

City of South Lyon
Regular City Council Meeting
February 28, 2022

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

Mayor Pelchat led those present in the Pledge of Allegiance

Roll Call: Councilmembers: Dilg, Kurtzweil, Kivell, Kennedy, Mosier, Hansen

Also present: City Manager Zelenak, Attorney Hamameh, Fire Chief Thorington, Chief Sovik, Deputy Chief Weir, DDA Director Mack, Finance and Benefit Administrator Tiernan, and Clerk/Treasurer Deaton

MINUTES

CM 2-1-22 MOTION TO APPROVE MINUTES

Motion by Kennedy, supported by Hansen

Motion to approve the minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

CM 2-2-22 MOTION TO APPROVE AGENDA

Motion by Dilg, supported by Kennedy

Motion to approve agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

1. Memorial Day Parade
2. Reappointments to boards and commissions

CM 2-3-22 MOTION TO APPROVE CONSENT AGENDA

Motion by Kivell, supported by Kennedy

Motion to approve the consent agenda

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- None

DISCUSSION- Downtown

Nate Mack, the Downtown Economic Director stated the South Lyon Carnivale is taking place this Saturday and everyone is very excited about it. We have all the marketing materials out and we boosted a Facebook post online. We have flyers in the stores, and the bars and restaurants will have specials as well as the sponsor who will be participating on the day of the event. He stated we have 3 food vendors that will be there. Last week members of the Main Street Oakland County team visited South Lyon to do an assessment of the downtown and we discussed ways to move South Lyon to the 3rd tier of the Main Street Program which will give us more access to grants and the expertise the county provides. Mr. Mack then stated Anne Vuillemot decided to not be reappointed to the DDA. He thanked her for all her work with the DDA and for her work on the Ladies Night Out, Holiday Spectacular and other downtown events. He then stated pending a background check we will have a Farmers Market Manager. Councilmember Kurtzweil asked about the doctor's office that is supposed to be opening. Mr. Mack stated he doesn't know where they are at with the pandemic and cash flow. Councilmember Kurtzweil stated she is disappointed that the land owner isn't making more of a commitment to the community. That corner has always been a problem. It seems like it may be becoming a tax write off. She stated some business owners have contacted her about that building, while they are trying to improve their buildings and

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provide a variety of retail and additional plantings, and they aren't happy with that building. It's not fair to the local business owners. She hopes the owner will come to the table with more of a commitment. Councilmember Hansen stated he was happy to see the boosted Facebook post for the Carnivale. Councilmember Dilg asked for updates on the Italian restaurant. Mr. Mack stated he heard in the next 3 months. Councilmember Kivell stated the building permits on that building expired in 2021, the city should be able to do something about it. The walls are framed, all they need to do is put up some drywall and electrical. He stated at this point it seems disingenuous. Mr. Mack stated he will contact the engineer that has been working on the building. Councilmember Kennedy stated he doesn't even remove the snow from his sidewalk, it's a shame the Ordinance Officer doesn't cite him for that. It affects the walkability of the downtown; he isn't showing much care and he hopes there is something we can do to get on board.

FIRE CHIEF REPORT

Fire Chief Thorington introduced himself and he is happy to be here. It is a great city and he has been working now for 4-5 days and he can already tell the city is lucky to have such a dedicated group of firefighters and they have been very welcoming. He then stated there was a fire in an apt on Brookwood Drive, it was a stove fire and it was contained quickly. He further stated we had one mutual aid, 35 EMS calls and some false alarms. We installed 43 fire detectors in the last 2 weeks and we replaced batteries in 6 detectors. Our Fire Marshall inspected 6 businesses. He then stated he is happy to be here.

POLICE CHIEF REPORT

Chief Sovik stated he had the opportunity to speak with Chief Thorington a few times and he is a great pick and he will fit in great. He then stated it was kindness week, and he gave a shout out to the children at Bartlett for sending the PD 80 cards and letters. It was very cool and we appreciate it. He then stated we have a great community and a lot of the officers don't leave because of that. We appreciate the support from the City Manager and Council. He then gave a shout out to the Assistant DPW Superintendent Jeff Archey, he has been working for a couple of months now, and it is great to see him in that position, he is doing a great job. Cadet Tokarsky is doing a great job. We will be hiring another cadet because our other cadet will be leaving us April 1st. He then stated he is hoping the generator will be installed sometime in April. Councilmember Dilg asked how the SRO is working out. Chief Sovik stated he is working out great. The Superintendent has gotten some great feedback and both schools are grateful to have him.

UNFINISHED BUSINESS- None

NEW BUSINESS

1. Railroad Crossing Sewer Easements

City Manager Zelenak explained the city is constructing improvements to its sanitary sewer system, which improvements include an extension of its sanitary sewer main and improvements to portions of the existing sanitary sewer manhole and sewer lines, including an area through the property known as 415 N Lafayette, and 606 Lakewood Drive. We have made numerous attempts to obtain the necessary easements from the property owners, however we have been unsuccessful. The City Attorney suggested we begin the process of acquiring the easements by eminent domain in accordance with the Uniform Condemnation Procedures Act, PA 87 of 1980. The first step is the adoption of a resolution concerning the acquisition of property and approving declaration of necessity and taking for each property. The second step is to make a good faith offer, which includes an appraisal supporting the purchase price offered. The final step, if the offer isn't accepted within 14 days, the in the process is recording the declaration of taking at the Register of Deeds Office on each property. The last step is filing a complaint for condemnation in the Oakland County Circuit Court. He further stated we are hopeful that litigation will not become necessary, but we are asking for authority to take whatever action necessary to acquire the easements. Councilmember Kennedy stated this has taken a long time and he appreciates the City Manager moving this forward. He then stated we have the permit from CSX to bore under

the tracks, and once this is moving along, we can begin the bid. He stated it is unfortunate the entities haven't responded the way we hoped they would have, but this is for the greater good for the residents of the city. Councilmember Kurtzweil stated originally there was an easement, but it wasn't recorded with the County. We already had an easement, so it isn't like we are going out to take someone's property. We are just cleaning things up. City Manager Zelenak stated the sanitary sewer line is already there, so there should have been an easement recorded. The representatives and owner are hard to get a hold of.

CM 2-4-22 MOTION TO APPROVE RESOLUTION AND DECLARATION 606 LAKEWOOD

Motion by Kennedy, supported by Hansen

Motion to approve the attached resolution concerning the acquisition of property and approving the declaration of necessity and taking 606 Lakewood

ROLL CALL VOTE:

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

MOTION CARRIED UNANIMOUSLY

Councilmember Kivell stated because he is an employee at Pullum Window, he is asking to abstain from the discussion and the vote.

CM 2-5-22 MOTION TO APPROVE COUNCILMEMBER KIVELL TO RECUSE HIMSELF

Motion by Kennedy, supported by Kurtzweil

Motion to approve Councilmember Kivell to recuse himself from discussion and vote

ROLL CALL VOTE:

Kennedy- Yes
Hansen- Yes
Dilg- Yes
Kurtzweil- Yes
Mosier- Yes
Pelchat- Yes

MOTION CARRIED

Councilmember Kurtzweil stated this is another issue where there was an easement and it never got recorded. There is already the utility line is there, and for some reason it wasn't recorded. Clearly the business owner is aware it is there so we aren't taking him off guard. City Manager Zelenak stated he hasn't spoken with him since before the appraisal was done. We are going to give him a good faith offer. Councilmember Hansen asked if either of the owners don't respond, do we just move to the next step. City Manager Zelenak stated we would.

CM 2-6-22 MOTION TO APPROVE RESOLUTION AND DECLARATION 415 N LAFAYETTE

Motion by Kennedy, supported by Dilg

Motion to approve to the revised resolution that includes the addition of the errors of Charles B Pullum and the International Transmission property concerning the acquisition of property and approving the declaration of necessity and taking 415 N Lafayette

ROLL CALL VOTE:

Kurtzweil- Yes
Mosier- Yes
Hansen- Yes
Kennedy- Yes
Dilg- Yes

Pelchat- Yes
MOTION CARRIED UNANIMOUSLY

2. Water & Sewer Tap-In Fees

City Manager Zelenak explained in 1989 the city passed a policy for the use of tap in fees for water and sewer revenues. At the time, it was decided to segregate 80% of the fees with a breakdown of 56.25% to sewer capital improvements and 43.75% to water capital improvement. We are currently using those funds for the improvements of the water and sewer system. The question is should we keep the funds as they are, or should a new policy be made without the percentages, which would mean the funds would still be restricted and can only be used in the capital improvement of water and sewer, but it could be used for one or the other, whichever is needed at the time. Another option is to change the current percentages in the policy. Councilmember Kivell stated at the time this took place, we were growing large quickly, so the money built up a good bank for what would end up being used for the maintenance of those systems. It made sense at the time to allocate it so it was tucked away until we needed to use it. City Manager Zelenak stated his concern is that there is a certain percentage that is restricted to water and a percentage to sewer. He would rather not have a percentage allocated to water or to sewer, so that if we need to do more work on the sewer, instead of borrowing from general fund, we could use the funds that are currently allocated to water. The opposite could happen as well. The water and sewer are always restricted and cannot be used for anything other than water and sewer capital improvements. He stated he is just asking to have a new policy without the percentage restrictions. Councilmember Kivell stated that seems reasonable. Councilmember Kurtzweil thanked City Manager Zelenak for moving this forward. She has asked about this for many years. She asked for years for the policy and the auditors have been asking to have this updated as well. She agrees with the City Manager that they stay as a restricted asset, and she understands removing the percentage. She further stated she would be happy if we make it a resolution so people can find it in the future. Finance and Benefit Administrator Tiernan stated the funds are committed to this policy. By committing them they cannot be used for anything except water and sewer infrastructure. If you have a resolution to committing the funds, you have the ability to change it in the future, whether it be percentages or something else. Councilmember Kurtzweil asked what is the difference between committing and restricting the funds. Ms. Tiernan stated if the funds are committed, Council can change the policy, if its restricted there needs to be more formal language. City Manager Zelenak stated there already is a restriction on those funds, we can draft a new policy that will commit the funds to use interchangeable between the water and sewer fund. Councilmember Mosier asked if by committing or restricting, the funds will not be used for anything else. Ms. Tiernan stated the intention is the same, we're just removing the percentages. Councilmember Mosier stated she found the minutes 5 years ago and gave them to Plante Moran, she doesn't know why they weren't given to Councilmember Kurtzweil. Councilmember Dilg asked if the money that is there have to be used by the percentages. Ms. Tiernan stated you can make a motion to leave it under the current policy, or change it to be used under the new policy. She further stated there is a little over 1.7 million in the sanitary sewer fund and \$537,000 in the water replacement fund.

CM 2-7-22 MOTION TO DRAFT WATER AND SEWER TAP POLICY

Motion by Kurtzweil, supported by Hansen

Motion to draft the current policy to commit and or restrict the water and sewer tap in fees based upon discussions this evening

ROLL CALL VOTE:

Hansen- Yes
 Dilg- Yes
 Kurtzweil- Yes
 Mosier- Yes
 Kivell- Yes
 Kennedy- Yes

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Pelchat- Yes
MOTION CARRIED UNANIMOUSLY

BUDGET

Councilmember Kurtzweil stated she has been watching the appropriations meetings in Lansing and there is a house bill, HB5054 moving through the legislature which will provide 1.5 billion dollars to provide state fund resources to municipalities to help pay down their pension debt. This is incredible and she has been following it for a while. It is a 2-part grant program, so much will be used for communities owing under 60% and the rest for the communities that owe over 60% of their pension. There is a lot of criteria and grant oriented. If anyone is interested, they should call their State Representative and Senator and tell them we need this approved. The problem is, when you look at the number and split it out with the larger cities, what will be left for South Lyon. You can call Thomas Albert, or Kelly Breen.

PUBLIC COMMENT

Kyle Seymour of 3937 Silverside Drive, Milford stated he is here representing Senator Runestad and he is an intern in his office and he is here to help with anything that is needed.

MANAGER'S REPORT

City Manager Zelenak stated they had the walk through with the potential contractors for the demolition of 501 McMunn and the bids are due tomorrow. He will keep Council updated. He then stated there was an article in Hometown Life regarding 318 W Lake Street outlining what we are looking for on that property. City Manager Zelenak then reminded Council of the pre-budget meeting this Wednesday regarding the ARPA funds as well as a budget workshop meeting on March 2nd. The regular budget meeting will be held in April. He stated he met with Oakland County Equalization, and they are estimating our taxable value has increased approximately 6%, but the final numbers will be determined after the Board of Review. He then updated everyone that due to the recommendations of the CDC and the guidelines from the Oakland County Health Department, the city is no longer requiring employees to wear masks indoors and all city buildings are open to the public. Masks are optional for employees and the general public. He then announced that Mayor Pelchat was selected as Oakland County's 40 under 40 Class of 2022. He will be a special guest at the 2022 State of the County address where the class will be introduced.

COUNCIL COMMENTS

Councilmember Dilg thanked all our board and commission members for continuing their work and she appreciates their dedication to South Lyon. She hopes other people will step up and join any boards with openings because we can't function without them. She then personally thanked Annie from The Lemon Tree for all her work on the DDA and her enthusiasm for the city. She then stated she is looking forward to the Carnivale and she hopes everyone comes down and visits the stores and have a great time.

Councilmember Kivell stated he is happy to hear the Farmers Market Manager is only a background check away stepping into that role. He is also happy to hear he was a Market Manager in the past. He is looking forward to see if he has any different ideas that may amp things up. He then stated he is looking forward to Carnivale. He stated his thoughts and hopes are with Ukraine and he is very proud of the countries and organizations that have reached out providing aid in support and even some of the more nefarious nations position that would allow the UN to move forward with condemnations of Russia's behavior. This is very dicey and he wishes them all the best and hopes it will be over quickly.

Councilmember Hansen stated Michigan has close to 46,000 Ukraine residents, and he asked everyone to have them in your thoughts and give them your support. He then reminded everyone of the 18th creek clean up on April 24th. Everyone is meeting at 401 McMunn.

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Councilmember Mosier stated she hopes to see everyone at Carnivale and thanked Nate for working so hard on it.

Councilmember Kurtzweil stated Annie will be sorely missed from the DDA. She then reminded everyone that tomorrow is Paczki Day and the South Lyon Village Bakery is getting crazy so, you should get there early because they will sell out. She then stated the Fish Fry's begin this week and the largest one around is at St Joseph's Catholic Church, it starts Friday at 4 and last year they sold over 500 dinners in the 3-hour period. She then stated she would also like everyone to think of President Zelinsky, the men and soldiers that are fighting, and the women and children that are cowering in subways and in hospitals, waiting for water and food and all others affected by the war. Please keep them in your prayers, lets all hope for peace. It is 25 minutes after 8 in South Lyon Michigan, and there is a convoy of tanks headed to Kiev. She hopes the city will survive and there will be minimal hurt. She then stated God Bless the Ukraine and God Bless America.

Councilmember Kennedy stated the American Red Cross will be holding a blood drive at the Salem South-Lyon District Library on Monday, March 14th from 10am to 4pm. You can sign up at [RedCrossBlood.org/RapidPass](https://www.RedCrossBlood.org/RapidPass) to preregister and save some time with your appointment. Blood supplies are at a critical level, so please consider donating at this upcoming event. He then recognized City Manager Zelenak's efforts at shepherding the process along to secure the easement and to eventually replace this critical piece of infrastructure for our city.

Mayor Pelchat stated he wants to echo the comments about our friends in the Ukraine fighting for their freedom. He then stated on Friday he will be doing his annual elementary school tours and he is looking forward to that and he is looking forward to seeing everyone this weekend at the Carnivale.

ADJOURNMENT

CM 2-8-22 MOTION TO ADJOURN

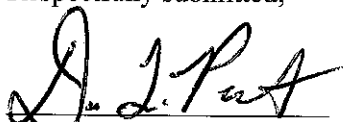
Motion by Kurtzweil


Motion to adjourn meeting at 8:30 p.m.

VOTE:

MOTION CARRIED

Respectfully submitted,


Mayor Dan Pelchat


City Clerk/Treasurer Lisa Deaton