

City of South Lyon
Regular City Council Meeting
October 8, 2018

Mayor Pelchat called the meeting to order at 7:30 p.m.
Mayor Pelchat led those present in the Pledge of Allegiance.
Mayor Pelchat stated Councilmember Walton and Attorney Wilhelm will be arriving late

Present: Mayor Pelchat, Councilmembers Kennedy, Kivell, Kurtzweil, Parisien, and Richards
Also Present: City Manager Zelenak, Chief Collins, Fire Chief Vogel, and Clerk/Treasurer Deaton

MINUTES

Councilmember Kivell stated on page 4, the Motion needs to have an s added to the word assess.
Councilmember Kurtzweil stated the spelling of Ken Michalik's name needs to be corrected on page 4.
Councilmember Kennedy stated on page 4, the word as should be replaced with on a want versus need basis.

CM 10-1-18 MOTION TO APPROVE MINUTES AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Kurtzweil stated because there is a check for reimbursement to her husband on the check register, she will abstain from voting due to a conflict of interest.
Councilmember Kivell asked if he could have an explanation for the invoice paid to HRC for the Knolls.

CM 10-2-18 MOTION TO APPROVE BILLS

Motion by Parisien, supported by Kennedy
Motion to approve the bills as presented

VOTE: MOTION CARRIED- abstained-1

ATTORNEY BILLS

CM 10-3-18 MOTION TO MOVE ATTORNEY BILLS TO THE END OF THE AGENDA

Motion by Parisien, supported by Kivell
Motion to move attorney bills to the end of the agenda

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 10-4-18 MOTION TO APPROVE AGENDA

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

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Bill Charles of 61957 Ticonderoga stated he is the President of the Board of Directors for Colonial Acres Phase 5. He stated they are offering their support for Thomasville and they are pleased with the changes the developer made. He urges Council to approve the development.

Cynthia Christiansen of 62292 Yorktown stated she is the Vice President of the Board of Directors for Colonial Acres Phase 5. She stated the majority of the people that live in Colonial Acres are happy with everything the developer has come up with and she encourages Council to approve it.

Ryan Lare of 716 Grand Court stated as he is the ambassador for the City of South Lyon he wants to welcome the new City Manager and he was happy to see him at Pumpkinfest. He then thanked the Pumpkinfest committee and all of the volunteers that made Pumpkinfest a great event. He further stated he wanted to thank the Witches Hat for helping with all the recycling. He stated it was a great event, everyone did a great job.

Councilmember Walton and Attorney Wilhelm arrived at 7:36 p.m.

DISCUSSION- Downtown

Bob Donohue the Director of the Downtown Development Authority and Economic Development stated it is a busy and great time of the year with many projects coming up. He stated there is a lot of changes and good things happening. He stated we are in the middle of planning a series of events between October and December. Mr. Donohue stated the corn stalks and pumpkins are up downtown. He stated the lights will be on the corn stalks this week as well. He further stated the business directory will be out October 26th and that will be inserted in the Ladies Night Out bags. Mr. Donohue stated the Michigan Downtown Association Statewide Conference is this week and he will be attending as he is still on the board. Two DDA Board members are interested in attending as well. He stated Brotoberfest is October 20th from 5:00-10:00. He stated the downtown trick or treating event is October 25th from 6:00 – 8:00 p.m. Mr. Donohue stated Ladies Night Out is November 16th. Cool Yule is December 1st, the parade proceeds to the historic village, then loops back into town and at 8:00 there will be the Heinanen tree lighting. Mr. Donohue stated they have tested a lot of things out, and next year we will have a work plan for the events, setup, lists of tasks, who is in charge of that task, volunteers for the tasks, and the cost. Mr. Donohue stated the last thing is there is a lot of good things happening.

Councilmember Parisien asked how things are going with the RCA building. Mr. Donohue stated they are cleaning it out, and we are hoping to see the interior existing conditions soon. Councilmember Parisien asked about 110 Detroit. Mr. Donohue stated there are two people interested in that property, and they are also talking to Providence about the parking lot to the East. Mr. Donohue stated it will be commercial. Councilmember Parisien asked about the candy store. Mr. Donohue stated it is still confidential because the other building they are purchasing isn't final until January. Councilmember Parisien asked about the time for Brotoberfest. Mr. Donohue stated it was originally 5-9, but we have changed it to 5:00 – 10:00. He further stated it will be on the billboard as well, and it will have the correct time. Councilmember Parisien asked if the gentlemen are still on the list for the DDA. Mr. Donohue stated he is on the agenda this week at the DDA meeting.

Councilmember Kivell asked if we have relaxed our maintenance standards compliance of for 110 Detroit since they are trying to sell the property. Mr. Donohue stated they seem to be asking for a reasonable price and the sale seems to be proceeding.

Councilmember Kurtzweil asked about the by-laws and the minutes that are on the agenda. She stated Dereck Mashburn appears to be absent a lot. Mr. Donohue stated he was absent for 3 meetings in a row, with 1 being unexcused. Councilmember Kurtzweil stated we have two people that would like to be on the DDA, but there is only one opening. Mr. Donohue stated in July the Board recommended Jeff

Heinanen to be appointed to the Board. He further stated because of his busy schedule wanted to be here, therefore he asked for it to be held off. Councilmember Kurtzweil stated the minutes doesn't state the DDA Board reviewed his application. She stated if you have someone on the DDA that isn't attending meetings, you can open that seat up for the 2nd person that wants to be on the board. Mr. Donohue stated he contacted Dereck and he was hopeful he could stay on the DDA, and he will speak with him again tomorrow. Councilmember Kurtzweil stated she going to continue to talk about the City competing with other cities. She stated Pulte Homes has a great website where they are promoting their new development on Griswold and one of the photographs is of Lake Street Tavern and it mentions downtown South Lyon, but they also remind them they are not far from Novi, Northville and Brighton. She then stated we have to remember we are still in competition with the surrounding communities. Councilmember Kivell stated he wished all of our commissions had people waiting to be added to commissions. Mr. Donohue stated it is a positive sign.

OLD BUSINESS

1. Second reading of zoning ordinance amendment to amend and add definitions and limit the height of utility posts and other structures in a public right of way

Attorney Wilhelm stated there have been no changes since the first reading.

CM 10-5-18 MOTION TO APPROVE THE SECOND READING

Motion by Kurtzweil, supported by Kennedy

Motion to approve the second reading of an Ordinance amending the City of South Lyon Zoning Ordinance, Sections 102-3 and 102-104, to amend and add definitions and limit the height of utility poles and other structures in a public right-of-way

VOTE: MOTION CARRIED UNANIMOUSLY

2. First reading of ordinance rezoning parcel 21-19-126-002 (Thomasville) from RM-1 (multiple family residential) to PD (planned development)

Councilmember Kennedy thanked Kelly McIntyre of CIB Planning for clarifying some issues for him this morning. Mr. Cavaliere of 30078 Schoenherr, Warren Michigan stated he has had a few meetings and made some notable changes. He further stated they changed 6 of the home footprints of the 50 going from a larger footprint model to a smaller footprint model. He further stated the plan currently doesn't have one lot that will be above 35% coverage. He further stated there are 3 lots that will have smaller decks to ensure they don't go over the 35% coverage. Mr. Cavaliere stated all the other lots have larger decks. He stated a few other highlights is the landscape plan has not changed but we have exceeded the City's tree requirements and we have agreed to irrigate and sod the 2-foot section between sidewalk and curb. He further stated they have submitted additional elevations as the City requested. Mr. Cavaliere stated the deck footprints are shown on all of the plans. Councilmember Kennedy thanked everyone for working through the issues. He stated he appreciates everyone efforts. He stated looking at the site plan and all the information, something that needs to be highlighted is #3, which stated the houses shown are the largest models of houses that can fit on the sites that are shown, unless a smaller model will be reduced, this ensures the lot coverage will not increase. This is basically saying that the site plan identifies the models with this 50 lots and the square footage that will be built on that lot. Mr. Cavaliere stated he wanted to thank the City consultants for their collaboration.

Councilmember Kivell stated he is appreciative for him reaching out about the misgivings that were mentioned earlier. He stated the lot coverage he is speaking of is soil coverage, not the building lot coverage, there are different lot coverage limits. Councilmember Kivell then read a statement. The approval process of this development has been very difficult. The beginning premises portrayed to Council was that this development would be single story homes, and marketed to empty nesters or seniors

uninterested in the daily use of stairs to upstairs bedrooms, and not interested in taking care of a large yard. This type of development was successfully accomplished at Lexington Place and seemed a good fit for a more sedate lifestyle for neighbors of the Colonial Acres development. He stated originally there were 3 concept ranches and one 2-story homes on very small lots. Since then, we have been presented with 3 versions of 2-story lots which are not homes marketed toward empty nesters, but houses to be marketed for a standard family development with children, toys and room in the yard for them to play. This brings to attention, this is first of 5 waivers required to pass this first reading. One waiver allows an average lot area of 5,000 square foot as standard R-3 Development which is a single family residential parallel to the currently zoned RM-1 multi-family residential zoning. The minimum lot size is 8,750 square feet, the loss of 3,700 square feet in lot space, may or may not seem to an empty nester to be a true benefit by having a smaller yard, but the proposed 2-story homes do not fit empty nesters needs. The same loss in lot space is a significant for normal activities pertaining to a family's yard. The other waivers are for a reduction in lot width to 50 feet, when the standard is 70 feet, the overall density of 4.3 units per acre, when the standard is 3.7 per acre, the side-yard setback of 5 feet, when the standard is 6 feet, and a rear yard setback of 30 feet for all but 5 units, there will be less than 30 when the standard is 35 feet. The most resistance is because of 27 units exceed the 25% lot coverage and the planning commission has realized that as well as a few Councilmembers. The complications that have surrounded this approval is the result of the developers overreach to maximize his profits at the expense of our community and our standards which are in place to ensure we enjoy long term results for a good quality of life for our residents. 19 of the 27 lots could be conforming if the developer changed the house to smaller units. Some will still not conform under any circumstance. He stated he will not vote for this as it presently stands. The City has used its good faith to find ways to move this project forward, but in his mind, we have relaxed our standards too much. Especially since it doesn't meet the needs of empty nesters and the developer wanted to save money by using the engineering and design from the previous developer and that makes sense, but the developer doesn't admit that there are too many lots that doesn't meet the already relaxed lot sizes to house relationships. It is easy to see this is a self-imposed hazard by the developer and he says he will sell the development to Pulte if he approves final approval and that isn't a problem if we are getting a conforming development that meets our community needs. This does not meet that standard. Apparently, Pulte doesn't build houses smaller to fit those lots, but that doesn't mean other builders don't. The City has already bent more than we should have and the problems have been identified, the developer should solve them for the project to move forward.

Mr. Cavaliere stated the site being proposed as a PD, and most PD's are requested because of an odd shaped property. He stated that is why they are part of most zoning ordinances. He further stated there is the creation of open spaces area, although there is a trade off for potential set backs or lot sizes. He stated that is why a lot of communities have a planned development as part of their zoning ordinances.

Councilmember Kivell stated the planned development is a quid pro quo type of deal. He stated the suggestion that the open space that has been provided which is just a rim around an existing pond is the trade off the City receives for all the small lots being stuffed with big houses is not right. Further discussion was held on planned developments. Councilmember Kivell stated he is disturbed that we have something inappropriate like having 27 of 50 lots don't have compliance on lot coverage. He stated we have fallen into a trap by having issues with having big houses on small lots and then they don't have room for amenities they want. He stated 25% is the maximum limit of the buildings. He further stated that is a viable thing that you can turn the 19 houses into something that would be compliant. He further stated the planner provided the overall lot coverage is 18%, but it is actually 25.3259%. Mr. Cavaliere stated of the 32 Hampton lots, the chance that each person that wants to buy those lots, want to buy the Hampton model is not likely. Councilmember Kivell stated there are other houses that could be precluded and it shouldn't be offered. He further stated he wants to see that before he will approve it. Councilmember Richards stated he appreciates everyone's work on this, but he looks at it from a different angle. He is familiar with the property, and the previous owner didn't build on that land for a reason. He stated we have never received an underground hydrological survey. There is a lot of water under that property. He further stated his architects must be oblivious to the laws of physics, water will amplify

vibration underground. He stated you don't have basements, you have flat slabs. He further stated Colonial Acres has a landscaped buffer that acts as a buffer from the vibration of the railroad tracks. The vibration will be a problem. He further stated we are the last hope for the City to put off a disaster. You have to look at protecting the future of the town. He supports the rights of people to develop their property, but they have to realize the Council has to look at what is best for the whole town.

Ms. McIntyre of CIB Planning stated in the packet she has provided a fact sheet on planned development. They provide flexibility for properties that might not otherwise be able to be developed. The property is long and narrow, adjacent to a well-established senior community and the railroad tracks. She stated this property can be developed as 60+ apartment units, or single-family homes and you could have 44 single family homes but they are offering 50 units. She stated as planners, they are comfortable with this, it satisfies some of the master plan goals of South Lyon with a diversity in housing. She stated we have apartments and larger single-family homes, but we don't have moderately priced smaller homes. She further stated we realize there are some concessions that are made such as smaller yards and setbacks, but they are selling. Ms. McIntyre stated some communities are going with 40-50% lot coverage, so they are comfortable with this. Councilmember Kivell stated we have 19 houses that are beyond the 25% lot coverage, why can't they just use a smaller house on the lots. Ms. McIntyre stated by relaxing some of the standards it will allow the property to be developed in an economical feasible way and as a benefit to the community. Councilmember Kivell stated the Planning Commission also said they didn't want more than 25% coverage as well. Attorney Wilhelm stated planned developments are a 4-step process. This is step 2. He further stated Council can list conditions upon approving this. The suggested motion includes conditions from Council and the Planning Commission.

CM 10-6-18 MOTION TO APPROVE FIRST READING THOMASVILLE

Motion by Kennedy, supported by Parisien

Motion to approve the First Reading of an ordinance to amend the Official Zoning Map of the City of South Lyon incorporated into the South Lyon Zoning Ordinance by Section 102-182 by rezoning the property parcel 21-19-126-002 more fully described in the attached Exhibit A (the Property) from the RM-1 District (multiple family residential) to the PD District (Planned Development), subject to the following conditions:

- a. Sections 102-381 through 102-392 of the City of South Lyon Ordinance pertaining to the PD Planned Development zoning district, as amended, which is part of the City of South Lyon Code of Ordinances, Chapter 102
- b. The preliminary (stage I) planed development site plan for Thomasville prepared by Monument Engineering Group Associates, Inc., plans revised and dated September 27, 2018
- c. City Council approval of a Final (stage II) planned development agreement site plan for Thomasville pursuant to the City's Zoning Ordinance
- d. City Council approval of a planned development agreement for Thomasville Site Condominium development
- e. Any and all conditions on the approvals of the City of South Lyon Planning Commission relating to the property and preliminary (Stage I) and final (Stage II) planned development site plans for Thomasville, as reflected in the official minutes of June 14, 2018, and documentation of such approvals including:
 1. A waiver to allow an average lot area of 5,000 square feet;
 2. A waiver to allow a minimum lot width of 50 feet;
 3. A waiver to allow an overall density of 4.3 units per acre;
 4. A waiver to allow a setback of 10 feet between buildings;
 5. A waiver to allow for rear yard setbacks of 30 feet and less than 30 feet for lots 7, 18, 20-22 as shown on the preliminary site plan and listed in CIB's September 30, 2018 review letter;
 6. The installation of landscape buffering and 6-foot vinyl fencing abutting Colonial Acres to be installed at the beginning of the project/construction;

7. Inclusion of language for a future cross access easement agreement with Colonial Acres via Lexington Drive;
 8. Submission of revised building elevations and material samples to the planning commission during Final (Stage II) planned development site plan review; and
 9. A 2-foot irrigated green belt between curb and sidewalk;
 10. Compliance with reports, comments, requirements and recommendations by other City Departments and other agencies having jurisdiction
 11. Draft condominium documents (e.g., master deed, bylaws and exhibits) to be submitted during Final (Stage II) planned development site plan review for City review and approval;
- f. All applicable City Ordinances and design standards
- g. All development, improvements, and use of the property being subject to and in compliance with the approved Preliminary (Stage I) and Final (Stage II) planned development site plans for Thomasville, all other applicable conditions therein as reflected in the official minutes and documentation and approvals, and the planned development agreement.

ROLL CALL VOTE:

Kennedy- Yes

Kivell- No

Parisien – Yes

Walton- Yes

Richards- No

Kurtzweil- abstain due to a conflict of interest

Pelchat- Yes

MOTION CARRIED

Councilmember Kivell stated he objects to the conflict of interest. Councilmember Kurtzweil stated she has a conflict as long as item 7 is in the motion regarding the future access easement agreement and only the client can waive the conflict, not the City or the City Attorney. Attorney Wilhelm stated he will review the ethics ordinance. He stated based on the argument provided, his understanding is she is saying she is an attorney and is representing an adjacent property owner and is declaring this influences her judgment. He further stated there is an option to refer such a question to the board of ethics. He further stated the Charter states that all Councilmembers will vote, unless excused by the City Council. He stated he would need more time for a legal opinion. The vote carried with 4 votes in favor regardless of that opinion. He stated you can direct the City Attorney for a legal opinion, or send this to the Board of Ethics. Councilmember Kivell stated he would like this to go to the Board of Ethics. Councilmember Kurtzweil stated she would prefer a legal opinion because there are no attorneys on that Board, and they don't have experience with professional conduct with respect to conflict of interest, it is a complicated issue. Attorney Wilhelm stated he would be assisting the Board of Ethics members. Councilmember Kurtzweil stated she can call the client and ask for a waiver. Attorney Wilhelm stated he doesn't think we need anything additional than the identification of the client. Councilmember Parisien stated if the situation is current, that would play a big role in this. She has no problem with this going to the Board of Ethics.

CM 10-7-18 MOTION TO ASK THE BOARD OF ETHICS TO REVIEW THIS MATTER

Motion by Kivell, supported by Parisien

Motion to send this issue to the Board of Ethics

VOTE:

MOTION CARRIED- 1 NO AND 1 ABSTAIN

3. Second reading of lot coverage zoning amendment

Councilmember Kennedy stated this reflects the discussions we have had previously. He further stated there is potential for misinterpretation because the definition of a building is any structure either

temporary or permanent, having a roof and walls, and intended for the shelter or enclosure of persons, animals or property of any kind. He further stated if you look at the definition of impervious surfaces, the enclosed decks and sheds, should be considered buildings and they should be part of the calculation of lot coverage. Ms. McIntyre stated she has no problem removing those two items from the definition.

CM 10-8-18 MOTION TO APPROVE SECOND READING LOT COVERAGE ZONING ORDINANCE AMENDMENT

Motion by Kivell, supported by Kennedy

Motion to approve the second reading of the Ordinance to amend the City of South Lyon Code of Ordinances chapter 102- Zoning, Article VII- Supplementary District Regulations, Division 2- Height, Bulk, Density and Area by Zoning District by adding a maximum percent of lot area covered by impervious surfaces for residential districts, and adding subsections 102-457 (q) defining impervious surfaces and clarifying that residential driveways and walkways are not included in the calculation with suggested changes

VOTE: MOTION CARRIED UNANIMOUSLY

4. Resolution authorizing City Manager and/or City Attorney to sign documents and take other actions to complete the City's purchase of 501 McMunn

Attorney Wilhelm stated the closing is scheduled for tomorrow, and we want to make it clear the City Manager will be signing on behalf of the City.

Motion by Kurtzweil, supported by Walton

Motion to approve the resolution authorizing City Manager/City Attorney to sign documents and take other actions to complete the City's purchase of 501 McMunn Street, South Lyon MI 48178 as presented

VOTE: MOTION CARRIED UNANIMOUSLY

ATTORNEY BILLS

CM 10-9-18 MOTION TO APPROVE ATTORNEY BILLS

Motion by Kurtzweil, supported by Walton

Motion to approve the attorney bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Budget amendments

Ms. Mosier the City Bookkeeper stated one of the amendments was for the purchase of 501 McMunn Street, which is reflected in the Capital Improvement and Land Acquisition. The other amendment is for the equipment we received a grant for the Fire Department. She stated she spoke with Plante Moran and they suggested it needs to be shown as revenue coming in and revenue going out.

CM 10-10-18 MOTION TO APPROVE BUDGET AMENDMENTS

Motion by Walton, supported by Kurtzweil

Motion to approve budget amendments as presented

VOTE: MOTION CARRIED UNANIMOUSLY

2. Approval of DDA By-Laws Amendments

Bob Donohue stated he and the DDA Board have reviewed Public Act 197 of 1975 and have been discussing this for over a year. The DDA makes a recommendation, the appointment is currently being done by the City Manager with Council approval. We would like that changed this being a Mayoral appointment. Councilmember Parisien stated she still has questions about the process. In light of what has happened in the last couple of months with the two applicants for the one position on the DDA. The process needs to be clear and currently we have a form for all boards and commissions. If the DDA has a special process that needs to be explained on our website and on Facebook. She further stated maybe we need a separate application for the DDA Board. Mr. Donohue stated the process is the same as the other boards, but there is a number of things that need to be added to the website. Councilmember Parisien as the by-laws are currently written, it states there is someone taking minutes. Where are the minutes submitted, we need to make sure they are added to the website? Mr. Donohue stated since he has been here, the minutes are being added to the website after they are approved. Councilmember Parisien stated the entire process needs to be in writing. Mr. Donohue stated we are following the statute and minutes are being taken and we are choosing to add them to the website. Councilmember Kivell asked what is the advantage for changing the person that makes the appointment. Mr. Donohue stated in his 40 years' experience, that has never been the case. The advantages are there are conflicts that could arise such as that person having a vote on the board as well as acting as a member of the DDA. Councilmember Kivell stated it is commonplace for the Mayor to be the one making the appointments, but there have been some Mayor's in the past that would have been inappropriate to make the appointment. Mr. Donohue stated with his position being the person that is the direct link to the City, he doesn't perceive that as being a conflict. He further stated it could be an awkward situation. Councilmember Kivell stated the idea that there will be temporary appointments only upon recommendation of the Board of the unexpired term only. Will Council have to appoint an interim or will that person be appointed by the DDA Board. Mr. Donohue stated the DDA Board approve, then recommend to the City Manager, then the Mayor makes the appointment. Councilmember Kivell stated we are at the brink of getting some real revenue stream, so he would like us to have solid business practices and the DDA have always been supportive of the downtown. He further stated there were a number of things in the document that action was never taken on. Mr. Donohue stated the Board will be discussing the whole document and possibly making changes. Councilmember Parisien stated she would like City Council to accept any resignations and possibly add that language to the document. Councilmember Kurtzweil stated she is not in favor of it changing from the City Manager to the Mayor. She stated some of the Mayors in the past haven't been that interested in moving the downtown forward. She further stated they may have put people on the DDA that would have accepted in complacency. She stated when you have the City Manager making the appointments, you have someone who is here 5 days a week and far more committed to moving the downtown forward. She further stated the City Manager would be far more committed and they know the personalities and are more in tune with the personalities and the issues the DDA face. Councilmember Kurtzweil said it is only fitting for the City Manager to appoint the DDA board members. She stated she would hesitate due to looking back at some of our past Mayors. Councilmember Parisien stated she is indifferent on who makes the appointment, but the Mayor personally knows the businesses and can speak to their character and there is value for the Mayor to make the appointments. City Manager Zelenak stated the Public Act 197 of 1975 states the Chief Executive Officer which can be the Mayor or City Manager. He stated section 4 in the City's Charter states the Chief Executive Officer is the Mayor and he would suggest that change based on that specific language. He further stated if Council has a representative on the Board, and if the Manager is making the appointment, because he also has a vote, Mr. Donohue was suggesting that he may influence a vote because they could take his vote as a recommendation because he appoints them. Councilmember Kurtzweil stated the justification is to allow consistency with our Charter. Mr. Zelenak stated in the majority of communities he has worked for it has been the Mayor making the appointments. Councilmember Kivell stated it is pertinent that the Mayor makes the appointment because the Mayor will be the one that has relationships with the businesses in the downtown. The City Manager is already on the DDA Board, he is representing the City in our best interest.

CM 10-11-18 MOTION TO APPROVE DDA BY-LAWS

Motion by Kivell, supported by Parisien

Motion to approve the proposed amendments to the DDA By-laws as identified: Section 3 Board of Trustees, Items A & D; and section 4 Officers, Items H & I, as unanimously approved and recommended by the DDA on July 12, 2018 with the specific text changes as attached

VOTE: MOTION CARRIED UNANIMOUSLY

3. Revised road closure and event hours for Brotoberfest

Mr. Donohue stated the time for the Michigan and Michigan State game has changed, therefore we are asking for a time extension, even though today they announced they moved it back to Noon, we are confident with the setup of the television at KV Sports so to honor them as a sponsor, he would like to amend the time and the road closures.

CM 10-12-18 MOTION TO APPROVE THE REVISED TIME AND ROAD CLOSURES

Motion by Kurtzweil, supported by Walton

Motion to revise the road closure of E Lake Street from Lafayette to Wells Street to 12 Noon – 11:30 p.m. and the event time to 5-10:00 p.m. on October 20, 2018

VOTE: MOTION CARRIED UNANIMOUSLY

4. Acceptance of Firehouse Subs Safety Foundation grant for Lucas 3 chest compression device

Councilmember Kennedy stated he wants the residents to know Chief Vogel worked diligently with Lori to identify the particular source and he completed the paperwork and he saw it through to completion. He then thanked Chief Vogel for doing so. He further stated he has spoken with some of our Firefighters and they are looking forward to having this piece of equipment on their truck.

CM 10-13-18 MOTION TO APPROVE GRANT FROM FIREHOUSE SUBS SAFETY FOUNDATION

Motion by Kurtzweil, supported by Walton

Motion to approve the grant from Firehouse Subs Safety Foundation

VOTE: MOTION CARRIED UNANIMOUSLY

5. Sale of 2005 Ford Excursion by Fire Department

CM 10-14-18 MOTION TO APPROVE THE SALE OF 2005 FORD EXCURSION

Motion by Kurtzweil, supported by Walton

Motion to approve the sale of the 2005 Ford Excursion to August Township FD for \$3,500.00

VOTE: MOTION CARRIED UNANIMOUSLY

6. South Lyon Educational Foundation Charitable Gaming License

City Manager Zelenak stated the South Lyon Foundation is a non-profit group established to benefit South Lyon Community Schools by promoting the educational mission of the South Lyon Community and they are attempting to get a charitable gaming license, which means they must be recognized as a non-profit organization by the City Council.

CM 10-15-18 MOTION TO RECOGNIZE SOUTH LYON EDUCATIONAL FOUNDATION AS A NON-PROFIT

Motion by Parisien, supported by Walton

VOTE: MOTION CARRIED UNANIMOUSLY

7. Approval of Settlement agreement in Joyce Clohosey v. City of South Lyon, MDCR Charge Nos. 486152, 486550, and EEOC Charge No. R23A-2018-10195C

Attorney Wilhelm stated the City's outside counsel negotiated a settlement agreement with Ms. Clohosey.

CM 10-16-18 MOTION TO APPROVE SETTLEMENT AGREEMENT IN JOYCE CLOHOSEY V CITY OF SOUTH LYON

Motion by Kurtzweil, supported by Walton

Motion to approve the Settlement Agreement in Joyce Clohosey v City of South Lyon, MDCR Charge Nos. 486152, 486550, and EEOC Charge No. R23A-2018-10195C

VOTE: MOTION CARRIED UNANIMOUSLY

Mayor Pelchat read a statement for the record on behalf of City Council. He stated during the selection process of January 18, 2018 Councilmember Carl Richards asked an inappropriate question to Joyce Clohosey that should not have been asked.

BUDGET

Councilmember Kurtzweil stated she read some of the memorandum from Plante Moran, it was very informative. Unfortunately, there continues to be problems with the budget process. There are issues that still need to be dealt with. A lot of people worked really hard to get this budget done. This isn't an easy process for the City. She further stated she didn't see a corrective action letter from the State saying the City is exceeding revenues, so she is hoping we corrected that this year. Councilmember Kurtzweil reminded everyone of the legacy costs, and she said Plante Moran was complimentary to the City because the City is well aware of the legacy liability including closing the defined benefit plan for new employees. She stated we do still have a lot of work to do with issues of unfunded liabilities and legacy costs. She stated she hopes everyone can keep this in the forefront.

MANAGER'S REPORT

City Manager Zelenak stated he provided information Council may have provided at prior meetings. He stated he will be working with Council to decide what information they would like to see in their weekly reports. He stated he will be meeting with the MMRMA next week and will bring that information back to Council. City Manager Zelenak stated he attended Pumpkinfest and it is a great event for the community, he was also able to meet many business owners. City Manger Zelenak stated Comcast is working in various locations in the City, and the work they are doing in easements or in the City of right-of-way. He stated we want to make sure they are working safely to ensure not gas line or water lines are damaged. He is staying in contact with their representatives. He then asked residents to try to be patient. City Manager Zelenak stated he was able to meet with employees and department heads within the last week and they were very beneficial. He stated he will be reviewing staffing levels and he will be making a recommendation to Council shortly on how we should proceed with the Superintendent position and the planning position. City Manager Zelenak stated there is a ballot proposal coming and we are reviewing our ordinances to see if anything needs to be changed or if new ordinances are necessary. City Manager Zelenak stated he received the building report on 318 W Lake. He stated we will be bringing this to Council at a meeting in the future. It identifies expenditures for improvements, do we sell the building, or keep it for a commercial use, residential use, or demolish it. He then asked Council to review the information he supplied to them.

Councilmember Kurtzweil stated she would like to discuss with him the pay that was given to the planning administrator and the hurt feelings that were involved.

PUBLIC COMMENT

Robert Vogel of Brighton Michigan stated he spoke with Councilmember Kennedy at the Blues, Brews and Brats event and he is very happy they were able to get the grant and he also thanked Lori Mosier and Patricia Tiernan, Chief Collins and Councilmember Kennedy for their assistance.

COUNCIL COMMENTS

Councilmember Kennedy stated he would like to welcome Paul Zelenak to our city and wish him the very best as he helps to move South Lyon forward over the coming years.

He then thanked Chief Collins for shouldering the responsibilities of Police Chief and City Manager over the past nine months and helping to keep the city moving in the right direction by addressing the requirements for both positions.

Councilmember Kennedy then thanked the South Lyon Police and Fire Departments for their support during Pumpkinfest as they diligently worked to ensure the safety of all the residents, visitors and participants in this great event.

Councilmember Kennedy thanked Melissa Baker, the Superintendent of South Lyon Community Schools for supporting the SEMCOG campaign for safe walking, biking and driving by posting the literature throughout the schools in our school system and distributing the SEMCOG materials to the South Lyon students.

Councilmember Kennedy recognized Kathy Merucci from the Salem-South Lyon District Library who will be distributing the literature and materials to the parents and children attending the Howl-o-Ween Under the Moon event at the library on Wednesday, October 24 at 6:00pm.

He then thanked South Lyon Cable Commission and to Rich, Stephen and Amber for their help in airing the SEMCOG public service announcements on our local cable channel.

Councilmember Kennedy congratulated Doug and Deb Cook, and all the other folks who helped with the Lake Street Cruise-in, for putting on such a successful event this year in downtown South Lyon. I can't wait to see what they'll bring to our city next year, especially the second annual Motorfest. So, thanks again and congratulations.

Councilmember Richards stated he wanted to thank Normar for removing the dangerous trees in town. They have been working on Liberty Street 5 times this year and that saves us from injury and damage. Councilmember Richards stated the Children's Free Library has been decorated and children and many older adults have been visiting it.

Councilmember Richards stated he would like to give kudos to Jeff Heinanen, the project coordinator. He has been taking pictures of it, and Herb Stryker is going to make some iron works, similar to the Hotel, but it may not be completed until next year, but the Christmas tree will be in place for Cool Yule.

Councilmember Richards stated Pumpkinfest was a great weekend, he watched the whole parade.

Councilmember Richards stated for people that are concerned about poison ivy, at this time of year, one of the varieties on the ground turn red with brown on rims, the climbing variety turn yellow, and the intermediate variety turn red and brown. It is easy to pick out. Everyone should be careful on the bike path.

Councilmember Richards stated he is happy City Manager Zelenak is here and he looks forward to working with him.

Councilmember Richards stated he visited 501 McMunn. It was clean and the tenants are gone, but the smell is not. He went through the house and they will have to get Normar out, we have a lot of dead trees on that lot.

Councilmember Richards stated on 135 Lake Street, he wants everyone to know he has been working with them to clean out the building. They are focusing on South Lyon first, they are dealing with 84 properties.

Councilmember Parisien welcomed Paul as the new City Manager. She thanked Chief Collins for filling and handling both roles.

Councilmember Parisien stated the downtown trick or treating is the 25th of October between 6-8p.m.

Councilmember Parisien stated there is also an event at the depot on October 16th at 7:00 p.m. It is the history of the Chesapeake and the Ohio Railroad in Southeast Michigan. If anyone is a history buff, it sounds interesting. Everyone should visit the historical depot in town.

Councilmember Parisien stated Pumpkinfest gets better each year and she thanked all the volunteers, staff and everyone that showed up to make that event happen.

Councilmember Parisien then reminded everyone to volunteer for our boards and commissions.

Councilmember Walton stated she wanted to welcome the new City Manager and she is looking forward to working with him.

Councilmember Kivell thanked Chief Collins for getting the City through a tough patch and he is grateful for his backbone while having to deal with some of the nonsense he had to deal with. He further stated he showed more leadership than that office has had in many years.

Councilmember Kivell stated Pumpkinfest was terrific and Saturday was ideal with the weather.

Councilmember Kivell stated we discussed the paint on the water tower and it is unfortunate it doesn't translate well to a long sightline. He stated he would like Council to have a discussion in possibly having Dixon paint over the lettering in black and how much that would cost. That will stand out more than the current paint color. That paint job will last 20 years, and we need to use every available vehicle to let spread our City's name to everyone.

Councilmember Kurtzweil stated an employee raised this issue to her. It is a very important statute that pertains to public employees in municipalities and it was Jim Runestad. He is a well-known state legislature and an ally of hers. He has been fighting public corruption for years. The statute is called the public employee retirement benefits forfeiture act. This was enacted because public employees that were convicted of felonies and breached the trust of the public was able to keep their publicly funded retirement. She stated she would like this information added to the minutes. She stated there is a Dearborn Police Officer that was ticket fixing and pled guilty and was convicted but he is still receiving his pension. Councilmember Kurtzweil stated the statute is self-explanatory and it does state any member that enters a plea for a felony arising out of his or her service and breach the public trust, must have their rights to an otherwise vested retirement benefit and all accumulated employer contributions, including earnings on the employer contributions, standing so that that individual's credit in the retirement system forfeited as provided in this act. She stated recently there was an individual that was convicted of this in September and she learned the person embezeled around \$90,000 and he was not aware of this act. She stated not that we have not had any problems with our employees, but she wants to ensure all the employees know that their pensions will be at risk should there be a felony that breaches public trust. She then thanked Jim Runstead who is an ally of hers and for fighting public corruption as she has been doing for 10 years. She stated Jim was able to meet with Larry Ledbetter at the Historical Depot and they have a common passion for historic preservation. Jim Runstead will be working hard and hopefully he will be able to secure grant monies. He and Larry Ledbetter spoke about grants and she she then thanked Larry Ledbetter for networking for the City and for taking the time to meet with Jim Runstead.

Councilmember Kurtzweil stated she wanted to remind everyone that John Hogan will be holding his financial seminar at the South Lyon Library, October 23rd at 6:30, titled Five Ways to Make Banking Easy, and if anyone needs anything notarized, please come before the meeting and he will be happy to help you. She stated she wanted to thank Great Lakes Ace Hardware for a discount ticket for the Home Show and say hello to Jenny, she has been there for about 15 years, and she doesn't discriminate between the new residents versus old residents.

Councilmember Kurtzweil thanked Diane from Diane's Doll House for the plant she received that is called a pumpkin tree. It is an annual that has a fruit on it that looks like pumpkins. She further stated you can always visit Diane's Doll House to find a unique gift.

Councilmember Kurtzweil welcomed City Manager Zelenak and stated that there have been a lot of bridges burned around the county that needs to be mended and she thinks he is the person to correct that. She then stated as several employees have told him, he is like a breath of fresh air. Everyone is excited to have him here and she knows he will be a success and she is happy he is here.

Mayor Pelchat stated he wanted to remind everyone on Wednesday October 10th from 2:00 – 2:45 the South Lyon Water Department is hosting a seminar here at City Hall regarding Drinking Water and Wells.

Mayor Pelchat thanked the South Lyon Police Department and Chief Collins for a great ride in the front of the parade during Pumpkinfest. He then thanked everyone that helped out with Pumpkinfest. He further stated everyone is always saying how great our first responders are. Mayor Pelchat stated week 9 of the High School season is coming up and South Lyon and South Lyon East will be playing a week from this Friday. Both teams are having a great year and the kids and the atmosphere are always great.

ADJOURNMENT

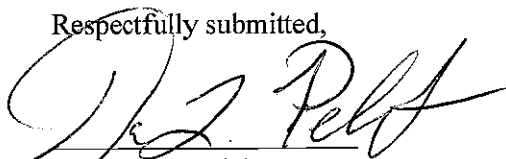
Motion by Kurtzweil, supported by Walton

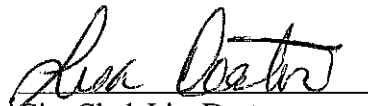
Motion to adjourn the meeting at 9:50 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,


 Mayor Dan Pelchat


 City Clerk Lisa Deaton