

Regular City Council Meeting

November 25, 2019

Agenda

7:30 p.m. **Call to Order**
Pledge of Allegiance
Roll Call
Approval of Minutes: November 11, 2019
Approval of Bills
Approval of Agenda
Consent Agenda
1. Cultural Arts Commission Resignation
2. Cultural Arts Commission Appointment
3. Cable Commission Appointment

Public Comment

Discussion- Downtown

Fire Chief Report
Police Chief Report

HRC Capital Improvement Plan Water Treatment Plant Presentation

I. Old Business

1. 2nd Reading of Ordinance to amend the South Lyon Code of Ordinances to update the charge of domestic violence to make it consistent with state law.
2. 2nd Reading of Ordinance to amend the South Lyon Code of Ordinances to update provisions prohibiting the use of marihuana, in accordance with new legislation.
3. 2nd Reading of Ordinance to amend the South Lyon Code of Ordinances to update provisions prohibiting the use of vapor products and alternative nicotine delivery products by minors, in accordance with new legislation.

II. New Business

1. SLARA Athletic Field/Court Use Application and Permit Policy & Procedure
2. Consider CDBG Application projects for the City of South Lyon
3. DDA request for additional funding for Cool Yule
4. City Legal Service Agreement

III. Budget

IV. Manager's Report

V. Public Comment

VI. Council Comments

VII. Adjournment

Please see reverse side for rules of conduct for public comment at City Council meetings

City of South Lyon
City Council Meeting
November 11, 2019

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: City Manager Zelenak, Chief Sovik, Attorney Hamameh and Clerk/Treasurer Deaton

MINUTES

CM 11-1-19 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Walton

Motion to approve the minutes as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

BILLS

CM 11-2-19 MOTION TO APPROVE THE BILLS

Motion by Kennedy, supported by Kivell

Motion to approve the bills as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

ATTORNEY BILLS

CM 11-3-19 MOTION TO APPROVE ATTORNEY BILLS

Motion by Kennedy, supported by Walton

Motion to approve the attorney bills

VOTE:

MOTION CARRIED UNANIMOUSLY

Councilmember Kivell stated there has been an ongoing concern for the last few months because there have been hours that are not being fulfilled with the retainer. City Manager Zelenak stated he has met with our attorney, and he will be bringing information to Council at the next meeting. Councilmember Kivell stated we normally had a minimum of 80 hours and we have a lot of ordinances that need to be addressed, he would like to see the City being reimbursed for the previous months. City Manager Zelenak stated that is being handled. Attorney Hamameh stated the conclusion they have reached is there was a period of time that Attorney Wilhelm had to do more of the day to day assistance. Since City Manager Zelenak has come aboard that amount of time has not been needed. She further stated we are considering an hourly rate instead of the 80-hour retainer. Further discussion was held regarding the attorney bills.

AGENDA

CM 11-3-19 MOTION TO APPROVE THE AGENDA

Motion by Kennedy, supported by Walton

Motion to approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

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CONSENT AGENDA

1. Charitable gaming license South Lyon Lacrosse Booster Club

CM 11-4-19 MOTION TO APPROVE THE CONSENT AGENDA

Motion by Kurtzweil, supported by Walton

Motion to approve the consent agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CERTIFICATION OF ELECTION- Swearing in of elected officials

Clerk Deaton stated the Board of Canvassers have certified the Election and we have 3 members to be sworn in for Council as well as the Mayor.

Clerk Deaton then swore in Mayor Dan Pelchat for a 2-year term.

Clerk Deaton then swore in Councilmember Kurtzweil, Councilmember Kennedy and new Councilmember Lisa Dilg for 4-year terms.

Councilmember Parisien then left the council table as her term is completed.

PUBLIC COMMENT

Jim Hamade of 1189 Horseshoe Drive congratulated Councilmembers Kurtzweil, Kennedy and Dilg for a job well done. He then congratulated Mayor Pelchat as well. He then stated everyone did a great job and he thinks they will all do a good job during the next 4 years. Mr. Hamade stated this Council has a good mix and they will do a great job. He stated he will continue to watch all the council meetings.

Julie Nickoloff of 62361 Arlington Circle stated she is a driver for Peoples Express and she has some concerns with the crosswalk at by the South Lyon Hotel. She stated if you are driving a big vehicle you cannot see pedestrians. She further stated she almost hit someone and it scared her badly. She stated it is unsafe for drivers and pedestrians.

DISCUSSION- Downtown

Mr. Donohue stated Cool Yule will be on the agenda at the next meeting. He stated we need to have a more consistent approach to the event. He stated for budgeting and sponsorship purposes we need to discuss the 3-way process between the City, DDA and the non profit group.

Mr. Donohue reminded everyone of Ladies Night Out November 15th. He then reminded everyone of Small Business Saturday November 30th as well. Mr. Donohue stated they had the first public information meeting about the DDA and it was well attended. The second meeting will be at the regular DDA meeting at 8:00 on Thursday. Mr. Donohue stated the Veterans dedication was attended by approximately 400 people. He stated we are on phase 1 at the moment but things will be added later. Councilmember Dilg asked how many informational meetings and how was it advertised. Clerk Deaton stated it was posted on our website, at city hall and it was mailed to each jurisdiction that is involved. Councilmember Dilg stated there were a few people there, she is interested in trying to get people involved in a 2-way conversation and she is willing to assist Mr. Donohue to try to get more involved. Mr. Donohue stated phase 1 of the monument was paid for by donations, sponsorships and donated services. Councilmember Richards stated he was amazed the way the bricks were put in, that is very technical work. Mr. Donohue stated Munro Landscaping put them in. He further stated the brick

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program is a VFW program and there is a few that have faded that they will be replacing. Councilmember Walton asked if they decided where they were going to put the old flag pole. Mr. Donohue stated it is in rough shape and is currently at the DPW yard. Councilmember Walton asked if they thought about re installing it and installing a flag for first responders. Mr. Donohue stated he thinks another flag pole at the monument would clash. Councilmember Walton stated she would like to see the first responders bell updated, that area currently seems a little outdated. Mr. Donohue stated he agrees that area needs to be updated.

FIRE CHIEF- Nothing

POLICE CHIEF

Chief Sovik stated he attended the Veterans Memorial dedication and it is first class, it will be hard to beat that even though it is a work in progress. Everyone involved did a great job.

Chief Sovik stated a snow emergency has been declared to people can remove their cars off the streets to make it easier for the DPW to clean the streets.

Chief Sovik congratulated Councilmembers Kennedy, Kurtzweil, and Dilg. He then congratulated Mayor Pelchat as well.

PUBLIC HEARING- 2020 CDBG application

City Manager Zelenak stated each year the U.S Department of Housing and Urban Development provides funds to jurisdictions throughout the country for projects that meet their national objectives. He then stated the total allocation will be \$29,522.00. He stated in the past the City has used the funds for the senior center and Haven.

Mayor Pelchat opened the public hearing at 7:53 p.m. No were no comments made.
Mayor Pelchat closed the public hearing at 7:54 p.m.

NEW BUSINESS

1. Appointment of Mayor Pro-Tem

CM 11-5-19 MOTION TO APPOINT COUNCILMEMBER KIVELL AS MAYOR PRO-TEM

Motion by Kennedy, supported by Walton

Motion to appoint Councilmember Kivell as Mayor Pro-Tem

ROLL CALL VOTE:

Kivell- Yes

Dilg- Yes

Richards- No

Kurtzweil- No

Pelchat- Yes

MOTION CARRIED

2. Appointment of SEMCOG representatives

CM 11-6-19 MOTION TO APPOINT SEMCOG REPRESENTATIVES

Motion by Kivell, supported by Walton

Motion to appoint Steve Kennedy as SEMCOG representative

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ROLL CALL VOTE:

Kivell- Yes
 Dilg- Yes
 Kennedy- Yes
 Richards- Yes
 Walton- Yes
 Kurtzweil- Yes
 Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

CM 11-7-19 MOTION TO APPOINT SEMCOG ALTERNATE

Motion by Kennedy, supported by Kivell

Motion to appoint Councilmember Dilg as the SEMCOG alternate

ROLL CALL VOTE:

Kivell- Yes
 Dilg- Yes
 Kennedy- Yes
 Richards- Yes
 Walton- Yes
 Kurtzweil- Yes
 Pelchat- Yes

MOTION CARRIED UNANIMOUSLY

3. First reading of ordinance to amend the South Lyon Code of Ordinances to update the charge of domestic violence to make it consistent with state law

Attorney Hamameh stated Chief Soyik requested her to look into this. She stated when the domestic violence was made a local ordinance it didn't conform with state law. She stated we have to add language that includes a dating relationship.

CM 11-8-19 MOTION TO APPROVE FIRST READING

Motion by Walton, supported by Kennedy

Motion to approve the first reading of the ordinance amending Section 58-51 to make it consistent with state law

VOTE:

MOTION CARRIED UNANIMOUSLY

4. First reading of ordinance to amend the South Lyon Code of Ordinances to update provisions prohibiting the use of marihuana, in accordance with new legislation

Attorney Hamameh stated in November of last year, the voters legalized marihuana. She stated this will bring our ordinance up to date to be consistent with state law.

CM 11-9-19 MOTION TO APPROVE FIRST READING

Motion by Kennedy, supported by Richards

Motion to approve first reading of the ordinance amending various sections of Chapter 58, Article VI, offenses involving drugs, to make the ordinance consistent with state law

VOTE:

MOTION CARRIED UNANIMOUSLY

5. First reading of ordinance to amend the South Lyon Code of Ordinances to update provisions prohibiting the use of vapor products and alternative nicotine delivery products by minors, in accordance with new legislature

Attorney Hamameh stated this is an ordinance bringing our ordinance to coincide with state law.

CM 11-10-19 MOTION TO APPROVE FIRST READING

Motion by Kurtzweil, supported by Walton

Motion to approve first reading of the ordinance amending section 58-221 to make it consistent with state law

VOTE:

MOTION CARRIED UNANIMOUSLY

BUDGET

Councilmember Kurtzweil stated there are rumors that the South Lyon School District will be asking for a bond. She stated she doesn't know how much, but the compromise is we have to support the schools and their bonds, but depending on the amount, that may limit the mills that the City can pass on for our own infrastructure. City Manager Zelenak stated it is currently speculative, he doesn't know when they will make a decision. Discussion was held regarding improvements that need to be done at City Hall by the City and South Lyon Schools.

MANAGERS REPORT

City Manager Zelenak stated they are now working on Dixboro near Volunteer Park and to gain access to the park, people will have to enter into the north entrance.

City Manager Zelenak stated the Planning Commission will be meeting on November 21st to discuss Alexanders site plan.

City Manager Zelenak stated Hubbell Roth and Clark will be at the next meeting to go over the water plant capital improvement plan.

PUBLIC COMMENT- None

COUNCIL COMMENTS

Councilmember Kennedy thanked Councilmember Parisien for her service for the past 4 years on City Council. She worked tirelessly on behalf of the residents of this city, always making the decisions that were in the best interest of the city and its residents. He stated he will miss her professionalism and her perspective on the council and wished her, and her family, the very best for the years to come. He thanked the residents of the City of South Lyon for returning him to the council. He stated he is honored and humbled to represent the residents once more as we work together to continue moving our great city forward. We have made significant strides over the past couple of years, and I believe even greater accomplishments lie ahead. Councilmember Kennedy congratulated Mayor Pelchat on his election for another 2 years and recognized his accomplishment of receiving more votes than any mayoral candidate from the past six elections and probably well beyond that. He then welcomed Councilmember Lisa Dilg to the City Council and congratulated her for receiving over one thousand votes in the election which is impressive, especially for a new council candidate. He stated as we work together with other key members of the council and the city, we will continue to build upon the successes that have already

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been realized. He then thanked the other council candidates, Dayna Johnston, Lori Mosier, Amber King and Jim Hamade, for stepping forward to help this city and he encourages them to stay involved, and to help our city where they can in the years to come. He then thanked that group of candidates, along with Councilmember Dilg, for conducting their campaigns in a professional and civil manner. He stated that together, we had some fun experiences and shared some laughs from time to time during the campaign. He stated he hopes those experiences and relationships continue into the future for years to come.

Councilmember Kennedy congratulated Councilmember Kivell for being selected to serve as South Lyon's Mayor Pro Tem. There is no one more qualified, nor dedicated, than Councilmember Kivell to serve in that position. He has tirelessly served on this council for over two decades and he will properly and professionally represent our city in that position should that need arise in the future. He then congratulated Councilmember Dilg for being selected as the city's SEMCOG alternate. As the city's SEMCOG Representative it is comforting to know there is someone willing and able to step in and assist in filling the role and SEMCOG obligation, should the need arise.

Councilmember Richards stated he hopes everyone will visit the Veterans Monument. He stated he attended the dedication ceremony and he is guessing there were 200 people there. He stated it was a great turnout and it is beautiful. He stated the only problem was it was hard to hear at times.

Councilmember Richards stated Mo's garage is vacated and he is moving his business to Belleville, but he plans on coming back. He has bought a house here and he wishes him luck.

Councilmember Richards stated 113 Lafayette is beautiful and the underground work that was done was phenomenal. He stated that building is over 100-year-old and the new owner is very dedicated.

Councilmember Walton thanked the DPW workers for all their hard work. Councilmember Walton congratulated all the new councilmembers as well Councilmember Kurtzweil. She stated there are a lot of smart people on Council and a lot of knowledge and we will continue to get through things as we go along. She stated she is happy to be on Council with Mayor Pelchat for another couple of years as well.

Councilmember Dilg thanked everyone for their enthusiasm around the Election. She stated the residents want a council that can disagree professionally, behave civilly and no personal vendettas. She then thanked all the candidates that ran, it was a good positive campaign. She thanked all her friends that came to see her get sworn in tonight.

Councilmember Dilg stated she attended the veteran's memorial dedication and it was beautiful. She then thanked Dayna Johnston for all her hard work on the memorial dedication. She is a tireless community supporter.

Councilmember Dilg stated Haley Stevens attended the memorial dedication and she spoke with her regarding some grant opportunities that she would like to work with us on.

Councilmember Dilg stated she is looking forward to Ladies Night Out. She then reminded everyone that Colonial Acres is having a silent auction on November 15th.

Councilmember Kurtzweil congratulated Steve and Lisa on their Election to City Council along with Dan. Councilmember Kurtzweil thanked all the residents that returned her to City Council and she thanked the people that worked on her campaign and she thanked them for their principals of honesty, truthfulness in governing, fiscal responsibility, free speech and open and transparent government. She further stated she had a good time on her campaign. The message was smart and driven. She stated it was an easy campaign. She further stated she will not disclose her campaign strategy but she has an excellent connection with people that share core values. She is extremely proud that no one on her campaign participated in any trash talk on social media. She stated she made it clear that is not acceptable. She

stated it is especially interesting to political insiders because they are asking how someone can win an Election without any social media presence. She stated some people said she was lucky and she disagrees. She won because she ran a very smart campaign. She did what she needed to do to get reelected, not just elected. She was extremely smart for selecting certain individuals that worked on her campaign. She then thanked them. She then thanked the outgoing Councilwoman and Glenn Kivell for guaranteeing her on November 2nd that no matter what the weather was her base would come out and vote for her. She stated she has the most loyal and dedicated base, to God, Country, midwest family values, respect for law enforcement and compassion for those in need.

Councilmember Kurtzweil stated she wants to thank families that have lost loved ones in the service to our country. She thanked all those that lost their lives defending our country and the freedoms we enjoy. She stated God bless our country and our veterans.

Councilmember Kivell thanked Mary Parisien for her time on Council. He stated she had fresh eyes on things that needed attention. He is grateful to have had her on Council. He then congratulated her on her new family and wished her luck.

Councilmember Kivell congratulated everyone that won office and we will end up making some good decisions.

Councilmember Kivell stated he hopes everyone was able to get to the veteran's memorial. It is a wonderful facility. He stated the new location is a real celebration of our veterans.

Mayor Pelchat stated he is proud to have been part of the veteran's memorial dedication. He stated it will be on the cable channel as well as on the YouTube channel for the cable commission. Mayor Pelchat stated he attended the traditional ceremony this morning. There were a few dozen people there.

Mayor Pelchat thanked Dayna Johnston for all her help with the veteran's memorial.

Mayor Pelchat thanked Councilmember Parisien for her time on Council. He then stated Mary is a strong young lady and it was a pleasure serving on Council with her. Mayor Pelchat stated he never had to question if she had the city's best interest in mind.

ADJOURNMENT

CM 11-11-19 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Walton

Motion to adjourn the meeting at 8:30 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor Dan Pelchat

Clerk/Treasurer Lisa Deaton

AGENDA NOTE

Consent Agenda /

MEETING DATE: November 25, 2019

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Resignation of Susan Kaminski from the Cultural Arts Commission

EXPLANATION OF TOPIC: We have received an email from Susan Kaminski resigning her position from the Cultural Arts Commission.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Email dated November 14, 2019 from Susan Kaminski resigning from the Cultural Arts Commission.

POSSIBLE COURSES OF ACTION: Accept the resignation of Susan Kaminski resigning from the Cultural Arts Commission.

SUGGESTED MOTION: Motion by _____, supported by _____ to accept the resignation of Susan Kaminski from the Cultural Arts Commission.

Lisa Deaton

From: Josie Kearns <jakearns@umich.edu>
Sent: Thursday, November 14, 2019 1:05 PM
To: Lisa Deaton
Subject: Susan Kaminski's Resignation

Hello, Lisa,

Below is an edited version of Susan Kaminski's resignation. She had one part that was confidential. I've edited to reflect the resignation part.

Thank you for keeping on this.

All best,
Josie Kearns
Cultural Arts Commission

Susan Kaminski

to me



Hi Josie!

It is with great sadness and reflection that I realize I will be unable to join the council. I share this confidentially, but . . . I LOVED the idea to begin working in the community, but , , , has come to an end. I should not take on more than I already have.

Please accept my sad regrets.

Sue K

--

Sue Kaminski- Visual Arts
South Lyon Community Schools
Millennium Middle School
Centennial Middle School
[REDACTED]

AGENDA NOTE

Consent Agenda 2

MEETING DATE: November 25, 2019

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Cultural Arts Appointment

EXPLANATION OF TOPIC: We currently have an opening on the Cultural Arts Commission. Please see attached Candidate Questionnaires for Ryan Lare and his interest in serving on Cultural Arts Commission.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Candidate Questionnaire from Ryan Lare.

POSSIBLE COURSES OF ACTION: Approve or not approve the nomination by the City Manager to appoint Ryan Lare to the Cultural Arts Commission,

SUGGESTED MOTION: Motion by _____, supported by _____ to approve City Manager's nomination of Ryan Lare to the Cultural Arts Commission.

Mon.
11/25/19



RECEIVED

NOV 12 2019

CITY OF SOUTH LYON
OFFICE OF TREASURER

CANDIDATE QUESTIONNAIRE

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

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

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

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

Appointed by Mayor-Confirmed by City Council

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



NAME RYAN S LAKE CITY OF SOUTH LYON RESIDENT FOR 19 YEARS

ADDRESS [REDACTED] ZIP 48178

PHONE (home) [REDACTED] PHONE (business or cell) _____

EMAIL wahool941@yahoo.com

OCCUPATION: Disabled

ARE YOU A CITIZEN OF THE UNITED STATES? ☒ YES ☐ NO

IS ANY MEMBER OF YOUR FAMILY ON ANOTHER BOARD OR COMMISSION? ☐ YES ☒ NO
IF SO, WHO? _____

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

I have been Secretary for 2 years

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

NONE EXCEPT SECRETARY FOR CULTURAL ARTS COMMISSION

ELECTIVE OFFICES THAT YOU HAVE HELD:

NONE

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

NONE

ADDITIONAL INFORMATION:

My mom is an artist, my father was an artist

I would be a huge asset for the commission as I have been for 2 years. I have an excellent working relationship with all members

Signature [Signature] Date Nov 12th 2019

AGENDA NOTE

Consent Agenda 3

MEETING DATE: November 25, 2019

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Cable Commission Appointment

EXPLANATION OF TOPIC: We currently have an opening on the Cable Commission. Please see attached Candidate Questionnaires for Amber King.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Candidate Questionnaire Amber King.

POSSIBLE COURSES OF ACTION: Approve or not approve the nomination by the Mayor to appoint Amber King to the Cable Commission.

SUGGESTED MOTION: Motion by _____, supported by _____ to approve Amber King to the Cable Commission.



CANDIDATE QUESTIONNAIRE

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

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

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

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

Appointed by Mayor-Confirmed by City Council

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

RECEIVED

NOV - 6 2019

CITY OF SOUTH LYON
OFFICE OF TREASURER



NAME Amber King CITY OF SOUTH LYON RESIDENT FOR 17 YEARS

ADDRESS [REDACTED] ZIP 48178

PHONE (home) [REDACTED] PHONE (business or cell) [REDACTED]

EMAIL [REDACTED]

OCCUPATION: Market Research Analyst, BCBSM

ARE YOU A CITIZEN OF THE UNITED STATES? X YES NO

IS ANY MEMBER OF YOUR FAMILY ON ANOTHER BOARD OR COMMISSION? YES X NO
IF SO, WHO?

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

5 years on Cable Commission

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

SL Cable Commission 6/14 - 6/19

ELECTIVE OFFICES THAT YOU HAVE HELD:

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

Trustee, HOA of Oak Creek Village 3/16 - present

Trustee, Friends of SSDDL 9/16 - present

ADDITIONAL INFORMATION:

Signature

Amber King

Date

11/6/19

AGENDA NOTE

Old Business Item # /

MEETING DATE: November 25, 2019

PERSON PLACING ITEM ON AGENDA: City Attorney, at the request of Chief Sovik

AGENDA TOPIC: Second reading of Ordinance to amend the South Lyon Code of Ordinances to update the charge of domestic violence to make it consistent with state law.

EXPLANATION OF TOPIC:

- No revisions have been made to the Ordinance amendment since first reading.

This ordinance will amend section 58-51 of Chapter 58, "Assault," of the City's Code of Ordinances to make it consistent with state law.

Under the City's current assault and battery ordinance, domestic violence or domestic assault occurs when an individual assaults or batters: 1) his or her spouse or former spouse; 2) an individual with whom he or she has had a child in common; or 3) a resident or former resident of his or her household. However, under the state's assault and battery statute (MCL 750.81), it also includes "an individual with whom he or she has or has had a dating relationship." The City has indicated that it wishes to have its domestic violence ordinance mirror state law and include "dating relationships." Thus, we prepared an amendment to the ordinance to meet the City's goal.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

- Proposed Ordinance Amendment showing changes in redline.
- Proposed Ordinance Amendment with changes accepted.

POSSIBLE COURSES OF ACTION: approve/deny/postpone/table second reading of proposed ordinance amendment

SUGGESTED MOTION: Motion by _____, supported by _____ to approve the second reading of the ordinance amending Section 58-51 to make it consistent with state law.

ORDINANCE NO. __-19

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

AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 58, "OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE II, "OFFENSES AGAINST PUBLIC PEACE," DIVISION 2, "DISORDERLY PERSONS," SECTION 58-51, "ASSAULT," TO ADD DATING RELATIONSHIPS TO THE LIST OF DOMESTIC ASSAULTS RELATIONSHIPS.

THE CITY OF SOUTH LYON ORDAINS:

PART I. Amendment of Section 58-51. Section 58-51, in Chapter 58 of the City of South Lyon Code of Ordinances is hereby amended to read as follows:

Sec. 58-51. - Assault.

- (a) It shall be unlawful for any person to commit an assault, or an assault and battery on any person.
- (b) Except as provided in by MCL 750.81(3), 750.81(4), 750.81a, 750.82, 750.83, 750.84, and 750.86, an individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, is guilty of a misdemeanor.

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

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

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

Made, Passed and Adopted by the South Lyon City Council this ____ day of _____, 2019.

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 _____, 2019.

Lisa Deaton, City Clerk

Adopted:
Published:
Effective:

AGENDA NOTE

Old Business Item # 2

MEETING DATE: November 25, 2019

PERSON PLACING ITEM ON AGENDA: City Attorney

AGENDA TOPIC: Second reading of Ordinance to amend the South Lyon Code of Ordinances to update provisions prohibiting the use of marihuana, in accordance with new legislation.

EXPLANATION OF TOPIC:

- No revisions have been made to the Ordinance amendment since first reading.

This ordinance will amend various sections of Article VI, Offenses Involving Drugs, of Chapter 58 of the City's Code of Ordinances in order to bring it into compliance with recently adopted legislation.

Recreational marihuana became legal in the State of Michigan in November, 2018. Thus, the City's "Offenses Involving Drugs" ordinance section needs to be updated. In this amendment we mirrored the state law regulations, which is also consistent with the approach other Southeast Michigan communities have taken. Therefore, this amendment is merely to make sure the City's Code is consistent with state law and is not prohibiting something the state now permits.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

- Proposed Ordinance Amendment showing changes in redline.
- Proposed Ordinance Amendment with changes accepted.

POSSIBLE COURSES OF ACTION: approve/deny/postpone/table second reading of proposed ordinance amendment.

SUGGESTED MOTION: Motion by _____, supported by _____, to approve the second reading of the ordinance amending various sections of Chapter 58, Article VI, Offenses Involving Drugs, to make the ordinance consistent with state law.

ORDINANCE NO. __-19

CITY OF SOUTH LYON
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 58, "OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE VI, "OFFENSES INVOLVING DRUGS," IN ORDER TO PROHIBIT THE SALE, USE AND POSSESSION OF MARIHUANA BY PERSONS UNDER THE AGE OF 21, AND TO REMAIN CONSISTENT WITH THE STATE'S NEW RECREATIONAL MARIHUANA LAWS.

THE CITY OF SOUTH LYON ORDAINS:

PART I. Amendment. Article VI, "Offenses Involving Drugs," of Chapter 58, "Offenses and Miscellaneous Provisions," are hereby amended to read as follows:

Sec. 58-261. - Possession and use of marihuana by a person under 21 years of age.

a. Definitions.

Cultivate means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plants by manual or mechanical means.

Marihuana means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. As used in this Chapter, marihuana does not include:

- 1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
- 2) Industrial hemp; or
- 3) Any other ingredient combined with marihuana to prepare topical or oral administrations food, drink, or other products.

Marihuana accessories means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, injecting, inhaling, or otherwise introducing marihuana into the human body.

Marihuana concentrate means the resin extracted from any part of the plant of the genus cannabis.

Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

Person means an individual, corporation, limited liability company, partnership or any type, trust, or other legal entity.

Process or Processing means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

Public place means any street, alley, sidewalk, park, school, public building, or any place of business or assembly, parking lot, parking area, or any other premises open to the public or frequented by the public.

b. Prohibited. It shall be unlawful for a person under 21 years of age to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana.

c. Penalty. A person under 21 years of age who possess no more than 2.5 ounces of marihuana or who cultivates no more than 12 marihuana plants shall be subject to the following penalties:

i. First violation:

A. If the person is less than 18 years of age, by a fine of not more than \$100.00 or community service, forfeiture of the marihuana, and completion of four (4) hours of drug education or counseling.

B. If the person is at least 18 years of age, by a fine of not more than \$100.00 and forfeiture of the marihuana.

ii. Second or subsequent violation:

A. If the person is less than 18 years of age, by a fine of not more than \$500.00 or community service, forfeiture of the marihuana, and completion of eight (8) hours of drug education or counseling.

B. If the person is at least 18 years of age, by a fine of not more than \$500.00 and forfeiture of the marihuana.

iii. Possession of more than 2.5 ounces or more than 12 plants: If the person under 21 years of age is in possession of more than 2.5 ounces of marihuana or cultivates more than 12 marihuana plants, the penalty shall be a fine of \$500.00 and/or 90 days in jail, plus forfeiture of marihuana.

(a) ~~Definition. Marihuana means all parts of the plant Cannabis sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. It~~

~~does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.~~

- ~~(b) *Possession.* No person shall possess or control marihuana within the City of South Lyon unless such possession or control is pursuant to a license or prescription, or otherwise allowed under the provisions of Public Act No. 368 of 1978 as amended. A violation of this subsection is a misdemeanor punishable as provided in section 1-14.~~
- ~~(c) *Use.* No person shall use marihuana within the City of South Lyon unless said use is pursuant to a license, prescription or otherwise allowed as provided by Public Act No. 368 of 1978 as amended. A violation of this subsection is a misdemeanor punishable by a fine of not more than \$100.00 plus costs of prosecution and/or imprisonment for not more than 90 days.~~

Sec. 58-262. – Sale, furnish, or transfer of marihuana accessories to person under 21 years of age.

- a. *Prohibited.* A person shall not sell, give, furnish, or transfer any marihuana accessories as defined in Sec. 58-261 to any person who is under the age of 21.
- b. *Penalty.* A person who violates this section is guilty of a misdemeanor punishable by a fine not to exceed \$500.00 and/or 90 days in jail.

Sec. 58-263. – Sale, furnish, or transfer of marihuana to person under 21 years of age.

- a. *Prohibited.* A person shall not sell, give, furnish, or transfer marihuana as defined in Sec. 58-261 to any person who is under the age of 21.
- b. *Penalty.* A person who violates this section is guilty of a misdemeanor punishable by a fine not to exceed \$500.00 and/or 90 days in jail.

Sec. 58-264. – Possession, purchase, or transportation.

- a. *Marihuana.* A person shall not possess, purchase, or transport more than 2.5 ounces of marihuana, of which not more than 15 grams shall be in the form of marihuana concentrate, except as permitted by a validly issued license pursuant to the Michigan Medical Marihuana Act, MCL 333.26421, *et. seq.*; the Medical Marihuana Facilities Licensing Act, MCL 333.27101; or the Michigan Regulations and Taxation of Marihuana Act, MCL 333.27951; or as permitted within a person's residence.
- b. *Marihuana concentrate.* A person shall not possess more than 15 grams of marihuana concentrate except as permitted by a validly issued license pursuant to the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*; the Medical Marihuana Facilities Licensing Act, MCL 333.27101; or the Michigan Regulations and Taxation of Marihuana Act, MCL 333.27951; or as permitted within a person's residence.

c. Penalties. A person who violates this section is subject to the following penalties:

- i. More than 2.5 ounces or 15 grams. A person who possesses, purchases, or transports more than 2.5 ounces of marihuana and/or more than 15 grams of marihuana concentrate is violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.00 and forfeiture of the marihuana.
- ii. More than 5.0 ounces or 30 grams. A person who possesses, purchases, or transports more than 5.0 ounces of marihuana and/or more than 30 grams of marihuana concentrate in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$500.00 and forfeiture of the marihuana.

Sec. 58-265. – Possess and/or store at residence.

a. Possession within a person's residence. Within the person's residence, a person shall not possess more than 2.5 ounces of marihuana, except in compliance with subsection (b) below.

b. Storing within a person's residence. Within the person's residence, a person shall not store more than 10 ounces of marihuana, which marihuana shall be stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

c. Penalties. A person who violates this section is subject to the following penalties:

- i. Possess more than 2.5 ounces; store more than 10 ounces. A person who possesses more than 2.5 ounces of marihuana, stores more than 10 ounces of marihuana, or fails to store marihuana in compliance with this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.00 and forfeiture of the marihuana.
- ii. Possess more than 5.0 ounces; store more than 20 ounces. A person who possesses more than 5.0 ounces of marihuana or stores more than 20 ounces of marihuana is responsible for a civil infraction and may be punished by a fine of not more than \$500.00 and forfeiture of the marihuana.

Sec. 58-266. - Cultivation within residence.

a. Cultivation within a person's residence. Within the person's residence, a person shall not cultivate more than 12 marihuana plants for personal use.

b. Location of cultivation. Within the curtilage of a residence, a person shall not cultivate marihuana plants that are visible from a public place without the use of binoculars, aircraft, or other optical aids; and shall not cultivate marihuana outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.

c. Penalties. A person who violates this section is subject to the following penalties:

- i. Cultivation of more than 12 plants. A person who cultivates more than 12 marihuana plants in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.00 and forfeiture of the marihuana.
- ii. Cultivation of more than 24 plants. A person who cultivates more than 24 marihuana plants in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$500.00 and forfeiture of the marihuana.

Sec. 58-267. - Process marihuana within residence.

a. Processing within a person's residence. Within the person's residence, a person shall not process more than ten ounces of marihuana and/or shall not process marihuana from more than 12 marihuana plants cultivated on the premises at once.

b. Penalties. A person who violates this section is subject to the following penalties:

- i. Process more than ten ounces/12 plants. A person who processes more than ten ounces of marihuana and/or processes marihuana from more than 12 marihuana plants in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.00 and forfeiture of the marihuana.
- ii. Process more than 20 ounces/24 plants. A person who processes more than 20 ounces of marihuana and/or processes marihuana from more than 24 marihuana plants in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$500.00 and forfeiture of the marihuana.

Sec. 58-268. - Transfer and/or deliver to another person.

a. Transfer and/or deliver. A person shall not transfer, give away, or deliver marihuana except in compliance with all of the following:

- i. The transfer and/or delivery is without remuneration.
- ii. The amount of marihuana transferred or delivered does not exceed two and one-half ounces of marihuana, of which not more than 15 grams are in the form of marihuana concentrate.
- iii. The transferee is a person 21 years of age or older.
- iv. The transfer and/or delivery is not advertised or promoted to the public.

b. Penalties. A person who violates this section is subject to the following penalties:

- i. More than two and one-half ounces and/or 15 grams. A person who transfers or delivers more than two and one-half ounces of marihuana and/or more than 15 grams of marihuana concentrate in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.00 and forfeiture of the marihuana.
- ii. More than two and one-half ounces and/or 30 grams. A person who transfers or delivers more than two and one-half ounces of marihuana and/or more than 30 grams of marihuana concentrate in violation of this section is responsible for a civil infraction and may be punished by a fine of not more than \$500.00 and forfeiture of the marihuana.

- iii. Transfer to a person under 21 years of age. A person who transfers or delivers marihuana to a person under 21 years of age is guilty of a misdemeanor punishable by a fine not to exceed \$500.00 and/or 90 days in jail.

Sec. 58-269. - Separation of plant resin.

- a. Plant resin separation. A person shall not separate plant resin by butane extraction or any other method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure.
- b. Penalty. A person who violates this section is guilty of a misdemeanor punishable by a fine not to exceed \$500.00 and/or 90 days in jail.

Sec. 58-270. - Consumption in a public place.

- a. Consume in public. A person shall not smoke; inhale; ingest; chew; snort; sniff or otherwise consume marihuana in any public place.
- b. Penalty. A person who violates this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.00.

Sec. 58-271. - Smoking on property prohibited by owner, occupant, or manager.

- a. Smoking prohibited. A person shall not smoke marihuana on any property where the property owner, occupant, or manager has prohibited smoking of marihuana on the property.
- b. Penalty. A person who violates this section is responsible for a civil infraction and may be punished by a fine of not more than \$100.00.

Sec. 58-272. - Prohibited on school grounds; in a school bus.

- a. On school grounds. A person shall not possess marihuana, marihuana accessories, or consume marihuana on the grounds of a public or private school where children attend classes for any preschool, kindergarten, and/or grade 1—12 program.
- b. In a bus. A person shall not possess marihuana, marihuana accessories, or consume marihuana in a school bus.
- c. Penalty. A person who violates this section is guilty of a misdemeanor punishable by a fine not to exceed \$500.00 and/or 90 days in jail.

Sec. 58-273. - Consumption while operating; or within passenger area.

- a. While operating. A person shall not consume marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, recreational vehicle, off-road recreational vehicle, or watercraft or motorboat.
- b. While in passenger compartment. A person shall not smoke marihuana within the passenger area of a vehicle upon a public way.
- c. Penalty. A person who violates this section is guilty of a misdemeanor punishable by a fine not to exceed \$500.00 and/or 90 days in jail.

Sec. 58-274. - Operating under the influence of marihuana.

a. *Offense.* A person operating under the influence of marihuana shall be prosecuted under the Motor Vehicle Code MCL 257.1, et seq..

b. *Penalties.* The applicable penalties of the Motor Vehicle Code MCL 257.1, et seq., as incorporated shall apply to a person operating under the influence of marihuana.

Sec. 58-275. – Application of the Michigan Medical Marihuana Act.

The regulations contained herein do not apply to those acts permitted pursuant to a validly issued license under the Michigan Medical Marihuana Act, MCL 333.26421, et. seq.

Sec. 58-262276. - Drug paraphernalia.

(a) *Definitions.* The following words and phrases, when used in this section shall, for the purpose of this section, have the meaning respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

Controlled substance means any drug, substance or immediate precursor enumerated in schedule 1-5 of section 7201 to 7231 of the Public Health Code, being sections 333.7201 to 333.7231 of the Michigan Compiled Laws, as amended.

Drug paraphernalia.

(1) *Drug paraphernalia* means all equipment, products and materials of any kind which are used, intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance. It includes, but is not limited to:

- a. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance, or from which a controlled substance can be derived.
- b. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing a controlled substance.
- c. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
- d. Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances.
- e. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
- f. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in mixing with, diluting or cutting controlled substances.
- ~~g. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.~~
- hg. Blenders, bowls, containers, spoons and mixing devises used, intended for use or designed for use in compounding controlled substances.

- ih. Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- ji. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- kj. Hypodermic syringes, needles or other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.
- lk. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing ~~marijuana, cocaine, hashish or hashish oil~~ into the human body, such as:
 - 1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - 2. Water pipes.
 - 3. Carburetion tubes and devices.
 - 4. Smoking and carburetion masks.
 - 5. Roach clips, meaning objects used to hold burning material, such as marijuana cigarettes, that has become too small or too short to be held in the hand.
 - 6. Miniature cocaine spoons and cocaine vials.
 - 7. Chamber pipes.
 - 8. Carburetor pipes.
 - 9. Electric pipes.
 - 10. Air-driven pipes.
 - 11. Chillums.
 - 12. Bongs.
 - 13. Ice pipes or chillers.

(2) *Inclusions or exclusions from definition.* The following are either included in or excluded from, the definition, as indicated:

- a. Paper with colorful design or name design, or marketed for use with controlled substances is included in the definition. White paper or tobacco-oriented paper not designed or marketed for use with controlled substances and not displayed in proximity with other items within the definition is not included.
- b. Roach clips or other pincer-type devices designed or marketed for use with controlled substances are included in the definition. Common paper clips, tie clips, hair pins or alligator clips not designed or marketed for use with controlled substances and not displayed in proximity of other items within the definition are not included.
- c. Pipes, bongs and similar inhalers designed or marketed for use with controlled substances are included in the definition. Pipes and inhalers not designed or marketed for use with controlled substances and not displayed in proximity of other items within the definition are not included.

- d. Common household or retail items not designed or marketed for use with controlled substances and not displayed in proximity of other items within the definition are not included.
- (3) *Additional considerations.* In determining whether an object is "drug paraphernalia," a court or other authority should consider, in addition to all other logically relevant factors, the following:
- a. Statements by an owner or by anyone in control of the object concerning its use.
 - b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any local ordinance or state or federal law relating to any controlled substance.
 - c. The proximity of the object, in time and space, to a direct violation of this section.
 - d. The proximity of the object to controlled substances.
 - e. The existence of any residue of controlled substances on the object.
 - f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver the object to a person or persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this section. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this section, shall not prevent a finding that the object is intended for use, or designed for use, as "drug paraphernalia."
 - g. Instructions, oral or written, provided with the object concerning its use.
 - h. Descriptive materials accompanying the object which explain or depict its use.
 - i. National or local advertising concerning the object's use.
 - j. The manner in which the object is displayed for sale.
 - k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
 - l. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
 - m. The existence and scope of legitimate uses for the object in the community.
 - n. Expert testimony concerning the object's use.

Market means the act of marketing a product.

Persons means an individual, corporation, business trust, estate, trust, partnership or association.

(b) *Prohibitions.*

- (1) *Delivery, sale or marketing.* It is unlawful for any person to deliver, sell, market or possess with intent to deliver, sell or market drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.

- (2) *Possession.* It is unlawful for any person to use, or to possess with the intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.
 - (3) *Advertisements.* It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
 - (4) *Special offenses: delivery to minors.* Any person, 18 years of age or over who violates subsection (b)(1) of this section, by delivering drug paraphernalia to a person or persons under 18 years of age who is at least three years his or her junior is guilty of a special offense, which shall be punished as a misdemeanor of the first degree.
 - (5) *Exceptions.* The prohibition contained in subsection (b) of this section shall not apply to the following:
 - a. To manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists or embalmers in the normal course of their respective businesses or professions.
 - b. To common carriers or wholesalers of their employees engaged in the lawful transportation of such paraphernalia.
 - c. To public officers or employees while engaged in the performance of their official duties.
 - d. To persons suffering from diabetes, asthma or any other medical condition requiring self-injection.
- (c) *Penalties for violations.*
- (1) *Misdemeanor of the second degree.* Whoever violates any of the provisions of subsection (b) of this section shall be guilty of a misdemeanor of the second degree. A misdemeanor of the second degree shall be punished by a fine of not more than \$100.00 or by sentence of not more than 30 days of confinement in jail, or both, in the discretion of the court.
 - (2) *Misdemeanor of the first degree.* If the offender has previously been convicted of a violation of subsection (b) of this section, any subsequent violation of the same section shall be a misdemeanor of the first degree. A misdemeanor of the first degree shall be punished by a fine of not less than \$100.00 nor more than \$500.00 or by a sentence of not more than 90 days of confinement in jail, or both, in the discretion of the court.
 - (3) *Civil forfeiture.* Any drug paraphernalia used or possessed in violation of this section shall be seized and forfeited to the City of South Lyon or the seizing agency.
 - (4) *Separate offenses.* Each day that a violation of this section shall continue shall be deemed a separate and distinct offense.
- (d) *Enforcement.*

- (1) This section shall be enforced by the City of South Lyon Police Department, the Oakland County Sheriff's Department, the Michigan State Police and/or other law enforcement officers as may be designated by the city council.
- (2) In the event any subsection, sentence, word, phrase or part of this section shall be held invalid, such holdings shall not affect the balance of the provisions hereof.

Sec. 58-263277. - Fraud and deceit in obtaining drugs, syringes.

Any fraud, deceit, misrepresentation, subterfuge, concealment of a material fact, or the use of a false name or the giving of a false address for the purpose of obtaining any narcotic drug or barbituric acid or any derivative, compound, preparation or mixture thereof or hypodermic syringe or needle or other instrument or implement or empty gelatin capsules or false statement on any prescription blank shall be deemed a violation of this article. No person who shall have obtained the possession of any narcotic drugs, hypodermic syringes, needles or other instruments or implements adapted for the use of such drugs or empty gelatin capsules pursuant to the terms of this article shall use the same or permit or authorize their use for any purpose other than that specifically authorized in the prescription or order by means of which such possession was obtained.

Sec. 58-264278. - Inhalation prohibited.

No person shall inhale, drink, eat or otherwise introduce into his respiratory or circulatory system, any compound, liquid, chemical, or any substance known as glue, adhesive, cement, mucilage, dope, plastic solvent or any other material or substance or combination thereof with the intent of becoming intoxicated, elated, dazed, paralyzed, irrational, or in any manner changing, distorting or disturbing the eyesight, thinking process, judgment, balance or coordination of such person. For the purpose of this section, any such condition so induced shall be deemed to be an intoxicated condition.

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

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

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

Made, Passed and Adopted by the South Lyon City Council this ____ day of _____, 2019.

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 _____, 2019.

Lisa Deaton, City Clerk

Adopted:
Published:
Effective:

AGENDA NOTE

Old Business Item #3

MEETING DATE: November 25, 2019

PERSON PLACING ITEM ON AGENDA: City Attorney

AGENDA TOPIC: Second reading of Ordinance to amend the South Lyon Code of Ordinances to update provisions prohibiting the use of vapor products and alternative nicotine delivery products by minors, in accordance with new legislation.

EXPLANATION OF TOPIC:

- No revisions have been made to the Ordinance amendment since first reading.

This ordinance will amend Section 58-221 to bring it into compliance with recently adopted legislation.

Michigan law did not previously include vape and electronic cigarettes in its definition of “tobacco products.” Thus, minors were technically not prohibited from using and possessing these products under the Youth Tobacco Act. The State Legislature has recently updated the Act to prohibit minors from using and possessing these vapor and alternative nicotine products. This new amendment is the State catching up with the times on these products. While the Legislature doesn’t include these products in the definition of tobacco products, it does add new definitions for “alternative nicotine products” and “vape products.”

The City was ahead of the state on prohibiting minors from using these dangerous products by adopting an ordinance to that effect. Unfortunately, when the state passed its law to address the issue it differentiated between the punishments for minors use and possessions of tobacco product and the use and possession vapor/alternative nicotine produce. Therefore, we need to update the City’s ordinance with these new distinctions and punishments. Additionally, the punishments for sale or furnishing to minors has changed, so we have updated this as well.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

- Proposed Ordinance Amendment showing changes in redline.
- Proposed Ordinance Amendment with changes accepted.

POSSIBLE COURSES OF ACTION: approve/deny/postpone/table second reading of proposed ordinance amendment.

SUGGESTED MOTION: Motion by _____, supported by _____ to approve the second reading of the ordinance amending Section 58-221 to make it consistent with state law.

ORDINANCE NO. __-19

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

AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 58, "OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE V, "OFFENSES INVOLVING MINORS," DIVISION 3, "TOBACCO PRODUCTS, VAPOR PRODUCTS AND ALTERNATIVE NICOTINE DELIVERY PRODUCTS," TO ~~REGULATE~~ UPDATE PUNISHMENTS FOR THE USE, POSSESSION AND SALE OF THESE PRODUCTS TO MINORS.

THE CITY OF SOUTH LYON ORDAINS:

PART I. Amendment of Division 3- Tobacco Products, Vapor Products and Alternative Nicotine Delivery Products. Division 3, of Article V, in Chapter 58 of the City of South Lyon Code of Ordinances is hereby amended to read as follows:

DIVISION 3. - TOBACCO PRODUCTS, VAPOR PRODUCTS AND ALTERNATIVE NICOTINE ~~DELIVERY~~ PRODUCTS

Sec. 58-251. - Purpose and findings.

The purpose of this division is to protect the public health, safety and welfare of the property and persons in the city by prohibiting persons under 18 years of age from possessing tobacco products, vapor products, and alternative nicotine ~~delivery~~ products, and prohibiting the sale and furnishing of tobacco products, vapor products, and alternative nicotine ~~delivery~~ products to persons under 18 years of age.

Persons under age 18 are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. There are new tobacco-less products, however, commonly referred to as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems," which allow the user to simulate cigarette smoking and ingest nicotine. These products may be purchased by minors and are being marketed without age restrictions or health warnings and come in different flavors that appeal to young people.

E-cigarettes, and similar vapor and alternative nicotine ~~delivery~~ devices and products, are a relatively new nicotine delivery system. While devices vary in their appearance and specific method of operation, they have a few basic elements in common. A solution of water, dissolved nicotine, and other ingredients (usually flavoring) is heated with a heating element (usually battery-powered). This vaporizes the nicotine solution, which passes into a mouthpiece and is inhaled in a manner similar to cigarette smoking. Often, glycerol or propylene glycol is added to the solution to give the appearance of smoke when the solution is vaporized. The concentration of nicotine contained in the solution can be customized by the retailer to the buyer's specifications, and many manufacturers make nicotine-free solutions.

The production and distribution of e-cigarettes and vapor products is not currently regulated by federal or state authorities, and the U.S. Food and Drug Administration has not completed testing of these products. But, initial studies by the FDA have determined that e-cigarettes can increase nicotine addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks.

The use of e-cigarettes, vapor products and similar alternative nicotine delivery products has increased significantly in recent years, as evidenced by the fact that:

- Between 2011 and 2012 the percentage of all youth in grades 6 to 12 who had tried electronic smoking devices doubled;
- 6.8% of all youth in grades 6 and 12 report trying electronic smoking devices;
- 10% of high school students have tried electronic smoking devices;
- 9.3% of youth who have used electronic smoking devices have never smoked conventional cigarettes; and
- Between 2010 and 2011, rates of both awareness and use of unregulated electronic smoking devices by adults also increased significantly.

Existing studies on electronic smoking devices' vapor emissions and cartridge contents have found a number of dangerous substances including:

- Chemicals known to cause cancer such as formaldehyde, acetaldehyde, lead, nickel and chromium;
- PM2.5, acrolein, tin, toluene, and aluminum, which are associated with a range of negative health effects such as skin, eye and respiratory irritation, neurological effects, damage to reproductive systems, and even premature death from heart attacks and stroke;
- Inconsistent labeling of nicotine levels in electronic smoking device products; and
- In one instance, diethylene glycol, an ingredient used in antifreeze and toxic to humans.

Several studies have concluded that exposure to vapor from electronic smoking devices may cause passive or secondhand vaping.

Some cartridges used by electronic smoking devices can be refilled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine, and as a result:

- In one instance, diethylene glycol, an ingredient used in antifreeze and toxic to humans;
- Poisonings from electronic smoking devices have increased dramatically in the last three and one-half (3½) years from "one (1) [a month] in September 2010 to two hundred fifteen (215) a month in February 2014;"
- Analysis of reports of poisonings from electronic smoking devices finds that calls reporting exposure to electronic smoking devices are much more likely to involve adverse health effects when compared to calls reporting exposure to conventional cigarettes.

Clinical studies about the safety and efficacy of these products have not been submitted to the FDA for the over four hundred (400) brands of electronic smoking devices that are on the market and for this reason, consumers currently have no way of knowing:

- Whether electronic smoking devices are safe;
- What types or concentrations of potentially harmful chemicals the products contain; and
- What dose of nicotine the products deliver.

The World Health Organization has strongly advised consumers against the use of electronic smoking devices until they are "deemed safe and effective and of acceptable quality by a competent national regulatory body."

The World Medical Association has determined that electronic smoking devices "are not comparable to scientifically-proven methods of smoking cessation" and that "neither their value as therapeutic aids for smoking cessation, nor their safety as cigarette replacements is established."

A study published in the Journal of Environmental and Public Health suggests that electronic smoking devices "may have the capacity to 're-normalize' tobacco use in a demographic that has had significant denormalization of tobacco use previously."

Electronic smoking devices often mimic conventional tobacco products in shape, size and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products.

The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.

In September of 2013, forty (40) state attorneys general (including Michigan's) signed a letter to the Commissioner of the United States Food and Drug Administration, outlining their concerns with e-cigarettes and requesting the implementation of regulations that would address the advertising, ingredients, and sale to minors of e-cigarettes at the federal level.

It is the intent of the city council, in enacting the ordinance codified in this division, to provide for the public health, safety and welfare by facilitating uniform and consistent enforcement of smoke-free air laws; by reducing the potential for re-normalizing smoking in public places and places of employment; by reducing the potential for children to associate the use of electronic smoking devices with a normative or healthy lifestyle; and by prohibiting the sale or distribution of electronic smoking devices, vapor products, and alternative nicotine delivery products to minors.

Therefore, the South Lyon City Council determines that prohibiting the sale, giving, or furnishing of e-cigarettes and vapor products to minors and prohibiting the purchase, possession, or use of e-cigarettes and vapor products by minors is in the city's best interests and will promote public health, safety and welfare. For purposes of this division, the city is adopting the terms "vapor product" and "alternative nicotine delivery-product" to address e-cigarettes and all similar devices, because these terms has been defined by the Michigan House and Senate in Senate Bills 667 and 668, enrolled in June of 2014, and Senate Bill 231

introduced in March 2015 as part of proposed amendments to the Youth Tobacco Act, being Public Act 31 of 1915.

Sec. 58-252. - Definitions.

For the purpose of construction and application of this division, the following definitions shall apply:

Alternative nicotine product means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include a tobacco product, a vapor product, food, or a product regulated as a drug or device by the United States Food and Drug Administration under 21 U.S.C. 351 to 360fff-7;

Minor means an individual who is less than 18 years of age.

Person who sells tobacco products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to state sales tax.

Person who sells vapor products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products.

Possession of a tobacco product shall mean either actual physical control of the tobacco product without necessarily owning that product, or the right to control the tobacco product even though it is in a different room or place than where the person is physically located.

Public place means a public street, sidewalk, or park or any area open to the general public in a publicly owned or operated building or premises, or in a public place of business.

Tobacco product means a product that contains tobacco and is intended for human consumption, including but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in Section 2 of the Tobacco Products Tax Act, and cigars. Tobacco product does not include a vapor product or a product regulated as a drug or device by the United States Food and Drug Administration.

Use a tobacco product, vapor product or alternative nicotine delivery product means to smoke, chew, suck, inhale, or otherwise consume a tobacco product, vapor product or alternative nicotine delivery product.

Vapor product means a noncombustible product containing, designed or intended to contain nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device containing, designed, or intended to contain or use a product to be vaporized and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include a product regulated as a drug or device by the United States Food and Drug Administration.

Sec. 58-253. - Prohibited conduct.

(a) —Tobacco Products. A minor shall not purchase, attempt to purchase, possess, attempt to possess, use, chew, smoke or otherwise use or consume tobacco products on a public

highway, street, alley, park or other lands used for public purposes, or in a public place of business or amusement. A person who violates this subsection (a) is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each violation. Pursuant to a probation order, the court may also require participation in a health promotion and risk reduction assessment program. An individual who is ordered to participate in a health promotion and risk reduction assessment program under this subsection is responsible for the costs of participating in the program. In addition, an individual who violates this subsection (a) is subject to the following:

- (1) For the first violation, the court may order the individual to do one (1) of the following:
 - a. Perform not more than 16 hours of community service in a hospice, nursing home or long-term care facility.
 - b. Participate in a health promotion and risk reduction program, as described in this subsection.
- (2) For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the individual to perform not more than 32 hours of community service in a hospice, nursing home or long-term care facility.
- (3) For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the individual to perform not more than 48 hours of community service in a hospice, nursing home or long-term care facility.

~~Subject to subsection (c) of this section, a minor shall not do any of the following:~~

- ~~(1) Purchase or attempt to purchase a tobacco product, vapor product, or alternative nicotine delivery product.~~
- ~~(2) Possess or attempt to possess a tobacco product, vapor product or alternative nicotine delivery product.~~
- ~~(3) Use a tobacco product, vapor product or alternative nicotine delivery product in a public place.~~
- ~~(4) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product, vapor product or alternative nicotine delivery product.~~
- ~~(b) An individual who violates subsection (a) above, is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for each violation. Pursuant to a probation order, the court may also require participation in a health promotion and risk reduction assessment program. An individual who is ordered to participate in a health promotion and risk reduction assessment program under this subsection is responsible for the costs of participating in the program. In addition, an individual who violates subsection (a) is subject to the following:~~
 - ~~(1) For the first violation, the court may order the individual to do one (1) of the following:~~
 - ~~a. Perform not more than 16 hours of community service in a hospice, nursing home or long-term care facility.~~
 - ~~b. Participate in a health promotion and risk reduction program, as described in this subsection.~~

~~(2) For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the individual to perform not more than 32 hours of community service in a hospice, nursing home or long term care facility.~~

~~(3) For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the individual to perform not more than 48 hours of community service in a hospice, nursing home or long term care facility.~~

(b) Vapor and Alternative Nicotine Products. A minor shall not purchase, attempt to purchase, possess, attempt to possess, or use a vapor product or alternative nicotine product on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement. A person who violates this subsection (b) is responsible for a municipal civil infraction or guilty of a misdemeanor as follows:

i. For the first violation, the individual is responsible for a municipal civil infraction and shall be fined not more than \$50.00. The court may order the individual to participate in a health promotion and risk reduction assessment program, if available. In addition, the court may order the individual to perform not more than 16 hours of community service.

ii. For the second violation, the individual is responsible for a municipal civil infraction and shall be fined not more than \$50.00. The court may order the individual to participate in a health promotion and risk reduction assessment program, if available. In addition, the court may order the individual to perform not more than 32 hours of community service.

iii. If a violation of subsection (b) occurs after 2 or more prior judgments, the individual is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for each violation. Pursuant to a probation order, the court may also require the individual to participate in a health promotion and risk reduction assessment program, if available. In addition, the court may order the individual to perform not more than 48 hours of community service.

b. An individual who is ordered to participate in a health promotion and risk reduction assessment program under this subsection (b) is responsible for the costs of participating in the program.

(c) Subsections (a) & (b) of this section does not apply to a minor participating in any of the following:

(1) An undercover operation in which the minor purchases or receives a tobacco product, vapor product or alternative nicotine delivery product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(2) An undercover operation in which the minor purchases or receives a tobacco product, vapor product or alternative nicotine delivery product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product, vapor product or

alternative nicotine ~~delivery~~-product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.

- (3) Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted under the direction of a substance abuse coordinating agency, as defined in the Public Health Code, 1978 PA 368, MCL 333.6103, and with the prior approval of the state police or a local police agency.
- (d) Subsections (a) & (b) of this section does not apply to the handling or transportation of a tobacco product, vapor product or alternative nicotine ~~delivery~~-product by a minor under the terms of that minor's employment.
- (e) This section does not prohibit an individual from being charged with, convicted of, or sentenced for any other violation of law that arises out of the violation of subsections (a) & (b) of this section.
- (f) This section does not interfere with the right of a parent or legal guardian in the rearing and management of his or her minor children or wards within the bounds of his or her own private premises.

Sec. 58-254. - Furnishing to minors.

- (a) A person shall not sell, give or furnish a tobacco product, vapor product or alternative nicotine ~~delivery~~-product to a minor, including, but not limited to, through a vending machine. A person who violates this subsection or subsection (h) of this section is guilty of a misdemeanor punishable by a fine of ~~not more than \$50.00 for each violation~~ as follows:
 - i. For a first offense, not more than \$100.00.
 - ii. For a second offense, not more than \$500.00.
 - iii. For a third or subsequent offense, not more than \$2,500.00
- (b) A person who sells tobacco products, vapor products, or alternative nicotine ~~delivery~~ products at retail shall post, in a place close to the point of sale and conspicuous to employees and customers, a sign that includes the following statement:

"The purchase of a tobacco product, vapor product or alternative nicotine ~~delivery~~-product by a minor under 18 years of age and the provision of a tobacco product, vapor product or alternative nicotine ~~delivery~~-product to a minor are prohibited by law. A minor who unlawfully purchases or uses a tobacco product, vapor product or alternative nicotine ~~delivery~~-product is subject to criminal penalties."
- (c) If the sign required under subsection (b) above, is more than six feet from the point of sale, it shall be five and one-half inches by eight and one-half inches and the statement required under subsection (b) shall be printed in 36-point bold-faced type. If the sign required under subsection (b) is six feet or less from the point of sale, it shall be two inches by four inches and the statement required under subsection (b) shall be printed in 20-point bold-faced type.
- (d) The signs required by subsection (c) above, may be procured from the department of community health pursuant to state law. The seller may add the "vapor product" and "alternative nicotine ~~delivery~~ product" language to the sign if the department of community health does not or will not include it.

- (e) It is an affirmative defense to a charge under subsection (a) of this section, that the defendant had in force at the time of arrest and continues to have in force, a written policy to prevent the sale of tobacco products, vapor products, and alternative nicotine ~~delivery~~ products to persons under 18 years of age and that the defendant enforced and continues to enforce the policy. A defendant who proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, with the court and serve a copy of the notice on the prosecuting attorney. The defendant shall serve the notice not less than 14 days before the date set for trial.
- (f) If the prosecuting attorney proposes to offer testimony to rebut the affirmative defense described in subsection (e) above, the prosecuting attorney shall file a notice of rebuttal, in writing, with the court and serve a copy of the notice on the defendant. The prosecuting attorney shall serve the notice not less than seven days before the date set for trial and shall include in the notice the name and address of each rebuttal witness.
- (g) Subsection (a) of this section does not apply to the handling or transportation of a tobacco product, vapor product or alternative nicotine ~~delivery~~-product by a minor under the terms of the minor's employment.
- (h) Before selling, offering for sale, giving, or furnishing a tobacco product, vapor product or alternative nicotine ~~delivery~~-product to an individual, a person shall verify that the individual is at least 18 years of age by doing one of the following:
 - (1) If the individual appears to be under 27 years of age, examining a government-issued photographic identification that establishes that the individual is at least 18 years of age.
 - (2) For sales made by the internet or other remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is 18 years of age or older.

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

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

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

Made, Passed and Adopted by the South Lyon City Council this ____ day of _____, 2019.

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 _____, 2019.

Lisa Deaton, City Clerk

Adopted:
Published:
Effective:

AGENDA NOTE

New Business /

MEETING DATE: November 25, 2019

PERSON PLACING ITEM ON AGENDA: Amy Allen, Director SLARA

AGENDA TOPIC: Athletic Field / Court Use Application and Permit Policy & Procedure.

EXPLANATION OF TOPIC: The Parks and Recreation Commission has made a recommendation to City Council to approve the new Athletic Field / Court Use Application and Permit Policy and Procedure. This request is being made due to the increased use of the fields / courts. Multiple date usage is causing damage to our fields, and resident groups and the City are paying for this use.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Memo from Amy Allen, Director SLARA, Athletic Field / Court Use Application and Permit Policy and Procedure.

POSSIBLE COURSES OF ACTION: Approve or not approve the new Athletic Field / Court Use Application and Permit Policy and Procedure.

SUGGESTED MOTION: Motion by _____, supported by _____ to approve the new Athletic Field / Court Use Application and Permit Policy and Procedure.

11.25.2019

Memo

To
South Lyon City Council

From
Amy Allen, CPRP
SLARA Director

Re
Field Permit Updates

The South Lyon Area Recreation Authority (SLARA) has been accepting and approving Athletic Field/Court Use Applications for the City of South Lyon since it was approached by the City in 2014 to take this process over. Initial application policies and procedures were created by SLARA along with an application form. These materials were all created with input from the South Lyon Parks and Recreation Commission and approved by City Council.

Since 2014 requests to utilize the athletic fields/courts have increased each year. Not only are South Lyon organizations requesting usage, but outside individuals and organizations/teams have started requesting field usage. Many of these requests are for multiple usage dates. SLARA has been in communication with the South Lyon Junior League about field usage and conditions. Both SLARA and the Junior League contribute to field upkeep costs because of their extended usage of these fields. These organizations pay for porta john rentals at the fields along with paying for field lining, additional dirt, bases, pitching mounds and grooming. All of these things benefit the public and other organizations utilizing fields.

Currently the only fee charged for field reservations is a \$25 permit fee and that is only charged if multiple dates are being reserved. This fee was intended to fund SLARA staffing costs to manage the incoming permits/applications and time required to update the calendar of usage. Over the past 4 years on average, approximately \$75-\$100 has been received by the SLARA for their services annually.

The permit policies and fees have been updated to help deter non-resident usage for the fields and for multiple date usage by outside groups. The intention is also to get more help from resident groups utilizing the fields on a regular basis for field upkeep and repair. Teams/organizations that are not South Lyon based are able currently to utilize the fields for multiple dates and only pay the \$25 permit fee. Word is getting out and we have more and more requests being submitted. Multiple date usage is causing damage to our fields and resident groups and the City are paying for this.

The SLARA, South Lyon Junior League and the Parks and Recreation Commission have all had input into the updated policies and fee schedule that you have in your packets. By charging additional fees for usage to outside groups/teams and for recurring reservations we hope to see a decrease in non-resident usage of our fields and hope to recoup more maintenance fees from continued group usage. If excessive fees are collected by SLARA they will work with the City to direct those funds to park maintenance projects.

South Lyon Area Recreation Authority

Tel 248.437.8105
Fax 248.437.4324

23333 Griswold, Ste 100
South Lyon, MI 48178

www.slrec.net
aallen@slrec.com



South Lyon Area Recreation Authority

23333 Griswold Road, Suite 100 South Lyon, MI 48178
Phone: (248) 437 - 8105 Fax: (248) 437 - 4324



CITY OF SOUTH LYON ATHLETIC FIELD/COURT USE APPLICATION AND PERMIT POLICY & PROCEDURE

Intent and Purpose

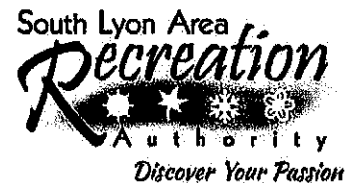
The intent and purpose of this policy is to provide for the fair and equitable permitting of use of City athletic fields and courts by individuals and groups.

City Athletic Field and Court Permit Application Procedures

- Applications to obtain permit for use of City athletic fields and courts will be accepted by SLARA beginning the 2nd Monday of January at 8:00 am of the calendar year for dates in that year.
- Applications should be submitted a minimum of thirty (30) days prior to the requested date of use to obtain a permit for use of the field or court.
- Applications shall be submitted in person, in the drop box, or via facsimile directly to the Recreation Director
- **Applications for permits for multiple dates shall be subject to a \$25 non-refundable application fee which shall be due and payable to the "SLARA". Absolutely no permits will be approved until applicable application fees are paid. For modifications requested to approved permits, a \$5 fee will be charged for each request.**
 - * A Permit Modification is defined as a request to change times or change locations on a previously approved permit.
 - * For activity cancellations due to inclement weather, an alternate date may be requested without incurring the "Permit Modification Fee". These makeup requests must be submitted within 48 hours of the cancelled date and requested dates are not guaranteed and are based on field availability.
 - * Any additional dates requested (not included in the original Permit Application) throughout the calendar year constitute a new Permit Application and all applicable fees will be charged.
- Applications will be received and reviewed by SLARA on behalf of the City of South Lyon. A permit shall not be valid until approved by the Director of SLARA in writing.
- Only completed applications will be accepted, reviewed and considered. A completed application must include the following:
 - * A completed Athletic Field/Court Use Permit Application Form, including a signature acknowledging and agreeing to the Field/Court Terms of Use and Waiver of Liability and Hold Harmless agreement.
 - * A list of requested usage dates including additional dates for rescheduling rainouts or other canceled usage.
 - * A current copy of the applicant's articles of organization or incorporation, if applicable.
 - * A certificate of general liability insurance coverage for injuries to persons or damage to property that may arise from or in connection with the permitted use of the athletic field or court and/or the activities associated with it in a minimum amount of \$1,000,000 per occurrence and aggregate with the following wording added as Additional Insured: "It is understood and agreed that the following shall be Additional Insured: The City of South Lyon, including its elected and appointed officials, all employees and volunteers, all boards, departments, and/or authorities and their board members, employees, and volunteers." The applicant's insurance shall be primary and non-contributory.

South Lyon Area Recreation Authority

**23333 Griswold Road, Suite 100, South Lyon, MI 48178
(248) 437 - 8105**



Permitting Priority Guidelines

The City acknowledges its right to establish a reasonable method of permitting and scheduling the use of fields and courts. To protect these fields and courts from unregulated use that could potentially cause harm to them, five categories of athletic field and court users are defined to promote orderly and timely accessibility and use of the fields and courts as well as identify factors considered in the review, scheduling and approval of permits for use of same. The City athletic fields and courts are public property. Any unreserved fields or courts are available to the public on a first come, first served basis. Proof of residency may be required for individuals, businesses and organizations.

Permit Applications will be reviewed and considered according to the following priorities:

Type I: Programs and activities provided and/or sponsored by the City of South Lyon.

Type II: South Lyon based (*meaning organization Articles of Incorporation list South Lyon as address on file with the State of Michigan*), non-profit organizations, including but not limited to South Lyon Area Recreation Authority, South Lyon Junior League, South Lyon Soccer Club, South Lyon Lacrosse, Boy Scouts, Girl Scouts, Church Groups, etc. If teams are requesting usage they must be participating in a South Lyon based league.

Type IIIA: South Lyon Individuals requesting a single date.

Type IIIB: South Lyon Individuals requesting multiple dates.

Type IVA: South Lyon for profit businesses, organizations or South Lyon Teams (*teams must consist of 75% South Lyon residents*) that participate in South Lyon based (*meaning business or organization physically located within South Lyon City limits*) for profit leagues.

Type IVB: South Lyon Teams (*teams must consist of 75% South Lyon residents*) that participate in Non-South Lyon based leagues.

Type V: Non-South Lyon based non-profit organizations, private individuals, businesses, etc.

In reviewing an application, in addition to the above user priorities, the City may also consider other factors, including, without limitation: the programming of the City, the City's affiliations with certain organizations and groups, the applicant's need (whether season, multiple or single dates and/or facilities), number of participants, residency of applicants and participants, and the overall impact of the requested use on the City's established recreational needs and goals. A South Lyon organization, group, or individual is defined as one having a business or residential address in the corporate boundaries of the City.

If multiple applications are submitted for the same field(s)/court(s), the SLARA Director will contact all organizations involved to arrange a meeting to best determine field/court usage and finalize permits for use. A decision will be reached that allows fair and equitable time for each applicant based on needs and other relevant factors. This meeting shall take place within a reasonable time following receipt of the applications or the scheduling conflict becomes known. Priority will be given to those sports and uses which are to be considered "in season" during the requested dates.

Additional Terms

Permit applications for full season use of athletic fields and courts must be submitted annually. Future permit applications will not be automatically approved based on the previous year's approved permit.

The liability of the City of South Lyon for failure to honor an issued permit for use of an athletic field or court as a result of an act of God, field or court condition, or other incident beyond the reasonable control of the City shall be limited to providing a reasonably satisfactory alternate date and/or time for the event or activity scheduled under the Permit.

The City reserves the right to waive policies, in whole or in part; to waive restrictions and conditions; to impose restrictions and conditions; to require special security; to waive fees, in whole or in part; to impose additional insurance requirements; to require municipal inspections and approvals; and to take such steps as may be necessary to ensure the health, safety and welfare of the residents of the City and the users of the athletic fields and courts.

South Lyon Area Recreation Authority

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Additional Term Continued

The City of South Lyon reserves the right to deny any application for a permit to use an athletic field or court if deemed in the best interest of the City.

Applicants and Permittees agree to abide by all ordinances, policies, and rules and regulations applicable to athletic fields and courts.

Field Usage Fees & Expectations

All Athletic Fields/Courts shall be left in the condition in which they were found. All parks are subject to the other policies and ordinances that have been or may in the future, be adopted to govern those specific locations, including the following sections of the City Codes of Ordinances: Chapter 62, Article III of the City Code of Ordinances regarding the Use of Public Parks.

The following fees will be charged for Athletic Field/Court Use by Group Type:

<u>TYPE</u>	<u>PER Baseball/Soccer Field</u>	<u>PER Volleyball Courts</u>
Type I, II & IIIA:	No Fee	No Fee
Type IIIB:	\$75/hour	\$25/hour
Type IVA & IVB:	\$75/hour	\$25/hour
Type V:	\$100/hour	\$45/hour

If excessive dates/times are being requested, the City reserves the right to request compensation by groups, teams or individuals to help offset the cost of field maintenance. This compensation may be monetary or pre-arranged in-kind services directly related to field maintenance. This compensation shall be agreed upon by both parties before the Athletic Field/Court Use Permit Application is approved. Any damages to the athletic fields/courts by groups, teams or individuals shall be billed directly to the permit holder by the City of South Lyon. All damage fees accumulated must be paid within 30 days of invoice and made directly to the City of South Lyon.

All field/athletic equipment to be used during the reservation must be furnished by the renter. The City does not provide necessary equipment for use during rentals. Equipment stored at the field, but belonging to another organization may be used at that particular organization's discretion.

All Field Usage Fees must be paid directly to "SLARA" 7 days prior to the first requested reservation date. If fees are not paid prior to 7 days, the reservation will become null and void and this date will be made available for reservation to the public.

Cancellations may be made up to 48 hours prior to any reservation to qualify for a refund of fees paid. If cancellations are not made prior to 48 hours of the reservation all fees paid are forfeited.

If teams, groups or individuals are found to not be utilizing the fields/courts during their reserved time a fee of \$25 will be charged per hour for each hour of the reservation time the fields/courts go unused. This fee may be waived in cases of inclement weather or circumstances beyond the control of the permit holder. All fees must be paid directly to the "SLARA" within 14 days of the invoice date. Invoices will be sent directly to the permit holder at the email address submitted on the Athletic Field/Court Use Permit Application.

Cancellations MUST be made by contacting the SLARA at 248.437.8105. Cancellations cannot be made via email or fax.

AGENDA NOTE

New Business: Item # 2

MEETING DATE: November 25, 2019

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Consider CDBG Application projects for the City of South Lyon.

EXPLANATION OF TOPIC: The 2020 CDBG application deadline is Friday, December 13, 2019. On November 11, 2019 at the regularly scheduled City Council Meeting the City held a Public Hearing relating to the CDBG Funds allocated to the City of South Lyon. The City's funding allocation for 2020 is \$ 29,552. The suggestion is that the City will continue to use the allocation for 2020 to support the projects that we have funded in recent years. (Senior Center and Haven)

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: 2020 CDBG Application and supporting documents.

POSSIBLE COURSES OF ACTION: Approve the selected projects as identified or choose different projects or choose not to submit the application for funds.

SUGGESTED MOTION: Motion by _____, supported by _____ to approve the selected projects as identified.

PY 2020 CDBG PLANNING ALLOCATIONS

Oakland County does not have information on exact CDBG funding levels for Program Year (PY) 2020. Use the final award figure from PY 2019 to compile your application. Once exact amounts are available necessary adjustments will be made.

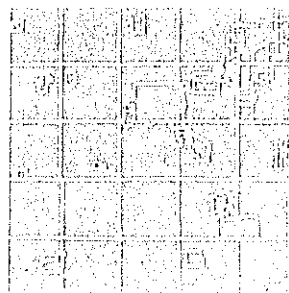
City	Planning Allocation	Monitor	City	Planning Allocation	Monitor
Auburn Hills	\$82,430	Janeczek	Northville*	\$7,000	Spradlin
Berkley	\$36,290	Janeczek	Novi	\$130,530	Spradlin
Birmingham	\$36,090	Janeczek	Oak Park	\$128,952	Pucher
Bloomfield Hills*	\$7,000	Janeczek	Orchard Lake Vlg*	\$7,000	Rieth
Clarkston*	\$7,000	Janeczek	Pleasant Ridge*	\$7,000	Rieth
Clawson	\$35,634	Tierney	Pontiac	\$799,257	Pucher
Farmington	\$27,469	Spradlin	Rochester	\$28,533	Spradlin
Ferndale	\$90,050	Rieth	Rochester Hills	\$160,965	Spradlin
Hazel Park	\$85,661	Tierney	South Lyon	\$29,552	Pucher
Huntington Woods	\$8,797	Rieth	Sylvan Lake*	\$7,000	Tierney
Keego Harbor	\$14,250	Janeczek	Troy	\$178,147	Spradlin
Lathrup Village	\$7,000	Tierney	Walled Lake	\$29,186	Rieth
Madison Heights	\$142,364	Rieth	Wixom	\$51,165	Rieth
Township	Planning Allocation	Monitor	Township	Planning Allocation	Monitor
Addison	\$9,667	Pucher	Milford	\$16,775	Janeczek
Bloomfield	\$51,857	Janeczek	Oakland	\$22,828	Spradlin
Brandon	\$27,726	Spradlin	Orion	\$56,147	Spradlin
Commerce	\$62,495	Spradlin	Oxford	\$30,585	Janeczek
Groveland	\$7,452	Spradlin	Rose	\$9,519	Pucher
Highland	\$29,956	Janeczek	Royal Oak	\$11,689	Pucher
Holly	\$20,011	Spradlin	Springfield	\$20,658	Pucher
Independence	\$52,303	Janeczek	West Bloomfield	\$91,182	Janeczek
Lyon	\$22,983	Pucher	White Lake	\$44,665	Pucher
Village	Planning Allocation	Monitor	Village	Planning Allocation	Monitor
Beverly Hills	\$13,049	Janeczek	Milford	\$15,560	Janeczek
Franklin*	\$7,000	Janeczek	Ortonville*	\$8,294	Spradlin
Holly	\$21,655	Spradlin	Oxford	\$11,121	Janeczek
Lake Orion	\$9,333	Spradlin	Wolverine Lk	\$7,000	Spradlin
Leonard*	\$7,000	Pucher			

COMMUNITY & HOME IMPROVEMENT STAFF

Staff	Phone	Specialty Areas
Carla Spradlin	858-5312	CDBG Application, Eligibility, Reprogramming, SHPO, Consolidated Plan/Annual Action Plan/ CAPER
Mike Pucher	858-0196	Contract Compliance, Reimbursement, Minor Home Repair, Contracts, Procurement, Davis Bacon, Demolition
Cherri Janeczek	858-1191	Environmental Review, Reimbursement, Minor Home Repair, Contracts, Procurement, Davis Bacon
Katie Tierney	858-5309	Reimbursement, Minor Home Repair, Contracts, Procurement

**OAKLAND COUNTY
COMMUNITY & HOME IMPROVEMENT**

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



Area-Wide Benefit Map

City of South Lyon



County Border



Community Boundary
(Highlighted)

Community Boundary
(Adjacent)

Census Tract 2010



Eligible Area-Wide Benefit Block Groups



Non-Eligible Block Groups



interstate



5



State



Maio



Minor



Railroad



Waterbodies

 $1 \text{ in} = 0.48 \text{ miles}$

This Census Block Group map reflects the 2011-2015 American Community Survey (ACS).

Man Created On: 3/29/2019

PY 2020 CDBG APPLICATION PART 2 - APPLICANT INFORMATION

A - APPLICANT CONTACT

Community:	City of South Lyon
PY 2020 CDBG Planning Allocation:	\$29,552
Contact Person:	Paul C. Zelenak
Telephone:	248-437-1735
Best time to contact:	M-F 8:30 - 5:00
DUNS #:	02-184-2117
Copy of current SAMS attached:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> On File at OCCHID <input type="checkbox"/> No, explain: _____
Is community subject to Single Audit? (\$750,000 in federal expenditures)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

B - PROPOSED PROJECTS

Example	Project # <u>1</u>	Name: _____	Allocation: \$ _____
	Project # <u>1</u>	Name: <u>Senior Center</u>	Allocation: \$ <u>24,552</u>
	Project # <u>2</u>	Name: <u>PS Battered and Abused</u>	Allocation: \$ <u>5,000</u>
	Project # _____	Name: _____	Allocation: \$ _____
	Project # _____	Name: _____	Allocation: \$ _____
Total # of Projects:	2		
# of Public Service Projects:	1		
Public Service %:	17%		

C - AFFIDAVIT OF COMPLIANCE

The undersigned certifies that the information in this application is true and correct. In applying for CDBG funds, the applicant has read, understands and agrees to comply with all the provisions of all federal regulations issued thereto by the U.S. Department of Housing and Urban Development (HUD), state and local regulations and laws.

Name of Highest Elected Official or Designee:	Dan Pelchat
Title of Highest Elected or Designee:	Mayor
Signature:	

D - CONFLICT OF INTEREST CERTIFICATION

Code of Federal Regulations Title 24, Volume 3 Revised as of April 1, 2004 CITE: 24CFR570.611

**TITLE 24--HOUSING AND URBAN DEVELOPMENT CHAPTER V--OFFICE OF ASSISTANT SECRETARY
FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HUD**

Part 570 Community Development Block Grants

Subpart K Other Program Requirements

Sec. 570.611 Conflict of interest

(a) Applicability. (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply. (2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to Sec. 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to Sec. 570.203, 570.204, 570.455, or 570.703(i)).

(b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

(c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation: (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and (ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable: (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available; (ii) Whether an opportunity was provided for open competitive bidding or negotiation; (iii) Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class; (iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question; (v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section; (vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and (vii) Any other relevant considerations. By applying for CDBG funds, the Participating Community certifies that they have read the above:

Community Name:	City of South Lyon
Name of Highest Elected Official or Designee:	Dan Pelchat
Title of Highest Elected or Designee:	Mayor
Signature:	

PY 2020 CDBG APPLICATION - PART 3 PROJECT TYPE

(Please check one box per project)

Project #2 Allocation: \$5,000

A - PROJECT TYPE					
Account	Account #	Objective	Goal	Indicator	Outcome
ACQUISITION AND DISPOSITION					
Acquisition of Real Property	172170-730003	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Disposition of Real Property	172170-730536	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Clearance and Demolition	172170-30345	Suitable Living Environment	Strengthen Communities	Slum Blight	Sustainability
Cleanup of Contaminated Sites		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Relocation		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
PUBLIC FACILITIES AND IMPROVEMENTS					
Senior Center	172170-731696	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Facilities for Persons with Disabilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Homeless Facilities (not operating costs)		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Youth Centers		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Neighborhood Facilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Parks, Recreational Facilities	172170-731332	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Parking Facilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Solid Waste Disposal Improvements	172170-730744	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Flood Drainage Improvements	172170-730744	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Water/Sewer Improvements	172170-732114	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Street Improvements	172170-731864	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Sidewalks	172170-731745	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Child Care Centers		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Tree Planting	172170-732021	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Fire Stations/Equipment	172170-730733	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Health Facilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Facilities for Abused and Neglected Children		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Asbestos Removal		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Facilities for AIDS Patients (not operating costs)		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Other Public Improvements Not Listed in 03A-03T	172170-731498	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Remove Architectural Barriers	172170-731619	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Special Assessments	172170-731815	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability

(Please check one box per project)

Project #2 Allocation: \$5,000

A - PROJECT TYPE CONTINUED						
Account	Account #	Objective	Goal	Indicator	Outcome	
PUBLIC FACILITIES AND IMPROVEMENTS CONTINUED						
Interim Assistance		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability	
Privately Owned Utilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability	
Non-Residential Historic Preservation	172170-31280	Suitable Living Environment	Strengthen Communities	Slum Blight	Sustainability	
Tornado Shelters Serving Private Mobile Home Parks		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability	
PUBLIC SERVICES						
Homeless/AIDS Patients Programs		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Senior Services	172160-731712	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Services for Persons with Disabilities	172160-730535	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Legal Services	172160-731073	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Youth Services	172160-732185	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Transportation Services	172160-732011	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Substance Abuse Services		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Services for victims of domestic violence/dating violence/sexual assault/stalking	172160-730137	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Employment Training	172160-731941	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Crime Awareness/Prevention		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Fair Housing Activities (subject to PS cap)	132210-702010	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Tenant/Landlord Counseling		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Child Care Services	172160-730283	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Health Services		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Services for Abused and Neglected Children		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Mental Health Services		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Screening for Lead Poisoning		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Subsistence Payments	172160-730571	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Homebuyer Downpayment Assistance - Excluding Housing Counseling under 24 CFR 5.100		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Rental Housing Subsidies		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Security Deposits		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	

(Please check one box per project)

Project #2 Allocation: \$5,000

A - PROJECT TYPE CONTINUED						
Account	Account #	Objective	Goal	Indicator	Outcome	
PUBLIC SERVICES CONTINUED						
Housing Counseling only, under 24 CFR 5.100	132210-702010	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Neighborhood Cleanups		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Food Banks		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Housing Information and Referral Services		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Housing Counseling Supporting Homebuyer Downpayment Assist (05R)		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
Other Public Services Not Listed in 03T and 05A-05Y (Housekeeping/Safety & Repair/Yard)	172160-730880 172160-731865 172160-732170	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility	
HOUSING						
Loss of Rental Income		Decent Affordable Housing			Affordability	
Construction of Housing		Decent Affordable Housing			Affordability	
Housing Counseling for Homeownership Assist (13B)		Decent Affordable Housing			Affordability	
Homeownership Assistance -- ex Housing Counseling		Decent Affordable Housing			Affordability	
Rehabilitation: Single-Unit Residential	132290-30898	Decent Affordable Housing	# of units brought to code		Affordability	
Emergency Rehab	172170-30569	Decent Affordable Housing	# of units brought to code		Affordability	
Minor Home Repair	172170-31227	Decent Affordable Housing	# of units brought to code		Affordability	
Mobile Home Repair	172170-731244	Decent Affordable Housing	# of units brought to code		Affordability	
Rehabilitation: Multi-Unit Residential		Decent Affordable Housing	# of units brought to code		Affordability	
Rehabilitation: Public Housing Modernization		Decent Affordable Housing	# of units brought to code		Affordability	
Rehabilitation: Other Publicly Owned Res Buildings	172160-31602	Decent Affordable Housing	# of units brought to code		Affordability	
Rehabilitation: Energy Efficiency Improvements		Decent Affordable Housing	# of units brought to code		Affordability	
Rehabilitation: Acquisition		Decent Affordable Housing	# of units brought to code		Affordability	
Rehabilitation: Administration	132280-31605	N/A	N/A	N/A	N/A	
Lead-Based Paint/Lead Hazards Testing/Abatement		Decent Affordable Housing			Affordability	
Housing Services, Excluding Housing Counseling		Decent Affordable Housing			Affordability	
Housing Counseling Support HOME Hsg Activities		Decent Affordable Housing			Affordability	
Housing Counseling in Conjunction with CDBG Assisted Housing Rehab		Decent Affordable Housing			Affordability	
Code Enforcement (See Part 4 C)	172170-30310	Suitable Living Environment	Strengthen Communities	# of LMI persons served	Sustainability	

PY 2020 CDBG APPLICATION - PART 3 PROJECT TYPE CONTINUED

(Please check one box per project)

Project #2 Allocation: \$5,000

A - PROJECT TYPE CONTINUED

Account	Account #	Objective	Goal	Indicator	Outcome
HOUSING CONTINUED					
Residential Historic Preservation					
Operation and Repair of Foreclosed Property ("In-Rem Housing")					
ECONOMIC DEVELOPMENT					
Rehabilitation: Publicly or Privately Owned Commercial/Industrial		Economic Opportunity			
Commercial/Industrial: Acquisition/Disposition		Economic Opportunity			
Commercial/Industrial: Infrastructure Development		Economic Opportunity			
Commercial/Industrial: Building Acquisition, Construction, Rehabilitation		Economic Opportunity			
Commercial/Industrial: Other Improvements		Economic Opportunity			
Economic Development: Direct Financial Assistance to For-Profit Business		Economic Opportunity			
Economic Development: Technical Assistance		Economic Opportunity			
Economic Development: Microenterprise Assistance		Economic Opportunity			
GENERAL ADMINISTRATION					
General Program Administration		Not applicable	Not applicable	Not applicable	Not applicable
Fair Housing Activities (subject to Admin cap)		Not applicable	Not applicable	Not applicable	Not applicable
CDBG Funding of HOME Admin		Not applicable	Not applicable	Not applicable	Not applicable
CDBG Funding of HOME CHDO Operating Expenses		Not applicable	Not applicable	Not applicable	Not applicable
OTHER					
CDBG Non-Profit Capacity Building					

PY 2020 CDBG APPLICATION - PART 4

Project #2 Allocation: \$5,000

A - CDBG NATIONAL OBJECTIVE

Which one of the National Objectives will this project target?

✓	Code/Description	24 CFR
Benefits low- and moderate-income persons		
For the National Objective that principally benefits low- and moderate-income persons is selected, describe how the activity will address ONE of the subcategories listed below:		
x	1) Area Benefit Activity - Those projects carried out in a neighborhood consisting predominantly of LMI persons and providing services for such persons yet could be available to other non-income eligible persons in the area. This information can be documented by documenting that the area is primarily residential (e.g., zoning map); and that the income characteristics of households in the service area (i.e., Census data) 2) Limited Clientele Activity - Those that benefit a specific group of people (rather than all the residents in a particular area) who are, or presumed to be, income eligible. In order to meet the LMI Limited Clientele criteria, the activity must: serve at least 51% LMI, as evidenced by documentation and data concerning beneficiary family size and income; have income eligibility requirements which limit the service to persons meeting the LMI income requirements, as evidenced by procedures, intake/application forms, income limits and other sources of documentation; serve a specific group presumed by HUD to be income-eligible include: abused children, battered persons, elderly persons, handicapped adults, homeless persons, illiterate persons, migrant farm workers and persons living with AIDS; and be of such a nature and in a location that it may be concluded that the activity's clientele are LMI. 3) Income Eligible Housing Activity - These projects add or improve a permanent residential structure wherein, upon completion, income eligible persons will occupy 51% or more of the housing units. 4) Job Creation or Retention Activity - A project which creates or retains permanent jobs, of which at least 51% are either taken by or available to income eligible persons.	570.208(a))

JUSTIFICATION:

Aids in the prevention or elimination of slums or blight

For the National Objective that **principally aids in the prevention or elimination of slums or blight** is selected, describe how the activity will address ONE of the subcategories listed below:

	1) At least 25% of the properties throughout the area exhibit the following: a. Physical deterioration of buildings/improvements; b. Abandonment of properties; c. Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings; d. Significant declines in property values or abnormally low property values relative to other areas in the community; or e. Known or suspected environmental contamination	
	2) Public improvements throughout the area are in a general state of deterioration.	
	Documentation must be maintained by the grantee on the boundaries of the area and the conditions that qualified the area at the time of its designation. The designation of an area as slum or blighted must be re-determined every 10 years for continued qualifications.	570.208(b))

JUSTIFICATION:

Project # _____ Allocation: \$ _____

B - PROJECT DESCRIPTION

Provide a detailed description of the proposed activity including how the activity will address the needs of the community: Services for abused spouses/children - part of County contract with Haven

Identify who will benefit from the proposed activity (ex: homeless, abused children, seniors, etc). If your program was designed to benefit persons on L/M income, describe the process you will use to identify these persons (process for income verification if persons are not members of HUD's presumed L/M clientele): City CDBG Funds will pay for South Lyon's contribution to support Haven

PY 2020 CDBG APPLICATION - PART 4 CONTINUED

Project # 2 Allocation: \$5,000

C - CODE ENFORCEMENT PROJECT ONLY

Will any of the supportive activities offered in conjunction with the Code Enforcement Program possibly trigger displacement of any "persons"?

	Yes
x	No

If "Yes" Explain:

The grantee will be required as a special condition of the CDBG grant contract to submit a formal relocation or displacement plan for the program prior to release of grant funds.

If "No" Explain how that determination was made?

Service Area Where the Code Enforcement Program Will Be Carried Out: Provide a brief narrative of the proposed activity and service area where the Code Enforcement activity will be carried out.

Severity of Problem

What level of service is needed?

☐ A new code enforcement program

☐ An existing code enforcement program to be increased currently funded by:

☐ An existing code enforcement program previously funded with CDBG funds

How was need determined?

Service Area Identified

Census Tract/Block Groups

Census Tract	Census Tract	Census Tract	Census Tract	Census Tract
Block Group (s)	Block Group (s)	Block Group (s)	Block Group (s)	Block Group (s)

Specific streets within a service area

☐ Maps attached showing the area is primarily residential

Beneficiaries (People)

Specify the type of beneficiaries who will benefit from this program. Supporting documentation is required.

☐ Primarily Low/Mod (Include % of total population that is Low/Mod)

Jurisdiction's definition of *deteriorated or deteriorating* (HCDA, Section 105(a)(3)) Define:

Project #2 Allocation: \$5,000

C - CODE ENFORCEMENT PROJECT ONLY CONTINUED

Conditions within the Service Area

Describe, in enough detail, the existing conditions in the service area that qualifies the area, as defined above by the jurisdiction, as deteriorating or deteriorated.

Photos attached with any applicable reports or information

Identify problems resulting if the code enforcement program is not provided, continued or expanded:

Extent of the Solution

Explain how and to what extent the proposed activity will solve the problem:

Provide a summary of the proposed strategy for using code enforcement together with public or private improvements or services (e.g., a homeowner rehabilitation program) that can be expected to arrest the decline of the service area.

Describe the methodology and metrics to be used to assess whether the code enforcement program and other activities will mitigate the deterioration of the service area during the time CDBG funds are expended to implement the code enforcement program.

Activity Implementation Plan

Provide a detailed plan of how the code enforcement program, together with "supportive activities" (i.e. public or private improvements, rehabilitation, or services) will mitigate deterioration and is expected to arrest the decline of the area. Also, identify any current or potential funding sources available to assist with proposed supportive activities.

PY 2020 CDBG APPLICATION - PART 4 CONTINUED

Project #2 Allocation: \$5,000

D - PROJECT LOCATION		
Please <input checked="" type="checkbox"/> one box	<input checked="" type="checkbox"/>	
Describe Project Location	<input checked="" type="checkbox"/>	City/Township/Village Wide
	<input type="checkbox"/>	Area Wide Benefit Only
	<input type="checkbox"/>	Specific
Parcel ID#		
Address		
City	South Lyon	
Zip Code	48178	
Areawide Benefit (AWB) Projects Only	List Census Tract	
	List Block Group	
Attach AWB Map with project location indicated		
Describe service area for:		
Fire Stations/ Equipment		
Parks, Recreational Facilities		
Special Assessments		

E - PROJECT PURPOSE			
ALL PROJECTS			
# of clients to be served in PY 2018		Type of clients to be served	
x		People	
		Households	
		Housing Units	
		Public Facilities	
PUBLIC SERVICES PROJECTS ONLY			
Help Prevent Homelessness?		x Yes _____ No	
Help the Homeless?		x Yes _____ No	
Help those with HIV/AIDS?		x Yes _____ No	
Help Persons with Disabilities?		x Yes _____ No	
PUBLIC FACILITIES & IMPROVEMENTS PROJECTS ONLY			
Will the project meet ADA standards for access?		x Yes _____ No	
SENIOR CENTER PROJECT DEMOGRAPHICS			
Estimated Number of Current Members			
White alone		Asian Alone	
Black or African American alone		Some other race alone	
American Indian and Alaska Native alone		Two or more races	
Native Hawaiian & Other Pacific Islander alone			

PY 2020 CDBG APPLICATION - PART 4 CONTNUED

Project #2 Allocation: \$5,000

F - PROJECT DURATION

This is a new project for PY 2020	Yes _____ No <u>x</u>
This is an ongoing project	Yes <u>x</u> No _____
This is an expanded project from previous years	Yes _____ No <u>x</u>

G - PROJECT ADMINISTRATION

Community will manage project	Yes <u>x</u> No _____
Community will hire a vendor to manage project	Yes _____ No <u>x</u>
County will administer contract	Yes <u>x</u> No _____

H - ADDITIONAL RESOURCES

Other Federal Funds	\$ _____	State/Local Funds	\$ _____	Other	\$ _____
---------------------	----------	-------------------	----------	-------	----------

I - ENVIRONMENTAL REVIEW RECORD

Environmental Reviews are required for each project
Please ☒ each box as it applies and attach all required documents

Exempt Project

<input checked="" type="checkbox"/>			
x	Project is Exempt per 24 CFR 58.34		
x	Exempt Form Attached	x	Project Location Map Attached

OR

Categorically Excluded Project

<input checked="" type="checkbox"/>			
	Project is Categorically Excluded		
	Statutory Checklist Attached		Project Location Map Attached
	Project is in Flood Plain		8 Step Attached
	Flood Plain Map https://gis.oakgov.com/PropertyGateway/Home.mvc		

OR

Environmentally Assessed Project

<input checked="" type="checkbox"/>			
	Project is Environmentally Assessed		
	Environmental Assessment Attached		Project Location Map Attached
	Project is in Flood Plain		8 Step Attached
	Flood Plain Map https://gis.oakgov.com/PropertyGateway/Home.mvc		

Other Projects

<input checked="" type="checkbox"/>			
	Historic Preservation Profile (HPP) Attached		
			Demolition Checklist Attached

PY 2020 CDBG APPLICATION - PART 3 PROJECT TYPE

(Please check one box per project)

Project #1 Allocation: \$24,552

A - PROJECT TYPE

Account	Account #	Objective	Goal	Indicator	Outcome
ACQUISITION AND DISPOSITION					
Acquisition of Real Property	172170-730003	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Disposition of Real Property	172170-730536	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Clearance and Demolition	172170-30345	Suitable Living Environment	Strengthen Communities	Slum Blight	Sustainability
Cleanup of Contaminated Sites		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Relocation		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
PUBLIC FACILITIES AND IMPROVEMENTS					
Senior Center	172170-731696	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Facilities for Persons with Disabilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Homeless Facilities (not operating costs)		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Youth Centers		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Neighborhood Facilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Parks, Recreational Facilities	172170-731332	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Parking Facilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Solid Waste Disposal Improvements	172170-730744	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Flood Drainage Improvements	172170-730744	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Water/Sewer Improvements	172170-732114	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Street Improvements	172170-731864	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Sidewalks	172170-731745	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Child Care Centers		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Tree Planting	172170-732021	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Fire Stations/Equipment	172170-730733	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Health Facilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Facilities for Abused and Neglected Children		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Asbestos Removal		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Facilities for AIDS Patients (not operating costs)		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Other Public Improvements Not Listed in 03A-03T	172170-731498	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Remove Architectural Barriers	172170-731619	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Special Assessments	172170-731815	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability

(Please check one box per project)

Project #1 Allocation: \$24,552

A PROJECT TYPE CONTINUED

Account	Account #	Objective	Goal	Indicator	Outcome
PUBLIC FACILITIES AND IMPROVEMENTS CONTINUED					
Interim Assistance		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Privately Owned Utilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Non-Residential Historic Preservation	172170-31280	Suitable Living Environment	Strengthen Communities	Slum Blight	Sustainability
Tornado Shelters Serving Private Mobile Home Parks		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
PUBLIC SERVICES					
Homeless/AIDS Patients Programs		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Senior Services	172160-731712	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Services for Persons with Disabilities	172160-730535	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Legal Services	172160-731073	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Youth Services	172160-732185	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Transportation Services	172160-732011	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Substance Abuse Services		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Services for victims of domestic violence/dating violence/sexual assault/stalking	172160-730137	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Employment Training	172160-731941	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Crime Awareness/Prevention		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Fair Housing Activities (subject to PS cap)	132210-702010	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Tenant/Landlord Counseling		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Child Care Services	172160-730283	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Health Services		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Services for Abused and Neglected Children		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Mental Health Services		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Screening for Lead Poisoning		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Subsistence Payments	172160-730571	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Homebuyer Downpayment Assistance		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
- Excluding Housing Counseling under 24 CFR 5.100		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Rental Housing Subsidies		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Security Deposits		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility

(Please check one box per project)

Project #1 Allocation: \$24,552

A- PROJECT TYPE CONTINUED

Account	Account #	Objective	Goal	Indicator	Outcome
PUBLIC SERVICES CONTINUED					
Housing Counseling only, under 24 CFR 5.100	132210-702010	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Neighborhood Cleanups		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Food Banks		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Housing Information and Referral Services		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Housing Counseling Supporting Homebuyer Downpayment Assist (05R)		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
Other Public Services Not Listed in 03T and 05A-05Y (Housekeeping/Safety & Repair/Yard)	172160-730880 172160-731665 172160-732170	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
HOUSING					
Loss of Rental Income		Decent Affordable Housing			Affordability
Construction of Housing		Decent Affordable Housing			Affordability
Housing Counseling for Homeownership Assist (13B)		Decent Affordable Housing			Affordability
Homeownership Assistance - ex Housing Counseling		Decent Affordable Housing			Affordability
Rehabilitation: Single-Unit Residential	132290-30898	Decent Affordable Housing	# of units brought to code		Affordability
Emergency Rehab	172170-30569	Decent Affordable Housing	# of units brought to code		Affordability
Minor Home Repair	172170-31227	Decent Affordable Housing	# of units brought to code		Affordability
Mobile Home Repair	172170-731244	Decent Affordable Housing	# of units brought to code		Affordability
Rehabilitation: Multi-Unit Residential		Decent Affordable Housing	# of units brought to code		Affordability
Rehabilitation: Public Housing Modernization		Decent Affordable Housing	# of units brought to code		Affordability
Rehabilitation: Other Publicly Owned Res Buildings	172160-31602	Decent Affordable Housing	# of units brought to code		Affordability
Rehabilitation: Energy Efficiency Improvements		Decent Affordable Housing	# of units brought to code		Affordability
Rehabilitation: Acquisition		Decent Affordable Housing	# of units brought to code		Affordability
Rehabilitation: Administration	132280-31605	N/A	N/A	N/A	N/A
Lead-Based Paint/Lead Hazards Testing/Abatement		Decent Affordable Housing			Affordability
Housing Services, Excluding Housing Counseling		Decent Affordable Housing			Affordability
Housing Counseling Support HOME Hsg Activities		Decent Affordable Housing			Affordability
Housing Counseling in Conjunction with CDBG Assisted Housing Rehab		Decent Affordable Housing			Affordability
Code Enforcement (See Part 4 C)	172170-30310	Suitable Living Environment	Strengthen Communities	# of LMI persons served	Sustainability

PY 2020 CDBG APPLICATION - PART 3 PROJECT TYPE CONTINUED

(Please check one box per project)

Project #1 Allocation: \$24,552

A - PROJECT TYPE CONTINUED						
Account	Account #	Objective	Goal	Indicator	Outcome	
HOUSING CONTINUED						
<input checked="" type="checkbox"/> Residential Historic Preservation						
<input type="checkbox"/> Operation and Repair of Foreclosed Property ("In-Rem Housing")						
ECONOMIC DEVELOPMENT						
<input checked="" type="checkbox"/> Rehabilitation: Publicly or Privately Owned Commercial/Industrial		Economic Opportunity				
<input type="checkbox"/> Commercial/Industrial: Acquisition/Disposition		Economic Opportunity				
<input type="checkbox"/> Commercial/Industrial: Infrastructure Development		Economic Opportunity				
<input type="checkbox"/> Commercial/Industrial: Building Acquisition, Construction, Rehabilitation		Economic Opportunity				
<input type="checkbox"/> Commercial/Industrial: Other Improvements		Economic Opportunity				
<input type="checkbox"/> Economic Development: Direct Financial Assistance to For-Profit Business		Economic Opportunity				
<input type="checkbox"/> Economic Development: Technical Assistance		Economic Opportunity				
<input type="checkbox"/> Economic Development: Microenterprise Assistance		Economic Opportunity				
GENERAL ADMINISTRATION						
<input checked="" type="checkbox"/> General Program Administration		Not applicable	Not applicable	Not applicable	Not applicable	
<input type="checkbox"/> Fair Housing Activities (subject to Admin cap)		Not applicable	Not applicable	Not applicable	Not applicable	
<input type="checkbox"/> CDBG Funding of HOME Admin		Not applicable	Not applicable	Not applicable	Not applicable	
<input type="checkbox"/> CDBG Funding of HOME CHDO Operating Expenses		Not applicable	Not applicable	Not applicable	Not applicable	
OTHER						
<input checked="" type="checkbox"/> CDBG Non-Profit Capacity Building						

PY 2020 CDBG APPLICATION - PART 4

Project #1 Allocation: \$24,552

A - CDBG NATIONAL OBJECTIVE		
Which one of the National Objectives will this project target?		
✓	Code/Description	24 CFR
Benefits low- and moderate-income persons		
For the National Objective that principally benefits low- and moderate-income persons is selected, describe how the activity will address ONE of the subcategories listed below:		
✓	1) Area Benefit Activity - Those projects carried out in a neighborhood consisting predominantly of LMI persons and providing services for such persons yet could be available to other non-income eligible persons in the area. This information can be documented by documenting that the area is primarily residential (e.g., zoning map); and that the income characteristics of households in the service area (i.e., Census data)	570.208(a))
X	2) Limited Clientele Activity - Those that benefit a specific group of people (rather than all the residents in a particular area) who are, or presumed to be, income eligible. In order to meet the LMI Limited Clientele criteria, the activity must: serve at least 51% LMI, as evidenced by documentation and data concerning beneficiary family size and income; have income eligibility requirements which limit the service to persons meeting the LMI income requirements, as evidenced by procedures, intake/application forms, income limits and other sources of documentation; serve a specific group presumed by HUD to be income-eligible include: abused children, battered persons, elderly persons, handicapped adults, homeless persons, illiterate persons, migrant farm workers and persons living with AIDS; and be of such a nature and in a location that it may be concluded that the activity's clientele are LMI.	
	3) Income Eligible Housing Activity - These projects add or improve a permanent residential structure wherein, upon completion, income eligible persons will occupy 51% or more of the housing units.	
	4) Job Creation or Retention Activity - A project which creates or retains permanent jobs, of which at least 51% are either taken by or available to income eligible persons.	
JUSTIFICATION: 		
Aids in the prevention or elimination of slums or blight		
For the National Objective that principally aids in the prevention of elimination of slums or blight is selected, describe how the activity will address ONE of the subcategories listed below:		
X	1) At least 25% of the properties throughout the area exhibit the following: a. Physical deterioration of buildings/improvements; b. Abandonment of properties; c. Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings; d. Significant declines in property values or abnormally low property values relative to other areas in the community; or e. Known or suspected environmental contamination	570.208(b))
	2) Public improvements throughout the area are in a general state of deterioration.	
	Documentation must be maintained by the grantee on the boundaries of the area and the conditions that qualified the area at the time of its designation. The designation of an area as slum or blighted must be re-determined every 10 years for continued qualifications.	
JUSTIFICATION: 		

Project #1 Allocation: \$24,552

B - PROJECT DESCRIPTION

Provide a detailed description of the proposed activity including how the activity will address the needs of the community: Access Fee for Building Space

Identify who will benefit from the proposed activity (ex: homeless, abused children, seniors, etc). If your program was designed to benefit persons on L/M income, describe the process you will use to identify these persons (process for income verification if persons are not members of HUD's presumed L/M clientele): City contracts with Center for Active Aging to provide resident access fees

PY 2020 CDBG APPLICATION - PART 4 CONTINUED

Project #1 Allocation: \$24552

C - CODE ENFORCEMENT PROJECT ONLY

Will any of the supportive activities offered in conjunction with the Code Enforcement Program possibly trigger displacement of any "persons"?

	Yes
<input checked="" type="checkbox"/>	No

If "Yes" Explain:

The grantee will be required as a special condition of the CDBG grant contract to submit a formal relocation or displacement plan for the program prior to release of grant funds.

If "No" Explain how that determination was made?

Service Area Where the Code Enforcement Program Will Be Carried Out: Provide a brief narrative of the proposed activity and service area where the Code Enforcement activity will be carried out.

Severity of Problem

What level of service is needed?

- ☐ A new code enforcement program
- ☐ An existing code enforcement program to be increased currently funded by:
- ☐ An existing code enforcement program previously funded with CDBG funds

How was need determined?

Service Area Identified

Census Tract/Block Groups

Census Tract	Census Tract	Census Tract	Census Tract	Census Tract
Block Group(s)	Block Group(s)	Block Group(s)	Block Group(s)	Block Group(s)

Specific streets within a service area

- ☐ Maps attached showing the area is primarily residential

Beneficiaries (People)

Specify the type of beneficiaries who will benefit from this program. Supporting documentation is required.

- ☐ Primarily Low/Mod (Include % of total population that is Low/Mod)

Jurisdiction's definition of *deteriorated or deteriorating* (HCDA, Section 105(a)(3)) Define:

PY 2020 CDBG APPLICATION - PART 4 CONTINUED

Project #1 Allocation: \$24,552

C - CODE ENFORCEMENT PROJECT ONLY CONTINUED

Conditions within the Service Area

Describe, in enough detail, the existing conditions in the service area that qualifies the area, as defined above by the jurisdiction, as deteriorating or deteriorated.

Photos attached with any applicable reports or information

Identify problems resulting if the code enforcement program is not provided, continued or expanded:

Extent of the Solution

Explain how and to what extent the proposed activity will solve the problem:

Provide a summary of the proposed strategy for using code enforcement together with public or private improvements or services (e.g., a homeowner rehabilitation program) that can be expected to arrest the decline of the service area.

Describe the methodology and metrics to be used to assess whether the code enforcement program and other activities will mitigate the deterioration of the service area during the time CDBG funds are expended to implement the code enforcement program.

Activity Implementation Plan

Provide a detailed plan of how the code enforcement program, together with "supportive activities" (i.e. public or private improvements, rehabilitation, or services) will mitigate deterioration and is expected to arrest the decline of the area. Also, identify any current or potential funding sources available to assist with proposed supportive activities.

PY 2020 CDBG APPLICATION - PART 4 CONTINUED

Project #1 Allocation: \$24,552

D - PROJECT LOCATION		
Please <input checked="" type="checkbox"/> one box	<input checked="" type="checkbox"/>	
Describe Project Location	x	City/Township/Village Wide
		Area Wide Benefit Only
		Specific
Parcel ID#		
Address	1000 N. Lafayette	
City	South Lyon	
Zip Code	48178	
Areawide Benefit (AWB) Projects Only	List Census Tract	
	List Block Group	
Attach AWB Map with project location indicated		
Describe service area for:		
Fire Stations/ Equipment		
Parks, Recreational Facilities		
Special Assessments		

E - PROJECT PURPOSE			
ALL PROJECTS			
# of clients to be served in PY 2018	Type of clients to be served		
3,810	People		
	Households		
	Housing Units		
	Public Facilities		
PUBLIC SERVICES PROJECTS ONLY			
Help Prevent Homelessness?	Yes	No	
Help the Homeless?	Yes	No	
Help those with HIV/AIDS?	Yes	No	
Help Persons with Disabilities?	Yes	No	
PUBLIC FACILITIES & IMPROVEMENTS PROJECTS ONLY			
Will the project meet ADA standards for access?	Yes	No	
SENIOR CENTER PROJECT DEMOGRAPHICS			
Estimated Number of Current Members			
White alone	97.3	Asian Alone	1.7
Black or African American alone	.8	Some other race alone	.2
American Indian and Alaska Native alone		Two or more races	
Native Hawaiian & Other Pacific Islander alone			

PY 2020 CDBG APPLICATION - PART 4 CONTINUED

Project #1 Allocation: \$24,553

F - PROJECT DURATION

This is a new project for PY 2020	Yes _____ No <u>x</u>
This is an ongoing project	Yes <u>x</u> No _____
This is an expanded project from previous years	Yes _____ No <u>x</u>

G - PROJECT ADMINISTRATION

Community will manage project	Yes _____ No _____
Community will hire a vendor to manage project	Yes _____ No _____
County will administer contract	Yes _____ No _____

H - ADDITIONAL RESOURCES

Other Federal Funds	\$ _____	State/Local Funds	\$ _____	Other	\$ _____
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I - ENVIRONMENTAL REVIEW RECORD

Environmental Reviews are required for each project
Please ☒ each box as it applies and attach all required documents

<input checked="" type="checkbox"/>	Exempt Project		
<input type="checkbox"/>	Project is Exempt per 24 CFR 58.34		
<input type="checkbox"/>	Exempt Form Attached		Project Location Map Attached

OR

<input checked="" type="checkbox"/>	Categorically Excluded Project		
<input type="checkbox"/>	Project is Categorically Excluded		
<input type="checkbox"/>	Statutory Checklist Attached		Project Location Map Attached
<input type="checkbox"/>	Project is in Flood Plain		8 Step Attached
<input type="checkbox"/>	Flood Plain Map https://gis.oakgov.com/PropertyGateway/Home.mvc		

OR

<input checked="" type="checkbox"/>	Environmentally Assessed Project		
<input type="checkbox"/>	Project is Environmentally Assessed		
<input type="checkbox"/>	Environmental Assessment Attached		Project Location Map Attached
<input type="checkbox"/>	Project is in Flood Plain		8 Step Attached
<input type="checkbox"/>	Flood Plain Map https://gis.oakgov.com/PropertyGateway/Home.mvc		

<input checked="" type="checkbox"/>	Other Projects		
<input type="checkbox"/>	Historic Preservation Profile (HPP) Attached		Demolition Checklist Attached

AGENDA NOTE

New Business: Item # 3

MEETING DATE: November 25, 2019

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

AGENDA TOPIC: Request for funding for the December 7, 2019 Cool Yule event

EXPLANATION OF TOPIC: at the November 11, 2019 City Council Meeting, during the Downtown Discussion, it was noted that the DDA would be presenting a request for City Funds for the 2019 Cool Yule event at the November 25 Council Meeting, as the City has funded portions of this annual event in the past. Additional discussion of plans for December Holiday Events at the November 14 DDA Board Meeting, included event details and logistics for “Cool Yule”, Saturday, December 7, and the new event. “South Lyon Eve” (Dec 31/Jan 1). At the DDA Board Meeting on November 14, it was decided to make the event Saturday only, December 7. This will provide critical mass and some cost saving, as well as making it easier for all volunteers. All PR and logistics have been adjusted accordingly. Additional meetings were with DDA Cool Yule Event Chair, Jeff Heinenen, DDA Director, City Manager, Police Chief, Fire Chief, DPW Director and Dayna Johnston and SLARA to discuss Event Budget needs and event details. Again, the DDA approved “up to \$4,000 for the 2019 Cool Yule Event.” And, the DDA now requests assistance from the City for the 2019 Cool Yule event this year, in the amount of \$4,000. A complete 2019 Cool Yule event Work Plan, Budget and detailed Schedule of Activities will be presented to the City Council at the November 25 City Council Meeting. As noted previously, based upon the recent history of the Cool Yule Event, for many years it has been described as a City Event. However, over the past 5 - 6 years, the actual event coordination has passed from the DDA, to the City, to the Chamber, to the City, to the Presbyterian Church, and now back to the DDA and the City. That shifting responsibility has not allowed detailed long-range planning as part of the DDA or City Budget process. In late April of this year we were told that the Church would no longer coordinate the Cool Yule Event. Details of this event were not available or provided to Jeff or I until after the City and DDA Budget assembly and adoption time period. The DDA Board discussed Cool Yule and DDA Board Member Jeff Heinenen and myself, Bob Donohue, agreed to Chair the Event. It is a partnership between the City, the DDA and the Carl & JoAnn Foundation for a simple reason, the DDA has a small budget and funds from the DDA cannot be spent outside of the DDA. Several components of the Cool Yule Event take place outside of the DDA District. The Cool Yule Event Coordination is now similar to Pumpkinfest, which is a 501©3 nonprofit organization

11/25/19

which coordinates with the City. The current Cool Yule Budget, similar to other community Holiday Events, Parade and Holiday Decorations, is split 3 ways between The Carl & Joann Foundation 501©3, DDA and The City. Items that are on Public Property are primarily provided by the DDA, City and Sponsors, Items on Private Property are primarily or a defined partner split responsibility of the 501(c)3. Items such as the Holiday Tree, Lighting and Event Sound System, Porto-johns, fire pits and marketing costs are generally a 3-way split in many other communities. In this transition year, looking forward to a more consistent, ongoing, professional management of the Cool Yule event, and a more defined partnership, we now present a detailed, partial funding request for City Council consideration. This is a long-standing community event.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Attached are copies of the 2019 Cool Yule Budget, Work Plan and Schedule of Activities.

POSSIBLE COURSES OF ACTION: approve/deny the request by the DDA for partial 2019 Cool Yule event funding in the amount of \$4,000.

SUGGESTED MOTION: Motion by _____, supported by _____ to Approve the DDA's request of November 14 for City funds for public aspects of the 2019 Cool Yule event as shown on the 2019 Cool Yule Budget, Work Plan and Schedule of Activities.

Cool Yule Budget for 2019

The Annual "Cool Yule" Holiday Event in South Lyon, is coordinated and this year as a partnership between the City of South Lyon, DDA and a new 501 c-3 Non-Profit Organization, the Carl & JoAnn Foundation, for the City's "Holiday Tree"(established by the Heinanen Family). This event structure is similar to the "Pumpkin Fest" which takes place on City Property. For the 2nd year, the Cool Yule event will again be on public and private property. The Cool Yule event went back to the DDA & City this past May, a short time for planning.

<u>Income/Revenue:</u>	<u>\$ Amount</u>
A. Carl & JoAnn Foundation.....	\$19,750.00
B. DDA.....	4,000.00
C. City Requested.....	4,000.00
D. Beer & Wine (Tent) Sales.....	5,000.00
E. Sponsorships* and In-kind Services**	
1. Heating Units (Munchs Supply, Inc & Train Heating, Inc)**	37,000.00
2. Local Businesses*	2,000.00
3. Regional/Area Businesses *	1,000.00
TOTAL REVENUE	\$72,750.00

<u>Expenses:</u>	<u>Cost:</u>	<u>Private:</u>	<u>Pub/Private:***</u>
A. Tree Purchase.....	\$2,500.		\$2,500.
B. Tree Transport.....	1,000.		1,000.
C. Tree Installation.....	1,500.		1,500.
D. Tree Lighting.....	2,000.		2,000.
E. Horse Carriage Rides (Ann Arbor Carriages, Inc)	1,500.		1,500.
F. Beer & Wine Tent Rental.....	4,000.	4,000.	
G. Special Event Liquor License & Insurance.....	1,500.	1,500.	
H. Beer & Wine Purchase for Tent.....	4,000.	4,000.	
I. Heating Units for the Tent.....	37,000.	37,000.	
J. Heating & Lighting fixtures for the Tent.....	6,000.	6,000.	
K. Stage Rental for Tent.....	500.	500.	
L. Tables & Chairs for Tent.....	1,000.	1,000.	
M. Sound System Rental for Parade & Tree Lighting	1,500.		1,500.
N. Music/Entertainment Fees for Tent.....	2,000.	2,000.	
O. Choir Groups (Honorariums or Free).....	250.		250.
P. Fire Pits (6 – 8) in center lane of S. Lafayette.....	2,000.		2,000.
Q. Security/2 SLPD Officers for Beer Tent.....	1,000.		1,000.
R. Porta-Jon Rental.....	1,000.		1,000.
S. <u>Promo & Marketing (Posters, Signs, Banner, etc)</u>	2,500.		2,500.
TOTAL EXPENSES	\$72,750.	\$56,000.	\$16,750.

*Sponsorship Revenues are low due to bad time of year (June – Nov) to solicit

**In-kind Services (Munch Supply & Train Heating)

***3 Targeted Expense Groups (Fdn, DDA, City)

11/20/19

WORK PLAN

COOL YULE EVENT

Saturday, December 7, 2019

TASK:	RESPONSIBLE:	#/VOLS.:	DEADLINE:	COST:
A. Lighted Parade.....	Dayna Johnston	3	Dec 2	0
B. Holiday Market.....	Tim Davids	1	Dec 2	0
C. Historic Village Activities.....	Linda Ross	10	Nov 1	_____
D. Movies In-The Street.....	Doug Varney	0	Nov 1	0
E. Tree Purchase.....	Jeff Heinenen	1	Sept. 1	2,500.
F. Tree Transport.....	Jeff H.	6	Nov 24	1,000.
G. Tree Installation.....	Jeff H.	6	Nov 24	1,500.
H. Tree Lighting.....	Dennis H.	8	Dec 4	2,000.
I. Horse Carriage Rides (Ann Arbor Carriages, Inc)	Bob Donohue	1	Aug 1	1,500.
J. Beer & Wine Tent Rental.....	Jeff H.	1	Nov 1	4,000.
K. Special Event Liquor License & Insurance.....	Jeff H.	1	Aug 1	1,500.
L. Beer & Wine Purchase for Tent.....	Jeff H.	1	Nov 25	4,000.
M. Heating Units for the Tent.....	Jeff H.	1	Oct 1	37,000.
N. Heating & Lighting fixtures for the Tent.....	Dennis H.	6	Oct 1	6,000.
O. Stage Rental for Tent.....	Jeff H.	5	Nov 1	500.
P. Tables & Chairs for Tent.....	Dennis H.	5	Nov 1	1,000.
Q. Sound System Rental for Parade & Tree Lighting	Bob D.	2	Oct 1	1,500.
R. Music/Entertainment Fees for Tent.....	Jeff H.	1	Sept 1	2,000.
S. Choir Groups (Honorariums or Free).....	Bob D.	1	Nov 27	250.
T. Fire Pits (6 – 8) in center lane of S. Lafayette.....	Tim D.	7	Dec 1	2,000.
U. Fire Wood.....	Austin White	1	Dec 1	0
V. Security/2 SLPD Officers for Beer Tent.....	Doug B.	0	Sept 1	1,000.
W. Porta-Jon Rental.....	Bob D	0	Nov 22	1,000.
X. Promo & Marketing (Posters, Signs, Banner, etc)	Bob D.	4	Nov 1	2,000.
Y. Lighting on sidewalk, McHattie St. to Hist. Village	Dayna J.	2	Dec 6	100.
Z. Sponsorship Soliciting.....	Bob, Jeff, Dayna, Jim	4	Dec 1	0
AA.Church & School contacts.....	Dayna J.	4	Nov 15	0
				\$69,250.00.

2019 Cool Yule Schedule of Activities

Saturday, December 7:

1. Candy Cane Hunt: by SLARA at Mc Hattie Park/Historic Village (by the Pavilion) at 10:00 a.m.
2. Beer, Wine & Cider Tent, 350 S. Lafayette St. at McHattie St., 5:00 – 11:30 p.m.
3. Music Entertainment in the Tent: 350 S. Lafayette St. at McHattie St., 8:00 – 11:30 p.m.
4. Carriage Rides: Pick-up and Drop-off at Liberty & Lafayette Streets, 4:00 – 9:00 p.m.
5. Holiday Market Vendors/Food trucks: In S. Lafayette St., Lake St. to McHattie St., 4 - 10 p.m.
6. Fire Pits w/Choirs, Music & Community Groups: In the street, S. Lafayette from Lake Street to McHattie Streets, 4:00 – 10:00 p.m.
7. Downtown Christmas Stockings Hunt: Downtown Businesses Open Late till 9:00 p.m. +
8. Downtown Businesses Individual Activities & Promotions: Open Late till 9:00 p.m. +
 - A. Children Stocking Hunt
 - B. Santa & A Reindeer at South Lyon Cycle, 209 S. Lafayette Street
 - C. Miscellaneous other In-store Promotions
9. South Lyon Hotel, 201 N. Lafayette Street: Cookies with Santa, 11:00 a.m. – 1:00 p.m.
10. South Lyon Cycle, 209 S. Lafayette Street: Santa and a Reindeer, Noon – 3:00 p.m.
11. Tours of The Christmas House at 216 E. Lake Street, 4:30 – 7:30 p.m.
12. Holiday Movies-In-The-Street: S. Lafayette Street, 8:00 – 10:00 p.m.
13. Lighted Parade, 6:00 p.m.
14. City Holiday Tree Lighting, 350 S. Lafayette, 7:30 p.m.
15. First Presbyterian Church, 205 E. Lake Street: Family Events, 10:00 a.m. – 5:00 p.m.
 - A. Gingerbread Contest
 - B. Boy Scouts Snowball Throw
 - C. Carriage Rides: Pick-up & Drop-off
16. First United Methodist Church, 640 S. Lafayette Street: Cookie Decorating at 4:00 p.m.
17. Immanuel Ev. Lutheran Church, 330 E. Liberty Street: The Christmas story, Crafts, Games & Lunch, 10:00 a.m. - Noon
18. St Joseph Catholic Church, 830 S. Lafayette Street: Cookie Sale, 2:30 – 6:30 p.m.
19. Lighted Walking Path along S. Lafayette St, from McHattie Street to the Historic Village, 5-8 p.m.
20. Historic Village Activities: 4:00 – 8:00 p.m.
 - A. Mayor Dan Pelchat presents Santa with the Key-To-The-City at 6:45 p.m.
 - B. Bake Sale in the Freight House
 - C. Tuba Player in the Chapel
 - D. Visits with Santa in the School
 - E. Kiwanis Club Christmas Tree Sales

11/19/19

AGENDA NOTE

New Business 4

MEETING DATE: November 25, 2019

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Retainer Agreement for City Attorney Services

EXPLANATION OF TOPIC: The current retainer agreement for City Attorney expires on June 30, 2021. We have had concerns for several months regarding the billing method being used that charges the City \$10,400 per month for the first 80 hours of work (\$130.00/hour) excluding labor and tax tribunal matters. After several discussions RSJA has proposed an hourly rate of \$150.00. The terms of the agreement shall apply retroactively to September 1, 2019, and will make adjustments to the September and October invoices.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Confidential City Attorney Legal Services Letter, City Legal Services Agreement.

POSSIBLE COURSES OF ACTION: Approve or not approve the new City Legal Services Agreement with RSJA.

SUGGESTED MOTION: Motion by _____, supported by _____ to approve the City Legal Services Agreement with RSJA.

LISA J. HAMAMEH
lhamameh@rsjalaw.com

27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
rsjalaw.com



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

November 14, 2019

**CONFIDENTIAL COMMUNICATION
ATTORNEY-CLIENT PRIVILEGE**

Paul Zelenak
City of South Lyon
335 S. Warren
South Lyon, MI 48178

RE: City Attorney Legal Services Agreement

Dear Mr. Zelenak:

It has been a pleasure getting to know you, the staff and the elected officials of South Lyon over the last couple of months. I appreciate the communication regarding workload and invoicing. Based on those communications, we understand there are concerns regarding the current Retainer Agreement with our firm. We recently reviewed our billing history and have a new proposal which we believe to be a mutually-beneficial fee arrangement with the City.

As you know, the City entered into a Retainer Agreement with our office effective July 1, 2018. That Agreement requires the City to pay a monthly retainer for "civil matters" in the amount of \$10,400.00 for the first 80 hours of work, excluding certain matters, labor matters and tax tribunal matters. Any "civil matter" work in excess of the 80-hour monthly retainer (or a matter excluded from the monthly retainer for "civil matters") is billed at an hourly rate of \$150.00. Labor matters are billed at \$165.00 per hour and Tax Tribunal matters are billed at \$150.00 per hour.

In reviewing the City's invoices over the last few of years, we discovered that historically the hours billed were much higher than they have been over the last year or so. Specifically, from October, 2017 through June, 2018 (the 9-months leading up to the effective date of the Retainer Agreement), the hours billed per month exceeded 80 hours. Below is the total amount of hours billed for each of the last few years, including those 9-months leading to the most recent Retainer Agreement:

January 2016	116.40	April 2017	82.70
February 2016	131.60	May 2017	58.60
March 2016	93.90	June 2017	58.90
April 2016	98.60	July 2017	43.10
May 2016	88.50	August 2017	49.20
June 2016	88.30	September 2017	71.80
July 2016	131.60	October 2017	67.40
August 2016	142.20	November 2017	89.00
September 2016	100.80	December 2017	117.90
October 2016	104.80	January 2018	108.70
November 2016	137.50	February 2018	106.50
December 2016	107.90	March 2018	112.00
January 2017	48.30	April 2018	113.30
February 2017	67.20	May 2018	72.60
March 2017	95.30	June 2018	96.80

However, since July 1, 2018, after the first few months the hours billed continue to fall below the 80-hour monthly retainer for "civil matters." Below is the total amount of hours billed for each month:

July 2018	72.80	April 2019	84.10
August 2018	106.90	May 2019	84.90
September 2018	143.80	June 2019	58.30
November 2018	71.20	July 2019	53.40
December 2018	116.50	August 2019	63.60
January 2019	25.30	September 2019	62.50
February 2019	81.90	October 2019	45.80
March 2019	77.00	November 2019	171.30

As you can see, beginning in January 2019, the hours leveled off. We attribute the reduction in hours, in part, to your employment with the City. We believe that prior to your employment, our office was assisting in much of the day-to-day operations of the City, which required more time to be spent on South Lyon "civil matters." Since your employment, the need for our services relative to the day-to-day operations has diminished significantly.

Considering the above, we understand the City's frustration with the current arrangement, and we agree that the arrangement should be modified to be fair to all involved. The City should not pay for more services than it receives, and the firm should be fairly compensated for the services it provides.

Moving forward, we propose the elimination of a monthly retainer, and recommend an agreement that compensates the firm for its services on an hourly basis. We propose an hourly rate of \$150.00 for the "civil matters" described in the Retainer Agreement, with the exception of prosecution services, which will be invoiced at \$130.00 per hour; and personnel and employment services, which will continue to be invoiced at \$165.00 per hour. Tax Tribunal services will be included within the "civil matters." With the exception of the fee structure described in this correspondence, we agree to honor the remaining terms of the Retainer Agreement until the expiration of that Agreement.

If you agree with this proposal, we will prepare a new Legal Services Agreement that will incorporate the new fee arrangement. Additionally, in accordance with our discussions, if the new fee arrangement is accepted, we will retroactively apply it effective September 1, 2019. Please let us know how you wish to proceed.

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

A handwritten signature in black ink, appearing to read "Lisa J. Hamameh", written over the printed name.

Lisa J. Hamameh

cc: Carol Rosati

CITY ATTORNEY LEGAL SERVICES AGREEMENT

This Legal Services Agreement for City Attorney Services ("Agreement") is made and entered into by and between the City of South Lyon, a Michigan municipal corporation and Home Rule City (the "City") and Rosati, Schultz, Joppich, and Amtsbuechler, P.C., a Michigan professional corporation (the "Attorneys").

1. In accordance with Section 6.6 of the City Charter, the City Council of the City of South Lyon employs the Attorneys to act as general counsel for the City in all legal matters deemed appropriate; to represent the City in all civil matters; and to represent the City in the prosecution of ordinance and/or code violations of the City. The parties agree that the Attorneys do not represent the City in the areas of labor negotiations/arbitration and bonding, these are specialties that the Attorneys are not equipped to handle at this time. Attorneys agree to cooperate with special counsel whenever necessary and/or appropriate.

2. For purposes of this Agreement, the term "civil matters" shall include:

- A. Attend regular and special meetings, workshops, and study sessions of the City Council;
- B. Attend meetings of the administration as requested by the various departments' personnel;
- C. Advise the City Council on legal matters pertaining to Council and City business;
- D. Upon request, attend meetings of appointed Commissions, Committees, and Boards and advise same regarding legal matters pertaining to City business;
- E. Be available by telephone or in person when necessary and appropriate to provide advice to the City Administration, Council Members, City Officials, employees, and staff on legal matters pertaining to City business;
- F. Prepare legal opinions on issues as they arise in the business of the City when requested;
- G. Draft, review, and approve as to form ordinances, code amendments, resolutions, agreements, and other documents and reports requested by the City Council, Planning Commission, Zoning Board of Appeals, and/or City Administration;
- H. Provide training to City Officials, employees and staff as requested;
- I. Handle litigation, special litigation, appeals, or special prosecutions in district court, circuit court, federal district court or higher courts and any work associated with it;

- J. Other formal appearances and representation on behalf of the City before any other municipal, state, county, or federal administrative board, body, or agency, including preparation therefor;
- K. Perform such other legal services deemed necessary or expedient by the City Council or the City administration.

3. Fees for civil matters described in Section 2 above shall be billed and paid monthly by the City at the rate of \$150.00 per hour, except that prosecution of ordinance violations and related district court litigation shall be billed at the rate of \$130.00 per hour, and personnel and employment matters shall be billed at the rate of \$165.00 per hour, including travel time. While Attorneys charge all clients for travel time as a matter of course, Attorneys agree to honor the previous arrangement in the Retainer Agreement that travel time will only be charged for personnel and employment matters, for the remaining term of that Retainer Agreement (June 30, 2021). After which time, Attorneys will charge for travel time for all matters.

4. City shall reimburse Attorneys for actual costs and expenses incurred by Attorneys including, but not limited to, costs associated with any litigation, such as deposition costs, court reporter fees, filing fees, court costs, jury fees, services fees, expert and non-expert witness fees, investigator fees, out of state travel expenses, recording or certification fees, postage, title reports, photographs, diagrams, maps, or other similar costs and expenses, and travel time for personnel and employment matters. However, costs and expenses not associated with litigation, such as transportation, mileage, telephone charges, postage, facsimile charges, overnight courier or delivery charges, and photocopying costs shall not be reimbursed.

5. Attorneys will submit to the City Manager on a monthly basis before the 15th of each month an itemized invoice for all legal services and costs and expenses for the previous month's activities. The invoice will identify the attorney performing the services, the matter on which the attorney worked, a description of the services provided, the hourly rate charged, the time spent on the task in increments of tenths of an hour, and any costs or expenses eligible for reimbursement. Invoices and amounts due shall be due and payable immediately upon receipt by the City.

6. The parties agree that Lisa J. Hamameh is hereby designated the City Attorney. She shall be primarily responsible for the provision of the services listed, and she shall attest to the accuracy of all invoices submitted pursuant to this Agreement. Attorneys agree that a sufficient number of attorneys shall be assigned to the City's work to assure timely delivery of services.

7. The hourly rates may be amended or adjusted at any time after one year following the Effective Date stated below by mutual written agreement of the parties. Notwithstanding the foregoing, this Agreement may be amended at any time by mutual written consent of the parties.

8. The terms of this Legal Services Agreement shall apply retroactively to September 1, 2019, and the Attorneys agree to make any necessary adjustments to the September, 2019 and October, 2019 invoices.

9. Upon the Effective Date of this Legal Services Agreement, the Retainer Agreement between the parties which is due to expire on June 30, 2021 is terminated.

IN WITNESS WHEREOF, the parties have executed this Agreement on this ____ day of November, 2019.

CITY OF SOUTH LYON

ROSATI, SCHULTZ, JOPPICH AND
AMTSBUECHLER, P.C.

By: _____
Its: Mayor

By: _____
Lisa J. Hamameh, shareholder

By: _____
Its: Clerk

**CAPITAL IMPROVEMENT PLAN
PHASE I (FY 2019–2020) REPORT**

FOR

***SOUTH LYON
WATER TREATMENT PLANT***

FOR

CITY OF SOUTH LYON

NOVEMBER 2019

Prepared by:



HUBBELL, ROTH & CLARK, INC.
CONSULTING ENGINEERS SINCE 1915

HUBBELL, ROTH & CLARK, INC.

Consulting Engineers

555 Hulet Drive • PO Box 824

Bloomfield Hills, MI 48303-0824

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Executive Summary

Purpose

The South Lyon Water Treatment Plant (WTP) was initially built in 1965 to remove iron from the groundwater distributed throughout the City. Since then, it has been upgraded and expanded numerous times to meet South Lyon's growing needs. However, the last time large scale upgrades were undertaken at the WTP was almost 20 years ago, as a part of the 2001 plant expansion.

The City of South Lyon requested the assistance of Hubbell, Roth & Clark, Inc. (HRC) in developing a Capital Improvement Plan (CIP) for the WTP. The CIP has been broken down into two (2) phases, Phase I improvements are recommended to be completed over the next three fiscal years (FY 2019-2020, FY 2020-2021, and FY 2021-2022), and Phase II improvements are recommended to be completed in future years. This report summarizes HRC's analysis and recommendations regarding Phase I (FY 2019-2020, FY 2020-2021, and FY 2021-2022) CIP for the South Lyon WTP.

Evaluation

HRC investigated the following items for this Phase I report:

1. Increasing Storage Capacity
2. Horizontal Pressure Filter Maintenance
 - a. Media Inspection
 - b. Evaluation and inspection of Simul-wash System Internals
 - c. Exterior Painting and Sealing
3. Replacing the Non-Functional Induced Draft Aerator
4. Ground Storage Tank Repairs

Conclusions

1. **Increase Storage Capacity:** It is recommended that a new 600,000-gallon water storage tank be installed on the parking lot west of the plant to allow for increased system redundancy and decrease the chance of the system running out of water during high demand periods. This tank will also allow for the implementation of the internal long-term repairs that are needed on the existing above-ground storage tank.
2. **Horizontal Pressure Filter Maintenance:** The media on the Horizontal pressure filters needs to be replaced in each train. Also, each tank needs to be cleaned, resealed and repainted.
3. **Induced Draft Aerators:** It is recommended that the unit which was previously abandoned in place be replaced and that a schedule for regular inspections be implemented for all IDAs to allow for parts to be replaced within the units as needed. HRC recommends that these regular inspections commence either semiannually or annually.
4. **Ground Storage Tank Repairs:** HRC's recommendations from 2015 for the Existing Above Ground Storage Tank remain valid but now have increased urgency. The Existing Above Ground Storage Tank has continued to deteriorate. Short-Term external repairs are needed along with Long-Term internal repairs. The only way the Long-Term Repairs can only occur when the tank is offline. Due to the criticality of the tank in the distribution network, this work can only be performed after the new water storage tank is constructed to serve as the intermediate reservoir necessary to fill the elevated storage tank.

Recommendations

- A. It is recommended that the City move forward with all four elements of work that are detailed in Phase 1 of this CIP. These items should be concurrently designed and bundled into a single construction project to ensure proper coordination, maximize economy of scale and minimize overall project costs. The estimated costs associated with each of these actions can be seen in Table 1 and area elaborated on in Appendix B. It must be recognized that these are estimated project costs intended to be utilized for preliminary budget and planning purposes. Final project cost estimates will be further refined once the actual multi-discipline design has been completed for the necessary upgrades and improvements.
- B. The City Council should pass a resolution formally adopting this CIP.
- C. The City should adopt budgets over the upcoming fiscal years to complete all four elements of work as detailed in Phase 1 of this CIP.
- D. The City should authorize HRC to proceed with the design for Phase 1 of this CIP.
- E. The City should complete a new rate analysis for the upcoming fiscal years in order to complete Phase 1 of this CIP and follow up with an updated rate analysis once Phase II of the CIP is developed.
- F. It is recommended that the City authorize HRC to commence with the development of the Phase II CIP concurrently with implementation of the design and construction work as detailed in Phase 1 of this CIP.

Table 1: Summary of Phase I Total Estimated Project Costs.

TASK		TOTAL ESTIMATED COST
<i>South Lyon WTP Recommended Actions</i>		
1	Increasing Storage Capacity	\$2,812,100.00
2	Horizontal Pressure Filter (HPF) Maintenance	\$749,000.00
3	Induced Draft Aerator (IDA) Replacement	\$93,200.00
4	Above Ground Storage Tank Repairs	\$653,400.00
	Total	\$4,307,700.00

Future Improvements to the WTP

In addition to the Phase I recommendations, HRC also would like to stress the importance of the City considering completing a Phase II CIP for the WTP, which includes:

- Emergency alternate water source investigation
- New treatment plant well investigation
- Upgrading the backup power systems for the plant
- Main Pipe Gallery rehabilitation,
- Basement Pipe Gallery rehabilitation,
- Dehumidification upgrades
- Chlorine Gas Safety
- Site security investigation
- Water conservation public education and outreach.

Future Improvements to the City Wellfield

- Although not within the scope of HRC's Phase I CIP investigation, it should be formally documented that City Administration concurrently hired third-party, Peerless Midwest, Inc. (Peerless) to perform maintenance on Well 1 through 5. Peerless found that Well 2 and 4's screens could not be recovered. Both of these wells only could produce a fraction of the capacity that they were rated for originally. Based on the results of Peerless' findings, the City requested Peerless to apply for new well installations with EGLE. These applications with EGLE would allow for wells to be installed directly outside of the existing well houses allowing for the existing well house equipment to still be used; this is similar to how Well 6 was put in next to Well 3 when Well 3 previously failed in 2011. EGLE allowed the construction of Well 4-A next to the Well 4 well house but would not allow for the construction of Well 2-A next to well house 2 due to its proximity to the road and a sanitary sewer line. EGLE suggested an alternate well site in McHattie Park. This location is currently being investigated to determine the feasibility of putting a new well house in the park, allowing the new well house to tie into the existing infrastructure with some improvements. Upon request HRC will perform additional research to assist the City with siting this new well.
- EGLE has expressed concern regarding the plant's current ability to meet the firm capacity required for the plant with Well 2 not performing as well as it used to. In order to achieve the firm capacity requirement, the plant must be able to supply the necessary water to feed the system with the largest well and pump offline. The current pumping capacities for each well in the wellfield can be seen on the map in *Appendix E*. Well 6 does not currently send water directly to the plant, rather it sends raw (untreated) water to the seamless tube mill. Historically, to meet firm capacity requirements the plant used a pressure switch and flow control valve that would allow a redirection of a portion of the flow from Well 6 to the WTP. This pressure switch and flow control valve are no longer in service. In order for Well 6 to count toward the firm capacity the pressure switch and flow control would need to be removed and replaced. This option is recommended since it will allow for firm capacity to be readily restored.

Section 1 - Increasing Storage Capacity

During the 2017 Water Reliability Study that HRC completed on behalf of South Lyon, HRC noted that the water level in the tanks threatened to fall beneath the low setpoint during peak demand conditions. Additionally, the City's existing ground storage tank needs rehabilitation, which will require it to be temporarily taken out of service. As such, HRC was tasked with analyzing the City's water storage capacity, to determine the amount of storage necessary for a proposed secondary ground storage tank to facilitate construction activities and serve sufficient to maintain water storage levels during periods of peak demand.

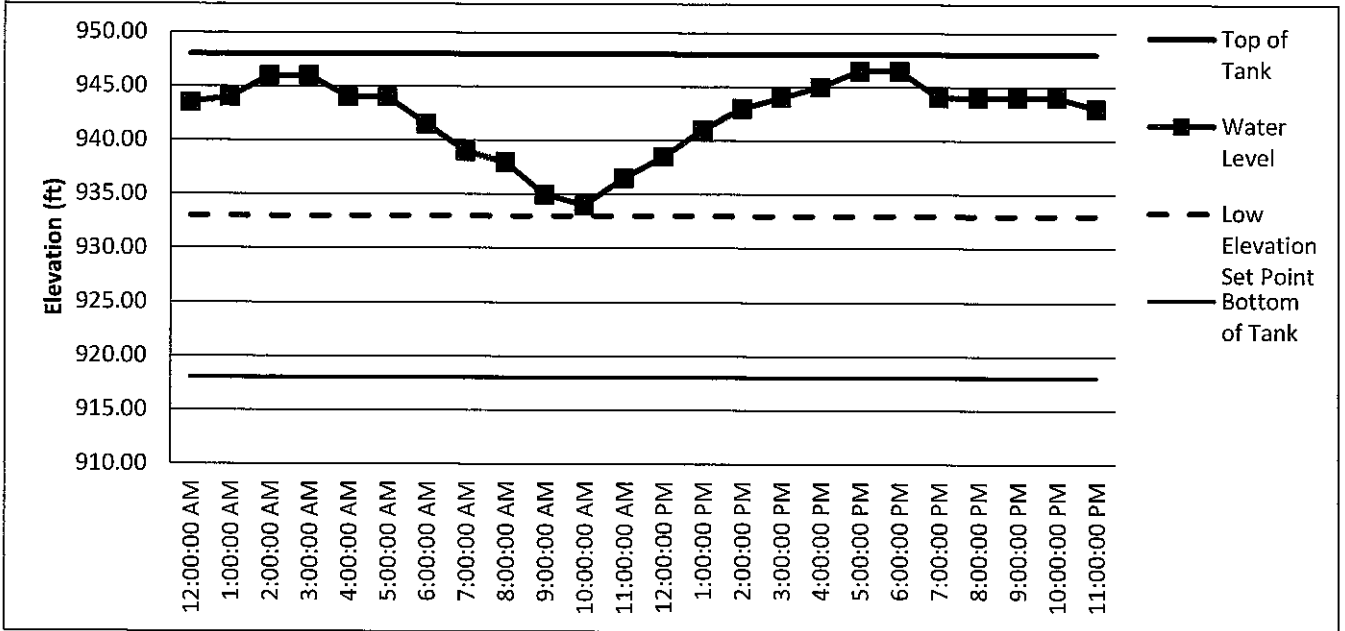
The following are the tank operating levels that the City currently utilizes for daily operations during the summer months:

- Above Ground Storage Tank
 - High Point: 28.5 feet
 - Low Point: 13 feet
- Elevated Storage Tank
 - High Point: 37 feet
 - Low Point: 28 feet

HRC obtained daily circular charts recorded by the City to observe daily tank and pump operations for the hottest days of 2017 and 2018, the 2016 South Lyon Hotel fire, and a typical Summer day in 2018. The 2019 data was not yet available, as the collection was ongoing during this study, based on the incomplete data that was available at the time, the trends matched those of the prior years. After reviewing the daily data and operating levels, it was determined that the City maintains an adequate volume of tank storage for peak hour situations and emergency events (fires) with enough reserves to supply enough water to residents.

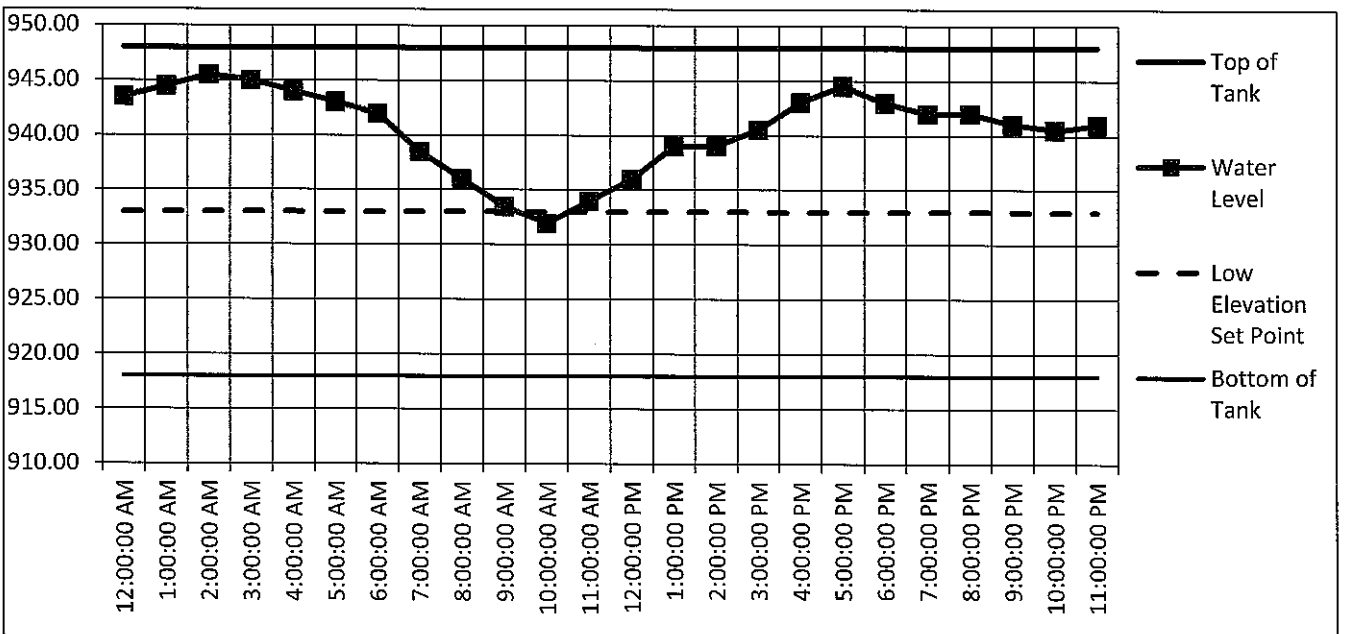
The graphs on the following page show the water level in the ground storage tank during the peak day of 2017 and 2018:

Figure 1: Ground Storage Tank Levels — 8/2/2017



On 8/2/2017, the tank operates within its set-points throughout the day. The tank is utilized (drains) in the morning for the morning demands and then refills before the early evening demand period.

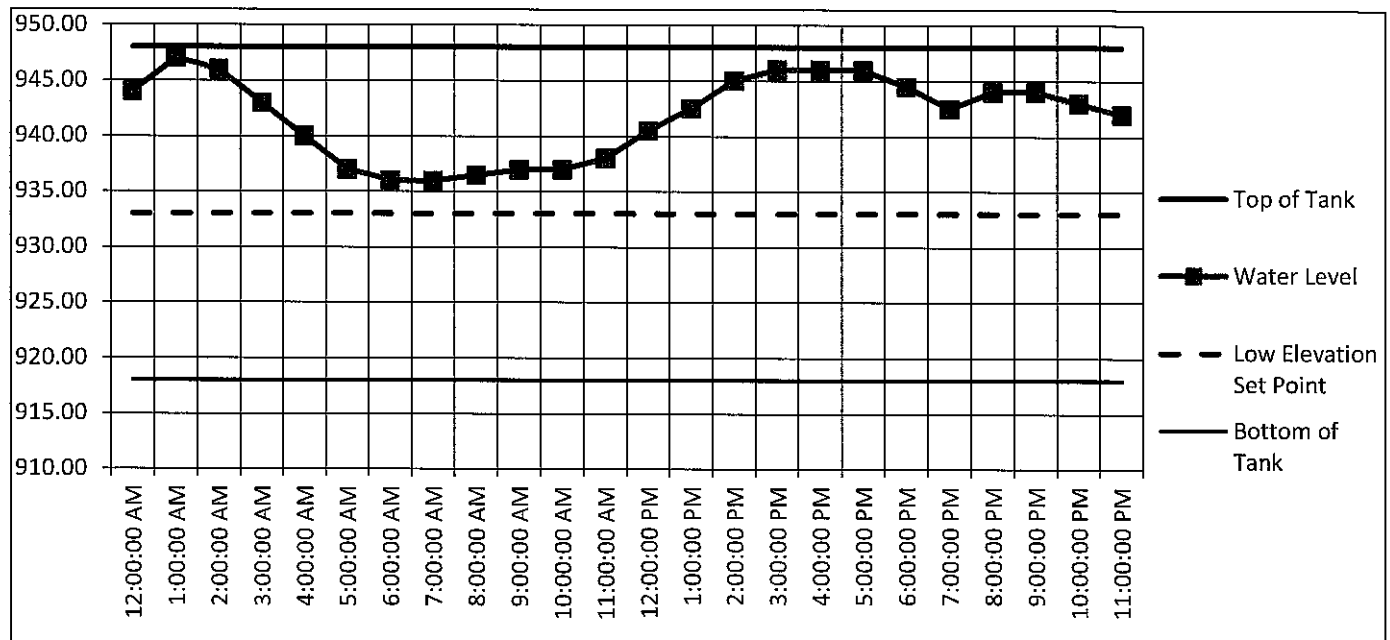
Figure 2: Ground Storage Tank Levels - 7/13/2018



On July 13, 2018, the tank operated within its setpoints throughout the day, except for a short period in the late morning when it drops below the low-level set-point. The tank is utilized (drains) in the morning for the morning demands and then refills before the early evening demand period.

HRC also reviewed the data for the 2016 South Lyon Hotel fire. This data was a three-alarm fire and the largest fire to happen recently in South Lyon. All water that was used to fight this fire was supplied by the South Lyon WTP and Water Distribution system. Based on the data from that day, it is apparent that the WTP can produce enough water from the wells to keep up with the usual morning spike in water use. The graph below shows the water level for the day on June 23, 2016, the day of the fire.

Figure 3: 6/23/2016 Above Ground Storage Tank Elevations



During the high demand periods, the low set point in the above-ground storage tank was not exceeded. This means that at no point during the day of the fire did the total storage in the above-ground storage tank drop below 500,000 gallons. It can also be observed that the tank drained quicker than the other peak days noted (due to the fire) but was able to refill before the afternoon demands.

HRC also reviewed regulations for equalization volumes and guidelines for fire protection and emergency storage volumes. According to the *Recommended Standards for Water Works, Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers* (10 State Standards), equalization storage shall be equal to average daily demands. Therefore, the City's 5-year average daily demand (Years 2013-2018) was 1.16 MGD, which suggests that the equalization

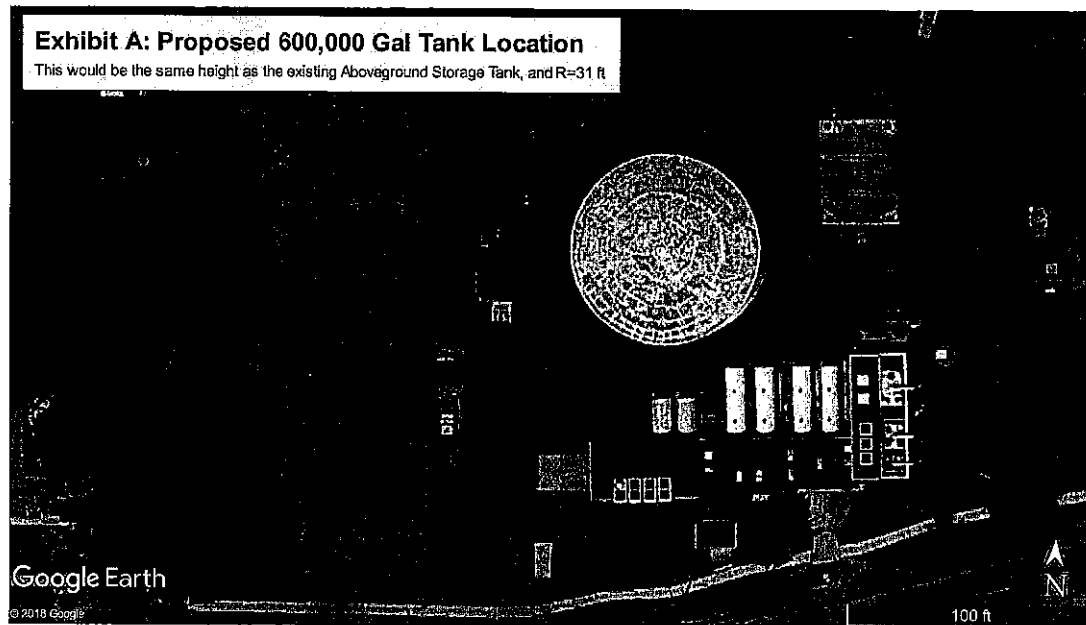
volume shall also equal 1.16 MGD (1,160,000 gallons). According to the 10 State Standards, a community is not *required* to provide fire storage; however, many communities choose to provide fire protection storage for the health and safety of their residents. Providing fire protection also improves a community's Public Protection Classification (PPC) grading for insurance purposes. The grading system indicates that the larger the amount of fire protection volume, the higher the grading which may lower the community's fire insurance. Per the City's largest fire flow goal, 2500 gpm (commercial) for 3 to 4 hours, the fire protection storage volume would equal between 450,000–600,000 gallons. Should the City wish to increase their fire flow goal (3500 gpm for 4 hours), a larger volume (840,000 gallons) would be necessary. Also, in consideration is an emergency storage volume; however, there is no exact formula for determining the emergency storage as it depends on the type of planned emergency. Depending on the emergency, it may be accounted for in the fire protection storage volume as it is assumed that a fire is not likely to occur on the same day as an emergency (water main break or power failure). For this study, it is assumed that these instances could both occur simultaneously. Therefore, for the City, the emergency reserves could be attributed to the time it takes to isolate a water main break on a significant transmission main in the City. Assuming the emergency would take approximately 6 hours to isolate on an average day, this could equate to approximately 290,000 gallons (average daily flow 1.16 MGD by 6/24 hours) that should be available for emergency storage.

Thus, according to these rules/goals the total storage capacity equates to approximately 1,900,000–2,050,000 gallons, and currently, the City has a total of 1,500,000 gallons in both of their water storage tanks (ground storage tank = 1 mgal, elevated tank = 0.5 mgal).

Based on both the study of the circle charts from the plant and the storage guidelines, HRC has determined that an additional storage tank volume of 600,000 gallons (equating to total storage of 2,100,000 gallons) is appropriate during the construction activities during low demand periods and redundancy efforts following construction. The construction activities on the existing ground storage tank are expected to occur during low demand periods typically near 0.9 MGD. Thus, the new storage tank volume coupled with the elevated storage tank at a total of 1,100,000 gallons will allow for continued daily operations. The City will need to make accommodations in pumping and tank operations during this time frame to make the best use of the storage volume. Following construction of the new tank, this additional storage volume will allow for some adjustments in the operation of the tank during periods with high flow demand and also provide adequate fire protection and emergency storage volumes. During average conditions this capacity would allow for continued operation with little impact on the system.

The most cost-effective implementation is to construct an additional permanent ground storage tank in the existing non-utilized parking lot located immediately west of the WTP. This proposed tank would share the same high water set point of 28.5 feet, and a maximum height of 30 feet and have a radius of 31 feet (D=62 feet). This proposed location can be seen in Exhibit A below.

Figure 4: Exhibit A Proposed Tank Location



This location was identified due to its proximity to the plant and the minimal impact it would have on the public since the parking lot next to the plant is rarely used it would allow for a simple expansion of the existing fence to the west end of the parking lot. HRC investigated multiple options for the material of this tank. These options along with their probable construction cost estimates can be seen in Table 1.

Table 2: Preliminary Probable Construction Cost Estimate for Proposed Above Ground Water Tank

Tank Material	Foundation Type	Cost Estimate*	Comments:
Steel	Ring-wall	\$ 820,000	Exterior and Interior of the tank should be inspected every 5- and 10-years, respectively. Regular maintenance should be expected. Higher anticipated maintenance cost
Concrete	Slab with a thickened edge	\$ 1,110,000	Exterior and Interior of the tank should be inspected every 5- and 10-years, respectively. Low anticipated maintenance cost.
Stainless-steel	Ring-wall	\$ 2,160,000	Exterior and Interior of the tank should be inspected every 5- and 10-years, respectively. Low anticipated maintenance cost.

*Cost Estimates in the table above do not include Yard Piping or Site Civil Work

Table 1 also shows comments regarding the general maintenance costs expected with each kind of tank. Due to the anticipated high maintenance cost, HRC recommends the installation of the Concrete 600,000-gallon tank to serve as additional storage at the plant and allow for the necessary repairs on the existing above-ground storage tank.

Section 2 - Horizontal Pressure Filter (HPF)

Maintenance

Tonka Water (Tonka) performed a third-party media inspection for Filter 2 and 5. Filter 2 represents all of the new Tonka filters that were installed around the turn of the millennium, and Filter 5 represents the oldest General Filters. The media samples were taken by combining media from both cells of the Filters in order to yield a general condition of the angularity of the media since all of the current media was installed at the same time. The Media Analysis can be found along with all other reports from Tonka in Appendix A. To summarize the results, the Tonka filter media is at the end of its useful life as the effective size is too small, 0.6 millimeters, with a higher than desired uniformity. The General Filters (Filters 5 and 6) saw media expansion, likely from not having air and water backwash. This media is almost out of specification on the upper end at 0.8 millimeters with a lower than desired uniformity coefficient. Based on Tonka's inspection HRC recommends that the media be completely replaced in all filters. HRC recommends that **\$478,000** be budgeted for new media. This budget is anticipated to include all materials (media, underdrain, air wash), shipping, labor, and startup. Tonka's complete quote can be found in Appendix B.

HRC performed ultrasonic thickness testing of the Horizontal Pressure Filters (HPFs). Based on this testing, it is unlikely that there are any points on the HPFs where the steel thickness has been compromised. The testing results can be seen in Appendix A. One notable anomaly that was observed in the field was that some readings appeared lower than normal on Filters 5 and 6. These readings are significantly lower than one would expect to find for even rusted steel. Based on the fact that some of the paint is peeling and that more standard wall thicknesses were observed around the points of these remarkable readings, it is likely that the sensor may have picked up air bubbles between the steel and the paint. These bubbles are typical in cases where older seals begin to warp away from the metal that they are protecting. This bubbling is supported by additional field observations, where it was observed that where some of the paint was beginning to peel off, the paint appeared to bubble and crack away from the surface of the HPF. This peeling can be seen in Figure 5.

Figure 5: Broken Seal on HPF 5



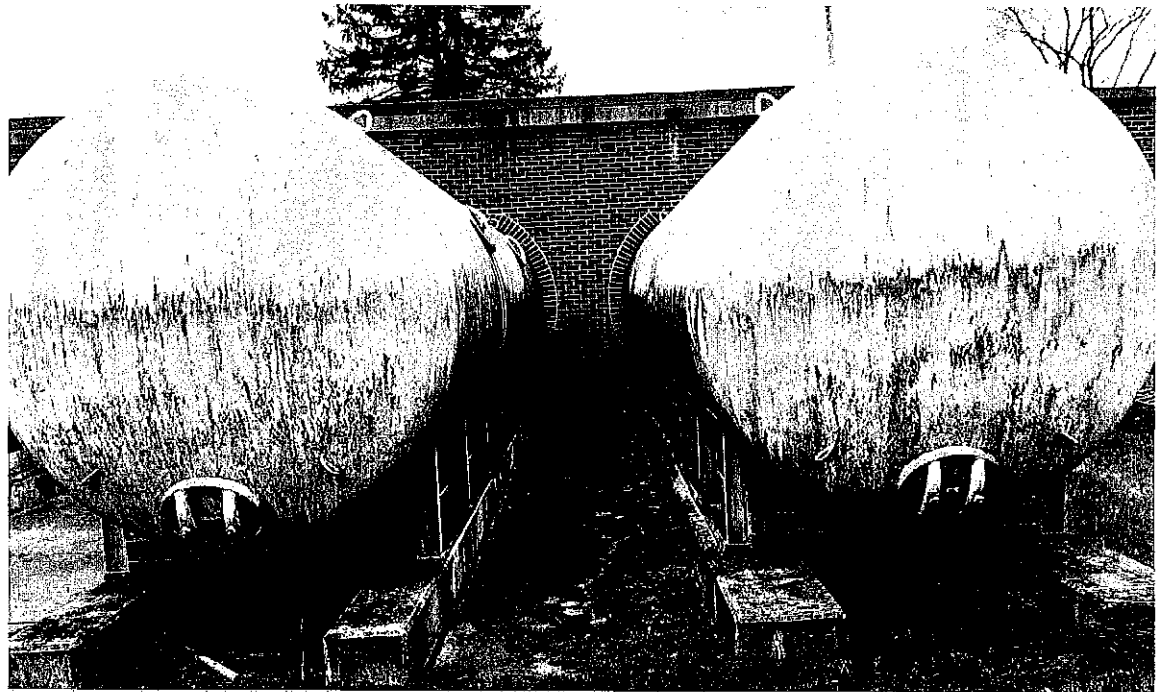
Figure 5 shows a test location from the thickness testing that was performed. This testing uses a gel that can be seen in the figure to allow for an ultrasonic device to test determine the thickness of the metal. Around the gel, the sealant and paint can be seen peeled away. This image serves as evidence of a small void existing between the seal and the metal of the HPF. The tanks can be seen to need resealing on a macro scale is Figure 6.

Figure 6: HPF 6



Figure 6 shows one of the older General Filter HPFs. The rust can be seen through the paint, and additional pockets where the seal has peeled up exposing the bare metal can be seen. While not as severe Figure 7 shows the two of the Tonka HPFs and they can also be seen showing the early signs of rust.

Figure 7: HPFs 3 and 4



To reduce the risk of damage from corrosion, HRC recommends that all six HPFs be prepped and repainted with three-part epoxy coating. Based on HRC's correspondence with Tnemec Company, Inc., the labor and material cost estimate of recoating the HPFs will cost approximately **\$76,000**. This work is anticipated to include:

Preparation:

- Detergent clean surface per SSPC-PA-1
- Water blast per SSPC/NACE WJ-4

Primer:

- Tnemec Series 1 Omnithane Zinc Rich Urethane
- Intermediate Coat:
- Tnemec Series 66 Epoxy

Finish Coat:

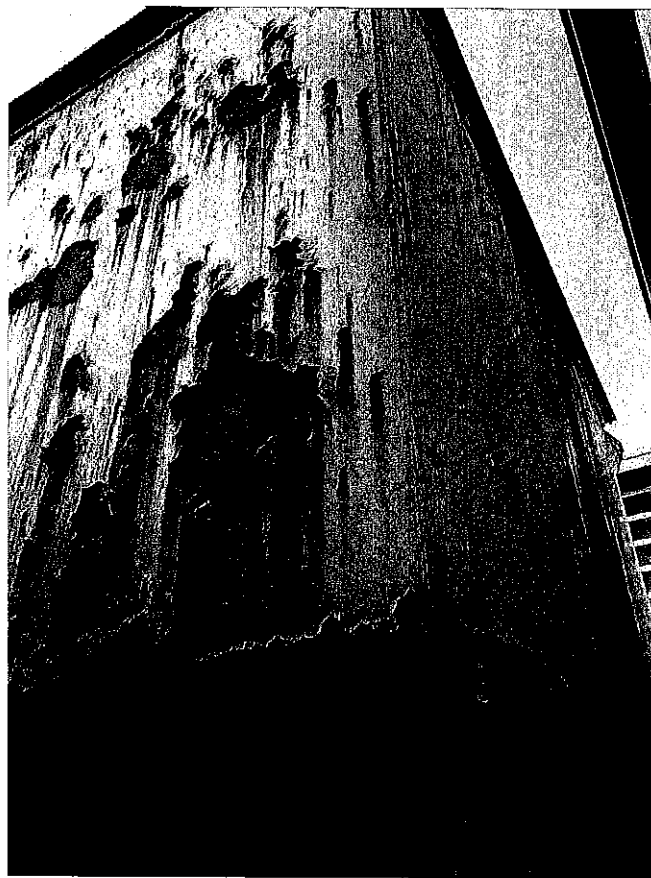
- Tnemec Series 1070 (or 1071/1072) Fluoropolymer

The above system would result in a high-performance coating that Tnemec would **warrant for 15 years.**

Section 3 - Replacing the Non-Functional Induced Draft Aerator (IDA)

The WTP Currently has three Induced Draft Aerators (IDA) installed to change the state of the iron in the raw well water from a ferrous to a ferric state so that the iron can be removed in the horizontal pressure filter treatment train. To increase capacity, in 2001 a third, larger IDA was added, and the smallest IDA near Dorthey Street was abandoned in place. It is recommended that the abandoned in place IDA be replaced and that inspections be planned on the other IDAs in the next 2 to 3 years to look at what parts need to be replaced. Figure 8 illustrates the condition of the abandoned in place IDA. Not only is the IDA corroded heavily along the outside, but the internals of the unit are also corroded to a point where replacement is the only option.

Figure 8: Nonfunctional IDA



To establish a proper budget for replacement of the nonfunctional IDA, HRC contacted J.F. Cavanaugh Mechanical Contractors and Hamlett Environmental, the local sales representatives for WesTech, with the plan to replace the existing nonfunctional IDA with an identical functional unit. The total estimated cost to complete this work equates to approximately **\$80,000**, which includes the cost of the unit itself along with labor for installation and startup. The complete quote with a cost breakdown can be seen in Appendix B. Hamlett also supplied quotes for replacing various components for the other IDA units, along with supplying maintenance recommendations from WesTech. WesTech believes that given the age of the middle IDA unit the 1540 MGD unit, may need a complete replacement of the internals, parts, and service for this would total around *\$60,000*. Complete replacement of the blower assembly for any of the units would cost about *\$8,000*. Replacing the slat bars in the largest unit (2260 MGD) would cost *\$18,000* and replacing the intake screens would cost *\$800.00* each. HRC does not believe that functional IDAs need service at this time but recommend that an inspection be done every year and that cleaning and replacement of internals should happen in the functional IDAs in the next 3–5 years as proper maintenance will allow these units to operate for a longer period.

Section 4 - Aboveground Storage Tank Repairs

HRC performed an inspection of the existing above-ground storage tank on August 16, 2019. Based on this field visit, HRC has compiled their findings and have presented them below.

Summary of Field Observations:

- Tank Size: 78 feet-0 inches Outside Diameter by 31 feet-0 inches Height. For additional comments on tank layout, construction and appurtenances, refer to HRC's "Above Ground Storage Tank Leak, Rehabilitation Repairs" letter dated September 3, 2015 (2015 Letter) included in Appendix C.
- No wall out-of-plumbness was observed.
- Multiple cracks containing efflorescence were observed around the periphery of the tank. There were no notable active leaks through these cracks nor was the tank's surface saturated local to these cracks.
- Some spall located adjacent to ladder. Spall size ranged from 2- to 12-inches tall by 2- to 6-inches wide.
- Spalls exposed pre-tension strands. Strands appear to be corroded, and measured strand diameter ranged from 0.147-inches to 0.169-inches.
- The existing repair was visible in the southwest quadrant of the tank shell. Epoxy injection repair and epoxy overlay appeared to extend the full height of the tank wall. There is evidence of previous pressure injection repair.
 - Wall at the base of the epoxy repair appeared to be saturated.

Figure 9: Existing Crack Repair

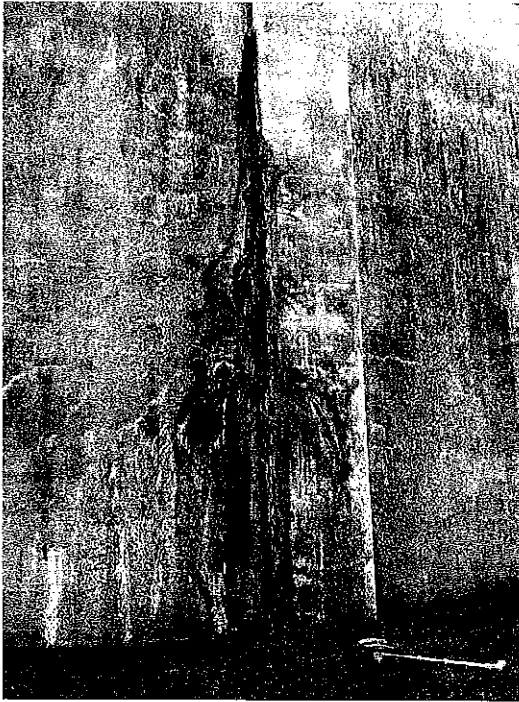


Figure 10: Efflorescence Near Overflow

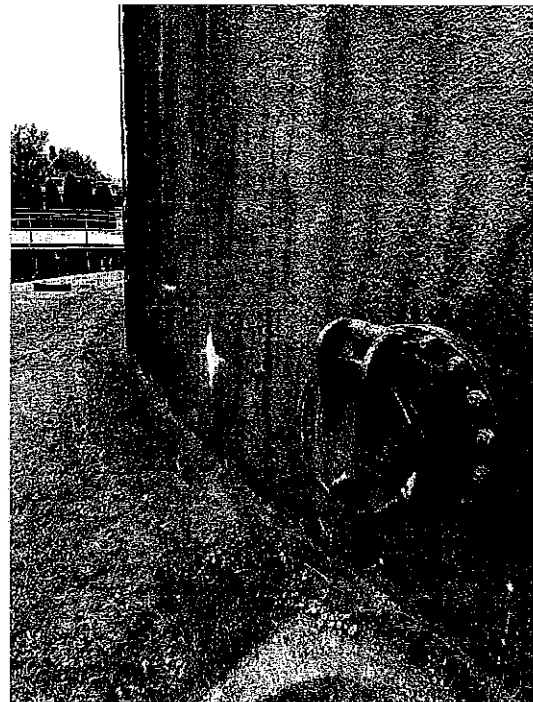
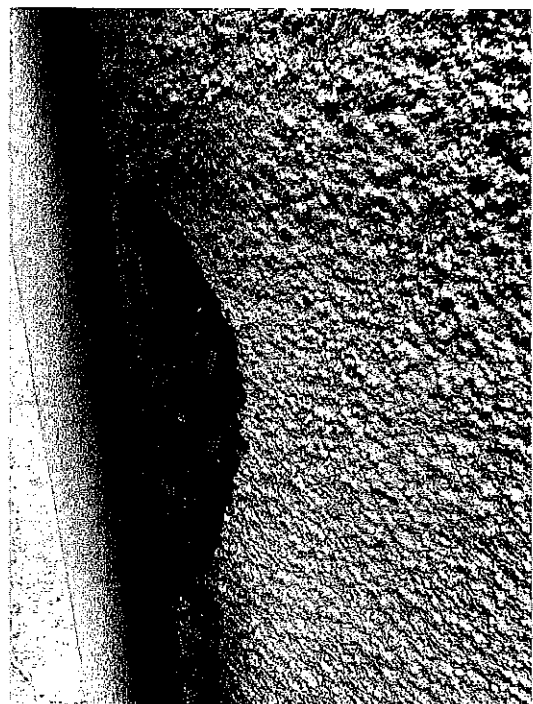


Figure 11: Spall Adjacent to Ladder



Figure 12: Spall Adjacent to Ladder



Assessment of Tank Structure:

- The quantity of cracks with efflorescence appears to be greater than what was observed by HRC in 2015.
- When compared to what was observed by HRC in 2015, some spalls appear to have grown in size. There also appears to be a few new spalls.

Recommendations:

Based on HRC's assessment of the tank structure. The Short-Term and Long-Term Repair recommendations stated in HRC's 2015 Letter are still valid. Summarizing the 2015 repair recommendations: The Short-Term repair and rehabilitation consists of applying corrosion protection to locations where pre-tension strands are exposed, and spall rehabilitation and the Long-Term Repair includes emptying the tank and coating the entire inside of concrete surface with an NSF approved sprayable liner systems which will mitigate water leaking through microcracks in the concrete. Long-Term repair also includes coating the existing tank with industrial grade epoxy paint. Accounting for inflation, the preliminary probable construction cost is as follows:

- Short-Term (External) Repair as recommended in HRC's 2015 Letter: **\$ 31,000**
- Long-Term (Internal) Repair as recommended in HRC's 2015 Letter: **\$ 453,000**

As discussed previously, in Section 2 of this CIP Report, to initiate the Long-Term Repair, a new tank with 600,000-gallon networking capacity must be constructed. This tank would allow for continued plant operation with minimal impact on the public and allow for any future repair work to be more easily conducted, as one tank could be used to temporally run the plant while the other is maintained in the future.

Appendix A
Tonka Water Field Report, Media Analysis, and
Thickness Testing Results



Daily Trip Report

Customer Name:	South Lyon, MI	Project/SLSO #:	382682
NES:	R. Boyum	Date:	7/8/19

Daily Objective:	Travel		
Equipment Condition Upon Arrival:	N/A		
Equipment Status Upon Departure:	N/A		
Key Performance Results:	N/A		
Travel Hours:	6.5	Site Hours:	0.0

Time	Task	Notes
6:30	Travel	Travel from office to hotel.

Action Items & Recommendations

Owner

- N/A
- N/A
- N/A
- N/A

Daily Trip Report

Customer Name:	South Lyon, MI	Project/SLSO #:	382682
NES:	R. Boyum	Date:	7/9/19

Daily Objective:	Plant Review		
Equipment Condition Upon Arrival:	In service.		
Equipment Status Upon Departure:	In service.		
Key Performance Results:	N/A		
Travel Hours:	1.0	Site Hours:	8.0

Time	Task	Notes
6:30	Travel	Travel from hotel to site.
7:00	Arrived	Met Ron (operator) and Noah (engineer).
	Plant Review	Well water goes to aerators then to detention tank. Plant has three aerators installed, 2 are used; 1 needs to be repaired or replaced. Low service pumps send water through filters to the ground storage tank. Filters are operated biologically. Post-filtration chemicals added are chlorine, fluoride, and orthophosphate. High service pumps send water to elevated tower. One filter is backwashed every weekday. Smaller older filters are General Filter units, no manuals or drawings to determine where media level should be. Noah took measurements of wall thickness on all six filters.
	Filter 6 (General Filter)	Backwashed filter. Isolated and drained it down. Removed manways. Media still looks dirty, could be growing in height because of biological operation and water only backwash. Media measurements are from media to top of the filter. Cell 1 (front cell) 22". Cell 2 (back cell) 24". Manways seem to be 12" x 16", they don't have new gaskets and closest size we stock are 11" x 15". Having Tyler ship 4 overnight in case the old gaskets leak. Installed manways and refilled the filter. Backwashed the filter again to clean it up more. Put back into service.
	Filter 5 (General Filter)	Backwashed filter. Noticed backwash rate was higher. Found cell 1 raw water valve didn't close fully. Adjusted flow controls on solenoid and then valve closed fully. Isolated and drained it down. Removed manways. Media still looks dirty, could be growing in height because of biological operation and water only backwash. Media measurements are from media to top of the filter. Cell 1 (front cell) 23". Cell 2 (back cell) 24". Took media samples from both cells and combined them together. This will be the first sample for lab analysis. Installed manways and refilled the filter. Backwashed the filter again to clean it up more. Put back into service.
	Filter 1 (Tonka Filter)	Backwashed filter. Noticed cell 1 AWI valve didn't open. Removed airline at solenoid panel to get it to open. Isolated and drained it down. Removed manways. Media in cell 1 a little dirty due to the AWI not opening. Cell 2 looked good. Media measurements are from bottom of manway ring to media. Media retaining screen on sample tap above media is on end of the vessel by valves so you can't use that for a reference. Calculated media depth from top of the filter and it should be 5" below the manway ring. Cell 1 (back cell) 8". Cell 2 (front cell) 7.5". Installed manways with new gaskets we shipped. They had 4 on hand but they appeared slightly too small. Refilled the filter and put back into service. (Media depth needed: Cell 1: 3", Cell 2: 2.5")
3:00	Travel	Travel from site to hotel.



Action Items & Recommendations

- Rush ship 12" x 16" gaskets
- N/A
- N/A
- N/A



Owner

USW



Daily Trip Report

Customer Name:	South Lyon, MI	Project/SLSO #:	382682
NES:	R. Boyum	Date:	7/10/19

Daily Objective:	Plant Review		
Equipment Condition Upon Arrival:	In service.		
Equipment Status Upon Departure:	In service.		
Key Performance Results:	N/A		
Travel Hours:	1.0	Site Hours:	9.0

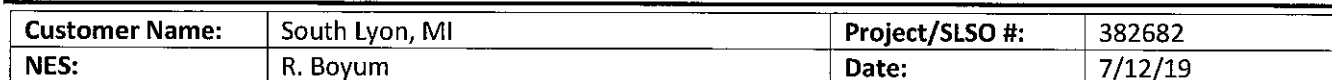
Time	Task	Notes
6:30	Travel	Travel from hotel to site.
	Filter 2 (Tonka Filter)	Backwashed filter. Isolated and drained it down. Removed manways. Media in both cells looks good. Cell 1 (back cell) 11". Cell 2 (front cell) 7". Took media samples from both cells and combined them together. This will be the second sample for lab analysis. Installed manways with old gaskets. Refilled the filter and put back into service. (Media depth needed: Cell 1: 6", Cell 2: 2")
	Filter 3 (Tonka Filter)	Backwashed filter. Simul-wash rates seemed higher. Changed FWE setpoint from 50% to 60%. (This is the value for filters 1 & 2). Isolated and drained it down. Removed manways. Media in both cells looks good. Media measurements are from bottom of manway ring to media. Cell 1 (back cell) 6.5". Cell 2 (front cell) 10". Cell 2 manway had a large ball of rust on the edge. Knocked it off and found a good size area of bare metal. Noah contacted Ron to have him come over and discuss how we want to handle this. Contacted Tyler to have him work on a quote for a replacement. Operators cleaned up the area with a wire brush, applied some primer, followed by silicone gasket maker to build up the area. Then, a new gasket was put on and we allowed it to set up. Installed manways with new gaskets. Refilled the filter and put back into service. (Media depth needed: Cell 1: 1.5", Cell 2: 5")
	Filter 4 (Tonka Filter)	Backwashed filter. Simul-wash rates seemed higher. Changed FWE setpoint from 50% to 60%. (This is the value for filters 1 & 2). Isolated and drained it down. Removed manways. Media in both cells looks good. Media measurements are from bottom of manway ring to media. Cell 1 (back cell) 10". Cell 2 (front cell) 13.25". Installed manways with new gaskets. Refilled the filter and put back into service. (Media depth needed: Cell 1: 5", Cell 2: 8.25")
4:00	Travel	Travel from site to hotel.

Action Items & Recommendations

- Analyze media samples and make recommendations.
- Quote anthracite to recap Tonka filters. After media is analyzed.
- Adjust solenoid flow controls for AWI valves to 5 turns open.
- Quote replacement manway for Filter 3 cell 2

Owner

TW Customer Service
TW Customer Service
Operator
TW Customer Service



Daily Objective:	Travel		
Equipment Condition Upon Arrival:	N/A		
Equipment Status Upon Departure:	N/A		
Key Performance Results:	N/A		
Travel Hours:	7.25	Site Hours:	0.0

[illegible]

Action Items & Recommendations

Owner

- N/A
- N/A
- N/A
- N/A



Media Analysis

Company Name: South Lyon

Sample Date: 7/10/2019

Sample ID: 195188-189

Report Date: 7/24/2019

Sample identification: Water sample from South Lyon, MI.

Results: The samples submitted were a makeup of Anthracite. The results are reported below.

Sample		195188	195189
System	Standard	Filter 2	Filter 5
Effective Size	0.60-0.80	0.6 mm	0.8 mm
Uniformity Coefficient	≤ 1.70	1.97	1.25
Grain Hardness	Excellent	Good	Good
Coating	Like New	Iron Fouled	Iron Fouled

Reported by:

Nicole Heinks

Nicole Heinks

Analytical Services



Plymouth Office

13305 Water Tower Circle; Plymouth, MN 55441

763.559.2837 | www.tonkawater.com

U.S. Water Corporate Office

12270 43rd Street NE

St. Michael, MN 55376



High Pressure Filter Thickness Testing

Test Dates 7/9/19 and 7/10/19

Test No.	Rust on test point ?	Filter #	Reading (in.)	Inconsistent Readings
General Filter Tanks				
1	Y	6	0.523	N
2	N	6	0.193	Y
3	N	6	0.558	N
4	Y	6	0.504	N
5	N	6	0.561	N
6	N	6	0.572	Y
7	N	6	0.585	Y
8	N	6	0.128	Y
9	Y	6	0.511	N
10	N	6	0.12	Y
11	N	5	0.665	N
12	N	5	0.081	N
13	N	5	0.548	N
14	N	5	0.55	N
15	N	5	0.559	N
16	Y	5	0.619	N
17	N	5	0.089	Y
18	N	5	0.088	Y
19	Y	5	0.554	N
20	N	5	0.08	Y
TonkaWater Tanks				
21	N	4	0.39	N
22	N	4	0.395	N
23	N	4	0.389	N
24	N	4	0.391	N
25	N	4	0.38	N
26	N	4	0.404	N
27	N	4	0.4	N
28	N	4	0.391	N
29	N	4	0.404	N
30	N	3	0.404	N
31	N	3	0.411	N
32	N	3	0.398	N
33	N	3	0.395	N
34	N	3	0.387	N
35	N	3	0.394	N
36	N	3	0.407	N
37	N	3	0.408	N
38	N	3	0.402	N
39	N	2	0.4	N
40	N	2	0.405	N
41	N	2	0.404	N
42	N	2	0.399	N
43	N	2	0.372	N
44	N	2	0.401	N
45	N	2	0.398	N
46	N	2	0.397	N
47	N	2	0.408	N
48	N	1	0.406	N
49	N	1	0.408	N
50	N	1	0.399	N
51	N	1	0.404	N
52	N	1	0.372	N
53	N	1	0.395	N
54	N	1	0.39	N
55	N	1	0.4	N
56	N	1	0.4	N

Average 0.4255 Std Dev 0.194848

Average 0.3833 Std Dev 0.259706

Average 0.393778 Std Dev 0.007839

Average 0.400667 Std Dev 0.007778

Average 0.398222 Std Dev 0.010462

Average 0.397111 Std Dev 0.010902

Appendix B
Cost Estimates

ENGINEERS ESTIMATION OF PROBABLE COST
CITY OF SOUTH LYON
South Lyon WTP CIP
DATE 9/6/2019
HRC JN 20180233

TASK	ESTIMATED COST
<i>South Lyon WTP Steel Storage Tank Engineers Estimate of Cost</i>	
1 600,000 Gallon Above Ground Storage Tank w/ Dome Roof, Steel	\$739,000.00
2 Ringwall Foundation	\$91,000.00
3 Foundation Excavation	\$19,000.00
4 Exterior Epoxy Coating, Beige (included in task 1)	
5 Wet Interior Coating (included in task 1)	
6 Piping Valves Electrical and SCADA	\$1,192,000.00
7 Site Civil Work	\$42,000.00
Sub-Total	\$2,083,000.00
Contingencies 10%	\$208,300.00
Engineering, Legal and Administration 25%	\$520,800.00
Total	\$2,812,100.00

1 Based on third party estimate provided by Blue Water Quote Dated 9/4/2019

ENGINEERS ESTIMATION OF PROBABLE COST
CITY OF SOUTH LYON
South Lyon WTP CIP
DATE 9/6/2019
HRC JN 20180233

TASK	ESTIMATED COST
<i>South Lyon WTP Concrete Storage Tank Engineers Estimate of Cost</i>	
1 600,000 Gallon Concrete Tank, Roof & Floor Slab; See Note 2	\$886,000.00
2 Slab Foundation (included in task 1)	
3 Exterior Epoxy Coating, Beige (included in task 1)	
4 Piping Valves Electrical and SCADA	\$1,192,000.00
5 Site Civil Work	\$42,000.00
Sub-Total	\$2,120,000.00
Contingencies 10%	\$212,000.00
Engineering, Legal and Administration 25%	\$530,000.00
Total	\$2,862,000.00

Notes:

- 1 Based on third party estimate provided by Preload Quote Dated 9/5/2019
- 2 0.6 MG (62' I.D. x 26.6' Side Water Depth [SWD])
Wire-wound, Precast, Prestressed Concrete Dome Roof
Water Storage Tank, per ANSI/AWWA D110, Type III.
The tanks are to be uniformly backfilled/buried
approximately 3.5' for frost protection.

- 3 **Tank Budget Estimate**, based on current construction costs for a tank complete in accordance with Preload's design standards and normal construction procedures, **includes**: our standard cast-in-place reinforced concrete floor slab; a precast, circumferentially prestressed concrete wall incorporating a continuous mechanically bonded steel diaphragm; a clear span concrete dome roof; a tank inlet pipe, a tank outlet pipe (both pipes stubbed out approximately 2.0 feet from the tank); an overflow pipe with weir discharging through the wall; standard 42" square aluminum dome roof hatch; standard fiberglass mushroom-style dome vent; aluminum internal ladder with OSHA-approved anti-fall device; aluminum external ladder with OSHA-approved anti-fall device; exterior decorative coating consisting of two coats 100% acrylic such as Tammscoat Smooth or equal on all exposed dome and wall surfaces

ENGINEERS ESTIMATION OF PROBABLE COST
CITY OF SOUTH LYON
South Lyon WTP CIP
DATE 8/30/2019
HRC JN 20180233

TASK	ESTIMATED COST
<i>South Lyon WTP Stainless-Steel Storage Tank Engineers Estimate of Cost</i>	
1 600,000 Gallon Above Ground Storage Tank w/ Dome Roof, Stainless-Steel	\$1,870,000.00
2 Ringwall Foundation	\$36,000.00
3 Granular Fill	\$7,000.00
4 Piping, Valves, Electrical and SCADA	\$1,192,000.00
5 Site Civil Work	\$42,000.00
Sub-Total	\$3,147,000.00
Contingencies 10%	\$314,700.00
Engineering, Legal and Administration 25%	\$786,800.00
Total	\$4,248,500.00

ENGINEERS ESTIMATION OF PROBABLE COST
CITY OF SOUTH LYON
South Lyon WTP CIP
DATE 8/30/2019
HRC JN 20180233

TASK		TOTAL ESTIMATED COST
<i>South Lyon WTP New Tank Process Piping Costs</i>		
1	16" Pipe	\$84,000.00
2	Ts	\$5,000.00
3	90 degree Joint	\$6,000.00
4	Valves	\$78,000.00
5	24" Pipe	\$133,000.00
6	Ts	\$14,000.00
7	90 degree Joint	\$15,000.00
8	Valves	\$195,000.00
9	Excavation	\$402,000.00
10	Electrical	\$130,000.00
11	SCADA	\$130,000.00
	Sub-Total	\$1,192,000.00
	Contingencies 30%	\$357,600.00
	Engineering, Legal and Administration 25%	\$298,000.00
	Total	\$1,847,600.00

ENGINEERS ESTIMATION OF PROBABLE COST
CITY OF SOUTH LYON
South Lyon WTP CIP
DATE 8/30/2019
HRC JN 20180233

TASK		TOTAL ESTIMATED COST
<i>South Lyon WTP New Tank Site Civil Costs</i>		
1	Paving Removal	\$10,000.00
2	Grass (Turf)	\$3,000.00
3	Concrete	\$16,000.00
4	Site Grading	\$13,000.00
	Sub-Total	\$42,000.00
	Contingencies 30%	\$12,600.00
	Engineering, Legal and Administration 25%	\$10,500.00
	Total	\$65,100.00

ENGINEERS ESTIMATION OF PROBABLE COST**CITY OF SOUTH LYON****South Lyon WTP CIP****DATE 8/29/2019****HRC JN 20180233**

TASK	TOTAL ESTIMATED
<i>South Lyon WTP Horizontal Pressure Filter Maintenance Engineers Estimate of Cost</i>	
1 Filter Media for all Vessels, new nozzles and manway gaskets, Labor	\$478,000.00
2 Three Part Paint Seal	\$76,000.00
Sub-Total	\$554,000.00
Contingencies 10%	\$56,000.00
Sub-Total	\$610,000.00
Administration Fee 15%	\$92,000.00
Total	\$702,000.00

ENGINEERS ESTIMATION OF PROBABLE COST
CITY OF SOUTH LYON
South Lyon WTP CIP
DATE 7/17/2019
HRC JN 20180233

TASK	ESTIMATED COST
<i>South Lyon WTP Nonfunctional IDA Replacement Engineers Estimate of Cost</i>	
1 Unit Costs	
Replacement WesTech Aerator	\$42,000.00
2 Labor Costs	
Remove and Reinstall New Aerator (Including the cost of a Crane)	\$11,000.00
Electrical	\$4,800.00
Plumbers	\$3,000.00
Dresser / NGB / Pipe	\$2,200.00
Disinfection (if required)	\$3,000.00
WesTech Additional Service (2 days)	\$3,000.00
Sub-Total	\$69,000.00
1.5 % for Bond and Insurance	\$1,100.00
Contingencies 10%	\$6,900.00
Sub-Total	\$77,000.00
Administration Fee 15%	\$11,600.00
Total	\$88,600.00

Based on third party estimate provided by J.F. Cavanaugh, Mechanical Contractors

ENGINEERS ESTIMATION OF PROBABLE COST
CITY OF SOUTH LYON
South Lyon WTP CIP
DATE 8/30//2019
HRC JN 20180233

TASK		ESTIMATED COST
<i>South Lyon WTP Above Ground Storage Tank Repairs Engineers Estimate of Cost</i>		
1	External Repairs	\$31,000.00
2	Internal Repairs	\$453,000.00
	Sub-Total	\$484,000.00
	Contingencies 10%	\$48,400.00
	Engineering, Legal and Administration 25%	\$121,000.00
	Total	\$653,400.00

Appendix C
2015 Above Ground Storage Tank Repairs Letter

Robert J. Martin
September 3, 2015
HRC Job Number 20150485.02
Page 1 of 7

September 3, 2015

City of South Lyon
Water and Wastewater Department
23500 Dixboro
South Lyon, MI 48178

Attn: Mr. Robert J. Martin

Re: Above Ground Storage Tank Leak,
Rehabilitation Repairs

HRC Job No. 20150485.02

Dear Bob:

As requested, HRC performed an on-site investigation into the external wall leakage in the Above Ground Storage Tank, located at the Water Treatment Facility. This investigation was performed on July 17, 2015. A report summary of our observations of significance, photos of significance, immediate, short and long term recommendations and their respective preliminary opinion of construction costs are as follows:

I. General:

This Above Ground Storage Tank has an outside diameter of about 78', height of about 31', has a storage capacity of about one million gallons and was constructed with prestressed & precast concrete tank wall panels and a cast-in-place concrete dome shaped roof. The tank was originally designed, manufactured and constructed by Preload, Inc. during 1981. The tank walls consist of a five and one half inch thick prestressed composite core wall panels overlaid with a natural pneumatic applied exterior concrete finish. A single ductile iron overflow discharge pipe projects through the tank wall about three feet above grade. The dome shaped roof is cast-in-place steel reinforced concrete roof of variable thickness containing an access hatch and vent opening.

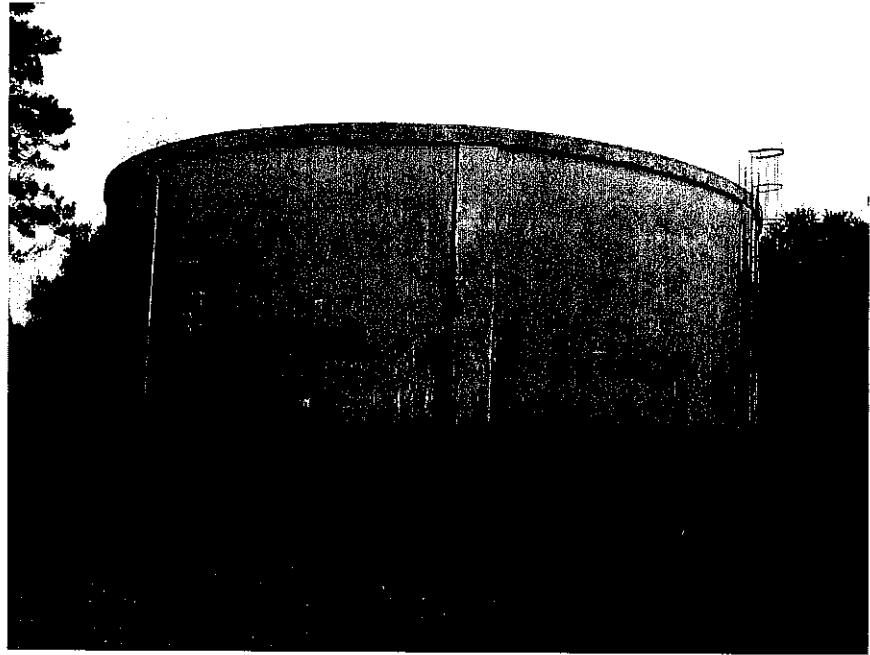
II. Observations of Significance:

A summary of the observations of significance are as follows:

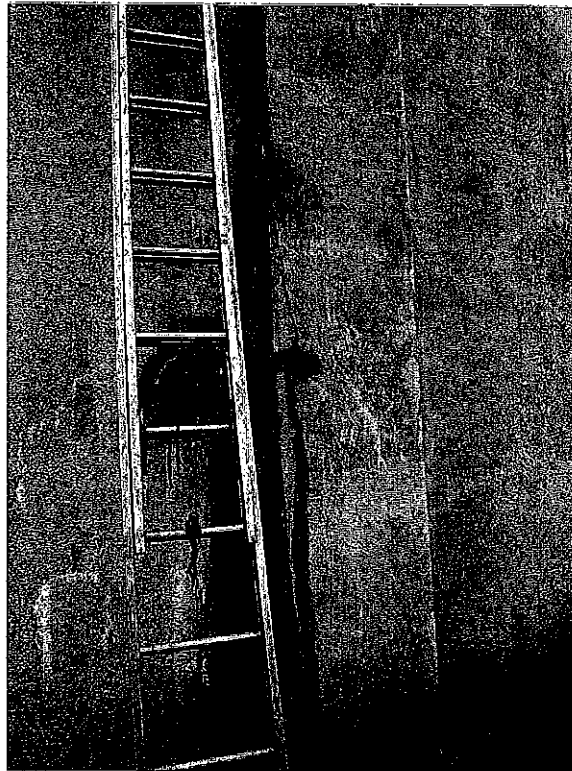
- Located along the southwest quadrant of the tank, starting at a point up about two thirds of the wall height and adjacent to the western edge of the tank pilaster, a continuous low volume and low flow leak of the internal storage water has occurred.
- At the above noted location, staining, small cracks and minor efflorescence was noted. The stained area at the point of leakage, near the top of the tank wall, was about two inches wide and at grade near the bottom of the tank wall, increased to about twelve inches wide. A majority of the stained area was saturated by the leaking internal tank water.

- Nondestructive concrete soundings were performed along this stained area. The results indicated that only minor concrete delaminations have occurred and likely contained within the pneumatic applied exterior concrete surface. Spalling of concrete surfaces was not observed in this area.
- No out of plumb distortions along the exposed face of the tank wall was noted at this location.
- Previous pressure injection repair materials were noted along the full height of the stained area. Bridging epoxy, injection ports and injection residue were noted.
- Numerous small cracks, containing light efflorescence was observed.
- Grade below the stained area was water saturated. This saturation area appeared to be limited to within a five foot radius of the stained area.
- At a nearby location, near the tank access ladder, a small spalled area of the pneumatic mortar and exposed deteriorating steel prestressing strands were noted. The amount of deterioration of these strands was not significant.
- A general perimeter site inspection, based on cursory observations only, was completed. The summary of findings is as follows: Numerous small cracks, mostly horizontal contained light efflorescence, had a darken stained finish. Internal water tank leakage has occurred at only one location (described above).

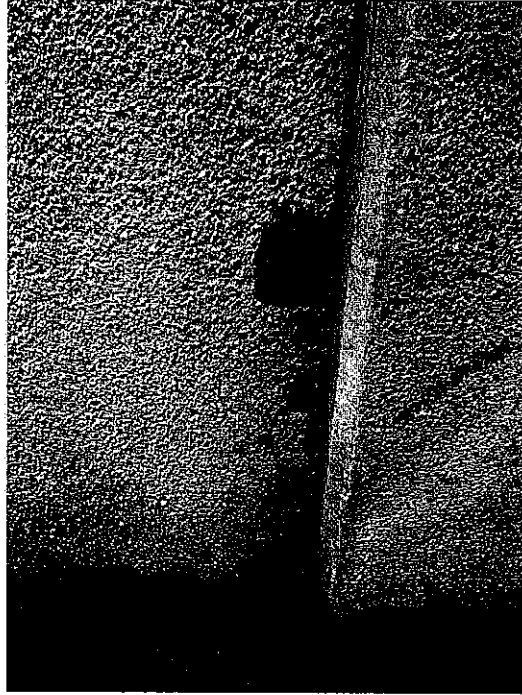
III. Photos of Significance:



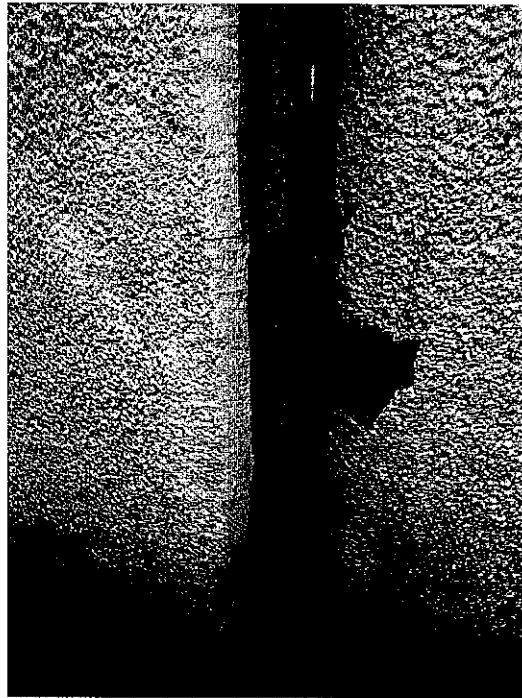
Tank leakage along the western edge of the South Pilaster



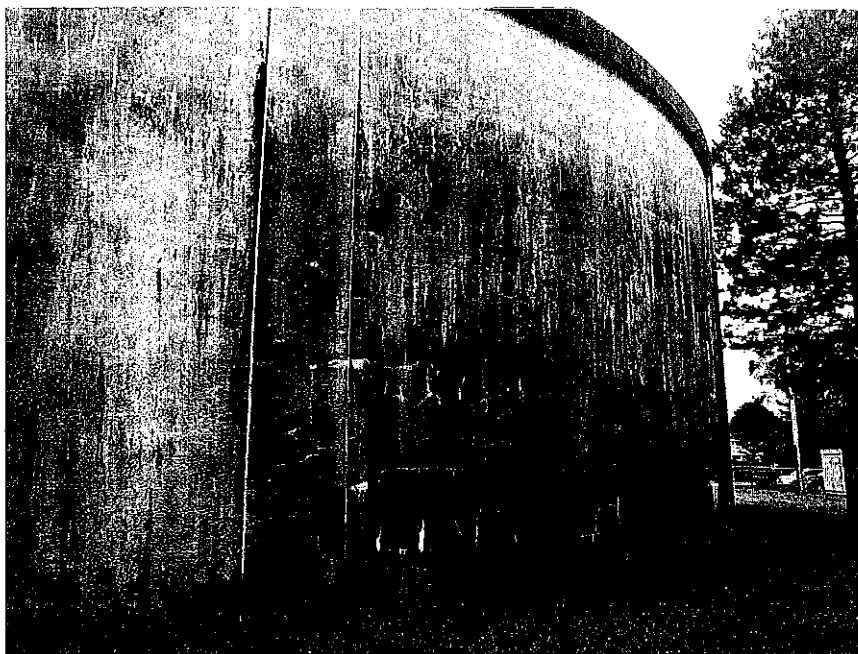
Tank Leakage Detail at Grade



Deteriorated steel prestressing strands near access ladder



Deteriorated steel prestressing strands at utility conduit



General surface deterioration



Typical surface deterioration

IV. Recommendations:

Based upon completion of our site investigation and our experience with the same and similar structures, we recommend that rehabilitation work items be implemented according to immediate term, short term and long term needs as follows:

Immediate Term: (within the next six months)

The tank leak, located along the western edge of the pilaster shown on page 3, should be pressure injected this fall. This requires a specialty contractor, such as Smith's Waterproofing (Brandon Smith: 810-798-2371) or Ram Construction Services (Enzo Pavone: 734-634-4314) to perform this work. The injectable material should be a flexible polyurethane foam grout such as SikaFix HH LV by Sika Corporation and not a rigid epoxy based material. Please note the polyurethane foam grout material does have ambient limitations for installation and the injection methods and techniques should be in accordance with the manufacturers' recommendations. Consideration is warranted for temporarily lowering the internal tank water level to about half its height during the pressure injection installation. This would allow for deeper penetration of the injectable material into the wall cracks. We anticipate this repair to have a preliminary construction budget range from about \$4,000 to \$8,000 and likely require a day or two for installation. Please note that when sealing this type of leak, the leak may relocate and require a second pressure injection installation at a later date.

Short Term: (within the next six months to a year)

At two locations around the perimeter of the tank, exposed steel prestressing stands with mild deterioration were noted. In efforts to locate any additional areas in the same or similar condition, we recommend that a detailed exterior inspection be performed. After identifying all the same or similar areas, repairs should be completed that utilize a hand applied material containing a steel corrosion inhibitor that also performs as a bonding agent for cementitious repairs. Once applied, a two part cementitious repair material would then be installed. In addition to identifying the exposed strand locations, the detailed exterior inspection would also identify any additional type of rehabilitation items. Depending on the type of deterioration observed, short term or long term rehabilitation work items could be developed. We anticipate these repairs to have a preliminary construction budget range from about \$5,000 to \$25,000 and may require up to a couple of weeks for installation, depending on the repair type and quantities that will be required.

Please note that a detailed tank interior diving inspection was completed on June 12, 2015. After performing a cursory review of the issued LiquiVision Diving Services' inspection report, the next inspection can be performed beyond the limits of Short Term needs and near the end of Long Term cycle.

Long Term: (within the next five years)

Along the exterior tank wall surface, numerous small cracks with light efflorescence and staining were noted. A majority of these small cracks were nearly horizontal and paralleling to the wall internal steel prestressing stands. This would indicate that a very small amount of internal tank moisture is migrating through to the exposed face of wall. In efforts to stop this migration, we recommend that the entire inside concrete surfaces of this tank be coated with an NSF approved sprayable liner system that would have enough flexibility to bridge small cracks. One such system we have used in past projects with good success, that may be applicable to this tank, is the three part system consisting of Conoflex Urethane No 381.61, Conoprime No.502 Spray Applied and Urethane Filler Compound No. 309, all by Sauereisen. Along with the internal tank lining system, we would anticipate that internal ductile iron process equipment should be protected with an epoxy based paint coating system. In addition we recommend an internal tank detailed dive inspection be performed to evaluate and remediate any further interior deterioration that has occurred. We anticipate these repairs to have a preliminary construction budget range from about \$100,000 to \$300,000 and may require up to a four weeks for installation, depending on the repair type and quantities that will be required.

If you have any questions or require any additional information, or need further assistance, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Richard B. Nacey, P.E.
Structural Department Head

RBN/JBV/pw
Attachment; One Million Gallon Storage Tank Design Drawings by Preload, Inc.

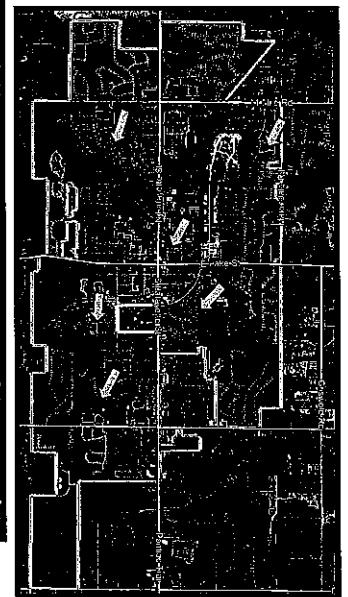
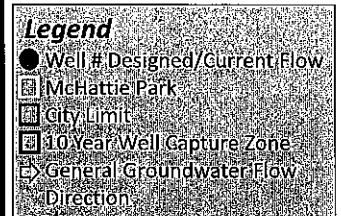
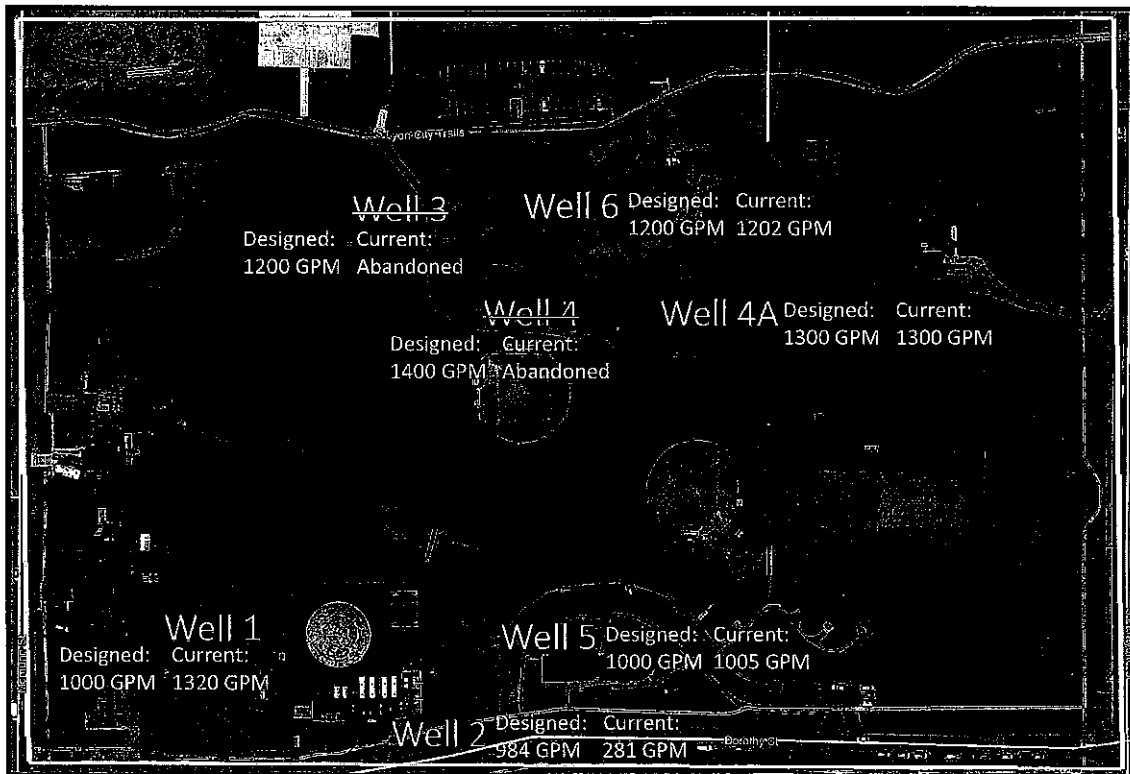
pc: HRC; J. VanDeCreek, File

Appendix D
Tentative Schedule

Tentative Schedule FY: 2019-2020, 2020-2021, 2021-2022

Task Name	Start	Finish	Half 1, 2020												Half 2, 2020												Half 1, 2021												Half 2, 2021												Half 1, 2022											
Start Date	Mon 12/2/19	Mon 12/2/19	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J																												
Design	Tue 12/3/19	Mon 2/24/20																																																												
Bid	Tue 2/25/20	Mon 3/23/20																																																												
Consideration	Tue 3/24/20	Mon 4/20/20																																																												
Recommendations to Council	Tue 4/21/20	Mon 5/18/20																																																												
Award Contract Construction Planning	Tue 5/19/20	Mon 6/15/20																																																												
New Tank Construction	Tue 6/16/20	Mon 4/19/21																																																												
HPF Maintenance	Tue 6/16/20	Mon 11/2/20																																																												
Media Replacement and Painting	Tue 6/16/20	Mon 11/2/20																																																												
First 3 Filters	Tue 6/16/20	Mon 7/13/20																																																												
Final 3 Filters	Tue 10/6/20	Mon 11/2/20																																																												
IOA Replacement	Tue 6/16/20	Mon 7/13/20																																																												
Procurement	Tue 6/16/20	Mon 6/29/20																																																												
Installation	Tue 6/30/20	Mon 7/13/20																																																												
Tank Renovations	Tue 6/16/20	Mon 4/18/22																																																												
External Repairs	Tue 6/15/20	Mon 8/10/20																																																												
Internal Repairs	Tue 5/7/21	Mon 4/18/22																																																												
Project Closeout	Tue 4/19/22	Mon 6/13/22																																																												
Fiscal Year			2019-2020												2020-2021												2021-2022																																			
Predicted Budget			\$1.3 Million												\$2 Million												\$1 Million																																			

Appendix E
Map of Current Wellfield



Wellfield for the City of South Lyon Water Treatment Plant

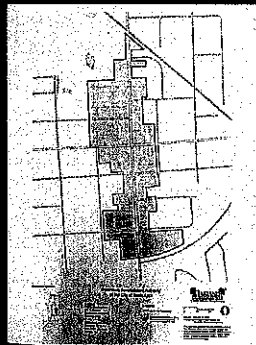
November 4 & 14, 2019
PUBLIC INFORMATION MEETINGS
for the
SOUTH LYON DDA
 In compliance with Michigan Public Act 57 of 2018

1



2

DDA
Boundary Map



3

Downtown Development Authority (DDA) Law

All DDAs are governed by the provisions of
Michigan Public Act 57 of 2018.
This new law replaced the original DDA Law,
Public Act 197 of 1975.

(Copies of PA 57 can be obtained at Michiganlegislature.org)

4

DDA Board of Directors

5

DDA Board & Staff

- Dereck Mashburn, *Board Chair* (DDA/Downtown Resident)
- Jeff Heinanen, *Vice Chair* (DDA Business & Property Owner)
- Gene Carroll, *Treasurer* (DDA Property Owner)
- Mark Childs, *Secretary* (DDA Business & Property Owner)
- Tanya Nevitt, (DDA Business Owner)
- Annie Buchtrup, (DDA Business Owner)
- Norm Fultz, (DDA Business & Property Owner)
- Gary Fagin, (DDA Business & Property Owner)
- Paul Zelenak, (City Manager)
- Bob Donohue, DDA Executive Director*

*Staff, not a voting member

6

DDA Board Meetings are held on the Second Thursday of each month, except December, at 8:00 a.m., at City Hall. Meetings end by 10:00.

- **Informal Downtown Business & Property Owners Meetings** take place each month, except December, on the 4th Thursday, 8:30 – 9:30 a.m., at The Corner Caffee, 101 S. Lafayette Street

7

FY 2019/20 DDA Budget

8

What is Tax Increment Financing (TIF)?

- The Primary Source of DDA Budget Revenue is Tax Increment Financing.
- TIF is not a new tax. TIF is the normal increase in taxes, only within the DDA District, on an annual basis, due to new investment (building sales, building rehabs) and/or inflation. School taxes are exempt, since 1994. Thus, the DDA Budget is based upon the regular increase in taxes from all tax jurisdictions, since it was formed in 2001. Tax revenues are annually verified and provided to the City of South Lyon by the Oakland County Equalization Office.

9

DDA BUDGET FY 19/20*

REVENUE:

A. Real Property Tax (TIF)	\$45,933.00
B. Interest.....	300.00
C. Farmers Market Sponsor Fees.....	11,805.00
D. Farmers Market Vendor Fees.....	5,450.00
E. Ladies Night Out Sponsor Fees (May & November).....	2,500.00
F. Winter Events Sponsor Fees (Cool Yule).....	4,000.00
G. Contributions – Street Banners.....	180.00
H. Contributions – Downtown Business Directory.....	500.00
TOTAL REVENUES \$70,668.00	

*A component of the Overall City Budget: Fund #280 - DDA

10

DDA BUDGET FY 19/20*

EXPENSES:

A. Farmers Market (Manager Wages & Training & Supplies)	\$15,000.00
B. Operating Expenses (Administration Office Items).....	1,000.00
C. Seasonal Improvements (Flowers, Cornstalks, Garlands).....	7,000.00
D. Professional Services (Consultants: Design, Marketing, etc).....	3,000.00
E. Community Promotions.....	1,000.00
F. Community Promotion Design.....	1,000.00
G. Community Events (Ladies Nights, Kids Trick or Treat, Cool Yule)	8,500.00
H. Printing (Posters, Flyers, Post Cards, Signs, Directory, Event Guide, etc).....	4,000.00
I. Education & Training.....	4,000.00
J. Miscellaneous Expense.....	1,000.00
K. Capital Improvements (Trash cans, Flower containers).....	5,000.00
TOTAL EXPENDITURES \$50,500.00	

*A component of the overall City Budget: Fund #280 - DDA

11

DDA BUDGET SUMMARY FY 2019/2020

TOTAL REVENUES.....	\$70,668.00
TOTAL EXPENITURES.....	\$50,500.00
NET OF REVENUES & EXPENDITURES.....	\$20,168.00

12

Our Downtown Management Philosophy & Strategy

- Comprehensive, Ongoing, Community Involved, Transparent, Professional
- Utilize the National Main Street "Four Point Approach." A trademarked program of Main Street America, a subsidiary of the National Trust for Historic Preservation.



ORGANIZATION
DESIGN
PROMOTION
ECONOMIC VITALITY



13

ORGANIZATION

14



15

Important Memberships/Partnerships



M E D C MICHIGAN ECONOMIC
DEVELOPMENT CORPORATION



16

DESIGN

17

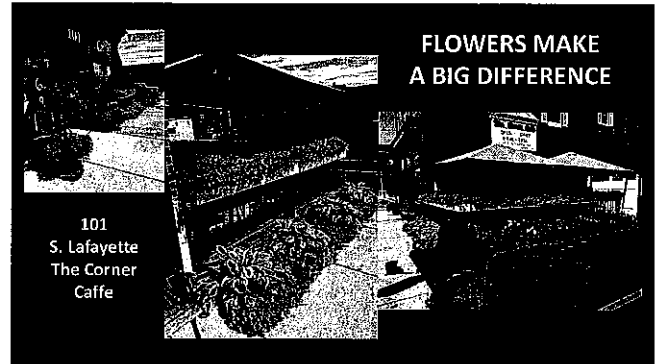
IMPROVED PEDESTRIAN SAFETY



18



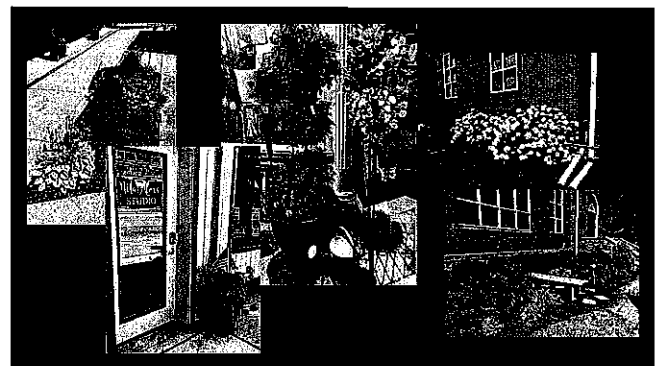
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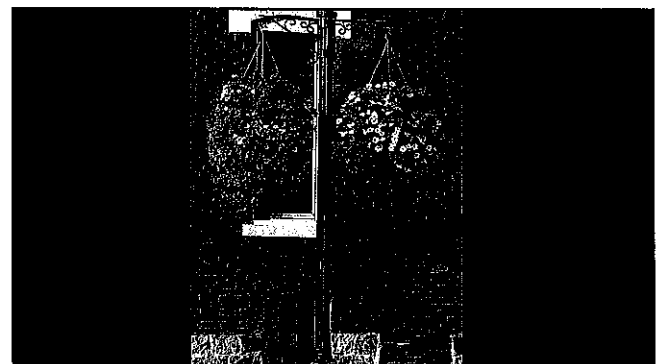
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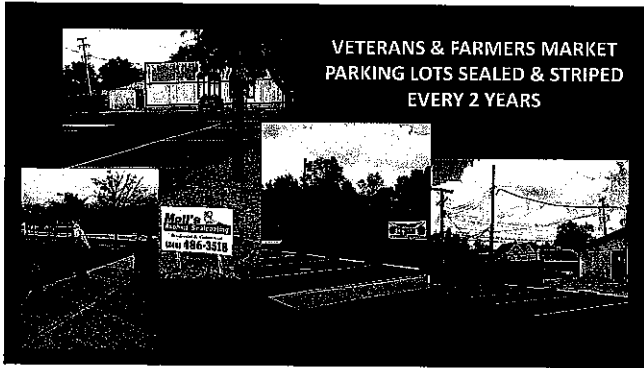
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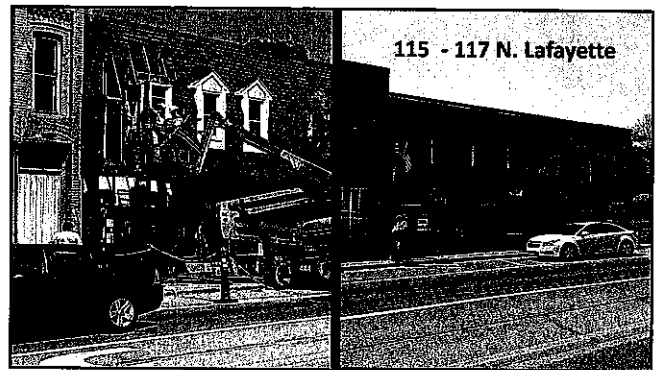
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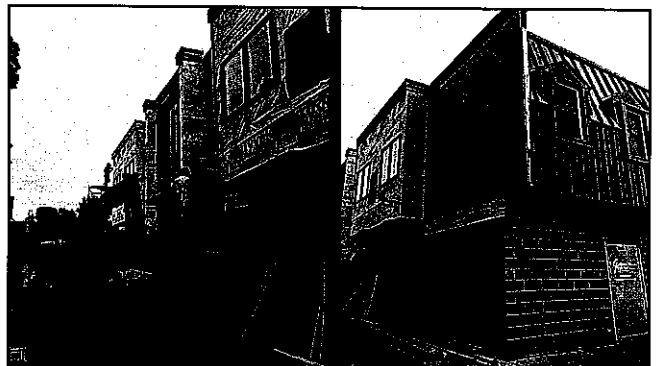
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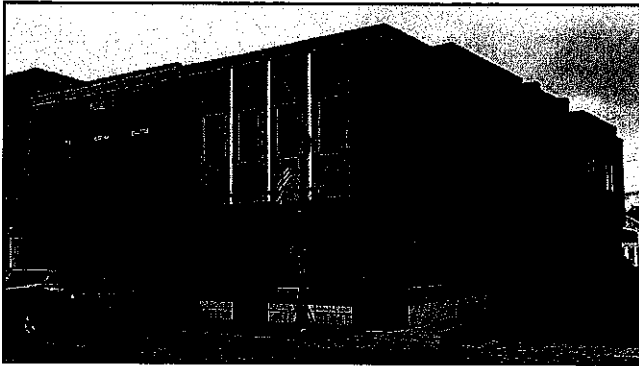
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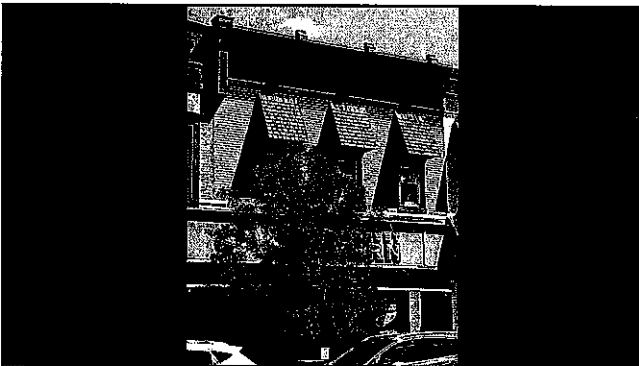
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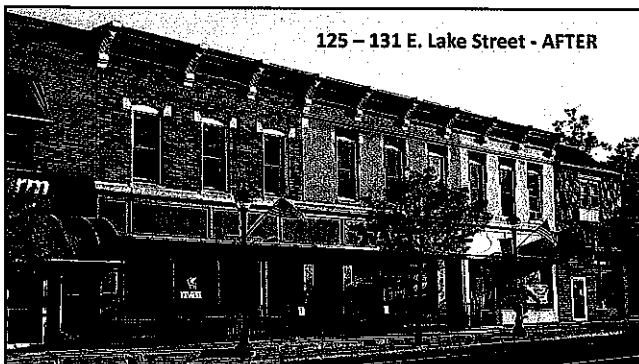
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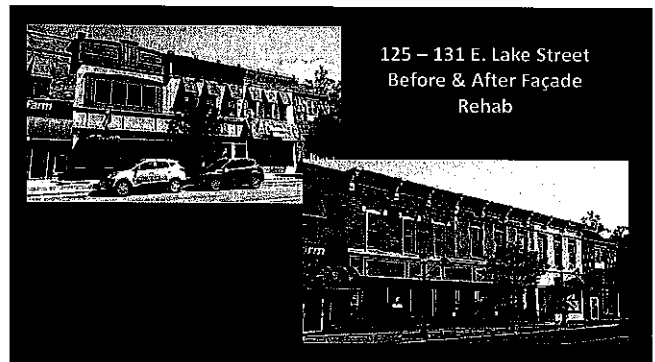
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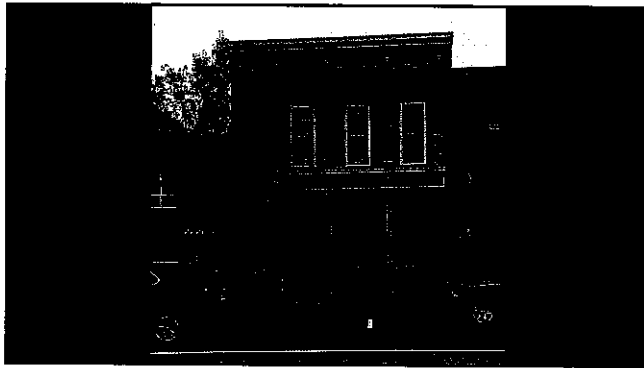
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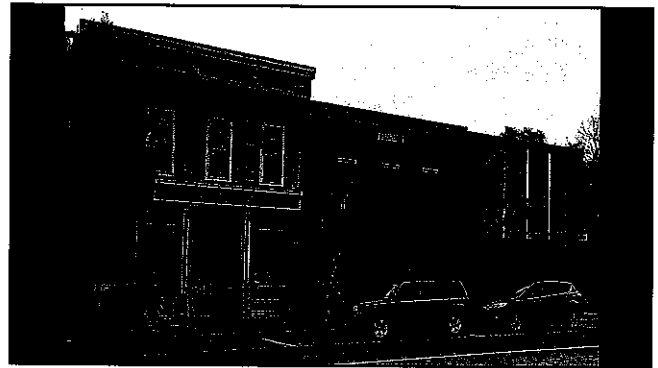
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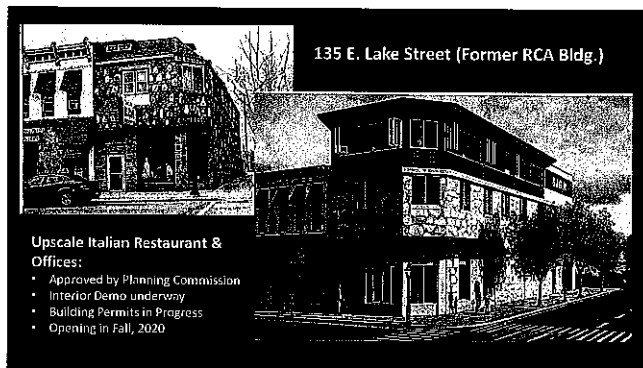
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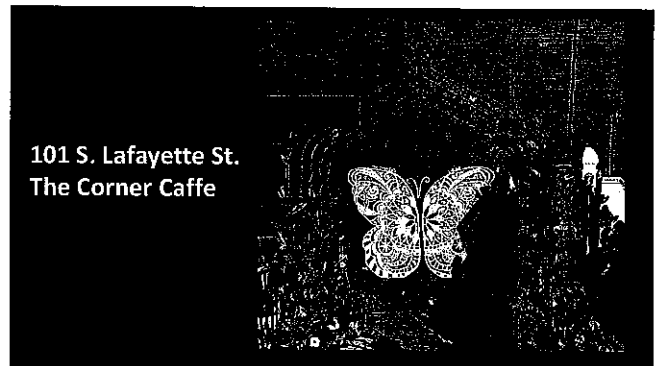
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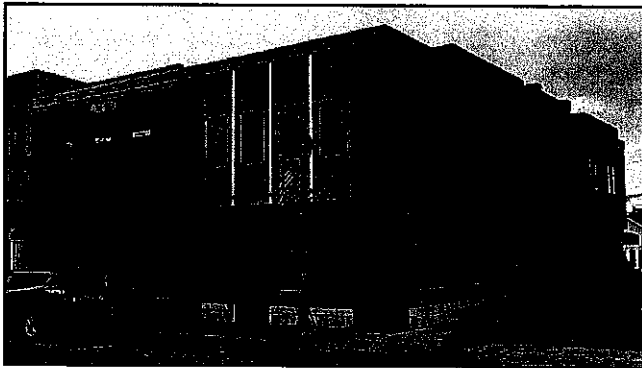
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43

<u>BUSINESS INVESTMENT 2018</u>	
New Construction Completed (SL Hotel).....	\$1,400,000.
10 Building Rehabilitations in the DDA.....	<u>801,000.</u>
TOTAL	2,201,000.
<u>BUILDING SALES 2018</u>	
4 Building Sales in the DDA.....	1,735,000.

44



45

<u>BUSINESS INVESTMENT 2019</u>	
9 Building Rehabilitations (Interior, Exterior, Painting). \$502,000.	
<u>BUILDING SALES 2019</u>	
2 Building Sales in the DDA.....	\$275,000.

46



47



48

DDA 2018/2019 Combined

Business Investment

- 19 Building Rehabs (Interior, Exterior, Painting)..... \$2,703,000.

Building Sales

- 6 Building Sales..... \$2,010,000.

49

PROMOTION & MARKETING

50

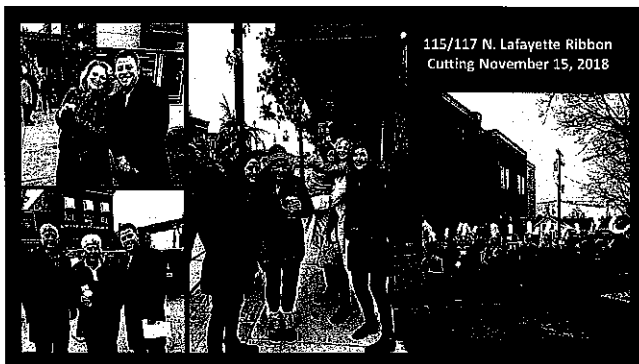
***“The Lemon Tree had our
highest monthly sales ever in
December”***

- Anne Buchtrup, Owner, The Lemon Tree
January, 2019

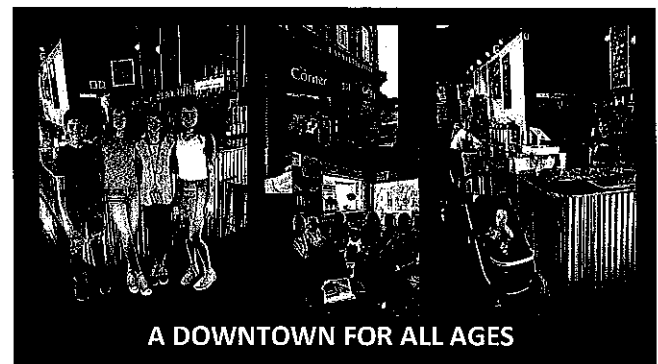
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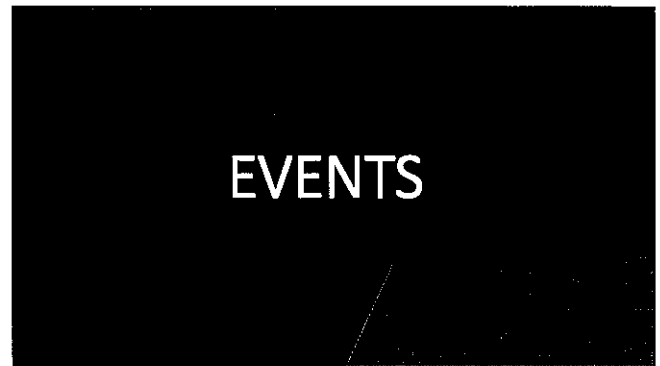
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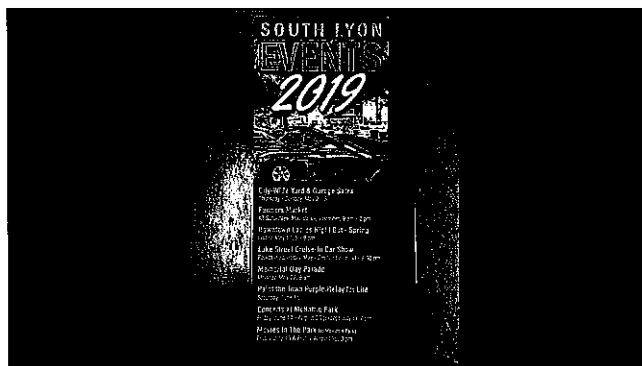
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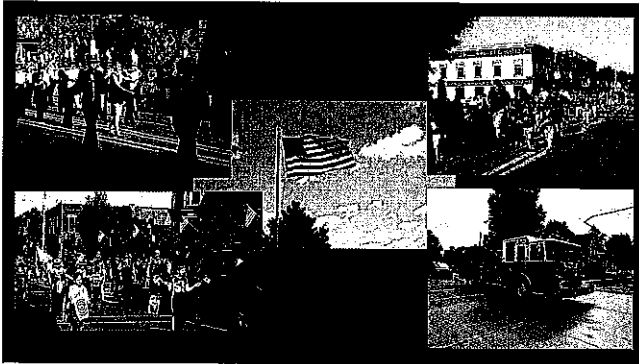
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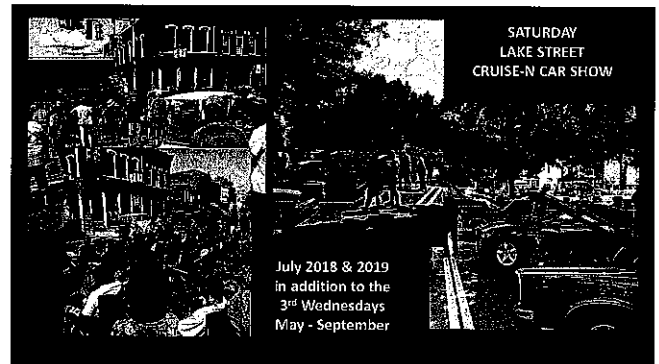
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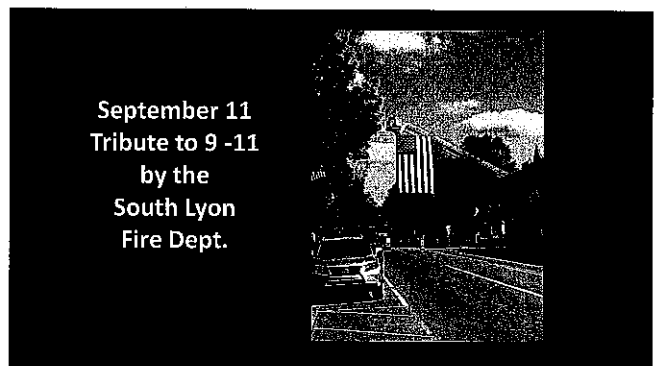
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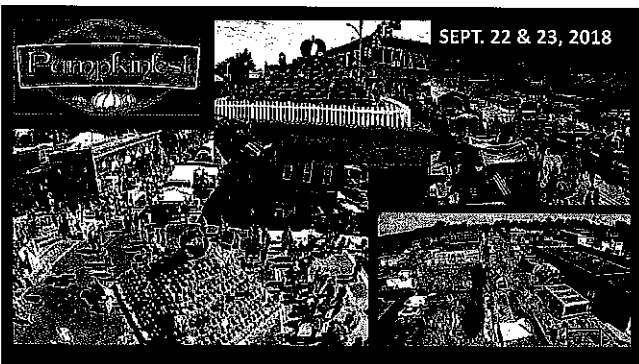
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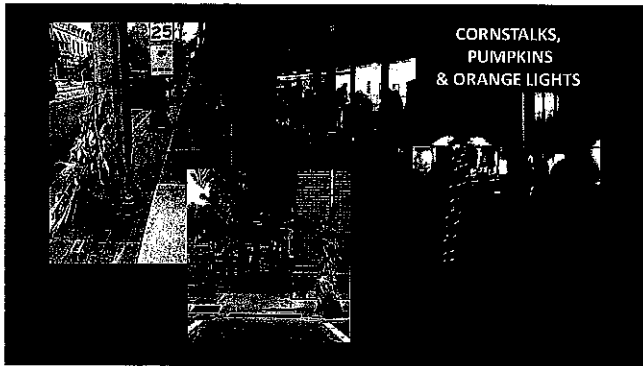
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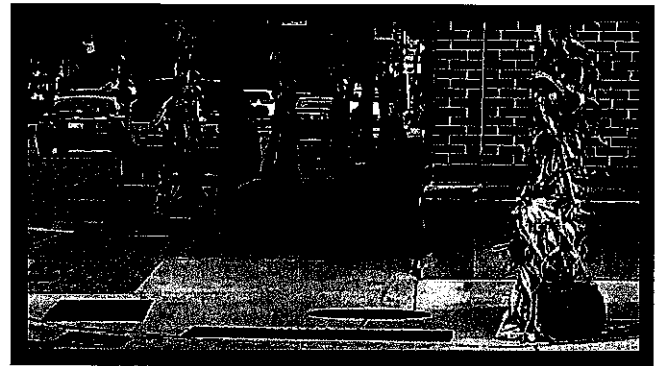
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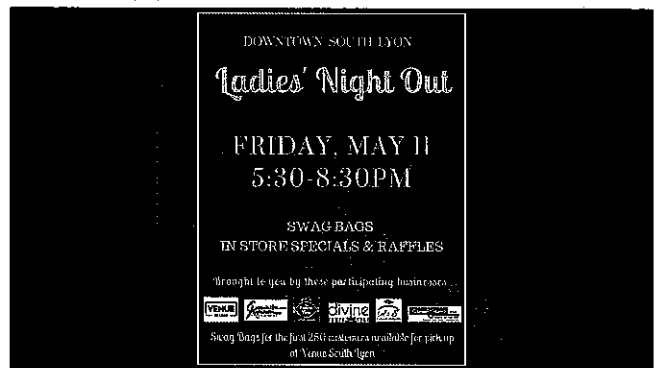
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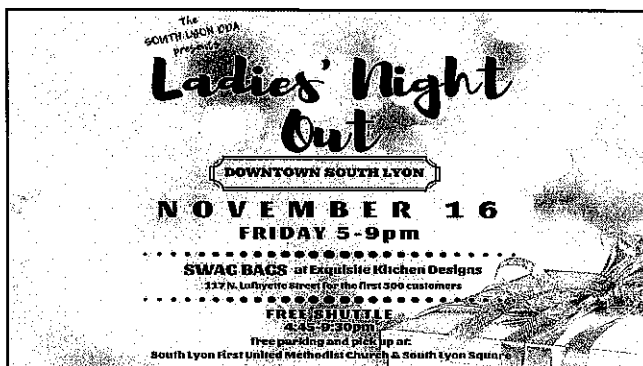
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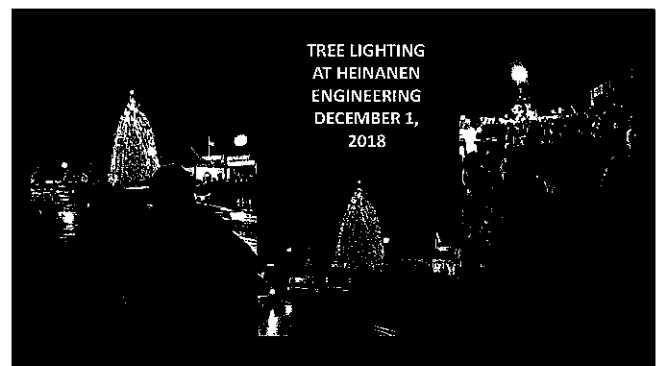
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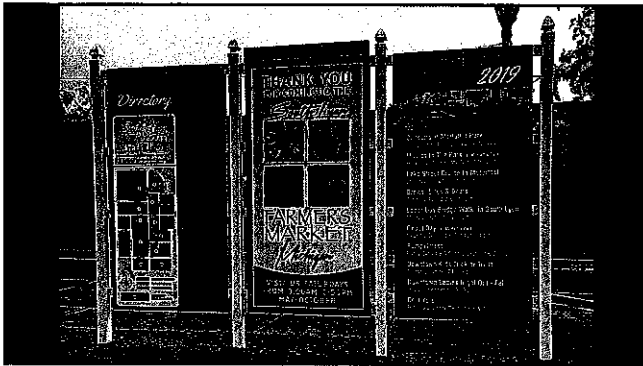
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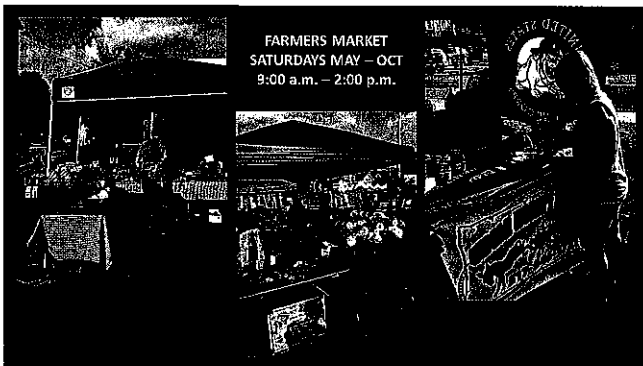
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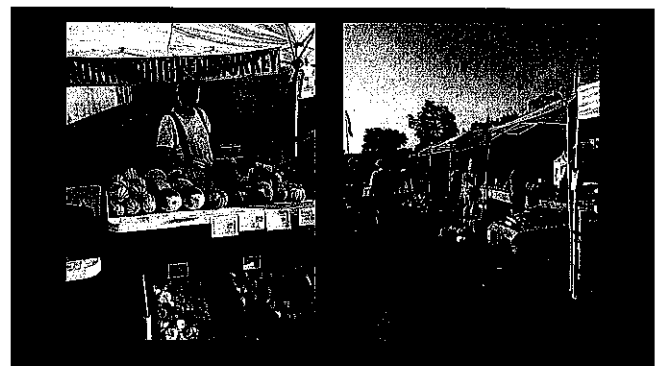
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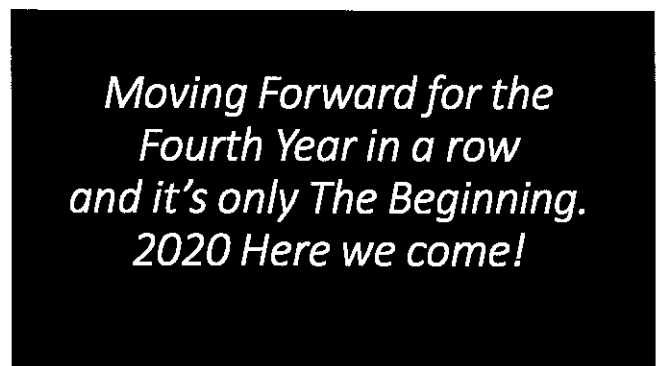
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Q & A

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Thank You
for Attending!

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November 13, 2019

Mr. Paul Zelenak
City Manager
City of South Lyon
335 S. Warren St
South Lyon, MI 48178-1317

Dear Mr. Zelenak,

As Oakland Community College celebrates the passage of our millage renewal, I want to recognize your vital role in organizing the November 5 election. The millage passed with a resounding 72 percent—the highest in OCC history—and was approved in every municipality across the County.

We are grateful to you and your community for renewing your commitment to OCC and recognizing the value the College brings to the region.

Renewal of the millage for another 10 years allows us to continue our work to enhance our educational offerings, grow our transfer options, upgrade our facilities and infrastructure to support student success, and provide highly qualified graduates to take advantage of careers in our community's growing job market.

We look forward to advancing our community together with you!

Best regards,

A handwritten signature in black ink, reading 'Peter Provenzano, Jr.' in a cursive script.

Peter M. Provenzano, Jr.
Chancellor