

City of South Lyon
Regular City Council Meeting
August 12, 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 and Richards
Also, present: City Manager Zelenak, Lieutenant Baaki, Department Head Varney, Fire Chief Vogel,
Attorney Wilhelm and Clerk/Treasurer Deaton
Absent: Councilmember Walton and Chief Sovik

CM 8-1-19 MOTION TO EXCUSE ABSENCE

Motion by Kurtzweil, supported by Richards
Motion to excuse absence of Councilmember Walton

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES- July 22, 2019

CM 8-2-19 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Parisien
Motion to approve minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

CM 8-3-19 MOTION TO APPROVE BILLS

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

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 8-4-19 MOTION TO APPROVE AGENDA

Motion by Parisien
Motion to approve agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

1. Witch's Hat Brewing 2019 Fury for A Feast

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

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

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Ryan Lare of 716 Grand Court stated he is running for Mayor and he is having a meet and greet at the Java House on August 19th and a meet and greet at the Third Month Brewery on September 17th. He hopes everyone will attend. He stated he was interviewed by the Oakland Times and it is on his Facebook page. Mr. Lare then stated he was very sorry to hear about the monuments that were destroyed at the Cemetery. He hopes all the stones are repaired and the families are happy, those are people's homes and their final resting places, they should be treated with respect.

Judy Keeling of 62180 Arlington stated she understands there is a company that does the assessing for taxes. She stated the summer taxes seem very high and people are being charged as much as if they lived in a brick house, they don't own the property, just the condominium. She stated she hopes Council will look into the assessments and help the residents at Colonial Acres.

DOWNTOWN

Bob Donohue stated the plans for 135 E Lake was approved by the Planning Commission and they are moving forward. He stated they are hoping to have the project completed by next summer. They will be coming to the City for interior demo permits this week.

Mr. Donohue stated the DDA law, public act 57 of 2018 was changed and now requires 2 public meetings to discuss DDA plan, budget and projects. We plan on having the meetings on October 10th at 8:00 a.m. and a meeting on Monday November 4th at 7:00 p.m.

Councilmember Richards asked if he had any information on where the Veterans Monument was going to be in the parking lot of the Depot, he said they wanted to see some drawings and final site plan. Mr. Donohue stated the Historical Society already approved the final site plan and a parking lot was never part of the plan.

Councilmember Kurtzweil stated our State Representative Runestad is reviewing a plan regarding a tax credit for buildings over 50 years old. She stated Jim Runestad is very much for historical preservation. Mr. Donohue stated he is aware of it and supports it, and the Michigan Historic Preservation proposed that. He stated it can be bundled with a federal tax credit as well.

Councilmember Kurtzweil stated she had a lot of people comment to her about the butterfly painted on the Corner Café building when she was at the Motorfest event. Mr. Donohue stated that has been there for many years. It fades, then someone repaints it. Dayna Johnston was the last person to paint it. He stated there is discussion going on with planning commission, and the cultural arts commission regarding the painting of murals.

Councilmember Kurtzweil stated a business owner contacted her about platform dining. Mr. Donohue stated there was some discussion when he first started. He stated he, Chief Collins and Chuck Keller from the Road Commission had discussions and they thought due to the narrowness and traffic counts on Lake Street and Pontiac Trail, they decided not to proceed with it. He stated he understand some other high traffic towns are successful with platform dining, he thinks there could be controversial, some people think they are unsafe.

Councilmember Kurtzweil stated there was also a lot of talk about a new business moving into Draft House. She stated she called the real estate company, and the cost seems very high for what needs to be done on that property because of the work it needs. They are being unrealistic. She stated she recalls seeing kitchen equipment being removed, so if someone buys it as a restaurant/bar, they will have to make a substantial investment to even get a kitchen put in there. She stated if someone thinks they are going to just put up a coat of paint, the residents of this City will not forget the horrible condition it was. We should be commanding top restaurant tiers, whoever is coming in, is going to have a lot of competition. Mr. Donohue stated until someone comes into City Hall to ask for permits, it is all talk. He

stated because it has been closed for 12 months, it opens it up for the City to discuss the transfer of the liquor license. He stated if someone does lease/buy it, they will have to deal with the liquor license issue as well as dealing with the building department. He stated he is honest with telling people how the last business operated and the issues with the health department. Councilmember Kurtzweil stated she feels responsible for the businesses that come into this community. She remembers being served with plastic silverware because they had no hot water. Councilmember Kivell stated he is happy to have a new business come to that corner. He stated each time someone opens the door it can be a new beginning. He stated that location has a chance to be reinvented. He thinks it is our duty to create an environment that allows them to be successful. Councilmember Richards stated he went by there today, and the door was unlocked and there was vinyl over the windows, so someone was in there. He stated he hopes something happens with the building. Mr. Donohue stated we have many restaurants that want to come into town, but we don't have the space available. We could have 3-4 top notch, upscale restaurants in town, but we don't have the space.

NEW BUSINESS

1. Resolution to approve an extension of time limit in paragraph 4(a) of the Conditional Rezoning Agreement for 825 W Lake St.

Attorney Wilhelm stated this is a technical issue. The City and LV Holdings came into a conditional agreement and the time limits are allowed by statute. He stated the time limits are added to make sure the property doesn't languish rather than developing. He stated the developer is here and he is ready to go. Bob Langan of 128 N Center Street, Northville stated he is in the process of fully funding the project and they are forging ahead full boat. Councilmember Kivell stated the 8-month approval was originally asked for by the developer. It is normally 12 months, so he has no problem with this. He is happy this is moving forward as quickly as it has, and he likes the improvements to the designs. He stated he is looking forward to this moving forward. Councilmember Richards questioned Mr. Langan about his family. Councilmember Richards stated he voted in favor of this last time, but not this time. There is a lot of things he hasn't told them. He questioned the LV Holdings Company name and who is involved with it. He then stated when there are too many partners, then nothing gets done. Mr. Langan stated that is not his plan, he has used his own money. Councilmember Richards then questioned Mr. Langan on his family's past business. Councilmember Richards stated he spoke with people in Lyon Township and when it was known their sewer/water system wasn't going to reach to the property at Dixboro and 10 Mile, then you wanted to be annexed into the City. Councilmember Richards then stated that property is 1000 feet from the nearest connection to sewer/water. He stated we aren't obligated to give that to him and he should pay for it. He doesn't think its feasible. He stated history has shown you have plans and nothing gets done. He then stated he just wants to knock trees down. He stated he has reservations on the sincerity of this. He stated he won't vote for it this time because he hasn't been completely truthful. Mr. Langan stated there are 9 mature walnut trees along Dixboro. He has a total of 15 trees. He stated the value of the trees are very valuable. We decided to keep 9 of the 15 trees. The Planning Commission was happy with that number. He stated the site is heavily landscaped to address any neighborly property concerns. He further stated he has no history of saying one thing and doing another. He then stated he has a personal plan with money and financing that he will be a principal of this company and build and develop and own this project, and he goes on record to say that. Councilmember Kurtzweil stated she knows of Mr. Langan and her firm represents developers at times, and she wishes she represented his company. She stated there are misunderstandings the way developers work. She stated sometimes builders will purchase property, but hold onto it depending on the economic times. She further stated the public isn't privy to the business model the builders are using for their business. She then stated he has an approved plan from the Planning Commission and the funds to ensure the property is developed. Mr.

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Langan stated again, it is his aim to complete this as soon as possible. He further stated he has 1 year to begin the building permit, and a year and a half to get the C of O. Councilmember Kivell stated he has 3 years to complete the project, what is the leverage if it isn't completed. Attorney Wilhelm stated the agreement states the rezoning would revert back to the original zoning if it isn't completed. He further stated this agreement was meant to keep the developer on a time schedule so the property doesn't languish. Further discussion was held regarding the time frame of the development being completed. Councilmember Kurtzweil asked how long until the land balancing will be done. Mr. Langan stated it should take up to 3 months. Councilmember Richards stated that property is 4.4 acres. Mr. Langan stated he believes it is 4.65 acres. Councilmember Richards stated he is 1,000 feet from water and sewer trunk line. Mr. Langan stated his civil engineer has stated this design includes adequate services within closest enough proximity to move forward with it, and they have engineering construction cost estimates and he trust the people he pays to consult with him. Councilmember Richards then asked if he intends on purchasing the property next to this property. Mr. Langan stated that is swamp land and is regulated by the State of Michigan and he cannot build on that.

CM 8-5-19 MOTION TO APPROVE EXTENSION OF REZONING AGREEMENT

Motion by Kivell, supported by Kennedy

Motion to approve the resolution approving LV Holding, LLC's timely request to extend the time limit for final site plan approval in paragraph 4(a) to one year from the date of the Conditional Rezoning Agreement for the real property located at 825 W Lake Street, (21-30-126-005) and authorizing the City Manager to sign an extension letter agreement to that effect

VOTE: MOTION CARRIED- 1 OPPOSED

2. Resolutions to adopt and implement a local agency pavement warranty program

Attorney Wilhelm stated this is driven by the state statute. He stated it applies to two million dollars of paving components that involved state or federal funding. He stated the City has not had projects with that level of funding, but it is required. Councilmember Kivell stated he thinks this is counterproductive, it is a federal mandate that is pushed upon us, and we are left picking up the pieces financially. He stated the pavement can fail within 5 years, and in the meantime, you have added to the costs. Attorney Wilhelm stated many communities elect not to use a warranty for that reason. He further stated the rationale is to create a uniform system so contractors and communities have a structure to deal with problems that may come up. Councilmember Richards asked if we are assured that HRC will be monitoring the batch mix of concrete or asphalt on our streets. Attorney Wilhelm stated this is an administrative program for implementing a state setup or warranty program.

CM 8-6-19 MOTION TO APPROVE WARRANTY PROGRAM

Motion by Kivell, supported by Kennedy

Motion to adopt the resolution a local agency pavement warranty program as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CM 8-7-19 MOTION TO IMPLEMENT WARRANTY PROGRAM

Motion by Kivell, supported by Kennedy

Motion to implement a local agency program as presented

VOTE: MOTION CARRIED UNANIMOUSLY

3. UV System Completion- Bank 2. Bank 1 already approved and completed

City Manager Zelenak stated the Wastewater Treatment plant is requesting to purchase UV modules and ballasts to complete the renovation that has already started, and is 50% complete. The UV disinfection system is designed to disinfect the treated wastewater to meet our permit requirements stated in DEQ (EGLE) He stated the total cost is \$22,299.00 and it is in this budget, line item 592-557-970. He stated they are also asking to waive the bid process because there would be no advantage to the City.

CM 8-8-19 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 \$2,000.00; competitive bidding for purchase or bidding over \$5,000" because "no advantage to the City will result" from competitive bidding

VOTE: MOTION CARRIED UNANIMOUSLY

CM 8-9-19 MOTION TO APPROVE PURCHASE

Motion by Kennedy, supported by Parisien

Motion to approve the purchase of the final bank of lights and ballasts for \$22,299.00 to render this UV renovation project complete

VOTE: MOTION CARRIED UNANIMOUSLY

4. Purchase of concrete scarifier

City Manager Zelenak stated the Department of Public Works is requesting to purchase a concrete scarifier to prepare for line striping and grinding and leveling potential trip hazards on City sidewalks. This piece of equipment qualifies for grant funding through MMRMA program up to 50%. He stated the total cost is \$5,258.00 and it refers to line item 440-715-977.

CM 8-10-19 MOTION TO APPROVE THE PURCHASE EDCO SCARIFIER

Motion by Kennedy, supported by Kurtzweil

Motion to approve the purchase of the EDCO concrete scarifier for \$5,258.00

VOTE: MOTION CARRIED UNANIMOUSLY

BUDGET

Councilmember Kurtzweil stated the letter from Plante Moran dated July 24th states they have found an overstatement of revenue balances. She stated that is pretty significant. Councilmember Kurtzweil asked if the department heads could have real time access to the budget instead of having to meet with the finance administrator. City Manager Zelenak stated everyone gets a copy of the current numbers and expenditures on a monthly basis. He stated they review that before they ask for a purchase and verify that with the finance administrator. Councilmember Kurtzweil then asked why we don't allow the department heads to have real time access to the budget in a read only mode. She further stated she has spoken with other communities and it helped their department heads to have real time access to the budget.

City Manager Zelenak stated the real time potentially could change on a daily basis. He further stated we can review this policy in the future if necessary. Councilmember Kivell asked what is the benefit of that. Councilmember Kurtzweil stated it works very well for other communities and it gives them a more understanding of where they stand with their expenditures. Councilmember Kivell stated nothing is going

to end up being a spur of the moment decision that isn't going to be reflected. The position of where they are now will not end up changing that they cannot act on something that may be an emergency.

MANAGER'S REPORT

City Manager Zelenak stated the new well has been installed and tested at McHattie Park and the next phase will be to connect the pump and build a well house structure.

City Manager Zelenak stated Plante Moran is currently gathering information and conducting a review of our financial information. There will be an audit presentation in September or October. He then stated we have engaged with Plante Moran to conduct a water and sewer rate analysis. The purpose is to analyze our cost structure to determine our future rates so we can make the necessary improvements and repairs to our water and sewer infrastructure.

City Manager Zelenak stated we are preparing to demo the old SLARA building as well as the building in McHattie Park. We are currently engaging with a contractor to first to do an asbestos inspection to determine the extent of asbestos in each building and what removal methods may be required.

City Manager Zelenak stated the DPW staff and office personnel have been identifying the stones that were damaged at the Cemetery last Thursday. He stated we went out and took pictures of all the stones that were damaged. The office staff have fielded hundreds of calls from concerned family members of loved ones that are in the Cemetery. He stated he is having discussions with our insurance company regarding the damages that occurred. He stated there were some good Samaritans that began setting the stones back up which we had asked people not to do because we were worried about further damage.

Inch Memorials came out to give us an estimate and they have already begun repairing many of the stones. He stated they deserve a huge thank you. They have done a great job and have been a great service to the City. City Manager Zelenak stated he has received information that a law firm in town is offering a \$500.00 reward for information related to the person or persons that did the damage. He stated we have discussed security at the cemetery but we will not discuss what that will be.

Councilmember Parisien stated we discussed having ipads or surface pros in the past to cut back on the paper flow, where are at with that. City Manager Zelenak stated the first estimates he has gotten is approximately \$800 per tablet. He stated not all councilmembers are interested in using tablets. City Manager Zelenak stated he will look into this further and get firm numbers. He further stated this wasn't budgeted for in this year's budget, but Council may make a budget amendment if they choose to.

PUBLIC COMMENT

Ryan Lare of 716 Grand Court stated Councilmember Richards comments to Mr. Langan was deplorable. He stated the gentleman seems to be very intent on doing what he is doing, and when you have another Councilmember asking you to cease your comments isn't right because you are attacking that man. He further stated if he becomes Mayor, he will make sure that doesn't happen again. He then stated the Planning Commission approved his project. He asks that he show respect to people at the microphone.

Chief Vogel stated the bathrooms and locker rooms are done and they look great.

Chief Vogel stated there was a fatality accident in the City Sunday night. He further stated they had a major piece of equipment fail. It is catastrophic. He stated luckily Green Oak Township has an extra jaws of life unit they are allowing us to use. We tried to contact the manufacturer, but they have gone out of business. He stated they took it to Cougar Motor in Novi, but they said it was completely shot. He further stated we are lucky Green Oak has an extra. Chief Vogel stated he will have an update in 2 weeks. Chief Vogel stated if we buy a demo set with a new battery pack would be \$19,000. He stated a brand new one would be \$28,000. Councilmember Kurtzweil stated this is one reason why you keep a

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general fund balance. Chief Vogel stated he will work with the City Manager to see what we can do with this. City Manager Zelenak stated we will expedite this and bring more information back to Council.

Lieutenant Baaki stated we are asking if anyone has any information about the vandalism to please contact the South Lyon Police Department.

COUNCIL COMMENTS

Councilmember Kennedy stated he was there last week with the City Manager looking at the damage that had occurred, to say it was disheartening is probably an understatement. Obviously, there is a lot of emotion centered on the cemetery and the headstones. He stated the silver lining in part of the cloud is that it didn't appear that any of the headstones had cracked in half as a result of being toppled. He stated he was there later with Inch Monuments who did a great job of repositioning and adhering them to the bases. It looked like most of them were in pretty good shape. It's unfortunate that in a lot of cases there were small statues and other mementos that the families had left at the gravesites that were destroyed and are basically irreplaceable. That is unfortunate and obviously those items meant a great deal to the families. Hopefully we'll find the individuals responsible and take the appropriate action. He further stated he was on site with Inch Monuments and there was a three-man crew and two trucks and they spent the better part of half of a day addressing the issues. It looked pretty good when they were finished. Councilmember Kennedy stated the Salem-South Lyon District Library will be holding its Gigantic Book Sale from Tuesday, August 20 through Saturday, August 24. He further stated everyone should come out early for the best deals and selection and restock your bookshelves.

Councilmember Kennedy then reminded everyone that summer is not over yet. This Friday the 16th, we will be showing The Lego Movie 2 – The Second Part. So, bring your family out and have a great time. Councilmember Kennedy stated on that same night on the other side of McHattie Park in the Historical Village, this week's concert in the Park will feature Rich Eddy's Rockin' Oldies Band. This group is always a crowd pleaser so come out this Friday at 7:00pm for some great entertainment.

Councilmember Kennedy stated that while regularly attending the concerts, he has had an opportunity to discuss the Veteran's Memorial that's planned for the park. He stated he has spoken with a lot of folks about the memorial and answered a lot of questions from both residents and nonresidents alike. They are excited about it and looking forward to it.

Councilmember Kennedy stated there is one individual in particular that was extremely interested in it. Mrs. Tamra Ward, who is the Administrator at Abbey Park, was so interested and supportive of the effort that she has contributed \$1,000 on behalf of Abbey Park toward the memorial's construction. He then thanked her and Abbey Park for their generous contribution. He then stated this is just another example of the strong sense of community we have here in South Lyon, where people pull together and help one another whether they live within the City boundaries or not. We are truly one community.

Councilmember Richards stated he is all for the Fury for the Feast but he would like Mr. Cottingim to not block the parking lot in front of the museum because they are open on Saturday between 1:00 and 4:00.

Councilmember Richards stated he has been inside 111/113 Lafayette and he has taken some pictures and they are working primarily on the upstairs. He stated it will be a great victory.

Councilmember Richards stated there is a new parking lot paving by Exquisite Kitchens. It looks beautiful.

Councilmember Richards stated interior renovations at the Providence Center looks beautiful, it cost about a half a million dollars.

Councilmember Richards stated the exterior façade was approved by the Planning Commission for 135 Lake Street. He spoke with the owners after the meeting and gave them a few heads up on things.

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Councilmember Richards stated during the course of the well digging in McHattie Park, the hydrologist was on site and they can radar the water flow underground which is 127 feet down. The water rate was 1,000 gallons a minute and they measured it at 1,400 gallons a minute.

Councilmember Richards stated the South Lyon Recreation Authority event is this Wednesday and there will be free things for children to do. It will be wonderful.

Councilmember Richards stated they are having a Depot Day meeting tomorrow morning at the Freight house.

Councilmember Richards stated he understands the demo for the 2 buildings have been budgeted for, but he is hoping we can save the trees by the building in McHattie Park.

Councilmember Kurtzweil stated if anyone knows anything about the destruction at the Cemetery to please say something. Councilmember Kurtzweil stated your friends aren't worth it, more people will respect you by the people who really count, such as your family and your community. She further stated she heard on the radio an excuse, its summertime and the kids have nothing to do. That was a disgusting excuse. Boredom is not an excuse to do damage to another person or property. She further stated she read an article dated February 14, 1988 from the Los Angeles Times, they were talking about boredom not being an excuse. A Police investigator in the article described boredom being the reason 3 youths made a pipe bomb that killed one of the youths last July. Whoever hit 16-year-old Jennifer Pratt with a 2x4 in the back of her head as she rode on back of her boyfriend's motorcycle hasn't been caught, but many in the community believe it was bored and partying high school students. When several athletes were arrested on assault charges, one of the mothers stated they have no where to go except unsupervised parties. Councilmember Kurtzweil stated none of these are excuses. She hopes the person that made that comment rethinks what they said because you are expressing a value system that is not consistent with the values in our community.

Councilmember Kurtzweil thanked Jim Runestad, our newly elected representative for including South Lyon in the Family Fun and Festival Guide. It includes our Memorial Day Parade, Depot Day, South Lyon Farmers Market and Pumpkinfest. She stated this guide goes all over the State of Michigan.

Councilmember Kurtzweil thanked the Police and Fire Departments for making a lot of kids happy during the Hidden Creek block party last week. She stated she wants to promote block parties; you learn a lot about your neighbors and it was an old-fashioned time when you sat down and discuss what is happening in everyone's lives. We are missing that kind of connection in this day and age. Get away from social media and get back into just having some conversations with people.

Councilmember Kurtzweil thanked Doug Cook and his wife as well as all the sponsors that made Motorfest a great event. She then thanked the Cooks for their dedication to our City.

Councilmember Kurtzweil then welcomed Julie Paquette who is a new Attorney in South Lyon, she has evening and weekend appointments and she does wills, trusts and POA's.

Councilmember Kurtzweil thanked Tamra Ward for her donation and stated we are \$1,000 short so if anyone can donate, please do.

Councilmember Parisien stated she wants to remind everyone to volunteer, we have Pumpkinfest coming up as well as other commissions.

Councilmember Parisien stated she has received many phone calls about the candidates for the November Election. She stated everyone should do their homework. She stated look at their Facebook pages, go to the meet and greets. See what candidates are coming to the meetings that are paying attention, you want candidates that will advocate for residents. She further stated the candidates should visit the downtown businesses, it isn't all about the residents, our downtown is very important. She further stated we have candidates that are currently on Council, you can watch past Council meetings and read newspaper

articles to see who works well with one another, who is propelling this community forward and who is an obstructionist.

Councilmember Kivell stated he can't extend enough gratitude to Inch Memorials for taking care of our Cemetery as they did. They went above and beyond. That was a very calming response to some people. He further stated our Cemetery is well maintained and you can see the historic names that are on street signs.

Mayor Pelchat stated we need an alternate for the ZBA board. This is the perfect opportunity for someone who has been thinking about getting involved.

Mayor Pelchat stated he attended the Mayor's Association summer workshop in Bay City. He stated there were a lot of good ideas passed along and he met a lot of great people that represent other communities.

ADJOURNMENT

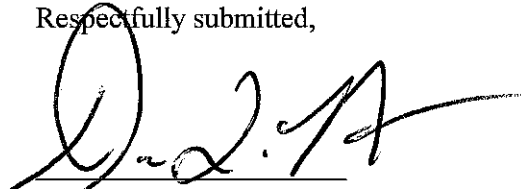
CM 8-11-19 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Kennedy

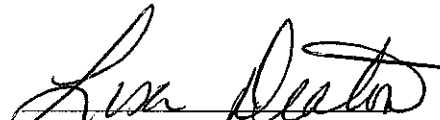
Motion to adjourn meeting at 9:16 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,



 Mayor Dan Pelchat



 Clerk/Treasurer Lisa Deaton