

City of South Lyon
Regular City Council Meeting
August 13, 2018

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: Chief Collins, Attorney Wilhelm, Fire Chief Vogel and Clerk/Treasurer Deaton

Mayor Pelchat stated Councilmember Walton will be arriving late

MINUTES

Councilmember Kennedy stated on page 1, the minutes should reflect that he was present as well. He further stated on page 2, the resident that introduced her granddaughters name is Judy Keeling.

CM 8-1-18 MOTION TO APPROVE MINUTES

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

VOTE: MOTION CARRIED- 1 ABSENT

BILLS

CM 8-2-18 MOTION TO APPROVE BILLS

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

VOTE: MOTION CARRIED- 1 ABSENT

ATTORNEY BILLS

CM 8-3-18 MOTION TO APPROVE THE ATTORNEY'S BILLS

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

VOTE: MOTION CARRIED- 1 ABSENT

AGENDA

CM 8-4-18 MOTION TO APPROVE THE AGENDA

Motion by Kivell, supported Parisien
Motion to approve the agenda as presented

VOTE: MOTION CARRIED- 1 ABSENT

PUBLIC COMMENT-

Mayor Pelchat then read the rules for the record, as they are printed on back of Agenda. Members of the public may speak at a Council meeting upon recognition by the Mayor. Public comment may only occur during periods designated on the agenda for public comment or a public hearing. A person may speak for up to two (2) minutes during each of the two public comment periods on agenda items or non-agenda items. Waivers of the time requirement may only be granted at the discretion of the Mayor, and waivers to speak at a time other than a designated comment period

may only be granted by the Council. Any person wishing to make a presentation longer than two minutes or requiring audio-visual equipment is asked to contact the City Clerk requesting to appear on a future agenda. A person may only address Council from the podium. Only one person may occupy the podium at a time. All remarks are to be directed to the Mayor and Council. Speakers are not to engage in direct dialog with other meeting attendees. Any person who violates the Rules of Conduct, disturbs the peace at the meeting, and/or interferes with the meeting may be warned, ordered to be seated, removed, and/or ticketed. *This summarizes Council Resolution 04-18. Complete Rules, including guidelines for considering waivers, are available in the Council Chambers and from the City Clerk.

Doug Cook of 25701 McCrory Lane stated he is from the Lake Street Cruise-In Motorfest and he wanted to publicly thank the Mayor, Council, Chief Vogel, Chief Collins, and the Dpw staff, First Presbyterian Church along with the 30 volunteers. He stated they had over 350 vehicles, and the food trucks did very well. He further stated the restaurants and businesses reported a lot of foot traffic during the event as well. He further stated they have 2 remaining car shows this year.

Carol Sedelko of 62512 Raleigh Court asked if the City could purchase some paint and paint the Art Craft building in our downtown. We have two buildings in the same block that is working on improving their building, and she stated the building owner has shirked their responsibility. Maybe then someone would be interested in renting it. She feels it is the City's responsibility to paint the eyesore.

Margaret Banantis of 62290 Arlington Circle stated she has a petition signed by over 40 signatures that don't want the property by Colonial Acres developed. People feel very strongly about it. She further stated there is a lot of wildlife in that area, what is going to happen with them. Another concern is another entrance to Colonial Acres.

Bonnie Campbell of 62310 Arlington Circle. She has some concerns as well. She stated Colonial Acres phase 5 has 467 units, and 377 units in Phases 1-4. That is an 844 senior condos and building 58-60 family homes that backs up to the 844 senior condos, doesn't seem like a good fit. She further stated assuming the development goes forward, approximately 50-60- units in Colonial Acres will back up to the homes. She further stated they are all walkouts, and also her bedroom windows will look directly into their yards.

Most of people that moved into Colonial Acres because they wanted to live in a quiet community of their peers. This housing development will change the flavor of our community, and they are also concerned about the barrier that is being discussed as well.

DISCUSSION- Downtown

Mr. Donohue stated he is meeting with 4 of the building owners tomorrow to pick their paint colors and they hope to have it done by the end of September. He then stated there is a new edition of the business directory that will be out soon. He further stated they are putting together a downtown event and city event calendar. He stated it is a timely piece and it is now in a digital format, it will be on the City's website and he will make sure they are emailed or hand delivered to all business owners in town.

Councilmember Kurtzweil stated we have residents that are noticing the same things we have been noticing. She asked where we are with the enforcement on the Bonner buildings. Is there any interest by the family of letting volunteers come in and paint their buildings? Mr. Donohue stated he met with the realtor and a representative for the family informally about 2 months ago. He stated we are now ready to go to the first formal step with the building department inviting people in with whomever they choose, such as their realtor or attorneys. He stated when he first met with them, they asked to give them 30 days to get it listed, and he knows they have had 4 offers. He stated they didn't live up to their conditions of

getting the properties listed. Councilmember Kurtzweil stated she thought the properties were listed, this tells her they don't want to pay a listing fee, a real estate agent, and they want to walk away with cash in their pocket without them doing anything to improve the buildings.

Councilmember Walton joined the meeting at 7:45 p.m.

They aren't interested in listing the properties, and they don't want to do anything to improve their real estate. She further stated the official meeting should be tomorrow. Mr. Donohue stated he agrees with her. He stated it is very frustrating and we are treating all 5 of the buildings equally.

Councilmember Parisien stated she is concerned about the Art Craft building as well. She stated the calendar looks great, but the biggest form of communication is Facebook and this should be posted on there as well. Mr. Donohue stated this is a clinical basic list, the DDA is working on something more official.

OLD BUSINESS

1. Consider first reading of Ordinance rezoning parcel 21-19-126-002 (Thomasville) from RM-1 (multiple family residential) to PD (planned development)

Councilmember Kivell stated this has been here and back numerous times, and he appreciates Colonial Acres residents and their comments and concerns. He stated our chore is to come to a consensus of what will be the best neighbor for Colonial Acres. We can't tell them they can't develop their property. He stated he has been against the layout for the density issues; from that point forward lot coverage and many issues. This is going to be the third planned development. He further stated Gateway was a good development because it was mixed use and it was a good fit. He then stated the Knolls, are still getting tangled up with things of what that planned development has transitioned to, problems that show up later. He stated it is a beautiful development, but by accomplishing a walking path around the water retention area, it allowed them to build lots that doesn't allow for the homeowners to put a deck and so on. Now we are changing the percentages for the City itself. He stated this flies in the face of so many things, he doesn't think he can support this.

Councilmember Kennedy stated he appreciates the changes that were made based on the previous Council discussion. He would like to talk about a few things that were changed in the plan. He further stated along the border of Colonial Acres, they will have staggered evergreens, as well a 6 foot privacy fence. Councilmember Kennedy stated Lexington does not connect to Colonial Acres, and this property will not have an entrance into Colonial Acres. This property is currently zoned to be able to build multiple apartment buildings.

Councilmember Parisien asked how many people were present at the public hearing for the Planning Commission. Attorney Wilhelm stated the council packet includes Planning Commission minutes from the meeting when this was discussed, but it doesn't reflect how many people attended. Councilmember Parisien asked how can we preserve wildlife. Carmine Avantini of CIB planning stated one item that will be retained is by the retention pond.

Councilmember Kennedy stated providing for the 50 units, do we know what is the price range going to be. Mr. Avantini stated they look larger than the original plan. The original owner intended to have it targeted toward empty nesters, but it didn't work out that way. They are now looking for less units, but larger homes. Councilmember Kivell stated we will end up with a parade of cases going to the ZBA. Mr. Avantini stated there could be some things the developer or the builder could decide not to put in, but when you start talking about patios or decks, everyone wants one of them. Councilmember Kivell stated they won't be able to meet the criteria for lot coverage. He wants to avoid that. Mr. Avantini stated we

would have to nail that down with the site plan review. He stated we have the same problems with other developments as well.

Councilmember Kurtzweil stated she has represented Colonial Acres in the past, and this could be considered a conflict of interest for her. She further stated if we remove recommendation I, and V, that would probably take away the conflict, but if those items must stay, she will not be voting due to a conflict of interest.

Councilmember Richards stated this property has bounced around for a long time. He complimented Mr. Cavaliere for the marvelous site plan he created. There were details and features that he has never seen before. He is ok with developing the property, but they originally had the perfect zoning to begin with. He stated if we deny this request, we are doing them a great service. Eventually you will come to see the failure of this project. He further stated these buildings have no basement, no yard, no view of anything. The largest units are smaller than the double wide in the trailer park, and it may end up looking like a trailer park. If we deny this request, he will work with him. If we approve this tonight, the beat goes on, but when it stops, you will be facing financial disaster. He stated it is a bad location for something like this. He further stated they will get working families, cats, dogs, children, which means toys, garbage cans, and other things. He is against this project, but it could still be corrected, but this is wrong.

Councilmember Parisien stated there was a person during public comment that brought along with her a petition with 42 names on it, and she would like that to be recognized and part of the Council packet.

Mayor Pelchat stated the developer is able to put in over 300 apartments, would Colonial Acres residents rather that, or would they rather the homes they are wanting to put in. Fact of the matter is, if we turn this down, they can go put 300 apartments on this property. He stated instead of shutting the door on this, we need to discuss this further.

Councilmember Kivell stated there is a lot of room to negotiate the situation if the developer will entertain the idea. We need to be protected from too many ZBA cases happening. He doesn't see how you can use a 4,300 square foot lot, that will allow for people to have a deck and so on. If there is some way to cut down the number of units, and expand the lot size, and he is hoping the developer is willing to negotiate.

Councilmember Kurtzweil stated Colonial Acres is a great community. She then asked if the developer has sat down and spoken with the residents. They built their lives here, and sometimes if you give them an opportunity to be heard, it may help. If she was the developer she would have met with them already. She would offer to facilitate the meeting, but she can't. They are reasonable people, and possibly we should put this off another 30 days.

Lorenzo Cavalier of 30078 Schoenberg Road, Warren stated we have made changes based on the conversations at the last meeting, as well as conversations he has had with City staff. Mr. Cavalier stated the project as proposed has not been presented as of yet. Councilmember Kivell, you are right, the public hasn't heard what you are interested in doing, but most of the conflict comes from not reducing what the waiver will be is going to be a tough situation. Mr. Cavalier stated they had approval for 60 forty-foot lots, on this same site. We have taken out 18% of the number of lots. He stated they removed 10 units, they increased the lot size, and from his understanding the biggest concern of Colonial Acres was having a road that would connect to their development. He further stated he provided the easement at the City's request. We don't have to have that. He doesn't think there should be a road there now either. They agreed to have a barrier with 6 ft vinyl fence as opposed to waiting years for the trees to mature. All of the focus has been to address the concerns for Colonial Acres. The density in Colonial Acres is much more that what they are proposing. He stated he can get approximately 250 apartment units in that area.

Mr. Cavalier stated several communities now allow for part of their setback to be used. Many communities are changing that ordinance.

Councilmember Kivell stated the setbacks are not the concern, the lot coverage is the concern. Mr. Cavalier stated the allowable coverage is 25%, we are suggesting 14.6%.

Councilmember Kurtzweil stated she wants to clarify that we aren't keeping him from speaking, we are willing to put this off for 30 days, and we are asking him to meet with Colonial Acres residents and hear their concerns and have some discussions with them.

Councilmember Parisien stated she apologizes, she doesn't think this will look like a trailer park, that is not Council's overall opinion, and she is sorry if that offended anyone. She then stated you have to understand from our viewpoint, we need to make sure the residents are heard. She understands his hardship as well, but we need to make sure our constituents understand what is coming in the future. Mr. Cavalier stated there was only one person that represented Colonial Acres, and their only concern was the road connecting this property to Colonial Acres. He was hoping the planning director could have explained everything that they have changed in the last 30 days. He stated at the beginning of this, the property was approved for 90 units, and we are now approved to have over 300 apartment units, then approved for 60 40-foot lots, and now we are trying to get 50-foot lots, and there are still concerns.

Councilmember Parisien stated she understands his concerns, and it can be frustrating that during the public hearing process, only one person attended with one complaint. She stated the majority of the residents didn't know there was a public hearing. They need to be able to speak to this issue. She further stated she would hope that he would meet with Colonial Acres residents to hear their concerns. Mr. Cavaliere stated we are now looking at another 30 days, which is now 60 days. Mayor Pelchat stated he would like the developer to speak with the residents of Colonial Acres. Mr. Cavaliere stated he can be ready in 2 weeks.

CM 8-5-18 MOTION TO APPROVE POSTPONE FIRST READING OF ORDINANCE

Motion by Parisien, supported by Kivell

Motion to postpone First Reading of Ordinance Rezoning Parcel 21-19-126-002 (Thomasville) from RM-1(multiple family) to PD (planned development) subject to the listed conditions

VOTE: MOTION CARRIED- 1 ABSTAINED DUE TO CONFLICT OF INTEREST

Original motion to approve the first reading was revised at the following meeting to Motion to postpone to the next meeting

Original motion CM 8-5-18 to approve the first reading was rescinded on September 10, 2018

NEW BUSINESS

1. Consider appointment of Nahid Hamade Salemi to the Cable Commission

Ms. Salemi stated she applied to be on the Cable Commission. She was an executive producer Just moved to South Lyon last year and she loves living here. Decided to use what she knows who if appointed. Mayor Pelchat stated the Cable Commission have needed people for a long time.

Ms. Salemi stated she goes by Nancy if her name is hard to pronounce. Councilmember Kurtzweil welcomed her and she read her application and she asked what languages is she an interpreter for. Ms. Salemi stated Arabic and Persian. Councilmember Kurtzweil stated it is wonderful to have her here and her talent will definitely be called upon.

CM 8-6-18 MOTION TO APPOINT NAHID HAMADE SALEMI TO CABLE COMMISSION

Motion by Kivell, supported by Parisien

Motion to appoint Nahid Hamade Salemi to the Cable Commission

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider approval of charitable gaming license for South Lyon High School Pom Pon Boosters

Chief Collins stated they were invited to be a part of the meeting, but he didn't get a response.

CM 8-7-18 MOTION TO APPROVE CHARITABLE GAMING LICENSE

Motion by Kivell, supported by Parisien

Motion to approve the Local Governing Body Resolution for charitable gaming licenses recognizing South Lyon High School Pom Pon Boosters as a non-profit organization in the community for the purpose of obtaining charitable gaming licenses

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider approval of charitable gaming license for The Goodfellas Project

Kevin Pezeshkian of The Goodfellas stated they started this in March, and they are dedicated to helping low income families anywhere they can. This past weekend they just finished furnishing a home for a family that was in need and sleeping on the floor. They partnered with the Candlelight project and they have worked with Active Faith in the past. They want to keep helping people in need. Mayor Pelchat stated they have also helped with cleaning up the streets in town. Councilmember Parisien thanked him for doing this and being a part of the community. She further stated there was a group that contacted them with 211 concerns, or phone calls about homeless and shelter issues in our City. She stated people are also very focused on the opioid problem, as well as the problems with human trafficking. She further stated we had no idea it was such a prevalent problem in the City. There is a definite need for this organization. Mr. Pezeshkian stated they want to show our peers what is going on as well. Councilmember Kurtzweil thanked him for speaking with her before the meeting. She stated she started her career in the non-profit area. She stated to this day she supports non-profit activities. She stated the most important thing is he is setting a standard for the youth in our City. You are giving back to other human beings, and these are great character-building moments for him. She further stated he will become a role model for others in our community. She stated the little things you do can make a change in someone's life. She thanked him for doing what he is doing, and for showing people that his generation can recognize there are other values more important than material objects.

CM 8-8-18 MOTION TO APPROVE CHARITABLE GAMING LICENSE

Motion by Kurtzweil, supported by Walton

Motion to approve the Local Governing Body Resolution for charitable gaming licenses recognizing The Goodfellas Project as a non-profit organization in the community for the purpose of obtaining charitable gaming licenses

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider approval to remove gazebo at northeast corner of McHattie Park (near Lafayette and the Rail Trail)

CM 8-10-18 MOTION TO REMOVE GAZEBO

Motion by Kennedy, supported by Kivell

Motion to approve removal of gazebo at the northeast corner of McHattie Park

VOTE: MOTION CARRIED UNANIMOUSLY

5. Consider approval to purchase five (5) In-Car Mobile Data Computers (MDCs) using Drug Forfeiture Funds

Chief Collins stated this topic was discussed during the budget workshops. There was a suggestion by Plante Moran to use the Drug Forfeiture Fund. He has been shopping this around for a while, and we are already reaping the benefits of purchasing through CLEMIS.

CM 8-11-18 MOTION TO WAIVE COMPETATIVE BID PROCESS

Motion by Kennedy, supported by Parisien

Motion to waive competitive bid process because there would be no advantage to the City in obtaining bids

VOTE: MOTION CARRIED UNANIMOUSLY

CM 8-12-18 MOTION TO APPROVE PURCHASE OF IN-CAR MOBILE DATA COMPUTERS

Motion by Kennedy, supported by Walton

Motion to approve the purchase of 5 MDCs for \$22,777.30 using drug forfeiture funds

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Kurtzweil stated she has two comments on this issue. She stated when something comes before Council for a purchase, she would like something included reflecting where in the budget this is coming from. Chief Vogel is always very good at including this.

She stated she had a discussion with someone about bids, and if you explain the line item that this item is coming from, it gets you trained to look at the budget more. It is helpful to be able to see where they are and provide more back up to Council for where this is coming from in the budget. Try to refer to the budget, and there is a comment from CLEMIS that the equipment is outdated. Chief Collins stated our current equipment is very outdated. Councilmember Kurtzweil asked why this wasn't caught earlier, the money was there. Chief Collins stated they try to be responsible with taxpayer's dollars, and the equipment was working ok, but we recently began having trouble with the equipment, when they did, we brought this to Council for approval.

Councilmember Richards stated the Police Department and their budget is very specialized, and he hopes the PD can invest in a drone or possibly 2 drones.

6. Consider approval of 2 replacement furnace and A/C units at Police/Fire Administration building

Chief Collins stated this was previously discussed at the budget workshops and this is also a budgeted item. He stated the air conditioning units in the administration building are now failing.

CM 8-13-18 MOTION TO APPROVE PURCHASE/INSTALLATION OF FURNACE AND AIR CONDITIONING UNITS

Motion Kivell, supported by Kennedy

Motion to approve purchase and installation of the furnace and air conditioning unit as bid by Unlimited Heating & Air LLC for \$12,940

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Kurtzweil stated again, this is a budget issue, and again, there is nothing in the packet pointing to where in the budget this was approved. It appears it is coming out of Capital Outlay. That

portion of the budget had \$15,000. If you subtract out the furnace and air conditioner, you will come out a little short for the office furniture purchase of \$3,000

Councilmember Parisien stated she appreciates Chief Collins for being frugal with taxpayers money, and not having air conditioning is rough and she thanked him and his department for all they are doing.

Councilmember Kennedy stated he discussed this with Chris Sovik and Chief Collins when this was originally in the packet a few weeks ago. It was originally pulled from the packet so those questions could be addressed. He then complimented Chief Collins for the decision that was made with going with Unlimited Heating & Cooling and for the additional information.

7. Consider approval of first reading of Ordinance Amendment to add Section 22-167- Soliciting in public roadway prohibited; Exceptions

Attorney Wilhelm stated he has provided Council with information and this will set up the requirements for soliciting in the travel portion of the road. He stated this will bring the City in compliance to enforce that the people that want to participate in that type of activity will meet the statutory requirements. There are a number of requirements listed in the statute and we have matched those and there are a few additional regarding the more aggressive tactics.

CM 8-14-18 MOTION TO APPROVE FIRST READING OF ORDINANCE AMENDING ORDINANCE AMENDING CHAPTER 22

Motion by Kivell, supported by Parisien

Motion to approve the first reading of the ordinances amending the City of South Lyon Code of Ordinances, chapter 22- Businesses, Article VI- Solicitors, to add a new section 22-167- Soliciting in Public roadways Prohibited; Exceptions, to comply with the requirements and statutory amendments in Public Act 112 of 2017 applicable to soliciting in public roadways

VOTE:

MOTION CARRIED UNANIMOUSLY

8. Consider approval of first reading of Ordinance to amend the Official Zoning Map of the City of South Lyon conditionally rejoining 825 W Lake St- Parcel 21-30-126-005 from R1 A (one family residential) to RM 3 (multiple family residential)

Bob Langan of 128 N Center Street. He stated this is the first time before Council and he is here to answer any questions Council might have. Mr. Langan stated the property is a 4 ½ acre parcel, at corner of Dixboro and 10 Mile. This property was annexed into the City and after having several meetings with City representatives, they came up with a plan based on many considerations, such as it being a small parcel, it is a good transitional zone between the Industrial area, and close enough to downtown that is walking distance. He stated they will include a foot path to the trail on Dixboro as well. He stated they are proposing 72 units in 3 buildings. High quality facades, high quality interior finishes, granite counter tops, in unit washer and dryers. He stated he believes it will have a low turnover, and provide good residents for the community. On the site itself, we put the buildings off to the side, so as your coming in, you see the yard and the gazebo instead of huge buildings. Car ports are taken away from the buildings, to make it easier for first responders and it is relatively open space. Mr. Langan stated they have a very nice landscape plan, frontage will be landscaped nicely, and it will have a second access point. Councilmember Kennedy asked about the house that is currently there. Mr. Langen stated it will be taken down, it is scheduled for demolition.

Councilmember Kivell stated he has a question on page 5, the city right to rezone. Why are we changing the language from what we normally do with if the development doesn't come through, the property will be reverted back to the original zoning. Attorney Wilhelm stated it will be reverted back to the original zoning. There is a time period that is built into it. He further stated once the time period runs out, you can change the zoning, but typically it goes back. Councilmember Richards stated before this property

was annexed, he understands the property owners were in New York City. Mr. Langan purchased it from a private owner. Great potential for that property. He thinks it is worth more than what Mr. Langan has envisioned. Many people agree with him that the property is a good location for a roundabout. The population may triple in the next few years that corner will be very important. He further stated this property backs up to the west end development, and Dixboro will be improved. He thinks it is worth a lot more than what this plan involves.

Councilmember Kurtzweil stated she wants to disclose she knows Mr. Langan, but she has never represented him or any of his entities for anything.

Councilmember Kennedy stated the master plan shows this was intended for light industrial. Mr. Avantini stated when the annexation happened, it was at the same time they were working on the zoning map and it was originally light industrial. He further stated at this point, he encouraged them to go higher quality apartments, we don't have a lot of high quality apartments in the area. He further stated one of the conditions they are offering is site plan approval.

Councilmember Parisien stated she has three concerns such as the traffic. Mr. Langan stated they haven't decided to have a traffic study done. He stated he thinks the secondary access will alleviate some concerns. Councilmember Parisien stated it is a big concern for our residents. She further stated is this industrial? This document says we are changing it from industrial to residential. Councilmember Parisien stated previously we had someone earlier this year with this same request and we shot that down. She further stated it seems we are setting a double standard. We have already shot someone down tonight, and now we may approve this development. Mr. Langan stated what came to his mind is the location, we are abutting a swamp, Livingston County and industrial, and residential detached. To bridge the gap, he thinks this would fit in nicely. Mr. Langan stated there is only one neighbor that will be impacted. He further stated his concern was he wanted landscape screening between the two properties, and he has agreed to that Mr. Avantini stated they will have a traffic assessment at the time of the site plan, but it will be more related to access, not the traffic volume. In this case, they are requesting a conditional rezoning. This is different than the straight rezoning the owners of West End was asking for. We didn't spend too much time looking at this property, Mr. Avantini stated that West End could have asked for a conditional rezoning request, but they chose not to. Different sets of facts, and different conditions. He is comfortable with this. Mr. Langan stated there is a lot of detail they have provided at the conceptual level. He further stated you already have the information for what the buildings will look like. Councilmember Kivell asked how is he bound by what they are looking at now. Mr. Langan stated the conditional rezoning states if they don't stay within what Council is looking at tonight, the property will revert back to the original zoning. Further discussion was held regarding conditional rezoning.

CM 8-15-18 MOTION TO APPROVE FIRST READING OF ORDINANCE TO AMEND OFFICIAL ZONING MAP

Motion by Kivell, supported by Kennedy

Motion to approve the first reading of the Ordinance to amend the official zoning map of the City of South Lyon conditionally rezoning Parcel 21-30-126-005, 825 W Lake Street from the R-1A (one family residential) to RM-3 (multiple family residential) as presented

VOTE:

MOTION CARRIED- 1 OPPOSED

9. Consider application for Class C Liquor License (quota license)

Janelle Valardi of 125 N Lafayette stated she is the attorney for the applicant, Rhonda Bifano. She further stated the purpose of the liquor license ordinance is clear. The Ordinance states, the process of this application needs to ensure the applicant meets the minimum requirements, such as business operations, management, background, and financial resources and the business meet the needs of the community.

Ms. Bifano recently opened a business at 101 S Lafayette, The Corner Caffe, and the business is doing well. She further stated as everyone knows, that property has had a hard time in the past years. She is wanting to open a wine bar in the evening hours. She feels it will meet the needs of the residents. she stated people are looking for a wine bar, and this will be something unique and current. The ordinance is specific that the council needs to consider many factors such as the line items in the ordinance. Some things need to be addressed that was in the Council packet. There was some feedback given to her by the building department, specifically, that there will be some renovations required, particularly the bathrooms. Ms. Bifano is willing to take on the cost of the renovations. There were comments from Bob Donohue stating there could be some hesitation to give the license to her because this is an asset that is used to attract other restaurants going forward. She further stated there maybe some fear that if someone is given this license, it could be taken somewhere else. She stated that is why it makes sense to give this license to someone that is a native of this community, and a business owner in the community which will ensure they will keep the license in the community.

Councilmember Parisien asked if this will affect the adjoining business, and was the business consulted. Ms. Valardi stated the other business was consulted and we don't think it will affect the business.

Councilmember Kennedy stated there are a few things that are concerning, such as the business name is spelled 4 different ways in the packet. There were 3 references requested, but only 2 were supplied. His concern is that this is the last quota license, which is far too valuable to provide such a small venue. He further stated after 4 months of being a coffee shop, you now want to change to a bar, and change the operating hours, after all the publicizing and another concern is the establishment offers between 30 and 35 seats, and if you brought in entertainment, that would take up more room and decrease the seating capacity of the establishment. He stated the building department stated a second restroom would need to be added, which would also take up seating capacity. He stated if you look at other businesses that were granted licenses such as Lake street Tavern has four and half times the seating capacity, the South Lyon Hotel has ten times the seating capacity. He further stated he doesn't have a problem with a wine bar in that building, but he does have a problem with granting our last Class C license, but he would be ok if the business wanted to purchase a DDA liquor license. He further stated there are ADA requirements which would need to be met as well as a \$21,000 tap fee from the City. Councilmember Kennedy stated the Fire Inspector found some concerns for the property as well. He further stated the bottom line it is far too minimal to bring a good impact of the downtown along with there was no mention of additional employees, basically you are reducing the hours that the business will be open. He stated based on his concerns, he is looking for a larger venue for a larger draw to the City, but he would support the DDA Class C license.

Ms. Valardi stated even if a larger venue came to town and the City granted them the license, there is no guarantee the business would be able to keep the business going.

Rhonda Bifano 1131 Arrowhead, stated she did provide 3 references, they aren't planning on shortening the business hours, they will still be opening at 6:00 a.m. Councilmember Kennedy the paperwork shows they will be opening at 11:00 a.m. Councilmember Kennedy stated the impact of this business is 30 seats versus the other venues with much more seating. Councilmember Kennedy stated he is in favor of them getting a DDA license, but not the Class C license. He further stated this has nothing to do with the worthiness of the venue, but he thinks they should apply for a different license.

Ms. Valardi stated there is always risk for a larger business to come into town and take the license with them. Councilmember Kivell stated he would be ok if she wanted to do that as well.

Councilmember Parisien stated she understands both sides of the issue. If we don't grant this license, are we just going to hold onto this, what happened to moving the downtown forward. Everything Councilmember Kennedy stated is all spot on. She would like to look into this further.

Councilmember Kivell stated they have made some good points, he is very pleased with the way they are running the coffee shop, but he can't get past the fact that Bob Donohue is constantly in discussions with restaurant venues that want to come into the City, but they need a location. He further stated this is a very small venue, and we are stuck with only 1 quota license until the next census is finished. He further stated he would like some time to look into this. Councilmember Walton stated the original business model included a wine bar. Councilmember Parisien stated there are some questions that need to be answered, maybe get the application cleaned up and possibly postpone this for 30 days.

CM 8-15-18 MOTION TO POSTPONE FOR 30 DAYS

Motion by Parisien, supported by Kivell

Motion to postpone the application for Class C Liquor License for 30 days

VOTE: MOTION CARRIED UNANIMOUSLY

BUDGET- Nothing

MANAGERS REPORT

Chief Collins stated they are moving along with the purchase of the property at 501 McMunn. We will be using Liberty Title in Brighton. We are moving forward with ASTI Environmental doing a site inspection for the property. He further stated Safebuilt will be moving forward with the inspection for the property as well.

Chief Collins stated we have received a revenue sharing check from RRRASOC for \$1,803.15

Chief Collins stated additional income has come in from B&M Ashman Inc which was associated with the Comcast project in Trotters Point. We billed Corner Cable and by default B&M we billed them for labor, equipment cost for replacing the water service line that was damaged and the City repaired. The check amount is \$5944.39

Chief Collins stated the Pumpkinfest committee is in desperate need of volunteers, especially for setup on Friday, as well as in the beer tent. The beer tent is a big source of income for Pumpkinfest and without it, we may not have a Pumpkinfest anymore. Anyone interested can sign up at www.southlyonpumpkinfest.com

Councilmember Kennedy stated he would like Chief Vogel to read the information he included in his weekly report for the grant he applied for. Fire Chief Vogel stated they have applied for a grant through Firehouse Subs and it ends August 30th, for a \$15,000 device, which is a high priority for the Fire Department.

Councilmember Kurtzweil asked about Heinanen Engineering, and what they are doing with dewatering. She thought South Lyon Head Engineering standards that would cause them to use our City Engineers. She further stated you permit the dewatering systems because you have to look at the area around it. She stated Moe's garage across the street, and a gas station next door. She stated she wants to know if there are any containment's that have leached into the water that he is removing from the ground. She thinks there could be some kind of contamination going on. She stated it is important because when material migrates through the soil, and you get near water, you have to look at the weight of the contaminant and gas will travel in the water. She stated we need to take a look at this. There is water all over that place, and our aquifer is 150 feet down. When you see people dewatering, you have to ask yourself what is the quality of the water you are pulling out of the ground and putting back into the City's system.

Councilmember Richards stated he has studied the concern that Councilmember Kurtzweil is referring to. He stated the water smells, but he doesn't know if it is contaminated or not. He stated the wells are about 10 feet down, and the reason they are doing this is because they can't pour the cement base for the collar because there is too much water. He stated we are tampering with the underground water table.

Councilmember Kurtzweil stated she doesn't know if he is going far enough to the aquifer, if you look at what he is doing, they want to take the piping and put it in the ground for where the Christmas Tree will be. She stated he is above the aquifer, but she is concerned about contamination.

Councilmember Kivell asked if Chief Collins will check with the Drain Commission to see if they have any interest into looking into the contamination concern.

PUBLIC COMMENT-

Ryan Lare of 716 Grand Court stated he was offended by Carls comments about the trailer park. He stated there are good people in the trailer park. The point is people live there and we need to respect everyone and not use racial comments during a public meeting. Mr. Lare stated while he was volunteering at Blues, Brews and Brats, it was brought to his attention that Councilmember Kennedy met with one of the City Manager candidates, and he doesn't believe the other candidates were able to do so. He would like the conversation disclosed during Councilmember Kennedy's council comments.

COUNCIL COMMENTS

Councilmember Richards stated he was talking about the size of the homes, he never intended to offend anyone. He apologizes if he has. Councilmember Richards stated the post office did a great job paving their parking lot. The DPW did a nice repair on the road behind the post office, they also repaired the approach at Liberty.

He stated he wanted to mention the Wendys restaurant, they have a new manager. The manager stated she wanted to participate in the Pumpkinfest. He further stated it is a marvelous business.

Councilmember Walton stated Blues, Brews and Brats was a great event. She then thanked the Chamber for putting on the event. The Chamber also thanked the Councilmembers that volunteered. She then congratulated the Mayor on his marriage.

Councilmember Kurtzweil stated she wanted to thank everyone for working the polls. She further stated it was wonderful seeing everyone getting along regardless of what political party they are part of. She also thanked the Oakland County Sheriff for being at some of the polls. Councilmember Kurtzweil stated there was a ballot that was stolen on Election Day. There was a person that gave our election workers a very hard time. She stated this could potentially be the beginning of ATIFA, and they are active in Oakland County as well as Ann Arbor. This could have been a dry run to see what our security is like. She further stated she encourages everyone to come up with a plan on how voters should be treated when they are harassing our inspectors. This is disturbing. She then asked if we can we have the Election workers give a description of the person to someone for a drawing. We need to look at precautions. She stated she agrees with Councilmember Walton. Blues, Brews and Brats was a great time, and she met many people that day. She then congratulated Mayor Pelchat on his wedding, and she now wants to congratulate the new First Lady of South Lyon. She has some good role models such as previous wives of our Mayors in the past that were very active in our community.

Councilmember Kurtzweil stated she is working on a landscape project, and part of the design is habitat for pollinators, and bees believe it or not, bees are becoming extinct. She stated she hopes people will take a moment to Google how they affect our every-day lives.

Councilmember Kennedy stated while volunteering at the Blues, Brews and Brats event he encountered one of the City Manager candidates. He welcomed the individual to the event and the discussion that ensued was a non-substantive discussion, in an extremely public setting where nothing confidential, or of any consequence, was discussed with the candidate. Nothing improper occurred.

Now, let's talk about the Salem-South Lyon District Library. On July 25 and again on July 31 it was discovered that someone had dug up and stolen a number of flowers from the gardens at the Salem-South Lyon District Library.

The incident was reported to the Michigan State Police who have jurisdiction at the library's location and it is currently under investigation. Over 20 plants were stolen with an estimated value of over \$350 including butterfly bush, echinacea and phlox among others. These flowers were paid for by the Friends of the Library through fund raisers and donations and the gardens are planted and tended by over 30 volunteers. Every gardener knows the amount of time and effort that goes into developing and maintaining gardens like these. Hopefully the individual, or individuals, responsible will be identified and held accountable. This brings me to my next announcement that the Friends of the Salem South Lyon District Library are sponsoring a gigantic book sale to raise funds for the library.

It will be held from Tuesday, August 21 through Saturday, August 25. Tuesday to Thursday the hours are 9am-9pm; Friday and Saturday hours are 10am-5pm.

He further stated on Saturday there's a bag sale at \$5/per bag for the books you select and any remaining books are free on Monday, August 27. So please stop by the library and support the efforts of the Friends of the Library as they work to raise funds for this wonderful institution!

Councilmember Parisien thanked Ms. Salemi for volunteering for the Cable Commission. She then stated we still need volunteers for our boards, commissions and Pumpkinfest is needing help as well. She stated September 8th is Depot Day as well as the Witches Hat Run. She further stated August 22nd is the second to last Lake Street Cruise-In

Councilmember Kivell stated the Blues, Brews, and Brats was a great event with some really good weather, and some great bands were there. He stated the hand rails on the walking bridge at Yerkes Drain are in really bad shape, they need to be replaced. He doesn't know if that is our responsible for that or is it the oil change place. Councilmember Kivell stated the Whipple street block party was a nice event as well. It is a very well-organized event with some great families.

Mayor Pelchat stated he wanted to remind everyone that Pumpkinfest is very important to this community and they need volunteers.

ADJOURNMENT

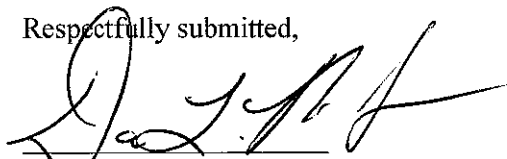
CM 8-17-18 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Walton

Motion to adjourn the meeting at 10:25 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,



Mayor Dan Pelchat



City Clerk Lisa Deaton