

City of South Lyon  
Regular City Council Meeting  
December 14, 2020

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, Kurtzweil, Richards and Walton  
Also, present: City Manager Zelenak, Attorney Hamameh, Chief Sovik, Chief Vogel, DDA Director Nate Mack, Superintendent Varney and Clerk/Treasurer Deaton

Absent: Councilmember Kivell

CM 12-1-20 MOTION TO EXCUSE ABSENCE

Motion by Kennedy, supported by Dilg  
Motion to excuse absence of Councilmember Kivell

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Councilmember Kennedy stated on page one, Casey is misspelled, it should be Kasey.

CM 12-2-20 MOTION TO APPROVE THE MINUTES

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

CM 12-3-20 MOTION TO APPROVE BILLS

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

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 12-4-20 MOTION TO APPROVE AGENDA

Motion by Kennedy, supported by Walton  
Motion to approve agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- No comments

DISCUSSION- Downtown

Mr. Mack stated there is a couple of grant opportunities, one is through Oakland County for 10 million dollars to assist businesses that have been adversely affected by COVID 19. 7 million of that, they are going to mail checks to businesses that were approved previously, and 2 million is coming from the County's General Fund and then another million will go to businesses to purchase items they may need. He stated he sent reminders to businesses to remind them of this as well as another grant that is coming available tomorrow from the Economic Development Corporation which is a 10-million-dollar grant opportunity that will be going out state-wide and it is first come first serve. He stated he provided all the

12-14-20

details and the questions that will be submitted. That grant opens tomorrow. He then stated the DDA Board met on December 10<sup>th</sup> and they had a presentation from Annaka Norris from Main Street Oakland County, she went over the benefits of the Main Street program and what the County is doing. Mr. Mack stated the DDA Board approved \$500 for a downtown shopping promotion that basically it encourages residents to shop safely downtown and we will be purchasing gift cards from the downtown businesses and then giving them away after the first of the year. He then stated the Draft Street owners will be getting demo permits for the interior of the building. Councilmember Walton thanked the DDA and the Cultural Arts for their work on the Santa house and the gingerbread boys and girls cutout is amazing. She stated it is really great. She then asked if we can leave the lights up past Valentines Day to keep the downtown looking festive. Mr. Mack stated we may be able to do that. Councilmember Walton asked if we have a welcome wagon or a welcome packet for new residents. Mr. Mack stated he would check into it. Councilmember Dilg stated she appreciates the DDA for the \$500 downtown shopping event. She then stated she recalls when she moved to town, she received a welcome packet and it was really great. Councilmember Kurtzweil stated she has noticed a few cities are putting on their DDA website a map of the downtown and the neighborhoods. They are using that as a PR opportunity. She further stated the City is definitely lit up and it would be great if we could have a map next year. She then mentioned the project on HG TV and the MainStreet program. Their series is called Hometown and they specialize in bringing back the life of downtowns. She further stated the program will be on in January. Councilmember Kurtzweil stated she is disappointed the demo permits is only for the inside. She would hope the new owners take a look at the money the other businesses in downtown have spent on their buildings and do the same, and if they think they are going to just spend a little bit of money, their success will be short.

#### FIRE CHIEF REPORT

Fire Chief Vogel stated the vendor regarding the rescue vehicle is getting close to being ready. He stated we were talking with another City regarding using one of their rescue vehicles, but their attorney said it was too much liability. He stated he is waiting to see if they have a reasonable price so we can buy that as a back up vehicle. Chief Vogel stated the outdoor dining has become a major issue in the City and he encourages any business owner to contact him because we want to make sure it is safe and at a reasonable cost for the business owner. He stated the Fire Department is at full staff, everyone is healthy and he will be attending a COVID meeting tomorrow for more information. He further stated he is expecting to begin vaccinating the Fire Department next week. We will do half one week and the other half the following week. He is encouraging everyone to get the vaccination, he believes it is safe. He further stated half of his department want the vaccine and half does not. Chief Vogel stated Chief Weir was able to get a grant which we were rewarded with 250 smoke detectors. Councilmember Kurtzweil asked if there is going to be a problem with the stability of the Pfizer when you draw down on the syringe, because it won't be in the subzero temperature. Chief Vogel stated he will know more information tomorrow at the meeting. He heard it has to be in dry ice and it can only be out for a couple of hours. Councilmember Kennedy thanked Chief Weir for his effort in getting the grant for the smoke detectors.

#### POLICE CHIEF REPORT

Chief Sovik stated he is working on his annual report and it should be ready in early 2021. He stated he is working on getting 4 bids for the generator and it will be in the 2021-2022 budget. He then stated they received their patrol vehicle today and after getting the equipment installed, it would be ready in about a month and half.

#### OLD BUSINESS

12-14-20

### 1. Fieldstone Planned Development Agreement- Approval

City Manager Zelenak stated the property involved in this request is the 11.65 acres on the south side of Eleven Mile Road approximately a quarter mile west of Pontiac Trail. It is an irregularly shaped parcel located adjacent to and west and north of Colonial Acres, and is bordered by railroad tracks along its western boundary. He then explained the 4-step process. Step 1 is the public hearing and review of the rezoning request and preliminary planned development site plan by the Planning Commission with a recommendation to Council which was completed on May 14, 2020. Step 2 is a review and action on the rezoning request and preliminary planned development site plan by City Council which was completed on June 22<sup>nd</sup>. Step 3 is a review of the final planned development site plan by the Planning Commission with a recommendation to Council which was completed on September 24<sup>th</sup>. The last step is the review and action on the final stage planned development site plan by City Council which was completed on November 9<sup>th</sup>. As part of the Stage II approval, a planned development agreement between the City and the applicant must be approved and recorded. The Planned Development agreement has been reviewed by the City Attorney, the applicant's attorney, City staff and consultants. The agreement contains the approved final site plan and elevations and floor plans for the homes which was approved at the November 9<sup>th</sup> meeting. Councilmember Dilg asked if there is a ground breaking date. Mr. Noles from the Umlor Group stated they anticipate they will immediately begin getting permits and should have them all in place by April, so groundbreaking should be the end of April or beginning of May. Councilmember Dilg asked if they have a date that they are hoping to have the development completed. Mr. Noles stated they should be selling homes in October and the development should be completely sold out within 2 years. He further stated, they build the homes as they are sold. Pulte likes to spec a few for quick deliveries for people trying to get in before school starts. Councilmember Dilg stated she wanted it on record that Lexington Drive will not be opened up to this development. Mr. Noles stated that is correct, Lexington Drive will be blocked by a privacy fence, and there is no availability for the builder to gain access to Lexington Drive. The easement that will be accessed for the City only goes to the property line and that drive is about 10 feet away. Councilmember Kurtzweil stated the main concern of the residents is the access to that road. She stated the concern is Colonial Acres have private roads and they are responsible for maintaining and repairing, which is why they don't want a thoroughfare going through there. She then asked about the stormwater drain system that will be onsite and offsite as necessary. Mr. Noles stated there are no offsite improvements proposed, that generally refers to the road right of way at Eleven Mile Road because Pulte doesn't own that road. He further stated all the stormwater outlets, and piping is all onsite. Councilmember Kurtzweil stated there is a lot of accounting in this document and in the past the City hasn't always kept track of costs and at a prior meeting it was stated that the City is going to have software that will help in keeping track of these type of things. Finance and Benefit Administrator Tiernan stated she has been working with BS&A and she is expecting to have that up and running in February, she will be working with the building department as well as Carol Brandon that helps with escrow fees. Councilmember Kurtzweil then asked the developer why they didn't use a performance bond, and why they are using a letter of credit. Mr. Noles stated they prefer to issue a bond, but a letter of credit has more weight behind it. It does have more financial backing. He further stated the inspection and review fees will be paid by cash. Councilmember Kurtzweil asked about the buffer being installed prior to any permits being pulled. Mr. Noles stated originally, they talked about putting it up first, but there is a conflict between the storm and franchise utilities. If we installed the fence and landscaping first, we would have to tear them out to lay the storm line and electrical line in. The electrical work will be done and the landscaping before the permits will be pulled to build the homes.

### CM 12-5-20 MOTION TO APPROVE PLANNED DEVELOPMENT FIELDSTONE

Motion by Kennedy, supported by Dilg

12-14-20

Motion to approve the Planned Development Agreement for Fieldstone Site Condominiums (Parcel No. 21-19-126-002) between the City of South Lyon and Pulte Homes of Michigan, LLC.

ROLL CALL VOTE:

Kennedy- Yes

Kurtzweil- Yes

Richards- No

Walton- Yes

Dilg- Yes

Pelchat- Yes

MOTION CARRIED- 1 OPPOSED

1. CAT6 cabling for new phone lines from DemNET Technologies

Chief Sovik stated we recently had a meeting about finalizing the fiberoptic lines at all the buildings, and while discussing the hardware, someone asked if the CAT5 or CAT6 lines in. Chief Sovik stated there was an oversight by Comcast, and when they came out to see what we needed, we assumed they would let us know that we needed the new upgraded fiberoptic lines that are attached to the phones. That delayed the project and it is a cost we weren't expecting. We did get 4 bids and we are asking to approve the bid for DemNET for \$6,788.79. Councilmember Kennedy asked if we received any relief from the representative from Comcast since it was their oversight and it delayed our project. Chief Sovik stated we were able to negotiate a \$2,500.00 credit. He further stated if this is approved tonight, it will begin on Thursday. Attorney Hamameh asked if we can add to the motion that this is subject to approval by the City Attorney.

CM 12-6-20 MOTION TO APPROVE THE BID FOR DEMNET TECHNOLOGIES

Motion by Kennedy, supported by Walton

Motion to approve the hiring of DemNET Technologies for the installation of CAT6 cable lines at the public safety complex and City Hall in the amount of \$6,788.79 subject to approval by the City Attorney

ROLL CALL VOTE:

Kurtzweil- Yes

Richards- Yes

Walton- Yes

Dilg- Yes

Kennedy- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

2. Fiscal Year 2020-2021 budget amendments

Finance and Benefit Administrator Tiernan stated she is presenting a list of budget amendments. She stated there is a correction under the Police heading that needs to be changed. There was a proposed increase for \$6,500 line item 101-300-000977-000, that was a budgeted item and approved, so that should have been 101-300-000-970-000. Ms. Tiernan stated she has a list of budget amendments based on our knowledge of where we are today, she then pointed out all the funds except the proprietary funds, except for water and sewer, we will not be taking any money out of general fund. She further stated all of our revenues are on track right now. She then explained she is requesting Council to approve the increase in expenditures of \$195,633 for general fund, \$68,108 for Major Streets, \$12,500 for DDA, \$27,378 for Capital Improvement Fund and \$228,329 for the Water and Sewer Fund. Councilmember Richards asked if these changes will be the new benchmark for us to go by in the future. Ms. Tiernan stated the budget amendments will be added to the current fiscal year budget, and we will look at this when we work on the 12-14-20

next years budget. This will help us to look at what our expenditures are and we normally look at a 3-year average. Councilmember Kurtzweil thanked Ms. Tiernan for going over some things with her today, she is an asset to the City. She then stated there is only about \$12,000 of surplus in the revenue column, so there won't be much money to move around for other budget amendments and she doesn't want the general fund balance touched. Ms. Tiernan stated the next fiscal reports will show the correct percentages when the amendments are added into the budget. The plan will be looking at accounts where the expenditures didn't come out as high as we budgeted for whatever reason, and move that money within the fund. She further stated we will also be looking at our expenses.

CM 12-7-20 MOTION TO APPROVE BUDGET AMENDMENTS

Motion by Kennedy, supported by Dilg

Motion to approve the proposed fiscal year 2020-2021 budget amendments

ROLL CALL VOTE:

Dilg- Yes

Kennedy- Yes

Kurtzweil- Yes

Richards- Yes

Walton- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

3. Oakland County Assessor of Record

City Manager Zelenak stated all jurisdictions within the State per Public Act 600 of 2018 must provide a statutory framework to ensure proper assessing. The City of South Lyon contracts with Oakland County Equalization Department as their Assessor, and per the State Tax Commission designates David Hieber R-5676 Equalization Officer for Oakland County as the designated Assessor.

CM 12-7-20 MOTION TO APPROVE RESOLUTION APPROVING THE INTERLOCAL AGREEMENT

Motion by Kennedy, supported by Dilg

Motion to adopt the Resolution approving the Interlocal Agreement for Oakland County to approve the designated assessor for January 1, 2021 to December 31, 2025.

ROLL CALL VOTE:

Walton- Yes

Richards- Yes

Kurtzweil- Yes

Kennedy- Yes

Dilg- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

4. Consider cancelling the December 28, 2020 City Council Meeting

City Manager Zelenak stated our second City Council meeting for Monday the 28<sup>th</sup>. In the past when the meeting was held in close proximity to the Christmas Holiday, City Council considered the possibility of cancelling that meeting. At this time, there are no pressing issues that require us to hold the 2<sup>nd</sup> meeting. If the need arises, we could always advise Council and schedule a meeting if necessary.

CM 12-8-20 MOTION TO CANCEL 2<sup>ND</sup> MEETING IN DECEMBER

Motion by Dilg, supported by Kennedy

12-14-20

Motion to cancel the 2<sup>nd</sup> City Council Meeting in December scheduled for December 28<sup>th</sup>.

ROLL CALL VOTE:

Kennedy- Yes

Dilg- Yes

Richards- Yes

Kurtzweil- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

BUDGET- No comments

PUBLIC COMMENT- No comments

Mayor Pelchat stated Linda Hyaduck of Jim Runestad's office was trying to join the meeting to remind everyone to please let them know they can reach Senator Runestad at 517-373-1758 anytime and she wished everyone Happy Holidays.

MANGER'S REPORT

City Manager Zelenak reminded everyone that the proposed Holly Hills Development and conditional rezoning application for industrial zoned property on Dixboro will be reviewed at the January 14<sup>th</sup> Planning Commission meeting.

City Manager Zelenak stated the Planning Commission discussed the potential mural ordinance. City Manager Zelenak reminded everyone that you can still visit the website to watch the work being done on the interior/exterior of the water tank.

City Manager Zelenak stated he has asked Council to have their goals to him by January 8<sup>th</sup> for the 2020-2021 budget. He then reminded everyone that City Hall is closed on Christmas Eve, Christmas Day, New Years Eve and New Years Day. Councilmember Dilg stated she drove by the houses by the water tank. She stated it is terrible and she hopes we can put up a wall or shrubbery sooner rather than later.

Councilmember Dilg asked what kind of agreements do we have with the people that own the clothing bins around town because there continues to be blight around them. City Manager Zelenak stated the City doesn't have any agreements with them. If there are any agreements, they are between the owner of the property owner and the owners of the bins. We have to ensure they are kept up with and our ordinance officer has been in contact with the property owners and the owners of the bins. In some cases, the property wasn't even told before the bins showed up on their property. Our Ordinance Officer is assisting with trying to get some of the bins removed. Councilmember Richards stated they did a wonderful job on Liberty Street. He stated the DPW made some patches on the small defects and did a great job. He then asked who determined that Liberty was a Major Street, and do we know when the rest of the road will be completed. City Manager Zelenak stated determining that as a Major Street was determined based upon reporting on the ACT51 and based upon the vehicles, the type of traffic that goes through due to the correlation to the downtown and what particular vehicles traverse on that road.

COUNCIL COMMENTS

Councilmember Kennedy stated he wanted to let our residents know that if you missed the last yard waste collection by GFL in November, the DPW has set up a dumpster in the DPW yard and you can drop off your yard waste bags between 7am and 3:30 pm Monday through Friday, except holidays. So, please drop them off before they deteriorate on your curb over the winter. Councilmember Kennedy then wished everyone a very Merry Christmas, a Happy Hanukah, a Joyous Kwanza or, in the words of Jerry Stiller from the Seinfeld Show and I quote, A Happy Festivus to the rest of us. Have a great holiday and a Happy New Year

Councilmember Walton thanked the Kiwanis for donating the tree to the Historical Village and to Martins Hardware for handing out the decorations and she hopes the City can continue that in the future. She then reminded everyone that this is the holiday season that our local businesses always supported our schools, community and now is our time to support them. Please think about shopping local for your gifts, buying take out, or buying gift cards, even if you want to just get out, bring a blanket and stop and enjoy the lights. She then thanked Diane from Diane's Dollhouse for her equal match of Phil Wieperts donations to Toys for Tots. She then stated she hopes everyone has a wonderful holiday season.

Councilmember Kurtzweil stated she wished city employees and all their families a Merry Christmas for their incredible dedication, and commitment to the city and the residents. We have had the most incredible employees, and there haven't been any complaints, and they came to work and worked every day. She stated True Value Hardware in town is collecting for the Marines program, Toys for Tots and she hopes everyone will help. Councilmember Kurtzweil reminded everyone to go through the town in the next few weeks to see all the Christmas lights that are in town, and to come through the Christmas Subdivision, which is Hidden Creek at 9 mile and Dixboro. She then told everyone to go out and enjoy Christmas and get out and walk and enjoy the year.

Councilmember Richards stated we do have wonderful employees and they have achieved miracles throughout the years. He then congratulated the Kiwanis for their successful Christmas tree sale, they should sell out by the end of the week. He then wished everyone a happy holiday season.

Councilmember Dilg thanked our residents for supporting our downtown.

Mayor Pelchat stated he is proud of our staff. He then wished everyone happy new year and let's continue to try to support our local businesses.

CLOSED SESSION: Closed session pursuant to Section 8 (e) and (h) of the Open Meetings Act to discuss pending litigation in Lockwood vs City of South Lyon

CM 12-9-20 MOTION TO ENTER INTO CLOSED SESSION 8:47 P.M.

Motion by Kurtzweil, supported by Walton

Motion to enter into closed session pursuant to Section 8 (e) and (h) of the Open Meetings Act to discuss pending litigation in Lockwood vs City of South Lyon at 8:47 p.m.

VOTE:

Dilg- Yes

Kennedy- Yes

Kurtzweil- Yes

Walton- Yes

Richards- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

CM 12-9-20 MOTION TO ACCEPT THE CASE EVALUATION AWARD

Motion by Kennedy, supported by Dilg

Motion to accept the case evaluation award made by Judge Ryan

ROLL CALL VOTE:

Kurtzweil- No  
Richards- No  
Walton- No  
Dilg- Yes  
Kennedy- Yes  
Pelchat- Yes  
MOTION FAILED

ADJOURNMENT

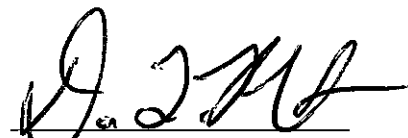
CM 12-10-20 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Walton

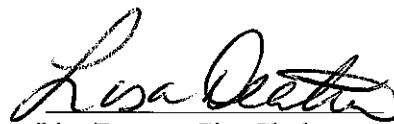
Motion to adjourn meeting at 9:57 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,



Dan Pelchat, Mayor



Lisa Deaton, City Clerk