

Regular City Council Meeting

February 27, 2017

Agenda

7:30 p.m. **Call to Order**
 Pledge of Allegiance
 Roll Call
 Approval of Minutes: January 23, 2017 and Minutes February 13
 Approval of Bills:
 Approval of Agenda

 Public Comment

- I. Old Business –**
 - Consider proposed amendment to the Performance Evaluation provision of the City Manager Employment Agreement

- II. New Business-**
 - 1. Discussion regarding utility billing.
 - 2. Discussion/Consideration of investigation report from outside counsel. (May be addressed in open or alternatively in Closed session pursuant sec 8(h) of the Open Meetings Act)

- III. Discussion- Downtown**
- IV. Manager's Report**
- V. CLOSED SESSION regarding written Attorney-Client Privileged Communication regarding investigation report from outside Counsel pursuant to Section 8(h) of the Open Meetings Act**

- VI. Council Comments-**
- VII. Adjournment**

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
JANUARY 23, 2017

Mayor Galeas stated there is a problem with the recording equipment. City Manager Ladner stated she will be recording audio on her cell phone.

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; Kivell, Kramer, Parisien, Ryzyi, and Wedell
ALSO PRESENT: City Manager Ladner, Chief Collins, Department Head Martin, Clerk/Treasurer Deaton, Chief Kennedy and Attorney Wilhelm
ABSENT: Councilmember Kurtzweil

Councilmember Ryzyi stated Councilmember Kurtzweil contacted him earlier and stated she wouldn't be attending because she is ill.

CM 1-1-17 MOTION TO EXCUSE ABSENCE OF COUNCILMEMBER KURTZWEIL

Motion by Ryzyi, supported by Kramer

Motion to excuse the absence of Councilmember Kurtzweil

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Councilmember Ryzyi stated on page 5, he would like the word monument added where he was discussing the recreation center. He further stated it should be 2.7 million on page 11. Councilmember Kivell stated on page 12 the word responsivity should be changed to responsibility. Councilmember Parisien stated the bottom of page 5 the word what should be removed to make the sentence flow better. It was mentioned on page 2, the development mentioned should be Thomasville, not Thompsonville.

CM 1-2-17 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Wedell, supported by Kramer

Motion to approve minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

City Manager Ladner stated she removed a discussion for 500 Stryker and added the Board of Review appointment prior to the meeting. Everyone should have the correct agenda.

CM 1-3-17 MOTION TO APPROVE AGENDA

Motion by Parisien, supported by Wedell

Motion to approve agenda

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Carl Richards of 390 Lenox stated he rode his bike through Huntington Square and the pavement, lighting, and curbs are great. He further stated he is guessing it cost them about 2 million. He further stated he is wondering why there isn't more tenants moving into the mall.

City Manager Ladner introduced Don Gotham who is our new City Ordinance Officer. Mr. Gotham stated he retired from the City of Wayne with 25 years of law enforcement experience and has raised his family in this area for 26 years. He further stated he wanted to give back to the community.

OLD BUSINESS

1. Consider approval of revised resolution establishing policies and guidelines for granting poverty exemption from payment of property taxes

Attorney Wilhelm stated he confirmed that the resolution does not have to be approved each year. He stated the revised resolution makes it clear that the City will be using the updated federal poverty guidelines each year. He further stated he confirmed with Oakland County Equalization this resolution will be used for the 2017 March Board of Review.

CM 1-4-17 MOTION TO APROVE THE REVISED RESOLUTION ESTABLISHING POLICIES AND GUIDELINES FOR GRANTING POVERTY EXEMPTION FROM PAYMENT OF PROPERTY TAXES

Motion by Kramer, supported by Wedell

Motion to approve the revised resolution establishing policies and guidelines for granting poverty exemption from payment of property taxes

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Appointment- Board of Review- Gary Beasley

Mayor Galeas stated he does not know him personally but he comes with good recommendations. Councilmember Ryzyi stated his recommendations are stellar, Phil Wiepert, Tedd Wallace and Frank Fogarty so he would approve of this appointment as well.

CM 1-5-17 MOTION TO APPOINT GARY BEASLEY TO THE BOARD OF REVIEW

Mayor Galeas stated he would like to appoint Gary Beasley, supported by Wedell

Appointment of Gary Beasley to the Board of Review

VOTE: MOTION CARRIED UNANIMOUSLY

2. Donation acceptance (Holiday Gathering)
 - i. Huron Valley Ambulance \$100.00

City Manager Ladner stated we received this donation last week for the holiday gathering and she is asking for a formal acceptance. Councilmember Ryzyi stated he appreciates any and all donations, but as he stated before, he is uncomfortable accepting gifts from people we are issuing contracts to. Therefore, he will vote no, as he did in the past. He further stated he thought we were going to be discussing forming a donation acceptance policy at this meeting. Councilmember Kramer stated he also thought we

would be discussing having a donation acceptance policy at this meeting. Councilmember Kivell stated the notion that a donation for an employee party will sway our decision on issuing any contracts is ridiculous. Councilmember Wedell stated as he did at the last meeting, this is not a lavish party for the employees. This is a thank you for all of our volunteers on the Boards and Commissions that volunteer their time, as well as our Election Inspectors and employees. Councilmember Parisien stated she has spoken with other communities and there are still many that do accept donations from companies they work with, however there are some communities that will not accept donations at all. She appreciates any donations and she doesn't have an issue with this. Mayor Galeas stated he agrees we should discuss how donations should be handled because times are changing.

CM 1-6-17 MOTION TO ACCEPT DONATION FROM HURON AMBULANCE

Motion by Wedell, supported by Kivell

Motion to approve acceptance of donation with thanks.

ROLL CALL VOTE: Kivell- yes
Parisien- Yes
Rzyzi- No
Galeas- Yes
Wedell- Yes
Kramer- Yes

MOTION CARRIED

3. Consider approval of License Agreement for Access to and use of right-of-way for Telecom antennas, support structure and equipment with Fiber Technologies Networks, LLC (Fibertech)

Attorney Wilhelm stated there are many issues in the background of this. The Metro Act covers the ability of companies to use the City's right-of-way for telecommunication purposes. He further stated it is very hard for communities to say no to this. They have to repair if they disturb anything, this sets up a fee structure as well. He further stated there are 4 nodes they want to install along Lafayette and 1 on 9 Mile. They will be on existing poles, but two will be replacement poles and they will be taller. He stated he would like to discuss this with them regarding why they must be taller because it wasn't mentioned in earlier conversations. Attorney Wilhelm stated at this point he would like to educate Council but would like to table this so he can gather more information. Councilmember Kramer stated his concern is if we let them do this, it will open it up for all the other companies to do the same. Attorney Wilhelm stated it would depend on what they want to put up. He further stated we are giving them a license to put up the antennas that they are already allowed to do under the Metro Act. He stated there is a balance, and our interest is the City right-of-way. He stated there are issues related to the Federal Communications Act and we have to be careful in saying no. He stated his approach is to not say no, but negotiate what the City can live with. Councilmember Kramer stated he is concerned that now we have the master plan in place and we don't want to do something and then later find out it may affect the look we are trying to get in the City of South Lyon. Attorney Wilhelm stated he would like to speak with Fibertech again to discuss their intentions further. He further stated we need to find out what the parameters are that the City will allow in. Mayor Galeas stated this is already an issue in many communities, we can't stop them, but if we can have an agreement on what we want it to look like. Attorney Wilhelm stated this will also bring more services to the residents as well. Councilmember Kivell stated we need to find some expertise as to what the height of the poles should be. He further stated he is concerned about the equipment that will be placed on the poles.

Attorney Wilhelm stated they did have a height limit on a pole with the City of Novi. Councilmember Ryzyi asked if this packet will be available to the public. City Manager Ladner stated everything will be except the letters marked attorney-client privilege. Councilmember Ryzyi stated he doesn't believe the letters that are included are attorney-client privilege. Attorney Wilhelm stated it is confidential and it is his legal opinion. Councilmember Ryzyi stated he disagrees and he wants that in the record. Councilmember Parisien asked if the City issues the license, is the City able to revoke at any time. Attorney Wilhelm stated he believes there are certain provisions, they would have to deviate from the license agreement. They will be providing the specs for the 4 nodes and they will have to install exactly that.

CM 1-7-17 MOTION TO TABLE UNTIL A FUTURE MEETING

Motion by Wedell, supported by Kivell

Motion to table license agreement for a future meeting

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider approval of License Agreement for Access to and use of right-of-way for Telcom antennas, support structures and equipment as a general form for use of other telecommunications providers

City Manager Ladner stated Comcast will be installing underground and overhead fiber optic lines within the City. The City entered into a franchise agreement with them by default many years ago, and they will be starting the work soon. They have already done this in Milford, Northville and Novi. Councilmember Kivell asked if this is under the regular distribution license. City Manager Ladner stated it is. She stated we are still negotiating the fees. Councilmember Kivell stated the good thing is that people will now see the City has not prohibited from allowing other cable companies into the City.

CM 1-8-17 MOTION TO TABLE UNTIL A FUTURE MEETING

Motion by Wedell, supported by Kramer

Motion to table License Agreement for Access to a future meeting

VOTE: MOTION CARRIED UNANIMOUSLY

5. Consider approval of temporary and permanent easements between the City of South Lyon and South Lyon Community School District for a storm drainage pipe leading to the Yerkes Drain from Sayre Elementary

Councilmember Ryzyi stated he wanted to disclose his wife is on the South Lyon School Board, he has not discussed this with her, and although he has no financial interest in this, he will still remove himself from this discussion and he will not vote on this.

City Manager Ladner stated the schools had contacted her regarding doing improvements to Sayre Elementary during the Summer of 2017. She further stated part of the improvements will be adding a retention pond which needs to outflow across school and City owned property to drain to the Yerkes drain. There are two easements to consider. The first is the temporary construction easement that allows the schools to lay underground storm water pipe. The second easement would take effect after the construction is completed and would provide a 20- ft. perpetual easement to allow for ongoing maintenance of the drain pipe. Councilmember Kramer asked where the detention pond will be located. City Manager Ladner stated it will be on school property.

CM 1-9-17 MOTION TO APPROVE TEMPORARY AND PERMANENT EASEMENTS BETWEEN THE CITY OF SOUTH LYON AND SOUTH LYON COMMUNITY SCHOOLS

Motion by Kivell, supported by Parisien

Motion to approve temporary and permanent easements between the City of South Lyon and South Lyon Community School District for a storm drainage pipe leading to the Yerkes Drain from Sayre Elementary

VOTE: MOTION CARRIED- Councilmember Rzyzi abstained

6. Consider approval of second quarter budget amendments

City Manager Ladner stated the redistribution checks from MMRMA were half of what we were expecting, therefore we amended the general fund revenues and we offset that by reducing expenditures and we spread it across multiple departments. The changes we made were as follows:

Administration Wages/Salaries 101.200.702 from \$425,000 to \$410,000

Police Utilities 101.300.920 from \$17,500 to \$16,000

Police Building Maintenance 101.300.931 from \$7,700 to \$3,700

Fire Utilities 101.335.920 from \$11,750 to \$7,750

DPW Utilities 101.440.920 from 18,000 to \$17,500

DPW Building Maintenance 101.440.931 from \$11,000 to \$10,000

Councilmember Kramer asked why the payout from MMRMA was smaller than in the past two years.

City Manager Ladner stated they paid out more this year than they have in the past. Councilmember

Wedell asked why the rental property line items are highlighted if the budgeted amount and the amended amount are the same. City Manager Ladner stated that was adjusted at a previous meeting when Council approved the windows for the SLARA building and it just carried over. City Manager Ladner stated the amendment for the windows at the recreation building was approved at a previous meeting.

Councilmember Rzyzi stated that new information that has come to light regarding the windows for the South Lyon Recreation building and he would vote no on that.

CM 1-10-17 MOTION TO APPROVE 2ND QUARTER BUDGET AMENDMENTS

Motion by Kivell, supported by Parisien

Motion to approve the 2nd quarter budget amendments as presented

VOTE: MOTION CARRIED UNANIMOUSLY

7. Consider setting date and format for City Manager performance evaluation in accordance with employment agreement

City Manager Ladner stated her employment agreement states her evaluation should take place in February, but it took place later than that the last two years. She further stated if Council would like we could do the evaluation in October which would be a year from the last one. Councilmember Parisien stated she believes it would be wise to wait until a year has passed since the last evaluation, that way we have more to look at. City Manager Ladner stated she is fine with waiting until October. Mayor Galeas stated the agreement said February, if we changed it to October, will it stay that way in the future. City Manager Ladner stated she could work with Tim and make an amendment to the agreement.

Councilmember Kivell stated he has no objections. Attorney Wilhelm stated it will need to be addressed, but it could be changed as an amendment. Councilmember Rzyzi stated he has questions regarding the sample evaluations. City Manager Ladner stated she has included the one used last October, but there are other directions we can go. Councilmember Rzyzi stated the sample ranging the City Manager from 1-5 on certain questions such as being respected by colleagues in government, they have no way of knowing

things like that. He doesn't care for any of the samples. He further stated the evaluation should be based on goals Council has given the City Manager as well as the vision meeting that was held. City Manager Ladner stated these sample evaluations are used nationwide. Councilmember Rzyzi stated we have talked about various goals, and it should be based on them. Councilmember Kivell stated he just doesn't answer the questions that don't apply. Councilmember Wedell stated we shouldn't have to guess what other people are thinking for the evaluation. Councilmember Kramer stated we have time to revise the forms.

CM 1-11-17 MOTION TO DIRECT CITY ATTORNEY TO AMEND CITY MANAGER'S EMPLOYMENT CONTRACT TO CHANGE DATE OF EVALUATION

Motion by Kramer, supported by Wedell

Motion to direct the City Attorney and City Manager to amend the City Manager's employment contract to change date for evaluation

VOTE:

MOTION CARRIED UNANIMOUSLY

DISCUSSION- Downtown

Councilmember Wedell stated he saw Mr. Donohue walking around town with a group of people. Mr. Donohue stated he was with a group from Oakland County and they are interested in having the 2017 Oakland County Heritage Conference here in our City.

Mayor Galeas asked for an update on the Hotel. Mr. Donohue stated they intended on starting the cement block this week, and the footings are in. He stated there are minor issues with plumbing permits but it will be handled.

Councilmember Kivell stated there were dumpsters at 115/117 Lafayette. Mr. Donohue stated they hope to have the interior ready end of February and the outside in April.

Mayor Galeas asked for an update on Browns. Mr. Donohue stated he hasn't spoken to Mr. Fagin recently, but he knows there has been interest. He further stated Mr. Fagin would like to redevelop the entire corner in 2-3 years.

Councilmember Rzyzi asked for an update on the Mediterranean restaurant. Mr. Donohue stated they are dealing with some planning issues, but they don't have final approval yet.

Councilmember Rzyzi asked about the issues with signs in town. Mayor Galeas stated the car wash sign is still advertising for other businesses later at night. City Manager Ladner stated they can only advertise for their own business, not for other businesses. Councilmember Rzyzi asked about the welcome sign by Pete's True Value and how does it match up to our ordinance. Mr. Donohue stated they did not pull permits, and the City was not notified they were going to put up a sign. City Manager Ladner stated there is an issue because our sign ordinance exempts welcome to the City of South Lyon signs, and he would have probably presumed that is why he could put it up. Councilmember Rzyzi stated the picture depicts a 7-story building. City Manager Ladner stated she doesn't feel the graphics have anything to do with the legality of the sign. Councilmember Rzyzi stated the Methodist church had a hard time getting their sign up, and it seems we are picking and choosing who we allow signs. Councilmember Rzyzi asked if we are requiring businesses to take down their award signs. Mr. Donohue stated his goal is to improve the look of the downtown area. He further stated some of the signs were from 2013 and in bad shape. They have been adhered to a sign that was approved, and by doing that, it affects the look of the sign. He further

stated he has not seen that in any other community he has worked in. Councilmember Ryzyi asked what defines a temporary sign, and he believes they should be able to display their award signs. He stated there are multiple businesses in town that have won these awards and they should be able to advertise that. Mr. Donohue stated we have a good sign ordinance, and advertising typically never takes place on a permanent sign. Councilmember Ryzyi stated that isn't advertising, but he is concerned we are taking away an opportunity for a business to showcase what they have earned. Councilmember Parisien asked if they can place it inside of their business. Mr. Donohue stated he was hired to improve the downtown, it is a design issue, and the Ordinance covers it, but if Council wishes to allow it, it's fine. Most communities have those signs in other places. Councilmember Ryzyi his opinion is if they have won the award then they should be able to advertise it. City Manager Ladner stated there are a few businesses that have them attached to their external signs. Councilmember Kivell stated they have a sign that was approved, and if they want to go back to planning to change it, they can. Councilmember Ryzyi stated it is ridiculous. Mayor Galeas stated it does open Pandora's box, if we allow that, it will then allow other people to argue the point. We need to address it. Mr. Donohue stated this community is the most business friendly community he is aware of. He stated it is a clear violation, but it is Council's decision. Councilmember Kramer stated he would like to have this as a discussion item at the next meeting. Councilmember Ryzyi stated the Witches Hat has a bat that he considers art, not a sign. City Manager Ladner stated it is a sign according to our ordinance. Councilmember Wedell stated this isn't a debatable issue, we either change it or enforce it. Councilmember Ryzyi stated common sense is the Witches Hat is a piece of art, not a sign, and if they put up a sticker they can. Councilmember Kramer stated we don't want to make snap decisions without knowing exactly what our ordinance says. Councilmember Kivell stated we operate by the legal language in ordinances, and he agrees we either change it or enforce it.

MANAGERS REPORT

City Manager Ladner stated earlier we discussed the policy of donations, and several months ago, Council asked the Parks and Recreation Commission to form a donation policy and they are almost finished with that. She would like to get their input. She further stated she has viewed a few donation policies from other communities, but all of them deal with memorials, baseball fields, there is not monetary donations, such as the thank you donation for the Police Department we received a few weeks ago.

City Manager stated the online bill payment system as well as the new website will be up and ready to go this week. She further stated we will now be able to have emergency messages scrolling on the home page. She stated people can also subscribe to e-notify at the bottom of the home screen for email updates.

City Manager Ladner asked if Council still would like Downtown as a standing agenda item, now that we have Mr. Donohue issuing his reports. Councilmember Ryzyi stated he would like to keep it on, we have some serious discussions regarding the downtown and tackling the serious issues. Councilmember Parisien stated she would be ok with removing it, because if we have serious issues it could be added to the Agenda, and if Mr. Donohue has an issue that needs to be discussed he can discuss it. Councilmember Kivell stated he agrees, it can be removed because we can always add an issue to the agenda, and Mr. Donohue is always welcome to bring things to our attention. Councilmember Kramer stated he likes it on the agenda as well.

City Manager Ladner stated she will keep it as a standing item. City Manager Ladner stated she will be out of the office from January 31st through the 3rd of February at a conference.

Councilmember Ryzzi stated we spoke about MERS and it is a very big issue, and it is putting huge financial strain on the City. City Manager Ladner stated it is 4.7 million based on the actuary report of January 2016. Councilmember Ryzzi stated the City is in debt for 4.7 million. City Manager Ladner stated that is not debt, it is pension liability. Councilmember Ryzzi stated in 2013 we were at 2.7 million and now we are at 4.7 million. City Manager Ladner stated we are at 4.7 million due to the fact MERS changed the way they calculate the liability. Councilmember Ryzzi stated that is an alarming number. City Manager Ladner stated it is low compared to some other communities. Councilmember Ryzzi stated it has been a problem for a long time, and we keep kicking the can down the line. City Manager Ladner stated a hybrid program was presented to Council in the past, and Council decided not to do that. She further stated she brought a second tier defined benefit to the unions, and that was rejected. She stated she has a meeting with MERS in February to gather other options to bring to Council. Mayor Galeas stated MERS is a big problem for a lot of communities. City Manager Ladner stated the communities she has spoken with are struggling greatly with that, and it is nationally a huge problem, it is not just a Michigan problem. Councilmember Ryzzi stated he will bring this up at every meeting. Councilmember Kramer stated he is concerned that we are basing this number off of what MERS is saying we owe. He asked if any other communities have had anyone from outside of MERS, it seems no one is challenging their figures. Councilmember Wedell stated we have been paying into this each year, there is no negligence on the part of the City. Councilmember Kivell stated there are fluctuations throughout the year, and we are never made aware of what those impacts are until the following years assessment.

Mayor called a recess at 9:10 p.m.

Mayor called the meeting to order at 9:15 p.m.

Councilmember Ryzzi stated he has had residents asking him who they should contact if damage is done to their yards by the snowplow trucks. Department Head Martin stated they need to contact the DPW at 248-437-6914. He further stated we haven't had too many calls this year, but sometimes what happens is the weight of the snow can take down a mail box, but we always take care of it.

Councilmember Ryzzi stated he would like to thank Department Head Martin for cold patching Hagadorn. Department Head Martin stated he would like to cut a few parts out, and use concrete to patch it, but it will be more money, and we will have to wait until Spring. He further stated we did that on Pontiac Trail and people complain about how it looks, but it has helped a lot. He stated it will probably cost \$30,000 - \$50,000 to make those repairs. He is so happy we did that, it is much better now than it would have been if we used asphalt. Councilmember Parisien stated it has been a while since we have done any road work. City Manager Ladner stated we have had a PASER study done and she would love to fix the roads. Unfortunately, we don't receive much money from the State for this. She further stated Council does not want to raise taxes, or cut services, or borrow money, so where is the money going to come from. She stated we are one of the few communities that do leaf collections, it is very costly, if we cut that, we could redirect that money to fix our streets. Councilmember Ryzzi stated a patch is better than nothing. Department Head Martin stated they need to contact Marianne at the DPW if there are any potholes they may have missed. Mayor Galeas stated this is a problem all over the State. City Manager Ladner stated most Cities have dedicated street mills. She stated Novi, Green Oak Township, and Northville have done so. Department Head Martin stated at this point, if we put anything into the roads, we are ahead of the game. Further discussion was held regarding the roads. Councilmember Kivell asked what the break-even number was from the PASER study. City Manager Ladner stated \$900,000 a year is the stand hold number.

1/23/17

Councilmember Ryzyi asked for an update on the website. City Manager Ladner stated it should be live on the 25th, we will need to test the transactions to ensure the debit/credit card is working.

COUNCIL COMMENTS

Councilmember Kramer thanked Chief Collins for the 2016 report and he is looking forward to reading that over the weekend.

Councilmember Wedell thanked Chief Collins as well.

Councilmember Ryzyi stated the Council rules set in 2006 allows for Councilmembers to ask questions during Council Comments to Department Heads and others and this is his opportunity to do so. He stated he has some questions for the City Attorney for the follow up requested at the last meeting. He further stated on page 2 of the minutes there was a question that Councilmember Kurtzweil asked Attorney Wilhelm about the legal advice regarding the conflict of interest. Attorney Wilhelm stated he needs more time to look into this. Councilmember Ryzyi stated another question he would like answered is if Attorney Wilhelm was able to check his notes to find out which conflict of interest he was researching on November 26th. Attorney Wilhelm stated he wasn't able to follow through on that yet. Councilmember Ryzyi stated on page 13 he asked Attorney Wilhelm to look into March 11 2013 because there was a decision made in closed session and it was in violation because there was no decision mentioned in the open session. Attorney Wilhelm stated there is no violation with the Open Meetings Act.

Councilmember Ryzyi stated he disagrees. Mayor Galeas stated this goes back a few years. We have an Attorney that represents us. We need to give him some respect and positive feedback. Some of the questions that are thrown at him during Council meetings could be answered by the City Manager before the meeting, or during the meeting. This is her full-time job; the City Manager represents the Council as well as the residents. We can do this in a more professional way. This seems to be a witch hunt. People shouldn't be called out in front of a group of people. He understands people might disagree, but it doesn't mean we argue, and this is disrespectful to each other as well as the public. Mayor Galeas further stated this seems to be campaign talk, and to prop yourself up by making other people feel bad is not right. We all owe people respect and if you ask questions, ask questions, but you don't need to argue. If our City Attorney is giving us legal advice, and you don't agree, then ask the City Manager to get involved.

Councilmember Ryzyi stated we asked for these questions to be answered at the next Council meeting, and now I am being told there are no answers. Councilmember Ryzyi stated there have been multiple times when Council has made decisions in closed sessions. Attorney Wilhelm stated they have not. Attorney Wilhelm stated from now on, every time we have a closed session, he will ensure that Council makes some kind of a motion in the open session, even if it is to not act on the discussion in the closed session. Councilmember Ryzyi stated that proves his point. Attorney Wilhelm stated it does not, you are not dealing with all the facts. He further stated you just want to run rough shot over someone that doesn't have a chance to defend himself. Councilmember Ryzyi stated most of the closed sessions held in 2015 were not necessary. He further stated the more he looks into this, we did make decisions in closed sessions that were not noted in the open session. Attorney Wilhelm stated we will make sure your concerns are handled. There were no violations. Councilmember Ryzyi stated he is entitled to his opinion and so is Attorney Wilhelm. Attorney Wilhelm stated he wants to ensure he knows what is being asked of him. He further asked do you want me to render a legal opinion if a decision was made in closed session. He further stated it is clear to him he is being put in a position where he cannot comply with your requests and it is all done with a political bias to make me look bad. Councilmember Kramer asked for every date that Councilmember Ryzyi is alleging there was a violation of the Open Meetings Act.

Councilmember Rzyzi stated he doesn't have all the dates in front of him. He further stated going forward he will keep digging for the information and keep asking the tough questions.

Councilmember Kivell asked Councilmember Rzyzi if the value of the information that you get in return is enhanced by all your face time for talking this endlessly, and would it be as important to you if you just got the information over the phone. He further stated you could then report the information during the meeting. Councilmember Kivell stated he is sorry everyone has to go through all of this, and it won't last forever.

Mayor Galeas stated the insinuations or accusations that we don't want to talk in front the cameras is not right. He stated we are a Board and the City Manager runs the everyday business of the City and he still believes some of this could be discussed with the City Manager. He further stated we are a team and we have to work together and there are other agendas that are going on. He further stated it isn't always the questions that are asked but the delivery of the questions, and it is not very professional. We are getting so much done, but yet there is so much attacking going on. Councilmember Wedell suggested that when someone goes off the rails, maybe the Mayor should use his gavel and continue to until the meeting is in order. He further stated the disrespect that is happening here is not acceptable; we need to treat each other with respect.

Clerk Deaton stated as long as she has been doing minutes, the only time we put anything in the regular minutes is any motion made based on what occurred in the closed session. She further stated there has been discussion during closed sessions, but anytime there was a motion made, it was in open session after the meeting reconvened. She stated in the future she could add a sentence when the regular meeting reconvenes regarding what the meeting was about if Council would like her to. Councilmember Rzyzi stated she is doing a good job.

ADJOURNMENT

CM 1-12-17 MOTION TO ADJOURN

Motion by Kramer, supported by Wedell

Motion to adjourn the meeting at 10:00 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor John Galeas

Lisa Deaton Clerk/Treasurer

CITY OF SOUTH LYON
REGULAR COUNCIL MEETING
FEBRUARY 13, 2017

Mayor Pro Tem Wedell led those present in the Pledge of Allegiance
Mayor Pro Tem Wedell stated Mayor Galeas will not be attending because he is ill

PRESENT: Mayor Pro Tem Wedell
Councilmembers: Kivell, Kramer, Kurtzweil, Parisien, and Rzyzi
Also Present: City Manager Ladner, Department Head Martin, Chief Collins, Chief Kennedy,
Attorney Wilhelm and Clerk Deaton

CM 2-1-17 MOTION TO EXCUSE ABSENCE

Motion by Parisien, supported by Kurtzweil
Motion to excuse the absence of Mayor Galeas

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES 1-23-17

CM 2-2-17 MOTION TO APPROVE MINUTES

Motion by Kivell- no support
MOTION FAILED

Councilmember Rzyzi stated he is struggling because the last meeting wasn't recorded on video, and he always reviews the video along with the minutes to ensure they are 100% accurate. He further stated the audio wasn't available either. Councilmember Rzyzi stated at a previous meeting he asked for Attorney Wilhelm's letter to be added to the minutes, and he was told it was added, but he wasn't able to check because the website is down, and he looked today, and it still isn't there. Mayor Pro Tem Wedell stated we are discussing the minutes from the last meeting, not of meetings in the past. City Manager Ladner stated the video is not the official record of the meeting, and not being able to review a video shouldn't hold the approval of the minutes up because that isn't the official record. Councilmember Rzyzi repeated that he has been told several times the letter was added, but it is not on the website. City Manager Ladner stated Clerk Deaton did add them. Councilmember Rzyzi stated this is a mess. Councilmember Kramer stated we could put this off until the next meeting. Councilmember Rzyzi asked Clerk Deaton if the letter was added to the minutes. Clerk Deaton stated the letter was added to the minutes, and she will scan them in and forward them to the City Manager in the morning to be added to the website. Councilmember Kurtzweil stated she will not approve the minutes as well, because there is no audio or video for her to review the minutes and to ascertain if the minutes are correct. She stated someone may bring up the point that she wasn't at that meeting, therefore she doesn't have the ability to approve the minutes. She stated according to Robert's Rules of Order, a member's absence from a meeting for which minutes are being approved, does not prevent the member from participating in the correction or the approval. She further stated she will not approve anything she cannot ensure is correct. Mayor Pro Tem Wedell stated it is common for people that were absent from a meeting to abstain from the minute's approval. Councilmember Kivell stated for years we had minutes that didn't have video or audio for validation of what had taken place, and if you cannot read the minutes, and you were at the meeting and you don't have the recognition of whether or not that is an accurate account of what had taken place, you probably shouldn't be sitting here. Councilmember Kurtzweil stated that is an inappropriate comment.

BILLS

Councilmember Rzyzi asked why the Attorney bills are not included in the packet. Attorney Wilhelm stated the invoices are normally presented at the second meeting of the month. Councilmember Rzyzi further stated they were not at the last meeting as well, and there were questions about getting some invoices corrected.

CM 2-3-17 MOTION TO APPROVE THE BILLS

Motion by Parisien, supported by Kivell

Motion to approve the bills as presented

VOTE:

MOTION CARRIED- 2 OPPOSED

AGENDACM 2-4-17 MOTION TO APPROVE AGENDA

Motion by Kramer, supported by Kivell

Motion to approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Judy Keiling of 62810 Arlington stated at a previous meeting Council discussed fixing the roads. She stated if there is no money to fix the roads, if the City considered cancelling the leaf pick up, and using the money from that to go towards road repairs.

Carl Richards of 390 Lenox stated he is glad to be here, and there is a lot of good stuff happening in the last 3 weeks City wide. He further stated he is bringing up a new subject tonight. He stated he has thought about this for many years. He stated he would like Council to consider a new commission. He stated it would be the Oversight Commission. He stated the structure would be 10-12 members to begin with. The Mayor would be the chairperson, after a year or two the number of members will drop to 8 members. He stated the composition would be intricate people from the community, and a Councilmember. He stated they would meet bi-monthly, no initial cost, and no savings initially. He further stated the savings could be great and substantial. He further stated the commission would report to Council and the City Manager. The purpose would be to overview things going on inside and outside issues that may arise. He further stated the guidelines would be common sense, and fiscal practicality. He stated this is a rough outline, and he is going to submit this to the City Manager.

Marilyn Smith of 120 E Lake stated this stuff has got to stop. The meetings are embarrassing, and there is too much grandstanding going on. There have been students in the audience, and we as adults need to be setting the example, and there are a couple of people here that don't do that. You need to treat each other with respect and courtesy, and handle yourselves professionally. She stated with the debacle that happened with her predecessor, we were the laughing stock. We don't need to review the entire meeting at Council Comments, we don't need to be bashing each other on Facebook. She further stated two meetings ago Councilmember Kurtzweil asked Department Head Martin a question, and as he tried to answer you talked over him. She further stated you are always attacking the City Attorney, and if you are unhappy with him, there are ways to handle that. She further stated they are all personal attacks. She stated it is unnecessary. She stated she told her kids, they have the right to question anything but do so respectfully.

OLD BUSINESS- None

NEW BUSINESS

I. Presentation to Council regarding installation of solar power generation equipment at Waste Water Plant

Corry Bala of the South Lyon Hotel 201 N Lafayette stated he isn't here to talk about the hotel, but he will answer any questions anyone may have. Councilmember Ryzyi asked if there will be raised seating on the outside. Mr. Bala stated there will not be any steps, but the porch will be a patio or pavers, and it will be above grade. He further stated they were able to almost double the capacity for outside seating. Mr. Bala stated he is working with Superior Renewable Solutions selling solar energy. Mr. Bala introduced Chris Yuko who is the owner of SRS. Mr. Yuko gave a PowerPoint presentation regarding the proposal of solar energy at the Waste Water Treatment Plant. Mr. Yuko stated they are a Michigan based company. He stated his background is on the finance side. He stated Solar is a maintenance free system. The panels are 3x5. We are currently talking about a ground based system at the water plant. He further stated there are common myths such as not having enough sunlight in Michigan and the Midwest. He stated the Midwest has more sunlight than Germany, and they are a solar leader. He stated snow is not a problem because if snow covers the panels for a few weeks, you are losing very little energy production, and panels can withstand 2inch hail and 90 mph wind. He further stated they are warrantied up to 25 years. Mr. Yuko stated some people think solar is too expensive, but they have dropped 50% between the years of 2010 and 2015. He stated it is not a new technology, the first panels were released in the 70's, it is proven technology. He further stated Mr. Bala had been speaking with Bob Martin regarding the WWTP. He stated there is plenty of room there, which we could use, and this technology could reduce electric use by 24%. Mr. Yuko stated you cannot net meter for more than 150 kilowatts. What that means, is if your meter overproduced, the energy would be pushed back to the electric company and they would utilize the energy. He stated with 338 kilowatts, it would be a no flow project. He stated the gross project cost would be \$750,000 but structured to take advantage of incentives. He further stated there are numerous areas that could work near the WWTP. Mr. Yuko stated they work with design engineering, and only tier one suppliers. Mr. Yuko stated there is a lot of positive environmental impact. He further stated you can monitor the energy so that members of the community can see what the impact is. Mr. Yuko explained the financing option using a third-party investor leases the panels to the City. He stated by doing this, there is no upfront capital needed, because it is a lease, the City will own the system after 6 years. Mr. Yuko stated the next steps would be for the City to sign a letter of intent showing interest and to cover the engineering fees of \$3,000 for soil samples and such, and that would go towards the cost. Mr. Bala stated the introductory letter and company biography was handed out to Council along with the estimated term sheet. He stated the numbers are estimated, but basically it will be a 20-year contract, lowering electric cost and inflation they could be paid off in 20 years, and this also means going green with no cost.

Councilmember Parisien asked how many other communities are using these and are they successful, because this is the way of the future, bringing this to South Lyon would be fabulous. Mr. Yuko stated most of the communities he has dealt with are in Indiana, and they have been successful. Councilmember Parisien asked Department Head Martin for his thoughts. Department Head Martin stated the WWTP is about science and chemistry, and this fits in with that. He doesn't think we should just say no, we need to look into this. He met with Corry a few times and he did a great job with the presentation. Mr. Bala stated there are two communities in Minnesota that did install these panels at their wastewater treatment plants. He further stated Department Head Martin did tell him he wants to make sure nothing ever

happens to cause the WWTP to stop functioning. Mr. Bala stated this would not take the plant off the grid, it would still have electric energy. Councilmember Ryzyi thanked them for the presentation. He stated he has concerns. He stated hearing there isn't other communities in Michigan using this, as well as there aren't very many waste water plants using this, and he doesn't want the City to be the guinea pig. He further stated there are some figures in here that is hard to digest to see what the payoff would be. He further stated he doesn't mind them looking into this further, but he doesn't see the City paying \$3,000 upfront because they are gaining the business. Councilmember Kivell asked if this would ever generate enough energy to take us off the grid. Mr. Yuko stated no, it would not. Councilmember Kivell stated he is also interested in finding out what the break-even number is and the projected savings number.

Councilmember Kurtzweil stated she has several concerns. The City received a letter from the State of Michigan for corrective action because our expenditures were exceeding our revenues. She is not convinced we are in the right financial position to even hear this proposal right now. She further stated she is in favor of green energy and very interested in wind generators, but you have to time it financially to expend that cost, and she doesn't see that happening in 2017 or 2018. We have a bond of \$380,000 a year with 9 more years to pay on it, and last year the water and sewer department was running at a loss, and she doesn't know if that has been taken care of or not. She further stated she isn't inclined to push any more money into that department until they get their feet on the ground and they are operating in the black and not red. She further stated if we look at solar energy, we will need to look at additional companies as well. She further stated you have to look at backups with batteries and she is disillusioned that this company doesn't have that. Mr. Yuko stated they have the capability, it just doesn't make sense. Councilmember Kurtzweil stated then maybe it doesn't make sense for us to have this. She further stated the City is not in the financial position to be considering this at this time.

Councilmember Kramer asked if Mr. Bala could give them some hard numbers to look at in the future. Councilmember Ryzyi stated \$750,000 is a lot of money, and we have a lot of bonds, and tying this to the area, home values are going up, roads need to be fixed, they need to build another school, or someone may discuss a recreation center, and there are all these mileages that may increase, and to put this in front of us right now with all these expenditures, there is a reason people are still using old fashioned electricity. He further stated it may be the way of the future, but until he sees hard numbers and the payoff he will not entertain this.

Councilmember Parisien stated it wouldn't be too bad to take a risk, and if we looked the breakdown of what we would be saving each year, and if we had hard figures, she would be inclined to look into this. We may not be in the financial position we would like to be in, but if we did implement this and we could see up front figures of the savings, it would help.

Councilmember Kivell stated we should be able to get break even numbers without the engineering being done.

Mayor Pro Tem Wedell stated he is also concerned as to how this would work into the budget, and this should be part of the budget deliberations, and he recommends the City Administration reviews this when they have better numbers.

Councilmember Ryzyi stated we are not signing the letter of interest tonight, and wanted to make that clear.

2. Consider acceptance of \$1,000 donation from Prime-Time Marketing

Chief Kennedy stated in September of 2016 South Lyon Busch's was one of 4 locations that Josh Sellers Wine had a Firefighters outreach event, and our Fire Department was there for a day for a promotional event and for doing so, they donated \$1,000 to our Fire Department. Councilmember Kivell asked if this was a public event. Councilmember Ryzyi asked how South Lyon was chosen. Chief Kennedy stated he

2/13/17

was suspicious of the marketing firm, but he spoke with the store and it checked out. Councilmember Ryzyi stated he is surprised we haven't had the donation policy discussion as of yet. City Manager Ladner stated she is waiting for the Parks and Recreation Commission to complete their donation policy that Council asked them to create, to ensure our donation policy doesn't conflict with theirs.

CM 2-5-17 MOTION TO APPROVE DONATION

Motion by Kramer, supported by Kivell

Motion to approve the \$1,000 donation from Prime Time Marketing

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Consider proposed amendment to the Performance Evaluation Provision of the City Manager Employment Agreement

Attorney Wilhelm stated he was given direction at the last meeting to make an amendment to remove the specificity of the February performance evaluation from the City Manager's contract.

Councilmember Kivell asked if there is a reason that it is more generic than with the specified date in October. Attorney Wilhelm stated it provides Council the control when referring to and working with the City Manager for her reviews with consultation with her. City Manager Ladner stated this gives Council the flexibility if Council wants to do quarterly reviews or yearly.

Councilmember Kurtzweil stated she made a comment in the past regarding the City Manager's employment contract, and it is very favorable to the City Manager, and not the City. She asked who drafted the contract. Attorney Wilhelm stated he drafted it. Councilmember Kurtzweil stated the amendment is very favorable to the City Manager because it requires mutual agreement between the City and the City Manager. She further stated she would have phrased it as the City will provide you 120 days' notice when they want to do her review. She stated additionally there should be language added that if for some reason, we can't agree on a date annually, there is some sort of ability for the City to move forward with the evaluation. Councilmember Kurtzweil stated the amendment is not pro City at all, and neither is the contract. Councilmember Kramer asked if we can keep Section 11 as written, and if the City wants to set a date, and the City Manager doesn't agree, it will go back to the original contract language. Councilmember Kurtzweil stated the problem with the original contract language is it states the City Council must review the City Manager's performance annually, with the first one being in February. If you can't have the review in February, then when can you have it. The issue isn't her not being able to be reviewed in February or why isn't the issues. There should be language giving the City other options for the review. She stated this is making it more complicated because of the word mutual.

Councilmember Ryzyi stated he is uncomfortable with the language as well. He further stated when a contract comes up it is time to renegotiate, and he doesn't support the mutual agreement language. City Manager Ladner stated there are no termination or end dates for the contract. She stated that is very common for City Manager contracts. Councilmember Kivell stated this doesn't give the City the ability to impose a date for the evaluation if a mutual date can't be agreed upon. City Manager Ladner asked if Council is seeking to renegotiate her contract. Councilmember Kivell stated no, we are seeking to evaluate you. Councilmember Ryzyi stated he isn't comfortable, and at some point in time, this contract may need to be renegotiated, but he doesn't feel comfortable with Attorney Wilhelm doing it. Attorney Wilhelm stated based on the comments tonight, do you want to delete the annual requirement for a review. Councilmember Kurtzweil stated it is fair for Lynne to hear how Council is feeling about her performance. She isn't saying get away from that, she is saying Council can decide when the evaluation should be done, as long as she has been given 120 days' notice, until the City can get on track for yearly evaluations.

2/13/17

CM 2-6-17 MOTION TO POSTPONE EVALUATION AMENDMENT

Motion by Kramer, supported by Kivell

Motion to postpone the amendment to the City Manager's contract and direct Attorney to rewrite evaluation schedule

VOTE:

MOTION CARRIED UNANIMOUSLY

Mayor Pro Tem stated Chief Collins included some information for the winter run and Depot Day and asked if he had anything that he needed to say about that. Chief Collins stated none of the events are asking for road closures.

DISCUSSION- Downtown

Bob Donohue stated he has submitted a draft commercial tax abatement on façade grant programs. He stated he updated the memo and the table of contents. He stated he thinks we should probably set a study session to go over everything. City Manager Ladner stated she would be hesitant to schedule anything until the Mayor has returned.

Councilmember Kurtzweil stated she will be looking at the financial impact to the budget. She further stated she thought the minimum was 12 years. Mr. Donohue stated you can make the range, the maximum is 10-12 years. Councilmember Kurtzweil stated she has been pushing for this, but she does want to know how this will impact the DDA. Mr. Donohue stated it will stop any increment of increase for the DDA budget, but that is why there is an option to limit it to 1-3 years.

Mr. Donohue stated he spoke with the building department and the Sushi Restaurant was denied because of code issues, and their architect is currently preparing a response. The Mediterranean restaurant is on hold due to health department issues. He further stated the new hair salon is open. Councilmember Ryzzi stated he wanted to thank Mr. Donohue for being here and he is happy we are keeping this on the Agenda as a standing item, and we will keep talking about it. Mr. Donohue stated we need to have the study session sooner than later because of the façade grants.

MANAGER'S REPORT

City Manager Ladner stated City Hall is closed on Monday February the 20th for Presidents Day. She stated the website is up and running and if anyone notices anything is missing please let her know. She further stated the online bill pay is up and running as well. She stated we did have a few glitches with the two systems not sharing information, but that is now corrected. She further stated people can pay online, in the office and on the phone with debit, credit cards, and the system will also take e-checks.

City Manager Ladner stated she will be out of the office from Thursday at noon until Tuesday, but will be available by phone or email. City Manager Ladner stated the Governor has assigned a task force regarding the pension funding and overhead liability and she will keep Council posted. Councilmember Kurtzweil stated Lyon Township does a lot of good things. She stated one of the things their Agenda has all their reports at the beginning of the meeting such as DDA, Fire and so on as opposed to the end of the Agenda, so the Department Heads may leave earlier if necessary. She stated it worked at Lyon Township, and it is just a suggestion, and it may streamline things a bit. She further stated Lyon Township keeps a spreadsheet pertaining to Ordinance and Zoning violations which includes when the file was opened, who the offender is and so on. She further stated they have done a great organizational sheet that is handed out each quarter.

Councilmember Kurtzweil stated she returned from out of town this weekend, and she had some emails from concerned residents. She stated there was a Facebook posting by Lori Mosier that was pertaining to the water billing problem, the posting said there is absolutely no need to contact City Council regarding

2/13/17

this matter at this point. She further stated that concerned some residents. She stated there are a lot of people out there that believe they are advocates and strong and passionate about what we say, and some individuals think this side-stepped Council. She further stated there were some comments made not very positive of City Hall regarding what is going on. City Manager Ladner stated she assumes that statement was made because the City Manager and staff run the daily operations of the City as it is written in the City Charter, and the daily operations of water billing and payments which doesn't need to be elevated to a policy setting issue. Councilmember Kurtzweil stated it could have been worded differently because it was interpreted very differently.

Councilmember Ryzzi stated he would like to thank City Manager Ladner for bringing up the subject of MERS. He further stated we went from 2.7 million unfunded liability to 4.7 million and that number isn't going away. He stated he also heard concerns from residents and they don't like being told they can't contact their City officials. He further stated he was very concerned about the last meeting not being recorded and the audio is not on the website. City Manager Ladner stated we have a loaner monitor, because they can no longer get parts for our recording system. She further stated she has contacted the Schools in regards to updating the system. Without updating we will continue to have challenges with recording the meetings. Councilmember Ryzzi asked when she contacted the company about fixing the equipment. City Manager Ladner stated the day after that and they have been working on it.

Councilmember Ryzzi stated people are asking him if this was sabotage. City Manager Ladner stated the equipment we use is as old as this building. Councilmember Ryzzi stated we need to have options in case that happens again. City Manager Ladner stated the official record of the meeting is the minutes, not the video. She further stated the schools had issues with this at their last meeting as well, but did not share the information with us.

COUNCIL COMMENTS

Councilmember Kivell thanked Chief Kennedy for the Fire Departments report. He further stated the report indicated that Lieutenant Demeniuk stepped away from the force because his business is doing so well, and that had taken place at the end of October and he was surprised to see that. Councilmember Kivell stated tomorrow is his wife's birthday, which is also Valentine's day. He further stated he hopes everyone has a nice week.

Councilmember Parisien stated she also wanted to thank Chief Kennedy for the yearly report, it was very concise, and well done. She further stated the new website is a huge step for us, very progressive, and we are on par with other communities with payments and it looks very professional. Councilmember Parisien stated the Historical Society is putting on an event Tuesday the 21st at 7:00 p.m. called Rare, Royal and Ridiculous and everyone should check it out. She further stated she wished everyone a happy Valentine's Day and thanked everyone for listening.

Councilmember Ryzzi stated as a Councilmember he likes to keep up to date regarding the things facing our City. One of the things he stumbled across was in the January 9th meeting the topic of a recreation center came up and it suggested it was an exploratory committee only. He further stated he wants to clear the record from his view, which is a recreation center is a terrific idea, but not in the City of South Lyon. We don't have the landmass for that. He further stated the topic was that it was going to be in McHattie Park, and that was the plan. There were people lined up out the door speaking for an hour or so, they were very upset. He stated on June 22 2015, we were asked to pass a resolution which stated McHattie Park is seeking to have a location formally designated as a conceptual location and information related to preparing for a joint community vote for the construction of the community recreation center. He stated it also stated to designate the selected location of McHattie Park as the location for community recreation center. He further stated the location of McHattie Park was mentioned 3 times, and the designated area

was mentioned twice. He further stated the resolution also called for a vote. He stated this document was basically handing over the keys to one of our gems, and he couldn't support it. He is mentioning this because during election season is when this usually comes up. Councilmember Ryzyi stated when this was voted on in 2015, we didn't vote to pass this resolution, we just motioned to postpone the discussion. He further stated he is telling all the voters, if this comes up again, he is against a recreation center anywhere in the City of South Lyon, but is all for one in Lyon Township. Councilmember Ryzyi wished everyone a good week.

Councilmember Kramer stated he is amazed with the fascination with the recreation center. He further stated the 3 communities that were looking at doing a community rec center decided it just didn't work, and as far as the communities are concerned, it will not go anywhere in the future.

Councilmember Kurtzweil asked Attorney Wilhelm if he had a chance to amend the December 9th invoice to reflect the phone call conversations that was brought to his attention. Attorney Wilhelm stated he will not be amending the invoice. Councilmember Kurtzweil asked if Attorney Wilhelm had a chance to review the minutes from February 9 2015 to see if a decision was made regarding purchasing property. Attorney Wilhelm stated he provided a copy of the minutes along with his letter. City Manager Ladner stated there would not be any closed session minutes from 2015 because they are destroyed after a year. Councilmember Kurtzweil stated the City Manager Ladner is correct, according to the Open Meetings Act does say minutes are held for a year for a closed session. She was asking about the closed session minutes and if there was a decision made in the closed session and the way to find if a decision was made would be to go to the closed session, your answer shows that you don't know the closed session minutes are to be destroyed after a year. Attorney Wilhelm stated he was asking for clarification between the open and closed meeting.

Councilmember Kurtzweil stated she has spoken with some potential candidates and she thinks they will be fabulous, and she hopes they decide to go through with their decision to run for Council. She stated that question was asked for her. She further stated the reason she ran was when she reviewed a Council meeting of 4/13/15. At that meeting a resident revealed she received a \$1,244.00 water bill from the City. She lived alone, and never knew the total of the bill was false. She called the City, and the person that does the utility billing told her that that was a false reading, and there was inappropriate conduct of a City employee. Mayor Pro Tem Wedell stated he is calling for an adjournment. Councilmember Kurtzweil stated you are covering things up. Councilmember Ryzyi stated you are violating Council rules and this is a cover up same as the meeting not being recorded.

ADJOURNMENT

CM 2-7-16 MOTION TO ADJOURN

Motion by Kiyell, supported by Parisien

Motion to adjourn meeting at 9:00 p.m.

VOTE:

MOTION CARRIED

Respectfully submitted,

Mayor Pro Tem Wedell

Lisa Deaton Clerk/Treasurer

AGENDA NOTE

MEETING DATE: February 27, 2017

PERSON PLACING ITEM ON AGENDA: Per Council direction 1/23/17

AGENDA TOPIC: Proposed amendment to the Performance Evaluation provision of the City Manager Employment Agreement

EXPLANATION OF TOPIC: On January 23, 2017, Council directed the City Attorney to negotiate an amendment to the performance evaluation provision of the City Manager Employment Agreement to eliminate the requirement that it occur in February of each year.

Section 11 of the Agreement currently states:

Section 11: Performance Evaluation & Goals

The City Council shall review Employee's job performance at least once annually with the first review being in February 2015, and subsequent annual reviews to occur during the month of February of each year thereafter unless the parties agree otherwise. The annual performance reviews and evaluations shall be in writing and in accordance with criteria and format developed jointly by the City Council and the Employee. The City Council shall provide the Employee a reasonable and adequate opportunity to discuss the Employee's evaluation with the City Council. The annual performance reviews and evaluations shall be reasonably related to the Employee's written job description and shall be based, in whole or in part, on goals for the Employee's performance that are jointly developed and adopted by the City Council and the Employee.

The proposed amendment to Section 11 would replace existing language in its entirety and read:

The City Council shall review and evaluate the performance of Employee at least annually on a date to be mutually agreed upon by Employee and Council, and at such other times or intervals as the City Council may deem appropriate. The performance review and evaluation shall be undertaken in a form and manner desired by the City Council in consultation with Employee. The City Council and Employee shall jointly define, establish, and prioritize performance goals and objectives for Employee's performance, and any such criteria may be modified, added to, or deleted from, as City Council may from time to time determine in consultation with Employee.

REVISED LANGUAGE – AS OF 2/15/17:

The City Council shall review and evaluate Employee's performance at least annually on a date to be set by the City Council, and at such other dates and times or intervals as the City Council may deem appropriate. City Council shall notify Employee of the date and time for a performance evaluation at least one (1) Council meeting in advance. [ALTERNATIVE: City Council shall notify Employee of the date and time for a performance evaluation at least ___ days in advance. SEE NOTE BELOW]. Failure to review and evaluate Employee's performance at least annually shall have no effect on the rights, duties, and obligations of the parties provided for in this Agreement. The performance review and evaluation shall be undertaken in a form and manner desired by the City Council in consultation with Employee. The City Council shall define, establish, and prioritize

performance goal, objectives, and criteria for Employee's performance, which may be modified, added to, or deleted from, as City Council may from time to time determine.

[Requiring that the City Council/City notify the Employee a specific number of days in advance of the date for a performance review would likely require that the manner of providing notice be specified which then raises the question of who at the City will be responsible for providing the notice to the City Manager when this type of administrative action would be done by the City Manager.]

The proposed amendment is acceptable to the City Manager and the City Attorney.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: None.

POSSIBLE COURSES OF ACTION: Approve/Reject/Postpone/Table

RECOMMENDATION: Approve

SUGGESTED MOTION: Motion to approve the proposed amendment to Section 11 entitled Performance Evaluation and Goals of the City Manager Employment Agreement as presented, and authorize the Mayor and Clerk to sign a First Amended and Restated City Manager Employment Agreement containing the amended Section 11.

From: Joseph Rzyti
To: [Lynne Ladner](#)
Subject: Re: Change of plans
Date: Monday, February 20, 2017 6:49:00 PM

City Manager Ladner,

Please add to the 2/27/17 council agenda a discussion item regarding water bills.

I received feedback from many residents claiming their bills are questionable. As a council, we owe it to the residents to review this topic, identify next steps and any corrective actions

If supporting documentation is needed, please attach this email

Thanks
Joe

On Feb 20, 2017, at 4:31 PM, Lynne Ladner <lladner@southlyonmi.org> wrote:

Ladies and Gentlemen,

I wanted to give you an update on my return to work this week. As many of you knew I had planned to be out of the office thru Tuesday to take my son to visit two colleges that he is considering. My grandmother's passing required that we make adjustments to our plans. We laid my grandmother to rest on Saturday and spend the rest of Saturday and Sunday attending to her final affairs as my mother has already passed.

Trevor and I have begun our return trip to Michigan. We will have a shorter day today and finish with K-State on Tuesday, we will then travel on Tuesday to South Bend In and visit Notre Dame Wednesday morning. After our visit to ND we will finish the drive to South Lyon. I will be back in the office on Thursday.

Lynne Ladner
Sent from my iPhone

On Feb 14, 2017, at 8:13 PM, Lynne Ladner <lladner@southlyonmi.org> wrote:

Ladies and Gentlemen,

Though not entirely unexpected, I am experiencing a change in plans for the rest of this week and the beginning of next week. As I stated at the meeting on Monday night I was scheduled to be out of the office beginning on Thursday afternoon through next Tuesday. This afternoon (Tuesday) my grandmother passed away at the age of 101. I will be leaving on Wednesday for Kansas for the funeral rather than my previously planned college visitation trip with Trevor. I will let you know when I will be back in the office as soon as I know the funeral plans. I do anticipate returning mid next week but I am not sure of the exact day.

Lynne

**City of South Lyon
Planning Commission
Regular Meeting Minutes
February 9, 2017**

The meeting was called to order by Chairman Lanam at 7:03 p.m.

PRESENT: Scott Lanam, Chairman
Keith Bradley, Vice-Chairman
Jerry Chaundy, Secretary
Wayne Chubb, Commissioner
Michelle Berry, Commissioner
Mike Joseph, Commissioner
Steve Mosier, Commissioner

ABSENT: Frank Leimbach, Commissioner (excused)
Jason Rose, Commissioner (excused)

OTHERS PRESENT: Kelly McIntyre, Planning Consultant
Timothy Wilhelm, City Attorney
Megan Blaha, City of South Lyon

APPROVAL OF AGENDA

Motion by Bradley, second by Berry to approve the agenda for February 9, 2017.

VOTE

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES AS AMENDED:

Motion by Mosier, second by Bradley to approve the minutes for January 12, 2017 as presented.

VOTE

MOTION CARRIED UNANIMOUSLY

COMMENTS FROM THE PUBLIC:

None.

PUBLIC HEARING:

None.

NEW BUSINESS:

None.

OLD BUSINESS:

1) Alexander Center Parking Lot

Planning Consultant McIntyre stated that the applicants are here tonight requesting an amendment to the conditions of their site plan approval. McIntyre reviewed Carmine Avantini's letter dated February 7, 2017. She stated that the applicant is requesting to use a portion of the building that was to be left vacant per site plan approval.

Commissioner Chubb asked how the Commission would be able to remove a condition to the site plan that was based on the ordinance? McIntyre responded that the Planning Commission does have some discretion in this area. She also noted that the Planning Commission is currently revising the zoning ordinance and parking standards will likely be revised in the process. McIntyre went on to say that the applicant has submitted their own parking study to the Planning Commission.

Commissioner Bradley asked if, when the new ordinance was in place with lower parking standards, will the applicant still not meet the requirements? McIntyre stated that would be correct, the applicant will still not meet the parking requirements for a restaurant.

Chairperson Lanam went over the history of this project since 2004. He stated that throughout the development of this site, it was always presented as low-use retail. The Planning Commission discussed with the property owner, at length, the parking requirements for a restaurant. Lanam stated that the Planning Commission had repeatedly told the property owner that the site plan, as presented in 2004, did not have enough parking on-site to accommodate a restaurant.

Lanam stated that the property owner got initial site plan approval and then came back asking to put a restaurant at this location and that is how the situation of having two vacant units came about. Lanam noted that the Planning Commission had discouraged the property owner from doing this because it did not make fiscal sense to keep units vacant. Lanam went on to say that the units aren't really vacant like they are supposed to be because they have been used for storage. He continued that the Planning Commission had come up with other ideas for the site plan, including demolition of the original part of the structure to create more parking. He stated that the Planning Commission has consistently tried to help guide the development of this site and help the property owner.

Lanam reviewed the packet for tonight's meeting and stated that there are several meetings that the applicant attended, but these minutes are not included. He stated that they would help everyone, including the property owner's attorney understand the history of the property. Blaha stated that she would research the minutes and distribute omitted ones to the Planning Commission.

Lanam stated that he has several questions for the property owner and/or his representatives. Lanam asked why there is always garbage and clutter stacked up around the back door. He went on to say that cleanliness on the site has been an issue. Lanam said that garbage is kept at the back, the door is rusty, the parking lot bollards have never been painted and there is graffiti that has never been fully removed. Lanam said that the appearance on all sides of the building needs attention.

Lanam stated that he had reviewed the parking study that the applicant submitted and it does not appear to have been conducted by a professional. He noted that he had driven by the site tonight and

counted 23 cars in the lot. According to the parking study, there are never that many cars in the parking lot. Lanam said that he isn't taking much stock in this parking study.

Shiraz Khan, Shiraz LawFirm
20245 W. 12 Mile Road, Suite 215, Southfield

Khan stated that he is the attorney representing the property owner of Alexander Center. He said that he doesn't know the entire history of the property and everything that has happened with the Planning Commission. He stated that his client just doesn't have enough seating at his restaurant. Business has increased and the only reasonable solution is to open up Unit C and use a portion of it for seating. According to the parking study, even during peak times, there is sufficient parking.

Khan said that he understands that his client agreed to keep Units A and C empty in 2012 however things have changed. Khan stated that 95% of traffic coming to the center is for the restaurant. He stated that the other tenants in the center are holdover tenants and can be given notice to vacate if need be.

Khan stated that if the requirement is to keep a certain amount of space unused, perhaps the Planning Commission could agree to keep alternate units vacant instead of Units A and C? Khan mentioned using 800 SF of Unit C to provide the restaurant with more seating area.

Khan discussed the shared parking agreement idea that had been suggested a few years ago. He stated that from what he can tell, it is the neighbors utilizing Alexander Center's parking lot, not the other way around. Lanam responded that in all fairness, some of the cars that he counted before tonight's meeting could be from the neighboring property.

Lanam stated that he sees some of Khan's points, but that no matter how you look at this situation, it is a self-imposed hardship and the site doesn't meet the parking requirements for restaurants under the current ordinance or the future, revised ordinance.

Bradley agreed with Lanam, stating that he doesn't see what will stop the applicant from coming back to the Planning Commission again in the future to utilize even more of Units A and C?

Lanam stated that all of these issues go back to the fact that the building was never intended to be a restaurant. He went on to say that history tells them that this issue with Alexander Center will keep coming back.

Shiraz stated that he does not think that his client will want to expand beyond what he is requesting tonight. Lanam noted that the Planning Commission heard that the last time this site was discussed.

Bradley stated that any way you cut it, the ordinance requires a restaurant of this size to have 35 spaces and there are only 32 on the site.

Lanam stated that his issue with this request is that from day one, there were requirements of the site plan that have not been met, and things that have not been done the way they were supposed to be done. The property owner used cheaper materials on some parts of the building and didn't put finishing details on other parts. He hasn't met the requirements of the site plan and he has cut corners. Lanam stated that the property owner was eventually forced to do things some correctly in order to obtain a certificate of occupancy.

Shiraz stated that he doesn't know the whole history of this property and his client's interactions with the Planning Commission but he would like to move forward. Right now his client's issue is that he has enough parking spaces but his customers at the restaurant don't have enough places to sit. Khan stated that he and his client will work with the city. Khan went on to say that he is not asking to use all of Unit C, just enough to fit 10-15 more seats.

Lanam asked for clarification on whether they needed 10-15 seats or tables? Shiraz stated that it was 10-15 tables. Lanam asked if that would mean 40 more seats? Shiraz stated yes, but they would settle for less. Lanam responded that the Planning Commission had already tried that. In 2011 or 2012 when the site plan was approved they showed a minimal number of seats on the site plan and then ended up cramming way more seats in the building than was shown on the plan. Shiraz stated that they will work with the city and do exactly what they approve.

Commissioner Berry asked for clarification on the exact number of seats that they were asking for. Shiraz responded that they were looking to add 35-40 seats.

Commissioner Mosier stated that he thought the property owner would have done the needed maintenance to the property before coming to the Planning Commission asking for an amendment to the site plan. Bradley agreed stating that this is not a tradeoff, there are things that were supposed to be done to Alexander Center that have not been done. They have not met the obligations of the site plan and now they are asking for more.

Lanam stated that he would like to have the opportunity to review the site plan that was approved in 2012 and see what seating was shown on the plan. He would also like to compare it to what the actual seating is now. Lanam stated that without some kind of drawing of what the applicant is proposing, the Planning Commission doesn't really know what they are being asked to approve. Lanam stated that it doesn't need to be a professional drawing but he would like to see a layout of exactly what is being requested.

Commissioner Chubb stated that the Planning Commission usually doesn't look at interior layout and questioned if this was under their purview.

City Attorney Wilhelm stated that he will look into the Planning Commission's authority to make interior use decisions, noting that some of this might overlap with the building code. He stated that the Planning Commission should focus on the parking requirements.

Commissioner Joseph stated that he agrees that the Planning Commission is being asked to make decisions about parking without specific information about how many occupants the applicant wants to add.

Chubb added that the current use might not be there next week but the decisions that the Planning Commission makes will carry over to future tenants and uses.

Bradley asked about any future tenants with more intense uses coming to Alexander Center.

Shiraz clarified what the Planning Commission was looking for. Lanam stated that they wanted to see: current seating, proposed seating and square footage of useable floor area. Mosier added that he would like to see the square footage of all other units in the center.

MOTION TO TABLE THE REQUEST FOR AN AMENDMENT TO THE SITE PLAN FOR ALEXANDER CENTER:

Motion by Bradley, second by Mosier to approve the conditional rezoning request for 500 Stryker Street.

VOTE (1 opposed)

MOTION CARRIED

2) Zoning Ordinance Review – Lot Coverage

McIntyre stated that the ZBA has received many variance requests regarding lot coverage. Almost half of these requests have come from Charleston Park when someone goes to build a deck or raised patio. She has researched several neighboring communities' standards for lot coverage maximums. The ordinance currently limits lot coverage to 25%. McIntyre stated that the Planning Commission has a few options, including changing the definition of lot coverage, increasing the percentage or a combination of both.

Lanam asked when residents come for a variance, what is the typical percentage increase they are looking for? McIntyre stated that most requests are looking for a 5% variance or less.

Joseph asked if pavers counted towards lot coverage. McIntyre stated that they are counted, and so are pools, paved areas around pools and covered pergolas. She stated that they currently do not count driveways or parking pads.

Lanam stated that is his opinion a deck or raised patio is different from on-grade pavers or a patio, because an on-grade patio is not intrusive to neighbors.

McIntyre stated that the trend for lot coverage in neighboring communities is 30%, and some go as high as 40%.

Bradley stated that he thought increasing to 30% would be adequate. Berry stated that she also thought that would be acceptable. There was a discussion about changing the definition of lot coverage and including driveways.

Chubb noted that houses in many of the new subdivisions have front yard driveways and probably more than 25% of these lots are covered by impervious surface, maybe closer to 50%.

McIntyre stated that she will do more research.

MOTION TO TABLE THE DISCUSSION OF LOT COVERAGE:

Motion by Mosier, second by Berry to table the discussion of lot coverage.

VOTE

MOTION CARRIED UNANIMOUSLY

TABLED ITEMS:

None.

PLANNING CONSULTANT REPORT:

None.

STAFF REPORT:

There was a discussion regarding signs around town. Blaha stated that a new code enforcement officer had been hired and was working on some of these issues.

ADJOURNMENT:

Motion by Chaundy, second by Bradley to adjourn the meeting at 8:24 p.m.

VOTE

MOTION CARRIED UNANIMOUSLY

Kristen A. Delaney

Scott Lanam, Chairman

Kristen Delaney, Recording Secretary

Jerry Chaundy, Secretary

DRAFT

South Lyon Historical Commission Meeting
Wednesday, February 1, 2017
Minutes

Members Present: Larry Ledbetter, Linda Ross, Bob Tremitiere, Jim Race, Gary Wickersham

Members Absent: Roger Heiple, Phil Weipert

Others Present: Carl Richards, Pete Niedzielski

President Larry Ledbetter called the meeting to order at 7:35PM. A quorum was declared.

December Minutes: Linda motioned to accept the December minutes. Jim seconded and the motion passed.

Larry introduced Pete Niedzielski. Pete is a retired electrical engineer, and currently works at Martin's Hardware. Pete is going to help us when we need an electrician.

Grants: Larry discussed the grants that are available from Oakland County. They are available from Memorial Day to Labor Day. Since our Depot Day is one week after Labor Day, Larry will ask them if they make exceptions. Another idea is to have our open house in the summer when we could take advantage of the grants. Bob said that Lynne Ladner sent him information on another grant that is available for railroad historical preservation. He will forward the information to Larry and Linda.

Historical Pictures: Bob has retrieved most of the framed photos from Andrea Phillips. There are still some missing and he will keep an eye out for them. One of them, of Lane's Garage, is still in the former Chamber of Commerce building. Since that building was originally Lane's Garage, Bob decided to leave it there. There were no objections. Anne at city hall was going to put them on display before she retired at the end of January, but it did not happen, and we are not sure when it will be done.

Budget for 2017-18: Bob reviewed the budget for the next fiscal year starting in July. There were a few minor changes and a new list of building repairs taken from our projects list. Gary moved to accept the proposal and Bob seconded it. The proposal passed. Bob will finalize it and submit it to city hall prior to his leaving for Florida.

Projects: We discussed a few of the projects.

-Gazebo Floor: The budget includes \$2000 for repairs to the gazebo floor. We do not yet know how we will proceed on this item. Options include sanding and refinishing the best of the existing floor and replacing the rest, complete replacement with composite flooring, and a few other possibilities. Bob asked Linda if she would ask her brother Steve Baggett, who did a nice job of rebuilding the school porch, to take a look at it and advise us on our options. We agreed that if we use wood, we would stain it, not paint it, since paint does not seem to hold up. Pete cautioned that he has heard a lot of complaints about composite decking. Larry also mentioned that we have to work around the wedding and concert schedules.

-Chapel Repaint: Larry will call Dan Hanson and get an estimate for a complete repaint of the chapel. We had Dan touch up the front last year, but realized that the entire building was due for a repaint.

Gazebo Roof: Bob said that we have two estimates for re-roofing the gazebo, and he will pursue it when he returns from Florida. There may be enough money in this year's budget to do it before July.

Brick Sidewalks: Bob said that about 50 of the bricks need to be replaced. We have some in the shed. Bob will call Davor Zander, who has done repairs for us in the past, to get an estimate.

Garden Path: Larry reported that Steven Burnas plans to work on the garden path in March as part of his Eagle Scout project. He will remove the existing pavers, prepare the base, and lay new pavers that will fit closer together to reduce the weed problem.

Re-Lighting the Outsides of the Buildings: The original lights have been mostly removed due to continuous vandalism. Jim has proposed using poles similar to the telegraph poles that used to be used on railroads to raise the lights high enough to reduce vandalism. He has not had success with the railroad, but will check out the DTE yard. We agreed that most modern utility poles are too large for our use. Larry suggested that Jim check with the DPW to see if they have any lamp posts that we could use.

Trim Tree: Larry will ask the DPW to trim the tree limbs hanging over the shed. This is a box elder tree, and we would not be sad if it were to completely disappear.

Repaint Shed: Carl has 5 gallons of paint that we can use to repaint the shed in the spring. Larry will ask the Methodist Church if they plan to have a volunteer day to help us with some chores, similar to what they did two years ago. It is possible that they could repaint the shed.

Breaker Box labeling: Larry said that most of the circuits on our four breaker boxes are not labeled. He plans to label them. Pete said he has a label maker and could help with it.

Bob's Absence: Bob said that he will be in Florida from mid February until early April and will miss the March meeting. We will need someone to take notes at the March meeting which Bob will organize into minutes and send out, and someone to take care of bills. Larry will do the bills. Bob said that he will probably be home in time for the April meeting, but will let Larry know if he is going to miss it.

Business concluded, Bob motioned for adjournment at 8:30, and Gary seconded. The motion passed.

Minutes recorded by Bob Tremitiere, Secretary
Submitted by Larry Ledbetter, president

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331
(248) 489-4100 Tax ID# 38-3107356

February 10, 2017

City of South Lyon
Attn: Lisa Deaton, Clerk/Treasurer
335 S. Warren Street
South Lyon, MI 48178

Invoice # 1068491

In Reference To: City Attorney Retainer Work

Professional Services Rendered Through January 31, 2017

| | <u>Hours</u> |
|---|--------------|
| <u>500 Stryker</u> | |
| 1/31/2017 TSW Continued preparation of Zoning Ordinance Amendment and Conditional Rezoning Agreement; legal research regarding Michigan Zoning Enabling Act | 1.10 |
| SUBTOTAL: | [1.10] |
| <u>City Council</u> | |
| 1/5/2017 TSW Receipt/review of Council agenda and packet | 0.20 |
| 1/7/2017 TSW Review minutes of 12/12/2016 council meeting and council agenda packet | 0.40 |
| 1/9/2017 TSW Attend Council meeting | 3.00 |
| 1/10/2017 TSW Telephone conference with and on Council issues and questions; review council minutes, notes and attorney-client privileged correspondence to Council | 0.80 |

Johnson, Rosati, Schultz & Joppich, P.C.

| | | | <u>Hours</u> |
|------------------------------------|-----|---|----------------|
| 1/10/2017 | TSW | Telephone conference with Clerk regarding closed sessions and council minutes and follow-up on council meeting issues | 0.20 |
| | TSW | Telephone conference with City Manager regarding follow up on or council meeting issues | 0.30 |
| 1/21/2017 | TSW | Review draft Council minutes | 0.20 |
| 1/23/2017 | TSW | Attend Council meeting | 2.50 |
| SUBTOTAL: | | | <hr/> [7.60] |
| <u>Comcast</u> | | | |
| 1/10/2017 | TSW | Telephone conference with City Manager regarding Comcast right-of-way permit status | 0.10 |
| 1/11/2017 | TSW | Receipt/review correspondence from Comcast attorney regarding status of right-of-way permit | 0.20 |
| 1/20/2017 | TSW | Receipt/review of multiple correspondence from K. Mazurek and City Manager regarding status of right-of-way permits | 0.10 |
| | | | No Charge |
| SUBTOTAL: | | | <hr/> [0.40] |
| <u>District Court Prosecutions</u> | | | |
| 1/3/2017 | CDS | Correspondence to South Lyon Police Department and Defense Counsel regarding Discovery (Morr) | 0.20 |
| | CDS | Receipt/review of Notice to Appear for Pretrial Conference (Dernai-Rogers) | 0.10 |
| | CDS | Receipt/review of Notice to Appear for Pretrial Conference (Rickett) | 0.10 |

| | | | <u>Hours</u> |
|-----------|-----|---|--------------|
| 1/3/2017 | CDS | Receipt/review of Notice to Appear for Pretrial Conference (Robinson) | 0.10 |
| | CDS | Receipt/review of Notice to Appear for Pretrial Conference (O'Neill) | 0.10 |
| | CDS | Receipt/review of Notice to Appear for Pretrial Conference (Caldwell) | 0.10 |
| | CDS | Receipt/review of Notice to Appear for Unformal Hearing (Certo) | 0.10 |
| | CDS | Review of files for 1/3/17 docket | 0.30 |
| | CDS | Prosecute morning docket | 3.50 |
| | CDS | Receipt/review of Vet Bills (Robinson) | 0.20 |
| | CDS | Receipt/review of Request for Discovery (Morr) | 0.20 |
| 1/9/2017 | CDS | Receipt/review of Updated 1/10/17 docket | 0.20 |
| 1/10/2017 | CDS | Receipt/review of Judge Bondy's 1/17/17 docket | 0.10 |
| | CDS | Receipt/review of Judge Law's 1/17/17 docket | 0.10 |
| | CDS | Receipt/review of Judge Reed's 1/17/17 docket | 0.10 |
| | CDS | Review of files for 1/10/17 docket | 0.30 |
| | CDS | Prosecute morning docket | 4.00 |

| | | | <u>Hours</u> |
|-----------|-----|---|--------------|
| 1/10/2017 | CDS | Receipt/review of Certificate of Completion (Kruse) | 0.20 |
| | CDS | Receipt/review of Appearance (Kruse) | 0.20 |
| 1/12/2017 | CDS | Review of Sentencing Order (Ronald) | 0.20 |
| | CDS | Review of Judgment of Sentence (Gardella) | 0.20 |
| 1/13/2017 | CDS | Receipt/review correspondence from Ryan Berman (Nelson) | 0.20 |
| | CDS | Correspondence to Ryan Berman (Nelson) | 0.20 |
| | CDS | Receipt/review of Request for Discovery (Nelson) | 0.20 |
| 1/16/2017 | CDS | Review of Judgment of Sentence (Sharrard) | 0.20 |
| | EKS | Review of files in preparation for 1/17/17 prosecutions | 0.80 |
| 1/17/2017 | CDS | Correspondence to South Lyon Police Department and Defense Counsel regarding Discovery (Nelson) | 0.20 |
| | CDS | Receipt/review of Judge Bondy's 1/24/17 docket | 0.20 |
| | CDS | Receipt/review of Judge Law's 1/24/17 docket | 0.20 |
| | CDS | Receipt/review of Judge Reed's 1/24/17 docket | 0.20 |
| | EKS | Prosecute morning docket | 2.00 |

| | | | <u>Hours</u> |
|-----------|-----|---|--------------|
| 1/18/2017 | CDS | Receipt/review of Appearance (Findling) | 0.20 |
| | CDS | Receipt/review of Demand for Discovery (Findling) | 0.20 |
| 1/19/2017 | CDS | Correspondence to South Lyon Police Department and Defense Counsel regarding Discovery (Findling) | 0.20 |
| 1/20/2017 | CDS | Receipt/review correspondence from R. Velarde - Stipulation to Adjourn (Berardelli) | 0.20 |
| | CDS | Correspondence to R. Velarde (Berardelli) | 0.20 |
| 1/23/2017 | CDS | Review of Stipulation to Adjourn (Berardelli) | 0.20 |
| | CDS | Receipt/review of Judgment of Sentence (Tallent) | 0.20 |
| | CDS | Review of Judgment of Sentence (Rogers) | 0.20 |
| | CDS | Review of files for 1/24/17 Docket | 0.40 |
| 1/24/2017 | CDS | Prosecute morning docket | 3.50 |
| | CDS | Review of letter regarding deviation (Pearce) | 0.20 |
| | CDS | Telephone conference with client M. Wittrock | 0.10 |
| 1/25/2017 | CDS | Receipt/review of Judge Bondy's 1/31/17 dpcelet | 0.10 |
| | CDS | Receipt/review of Judge Law's 1/31/17 docket | 0.10 |

| | | | <u>Hours</u> |
|-----------|-----|---|-----------------|
| 1/25/2017 | CDS | Receipt/review of Judge Reed's 1/31/17 docket | 0.10 |
| | CDS | Telephone conference with Susan Stowe (Stowe) (Grandtrunk) | 0.20 |
| 1/30/2017 | CDS | Telephone conference with Court, Tom Grossman (John Carpenter) | 0.20 |
| | CDS | Review of Register of Actions (Carpenter) | 0.20 |
| | CDS | Review of files for 1/31/17 Docket | 0.30 |
| 1/31/2017 | CDS | Prosecute morning docket | 3.50 |
| | CDS | Receipt/review of Secretary of State Records (Parker) | 0.20 |
| | CDS | Receipt/review of Notice to Appear for Pretrial Conference (Perry) | 0.10 |
| | CDS | Receipt/review of Notice to Appear for Pretrial Conference (Wiessbock) | 0.10 |
| | CDS | Receipt/review of Judge Bondy's 2/7/17 docket | 0.10 |
| | CDS | Receipt/review of Judge Law's 2/7/17 docket | 0.10 |
| | CDS | Receipt/review of Judge Reeds 2/7/17 docket | 0.10 |
| SUBTOTAL: | | | <hr/> [26.20] |

| | | | <u>Hours</u> |
|------------------|-----|---|--------------|
| <u>Fibertech</u> | | | |
| 1/6/2017 | TSW | Multiple telephone conferences with and multiple correspondence to and from J Newkirk at Fibertech regarding draft license agreement and supporting materials | 0.40 |
| 1/9/2017 | TSW | Review draft license and supporting documents for nodes | 0.30 |
| 1/12/2017 | TSW | Begin preparation of correspondence to Council regarding Fibertech license agreement | 0.90 |
| 1/16/2017 | TSW | Continued review of node specifications | 0.60 |
| | TSW | Continued preparation of correspondence to Council regarding Fibertech License Agreement | 0.70 |
| | TSW | Review Zoning Ordinance regarding right-of-way wireless facilities and correspondence to and from planning Consultant regarding DAS nodes in right-of-way | 0.60 |
| | TSW | Preparation of Agenda Note regarding Fibertech License Agreement | 0.40 |
| | TSW | Correspondence to and from J Newkirk at Fibertech regarding node specifications and other issues for license agreement | 0.20 |
| | TSW | Correspondence to City Manager regarding Fibertech materials for council agenda | 0.20 |
| | TSW | Correspondence to Road Commission regarding Fibertech request | 0.40 |
| 1/17/2017 | TSW | Continued preparation and update agenda note and license agreement and correspondence to Council regarding same | 0.50 |

| | | | <u>Hours</u> |
|-----------|-----|---|--------------|
| 1/17/2017 | TSW | Continued preparation of correspondence to RCOC regarding Fibertech request affecting right-of-way | 0.30 |
| 1/18/2017 | TSW | Continued preparation of agenda note and supporting materials for Fibertech License Agreement and multiple correspondence to City Manager | 0.60 |
| 1/19/2017 | TSW | Multiple correspondence to and from J Newkirk at Fibertech regarding additional information for license agreement and DAS details | 0.30 |
| SUBTOTAL: | | | <hr/> 6.40 |

General City Attorney Work

| | | | | |
|----------|-----|--|------|-----------|
| 1/3/2017 | TSW | Receipt/review correspondence from City Manager and others regarding Knolls and performance guarantee | 0.20 | |
| | TSW | Telephone conference with Council Member Parisien regarding Council rules and procedures | 0.30 | |
| | TSW | Receipt/review correspondence from Economic Development Director regarding building maintenance | 0.10 | |
| 1/5/2017 | TSW | Review/redact December JRSJ invoice and correspondence to City Manager regarding same | 0.20 | No Charge |
| | TSW | Telephone conference with City Manager regarding miscellaneous issues and council agenda | 0.20 | |
| 1/6/2017 | TSW | Continued review of new medical marihuana legislation | 0.80 | |
| 1/9/2017 | TSW | Review Open Meetings Act and materials on Council Rules and Procedures in preparation for Council meeting | 0.30 | |
| | TSW | Telephone conference with City Manager regarding BS&A software, Council agenda, uniform video franchise, purchase order forms, barrier free design exception requests, medical marihuana, ethics investigation status, Fibertech | 0.30 | |

| | | | <u>Hours</u> |
|-----------|-----|--|--------------|
| 1/9/2017 | TSW | Receipt/review of multiple correspondence from Building Official and City Manager regarding barrier free design exception application and State role | 0.20 |
| 1/10/2017 | TSW | Legal research regarding board member term of office and hold over; review City Charter and Code of Ordinances | 0.30 |
| | TSW | Correspondence to Economic Development Director regarding commercial rehab policy | 0.10 |
| 1/11/2017 | TSW | Telephone conference with City Assessor regarding poverty exemption guidelines and resolution | 0.20 |
| | TSW | Multiple telephone conferences with Planning Consultant and City Manager regarding Planning Commission agenda | 0.30 |
| | TSW | Receipt/review correspondence from City Manager regarding storm sewer easement for Sayre school project | 0.20 |
| | TSW | Investigation regarding Economic Development Corporation | 0.10 |
| | TSW | Review of alley tax foreclosure information | 0.20 |
| 1/15/2017 | TSW | Review 2/9/15 council meeting minutes | 0.10 |
| | TSW | Edit/revise poverty exemption resolution and preparation of agenda note | 0.40 |
| 1/16/2017 | TSW | Correspondence to City Manager regarding AT&T Uniform cable services local franchise agreement renewal | 0.40 |
| | TSW | Investigation regarding Sayre stormsewer easement and city property | 0.20 |
| | TSW | Correspondence to and from City Manager regarding Sayre stormsewer easement | 0.10 |

| | | <u>Hours</u> | |
|-----------|---|--------------|-----------|
| 1/17/2017 | TSW Telephone conference with M Muskovitz regarding meeting | 0.10 | No Charge |
| | TSW Correspondence to and from City Manager regarding Sayre School storm sewer project | 0.20 | |
| | TSW Preparation storm sewer easements for Sayre School project | 0.70 | |
| | TSW Continued preparation of correspondence to City Manager regarding AT&T uniform video services local franchise agreement | 0.40 | |
| | TSW Correspondence to and from City Manager regarding sewer back up claim | 0.10 | No Charge |
| 1/18/2017 | TSW Continued preparation of easements for Sayre School storm water project | 1.00 | |
| | TSW Begin review of conflict of interest research and materials | 0.30 | |
| | TSW Attend meeting with M Muskovitz regarding Kivell conflict of interest | 0.60 | |
| | TSW Receipt/review correspondence from City Manager regarding effect of bankruptcy on industrial tax abatements to Michigan Seamless Tube | 0.10 | |
| 1/19/2017 | TSW Telephone conference with City Manager regarding status of 500 Stryker rezoning and West End Industrial rezoning | 0.10 | |
| | TSW Telephone conference with City Manager regarding Council agenda items and status | 0.20 | |
| 1/20/2017 | TSW Receipt/review of multiple correspondence from Economic Development Director and Police Chief regarding downtown building maintenance and enforcement | 0.10 | No Charge |

| | | | <u>Hours</u> |
|-----------|-----|---|--------------|
| 1/20/2017 | TSW | Telephone conference with City Clerk regarding Council agenda items | 0.20 |
| | TSW | Receipt/review correspondence from City Clerk regarding Freedom of Information Act for documents on West End Industrial | 0.20 |
| | TSW | Telephone conference with Council Member Kivell regarding Council agenda items | 0.10 |
| | TSW | Receipt/review additional City Council packet information | 0.10 |
| 1/23/2017 | TSW | Continued review of agenda packet information for Fibertech license agreement and supporting materials | 0.20 |
| | TSW | Review Michigan Seamless Tube bankruptcy information and begin legal research regarding same | 0.20 |
| | TSW | Telephone conference with City Manager regarding Council agenda items | 0.10 |
| | TSW | Conference with Economic Development Director regarding tax abatement vehicles | 0.20 |
| 1/24/2017 | TSW | Review of Council minutes for February and March 2013 | 0.60 |
| 1/25/2017 | TSW | Review conflict of interest research and westlaw information | 0.80 |
| 1/26/2017 | TSW | Continued research regarding Open Meetings Act | 0.50 |
| | TSW | Correspondence to and from City Clerk regarding voting precinct locations | 0.10 |
| 1/27/2017 | TSW | Receipt/review correspondence from Planning Consultant regarding Alexander Center parking | 0.10 |

| | | | <u>Hours</u> | |
|-------------------------------|-----|--|--------------|-----------|
| 1/27/2017 | TSW | Review November JRSJ Invoice and continued review of February and March 2013 council minutes and correspondence to Council | 0.50 | |
| 1/31/2017 | TSW | Receipt/review correspondence from City Manager regarding union grievances | 0.10 | |
| | TSW | Correspondence to and from Ordinance Enforcement Office regarding miscellaneous | 0.10 | No Charge |
| SUBTOTAL: | | | [13.20] | |
| <u>Knolls</u> | | | | |
| 1/3/2017 | TSW | Receipt/review correspondence from City Engineer regarding Knolls performance bond | 0.10 | |
| SUBTOTAL: | | | [0.10] | |
| <u>Michigan Seamless Tube</u> | | | | |
| 1/24/2017 | TSW | Investigation regarding Michigan Seamless Tube bankruptcy filing | 0.40 | |
| | TSW | Receipt/review correspondence from City Clerk regarding bankruptcy court order relating to utilities | 0.20 | |
| 1/26/2017 | TSW | Correspondence to City Manager regarding Michigan Seamless Tube bankruptcy | 0.30 | |
| 1/27/2017 | TSW | Continued research regarding Michigan Seamless Tube bankruptcy and utility and claim issues | 0.40 | |
| | TSW | Correspondence to City Manager regarding Michigan Seamless Tube bankruptcy | 0.50 | |
| SUBTOTAL: | | | [1.80] | |

| | | | <u>Hours</u> |
|-------------------------------|-----|---|--------------|
| <u>Planning Commission</u> | | | |
| 1/9/2017 | TSW | Receipt/review Planning Commission Packet | 0.30 |
| 1/19/2017 | TSW | Review 500 Stryker status | 0.20 |
| 1/21/2017 | TSW | Attend Special Planning Commission meeting on zoning ordinance amendment | 3.30 |
| 1/24/2017 | TSW | Preparation of conditional rezoning ordinance amendment and conditional rezoning agreement | 1.70 |
| 1/25/2017 | TSW | Continued preparation of conditional rezoning agreement and zoning ordinance amendment for 500 Stryker | 1.80 |
| SUBTOTAL: | | | [7.30] |
| <u>Thomasville Site Condo</u> | | | |
| 1/5/2017 | TSW | Telephone conference with Planning Consultant regarding status of Thomasville Planned Development | 0.30 |
| 1/12/2017 | TSW | Receipt/review correspondence regarding Colonial Acres association and Planning Development requirement for cross access easement | 0.30 |
| 1/13/2017 | TSW | Continued review information regarding Colonial Acres relating to Thomasville request for cross access easement and correspondence to and from Planning Consultant regarding same | 0.30 |
| SUBTOTAL: | | | [0.90] |
| <u>Wells Street Alley</u> | | | |
| 1/18/2017 | SSM | Research and analysis regarding tax foreclosure issue | 1.10 |

| | | <u>Hours</u> | | |
|--|---|------------------|---------------|--|
| SUBTOTAL: | | [1.10] | | |
| <u>West End Industrial</u> | | | | |
| 1/31/2017 | TSW Research regarding Oakland County industrial real estate and demand | 0.80 | | |
| | TSW Multiple correspondence to and from Economic Development Director regarding West End Industrial | 0.30 | | |
| SUBTOTAL: | | [1.10] | | |
| | | | <u>Amount</u> | |
| For professional services rendered | | 67.20 | \$9,000.00 | |
| <u>Additional charges:</u> | | | | |
| | | <u>Qty/Price</u> | | |
| <u>Fibertech</u> | | | | |
| 1/18/2017 | Photocopies - Fiber Technologies ROW Documents | 216 \$0.20 | \$43.20 | |
| SUBTOTAL: | | [\$43.20] | | |
| Total costs | | | \$43.20 | |
| | | | <u>Amount</u> | |
| For professional services rendered | | 67.20 | \$9,043.20 | |
| Total amount of this bill | | | \$9,043.20 | |
| Previous balance | | | \$9,010.00 | |
| 1/19/2017 Payment - thank you. Check No. 70945 | | | (\$9,010.00) | |

| | <u>Amount</u> |
|-------------|-------------------|
| Balance due | <u>\$9,043.20</u> |

Please include your Invoice Number on your payment. All payments should be mailed to the Farmington Hills' office listed above. Thank you.

Monthly flat fee of \$9,000.00 for first 80 hours of work. Anything over 80 hours to be billed at the hourly rate of \$135.00