

City of South Lyon  
Regular City Council Meeting  
November 26, 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: City Manager Zelenak, Chief Collins, Fire Chief Vogel, Attorney Wilhelm and  
Clerk/Treasurer Deaton

MINUTES

Councilmember Kivell stated on page 2 the word be needs to be added to the sentence that states the city may not be in compliance.

Councilmember Kivell stated on page 5 the word out should be changed to our.

Councilmember Kivell stated on page 11, the second were needs to be removed from the sentence about police officers handing out candy on Halloween.

Councilmember Richards stated the statement "whereas the developer would look at something he could look at making a reasonable and sufficient profit on his investment" should be added.

Councilmember Richards stated on page 10, the street name regarding the tree that was cut down was Liberty, not Lake Street.

CM 11-1-18 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Kennedy

Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

Councilmember Kurtzweil stated the language in the closed session heading should be changed to reflect the date of the attorney-client privileged communication which is November 20, 2018.

CM 11-2-18 MOTION TO APPROVE THE AGENDA AS AMENDED

Motion by Parisien, supported by Kivell

Motion to approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- None

Mayor Pelchat stated Councilmember Richards is not seated at the table due to the nature of his actions regarding another Councilmember which has been deemed inappropriate by a court of law, the City has been proactive to address this matter.

DISCUSSION- Downtown

11-26-18

Bob Donohue stated November 16<sup>th</sup> was Ladies Night Out and it was very successful, there were approximately 500-600 people in town.

Mr. Donohue stated Small Business Saturday was a success as well, the stores reported great sales and a good volume of customers.

Mr. Donohue reminded everyone of Cool Yule on December 1<sup>st</sup> and the parade is coming along nicely. It will end at the Historic Village as in past years, and the tree lighting at Heinanen Engineering will be at 8:00p.m.

Mr. Donohue stated the cornstalks and orange lights downtown have been removed and we are now putting up the red and white lights for the holiday. We will have approximately 18,000 lights downtown. It will be very stunning.

### OLD BUSINESS

#### 1. Consider approval of Thomasville Preliminary (stage 1) Planned Development Site Plan

Attorney Wilhelm stated this is the 2<sup>nd</sup> step in a 4-step process for the planned development and this is recommended for approval from the Planning Commission. Councilmember Kivell stated we approved the rezoning at the last meeting, which he doesn't have any issues with, but there are 27 of the proposed 50 homes that exceed our building lot coverage. There are 11 conditions that are standing and he cannot support this unless the builder agrees that no house will be offered or built if it violates our building lot coverage standard.

Councilmember Kennedy stated we have had many discussions regarding this development. He stated the developer has met with the residents of Colonial Acres, and they have made concessions. The Colonial Acres residents are in favor of this development. He further stated the developer has included notes that no house will be built on any of the lots larger than what is currently contained in the site plan. He further stated based on the activities of the developer and the feedback from the residents of Colonial Acres, he is willing to approve this.

### CM 11-3-18 MOTION TO APPROVE PRELIMINARY SITE PLAN FOR THOMASVILLE

Motion by Kennedy, supported by Parisien

Motion to approve the preliminary (Stage 1) Planned Development site plan subject to the conditions contained in document dated November 26, 2018

ROLL CALL VOTE:

Kivell- No  
 Parisien- Yes  
 Kennedy- Yes  
 Richards- No  
 Walton- Yes  
 Kurtzweil- abstain  
 Pelchat- Yes  
MOTION CARRIED

#### 2. Vacant property- 318 Lake Street

City Manager Zelenak stated the property is owned by the City and has been vacant for several months. He stated it is currently zoned R-3 residential, permitted uses would be one-family residential, publicly owned facilities, elementary schools not operated for profit, home occupations. He further stated a professional commercial appraisal was done and the projected sale price is \$62,000 with an estimated true  
 11-26-18

cash value of the building as an office building of \$240,000. Although that was before verifying the physical characteristics of the building by our building inspectors. City Manager Zelenak stated there will be a lot of improvements that will need to be done to make the building usable. Councilmember Kennedy stated there have been some discussions with the building inspectors and their estimate is about \$120,000 to rehab the building and it would probably be higher than that. He further stated the residents in the area would like it returned to residential status. Councilmember Kurtzweil stated she would like to have the Cultural Arts Commission walk through the building and let them present to the City Manager their ideas of what they could use the building for. She stated she would like the Cable Commission walk through the building and see if they would be interested in using it for interviews. She further stated the cost isn't an issue because if it goes to one of the creative commissions, we can have fundraisers as other communities do. Councilmember Kivell stated he favors it being residential as do the residents in the area. He stated this has been compared to the building in downtown Brighton which is beautiful and it is well suited in the middle of the downtown with municipal parking. The notion that this building will become a center of activity it will have an impact on the surrounding neighbors. He further stated when the recreation authority had their sign up for classes, there were cars all over the street, and with the buses trying to get in and out onto 10 mile, it was dangerous. He further stated the City will benefit from tax revenue as well if its zoned as an R-3 lot.

CM 11-4-18 MOTION TO DIRECT CITY MANAGER TO ENGAGE REALTOR TO LIST THE PROPERTY FOR SALE, LEASE OR RENT

Motion by Kennedy, supported by Parisien

Motion to direct City Manager to engage a realtor to list the property for sale

VOTE: MOTION CARRIED 4-Yes 3-No

NEW BUSINESS

1. Support Emergency Operations Plan- Revised

Chief Collins stated some time ago Council designated the Police Chief as the Emergency Management Liaison, and since that time he has been dealing with Homeland Security at Oakland County. The plan is good for 4 years, and the last time it was updated was December 2014. He stated he revised the emergency operations plan and it has already been reviewed by Oakland County and we need Council to approve it before the last one expires on December 9<sup>th</sup>.

Councilmember Kurtzweil stated on page 3, it lists the functions, assigned agencies and their phone numbers. What was the process to name these people as the contacts? Who was involved? Chief Collins stated they were designated by himself and the City Manager. Councilmember Kurtzweil asked if the City has an emergency plan in place just if we needed shelters for the residents. Chief Vogel stated he is still working on the plan. He has spoken with the bus garage if we needed busses, and he has spoken to the schools, churches and so on for shelters. Chief Collins stated on page 20 of the plan there are contact numbers for transportation resources, mass care facilities, food and family care resources as well as functional need services. City Manager Zelenak stated we are making sure everyone knows what everyones responsibilities are. We are looking at different emergency scenarios and what will need to be done. He further stated we need to be prepared as best as we can and hope to work with the other local jurisdictions and school systems. Councilmember Kurtzweil asked about the language logistic issue. She stated there are more than 7 languages spoken in her subdivision. She asked if we have a list of people that speak different languages. Chief Collins stated the language line covers many languages, but we don't have individuals listed. Councilmember Kurtzweil stated that line may be very busy if an emergency occurred. She stated she thinks we should have a secondary list of individuals in the

community that could assist language wise. It provides an opportunity for community involvement and it provides experience for how diverse our community is and the appreciation for those individuals that come from different cultures where English isn't their first language.

CM 11-4-18 MOTION TO APPROVE RESOLUTION ADOPTING SUPPORT EMERGENCY OPERATIONS PLAN

Motion by Parisien, supported by Kennedy

Motion to approve the resolution adopting the Support Emergency Operations, as presented

VOTE: MOTION CARRIED UNANIMOUSLY

BUDGET- None

MANAGER'S REPORT

City Manager Zelenak stated inspectors for the City will be inspecting the Bonner properties this week to identify safety and/or dangerous building issues that may exist.

City Manager Zelenak stated the DDA and the volunteers did a great job, and they will be having a follow-up meeting to see what they can do to make next years event even more successful.

City Manager Zelenak stated he wanted to remind everyone of Cool Yule on December 1<sup>st</sup>.

City Manager Zelenak stated he will be applying through the Huron Valley Area aid funds to look at getting funds for Ada and Dorothy and will keep Council updated.

Councilmember Kivell asked if City Manager Zelenak is comfortable with the submissions that were given to him for suggestions from the budget. City Manager Zelenak stated he is comfortable with what he has received and he will be compiling the list for some discussion for the budget at the first meeting in December.

PUBLIC COMMENT

Ryan Lare of 716 Grand Court stated he is here because he attended a court hearing today and Councilmember Kennedy disclosed information that was discussed in a closed session. He stated the judge of the hearing was a City Attorney for over 20 years and told Mr. Kennedy he should be careful in what he is talking about in closed session. He stated Mr. Kennedy replied that all of those meetings are public. If you have voted on a closed session, he is not aware of Council voting to allow the closed session public. He stated we need to start following the rules, no one is above the law.

Mary Ann Mihalic of 392 Stanford stated she also attended the court hearing today and she wanted to clarify that the judge said Carl Richards could sit at the council table, just not directly next to the other Councilmember.

COUNCIL COMMENTS

Councilmember Kennedy stated he would like to remind everyone about Cool Yule that will take place on Saturday, December 1<sup>st</sup>. There is a list on the Facebook page for Cool Yule South Lyon for a complete list of activities taking place throughout the day starting at 10:00am. He then reminded everyone of the tree lighting parade at 6:00pm on Lafayette between Whipple and Dorothy Streets. Santa will be at the Historic Village at 6:30pm as they light the city tree and then at 8:00pm the Heinanen Tree will be lit and there will be hot chocolate and entertainment there beginning at 7:30pm. It's going to be a great day.

He then thanked Linda Ross, Larry Ledbetter and the rest of the historical society for bringing the Village String Dulcimer Players to South Lyon and for the candlelight concert in the village church yesterday evening. It was a fabulous evening. They're a regular attraction on the Sunday following Thanksgiving, so if you didn't get a chance to see them yesterday, be sure to mark your calendars for next year.

Councilmember Walton stated she is looking forward to the Cool Yule this weekend. She further stated she is going to be joining the ginger bread house making at the First Presbyterian Church. She then thanked the First Presbyterian Church for their sock drive, they were attempting to collect 500 pairs for local shelters and they received almost 700 pairs. She stated socks are one of the most under donated items and they are very much needed.

Councilmember Walton then asked people to think about what they post on Facebook groups regarding our local businesses. She stated she hopes people can keep it positive, if you have a problem with a business, talk to the managers. There are a lot of young people that are balancing a job and school work and she hopes people will keep things positive.

Councilmember Kurtzweil stated she wanted to thank everyone involved with the very successful small business Saturday and especially Andrea Meyer of the Chamber of Commerce for all her hard work. She stated she came by briefly and it was very successful. She thanked the Corner Caffe for the hot chocolate and coffee, that was a great partnership.

Councilmember Kurtzweil thanked Jeff Heinanen, who is a private business member, for his generosity of the incredible Christmas tree that is in front of his business.

Councilmember Kurtzweil then reminded everyone to donate to your favorite charities and give to those that are less fortunate. She further stated coming from non-profit, she can assure the people that live below the poverty line is very represented in town. She further stated please give to our local charities.

Councilmember Richards stated the 77<sup>th</sup> anniversary of Pearl Harbor is coming up on the 7<sup>th</sup> of December in 1941. He stated we have had some Pearl Harbor survivors in our vicinity. He talked to the vet's club and there have been some in the area. He stated that was an event that shocked us all and all we had was radio, there was no television back then.

Councilmember Richards stated he spoke with Mr. Heinanen about giving donations to be added to the Christmas tree and he said that was fine, anyone can bring him a decoration to be added to the tree. That was very nice of him.

Councilmember Kivell stated he wanted to also remind everyone of Cool Yule and he hopes we have some nice weather so everyone can enjoy it. He further stated he also wanted to thank Jeff Heinanen as well as Herb Stricker from Superb Fabrication for the fencing around the tree as well.

Councilmember Parisien stated she understand Maryann Mihalic attended the hearing on Carl's behalf, but she may have misunderstood what the Judge stated. She said that due to the sexual charge nature of his conduct and his words and repeated conduct towards women, the Judge indicated Carl can be on Council, but he must be as far away from her as possible. She stated the Judge issued the PPO and he can participate on Council, but he can be as far away from her as possible. He only sits a few seats from her, but for her personal safety, she prefers him to be as far away as possible. She stated where he is sitting now makes her more comfortable. She further stated the Judge issued the order for her safety and the Judge found in her favor.

Councilmember Parisien stated she is excited about Cool Yule and she attended the small business Saturday and it was very successful. She then thanked Mr. Heinanen for the wonderful Holiday tree, it is fantastic and she is excited for what he is bringing to the City and what the future holds for his business.

Mayor Pelchat stated he hopes everyone had a great Thanksgiving and he hopes everyone will also check out the Holiday tree in the Historical Depot as well as the Heinanen tree.

Mayor Pelchat stated he wants to give a shout out to Kelley Pannoff who was in charge of the Turkey Trot this year, it was a great turnout. He further stated he is looking forward to seeing everyone at Cool Yule.

Mayor Pelchat called for a motion to enter into closed session.

Motion by Parisien, supported by Kennedy

Motion to enter into closed session

ROLL CALL VOTE-	Kivell- Yes
	Parisien- Yes
	Kennedy- Yes
	Walton- No
	Richards- No
	Kurtzweil- No
	Pelchat- Yes

Attorney Wilhelm stated the motion failed because it requires a two-thirds vote.

Attorney Wilhelm stated in the Open Meetings Act, MCL 15.267 closed session roll call votes requires two-thirds vote except for closed sessions regarding 8 a, b, c, d and j.

Councilmember Kivell asked if this discussion is about a Councilmember, can they vote. Attorney Wilhelm stated this in regards to attorney-client written communication.

Councilmember Parisien stated she is fine discussing this in open session and not allowing the specific Councilmember to vote due to his actions.

#### CM 11-5-18 MOTION FOR A 5 MINUTE RECESS

Motion by Parisien, supported by Kennedy

Motion for a 5-minute recess to speak with the City Attorney at 8:18 p.m.

VOTE: MOTION CARRIED- 1 opposed

Council reconvened at 8:31 p.m.

Councilmember Parisien stated she wants to make Council and the community is aware of recent harassment that she has been enduring by Councilman Richards. She stated a local business owner, contacted her on October 31<sup>st</sup> about Carl Richards bragging about looking into the windows of her home. He then described her home in detail and also made seriously grossly inappropriate comments about her person, her body and negative comments of members of the LGBTQ community. She further stated it is normal for people to have opinions of their governing officials. Although Carl is not just a public citizen, he is a colleague that sits at the council table with her and he should be held to a higher standard.

Councilmember Parisien stated harassing a fellow Councilmember and peering into her home and visiting local businesses and spreading malicious lies about her is not acceptable. She further stated it is unprofessional and reflects poorly on our community. She stated this is not the first time Carl has made derogatory comments on women. She further stated he made national headlines because of his behavior towards a woman in January of this year. He was ordered to attend diversity training, but it obviously didn't work. She further stated in an attempt the City is holding their officials to a higher standard, she is requesting this issue go before the Board of Ethics for them to determine if there was a violation of the

Ethics Ordinance. She further stated they can use the materials such as the transcript from the PPO hearing, the police report and any other information they find necessary. She stated there was a police investigation by the South Lyon Police, but due to an obvious conflict of interest, the Oakland County Sheriff is now pursuing a criminal investigation against Carl Richards. She then stated after the investigation the report will be given to the Oakland County Prosecutor. She further stated there was a hearing today and a PPO was granted. The Oakland County Circuit Court found this behavior disturbing. She stated the Judge showed his dismay for Carl's actions. She further stated it reflects poorly on our community. She stated Carl Richards should not sit on this Council, his behavior reflects he will continue making poor comments and actions that will not put the City in a good light. She stated she is asking Council to support her motion to bring this issue to the Board of Ethics. Councilmember Kivell stated so if the Oakland County assuming the special investigation unit will be taking this from Oakland County Sherrifs, "Parisien nodded in the affirmative". Ok, we will be looking at a few months before they end up coming to any kind of conclusion, so then you are looking at another month at least for the prosecutor's office to weigh in on whether or not they think this meets the threshold to take action on.

Councilmember Parisien stated when the investigation is done, that is a criminal nature. She is asking Council to allow the Board of Ethics as what has been breached by Council's Ethics Ordinance. She doesn't think we need to wait on this to be decided in the news. Councilmember Kurtzweil stated this is the second time the Board of Ethics was requested and it seems they are being weaponized. She further stated she would like to wait and see all the information before making the decision about the Board of Ethics. She stated the City of South Lyon Police Department found no liability at all. She doesn't know all the details, but it seems like an individual in his private life was having a private conversation with a business owner and which blew up. Be careful who you talk you. Councilmember Kurtzweil stated in January 2016 she attended Trumps inauguration, and the next day attended the Women's March in D.C and she heard some horrible things that turned her stomach, but it was their first amendment, and it was from women. She further stated they had a right to say whatever they wanted to because it's the first amendment. She stated people haven't always been pleasant to her, but she has never needed to have the Police involved, except for the time when Don Beagle was here and she thinks she could have gotten a PPO at that time. She is very concerned about the government telling people what they can and can't say, regardless of how vulgar it may be. As to the conduct, that is another story.

Councilmember Kivell asked what the process will be for the Board of Ethics. Attorney Wilhelm stated there are 3 members on the Board of Ethics that will make a quorum. He further stated there is a meeting scheduled for December 6<sup>th</sup>. They are strictly an advisory body, they will evaluate the information then bring the report back to Council. Councilmember Kivell stated there are clauses in the adopted Ethics about civility and there are standards. Mayor Pelchat stated he understands Councilmember Kurtzweil's concerns, but he doesn't have a problem with letting the Board of Ethics review. Councilmember Kivell stated this will just be a recommendation to Council from the Board of Ethics, so it will still end up before us again.

CM 11-6-18 MOTION TO SEND INFORMATION TO BOARD OF ETHICS REGARDING  
COUNCILMEMBER RICHARDS BEHAVIOR

Motion by Parisien, supported by Kennedy

Motion to bring information to the Board of Ethics regarding PPO, police reports, and investigation to the Board of Ethics

ROLL CALL VOTE:

Kivell- Yes  
Parisien- Yes  
Kennedy- Yes  
Walton- No

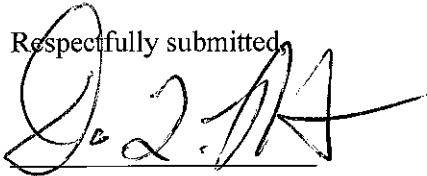
Kurtzweil- No  
Pelchat- Yes  
MOTION CARRIED- 2 opposed

ADJOURNMENT

CM 11-7-18 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Walton  
Motion to adjourn at 8:45 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,  
  
Mayor Dan Pelchat

  
City Clerk Lisa Deaton