm stated we are very careful and the City has never violated the open meetings act.

CM 7-4-16 MOTION TO APPROVE AGENDA

Motion by Wedell, supported by Kramer

Motion to approve the Agenda as amended

VOTE: MOTION CARRIED- 2 OPPOSED

APPOINTMENTS

Mayor Galeas stated there was a discussion to form a South Lyon Hotel Restoration Committee and appointing Bob Donohue.

CM 7-5-16 MOTION TO APPOINT BOB DONOHUE TO THE SOUTH LYON HOTEL RESTORATION COMMITTEE

Motion by Wedell, supported by Kramer

Motion to appoint Bob Donohue to the South Lyon Hotel Restoration Committee

VOTE: MOTION CARRIED UNANIMOUSLY

Mr. Donohue stated he sees this as an ad hoc advisory committee to offer the owners any assistance necessary. If any action is needed, he will bring it before Council. Mr. Donohue further stated he intends to ensure they have all of the financial information available to them and he will assist them in anything they need. Councilmember Kivell stated he feels Mr. Donohue has all the knowledge necessary and he will be very valuable for this.

Mayor Galeas stated he has spoken with Bob Donohue and Derek Mashburn has applied to be a part of the DDA Board. He is a local resident and business owner and he thinks he will be a great fit.

Councilmember Kurtzweil stated he will be a huge asset.

CM 7-6-16 MOTION TO APPOINT DEREK MASHBURN TO DDA BOARD

Motion by Kurtzweil, supported by Rzyzi

Motion to appoint Derek Mashburn to the DDA Board

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Carl Richards of 390 Lenox stated there is a historical presentation planned for the 19th of July at 7:00 p.m. at the historical village and it is based on the history of the railroad. He further stated there is a picture from the early 1950's that has our depot in the background and it is displayed at the Historical Depot. He further stated the Committee does a lot of research to have the presentations done. Mr. Richards stated he wanted to thank everyone for getting the Oakland County Drain Commission to clean out the local drains, that doesn't happen very often during the summer months.

Mayor Galeas stated everyone should take the time to visit the South Lyon Historical Depot.

Josey Kearns of the Cultural Arts Commission stated the deadline for the survey has been extended until July 30th and everyone can still fill out the survey online. You can find it on the City of South Lyon's website. She further stated she wanted to thank Neal Rubin for the great article he published about the City of South Lyon and our art gallery.

Frank Fogarty of 61349 Roaringbrook read a statement to Council. He stated listening to an interview on the radio, years back, the interviewed person suggested people like people –it is their actions that anger us. He further stated I like each one of you. It is your actions and behavior that anger me. He stated he is fed up with the antics of this Council. Since the Election, very little has been accomplished. There are two currencies in life, time and money and both have been wasted. He asked Council if they realize they have met for 39.71 hours since November. One full week. The Council has the uncanny ability to put 26 weeks into a 25 week time frame. Are the department heads being paid overtime? What else could you have done with the time? Research items more thoroughly? Take instruction on how to run a meeting? Say hi to your families? Learn how to be civil? Personalities preaching, pontificating and editorializing have replaced the process of governing. The lack of respect shown to the audience by some Council Members who cannot tear themselves away from Facebook for fear of not satisfying everybody and thereby ending up satisfying nobody. Lack of respect has been shown by citizens who think they can hijack meetings during public comment with incessant ramblings about anything and everything eats up time and does not serve the city well. (See Charter Sec. 4.4 "...citizens shall have reasonable opportunity to be heard...").

Agendas have been poorly prioritized. Money decisions wait till the end.

In summary, he asked the Mayor and Council to:

- Come prepared for the meetings.
- Have opened and read their prepared packets prior to the call-to-order @ 7:30 p.m.
- Take ownership for your actions, good or bad.
- Make informed decisions based on the facts, not your feelings.
- Make suggestions regarding Pumpkinfest Meetings at the Pumpkinfest Planning Mtgs.

- Do not assume the role of an HR department –you are not qualified. Laws re: HR and HIPAA have been enacted and have penalties for violating them.

Finally, Elections have consequences as the electorate, the citizens of South Lyon and the surrounding communities have seen and not in a very favorable light.

The solution to changing lies with each member of council. All of you are educated with various skill sets, some skills need work, and some need to be acquired. Elections were 9 months ago, recall is not an option, and resignation is. One additional question, if you were put on trial for being Mayor and Council, would there be enough evidence to convict you? Get to work.

Kathy Swan representing the Pumpkinfest Committee read a statement to Council. She stated this will be the 32nd year for Pumpkinfest and the Committee would like to thank the community, local businesses, the City of South Lyon Police Department, Fire Department, Water Department, DPW Department, City Council, City Manager and, most importantly their sponsors and volunteers. She further stated they are a 501 © (3) organization and they have brought 25,000 to 35,000 people to the historic downtown of South Lyon each year. They have also helped local groups raise over \$100,000 over the past six years. She further stated they were originally going to be on an agenda in June to ask for Council to approve the road closures. Prior to that they had met with Department Heads, and supplied all of the necessary paperwork for the event. She further stated on June 12th, one of the Committee members received a call from a Councilmember which they were told the Committee needed to comply with his unrelated demands or jeopardize the road closure approval. She stated because of this phone call the Board has decided to withdraw the road closure request and scheduled an emergency meeting. She further stated the Board watched the June 13th council meetings. She further stated they took note of the following comments from Council regarding the community festival:

She said the Mayor of South Lyon stated the downtown businesses have been excluded from the festival, the festival seems to have lost its focus and is being ran by outside people in some cases, the business owners are not happy, the businesses are kind of being told in a convoluted manner that they can't be involved and the rules seemed to be made up as they go. Ms. Swan stated Councilmember Ryzyi stated obviously we have a problem if the group doesn't even want to come up here and explain their position, is Pumpkinfest going to reimburse Chad Lindsey \$3,500.00 for the meat he lost at last year's event, they were the ones that said he couldn't sell there, move the beer garden tent and main stage to Whipple Street parking lot. She further stated Councilmember Kurtzweil stated these events come into our town and we are granting them a privilege to use our public roads and sidewalks and the privilege to use our public parking lots and they need to understand because they have been given the privilege of control for three days over public property and they need to relinquish control over private property. So I'm opposed to Pumpkinfest as long as they have any control over private property. Ms. Swan stated Councilmember Kivell stated my approval of Pumpkinfest is contingent on the Pumpkinfest Board approving the use of the coffee shop for a food vendor. Ms. Swan stated they are not present tonight to refute all the comments made, although many are completely unfounded or incorrect and most are outside of the festival's control. She stated they are here to share these examples and express their concern for the continued lack of support for this community event. She stated the Council continues to scrutinize the event, not only in their meetings, but also on various social media sites. She further stated the Pumpkinfest Board has taken the past several weeks to discuss how to proceed and after much research and discussion she stated the 2016 Pumpkinfest will change venues to the James F. Atchison Memorial Park located in new Hudson.

This was a very difficult decision and it was not taken lightly. While this change in venue will involve many, many more hours of planning and preparation by our volunteers in a very short time frame, we feel a lot of the concerns raised by Council will be addressed and we are excited about the possibilities and are working to make this the best Pumpkinfest yet. She further stated in moving the event, they will be able to create even more opportunities for our local non-profit groups and will be able to accommodate even more visitors to the event. She further stated the parade and craft show will remain in the City of South Lyon.

Councilmember Dedakis stated she feels strongly about this, and some of the Councilmembers comments do not reflect on all Councilmembers. Mayor Galeas stated some of the comments were taken out of contents. His intent was to have some questions answered. He stated some of the business owners were asking Councilmembers questions, and that's what they were trying to do. He further stated there were many good comments made that night as well. He further stated we need Pumpkinfest it is a huge event for South Lyon. Councilmember Dedakis stated Pumpkinfest is something South Lyon needs. It has been going on for years, it is vital to South Lyon especially with the Hotel gone, we need this to pick up our town, and people come from all over for that event. She apologized if comments from Council didn't seem supportive, but that isn't how all of Council feels. Councilmember Kurtzweil stated she did not receive the email that was discussed at the last meeting. She further stated she would not have returned a call to Councilmember Kivell, therefore she doesn't know who he was going to rally behind him. She further stated she would never speak with any Councilmember regarding how she would vote on anything. She stated she wants to ensure them that she will always come to a meeting with a very independent way with analyzing issues, and she wouldn't have participated with that. She stated at the end of the previous meeting she stated she is very thankful for all of the volunteers that make Pumpkinfest what it is. Marilyn Smith owner of the Resale Shop in town stated for someone to say the businesses don't want Pumpkinfest is not true. Pumpkinfest is huge for South Lyon and it keeps her busy, there are more businesses that are happy with it, than the couple that is not. Ryan Cottingin stated he is not happy about this, and he wants to know when the City will realize how unfriendly the City is to local businesses. He further stated the City needs to be business focused.

Joyce Cholosey stated at the last meeting she had some dialogue with the Mayor, which he apologized for. To summarize, she received an email about guidelines that were sent to Councilmembers regarding how Council Meetings should be ran. She further stated there was a list of rules which included limiting the public to only speak during public comment and only speak for three minutes. She further stated she believes this is an attempt to lock down control on citizens who may speak to shortcomings or lack of transparency of the City. She further stated this was posted on a social media site, which then was shut down. Ms. Cholosey stated the body of Council need to make their own rules, there is no standard. She further stated there are no rules set by Council. She further stated people are getting involved and this will cause people to say same old South Lyon. She stated we elect our officials that benefit us, not quiet us. She further stated this was a knee jerk reaction to a previous meeting. She stated this is not the right time to limit the citizens with participating during a Council meeting. Disruption is what gets everything moved along such as food trucks. She further stated she requests the seriousness of this attempt to restrict free speech of the citizens of South Lyon.

OLD BUSINESS

1. Second Reading Consumers Energy Franchise Agreement

Attorney Wilhelm stated the City entered into a gas franchise agreement with Consumers Energy 30 years ago, and it expired in June of this year. He further stated they have made no changes since the first reading. The first reading was approved at the May 9th meeting and the public notice was published on June 2nd.

CM 7-7-16 MOTION TO APPROVE SECOND READING OF GAS FRANCHISE AGREEMENT

Motion by Kramer, supported by Kivell

Motion to approve the second reading the Ordinance granting Consumers Energy Company a gas franchise in the City of South Lyon for a period of 30 years

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Volunteer Park Athletic Field Development

Marc Russell of Russell Designs gave a brief presentation of the preliminary master plan Phase 1 of the improvements for Volunteer Park. He stated they are proposing two fields that are multi purposed that can be used by the lacrosse and football teams, two soccer and softball fields. He further stated they are also proposing two pavilions with restrooms, and a storage area. He further stated the baseball fields will be fenced in and will have lighting. Councilmember Kivell asked if the nature trails will still be accessible. Mr. Russell stated the DNR require 20% of the project must be nature trails. Councilmember Dedakis asked if they have checked into any grants for this project. Mr. Russell stated they are hoping to begin fundraising in early fall, and then begin looking for multiple grants in April. Councilmember Rzyzi asked when they feel the project will be completed. Mr. Russell stated they are hoping last spring of 2018. Councilmember Rzyzi stated some of the residents in the area are concerned the lights will be too bright. Mr. Russell stated there are only two fields that will have lights, and they will not be on timers, and they plan on the kind that has domes to keep the light form the neighborhoods. Councilmember Kramer stated some of the groups are already fundraising and he asked if the contributions would be equal from the different sports groups. Amy Allen of South Lyon Recreation stated they are currently doing a cost analysis as well as the utilities cost. She further stated she is looking forward to using the City's grant database to search for grants. Councilmember Kurtzweil stated she has received calls regarding their concern over the wildlife and nature trails. Councilmember Kurtzweil asked if the \$10,000 was allocated for the current year's budget and if not, we will need a budget amendment for this.

CM 7-8-16 MOTION TO APPROVE FINAL LAYOUT DESIGN FOR VOLUNTEER PARK

Motion by Kramer, supported by Rzyzi

Motion to approve the final layout design for Volunteer Park fields and to authorize the expenditure of \$3,872.86 for phase one cost analysis by Russell Design

VOTE: MOTION CARRIED UNANIMOUSLY

2. Required budget amendments

Chief Collins stated Council requested this to be added to the Agenda.

CM 7-9-16 MOTION TO DIRECT CITY MANAGER TO SUBMIT BUDGET AMENDMENTS FOR CITY COUNCIL CONSIDERATION QUARTERLY

Motion by Wedell, supported by Kivell

Motion to direct the City Manager to submit budget amendments for Council consideration on a quarterly basis for significant changes in operating revenue or expenses and immediately following major unbudgeted expenditures

Councilmember Kurtzweil stated she would like to amend the motion to add the City Manager or those acting on his/her behalf. Councilmember Wedell stated he will amend his motion to direct the City Manager's Office to submit budget amendments for Council consideration on a quarterly basis for significant changes in operating revenue or expenses and immediately following major unbudgeted expenditures.

CM 7-9-16 MOTION TO DIRECT CITY MANAGER'S OFFICE TO SUBMIT BUDGET AMENDMENTS FOR CITY COUNCIL CONSIDERATION QUARTERLY

Motion by Wedell, supported by Kivell

Motion to direct the City Manager's Office to submit budget amendments for Council consideration on a quarterly basis for significant changes in operating revenue or expenses and immediately following major unbudgeted expenditures

VOTE: MOTION CARRIED UNANIMOUSLY

3. Auction of retired patrol vehicles

Chief Collins stated he is asking Council's approval to auction three retired police vehicles. He stated they are in disrepair and two of them do not run. He stated there is a possibility one may be purchased for \$500.00

CM 7-10-16 MOTION TO APPROVE SALE BY AUCTION OF RETIRED POLICE VEHICLES

Motion by Wedell, supported by Kramer

Motion to approve the sale by auction of the retired police department vehicles, as listed

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider purchase of street sweeper

Department Head Martin stated we currently have a 2002 street sweeper that we purchased in 2004 and it was in used condition. He further stated this equipment is used 3-5 days a week and it doesn't work well. He further stated they looked at numerous products and he believes this is the best one. He stated Elgin Pelican has been in business for 75 years. He further stated he has worked out a plan to purchase this over a 5 year term with 5 equal payments of \$43,042.00 which would come out of the D.P.W budget. Attorney Wilhelm stated he has a few questions regarding the lease agreement and he would like to discuss his concerns with the creditor. He stated he will try to have this back to Council in 2 weeks. Councilmember Kurtzweil stated the explanation Department Head Martin supplied in the packet was very informational and should be a model for Agenda notes.

CM 7-11-16 MOTION TO TABLE UNTIL NEXT MEETING

Motion by Kramer, supported by Wedell

Motion to table until the next Council Meeting

VOTE: MOTION CARRIED UNANIMOUSLY

5. Establish pay rates for Non-Union Employees and Department Heads

Chief Collins stated he is giving Council three options for the pay rates, 3%, 2% or nothing. He further stated this will only apply to non-union and employees and Department Heads. He further stated he believes the City Manager budgeted for 2%. Chief Collins stated the Police bargaining unit was recently approved for 3% and the Clerical bargaining unit was approved for 2% along with a one-time bonus of \$1,000.00 which actually equals 3%. Councilmember Kivell asked what the Department Heads and non-union employees received last time. Department Head Martin stated they received 2% last year, but that was the first raise in 5 years. Further discussion was held regarding longevity.

CM 7-12-16 MOTION TO POSTPONE

Motion by Kramer, supported by Kivell

Motion to postpone to a later meeting

VOTE: MOTION CARRIED UNANIMOUSLY

6. Consider approval of Chief of Police Contract

Chief Collins stated he has nothing to add except if this contract is granted, it will also apply to any Police Chief's in the future for the City of South Lyon which may help the succession planning because an officer may feel more comfortable moving from a union position to the Chief of Police position if there is a contract in place. He further stated he understands Attorney Wilhelm has some concerns. Councilmember Kivell stated he has the same concerns as the City Attorney, and he doesn't like the idea of taking away the City Manager's discretion, and he doesn't feel there would be a negative reaction if the City Manager returns but if there were, it wouldn't go unnoticed by Council. Councilmember Rzyzi stated the Chief is stepping in and he agrees he should be protected. He supports this. Councilmember Kramer stated this would set a precedent with all other Department Heads; this will cause the City Manager to not have any authority of the Department Heads. He further stated this contract is questioning Council's authority. He further stated this changes the at will relationship to a contract relationship and that may violate our Charter. Councilmember Rzyzi stated he believes we need to approve this contract, and if any other Department Head wants a contract, they can ask, it doesn't mean they have to approve it. Attorney Wilhelm stated this is a two-step issue, one is do you want to have a contract with the Police Chief because this will set a precedent for all future Police Chiefs. Also, what basis will you decide who does and who doesn't get a contract. Another issue is the severance provision, the spousal issue, and there needs to be some negotiations. Councilmember Wedell stated he understand the Chief is looking for protection, but this is much more than he thought it was going to be. He further asked if there was any negotiations done and with whom. Chief Collins stated this is the contract he presented to the Mayor and our City Attorney. Councilmember Kivell stated he doesn't understand why there is suddenly a need for this. Chief Collins stated it is due to the conditions he has been working under for the past two years.

Councilmember Kurtzweil stated this isn't unusual in private business. She further stated she isn't opposed to this, and if there is a change in status from a will to just cause. She stated this may need some fine tuning. She further stated unless there is a particular instance, she will never vote to terminate and employee, and there are other ways to deal with issues. Councilmember Kramer stated there is also a guaranteed 3% raise in the contract for the next four years, and he doesn't understand how this is different from what the Chief already has. Councilmember Wedell stated this contract needs to be reviewed and negotiated and currently there is no recommendation to approve this contract, and this is uncomfortable. Councilmember Kivell stated this is a City Manager form of government and he or she decides who is working for the City, and this would change that.

CM 7-13-16 MOTION FOR THE CHIEF OF POLICE AND CITY ATTORNEY TO NEGOTIATE CONTRACT

Motion by Kurtzweil, supported by Rzyzi

Motion to direct the City Attorney and Chief of Police negotiate Police Chief Contract

VOTE:

ROLL CALL:

Kivell- No

Dedakis- Yes

Rzyzi- Yes

Galeas- Yes

Wedell- Yes

Kramer- No

Kurtzweil- Yes

7. Consider Succession Plan Resolution

Attorney Wilhelm stated the City Manager currently has the duty to designate another City employee to fulfill his/her duties if they are not available to do so. He further stated the City Manager could make a standing designation, but that hasn't been the practice of the City. Attorney Wilhelm stated the resolution fills in the line of succession if the City Manager isn't available to do so. Councilmember Wedell stated his issue is if we dedicate someone to do so in a resolution, but the person designated is new and isn't familiar with the City. He further stated if our City Manager ever becomes incapacitated, the City Council always has the option to call a special meeting within a day and appoint someone. Councilmember Kivell agrees and we need to impose ourselves onto the City Manager to ensure that person appoints someone. Attorney Wilhelm stated we could always look at the succession line each year in case there are any changes. Councilmember Kurtzweil stated the drafting of the resolution is a little confusing. The Charter gives the Manager or Council the ability to appoint someone during a vacancy in the City Manager office. Attorney Wilhelm stated he sees a temporary absence and a vacancy differently. Councilmember Kurtzweil stated a vacancy is a vacancy regardless of the reason. She further stated Council should step in if the City Manager isn't able to make the recommendations. Further discussion was held regarding the proposed resolution.

CM 7-13-16 MOTION TO APPROVE RESOLUTION ESTABLISHING LINE OF SUCCESSION FOR ACTING CITY MANAGER

Motion by Kurtzweil, supported by Wedell

Motion to approve the resolution establishing a line of succession for Acting City Manager in the event the City Manager is unable to perform the duties of the position

VOTE:

MOTION CARRIED- ONE OPPOSED

Discussion- Downtown

Councilmember Dedakis stated we just lost a crucial festival and it will be a huge loss to the City. We need to do some damage control and reach out to the Committee and Kathy Swan and try to salvage this situation. We spoke of adding more festivals and now we are backtracking and we lost our largest festival, as well as we lost the hotel.

Councilmember Kramer asked Mr. Donohue if he can speak with Pumpkinfest and try to do anything we can to get them back. Mr. Donohue stated he would be happy to and he also wants to meet with any entities that holds events in the City and map everything out, and come up with a plan to fill in any gaps that we may have.

Councilmember Kurtzweil stated people need to be careful with what is said to people. She doesn't understand if they are moving Pumpkinfest to Atchison Park, why they didn't ask for it to be held in McHattie Park. She doesn't think they will be as successful there because many of the people that have visited the festival in the past were from people walking to the event. She wishes they had the desire to approach the City to solve any problems instead of taking the event away, and she hopes the event will be back in the future. Mr. Donohue stated he has worked with many downtowns and he didn't see a problem with the questions that were asked of Pumpkinfest by Council, it is Council's job to ask questions. Councilmember Dedakis stated she was under the impression there was a threat made, whether it was a miscommunication or not, they called our bluff and it was a grave mistake on our end.

Mayor Galeas stated he admits he said the things they said, but they were taken out of context, but he did say many good things about Pumpkinfest as well, and he was trying to reiterate some local businesses feel left out, not that they don't want the festival. Councilmember Dedakis stated we need to be more direct on Council. Councilmember Kramer stated if Council has any concerns, we need to address them to Mr. Donohue and he could approach any organization with our concerns. We need to have a unified voice that can list our questions and concerns and this could have been avoided if we could have addressed our concerns. Further discussion was held regarding Pumpkinfest. Councilmember Dedakis asked what we can do to salvage this, and people will be furious about this. Councilmember Kurtzweil asked if Mr. Donohue could put together an economic incentive push to get Pumpkinfest back. Councilmember Wedell stated the Committee was here tonight and they are very angry, they are volunteers and they do a lot of work for this community, and there is no reason to anger them like this. Councilmember Rzyzi stated he wants to give a big thank you to the Pumpkinfest Committee and all their hard work on the many projects they do in the City. Councilmember Dedakis stated we also owe them an apology; we have angered people that do a lot of work for our City. Councilmember Kramer stated this has been going on for years, and this year they said they had enough. Many things with the City need to change and we fight through every little issue, and it is frustrating.

Managers' report

Chief Collins stated our planner Mr. Avantini has asked for the City to move forward with hiring a person to assist with planning at City Hall. He further stated there is now an administrative assistant hired that he feels may be able to do those duties as necessary. Clerk Deaton stated the administrative assistant is currently there 4 hours a day, and the original intent was to have someone to help with the one stop shop process. Kelly had a background in planning and zoning and currently we do not have someone to do that. Our administrative assistant doesn't have the skillset or the knowledge to help a resident/customer when they come to the counter. Councilmember Kivell stated someone from the Clerical staff will not automatically have the experience or knowledge to assist with planning or zoning. Attorney Wilhelm stated it is his understanding City Manager Ladner, and Mr. Avantini have already interviewed and it was the City Manager's intention to fill that position. Councilmember Kurtzweil stated she would like to table this until the next meeting. She asked if the Attorney and Mr. Avantini could find out if the candidates are still available.

CM 7-14-16 MOTION TO TABLE DECISION UNTIL NEXT MEETING

Motion by Kurtzweil, supported by Kivell

Motion to table the decision regarding the part time planning assistant until the next meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

Department Head Martin stated there were some concerns regarding water restrictions due to the hot weather. He stated we do not have water restrictions, everyone in his department is very knowledgeable on this, and the way the water plant is operated. As long as we don't go over 4.50 million gallons of water a day. We have not come close to that number as of yet.

Councilmember Kurtzweil asked if the 50/50 sidewalk program is in effect. She believes we allocated \$20,000 for this. Department Head Martin stated he will get moving on this, and he will keep a running total number of homes to ensure we don't go over the limit. He further stated we need to let everyone know, if the City tree is damaging the sidewalk, the City will pay and replace that. If it is not fault of the City and it is the homeowner's responsibility to fix the sidewalk and hopefully with this 50/50 match, many people will take advantage of that.

Councilmember Kurtzweil asked Chief Collins if she finds firework debris or a sparkler on her property and she knows who was responsible, can the Police do anything about it. Chief Collins said the Police Department will respond, but they will need a good witness statement or video and it can be handled in court. Councilmember Kurtzweil stated she believes Department Head Martin should also get the 25% above his pay for the time he acted as City Manager which was for two weeks.

Councilmember Kivell stated he is hoping one homeowner will not have their entire sidewalk fixed using a large portion of the money put aside for the sidewalk match program, we need to make sure the money is fairly used for everyone.

Council comments

7/11/16

Councilmember Kurtzweil spent some time in Wisconsin and took a tour of the SS Cobia which was in service during the World War II and the conditions they lived in were incredible. At that time people still smoked so it was filled with smoke, and the temperature was about 90 degrees, the engine room 104 degrees. She further stated they slept on bunks with no sheets, and they were allowed to shower once every two weeks, and no washing machines. She cannot understand any young man fighting for our country and live under those conditions. She further stated her comments are in memory and in deep appreciation of the crew members that have served in WWII including the members of the SS Cobia.

Councilmember Wedell stated he would like to apologize to our staff members that had to work another half a day today besides the full day they already worked.

Councilmember Rzyzi stated he doesn't think there should be any changes in rules and public comment should not be limited. Councilmember Rzyzi stated the Witches Hat will be having a food truck this weekend and it will be a good one to attend. He further stated he and his wife visited Ambrosia Vie the little girl clothing store and it is a beautiful store, it is located above Divine Yoga. He further stated the succession plan is important and he was informed the City Manager wasn't available and clearly the Chief of Police is in charge and that needs to be relayed to our residents.

Councilmember Dedakis stated the new website looks really good and we are now on a level playing field with other communities.

Councilmember Kivell stated someone had asked at the last meeting about the sprinklers by the Witches Hat, and they are fixed and once again working.

Closed Session

CM 7-15-16 MOTION TO ENTER INTO CLOSED SESSION

Motion to by Kramer, supported by Wedell

Motion to enter into closed session regarding written attorney-client privileged communication regarding the City Manager's absence pursuant to Section 8(h) of the Open Meetings Act which provides that a public body may meet in a closed session to consider material exempt from disclosure by state or federal statute where the Michigan Freedom of Information Act, at MCL 15.243 (g), exempts information or records subject to the attorney-client privilege from disclosure

VOTE:

ROLL CALL VOTE

Kivell- Yes

Dedakis- Yes

Rzyzi- Yes

Wedell- Yes

Kramer-Yes

Kurtzweil- No

Galeas- Yes

The regular City Council Meeting reconvened at 11:15 p.m.

Adjournment

CM 7-16-16 MOTION TO ADJOURN MEETING AT 11:15 P.M.

Motion by Kivell, supported by Dedakis

Motion to adjourn meeting at 11:15 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor John Galeas

Lisa Deaton Clerk/Treasurer