

City of South Lyon
Special City Council Meeting
October 14, 2020

Mayor Pelchat called the meeting to order at 5:00 p.m.
Mayor Pelchat led those present in the Pledge of Allegiance

Present: Mayor Pelchat, Councilmembers: Dilg, Kennedy, Kivell, Kurtzweil, Richards and Walton
Also, present: City Manager Zelenak, Attorney Hamameh and Clerk/Treasurer Deaton

MINUTES- September 28, 2020

Councilmember Kennedy stated on page 2 the word prepared should be changed to repaired.
Councilmember Kivell stated on page 7 we need to delete the word those.

CM 10-1-20 MOTION TO APPROVE MINUTES

Motion by Kennedy, supported by Kivell
Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

CM 10-2-20 MOTION TO APPROVE BILLS

Motion by Kivell, supported by Walton
Motion to approve the bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 10-3-20 MOTION TO APPROVE THE AGENDA

Motion by Kivell, supported by Kennedy
Motion to approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

Councilmember Kivell stated he would like to remove item #2 and add to the regular agenda.
Councilmember Richards stated he would like to remove item #1 and add to the regular agenda.

CM 10-4-20 MOTION TO REMOVE ITEMS #1 AND #2 FROM THE CONSENT AGENDA

Motion by Kivell, supported by Walton
Motion to remove items #1 and #2 from the consent agenda and add to New Business

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- None

OLD BUSINESS

NEW BUSINESS

1. DTE street lighting conversion agreement

City Manager Zelenak stated earlier this year Council approved a lighting agreement which afforded us the opportunity to work with DTE on replacement of lights in our community to LED to save on utility charges. We have an agreement to allow DTE to replace and remove existing equipment should it break

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down or is damaged throughout the City with new equipment. He further stated the replacement poles will not match at first, but over time as they begin to be replaced, they will eventually match. City Manager Zelenak stated if the City desired us to match all at once, this would have to be a planned job and there would be a cost to the City. Councilmember Kivell asked if the City will be holding any liability for not meeting the IESNA design recommendation. Attorney Hamameh said she doesn't know why the City chose the design. She stated all communities have trouble with DTE and their agreements. They are very difficult to deal with and are not open to making any changes to their agreements. She then stated she and the City Manager spoke with MMRMA who asked for changes to be made as well, but DTE would not agree to any changes. Councilmember Richards stated on page 3 it says they may subcontract in whole or in part to sub-contractors. He further stated we have had some trouble with this before, we will not know who will be working on the poles, they could have criminal backgrounds. Attorney Hamameh stated you really don't know who from DTE would be working on them either.

CM 10-5-20 MOTION TO APPROVE LIGHTING CONVERSION AGREEMENT

Motion by Kennedy, supported by Dilg

Motion to approve DTE Lighting Master Agreement for municipal street lighting

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Award of bid to remove and replace concrete on Liberty Street

City Manager Zelenak stated as part of our efforts to make road improvements, the City applied for and received a grant from Oakland County Local Road Improvement Matching Fund Program to improve Liberty Street between Washington and Pontiac Trail. He stated the two grants total \$32,265.00 with the required matching funds which will afford us the opportunity to make \$65,518.00 in concrete repairs this year. Councilmember Kurtzweil asked if all the money will come out of that account. She said if you take the \$65,518 and minus the \$32,265.00 and that will be the balance of that account. City Manager Zelenak stated that will be the amount from the Major Street Fund. After the project is completed, that is the number we will use and we will come back for a budget adjustment. Councilmember Kurtzweil stated the difference in the amounts is \$33,253.00 which is the amount coming out of this account number, not the total. City Manager Zelenak stated the grants will be accredited to revenues, but the expenditure will be the total amount coming out of the Major Street Fund, because you have the influx coming in as revenues for the grants, then whatever dollars we put in will come out as an expenditure. Councilmember Kurtzweil stated there is no money in that account. City Manager Zelenak stated he applied for the grant at the end of June, but we weren't didn't receive the grant until after July 1 and he applied for the other grant May 19th of 2019. He further stated we hoped to use the grant funds from 3 or 4 years to repair Liberty Street, but they said we had to spend the rest of last years dollars by the end of this year, so we are coupling 2 years of grant funds. Further discussion was held regarding the grants to be used on the repair on Liberty Street. Councilmember Richards stated he wanted to let everyone know there was a limestone base under that street the last time they did repairs. He further stated they are billing us for a base, but there could be a base under the concrete. He then stated there are other important areas that are sketched in lighter shades on the map. He asked if we know when we will have money in the budget for the other sections.

CM 10-6-20 MOTION TO APPROVE BID

Motion by Kurtzweil, supported by Walton

Motion to approve the award of the bid to remove and replace concrete on Liberty Street to GM & Sons of Whitmore Lake, MI in an amount not to exceed \$65,518.00 from account number 202-451-802-100

VOTE:

MOTION CARRIED UNANIMOUSLY

3. City of South Lyon State of Emergency

City Manager Zelenak stated we have a resolution declaring a State of Emergency due to the Covid 19. In light of the recent Supreme Court decision regarding the Governor's authority to declare a state of emergency, the uncertainty of the status of her Executive Orders and the various orders that were recently adopted by the State and County Officials, I am recommending the City declare a State of Emergency in order to authorize the Police Chief, the Mayor and/or the City Manager to take whatever emergency measures are necessary to address the Covi-19 public health crisis. Additionally, proposed legislation regarding amendments to the Open Meetings Act contemplate the requirement of a local emergency declaration. If this resolution is passed, we are hopeful that there will be no delay in the implementation of any authority conferred by the OMA or any other legislation.

CM 10-7-20 MOTION TO APPROVE RESOLUTION

Motion by Kivell, supported by Kennedy

Motion to approve the resolution declaring local State of Emergency to protect the peace, health, safety and general welfare of the residents

VOTE: MOTION CARRIED UNANIMOUSLY

4. Planning Commission appointment

Councilmember Richards stated he is happy to have a new resident and someone interested in participating in government, and after looking through his resume, and he is sure Tyler Finnegan is very accomplished and competent person, but what qualifies him to be on the Planning Commission because he doesn't have any hands-on experience. Councilmember Richards stated he will vote no on this.

Councilmember Kurtzweil stated she doesn't know this person, but she spent some time reviewing his resume and it is outstanding. Her personal opinion is if people want to volunteer their time, we will reap the benefits of the time he will spend on the commission. She stated she was on the planning commission and she had a background in construction and real estate so it came a little bit easy. That doesn't mean that someone with the aptitude and the ability to read and learn can't learn to adapt to planning commission issues. She further stated the City bears some responsibility to ensure some of the commissioners receive training through the MML. She stated she supports his appointment.

Councilmember Kivell stated we have some very qualified people on the Planning Commission and the idea of having someone being more of the common man gives some balance that everything isn't going to be viewed in a technical way. He further stated he thinks he has a lot of potential and he supports his appointment.

CM 10-8-20 MOTION TO APPROVE NOMINATION

Motion by Kivell, supported by Kurtzweil

Motion to approve the nomination of Tyler Finnegan for the Planning Commission

ROLL CALL VOTE:

- Kurtzweil- Yes
- Richards- No
- Kivell- Yes
- Kennedy- Yes
- Walton- Yes
- Dilg- Yes
- Pelchat- Yes

MOTION CARRIED

5. ZBA board appointment

Councilmember Kivell stated the ZBA board is a critical deliberative body that the decisions are typically long term, determining the look and feel and function of the environment their judgment influence. With
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this being the case, it is very important to have a strong level of understanding of the role ZBA plays in the fair and equitable modifications of properties that are hoping to receive relief of non-compliant uses or amendments to those properties, and to understand what hardships warrant variances from the rules of ordinances regulating the use and physical attributes associated with the zoning classes. He further stated he applauds Mr. Hamade for his interest in serving the community and he suggests he fill any open seats Cultural Arts, Planning, Parks and Recreation or the Housing Commission, which may end up being a good starter. With that being said, he didn't see anything in his application that would lead him to believe that his understanding of zoning and the impact of those decisions would end up impacting our community which is why he cannot support the appointment. Councilmember Kennedy stated he agrees with Councilmember Kivell. He has had discussions with Mr. Hamade and discussing a particular ordinance and his position was that ordinances aren't necessary and people should be able to do anything they want on their property. He then stated that goes against the effort that goes into developing, applying and enforcing ordinances in the city for the benefit of the 12,000 residents. He further stated based on that type of discussion, he cannot support the appointment. Councilmember Kurtzweil stated zoning issues are important. She litigates issues such as easements and boundary lines and you always have to go to the ordinances and the issues that come before the ZBA affect neighbors and there are neighbor disputes are usually involved and it's important for law and order to be observed. Law and order are not just civil law and order but also law and order that regulates how we relate to our real estate. She further stated she is disturbed to learn that there is this nonchalant attitude of our enforcement issues related to our ordinances. That leads to other inferences that she could make, but she isn't going to put that on the record. The ordinances have to be enforced equally, and enforced all the time, not just enforced against those you don't like. We all have to play by the same rules.

CM 10-9-20 MOTION TO DENY THE APPOINTMENT TO THE ZBA

Motion by Kivell, supported by Kennedy

Motion to deny the appointment of Jim Hamade to the ZBA

VOTE: MOTION CARRIED 1 opposed

PUBLIC COMMENT- None

ADJOURNMENT

CM 10-10-20 MOTION TO ADJOURN

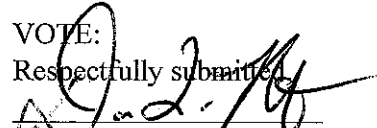
Motion by Kurtzweil, supported by Walton

Motion to adjourn the meeting at 5:39 p.m.

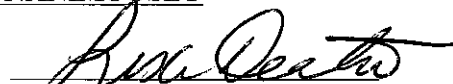
VOTE: MOTION CARRIED UNANIMOUSLY

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,



Mayor Dan Pelchat



City Clerk/Treasurer Lisa Deaton