## INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON
### POST DATES 03/12/2018 - 03/12/2018
### JOURNALIZED OPEN
### CHECKS TO BE APPROVED 03/12/2018

<table>
<thead>
<tr>
<th>GL Number</th>
<th>Invoice Line Desc</th>
<th>Vendor</th>
<th>Invoice Description</th>
<th>Amount</th>
<th>Check #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 203 LOCAL STREETS Dept 463.000 STREET-Routine MAINT. 203-463.000-740.000 OPERATING EXPENSE</td>
<td>SILMORR LANDSCAPE SUPPLY</td>
<td>SALT SPREADER T-6</td>
<td>2,112.96</td>
<td></td>
<td></td>
</tr>
<tr>
<td>203-463.000-930.000 REPAIR MAINTENANCE</td>
<td>NORTON LANDSCAPERS, INC.</td>
<td>LEAF DISPOSAL (1260 YDS)</td>
<td>2,520.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total For Dept 463.000 STREET-Routine MAINT.</td>
<td></td>
<td></td>
<td>4,632.96</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept 478.000 SNOW PLOWING 203-478.000-740.000 OPERATING EXPENSE</td>
<td>CARGILL, INCORPORATED</td>
<td>ROAD SALT (98.89 TON)</td>
<td>3,972.47</td>
<td></td>
<td></td>
</tr>
<tr>
<td>203-478.000-740.000 OPERATING EXPENSE</td>
<td>KINGSHEIDE TRUCK EQUIPMENT</td>
<td>PLOW FRAME, PUSH BAR, SALT SPINNER HYDRAULICS</td>
<td>906.18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total For Dept 478.000 SNOW PLOWING</td>
<td></td>
<td></td>
<td>4,878.65</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund 592 WATER &amp; SEWER Dept 550.000 SEWER / REPAIR 592-550.000-930.000 REPAIR MAINTENANCE</td>
<td>PLUMBERS SERVICE</td>
<td>CABLED SANITARY LINE - 208 ELM PLACE</td>
<td>274.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total For Dept 550.000 SEWER / REPAIR</td>
<td></td>
<td></td>
<td>274.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept 555.000 REFUSE COLLECTION 552-555.000-818.100 REFUSE COLLECTION(Contractual)</td>
<td>GFL ENVIRONMENTAL</td>
<td>RESIDENTIAL SERVICE FROM 03/01/2018 - 03/31/2018</td>
<td>41,995.56</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total For Dept 555.000 REFUSE COLLECTION</td>
<td></td>
<td></td>
<td>41,995.56</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept 556.000 WATER 592-556.000-927.000 OPERATING EXPENSE</td>
<td>LB OFFICE PRODUCTS</td>
<td>OFFICE SUPPLIES</td>
<td>36.53</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-740.000 OPERATING EXPENSE</td>
<td>ATCO INTERNATIONAL</td>
<td>HAND CLEANER &amp; MECHANICS SUPPLIES</td>
<td>39.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-740.000 OPERATING EXPENSE</td>
<td>BLOOMER ENGINEERING COMPANY</td>
<td>PHOSPHATE</td>
<td>2,228.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-740.000 OPERATING EXPENSE</td>
<td>FISHER SCIENTIFIC</td>
<td>LAB SUPPLIES</td>
<td>27.34</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-740.000 OPERATING EXPENSE</td>
<td>HACH COMPANY</td>
<td>LAB SUPPLIES</td>
<td>357.46</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-740.000 OPERATING EXPENSE</td>
<td>JCI JONES CHEMICALS INC.</td>
<td>CHLORINE</td>
<td>726.20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-740.000 OPERATING EXPENSE</td>
<td>NCL OF WISCONSIN, INC.</td>
<td>LAB SUPPLIES</td>
<td>64.70</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-740.000 OPERATING EXPENSE</td>
<td>PARAGON LABORATORIES, INC.</td>
<td>QUALITY FIRST AID &amp; SAFETY KIT</td>
<td>134.43</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-802.000 CONTRACTUAL SVCs</td>
<td>GFL ENVIRONMENTAL</td>
<td>DUMPSTER &amp; RECYCLING SERVICE PERIOD 0</td>
<td>49.05</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-863.000 VEHICLE MAINTENANCE</td>
<td>ADVANCE AUTO PARTS</td>
<td>ANTI-FREEZE, WASHER FLUID, &amp; A/C RECHARGE</td>
<td>26.73</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-863.000 VEHICLE MAINTENANCE</td>
<td>ATCO INTERNATIONAL</td>
<td>HAND CLEANER &amp; MECHANICS SUPPLIES</td>
<td>27.88</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-863.000 VEHICLE MAINTENANCE</td>
<td>GREEN OAK TIRE, INC.</td>
<td>TIRE DISPOSAL</td>
<td>20.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-863.000 VEHICLE MAINTENANCE</td>
<td>INTERSTATE BILLING SERVICE</td>
<td>RUBBER STOP HOLDERS - LOADER &amp; BULBS</td>
<td>338.68</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-863.000 VEHICLE MAINTENANCE</td>
<td>LAWSON PRODUCTS, INC.</td>
<td>MECHANIC'S SUPPLIES</td>
<td>23.47</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-863.000 VEHICLE MAINTENANCE</td>
<td>O'REILLY AUTO PARTS</td>
<td>LOAD SPINDLE W-6</td>
<td>236.37</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-900.000 PRINTING</td>
<td>QUICKSILVER MARKETING</td>
<td>PURCHASE ORDERS PRINTED</td>
<td>71.19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-556.000-931.000 BUILDING MAINTENANCE</td>
<td>SOUTH LYON HEATING &amp; COOLING</td>
<td>GARAGE FURNACE REPAIRED</td>
<td>328.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total For Dept 556.000 WATER</td>
<td></td>
<td></td>
<td>5,595.43</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept 557.000 WASTEWATER 592-557.000-927.000 OPERATING EXPENSE</td>
<td>LB OFFICE PRODUCTS</td>
<td>OFFICE SUPPLIES</td>
<td>36.53</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-557.000-740.000 OPERATING EXPENSE</td>
<td>ANN ARBOR WELDING SUPPLY</td>
<td>CYLINDER RENTAL</td>
<td>31.93</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-557.000-740.000 OPERATING EXPENSE</td>
<td>ATCO INTERNATIONAL</td>
<td>HAND CLEANER &amp; MECHANICS SUPPLIES</td>
<td>39.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-557.000-740.000 OPERATING EXPENSE</td>
<td>BDI</td>
<td>BLOWER BAGS, BELTS &amp; COUPLINGS</td>
<td>184.40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592-557.000-740.000 OPERATING EXPENSE</td>
<td>BRIGHTON ANALYTICAL, LL</td>
<td>WW ANALYSIS</td>
<td>82.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GL Number</td>
<td>Invoice Line Desc</td>
<td>Vendor</td>
<td>Invoice Description</td>
<td>Amount</td>
<td>Check #</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------</td>
<td>-----------------------------</td>
<td>---------------------</td>
<td>----------</td>
<td>---------</td>
</tr>
<tr>
<td>Fund 592 WATER &amp; SEWER</td>
<td>OPERATING EXPENSE</td>
<td>CHEMCO PRODUCTS INC.</td>
<td>POLYMER</td>
<td>5,076.00</td>
<td></td>
</tr>
<tr>
<td>Dept 557,000 WASTEWATER</td>
<td>OPERATING EXPENSE</td>
<td>CHEMTRADE CHEMICALS US L</td>
<td>ALUMINUM SULFATE</td>
<td>5,502.27</td>
<td></td>
</tr>
<tr>
<td>592-557,000-740.000</td>
<td>OPERATING EXPENSE</td>
<td>COMPLETE BATTERY SOURCE</td>
<td>GREASE GUN BATTERY</td>
<td>38.50</td>
<td></td>
</tr>
<tr>
<td>592-557,000-740.000</td>
<td>OPERATING EXPENSE</td>
<td>FERGUSON ENTERPRISES</td>
<td>BOILER LINE PARTS</td>
<td>166.66</td>
<td></td>
</tr>
<tr>
<td>592-557,000-740.000</td>
<td>OPERATING EXPENSE</td>
<td>FISHER SCIENTIFIC</td>
<td>LAB SUPPLIES</td>
<td>371.54</td>
<td></td>
</tr>
<tr>
<td>592-557,000-740.000</td>
<td>OPERATING EXPENSE</td>
<td>MCGAUGHTON-MCGAY</td>
<td>LIFT STATION POWER MONITOR</td>
<td>99.34</td>
<td></td>
</tr>
<tr>
<td>592-557,000-740.000</td>
<td>OPERATING EXPENSE</td>
<td>NCL OF WISCONSIN, INC.</td>
<td>LAB SUPPLIES</td>
<td>64.69</td>
<td></td>
</tr>
<tr>
<td>592-557,000-740.000</td>
<td>OPERATING EXPENSE</td>
<td>PARAGON LABORATORIES, INC.</td>
<td>WW ANALYSIS</td>
<td>339.00</td>
<td></td>
</tr>
<tr>
<td>592-557,000-740.000</td>
<td>OPERATING EXPENSE</td>
<td>QUALITY FIRST AID &amp; SAFETY</td>
<td>FIRST AID SUPPLIES &amp; PAPER SUPPLIES &amp; LAB SUPPLIES</td>
<td>134.43</td>
<td></td>
</tr>
<tr>
<td>592-557,000-740.000</td>
<td>OPERATING EXPENSE</td>
<td>REAGENTS HOLDINGS</td>
<td>LAB SUPPLIES</td>
<td>125.34</td>
<td></td>
</tr>
<tr>
<td>592-557,000-802.000</td>
<td>CONTRACTUAL SCVS</td>
<td>GFL ENVIRONMENTAL</td>
<td>DUMPSTER &amp; RECYCLING SERVICE PERIOD</td>
<td>49.04</td>
<td></td>
</tr>
<tr>
<td>592-557,000-802.000</td>
<td>CONTRACTUAL SCVS</td>
<td>KROPP MECHANICAL SERVICE</td>
<td>WINTER HVAC MAINTENANCE INSPECTION</td>
<td>1,125.00</td>
<td></td>
</tr>
<tr>
<td>592-557,000-900.000</td>
<td>PRINTING</td>
<td>QUICKSILVER MARKETING</td>
<td>PURCHASE ORDERS PRINTED</td>
<td>71.19</td>
<td></td>
</tr>
<tr>
<td>592-557,000-931.000</td>
<td>BUILDING MAINTENANCE</td>
<td>CORE ELECTRIC</td>
<td>BLOWER BUILDING HVAC MOTOR</td>
<td>874.87</td>
<td></td>
</tr>
<tr>
<td>592-557,000-931.000</td>
<td>BUILDING MAINTENANCE</td>
<td>KROPP MECHANICAL SERVICE</td>
<td>BLOWER IGNITOR &amp; FLAME SENSOR REPLACE</td>
<td>497.47</td>
<td></td>
</tr>
<tr>
<td>592-557,000-931.000</td>
<td>BUILDING MAINTENANCE</td>
<td>SOUTH LYN HEATING &amp; COO</td>
<td>GARAGE FURNACE REPAIRED</td>
<td>328.00</td>
<td></td>
</tr>
<tr>
<td>592-557,000-931.000</td>
<td>BUILDING MAINTENANCE</td>
<td>UTILITIES INSTRUMENTATION</td>
<td>FLOW METER CALIBRATED</td>
<td>1,072.00</td>
<td></td>
</tr>
</tbody>
</table>

Total For Dept 557,000 WASTEWATER: 16,301.20

Total For Fund 592 WATER & SEWER: 64,078.69
<table>
<thead>
<tr>
<th>GL Number</th>
<th>Invoice Line Desc</th>
<th>Vendor</th>
<th>Invoice Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Fund Totals:
- Fund 101 GENERAL FUND: 19,423.34
- Fund 202 MAJOR STREETS: 13,879.93
- Fund 203 LOCAL STREETS: 9,511.61
- Fund 522 WATER & SEWER: 64,076.69

Total For All Funds: 106,891.57

The above checks have been approved for payment.

Lisa Deaton, City Clerk/Treasurer

Daniel L. Pelchat, Mayor
MEETING DATE: March 12, 2018

PERSON PLACING ITEM ON AGENDA: City Attorney

AGENDA TOPIC: Second Reading of Zoning Ordinance Amendment to reduce the number of Zoning Board of Appeals members

EXPLANATION OF TOPIC: The City Zoning Board of Appeals (ZBA) has experienced difficulty in maintaining full membership of the Board, and it has no appointed alternates. The City recently encountered an issue in which the Zoning Board of Appeals did not have enough eligible members to take action. Because the law requires an affirmative vote of a majority of the full membership of the ZBA in order to take action, maintaining full membership and having good attendance is important.

To address this issue, an ordinance amending Section 102-81(b) of the Zoning Ordinance to reduce the number of ZBA members from seven (7) to five (5), as authorized under MCL 125.3601(3), is presented. The proposed ordinance allows for one of the ZBA members to also be a member of the Planning Commission. This is a change from the mandatory requirement and is permitted under the Zoning Enabling Act. Note, there is no change to the ordinance allowing for a member of City Council to also be a member of the ZBA, provided the council member is not the ZBA Chairperson.

No changes since first reading

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:
- Proposed Ordinance – blackline copy showing proposed changes
- Existing Zoning Ordinance pertaining to ZBA (Sec. 102-81 through Sec. 102-88)
- MCL 125.3601 (Michigan Zoning Enabling Act)

POSSIBLE COURSES OF ACTION: Approve/Deny/No Action/Postpone

RECOMMENDATION: Approve the first reading of the ordinance amendment.

SUGGESTED MOTION: Motion to approve the second reading of an Ordinance Amending the City of South Lyon Zoning Ordinance, Sec. 102-81(b) to reduce the number of Zoning Board of Appeals members from seven (7) to five (5).
ORDINANCE NO. ___-18

CITY OF SOUTH LYON
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF
ORDINANCES, CHAPTER 102 - ZONING, ARTICLE II -
ADMINISTRATION AND ENFORCEMENT, DIVISION 3 - ZONING
BOARD OF APPEALS, SECTION 102-81(b) - CREATION AND
MEMBERSHIP TO REDUCE THE NUMBER OF ZONING BOARD OF
APPEALS MEMBERS

THE CITY OF SOUTH LYON ORDAINS:

PART I. Amendment of Section 102-81(b). Chapter 102 - Zoning, Article II-
Administration and Enforcement, Division 3 - Zoning Board of Appeals, Section 102-81(b) -
Creation and Membership, is hereby amended as follows:

Sec. 102-81. - Creation and Membership.

... (b) The board shall consist of sevenfive (5) members appointed by the city council.
Appointments shall be as follows: Appointments for the first year shall be for a period of
one, two and three years, respectively, so as nearly as may be to provide for the
appointment of an equal number each year, thereafter each member to hold office for the
full three-year term. One member shall may also be a member of the planning commission.
The remaining members shall be selected from the electors residing in the zoning
jurisdiction. Membership shall be representative of the population distribution and of the
various interests present in the local unit of government.

PART II. Severability. Should any division, section, subsection, clause, or phrase of this
Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in
part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the City of South Lyon Code of Ordinances
set forth in this Ordinance does not affect or impair any act done, offense committed, or right
accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred
prior to the amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are
hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V. Effective Date; Publication. This Ordinance shall take effect upon the later of
ten (10) days after adoption or upon publication thereof as provided by the Charter of the City of
South Lyon.
Made, passed and adopted by the South Lyon City Council this ___ day of __________, 2018.

Daniel L. Pelchat, Mayor

Lisa Deaton, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the ___ day of __________, 2018.

Lisa Deaton, City Clerk

Adopted:
Published:
Effective:
DIVISION 3. - BOARD OF ZONING APPEALS

Sec. 102-81. - Creation and membership.

(a) There is established a board of zoning appeals which shall perform its duties and exercise its powers as provided in Article VI of Public Acts 110 of 2006 as amended, and in such a way that the objectives of this title be observed, public safety secured, and substantial justice done.

(b) The board shall consist of seven members appointed by the city council. Appointments shall be as follows: Appointments for the first year shall be for a period of one, two and three years, respectively, so as nearly as may be to provide for the appointment of an equal number each year, thereafter each member to hold office for the full three-year term. One member shall also be a member of the planning commission. The remaining members shall be selected from the electors residing in the zoning jurisdiction. Membership shall be representative of the population distribution and of the various interests present in the local unit of government.

(c) One regular member may be a member of the city council but shall not serve as chairperson of the zoning board of appeals.

(d) An employee or contractor of the city may not serve as a member of the zoning board of appeals.

(e) The city may also if it so desires appoint not more than two alternate members for the same term as regular members of the board of appeals using the same criteria to select a regular board member. The alternate members may be called to sit as regular members of the board of appeals in the absence of any regular member if the regular member is unable to attend one or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the board of appeals.

(f) A member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.

(g) A member of the zoning board of appeals may be removed by the city council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public
hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(h) A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

(Ord. of 2-13-95(2), § 5.710; Ord. of 4-14-08)

Sec. 102-82. - Meetings.

All meetings of the board of appeals shall be held at the call of the chairman and at such times as the board may determine. All hearings conducted by the board shall be open to the public. The city clerk, or his representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearing and other official action. The minutes shall be filed in the office of the city clerk. Five members of the board shall constitute a quorum for the conduct of its business. The board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

(Ord. of 2-13-95(2), § 5.715; Ord. of 4-14-08)

Sec. 102-83. - Appeal.

(a) An appeal may be taken to the board of appeals by any person, firm, or corporation, or by any officer, department, board or bureau aggrieved by a decision of the building inspector. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by filing with the building inspector and with the board of appeals a notice of appeal, specifying the grounds thereof. The building inspector shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the board of appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

(b) The board shall select a reasonable time and place for the hearing of the appeal and give notice thereof in the same manner as a variance hearing to the parties and shall render a
decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

(c) The appeals board shall have the authority to hear appeals concerning:

(1) All questions that arise in the administration of zoning ordinance, including interpretation of the zoning map.

(2) All administrative orders, requirements, decision or determination made by an administrative official or body charged with enforcement of the zoning ordinance.

(3) All decisions of the zoning administrator.

(4) All decisions concerning site plan review.

(5) All decisions of the planning commission concerning planned unit developments.

(d) Upon receipt of a demand for appeal, the administrator will review the demand for appeal to insure it is complete and the fee is paid. If the application is not complete the administrator will return the application to the applicant with a letter that specifies the additional material required, otherwise the administrator and chairman of the appeals board shall establish a date to hold a hearing on the appeal.

(e) The appeals board shall hold a hearing on the demand for appeal. Those wishing representation at said hearing are entitled to appear by agent or attorney. The appeals board will base its decisions on variances from the strict requirements of this article so that the spirit of the ordinance is observed, public safety secured, and substantial justice done based on the following standards:

(1) For dimensional variances: A dimensional variance may be granted by the zoning board of appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

a. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants personal or economic difficulty.

b. That the need for the requested variance is not the result of actions of the property owner or previous property owners.

c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
d. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to the other property owners in the district.

e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

(Ord. of 2-13-95(2), § 5.720; Ord. of 4-14-08)

Sec. 102-84. - Fees.

The city council may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the zoning board of appeals, which the secretary shall forthwith pay over to the city treasurer to the credit of the general revenue fund of the City of South Lyon.

(Ord. of 2-13-95(2), § 5.725)

Sec. 102-85. - Jurisdiction.

(a) The zoning board of appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this chapter, nor to permit any use in a district in which it is not permitted, but does have power to act on these matters where this chapter provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this section and laws of the State of Michigan. Said powers include:

1. Administrative review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirements, permit, decision or refusal made by the building inspector or any other administrative official in carrying out or enforcing any provisions of this chapter.

2. Variance. To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where it is found:

   a. That there are circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification.

   b. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance.

   c. That authorization of such variance will not be of substantial detriment to
adjacent property, and will not materially impair the intent and purpose of this chapter or the public health, safety and general welfare of the community.

d. That the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situation, a part of this chapter.

e. If a condemning agency seeks a variance pursuant to MCL 213.54(2), the potential benefits of the public use shall be considered.

(3) Exceptions and special approvals. To hear and decide, in accordance with the provisions of this chapter, requests for exceptions, for interpretations of the zoning map, and for decisions on special approval situations on which this chapter specifically authorizes the board to pass. Any exception or special approval shall be subject to such conditions as the board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this chapter, including the following:

a. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the planning commission.

c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.

d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.

e. Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the city and for periods not to exceed six months in developed sections.

f. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months with the granting of 12-month extensions being permissible: uses which do not require the erection
of any capital improvement of a structural nature.

The board of appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.

2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.

3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be made at the discretion of the board of appeals.

4. In classifying uses as not requiring capital improvement, the board of appeals shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as, but not limited to: golf driving ranges and outdoor archery court; or structures which do not require foundations, heating systems or sanitary connections.

5. The use shall be in harmony with the general character of the district.

6. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this chapter. Further, the board of appeals shall seek the review and recommendation of the planning commission prior to the taking of any action.

(b) In consideration of all appeals and all proposed variations to this chapter, the board shall, before making any variations from the chapter in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair health, safety, comfort, morals or welfare of the inhabitants of the City of South Lyon. The concurring vote of two-thirds of
the members of the board shall be necessary to reverse any order, requirements, decision, or determination of the building inspector, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision. Nothing herein contained shall be construed to give or grant to the board the power or authority to alter or change this chapter or the zoning map, such power and authority being reserved to the City Council of the City of South Lyon, in the manner provided by law.

(Ord. of 2-13-95(2), § 5.730; Ord. of 10-11-04(3); Ord. of 4-14-08)

Sec. 102-86. - Orders.

In exercising the above powers, the board may, upon the concurring vote of the majority of the members, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building inspector from whom the appeal is taken.

(Ord. of 2-13-95(2), § 5.735; Ord. of 4-14-08)

Sec. 102-87. - Notice.

The board shall make no recommendation except in a specific case and after a public hearing conducted by the board. It shall by general rule or in specific cases determine the interested parties who, in the opinion of the board, may be affected by any matter brought before it. Notice will be given as follows:

1. The notices shall be given not less than 15 days before the date of the hearing on a proposed zoning amendment and notices shall be sent to:
   a. The applicant.
   b. The owner(s) of the property, if different.
   c. If the zoning amendment is for less than 11 adjacent properties: the owner(s) and occupant(s) of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll,
regardless of whether the owner
and property is located in the
zoning jurisdiction or not.

d. The general public by publication in a newspaper which circulates in the City of
South Lyon.
e. Members of the planning commission, or city council and planning commission if
the hearing is being held by the city council.

(2) The notice shall include:

a. The nature of the zoning amendment being requested.

b. The property(ies) for which the zoning
   amendment has been made.

c. If the zoning amendment is for less than 11 adjacent properties, also a listing of
   all existing street addresses within the property(ies) which is (are) subject to the
   zoning amendment.

d. The location where the application documents can be viewed and copied prior to
   the date of the zoning amendment hearing.

e. The date, time and location of when the hearing on the zoning amendment will
   take place.

f. The address at which written comments should be directed prior to the hearing
   on the zoning amendment.

g. For members of the planning commission only, a copy of the request for the
   zoning amendment, the draft of the zoning amendment, and supporting
   documents in the record.

(Ord. of 2-13-95(2), § 5.740; Ord. of 4-14-08)

Sec. 102-88. - Miscellaneous.

(a) No order of the board permitting the erection of a building shall be valid for a period longer
than one year, unless a building permit for such erection or alteration is obtained within
such period and such erection or alteration is started and proceeds to completion in
accordance with the terms of such permit.

(b) No order of the board permitting a use of a building or premises shall be valid for a period
longer than one year unless such use is established within such period; provided, however,
that where such use permitted is dependent upon the erection or alteration of a building,
such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(Ord. of 2-13-95(2), § 5.745)

Secs. 102-89—102-100. - Reserved.
125.3601 Zoning board of appeals; appointment; procedural rules; membership; composition; alternate member; per diem; expenses; removal; terms of office; vacancies; conduct of meetings; conflict of interest.

Sec. 601. (1) A zoning ordinance shall create a zoning board of appeals. A zoning board of appeals in existence on June 30, 2006 may continue to act as the zoning board of appeals subject to this act. Subject to subsection (2), members of a zoning board of appeals shall be appointed by majority vote of the members of the legislative body serving.

(2) The legislative body of a city or village may act as a zoning board of appeals and may establish rules to govern its procedure as a zoning board of appeals.

(3) A zoning board of appeals shall be composed of not fewer than 5 members if the local unit of government has a population of 5,000 or more or not fewer than 3 members if the local unit of government has a population of less than 5,000. The number of members of the zoning board of appeals shall be specified in the zoning ordinance.

(4) In a county or township, 1 of the regular members of the zoning board of appeals shall be a member of the zoning commission, or of the planning commission if the planning commission is functioning as the zoning commission. In a city or village, 1 of the regular members of the zoning board of appeals may be a member of the zoning commission, or of the planning commission if the planning commission is functioning as the zoning commission, unless the legislative body acts as the zoning board of appeals under subsection (2). A decision made by a city or village zoning board of appeals before February 29, 2008 is not invalidated by the failure of the zoning board of appeals to include a member of the city or village zoning commission or planning commission, as was required by this subsection before that date.

(5) The remaining regular members of a zoning board of appeals, and any alternate members under subsection (7), shall be selected from the electors of the local unit of government residing within the zoning jurisdiction of that local unit of government or, in the case of a county, residing within the county but outside of any city or village. The members selected shall be representative of the population distribution and of the various interests present in the local unit of government.

(6) Subject to subsection (2), 1 regular or alternate member of a zoning board of appeals may be a member of the legislative body. Such a member shall not serve as chairperson of the zoning board of appeals. An employee or contractor of the legislative body may not serve as a member of the zoning board of appeals.

(7) The legislative body may appoint to the zoning board of appeals not more than 2 alternate members for the same term as regular members. An alternate member may be called as specified in the zoning ordinance to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the zoning board of appeals has the same voting rights as a regular member.

(8) A member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.

(9) A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(10) The terms of office for an appointed member of the zoning board of appeals shall be 3 years, except for a member serving because of his or her membership on the zoning commission or legislative body, whose term shall be limited to the time he or she is a member of that body. When members are first appointed, appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired.

(11) A vacancy on the zoning board of appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(12) A zoning board of appeals shall not conduct business unless a majority of the regular members of the zoning board of appeals are present.

(13) A member of the zoning board of appeals who is also a member of the zoning commission, the planning commission, or the legislative body shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the zoning commission, the planning commission, or the
legislative body. However, the member may consider and vote on other unrelated matters involving the same property.

MEETING DATE: March 12, 2018

PERSON PLACING ITEM ON AGENDA: Postponed from 2/26/18

AGENDA TOPIC: Ethics Ordinance Amendment – Second Reading

EXPLANATION OF TOPIC: In the Ethics Investigation Report prepared by Melvin Muskowitz, Esq. of Dykema, he indicated he would make separate recommendations amendments and revisions to the City's ethics policies and procedures. The attached redline showing revisions to the City's ethics ordinance is presented for Council consideration and action.

During the January 22, 2018 Council meeting questions were raised regarding the existing provisions pertaining to political activities (Section 2-76). The proposed ordinance contains revisions which restrict City employees from engaging in political activity during work hours or using city property and requiring that they comply with the Political Activities by Public Employees Act, Public Act 169 of 1976, MCL 15.401 et seq., as amended. City elected officials are prohibited from soliciting city employees during work hours or using city property and shall comply with the Michigan Campaign Finance Act, Public Act 388 of 1976, MCL 169.201 et seq., as amended.

In addition, the duty to disclose financial interest in Section 2-76(c)(1) was revised following questions and comments during the February 26, 2018 Council meeting, to make clear that a city official's financial interest must be different from that of the general public for the duty of disclosure to apply. For example, a city official is not prohibited from discussing and voting on the annual tax millage resolution because she is a property owner which would be impacted by the millage rate. In that instance, the city official's financial interest is the same as all property owners and the general public.

Note, if adopted, the ordinance requires that all City Officials, including elected and appointed officials, and employees file disclosure statement, copy provided, within 20 days of the effective date.

Also, the ordinance maintains the Board of Ethics, which should be populated so that it is functioning if, and when, a matter to be referred to it arises.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:
- Redline revised ethics ordinance showing revisions (with disclosure statement form)
- Current ethics ordinance (Sections 2-71 through 2-79)

POSSIBLE COURSES OF ACTION: Approve/Deny/Postpone/No action

RECOMMENDATION: Approve the second reading

SUGGESTED MOTION: Motion to approve the second reading of ordinance amending City's ethics ordinance
ORDINANCE NO. __-18
CITY OF SOUTH LYON
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 2 - ADMINISTRATION, ARTICLE III - OFFICERS AND EMPLOYEES, DIVISION 2 - CODE OF ETHICS.

THE CITY OF SOUTH LYON ORDAINS:

PART I. Amendment of Code of Ethics Ordinance. Chapter 2 - Administration, Article III - Officers and Employees, Division 2 - Code of Ethics, of the Code of Ordinances of the City of South Lyon, is hereby amended to read in its entirety as follows:

DIVISION 2. - CODE OF ETHICS

Sec. 2-71. - Definitions.

City official means a person elected, appointed or otherwise serving in any capacity with the city in any position established by the City Charter or by city ordinance, other than as an employee.

Compensation means money, property, or anything of value or benefit.

Employee means a person hired by the city, whether on a full-time, part-time, temporary or irregular basis.

Financial interest means any of the following: (a) receipt of, entitlement to, or promise of compensation; (b) an ownership interest in real or personal property (c) status as a partner, member, employee, consultant, contractor or agent of or for a partnership or any other unincorporated entity; (d) status as a beneficiary or trustee in or of a trust; (e) status as a director, officer, employee, consultant, contractor or agent of or for a corporation; and (f) legal or beneficial ownership of 5% or more of the total outstanding stock of a corporation. A city official and employee shall be deemed to have a financial interest if a relative of any official or employee has a financial interest.

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, travel, lodging, personal items, and honoraria for speaking engagements.

Relative means a city official or employee, his or her spouse, domestic partner, sibling, parents, grandparents, children, or step-children.

Official duty or official action means a decision, recommendation, approval, disapproval or other action or failure to act by a city official or city employee.

Sec. 2-72. - Declaration of policy.

Draft 03-07-2018
The proper operation of democratic government requires that elected and appointed public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals there is hereby established a code of ethics for all elected or appointed city officials and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interest in matters affecting or involving the city. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of South Lyon.

Sec. 2-7273. - Responsibilities of public office, employment.

(a) City officials and employees are agents of public purpose and hold office or employment for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this state and to carry out impartially the laws of the nation, state, and municipality and thus to foster respect for all government. They are bound to observe in the performance of their official duties and actions the highest standards of morality and to discharge faithfully the duties of their office or employment regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

(b) All city officials and employees shall safeguard public confidence by being honest, fair and respectful of all persons with whom they have contact, and in the performance of their official duties, and by avoiding conduct which may tend to undermine respect for city officials and employees and for the city as a public body.

Sec. 2-7374. - Dedicated service.

(a) All city officials and employees of the municipality should be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rules of conduct and/or work and performance established as the standard for their positions by the appropriate authority.

(b) Officials city officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

Sec. 2-7475. - Fair and equal treatment.

(a) Interest in appointments. Canvassing of members of the council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the

Draft 03-07-2018
municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the council.

(b) Use of public property. No city official or employee shall request or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

(c) Obligations to citizens. No city official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

Sec. 2-7576. - Conflict of interest.

(a) No eeeuilman or othercity official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest (as defined in Section 2-71), direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

(b) Specific Examples of conflicts of interest are enumerated below for the guidance of officials and employees:

1. Incompatible employment or service. No eeeuilman or othercity official or employee shall engage in or accept private employment or render services for private interest in any capacity including, but not limited to, as a consultant, contractor or agent, to an individual or entity when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his official duties.

2. Disclosure of confidential information. No eeeuilman or othercity official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the city. Nor shall he or she use such information to advance the financial or other private interest of himself or herself or others, including relatives.

3. Gifts and favors. No eeeuilman or othercity official or employee shall accept any valuable gift, whether (as defined in the form of service, loan, thing, or premise, Section 2-71), from any person, firm, who, or corporation, entity which, to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee:

a: (i) Accept any gift, favor, or thing of value that may tend to influence him or her in the discharge of his or her duties; or

b: 

Draft: 03-07-2018
(ii) Grant in the discharge of his or her duties any improper favor, service, or thing of value.

Any individual, institution, corporation, organization or service club wishing to bestow a gift, grant, or service to the City of South Lyon or any of its component departments shall make a request for such bestowal at a regularly scheduled meeting of the city council.

(4) Representing private interest before city agencies or courts. No councilman or other official or employee whose salary is paid

(i) Except as provided for in whole or in part by the, below, no city official or employee shall appear on behalf of private interests before any agency of the city. He-No city official or employee shall not represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a party.

(ii) A councilman city official may appear before city agencies on behalf of constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations. However, no councilman city official or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.

(5) Contracts with the city. Any councilman

(i) Except as provided in Sections 3 and 3a of Act 317 of 1968 (Contracts of Public Servants With Public Entities), a city official and a city employee shall not be a party, directly or indirectly, to any contract between himself or herself and the city.

(ii) Except as provided in Section 3 of Act 317 of 1968, a city official and a city employee shall not directly or indirectly solicit any contract (a) between the city and him or herself, (b) between the city and any firm, meaning a co-partnership or other unincorporated association, of which he or she is a partner, member, or employee, (c) between the city and any private corporation in which he or she is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present total market value in excess of $25,000.00 if the stock is listed on a stock exchange or of which he or she is a director, officer, or employee, or (d) between the city and any trust in which he or she is a trustee or beneficiary.

(iii) In regard to a contract described in subsection (b)(5)(ii)(a-d) above, a city official and a city employee shall not do either of the following: (a) take any part in the negotiations for such a contract
or the renegotiation or amendment of the contract, or in the approval of the contract, or (b) represent either party in the transaction.

(6) Official or Employee who Official duties; Official actions.

(i) With respect to matters not involving a contract covered by Subsection (b)(5) above, a city official shall not vote on or participate in discussions on a matter before the city council which involves an entity, property or an issue in which the official has a substantial or controlling financial interest, or if the official has a financial interest in the outcome of the matter before city council. For example, an official should not discuss or vote on whether or not to (a) condemn, sell, grant a variance, or otherwise affect property, (b) waive a fee or grant a license, or (c) approve legislation, with respect to an entity, property or with respect to an issue in which the official has a financial interest.

(ii) A city employee shall not make a recommendation, take any action or make any decision on any matter within the scope of his/her official duties with respect to which he has a financial interest.

(7) Personal Opinions. No city official or employee of the city shall represent his or her personal opinion as that of the city.

(8) Business Transactions. No city official or employee shall engage in any business entity, transaction, or contract with the city, or in the sale of real estate, materials, supplies, or services to the city, shall make known to the proper transaction in which he or she or a relative may directly or indirectly benefit financially because of his or her official position or because of receipt of confidential information which he or she has obtained by reason of such position or authority such interest in any matter on which he may be called to act in his official capacity. He,

(9) Preferential Treatment. No city official or employee shall use, or attempt to use, his or her official position to secure, request or grant any compensation, privilege, exemption, advantage, or treatment for himself, herself, or others, beyond that which is available to every other citizen. No city official or employee shall influence or attempt to influence the hiring by the city of a relative of a city official or employee.

(10) City Official's Own Conduct. No city official shall vote on any questions involving the official's own conduct including those of recusal and discipline.

(c) Board and Committee Members. It is recognized that various boards and committees are part of the plan of government for the city. As such, it is further recognized that by virtue of the various requirements for board membership, a member may be placed in the position of participating in a decision that may directly or indirectly affect his or her

Draft: 03-07-2018
financial interest. Therefore, those members of the various boards and committees in the city, as they may be established from time to time, shall refrain from voting upon or otherwise participating in the transaction any discussion, voting or taking any action with respect to a matter that may, directly or the making of such contract, indirectly, affect his or sale, her financial interest.

A councilman or other official or employee shall not be deemed interested in any contract or purchase or sale of land or other thing of value unless such contract or sale is approved, awarded, entered into, or authorized by him in his official capacity.

(d) Subsequent conflict of interest. No city official or employee shall acquire any financial interest in or accept any employment with or render any services in any capacity including, but not limited to, as a consultant, contractor or agent, with any entity which, or person who either, (1) has entered into a contract with the city, or (2) was the subject of a matter voted on by the city council (for example, as described in subsection (b)(6)(i) above), within one (1) year of the officer’s or employee’s participation in any manner in considering, recommending or voting on the approval or disapproval of said contract or matter.

(e) Duty to Disclose Financial Interest.

(1) City Official. When a matter before the city council involves an entity, property or issue in which a city official has a financial interest, or if a city official has a financial interest in the outcome of a matter before the council which is different from that of the general public, the official shall disclose the full nature and extent of his or her financial interest on the appropriate record of the city prior to discussion or action thereon and shall refrain from participating in any discussion, voting or action thereon, except as allowed under PA 317 of 1968.

(2) City Employee. When a city employee has a financial interest in a matter involving the employee’s official duties or in which the employee would be taking an official action, the employee shall disclose the nature and extent of his or her financial interest to the city manager and shall refrain from participating in any discussion or action thereon.

(3) Board Member. When a member of any city board, commission or committee has a financial interest in a matter before the board, commission or committee on which the member sits, the member shall disclose the nature and extent of such interest on the record of the board, commission or committee.

(f) Referral to Board of Ethics. If a city official, city employee or member of a board, commission or committee fails to disclose a financial interest, or who has a conflict of interest, as defined herein, in any matter before the city, and who discloses that conflict on the appropriate records but who refuses to refrain from discussion, deliberation or voting thereon, except as allowed by law, the matter under consideration shall be immediately referred to the board of ethics for a final determination as to the conflict in question and whether the official, employee or board member must refrain from discussion, deliberation, action or voting thereon.
(g) **Required Disclosure Statement.** Within twenty (20) days of the effective date of this Ordinance, and thereafter, after the election of a city official, and the hiring or appointment of a city employee, or after any change in the facts set forth in the city official's or employee's previously filed disclosure statement, each city official and employee shall file with the city clerk an affidavit and disclosure statement. The city clerk shall provide each city official or employee with the required affidavit and disclosure statement form immediately upon his or her election, employment or appointment.

Sec. 2-77

(6) Disclosure of interest in legislation. A councilman who has a financial or other private interest in any legislation shall disclose on the records of the council or other appropriate authority the nature and extent of such interest. This provision shall not apply if the councilman disqualifies himself from voting.

Any other official or employee who has a financial or other private interest, and who participates in discussion with or gives an official opinion to the council, shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.

See 2-76. - Political activity.

(a) No appointive official or employee in the administrative service shall use the prestige of his position in behalf of any political party;

(b) No appointive official or employee in the administrative service shall orally, by letter, or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution to any political party, nor shall he be a party of such solicitation by others. Such appointed officials and employees shall not take an active part in political campaigns for candidates;

(c) No official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for any political activity;

(a) City employees are prohibited from engaging in campaign activities using city property or engaging in such activity during working hours and shall comply with the Political Activities by Public Employees Act, Public Act 169 of 1976, MCL 15.401 et seq., as amended.

(b) Elected city officials are prohibited from soliciting city employees to work on political campaign activities using city property or during working hours and shall comply with the Michigan Campaign Finance Act, Public Act 388 of 1976, MCL 169.201 et seq., as amended.

(c) City officials and employees shall not use any city time or property for their own political benefit or for the political benefit of any other person seeking elective office, provided that the foregoing shall not prohibit the use of property or facilities available to the general public on an equal basis for due consideration paid.

Draft 03-07-2018
Sec. 2-7778. - Board of ethics.

(a) A board of ethics is hereby established by the City of South Lyon consisting of five members from the general public who are not personally subject to this code of ethics. The members shall be appointed by and serve at the pleasure of the council. They shall serve four-year staggered terms. Three members of the board shall constitute a quorum and the affirmative vote of the majority of those present shall be necessary for any action. Members may not nominate an alternate or representative to cast votes on any matter coming to the attention of the board. Members of the board shall serve without salary but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(b) The powers and duties of the board shall be as follows:

(1) To recommend from time to time such orders, rules, regulations, and changes as it deems necessary and proper to supplement, administer and implement or amend the provisions of the code of ethics, which recommendations, when approved by the council shall become part of this code of ethics.

(2) To investigate and render advisory opinions to city employees and appointed officials or their appointing authorities with respect to any matter or transaction in which said employees and officials are involved concerning the applicability of this code of ethics. The board may publish such advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of the employee who may request such an opinion.

(3) To investigate any alleged violation of the code by a city employee or elected or appointed official where the appointing authority for the employee or appointed or elected official involved in the alleged violation shall request the board to make such investigation. A written report of the results of the board's investigation shall be made to the appointing authority and the employee or appointed or elected official involved.

(4) To investigate an alleged violation of the code of ethics upon the written request of the council, or the city manager and to submit a written report to the requesting official and the employee or appointed or elected official involved.

(5) To conduct informal hearings prior to rendering an opinion or report in any particular matter whenever the board deems it appropriate for a hearing to be held or whenever a city employee or official who may be substantially affected by the opinion or report in the matter requests a hearing. Such hearing may be held by the board itself or by a hearing officer designated by the chairman of the board, whichever the chairman deems appropriate in any particular instance. The chairman may designate as a hearing officer any member of the board. Whenever a hearing is conducted by a hearing officer instead of the board itself, the hearing officer must submit a written report of the hearing to the board.
(6) An opinion or report of the board rendered under subsections (b)(2), (3) and (4) of this section may be utilized as a basis for any administrative action appropriate under the circumstances.

(7) The board of ethics is not empowered to take direct administrative action but, rather, its function shall be solely advisory and investigatory as provided for herein.

Sec. 2-7879. - Sanctions.

Violations of any provisions of this code should raise conscientious questions for the councilman or other city official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the city. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

Secs. 2-7980—2-199101. - Reserved.

PART II. Severability. Should any division, section, subsection, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V. Effective Date: Publication. This Ordinance shall take effect upon the later of ten (10) days after adoption or upon publication thereof as provided by the Charter of the City of South Lyon.

Made, passed and adopted by the South Lyon City Council this ___ day of ____________, 2018.

____________________________________
Daniel L. Pelchat, Mayor

____________________________________
Lisa Deaton, City Clerk

Certificate of Adoption

Draft 03-07-2018
I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the ____ day of __________, 2018.

Lisa Deaton, City Clerk

Adopted:
Published:
Effective:

Draft 03-07-2018
City of South Lyon - Affidavit and Disclosure Statement

1. I own by myself, or with others, the following real property and/or land in the City of South Lyon ________________________________ .

2. I am an employee, partner, member, owner and/or a shareholder of an entity that owns the following real property and/or land in the City of South Lyon ________________________________ .

3. I am an employee, contractor, consultant, director, officer, partner, member, agent or trustee of the following individual(s) and/or entity(ies) ________________________________ .

4. I own more than 1% of a class of stock, which stock is not listed on a stock exchange, in the following corporation(s) ________________________________ .

5. I own stock with a market value in excess of $25,000, which stock is listed on a stock exchange, in the following corporation(s) ________________________________ .

6. I understand that under Section 2-71 of the City’s Code of Ethics, I am deemed to have a financial interest if a relative of mine, as defined in Section 2-71, has a financial interest. 

       *****

I have been given a copy of and have read and I understand the Code of Ethics of the City of South Lyon and, to the best of my knowledge, I am not in conflict with its provisions.

I hereby certify that this disclosure is complete and accurate to the best of my knowledge, information and belief.

This Affidavit of Disclosure was executed on this ___ day of ______________, 20__ .

Printed name of Officer/Employee ________________________________ Signature of Officer/Employee ________________________________

Subscribed and sworn to before me this ___ day of ______________, 20__ .

________________________________________
Notary Public
_______________ County, Michigan
My Commission Expires: ________________

4821-6844-2709.1
DIVISION 2. - CODE OF ETHICS

Sec. 2-71. - Declaration of policy.

The proper operation of democratic government requires that elected and appointed public officials and employees be independent, impartial, responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals there is hereby established a code of ethics for all elected or appointed officials and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interest in matters affecting the city. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of South Lyon.

(Code 1988, § 1.115)

Sec. 2-72. - Responsibilities of public office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this state and to carry out impartially the laws of the nation, state, and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

(Code 1988, § 1.116)

Sec. 2-73. - Dedicated service.

(a) All officials and employees of the municipality should be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

(b) Officials and employees should not exceed their authority or breach the law or ask others...
to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(Code 1988, § 1.117)

Sec. 2-74. - Fair and equal treatment.

(a) Interest in appointments. Canvassing of members of the council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the council.

(b) Use of public property. No official or employee shall request or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

(c) Obligations to citizens. No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(Code 1988, § 1.118)

Sec. 2-75. - Conflict of Interest.

(a) No councilman or other official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. Personal as distinguished from financial Interest includes an interest arising from blood or marriage relationships or close business or political association.

(b) Specific conflicts of interest are enumerated below for the guidance of officials and employees:

(1) Incompatible employment. No councilman or other official or employee shall engage in or accept private employment or render services for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties.

(2) Disclosure of confidential information. No councilman or other official or employee shall, without proper legal authorization, disclose confidential information concerning
the property, government, or affairs of the city. Nor shall he use such information to advance the financial or other private interest of himself or others.

(3) Gifts and favors. No councilman or other official or employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee.
   a. Accept any gift, favor, or thing of value that may tend to influence him in the discharge of his duties; or
   b. Grant in the discharge of his duties any improper favor, service, or thing of value.

Any individual, institution, corporation, organization or service club wishing to bestow a gift, grant, or service to the City of South Lyon or any of its component departments shall make a request for such bestowal at a regularly scheduled meeting of the city council.

(4) Representing private interest before city agencies or courts. No councilman or other official or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interests before any agency of the city. He shall not represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a party.

A councilman may appear before city agencies on behalf of constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations. However, no councilman or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.

(5) Contracts with the city. Any councilman or other official or employee who has a substantial or controlling financial interest in any business entity, transaction, or contract with the city, or in the sale of real estate, materials, supplies, or services to the city, shall make known to the proper authority such interest in any matter on which he may be called to act in his official capacity. He shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale.

A councilman or other official or employee shall not be deemed interested in any contract or purchase or sale of land or other thing of value unless such contract or sale is approved, awarded, entered into, or authorized by him in his official capacity.
(6) Disclosure of interest in legislation. A councilman who has a financial or other private interest in any legislation shall disclose on the records of the council or other appropriate authority the nature and extent of such interest. This provision shall not apply if the councilman disqualifies himself from voting.

Any other official or employee who has a financial or other private interest, and who participates in discussion with or gives an official opinion to the council, shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.

(Code 1988, § 1.119)

Sec. 2-76. - Political activity.

(a) No appointive official or employee in the administrative service shall use the prestige of his position in behalf of any political party.

(b) No appointive official or employee in the administrative service shall orally, by letter, or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution to any political party; nor shall he be a party of such solicitation by others. Such appointed officials and employees shall not take an active part in political campaigns for candidates.

(c) No official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for any political activity.

(Code 1988, § 1.120)

Sec. 2-77. - Board of ethics.

(a) A board of ethics is hereby established by the City of South Lyon consisting of five members from the general public who are not personally subject to this code of ethics. The members shall be appointed by and serve at the pleasure of the council. They shall serve four-year staggered terms. Three members of the board shall constitute a quorum and the affirmative vote of the majority of those present shall be necessary for any action. Members may not nominate an alternate or representative to cast votes on any matter coming to the attention of the board. Members of the board shall serve without salary but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(b) The powers and duties of the board shall be as follows:
(1) To recommend from time to time such orders, rules, regulations, and changes as it
deems necessary and proper to supplement, administer and implement or amend the
provisions of the code of ethics, which recommendations, when approved by the
council shall become part of this code of ethics.

(2) To investigate and render advisory opinions to city employees and appointed officials
or their appointing authorities with respect to any matter or transaction in which said
employees and officials are involved concerning the applicability of this code of ethics.
The board may publish such advisory opinions with such deletions as may be
necessary to prevent disclosure of the identity of the employee who may request such
an opinion.

(3) To investigate any alleged violation of the code by a city employee or elected or
appointed official where the appointing authority for the employee or appointed or
elected official involved in the alleged violation shall request the board to make such
investigation. A written report of the results of the board’s investigation shall be made
to the appointing authority and the employee or appointed or elected official involved.

(4) To investigate an alleged violation of the code of ethics upon the written request of the
council, or the city manager and to submit a written report to the requesting official
and the employee or appointed or elected official involved.

(5) To conduct informal hearings prior to rendering an opinion or report in any particular
matter whenever the board deems it appropriate for a hearing to be held or whenever
a city employee who may be substantially affected by the opinion or report in the
matter requests a hearing. Such hearing may be held by the board itself or by a
hearing officer designated by the chairman of the board, whichever the chairman
deems appropriate in any particular instance. The chairman may designate as a
hearing officer any member of the board. Whenever a hearing is conducted by a
hearing officer instead of the board itself, the hearing officer must submit a written
report of the hearing to the board.

(6) An opinion or report of the board rendered under subsections (b)(2), (3) and (4) of this
section may be utilized as a basis for any administrative action appropriate under the
circumstances.

(7) The board of ethics is not empowered to take direct administrative action but, rather,
its function shall be solely advisory and investigatory as provided for herein.

(Code 1988, § 1.121)
Violations of any provisions of this code should raise conscientious questions for the councilman or other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the city. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

(Code 1988, § 1.122)

Secs. 2-79—2-100. - Reserved.
MEETING DATE: March 12, 2018

PERSON PLACING ITEM ON AGENDA: Postponed 2/26/18

AGENDA TOPIC: GFL USA Amendment and Extension of Solid Waste Contract

EXPLANATION OF TOPIC: On January 8, 2018 the City Council authorized staff to pursue a four-year extension of and amendments to the City’s Solid Waste Contract with GFL on terms consistent with the GFL’s proposal and the discussion at the January 8th Council meeting.

Pursuant to Council direction, the parties have reviewed and revised the document and provided comments on the Amendment and Extension of the current Solid Waste, Yard Waste, Recycling Collection and Disposal Agreement between the City of South Lyon and GFL Environmental USA Inc, which has a term which expires June 30, 2018. The proposed Amendment and Extension is presented for Council approval.

On February 26, 2018, the Council postponed this matter and requested additional information regarding the recycling carts and how the cost and requests for them are handled between the residents, GFL and the City.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:
- 3/8/18 GFL letter regarding carts
- Proposed Amendment and Extension of Solid Waste Contract with GFL
- Excerpt of 1/8/18 minutes
- 1/8/18 Agenda Note
- GFL proposal 1/4/18
- RRRASOC Memo dated October 19, 2017
- Current Solid Waste Contract

POSSIBLE COURSES OF ACTION: Approve/Reject/Postpone/No action

RECOMMENDATION: Approve the Amendment and Extension

SUGGESTED MOTION: Motion to approve the Amendment and Extension of the Solid Waste, Yard Waste, Recycling Collection and Disposal Agreement between the City of South Lyon and GFL Environmental USA Inc and authorize the Mayor and Clerk to sign same
March 8, 2018

Timothy S. Wilhelm
Johnson, Rosati, Schultz & Joppich, P.C.
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331

Dear Tim,

I will be present at the council meeting and answer questions along with Mike Csapo. Below is a general description of where we are with the discussion.

As you know, this began as an offer to extend the current contract with a recycle cart option that has grown to an opt-in program for any South Lyon resident that wishes to have a 65 gallon recycle cart. Through discussion, the total number of carts grew to a cap of 2,000 built into the proposed unit pricing. All excess carts above 2,000 are to be billed at $75.00 per cart in June of each year.

Residents will contact GFL and order their recycle cart. Carts will be delivered by GFL and a log will be kept for reporting purposes. This report can be provided to the City on a monthly or quarterly basis. Whichever is preferred.

Please let me know if this is enough info to move forward or if more detail is needed.

Thank you,

Sam Caramagno
District Manager
GFL Environmental USA

39000 Van Born Rd, Wayne, MI 48184
Tel: 844-46-GFLUSA (844) 484-3587 | Fax: 586-795-3270 | www.gflusa.com
Amendment and Extension of the City of South Lyon Solid Waste, Yard Waste, Recycling Collection and Disposal Agreement

This Amendment and Extension is made and entered into by and between the City of South Lyon (the "City"), 335 S. Warren Street, South Lyon, MI 48178, and GFL Environmental USA Inc. ("GFL"), 6200 Elmiridge, Sterling Heights, MI 48313.

WHEREAS, on February 29, 2008, the City of South Lyon ("City") and Duncan Disposal Systems, Inc. ("Duncan") entered into a Solid Waste, Yard Waste, Recycling Collection and Disposal Agreement (the "Agreement") with a five-year term beginning on July 1, 2008 and expiring June 30, 2013, which was extended on March 12, 2013, by mutual agreement for an additional five-year term beginning July 1, 2013 and expiring on June 30, 2018; and

WHEREAS, Rizzo Environmental Services, Inc. (RES) acquired the operating assets of Duncan in July 2016; and

WHEREAS, on August 8, 2016, after having been advised of RES's acquisition of Duncan's operating assets and related transactions involving RES and GFL Environmental USA Inc., the City approved a Consent and Waiver of Assignment of the Agreement from Duncan to RES; and

WHEREAS, GFL Environmental USA Inc. closed a stock purchase of RES on September 30, 2016; and

WHEREAS, the City was apprised of the stock purchase by GFL Environmental USA Inc. on November 28, 2016; and

WHEREAS, in a letter dated September 26, 2017, GFL Environmental USA Inc. proposed an extension of and amendments to the Agreement, and it provided a subsequent letter dated January 4, 2018 outlining its proposed amendments and extension; and

WHEREAS, the City reviewed GFL's proposed extension and amendments and on January 8, 2018, authorized the City administration to pursue a four-year extension and amendments of the Agreement consistent with the terms outlined in GFL's proposal and discussed during the January 8, 2018 City Council meeting and subject to City Council review and approval;

WHEREAS, the parties desire to extend the term of the Agreement, acknowledge that GFL is the Contractor under the Agreement, and amend the provisions for future extensions, annual price adjustments, and recycling collection and carts;

NOW, THEREFORE, the City and GFL agree as follows:

1. The introductory first paragraph identifying the parties to the Agreement is amended to read as follows:
THIS AGREEMENT, is made and entered into this ________ day, 2018, by and between the City of South Lyon, 335 S. Warren, South Lyon, MI 48178, hereinafter called "THE CITY", and GFL Environmental USA Inc., with offices located at 8200 Elmridge, Sterling Heights, MI 48313, hereinafter called "Contractor".

2. Sections 3.A – C of the Agreement are amended to read as follows:

A. **Four (4) Year Term:** The term of the Agreement, as amended and extended, shall be for four (4) years, with one (1) four-year extension option. The term of the Agreement, as amended and extended, shall begin July 1, 2018 and expire June 30, 2022.

B. **Contractor's Extension Options:** The Contractor may request one (1) four-year extension of the Agreement if written notice of such requests are received by THE CITY by six (6) months prior to current expiration date. Granting requests for contract extensions shall be at the sole discretion of THE CITY and shall not be contestable or appealed. If THE CITY agrees to accept the Contractor's request for an extension, such extension shall be approved at least three (3) months prior to the current expiration date.

C. **THE CITY Retains Right to Extend and Postpone Agreement Termination Date:** THE CITY may renew the Agreement for one (1) four-year term (extension) under the conditions set forth in the contract. THE CITY shall give the Contractor written notice of its intention to extend the contract period at least three (3) months prior to the expiration of the Contract.

3. Section 5.K of the Agreement is amended to read as follows:

**Contact Persons for Legal Notices:** The Contractor identifies Michael Fleming, of GFL Environmental USA Inc., with offices located at 8200 Elmridge, Sterling Heights, MI 48313, who shall be designated to receive all notices and communications on behalf of the contracting parties with regard to the Agreement. Written notice required to be provided to THE CITY pursuant to this Agreement shall be provided the City of South Lyon, c/o City Manager, 335 S. Warren, South Lyon, MI 48178.

4. Attachment A (General Provisions), Section 1.1 of the Agreement is amended to read as follows:

**1.1 Term**

The term of the Contract, as amended and extended, is for four (4) years commencing on July 1, 2018, and ending June 30, 2022. THE CITY may renew the Contract for one (1) four-year term (extension) under the conditions set forth in the Contract. THE CITY shall give the Contractor written notice of its intention to extend the contract period at least three (3) months prior to the expiration of the Contract.
5. Attachment A (General Provisions), Section 1.9 of the Agreement is amended to read as follows:

1.9 Contract Price Adjustments

The contract price schedule shall be reviewed and revised in June of each contract year and extension period, if any, in accordance with the most recent full calendar year annual percentage change in the reference annual Consumer Price Index escalator, and the contract price shall be established for the next contract year beginning on July 1, following the June evaluation, except, however, that the price adjustment shall not exceed two (2) percent or be less than zero (0) percent. No other changes in contract prices are permitted, except as authorized by this agreement.


In the event the U.S. Department of Labor, Bureau of Labor Statistics ceases to publish the CPI, another equally authoritative measure of change in the purchasing power of the U.S. dollar as may be then available shall be substituted.

6. Attachment B (Contractor's Service Specifications), Section 2.1.8 of the Agreement is amended to read as follows:

2.1.8 Recycling Collection

As part of the solid waste unit price and not as a separate pay item, included as part of weekly regular curbside pick-ups, the Contractor shall separately pick up on the same day as the regularly scheduled refuse collection required by this Contract, recyclable materials set-out as per the specifications identified by the City in Attachment D and as indicated MRF Services Agreement between RRRASOC and the City. Recyclable materials shall be delivered to the RRRASOC Materials Recovery Facility at 20000 W. Eight Mile Road, Southfield, MI 48075 in accordance the MRF Services Agreement.

Recyclable materials shall be placed in 18-gallon recycling bin or the 64-gallon recycling cart as set forth below. The Contractor will be responsible for replacing any bins or carts damaged by the Contractor within twenty-four (24) hours at no cost to the City. The Contractor will provide the City with an additional inventory of replacement bins billable at its cost, upon request by the City. Replacement bins shall billable to the City only if 2,000 or more households have been provided recycling carts.

Homeowners will have the option of selecting a 64-gallon recycling cart upon direct request to the Contractor, who will provide a telephone number and website page for such requests, or continuing to use the 18-gallon recycling bins. The Contractor will service homes with recycling carts or
bins as part of the regular collection route without additional cost to the City or homeowner. The Contractor will provide up to 2,000 households with recycling carts, delivered to requesting homeowners, at no cost to the City or homeowners. The Contractor will report to the City and RRRASOC annually prior to June 1st, the number of homeowners that have requested carts. Delivered carts in excess 2,000 will be charged to the City each June for the excess carts delivered in the prior year at a rate of $75.00 per cart.

7. Attachment C.2 (Contractor's Compensation) of the Agreement will be amended to read as follows:

2. Contractor’s Base Price Rate Schedule for collection, transportation, and disposal (solid waste unit price as of July 1, 2018):

   (a) Residential Units ($/year – total including refuse, yard waste and recycling):

   Single-Family Units: $142.32
   Multi-Family / Discount Eligible Units: $124.92

8. All of the terms, conditions, and provisions of the Agreement, including Attachments, not modified by or in conflict with this Amendment and Extension shall remain in full force and effect.

9. This Amendment and Extension constitutes the entire agreement and understanding between the parties with respect to the subject matter hereof and supersedes any prior understandings, agreements, or representations by or among the parties, written or oral, to the extent they relate, in anyway, to the subject matter hereof.

10. This Amendment and Extension is governed by and will be construed in accordance with the laws of the State of Michigan.

Acknowledged and agreed:

GFL Environmental USA Inc.

By: ________________________________

Name: ______________________________

Title: ______________________________

Date: ______________________________
City of South Lyon

By: ______________________________________
    Daniel L. Pelchat, Mayor

Date: ______________________________________

By: ______________________________________
    Lisa Deaton, Clerk

Date: ______________________________________
5. Discussion regarding GFL contract and request decision regarding extension or bid process

Attorney Wilhelm stated we have Mike Csapo from RRRASOC and Sam Caramagno from GFL. He stated GFL is asking if we want to extend the contract or go out for bid. He stated the contract is currently good through June 30, 2018. Mike Csapo from RRRASOC stated he helps the City secure and manage solid waste. He stated you currently have a contract that expires in June of this year. It typically takes 6-7 months for the bid process. Mr. Csapo further stated the context should be 3 questions, is it allowable, are you comfortable with current services, and what is being proposed competitively. He stated routinely they go through dozens of communities and get an average on the expenditures for refuse collection. He stated every year he has done this; South Lyon has been near the bottom of the list. The City has a very good program performance and a good contract. He stated when GFL took over, they have continued to maintain the contract cost, as well as the good service. He further stated GFL is offering an extended contract with options of enhancing with new practices. He further stated if the contract is extended for 4 years, there is an option for the residents to opt in for a recycling cart, if a shorter extension there would be a limited number of people that could opt in without cost to the City. Another change in the proposal is to limit the increase in cost based on the CPI. He further stated it limits the exposure to a higher cost. He looked at the pricing and recent bids and he would be shocked if the City could get a lower bid. Councilmember Richards stated he thinks it is a good idea to continue with this contract but he thinks a 64-gallon cart for recycling is too much for residents. Mr. Csapo stated he bags to differ, he found most people in a 4-5 people household can fill up a 64-gallon cart, but if they want to stick with the 18-gallon bin, they can. This isn’t an obligation. Councilmember Richards stated we should give them the option to pay for it, why charge the whole community for the option of having a 64-gallon cart. Mayor Pelchat stated it is an option for the resident. Mr. Csapo stated the primary cost of the rate change is there will be a 3% raise in CPI. He further stated our current price is under market primarily because the City had a great deal with Duncan and they gave the city pricing below what anyone else would give. Mayor Pelchat stated he thinks this is a good option, it will encourage recycling and the problem with the buckets is when the wind picks up some of the recycling ends up blowing around and a lot of it ends up in the garbage. Mr. Csapo stated we tend to see a 40-60% increase in recycling with the carts. Councilmember Kivell stated when he got involved with this, Duncan was already the provider, and they had a contract that included things other providers weren’t offering such as anything being put out they will pick up, such as appliances and such. He stated he is grateful GFL carried that over to their contract. Mr. Csapo stated there will be no change in the services, but it will cap the price increases and add the option of the recycling cart. Councilmember Kivell stated at the onset when he got involved, tipping fees were supposed to go through the roof, and everyone was going to be paying a lot of money for trash hauling, and capacity must have been enhanced by allowing dumps to grow, we dodged a bullet. We could have been suffering by enormous amounts if that hadn’t taken place. He further stated he likes the idea of the 2% escalator being the maximum.

Councilmember Kurzweil stated a lot of the bins don’t fit inside the garages of the homes that were built 15-20 years ago, and most have homeowner associations that have rules that they cannot be left outside so there is a growing contention with the size of the containers that are being provided to our community. Councilmember Kurzweil stated in respect to cost containment and having a sweetheart deal with Duncan, she thinks the Duncan family was very astute at business practices and they were locally located, and their trucks didn’t have to travel too far, and a lot of their workers were in this area. She stated GFL has the same opportunity to move closer to this area and cut their costs. She is hesitant to let that comment go, without commenting that GFL should look at incurring cost constraints that would be favorable to the communities they serve and move a little closer. There is plenty of space that could be rented so they wouldn’t have to travel their trucks too far and they would save some money. Mr. Csapo

1-8-18
stated that is a business decision and he doesn’t think GFL will do that for a contract for 3700 units. He further stated the pricing that is before Council remains one of the lowest in the RRRASOC communities.

Sam Caramagno of GFL stated the size of the 64-gallon cart footprint is basically the same as the bin, but it is taller. Councilmember Walton asked if the contract they are asking for is for a 3 or 4-year contract. Mr. Caramagno stated they are asking for a 4-year contract, but they were asked to also propose a 3-year contract. Mr. Caspari stated the cost for the 3-year contract is slightly higher than the 4-year contract. The costs difference basically is a .40 cent increase versus a .50 cent increase. He stated in either case, the pricing is at or below average and it keeps the City of South Lyon overall cost at the bottom of cost compared to other communities. Councilmember Richards stated it is good they provide the service for people to drop off old paint and batteries. Councilmember Parisien stated she is comfortable with the 4-year agreement.

**CM 1-13-18 MOTION TO AUTHORIZE THE CITY TO PURSUE THE 4-YEAR EXTENSION OF SOLID WASTE CONTRACT WITH GFL USA**

Motion by Kivell, supported by Parisien
Motion to authorize the City to pursue the 4-year extension of Solid Waste contract with GFL USA

VOTE: **MOTION CARRIED UNANIMOUSLY**

6. Evidentiary blood draw agreement with Huron Valley Ambulance

Attorney Wilhelm stated we had an earlier agreement and we didn’t know how it would go, therefore we put an expiration date on it. They are continuing the arrangement and some slight changes were made. There is a small price adjustment. It is a service we like and the relationship is working well. Chief Collins stated the reason for the agreement is the HVA comes to the Police Department to do blood draws for instances when a suspect refuses a breath test for driving under the influence or search warrant issues for a case of operating under the influence of drugs. He stated it saves them a lot of time and it is very convenient so the officer doesn’t have to transfer the suspect to a hospital for the blood draw. He stated HVA asked for an increase of $15.00 per draw. He further stated it is a very low number of blood draws. Councilmember Kivell asked if this affects the chain of control for the sample being conducted at the PD instead of the hospital. Chief Collins stated that is not affected, the blood sample is sealed back in the box the kit came in and submitted back to the Police Department. Councilmember Parisien asked if we are reimbursed by the individual for the blood draw cost. Chief Collins stated we are not, unless there is a crash involved. Councilmember Parisien stated it seems we should be reimbursed from the person that refuses the breath test. Councilmember Richards asked if someone from the police department personally supervises the blood draw. Chief Collins stated the arresting officer witnesses the blood draw.

**CM 1-14-18 MOTION TO APPROVE THE EVIDENTIARY BLOOD DRAW AGREEMENT BETWEEN THE CITY OF SOUTH LYON AND HVA**

Motion by Richards, supported by Kivell
Motion to approve the evidentiary blood draw agreement between the City of South Lyon and HVA and authorize the Mayor and Clerk to execute the agreement on behalf of the City

VOTE: **MOTION CARRIED UNANIMOUSLY**

7. Liquor Licensing Ordinance

1-8-18
AGENDA NOTE

MEETING DATE: January 8, 2018

PERSON PLACING ITEM ON AGENDA: On request of GFL

AGENDA TOPIC: GFL USA Request for Extension of Solid Waste Contract

EXPLANATION OF TOPIC: The existing City of South Lyon Solid Waste, Yard Waste, Recycling Collection and Disposal Agreement is dated March 12, 2013, and it was originally between the City and Duncan Disposal. The City approved the Consent and Waiver of Assignment of the Contract from Duncan to GFL USA in August 2016.

The current Contract with GFL (per the assignment) has a 5-year term and expires June 30, 2018. (Section 3(A)).

The City has a right to extend and postpone contract termination for one (1) three-year term which is essentially a right to extend the contract for an additional 3-year term. (Section 3(C)). To exercise this right, “[t]he City must give the Contractor written notice of its intention to extend the contract period at least three (3) months prior to the expiration of the Contract.” (Section 3(C)).

The Contractor can request a 3-year extension of the Contract. (Section 3(B)). To do so, it must provide written notice of the request to the City 6 months prior to the expiration date. The decision to grant the extension is in the City’s sole discretion, and if accepted, the approval must occur at least 3 months prior to the expiration date.

Attachment A to the Contract, Section 1.9 contains the price adjustment provision, and Mr. Csapo’s memo accurately summarizes it. It provides for annual price adjustments in June of each year of the Contract with the new prices taking effect on July 1. The prices are adjusted by the CPI with a maximum of 3% increase.

GFL USA is proposing a 4-year contract extension which would expire June 30, 2022. Note, the existing Contract provides an option to both the Contractor and the City to extend for a 3-year term. The proposal is referred to as an extension of the current contract but it requests a 4-year term among other proposals. Thus, it is unclear if the proposal is a request for extension as provided for under the current Contract or a proposal for an amended or new contract. The impact of this distinction may affect how the proposal is handled. If treated as a proposal for a new contract, it might trigger purchasing / bidding requirements under the City Code and purchasing ordinance and charter. Alternatively, it could be viewed as a combined request for extension and amendment including the 4-year term vs. 3-year term.

There was no price adjustment implemented in June 2017. The current solid waste fee per the City fee schedule on the website (adopted Oct 2016) shows single family residential at $34.38/quarter or $137.52/year. Mr. Csapo’s analysis of the price increase (ie, 3.5% increase proposed for July 1, 2018) appears to be based on the rates in place as of October 2016 with no price adjustment in 2017 which may explain why the requested 3.5% price increase exceeds the Contract provision limiting annual price adjustment to CPI and a maximum of 3% per year. GFL is proposing to limit this to 2% per year under the extension.

There may be a benefit to both parties in matching the term of the City’s Solid Waste Contract with 6 other communities. This may be the real purpose of the proposal for a 4-year term vs the 3-year term.
MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:
- RRRASOC Memo dated October 19, 2017
- Current Solid Waste Contract

POSSIBLE COURSES OF ACTION:
- Authorize parties to pursue contract extension
- Put the Contract out for bid
- No action
- postpone

RECOMMENDATION: Pursue extension of GFL contract extension proposal and not put the contract out for bids.

SUGGESTED MOTION: Motion to authorize the City to pursue an extension of the Solid Waste Contract with GFL USA
January 4, 2018

Lynne Ladner
City Manager
City of South Lyon
335 S. Warren
South Lyon, MI 48178

Dear Lynne,

Thank you for the time to discuss and the opportunity to meet regarding extension possibilities for the City of South Lyon.

As per our discussion, please see the proposal below.

1. Extend current contract until 6/30/2021 (3 years)
2. $0.55/per unit increase on rate effective 7/1/2018
3. Continue current trash, recycle and yard waste services at like terms with the exception of:
   - 2% annual cap and 0% floor
   - South Lyon would be eligible for an opt-in 64 gallon recycle cart for up to 1,000 residential homes. Residents will own carts at end of 36 months.
   - Delivered carts above the 1,000 included in the unit rate will be billed in June for the year before at $75.00 each.

Let me know when a good time would be to meet regarding the above opportunities. Please contact me with any questions.

Sincerely,

[Signature]

Sam Caramagno
District Manager
GFL Environmental USA Inc.

CC: Mike Csapo
    Timothy Wilhelm
To: Lynne Ladner, City Manager, South Lyon
From: Mike Csapo, General Manager
Date: October 19, 2017

Re: GFL USA Contract Extension Proposal

As you are aware, the City's contract with GFL USA for curbside solid waste service expires on June 30, 2018. GFL USA has proposed a contract extension under the following terms:

1. Extend the current contract until June 30, 2022.
2. Set the annual rates beginning July 1, 2018 at $142.32 for single-family homes and $124.92 for serviced multi-family homes.
3. Continue to adjust the rates annually based on the CPI but lower the current cap from 3% to 2%, with a floor of 0%.
4. Allow homeowners to "opt-in" to receive a 64-gallon recycling cart at no cost to the homeowner or the City.

I have the following comments on each of the preceding terms:

1. The extension proposal would align the City's contract term with six of the other RRRASOC communities, which may provide an opportunity for a joint bid in the future.
2. The proposed rate is a 3.5% increase, which constitutes a market adjustment from the existing rate that was largely result of contracting with nearby Duncan Disposal. Also, prices in the industry have generally been trending up in the last several months.

The new single-family rate of $142.32 compares to a RRRASOC area median of $150.60 and an average of $148.26. GFL USA provides (or proposes to provide) similar services to the RRRASOC communities of Milford, Milford Township, and Walled Lake for $139.20, $150.60, and $148.59, respectively. The next page shows a price comparison across all RRRASOC communities.

3. Under the current contract, annual price increases are tied to the CPI, with a cap of 3% and no floor. The proposal reduces the cap to 2% and introduces a floor of 0%, which reduces the City's overall exposure to price increases while creating greater price predictability.
4. The proposal allows homeowners to continue to use their existing 18-gallon recycling bin or “opt-in” to receive a 64-gallon recycling cart at no cost to the homeowner or the City. The use of recycling carts is considered a best practice in the recycling industry and the deployment of recycling carts has been the trend over the past several years. The use of carts is typically associated with an increase in recycling due to the increased capacity and convenience of the carts, which have wheels and lids.

Overall, the proposal would continue the existing service while adding cart recycling. The contract price would remain competitive, with future increases limited to no more than 2% annually. If the City is receiving a level of service that meets its expectations, the proposal merits consideration.

Please let me know if you have any questions.
City of South Lyon
Solid Waste, Yard Waste, Recycling Collection and Disposal Agreement

THIS AGREEMENT, is made and entered into this March 12, 2013, by and between the City of South Lyon, 335 S. Warren, South Lyon, MI 48178, heretofore called “THE CITY”, and Duncan Disposal Systems, Inc., a corporation registered in the State of Michigan, with offices located at P.O. Box 727, South Lyon, Michigan 48178, (hereinafter called “Contractor”).

WITNESSETH:

WHEREAS, THE CITY, through cooperation with the Resource Recovery and Recycling Authority of Southwest Oakland County (RRRASOC), 20000 W. Eight Mile Rd., Southfield, MI 48075, requested proposals from qualified companies interested in performing solid waste, yard waste and recycling collection and disposal services for THE CITY and;

WHEREAS, the proposal of the Contractor was received and determined by THE CITY to be the most responsive proposal received at the best services value for the estimated costs and;

WHEREAS, representatives of THE CITY and the Contractor met to negotiate the detailed terms of this agreement contained herein and;

WHEREAS, THE CITY and the Contractor entered into a Solid Waste, Yard Waste, Recycling Collection and Disposal Agreement (the Agreement) effective July 1, 2008 and;

WHEREAS, the Agreement may be extended by mutual agreement and;

WHEREAS, the parties have agreed to extend the Agreement for a period of five (5) years on the terms and conditions as set forth herein and;

NOW, THEREFORE, in consideration of the mutual promises and agreements herein set forth, the parties agree as follows:

1. GENERAL PROVISIONS: The general provisions this contract shall be in accordance with Attachment A: “General Provisions” (Incorporated herein to this agreement).

2. CONTRACTOR’S OBLIGATIONS: The services to be provided by the Contractor are detailed in Attachment B: “Contractor’s Service Specifications” (Incorporated herein to this agreement).

3. TERM / TERMINATION OF THE CONTRACT

A. Five (5) Year Term: The term of this services contract shall be for five (5) years, with one (1), three-year extension option. The initial contract term shall begin July 1, 2013 and expire June 30, 2018.

B. Contractor’s Extension Options: The Contractor may request one (1) three-year contract extension if written notice of such requests are received by THE CITY by six (6) months prior to current expiration date. Granting requests for contract extensions shall be at the sole discretion of THE CITY and shall not be contestable or appealed. If THE CITY agrees to accept the Contractor’s request for an extension, such extension shall be approved at least three (3) months prior to the current expiration date.

C. THE CITY Retains Right to Extend and Postpone Contract Termination Date: THE CITY may renew the Contract for one (1) three-year term (extension) under the conditions set forth in the contract. THE CITY shall give the Contractor written notice of its intention to extend the contract period at least three (3) months prior to the expiration of the Contract.