

Regular City Council Meeting

April 27, 2020

7:30 p.m. **Call to Order**
Pledge of Allegiance
Roll Call
Approval of City Council Minutes: April 13, 2020 & April 7, 2020
Approval of Bills: None
Approval of Agenda

Public Comment

Discussion - Downtown

Fire Chief Report
Police Chief Report

I. Old Business

1. City Council Rules of Procedure

II. New Business

1. DTE LED Street Lighting Conversion 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

South Lyon Regular City Council Meeting City of South Lyon
Regular City Council Meeting
April 13, 2020

Mayor Pelchat called the meeting to order at 7:35 p.m.
Mayor Pelchat led those present in the Pledge of Allegiance.

Present: Mayor Pelchat, Councilmembers Dilg, Kennedy, Kivell, Kurtzweil, Richards and Walton
Also, present: City Manager Zelenak, Chief Sovik, Superintendent Varney, Fire Chief Vogel, Attorney Hamameh and Clerk/Treasurer Deaton

MINUTES- March 9, 2020 Council Meeting

Councilmember Kennedy stated on page 4 under Budget, after the first sentence, please insert the following: She then discussed the Appreciation Night we held in December and said in the past we have always received checks from vendors that helped with the cost. City Manager Zelenak stated we received a few, but he doesn't recall the checks coming to Council for approval as donations in the previous year. Council Member Kurtzweil stated that is how it was done in the past. She stated the reason she is asking is because during the budget seminar, they discussed what are legitimate uses of taxpayer dollars and an Appreciation Night, or retirement party, are not.

Councilmember Hamameh stated we need to clarify on page 3 that there was an original motion with the inaccurate numbers in the ordinance. She further stated there was then a rescind of that motion and then the motion was made correctly.

CM-4-1-20 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Walton, supported by Kennedy

Motion to approve March 9th minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES- March 2, 2020 budget workshop

Councilmember Kivell stated on page 1 during the discussion regarding the language defined contribution program should be added during the discussion of the MERS contribution by employees.

Councilmember Kennedy stated about half way through the paragraph on Page 1, please insert and replace where it states: Council Member Kennedy stated, we are still only at about 75% of property tax revenue compared to 2008, as a result of the Great Recession. At the same time, during those 10-12 years wages, equipment and material costs all continued to increase leaving us with less money.

Councilmember Kennedy stated about half way through the paragraph on Page 2, please change the following:

Council Member Kennedy stated this is the same logic people go through when they decide to take social security at 62 or 70.

CM 4-2-20 MOTION TO APPROVE MINUTES OF WORKSHOP

Motion by Kurtzweil, supported by Kennedy

Motion to approve the March 2nd workshop minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLSCM 4-3-20 MOTION TO APPROVE BILLS

Motion by Kennedy, supported by Kurtzweil

Motion to approve bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

Discussion was held regarding the attorney bills being confidential. Attorney Hamameh stated all attorney bills are confidential and privileged. She gives a lot of detail and rather than redacting so much of this, if someone is looking for detailed information, they could submit a FOIA request.

Councilmember Richards stated there are 2 payments in separate places for CIB Planning, is that because they haven't been turning in their bills? Finance and Benefit Administrator Tiernan stated one is for the February bill and the second bill is for the bills from March. He then asked if the bills are because of the Thomasville development. Finance and Benefit Administrator Tiernan stated she will look into it and let him know.

AGENDACM 4-4-20 MOTION TO APPROVE THE AGENDA

Motion by Walton, supported by Kurtzweil

Motion to approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

1. Re-appointments
2. 2020 Lake Street Cruise-In
3. 2020 Lake Street Motorfest

CM 4-5-20 MOTION TO APPROVE THE CONSENT AGENDA

Motion by Kurtzweil, supported by Dilg

Motion to approve the consent agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PROCLAMATION

Mayor Pelchat stated April is Child Abuse Prevention and Awareness Month and he read a proclamation.

See attached

PUBLIC COMMENT

Senator Runestad stated he wants to let everyone know the legislature was asked to extend the order by 70 days, therefore we extended it to the end of the month. There are a number of concerns we have because this is the strictest stay at home order in the nation. You can't buy plants at a florist, but you can buy marihuana. It seems very inconsistent. He further stated now you can't even talk to your neighbors. There are many things that needs to be changed and he wants everyone listening to feel free to contact him 7 days a week. Don't hesitate to contact them for any questions or concerns.

DISCUSSION- Downtown

City Manager Zelenak stated most of the downtown businesses are closed, we are trying to work with them as much as we can for any assistance through the County and the State. He further stated he doesn't know how many tried to get the incentives at this time. He stated we are in the process of hiring the new DDA Director. He stated we have had the reference checks and background checks completed. He further stated he met with DDA Board to discuss that particular hire. He stated he has had discussions with the applicants and they all understand what is going on in the environment these days and the potential for bringing someone on too soon wouldn't be likely. He stated we will continue to move on and he will keep Council informed. Councilmember Kivell asked if there is any news about the Draft Street Building. City Manager Zelenak stated he has not heard anything recently. Councilmember Kivell then asked about the building at 110 Detroit St. City Manager Zelenak stated we have had discussions with their realtor and the person representing the DDA Board as well. We haven't pushed a lot of the ordinance items recently due to the environment. We are trying to work with people as much as possible. He stated he understands that building needs to be brought into compliance, or if they are going to sell the property, we could move forward with that as well. Councilmember Kivell stated he isn't comfortable with us waiting on this property. They have made no effort to comply with anything. Councilmember Kurtzweil stated she has been working on getting the loans for her clients. She stated she hopes the Economic Director will have a good background in these types of issues. The DDA will need help with funding through loans or grants. She then stated if anyone has been trying to get the loans and they were unable to, she will donate her time to help them. Councilmember Kurtzweil asked if the Ordinance Officer is still working. City Manager Zelenak stated he is in a limited capacity at the moment but he has been working with the owner to try to get 310 Detroit into compliance. Councilmember Dilg asked Councilmember Kurtzweil if she would be ok with her mentioning her offer to other business owners for assistance with loans. Councilmember Kurtzweil stated she will help anyone at any time. Councilmember Walton asked if the Parks and Recreation will be using the Dorothy Street parking lot for a water tank. She stated she would like them to find another basketball net in another part of the park such as where the ice-skating rink is. City Manager Zelenak stated he will discuss it with them. Councilmember Richards stated 110 Detroit Street has been going on for years. He further stated there should be another avenue for us.

FIRE -CHIEF REPORT

Chief Vogel stated our staffing should be at 100% by the weekend. Other good news is we haven't had a Coronavirus pick up or suspected pick up since April 7th. He stated they had some concerns about the burning policy in the City. He suggested everyone should go to the Fire Department website for information. He then stated last week they sent a fire truck to Ann Arbor to do a drive by with the Washtenaw County units at the U of M hospital and then they went to St Joes. Chief Vogel thanked some local businesses such as Little Caesars, MST, Alekos and for the local citizens that have been making masks. Councilmember Dilg thanked him for participating in the drive by. She has a few friends that are nurses there and they really appreciated it. Councilmember Walton stated as an employee there, everyone really appreciates all the support we are getting.

POLICE CHIEF REPORT

Chief Sovik stated they also participated in a drive by at Beaumont in Farmington Hills. Chief Sovik stated he has been in constant contact with Chief Vogel sharing information regarding the virus throughout the day. We are putting information on Facebook and on our website. We have a decontamination station set up in the garage, and implementing other policies and procedures as well. He further stated we have plans in place for low staffing, policies for low and high exposure. We are also keeping our City Manager up to date as well as Council and the public. Councilmember Walton thanked

Chief Vogel and Chief Sovik for being there for all of us. Councilmember Kivell stated the great information they are putting out on social media is very helpful and it makes people feel more comfortable that you are keeping everyone up to speed.

OLD BUSINESS

1. 2ND Reading of Ordinance to amend the South Lyon Code of Ordinances to update the changes of Malicious Destruction of Property and Retail Fraud to make them consistent with state law

Councilmember Richards asked how long has our Ordinances been out of sync with the State Law. Chief Sovik stated we haven't had any changes in a while. This will make it so we can keep the fines instead of it going to the County Prosecutor.

CM 4-6-20 MOTION TO APPROVE SECOND READING

Motion by Kivell, supported by Walton

Motion to approve the second reading of Ordinance amending Section 58-117, Section 58-118 and Section 58-123 to make them consistent with State law.

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Waive Fees for utility bills until June 30, 2020

CM 4-7-20 MOTION TO APPROVE RESOLUTION TO WAIVE FEES FOR UTILITY BILLS UNTIL JUNE 30, 2020

Motion by Kurtzweil, supported by Walton

Motion to approve the resolution to waive late fees for water and sewer bills that will be due April 30, 2020, City Administration shall not assess a 10% penalty if said bills are paid in full by June 30, 2020. For any bills that are not paid by the new date in paragraph 1, then City Administration will assess normal penalties, but using the new date as the due date for penalty purposes

VOTE:

MOTION CARRIED UNANIMOUSLY

2. South Lyon Area Youth Assistance Agreement

City Manager Zelenak stated we have been presented with the annual agreement with South Lyon Youth Assistance for the prevention of juvenile delinquency and neglect. He stated they are asking for a contract for \$13,000 for fiscal year 2020-2021.

CM 4-8-20 MOTION TO APPROVE AGREEMENT WITH SOUTH LYON YOUTH ASSISTANCE

Motion by Walton, supported by Kurtzweil

Motion to approve the proposed agreement between South Lyon and the South Lyon Youth Assistance for fiscal year 2020-2021 with a contribution of \$13,000

VOTE:

MOTION CARRIED UNANIMOUSLY

BUDGET

City Manager Zelenak stated we had a budget workshop on April 7th.

We will be making adjustments based on comments from that meeting and we plan on getting the updated version to Council the week of April 27th to May 1st. He stated we will then plan on passing the budget at the May 26th Council Meeting.

MANAGER'S REPORT

City Manager Zelenak stated the City staff continue to monitor the situation and act in a way to protect the staff, our employees and the public. He stated we ask everyone to continue to check for the notifications from the Fire and Police Facebook pages for updated information.

City Manager Zelenak stated we had a conference call with Plante Moran today regarding the water and sewer rate analysis. He stated we will be updating a presentation that they will give to City Council at another Council meeting. City Manager Zelenak stated they received notice today that GFL will continue to pick up yard waste. Councilmember Kennedy stated during the budget work shop the City Manager mentioned an email he received from the schoolboard regarding the funding for the SRO.

Councilmember Kennedy stated during the budget workshop, the City Manager mentioned he received an email from the school district Interim Superintendent about supporting financing for the School Resource Officer. He stated he totally supports having a School Resource Officer (SRO) assigned to the schools to help ensure the safety of our students. He does have a problem with the manner in which the school district wants to finance it. The South Lyon Community School District covers over 80 square miles and includes 6 different cities and townships in 3 different counties. A few years ago, the South Lyon Community School District unilaterally decided to reinstate the School Resource Officer following some tragic events at other schools in the country. The School District then went out to their member communities and asked them for contributions to fund that decision. Some communities contributed and some did not. He stated that year, 3 of the 6 communities contributed. The School District repeated that same process again last year and only 2 communities out of 6 contributed. Each time, the shortage was funded from the school district's general fund. He stated he believes that the cost for the School Resource Officer is an operating expense for the school district, no different than providing food service, janitorial service, maintenance on their facilities and security for their facilities. He further stated as such he believes the South Lyon Community School District should accept that responsibility and fund it directly from the tax dollars it receives, as it does with those other entities. Every tax payer in the South Lyon Community School District pays school taxes. When the School District comes to the cities and townships and requests them to contribute to the cost of the SRO they are in essence asking the residents of those communities to pay twice, once in the form of their school taxes and secondly by taking money from the budget of their respective city or township to pay for it. Councilmember Kennedy stated in addition, 4 of the 6 communities in the school district are in Oakland County. Those tax payers pay Oakland County taxes, a portion of which already funds the Oakland County Sheriff's office. Asking them for additional funds from their budgets is again taxing them twice for that support. He further stated that additional cost is further exacerbated when some communities do not contribute and even more money must be used from the school district's general fund to cover the shortage. He stated he believes this is an operating expense for the South Lyon Community School District and they need to assume responsibility for addressing it. If they funded it through the collected school taxes that are paid by every tax payer in the school district, then no community could opt out of contributing and each community would pay their fair share. If the School District does not have the money in their general fund to cover this expense, then they need to develop a plan for increasing it. He stated as an example, the School District is proposing a \$98M bond this year to cover facilities improvements, etc. for the schools. Included in that proposal is a plan to purchase 10 school buses. School buses are normally purchased from the general fund. However, by including them in the bond, this allows the school district to save \$650,000 - \$850,000 in their general fund for other expenditures. Perhaps some of that savings could be

used to fund the School Resource Officer. He stated he fully supports the need for a School Resource Officer and keeping our students safe. However, he believes it is an operating expense for the South Lyon Community School District and they need to assume responsibility for addressing it. Once they establish an equitable means of funding it, and speaking as 1 of 7 on this board, he believes the City of South Lyon would be pleased to bid on the contract to provide those services.

Councilmember Kurtzweil stated Mr. Kennedy's summarized her comments she has made over the years. She stated this is an operating expense. They have lost to a 60-million-dollar budget. She has offered in assisting them with funding. She stated Northfield was not contacted about this fund. She stated Novi was not asked, Milford Village was not asked and Green Oak Township does not fund that either. She thinks the school district has been selective about who they are requesting money from. She further stated with the schools being closed, they aren't heating the swimming pools, they aren't heating the schools. With the saving on utilities alone, should help them fund the SRO. She further stated the only thing she disagrees with is she doesn't agree the South Lyon Police Department bidding on the SRO. She stated the schools is using the Oakland County Sheriffs Office. Lyon Township has a unique situation with their arrangement with the schools. They pay into the SRO because they use the SRO for their patrols in the summer to give vacation leave. Their arrangement benefits the Township in the summer time.

Councilmember Kivell stated he wanted to reiterate what he said at the budget meeting, and the schools making a request for funding of the SRO is simply a matter of equity. He stated the idea of having an SRO makes sense to him, but the notion of how it is funded is arbitrary and the only way it becomes equal for all communities is if they put that in their budget. He thinks it would be helpful for the South Lyon Police Department to be able to bid on the contract because the schools would have superior coverage of the South Lyon High School because of the location. Councilmember Kennedy stated the City did fund that for about 10 years prior to the construction of South Lyon East. We don't have the resources to fund that at this time. We have done our part back around 2000 and we funded it for years. Councilmember Kurtzweil stated she has spent a lot of time looking at this issue. She stated she spoke with some Oakland County Police Officers and back in the day, that was an ability to build their Police force. She further stated that was the business model at that time. It is a good thing to patrol the schools because it increases your number of officers. Later the Oakland County Sheriff's office set up the training that is needed and they lead the country in training SRO officers.

PUBLIC COMMENT

Jim Hamade of 1189 Horseshoe drive thanked the City Council and staff for enabling this zoom meeting so the public can still attend. It is a good feature to use moving forward even when Council reconvenes it could be used to stream live meetings until the video system is up and running. He further suggested Council live stream the meeting on Facebook.

COUNCIL COMMENTS

Councilmember Dilg stated her heart has been breaking watching our businesses struggle. She then stated there have been some businesses that are struggling but still helping out with the community. She stated Alekos have been doing some amazing work feeding our first line responders. She further stated Grand Trunke was making and giving out free masks, Coral Sash was buying gift certificates from other local business and giving them, South Lyon Bicycle was helping people with their bike repairs for free. She stated it really touches her no matter how they are struggling they are still helping each other. She hopes when this is better, she hopes everyone will remember to shop local, they need our help. She then stated she sees people on Facebook all the time that are pulling together. She then thanked all the grocery store workers and our medical professionals. She can't imagine how difficult it is and she wants to urge patience and caution and we will get through this.

Councilmember Kivell stated he agrees with everything Lisa said and she wants to thank all the local people that are still buying takeout from our local restaurants. He stated anytime he is shopping around he makes sure to thank everyone for what they are doing for our community.

Councilmember Kennedy stated 8 Mile Road will be closed between Pontiac Trail and Tower Road and it will take about 2 weeks to be completed. He hopes everyone stays safe and healthy.

Councilmember Kurtzweil stated she has been hearing incredible comments from people about what everyone has been doing for the City. She stated she has gotten great comments about our team and giving our residents a feeling of being happy about being a part of our town. We will get through this and get back to our lives as we did before. She then stated there will be a time when we will meet our family and friends again, and there will be a time when we will all meet again.

Councilmember Walton stated she wanted to give a shout out to Connor McCluster who is a former South Lyon graduate for making the ear savers for the masks the healthcare workers have to wear. She then stated in these times, Active Faith is handing out food for anyone in need. If you have any extra money, please make a donation to them at 401 Washington Street. She then stated sometimes we are tested not to show our weaknesses but to see our own strength.

Councilmember Richards stated he is glad the garden area was cleaned off. The DPW got all the clean up done early this year. He then stated Active Faith is working overtime servicing a lot of people and they need volunteers. He then stated the annual creek clean up has been cancelled at this time. He stated he is glad Peoples Express is lowering their fees at this time. He then mentioned the flooded area near the Hidden Creek subdivision. He stated the DPW was there and saved the day when the water broke loose. It still needs to be monitored in the future. Councilmember Richards stated we could have a second wave of the virus coming again and he hopes that doesn't happen.

Mayor Pelchat stated he wants to thank everyone that was reappointed to the boards and commissions on the consent agenda. Erin Kopkowski, Mike Joseph for the Planning Commission, Phil Wiefert, Brian Dunn for the Zoning Board of Appeals, Robert Tremiere, Phil Wiefert, Larry Ledbetter for the Historical Commission, Jeff Heinanen, Mark Childs for the DDA Board and Amber King, Rich Perry and Steve Kaukonen for the Cable Commission. He stated our volunteers are major players in our community and he thanked them. He further stated he wanted to thank everyone at the Fire Department, the Police Department, and all our other employees.

ADJOURNMENT

CM 4-9-20 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Walton

Motion to adjourn meeting at 8:51 P.M.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor Dan Pelchat

City Clerk/Treasurer Lisa Deaton

4-13-20

DRAFT

South Lyon City Council Budget Workshop
April 7, 2020 6:00 p.m.

City Manager Zelenak stated we will have the Headlee roll back number by the end of the month. He stated he will be updating Council on the Act 51 monies as well as the state sharing revenue as he gets the information. He further stated even though we have certain things in the budget it doesn't mean those things will actually be done or purchased. He further stated if there are more things that change in the environment based on updates by the State of Michigan of the state revenue sharing, we can potentially make adjustments. He stated we added a budget for the Veterans Memorial based on revenue and donations we receive. He also added the Safe Routes to School program.

ADMINISTRATION

City Manager Zelenak stated the beginning of the administration budget reflects revenues, taxes, licenses, permits, state sharing revenues, fines, forfeitures and funds raised through the DDA. He stated the budget was based on last year's mill rates. City Manager Zelenak stated last year we discussed increasing the hours of the administration assistant from 24 to 29 hours and we discussed moving this position to full time in the upcoming year. He stated we had one full-time position when someone retired and 2 part time positions. As of now, we have a full-time position and a part time 29-hour position. We eliminated 25 hours of employment to help fund the full-time administration assistant position. He stated there isn't many changes in the administration budget based upon the prior year. Councilmember Kurtzweil asked how we came up with the number to reduce the Legal fees by 50%. Clerk Deaton stated we haven't been utilizing our Attorney as much as we did with the previous attorney and it was also based on the financial reports, we get from bookkeeping reflects a large portion of the budget we have left for that line item. Councilmember Kurtzweil then asked about the OPEB line item. Her concern is the unfunded liability. She stated she sees we are putting in an OPEB payment, but how much is going toward current or outstanding liability. City Manager Zelenak stated this year we are allocating another \$1,000 per current employee for future obligations. We have the current amount we are applying plus the additional which is an increase of about 9% of what we have done before. Councilmember Kurtzweil stated the State told the City we had to do this. City Manager Zelenak stated the State said we have to pay \$5,349. We are putting \$45,000 toward the unfunded liability. He stated this is a good beginning to fund that liability. Councilmember Kurtzweil stated this needs to stay in the budget in the future. Do we know when this will be paid in full. City Manager Zelenak stated we would have to have an actuary study completed, which would cost \$10,000. He stated he believes this will help us in the future. Councilmember Richards asked how the wages and salaries dropped, we have a hard time getting the employees for the City. We don't get very many applicants and that needs to be looked at.

CEMETERY

City Manager Zelenak stated we have added money for grading the new section in the Cemetery. We are will be receiving bids on that and we have already had the surveying completed. The next step will be setting the monuments for the new section. Councilmember Richards stated we need to put some money toward the roads in the Cemetery. City Manager Zelenak stated that is a good suggestion and that is part of the improvements in the Cemetery.

POLICE

City Manager Zelenak stated in this year's budget we are asking to purchase one new police car and there is an increase in the contract with Novi dispatch of 4%. He further stated they are allocating money for 3 tasers and that money is coming from the drug forfeiture fund. Chief Sovik stated their biggest expenditure is the new car. He stated he hopes to never ask for more than one car during the fiscal year. He stated they have spent a lot of money on repairs for 2 of their oldest vehicles, one of them is now used by the cadet. He stated they are currently down one vehicle; we only have 5 cars at the moment. He stated if one of his cars goes down, he may have to ask for another vehicle at a later time.

Councilmember Kivell asked if the cadet's car is equipped with cameras. Chief Sovik stated it is not, it is basically used for delivering packets and things like that. Councilmember Kurtzweil asked about line item 702.4 for vacation payouts. Chief Sovik stated that line item is for the payout of comp time for the POLC unit, they have an option of being paid out for their vacation instead of using their vacation time. The POAM does not have that option. He further stated that one chunk payment does not go toward their FAC. It is a onetime payout. Councilmember Kurtzweil stated it was her understanding that the buyouts were removed from all union contracts. Chief Sovik stated the POLC is the only union that has the buyout option which was part of the negotiations for the contract signed in 2016. Both unions can carry over 40 hours from the previous year. Councilmember Kurtzweil asked about line item 970, there is a notation saying part of the \$95,000 is going toward the installation of fuel tanks at the DPW yard. Chief Sovik stated he was approached by Superintendent Varney about not using the tanks on Dixboro road and placing one inside the DPW yard. Councilmember Kurtzweil asked what is the advantage to fuel up there instead of a gas station. Chief Sovik stated we could look at that but we don't currently have an account with any gas stations and it will be less wear and tear on the vehicles by not having to drive down Dixboro. Councilmember Kivell asked if other departments would be utilizing the gas tanks as well. Chief Sovik stated he thinks all department vehicles would be using it. Councilmember Kivell asked if there is a cost benefit. Superintendent Varney stated there is a cost benefit and we are going to be looking at adding a diesel gas tank as well. Councilmember Kennedy stated this will be available 24/7 on holidays and etc. Councilmember Richards stated the tanks at Dixboro are below ground and if they are above ground at the DPW yard, people will be able to walk in and steal gas. Superintendent Varney stated all our current tanks are above ground and we will make sure no one can gain access to the pumps. There are different ways to monitor it and we are looking into that. Councilmember Walton stated she wants to make sure we monitor the pumps to make sure people aren't stealing gas so maybe we can use some kind of card and pin number system. Superintendent Varney stated we are looking at different ways to do that. Chief Vogel stated the best system he has seen is having a reader on the vehicle and a reader on the pump and that will ensure the pump will not allow gas to be pumped unless the car has a reader. Chief Sovik asked what the expense is for adding readers on the vehicles. Superintendent Varney stated they haven't investigated that as of yet.

FIRE

City Manager Zelenak stated we have applied for a grant for new turnout gear. He stated we have increased the pay and benefits for the Fire Chief and Deputy Chief. He further stated they have discussed adding additional staff to fund the additional shifts. He stated the last item is a grant to fund 3 full time Fire Department employees. He stated the first and second year it would be funded 75%, then 35% the third year. Chief Vogel stated we have applied with 6 other departments locally for SCBA equipment. He stated the grant from FEMA is for \$206,000 and if we are approved, we will have to come up with about \$10,000 to \$15,000. If we don't get the grant, we will not be purchasing that this year.

Councilmember Kivell stated his paperwork shows \$190,000 but Chief Vogel stated the number was \$206,000. Chief Vogel stated the 3 major issues is the SCBA, the staffing and the rescue refurb. He

stated we have 2 options when it comes to staffing. He stated we can add a Sunday day shift, Friday and Saturday night shift. Option B is cheaper and the better option which is seeking the FEMA grant asking for 3 full time employees. He stated the rescue truck is outdated and he is proposing we take the back of the truck off and send the truck off to a company that would add a poly body. He stated he worked really hard to try to tighten down the numbers. He is very proud of his staff and they have been working extremely hard. Councilmember Kivell stated it sounds like we are abandoning the ladder truck. Will the townships be willing to assist us when one is needed? Chief Vogel stated the ladder truck works and we are continually putting money into it. The township just spent a lot of money on a new ladder truck and they will have it in about a year. Our ladder truck will last another 3-5 more years and then we will have to make some hard decisions. Councilmember Kurtzweil stated let's assume in 5 years we don't purchase a ladder truck; will Lyon Township allow us to use their ladder truck without a cost. Chief Vogel stated they have used ours for 20 years and we have never sent them a bill. He stated in the Fire Department world, if there is a need you are there. We have always done that with the surrounding townships and they have always been there for us. He hopes we never start billing each other for assistance. Councilmember Kurtzweil asked who would be coming on full time under the 3-year grant. Chief Vogel stated we will post for the openings. He stated Green Oak has 3 full time employees and in the peak hours during the day, we would have 2 people. Councilmember Kurtzweil stated she was trying to figure out the business model. She is a strong advocate for a full time Fire Chief. Chief Vogel stated he wants 24-hour coverage and he is happy with what he has worked out with the City Manager. Councilmember Kurtzweil stated the business model you are relying on has a full-time Fire Chief, so why aren't we looking at that. She stated now is the time we should have a full-time Fire Chief. She stated this isn't going to go away. A vaccine won't be ready for a year, it will come back. It is taking a toll on our first responders. She stated she understands the City Manager wants an additional person in the administration building, but how does that satisfy the public safety component and we need to find the money for a full-time Fire Chief. Chief Vogel stated he appreciates everything and some day he thinks we will match the green oak model. He further stated right now we need to build a staffing model so that he knows if someone calls 911, someone will be there. He thinks this is the first baby step to ensure the City is protected. Councilmember Kurtzweil asked how much more money would it take to fund a full time Fire Chief. Chief Vogel stated \$15,000 to \$20,000. City Manager Zelenak stated there is no correlation between the administration and the full-time Fire Chief. He further stated Chief is working full time hours right now and he is happy with not being considered full time. He stated if Council wants to make him full time, we aren't gaining any additional staff. By applying for the grant, we are gaining more employees. Chief Vogel stated the way the model is built there will be 3 full time nonunion employees and he doesn't think the grant allows you to use it to boost someone's pay, it is for hiring staff. City Manager Zelenak stated Chief Vogel is saying he needs additional people. Councilmember Kennedy stated he thinks Chief Vogel is saying he likes the flexibility of being part time. We should appreciate his insight and his recommendation. Chief Vogel stated if Council is interested in this, he was told we have about a 75% chance of getting the grant. Councilmember Dilg asked what are his thoughts on funding the positions after the 3 years. Chief Vogel stated he can't imagine we will be slower. The need is there, this is something we need to do now. He further stated the cost would probably be about \$75,000 to \$90,000 a year. Councilmember Kennedy asked if we get to the end of the 3 years and if we decide to not go forward with it, do we have to repay any of the money. Chief Vogel stated we would not if we finish the 3-year term. Councilmember Kivell asked what will the starting point be for paying the employees. Chief Vogel stated the cost would be about \$195,000. He stated by eliminating one of the shifts, we save about \$140,000. Councilmember Kivell asked how many more mutual aid runs are we doing now compared to previous years. Chief Vogel stated fires have been up and they have been true emergencies. He stated it's probably up 25%. He stated the City is growing, and Lyon Township, Green Oak and

Salem are all growing as well. Councilmember Kivell asked if they are providing enough of their own protection. Chief Vogel stated yes, everyone is making strides in changing the staffing model and Lyon Township has done a great job. Councilmember Kivell stated it seems like we are the first on site, especially in Green Oak. Chief Vogel stated he will never regret the mutual aid we do and he doesn't think anyone isn't stepping up. He stated he was nervous a week ago we wouldn't be able to provide the staffing with the pandemic and both townships stepped up to ask what we need. Chief Vogel stated in 2017 we had 700 runs, in 2019 we made 933 runs and we will probably get to 980 or 1,000 runs this year. He further stated it is hard to make predictions with the pandemic that is happening. Councilmember Kennedy explained Chief Vogel is asking for direction from Council regarding the grants. Discussion was held making a motion during a budget workshop. City Manager Zelenak stated this can be placed on an agenda if needed at a future meeting. Mayor Pelchat stated Council agrees that we would like Chief Vogel to move forward with the grant. Councilmember Walton stated she doesn't think we have to make a motion to apply for a grant. Chief Vogel stated we have a proposed plan to apply for the grant. He stated if we get the grant, he will bring it to Council for approval. Chief Vogel stated there was a slight change in the line item for the ambulance. He stated this hasn't been funded since HVA took over, but it was suggested that we fund it. Finance and Benefit Administrator Tiernan stated the line item 920 reflects the estimated expenses for utilities which we bill HVA for their portion of the utilities. Councilmember Kivell asked what is the reason for the escalation. Chief Vogel stated we negotiated a new contract, previously they were only paying about \$400 a year, and now we will be getting about \$4,500 per year.

DPW

City Manager Zelenak stated the costs are similar to previous years. One of the differences is the cost for the fuel tanks and the improvements at the DPW yard. We have received bids for the concrete work and the storm sewer. He will be bringing that before Council at a future meeting. Councilmember Kennedy asked if that includes the concrete bases to get the vehicles out of the mud. Superintendent Varney stated that is part of the paving project.

PARKS AND RECREATION

City Manager Zelenak stated the Parks and Recreation Commission does a great job on planning for the future for all of our parks. He stated they have stepped up and suggested some items for our parks. He stated one of the items is the wheel chair accessible equipment. He stated they are still looking at the different kinds of equipment. He stated we are looking to survey McHattie Park, the Historical and the Veterans Monument area to plan for future improvements we can do. Councilmember Kennedy asked if they are still looking at the swing or other playground equipment. City Manager Zelenak stated they are still doing their research. We have had many discussions regarding the different types of equipment. He stated they are looking at something all-inclusive so anyone that wants to use that equipment feels like they are a part of the park, not necessarily apart from everyone else. Councilmember Richards asked why the estimates were so high at the beginning but then went down. He stated we need more attention to the bike trails and there are pavement issues at the Historical Depot. City Manager Zelenak stated we will be looking at the paving of the parking lots when we discuss local and major streets. Councilmember Kivell stated we need to focus on the bridges along the bike path as well. There are posts that are sinking and we need to form a plan to rectify that.

HISTORICAL

City Manager Zelenak stated he has met with the Historical Society and they have discussed the improvements they want to make and what their plans are for 1, 3 and 5 years from now. He stated this year they are looking at doing some work on the ramps, brick work and painting the school house. Councilmember Richards stated he agrees with everything they have budgeted for. He then asked if the care for the blue star memorial transferred to the Four Seasons Garden Club. He thought the electrical sign, weed removal was now the Historical Society's responsibility. City Manager Zelenak stated we will have to look at who is going to be responsible for what area in the park. Councilmember Richards stated if we create another division for the Veterans Memorial, we need to discuss this at a Council meeting. The Veterans aren't aware of any of this. Councilmember Walton stated she wants the first responders bell updated as well. Mayor Pelchat stated there will need to be some communication with the parks and recreation, the historical society and the American Legion to agree on who is responsible for what.

CABLE COMMISSION

City Manager Zelenak stated they have planned some improvements for the upcoming year. They are hoping to increase some of the programming, unfortunately some of the events may not be happening due to the virus, so it may change. They were looking at a playback system. He stated that gives them the ability to change what is being played on the cable channel without having to be in the building. He stated their budget increase was based upon adding the playback system, but he thinks the numbers will be coming down a bit. He will keep Council informed. Mayor Pelchat stated the Cable Commission will be having a Zoom meeting tomorrow so if anyone has any questions or concerns, they can join that meeting as well.

CULTURAL ARTS COMMISSION

City Manager Zelenak stated there aren't many changes, they are still trying to get the grant for the sculpture. He stated they would like to continue having additional art downtown. The NASA art that is downtown has been very popular. Councilmember Kivell stated if you drive around and look at the pictures downtown you can see the graphics have been blurred by the sun. He stated he likes the idea but if everything washes out and you lose definition it just doesn't look very nice. We need to keep a closer eye on what type of art is placed outside in the sun. Councilmember Walton stated especially now with the stay at home order we have many more people out walking around town and viewing it and seeing the art more. We need to make sure we maintain them. Councilmember Kivell stated he doesn't want to blame anyone, he thinks they were really meant to be shown inside a building, not outside in the sun. We need to be more mindful of swapping things out. Councilmember Richards stated they purchased them from a grant and he thinks they have more of them and they will be shown later this year. He said there is a cost of \$65.00 for the display equipment to be installed if someone wants to show one of them on their property.

VETERANS MEMORIAL

City Manager Zelenak stated if they can raise enough funds, they are hoping to improve the electrical and some of the military arches. That will be a total cost of \$11,000. Councilmember Kivell asked who is doing the fundraising. City Manager Zelenak stated he doesn't know at this time. Councilmember Kivell stated we need to keep this moving forward and we need to solicit someone for that role. City Manager Zelenak stated he will let Council know when their next meeting is.

MAJOR/LOCAL STREETS

City Manager Zelenak stated it is imperative for the City to develop a long-term plan for our roads. It will involve staff members, Council and others from the community to determine what funding mechanisms are out there that make most sense. He stated we need to look at Act 51 funds, special assessments, possibly a road millage or general fund. We can no longer wait and just allocate funds for one particular road we need to a plan for funding of our roads. He further stated the majority of the dollars in the budget are for things that are in the budget every year such as striping the roads, signage, salting, traffic lights and patching. Councilmember Kivell stated we will have to lean on RCOC to try to get programmed in with some of their improvements. He stated we will have to dig deep for the local improvements. Councilmember Richards asked who decides what is a major street and item 485 what was the transfer of \$100,000 of funds for. City Manager Zelenak stated each year we transfer money between funds for maintenance and it is allowed within the Act 51 rules and regulations. We get more funds for major streets than local and we need the funds to maintain the local streets. He further stated to determine if it is a major or local street, there is a number of items we go through for the State of Michigan, we fill out certain criteria based on the number of cars on the road, the width of the roads and if they are in subdivisions, etc. We get funds based on the road miles within the City, based on the factors and the population that is given to us by the State each year. Councilmember Richards stated since Covid19 the traffic is down on Dorothy but McMunn is still having a lot of commercial and industrial traffic. He thinks McMunn should be looked at again for more improvements. Councilmember Kurtzweil stated 10% of Act 51 money must be spent on local streets. City Manager Zelenak stated when we identify the total number of road miles for local and major streets, we can figure out the amount of funds we are getting in advance. He further stated we will use everything from local streets and some from major streets for local streets. Councilmember Kurtzweil stated Act 51 funds are audited. Finance and Benefit Administrator Tiernan stated we file a report for each year and we do a 70/30 split.

DDA

City Manager Zelenak stated this was developed by the DDA board and the previous Director. The revenue is based upon the TIFA money and we are expecting an approximately 5% increase in revenue. He stated whatever revenue that is not received will also represent a decrease in expenditures because of events that may not happen. He further stated we will continue to move forward with hiring of the DDA/Economic Director. He stated they interviewed a few people and we have done the background checks. One person stood out more than the others. He has made contact with all of them, but he thinks due to what is happening around us we need to hold off on making the offer. He stated if we brought someone in that position at this time, based on that person working 50% with the businesses and 25% working with sponsors and 25% office time, they may only be in one or two days a week. He stated he wants to hire someone for that position, but we need to delay because there is so many things that are changing around us. Councilmember Dilg stated she hopes we will be careful with our businesses and not put too much pressure on them for sponsorships. They are going to be in a tough place. She stated if there is something, we can do to show them we want to support them, we should. City Manager Zelenak stated we will be reevaluating how this is handled. There is a potential for a delay with the Farmers Market as well as other events. We don't want to plan an event and then cancel it. There are many variables. Councilmember Dilg asked why we are paying the Market Manager less than we did last year. City Manager Zelenak stated that has to do with the amount of time this person is putting in. He will have to look into what was actually paid to that person last year. Councilmember Kivell stated it is

important to recognize when the right time is to get that position filled because we are going to have a lot of businesses that are going to have a hard time and we need to be able to be as supportive and helpful as we can be with them. Councilmember Richards stated he hopes the parking issues can be corrected.

WATER AND SEWER

City Manager Zelenak stated they have the largest expenditures for this year. He stated there are improvements that need to be made. He stated we had the water and sewer rate analysis completed. We will need to look at those numbers and look how we can fund some of the expenditures because there haven't been increases in the past few years. He stated this isn't the best time to raise rates, but we still have to look at what improvements need to be made in the future. He further stated any rate increase will be approved by Council. Councilmember Dilg asked why the wages and salary in the 552 increased by \$100,000. City Manager Zelenak stated part of that is for a potential deputy, although that may be on hold for now. He stated there were some changes to Doug's wages after we hired him as well. Finance and Benefit Administrator Tiernan stated in comparison to last year's budget, we have the Deputy position included in the 2020 budget as well as the change in Doug's wages. She further stated we put in a 2.5% for current employees in that department as well. City Manager Zelenak stated part of it is the new position and part is the number we added for potential increases. Councilmember Kennedy stated he appreciates Paul's sensitivity to the change in the rate structure and what our residents in the City are going through at the moment. He understands the first year there may be a significant raise in the rates, then a flat line incremental going forward. He then stated maybe the first-year increase could be a little more modest and then look at each year to make it a little easier on our residents. Councilmember Kivell stated he hopes we can be a little more prudent on what the escalation needs to be and then step up as things get better. He then asked about the revenues that dropped. Finance and Benefit Administrator Tiernan stated she has been looking into that and will get that to him this week. Councilmember Kurtzweil asked where the increase in revenue was coming from, so she assumes that is related to a rate increase. She then stated when she was at the conference for budgeting, Plante Moran gave a talk on utility rates and it was great to have other communities there and they were very informative on what happens if you don't properly fund your water department. She stated you have a public utility in your hands and it relates to public health and to cheapen or lessen to improve that commodity at this time, she can't support. She stated whatever Plante Moran is suggesting the rate increase is, we need to follow through. She further stated the beginning fund balance is 5.1 million and we are going to come out of this with a net position of 2.5 million dollars which is nothing. Where will we get the funds to do all the things that haven't been done in the water department for years. She further stated we aren't increasing property taxes, so that will be the only increase. She then asked about the tap in fees and how that is going to be split. City Manager Zelenak stated that policy was developed in 1989, he isn't sure why it was developed the way it was. It states only so much money can be put towards infrastructure or improvements to the system. It is an enterprise fund and you can use that for whatever is needed in that department. He stated we may need to rescind that policy and identify what funds can be used for improvements or staffing. Finance and Benefit Administrator Tiernan stated as of the last audit we are splitting roughly 60/40 and we need to decide if we even need that policy or if we just use the funds as needed. Councilmember Kurtzweil stated there is a temptation to put the money from an enterprise fund towards something it wasn't meant to be used for. She further stated the policy restricts you from doing that. She further stated this ensures there is a funding source for the improvement of the facility. She stated she supports whatever Plante Moran is suggesting for rates. Councilmember Kennedy stated in the interest of accuracy, no one advocated to do something or not do something that would impact the safety of our water system or put anyone at risk in our community. He stated what was said is that we need to

look at what needs to be done, and the timing for doing it. Whether if all the projects need to be done at one time, or if they can be addressed at a phased in approach. He further stated none of that would impact or affect the safety of the water and the residents. The City would never do that. Councilmember Kivell stated the idea is that Doug has the experience and understanding to understand the platforms that need to be amended. He further stated we can shave some money off with HRC not doing all the projects and that will help us save money to put toward projects that need to be done. Councilmember Kurtzweil stated there are 4 million in projects that need to be done at the water plant and they need to be done now. She stated there was an urgency in the presentation by HRC about the projects that need to be done. She further stated we have 5.2 million dollars and we have more than that in what needs to be done. It is a public health and safety issue. Councilmember Kennedy stated he never said we were going to delay things a couple of years; he was talking about maybe within a few months. Councilmember Walton stated she is leaving the call because she has to work at 4:30 in the morning.

City Manager Zelenak stated they are still moving forward with improvements that were suggested by HRC. We had budgeted a million dollars as well as \$922,000 of improvements in the wastewater system and all of that won't be spent this year. Councilmember Richards reminded everyone we achieved a victory with the new well in McHattie Park. We don't have to look at a new well. He stated on the treatment side of it, we should be ok. On the Sanitary side, we will need regular improvements and it will be in the millions.

DRUG FORFEITURE

Chief Sovik stated we currently have 5 tasers that are 7-10 years old. They are unserviceable. We are going to be replacing 3 with new tasers and one new raid shield. He stated in 7 or 8 more years, we will be going to another model of tasers.

CDBG

City Manager Zelenak stated we have reduced numbers this year. We are expecting \$29,552 from the \$37,000 we received last year. He stated we will continue to give money to Haven and the Senior Center.

CEMETERY PERPETUAL FUND

City Manager Zelenak stated we are looking at additional money for the new section in the Cemetery. Councilmember Richards stated as long as we keep the perpetual fund balance at a certain level, we should be able to make improvements in the Cemetery.

WASTEWATER TREATMENT BOND

City Manager Zelenak stated this is based on revenue and we should be able to pay this off one year early.

CAPITAL IMPROVEMENT PLAN

City Manager Zelenak stated includes for the paving of the DPW yard. He stated we also have money in the budget for the Safe Routes to School program. He has had discussions with the schools and the townships regarding adding improvements in the crosswalk and the sidewalks that need to be put in. He stated all 3 bodies will need to agree, so that would be brought back to Council. Councilmember Kivell stated it seems the southside of the cross walk needs to be removed. If we close that crosswalk it will

force everyone to use the other crosswalk which is much safer. Councilmember Richards would like to see a better explanation at a future Council meeting regarding the crosswalks.

EQUIPMENT REPLACEMENT

City Manager Zelenak stated the only item under this heading is the payment for the street sweeper.

City Manager Zelenak stated just for Council's information, he has received an email from the schools asking the City to provide funding for the SRO. Councilmember Kurtzweil stated they have gone 2 years without funding from us, Northfield didn't participate and neither did Green Oak Township. They have had the schools closed since March, they are saving money with utilities, and they are not putting gas in the buses and they should be able to find the funding. Councilmember Kivell stated he would like to advise the school board to put this funding in their own budget. They are the only taxing agency that can tax the entire jurisdiction that will come from the people that live in the jurisdiction of the schools.

The meeting adjourned at 8:45 p.m.

Mayor Dan Pelchat

Lisa Deaton Clerk/Treasurer

AGENDA NOTE

Old Business # /

MEETING DATE: April 27, 2020

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: City Council Rules of Procedure

EXPLANATION OF TOPIC: At our December 9, 2019 City Council I presented to City Council a Draft of Rules of Procedure that I feel should be adopted by City Council to ensure that we have an efficient operation of our City and our meetings. The Rules of Procedure were discussed in February and the results of those discussions are attached in a completed document. Please review the attached and be prepared to discuss, and make suggestions if there are any corrections to be made.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Please refer to the City Council Draft Rules of Procedure that is attached.

POSSIBLE COURSES OF ACTION: Approve / not approve the new City Council Rules of Procedure.

SUGGESTED MOTION: Motion by _____, supported by _____ to approve the new City Council Rules of Procedure.

CITY OF SOUTH LYON COUNCIL RULES OF PROCEDURE

These Rules of Procedure are adopted under provisions set forth in Section 4.6 of the South Lyon City Charter. These Rules are subject to compliance with the City Charter, ordinances, and State statutes.

I. CITY COUNCIL MEETINGS

All meetings of the City Council will be held in compliance with the City of South Lyon Charter and state statutes, including the Open Meetings Act, Public Act 267 of 1976, as amended, and with these Rules. All meetings of City Council will be open to the public, unless authorized by the Open Meetings Act. The seating arrangements for the Mayor, Mayor Pro-tem, Council members, consultants and staff shall be determined by the Mayor.

a. REGULAR MEETINGS

Regular Meetings of the City Council will be held on the second and fourth Mondays of each month beginning at 7:30 P.M. in the Council Chambers of the South Lyon City Hall, unless otherwise rescheduled by resolution of Council. Council meetings shall conclude no later than 11:00 p.m., subject to extension by Council.

b. SPECIAL MEETINGS

Special Meetings of the Council may be called by the Clerk upon the written request of the Mayor, the City Manager or by any two members of the Council. There shall be at least eighteen (18) hours written notice to the public and each member of the Council designating the time, place, and purpose of a special meeting and served personally on, or left at, the usual place of residence of each of the Council members.

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, other than the enactment of an ordinance, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of Council present consent thereto and all the members absent file their written consent.

c. CLOSED SESSION

Closed sessions may be held only for the reasons authorized in the Open Meetings Act. A two-thirds (2/3) roll call vote of members elected or appointed and serving shall be required to call a closed session, except for those circumstances where the Open Meetings Act permits the calling of a closed session by a lesser vote. The purpose of the closed session must be stated in the motion to call the closed session. The only topic to be discussed in closed session, is the topic for which closed session was called.

City Council members shall not divulge to any unauthorized person confidential information discussed in a closed session in advance of the time prescribed for its authorized release to the public by the City Council. Council members shall honor the confidentiality of the debate and discussion occurring in closed session and be aware of the potential liability or other harm to the City by premature disclosure.

d. STUDY SESSION

Upon the call of the Mayor or the Council and with appropriate notice to the Council members and to the public, the Council may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any Council member enter into a formal commitment with another member regarding a vote to be taken subsequently.

II. AGENDA PREPARATION AND DISTRIBUTION

The City Manager and the City Clerk, with consultation and concurrence of the Mayor, shall prepare an agenda of business to be considered at each regular Council meeting. Items of business must generally be submitted by 12 noon on the Wednesday preceding the next regular meeting, subject to the discretion of the City Manager.

Agenda materials will primarily be provided to Council members by electronic delivery method. "Paper" copies of agenda materials will be provided only where the materials are likely to be retained for regular review (bound documents such as the Master Plan for Land Use, or the Budget), or where a paper copy is required or appropriate to completely convey the information contained in the materials, or at the request of a Councilmember.

No items will be added to the published agenda unless approved by a majority vote of City Council. The agenda of regular meetings of the City Council shall be prepared in accordance with the following format:

- A. Call to order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Minutes
- E. Approval of Bills
- F. Approval of Agenda
- G. Consent Agenda
- H. Public Comment
- I. Reports:
 - Discussion – Downtown
 - Fire Chief Report
 - Police Chief Report
- J. Presentations
- K. Public Hearings
- L. New Business
- M. Old Business
- N. Budget
- O. Manager's Report
- P. Public Comment
- Q. Council Comment
- R. Adjournment

III. POSTING REQUIREMENTS FOR REGULAR AND SPECIAL BOARD MEETINGS

For regular meetings of the Council, the Clerk shall post at the City Hall, within ten (10) days after the first meeting of the Council in each calendar year, a public notice stating the dates, times and places of its regular meetings for the year.

For a rescheduled regular or a special meeting of the Council, a public notice stating the date, time and place of the meeting shall be posted at least 18 hours before the meeting. In addition to posting at City Hall, the notice shall be posted on the City's website. The website posting shall be included on the homepage or on a separate webpage that is dedicated to notices for special meetings and is accessible by a prominent or conspicuous link on the homepage.

However, such an 18-hour notice requirement, as described above, is not required for a meeting of the Council in emergency meeting in the event of a widespread natural disaster or a severe and imminent threat to the health, safety or welfare of the public when two-thirds of the members of the Council determine that delay would be detrimental to the City's efforts in responding to the threat. The notice shall be published as soon as possible and available at the emergency meeting.

IV. MEETING MINUTES

The Clerk shall attend the Council meetings and record all the proceedings and resolutions of the Council in accordance with the Open Meetings Act. In the absence of the Clerk or Deputy Clerk, the Council may appoint one of its own members or another person to temporarily perform the Clerk's duties.

In accordance with the Open Meetings Act, within 5 business days of a Council meeting a draft of the minutes shall be prepared by the Clerk showing the substance of each separate decision of the Council and shall indicate the vote of the Council members. The Clerk shall prepare the final minutes within 8 business days of a Council meeting.

Minutes of regular and special meetings will be kept by the Clerk and shall be signed by the Mayor and Clerk upon approval by City Council.

A separate set of minutes shall be taken by the Clerk or the designated secretary at a closed session. These minutes will be retained by the Clerk for the period of time required by the Open Meetings Act and shall not be available to the public and shall be disclosed only if required by a court of law. Minutes of closed session meetings may be distributed to Council for review at a closed session and may be approved, in Council's discretion, and returned to the Clerk.

V. CONDUCT OF MEETINGS

a. PRESIDER OF THE MEETING

The Mayor shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at Council meetings. At the first meeting of the Council following each City election, the Council shall appoint one of its members Mayor Pro Tem, who shall preside in the absence of the Mayor. In the absence of both the Mayor and the Mayor Pro Tem, the member present who has the longest consecutive service on the Council shall preside.

b. GENERAL RULES OF PARLIAMENTARY PROCEDURE

Where these rules or the City Charter are silent, "Roberts Rules of Order Newly Revised" shall, to the extent reasonably feasible, govern the proceedings of the Council. The City Attorney shall act as Parliamentarian. In addition, the following general rules of debate shall apply:

1. The maker of a motion is entitled to speak first.
2. A Council member must obtain the floor by being recognized by the Mayor.
3. A Council member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member.
4. No Council member is entitled to speak a second time on the same motion while any other Council members wish to make their first speech.
5. A Council member may not speak against his/her own motion but may vote against it.
6. Questions and remarks must be addressed through the Mayor, or after recognition by the Mayor. Council members are not to speak directly to each other or to a staff member.
7. A courteous tone must be maintained. Interjecting personal notes or attacking another member's motives is prohibited. Councilmembers shall exercise caution so as to not disturb the assembly with sidebar discussions, walking around or otherwise causing distracting sounds into the microphone.

c. QUORUM

A quorum of City Council for the transaction of business shall be as provided by City Charter.

d. VOTING

A Roll Call vote shall be required on all ordinances and resolutions and the "Yes" or "No" vote shall be entered upon the records opposite the name of the Council member. Whenever the vote is unanimous, it shall only be necessary to so state. Mayor, on his own initiative, or at the request of the Councilmember may request a roll call vote on any matter.

No member of the Council shall vote on any question in which he/she has a financial interest other than the common public interest or on any question concerning his own conduct, but on all other questions every member present shall vote unless excused by unanimous consent of the remaining members present.

The right to vote is limited to the Council members present at the time the vote is taken. Voting by proxy or by telephone is not permitted.

e. CONSENT AGENDA

A consent agenda may be used to allow Council to act on numerous administrative or noncontroversial items at one time. Upon request by a member of the Council, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.

In order to limit the number of items removed from the Consent Agenda, all members of Council will contact the City Manager before the meeting to have questions answered. Unless a member of the Council specifically requests that an item listed on the Consent Agenda be removed therefrom and action be taken separately on said item, those items listed on the Consent Agenda shall be approved, accepted, etc. by motion and unanimous roll call vote of the Council. Those items so approved under the heading "Consent Agenda" shall appear in the Council minutes in the proper form.

f. RECONSIDER/RESCIND/REPEAL A QUESTION

When a question has been decided, in order for it to be reconsidered, any Council member who voted on the prevailing side of the question may move for reconsideration at the same or next regular meeting, provided no action has been taken as a result of the previous vote. If a matter is to be brought for reconsideration at a succeeding meeting, the Council member making the request must notify the City Manager in writing by the Wednesday prior to the meeting who shall place the matter of reconsideration of the matter on the agenda.

A motion to rescind or repeal some previous action may be made at any time at any regular or special meeting of the Council, provided, such matter has been formally placed on the agenda for consideration and it is in order.

g. USE OF COMMUNICATION DEVICES DURING MEETINGS

A Council member shall refrain from the use of electronic or wireless communication devices during meetings to communicate with other Council members or with members of the public, regardless of whether the device is provided by the City. This prohibition shall not apply to communications with family members, employees, or co-workers, or others with whom the member communicates on a matter unrelated to an agenda item for Council action; such communications shall be infrequent and shall not disrupt, disturb, or otherwise adversely affect the conduct of the meeting.

h. COUNCIL COMMENTS

All regular Council meeting agendas shall provide for a reserved time for Council member Comments. Remarks shall be limited to those pertaining to City business or policy, or to issues of community concern or interest. Each Council member shall limit his or her comments to three (3) minutes, unless a request to extend is approved by the Mayor in advance of the meeting.

i. AUDIENCE PARTICIPATION

City of South Lyon

In accordance with Resolution 04-18, as adopted by City Council on June 4, 2018, the Rules of Audience Participation at City Council Meetings shall be as follow:

A. Statement of Intent

It is the intent of the South Lyon City Council ("Council") that Council meetings be regulated as a limited public forum that is open to public comment relating to agenda items, City administration, and matters that are otherwise of public concern to the community. The Council asserts that it has interests in promoting orderly and efficient administration of Council meetings and the City's business, maintaining the public peace at Council meetings, and ensuring that comment offered at Council meetings advances the Council's information-gathering and decision-making functions. In furtherance of these interests, the Council adopts these Rules of Conduct for Public Comment at City Council Meetings ("Rules"). To the extent that these Rules regulate First Amendment activity, the Council recognizes that speech on matters of public concern offered in connection with a public body's information-gathering and decision-making processes is afforded the highest degree of First Amendment protection. These Rules are not intended to silence speech or prohibit expressive conduct based upon its content.

B. Public Comment Procedure and Rules of Decorum

- 1) Public Comment Limited to Designated Public Comment Periods. Except for agenda items for which a public hearing is required by law or has otherwise been scheduled by the City Council, public comment shall only occur at times designated for "Public Comment" on the Council agenda. Two Public Comment periods shall be provided on each Council agenda. The first shall be scheduled as the first agenda item after "Approval of Agenda." The second shall be the last agenda item before "Council Comment."
 - a. Public Comment Period Waiver. Public comment outside of a designated Public Comment period, including during the Council's discussion of agenda items, shall only be permitted upon a majority vote of the Council to approve a Public Comment Period Waiver allowing a person to speak at an alternate time.
 - i. Waiver Request. A waiver request may be initiated by a prospective speaker before or during a Council meeting, or by a member of Council wishing to have a prospective speaker recognized.
 - ii. Consideration of Waiver. The Council's grant of a waiver shall be supported by a finding that obtaining testimony from the prospective speaker would facilitate the Council's information-gathering and/or decision-making process, based on the prospective speaker's expertise, employment, connection with the subject matter

being deliberated, or other factors identified by the Council. In general, the Council's consideration of a Public Comment Period Waiver shall be on a speaker-by-speaker basis, but nothing in these Rules shall be construed to prohibit the Council from holding a single vote to open any matter to all public comment.

- iii. Waiver not Content-Based. The Council's decision to grant or deny a waiver shall not be based on the content of the prospective speaker's message. Where a subsequent prospective speaker requests a Public Comment Period Waiver to offer an alternative viewpoint on the same agenda item, the Council shall not unreasonably deny a waiver to that speaker if the Council finds the speaker to possess comparable expertise, employment, connection to the subject matter, or other characteristics the Council used to justify a waiver for a previous speaker. The Council may request a person to provide evidence of his or her credentials as a condition of considering a Public Comment Period Waiver request.
 - iv. Rules for Comment Pursuant to Public Comment Period Waiver. The Council may establish specific parameters for comment offered pursuant to each Public Comment Period Waiver to facilitate the purpose for granting the waiver. In the absence of waiver-specific rules, these Rules shall apply.
- 2) Scope of Public Comment. Both Public Comment periods shall be open for discussion of agenda items and non-agenda items.
- 3) Decorum. Speakers shall deliver their comments in a manner that is respectful to the forum. No speaker shall engage in conduct that interferes with the Council's orderly and efficient administration of Council meetings and the City's business, that is violent or can reasonably be perceived as violent, or that otherwise disturbs the public peace in violation of applicable City ordinances and other applicable laws. Speakers shall not be deemed to be in violation of these Rules solely based on the content of their speech where the speech is protected by the First Amendment and/or the where the law recognizes that the remedy for contested speech is a tort or criminal action after expression of the speech rather than a prior restraint (e.g. defamation, slander, falsehoods). Provided, that these Rules shall not be construed as limiting the ability of the Mayor, Council, and/or police to enforce these Rules against speakers whose comments are delivered in a manner that violates these Rules or other applicable ordinances and laws, or whose speech falls within the legal definition of obscenity, true threats, dangerous or inciting speech, or other any other category of speech that is not afforded full First Amendment protections.
- 4) Recognition of Speakers. Persons wishing to address the Council, including to seek a waiver, may only do from the podium and after being recognized by the Mayor. No person may call out from the audience. Only one speaker may occupy the podium at a time.
- 5) Identification of Speaker. At the start of a speaker's comment, the speaker shall provide his or her name and address for the record.
- 6) Public Comment to be Directed to the Mayor and Council. Speakers shall direct their comments and questions only to the Mayor and Council. Speakers shall not engage in direct dialogue with

other persons attending the meeting. If a speaker raises a question for which the input of a person other than the Mayor or Council is required and the Mayor or Council find that addressing the speaker's question would facilitate the Council's information-gathering and/or decision-making process, the Mayor may invite the intended recipient of the question to the podium to address the question after the speaker has finished his or her comment. Upon recognition of a person to address the question, the speaker shall relinquish the podium to that person, and any follow-up by the speaker may occur only pursuant to these Rules and upon recognition by the Mayor.

- 7) Presentations Requiring an Agenda Item. Public Comment periods are not intended for presentations lasting longer than two minutes, which require materials to be added to the Council's agenda packet, or which will require audio/visual equipment. Speakers and/or groups who know or reasonably should know that their presentation will exceed two minutes, require additions to the agenda packet, or require audio-visual equipment, are expected to notify the City Clerk that they wish to be placed on the Council agenda according to the normal deadline for the City Clerk to finalize the agenda. In general, the option to appear on the agenda shall be limited to representatives of City departments, representatives of non-profit or other community organizations, and elected or appointed government officials seeking to address the Council in the performance of an official function. Provided, that the decision as to whether not to allow a speaker on the agenda shall not be based on an evaluation of the content of the proposed presentation. Any speaker whose request to appear on an agenda is denied by the City Clerk or is untimely may appeal the decision by appearing during the Public Comment period of the meeting at which he or she wishes to speak and request a waiver from the Council to speak at a time other than Public Comment, or from the Mayor to exceed the time limit.
- 8) Time Limit. The time limit for each speaker during Public Comment is two (2) minutes per Public Comment period, subject to the following.
 - a. Timekeeper. Time shall be kept by the Mayor or his or her designee, or by a timer.
 - b. Time Expired; Completion of Comment. If the speaker's time has expired, and no waiver has been requested or granted, but it appears that the speaker is about to finish his or her comment, the Mayor may allow the speaker to finish the comment without the necessity of a waiver, provided that the speaker then leaves the podium after completing the comment and being reminded by the Mayor that his or her time has expired.
 - c. Time Limit Waiver. Upon the request of a speaker, the Mayor, in his or her discretion, may grant a Time Limit Waiver according to the following procedure:
 - i. Timing of Request. In general, if the speaker reasonably should know that he or she will require a waiver, he or she shall request a waiver at the start of his or her public comment. However, if it only appears during the speaker's comment that he or she will require additional time, he or she may request a waiver during or at the end of his or her comment period.
 - ii. Guidelines for Mayor's Discretion. The Mayor's discretion in granting or denying a Time Limit Waiver may be guided by considerations including but not limited to:

1. Whether the speaker reasonably should have known that his or her comments would exceed the time limit such that the speaker should have requested to be placed on the agenda;
 2. The length of the meeting agenda;
 3. The number of other people who wish to speak;
 4. The speaker's compliance with these Rules and all other applicable ordinances, resolutions, and laws;
 5. The extent to which the speaker's comment has generated questions or comments from the Council within the speaker's two-minute speaking period such that the speaker has not been able to raise all points that could have been raised within the two-minute period;
 6. Whether one or more Council members request that the speaker be given an opportunity to respond to Council questions or comments raised after the speaker's time has expired;
 7. Whether the speaker's comments during the first two minutes have been repetitive;
 8. The extent to which continued comment would facilitate the Council's information-gathering and decision-making functions.
- iii. Waiver not Content-Based. A person seeking a Time Limit Waiver shall not be required to disclose the content of his or her comments as a condition of requesting the waiver. A decision to grant or deny a waiver shall not be based on an evaluation of the content of the speaker's comments or disagreement with the speaker's viewpoint where the speaker's comments are afforded First Amendment protection and do not put the Council at risk of violating other laws by allowing the comment (e.g. campaign finance law, employment law, privileged communications).
- iv. Review of Waiver Denial. A decision of the Mayor to deny a Time Limit Waiver may be reviewed by the City Council at the request of a Council member as provided by Roberts' Rules of Order or other applicable rules.
- d. Duration of Waiver: When granting a waiver, the Mayor may provide any amount of time for extended comment to the speaker that is reasonable under the circumstances. The guidelines for the Mayor's original consideration of the waiver may be considered when establishing the extended time limit.
- e. Independence of Public Comment Periods. Each Public Comment period or other instance of public comment within a meeting shall be mutually exclusive and independent of all others for purposes of applying these Rules.

- i. A speaker may speak during both Public Comment periods for two (2) minutes each.
- ii. The availability of two two-minute Public Comment opportunities per speaker within a meeting shall not be cited to justify a Time Limit Waiver during any single Public Comment period. For example, a Time Limit Waiver may not be requested or granted based on a promise by the speaker to not participate in the second Public Comment period, nor may a Time Limit Waiver be requested or granted based on a speaker having not participated in the first Public Comment period.
- iii. The grant of a Time Limit Waiver to a speaker during the first Public Comment period shall not affect the speaker's ability to speak for two minutes during the second Public Comment period, but may weigh against the grant of second Time Limit Waiver within the same Council meeting.
- iv. The grant of a Public Comment Period Waiver shall not affect the person's ability to speak during either Public Comment period.

C. Enforcement Procedures

- 1) Authority to Enforce. The Mayor shall have the power to enforce these Rules. The Council shall be authorized to review the Mayor's enforcement decisions as provided by Robert's Rules of Order and/or any other applicable Council rules.
- 2) First Warning. Upon identifying a person to be in violation of these Rules or any other applicable ordinances, resolutions, or laws, the Mayor shall issue a warning to the person that he or she is in violation of one or more rules and direct the person to redirect their conduct so as not to be in violation of the Rules. Where the violation relates to the timing or duration of a person's comment, the Mayor shall order that person to discontinue their comment until the Mayor or Council, as appropriate, has considered the speaker's request to be recognized, or for a waiver. If the speaker has not obtained the required recognition or waiver, the Mayor shall order the person to return to his or her seat.
- 3) Second Warning. If a person who has received an initial warning fails to abide by the Mayor's directive and continues to engage in conduct in violation of these Rules or other applicable ordinances, resolutions, or laws, the Mayor may issue a second warning and/or order the person to return to his or her seat. Provided, that the Mayor may choose to forego issuing a second warning and proceed directly to ordering other permissible remedies if the Mayor finds that the person's conduct poses an imminent threat to public safety, or has escalated so as to cause an immediate disturbance of the public peace at the meeting or to interfere with the orderly administration of the meeting.
- 4) Interference with a Public Meeting; Remedies. Any person who disturbs the public peace at a Council meeting by loud, boisterous, violent, or vulgar conduct, interferes with the Council's

meeting, or who fails to comply with an order or directive of the Mayor requesting compliance with these Rules shall be deemed to be in violation of the Code of Ordinances of the City of South Lyon, including but not limited to Section 58-53 – Interference with conduct of business; interference with meetings of a public body – and shall be ordered removed from the meeting and/or ticketed in accordance with the Code of Ordinances.

- 5) Imminent Threat. Nothing in these Rules shall be construed to require the Mayor to provide one or more warnings prior to ordering the removal of any person who the Mayor, Council, and/or law enforcement officers reasonably perceive as creating an imminent threat to the safety of the Mayor, Council, or public.
- 6) Mayor Absent. In the absence of the Mayor, these Rules shall be construed to vest the powers and responsibilities of the Mayor in the Mayor Pro-Tem or the Council Member who is otherwise serving as chair of the meeting.

j. SUSPENSION AND AMENDMENT OF RULES

These rules may be suspended or amended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that council actions shall conform to state statutes and to the Michigan and United States Constitutions. In the event of a declaration of state of emergency, the Mayor may suspend or amend the rules in his sole discretion for as long as the state of emergency is in effect.

k. ENFORCEMENT OF RULES

These rules are subject to enforcement by the City Council as it determines appropriate under applicable provisions of State law, the City Charter, and Roberts' Rules of Order (which have been adopted above to the extent reasonably practicable), and any penalty for violation hereof shall be in accordance with said provisions.

VI. ATTENDANCE

A Council member who cannot attend a meeting bears the responsibility of notifying the City Manager, The Mayor or the City Clerk of his or her anticipated absence. The Council may excuse absences for cause. If a Council member has failed to attend three (3) consecutive regular meetings of City Council without providing prior notification, the member may be removed from office, in accordance with the City Charter and applicable state law.

VII. VACANCY ON COUNCIL

If a vacancy occurs in any elective office, it shall be filled within thirty (30) days by a vote of the majority of the remaining members of Council. Such appointee shall hold office until the next regular City election taking place more than sixty (60) days after such vacancy occurs, at which election a successor shall be elected for the unexpired term of the member in whose office the vacancy occurs.

VIII. STANDARDS OF CONDUCT FOR CITY COUNCIL MEMBERS

City Council members will be governed by the City's Code of Ethics, as adopted and amended by Chapter 2, Article III of the City's Code of Ordinances, and all other applicable state and federal laws.

IX. COUNCIL MEMBER RELATIONSHIPS

a. RELATIONSHIP WITH THE PUBLIC

Members of Council should refrain from argument with a member of the public or staff at Council meetings since these arguments seldom resolve concerns and many times inflame feelings at a public meeting. Any concerns by a member of Council over the behavior or work of a City employee during a Council meeting should be directed to the City Manager to ensure the concern is addressed.

b. RELATIONSHIP WITH CITY STAFF AND CONSULTANTS

1. There shall be mutual respect from both staff and Council members of their respective roles and responsibilities when and if expressing criticism in public session.
2. Requests for information or questions by the City Council shall be directed to the City Manager. All non-routine requests should be submitted to the City Manager's office. All complaints should be submitted to the City Manager.
3. All written information material requested by individual Council members shall be submitted by staff and consultants to the City Manager who will transmit them to all Council members with the notation indicating which Council member requested the information.
4. Council shall not contact consultants or attempt to correct or influence staff or consultant in the selection of employees, recommendations for the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.
5. Incoming mail clearly marked as personal shall not be opened when addressed to individual Council members or staff unless requested.
6. A Council member shall not direct staff or a consultant to initiate any action or prepare any report that is significant in nature or initiate any project or study without the approval of a majority of the City Council. All such requests will be first directed to the City Manager.

c. RELATIONSHIP WITH BOARDS, COMMISSIONS, COMMITTEES AND OTHER GOVERNMENTAL AGENCIES

1. Members of the City Council should not attempt to influence boards, commission or committee recommendations, or to influence or lobby individual board, commission or committee members on any item under their consideration. It is important for boards, commissions and committees to be able to make objective recommendations to the City Council on items before them. Members of Council that attempt to influence board, commission or committee positions on an item may prejudice or hinder their role in reviewing the recommendations as a member of the City Council.
2. It is suggested that City Council Members refrain from attending other public meetings. If they do attend, they should be cautioned about becoming involved in the meetings' discussions.
3. If a member of the City Council represents the City before another governmental agency or organization, the Council member should first indicate the majority position as an opinion of

the Council. Personal opinions and comments may be expressed only if the Council member clarifies that these statements do not represent the position of the City Council.

DRAFT

AGENDA NOTE

New Business # /

MEETING DATE: April 27, 2020

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: DTE LED Street Lighting Conversion Agreement

EXPLANATION OF TOPIC: I have been working with DTE on replacement of lights in our community to LED to save on utility charges. The attached agreement outlines the changing out of lighting in our community which will provide an immediate savings on utility costs. The Cost for the work is \$15,379 and the payback is just over a year.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: DTE Lighting Agreement, including cost savings and lighting diagram.

POSSIBLE COURSES OF ACTION: Approve or not approve the DTE Lighting Agreement in the amount of \$15,379 from account 101-440-923

SUGGESTED MOTION: Motion by _____, supported by _____ to approve DTE Lighting Agreement in the amount of \$15,379 from account 101-440-923.



April 23, 2020

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

Re: DTE Street Lighting: LED Street Lighting Conversion

Attached is the Purchase Agreement for the LED street light conversion project. A detailed description of the project is outlined in the agreements. Please print **TWO** copies. Please sign **BOTH** copies in the designated areas. A check or Purchase Order in the amount of \$15,379.00 is also required at this time. Please return **BOTH** signed agreements (as well as check or Purchase Order...made payable to **DTE Energy**) to the following address:

DTE Energy
8001 Haggerty Rd.
Belleville, MI 48111
140 WWSC-Brandon Faron

Please call if you have questions, 734-397-4017.

Sincerely,

Brandon R. Faron

Brandon R. Faron
Account Manager
Community Lighting



April 23, 2020

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

Re: City of South Lyon-LED Conversion of 80 Streetlights

Based on your request, I have attached a cost estimate for the proposed 2020 street light conversion project. The total light count is 80 street lights and reflects the following descriptions:

Overhead (OH) – DTE Owned and Maintained Street Lights on Wood Poles

68 - 175 watt Mercury Vapor to 58 watt LED
3 - 175 watt Mercury Vapor to 80 watt LED

Underground (UG)-DTE Owned and Maintained on Steel or Fiberglass Poles

3 - 175 watt Mercury Vapor to 58 watt LED
6 - 400 watt Mercury Vapor to 136 watt LED

Below please find the estimate breakdown for this project. The costs are based on the Option 1 Municipal Street Light rate - DTE Energy owned and maintained. The rate requires the customer pay a portion of the construction cost. The following information outlines the street lighting installation.

Project Cost	\$20,339.00
Less DTE Labor Contribution	\$4,960.00
Total Upfront Cost	\$15,379.00
EO Rebate Issued After Construction	\$2,686.00
Final Cost to Convert after Rebate	\$12,693.00
Current Annual Invoice	\$25,681.56
Future Annual Invoice	\$13,718.40
Annual Savings	\$11,963.16
Payback	1.06 years

An authorized signature on the Municipal Street Lighting Purchase Agreement and the payment contribution will be our notification to begin final design and construction scheduling. Please contact me if you have any questions at 734-397-4017.

Sincerely,

Brandon R. Faron

Brandon R. Faron
Account Manager
DTE Energy - Community Lighting

MASTER AGREEMENT FOR MUNICIPAL STREET LIGHTING

This Master Agreement For Municipal Street Lighting ("Master Agreement") is made between DTE Electric Company ("Company") and the City of South Lyon ("Customer") (collectively referred to as the "Parties") as of April 23, 2020.

RECITALS

A. Customer may, from time to time, request the Company to furnish, install, operate and/or maintain street lighting equipment for Customer.

B. Company may provide such services, subject to the terms of this Master Agreement.

Therefore, in consideration of the foregoing, Company and Customer hereby agree as follows:

AGREEMENT

1. Master Agreement. This Master Agreement sets forth the basic terms and conditions under which Company may furnish, install, operate and/or maintain street lighting equipment for Customer. Upon the Parties agreement as to the terms of a specific street lighting transaction, the Parties shall execute and deliver a Purchase Agreement in the form of the attached Exhibit A (a "Purchase Agreement"). In the event of an inconsistency between this Agreement and any Purchase Agreement, the terms of the Purchase Agreement shall control.

2. Rules Governing Installation of Equipment and Electric Service. Installation of street light facilities and the extension of electric service to serve those facilities are subject to the provisions of the Company's Rate Book for Electric Service (the "Tariff"), Rule C 6.1, Extension of Service (or any other successor provision), as approved by the Michigan Public Service Commission ("MPSC") from time to time.

3. Contribution in Aid of Construction. In connection with each Purchase Agreement and in accordance with the applicable Orders of the MPSC, Customer shall pay to Company a contribution in aid of construction ("CIAC") for the cost of installing Equipment ("as defined in the applicable Purchase Agreement") and recovery of costs associated with the removal of existing equipment, if any. The amount of the CIAC (the "CIAC Amount") shall be an amount equal to the total construction cost (including all labor, materials and overhead charges), less an amount equal to three years revenue expected from such new equipment. and less an amount equal to the Post Charge revenue if selected by Customer. The CIAC Amount will be as set forth on the applicable Purchase Agreement. The CIAC Amount does not include charges for any additional cost or expense for unforeseen underground objects, or unusual conditions encountered in the construction and installation of Equipment. If Company encounters any such unforeseen or unusual conditions, which would increase the CIAC Amount, it will suspend the construction and installation of Equipment and give notice of such conditions to the Customer. The Customer will either pay additional costs or modify the work to be performed. If the work is modified, the CIAC Amount will be adjusted to account for such modification. Upon any such suspension and/or

subsequent modification of the work, the schedule for completion of the work shall also be appropriately modified.

4. Payment of CIAC Amount. Customer shall pay the CIAC Amount to Company as set forth in the applicable Purchase Agreement. Failure to pay the CIAC Amount when due shall relieve Company of its obligations to perform the work required herein until the CIAC Amount is paid.

5. Post Charge. For newly installed underground-fed lighting systems of greater than five (5) lights, Customer has the option to select a Post Charge, in lieu of paying all or some of the up-front CIAC Amount, pursuant to the terms of the Exhibit A Purchase Agreement. A Post Charge is a monthly rate available per \$1,000.00 increments of the CIAC Amount not paid up-front.

6. Modifications. Subject to written permission of the respective municipality, after installation of the Equipment, any cost for additional modifications, relocations or removals will be the responsibility of the requesting party.

7. Maintenance, Replacement and Removal of Equipment. In accordance with the applicable Orders of the MPSC, under the Municipal Street Lighting Rate (as defined below), Company shall provide the necessary maintenance of the Equipment, including such replacement material and equipment as may be necessary. Customer may not remove any Equipment without the prior written consent of Company.

8. Street Lighting Service Rate.

a. Upon the installation of the Equipment, the Company will provide street lighting service to Customer under Option 1 of the Municipal Street Lighting Rate set forth in the Tariff, as approved by the MPSC from time to time, the terms of which are incorporated herein by reference.

b. The provision of street lighting service is also governed by rules for electric service established in MPSC Case Number U-6400. The Street Lighting Rate is subject to change from time to time by orders issued by the MPSC.

9. Contract Term. This Agreement shall commence upon execution and terminate on the later of (a) five (5) years from the date hereof or (b) the date on which the final Purchase Agreement entered into under this Master Agreement is terminated. If the optional Post Charge is selected, the contract term shall be the later of (a) ten (10) years from the date hereof or (b) the date on which the final Purchase Agreement entered into under this Master Agreement is terminated. Upon expiration of the initial term, this Agreement shall continue on a month-to-month basis until terminated by mutual written consent of the parties or by either party with thirty (30) days prior written notice to the other party.

10. Design Responsibility for Street Light Installation. The Company installs municipal street lighting installations following Illuminating Engineering Society of North America ("IESNA")

recommended practices. If the Customer submits its own street lighting design for the street light installation or if the street lighting installation requested by Customer does not meet the IESNA recommended practices, Customer acknowledges the Company is not responsible for lighting design standards.

11. New Subdivisions. Company agrees to install street lights in new subdivisions when subdivision occupancy reaches a minimum of 80%. If Customer wishes to have installation occur prior to 80% occupancy, then Customer acknowledges it will be financially responsible for all damages (knockdowns, etc.) and requests for modifications (movements due to modified curb cuts from original design, etc.).

12. Force Majeure. The obligation of Company to perform this Agreement shall be suspended or excused to the extent such performance is prevented or delayed because of acts beyond Company's reasonable control, including without limitation acts of God, fires, adverse weather conditions (including severe storms and blizzards), malicious mischief, strikes and other labor disturbances, compliance with any directives of any government authority, including but not limited to obtaining permits, and force majeure events affecting suppliers or subcontractors.

13. Subcontractors. Company may sub-contract in whole or in part its obligations under this Agreement to install the Equipment and any replacement Equipment.

14. Waiver; Limitation of Liability. To the maximum extent allowed by law, Customer hereby waives, releases and fully discharges Company from and against any and all claims, causes of action, rights, liabilities or damages whatsoever, including attorney's fees, arising out of the installation of the Equipment and/or any replacement Equipment, including claims for bodily injury or death and property damage, unless such matter is caused by or arises as a result of the negligence of Company and/or its subcontractors. Company shall not be liable under this Agreement for any special, incidental or consequential damages, including loss of business or profits, whether based upon breach of warranty, breach of contract, negligence, strict liability, tort or any other legal theory, and whether or not Company has been advised of the possibility of such damages. In no event will Company's liability to Customer for any and all claims related to or arising out of this Agreement exceed the CIAC Amount set forth in the Purchase Order to which the claim relates.

15. Notices. All notices required by the Agreement shall be in writing. Such notices shall be sent to Company at **DTE Electric Company, Community Lighting Group, 8001 Haggerty Rd, Belleville, MI 48111** and to Customer at the address set forth on the applicable Purchase Agreement. Notice shall be deemed given hereunder upon personal delivery to the addresses set forth above or, if properly addressed, on the date sent by certified mail, return receipt requested, or the date such notice is placed in the custody of a nationally recognized overnight delivery service. A party may change its address for notices by giving notice of such change of address in the manner set forth herein.

16. Representations and Warranties. Company and Customer each represent and warrant that: (a) it has full corporate or public, as applicable, power and authority to execute and

deliver this Agreement and to carry out the actions required of it by this Agreement; (b) the execution and delivery of this Agreement and the transactions contemplated hereby have been duly and validly authorized by all necessary corporate or public, as applicable, action required on the part of such party; and (c) this Agreement constitutes a legal, valid, and binding agreement of such party.

17. Miscellaneous.

a. This Agreement is the entire agreement of the parties concerning the subject matter hereof and supersedes all prior agreements and understandings. Any amendment or modification to this Agreement must be in writing and signed by both parties.

b. Customer may not assign its rights or obligations under this Agreement without the prior written consent of Company. This Agreement shall be binding upon and shall inure to the benefit of the parties' respective successors and permitted assigns. This Agreement is made solely for the benefit of Company, Customer and their respective successors and permitted assigns and no other party shall have any rights to enforce or rely upon this Agreement.

c. A waiver of any provision of this Agreement must be made in writing and signed by the party against whom the waiver is enforced. Failure of any party to strictly enforce the terms of this Agreement shall not be deemed a waiver of such party's rights hereunder.

d. The section headings contained in this Agreement are for convenience only and shall not affect the meaning or interpretation thereof.

e. This Agreement shall be construed in accordance with the laws of the State of Michigan, without regard to any conflicts of law principles. The parties agree that any action with respect to this Agreement shall be brought in the courts of the State of Michigan and each party hereby submits itself to the exclusive jurisdiction of such courts.

f. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together will constitute one and the same instrument.

g. The invalidity of any provision of this Agreement shall not invalidate the remaining provisions of the Agreement.

Company and Customer have executed this Master Agreement as of the date first written above.

Company:

DTE Electric Company

By: _____

Name: _____

Title: _____

Customer:

City of South Lyon

By: _____

Name: _____

Title: _____



Exhibit A to Master Agreement

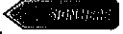
Purchase Agreement

This Purchase Agreement (this "Agreement") is dated as of April 23, 2020 between DTE Electric Company ("Company") and the City of South Lyon ("Customer").

This Agreement is a "Purchase Agreement" as referenced in the Master Agreement for Municipal Street Lighting dated April 23, 2020 (the "Master Agreement") between Company and Customer. All of the terms of the Master Agreement are incorporated herein by reference. In the event of an inconsistency between this Agreement and the Master Agreement, the terms of this Agreement shall control.

Customer requests the Company to furnish, install, operate and maintain street lighting equipment as set forth below:

1. DTE Work Order Number:	54656091 If this is a conversion or replacement, indicate the Work Order Number for current installed equipment: N/A	
2. Location where Equipment will be installed:	[Various Locations in the City of South Lyon], as more fully described on the map attached hereto as <u>Attachment 1</u> .	
3. Total number of lights to be installed:	80	
4. Description of Equipment to be installed (the " <u>Equipment</u> "):	Overhead Fed Streetlights on Wood Poles: 68-175w Mercury Vapor to 58w LED (Gray) 3-175w Mercury Vapor Span Light to 80w LED Span Light Underground Fed Streetlight on Metal/Fiberglass Posts: 3-175w Mercury Vapor to 58w LED (Gray) 2-400w Mercury Vapor to 135w LED (Gray) 4-400w Mercury Vapor to 135w LED (Black)	
5. Estimated Total Annual Lamp Charges	\$13,718.40	
6. Estimated Total Annual Post Charges if selected	\$0.00	
7. Computation of Contribution in aid of Construction (" <u>CIAC Amount</u> ")	Total estimated construction cost, including labor, materials, and overhead:	\$15,379.00
	Credit for 3 years of lamp charges:	\$0.00
	CIAC Amount (cost minus revenue)	\$15,379.00
	Credit for Post Charge, if selected	\$0.00
8. Payment of CIAC Amount:	Due promptly upon execution of this Agreement \$15,379.00	
9. Term of Agreement	5 years. Upon expiration of the initial term, this Agreement shall continue on a month-to-month basis until terminated by mutual written consent of the parties or by either party with thirty (30) days prior written notice to the other party. If Post Charge "box" <input type="checkbox"/> is checked the Customer agrees to following term:	

	10 years. Upon expiration of the initial term, this Agreement shall continue on a month-to-month basis until terminated by mutual written consent of the parties or by either party with thirty (30) days prior written notice to the other party.
10. Does the requested Customer lighting design meet IESNA recommended practices?	(Check One) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "No", Customer must sign below and acknowledge that the lighting design does not meet IESNA recommended practices _____ 
11. Customer Address for Notices:	City of South Lyon 335 S. Warren St South Lyon, MI 48178 Attn: Paul Zelenak

12. Special Order Material Terms:

All or a portion of the Equipment consists of special order material: (check one) ☐ YES ☒ NO

If "Yes" is checked, Customer and Company agree to the following additional terms.

A. Customer acknowledges that all or a portion of the Equipment is special order materials ("SOM") and not Company's standard stock. Customer will purchase and stock replacement SOM and spare parts. When replacement equipment or spare parts are installed from Customer's inventory, the Company will credit Customer in the amount of the then current material cost of Company standard street lighting equipment.

B. Customer will maintain an initial inventory of at least ____ posts and ____ luminaires and any other materials agreed to by Company and Customer, and will replenish the stock as the same are drawn from inventory. Costs of initial inventory are included in this Agreement. The Customer agrees to work with the Company to adjust inventory levels from time to time to correspond to actual replacement material needs. If Customer fails to maintain the required inventory, Company, after 30 days' notice to Customer, may (but is not required to) order replacement SOM and Customer will reimburse Company for such costs. Customer's acknowledges that failure to maintain required inventory could result in extended outages due to SOM lead times.

C. The inventory will be stored at _____. Access to the Customers inventory site must be provided between the hours of 9:00 am to 4:00 pm, Monday through Friday with the exceptions of federal Holidays. Customer shall name an authorized representative to contact regarding inventory: levels, access, usage, transactions, and provide the following contact information to the Company:

Name: _____ Title: _____

Phone Number: _____ Email: _____

The Customer will notify the Company of any changes in the Authorized Customer Representative. The Customer must comply with SOM manufacturer's recommended inventory storage guidelines and practices. Damaged SOM will not be installed by the Company.

D. In the event that SOM is damaged by a third party, the Company may (but is not required to) pursue a damage claim against such third party for collection of all labor and stock replacement value associated with the damage claim. Company will promptly notify Customer as to whether Company will pursue such claim.

E. In the event that SOM becomes obsolete or no longer manufactured, the Customer will be allowed to select new alternate SOM that is compatible with the Company's existing infrastructure.

F. Should the Customer experience excessive LED equipment failures, not supported by LED manufacturer warranties, the Company will replace the LED equipment with other Company supported Solid State or High Intensity Discharge luminaires at the Company's discretion. The full cost to complete these replacements to standard street lighting equipment will be the responsibility of the Customer.

Company and Customer have executed this Purchase Agreement as of the date first written above.

Company:

DTE Electric Company

By: _____

Name: _____

Title: _____

Customer:

City of South Lyon

By: _____

Name: _____

Title: _____



Attachment 1 to Purchase Agreement

Map of Location

[To be attached]

OAKLAND COUNTY COVID-19 DRIVE THROUGH TESTING SERVICES

Oakland County in partnership with Honor Community Health
offers COVID-19 drive through testing by appointment only.

CORONAVIRUS
COVID-19

NO COST COVID-19 TESTING

WHEN: 9:00 AM - 5:00 PM • Monday - Friday

WHERE: 1200 N Telegraph, County Complex, follow the drive-up
testing signs to:

Large parking lot behind the Medical Examiners Facility
(Building 28 E)

WHO:

- 18 years or older
- People with symptoms
- Workers without symptoms:
 - Health care workers
 - First responders
 - Essential workers
(any worker still leaving the home for in-person work)

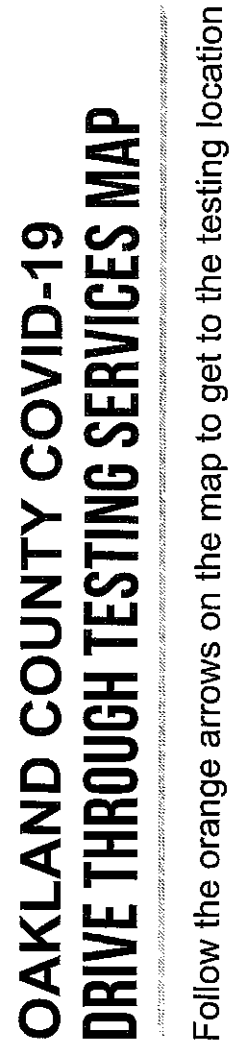
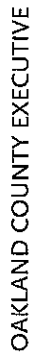
Appointment is required: Call 1-800-848-5533, Nurse on Call.



NURSE ON CALL PUBLIC HEALTH INFORMATION
800.848.5533 NOC@OAKGOV.COM
OAKGOV.COM/HEALTH



The Oakland County Health Division will not deny participation in its programs based on race, sex, sexual orientation, gender identity, religion, national origin, age or disability. State and federal eligibility requirements apply for certain programs.
4/21/20



Operational Call on 4/22/2020 at 8:30 a.m.

Oakland County Cases

- 6,443 Cases
- 459 Probable cases
- 510 Fatalities, same age information
- 451 Nurse on Call, 60% related to appointments
- Testing is at 3 minutes per individual
- 4/21 testing closed early due to high winds, those unable to take rescheduled to 4/22, appointments for 4/22 475
- Criteria expanded for testing late on 4/20 to include anyone symptomatic, 1st responders, healthcare, essential service workers, A symptomatic (no symptoms)
- 1st responders and health care workers, if tested and result is negative and symptoms start after test result, need to quarantine and retest

Donations

- Accepting donations 9 a.m. – 12:00 p.m. Monday through Friday
- EOC open 8:00 a.m. – 6:00 p.m. Monday through Friday
- Call line available 24/7 and checked over weekends

Supplies

- Still need extra cartridges for Abbott machines, requests at the White House Task Force
- Swab orders pending
- Gown orders pending
- 550,000 N95 & K95 masks distributed
- 700,000 surgical masks distributed
- Suburban ShowPlace opening 4/25, 250 beds
- Ascension planning on running full operations

Community

- 157 Senior Living facilities are impacted
- 950 resident confirmed cases, this is facilities reporting vs. reconciled by MDSS
- 229 Probable cases among residents, reported by facilities
- 326 Probable cases among staff, reported by facilities
- 220 Fatalities within Senior Living facilities
- Health has weekly call with facilities administrators, etc., for continued planning, prevention, needs, etc.

Oakland County Employees and Operations

- S.O. 26 Employees testing positive; 2 pending, 14 back to work
- 28 Inmates testing positive, 4 pending
- Judge issued order with no assumption of OC in the wrong and Judge will not let hand sanitizer be distributed to inmates after hearing about intoxication and near-death experience from inhalation

- CV has 2 residents just admitted and are being monitored, no children testing positive to date
- No employees have pending tests
- 3 Employees have tested positive and have returned to work
- 91 children in programs
- Fiscal – receiving questions from departments on CARES Act, more detailed information out on 4/23 with guidelines and compliance requirements
- Auditors have resource links for webinars, etc., on information coming out on FEMA and CARES Act funding
- State wants to be advised when OC receives deposit of funds
- MI Works still receiving 1,000 – 1,300 calls per day relating to unemployment and other needs
- Made progress on processing claims
- OC will be second site to go online processing claims, unlocking access and changing passwords
- Being intentional with no heavy promotion on processing claims to allow for staff to be acquainted with process
- Promotions will start next week on MI Works processing claims, etc.
- Awarded two PPE grants – Pontiac and Oxford businesses
- Review Committee meeting 4/22 and 4/23 to continue application review and award grants
- Small Business Grants will continue to be awarded end of this week or early next week
- Townhall meeting on 4/22 with local EDCAs and Chamber of Commerce
- Bill Mullen reported FOIA request received regarding data on senior living facilities in relation to COVID19
- State will be providing data at the end of the week
- Hotline-requesting a prepared response for incoming calls regarding senior living facility data
- Accident Fund Insurance Group providing meals to 250 OC Deputies next week
- Food Council website is live regarding school meals, benefits and OC will add this resource to OC website