

City of South Lyon  
Regular City Council Meeting  
August 9, 2021

Mayor Pelchat called the meeting to order at 7:30 p.m.

Mayor Pelchat led those present in the Pledge of Allegiance

Roll Call: Councilmembers: Dilg joined the meeting from South Lyon MI, Kurtzweil joined the meeting from South Lyon MI, and Kennedy joined the meeting from South Lyon MI, Richards joined the meeting from South Lyon MI, Walton joined the meeting from South Lyon MI, and Kivell joined the meeting from South Lyon MI

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

MINUTES

CM 8-1-21 MOTION TO APPROVE MINUTES

Motion by Kennedy, supported by Kivell

Motion to approve the minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

CM 8-2-21 MOTION TO APPROVE BILLS

Motion by Kivell, supported by Kennedy

Motion to approve the bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 8-3-21 MOTION TO APPROVE AGENDA

Motion by Kivell, supported by Kennedy

Motion to approve agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA- N/A

PUBLIC COMMENT- No public comment was held

DISCUSSION- Downtown

Downtown Development Director Mack stated Tim Davids is moving on from being the Market Master. He has taken another position elsewhere. He then thanked Mr. Davids for all his hard work and he stated he has brought our market a long way. The job has been posted on the MML website and on the Downtown South Lyon Facebook page and he will be managing the market until the position is filled. Mr. Mack stated the mural on the Grande Trunke building should be completed this week, depending on weather. He then stated everyone has been supportive of the mural and many positive comments. He then stated he has been contacted by four additional muralists that are interested in painting in South Lyon. He has discussed it with one property owner and the idea is to keep the momentum up to have some more public art in the city. Mr. Mack stated T-Mobile has a grant available for additional funding up to \$50,000 Mr. Mack then stated he had lunch at Lucas Coney Island and commented on the work they are doing on their building and it is nice to see businesses improve their property. Councilmember Kurtzweil stated some members of Council were handing out flyers for Motorfest and she spent the

afternoon at the event talking to hundreds of people and it appears to be a destination event. There were many people that were interested in cars and not all were from the city or the township. She spoke with people from down river and northern Oakland County and people from western Livingston County. This was not only a local crowd. What is important is we are pulling people into our town that have never been here before that had positive things to say about South Lyon. She further stated they were surprised the town looked as cute and nice and the people were as friendly as they were. She then asked if at some point the DDA or the city may be interested in helping Motorfest financially given the fact they have done a great service. The businesses were packed and there were people that came that just shopped for the afternoon, then went out to eat at our local restaurants. Maybe we could have a band in the future.

#### FIRE CHIEF REPORT

Chief Vogel stated the Fire Department had a spray park and it was well attended, but next year it may be held in mid-afternoon for a couple of hours. He then stated we had a trailer fire in South Lyon Woods and they were able to quickly extinguish the fire and they were able to escape unharmed due to smoke detectors. He stated he will be pushing for more smoke detectors for our citizens. He then stated they met with the Memorial committee and he is excited this memorial will happen. We saw some rough plans and numbers and we are at a point where we will have the committee come to the first Council Meeting in September for a presentation. He stated we are shooting for September 11, 2022 to dedicate the first responder memorial. Councilmember Walton stated she thinks the specs look excellent and she likes the idea of putting plaques up there in memorial of our responders that we have lost or may lose. Chief Vogel stated we will be campaigning for funds. He then stated we will be utilizing the current bell which in 1958 a police officer was patrolling and noticed the city hall/fire department had collapsed. The bell was used to inform the firefighters of a fire, and since then, the bell ended up in the park in a wood structure, and it is cracked. We all agree to leave the bell cracked to remind everyone of the history. He then stated we will be reaching out to surrounding police and fire departments to honor those as well. Councilmember Kivell asked about the burn building training and if there are going to be structures in it. Chief Vogel stated they ran into some issues last year due to COVID with getting material. He stated our welder has been doing a great job and they will be doing the final welding shortly. They are waiting for the doors and they will be closer to our goal of an October 1<sup>st</sup> burn. He stated the doors should be on the way. He then explained they are specialized doors for burn containers and they fit the corrugated siding and they will be a long-term part of the building. The windows will be plywood in case there is a situation to quickly pull them open.

#### POLICE CHIEF REPORT

Chief Sovik stated the speed study report should be ready sometime this week. He then thanked Mr. Mack for bringing in the mural into the downtown, it looks great. He stated Paul Baker Park looks great with the flowers and the fountain, and he thanked Councilmember Kurtzweil and the DPW for their hard work.

UNFINISHED BUSINESS- No unfinished business

#### NEW BUSINESS

1. Purchase cleaning and camera services for Well #2 at water treatment plant

Superintendent Varney stated the #2 well has been a work in progress, and we are onto phase 2 for the refurbishment. This is a budgeted item and the contractor is replacing the top and bottom bearings and all wearable components to get the best production from the well.

#### CM 8-4-21 MOTION TO APPROVE PURCHASE TO REFUBISH MOTOR FOR WELL #2

Motion by Kurtzweil, supported by Kennedy

Motion to approve the purchase of cleaning and camera services for well #2 at the water treatment plant for the amount of \$17,125.00 under line item 592-556-931

ROLL CALL VOTE:

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

MOTION CARRIED UNANIMOUSLY

2. Purchase of DPW flex mower

Superintendent Varney stated the flex mower for the grounds keeping has reached the end of its useful life. This equipment has been repaired numerous times and it did not make it through the mowing season. This is a budgeted item.

CM 8-5-21 MOTION TO APPROVE PURCHASE OF FLEX MOWER

Motion by Kurtzweil, supported by Walton

Motion to approve the purchase of new Landpride Flex Mower for the DPW for the amount of \$18,608.96 under line item 641-959-800

ROLL CALL VOTE:

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

MOTION CARRIED UNANIMOUSLY

3. Contract renewal- Biotech

Superintendent Varney stated we are currently under contract with Biotech and we have not had any increases in the last 3 years. The proposed contract does have an increase from 0.55. This will take us to June 30, 2024. We have had a great relationship with this company as our sludge hauler. He thinks it will come to approximately 83,000.

CM 8-6-21 MOTION TO APPROVE THE CONTRACT RENEWAL WITH BIOTECH

Motion by Walton, supported by Kivell

Motion to approve the contract extension for three years with Biotech Agronomics, Inc utilizing account 592-557-931

ROLL CALL VOTE:

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

MOTION CARRIED UNANIMOUSLY

4. Parks and Recreation Master Plan

City Manager Zelenak stated the City of South Lyon must update the Parks and Recreation Master Plan every five years. The state has added numerous requirements to this round of updates to meet the eligibility for grant funding. He stated in the past we worked with CIB Planning, and Marc Russell and the plan was created by CIB. Councilmember Kivell stated this is our obligation for the 5-year update, and he asked if we are anticipating any changes from where it is now. Ms. McIntyre stated the DNR put out new guidelines regarding what needs to be included in the plan in order to be adopted by the State. She stated they have substantially increased. There is a lot of detailed information and research that will need to be added. She further stated we will be using the information we already have and will be working on this aggressively. She further stated this will have to be to the state by February 1<sup>st</sup>. She stated there is a lot of money the city can go after, but she doesn't think the city has gone after the grant money in the past. She further stated updating the plan in the future will just be minor updates. Further discussion was held regarding the city not searching out grants for the parks. The question was asked if there was a project plan to manage the plan to have it completed on time. Ms. McIntyre stated she should have something at the next meeting, and it will be a very strict and aggressive deadline.

CM 8-7-21 MOTION TO APPROVE PARKS AND RECREATION MASTER PLAN

Motion by Kennedy, supported by Dilg

Motion to hiring of CIB Planning and Russell Architects for the creation of the 2021 Parks & Recreation Master Plan for an amount not to exceed \$19,881 from account 101-690-801

ROLL CALL VOTE:

Dilg- Yes

Kivell- Yes

Richards- Yes

Kennedy- Yes

Walton- Yes

Kurtzweil- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

5. First Reading Mural Ordinance

City Manager Zelenak stated with the desire to bring murals to the city, the Planning Commission drafted the proposed mural ordinance language and presented the proposed amendments at the July 29<sup>th</sup> public hearing. He then explained the proposed ordinance language differentiates art murals from commercial signage such as, a revised definition of mural and adds definitions for commercial signage, commercial message, graffiti, obscene and non-commercial message; classification of a sign vs. a mural (either an art mural or a limited reference art mural; standards for reviewing and approving murals; mural application requirements' construction and maintenance requirements for a mural; language to address ownership and lifespan of the mural and removal of the mural if needed. Ms. McIntyre stated the city has been interested in murals for a few years. In 2019 the Planning Commission looked at two different options, and decided to keep the mural ordinance as part of the sign ordinance. She then stated there was a supreme court decision in 2015 that affected sign ordinances all over the country and now all signs must be content-neutral. In keeping the mural regulations within the sign ordinance, it was important to keep the mural regulations and rules, content neutral. The language we use strictly limits the number of murals, and the size of dimensions of the mural. She then stated we do not look at the subject, work or design. She further stated the mural needs to be appropriate for all citizens. There are restrictions to the side and rear and facades only and not in residential areas. Councilmember Dilg asked if it is going to be context neutral, and it states it can't be obscene, who determines what is obscene. Ms. McIntyre stated we have a definition of obscene which is sexual in nature. The zoning administrator and the city manager would look at it and make the decision if there was a question. Councilmember Dilg asked if there is a disagreement as to what is obscene. Ms. McIntyre stated they could appeal to the zoning board of

appeals. Councilmember Dilg asked if there should be anything added about violence or guns or something like that. Ms. McIntyre stated she doesn't think any of our business owners would bring something detrimental to our community. Councilmember Dilg stated she would hope so, but doesn't necessarily believe that and still wonders why we have obscenity instead of just leaving shall be appropriate for all in the community. Attorney Hamameh stated there is established precedent that obscenity is not protected by the first amendment. There are certain gun protections, if it is just a picture of a gun, that is a protection of the second amendment, but if they are citing violence, there is established precedence that inciting violence is not protected by the first amendment. It will have to be judged on a case-by-case basis. Further discussion was held regarding inciting violence language and obscenities. Councilmember Dilg asked how do we determine what is appropriate for all audience's language. She then asked about the language regarding the mural being available for the public to see any time of the day. Ms. McIntyre stated that refers to the mural being in a public area for all to see without having to go onto private property to be able to see it. Councilmember Kurtzweil stated you could have someone that wants to do a mural with constitution amendments and someone could want to put a picture of a gun in it. It is how it is used. You have to be careful when you discuss what incites violence, because the artist that is working on Grande Trunke also did a beautiful mural in Flint about the civil rights movement which had its violence. You have to look at what is being presented and decide what falls in that category. She then stated you want to make it available to everyone because many of the murals are being paid by public funds. She asked about the section that states only 1 mural per building. Ms. McIntyre stated the intent is to make sure you don't have a mural on more than one wall. Councilmember Kurtzweil asked if there is a copyright issue. Ms. McIntyre stated we can accomplish the permission to the city during the application process where the artist can give the city the right to use the image. Discussion was held in regards to having multiple murals. Ms. McIntyre stated the reason we limited the number of murals is so the entire building isn't covered in murals and you can still see the historical architecture of the building. Attorney Hamameh stated there is an application process and appeal process and it should be able to be handled in the review process.

CM 8-8-21 MOTION TO APPROVE FIRST READING OF MURAL ORDINANCE

Motion by Kivell, supported by Kurtzweil

Motion to approve the first reading of ordinance to amend the Chapter 70, signs to include a new section on murals

ROLL CALL VOTE:

Kurtzweil- Yes

Walton- Yes

Kennedy- Yes

Richards- Yes

Dilg- Yes

Kivell- Yes

Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

6. Purchase of Police in-house surveillance cameras

Chief Sovik stated we are requesting to replace the current cameras because they are outdated and out of warranty. He stated we are requesting we use drug forfeiture funds from the DEA task force we joined a few years ago, they will not be paid through general fund. He further stated the quality of the new cameras are great and they are compatible with the watchdog cameras. He stated we will now have to have one in the property room for the accreditation process as well as one in the interview room. We will also have one outside of the building.

CM 8-9-21 MOTION TO APPROVE PURCHASE OF CAMERA

Motion by Kivell, supported by Kennedy

Motion to approve the purchase of the in-house and interview room camera system, as specified in the quotes from American Video Transfer Inc., for a cost of \$13,975.00 from line item 265-000-000-964-000

ROLL CALL VOTE:

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

MOTION CARRIED UNANIMOUSLY

BUDGET- No discussion was held

PUBLIC COMMENT- No public comment

### MANAGER'S REPORT

City Manager Zelenak stated the charter amendment language has been approved and will be on the November 2<sup>nd</sup> ballot. He stated the MML convention is the 22<sup>nd</sup>-24<sup>th</sup> of September if anyone is interested in attending. He then stated there have been some issues with GFL and the garbage collection as everyone is aware. We are continuing to have delays in our garbage and yard waste collection. Unfortunately, all of the hauling companies are having issues with the labor shortage along with the combined surge of need. He further stated this has caused an industry-wide challenge, not only in Michigan but other states as well. He said we will continue to work with GFL to ensure our garbage and yard waste will be picked up every week. Other communities are having the same issues. He stated our current contract is up in June 2022. Councilmember Dilg asked about the crosswalk by the Hotel. City Manager Zelenak stated Doug is reviewing the different companies for the one we have chosen and speaking with Oakland County Road Commission because it is a county road, but we don't have a delivery date yet. Councilmember Kivell asked for an update on 318 W Lake. City Manager Zelenak stated we are taking bids and the signs are out front. We are hoping someone will submit some documents and we hope someone will build something conducive on the lot. Councilmember Kivell asked about 110 Detroit Street. City Manager Zelenak stated our ordinance officer is still contacting them regarding getting it cleaned up and our City Attorney is working with our building department regarding the dangerous building and pushing them to compliance.

### COUNCIL COMMENTS

Councilmember Walton thanked Tim for all his hard work with the farmers market, he has done a fabulous job getting it to where it is. She then thanked all the volunteers for Motorfest, it was a big event and there were a lot of people in town. She further stated she hosted a dinner for a former basketball coach, Coach Clayton and they had a wonderful conversation.

Councilmember Richards stated 48 years ago this month in 1973 we had the 100-year celebration for the City of South Lyon and in 2023 it will be the city's 150-year celebration and in the past, they formed a corporation and sold stocks to raise funds. He further stated he thinks it will probably cost \$350,000 for the organizational details if everyone wants to do it. He stated the Historical commission is meeting this Wednesday at 10:00 a.m. He then stated Brookdale Shopping center has installed all new cement, all the way to Alekos and past the gym. They tore it out and installed new cement and used the same dye they used for the swimming pool. He further stated it is easily over \$300,000. He then stated there has been

some work at the water tower and it's the first time in weeks. He then said one of the 3 projects he has been working on is looking for a contractor for the grading of the cemetery.

Councilmember Kurtzweil stated Motorfest was unbelievable. Great t shirts they had for sale and everyone did a great job. She then thanked the DPW for getting everything ready and the first responders for keeping everyone safe and she thanked all the guests that came into the city for the first time and she thanked everyone involved with Motorfest. It was an incredible event. She then welcomed the new employees at Aubree's and the new employees at the Corner Social. She then thanked all the people at the concert at the historical park and then filled our restaurants. Things are going well in the city and we have many good things to look forward to in 2022.

Councilmember Kivell stated he put some pictures of the mural on Facebook and he was taken with how people are so happy with this iconic building getting this iconic mural on it and everyone is looking forward to seeing the completed mural. He then stated the Olympics is over and we had a great team out there and brought home a lot of medals and it was a lot of fun.

Councilmember Dilg thanked Tim Davids for all his work with the Farmers Market. She said she helped him out a few times and he has that running like a smooth machine. She further stated she is disappointed he is moving on although it is understandable. She then stated she was floored by the crowd that came for the concert in the park and the movie in park, there had to have been a couple hundred people. She stated it was her first time and the band was great and she enjoyed serving food at the event and people were so generous and thankful and polite. She then stated she was sorry to miss Motorfest but it sounds like it was amazing. She then thanked everyone that reached out to her about her recent loss.

Councilmember Kennedy congratulated Doug and Deb Cook and Louis Carnavale for an outstanding Motorfest event. The weather was perfect and the crowds were large. He stated Magic Bus was terrific and about 376 classic vehicles were on display. He further stated it was an outstanding day for the City of South Lyon. He then thanked Amy Allen, the Recreation Director at SLARA (South Lyon Area Recreation Authority, for partnering with the City and presenting the Movie in the Park on July 30<sup>th</sup>. They had a bounce house and a variety of other activities for the kids prior to the start of the movie. There were approximately 150 parents and kids who attended that event. He then thanked the South Lyon Kiwanis for loaning their equipment and providing the food so that concessions were available on the night of July 30<sup>th</sup> for everyone attending the Movie in the Park and the Concert at the Historical Village. He then thanked Mayor Pelchat, Council Member Kivell, Council Member Dilg, County Commissioner Weipert, Frank Fogarty and Julie Kennedy who joined with me to provide the labor that evening cooking hot dogs and popcorn and distributing them to the attendees at the Movie and the 300 folks at the Concert. Just another great event for our city. He then thanked Judy Baird for her generous donation. Judy has been a resident in the city for about 20 years and will be moving to another location as she downsizes her home. Judy is an avid gardener and unfortunately will not have a lot of room for gardening at her new house. So, she contacted him to see if the Salem-South Lyon District Library would like some of her garden statues and a bench to place throughout their gardens. He stated he contacted the library and they were excited to receive the statues but unfortunately did not have a place for the bench and so Judy asked to have it donated to the South Lyon Cemetery. So, while Judy will no longer be a member of our community, there will always be a part of Judy in our community. Thank you so very much Judy for your gifts.

Mayor Pelchat stated he had a great time seeing many people from the city as well as the township at the ribbon cutting for the West Lakes Apartments. He stated he also saw Councilmember Kurtzweil and

Councilmember Kennedy at the ribbon cutting. He stated the cool thing is we had representatives from Lyon Township planning, Jim Chuck is a great guy. It was nice having Lyon Township representatives in our city. He further stated the apartments look great and it will be a nice entryway into the city. He then stated he will be out of town later this week attending the Michigan Association of Mayor's event and it will be nice to see many other Mayor's from our state. He then thanked everyone for dealing with the electronic meetings for the last year and half and it was a group team effort and he looks forward to seeing everyone in the council chambers next month.

ADJOURNMENT

CM 8-10-21 MOTION TO ADJOURN

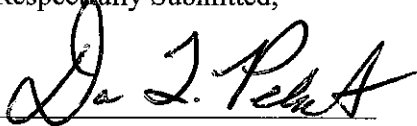
Motion by Kurtzweil

Motion to adjourn the meeting at 9:05p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,



Dan Pelchat, Mayor



Lisa Deaton, Clerk/Treasurer