

City of South Lyon
Regular City Council Meeting
August 27, 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, Richards and Walton
Also Present: Chief Collins, Attorney Wilhelm, Fire Chief Vogel and Deputy Clerk Pieper

MINUTES

July 31, 2018

Councilmember Kennedy stated on page 15, the 3rd sentence from the bottom should say Mr. Zelenak, not Mr. Thompson.

Councilmember Walton stated the minutes say Mayor Pelchat stated she wouldn't be in attendance, and she doesn't know what was said, but it does reflect in the minutes that she joined the meeting on page 16 at 8:00 p.m.

CM 8-1-18 MOTION TO APPROVE MINUTES AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

August 13, 2018

Councilmember Kennedy stated on page 2, it states the woman's first name, but her last name is Banatis.
Councilmember Kennedy stated on pages 8 and 9, Mr. Langan's name is misspelled a few times.
Councilmember Kennedy stated on page 10, the words "seating capacity" should be added to the sentence half way down.

Councilmember Richards stated he wasn't quoted correctly, but he will let it ride. It was omitted that the house on the corner of Dixboro and 10 Mile will be demolished. He stated he has spoken with the neighbors and it was vacant for many years.

Attorney Wilhelm stated on page 5, the motion 8-5-18, it seems the motion is incorrect, the motion should have been postponed, not approved.

Councilmember Kivell stated on page 3, in his comments, the words "from that point forward, for lot coverage and many other issues" and remove the rest of the sentence.

CM 8-2-18 MOTION TO APPROVE MINUTES

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

8-27-18

AGENDA

Chief Collins in lite of Attorney Wilhelm statement regarding Thomasville being postponed from the last meeting and the first reading was not approved, item #2, should now be approval of first reading instead of approval of second reading.

Attorney Wilhelm stated in regards to old business item #2, he would like Council to add if the second reading is approved, he has provided Council with an agenda note and copy of the conditional rezoning agreement for approval.

CM 8-3-18 MOTION TO APPROVE AGENDA

Motion by Parisien, supported by Kivell

Motion to approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Mayor Pelchat stated the public comment will begin with William Charles and Lorenzo Cavaliere speaking because they have asked in advance to speak for 5 minutes.

William Charles, president of the board at Colonial Acres - Phase 5, stated they met with Lorenzo Cavaliere and they had a good turnout and they are ok with the development as presented. He stated they would like the vinyl fencing that will separate the two developments to be extended across the road if possible, and that it will be breakaway in case emergency vehicles need to get through. It will look better than a metal gate. He stated Colonial Acres has no problems with the development as presented.

Lorenzo Cavaliere of 30078 Schoenherr Road, Warren Michigan stated he is here for any additional questions when the agenda item is brought up. He stated they had a very productive meeting with Colonial Acres and all of their concerns were addressed.

Josie Kearns of 229 Lyon Boulevard stated this year at Pumpkinfest the Cultural Arts will have an art experience for students and any parents that sign up can have their student's art work displayed at the art show on October 26th and it can be displayed longer if they would like. She further stated the Quilt and Fiber Art Show has been moved to March. Also, there will be an art activity at Pumpkinfest as well, and if students do that, their artwork can be displayed at the March show. She further stated that they have officially designated someone to be their chair for public art, Joe Matusak. Who just happens to be Kearns' husband. He is having a great time doing this and the first sculpture and other things are scheduled for spring. Kearns states this is very exciting and will have more news to come.

Discussion- Downtown

Bob Donohue stated he has had some great conversations with impending projects downtown and he was told nothing will interfere with Pumpkinfest. He further stated they picked out the Victorian paint colors, and there is another building that is going to be painted. Mr. Donohue stated 117 N Lafayette received the wrong brick for the 2nd time, but they are still hoping to be done by the end of September. He stated we are almost guaranteed we will have a candy store coming in January and a gourmet food store. He then stated there is a meeting on Thursday of this week regarding the two Bonner buildings. Mr. Donohue stated there is someone in discussions for purchasing 110 Detroit Street. He stated they are also

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talking to Providence Hospital to possibly purchase the vacant lot next door. Mr. Donohue stated they are excited about the sustainable art and they have been meeting with Superb Fabricating about using more of their byproduct in some areas in town. He stated Herb has some ideas to take the whole recyclable product to look at trash containers and flower containers. He stated the DDA is active in the public art downtown. He further stated they are happy about getting the first sculpture downtown next year. Mr. Donohue stated there is potential for a poetry tour. It will be a very exciting September and October downtown. Mayor Pelchat asked if anything is happening with the BP station. Mr. Donohue stated it is a touch and go situation. The enforcement officer has been in touch with them. He stated the owner of South Lyon Square is negotiating with them to get an easement to enlarge their parking for an outlet business.

Councilmember Kurtzweil stated the excitement for what is happening in the downtown is great to watch. She stated we will be having a new leader that appears to have a good understanding of the DDA and he is fortunate to have Bob Donohue. She further stated there is a real positive buzz in the City. She stated they will be a powerful team. Mr. Donohue stated he has spoken with Paul and he is very excited to be on board as well. He has known him for about 25 years.

OLD BUSINESS

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

Councilmember Kivell stated he received a call that the information Council requested hadn't been provided. Chief Collins stated Kelly McIntyre from CIB is present if Council has any questions. Ms. McIntyre stated she received the information Thursday morning, therefore she didn't have time to review the plans to be ready for the Council packet. She further stated the quick review she did looking at lot coverage, the calculations weren't correct.

Councilmember Parisien asked if we can approve the first reading with conditions that the calculations are corrected. Councilmember Kivell stated the objective was for them to assign the value of the lot size in relationship to the home and the availability to have a deck or patio and still complying with lot coverage rules. He further stated there was some erroneous information at the last meeting, such as it was aluded to 14%, but that was for the buildings over the entire project footprint. Attorney Wilhelm stated it doesn't make sense to move forward without knowing that everything Council was asking for is corrected. Councilmember Parisien stated she was prepared to move forward with this since he complied with meeting with Colonial Acres and she is happy they are all on board now. However, if the information isn't accurate, it isn't in the City's best interest to approve this according to our Attorney. Attorney Wilhelm stated it wouldn't be unusual to approve a first reading based on administrative information, but this seems to be more than that. Councilmember Kivell stated the history of this is we approve these types of things, then find out they can't support all the things people want to put on a typical lot, then we have to have secondary activities we have to conduct to either approve or not approve the amenities people want in their home.

Mr. Cavaliere stated on August 20th, he received an email from Carmine Avantini asking for three things, maximum lot coverage for each lot, square footage of each lot and anticipated deck or patio for each lot and to make sure each homeowner is informed of this. He stated at the last Council meeting, his understanding was the most important was Lexington Drive wouldn't connect with Colonial Acres and their concerns. He met with them and on Wednesday he responded to the request and revised the plan. He stated the original information to the City did have all the information. He stated he addressed each

item in the email. Mr. Cavaliere then stated there are 4 lots on the north side of the site that doesn't meet rear yard setback, but they back up to open space. He further stated all other aspects as it was proposed and reviewed by planning remain the same. He stated he understands he has to go back to planning and come before Council again.

Councilmember Kennedy stated he attended the meeting at Colonial Acres. Their main concern was the aesthetics. They weren't focus on the lot coverage. He further stated he understands Councilmember Kivell's concerns. You have mentioned half a dozen of lots where the setback needs to be adjusted, but his concern is of the remaining lots, how many with a 12 x 25 deck will be within the 25% maximum coverage which is what the ordinance is now. The concern is you came in originally asking for a blanket waiver for the whole development to put those decks in for all of the lots. That is why Councilmember Kivell asked him to go back and calculate the coverage for each lot with a deck. It came back, and it exceeds the ordinance by 50%. He stated he understands he met with Colonial Acres and he appreciates that, but their concerns were different than Councilmember Kivell's.

Mr. Cavaliere stated the request was made last Monday and he responded on Wednesday. The information we are talking about takes this issue down to 5 lots. The question is will there be any other decks that will encroach more than 25% into the rear yard, and the answer is no.

Councilmember Kennedy stated that isn't the question, the question is the lot coverage, not to exceed 25% of the lot. The footprint of the house and the deck not to cover more than 25% of the lot.

Councilmember Kivell asked if the example of a home they were given at the last meeting was an 1,800 square foot footprint, is that the model for the calculations that are being used now? Mr. Cavaliere stated yes, that is the building footprint. All the building footprints are within the building envelope and there are 5 lots that would go beyond the setback, 3 which back up to the pond, and 2 in another location. All are within the building envelopes.

Councilmember Parisien stated Mr. Cavaliere has done everything Council has asked and if Carmine asked him for more information and he responded, it isn't fair to deny the first reading. She stated he has been doing everything Council has asked for the last 2 months. He met with Colonial Acres, and everyone is on the same page. The calculations are off, and she understands that is an issue for her fellow Councilmembers, but if we have someone acting as an agent for the City and you give him the information he is asking for, it isn't fair to keep pushing this off. She stated her vote would be to move this forward tonight.

Councilmember Kennedy stated he is going to go back over the numbers they were just given. The lot coverage was 36-40% lot coverage, not 25%. He stated again, he wants to know how many lots with that proposed deck meet the existing ordinance of 25%. He further stated the concern is almost 40% of the yard will be hard material for run-off and everything else. Mr. Cavaliere stated there are 3 lots that will not meet the requirement. Councilmember Kennedy stated in order to meet the requirement, each lot would have to be close to 7,000 square feet. Mr. Cavaliere stated as far as the overall coverage ratio per City Ordinance, we are still within. With PD's or cluster developments that is usually a factor. Councilmember Kivell stated there is no way you can take an average of 5,000 so apparently there are many lots that are way undersized to put an 1,800 square footage home on it because you would have to have so many lots that are substantially bigger to be able to be able to do that within the 25% structure coverage. He doesn't think that is possible.

Mr. Cavaliere stated there is less density now than there was before. As the report stands with side yards and setbacks, they have relaxed the plan significantly than what was originally approved. He stated they were originally approved for 90 units with outdoor parking, we are now at 50 units with attached garages, a vinyl fence and with landscaping that is more than the ordinance.

Ms. McIntyre of CIB Planning stated she did receive the information, but as a professional, she has to look at each and every lot, and she wasn't given the opportunity to do that. she isn't comfortable giving Council a report without being able to do so. She stated originally, she was told she was going to get it on Monday, but it didn't come until Wednesday afternoon. Councilmember Parisien asked how long Ms. McIntyre they will need to thoroughly look over the plans. Ms. McIntyre stated generally 10 days, but she is only asking for 4 days. She then stated they have been working with Mr. Cavaliere and they have had several meetings. They are getting the things done, but there are things that need to be tied up. Some discussion was held regarding the time frame for Mr. Cavaliere. Mr. Cavaliere stated there will be another item that may come up, but without walking out the door tonight with final approval, we are still only half way there. Councilmember Kivell asked if Ms. McIntyre if she can look at the chart and tell them what the general lot size is. Ms. McIntyre stated there are some just under 5,000 and some up to close to 8,000 square foot. Councilmember Kivell stated that is where the problem with the lot coverage is. Councilmember Parisien asked if these questions were asked at the Planning Commission, she doesn't understand why this wasn't dealt with then. Ms. McIntyre stated the information given to the Planning Commission was not correct. They were given the lot coverage of the entire development. Alan Cross of Monument Engineering stated he understands the questions, but we have a review letter dated August 6th stating we complied at that time. He stated if they were calculated wrong, he would have expected a comment from the planner at that time. He further stated the lot coverage has been consistent for over a year. Councilmember Kivell stated regardless what happened at Planning Commission, we still need to get this cleared up. Mr. Cavaliere stated he doesn't know what else Council needs at this point. Mayor Pelchat stated we need correct information, he is sorry the Planning let this get through, but we found problems and they need to be dealt with.

CM 8-4-18 MOTION TO POSTPONE TO NEXT COUNCIL MEETING

Motion by Kurtzweil, supported by Kivell

Motion to postpone the first reading of the Ordinance rezoning parcel #21-19-126-002 (Thomasville) from RM-1 (multiple family) to PD (planned development) subject to the first meeting in September

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Second reading of Ordinance to amend the official zoning map of the City of South Lyon conditionally rezoning 825 W Lake Parcel #21-30-126-005 from R-1A (one family residential) to RM-3 (multiple family residential)

Bob Langan 428 N Center Street stated the only issue before us tonight is Attorney Wilhelm has suggested a change from 6 months to 8 months and that is the same feedback he has gotten. He stated they are comfortable with 8 months, and if anything happens, they will come back to Council.

Councilmember Parisien stated there are two edits that needs to be corrected. On page 2 under recitals, 2018 is in there twice. She then stated on page 7, the word this should be changed to the.

Attorney Wilhelm stated initially the time frame was 6 months, so he changed it to 8 months for site plan approval, then a year for building permits, then 30 months for a certificate of occupancy. There is no reason to rush the applicant. Councilmember Parisien asked if we ever found out if this property was

industrial, and if so, we should amend the master plan. Ms. McIntyre stated the master plan should be updated every 5 years so it could be changed then. Councilmember Kurtzweil stated a conditional rezoning can convert back if the conditions aren't met. Mr. Langan reminded Council this property has only been in the City for less than 2 years. Councilmember Kivell stated he likes the idea of the paperwork being taken care of so we can rely on our master plan guiding developments as they come down the pipes. Councilmember Richards stated he is in favor of development. He then asked where are they going to get water and sewer. He then stated that could take some time and be costly. Mr. Langan stated he has thought about it and his consulting engineer found there are municipal services available to the property. His engineer has told him there is a feasible plan to hook into the municipal services. Councilmember Richards stated he is just telling him he will face some troubles with this.

CM 8-5-18 MOTION TO APPROVE THE SECOND READING

Motion by Kurtzweil, supported by Walton

Motion to approve the second 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 R-1A (one family residential) to the RM-3 (multiple family residential) as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CM 8-6-18 MOTION TO APPROVE

Motion by Kivell, supported by Walton

Motion to approve the conditional rezoning agreement between the City of South Lyon and L.L Holdings for parcel #21-30-126-005, 825 W Lake Street and authorize the Mayor and Clerk to sign the agreement

VOTE: MOTION CARRIED UNANIMOUSLY

3. Second reading of Ordinance amendment to add section 22-167- Soliciting in public roadway prohibited; exceptions

Attorney Wilhelm stated there have been no changes since the first reading.

CM 8-7-18 MOTION TO APPROVE SECOND READING

Motion by Parisien, supported by Walton

Motion to approve the second reading of the ordinance 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

BUDGET- Nothing

MANAGER'S REPORT

Chief Collins stated at the last meeting there was some concern about the dewatering that was happening at Heinanen Engineering. He stated he spoke with the building department and the proper permits were pulled and approved. He further stated he then checked with the Drain Commission and confirmed it was not their drain, and he met with DPW Foreman Ron Brock and confirmed the water is being discharged

into a City owned storm drain. He then authorized an analysis of the discharged water and it was found to be non-detect or low threshold results. Since that time the de-watering has stopped.

Chief Collins researched the question of the ownership of the park at Carriage Trace and after searching the minutes we found the park was purchased by the City in August 2003. Chief Collins stated there was also a question on the street lights in Charleston Park which is still investigating. Chief Collins stated he also met with Bob Donohue regarding the Bonner properties and there is a meeting for Thursday August 30th to discuss compliance with City Codes.

PUBLIC COMMENT

Denise Marie of 5328 Franklin Terrace stated she had some questions about the developer that was present earlier. She stated she attended the question and answer session. She said he was writing the questions and answers down, and she asked if he gave Council the information. She stated there is an endangered plant on the property, maybe the DNR needs to get involved. She further stated the developer said they would replant them elsewhere. She said the fence is supposed to be 6 ft fence, what privacy will Colonial Acres have if they add a deck. Will there be two story houses that backs up to Colonial Acres, will they be upstairs looking into our condos. She then asked that the contractors not be allowed to use their streets as a thoroughfare.

COUNCIL COMMENTS

Councilmember Richards stated he has been acquainted with this development since 2015. He stated it was originally owned by Tom Schroeder, it was then transferred to the new owner. He stated he blames the planning commission for wasting the last 3 years on this property.

Councilmember Richards stated he rode his bike to the east end of town, then north up the bike path, and it was very scenic and there was a nice breeze. He stated he went behind the school's property and went into the Knolls. He then stated all the big machinery is gone, it is graded, and it appears there is fresh limestone, it looks like they are ready to lay their concrete street. He stated he would hold until he knows the number of houses too. He then went down Mill Street and then to the City's water tower.

Councilmember Richards stated there is something exciting in the packet, it is a report that says state funding will be going up from 325 million to 600 million for so many miles of road each year.

Councilmember Richards stated the last concert in the park was the greatest he has ever seen. There were 350 people there. Bob Martin put on the show. There were 21 people dancing around. It was a wonderful experience.

Councilmember Kennedy stated he had the opportunity to attend the groundbreaking at the Salem-South Lyon District Library as they prepared to add another major addition. The expansion will double the size of the current children's area. It will also include a programming room, a designated Tween area, and quiet study and seating areas for children; these are all items that the community expressed interest in improving. He then congratulated Donna Olsen and all the great folks at the Salem-South Lyon District Library for keeping another promise to this community.

Councilmember Kennedy stated on Sunday he took the South Lyon History & Ghost Tour with Jennifer Redfern Seiler and had the chance to learn some of the history behind our great little city. If you haven't already taken this tour I would encourage you to do so to learn more about South Lyon and its earliest residents. Councilmember Kennedy stated last Friday was the last Concert in the Park for the season, we had a great group performing, The Invasion, who performed a treasure trove of British Invasion hits.

Councilmember Kennedy stated he hates to see the concerts come to an end. But as we get ready to welcome Autumn to South Lyon I want to take this moment to recognize the efforts of Bob Martin who

made the Concerts in the Park a reality for another year. He further stated for those of you who know Bob, he's a true music lover and he truly enjoys finding great groups to perform on Fridays for us throughout the summer. More importantly he enjoys bringing this pleasure to the city he loves and served for so many years. He then stated so, from all of us to you Bob. Thanks so much for your time and effort and we can't wait until next year.

Councilmember Walton stated she heard great things about the concert, and she enjoys it from her front porch. She then thanked the Wiches Hat for the event they held over the weekend where they raised \$15,055 for blessings in a backpack. She then thanked the Police Department for assisting people crossing the road. She would like to see one of the new pedestrian crossing signs in that area. She then thanked the Oakland County Sheriff, they always wave, and she waves back. It is a very friendly town we live in.

Councilmember Parisien stated she wants to remind everyone that we need volunteers for Pumpkinfest and our boards and commissions such as cultural arts, cable commission, historical and parks and recreation all need volunteers.

Councilmember Kurtzweil stated she is going to address the issue Ms. Marie brought up. She will do her research on the endangered plant the trillium. she has a problem with a developer that doesn't respect some of our endangered plant life. Some ferns are also protected and it is a good stewardship of the Earth. When you respect things that are becoming extinct and do what you can to protect them and not laugh it off. She further stated she was involved with this issue before when a developer was coming into Bloomfield area and she and some other people from the master gardeners program assisted in moving the protected plants in that area to another area.

Councilmember Kurtzweil stated she attended the ribbon cutting for the Matcats new building which is the Duncan building. They had a great time with all the parents and all the youngsters. She didn't know the program also includes girls as well. She stated she also was able to tour the South Lyon Area Recreation Authority's offices as well and the accommodations are fabulous.

Councilmember Kurtzweil thanked Katie for all her work on the Blessings of the Backpack. Sometimes we forget there are times when children aren't in school and they sometimes have needs with respect to food and she does an incredible job to ensure that children that need food and nourishment are able to receive it. She further stated this is an incredible volunteer in our community and she is vey pro volunteers from the private sector with faith based and non-profit organizations.

Councilmember Kurtzweil thanked the Witches Hat for another fabulous Feast and Fury event where they raised almost \$15,000 for charity. She remembers when it first opened in the Brookdale shopping center and the seating was approximately 20-30 and to see how they have grown into a major business that is an anchor in our community. She then stated we are very lucky we have Erin and Ryan in our community and they are obviously giving back to the City.

Councilmember Kurtzweil stated John Hogan who was the bank manager at Comerica Bank is having a financial seminar. He has a great reputation, he is a wonderful individual, and he is giving a seminar on September 25th at 6:30 p.m. and it runs through April 23rd. It is a fabulous seminar to attend. It will cover retirement, renting versus buying, credit scores, managing cash flow. She stated she is going to attend a few herself.

Councilmember Kurtzweil stated there is a great event in October that is coming to the Hotel. She is sworn to secrecy until the next meeting. Block off October 24th. It will be a great event.

Councilmember Kurtzweil stated she was out and about all weekend, and everyone is excited about the new City Manager Paul Zelenak. She thanked Mayor Pelchat, Attorney Wilhelm and the consultant handled the process, it was very transparent and she thanked Mayor Pelchat for his effort.

Councilmember Kurtzweil asked Tim where we are with the contract for the new City Manager. She stated he brings over 30 years of municipal experience and he brings a large array of skills. Attorney

Wilhelm stated he provided some information to Councilmembers and he has shared a draft with Mr. Zelenak and Mr. Vettraino. He stated we are working through the issues to come up with a final agreement. He stated he can't give a specific date, but he will try to make this happen as quick as possible. Councilmember Kurtzweil stated she would like to say again, that we are getting someone with 30 years of experience and she hopes we would provide him with the benefits that reflect that.

Councilmember Kivell stated there was a lot of conversation about Mr. Zelenak, and everyone seem very happy about it. He will be an enormous asset.

Councilmember Kivell stated the concert in the park was great, everyone loved the concert.

Councilmember Kivell stated the Fury for a Feast was a great event, and it is remarkable to have business owners and the culture that supports that business be so intimately involved in our community. We are very lucky. The idea they recognize and reach out to the people of need in the area was great. He stated Ryan has a very good ear, the bands were really good too.

Mayor Pelchat congratulated the MatCats on their new building. He stated last weekend was exciting. He heard South Lyon and South Lyon East Football teams both won.

Mayor Pelchat stated we had a great loss over the weekend, John McCain. He stated John McCain served this country for over 60 years, and 5 of those years he was in a north Vietnamese prisoner of war camp. He had said he never realized how much he loved America until that time.

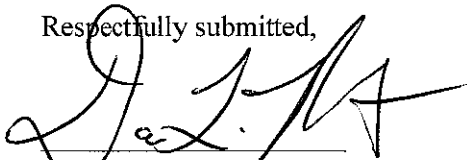
ADJOURNMENT

Motion to adjourn by Kurtzweil, supported by Walton
Motion to adjourn the meeting at 9:00 p.m.

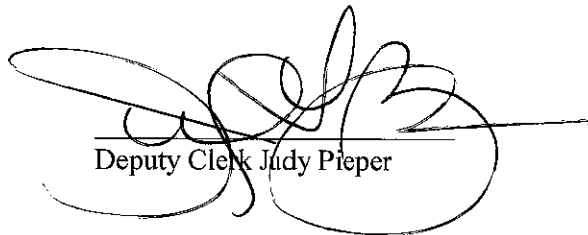
VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,



Mayor Dan Pelchat



Deputy Clerk Judy Pieper