

# **Regular City Council Meeting**

**October 8, 2018**

## **Agenda**

**7:30 pm**

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Approval of Minutes: September 24, 2018**

**Approval of Bills:**

**Attorney Bills:**

**Approval of Agenda**

**Public Comment**

**Discussion – Downtown**

### **I. 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.
2. First Reading of Ordinance rezoning Parcel 21-19-126-002 (Thomasville) from RM-1 (Multiple Family Residential) to PD (Planned Development).
3. Second Reading of Lot Coverage Zoning Ordinance Amendment.
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 Street.

### **II. New Business**

1. Budget Amendments
2. Approval of DDA By-Laws Amendments
3. Revised Road Closure & Event Hours for Brotoberfest
4. Acceptance of Firehouse Subs Safety Foundation grant for Lucas 3 chest compression device
5. Sale of 2005 Ford Excursion by Fire Department
6. South Lyon Educational Foundation Charitable Gaming License
7. Approval of Settlement Agreement in Joyce Clohosey v. City of South Lyon, MDCR Charge Nos. 486152, 486550, 486847, and EEOC Charge No. R23A-2018-10195C

### **III. Budget**

### **IV. Manager's Report**

### **V. Public Comment**

### **VI. Council Comments**

### **VII. Adjournment**



City of South Lyon  
Regular City Council Meeting  
September 24, 2018

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

Present: Mayor Pelchat, Councilmembers Kennedy, Kivell, Kurtzweil, Parisien, Richards and Walton  
Also Present: Chief Collins, Fire Chief Vogel, Attorney Wilhelm and Clerk/Treasurer Deaton

MINUTES

CM 9-1-18 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Walton

Motion to approve minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

Chief Collins stated he would like to remove old business #1 from the agenda. It will be before Council again at a later time. Attorney Wilhelm stated he has spoken with Ms. Bifano's attorney and she agreed they will work together to go through some of the details of the plan of operations and bring this back to Council at a later time.

CM 9-2-18 MOTION TO APPROVE AGENDA AS AMENDED

Motion by Kivell, supported by Kennedy

Motion to approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Bob Martin of 695 N Crest Lane stated he wanted to come and thank everyone for all their help with the summer concert series. He stated this has been his 10<sup>th</sup> year doing this and one person couldn't do this job. It begins in February with the booking of bands, which is becoming more competitive, because people are finding out about the beautiful settings they play in here in South Lyon. The Administration helps with taking calls, and making the posters. He then stated as spring stretches to summer we get ready for the first show in June. The DPW always makes sure the grounds look perfect. The Historical Society does a great job keeping the area beautiful and is known as our mini Greenfield Village. He stated then on the day of the show and he is worrying about the weather, someone from the DPW or Water comes and makes sure the electricity is working. Then at 5:30 at each concert, Phil Wiepert representing the Kiwanis brings cold water for everyone. Phil brings the water for the bands and the audience. Mr. Martin stated our concert series are unique, because we use all types of music. He stated it is wonderful and he thanked everyone.

DISCUSSION- Downtown

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Mr. Donohue stated the Farmers Market will be at the Veterans Parking Lot during Pumpkinfest. He stated the market people and the vendors love it. He reminded everyone the dates for Pumpkinfest are September 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup>. There is a lot of work that goes into that and it is always a great event for the downtown. Mr. Donohue stated the building projects for 115 and 117 Lake Street are moving forward with the façade work, although it still needs to be painted, and it will be painted in 3 different tones. He stated he was told it will be completed in 3-4 weeks. Mr. Donohue stated the owner of 125 and 131 E Lake is going to wait to do their Victorian paint scheme until next summer. The painter is worried about the timing because of the intricate work, but the preservation work has been outstanding. He stated he is hoping to have formal announcements on the gourmet foods and candy store after the first of the year. He stated he is close to announcing an antique shop as well. Mr. Donohue stated Brotoberfest is coming up, posters and postcards will be going out this week. The billboard will be up this weekend. He further stated Ladies Night is moving forward, the billboard goes up October 22<sup>nd</sup>. The Ladies Night is November 16<sup>th</sup>. Mr. Donohue stated they are double and triple checking the new business directory and it should be out in the next 2 weeks. He stated they are looking into having a recognition night for all the improvements downtown, and we want to partner that with the fundraising for the Veterans expansion and relocation. He stated they currently have half the funding. He stated there will be an official announcement in February. Mr. Donohue stated the primary sponsors of Brotoberfest are the VFW, the South Lyon Hotel, Kiwanis Club, and KV Sports.

Councilmember Parisien stated we had an issue with 2 people that wanted to be on a board, and there were conflicting apps with date stamps. She asked what is the status of the process. Mr. Donohue stated all the boards and commissions are treated the same way. He stated he also mentioned having the forms online fillable which would be a one step process. Councilmember Parisien stated she wants the process to be as fair as possible so people can go online and see what's going on. She stated we need to stay up on this process, and maybe having the same form for all boards isn't the best idea. Mr. Donohue stated the DDA tabled one of the applications because the minutes from the July meeting are now available and the City Attorney is reviewing them as well. There was some discussion and there was some confusion on the action the DDA took at the July 12<sup>th</sup> meeting. They didn't have a quorum in August so the minutes couldn't be approved and they weren't available on the website. Councilmember Parisien stated the minutes are helpful, but they don't mean anything unless the information on the website is easily found and understandable. She stated it seems to be a confusing process for the residents.

Councilmember Walton asked when the road closures will occur this weekend for Pumpkinfest. Chief Collins stated the parade starts at Centennial and ends at Bartlett. The Fun Run starts at 9:55 and the parade at 10:00. The road closures start at 9:30 a.m. Chief Collins stated the downtown road closure for the Pumpkinfest footprint begins on Friday morning.

Councilmember Kivell stated although the time stamps are helpful, all boards and commissions have the ability to recommend someone to be appointed to a board, but there is no obligation by a board to recommend someone just because they file an application. Mr. Donohue stated the DDA has bylaws that are set by Michigan Law, and their bylaws show the DDA making a recommendation to the City Manager.

### NEW BUSINESS

1. First reading of Zoning Ordinance Amendment to amend and add definitions and limit the height of utility poles and other structures in a public right-of-way



Attorney Wilhelm stated this is a zoning ordinance amendment to address a bill that adversely effects the City with respect to control its right-of-way with respect is wireless facilities. He stated Council may recall the DAS or distributed antennae systems and this something that will keep coming up. This Ordinance amends some language and adds other language that limits 40-foot limit with 5 feet above that for wireless. Councilmember Kivell asked if this is part of the Metro Act. Attorney Wilhelm stated this is outside of the Metro Act. That is typically talking about lines, whether underground or strung on poles. A DAS is a pole with an antenna on it. He further stated the cabinets, the antenna all falls outside of the Metro Act, and this is designed to address that. Councilmember Kivell asked if there is any revenue to the City as a product of them being able to use our poles. Attorney Wilhelm stated this isn't relevant to this amendment, but as a policy decision, it would depend if the City owns the light poles or DTE. If you own infrastructure within your right-of-way or outside of it, and you want to make that available for wireless facilities and third parties, that is a policy decision. As of now the City doesn't have that.

#### CM 9-3-18 MOTION TO APPROVE FIRST READING OF ZONING ORDINANCE AMENDMENT

Motion by Kivell, supported by Kennedy

Motion to approve the first 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. Vacant City property- 318 W Lake Street

Chief Collins stated this is the old Library building and after that it was the South Lyon Recreation Authority building. He stated it has been City property the whole time. He stated he got a professional assessment of the property as well as consulting with Oakland County Equalization. He further stated we could ask a realtor to list it for sale, keep it vacant, or designate some other use for the property. Councilmember Kivell stated this building has had municipal use its entire lifetime. It was comfortable and relatively benign things going on there without much traffic. He stated this is a residential zone, and his opinion is we should make this affordable for someone to purchase the property, raze the property and build a home there. He stated he doesn't know if that is viable, but the neighbors would rather have a neighbor there and not a business. Councilmember Kurtzweil stated she knows people that live in the downtown and they aren't interested in it being turned into a residential property. Some people downtown would like to see the Cultural Arts Commission use that space. She further stated she thinks if the City keeps the property we can control the use, which is why the building has survived as long as it has. Councilmember Kurtzweil stated we could allow the pottery shop to rent some space. She stated she would like the new City Manager have an opportunity to explore some ideas. She further stated Brighton put an old building into use as a community center/cultural arts center. There are no other options for the Cultural Arts Commission. We would probably get a lot of volunteers to help get the building in shape to turn it into a gallery and possibly mixed uses. She further stated it could have a nice conference area, so maybe a mixed use is the answer. Councilmember Richards stated he agrees with Councilmember Kurtzweil, it would be great for Cultural Arts and mixed use. He stated that would be a good place for counseling services and we could have a display area for Historical. He stated there are a lot of pictures that are kept in the basement that everyone would like to see. He further stated it could be a venue for the wellhead protection committee displays. Councilmember Richards stated a multiple use for now is the best idea, it can be very valuable to the City. Councilmember Kennedy stated he wants to know what shape the building is in. He stated he wants to know what kind of obligation we will be in to maintain the

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structural integrity. He further stated he thought there was a problem with the foundation. He stated we have had discussions about the cost of being a landlord and we need to look at this as a want versus need basis. Councilmember Kurtzweil stated that is even more of a reason to not decide tonight. The City has always been short sighted, and other cities seem to be able to raise funds to accommodate some of their commissions. She further stated it would be nice to have people brag about something here in town like they are about the cultural center in Brighton. Councilmember Kennedy stated he would like to take advantage of the time we have now and ask our building official to do an inspection on the building, then in two weeks we will have more information for this discussion.

CM 9-4-18 MOTION TO DIRECT INTERIM CITY MANAGER TO HAVE THE BUILDING OFFICIAL ASSESS THE BUILDING

Motion by Kennedy, supported by Parisien

Motion to direct the Interim City Manager to have the building official assess the building and its structural integrity and ordinance and compliance standpoint

VOTE:

MOTION CARRIED UNANIMOUSLY

BUDGET- None

MANAGER'S REPORT

Chief Collins stated he met with Ken Mihalie from the Cultural Arts Commission regarding the paint color and the readability of the water tower. He inspected the water tower with Ron Beason. After the onsite visit, he met with someone from Dixon Engineering and he asked them to verify the color of the paint and the logo. He then initiated a color complaint with the paint manufacturer Tnemec. Chief Collins stated the Tnemec company will be comparing the paint supplied to the Pantone 5405 color standard which was the color ordered for the base and the script. He stated the laboratory will forward a color sample to the City by approximately September 28<sup>th</sup>. He further stated we will also be getting a color standard sample as well. The first step in the process to figure out what our options are because there is some dissatisfaction is first to determine if we have the color of paint that the Cultural Arts Commission chose and to see if the color standard matches as well. Councilmember Richards stated we paid a lot of money for the rehabilitation of the water tower. He stated when he made signs in the past, to make sure people can read it, he highlighted the outside to make it stand out a little more. He further stated if the color conforms, maybe we can highlight it with an accent, he can't imagine it would cost more money. Councilmember Kurtzweil stated she looked at the swatch when it was chosen. She further stated that is not the color on the tower. Somewhere along the line either someone adjusted the color that was chosen, or there is a mix up with the color itself. She stated the reason the color swatch was selected was for readability from a distance. The issue was to maximize the readability South Lyon from the greatest distance. She further stated you don't have good readability when you use a light color because it fades into the white of the background. That is why there was a darker color originally selected. She stated she doesn't want this to be a huge issue, but if it can be rectified good, if not, then we move on. Councilmember Kivell stated he loves the logo. It is very nice stylized and modern. He further stated unfortunately it doesn't translate well when you are driving by. He stated to try to get contrast is to have a white tower with black lettering. He further stated if it turns out we have the wrong paint, we cannot be held responsible for that. He further stated it is still very attractive, but it is a lost opportunity for people to be driving by and know exactly where they are at if they aren't familiar with the area.

PUBLIC COMMENT- None



## COUNCIL COMMENTS

Councilmember Richards stated he hopes we all have a productive week as we head into the Pumpkinfest festivities. He then stated he took some pictures of the projects going on around town. He took pictures of the work going on at Heinanen and the island at the Marathon station. He further stated he took pictures of the work happening at 115 and 117 Lake street today. He stated the Historical Society is having their annual excursion. They used to have a dinner, but they decided to stop doing that. We are going to Holly for a historical tour. He further stated that will be exciting. Councilmember Richards stated we had a terrible accident last Friday involving a citizen at the railroad track. She is 31-year-old and a resident of South Lyon and we wish her the best on her recovery.

Councilmember Kennedy stated he would like to recognize Lt. Chris Sovik, Sgt. Doug Baaki and Officer Audra Baker for participating in the Special Olympics Law Enforcement Run on September 14 when they relayed the torch from 10 Mile & Pontiac Trail to Pontiac Trail and Silver Lake Rd. He then thanked them for their efforts and support of the worthwhile cause. Councilmember Kennedy stated he would like to remind everyone of the Soccer Game between South Lyon High School and South Lyon East High School to highlight Breast Cancer Awareness. The game will be held Monday, October 1 at South Lyon High at 5:30 pm for the JV teams and at 7:00pm for the varsity teams. There will be a 50/50 raffle benefitting the Pink Fund so let's turn out and support this worthwhile charity. Councilmember Kennedy stated that SEMCOG, the Southeast Michigan Council of Governments, will kick off a campaign beginning October 1 to emphasize the need to Walk, Bike and Drive Safe with a goal of reducing traffic fatalities and injuries throughout our region. Councilmember Kennedy stated he has been working with our Cable Commission, and they will be broadcasting public service announcements on our local TV channel and be placing posts on social media to help support this effort and increase awareness. He then thanked Rich Perry, Stephen Kaukonen and Amber King for their help with getting the message out for this initiative. Councilmember Kennedy congratulated Jill French, the owner of Glazy Days, for celebrating 10 years in business in downtown South Lyon. Glazy Days will be offering special deals during Pumpkinfest this weekend, so stop in and see what they have to offer.

Councilmember Walton reminded everyone to go to Pumpkinfest and enjoy the parade. She stated the marching band has the parade as well as a competition this weekend. Councilmember Walton stated they raised over \$900.00 at the get the red out football game. It was for the American Heart Association and she was happy to be there. Councilmember Walton thanked all the hardworking teenagers in town. She stated there are a lot of kids that spend all day at school and then they work after. She stated they don't get enough credit for what they do. They do a great job.

Councilmember Parisien stated Pumpkinfest is still looking for volunteers. She stated the kick off to Pumpkinfest parade is the annual run. Registration is open for two more days, and you can register at [www.slxc.com/pumpkinfest.com](http://www.slxc.com/pumpkinfest.com). She stated it is a cool race and they always have cool shirts, the logo is always cool. She further stated she is happy Bob Martin visited tonight. She thanked him for all the things he still does in our community.

Councilmember Kurtzweil thanked Mayor Pelchat for the invitation to the South Lyon football game. She stated it was great and Mayor Pelchat is a real professional behind the microphone. She stated for him to be able to manage the microphone, learn the players numbers on both teams, and be able to call the plays. Everyone was very impressed with his knowledge of the game and the players. She further stated she also wanted to thank all the volunteers, parents and grandparents that sold tickets at the gate and sold items at the concession stands. She further stated it is unbelievable the number of volunteers this



community has and what it takes to put on a football game at South Lyon High. She then stated she met the new School Resource Officer for South Lyon High. She stated he is an incredible individual and they had to wait in line to meet him because there were students introducing him to their parents. She stated he already has a fan club. She then stated she was impressed with him and she was surprised to learn the Oakland County Sheriff is now the official law enforcement agency at all football games. She then thanked Sheriff Bouchard. Councilmember Kurtzweil stated the craft show will be at Bartlett Elementary during Pumpkinfest. She thanked everyone for volunteering that will be working at the chicken barbeque at the United Methodist church. She stated it will be a sell out event. Councilmember Kurtzweil thanked Pete's True Value for installing an American flag and they also offer a military discount to veterans and she reminded everyone to shop local. Councilmember Kurtzweil stated we are all awaiting the new City Manager Paul Zelenak and everyone is very excited. She further stated we are almost out of the fog, he will be here in a week. Councilmember Kurtzweil reminded everyone to visit Pumpkinfest it will be a great weekend.

Councilmember Kivell stated the City staff had an entertaining training session to get an understanding of state and federal civil rights laws. It was necessary to be compliant as other businesses would do. He further stated Tom Fleury did a great job with the presentation. Councilmember Kivell stated the buildings at 115 and 117 are looking very nice. He then thanked Mr. Borgman for investing in our community and his effort for dressing the place up and preserving that wonderful structure. Councilmember Kivell stated Pumpkinfest will be a great time and everyone should go.

Mayor Pelchat stated he also wanted to remind everyone of Pumpkinfest. He stated there isn't a better time of year than Pumpkinfest. He is looking forward to that. Mayor Pelchat stated he received an email from Suzan Martin that he is going to read for everyone. The South Lyon Water Department is hosting an environmental and public health seminar on drinking water and wells on October 10<sup>th</sup> from 2:00-2:45 in the South Lyon City Hall auditorium. The speaker will be Kimberly Demars R.S. a senior public health sanitarian of the Oakland County Health Division environmental health services. Topics will be on-site septic systems, ensuring safe drinking water, wells, wells components and the role the Oakland County Health Division plays in regulation. This is sponsored by the Wellhead Protection program and the Water Department. If anyone has any questions, please contact the water department at 248-437-4006.

#### ADJOURNMENT

Motion by Kurtzweil, supported by Walton

Motion to adjourn the meeting at 8:26 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

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

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



REVENUE REPORT FOR CITY OF SOUTH LYON

PERIOD ENDING 09/30/2018

FINANCIAL REPORT FOR SEPTEMBER 2018  
BEFORE MONTH END ADJUSTMENTS

GL NUMBER	DESCRIPTION	2018-19	2018-19	YTD BALANCE	ACTIVITY FOR	AVAILABLE		% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET	09/30/2018 NORM (ABNORM)	MONTH 09/30/18 INCR (DECR)	NORM (ABNORM)	BALANCE	
Fund 101 - GENERAL FUND								
Revenues								
Dept 000.000								
101-000.000-402.000	REAL PROPERTY TAX	4,127,644.00	4,127,644.00	853,991.16	517,345.95	3,273,652.84		20.69
101-000.000-423.000	SOUTH LYON WOODS TAX	1,100.00	1,100.00	704.50	92.50	395.50		64.05
101-000.000-444.000	PAYMENT IN LIEU OF TAXES	500.00	500.00	0.00	0.00	500.00		0.00
101-000.000-446.000	PENALTIES AND INTEREST	9,600.00	9,600.00	0.00	0.00	9,600.00		0.00
101-000.000-451.000	BUILDING PERMITS	175,000.00	175,000.00	62,820.00	19,568.00	112,180.00		35.90
101-000.000-452.000	HEATING & PLUMB. REFG. PERMI	33,000.00	33,000.00	5,734.00	2,032.00	27,266.00		17.38
101-000.000-453.000	ELECTRICAL PERMITS	28,000.00	28,000.00	6,382.00	2,293.00	21,618.00		22.79
101-000.000-454.000	LICENSES & BUSINESS MISC.	3,000.00	3,000.00	800.00	275.00	2,200.00		26.67
101-000.000-570.000	STATE SHARED REV.	1,001,177.00	1,001,177.00	173,904.00	173,904.00	827,273.00		17.37
101-000.000-570.100	STATE REVS	119,000.00	119,000.00	0.00	0.00	119,000.00		0.00
101-000.000-600.000	BOARD OF APPEALS	0.00	0.00	450.00	0.00	(450.00)		100.00
101-000.000-600.100	REZONING FEES	0.00	0.00	100.00	0.00	(100.00)		100.00
101-000.000-630.000	ADMIN FEE PROPERTY TAX	95,000.00	95,000.00	20,477.97	12,666.97	74,522.03		21.56
101-000.000-634.000	GRAVE OPENINGS & FOUNDATIONS	37,000.00	37,000.00	11,110.00	3,375.00	25,890.00		30.03
101-000.000-642.000	POLICE	40,000.00	40,000.00	4,503.41	417.00	35,496.59		11.26
101-000.000-661.000	PARKING VIOLATION	750.00	750.00	365.00	120.00	385.00		48.67
101-000.000-662.000	LOCAL COURT FINES	30,000.00	30,000.00	6,087.40	3,564.78	23,912.60		20.29
101-000.000-664.000	INTEREST	5,500.00	5,500.00	2,437.73	560.95	3,062.27		44.32
101-000.000-664.200	PARK AND REC. INTEREST	0.00	0.00	231.35	0.00	(231.35)		100.00
101-000.000-666.000	INTEREST-EQUALIZ.& CONTINGENC	0.00	0.00	83.95	0.00	(83.95)		100.00
101-000.000-668.200	RENTS AND ROYALTIES-CABLE	140,000.00	140,000.00	31,951.74	0.00	108,048.26		22.82
101-000.000-668.300	LEASE--ANTENNA	42,000.00	42,000.00	10,097.19	0.00	31,902.81		24.04
101-000.000-668.400	RENTAL PROPERTIES	8,800.00	8,800.00	0.00	0.00	8,800.00		0.00
101-000.000-669.209	CONTRIBUTION-PERPETUAL CARE	50,000.00	50,000.00	0.00	0.00	50,000.00		0.00
101-000.000-675.600	CULTURAL ARTS REVENUES	1,000.00	1,000.00	0.00	0.00	1,000.00		0.00
101-000.000-698.000	MISCELLANEOUS	50,000.00	50,000.00	27,211.06	7,157.90	22,788.94		54.42
101-000.000-698.200	PRIOR YEARS TAXES	4,500.00	4,500.00	3,123.37	1,764.72	1,376.63		69.41
101-000.000-698.210	WEDDING PROCEEDS	3,000.00	3,000.00	3,150.00	650.00	(150.00)		105.00
101-000.000-698.220	MMWA DIVIDENDS	30,000.00	30,000.00	0.00	0.00	30,000.00		0.00
101-000.000-698.230	SMART CREDITS	13,000.00	13,000.00	0.00	0.00	13,000.00		0.00
101-000.000-698.900	GRANT MONIES-CULTURAL ARTS	2,000.00	2,000.00	0.00	0.00	2,000.00		0.00
Total Dept 000.000		6,050,571.00	6,050,571.00	1,225,715.83	745,787.77	4,824,855.17		20.26
TOTAL REVENUES								
		6,050,571.00	6,050,571.00	1,225,715.83	745,787.77	4,824,855.17		20.26

Fund 101 - GENERAL FUND:  
TOTAL REVENUES

4,824,855.17 20.26



FINANCIAL REPORT FOR SEPTEMBER 2018  
 BEFORE MONTH END ADJUSTMENTS

GL NUMBER	DESCRIPTION	2018-19		YTD BALANCE 09/30/2018 NORM (ABNORM)	ACTIVITY FOR MONTH 09/30/18 INCR (DECR)	AVAILABLE BALANCE		% BDGT USED
		ORIGINAL BUDGET	2018-19 AMENDED BUDGET			NORM (ABNORM)	ABNORM	
Fund 101 - GENERAL FUND								
200.000 - ADMINISTRATION		1,402,836.00	1,402,836.00	411,419.65	109,446.65	991,416.35		29.33
276.000 - CEMETERY		118,640.00	118,640.00	37,647.73	12,535.46	80,992.27		31.73
295.000 - SENIOR TRANSPORTATION		78,926.00	78,926.00	19,519.00	12,942.00	59,407.00		24.73
300.000 - POLICE		2,778,149.00	2,778,149.00	595,520.40	199,914.21	2,182,628.60		21.44
335.000 - FIRE		640,169.00	640,169.00	122,258.42	40,145.33	517,910.58		19.10
346.000 - AMBULANCE		1,180.00	1,180.00	5.28	0.00	1,174.72		0.45
440.000 - DEPT. OF PUBLIC WORKS		739,412.00	739,412.00	165,834.72	53,347.26	573,577.28		22.43
690.000 - PARKS AND RECREATION		189,857.00	189,857.00	45,916.48	11,396.72	143,940.52		24.18
732.000 - HISTORICAL DEPOT		28,495.00	28,495.00	7,654.62	2,629.67	20,840.38		26.86
800.000 - CABLE COMMISSION		4,025.00	4,025.00	915.00	0.00	3,110.00		22.73
802.000 - CULTURAL ARTS		3,875.00	3,875.00	77.99	77.99	3,797.01		2.01
TOTAL EXPENDITURES		5,985,564.00	5,985,564.00	1,406,769.29	442,435.29	4,578,794.71		23.50

Fund 101 - GENERAL FUND:  
 TOTAL EXPENDITURES

23.50



FINANCIAL REPORT FOR SEPTEMBER 2018  
 BEFORE MONTH END ADJUSTMENTS

GL NUMBER	DESCRIPTION	2018-19	2018-19		YTD BALANCE 09/30/2018 NORM (ABNORM)	ACTIVITY FOR MONTH 09/30/18 INCR (DECR)		AVAILABLE BALANCE NORM (ABNORM)		% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET							
Fund 202 - MAJOR STREETS										
212.000 - ACCOUNTANT		5,600.00	5,600.00		2,920.00	1,370.00		2,680.00	52.14	
451.000		150,000.00	150,000.00		170.29	0.00		149,829.71	0.11	
463.000 - STREET-ROUTINE MAINT.		184,500.00	184,500.00		32,907.36	11,530.08		151,592.64	17.84	
474.000 - TRAFFIC SERVICES		26,070.00	26,070.00		2,212.49	238.18		23,857.51	8.49	
478.000 - SNOW PLOWING		81,416.00	81,416.00		1,301.47	353.37		80,114.53	1.60	
479.000 - SNOW REMOVAL		1,468.00	1,468.00		182.05	0.00		1,285.95	12.40	
485.000 - TRANSFER BETWEEN FUNDS		168,162.00	168,162.00		0.00	0.00		168,162.00	0.00	
491.000 - STORM SEWER		11,438.00	11,438.00		1,864.60	314.56		9,573.40	16.30	
TOTAL EXPENDITURES		628,654.00	628,654.00		41,558.26	13,806.19		587,095.74	6.61	
Fund 202 - MAJOR STREETS:										
TOTAL EXPENDITURES		628,654.00	628,654.00		41,558.26	13,806.19		587,095.74	6.61	
Fund 203 - LOCAL STREETS										
212.000 - ACCOUNTANT		5,600.00	5,600.00		2,920.00	1,370.00		2,680.00	52.14	
451.000		475,000.00	475,000.00		597.03	597.03		474,402.97	0.13	
463.000 - STREET-ROUTINE MAINT.		171,279.00	171,279.00		24,294.48	7,146.46		146,984.52	14.18	
474.000 - TRAFFIC SERVICES		7,603.00	7,603.00		940.01	151.91		6,662.99	12.36	
478.000 - SNOW PLOWING		68,316.00	68,316.00		747.42	190.27		67,568.58	1.09	
491.000 - STORM SEWER		17,363.00	17,363.00		1,200.01	315.24		16,162.99	6.91	
TOTAL EXPENDITURES		745,161.00	745,161.00		30,698.95	9,770.91		714,462.05	4.12	
Fund 203 - LOCAL STREETS:										
TOTAL EXPENDITURES		745,161.00	745,161.00		30,698.95	9,770.91		714,462.05	4.12	



PERIOD ENDING 09/30/2018

FINANCIAL REPORT FOR SEPTEMBER 2018

BEFORE MONTH END ADJUSTMENTS

GL NUMBER	DESCRIPTION	2018-19		YTD BALANCE 09/30/2018 NORM (ABNORM)	ACTIVITY FOR MONTH 09/30/18 INCR (DECR)	AVAILABLE		% BDT USED
		ORIGINAL BUDGET	2018-19 AMENDED BUDGET			NORM (ABNORM)	BALANCE	
Fund 592 - WATER & SEWER								
540.000 - WATER / REPAIR		121,861.00	121,861.00	30,675.75	7,765.48	91,185.25		25.17
550.000 - SEWER / REPAIR		170,306.00	170,306.00	29,665.90	6,744.33	140,540.10		17.42
555.000 - REFUSE COLLECTION		534,240.00	534,240.00	127,843.08	42,660.20	406,596.92		23.93
556.000 - WATER		1,124,449.00	1,124,449.00	181,216.50	81,384.47	943,232.50		16.12
557.000 - WASTEWATER		1,258,733.00	1,258,733.00	229,905.05	72,603.64	1,028,827.95		18.26
TOTAL EXPENDITURES		3,209,589.00	3,209,589.00	599,306.28	211,158.12	2,610,282.72		18.67

Fund 592 - WATER & SEWER:  
TOTAL EXPENDITURES

3,209,589.00	3,209,589.00	599,306.28	211,158.12	2,610,282.72	18.67
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CHECK REGISTER FOR CITY OF SOUTH LYON  
CHECK DATE FROM 09/13/2018 - 10/04/2018

10/04/2018 09:52 AM  
User: PATRICIA  
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Check Date	Check	Vendor Name	Description	Amount	Status
Bank 01 GEN FUND CHECKING					
09/13/2018	74934	A.F.S.C.M.E. COUNCIL 25	PAYROLL DEDUCTION - SEPTEMBER 2018	650.40	Open
09/13/2018	74935	LARRY ARBOUR	FARMER'S MARKET PERFORMANCE - AUGUST 25	125.00	Open
09/13/2018	74936	AT&T	SERVICE DATES 09/01/2018 - 09/30/2018	134.31	Open
09/13/2018	74937	AVAYA INC.*	WATER DEPARTMENT PHONE SYSTEM	226.26	Open
09/13/2018	74938	BASIC	MONTHLY FSA FEES - SEPTEMBER 2018	100.80	Open
09/13/2018	74939	KRISPEN S. CARROLL	PAYROLL DEDUCTION CASE NO. 17-57623-PJS	57.88	Open
09/13/2018	74940	CITY OF NOVI TREASURER	DISPATCH SERVICES 07/01/2018 TO 09/30/2	32,048.50	Open
09/13/2018	74941	CONSUMERS ENERGY	219 WHIPPLE ST. SERVICE PERIOD 08/02/20	28.63	Open
			214 W. LAKE STREET SERVICE PERIOD 08/02	15.01	Open
			215 WHIPPLE ST. GENERATOR - SERVICE PER	17.74	Open
			215 WHIPPLE ST. SERVICE PERIOD 08/02/20	72.40	Open
			SERVICE DATES 08/01/2018 - 08/30/2018	78.11	Open
			335 S. WARREN SERVICE PERIOD 08/02/2018	15.69	Open
			SERVICE DATES 08/01/2018 - 08/29/2018	15.01	Open
			62909 9 MILE, 845 CHALLENGING TRAIL SER	32.14	Open
			520 ADA, 530 ADA SERVICE DATES 08/02/20	119.57	Open
			318 W. LAKE ST. SERVICE PERIOD 08/18/20	24.60	Open
				418.90	
09/13/2018	74942	CORRIGAN TOWING	TRUCK TOW FOR T-5	64.00	Open
09/13/2018	74943	DRUM DANCE RECORDS INC	PERFORMANCE AT FARMERS MARKET - AUGUST	125.00	Open
09/13/2018	74944	DYE ENERGY	STREETLIGHTS SERVICE PERIOD FROM 08/01/	8,081.14	Open
09/13/2018	74945	MATTHEW EMERY	COUNCIL MEETING RECORDINGS - SEPTEMBER	75.00	Open
09/13/2018	74946	EMPLOYEE HEALTH INSURANCE MGMT	CLAIMS FUNDING FOR 08/01/2018 - 08/31/2	8,595.48	Open
			ADMIN. & AGENT FEES - SEPTEMBER 2018	740.00	Open
				9,335.48	
09/13/2018	74947	DONALD GOTHAM	EMPLOYEE MILEAGE REIMBURSEMENT	75.75	Open
09/13/2018	74948	GREAT LAKES ACE HARDWARE	CLEANING SUPPLIES	122.51	Open
			CLEANING SUPPLIES	46.13	Open
				168.64	
09/13/2018	74949	HURON VALLEY GUNS	REPAIRS TO P.D. SHOTGUN	154.95	Open
09/13/2018	74950	JEFF BADARAK	PERFORMANCES AT FARMER'S MARKET 7/14/18	600.00	Open
09/13/2018	74951	JOE'S ARMY NAVY SURPLUS	(50) LITHIUM BATTERIES #191231	100.00	Open
09/13/2018	74952	LOWE'S	RAMP REPAIR AT PARK	113.70	Open
09/13/2018	74953	MARTIN'S DO IT BEST	AUGUST 31, 2018 STATEMENT	120.93	Open
			AUGUST 31, 2018 STATEMENT	1,771.00	Open
			AUGUST 31, 2018 STATEMENT	414.86	Open
			AUGUST 31, 2018 STATEMENT	76.35	Open
				2,383.14	
09/13/2018	74954	MISDU	PAYROLL DEDUCTION REMITTANCE ID:9129625	322.07	Open
09/13/2018	74955	MRWA	REGISTRATION FOR S3 & S4 WATER CERTIFIC	275.00	Open
09/13/2018	74956	PARKSIDE CLEANERS	4 X 10 RUG AND 3 X 10 RUGS	43.00	Open



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Check Date	Check	Vendor Name	Description	Amount	Status
09/13/2018	74957	PETER'S TRUE VALUE HARDWARE	PAINT & TAPE PROPANE GAS FOR GRILL SCREWDRIIVER, FUEL, HANDLE EC GAL WHITE FLAT FINISH SPRAYER BOTTLE BLADES TRAINING WOOD & NAILS BOLTS KEYS AND ACCESSORIES AUGUST 2018 STATEMENT	84.39 6.49 61.88 28.99 2.79 8.49 46.27 0.62 5.97 1,125.72 1,371.61	Open Open Open Open Open Open Open Open Open Open Open
09/13/2018	74958	JUDY PIEPER	EMPLOYEE MILEAGE REIMBURSEMENT	12.64	Open
09/13/2018	74959	PITNEY BOWES*	MAIL EQUIPMENT	682.62	Open
09/13/2018	74960	POLICE OFFICERS ASSOCIATION OF	PAYROLL DEDUCTION - SEPTEMBER 2018	649.80	Open
09/13/2018	74961	POLICE OFFICERS LABOR COUNCIL	PAYROLL DEDUCTION - SEPTEMBER 2018	251.25	Open
09/13/2018	74962	TIMOTHY DAVIDS	MARKET MANAGER HOURS AUGUST 2018	1,380.00	Open
09/13/2018	74963	VANTAGEPOINT TRANSFERS	ICMA 457 PLAN# 301149 PAYROLL DEDUCTION	3,250.85	Open
09/13/2018	74964	VISICOM SERVICES, INC.	MSP BACKUP SERVER, OPEN DNS FILTERING, SERVICE PERIOD 08/29/2018 TO 09/28/2018	5,933.90 2,079.63	Open Open
09/13/2018	74965	WINDSTREAM			
09/13/2018	74966	WOW BUSINESS	PARK SECURITY SERVICE PERIOD SEPTEMBER 06, 2018 TO OC CITY HALL SERVICE PERIOD 09/06/2018 - 1	62.00 139.06 46.97 248.03	Open Open Open Open
09/20/2018	74967	ARBOR SPRINGS WATER CO., INC.	5 GAL. ARTESIAN WATER	19.50	Open
09/20/2018	74968	ASTI ENVIRONMENTAL SERVICES	PHASE I ESA - 501 MCMUNN	4,900.00	Open
09/20/2018	74969	BILL WILLIAMS	SUBSTITUTE MARKET MANAGER ON 08/18/2018	340.00	Open
09/20/2018	74970	BLUE CROSS BLUE SHIELD OF MICH	INSURANCE PREMIUMS - OCTOBER 2018; GROU INSURANCE PREMIUMS - OCTOBER 2018 GROUP	33,833.05 2,173.09 36,006.14	Open Open Open
09/20/2018	74971	CIB PLANNING	PLANNING CONSULTANT FEES	3,070.00	Open
09/20/2018	74972	CORELOGIC	SUMMER TAX REFUND DUE TO OVERPAYMENTS	23,948.50	Open
09/20/2018	74973	CORRIGAN OIL CO.	GAS & DIESEL 08/2018 - 08/30/2018	6,370.49	Open
09/20/2018	74974	DTE ENERGY	1098 SHETLAND DR. SERVICE PERIOD 08/01/ FINAL 1/3 OF FULL FEE FOR CITY MANAGER	182.02 5,684.68	Open Open
09/20/2018	74975	GOVHR USA			
09/20/2018	74976	JOHNSON, ROSATI, SCHULTZ &	CITY ATTORNEY RETAINER WORK FOR PROFESS GENERAL LABOR MATTERS FOR PROFESSIONAL MICHIGAN TAX TRIBUNAL MATTERS FOR PROFE	19,974.60 1,006.50 1,762.05 22,743.15	Open Open Open Open
09/20/2018	74977	JOHN KOPACZ	ELECTION TRAINING	30.00	Open
09/20/2018	74978	OAKLAND COUNTY TREASURER	SOUTH LYON WOODS TAX - AUGUST 2018	462.50	Open
09/20/2018	74979	PEOPLE'S EXPRESS	TRANSPORTATION SERVICES FOR MAY 2018	6,365.00	Open
09/20/2018	74980	PURCHASE POWER	POSTAGE REFILL	445.00	Open
09/20/2018	74981	R.R.A.S.O.C.	HOUSEHOLD HAZARDOUS WASTE - AUGUST 2018	47.90	Open
09/20/2018	74982	ROAD COMMISSION FOR OAKLAND	TRAFFIC SIGNAL MAINTANCE - AUGUST 2018	86.66	Open
09/20/2018	74983	SAFEBUILD, LLC	AUGUST BUILDING PERMITS FEES & PERMIT T	23,134.25	Open
09/20/2018	74984	SALEM-SOUTH LYON DISTRICT	TAXES DISBURSEMENT/TAXES DUE TO LIBRARY	223,173.01	Open



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09/20/2018	74985	SOUTH LYON COLLISION	WHEEL ALIGNMENT	49.00	Open
09/20/2018	74986	SOUTH LYON COMMUNITY SCHOOLS	TAX DISBURSEMENT/TAXES DUE TO SCHOOLS	1,483,376.34	Open
09/20/2018	74987	STATE OF MICHIGAN**	FINGERPRINT SUBMISSIONS AFIS-CSIC	294.00	Open
09/20/2018	74988	THE ROOF COMPANY	RE-ROOF POLICE & FIRE ADMINISTRATION/TR	13,490.00	Open
09/20/2018	74989	TOSHIBA FINANCIAL SERVICES	CONTRACT PAYMENT 08/15/2018 TO 09/15/20	2,153.80	Open
09/20/2018	74990	US BANK ST. PAUL	99 BLDG AUTHORITY BOND INTEREST, '05 BL	3,317.50	Open
09/20/2018	74991	LARRY ARBOUR	FARMER'S MARKET ENTERTAINMENT 09/08/201	250.00	Open
09/27/2018	74992	CARL RICHARDS	MONTHLY COUNCIL PAY - SEPTEMBER 2018	180.00	Open
09/27/2018	74993	KRISTEN S. CARROLL	PAYROLL DEDUCTION CASE NO: 17-57623-PJS	57.88	Open
09/27/2018	74994	CITY OF SOUTH LYON	219 WHIPPLE ST. SERVICE PERIOD- 05/24/	307.53	Open
			214 WEST LAKE SERVICE PERIOD - 05/24/20	119.07	Open
			217 WHIPPLE ST. - SERVICE PERIOD 05/24/	423.75	Open
				850.35	
09/27/2018	74995	CONSUMERS ENERGY	376 DOROTHY ST. SERVICE PERIOD 08/18/20	24.90	Open
			300 DOROTHY ST. SERVICE PERIOD AUGUST 2	15.01	Open
			250 DOROTHY ST. SERVICE PERIOD AUGUST 2	15.01	Open
				54.92	
09/27/2018	74996	DANIEL PELCHAT	MONTHLY COUNCIL PAY - SEPTEMBER 2018	220.00	Open
09/27/2018	74997	BOB DONOHUE	REIMBURSEMENT FOR BROTOBERFEST ITEMS AN	80.27	Open
09/27/2018	74998	DTE ENERGY	214 W. LAKE ST. SERVICE PERIOD AUGUST 2	168.14	Open
			219 WHIPPLE ST. SERVICE PERIOD 08/23/20	538.42	Open
				706.56	
09/27/2018	74999	ELECTRICAL CODE SERVICES LLC	ELECTION INSPECTIONS - AUGUST 2018	667.00	Open
09/27/2018	75000	MATTHEW EMERY	COUNCIL RECORDING - SEPTEMBER 24, 2018	75.00	Open
09/27/2018	75001	EMPCO, INC.	OFF-THE-SHELF EXAM - (3) SERGEANT, (3)	660.00	Open
09/27/2018	75002	FIRST DUE FIRE SUPPLY	GEAR X 3	6,524.84	Open
09/27/2018	75003	GREAT LAKES ACE HARDWARE	CLEANING SUPPLIES	30.22	Open
09/27/2018	75004	INTL UNION OF OPERATING ENG	PAYROLL DEDUCTION DUES - SEPTEMBER 2018	171.09	Open
09/27/2018	75005	GLENN KIVELL	MONTHLY COUNCIL PAY - SEPTEMBER 2018	180.00	Open
09/27/2018	75006	MARGARET KURTZWEIL	MONTHLY COUNCIL PAY - SEPTEMBER 2018	180.00	Open
09/27/2018	75007	LAKE MICHIGAN CREDIT UNION	TAX OVERPAYMENT -OTAX 21-17-310-003	7,739.52	Open
09/27/2018	75008	LB OFFICE PRODUCTS	OFFICE SUPPLIES	138.26	Open
09/27/2018	75009	MARTIN'S DO IT BEST	AUGUST 31, 2018 STATEMENT	54.52	Open
09/27/2018	75010	WOODBOW MATNEY	CUSTODIAL SERVICES @ DEPOT 48 HOURS @ \$	684.00	Open
09/27/2018	75011	MGFOA	MGFOA MEMBERSHIP DUES - L. MOSIER	120.00	Open
09/27/2018	75012	MIKE'S GARDEN	SPRING CLEAN UP FLOWERS	561.00	Open
09/27/2018	75013	MISDU	PAYROLL DEDUCTION REMITTANCE ID 9129625	322.07	Open
09/27/2018	75014	MARY PARUSIEN	MONTHLY COUNCIL PAY - SEPTEMBER 2018	180.00	Open
09/27/2018	75015	PARKSIDE CLEANERS	4 X 10 , 3 X 10 RUG	43.00	Open
09/27/2018	75016	PEOPLE'S EXPRESS	TRANSPORTATION - AUGUST 2018	6,577.00	Open
09/27/2018	75017	PNC BANK	FOOD/DRINK FOR MEET & GREET, PUMPKINETS	149.11	Open
09/27/2018	75018	POSTMASTER	OCTOBER 2018 BILLING	1,174.25	Open
09/27/2018	75019	PRINCIPAL FINANCIAL GROUP	VISION & DENTAL INSURANCE - OCTOBER 201	5,663.66	Open
09/27/2018	75020	ROSE WALTON	MONTHLY COUNCIL PAY - SEPTEMBER 2018	180.00	Open
09/27/2018	75021	STANDARD INSURANCE COMPANY	DISABILITY & DENTAL INSURANCE PREMIUM F	2,416.40	Open
09/27/2018	75022	STEPHEN KENNEDY	MONTHLY COUNCIL PAY - SEPTEMBER 2018	180.00	Open
09/27/2018	75023	THE ROOF COMPANY	CHANGE ORDER FOR POLICE DEPARTMENT ROOF	475.00	Open



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Check Date	Check	Vendor Name	Description	Amount	Status
09/27/2018	75024	VANTAGEPOINT TRANSFERS	ICMA 457 PAYROLL DEDUCTION PLAN #301149	3,240.83	Open
09/27/2018	75025	WOW BUSINESS	CABLE SERVICE INTERNET ACCESS SERVICE PERIOD 09/12/20	11.55 710.00	Open Open
09/27/2018	75026	ARBOR SPRINGS WATER CO., INC.	WATER	721.55	Open
09/27/2018	75027	AVAYA INC.*	DPW PHONE SYSTEM	13.00	Open
09/27/2018	75028	BUSCH'S	SUPPLIES	12.58	Open
09/27/2018	75029	DTE ENERGY	200 DOROTHY ST. SERVICE PERIOD 07/20/20	74.19	Open
09/27/2018	75030	MI-AWWA	FALL REGIONAL MEETING - RONALD BEASON	38.26	Open
09/27/2018	75031	PROVIDENCE OCCUPATIONAL	DRUG AND ALCOHOL SCREEN	200.00	Open
10/04/2018	75032	ARBOR SPRINGS WATER CO., INC.	WATER	230.00	Open
			WATER	13.00	Open
			5 GAL. ARTESIAN WATER	39.00	Open
				26.00	Open
				78.00	
10/04/2018	75033	AT&T	SERVICE PERIOD AUGUST 23, 2018 TO SEPTE	263.82	Open
10/04/2018	75034	AT&T MOBILITY	MOBILE PHONE SERVICE PERIOD 08/20/2018	521.24	Open
10/04/2018	75035	CONSUMERS ENERGY	GAS SERVICE ACCT #100000253920	150.44	Open
10/04/2018	75036	DTE ENERGY	23500 DIXBORO ROAD SERVICE PERIOD 08/28	13,655.09	Open
10/04/2018	75037	DTE ENERGY	ELECTRIC SERVICE	99.22	Open
			ELECTRIC SERVICE	53.05	Open
			ELECTRIC SERVICE	207.00	Open
			ELECTRIC SERVICE	999.06	Open
			SERVICE DATES FOR 08/28/2018 TO 09/25/2	237.58	Open
			SERVICE DATES FOR 08/30/2018 TO 09/27/2	162.80	Open
			SERVICE DATES FOR 08/30/2018 TO 09/27/2	186.58	Open
			SERVICE DATES FOR 08/28/2018 TO 09/25/2	335.99	Open
			215 WHIPPLE ST. - SERVICE PERIOD AUGUST	454.31	Open
				2,735.59	
10/04/2018	75038	DTE ENERGY	ELECTRIC SERVICE ACCT#910006735302	1,635.15	Open
10/04/2018	75039	ELECTRICAL CODE SERVICES LLC	SEPTEMBER 2018 INSPECTIONS	932.00	Open
10/04/2018	75040	GREAT LAKES ACE HARDWARE	CLEANING SUPPLIES	23.73	Open
10/04/2018	75041	HIGHLAND TREATMENT INC.	SEPTEMBER 2018 WWTP ROUTINE CHECKS	600.00	Open
10/04/2018	75042	LERETA LLC	REFUND OF TAX OVERPAYMENTS	11,156.84	Open
10/04/2018	75043	MARTIN'S DO IT BEST	SEPTEMBER 2018 STATEMENT	380.94	Open
			SAFETY BOOTS - SEPTEMBER 30, 2018 STATE	437.50	Open
			SEPTEMBER 2018 STATEMENT	12.56	Open
				831.00	
10/04/2018	75044	KEN MICHALIK	REIMBURSE FOR PRINTING	258.42	Open
10/04/2018	75045	MMI WORKERS' COMP FUND	WORKER'S COMP PAYROLL AUDIT 07/01/2017	508.00	Open
10/04/2018	75046	NEW DIRECTIONS BEHAVIORAL	EAP SERVICES - OCTOBER TO DECEMBER 2018	320.63	Open
10/04/2018	75047	PAKESIDE CLEANERS	3 X 10 RUG, 4 X 10 RUG	43.00	Open
10/04/2018	75048	SALEM-SOUTH LYON DISTRICT	TAX DISBURSEMENT/TAXES DUE TO LIBRARY	197,134.37	Open
10/04/2018	75049	SOUTH LYON COMMUNITY SCHOOLS	TAX DISBURSEMENT/TAXES DUE TO SCHOOLS	1,483,992.54	Open
10/04/2018	75050	THE HOWARD E NYHART COMPANY INC.	GASB 75 FULL VALUATION FINAL PAYMENT	1,250.00	Open



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10/04/2018	75051	TOSHIBA FINANCIAL SERVICES	CONTRACT PAYMENT - OCTOBER 2018	84.00	Open
			CONTRACT PAYMENT FOR 08/15/2018 TO 10/1	3,844.60	Open
				<u>3,928.60</u>	
10/04/2018	75052	VERIZON WIRELESS	CELL SERVICE	77.81	Open
10/04/2018	75053	VISICOM SERVICES, INC.	IT SERVICES PERIOD 09/02/2018 TO 09/29/	3,524.00	Open
10/04/2018	75054	WOW BUSINESS	INTERNET SERVICE	35.97	Open
			INTERNET SERVICE PERIOD 09/27/2018 TO 1	32.97	Open
				<u>68.94</u>	
				<u><u>          </u></u>	
				<u>3,696,994.23</u>	
				<u>0.00</u>	
				<u>3,696,994.23</u>	

01 TOTALS:

Total of 121 Checks:  
Less 0 Void Checks:  
Total of 121 Disbursements:



INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON  
EXP CHECK RUN DATES 10/08/2018 - 10/08/2018  
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OPEN

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CHECKS TO BE APPROVED 10/08/2018

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 000.000	ENGINEERING FEES	HUBBELL, ROTH, & CLARK,	KNOLLS OF SOUTH LYON REZONING R2 TO R	8,898.98	
101-000.000-035.000		Total For Dept 000.000		8,898.98	
Dept 200.000 ADMINISTRATION					
101-200.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES, NAME PLATE	176.38	
101-200.000-802.000	CONTRACTUAL SVCS	GFL ENVIRONMENTAL USA	DUMPSTER AND RECYCLING	63.13	
101-200.000-820.000	COMPUTER	VISCOM SERVICES, INC.	HARD DRIVE FOR DONOHUE'S LAPTOP	75.00	
101-200.000-880.000	COMMUNITY PROMOTIONS	PATRICK'S PLUMBING, INC.	PUMPKINFEST BACKFLOW TESTING	75.00	
101-200.000-971.100	LAND/ BEAUTIFICATION	LAWSON PRODUCTS, INC.	CABLE TIES FOR HOLIDAY LIGHTS	1,174.69	
		Total For Dept 200.000 ADMINISTRATION		1,564.20	
Dept 276.000 CEMETERY					
101-276.000-740.000	OPERATING EXPENSE	BADER & SONS CO.	MOWER CLUTCH CEMETERY	251.21	
101-276.000-740.000	OPERATING EXPENSE	LAWSON PRODUCTS, INC.	MECHANIC'S SUPPLIES & TOOLS	17.27	
101-276.000-740.000	OPERATING EXPENSE	O'REILLY AUTO PARTS	SHOP TOOLS	27.61	
101-276.000-740.000	OPERATING EXPENSE	SHARE CORPORATION	CITRA SOLVE DEGREASER	34.45	
101-276.000-802.000	CONTRACTUAL SVCS	GFL ENVIRONMENTAL USA	DUMPSTER AND RECYCLING	76.27	
101-276.000-802.000	CONTRACTUAL SVCS	JOHN'S SANITATION	PORTA JOHN'S @ PARKS, CEMETERY & FARM	80.00	
		Total For Dept 276.000 CEMETERY		486.81	
Dept 300.000 POLICE					
101-300.000-727.000	OFFICE SUPPLIES	OFFICE EXPRESS	OFFICE SUPPLIES	92.72	
101-300.000-740.000	OPERATING EXPENSE	TRANSSION RISK AND ALTE	ACCOUNT ID#787404 BILLING PERIOD 09/0	25.60	
101-300.000-740.000	OPERATING EXPENSE	W4 SIGNS	PVC SIGN	12.00	
101-300.000-802.000	CONTRACTUAL SVCS	GFL ENVIRONMENTAL USA	DUMPSTER AND RECYCLING	38.13	
101-300.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	PARTS	99.35	
101-300.000-863.000	VEHICLE MAINTENANCE	KINES PARK FORD, INC.	MULTI FUNCTION SWITCH FOR PD 221	42.37	
101-300.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	MECHANIC'S SUPPLIES & TOOLS	33.72	
101-300.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	FILTERS & BULBS	115.36	
101-300.000-863.000	VEHICLE MAINTENANCE	SHARE CORPORATION	CITRA SOLVE DEGREASER	55.69	
101-300.000-863.000	VEHICLE MAINTENANCE	TIRE WHOLESALERS COMPANY	TIRES FOR PD & W-9	562.56	
101-300.000-931.000	BUILDING MAINTENANCE	UNLIMITED HEATING AND AI	(2) FURNANCE & A/C, (2) SMOKE DETECTO	930.00	
101-300.000-970.000	CAPITOL IMPROVEMENTS+	UNLIMITED HEATING AND AI	(2) FURNANCE & A/C, (2) SMOKE DETECTO	12,745.00	
		Total For Dept 300.000 POLICE		14,752.50	
Dept 335.000 FIRE					
101-335.000-727.000	OFFICE SUPPLIES	W4 SIGNS	NAME PLATES	49.00	
101-335.000-740.000	OPERATING EXPENSE	GRAINGER	DOOR LOCK BATTERY	183.69	
101-335.000-740.000	OPERATING EXPENSE	PERFORMANCE ENVIRONMENTA	ASBESTOS TESTING	850.00	
101-335.000-740.000	OPERATING EXPENSE	QUILL CORPORATION	NAME PLATE, 3 RING BINDER, INDEX	92.50	
101-335.000-802.000	CONTRACTUAL SVCS	GFL ENVIRONMENTAL USA	DUMPSTER AND RECYCLING	38.14	
101-335.000-820.000	COMPUTER	FIRE STATION CHECKLIST	CHECKLIST APP	300.00	
101-335.000-851.000	RADIO MAINTENANCE	LEAVITT COMMUNICATIONS	BATTERY & SHIPPING	115.00	
101-335.000-860.000	GAS & OIL	HARRIS OIL CORPORATION	55 GAL ENG OIL	266.45	
101-335.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	PARTS FOR T-5 & FD E-1	52.41	
101-335.000-863.000	VEHICLE MAINTENANCE	CUMMINS SALES AND SERVIC	FILTERS	153.80	
101-335.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	OIL DRAIN VALVES	33.95	



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Fund 101 GENERAL FUND					
Dept 335.000 FIRE					
101-335.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	MECHANIC'S SUPPLIES & TOOLS	26.11	
101-335.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	SHOP TOOLS	187.06	
101-335.000-863.000	VEHICLE MAINTENANCE	SHARE CORPORATION	CITRA SOLVE DEGREASER	41.83	
101-335.000-863.000	VEHICLE MAINTENANCE	UL LLC	PUMP/LADDER TESTIMONY	2,418.75	
101-335.000-863.000	VEHICLE MAINTENANCE	DOUGLASS SAFETY SYSTEMS	SCBA REPAIRS	77.88	
101-335.000-930.000	REPAIR MAINTENANCE	GALLAGHER FIRE EQUIPT.CO	DRY CHEMICAL RECHARGE	45.00	
101-335.000-930.000	REPAIR MAINTENANCE	COMPLETE BATTERY SOURCE	BATTERY, FLASH LIGHT	12.71	
101-335.000-977.000	EQUIPMENT	CYNERGY PRODUCTS	RELOCATION OF ANTENNAS (FD, HAM RADIO	2,340.00	
101-335.000-977.000	EQUIPMENT	WITMER PUBLIC SAFETY GRO	HOLDER	82.99	
101-335.000-977.000		Total For Dept 335.000 FIRE		7,367.27	
Dept 440.000 DEPT. OF PUBLIC WORKS					
101-440.000-740.000	OPERATING EXPENSE	ADVANCE AUTO PARTS	PARTS	16.54	
101-440.000-740.000	OPERATING EXPENSE	ANN ARBOR WELDING SUPPLY	CYLINDER RENTAL	108.34	
101-440.000-740.000	OPERATING EXPENSE	COUGAR SALES & RENTAL, I	STARTER COVER FOR CONCRETE SAW	99.99	
101-440.000-740.000	OPERATING EXPENSE	GRAINGER	DISPOSABLE GLOVES	64.08	
101-440.000-740.000	OPERATING EXPENSE	LB OFFICE PRODUCTS	DPW & COMFORT STATION SUPPLIES	127.02	
101-440.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	PAPER, SAFETY & FIRST AID SUPPLIES	334.48	
101-440.000-740.000	OPERATING EXPENSE	WEINGARTZ	EXMARK MOWER PARTS	136.64	
101-440.000-740.000	OPERATING EXPENSE	WEST SHORE SIGNS, INC.	DECALS FOR VEHICLES	183.50	
101-440.000-740.000	OPERATING EXPENSE	GFL ENVIRONMENTAL USA	DUMPSTER AND RECYCLING	119.86	
101-440.000-802.000	CONTRACTUAL SVCS	ADVANCE AUTO PARTS	OIL CHANGE FOR EXMARK MOWER	16.90	
101-440.000-860.000	GAS & OIL	HARRIS OIL CORPORATION	55 GAL ENG OIL	256.45	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	PARTS FOR T-5 & FD E-1	949.01	
101-440.000-863.000	VEHICLE MAINTENANCE	ALS CONSTRUCTION EQUIPME	REPAIR BACKHOE	301.98	
101-440.000-863.000	VEHICLE MAINTENANCE	CYNERGY PRODUCTS	ANTENNAS FOR VEHICLES	255.84	
101-440.000-863.000	VEHICLE MAINTENANCE	DIUBLE EQUIPMENT INC.	PARTS FOR TOOL CAT	241.02	
101-440.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	OIL DRAIN VALVES	86.42	
101-440.000-863.000	VEHICLE MAINTENANCE	HINES PARK FORD, INC.	WINDOW REGULATOR FOR T-5	262.46	
101-440.000-863.000	VEHICLE MAINTENANCE	KNAPHEIDE TRUCK EQUIPMEN	PARTS FOR T-4	1,521.39	
101-440.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	MECHANIC'S SUPPLIES & TOOLS	96.96	
101-440.000-863.000	VEHICLE MAINTENANCE	MID AMERICAN AEL	MAGNET MIC CLIPS	53.00	
101-440.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	SHOP TOOLS	303.79	
101-440.000-863.000	VEHICLE MAINTENANCE	SHARE CORPORATION	CITRA SOLVE DEGREASER	501.24	
101-440.000-863.000	VEHICLE MAINTENANCE	WINTER EQUIPMENT CO. INC	PARTS FOR DPW TRUCKS	7,113.74	
101-440.000-863.000	VEHICLE MAINTENANCE	ZIP'S AW DIRECT	PARTS FOR DPW & WATER TRUCKS	58.24	
101-440.000-931.000	BUILDING MAINTENANCE	BECKWAY DOOR	REPAIR OF GARAGE DOOR	140.00	
101-440.000-935.000	NPDES PHASE 2 STORMWATER	HUBBELL, ROTH, & CLARK,	STORM WATER PERMIT ASSISTANCE - PROFE	763.85	
101-440.000-974.000	LAND IMPROVEMENTS	NORMAN LANDSCAPERS, INC.	TREE TRIMMED & REMOVED	1,835.00	
101-440.000-974.000		Total For Dept 440.000 DEPT. OF PUBLIC WORKS		15,957.74	
Dept 690.000 PARKS AND RECREATION					
101-690.000-740.000	OPERATING EXPENSE	LB OFFICE PRODUCTS	DPW & COMFORT STATION SUPPLIES	62.79	
101-690.000-801.000	PROFESSIONAL SERVICE	JOHN'S SANITATION	PORTA JOHN'S @ PARKS, CEMETERY & FARM	550.00	
101-690.000-930.000	REPAIR MAINTENANCE	PLAY ENVIRONMENTS DESIGN	SWING SEAT LATCH KIT	165.00	
101-690.000-930.000	REPAIR MAINTENANCE	STONE DEPOT LANDSCAPE SU	TOP SOIL	48.60	



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Fund 101 GENERAL FUND					
Dept 690.000 PARKS AND RECREATION			Total For Dept 690.000 PARKS AND RECREATION	826.39	
			Total For Fund 101 GENERAL FUND	49,853.89	
Fund 202 MAJOR STREETS					
Dept 463.000 STREET-ROUTINE MAINT.			MECHANIC'S SUPPLIES & TOOLS	8.28	
202-463.000-740.000	OPERATING EXPENSE		AJAX MATERIALS CORPORATI COLD PATCH	515.78	
202-463.000-930.000	REPAIR MAINTENANCE		Total For Dept 463.000 STREET-ROUTINE MAINT.	524.06	
Dept 474.000 TRAFFIC SERVICES			HUNT SIGN CO., LTD STREET SIGNS	158.93	
202-474.000-740.000	OPERATING EXPENSE		Total For Dept 474.000 TRAFFIC SERVICES	158.93	
			Total For Fund 202 MAJOR STREETS	682.99	
Fund 203 LOCAL STREETS					
Dept 451.000			HUBBELL, ROTH, & CLARK, NORTH HAGADORN PAVING IMPROVEMENTS -	246.40	
203-451.000-801.000	PROFESSIONAL SERVICE		Total For Dept 451.000	246.40	
Dept 463.000 STREET-ROUTINE MAINT.			MECHANIC'S SUPPLIES & TOOLS	8.27	
203-463.000-740.000	OPERATING EXPENSE		AJAX MATERIALS CORPORATI COLD PATCH	277.72	
203-463.000-930.000	REPAIR MAINTENANCE		COUGAR SALES & RENTAL, I STREET MAINTENANCE (BLACK CEMENT COLO	159.96	
203-463.000-930.000	REPAIR MAINTENANCE		Total For Dept 463.000 STREET-ROUTINE MAINT.	445.95	
Dept 474.000 TRAFFIC SERVICES			HUNT SIGN CO., LTD STREET SIGNS	85.57	
203-474.000-740.000	OPERATING EXPENSE		Total For Dept 474.000 TRAFFIC SERVICES	85.57	
			Total For Fund 203 LOCAL STREETS	777.92	
Fund 265 DRUG LAW ENFORCEMENT FUND					
Dept 000.000			CYNERGY PRODUCTS REMOVE AND REPLACE MDC COMPUTER IN P.	1,778.23	
265-000.000-964.000	CAPITAL EXPENDITURE		Total For Dept 000.000	1,778.23	
			Total For Fund 265 DRUG LAW ENFORCEMENT FUND	1,778.23	
Fund 280 DOWNTOWN DEVELOPMENT AUTHORITY					
Dept 000.000			JOHN'S SANITATION PORTA JOHN'S @ PARKS, CEMETERY & FARM	98.00	
280-000.000-740.200	SEASONAL IMPROVEMENTS		Total For Dept 000.000	98.00	
			Total For Fund 280 DOWNTOWN DEVELOPMENT AUTHORITY	98.00	
Fund 592 WATER & SEWER					
Dept 540.000 WATER / REPAIR					



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Fund 592 WATER & SEWER					
Dept 540.000 WATER / REPAIR					
592-540.000-740.000	OPERATING EXPENSE	BLACKBURN MANUFACTURING	WATER MARKING FLAGS	110.10	
592-540.000-930.000	REPAIR MAINTENANCE	CORE & MAIN LP	CURB BOX	85.00	
592-540.000-930.000	REPAIR MAINTENANCE	ETNA SUPPLY	POLY WATER SERVICE	69.00	
592-540.000-930.000	REPAIR MAINTENANCE				
		Total For Dept 540.000 WATER / REPAIR		264.10	
Dept 550.000 SEWER / REPAIR					
592-550.000-930.000	REPAIR MAINTENANCE	CASH SOD FARM	WATER'S EDGE SEWER REPAIR	2,178.00	
		Total For Dept 550.000 SEWER / REPAIR		2,178.00	
Dept 555.000 REFUSE COLLECTION					
592-555.000-818.100	REFUSE COLLECTION (CONTRACTUAL)	GFL ENVIRONMENTAL USA	RESIDENTIAL SERVICES DATES 10/01/2018	42,706.04	
		Total For Dept 555.000 REFUSE COLLECTION		42,706.04	
Dept 556.000 WATER					
592-556.000-727.000	OFFICE SUPPLIES	COMPLETE BATTERY SOURCE	INTERNET BATTERY BACKUP	9.34	
592-556.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	5.07	
592-556.000-740.000	OPERATING EXPENSE	ELHORN ENGINEERING COMPA	PHOSPHATE	3,700.00	
592-556.000-740.000	OPERATING EXPENSE	GRAINGER	PARTS FOR WASTEWATER/WATER	95.15	
592-556.000-740.000	OPERATING EXPENSE	HACH COMPANY	LAB SUPPLIES	76.58	
592-556.000-740.000	OPERATING EXPENSE	JCI JONES CHEMICALS INC.	CHLORINE	629.70	
592-556.000-740.000	OPERATING EXPENSE	NCL OF WISCONSIN, INC.	LAB SUPPLIES	17.90	
592-556.000-740.000	OPERATING EXPENSE	PARAGON LABORATORIES, IN	WATER ANALYSIS	100.00	
592-556.000-740.000	OPERATING EXPENSE	USA BLUE BOOK	LAB SUPPLIES	17.41	
592-556.000-740.000	PROFESSIONAL SERVICE	HUBBELL, ROTH, & CLARK,	WTP CAPITAL IMPROVEMENT PLAN - PROFES	777.88	
592-556.000-801.000	CONTRACTUAL SVCS	GFL ENVIRONMENTAL USA	DUMESTER AND RECYCLING	49.04	
592-556.000-802.000	VEHICLE MAINTENANCE	CYNERGY PRODUCTS	ANTENNAS FOR VEHICLES	51.16	
592-556.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	HITCH & HITCH MOUNT FOR W-4	235.41	
592-556.000-863.000	VEHICLE MAINTENANCE	GREEN OAK TIRE, INC.	TIRE CHANGE OUT & BALANCE	110.00	
592-556.000-863.000	VEHICLE MAINTENANCE	HINES PARK FORD, INC.	FRONT FLAPS FOR W-4	42.49	
592-556.000-863.000	VEHICLE MAINTENANCE	KNAPHEIDE TRUCK EQUIPMEN	PARTS FOR W-4	825.36	
592-556.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	MECHANIC'S SUPPLIES & TOOLS	47.57	
592-556.000-863.000	VEHICLE MAINTENANCE	MID AMERICAN AEL	MAGNET MIC CLIPS	53.00	
592-556.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	PARTS FOR W-4	773.16	
592-556.000-863.000	VEHICLE MAINTENANCE	SHARE CORPORATION	CITRA SOLVE DEGREASER	63.04	
592-556.000-863.000	VEHICLE MAINTENANCE	TIRE WHOLESALERS COMPANY	TIRES FOR PD & W-9	690.44	
592-556.000-863.000	VEHICLE MAINTENANCE	ZIP'S AM DIRECT	PARTS FOR DEW & WATER TRUCKS	58.24	
592-556.000-931.000	BUILDING MAINTENANCE	FERGUSON ENTERPRISES	WELL #8 ROOF VENT	6.46	
592-556.000-931.000	CAPITOL IMPROVEMENTS+	CYNERGY PRODUCTS	RELOCATION OF ANTENNAS (FD, HAM RADIO	1,560.00	
592-556.000-970.000	CAPITOL IMPROVEMENTS+	DIXON ENGINEERING INC	ENGINEERING COST FOR WATER TOWER PAIN	11,291.78	
592-556.000-970.000	CAPITOL IMPROVEMENTS+	GRAINGER	WATER TOWER PROJECT	836.95	
592-556.000-970.000	CAPITOL IMPROVEMENTS+	UIS SCADA, INC.	LEVEL TRANSDUCERS AND SWITCHES	486.00	
		Total For Dept 556.000 WATER		22,629.13	
Dept 557.000 WASTEWATER					
592-557.000-727.000	OFFICE SUPPLIES	COMPLETE BATTERY SOURCE	INTERNET BATTERY BACKUP	9.34	
592-557.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	5.07	
592-557.000-740.000	OPERATING EXPENSE	ANN ARBOR WELDING SUPPLY	CYLINDER RENTAL	36.12	



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Fund 592 WATER & SEWER					
Dept 557.000 WASTEWATER					
592-557.000-740.000	OPERATING EXPENSE	BRIGHTON ANALYTICAL, L.L	WW ANALYSIS	82.50	
592-557.000-740.000	OPERATING EXPENSE	BRIGHTON CLEANING SUPPLI	CLEANING SUPPLIES	91.25	
592-557.000-740.000	OPERATING EXPENSE	GRAINGER	PARTS FOR WASTEWATER/WATER	183.22	
592-557.000-740.000	OPERATING EXPENSE	HACH COMPANY	LAB SUPPLIES	585.04	
592-557.000-740.000	OPERATING EXPENSE	INTERSTATE BILLING SERVI	TINE FOR WW LOADER	970.00	
592-557.000-740.000	OPERATING EXPENSE	NCL OF WISCONSIN, INC.	LAB SUPPLIES	17.91	
592-557.000-740.000	OPERATING EXPENSE	REPUBLIC SERVICES #241	PLANT SCREENING REMOVAL	950.00	
592-557.000-740.000	OPERATING EXPENSE	USA BLUE BOOK	LAB SUPPLIES	17.41	
592-557.000-740.000	OPERATING EXPENSE	WEST SHORE SIGNS, INC.	DECALS FOR VEHICLES	183.50	
592-557.000-740.000	OPERATING EXPENSE	GFL ENVIRONMENTAL USA	DUMPSTER AND RECYCLING	49.05	
592-557.000-802.000	CONTRACTUAL SVCS	O'REILLY AUTO PARTS	FILTERS & BULBS	91.86	
592-557.000-860.000	GAS & OIL	UIS SCADA, INC.	LEVEL TRANSDUCERS AND SWITCHES	972.00	
592-557.000-970.000	CAPITOL IMPROVEMENTS+	KENNEDY INDUSTRIES, INC.	CARTER SLUDGE PUMP PARTS	14,094.69	
592-557.000-977.000	EQUIPMENT				
		Total For Dept 557.000 WASTEWATER		18,338.96	
		Total For Fund 592 WATER & SEWER		86,116.23	
Fund 641 EQUIPMENT REPLACEMENT					
Dept 000.000					
641-000.000-959.600	BACKHOE	MICHIGAN CAT	BACKHOE	89,448.65	
		Total For Dept 000.000		89,448.65	
		Total For Fund 641 EQUIPMENT REPLACEMENT		89,448.65	



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Fund Totals:				
		Fund 101 GENERAL FUND	49,853.89	
		Fund 202 MAJOR STREETS	682.99	
		Fund 203 LOCAL STREETS	777.92	
		Fund 265 DRUG LAW ENFO	1,778.23	
		Fund 280 DOWNTOWN DEVE	98.00	
		Fund 592 WATER & SEWER	86,116.23	
		Fund 641 EQUIPMENT REP	89,448.65	
Total For All Funds:			228,755.91	

The above checks have been approved for payment.

\_\_\_\_\_  
 Lisa Deaton, City Clerk/Treasurer

\_\_\_\_\_  
 Daniel L. Pelchat, Mayor



September 2018 Payroll Report								
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>Administration</b>								
				\$ -	\$ -		\$ -	
Brandon, C.	15.8700	91.00		\$ 1,444.17			\$ 1,444.17	
Brzozowski, P.	20.6500	79.00		\$ 1,631.35			\$ 1,631.35	
Deaton, L.				\$ 5,172.18			\$ 5,172.18	
Donohue, R.				\$ 5,525.00			\$ 5,525.00	
Gotham, D.	17.8100	71.75		\$ 1,277.87	\$ -		\$ 1,277.87	
Lanning, W.	12.0000	27.75		\$ 333.00			\$ 333.00	
Mosier, L.				\$ 4,956.96			\$ 4,956.96	
Pleper, Judy	19.5300	160.00	0.75	\$ 3,124.80	\$ 21.97		\$ 3,146.77	
Tiernan, P.	18.6200	88.75		\$ 1,741.28			\$ 1,741.28	
<b>TOTAL: Administration</b>		<b>518.25</b>	<b>0.75</b>	<b>\$ 25,206.60</b>	<b>\$ 21.97</b>	<b>\$ -</b>	<b>\$ 25,228.57</b>	
<b>Cemetery</b>								
				\$ 901.00			\$ 901.00	
Brannun, L.	13.2500	68.00		\$ 901.00			\$ 901.00	
Lemke, John N.	12.4600	64.00		\$ 797.44			\$ 797.44	
Nicholls, William	12.4600	64.00		\$ 797.44			\$ 797.44	
Wauford, S.	12.4600	68.00		\$ 847.28			\$ 847.28	
Wedesky, J. W.	12.4600	64.00		\$ 797.44			\$ 797.44	
Williamson, N.	12.4600	64.00		\$ 797.44			\$ 797.44	
<b>TOTAL: Cemetery</b>		<b>392.00</b>	<b>0.00</b>	<b>4938.04</b>	<b>0.00</b>	<b>0.00</b>	<b>4938.04</b>	
<b>Police</b>								
				\$ 9,569.30			\$ 9,569.30	
Baaki, D.	37.7228	168.00	13.50	\$ 6,337.40	\$ 779.46		\$ 7,116.86	
Baker, A.	34.6077	168.00	4.00	\$ 5,814.09	\$ 212.26		\$ 6,026.36	
Baker, J.	37.7228	180.00	26.50	\$ 6,035.62	\$ 1,530.05		\$ 7,565.67	
Barbour, R.	34.6077	168.00	8.00	\$ 5,814.09	\$ 422.79		\$ 6,236.89	
Brooks, T.	34.6077	160.00		\$ 5,537.23	\$ -		\$ 5,537.23	
Collins, L.				\$ 9,569.30			\$ 9,569.30	
Faught, C.	37.7228	160.00	31.00	\$ 6,035.62	\$ 1,783.17		\$ 7,818.78	
Hoydic, S.	34.6077	168.00	6.50	\$ 5,814.09	\$ 344.93		\$ 6,159.02	
Kretlin, F.	18.1100	16.00		\$ 289.76			\$ 289.76	
Laraway, P.	18.1100	16.00		\$ 289.76			\$ 289.76	
Ley, K.	18.1100	16.00		\$ 289.76			\$ 289.76	
Morris, Carlie	10.3300	84.50		\$ 872.89			\$ 872.89	
Raap, T.	34.6077	160.00	12.00	\$ 5,537.23	\$ 634.19		\$ 6,171.42	
Rosenthal, Sommer	10.3300	77.25		\$ 797.99			\$ 797.99	
Rosenthal, Sommer	12.0000	16.75		\$ 201.00			\$ 201.00	
Salysers, B.	18.3000	160.00		\$ 2,928.00	\$ -		\$ 2,928.00	
Sederlund, C.	37.7228	168.00	16.50	\$ 6,337.40	\$ 952.67		\$ 7,290.07	
Sovik, C.	40.7404	160.00	13.50	\$ 6,518.46	\$ 840.57		\$ 7,359.03	
Sroufe, T.	34.6077	160.00		\$ 5,537.23	\$ -		\$ 5,537.23	
Stevens, T.	34.6077	160.00	4.00	\$ 5,537.23	\$ 210.53		\$ 5,747.76	
Tomanek, J.	34.6077	160.00	12.00	\$ 5,537.23	\$ 636.78		\$ 6,174.02	
Walton, T.	34.6077	168.00	3.00	\$ 5,814.09	\$ 158.55		\$ 5,972.64	
Wilcox, W.	18.1100	16.00		\$ 289.76	\$ -		\$ 289.76	
Wittrock, M.	34.6077	160.00	8.00	\$ 5,537.23	\$ 422.79		\$ 5,960.02	
<b>Total: Police</b>		<b>2850.50</b>	<b>158.50</b>	<b>\$ 103,272.47</b>	<b>\$ 8,928.74</b>	<b>\$ -</b>	<b>\$ 112,201.22</b>	
<i>*Please note 2 pay periods in the month of September 2018</i>								



Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>Fire</b>								
Armstrong, C.	22.8400	40.50		\$ 925.02			\$ 925.02	
Bell-Schaefer, Jordan	9.4400	17.75		\$ 167.56			\$ 167.56	
Bolsvert, R.	21.2200			\$ -			\$ -	
Jonrad, C.	19.1100	120.50		\$ 2,302.76			\$ 2,302.76	
Day, Z.	9.4400	5.50		\$ 51.92			\$ 51.92	
Dobrick, Z.	10.1800	17.75		\$ 180.70			\$ 180.70	
Dziurgot, A.	9.9800			\$ -			\$ -	
Good, A.	15.6400	33.75		\$ 527.85			\$ 527.85	
Laitinen, D.	15.6400	12.00		\$ 187.68			\$ 187.68	
Madsen, W.	9.4400	61.50		\$ 580.56			\$ 580.56	
Matthews, A.	21.6400	62.00		\$ 1,341.68			\$ 1,341.68	
McGahan, K.	18.0400	144.00		\$ 2,505.20			\$ 2,505.20	
McGowan, C.	15.6400	13.00		\$ 203.32			\$ 203.32	
Moynihan, B.	21.6400	65.75		\$ 1,422.83			\$ 1,422.83	
Noeschel, J.	18.0400	49.75		\$ 897.49			\$ 897.49	
Olando, M.	19.1100	39.00		\$ 745.29			\$ 745.29	
Percin, T.	9.4400	47.25		\$ 446.04			\$ 446.04	
Tooman, B.	18.0400	145.75		\$ 2,542.82			\$ 2,542.82	
Tratechaud, L.	9.4400	24.75		\$ 233.64			\$ 233.64	
Vliet, A.	16.8300	59.50		\$ 1,001.39			\$ 1,001.39	
Vogel, R.				\$ 2,779.80			\$ 2,779.80	
Weir, M.	24.0500	91.75		\$ 2,208.59			\$ 2,208.59	
Wilson, T.	21.6400	35.00		\$ 757.40			\$ 757.40	
				\$ -			\$ -	
<b>Total: Fire</b>		<b>1086.75</b>		<b>\$ 22,007.52</b>		<b>\$ -</b>	<b>\$ 22,007.52</b>	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>D.P.W.</b>								
Abramowicz, J.	22.1700	160.00		\$ 3,547.20	\$ -		\$ 3,547.20	
Archev, Je.	25.0700	160.00	4.00	\$ 4,011.20	\$ 153.32		\$ 4,164.52	
Brock, R.	26.6300	160.00	1.50	\$ 4,280.80	\$ 61.65		\$ 4,322.45	
Buers, D.	24.8500	160.00		\$ 3,976.00	\$ -	\$ 1,600.00	\$ 5,576.00	Longevity
Dental, F.	24.6700	160.00	20.00	\$ 3,905.60	\$ 748.98	\$ 1,015.00	\$ 5,669.58	On-Call & Longevity
Jamison, M.	20.0100	160.00		\$ 3,201.60	\$ -		\$ 3,201.60	
Moritz, M.	23.4700	160.00	0.50	\$ 3,755.20	\$ 17.97		\$ 3,773.17	
Paver, V.	23.0700	160.00	2.00	\$ 3,691.20	\$ 70.66	\$ 80.00	\$ 3,851.86	On-Call
Piasecki, T.	23.0700	160.00	10.00	\$ 3,691.20	\$ 351.10	\$ 315.00	\$ 4,357.30	On-Call
Race, J.	21.2700	160.00	13.00	\$ 3,403.20	\$ 414.77	\$ 315.00	\$ 4,132.97	On-Call
Valencia, A.	20.8700	160.00	10.00	\$ 3,339.20	\$ 313.05	\$ 225.00	\$ 3,877.25	On-Call
<b>Total: D.P.W.</b>		<b>1,760.00</b>	<b>61.00</b>	<b>\$ 40,782.40</b>	<b>\$ 2,131.49</b>	<b>\$ 3,560.00</b>	<b>\$ 46,473.89</b>	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>W. &amp; W.W.</b>								
Armstrong, C.	22.1800	160	14.50	\$ 3,545.60	\$ 481.98	\$ 360.00	\$ 4,387.58	On-Call
Beason, R.	30.6800	160	13.50	\$ 4,908.80	\$ 636.80	\$ 495.00	\$ 6,040.60	On-Call
Blankstrom, D.	20.4900	160		\$ 3,278.40	\$ -		\$ 3,278.40	
Caramitaro, J.	26.9600	160	11.00	\$ 4,313.60	\$ 455.18	\$ 1,840.00	\$ 6,608.78	Longevity & On-Call
DeHoff, T.	12.0000	80		\$ 960.00			\$ 960.00	
Erdmann, Kevin	22.8600	160	6.50	\$ 3,657.60	\$ 222.89	\$ 270.00	\$ 4,150.49	On-Call
Gehringer, D.	27.4800	160	8.00	\$ 4,393.60	\$ 335.28	\$ 45.00	\$ 4,773.88	On-Call
Lawrence, E.	17.2700	160		\$ 2,763.20			\$ 2,763.20	
Popravsky, P.	22.2000	160		\$ 3,552.00	\$ -		\$ 3,552.00	
<b>Total: W. &amp; W.W.</b>		<b>1360.00</b>	<b>53.50</b>	<b>\$ 31,372.80</b>	<b>\$ 2,132.12</b>	<b>\$ 3,010.00</b>	<b>\$ 36,514.92</b>	
<b>Grand Total</b>		<b>7,967.50</b>	<b>273.75</b>	<b>\$ 227,579.84</b>	<b>\$ 13,214.32</b>	<b>\$ 6,570.00</b>	<b>\$ 247,364.16</b>	
<b>*Please note 2 pay periods in the month of September 2018</b>								



JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100 Tax ID# 38-3107356

September 13, 2018

City of South Lyon  
Attn: Lisa Deaton, Clerk/Treasurer  
335 S. Warren Street  
South Lyon, MI 48178

Invoice # 1071083

In Reference To: General Labor Matters

Professional Services Rendered Through August 31, 2018

	<u>Hrs/Rate</u>	<u>Amount</u>
8/2/2018 PAA Receipt/review correspondence from AFSCME and Interim City Manager regarding request to bargain; Review Collective Bargaining Agreement provisions; Telephone conference with Interim City Manager	0.90 165.00/hr	148.50
8/8/2018 PAA Receipt/review correspondence from and correspondence to Interim City Manager regarding AFSCME CDL grievance	0.20 165.00/hr	33.00
8/15/2018 PAA Meeting with AFSCME to discuss demand to bargain over job duties	3.90 165.00/hr	643.50
PAA Meeting with bookkeeper to discuss worker's compensation question	0.10 165.00/hr	16.50
8/20/2018 PAA Preparation of Letter of Understanding; Correspondence to Union and Interim City Manager	1.00 165.00/hr	165.00
For professional services rendered	6.10	\$1,006.50
Previous balance		\$594.00
8/23/2018 Payment - thank you. Check No. 74806		(\$594.00)

Johnson, Rosati, Schultz & Joppich, P.C.



	<u>Amount</u>
Balance due	<u>\$1,006.50</u>

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Please include your Invoice Number on your payment. Thank you.



JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100 Tax ID# 38-3107356

September 13, 2018

City of South Lyon  
Attn: Lisa Deaton, Clerk/Treasurer  
335 S. Warren Street  
South Lyon, MI 48178

Invoice # 1071084

In Reference To: Michigan Tax Tribunal Matters

Professional Services Rendered Through August 31, 2018

			<u>Hrs/Rate</u>	<u>Amount</u>
<u>Flagstar Bank 18-0975</u>				
8/7/2018	SSM	Receipt/review of correspondence from Petitioner regarding discovery; Respond to same; Note to file	0.30 150.00/hr	45.00
8/27/2018	SSM	Receipt/review of discovery responses; Correspondence to client regarding same	0.60 150.00/hr	90.00
	SSM	Correspondence to Petitioner's representative regarding insufficient responses; Note to file regarding same	0.40 150.00/hr	60.00
8/28/2018	SSM	Correspondence regarding settlement offer; Note to file	0.20 150.00/hr	30.00
Subtotal:			[ 1.50	225.00]
<u>Loop Wtr's Edge/Docket 17-1933</u>				
8/28/2018	SSM	Check file status with Michigan Tax Tribunal and Court of Appeals; Note to file regarding same	0.30 150.00/hr	45.00

Johnson, Rosati, Schultz & Joppich, P.C.



			<u>Hrs/Rate</u>	<u>Amount</u>
	Subtotal:		[ 0.30	45.00]
	<u>Pullum Window/Docket 18-1058</u>			
8/7/2018	SSM	Begin preparation of discovery responses	0.60 150.00/hr	90.00
8/10/2018	SSM	Finish drafting responses to Interrogatories; Draft responses to Requests to Produce	2.40 150.00/hr	360.00
8/13/2018	SSM	Memos to and from OCED regarding discovery responses; Note to file	0.30 150.00/hr	45.00
8/14/2018	SSM	Edit/revise discovery responses and correspondence regarding same	0.40 150.00/hr	60.00
8/28/2018	SSM	Review of file regarding response from Petitioner regarding discovery; Correspondence to Petitioner's attorney; Note to file	0.30 150.00/hr	45.00
8/29/2018	SSM	Receipt/review of documents from Petitioner; Correspondence to OCED regarding same; Note to file	0.50 150.00/hr	75.00
	Subtotal:		[ 4.50	675.00]
	<u>Roco Brookwood/Docket 17-4029</u>			
8/1/2018	SSM	Receipt/review of memo from OCED Switalski and respond to same; Memo to B. Rosenbaum; Receipt of memo from B. Rosenbaum; Memo to OCED Switalski; Note to file	0.50 150.00/hr	75.00
8/8/2018	SSM	Receipt/review of Order Permitting Amended Petition; Correspondence regarding same	0.30 150.00/hr	45.00
8/9/2018	SSM	Receipt/review of correspondence from Petitioner's attorney; Correspondence to OCED regarding same; Note to file	0.30 150.00/hr	45.00



			<u>Hrs/Rate</u>	<u>Amount</u>
8/10/2018	SSM	Review of file; Receipt/review of memo from OCED Switalski; Memo to Petitioner's attorney; Note to file	0.90 150.00/hr	135.00
	SSM	Receipt/review of correspondence from Petitioner's attorney; Correspondence to OCED Switalski; Correspondence from OCED Switalski; Correspondence to Petitioner's attorney; Note to file regarding 2018	0.70 150.00/hr	105.00
8/14/2018	SSM	Receipt/review of five Amended Petitions; Review files; Contact Petitioner's attorney (x2)	0.90 150.00/hr	135.00
8/16/2018	SSM	Telephone conference with Petitioner's attorney; Note to file	0.60 150.00/hr	90.00
8/23/2018	SSM	Receipt/review of correspondence from B. Rosenbaum regarding settlement; Correspondence to B. Rosenbaum; Correspondence to OCED; Note to file regarding same	0.60 150.00/hr	90.00
8/28/2018	SSM	Correspondence to Petitioner's attorney regarding status of stipulation; Review file regarding same; Note to file	0.30 150.00/hr	45.00
	SSM	Receipt/review of correspondence from B. Rosenbaum regarding stipulation status; Respond to same	0.30 150.00/hr	45.00
Subtotal:			[ 5.40	810.00]
For professional services rendered			11.70	\$1,755.00

Additional Charges :

		<u>Qty/Price</u>	
<u>Pullum Window/Docket 18-1058</u>			
8/14/2018	Photocopies - Responses to Discovery	25 0.20	5.00



	<u>Qty/Price</u>	<u>Amount</u>
8/14/2018 Postage - Responses to Discovery	1 2.05	2.05
Subtotal:		[ 7.05]
Total additional charges		\$7.05
Total amount of this bill		\$1,762.05
Previous balance		\$1,335.00
8/23/2018 Payment - thank you. Check No. 74806		(\$1,335.00)
Balance due		\$1,762.05

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Please include your Invoice Number on your payment. Thank you.



JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100 Tax ID# 38-3107356

September 13, 2018

City of South Lyon  
Attn: Lisa Deaton, Clerk/Treasurer  
335 S. Warren Street  
South Lyon, MI 48178

Invoice # 1071085

In Reference To: City Attorney Retainer Work

Professional Services Rendered Through August 31, 2018

		<u>Hours</u>
	<u>Arcadis</u>	
8/9/2018	TSW Telephone conference with R. Welsh at ASTI environmental regarding Arcadis proposed restrictive covenant and related issues	0.30
8/10/2018	TSW Correspondence to Council regarding information from ASTI Environmental on 128 S Lafayette and request for restrict covenant	0.60
8/15/2018	TSW Receipt/review correspondence from Arcadis regarding status of RC	0.40
8/24/2018	TSW Correspondence to Interim City Manager regarding status of Arcadis request for restrictive covenant	0.30
8/28/2018	TSW Correspondence to ASTI regarding letter from Arcadis	0.10
	SUBTOTAL:	[ 1.70 ]

Johnson, Rosati, Schultz & Joppich, P.C.



			<u>Hours</u>
<u>City Council</u>			
8/13/2018	TSW	Review of minutes of July 23rd meeting	0.20
	TSW	Preparation for Council meeting	0.40
	TSW	Attend City Council meeting	3.00
8/23/2018	TSW	Attend Special Council meeting - second round City Manager candidate interviews	4.00
8/26/2018	TSW	Review of Packet and Agenda	0.40
8/27/2018	TSW	Review of 7/31 and 8/13 minutes and Agenda Packet	0.30
	TSW	Attend Council meeting	1.70
SUBTOTAL:			<hr/> 10.00
<u>District Court Prosecutions</u>			
8/1/2018	CDS	Receipt/review of 8/7/18 docket for Judges Bondy, Reeds and Law	0.20
8/7/2018	SGM	Prosecute morning docket of Pretrials and Pre-Formal Hearings	3.80
8/9/2018	CDS	Receipt/review correspondence from Paul Clark ( )	0.20
	CDS	Correspondence to client, ( ) ( )	0.20



	<u>Hours</u>
8/9/2018 CDS Correspondence to P. Clark ([REDACTED])	0.20
8/10/2018 CDS Receipt/review correspondence from T. Brooks ([REDACTED])	0.20
8/13/2018 CDS Telephone conference with Paul Clark ([REDACTED])	0.20
8/14/2018 CDS Receipt/review of 8/21/18 docket of Judges Bondy, Reeds & Law	0.20
8/15/2018 CDS Receipt/review of updated 8/21/18 docket for Judges Bondy, Law & Reeds	0.20
8/16/2018 CDS Receipt/review of Judges Bondy, Reeds and Law 8/22/18 docket	0.20
8/20/2018 CDS Telephone conference with client, T. Brooks	0.10
CDS Review of Witness Certificate ([REDACTED])	0.20
CDS Review of Witness Certificate ([REDACTED])	0.20
CDS Review of Death Certificate ([REDACTED])	0.20
8/21/2018 CDS Prosecute morning docket	3.70
CDS Receipt/review of Clearance ([REDACTED])	0.20
8/22/2018 CDS Receipt/review of Judges Bondy, Reeds & Law 8/28/18 docket	0.20
CDS Receipt/review of Judges Bondy, Reeds & Law 8/28/18 updated docket	0.20



			<u>Hours</u>
8/27/2018	CDS	Receipt/review of Sentencing Order ([REDACTED])	0.20
	CDS	Receipt/review of Sentencing Order ([REDACTED])	0.20
	CDS	Review of files for 8/28/18 docket	0.20
8/28/2018	CDS	Receipt/review of Judges Bondy, Law and Reeds updated 8/28/18 docket	0.20
	CDS	Receipt/review of Judges Bondy, Law and Reeds 9/4/18 docket	0.20
	CDS	Prosecute morning docket	3.50
	CDS	Receipt/review of Stipulation to Adjourn ([REDACTED])	0.20
	CDS	Telephone conference with Edward Shaw ([REDACTED])	0.10
	CDS	Telephone conference with Brian Edwards ([REDACTED])	0.20
	CDS	Review of Death Certificate ([REDACTED])	0.20
8/29/2018	CDS	Receipt/review of Judges Bondy, Law and Reeds 9/4/18 updated dockets	0.20
	CDS	Receipt/review of Judges Bondy, Law and Reeds 9/5/18 updated dockets	0.20
8/30/2018	CDS	Preparation of Stipulation to Adjourn ([REDACTED])	0.20
SUBTOTAL:			[ 16.40 ]



			<u>Hours</u>
<u>General City Attorney Work</u>			
8/1/2018	TSW	Continued preparation of documents for potential City purchase of property	3.00
	TSW	Attention to issues for potential City purchase of property and documents	1.20
	TSW	Correspondence regarding potential City purchase of real property	0.90
	TSW	Attention to issues relating to City Manager search	1.00
	TSW	Review of Michigan Court of Appeals Opinion regarding Michigan Medical Marihuana Act	0.50
	TSW	Attention to issues for recording 1st Amendment to Planned Development Agreement for Knolls of South Lyon	0.60
	TSW	Research regarding issues for City Manager Employment Agreement	1.00
8/2/2018	TSW	Attention to City Manager search issues	0.50
	TSW	Telephone conference with Zoning Administrator regarding 825 W. Lake conditional rezoning	0.20
	TSW	Telephone conference with Zoning Administrator regarding past planning costs	0.30
	TSW	Telephone conference with Dixon Engineering regarding water tower painting contract	0.20
	TSW	Receipt/review of correspondence from Interim City Manager regarding potential City purchase of property	0.10
	TSW	Attention to issues relating to potential City purchase of property	0.60



		<u>Hours</u>
8/2/2018	TSW Correspondence to and from Clerk regarding Freedom of Information Act question	0.30
	TSW Review of Conditional Rezoning Agreement for 825 W. Lake Street; Correspondence to and from Applicant's attorney	0.90
	TSW Correspondence to BP attorney on 128 Lafayette restrictive covenant	0.10
	TSW Telephone conference with outside counsel regarding status of MDCR investigation	0.40
8/3/2018	TSW Attention to issues for draft City Manager Employment Agreement and investigation of benefits	1.70
	TSW Multiple correspondence to and from consultant and Interim City Manager regarding potential City purchase of property	0.70
	TSW Review and attention to issues relating to 128 S. Lafayette and request for restrictive covenant and correspondence to Interim City Manager regarding ASTI recommendation	1.50
	TSW Attention to legal description for annexed property	0.40
	TSW Attention to issues regarding MDCR investigation	0.20
8/4/2018	TSW Continued attention to City Manager search issues	0.20
8/5/2018	TSW Continued attention to City Manager search issues	1.50
8/6/2018	TSW Continued attention to City Manager search issues	2.80



		<u>Hours</u>
8/6/2018	TSW Telephone conference with Dixon Engineering regarding water tower painting contract	0.10
8/7/2018	TSW Telephone conference with Mayor regarding City Manager search status and related issues	0.50
	TSW Attention to issues for City Manager search	1.50
	TSW Receipt/review of receipt for initial deposit for property acquisition	0.20
	TSW Telephone conference with W. Dixon regarding water tower painting contract and change order; Correspondence to and from Interim City Manager regarding same	0.60
	TSW Review of application for liquor license	0.60
	TSW Attention to miscellaneous issues as preparation for discussion with Interim City Manager	0.60
	TSW Receipt/review correspondence from Zoning Administrator regarding Thomasville PD Agreement	1.70
	TSW Telephone conference with outside counsel regarding status of MDCR investigation	0.30
	TSW Attention ot issues relating to 825 W. Lake Street conditional rezoning; Receipt/review of correspondence from Applicant	0.40
	TSW Review of Court of Appeal Opinion regarding Medical Marijuana Act	0.40
	TSW Receipt/review correspondence from ASTI Environmental regarding quote for ESA Phase I	0.20
	TSW Attention to 110 Detroit Street and status of code enforcement	0.10



		<u>Hours</u>
8/8/2018	TSW Research regarding revising legal description following annexation for LV Holding conditional rezoning of 825 W. Lake Street and deadlines for agreement	0.90
	TSW Review of Business Associate Agreement - HIPAA	0.60
	TSW Review proposal for ESA Phase I for property acquisition	0.20
	TSW Attention to issues relating to property acquisition	0.50
	TSW Attention to issues relating to City Manager search and telephone conference with City Manager search consultant	2.10
	TSW Attention to liquor license application and applicant information	1.00
	TSW Receipt/review correspondence from Interim City Manager regarding City Hall parking lot repairs	0.20
8/9/2018	TSW Attend meeting with Interim City Manager regarding miscellaneous issues	2.80
	TSW Attention to Thomasville PD rezoning	0.40
	TSW Attention to City Manager search status and telephone conference with J Vettrano regarding second round interview process	0.70
	TSW Attention to property acquisition	0.20
	TSW Attention to conditional rezoning request 825 W. Lake Street	0.10
	TSW Preparation of Agenda Note for soliciting in right of way ordinance	0.60



			<u>Hours</u>
8/9/2018	TSW	Attention to issues for City Manager Employment Agreement	1.00
	TSW	Continued review of liquor license application	0.20
	TSW	Attention to issues relating to City Manager search and second round of interviews	0.40
8/10/2018	TSW	Begin preparation of draft City Manager Employment Agreement	1.60
	TSW	Attention to issues relating to upcoming second round City Manager candidate interviews and background check status	1.00
	TSW	Attention to issues relating to upcoming agenda item on liquor license application	1.80
	TSW	Attention to environmental assessment for property acquisition and status update	0.40
8/13/2018	TSW	Attention to issues relating to City Manager search	1.50
	TSW	Multiple correspondence to and from and telephone conferences with Planning Consultant regarding issues for rezoning requests; Review updated planning regarding review	0.80
	TSW	Preparation of draft City Manager Employment Agreement	0.80
	TSW	Begin preparation of correspondence to Council regarding draft City Manager Employment Agreement	0.80
	TSW	Attention to property acquisition inspection issue	0.20
	TSW	Attention to environmental issue relating to 128 S. Lafayette	0.20



			<u>Hours</u>
8/13/2018	TSW	Conference with Planning Consultant regarding rezoning requests and downtown issues	0.60
8/14/2018	TSW	Attention to issues from August 13, 2018 Council meeting	0.30
	TSW	Attention to issues relating to City Manager search and telephone conference with GovHR USA consultant regarding status	3.60
	TSW	Attention to issues relating to liquor license application	0.30
	TSW	Attention to issues for purchase of property	0.20
	TSW	Receipt/review of multiple emails regarding next steps on building and code enforcement for downtown buildings	0.20
	TSW	Continued preparation of correspondence to Council regarding City Manager Employment Agreement	1.40
	TSW	Attention to issues regarding lease for 464 Lafayette	0.10
8/15/2018	TSW	Correspondence to GovHR USA consultant regarding City Manager search issues	0.60
	TSW	Attention to multiple City Manager search issues	1.80
	TSW	Attention to issues relating to City purchase of property	0.30
	TSW	Correspondence to Interim City Manager regarding Carriage Trace Park	0.60
	TSW	Telephone conference with and correspondence to Interim City Manager regarding City/School District Building Use Agreement	0.70



			<u>Hours</u>
8/15/2018	TSW	Receipt/review correspondence from outside counsel regarding discrimination training	0.10
			No Charge
8/16/2018	TSW	Multiple telephone conferences regarding City Manager search issues	1.00
8/17/2018	TSW	Attention to issues relating to survey of real property	0.40
	TSW	Attention to issues for City Manager search	0.30
8/20/2018	TSW	Attention to issues relating to Freedom of Information Act for 2016 ballots and correspondence to and from Clerk regarding same; Research regarding ballots and Freedom of Information Act	0.80
	TSW	Attention to issues relating to City Manager search	0.50
	TSW	Attention to issues relating to City's property purchase	0.30
	TSW	Attention to MDCR Complaint issues	0.10
	TSW	Attention to code enforcement issues	0.20
	TSW	Research regarding HIPPA business associate agreements	0.70
8/21/2018	TSW	Attention to issues for and preparation of draft City Manager Employment Agreement	1.30
	TSW	Attention to issues relating to Freedom of Information Act for 2016 Presidential election	1.50
	TSW	Begin preparation of correspondence City regarding Michigan Seamless Tube bankruptcy and no collections	0.20



			<u>Hours</u>
8/21/2018	TSW	Receipt/review of correspondence from J. Vettraino regarding interviews of City Manager finalists and status	0.10
8/22/2018	TSW	Legal research regarding Council voting methods	0.70
	TSW	Telephone conference with outside counsel regarding status of MDCR investigation	0.20
	TSW	Continued attention to issues relating to Freedom of Information Act for 2016 ballots	0.30
	TSW	Review of Plante Moran HIPAA business associate agreement; Legal research regarding HIPAA terms and requirements	1.00
	TSW	Telephone conference with Fire Chief regarding ordinance to adopt updated IFC	0.10
	TSW	Telephone conference with Planning Consultant regarding Thomasville Police Department rezoning	0.20
8/23/2018	TSW	Attention to City sidewalk issue	0.20
	TSW	Telephone conference with outside counsel regarding status of MDCR Complaint	0.30
	TSW	Telephone conference with City Manager search consultant regarding City Manager interviews	0.30
	TSW	Attention to issues for second round of City Manager candidate interviews	0.60
	TSW	Correspondence to and from Clerk and investigation regarding Freedom of Information Act for 2016 Presidential Ballots	0.30
	TSW	Preparation of Agenda Note for second reading of Soliciting in Right of Way Ordinance	0.30



		<u>Hours</u>
8/24/2018	TSW Attention to issues for Freedom of Information Act request regarding ballots; Telephone conference with Clerk regarding Freedom of Information Act request	1.00
	TSW Continued preparation of correspondence to City regarding Michigan Seamless tube bankruptcy and no collections	0.40
	TSW Attention to issues for City Manager Employment Agreement	0.90
	TSW Attention to issues regarding Thomasville PD rezoning	0.40
	TSW Attention to property purchase issues	0.20
8/26/2018	TSW Review and revise draft City Manager Employment Agreement	1.80
	TSW Correspondence to candidate regarding draft City Manager Employment Agreement	0.20
8/27/2018	TSW Telephone conference and multiple correspondence to and from City Manager candidate regarding Employment Agreement	1.00
	TSW Multiple telephone conferences with Council Members regarding issues for City Manager Employment Agreement	1.30
	TSW Receipt/review of correspondence from City Manager search consultant regarding City Manager Employment Agreement	0.40
	TSW Attention to issues for City Manager Employment Agreement	0.50
	TSW Multiple telephone conferences with Council Members regarding issues for City Manager Employment Agreement	0.80



		<u>Hours</u>
8/27/2018	TSW Receipt/review correspondence from Interim City Manager regarding Carriage Trace Park dedication	0.10
	TSW Attention to issues for Thomasville PD rezoning	0.20
	TSW Review and revise conditional rezoning agreement for 825 W. Lake and prepare Agenda Note	0.90
	TSW Multiple correspondence to Interim City Manager, Planning Consultant and Applicant regarding condition rezoning agreement	0.30
	TSW Correspondence to Council regarding status of City Manager Employment Agreement	0.50
	TSW Attention to Freedom of Information Act request for 2016 ballots	0.30
8/28/2018	TSW Telephone conference with City Manager search consultant regarding City Manager Employment Agreement	0.30
	TSW Attention to issues for City Manager Employment Agreement	2.40
	TSW Telephone conference with Personnel Department regarding benefits for City Manager Employment Agreement	1.00
	TSW Telephone conference with MERS regarding retirement for City Manager Employment Agreement	0.80
	TSW Multiple telephone conferences with Council Members regarding issues for City Manager Employment Agreement	1.30
	TSW Telephone conference with City Manager candidate regarding City Manager Employment Agreement	0.60



			<u>Hours</u>
8/28/2018	TSW	Multiple correspondence to Clerk regarding Freedom of Information Act request for 2016 ballots	0.80
	TSW	Correspondence to Mayor and Clerk regarding Conditional Rezoning Agreement	0.10
8/29/2018	TSW	Correspondence to Clerk regarding conditional rezoning agreement for 825 W. Lake	0.10
	TSW	Review of Comcast request to install cable for City Hall building; Multiple correspondence to and from Interim City Manager regarding Comcast plans; Research regarding Uniform Video Franchise Agreement and Use Agreement	1.00
	TSW	Attention to Freedom of Information Act request for 2016 ballots and continued preparation of correspondence to Clerk	0.40
	TSW	Attention to benefits issues for City Manager Employment Agreement	1.20
	TSW	Telephone conference with and correspondence to and from City Manager candidate regarding employment issues	0.30
	TSW	Revise lease for 464 S. Lafayette and prepare for meeting	1.10
	TSW	Attend meeting with tenants regarding lease for 464 S. Lafayette	1.60
	TSW	Conference with Interim City Manager regarding miscellaneous issues	0.40
8/30/2018	TSW	Preparation for meeting with downtown property owner	0.70
	TSW	Attend meeting with downtown property owner regarding compliance	1.90



			<u>Hours</u>
8/30/2018	TSW	Attention to Freedom of Information Act request issues	0.10
	TSW	Attention to issues relating to City Manager Employment Agreement and telephone conference with MERS on retirement plan	2.60
	TSW	Continued preparation of and revision of City Manager Employment Agreement	1.70
	TSW	Telephone conference with and multiple correspondence to City Manager candidate regarding Agreement	0.30
	TSW	Receipt/review correspondence from Applicant and attention to Thomasville PD access easement	0.30
8/31/2018	TSW	Correspondence to and from and multiple telephone conference with City Manager candidate regarding City Manager Employment Agreement	0.40
	TSW	Attention to pre-employment screening requirements for City Manager candidate	1.50
	TSW	Correspondence to Council regarding status of City Manager Employment Agreement and related issues	0.20
	TSW	Attention to property acquisition issues	0.10
SUBTOTAL:			<u>106.10</u>
<u>METRO Act</u>			
8/9/2018	SMB	Multiple correspondence to/from AT&T regarding renewal of our request for contract information for the modification of AT&T's Metro Act Permit	0.20
8/17/2018	SMB	Receipt/review correspondence from AT&T regarding revised contract information for AT&T's local offices and emergency contact line required under Metro Act Permit; Preparation of correspondence in response	0.20



			<u>Hours</u>	
8/20/2018	SMB	Multiple correspondence to/from AT&T representative regarding modification to AT&T's Metro Act Permit with the City	0.30	
	SMB	Edit/revise proposed modification to AT&T's Metro Act Permit in response to revised contact information for AT&T representatives; Edit/revise correspondence to City Manager	0.40	
8/24/2018	SMB	Continued preparation of modification to AT&T's Metro Act Permit per receipt of revised contact information for outside plant design engineer from AT&T	0.20	
8/28/2018	TSW	Attention to AT&T Metro Act permit renewal	0.10	
	SMB	Edit/revise letter to City Manager regarding AT&T's request for extension of its Metro Act Permit	0.30	
SUBTOTAL:			<u>1.70</u>	]
<u>Michigan Seamless Tube</u>				
8/14/2018	TSW	Receipt/review correspondence from Michigan Seamless Tube attorney regarding groundwater studies and reports	0.40	
8/15/2018	TSW	Correspondence to ASTI regarding Michigan Seamless Tube's additional studies and reports	0.10	
SUBTOTAL:			<u>0.50</u>	]
<u>Ordinance Amendment</u>				
8/2/2018	TSW	Begin preparation of Ordinance Amendment for soliciting in right of way	1.20	
8/3/2018	TSW	Continued preparation of Ordinance Amendment regarding soliciting in right of way	1.90	



			<u>Hours</u>	
8/6/2018	TSW	Receipt/review of correspondence from Police Department regarding soliciting in right of way ordinance	0.20	
8/8/2018	TSW	Continued preparation and revisions to ordinance regarding soliciting in right of way	1.50	
SUBTOTAL:			[ 4.80 ]	
<u>Planning Commission</u>				
8/6/2018	TSW	Receipt/review correspondence from Planning Department regarding materials for Planning Commission meeting	0.10	No Charge
SUBTOTAL:			[ 0.10 ]	
<u>Thomasville Site Condo</u>				
8/2/2018	TSW	Receipt/review of correspondence regarding Thomasville rezoning and site plan documents	0.90	
8/3/2018	TSW	Attention to issues regarding Thomasville	0.40	
8/6/2018	TSW	Receipt/review of correspondence from Zoning Administrator regarding materials for rezoning	0.10	
8/13/2018	TSW	Multiple correspondence to Council regarding clarifications on Thomasville PD rezoning and revising Zoning Ordinance amendment and proposed conditions	1.30	
SUBTOTAL:			[ 2.70 ]	
				<u>Amount</u>
For professional services rendered			144.00	\$19,970.00



Additional charges:

	<u>Qty/Price</u>	<u>Amount</u>
<u>METRO Act</u>		
8/28/2018 Photocopies - AT&T Metro Act documents	23 \$0.20	\$4.60
		<hr/>
SUBTOTAL:		[ \$4.60]
		<hr/>
Total costs		\$4.60
Previous balance		\$14,435.00
		<hr/>
8/23/2018 Payment - thank you. Check No. 74806		(\$14,435.00)
		<hr/>
Balance due		\$19,974.60
		<hr/> <hr/>

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Please include your Invoice Number on your payment. Thank you.

Monthly flat fee of \$10,400.00 for first 80 hours of work. Anything over 80 hours to be billed at the hourly rate of \$150.00



# AGENDA NOTE

Old Business Item # 1

**MEETING DATE:** October 8, 2018

**PERSON PLACING ITEM ON AGENDA:** Recommended for approval by Planning Commission and City Attorney

**AGENDA TOPIC:** Second Reading of Zoning Ordinance Amendment to amend and add definitions and limit the height of utility poles and other structures in a public right-of-way.

**EXPLANATION OF TOPIC:** The Michigan Legislature is reasonably expected to pass Senate Bill 673 (SB 637), which, among other things, limits municipal right-of-way authority. Section 13(5) of SB 637 entitles a wireless provider to construct, maintain, modify, operate, or replace utility poles and wireless equipment in the City's rights-of-way subject to specific height requirements. However, Section 13(6) allows a wireless provider to exceed the height limits under Section 13(5), subject to the City's Zoning regulations. The City may take action before SB 637 becomes law if it wishes to limit the height of utility poles and wireless equipment in its public rights-of-way. To address this issue, an ordinance amending Sections 102-3 and 102-104 of the Zoning Ordinance is proposed in order to add definitions and limit the height of utility poles and other structures in a public right-of-way to the high limits provided under Section 13(5) of SB 637.

No changes since first reading.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Proposed Ordinance – redline copy showing proposed changes
- Summary of Senate Bill 637

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

**RECOMMENDATION:** Approve the second reading of the ordinance amendment.

**SUGGESTED MOTION:** 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.



ORDINANCE NO. \_\_-18

CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 102 - ZONING TO AMEND ARTICLE I - IN GENERAL, AND ARTICLE III - EXCEPTIONS, TO AMEND AND ADD DEFINITIONS AND TO LIMIT THE HEIGHT OF UTILITY POLES AND OTHER STRUCTURES IN A PUBLIC RIGHT-OF-WAY

THE CITY OF SOUTH LYON ORDAINS:

**PART I: Amendment of Section 102-3 to Amend Definition.** Section 102-3 - Definitions in Article I, Chapter 102 - Zoning, of the City of South Lyon Code of Ordinances is hereby amended to amend the following definitions:

Essential services means the erection, construction, alteration or maintenance of railroads, public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including: (i) buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare, (ii) utility poles and other structures more than 40 feet in height above ground level in a public right-of-way, and (iii) wireless equipment extending more than five (5) feet above the top of a utility pole or structure it is attached to in a public right-of-way.

**PART II: Amendment of Section 102-3 to Add Definitions.** Section 102-3 - Definitions in Article I, Chapter 102 - Zoning, of the City of South Lyon Code of Ordinances is hereby amended to add the following definitions:

Public right-of-way means the surface of, air space above, and area below the entire width of any road, highway, street, alley, thoroughfare, easement, or other area that is dedicated, reserved, used or open to use as a matter of right, for public travel, whether owned or controlled by, or under the jurisdiction of, the city or county, state, or federal government.

Utility pole means a pole or similar structure that is or may be used in whole or in part for cable, wireline, or wireless communication service, electric distribution, lighting, traffic control, signage, or a similar function.

Wireless equipment means the equipment and components, including cellular antennae, transmitters, receivers, equipment shelters or cabinets, regular and backup power supply including emergency generators, and power supply, coaxial and fiber optic cables used in the provision of wireless services, but excluding wireless support structures.



**PART III: Amendment of Section 102-104.** Section 102-104 - Height limit in Article III – Exceptions, Chapter 102 - Zoning, of the City of South Lyon Code of Ordinances is hereby amended to read as follows in its entirety:

**Sec. 102-104 Height limit**

(a) The height limitations of this chapter shall not apply to farm buildings, chimneys, church spires or steeples, flag poles, public monuments and privately owned noncommercial towers or structures provided that the height of such building or structure shall not be greater than the minimum horizontal distance measured from the base of said building or structure to the nearest property line. The board of appeals may specify a greater height when the owners of adjacent land which lies within the free fall radius of the building or structure, who would therefore be most affected, are notified prior to a hearing on the requested variance. In determining whether a variance ought to be granted and particularly when a variance for a privately owned noncommercial tower is the subject of the variance request, the board of appeals shall consider the private and public value to be derived from the erection of said tower and balance that need against the legitimate concerns of surrounding property owners in making their decision.

(b) Notwithstanding subsection (a) above, utility poles and structures in a public right-of-way shall not be more than 40 feet in height above ground level, and wireless equipment shall not extend more than five (5) feet above the top of a utility pole or structure it is attached to in a public right-of-way

**PART IV. Severability.** Should any section, subdivision, 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 V. 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 South Lyon Code of Ordinances set forth in this Ordinance.

**PART VI. 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 VII. Effective Date: Publication.** Public hearing having been held hereon pursuant to the provisions of Section 102 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of South Lyon stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 a.m. to 5:00 p.m., local time. The provisions of this Ordinance shall become effective seven (7) days after its publication.



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:





**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

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**BILL ANALYSIS**

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**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

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Senate Bill 637 (Substitute S-2 as passed by the Senate)  
Senate Bill 894 (Substitute S-1 as passed by the Senate)  
Sponsor: Senator Joe Hune (S.B. 637)  
          Senator Mike Nofs (S.B. 894)  
Committee: Energy and Technology

Date Completed: 5-3-18

**RATIONALE**

First introduced in the 1990s, "smartphones" have evolved quickly in a relatively short period of time. Mobile phones that perform many of the functions of a computer, smartphones were rarely found in the U.S. until the development of the BlackBerry in the mid-2000s, and they continued to gain mainstream popularity with the introduction of the iPhone in 2007. Since then, smartphones ownership has grown exponentially. Today, 77% of adults in the U.S. say they own a smartphone, up from 35% in 2011, according to the Pew Research Center. However, as smartphones and other wireless digital devices become more advanced and more numerous, the wireless networks that connect them must keep pace. Deploying the appropriate mobile broadband infrastructure is considered critical to sustaining the rapid growth of wireless technology and expanding wireless broadband coverage, while maintaining the speed and reliability that wireless users desire. Many people believe that small cell wireless technology is one solution to improving mobile service and coverage.

Small cells are low-powered cellular radio access nodes that operate as base stations, receiving and sending signals. Small cells typically support a single carrier, operate on one or two frequency bands, and require minimal power to operate. However, small cells have a range of only 10 meters to a few kilometers, less than two miles, and transmit less power than a remote radio unit or digital antenna system. This means that a large number of small cells must be deployed in order for them to be effective. It is believed that creating a dense network of small cells that are placed on existing infrastructure ultimately will eliminate the need for further cell tower construction. Evidently, the use of small cell wireless technology also is important for the deployment of advanced, or "fifth generation", wireless systems, called 5G networks, as well as for the development and implementation of autonomous vehicles and the development of "smart cities" (urban areas that use different types of electronic data collection sensors for various purposes, such as managing traffic lights or monitoring water systems).

Many people believe that utilizing small cell technology in Michigan would provide wireless consumers with faster and more reliable connections, bring economic growth and development to local communities, and make Michigan's wireless infrastructure a competitive frontrunner among other states. To accomplish this, it has been suggested that State create a regulatory framework for small cell deployment that would establish a uniform permitting process for wireless providers seeking access to pole structures in rights-of-way, improve mobile networks in congested urban areas, and expand high-speed broadband service in rural areas.

**CONTENT**

**Senate Bill 637 (S-2) would enact the "Small Wireless Communications Facilities Deployment Act" to do the following:**



- Prohibit an authority (the State or a local unit) from prohibiting, regulating, or charging for the collocation of small cell wireless facilities, except as provided in the Act.
- Prohibit an authority from entering into an exclusive agreement for use of a right-of-way (ROW) for work on utility poles or the collocation of small cell wireless facilities.
- Prohibit an authority from charging a wireless provider a rate or fee for the use of an ROW, except as provided in the Act.
- Permit a wireless provider to colocate small wireless facilities and work on utility poles in, along, across, upon, and under an ROW, subject to certain height limitations.
- Permit an authority to adopt requirements for design or concealments measures in a historic district, downtown district, or residential district, subject to evaluation on the effects on historic properties.
- Allow an authority to require a wireless provider to repair any damage to an ROW directly caused by the provider's activities while working on small cell wireless facilities or utility poles in the ROW.
- Allow an authority to require a permit to colocate a small cell wireless facility or install, modify, or replace a utility pole on which a small cell wireless facility would be colocated.
- Require an application and an application fee for a permit to meet certain conditions.
- Require a provider to complete collocation within one year after a permit was granted, subject to exceptions.
- Require a wireless provider to notify an authority in writing before discontinuing its use of a small cell wireless facility, utility pole, or wireless support structure, and specify when and how the facility would be removed.
- Specify requirements an application for a zoning approval would have to meet.
- Require an authority to approve or deny an application and notify the applicant within 90 days if the application were for a modification for a wireless support structure or the installation of a new small cell wireless facility, or within 150 days if the application were for a new wireless support structure.
- Prohibit an authority from denying an application without a reasonable basis for the denial, require a denial to be supported by substantial evidence, and prohibit a denial from discriminating with respect to the placement of facilities or other wireless providers.
- Establish application fees for zoning approval, and require a wireless provider to commence construction of an approved structure or facility within one year after zoning approval was granted.
- Prohibit an authority from entering into an exclusive arrangement with any person for the right to attach to authority poles.
- Establish requirements that a rate or fee to colocate a small cell wireless facility on an authority pole would have to meet.
- Prohibit the governing body of a municipally owned electric utility from entering into an exclusive agreement with any person for the right to attach to nonauthority poles.
- Require the governing body of a municipally owned electric utility to adopt a process for wireless providers' requests to colocate small cell wireless facilities, and establish requirements that a rate or fee to process such requests would have to meet.
- Require a wireless provider that had to relocate small cell facilities colocated on a nonauthority pole to comply with terms and standards adopted by the governing board of a municipally owned electric utility.
- Permit the governing body of a municipally owned electric utility to require a wireless provider to defend, indemnify, or hold harmless an authority, the governing body, and its employees, agents, and officers against any claims resulting from working on wireless facilities, wireless support structures, or utility poles.
- Provide that the circuit court would have jurisdiction to determine all disputes arising under the Act.
- Permit an authority, as a condition of obtaining a permit, to adopt bonding requirements for small cell wireless facilities if certain requirements were met.



**Senate Bill 894 (S-1) would amend the Michigan Zoning Enabling Act to provide that the Act and a zoning ordinance would be subject to the proposed Small Wireless Communications Facilities Deployment Act.**

Each bill would take effect 90 days after it was enacted. Senate Bill 894 (S-1) is tie-barred to Senate Bill 637 (S-2).

Senate Bill 637 (S-2) is described in more detail below.

Definitions

"Authority", unless the context implied otherwise, would mean the State, or a county, township, city, village, district, or subdivision thereof authorized by law to make legislative, quasi-judicial, or administrative decisions concerning an application described in the proposed Act. The term would not include any of the following:

- A municipally owned electric utility.
- An investor-owned utility whose rates are regulated by the Michigan Public Service Commission (MPSC).
- A State court having jurisdiction over an authority.

"Small cell wireless facility" would mean a wireless facility that meets both of the following requirements:

- Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six cubic feet.
- All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume.

(The following types of associated ancillary equipment would not be included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.)

"Colocate" or "collocation" would mean to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. The term would not include make-ready work or the installation of a new utility pole or new wireless support structure.

("Make-ready work" would mean work necessary to enable an authority pole or utility pole to support collocation, which could include modification or replacement of utility poles or modification of lines.)

"Public right-of-way" or "ROW" would mean the area on, below, or above a public roadway, highway, street, alley, bridge, sidewalk, or utility easement, dedicated for compatible uses. The term would not include any of the following:

- A private right-of-way.
- A limited access highway.
- Land owned or controlled by a railroad as defined in the Railroad Code.
- Railroad infrastructure.

"Wireless facility" would mean equipment at a fixed location that enables the provision of wireless services between user equipment and a communications network, including radio transceivers, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. It also would include a small cell wireless facility. The term would not include any of the following:



- The structure or improvements on, under, or within which the equipment is colocated.
- A wireline backhaul facility (a facility used to transport services by wire or fiber-optic cable from a wireless facility to a network).
- Coaxial or fiber-optic cable between utility poles or wireless support structures or that otherwise is not immediately adjacent to or directly associated with a particular antenna.

"Wireless services" would mean any services, provided using licensed or unlicensed spectrum, including the use of wi-fi, whether at a fixed location or mobile.

"Wireless provider" would mean a wireless infrastructure provider or a wireless services provider. It would not include an investor-owned utility whose rates are regulated by the MPSC.

"Wireless infrastructure provider" would mean any person, including a person authorized to provide telecommunications services in the State, but not including a wireless services provider, that builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures and that, when filing an application with an authority under the proposed Act, provides written authorization to perform the work on behalf of a wireless services provider.

"Wireless support structure" would mean a freestanding structure designed to support or capable of supporting small cell wireless facilities. It would not include a utility pole.

#### Purpose of the Act

The stated purpose of the proposed Act would be to do all of the following:

- "Increase investment in wireless networks that will benefit the citizens of the state by providing better access to emergency services, advanced technology, and information."
- "Increase investment in wireless networks that will enhance the competitiveness of the state in the global economy."
- "Encourage the deployment of advanced wireless services by streamlining the process for the permitting, construction, modification, maintenance, and operation of wireless facilities in the public rights-of-way."
- "Allow wireless services providers and wireless infrastructure providers access to the public rights-of-way and the ability to attach to poles and structures in the public rights-of-way to enhance their networks and provide next generation services."
- "Ensure the reasonable and fair control and management of public rights-of-way by governmental authorities within the state."
- "Address the timely design, engineering, permitting, construction, modification, maintenance, and operation of wireless facilities as matters of statewide concern and interest."
- "Provide for the management of public rights-of-way in a safe and reliable manner that does all of the following: supports new technology; avoids interference with right-of-way use by existing public utilities and cable communications providers; allows for a level playing field for competitive communications service providers; and protects public health, safety, and welfare."
- "Increase the connectivity for autonomous and connected vehicles through the deployment of small cell wireless facilities with full access and compatibility for connected and autonomous vehicles as determined and approved by the state transportation department, county road commissions, and authorities."
- "Prioritize, as provided in this act, the use of existing utility poles and wireless support structures for collocation over the installation of new utility poles or wireless support structures."

"Communications service provider" would mean any entity that provides communications service. "Communications service" would mean service provided over a communications facility, including cable service, as defined in 47 USC 522(6) (the one-way transmission to subscribers of video programming and other programming service, and subscriber interaction, if any, that is required for the selection or use of such programming or programming service), information service, as defined in 47 USC 153(24) (the offering of a capability for generating, acquiring, storing,



transforming, processing, retrieving, using, or making available information via telecommunications, including electronic publishing, but not including any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service), telecommunications service, as defined in 47 USC 153(53) (the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used), or wireless service.

"Communications facility" would mean the set of equipment and network components, including wires, cables, antennas, and associated facilities, used by a communications service provider to provide communications service.

#### Prohibited Regulation; Collocation Approval

Except as otherwise provided in the proposed Act, an authority could not prohibit, regulate, or charge for the collocation of small cell wireless facilities.

The approval of a small cell wireless facility would authorize only the collocation of a small cell wireless facility and would not authorize either of the following:

- The provision of any particular services.
- The installation, placement, modification, maintenance, or operation of a wireline backhaul facility in an ROW.

#### Right-of-Way Use

The following provisions would apply only to activities of a wireless provider within a public right-of-way for the deployment of small cell wireless facilities and associated new or modified utility poles.

("Utility pole" would mean a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that does not exceed 40 feet above ground level, unless a taller height is agreed to by an authority, and is designed to support small cell wireless facilities. The term would not include a sign pole less than 15 feet in height above ground.)

An authority could not enter into an exclusive arrangement with any person for use of an ROW for the construction, operation, marketing, or maintenance of utility poles or the collocation of small cell wireless facilities.

An authority could not charge a wireless provider a rate for each utility pole or wireless support structure in an ROW in the authority's geographic jurisdiction on which the wireless provider colocated a small cell wireless facility that exceeded the following:

- \$20 annually, unless the following applied.
- \$125 annually, if the utility pole or wireless support structure were erected by or on behalf of the wireless provider on or after the effective date of the proposed Act, unless the replacement of the utility pole was not designed to support small cell wireless facilities.

Every five years after the Act took effect, the maximum rates then authorized would be increased by 10% and rounded to the nearest dollar.

If, on the date the Act took effect, an authority had a rate or fee in an ordinance or in an agreement with a wireless provider for the use of an ROW to colocate a small cell wireless facility or to construct, install, mount, maintain, modify, operate, or replace a utility pole, and the rate or fee did not comply with the limitations listed above, the authority would have to revise the rate or fee within 90 days after the Act took effect.



For installations of utility poles designed to support small cell wireless facilities or collocations of small cell wireless facilities installed and operational in an ROW before the date the Act took effect, the fees, rates, and terms of an agreement or ordinance for use of the ROW would remain in effect subject to the termination provisions contained in the agreement or ordinance.

For installations of utility poles designed to support small cell wireless facilities or collocations of small cell wireless facilities installed and operational in an ROW after the date the Act took effect, the fees, rates, and terms of an agreement or ordinance for use of the ROW would have to comply with the rates proposed above.

A wireless provider could, as a permitted use not subject to zoning review or approval, except that an application for a permitted use would still be subject to approval by the authority, colocate small cell wireless facilities and construct, maintain, modify, operate, or replace utility poles in, along, across, upon, and under an ROW. Such structures and facilities would have to be constructed and maintained so as not to obstruct the legal use of the authority's ROW or uses of the ROW by other utilities and communications service providers. Both of the following provisions would apply:

- A utility pole in the ROW installed or modified on or after the date the proposed Act took effect could not exceed 40 feet above ground level, unless the authority agreed to a taller height.
- A small cell wireless facility in the ROW installed or modified after the date the Act took effect could not extend more than five feet above a utility pole or wireless support structure on which the facility was colocated.

Subject to these and other provisions, and applicable zoning regulations, a wireless provider could colocate a small cell wireless facility or install, construct, maintain, modify, operate, or replace a utility pole that exceeded the specified height limits, or a wireless support structure, in, along, across, upon, and under the ROW.

A wireless provider would have to comply with reasonable and nondiscriminatory requirements otherwise provided that prohibited communications service providers from installing structures on or above ground in the ROW in an area designated solely for underground or buried cable and utility facilities if all of the following applied:

- The authority had required all cable and utility facilities, other than authority poles, along with any attachments, or poles used for street lights, traffic signals, or other attachments necessary for public safety, to be placed underground by a date that was at least 90 days before the submission of an application.
- The authority did not prohibit the replacement of authority poles by a wireless provider in the designated area.
- The authority allowed wireless providers to apply for a waiver of the undergrounding requirements for the placement of a new utility pole to support small cell wireless facilities, and the waiver applications were addressed in a nondiscriminatory manner.

Subject to permit provisions (described below), and except for facilities excluded from evaluation for effects on historic properties under 47 CFR 1.1307(a)(4), an authority could adopt written, objective requirements for reasonable, technically feasible, nondiscriminatory, and technologically neutral design or concealment measures in a historic district, downtown district, or residential zoning district. Any such requirement could not have the effect of prohibiting any wireless provider's technology. Any such design or concealment measures would not be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility.

(Under 47 CFR 1.1307(a)(4), applicants must prepare environment assessments if the Federal Communications Commission (FCC) takes action with respect to facilities that may affect districts, sites, buildings, structures, or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places, and that are subject to review by the FCC and have been determined through that review



process to have adverse effects on identified historic properties. (The term "applicant" includes an applicant for a wireless or broadband license, authorization, or antenna structure registration.)

"Historic district" would mean a historic district established under the Local Historic Districts Act, or a group of buildings, properties, or sites that are either listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the Federal agency to list properties and determine their eligibility for the National Register, in accordance with the Nationwide Programmatic Agreement.)

An authority's administration and regulation of wireless providers' activities in the ROW would have to be reasonable, nondiscriminatory, and competitively neutral and would have to comply with applicable law.

An authority could require a wireless provider to repair all damage to an ROW directly caused by the activities of the provider while occupying, constructing, installing, mounting, maintaining, modifying, operating, or replacing small cell wireless facilities, utility poles, or wireless support structures in the ROW and to return it to its functional equivalence before the damage. If the provider failed to make the repairs required by the authority within 60 days after written notice, the authority could make the repairs and charge the wireless provider the reasonable, documented cost of repairs.

#### Permit

The following provisions would apply to activities of a wireless provider within a public ROW.

Except as otherwise provided, an authority could require a permit to colocate a small cell wireless facility or install, modify, or replace a utility pole on which a small cell wireless facility would be colocated if the permit were of general applicability. The processing of an application for such a permit would be subject to all of the following:

- The authority could not directly or indirectly require an applicant to perform services unrelated to the collocation for which a permit was sought, such as reserving fiber, conduit, or pole space for the authority or making other in-kind contributions to the authority.
- A wireless provider would have to provide, to each affected authority to which an application for the activity was not submitted, notification of the wireless provider's intent to locate a small cell wireless facility within the ROW, if a proposed activity would occur within a shared ROW or an ROW that overlapped another ROW, and the authority could require proof of other necessary permits, permit applications, or easements to ensure all necessary permissions for the proposed activity were obtained.
- The authority could require an applicant to include an attestation that the small cell wireless facilities would be operational for use by a wireless services provider within one year after the permit was issued, unless the authority and the applicant agreed to extend the period or delay was caused by lack of commercial power or communications transport facilities to the site.
- The application would have to be processed on a nondiscriminatory basis.
- Approval of an application would authorize the wireless provider to undertake an installation or collocation and maintain the small cell wireless facilities and any associated utility poles or wireless support structures covered by the permit for as long as the site was in use and in compliance with the initial permit, subject to relocation requirements that would apply to similarly situated users of an ROW and the applicant's right to terminate at any time.
- An authority could not institute a moratorium on filing, receiving, or processing applications or issuing permits for the collocation of small cell wireless facilities or the installation, modification, or replacement of utility poles on which the facilities could be colocated.
- An authority and an applicant could extend a time period by mutual agreement.

Within 25 days after receiving an application, an authority would have to notify the applicant in writing whether the application was complete. If the application were incomplete, the notice would



have to clearly and specifically delineate missing documents or information. The notice would toll the running of the time for approving or denying an application as described below.

The running of the time period tolled would resume when the applicant made a supplemental submission in response to the authority's notice of incompleteness. If a supplemental submission were inadequate, the authority would have to notify the applicant in writing within 10 days after receiving the supplemental submission that it did not provide the information identified in the original notice delineating missing documents or information. The time period could be tolled in the case of second or subsequent notices under the procedures identified above. Second or subsequent notices of incompleteness could not specify missing documents or information that was not delineated in the original notice.

An authority would have to approve or deny an application and notify the applicant in writing within the following period of time after the application was received:

- 60 days, for an application for the collocation of small cell wireless facilities on a utility pole, subject to the following adjustments: an additional 15 days if an application from another wireless provider were received within one week of the application in question, and an additional 15 days if, before the otherwise applicable 60-day or 75-day time period elapsed, the authority notified the applicant in writing that an extension was needed and the reasons for the extension.
- 90 days, for an application for a new or replacement utility pole that would not exceed 40 feet above ground level, unless a taller height was agreed to by the authority, and associated small cell facility, subject to the following adjustments: an additional 15 days if an application from another wireless company were received within one week of the application in question; and an additional 15 days if, before the otherwise applicable 90-day or 105-day time period elapsed, the authority notified the application in writing that an extension was needed and the reasons for the extension.

If an authority failed to comply with these provisions, the completed application would be considered approved subject to the condition that the applicant provide the authority at least 7 days' advance written notice that the applicant would be proceeding with the work pursuant to this automatic approval.

An authority could deny a completed application for a proposed collocation of a small cell wireless facility or installation, modification, or replacement of a utility pole that would not exceed 40 feet above ground level, unless a taller height was agreed to by the authority, only if the proposed activity would do any of the following:

- Materially interfere with the safe operation of traffic control equipment.
- Materially interfere with sight lines or clear zones for transportation or pedestrians.
- Materially interfere with compliance with the Americans with Disabilities Act, or similar Federal, State, or local standards regarding pedestrian access or movement.
- Materially interfere with maintenance or full unobstructed use of public utility infrastructure under the jurisdiction of an authority.
- Materially interfere with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed, or not be located a reasonable distance from the drainage infrastructure to ensure maintenance under the Drain Code and access to the drainage infrastructure, with respect to drainage infrastructure under the jurisdiction of an authority.
- Fail to comply with reasonable, nondiscriminatory, written spacing requirements of general application adopted by ordinance or otherwise that applied to the location of ground-mounted equipment and new utility poles that did not prevent a wireless provider from serving any location.
- Fail to comply with applicable codes.
- Fail to comply with provisions pertaining to underground or buried cables, or historic districts.
- Fail to meet reasonable, objective, written stealth or concealment criteria for small cell wireless facilities applicable in a historic district or other designated area, as specified in an ordinance



and nondiscriminatorily applied to all other occupants of an ROW, including electric utilities, incumbent or competitive local exchange carriers, fiber providers, cable television operators, and the authority.

An authority could require an applicant to provide information and documentation to enable the authority to make a decision with regard to the criteria listed above. An authority also could require a certification of compliance with FCC rules related to radio frequency emissions from a small cell wireless facility.

If the completed application were denied, the written notice to the applicant would have to explain the reasons for the denial and, if applicable, cite the specific provisions of applicable codes on which the denial was based. The applicant could cure the deficiencies identified by the authority and resubmit the application within 30 days after the denial without paying an additional application fee. The authority would have to limit its review of the revised application to the deficiencies cited in the denial.

An applicant could at its discretion file a consolidated application and receive a single permit for the collocation of up to 20 small cell wireless facilities within the jurisdiction of a single authority or, in the case of the Michigan Department of Transportation (MDOT), a single designated control section as identified on MDOT's website. The small cell facilities within a consolidated application would have to consist of substantially similar equipment and be placed on similar types of utility poles or wireless support structures. An authority could approve a permit for one or more small cell wireless facilities included in a consolidated application and deny a permit for the remaining small cell facilities. An authority could not deny a permit for a small cell facility included in a consolidated application on the basis that a permit was being denied for one or more other facilities included in that application.

Within one year after a permit was granted, a wireless provider would have to complete collocation of a small cell wireless facility that was to be operational for use by a wireless services provider, unless the authority and the applicant agreed to extend the period or the delay was caused by the lack of commercial power or communications facilities at the site. If the wireless provider failed to complete the collocation within the applicable time, the permit would be void and the wireless provider could reapply for a permit. A permittee could voluntarily request that the permit be terminated.

An authority could revoke a permit, upon 30 days' notice and an opportunity to cure, if the permitted small cell wireless facilities and any associated utility pole failed to meet the requirements listed above as reasons for which an authority could deny a completed application.

An authority could not require a permit or any other approval or require fees or rates for any of the following:

- The replacement of a small cell wireless facility with a small cell wireless facility that was not larger or heavier, in compliance with applicable codes.
- Routine maintenance of a small cell wireless facility, utility pole, or wireless support structure.
- The installation, placement, maintenance, operation, or replacement of micro wireless facilities that were suspended on cables strung between utility poles or wireless support structures in compliance with applicable codes.

These activities would be exempt from zoning review.

An authority that received an application to place a new utility pole could propose an alternative location within an ROW or on property or structures owned or controlled by an authority within 75 feet of the proposed location to either place the new utility pole or colocate on an existing structure. The applicant would have to use the alternative location if, as determined by the applicant, it had the right to do so on reasonable terms and conditions and the alternative location did not impose unreasonable technical limits or significant additional costs.



Before discontinuing its use of a small cell wireless facility, utility pole, or wireless support structure, a wireless provider would have to notify an authority in writing. The notice would have to specify when and how the wireless provider intended to remove the small cell wireless facility, utility pole, or wireless support structure. The authority could impose reasonable and nondiscriminatory requirements and specifications for the wireless provider to return the property to its preinstallation condition. If the wireless provider did not complete the removal within 45 days after the discontinuance of use, the authority could complete the removal and assess the costs of removal against the wireless provider. A permit for a small cell wireless facility would expire upon removal of the facility.

An authority would not be prohibited from requiring a permit for work that would reasonably affect traffic patterns or obstruct vehicular or pedestrian traffic in an ROW.

"Micro wireless facility" would mean a small cell wireless facility that is not more than 24 inches in length, 15 inches in width, and 12 inches in height and that does not have an exterior antenna more than 11 inches in length.

"Applicable codes" would mean uniform building, fire, electrical, plumbing, or mechanical codes adopted under the Single State Construction Code Act, or adopted by the United States Occupational Safety and Health Administration or by a state or national code organization, including the National Electrical Safety Code published by the Institute of Electrical and Electronic Engineers.

#### Permit Fee

An application fee for a permit to colocate a small cell wireless facility, or install, modify, or replace a utility pole on which such a facility would be collocated, could not exceed the lesser of the following:

- \$200 for each small cell wireless facility alone.
- \$300 for each small cell wireless facility and a new utility pole to which it would be attached.

Every five years after the proposed Act took effect, the maximum fees then authorized would be increased by 10% and rounded to the nearest dollar.

#### Zoning Approval; Review

The provisions discussed below would apply to zoning reviews for the following activities that would be subject to zoning review and approval, that would not be a permitted use, and that took place within or outside a public ROW:

- The modification of existing or installation of new small cell wireless facilities.
- The modification of existing or installation of new wireless support structures used for such facilities.

Within 30 days after receiving an application for a zoning approval, an authority would have to notify the applicant in writing whether the application was complete. If the application were incomplete, the notice would have to clearly and specifically delineate all missing documents or information. The notice would toll the running of the 30-day period.

The running of the time period tolled would resume when the applicant made a supplemental submission in response to the authority's notice of incompleteness. If a supplemental submission were inadequate, the authority would have to notify the applicant within 10 days after receiving the submission that it did not provide the information identified in the original notice delineating missing documents or information. The time period could be tolled in the case of second or subsequent notices under the procedures identified above. Second or subsequent notices of



incompleteness could not specify missing documents or information that was not delineated in the original notice of incompleteness.

The application for a zoning approval would have to be processed on a nondiscriminatory basis.

An authority would have to approve or deny an application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a small cell wireless facility was received or 150 days after an application for a new wireless support structure was received. The time period for approval could be extended by mutual agreement between the applicant and authority. If the authority failed to comply with these provisions, the application would be considered approved subject to the condition that the applicant provide the authority at least 15 days' advance written notice that the applicant would be proceeding with the work pursuant to this automatic approval.

An authority could not deny an application unless all of the following applied:

- The denial was supported by substantial evidence contained in a written record that was publicly released contemporaneously.
- There was a reasonable basis for the denial.
- The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

An authority's review of an application for a zoning approval would be subject to all of the following:

- An authority could not evaluate or require an applicant to submit information about an applicant's business decisions with respect to any of the following: the need for a wireless support structure or small cell wireless facilities; or the applicant's service, customer demand for the service, or the quality of service.
- Any requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping, would have to be reasonable.
- Any setback or fall zone requirement would have to be substantially similar to such a requirement imposed on other types of commercial structures of a similar height.

An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures or technology to be used would be presumed to be reasonable. This presumption would not apply with respect to the height of wireless facilities or wireless support structures. An authority could consider the height of such structures in its zoning review, but could not discriminate between the applicant and other communications service providers.

An application fee for a zoning approval could not exceed the following:

- \$1,000 for a new wireless support structure or a modification of an existing wireless support structure.
- \$500 for a new small cell wireless facility or modification of an existing small cell wireless facility.

Within one year after a zoning approval was granted, a wireless provider would have to commence construction of the approved structure or facilities that were to be operational for use by a provider, unless the authority and the applicant agreed to extend the period or the delay was caused by a lack of commercial power or communications facilities at the site. If the provider failed to commence construction within the time period required, the zoning approval would be void, and the provider could reapply for a zoning approval. However, the provider could voluntarily request that the zoning approval be terminated.

An authority could not institute a moratorium on either of the following: filing, receiving, or processing applications for zoning approval; or issuing approvals for installations that were not a permitted use.



An authority could revoke a zoning approval, upon 30 days' notice and an opportunity to cure, if the permitted small cell wireless facilities and any associated wireless support structure failed to meet the requirements of the approval, applicable codes, or applicable zoning requirements.

#### Collocation Rates & Fees

An authority could not enter into an exclusive arrangement with any person for the right to attach to authority poles. A person who purchased, controlled, or otherwise acquired an authority pole would be subject to the requirements described below.

("Authority pole" would mean a utility pole owned or operated by an authority and located in the ROW.)

The rate for the collocation of small cell wireless facilities on authority poles would have to be nondiscriminatory regardless of the services provided by the collocating person. The rate could not exceed \$30 per year per authority pole. Every five years after the date the proposed Act took effect, the maximum rate then authorized would be increased by 10% and rounded to the nearest dollar. This rate for the collocation of small cell wireless facilities on authority poles would be in addition to the rate charged for the use of an ROW.

If, on the date the Act took effect, an authority had a rate, fee, or other term in an ordinance or in an agreement with a wireless provider that did not comply with these provisions, the authority would have to revise the rate, fee, or term, within 90 days after that date. Both of the following would apply:

- An ordinance or agreement between an authority and a wireless provider that was in effect on the date the Act took effect and that related to the collocation on authority poles of small cell wireless facilities installed and operational before that date would remain in effect as it related to those collocations, subject to termination provisions in the ordinance or agreement.
- The rates, fees, and terms established in the Act would apply to the collocation on authority poles of small cell wireless facilities that were installed and operational after the rates, fees, and terms took effect.

Within 90 days after receiving the first request to colocate a small cell wireless facility on an authority pole, the authority would have to make available, through ordinance or otherwise, the rates, fees, and terms for the collocation of small cell wireless facilities on the authority poles. The rates, fees, and terms would have to comply with all of the following:

- The rates, fees, and terms would have to be nondiscriminatory, competitively neutral, and commercially reasonable.
- The authority would have to provide a good-faith estimate for any make-ready work within 60 days after receiving a complete application, and any make-ready work would have to be completed within 60 days of the applicant's written acceptance of the good-faith estimate.
- The person owning or controlling the authority pole could not require more make-ready work than required to comply with law or industry standards.

Fees for make-ready work could not: include costs related to preexisting or prior damage or noncompliance unless the damage or noncompliance was caused by the applicant; include any unreasonable consultant fees or expenses; or exceed actual costs imposed on a nondiscriminatory basis.

These provisions would not require an authority to install or maintain any specific authority pole or to continue to install or maintain authority poles in any location if the authority made a nondiscriminatory decision to eliminate aboveground poles of a particular type generally, such as electric utility poles, in a designated area of its geographic jurisdiction. For authority poles with colocated small cell wireless facilities in place when an authority made a decision to eliminate aboveground poles of a particular type, the authority would have to do one of the following:



- Continue to maintain the authority pole.
- Install and maintain a reasonable alternative pole or wireless support structure for the collocation of the small cell wireless facility.
- Offer to sell the pole to the wireless provider at a reasonable cost.
- Allow the wireless provider to install its own utility pole so it could maintain service from that location.
- Proceed as provided by an agreement between the authority and the wireless provider.

#### Municipally Owned Electric Utility

"Municipally owned electric utility" would mean a system owned by a municipality or combination of municipalities to furnish power or light and would include a cooperative electric utility that, on or after the date the proposed Act took effect, acquired all or substantially all of the assets of a municipal electric utility, when applying the Act to the former territory of the municipal electric utility.

The governing body of a municipally owned electric utility could not enter into an exclusive agreement with any person for the right to attach to nonauthority poles, and would have to allow the collocation of small cell wireless facilities on nonauthority poles on a nondiscriminatory basis.

The collocation of small cell wireless facilities on nonauthority poles by a wireless provider would have to comply with the applicable, nondiscriminatory safety and reliability standards adopted by the governing body of a municipally owned electric utility and with the National Electric Safety Code published by the Institute of Electrical and Electronics Engineers. The governing body could require a wireless provider to execute an agreement if such an agreement were required of all other nonauthority pole attachments.

The governing body of a municipally owned electric utility would have to adopt a nondiscriminatory and competitively neutral process for requests by wireless providers to colocate small cell wireless facilities on nonauthority poles. If such a process had not been adopted within 90 days after the date the proposed Act took effect, the application process for a permit within a public ROW would apply to such requests. The governing body of a municipally owned electric utility could not impose a moratorium on the processing of nonauthority pole collocation requests, or require a wireless provider to perform any service not directly related to the collocation. The governing body could charge a maximum fee of \$100 per nonauthority pole for processing the request. The governing body also could charge an additional fee of up to \$100 per nonauthority pole for processing the request, if a modification or maintenance of the collocation required an engineering analysis. Every five years after the date the Act took effect, the maximum fees then authorized would be increased by 10% and rounded to the nearest dollar.

The rate for a wireless provider to colocate on a nonauthority pole in an ROW could not exceed \$50 annually per nonauthority pole. Every five years after the date the proposed Act took effect, the maximum rate then authorized would be increased by 10% and rounded to the nearest dollar.

A wireless provider would have to comply with the process for make-ready work that the governing body of a municipally owned electric utility had adopted for other parties under the same or similar circumstances that attached facilities to nonauthority poles. If such a process had not been adopted, the wireless provider and the governing body would have to comply with the process for make-ready work under 47 USC 224 and implementing orders and regulations. (That section of the U.S. Code pertains to attachments by a cable television system or telecommunications service provider to a pole, duct, conduit, or right-of-way owned or controlled by a utility.) A good-faith estimate established by the governing body for any make-ready work for nonauthority poles would have to include pole replacement, if necessary. All make-ready costs would have to be based on actual costs, with detailed documentation provided.



If a wireless provider were required to relocate small cell facilities colocated on a nonauthority pole, it would have to do so in accordance with the nondiscriminatory terms adopted by the governing body of a municipally owned electric utility.

An attaching entity, and all contractors or parties under its control, would have to comply with reliability, safety, and engineering standards adopted by the governing body of a municipally owned electric utility, including the following:

- Applicable engineering and safety standards governing installation, maintenance, and operation of facilities and the performance of work in or around the municipally owned electric utility nonauthority poles and facilities.
- The National Electric Safety Code.
- Regulations of the U.S. Occupational Safety and Health Administration.
- Other reasonable safety and engineering requirements to which municipally owned electric facilities were subject by law.

The governing body of a municipally owned electric utility could require an attaching entity to execute an agreement for wire or cable attachments to nonauthority poles or related infrastructure.

The governing body of a municipally owned electric utility could not charge an attaching entity a rate for wire or cable pole attachments within the communication space on a nonauthority pole greater than the maximum allowable rate pursuant to 47 USC 224(d) and (e) as established in FCC Order on Reconsideration 15-151. ("Communication space" would mean that term as defined in the National Electric Safety Code. Under 42 USC 224, rates must be just and reasonable. Section 224(d) provides for a determination of whether a rate is just and reasonable, and Section 224(e) requires any increase in the rates for pole attachments from the adoption of regulations to be phased in equal annual increments over a period of five years.)

Subject to proposed provisions pertaining to court action (described below), an attaching entity could commence a civil action for injunctive relief for a violation these provisions. The attaching entity could not file an action unless it had first given the municipally owned electric utility a written notice of the intent to sue. Within 30 days after the utility received the notice of intent to sue, the utility and the attaching entity would have to meet and make a good-faith attempt to determine if there was a credible basis for the action. If the parties agreed that there was a credible basis for the action, the governing body of the utility would have to take all reasonable and prudent steps necessary to comply with the applicable requirements within 90 days after the meeting.

#### Requirement to Indemnify, Defend, or Insure

With respect to a small cell wireless facility, a wireless support structure, or a utility pole, as part of the permit process for activities of a wireless provider within the public ROW, a zoning approval process for the modification or installation of new small cell wireless facilities or wireless support structures, or a request process for wireless providers to colocate small cell wireless facilities on nonauthority poles, an authority or the governing body of a municipally owned electric utility could require a wireless provider to defend, indemnify, and hold harmless the authority or the governing body, and its officers, agents, and employees, against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of any wireless facilities, wireless support structures, or utility poles to the extent caused by the applicant, its contractors, its subcontractors, and the officers, employees, or agents of any of those. A wireless provider would have no obligation to defend, indemnify, or hold harmless an authority or governing body, or its officers, agents, or employees, against any liabilities or losses due to or caused by the sole negligence of the authority or the governing body, or its officers, employees, or agents.

Additionally, an authority or the governing body of a municipally owned electric utility could require a wireless provider to obtain insurance naming the authority or the governing body, and its officers, agents, and employees, as additional insureds against any claims, demands, damages, lawsuits,



judgments, costs, liens, losses, expenses, and attorney fees. A wireless provider could meet all or a portion of the authority's insurance coverage and limit requirements by self-insurance. To the extent a wireless provider self-insured, it would have to provide to the authority evidence demonstrating, to the authority's satisfaction, the provider's financial ability to meet the authority's insurance coverage and limit requirements.

#### Authority Limitations

An authority would not have jurisdiction or authority over the design, engineering, construction, installation, or operation of a small cell wireless facility located in an interior structure or upon a campus of an institution of higher education, including any stadiums or athletic facilities associated with the institution, a professional stadium, or a professional athletic facility, other than to enforce applicable codes. The proposed Act would not authorize the State or any other authority to require wireless facility deployment or to regulate wireless services.

#### Fees Less than Maximum

Subject to other requirements of the proposed Act, an authority could establish a fee or rate less than the maximum specified for utility poles or wireless support structures in an ROW in the authority's geographic jurisdiction on which a wireless provider had colocated a small cell wireless facility, a permit application, zoning approval application, or the collocation of small cell facilities on authority poles.

#### Dispute Resolution

The circuit court would have jurisdiction to determine all disputes arising under the proposed Act. Venue would lie in the judicial circuit where an authority or municipally owned electric utility was located. In addition to its right to appeal to the circuit court, an applicant could elect, at its sole discretion, to appeal a determination under the Act to an authority, if the authority had an appeal process to render a decision expeditiously.

#### Bonding Requirements

As a condition of a permit described in the proposed Act, an authority could adopt bonding requirements for small cell wireless facilities if the authority imposed similar requirements in connection with permits issued for similarly situated users of an ROW. The purpose of the bonds would have to be one or more of the following:

- To provide for the removal of abandoned or improperly maintained small cell wireless facilities, including those that an authority determined should be removed to protect public health, safety, or welfare.
- To repair the ROW as provided by the Act.
- To recoup rates or fees that a wireless provider had not paid in more than 12 months, if the provider had received 60-day advance notice from the authority of noncompliance.

An authority could not require a cash bond unless the wireless provider had failed to obtain or maintain a bond required under these provisions, or the surety had defaulted or failed to perform on a bond given to the authority on behalf of the wireless provider. Also, an authority could not require a bond in an amount exceeding \$1,000 per small cell wireless facility.

#### Scope of Act: MPSC Jurisdiction

The proposed Act would not impose or otherwise affect any rights, controls, or contractual obligations of an investor-owned utility whose rates are regulated by the Michigan Public Service Commission, an affiliated transmission company, an independent transmission company, or a cooperative electric utility (unless it acquired all or substantially all of the assets of a municipal



electric utility after the Act's effective date) with respect to its poles or conduits, similar structures, or equipment of any type.

The Act also would not add to, replace, or supersede any law regarding poles or conduits, similar structures, or equipment of any type owned or controlled by any of those entities.

Except for the purposes of a wireless provider obtaining a permit to occupy an ROW, the Act would not affect an investor-owned utility whose rates are regulated by the MPSC. Notwithstanding any other provision of the Act, the MPSC would have sole jurisdiction over attachment of wireless facilities on the poles, conduits, and similar structures or equipment of any type or kind owned or controlled by an investor-owned utility whose rates are regulated by the MPSC.

#### Other Provisions

A small cell wireless facility for which a permit was issued would have to be labeled with the name of the wireless provider, emergency contact telephone number, and information that identified the facility and its location.

A wireless provider would be responsible for arranging and paying for the electricity used to operate a small cell wireless facility.

MCL 125.3205 (S.B. 894)

#### ARGUMENTS

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

##### Supporting Argument

The rapid proliferation and advancement of smartphones, tablets, and other wireless devices has placed a considerable strain on Michigan's communications infrastructure. The solution to easing this burden is the deployment of small cell technology, the next generation of wireless communications. Michigan led the nation in helping telecommunications carriers gain access to public rights-of-way through the enactment in 2002 of the Metropolitan Extension Telecommunications Rights-Of-Way Oversight Act, which was designed to streamline the process for authorizing access to and use of public ROWs, ensure the reasonable control and management of ROWs by municipalities, and provide for common public ROW maintenance fees.

Although the telecommunications industry has been working to obtain local government approval to place small cells on vertical structures in public ROWs across Michigan, the permitting process is slow and unpredictable, even when only a small antenna needs be attached to the top of an existing municipally owned pole. In other cases, many municipalities do not allow access to ROWs or they require noneconomically feasible fees for access. The bills would establish reasonable and standardized fees for attachment to municipally owned poles and structures, and would encourage timely approval of small cell locations and installation. Streamlining the permitting, installation, and maintenance processes associated with mounting small cell wireless facilities in a municipal ROW would bolster Michigan's existing wireless networks and make way for 5G networks and other coming improvements to wireless communications technology.

Compared to 4G networks, 5Gs are expected to be 100 times faster, support 100 times more devices, and provide five times faster response time, according to the CTIA, a trade association that represents the wireless communications industry. However, 5G cannot be implemented using the State's existing wireless infrastructure. The need to modernize this infrastructure is highlighted by the plans of AT&T to introduce mobile 5G service in a dozen markets by late 2018. 5G will operate using millimeter wave spectrum, which offers higher capacity rates than low-band spectrum. However, millimeter wave transmitters must be close to the ground and do not transmit over long distances, so AT&T plans on using small cells to launch its 5G network. The bills would create a regulatory environment conducive to the rollout of small cell technology to ensure that



the growing number of wireless consumers will have the reliable, on-demand coverage that they want and need when using their mobile devices and other technology.

#### **Supporting Argument**

In today's economy, access to the latest and most reliable wireless technology, as well as a fast and dependable communications network, is critical for business. Employers, employees, clients, and customers are becoming increasingly reliant on mobile devices and technology to stay connected and conduct business in the modern workplace. The deployment of a 5G network would promote economic growth and development in Michigan through greater broadband speeds and the new innovation that would come from the improved networks. A 2017 report from the American Consumer Institute Center for Citizen Research titled, "The Economic & Consumer Benefits from 5G", found that 5G is expected to generate nearly \$8.5 billion in economic investment and more than 105,000 jobs in Michigan over the next seven years.

The bills would foster a regulatory environment that would encourage wireless providers to invest in the kind of network enhancements and upgrades that would keep Michigan's communications infrastructure on the forefront of innovation. Creating a predictable statewide framework designed to streamline the process for small deployment inclusive of rates and fees would allow wireless providers to meet the increasing consumer demands and needs, and invite capital investment in the State. Other states that have passed similar legislation adopted policies specifically aimed at inviting investment in small cell technology. The proposed legislation is important for encouraging continued economic growth and prosperity in Michigan.

#### **Supporting Argument**

The use of small cells is key to "smart" cities and the future of transportation and road safety. Many local governments have a vision of creating connected cities that would operate more smoothly and efficiently, and improve services, while simultaneously reducing taxpayers' costs. Recent innovations in wireless and mobile technology allow the development of this type of connected technology. Whether the goal is smart lighting, improved traffic management, autonomous vehicles, smart parking, disaster awareness, or WiFi kiosks, however, these innovations require more reliable wireless connectivity and increased data usage than are currently available.

Michigan also is on the cutting edge of autonomous and automated vehicle development. The operation and safety of connected and autonomous vehicles require infrastructure that will allow vehicles to communicate with each other on the road and with surrounding infrastructure, such as traffic signals and crosswalks, through the use of wireless and mobile communications technology. Connected vehicle technology could alert drivers to imminent crash situations, such as a blind-side merger or the sudden braking of a vehicle traveling in front of the driver. Connected infrastructure also could alert drivers when they entered school or construction zones, or when an upcoming traffic light was about to change.

Connected cities and autonomous and automated vehicle technology, however, require a quick and reliable wireless network in order to become a reality. Small cell technology is a critical component of implementing this type of connectivity. The bills would establish a streamlined process for small cell deployment to improve the way Michigan residents live and travel.

**Response:** Currently, there are several entities at the local, State, and Federal levels involved in the research and development of autonomous and connected vehicle technology. The bills would interfere with the deployment of hardware and technology necessary for autonomous and connected vehicles. Traffic signal systems and equipment for autonomous and connected vehicles is cutting-edge technology and adding small cells to authority or utility poles could create unforeseen problems.

#### **Supporting Argument**

The use of small cell technology would offer additional wireless capacity in high-traffic areas, which is key to advancing FirstNet throughout the State. FirstNet, which was created by AT&T in a public-private partnership with the First Responder Network Authority, is the country's first and only



nationwide public safety communications platform dedicated to first responders. FirstNet is a broadband LTE ("Long-Term Evolution") network that allows first responders and other public safety personnel to send and receive voice, data, video, images, and text without network congestion, and enables information-sharing across disciplines and jurisdictions. This new technology makes it even more critical for Michigan to support network deployments that build on advances in public safety and wireless communications technology. Having a dedicated public safety network would make it easier for police officers, firefighters, and EMTs to respond timely and effectively in times of need. By allowing easier small cell deployment, the bills would benefit members of the public and the first responders who serve them.

#### **Supporting Argument**

Modern agriculture is a highly competitive, high-tech, global business that is constantly evolving. Today, access to technology is a key factor in determining success for Michigan farms. As farming technology has improved to include GPS-steered equipment, wireless monitoring systems, and digital data collection, access to high-speed internet now is a necessity for farm operations. However, rural areas disproportionately lack access to high-speed wireless technology. According to a November 2017 article from The Center for Michigan, 37% of residents in rural areas of Michigan had no access to high speed broadband, and in some counties, 100% of rural residents had no access. Deploying small cell technology would strengthen wireless networks in rural areas by increasing the availability and reliability of high-speed wireless technology throughout Michigan. This would mean additional capacity, greater speeds, and a better overall wireless experience that would benefit farmers and rural business interests across the State.

#### **Opposing Argument**

Many townships and local governments have seen an increase in requests to build within their public ROWs. These include requests to erect small cell wireless facilities that are placed at street level on street lights and power and traffic light poles. Under the bills, wireless service providers would virtually have free rein to place these wireless facilities on utility poles with little or no local oversight of their placement or the number of facilities in an area, and no consideration for the aesthetics of the ROWs. The proposed definition of "small cell wireless facility" would permit wireless providers to install equipment that would have to fit within an imaginary space of not more than six cubic feet, and all the wireless equipment would have to be not more than 25 cubic feet in volume. Essentially, the legislation would allow these providers to attach industrial refrigerator-size equipment to poles. Space within ROWs is already at a premium and the bills would further limit access to these areas for pedestrians. Residents in local communities do not want this size or type of equipment outside of their homes. Additionally, many local planning commissions spend a lot of time determining how ROWs should look, and it would be unfair for the telecommunications industry to usurp local government control over the appearance of their ROWs. The bills would force local municipalities to litigate to preserve the residential character of their communities.

The bills also would take away a principal property interest from every community in the State without a commitment from the wireless industry as to what it would provide in exchange for this public, taxpayer-supported property. Even though Senate Bill 637 (S-2) discusses the charges that the local governments could collect from wireless providers, there is no discussion of what rates wireless providers could charge taxpaying customers for wireless service. If the people are going to have to maintain the ROWs with their taxpayer money, the wireless providers should have to pay a fair market value for use of the ROWs. In order to protect the best interests of constituents, nonessential infrastructure, such as small cell facilities, should be controlled and authorized by local governing units.

#### **Opposing Argument**

The bills would have a detrimental effect on public health as they do not include any medical accommodations for people with a sensitivity to radiation, electromagnetic fields (EMFs), and radio frequencies. Although reports on the health hazards of 4G are just now emerging, there is a growing body of evidence that the radiation emitted from wireless technology adversely affects the health of wildlife, farm animals, and humans, particularly those with a sensitivity to EMF



sources. This sensitivity to EMF emissions is generally called "electromagnetic hypersensitivity syndrome" (EHS), and is characterized by a wide variety of mild to severe dermatological, immunological, and neurological symptoms. Although many people believe there is no scientific evidence that links these reported symptoms to exposure to EMF, the World Health Organization has conducted research into the existence of EHS. It estimates that the reported prevalence of EHS is a few individuals per 1.0 million. The Bioinitiative Working Group, an international collaboration of scientists, researchers, and public health policy professionals, released reports detailing the negative effects of EMFs. These reports conclude that chronic exposure to low-level radiation, such as that emitted from cell phones, can cause a variety of cancers, impair people's immune systems, and contribute to Alzheimer's disease, dementia, and heart disease.

Small cell technology would add more man-made nonionizing microwave radiation to the environment, and current levels already make people ill. The FCC has yet to study all of the health effects of the widespread implementation of small cell technology. It should not be deployed until independent studies have been conducted to determine what kind of effect the nonionizing radiation from 5G could have on humans.

Legislative Analyst: Stephen Jackson

## **FISCAL IMPACT**

### **Senate Bill 637 (S-2)**

The bill would have an indeterminate fiscal impact on the State and a likely negative impact on local units of government.

The bill would set limits on permit application fees and annual rent fees that authorities could charge for the use or placement of utility poles within the right-of-way for small cell wireless providers. Authorities are defined in the bill to include the Department of Transportation, counties, townships, cities, and villages. The Department believes that the fees identified in the bill would be sufficient to cover the administrative costs associated with any work done in the portions of the ROW within its jurisdiction.

Local units of government do not currently have a standard rent or permitting fee structure for utility pole work done in the ROW. Fees most often vary based on actual costs, and may be larger or smaller than the limits identified in the bill due to several factors, including whether the ROW location is within an urban or rural setting, the available space within the ROW at that location, aesthetic considerations, potential damage to the ROW, and safety concerns. Some of these factors are addressed in the bill, as an authority could require a wireless provider to purchase insurance for work on the ROW and also could require a bond for any damage done to the ROW. The bill would prohibit an authority from charging a small cell wireless provider for unreasonable consultant fees associated with make-ready work, as defined in the bill. Many local units of government, particularly smaller counties, townships, and villages, do not have engineers or attorneys on staff who can review plans for work within the ROW. When those types of services would be required, the bill could prohibit those units of government from transferring the costs to the small cell wireless provider.

### **Senate Bill 894 (S-1)**

The bill would subject existing zoning ordinances to Senate Bill 637 (S-2). It would not have a direct impact on the State or local units of government beyond its reference to the language found in Senate Bill 637 (S-2), which would exempt the activities of wireless providers within the ROW from zoning review.

Fiscal Analyst: Michael Siracuse

SASIA1718/sb637a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.



# AGENDA NOTE

Old Business # 2

**MEETING DATE:** October 8, 2018

**PERSON PLACING ITEM ON AGENDA:** Recommendation from the Planning Commission on 06/14/18, Tabled by Council on 09/10/18

**AGENDA TOPIC:** First Reading of Ordinance rezoning Parcel 21-19-126-002 (Thomasville) from RM-1 (Multiple Family Residential) to PD (Planned Development)

**EXPLANATION OF TOPIC:** The property involved in this request is the 11.65± acres on the south side of Eleven Mile Road approximately a quarter mile west of Pontiac Trail (Tax ID 21-19-126-002). It is an irregularly shaped parcel located adjacent to and west and north of Colonial Acres and is also bordered by railroad tracks along its western boundary.

As background, in 2015 and 2016 the City Council considered a request to rezone this property to PD for a 60-unit single family detached site condominium development. The Council previously approved the Preliminary (Stage I) PD site plan and rezoned the parcel to PD subject to conditions, but the project stalled prior to final approval and the preliminary site plan expired and the zoning reverted to RM-1 pursuant to Section 102-391 of the City's Zoning Ordinance.

In 2018, the new owner/developer began the process anew and requested approval for a 50-unit single family detached site condominium project similar in layout to the previous 60-unit concept plan.

The City's Planned Development process is a four-step process. See, Sections 102-383 through 102-386 of the City's Zoning Ordinance:

- (1) a public hearing and review of the rezoning request and Preliminary (Stage I) PD Planned Development Site Plan by the Planning Commission with a recommendation to City Council;
- (2) a review and action on the rezoning request and Preliminary (Stage I) PD Planned Development Site Plan by the City Council;
- (3) a review of the Final (Stage II) PD Planned Development Site Plan by the Planning Commission with a recommendation to City Council; and
- (4) a review and action on the Final (Stage II) PD Planned Development Site Plan by City Council.

Step #1 was completed on June 14, 2018 and the Planning Commission recommended rezoning and approval of the Preliminary (Stage I) PD Site Plan, both with conditions. This matter is currently at Step #2 for Council action on the PD rezoning request and Preliminary (Stage I) PD Site Plan.

Council postponed this matter several times to allow for additional information relating to buffering from adjacent uses, lot sizes and coverage, setbacks, access and other issues. Since then the Applicant has revised the site plan to address lot coverage and other issues.



As provided for in the Zoning Ordinance, in Step #2 the rezoning request and Preliminary (Stage I) PD Site Plan are processed at the same time, but action on the Preliminary Site Plan would not occur until a second reading on the rezoning request.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Rezoning Ordinance – updated
- PC Minutes 6/14/18, pp 1-6
- CIB Planning Review 9/30/18
  - Supplemental information on PUDs
  - South Lyon Zoning Ordinance Sections 102-381 through 102-391
  - Zoning Enabling Act, MCL 125.3503 Planned Unit Developments
- Site Plan – 50-unit layout (Sheet C-1.0 only)
- Lot coverage chart – shows changes to unit models and impervious surfaces by lot and corresponding changes to lot coverage percentages

**POSSIBLE COURSES OF ACTION:** Approve/Deny/Table/Postpone

**RECOMMENDATION:** Approve with conditions.

**SUGGESTED MOTION:** 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 No. 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 Zoning 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 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 as 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. 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;
10. A 2-foot irrigated green belt between curb and sidewalk;
11. Compliance with reports, comments, requirements and recommendations by other City Departments and other agencies having jurisdiction.

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 thereon as reflected in the official minutes and documentation and approvals, and the Planned Development Agreement.



**ORDINANCE NO. \_\_-18**

**CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF  
THE CITY OF SOUTH LYON REZONING PARCEL NO. 21-19-  
126-002 (THOMASVILLE) FROM THE RM-1 DISTRICT  
(MULTIPLE-FAMILY RESIDENTIAL) TO THE PD DISTRICT  
(PLANNED DEVELOPMENT)**

WHEREAS, the approximately 11.65 acres of real property located south of Eleven Mile Road and west of Pontiac Trail, Parcel No. 21-19-126-002, was previously rezoned from RM-1 (Multiple Family Residential) to PD (Planned Development) and a Preliminary (Stage I) Planned Development Site Plan was approved for a 60-unit site condominium development to be known as Thomasville, but a Final (Stage II) Planned Development Site Plan was not approved, and no construction was undertaken nor any extension of the preliminary approval within one year, consequently, the preliminary plan approval expired and the Property's zoning reverted to RM-1 pursuant to Section 102-391 of the City of South Lyon's Zoning Ordinance;

WHEREAS, the owner of the Property revised the plans for the development and reduced the number of units from 60 to 50 and submitted an application to rezone the Property from RM-1 to Planned Development and for approval of the new revised Preliminary (Stage I) Planned Development Site Plan for a 50-unit detached single family residential site condominium;

WHEREAS, the revised 50-unit Thomasville Preliminary (Stage I) Planned Development Site Plan and requested rezoning of the Property (Parcel No. 21-19-126-002), meets the standards contained in Section 102-382 of the City of South Lyon Zoning Ordinance for the Planned Development district;

WHEREAS, the rezoning and proposed development will have a beneficial effect, in terms of public health, safety, welfare or convenience, on present and potential surrounding land uses which cannot be achieved under a single zoning district;

WHEREAS, the uses proposed will encourage a more efficient use of public utilities and services and lessen the burden on circulation systems, surrounding properties, and the environment and will improve emergency access to adjacent parcels;

WHEREAS, the rezoning and proposed development is consistent with the City's Master Plan designation for the Property;

WHEREAS, the rezoning is warranted by the design and amenities incorporated in the Preliminary (Stage I) Planned Development Site Plan and based on the shape of parcel, its proximity to the railroad tracks and the existing pond;

WHEREAS, the proposed development provides for 50 detached single family residential site condominium units which is less than the number of units permitted under the Property's current RM-1 zoning;



WHEREAS, the proposed development provides for usable open space;

WHEREAS, the proposed development meets the City's off-street parking requirements;

WHEREAS, the proposed development provides adequate landscaping and other buffering measures to ensure the proposed uses will be adequately buffered from adjacent uses;

WHEREAS, the proposed development provides adequate vehicular and pedestrian circulation and allows for safe, convenient, uncongested and well-defined circulation within and to the Property;

WHEREAS, the proposed development reasonably protects and preserves natural and historical features on the Property by preserving open spaces;

**THE CITY OF SOUTH LYON ORDAINS:**

**PART I. Amendment of Official Zoning Map.** The Official Zoning Map of the City of South Lyon, incorporated into the South Lyon Zoning Ordinance by Section 102-182, is hereby amended to rezone 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 Zoning 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 Site Plan for Thomasville pursuant to the City's Zoning Ordinance;

D. City Council approval of a Planned Development Agreement for the Thomasville Site Condominium development;

E. Any and all conditions of 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 as 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. 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;
10. A 2-foot irrigated green belt between curb and sidewalk;
11. Compliance with reports, comments, requirements and recommendations by other City Departments and other agencies having jurisdiction.

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 thereon as reflected in the official minutes and documentation and approvals, and the Planned Development Agreement.

**PART II. Severability.** Should any section, subdivision, 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.** This Ordinance amends the Zoning Ordinance only as specified herein, and the Zoning Ordinance shall remain in full force and effect.

**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. Publication.** The City Clerk shall publish this Ordinance in the manner required by law and shall publish at the same time, a notice of the adoption of this Ordinance and stating that a copy of the Ordinance is available to the public at the office of the City Clerk for inspection.

**PART VI. Effective Date.** This Ordinance shall become effective on the date provided by applicable law following publication.

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:



EXHIBIT A  
LEGAL DESCRIPTION  
CITY OF SOUTH LYON ORDINANCE \_\_-16

THAT PART OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 19, T. 1 N., R. 7 E., CITY OF SOUTH LYON, OAKLAND COUNTY MICHIGAN MORE FULLY DESCRIBED AS COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 19, THENCE N 89°30'34" W 102.27 FEET ALONG THE NORTH LINE OF SAID SECTION 19 TO THE POINT OF BEGINNING; THENCE S 00°37'38" W 380.75 FEET; THENCE S 87°38'26" W 164.63 FEET; THENCE S 00°29'48" W 40.53 FEET; THENCE S 77°55'48" W 160.32 FEET; THENCE N 89°26'55" W 272.74 FEET; THENCE S 43°24'20" W 173.88 FEET TO THE NORTHEASTERLY LINE OF THE C & O RAILROAD; THENCE N 46°01'24" W 859.35 FEET ALONG THE NORTH LINE OF THE C & O RAILROAD TO THE NORTH LINE OF SECTION 19; THENCE S 89°30'34" E 1336.46 FEET ALONG SAID NORTH SECTION LINE TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS & ENCUMBRANCES OF RECORD.

Containing 11.635 (Gross)

Containing 10.636 AC (Net Usable- Less R/W)

Parcel Tax Number: 21-19-126-002



**City of South Lyon  
Planning Commission  
Regular Meeting Minutes  
June 14, 2018**

Approved: \_\_\_\_\_

The meeting was called to order by Chairman, Scott Lanam at 7:15 p.m.

**Roll Call:** Scott Lanam, Chair  
Keith Bradley, Vice Chair  
Steve Mosier, Commissioner  
Mike Joseph, Commissioner

**Absent:** Jason Rose, Commissioner, Excused  
Wayne Chubb, Commissioner, Excused  
Erin Kopkowski, Commissioner, Excused

**Motion to excuse Commissioner Chubb, Rose and Kopkowski  
Motion by Mosier, Second by Bradley**

**Voice Vote:** Ayes: Unanimous  
Nays: None

**Motion Approved**

**Also Present:** Carmine Avantini, Planning Consultant  
Kelly McIntyre, Planning Consultant  
Judy Pieper, Deputy Clerk  
Patrick Brzozowski, Zoning Administrator  
Tim Wilhelm, City Attorney



**Motion made to add New Business #1, set Public Hearing for July 12, 2018 for the ordinance Utility Poles and Wireless facilities in the right away - distributed by Attorney Wilhelm at the beginning of the meeting.**

**Motion by Bradley, Second by Joseph**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

**Motion to approve the Agenda as amended  
Motion by Mosier, Second by Bradley**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

**Motion to approve Minutes as amended  
Motion by Bradley, Second by Joseph**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

**Public Comments – None**

#### **Public Hearings**

- 1. Thomasville Site Condominium, PD Rezoning Preliminary Site Plan (#2018-003)**



Allan Pruss, Monument Engineering Group and Associates, Inc., begins by explaining that the first time they went before the Board, sometime in early 2016, receiving a final site plan approval for the basically the same lay out that is in front of the Board now. He further states that the only change is that the lots went from 40 foot wide lots to now 50 foot lots, the density went from 60 units down to 50 units. The road alignment has not changed. The intersection at Lexington and Thomasville has been tweaked to accommodate the 50 foot wide lots. He further states that they made a few other minor changes throughout the sub. They have been working with Patrick and Carmine. They are here to answer any questions.

Planning Consultant McIntyre states that this will be a two-step process and they are looking at taking care of this simultaneously. The rezoning and the preliminary PD Site Plan request to construct a 50 unit, detached single-family residential condominium site. McIntyre states the only major change is the increase in lot size. She also states that there are a number of items that will need a waiver on. The Lot Area, Lot Width, Residential Density, Front yard setback, Side yard setback, Rear yard, Building Height and Lot Coverage. McIntyre goes on to state that the Police and Fire Departments have requested the installation of a paved, gated emergency access drive to 11 Mile Road. The previous property owners tried to work with Colonial Acres to obtain a cross access easement to allow the connection of Lexington Drive within Colonial Acres. At this time, Colonial Acres is not interested in pursuing this agreement. The City requests that Lexington Drive be paved to the property line and that easement language is included as a condition of site plan approval.

Planning Consultant Carmen Aventini, adds on the original plans, the sidewalks were back off of the curb by a foot or two. Now they are showing integrated with the curb.

Lorenzo Cavaliere, 30078 Schoenherr, Suite 300, Warren, Michigan

Cavaliere states that in the old plan there was a 3 foot green belt between the back of the curb and the sidewalk, and you really can't plant anything on the 3 feet. If we could go with a 2 foot green belt and a 5 foot public walk that would still give you the look and still give something that is quite practical.

Chair Lanam states that the elevations seem to be very similar and doesn't see a difference when driving down the street.

Cavaliere states that it is done on a case by case basis, as they will not know which home is going to be sold on each lot.



Commissioner Joseph states that these are the epitome of "cookie cutter" houses. The designs are dated. They need to be more imaginative. Look at the materials that you are using. Take a drive around South Lyon. This is a 1980's house.

Chair Lanam states that the designs are mostly identical.

Commissioner suggests flipping the garage from one side to the other.

Cavaliere explains that the elevations will be changing.

Commissioner adds that the homes have very little character.

Avantini adds that this is a re-zoning, so the preliminary is done here, recommendation to Council, and then they would come back here for site-plan and then to Council again.

Cavaliere adds that they can definitely add some additional options for elevations.

Lanam adds that they should bring in samples of materials as part of the review process.

The conversation continues regarding the target market for this development and the housing shortage in this state.

Attorney Wilhelm states that he wants to raise some issues from looking back at the last time this was presented to Council.

Avantini states that the only reason that that connection was sought by the Police and Fire Department was so that they can approve their emergency exit through Colonial Acres. It really provides no benefit to this development.

The conversation continues regarding the 2<sup>nd</sup> reading that is included in the Council packet dated 11-14-2016.

**Public Hearing opens at 7:56 p.m.**

Judy Keeling, Colonial Acres Board

Keeling states that she would like to re-iterate that they are not for this property coming on to Lexington Drive, it's a private road and we maintain that road. She states that they have Heritage Road that goes through for Police and Fire. She again states that she wants it noted that the project itself is not the problem, the problem is if they come on to our road.

Avantini adds that Colonial Acres may want to put up a sign on their property line.

**Public Hearing closes at 7:58 p.m.**

**Motion made to recommend to City Council approval for Plan Development and Rezoning the Preliminary PD Site Plan for Thomasville Development conditioned upon the approval of the following: a waiver to allow an average lot area of 4,200 s.f.; a waiver to allow a minimum lot width of 50ft.; a waiver to allow an**



overall density of 5.2 units per acre; a waiver to allow a setback of 15 feet between buildings; the installation of landscape buffering abutting colonial acres to be installed at the beginning of the project/construction; inclusion of language for a future cross access agreement with Colonial Acres via Lexington Drive; Submission of revised building elevations and material samples to the Planning Commission during final site plan review; draft condominium documents to be submitted during final site plan approval; sidewalks back to 2ft green belt between the curb and the sidewalk; all recommendations from the 11-14-2016 City Council packet A – E; All part of the original plans must be included on the site plan.

**Motion by Bradley, Second by Mosier**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

Cavaliere asked for a correction to 10 feet between buildings on prior Motion.

**Motion to amend prior motion to allow waiver of setback to 10ft between buildings**

**Motion by Bradley, Second by Mosier**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

**Motion to approve amended motion**  
**Motion by Bradley, Second by Mosier**

Voice Vote: Ayes: Unanimous



Nayes: None

### **Motion Approved**

#### **2. 825 W. Lake Street Conditional Rezoning (#2018-004)**

**Developer – Bob Langan, 128 N. Center Street, Northville, Michigan**

One of the Principles of LV Holdings, LLC., which is the owner of this property. He goes on to state that his partner, Michael Valvona and their Consulting Engineer, Cliff Seiber, from Selber Keast and Associates is also in the room this evening. He states that this property is at the corner of Lake Street and Dixboro and was in the Township until about a year or so ago, when it was annexed in to the city. He goes on to say that they have had a number of meetings with Consultants in the City to go over what they thought would be a good use of this property. He states that they have come up with a Multi-Family concept, 72 units in three buildings. Consulting Engineer, Cliff Seiber states that they have really made an effort to make it not look cramped from Lake Street. He states that it is a looped traffic system with a Boulevard entrance off of Lake Street and good circulation throughout the site. Entering the site from the Boulevard gives you a more open space with a Gazebo. The Storm Water Basin runs along Lake Street adding a more open feel for the development. The Boulevard was added for a secondary access (after speaking with the Fire Marshall) with a breakaway gate for emergency use. Utilities, along with a looped water system, sanitary sewer and storm water will be on site as well. The mix of the units will include 51 – 2 bedroom and 21 – 1 bedroom. The parking requirements are met, along with an additional 20% guest parking.

Avantini refers the Board to the letter dated 6-7-2018, he states that this is an additional rezoning request from R-1A (One Family Residential) to RM-3 (Multiple Family Residential). He goes on to explain the process stating the applicant will offer conditions. If those conditions are found acceptable in the Board's recommendation and also to City Council, the applicant would have to come back for final site plan approval.

Avantini goes on to list the following Conditions:

1. Building Exterior – High quality building materials
2. High Quality Interior Fit and Finish





## CIB Planning

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September 30, 2018

City Council  
City of South Lyon  
335 S. Warren Street  
South Lyon, MI 48178

<b>Subject:</b>	Thomasville Site Condominium, Planned Development (PD) Rezoning & Preliminary PD Site Plan- <u>Revised</u>
<b>Description of Application:</b>	The applicant is requesting Planned Development (PD) rezoning and Preliminary PD Site Plan approval for the proposed development of a 50 unit single-family residential development on an 11.635 acre parcel.
<b>Site Location:</b>	South side of 11 mile, 1/4 mile west of Pontiac Trail
<b>Applicant:</b>	Lorenzo Cavaliere Cavaliere Company 30078 Schoenherr Road, Suite 300 Warren, MI. 48088
<b>Zoning:</b>	RM-1, Multiple-Family Residential District
<b>Plans Dated:</b>	September 30, 2018

Dear City Council Members:

This proposed Planned Development (PD) Rezoning and PD Preliminary Site Plan application was tabled at the September 10, 2018 City Council meeting. On September 21, 2018, the applicant met with City staff and consultants to discuss the preliminary site plan submission and address specific concerns by Council regarding lot coverage and setbacks.

This review letter will recap CIB Planning's review for the PD Rezoning and PD Preliminary Site Plan approval. We will specifically address the issue of lot coverage following the rezoning and site plan review comments.



## BACKGROUND/HISTORY OF SUBMISSION

At the June 14, 2018 meeting, after holding a public hearing, the Planning Commission recommended approval of the PD Rezoning and Preliminary PD Site Plan to City Council, with conditions.

On July 9, 2018, City Council reviewed the PD rezoning and preliminary site plan. Due to inconsistencies in the site plan package and missing information, the Council tabled this application to allow the applicant to “clean up and clear up” the plan before any action is taken. The applicant subsequently met with CIB Planning and City Staff to review the inconsistent and missing information.

On August 13, 2018, the City Council reviewed the PD Rezoning and Preliminary Site Plan. Asking for additional information for lot coverage, building footprint, deck size and location, and for the applicant to meet with the neighboring Colonial Acres residents, Council tabled the First Reading.

On August 27, 2018, the applicant provided City Council with an update on a productive, well-attended meeting with Colonial Acres. The lot coverage information, however, was not provided in time for proper review and comment by CIB Planning for consideration by Council.

On September 10, 2018, the application requested to table the reading.

Since that time, City staff and consultants have worked with the applicant. The applicant has since reduced the number of lots with a building lot coverage of twenty-five percent (25%) or more and reduced the number of lots with an impervious surface coverage of more than thirty-five percent (35%).

## CURRENT ZONING REQUIREMENTS

The RM-1 District allows the development of single-family residential units as a permitted use, provided the dimensional requirements of the R-3 District are met. The R-3 District permits a maximum density of 3.7 units per acre (*Section 102-457(n), Notes to schedule of regulations*) with a minimum lot size of 8,750 square feet. Based upon the total acreage, this means that 44 units would be allowed by right under the R-3 District while a total of 50 units are proposed. To develop the site as shown, the applicant must utilize the PD, Planned Development Option.



## **PD, PLANNED DEVELOPMENT REVIEW PROCESS**

The proposed Planned Development (PD) Rezoning and corresponding Preliminary PD Site Plan approval provide general acceptance of the road layout, lot (unit) sizes, yard setbacks, distances between buildings, open space, preliminary landscaping, and housing designs. A public hearing was held by the Planning Commission, as required under the ordinance, for PD Rezoning and Preliminary PD Plan review, and a positive recommendation from the Planning Commission was made. If the PD Rezoning, and corresponding Preliminary PD Plan, is approved by City Council, the applicant will return to the Planning Commission for Final PD Plan review and recommendation to City Council. All of the requirements for site plan submissions in Article IV of the zoning ordinance must be complied with at that time.

## **PD, PLANNED DEVELOPMENT REZONING REVIEW STANDARDS**

Section 102-382 of the zoning ordinance lists the following standards that must be met for consideration of a Planned Development rezoning request:

***(a) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses. The uses proposed will encourage a more efficient use of public utilities and services and lessen the burden on circulation systems, surrounding properties, and the environment. This beneficial effect for the city (not the developer) shall be one which could not be achieved under any other single zoning classification.***

**Review Comment:** The proposed use will create less density than what is permitted by right in the RM-1 Zoning District if developed as a multiple family residential. It will provide moderately-priced, new construction housing for the community, which is scarce in the City of South Lyon.

***(b) The uses proposed shall be consistent with the master plan of future land use for the city.***

**Review Comment:** The proposed future land use designation for the site is Suburban Residential, which includes "Planned developments that may contain a mix of suburban and traditional residential." Additionally, the master plan has a goal to provide a diversity of housing for different populations. The moderate price point on the proposed development provides *moderately-priced new single family housing* not currently available in the City.

***(c) The zoning is warranted by the design and amenities incorporated in the development proposal.***

**Review Comment:** Given the unique characteristics of the site (unusual shape, a pond, and proximity to a railroad, etc.) a Planned Development is more appropriate than a project



developed under RM-1, Multiple-Family Residential zoning regulations, or even the density requirements of the R-3, Single-Family Residential District.

***(d) Usable open space shall be provided, at least equal to the total of the minimum usable open space which would be required for each of the component uses of the development. The City may, if deemed appropriate, require for planned developments more or less open space than that required by this chapter.***

**Review Comment:** Given the challenging shape of the lot and unique characteristics of the site, the open space is provided between the units that back up to one another, thereby preventing the creation of through-lots. The pond at the northwest corner of the site is being maintained as-is; the trees along 11 Mile Road will be preserved; and passive recreation trails throughout the development.

***(e) Off-street parking sufficient to meet the minimum required by section 102-476 shall be provided and the City may, if deemed appropriate by the City require for planned developments more or less parking than that required by this chapter.***

**Review Comment:** Each unit will have a garage and the amount of parking required under the proposed PD rezoning will be the same as that under the R-3 zoning designation.

***(f) Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. The City may, if deemed appropriate, require for planned unit developments more or less landscaping than that required by this chapter.***

**Review Comment:** Landscape buffering and fencing is provided along the south and east property lines, abutting the existing condominium units. Any additional landscaping needed to buffer properties will be determined under Final PD Plan review.

***(g) Vehicular and pedestrian circulation, allowing safe, convenient, uncongested and well-defined circulation within and to the district shall be provided.***

**Review Comment:** Vehicular access to the property will be from 11 Mile Road and meets the above criteria. Sidewalks are also provided within the project, to be reviewed as part of the Preliminary PD Plan review.

***(h) Natural and historical features of the district shall reasonably be protected and preserved.***

**Review Comment:** The pond and perimeter trees on the northern edge of the property will be preserved under this project.



## PRELIMINARY PLANNED DEVELOPMENT PLAN REVIEW COMMENTS

*Section 102-131(a)* of the City of South Lyon Zoning Ordinance lists the submittal requirements for Site Plan Review. Based on our review of the proposal, discussions with the applicant, and comments received from the Planning Commission during preliminary review of the project, we offer the following for your consideration:

1. **Overall Density.** *Section 102-387(b)(1), General design standards*, of the ordinance states that "The maximum permitted residential density for single-family dwelling in the RM-1 District shall not exceed the density allowed for the area currently zoned single-family as shown on the zoning district map." The current zoning designation for the subject property is RM-1 but the ordinance states that "the standards of the schedule of regulations applicable to the R-3 one-family residential district shall apply as minimum standards when one-family detached dwellings are erected." Footnote (n) for the R-3 District also states that "single-family detached condominiums in condominium subdivisions shall meet all requirements and standards of the district in which such dwellings are to be constructed, including minimum floor area requirements, and excepting minimum lot size, which shall be so developed that the number of dwelling units per gross acre shall not exceed the following: (4) R-3, 3.7 dwelling units per gross acre."

The applicant is requesting 50 units, to meet the benefit of providing moderately priced new housing, with an overall density of 4.3 dwelling units per gross acre. A waiver will have to be granted to allow an overall density of approximately 4.3 units per acre as it exceeds the minimum density allowed.

2. **Area and Bulk.** The proposed site was reviewed in accordance with *Section 102-180, Schedule of Regulations*, as described in the following table:

R-3 Requirements	Required	Provided	Comments
Lot Area	8750 sq. ft. minimum	Average of 5000 s.f. (ranging from 4,256 square feet to 8,526 square feet)	The Planning Commission recommended approval of the waiver.
Lot Width	70 ft. minimum	50 ft. minimum	The Planning Commission recommended approval of the waiver.
Residential Density	3.7 units/acre max.	Approximately 4.3 units/acre	The Planning Commission recommended approval of the waiver.
Minimum floor area	1,000 s.f.	32 units at 1,550 s.f. 7 units at 1,377 s.f. 11 units at 1,316 s.f.	In compliance
Front yard setback (single-family)	25 ft.	25 ft.	In compliance



R-3 Requirements	Required	Provided	Comments
Side yard setback	6/16 ft.	5/10 ft.	The Planning Commission recommended approval of the proposed side yard setbacks and the corresponding waiver.
Rear yard	35 ft.	30 ft.	The Planning Commission recommended approval of proposed rear yard setbacks and the corresponding waiver.
Building Height (single-family)	2 stories max. 25-ft. max. building height	1-2 stories, max. 25 ft. height	In compliance
Lot Coverage (buildings)	25% maximum	18% overall development; Unit building coverage ranges from 15%-30% and Impervious surface lot coverage ranges from 20%-35% per lot	Planning Commission recommended approval of overall development lot coverage

Five (5) lots throughout the development deviate from the 30 foot rear yard setback:

- Lot 7 25' rear yard (instead of 30')
- Lot 8 25' rear yard (instead of 30')
- Lot 20 15' rear yard (instead of 30')
- Lot 21 15' rear yard (instead of 30')
- Lot 22 5' rear yard (instead of 30')

Preliminary approval of the plan (as presented) includes these variations and all proposed setbacks.

3. **Overall Layout.** The overall layout of the proposed development is reasonable and matches that recommended for City Council approval at the June 14, 2018 Planning Commission meeting.
4. **Emergency Access.** The Police and Fire Departments requested the installation of a paved, gated emergency access drive to 11 Mile Road. This has been provided and details for construction and maintenance will be provided at the time of Final PD Plan review. They also indicated the desire to have the main drive (Lexington Drive) connect with the drive for Colonial Acres, to the north, for improved emergency access. The property owners tried to work with Colonial Acres to obtain a cross access easement to allow the connection of Lexington Drive within Colonial Acres. At this time, Colonial Acres is not interested in pursuing this agreement. For the time being, the City requests that Lexington Drive be paved to the property line (should an agreement come to fruition) and that easement language be included as a condition of site plan approval.



5. **Park Area.** A pond exists at the northwest corner of the property, as well as open areas between the rears of units on Lexington Circle. A walking path is provided within the development. Park benches are proposed near the pond.
6. **Preliminary Landscape Plan.** The preliminary landscape plan provides both the required street trees and replacement trees. In addition, the planting size for almost all of the proposed trees exceeds ordinance requirements and is considered a benefit of the project.

While a buffer zone is not required between the two properties (Thomasville and Colonial Acres), due to the concerns of Colonial Acres residents, the applicant is providing a six (6) foot privacy fence along the property line adjacent to Colonial Acres as well as narrow evergreen trees (five (5) feet minimum height). In a typical landscape buffering design, two (2) staggered rows of evergreen trees are planted within a 10 foot wide buffer strip. The applicant has not identified the buffer area, rather only the fence on the property line and the narrow trees (shown too close to the fence.). A minimum 10 foot buffer area should be identified on the plan with precise planting locations, as adequate spacing is necessary for ensuring optimal growing conditions for the trees.

Fence details will be provided with Final Site Plan approval.

7. **Sidewalks.** The applicant is proposing five (5) foot sidewalks throughout the interior of the development. Originally proposed with no setback between the curb and the sidewalk, the Planning Commission has requested a minimum of two (2) feet of green space between back of curb and sidewalk edge. CIB Planning has recommended and continues to support a three (3) foot space.

The applicant proposes to irrigate the proposed green space between the curb and sidewalk to ensure the area remains lawn and not weeds.

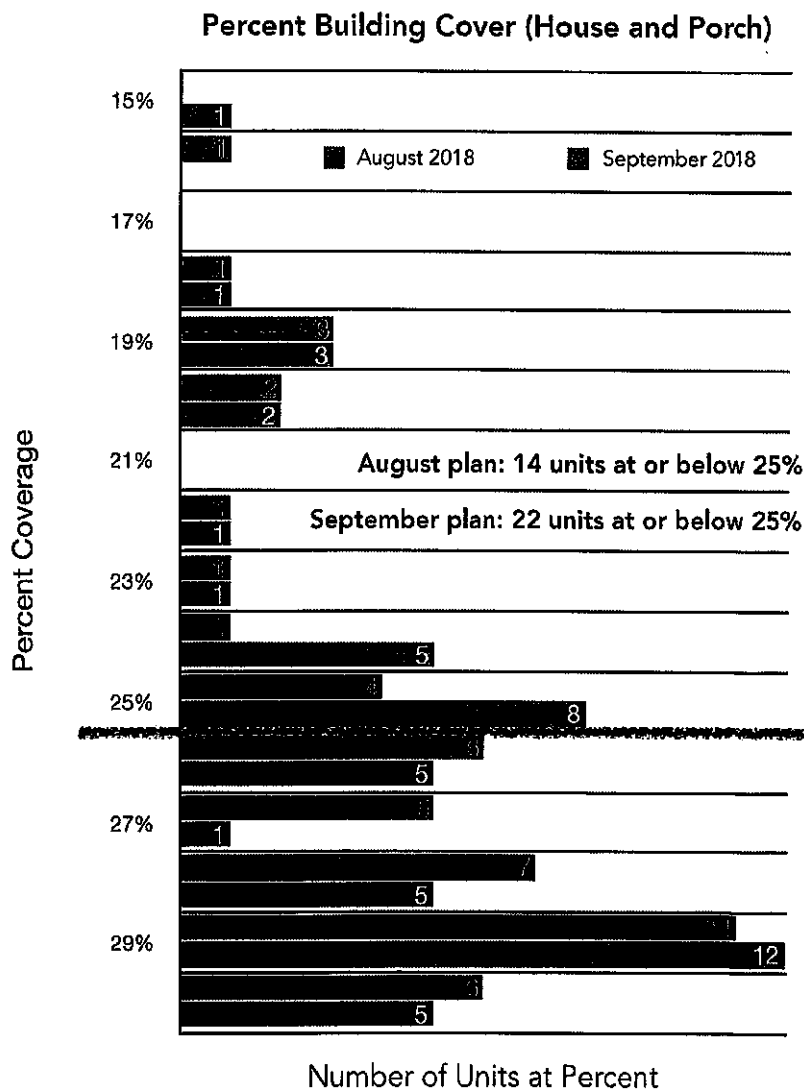
It should be noted that Lots 27 and 28 do not have sidewalks due to the building envelope, required setbacks, and limited available space. The applicant could consider placing smaller homes on these lots, knowing that sidewalks can not be provided.

8. **Building Elevations.** The use of high-quality building elevations and materials is critical to the successful development of a small lot, single-family project such as this. The elevations submitted to the Planning Commission lacked in building variety and style, as well as architectural details. The applicant has submitted additional elevations for this submittal to City Council. The preliminary building elevations are attractive and have the potential to meet this standard, conditioned upon the proper variety of features and acceptable building materials/colors. The Planning Commission did express the need for architectural variety and should be considered under Final PD Site Plan review.
9. **Deck and Patios.** The applicant has show a 12'x25' deck on each unit (with the exception of the three (3) noted lots). Due to the size of the lots, there is limited rear



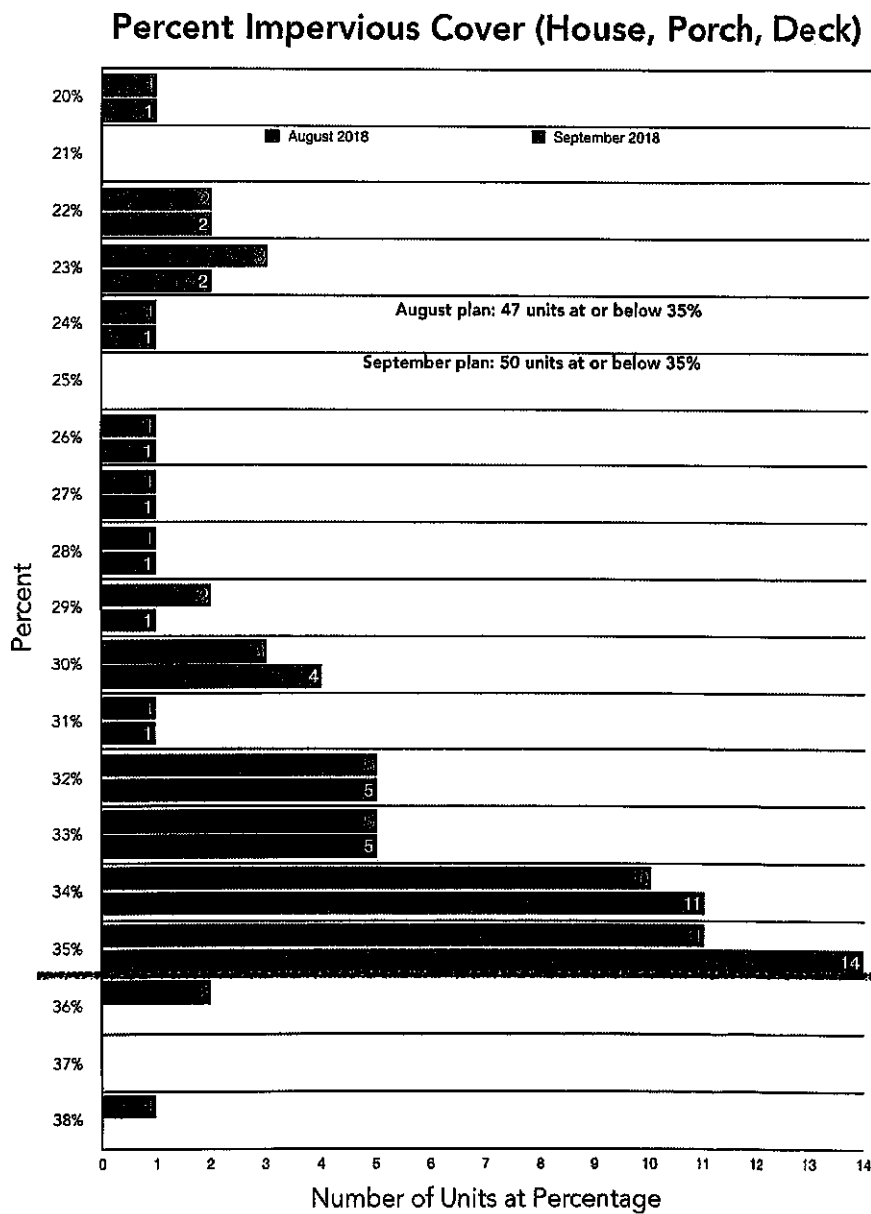
yard area to construct a deck or patio and remain within the setback requirements. *Section 120-108 Porches and Decks* permits “decks at or below the ground floor level to project into a required side or rear yard, not not exceed a depth of 25% of the depth of required yard.” The rear yard setback for this development is proposed as 30 feet. An additional 7.5 feet may be gained with this provision. All decks fall within the additional 7.5 feet allowed under Section 102-108, and meet ordinance standards.

10. **Lot Coverage.** *Section 102-131(a)* of the City of South Lyon Zoning Ordinance requires that lot coverage not exceed 25% in the R-3 zoning district. The applicant calculated the total proposed building footprints (of all 50 houses) as they relate to the development as a whole which results in 18% lot coverage. While this information is accurate, it does not adequately reflect the lot coverage per unit.





a. **Building Coverage:** The building (house and porch) coverage for the 50 lots ranges from 15% coverage to 30% coverage. The applicant has reduced the number of units with building coverage over 25% on the proposed September 2018 plan (compared to the August 2018 site plan last presented).





- b. Impervious Coverage:** The impervious coverage (house, porch, and deck) coverage for the 50 lots ranges from 20% coverage to 38% coverage. All 50 lots have an impervious coverage of 35% or below.

*The City is currently in the process of amending the Zoning Ordinance to include a new provision to allow up to an additional 10% lot coverage for impervious surfaces. A definition of impervious surfaces is included in the amendment. A first reading of the amendment was made at the September 10, 2018 meeting.*

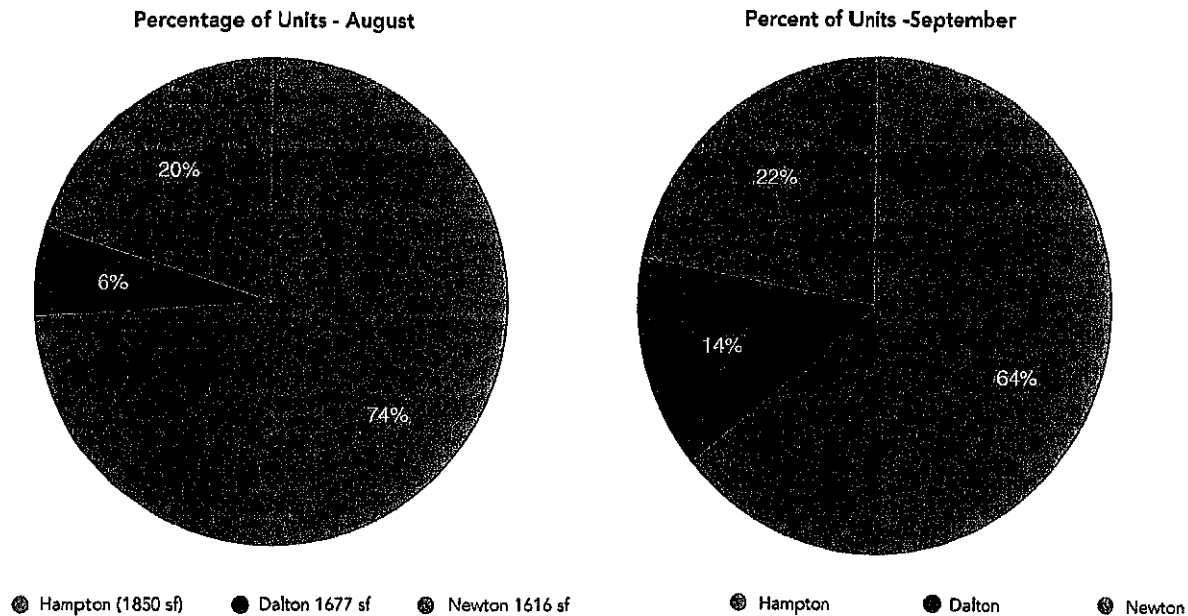
*CIB Planning has used this 35% impervious surface maximum threshold as the standard maximum coverage on any single family residential lot in the City. We have not applied the impervious surface calculation as presented in the amended ordinance (that requires the building footprint not exceed 25% and allowing an additional 10% impervious coverage). There are lots within this proposal that exceed the 25% lot coverage maximum and/or exceed the maximum impervious coverage of an additional 10%. Developing this project as a Planned Development allows the approved deviation from strict adherence to zoning standards in other districts.*

- c. Reduction:** To achieve the reduction in percent coverage from the August 2018 site plans and the September 2018 plan presented before you, the following changes include:

1. Deck size is reduced on 3 lots (Lots 20, 22, and 32).
2. Lots 1,5,8,47,48, and 49 are changed from the Hampton model (1550 square feet) to the Dalton model (1377 square feet).
3. Lot 8 is changed from the Dalton model (1377 square feet) to the Newton model (1316 square feet)



11. **Model Unit Breakdown:** Consistent with the August site plan proposal, a majority of the lots are shown with the Hampton model (1,510 square lot house footprint, plus 40 square foot porch), totaling 1,850 square feet—the largest model proposed. Thirty-two (32) Hampton units, eleven (11) Newton units and seven (7) Dalton are proposed.



2. **Deck and Patios.** The City Council requested to see a deck/patio footprint on the plan to ensure that setback and lot coverage issues do not present a concern and need for variances in the future, as has occurred in other Planned Development projects within the City.

As presented all 50 lots meet ordinance standard using *Section 120-108 Porches and Decks* provision.

## RECOMMENDATION

Planned Unit Developments by nature allow flexibility in zoning standards to permit development on a site that might not otherwise be developed. This property is triangular in shape, is adjacent to Colonial Acres, and adjacent to the railroad. These three factors present unique challenges for developing the property. Based on these development



## **Supplemental Information on Planned Unit Developments (PUD) or Planned Developments (PD)**

Many residential projects can be done within the City's zoning regulations. These are "by right" projects, which do not require zoning "relief." Other projects, those in which a homeowner or developer wants to exceed what's allowed by right, require additional review and approval, typically by Zoning Board of Appeals (ZBA). A third type of project, where a developer is seeking relief from zoning rules, is called a Planned Unit Development (PUD).

"**Planned Unit Development**" describes a type of development, as well as the regulatory process itself, that permits a developer to meet community land use goals without being bound by existing zoning requirements; for example, a PUD may be used to encourage clustering of buildings, incorporate a variety of building types, allow mixed land uses, or create housing for specific resident groups.

A **PUD designation permits flexibility** to allow more creative design in site planning, zoning, and building design. A PUD is a special type of overlay district that generally does not appear on the municipal zoning map until a PUD designation is requested and a project is approved. When a PUD designation is applied, the Planning Commission and City Council mandate that standards be developed that are specifically tailored to the PUD project. The PUD is planned and built as a unit, thus fixing the type and location of uses and buildings over the entire project. These standards are incorporated into a Planned Unit Development Agreement signed by the developer and City.



The **benefits of PUD** are numerous. The flexibility inherent in using PUDs as a planning tool allows a municipality to custom-design an area or a development to achieve specific community goals and benefits; for example:

- The design of compact, walkable, housing alternatives and amenities that effectively respond to the needs and preferences of all residents, but that also address specific mobility and accessibility needs of older adults and individuals with disabilities, can support successful aging-in-place of elderly adults, and can meet the specific housing needs of distinct population groups such as single parents, grandparents raising grandchildren, empty-nesters, low-income families, young working adults, and others.
- Open spaces, protected for the benefit of all residents, are often incorporated into PUDs. This land often times preserves or protects environmentally sensitive areas, including wetlands and woodlands.
- Typically in PUDs, homes with smaller yards (which require minimal upkeep) are within close proximity to one another—encouraging interaction and socializing among inhabitants of different ages.
- Homes are often closer together than traditional subdivisions **to maximize the use of land**. Land is often “reserved” for the community’s benefit and may have active or passive recreation, depending on the resident population. Trails, bike paths, water features, play areas, are just a few examples.
- Unlike conventional zoning, which often limits density and consumes larger lots more quickly, PUDs can be designed for greater density and with flexibility in setbacks.

Reference: **Greater, Greater Washington**. David Whitehead, “Why the Office of Planning likes PUDs,” March 6, 2018.



South Lyon City Code, Chapter 102 Zoning, Article VI District Regulations

**DIVISION 14. - PD PLANNED DEVELOPMENT DISTRICT**

**Sec. 102-381. - Intent.**

The PD planned development district is intended to permit the private or public development or redevelopment of areas throughout the city which shall be substantially in accord with the goals and objectives of the master plan of future land use for the City of South Lyon. The use patterns of the areas involved shall provide a desirable environment and shall be harmonious to the general surrounding uses permitting flexibility in overall development while ensuring the highest of safeguards and standards for public health, safety, convenience and general welfare. Such planned development district may embrace a mixture of one or more distinct uses or zoning categories, in the vertical or horizontal plane. A planned development district shall encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; and bring about a greater compatibility of design and use.

(Ord. of 2-13-95(2), § 5.355)

**Sec. 102-382. - Standards for planned development districts.**

- (a) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses. The uses proposed will encourage a more efficient use of public utilities and services and lessen the burden on circulation systems, surrounding properties, and the environment. This beneficial effect for the city (not the developer) shall be one which could not be achieved under any other single zoning classification.
- (b) The uses proposed shall be consistent with the master plan of future land use for the city.
- (c) The zoning is warranted by the design and amenities incorporated in the development proposal.
- (d) Usable open space shall be provided, at least equal to the total of the minimum usable open space which would be required for each of the component uses of the development. The city may, if deemed appropriate, require for planned developments more or less open space than that required by this chapter.
- (e) Off-street parking sufficient to meet the minimum required by section 102-476 shall be provided and the city may, if deemed appropriate by the city require for planned developments more or less parking than that required by this chapter.
- (f) Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. The city may, if deemed appropriate, require for planned unit developments more or less landscaping than that required by this chapter.
- (g) Vehicular and pedestrian circulation, allowing safe, convenient, uncongested and well-defined circulation within and to the district shall be provided.
- (h) Natural and historical features of the district shall reasonably be protected and preserved.

(Ord. of 2-13-95(2), § 5.360)

**Sec. 102-383. - Procedure for application.**

Application shall be made to the city council for consideration under this district. The person applying shall be required to make a submittal of the following material for review and recommendation by the planning commission:

- (1) A property area survey of the exact area being requested (scale: 1" = 100').
- (2) A proof of ownership of land being requested for rezoning.



- (3) A topography map of the entire area at a contour interval showing two-foot changes in elevation. This map shall indicate all natural and manmade features (scale 1" = 100'). In those instances where more detailed topography is deemed necessary the city may request a contour interval of one foot. Where extreme slopes exist the city may allow a contour interval of five feet.
- (4) A preliminary plan of the entire area carried out in such detail as to show the land use being requested, the densities being proposed where applicable, the system of collector streets, and off-street parking system.
- (5) A preliminary plan layout or an overlay of such plan on a currently available aerial photo of the site and its immediate surroundings.
- (6) A written statement explaining in detail the full intent of the sponsor indicating the specifics of the development plan as it relates to the type of dwelling units contemplated and resultant population; the extent of nonresidential development and the resultant traffic generated and parking demands created; and providing supporting documentation such as but not limited to: market studies, supporting land use request, and the intended scheduling of development and such other studies as the city council or planning commission may require.

(Ord. of 2-13-95(2), § 5.365)

Sec. 102-384. - Acceptance and approval of preliminary (stage I) site plan and rezoning.

Approval of the preliminary plan by the city council shall be effective for a period of two years and such accepted plan may be renewed upon expiration of said two-year period provided conditions have not changed that would be cause for denial of such extension. In reviewing and approving the plan, the following procedures and conditions shall be followed:

- (1) The preliminary plan shall be reviewed and a recommendation shall be made by the planning commission after public hearing to the city council relative to the plan's meeting the intent and the requirements of the master plan of future land use and for the rezoning of the property to PD district. Such rezoning shall be contingent on approved stage II plans becoming part of such rezoning. The hearing for the preliminary plan may also, with proper notification and advertising, be the hearing for rezoning of the property to a planned development district.
- (2) Approval of the preliminary plan shall be given only after public hearing by the planning commission and shall not constitute final site plan approval. Rezoning procedures under this division will rely on the plan submitted for both stage I and stage II and the supporting documentation and the plan, therefore, is basic to the rezoning.
- (3) Once an area has been rezoned to a PD district, no development shall take place therein nor use made of any part thereof except in accordance with the preliminary plan as originally approved, or in accordance with an approved amendment thereto.
- (4) Approval of the preliminary plan by the city council shall not constitute approval of the final site plan. It shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the final plan.
- (5) The proposed PD district shall be of such area as to represent a sound carrying out of the master plan of land use, it not being the intention of this district that an unrelated parcel by parcel rezoning be effectuated.
- (6) The zoning ordinance amendment which effectuates the rezoning to the PD district shall refer to and incorporate by reference the stage I site plan and the stage II site plan and such zoning amendment shall be carried out in accordance with rezoning procedures of this chapter.

(Ord. of 2-13-95(2), § 5.370)

Sec. 102-385. - Final plan submittal (stage II site plan) (prior to building permit).

A presentation of the final site plan shall be made to the planning commission for review and recommendation to the city council of the following:



- (1) A final overall site plan for the entire area being requested under this PD district shall be submitted. This plan shall be worked out in detail showing specific uses, building location, off-street parking, street alignments, open spaces and other physical plan details being proposed. Supporting documentation in the form of building plans, and schedule of construction shall be submitted. The final site plan shall conform to all site plan requirements and all site plan review requirements of this chapter.
- (2) The final plan shall reflect and adhere to those use patterns as approved in the preliminary plan. Standards for building bulk and off-street parking shall be equal to at least the minimum standards set forth for like uses in article VII, division 2, of this chapter and off-street parking requirements of sections 102-476 and 102-477.

(Ord. of 2-13-95(2), § 5.375)

Sec. 102-386. - Stage II site plan; approval of site plan.

Approval of the final site plan shall be effective for a period of three years. If development is not completed in this period, the planning commission shall review progress to date and make a recommendation to the city council as to action relative to permitting continuation under an extension of the original approval. In reviewing and approving the final plan, the following conditions shall be set forth:

- (1) A stage II certificate of compliance may be granted by the city after review and recommendations are made, that the stage II site plan is accepted and approved by the planning commission.
- (2) All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site and shall be recorded by the developer.
- (3) In residential use areas, any prorated open space shall be committed by dedication to an association of residents, either as rights-in-fee, easement, or in a master deed and retained as open space for park, recreation and related uses. All lands dedicated in fee or easement shall meet the requirements set forth by the city council. Provisions satisfactory to the city council shall be made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant, and including maintenance of such improvements by a means satisfactory to the city council. This may include a development agreement. Such documents shall be recorded with the county register of deeds.
- (4) In those instances where a subdivision plat is being utilized as a planned development or a part of such development, the procedures and expiration dates of the Plat Act shall govern.

(Ord. of 2-13-95(2), § 5.380)

Sec. 102-387. - General design standards.

- (a) All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a permitted use or use permitted subject to special conditions.
- (b) Residential density shall be regulated as follows:
  - (1) The maximum permitted residential density for single-family dwelling shall not exceed the density allowed for the area currently zoned single-family as shown on the zoning district map. Yard setbacks for the R-2 district shall apply.
  - (2) The maximum permitted residential density for multiple-family areas shall not exceed the requirements of the RM-2 district and shall meet setback requirements of the RM-2 district.
- (c) Requirements for height, bulk and density for all nonresidential uses shall be in accord with zoning district standards most nearly reflecting policies in the city's master plan.
- (d) Density calculations shall meet the following requirements:



- (1) Land areas to be used in calculating gross densities as provided in this section shall each be delineated on the stage I plan and the stage II plan so that the acreage and density computations can be confirmed.
  - (2) The land area used for calculating gross residential density shall include the total residential land area designated on the plan, where applicable, less any area within existing public street rights-of-way.
  - (3) The planning commission may require, as part of a final site plan review of a phase of a PD, that land shown as open space on the approved plan to be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved PD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.
  - (4) The surface area of lakes, streams, ponds (natural, manmade, or stormwater retention), marshlands, and similar areas may be included in the acreage used for calculating density if at least 50 percent of the frontage of such areas are part of lands devoted to parks and open space used for and accessible to all residents to the PD district.
  - (5) Common open space, other common properties and facilities, individual properties, and all other elements of a PD district are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.
- (e) To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features.
  - (f) There shall be a perimeter setback and berming, for the purpose of buffering the development in relation to surrounding properties. Such perimeter setback shall be established in the discretion of the planning commission taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
  - (g) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
  - (h) There shall be underground installation of utilities, including cable, electricity and telephone, as found necessary by the city council, upon the recommendation of the planning commission.
  - (i) Signage, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
  - (j) Where nonresidential uses adjoin residentially zoned property, noise reduction and visual screening mechanisms such as landscape berms and/or decorative walls shall be employed.

(Ord. of 2-13-95(2), § 5.385)

**Sec. 102-388. - Required conditions.**

Before approving the plan in either the preliminary stage I site plan or final stage II plan submittal, the planning commission and the city council shall determine that:

- (1) The cost of installing all streets, sidewalks, bike paths, street lights, park areas and necessary utilities and maintenance thereof has been assured by a means satisfactory to the city council. The city council shall have the option of requiring suitable guarantee in a form suitable to the city for the provision of any or all site improvements.
- (2) The final plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall terminate approval of the preliminary plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal, it being the intent of this section that no other administrative or board of appeals action shall constitute official approval of such changes or



amendments to the preliminary plan. Denial by the city council of any requested changes or amendments shall not void the originally approved plan.

- (3) Proceeding with a planned development district shall only be permitted if it is mutually agreeable to the city council and the developer.

(Ord. of 2-13-95(2), § 5.390)

Sec. 102-389. - Deviations from approved planned development final site plan.

Minor changes to a previously approved planned development site plan may be approved without necessity of planning commission or city council action thereon if the building inspector certifies in writing that the proposed revision constitutes a minor alteration and does not alter the basic design nor any specific conditions of the plan as agreed upon by planning commission and city council. The building inspector shall record all such changes on the original PD site plan and shall advise planning commission and city council of all said minor revisions within 15 days of said administrative approval. Minor alterations or revisions under this section shall be limited to:

- (1) Addition or relocation of fire escapes.
- (2) Shifting of building heights and elevations, providing such shifting does not exceed ten percent of the previously approved dimension and providing such shifting does not significantly alter the conceptual integrity of the plan.
- (3) Construction of additional, or alteration of, approved sidewalks, provided that the full intent of pedestrian movement through and around the site is not inhibited thereby.
- (4) Shifting of, additions to, changes in species of landscape materials, provided that such change does not reduce minimum landscape requirements.
- (5) Relocation of refuse collection stations.
- (6) Internal rearrangement of parking lots and curb cut locations, not including the relocation of parking lots, provided such functional rearrangement does not reduce the total number of parking spaces required, and further provided that the minimum landscape requirements are maintained, and further provided that such rearrangement does not inhibit good traffic flow or circulation.
- (7) Any decrease in building size or changes in bedroom counts per dwelling unit in no more than ten percent of the total number of units.
- (8) Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.

(Ord. of 2-13-95(2), § 5.395)

Sec. 102-390. - Filing of zoning amendment.

Upon adoption by the city council of the zoning amendment, the site plan, building elevations and other development proposals including the proposed uses shall become an integral part of the zoning amendment to the PD district and for purposes of recordation, shall be referred to as "Planned Development No. \_\_\_\_\_." All approved plans shall be filed with the city clerk and the building inspector.

(Ord. of 2-13-95(2), § 5.400)

Sec. 102-391. - Time limitations.

The granting of preliminary site plan approval by the city council shall be subject to the expiration time as set forth in section 102-131(g) for preliminary site plan approvals. The granting of final site plan approval by the city council shall be subject to the same expiration time limitations as set forth in section 102-131(g). Additionally, in the case of final site plan approval for development in a PD district where, upon expiration of a previously approved final site plan by the city council, and for which no extension has been requested by the applicant as set forth and regulated in section 102-131(g), the PD zoning district designation on the property shall automatically revert to the zoning district that existed on the property before it was zoned PD.



**Editor's note—** An ordinance adopted May 22, 2006, repealed the former § 102-391, and enacted a new § 102-391 as set out herein. The former § 102-391 pertained to fees and derived from Ord. of 2-13-95(2), § 5.405.

Sec. 102-392. - Fees.

Fees for legal, engineering and planning review of the site plans shall be established by the city council. In the event the time limit on an approved site plan has expired, any submittal of the site plan thereafter for re-approval by the applicant shall be assessed the full current site plan review fee as though the site plan was being submitted for the first time.

(Ord. of 5-22-06)

Secs. 102-393—102-405. - Reserved.



## **MICHIGAN PLANNED UNIT DEVELOPMENT LAW**

Michigan Compiled Laws § 125.3503. Planned unit development.

(1) As used in this section, "planned unit development" includes such terms as cluster zoning, planned development, community unit plan, and planned residential development and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

(2) The legislative body may establish planned unit development requirements in a zoning ordinance that permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout, and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of this state. The review and approval of planned unit developments shall be by the zoning commission, an individual charged with administration of the zoning ordinance, or the legislative body, as specified in the zoning ordinance.

(3) Within a land development project designated as a planned unit development, regulations relating to the use of land, including, but not limited to, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, and land use density, shall be determined in accordance with the planned unit development regulations specified in the zoning ordinance. The planned unit development regulations need not be uniform with regard to each type of land use if equitable procedures recognizing due process principles and avoiding arbitrary decisions are followed in making regulatory decisions. Unless explicitly prohibited by the planned unit development regulations, if requested by the landowner, a local unit of government may approve a planned unit development with open space that is not contiguous with the rest of the planned unit development.

(4) The planned unit development regulations established by the local unit of government shall specify all of the following:

(a) The body or official responsible for the review and approval of planned unit development requests.

(b) The conditions that create planned unit development eligibility, the participants in the review process, and the requirements and standards upon which applicants will be reviewed and approval granted.

(c) The procedures required for application, review, and approval.

(5) Following receipt of a request to approve a planned unit development, the body or official responsible for the review and approval shall hold at least 1 public hearing on the request. A zoning ordinance may provide for preapplication conferences before submission of a planned unit development request and the submission of preliminary site plans before the public hearing. Notification of the public hearing shall be given in the



same manner as required under section 103.

(6) Within a reasonable time following the public hearing, the body or official responsible for approving planned unit developments shall meet for final consideration of the request and deny, approve, or approve with conditions the request. The body or official shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

(7) If amendment of a zoning ordinance is required by the planned unit development regulations of a zoning ordinance, the requirements of this act for amendment of a zoning ordinance shall be followed, except that the hearing and notice required by this section shall fulfill the public hearing and notice requirements of section 306.

(8) If the planned unit development regulations of a zoning ordinance do not require amendment of the zoning ordinance to authorize a planned unit development, the body or official responsible for review and approval shall approve, approve with conditions, or deny a request.

(9) Final approval may be granted on each phase of a multiphased planned unit development if each phase contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

(10) In establishing planned unit development requirements, a local unit of government may incorporate by reference other ordinances or statutes which regulate land development. The planned unit development regulations contained in zoning ordinances shall encourage complementary relationships between zoning regulations and other regulations affecting the development of land.







# PROPOSED

LOT	HOUSE MODEL	LOT AREA (SF)	BUILDING AREA (SF)	BUILDING LOT COVERAGE	IMPERVIOUS AREA (SF)	IMPERVIOUS LOT COVERAGE
1	DALTON	5492	1354	25%	1850	34%
2	DALTON	5486	1510	28%	1850	34%
3	DALTON	5480	1510	28%	1850	34%
4	DALTON	5477	1510	28%	1850	34%
5	DALTON	5687	1354	24%	1850	33%
6	DALTON	8037	1510	19%	1850	23%
7	NEWTON	8146	1282	16%	1616	20%
8	NEWTON	5143	1282	25%	1677	33%
9	DALTON	6525	1510	23%	1850	28%
10	DALTON	5250	1510	29%	1850	35%
11	DALTON	5250	1510	29%	1850	35%
12	DALTON	5250	1510	29%	1850	35%
13	DALTON	5250	1510	29%	1850	35%
14	DALTON	6280	1510	24%	1850	29%
15	DALTON	6509	1510	23%	1850	28%
16	DALTON	5436	1510	28%	1850	34%
17	DALTON	6293	1510	24%	1850	29%
18	NEWTON	4980	1282	26%	1616	32%
19	NEWTON	4999	1282	26%	1616	32%
20	NEWTON	4733	1282	27%	1616	34%
21	NEWTON	6802	1510	22%	1850	27%
22	NEWTON	5418	1510	28%	1850	34%
23	NEWTON	5130	1282	25%	1616	32%

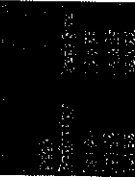
Count of > 25%	14	Count of > 35%	0
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Total	>25%	27	> 35%	0
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DALTON MODEL CHANGED

LOT	HOUSE MODEL	LOT AREA (SF)	BUILDING AREA (SF)	BUILDING LOT COVERAGE	IMPERVIOUS AREA (SF)	IMPERVIOUS LOT COVERAGE
26	NEWTON	5414	1510	28%	1850	34%
27	NEWTON	5898	1510	26%	1850	31%
28	NEWTON	5339	1510	28%	1850	35%
29	NEWTON	5356	1510	28%	1850	35%
30	NEWTON	5071	1282	25%	1616	32%
31	NEWTON	5007	1282	26%	1616	32%
32	NEWTON	5143	1282	25%	1616	32%
33	NEWTON	6149	1510	25%	1850	30%
34	NEWTON	5312	1510	28%	1850	35%
35	NEWTON	5306	1510	28%	1850	35%
36	NEWTON	5312	1510	28%	1850	35%
37	NEWTON	8526	1510	18%	1850	22%
38	NEWTON	7726	1510	20%	1850	24%
39	NEWTON	5286	1510	29%	1850	35%
40	NEWTON	7044	1510	21%	1850	26%
41	NEWTON	7900	1510	19%	1850	23%
42	NEWTON	5268	1510	29%	1850	35%
43	NEWTON	4889	1354	27%	1677	34%
44	NEWTON	4979	1354	27%	1677	34%
45	NEWTON	6210	1510	24%	1850	30%
46	NEWTON	8293	1510	18%	1850	22%
47	NEWTON	5675	1354	22%	1850	33%
48	NEWTON	5671	1354	22%	1850	33%
49	NEWTON	5666	1354	22%	1850	33%
50	NEWTON	6921	1282	19%	1616	23%

Count of > 25%	13	Count of > 35%	0
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Total Units	HOUSE MODEL	BUILDING AREA (SF)	PORCH AREA (SF)	DECK AREA (SF)	IMPERVIOUS AREA (SF)
32	DALTON	1510	40	300	1850
7	DALTON	1354	23	300	1677
11	NEWTON	1282	34	300	1616