

Regular City Council Meeting

January 22, 2018

Agenda

7:30 p.m. **Call to Order**
Pledge of Allegiance
Roll Call
Approval of Minutes: January 8, 2018
Approval of Bills: None
Approval of Agenda
Public Comment

I. Old Business –

1. Discussion – Downtown
2. Ethics Ordinance Amendment – First Reading
3. First Reading of Liquor License Ordinance

II. New Business-

1. Replacement Pump – Wastewater Lift Station
2. SCADA Upgrade
3. Appointment of SEMCOG General Assembly delegate and alternate
4. Road Closure – Pint-sized marathon
5. Council Meeting Conduct – Time Limits, additional public comment

III. Budget

IV. Manager's Report

V. Council Comments-

VI. Adjournment

CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
JANUARY 8, 2018

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

Present: Mayor Pelchat, Councilmembers; Kivell, Kurtzweil, Parisien, Richards and Walton
Also present: Chief Collins, Chief Kennedy, Attorney Wilhelm, Deputy Clerk Pieper
Councilmember Parisien stated she is not feeling well and will be leaving early.

MINUTES- 12-11-17

Councilmember Kivell stated on page 1 after the CR for the closure work, it should have been report.
Councilmember Kivell further stated it should state Chuck Harmon was a Navy Seabee, not C.B.
Councilmember Kivell stated on page 10 after he stated there is nothing pressing, he added we could get a meeting going if something came up.

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

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

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES- 12-21-17

Attorney Wilhelm stated on page 3 there was a motion by Councilmember Parisien to accept the resignation of Councilmember Rzyti, which was tabled. He further stated the motion doesn't show the vote. He further stated the next paragraph should be clarified that once the motion was back on the table Councilmember Parisien withdrew her motions, therefore no action was taken.

CM 1-2-18 MOTION TO APPROVE MINUTES AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Parisien stated she has asked for a liaison from Water and Sewer and DPW to attend Council meetings to answer questions that only they are qualified to answer. She asked Ron Beason to be here to answer questions about the HRC bills. Ron Beason from the Water and Sewer Department introduced himself, he stated he has been serving this City for 29 years and as Chief Operator for the last 3 years. He further stated for the last few months since Bob Martins retirement, he and Ron Brock have taken over some of his duties. Councilmember Parisien stated she has a question regarding the bill for \$1,300.00 from Paragon Laboratories. Mr. Beason stated that this was for a past due bill that was paid. They do our water testing. There will be a small increase in this line item in the future because the DEQ is requiring additional water monitoring. He further stated this is for things we aren't qualified to do in our lab under our permit. Councilmember Kurtzweil stated it is her understanding that the DEQ has increased some of it's reporting requirements. Mr. Beason stated they have. They are now requiring testing twice a month for different things. He further stated we are looking for inconsistencies. Councilmember Kurtzweil stated her understanding is there were some inconsistencies which is now why

they are requiring this. Mr. Beason stated that is true, we take different samples from different businesses as well as our distribution plant.

Councilmember Richards asked about the payment for Chemtrade Chemicals for \$5,500. How is this handled and stored here in the City. Mr. Beason stated we have a fiberglass tank. He stated it normally lasts 30-40 days. Councilmember Richards stated for the benefit of the public, he is ok with the salt, but he has never heard of Cargill Incorporated. Mr. Beason stated he would need to ask Ron Brock from DPW about that. Councilmember Richards stated on line 2 of the general fund, he understands what Bader & Sons is, shaft, sprocket, bearings, but he worked in machine shops and he assumes the shaft is about 4-foot. He wanted to bring this to the communities' attention that there are many local shops that could make that shaft.

Councilmember Parisien asked about the bill from HRC for \$8,298.00 and asked if this was something that could have been done in house, or if this is customary. Mr. Beason stated that bill originated from 2 separate bills, one was because they put a bid package together for the VFD as well as the asset management program. He further stated the asset management program was important, we needed it for our permit and they had the knowledge and the program that was necessary for them to do it. Mr. Beason stated there is some confusion on the VFD's. He further stated the VFD's are for our high service pumps, and it coincides with the painting of the tower. He stated Dickson Engineering was hired to paint the tower. The VFD's are separate; the idea was to have them installed prior to the painting of the tower. He said without this, there would be no pressure when it is emptied. Mr. Beason further explained it is a 30-40-day process to paint the inside of the tower. He stated this will give us the water pressure. He stated he had discussions with Bob Martin about this before he retired, and it was their intention to do as much of the bid package in house. He stated from now on we should look at our resources we have in-house before outsourcing. Councilmember Parisien asked about the bill for \$1,217.00 for Cummins Bridgeway. Mr. Beason stated that is for our generators that are at the water and wastewater plant, they are huge and old. That company comes out and does a load test to ensure that generator will work properly for the plants. They look at the fluids and battery. Councilmember Parisien stated there is also a bill for Cummins Bridgeway for \$1,447.00 and she asked if that is that for the same. Mr. Beason stated that is for the same except that is under the wastewater plant. Councilmember Parisien then asked about the charges for Badger Meter. Mr. Beason stated that is for meter heads. We are having to start replacing the old heads, they are beginning to fail. Most of the bodies are still good. He further stated there were some larger meters that we purchased for the schools to keep in stock. He stated sometimes the time frame is 4-6 weeks, and they like to keep them in stock. Councilmember Parisien stated she appreciates him coming to the meeting and explaining the bills. Mr. Beason stated he is always available to answer any questions Council will have.

Councilmember Kivell stated the idea that HRC had done the spec on the bid for the water painting when Dickson does that in-house didn't make sense. Mr. Beason stated the bid packet was very specific and it was 180 pages long. Dickson Engineering was contracted to do that, they are now waiting for the VFD's to get installed. The deadline is July 1st. We will either do it in the spring or the fall. Councilmember Kivell stated his point is with HRC doing a specific bid package, if anything isn't up to snuff we will have leverage to make sure it gets done. He then asked about Bridgeway coming in for the generators, but every time we have needed them they have worked. He then asked about the meter reading issue that has turned into a water billing issue. Chief Collins stated there was an issue with a limited number of residences on the September reading. He then stated the telemetry failed to properly register into the electronic meter reading system which resulted in some bills being higher than they should have been in

October because that bill includes a discount for the sewer rate for people that are using water for watering and pools. Phyllis is dealing with the individual homeowners that received estimated bills.

Councilmember Kivell stated we need to reach out to anyone that was affected by this without the customer having to notice it to call. Chief Collins stated he will make sure that is done.

Councilmember Richards asked what kind of paint will be used on the water tower. Mr. Beason stated he doesn't know, but it is specifically for water towers.

Councilmember Kurtzweil asked about the attorney invoice for Alexanders. Attorney Wilhelm stated that he has been receiving phone calls from the attorney for Alexanders inquiring about an appeal to the planning commission's decision or filing for a variance. Councilmember Kurtzweil stated that is the same issue from when she was on Planning, he wants to use more space in the restaurant than what our ordinance allows for parking. She then asked if the deed was ever recorded. Attorney Wilhelm stated he isn't aware. Councilmember Kurtzweil asked about the invoice for the proposed contract for downtown banner. Attorney Wilhelm stated he was asked to prepare a contract by Director Donohue. Councilmember Kurtzweil stated she isn't opposed to it, but she thought it wasn't going to be done until spring. Mr. Donohue stated the request was from the contractor and they felt they had enough information, they then said they didn't need a contract. He stated we had everything we initially needed from them, and they performed the work and they provided the insurance as well. Councilmember Kurtzweil asked about the charge for a phone conversation with the City Manager that lasted over 2 hours regarding Councilmembers attending other boards and meetings. Attorney Wilhelm stated that was more than just a conversation with the City Manager it was follow up about the conversation held during the Council meeting about members attending other boards and meetings. Councilmember Kurtzweil stated there are numerous billings for human resource issues, she then asked if the City is ready for a part time human resource person. Attorney Wilhelm stated yes.

Councilmember Richards stated he ditos what Maggie said, but on page 9 there was research done on comments at council meetings, and it is a free country and for people that don't know 2.2 hours translates into \$320.00 for a phone conversation he thinks should have taken 20 minutes, although he wasn't there. He stated for all the citizens of this community he wants it noted he brought this up and this is all he will say about it.

1-3-18 MOTION TO APPROVE THE BILLS AS PRESENTED

Motion by Kivell, supported by Parisien

Motion to approve the bills as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

AGENDA

Chief Collins stated he has one addition he would like to make to the agenda. He would like to add #3 under old business to consider interim Manager pay.

1-4-18 MOTION TO APPROVE AGENDA AS AMENDED

Motion by Parisien, supported by Kurtzweil

Motion to approve agenda as amended

VOTE:

MOTION CARRIED UNANIMOUSLY

1-8-18

SWEARING IN CEREMONY- FIRE CHIEF VOGEL

Former Fire Chief Mike Kennedy stated this is an honor to introduce the next Fire Chief for the South Lyon Fire Department. He stated Rob Vogel stood above the other four candidates. He stated he goes back many years with Rob and he gets the sense of community and he knows he will do a fantastic job leading the South Lyon Fire Department. Deputy Clerk Pieper then swore Chief Vogel in.

Chief Vogel stated he is very honored to be here and he is thankful to Chief Kennedy, Chief Collins and his family, and he promises to do his best for everyone.

PUBLIC COMMENT

Judy Keeling of 6180 Arlington Circle stated she wanted to thank Chief Kennedy for all of his service to our community, especially from Colonial Acres.

OLD BUSINESS

1. Downtown

Mr. Donohue stated A Good Day Café is open, but they unfortunately had a water break, but the DPW are working on it. Chief Collins stated he spoke with Ron Brock from DPW and they were still working on it at 6 tonight but they were wrapping it up for the night. They were not getting very far, but they did find blockages in both directions, but they will be back first thing in the morning to get the business opened as soon as possible, he has also been in contact with Gary Fagin. Mr. Donohue stated 99% of the people love the food and most everyone is leaving happy. He stated they are a breakfast and lunch deli, and we wish them all the luck in the world. Mr. Donohue stated the 2nd annual BDA Board retreat will be on February 15th and he will provide to Council the bench marks for the statistics of the investment and job creation from July 2017 to December 2017 at the next meeting. He further stated it will include a projection of projects he expects to see this month. Mr. Donohue stated he will be meeting with Tim Wilhelm, and Chief Collins regarding the 4 buildings downtown that need to be taken care of. He stated he is expecting a reasonable discussion with a time frame set up to get the work done. Mr. Donohue stated he is still finding good information for platform dining and he will be discussing this with our City Attorney as well. He is hoping to have something for next season. Mr. Donohue stated the owner of the property south and west of the veterans parking lot has asked him to work with Council and Planning for the 6-7-million-dollar development he wants to move forward with. He stated Gene Carroll's intent is to trade a 20-space parking lot, to then later add a 50+ parking lot in the future. He stated the building that is proposed is absolutely in line with our master plan. He hopes to see some presentations and to move forward in 2018. Mr. Donohue stated Superb Fabricating is considering a major expansion and are asking for a tax abatement, and it will be presented at another time. He stated he is looking forward to 2018 and we have 5 buildings and some new businesses and he thinks everyone will be pleased in 2018.

Councilmember Richards stated he agrees with Bob Donohue but he would like to be involved in the meetings, he is familiar with all of them. Mr. Donohue stated he will take his lead from the City Attorney and City Manager. Councilmember Richards stated he has valuable information to the projects.

Councilmember Kurtzweil stated she agrees, the potential of 2018 to be absolutely unbelievable for the City and downtown. She stated she is looking at this from the business and economic point of view.

With the recent passing of the 2017 tax cut that is geared toward businesses, she suggests you get moving on the blighted properties because right now the better off you will be because you are in a potentially historic economic environment that most people haven't been through, if we get the money and job growth we have no idea what it will do to the growth of our downtown. We have to be ready for every

business opportunity that comes by. These tax cuts can potentially reform and change the downtown overnight. She further stated she received 4 phone calls from people that want to invest in our downtown. She further stated the potential is there. Councilmember Kurtzweil stated additionally with respect to tax abatements, they are generally used to convince a business to come into a town, not normally for current business owners. She wasn't in favor of the MST tax abatements, but she wasn't on Council at that time. She stated she will not be in favor of the Gene Carroll project or for Superb Fabricating tax abatements because the new tax cuts along with tax incentives for improving their property is basically a tax abatement. She further stated, she will not be in favor of giving tax abatements because there is already a federal program in place for them to do what they want to do. She then asked if it will be a conflict of interest if Gene Carroll is on DDA and developing part of the downtown. Councilmember Kurtzweil stated this is a year we have to be ready, this could be unbelievable. She stated there is so much money that will be coming into the consumer's pocket, the demand in this area for the downtown will be huge. She stated interest rates will be rising, not high but we will see increases. She stated the housing market down 10 Mile will remain strong, and just in case people want to know, key realtors have a listing of houses that doesn't even hit the market. Mr. Donohue stated he appreciates the support and instituting the Mainstreet program and the community being involved is exciting, we are seeing citizens step up for designing issues. He further stated it is all coming together.

2. Consider adopting revised Code of Ethics

Attorney Wilhelm stated he didn't draft this but his recommendation is to postpone this until the next meeting so he has more time to read through this. Councilmember Kurtzweil asked why this came up. Attorney Wilhelm stated Mr. Muskovitz's report had bullet points recommending policy or ordinance changes regarding a code of ethics. Councilmember Kurtzweil asked if the employees at the water department had been given an opportunity to read through this ordinance. This is a human resource issue. There are several items that employees should be well versed on regarding their service to the City of South Lyon. She then asked about political activity and does this limit peoples after work activity? She doesn't understand how we regulate after work activity, but it seems to state that you cannot do that. Attorney Wilhelm stated that is an existing policy. He stated he can look into the legality of the ordinance. Councilmember Kurtzweil stated she is not comfortable approving an ordinance without all of us reviewing this and then make changes. Attorney Wilhelm stated that is why he suggested we postpone this. Councilmember Kurtzweil stated there is another section in there about a conflict of interest by someone being a lobbyist, or if she took a vocal opinion on something in Lansing that it could affect the standing of the City. She then asked about representing private interest before city agency's or courts. She stated it seems to be consistent with a case provided in a prior discussion. She stated she discussed the relevance of that case that allows Councilmembers to go before other boards and commissions and advocate a position. Attorney Wilhelm stated he doesn't recommend you do that as a best practice and if you want to attend those, just know you are running a risk. Mr. Donohue stated he is a member of different associations, and he is not a lobbyist, he knows public officials can educate and advocate but you can't lobby. He further stated he is involved in legislative issues and he wants to make sure this isn't against City policy. Attorney Wilhelm stated the analysis is different because you aren't a decision maker. Councilmember Kurtzweil stated the ordinance is broad, so she doesn't know if the ordinance is talking about legislation at the planning commission level, or state or federal level. Councilmember Richards stated it says if we adopt this, we have to create a board of ethical review, we have never had such a thing, but if it is vague, the general public may not be interested. Attorney Wilhelm stated the current ordinance provides for a board of ethics, but it has never been populated. That is one of the

questions Mr. Muskovitz has raised, so we want to populate it. Councilmember Kivell stated we will have more time to read and understand this if we add this to the agenda for the 22nd.

CM 1-5-18 MOTION TO PLACE PROPOSED ETHICS ORDINANCE AMENDMENT ON THE AGENDA FOR THE JANUARY 22 2018 MEETING

Motion by Parisien, supported by Kivell

Motion that the proposed amendment to the City's ethics ordinance presented by Dykema be placed on the agenda for the 1/22/18 Council meeting

VOTE: MOTION CARRIED UNANIMOUSLY

3. Interim City Manager Pay

Councilmember Kivell stated he enjoys seeing the item number on the agenda notes.

CM 1-6-18 MOTION TO AUTHORIZE 25% INCREASE IN CHIEF COLLINS SALARY WHILE ACTING AS INTERIM CITY MANAGER

Motion by Kurtzweil

Motion withdrawn

CM 1-7-18 MOTION TO AUTHORIZE 25% INCREASE IN CHIEF COLLINS SALARY EFFECTIVE JANUARY 2, 2018 UNTIL FURTHER ACTION BY CITY COUNCIL FOR HIS SERVICES AS INTERIM CITY MANAGER

Motion by Kurtzweil

Motion withdrawn

Attorney Wilhelm stated he recalls seeing this issue in the Charter related to contracts for services that have already been provided. Councilmember Kurtzweil stated we can provide him pay for services provided as of tomorrow. She thinks the issue was having people go out and provide services, then back track and try to enter into a contract.

CM 1-8-18 MOTION TO TABLE INTERIM MANAGERS PAY REQUEST TO ITEM #10 UNDER NEW BUSINESS

Motion by Kurtzweil, supported by Kivell

Motion to table interim managers pay request to #10 under New Business

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Set time for special meeting on January 18, 2018

CM 1-9-18 MOTION TO SET TIME FOR SPECIAL MEETING TO 7:30 P.M. ON JANUARY 18, 2018

Motion by Walton, supported by Kurtzweil

Motion to set time for special meeting to 7:30 p.m. on January 18, 2018

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider approving 2018 City Council meeting schedule

Councilmember Parisien asked if we are going to cancel the 2nd meeting in December. Mayor Pelchat stated that can be discussed in December.

CM 1-10-18 MOTION TO APPROVE CITY COUNCIL MEETING SCHEDULE AS PRESENTED

Motion by Parisien, supported by Walton

Motion to approve City Council Meeting schedule as presented

VOTE: MOTION CARRIED UNANIMOUSLY

3. Proposed restrictive covenant for 128 S Lafayette

Mayor Pelchat stated this was postponed from a previous meeting, but the recommendation is to postpone to the February 12, 2018 meeting. Attorney Wilhelm stated Arcadis submitted documents to be reviewed and he has not had time to review it. He stated he looked at the cost itemization but he hasn't looked to see if there were any changes to the restrictive covenant. Councilmember Kivell asked if the breakdown appear to be they were demonstrating what the \$15,000 was for.

CM 1-11-18 MOTION TO POSTPONE THE ARCADIS REQUEST FOR RESTRICTIVE COVENANT TO THE FEBRUARY 12, 2018 MEETING

Motion by Kivell, supported by Parisien

Motion to postpone the Arcadis request for restrictive covenant to the February 12, 2018 council meeting

VOTE: MOTION CARRIED UNANIMOUSLY

4. Designate Council contact for MERS labor negotiations

Attorney Wilhelm stated Council approved the change in MERS for non-union new hires and directed the staff to pursue that with remaining employees and because they are unionized, some details need to be bargained. He stated this is in lieu of the City Manager because of her leave. Pat Azeltine asked for someone to be in place for any questions that come up. Councilmember Richards stated he lives close to City Hall and he is willing to do so. Attorney Wilhelm stated he can participate, but he believes a Councilmember with more experience would be helpful. He stated he is looking for a day to day contact. Councilmember Kivell stated he thinks it would be difficult for any single Councilmember to answer on behalf on the entire body, and any question that does come up, he believes Pat should have an idea of what direction Council would want. Attorney Wilhelm stated this is no different than Pat working with the City Manager, we are looking for someone from Council because they will be voting on it. Councilmember Kivell stated he would be willing to do so.

CM 1-12-18 MOTION TO DESIGNATE COUNCILMEMBER KIVELL AS THE CONTACT FOR UNION NEGOTIATIONS FOR RELATING TO MERS RETIREMENT PLAN

Motion by Parisien, supported by Richards

Motion to appoint Councilmember Kivell as the contact for union negotiations relating to changes to the MERS retirement plan for new hires in the union employee groups

VOTE: MOTION CARRIED UNANIMOUSLY

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

Attorney Wilhelm stated we have Mike Csapo from RRASOC and Mike Rosac 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 RRASOC 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. Saapo stated he begs 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. Saapo 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 Kurtzweil 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 Kurtzweil 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

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 RRASOC communities.

Sam Rosac 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. Rosac stated they are asking for a 4-year contract, but they were asked to also propose a 3-year contract. Mr. Csapo 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

Attorney Wilhelm stated the sub committee has met several times and there have been several revisions and to ensure anyone else that wants to look at this, it is available on the City's website, and because of the amount of time, we should move this to the next Council agenda for a first reading. Councilmember Parisien stated our City Attorney has worked hard on this, and she is happy with how this looks. She further asked if we could email this to all the stakeholders that attended the meeting. Chief Collins stated we can make sure that happens from City Hall tomorrow.

CM 1-15-18 MOTION TO POSTPONE THE FIRST READING OF THE LIQUOR LICENSE ORDINANCE TO THE JANUARY 22, 2018 MEETING

Motion by Kivell, supported by Parisien

Motion to postpone the first reading of the Liquor License Ordinance to the January 22, 2018 meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

8. Review proposed Fund Balance policy

Attorney Wilhelm stated this sets a policy to target the level you want the Fund Balance to remain at. Councilmember Parisien asked who directs the officials in the methods to be used for increasing or decreasing fund balance. Attorney Wilhelm stated this policy sets who that is. This state we are trying to set the millage and budget and to maintain the fund balance. He stated he thinks the idea is how to increase the fund balance such as keeping expenses under revenues, or cut expenses. Also, what are the reasons we may want to use fund balance and to what level. Councilmember Parisien stated this is a guideline, she was looking for numbers we are bringing forth and how that would benefit us as a City. Attorney Wilhelm stated the City has had their expenditures over revenues in the past few years. This is a high-level concept. Councilmember Kivell stated budgets can't be written in stone, this is trying to establish guidelines and best practices. He likes the idea and we have been operating on austerity mode for the last 3 years, and clearly identifying anything beneficial to maintain our fund balance is legitimate. He further stated we could try to benchmark with other communities to see what they are holding in their rainy-day fund would be a good first step. The rest can be tailored around that as well as the budget to ensure we retain that number. Councilmember Kurtzweil stated she has spent a lot of time on this issue. A lot of communities have a general fund balance policy that City Council tries to adhere to and it is goal directed. It sets standards of what we would like to achieve. It is meant to set a standard to make sure we have a level of fund balance. Many communities have these policies, South Lyon did not. She further stated it is also a requirement of the GASB 54 of general accounting standards. Councilmember Kurtzweil stated the policy is a good one, the language is basically out of GASB. She stated we can discuss this during the budget season. She further stated we have other financial issues compared to other communities so we have to be careful to compare what their fund balance is compared to ours. Our tax revenues are flatlined, unlike Novi or some other communities. We will need a more restricted use of our fund balance because we need it to get through tough years. She further stated we are expecting some good economic years, which could raise our fund balance, but if something happens and there is a downturn for whatever reason, we don't have enough money in the fund balance to get through. We do not have enough money to pay salary and benefits for our Police Department for one year in our fund balance. That may be acceptable in some communities, but it is not acceptable to her. She further stated this is a critical piece to get the budget back where it should be. She would like this to be discussed and possibly postponed until we begin the budget workshops. Councilmember Richards stated she is right, if we have one major disaster such as the tube mill being sold and closing, it could bankrupt the town. He

further stated we are vulnerable; we have to set up a tight bottom line. Councilmember Kurtzweil stated the policy provides for some direction to City Council on how to deal with problems when the fund balance is meeting the minimum threshold. The reason is to get out of the politics of deciding what you're going to cut, the policy does it for you. She further stated the policy states you cut capital improvements and you bring the fund balance back up, and if that doesn't do it, you cut general operating expenses. She stated it levitates the battles and politics and makes a straight-out decision.

1-16-18 MOTION TO POSTPONE REVIEW OF FUND BALANCE POLICY UNTIL LAST MEETING IN FEBRUARY

Motion by Kurtzweil, supported by Walton

Motion to postpone review of fund balance policy until last meeting in February

VOTE:

MOTION CARRIED UNANIMOUSLY

9. Consider potential candidates for appointment as interim City Manager during the approved leave of the City Manager

Councilmember Kivell stated he doesn't get a good feeling about this. Mayor Pelchat stated his concern is none of the possibilities are in the local area. Councilmember Parisien stated she would like to see more candidates and take our time. Councilmember Richards stated we should contact the top 2 or 3 candidates from when Lynne was hired. He recommends we reach out to them and see if they are available. Councilmember Kivell stated this was just consequential, but he knows someone that used to be the City Manager of Rochester, and now he is a professor and he is a consultant and he is a budget savant, and we could definitely take advantage of that. He stated he normally doesn't do interim stuff except for the summer when school isn't in session, but he is also the vice president of Hgov which is essentially a privatized version of the MML candidate search. He is spoken very highly of, and at least there are some other sources we could rely on besides the MML. He further stated he just got this email today and he will send it to everyone tomorrow. Councilmember Kurtzweil stated she agrees that some of the ones Lynne suggested are out of state. She did find it interesting to see what other City Managers are doing. One of them wrote an ordinance aimed at cost recovery, another one developed a rolling 3-year budget for their Downtown Development Authority, one of them developed a retirement succession plan, and another created a street repair and construction plan. It is interesting that they are in populations that are similar to ours in the City. She is concerned about the budget season, we cannot go through another budget season as we have the last 2 years. Councilmember Richards stated we need a real person and the one was a City Manager of Allen Park and that is a big place. They all had good qualities, but will they agree to be here for 3 months, what will we offer them. He doesn't have an answer. Councilmember Kivell stated he will send everyone the email about the person he was speaking of. Councilmember Kurtzweil asked if he is available now. Councilmember Kivell stated he is available for emergency circumstance and the budget aspect. He is known for creating 5-year budgets as he just did with Northville. Councilmember Kivell stated it was suggested possibly Jim Graham, or Plante Moran to assist us with the budget. Councilmember Kurtzweil stated she would prioritize what is most important. She stated the budget is most important to her. It is critical and if we solve the budget component the City Manager issue could be put aside for another day. She asked if Jim Graham is available. Chief Collins stated he believes he may be available but we need to have a conversation with our City bookkeeper. Councilmember Kurtzweil stated the issues she brought up at the last meeting is we need someone that is highly trained, highly experienced in the area of budgeting which includes someone that can delve into municipal finances. She stated the bookkeeper is very competent with many things in the City, but she isn't confident about her dealing with enterprise funds or other complicated issues. She

stated the City needs to get serious about the budget and begin making changes that are needed. She further stated she spoke with Jim Graham, he has a background in finance, as well as balance a 60-million-dollar school budget. This is what he does for a living, and he has a superb reputation. She further stated whoever starts on this budget, should be there when it is adopted as well. She further stated she spent some time speaking with Marlene Beech, she is from UHYLLP which is an entity from Southfield. They were recommended to her from the MML. She stated they are a company that specializes in government budgeting and accounting. She stated they have a division that will come in and do the budget, do the planning, provide guidance and consulting. They have 30 years' experience. They can also perform process optimization which is how things are done and how to improve on them and provide policy and procedures. She further stated no offense to the bookkeeper but when she spoke with Marlene Beech, the act 51 monies came up and you need someone with experience with state statutes and budgetary issues and these are issues the bookkeeper isn't that well versed in but this company is. She further stated this is a far different level of experience in terms of budget experience in terms of what we have now. She suggested we listen to Jim Graham, and also ask for a presentation by Marlene. Councilmember Richards stated he has had many conversations with Jim Graham, he is very understandable and level headed. He is a tremendous resource. When he leaves the school and if he could work for us for 6 months to a year, it would save the City half a million dollars. Mayor Pelchat stated Mr. Graham is a wonderful professional, and he has had a candid conversation with him but he can't speak to his availability. He believes Mr. Graham should come in and speak with Council or just Chief Collins. Chief Collins stated he will arrange whatever Council prefers. Mayor Pelchat stated the bookkeeper should be involved with the meeting as well. Councilmember Kivell stated he would like Chief Collins to reach out to Mr. Vettraino as well as Jim Graham. Chief Collins stated he will do that and advise Council of the result of the conversation. Councilmember Kurtzweil stated we should be ready to make a decision at the next meeting. Jim Graham has a lot of experience and he knows the City, the players, the stakeholders and he has a great background in balancing a budget. That is a great opportunity. Mayor Pelchat stated if Mr. Graham is available, his ability to put together a 5-year plan for the City would be incredible. Councilmember Kurtzweil stated she would like Council to begin looking at hiring a part time human resource person, as well as putting someone in charge as a financial director. Many cities have financial directors and it is time to take the next step to professionalize our administrative services. It is incomprehensible that we are operating in 2018 without anyone being able to do a budget. She stated she has looked at credentials of City Manager's and financial budgeting is not in their skillset. Every time you change a City Manager you are a year and half behind for budgeting. She further stated the opportunity is there for the City to improve on what it is doing. The Charter provides for a financial director. Councilmember Kivell stated Mr. Vettraino was a city manager and he is highly skilled at budgeting.

Councilmember Parisien left the meeting at 9:45

All votes after this note was voted on by the 5 remaining members of Council

10. Interim City Manager Pay

Attorney Wilhelm stated section 5.8 of the City Charter states Council shall not grant or authorize extra compensation to any City officer, elective or appointive, or to any employee, agent or contractor, after the service has been rendered or the contract is entered into. Councilmember Kurtzweil stated we aren't raising his salary as Chief of Police, this is a separate position and we are deciding what the pay is for that position.

CM 1-17-18 MOTION TO BRING FROM THE TABLE THE MOTION RELATING TO THE INTERIM CITY MANAGER'S PROPOSED COMPENSATION

Motion by Kurtzweil, supported by Richards

Motion to bring from the table the motion relating to the interim city manager's proposed compensation

VOTE: MOTION CARRIED UNANIMOUSLY

CM 1-18-18 MOTION TO AUTHORIZE COMPENSATION FOR CHIEF COLLINS FOR HIS SERVICES AS INTERIM CITY MANAGER EQUAL TO 25% OF HIS BASE PAY COMMENCING ON JANUARY 4TH UNTIL FURTHER ACTION IS TAKEN BY CITY COUNCIL

Motion by Kurtzweil, supported by Kivell

Motion to authorize compensation for Chief Collins for his services as interim City Manager equal to 25% of his base pay commencing on January 4th until further action by City Council

VOTE: MOTION CARRIED UNANIMOUSLY

BUDGET- No comments

MANAGER'S REPORT

Chief Collins read part of the weekly report that was given to Council. He stated Chief Collins assumed the duties of the Interim City Manager at 5:00 p.m. on Wednesday January 3rd. With delivery of Council packets on Thursday afternoon, this left less than 24 hours to prepare the agenda and packets for the meeting of January 8, 2018. He stated he is mentioning this because he wanted to extend a special thanks to Joan Ciarelli and Lisa Deaton for their assistance in accomplishing that task.

Chief Collins stated he will read through other items in the report that may be of interest to the public. He stated Councilmember Kurtzweil has arranged for Plante Moran to conduct a seminar about Understanding Municipal Finance on Saturday, January 20th at 9:00 a.m. The seminar will be held at City Hall, and is expected to last until noon. Councilmembers, department heads, and interested city employees are invited to attend. He then asked anyone interested in attending to notify Clerk Deaton if you plan to attend so that sufficient handout materials will be available. He further stated Attorney Wilhelm recommends that the seminar is posted as a public meeting. That is open to Council for discussion.

Chief Collins stated DTE Energy work planners will be coming to South Lyon to inspect tree/vegetation proximity to their distribution system, primarily power lines. Once assessments are complete, DTE will contact homeowners directly if trimming or removal is anticipated. He stressed that DTE will not mark any trees for removal without a signed Tree Removal Agreement card. They are trying to be proactive.

Chief Collins stated the Water Department is working to correct billing issues for a limited number of residents whose October water bills were estimated. Some October bills were unusually high because the summer sewer discount was not applied to the estimated bills. Phyllis is working directly with affected residents and will adjust any incorrect bills. He further stated any concerned residents may call her at 248-437-2326.

Chief Collins stated the public may be interested to know the Michigan Municipal League, (MML), Capital Conference is scheduled for March 20-21, 2018 in Lansing. Registration is now open for Councilmembers interested in attending. Further information is available on the MML website: www.mml.org/home.html. Please contact City Clerk Lisa Deaton if you plan to attend.

Chief Collins stated he addressed some Council inquiries and he will include that as a standing item in his weekly report. He stated if it is not confidential, he will share the information with all Councilmembers. Councilmember Walton asked Chief Collins if there is an update on the rental house or if we have received any bids for the roof. Chief Collins stated he has not as of yet, but he will do so and keep Council posted.

COUNCIL COMMENTS

Councilmember Walton thanked the DPW for filling in the ice rink and they have done a phenomenal job on the roads and trails. They are doing a fantastic job. She then thanked Chief Collins for helping the City out and she is looking forward to 2018.

Councilmember Richards stated he had a wonderful Holiday season. He stated he is pleased to see Chief Collins and all his experience in the position we have thrust upon him. Councilmember Richards stated there are many good things for us to see in this town. He stated he went through Hidden Creek and the lights were spectacular and he has never seen anything like that. He stated you wonder who organized that. It will rival anything else in the County. Councilmember Richards stated he enjoyed his life and he encourages everyone to do the same and do the best we can.

Councilmember Kivell stated we received a note from the Thompsons, and they were thanking Officer Raap for assisting them with getting their car seat in in the blistering cold last week, they were very appreciative.

Councilmember Kivell stated he is hoping with the weather moderating some of the issues we have had such as the Good Day Café frozen water pipe will be abated. He stated he also noticed the DPW was on the north side of town working on the west side of the street with a curb stop key and he hopes they were able to solve the issue.

Councilmember Kurtzweil stated she is still in Christmas mode and she had a great time with her family and she traveled out of state with her tailgating friends at the parking lot at Holmen field and the only thing that will keep you warm in 30-degree weather is a pocket full of Viking jokes which she has a ton of. She then thanked everyone in the state of Wisconsin for a great holiday, and she misses her tailgating friends. She stated what do you call a Viking player with a super bowl ring? A thief. She stated she went to the Great Day Café and it is a place to go for a good day, she had the #1 and it was fabulous. She stated that is going to be a great business in our community.

Councilmember Kurtzweil thanked Lori Mosier for all her assistance with her questions and for being so good at delivering services to our residents including Councilmembers.

Councilmember Kurtzweil stated she wants to recognize a new photographer in the area. Her name is Katie Wind and a lot of people love her work. She further stated she has a great picture of South Lyon post card and it is fabulous. She then thanked her for a positive picture of South Lyon.

Councilmember Kurtzweil stated she wants to pound the economic news you may not hear in the mainstream media is that we are in a fabulous time period in the history of our economy. She stated as a result of the tax cut, we could see a 4% quarterly GDP which we haven't seen since the 1980's or 1990's. She stated some people don't have a clue what a good economy is when things are moving as they should. She stated she can't wait to see some of the economic data that will be coming. She is hoping the tax cuts will do good for businesses but she hopes it will trickle down to South Lyon. We need to be in the right place at the right time, this has the potential of being incredible. It is important to know the unemployment rate is lower than it has been in 17 years. She further stated home creation of the family unit is the highest in 10 years. For anyone that is not reporting this economic news, shame on them. She stated she is excited about 2018 and the downtown, this is the year the City will break through and solve their issues. This could be the year and you need problem solvers, we need to embrace change, and innovative in our problem solving and demand and expect professional competency in the delivery of services to our community.

Mayor Pelchat welcomed Chief Vogel to the City. Mayor Pelchat stated the potential for 2018 to be a huge year for us. He then thanked Chief Collins and all of the staff. He stated with people leaving, or going on a medical, no one bats an eye, they just keep going. He thanked Chief Collins and all the City employees.

ADJOURNMENT

CM 1-19-18 MOTION TO ADJOURN

Motion by Kivell, supported by Richards
Motion to adjourn meeting at 10:25 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted

Mayor Dan Pelchat

Deputy/Clerk Judy Pieper

AGENDA NOTE

Old Business Item #2

MEETING DATE: January 22, 2018

PERSON PLACING ITEM ON AGENDA: Postponed from 1/8/18, Legal Counsel

AGENDA TOPIC: Ethics Ordinance Amendment – First Reading

EXPLANATION OF TOPIC: In the Ethics Investigation Report prepared by Melvin Muskovitz, 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.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

- Redline revised ethics ordinance

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

RECOMMENDATION:

SUGGESTED MOTION: Motion to approve the first reading of ordinance amending City's ethics ordinance

ARTICLE III. - OFFICERS AND EMPLOYEES

DIVISION 1. - GENERALLY

Sec. 2-51. - Clerk, assessor, treasurer, health officer and attorney.

The clerk, assessor, treasurer, health officer and attorney shall have the duties and responsibilities detailed for such offices in the city Charter, and this Code and the statutes of the State of Michigan.

(Code 1988, § 1.56)

Secs. 2-52—2-70. - Reserved.

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. 2-724. - Declaration of policy.

The proper operation of democratic government requires that elected and appointed public city 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 a 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.

~~(Code 1988, § 1.115)~~

Sec. 2-~~7273~~. - Responsibilities of public office and employment.

- (a) ~~Public 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 their official acts 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.

~~(Code 1988, § 1.116)~~

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 and~~ should adhere to the rules of conduct and/or work and performance established as the standard for their positions, ~~by the appropriate authority.~~
- (b) 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.

~~(Code 1988, § 1.117)~~

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 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.

~~(Code 1988, § 1.148)~~

Sec. 2-~~75~~76. - Conflict of interest.

- (a) No city official ~~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 (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 ~~councilman or other city~~ official or employee shall engage in or accept private employment or render services in any capacity including, but not limited to as a consultant, contractor or agent, to an individual or entity for private interest 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 city official ~~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 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 city official ~~councilman or other official~~ or employee shall accept any valuable gift (as defined in Section 2-71), whether in the form of service, loan, thing, or premise, from any person, firm, or corporation ~~or person who, or 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:
- 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
 - 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.*
- Except as provided for in b. below, ~~No no city official~~ councilman or other official or employee whose salary is paid in whole or in part by the city shall appear in ~~on~~ behalf of private interests before any agency of the city. No city official or employee 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-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.*

a. 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.

b. 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 (i) between the city and him or herself, (ii) 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, (iii) 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 (iv) between the city and any trust in which he or she is a trustee or beneficiary.

c. In regard to a contract described in subsection (b)(5)b.(i-iv) above, a city official and a city employee shall not do either of the following: (i) 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 (ii) represent either party in the transaction.

~~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.~~ Official duties; Official actions.

a. 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 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 (i) condemn, sell, grant a variance, or otherwise affect property, (ii) waive a fee or grant a license, or (iii) approve legislation, with respect to an entity, property or with respect to an issue in which the official has a financial interest.

b. 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 or 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.~~

- (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 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 participating in any discussion, voting or taking any action with respect to a matter that may, directly or indirectly, affect his or her financial interest.
- (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)(a) 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, 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.

~~(Code 1988, § 1.119)~~

Sec. 2-7677. - Political activity.

- (a) No appointive official or employee in the administrative service shall use the prestige of his or her position ~~in-on~~ 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. 2-7778. - 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

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

AGENDA NOTE

Old Business Item #3

MEETING DATE: January 22, 2018

PERSON PLACING ITEM ON AGENDA: Postponed from 1/8/18 meeting,
City Attorney

AGENDA TOPIC: Liquor Licensing Ordinance – First Reading

EXPLANATION OF TOPIC: A copy of a revised Liquor License Ordinance based on input from the appointed subcommittee and stakeholders and the public is attached. The attached ordinance is substantially revised compared to the draft ordinance which Council approved for first reading on September 25, 2017; thus, the current revised draft is being presented for a first reading.

The Ordinance contains the following:

Chapter 8 – Alcoholic Liquor

Article I – General

Sections 8-1 – 8-30 Reserved

Article II – Licensing

Section 8-31 Short title

Section 8-32 Statement of purpose

Section 8-33 Definitions

Section 8-34 License required

Section 8-35 Plan of operation required

Section 8-36 Application and review procedures

Section 8-37 Substantial changes in licensed operations

Section 8-38 Transfers of existing on-premises licenses

Section 8-39 Objections to renewal and requests for revocation

Section 8-40 Fees

Section 8-41 Nudity

As additional background, The City does not have a liquor licensing ordinance. It has one (1) Class C quota license available for an on-premises liquor establishment. With renewed interest in the downtown and increasing economic development occurring in the community, Council should consider adopting a liquor licensing ordinance to formalize the procedures for reviewing and approving or denying applications for on-premises liquor licenses.

The regulation of alcoholic liquor is governed by the Michigan Liquor Control Code, Public Act 58 of 1998 (the "Act"). The Act created the Michigan Liquor Control Commission (MLCC) which is the State administrative agency responsible for liquor licensing. The Michigan Administrative Code also contains rules applicable to various aspects of alcoholic liquors including licensing and sales.

In 2012 the MLCC made significant changes to the State liquor licensing process. The most important change affecting local communities was the elimination of a local approval requirement for license transfers and other types of permits. Also, in 2012, a federal district struck down, as unconstitutional, the MLCC provisions pertaining to various permits, such as dance, entertainment, topless activity, and extended hours permits. The trend at the state level has been to make liquor licensing more friendly to the applicants and business owners and to eliminate or restrict local approval requirements. Local approval of new (as opposed to transfer licenses) most on-premises liquor licenses is still required under the Act. Liquor licensing involves a broad and complex set of laws and regulations. Documents from the MLCC website and other relevant materials, such as MLCC Bulletins, have been included to provide background and context for the ordinance.

The primary purpose of the proposed liquor licensing ordinance is to provide for an application and review process which the City Administration and Council can use in reaching a decision to approve or deny applications for on-premises licenses.

The proposed ordinance is intended to be consistent with the Act and applicable regulations. Generally, the ordinance contains requirements and procedures for receiving and reviewing applications. Application and permit forms will need to be prepared. The ordinance provides for investigation by relevant city departments. The review criteria for use by staff and Council are also set forth in detail. This list can be added to or criteria can be deleted. The Economic Development Director has offered additional suggestions for criteria to be added which address priorities for encouraging investment in and preservation of historic buildings, and other criteria such as whether the proposed liquor establishment is located within the historic core downtown area, the DDA district, and does it comply with the Master Plan

There are provisions addressing license transfers. Note, the changes by MLCC altered the role of local units of government in the license transfer approval process. The City is allowed to offer comments to the MLCC, but local approval of a license transfer is not required. The concern for South Lyon is the transfer of quota licenses out of the City without the City having any ability to control or prohibit the transfer of one of its quota licenses. Some communities prohibit license transfers for a period of time similar to State law, some restrict transfers to other locations within the community, and others require an agreement and include provisions for the revocation of the license in the event of an attempt to transfer it out of the community. The proposed ordinance includes a restriction on the transfer of on-premises licenses for three years after being issued which is consistent with State law, MCL 436.1501(2). Section 1501(2) also contains a hardship exception which would be applied by the MLCC.

The ordinance also contains provisions to address conditional approvals which might apply to liquor establishments that need approvals to construct buildings or complete renovations or buildouts.

There are also provisions establishing the criteria and procedures for City objections to renewals of liquor licenses (not limited to on-premises) or its request for the revocation of a liquor license.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

- Revised ordinance – clean

- Ordinance – redline showing changes from first reading on 9-25-17
- MCL 436.1501
- Overview of MLCC
- MLCC Class C Licensing Requirements
- MLCC Approval Chart
- MLCC Retail License and Permit Application
- MLCC Local Governmental Approval form
- Objections to Renewals and Recommendations for Revocation
- MLCC Bulletin 2012-12 – Changes to License Application Process
- MLCC Bulletin 2012-04 – Escrow Fees
- Rule 436.1107 Renewal of License

POSSIBLE COURSES OF ACTION: Approve/deny/postpone/table/no action

RECOMMENDATION: Approve first reading

SUGGESTED MOTION: Motion to approve the first reading of ordinance to add Chapter 8 – Alcoholic Liquor, Sections 8-31 through 8-69, to the City of South Lyon Code of Ordinances to provide policies and regulations for the issuance, transfer, relocation, renewal, revocation and enforcement of liquor licenses and permits and for the operation of licensed premises.

ORDINANCE NO. __-18

CITY OF SOUTH LYON
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO ADD CHAPTER 8 – ALCOHOLIC LIQUOR – TO THE CITY OF SOUTH LYON CODE OF ORDINANCES TO PROVIDE POLICIES AND REGULATIONS FOR THE APPLICATION, REVIEW, ISSUANCE, TRANSFER, RENEWAL, REVOCATION AND ENFORCEMENT OF LIQUOR LICENSES AND FOR THE OPERATION OF LICENSED PREMISES.

THE CITY OF SOUTH LYON ORDAINS:

PART I. Addition of Chapter 8. Chapter 8 – Alcoholic Liquor – is hereby added to the City of South Lyon Code of Ordinances, to read in its entirety as follows:

CHAPTER 8 – ALCOHOLIC LIQUOR

ARTICLE I – GENERAL

Secs. 8-1 – 8-30. - Reserved.

ARTICLE II – LICENSING

Sec. 8-31. - Short title.

This ordinance shall be known and may be cited as the City of South Lyon "Liquor License Ordinance."

Sec. 8-32. – Statement of purpose.

The purpose of this article is to establish the city's policies and procedures for regulating liquor licenses including application and review procedures for the issuance of new on-premises licenses, transfers of on-premises licenses into and within the city and among owners and/or applicants, and for the renewal and revocation of liquor licenses. The process is intended to ensure that the individuals and entities seeking licenses or who propose to operate licensed on-premises liquor establishments within the city, meet certain minimum requirements as to background, experience, financial resources, business operations and management and that the proposed establishment meets the needs of the community. It requires the city council to review application information in light of certain criteria to identify the kinds of applicants and establishments that best qualify for a license and best meet the needs of the City and its residents. It reserves to the city any and all discretion afforded to it under applicable laws relating to the issuance of on-premises licenses.

Sec. 8-33. – Definitions.

The following definitions shall apply to this chapter:

(a) *Act* means the Michigan Liquor Control Code of 1998, Public Act 58 of 1998, MCL 436.1101 et seq., as amended.

(b) *Alcoholic liquor* means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the Michigan Liquor Control Commission.

(c) *Applicant* means and includes all persons and entities proposed to be owners of the license and/or of the licensed premises, all key personnel involved in the management and operation of the licensed business, and all persons and entities proposed to be involved in the finance of the license and/or licensed premises. Applicant includes all owners, shareholders, officers, partners, members, and managers of an entity applying for a license.

(d) *Brewpub* means a license issued in conjunction with a class C, tavern, class A hotel, or class B hotel license that authorizes the person licensed with the class C, tavern, class A hotel, or class B hotel to manufacture and brew not more than 18,000 barrels of beer per calendar year in Michigan and sell at those licensed premises the beer produced for consumption on or off the licensed brewery premises in the manner provided for in sections 405 and 407 of the Michigan Liquor Control Code of 1998. A brewpub is considered a hybrid on- and off-premises liquor license.

(e) *Class C license* means a place licensed to sell at retail beer, wine, mixed spirit drink, and spirits for consumption on the premises.

(f) *Club license* means a liquor license issued to a club as defined by section 107 of the Michigan Liquor Control Code of 1998, Public Act 58 of 1998 (MCL 436.1107).

(g) *Establishment* means a business or premises whose primary function is the serving of alcoholic beverages for consumption on-premises.

(h) *Hotel license* means a liquor license issued to a hotel as defined in section 107 of the Michigan Liquor Control Code of 1998, Public Act 58 of 1998 (MCL 436.1107).

(i) *License* means a contract between the commission and the licensee granting authority to that licensee to manufacture and sell, or sell, or warehouse alcoholic liquor in the manner provided by the Act.

(j) *Licensee* means an individual or entity holding a license issued under this chapter or by the Michigan Liquor Control Commission.

(k) *Michigan Liquor Control Commission* and *MLCC* mean the liquor control commission provided for and created in Section 209 of the Michigan Liquor Control Code of 1998, Public Act 58 of 1998 (MCL 436.1209).

(l) *Micro brewer* means a brewer that produces in total less than 60,000 barrels of beer per year and that may sell the beer produced to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided in MCL 436.1203. In determining the 60,000-barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production of beer that are owned or controlled by the same person shall be treated as a single facility.

(m) *Minor* means an individual less than 21 years of age.

(n) *Off-premises license* means a liquor license to sell alcoholic liquor at retail for consumption off the licensed premises, including SDD, SDM, and other licenses designated as such in the Act.

(o) *On-premises license* shall mean a liquor license to sell alcoholic liquor at retail for consumption on the licensed premises, including Class C, tavern, resort, club, hotel, brewpub and micro brewer licenses.

(p) *Person* means an individual, firm, partnership, limited partnership, association, limited liability company, or corporation.

(q) *Resort license* means a liquor license issued by the Michigan Liquor Control Commission in a resort area, without regard to other liquor Control Commission quota requirements, in accordance with the Michigan Liquor Control Code of 1998, Public Act 58 of 1998.

(r) *Sale* includes the exchange, barter, traffic, furnishing, or giving away of alcoholic liquor.

(s) *Special license* means a contract between the commission and the special licensee granting authority to that licensee to sell beer, wine, mixed spirit drink, or spirits. The license shall be granted only to such persons and such organization and for such period of time as the commission shall determine so long as the person or organization is able to demonstrate an existence separate from an affiliated umbrella organization. If such an existence is demonstrated, the commission shall not deny a special license solely by the applicant's affiliation with an organization that is also eligible for a special license.

(t) *Special permit* includes, but is not limited to, outdoor service permits, one-day licenses, after hours permits, temporary dance, entertainment, or add bar permits, specific purpose permits, and special licenses, as those terms are defined and utilized in the Michigan Liquor Control Code of 1998, Public Act 58 of 1998.

(u) *Specially designated distributor (SDD)* means a person engaged in an established business licensed by the commission to distribute spirits and mixed spirit drink in the original package for the commission for consumption off the premises.

(v) *Specially designated merchant (SDM)* means a person to whom the commission grants a license to sell beer or wine, or both, at retail for consumption off the licensed premises.

(w) *Tavern* means any place licensed to sell retail beer and wine for consumption on the premises only.

Sec. 8-34. – License required.

No person shall engage in the business of selling alcoholic liquor for consumption on premises in the City of South Lyon, transfer such a license into the city, transfer ownership or location of such a license within of the city, without first obtaining an approval for same by the city council as provided for in this chapter and also obtaining a license or approval therefor as required by the Act and MLCC.

Sec. 8-35. – Plan of operation required.

(a) *Plan of operation.* All on premises licensees shall operate in accordance with a plan of operation approved by the city council.

(b) *Contents of plan.* A plan of operation shall contain an operational statement outlining the proposed manner in which the establishment will be continuously operated consistent with the requirements of this chapter and the city code of ordinances, including, but not limited to, the opening date, the business concept, the anticipated food-to-alcohol ratio, a schedule of the days and hours of operation, method of alcohol management, crowd control/security, use of building facilities, parking facilities and arrangements, plan for interior use and layout, exterior design, layout of any ancillary facilities on the site, dance/entertainment permits needed or requested, estimated cost of building and site improvements, and any other pertinent information as requested by the city.

(c) *Use of liquor license.* It is the intent of the city that approved licenses shall be put into use immediately following approval. Non-use, inactivity, escrowing, or warehousing of licenses is prohibited in the plan of operation.

(d) *Compliance.* Licensees shall comply with all applicable state and city regulations, this chapter, and a plan of operation as approved by city council.

Sec. 8-36. – Application and review procedures.

(a) *Application.* In addition to such application(s) as may be required by the Act and the Michigan Liquor Control Commission for licensing by the State of Michigan, each applicant for a new on-premises license, transfer of an on-premises license into the city, or relocation or transfer of an existing on-premises license within the city or among owners and applicants, shall submit to the city clerk's office a fully completed "City of South Lyon Liquor License Application" on a form furnished by the clerk's office signed by the applicant or a duly authorized agent, along with the required fee(s) and all additional documents and materials referred to in the application form or otherwise required under this article.

(b) *Required information.* The applicant shall include, with the application, at least the following:

- (1) Name and address of the applicant. If the applicant is a partnership, the name and address of each partner shall be provided, and a copy of any

partnership agreement attached. If the applicant is a privately-held corporation, the names and addresses of all corporate officers, members of the board of directors, and stockholders shall be provided, and a copy of the articles of incorporation attached. If the applicant is a publicly-held corporation, the names and addresses of all corporate officers, members of the board of directors, and stockholders who own ten percent (10%) or more of the corporate stock shall be provided. If the applicant is a limited liability company, the names and addresses of all members, managers and assignees of membership interests shall be provided, and a copy of the articles of organization attached.

- (2) The type of license and/or related permit(s) requested.
- (3) The address, legal description, and zoning district of the property where the licensed establishment is to be located.
- (4) The name and address of the record fee owner of the premises, and, if the applicant is not the owner, proof of its interest in or right to occupy the premises.
- (5) Building and site plans showing the site and existing structures for the proposed establishment demonstrating compliance with zoning requirements, adequate off-street parking, lighting, refuse disposal facilities, and where appropriate, adequate plans for sound barriers and noise control. If the establishment is to be located in a proposed building for which site plan approval has not yet been obtained, or in an existing building that is to be remodeled, a conceptual plan showing the relationship of the building to the surrounding properties and uses, and proposed building elevations.
- (6) A plan of operation as referenced in section 8-35.
- (7) A written statement as to the applicant's character, experience, and financial ability to meet the obligations and business undertakings for which the license is to be issued, including the length of time the applicant has been in business of that character; or in the case of a partnership or other business entity, the date when it was created, established or organized.
- (8) Three (3) written references as to the applicant's character, experience, and financial ability to meet the obligations and business undertakings for which the license is desired.
- (9) A written statement identifying the source of all funds which will be relied upon for the establishment and operation of the proposed establishment sought to be licensed including the name and address of the financial institution where such funds are deposited.

- (10) A statement whether the applicant has operated or made application for a similar or another license on any premises other than described in this application, and the status or disposition of such license or application.
- (11) Whether a manager or person other than the applicant will manage the operations of the proposed establishment, and if so, the identity(ies) of such managers or persons.
- (12) A criminal background report of the applicant's criminal history through the Internet Criminal History Access Tool (ICHAT). The applicant is responsible for all charges incurred in requesting and receiving the ICHAT report and the report must be dated within thirty (30) days of the date of the application.
- (13) A statement that the applicant is not disqualified to receive a license for any reason under this chapter or state law.
- (14) An accurate record and history of any liquor license or Liquor Control Act violations by the applicant, and any entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary entity of the applicant for the immediate preceding five (5) years.
- (15) A written statement explaining in detail how the application and applicant meet the review criteria listed in subsection (f).
- (16) Any other information pertinent to the applicant, premises, and operation of the proposed establishment as may be required by this chapter, including information regarding each of the criteria listed in subsection (f).

(c) *Investigation.* Following receipt of a complete application, fees and other information as may be requested by the city, the city manager will refer the application to the police department, fire department, planning department, building department, economic development department, public works department, and such other departments as deemed appropriate, which departments shall cause a thorough review and investigation of the applicant(s) and premises to be completed, including, but not limited to, an investigation regarding the background of the applicant(s) and owners, a complete history of past business and experience and liquor law violations, the proposed premises, code compliance, payment of taxes and utility charges, availability of utilities. The findings and results of the investigations, including where applicable, recommendations, shall be provided to the city manager, who shall then report same to the city council. In making its reviews and investigations, the city, and its departments, may request other pertinent information from the applicant.

(d) *Placement upon city council agenda.* Upon receipt by the city manager of the findings, results, and recommendations of the department investigations, the city manager shall place the application on a city council agenda for consideration. Due notice will be provided to the applicant, and the applicant will be required to appear before the city council and make an oral and/or written presentation and address any questions concerning the application.

(e) *City council action required.* All applications are subject to action by the city council. The city council may approve with or without conditions, postpone consideration for a reasonable period, or deny the license. If the license is either approved or denied, the city council shall cause its decision to be transmitted to the Michigan Liquor Control Commission and promptly give notice of the decision to the applicant, in writing. Unless otherwise indicated by the city council, all approvals are conditioned upon the applicant obtaining any required building permits and any other necessary permits, licenses, or approvals from the city, including special land use approval, or approvals from other regulatory agencies within sixty (60) days or such other time period specified by the city council from the date of such conditional approval. The construction of new buildings and alterations of existing buildings shall commence within six (6) months after the date of the conditional approval, with a completion date of no more than one (1) year after the issuance of the relevant building permit. Extensions of time for completion of construction or alteration or to meet conditions may be granted by the city council for good cause as determined in its sole discretion. Failure to comply with such conditions shall render the license, and any approval, subject to revocation.

(f) *Review criteria.* In making its determination pursuant to section 8-36(e), the city council may consider and/or weigh, in its discretion, the following factors:

- (1) Surrounding land uses and proximity to residences, schools, and churches, and any potential adverse effect the surrounding area and land uses, including vehicular and pedestrian traffic and movement, parking, noise and input from residents and businesses.
- (2) The investigations, findings and recommendations of the city departments regarding the applicant, application, and proposed premises and establishment.
- (3) The applicant's history and experience, if any, in conducting a business holding a liquor license, including history of MLCC violations and other business and operations and management experience.
- (4) The applicant's financial status and its ability to build and/or operate the proposed establishment.
- (5) Past criminal convictions of the applicant for felonies and crimes involving moral turpitude, violence, or alcoholic liquors, including, but not limited to: gambling, prostitution, weapons, tax evasion, fraudulent activity, controlled substances, crimes or violations of such a nature that it may impair the ability of the applicant to operate a licensed establishment in a safe and competent manner.
- (6) Non-payment or late payment of taxes and utility bills.
- (7) The availability of utilities to serve the proposed establishment.
- (8) Compliance with applicable building, plumbing, electrical and fire prevention codes, zoning ordinance, or other applicable ordinances, laws, codes, and regulations.

- (9) The nature and extent of preservation or restoration of existing or historic buildings.
- (10) The number, proximity and capacity of similar licensed establishments in the city and surrounding area.
- (11) The amount to be invested in the proposed premises/establishment and the effect on the economic development of the city or the surrounding area.
- (12) Whether the proposed establishment is part of a multi-use project with substantial new retail, office or residential components; the size of the proposed establishment relative to the overall project or development.
- (13) Whether the applicant has demonstrated a public need or convenience for the issuance of the liquor license for the business establishment at the location proposed.
- (14) The plan of operation including the type or character of proposed establishment and services, menu and entertainment to be offered, the overall theme, atmosphere, or ambience of the proposed business, the proposed hours and days of operation, the proposed ratio of sales of food to alcohol, the size and percent of floor area devoted to kitchen, dining, dance floor, bar, outdoor service areas.
- (15) The impact of the establishment on city policing and code enforcement activities, and the possibility of consequent costs to the city.
- (16) The overall benefits and/or detriments of the proposed establishment to the city.
- (17) Any other factors that may affect the health, safety and/or welfare of the general public.

(g) *Restrictions on licenses.* No license shall be issued to the following unless such applicable restriction is waived by city council:

- (1) Any person whose liquor license has been revoked or not renewed for cause under this article, or a comparable local ordinance or state law, whether in Michigan or otherwise.
- (2) Any person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.
- (3) Any applicant, including any owner, shareholder, officer, partner, member, manager, or assignee thereof, owing a ten percent (10%) interest or more would not be eligible to receive a license hereunder or the Act for any reason.

- (4) Any person who does not own the premises for which a license is sought or does not have a lease or other right to possess or occupy the premises for the full period for which the license is issued.
- (5) Any law enforcement official or any member of the council, or to any such official having interest in any way, either directly or indirectly, in manufacture, sale or distribution of alcoholic liquor.
- (6) Any applicant who omits or falsifies any information required by this article.
- (7) Any premises where there exists a violation of the applicable building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations, applicable public health regulations or any other applicable city ordinance without approved arrangements for correction or achieving compliance.
- (8) Any premises that does not, or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, noise or nuisance control, or such new construction or remodeling as proposed would not be completed.

(h) *Changes in plans, drawings, etc.* After receipt of a conditional approval by the city council, no site plan, floor plan, building elevation, seating arrangement, kitchen layout, or other pertinent facts, drawings, or documents submitted to the city may be changed without the applicant first receiving approval from the city planning, engineering, and building departments and city council.

(i) *Recommendation for approval of liquor license.* Upon completion of the building and/or improvements and satisfaction of all other conditions and in accordance with the prior conditional approval of the city council and resolution, if applicable, the city council shall then recommend, above all others, the applicant for approval of the liquor license to the Liquor Control Commission of the State of Michigan.

(j) *Reservation of authority.* No applicant for a liquor license has a right to the issuance of such license, and the city council reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such licenses.

Sec. 8-37. – Substantial changes in licensed operations.

(a) Substantial changes in the licensee's operations or plan of operation within three (3) years of the license being issued must be approved by the city council. Substantial changes shall include, but are not limited to: changes in space, percentage of food or other sales not related to liquor, changes in hours of operations, capacity, or parking of twenty-five percent (25%) or more. Changes in the theme, style or character of an establishment, alone, shall not constitute a substantial change. No fee shall be charged for this process. The licensee is responsible for compliance with this section within fourteen (14) days of the change of information or circumstances.

(b) Variance from or failure to comply with an approved plan of operation or obtain approval of a substantial change in operations of a licensed establishment is a violation of this article and may result in the city objecting to the renewal or recommending revocation of the license, or other action.

Sec. 8-38. – Transfers of existing on-premises licenses.

(a) The city council has determined that profiteering by on-premises liquor licensees is contrary to the best interests of the city. Accordingly, to prevent profiteering, to the full extent authorized by law, the city council shall not approve the transfer of an on-premises liquor license issued as a new license under this chapter within three (3) years of the date of the original issuance of the license except that the city council may, but is not required to, waive this restriction in the following circumstances:

- (1) If the licensee is a natural person, he or she dies or becomes incapacitated.
- (2) If the licensee is a business entity (e.g., limited liability company, corporation, partnership), the majority interest holder or owner dies or becomes incapacitate, or the business entity dissolves for reasons other than to transfer the license.
- (3) The licensee and the proposed transferee establish that the transfer shall not result in profiteering.
- (4) The application of this section will subject the licensee to financial hardship due to no fault of its own, such as a change in the business climate, illness or death, labor or supply problems, and/or other factors outside the licensee's control.

(b) The transfer of any existing on-premises liquor license into, within, out of the city or to a different owner(s) shall require approval of the city council. An applicant for approval of a license transfer and the use and occupancy of such a license shall:

- (1) Submit an application with all of the information required under Section 8-36(b) above for a new on-premises liquor license, including a plan of operation;
- (2) Pay the applicable fees.
- (3) Furnish any necessary authorization allowing the city access to any and all files which may be in the Michigan Liquor Control Commission's possession regarding the transferee as a present licensee, or as a previous licensee, or in which transferee has or has had a partial interest in.

(c) In reviewing an application for license transfer, the city council may consider the criteria listed in Section 8-36(f).

(d) Requests for approvals of transfers of licenses shall be approved or denied in the sole discretion of the city council.

(e) Transfers that involve the following circumstances may be placed on a city council agenda for consideration, without payment of a fee and without the necessity of furnishing the information required for new licenses:

- (1) The exchange of the assets of a licensed sole proprietorship, licensed general partnership, or licensed limited partnership for all outstanding shares of stock in a corporation in which the sole proprietor, all members of the general partnership, or all members of the limited partnership are the only stockholders of that corporation.
- (2) The removal of a member of a firm, a stockholder, a member of a general partnership or limited partnership, or association of licensees from a license.
- (3) The occurrence of any of the following events: i) a corporate stock split, ii) issuing previously unissued stock shares to an existing shareholder, iii) redemption of stock shares by a licensed corporation; and iv) a public offering of stock.

(f) Existing permits ancillary to liquor licenses are transferred with the liquor license unless cancelled in writing. Transferees must present plans regarding the operation they intend to conduct using a permit.

Sec. 8-39. – Objections to renewal and requests for revocation.

(a) *Generally.* The city council may, at any time, review a license and object to a renewal or request the revocation of a liquor license with the MLCC.

(b) *Procedure.* Before filing an objection to the renewal or requesting revocation of a license with the MLCC, the city shall serve the licensee a notice of hearing, by first class mail, mailed not less than ten (10) days prior to the hearing, which shall contain the following information:

- (1) Reason(s) for the hearing and proposed action.
- (2) Date, time and place of the hearing.
- (3) A statement that the licensee may present evidence and testimony, and may confront witnesses and may be represented by a licensed attorney.

(c) *Hearing and final decision.* The hearing may be conducted by city council as a whole, or by a hearing officer appointed by the city council for such purposes. If a hearing officer is appointed, it shall be the officer's duty to conduct the hearing and hear and take evidence and testimony. After the hearing, the hearing officer shall make a recommendation to the city council for its ultimate final review and decision. The city council shall submit to the licensee and the MLCC, a written statement of its ultimate findings and determination.

(d) *Criteria for non-renewal or revocation.* The city council may recommend non-renewal or request revocation of a license upon a determination by it that, based upon a preponderance of the evidence presented at a hearing, any of the following exists:

- (1) A violation of any section of this chapter, the Act, or the rules and regulations of the MLCC, including sales of alcoholic liquor to minors.
- (2) A violation of any applicable building, electrical, mechanical, plumbing or fire code; applicable zoning regulations; applicable public health regulations; applicable rules and regulations of the county health department; or any other applicable city code provision.
- (3) Maintenance of a nuisance on the premises.
- (4) A license being or remaining unused or inactive for one (1) year after being issued without further approval from the city council.
- (5) A license being placed in and remaining in escrow for five (5) years or more.
- (6) A material change in those conditions, statements or representations contained in the written application by the licensee, including a plan of operation, upon which the city council based its recommendation for approval, when, in the judgment of the city council, that change is found to be contrary to the best interest of the city and/or its residents.
- (7) A licensee has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
- (8) The premises does not, or will not reasonably soon, have adequate off-street parking, lighting, refuse disposal facilities, screening, noise or nuisance control where a nuisance does or will exist.
- (9) Non-payment of taxes relating to the premises related to the license.
- (10) Other factors negatively impacting the general health, safety and welfare of the community and the public.

Sec. 8-40. – Fees.

Each applicant for a new on-premises license or license transfer shall pay a nonrefundable application investigation fee in an amount set by city council resolution. Such fee will be in addition to any fee(s) required by the MLCC.

Sec 8-41. – Nudity.

No person, while appearing in a state of public nudity as defined in Section 5h of Act 279 of 1909, being MCL 117.5h, shall frequent, loiter, work for or perform in any establishment licensed or

subject to licensing by the state liquor control commission. No proprietor or operator of any such establishment shall allow the presence in such establishment of any person who violates the provisions of this section.

Sec. 8-42 through 8-69. 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

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:

ORDINANCE NO. -1718

CITY OF SOUTH LYON
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO ADD CHAPTER 8 – ALCOHOLIC LIQUOR – TO THE CITY OF SOUTH LYON CODE OF ORDINANCES TO PROVIDE POLICIES AND REGULATIONS FOR THE APPLICATION, REVIEW, ISSUANCE, TRANSFER, RELOCATION, RENEWAL, REVOCATION AND ENFORCEMENT OF LIQUOR LICENSES AND PERMITS AND FOR THE OPERATION OF LICENSED PREMISES.

THE CITY OF SOUTH LYON ORDAINS:

PART I. Addition of Chapter 8. Chapter 8 – Alcoholic Liquor – is hereby added to the City of South Lyon Code of Ordinances, to read in its entirety as follows:

CHAPTER 8 – ALCOHOLIC LIQUOR

ARTICLE I – GENERAL

Secs. 8-1 – 8-30. - Reserved.

ARTICLE II – LICENSING

Sec. 8-31. - Short title.

This ordinance shall be known and may be cited as the City of South Lyon "Liquor License Ordinance."

Sec. 8-32. – Statement of purpose.

The purpose of this article is to establish the city's policies and procedures for regulating liquor licenses including the issuance, transfer, relocation, renewal, revocation, and enforcement of liquor licenses and permits, and the operation of licensed premises.

Sec. 8-33. – Licensing policy.

New licenses or permits and transfers of licenses will be approved in the sole discretion of the city council.

This article establishes an application and review procedure for the issuance of new on-premises licenses and permits, the transfer, transfers of on-premises licenses into and within the city and among owners and/or applicants, and for the renewal and revocation of liquor licenses. The process is intended to ensure that the individuals and entities seeking licenses from, or charged with operating who propose to operate licensed on-premises liquor establishments within the city, meet certain minimum requirements as to criminal history, past conduct, and ongoing background, experience, financial resources, business operation

~~standards, operations and management and that the proposed establishment meets the needs of the community.~~ It requires ~~the city council to review of application information in light of certain criteria that is established for purposes of identifying to identify~~ the kinds of applicants and establishments that ~~best qualify for a license, and best meet the needs of the City and its residents.~~ It reserves to the city any and all discretion afforded to it under applicable ~~law~~ laws relating to the issuance of on-premises licenses.

Sec. 8-3433. – Definitions.

The following definitions shall apply to this chapter:

(a) Act means the Michigan Liquor Control Code of 1998, Public Act 58 of 1998, MCL 436.1101 et seq., as amended.

~~(a)(b)~~ Alcoholic liquor means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the Michigan Liquor Control Commission.

~~(b)(c)~~ Applicant means and ~~include~~ includes all persons and entities proposed to be owners of the license and/or of the licensed premises, all key personnel involved in the management and operation of the licensed business, and all persons and entities proposed to be involved in the finance of the license and/or licensed premises. Applicant includes all owners, shareholders, officers, partners, members, and managers of an entity applying for a license.

~~(c)(d)~~ Brewpub means a license issued in conjunction with a class C, tavern, class A hotel, or class B hotel license that authorizes the person licensed with the class C, tavern, class A hotel, or class B hotel to manufacture and brew not more than 18,000 barrels of beer per calendar year in Michigan and sell at those licensed premises the beer produced for consumption on or off the licensed brewery premises in the manner provided for in sections 405 and 407 of the Michigan Liquor Control Code of 1998. A brewpub is considered a hybrid on- and off-premises liquor license.

~~(d)(e)~~ Class C license means a place licensed to sell at retail beer, wine, mixed spirit drink, and spirits for consumption on the premises.

~~(e)(f)~~ Club license means a liquor license issued to a club as defined by section 107 of the Michigan Liquor Control Code of 1998, Public Act 58 of 1998 (MCL 436.1107).

(g) Establishment means a business or premises whose primary function is the serving of alcoholic beverages for consumption on-premises.

~~(f)(h)~~ Hotel license means a liquor license issued to a hotel as defined in section 107 of the Michigan Liquor Control Code of 1998, Public Act 58 of 1998 (MCL 436.1107).

~~(g)~~(i) License means a contract between the commission and the licensee granting authority to that licensee to manufacture and sell, or sell, or warehouse alcoholic liquor in the manner provided by ~~this act~~ the Act.

~~(i)~~ Licensee means an individual or entity holding a license issued under this chapter or by the Michigan Liquor Control Commission means.

~~(h)~~(k) Michigan Liquor Control Commission and MLCC mean the liquor control commission provided for and created in Section 209 of the Michigan Liquor Control Code of 1998, Public Act 58 of 1998 (MCL 436.1209).

~~(h)~~(l) Micro brewer means a brewer that produces in total less than 60,000 barrels of beer per year and that may sell the beer produced to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided in MCL 436.1203. In determining the 60,000-barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production of beer that are owned or controlled by the same person shall be treated as a single facility.

~~(m)~~ Minor means an individual less than 21 years of age.

~~(h)~~(n) Off-premises license means a liquor license to sell alcoholic liquor at retail for consumption off the licensed premises, including SDD, SDM, brewpub, and micro brewer other licenses designated as such in the Act.

~~(h)~~(o) On-premises license shall mean a liquor license to sell alcoholic liquor at retail for consumption on the licensed premises, including Class C, tavern, resort, club, hotel, brewpub and micro brewer licenses.

~~(h)~~(p) Person means an individual, firm, partnership, limited partnership, association, limited liability company, or corporation.

~~(h)~~(q) Resort license means a liquor license issued by the Michigan Liquor Control Commission in a resort area, without regard to other Liquor Control Commission quota requirements, in accordance with the Michigan Liquor Control Code of 1998, Public Act 58 of 1998.

~~(h)~~(r) Sale includes the exchange, barter, traffic, furnishing, or giving away of alcoholic liquor.

~~(e)~~(s) Special license means a contract between the commission and the special licensee granting authority to that licensee to sell beer, wine, mixed spirit drink, or spirits. The license shall be granted only to such persons and such organization and for such period of time as the commission shall determine so long as the person or organization is able to demonstrate an existence separate from an affiliated umbrella organization. If such an existence is demonstrated, the commission shall not deny a special license solely by the applicant's affiliation with an organization that is also eligible for a special license.

~~(p)~~(t) Special permits ~~include~~ permit includes, but ~~are~~ is not limited to, outdoor service permits, one-day licenses, after hours permits, temporary dance, entertainment, or add bar

permits, specific purpose permits, and special licenses, as those terms are defined and utilized in the Michigan Liquor Control Code of 1998, Public Act 58 of 1998.

~~(e)~~(u) *Specially designated distributor (SDD)* means a person engaged in an established business licensed by the commission to distribute spirits and mixed spirit drink in the original package for the commission for consumption off the premises.

~~(+)~~(v) *Specially designated merchant (SDM)* means a person to whom the commission grants a license to sell beer or wine, or both, at retail for consumption off the licensed premises.

~~(s)~~(w) *Tavern* means any place licensed to sell retail beer and wine for consumption on the premises only.

Sec. 8-3534. – License required.

No person shall engage in the business of selling alcoholic liquor for consumption on premises in the City of South Lyon, transfer such a liquor license into the city, transfer ownership or location of such a liquor license within of the city, without first obtaining an approval for same by the city council as provided for in this article chapter and also obtaining a liquor license or approval therefor as required in by the Michigan Liquor Control Code of 1998, Public Act 58 of 1998, as amended and MLCC.

Sec. 8-3635. – Plan of operation required.

(a) *Plan of operation.* All on-premises licensees shall operate in accordance with a plan of operation approved by the city council.

(b) *Contents of plan.* A plan of operation shall contain an operational statement outlining the proposed manner in which the establishment will be continuously operated in a manner consistent with the requirements of this article chapter and the city code of ordinances, including, but not limited to, the opening date, the business concept, the anticipated food-to-alcohol ratio, a schedule of the days and hours of operation, method of alcohol management, crowd control/security, use of building facilities, parking facilities and arrangements, plan for interior use and layout, exterior design, layout of any ancillary facilities on the site, dance/entertainment permits needed or requested, estimated cost of building and site improvements, and any other pertinent information as requested by the city.

(c) *Use of liquor license.* It is the intent of the city that approved licenses shall be put into use immediately following approval. Non-use, inactivity, escrowing, or warehousing of licenses shall be prohibited in the plan of operation.

(d) *Compliance.* Licensees shall comply with all applicable state and city regulations, this article chapter, and a plan of operation as approved by city council.

~~(e) — Changes in plan. Substantial changes to a plan of operation shall be approved by the city council before implementation of the change by the licensee as provided for in Section 8-38.~~

Sec. 8-37. — Review Procedures.

8-36. – Application and review procedures.

(a) Application. In addition to such application(s) as may be required by the Act and the Michigan Liquor Control Commission for licensing by the State of Michigan, each applicant for a new on-premises liquor license, ~~expansion of an existing licensed establishment license~~, transfer of an on-premises license into the city, or relocation or transfer of an existing on-premises license within the city or among owners and applicants, shall submit to the city clerk's office a fully completed "City of South Lyon Liquor License Application" on a form furnished by the clerk's office signed by the applicant or a duly authorized agent, along with the required fee(s) and all additional documents and materials referred to in the application form or otherwise required under this article.

(b) Required information. The applicant shall include, with the application, at least the following:

- (1) Name and address of the applicant. If the applicant is a partnership, the name and address of each partner shall be provided, and a copy of any partnership agreement attached. If the applicant is a privately-held corporation, the names and addresses of all corporate officers, members of the board of directors, and stockholders shall be provided, and a copy of the articles of incorporation attached. If the applicant is a publicly-held corporation, the names and addresses of all corporate officers, members of the board of directors, and stockholders who own ten (10) percent (10%) or more of the corporate stock shall be provided. If the applicant is a limited liability company, the names and addresses of all members, managers and assignees of membership interests shall be provided, and a copy of the articles of organization attached.
- (2) The type of license and/or related permit(s) requested.
- (3) The address, legal description, and zoning district of the property where the ~~licensed establishment~~ is to be located.
- (4) The name and address of the record fee owner of the premises, and, if the applicant is not the owner, proof of its interest in or right to occupy the premises.
- (5) Building and site plans showing the site and existing structures for the proposed establishment demonstrating compliance with zoning requirements, adequate off-street parking, lighting, refuse disposal facilities, and where appropriate, adequate plans for sound barriers and noise control. If the establishment is to be located in a proposed building for which site plan approval has not yet been obtained, or in an existing building that is to be remodeled, a conceptual plan showing the relationship of the building to the surrounding properties and uses, and proposed building elevations.
- (6) A plan of operation as referenced in section 8-35.

- (7) A written statement as to the applicant's character, experience, and financial ability to meet the obligations and business undertakings for which the license is to be issued, including the length of time the applicant has been in business of that character; or in the case of a partnership or other business entity, the date when it was created, established or organized.
- (8) Three (3) written references as to the applicant's character, experience, and financial ability to meet the obligations and business undertakings for which the license is desired.
- ~~(9) The name and address of the financial institution where the applicant's funds for establishment and operation of the proposed establishment sought to be licensed are deposited.~~
- ~~(10)~~(9) A written statement identifying the source of all funds which will be relied upon for the establishment and operation of the proposed establishment sought to be licensed including the name and address of the financial institution where such funds are deposited.
- ~~(11)~~(10) A statement whether the applicant has operated or made application for a similar or another license on any premises other than described in this application, and the status or disposition of such license or application.
- ~~(11)~~ Whether a manager or person other than the applicant will manage the operations of the proposed establishment, and if so, the identity(ies) of such managers or persons.
- (12) A criminal background report of the applicant's criminal history through the Internet Criminal History Access Tool (ICHAT). The applicant is responsible for all charges incurred in requesting and receiving the ICHAT report and the report must be dated within thirty (30) days of the date of the application.
- (13) A statement that the applicant is not disqualified to receive a license ~~by for any reason of any matter or thing contained in~~ under this article chapter or by state law.
- ~~(14) A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the City of South Lyon or the administrative rules of any regulatory agency in the conduct of its business.~~
- ~~(15)~~(14) An accurate record and history of any liquor license ~~complaint or~~ Liquor Control Act violations by the applicant, and any entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary entity of the applicant for the immediate preceding five (5) years.

(16)(15) A written statement explaining in detail how the application and applicant meet the review criteria listed in subsection (f).

(17)(16) Any other information pertinent to the applicant, premises, and operation of the proposed establishment as may be required by this chapter, including information regarding each of the criteria listed in subsection (f).

(c) *Investigation.* Following receipt of a complete application, fees and other information as may be requested by the city, the city manager will refer the application to the police department, fire department, planning department, building department, economic development department, public works department, and such other departments as deemed appropriate, which departments shall cause a thorough review and investigation of the applicant(s) and premises to be completed, including, but not limited to, an investigation regarding the background of the applicant(s) and owners, a complete history of past business and experience and liquor law violations, the proposed premises, code compliance, payment of taxes and utility charges, availability of utilities. The findings and results of the investigations, including where applicable, recommendations, shall be provided to the city manager, who shall then report same to the city council. In making its reviews and investigations, the city, and its departments, may request other pertinent information from the applicant.

(d) *Placement upon city council agenda.* Upon receipt by the city manager of the findings, results, and recommendations of the ~~departments~~ department investigations, the city manager shall place the application on the city council agenda for consideration. Due notice will be provided to the applicant, and the applicant will be required to appear before the city council and make an oral and/or written presentation and address any questions concerning the application.

(e) *City council action required.* All applications are subject to action by the city council. The city council may approve, ~~conditionally approve the requested license with or without conditions,~~ postpone consideration for a reasonable period, or deny the license. If the license is either approved or denied, the city council shall cause its decision to be transmitted to the Michigan Liquor Control Commission and promptly give notice of the decision to the applicant, in writing. Unless otherwise indicated by the city council, all approvals are conditioned upon the applicant obtaining any required building permits and any other necessary permits, licenses, or approvals from the city, including special land use approval, or approvals from other regulatory agencies within sixty (60) days or such other time period specified by the city council from the date of such conditional approval. The construction of new buildings and alterations of existing buildings shall commence within six (6) months after the date of the conditional approval, with a completion date of no more than one (1) year after the issuance of the relevant building permit. Extensions of time for completion of construction or alteration or to meet conditions may be granted by the city council for good cause, as determined in its sole discretion. Failure to comply with such conditions shall render the license, and any approval, subject to revocation.

(f) *Review criteria.* In making its determination pursuant to section 8-3736(e), the city council may consider and/or weigh, in its discretion, the following factors:

(1) ~~The possibility of a consequent cost on the city.~~

- ~~(1) — The general and appropriate trend and character of land, building, and population development.~~
- (1) ~~Proximity~~ Surrounding land uses and proximity to residences, schools, and churches, ~~with consideration of and any~~ potential adverse effect the proposed establishment may have on such land uses and the surrounding area and land uses, including vehicular and pedestrian traffic and movement, parking, noise and input from residents and businesses.
- (2) The Investigations, findings and recommendations of the city departments regarding the applicant, application, ~~and~~ proposed premises and establishment.
- ~~(3) — Input from residents and surrounding business owners.~~
- ~~(4) — Impact of the establishment on surrounding businesses and neighborhoods.~~
- ~~(5) — The effect of the proposed establishment on vehicular and pedestrian traffic in the area.~~
- ~~(6)(1) The availability of adequate parking on the property and nearby, taking all circumstances of the location into consideration, and the effect on parking.~~
- ~~(7)(1) Whether the proposed establishment is part of a multi-use project with substantial new retail, office, or residential components; the size of the proposed establishment relative to the overall project or development.~~
- ~~(8)(3) The applicant's history and experience, if any, in conducting a business holding a liquor license, including history of MLCC violations and other business and operations and management experience.~~
- ~~(9) — Liquor Control Commission violation history.~~
- ~~(10)(4) The applicant's financial status and its ability to build and/or operate the proposed establishment.~~
- ~~(11)(5) Past criminal convictions of the applicant for felonies and crimes involving moral turpitude, violence, or alcoholic liquors, including, but not limited to: gambling, prostitution, weapons, tax evasion, fraudulent activity, controlled substances, crimes or violations of such a nature that it may impair the ability of the applicant to operate a licensed business establishment in a safe and competent manner.~~
- ~~(12)(6) Non-payment or late payment of taxes and utility bills.~~
- ~~(13)(7) The availability of utilities to serve the proposed premises establishment.~~

~~(14)~~(8) Compliance with applicable building, plumbing, electrical and fire prevention codes, zoning ordinance, or other applicable ordinances, laws, codes, and regulations.

~~(15)~~(9) The nature and extent of preservation or restoration of existing or historic buildings.

~~(16)~~(10) _____ The number, proximity and capacity of similar licensed establishments in the city and surrounding area

~~(17)~~ _____ The amount to be invested in the proposed premises/establishment:

~~(18)~~ _____ Locating in an underdeveloped area:

~~(11)~~ _____ The and the effect on the economic development of the city or the surrounding area.

~~(12)~~ _____ Whether the proposed establishment is part of a multi-use project with substantial new retail, office or residential components; the size of the proposed establishment relative to the overall project or development.

~~(19)~~ _____

~~(20)~~(13) _____ Whether the applicant has demonstrated a public need or convenience for the issuance of the liquor license for the business establishment at the location proposed.

~~(21)~~ _____ TheThe plan of operation including the type or character of proposed establishment and services, menu and entertainment to be offered:

~~(22)~~ _____ The, the overall theme, atmosphere, or ambiance of the proposed business.

~~(23)~~ _____ The, the proposed hours and days of operation:

~~(24)~~ _____ The, the proposed ratio of sales of food to alcohol:

~~(25)~~(14) _____ The, the size and percent of floor area devoted to kitchen, dining, dance floor, bar, outdoor service areas.

~~(26)~~(15) _____ The impact of the establishment on city policing and code enforcement activities, and the possibility of consequent costs to the city.

~~(27)~~(16) _____ The overall benefits and/or detriments of the proposed establishment to the city.

~~(28)~~(17) _____ Any other factors that may affect the health, safety and/or welfare of the general public.

(g) *Restrictions on licenses.* No license shall be issued to the following unless such applicable restriction is waived by city council:

- (1) ~~A~~Any person whose liquor license has been revoked or not renewed for cause under this article, or a comparable ~~city or township~~local ordinance or state law, whether in Michigan or otherwise.
- (2) ~~A~~Any person who, at the time of application or renewal ~~or~~ of any license issued hereunder, would not be eligible for such license upon a first application.
- (3) ~~An~~Any applicant, including any owner, shareholder, officer, partner, member, manager, or assignee thereof, ~~owing a ten (10)-percent (10%) interest or more would not be eligible to receive a license hereunder or the Act for any reason.~~
- ~~(4) A person who has been convicted of a crime involving theft, dishonesty, or false statement (including tax evasion); or has been convicted or found responsible for a violation of any federal or state law or Administrative Rules of the Michigan Liquor Control Commission concerning the manufacture, possession, or sale of alcoholic liquor or controlled substances, or similar violation of another state or country.~~
- ~~(5)~~(4) ~~A~~Any person who does not own the premises for which a license is sought or does not have a lease ~~therefor~~ other right to possess or occupy the premises for the full period for which the license is issued.
- ~~(6)~~(5) Any law enforcement official or any member of the council, or to any such official having interest in any way, either directly or indirectly, in manufacture, sale or distribution of alcoholic liquor.
- ~~(7)~~(6) Any applicant who omits or falsifies any information required by this article.
- ~~(8)~~(7) ~~Premises~~Any premises where there exists a violation of the applicable building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations, applicable public health regulations or any other applicable city ordinance without approved arrangements for correction or achieving compliance.
- ~~(9)~~(8) ~~Premises~~Any premises that ~~dedoes~~ not, or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, noise or nuisance control, or such new construction or remodeling as proposed would not be completed.
- ~~(10) To any person or any premises where any real property taxes, personal property taxes, or any other obligations are due and payable to the city.~~

(h) *Changes in plans, drawings, etc.* After receipt of a conditional approval by the city council, no site plan, floor plan, building elevation, seating arrangement, kitchen layout, or other

pertinent facts, drawings, or documents submitted to the city may be changed without the applicant first receiving approval from the city planning, engineering, and building departments and city council.

(l) *Recommendation for approval of liquor license.* Upon completion of the building and/or improvements and satisfaction of all other conditions and in accordance with the prior conditional approval of the city council and resolution, if applicable, the city council shall then recommend, above all others, the applicant for approval of the liquor license to the Liquor Control Commission of the State of Michigan.

~~(j) *Issuance of available quota licenses.* City council shall not recommend approval of an applicant for an available quota liquor license without the execution of an agreement between the applicant and the city, in a form approved by the city, prohibiting its transfer outside of the city and requiring cancellation/termination when appropriate.~~

~~(k)(i) *Reservation of authority.* No applicant for a liquor license has a right to the issuance of such license to him, her or it, and the city council reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such licenses.~~

~~Sec. 8-38. *Changes*37. – Substantial changes in licensed operations.~~

~~(a) Substantial changes in the licensee's operations shall or plan of operation within three (3) years of the license being issued must be approved by the city council. Substantial changes shall include, but are not limited to, changes in space of more than ten percent (10%); reduction of more than ten percent (10%) in percentage of food or other sales not related to liquor, or changes in the approved plan which affects hours of operations, capacity, or parking, noise generated or other impact on adjacent residents of twenty-five percent (25%) or property owners more. Changes in the theme, style or character of an establishment, alone, shall not constitute a substantial change. No fee shall be charged for this process. Whenever the information submitted by a licensee pursuant to the application process contained in this chapter changes, it shall be the duty of the licensee to notify the city and to supplement the information previously submitted. The licensee is responsible for compliance with this section within ten (10)fourteen (14) days of the change of information or circumstances.~~

~~(b) Failure of such compliance or varianceVariance from or failure to comply with an approved plan operationof operation or obtain approval of a substantial change in operations of a licensed establishment is a violation of this article and may result in the city objecting to the renewal or recommending revocation of the license, or other action.~~

~~Sec. 8-39. *Inactive*38. – Transfers of existing on-premises licenses.~~

~~(a) The city council has determined that profiteering by on-premises liquor licensees is contrary to the best interests of the city. Accordingly, to prevent profiteering, to the full extent authorized by law, the city council shall not approve the transfer of an on-premises liquor license issued as a new license under this chapter within three (3) years of the date of the original issuance of the license except that the city council may, but is not required to, waive this restriction in the following circumstances:~~

~~(1) If the licensee is a natural person, he or she dies or becomes incapacitated.~~

~~(2) If the licensee is a business entity (e.g., limited liability company, corporation, partnership), the majority interest holder or owner dies or becomes incapacitate, or the business entity dissolves for reasons other than to transfer the license.~~

~~(3) The licensee and the proposed transferee establish that the transfer shall not result in profiteering.~~

~~In the event a license remains unused or inactive for one (1) year after being issued without further approval from city council, the city council may object to renewal or recommend revocation of the license.~~

~~Sec. 8-40. Term of license.~~

~~Approval of a license shall be for a period of one (1) year, expiring annually on April 30 following the date of issuance. The liquor license is The application of this section will subject to review by the city council for continued compliance with the regulations of this article.~~

~~Sec. 8-41. Annual license review.~~

~~The city may undertake a review of any license at any time for purposes of making recommendations to the Michigan Liquor Control Commission regarding renewal of said licenses. The city may consider whether a licensed establishment has been operated in a manner consistent with the provisions of this chapter and all other applicable laws and regulations and whether continued operation of the licensed establishment is reasonably likely to adversely affect the surrounding neighborhood or investment in real property therein, and this consideration shall include, inter alia, entertainment, events or promotions, and whether impact upon the neighborhood is otherwise contrary to the peace, order and tranquility of the community.~~

~~Sec. 8-42. Application procedure for new permits.~~

~~(a) Any permit ancillary the licensee to a liquor license including dance, entertainment, or dance and entertainment, may be issued simultaneously to the issuance of a new license or transferred license or after the issuance of the liquor license, financial hardship due to no fault of its own, such as a change in the city's discretion. The application for such a permit shall be submitted to the city clerk in writing, accompanied by a nonrefundable fee in an amount determined by city council. (If the application for such a permit is made at initial application or transfer, no additional fee is required.) The city manager will refer the permit application to the city council which will set the matter for consideration, due notice to be given the applicant.~~

~~(a) In reviewing the permit application, the city council may consider the following:~~

~~(11) Past record of the licensee, including liquor license violations and police contacts.~~

~~(12) Plans presented for dealing with and for avoiding nuisances and neighborhood business climate, illness or death, labor or supply problems created by the permit.~~

~~(1) The proposed changes in, and/or other factors outside the licensee's operation if granted the permit control.~~

~~(2) The type of entertainment or dance proposed.~~

~~(3) Review criteria list in Section 8-37(f).~~

~~(b) Requests for permits for dance, entertainment, or dance and entertainment shall be approved or denied in the sole discretion of the city council, and a permit for dance, entertainment, or dance and entertainment shall not be approved by the city council without the execution of an entertainment agreement, in the form approved by the city.~~

~~Sec. 8-43. Transfers of existing licenses.~~

~~(e)(b) The transfer of any existing on-premises liquor license into, within, out of the city or to a different ownersowner(s) shall require approval of the city council. An applicant for approval of a license transfer and the use and occupancy of such an establishment a license shall:~~

~~(1) Submit an application with all of the information required under Section 8-3736(b) above for a new on-premises liquor license, including a plan of operation;~~

~~(2) Pay the application fee set forth in this article for the granting of a new liquor license and/or permit.~~

~~(2) Pay the applicable fees.~~

~~(3) Furnish any necessary authorization to permit allowing the city access to any and all files which may be in the Michigan Liquor Control Commission's possession regarding that commission's investigation of the transferee as a present licensee, or as a previous licensee, or in which transferee has or has had a partial interest in.~~

~~(d)(c) In reviewing an application for license transfer, the city council may consider the criteria listed in Section 8-3736(f).~~

~~(e)(d) Requests for approvals of transfers of licenses shall be approved or denied in the sole discretion of the city council.~~

~~(f)(e) Transfers that involve the following circumstances may be placed on a city council agenda for consideration, without payment of a fee and without the necessity of furnishing the information required for new licenses:~~

~~(1) The exchange of the assets of a licensed sole proprietorship, licensed general partnership, or licensed limited partnership for all outstanding shares of stock in a corporation in which the sole proprietor, all members~~

of the general partnership, or all members of the limited partnership are the only stockholders of that corporation.

(2) The removal of a member of a firm, a stockholder, a member of a general partnership or limited partnership, or association of licensees from a license.

(3) The occurrence of any of the following events:

a. ~~A i) a corporate stock split of a licensed corporation;~~

b. ~~The issuance to an existing stockholder of a licensed corporation of, ii) issuing previously unissued stock as compensation for services performed.~~

c. ~~The shares to an existing shareholder, iii) redemption of stock shares by a licensed corporation of its own stock.~~

d. ~~(3) A corporate; and iv) a public offering of stock.~~

~~(g)(f)~~ Existing permits ancillary to liquor licenses are transferred with the liquor license unless cancelled in writing. Transferees must present plans regarding the operation they intend to conduct using the particular permit.

Sec. 8-44. ~~Prohibition on profiteering by class C liquor licensees.~~

~~(h)~~ The city council has determined that profiteering by class C liquor licensees is contrary to the best interests of the city. Accordingly, to prevent profiteering, to the full extent authorized by law, the city council shall not approve the transfer of a class C liquor license issued as a new license under this chapter within three (3) years of the date of the original issuance of the license. An agreement between the licensee and the city, following recommendation by the city attorney, shall be prepared and agreed upon to give effect to this provision prior to final action being taken by the city council on an application. The city council may, but is not required to, excuse the above anti-profiteering limitation for any of the following reasons:

~~(4)(1)~~ If the licensee is a natural person, he or she dies or becomes incapacitated.

~~(5)(1)~~ If the licensee is a business entity (e.g., limited liability company, corporation, partnership), the majority interest holder or owner dies or becomes incapacitate, or the business entity dissolves for reasons other than to transfer the license.

~~(6)(1)~~ The licensee and the proposed transferee establish that the transfer shall not result in profiteering.

~~(7)~~ The application of this anti-profiteering limitation will subject the licensee to financial hardship due to no fault of its own, such as a change in the business climate, illness or death, labor or supply problems, and/or other factors outside the licensee's control.

(i) ~~The agreement shall provide that, unless excused by the city council as provided above, in the event a license is proposed for transfer within three (3) years from the date of issuance, the licensee agrees that the Michigan Liquor Control Commission shall terminate the license and the city council may approve the issuance of a new license to a new applicant without any compensation to former licensee who requested transfer, and that the former licensee waives any property interest in such license upon request for transfer within three (3) years of issuance or placement of the license into escrow within such three-year period; provided, however, prior to the approval of such issuance to a new applicant, the person or entity who requested transfer or placed the license into escrow shall be afforded written notice and an opportunity to be heard, and all objections raised at the hearing shall be resolved (at the Michigan Liquor Control Commission or in the circuit court, if necessary) prior to issuance of the license to a new applicant.~~

~~Sec. 8-4539. - Objections to renewal and requests for revocation.~~

(a) *Generally.* The city council may, at any time, review a license and object to a renewal or request the revocation of a liquor license with the Michigan Liquor Control Commission, MLCC.

(b) *Procedure.* Before filing an objection to the renewal or requesting revocation of a license with the Michigan Liquor Control Commission MLCC, the city council shall serve the licensee, a notice of hearing, by first class mail, mailed not less than ten (10) days prior to the hearing, a notice of such hearing, which notice shall contain the following information:

(1) ~~Notice of Reason(s) for the hearing and proposed action.~~

(2) ~~Reasons for the proposed action.~~

(3)(2) Date, time and place of such the hearing.

(4)(3) A statement that the licensee may present evidence and testimony, and may confront witnesses and may be represented by a licensed attorney.

(c) *Hearing and final decision.* ~~Such~~The hearing may be conducted by city council as a whole, or by a hearing officer appointed by the city council for such purposes. If a hearing officer is appointed, it shall be the officer's duty to ~~undertake such~~ conduct the hearing, and hear and take evidence and testimony ~~of the licensee, or witnesses on its behalf, or in opposition thereto.~~ After ~~such the~~ hearing, the hearing officer shall make a recommendation to the city council for its ultimate final review and decision. The city council shall submit to the licensee and the Michigan Liquor Control Commission MLCC, a written statement of its ultimate findings and determination.

(d) *Criteria for non-renewal or revocation.* The city council may recommend non-renewal or request revocation of a license upon a determination by it that, based upon a preponderance of the evidence presented at ~~the~~ hearing, any of the following exists:

(1) A violation of any section of this chapter, the Act, or the rules and regulations of the MLCC, including sales of alcoholic liquor to minors.

- ~~(1)(2)~~ A violation of any applicable building, electrical, mechanical, plumbing or fire code; applicable zoning regulations; applicable public health regulations; applicable rules and regulations of the county health department; or any other applicable city code provision.
- ~~(2)(3)~~ Maintenance of a nuisance on the premises.
- ~~(4)~~ A license being or remaining unused or inactive for one (1) year after being issued without further approval from the city council.
- ~~(5)~~ A license being placed in and remaining in escrow for five (5) years or more.
- ~~(3)(6)~~ A material change in those conditions, statements or representations contained in the written application by the licensee, including a plan of operation, upon which the city council based its recommendation for approval, when, in the judgment of the city council, that change is found to be contrary to the best interest of the city and/or its residents.
- ~~(4)(7)~~ A holder of a license or permit licensee has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
- ~~(5)(8)~~ The premises does not, or will not reasonably soon, have adequate off-street parking, lighting, refuse disposal facilities, screening, noise or nuisance control where a nuisance does or will exist.
- ~~(6)~~ A violation of any section of this chapter, the Liquor Control Code, or the rules and regulations of the Liquor Control Commission, including sales of alcoholic liquor to minors.
- ~~(7)~~ For a dance, entertainment or dance entertainment permit, any breach of the entertainment agreement entered into between the licensee and the city as required in this article.
- ~~(8)~~ Non-payment of taxes.
- ~~(9)~~ Non-payment of taxes relating to the premises related to the license.
- ~~(10)~~ Other factors negatively impacting the general health, safety and welfare of the community and the public.

Sec. 8-46. ~~Termination of escrowed license.~~

~~The city council may, through resolution, request that the Michigan Liquor Control Commission terminate an on-premises license that has been inactive and placed in escrow for more than five (5) years after its expiration.~~

Sec. 8-4740. – Fees.

Each applicant for a new on-premises license or permit, ~~expansion of an existing licensed establishment, license transfer, or for renewal of an existing license or permit~~ shall pay a nonrefundable application investigation fee in an amount set by city council resolution. Such fee will be in addition to any fee(s) required by the ~~Liquor Control Commission~~ MLCC.

Sec 8-4841. – Nudity.

No person, while appearing in a state of public nudity as defined in Section 5h of Act 279 of 1909, being MCL 117.5h, shall frequent, loiter, work for or perform in any establishment licensed or subject to licensing by the state liquor control commission. No proprietor or operator of any such establishment shall allow the presence in such establishment of any person who violates the provisions of this section.

Sec. 8-4942 through 8-69. 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 _____, 20172018.

John Galeas, Jr., 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 _____, ~~2017~~2018.

Lisa Deaton, City Clerk

Adopted:
Published:
Effective:

DRAFT

CITY OF SOUTH LYON LIQUOR LICENSE SUBCOMMITTEE MEETING

2:00 p.m., Friday, November 10, 2017

City Hall Conference Room

Discussion Notes

City Subcommittee Members Attending: Lynne Ladner (City Manager), Lloyd Collins (police Chief), Mary Parisien (City Council Member), Bob Donohue (Econ Dev & DDA Director), Tim Wilhelm (City Attorney)

Liquor License Holders in City of South Lyon Attending: Daman Lossia (Trail Bar), Sarmed Nasso (Lafayette LQ Party Store), Amanda Hirst-Davids (Busch's), Ryan Cottongim (Witches Hat), Joe West, (Attorney for Witches Hat), Caty Stus (Pinz Bowling Center), Jeff Robinson & his father who did not sign in (Third Monk Brewing Co.)

City Manager Lynne Ladner called the meeting to order at 1:10 p.m. and then there were introductions around the table. Lynne asked Bob Donohue to take notes. Discussion was as follows:

- Tim Wilhelm (Tim W.) described the purpose of the meeting and the purpose of the proposed City of South Lyon Liquor License Ordinance
- Tim W. asked what are the concerns if the proposed ordinance was to be enacted?
- Several attendees noted that the "transfer of On Premise Licenses and procedures need to be clarified." And, "What is the legality of the proposed ordinance?"
- Tim W. noted that the State Liquor Law allows the City to review and make a recommendation to the MLCC. The City can make an annual review and recommendation only, not the approval.
- Daman and Ryan asked why the City wants to do more in any review than the State requires?
- Ryan asked to look at the section of the ordinance entitled: "Conviction Restrictions" and could the wording be changed from "Shall" to "may"? And "could the number of years since the conviction" be noted? Tim W. said that would be considered.
- There was a question about the difference between a Quota License and a DDA License? Tim W. noted the basic differences.
- Tim W. also made it clear that "this is not a duplication of MLCC's role, but rather it is a clarification of the City's role."
- Tim W. asked the attendees "Where does the ordinance apply to more than a Class C License and business/building expansions?"
- Joe, the Witches Hat Attorney noted that he felt that "the proposed ordinance does apply to more than just the Class C Quotas"
- Tim W. noted that it was the City council who asked for a Liquor License Ordinance and Policy
- Another purpose of the ordinance is to regulate "profiteering."
- Tim W. noted that "the ordinance puts the approval process in writing"
- Attendees were concerned that the City would be doing more with approval versus evaluation and input and that the focus should be on Class C Licenses, and the need to follow the City's Zoning Ordinance was noted several times
- Tim W. noted that "Cities were involved with approvals prior to 2012."

- Lynne noted that "there appears to be a negative tendency by liquor license holders towards the City, versus consideration of the City's need to be thorough."
- Mary P. noted "the need to narrow the ordinance down and yet meet the needs of the City and the businesses."
- Tim W. again stated "The city would only make a recommendation or objection, not approval." Tim also noted that "the proposed ordinance will give clarity on the City's evaluation which is a benefit for businesses."
- Ryan asked his attorney (Joe West) about new liquor license transfers and expansions criteria for renewal
- Mary P. noted the "she hears everyone loud and clear."
- Ryan's attorney, Joe West, noted "the need to limit the review to the last 12 months, note any check marks to the last 12 months only, not go back several years."
- Tim W. noted "What about looking back at the last 2-3 years, which is reasonable,, versus 12 months suggested by Ryan?" Tim also noted that "there would be discussion and action by City Council before any formal objection by the City was made to the MLCC."
- Tim W. stated "the whole purpose of the ordinance is to provide a formal procedure, and, the City would do this on an as needed basis because it does not have staff to do more."
- Ryan's attorney, Joe West, then stated "that would be unfair and could be targeted if not applied to all. Does that lead to litigation by not applying it to all?"
- Lloyd noted he could input based upon actual complaints right now.
- Jeff of Third Monk noted "what happens if the City Building Codes change with regard to an expansion of the kitchen, square footage of the business, or the building in general?" Tim W. stated "it would apply to someone not willing to bring their building up to code. If the City finds someone not in compliance with any code, it may become the basis of a City objection. The City merely wants a fair policy and process that hopefully would not be abused. The City's goal is to be consistent."
- Mary P. noted that "it is her desire to have less restriction, and to streamline the proposed Liquor License Ordinance."
- Ryan's attorney, Joe West, asked "what is the next step and can all of the liquor license businesses be notified by e-mail?"
- Tim W. and Mary P. said "yes, notification will be by e-mail. Everyone need s- to put their e-mail address on the sign in sheet for today."
- Tim W. noted that we now need to look at next steps.
- Mary P. noted that "the committee will consider all of the concerns raised here today. The proposed ordinance will be on the City Council agenda again for discussion only, with a subcommittee recommendation."
- Lynne, Tim and Mary urged everyone to attend the City Council meeting when this is discussed.

- Tim W. and Mary P. thanked everyone for coming and giving their input today.
- After the businesses left the room, the following items were noted by the subcommittee:
 1. Business Expansions will be under the control of the City's Zoning Ordinance, City Planning Commission, ZBA if necessary, , Building Department, Fire Code, County Health Department and the MLCC.
 2. The Subcommittee all agreed to look at a next meeting date and get back to Lynne ASAP, hopefully in early December, during the day.
 3. Mary noted that she felt that we should strip down the proposed ordinance to State requirements only, the number of years for looking back in a review to be limited, and change the words from "shall" to "may" where applicable.
 4. Bob and Mary agreed that we need to be business friendly, as much as possible, using short, easy to read, concise check-lists for review of applications.

Business Attendees

E-mail Address

Jeff Robinson

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Caty

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Ryan Cottongim

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Darman Lossia

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Timothy Wilhelm

From: Robert Donohue <robert@southlyonmi.org>
Sent: Monday, September 18, 2017 10:08 AM
To: Timothy Wilhelm
Cc: Lynne Ladner
Subject: Additional Criteria for Liquor Licenses

Tim:

The following items which we recently discussed should be considered as additional criteria for granting/approving a Liquor License in the City of South Lyon:

- Is the location of the establishment which would own the Liquor License in the DDA District?
- Is the location of the establishment which would own the Liquor License in the Historic Core Downtown Area (On N. Lafayette Street between Lake Street and the Detroit Street, S. Lafayette Street between Lake Street and McHattie Street, E. Lake street between Wells street and Lafayette Street, and W. Lake Street between Lafayette Street and the first alley west of Lafayette Street?
- Is the location of the establishment which would own the Liquor License in a Historic Building as noted on the DDA's List of Buildings Eligible for Listing on the National Register of Historic Places?
- Will improvements to the Historic Building comply with the U.S. Secretary of the Interior's Standards for Historic Rehabilitation and Historic Preservation and the City of South Lyon's Design Guidelines?
- Is the location of the establishment which would own the Liquor License in a new building which complies with the City of South Lyon's New Master Plan?

I hope these are useful and will be considered. Items similar to those that I have provided here above, have been utilized in other communities. Please let me know if there is anything else you need or that I can do regarding the potential new Liquor License Policy.

Thanks,

Bob Donohue, DDA & Economic Development Director
City of South Lyon

MICHIGAN LIQUOR CONTROL CODE OF 1998 (EXCERPT)
Act 58 of 1998

436.1501 Licenses; issuance; fees; bonds or liability insurance; expiration of full-year license; license as contract; operation of establishment upon death of licensee; approval of receiver or trustee; part-year license; transfer of license; approval of application; request for revocation of license or permit by local legislative body; hotels; zones and anniversary dates for renewal of licenses; rules; nontransferable tavern licenses for concessionaires at state fairgrounds; notice contained in application.

Sec. 501. (1) The commission may issue licenses as provided in this act upon the payment of the fees provided in section 525 and the filing of the bonds required in section 801 or liability insurance as provided in section 803. The commission shall provide a notification of the ability of the purchaser or transferee to obtain a tax clearance certificate, as provided in subsection (6). Subject to section 906(2) and (3), the commission shall not issue a new on premises license or transfer more than 50% interest in an existing on premises license unless the applicant or transferee offers proof acceptable to the commission that he or she has employed or has present on the licensed premises, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served who have successfully completed a server training program described in section 906. The commission may consider an individual enrolled and actively participating in a server training program as having successfully completed the program for the time the individual is participating. The commission may allow an applicant or a conditionally approved licensee at least 180 days, or more upon a showing of good cause, to meet the minimum personnel training requirements of this subsection. The commission may suspend the license of a conditionally approved licensee if that licensee does not comply with this subsection. The commission may waive the server training requirements of this subsection on the basis of either of the following circumstances:

(a) The licensee's responsible operating experience or training.

(b) The person's demonstration of an acceptable level of responsible operation either as a licensee during the preceding 3 years or as a manager with substantial experience in serving alcoholic liquor.

(2) A full-year license issued by the commission shall expire on April 30 following the date of issuance or the date fixed by the commission. A license issued under this act is a contract between the commission and the licensee and shall be signed by both parties. If a licensee dies, the commission may approve the operation of the establishment by a personal representative or independent personal representative duly appointed by a court of competent jurisdiction, pending the settlement of the estate of the deceased licensee. The commission may approve a receiver or trustee appointed by a court of competent jurisdiction to operate the licensed establishment of a licensee. The commission may grant a part-year license for a proportionate part of the license fee specified in section 525. In a resort area the commission shall grant a license for a period of time as short as 3 months. A license may be transferred with the consent of the commission. A class C or specially designated distributor license obtained in a manner other than by transfer shall not be transferred within 3 years after its issuance except under circumstances where the licensee clearly and convincingly demonstrates that unusual hardship will result if the transfer does not receive the consent of the commission. An application for a license to sell alcoholic liquor for consumption on the premises, except in a city having a population of 600,000 or more, shall be approved by the local legislative body in which the applicant's place of business is located before the license is granted by the commission, except that in the case of an application for renewal of an existing license, if an objection to a renewal has not been filed with the commission by the local legislative body not less than 30 days before the date of expiration of the license, the approval of the local legislative body is not required. The commission shall provide the local legislative body and the local chief of police with the name, home and business addresses, and home and business phone numbers to accomplish the local legislative reviews of new and transferred license applications required by this subsection. Upon request of the local legislative body after due notice and proper hearing by the local legislative body and the commission, the commission shall revoke the license of a licensee granted a license to sell alcoholic liquor for consumption on the premises or any permit held in conjunction with that license.

(3) A local legislative body, by resolution, may request that the commission revoke the license of a licensee granted a license to sell alcoholic liquor for consumption off the premises whose place of business is located within the local legislative body's jurisdiction and that has been determined in commission violation hearings to have sold or furnished alcoholic liquor, on at least 3 separate occasions in a consecutive 12-month period, to a minor if those violations did not involve the use of falsified or fraudulent identification by the minor. If the commission verifies that the licensee who is the subject of the resolution has been found to have committed the violations as prescribed in this subsection, the commission may suspend or revoke the

licensee's license and any permit held in conjunction with that license.

(4) This act does not prohibit a hotel that is or was the holder of a license authorizing the retail sale of alcoholic liquor for consumption on the premises from applying for and receiving under this act any other and different type of license authorizing the retail sale of alcoholic liquor for consumption on the premises, and the application for the license shall not be considered a new application for a license if the total number of public licenses for consumption on the premises does not exceed the authorized total established in this act and the sale of alcoholic liquor is approved by the electors. The commission may divide the state into 3 zones and establish for each zone an anniversary date for renewal of full-year retail licenses in the licensing year. The commission shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the effective administration of the renewal of licenses.

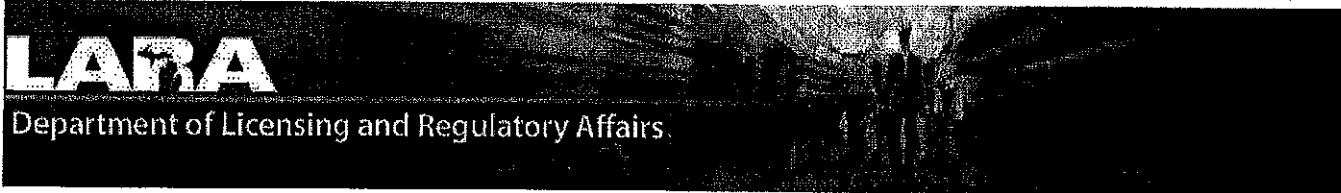
(5) The commission, with the written approval of the department of agriculture and rural development for the Michigan state fairgrounds and the Upper Peninsula state fairgrounds, may issue without regard to the quota provision of section 531 a tavern license to a person as concessionaire leasing or renting a portion of either the Upper Peninsula state fairgrounds or the state fairgrounds, or both, to service the licensed area in use for recreational or exhibition purposes other than at the time of the annual Upper Peninsula state fair under section 2 of 1927 PA 89, MCL 285.142. A license issued under this subsection is not transferable.

(6) The application for initial licensure or for a transfer of a license shall contain a notice in substantial compliance with the following:

When purchasing a license, a buyer can be held liable for tax debts incurred by the previous owner. Prior to committing to the purchase of any license or establishment, the buyer should request a tax clearance certificate from the seller that indicates that all taxes have been paid up to the date of issuance. Obtaining sound professional assistance from an attorney or accountant can be helpful to identify and avoid any pitfalls and hidden liabilities when buying even a portion of a business.

Sellers can make a request for the tax clearance certificate through the Michigan department of treasury.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998;—Am. 1998, Act 416, Imd. Eff. Dec. 21, 1998;—Am. 2000, Act 431, Imd. Eff. Jan. 9, 2001;—Am. 2006, Act 547, Imd. Eff. Dec. 29, 2006;—Am. 2012, Act 82, Imd. Eff. Apr. 11, 2012.

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LARA / LIQUOR CONTROL COMMISSION / COMMISSION OVERVIEW

Brief Overview Michigan Liquor Control Commission

- **Commission Overview**

The Michigan Liquor Control Commission was created upon the repeal of Prohibition by the legislature acting in special session in December of 1933. The act empowered the Commission to control all alcoholic beverage traffic within this state. Today, the Commission is a Type I agency housed within the Department of Licensing and Regulatory Affairs (LARA).

The Commission consists of five members appointed by the Governor. No more than three of these members may be of the same political party. Three administrative Commissioners are responsible for all matters pertaining to licensing, purchasing, merchandising and enforcement and act as an appeal board for decisions rendered by the hearing commissioners. The remaining two Commissioners are designated as hearing commissioners who preside over violation matters. The full five-member board promulgates rules and establishes bureau policy, such as the issuance of declaratory rulings. The Governor designates one of the five members as the Chairperson.

The mission of the Liquor Control Commission is to make alcoholic beverages available for consumption while protecting the consumer and the general public through regulation of those involved in the sale and distribution of these alcohol beverage products.

- **Meet the Michigan Liquor Control Commissioners**

- **Contact the Michigan Liquor Control Commission (MLCC)**

- **Enforcement Division**

The Enforcement Division operates from district offices in Southfield, Lansing, Grand Rapids, and Escanaba.

- **Executive Services Division**

The Executive Services Division provides staff support services to the Commission.

- **Financial Management Division**

The Financial Management Division provides support for the Commission in all areas of financial management and accounting.

• Licensing Division

The MLCC Licensing Division processes requests for Retail licenses, such as restaurants, bars, hotels, convenience stores, and grocery stores, Manufacturer and Wholesaler licenses, such as breweries, distilleries, wineries, brokers, and salespersons, and Special licenses for nonprofit organizations. The Licensing Division administers the annual license renewal process for all licensees, verifies licensee insurance, and processes Special License applications, requests for new and temporary permits and permissions.

LARA Contacts

Contact LARA
Submit Comments,
Suggestions,
Questions
Technical Support
Media
Map & Driving
Directions

**Featured
Services**

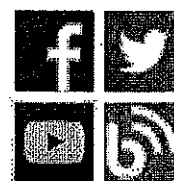
Business Entity
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Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Constitution Hall – 525 W. Allegan, Lansing, MI 48933
Mailing Address: PO Box 30005, Lansing, MI 48909
Toll Free 866-813-0011 – www.michigan.gov/lcc

Class C Licensing Requirements & General Information

A Class C license, as defined by MCL 436.1107(2), is a place licensed to sell, at retail, beer, wine, mixed spirit drink, and spirits for consumption on the premises.

Bars or restaurants selling beer, wine, spirits, and mixed drinks require a Class C license in order to sell alcoholic liquor to patrons at their establishment.

How to Apply

All applicants requesting new Class C license, seeking to transfer ownership of a Class C license, or transferring interest (stock or membership interest) in a Class C license must submit the following:

- **Application Form**
For a new Class C license or to transfer a Class C license - Retail License & Permit Application (Form LCC-100)

To transfer interest in a Class C license – License Interest Transfer Application (LCC-101)
- **Inspection Fee** - A \$70.00 nonrefundable inspection fee is required for each license requested in an application. For example, if an applicant has requested to transfer a Class C license that has a Specially Designated Merchant (SDM) license in conjunction, the inspection fee would be \$140.00.
- **License & Permit Fees** – The initial and annual renewal fee for a Class C license is \$600.00. Additional fees will vary based upon whether additional licenses and permits are requested in conjunction with a Class C license.
- **Livescan Fingerprints** – Applicants that have never been licensed through the Michigan Liquor Control Commission must submit fingerprints through the Livescan fingerprinting process - Livescan Fingerprint Background Request Form.
- **Purchase Agreement** – Applicants requesting to transfer a license from another licensee must submit an executed purchase agreement or other documentation signed by both the applicant and the current licensee, which details the sale of the liquor license(s) and other business assets.
 - Purchase agreements must specifically indicate that the liquor license is being sold and provide the purchase price and terms of the sale.

- Purchasers of on-premises licenses must have at least 10% of the purchase price of the business, excluding real estate.
- Purchase agreements that are not for cash only sales and include real estate must list the personal property, including the licenses, and real estate with the terms and price for each.
- If the personal property and real estate are being purchased by separate people or entities, the purchase agreement must indicate those names and who is purchasing which items.
- If the applicant will not pay the full purchase price at closing, the balance due may be covered by a security agreement or promissory note. Alcoholic beverage inventory cannot be included on a security agreement or promissory note.
- **Property Document** – Applicants must provide documentation that demonstrates they will have control over the property that comprises the proposed licensed premises. Property documents include deeds, land contracts, and lease agreements.
 - A provision to reassign the license in the event of a default on a land contract or termination of a lease agreement may be included, but may only provide for the reassignment subject to Commission approval.
 - If the applicant is a company and its members or stockholders own the real estate as individuals or under another company, a lease agreement is needed.
 - If the applicant is an individual and he or she owns the real estate with a spouse or someone else who will not be named on the license, a lease between the applicant and the owners of the real estate is needed.

In addition to the documents required by all applicants:

Corporations must submit the following information per Administrative Rule R 436.1109:

- Copy of current, filed Articles of Incorporation.
- Current Certificate of Good Standing from the state where incorporated and Certificate of Authority to Do Business in Michigan, if incorporated outside of this state.
- Certified copy of the minutes of a meeting of its board of directors or a statement signed by an officer of the corporation naming the persons authorized by corporate resolution to sign the application and other documents required by the Commission (or Part 3 of Form LCC-301).
- Report of Stockholders/Members/Partners (Form LCC-301)

Limited Liability Companies (LLC) must submit the following information pursuant to Administrative Rule R 436.1110:

- Copy of Articles of Organization and copies of any amendments to the Articles of Organization.
- Current Certificate of Authority to Do Business in Michigan, if the LLC is a non-Michigan LLC.
- Copy of Operating Agreement entered into by members.
- Copy of most recent annual statement filed with the Corporations Division, if an existing LLC.

- Statement signed by a manager of the limited liability company or by at least 1 member if management is reserved to the members naming the person authorized to sign the application and other documents required by the Commission (or Part 3 of Form LCC-301).
- Report of Stockholders/Members/Partners (Form LCC-301)

Partnerships must submit the following information per Administrative Rule R 436.1111:

- Partnership Agreement, if a Limited Partnership.
- Report of Stockholders/Members/Partners (Form LCC-301)

Licensing Process

- The Licensing Division reviews the application and corresponding documents for completeness and verifies the appropriate fees have been received. If additional documents, fees, or corrections to documents are needed, Licensing will notify the applicant.
- Once all the necessary documents have been received Licensing will submit the request to the Enforcement Division for its investigation. If an applicant has applied for and meets the requirements for a conditional license, the request will be considered by the Commission.
- The Enforcement Division will contact the applicant to schedule an interview with the applicant (and current licensee for license transfers). At this meeting an investigator will review with the applicant documents, including:
 - purchase agreement
 - financial documents
 - property documents
 - other items pertaining to the application
- After the interview, the investigator will prepare a report for the Commission regarding the investigation and submit the request back to Licensing for further processing.
- Licensing reviews the report from Enforcement and any additional documents received during the interview process. The request is prepared for the Commission to consider and placed on a docket for an upcoming licensing meeting.
- The Commission considers the request, including:
 - the liquor license operating history of the applicant (if a current or prior licensee)
 - the arrest and conviction record of the applicant
 - whether the applicant meets the requirements for a license
 - the applicant's financial information
 - opinions of the local legislative body or police department, if received.

- The Commission will approve or deny the request based on these factors. Occasionally, the Commission will request more information from the applicant before making a final decision.
 - After the Commission makes a decision on the request, the file is returned to Licensing for final processing.
 - Approval orders are sent to the applicant requesting any final items before the issuance of the license.
 - Denial orders are sent to the applicant and the applicant may appeal the decision.
 - When all the final items are received by Licensing, the completed request is forwarded to the Renewal Unit for the issuance of the physical license documents.
 - Any changes in financial provisions at the time of closing which do not conform to the terms previously indicated and investigated may require submission of new forms and possible additional investigation.
-

Other Licenses That May Be Held in Conjunction With a Class C License

A **Specially Designated Merchant (SDM)** license for the sale of beer and wine for consumption off the licensed premises (take-out) may be held in conjunction with a Class C license.

A **Brewpub** license which allows a licensee to manufacture and sell beer produced on the premises or for take-out with an SDM license may be held in conjunction with a Class C license.

Permits, Permissions, and Authorizations

Sunday Sales Permit (A.M.) - A permit that allows the sale of liquor, beer, and wine on Sunday mornings between 7:00am and 12:00 noon, if allowed by the local unit of government.

Sunday Sales Permit (P.M.) - A permit that allows the sale of liquor on Sunday afternoons and evenings between 12:00 noon and 2:00am (Monday morning), if allowed by the local unit of government.

Additional Bar – Allows a licensee to set up an additional bar within its licensed premises or Outdoor Service area. The licensee may obtain one or more Additional Bars.

Specific Purpose Permit - A permit that allows specific types of activities (such as the service of food, sporting activities, meetings, etc.) to occur on the licensed premises outside the legal hours for the sale of alcohol. A specific purpose permit does not allow the sale of alcohol outside of the legal hours of sale.

Dance Permit - Allows dancing by patrons of a business with an on premises license. Often combined with an Entertainment Permit.

Entertainment Permit - Permits certain types of live entertainment at a business with an on premises license. An entertainment permit does not allow topless activity. Often combined with a Dance Permit.

Extended Hours Permit - A permit held in conjunction with a Dance or Entertainment Permit (or both) that allows dancing or entertainment on the licensed premises outside the legal hours for the sale of alcohol. An Extended Hours Permit does not allow the sale of alcohol outside of the legal hours of sale.

Catering Permit - Authorizes a holder of a Class C license to sell, deliver, and serve beer, wine, and spirits in the original containers at private events. A licensee must have a food service establishment license or retail food establishment license to qualify for this permit.

Banquet Facility Permit - Authorizes an on-premises licensee to serve alcohol at a separate licensed banquet facility used only for scheduled functions. An on-premises licensee may be issued one Banquet Facility Permit, as an extension of its licensed premises.

Living Quarters Permit - Allows living quarters to be directly connected to the licensed premises.

Topless Activity Permit - Allows topless activity by the employees, agents, or contractors of a business with an on premises license.

Direct Connection permission - Allows connections from the licensed premises to unlicensed premises.

Outdoor Service authorization - Authorization granted by the Commission for a licensee to sell alcohol outdoors in an area controlled by the licensee. This can be a patio area next to the licensed premises or a space as large as a golf course

License Quotas and Local Government Unit Approval for New Class C Licenses

- Each local governmental unit (city, village, or township) has a limited number of Class C licenses that may be issued based on the population from the most recent federal census.
- An applicant requesting a new Class C license must first verify that the license quota limit for Class C licenses in the local governmental unit has not been reached and an available Class C license exists.

- If an available Class C quota license exists in the local government unit, the applicant must obtain a recommendation from the legislative body of the local governmental unit (city council, village council, or township board).
 - The legislative body may pass a resolution to recommend the applicant's application for the new Class C license. It may also record its approval on the Local Government Approval Form (Form LCC-106).
 - The resolution must be submitted to the Commission with the initial application and documents.
-

Churches & Schools

A new application to sell alcoholic beverages at retail, or a request to transfer location of an existing license, may be denied if the proposed location is within 500 feet of a church or school. The Commission may waive the church/school provision if the church or school does not file an objection to the proposed license. If the church or school does file an objection, the Commission shall hold a hearing before making a decision on the issuance of the license.

Proof of Financial Responsibility

- Liquor liability coverage of at least \$50,000.00 is required by Michigan law for active operation of a licensed business. Types of acceptable coverage are:
 - liquor liability insurance
 - cash
 - unencumbered securities
 - constant value bond
 - membership in an authorized group self-insurance pool
 - For more information, please read the instructions in the Proof of Financial Responsibility form (Form LC-95).
-



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 • www.michigan.gov/lcc

On Premise Transactions		Is Local Legislative Body approval required?	Is Local Police approval required?	Is Local Legislative Body or Police opinions required to be considered?	MLCC Investigation required?	Inspection Fees?	Base Fees
Add Space		No	No	No	Yes	Yes	
Change Specific Purpose Permit hours		No	No	No	No	No	
Change status		No	No	No	No	No	
Correct address		No	No	No	Yes	No	
Drop Space (current licensees)		No	No	No	Yes	Yes	
New Additional Bar		No	No	No	No	Yes	\$350.00 per bar
New A-Hotel License		Yes	No	Yes	Yes	Yes	\$250.00
New Aircraft License		No	No	Yes	Yes	Yes	\$600.00
New Banquet Facility Permit		Yes	No	Yes	Yes	Yes	\$600.00
New B-Hotel License		Yes*	No	Yes	Yes	Yes	\$600.00
New Brewpub License		Yes*	No	Yes	Yes	Yes	\$100.00
New Catering Permit		No	No	Yes	No	Yes	\$100.00
New Class C issued under MCL 436.1521a(1)(a)		Yes	No	Yes	Yes	Yes	\$20,000 upon licensure
New Class C issued under MCL 436.1521a(1)(b)		Yes	No	Yes	Yes	Yes	\$20,000 upon licensure
New Class C License		Yes*	No	Yes	Yes	Yes	\$600.00
New Class G-1 License		Yes*	No	Yes	Yes	Yes	\$1,000.00
New Class G-2 License		Yes*	No	Yes	Yes	Yes	\$500.00
New Club License		Yes*	No	Yes	Yes	Yes	\$300.00

*except in a city having a population of 600,000 or more, pursuant to MCL 436.1501(2)

Last updated on 12-21-2012



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New Continuing Care Retirement Center License		Yes*	No	Yes	Yes	Yes	\$600.00
New Dance Permit		No	No	Yes	No	Yes	
New Dance-Entertainment Permit		No	No	Yes	No	Yes	
New Direct Connection		No	No	No	Yes	No	
New Entertainment Permit		No	No	Yes	No	Yes	
New Extended Hours Permit (Dance, Topless Activity, Entertainment)		No	No	Yes	No	Yes	
New Living Quarters Permit		No	No	Yes	No	Yes	
New Outdoor Service		No	No	No	Yes	No	
New Participation Permit		No	No	Yes	No	No	
New Resort A-Hotel License		Yes*	No	Yes	Yes	Yes	\$20,000 Enhancement upon licensure
New Resort B-Hotel License		Yes*	No	Yes	Yes	Yes	\$20,000 Enhancement upon licensure
New Resort Class C License		Yes*	No	Yes	Yes	Yes	\$20,000 Enhancement upon licensure
New Resort Tavern License		Yes*	No	Yes	Yes	Yes	\$20,000 Enhancement upon licensure
New SDM in conj with On Premise license		No	No	Yes	Yes	Yes	\$100.00
New Specific Purpose Permit (Food, Golf, etc.)		No	No	Yes	No	Yes	
New Sunday Sales Permit (AM)		No	No	Yes	No	No	\$160.00
New Sunday Sales Permit (PM)		No	No	Yes	No	No	15% of total license fee
New Tavern License		Yes*	No	Yes	Yes	Yes	\$250.00

*except in a city having a population of 690,000 or more, pursuant to MCL 436.1501(2)

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On Premise Transactions	Is Local Legislative Body approval required?				Is Local Police approval required?				Is Local Legislative Body or Police opinions required to be considered?				MLCC Investigation required?				Inspection Fees?				Base Fees
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
New Topless Activity Permit		No		No		No		No		Yes		No		No	Yes		Yes		Yes		
New Train License		No		No		No		No		Yes		Yes		Yes	Yes		Yes		Yes		\$100.00
New Watercraft License		No		No		No		No		Yes		Yes		Yes	Yes		Yes		Yes		\$100.00
Release license from escrow (in escrow <6 months)		No		No		No		No		No		No		No	No		No		No		
Release license from escrow (in escrow 6+ months)		No		No		No		No		No		Yes		Yes	No		No		No		
Temporary Permit		No		Yes		Yes		Yes		Yes		No		No	Yes		Yes		Yes		
Transfer Classification Class C to Tavern		No		No		No		Yes		Yes		No		No	Yes		Yes		Yes		
Transfer Classification Class C/Tavern to G1/G2		Yes		No		No		Yes		Yes		Yes		Yes	Yes		Yes		Yes		
Transfer Classification Hotel to Class C/Tavern		Yes		No		No		Yes		Yes		Yes		Yes	Yes		Yes		Yes		
Transfer Classification Tavern to Class C		Yes		No		No		Yes		Yes		No		No	Yes		Yes		Yes		\$600.00
Transfer Location- On Premise		No		No		No		Yes		Yes		Yes		Yes	Yes		Yes		Yes		
Transfer of stock or transfer of interest		No		No		No		Yes		Yes		Yes		Yes	Yes		Yes		Yes		Upon approval by the Commission pursuant to MCL 436.1529(3)
Transfer ownership of Additional Bar		No		No		No		No		No		No		No	No		No		No		\$350.00
Transfer ownership of A-Hotel License		No		No		No		Yes		Yes		Yes		Yes	Yes		Yes		Yes		\$250.00
Transfer ownership of Aircraft License		No		No		No		Yes		Yes		Yes		Yes	Yes		Yes		Yes		\$600.00
Transfer ownership of Banquet Facility Permit		No		No		No		Yes		Yes		Yes		Yes	No		No		No		\$600.00
Transfer ownership of B-Hotel License		No		No		No		Yes		Yes		Yes		Yes	Yes		Yes		Yes		\$600.00
Transfer ownership of Brewpub License		No		No		No		Yes		Yes		Yes		Yes	Yes		Yes		Yes		\$100.00

*except in a city having a population of 600,000 or more, pursuant to MCL 436.1501(2)

Last updated on 12-21-2012



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On Premise Transactions	Is Local Legislative Body approval required?	Is Local Police approval required?	Is Local Legislative Body or Police options required to be considered?	MLCC Investigation required?	Inspection Fees?	Base Fees
Transfer ownership of Catering Permit	No	No	Yes	No	No	\$100.00
Transfer ownership of Class C License	No	No	Yes	Yes	Yes	\$600.00
Transfer ownership of Class G-1 License	No	No	Yes	Yes	Yes	\$1,000.00
Transfer ownership of Class G-2 License	No	No	Yes	Yes	Yes	\$500.00
Transfer ownership of Continuing Care Retirement Center License	No	No	Yes	Yes	Yes	\$500.00
Transfer ownership of Dance Permit	No	No	Yes	No	No	
Transfer ownership of Dance-Entertainment Permit	No	No	Yes	No	No	
Transfer ownership of Direct Connection	No	No	No	Yes	No	
Transfer ownership of Entertainment Permit	No	No	Yes	No	No	
Transfer ownership of Extended Hours Permit (Dance, Topless, Entertain)	No	No	Yes	No	No	
Transfer ownership of Living Quarters Permit	No	No	Yes	No	No	
Transfer ownership of Outdoor Service	No	No	No	Yes	No	
Transfer ownership of Participation Permit	No	No	Yes	No	No	
Transfer ownership of Resort A-Hotel License	No	No	Yes	Yes	Yes	\$250.00
Transfer ownership of Resort B-Hotel License	No	No	Yes	Yes	Yes	\$600.00
Transfer ownership of Resort Class C License	No	No	Yes	Yes	Yes	\$600.00
Transfer ownership of Resort Tavern License	No	No	Yes	Yes	Yes	\$250.00
Transfer ownership of Specific Purpose Permit (Food, Golf, etc.)	No	No	Yes	No	No	

*except in a city having a population of 600,000 or more, pursuant to MCL 436.1501(2)

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	No	No	No	No	No	Yes	No	No	No	No	No	No	No	
Transfer ownership of Sunday Sales Permit (AM)														\$160.00
Transfer ownership of Sunday Sales Permit (PM)														15% of total license fee
Transfer ownership of Tavern License														\$250.00
Transfer ownership of Topless Activity Permit														
Transfer ownership of Train License														\$100.00
Transfer ownership of Watercraft License														\$100.00

*except in a city having a population of 600,000 or more, pursuant to MCL 436.1501(2)

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Off Premise Transactions	Is Local Legislative Body approval required?	Is Local Police approval required?	Is Local Legislative Body or Police opinions required to be considered?	MLCC Investigation required?	Inspection Fees?	Base Fees
Add Space	No	No	No	Yes	Yes	
Change status	No	No	No	No	No	
Correct address	No	No	No	Yes	No	
Drop Space	No	No	No	Yes	Yes	
New Beer & Wine Sampling Permit	No	No	Yes	No	Yes	
New Catering Permit	No	No	Yes	No	Yes	\$100.00
New Direct Connection	No	No	No	Yes	No	
New Gas Pumps	No	No	No	Yes	No	
New Living Quarters Permit	No	No	Yes	No	Yes	
New Participation Permit	No	No	Yes	No	No	
New Resort SDD License	No	No	Yes	Yes	Yes	\$150.00 upon licensure
New SDD License	No	No	Yes	Yes	Yes	\$150.00
New SDM License	No	No	Yes	Yes	Yes	\$100.00
New Sunday Sales Permit (AM)	No	No	Yes	No	No	\$160.00
New Sunday Sales Permit (PM)	No	No	Yes	No	No	15% of total license fee
Release license from escrow (in escrow <6 months)	No	No	No	No	No	
Release license from escrow (in escrow 6+ months)	No	No	No	Yes	No	
Transfer Location- Off Premise	No	No	Yes	Yes	Yes	

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Off Premise Transactions	Is Local Legislative Body approval required?				Is Local Police approval required?		Is Local Legislative Body or Police opinions required to be considered?		MLCC Investigation required?		Inspection Fees?		Base Fees	
				No	No	Yes	Yes	Yes	Yes	Yes	Upon approval by the Commission pursuant to MCL 436.1529(3)			
Transfer of stock or transfer of interest				No	No	Yes			Yes	Yes				
Transfer owner Drive-thru/in Window(w/alcohol beverage sales)				No	No	No			Yes	No				
Transfer ownership of Beer & Wine Sampling Permit				No	No	Yes			No	No				
Transfer ownership of Catering Permit				No	No	Yes			No	No	\$100.00			
Transfer ownership of Direct Connection				No	No	No			Yes	No				
Transfer ownership of Gas Pumps				No	No	No			Yes	No				
Transfer ownership of Living Quarters Permit				No	No	Yes			No	No				
Transfer ownership of Participation Permit				No	No	Yes			No	No				
Transfer ownership of Resort SDD License				No	No	Yes			Yes	Yes	\$150.00			
Transfer ownership of SDD License				No	No	Yes			Yes	Yes	\$150.00			
Transfer ownership of SDM License				No	No	Yes			Yes	Yes	\$100.00			
Transfer ownership of Sunday Sales Permit (AM)				No	No	Yes			No	No	\$160.00			
Transfer ownership of Sunday Sales Permit (PM)				No	No	Yes			No	No	15% of total license fee			



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Retail License & Permit Application

For more information on retail licenses and permits, please visit the Liquor Control Commission's frequently asked questions website [by clicking this link](#).

Before you begin filling out the attached application, please review this checklist for the forms and documents you will need to submit with your completed application form.

The attached LCC-100 form will automatically calculate fees when opened using Adobe Acrobat Reader. The form's functionality may not work with third-party PDF readers. You may download a free copy of Adobe Acrobat Reader on the Adobe website: <https://get.adobe.com/reader/>

- ☐ Completed Retail License & Permit Application (Form LCC-100, attached)
- ☐ Livescan Fingerprint Form* (attached)
- ☐ Inspection, License, and Permit Fees
- ☐ Local Government Authorization (Form LCC-106) - For a new on-premises license only
- ☐ Purchase agreement - **For the transfer of ownership of a license**
- ☐ Property document (lease, deed, land contract, etc.)
- ☐ New Specially Designated Merchant license documents - **For new Specially Designated Merchant license only** (see page 3)

Are you transferring stock or membership interest? If yes, use the License Interest Transfer Application (LCC-101).

If applicant is a corporation also include (pursuant to R 436.1109):

- ☐ Report of Stockholders/Member/Partners (Form LCC-301)
- ☐ Copy of Articles of Incorporation filed with the Corporations Division of the Department of Licensing & Regulatory Affairs
- ☐ Current Certificate of Good Standing from the state where incorporated and Certificate of Authority to Do Business in Michigan, if incorporated outside of Michigan.
- ☐ Certified copy of the minutes of a meeting of its board of directors or a statement signed by an officer of the corporation naming the persons authorized by corporate resolution to sign the application and other documents required by the Commission or Part 3 of Form LCC-301.

If applicant is a limited liability company also include (pursuant to R 436.1110):

- ☐ Report of Stockholders/Member/Partners (Form LCC-301)
- ☐ Copy of Articles of Organization filed with the Corporations Division of the Department of Licensing & Regulatory Affairs
- ☐ Copy of the operating agreement or bylaws of the applicant company
- ☐ Current Certificate of Authority to Do Business in Michigan, if the LLC is a non-Michigan LLC.
- ☐ Statement signed by a manager of the limited liability company or by at least 1 member if management is reserved to the members naming the person authorized to sign the application and other documents required by the Commission or Part 3 of Form LCC-301.

If applicant is a limited partnership also include (pursuant to R 436.1111):

- ☐ Report of Stockholders/Member/Partners (Form LCC-301)
- ☐ Copy of the partnership agreement of the applicant limited partnership
- ☐ Each general partner of a partnership shall sign the application, bond, and other papers filed in connection with securing a new license or transferring an existing license. This requirement may be waived by the Commission upon showing of good cause, which must be submitted in writing.

*Fingerprints are required for applicants that have not been fingerprinted for MLCC licensure in the past and will hold 10% or more interest in a license or applicant entity.



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Business ID: _____
Request ID: _____
(For MLCC Use Only)

Retailer License & Permit Application

For information on retail licenses and permits, including a checklist of required documents for a completed application, please visit the Liquor Control Commission's frequently asked questions website by [clicking this link](#).

Part 1 - Applicant Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it is filed with the State of Michigan Corporation Division.

Applicant name(s):		
Address to be licensed:		
City:	Zip Code:	
City/township/village where license will be issued:		County:
Federal Employer Identification Number (FEIN):		

- | | |
|--|--|
| 1. Are you requesting a new license? | <input type="radio"/> Yes <input type="radio"/> No |
| 2. Are you applying ONLY for a new permit or permission? | <input type="radio"/> Yes <input type="radio"/> No |
| 3. Are you buying an existing license? | <input type="radio"/> Yes <input type="radio"/> No |
| 4. Are you modifying the size of the licensed premises? | <input type="radio"/> Yes <input type="radio"/> No |
| If Yes, specify: <input type="checkbox"/> Adding Space <input type="checkbox"/> Dropping Space <input type="checkbox"/> Redefining Licensed Premises | |
| 5. Are you transferring the location of an existing license? | <input type="radio"/> Yes <input type="radio"/> No |
| 6. Is this license being transferred as the result of a default or court action? | <input type="radio"/> Yes <input type="radio"/> No |
| 7. Do you intend to use this license actively? | <input type="radio"/> Yes <input type="radio"/> No |

Leave Blank - MLCC Use Only

Part 2 - License Transfer Information (If Applicable)

If transferring ownership of a license ONLY and not transferring the location of a license, fill out only the name of the current licensee(s)

Current licensee(s):	
Current licensed address:	
City:	Zip Code:
City/township/village where license is issued:	
County:	

Part 3 - Licenses, Permits, and Permissions

Off Premises Licenses - Applicants for off premises licenses, permits, and permissions (e.g. convenience, grocery, specialty food stores, etc.) must complete the attached Schedule A and return it with this application. Transfer the fee calculations from the Schedule A to Part 4 below.

On Premises Licenses - Applicants for on premises licenses, permits, and permissions (e.g. restaurants, hotels, bars, etc.) must complete the attached Schedule A and return it with this application. Transfer the fee calculations from the Schedule A to Part 4 below.

Part 4 - Inspection, License, and Permit Fees - Make checks payable to State of Michigan

Inspection Fees - Pursuant to MCL 436.1529(4) a nonrefundable inspection fee of \$70.00 shall be paid to the Commission by an applicant or licensee at the time of filing of a request for a new license or permit, a request to transfer ownership or location of a license, a request to increase or decrease the size of the licensed premises, or a request to add a bar. Requests for a new permit in conjunction with a request for a new license or transfer of an existing license do not require an additional inspection fee.

License and Permit Fees - Pursuant to MCL 436.1525(1), license and permit fees shall be paid to the Commission for a request for a new license or permit or to transfer ownership or location of an existing license.

Inspection Fees:	License & Permit Fees:	TOTAL FEES:
------------------	------------------------	-------------

Schedule A - Licenses, Permits, & Permissions

Applicant name: _____

Off Premises License Type: **Base Fee:** Fee Code
MLCC Use
Only

New Transfer

- ☐ ☐ SDM License \$100.00
- ☐ ☐ SDD License \$150.00
- ☐ ☐ Resort SDD License Upon Licensure/\$150.00

Off Premises Permits: **Base Fee:**

- ☐ Sunday Sales Permit (AM)* \$160.00
- ☐ Sunday Sales Permit (PM)** \$22.50
(Held with SDD License)
- ☐ Catering Permit \$100.00
- ☐ Secondary Location Permit - Complete Form LCC-201
- ☐ Beer and Wine Tasting Permit No charge
- ☐ Living Quarters Permit No charge

On/Off Premises Permission Type: **Base Fee:**

- ☐ Off-Premises Storage No charge
- ☐ Direct Connection(s) No charge
- ☐ Motor Vehicle Fuel Pumps No charge

*Sunday Sales Permit (AM) allows the sale of liquor, beer, and wine on Sunday mornings between 7:00am and 12:00 noon, if allowed by the local unit of government.

**Sunday Sales Permit (PM) allows the sale of liquor on Sunday afternoons and evenings between 12:00 noon and 2:00am (Monday morning), if allowed by the local unit of government. No Sunday Sales Permit (PM) is required for the sale of beer and wine on Sunday after 12:00 noon. The Sunday Sales Permit (PM) fee is 15% of the fee for the license that allows the sale of liquor. Additional bar fees and B-Hotel room fees are also calculated as part of the permit fee.

Licenses, permits, and permissions selected on this form will be investigated as part of your request. Please verify your information prior to submitting your application, as some licenses, permits, or permissions cannot be added to your request once the application has been sent out for investigation by the Enforcement Division.

Inspection, License, Permit, & Permission Fee Calculation

Number of Licenses: _____ x \$70.00 Inspection Fee

Total Inspection Fee(s): _____

Total License Fee(s): _____

Total Permit Fee(s): _____

TOTAL FEES DUE: _____

Please note that requests to transfer SDD licenses will require the payment of additional fees based on the seller's previous calendar year's sales. These fees will be determined prior to issuance of the license to the applicant.

Make checks payable to **State of Michigan**

On Premises License Type: **Base Fee:** Fee Code
MLCC Use
Only

New Transfer

- ☐ ☐ B-Hotel License \$600.00

Number of guest rooms: _____

- ☐ ☐ A-Hotel License \$250.00

Number of guest rooms: _____

- ☐ ☐ Class C License \$600.00

- ☐ ☐ Tavern License \$250.00

- ☐ ☐ Resort License Upon Licensure

- ☐ ☐ Redevelopment License Upon Licensure

- ☐ ☐ Brewpub License \$100.00

- ☐ ☐ G-1 License \$1,000.00

- ☐ ☐ G-2 License \$500.00

- ☐ ☐ Aircraft License \$600.00

- ☐ ☐ Watercraft License \$100.00

- ☐ ☐ Train License \$100.00

- ☐ ☐ Continuing Care Retirement Center License \$600.00

☐ MCL 436.1545(1)(b)(i) ☐ MCL 436.1545(1)(b)(ii)

B-Hotel or Class C Licenses Only:

- ☐ ☐ Additional Bar(s)

Number of Additional Bars: _____

B-Hotel or Class C licenses allow licensees to have one (1) bar within the licensed premises. A \$350.00 licensing fee is required for each additional bar over the one (1) bar initially issued with the license.

On Premises Permits: **Base Fee:**

- ☐ Sunday Sales Permit (AM)* \$160.00

- ☐ Sunday Sales Permit (PM)** 15%**

- ☐ Catering Permit \$100.00

- ☐ Banquet Facility Permit - Complete Form LCC-200

A Banquet Facility Permit is an extension of the license at a different location. It may have its own permits and permissions. It is not a banquet room on the licensed premises.

- ☐ Outdoor Service No charge

- ☐ Dance Permit No charge

- ☐ Entertainment Permit No charge

- ☐ Extended Hours Permit: No charge

☐ Dance ☐ Entertainment Days/Hours: _____

- ☐ Specific Purpose Permit: No charge

Activity requested: _____

Days/Hours requested: _____

- ☐ Living Quarters Permit No charge

- ☐ Topless Activity Permit No charge

Schedule B - New Specially Designated Merchant License Supplemental Application - New SDM License Applications ONLYApplicant name:

Effective January 4, 2017 pursuant to MCL 436.1533(5), Specially Designated Merchant (SDM) licenses are quota licenses based on one (1) SDM license for every 1,000 of population in a local governmental unit. MCL 436.1533 provides for several exemptions from the quota for qualified applicants. Please carefully read the requirements in the boxes below, selecting the applicable approved type of business option(s) from Section 1 and an applicable new SDM license quota option from Section 2.

Section 1 - Requirements to Qualify as Approved Type of Business for New SDM License Applicants

Applicant must meet one (1) or more of the following conditions (check those that apply to your business):

- | | |
|--------------------------|---|
| <input type="checkbox"/> | a. Applicant holds and maintains retail food establishment license or extended retail food establishment license under the Food Law of 2000, MCL 289.1101 to MCL 289.8111. |
| <input type="checkbox"/> | b. Applicant holds or has been approved for Specially Designated Distributor license (Applicant must also hold and maintain food establishment license as described above). |
| <input type="checkbox"/> | c. Applicant holds or has been approved for an on-premises license, such as a Class C, A-Hotel, B-Hotel, Tavern, Club, G-1, or G-2 license. |

Section 2 - Quota Requirements for New SDM License Applicants

Applicant must qualify under one of the following sections of the Liquor Control Code regarding the SDM quota:

- | | |
|--------------------------|---|
| <input type="checkbox"/> | a. Applicant is an applicant for or holds a Class C, A-Hotel, B-Hotel, Tavern, Club, G-1, or G-2 license.
<i>MCL 436.1533(5)(a) - SDM license is exempt from SDM quota and license cannot be transferred to another location.</i> |
| <input type="checkbox"/> | b. Applicant's establishment is at least 20,000 square feet and at least 20% of gross receipts are derived from the sale of food.
<i>MCL 436.1533(5)(b)(i) - SDM license is exempt from SDM quota and license cannot be transferred to another location.</i> |
| <input type="checkbox"/> | c. Applicant's establishment is a pharmacy as defined in the Public Health Code, MCL 333.17707.
<i>MCL 436.1533(5)(b)(ii) - SDM license is exempt from SDM quota and license cannot be transferred to another location.</i> |
| <input type="checkbox"/> | d. Applicant's establishment qualifies as a marina under MCL 436.1539.
<i>MCL 436.1533(5)(e) - SDM license is exempt from SDM quota and license may be transferred to another location if the applicant complies with MCL 436.1539 at the new location.</i> |
| <input type="checkbox"/> | e. Applicant does not qualify under any of the quota exemptions or waiver listed above.
<i>MCL 436.1533(5) - Commission shall issue one (1) SDM for every 1,000 population in a local governmental unit and an unissued SDM must be available in the local governmental unit for the applicant to qualify. SDM license may be transferred to another location.</i> |

Documents Required To Be Submitted with New SDM License Application

In addition to the documents listed on the application checklist, the new SDM license applicant must submit the documents listed below, as applicable, with its application to comply with the requirements described above. Select one or more of the following:

- | | |
|--------------------------|---|
| <input type="checkbox"/> | Copy of retail food establishment license or extended retail food establishment license for a SDM license or a SDM license to be issued in conjunction with a Specially Designated Distributor license. The name on the food establishment license must match the applicant name in Part 1 of this application form. <i>A food establishment license is not required for a SDM license to be issued in conjunction with an on-premises license.</i> |
| <input type="checkbox"/> | If applying under Section 2b above, documentary proof that applicant's establishment is at least 20,000 square feet and at least 20% of gross receipts are derived from the sale of food. |
| <input type="checkbox"/> | If applying under Section 2c above, a copy of the pharmacy license issued under the Public Health Code. |

Part 5a - Information on Individual Applicant, Stockholder, Member, or Limited Partner

Each individual, stockholder, member, or partner must complete Part 5a, 5b, and 5c. If a stockholder or member of an applicant company is a corporation or limited liability company, complete Part 5a and 5c and submit a completed Form LCC-301.

For applications with multiple individuals, stockholders, members, or partners - each person or entity must complete a separate copy of this page.

Name:		
Home address:		
City:	State:	Zip Code:
Business Phone:	Cell Phone:	Email:
Have you ever been licensed by the Michigan Liquor Control Commission (MLCC) or do you currently hold an interest in any other licenses issued by the MLCC? If Yes, please list business ID numbers below. If you hold interest in 2 or more locations under the same name, please also write "chain" below. Pursuant to MCL 436.1603, a retailer licensee <u>may not</u> hold interest in a manufacturer or wholesaler licensee. <input type="radio"/> Yes <input type="radio"/> No		
Do you hold 10% or more interest in the applicant entity? <input type="radio"/> Yes <input type="radio"/> No		
If you answered "no" to the first question and "yes" to the second question, you must submit fingerprints and undergo an investigation by the MLCC. Please see the attached instructions for submitting fingerprints to the MLCC. You must submit a copy of the completed and endorsed "Livescan Fingerprint Background Request" with your application.		

Part 5b - Personal Information (Individuals)

Date of Birth:	Social Security Number:	Driver's License Number:	
Are you a citizen of the United States of America? <input type="radio"/> Yes <input type="radio"/> No			
Have you ever legally changed your name? <input type="radio"/> Yes <input type="radio"/> No			
If you answered "yes", please list your prior name(s) (including maiden):			
Spouse's full name (if currently married):			
Spouse's date of birth:	Is your spouse a citizen of the United States of America? <input type="radio"/> Yes <input type="radio"/> No		
Do you or your spouse hold any position, either by appointment or election, which involves the duty to enforce any penal law of the United States of America, or the penal laws of the State of Michigan, or any penal ordinance or resolution of any municipal subdivisions of the State of Michigan? <input type="radio"/> Yes <input type="radio"/> No			
Does your spouse hold a retail, manufacturer, or wholesaler license issued by the MLCC? <input type="radio"/> Yes <input type="radio"/> No			
Have you ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If Yes, list below (attach additional pages if necessary): <input type="radio"/> Yes <input type="radio"/> No			
Date	City/State	Charge	Disposition
Has your spouse ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If Yes, list below (attach additional pages if necessary): <input type="radio"/> Yes <input type="radio"/> No			
Date	City/State	Charge	Disposition

Part 5c - Signature

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003. (This form must be signed by the person whose information it contains).

Print Name

Signature

Date

Part 6 - Contact Information

Provide information on the contact person for this application. Please note that corporations and limited liability companies must provide documentation (e.g. meeting minutes, corporate resolution) authorizing anyone other than the applicant or an attorney of record to be the contact person. If an authorization is not provided, your contact person will not be acknowledged if they are anyone other than the applicant or attorney.

What is your preferred method of contact?			<input type="radio"/> Phone	<input type="radio"/> Mail	<input type="radio"/> Email	<input type="radio"/> Fax
What is your preferred method for receiving a Commission Order?			<input type="radio"/> Mail	<input type="radio"/> Email	<input type="radio"/> Fax	
Contact name:			Relationship:			
Mailing address:						
Phone:		Fax number:		Email:		

Part 7 - Attorney Information (If You Have An Attorney Representing You For This Application)

Attorney name:		Member Number: P-	
Attorney address:			
Phone:	Fax number:	Email:	
Would you prefer that we contact your attorney for all licensing matters related to this application?		<input type="radio"/> Yes <input type="radio"/> No	
Would you prefer any notices or closing packages be sent directly to your attorney?		<input type="radio"/> Yes <input type="radio"/> No	

Part 8 - Signature of Applicant

Be advised that the information contained in this application will only be used for this request. This section will need to be completed for each subsequent request you make with this office.

Notice: When purchasing a license, a buyer can be held liable for tax debts incurred by the previous owner. Prior to committing to the purchase of any license or establishment, the buyer should request a tax clearance certificate from the seller that indicates that all taxes have been paid up to the date of issuance. Obtaining sound professional assistance from an attorney or accountant can be helpful to identify and avoid any pitfalls and hidden liabilities when buying even a portion of a business. Sellers can make a request for the tax clearance certificate through the Michigan Department of Treasury.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this license for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

Print Name of Applicant & Title

Signature of Applicant

Date

Please return this completed form along with corresponding documents and fees to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-373-4202



Livescan Fingerprint Background Request Instructions for Michigan & Out-of-State Applicants

APPLICANTS THAT LIVE IN MICHIGAN

Applicants for a Michigan liquor license must have their fingerprints a law enforcement agency in Michigan that offers digital fingerprinting or a private Livescan vendor approved by the Michigan State Police. You may access a list of approved vendors on the Michigan State Police website (contains vendors' websites and contact information):
http://www.michigan.gov/msp/0,4643,7-123-1878_8311-237662--,00.html

On the attached Livescan Fingerprint Background Request form, you must use the correct Code (LL), Agency ID Number (1479J), and Agency Name (MI DEPT OF LICENSING AND REGULATORY AFFAIRS - LIQUOR CONTROL) in order for the fingerprint report to be sent to the Michigan Liquor Control Commission. Payment receipts **should not** be mailed to the office, but kept for your own records.

You must bring the Livescan Fingerprint Background Request form with a driver's license or other state or federal-issued picture identification to your fingerprint appointment. You will also be required to pay a separate fee to the fingerprint agency when registering and/or scheduling your appointment. A copy of the Livescan Fingerprint Background Request form, which is signed by the Livescan Operator and returned to you, must be submitted with your application in order for your request to be investigated.

When your fingerprints are taken, a technician will perform a scan of your fingerprints and submit the data electronically to the Michigan State Police.

APPLICANTS THAT LIVE OUTSIDE OF MICHIGAN

Applicants for a Michigan liquor license that live outside of Michigan must submit fingerprints through one of the private Livescan vendors approved by Michigan State Police that offer fingerprinting for residents that live outside of Michigan. You may access a list of approved vendors that process finger print cards for non-Michigan residents on the Michigan State Police website (contains vendors' websites and contact information): http://www.michigan.gov/msp/0,4643,7-123-1878_8311-237662--,00.html.

The applicant must contact a local law enforcement agency, governmental agency, or private fingerprint agency to perform ink fingerprinting on a FBI fingerprint card (FD-258) or fingerprint cards from any other state or local agency (fingerprint cards must be on card stock). These fingerprint cards must be submitted for processing to one of vendors on the Michigan State Police's list of approved vendors. Contact the vendor directly regarding its process and the fee for submitting the fingerprint cards for processing.

Make a copy of the completed and signed Livescan Fingerprint Background Request form and submit that copy with the license application.

WHAT HAPPENS AFTER FINGERPRINTS ARE SUBMITTED

The law enforcement agency or private vendor will submit your fingerprints to the Michigan State Police for analysis.

If no criminal history is found, the Michigan Liquor Control Commission will be notified.

~~If criminal history is found, the Michigan State Police will send the record directly to the Michigan Liquor Control Commission for review.~~

QUESTIONS AND ADDITIONAL INFORMATION

For questions about the Livescan fingerprinting process, call the Michigan State Police at 517-241-0606.

Please do not contact the Michigan Liquor Control Commission regarding your criminal background check, unless your fingerprints were taken more than 30 days ago.

Please note: Fingerprints taken for any other agency will not fulfill fingerprint requirements for a liquor license in Michigan.

LIVESCAN FINGERPRINT BACKGROUND REQUEST

AUTHORITY: MCL 28.214, MCL 28.273 & MCL 28.162; **COMPLIANCE:** Voluntary, however failure to complete this form will result in denial of request.

Purpose: To conduct a fingerprint-based background check for employment, to volunteer, or for licensing purposes as authorized by law.

I. Fingerprint Reason							
1. Code LL		2. Requestor/Agency ID 1479J		3. Agency Name MI DEPT OF LICENSING AND REGULATORY AFFAIRS - LIQUOR CONTROL			
II. Applicant Information: Type or clearly print answers in all fields before going to be fingerprinted.							
1a. Last Name		1b. First Name		1c. Middle Initial		1d. Suffix	
2. Any Alternative Names, Last Names, or Aliases				3. Social Security Number (Optional)			
4. Place of Birth (State or Country)		5. Date of Birth		6. Phone Number		7. Driver License State	
8. Driver License Number							
9. Address		10. City		11. State		12. ZIP Code	
13. Sex		14. Race		15. Height		16. Weight	
17. Eye Color		18. Hair Color					
III. Live Scan: Must be completed by the Livescan Operator at the time of fingerprinting.							
1. Date Printed		Picture ID Type Presented		3. TCN		4. Live Scan Operator	

NOTE: After fingerprinting, applicant must return signed and completed document to the requesting agency. Livescan Operator must return completed copy to applicant.

I understand that my personal information and biometric data being submitted by livescan will be used to search against criminal identification records from both the Michigan State Police (MSP) and Federal Bureau of Investigation (FBI) for the fingerprint reason listed above. I hereby authorize the release of my personal information for such purposes and release any records found to the authorized requesting agency listed above.

During the processing of this application, and for as long as your fingerprints and associated information/biometrics are retained at the State and or FBI, they may be disclosed without your consent as permitted by the Federal Privacy Act of 1974 (Pub. L. 93-579) for all applicable routine uses published by the FBI, including the Federal Register and the FBI's Next Generation Identification (NGI).

Routine uses include, but is not limited to, disclosure to: governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Signature: _____

Date: _____

Procedure to obtain a change, correction or update of identification records:

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency. (28 CFR §16.34)

**** ENSURE THAT THE CORRECT FINGERPRINTING REASON CODE AND AGENCY ID ARE USED. MSP WILL CHARGE FOR SECOND REQUESTS DUE TO INCORRECT CODES. ****



Michigan Department of Licensing and Regulatory Affairs
Finance and Administrative Services
Revenue Services

LARA Revenue Services is not a part of
the Michigan Liquor Control
Commission (see note below).

Credit Card Authorization Form

**** FAX COMPLETED FORM TO SECURE FAX LINE: 517-373-4202 ****

**** DO NOT EMAIL OR MAIL THIS FORM ****

Requests with credit card payments that are not faxed to the above secure fax line will be destroyed along with the credit card authorization in order to ensure the security of applicants' personal credit card numbers.

*** IF YOU ARE NOT SUBMITTING AN APPLICATION FORM WITH THIS CREDIT CARD AUTHORIZATION, YOU MUST PROVIDE AN ITEMIZATION OF THE FEES FOR WHICH YOU ARE SUBMITTING PAYMENT OR YOUR PAYMENT WILL NOT BE PROCESSED * ***

Name: _____	Transaction Amount: _____
Address: _____	Card Number: _____
City: _____	Check One:
State: _____	<input type="radio"/> MasterCard <input type="radio"/> Visa <input type="radio"/> Discover
Zip Code: _____	Expiration Date: _____
Phone: _____	

Applicant/Licensee Name: _____ Request or Business ID #: _____

Signature _____

Payment is for: _____

IF YOU ARE NOT SUBMITTING AN APPLICATION FORM WITH THIS CREDIT CARD AUTHORIZATION, YOU MUST PROVIDE AN ITEMIZATION OF THE FEES FOR WHICH YOU ARE SUBMITTING PAYMENT OR YOUR PAYMENT WILL NOT BE PROCESSED.

Credit Card Payment Itemization:

Fee Type	Fee Amount	MLCC Fee Code
<input type="checkbox"/> Inspection Fee(s):	_____	4036
<input type="checkbox"/> Special License Fee(s):	_____	4008
<input type="checkbox"/> Temporary Authorization Fee:	_____	4037
<input type="checkbox"/> License Renewal Fee(s):	_____	4004
<input type="checkbox"/> Manufacturer License(s):	_____	4038
<input type="checkbox"/> Wholesaler License(s):	_____	4085
<input type="checkbox"/> New Retailer License(s):	_____	4012
<input type="checkbox"/> Transfer Retailer License(s):	_____	4034
<input type="checkbox"/> Conditional License	_____	4012
<input type="checkbox"/> New Add Bar <input type="checkbox"/> Transfer Add Bar:	_____	4012/4034
<input type="checkbox"/> Sunday Sales Permit (AM):	_____	4033
<input type="checkbox"/> Sunday Sales Permit (PM):	_____	4032
<input type="checkbox"/> Catering Permit:	_____	4031

LARA Revenue Services is not a part of the Michigan Liquor Control Commission (MLCC). Receipt of payment and application forms by LARA Revenue Services does not constitute receipt of an application by the MLCC. **Applications submitted through LARA Revenue Services may take up to two (2) additional business days to be received by the MLCC after receipt by LARA Revenue Services.**

For requests that require a timely receipt of an application by the MLCC to be processed, such as Special Licenses and temporary requests, please ensure that your application will be received in adequate time to be processed by the MLCC after the payment is received and processed by LARA Revenue Services.



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll Free: 866-813-0011 • www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC use only)

Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (township, city, village)
called to order by _____ on _____ at _____
the following resolution was offered: (date) (time)
Moved by _____ and supported by _____
that the application from _____
(name of applicant)
for the following license(s): _____
(list specific licenses requested)
to be located at: _____

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the
council/board at a _____ meeting held on _____ (township, city, village)
(regular or special) (date)

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN LIQUOR CONTROL COMMISSION
ANDREW J. DELONEY
CHAIRMAN

MIKE ZIMMER
DIRECTOR

Objections to Renewals and Recommendations for Revocation

Statutory Authority

MCL 436.1501(2) and (3) provides three tools for local units of government to use concerning licenses issued by the Michigan Liquor Control Commission.

1. Objection to renewal of an on-premise license
2. Request for revocation of an on-premise license
3. Request for revocation of an off-premise license

Objection to Renewal

An objection to a renewal must be filed with the MLCC by the local legislative body not less than 30 days before the date of expiration of the license. While the statute appears to be silent on the rest of the process, the courts have clearly established that a licensee has a property interest in the license, and is therefore entitled to due process protection. [See *Bundo v City of Walled Lake*, 395 Mich 697 (1976)]

Further, administrative rule R 436.1061 provides that:

"Any permit issued to a licensee by the commission or any privilege granted to a licensee by the commission may be revoked or suspended by the commission or a hearing commissioner, **after due notice and proper hearing**, if the licensee or the establishment no longer qualifies for the permit or the privilege or if the licensee is found to be in violation of the act or a commission rule which directly pertains to the permit issued or the privilege granted."

If an objection to renewal of a license is received, then the Commission will proceed to schedule and notice a hearing.

Request for Revocation of an On-Premise License

A local unit of government may request the revocation of a license or permit, after due notice and proper hearing at the local level. Upon receipt of this request, the Commission must revoke the license or permit. The statutory language is clear, using the words "shall revoke." This provision applies to on-premise establishments.

~~If a request for revocation of an on-premise license or permit is received, then the Commission~~
will proceed to schedule and notice a hearing. The Commission will review and consider the information presented from both sides.

For example, in January 2012, the Commission acted on such a request in the case of an on premises licensee. A request was received by the local unit of government to revoke the permit. After a show cause hearing as to whether the license and/or permit should be considered for revocation, the Commission determined that the license as well as the requested permit should be revoked. Under its own motion, administrative rule R 436.1925(1), the Commission revoked the license and well as the permit as requested by the local unit under MCL 436.1501(2).

Request for Revocation of an Off-premise License

For off-premise establishments, a local unit of government may request, by resolution, that the Commission revoke the license if the off-premise licensee has sold or furnished alcoholic liquor to a minor on at least three separate occasions in a consecutive three-month period. The Commission may suspend or revoke the license and any permits.

If a request for revocation of an on-premise license or permit is received, then the Commission will proceed to schedule and notice a hearing. The Commission will review and consider the information presented from both sides.

Documents from the Local Unit of Government

In making any of the requests authorized by law and discussed above, the local unit of government should, at a minimum, present documentation to the Commission concerning the proper notice to the licensee of the hearing held at the local level, any board resolutions pertaining to the request, and any other findings of fact, ordinance, or other relevant information for the Commission to consider in reviewing and considering the request made by the local unit of government.

Documents from the Licensee

The licensee is welcome to submit any information or documentation concerning the license and the request by the local unit of government.

Filing of Papers

Under administrative rule R 436.1927, all documents and papers pertaining to a hearing or appeal hearing shall be filed at the Lansing office of the Commission. The presiding Commissioner has the discretion as to whether or not to allow papers to be filed at a hearing or appeal hearing.



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN LIQUOR CONTROL COMMISSION
ANDREW J. DELONEY
CHAIRMAN

STEVEN H. HILFINGER
DIRECTOR

Bulletin No. 2012-12

DATE: June 21, 2012

TO: Local Units of Government, Local Law Enforcement Agencies, and Applicants for MLCC Licenses

FROM: Michigan Liquor Control Commission

SUBJECT: Changes to the License Application Process

This is an important notice about the application process for the Michigan Liquor Control Commission ("Commission"). Effective July 1, 2012, the Commission is changing the procedure for submitting applications to the Commission, and obtaining approvals for licenses. Approvals from local units of government are required only for the issuance of new licenses under MCL 436.1501. The Commission will continue to review all comments received under administrative rule R 436.1105(2), taking into consideration the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business. The Commission will provide notice to the local legislative body of pending applications.

I. Applications for New Licenses

The first step in the application process for a new on-premises license is to submit the license application to the Commission, along with any license, permit, and inspection fees. This process will result in the immediate assignment of a request identification (RID) number by the Commission at the beginning of the application process. Additionally, this will allow the Commission to conduct an initial review of the application, to notify the applicant of deficient items, and to provide the applicant with the appropriate local and police forms, including blank fingerprint cards, where applicable.

It will continue to be the responsibility of the applicant to directly submit requests for these local approvals to the local unit of government. The Commission cannot proceed with the licensing process or consider an application until that application is "complete," as defined in MCL

436.1525(6). A completed application must include any information, records, approval, or similar item required by law or rule from a law enforcement agency or local unit of government.

An application for a new license, which has not been previously issued by the Commission, requires approval of the local legislative body under MCL 436.1501(2) and the application will not be considered to be complete until such approval is received."

II. Applications for Transfer of Ownership, Transfer of Interest, or Transfer of Location of Existing Licenses

An application for transfer of ownership of an existing license, transfer of interest in an existing license, or transfer of location of an existing license does not require approval of the local unit of government.

III. Permits

Applications for dance permits, entertainment permits, dance-entertainment permits, topless activity permits, and extended hours permits require approvals from both the local unit of government and local law enforcement agency, in addition to the Commission, under MCL 436.1916(10).

IV. Rescission

Commission Bulletin 2012-05 is hereby immediately rescinded.

~~Please contact the Commission's Licensing Division at (866) 813-0011 with any questions.~~



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN LIQUOR CONTROL COMMISSION
ANDREW J. DELONEY
CHAIRMAN

STEVEN H. HILFINGER
DIRECTOR

MLCC Bulletin No. 2012-04

DATE: February 28, 2012
TO: Holders of Escrowed Licenses and All Licensees
FROM: Michigan Liquor Control Commission
SUBJECT: Escrow Fees

This is an important notice concerning the payment of escrow fees for those licenses held in escrow with the Michigan Liquor Control Commission ("Commission").

Effective May 1, 2012 the Commission will be enforcing the fee requirements as set forth in administrative rule R 436.1107 regarding escrowed licenses.

Administrative rule R 436.1107 requires a license that is not in active operation to be placed in escrow. A licensee may place a license into escrow for a total of five (5) licensing years. During these five (5) years, the Commission must receive renewal information and payment for a license held in escrow in the same manner as an active license, including payment of all required license fees, each year by April 30.

If the license is not put into active operation within the five (5) years, then the Commission will terminate all rights to the license unless the Commission has received written verification of either of the following:

- a. That the license or an interest in the license is the subject of litigation or estate or bankruptcy proceedings in a court of competent jurisdiction.
- b. That the license was placed into escrow as a result of damage to the licensed premises by fire, flood, tornado or other natural event that makes the licensed premises unsuitable for the operation of the business and unsafe for public accommodation.

Upon receipt of written verification of court proceedings or of damage as described above, the Commission is authorized to extend the escrow beyond the five (5) years. If the Commission does extend the escrow beyond the five (5) years for these reasons, then the Commission must receive the license fees accruing beyond the five (5) years for each elapsed licensing year before the license can be placed in active operation.

[NOTE: The licensee does not need to pay the licensing fees for the period of elapsing time between the end of the initial five (5) years of escrow and during the pendency of the court proceedings or the repair of the damage. The Commission must receive payment of all accrued license fees before the license can be placed in active operation.]

Further, the Commission is authorized to extend the escrow period for a license after a showing of good cause by the licensee. If the Commission grants a "good cause" extension, then the Commission must receive renewal information and payment in the same manner as an active license, including payment of all required license fees, each year by April 30. The Commission will terminate all rights to a license if the license is not renewed in the same manner as an active license during the entire escrow period.

The Commission reminds licensees that if a license is placed in escrow, then the licensee has the responsibility to provide the Commission with current contact information, in writing, for all correspondence, which includes the name, mailing address, and telephone number.

Please contact the Commission's Licensing Division at (866) 813-0011 if you have any questions.

R 436.1107 Renewal of license.

Rule 7. (1) A license that is not in active operation shall be placed in escrow with the commission.

(2) A licensee shall have only 5 licensing years after the expiration date of the escrowed license to put the license into active operation. If the licensee fails to put the license into active operation within 5 licensing years after its expiration, then all rights to the license shall terminate unless the commission has received written verification of either of the following

(a) That the license or an interest in the license is the subject of litigation or estate or bankruptcy proceedings in a court of competent jurisdiction.

(b) That the license was placed into escrow as a result of damage to the licensed premises by fire, flood, tornado or other natural event that makes the licensed premises unsuitable for the operation of the business and unsafe for public accommodation.

(3) If the commission extends the length of time for which a licensee may renew the license during the pendency of litigation or estate or bankruptcy proceedings or as a result of damage to the licensed premises for the reasons as stated in subrule (2) of this rule, then the licensee shall pay the required license fee for each elapsed licensing year before placing the license in active operation.

(4) Except as provided in subrule (3) of this rule, a license held in escrow with the commission shall be renewed in the same manner as an active license, including payment of all required license fees, each year by April 30.

(5) A licensee who places a license in escrow with the commission shall be responsible for providing the commission with current contact information, in writing, for all correspondence, which includes the name, mailing address, and telephone number.

(6) Not later than 90 days after the effective date of this rule, the commission shall provide or attempt to provide each licensee whose license is in escrow with a copy of this rule.

~~(7) A license that is held in escrow with the commission on the effective date of this rule begins the 5-year period allowed by subrule (2) of this rule for a license to be held in escrow on the effective date of this rule.~~

AGENDA NOTE

New Business: Item # 1

MEETING DATE: January 22, 2018

PERSON PLACING ITEM ON AGENDA: Interim City Manager

AGENDA TOPIC: Replacement Pump – Wastewater Lift Station

EXPLANATION OF TOPIC: The Wastewater Department is requesting Council approval to waive the competitive bidding process and purchase a replacement pump for the Trotters Pointe lift station from Hydro Dynamics, (sole source provider in Michigan). Replacement is necessary due to an unanticipated pump failure in the lift station. While not specifically budgeted, funds are currently available in the Wastewater Department budget under the Capital Outlay line item – 592-557-970. Please see the attached memo for additional information.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Memo from Ron Beason, Water/Wastewater Chief Operator; Quote from Hydro Dynamics; failed pump photos.

POSSIBLE COURSES OF ACTION: Approve/Do Not Approve the request

RECOMMENDATION: Approve the request

SUGGESTED MOTION: Motion by _____, supported by _____ to (Motion 1): waive the competitive bidding process because there would be no advantage to the City in requesting bids since Hydro Dynamics is the sole source provider in Michigan for the needed pump.
(Motion 2): Approve the purchase of an Abs Model XFP 150G pump with extra cord from Hydro Dynamics for a total cost of \$12,467.54.

01/22/18



City of South Lyon Water & Wastewater Department

January 17, 2018

To: Lloyd Collins, Interim City Manager

From: Ron Beason, Water/Wastewater Chief Operator *RB*

Subject: Trotters Point Lift Station Pump

At this time we are requesting Council's approval to purchase a new 23hp ABS sewage pump for Trotters Point lift station. The Trotters Pointe subdivision has a sewage lift station which collects all of the wastewater, pumps it to Pontiac Trail then is gravity fed to the Clean Water Plant on Dixboro. This station has two 23 horsepower pumps. On December 27, 2017, one pump failed. We have an inventory of backup pumps. This enables us to replace a pump whenever needed and keeps our system up and running. Since we replaced the pump we now need to either repair or purchase a new backup pump. This lift station requires an ABS pump which is supplied in Southeast Michigan by Hydro Dynamics. We have received a quote from Hydro Dynamics on both the repair and purchase of a new pump. The cost of a new pump is \$12,467.54 and the repair cost is \$12,086.12, a difference of \$381.42. At this price point we would recommend to purchase a new pump rather than rebuilding a five year old pump.

Please see attached quote and pictures.

This would be purchased from Capital Outlay, line item 592-557-970.

Operations:

23500 Dixboro Road
South Lyon, MI 48178
(248) 437-4006
Fax: (248) 437-0449

Billing & Meter

Repair/ Installation:

335 S. Warren
South Lyon, MI 48178
(248) 437-2326
Fax: (248) 486-0049

HYDRODYNAMICS, INC.
Y.C.SMITH CO., DIV. OF HYDRODYNAMICS
PHONE: 248-623-4700 / FAX: 248-623-9599
WALLY@HYDRODYNAMICS.NET

Date: 1-10-2018

Quotation NO:011018

TO: City of South Lyon
ATT: Mr. Beason
Ref: Quote

We are pleased to quote the following:

Mr. Beason after tear down and inspection we found that your Abs Model XFP 150G is in need of new Stator, new rotor assembly bearings, mechanical seals, Hydraulic kit, cable gland, and DI probe.

Pump appears to have taken a voltage spike, perhaps lightning.

Total cost repair \$ 12,086.12
Total new replacement with extra cord..... \$ 12,467.54

Estimated Shipping Date: new pump 4-6 weeks / Rebuild 6-8 weeks

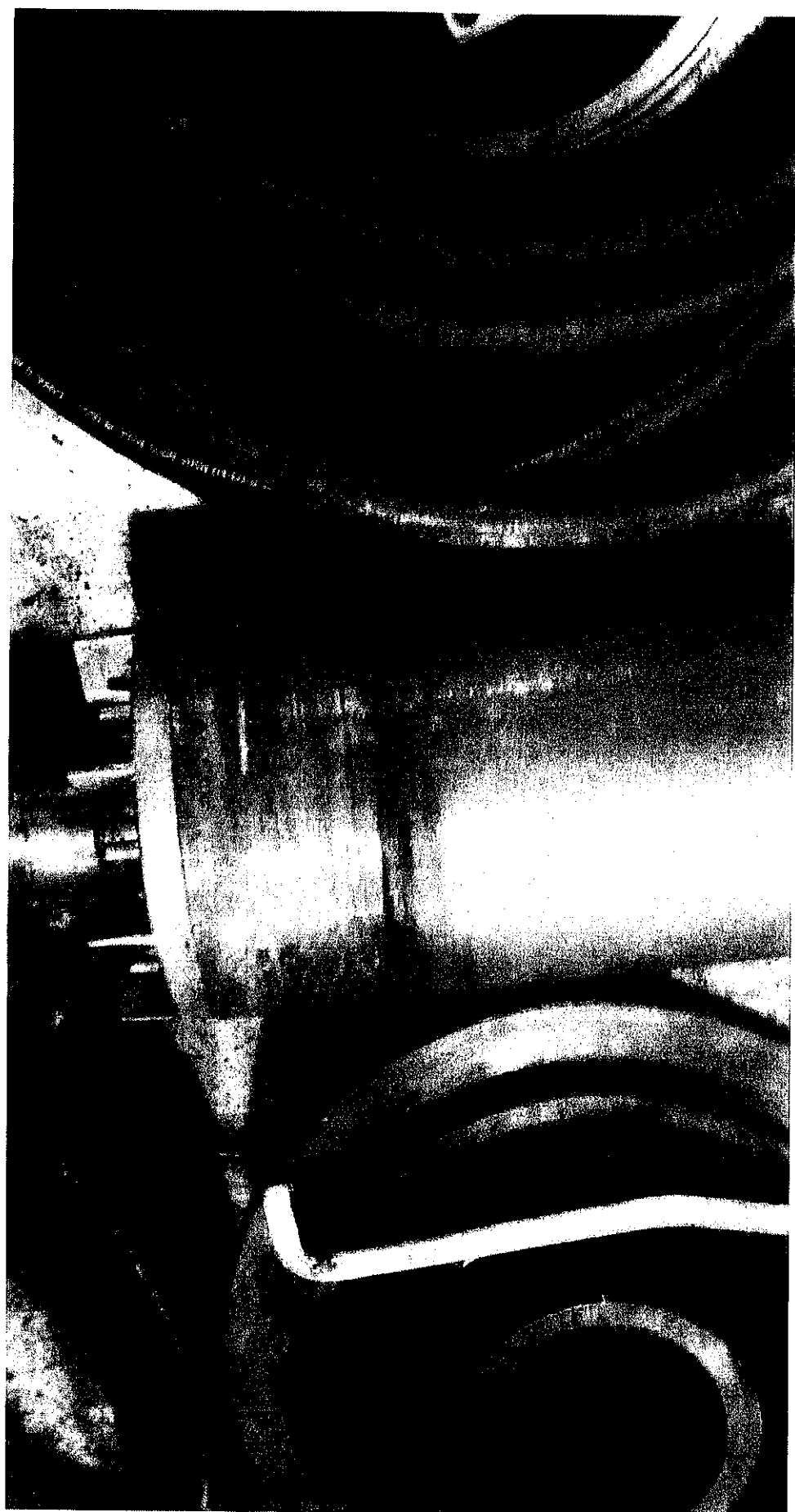
Ship Via: Included in quote

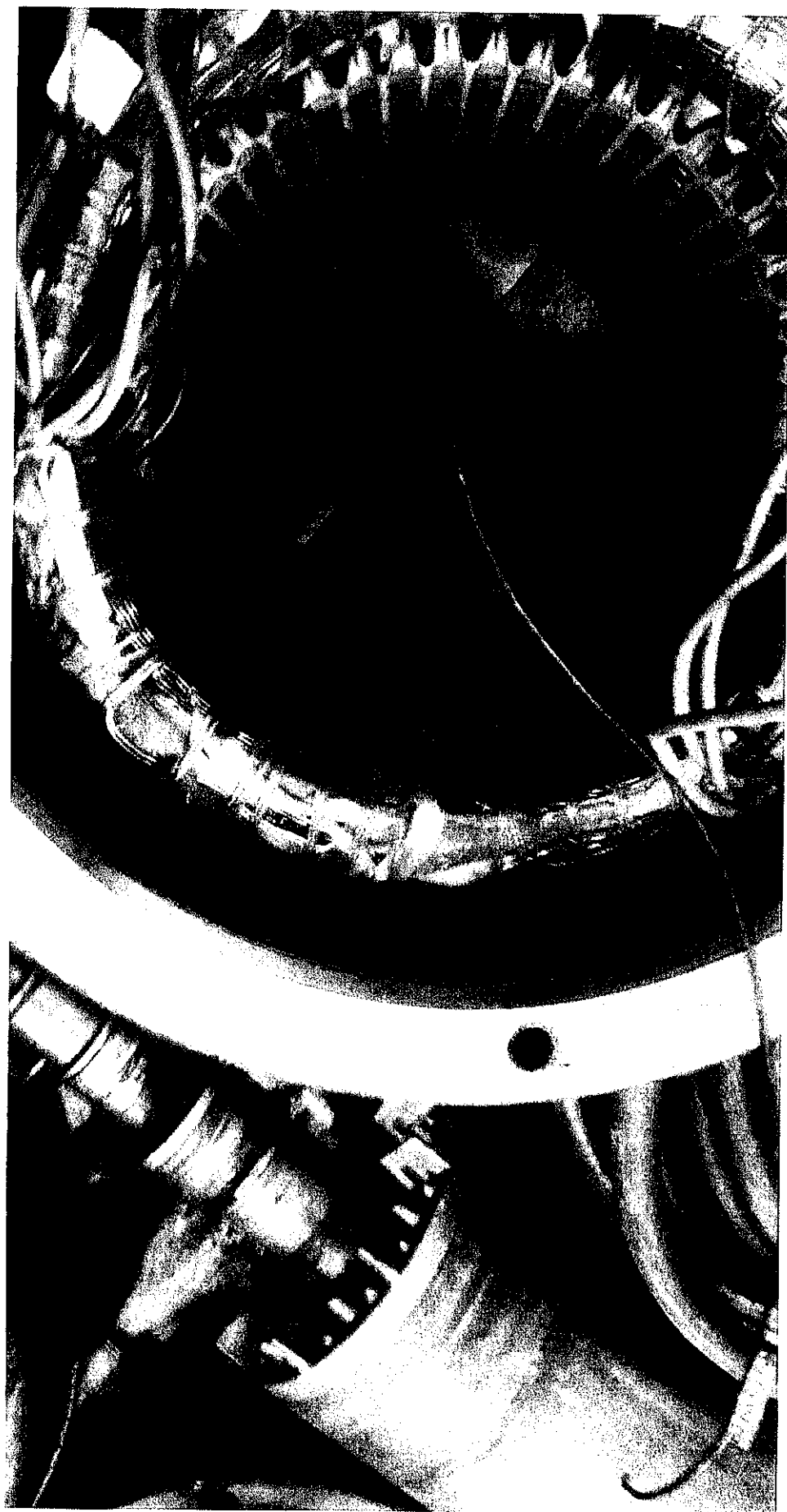
F.O.B.: Waterford, Michigan

Terms: 30 days

We are pleased to submit the above quotation for your consideration. Should you place an order, be assured it will receive our prompt attention. This quotation is valid for 30 days. Thereafter it is subject to change without notice. A 3% finance charge will be applied to any invoice not paid in 30 days. Credit card payments will have a 3% service fee added to the invoice. If you are tax exempt, please provide your tax exempt certificate or your order will be taxed. HydroDynamics Guarantee and Standard Terms and Conditions apply. If you do not have a copy, please let us know and they will be provided.

Wally Deaton
Sales Representative
Custom Pump Specialist
248-866-1489 - Cell
wally@hydrodynamics.net





AGENDA NOTE

New Business: Item # 2

MEETING DATE: January 22, 2018

PERSON PLACING ITEM ON AGENDA: Interim City Manager

AGENDA TOPIC: SCADA Upgrade – W&WW Department

EXPLANATION OF TOPIC: The Water & Wastewater Department is requesting Council approval to waive the competitive bidding process and upgrade the Supervisory Control And Data Acquisition, (SCADA), system through Utilities Instrumentation Service, (UIS). The present SCADA systems operate on Windows 7, which is no longer supported. This upgrade was planned and budgeted for FY 2017-2018 and funds are available in line item 592-557-962. The bidding waiver is requested because UIS installed and maintains both SCADA system use by the W&WW Department and it would be disadvantageous to have another vendor modify existing systems. Please see the attached memo for additional information.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Memo from Ron Beason; Quote from UIS

POSSIBLE COURSES OF ACTION: Approve/Do Not Approve the request

RECOMMENDATION: Approve the request; (Option 1)

SUGGESTED MOTION: Motion by _____, supported by _____ to (Motion 1): waive the competitive bidding process because there would be no advantage to the City in requesting bids from vendors who are unfamiliar with existing W&WW Department SCADA systems.
(Motion 2); Approve the upgrade of the W&WW Department SCADA systems as quoted in Option 1 by UIS for a total cost of \$28,860.00

01/22/18



City of South Lyon Water & Wastewater Department

January 17, 2018

To: Lloyd Collins, Interim City Manager

From: Ron Beason, Water/Wastewater Chief Operator *RB*

Subject: SCADA Upgrade

At this time we are requesting Council's approval to upgrade the Rockwell & Wonderware SCADA computers with onsite VT SCADA. This is a budgeted item in our current budget (592-557-962). Our present SCADA was installed in 2008 and operates on Windows 7, which is no longer supported. We are experiencing data and trending loss with the current SCADA. In the event, the current SCADA was to fail we would lose the ability to monitor the wastewater plant, lift stations and water plant.

Attached is the quote with options we received from Utilities Instrumentation Service. This is the company that originally programmed and installed the Rockwell & Wonderware SCADA program therefore we recommend them to perform the necessary upgrade.

Utilities Instrumentation Service submitted three (3) options (see attachment) for the necessary upgrade. Option 1 best suits our needs for overall performance of the system with giving us redundancies, more data and trending.

John Patry, Utilities Instrumentation Service president, will present a brief power point presentation to Council.

Operations:
23500 Dixboro Road
South Lyon, MI 48178
(248) 437-4006
Fax: (248) 437-0449

**Billing & Meter
Repair/ Installation:**
335 S. Warren
South Lyon, MI 48178
(248) 437-2326
Fax: (248) 486-0049



October 18, 2017

Mr. Ron Beason
South Lyon
305 S. Warren
South Lyon, MI 48178

Phone: (248) 437-4006
Email: rbeasonsouthlyon@hotmail.com

Quote Description: SCADA CRUISE HMI Upgrade
Quotation # 160190R3 (3rd Revision)

Dear Mr. Beason:

UIS SCADA is pleased to submit our quote for the following options to upgrade the SCADA HMI:

Option 1 – Upgrade the Rockwell & Wonderware SCADA Computers with Onsite VT SCADA

- Furnish and install two (2) new Dell Opti Plex computers.
- Furnish and install two (2) VT SCADA 5K tag runtime licenses.
- Furnish and install one VT SCADA Alarm dialing license with modem.
- Provide necessary programming to develop the existing Rockwell & Wonderware screens on VT SCADA. This project will combine both the Wonderware and Rockwell applications into one application on redundant computers using VT SCADA.
- Provide startup services.

Our price for this scope of work is \$28,860.00.

Option 2 – Upgrade the Rockwell & Wonderware HMI with CRUISE HMI (cloud based HMI)

- Provide necessary programming to develop the existing Rockwell & Wonderware screens on CRUISE HMI. This project will combine both the Wonderware and Rockwell applications into one application using CRUISE HMI.
- The CRUISE provides easy trending, reports, unlimited remote connections, and alarm notifications via voice calls, emails, and text messages.
- Furnish and install one (1) MicroALogix 1400 to Interface existing PLCs and customer supplied Internet connection with fixed IP address to communicate with the CRUISE HMI.

Our price for this scope of work is \$17,870.00.

The annual subscription fee for the CRUISE subscription is \$8,925.00.

Our total price for this scope of work is \$26,795.00.

UIS Group of Companies

2290 Bishop Circle East
Dexter, MI 48130
Phone: (734) 424-1200 - Fax: (734) 424-0031
uiscorp.com

Utilities Instrumentation Service
UIS SCADA
UIS Renewable Power



Option 3A – Upgrade the Rockwell HMI and Computer

- Furnish and install one (1) Dell Opti Plex computer
- Furnish one (1) year of Rockwell Tech Connect support with HMI software upgrade.
- Provide debug and startup services.

Our price for this scope of work is \$10,540.00.

Option 3B – Upgrade the Wonderware HMI and Computer

- Furnish and install one (1) Dell Opti Plex computer
- Furnish one (1) Wonderware HMI software upgrade.
- Provide debug and startup services.

Our price for this scope of work is \$9,150.00.

Total for Option 3 is \$19,690.00.

Pricing is based on straight time during normal hours of 7:00 A.M. to 3:30 P.M., Monday through Friday.

Notes:

- Option 1 requires an analog phone line for the VT SCADA alarm dialing function.
- Option 2 requires the owner to supply an Internet connection with a fixed IP address to interface with the CRUISE HMI.
- Option 2 does not include new computer hardware; the CRUISE can be accessed with existing PCs and mobile devices with an Internet connection.

Thank you for giving us the opportunity to provide our quote for this project. Our price is valid for thirty (30) days, after which time *UIS SCADA* reserves the right to review and modify any and all portions of its proposal. In addition, this proposal contains pricing and other information confidential and proprietary to *UIS SCADA*, and disclosure of the contents of this letter and any attachments to persons or organizations outside of this agreement is not authorized without specific written permission from *UIS SCADA*. Should you have any questions, please do not hesitate to contact me at our office (734) 424-1200 extension 301.

Sincerely,

Ken Wesley
COO

KW/cbl

THE CASE FOR
SACADA

For:

South Lyon
MI



South Lyon SCADA

Purpose of SCADA

In order of importance

- 1. Fast response to system emergencies before residents know**
 - Sewage back-up
 - Water pressure loss
- 2. Help avoid water and wastewater system failure**
- 3. Helps maintain compliance**
- 4. Provides water supply forecast**
- 5. Provide the data for efficient asset management**
- 6. Helps develop and attract talent**
- 7. Monitors physical security and maintains cybersecurity of water and wastewater assets**
- 8. Provide the data to make the financial case for infrastructure replacement.**
- 9. Makes online visualization of system to public/city council thus raising awareness.**

South Lyon SCADA

Existing System

For the Wastewater Plant

- Software is Rockwell Factory Talk
- Software updated in 2015 – Computer installed in 2011
- Current Issues:
 - Power monitoring is not working
 - Computer hardware is near at end of life (Operating 24 hrs a day for 6 years)
 - Software is slightly out of date
 - No redundancy of system and backup of valuable data

For the Water Plant & Remote assets such as the water tower and lift stations

- Software is Wonderware
- Software and computer installed in 2010
- Current Issues:
 - Computer hardware is near the end of life (Operating 24 hrs a day for 7 years)
 - Software is out of date
 - No redundancy of system and back up of valuable data
 - Is beyond typical life of product (5 Years)

South Lyon SCADA

Upgrade Options:

1. Update Current : Replace current computer boxes and software with current versions.

Budget Price for Budget both systems: \$15,000 to 20,000.00

Pros:

- Lowest Cost

Cons – Older software capabilities:

- No redundancy hence operations is vulnerable
- No back-up hence data is vulnerable.
- No smart phone access capability to raise operator efficiency
- Software continues to be difficult to use. They were designed for factories not water and wastewater plants.
- Emergency response could be costly
- Data for asset management is difficult to unavailable to manage
- Cannot provide online visualization of process to public/city council
- Will need to be upgraded every 5 to 7 years.

South Lyon SCADA

Upgrade Options:

2. **VT SCADA** :Replace current computer boxes and software with on-site award winning Trihedral SCADA software.

Price for both the Wastewater Plant & Water Plant: \$28,860

Option for one remote license : \$4,500

Pros:

- Redundancy and data back up with two automatic failover computer boxes
- Only one package to upgrade – Half the cost
- Provides all the features typically required from SCADA today.
 - Fast response to system emergencies before residents know
 - Sewage back-up
 - Water pressure loss
 - Help avoid water and wastewater system failure with ROC algorithm (O)
 - Helps maintain compliance with scheduled reports
 - Provide the data for efficient asset management with scheduled reports
 - Helps develop and attract talent with ease of use, cell phone access (O).
 - Monitors physical security and maintains cybersecurity of water and wastewater assets
 - Provide the data to make the case for infrastructure replacement thus help finance it.
 - Makes online visualization of system to public/city council thus raising awareness (O).
 - Automatic report generation
 - Easy trend analysis for quick troubleshooting.
 - Modern graphical screens
 - Only one software to run and learn

Cons :

- Need to reprogram the screens so pricing is higher.
- Will need to be upgraded every 5 to 7 years. Only one package

South Lyon SCADA

Upgrade Options

3. **CRUISE** : Replace current computer boxes and software with CRUISE cloud based award winning Trihedral SCADA software.

Price for both the Wastewater Plant & Water Plant: \$17,870

Subscription fee: \$8,925

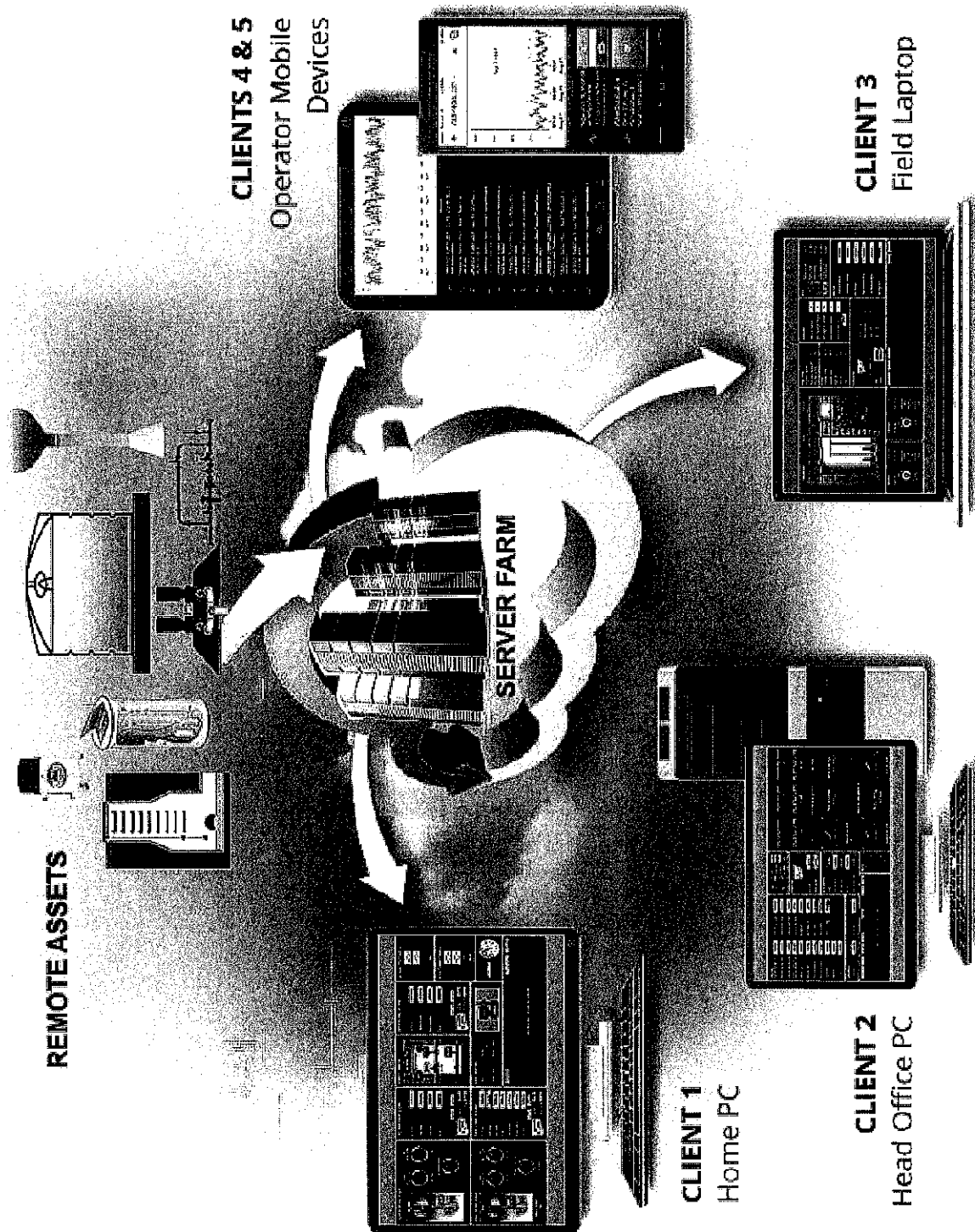
Pros:

- Data back up off site with multiple automatic failover SCADA systems
- Provides all the features of option 2
- Never pay to upgrade again.

Cons :

- Need to reprogram the screens so pricing is higher.
- Subscription based with a yearly fee.

NEW SCADA



CRUISE DEMO

WHY UIS SCADA?

South Lyon SCADA

Why UIS SCADA.

- UIS SCADA is the largest Municipal SCADA Integrator in Michigan located 45 minutes away.
- UIS SCADA does the same for over 130 municipalities in MI.
- UIS SCADA knows the South Lyon system and hence our pricing is complete. No post contract extra surprises. We have serviced the following for more than 10 years:
 - Emergency Transformer failure
 - Electrical Apparatus Maintenance
 - SCADA System Maintenance
 - Instrument Calibration
 - 24 hours troubleshooting
- South Lyon Trihedral SCADA proposal gets preferred pricing.
- Our more than 30 field techs are municipal water and wastewater system experts averaging 23 years of experience per tech.
- We spend 5% of sales on equipment and training yearly.
- We have a Michigan Wastewater Class A license operator on staff
- We have on staff SCADA Engineers that can write SCADA specs
- We believe based on surveys every six months that we have the highest customer service performance in the industry
- We are the lowest risk vendor.

The case for
accrediting SCADA

Thanks!

For:

South Lyon
MI



AGENDA NOTE

New Business: Item # 3

MEETING DATE: January 22, 2018

PERSON PLACING ITEM ON AGENDA: Interim City Manager

AGENDA TOPIC: Appointment of SEMCOG General Assembly delegate and alternate

EXPLANATION OF TOPIC: The Southeast Michigan Council of Governments, (SEMCOG), general assembly meets three times per year. In order to be represented at those meeting, it is necessary for the City to appoint an elected official as a delegate and to appoint an alternate. Former Councilmember Wedell previously served as the City of South Lyon delegate, and City Manager Ladner was designated as the alternate. Since Mr. Wedell is no longer a member of City Council, is necessary to appoint a new delegate. Council may select a new alternate, (not necessarily an elected official), or reappoint City Manager Ladner.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: SEMCOG Delegate/Alternate Designation Form; E-mail message from Amy Malmer regarding delegate/alternate functions/expectations.

POSSIBLE COURSES OF ACTION: Appoint an elected official as SEMCOG delegate and appoint an alternate.

RECOMMENDATION: N/A

SUGGESTED MOTION: Motion by _____, supported by _____ to appoint _____ as the City of South Lyon delegate to the SEMCOG general assembly, and to appoint _____ as the alternate.

01/22/18

Lloyd Collins

From: Malmer, Amy <malmer@semcog.org>
Sent: Monday, January 08, 2018 12:56 PM
To: 'madisoncrest@hotmail.com'
Cc: Stefanski, Susan
Subject: SEMCOG appointments
Attachments: 2017 Delegate_Alternate Designation.pdf

Hi Maggie,

Thanks again for reaching out – we look forward to helping ensure South Lyon gets value from your SEMCOG membership.

In terms of the South Lyon General Assembly delegate – the most recent was former Councilmember Harvey Wedell. As he is no longer in office that position is vacant. The city appointed delegate must be an elected official.

The South Lyon General Assembly alternate position has been vacant since December of 2014 (former Councilmember Michael Kramer had the position at that time).

The role of the delegate and alternate is to serve as SEMCOG's main points of contact for the city and to vote on behalf of the city at SEMCOG General Assembly meetings. Delegates and alternates are asked to attend three General Assembly meetings each year that are held in March, June and October. The meetings begin in the late afternoon and are followed by a reception. Both delegates and alternates from member communities are encouraged to attend all three General Assembly meetings at which there is ample opportunity to network with the other members and SEMCOG staff.

I have attached a form that should be used to confirm these appointments when they have been made and to provide us with contact information for the delegate and alternate. Once the appointments have been made we will begin an orientation process with the new delegate and alternate.

It also appears you are receiving our bi-weekly e-newsletter called *Regional Update*, you should have received it today and the edition before today should have been delivered on Dec. 18.

Please let me know if you have any further questions – look forward to working with the new delegate and alternate!

Amy Malmer
SEMCOG
Membership Manager
Direct: 313.324.3308 | malmer@semcog.org

SEMCOG Delegate/Alternate Designation Form

The following official representatives have been designated to the SEMCOG General Assembly which meets three times per year:

DELEGATE: (the delegate must be an elected official)

Name: _____ Title: _____

Preferred E-mail: _____

(Please note: E-mail is our primary form of communication)

Preferred Mailing Address: _____

Phone: (include as many as you like)

Business/Office: _____

Home: _____

Mobile/Text: _____

ALTERNATE: (the alternate may be an elected official, staff, or individual selected by the member)

Name: _____ Title: _____

Preferred E-mail: _____

(Please note: E-mail is our primary form of communication)

Preferred Mailing Address: _____

Phone: (include as many as you like)

Business/Office: _____

Home: _____

Mobile/Text: _____

Completed by: _____ Date: _____
(Name and Title)

AGENDA NOTE

New Business: Item # 4

MEETING DATE: January 22, 2018

PERSON PLACING ITEM ON AGENDA: Police Chief

AGENDA TOPIC: Road Closure – Pint Sized Marathon

EXPLANATION OF TOPIC: The applicant is seeking approval to conduct the Pint Sized Marathon on Saturday, April 21, 2018. The event would start at the Witch's Hat Depot at 11:30 a.m., and end in McHattie Park by 2:00 p.m. The applicant has requested closure of Dorothy Street between Pontiac Trail and McMunn, McMunn between Dorothy and McHattie, McHattie between McMunn and Washington, Washington between McHattie and the Rail Trail during the race.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Application, Insurance Certificate, Hold Harmless Statement, Map, Flyer

POSSIBLE COURSES OF ACTION: Approve/Do Not Approve the requested road closures and use of the Witch's Hat Depot, McHattie Park, and Rail Trails.

RECOMMENDATION: Approve the request

SUGGESTED MOTION: Motion by _____, supported by _____ to approve the closure of Dorothy Street between Pontiac Trail and McMunn, McMunn between Dorothy and McHattie, McHattie between McMunn and Washington, Washington between McHattie and the Rail Trail on April 21, 2018 between 11:30 a.m. and 2:00 p.m.; and to approve use of the Witch's Hat Depot, McHattie Park, and Rail Trails for the Pint Sized Marathon.

01/22/18



SOUTH LYON POLICE DEPARTMENT

219 Whipple
South Lyon, Michigan 48178
Ph: (248)437-1773 / Fax: (248)437-0459
Lloyd T. Collins
Chief of Police

PARADE / DEMONSTRATION APPLICATION

Date Application Submitted: 12-1-17 Requested Date of Event: 4-21-18

Applicant / Contact's Name: Stephanie Rife PH #: 248-231-6766

Applicant Address: 21011 Parkwoods Dr., South Lyon, MI 48178

Business / Organizations Name (if Applicable): FOOTPRINTS FITNESS

Bus. Ph#: 248-231-6766 Bus. Address: 21011 PARKWOODS DR., SOUTH LYON, MI 48178

President / CEO (Responsible for Event): STEPHANIE RIFE Direct Ph#: 248-231-6766

Parade START Time: 11:30 am a.m. / p.m. Parade END Time: 2:00 PM a.m. / p.m.

Approximate Number of PERSONS: 500 Organization Names: FOOTPRINTS FITNESS

Approximate Number of VEHICLES: 0 Types of Vehicles: _____

Approximate Number of ANIMALS: 0 SPECIFIC Animals: _____

Amount of space to be maintained between and /all units in Parade: N/A

Route to be traveled (Include Street Names and Turning Directions): Start corner of Dorothy/Lafayette West on Dorothy, North on Mcmunn, East on McHattie South on Washington, West on City Trails follow city trails west, turn south and follow to Princeton loop back at the way to McHattie and end in McHattie Park

Kid Race at 11:30, Fast runner start 15 minutes prior

Applicant's SIGNATURE

Stephanie Rife
Responsible Party's SIGNATURE

APPROVED [☒]

DENIED [☐]

Lloyd T. Collins
Lloyd T. Collins, Chief of Police
01/10/18

DISTANCE
2.62 MI

UNDO

CLEAR

RETURN

OUT+BACK

REVERSE

☒ Auto Follow Roads

Walking Mode

Bicycling Mode

Driving Mode

☒ Avoid Highways

☒ Distance Markers

1 mi

Units

☒ Imperial

☐ Metric

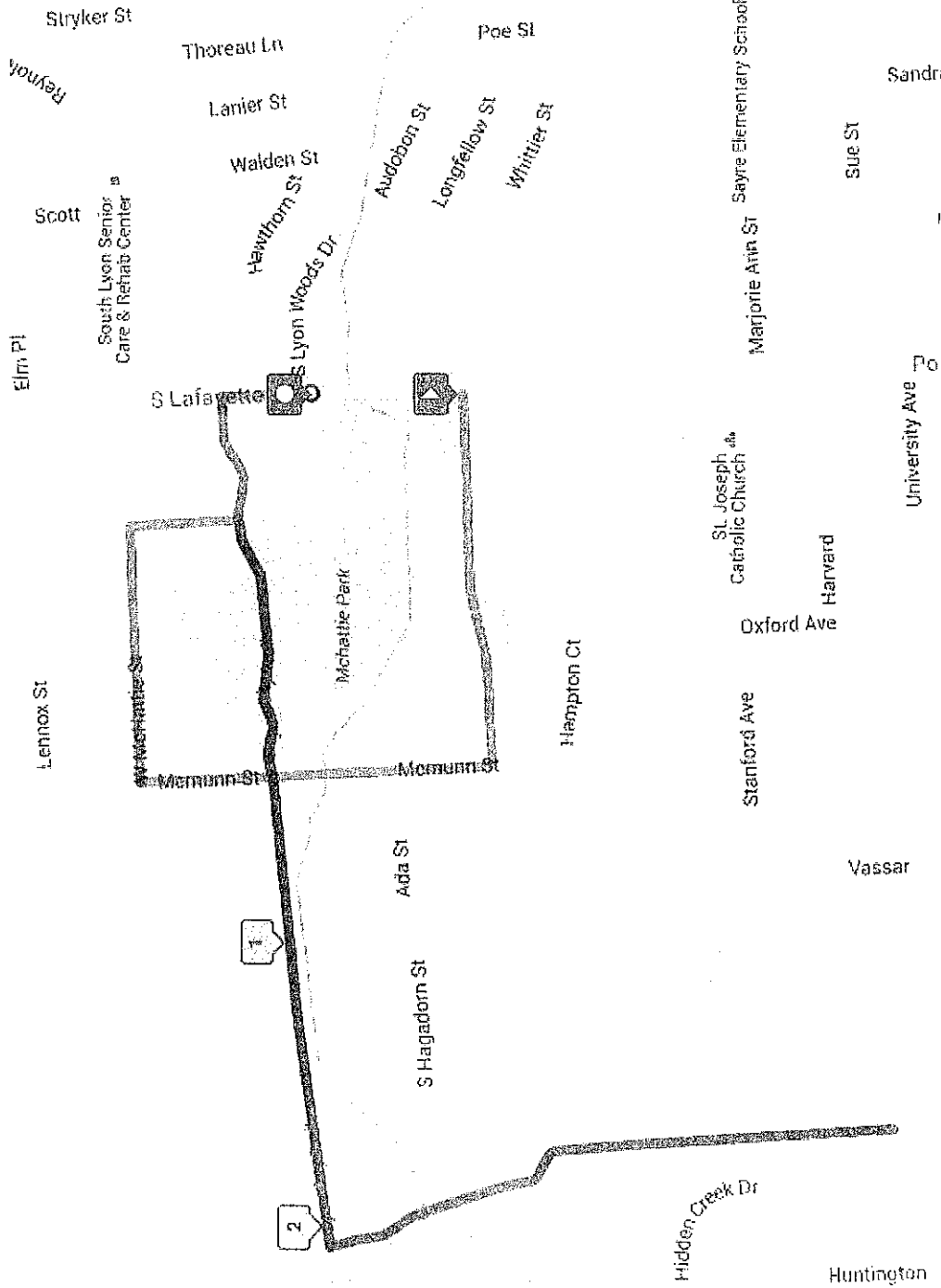
☐ Elevation

☐ Traffic

☐ Bicycle Paths

☐ Center on Click

☒ Scroll to Zoom





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/8/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Doeren Mayhew Insurance Group 305 West Big Beaver Rd. Suite 102 Troy MI 48084		CONTACT NAME: Holly Tabbert PHONE (A/C No. Ext): (248) 290-0650 FAX (A/C No.): (248) 290-0654 E-MAIL ADDRESS:	
INSURED Footprints Fitness 21011 Parkwoods South Lyon MI 48116		INSURER(S) AFFORDING COVERAGE INSURER A: West Bend INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES CERTIFICATE NUMBER: 17/18

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY					
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X	218476603	12/1/2017	12/1/2018	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
						MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PERSONAL & ADV INJURY \$ 1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					GENERAL AGGREGATE \$ 2,000,000
	AUTOMOBILE LIABILITY					PRODUCTS - COMP/OP AGG \$ 2,000,000
	<input type="checkbox"/> ANY AUTO					
	<input type="checkbox"/> ALL OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> HIRED AUTOS					BODILY INJURY (Per person) \$
	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB					
	<input type="checkbox"/> EXCESS LIAB					EACH OCCURRENCE \$
	<input type="checkbox"/> OCCUR					AGGREGATE \$
	<input type="checkbox"/> CLAIMS-MADE					
	DED RETENTION \$					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A			WC STATU- TORY LIMITS \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. EACH ACCIDENT \$
						E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

RE: April 21, 2018, 2.62 Mile Fun Run, Downtown South Lyon. The City of South Lyon, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof are included as Additional Insured's on a Primary and Non Contributory basis on the General Liability coverage. A 30 day notice of cancellation for non renewal and 10 days for non payment of premium will be sent to The City of South Lyon in the event such occurs.

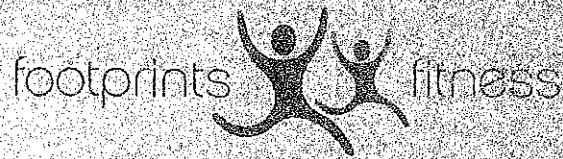
CERTIFICATE HOLDER

CANCELLATION

The City of South Lyon
Attn: Ms. L. Ladner
335 South Warren
South Lyon, MI 48178-1317

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



December 1, 2017

HOLD HARMLESS CLAUSE

To the fullest extent permitted by law FOOTPRINTS FITNESS agrees to defend, pay on behalf of, indemnify, and hold harmless the City of South Lyon, its elected and appointed officials, employees and volunteers, and others working on behalf of the City of South Lyon against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from the City of South Lyon by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of, or is in any way connected or associated with this event.

Stephanie Rife

Director of Footprints Fitness



info@footprintsfitness.com

www.Footprintsfitness.com



PINT SIZED MARATHON

April 21, 2018, 11am

Fun Run in Downtown South Lyon

Registration and Release Waiver

Name _____

DOB _____ Age on April 29, 2017 _____

Email _____

Address _____

Home Phone _____ Cell _____

*******Please mail this registration and the \$30.00 fee to**

Footprints Fitness, 21011 Parkwoods, South Lyon, MI*****

T-Shirt Size Child M Child L S M L XL XXL (Circle one)

I know that running [volunteering for] a road race is potentially hazardous activity, which could cause injury or death. I will not enter and participate unless I am medically able and properly trained, and by my signature, I certify that I am medically able to perform this event, and am in good health, and I am properly trained. I agree to abide by any decision of a race official relative to any aspect of my participation in this event, including the right of any official to deny or suspend my participation for any reason whatsoever. I attest that I have read the rules of the race and agree to abide by them. I assume all risks associated with running in this event, including but not limited to: falls, contact with other participants, the effects of the weather, all such risks being known and appreciated by me. Having read this waiver and knowing these facts and in consideration of your accepting my entry, I, for myself and anyone entitled to act on my behalf, waive and release the Pint Sized Marathon, Footprints Fitness, or, the city of South Lyon, all event sponsors, their representatives and successors from all claims or liabilities of any kind arising out of my participation in this event, even though that liability may arise out of negligence or carelessness on the part of the persons named in this waiver. I grant permission to all of the foregoing to use my photographs, motion pictures, recordings or any other record of this event for any legitimate purpose.

Signature: _____ Date: _____

Parent's Signature if under 18 years: _____ Date: _____

AGENDA NOTE

New Business: Item # 5

MEETING DATE: January 22, 2018

PERSON PLACING ITEM ON AGENDA: Councilmember Parisien

AGENDA TOPIC: Council Meeting Conduct

EXPLANATION OF TOPIC: The objective of this agenda item is to provide an efficient way for Council members and citizens to conduct themselves during council meetings in the spirit of making the meetings more productive.

It would behoove the City of South Lyon to adopt a rule in which Council members are permitted to speak to each topic on the agenda for three minutes. After every member on Council has had an opportunity to speak then a Council-member may speak a second time to the matter for an additional three minutes. Any additional time must be approved by the Mayor. The benefits of this system would provide all members with the ability to speak and keep their comments direct and to the point, encouraging thoughtful and productive dialog. Further benefits would prevent the unnecessary wasting of time and City resources, making the meetings more efficient and keeping everyone focused on the topic at hand. Further, implementing such a rule would not pose a constitutional violation of one's speech, but merely advocate for more direct comments and less aimless remarks.

If the Clerk is agreeable, she may keep the time or it may be appropriate for the Mayor to do so.

Also, this rule could be implemented for public comment too for the same reasons. Further, we could open up public comment again at the end of the meeting to allow citizens/residents who have sat through the duration of the meeting a second chance to voice questions, concerns or comments.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Page 8 of Rules of Procedure for the City Council, City of Troy, Michigan and Pages 11 & 12 of Ann Arbor City Council Rules 2016-17.

POSSIBLE COURSES OF ACTION: Approve/Do Not Approve Time Limits and additional Public Comment.

RECOMMENDATION: Approve the Time Limits and additional Public Comment.

SUGGESTED MOTION: Motion by _____, supported by _____ to _____

22. ABSENCES AT COUNCIL MEETINGS

- A. Council members who are unable to attend a Council meeting and desire an excused absence shall notify the Mayor, City Manager, City Attorney or City Clerk of their absence in writing prior to the meeting and indicate the reason for the absence. The reason shall be entered in the proceedings of the Council at the time of each absence.
- B. In the event of an absence of a Council member at a meeting, the City Manager is directed to supply such absent Council member with information about any special meetings that may have been scheduled.

23. SUSPEND RULES

The Rules of Procedure may be waived by a simple majority.

24. COUNCIL DISCUSSION

No member of Council shall speak a second time on any item under discussion until all other members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5) minutes at a time.

25. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS

Mayor and Council Members submitting an agenda item that calls for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion may be written to accompany the item. Rule 17 would govern, limiting any presentations to 15 minutes.

26. VIDEO AND AUDIO PRESENTATIONS

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted to the Troy City Clerk by noon on the day of the meeting. Inappropriate material will be prohibited.

27. CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM

Any item on the Council agenda that has not been discussed by 12:00 AM of the morning following the beginning of the meeting shall be continued to the next regular meeting as a Carryover Item, unless City Council takes action to the contrary.

28. VIOLATIONS

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

29. WIRE COMMUNICATIONS BY AND TO COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL

All communications are subject to the Michigan Open Meetings Act, therefore members of the City Council shall not engage in any form of wire communication, as defined by U.S. Code Title 18, Part I, Chapter 119, Section 2510, during any meeting of the Council.

Members of Audience Addressing Council

Upon the request of a member of the Council, a member of the audience shall be permitted to address the Council at a time other than during public commentary, unless a majority of members of Council object.

Disorderly Conduct at Meetings

The Chair may call to order any person who engages in personal attacks, (which are unrelated to Council Business) who uses obscene or grossly indecent language, who speaks longer than the allotted time, who disrupts the proceedings or who otherwise violates the rules of this Council. Failure to come to order may result in the microphone being shut off, the forfeiture of any remaining speaking time, or, at the request of the Chair, expulsion from the meeting.

Furthermore, if a speaker or a member of the public does not follow applicable rules during a Council meeting, disturbs the peace at a Council meeting or endangers the safety of the Council or the public at a council meeting, that individual may also have further restrictions placed upon them as necessary, including forfeiture of their right to speak at or right to attend future Council meetings. Such actions are to be determined by Council and shall be consistent with the Michigan Open Meetings Act.

RULE 8 - Voting

In all cases where a vote is taken, the Chair shall decide that result. A roll call vote shall be called upon the request of any member of the Council. The roll call voting order shall rotate around the council table with the Mayor voting in the rotation.

RULE 9 - Nominations or Appointments to Boards, Commissions or Committees

Nominations or appointments to boards, commissions, or committees, which require the confirmation or approval of Council, shall not be confirmed or approved before the next regular meeting of the Council except with the consent of 8 of the members of the Council. When required by ordinance or otherwise deemed in the best interest of the City, the Charter residency requirement for nomination or appointment of an individual to a board, commission or committee is waived by a resolution concurred in by not less than seven members of Council.

RULE 10 - Council Conduct of Discussion and Debate

- 10.1** No member shall speak until recognized for that purpose by the Chair.
- 10.2** The member shall confine comments to the question at hand and avoid personal attack.
- 10.3** A member shall not speak more than two times on a given question, three minutes the first time, three minutes the second time, except with the concurring vote of 3/4 of the members present. A motion to call the previous question (call for cloture) is in order after thirty (30) minutes of discussion on the question. Upon a motion to call the previous question, all discussion is ended, provided that each member who has not yet held the floor will have an opportunity to do so. A motion to call the previous question shall require a concurring vote of 3/4 of the members present.
- 10.4** Electronic communication during Council meetings shall pertain only to City matters.

- FC 4.1** During Council meetings, members shall not send private electronic communication to persons other than City Staff; provided however, that members may send draft motions, resolutions, and amendments to the City Clerk who will forward them to members of Council. Members shall not respond to member-distributed draft language via electronic communication. All draft language sent by electronic communication during Council meetings shall be read into the record prior to discussion by Council. Members will not send publicly-accessible electronic communications (e.g. Twitter and FaceBook posts) during meetings.
- FC 4.2** Electronic communication sent and received by a member during a Council meeting shall be included in the minutes of such meeting, provided that the minutes shall not include electronic communication received by a member that clearly does not relate to the subject matter of the meeting.
- FC 4.3** A member shall not use their personal mobile devices to answer phone calls or send electronic communications, including text messages, while seated at the Council table. Members who have a need to attend to personal business shall step away from the Council table to do so.

RULE 11 - Resolutions and Motions to Be Made In Writing

Every resolution and ordinance shall be in writing. Resolution titles shall, unless impractical or required by law, be twenty (20) words or less and describe in plain language the subject matter thereof. When any motion has been made and seconded, it shall be stated by the Chair and shall not be withdrawn thereafter except by consent of the majority of the members of the Council present.

RULE 12 - Motion to Lay on the Table

A motion to table shall only be in order "when something else of immediate urgency has arisen or when something else needs to be addressed before consideration of the pending question is resumed" (RROR Newly Revised in Brief, p. 119) and the name of the person making the motion and the rationale for tabling should appear in the minutes.

RULE 13 - Consideration of Questions

When a question has been taken, it shall be in order for any member voting with the prevailing side to move a reconsideration thereof at the same or the next regular meeting; but, no question shall a second time be reconsidered.

Agenda items – Introduction, Referral, and Approval

SOUTH LYON POLICE DEPARTMENT

Lloyd T. Collins
Chief



Memorandum

To: Honorable Mayor Pelchat and City Council Members

From: Chief Lloyd T. Collins, Interim City Manager

Subject: Depot Day – Witch’s Hat

Date: January 10, 2018

I have received a permit request for the above-mentioned event. I discussed Depot Day with Mr. Larry Ledbetter, one of the organizers. The event is scheduled for Saturday, September 08, 2018, 10:00 a.m. to 4:00 p.m. The planned activities will be similar to those of prior Depot Days.

The planned event should cause little or no disruption to normal traffic in the area, and no street closures are necessary. The Police Department will monitor the event and provide support, as necessary. Therefore, I have approved the request and have so notified the organizer. I have attached a copy of the application and approval for your information.

cc: Lt. Chris Sovik
Lisa Deaton, City Clerk
Chief Robert Vogel, SLFD
Ron Brock, DPW



SOUTH LYON POLICE DEPARTMENT

219 Whipple

South Lyon, Michigan 48178

Ph: (248)437-1773 / Fax: (248)437-0459

Lloyd T. Collins

Chief of Police

38th ANNUAL DEPOT DAY PARADE / DEMONSTRATION APPLICATION

Date Application Submitted: JAN 9, 2018

Requested Date of Event: 9/8/2018

Applicant / Contact's Name: LARRY LEDBETTER

PH #: 248-437-9277

Applicant Address: 11343 CLOVIS PTE DR, SOUTH LYON, MI

C 248-613-7579

Business / Organizations Name (if Applicable): SOUTH LYON HISTORICAL SOCIETY

Bus. Ph#: 248-437-9929

Bus. Address: 300 DOROTHY ST. SOUTH LYON

President / CEO (Responsible for Event): LARRY LEDBETTER

Direct Ph#: 248-613-7579

EVENT

Parade START Time: 10:00 a.m. / p.m.

EVENT

Parade END Time: 4:00 a.m. / p.m.

Approximate Number of PERSONS: 800 Organization Names: COMMUNITY GUESTS

CHILDREN & ADULTS

Approximate Number of VEHICLES: 8 Types of Vehicles: ANTIQUE VEHICLES ON
DISPLAY ONLY (NO PARADE)

Approximate Number of ANIMALS: 10 SPECIFIC Animals: A PETTING FARM
RABBITS, GOATS, DUCKS, CALF

Amount of space to be maintained between and /all units in Parade: N/A

Route to be traveled (Include Street Names and Turning Directions): MODEL RAILROAD LAYOUT,
ANTIQUE CARS, TRUCKS, TRACTORS, FIRE ENGINE, BEE KEEPER,
BUTTER MAKING, KIDS GAMES ie SACK RACE, BUBBLE MAN SHOW,
YO-YO MAN (ZEMO), MAGIC SHOW, TOURS OF MUSEUM, CRAFT SHOW,
HOBBY SHOW, HOT DOGS & COLD DRINKS PROVIDED BY KIWANIS

Larry E. Ledbetter
Applicant's SIGNATURE

Larry E. Ledbetter
Responsible Party's SIGNATURE

APPROVED [✓]

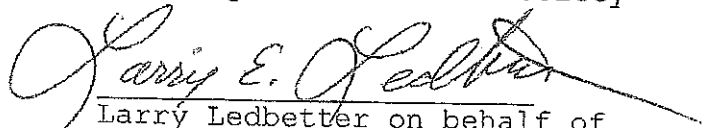
DENIED []

Chief Lloyd T. Collins
Lloyd T. Collins, Chief of Police
01/10/18
etc

HOLD HARMLESS AGREEMENT

To the fullest extent permitted by law the South Lyon Historical Society agrees to defend, pay on behalf of, indemnify, and hold harmless the City of South Lyon, its elected and appointed officials, employees and volunteers, and others working on behalf of the City of South Lyon against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from the City of South Lyon by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of, or is in any way connected or associated with this event.

South Lyon Historical Society


Larry Ledbetter on behalf of
Historical Society

Phyllis Popravsky

From: Cari Paige <rileyc@umich.edu>
Sent: Friday, January 05, 2018 1:57 PM
To: Phyllis Popravsky
Subject: Thank you - Cari Paige 429 South Street

Good afternoon Phyllis,

I just wanted to say thank you for taking the time to explain my water bill and also telling me about the online bill pay option. I really appreciated you taking the time to explain everything. You were knowledgeable, patient and very friendly!

Have a wonderful day,

Cari

Cari Paige
Assistant Registrar for Records and Enrollment
Office of the Registrar | University of Michigan
LS&A Suite 5000 | 500 South State St | Ann Arbor | MI | 48109
(734) 764-6280

Handwritten signature

Lloyd Collins

From: Fire Chief <Firechief@southlyonmi.org>
Sent: Tuesday, January 16, 2018 2:37 PM
To: firefighters
Cc: Lloyd Collins
Subject: Master Firefighter Conrad

Dear all,

We are pleased to announce the promotion of Firefighter Conrad to the position of Master Firefighter, effective January 16, 2018.

As you all know, Cindy has been with us for the past 3 years, performing outstandingly as the acting Master Firefighter position for the past 6 months.

Congratulations Cindy! We anticipate many more successes in your new position.

Robert Vogel
Fire Chief - South Lyon Fire Department
217 Whipple Street, South Lyon, MI 48178
(248)437-2616 office (810)588-8238 cell

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Lloyd Collins

From: Fire Chief <Firechief@southlyonmi.org>
Sent: Tuesday, January 16, 2018 2:40 PM
To: firefighters
Cc: Lloyd Collins
Subject: Austin Trudell

Dear all,

I am please to announce the hiring of a new Cadet Firefighter Austin Trudell effective January 15, 2018. Austin has been assigned to Master Firefighter Olando.

Please take time to welcome him to the South Lyon Fire Department.

Robert Vogel
Fire Chief - South Lyon Fire Department
217 Whipple Street, South Lyon, MI 48178
(248)437-2616 office (810)588-8238 cell

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