

City of South Lyon  
Regular City Council Meeting  
July 8, 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 Kennedy, Kivell, Kurtzweil, Parisien, Richards and Walton  
Also, Present: City Manager Zelenak, Chief Sovik, Attorney Wilhelm, Chief Vogel, DPW Superintendent Varney and City Clerk/Treasurer Deaton

MINUTES- 6/24/19

CM 7-1-19 MOTION TO APPROVE MINUTES

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Kurtzweil asked about the cable rents and royalties in the revenue report and why the number is down from \$140,000 to \$125,000. She stated that would be a fixed item to estimate. Councilmember Kurtzweil questioned the prior years taxes on the revenue report. Clerk/Treasurer Deaton stated that is the money the County returns to us after delinquent bills are paid to the County. Councilmember Kivell asked Attorney Wilhelm if he knew how much time was spent on the question of the firearms on school grounds issue. Attorney Wilhelm stated it was a few hours.

CM 7-2-19 MOTION TO APPROVE THE BILLS

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

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

Councilmember Kurtzweil stated she would like to remove item #1 from the consent agenda because she has questions on the agreement. City Manager Zelenak stated we could add that as item #4 and change #5 City Council closed sessions discussion to #5.

CM 7-3-19 MOTION TO APPROVE THE AGENDA

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

VOTE: MOTION CARRIED UNANIMOUSLY

CM 7-4-19 MOTION TO APPROVE THE CONSENT AGENDA

Motion by Kivell, supported Parisien

Motion to approve the consent agenda, for use of the Whipple Street parking lot for the South Lyon Area Chamber of Commerce Brews, Bites & Beats event with set-up beginning at 7:00 a.m. on August 1, 2019 and clean up completed by Noon on August 3, 2019

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Josie Kearns of the Cultural Arts Commission stated the fabulous NASA photos are out around town, and she is happy to see everyone admiring them. She then stated on the 50<sup>th</sup> anniversary of the moon walk, they are having a poetry reading at the 3<sup>rd</sup> Monk Brewing on July 20<sup>th</sup> at 7:00 p.m. and she heard Jeff is creating a moon brew for that evening.

DISCUSSION- Downtown

Mr. Donohue stated we now have 18 of the 36 logo signs for the sponsors of the Farmers Market are ready and will be up by the end of the week. Mr. Donohue stated the work group for the business survey has been delayed by 2 weeks because of vacations, but they are hoping to make up that time in August. Mr. Donohue stated 3 of our downtown businesses made the Top 5 on the Click on Detroit Best of Contest. He stated you can vote once an hour. He stated Grand Trunke, The Lemon Tree and Venue all made the top 5 and there are still a few days to vote. Councilmember Kennedy stated the Salem South Lyon Library made the list as well. Councilmember Kivell stated the sign looks much better with the logos as opposed to the lettering. Councilmember Richards stated 135 E Lake will be going before the Planning Commission at the next meeting. He stated he is glad to see that. Mr. Donohue stated the pre meetings have went well so it he thinks there will be positive results.

Mr. Donohue stated the South Lyon Herald is part of a group of newspapers, and there was a news reporter that was in town. The trash containers caught his eye. He stated he met with him at the coffee shop and they discussed the trash cans, the new flower containers, the railings at the South Lyon Hotel, the Good Day Café and Heinanen Engineering. He further stated a photographer came and the article will be in all of the newspapers in that chain, not just the Herald. He stated the tag line is South Lyon is the test town for new projects. The title of the article is Recycled Products in Downtown South Lyon. Councilmember Walton thanked Mr. Donohue for speaking with her regarding getting more cross walks around the City including areas outside of the downtown district. Mr. Donohue stated he shared that information with the City Manager. Councilmember Parisien asked why all of the signs aren't up. Mr. Donohue stated the DDA approved the cost of this, and to reduce the cost to replace the text signs, they can do 18 at a time, and they can make them larger if they print them all, then the final 18 will be completed by the end of the week. Councilmember Parisien asked if the fountain in Paul Baker Park has been fixed. City Manager Zelenak stated it has been repaired.

INTRODUCTIONS AND CITATIONS

Chief Sovik stated we have 2 new police officers, Jake Jacobs and Jonathan Schneemann. It has been 15 years since we have brought anyone on board. He stated when he started 28 years ago, he had a test, an interview, then he was sent to the shrink for a few, then one weeks training and he was on his own. Things are so different now with the liability, the process to hire someone must be top notch, which is what we have in place now. He explained the different steps, including, the application process, then they

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have 13-14 interviews from there. The interviews are an oral board panel. We have different officers that are in charge of different stages of the training. It is a 4-person oral board interview. He further stated we also have an administrative assistant that deals with setting up interviews and so on, so she gets an idea of what kind of person we are dealing with. We are looking for someone that can not only do the job, but you have to be able to fit into our family and we want someone to stay long term. He further stated both of these interviews were the unanimous choice by the 4-person board. He stated they are fantastic. He further stated the field training is a 3 ½ month process. Chief Sovik stated the first month the new officers ride with different officers, and the officer instructs 90% and the new officer does 10% of the work. The second month they are each doing 50% percent. During the 3<sup>rd</sup> month, the new officer is doing 90% of the work. He stated they can get a good idea of how things will go, there is extended training if needed. He further stated after the 3-month period; the new officers are shadowed by another officer. Chief Sovik stated every day they are in the field training; they have to fill out a daily observation report. At the end of 3 months, they are on their own. Jake came from the Walled Lake Police Department, he was there 4 years, and he was named Officer of the Year twice and he has some great training. Jon came from the Wayne County Regional Academy of 2018. He stated he is proud to have them as the first people he has hired since becoming Chief.

Lieutenant Baaki stated during the transition period, they set up a committee for issuing rewards. He stated they have 3 Sergeants that give out certificates for going above and beyond duty or for doing something very well and presenting themselves in a professional manner. He stated the 3 Sergeants are Sederlund, Faught and Wittrock. He then stated Sgt. Wittrock and Officer Barbour are receiving a certificate of merit tonight based on their actions during a situation they dealt with recently. He then read a memorandum explaining the situation that Sgt. Wittrock, and Officer Ron Barbour dealt with on May 20<sup>th</sup> in the South Lyon Woods Manufactured Home Park dealing with a suicidal subject. \*See attachment\* He then presented them with the department citation. Chief Sovik stated he spoke with the individual today, and he was very thankful and grateful for the way the situation was handled. The individual is getting the help he needs.

City Manager Zelenak introduced the new DPW Superintendent, Doug Varney. He comes from the Cities of Warren and Mason. He has all the necessary credentials. He further stated we are excited to have him as part of our team. He has a great attitude and we are looking forward too many years of service from him.

## NEW BUSINESS

### 1. Pumpkinfest Parade

Kathy Swan, President of Pumpkinfest stated for some reason the festival isn't on the agenda. Chief Sovik stated for some reason it didn't make it into the packet, but Council was given a packet tonight. Ms. Swan stated this is the 35<sup>th</sup> year, and it will be all about pumpkins this year. Councilmember Parisien thanked Ms. Swan and the volunteers for all their hard work for so many years. Ms. Swan stated she appreciates that because it is a year long process, they only take one month off and then they start again. Councilmember Walton thanked her for mentioning it is the 35<sup>th</sup> year and she is happy it is in the state festival guide; it will be wonderful. Councilmember Kurtzweil stated she sat at a table at an event last year and she was getting an award with her daughter. She stated her daughter told her she even has her volunteering. She then thanked her for being a positive role model.

Ms. Swan stated they are changing the end of the parade. We are eliminating taking the parade across 10 Mile which will save the City resources. She stated with the help of Michigan Seamless Tube; they are

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allowing them to use their parking lot that morning for staging. Councilmember Richards stated he is happy to see that route open again, there used to be a homecoming parade that followed that route. Ms. Swan stated their only concern is people may worry they can't get to the parade, but they want people to know they can still park in the same areas and walk to the festival.

CM 7-5-19 MOTION TO APPROVE PUMPKINFEST PARADE AND EVENT

Motion by Walton, supported by Kivell

Motion to approve the Pumpkinfest Parade and block party for September 27, 28, and 29 2019

VOTE: MOTION CARRIED UNANIMOUSLY

2. Pumpkinfest Run

Chief Sovik stated this is a run that uses the parade route and it starts 5 minutes earlier so we just use the resources that are already in place for Pumpkinfest.

CM 7-6-19 MOTION TO APPROVE PUMPKINFEST RUN

Motion by Walton, supported by Kivell

Motion to approve the Pumpkinfest Run at 9:55 a.m. on September 28, 2019

VOTE: MOTION CARRIED UNANIMOUSLY

3. Purchase of three sets of firefighting turnout gear

Chief Vogel stated this is his annual return asking to purchase 3 sets of gear as well as to waive the bid process. He stated they formed a committee and they agreed this company has the best fitting gear for female firefighters. He further stated with other companies they had issues with fit and customer service. He stated there is no advantage to the City for going with the bid process. He further stated they will be asking for 3 sets next year as well so they will have a reasonable number in stock. Councilmember Kurtzweil thanked Chief Vogel for articulating the reason for waiving the bid process and having it as part of the motion. She further stated were communities get into trouble with contracts, is conflict of interest and competitive bidding. Councilmember Kurtzweil asked if this is coming out of the current years budget. Chief Vogel stated it is part of the 2019-2020 budget. Councilmember Kurtzweil stated it would help if we could add what line item this is included with. The description that the department heads put together is important for things like this, so she can see which line item this is included in. Chief Vogel stated he will break the motion down further next year.

CM 7-7-19 MOTION TO WAIVE BID PROCESS

Motion by Kennedy, supported by Parisien

Motion to waive Sec. 2-224 of the City of South Lyon Code of Ordinances, "approval for purchases or contracts over \$2,000; competitive bidding for purchase or contracts over \$5,000" because "no advantage to the City would result" from competitive bidding

VOTE: MOTION CARRIED UNANIMOUSLY

CM 7-8-19 MOTION TO PURCHASE TURNOUT GEAR

Motion by Kennedy, supported by Parisien

Motion to award the purchase of three sets of turnout gear to First Due Fire Supply for \$6,891.18

VOTE: MOTION CARRIED UNANIMOUSLY

#### 4. RCOC participation agreement

City Manager Zelenak stated we have received a participation agreement from the Oakland County Board of Commissioners for the local pilot program. He stated we have to accept the agreement to get the funds to fix some local streets. He further stated the City Attorney has reviewed the agreement.

Councilmember Kurtzweil asked who will be the person submitting the report to the board on the completion of the project. City Manager Zelenak stated he will be doing that. Councilmember Kurtzweil asked what is the timeline for having the project done. City Manager Zelenak stated it will be completed in the current budget year. It could be as early as fall. Councilmember Kurtzweil stated this grant may be audited. She further stated the agreement states the grant money can only be used for asphalt and the labor putting in the asphalt. City Manager Zelenak stated the grant funds will not be used for anything other than that. Councilmember Kurtzweil stated we are required to match the \$15,000. The City will have to pay for any other service fees, such as HRC and that could push the cost to the City higher. Councilmember Kurtzweil stated the agreement states each community is allotted a certain amount of money. It also states if any local community doesn't choose to participate, their allotted amount will be redistributed to other communities. City Manager Zelenak stated we will find out at a later time if there is additional money. Councilmember Kurtzweil asked if the money can be used to fix the bricks downtown. City Manager Zelenak stated it has to be used for specific roads. Councilmember Kennedy stated the Board of Commissioners had about a million dollars and they already provide funds for county roads, so they looked at the number of communities in the county, and made the decision to allocate a certain dollar amount for each community based on population to assist with local road repairs. He stated it is restricted to local streets. He then complimented the City Manager who worked on this with County Commissioner Wiepert for this grant. Councilmember Richards stated he is assuming HRC already reviewed this. He stated they are doing other work community wide. Is this evaluation separate for this project? City Manager Zelenak stated HRC had a minimal part in this. He stated he looked at the streets that we could use the funds for to improve commerce and mobility. Councilmember Richards asked if this will include curbs. City Manager Zelenak stated the funds will only be used for street repairs.

#### CM 7-8-19 MOTION TO APPROVE AGREEMENT

Motion by Kennedy, supported by Kivell

Motion to approve the participation agreement for the local pilot program

VOTE: MOTION CARRIED UNANIMOUSLY

#### 5. City Council closed session

City Manager Zelenak stated we need to discuss closed session. At a previous meeting, Council chose not to enter into closed session. He stated he thought it would be good for Council and the public to understand reasons for entering into a closed session. He stated according to the open meetings act, there are times when Council needs to discuss items in a closed session. To consider dismissal, suspension or disciplining of, or the hear complaints or changes brought against, or to consider periodic personnel evaluation of, a public officer, or employee if requested by the named person. For strategy and negotiation sessions connected with negotiation of collective bargaining agreement if requested by either negotiating party. To consider purchase of leased or real property up to the time an option to purchase or lease of that property is obtained. To consult with an attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have detrimental financial effect on municipality's litigating or settlement. To review and consider contents of application for employment or appointment to public office if candidate requests that application remain confidential.

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Interviews by public body for employment or appointment to public office must be held in an open meeting. Also, to consider material exempt from discussion or disclosure by state or federal statute. City Manager Zelenak stated the item that was brought before Council had to do with a lawsuit that the City is involved in. He further stated when a discussion takes place in a closed session, it doesn't mean a decision is made during closed session. He stated any decision has to be made in an open session. He further stated he wants to ensure that everyone understands if there is a request to go into a closed session and Council chooses not to, he wants to make sure everyone is aware that he will have to have discussions with the City Attorney and may have to make decisions without Council discussing it, although the issue may be brought back to Council at a later time. Councilmember Kivell stated this board has a fiduciary responsibility to the community to be as well informed and strategic as we can be as a group to move the City forward. It was irresponsible to not go into closed session to discuss the lawsuit. He stated the argument was they were interested in transparency, but we have never not been transparent. He further stated the idea that we would discuss it in open session and give our strategy to the litigant is not a good idea. We have a responsibility to work as hard as we can to put the City in the best position the City can be in. Councilmember Parisien asked if there is potential of losing taxpayers dollars by discussing a lawsuit in open session. Attorney Wilhelm stated for example if a discussion is held in open session regarding negotiating, there is the potential for losing taxpayer dollars. Further discussion was held regarding closed sessions. Attorney Wilhelm stated as long as there is a 2/3 vote, Council can enter into a closed session if there is a new request. Councilmember Kurtzweil stated there is an ideological difference of the level of governmental transparency. She stated the challenge of management is to build a consensus on an issue for whatever reason you find important. She stated you can't belittle people because their opinion is different than yours. She further stated this community has not been pleased with the number of closed sessions they have had in the past. She stated there haven't been as many recently which is a good thing. There is always a level of mistrust of a public entity when every council meeting includes a closed session. She stated there are residents that want to part of the decision-making process and want to be informed on how their elected officials are voting and you can't do that if all deliberations are held in closed sessions. Councilmember Kurtzweil stated the open meetings act states an elective body may enter into closed session, not you must enter into a closed session. She stated the legislatures drafted that language because they didn't want to force people into going into closed session, and it states you have to have a 2/3 vote. She further stated it is permissive. Just because there is a lawsuit doesn't mean you have to go into closed session. Councilmember Kurtzweil stated she voted no to enter into closed session is because that particular request was not ripe. The city hasn't been before the judge yet, or answered to the complaint. She stated we need to let the process go and then discuss it. She stated she won't always vote no to enter into closed session, but it just wasn't ripe at that time. She stated once the facts change, her vote may change. Councilmember Kurtzweil stated Lyon Township was hit with thousands of dollars in attorney fees because of technical violations of the open meetings act with respect to a closed meeting. She further stated they are being sued again. She further stated there is litigation out there regarding closed meetings. They need to be settled by the courts. The responsible person is the person that decides to wait for a little bit and understand the rules of closed meetings. She further stated she may vote for a closed meeting in the future. She is opposed to a frequent use of closed meetings.

BUDGET- No discussion was held

MANAGER'S REPORT

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City Manager Zelenak stated we have been approved for an off-set well by the DEQ. He stated well #4 will be replaced in the next couple of weeks. It will be a bit messy out there, but it is necessary to ensure we have proper water supply for our residents and business owners.

City Manager Zelenak stated we will be having interviews for the part time bookkeeping position.

City Manager Zelenak stated he is meeting with DTE with regards to the cost savings for changing our lighting to LED lighting.

City Manager Zelenak stated he is working on a donation form and policy that will allow the City to accept donations.

### PUBLIC COMMENT

Ryan Lare of 716 Grand Court stated the Mayor lost his cool at the last meeting and he should apologize to the 3 members that voted no at the last meeting. He stated no one should be told how to vote. They are doing their job and they can vote as they choose to. At no time would he ever ask someone to change their vote.

### COUNCIL COMMENTS

Councilmember Kennedy stated the Salem South Lyon Library along with the Four Seasons Garden Club will be hosting the Garden-Nature Festival on July 13<sup>th</sup> from 11:00 to 4:00 p.m. He stated they will have music by MC Squared Singers and they will have a variety of guest speakers talking about birds and plants.

Councilmember Kennedy congratulated County Commissioner Phil Wiepert for completing his role as Chairperson for SEMCOG. He stated he now becomes the immediate past chair.

Councilmember Kennedy thanked Phil and the City Manager for getting the grant for local street repairs.

Councilmember Richards stated the bike path has been closed from McMunn to Dixboro. Originally it was closed because work being done by consumers powers. Now DTE is working in that area. He further stated the City Manager is monitoring the situation.

Councilmember Richards stated he went to the DPW yard to see the new roof. He stated the workers did the first phase in one day. They will have to go back again for the spray application after it cures.

Councilmember Richards stated there is no way for the general public could know, but city hall and the fire department has been very busy. The fire department has had more runs than the previous year by 100.

He stated taxes and water bills are sent out in July so city hall has been very busy. He stated he is looking forward the meeting Mr. Varney in the future.

Councilmember Kurtzweil stated she would like to encourage everyone to attend the Lake Street Cruise In. The cars are fabulous and you will see cars that you have never seen before. She then thanked some of the sponsors, Art Creations from Howell, Shaun Klein HVAC from Farmington, South Lyon Cycle, South Lyon Hotel, Sellers Buick GMC from Farmington Hills, and Shadow Rods from Saginaw. She then thanked Aubree's for donating 20% of peoples bills to Perkins Health Clinic who help people in our community with basic medical services that otherwise may not be able to get it.

Councilmember Kurtzweil stated she sent a message to Kathy Crawford to see if she can assist with alternatives or solutions for an alternate transportation. She further stated possibly a grant or matching funds.

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Councilmember Kurtzweil stated she met someone that lives in our downtown area, and she had nothing but positive things to say about downtown. Her name is Jean Gawrych.

Councilmember Kurtzweil thanked Jeff from the Third Rock Brewery for hosting the poetry reading for the Cultural Arts Commission.

Councilmember Walton welcomed Mr. Varney and our new police officers. She then thanked the Witches Hat Brewing Company who is always looking out for our community. She stated she is hoping we can add more cross walks.

Councilmember Walton stated if anyone is having issues and you need help finding resources, you can dial 211 and they will assist you with getting in touch with all local non-profits.

Councilmember Kivell stated it is nice seeing the flowers downtown, they look great as does the downtown.

Councilmember Kivell stated there were 273 cars at the last cruise in and he was grateful he could help them out by getting the count.

Mayor Pelchat stated he wanted to remind everyone of the golf outing on July 27<sup>th</sup>.

Mayor Pelchat stated he wants to make sure everyone has been able to see the NASA photos downtown.

Mayor Pelchat stated he has watched the tape from the last meeting, and he wasn't calling anyone out on their vote. He just asked if they wanted to explain why they voted the way they did. He further stated his frustration with that issue could have been alleviated with a discussion before the vote as we did today.

ADJOURNMENT

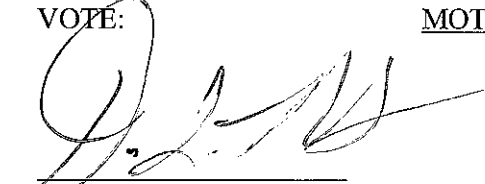
CM 7-10-19 MOTION TO ADJOURN

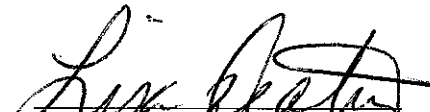
Motion by Kurtzweil, supported by Richards

Motion to adjourn meeting at 9:00 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

  
\_\_\_\_\_  
Mayor Dan Pelchat

  
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Clerk/Treasurer Lisa Deaton



# South Lyon Police Department

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"Safeguarding Our Community"

On May 20<sup>th</sup> at approximately 9:44PM, Sgt. Mike Wittrock and Officer Ron Barbour were dispatched to the South Lyon Woods Manufactured Home Park in response to a suicidal subject in the 200 block of Longfellow Drive. The subject admitted to drinking alcohol and smoking marijuana all day leading up to the incident. The subject advised dispatch that he wanted to attack a police officer with a knife and commit "suicide by cop."

The armed subject indicated that he was not willing to come out of his residence and that he would attack anyone that got near to him. He was determined to wait inside his residence until he was shot.

Officers from neighboring jurisdictions arrived, set up a perimeter around the location, and evacuated the surrounding residents. Sgt. Wittrock had South Lyon Fire and EMS stage near the front of the mobile home community.

Officer Barbour began dialogue with the subject through a rear window and eventually talked him out of his residence. He exited the trailer waving a large knife. Several officers ordered the subject to drop his weapon. The subject's only response was, "Shoot me".

During the commotion, Sgt. Wittrock was able to make his way to the subject's location without being detected, deploy his Taser and disarm the subject. He was physically subdued without further incident and transported to the hospital for a mental health evaluation.

Sgt. Wittrock and Officer Barbour's actions and regard for the safety of everyone involved undoubtedly led to a positive outcome where no one was seriously hurt, and the subject was able to receive the medical help he needed.



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## The White House

January 21, 2009

# Transparency and Open Government

## MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Transparency and Open Government

My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government.

*Government should be transparent.* Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset. My Administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use. Executive departments and agencies should harness new technologies to put information about their operations and decisions online and readily available to the public. Executive departments and agencies should also solicit public feedback to identify information of greatest use to the public.

*Government should be participatory.* Public engagement enhances the Government's effectiveness and improves the quality of its decisions. Knowledge is widely dispersed in society, and public officials benefit from having access to that dispersed knowledge. Executive departments and agencies should offer Americans increased opportunities to participate in policymaking and to provide their Government with the benefits of their collective expertise and information. Executive departments and agencies should also solicit public input on how we can increase and improve opportunities for public participation in Government.

*Government should be collaborative.* Collaboration actively engages Americans in the work of their Government. Executive departments and agencies should use innovative tools, methods, and systems to cooperate among themselves, across all levels of Government, and with nonprofit organizations, businesses, and individuals in the private sector. Executive departments and agencies should solicit public feedback to assess and improve their level of collaboration and to identify new opportunities for cooperation.

I direct the Chief Technology Officer, in coordination with the Director of the Office of Management and Budget (OMB) and the Administrator of General Services, to coordinate the development by appropriate executive departments and agencies, within 120 days, of recommendations for an Open Government Directive, to be issued by the Director of OMB, that instructs executive departments and agencies to take specific actions implementing the principles set forth in this memorandum. The independent agencies should comply with the Open Government Directive.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

This memorandum shall be published in the *Federal Register*.

BARACK OBAMA



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