

# **Regular City Council Meeting**

**October 22, 2018**

## **Agenda**

**7:30 pm**

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Approval of Minutes: October 8, 2018**

**Approval of Bills: None**

**Attorney Bills: None**

**Approval of Agenda**

**Public Comment**

**Public Hearing for 2019 CDBG Application**

**2017-2018 Audit Presentation – Plante Moran**

**Discussion – Downtown**

**I. New Business**

1. Hidden Creek Life Station RTU replacement
2. Downtown Kids Trick or Treat, October 25
3. DDA Board Appointment
4. First Reading of Ordinance to Prohibit Marihuana Establishments in the event voters approve Ballot Proposal 18-1 to legalize recreational marihuana.

**II. Budget**

**III. Manager's Report**

**IV. Public Comment**

**V. Council Comments**

**VI. Adjournment**

City of South Lyon  
Regular City Council Meeting  
October 8, 2018

Mayor Pelchat called the meeting to order at 7:30 p.m.  
Mayor Pelchat led those present in the Pledge of Allegiance.  
Mayor Pelchat stated Councilmember Walton and Attorney Wilhelm will be arriving late

Present: Mayor Pelchat, Councilmembers Kennedy, Kivell, Kurtzweil, Parisien, and Richards  
Also Present: City Manager Zelenak, Chief Collins, Fire Chief Vogel, and Clerk/Treasurer Deaton

MINUTES

Councilmember Kivell stated on page 4, the Motion needs to have an s added to the word assess.  
Councilmember Kurtzweil stated the spelling of Ken Michalik's name needs to be corrected on page 4.  
Councilmember Kennedy stated on page 4, the word as should be replaced with on a want versus need basis.

CM 10-1-18 MOTION TO APPROVE MINUTES AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Kurtzweil stated because there is a check for reimbursement to her husband on the check register, she will abstain from voting due to a conflict of interest.  
Councilmember Kivell asked if he could have an explanation for the invoice paid to HRC for the Knolls.

CM 10-2-18 MOTION TO APPROVE BILLS

Motion by Parisien, supported by Kennedy  
Motion to approve the bills as presented

VOTE: MOTION CARRIED- abstained-1

ATTORNEY BILLS

CM 10-3-18 MOTION TO MOVE ATTORNEY BILLS TO THE END OF THE AGENDA

Motion by Parisien, supported by Kivell  
Motion to move attorney bills to the end of the agenda

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 10-4-18 MOTION TO APPROVE AGENDA

Motion by Parisien, supported by Kivell  
Motion to approve agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

## PUBLIC COMMENT

Bill Charles of 61957 Ticonderoga stated he is the President of the Board of Directors for Colonial Acres Phase 5. He stated they are offering their support for Thomasville and they are pleased with the changes the developer made. He urges Council to approve the development.

Cynthia Christiansen of 62292 Yorktown stated she is the Vice President of the Board of Directors for Colonial Acres Phase 5. She stated the majority of the people that live in Colonial Acres are happy with everything the developer has come up with and she encourages Council to approve it.

Ryan Lare of 716 Grand Court stated as he is the ambassador for the City of South Lyon he wants to welcome the new City Manager and he was happy to see him at Pumpkinfest. He then thanked the Pumpkinfest committee and all of the volunteers that made Pumpkinfest a great event. He further stated he wanted to thank the Witches Hat for helping with all the recycling. He stated it was a great event, everyone did a great job.

\*Councilmember Walton and Attorney Wilhelm arrived at 7:36 p.m.\*

## DISCUSSION- Downtown

Bob Donohue the Director of the Downtown Development Authority and Economic Development stated it is a busy and great time of the year with many projects coming up. He stated there is a lot of changes and good things happening. He stated we are in the middle of planning a series of events between October and December. Mr. Donohue stated the corn stalks and pumpkins are up downtown. He stated the lights will be on the corn stalks this week as well. He further stated the business directory will be out October 26<sup>th</sup> and that will be inserted in the Ladies Night Out bags. Mr. Donohue stated the Michigan Downtown Association Statewide Conference is this week and he will be attending as he is still on the board. Two DDA Board members are interested in attending as well. He stated Brotoberfest is October 20<sup>th</sup> from 5:00-10:00. He stated the downtown trick or treating event is October 25<sup>th</sup> from 6:00 – 8:00 p.m. Mr. Donohue stated Ladies Night Out is November 16<sup>th</sup>. Cool Yule is December 1<sup>st</sup>, the parade proceeds to the historic village, then loops back into town and at 8:00 there will be the Heinanen tree lighting. Mr. Donohue stated they have tested a lot of things out, and next year we will have a work plan for the events, setup, lists of tasks, who is in charge of that task, volunteers for the tasks, and the cost. Mr. Donohue stated the last thing is there is a lot of good things happening.

Councilmember Parisien asked how things are going with the RCA building. Mr. Donohue stated they are cleaning it out and we are hoping to see the interior existing conditions soon. Councilmember Parisien asked about 110 Detroit. Mr. Donohue stated there are two people interested in that property, and they are also talking to Providence about the parking lot to the East. Mr. Donohue stated it will be commercial. Councilmember Parisien asked about the candy store. Mr. Donohue stated it is still confidential because the other building they are purchasing isn't final until January. Councilmember Parisien asked about the time for Brotoberfest. Mr. Donohue stated it was originally 5-9, but we have changed it to 5:00 – 10:00. He further stated it will be on the billboard as well, and it will have the correct time. Councilmember Parisien asked if the gentlemen are still on the list for the DDA. Mr. Donohue stated he is on the agenda this week at the DDA meeting.

Councilmember Kivell asked if we have relaxed our demands for 110 Detroit since they are trying to sell the property. Mr. Donohue stated they seem to be asking for a reasonable price and the sale seems to be proceeding.

Councilmember Kurtzweil asked about the by-laws and the minutes that are on the agenda. She stated Dereck Mashburn appears to be absent a lot. Mr. Donohue stated he was absent for 3 meetings in a row, with 1 being unexcused. Councilmember Kurtzweil stated we have two people that would like to be on the DDA, but there is only one opening. Mr. Donohue stated in July the Board recommended Jeff

Heinanen to be appointed to the Board. He further stated because of his busy schedule wanted to be here, therefore he asked for it to be held off. Councilmember Kurtzweil stated the minutes doesn't state the DDA Board reviewed his application. She stated if you have someone on the DDA that isn't attending meetings, you can open that seat up for the 2<sup>nd</sup> person that wants to be on the board. Mr. Donohue stated he contacted Dereck and he was hopeful he could stay on the DDA, and he will speak with him again tomorrow. Councilmember Kurtzweil stated she going to continue to talk about the City competing with other cities. She stated Pulte Homes has a great website where they are promoting their new development on Griswold and one of the photographs is of Lake Street Tavern and it mentions downtown South Lyon, but they also remind them they are not far from Novi, Northville and Brighton. She then stated we have to remember we are still in competition with the surrounding communities. Councilmember Kivell stated he wished all of our commissions had people waiting to be added to commissions. Mr. Donohue stated it is a positive sign.

### OLD BUSINESS

1. Second reading of zoning ordinance amendment to amend and add definitions and limit the height of utility posts and other structures in a public right of way

Attorney Wilhelm stated there have been no changes since the first reading.

### CM 10-5-18 MOTION TO APPROVE THE SECOND READING

Motion by Kurtzweil, supported by Kennedy

Motion to approve the second reading of an Ordinance amending the City of South Lyon Zoning Ordinance, Sections 102-3 and 102-104, to amend and add definitions and limit the height of utility poles and other structures in a public right-of-way

VOTE:

MOTION CARRIED UNANIMOUSLY

2. First reading of ordinance rezoning parcel 24-19-126-002 (Thomasville) from RM-1 (multiple family residential) to PD (planned development)

Councilmember Kennedy thanked Kelly McIntyre of CIB Planning for clarifying some issues for him this morning. Mr. Cavaliere of 30078 Schoenherr, Warren Michigan stated he has had a few meetings and made some notable changes. He further stated they changed 6 of the home footprints of the 50 going from a larger footprint model to a smaller footprint model. He further stated the plan currently doesn't have one lot that will be above 35% coverage. He further stated there are 3 lots that will have smaller decks to ensure they don't go over the 35% coverage. Mr. Cavaliere stated all the other lots have larger decks. He stated a few other highlights is the landscape plan has not changed but we have exceeded the City's tree requirements and we have agreed to irrigate and sod the 2-foot section between sidewalk and curb. He further stated they have submitted additional elevations as the City requested. Mr. Cavaliere stated the deck footprints are shown on all of the plans. Councilmember Kennedy thanked everyone for working through the issues. He stated he appreciates everyone efforts. He stated looking at the site plan and all the information, something that needs to be highlighted is #3, which stated the houses shown are the largest models of houses that can fit on the sites that are shown, unless a smaller model will be reduced, this ensures the lot coverage will not increase. This is basically saying that the site plan identifies the models with this 50 lots and the square footage that will be built on that lot. Mr. Cavaliere stated he wanted to thank the City consultants for their collaboration.

Councilmember Kivell stated he is appreciative for him reaching out about the misgivings that were mentioned earlier. He stated the lot coverage he is speaking of is soil coverage, not the building lot coverage, there are different lot coverage limits. Councilmember Kivell then read a statement. The approval process of this development has been very difficult. The beginning premises portrayed to Council was that this development would be single story homes, and marketed to empty nesters or seniors

uninterested in the daily use of stairs to upstairs bedrooms, and not interested in taking care of a large yard. This type of development was successfully accomplished at Lexington Place and seemed a good fit for a more sedate lifestyle for neighbors of the Colonial Acres development. He stated originally there were 3 concept ranches and 2-story homes on very small lots. Since then, we have been presented with 3 versions of 2-story lots which are not homes marketed toward empty nesters, but houses to be marketed for a standard family development with children, toys and room in the yard for them to play. This brings to attention, this is first of 5 waivers required to pass this first reading. One waiver allows an average lot area of 5,000 square foot as standard R-3 Development which is a single family residential parallel to the currently zoned RM-1 multi-family residential zoning. The minimum lot size is 8,750 square feet, the loss of 3,700 square feet in lot space, may or may not seem to an empty nester to be a true benefit by having a smaller yard, but the proposed 2-story homes do not fit empty nesters needs. The same loss in lot space is a significant for normal activities pertaining to a family's yard. The other waivers are for a reduction in lot width to 50 feet, when the standard is 70 feet, the overall density of 4.3 units per acre, when the standard is 3.7 per acre, the side-yard setback of 5 feet, when the standard is 6 feet, and a rear yard setback of 30 feet for all but 5 units, there will be less than 30 when the standard is 35 feet. The most resistance is because of 27 units exceed the 25% lot coverage and the planning commission has realized that as well as a few Councilmembers. The complications that have surrounded this approval is the result of the developers overreach to maximize his profits at the expense of our community and our standards which are in place to ensure we enjoy long term results for a good quality of life for our residents. 19 of the 27 lots could be conforming if the developer changed the house to smaller units. Some will still not conform under any circumstance. He stated he will not vote for this as it presently stands. The City has used its good faith to find ways to move this project forward, but in his mind, we have relaxed our standards too much. Especially since it doesn't meet the needs of empty nesters and the developer wanted to save money by using the engineering and design from the previous developer and that makes sense, but the developer doesn't admit that there are too many lots that doesn't meet the already relaxed lot sizes to house relationships. It is easy to see this is a self-imposed hazard by the developer and he says he will sell the development to Pulte if he approves final approval and that isn't a problem if we are getting a conforming development that meets our community needs. This does not meet that standard. Apparently, Pulte doesn't build houses smaller to fit those lots, but that doesn't mean other builders don't. The City has already bent more than we should have and the problems have been identified, the developer should solve them for the project to move forward.

Mr. Cavaliere stated the site being proposed as a PD, and most PD's are requested because of an odd shaped property. He stated that is why they are part of most zoning ordinances. He further stated there is the creation of open spaces area, although there is a trade off for potential set backs or lot sizes. He stated that is why a lot of communities have a planned development as part of their zoning ordinances. Councilmember Kivell stated the planned development is a quid pro quo type of deal. He stated the suggestion that the open space that has been provided which is just a rim around an existing pond is the trade off the City receives for all the small lots being stuffed with big houses is not right. Further discussion was held on planned developments. Councilmember Kivell stated he is disturbed that we have something inappropriate like having 27 of 50 lots don't have compliance on lot coverage. He stated we have fallen into a trap by having issues with having big houses on small lots and then they don't have room for amenities they want. He stated 25% is the maximum limit of the buildings. He further stated that is a viable thing that you can turn the 19 houses into something that would be compliant. He further stated the planner provided the overall lot coverage is 18%, but it is actually 25.3259% Mr. Cavaliere stated of the 32 Hampton lots, the chance that each person that wants to buy those lots, want to buy the Hampton model is not likely. Councilmember Kivell stated there are other houses that could be precluded and it shouldn't be offered. He further stated he wants to see that before he will approve it. Councilmember Richards stated he appreciates everyone's work on this, but he looks at it from a different angle. He is familiar with the property, and the previous owner didn't build on that land for a reason. He stated we have never received an underground hydrological survey. There is a lot of water under that property. He further stated his architects must be oblivious to the laws of physics, water will amplify

vibration underground. He stated you don't have basements, you have flat slabs. He further stated Colonial Acres has a landscaped buffer that acts as a buffer from the vibration of the railroad tracks. The vibration will be a problem. He further stated we are the last hope for the City to put off a disaster. You have to look at protecting the future of the town. He supports the rights of people to develop their property, but they have to realize the Council has to look at what is best for the whole town.

Ms. McIntyre of CIB Planning stated in the packet she has provided a fact sheet on planned development. They provide flexibility for properties that might not otherwise be able to be developed. The property is long and narrow, adjacent to a well-established senior community and the railroad tracks. She stated this property can be developed as 60+ apartment units, or single-family homes and you could have 44 single family homes but they are offering 50 units. She stated as planners, they are comfortable with this, it satisfies some of the master plan goals of South Lyon with a diversity in housing. She stated we have apartments and larger single-family homes, but we don't have moderately priced smaller homes. She further stated we realize there are some concessions that are made such as smaller yards and setbacks, but they are selling. Ms. McIntyre stated some communities are going with 40-50% lot coverage, so they are comfortable with this. Councilmember Kivell stated we have 19 houses that are beyond the 25% lot coverage, why can't they just use a smaller house on the lots. Ms. McIntyre stated by relaxing some of the standards it will allow the property to be developed in an economical feasible way and as a benefit to the community. Councilmember Kivell stated the Planning Commission also said they didn't want more than 25% coverage as well. Attorney Wilhelm stated planned developments are a 4-step process. This is step 2. He further stated Council can list conditions upon approving this. The suggested motion includes conditions from Council and the Planning Commission.

#### CM 10-6-18 MOTION TO APPROVE FIRST READING THOMASVILLE

Motion by Kennedy, supported by Parisien

Motion to approve the First Reading of an ordinance to amend the Official Zoning Map of the City of South Lyon incorporated into the South Lyon Zoning Ordinance by Section 102-182 by rezoning the property parcel 21-19-126-002 more fully described in the attached Exhibit A (the Property) from the RM-1 District (multiple family residential) to the PD District (Planned Development), subject to the following conditions:

- a. Sections 102-381 through 102-392 of the City of South Lyon Ordinance pertaining to the PD Planned Development zoning district, as amended, which is part of the City of South Lyon Code of Ordinances, Chapter 102
- b. The preliminary (stage I) planned development site plan for Thomasville prepared by Monument Engineering Group Associates, Inc., plans revised and dated September 27, 2018
- c. City Council approval of a Final (stage II) planned development agreement site plan for Thomasville pursuant to the City's Zoning Ordinance
- d. City Council approval of a planned development agreement for Thomasville Site Condominium development
- e. Any and all conditions on the approvals of the City of South Lyon Planning Commission relating to the property and preliminary (Stage I) and final (Stage II) planned development site plans for Thomasville, as reflected in the official minutes of June 14, 2018, and documentation of such approvals including:
  1. A waiver to allow an average lot area of 5,000 square feet;
  2. A waiver to allow a minimum lot width of 50 feet;
  3. A waiver to allow an overall density of 4.3 units per acre;
  4. A waiver to allow a setback of 10 feet between buildings;
  5. A waiver to allow for rear yard setbacks of 30 feet and less than 30 feet for lots 7, 18, 20-22 as shown on the preliminary site plan and listed in CIB's September 30, 2018 review letter;
  6. The installation of landscape buffering and 6-foot vinyl fencing abutting Colonial Acres to be installed at the beginning of the project/construction;

7. Inclusion of language for a future cross access easement agreement with Colonial Acres via Lexington Drive;
8. Submission of revised building elevations and material samples to the planning commission during Final (Stage II) planned development site plan review; and
9. A 2-foot irrigated green belt between curb and sidewalk;
10. Compliance with reports, comments, requirements and recommendations by other City Departments and other agencies having jurisdiction
11. Draft condominium documents (e.g., master deed, bylaws and exhibits) to be submitted during Final (Stage II) planned development site plan review for City review and approval;

f. All applicable City Ordinances and design standards

g. All development, improvements, and use of the property being subject to and in compliance with the approved Preliminary (Stage I) and Final (Stage II) planned development site plans for Thomasville, all other applicable conditions therein as reflected in the official minutes and documentation and approvals, and the planned development agreement.

ROLL CALL VOTE:

Kennedy- Yes

Kivell- No

Parisien – Yes

Walton- Yes

Richards- No

Kurtzweil- abstain due to a conflict of interest

Pelchat- Yes

MOTION CARRIED

Councilmember Kivell stated he objects to the conflict of interest. Councilmember Kurtzweil stated she has a conflict as long as item 7 is in the motion regarding the future access easement agreement and only the client can waive the conflict, not the City or the City Attorney. Attorney Wilhelm stated he will review the ethics ordinance. He stated based on the argument provided, his understanding is she is saying she is an attorney and is representing an adjacent property owner and is declaring this influences her judgment. He further stated there is an option to refer such a question to the board of ethics. He further stated the Charter states that all Councilmembers will vote, unless excused by the City Council. He stated he would need more time for a legal opinion. The vote carried with 4 votes in favor regardless of that opinion. He stated you can direct the City Attorney for a legal opinion, or send this to the Board of Ethics. Councilmember Kivell stated he would like this to go to the Board of Ethics. Councilmember Kurtzweil stated she would prefer a legal opinion because there are no attorneys on that Board, and they don't have experience with professional conduct with respect to conflict of interest, it is a complicated issue. Attorney Wilhelm stated he would be assisting the Board of Ethics members. Councilmember Kurtzweil stated she can call the client and ask for a waiver. Attorney Wilhelm stated he doesn't think we need anything additional than the identification of the client. Councilmember Parisien stated if the situation is current, that would play a big role in this. She has no problem with this going to the Board of Ethics.

#### CM 10-7-18 MOTION TO ASK THE BOARD OF ETHICS TO REVIEW THIS MATTER

Motion by Kivell, supported by Parisien

Motion to send this issue to the Board of Ethics

VOTE:

MOTION CARRIED- 1 NO AND 1 ABSTAIN

#### 3. Second reading of lot coverage zoning amendment

Councilmember Kennedy stated this reflects the discussions we have had previously. He further stated there is potential for misinterpretation because the definition of a building is any structure either

temporary or permanent, having a roof and walls, and intended for the shelter or enclosure of persons, animals or property of any kind. He further stated if you look at the definition of impervious surfaces, the enclosed decks and sheds, should be considered buildings and they should be part of the calculation of lot coverage. Ms. McIntyre stated she has no problem removing those two items from the definition.

CM 10-8-18 MOTION TO APPROVE SECOND READING LOT COVERAGE ZONING ORDINANCE AMENDMENT

Motion by Kivell, supported by Kennedy

Motion to approve the second reading of the Ordinance to amend the City of South Lyon Code of Ordinances chapter 102- Zoning, Article VII- Supplementary District Regulations, Division 2- Height, Bulk, Density and Area by Zoning District by adding a maximum percent of lot area covered by impervious surfaces for residential districts, and adding subsections 102-457 (q) defining impervious surfaces and clarifying that residential driveways and walkways are not included in the calculation with suggested changes

VOTE: MOTION CARRIED UNANIMOUSLY

4. Resolution authorizing City Manager and/or City Attorney to sign documents and take other actions to complete the City's purchase of 501 McMunn

Attorney Wilhelm stated the closing is scheduled for tomorrow, and we want to make it clear the City Manager will be signing on behalf of the City.

Motion by Kurtzweil, supported by Walton

Motion to approve the resolution authorizing City Manager/City Attorney to sign documents and take other actions to complete the City's purchase of 501 McMunn Street, South Lyon MI 48178 as presented

VOTE: MOTION CARRIED UNANIMOUSLY

ATTORNEY BILLS

CM 10-9-18 MOTION TO APPROVE ATTORNEY BILLS

Motion by Kurtzweil, supported by Walton

Motion to approve the attorney bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Budget amendments

Ms. Mosier the City Bookkeeper stated one of the amendments was for the purchase of 501 McMunn Street, which is reflected in the Capital Improvement and Land Acquisition. The other amendment is for the equipment we received a grant for the Fire Department. She stated she spoke with Plante Moran and they suggested it needs to be shown as revenue coming in and revenue going out.

CM 10-10-18 MOTION TO APPROVE BUDGET AMENDMENTS

Motion by Walton, supported by Kurtzweil

Motion to approve budget amendments as presented

VOTE: MOTION CARRIED UNANIMOUSLY

2. Approval of DDA By-Laws Amendments



Bob Donohue stated he and the DDA Board have reviewed Public Act 197 of 1975 and have been discussing this for over a year. The DDA makes a recommendation, the appointment is currently being done by the City Manager with Council approval. We would like that changed this being a Mayoral appointment. Councilmember Parisien stated she still has questions about the process. In light of what has happened in the last couple of months with the two applicants for the one position on the DDA. The process needs to be clear and currently we have a form for all boards and commissions. If the DDA has a special process that needs to be explained on our website and on Facebook. She further stated maybe we need a separate application for the DDA Board. Mr. Donohue stated the process is the same as the other boards, but there is a number of things that need to be added to the website. Councilmember Parisien as the by-laws are currently written, it states there is someone taking minutes. Where are the minutes submitted, we need to make sure they are added to the website? Mr. Donohue stated since he has been here, the minutes are being added to the website after they are approved. Councilmember Parisien stated the entire process needs to be writing. Mr. Donohue stated we are following the statute and minutes are being taken and we are choosing to add them to the website. Councilmember Kivell asked what is the advantage for changing the person that makes the appointment. Mr. Donohue stated in his 40 years' experience, that has never been the case. The advantages are there are conflicts that could arise such as that person having a vote on the board as well as acting as a member of the DDA. Councilmember Kivell stated it is commonplace for the Mayor to be the one making the appointments, but there have been some Mayor's in the past that would have been inappropriate to make the appointment. Mr. Donohue stated with his position being the person that is the direct link to the City, he doesn't perceive that as being a conflict. He further stated it could be an awkward situation. Councilmember Kivell stated the idea that there will be temporary appointments only upon recommendation of the Board of the unexpired term only. Will Council have to appoint an interim or will that person be appointed by the DDA Board. Mr. Donohue stated the DDA Board approve, then recommend to the City Manager, then the Mayor makes the appointment. Councilmember Kivell stated we are at the brink of getting some real revenue stream, so he would like us to have solid business practices and the DDA have always been supportive of the downtown. He further stated there were a number of things in the document that action was never taken on. Mr. Donohue stated the Board will be discussing the whole document and possibly making changes. Councilmember Parisien stated she would like City Council to accept any resignations and possibly add that language to the document. Councilmember Kurtzweil stated she is not in favor of it changing from the City Manager to the Mayor. She stated some of the Mayors in the past haven't been that interested in moving the downtown forward. She further stated they may have put people on the DDA that would have accepted in complacency. She stated when you have the City Manager making the appointments, you have someone who is here 5 days a week and far more committed to moving the downtown forward. She further stated the City Manager would be far more committed and they know the personalities and are more in tune with the personalities and the issues the DDA face. Councilmember Kurtzweil said it is only fitting for the City Manager to appoint the DDA board members. She stated she would hesitate due to looking back at some of our past Mayors. Councilmember Parisien stated she is indifferent on who makes the appointment, but the Mayors have lived in the City for many years, he knows the personalities, the community and business owners. There is value for the Mayor to make the appointments. City Manager Zelenak stated the Public Act 197 of 1975 states the Chief Executive Officer which can be the Mayor or City Manager. He stated section 4 in the City's Charter states the Chief Executive Officer is the Mayor and he would suggest that change based on that specific language. He further stated if Council has a representative on the Board, and if the Manager is making the appointment, because he also has a vote, Mr. Donohue was suggesting that he may influence a vote because they could take his vote as a recommendation because he appoints them. Councilmember Kurtzweil stated the justification is to allow consistency with our Charter. Mr. Zelenak stated in the majority of communities he has worked for it has been the Mayor making the appointments. Councilmember Kivell stated it is pertinent that the Mayor makes the appointment because the Mayor will be the one that has relationships with the businesses in the downtown. The City Manager is already on the DDA Board, he is representing the City in our best interest.

CM 10-11-18 MOTION TO APPROVE DDA BY-LAWS

Motion by Kivell, supported by Parisien

Motion to approve the proposed amendments to the DDA By-laws as identified: Section 3 Board of Trustees, Items A & D; and section 4 Officers, Items H & I, as unanimously approved and recommended by the DDA on July 12, 2018 with the specific text changes as attached

VOTE: MOTION CARRIED UNANIMOUSLY

3. Revised road closure and event hours for Brotoberfest

Mr. Donohue stated the time for the Michigan and Michigan State game has changed, therefore we are asking for a time extension, even though today they announced they moved it back to Noon, we are confident with the setup of the television at KV Sports so to honor them as a sponsor, he would like to amend the time and the road closures.

CM 10-12-18 MOTION TO APPROVE THE REVISED TIME AND ROAD CLOSURES

Motion by Kurtzweil, supported by Walton

Motion to revise the road closure of E Lake Street from Lafayette to Wells Street to 12 Noon – 11:30 p.m. and the event time to 5-10:00 p.m. on October 20, 2018

VOTE: MOTION CARRIED UNANIMOUSLY

4. Acceptance of Firehouse Subs Safety Foundation grant for Lucas 3 chest compression device

Councilmember Kennedy stated he wants the residents to know Chief Vogel worked diligently with Lori to identify the particular source and he completed the paperwork and he saw it through to completion. He then thanked Chief Vogel for doing so. He further stated he has spoken with some of our Firefighters and they are looking forward to having this piece of equipment on their truck.

CM 10-13-18 MOTION TO APPROVE GRANT FROM FIREHOUSE SUBS SAFETY FOUNDATION

Motion by Kurtzweil, supported by Walton

Motion to approve the grant from Firehouse Subs Safety Foundation

VOTE: MOTION CARRIED UNANIMOUSLY

5. Sale of 2005 Ford Excursion by Fire Department

CM 10-14-18 MOTION TO APPROVE THE SALE OF 2005 FORD EXCURSION

Motion by Kurtzweil, supported by Walton

Motion to approve the sale of the 2005 Ford Excursion to August Township FD for \$3,500.00

VOTE: MOTION CARRIED UNANIMOUSLY

6. South Lyon Educational Foundation Charitable Gaming License

City Manager Zelenak stated the South Lyon Foundation is a non-profit group established to benefit South Lyon Community Schools by promoting the educational mission of the South Lyon Community and they are attempting to get a charitable gaming license, which means they must be recognized as a non-profit organization by the City Council.

CM 10-15-18 MOTION TO RECOGNIZE SOUTH LYON EDUCATIONAL FOUNDATION AS A NON-PROFIT

Motion by Kurtzweil, supported by Walton

VOTE: MOTION CARRIED UNANIMOUSLY

7. Approval of Settlement agreement in Joyce Clohosey v. City of South Lyon, MDCR Charge Nos. 486152, 486550, and EEOC Charge No. R23A-2018-10195C

Attorney Wilhelm stated the City's outside counsel negotiated a settlement agreement with Ms. Clohosey.

CM 10-16-18 MOTION TO APPROVE SETTLEMENT AGREEMENT IN JOYCE CLOHOSEY V CITY OF SOUTH LYON

Motion by Kurtzweil, supported by Walton

Motion to approve the Settlement Agreement in Joyce Clohosey v City of South Lyon, MDCR Charge Nos. 486152, 486550, and EEOC Charge No. R23A-2018-10195C

VOTE: MOTION CARRIED UNANIMOUSLY

Mayor Pelchat read a statement for the record on behalf of City Council. He stated during the selection process of January 18, 2018 Councilmember Carl Richards asked an inappropriate question to Joyce Clohosey that should not have been asked.

BUDGET

Councilmember Kurtzweil stated she read some of the memorandum from Plante Moran, it was very informative. Unfortunately, there continues to be problems with the budget process. There are issues that still need to be dealt with. A lot of people worked really hard to get this budget done. This isn't an easy process for the City. She further stated she didn't see a corrective action letter from the State saying the City is exceeding revenues, so she is hoping we corrected that this year. Councilmember Kurtzweil reminded everyone of the legacy costs, and she said Plante Moran was complimentary to the City because the City is well aware of the legacy liability including closing the defined benefit plan for new employees. She stated we do still have a lot of work to do with issues of unfunded liabilities and legacy costs. She stated she hopes everyone can keep this in the forefront.

MANAGER'S REPORT

City Manager Zelenak stated he provided information Council may have provided at prior meetings. He stated he will be working with Council to decide what information they would like to see in their weekly reports. He stated he will be meeting with the MMRMA next week and will bring that information back to Council. City Manager Zelenak stated he attended Pumpkinfest and it is a great event for the community, he was also able to meet many business owners. City Manager Zelenak stated Comcast is working in various locations in the City, and the work they are doing in easements or in the City of right-of-way. He stated we want to make sure they are working safely to ensure not gas line or water lines are damaged. He is staying in contact with their representatives. He then asked residents to try to be patient. City Manager Zelenak stated he was able to meet with employees and department heads within the last week and they were very beneficial. He stated he will be reviewing staffing levels and he will be making a recommendation to Council shortly on how we should proceed with the Superintendent position and the planning position. City Manager Zelenak stated there is a ballot proposal coming and we are reviewing our ordinances to see if anything needs to be changed or if new ordinances are necessary. City Manager Zelenak stated he received the building report on 318 W Lake. He stated we will be bringing this to Council at a meeting in the future. It identifies expenditures for improvements, do we sell the building, or keep it for a commercial use, residential use, or demolish it. He then asked Council to review the information he supplied to them.

Councilmember Kurtzweil stated she would like to discuss with him the pay that was given to the planning administrator and the hurt feelings that were involved.

PUBLIC COMMENT

Robert Vogel of Brighton Michigan stated he spoke with Councilmember Kennedy at the Blues, Brews and Brats event and he is very happy they were able to get the grant and he also thanked Lori Mosier and Patricia Tiernan, Chief Collins and Councilmember Kennedy for their assistance.

### COUNCIL COMMENTS

Councilmember Kennedy stated he would like to welcome Paul Zelenak to our city and wish him the very best as he helps to move South Lyon forward over the coming years.

He then thanked Chief Collins for shouldering the responsibilities of Police Chief and City Manager over the past nine months and helping to keep the city moving in the right direction by addressing the requirements for both positions.

Councilmember Kennedy then thanked the South Lyon Police and Fire Departments for their support during Pumpkinfest as they diligently worked to ensure the safety of all the residents, visitors and participants in this great event.

Councilmember Kennedy thanked Melissa Baker, the Superintendent of South Lyon Community Schools for supporting the SEMCOG campaign for safe walking, biking and driving by posting the literature throughout the schools in our school system and distributing the SEMCOG materials to the South Lyon students.

Councilmember Kennedy recognized Kathy Merucci from the Salem-South Lyon District Library who will be distributing the literature and materials to the parents and children attending the Howl-o-Ween Under the Moon event at the library on Wednesday, October 24 at 6:00pm.

He then thanked South Lyon Cable Commission and to Rich, Stephen and Amber for their help in airing the SEMCOG public service announcements on our local cable channel.

Councilmember Kennedy congratulated Doug and Deb Cook, and all the other folks who helped with the Lake Street Cruise-in, for putting on such a successful event this year in downtown South Lyon. I can't wait to see what they'll bring to our city next year, especially the second annual Motorfest. So, thanks again and congratulations.

Councilmember Richards stated he wanted to thank Normar for removing the dangerous trees in town. They have been working on Liberty Street 5 times this year and that saves us from injury and damage.

Councilmember Richards stated the Children's Free Library has been decorated and children and many older adults have been visiting it.

Councilmember Richards stated he would like to give kudos to Jeff Heinanen, the project coordinator. He has been taking pictures of it, and Herb Stryker is going to make some iron works, similar to the Hotel, but it may not be completed until next year, but the Christmas tree will be in place for Cool Yule.

Councilmember Richards stated Pumpkinfest was a great weekend, he watched the whole parade.

Councilmember Richards stated for people that are concerned about poison ivy, at this time of year, one of the varieties on the ground turn red with brown on rims, the climbing variety turn yellow, and the intermediate variety turn red and brown. It is easy to pick out. Everyone should be careful on the bike path.

Councilmember Richards stated he is happy City Manager Zelenak is here and he looks forward to working with him.

Councilmember Richards stated he visited 501 McMunn. It was clean and the tenants are gone, but the smell is not. He went through the house and they will have to get Normar out, we have a lot of dead trees on that lot.

Councilmember Richards stated on 135 Lake Street, he wants everyone to know he has been working with them to clean out the building. They are focusing on South Lyon first, they are dealing with 84 properties.

Councilmember Parisien welcomed Paul as the new City Manager. She thanked Chief Collins for filling and handling both roles.

Councilmember Parisien stated the downtown trick or treating is the 25<sup>th</sup> of October between 6-8p.m.

Councilmember Parisien stated there is also an event at the depot on October 16<sup>th</sup> at 7:00 p.m. It is the history of the Chesapeake and the Ohio Railroad in Southeast Michigan. If anyone is a history buff, it sounds interesting. Everyone should visit the historical depot in town. Councilmember Parisien stated Pumpkinfest gets better each year and she thanked all the volunteers, staff and everyone that showed up to make that event happen. Councilmember Parisien then reminded everyone to volunteer for our boards and commissions.

Councilmember Walton stated she wanted to welcome the new City Manager and she is looking forward to working with him.

Councilmember Kivell thanked Chief Collins for getting the City through a tough patch and he is grateful for his backbone while having to deal with some of the nonsense he had to deal with. He further stated he showed more leadership than that office has had in many years. Councilmember Kivell stated Pumpkinfest was terrific and Saturday was ideal with the weather. Councilmember Kivell stated we discussed the paint on the water tower and it is unfortunate it doesn't translate well to a long sightline. He stated he would like Council to have a discussion in possibly having Dixon paint over the lettering in black and how much that would cost. That will stand out more than the current paint color. That paint job will last 20 years, and we need to use every available vehicle to let spread our City's name to everyone.

Councilmember Kurtzweil stated an employee raised this issue to her. It is a very important statute that pertains to public employees in municipalities and it was Jim Runestad. He is a well-known state legislature and an ally of hers. He has been fighting public corruption for years. The statute is called the public employee retirement benefits forfeiture act. This was enacted because public employees that were convicted of felonies and breached the trust of the public was able to keep their publicly funded retirement. She stated she would like this information added to the minutes. She stated there is a Dearborn Police Officer that was ticket fixing and pled guilty and was convicted but he is still receiving his pension. Councilmember Kurtzweil stated the statute is self-explanatory and it does state any member that enters a plea for a felony arising out of his or her service and breach the public trust, must have their rights to an otherwise vested retirement benefit and all accumulated employer contributions, including earnings on the employer contributions, standing so that that individual's credit in the retirement system forfeited as provided in this act. She stated recently there was an individual that was convicted of this in September and she learned the person embezzled around \$90,000 and he was not aware of this act. She stated not that we have not had any problems with our employees, but she wants to ensure all the employees know that their pensions will be at risk should there be a felony that breaches public trust. She then thanked Jim Runstead who is an ally of hers and for fighting public corruption as she has been doing for 10 years. She stated Jim was able to meet with Larry Ledbetter at the Historical Depot and they have a common passion for historic preservation. Jim Runstead will be working hard and hopefully he will be able to secure grant monies. He and Larry Ledbetter spoke about grants and she she then thanked Larry Ledbetter for networking for the City and for taking the time to meet with Jim Runstead.

Councilmember Kurtzweil stated she wanted to remind everyone that John Hogan will be holding his financial seminar at the South Lyon Library, October 23<sup>rd</sup> at 6:30, titled Five Ways to Make Banking Easy, and if anyone needs anything notarized, please come before the meeting and he will be happy to help you. She stated she wanted to thank Great Lakes Ace Hardware for a discount ticket for the Home Show and say hello to Jenny, she has been there for about 15 years, and she doesn't discriminate between the new residents versus old residents.

Councilmember Kurtzweil thanked Diane from Diane's Doll House for the plant she received that is called a pumpkin tree. It is an annual that has a fruit on it that looks like pumpkins. She further stated you can always visit Diane's Doll House to find a unique gift.

Councilmember Kurtzweil welcomed City Manager Zelenak and stated that there have been a lot of bridges burned around the county that needs to be mended and she thinks he is the person to correct that. She then stated as several employees have told him, he is like a breath of fresh air. Everyone is excited to have him here and she knows he will be a success and she is happy he is here.

Mayor Pelchat stated he wanted to remind everyone on Wednesday October 10<sup>th</sup> from 2:00 – 2:45 the South Lyon Water Department is hosting a seminar here at City Hall regarding Drinking Water and Wells.

Mayor Pelchat thanked the South Lyon Police Department and Chief Collins for a great ride in the front of the parade during Pumpkinfest. He then thanked everyone that helped out with Pumpkinfest. He further stated everyone is always saying how great our first responders are. Mayor Pelchat stated week 9 of the High School season is coming up and South Lyon and South Lyon East will be playing a week from this Friday. Both teams are having a great year and the kids and the atmosphere are always great.

ADJOURNMENT

Motion by Kurtzweil, supported by Walton

Motion to adjourn the meeting at 9:50 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

\_\_\_\_\_  
Mayor Dan Pelchat

\_\_\_\_\_  
City Clerk Lisa Deaton

## Ex-public employees steal from taxpayers, then enjoy public pensions

BY: Ross Jones

POSTED: 6:55 PM, Jun 3, 2014

UPDATED: 2:27 PM, Jun 9, 2017

Share Article

(WXYZ) DETROIT - Throughout Michigan, ex-public employees convicted of stealing from taxpayers are collecting pensions from the same communities they robbed, according to a 7 Action News investigation.

The lengthy list of those cashing-in includes former elected officials, police officers, school officials and more.

In 2006, ex-Detroit City Council Member Lonnie Bates was found guilty of fraud after putting family and friends on the city payroll, even though they didn't show up to work. A judge called his conduct "disgraceful" and sentenced him to 33 months behind bars.

Today, Bates collects a \$24,392 yearly pension from the same city he stole from. Since his indictment, he's taken in more than \$325,000 from Detroit General Retirement System.

25% of his pension is garnished to go towards his court-ordered restitution.

In 2010, former Detroit Police Officer Robert Gibson was charged with embezzling nearly \$100,000 from Detroit Public Schools, all to make his Farmington Hills home "state of the art." Wayne County Prosecutors said he used the funds to buy granite counter tops, an entertainment system and a deck.

"This is stealing from children, the worst of the worst kind of theft," said Wayne County Prosecutor Kym Worthy at the time.

Gibson was sentenced to a year in prison. When he got out, his pension was waiting for him.

Former district secretary Geraldine Ellington pled guilty in 2010 after being accused of embezzling nearly \$45,000 in overtime. Her yearly pension is \$19,956.

In 2001, former Henry Ford High School principal Elijah Porter embezzled more than \$30,000 to buy clothing, jewelry and send his son abroad, according to prosecutors. He pled guilty and now collects an annual pension of \$61,740.

In Macomb County, retirement has been good to John Gardiner. The former East Detroit Superintendent was found guilty of accepting bribes that cost the district at least \$800,000. He's made almost that much in retirement: more than \$725,000.

In 2002, former Detroit Police Sgt. Walter Bates was convicted of hatching a scheme to rob 13 banks. If he lives to be 78, he'll collect more than \$500,000 in retirement.

George Orzech is a longtime pension fund trustee. Today, he's the chairman of the Detroit Police and Fire Retirement System, and while he may not like what some of his convicted pensioners did, he says they're still entitled to a comfortable retirement.

"We don't grant a pension on people's moral characters or people's histories," Orzech said.

"If you use your public position to break the law, should you be rewarded with a public pension?" asked Channel 7's Ross Jones.

"Well, if you use your position to break the law, you're going to lose your salary," Orzech said. "But if you already qualify, somehow, if you already qualified for a pension before you broke the law, the work that you've done before is to be negated? That's a pretty harsh penalty."

In Michigan, only a judge has the right to forfeit someone's public pension, and only if they used their job to commit a crime. But it doesn't happen often. Some, like Dearborn Mayor Jack O'Reilly, wish that changed.

One of his former officers, Alex Ramirez, orchestrated an elaborate, years-long ticket-fixing scheme where he convinced drivers to pay him hundreds of dollars under the table to make their tickets go away. He pled guilty in 2009, giving up his badge and gun, but keeping his pension. The checks are still rolling in at more than \$2,600 a month.

"I think the average citizen would think there's probably something wrong with that," O'Reilly said. "I just think, what message are we sending?"

Ramirez's plea deal helped him avoid any jail time. If he lives another 30 years, his pension will make him \$938,160.

"Punishment is supposed to change behavior," O'Reilly said.

"And it's not only to change behavior in the person that committed the crime itself, but it's to remind everyone else who might be thinking about committing a crime that there's consequence."

**Contact 7 Investigator Ross Jones at [rjones@wxyz.com](mailto:rjones@wxyz.com) or at (248) 827-9466.**



**PUBLIC EMPLOYEE RETIREMENT BENEFITS FORFEITURE ACT**  
**Act 350 of 1994**

AN ACT to provide for the forfeiture of retirement benefits by public employees under certain circumstances; to prescribe the powers and duties of certain retirement systems, state departments, courts, public officials, and public employees; and to prescribe penalties and provide remedies.

**History:** 1994, Act 350, Eff. Mar. 30, 1995.

*The People of the State of Michigan enact:*

**38.2701 Short title.**

Sec. 1. This act shall be known and may be cited as the "public employee retirement benefits forfeiture act".

**History:** 1994, Act 350, Eff. Mar. 30, 1995.

**38.2702 Definitions.**

Sec. 2. As used in this act:

(a) "Felony arising out of his or her service as a public employee" means 1 or more of the following:

(i) A felony resulting from the misuse of public funds.

(ii) A felony resulting from the receipt of a bribe or other financial benefit in that individual's capacity as a public employee.

(b) "Member" means a member, vested former member, deferred member, or participant of a retirement system.

(c) "Retirant" means an individual who has retired with a retirement benefit payable from a retirement system.

(d) "Retirement benefit" means an annuity, a retirement allowance, a pension, a benefit from employer contributions to a defined contribution plan, an optional benefit, a postretirement benefit, and any other right accrued or accruing to a member under a retirement system. Retirement benefit does not include health benefits provided to a retirant or his or her beneficiaries by a retirement system.

(e) "Retirement system" means a public employee retirement system established by this state or a political subdivision of this state.

**History:** 1994, Act 350, Eff. Mar. 30, 1995;— Am. 1996, Act 467, Imd. Eff. Dec. 26, 1996;— Am. 2017, Act 43, Eff. Sept. 5, 2017.

**38.2703 Forfeiture of retirement rights.**

Sec. 3. A member or retirant who, before the effective date of the amendatory act that added section 4a, is convicted of or enters a nolo contendere plea accepted by a court for a felony arising out of his or her service as a public employee is considered to have breached the public trust and may have his or her rights to an otherwise vested retirement benefit and all accumulated employer contributions, including earnings on the employer contributions, standing to that individual's credit in the retirement system forfeited as provided in this act. A member or retirant who, on or after the effective date of the amendatory act that added section 4a, is convicted of or enters a nolo contendere plea accepted by a court for a felony arising out of his or her service as a public employee is considered to have breached the public trust and must have his or her rights to an otherwise vested retirement benefit and all accumulated employer contributions, including earnings on the employer contributions, standing to that individual's credit in the retirement system forfeited as provided in this act. This act applies only to the retirement system of which the individual was a member or retirant at the time the felony was committed and only to the retirement system established by the entity affected by the felony.

**History:** 1994, Act 350, Eff. Mar. 30, 1995;— Am. 2017, Act 43, Eff. Sept. 5, 2017.

**38.2704 Court; forfeiture order; contents; delivery to retirement system.**

Sec. 4. (1) If a member or retirant, before the effective date of the amendatory act that added section 4a, is convicted of or enters a nolo contendere plea accepted by the court for a felony arising out of his or her service as a public employee, the court may order forfeiture as provided in this section. If a member or retirant, on or after the effective date of the amendatory act that added section 4a, is convicted of or enters a nolo contendere plea accepted by the court for a felony arising out of his or her service as a public employee, the court must order forfeiture as provided in this section. If a court orders forfeiture under this section, the court shall determine the extent to which a forfeiture under this act affects the vested status of the member or retirant under the terms of the retirement system. An order under this section must contain all of the

following, as applicable:

(a) The portion of the member's or retirant's retirement benefit under a retirement system established by that individual's employer at the time the act or acts that resulted in the felony were committed that accrued to the member or retirant on or after the date the first act that resulted in the felony was committed is forfeited.

(b) The member's or retirant's accumulated contributions standing to that individual's credit in the individual account established for that purpose in the retirement system must be refunded to the member or retirant.

(c) Except for a retirement benefit that is a benefit from employer contributions to a defined contribution plan forfeited under subdivision (a), the retirement system shall pay to an individual, if any, who would otherwise be a beneficiary of the member or retirant whose retirement benefit is being forfeited under this act an actuarially equivalent monthly retirement allowance at the age the member or retirant would have become eligible for unreduced retirement benefits under that retirement system.

(d) The retirement system shall provide hospitalization and medical coverage insurance to the member or retirant whose retirement benefit is being forfeited under this act and to his or her beneficiaries in the same manner and under the same restrictions as is provided to other retirants and beneficiaries of that retirement system.

(2) If a court enters an order described in subsection (1), the clerk of the court shall deliver the order to the retirement system.

**History:** 1994, Act 350, Eff. Mar. 30, 1995;— Am. 1996, Act 467, Imd. Eff. Dec. 26, 1996;— Am. 2017, Act 43, Eff. Sept. 5, 2017.

### **38.2704a Freezing of retirement benefit; court order; delivery to retirement system; "prosecuting agency" defined.**

Sec. 4a. (1) A retirement benefit subject to forfeiture under this act may be frozen pursuant to a freezing order issued by the court on a showing of probable cause that the retirement benefit is subject to forfeiture.

(2) On an ex parte application by the prosecuting agency, the court may determine ex parte whether there is probable cause to believe that a member's or retirant's retirement benefit is subject to forfeiture under this act and that notice to the member or retirant before a freezing of the retirement benefit would cause the loss of the retirement benefit subject to forfeiture under this act. If the court finds that there is probable cause to believe that the retirement benefit is subject to forfeiture and to believe that prior notice would cause loss of the retirement benefit, the court shall issue a freezing order freezing the retirement benefit.

(3) If a court enters a freezing order under this section, the clerk of the court shall deliver the freezing order to the retirement system.

(4) As used in this section, "prosecuting agency" means the attorney general of this state, or his or her designee, or the prosecuting attorney of a county, or his or her designee.

**History:** Add. 2017, Act 43, Eff. Sept. 5, 2017.

### **38.2705 Retirement system; compliance with court order.**

Sec. 5. (1) The retirement system shall comply with an order of the court described in section 4 or 4a. The retirement system shall not pay to a member or retirant whose retirement benefit is forfeited or frozen under this act any retirement benefits on or after the day the governing body of the retirement system receives the order of the court under section 4 or 4a.

(2) A retirement system shall comply with any subsequent orders of a court based on an appeal of an order previously submitted to the retirement system under this act.

(3) A retirement system that complies with a court order under this act is released and discharged from any liability pertaining to retirement benefits arising on account of the former member's or retirant's service to the employer on receipt of the order of the court under section 4.

**History:** 1994, Act 350, Eff. Mar. 30, 1995;— Am. 1996, Act 467, Imd. Eff. Dec. 26, 1996;— Am. 2017, Act 43, Eff. Sept. 5, 2017.

# **AGENDA NOTE**

**Public Hearing for CDBG 2019 Allocation**

**MEETING DATE:** October 22, 2018

**PERSON PLACING ITEM ON AGENDA:** City Manager

**AGENDA TOPIC:** Public Hearing for 2019 CDBG Application

**EXPLANATION OF TOPIC:** The City of South Lyon will be making our annual application for CDBG Funds. The allocation for the City of South Lyon will be \$37,836. As part of that application process the City must hold a Public Hearing to hear public comments on the CDBG Program Year 2019 Application. In past years the City allocated funds to support Center for Active Adults and HAVEN. On October 11, 2018, the City of South Lyon published in the local paper the Notice of Public Hearing for Community Development Block Grant Funds. Tonights action will be to: Clearly show an opening and closing of the Public Hearing. Take comments from the public only. We will bring back the completed application for approval at our November 26, 2018 meeting.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

South Lyon Area-Wide Benefit Map  
City of South Lyon – Notice of Public Hearing  
2019 Planning Allocations

**POSSIBLE COURSES OF ACTION:** Only to hold the Public Hearing as required

**RECOMMENDATION:** Hold Public Hearing

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by  
\_\_\_\_\_



OAKLAND COUNTY  
COMMUNITY & HOME IMPROVEMENT

Oakland Pointe  
250 Elizabeth Lake Road, Ste. 1900  
Pontiac, MI 48341-0414  
248.858.0493  
www.oakgov.com/chi



Area-Wide Benefit Map

City of South Lyon

- County Border
- Community Boundary (Highlighted)
- Community Boundary (Adjacent)
- Census Tract 2010
- Eligible Area-Wide Benefit Block Groups
- Non-Eligible Block Groups

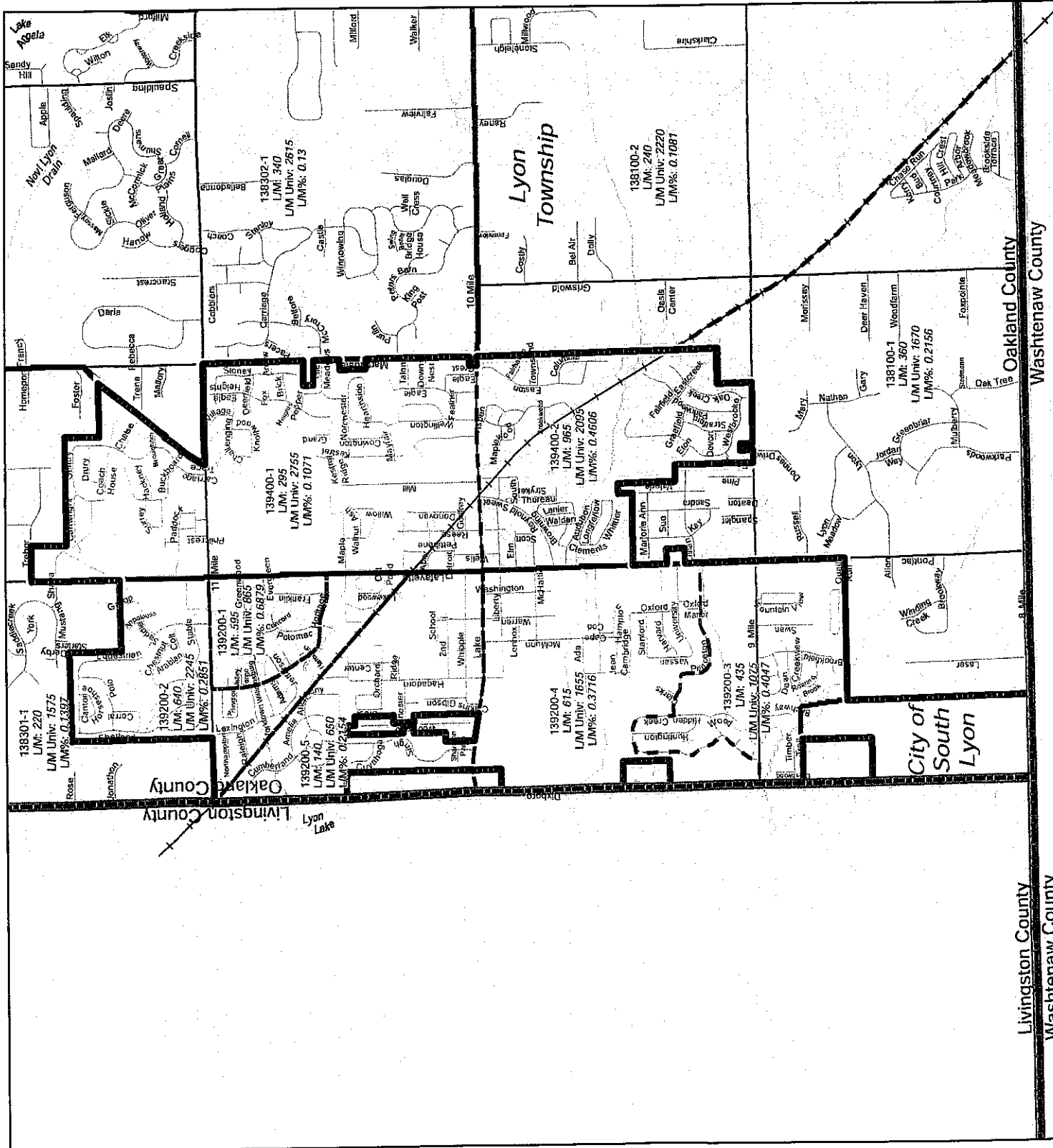
- Interstate
- US
- State
- Major
- Minor
- Railroad
- Waterbodies



1 in = 0.48 miles

This Census Block Group map reflects 2014  
LMI data from the U.S. Department of  
Housing and Urban Development.

Map Created On: 9/5/2014



**City of South Lyon**  
**Notice of Public Hearing**  
**Community Development Block Grant Funds**

NOTICE IS HEREBY GIVEN that the City of South Lyon will hold a public hearing on the use of Community Development Block Grant Funds. The Hearing will be held on Monday October 22, 2018 at 7:30 pm at the South Lyon City Hall 335 S Warren Street, South Lyon, Michigan 48178 for the purpose of hearing public comments on the Community Development Block Grant (CDBG) Program Year 2019 application to fund eligible projects. All interested citizens are requested to attend the Hearing. Comments will also be received in writing or in person at City Hall until Monday October 22, 2018 at 5:00 pm. arrangements to reasonably accommodate special needs, including handicap accessibility or interpreter, will be made upon receiving 72-hour advance notice. Contact Lisa Deaton City Clerk/Treasurer at (248) 437-1735 at City Hall for special services.

Lisa Deaton, City Clerk/Treasurer

# **PY 2019 PLANNING ALLOCATIONS**

Oakland County does not have information on exact CDBG funding levels for Program Year (PY) 2019. **Use the final award figure from PY 2018 to compile your application.** Once exact amounts are available necessary adjustments will be made.

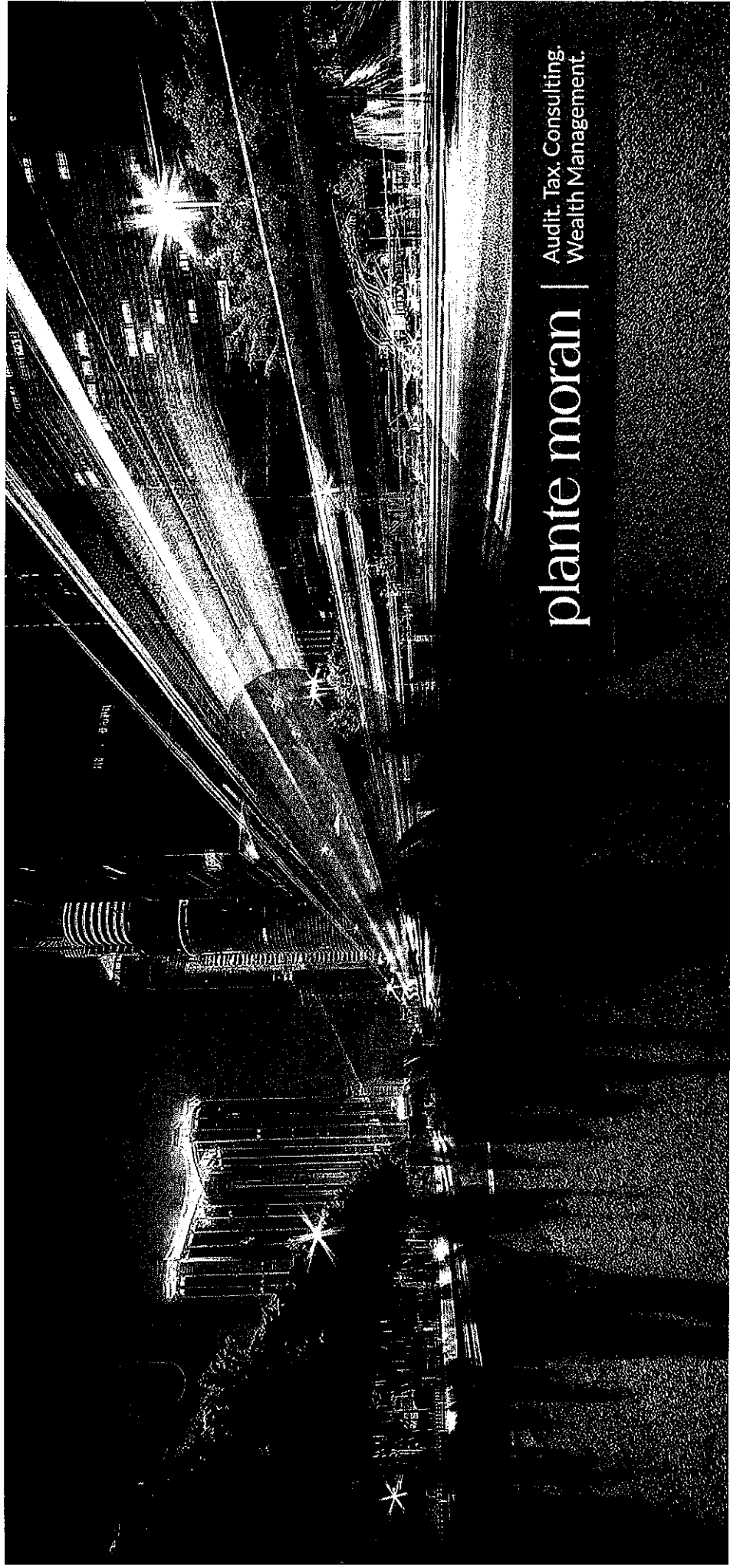
City	Planning Allocation	Monitor	City	Planning Allocation	Monitor
Auburn Hills	\$74,669	Janeczek	Northville*	\$7,000	Spradlin
Berkley	\$33,419	Janeczek	Novi	\$106,207	Spradlin
Birmingham	\$33,621	Janeczek	Oak Park	\$118,325	Pucher
Bloomfield Hills*	\$7,000	Janeczek	Orchard Lake Vlg*	\$7,000	Rieth
Clarkston*	\$7,000	Janeczek	Pleasant Ridge*	\$7,000	Rieth
Clawson	\$33,527	Tierney	Pontiac	\$802,368	Pucher
Farmington	\$23,677	Spradlin	Rochester	\$25,466	Spradlin
Ferndale	\$78,943	Rieth	Rochester Hills	\$156,140	Spradlin
Hazel Park	\$84,726	Tierney	South Lyon	\$37,836	Pucher
Huntington Woods	\$9,650	Rieth	Sylvan Lake*	\$7,000	Tierney
Keego Harbor	\$12,533	Janeczek	Troy	\$150,117	Spradlin
Lathrup Village	\$7,137	Tierney	Walled Lake	\$26,453	Rieth
Madison Heights	\$115,589	Rieth	Wixom	\$42,343	Rieth

Township	Planning Allocation	Monitor	Township	Planning Allocation	Monitor
Addison	\$8,445	Pucher	Milford	\$22,533	Janeczek
Bloomfield	\$69,933	Janeczek	Oakland	\$25,540	Spradlin
Brandon	\$34,443	Spradlin	Orion	\$80,920	Spradlin
Commerce	\$75,662	Spradlin	Oxford	\$39,423	Janeczek
Groveland	\$14,893	Spradlin	Rose	\$14,177	Pucher
Highland	\$45,293	Janeczek	Royal Oak	\$16,841	Pucher
Holly	\$15,954	Spradlin	Springfield	\$30,973	Pucher
Independence	\$81,119	Janeczek	West Bloomfield	\$112,327	Janeczek
Lyon	\$32,227	Pucher	White Lake	\$71,193	Pucher

Village	Planning Allocation	Monitor	Village	Planning Allocation	Monitor
Beverly Hills	\$15,139	Janeczek	Milford	\$14,759	Janeczek
Franklin*	\$7,000	Janeczek	Ortonville*	\$7,000	Spradlin
Holly	\$23,220	Spradlin	Oxford	\$10,816	Janeczek
Lake Orion	\$9,881	Spradlin	Wolverine Lk	\$8,591	Spradlin
Leonard*	\$7,000	Pucher			

## **COMMUNITY & HOME IMPROVEMENT STAFF SPECIALTY AREAS**

Staff	Phone	Specialty Areas
<b>Carla Spradlin</b> Grant Compliance & Program Coordinator	<b>858-5312</b>	CDBG Application, Eligibility, Reprogramming, SHPO, Consolidated Plan, Annual Action Plan, CAPER
<b>Mike Pucher</b> Contract Compliance Supervisor	<b>858-0196</b>	Reimbursement, Minor Home Repair, Contracts, Procurement, Davis Bacon, Demolition
<b>Cherri Janeczek</b> Senior CHI Specialist	<b>858-1191</b>	Environmental Review, Reimbursement, Minor Home Repair, Contracts, Procurement, Davis Bacon
<b>Katie Tierney</b> CHI Coordinator	<b>858-5309</b>	Reimbursement, Minor Home Repair, Contracts, Procurement



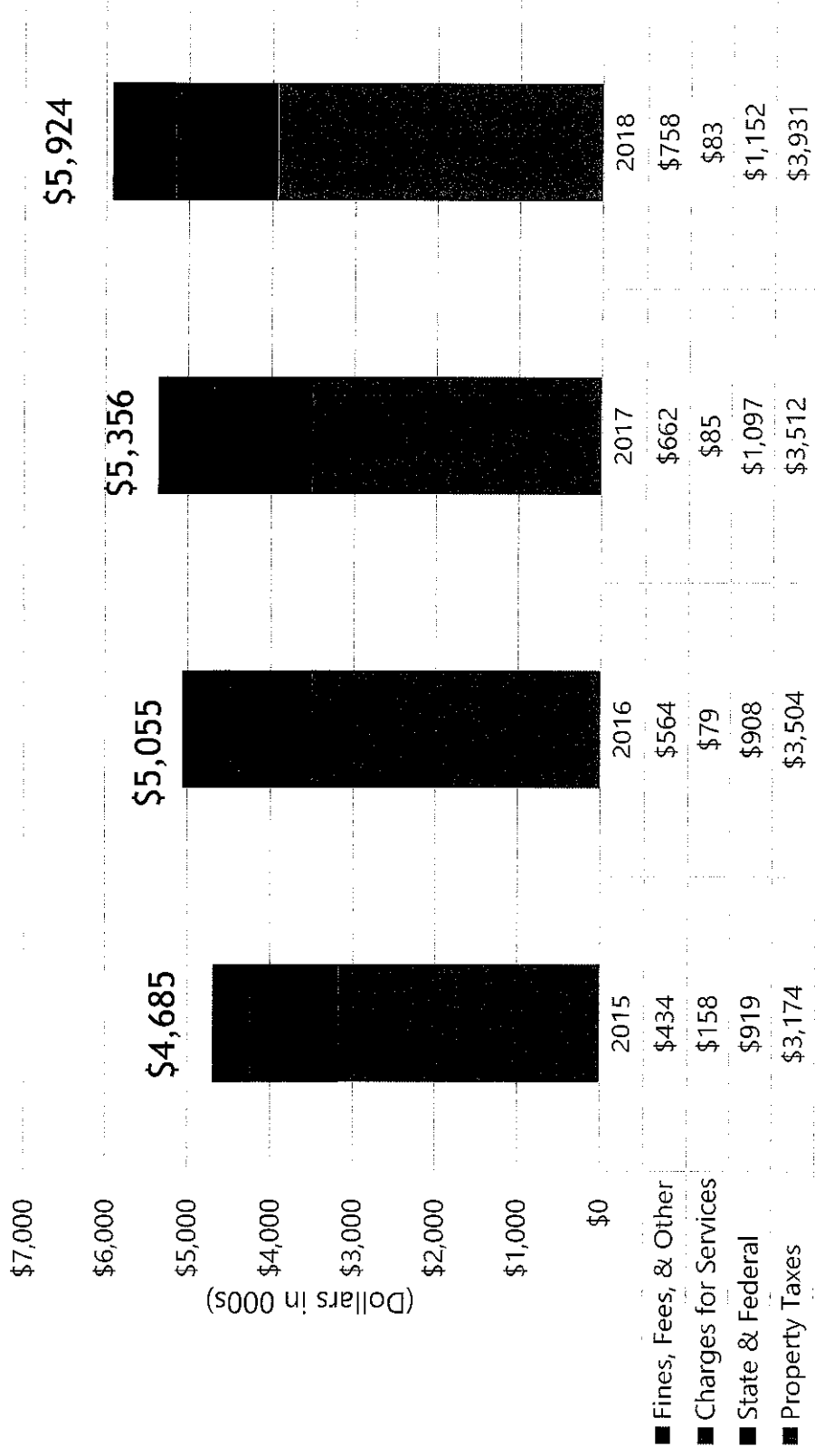
plante moran | Audit. Tax. Consulting.  
Wealth Management.

# City of South Lyon Audit Presentation to the City Council

For Year Ended June 30, 2018



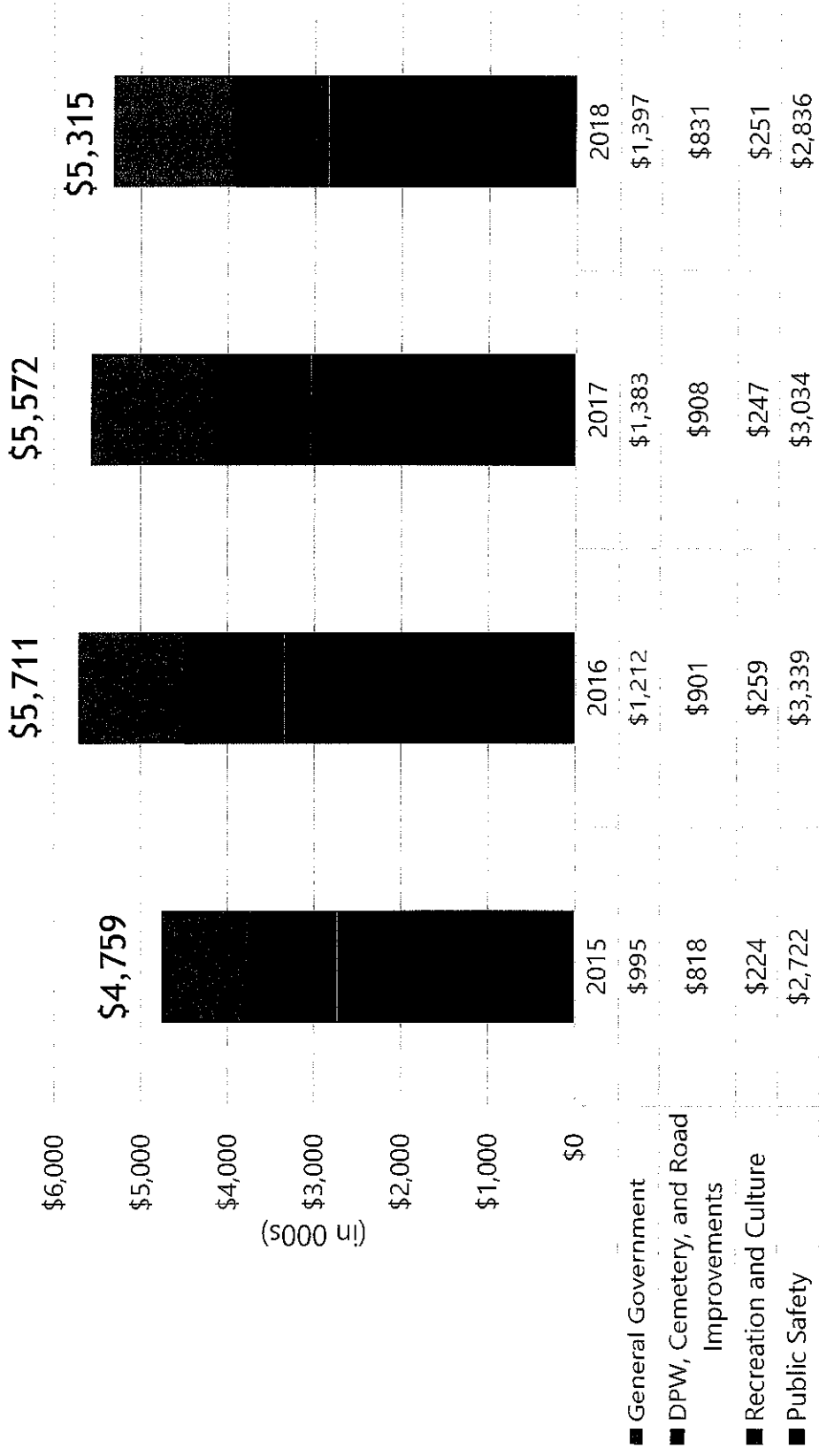
# City of South Lyon General Fund - Revenue Years Ended June 30





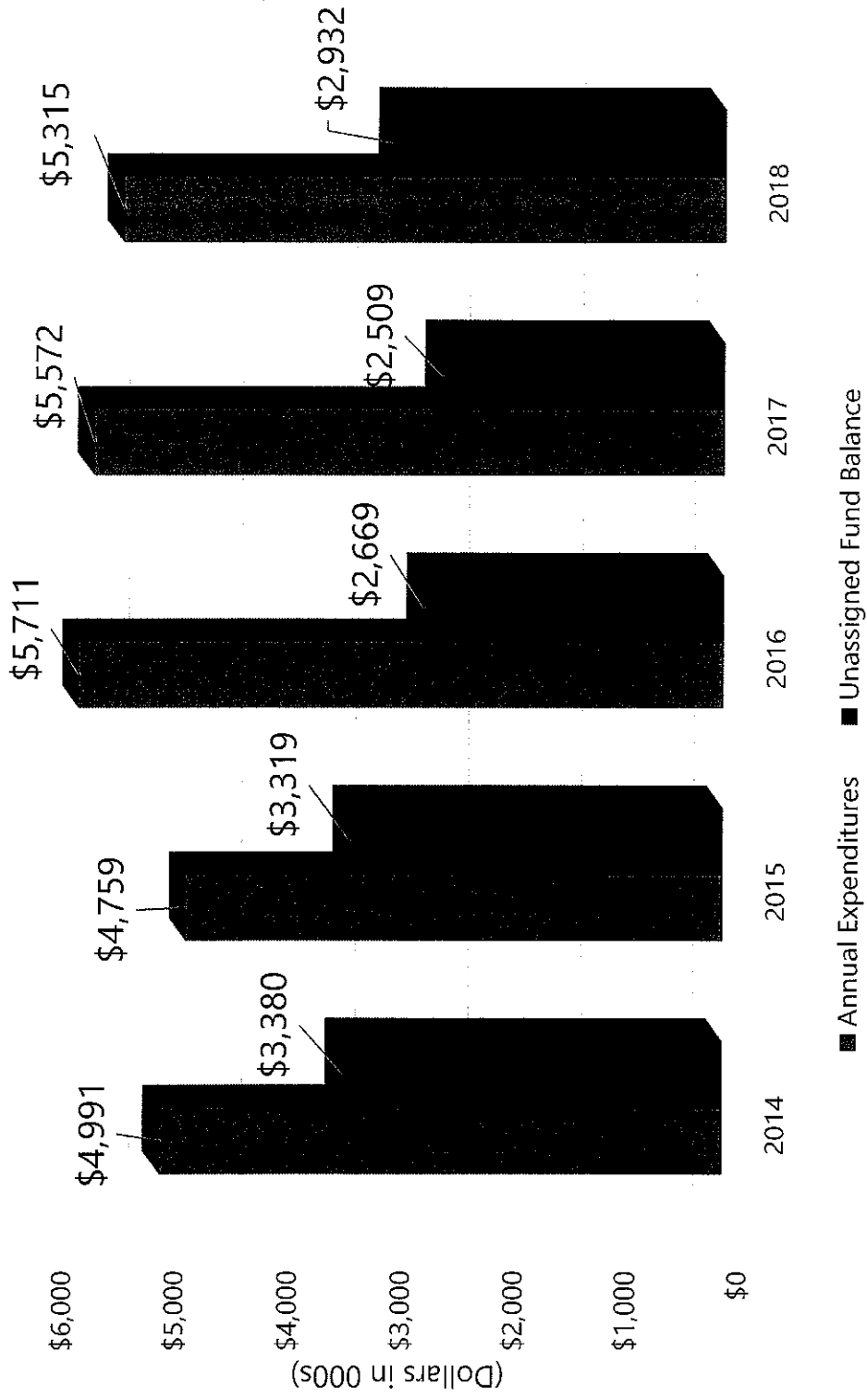


# City of South Lyon General Fund – Expenditures Years Ended June 30



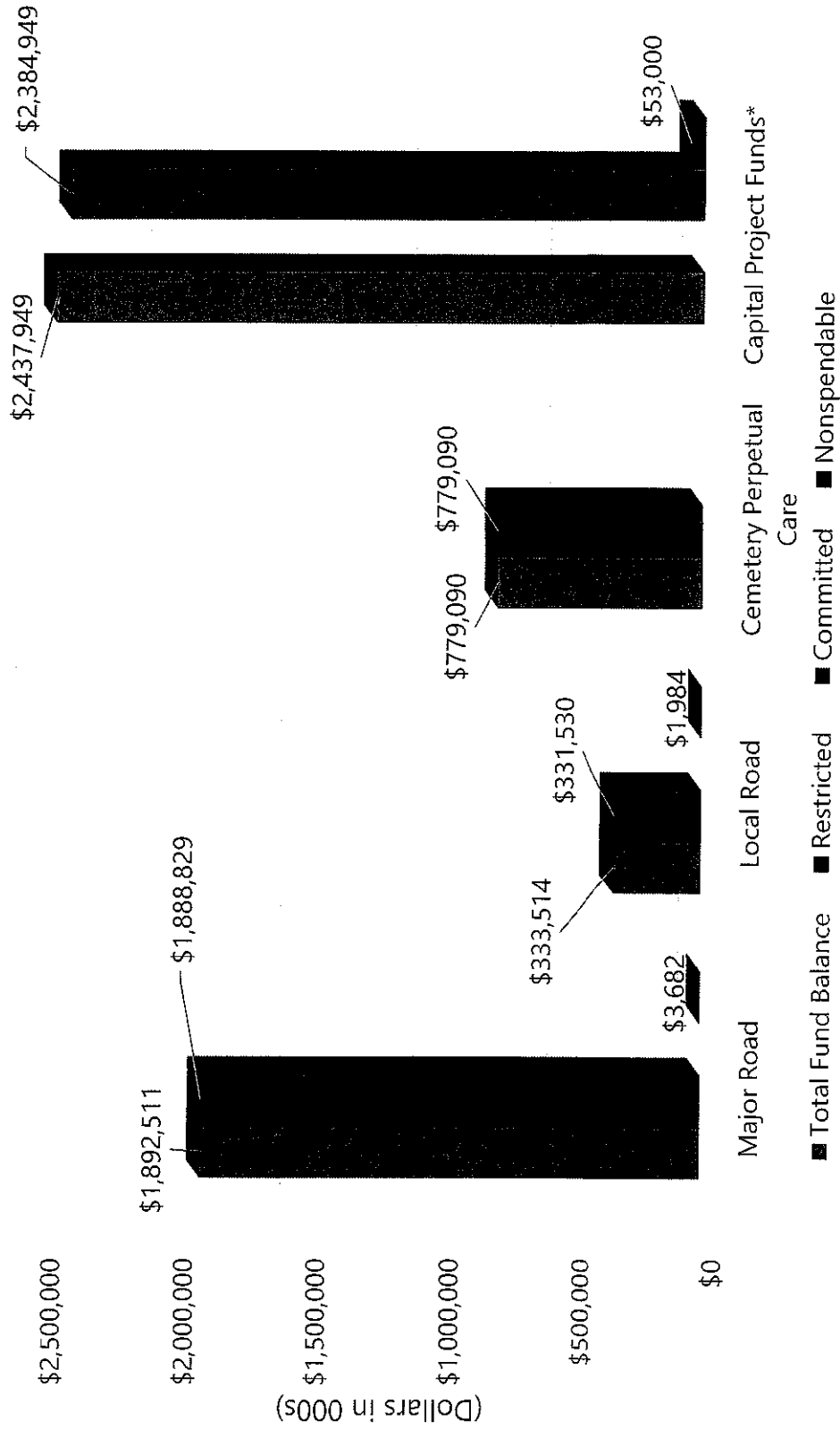


# City of South Lyon General Fund-Fund Balance Years Ended June 30





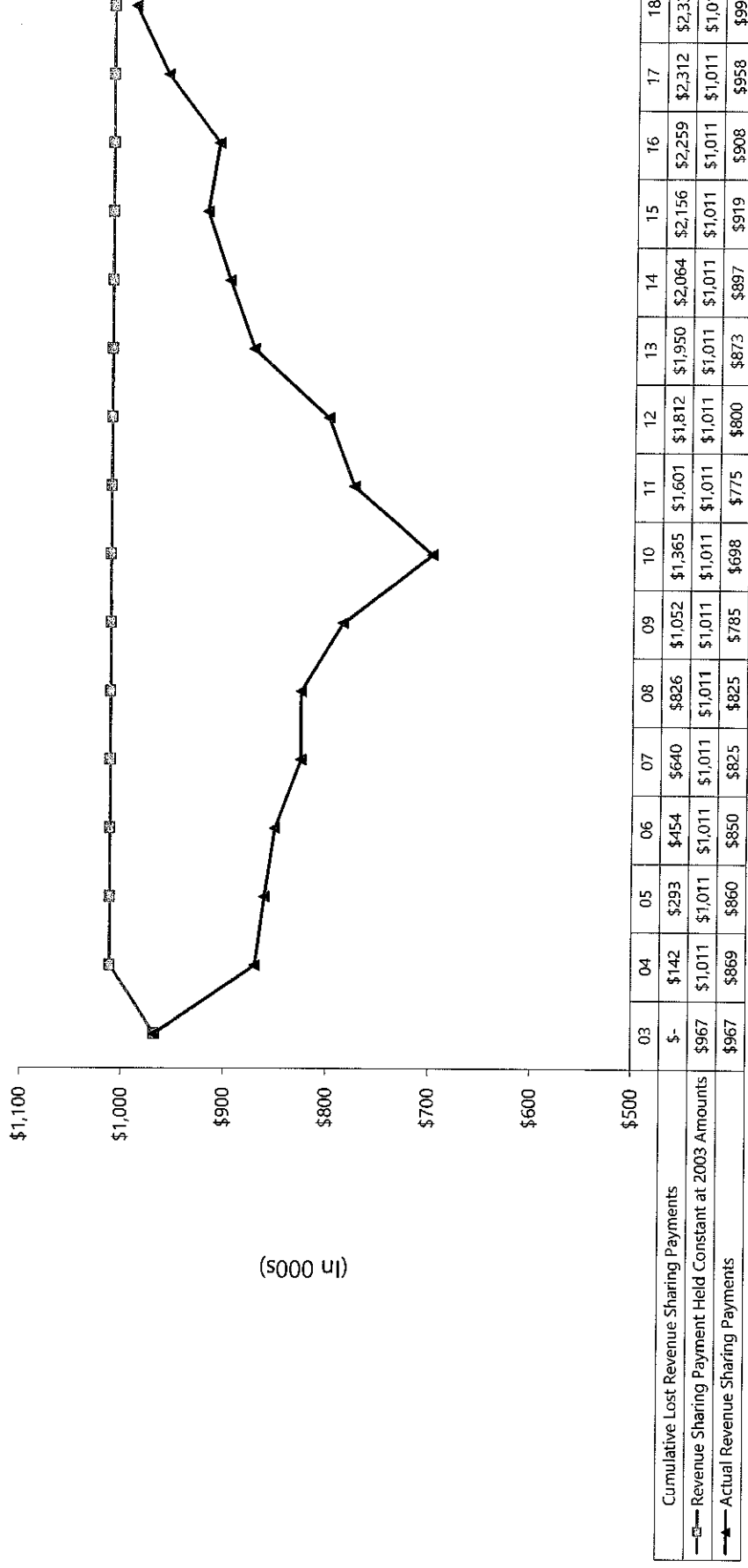
# City of South Lyon Nonmajor Funds-Fund Balance Years Ended June 30



\* Capital Project funds include Capital Improvement, Equipment Replacement, and Land Acquisition funds

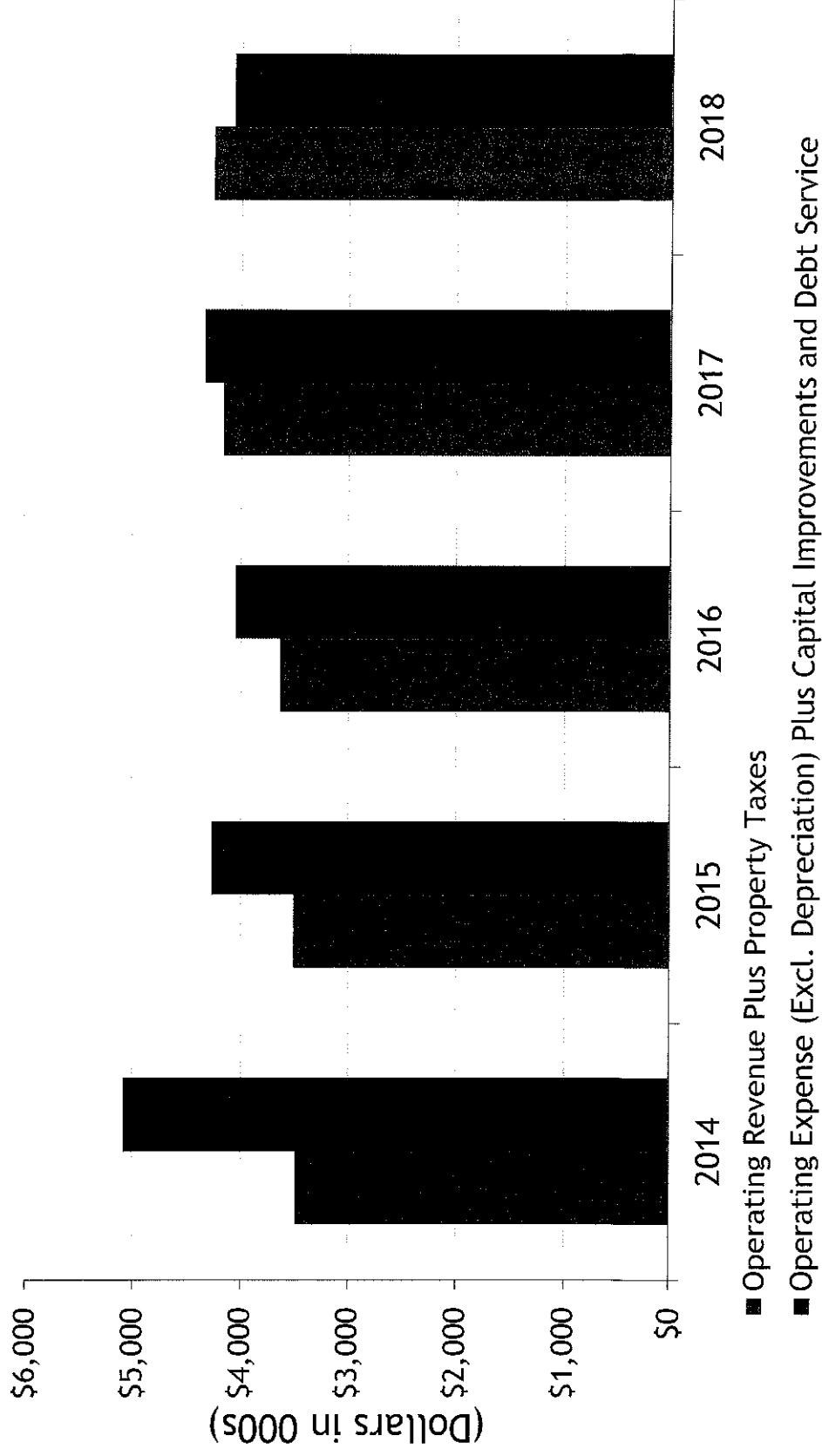


# City of South Lyon Revenue Sharing Payment History Fiscal Years Ended June 30





# City of South Lyon Water & Sewer Fund Years Ended June 30



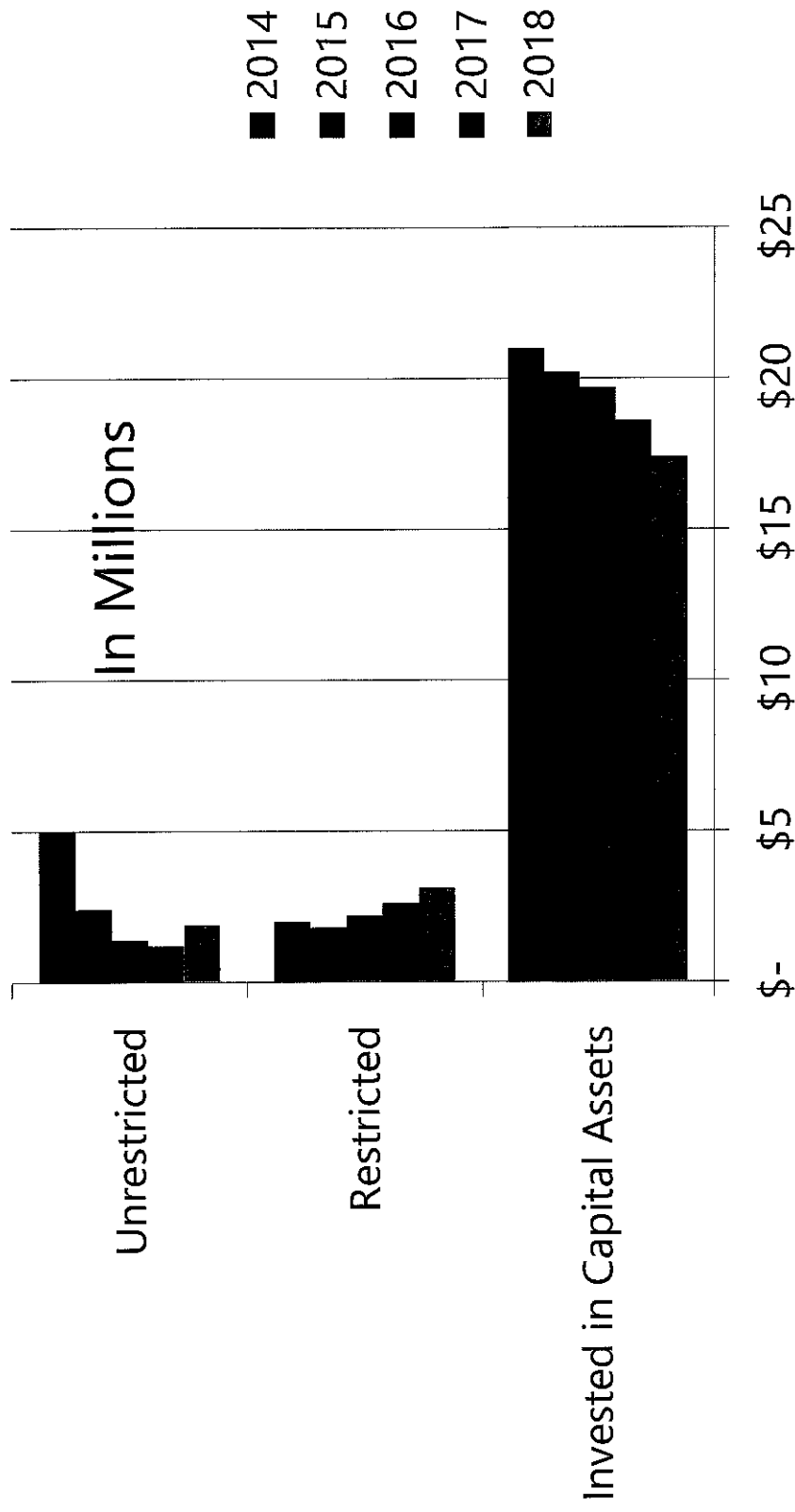


# City of South Lyon Longer-Term Perspective of Equity Government-Wide Net Position

	Governmental Activities	Business-type Activities	Total
<b>Assets</b>			
Current assets and other	\$ 9,848,474	\$ 10,017,749	\$ 19,866,223
Capital assets	17,752,082	28,021,677	45,773,759
Total assets	27,600,556	38,039,426	65,639,982
<b>Deferred Outflows - Pensions</b>	445,116	106,162	551,278
<b>Liabilities</b>			
Accounts payable and other liabilities	763,275	211,900	975,175
Net OPEB liability	371,820	92,955	464,775
Net Pension liability	3,718,504	886,874	4,605,378
Debt	295,186	10,122,379	10,417,565
Total liabilities	5,148,785	11,314,108	16,462,893
<b>Deferred Inflows - Pensions and OPEB</b>	467,898	113,062	580,960
<b>Net Position</b>			
Net investment in capital assets	17,456,896	17,899,298	35,356,194
Restricted:			
Road Improvements	2,226,025	-	2,226,025
Law enforcement	50,223	-	50,223
Cemetery	779,090	-	779,090
Parks and recreation capital improvements	18,279	-	18,279
Water and sewer replacement	-	4,644,059	4,644,059
Unrestricted	1,898,476	4,175,061	6,073,537
Total net position	\$ 22,428,989	\$ 26,718,418	\$ 49,147,407



# City of South Lyon Longer-Term Perspective of Governmental Equity Government-Wide Net Position (All Governmental Activities)





# Thank you for the opportunity to serve as auditors for the City of South Lyon

For more information, please contact:

Douglas Bohrer, CPA      313.496.8540  
Douglas.Bohrer@plantemoran.com

Spencer Tawa, CPA      248.223.3232  
Spencer.Tawa@plantemoran.com

Tyler Luce, CPA  
248.223.3499  
Tyler.Luce@plantemoran.com



# AGENDA NOTE

New Business: Item # /

**MEETING DATE:** October 22, 2018

**PERSON PLACING ITEM ON AGENDA:** City Manager Paul Zelenak

**AGENDA TOPIC:** Hidden Creek Lift Station RTU replacement

**EXPLANATION OF TOPIC:** South Lyon Water Department is requesting authorization to upgrade the MOSCAD-L RTU to a Motorola ACE3600 at Hidden Creek lift station. These RTUs (Remote Terminal Unit) are used to commute with SCADA to monitor the lift stations. The current MOSCAD has not been supported since 2008. Parts are no longer available. During the last scheduled maintenance of the RTU, UIS experienced failure in one of the I/O (input/output) cards. Due the lack of available parts, the I/O was replaced with a used card. The replacement/upgrade of the MOSCAD to Motorola has been budgeted in 2018/2019 fiscal year. The cost to replace this RTU is \$6,058.00. Funds for this would come out of line item 592-557-962.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Estimated cost to replace quote.

**POSSIBLE COURSES OF ACTION:** Approve/deny the purchase.

**RECOMMENDATION:** Approval requested for replacement of RTU for Hidden Creek Lift Station.

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to approve



462 455

Date July 17, 2018

Description Upgrade Hidden Creek Motorola RTU

Quote # 180323R2

Estimator Ken Wesley

Email ken.wesley@uiscorp.com

To Ron Beason  
South Lyon  
23500 Dixboro  
South Lyon, MI 48178

#### Scope of Work

Cost

Furnish and install one (1) Motorola ACE3600 RTU with necessary I/O to upgrade the MOSCAD-L RTU at Hidden Creek Lift Station.

Provide necessary Motorola ACE3600 programming.

Provide startup services.

Price to Perform This Work

\$6,058.00

UIS SCADA Approved by

Date July 17, 2018

#### Exclusions and Clarifications

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

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.

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.

#### UIS GROUP OF COMPANIES - TERMS AND CONDITIONS

##### 1. Offer.

These Terms and Conditions ("Terms") apply to all products and services, including without limitation, computer software program(s) provided to Purchaser under an Order Confirmation with Utilities Instrumentation Services, Inc., UIS SCADA, Inc., and/or UIS Renewable Power, Inc. (collectively, "Seller"). These Terms are incorporated into each and every Order Confirmation issued by Seller to a purchaser of such Products or Services ("Purchaser"). A confirmation or acknowledgement of an order ("Order Confirmation") will be issued to Purchaser after the Purchaser has submitted an order to Seller. The Order Confirmation constitutes Seller's offer to the Purchaser identified in the Order Confirmation to sell the Products and/or provide the Services identified in the Order Confirmation and otherwise to enter into the agreement that the Order Confirmation and these Terms describe, and the Order Confirmation and these Terms shall be the complete and exclusive statement of such offer and agreement.

##### 2. Acceptance.

A contract is formed when Purchaser accepts the Order Confirmation by written acknowledgement, by accepting the Products and/or Services, or other issued acceptance documents for the Products and/or Services. Acceptance is expressly limited to these Terms and the terms and conditions expressly referenced on the face of the Order Confirmation, and shall not include any terms and conditions contained in Purchaser's purchase order. Notwithstanding any contrary provision in Purchaser's purchase order or other acceptance document, delivery of Products, performance of Services or commencement of Services by Seller shall not constitute acceptance of Purchaser's terms and conditions to the extent any such terms or conditions are inconsistent with or in addition to the terms and conditions contained in the Order Confirmation.

##### 3. Prices.

Prices for Products and/or Services shall be set forth in the Order Confirmation. Unless otherwise expressly stated in the Order Confirmation: (a) prices for Products specified in the Order Confirmation do not include storage, handling, packaging or transportation charges; and (b) prices do not include any applicable federal, state, local or foreign duties or taxes.

##### 4. Payment Terms.

Unless otherwise expressly stated in the Order Confirmation, all accounts are payable in U.S. currency thirty (30) days from the date of Seller's invoice. Credit and delivery of Products shall be subject to Seller's approval. The Purchaser shall pay Seller for Services performed in accordance with the rates and charges set forth in the Order Confirmation. If the Purchaser objects to any portion of an invoice, the Purchaser shall notify Seller, in writing, within fourteen (14) calendar days of invoice receipt, identify the cause of disagreement, and pay when due any portion of the invoice not in dispute. Failure to provide notification shall constitute acceptance of the invoice as submitted. If Purchaser fails to pay undisputed invoiced amounts within the thirty (30) calendar days of the invoice date, Seller may at any time, without waiving any other claim against the Purchaser (including lien rights) and without thereby incurring any liability to the Purchaser, suspend or terminate the Order Confirmation. Purchaser is prohibited from and shall not setoff against or recoup from any invoiced amounts due or to become due from Purchaser or its affiliates any amounts due or to become due to Seller or its affiliates, whether arising under the Order Confirmation, any related purchase order or under any other agreement.

##### 5. Shipping and Delivery.

All sales of Products are F.O.B. Seller's plant unless otherwise specified in the Order Confirmation. Responsibility of Seller shall cease upon delivery to and receipt of the Products by a common carrier at which point Purchaser will bear all risk of loss for the Products. Premium shipping expenses and/or other related expenses necessary to meet Purchaser's accelerated delivery schedules shall be the responsibility of Purchaser. Deliveries of orders placed by Purchaser may be changed, deferred or canceled only upon specific agreement in writing by Seller and Seller may condition such agreement upon Purchaser's assumption of liability and payment to Seller for: (a) a sum equal to the costs of work in process including costs accrued for labor and material; (b) any amount for which Seller is liable by reason of commitments made by Seller to its suppliers; and (c) any other loss, cost or expense of Seller as a result of such change, deferment or cancellation.

##### 6. Proprietary Materials.

Seller shall have and retain all rights, title and interest, including all intellectual property rights, in and to all Products, Services and associated materials, including, without limitation, all related reports, specifications, designs and any other property, tangible or intangible, furnished by Seller in connection with or under the Order Confirmation or any related purchase order ("Proprietary Materials"). No Proprietary Materials created by Seller in connection with or pursuant to the Order Confirmation or any related purchase order shall be considered "works made for hire" as that term is used in connection with the U.S. Copyright Act.

##### 7. Licenses.

Seller does not grant to Purchaser any license with respect to the Products, and any such license terms with respect to the Products shall be governed solely by the licenses, if any, provided solely by the third-party manufacturers of such products.

UIS Group of Companies  
2290 Bishop Circle East  
Dexter, MI 48130  
(734) 424-1200

Utilities Instrumentation Service  
UIS SCADA  
UIS Renewable Power

# AGENDA NOTE

New Business: Item # 2

**MEETING DATE:**

**PERSON PLACING ITEM ON AGENDA:** Bob Donohue, DDA & Econ/Dev Director

**AGENDA TOPIC:** Downtown Kids Trick or Treat, Oct 25

**EXPLANATION OF TOPIC:** This is the DDA's Annual Downtown Kids Trick or Treat. Approximately 2,500 children participated plus their families, last year with the crowd estimated to be between 5,000 – 7,000 (the largest attendance ever) due to perfect weather, word of mouth and social media promotion. The event is held from 6-8 p.m. However, the Road Closure extends to 8:30 p.m. to accommodate the large crowd and their safety. Individual business hand out candy and other items to children at each store and place of business. Music and Dance School performances take place in the intersection at Lafayette Street and Lake Street adding to the festivities.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

Parade/Demonstration Application from the South Lyon Police Department.

**POSSIBLE COURSES OF ACTION:** Approve/do not approve the road closure time for the Annual Downtown Kids Trick or Treat from 6:00 – 8:30 p.m., N. Lafayette from Whipple Street to Lake Street, S. Lafayette from Lake Street to Liberty Street, E. Lake Street from Wells Street to Lafayette Street and W. Lake street from Washington Street to Lafayette Street on Thursday, October 25, 2018. These are the same road closures and times as last year.

**RECOMMENDATION:** Approve the Road Closure request for the Annual Downtown Kids Trick or Treat on October 25, 2018.

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to approve the Road Closure request for the Annual Downtown Kids Trick or Treat from 6:00 – 8:30 p.m. on Thursday, October 25, 2018 on N. Lafayette from Whipple Street to Lake Street, S. Lafayette from Lake Street to Liberty Street, E. Lake Street from Wells Street to Lafayette Street and W. Lake Street from Washington Street to Lafayette Street.

Rec. 10/15/18 1620hrs.  
HTC



## SOUTH LYON POLICE DEPARTMENT

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

★ NOTE/ THIS IS  
A CITY/DDA  
EVENT  
COVERED BY  
CITY INSURANCE.

### PARADE / DEMONSTRATION APPLICATION

Date Application Submitted: 10/4/18 Requested Date of Event: Oct. 25, 2018  
Applicant / Contact's Name: Bob Donohue / DDA PH #: 947.777.9355  
Applicant Address: \_\_\_\_\_

Business / Organizations Name (If Applicable): SLDDA  
Bus. Ph#: 248.437.1735 Bus. Address: 335 S. Warren Street, South Lyon  
President /CEO (Responsible for Event): DDA Director Direct Ph#: 947.777.9355

Parade START Time: 6:00 a.m. ☒ p.m. Parade END Time: 8:30 a.m. ☒ p.m.  
Approximate Number of PERSONS: 5,000 Organization Names: Downtown Businesses

Approximate Number of VEHICLES: 0 Types of Vehicles: N/A

Approximate Number of ANIMALS: 0 SPECIFIC Animals: N/A

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

Route to be traveled (Include Street Names and Turning Directions): W. Lake St. from  
Washington to Lafayette Streets, E. Lake Street from Lafayette  
to Wells Street, N. Lafayette St. from Whipple St. to Lake  
St., and S. Lafayette St. from Lake to Liberty Streets

Robert E. Donohue Jr.  
Applicant's SIGNATURE

\_\_\_\_\_  
Responsible Party's SIGNATURE

APPROVED ☒

DENIED ☐

Chief Lloyd T. Collins 10/16/18  
Lloyd T. Collins, Chief of Police

Motion by \_\_\_\_\_, supported by \_\_\_\_\_

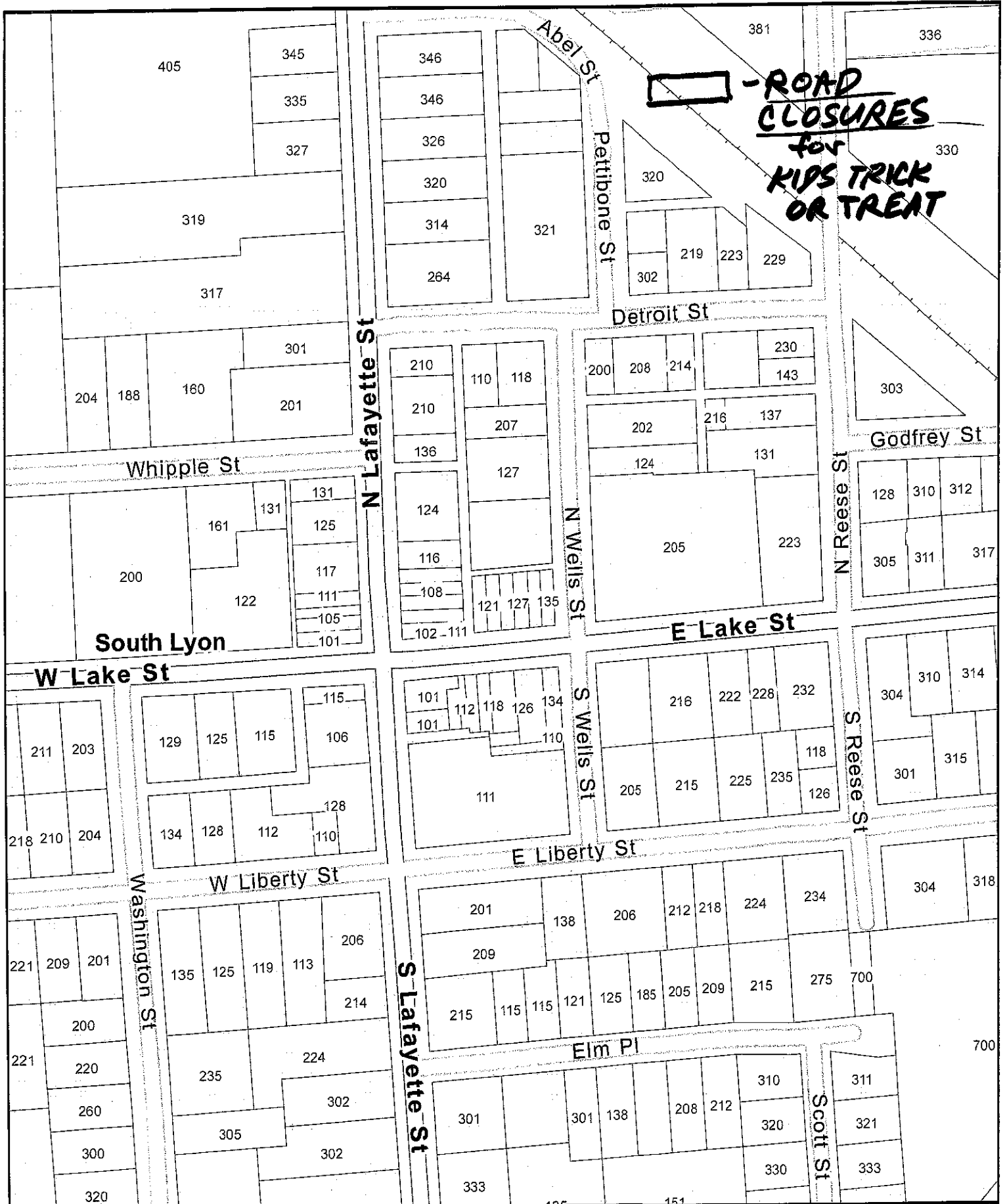
Resolved That Lisa Deaton, City Clerk/Treasurer is hereby authorized to make application to the Road Commission for Oakland County on behalf of the City of South Lyon in the County of Oakland, Michigan for the necessary permits to conduct the Downtown Trick-or-Treat Event on October 25, 2018 and the related road closures: Lafayette Street between Liberty Street and Whipple Street; Lake Street between Wells Street and Washington Street; from 6:00 p.m. on October 25, 2018 until 8:30 p.m. on October 25, 2018.

and that the City of South Lyon in the County of Oakland, Michigan will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend and represent the Board against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permits as issued.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of South Lyon, County of Oakland, State of Michigan, at a regularly scheduled meeting of October 22, 2018, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

Lisa Deaton  
City Clerk/Treasurer

# CORE DOWNTOWN



- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections
- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplains
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.



L. Brooks Patterson  
Oakland County Executive

Date Created: 11/16/2018



1 inch = 200 feet

# AGENDA NOTE

New Business: Item # 3

**MEETING DATE:** October 22, 2018

**PERSON PLACING ITEM ON AGENDA:** Bob Donohue, Director, DDA & Economic Development

**AGENDA TOPIC:** DDA Board Appointment

**EXPLANATION OF TOPIC:** At the July 12 DDA Board Meeting (copy of minutes attached), the DDA Board unanimously approved and recommended Jeff Heinanen (his application is dated 7/2/18) for the one open DDA Board seat. At that time Jeff asked to have his approval by City Council delayed, due to his work schedule, until he could be present. At the September 13 DDA Board Meeting (copy of minutes attached), an application from Norm Fultz, dated 8/31/18, was on the agenda. After discussion on the one open DDA Board seat and the fact that City Council had not yet taken action on Jeff Heinanen's appointment, there was a motion to take any action on the Norm Fultz application and a request by a DDA Board Member to reassess the DDA Board's unanimous support of Jeff Heinanen and possibly recommend Norm Fultz instead. That subject was tabled until the October 11 DDA Board Meeting to allow the new City Manager and City Attorney, if necessary, to give an opinion to the DDA Board on how to proceed. At the October 11 DDA Board Meeting (Draft Minutes attached), the board again voted unanimously to reaffirm its support of Jeff Henanaen. Dereck Mashburn, DDA Vice Chair attended the October 11 DDA Board Meetings and has reaffirmed his desire and ability to stay on the DDA Board and to attend all DDA Board Meetings. In January, 2019 there will be 2 DDA Board seat openings.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Application from Jeff Heinanen, Approved Minutes of the July 12 and September 13, 2018 DDA Board Meetings, Draft minutes for the October 11 DDA Board Meeting – New Business, item C, Agendas from the July 12, September 13 and October 11, 2018 DDA Board Meetings.

**POSSIBLE COURSES OF ACTION:** Approve/do not approve the nomination by the Mayor to approve Jeff Heinanen's appointment to the DDA Board.

**RECOMMENDATION:** Approve Mayor Dan Pelchat's nomination of Jeff Heinanen to the DDA Board as unanimously approved and recommended by the DDA Board at the July 12 DDA Board Meeting and reaffirmed at the October 11 DDA Board Meeting.

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to approve Mayor Dan Pelchat's nomination of Jeff Heinanen for appointment to the DDA Board as unanimously approved and recommended by the DDA Board at the July 12 DDA Board Meeting and reaffirmed at the October 11 DDA Board Meeting.



CITY OF SOUTH LYON  
Application for Appointment

Date: 7/2/18

Name: JEFFREY HEINANEN

Address: 350 S. LAFAYETTE ST

City, State, Zip Code: SOUTH LYON, MI 48178

Home Phone: [REDACTED] Business Phone: 248-486-6100

Occupation: MECHANICAL ENGINEER

Employer: HEINANEN ENGINEERING

Education & Related Experience: BSME MECHANICAL ENGINEERING;  
30 YEARS IN THE BUILDING INDUSTRY; 25 YEARS IN THE AUTOMOTIVE/FABRICATION INDUSTRY

Are you a citizen of the United States? Yes ☒ No ☐

Are you in default to the City? Yes ☐ No ☒

Is any member of your family an elected official of the City? Yes ☐ No ☒

If so, who? \_\_\_\_\_

Please select which position(s) you are interested in

Board/Commission	
Planning Commission	<input type="checkbox"/>
Parks and Receptions	<input type="checkbox"/>
Board of Review	<input type="checkbox"/>
Housing Commission	<input type="checkbox"/>
Zoning Board of Appeals	<input type="checkbox"/>
Building Authority	<input type="checkbox"/>
Downtown Development Authority	<input checked="" type="checkbox"/>
Historical Commission	<input type="checkbox"/>
Cultural Arts Commission	<input type="checkbox"/>
Other	<input type="checkbox"/>



Describe why you are interested in this position: TO HELP THE CITY OF SOUTH LYON  
GROW AND PROSPER

Previous place of Residence?

1.

2.

3.

Applicant's Signature: \_\_\_\_\_

Date: 7/2/18

City of South Lyon  
Attn: Clerk's Office  
335 S. Warren Street  
South Lyon, MI 48178  
Tel. (248) 437-1735

Comments:

Appointed to: \_\_\_\_\_ Date: \_\_\_\_\_

**City of South Lyon**  
**Downtown Development Authority Board Meeting**  
**October 11, 2018, Thursday, 8:00 a.m. at South Lyon City Hall, 335 S. Warren St.**  
**AGENDA**

- I. Call to Order**
- II. Approval of the Agenda**
- III. Roll Call**
- IV. Approval of the September 13, 2018 DDA Board Meetings Minutes**
- V. Citizen Comments**
- VI. New Business:**
  - A. Welcome Paul Zelenak, New City Manager
  - B. DDA By-Laws: Action on October 8 by City Council to Approve Amendments
  - C. Discussion of Process: Applications & Appointments to the DDA (& All City Boards)
  - D. MDA's Annual Michigan Downtowns Conference in Frankenmuth, October 11 & 12
  - E. Farmers Market Manager Report
    - 1. Pumpkin Fest Update (Market & Float in the Parade)
    - 2. Vendor Update for rest of October
  - F. DDA - Economic Development Activity Update:
    - 1. Enforcement of Maintenance Ordinance: Update
    - 2. Buildings for Sale/Lease, Business Recruitment & Business Activity Update
    - 3. Downtown Business & Property Owners Meetings, Next Mtg.8/30
- VII. Old Business:**
  - A. Holiday Gift Guide: Sign-ups/Contracts for Individual Business Advertising, Now thru 10/15
  - B. Downtown & City-wide Events Calendar Next Steps
  - C. Brotoberfest: October 20 Event Update (Brief note on Event Work Plans for all 2019 Events)
  - D. Kids Trick-or-Treat: October 25 Event Update
  - E. Ladies Night Out: November 16 Event Update
  - F. Cool Yule: December 1 Event Update
  - G. Holiday Lighting (Trees): Update
  - H. Cornstalks: Update
  - I. Downtown Business Directory: New Update
- VIII. Board Member Comments**
- IX. Adjournment**

**Next Board Meeting is Thursday, November 8, 2018**

*The DDA Board meets on the 2nd Thursday of the month at 8:00 a.m. at South Lyon City Hall, 335 S. Warren.*  
***All Board Meetings shall end no later than 10:00 a.m.***

**Board Members**

Gene Carroll, Chair	<a href="mailto:gcarroll@neumannsmith.com">gcarroll@neumannsmith.com</a>	(248) 352-8310
Dereck Mashburn, Vice Chair	<a href="mailto:dereck.mashburn@gmail.com">dereck.mashburn@gmail.com</a>	(586) 713-2389
Jennifer Dunigan, Treasurer	<a href="mailto:TheChristmashouse1@gmail.com">TheChristmashouse1@gmail.com</a>	(248) 921-4140
Marsha Calus, Secretary	<a href="mailto:marsha@exquisitekitchens.net">marsha@exquisitekitchens.net</a>	(248) 704-9624
Abe Ayoub	<a href="mailto:soldabe@comcast.net">soldabe@comcast.net</a>	(248) 939-6432
Mark Childs	<a href="mailto:mark@southlyoncycle.com">mark@southlyoncycle.com</a>	(248) 437-0500
Anne Buchtrup	<a href="mailto:thelemontreesouthlyon@gmail.com">thelemontreesouthlyon@gmail.com</a>	(989) 400-9748

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Paul Zelenak, City Manager	<a href="mailto:pzelenak@southlyonmi.org">pzelenak@southlyonmi.org</a>	(248) 437-1735
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**Economic Development/DDA Director**

Robert Donohue	<a href="mailto:Robert@southlyonmi.org">Robert@southlyonmi.org</a>	(248) 437-1735
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An excerpt from:

## MEETING MINUTES – OCTOBER 11, 2018

### VI. New Business

- C. Discussion of process: Applications & Appointments to the DDA (& All City Boards). City Council wants us to review the appointment process. Annie Buchtrup suggests that we have a job description. Abe Ayoub suggests that we announce the vacancy and review submissions. Jennifer Dunigan suggests that the applications be time and date stamped as needed, but also address the gray area of multiple applications being received at one time. The city needs to resolve how the DDA applications and those for all city boards and commissions are processed across the board. Dereck Mashburn attended the meeting and ran the meeting in his board officer position of Vice Chair in Gene Carroll's absence. Abe announced his resignation effective December 31, 2018 and will put his resignation in writing. He further states that Jeff and Norm would be assets to the DDA board. We need to let people know that there is a vacancy on the board and establish a time frame for application submissions. Paul talked about a form we will have going forward to apply for all board positions. If more than one application is received at a time, the board will choose the best candidate. Jeff was recommended by the DDA Board at the July 12, 2018 DDA Board Meeting and is waiting on approval by city council until they see the bylaws, minutes and further action by the DDA Board at this meeting. Annie made a motion to reaffirm Jeff Heinanen's approval for the open DDA position. Supported by Abe. Motion passed unanimously. Abe made a motion to recommend Norm Fultz for the vacancy to be created by his resignation. No one supported the motion. Jennifer made a motion to hold off on receiving any application forms until the new form is received. Supported by Marsha. Motion passed unanimously. It is noted that Abe's replacement needs to be a business owner.

**City of South Lyon**  
**Downtown Development Authority Board Meeting**  
**July 12, 2018, Thursday, 8:00 a.m. at South Lyon City Hall, 335 S. Warren St.**  
**AGENDA**

- I. Call to Order**
- II. Approval of the Agenda**
- III. Roll Call**
- IV. Approval of the June 14, 2018 DDA Board Meetings Minutes**
- V. Citizen Comments**
- VI. New Business:**
  - A. Farmers Market Manager Report
    - 1. Vendor Update
  - B. DDA - Economic Development Activity Update:
    - 1. Enforcement of Maintenance Ordinance: Update
    - 2. Buildings for Sale/Lease, Business Recruitment & Business Activity Update
    - 3. Downtown Business & Property Owners Meetings, Next Mtg.6/28
- VII. Old Business:**
  - A. DDA By-Laws Amendment Approval
  - B. DDA Board Vacancy (1), Recommendation to Approve and Recommend Jeff Heinenen by City Council
  - C. Pedestrian Crosswalks: "Yield to Pedestrians" Signs & White Rectangle Markings, OCRC
  - D. Banner Pole Hardware Installation
  - E. Downtown & City-wide Events Calendar
  - F. Brotoberfest, October 20 Event Update
  - G. Kids Trick-or-Treat, October 25 Event Update
  - H. Ladies Night Out, November 16 Event Update
  - I. Cool Yule, December 1 Event Update
  - J. SW Corner of Lake & Lafayette/Superb Fabricating
- VIII. Other Items:**
- IX. Board Member Comments**
- X. Adjournment**

**Next Board Meeting is Thursday, August 9, 2018**

*The DDA Board meets on the 2nd Thursday of the month at 8:00 a.m. at South Lyon City Hall, 335 S. Warren.  
All Board Meetings shall end no later than 10:00 a.m.*

**Board Members**

Gene Carroll, Chair	<a href="mailto:gcarroll@neumannsmith.com">gcarroll@neumannsmith.com</a>	(248) 352-8310
Dereck Mashburn, Vice Chair	<a href="mailto:dereck.mashburn@gmail.com">dereck.mashburn@gmail.com</a>	(586) 713-2389
Jennifer Dunigan, Treasurer	<a href="mailto:TheChristmashouse1@gmail.com">TheChristmashouse1@gmail.com</a>	(248) 921-4140
Marsha Calus, Secretary	<a href="mailto:marsha@exquisitekitchens.net">marsha@exquisitekitchens.net</a>	(248) 704-9624
Abe Ayoub	<a href="mailto:soldabe@comcast.net">soldabe@comcast.net</a>	(248) 939-6432
Mark Childs	<a href="mailto:mark@southlyoncycle.com">mark@southlyoncycle.com</a>	(248) 437-0500
Anne Buchtrup	<a href="mailto:thelemontreesouthlyon@gmail.com">thelemontreesouthlyon@gmail.com</a>	(989) 400-9748

\_\_\_\_\_, City Manager

**Economic Development/DDA Director**

Robert Donohue	<a href="mailto:Robert@southlyonmi.org">Robert@southlyonmi.org</a>	(248) 437-1735
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## MEETING MINUTES – JULY 12, 2018

- I. **Call to Order:** 8:04 am
- II. **Approval of Agenda.** Motion to approve agenda made by Abe, supported by Anne. Motion passed unanimously.
- III. **Roll Call:** Abe Ayoub, Anne Buchtrup, Marsha Calus, Mark Childs, Jennifer Dunigan. Also present, Tim Davids, Bob Donohue, Joe Burchill, Jeff Heinanen. Absent: Chief Lloyd Collins, Gene Carroll, Dereck Mashburn.
- IV. **Approval of Minutes from June 14, 2018.** Marsha pointed out that KB Sports should be KV sports. Motion to approve minutes as corrected made by Marsha, supported by Abe. Motion passed unanimously.
- V. **Citizens Comments:** None.
- VI. **New Business:**
  - A. Farmers Market Manager Report. Market Manager, Tim Davids, reported that he created a flyer that he will be posting requesting volunteers to help with the Farmers Market. Kids Day was a success – all market spaces were full. One local business was the victim of fraud. Someone collected approximately \$40-60 from the business claiming they were representing the Farmers Market. Tim directed the person to the Police Department. Next event will be Tractors on the Town July 21. Bader & Sons will participate.
    1. Vendor attendance has been the same, but visitors are up. Tim is looking to bring in one more produce vendor.
  - B. DDA – Economic Development Activity Update. Economic Development and DDA Director, Bob Donohue, reported that Providence Medical Center may be moving within the next 6—12 months. DDA is looking to get a restaurant in that location. Bob and the City Attorney met with the owner of the house on Detroit street. There are two buyers currently interested in this property. The vacant lot at the corner of Wells and Detroit Street is owned by Providence Medical Center. An antique shop is currently negotiating with the quilt shop owners. It is

reported that Gary Fagen is willing to lease the paint shop to a retailer. State Farm agent, Brian Olender, says his space is also available for lease. First and/or second floor. There is one city liquor license remaining. The Corner Caffe has applied. An offer has been made to purchase the Draft Street building. Environmental data is currently being reviewed. Cornices and windows are done on three buildings on E. Lake Street. Victorian paint themes are being looked at. Exterior renovations at Venue and Exquisite Kitchens are progressing and the entire job may be done in approximately four weeks. Bob would like the DDA to sponsor a recognition night possibly in November. Annie wants to know how we can get more owners to put out flowers and spruce up their entrances. We need a design committee. Dereck needs to cancel his Facebook site so The Corner Caffe can get the attention. Marsha has admin rights on Ladies Night 2017, she will update for 2018. Buyers are interested in the Art Craft building (private appraisal value \$90,000) and the RCA building (private appraisal value \$120,000). The offers have been rejected by the owners so the City Manager may have to take them to court as soon as possible. No activity yet on Mo's Garage. The film company needs to be contacted for prices, timing and deadlines regarding the businesses and DDA videos. January-February is a much better target date for maximum participation.

**VII. Old Business:**

- A. Discussion of the bylaws changes as suggested by Bob Donohue. Motion by Abe to approve suggested changes to sections 3A, 3D, 3H, 4H as suggested by Bob Donohue. Supported by Marsha. Motion passed unanimously.
- B. Jeff Heinenen attended the meeting and spoke briefly about his business and his desire to see the City of South Lyon succeed. He would like to join the DDA Board and help promote the city. Annie made a motion to recommend and approve Jeff Heinenen for the vacant board position. Supported by Abe. Motion passed unanimously.
- C. Crosswalk signs have been approved by Chief Collins. The DPW will place the order this week. Painted rectangles instead of stripes at crosswalks will be taken care of by the County next year. Whipple Street will be done in the next few weeks. Chief favors a 3D paint scheme and the DPW will handle the painting.
- D. Banner pole hardware has been ordered. This hardware is the same the Village of Milford has. Installation possibly in August.
- E. Downtown and City-wide events calendar.
- F. Brotoberfest has been approved by City Council for October 20. E. Lake Street will be closed for the beer tent. The VFW will apply for the liquor license. Police and fire are supporting this event. The billboard in town has been purchased for

six weeks at a cost of \$2100. Marsha made a motion to approve the \$2100 cost of the billboard subject to clarification of whether it will be one or two posters.

Supported by Annie. Motion passed unanimously.

- G. Kids Trick or Treat is scheduled for October 25.
- H. Ladies Night is scheduled for November 16. Marsha has no updates at this time.
- I. Cool Yule is scheduled for December 1. Mike Horlacker is chairing the event, but Kathy Swan is in charge of the parade. There will be music, food, and crafts in the Farmers Market and Veteran's Parking lots.
- J. SW Corner of Lake and Lafayette Streets. Superb Fabricating has submitted an estimated cost of \$14,390 for the proposed fence on this corner. We are waiting for the design so we can submit it to the Road Commission of Oakland County. Abe would like to see us get another quote for this item. Money for this project would have to come from DDA cash reserve. Additional quotes will be requested from South Lyon Fence, DeBord Fence, and/or others.

**VIII. Other Items:** The County has changed the parking configuration on E. Lake Street, east of Wells Street, and there is no longer parking allowed in front of the church or Jennifer's house. This was changed because of traffic capacity in the area which required the left turn lane to be extended to the east.

**IX. Board Member Comments:** Mark wants to know if we are really considering spending \$14,000 for this fence. Mark and Abe were surprised by the price. Last time this was discussed, there was more emphasis on plantings such as arbor vitae and flowers with decorative fence on W. Lake only. Bob noted that the fence will be more effective and visually more appealing, in his opinion. Plus, Bob spoke with a landscape architect who recommended against planting arbor vitae on the S. Lafayette Street frontage. Thus, the decorative screening fence would be approximately 24 feet on S. Lafayette and 30 feet on W. Lake Street. Following more discussion, the board generally agreed and asked for the item to be placed on the August DDA Board Meeting Agenda with other bids and a detailed drawing. Bob reported that Bill Jarrett has said he is interested in renting his space.

**X. Motion to adjourn:** Abe made a motion to adjourn. Supported by Mark. Meeting adjourned 9:33 am.

**City of South Lyon**  
**Downtown Development Authority Board Meeting**  
**September 13, 2018, Thursday, 8:00 a.m. at South Lyon City Hall, 335 S. Warren St.**  
**AGENDA**

- I. Call to Order**
- II. Approval of the Agenda**
- III. Roll Call**
- IV. Approval of the July 12, 2018 DDA Board Meetings Minutes, No quorum for Aug. 9 Mtg.**
- V. Citizen Comments**
- VI. New Business:**
  - A. Discussion of an Application for Appointment to the DDA from Norm Fultz dated 8/31/18
  - B. New City Manager to fill the "City Manager" DDA Board Seat in October
  - C. MDA's Annual Michigan Downtowns Conference in Frankenmuth, October 11 & 12
  - D. Farmers Market Manager Report
    - 1. Vendor Update
    - 2. Pumpkin Fest Update (Market & Float in the Parade)
  - E. DDA - Economic Development Activity Update:
    - 1. Enforcement of Maintenance Ordinance: Update
    - 2. Buildings for Sale/Lease, Business Recruitment & Business Activity Update
    - 3. Downtown Business & Property Owners Meetings, Next Mtg.8/30
- VII. Old Business:**
  - A. Holiday Gift Guide: Sign-ups/Contracts for Individual Business Advertising, Now thru 9/27
  - B. Downtown & City-wide Events Calendar Next Steps
  - C. Brotoberfest, October 20 Event Update
  - D. Kids Trick-or-Treat, October 25 Event Update
  - E. Ladies Night Out, November 16 Event Update
  - F. Cool Yule, December 1 Event Update
  - G. Downtown Business Directory: New Update
- VIII. Other Items:**
- IX. Board Member Comments**
- X. Adjournment**

Next Board Meeting is Thursday, October 11, 2018

*The DDA Board meets on the 2nd Thursday of the month at 8:00 a.m. at South Lyon City Hall, 335 S. Warren.  
All Board Meetings shall end no later than 10:00 a.m.*

**Board Members**

Gene Carroll, Chair	<a href="mailto:gcarroll@neumannsmith.com">gcarroll@neumannsmith.com</a>	(248) 352-8310
Dereck Mashburn, Vice Chair	<a href="mailto:dereck.mashburn@gmail.com">dereck.mashburn@gmail.com</a>	(586) 713-2389
Jennifer Dunigan, Treasurer	<a href="mailto:TheChristmashouse1@gmail.com">TheChristmashouse1@gmail.com</a>	(248) 921-4140
Marsha Calus, Secretary	<a href="mailto:marsha@exquisitekitchens.net">marsha@exquisitekitchens.net</a>	(248) 704-9624
Abe Ayoub	<a href="mailto:soldabe@comcast.net">soldabe@comcast.net</a>	(248) 939-6432
Mark Childs	<a href="mailto:mark@southlyoncycle.com">mark@southlyoncycle.com</a>	(248) 437-0500
Anne Buchtrup	<a href="mailto:thelemontreesouthlyon@gmail.com">thelemontreesouthlyon@gmail.com</a>	(989) 400-9748

\_\_\_\_\_, City Manager

**Economic Development/DDA Director**

Robert Donohue	<a href="mailto:Robert@southlyonmi.org">Robert@southlyonmi.org</a>	(248) 437-1735
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## MEETING MINUTES – SEPTEMBER 13, 2018

- I. **Call to Order:** 8:17 am. Gene reported that Marsha will be late.
- II. **Approval of Agenda.** Bob reported that Tim needs to leave early. Can we move him up on the agenda? Add Norm's fence under other items.
- III. **Roll Call:** Mark Childs, Abe Ayoub, Annie Buchtrup, Gene Carroll, Jennifer Dunigan, Marsha Calus. Also present, Bob Donohue, Tim Davids, Diane Roest, Gary Fagin, Norm Fultz, Cindy Fultz. Absent: Chief Lloyd Collins, Dereck Mashburn.
- IV. **Approval of Minutes for July 12, 2018.** Jennifer noted that she was present at the July meeting, but her name is not among those present. Abe made a motion to approve the minutes as corrected. Supported by Jennifer. Motion passed unanimously.
- V. **Citizen's Comments:** None.
- VI. **New Business:**
  - A. **Farmer's Market Manager Report.** Market Manager, Tim Davids, reported that traffic continues to be good at the market. Vendors are happy. A third produce vendor has been included in the past couple of weeks and is doing well. Tim provided an updated Pumpkinfest lot map. Three spaces remain to be rented. The Farmer's Market will have a float in the Pumpkinfest Parade. We have one banner for the back, but need two more for the sides of the float.
  - B. **DDA Board Application from Norm Fultz.** We have an application from Jeff Heinanen that the DDA Board approved in July, but it has not yet been presented to City Council. Jeff has noted in July that he was very busy with his business in July and August and would like to be at the council meeting when his nomination is on the City Council Agenda. Need clearer steps for the process to apply for all City board and commission positions. When applications are received by the City Clerk, they need to be date stamped. Abe then asked how many absences are acceptable. The DDA By-Laws needs to be looked at. Dereck has now missed three meetings. Someone needs to contact Dereck to see if he wants to remain on the board or step down. Need to make business owners aware of positions that are available and when the meetings take place. There is a posting on the

city website newsfeed announcing that we have positions available on boards and commissions and are looking for applicants. What is the procedure for accepting Norm's application and Jeff's application? Abe asked if the DDA could recommend Norm and Jeff to City Council and let Council decide? Bob noted that the DDA Board took clear action at the July 12, 2018 DDA Board Meeting to unanimously recommend Jeff Heinanen for the one open DDA Board seat. What message would it send to Jeff Heinanen and other businesses if the DDA were to rescind the action they took to recommend Jeff and then possibly recommend Norm? That may set a very dangerous precedent. Discussion of communication between parties and how things get done around town. Other issues need to be discussed at another time and place. Too much time spent discussing when to apply, where to submit application, and what to do if multiple applications are received at once. Jennifer pointed out that if the situation were reversed and Norm's application were pending when Jeff applied and we took his application as well, that it wouldn't be fair to Norm. Also, would not be appropriate to have council make the decision on whose application to accept. Marsha made a motion to table this issue until next month when we will have input from a new City Manager, we can talk to the City Attorney, and we can talk to Dereck. Supported by Anne. Motion passed unanimously. Gene said he will contact Dereck to find out what his status is. Also, please add Norm to the email that notifies business owners of the monthly DDA business owners meeting.

- C. The new City Manager is Paul Zelenak and he will officially start on October 1.
- D. MDA Annual Michigan Downtowns Conference will take place in Frankenmuth, October 11 and 12, 2018. The DDA will pay the registration for two DDA Board Members who are interested in attending. Annie is interested. Possibly Marsha.
- E. DDA – Economic Development Activity Update. The new exterior at Exquisite Kitchen Design and Venue should be 90% complete by Pumpkinfest. New paint and awnings are coming to A & E Jewelers. Lake Street Tavern building had cornices replaced and painting should be done by mid-October. No comment on the Art Craft and RCA buildings which are now a legal issue due to the owner not following building ordinances. Next DDA Business Owner meeting will take place at The Corner Caffe on September 30.

**VII. Old Business:**

- A. Holiday Gift Guide. Sign up through September 27 in order to participate. (May be extended until October 5). Scott from Lyon Today along with Bob Donohue will be going door to door to solicit vendors.
- B. The DDA now has an excel spreadsheet which shows Downtown and City-wide Events for the entire year.

- C. Brotoberfest is on schedule for October 20. Event will take place on E. Lake Street between Lafayette and Wells Street. Street closures have been approved. Games are being donated and KV Sports will have a big screen TV for people to watch the MSU vs. Michigan game. VFW and Kiwanis are helping out with this event.
- D. Trick or Treat is scheduled for Thursday, October 25 from 6-8 pm. Abe talked with John Dolan, Lyon Township Supervisor, about putting our Trick or Treat information on their website. They would like to put their firefighter Trick or Treat information on our website. Will have to check with our City Manager and Fire Chief.
- E. Ladies Night. Marsha will update the Facebook page next week. The billboard is done and Bob will get the other ad design to Marsha for the brochures and bags. Last year we did 250, but we are thinking we should do 1000 this year because more than 750 packets of information were handed out and the number of ladies was estimated at over 1000. Should we order more of a generic variety? Possibly. Adams will put up the Brotoberfest billboard two weeks before the event. The Tuesday after Brotoberfest, Adams will change billboard to Ladies Night. Billboard will be on the southbound side of sign at the railroad tracks. We also need to order post cards, posters and flags. Bob will handle. Can we get posters printed and distributed before Pumpkinfest? Bob will check.
- F. Cool Yule is scheduled for Saturday, December 1. Mike Horlocker is chairing this event. Jeff Heinenen has the foundation installed for his Christmas tree. Parade will end at the museum. More detail to be determined.
- G. Downtown Business Directory. Bob reported that corrections have been made and the first draft is at the printer. We will get everything approved and sent out but do not recommend putting a ton of inventory out at Pumpkinfest.

**VIII. Other Items:** Waiting for more information and cost estimates on the fence proposed for the corner of Lake & Lafayette. Also waiting on approval from the Oakland County Road Commission and information from a variety of state and county agencies. Will put on a future agenda. More discussion about what to do with the corner. Norm shared his opinion of the fence and explained his concerns about the potential for vandalism of cars in his care due to blocked sight lines from the main roads. Norm wants the corner to look cosmetically pleasing, but not block his access. Bob noted that vehicles from Norm's lot often drive over the sidewalk on S. Lafayette almost every day, which is not legal. Gene suggested we look at other options. Mark asked about the perception that residents have that cars are being stored on the property. Norm said no cars were abandoned or stored, but some are left while people are out of town for more than a few days.

IX. **Board Comments:** None.

X. **Adjournment.** Abe made a motion to adjourn. Supported by Marsha. Meeting adjourned 10:02 am.

# AGENDA NOTE

New Business # 4

**MEETING DATE:** October 22, 2018

**PERSON PLACING ITEM ON AGENDA:** City Attorney

**AGENDA TOPIC:** First Reading of Ordinance to Prohibit Marihuana Establishments in the event voters approve Ballot Proposal 18-1 to legalize recreational marihuana.

**EXPLANATION OF TOPIC:** On November 6, 2018, Michigan voters will decide whether to approve Ballot Proposal 18-1 which, if approved, would create the Michigan Regulation and Taxation of Marihuana Act (MRTMA) to legalize the possession, use and cultivation of marihuana products by individuals who are at least 21 years of age or older, and commercial sales of marihuana through state-licensed retailers.

If approved, the MRTMA would take effect 10 days after certification of the election results which could be as early as November 17, 2018.

If approved, Section 6.1 of the MRTMA allows municipalities "to completely prohibit or limit the number of marihuana establishments within its boundaries" subject to some limitations and conditions in the MRTMA, such as a citizen petition to put the matter to local vote.

The City of South Lyon did not opt in to the Medical Marihuana Facilities Licensing Act (MMFLA, PA 281 of 2016) which allows for various types of licenses for medical marihuana related businesses. Unlike the MMFLA, which requires a municipality to affirmatively opt in, the MRTMA requires a municipality to affirmatively opt out if it wants to prohibit marihuana establishments. Thus, if Ballot Proposal 18-1 passes, taking no action would result in marihuana establishments being permitted in the City, subject to the MRTMA.

There are many questions and uncertainties surrounding the MRTMA and the impacts of creating a new legalized recreational marihuana industry in Michigan ranging from concerns about public health and law enforcement, and zoning and land uses, the financial impacts of legalizing marihuana, to how the State will regulate and license the industry and its various players, to how the MRTMA will impact those with medical marijuana cards and those licensed under the MMFLA.

The City has not analyzed the MRTMA and its potential impacts, and the City may benefit from the opportunity to evaluate the initiation legislation and better understand the benefits and detriments of opting in or out of the MRTMA regulatory framework for legalized marihuana establishments.

If a first reading is approved, the ordinance could be presented for a second reading at the regular Council meeting on November 12, 2018, which would be after the election but before the MRTMA could take effect, if approved. Note, the attached draft ordinance provides that it would take immediate effect in order to preserve the public health, safety and welfare.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Draft Ordinance to Prohibit Marihuana Establishments
- Text of Proposal 18-1
- Text of the Initiative Legislation – Michigan Regulation and Taxation of Marihuana Act (MRTMA)
- MML Comparison of MRTMA to MMFLA

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

**RECOMMENDATION:** Approve the First Reading of the Ordinance to Prohibit Marihuana Establishments as presented.

**SUGGESTED MOTION:** Motion to Approve the First Reading of the Ordinance to Prohibit Marihuana Establishments.

ORDINANCE NO. \_\_-18

CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE  
CITY OF SOUTH LYON BY ADDING CHAPTER 56 TO PROHIBIT  
MARIHUANA ESTABLISHMENTS WITHIN ITS BOUNDARIES.

THE CITY OF SOUTH LYON ORDAINS:

**PART I. Addition of Chapter** . Chapter 56 - Marihuana Establishments Prohibited, is hereby added to the City of South Lyon Code of Ordinances, as follows:

CHAPTER 56 – MARIHUANA ESTABLISHMENTS PROHIBITED

ARTICLE I – IN GENERAL

Sec. 56-1 through 56-30. – Reserved.

ARTICLE II – MARIHUANA ESTABLISHMENTS PROHIBITED

Sec. 56-31. – Marihuana Establishments Prohibited.

The City of South Lyon ordains that pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the City elects to prohibit marihuana establishments within its boundaries.

Sec. 56-32 through 56-49. – 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 requires that it take immediate effect as it is necessary for the preservation of the public peace, health and safety pursuant to Section 4.10 of the City of South Lyon Charter, and the ordinance shall be published and posted as provided for therein.

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:

DRAFT



*Official Ballot Wording approved by  
Board of State Canvassers  
September 6, 2018  
Coalition to Regulate Marijuana Like Alcohol*

**Proposal 18-1**

**A proposed initiated law to authorize and legalize possession, use and cultivation of marijuana products by individuals who are at least 21 years of age and older, and commercial sales of marijuana through state-licensed retailers**

This proposal would:

- Allow individuals 21 and older to purchase, possess and use marijuana and marijuana-infused edibles, and grow up to 12 marijuana plants for personal consumption.
- Impose a 10-ounce limit for marijuana kept at residences and require amounts over 2.5 ounces be secured in locked containers.
- Create a state licensing system for marijuana businesses and allow municipalities to ban or restrict them.
- Permit retail sales of marijuana and edibles subject to a 10% tax, dedicated to implementation costs, clinical trials, schools, roads, and municipalities where marijuana businesses are located.
- Change several current violations from crimes to civil infractions.

Should this proposal be adopted?

☐ YES

☐ NO

WORD COUNT: 100

An initiation of legislation to allow under state law the personal possession and use of marijuana by persons 21 years of age or older; to provide for the lawful cultivation and sale of marijuana and industrial hemp by persons 21 years of age or older; to permit the taxation of revenue derived from commercial marijuana facilities; to permit the promulgation of administrative rules; and to prescribe certain penalties for violations of this act, if not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 6, 2018. For the full text of the proposed legislation, see the reverse side of this petition.

We, the undersigned qualified and registered electors, residents in the county of \_\_\_\_\_ State of Michigan, respectively petition for initiation of legislation.

**WARNING – A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.**

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
1. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
2. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
3. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
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7. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
8. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							

INITIATION OF LEGISLATION

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2017 MAY 16 PM 2:58  
ELECTIONS/CREAT SEAL

**CIRCULATOR – Do not sign or date certificate until after circulating petition.**

(Signature of Circulator)

(Date)

(Printed Name of Circulator)

Complete Residence Address (Street and Number or Rural Route) [Do Not Enter A Post Office Box]

(City or Township, State, Zip Code)

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted any other person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing clerk. Except the jurisdiction of the State for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agreed to by the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

**WARNING – A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.**

Paid for with regulated funds by Coalition to Regulate Marijuana like Alcohol, 1000 Champlain St., NWE Suite #12, Washington, DC 20009

## INITIATION OF LEGISLATION

An Initiation of legislation to allow under state law the personal possession and use of marihuana by persons 21 years of age or older; to provide for the lawful cultivation and sale of marihuana and industrial hemp by persons 21 years of age or older; to permit the taxation of revenue derived from commercial marihuana facilities; to permit the promulgation of administrative rules; and to prescribe certain penalties for violations of this act.

The people of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the Michigan Regulation and Taxation of Marihuana Act.

Sec. 2. The purpose of this act is to make marihuana legal under state and local law for adults 21 years of age or older, to make industrial hemp legal under state and local law, and to control the commercial production and distribution of marihuana under a system that licenses, regulates, and taxes the businesses involved. The intent is to prevent arrest and penalty for personal possession and cultivation of marihuana by adults 21 years of age or older; remove the commercial production and distribution of marihuana from the illicit market; prevent revenue generated from commerce in marihuana from going to criminal enterprises or gangs; prevent the distribution of marihuana to persons under 21 years of age; prevent the diversion of marihuana to illicit markets; ensure the safety of marihuana and marihuana-infused products; and ensure security of marihuana establishments. To the fullest extent possible, this act shall be interpreted in accordance with the purpose and intent set forth in this section.

Sec. 3. As used in this act:

- (a) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.
- (b) "Department" means the department of licensing and regulatory affairs.
- (c) "Industrial hemp" means a plant of the genus *cannabis* and any part of that plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus *cannabis* regardless of moisture content.
- (d) "Licensee" means a person holding a state license.
- (e) "Marihuana" means all parts of the plant of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:
  - (1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
  - (2) industrial hemp; or
  - (3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.
- (f) "Marihuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.
- (g) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus *cannabis*.
- (h) "Marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.
- (i) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (j) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.
- (k) "Marihuana microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- (l) "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- (m) "Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- (n) "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- (o) "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- (p) "Municipal license" means a license issued by a municipality pursuant to section 16 of this act that allows a person to operate a marihuana establishment in that municipality.
- (q) "Municipality" means a city, village, or township.
- (r) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- (s) "Process" or "Processing" means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.
- (t) "State license" means a license issued by the department that allows a person to operate a marihuana establishment.
- (u) "Unreasonably impracticable" means that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

Sec. 4. 1. This act does not authorize:

- (a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;
  - (b) transfer of marihuana or marihuana accessories to a person under the age of 21;
  - (c) any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;
  - (d) separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;
  - (e) consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;
  - (f) cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;
  - (g) consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;
  - (h) possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or
  - (i) Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
2. This act does not limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27601, or any other law of this state allowing for or regulating marihuana for medical use.
3. This act does not require an employer to permit or accommodate conduct otherwise allowed by this act in any workplace or on the employer's property. This act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marihuana. This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.
4. This act allows a person to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.
5. All other laws inconsistent with this act do not apply to conduct that is permitted by this act.

Sec. 5. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act, the following acts by a person 21 years of age or older are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection, and are not grounds to deny any other right or privilege:

- (a) except as permitted by subdivision (b), possessing, using or consuming, internally possessing, purchasing, transporting, or processing 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate;
- (b) within the person's residence, possessing, storing, and processing not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises and cultivating not more than 12 marihuana plants for personal use, provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once;
- (c) assisting another person who is 21 years of age or older in any of the acts described in this section; and
- (d) giving away or otherwise transferring without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.

2. Notwithstanding any other law or provision of this act, except as otherwise provided in section 4 of this act, the use, manufacture, possession, and purchase of marihuana accessories by a person 21 years of age or older and the distribution or sale of marihuana accessories to a person 21 years of age or older is authorized, is not unlawful, is not an offense, is not grounds for seizing or forfeiting property, is not grounds for arrest, prosecution, or penalty in any manner, and is not grounds to deny any other right or privilege.

3. A person shall not be denied custody of or visitation with a minor for conduct that is permitted by this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

Sec. 6. 1. Except as provided in section 4, a municipality may completely prohibit or limit the number of marihuana establishments within its boundaries. Individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality, and such ordinance shall be submitted to the electors of the municipality at the next regular election when a petition is signed by qualified electors in the municipality in a number greater than 5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election. A petition under this subsection is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488.

2. A municipality may adopt other ordinances that are not unreasonably impracticable and do not conflict with this act or with any rule promulgated pursuant to this act and that:

- (a) establish reasonable restrictions on public signs related to marihuana establishments;
- (b) regulate the time, place, and manner of operation of marihuana establishments and of the production, manufacture, sale, or display of marihuana accessories;
- (c) authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age, or at special events in limited areas and for a limited time; and
- (d) designate a violation of the ordinance and provide for a penalty for that violation by a marihuana establishment, provided that such violation is a civil infraction and such penalty is a civil fine of not more than \$500.

3. A municipality may adopt an ordinance requiring a marihuana establishment with a physical location within the municipality to obtain a municipal license, but may not impose qualifications for licensure that conflict with this act or rules promulgated by the department.

4. A municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality.

5. A municipality may not adopt an ordinance that restricts the transportation of marihuana through the municipality or prohibits a marihuana grower, a marihuana processor, and a marihuana retailer from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801.

Sec. 7. 1. The department is responsible for implementing this act and has the powers and duties necessary to control the commercial production and distribution of marihuana. The department shall employ personnel and may contract with advisors and consultants as necessary to adequately perform its duties. No person who is pecuniarily interested, directly or indirectly, in any marihuana establishment may be an employee, advisor, or consultant involved in the implementation, administration, or enforcement of this act. An employee, advisor, or consultant of the department may not be personally liable for any action at law for damages sustained by a person because of an action performed or done in the performance of their duties in the implementation, administration, or enforcement of this act. The department of state police shall cooperate and assist the department in conducting background investigations of applicants. Responsibilities of the department include:

- (a) promulgating rules pursuant to section 8 of this act that are necessary to implement, administer, and enforce this act;
- (b) granting or denying each application for licensure and investigating each applicant to determine eligibility for licensure, including conducting a background investigation on each person holding an ownership interest in the applicant;
- (c) ensuring compliance with this act and the rules promulgated thereunder by marihuana establishments by performing investigations of compliance and regular inspections of marihuana establishments and by taking appropriate disciplinary action against a licensee, including prescribing civil fines for violations of this act or rules and suspending, restricting, or revoking a state license;
- (d) holding at least 4 public meetings each calendar year for the purpose of hearing complaints and receiving the views of the public with respect to administration of this act;
- (e) collecting fees for licensure and fines for violations of this act or rules promulgated thereunder, depositing all fees collected in the marihuana regulation fund established by section 14 of this act, and remitting all fines collected to be deposited in the general fund; and
- (f) submitting an annual report to the governor covering the previous year, which report shall include the number of state licenses of each class issued, demographic information on licensees, a description of enforcement and disciplinary actions taken against licensees, and a statement of revenues and expenses of the department related to the implementation, administration, and enforcement of this act.

Sec. 8. 1. The department shall promulgate rules to implement and administer this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328, including:

- (a) procedures for issuing a state license pursuant to section 9 of this act and for renewing, suspending, and revoking a state license;
- (b) a schedule of fees in amounts not more than necessary to pay for implementation, administration, and enforcement costs of this act and that relate to the size of each licensee or the volume of business conducted by the licensee;
- (c) qualifications for licensure that are directly and demonstrably related to the operation of a marihuana establishment, provided that a prior conviction solely for a marihuana-related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of a controlled substance to a minor;
- (d) requirements and standards for safe cultivation, processing, and distribution of marihuana by marihuana establishments, including health standards to ensure the safe preparation of marihuana-infused products and prohibitions on pesticides that are not safe for use on marihuana;
- (e) testing, packaging, and labeling standards, procedures, and requirements for marihuana, including a maximum tetrahydrocannabinol level for marihuana-infused products, a requirement that a representative sample of marihuana be tested by a marihuana safety compliance facility, and a requirement that the amount of marihuana or marihuana concentrate contained within a marihuana-infused product be specified on the product label;
- (f) security requirements, including lighting, physical security, and alarm requirements, and requirements for securely transporting marihuana between marihuana establishments, provided that such requirements do not prohibit cultivation of marihuana outdoors or in greenhouses;
- (g) record keeping requirements for marihuana establishments and monitoring requirements to track the transfer of marihuana by licensees;
- (h) requirements for the operation of marihuana secure transporters to ensure that all marihuana establishments are properly serviced;
- (i) reasonable restrictions on advertising, marketing, and display of marihuana and marihuana establishments;
- (j) a plan to promote and encourage participation in the marihuana industry by people from communities that have been disproportionately impacted by marihuana prohibition and enforcement and to positively impact those communities; and
- (k) penalties for failure to comply with any rule promulgated pursuant to this section or for any violation of this act by a licensee, including civil fines and suspension, revocation, or restriction of a state license.

2. In furtherance of the intent of this act, the department may promulgate rules to:

- (a) provide for the issuance of additional types or classes of state licenses to operate marihuana-related businesses, including licenses that authorize only limited cultivation, processing, transportation, delivery, storage, sale, or purchase of marihuana, licenses that authorize the consumption of marihuana within designated areas, licenses that authorize the consumption of marihuana at special events in limited areas and for a limited time, licenses that authorize cultivation for purposes of propagation, and licenses intended to facilitate scientific research or education; or
- (b) regulate the cultivation, processing, distribution, and sale of industrial hemp.

3. The department may not promulgate a rule that:

- (a) establishes a limit on the number of any type of state licenses that may be granted;
- (b) requires a customer to provide a marihuana retailer with identifying information other than identification to determine the customer's age or requires the marihuana retailer to acquire or record personal information about customers other than information typically required in a retail transaction;

- (c) prohibits a marijuana establishment from operating at a shared location of a marijuana facility operating pursuant to the medical marijuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or prohibits a marijuana grower, marijuana processor, or marijuana retailer from operating within a single facility; or
- (d) is unreasonably impracticable.

Sec. 9. 1. Each application for a state license must be submitted to the department. Upon receipt of a complete application and application fee, the department shall forward a copy of the application to the municipality in which the marijuana establishment is to be located, determine whether the applicant and the premises qualify for the state license and comply with this act, and issue the appropriate state license or send the applicant a notice of rejection setting forth specific reasons why the department did not approve the state license application within 90 days.

2. The department shall issue the following state license types: marijuana retailer; marijuana safety compliance facility; marijuana secure transporter; marijuana processor; marijuana microbusiness; class A marijuana grower authorizing cultivation of not more than 100 marijuana plants; class B marijuana grower authorizing cultivation of not more than 500 marijuana plants; and class C marijuana grower authorizing cultivation of not more than 2,000 marijuana plants.

3. Except as otherwise provided in this section, the department shall approve a state license application and issue a state license if:

(a) the applicant has submitted an application in compliance with the rules promulgated by the department, is in compliance with this act and the rules, and has paid the required fee;

(b) the municipality in which the proposed marijuana establishment will be located does not notify the department that the proposed marijuana establishment is not in compliance with an ordinance consistent with section 6 of this act and in effect at the time of application;

(c) the property where the proposed marijuana establishment is to be located is not within an area zoned exclusively for residential use and is not within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a municipality adopts an ordinance that reduces this distance requirement;

(d) no person who holds an ownership interest in the marijuana establishment applicant:

(1) will hold an ownership interest in both a marijuana safety compliance facility or in a marijuana secure transporter and in a marijuana grower, a marijuana processor, a marijuana retailer, or a marijuana microbusiness;

(2) will hold an ownership interest in both a marijuana microbusiness and in a marijuana grower, a marijuana processor, a marijuana retailer, a marijuana safety compliance facility, or a marijuana secure transporter; and

(3) will hold an ownership interest in more than 5 marijuana growers or in more than 1 marijuana microbusiness, except that the department may approve a license application from a person who holds an ownership interest in more than 5 marijuana growers or more than 1 marijuana microbusiness if, after January 1, 2023, the department promulgates a rule authorizing an individual to hold an ownership interest in more than 5 marijuana growers or in more than 1 marijuana microbusiness.

4. If a municipality limits the number of marijuana establishments that may be licensed in the municipality pursuant to section 6 of this act and that limit prevents the department from issuing a state license to all applicants who meet the requirements of subsection 3 of this section, the municipality shall decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with this act within the municipality.

5. All state licenses are effective for 1 year, unless the department issues the state license for a longer term. A state license is renewed upon receipt of a complete renewal application and a renewal fee from any marijuana establishment in good standing.

6. The department shall begin accepting applications for marijuana establishments within 12 months after the effective date of this act. Except as otherwise provided in this section, for 24 months after the department begins to receive applications for marijuana establishments, the department may only accept applications for licensure: for a class A marijuana grower or for a marijuana microbusiness, from persons who are residents of Michigan; for a marijuana retailer, marijuana processor, class B marijuana grower, class C marijuana grower, or a marijuana secure transporter, from persons holding a state operating license pursuant to the medical marijuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801; and for a marijuana safety compliance facility, from any applicant. One year after the department begins to accept applications pursuant to this section, the department shall begin accepting applications from any applicant if the department determines that additional state licenses are necessary to minimize the illegal market for marijuana in this state, to efficiently meet the demand for marijuana, or to provide for reasonable access to marijuana in rural areas.

7. Information obtained from an applicant related to licensure under this act is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 10. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act or the rules promulgated thereunder, the following acts are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection except as authorized by this act, and are not grounds to deny any other right or privilege:

(a) a marijuana grower or an agent acting on behalf of a marijuana grower who is 21 years of age or older, cultivating not more than the number of marijuana plants authorized by the state license class; possessing, packaging, storing, or testing marijuana; acquiring marijuana seeds or seedlings from a person who is 21 years of age or older; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marijuana to or from a marijuana establishment; or receiving compensation for goods or services;

(b) a marijuana processor or agent acting on behalf of a marijuana processor who is 21 years of age or older, possessing, processing, packaging, storing, or testing marijuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marijuana to or from a marijuana establishment; or receiving compensation for goods or services;

(c) a marijuana secure transporter or an agent acting on behalf of a marijuana secure transporter who is 21 years of age or older, possessing or storing marijuana; transporting marijuana to or from a marijuana establishment; or receiving compensation for services;

(d) a marijuana safety compliance facility or an agent acting on behalf of a marijuana safety compliance facility who is 21 years of age or older, testing, possessing, repackaging, or storing marijuana; transferring, obtaining, or transporting marijuana to or from a marijuana establishment; or receiving compensation for services;

(e) a marijuana retailer or an agent acting on behalf of a marijuana retailer who is 21 years of age or older, possessing, storing, or testing marijuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marijuana to or from a marijuana establishment; selling or otherwise transferring marijuana to a person 21 years of age or older; or receiving compensation for goods or services; or

(f) a marijuana microbusiness or an agent acting on behalf of a marijuana microbusiness who is 21 years of age or older, cultivating not more than 150 marijuana plants; possessing, processing, packaging, storing, or testing marijuana from marijuana plants cultivated on the premises; selling or otherwise transferring marijuana cultivated or processed on the premises to a person 21 years of age or older; or receiving compensation for goods or services.

(g) leasing or otherwise allowing the use of property owned, occupied, or managed for activities allowed under this act;

(h) enrolling or employing a person who engages in marijuana-related activities allowed under this act;

(i) possessing, cultivating, processing, obtaining, transferring, or transporting industrial hemp; or

(j) providing professional services to prospective or licensed marijuana establishments related to activity under this act.

2. A person acting as an agent of a marijuana retailer who sells or otherwise transfers marijuana or marijuana accessories to a person under 21 years of age is not subject to arrest, prosecution, forfeiture of property, disciplinary action by a professional licensing board, denial of any right or privilege, or penalty in any manner, if the person reasonably verified that the recipient appeared to be 21 years of age or older by means of government-issued photographic identification containing a date of birth, and the person complied with any rules promulgated pursuant to this act.

3. It is the public policy of this state that contracts related to the operation of marijuana establishments be enforceable.

Sec. 11. (a) A marijuana establishment may not allow cultivation, processing, sale, or display of marijuana or marijuana accessories to be visible from a public place outside of the marijuana establishment without the use of binoculars, aircraft, or other optical aids.

(b) A marijuana establishment may not cultivate, process, test, or store marijuana at any location other than a physical address approved by the department and within an enclosed area that is secured in a manner that prevents access by persons not permitted by the marijuana establishment to access the area.

(c) A marijuana establishment shall secure every entrance to the establishment so that access to areas containing marijuana is restricted to employees and other persons permitted by the marijuana establishment to access the area and to agents of the department or state and local law enforcement officers and emergency personnel and shall secure its inventory and equipment during and after operating hours to deter and prevent theft of marijuana and marijuana accessories.

(d) No marijuana establishment may refuse representatives of the department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marijuana establishment.

(e) No marijuana establishment may allow a person under 21 years of age to volunteer or work for the marijuana establishment.

(f) No marijuana establishment may sell or otherwise transfer marijuana that was not produced, distributed, and taxed in compliance with this act.

(g) A marijuana grower, marijuana retailer, marijuana processor, marijuana microbusiness, or marijuana testing facility or agents acting on their behalf may not transport more than 15 ounces of marijuana or more than 80 grams of marijuana concentrate at one time.

(h) A marijuana secure transporter may not hold title to marijuana.

(i) No marijuana processor may process and no marijuana retailer may sell edible marijuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marijuana.

- (j) No marihuana retailer may sell or otherwise transfer marihuana that is not contained in an opaque, resealable, child-resistant package designed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995), unless the marihuana is transferred for consumption on the premises where sold.
- (k) No marihuana establishment may sell or otherwise transfer tobacco.

Sec. 12. In computing net income for marihuana establishments, deductions from state taxes are allowed for all the ordinary and necessary expenses paid or incurred during the taxable year in carrying out a trade or business.

- Sec. 13. 1. In addition to all other taxes, an excise tax is imposed on each marihuana retailer and on each marihuana microbusiness at the rate of 10% of the sales price for marihuana sold or otherwise transferred to anyone other than a marihuana establishment.
2. Except as otherwise provided by a rule promulgated by the department of treasury, a product subject to the tax imposed by this section may not be bundled in a single transaction with a product or service that is not subject to the tax imposed by this section.
3. The department of treasury shall administer the taxes imposed under this act and may promulgate rules pursuant to the administrative procedures act of 1989, 1989 PA 306, MCL 24.201 to MCL 24.328 that prescribe a method and manner for payment of the tax to ensure proper tax collection under this act.

- Sec. 14. 1. The marihuana regulation fund is created in the state treasury. The department of treasury shall deposit all money collected under section 13 of this act and the department shall deposit all fees collected in the fund. The state treasurer shall direct the investment of the fund and shall credit the fund interest and earnings from fund investments. The department shall administer the fund for auditing purposes. Money in the fund shall not lapse to the general fund.
2. Funds for the initial activities of the department to implement this act shall be appropriated from the general fund. The department shall repay any amount appropriated under this subsection from proceeds in the fund.
3. The department shall expend money in the fund first for the implementation, administration, and enforcement of this act, and second, until 2022 or for at least two years, to provide \$20 million annually to one or more clinical trials that are approved by the United States food and drug administration and sponsored by a non-profit organization or researcher within an academic institution researching the efficacy of marihuana in treating the medical conditions of United States armed services veterans and preventing veteran suicide. Upon appropriation, unexpended balances must be allocated as follows:
- (a) 15% to municipalities in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the municipality;
  - (b) 15% to counties in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the county;
  - (c) 35% to the school aid fund to be used for K-12 education; and
  - (d) 35% to the Michigan transportation fund to be used for the repair and maintenance of roads and bridges.

Sec. 15. A person who commits any of the following acts, and is not otherwise authorized by this act to conduct such activities, may be punished only as provided in this section and is not subject to any other form of punishment or disqualification, unless the person consents to another disposition authorized by law:

1. Except for a person who engaged in conduct described in sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or 4(1)(h), a person who possesses not more than the amount of marihuana allowed by section 5, cultivates not more than the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than the amount of marihuana allowed by section 5, is responsible for a civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.
2. Except for a person who engaged in conduct described in section 4, a person who possesses not more than twice the amount of marihuana allowed by section 5, cultivates not more than twice the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than twice the amount of marihuana allowed by section 5:
  - (a) for a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;
  - (b) for a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana;
  - (c) for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$2,000 and forfeiture of the marihuana.
3. Except for a person who engaged in conduct described by section 4(1)(a), 4(1)(d), or 4(1)(g), a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:
  - (a) for a first violation, is responsible for a civil infraction and may be punished as follows:
    - (1) if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or
    - (2) if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.
  - (b) for a second violation, is responsible for a civil infraction and may be punished as follows:
    - (1) if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or
    - (2) if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.
4. Except for a person who engaged in conduct described in section 4, a person who possesses more than twice the amount of marihuana allowed by section 5, cultivates more than twice the amount of marihuana allowed by section 5, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by section 5, shall be responsible for a misdemeanor, but shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence.

Sec. 16. 1. If the department does not timely promulgate rules as required by section 8 of this act or accept or process applications in accordance with section 9 of this act, beginning one year after the effective date of this act, an applicant may submit an application for a marihuana establishment directly to the municipality where the marihuana establishment will be located.

2. If a marihuana establishment submits an application to a municipality under this section, the municipality shall issue a municipal license to the applicant within 90 days after receipt of the application unless the municipality finds and notifies the applicant that the applicant is not in compliance with an ordinance or rule adopted pursuant to this act.

3. If a municipality issues a municipal license pursuant to this section:
- (a) the municipality shall notify the department that the municipal license has been issued;
  - (b) the municipal license has the same force and effect as a state license; and
  - (c) the holder of the municipal license is not subject to regulation or enforcement by the department during the municipal license term.

Sec. 17. This act shall be broadly construed to accomplish its intent as stated in section 2 of this act. Nothing in this act purports to supersede any applicable federal law, except where allowed by federal law. All provisions of this act are self-executing. Any section of this act that is found invalid as to any person or circumstances shall not affect the application of any other section of this act that can be given full effect without the invalid section or application.

**Medical Marihuana Facilities Licensing Act (MMFLA, PA 281 of 2016) compared with Proposal 1 – the Michigan Regulation and Taxation of Marihuana Act (MRTMA)**

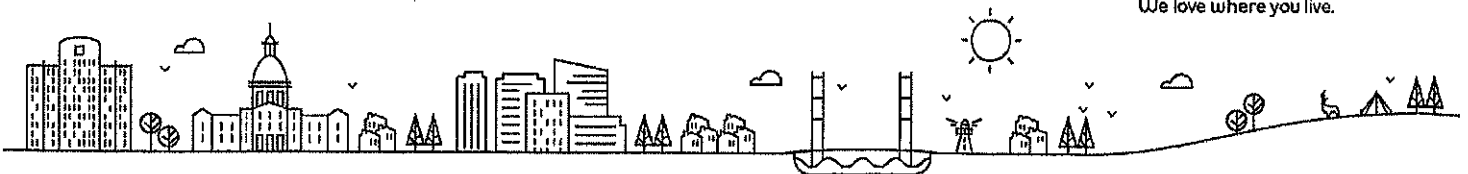
**Votes required for future amendments:**

- MMFLA requires a simple majority of vote of the Legislature (56 House votes and 20 Senate votes).
- Proposed MRTMA will require a 3/4 vote of the Legislature (83 House votes and 29 Senate votes).

**Local Control:**

- MMFLA requires municipality to OPT IN.
- Proposed MRTMA requires a municipality to OPT OUT. Municipal decision to limit the number of marihuana establishments or opt out is subject to override by the voters of that municipality through initiative petition.
- MMFLA, a state operating license may not be issued to an applicant unless the municipality in which the proposed facility will be located in has adopted an ordinance authorizing that type of license.
  - If municipality does nothing, no marihuana facilities can be licensed/operate in that municipality.
  - If municipality adopts ordinance (opts in), then it may:
    - Authorize any specific or all license types
    - Limit the number of each license type
- Proposed MRTMA, a state operating license shall be issued to operate in every municipality unless a municipality enacts an ordinance to opt out.
  - Municipality can either completely prohibit all license types, or it allows all and can limit the total number of each license type. It may not pick and choose what license types it authorizes.
  - If the municipal limit on licenses prevents the State from issuing a license to all qualifying applicants, the municipality, not the State, is required to select from the competing applicants using a competitive process intended to identify those who are best suited to operate in compliance with the Act.
- Nothing under the MMFLA nor the proposed MRTMA has direct affect on the Michigan Medical Marihuana Act (MMMA patient caregiver model).

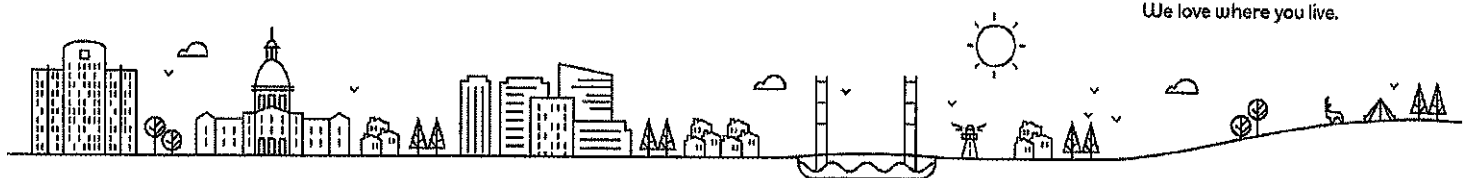
We love where you live.



- Proposed MRTMA broadens the prohibition on the separation of plant resin by butane extraction on residential premises under the MMMA to include methods using a substance with a flash point below 100 degrees Fahrenheit within the curtilage of a residence.
- Proposed MRMTA substantially increases the amount of marihuana that may be lawfully possessed from 2.5 ounces and 12 plants by a qualifying patient to 2.5 ounces on one's person, 10 ounces secured in one's residence, and no more than 12 plants at a time.
- While a municipality may regulate the time, place and manner of operation of marihuana establishments, the State must approve and issue a license to a proposed marihuana establishment that is not within an area exclusively zoned for residential use and is not within 1000 feet of a preexisting K-12 public or private school. A municipality may reduce this distance by ordinance.

#### License Types:

- MMFLA has five license types:
  1. Grower
    - Class A – 500 plant limit
    - Class B – 1,000 plant limit
    - Class C – 1,500 plant limit
  2. Processor
  3. Secure transporter
  4. Provisioning center
  5. Safety compliance facility
- Proposed MRTMA has six license types:
  1. Grower (plant limits are different than MMFLA)
    - Class A – 100 plant limit
    - Class B – 500 plant limit
    - Class C – 2,000 plant limit
  2. Processor
  3. Secure transporter
    - Provides for license, but nowhere in the language is there a requirement that marihuana must only be transported by a secure transporter.
  4. Retailer
    - MMFLA license is a provisioning center not retailer.
  5. Safety compliance facility
  6. Microbusiness
    - Person licensed to cultivate not more than 150 plants; process and package; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a safety compliance facility, but not to other marihuana establishments.
    - MMFLA does not have this license type.





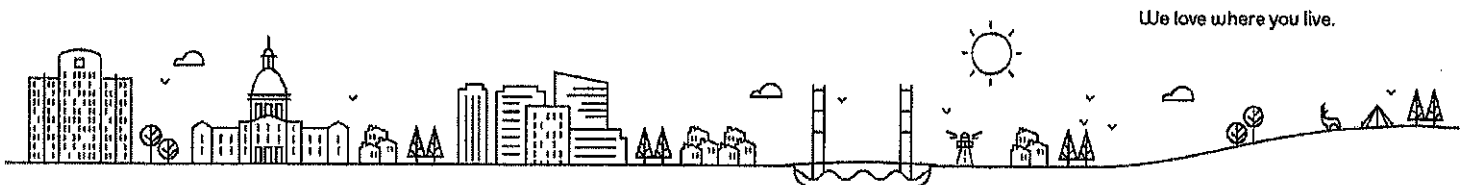
- MMFLA prohibits caregiver from grower, processor or secure transporter license types.
- Proposed MRTMA does not prohibit caregiver from holding any of the six license types.
- A person may be licensed under both the MMFLA as well as the proposed MRTMA.

Unreasonably Impracticable:

- MMFLA does not reference.
- Proposed MRTMA prohibits any administrative rule or municipal ordinance that subjects the licensee to unreasonable risk or requires such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.
  - Any rule or ordinance could be legally challenged if a person considers it to require too much time, money, etc.

Additional information:

- Definitions are not consistent between the MMFLA and the proposed MRTMA.
- Grower license plant counts are not consistent between the MMFLA and the proposed MRTMA.
- Application process is not consistent between the MMFLA and the proposed MRTMA.
  - If the State does not begin accepting/processing MRTMA applications within one year of the effective date of the Act, applicants can submit an application to a municipality. Municipality shall issue a municipal license to applicant within 90 days. Municipal license has same force and effect as state license, but the municipal license holder is not subject to regulation or enforcement by the department during the municipal license term.
- If proposed MRTMA passes, the MMFLA requirement that a 3% tax is imposed on each provisioning center's gross retail receipts is no longer applicable. However a 10% tax will be imposed on marihuana retailers on sales price of marihuana sold or otherwise transferred to anyone other than a marihuana establishment.
- The percent of the municipal portion of the excise tax collected is reduced from 25% under the MMFLA to 15% under the MRTMA and is paid only after the State is compensated for its implementation, administration and enforcement of the Act; and until 2022 or for at least two years, \$20 million annually is provided to FDA-approved clinical trials researching the efficacy of marihuana in treating U.S. armed services veterans for medical conditions and suicide prevention.
- If proposed MRTMA passes, it goes in to effect 10 days after the election is certified.



## MEMO



**Date:** October 18, 2018  
**To:** City Council  
**From:** Paul C. Zelenak, Manager  
**Re:** City Update

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**Ladies Night Out:** Scheduled for Friday, November 16<sup>th</sup>. We are expecting hundreds of women in the downtown that evening taking advantage of shopping, dining and all the good things our town has to offer.

**Water Tower:** We have been provided with the cost to repaint the water tower lettering. Please see attached information.

**Dixboro Paving Project:** Reminder: On Wednesday, October 24<sup>th</sup> there will be a public informational meeting on the Dixboro Paving Project. The event will last from 4:00 pm to 7:00 pm and will be held in the Millennium Middle School Cafeteria. There will be representatives from the Road Commission of Oakland County and HRC there to answer your questions on the proposed project.

**Board and Commission Application:** Please see the attached rough draft of our Board and Commission Application. The application includes a request for information as to their interest and experience to serve on a board. There is a description of the various boards, information on where and when the particular board meets, and other pertinent data that may be relevant to their appointment.

**2019-2020 Budget:** I would suggest that City Council members start to think about their goals and objectives for the 2019-2020 budget year. Please prepare your own personal list of items you would like included in next years budget. The list can contain specific items such as (pave Liberty street) or it can be more broad such as (invest more dollars in our parks) I would request that you get your list to me by the end of November. You can drop the list off to my office or email it to me. This way I can compile a list of suggested items and have it prepared for your review at a City Council meeting in December.

**Next week:** I will be meeting with representatives of SLAPA. I have a meeting with the Supervisor of Lyon Township. I will be attending the public informational meeting on the Dixboro Paving project. And I will also be attending the DDA Business Meeting.

### **Weekly Report for Building Department**

#### **PERMITS ISSUED**

Building - 10

Electrical - 2

Mechanical - 5

Plumbing - 2

#### **INSPECTIONS COMPLETED**

Building - 28

Electrical - 1

Mechanical - 5

Plumbing - 4

### **Weekly Report for Code Enforcement**

10/16/18

I drove by 584 E Lake, the homeowner had repaired his sidewalk (2" drop/gaps) as requested, by replacing two of the sidewalk flags. I followed up at 445 Whipple; the portable basketball backboard had been removed from the street. It had been preventing leaf pickup at location by DPW. I checked the alley behind Mickey's Dairy Twist and Tormina's Pizza. The dumpster has remained closed and the areas around it clean.

10/17/18

No further 5:30am noise complaints about 558 N Lafayette, Fit Body Boot Camp, complaint closed. I received a complaint of tree/shrubs at 305 W Lake (corner lot) blocking the view of traffic. Traffic northbound on Warren stopped at W Lake cannot see approaching eastbound traffic. I took photographs and left a Red Tag advising the homeowner to trim or remove the tree/shrub near the front corner of his lot. The sidewalk trip hazard at 329 and 335 Stanford was turned over to DPW, the shifting sidewalk was caused by City trees on the lawn extensions. Complaint at 788 N Mill was closed; the homeowner came in and paid all permit fees for their new deck.

### **Weekly Report for the Police Department**

• Calls for Service	221
• Liquor Inspections	5
• School Checks	28
• Property Checks	66
• Church Checks	9
• Traffic Citations	9
• Traffic Warnings	73
• OWI	1
• Other Arrest	1
• Citizen Assists	14

### **Weekly Report for DPW**

Pick up Brush City Wide

Water Flowers in DDA as needed

Remove Trash from City, Parks, and Bike Trails - Daily

Comfort Station in McHattie Park Cleaned - Daily

Cut Grass on City owned Properties and all Parks

Miss Dig Utilities Marked as Request

Sweep streets

Sweep rail trail

Cold patch streets

Replace street signs

Remove and replace sidewalks

Assist DDA with lights around light poles

Pick up leaves from street

Repair water shut off

## **Weekly Report for the Fire Department**

Fire: **0**

Grass Fire: **0**

EMS calls: **11**

Gas Leak: **1**

Good intent: **1**

Alarms: **1**

Total calls for the week: **14**

Year to-date total: **541**

Tuesday crews visited a day care on McMunn for a safety talk to 4-year olds.

Firefighters trained at 461 Washington St. Training included roof and smoke training.

Firefighters visited the South Lyon High School Wednesday for career day.

Thursday ECC students visited the fire station.

Friday more students from ECC visited the fire station for a safety talk.

### **Fire Inspector Report**

2 Annual inspections

9 Re-inspections

7 Hours Admin work

2 pre-construction reviews.

## **Economic Development & DDA Report**

- **Building Rehabs:** Exterior Rehab\_of 115 and 117 N. Lafayette (Venue & Exquisite Kitchen Design) was completed this week. The result is fantastic! The private parking lot and sidewalk on the north (side) and west (back) end of the building at 117 N. Lafayette will be completely redone in the Spring, 2019. A grand reopening celebration ribbon cutting event will take place in early November. Details to follow soon. The owner of 110 N. Lafayette (A & E. Jewelers Bldg.) still hopes to completely repaint, in a black, gold & pewter combination (classic circa 1880s Jewelry Store design) in the next 2-4 weeks. 125 – 131 E. Lake street buildings will have their 3-color, authentic Victorian paint schemes painted in the Spring, 2019 due to a busy contractor schedule.
- **Continued working on an updated New Downtown Area Business Directory.** Same format as last year. Reviews (for corrections, inclusion of all businesses and basic all appropriate data) will be made by all DDA Board Members, Promotions & Marketing Committee, myself and others. Printing and distribution is now targeted for November 8.
- **Finished planning for the first ever South Lyon Holiday Gift Guide for the upcoming Holiday Season (November-December).** Photography and a Draft will be provided to all of the participants next week. It is a Co-op Advertising piece for Downtown, DDA Businesses and other businesses outside of the DDA, within the City of South Lyon. Our hope is that this specially designed advertising piece will attract lots of attention and will be expanded as a Spring and Holiday Guide next year. This first-time edition will be inserted into Lyon today in November, direct mailed to 20,000 households, plus an additional 5,000 copies will be printed for distribution in local businesses. It will be a custom designed piece, paid for by local businesses that are featured and the DDA, similar to Holiday Gift Guides in Rochester, Birmingham and other downtowns.
- **I will be attending the SEMCOG General Assembly** in Novi on October 18, attending educational sessions on Economic Development
- **Brotoberfest was cancelled,** due to volunteer issues. All participants and sponsors/vendors were notified.
- **Downtown Kids Trick or Treat is Thursday, October 25, 6 – 8 p.m.**
- **Ladies Night Out is Friday, November 16, 5:30 – 9:00 p.m.**
- **National Small Business Saturday, November 24, 5:30 a.m.. – 6:00 p.m.**
- **Cool Yule is Saturday, December 1** (more info to follow soon)

Dear

South Lyon Government,

You need to invest on paving ~~the~~ Dixboro road. My name is Aria Allman. My parents have been having a hard time driving on that road. When I am going to my football at volunteer park we run into many sisterbings potholes. When we run into potholes we try to avoid them and the branches are really long so they scrape up our car. I hope you will consider my idea about fixing up the road.

RECEIVED

OCT 11 2018  
CITY OF SOUTH LYON  
OFFICE OF TREASURER

Sincerely,  
Aria Allman, age 11,  
South Lyon.!!♡

Thanks

Dear, South Lyon government,

My name is Alex Allman and I am 11 years old I believe you should fix Dixboro because of the constant potholes on that road. I am part of a football corporation that is based in Volenteer park on Dixboro. The potholes damage the wheels and to get around them are car windows get all scratched up and causes traffic problems.

Sincerely,  
Alex Allman  
a concerned  
citizen

RECEIVED

OCT 11 2018  
CITY OF SOUTH LYON  
OFFICE OF TREASURER



Tim,  
Great job!  
Thank you,  
Chief Collins

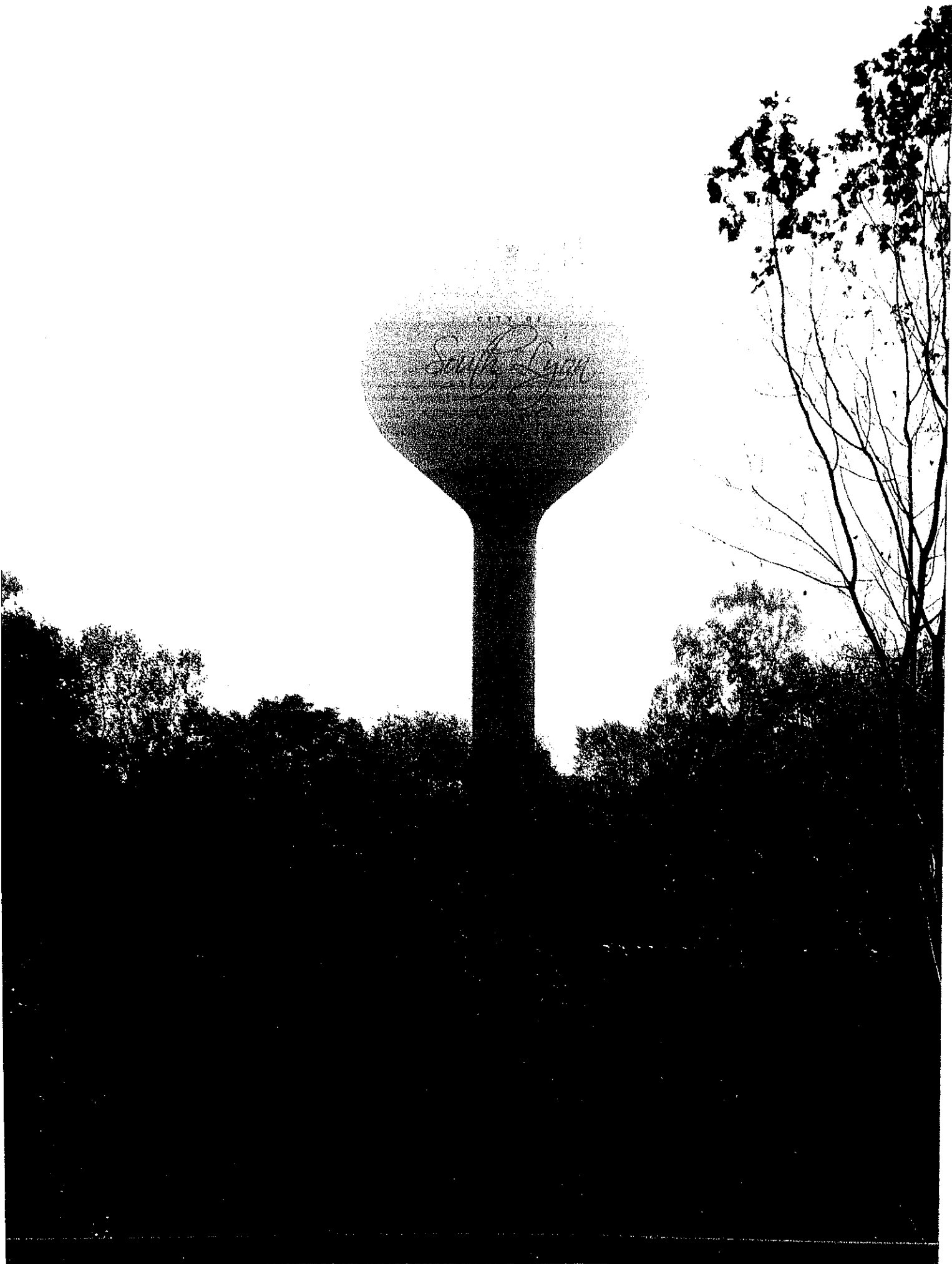


A Big Thank you  
to the South Lyon  
Police Department

Patrolman

Tim Walton

Helped me out on  
7-27-84. I locked  
myself out of my car



**City of South Lyon, Michigan  
500,000 Gallon Spheroid  
Exterior Overcoat  
Wet Interior Repaint  
Dry Interior Partial Repaint  
And Miscellaneous Repairs  
Contract No. 22-63-02-01-17  
October 11, 2018  
Bulletin No. 1**

Provide prices for the following:

Apply two (2) coats of Tnemec series 1074UV over the lettering on the sidewall. Apply coating as a rectangle around the entire lettering area to help blend-in with the existing coating. Apply new lettering with "CITY OF" and "EST 1873" in 30 inch block letters. Apply South Lyon with a lettering height of 6 ft. Use Tnemec series 700 for the lettering.

Twenty Two thousand four hundred \$22,400.00

Kate Tustof  
Contractor Signature

10-15-2018  
Date



## CANDIDATE QUESTIONNAIRE

The City of South Lyon wishes to thank you for your interest in serving as a Volunteer Citizen Representative on a Board, Commission or Committee. Your Candidate Questionnaire will be kept on file and entered for consideration for posted openings on any Board, Commission or Committee that you expressed an interest in for a period of two years. Please feel free to submit an updated Candidate Questionnaire at any time.

Please be advised that the information contained in this Questionnaire is not confidential, and will be reviewed by the Mayor, City Council and other appropriate personnel as vacancies or openings occur on the various Boards, Commissions and Committees. This Candidate Questionnaire may also be included in any City Council Meeting Packet which is published and made available for public inspection in print and on the Internet. Your address, phone numbers and email will not be published, even in the Meeting Packet.

Please be advised that even though you may submit an application to serve on a Board, Commission or Committee, it does not guarantee that you will be appointed to that Board, Commission or Committee.

**BOARDS/COMMISSIONS/COMMITTEES ON WHICH YOU WANT TO SERVE** (please check up to five applicable boxes; see attachment for descriptions):

**Appointed by Mayor-Confirmed by City Council**

- ☐ Planning Commission
- ☐ Zoning Board of Appeals
- ☐ Cable Commission
- ☐ Cultural Arts Commission
- ☐ Historical Commission
- ☐ Parks and Recreation Commission
- ☐ Downtown Development Authority
- ☐ Housing Commission
- ☐ Board of Ethics



NAME \_\_\_\_\_ CITY OF SOUTH LYON RESIDENT FOR \_\_\_\_ YEARS

ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE (home) \_\_\_\_\_ PHONE (business or cell) \_\_\_\_\_

EMAIL \_\_\_\_\_

OCCUPATION: \_\_\_\_\_

INTERESTS/REASONS/QUALIFICATIONS: (Resume may be attached)

\_\_\_\_\_  
\_\_\_\_\_

BOARDS/COMMISSIONS/COMMITTEES ON WHICH YOU HAVE SERVED (LIST MUNICIPALITIES AND DATES):

\_\_\_\_\_  
\_\_\_\_\_

ELECTIVE OFFICES THAT YOU HAVE HELD:

\_\_\_\_\_

OTHER ORGANIZATIONS: (Ex. Homeowners Association, Volunteer Groups, PTA, etc...)

\_\_\_\_\_  
\_\_\_\_\_

ADDITIONAL INFORMATION:

\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



## CITY OF SOUTH LYON – BOARDS AND COMMISSIONS

**City Council:** Elected Office (7 Members) – Meets second and fourth Monday of the month at 7:30 pm in the Auditorium. Nominating petitions required. Petitions are available at the City Clerk's office.

**Planning Commission:** Appointed Office (7 Members) – Meets the second and fourth Thursdays of the month at 7:00 pm in the Auditorium. The Planning Commission prepares a Master Plan for existing and future land uses within the City; develops a Zoning Ordinance to implement the Master Plan, reviews change of land use requests, site plans and related approvals for development, and/or change of occupancy; and assists with the development of a Capital Improvement Plan.

**Zoning Board of Appeals:** Appointed Office (5 Members) – Meets the third Thursday of the month at 7:00 pm in the Auditorium. The ZBA is a quasi-judicial board that considers appeals, variance requests, and ordinance interpretation.

**Cable Commission:** Appointed Office (3 Members) – Meets the second Wednesday of the month at 7:00 pm in the North Conference Room. The Cable Commission is responsible for the content on the City's local government Channel 19. They record football games, interviews with local business owners, and informational content for the City.

**Cultural Arts Commission:** Appointed Office (6 Members) – Meets the first Thursday and third Wednesday of the month at 6:00 in the South Conference Room. The Cultural Arts Commission encourages, facilitates and promotes Culture and Art in the City, such as promotional and educational activities to increase public awareness of the necessity and desirability of visual arts, music and culture in the community.

**Parks and Recreation Commission:** Appointed Office (6 Members) – Meets the second Wednesday of the month at 7:00 pm in the South Conference Room. This Commission works with the City to develop a 5-year Parks and Recreation Master Plan. The Commission ensures that the Parks and Recreation Master Plan is being followed and will make recommendations for other improvements to recreation facilities.

**Downtown Development Authority:** Appointed Office (9 Members) – Meets the second Thursday of the month at 8:00 am in the South Conference Room. This Board develops a Downtown Development Plan and oversees the budget for tax increment financing with the DDA District.

**Ethics Commission:** Appointed Office (5 Members) – Will meet on an as needed basis to ensure that the City's Ethic Ordinance is being followed.

**Housing Commission:** Appointed Office (5 Members) – Meets the third Thursday of the month at 4:00 pm in the South Conference Room. The Housing Commission shall determine in what areas of the City it is necessary to provide proper sanitary housing facilities for families of low income and for the elimination of housing conditions which are detrimental to the public peace, health, safety and/or welfare.

**Historical Commission:** Appointed Office (5 Members) – Meets the first Wednesday of the month at 7:30 pm at the Witch's Hat Museum. The Commission shall, in concert with the City of South Lyon and the City Manager oversee the operation and maintenance of the Historical Village and its buildings and grounds. The Commission works to preserve the history of South Lyon by collecting materials and other objects and materials illustrative of and relating to the history of the South Lyon area, to procure and preserve narratives of the early pioneers, their exploits, perils, privations and achievements.