

City of South Lyon  
Regular City Council Meeting  
April 8, 2019

Mayor Pelchat called the meeting to order at 7:30 p.m.  
Mayor Pelchat led those present in the Pledge of Allegiance.

Present: Mayor Pelchat, Councilmembers Kennedy, Kivell, Kurtzweil, Parisien, and Walton  
Also, Present: City Manager Zelenak, Chief Sovik, Attorney Wilhelm, Chief Vogel and Clerk/Treasurer Deaton

Absent- Councilmember Richards

CM 4-1-19 MOTION TO EXCUSE ABSENCE

Motion by Kennedy, supported by Walton

Motion to excuse the absence of Councilmember Richards

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Councilmember Kivell stated on page 5 the words “at the federal level” should be added. He stated on page 8, the word grant should be changed to grand. He stated in the next line good should interject “framing” in information exchange. He further stated the activity should have the words “understanding of” added.

Councilmember Kennedy stated on page 6 the word “that” should be changed to they can’t fit their components in that configuration.

Attorney Wilhelm stated he had some comments on the motion and the amendment, it is a readability issue. Councilmember Kurtzweil spoke with someone that sits on the board for another community, and if a motion is amended and the vote is counted, that is all that is needed. Attorney Wilhelm stated he doesn’t recall this being an issue before, he just wants to ensure the amendment is clear. Councilmember Kivell stated he was at the meeting and he understands how it is written.

CM 4-2-19 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Kivell, supported by Kennedy

Motion to approve minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Kivell asked what the repair on Engine 2 was. Chief Vogel stated it was the string blower.

CM 4-3-19 MOTION TO APPROVE BILLS

Motion by Walton, supported by Kennedy

Motion to approve bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

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ATTORNEY BILLSCM 4-4-19 MOTION TO APPROVE ATTORNEY BILLS

Motion by Kivell, supported by Parisien

Motion to approve attorney bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDACM 4-5-19 MOTION TO APPROVE AGENDA

Motion by Kivell, supported by Parisien

Motion to approve agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

1. Use of Volunteer Park for Easter Egg Scramble- Saturday April 20, 2019 11:00 a.m.

CM 4-6-19 MOTION TO APPROVE CONSENT AGENDA

Motion by Kivell, supported by Walton

Motion to approve consent agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT-

Bob Ziegler of South Lyon Area Youth Assistance came to thank Council for the financial support they receive from the City. He stated they have a full-time case worker in the Youth Center so if a young adult gets into trouble with the law, the caseworker will send a letter to the family to come in and discuss the issue. There is counseling available for all students. They also have summer camp which children can get away temporarily from their family and it gives the parents a break, as well as the children get a new environment. They assist with back to school shopping. They are looking for mentors at this time. This program matches adults with children that could use a friend. It can only take 1 hour a week to make a big difference in their lives. He has been a mentor for years and it is a good program and we are always in need of more.

Phil Wiepert and Abe Ayoub thanked the Council for the use of Volunteer Park for the Egg Scramble that is on April 20, 2019 at 11:00 a.m. The scramble will start at noon. We will have the Fire and Police Departments there as well. They can always use more volunteers. This is a free event and it doesn't matter where you live, it is for all children. Mr. Wiepert stated they will be stuffing thousands of eggs next Monday if anyone is interested in assisting.

DISCUSSION- Downtown

Mr. Donohue stated the CoolYule will be co-chaired by himself and Jeff Heinanen. He further stated they are discussing changing it to a 2-day event. He further stated there are rumors that the City is purchasing the tree, and it is not true. There is a 501C3 that will be paying for that. He further stated one of the highlights will be the village will be lit for the entire season. Mr. Donohue stated the sale of 135 E Lake  
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closed, but the closing on 111 N Lafayette should be next week. He stated the Planning Commission will be involved with the total restoration with the buildings, both owners have agreed to that. They will be using the same architect. Councilmember Parisien asked when the Farmers Market will kick off. Mr. Donohue stated Farmers Market begins on May 4<sup>th</sup>.

### OLD BUSINESS

#### 1. 2<sup>nd</sup> reading of wireless facilities in public rights-of-way ordinance

Attorney Wilhelm stated this is the second reading and there were some revisions based on the discussion at the last meeting. The changes relate to the aesthetics, spaced and under-ground standards. Between the State and Federal laws, there is some confusion, but the aesthetics must be reasonable, objective, and published in advance. He stated the idea is the federal and state government has put this on the City, but we are able to have an ordinance that will have certain amount of control on what they look like and where the equipment is placed. He stated we are looking for them to place their equipment inside the smart poles. He then discussed some of the language that was changed from the first reading. Councilmember Kennedy stated all the wiring and equipment need to be contained. Attorney Wilhelm stated there is a way for them to use existing poles and they attach boxes to the outside of them, and they aren't very attractive. He stated we are trying to addresses the appearance issue, but they could be challenged. For the protection, the areas we don't want them is residential and downtown district. Whether that is doable technology-wise, he doesn't know. He stated if they do put up poles, there are restrictions as to where they can put them. Councilmember Kivell stated he agrees with the least favorable locations. He stated depending on where you are, it seems they should want to use existing poles first, as opposed to adding poles. Attorney Wilhelm stated it would be cheaper for them to use existing poles, but he got the idea from Council, that they wanted to use smart poles, which will add more poles. Attorney Wilhelm stated there is some pushback from DTE for the companies using their poles for safety issues. He stated he thinks we have done a good job with specifying what we are asking. Councilmember Kennedy stated there are residential properties that currently don't have poles. If they want to add their equipment, we should require them to use the unobtrusive poles. He further stated it needs to be as reasonably accepted as possible. Attorney Wilhelm stated if there is no other option to provide the service, we only have so much control according to the State and Federal laws.

### CM 4-7-19 MOTION TO APPROVE 2<sup>ND</sup> READING

Motion by Kennedy, supported by Kivell

Motion approve 2<sup>nd</sup> reading of the Wireless Facilities in Public Rights-of-Way Ordinance amending Chapter 87 of the City of South Lyon City code of Ordinances to reorganize existing sections 87-1 through 87-21 as Article I, and to add Article II, Sections 87-51 through 87-68 as revised

VOTE:

MOTION CARRIED UNANIMOUSLY

### NEW BUSINESS

#### 1. Resolution establishing fees for Wireless Facilities, Wireless Support Structures and Utility Poles in Public Rights-of-Way

Attorney Wilhelm stated the federal and state government dictate the annual fees for locating these items in the rights of way. The attached fees are reasonable fees to process the application. Councilmember

Kivell asked when we will know if this is where we need to be with the fees. City Manager Zelenak stated the fees we are looking at now are based on discussions he has had with the City Attorney, but in the future, he would like the fee schedule to be looked at each year. Councilmember Kivell stated if we change the number at a later time, someone could fight that fee. City Manager Zelenak would like a fee schedule to be adopted each year. Attorney Wilhelm stated the concept is related to the aesthetic spacing and appearance regulations, that if you start with one set of restrictions, then change that at a later time, that could be considered being prejudice, not the fees for the applications.

CM 4-8-19 MOTION TO APPROVE RESOLUTION

Motion by Kivell, supported by Walton

Motion to approve the resolution establishing fees for wireless facilities, wireless support structures, and utility poles in Public rights-of-way as presented

VOTE: MOTION CARRIED UNANIMOUSLY

2. Acceptance of the Michigan Municipal Risk Management Authority Grant for a thermal imaging camera

Chief Vogel stated he wanted to correct what he said earlier when discussing the bills, there was a fuel injector was replaced on the truck. He stated City Manager Zelenak found a grant through MMRMA, and they looked into it. He stated we were going to ask for a new thermal imaging camera in next years budget, but they just found out they got the grant, so now we are only paying matching funds for it.

CM 4-9-19 MOTION TO ACCEPT GRANT

Motion by Walton, supported by Kennedy

Motion to approve the grant from Michigan Municipal Risk Management Authority

VOTE: MOTION CARRIED UNANIMOUSLY

3. Budget amendment to move \$4,264.93 from Capital Equipment 335-000-978 to Equipment 335-000-977 to cover the cost of the new thermal imaging camera

Chief Vogel stated Council approved \$85,000 for the ladder truck equipment and we have only used \$10,000 because the truck is working great. To purchase this equipment, we are asking to move the \$4264.93 to cover our match of the grant.

CM 4-10-19 MOTION TO APPROVE BUDGET AMENDMENT

Motion by Kennedy, supported by Walton

Motion to approve the budget amendment to move \$4264.93 Capital Improvement 335-000-978 to Equipment fund 335-000-977 to cover the cost of new thermal imaging camera and increase 101-000-698-6 by \$4265.00

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Kennedy asked Chief Vogel about the grant for smoke detectors from the State of Michigan and Home Depot that was granted to the Fire Department. Chief Vogel stated they are required to install the smoke detectors and carbon monoxide detectors. Chief Vogel stated it is beneficial and chaotic at that same time. The problem in some phases of Colonial Acres, they are hard wired in, and

some did not have any in their basement. He stated they are probably over 50%, but everyone that asks for them, will get them.

#### 4. Corner Caffè Liquor License

City Manager Zelenak stated the City has received information and a request from the Corner Caffè to obtain the City's last remaining quota liquor license. They have previously come before Council regarding this request and they have submitted additional information outlining their planned improvements. We also have letters of review from CIB, letters from Economic Developer, as well as an updated resolution is included as well. Attorney Wilhelm stated he suggests Council to approve this with conditions. It has been fully evaluated by staff. Councilmember Kennedy stated the last time this was discussed, there were many questions asked and answered. He has concerns on items #2 & #4, which states the leasee can use the premises for a cafe/coffee shop, not for any other purpose. Item #4 states they can't make any improvements without written language from the building owner. We do not have that information. He then stated on page 2 of the business plan states 3 phases, but now it says 2 phases. Janelle Velarde, the attorney for Rhonda Bifano stated there were originally 3 phases planned, but currently there are 2, that is a typo. She stated there are verbal assurances with the owner of the building. She stated the focus will be on the ordinance and the review section. Council needs to look at all the review criteria. She then summarizes what Council needs to review. She stated Rhonda Bifano stated there are no concerns with the applicant, and one of the most important factors in the review section is what does everyone in the community want. She stated she has dealt with Bob Donohue who supports this. He has decades of experience. His recommendation states a wine bar provides a key ingredient for an optimal business mix for the downtown. It also meets market demand. It will compliment the other restaurants downtown. She further stated there is a prevailing need to issue this liquor license. Councilmember Kivell stated it is pertinent to have the building owner's permission in writing. Councilmember Kurtzweil asked for a presentation.

Brad Alvord of Lindhout Associates Architects stated they have been working with Rhonda for a few months. He stated the existing layout is the same. There are 2 ADA accessible entrances in place, and there will be a handrail added. The historical signs and doors that are in place will remain. Another modification is adding 2 layers of fire barrier in the ceiling to protect the living area upstairs. This is a lot of work, but he can see Rhonda's vision and he thinks it will be a great addition to the City. Ms. Bifano stated the back area will be more of a small wine bar and the front will be a little cozier for soft seating which will allow people to continue to come in for small meetings. Councilmember Parisien stated she has spoken with many of her friends and this will be the only business where you can go and grab a glass of wine with friends in a quiet place. She further stated also based on the recommendations of the City Manager and Bob Donohue, she is excited for this. She then thanked her for investing in the community and being versatile.

Councilmember Kivell asked if the Fire Department is ok with the 2 layers of fire protectant, without sprinklers, it seems dangerous for the other historic buildings downtown as well. Mr. Alvord stated she doesn't have an open cook top, so no sprinklers were required. If you are under 5,000 square feet and under 100 occupants passes the fire suppression code.

Councilmember Kennedy stated on the 3<sup>rd</sup> of August, the water and wastewater found some code violations, have they been addressed. Rhonda Bifano stated they have been corrected. Councilmember Kennedy then stated under phase 2, it is stated to obtain liquor license, but his impression that would be after phase 2 is completed. Ms. Bifano stated she agrees, along with extended hours.

Councilmember Kurtzweil stated she has been on board with this over a year ago. She stated there are many things happening around town, and the parents have been looking for a place to have a glass of

wine and relax. Additionally, there are people that are attending meetings that would like to meet ahead of time and converse and have a glass of wine without having a heavy dinner. She further stated she is a heavy supporter of the Lyon Theatre, and it would be great to go watch a movie, then walk down the street for a glass of wine. She stated there were people at Christmas time that would have enjoyed stopping in town in a comfortable establishment for a glass of wine in a nice setting.

Councilmember Walton stated it would be nice to have a glass of wine at a quiet place, not necessarily at a loud bar. Councilmember Kivell thanked her for wanting to extend her business in the City, and he appreciated her working with staff so well. He further stated the lease is up in 2021, will the lease be extended without issue from the landlord. Ms. Bifano stated she there wouldn't be any issues re-leasing the property.

#### 4-11-19 MOTION TO APPROVE CONDITIONAL LIQUOR LICENSE APPLICATION

Motion by Parisien, supported by Walton

Motion to approve the presented resolution with conditional approval of the liquor license for the Corner Caffe based on the contingency that they are provided with handwritten approval for all improvements as amended

VOTE: MOTION CARRIED UNANIMOUSLY

#### BUDGET

Councilmember Kurtzweil stated she has done some research regarding budget amendments. If the City passes a mill that is specific to something in the budget, it has to be disclosed to the public for what the truth is. You cannot move money that wasn't budgeted for that specific item. In truth in taxation, you have to disclose if a portion of that mill is being used for something other than what it was originally intended for.

City Manager Zelenak stated he plans on meeting with the Councilmembers that could not attend the meeting last regarding the budget session that was held last week. He stated there were some changes that were made and he will get them the corrected information for the first meeting in May, and we will be able to have the public hearing and adopt the budget at the last meeting in May.

#### MANAGER'S REPORT

City Manager Zelenak stated we are waiting for items to be submitted from Thomasville and changes they are asking for, which we will not allow because they weren't already approved. That will be before Council at a later time.

City Manager Zelenak stated he wants to acknowledge Chief Vogel and his staff for his efforts in getting the two grants this year. He further stated we sent an employee to a grant class that we will be able to utilize in the future.

#### PUBLIC COMMENT- None

#### COUNCIL COMMENTS

Councilmember Kennedy stated the mobile Secretary of State office will be at the Salem-South Lyon District Library on Wednesday, April 17 from 12:00-6:00pm. You can stop by and change your address,

update your voter registration, sign up on the Michigan donor registry or order a replacement vehicle title. Everyone should stop in and take care of those items you wanted to address.

He then reminded everyone that the Kiwanis will be holding their annual Easter Egg Scramble at Volunteer Park Saturday, April 20 from 10:30am until 1:30pm. In addition to the scramble for the goodie-filled eggs, there will be displays from the South Lyon Police & Fire Departments as well as the Lyon Township Fire Department and the Oakland County Sheriff. So come out, bring the kids and have a great time.

Councilmember Walton stated she is excited about the Corner Caffe and they are a great compliment to our community.

Councilmember Parisien stated she also wanted to remind everyone that they can help stuff the Easter Eggs for the Easter Hunt at the Kiwanis on Monday the 15<sup>th</sup>.

Councilmember Parisien stated Council packets are now available if anyone is interested in running for Mayor our Council seats, the deadline is July 23<sup>rd</sup> at 4:00 p.m.

Councilmember Parisien stated the City wide clean up is normally the 3<sup>rd</sup> weekend in May. City Clerk Deaton stated we have had fewer and fewer volunteers to assist each year, and as of right now, the person that helped organize the volunteers from Oak Point Church is no longer there, so we may or may not be having this event.

Councilmember Kurtzweil reminded everyone that the LUNgevity Walk/Run is on May 18<sup>th</sup> with registration at McHattie Park, and if you can't attend, you can always donate to the foundation. She then thanked David Elkins and his wife for their wonderful commitment to this cause.

Councilmember Kurtzweil stated she wants to recognize Abe Ayoub and Phil Wiefert for all their hard work with prepping for the Easter Egg Event in Volunteer Park. You can always donate some candy or eggs to the Kiwanis.

Councilmember Kurtzweil thanked everyone from the South Lyon Youth Assistance for all they do and their commitment to the community. This is an incredible organization and they are wonderful people to be around and she thanks all the parents that give support to their children as they go through the different programs.

Councilmember Kurtzweil stated she also wants to recognize the Corner Caffe as it transitions into a wine bar. She stated we also need to welcome Glazy Days on their move to Kings Plaza. She knows there are many people that are excited about the move, they will have more room and a little more convenient parking.

Mayor Pelchat stated he wanted to thank everyone from the City and the department heads that helped gather all the information on the budget together. He thanked City Manager Zelenak who did a great job and it was very informative and he kept us on task.

Councilmember Kivell stated the budget meeting was very organized, constructive and very productive, and he is grateful for that.

Councilmember Kivell stated he was able to attend the music at the library. It was a Jazz Trio and it was very nice and it will be a monthly occurrence.

Councilmember Kivell stated the website and email was down over the weekend. City Manager Zelenak stated we have had some issues, but seems to be up and down throughout the day.

Councilmember Kivell stated he is willing to continue with the spring clean up day, and he is thankful for all the help the volunteers have given us throughout the years. He does it every year and he would hope we could have more people help and continue this event.

ADJOURNMENT

CM 4-12-19 MOTION TO ADJOURN

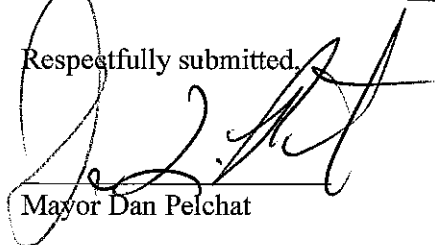
Motion by Kurtzweil, supported by Walton

Motion to adjourn at 8:45 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,



Mayor Dan Pelchat



City Clerk Lisa Deaton