

Regular City Council meeting
June 11, 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: Kivell, Kennedy, Kurtzweil, Parisien, Richards and Walton
Also present: Chief Collins, Attorney Wilhelm, Fire Chief Vogel and Clerk/Treasurer Deaton

MINUTES

Councilmember Kennedy stated on page 6, the \$1,000 should actually be \$2,000. Councilmember Parisien stated Mr. Fleury's name is misspelled on page 8. Councilmember Kurtzweil stated on page 6, the sentence needs to be added, "from a procedural standpoint, ethically she has a problem voting on items that aren't even in a budget until 30 days from now".

CM 6-1-18 MOTION TO APPROVE MINUTES AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS-

Councilmember Kivell questioned about the charges for 2 domain names. Chief Collins stated they are both for DDA events.

CM 6-2-18 MOTION TO APPROVE BILLS AS PRESENTED

Motion by Kivell, supported by Kennedy
Motion to approve bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 6-3-18 MOTION TO APPROVE AGENDA

Motion by Parisien, supported by Kivell
Motion to approve agenda

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Linda Ross 373 Harvard and president of the Historical Society. She stated we desperately need help with the gardening at the historical depot. When they took it over in 2011, they had plenty of volunteers, but for the last couple of years, there have only been 4 of them. One of the gardeners is now working full time and she is still helping when she can. She stated it is now, just her and Vickie to doing the flower beds in the village. Everyone goes to the village for pictures, weddings, family pictures, graduation pictures and so on. She further stated she thinks that is the number one place for picture taking in the City. She further stated if they don't get help, the flower beds won't be in good shape for picture taking. We are already 2 weeks behind, and we need help. We meet Monday nights from 5-7 and you don't have to be a master Gardner, and you don't have to have tools. We just need people to help us a few hours a week. The other issue is we have a new member who is dedicated to Olds Cemetery across the street from the library. She is dedicated to try to clean it up, and we do have some civil war and revolutionary

soldiers buried there. We need help to get this presentable and we would like to have someone help with cleaning up. Ms. Ross stated she wants to remind everyone of their program next Tuesday night at the Depot about the K9 War Dog Memorial that is located on 11 Mile. She further stated there has been a lot of work done to get that into the great condition it is now. She further stated Phil Weitlauf will be speaking and it will be a wonderful program.

Jim Race of the Historical Commission and from 996 Hearthside stated we are having a horrible time with vandalism. He stated we need more security, especially at the gazebo. He stated we may need more security cameras. We didn't budget for anything like that because it was unforeseen. He stated he has a police report with the pictures of the latest damage that was done at the gazebo on Sunday night. We have a concert in the park Friday night and it needs to be presentable. He further stated the DPW said they will help, but we need to do something about the security. Possibly more robust features to the gazebo might be in order. We are going to try to get everything done this month. If that doesn't happen, we will be working on next year's budget, but it probably won't be sufficient because this would be necessary. Either we get extra security or we will have to continue making repairs.

DISCUSSION- Downtown

Bob Donohue the Downtown Development Director stated he wanted to thank the DPW crew who put up the farmers market fence and shed. He stated it looks great and it was already used for the first time last week. He further stated there was a lot of buzz downtown today with the last section of the Lake Street Tavern being done. The brick crews are on site, and they have to do all new brick, it is more expensive than originally thought, but the owner is following through with it. Mr. Donohue stated they started stripping off the roof at 115 and 117 Lafayette and the 115 Lafayette building is in better condition than they thought. He further stated the new owner of the A&E Jewelers building came in and filled out the paperwork, he will be doing a Victorian paint scheme on that building as well. He stated at the end of summer we will have a big media event, and it is a new day in downtown South Lyon and people are starting to realize that. Just a generic update, we are making good progress with 4 of the 5 building owners. We are we are moving forward.

He stated his last item is he was at a workshop in Monroe last week, and what was interesting was the capital improvement plan is a subject of how it is a signal to developers that the downtown is part of that plan.

Councilmember Kurtzweil stated she has been pushing for a capital improvement plan for years. She stated it is important because the developers look at the capital improvement plan because if the City isn't putting money into the downtown they will think why they should. She further stated the capital improvement plan is critical to provide insurance to investors and developers that they have a partner in the City, which hasn't happened in the past. She further stated we have talked about it, but we still don't have one in place. She further stated if you are going to get serious money because they want to know that the City is coming to the table and has a plan and a vision of where they want this to go, and she supports this program 100%. Mr. Donohue stated the developers are well aware of things that need to be fixed downtown. He has had developers ask about the condition of the parking lots, and light poles that need to be painted. Councilmember Kurtzweil stated if she is going to spend that kind of money in downtown, she would want to know that 5 years from now, she is dealing with a responsible City. She further stated we can't even keep up Paul Baker park and that is a park that is at an entrance to the City. She further stated that is why the developers are looking at the City to see if they can manage the assets they have. She stated they want to look to see what has been budgeted for financial planning for the downtown.

Councilmember Kivell stated no one is against the capital improvement plan, but we need to strategize and come up with a plan. He then asked about the domain name. Mr. Donohue stated there is an event play on Octoberfest, but it is called Brotoberfest, October 19th. He stated it is a men's night out designed to really be a baby-sitting service for a women's night out. He stated we will have the street closure request at the next meeting. It is actually a place for activities for men and women, young and old to hang out while the other shops. He further stated it is also a preview for the Ladies Night Out in November. He further stated a well intended resident got the domain name Brotoberfest, but he put it in his name, and we wanted it in our name. He then found out the domain name owner should be the employee of the City and it transfers with the position, it takes 3 months to transfer and it will be transferred to whoever holds his position.

Councilmember Kivell asked what Heinanen has been doing. Mr. Donohue stated he is having trouble getting contractors. He further stated they are wanting to have their plaza in place by the end of the construction season. He is hoping to put in a 30-foot seasonal tree. He stated the plaza will be brick with drainage and everything. He hopes to coordinate with him in the future for what we do with that tree.

Councilmember Richards stated he has been watching the work down-town and he has gotten some good pictures. He is very impressed with the way the contractor covered the wall over the weekend. He stated it was a double wall. He then asked Mr. Donohue if he knows how old the bricks were, some look older than others. Mr. Donohue stated the last part they are working on is slightly older, probably 1880's. He further stated there was a fire and the stone then came in the late 30's.

Councilmember Richards stated the bricks were made in South Lyon and after a certain time, they started using commercial dye, somewhere around 1885.

Old Business

1. Consider tabling Arcadia request for approval of the restrictive covenant for 128 S Lafayette

Attorney Wilhelm stated he has had numerous conversations with ASTI, but he is currently awaiting a report from ASTI so he is recommending Council to table this for a later date.

CM 6-4-18 MOTION TO TABLE

Motion by Kurtzweil, supported by Walton

Motion to table the request for Arcadia for approval of restrictive covenant for 128 S Lafayette until the second meeting in July.

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider 2nd reading of Ordinance to repeal Section 58-53 "Disturbance in business or public place of lawful meeting" and adopt new Section 58-53, "interference with conduct of business; interference with meetings of a public body," to bring regulations into conformity with current state law and provide a penalty for violations of rules of conduct for public meetings

Attorney Wilhelm stated this is the second reading, there have been no changes from the first reading. This issue came up when Council was dealing with the public comment rules and he is asking Council to follow through with the second reading.

CM 6-5-18 MOTION TO APPROVE SECOND READING

Motion by Kurtzweil, supported by Walton

Motion to approve the second reading of Ordinance to repeal Section 58-53 "Disturbance in business or public place of lawful meeting" and adopt new Section 58-53, "interference with

conduct of business; interference with meetings of a public body,” to bring regulations into conformity with current state law and provide a penalty for violations of rules of conduct for public meetings

VOTE:

MOTION CARRIED UNANIMOUSLY

New business

1. Consider award of bid recommendation letter from Dixon Engineering for water tower repainting project

Ron Beason, the Chief Operator of the Water and Wastewater plant. He stated this started in 2016 and the idea was for Dixon Engineering to give us a summary of what needed to be done with the inside and outside of the water tower. In the summary they included a 50-page summary and a cost summary which at that time was \$231,000. He further stated the total was \$271,000 with the engineering and contingency plan. At that time, we generated a line in the budget, along with \$117,000 for professional services, but that was put in the wastewater budget, it should have been in the water budget. If you look in the previous years, it was there. He doesn't know how that mistake happened. He stated we missed the timeline for this to be done in this spring, there are very few companies that do that and there is a very small window to have this done. He further stated we knew we missed the window, so we used that money for the VFD's. He further stated he had discussed this with Council before. That will keep the water pressure going while the water tower is down. Mr. Beason stated it took 30-40 days to paint the tower. He stated the plan this time is for 50 days. There were 7 bids and there were 2 bids Dixon Engineering preferred we not accept the bids, some reasons were quality of workmanship and some was the time frames. He stated we have to stay within that timeline. There is no room for error, if we lose one or two of the pumps, the City would be without water. He further stated they separated the line items so we can delete anything we don't think we need. One of the items is a mixer to agitate the water that keeps the water from freezing. We don't have that problem here. He further stated you normally see those with communities with little use. We don't have that problem, we don't have a sediment problem, therefore we don't need the mixer. By eliminating that Horizon Brothers would still be the lowest bidder, but Dixon asked us not to use them. He stated the second would be LC United. He further stated we currently have \$20,000 in professional services, and \$175,000 for the painting inside and out in the budget, so will have to ask to use some of the enterprise money for this at this time. Councilmember Kennedy stated the useful life of the coating is 15 years or so, and we are currently at 22 years. Mr. Beason stated it was painted in 1999. Councilmember Kennedy stated the need to move quickly to secure our place in line to have this done during the small window. Mr. Beason stated we are already a little late, some bids were very high. The high bidders were probably booked and didn't need the work.

Councilmember Richards asked if the DEQ have any objections about using a contractor. Mr. Beason stated no. Councilmember Richards stated we could do it ourselves. Mr. Beason stated we don't have the experience or equipment. Councilmember Richards then asked if any of these companies would split the work to save money. Mr. Beason stated it is inspected by Dixon Engineering. Councilmember Richards stated he understands we need this but isn't there a way to save \$40,000. Mr. Beason stated there is not. He stated these companies have the equipment, they have the expertise, and they are bonded, we are fully covered.

Councilmember Parisien asked if we could apply for grants for this. Mr. Beason stated he doesn't think so, this is a maintenance issue and it is time sensitive, but he can ask Dixon Engineering.

Councilmember Kurtzweil stated you have \$178,500 in the budget, but you are short \$63,000, and you have money in the enterprise fund. She stated the enterprise funds are there for that purpose. She stated

we need to stay on top of these things especially the big expenditures. She asked if the painting included the outside as well. Mr. Beason stated it includes the painting and the logo.

Councilmember Kivell stated he hopes we can get everything formulated to pull that money from the enterprise fund. Councilmember Kurtzweil suggested that a budget amendment can do it.

Councilmember Parisien asked the average of how many days this will take. Mr. Beason stated it is 30 days, but the bid packet says 50 days, but he hopes it will not take that long, and it may not.

Councilmember Parisien stated technology has come a long way from 20 years ago, she was hoping it wouldn't take as long. Mr. Beason stated the new technology actually makes it take twice as long.

Councilmember Kennedy stated he spoke with Lori Mosier and she said she would transfer the money from the Enterprise fund and issue a budget amendment.

Councilmember Kurtzweil asked which budget it will come out of. Mr. Beason stated this will come out of 2018 budget. Councilmember Kurtzweil stated she will not vote to spend money on anything that is budgeted in a budget that isn't in effect until July 1. Mr. Beason stated if we wait until July 1, we will miss the windows. Mr. Beason stated he can ask them if they will accept a letter of intent, but those companies are not hurting for money. Councilmember Kurtzweil stated there are ways to deal with this. She has looked at the enterprise money for this year, and we don't even know if they want the money upfront. She stated she is in favor of approving the contract if the money is paid after the July 1 budget begins. She stated that is the same as a letter of intent. Councilmember Kivell stated we could make a budget amendment to give them some money from the enterprise fund before July 1 as a deposit. Mr. Kennedy stated we currently have money for a deposit as long as it holds our place in the schedule. Mr. Beason thinks that would work.

CM 6-6-18 MOTION TO APPROVE WATER TOWER PROJECT TO LC UNITED PAINTING

Motion by Kivell, supported by Kennedy

Motion to award the water tower project to LC United Painting minus the installation of the mechanical mixer not to exceed \$266,000

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider resolution authorizing the request for reimbursement from Oakland County West Nile Virus Fund

CM 6-7-18 MOTION TO APPROVE THE REQUEST FOR REIMBURSEMENT FROM OAKLAND COUNTY WEST NILE VIRUS FUND

Motion by Kurtzweil, supported by Walton

Motion to approve the resolution for reimbursement from the Oakland County West Nile Virus Fund in the amount of \$1,546.18

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider approval of resolution to revise and update City's credit card use policy

CM 6-8-18 MOTION TO APPROVE RESOLUTION TO REVISE AND UPDATE CITY'S CREDIT CARD POLICY

Motion by Kennedy, supported by Walton

Motion to approve the resolution to revise and update the City's credit card policy as presented

VOTE: MOTION CARRIED UNANIMOUSLY

Budget

Councilmember Kurtzweil stated she ran into some taxpayers over the weekend and they had a few questions about the budget. She then asked Chief Collins about the request for the purchase of the 2 police cars, Lieutenant Sovik stated the purchase price for both is just under \$56,000.00 She stated the resident went to the budget online, and they noticed we approved a budget that allowed for Roughly \$84,000 for the two vehicles which is a difference of \$28,000.00

Chief Collins stated police cars are now like rolling offices. They are crammed with modems, computers, printers, emergency lightings, gun racks and dividers keeping the prisoner separate from the police officer. He further stated when the budget is prepared, we take into account for the new equipment that is needed. We try to use as much of the equipment from the older vehicles whenever possible. Councilmember Kurtzweil stated she thought that cost was completely loaded. Chief Collins stated he has explained that very well.

Manager's Report-

Chief Collins stated the only thing he has to add is the Kensington Valley Chamber golf outing is Wednesday the 13th with a registration at 8:30 a.m. and it is a worthy event that they put on annually.

Public Comment- None

Council Comments-

Councilmember Richards stated he thinks we have all been saddened by the passing of former Councilmember Wedell and his wife who passed 6 days later. He spoke with the family a few days later. He stated we all extend our sympathy and thoughts go out to them.

He then stated the former Mayor Tedd Wallace's birthday is today the 11th of June, and tomorrow is the president's birthday. Councilmember Richards stated Linda mentioned the gazebo damage that was done, and it will take a lot of work to fix it.

He then stated Maryann Mihalic has retired from Active Faith and she has been there for many years and has helped many families with food and assistance. She even took him to the Dr. or the hospital a few times. He further stated we all wish her the very best in her retirement.

Councilmember Richards stated the developments in the downtown district is coming along nicely. He further stated he wished he had more time to help with the booklet from the DDA, but he is too busy. He then stated he has had people express interest in the Cemetery Committee.

Councilmember Kennedy stated with the school year coming to a close he would like to encourage our residents, young and old alike, to continue to take advantage of the wide variety of programs offered by the Salem-South Lyon District Library throughout the summer: These include sessions like: The Rock & Roll Bookshelf with a magician on June 14 and Telling a Story with Story Artist Jenifer Strauss on July 25 for the younger kids; A Who Dunit Escape Room on June 28 and Basic Self-Defense Class for Teen Girls on July 18; And a Digital Scavenger Hunt on July 25 and Walking Club throughout the summer for the older folks. There's sure to be something for everyone He further stated on another note, the Concerts in the Park begin this Friday at 7:00-8:30pm at the gazebo in McHattie Park and the first group performing will be Gemini.

Councilmember Kennedy stated he would like to just to reinforce Linda Ross' request for volunteers to help the Historical Society with their gardening requirements at McHattie Park. This may be a great opportunity for a scouting troop, or similar organization, to lend a hand to the city.

Councilmember Walton stated she wanted to congratulate the class of 2018 that just graduated and she wishes them all a wonderful future and stay safe.

She then stated she wants to remind everyone of the hard work that goes into the park at the Historical Society and don't damage things that don't belong to you.

Councilmember Parisien stated she wanted to thank the staff for making a note of the Council Comment rules at the bottom of the agenda and on the back.

She further stated we are still in need volunteers, for various boards, and commissions, and we need the help.

She then stated The Four Seasons Garden Club is hosting a garden walk from 9 to 4 on July 14th.

Councilmember Kurtzweil stated she wanted to remind everyone that the new public comment rules include no disturbing the peace. She further stated she has spoken with some other individuals of how the situation with Don Beagle could have been handled differently, and there seems to be a difference of opinion. These individuals did not agree with all Chief Collins' comments, she stated the issue of who felt afraid, rested with the people on Council, and there was a suggestion that if they were there, he would have been removed from the building.

Councilmember Kurtzweil stated there was a wonderful graduation event on Saturday at Eastern Michigan University for all the South Lyon Seniors that graduated and it was a phenomenal event. The Oakland County Sheriff was there, and she was surprised to learn one of the Resource Officers also has a law degree, so a very talented individual the school district has brought aboard.

She then thanked the security staff for doing a fabulous job, and so did the City of Ypsilanti Police Department and it is important to thank law enforcement agencies for their great work.

She then thanked Sgt. Baki for participating with the Lakes Area Citizens Police Academy, and he has earned a great reputation and he is very kind to everyone and he handles this program with class and gives the South Lyon Police Department a good name. She then thanked him for his work and hopes if there is a promotion available, she hopes he gets it.

She stated she was invited to Lynne Ladner's son's graduation party at the Hotel on Sunday, and there were some very brilliant young people that have great careers ahead of them, and to the students sitting here tonight, you have great careers ahead too, she is so proud to think we have students at this young age in our community that already know what they want to do. She further stated Lynne's other family members were there as well, she then congratulated Trevor on his graduation.

Councilmember Kurtzweil stated she is all for having more cameras in place at the gazebo area and there needs to be monitoring of who is watching the film, she has discussed one incident with Lloyd of which she considered to be a misuse of a film that was taken in the gazebo area and she hopes steps are taken so that does not happen again.

She then thanked the owners of the businesses that are investing in the downtown. She was at the Corner Caffé last week and shopped at Grand Trunke and the streets were packed. She started talking with people about everything happening downtown and it is a wonderful time to be in downtown South Lyon

Councilmember Kivell asked if we still require certified documents reflecting the fire hydrants are current and in working order in the private developments. Fire Chief Vogel stated yes, they are.

He stated he is hoping for a nice weekend for the Farmers Market.

He further stated he is happy the Corner Caffé is open until 9 p.m. and they can walk a couple of blocks to get some good ice cream. He spoke with them about the more people that are out at the theatre, and if the movie gets out before 9:00 p.m. they will get a benefit from them.

Mayor Pelchat stated he met with a couple of AP government groups and he had a great time speaking with the kids and good luck to all the graduates.

Closed session- pursuant to Sections 8(e) and (h) of the Open Meetings Act, MCL 125.268(e) and (h), to consult with its attorney regarding trial or settlement strategy in pending litigation in Michigan Department of Civil Rights, ex rel, Joyce Clohosey v City of South Lyon, which if discussed in an open meeting would have a detrimental financial effect on the City's litigation or settlement position, and to discuss written attorney-client communication regarding the same pending litigation, which is exempt from disclosure under MCL 15.243(1)(g) of FOIA; and to consider the purchase or lease of real property pursuant to Section 8(d) of the Open Meetings Act, MCL 125.268(d).

CM 6-9-18 MOTION TO ENTER INTO CLOSED SESSION

Motion by Kivell, supported by Parisien

Motion to enter into closed session pursuant to Sections 8(e) and (h) of the Open Meetings Act, MCL 125.268(e) and (h), to consult with its attorney regarding trial or settlement strategy in pending litigation in Michigan Department of Civil Rights, ex rel, Joyce Clohosey v City of South Lyon, which if discussed in an open meeting would have a detrimental financial effect on the City's litigation or settlement position, and to discuss written attorney-client communication regarding the same pending litigation, which is exempt from disclosure under MCL 15.243(1)(g) of FOIA

VOTE:

Roll call vote: Kivell- Yes
Parisien-Yes
Kennedy- Yes
Richards- Yes
Walton- No
Kurtzweil- No
Pelchat- Yes
MOTION CARRIED

CM 6-10-18 MOTION TO ENTER INTO CLOSED SESSION

Motion by Kivell, supported by

Motion to enter into closed session and to consider the purchase or lease of real property pursuant to Section 8(d) of the Open Meetings Act, MCL 125.268(d).

VOTE:

Roll call vote: Kivell- Yes
Parisien-Yes
Kennedy- Yes
Richards- Yes
Walton- No
Kurtzweil- No
Pelchat- Yes
MOTION CARRIED

Consider action related to the closed session matters, as needed-

CM 6-11-18 MOTION TO RE ENTER INTO OPEN SESSION

Motion by Walton, supported by Kurtzweil

Motion to re convene the regular council meeting at 10:05 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

6-11-18

CM 6-12-18 MOTION TO

Motion by Kurtzweil, supported by Kivell

Motion to authorize the City Attorney to take action in regards to trial or settlement strategy with the Michigan Department of Civil Rights as to the City of South Lyon and Joyce Clohosey

VOTE: MOTION CARRIED UNANIMOUSLY

CM 6-13-18 MOTION TO

Motion by Kurtzweil, supported by Walton

Motion to authorize the City Attorney and Interim City Manager to move forward with certain property acquisition

VOTE: MOTION CARRIED UNANIMOUSLY

Adjournment

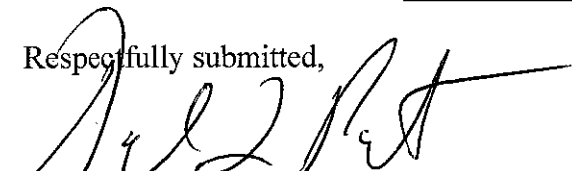
CM 6-14-18 MOTION TO ADJOURN

Motion by Kivell, supported by Parisien


Motion to adjourn the meeting at 10:07 p.m.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,



Mayor Dan Pelchat



Clerk/Treasurer Lisa Deaton