

City of South Lyon
Regular City Council Meeting
July 25, 2022

Mayor Pelchat called the meeting to order at 7:30 p.m.

Mayor Pelchat led those present in the Pledge of Allegiance

Roll Call: Mayor Pelchat and Councilmembers: Kurtzweil, Kivell, Kennedy, Mosier, Hansen

Also present: City Manager Zelenak, Fire Chief Thorington, Chief Sovik, Finance and Benefit

Administrator Tiernan, DDA Director Mack, Deputy Clerk/Treasurer Pieper

Absent: Councilmember Dilg

CM 7-1-22 MOTION TO EXCUSE ABSENCE

Motion by Kennedy, supported by Hansen

Motion to excuse absence of Councilmember Dilg

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Councilmember Kennedy stated on page 5, the roll call vote needs to reflect Mosier voted as well.

CM 7-2-22 MOTION TO APPROVE AMENDED MINUTES

Motion by Kennedy, supported by Kivell

Motion to approve minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

Councilmember Kivell stated he would like to discuss attorney client privilege and Roberts rules of Order and when to apply attorney client privilege.

CM 7-3-22 MOTION TO APPROVE AMENDED AGENDA

Motion by Kennedy, supported by Hansen

Motion to approve agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA- None

PUBLIC COMMENT

Ken Michalik of the Cultural Arts Commission stated they would like to recognize a local business owner who has made a great contribution to the arts in 2021. The business owner worked professionally with the Cultural Arts Commission, the DDA and the City Manager to give the city and all who visit downtown a wonderful and frequently photographed mural. The contribution to the public art has enhanced the aesthetics of the downtown and promoted the city in a positive manner. He then presented Susan Stowe, the owner of Grand Trunk the first Cultural Arts Commission community art award. Ms. Stowe then thanked the Cultural Arts Commission.

DISCUSSION- Downtown

Downtown Economic and DDA Director Mack congratulated Susan Stowe on her award and for the mural, it is a great addition to the downtown. He stated he sent out a reminder to all the local businesses

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and property owners about the events happening this weekend, reminding them of the street closures and times. Mr. Mack then stated the Farmers Market was great again, and it was full. Food trucks sold out by noon. He stated he attended a meeting regarding the future park at 390 S Lafayette to look at the phases of development and costs and other funding, and possibly future grants. He stated he met with the liaison from Main Street Oakland County to discuss becoming accredited. We are going through the redevelopment training. He further stated we are getting closer. He then stated at the last DDA Board meeting, they selected officers and Dereck Mashburn is the chair again, Jeff Heinanen is the vice chair, Mark Childs is the Secretary and the recently appointed Tracy Smith is the Treasurer. He then stated at the next meeting Main Street Oakland County will be presenting the city with a certificate. Councilmember Kennedy stated he has been fielding calls from different people about the clock downtown. Mr. Mack stated as of today the clock is working and showing the correct time on all four sides, but there might be some light bulbs that need to be replaced. Further discussion was held regarding the age of the clock or possibly replacing it in the near future. Councilmember Mosier asked if he has looked into getting no parking signs for the south lot of the Farmers Market. Chief Sovik stated the sign has been ordered and we are waiting for it to come in. Councilmember Hansen asked about the stop work order on the appliance building. Mr. Mack stated they have a sign for the one side of the building, but not the other. Councilmember Kivell asked about the building that is for sale on the east side of the theatre. Mr. Mack stated he doesn't know the price as of now. Councilmember Kivell stated it has had a lot of problems because there is 8 feet between the buildings and it has gone to waste. He hopes someone sees the potential and buys it.

FIRE CHIEF REPORT

Chief Thorington stated they have had 606 instances for this calendar year. He stated the ladder truck is scheduled for delivery late fall. He further stated we had the water softener installed. He further stated they had a spray park on July 20th and it was well attended and perfect timing, right before the storms came in and we plan on having another one. He further stated they had active shooter training with the Police Department at Hardy Elementary and it was the best training he has had. It was very life like.

POLICE CHIEF REPORT

Chief Sovik stated he agreed with Chief Thorington, the active shooter training went really well and it's been great working with Chief and the Fire Department. He then stated Cadet Tokarsky finished her first week at the academy, her orientation, and physical agility screening and they assigned her platoon lieutenant. She is already in a good position for leadership and she should be finished in November and we are looking forward to bringing her on. He stated the first responder monument memorial fund meeting went well and we have collected \$17,428.00 in donations and the sale of coins. We have updated drawings and we are hoping to break ground for the concrete in the next couple of weeks. He thanked Gary Fagin for helping them with this process. He then reminded everyone that Motorfest and Christmas in July is happening this weekend. Chief Sovik stated they interviewed someone for the cadet position, it was a good interview, she is a graduate of Grand Valley State University of criminal justice. We are currently working on the background investigation and hoping to bring her on soon. He stated the generator has been fixed, it needed a few repairs. There is a gas pressure regulator which was fixed. It was tested twice and is working. He then stated Patricia Laraway was a crossing guard for years, has retired due to health reasons, and they are looking for a crossing guard to replace her position. He then stated he attended the funeral for slain Detroit Police Officer Loren Courts last Monday and the outpouring of support for the family and the police officers that were there. It was a privilege to be there and hear stories about him and appreciate who he was. A lot of time we don't appreciate people until they are gone. It was very sobering and it makes you think about what is and what isn't important. Chief

Sovik stated we had a drive by shooting in the South Lyon trailer park in the early hours of July 14th, but no one was injured. He then stated the investigation was led by Christopher Sederlund along with our detective and our evidence technician. He said they collected evidence and performed an investigation and executed search warrants in Lansing. With the help of the Lansing Police Department and SWAT team, and command staff, we were able to collect some very valuable evidence. We are now waiting for the ballistics report from the County. We should be submitting to the prosecutor’s office soon.

Councilmember Kennedy asked if the signage for Saturday includes parking signs for the residents on Reese Street. Chief Sovik stated the signage for the residents on Reese will be there. Councilmember Kennedy asked about the walkway to the monument looks like it is running parallel of Pontiac Trail, will there be an opening left for people to walk from the parking lot when it is installed. Chief Sovik stated he believes it will. Councilmember Kurtzweil asked him to congratulate Sederlund on his investigative skills, he has a reputation for doing outstanding work and he is an excellent police officer. She knows many people have heard about that incident. She then thanked him for attending the funeral service for Loren Court. It is important for people to attend things like that because you then see the other side. You see them as a father, a brother, a cousin, a neighbor and you see what your community has lost. She stated he was a solid individual.

UNFINISHED BUSINESS- None

NEW BUSINESS

- 1. Professional service agreement for audit of FYE June 30, 2022 financial statement

Finance and Benefit Administrator Tiernan stated the city will engage Plante Moran for the audit. They will work on the financial statements; they will assist with drafting them and any related notes. The cost is \$68,000 which reflects a 5% increase from last year which was due to inflation.

CM 7-4-22 MOTION TO APPROVE SERVICE AGREEMENT

Motion by Kurtzweil, supported by Hansen

Motion to approve the professional service agreement by Plante Moran, PLLC to perform audit services for the City of South Lyon for fiscal year ending June 20, 2022

ROLL CALL VOTE:

- Kivell- Yes
- Kennedy- Yes
- Mosier- Yes
- Kurtzweil- Yes
- Hansen- Yes
- Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

- 2. Fiscal year 2021-2022 final budget amendments

Benefit and Finance Administrator Tiernan stated she is working on the audit schedule for the audit, there are still bills coming in for the previous fiscal year. She stated the revenue should be increased totaling \$312,836.00 and the expenditures for general fund for \$103,626.00

CM 7-5-22 MOTION TO APPROVE BUDGET AMENDMENTS

Motion by Kennedy, supported by Mosier

Motion to approve the proposed fiscal year 2021-2022 final budget amendments

ROLL CALL VOTE:

- Kurtzweil- Yes
- Hansen- Yes
- Mosier- Yes
- Kivell- Yes

Kennedy - Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

- 3. First reading for City Ordinance chapter 46, article II, fire department inspections and maintenance reports

Chief Thorington stated currently it states privately owned fire hydrants need to be inspected by April 30th, and this causes hardships for some of the companies, they're flowing water in the winter time causing ice and it isn't a comfortable time to be doing that. If we can move it to October, it fits our inspectors schedule better. He then stated he wants to add a new section for 46.40. Currently when a private company does a sprinkler inspection or fire alarm inspection, they file a report in triplicate form and they send it through the US mail system. Seems there is a delay in them writing the report, then a delay in the mail system getting it to us. He further stated if any critical issues come up there could be a delay in us responding. With IROL or any kind of online reporting system, they'll immediately be sent to the fire inspector or himself via email.

CM 7-6-22 MOTION TO APPROVE FIRST READING

Motion by Kivell, supported by Kennedy

Motion to approve the first reading of the proposed ordinance amending the code of ordinance chapter 46, Article II, section 46-37 and adding new section 46-40

ROLL CALL VOTE:

Hansen- Yes

Kennedy- Yes

Kurtzweil- Yes

Mosier- Yes

Kivell- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

- 4. Discussion regarding attorney client privilege on Robert's rule of Order

CM 7-7-22 MOTION TO WAIVE ATTORNEY CLIENT PRIVELEGE REGARDING LETTER

Motion by Kennedy, supported by Kivell

Motion to waive attorney client privilege regarding letter dated July 21, 2022 regarding Mayor or Mayor Pro Tem making or seconding a motion

ROLL CALL VOTE:

Kivell- Yes

Mosier- Yes

Kurtzweil- Yes

Hansen- Yes

Kennedy- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

Councilmember Kivell stated the impetus of this was when we were talking about the bond toward the water tank. Councilmember Kennedy stated this was a procedural question that arose at the last Council meeting regarding the ability for the chair to make a motion or second a motion. The question was passed along to the city attorney and the city attorney provided her opinion that provides that authority for a group under 12 people and that it is allowable. Attorney Hamameh added she received communication from Councilmember Kurtzweil citing a different section regarding customs. She said she doesn't believe custom provision applies because it specifically applies if there is no rule. She further stated she believes there is a rule that provides for a chair person to make or second a motion. She stated Councilmember

Kurtzweil provided her with an opinion from a parliamentarian from the MML and communicated she wasn't aware of any communities that allow their chairperson to make a motion. Attorney Hamameh stated she works for some communities where their chairperson will make motions. They do it sparingly because there is some level of impartiality, but there is nothing that prohibits it. This Council has rules and procedures, so you can make that a rule if Council wishes. Councilmember Kurtzweil stated the reason she objected is because she has the pleasure of serving in a parliamentarian unit and she is there to learn how Roberts rules work. She doesn't know of any organization where the chair makes or second motions. Roberts Rules of Order is about civility in running a meeting and being impartial. The last thing you should do is show biased by the chair. The chairperson votes, but if they make motions or seconding motions, you are removing impartiality. The chairperson should conduct the meeting and vote. She stated in the past, she has never seen a chair make a motion or second a motion. She further stated her experience led her to raise the issue. Roberts Rules have a rule regarding custom. She further stated she looked back from 2008 when John Doyle was Mayor and there wasn't one instance where he made a motion, or seconded a motion. The only time he made a motion was to appoint people to commissions, that has been the custom. It was the same for 2009. Councilmember Kurtzweil stated when Harvey Wedell was Mayor Pro Tem, he never made a motion or seconded a motion. In 2009 when Tedd Wallace became Mayor, he only made motions for appointing. She further stated in 2011 & 2013 it was the same and it goes on and on. It was the custom of this Council to not allow the mayor to make motions or second motions. She further stated our current Mayor has never made or seconded a motion either. She further stated she looked through the Planning Commission minutes as well, and the chairperson never made motions or seconded either. She stated she also looked back in 1989 when the council had fewer members and the mayor never made motions or seconded either. She further explained the custom practice of another Mayor's in South Lyon's past have been the same and it has served the city well. She would argue why tamper with success. It keeps the neutrality and the confidence of the public in how the Council is running. She then stated she spoke with Coco who is the parliamentarian for the MML and numerous municipalities and known throughout the country for her knowledge. Coco agreed that the mayor shouldn't make motions or second motions. If the Mayor does, it will show there is no support for that motion. She stated she has a different opinion than the city's attorney. Councilmember Kivell stated there hasn't been a need for the mayor to make a motion because business was being taken care of. At the last meeting, it was a weird circumstance. The idea that it wasn't on the agenda and this issue being presented and people not wanting to get into it with both feet. It didn't seem like there was a lot of heavy lifting. The point is just because it hasn't happened routinely, doesn't mean for it to happen will end up being the demise of our being able to have civil conversations and come to an accord on whatever the situation is and whatever the opportunity is it is more important to get things right and having all the information you can have rather than prohibited from having people's full breadth of understanding. He further stated he can see this coming up in the future. Attorney Hamameh explained Roberts Rules of Order is created for all sizes and types of assemblies. There are specific rules that deals with smaller boards and in that rule, it starts by saying if the chairperson is a member, he may make a motion or second and the purpose of that is to compensate for the fact the chairperson is a voting member and should have all the rights and privileges of the other members. She further stated he has a dual role. He does need to show impartiality as the chairperson, but he also has the right to vote and be an active member of Council which is why it is recommended to do so sparingly, but not that it is prohibited. She then pointed out her opinion is shared by attorneys at her law firm. Councilmember Kurtzweil stated it is recommended to be used sparingly because you don't want the chair to be involved in bias. She further stated additionally there is a rule that permits the chairperson to make motions, but that person would have to relinquish the chair for that particular item. That would show the public that person is an advocate for the position. The rules are there to alleviate the bias, and conflict of interest.

Councilmember Kennedy stated our city attorney has laid out the path forward and if it is something that becomes abused, we can always address the council's rules of order for Council's operation.

Councilmember Kivell stated the failsafe at the end of the day is that there is still a vote at the end so nobody can push someone into something they don't think is appropriate. Mayor Pelchat stated he was not at the last meeting but as Mayor, he has not made motions, but he is an open book and he can't say he wouldn't have if he had known he was able to. He further stated he understands and appreciates Councilmember Kurtzweil's points, he tries to stay in the middle as much as possible to try and keep things moving forward for the best interest of the city. He stated he is incredibly loyal to our employees and he will follow our city attorney's view point on this. He further stated if council would like to have a more hardened stance on this, he encourages everyone to do so.

BUDGET- N/A

PUBLIC COMMENT

Judy Keeling of 62180 Arlington Circle stated at a past meeting council discussed how to use some funds that had to be used in certain areas. She just visited Victoria, Canada and she visits our senior center often. Many people are asking for a pickle ball court and they had one in Canada and it was beautiful and it was used a lot. She thinks possible the parking lot across from the fire and police station may be a good place to put one.

MANAGER'S REPORT

City Manager Zelenak stated at an upcoming meeting we will have our annual MERS meeting. He stated we just had our 2nd informational meeting at city hall regarding the bond proposal that will be on the August ballot, and a handful of people attended. He stated they held the preconstruction meeting for the sidewalk at Marjorie Ann and the project should begin this week and be completed the week of August 8th. He then stated we are looking for councilmembers to announce the bands at the concerts in the park, specifically for this coming Friday. We sent a letter to our contractor for the water tank and we are waiting for a response. He then stated he is very excited that we have secured our final act for our summer concert series. It will be Anita Cochran who is a country writer, singer and recording artist who was raised in South Lyon. This has been several months in the making and Carol and Nate worked hard to make this happen. She is very excited about playing in her hometown. She just performed with Donnie Osmond in Las Vegas. We will have the Oakland Band Shell and we will be expecting a lot of people. Councilmember Hansen asked about the renovations at Columbia Park. City Manager Zelenak stated they finished the courts; they just need to finish the screening and the nets and poles.

Councilmember Kurtzweil volunteered to announce the band this Friday night. She then stated she met a gentleman named Edward Rudolf who is a very nice gentleman with a lot of experience in city government. He has an issue with the city about the potholes by the railroad tracks by Peter's Hardware. City Manager Zelenak stated we have to stay within our boundaries, and that is the railroads property. We have made contact with them many times. Councilmember Kurtzweil asked if the city could make an agreement with the railroad that if the pot holes are 5-6 feet away that the city could work on them. City Manager Zelenak stated they should be taking care of it, and it is the same in all jurisdictions. He will try to make contact with them again and try to expedite it. Councilmember Kivell stated the fence at the water plant looks great and it is much more open, but it is also more secure. It presents itself in a very clean way. He then stated our liability would be very high if we were involved with cold patching near the railroad tracks. Councilmember Kennedy stated the pickle ball court is being built in Columbia Park, there are 3 of them.

COUNCIL COMMENTS

Councilmember Hansen stated he had a busy weekend. On Friday he volunteered at the Michigan Beer Festival in Ypsilanti and it was great to help out our local brewers. Both of our breweries attended as well. He stated he attended the Farmer's Market and it was great to see so many families and all the kids that are very appreciative of things as simple as fresh baked pretzels.

Councilmember Mosier reminded everyone to get out and vote on Tuesday. We had a great Farmers Market and many more to come. There will be a Relay for Life booth next Saturday and she encourages everyone to stop by and get their information. This upcoming weekend we have Motorfest, Farmers Market and Christmas in July, it will be a busy weekend in town.

Councilmember Kurtzweil thanked all the sponsors for the Summer Concert Series. She thanked HRC, Safebuilt and CIB. It is so important to thank our sponsors. We have the best vendors and partners that work with the city. She then thanked Daryl from Safebuilt for bringing in some zucchinis. He has a gentleman's farm and he thought of the employees at the city of South Lyon and he brought a huge basket for the employees. She then stated it will be very busy this weekend. She thanked Stone Depot, Twisted Cork Winery, Bullet Distributors, South Lyon Collision, Lyon Homescape and Art Creations for sponsoring the Motorfest.

Councilmember Kennedy recapped the events for the upcoming best week of this summer. We have "Gemini" performing family-oriented songs at the concert in the park on Friday from 7pm until 8:30pm; followed by the Movie, "Sing 2" in McHattie Park starting at dusk with snacks and refreshments. The next day is the Farmers Market from 9am until 2pm; the all-day classic car show, Motorfest, takes place downtown from 11am until 5pm; and Magic Bus will be performing during Motorfest at 12 Noon until 1:30pm and again at 2:30pm until 4 pm. He then reminded everyone that Furry Friends Rescue will be at the Farmer's Market on Saturday, July 30th collecting returnable bottles and cans to help fund their efforts. So, remember to drop by, and drop off your bags of returnables to help this organization as they work to find permanent, loving homes for pets.

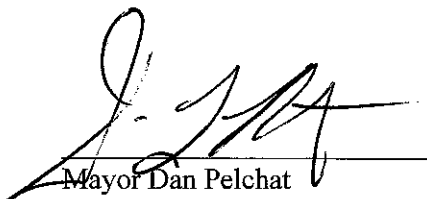
Mayor Pelchat thanked everyone for pitching in while he was away for medical reasons. He thanked Councilmember Kennedy and the staff at city hall. It will be a busy weekend in town and he is hoping we will have good weather. He then stated we lost a couple people recently. Bill Dombrowski was a great guy and he sent condolences to Rose Walton for her loss as well.

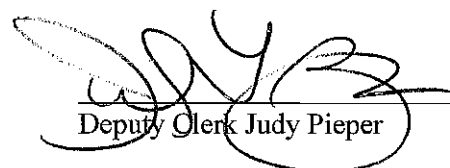
ADJOURNMENT

CM 7-8-22 MOTION TO ADJOURN

Motion by Kurtzweil

Motion to adjourn meeting at 8:42 p.m.


Mayor Dan Pelchat


Deputy Clerk Judy Pieper