



# CITY COUNCIL

CITY OF LATHRUP VILLAGE  
27400 Southfield Road, Lathrup Village, Michigan 48076  
[www.lathrupvillage.org](http://www.lathrupvillage.org)

## STUDY SESSION- REMOTE AGENDA

MONDAY, SEPTEMBER 14, 2020  
6:00 P.M.

### ZOOM REMOTE MEETING INFORMATION

**Webinar ID:** 970 0532 5162

**Password:** 611047

**Online:**

<https://zoom.us/j/97005325162?pwd=MkdPTUQwSDB0b3ZrTkxSngxTFlvZz09>

**Telephone:**

1 646 558 8656 or +1 301 715 8592

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### AGENDA ITEMS

1. **Call to Order** by Mayor Garrett
2. **Discussion Items:**
  - A. Marijuana Licensing & Application Process
  - B. Sign Ordinances Update
  - C. House In the Wood – RFP Update
  - D. Code Inspection & Property Maintenance Update
  - E. Sidewalk Program Update
  - F. Municipal Separate Storm Sewer System (MS4) Inspection and National Pollutant Discharge Elimination System (NPDES)
3. **Mayor and Council Comments**
4. **Public Comments**
5. **Adjourn**

**NOTICE OF ELECTRONIC PUBLIC MEETING  
CITY OF LATHRUP VILLAGE  
CITY COUNCIL MEETINGS**

Monday, September 14, 2020 at 6:00pm – Study Session  
Monday, September 28, 2020 at 6:00pm – Study Session  
Monday, September 28, 2020 at 7:00pm – Council Meeting

In accordance with Gov. Whitmer’s Executive Order 2020-129, which allows for electronic meetings of public bodies, notice is hereby given that the City of Lathrup’s City Council will be meeting electronically using www.Zoom.US for videoconference and public access.

This meeting is a Special Meeting of the City Council and includes a meeting of the Board of Zoning Appeals.

The electronic public meeting will be held as a Zoom electronic webinar. The public can participate via the Zoom application, internet and/or telephone. The public will be able to listen to all discussion by City Council members and will be permitted to speak for up to 3 minutes during the public comment section of the agenda.

Please note that callers/viewers will automatically be muted. Public comments can be submitted via the Chat Room or during Public Comment, when viewers are unmuted on an individual basis. Comments may also be emailed in by 12noon of the date of the meeting to: [cityclerk@lathrupvillage.org](mailto:cityclerk@lathrupvillage.org),

CITY OF LATHRUP VILLAGE  
**CLICK FOR ZOOM WEBINAR SIGN IN INFORMATION**

**SEPT. 14<sup>TH</sup> AT 6PM – STUDY SESSION**

**Online:**

<https://zoom.us/j/97005325162?pwd=MkdPTUQwSDB0b3ZrTkxSngxTFlvZz09>

**Telephone:** 646 558 8656 or 301 715 8592

**Webinar ID:** 970 0532 5162

**Password:** 611047

**SEPT. 28<sup>TH</sup> AT 6PM – STUDY SESSION**

**Online:**

<https://zoom.us/j/94303225250?pwd=M2FQR0NTN29RS3BWNW9QTmoyVit4dz09>

**Telephone:** 646 558 8656 or 301 715 8592

**Webinar ID:** 943 0322 5250

**Password:** 153239

**SEPT. 28<sup>TH</sup> AT 7PM – COUNCIL MEETING**

**Online:**

<https://zoom.us/j/93195883582?pwd=WIZneVczL1JGd1h3cUZxVEZzY2E3Zz09>

**Telephone:** 646 558 8656 or 301 715 8592

**Webinar ID:** 931 9588 3582

**Password:** 881652

**ONLINE PARTICIPANTS** can “raise their hand” to be recognized by the moderator. The moderator will announce when it is your turn to speak. Audio for participants will be unmuted on an individual basis. There is a 3-minute time limit.

**NOTICE FOR TELEPHONE CALL IN ATTENDEES:** In order to “raise your hand” press \*9. In order to toggle between mute/unmute, press \*6 on your telephone key pad



**Dr. Sheryl L. Mitchell**

**City Administrator**

City of Lathrup Village

27400 Southfield Road | Lathrup Village, MI 48076

smitchell@lathrupvillage.org

Office: 248.557.2600 x 225 | Cell: 248.520.0620

**COUNCIL COMMUNICATION:**

TO: Mayor Garrett and City Council Members  
FR: Sheryl Mitchell, City Administrator  
DA: September 14, 2020  
RE: **Marijuana Licensing & Application Process**

In March 2019, City Council adopted a Marijuana ordinance (Article VI - Sec. 18-281). The City Council expressed interest in having an ordinance to “opt-out” of allowing medical or recreational marijuana facilities in Lathrup Village, with a sun-set clause to re-examine after the State of Michigan regulations are in place and the study group has had an opportunity to report its findings.

The original ordinance contained a sunset for the “Opt Out” that expired in September 2020. In July 2020, Council adopted an ordinance that extended the sunset provision, the “opt out”, for 1 year - while additional information is gathered, particularly from cities of similar size and cities where marijuana has been legal for more than 1 year.

The Marijuana Study Group, chaired by Council Member Saleem Siddiqi. Members included: Don Eichstaedt, Dawn Medley, Cora Morgan, and Carl Woodson. At the July 8, 2020 meeting, the Marijuana Study Group voted 5-0, with 1 absent to recommend that Council allow marijuana related businesses to operate in the City of Lathrup Village. Mr. Eichstaedt has shared an opinion in opposition to any licensing.

A tentative timeline for the process has been provided. The Planning Commission is scheduled to have their initial discussion on the related zoning at their September 15, 2020 meeting. The memo from Giffels Webster is included in your packet.

# memorandum

**DATE:** August 28, 2020  
**TO:** City of Lathrup Village Planning Commission  
**FROM:** Jill Bahm, Giffels Webster  
**SUBJECT:** Zoning Discussion - Cannabis

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## Introduction

This memo is intended to provide an overview and background related to zoning considerations for cannabis facilities. The intent is to facilitate initial discussion of the issue at the upcoming September 15, 2020 meeting of the Planning Commission. We do not make any recommendations nor outline any specific ordinance language at this time.

### *What prompted this discussion?*

- On November 6, 2018, Michigan voters approved Proposal 18-1, which legalized recreational marijuana and created the Michigan Regulation and Taxation of Marihuana Act (MRTMA). The law required all Michigan communities to decide if it would allow or prohibit state-licensed recreational marijuana establishments.
- The city of Lathrup Village held an informational town hall meeting in January 2019 and the city, along with many other communities across the state, opted out of the MRTMA. City Council included a “sunset” on the opt-out, to encourage discussion on the issue.
- A subcommittee has been researching how other communities regulate cannabis facilities and, in August 2020, recommended that the city allow a limited number of facilities.
- City Council extended the sunset on the opt-out through August 2021, allowing for time to create ordinances that are appropriate to the city of Lathrup Village. This will include general code and zoning amendments.

### *What types of facilities are permitted by the MRTMA?*

The MRTMA and its associated administrative rules define the following uses:

- **“Designated consumption establishment”** means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license issued under the Michigan regulation and taxation of marihuana act.
- **“Grower”** means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.
- **“Microbusiness”** means a person or entity licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a Marihuana Safety Compliance Facility, but not to other marihuana establishments.

- **"Processor"** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.
- **"Provisioning center"** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a registered primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act.
- **"Safety compliance facility"** means a licensee that is a commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
- **"Secure transporter"** means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
- **"Temporary marihuana event license"** means a state license held by a marihuana event organizer under the Michigan regulation and taxation of marihuana act, for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license.

*What is the difference between cannabis, marihuana and marijuana?*

According to the Michigan Marihuana Regulatory Agency (MRA), Michigan's spelling with an "h" was chosen for the Marihuana Tax Act of 1937. As governing state laws spell marihuana with an "h," MRA legal communication and references to statutes in relation to the Michigan Medical Marihuana Act or the Michigan Medical Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act – and the corresponding administrative rules will use an "h" in the spelling of Marihuana. In non-formal communication, "j" will generally be used.

Regardless of the spelling, there are some people who consider the word marijuana to be pejorative and racist, due to the classification given by drug enforcement agencies during and after prohibition and again in the 1960's. We recommend using the term cannabis to refer to the industry from a more objective perspective that removes any historical stigma and negative connotations coming from the use of the word marijuana.

## Current Language

*What does the Zoning Ordinance say?*

- Since cannabis facilities are not currently permitted in the city, the zoning ordinance does not address them. If the city did permit them without specific zoning standards, the Planning Commission would determine which permitted uses are the most similar and those standards would apply.
- For example, a provisioning center is essentially a retail use and would be permitted wherever retail uses are permitted and any standards, such as parking, etc. that apply to retail

establishments would apply to provisioning centers. Other establishments, such as a transporter, may be more industrial in nature and be permitted as such.

## Potential impacts and considerations

The MRTMA allows communities to select which types of facilities and how many it wishes to permit. The recent petitions submitted vary from two provisioning centers to as many as seven provisioning centers and each of the other facilities. Zoning standards may be developed to protect the public health, safety, and welfare. The city may wish to consider potential impacts of cannabis facilities to determine if any specific standards should apply to mitigate those impacts. Some of those issues may include:

- Safety. Are there safety concerns for employees of the facilities, patrons of the facilities or the public in surrounding areas? What about the appearance of security measures like shutters, bars and the like?
- Parking and traffic. Are there any unusual parking or traffic considerations associated with these uses?
- Energy and water consumption. In particular, grow and processing facilities can be high-demand uses for energy and water. Are there any areas of the city in which this could be problematic? Could this be mitigated by including renewable energy and water re-use in the scoring criteria and rewarding businesses that address these issues effectively with additional points?
- Nuisances. What nuisances are typically associated with these facilities? These concerns generally include odor, but are there other concerns?

These concerns may be addressed through some of the following approaches:

- Location. Where in the community should such uses be permitted?
  - Facilities are generally grouped as follows:
    - Grow, processing, testing and transport facilities, in urban areas, are mainly indoor uses, and are generally industrial in nature.
    - Microbusinesses have a grow component but also may sell to the public, similar to a micro-brewpub.
    - Provisioning centers are retailers and designated consumption establishments are similar to bars. Many communities recognize that these centers may be perceived as safer when located in a standard retail-type setting, rather than in an industrial setting.
  - Issues to be explored:
    - Are there any compatibility issues with existing uses?
    - State law requires uses to be located at least 1,000 ft from schools, which precludes several areas of the city, including most of downtown – but should these uses be permitted downtown? Should there be setbacks from residentially zoned areas? Is a setback from residential zoning practical given that nearly all non-residential properties in the city abut residential zoning?
    - Is there a concern about concentration of such uses or should they all be located together?

- Are there any accessory uses that should be considered, like drive-through facilities, or the sales of other products, including alcohol?
- Trash. How is waste handled? Where is it stored?
- Hazardous materials. Specific standards related to the storage of hazardous materials should apply.
- Hours of operation. Should any of these uses be limited in their hours of operation?
- Parking. How is visitor parking accommodated? What should the standards be? How are deliveries accommodated?
- Outdoor activities. Should any outdoor sales, storage or seating be permitted?
- Signage. Signs will be regulated through the city's sign ordinance; any cannabis-related facilities should be treated the same way in terms of time, place and manner. While the MRTMA does allow some content-based regulation, it is unclear if this is consistent with general sign-based case law.
- Lighting. How is the site lit to ensure safety while limiting an overly bright site, glare and excessive energy usage?
- Building design. Are there standards for building design and/or form that should be included? Should facilities have any energy-related standards?
- Fencing/screening and landscaping. Are there any additional site improvements needed to screen or buffer any of these facilities from surrounding uses?
- Permitted uses. With use and site standards in place, should these uses be permitted by-right or as special land uses (which require public hearings)?

## INITIAL DRAFT TIMELINE FOR CONSIDERATION OF MARIJUANA ORDINANCES, ZONING & APPLICATION PROCESS

1. August: Council provides general direction on the following:
  - a. types of marijuana facilities envisioned
  - b. anticipated concerns, if any, about impacts to the community that may need to be mitigated
2. September - October: City attorney and planner work on draft municipal and zoning code language
3. October: Draft language presented to council for initial feedback and additional direction (share initial drafts and council feedback with Planning Commission)
4. October – November: Ordinances refined as needed
5. November: Planning Commission review and discussion
6. November – December: Ordinances refined as needed
7. December: Council reviews final drafts; refine as needed (initial outline for applications could begin here)
8. January: Planning Commission review and set public hearing
9. February: Public hearing on zoning amendments
10. March: Council review, public hearing (recommended) and action on municipal code and zoning amendments
11. April: Final action on amendments
12. May – June: Application development
13. July: Ordinances and applications complete

Again, this is just a starting point but I think reasonable in terms of moving things along in a thoughtful way – together we can refine this as needed. Keeping the timeline and draft materials on the city’s website will provide the transparency I think you’re all looking for.

**Jill Bahm, AICP**

Partner



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[www.giffelswebster.com](http://www.giffelswebster.com)  
[privacy policy](#)



Marijuana Study Group Committee  
Recommendation to City Council  
7/27/20

The marijuana study group hereby recommends that the city council of the city of Lathrup Village allow marijuana related businesses to operate in the city and recommends that licenses be considered for the following type of marijuana businesses:

- Processing facilities – Number of licenses to be determined
- Testing/Compliance facilities – 2 licenses
- Medical marijuana provisioning centers – no licenses individually. But grant licenses in combination with Adult use licenses.
- Adult Use (Recreational) marijuana provisioning centers – 3 licenses
- Transportation businesses for the secure transport of cash or product – 2 licenses
- Grow facility – no licenses
- Microbusiness – no licenses

Recommendation approved by following vote (4 to 1):

Saleem R. Siddiqi	Yes
Dawn Medley	Yes
Cora Morgan	Yes
Charles Woodson	Yes
Don Eichstaedt	No



**Dr. Sheryl L. Mitchell**

**City Administrator**

City of Lathrup Village

27400 Southfield Road | Lathrup Village, MI 48076

smitchell@lathrupvillage.org

Office: 248.557.2600 x 225 | Cell: 248.520.0620

**COUNCIL COMMUNICATION:**

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell, City Administrator

DA: September 14, 2020

RE: **Sign Ordinance Update**

Council requested an update on the sign ordinance that that is being drafted by the City Attorney and Planner. Concerns included the level of illumination that are allowed in the business corridors.



**Dr. Sheryl L. Mitchell**

**City Administrator**

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**COUNCIL COMMUNICATION:**

TO: Mayor Garrett and City Council Members

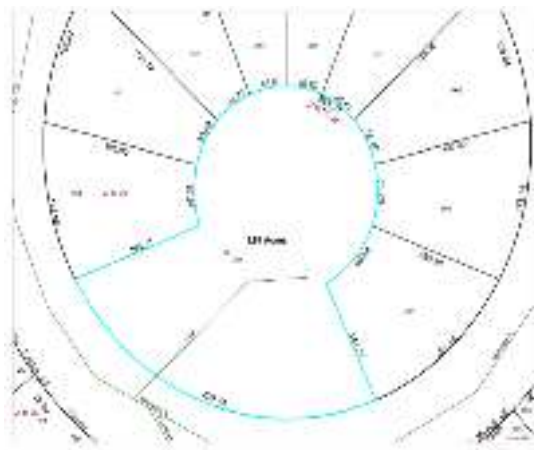
FR: Sheryl Mitchell, City Administrator

DA: September 14, 2020

RE: **House in the Woods RFP**

The property located at 19600 Forest Drive has been vacant for several years. It is the site of Lathrup Village founder Louise Lathrup's home, which was called "The House in the Woods." The home was struck by lightning and burned to the ground in June 2009. The House in the Woods property was deeded to the city in September 2010.

The Site is zoned as R-3 "Single-Family Cluster Housing." This designation, according to the Lathrup Village Zoning Ordinance, "is intended to allow single-family dwelling units to be developed with varied yard setback requirements and/or design innovations so as to (a) facilitate development of parcels that are difficult to develop under the usual standards, (b) allow for a single-family detached residential development without increasing the permitted appropriate conventional lot-by-lot subdivision density, and/or (c) enhance useful open space and preserve significant trees and other natural features through the proper utilization of density transfer techniques."



An RFP was issued to seek a qualified real estate agent and/or broker that have a proven capacity to list, market, show, and sell the property. The RFP was issued on August 11, 2020 and posted on the city and State of Michigan websites. The deadline for responses was September 1, 2020. No responses were received.

An offer to purchase the property for \$40,000 was received from Ryan and Lo'Rell Rudolph.



**Dr. Sheryl L. Mitchell**

**City Administrator**

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### **COUNCIL COMMUNICATION:**

TO: Mayor Garrett and City Council Members  
FR: Sheryl Mitchell, City Administrator  
DA: September 14, 2020  
RE: **Code Inspection & Property Maintenance Update**

#### **Code Inspection**

- Rami Sweidan, the part-time code inspector, has resigned his position to accept a full-time position in another community.
- Jim Wright with McKenna has been requested to resume additional hours to assist until the position can be filled.
- Brick Wall – the Contractor has the adjacent property under contract and the bricks will be there next week. He has been advised that if there is no action, a violation will be filled against his builder's license and the owner will be issued a ticket. A court date was set for Sept. 9<sup>th</sup>.
- Court Default Orders: we have been advised that the court is not issuing any default orders for those we have written citations to that do not show up for their case. As a result, most of the violations written continue. There really isn't much we can do with these. Unfortunately, this means that junk cars, trash cans and other violations will remain until the court changes their position. Code Enforcement will continue to write the tickets but compliance may be delayed.
- Blue Car on Lathrup Blvd – near 12 mile. Reported to be operational and no longer has flat tires.
- Household Hazardous Waste & Paper Recycling – Saturday, September 26 from 10am-2pm

#### **Property Maintenance**

- JMC properties (28820 – 28880 Southfield Rd) were inspected by the Building Official, Fire Marshall and the Electrical, Mechanical and Plumbing inspectors. The 174-page report indicated that all 3 properties were found to have a number of issues. The inspection report notes the buildings may not be safe for human occupancy and may be ordered to be shut down. A meeting is tentatively schedule with the property owner next Thursday.
- The City does not currently have anyone appointed to serve on the Property Maintenance Appeals Board. Attorney Baker mentioned that some communities share their appeals board. I have reached out to the City of Southfield. The other option is to seek applicants and make appointments to the Property Maintenance Appeals Board.



A HERITAGE OF GOOD LIVING

**Dr. Sheryl L. Mitchell**

**City Administrator**

City of Lathrup Village

27400 Southfield Road | Lathrup Village, MI 48076

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Office: 248.557.2600 x 225 | Cell: 248.520.0620

**COUNCIL COMMUNICATION:**

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell, City Administrator

DA: September 14, 2020

RE: **Sidewalk Program Update**

The Sidewalk Program was to establish Assessment Districts for the business corridor and sections of city neighborhoods. The process involves obtaining bids from a contract, issuing, public notices and holding public hearings. This process can take several months.

Another approach involves allowing for extended payments over the course of up to 4 years.

In addition, there have been requests from residents as to whether the permit fee required for sidewalks can be waived if they assume the responsibility themselves.

Related materials relative to previous approaches is included in the packet.

## Sheryl Mitchell

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**From:** Scott A. Ringler <sringler@giffelswebster.com>  
**Sent:** Thursday, April 30, 2020 1:26 PM  
**To:** Sheryl Mitchell  
**Subject:** Re: Sidewalk Program

I've managed Ferndales program for years and can get you some info when I'm in the office next.

It is a long process with public hearings before and after construction.

We have written a software program for running Ferndales program on GIS which prepares and addresses residents estimated costs and final costs. Sends letters (we still need to mail them) and information to the affected residents. Etc, etc.

To start, we mark each flag of sidewalk to be replaced or horizontally sawcut (these are stunners cut for ADA compliance) and reference the work to each address.

In order to place on the winter tax rolls, the final public hearing to approve the roll is required around the middle of October.

There's a lot more too it but the above is a start.

Honestly, our fees are quite high in comparison to other projects based on a percentage of construction but it's a lot of work. FERNDALE used to add all our fees to the residents but not just 10% of the cost and they pay the remaining cost.

FERNDALE also pays for sidewalks damaged due tot a City tree (damage caused by a tree located in the right of way). They get a lot of complaints about paying for sidewalk repairs due to City trees and a lot of them tell the city to cut down the trees which as you know doesn't go over very well.

Sent from my iPhone

On Apr 30, 2020, at 1:10 PM, Sheryl Mitchell <smitchell@lathrupvillage.org> wrote:

Yes – that is the plan. First, asking them to do it themselves, and if not going through the special assessment.

Do you have any examples of the process (and resolutions) adopted in other communities? Or even what LV did previously?

**Sheryl L. Mitchell**  
City Administrator  
City of Lathrup Village  
248.557.2600, Ext. 225

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**From:** Scott A. Ringler <sringler@giffelswebster.com>  
**Sent:** Thursday, April 30, 2020 12:59 PM  
**To:** Sheryl Mitchell <smitchell@lathrupvillage.org>  
**Subject:** Re: Sidewalk Program

Sheryl,

Will this program be a special assessment?? If so, it's a fairly lengthy process.

Scott

Sent from my iPhone

On Apr 30, 2020, at 12:42 PM, Sheryl Mitchell <[smitchell@lathrupvillage.org](mailto:smitchell@lathrupvillage.org)> wrote:

Scott,

I will need your assistance in configuring the Sidewalk Replacement Program and drafting an RFP.

The overall plan is to do the business corridors this year (Southfield, 12 Mile and 11 mile).

Then each of the quadrants of the city each of the following years.

There was an initial assessment of the sidewalks conducted by DPS that is supposed to be recorded in the county GIS system.

I suspect this will need to be updated.

**Dr. Sheryl L. Mitchell**  
City Administrator  
City of Lathrup Village

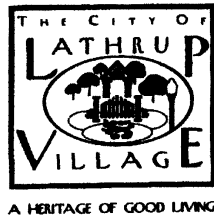
<image003.png>

27400 Southfield Road  
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Jeffrey L. Mueller, City Administrator

Pamela Bratschi, City Treasurer



Gloria Harris-Ford, City Clerk

Maralee Rosemond, Recreation Coordinator

September 11, 2020

Property Owner  
«Number» «Street»  
Lathrup Village, MI 48076

Dear Property Owner:

The City completed an inspection of sidewalks in your area for the purpose of insuring that all sidewalks are in compliance with City Ordinance Chapter 62. Article 2 Div. 3 Section 62-121-62-124. The present program is the same as all past sidewalk replacement programs.

The sidewalk abutting your property has been inspected and found to be in need of replacement. The sections, or "flags" of sidewalk marked with an (X) are those which are in need of replacement. Based on measurements taken by the sidewalk inspector, you have «M\_4» square feet of 4" and «M\_6» square feet of 6" sidewalk in need of replacement.

Sidewalk replacement cost provided by the City contractor - **Passalacqua Construction, Inc. @ (734) 782-9353** are:

\$2.75 per square foot of 4" concrete

\$3.50 per square foot of 6" concrete

(A typical 5x5 flag would cost approximately \$68.75 for 4" and \$87.50 for 6" to replace.) Based on the square footage amounts, the cost of the replacement work is estimated at \$ «Total».

If you wish to have the City contractor perform the work, please sign, date and return the attached authorization form to the City within 10 days. If we fail to hear from you within 10 days, the City shall perform the required work and bill accordingly.

Please note that pursuant to our Ordinance you are not required to utilize the City's contractor to make repairs to the marked sections of your sidewalk. You have the option of having the sidewalk replaced/repared by 1. Yourself, or 2. By a contractor of your choice. If you choose either of these options, a permit must be obtained from the City prior to the start of the work AND work must be completed within 20 days. **There is a minimum \$10.00 fee for sidewalk permits.**

**If you choose to replace the sidewalk yourself or hire your own independent contractor, please notify Customer Service Coordinator, Allison Dawson, via e-mail [Adawsonlv@comcast.net](mailto:Adawsonlv@comcast.net) , fax 248.557.2602, or by written correspondence on or before August 31, 2006 (absolutely no voice mail option accepted). September 1, 2006, the City will proceed with the replacement. Please remember - permits are required for sidewalk replacement. Thank you for your cooperation. Please feel free to call us with any questions.**

Sincerely,

CITY OF LATHRUP VILLAGE

Jeff Mueller, City Administrator



Date: September 11, 2020

**PROPERTY OWNER**  
**AUTHORIZATION FORM**  
**SIDEWALK REPLACEMENT PROGRAM**

I hereby authorize the City's contractor make the required sidewalk replacement on my property.

I understand that the cost of such sidewalk replacement will be \$2.75 per square foot for 4" and \$3.50 per square foot for 6" sidewalks. Measurements taken by the sidewalk inspector indicate that «M 4» sq. ft. of 4" sidewalk and «M 6» sq. ft. of 6" sidewalk requires replacement on my property. The total cost to me is \$ «Total».

I further understand that the City will inspect the work I have hereby authorized and will enforce on my behalf the contractor's warranty.

Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
Print Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Property Address

**CRITERIA USED FOR MARKING SIDEWALKS**

All unsafe sidewalks, as determined by the following established criteria, must be replaced.

1. Differential elevation that exceeds 3/4".
2. Flags that will move if adjacent flag(s) are removed.
3. Holes that could be considered a trip hazard.

**\*\*\*PLEASE NOTE: As part of the sidewalk replacement process, some lawn damage may occur. The contractor is responsible for restoration of all damaged areas prior to receiving payment from the City.**

27400 SOUTHFIELD ROAD • LATHRUP VILLAGE, MI 48076  
PHONE: (248) 557-2600 • FAX: (248) 557-2602

Date: \_\_\_\_\_

**AUTHORIZATION**  
**SIDEWALK REPLACEMENT PROGRAM**  
**PAYMENT PLAN FORM**

You have elected to participate in the payment plan, **please submit the first year's payment with this document to be eligible for the full 4-year repayment plan.** You can request a lesser number of years at your option, but the payment plan will not extend beyond 4 years.

I hereby request that I/we be placed on the City's four (4) year payment plan for the required sidewalk replacement on my property made by the City's contractor.

I understand that the annual payments will be in four (4) equal installments with the initial payment due and owing after the completion of the work. Payments thereafter will be issued in each July and will be due within thirty (30) days.

I also understand that the initial billing will include a 10% interest rate. Thereafter the remaining three (3) payments will include a 6% interest rate on the unpaid balance.

I understand that if I default in any one payment by more than 60 days the total remaining amount will be due and owing to the City through our special assessment process.

I/we state that the property address shown below is owned by the undersigned.

Dated: \_\_\_\_\_, 2001

\_\_\_\_\_  
Print Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Property Address (Type in address)

\_\_\_\_\_  
Telephone Number

Date: September 11, 2020

Property Owner  
«Number» «Street»  
Lathrup Village, MI 48076

Dear Property Owner:

The City has undertaken an inspection of sidewalks in your area for the purpose of insuring that all sidewalks are in compliance with City policy. This policy is consistent with City Ordinance Chapter 62. Article 2 Div. 3 Section 62-121-62-124 and is in the same form and manner as past sidewalk replacement programs.

The sidewalk abutting your property has been inspected and found to be in need of replacement. The sections, or “flags” of sidewalk marked with an (X) are those which are in need of replacement. Based on measurements taken by City employees, you have «M\_4» square feet of 4” and «M\_6» square feet of 6” sidewalk in need of replacement. (A typical 5x5 flag would cost approximately \$68.75 for 4” and \$87.50 for 6” to replace.)

Please note that pursuant to our Ordinance you are not required to utilize the City’s contractor to make repairs to the marked sections of your sidewalk. You have the option of having the sidewalk replaced/repared by 1. Yourself or 2. By a contractor of your choice. If you choose this option, a permit must be obtained from the City immediately of this notice and the work completed within 20 days. **There is a minimum \$10.00 fee for permits. Otherwise the City will proceed with the replacement. There is a minimum @10.00 fee for sidewalk permits.**

**\*\*\* Please notify Allison Dawson by written correspondence. Via email [Adawsonlv@comcast.net](mailto:Adawsonlv@comcast.net) , Via fax 248 557-2602, and or Via mail on or before August 31, 2006. Otherwise the City will proceed with the replacement. Work must be completed by September 10, 2006. Permits are required for sidewalk replacement,**

If you decide to utilize the City’s contractor, the cost of sidewalk replacement is \$2.75 per square foot of 4” concrete and \$3.50 per square foot of 6” concrete. Based on the square footage amounts mentioned earlier the cost of the replacement work is estimated at \$ «Total».

If you have made the decision to have the City’s contractor perform the work, please sign, date, and return the attached form to the City within 10 days. If the City does not receive a response from you within 10 days, the City’s contractor will automatically do the work. **Passalacqua Construction, Inc. @ (734) 782-9353.**

If you have any question please contact Allison Dawson, Customer Service Coordinator **Via email [Adawsonlv@comcast.net](mailto:Adawsonlv@comcast.net) , Via fax 248 557-2602, and or Via mail on or before August 31, 2006.**

Sincerely,

Jeffrey Mueller, City Administrator

Date: September 11, 2020

**AUTHORIZATION FORM**  
**SIDEWALK REPLACEMENT PROGRAM**

I hereby authorize and request that the City's contractor make the required sidewalk replacement on my property.

I understand that the cost of such sidewalk replacement will be \$2.75 per square foot for 4" and \$3.50 per square foot for 6" sidewalks. Measurements taken by City employees indicate that «M\_4» sq. ft. of 4" sidewalk and «M\_6» sq. ft. of 6" sidewalk requires replacement on my property. The cost to me is estimated at \$ «Total».

I also understand that the City will inspect the work I have hereby authorized and will enforce on my behalf the contractor's warranty respecting such work.

Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
Print Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Property Address

**CRITERIA FOR MARKING SIDEWALKS**

All unsafe sidewalks, as determined by the following established criteria, will be replaced.

1. Differential elevation that exceeds 3/4".
2. Flags that will move if adjacent flag(s) are removed.
3. Holes that could be considered a trip hazard.

**\*\*\*PLEASE NOTE: As part of the sidewalk work, some lawn damage will occur. Please be assured the City of Lathrup Village will ensure it is properly repaired before the contractor is paid.**



**Dr. Sheryl L. Mitchell**

**City Administrator**

City of Lathrup Village

27400 Southfield Road | Lathrup Village, MI 48076

smitchell@lathrupvillage.org

Office: 248.557.2600 x 225 | Cell: 248.520.0620

**COUNCIL COMMUNICATION:**

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell, City Administrator

DA: September 14, 2020

RE: Municipal Separate Storm Sewer System (MS4) Inspection and National Pollutant Discharge Elimination System (NPDES)

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) conducted an inspection for the MS4 permit, including:

- Illicit Discharge Elimination Program (IDEP)
- Construction Storm Water Runoff Control Program
- Pollution Prevention and Good Housekeeping Program

A copy of the report is included in your packet. A few areas required Corrective Action. We are working with DPS and Hubbell Roth and Clark to address the issues and draft the response to EGLE.



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
WARREN DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

September 1, 2020

VIA E-MAIL

VIOLATION NOTICE  
VN No. VN-010993

Ms. Sheryl Mitchell, City Manager  
Lathrup Village  
27400 Southfield Road  
Lathrup Village, MI 48076

Dear Ms. Mitchell:

SUBJECT: Violation Notice  
Municipal Separate Storm Sewer System (MS4) Inspection  
National Pollutant Discharge Elimination System (NPDES)  
Certificate of Coverage (COC) No. MIG610013  
Designated Name: Lathrup Village MS4-Oakland

The Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), inspected the Lathrup Village MS4 Program on August 6, 2020 to determine compliance with Part 31, Water Resource Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), NPDES MS4 Watershed Based General Permit No. MIG619000 and Certificate of Coverage No. MIG610013.

The inspection consisted of interviewing personnel, reviewing MS4 program documentation and files, and inspecting facilities owned by Lathrup Village. The primary participants in the MS4 inspection were as follows:

- Sheryl Mitchell, City Manager, Lathrup Village
- Tim Prast, Department of Public Services (DPS), Lathrup Village
- David Chung, DPS
- Robert Mesania, DPS
- Lynne Seymour, Hubbell, Roth & Clark, Inc.
- Ashley Allen, Hubbell, Roth & Clark, Inc.

During the inspection, the WRD staff reviewed the following areas of the Lathrup Village MS4 Permit:

- Illicit Discharge Elimination Program (IDEP)
- Construction Storm Water Runoff Control Program
- Pollution Prevention and Good Housekeeping (P2/GH) Program

Based on the information obtained during the MS4 Program Inspection, Lathrup Village is not in compliance with the MS4 Permit. The following sections detail the findings of the MS4 program inspection. Items that are identified as "required corrective action" indicate that the city is not meeting the minimum required by the permit for that topic and is in violation of the permit. To attain compliance with the permit, the items labeled "required corrective action" must be corrected.

### **IDEP**

Ms. Sheryl Mitchell is primarily responsible for overseeing IDEP implementation. The following findings were discussed during the inspection:

#### **Storm Sewer Map**

Maps of the Village's storm sewer system were provided and included paved surfaces, structural controls (catch basins), the location of outfalls and points of discharge, and the location of receiving waters (Rouge River-Main). Maps are maintained at the Public Works Yard, located at 19101 W 12 Mile Rd, Lathrup Village.

Lathrup Village works collaboratively on the IDEP program with the Alliance of Rouge Communities and Oakland County Water Resources Commission.

#### **Dry Weather Screening**

Lathrup Village 2020 Biennial Progress Report states that outfalls are inspected annually, however, Lathrup Village was unable to provide outfall screening documentation. In accordance with the approved IDEP plan, the Permittee is required to prioritize and eliminate illicit discharges and illicit connections identified during dry weather screening activities. NPDES General Permit MIG619000, Part A.1.a(3), states that a method for determining the effectiveness of the illicit discharge elimination activities which shall, at a minimum, result in the inspection of each storm water point source every five years unless the Department approves an alternative schedule

**Required Corrective Action:** At minimum, screen all eight (8) outfalls as soon as possible or provide a timeline for when this activity can be completed. Upon completion, provide field screening sheets and photo documentation.

#### **Complaints**

Lathrup Village has received zero complaints over the last two progress reporting periods. On the Lathrup Village webpage citizens are directed to contact Oakland County hotline to report complaints. In addition, please include a reference to EGLE's Pollution Emergency Alerting System Hotline number, 800-292-4706.

#### **Dye Test Approval**

Lathrup Village does not currently have approval to apply tracer dyes to surface waters of the state if needed to verify illicit connections. If the Village would like to obtain dye test certification in the future, information is available on EGLE's webpage at [https://www.michigan.gov/egle/0,9429,7-135-3313\\_46123\\_54919-227024--,00.html](https://www.michigan.gov/egle/0,9429,7-135-3313_46123_54919-227024--,00.html).

#### **IDEP Training**

Lathrup Village held two workshops on IDEP and P2/GH trainings in 2019 for staff and other local municipal personnel. IDEP training is held regularly for DPS staff and training records are maintained.

#### **Illicit Discharge Ordinance**

The Village adopted a Storm Water Management Ordinance in September 2010. This ordinance gives the Village the authority to:

1. Prohibit illicit discharges, including illicit connections and direct dumping/disposal.
2. Establish the authority to investigate, inspect, and monitor suspected illicit discharges.

3. Require and enforce elimination of illicit discharges and connections.

### **Construction Stormwater Runoff Control Program**

Ms. Sheryl Mitchell is primarily responsible for overseeing the construction stormwater runoff control program. The following findings were discussed during the inspection:

Currently the Oakland County Water Resources Commission (WCWRC) is the soil erosion and sedimentation control enforcing agency for Lathrup Village. Through the site plan review process the Village has procedures in place to:

1. Notify the WCWRC within 24 hours when soil or sediment is discharged into the Village's MS4 in a quantity that could negatively impact surface waters of the state.
2. Notify EGLE when soil, sediment or other pollutants are discharged into the MS4 from construction activity
3. Ensure that construction activities with earth disturbance over an acre obtains obtain a Part 91 Permit and/or a State of Michigan Permit by Rule or is reviewed by an approved Authorized Public Agency through the site plan review process.
4. Advise the landowner or recorded easement holder of the State of Michigan Permit by Rule (Rule 323.2190) for storm water discharge from construction activity if the area of the disturbance is greater than 5 acres.

### **Pollution Prevention/Good Housekeeping(P2/GH)**

Ms. Sheryl Mitchell is primarily responsible for overseeing P2/GH implementation. The Village is implementing several best management practices (BMPs) as part of its P2/GH Program. The following findings were discussed during the inspection.

#### **Maps of Facilities and Structural Controls**

Lathrup Village has an up-to-date inventory of facilities and structural controls that discharge to surface waters that was included with the MS4 application for permit reissuance.

Procedures are in place for assessing each facility for the potential to discharge pollutants to surface waters of the state.

Lathrup Village has one high ranked facility, which is the Department of Public Works (DPS) Facility and the Storage Yard. The facility stores salt, aggregate material, and used oil outdoors. The facilities list includes low ranked facilities based on potential to discharge. Low ranked facilities include administrative building, police station, and municipal parks.

A site specific standard operating procedure (SOP) is in place for the DPS yard and includes significant materials, handling and storage requirements for each and its potential to discharge. Lathrup Village submitted with their permit application a Storm Water Pollution Prevention Plan (SWPPP). Section 5.1, Preventative Maintenance Program, states inspection and maintenance of structural controls will be conducted monthly and that there are no structural devices on site; however, there are catch basins and a trench drain located on-site. Please revise the table in the Section 5.1 and the preventative maintenance inspection form to include catch basins and the trench drain. Documentation of comprehensive inspections was provided during the inspection; however, it is unclear how often preventative maintenance inspections are conducted. At a minimum, the DPS facility should be inspected monthly.



Catch Basin Cleaning/BMP Maintenance Activities

Catch basins are cleaned and/or repaired as needed. Catch basin waste is dewatered at the DPS yard and then disposed of at a licensed landfill. Lathrup Village reported on number of catch basins cleaned and repaired in the most recent progress report, however, the Village has not inspected all its catch basins to date. Approximately two (2) catch basin in 2014 were cleaned with 20 pounds of waste collected. Seven catch basins were repaired/replaced. The Village has approximately 500 catch basins according to the most recent permit application. From the inspection it is unclear how many of the 500 catch basins have been inspected.

**Required Corrective Action:** According to the MS4 permit application, Lathrup Village commits to inspecting catch basins annually between April and November and cleaning catch basins when the sediment in the sump is no more than 50% full. Please ensure that this procedure is adhered to and keep a record of catch basins inspected and cleaned going forward. Since many of these catch basins have not been inspected, please provide a timeline for when these catch basins can be evaluated.

Street Sweeping

Lathrup Village currently contracts out street sweeping to the City of Southfield who sweeps along West and Eastbound Eleven Mile road. Parking lots are hand swept.

Staff Training

Lathrup Village held two workshops on IDEP and P2/GH trainings in 2019 for staff and other local municipal personnel. P2/GH training is held regularly for DPS staff and training records are maintained.

Vehicle Washing

The SOP for P2/GH submitted with the recent permit application states that vehicle washing activities are conducted at either a commercial car wash or indoors at the DPS facility where the floor drains discharge to the sanitary sewer system. During the inspection, Lathrup Village staff stated that DPS vehicles are washed outside manually at the DPS yard with soap. The area where the vehicles are washed drain to nearby storm drains. The WRD staff advised Lathrup Village that the use of soap/detergent is not authorized and that this is an illicit discharge.

**Required Corrective Action:** Provide the corrective action measures the Village will take to address the unauthorized discharge of detergent into waters of the State. The MS4 Permit application will need to be revised to reflect vehicle washing practices which will be implemented by Lathrup Village.

Leaf Collection

Lathrup Village staff collects residential leaves and the waste is disposed of at the SOCCRA Ferndale yard for compost.

Vegetated Properties

Lathrup Village contracts out to a certified contractor for fertilizer and pesticide application as needed.

Contractor Oversight

Lathrup Village has verbal contracts with City of Southfield and Oakland County Road Commission for contracted services (street sweeping, vector truck, etc.) Going forward, Lathrup Village will provide staff and Contractor Employee training programs to inform appropriate

personnel at all levels of responsibility of safety, environmental impacts, and good housekeeping practices at minimum, once during a permit cycle.

**Required Corrective Action:** Maintain contractor training records which include sign in sheets, topics covered and day and times of trainings. Please clarify if Lathrup Village staff will periodically oversee contractor work.

#### Cold Weather Operations

The Village does not stockpile snow but instead plows and moves it away from open ditches. Approximate 325 tons of salt were applied in the Winter of the 2013-14 seasons. Approximately 2 tons of salt were used the past two winters. There is quite a large discrepancy in the amount of salt used during the 2013-2014 season versus the last two winter seasons. Please clarify if the 325 tons is an accurate number and if so, provide an explanation on why such a large amount was used. The progress report states that Salt applicators are calibrated regularly, however calibration records were not provided during the inspection.

**Required Corrective Action:** Ensure calibration records are maintained for salt trucks along with amount of salt used. It is recommended that salt trucks are calibrated annually.

Based on follow up information provided after the inspection regarding salt storage, it appears that Lathrup Village can receive and store 5 tons of salt and therefore requires a Pollution Incident Prevention Plan (PIPP).

**Required Corrective Action:** Provide a copy of the PIPP for salt storage at the DPS facility. If Lathrup Village does not have one, then provide the timeline to develop a PIPP and provide a copy to the WRD once completed.

#### Site Inspections

The WRD staff visited the following Lathrup Village properties:

1. Administrative Building/Police Department and Lathrup Village Municipal Park located at 27400 Southfield Road, Lathrup Village.
2. Lathrup Village Public Works yard located at 19101 W 12 Mile Rd, Lathrup Village.  
Administrative Building at Department of Public Services located at 26900 Princeton St., Inkster

Some minor issues were observed at the DPS facility. The storm drain trench located near the DPS garage entrance area and the catch basin located inside near the cold patch storage need repairs. This is part of the capital improvement projects currently on hold due to funding. Lathrup Village will complete these repairs once funding is received. Until this area is repaired, more frequent inspections are needed.

#### Conclusion

Based on the MS4 inspection, Lathrup Village is in violation of the NPDES MS4 Watershed Based General Permit No. MIG619000 and the COC No. MIG610013. Therefore, Lathrup Village should take immediate action to achieve and maintain compliance with the terms and conditions of Part 31 and the COC.


Lathrup Village is required to submit a written response to this Violation Notice by **October 2, 2020**. At a minimum, the response shall include the following:

1. Confirmation that all eight (8) outfalls will be screened as soon as possible. Upon completion, provide field screening sheets and photo documentation.
2. Confirmation that the SWPPP will be revised and that preventative maintenance inspections are conducted monthly. Include more frequent inspections of the trench drain and catch basins located inside of the DPS facility.
3. Confirmation that a record of catch basins inspected and cleaned will be maintained. Provide a timeline to complete catch basin inspections.
4. The corrective action measures the Village will take to address the unauthorized discharge of detergent to waters of the State. Submit revised permit application documents that address this issue, if needed.
5. Confirmation that records will be maintained documenting contractor training. Include topics covered along with days and times. Clarify if Lathrup Village staff will periodically oversee contractor work.
6. The corrective action measures the Village will implement to maintain salt truck calibrations records. Include an explanation regarding the use of 325 tons of salt during the 2013-2014 winter season.
7. Provide the PIPP for salt storage at the DPS site. If one needs to be developed, provide the timeline to complete this task.

In addition to the items noted above, if Lathrup Village has any information it would like EGLE to consider regarding the violations identified in this Notice, please provide it with the written response.

EGLE anticipates and appreciates the cooperation of Lathrup Village in resolving this matter. Should you require further information regarding this Notice or to arrange a meeting to discuss it, please contact me at 248-508-1083 or [VarugheseL@Michigan.gov](mailto:VarugheseL@Michigan.gov)

Sincerely,



Lishba Varughese  
Senior Environmental Quality Analyst  
Water Resources Division  
Warren District Office

cc: Mr. Lynne Seymour, Hubbell, Roth & Clark, Inc. (electronic copy)  
Ms. Melinda Steffler, District Supervisor, EGLE-WRD (electronic copy)