

City of South Lyon
Regular City Council Meeting
November 25, 2019

Mayor Pelchat called the meeting to order at 7:30 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, Chief Sovik, Superintendent Varney, Fire Chief Vogel, Attorney Hamameh and Clerk/Treasurer Deaton

MINUTES- November 11, 2019

CM 11-1-19 MOTION TO APPROVE MINUTES

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

City Manager Zelenak stated we are removing the SLARA athletic field court use application from the agenda by the request of SLARA and will bring it back to Council at another meeting.

CM 11-2-19 MOITION TO APPROVE THE AGENDA

Motion by Kurtzweil, supported by Walton
Motion to approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

1. Cultural Arts Commission Resignation- Susan Kaminski
2. Cultural Arts Commission Appointment- Ryan Lare
3. Cable Commission Appointment- Amber King

CM 11-3-19 MOTION TO APPROVE THE CONSENT AGENDA

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

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- None

DISCUSSION-Downtown

Bob Donohue stated they are having a media event on December 6th celebrating the Corner Café wine bar opening and the building rehabs downtown. He then stated Small Business Saturday is November 30th and by visiting the businesses participating you can register to win \$5,000. He stated the November 21st

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building and property owner meeting went well discussing holiday events. Mr. Donohue stated there will be some discussion regarding a tax abatement in the future for the 135 E Lake building. You can allow for a 10 or 12- year abatement, but if Council decides to allow it, he thinks it will probably be much more conservative.

Councilmember Kurtzweil stated the Ladies Night Out was a wonderful event. People were very excited to meet the people that actually own the businesses. Salon 104 and their fireplace was a hit, Kelly did a great job. People enjoyed the creativity that the businesses put into the event. She further stated Venue was great, Coral Sash and Grande Trunk were all great. She further stated people had the opportunity to meet Debra and Dave, the owners of the theatre which people really enjoyed as well.

Councilmember Dilg stated she agrees, the event was fantastic. She further stated she enjoyed the fact that you could go down as far as the bike shop and it was really fun. She then stated the restaurants were booming. It was a great night. Mr. Donohue stated there is currently a disconnect between the north and south end businesses, but our master plan will help with that in the future.

FIRE CHIEF REPORT

Chief Vogel stated they are hoping to have the ladder truck back in time for Cool Yule. Chief Vogel stated unfortunately a few firefighters have given their notice this week. One is retiring, one is having family issue and the 2 left for a full-time job. He stated he has put notice out about needing more part time firefighters. Chief Vogel stated the manufacturer for their self- contained breathing apparatus will not support them anymore, they are 10 years old. He stated they are going to try to move forward with the grant and if we get it, we would only have to pay 5%. Chief Vogel stated he hit a deer a few weeks ago and the vehicle did start on fire, he thanked Lyon Township and Green Oak Township for coming out to assist. He then stated he and his mechanic friend were able to fix the vehicle so it didn't cost the City any money. Chief Vogel stated they just found out they were able to get a grant through MMRMA for their active shooter kits. He stated that will be on the next agenda. He stated this will give us some vests and it is important to have them.

POLICE CHIEF REPORT

Chief Sovik stated he had asked for some money to purchase new shotguns and accessories and he was hoping to be able to swap some old ones for an even exchange. He stated unfortunately some of the guns are very old and it isn't going to be a complete swap, we will be short \$130.00 He further stated Sgt. Baker did a great job, and instead of spending \$4,800 dollars we will only be spending \$130.00 Chief Sovik stated they are working with I.T. Right to move forward with the new in-car cameras. They are familiar with the WatchGuard systems. After we purchase the cameras, we will look to MMRMA to hopefully find some grants for each camera. Councilmember Kivell asked about the turnaround time. Chief Sovik stated probably a month or so. Councilmember Richards asked about the new cars. Chief Sovik stated they are working out really well and a lot less maintenance than the previous cars.

HRC- Capital Improvement Plan Water Treatment Plant Presentation

Jesse VanDeCreek introduced himself, Roland Alix, and Noah Bednar from HRC. He stated Mike Darga wasn't able to be here. He started the PowerPoint presentation by looking at the site history. He stated as the population increased, the plant was expanded. He stated the last major expansion was completed in 2001. He stated the ground storage tank and the elevated storage tank was built in 1980 when the population was just over 5,000. He stated we are now over 12,000. He explained the City currently has 5

wells total. Mr. VanDeCreek stated well #2 is problematic. Peerless Midwest televised that well and the screen and casing has failed. He stated the above ground storage tank is deteriorating and it needs work. To do the interior work, we need another water storage tank. He further stated during peak demand of water service, we peak a little lower than we would like. He stated the CIP includes a new 600,000-gallon water storage tank. He then discussed a location for the tank and it makes sense to keep the tank just west of the current storage tank. It will keep all storage on one site, there is already fencing in the area so we can extend it to contain the new tank. He further stated it will also minimize the amount of infrastructure that will be needed. He stated there will have to be a geotechnical evaluation to ensure the soil will be compatible for a 600,000 gallon tank. Mr. VanDeCreek stated the surface of the parking lot is horrible, but it could be better 8 feet down. The geotechnical evaluation will tell us that.

Mr. VanDeCreek stated we have 4 horizontal pressure filters. He stated they need to be cleaned, resealed and repainted. He further stated the filter media needs to be replaced as well. He further stated the media was replaced 20 years ago. Further discussion was held regarding the horizontal pressure filters.

Mr. VanDeCreek explained there are 3 induced draft aerators. They are used to change the state of the iron from ferrous to a ferric state so the iron can be removed in the horizontal pressure filter treatment train. Increased capacity was needed so in 2001 a third IDA was added and the smallest one on Dorothy street was abandoned. He then explained HRC suggests inspections to be done either annually or biannually. Further discussion was held regarding the need for it to be replaced due to capacity as well as the need to change the iron from ferrous to a ferric state. Mr. VanDeCreek further explained without these we would be trying to shove these things through the filters and that wouldn't work.

Councilmember Kurtzweil stated she is surprised the inspections haven't been done annually in the past due to the issue with warranties. If we aren't doing the inspections, we could be jeopardizing our warranty. Mr. VanDeCreek stated they wrote their first evaluation on the above ground storage tank in 2015. It will continue to degrade if it isn't taken care of. He further stated it is salvageable, the issue is getting the interior tank fixed, but can't be done until we have a new holding tank built. He stated the external problems can be fixed while the new tank is being built. Councilmember Dilg asked if any of the needs got done in the memo from 2015. Mr. VanDeCreek stated the immediate needs were done.

Councilmember Kurtzweil questioned the switch on well 6. Mr. VanDeCreek stated during the 1991 project in order to meet the capacity was to put in a pressure switch in well 3. That raw water goes straight to the steel mill. It was piped for other use, but it was valved off. He stated they weren't using as much per day as they are now. He stated they tested this in 1991 by shutting off all the wells to let them go down to a point to see if the pressure switch would work and it did. The City shared the water with the steel mill. Here 20 years later he was informed the control valve isn't operational. Mr. Beason contacted the supplier and it isn't the standard valve, it has sensors on it and the manufacturer does not make them anymore. There have been discussions and it needs to be reinstated for our capacity. Councilmember Kurtzweil asked how long this switch hasn't been working. If this needs to be done immediately and it appears to be costly. The valve is the costly switch but possible the DPW can install. Councilmember Kivell stated he thinks our guys can install the valve. Mr. VanDeCreek stated they suggested DPW to make the repair. Further discussion was held regarding the CIP and the scheduling of each phase.

Councilmember Kennedy asked what could be started without HRC being involved with.

Councilmember Kennedy stated it appears we can handle the filter project. He stated the vendor can come out and remove the old element and then we can refill the unit and put it back online. Mr. VanDeCreek stated he thinks the City can handle the IDA portion of the project. Further discussion was held on the timeline of the projects, costs and the urgency of parts of the project. The plan from HRC suggests we budget 1.3 million for the year 2019-2020, 2 million for 2020-2021 and 1 million for 2021-2022. Mr. VanDeCreek stated there are many contingencies that could bring the estimated cost down.

Councilmember Kurtzweil stated she wished we could have had a fiscal impact analysis so she could have looked at it for additional analysis. City Manager Zelenak stated Plante Moran has been provided this plan and they are handling the water and sewer rate study so we can ensure we can do the improvements in future years so we don't have to borrow money to complete them. Councilmember Richards discussed the soil material at the area they are proposing the storage tank and he thinks that is the best place for it. He then stated there is no peat underground. He further stated it was an open mine, but closed up in 1921 or 1922. Mr. VanDeCreek stated nothing will be done until we do the geological testing to ensure it is feasible.

OLD BUSINESS

1. 2ND reading of Ordinance to amend the South Lyon Code of Ordinances to update the charge of domestic violence to make it consistent with state law

Attorney Hamameh explained the change is to bring the city's ordinance in line with the state law which is adding the language "having a dating relationship".

11-4-19 MOTION TO APPROVE SECOND READING SECTION 58-51

Motion by Kivell, supported by Walton

Motion to approve the second reading of the ordinance amending section 58-51 to make it consistent with state law.

VOTE:

MOTION CARRIED UNANIMOUSLY

2. 2nd reading of Ordinance to amend the South Lyon Code of Ordinances to update provisions prohibiting the use of marihuana, in accordance with new legislature

Attorney Hamameh explained there have been no revision since the first reading of the amendment. She stated recreational marihuana became legal in November of last year. Our ordinances still had it being illegal. She stated we are now aligning the ordinance with state law and is not prohibiting something that the state now permits.

CM 11-5-19 MOTION TO APPROVE SECOND READING CHAPTER 58, ARTICLE VI

Motion by Kurtzweil, supported by Walton

Motion to approve the second reading of the ordinance various sections of chapter 58, Article VI, offenses involving to make the ordinance consistent with state law

VOTE:

MOTION CARRIED UNANIMOUSLY

3. 2nd reading of Ordinance to amend the South Lyon Code of Ordinances to update provisions prohibiting the use of vapor products and alternative nicotine delivery products by minors, in accordance with new legislation

Attorney Hamameh stated the changes in this ordinance will align our ordinance with the state law regarding the punishments for sale or furnishing to minors and the differential punishments for minors use and possession of tobacco product and the use and possession of vapor/alternative nicotine produce.

CM 11-6-19 MOTION TO APPROVE SECOND READING OF AMENDMENT FOR SECTION 58-221

Motion by Kennedy, supported by Walton

Motion to approve second reading of amendment for section 58-221

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

- 1. SLARA athletic field/court use application and permit policy and procedure-Removed from agenda
- 2. Consider CDBG application projects for the City of South Lyon

City Manager Zelenak stated 2020 CDBG application is due Friday December 13th. He stated the city held the public hearing on November 11, 2019 to discuss the allocated funds. He stated the City will receive \$29,552 for 2020. He further stated in previous years the money has been used to support the Senior Center and Haven and he suggests we do the same this year. With \$5,000 going to Haven and \$24,552 for the Senior Center.

CM 11-7-19 MOTION TO APPROVE CDBG APPLICATION PROJECTS

Motion by Kivell, supported by Kennedy

Motion to approve the selected projects as identified

VOTE: MOTION CARRIED UNANIMOUSLY

- 3. DDA request for additional funding for Cool Yule

Robert Donohue stated in the late spring the Presbyterian Church contacted DDA regarding the CoolYule. At the following DDA meeting it was discussed but they didn't have any volunteers. He and the DDA didn't want the event to fail, therefore he and Jeff Heinanen offered to co-chair the event. He further stated it was after the budget was set for the 2019 budget. He stated there are four items in the packet which include the proposed budget, the work plan and the activity schedule. He further stated they are now requesting \$4,000 from the City for the fire pits, porta johns and security. The City has a promotional line item that could be used for the event. The DDA has budgeted \$4,000 for promotions, marketing and carriage rides and the rest of the funding is from the Carl and JoAnn Foundation. The goal is to give the residents and the business owners a great event. He further stated there have been items added from last years event. Mr. Donohue stated we are still expecting parade applicants and we are getting units as we speak and we will have more than last year. He further stated the fire pits will be supervised and it will be a small market but very nice. He stated the historic village activies are set and will be updated on the website and so on. We will be having movies in the street. The tree transfer, purchase and lighting has been complete. The carriage rides are scheduled. The beer and wine tent rentals are ready, the beer and wine purchases are ready. He further stated there are heaters for the tents. Mr. Donohue mentioned other items that are ready to go as well. Councilmember Kivell asked if they are still in need of volunteers. Mr. Jeff Heinanen stated they are still needing volunteers and the application is on the website. Mr. Kivell stated he is confident everyone wants this to be successful. There are a lot of loose ends that he hopes next year it can be handled earlier in the year. This has everything it needs to be a successful annual event; we just need to get it more locked down. Mr. Donohue stated the

sponsorship window is January through May, but we were still able to gain many sponsorships even with being in competition with Ladies Night Out. He stated we have an opportunity to have a critique meeting in January and then begin the planning. Mr. Heinanen stated we need to remember this event is complex, it is winter, there is so many issues that can come into play. He stated it takes months of preparation. There is so much that goes on behind the scenes. Councilmember Kennedy asked how many vendors we have. Mr. Donohue stated we currently have 6 vendors. Councilmember Kennedy stated that is where they were a month ago. Mr. Donohue stated we had more vendors, but sometimes people pull out. Councilmember Kennedy asked if the Cable Commission will be videotaping the event. Mr. Donohue stated he has not had time but it is a good idea. Councilmember Kurtzweil thanked Bob Donohue for the detailed work he has done with the expenses and the revenue. She then thanked him for his eye for detail. The work plan is easy to read and understand. She then stated that some of the costs will go down because they are being purchased this year. She stated she goes to Rochester for their holiday event. People love those events this time of year. She further stated there are some great events during the Cool Yule. The candy cane hunt, the downtown stocking hunt, and so on. We need to put into perspective the city is growing and there are new people coming in with new ideas. We are becoming more inclusive allowing more people to be involved in these events. She further stated this probably wouldn't be as successful if it wasn't the Carol and JoAnn Foundation. She further stated the City has not been good in the past with partnering with foundations and groups. Councilmember Walton stated this is a wonderful event and these are the events that keep neighboring cities coming into our towns and going to our stores and she is looking forward to this event. Councilmember Dilg asked if the newspaper will be writing an article on this event. Mr. Donohue stated they will be involved as well as the Detroit Free Press on December 6th for a media event. Councilmember Dilg stated the adoption of the firepits is a great idea.

11-8-19 MOTION TO APPROVE DDA'S REQUEST FOR COOL YULE FUNDING

Motion by Walton, supported by Kurtzweil

Motion to approve the DDA's request of November 14 for city funds for public aspects of the 2019 Cool Yule event as shown on the 2019 Cool Yule budget, work plan and schedule of activities

VOTE: MOTION CARRIED UNANIMOUSLY

4. City legal service agreement

City Manager Zelenak stated the current retainer for the city attorney expires in June 2021. There have been concerns and discussions about several months of billing being used per the retainer excluding labor and tax tribunal matters. He further stated RSJA has proposed an hourly rate of \$150.00. The terms of the agreement will be retroactively to September 1, 2019. Councilmember Kivell stated he is grateful we are getting some relief for the last few months billing. He further stated if you have done the math on this, we have not received \$17,000 of services and he doesn't understand that because there was work on the table. He is happy that is changing, and he has been very happy with our new city attorney's work, he just wishes this could have taken place earlier.

CM 11-9-19 MOTION TO APPROVE LEGAL SERVICE AGREEMENT

Motion by Kivell, supported by Walton

Motion to approve the city legal services agreement with RSJA

VOTE: MOTION CARRIED UNANIMOUSLY

BUDGET

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Councilmember Kurtzweil stated she believes it would be a good idea to ask Andy Meisner, the Oakland County Treasurer to come and speak to Council about ways we can handle the unfunded liability, both pension and healthcare. She stated the audit reflects we have a good cash fund that is receiving low interest rates. He could give us information on certain investments the county can supply for the cities. She further stated he has experience with the unfunded issues and he is a wealth of information. She spoke with him at the parade and he is more than willing to come speak with us. She then asked the City Manager about the funds that were saved from the Dixboro project. City Manager Zelenak stated we saved \$88,000. Councilmember Kurtzweil stated we could use some of that money to paydown some of the unfunded liability. Councilmember Kurtzweil then asked about budget amendments. City Manager Zelenak stated the budget amendments will be brought to Council at the next meeting. Councilmember Kurtzweil stated the audit discussed the net pension liability. As of December 2017, it was 4.6 million and in December of 2018 it is 6 million. She further stated that is why we need Andy Meisner to come and speak with us regarding the unfunded liability. Then she stated she is proposing we form a committee to investigate different ways this can be handled and speaking with MERS and talk to other cities to see what their plans are. Councilmember Kurtzweil asked if there is a CIP being worked on for anything other than water and sewer. City Manager Zelenak stated there is one being worked on for roads as well. Councilmember Kurtzweil stated she has always been told there is a resolution regarding our water and sewer tap fees, but she has yet to see it. She then stated the comment in the audit suggests the city revise the resolution. She stated we have a business owner that is asking for relief on tap in fees and she wants to see how much of the tap in fee is going into the repair fund. She would like to do more analysis to see how much money is going into that fund. Councilmember Kurtzweil stated she was upset to hear Chief Vogel is losing some firefighters to full time jobs. She stated we lost Chief Kennedy because he left for a full-time job. She stated the same could happen with Chief Vogel, although he has decided to stay. She stated he works 55 hours a week and that is not a part time job. That reflects his work ethic as a public servant. We need to hang onto him and possibly work him into a full-time position and she would like to see the fiscal impact on the budget.

MANAGER'S REPORT

City Manager Zelenak stated the Ladies Night Event was great and it was the most attended ever. He thanked all the volunteers.

City Manager Zelenak reminded all of the council to give him their lists of their goals and objectives for the next budget year.

City Manager Zelenak stated Katherine Rivera from the South Lyon Center for Active Adults will be giving a presentation at the next council meeting. He then stated Amy Allen from SLARA will have a presentation during a meeting in January.

City Manager Zelenak stated he met with Revize regarding our city website along with Carol and the City Clerk. He stated they discussed potential options for improving our website and means with which communicate with the public.

City Manager Zelenak stated we have found an employee to fill the vacant mechanic position and he is being brought on as an employee of the DPW but at a rate commensurate with their knowledge and experience.

City Manger Zelenak stated he is working with the City Clerk, City Attorney and the Mayor regarding council rules and procedures moving forward. It is important to discuss council contacts with employees and consultants and that will be a discussion at a future meeting. Councilmember Kurtzweil asked if she has questions for employees, should she go through the City Manager. City Manager Zelenak stated it

needs to go through him first then he can make a contact with the consultants or employees. He further stated if one councilmember is requesting to have someone come and do a presentation, it must be decided as council as a whole body.

PUBLIC COMMENT

Judy Keeling of 62180 Arlington Circle said she wanted to remind everyone it is Thanksgiving and she thanked everyone for being there and she feels very secure.

COUNCIL COMMENTS

Councilmember Richards stated he wished best wishes for recovery to members of staff family in all the departments that are presently off on medical.

Councilmember Richards stated he visited the Dixboro Road project on the south end of Volunteer Park. He stated he went with Doug Varney and the width of the site was impressive, 60-70 feet wide. The peat is being removed at 17 feet. He further stated the ground prep for basing the trucks to keep them moving when filled with peat because the trucks can't stop. He further stated you can feel the slow vibration on the ground when the trucks are moving. He then stated he spoke with someone at the site and he shared historical information with him. He further stated it is a dangerous place and they are approximately 20% completed.

Councilmember Richards stated he attended the ZBA meeting and it was very interesting and we still have 2 vacancies on the ZBA.

Councilmember Kennedy stated following our recent election, he received a letter from a resident asking about absentee ballots and the procedure for processing them. Specifically, the letter reads as follows: "Council Member Steve Kennedy, In the next meeting, could you please speak about how absentee ballots are counted in South Lyon? We have noticed that on the Oakland County Elections Results page, it shows 0 absentee votes for both Mayor and City Council. All other cities in Oakland County list the number of absentee votes cast for each member. Were all votes absentee and election counted in the election and are the results final? Thank you, and congratulations on your win. Councilmember Kennedy stated to ensure the overall process is properly explained, I'm going to ask our City Clerk, Ms. Lisa Deaton, to discuss it. Clerk Deaton stated some communities have an absentee counting board. It is a group of inspectors with one tabulator and they are sequestered in that room for the entire day. All of the absentee ballots are then brought to that location and the ballots are tabulated on that machine. When the polls are closed at the end of the night, the tabulator will then modem the results to Oakland County which is why they show they are separate from the regular ballot counts. We have never had an absentee counting board here in the city because we have never had enough Election Inspectors nor do we have the extra tabulator. Our absentee ballots are received at City Hall by the Clerk's office. Either my Deputy or myself will then take the absentee ballots to each precinct. At that time, the Inspectors will open the ballots, tear the tab off and then feed them through the tabulator with the regular ballots. We are hoping to have an absentee ballot counting board in the future. She further stated just for additional information, we mailed 917 absentee ballots and 793 ballots were returned and tabulated on Election Day. Councilmember Kennedy then wished everyone a Happy Thanksgiving.

Councilmember Walton thanked Susan Kaminski for her time on the Cultural Arts Commission and she congratulated Ryan Lare for his appointment to the Cultural Arts Commission and she congratulated Amber King for being reappointed to the Cable Commission. Councilmember Walton stated Cindy Hines

was able to get the original Hudson's sleigh and it is a very cool sight, everyone should go see it. She then wished everyone a Happy Thanksgiving and if you are going out this weekend, please be safe.

Councilmember Dilg stated she was able to attend the Phil Hart dinner and she spoke with Andy Meisner, Alyssa Slotkin, Dave Coulter, Haley Stevens and Haley Stevens called out South Lyon during her speech. They are all excited about what is happening in our downtown.

Councilmember Dilg thanked Ms. Nickeloff for coming to the last meeting and speaking about the cross walk by the South Lyon Hotel. She further stated that is one of her issues as well and it is being followed up on. People listen when you speak during public comment. She then thanked all the businesses and the DDA for Ladies Night, they went all out and it is exciting for people to meet the business owners.

Councilmember Dilg stated she will be volunteering at Cool Yule helping with the market place and if anyone is interested in volunteering please do.

Councilmember Kurtzweil thanked the Knights of Columbus at St. Joseph's Church for awarding her and her husband for their service to family and their community. It is an incredible honor and they accept it with humility and gratitude. She stated the Knights of Columbus is a 501C3 organization dedicated to charity and service. Some of the charities include disaster relief, aid to orphans, coats for kids and scholarships. She further stated in 2017 they raised over 85 million dollars and donations with 75 million hours of service. She then stated the South Lyon area is a community of some of their charitable work. Councilmember Kurtzweil stated this is a time of year where people have lost loved ones and she hopes everyone remembers people that have lost someone and send them a card or a phone call.

Councilmember Kurtzweil wished all of Council a Happy Thanksgiving and she is thankful for our new City Attorney Lisa.

Councilmember Kivell stated he wants to remind everyone to volunteer, be a participant, it is very rewarding and it is always a good time. He then wished everyone a Happy Thanksgiving.

Mayor Pelchat stated he mentioned changing the seating arrangement of Council and he hopes to update everyone at the next meeting. He then wished everyone a Happy Thanksgiving.

ADJOURNMENT

CM 11-10-19 MOTION TO ADJOURN

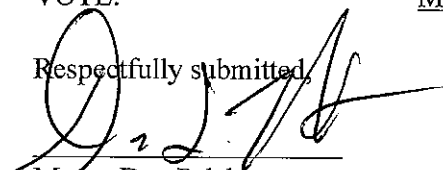
Motion by Kurtzweil, supported by Walton

Motion to adjourn meeting at 10:06 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,



Mayor Dan Pelchat



Clerk/Treasurer Lisa Deaton