

City of South Lyon
Regular Council Meeting
July 13, 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, Kivell, Kurtzweil, Richards and Walton

Also present: City Manager Zelenak, Chief Sovik, Chief Vogel, Superintendent Varney, Attorney Hamameh and Clerk/Treasurer Deaton

MINUTES- 6-22-20

Councilmember Kivell stated on page 5 it should state R3 zoning, not our three. Councilmember Kennedy stated the roll call vote on page 6 & 7 doesn't reflect Councilmember Richards voting no, and the Mayor did not vote at all. Councilmember Richards stated during the conversation with Andy Meisner he had asked about matching funds that he proposed to be given to Parks and Recreation and that was left out.

CM 7-1-20 MOTION TO APPROVE MINUTES AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

CM 7-2-20 MOTION TO APPROVE BILLS AS PRESENTED

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

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

Councilmember Kivell stated he had issues logging onto the last Council meeting and he would like to add the minutes from June 8th for an amendment.

CM 7-3-20 MOTION TO AMEND AGENDA

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

VOTE: MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA- None

MINUTES- June 8, 2020

Councilmember Kivell stated on page 12 starting on the second line, the word Marshall should be changed to Inspector. He then stated it should read in compliance (2 words) and it should state the words up attending needs to be deleted and it should say everything you need to attend to. Then 2 lines below there is an extra he in the sentence that should be removed.

CM 7-4-20 MOTION TO APPROVE THE MINUTES AS AMENDED

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

7/13/20

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT-

Screenivas Cherukuri of 25704 Shoreline Drive of Novi stated he is a candidate for House District 38. He stated he was born and raised in Michigan and he started out as an Engineer. He stated he then moved to management consultant and he was the IT Director for the City of Detroit until 2009. He stated in 2010 he and his brother started a hearing aid manufacturing company based in Southfield Michigan. He is a first-time political candidate and he has a lot of experience in the private and public sector. His concern is the heavy reliance local governments have on commercial property tax which is under threat. It began with the retail apocalypse and its still going to accelerate with the COVID crisis. He further stated commercial property is not going to be worth what it once was. We are going to have find a way to keep everything going without making the mistake repetitive. He stated his website is www.scree.vote if anyone wants to reach him.

Mindy Fernandes stated she is here as a representative of Kathy Crawford's office and wanted to give Council some updates. She stated they are focusing on education and safely reopening schools. They are helping the local superintendents decide how best to open and move forward. She stated they are also working on Covid liability helping local businesses, nonprofits and City governments understand the liability and helping them to understand how to lessen their liability. She stated not to take it away if they open irresponsibly but to help them understand. She stated the unemployment system is still a disaster and people are waiting 8-9 weeks before they even to get an answer or phone call back. She then stated if anyone is having trouble with unemployment to call Kathy Crawford's office in Lansing and they will do their best to help you. It's very frustrating and a very frustrating time right now but they are doing the best they can to help everyone understand the process. She then stated they are very concerned about the nursing homes and how to keep people safe and trying to figure out why that happened and to make sure it doesn't happen again.

DISCUSSION- Downtown

Downtown Director Nate Mack stated he has visited more than 40 businesses in town, introduced himself and spoke with them about the Oakland County reopening kits and the mini grant application. He stated at the July 9th DDA meeting he and Dereck were asked to go through the applications which were 18 total. He then stated they determined how the funds are going to be disbursed. He stated we raised \$8,955 and approved 18 applicants and each will receive \$560.00 Mr. Mack stated on July 1st he met with a prospective business owner that is considering opening a winery downtown and he provided them some information regarding the wine making licenses, loan fact sheets and other information. He stated he has attended multiple webinars, some of which dealt with social districts and dealing with the new reality of Covid-19. Mr. Mack stated he has started the legwork on a redevelopment area and he is gathering information on public and private investment in what a redevelopment area could be and how to go about establishing one. He then stated he contacted the electric company that installed the banner poles and they will be out in the next couple of weeks to replace the two concrete blocks and replace them with sidewalk guides which will supply the posts with more stability. He stated he and Carol met with the taskforce and solidified the design for the shop local dine local banners and feather flags that will be going up. He stated we are working with the township and the chamber on that. He stated he met with Tim Davids from the Farmers Market and went over the general operations of the Farmers Market. He stated he spoke with the owner of Draft Street and he said he is trying to sell the building. Mr. Mack stated we are going to have soil boring done at 390 S Lafayette soon. Councilmember Dilg stated she spoke with some businesses downtown and they are excited to have Mr. Mack at South Lyon. She then

asked if we can get together a list of email and other contact information for the businesses in town. Mr. Mack stated he has been doing that as he goes around town. Councilmember Dilg then asked where the winery was looking to open. Mr. Mack stated they are looking at 138 E Liberty. Councilmember Dilg asked about the interior of the Draft Street building. Mr. Mack stated it could be cleaned up on the inside but it doesn't look bad. Councilmember Kennedy thanked him for following up on getting the concrete blocks removed from the downtown by the banner poles. He then asked how many businesses he visited outside of the downtown area. Mr. Mack stated he has visited 12 outside of the downtown so far. Councilmember Kennedy asked if Council will be given a list of the 16 businesses that are getting some of the Patronicity funds. Councilmember Kurtzweil stated many of the downtown called her and mentioned how happy they are Mr. Mack is on board and they like his energy. She asked if he met with Jeff Robinson at Third Monk Brewery. He stated he did meet with him for about an hour. Councilmember Kurtzweil stated that it is important for everyone to be able to meet with him and give him their thoughts or ideas. She asked if he is familiar with downtown Milford and what they have done with their downtown. She stated it is phenomenal what they have done. She further stated they were very busy; they have some platform dining and they have done a great job. Whether it is for South Lyon or not, it is something to think about. Councilmember Richards stated historically the Draft Street building has had a bad effect on the community when it is closed. It is a death warrant on a lot of other businesses. Councilmember Walton thanked Mr. Mack for meeting with the downtown businesses and the Memorial Committee. She stated she has noticed the new flower pots by the Memorial that were added to match the downtown and she thanked Herb Stricker for his donation.

FIRE CHIEF REPORT

Chief Vogel stated Chief Weir is healing and will be going back to his full-time job this week, but he won't be able to fight any fires until late to middle August. He stated he has been coming in for an hour or two a day and helping with some administration work which has been helpful. He stated he started full time on July 1st and he thanked everyone for their support. He stated they have started their Friday, Saturday and Sunday shifts. He stated all 3 shifts have been taking calls and their response times will be very good at the end of the year. Chief Vogel stated he was happy to hear the Fire Department was able to come in under the budgeted numbers for the 2019 budget. The staff did an excellent job tightening their belts.

POLICE CHIEF REPORT

Chief Sovik stated the use of force policy will be finalized by the end of this week. He has been working with Attorney Hamameh on that. He stated we had the speed radar on Hagadorn for a while and the average speed was 25 mph and a high speed of 34 mph. He stated it is currently on Martindale and it will be at various places throughout the city. Chief Sovik stated they recently launched the new NIXEL which is an instant notification system that supports communication within our City and they have had 30 more subscribers since they added the notice to their Facebook page. He stated you can sign up by texting South Lyon to 88877. Chief Sovik then gave a shout out to Chief Vogel and the Fire Department for the great job they do and their working relationship with the PD has never been better. Chief Sovik stated they have been having some phone problems with dropping calls and it is important because when their phone lines go down, the Fire Departments phone lines go down as well. Briann Salyers, the Clerk at the PD stated we have people that call in for emergency and non-emergency issues. She stated recently she was transferring a caller to dispatch and the call dropped so they didn't know where the person was calling from. She further stated it goes down from 15-20 minutes to hours. She stated they are looking at Comcast, Verizon and Tioma systems. Chief Sovik stated we are looking at something that is compliant with our security systems. He stated Verizon is not compliant at this point. He stated we currently have

four arms to our phone system. There is Windstream lines that are serviced by AT&T, we have Avaya hardware but then we have CTBS software and we have no maintenance agreement with CTBS and it is very expensive when they come out for repairs. It appears Comcast is the way we will want to go and there will be some foundational fiber optic lines that will need to be buried underground. They may be a little bit more expensive but in the long term its going to be what we are looking for in reliability. Councilmember Dilg stated she met with Jeff where the Lemon Tree was located and one of his colleagues whose counseling center that took over the Lemon tree has been in there for a while. They mentioned they sent you an email about wanting to do some kind of partnership with the PD with offering some crisis training or things like that. Chief Sovik stated he just received the email and he will contact him. Councilmember Dilg asked how we are going to help the businesses handle the mandatory mask order. Chief Sovik stated he has not had any complaints as of today. He stated from what he understands businesses are supposed to not allow people in if they don't have a mask on and he understands some businesses have been giving masks to people. We will be using our discretion, we aren't going to issue citations or making any arrests. He further stated if there are complaints and they are called to a scene; they will write a report and forward the report to the Prosecutor's office or the attorney general's office for review and allow them to make the decision. Attorney Hamameh stated the Macomb County Sheriff made a statement that they will only take reports and forward them to the Attorney General's office, but if a business is having trouble with a customer refusing to wear a mask or to leave the business, it will be treated as trespassing. Chief Sovik agreed and stated he has spoken with some business owners informing them of that option. Councilmember Kivell stated he is glad to hear that because it takes some of the pressure off the business owner. He then asked if there is a way to capitalize on this with the Cares Act. Chief Sovik stated they are discussing a grant that will reimburse the City if the City chooses to give the first responders hazard pay of a \$1,000 each. Councilmember Kivell stated when we had the power outage last week, the generator at the Fire Department was very loud. He stated he thought the Fire Department was going to use the generator along with the Police Department. Chief Sovik stated when they have a power outage, the water department brings up a generator for them to use and it is diesel. He stated in the future they may look into connecting the Police Department to kick on automatically using the Fire Departments generator. Councilmember Kurtzweil stated she has spoken with many of the business owners and they clearly support our Police Department and they couldn't imagine watching their business burn down as some other Police Departments have done in other locations. She thanked the Police Department and Chief Sovik for all they do. Chief Sovik stated his officers stop in at different businesses all the time just to check in as well as stopping in subdivisions. He further stated our community is always very supportive.

OLD BUSINESS

1. Change order for DPW complex improvements

Superintendent Varney stated Stante Excavating was awarded the contract for the improvements at the DPW complex. It has been decided to complete the site work over two budget years. Stante has started work on this project and some changes had to be made that were unforeseen due to Oakland County Drain Commission permit not being issued prior to the bid being advertised. The change order also addresses additional planned improvement for the site. The change order includes a revised floor drain connection the sewer, detention pond revised grading, concrete pads, concrete collars and existing berm removal. Councilmember Richards stated the biggest issue is the storm drain and asked if it is going to be downsized and what will it be lined with. Mike Darga of HRC stated it will remain the same size it is now and will be seeded with grass and mulch.

CM 7-5-20 MOTION TO APPROVE CHANGE ORDER REQUEST

Motion by Kennedy, supported by Walton

Motion to approve the change order request for the detention basin and storm sewer improvements project at the DPW complex in the amount of \$80,393.00 from the capital improvement fund 101-451-802-500

ROLL CALL VOTE:

Kivell- yes

Kurtzweil- Yes

Kennedy- Yes

Walton- Yes

Richards- Yes

Dilg- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Charter amendments

Attorney Hamameh stated it is going to be close getting something on the November ballot. The process is drafting the language which is very distinct. After Council approve the language, the Attorney Generals office will review it, which they may or may not give the City suggestions on the language. After that is done, it has to be sent to the Governors Office who will then send it to the Attorney Generals Office to give formal approval. After we will either receive a letter of approval or suggestions to change the language. The deadline is 60 days from when the language is approved by Council to the Election. Our issue is that Oakland requires ballot language by August 11 at 4:00 p.m. She then stated the good news is everything that needs to be changed isn't detrimental to the City. She further stated the biggest issue for Council seems to be the language on the Quorum. Currently the language states a quorum of Council is 3 because at the time there were only 5 members of Council. At a later date, the Charter was changed from 5 members of Council to 7. Unfortunately, the language for Quorum wasn't corrected at that time. She stated she isn't very concerned about it, because the Charter also states "a majority of Council" which means 4 members would be a quorum. She stated other concerns of Council that was discussed previously is the conflict of interest and the issue of the Election procedures. Attorney Hamameh stated the other small issues are just bringing the Charter up to State Law. Although State Law trumps the City's Charter. Councilmember Kivell asked if there is a change by the Governors Office or the Attorney General's office make any changes, will it come before Council again for approval. Attorney Hamameh stated it will. Discussion was held regarding if this should wait until the November 2021 Election. Councilmember Kurtzweil suggested we work on getting the quorum question on this Novembers ballot. She stated it is tough on the voters when you add too much to the ballot. Councilmember Dilg stated she agrees that we should try to put one of the issues on this November's ballot. Councilmember Richards stated we have an extremely low voter turnout and the public is slow to grasp this. We need to go through an education for them. He further stated there are many other issues he would like to see on the ballot. Councilmember Walton stated she agrees, we should try to get something on this Novembers ballot.

CM 7-7-20 MOTION TO DIRECT ATTORNEY TO DRAFT BALLOT LANGUAGE

Motion by Kennedy, supported by Richards

Motion to direct the City Attorney to draft ballot language to address charter amendments including the vacancy and conflict of interest for November 2021

ROLL CALL VOTE:

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

ROLL CALL VOTE:

CM 7-6-20 MOTION TO DIRECT ATTORNEY TO DRAFT BALLOT LANGUAGE

Motion by Kennedy, supported by Walton

Motion to direct City Attorney to draft ballot language for charter amendment regarding quorum for November 2020 Election

ROLL CALL VOTE:

Walton- Yes
 Richards- Yes
 Dilg- Yes
 Kennedy- Yes
 Kurtzweil- Yes
 Kivell- Yes
 Pelchat- Yes
MOTION CARRIED

2. Final FYE 6/30/2020 budget amendments

Finance and Benefit Administrator Tiernan stated this is the final budget amendment for the last fiscal year. She stated there is no changes to the fund balance but only movement between departments. She stated the Police Department was under budget under the salary due to the lack of overtime due to the pandemic. That being said the DPW was over in their wages. She stated she is requesting to move \$67,000 from the Police wage line item to the DPW wage line item. The same will be done with the water repair fund and the sewer repair fund. She is requesting to move \$15,000 from the sewer repair fund to the water repair fund. She stated she is also requesting to move \$12,851.90 from the sewer repair fringe benefits line item to the water repair line item. She stated from the repair maintenance line we will move \$2,580.93 to the water repair maintenance line item. Councilmember Kurtzweil thanked her for the detailed information. She stated when the amendments come through, she always asks why is it being amended. She stated it seems if you look at the amendments each year, it could help you when budgeting. She asked if there were things that came up that needed repair that we weren't aware of, were we off on the wages, and could these things have been anticipated. Finance and Benefit Administrator Tiernan stated anytime we are working on our budget, we always go back and look to see if we overestimated or underestimated in any line items and the budget amendments are helpful. She stated she doesn't think we could have budgeted for the things that occurred in the water and sewer repair line items. Those were things that occurred that required more man hours, and one of the things about the repair line item, we do our best to guess when we are going through the budget process but things are always going to come up like water and sewer repairs. It's tough to have the estimations done in March for things that may happen a year later. The over estimation for the Police Department wage budget was because we assumed there would be more overtime hours, but because of the pandemic, many events have been cancelled which

would have had our Officers working overtime. Councilmember Kivell thanked her for the detailed information.

CM 7-7-20 MOTION TO APPROVE BUDGET AMENDMENTS

Motion by Kivell, supported by Kennedy

Motion to approve budget amendments for FY 2019

ROLL CALL VOTE:

Kurtzweil- Yes

Kennedy- Yes

Dilg- Yes

Walton- Yes

Kivell- Yes

Richards- Yes

Pelchat- Yes

BUDGET- No discussion was held.

MANAGER'S REPORT

City Manager Zelenak stated Brian from Plante Moran will be attending the next Council meeting to discuss the new water and sewer rate study to discuss rate changes. He stated at a future council meeting he will bring to Council some budgeted public safety purchases. He stated he will also have an agenda item in the near future to discuss a road improvement plan and the cost for improvements. City Manager Zelenak stated there is an individual working on their Eagle Scout Project and he is constructing maps and signs for the Cemetery. He stated if anyone is interested in donating, he is holding a can/bottle drive to raise funds. The information will be on our website. He stated the Planning Commission has been reviewing changes to the zoning ordinance and he will give Council a draft copy for review before moving forward with a joint Council and Planning meeting. City Manager Zelenak stated within the next couple of weeks they will begin work on the improvements near the water plant which includes a new 600,000-gallon water storage tank, repair to the existing water tank and installing underground piping near the plant. They will be working and storing material on the grassy area across from the plant. They will also be removing some brush and trees where the new tank will be built. City Manager Zelenak stated he has discussed social districts with our DDA Director and he has gotten many calls. He stated one of the key factors for establishing a social district is to have two adjoining businesses. Our businesses that have a liquor license are spread out throughout the City. We have been working with our businesses and allowing them to expand their outdoor seating.

PUBLIC COMMENT- None

COUNCIL COMMENTS

Councilmember Walton stated she has had some calls regarding concerns about the schools allowing training sessions and she is aware of a letter that was recently sent out that a student tested positive for Covid which they then stopped the training sessions, but after testing the other students and they tested negative, they started the training sessions again. It may be a school board issue, but she wanted to bring it up.

Councilmember Dilg stated Quicksilver and KV Sports are combining their efforts and she thinks that is a great thing and she congratulated them. She stated she met with the new owners of the tattoo shop in town, and it looks like a great place and she welcomed them to town. She stated the Historical Village looks beautiful and if anyone would like to volunteer with planting flower to reach out to them. She then

stated she wants to support the Pumpkinfest Committee because she understands it was a very tough decision to cancel the event. She thinks they made the right decision.

Councilmember Kurtzweil stated the motion that Mr. Kivell made earlier is supported by rule 35 in Roberts rules of Order. It is a motion to amend something that was previously approved which would have been the formal motion. It does require a 2/3 vote and minutes can be amended even after they have been approved years before. Councilmember Kurtzweil stated she thinks Pumpkinfest made the right decision, the virus isn't going away and it is better to be cautious. She thinks people are upset because that is normally a weekend where everyone can get together and enjoy a nice weekend. She further stated the committee has always done a great job and hopefully Pumpkinfest will return next year in 2021. Councilmember Kurtzweil stated it appears the virus isn't going to go away anytime soon, but we still have to move forward with our lives. We have to behave reasonable and be cautious when businesses ask you to wear a mask, please do so and please social distance. She then stated when Council meets in public again, she is fine with wearing a mask. Everyone needs to stay healthy and be vigilant and continue washing your hands.

Councilmember Richards stated they did a great job on Dixboro between 8 and 9 Mile. He stated 825 W Lake St is moving along. He hopes the project goes well. He then stated he knows the history of Mr. Langan's developments and a lot of them end up spinning out of control and he hopes that doesn't here. He stated he hopes the Secretary of States office opens again soon and we can all do regular business when we have to. He then stated his latest project is something he brought up in the past and he has made contact with the tube mill and he is hoping to have several meetings with them during shut down.

Councilmember Kennedy reminded everyone that if you haven't completed your 2020 Census Questionnaire, please do so today. So far only 81.6% of city residents have completed their questionnaire and we still have a long way to go to ensure everyone is counted. Please go to my2020census.gov and do your part to help our community by being counted. He then stated Stuart Brown of Troop 228 is working on an Eagle Scout project building a display case for the South Lyon Cemetery to help guide folks when visiting the cemetery. If you have bottles and cans to give him to help purchase materials, just send him an email at stuart7brown@gmail.com and he'll make arrangements to get them from you. Councilmember Kennedy stated he wants to extend his support to Deb and Doug Cook with their decision to cancel the Lake Street Cruise-in and the Motorfest. Like Pumpkinfest, it was not an easy decision to make and it will be missed, but given the current environment and circumstances, it was the right decision.

Councilmember Kivell stated a lot of people put a lot of work into Pumpkinfest and the car shows and it's unfortunate that those decisions had to be made. He stated he has been going to the Farmers Market and the attendance has been good. Its kind of a revolving group of vendors there. He stated its nice we are able to still have the Farmers Market and people have been behaving and most people are wearing masks and he implores people to continue to support that industry. He then stated if anyone has been paying attention to the old RCA building, they have taken the roof off and he assumes they are now ready to begin putting things back together. He stated that is very exciting project and he hopes they don't run into any unexpected problems.

Mayor Pelchat stated we need to try to be kind to each other. You never know how people are handling this, people are frustrated and any extra kindness you can show, he wants to encourage that. He stated even though we had some big events cancelled, it is probably for the best considering all the work that is

done and it is better to have cancelled now rather than at the last minute. He then thanked the City staff for continuing to operate during this time.

CLOSED SESSION

Mayor Pelchat stated Council will be entering into closed session pursuant to Section 8© of the Open Meetings Act, MCL 15.268© to discuss strategy and negotiations for a collective bargaining agreement between the City of South Lyon and AFSCME Council Local 2720, and POLC AND POAM at 9:07 p.m.

ROLL CALL VOTE:

- Walton- Yes
- Dilg- Yes
- Kurtzweil- Yes
- Richards- Yes
- Kennedy- Yes
- Kivell- Yes
- Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

Mayor Pelchat stated City Council is reconvening the regular meeting at 9:30 p.m.

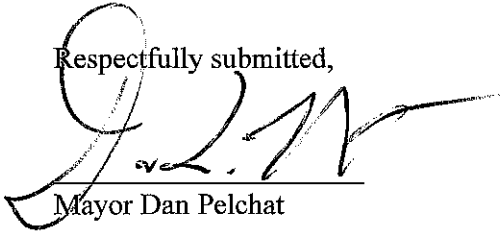
CM 7-8-20 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Walton

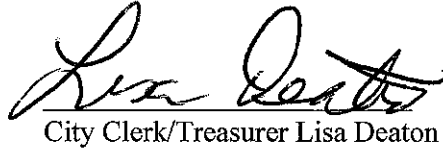
Motion to adjourn meeting at 9:30 p.m.

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,



Mayor Dan Pelchat



City Clerk/Treasurer Lisa Deaton