

City of South Lyon
Regular City Council Meeting
September 27, 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, Fire Chief Vogel, DDA Director Mack, Superintendent Varney and Clerk/Treasurer Deaton

MINUTES

CM 9-1-21 MOTION TO APPROVE MINUTES-SEPT 10 2021

Motion by Kivell, supported by Kennedy

Motion to approve the minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Richards stated during the discussion about the push camera, he asked Mr. Varney if that would help with our dependence on HRC and that was omitted and it should be added to the minutes.

CM 9-2-21 MOTION TO APPROVE MINUTES- SEPT 13 2021

Motion by Dilg, supported by Kivell

Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 9-3-21 MOTION TO APPROVE THE AGENDA

Motion by Kennedy, supported by Dilg

Motion to approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

1. Cultural Arts appointees, Mack Dobbie and John Hogan
2. Use of Wells Street parking lot for private event

CM 9-4-21 MOTION TO APPROVE CONSENT AGENDA

Motion by Kurtzweil, supported by Kennedy

Motion to approve consent agenda

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- None

DISCUSSION- Downtown

Nate Mack the Downtown Development Director stated the Farmers Market was well attended during Pumpkinfest. Some of the vendors had previous plans and couldn't attend on Sunday, but there were many there. One of the highlights was on Sunday because Cardinal Farms brought in some of their animals, such as pigs, chicken and goats and a lot of the families really enjoyed it. He then stated he spoke with some of the downtown businesses and the ones that were open during Pumpkinfest said they had a lot of people coming in. He stated he has been notified by DTE that our application for the level 2

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charging stations was approved, so once we get the charging stations installed, DTE will reimburse us \$5,000 which is the cost for the charging stations. Mr. Mack stated the fundraising for Ladies Night has been successful and they have raised \$3,000 so far. He stated he met with DPW to go over the logistics for the road closures for Ladies Night and Cool Yule and the event applications will be coming to Council at the next meeting. He then stated Main Street Oakland County and Genesis Credit Union have offered to print additional flyers for Small Business Saturday for our downtown businesses and they will get them to us. He stated the Pumpkinfest Committee put up the corn stalks downtown and there are a few leftovers that he will put up. He then stated he participated in a webinar in conjunction with the State Treasury Department and the Michigan Downtown Association that was aimed at helping DDA Directors to fill out forms that need to be submitted to the state at the end of every year. Councilmember Dilg stated that was a great job with the Farmers Market during Pumpkinfest and the vendors looked constantly busy. She stated the charging stations are starting to get a lot of interest in social media and that is exciting. She then stated she was impressed with the Ladies Night Out Committee and the money they have raised and she was asked if there could be an outdoor beer tent like we had at the food truck rally. Mr. Mack stated he doesn't think so because the insurance would be very expensive, but they can still have drinks in the shops as long as they aren't taken outside. Councilmember Walton asked if the Farmers Market is full each week. Mr. Mack stated it is most weeks.

FIRE CHIEF REPORT

Chief Vogel stated Pumpkinfest was great, and they had no problems or issues. He stated he is continuing to work with staff regarding some projects he had going and making sure the administrative part of the job continues after he leaves. He further stated he is confident we are in good hands and the City Manager has a plan to replace him. Councilmember Dilg stated it has been great working with him and is sad to see him go. She said the firefighters that were at Pumpkinfest did a great job with the kids and they were very happy. Chief Vogel stated they enjoy engaging with the public and the kids love jumping on the fire trucks. We had to adapt to a new location because they moved the air dogs. The crews worked hard on Friday helping Kathy Swan get everything set up for Pumpkinfest. They had a few extra tasks this year, but it was all handled. Councilmember Kivell stated his grand kids were very excited when they'd seen the firetrucks roll in. He then stated Mike Kennedy had a good relationship with the firefighters and attending the events and reaching out to the community, and Chief Vogel accelerated that even further. They all seem to enjoy being firefighters and the community. Councilmember Walton thanked him for working with us and it has been wonderful, she then wished him luck. Chief Vogel thanked Council for all their support. Councilmember Kennedy wished him and his family the best. Councilmember Richards stated Chief Vogel has initiated new concepts for equipment and safety that we did not have in place before and molded it into the fabric of our system with the fire department and that is a real accomplishment and he then thanked him for his service. Councilmember Kurtzweil thanked him and wished him and his family the best. She stated he has done a lot for the city and more importantly for validating the decision to go with a full-time fire chief. She doesn't know where the city would be without it. She stated he created a lot of opportunities for someone to come in and follow in his footsteps, and he is a great role model. She then wished him luck.

POLICE CHIEF REPORT

Chief Sovik stated thanked Kathy Swan, the Pumpkinfest Committee and all the volunteers for doing such a fantastic job. Usually, the Pumpkinfest is a time to really showcase our city and show what we have to offer and this modified version did a great job. He stated the DPW did a great job with the set up and tearing down as well. He stated he will be attending a meeting for the Veterans Memorial tomorrow and he will update Council. He then stated the tasers have been received and everyone has their own and is responsible for the care and use of their own. He stated he submitted four grants to the MMRMA and he is hoping to get about \$13,000 from them. He then stated it was great working with Chief Vogel.

Councilmember Kurtzweil stated she has heard so many comments over the weekend about the South Lyon Police Department and when he and his officers sit and talk with people in the community, you leave a great impression on them and it is so positive, and she thanked him for all the public relations work the Police Department is doing. When you talk with them about things important in their lives, the reaction from people is incredible. Chief Sovik stated when he became Chief, that was one of the things he wanted to focus on and our community interactions with the businesses and residents. Councilmember Kivell stated the Police Department's Facebook presence has been strongly received by residents and the information has a lot more authority when it comes from their site.

UNFINISHED BUSINESS- None

NEW BUSINESS

1. Award of bid to remove and replace concrete on Liberty Street

City Manager Zelenak explained the city applied and received a grant from Oakland County Local Road Improvement Matching Fund program to improve Liberty Street between Washington and Pontiac Trail. Last year a large section of Liberty was repaired with a portion of the funding coming from the grant from Oakland County. This year the project cost is \$72,278 with \$15,177 coming from the grant. The project will be completed by GM & Sons of Whitmore Lake and completed by change order from last year's award. Councilmember Kivell asked if there is any projection on when the areas of the map that aren't marked going to be replaced or is it because its so robust that it doesn't need any further attention, or are we thinking we might end up finding more money for the repairs. City Manager Zelenak stated we'll continue to apply for funds. The money we receive from the local road program is very specific to commerce and specific streets. There could be a few other ones that are designated for funding. We are completing this project now, and will continue to look as other funding becomes available.

Councilmember Kurtzweil stated she had some cement work done at her house this summer and it was an interesting 6 weeks. She learned that cement does not cure when the temperatures drop 45-50 degrees. She said the letter stated it is anticipated to start the project in October and continue through the end of the year. How do you cure cement when the temperature is below 40? Mr. Darga of HRC stated we plan on beginning next week to start and the temperatures seem to only be getting down into the 50's. He stated we are getting to the part of the year where we will begin using warm water in the concrete mixture which helps. They also have additives that can help. He stated he would be worried if we were working on it in November, but we aren't. Councilmember Kennedy asked if there is a warranty on the workmanship of the project if there is a problem with the concrete. Mr. Darga stated there is a two-year maintenance guarantee bond in the contract. It covers workmanship and quality and HRC will be doing testing there as well. Councilmember Kivell stated concrete is a chemical process so even with the temperatures going down, the process creates its own heat. Councilmember Kurtzweil stated she disagrees, the experts she spoke with said temperatures are critical and you don't pour in November and December.

Councilmember Richards asked Mr. Darga if he can guarantee that we will get six bags mix on the top layer and the base will be compacted with vibrating equipment. He then stated Liberty Street is our emergency route, where will it be diverted to. Mr. Darga stated this is the same time of the year we did the eastbound lane and the aggregate base under the concrete was in pretty good condition, we just ended up putting in a new top two inches of aggregate, and the concrete mix design is currently under review. We do have clear classifications they have to meet and the emergency route will have to be discussed with the Police Chief.

CM 9-5-21 MOTION TO APPROVE AWARD OF BID

Motion by Kennedy, supported by Kurtzweil

Motion to approve the award of the bid to remove and replace concrete on Liberty Street to GM & Sons of Whitmore Lake, in the amount not to exceed \$72,278 from Acct No. 202-451-802-100

ROLL CALL VOTE:

Dilg- Yes

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

MOTION CARRIED UNANIMOUSLY

2. Discussion regarding compensation for the City Manager for upcoming year
 Mayor Pelchat stated at the last Council Meeting on September 13th, during the closed session the City Manager's review took place and now we need to discuss the compensation for the upcoming year. Councilmember Kurtzweil stated she is proposing a 3% raise because that number appears to be consistent with the number of what other employees have received. She stated it isn't over reaching and it is important to realize if there is ever a time that we need a City Manager in place, it's now, especially coming up with the road bond. He has experience in road projects and that is a skill set not every city manager would bring to the table. She further stated if you look at how the city was ran by previous managers, it doesn't even compare to the improvements and advancements the city has made under the direction of City Manager Zelenak.

CM 9-5-21 MOTION TO INCREASE COMPENSATION FOR CITY MANGER 3%

Motion by Kurtzweil, supported by Walton

Motion to increase a 3% raise for the City Manager as of October 1 2021 for the upcoming year

ROLL CALL VOTE:

Kurtzweil- Yes
 Walton- Yes
 Richards- Yes
 Kennedy- Yes
 Kivell- No
 Dilg- Yes
 Pelchat- Yes

MOTION CARRIED- 1 OPPOSED

BUDGET- No comments were made

PUBLIC COMMENT- No comments were made

MANAGER'S REPORT

City Manager Zelenak stated we will be having our annual audit presentation by Plante Moran on October 11th and a proposal for a water treatment plant CIP from HRC. He further stated at the November 22nd meeting we will have our yearly MERS presentation. City Manager Zelenak stated he has been meeting with Fire Department staff and reviewing operations and other alternatives for filling the position. It will be posted internally within the week. He then stated the Pontiac Trail drain study he received has an updated estimate for the proposed study which will evaluate the capacity and determine the causes of flooding on Pontiac Trail. Additional work was added to review the capacity of receiving Yerkes Drain as well as the resiliency of the system due to more intensive rain. We have received a copy of the joint funding agreement and it is being reviewed by our City Attorney, after that review it will come to Council for approval. He hopes to actually use the tri party funds to fund this project so there will be minimum expenses to the city. He met with the school representatives regarding the renovation of the school facilities and we are looking at renovations for the school/city administration building, parking lot, roof, hvac units, flooring and a rough estimate for all the projects are over \$800,000. The first portion will be budgeted in the 2022 budget. We are reviewing all the data on the new website and working all the bugs

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out and we will be adding additional items and receive training before going live to the general public. City Manager Zelenak stated there is a preliminary list of responsibilities of the road committee and he has also given Council a draft fact sheet on the road improvement plan for Council to review.

Councilmember Dilg stated she loves the idea of a road improvement committee and she is wondering about the time frame. City Manager Zelenak stated he is thinking about 10 people and mainly just south Lyon residents. City Manager Zelenak stated he will let Council know when we will start assembling the committee. Councilmember Dilg asked for an update on the crosswalks and if the one in town will be done before Small Business Saturday. City Manager Zelenak stated we are waiting for all the components to come in and waiting for the County to approve it. Councilmember Kivell stated he did a terrific job on the frequently asked questions about the road improvement plan. They are concise and straight forward and they are easy to understand. Councilmember Kurtzweil stated she discussed this committee with the City Manager earlier and Councilmembers shouldn't be a part of the committee. City Manager Zelenak stated he thinks it should be residents within our community, but that is Council's decision. Councilmember Kurtzweil stated we can drive the message as councilmembers, but it is more important for the residents to be involved in the committee. She then asked Attorney Hamameh if the committee meetings will be under the Open Meetings Act. Attorney Hamameh stated it isn't an easy question, if the committee is making decisions, it will be covered. If it is only making recommendations, it would not necessarily be covered by the OMA. Councilmember Kurtzweil stated it is important because if it is an open meeting the public will have a time to come speak, but if it is not covered by the Open Meetings Act, we will still get minutes, but the public wouldn't be able to attend if it is not an open meeting. Attorney Hamameh stated the public could still attend. Further discussion was held regarding the open meetings act and the road improvement committee. Attorney Hamameh stated she recommends that Council does not attend just as she has said about Planning and ZBA meetings. City Manager Zelenak stated there will be meetings held later that all the public can join to lay out the plans and to start talking about road conditions. The earlier meetings will be for them to assist and guiding how a meeting like that will be held to inform the public. We are offering this as how to fund the roads and the public will be involved. Councilmember Kivell stated we have to understand that if we can't convince people to buy into this program the roads will end up being bad for a long time. We need to take a stance to let the community know they need to take the responsibility of what the cost of those roads will be and we need to make sure it is no more punitive than it has to be to accomplish safety and long-life roads. City Manger Zelenak stated we can't spend money asking the residents to vote yes on this, we have to be a little cautious but provide the information and the committee getting together and informing the public is the biggest things. Councilmember Kivell stated they need to know the consequences of a yes or no vote. Councilmember Kennedy asked if we have an updated project chart for the water plant installation. City Manager Zelenak stated he met with HRC regarding pushing the contractors and getting those charts because we have certain milestones we need to meet and it needs to be completed by June 2022. If it isn't completed by that date, there are damages they will have to pay the city in order to get things done, but since we have not been provided updated charts, we are sending them a letter outlining some of those discussions. Councilmember Kennedy stated they were supposed to begin work on the filters this month and the materials are there. Along those same lines, there are some estimated durations on the drainage study for the downtown, is HRC involved in that as well. City Manger Zelenak stated HRC is completing the study and he has had discussions regarding ensuring that the process doesn't get prolonged and there are individuals that are acting on our behalf as well. Councilmember Kennedy stated he would like to see a chart put together on that as well so we can see very easily where we stand showing if we are behind schedule or on time and what the remedial steps will be to get us back on schedule. He stated we have 5 months to get this done and we can't afford any wasted time. City Manager Zelenak stated we are not the ones completing the study, it's supposed to be completed by the contractors and the only thing they have to complete is by June 2022. Councilmember Kennedy stated if they are behind schedule and it isn't completed, the residents of the city will suffer the consequences because we won't have a fully

operational plant online to provide water during the summer months. We can penalize them but that's of little significance to the residents. We need to be pushing the contractors and HRC. City Manager Zelenak stated he will make the request to the County regarding the gantt chart. Further discussion was held regarding the projects and the gantt charts that are needed. Councilmember Kurtzweil stated things like this happens, and she isn't concerned it won't be completed by the June deadline. Scheduling isn't always perfect and things happen on the job. She then asked if they have given an explanation why timelines haven't been met, is it a labor issue. City Manager Zelenak stated there are two issues, they were using some of their staff on other projects and they are also waiting for approvals from the County and State for dewatering systems and they have been waiting several weeks. Councilmember Kurtzweil stated the state employees aren't working full days and she is working with the state and you can't get in to see them personally, everything has to be mailed. She stated they don't answer or return phone calls. City Manager Zelenak stated this isn't the first time we have met with them regarding getting this done, we are sending them in a strongly worded letter to get the project moving again. Councilmember Kurtzweil asked if they also have a labor shortage so that they are moving employees around. City Manager Zelenak stated that question hasn't been answered. Councilmember Kivell stated if we have a schedule and its not being met, that is problematic. He then asked if the drainage project at Pontiac Trail will breach the railroad tracks and if CSX has to approve it. City Manager Zelenak stated the study won't affect the railroad tracks, but when the work is being done it may. Councilmember Kivell stated he hopes we start early contacting CSX because they sometimes take a while to respond. Councilmember Kennedy stated things change when you begin a project to when its completed, but that is the reason you update the chart to reflect those changes. If you don't have that chart, and you don't keep track, chances are good that it will not be completed. He then stated the state only has to do with the dewatering, it has nothing to do with starting work on the filters. Those are two separate projects, that is not an excuse because they aren't getting that work done. Councilmember Kurtzweil asked Councilmember Kennedy to explain the gantt chart and how it helps to progress on a project. Councilmember Kennedy stated a gantt chart lays out the individual activities involved in the project and it shows the estimated time to complete each of the activities and it shows the relationship between each activity and if one activity is dependent on another activity getting completed before it can start of it can be started simultaneously and they run concurrently and it shows when certain things need to be done by certain dates. Councilmember Richards stated he has been there and he agrees with what everyone has been saying, and they keep telling us that the dewatering is standing in the way of the next stage of completion. We all know there is more to it than that. We should be kept informed. Someone isn't doing their job. He then stated he understands the logic that Council shouldn't attend the road improvement committee, but those of us that have lived here a long time should have some input. The residents deserve to have answers from us.

COUNCIL COMMENTS

Councilmember Walton stated the Pumpkinfest committee did a great job again and it was another great weekend.

Councilmember Kivell stated he attended the last movie in the park and it was great fun. He stated it was well attended and it was nice weather and our DPW was awesome getting everything set up and torn down. He then stated Pumpkinfest was terrific and we owe them a great amount of gratitude for them struggling through the obvious difficult times with COVID. He stated people want to be with people and that was a great accomplishment and he congratulated everyone involved.

Councilmember Dilg stated she wanted to say our Attorney is in the Crain's Detroit magazine as a super lawyer. She then welcomed two new businesses, Hometown Consignments near the post office and she would love people to come check her business. She then stated she spoke with the owners of South Lyon Nutrition in Kings Plaza and they are having some great promotions. She stated she was finally able to

visit Curvins creamery and it was fantastic. It was a great weekend to get out during Pumpkinfest and she had a great time volunteering. She then thanked the entire Pumpkinfest committee and Kathy Swan is amazing and she is very impressed with her. Everyone was happy to have Pumpkinfest and she is thankful for the high school kids that came out and helped with the kid's area. She then thanked everyone that volunteered. She then congratulated South Lyon High Schools football team for their impressive win over Detroit Country Day. It was great. She then thanked Mark Dobbie and John Hogan for stepping up and joining the Cultural Arts Commission.

Councilmember Walton left the meeting at 8:42 p.m.

Councilmember Kurtzweil stated she also visited Hometown Consignments and bought a few items, and she is thankful they are there. Consignment shoppes are a great place to go shopping. She then thanked John Hogan for joining the Cultural Arts Commission and he is an incredible individual and he is very committed to the community, he brings a great skill set in theatre and also his connections in music. By him joining the Cultural Arts Commission, it will allow for the commission to do some really incredible things. She then thanked Mr. Dobbie as well and he seems very impressive as well. She then thanked all the cheerleaders and the band members and the foot ball players who made a great impression with the lives of some very special needs children in a very special way and for students in our school district for Victory Day 2021. That day was very memorable and your compassion for another human being who is a little different from you will serve you well as you move on in your journey in life. All of you are role models for her. She has watched and was amazed at how incredibly caring and compassionate they all were. A special thanks goes to Evelyn at the water department that took pictures throughout the event. Her commitment to special needs children is incredible and she stayed with the program and thank you for being a great individual and a great employee. She then thanked Doug Cook for sponsoring the event and thanks for recognizing the special needs of students in our school district. If you need any work done on your car, please go to Cook Automotive.

Councilmember Richards stated they had a fair number of visitors at the museum last week, we had 11 yesterday and 4 the week before. We had three times that many people that came into the park with their dogs and cameras and took pictures. It seemed like some people were doing their own religious services in the gazebo. He then stated the staffing was there and the output from people were very positive and mostly it was people that have never seen the inside of the museum. The other people had been there before so they were walking around the park. He then stated DMV contactors from across the street on the township side was asked by the WRC to proceed and open the drain on our side of the street and they have done a beautiful job. It is 20 years past due. He then stated the county can commit its own equipment to the Yerkes drain project that he has been working on. He stated he volunteered at Pumpkinfest for the first time and he showed up Saturday and Sunday, but he was too weak on Saturday and his balance was off yesterday so he couldn't work. He thanked Kathy Swann and he asked other business owners if they wanted to participate and they indicated they would. He told them to contact Kathy Swann for next year.

Councilmember Kennedy reminded artists from all over that we have a contest to redesign the logo for the South Lyon Wellhead Protection Committee. There will be cash prizes for the top entries and all the details can be found on the city's website at southlyonmi.org. He then reminded everyone about the electronics recycling event taking place on Saturday, October 2nd, from 10am until 1pm. at the Salem-South Lyon District Library. They will be happy to help you dispose of your old computers, cell phones, scanners, batteries, and more. So, reduce the clutter in your home and drop them off this weekend. He then stated RRRASOC is having a Household Hazardous Waste collection event this Saturday, October 2nd, from 9am until 2pm at the Novi DPW yard located at 26300 Lee BeGole Drive in Novi. So,
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gather up all those containers of pesticides, fluorescent light bulbs, car batteries, used oil, etc. and drop them off. They will also be accepting electronic waste like used computers, cell phones and the like and will offer paper shredding as well. So, clean out the garage and basement this week and drop off all those unwanted items this weekend.

Mayor Pelchat stated each and every time we can put on an event like Pumpkinfest and Cool Yule and whether it is directly related to the city or not, the volunteers make those events happen and that is small town at its best. He then thanked the Pumpkinfest Committee and all the volunteers.

CLOSED SESSION

CM 9-6-21 MOTION TO ENTER INTO CLOSED SESSION

Motion by Kurtzweil, supported by Dilg

Motion to enter into closed session pursuant to section 8© of the open meetings act, MCL 15.268© for discussion connected with the negotiation of a collective bargaining agreement for IUOE Local 324

ROLL CALL VOTE:

Kivell- Yes

Kurtzweil- Yes

Kennedy- Yes

Richards- Yes

Dilg- Yes

Pelchat- Yes

MOTION CARRIED

CM 9-7-21 MOTION TO APPROVE UNION CONTRACT

Motion by Kivell, supported by Dilg

Motion to approve the IUOE Local 324 contract with the secretarial bargaining unit

ROLL CALL VOTE:

Kurtzweil- Yes

Dilg- Yes

Richards- Yes

Kennedy- Yes

Kivell- Yes

Pelchat- Yes

MOTION CARRIED

ADJOURNMENT

CM 9-8-21 MOTION TO ADJOURN


Motion by Kurtzweil

Motion to adjourn meeting at 9:18 p.m.

VOTE:

MOTION CARRIED

Respectfully submitted,



Mayor Dan Pelchat



City Clerk Lisa Deaton