

REGULAR CITY COUNCIL MEETING  
APRIL 23, 2018

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

Councilmember Richards entered the chambers after the Pledge of Allegiance  
Present: Mayor Pelchat, Councilmembers: Kivell, Kennedy, Kurtzweil, Parisien, Richards and Walton  
Also present: Chief Collins, Attorney Wilhelm, Department Head Boven, Fire Chief Vogel, and Clerk Deaton

MINUTES

March 28, 2018

CM 4-1-18 MOTION TO APPROVE MINUTES

Motion to approve by Kivell, supported by Walton

Motion to approve the minutes of March 28, 2018 as presented

VOTE: MOTION CARRIED UNANIMOUSLY

April 9, 2018

Councilmember Kennedy stated on page 8 Warren Creamers name is misspelled numerous times. He also stated further down the word revelent should be relevant. He stated on page 10 under his council comments the word she should be changed to he.

Councilmember Richards stated on page 3 Essention should be spelled with an a, not an e.  
Councilmember Kivell stated it should also be spelled with a c. Councilmember Richards further stated on page 8, no one heard what he said at the very end, he stated he moved to withdraw his motion.

Councilmember Kurtzweil stated on page 9, it should state she will be doing some additional research. She further stated the words, "she also stated she will be discussing that issue with some other individuals." She further stated the correct spelling is Beckway Doors.

Councilmember Kivell stated on page 4, the word as needs to be added as to where they will get the money to run the business. He further stated the word too should be changed to the word to. He further stated Councilmember Parisien asked a question that was left hanging, which was if a business owner just paid the fee to the State of Michigan, but, then they pay the fees to the City and the City says no, can the State allow it anyway. Attorney Wilhelm answered if you don't approve it, the State will not approve a new on premises license. Councilmember Kivell stated on page 5, the word on should be changed to an in the sentence there should be a timeline for when the applicant can expect an approval or a rejection. He then stated the following sentences should be added, he can't imagine the changes the Witch's Hat mentioned would have been met with any resistance. They all seemed perfectly logical and he doesn't understand why there would have been any issues with Council approving their changes. Councilmember Kivell stated on page 9, the word discouraged should be changed to distorted. He further stated there are some words that need to be added to the sentence that begins with "he stated when Bob Martin decided to start taking our leaves from the City to the park, rather than dump them at Stone Depot, that was to save money." He further stated the correct spelling is Spurt Industries, not spirt.

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CM 4-2-18 MOTION TO APPROVE MINUTES AS AMENDED

Motion to approve by Kivell, supported by Parisien

Motion to approve the minutes of April 9, 2018 as amended

VOTE: MOTION CARRIED UNANIMOUSLY

April 11, 2018

Councilmember Kennedy stated on page 1, last paragraph the word formerly, should be changed to formally. He then stated on page 2 the 3<sup>rd</sup> line down the word matter should be changed to manner, and the word ascertain should be discern.

CM 4-3-18 MOTION TO APPROVE THE MINUTES AS AMENDED

Motion by Kivell, supported by Kennedy

Motion to approve the minutes of April 11, 2018 as amended

VOTE: MOTION CARRIED UNANIMOUSLY

April 16, 2018

Councilmember Kennedy asked to make sure Warren Creamers name is spelled correctly on page 3. He further stated on page 4, it should state the high-end user of the water and sewer will pay less than the low- end user.

CM 4-4-18 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Kivell, supported by Walton

Motion to approve the minutes of April 16, 2018 as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

Attorney Wilhelm asked Council to consider adding a new business item #9 approval of a separation agreement with Lynne Ladner. Councilmember Kurtzweil asked if we are deleting the closed session. She further stated if you refer to the date of the communication to be discussed in the closed session it would provide more clarity, she assumes it is regarding the communication dated 4/22/18. Chief Collins stated he would also like to a new business item #10 to consider 3 companies for the new City Manager search. Councilmember Kivell stated we should have the closed session, but if #9 is the approval, it seems moot. Attorney Wilhelm stated the closed session is regarding the 4/22/18 communication. He further stated he is adding new business after the closed session.

CM 4-5-18 MOTION TO APPROVE AGENDA AS AMENDED

Motion by Kennedy, supported by Parisien

Motion to approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Linda Ross 373 Harvard and president of the Historical Society. She thanked everyone for coming out to the program on "Do you remember Hudson's". They had a full house and everyone enjoyed the pictures and memorabilia that Michael Hauser from the Michigan Opera Theatre brought with him. It was a very

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enjoyable evening. She then asked everyone how many people do not know about the Historical Society or the Historical Village. She then asked why they aren't notified of any events that occur in the historical village to avoid conflicts. She stated we have a wedding coordinator and if a wedding is scheduled, it cannot be cancelled.

Pat Allen of 11672 Crooked Lane stated he has property at 501 McMunn that is adjacent to the bike path and the sled hill. He then stated this would be a great asset to the City. He further stated he has information for the Council to look at. He stated he is willing to go on land contract if the City is interested.

Ken Hamblin stated he thought Volunteer Park was going to be on the agenda. Chief Collins stated that will be discussed during item #7.

David Rudd, the president of the homeowner's association of Maple Creek. He stated there are about 38 homes in the subdivision and divided by a wetland area that runs from Volunteer Park and crosses 9 Mile. He further stated 2 years ago the City identified walking areas that needed repairs for the Safe Routes to School program. He stated one of the areas they found is the bridge that runs across the wetlands area. He stated it needed repair then, and it hasn't gotten better. It is very unsafe due to the dips and rises, and once you lose footing it is an easy slip into the water. It is very unsafe to walk on. He further stated they are aware the cost is expensive. They were able to get one bid which was \$20,000. Mr. Rudd stated they have to replace the pilings because they weren't originally driven into the ground deep enough. He further stated they will replace 7 different pilings with steel pilings which will include some of the boards that are heaved up. He further stated it is a nice area and people like to walk that area. He further stated he has some pictures and information for Council to consider. Mr. Rudd stated he is asking to form a partnership with the City to pay to fix this bridge. He then stated they are willing to collect up to \$10,000 from the homeowners in the subdivision and they are asking the City to cover the rest. Anything the City can do is helpful. Mayor Pelchat stated he hopes we can get this on a future agenda to discuss this further and he thanked him for coming.

#### DISCUSSION- Downtown

Bob Donohue the Director of the DDA and Economic Director stated there has been a lot happening with the building rehabs and the bulk of the work should be done in June. He stated the Promotions and Marketing Committee will be meeting on the 26<sup>th</sup>. They will establish a calendar to coordinate all events including the Historic Depot. He further stated they will be discussing marketing and advertising opportunities to fill the voids between events. He further stated they are hoping to have an A,B,C plan which will break down the events into 4 groups. Mr. Donohue stated a group of businesses will be hosting a Ladies Night Out on May 11<sup>th</sup>, but the DDA will still have their event in November.

#### OLD BUSINESS

1. Consider second reading of rezoning of 500 Stryker

Attorney Wilhelm stated there have been no changes from the first reading. This will amend the zoning map for 500 Stryker. He further stated Mr. Avantini of CIB Planning was here previously with other information and as far as he knows, there is no further information.

#### CM 4-6-18 MOTION TO APPROVE SECOND READING OF REZONING OF 500 STRYKER

Motion by Richards, supported by Kennedy

Motion to approve the second reading of the ordinance to amend the official zoning map of the City of South Lyon rezoning Parcel 21-29-176-012, 500 Stryker Street, from R-3 to RM-2

## ROLL CALL VOTE:

Walton- No  
 Kivell- Yes  
 Richards- Yes  
 Parisien- Yes  
 Kennedy- Yes  
 Kurtzweil- No  
 Pelchat- Yes  
MOTION PASSED

## 2. Consider first reading of revised liquor license ordinance

Mayor Pelchat read the recommendation of the motion as follows; Deny first reading of 4/19/18 version and approve second reading of 1/22/18 version of liquor license ordinance. Staff and Attorney have concerns that the 4/19/18 version removes too many regulatory provisions which the City may need to protect its interests and the interests of its residents with respect to valuable liquor licenses and the effects of licensed premises. Also, there are concerns that this ordinance relies too heavily on the MLCC process and the MLCC acting in the best interests of the City. Attorney Wilhelm stated he took the chart from MLCC and narrowed the ordinance to only apply to the licenses that require local approval. He further stated by Statute the City has to approve or disapprove the license application. He stated he removed the transfer and the business plan concept. It does maintain the application, review criteria and the ability to reject renewals. Councilmember Kivell stated it is strikingly weird to him that we would be making a recommendation of an approval that they can go to the State without asking them for a business plan. Those questions are necessary for us to do our due diligence.

Councilmember Richards stated he is in favor of making the process easier for someone to get a liquor license. He then stated no one other than Ryan Cottingin has shown any interest in this ordinance, he hasn't heard from anyone in the City that holds a liquor license in this town. When he spoke last time, there were 11 licenses currently and 1 available. He further stated he thinks there should be an intermediate board. He further stated it is too wide open for outside influence for the Council to make the decision. Attorney Wilhelm stated in late November of 2017 there was an ad hoc committee with 4 business owners and staff members to discuss this. He stated 3 of the 4 business owners opposed the ordinance.

Councilmember Kivell stated someone had provided to Council an email that Jeff Robinson from Third Monk Brewery had no concerns about this, so we have heard from the business owners. Councilmember Parisien stated she was on that sub committee and there were at least 5 business owners there and they all opposed it. The only person that expressed approval of this is Jeff from Third Monk. She further stated she received a letter from Ryan Cottingin stating he is opposed to this ordinance but he can't keep coming to Council meetings taking up his time, this isn't business friendly and it is time consuming. She stated she didn't know this was going to be on the agenda tonight, as well as some other people. She further stated she isn't in favor of this, and it is restrictive and she doesn't think we need this.

Councilmember Kurtzweil stated she also received the email and there was some additional language and she is requesting a copy of the email be included with the minutes. She stated there is some additional comments he made such as "one of the core principles of the Witch's Hat Brewing Company is supporting and being involved as much as possible in our community. In his opinion this ordinance is the opposite of that mission. Adding unnecessary regulation, hurdles and requirements on businesses will never promote growth in our town, it will only harm it. He believes what the City is seeking is anti-business and anti-growth." She stated she agrees with him, she is not in favor of a lot of regulations for businesses and she has made her opinion known at previous meetings. She further stated no one on Council is qualified to do an in-depth analysis of any business plan. Councilmember Kurtzweil stated she thinks the City should keep their hands off of businesses and let them do what they do best. She further stated she is not in favor of this and will not vote to approve it.

Mr. Donohue asked if we are approached by 2 applicants and if we think one would be better than the other, who makes that decision. Councilmember Kurtzweil stated she doesn't think we should be making that decision. Mr. Donohue stated most communities allow the economic developer and attorney to have an opinion on who gets the license. Attorney Wilhelm stated he takes issue with the idea this ordinance isn't business friendly. He further stated this is a statutory process the City is required to be involved in. He then stated if you have two applications at the same time, what basis will you evaluate to decide who to approve. He further stated this ordinance provides an application process, and criteria that Council can consider to make that decision. He then stated the City's role is to identify the applicants that are best for the City. Attorney Wilhelm stated this is a fair ordinance and if there are concerns about the criteria, he wants to know what revisions Council would like. Councilmember Parisien stated it should be first come, first serve basis. The States process is very restrictive and she thinks the State will make the best decision. She further stated she doesn't want to appear non-business friendly.

Councilmember Kurtzweil stated she didn't have a clue why this was coming back to Council. No one asked for their input. She didn't have the time to evaluate it and to weed out the additional provisions she feel is anti-business. Attorney Wilhelm stated there is some urgency to have this ordinance in place because Director Donohue has said there are businesses interested in coming to the City. He further stated this ordinance is important, it formalizes the procedure and it needs to be in place. Councilmember Parisien stated she doesn't agree with how this is written, she doesn't think sub sections 5, 6 7, or 8 are necessary. She further stated she has mentioned this at previous meetings. They are restrictive. She is not a business owner but she wouldn't want to jump through these hoops on top of the hoops the State requires. She further stated if someone is willing to open a business in the City, she doesn't need to see their references, they are the ones taking the risk. Further discussion was held regarding the Ordinance. Councilmember Walton asked if this ordinance is only for business owners with liquor licenses, it appears we have different rules for different companies. Attorney Wilhelm stated the City isn't involved in the process for other businesses, only when a liquor license is involved. There is a substantial value in the liquor licenses, which is why the State requires them to get local approval first.

Councilmember Kivell stated unfortunately by not being willing to expose what they would bring to the City and for us to not be able to determine if it meets the threshold that we think is likely to be successful, we are exposing the community to the higher potential of a failing enterprise. We are in the loop whether we want to be or not. He further stated there was a pizza place that went into town, and we had chronic complaints from the neighbors that were adjacent to the property. He further stated they closed and if they had a liquor license, they would have taken it with them and we wouldn't have one available for a new business. He further stated he doesn't think it is bad for us to ask for 3 references. Councilmember Kivell stated he doesn't think we are being unfriendly to business. He further stated Mr. Donohue has seen many businesses come and go, and to think we can't get an assessment from him to see if he thinks they will make it with all of his experience, you can find a handful of people that had the odds set against them, but none the less, the lion share of the successful businesses are the ones that are well organized. We are only asking for the same information they have to supply to the State. Councilmember Parisian stated she doesn't mean any offense to Bob Donohue, but there are a few things she wants removed from the Ordinance. She isn't opposed to all of it but asking about their experience and history is too much. Mayor Pelchat stated Bob Donohue and Attorney Wilhelm are on the same page on protecting a City asset, but Councilmember Parisien and Kurtzweil also have good points. He then asked Council to make a list of anything that needs to be removed from the ordinance. He thanked Attorney Wilhelm for all his work on this.

CM 4-7-18 MOTION TO POSTPONE SECOND READING OF LIQUOR LICENSE ORDINANCE

Motion by Kurtzweil, supported by Walton

Motion to postpone the second reading of the liquor license ordinance to the second meeting in May

VOTE:

MOTION CARRIED UNANIMOUSLY

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### 3. Discussion- Planning Commission

Councilmember Richards stated one of his goals to bring action to the topic of how the Planning Commission runs. He stated when he spoke during the comments, he never criticized anything. He stated his opinion is the Planning Commission has cost the City hundreds of thousands of dollars in the past decade. He further stated Mr. Donohue told him the way our Planning Commission functions is the way they function in most communities, but he spoke with Salem and Northville and they don't function the same way. Councilmember Richards stated sometimes applicants wait over a year to find out where they stand with their proposal. He then stated over the last 6-7 years he has told the Planning Commission the truth because he doesn't think they were getting the truth from the developers and our consulting engineers. He stated 5 out of the 6 years he worked to get the historical truth to the properties in question. He then stated he phased out in 2017 of his activities with the Planning Commission. He then stated when he looks back over the years, he was trying to keep things from becoming a disaster. He further stated he submitted things to the Planning Commission, but he never got them back. Councilmember Richards stated he doesn't think the previous City Managers put enough effort on a place called The Knolls. He thought we should have tried to get a research facility at that property. Mayor Pelchat stated he is not comfortable giving constructive feedback without any Planning Commissioners in the meeting.

#### NEW BUSINESS

##### 1. Budget amendments

#### CM 4-8-18 MOTION TO APPROVE BUDGET AMENDMENTS

Motion by Kurtzweil, supported by Kivell

Motion to approve the proposed amendments for the 2017-2018 budget regarding funds 641 Equipment Replacement, fund 401 Capital Improvement, Fund 203 Local Streets, and Fund 592 as further detailed in the agenda note

VOTE: MOTION CARRIED UNANIMOUSLY

##### 2. Consider approval of LUNgevity Run

David Elkins 975 Hidden Creek Drive stated 7 years ago he was diagnosed with Stage 1 lung cancer, but after chemo and an extensive stay in the hospital, he made it through. He further stated he and his wife wanted to get involved and they found LUNgevity. He stated the mission is to promote early detection. He further stated they were able to bring this event to South Lyon. He further stated this is the 3<sup>rd</sup> year and they have raised \$60,000. He then stated they are requesting a Police Officer to ensure the runners/walkers get across the road safely, which they will pay for. He explained the event runs from 9:00 to Noon and they will begin at McHattie Park and follow the Rail Trail to Volunteer Park and back to McHattie Park. Councilmember Kurtzweil stated that David and his wife are a phenomenal couple and the commitment they are making to help people with early diagnosis is amazing. South Lyon is so lucky to have the two of them.

#### CM 4-9-18 MOTION TO APPROVE LUNGEVITY FOUNDATION 5K WALK/RUN

Motion by Walton, supported by Kivell

Motion to approve the use of the Rail Trail for the LUNgevity Foundation 5K Walk/Run from 9:00 a.m. to 1:00 p.m. on Saturday June 2, 2018 and to approve the use of McHattie Park and the pavilion at 7:30 a.m.

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider approval of Lake Street Cruise-In

Debbie Cook of 25701 McCrory stated she is here along with 2 other committee members were present and gave an overview of the Lake Street Cruise-In. One of the committee members stated the event is the same as in the past. The street closures are the same. He stated they had 270 cars last year. He then stated it has been very successful. He further stated everyone seems to love the event. Chief Collins stated the Police Department supports the application. The Lake Street Cruise-In has gotten more efficient and better each year and they have been very cooperative with any safety concerns. Councilmember Parisien thanked them for all they are doing, this is a destination event. Councilmember Kivell thanked them as well, this is a huge draw for people and the dedication people put into their cars is over the top.

CM 4-10-18 MOTION TO APPROVE THE LAKE STREET CRUISE IN

Motion by Kurtzweil, supported by Walton

Motion to approve the Lake Street Cruise-in application and Resolve that Lisa Deaton, City Clerk/Treasurer is hereby authorized to make application to the Road Commission for Oakland County on behalf of the City of South Lyon in the County of Oakland, Michigan for the necessary permits to conduct the Lake Street Cruise-in on May 23, June 27, July 25, August 22, and September 26, 2018 and the related road closures: Lake Street between Lafayette Street and Reese Street; N. Wells Street immediately south of the north entrance to the Wells Street Parking Lot to the alley that extends from S. Wells Street to Lafayette Street from 6:30 p.m. to 9:30 p.m., (except Sept. 26 – closure at 6 p.m.), and that the City of South Lyon in the County of Oakland, Michigan will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend and represent the Board against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permits as issued.

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider approval of Motorfest 2018

Debbie Cook of 25701 McCrory stated this is a full day car show which will be in the same footprint of Pumpkinfest on Saturday July 28<sup>th</sup>. We will have an area for kids, live music, and food trucks. Chief Collins stated the Police Department supports this event. The footprint is slightly larger than Pumpkinfest because Lake Street will be closed all the way down to Reese Street.

CM 4-11-18 MOTION TO APPROVE MOTORFEST 2018

Motion by Kurtzweil, supported by Kivell

Motion to approve the Motorfest application and Resolve that Lisa Deaton, City Clerk/Treasurer is hereby authorized to make application to the Road Commission for Oakland County on behalf of the City of South Lyon in the County of Oakland, Michigan for the necessary permits to conduct Motorfest on July 28, 2018 and the related road closures: Lafayette Street between Whipple St. and Liberty St., Lake Street between Washington Street and Reese Street; N. Wells Street immediately south of the north entrance to the Wells Street Parking Lot to the alley that extends from S. Wells Street to Lafayette Street from 6:00 a.m. to 7:00 p.m., and that the City of South Lyon in the County of Oakland, Michigan will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend and represent the Board against any and all claims for bodily

injury or property damage, or any other claim arising out of or related to operations authorized by such permits as issued.

VOTE: MOTION CARRIED UNANIMOUSLY

5. Consider approval of purchase of raw sewage pump

Department Head Boven stated we thought we could do repairs on this, but the parts cost more than the pump itself.

CM 4-12-18 MOTION TO APPROVE PURCHASE OF A NEW RAW SEWAGE PUMP

Motion by Kennedy, supported by Parisien

Motion to approve the purchase of a new raw sewage pump #3 from Kerr Pump at a cost of \$19,800.00

VOTE: MOTION CARRIED UNANIMOUSLY

6. Consider ASTI approval

Attorney Wilhelm stated this is the first step in which will likely be a much longer process. He stated in order to evaluate this issue, the City needs assistance from an environmental consultant. He further stated the City is currently working with ASTI and he asked them for a proposal to evaluate the problem. Attorney Wilhelm stated he met with Chief Collins and Michigan Seamless Tube, and MST has agreed to make the City whole on this cost, but he will have to get that in writing. He further stated step 2 will be for MST and their representatives come to Council and present to Council what the problem is, how it arose, the solution and lay out their request. He thinks it is a good idea to have an environmental consultant review prior to the presentation so they can have some input to help guide the process. Councilmember Kivell stated it makes perfect sense to have our company in place before they officially qualified the fact they will cover the cost. This also gives us a chance to validate the story MST will provide to us. He then asked if this is what they have been working on for decades. Attorney Wilhelm stated he isn't comfortable discussing this from their perspective. He would rather them come in and explain it. Councilmember Kivell stated we own a lot of the property this is affecting. He stated everything has a value and we have a need for an area for the DPW, so maybe this area isn't as concerning as if it were in other areas of the City's property that may have had some commercial value and perhaps we would have looked at swapping property for some other property. Councilmember Kivell asked if this takes away our availability to work in our own best interests, do we have any bargaining room. He further stated to try to discern what our potential loss might be we may need to deal with a commercial real estate agent. Councilmember Parisien asked how soon the representatives will come speak to us. Attorney Wilhelm stated we need an environmental consultant, there is a lot of background material. Councilmember Parisien stated she would like the information sooner than later. Attorney Wilhelm stated if Council approves the agreement with ASTI he wants to give them some time to go through everything. Councilmember Richards stated the actual containment isn't mentioned in the proposal. He further stated it is 40-50 feet underground. He further stated he is in favor of proceeding and he is happy MST will be paying for this. He is willing to go along with what Michigan Seamless Tube wants as long as they go along with what he will be proposing to Council in the future.

CM 4-13-18 MOTION TO APPROVE ASTI ENVIRONMENTAL PROPOSAL

Motion by Kivell, supported by Kennedy

Motion to approve the ASTI Environmental Proposal to provide environmental consulting services to evaluate a proposed groundwater use restriction ordinance for an estimated fee of \$7,200 and authorize the Interim City Manager to sign the proposal subject to Interim City Manager approval of revisions to the attachment A terms and conditions

VOTE: MOTION CARRIED UNANIMOUSLY

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## 7. Discussion of Leaf pick up and disposal

Councilmember Kennedy stated since the last time this was discussed, Department Head Boven did some additional investigation and is getting more information. Department Head Boven stated one of the main issues we may run into is when compost is created and it rains, it can create leaching. He further stated you have to get permits for that, and it could get costly. He stated he looked at a cost from GFL and their rough estimate was \$45,000 to pick up through the end of November, if it goes through December, extra costs. Councilmember Kurtzweil stated she spoke with Sandra Tuthill from Tuthill Farms and they do business with Green Oak, Brighton, Village of Milford and they are \$10.00 a cubic yard. Department Head Boven stated they gave him a cost of \$8.00 per cubic yard. He further stated the City of Brighton dumps their leaves on their property, but then immediately has Corrigan haul it for them. Councilmember Richards stated at a price of \$45,000 we should try to make a deal with someone else. He stated we have 11 acres on Eleven Mile, we have 32 acres on Dixboro called West End Industrial and nothing is going on there. They are privately owned, but they would be good places to dump them. Councilmember Kurtzweil stated once you start dumping compostable material, you have to manage it and get the DEQ involved. She further stated for the City to get involved with composting will require significant permits. She then stated she asked for the deed for Volunteer Park. Clerk Deaton stated she will get the deeds for Councilmember Kurtzweil. Department Head Boven stated GFL stated they we provide hauling for us. Mayor Pelchat stated this is important to a lot of people in town, and there is misinformation getting out there. He stated we need more information on this issue. Councilmember Kivell stated if we entertain the idea of this being farmed again, he thinks people should submit a proposal, then Council decide what is in the City's best interest. He further stated this was free land for him to farm. We are just giving away the property to be harvested, if it was going to a charity, but this is a private enterprise. Mr. Hamblin stated this was not free, he used his money to clean up the property. He used the property for 5 years, and last year he donated a full semi load to food gatherers in Ann Arbor. He does that every year. He further stated he is keeping the property clean by farming it. He further stated he had a bid to clean up a section for \$50,000. Mr. Hamblin stated there were some issues with too much being cleaned up, so he quit. He further stated time is of the essence, he is ready to start planting on Monday. Councilmember Kivell stated he prefers people to submit proposals in the future. Councilmember Parisien asked if Parks and Recreation Commission are interested in allowing the farming to continue. Someone from Parks and Recreation that was in the audience stated they are ok with it. Councilmember Parisien stated she is in favor of renewing the contract. Councilmember Kurtzweil stated she thinks we should continue to allow him to use the park. She stated there haven't been any issues. She further stated he wasn't notified the contract was terminated. Councilmember Kurtzweil stated she has no problem allowing him to farm this year, but we need to work on this for next year. Councilmember Kivell stated he will vote against this.

### CM 4-14-18 MOTION TO ALLOW KEN HAMBLING TO FARM VOLUNTEER PARK SUMMER AND FALL OF 2018

Motion by Kurtzweil, supported by Parisien

Motion to allow Farmer Kenny to farm the land he has used in the past with respect to Volunteer Park and he is permitted to do the activities he has done in the past in the same footprint as he used in the past and we will move forward giving him permission for the summer of 2018 and the fall, with the understanding he will donate some food to charity

VOTE:

MOTION CARRIED- 1 OPPOSED

Further discussion was held regarding where to drop leaves in the City. Councilmember Kennedy stated he would like the City to continue providing leaf pick up for the residents. He further stated we need to find a way to save some money, whether we drop leaves on our property and have GFL haul it, we need more information. Councilmember Kivell asked if Department Head Boven how much truck traffic will occur for hauling the leaves away. Department Head Boven stated he will find that out.

CM 4-15-18 MOTION TO POSTPONE THE DISCUSSION OF LEAF PICK UP AND DISPOSAL UNTIL SECOND MEETING IN MAY

Motion by Walton, supported by Kurtzweil

Motion to postpone the discussion of the leaf collection to the 2<sup>nd</sup> meeting in May

VOTE: MOTION CARRIED UNANIMOUSLY

8. Consider Farmers Market expansion

Mayor Pelchat reminded everyone to treat each other with respect. Mr. Donohue stated he is recommending approval for the expansion of the Farmers Market area with minimal improvements. He stated the new Market Manager is expanding the Market and we are going into this season with more vendors than last year. He further stated by keeping the trailer on site and moving the porta-john will cut down manpower needed by the DPW. Councilmember Parisien stated her concern is there isn't much room in that area. That is our public parking area, and parking is scarce in town. Ideally, she would like the Farmers Market moved to the High School or middle school. That would give them more room. She stated the Farmers Market has been very weak for the last few years. She further stated she would like to see it moved to an area with more space to make it more of an event. She then asked how will the expansion affect the surrounding businesses. Mr. Donohue stated the DDA discussed this, and they think attracting more vendors is good for their businesses. He further stated it will affect Norms, but it is city owned property. Norm Fultz stated he just found out this was happening. He stated his synopsis is he supports the Farmers Market and his business has supported the City for almost 40 years. He further stated this doesn't help the Farmers Market or the surrounding businesses. Mr. Fultz stated it is not a big usage property, and it is a small area. He has used it for many years without any issues. He further stated in his opinion if we install a shed in that area, he doesn't understand the additional vendor space. Mr. Fultz asked if anyone has complained that the Market doesn't have enough space. He further stated there will be little access for anything large to try to get through there. He further stated this will prevent usage of this property for 338 days a year, only to be used for 28 days a year. Parking for local businesses is tight and this will make it worse. He further stated adding a fence where it is proposed will not allow a fire truck or garbage truck to get through that area, as well as the city plow trucks. Mr. Fultz stated he thinks it would be great to help the businesses stay in business. He further stated if someone wants to look at buying that restaurant, knowing they can't use that parking lot every Saturday during the summer, he thinks they will lose a lot of business. Further discussion was held regarding the Farmers Market expansion. Department Head Boven stated he is thinking we can put the snow in that area in the winter time to free up parking spaces for residents. Councilmember Kennedy stated he appreciates Mr. Fultz's comments about looking at making things more aesthetically pleasing. He further stated maybe the City would be interested in a land swap. The City could use the strip along 10 Mile Road, and he could have the alley area. He further stated this is a City asset that all residents of the City pay for, yet it only benefits one person. Mr. Fultz stated that is not apples to apples. Mr. Donohue stated it would be an improvement to the area, and useful for other events. He further stated the cars that are parked there now, sometimes hang out into the alley, so this will be an improvement for truck access. Mayor Pelchat asked if the Farmers Market plans on staying at the current location. Mr. Donohue stated the master plan reflects the farmers market to be moved to McHattie Park. He further stated the DDA has asked local landscape architect to look at other options. Councilmember Kivell stated what he is presenting seems viable. Mr. Donohue stated we want to keep a permanent shed on site to save on manpower by the DPW and add 4 additional 10x10 booths. He further stated we could move the dumpster back there as well, which will open more space. Councilmember Kivell stated he loves Norms and his business, but this is a City asset that he has been able to use for his own general use. He further stated it has always been the weirdest picture of all the no parking signs there, and all the cars parked right beneath the signs. Mr. Fultz stated it has been allowed to happen for 30 years, and he doesn't believe this is to benefit the Farmers Market. Councilmember Walton asked what year we are in for the move to McHattie Park. Mr.

Donohue stated the DDA is trying to be pro active because they would like the lot sold to a developer. Mr. Donohue stated we are currently in the 3<sup>rd</sup> year. Councilmember Parisien stated if we have 4 new vendors, it seems like you would already have the space. From her past experience, the Market wasn't very busy. Mr. Donohue stated we have more vendors this year than in the past, and he was told by a couple of vendors that didn't like a vendor being the market manager in the past. He stated this will be the Market Managers second year. Councilmember Parisien stated she understands it takes a while to get things built up, but she walks through downtown Northville and they have all kinds of vendors and food trucks and she is jealous. This event could be so much more. Mr. Donohue stated the goal is to improve it. He then stated the minor use of a parking lot from 7:00 a.m. to 2:00 p.m. on a Saturdays has very minimal impact to the businesses. Councilmember Parisien stated why would we spend funds to change the land, then move it. Mr. Donohue stated the market opens in 2 weeks, and we cannot move it now. Councilmember Parisien stated if you wanted to expand it with 15 more vendors, there isn't room in that parking lot. It would behoove us to move it to the schools or McHattie. Mr. Donohue stated we lose space for the porta-john, and the trash receptacle. He further stated this is the only way we can expand this year. He stated the City Master Plan shows a building from Lake Street to Liberty Street, and we are aggressively pushing the master plan. He further stated this has worked but it is temporary. Councilmember Parisien stated it doesn't make sense to spend money if your going to move it anyway. He stated most Farmers Markets are held in the downtown and located in City parking lots. Further discussion was held regarding the expansion. Councilmember Kurtzweil stated she attends many farmers markets and she is a firm believer that old formulas in the City hasn't worked and if there is a new formula she is all for it. She then stated we should re-evaluate this in August. If the large space isn't being used, then maybe we can reconsider next year. Mayor Pelchat stated he doesn't want to be here 6 months from now and Bob telling him the market was going to be full and that I handcuffed him. It is City property and the DDA is saying they need it for the Market so he will have to support it. Councilmember Parisien stated she doesn't think adding 2 stalls will make a big difference, just move it. Mayor Pelchat stated this is in the best interest of the City and he will support this.

CM 4-16-18 MOTION TO APPROVE FARMERS MARKET EXPANSION

Motion by Kivell, supported by Kennedy

Motion to approve the expansion of the Farmers Market area into the adjacent to the west boundary of the existing Farmers Market parking lot, on City owned property, and associated minimal improvements by the DPW, other than a shed which will be purchased as a DDA expense, to accommodate the 2018 Market season beginning May 5 and future Farmers Market seasons. And, to further accommodate Pumpkinfest activities.

VOTE: MOTION CARRIED- 1 OPPOSED

CM 4-17-18 MOTION TO RECESS FOR 5 MINUTES

Motion by Kurtzweil, supported by Kivell

Motion to recess meeting for 5 minutes

VOTE: MOTION CARRIED UNANIMOUSLY

Mayor Pelchat called the meeting to order at 10:15 p.m.

CM 4-18-18 MOTION TO READJOURN MEETING

Motion by Kivell, supported by Parisien

VOTE: MOTION CARRIED UNANIMOUSLY

## BUDGET

Councilmember Kurtzweil stated she has provided a draft for a general fund policy and she is hoping Council has some interest in pursuing that and we can start working on it. It is fairly simple. She agrees with Brian Camiller that it is important to have a fund balance policy.

Councilmember Kurtzweil stated her second issue is this budget season has gone really well because we have had a person that is very familiar with budgets and working on it full time, and Lori Mosier teaming up with Brian Camiller has done a great job. She stated many cities have a financial director and that person is responsible for gathering the financial data for the budget. She would like Council to consider hiring a financial director, maybe not now, but maybe around October. She suggests we take the next step and move the City forward. She has spoken with other councilmembers from other cities and the city manager isn't always very familiar with budgets. She stated it provides stability if the City Manager is out of the office. She stated you have better control of the budget if someone is working on it full time through the year. She further stated she wanted to thank Brian Camiller and Lori Mosier for the great job with the budget and for answering all of her questions along the way.

## MANAGER'S REPORT

Chief Collins stated April 20<sup>th</sup> was a planned day for multiple school walk outs and anti-violence rallies. He stated nothing happened at the high school. He further stated he spoke with a student from South Lyon East, and she organized an anti-violence rally at the First Methodist Church and she was expecting 200 students from both school and it was from 3:00 – 5:00 p.m. He stated he and 3 other police officers were there to keep the peace. There was far less attendance than what was anticipated but there were no issues. Chief Collins stated the Pint-Sized Marathon was on Saturday with no problems. There were some concerns about conflicts with the cleaning of the Yerkes Drain and the Historical Village, but those conflicts never materialized. Department Head Boven stated Friday is Arbor Day, and the tree will be planted at the Catholic Church and the blessing will be done at 9:45 a.m. and a celebration in the afternoon. He then thanked the Michigan Seamless Tube for their help with the creek clean-up. Councilmember Kivell asked if we are still a Tree City. Department Head Boven stated we are, he had to have the notice published in the paper and spend \$21,500 a year on tree trimming.

## COUNCIL COMMENTS

Councilmember Richards stated this is water purity week. There is a display in City Hall. He stated it is headed up by Sue Martin, who is a member of the Well Head Protection Committee, along with Larry Ledbetter, Bob Martin and Doug Moore. They all work very hard. Councilmember Richards stated he was involved with the creek clean-up. He supplied equipment and gear, and he met the top guy in the tube mills union. He rode with Sue Martin and the first spot was Lyon Drain #2 as it went under the bike path through Clarks Crossing, it has never been touched. He further stated the turnover from the Oakland County Drain Commission to the Road Commission by Dixboro, and that was the best clean-up job he has seen. He further stated he provides gloves for ladies so they can work if they want to, and she did a great job and was fantastic and he believes she is a mother.

Councilmember Kennedy stated he wants to highlight the cooperation and support that is taking place with our downtown businesses. Coral Sash had a few fashion shows and other businesses have participated, such as Divine Yoga, Greener Pastures Market, The Lemon Tree, Co Reutter Salon, The Bakery, South Lyon Flowers and Gifts, ABC Yoga, Bronze Goddess, and Amy Moore Photography. He further stated a few weeks ago, Venue had a fashion show at the Hotel. Co Reutter had stylists there as well. Additionally, Co Reutter Salon serves as a location for local artists to display their creations. He then stated this is just a few examples of our local businesses helping each other succeed in building a

stronger business community in South Lyon. He then asked everyone to shop local and support out local businesses. Councilmember Kennedy stated South Lyon East High School drama department is presented Mary Poppins this week from Thursday to Saturday at 7:00 p.m. with a matinee at 2:00 p.m. Tickets can be purchased at the Java Hut, South Lyon Center for Active Adults, or online at southlyoneastdrama.com

Councilmember Walton thanked the DPW for putting up the parking lot sign near the new parking lot on Dorothy Street. She then thanked them for opening the bathrooms in McHattie Park. She thanked the Fire Department for sending a truck during the pint-sized marathon. She then thanked the Police Department for their assistance at the pint-sized marathon and for being there for the planned anti-violence rally. Councilmember Walton thanked the Historical Society and the MST for the clean-ups, it all looks great. She then thanked everyone that came to the Pint-sized marathon.

Councilmember Parisien reminded everyone of the Ladies Night Out on May 11<sup>th</sup>, please support local businesses. She then stated the pint-sized marathon was a success and it gets better each year.

Councilmember Kurtzweil stated she got some phone calls from some employees about the Ethics Ordinance being mailed out. She stated it is good to be fair to our employees, and the ethics code is on the list to be discussed during the seminar we will be having. She stated the employees should have time to read the ordinance and ask questions before we ask them to sign something. She stated we need to put the employees first. She stated the Ordinance had a requested disclosure of financial information. She received a call from a commission member and she wouldn't suggest anyone signing this because she doesn't believe it is mandatory, she doesn't have a problem answering the questions, but she does have a problem with government asking the questions. She then thanked the members of the Four Seasons Garden Club. She stated she is a member of the Four Seasons Garden Club and they do a great job at beautifying places of the elderly and municipality. Councilmember Kurtzweil stated she hopes everyone will support the LUNGeivity Run, it is for a very good cause and early detection is very important. Councilmember Kurtzweil stated there is a new super hero movie that the South Lyon Theatre will be showing and she hopes everyone supports the theatre, it is a fabulous jewel in the City.

Councilmember Kivell stated he at one time Mike Kennedy wanted to do a test burn on the small house in McHattie Park, but there was some concerned about the shingles and asbestos. He then stated he hopes we can find out and possibly do the test burn so we can get the house off the tax rolls. Councilmember Kivell congratulated Mike Kennedy on him becoming the Fire Chief of Ann Arbor, he is very happy for him. Councilmember Kivell stated there was some controversial decision making on if the Mayor had to weigh in on a vote, and our Charter stated he does need to vote.

Mayor Pelchat stated he wanted to remind everyone we need more people on Boards and Commissions. He stated he stopped in at KV Sports in their new location and it is a great setup.

Mayor Pelchat stated he received a book of stories and drawings from the second graders at Salem, he really enjoyed it. He then stated he had lunch at the Center for Active Adults and he thanked them for attending.

#### CLOSED SESSION-

Closed session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.268(h) to consider and discuss written attorney-client privilege communication dated 4/22/18 on legal issues relating to a personnel matter, which is exempt from disclosure under MCL 15.243(1)(g)

CM 4-19-18 MOTION TO ENTER CLOSED SESSION

Motion by Kivell, supported by Parisien

Motion to enter into closed session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.268(h) to consider and discuss written attorney-client privilege communication dated 4/22/18 on legal issues relating to a personnel matter, which is exempt from disclosure under MCL 15.243(1)(g)

ROLL CALL VOTE:

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

MOTION CARRIED UNANIMOUSLY

The regular Council meeting re-convened at 10:55 p.m.

NEW BUSINESS – Continued

9. Consider approval of separation agreement between the City of South Lyon and Lynne Ladner

CM 4-20-18 MOTION TO APPROVE SEPARATION AGREEMENT BETWEEN THE CITY OF SOUTH LYON AND LYNNE LADNER

Motion by Kurtzweil, supported by Kennedy

Motion to accept terms and conditions contained in separation agreement and release of all claims between Lynne Ladner and the City of South Lyon

VOTE:

MOTION CARRIED UNANIMOUSLY

10. Consider approval of executive search company to conduct search for City Manager and direct Interim City Manager to contact

Chief Collins stated Mr. Vettraino who a former City Manager for Rochester would be performing the search. The three companies were all within the same cost range. He recommends GovHR USA. Councilmember Parisien stated she trusts Chief's judgement. Councilmember Richards asked if he anticipates getting job seekers independently. Chief Collins stated he the company will handle the search.

CM 4-21-18 MOTION TO ACCEPT TERMS AND CONDITIONS BY GOVHR USA FOR RECRUITMENT OF NEW CITY MANAGER

Motion by Kurtzweil, supported by Parisien

Motion to accept terms and conditions by GovHR USA for recruitment of the new City Manager for the City of South Lyon and for the fee not to exceed \$19,000

VOTE:

MOTION CARRIED UNANIMOUSLY

ADJOURNMENTCM 4-22-18 MOTION TO ADJOURN

Motion by Kivell, supported by Parisien

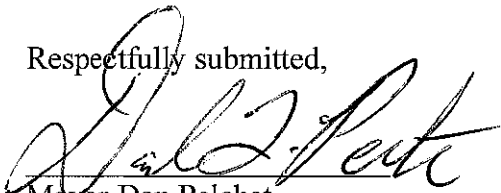
Motion to adjourn meeting at 11:15 p.m.

VOTE:

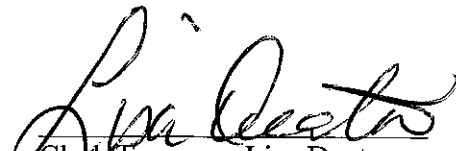
MOTION CARRIED UNANIMOUSLY

4/23/18

Respectfully submitted,



Mayor Dan Pelchat



Clerk/Treasurer Lisa Deaton