

# **Regular City Council Meeting**

**April 8, 2019**

## **Agenda**

**7:30 pm**      **Call to Order**  
**Pledge of Allegiance**  
**Roll Call**  
**Approval of Minutes: March 25, 2019**  
**Approval of Bills:**  
**Attorney Bills:**  
**Approval of Agenda**  
**Consent Agenda**  
**1. Kiwanis Easter Egg Scramble**

**Public Comment**

**Discussion – Downtown**

- I. Old Business**
  - 1. 2<sup>nd</sup> Reading of Wireless Facilities in Public Rights-of-Way Ordinance**
- II. New Business**
  - 1. Resolution Establishing Fees for Wireless Facilities, Wireless Support Structures and Utility Poles in Public Rights-of-Way**
  - 2. Acceptance of the Michigan Municipal Risk Management Authority Grant for a thermal imaging camera**
  - 3. Budget Amendment to move \$4,264.93 from Capital Equipment 335-000-978 to Equipment 335-000-977 to cover the cost of the new thermal imaging camera and increase 101-000.000-698.6 \$4,265.00**
  - 4. Corner Caffé Liquor License**
- III. Budget**
- IV. Manager's Report**
- V. Public Comment**
- VI. Council Comments**
- VII. Adjournment**

City of South Lyon  
Regular City Council Meeting  
March 25, 2019

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

Present: Mayor Pro Tem Kurtzweil, Councilmembers Kennedy, Kivell, Richards and Walton  
Also Present: City Manager Zelenak, Chief Sovik, Attorney Wilhelm, Chief Vogel and Deputy Clerk/Treasurer Pieper

Absent: Mayor Pelchat and Councilmember Parisien

CM 3-1-19 MOTION TO EXCUSE ABSENCE

Motion by Walton, supported by Richards  
Motion to excuse the absence of Mayor Pelchat

VOTE: MOTION CARRIED

CM 3-2-19 MOTION TO EXCUSE ABSENCE

Motion by Kennedy, supported by Kivell  
Motion to approve the absence of Councilmember Parisien

VOTE: MOTION CARRIED

MINUTES

Councilmember Kivell stated on page 2, the words "who is" needs to be added in the sentence where he is asking who wants closure.

CM 3-3-19 MOTION TO APPROVE MINUTES

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

VOTE: MOTION CARRIED

AGENDA

CM 3-4-19 MOTION TO APPROVE AGENDA

Motion by Kennedy, supported by Kivell  
Motion to approve the agenda

VOTE: MOTION CARRIED

CONSENT AGENDA

1. LUNgevity Foundation 5K/Walk/Run
2. Board of Ethics appointment- Craig Wilsher

CM 3-5-19 MOTION TO APPROVE CONSENT AGENDA

Motion by Walton, supported by Richards  
Motion to approve the consent agenda

VOTE:  
PROCLAMATION

MOTION CARRIED

Mayor Pro Tem Kurtzweil stated Mayor Pelchat requested Council to recognize the month of April as the Child Abuse Prevention and Awareness month. She stated the proclamation recognizes the dedication of CARE House of Oakland County in working to break the cycle of child abuse and neglect and its partnership with community organizations and agencies offering programs and services aimed at preventing child abuse.

CM 3-6-19 MOTION TO RECOGNIZE THE PROCLAMATION

Motion by Kennedy, supported by Walton

Motion to recognize the April as Child Abuse Prevention and Awareness month

VOTE: MOTION CARRIED

PUBLIC COMMENT- None

DISCUSSION- Downtown

City Manager Zelenak stated the DDA is finalizing the 2019/2020 budget and they just received the latest TIF revenues which will be provided to Council at the budget workshop.

City Manager Zelenak stated they are still in talks with the Corner Caffé regarding the wine bar license.

Information regarding the building renovations and building improvements, permit requirements and they have made significant progress. We expect that to be on the April 8<sup>th</sup> agenda for Council discussion.

City Manager Zelenak stated the 135 E Lake, the RCA building has been sold and the 111 N Lafayette, Artcraft building has been sold as well. He stated the restoration of the facades will be based on historical photos for accuracy, and Bob Donohue will ensure the new owners have them. City Manager Zelenak stated there is continued development with potential sponsors and partner opportunity for the Farmers Market that will run from May – October. He stated the DDA & TIF Plans have been forwarded to the State Department of Treasury which is now required by Public Act 57.

Councilmember Richards asked if we know who purchased the buildings downtown and what their intended uses will be. City Manager Zelenak stated it is public information, but he doesn't currently have that information.

NEW BUSINESS

1. Aqua Guard Bar and Filter Screen rebuild

City Manager Zelenak stated the Water Department is requesting to replace the aqua guard bar and filter screen. He stated the bar screen automatically removes a wide range floating and suspended solids from the wastewater. He stated it provides both fine and coarse screening to protect pumps and all downstream processes. This screen has been in continuous operation for 16 years. Ron Beason is suggesting this is replaced because the chain is stretched and rakes have been breaking. This has led to excessive wear on the elements causing holes in the screen, reducing the effectiveness of the bar screen to remove debris. Mr. Beason has attached the quote and pictures. He stated this is proprietary equipment supplied by Parkson Corporation for the amount of \$88,950.00. He further stated there will be a budget amendment at some point in time for this item.

Councilmember Kennedy stated he has had the opportunity to spend a couple of hours with Mr. Beason at the water waste water plant looking at this piece of equipment. It is in pretty rough shape and what happens when it goes bad, it leaves the potential to damage other equipment. He further stated what will have to happen is, we have to get the new one in, man the thing on off hours, which we will be doing on a manual basis. Mr. Beason stated they are hoping it will be installed in 4-5 days. Councilmember Kennedy stated it is not an option, this is critical to the operation of the wastewater plant. He further stated this is the reason we need to focus on the capital improvement plan and asset replacement program because this piece of equipment probably needed to be replaced years ago. This is one of the things we need to stay on top of things like this.

Councilmember Walton stated she doesn't understand how this is just now coming before Council. Mr. Beason stated there is very little maintenance on this equipment. This is an existing building, and it is very corrosive. The screen is constantly running, and has been running for 16 years. He further stated they have greased and oiled it, changed the guide rails, and the brush has been replaced. Mr. Beason described the maintenance that has occurred in the past and parts that had been replaced. Mr. Beason stated a representative from the company stated 16 years is basically the life span of this piece of equipment. Councilmember Richards stated he wasn't able to visit the site, but he would like to see this and how it works. He further stated he would have liked to see 3 competitive bids on this and he is surprised it isn't made out of stainless steel. Mr. Beason stated it is stainless steel, if it wasn't it would corrode quickly. He stated the screen was put in an existing building. It is 23 feet long. It makes it very difficult to change this, it will be dangerous. He further stated there are gaps and holes in the current one, it is a critical piece of equipment. Mr. Beason stated there is very little maintenance we can do on this piece of equipment.

Councilmember Kivell stated this screen is in a pretty hostile environment. He stated he is surprised we don't have the disclaimer for not getting 3 bids. This is a proprietary piece of equipment, this isn't something you can just grab off the shelf from any company.

Councilmember Kennedy stated part of the solids that are being filtered out are the flushable wipes, which shouldn't be flushed. He then commended Mr. Beason for being pro-active.

Councilmember Kurtzweil asked where the money will be coming from. City Manager Zelenak stated it is coming out of \$92,557,970. We are not currently over in that account, but with additional purchases, we will be so we will have to do a budget amendment. He further stated we still have money in this line item, but we have additional purchases that are already in the current budget. Councilmember Kurtzweil asked if any of the approved purchases are anything that can be put off until the next budget year. City Manager Zelenak stated he doesn't think we should put anything off that has already been approved, there is a lot of improvements that are needed to be done because they weren't dealt with earlier. She stated her concern is the fiscal impact on the budget and she is bothered by the fact that this was known about in August of last year. Mr. Beason stated it was originally scheduled for next years budget, but he met with the representative and HRC and they agreed that this needed to be taken care of sooner rather than later. Councilmember Kurtzweil asked how much it would cost to purchase a new screen. Mr. Beason stated the shroud and screen would be \$130,000 - \$140,000, the labor would probably be 25% of that.

Councilmember Kurtzweil asked who will be doing the installation. Mr. Beason said there will be a 3-man crew from Parkson. Councilmember Kurtzweil asked if someone is checking this unit quarterly. Mr. Beason said it is basically checked every day, but you can't see the whole thing. You can't see below the wastewater. He further stated there isn't a lot of maintenance you can do on this piece of equipment. Councilmember Kurtzweil stated her concern is the terms and conditions on their website. Her concern is the warranty. It appears they only warranty the parts for a year. If no one can get in there and monitor the screen, how will you determine if we have a warranty issue. Mr. Beason stated it is not unusual for this type of equipment. He further stated we will be visually looking at that and there is little that could

go wrong after everything is replaced. Councilmember Kivell stated for clarity sake, the screen, the filter and the chain, it is all one assembly so as it is operating it can be inspected as it rises. He then stated the money that will be supplementing this is in restricted funds so it is allocated for this type of activity. Councilmember Richards stated it shows \$1,000 per day for their labor, is that common in this kind of industry. Mr. Beason stated it varies, but because of the design we need 3 people. Councilmember Kennedy stated part of that is the weight of the unit, and what it will take to remove it from the hole. He further stated at one time this ran on a continuous revolution, then it was realized that it didn't need to do that, so it was changed to index a few feet at a time, which increased the lifespan of this equipment. Councilmember Kurtzweil stated this is a purchase that normally would need to have 3 bids, unless the City states on the record it wouldn't be feasible to take 3 bids and it is proprietary, she asked Attorney Wilhelm if the motion should be amended. Attorney Wilhelm stated under section 2.224 allows for no competitive advantage for bids if it is specialized equipment, and it requires certain services that require certain qualifications and he spoke with the City Manager, and the motion to waive the competitive bidding process. Further discussion was held regarding amending the motion.

CM 3-7-19 MOTION TO AWARD CONTRACT TO PARKSON INCORPORATED AS AMENDED

Motion by Kennedy, supported by Walton

Motion to approve the purchase with Parkson Incorporation waiving the 3 bid requirement based on section 2-224 because it is proprietary equipment and award the contract in the amount of \$88,950 and approve the purchase of aqua guard bar and filter screen rebuild

VOTE:

MOTION CARRIED AS AMENDED- 1 OPPOSED

CM 3-8-19 MOTION TO AMEND ORIGINAL MOTION

Motion by Kennedy, supported by Kivell

Motion to approve the purchase with Parkson waiving the 3 bid requirement based on Section 2-224 based on this being a proprietary piece of equipment

VOTE:

MOTION CARRIED

2. First reading of wireless facilities in public right-of-way ordinance

Attorney Wilhelm stated the State Legislature adopted and approved a statute that basically requires or authorizes providers to use the public right of way for their facilities. He said this includes poles, cabinets and antennas as the primary issue. They are sometimes located on telephone poles. This Ordinance attempts to work this into a more typical right of way process. The process will be for them to apply for the permit, it will then be reviewed, and issued. There are conditions and they must maintain it. He then stated once the City receives the application, there is a certain time period when the decision must be made to deny or grant. He further stated there is a distinction between state and federal law, and if you don't make the decision in a certain time period, the permit will be granted.

Councilmember Kivell stated we are going to really have to be very organized to know all the information we will expect. We should have check lists to ensure we receive all of the information. He stated we need to be very mindful of that. He further stated in the shot clock appendix, it states, "second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness". He then asked how will we know what is and isn't on the list. Attorney Wilhelm stated the shot clock concept and the concepts of both of these items relate

to the Metro Act. Providers are entitled to use the public right-of-way for telecommunications facilities. He stated we will need to have checklists, and be very organized and ensure we approve or disapprove in a timely matter. Councilmember Kivell stated some of our right-of-way's are also for the County, such as the road commissions right-of-way. He further stated there is some co responsibilities of properties that will need to be coordinated. Is RCOC going to be cooperative to help with this. Attorney Wilhelm stated the ordinance is set up for the City to be the prime contact. The state statute requires as part of the application process if there are multiple jurisdictions, the applicant will have to show the applicant has received approval from all jurisdictions involved. He further stated there will be a learning curve with this. He stated we will require anyone to get a permit that wants to install their utilities along the City's roadways. Councilmember Kivell stated the particular important aspect in this is the height of the poles, that is a sensitive issue. There are some advantages because you get more of an annual fee than the state margin for it but at the same time you are adding 10 ft to the structure. This is the technology of tomorrow. We will have to get use to a lot of antennae or they will have to come up with some technology that streamlines that. Attorney Wilhelm stated there are several points that Council can weigh in on from a policy standpoint in on such as the height. There are some communities that are taking the additional federal level fee for the extra height of the equipment, they aren't going to charge them for the extra height. There are aesthetic issues, the State Statute allows Council to impose stealth and concealment requirements for new poles or replacement poles. If they locate on an existing pole, we can't control the stealth or appearance the same way. He further stated this is 5G, and this is a different model, some providers will play nice, and some may not. There are waiver positions, we can try to push them to move a pole one direction or another, so the pole has to be by the side yard or lot line so they aren't directly in front of the house. Attorney Wilhelm stated you cannot prohibit them from providing their service. There has to be some flexibility. Councilmember Kivell stated the Metro Act seemed very intrusive but this seems much more intrusive. Attorney Wilhelm stated we have some control and regulate in a reasonable manner. They are going to be giving service to the residents, but they will be in the rights-of-way. Councilmember Kivell stated all communities will be dealing with this. He is glad we are being mindful of the aesthetics. Attorney Wilhelm stated he has some on his street, and he doesn't even notice them anymore. Councilmember Kennedy had a number of questions. Primarily in the area of the aesthetics and in the downtown area, but also the residential areas have underground utilities, the poles will be new. He provided some pictures of what it could look like if the providers are left on their own. He discussed this with the City Attorney, and he suggested we get the information we need to verify that we can specify the unintrusive model, and a better understanding of what the spacing requirements are for the units, and a better understanding of the what the total installation population will be. He stated he read the poles could be within a 250 radius and 300-400 yards apart. He further stated he wants to make sure we specify what the poles look like that we are going to get. He further stated we need to dictate how they are going to maintain the equipment and if they settle, or rust or a car bumps it, that they will fix it. This is important especially where the residential areas have underground utilities and they are use to having a clear field of vision. They need to blend with their surroundings as much as possible. Attorney Wilhelm stated the statute nor this ordinance states anything about spacing or a limitation. He stated you don't have to be a wireless provider to have a permit to put up wireless poles or facilities. You end up with competition between different providers. He understands the concern, but if you require a separation we don't know if that will potentially interfere with their ability to provide their services. Councilmember Kennedy questioned what is the spacing of the installation requirement? Attorney Wilhelm stated there isn't. Councilmember Kennedy stated he wants to know potentially the population of the poles in the residential areas. Attorney Wilhelm stated he doesn't know if he can answer that, this is expensive equipment to put in, so he thinks the industry driven by financial motives will put in the least number of poles. Councilmember Kennedy stated he just want to know what that

number is. He further stated he knows we will receive some revenue when they are installed, but his other concern is in the future and technology advances and they find that they only need half of the equipment they put in, they will be responsible to remove the inactive ones and not leave them in place. Attorney Wilhelm stated those provisions are addressed, maintenance and repair is in the ordinance and if they fail to do so, the City can use the bond to address their issue. He stated they don't remove the facilities very often. It is addressed and there is a revocation process in the state statute. Councilmember Richards stated the deadline is April 19<sup>th</sup>. Is that mandated for us to approve or is this a housekeeping issue? Attorney Wilhelm stated the FCC has a declaratory ruling or order that it must be adopted and publishing the aesthetic requirements and regulations before April 19<sup>th</sup>. He further stated we should have this in place before that date. It will be a place holder until the second reading and the Ordinance will fall away after the ordinance is in effect. He further stated you want to go as far as you can now because of the non-discrimination requirements. If we try to tighten things up later, anyone new could get approval on the looser version and anyone new could say they won't comply with the ordinance because that could be discrimination. He further stated over time, this could change, but we have put in as much as we could.

Councilmember Richards asked if this will cost the City money down the road. Attorney Wilhelm stated he doesn't see a cost issue for the City. They have the right to use the right of way, the City can charge a fee for the application. Councilmember Kennedy stated if we approve the first reading tonight, we need to look at locking it down and specify as tight as possible without preventing them from doing the installation, that they maintain the aesthetic approach we are looking at. Attorney Wilhelm stated that is the general approach the State and the Federal government by FCC order is mandating that we make our right of way available, but we can ensure they follow our procedures and we are limiting that to the downtown and residential areas. He has some concerns that the stealth concealment and aesthetic requirements are broad and flexible enough to ensure that any provider will be accommodated so we haven't chosen something that a company can't use. You cannot discriminate between the providers. There is a uniformity that will have to be addressed. Councilmember Kennedy stated he would challenge them to see why that can't fit their components in that configuration. Attorney Wilhelm stated he will try to deal with that, but the fallback is we could end up in a court room. Councilmember Kennedy stated the residents of the City deserve that fight. Councilmember Kivell stated he would like to see us have as much cohabitation on poles as we can. He further stated he doesn't want the view littered with more poles. Attorney Wilhelm stated there is an incentive to co-locate. Councilmember Kivell stated you can only manage so many things on the poles. Attorney Wilhelm stated there are limits which are 3 locations per pole. Councilmember Kivell stated he would like us to have an ever-revolving review of this to refine this as much as possible until the time when people begin to pull permits, so they cannot say any changes are discriminatory. He stated there will be no cost to the City. Councilmember Kennedy stated his discussion settled around the residential areas that currently have underground utilities, they currently have no poles for them to locate their equipment on. Councilmember Kivell stated we are hoping they cohabitate as much as they can. Mayor Pro Tem Kurtzweil stated there is tremendous concern with how this will look. The City Manager can vouch that the Comcast work that has been done has not gone as well as planned. She stated some of the new installations are adding very large hardware to their properties and some look like a utility shed, and now they will be adding more. She stated there is a point when someone may not want this on their property, and their property value to go down. We will get some resistance, and we have an obligation to push and say they need to go by our standards, and she is ok with going to court if we have to. She understands we have to allow them to do this, but they are multimillion-dollar companies and there is no reason why they can't fit a product that is aesthetic and acceptable to the homes in the community.

CM 3-9-19 MOTION TO APPROVE THE FIRST READING

Motion by Kivell, supported by Walton

Motion to approve the first reading of the Wireless Facilities in public rights-of-way Ordinance mending Chapter 87 of the City of South Lyon Code or Ordinances to recognize existing sections 87-1 through 87-21 as Article I, and to add Article II, Sections 87-51 through 87-68

VOTE: MOTION CARRIED

3. Resolution establishing standards for wireless facilities and other infrastructure installation in public rights-of-way

Attorney Wilhelm stated the proposed resolution is to establish the aesthetic, spacing and underground standards for section 87-57 in first reading of the Ordinance based on the Wireless facilities in public right-of-way Ordinance. Councilmember Kivell asked if it would be in our best interest to try to formulate the 50-foot Federal or the 40-foot State Statute stated should be our goal. Attorney Wilhelm stated you cannot say no to the 50-foot pole, you can decide if you charge an additional fee for the additional height. Attorney Wilhelm stated the State Statute allows for permitting fees and we will have a fee resolution for the second reading. He stated any fee must be based on the actual cost incurred by the City. He stated one of the disadvantages is municipal entities normally doesn't have experience with this, so it ends up falling on the Engineers. Councilmember Kivell stated we have engineers and people that understand their own departments, but there should be people that we can buy their expertise to give us some insight to this technology. He would like someone to reach out for advice from someone that has already been through this. Councilmember Kennedy stated the pictures he supplied were from Denver or Boulder Colorado.

CM 3-10-19 MOTION TO APPROVE RESOLUTION

Motion by Kivell, supported by Walton

Motion to approve the Resolution Establishing standards for wireless facilities and other infrastructure installations in public right-of-way's as presented

VOTE: MOTION CARRIED

BUDGET None

MANAGERS REPORT

City Manager Zelenak reminded Council of the Budget workshop on April 4<sup>th</sup> at 6:00 p.m. The budgets will be delivered to Council this week.

City Manager Zelenak stated he is working with staff and HRC for improvements that are needed in the water and sewer plants. He will have a proposal for Council in the next Council meetings as well as several other meetings.

City Manager Zelenak stated information will be published in the near future regarding the upcoming election and the availability of petitions and the election day will be November 5, 2019.

City Manager Zelenak stated Thomasville Site Condominium project has been approved at a planning commission meeting on March 14, 2019 and will be coming to Council at the next meeting.

Councilmember Kivell stated the bike path is in rough shape, he hopes we can find some money during budget time to work on it. City Manager Zelenak stated there is an area that is addressed during this year's budget, and we are looking for grants.



Councilmember Richards stated he noticed the packet included the Thomasville summation and he is happy to see it. He stated he is anticipating that will be quite a discussion. The ownership has changed but it doesn't say who the new owner is. His experience with Pulte is they don't buy small acres of land. Should this be discussed tonight, or wait until the next meeting. Mayor Pro Tem Kurtzweil said the item he is requesting to discuss is not on the agenda this evening.

## PUBLIC COMMENT

## COUNCIL COMMENTS

Councilmember Kivell stated he attended the Capital Conference last week along with City Manager Zelenak and Councilmember Kennedy. He stated it was very informative and the grant session was very good with framing the information exchange. The last session he attended was regarding the recreational marijuana is here. It was conducted by Andrew Brisbow, who is the director of the Bureau of Michigan Medical Marijuana. He stated it was very informative, it is a long process. One of the messages was since the onset of the marijuana language was laid out, and the City opted out of it. The referendum took place which blew up the medical marijuana language that was frozen. They are operating based on that until there is some conclusive for what the new language will be. Mr. Brisbow's advice was to start forecasting what we will want to see from the statutes. If we aren't thinking about it and someone voices a challenge to our not having language that allows that activity in the City, we will be put in a position where we will be fighting an uphill battle with someone that has a better activity to how they can manipulate the circumstance to their advantage. We should have a conversation about what is known to date and what needs to be revealed to come to a conclusive conclusion.

Councilmember Kennedy congratulated the Friends of the Salem-South Lyon District Library. For the year 2018 the sales from the book room were \$17,008 which includes the sales they have on Amazon. This was the result of 17 volunteers who put in over 1,700 hours to make this happen. Looks like 17 is a lucky number for them. In addition, Andrea Meyer announced that the Friends of the Salem-South Lyon District Library have been named Organization of the year by the Kensington Valley Chamber of Commerce and will be recognized at the chamber event on May 15, 2019.

He then stated Active Faith's Strike-Out Hunger Event at the Pinz Bowling Center yesterday was an absolute success and he thanked the businesses from our community that made donations to help make it a success. The list includes Perfect Floors, Martin's Hardware, Co Reutter Salon, Cook Automotive, Grande Trunke Home, the Lyon Book Den, Peter's True Value, Sunrise Dental, the Coral Sash, Lake Street Tavern, Advance Auto Parts, Ramani Dentistry, and Auto Zone, just to name a few. This type of support for one another is truly what makes this community so special. Councilmember Kennedy reminded the residents of our city that the Fire Department has received the smoke alarms and carbon monoxide detectors. They are available for free to the city residents. Just call 248.437.2616 and request one. The Fire Department will deliver, install and test the units for you.

Councilmember Kennedy reminded the residents that they are eligible to receive a free 64 gallon recycle cart that you can wheel out to the street. Just go the city website: [SouthLyonMi.org](http://SouthLyonMi.org), Click on the yellow Residents Tab; Click the link to resources; Under the links of interest there are two GFL links; Click on the one labeled [gflusa.com/City-of-South-Lyon](http://gflusa.com/City-of-South-Lyon). This will bring up a form for you to complete and submit to GFL. GFL will then drop off a cart for you at no charge. Again, this is only available to the residents of the City of South Lyon.

Councilmember Richards stated over the last 3 weeks he has been under the weather, but he is on the mend. Councilmember Richards stated the Historical Society Museum will not open until May of this year. In the past they opened in April, but this year will be May. They eliminated being open on Thursday, so it will only be open on Saturdays and Sundays.

Councilmember Richards stated he wants to make special note to the Bonner group because they have sold 135 E Lake and 111 & 113 S Lafayette. Both properties have been problems in the past, he is happy they have sold them and we will all benefit from this.

Councilmember Richards stated the frost laws are on now if anyone is interested which means the trucks are limited to how much load they can carry.

He stated Active Faith has been active with him and he has received a new used scooter.

Councilmember Walton thanked Mayor Pro Tem Kurtzweil for handling the meeting tonight in the Mayor's absence. Councilmember Walton thanked Craig Wilsher for volunteering to be on the Board of Ethics. She stated she wanted to thank some of our local businesses. She thanked Martins Hardware because a lady had called the store because she had a sleeping baby in the car, and the employee grabbed what she wanted and brought her change out to her so she didn't have to get out of the car. She stated Mickey's Dairy Twist is now open. They had someone come to their window after hours, and they still served them. Little things like that keep our City kind. She also thanked the Furry Friends Pet Rescue and the Girl Scouts who teamed up for a great donation/collection event.

Councilmember Kurtzweil stated she would like everyone to support the LUNgevity Foundation with the 5K Walk/Run on May 18. David Elkins and his wife have been leaders in bringing the awareness and raising money of lung disease. They are a terrific couple and they have dedicated their lives to finding cures for cancer as well as raising money. Councilmember Kurtzweil stated they are one of hundreds of individuals that are working to save people's lives.

Councilmember Kurtzweil welcomed the High School students that are attending the Council meeting tonight. She hopes they do well in their studies and she is impressed with their class choices.

Councilmember Kurtzweil wished a happy delayed honeymoon for the Mayor and his wife. She stated he will be here for the next Council meeting.

Councilmember Kurtzweil stated it was a pleasure chairing the meeting tonight and this is a good example of the depth of experience and preparation Councilmembers take in preparation of the meeting. They are well researched and well prepared and everyone should be prepared this Council sits here and thinking very hard about the decisions they are making for the residents of the community.

## ADJOURNMENT

### CM 3-11-19 MOTION TO ADJOURN

Motion by Walton, supported by Kennedy

Motion to adjourn meeting at 9:00

VOTE: MOTION CARRIED

Respectfully submitted,

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Mayor Pro Tem Kurtzweil

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Deputy City Clerk Judy Pieper

PERIOD ENDING 03/31/2019

FINANCIAL REPORT FOR MARCH 2019

GL NUMBER	DESCRIPTION	2018-19		YTD BALANCE		ACTIVITY FOR		AVAILABLE		% BDGT USED
		AMENDED BUDGET	NORMAL (ABNORMAL)	03/31/2019	03/31/2019	MONTH 03/31/2019	INCREASE (DECREASE)	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND										
Revenues										
Dept 000.000										
101-000.000-402.000	REAL PROPERTY TAX	4,127,644.00		4,038,991.13		0.00		88,652.87		97.85
101-000.000-423.000	SOUTH LYON WOODS TAX	1,100.00		1,256.50		92.50		(156.50)		114.23
101-000.000-444.000	PAYMENT IN LIEU OF TAXES	500.00		0.00		0.00		500.00		0.00
101-000.000-446.000	PENALTIES AND INTEREST	9,600.00		8,653.73		0.00		946.27		90.14
101-000.000-451.000	BUILDING PERMITS	175,000.00		228,225.25		44,239.00		(53,225.25)		130.41
101-000.000-452.000	HEATING & PLUMB. REFG. PERMIT	33,000.00		33,000.00		3,721.00		9,483.00		71.26
101-000.000-453.000	ELECTRICAL PERMITS	28,000.00		31,086.00		4,223.00		(3,086.00)		111.02
101-000.000-454.000	LICENSES & BUSINESS MISC.	3,000.00		2,329.00		714.00		671.00		77.63
101-000.000-570.000	STATE SHARED REV.	1,001,177.00		713,909.10		170,588.00		287,267.90		71.31
101-000.000-570.100	STATE REVS	119,000.00		97,833.79		0.00		21,166.21		82.21
101-000.000-600.000	BOARD OF APPEALS	0.00		900.00		0.00		(900.00)		100.00
101-000.000-600.100	REZONING FEES	0.00		250.00		0.00		(250.00)		100.00
101-000.000-630.000	ADMIN FEE PROPERTY TAX	95,000.00		94,424.78		0.00		575.22		99.39
101-000.000-634.000	GRAVE OPENINGS & FOUNDATIONS	37,000.00		28,525.09		3,140.00		8,474.91		77.09
101-000.000-642.000	POLICE	40,000.00		20,675.84		6,919.75		19,324.16		51.69
101-000.000-661.000	PARKING VIOLATION	750.00		595.00		10.00		155.00		79.33
101-000.000-662.000	LOCAL COURT FINES	30,000.00		17,789.27		2,401.80		12,210.73		59.30
101-000.000-664.000	INTEREST	5,500.00		21,639.96		2,459.43		(16,139.96)		393.45
101-000.000-664.200	PARK AND REC. INTEREST	0.00		951.30		0.00		(951.30)		100.00
101-000.000-666.000	INTEREST-EQUALIZ. & CONTINGENC	0.00		329.19		0.00		(329.19)		100.00
101-000.000-668.000	RENTS AND ROYALTIES-CABLE	140,000.00		93,113.22		0.00		46,886.78		66.51
101-000.000-668.200	LEASE--ANTENNA	42,000.00		34,327.98		3,498.40		7,672.02		81.73
101-000.000-668.300	RENTAL PROPERTIES	8,800.00		2,010.00		300.00		6,790.00		22.84
101-000.000-668.400	CONTRIBUTION-PERPETUAL CARE	50,000.00		0.00		0.00		50,000.00		0.00
101-000.000-673.000	SALES OF FIXED ASSETS	0.00		209.41		0.00		(209.41)		100.00
101-000.000-675.200	CONTRIBUTIONS-WINTER EVENTS	0.00		900.00		0.00		(900.00)		100.00
101-000.000-675.600	CULTURAL ARTS REVENUES	1,000.00		0.00		0.00		1,000.00		0.00
101-000.000-698.000	MISCELLANEOUS	50,000.00		64,882.11		3,965.90		(14,882.11)		129.76
101-000.000-698.200	PRIOR YEARS TAXES	4,500.00		6,755.26		69.80		(2,255.26)		150.12
101-000.000-698.210	WEDDING PROCEEDS	3,000.00		5,200.00		1,100.00		(2,200.00)		173.33
101-000.000-698.220	MMRMA DIVIDENDS	30,000.00		66,192.00		0.00		(36,192.00)		220.64
101-000.000-698.230	SMART CREDITS	13,000.00		0.00		0.00		13,000.00		0.00
101-000.000-698.600	GRANT MONIES--FIRE DEPT.	14,872.00		0.00		0.00		14,872.00		0.00
101-000.000-698.900	GRANT MONIES-CULTURAL ARTS	2,000.00		1,739.00		1,739.00		261.00		86.95
101-000.000-699.209	TRANSFER IN FROM CEMETERY FUN	0.00		42,851.00		0.00		(42,851.00)		100.00

Total Dept 000.000

5,650,061.91

249,181.58

415,381.09

93.15

TOTAL REVENUES

5,650,061.91

249,181.58

415,381.09

93.15

Fund 101 - GENERAL FUND:

TOTAL REVENUES

5,650,061.91

249,181.58

415,381.09

93.15

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## EXPENDITURE REPORT FOR CITY OF SOUTH LYON

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PERIOD ENDING 03/31/2019

## FINANCIAL REPORT FOR MARCH 2019

GL NUMBER	DESCRIPTION	2018-19		YTD BALANCE		ACTIVITY FOR		AVAILABLE		% BDGT USED
		AMENDED BUDGET		03/31/2019		MONTH 03/31/2019		BALANCE		
				NORMAL	(ABNORMAL)	INCREASE	(DECREASE)	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND										
200.000	- ADMINISTRATION	1,402,836.00		991,306.15		70,124.91		411,529.85		70.66
276.000	- CEMETERY	118,640.00		73,716.84		2,967.68		44,923.16		62.13
295.000	- SENIOR TRANSPORTATION	78,926.00		58,981.00		13,154.00		19,945.00		74.73
300.000	- POLICE	2,778,149.00		2,003,523.69		192,512.15		774,625.31		72.12
335.000	- FIRE	655,041.00		398,361.45		31,909.74		256,679.55		60.81
346.000	- AMBULANCE	1,180.00		79.82		0.00		1,100.18		6.76
440.000	- DEPT. OF PUBLIC WORKS	739,412.00		539,221.48		46,081.18		200,190.52		72.93
690.000	- PARKS AND RECREATION	189,857.00		102,302.71		5,499.06		87,554.29		53.88
732.000	- HISTORICAL DEPOT	28,495.00		18,474.91		1,672.62		10,020.09		64.84
800.000	- CABLE COMMISSION	4,025.00		2,866.73		1,232.96		1,158.27		71.22
802.000	- CULTURAL ARTS	3,875.00		666.37		116.77		3,208.63		17.20
TOTAL EXPENDITURES		6,000,436.00		4,189,501.15		365,271.07		1,810,934.85		69.82
Fund 101 - GENERAL FUND:										
TOTAL EXPENDITURES		6,000,436.00		4,189,501.15		365,271.07		1,810,934.85		69.82

EXPENDITURE REPORT FOR CITY OF SOUTH LYON  
PERIOD ENDING 03/31/2019  
FINANCIAL REPORT FOR MARCH 2019

GL NUMBER	DESCRIPTION	2018-19		YTD BALANCE		ACTIVITY FOR MONTH 03/31/2019 INCREASE (DECREASE)	AVAILABLE BALANCE		% BDGT USED
		AMENDED BUDGET	NORMAL (ABNORMAL)	03/31/2019 NORMAL (ABNORMAL)	NORMAL (ABNORMAL)		NORMAL (ABNORMAL)	NORMAL (ABNORMAL)	
Fund 202 - MAJOR STREETS									
212.000 - ACCOUNTANT		5,600.00		4,290.00		0.00	1,310.00		76.61
451.000		150,000.00		784.62		0.00	149,215.38		0.52
463.000 - STREET-ROUTINE MAINT.		184,500.00		113,424.42		8,949.66	71,075.58		61.48
474.000 - TRAFFIC SERVICES		26,070.00		4,573.44		263.43	21,496.56		17.54
478.000 - SNOW PLOWING		81,416.00		85,650.11		10,873.54	(4,234.11)		105.20
479.000 - SNOW REMOVAL		1,468.00		6,800.41		272.10	(5,332.41)		463.24
485.000 - TRANSFER BETWEEN FUNDS		168,162.00		0.00		0.00	168,162.00		0.00
491.000 - STORM SEWER		11,438.00		5,817.86		1,128.29	5,620.14		50.86
TOTAL EXPENDITURES		628,654.00		221,340.86		21,487.02	407,313.14		35.21
Fund 202 - MAJOR STREETS:									
TOTAL EXPENDITURES		628,654.00		221,340.86		21,487.02	407,313.14		35.21
Fund 203 - LOCAL STREETS									
212.000 - ACCOUNTANT		5,600.00		4,290.00		0.00	1,310.00		76.61
451.000		475,000.00		18,575.52		16,680.99	456,424.48		3.91
463.000 - STREET-ROUTINE MAINT.		171,279.00		101,568.50		8,967.39	69,710.50		59.30
474.000 - TRAFFIC SERVICES		7,603.00		2,368.24		151.94	5,234.76		31.15
478.000 - SNOW PLOWING		68,316.00		71,744.93		8,426.93	(3,428.93)		105.02
491.000 - STORM SEWER		17,363.00		5,450.15		1,128.98	11,912.85		31.39
TOTAL EXPENDITURES		745,161.00		203,997.34		35,356.23	541,163.66		27.38
Fund 203 - LOCAL STREETS:									
TOTAL EXPENDITURES		745,161.00		203,997.34		35,356.23	541,163.66		27.38

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EXPENDITURE REPORT FOR CITY OF SOUTH LYON

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PERIOD ENDING 03/31/2019

FINANCIAL REPORT FOR MARCH 2019

GL NUMBER	DESCRIPTION	2018-19		YTD BALANCE 03/31/2019		ACTIVITY FOR MONTH 03/31/2019		AVAILABLE BALANCE		% BDT USED
		AMENDED BUDGET	NORMAL (ABNORMAL)	NORMAL (ABNORMAL)	INCREASE (DECREASE)	NORMAL (ABNORMAL)	INCREASE (DECREASE)			
Fund 592 - WATER & SEWER										
540.000	- WATER / REPAIR	121,861.00		121,347.68		6,256.59		513.32		99.58
550.000	- SEWER / REPAIR	170,306.00		107,476.87		4,727.89		62,829.13		63.11
555.000	- REFUSE COLLECTION	534,240.00		384,308.52		42,786.26		149,931.48		71.94
556.000	- WATER	1,124,449.00		842,661.93		277,347.93		281,787.07		74.94
557.000	- WASTEWATER	1,258,733.00		845,917.19		87,671.14		412,815.81		67.20
TOTAL EXPENDITURES		3,209,589.00		2,301,712.19		418,789.81		907,876.81		71.71
Fund 592 - WATER & SEWER:										
TOTAL EXPENDITURES		3,209,589.00		2,301,712.19		418,789.81		907,876.81		71.71

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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 000.000					
101-000.000-123.000	PREPAID FINANCE COSTS	POLICEONE.COM	TASER CEW INSTRUCTOR CERTIFICATION CO	495.00	
		Total For Dept 000.000		495.00	
Dept 200.000 ADMINISTRATION					
101-200.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	631.22	
101-200.000-880.000	COMMUNITY PROMOTIONS	QUICK SILVER MARKETING S	HOLIDAY BANNER FOR COOL YULE & HOLIDAY	270.00	
101-200.000-900.000	PRINTING	QUICK SILVER MARKETING S	BUSINESS CARDS FOR B. DONOHUE	54.00	
		Total For Dept 200.000 ADMINISTRATION		955.22	
Dept 276.000 CEMETERY					
101-276.000-740.000	OPERATING EXPENSE	ADVANCE AUTO PARTS	DRAIN PAN FOR SHOP	3.10	
101-276.000-740.000	OPERATING EXPENSE	BADER & SONS CO.	SEAT COVER OF CEMETERY TRACTOR	26.99	
101-276.000-740.000	OPERATING EXPENSE	LAWSON PRODUCTS, INC.	SHOP TOOLS	30.53	
101-276.000-740.000	OPERATING EXPENSE	O'REILLY AUTO PARTS	SHOP TOOL	10.10	
101-276.000-740.000	OPERATING EXPENSE	SHARE CORPORATION	SHOP TOOLS	10.80	
101-276.000-802.000	CONTRACTUAL SVCS	JOHN'S SANITATION	PORTA JOHNS @ PARKS 02/16/2019 - 03/0	310.00	
101-276.000-930.000	REPAIR MAINTENANCE	GRAINGER	TRASH BAGS FOR DEP & PARKS	270.40	
		Total For Dept 276.000 CEMETERY		661.92	
Dept 300.000 POLICE					
101-300.000-721.000	UNIFORMS & CLEANING ALLOWANCE	HURON VALLEY GUNS	UNIFORMS/GEAR FOR OFFICER JACOBS	431.89	
101-300.000-727.000	OFFICE SUPPLIES	OFFICE EXPRESS	FILE, EXP, 12X10, SUB, 6PKT, LL	50.37	
101-300.000-740.000	OPERATING EXPENSE	CMP DISTRIBUTORS, INC.	FIREARMS QUALIFICATION TARGETS - MCOL	295.00	
101-300.000-740.000	OPERATING EXPENSE	LIFELC TECHNOLOGIES, IN	PBT STRAWS	35.00	
101-300.000-740.000	OPERATING EXPENSE	LIVINGSTON COUNTY EMS	(17) BLS HEALTHCARE PROVIDER CARDS (C	34.00	
101-300.000-745.000	AMMUNITION	AXON ENTERPRISE, INC.	DUTY TASER CARTRIDGES (10)	1,194.00	
101-300.000-820.000	COMPUTER	AMERICAN VIDEO TRANSFER	IN-HOUSE CAMERA TROUBLESHOOT PROBLEMS	318.75	
101-300.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	DRAIN PAN FOR SHOP	4.96	
101-300.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	SHOP TOOLS	45.53	
101-300.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	SHOP TOOL	16.16	
101-300.000-863.000	VEHICLE MAINTENANCE	SHARE CORPORATION	SHOP TOOLS	17.28	
101-300.000-863.000	VEHICLE MAINTENANCE	VICTORY LANE	FLEET OIL CHANGE - VEHICLE #202	108.46	
101-300.000-957.000	EDUCATION & TRAINING	AERKO INTERNATIONAL MICH	FREEZE & P INSTRUCTOR COURSE - SGT. S	150.00	
		Total For Dept 300.000 POLICE		2,701.40	
Dept 335.000 FIRE					
101-335.000-727.000	OFFICE SUPPLIES	GRAINGER	OFFICE SUPPLIES	249.45	
101-335.000-740.000	OPERATING EXPENSE	GRAINGER	OFFICE SUPPLIES	194.50	
101-335.000-820.000	COMPUTER	FIRE STATION CHECKLIST	APP. MONTHLY	100.00	
101-335.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	DRAIN PAN FOR SHOP	3.72	
101-335.000-863.000	VEHICLE MAINTENANCE	CUMMINS SALES & SERVICE	ENGINE 2 REPAIR MOTOR	1,638.41	
101-335.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	SHOP TOOLS	35.53	
101-335.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	SHOP TOOL	88.32	

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Fund 101 GENERAL FUND					
Dept 335.000 FIRE					
101-335.000-863.000	VEHICLE MAINTENANCE	SHARE CORPORATION	SHOP TOOLS	12.96	
101-335.000-880.000	COMMUNITY PROMOTIONS	QUICK SILVER MARKETING S	CONRAD - BUSINESS CARDS	24.00	
101-335.000-931.000	BUILDING MAINTENANCE	ANN ARBOR DOOR SYSTEMS,	REPAIR CAR 1	299.00	
101-335.000-977.000	EQUIPMENT	BOUND TREE MEDICAL, LLC	MEDICAL SUPPLIES	88.46	
		Total For Dept 335.000 FIRE		2,734.35	
Dept 440.000 DEPT. OF PUBLIC WORKS					
101-440.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	27.23	
101-440.000-740.000	OPERATING EXPENSE	ANN ARBOR WELDING SUPPLY	CYLINDER RENTAL	105.42	
101-440.000-740.000	OPERATING EXPENSE	BADER & SONS CO.	MOWER DECK FOR CEMETERY TRACTOR	600.00	
101-440.000-740.000	OPERATING EXPENSE	GRAINGER	TRASH BAGS FOR DPW & PARKS	135.20	
101-440.000-740.000	OPERATING EXPENSE	QUICK SILVER MARKETING S	PRINTING REQUESTION FORMS	154.20	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	DRAIN PAN FOR SHOP	187.61	
101-440.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	SHOP TOOLS	115.55	
101-440.000-863.000	VEHICLE MAINTENANCE	MICHIGAN CAT	SPRAY PAINT	20.52	
101-440.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	FILTERS	634.54	
101-440.000-863.000	VEHICLE MAINTENANCE	SHARE CORPORATION	SHOP TOOLS	47.67	
101-440.000-863.000	VEHICLE MAINTENANCE	SITONE LANDSCAPE SUPPLY	MINI LIGHT BAR	95.33	
101-440.000-931.000	BUILDING MAINTENANCE	INDEPENDENT AG EQUIPMENT	T-STRAINER FOR BRINE TANK	43.50	
		Total For Dept 440.000 DEPT. OF PUBLIC WORKS		2,166.77	
Dept 690.000 PARKS AND RECREATION					
101-690.000-740.000	OPERATING EXPENSE	ZERO WASTE USA, INC.	BAGS FOR DOG WASTE STATIONS	199.94	
101-690.000-930.000	REPAIR MAINTENANCE	SITONE LANDSCAPE SUPPLY	BACKFLOW REPAIR AT BAKER PARK	147.75	
		Total For Dept 690.000 PARKS AND RECREATION		347.69	
		Total For Fund 101 GENERAL FUND		10,062.35	
Fund 202 MAJOR STREETS					
Dept 478.000 SNOW PLOWING					
202-478.000-740.000	OPERATING EXPENSE	DETROIT SALT COMPANY LLC	ROAD SALT	3,012.13	
		Total For Dept 478.000 SNOW PLOWING		3,012.13	
Dept 491.000 STORM SEWER					
202-491.000-740.000	OPERATING EXPENSE	CLARKE MOSQUITO CONTROL	MOSQUITO BRIQUETTES	845.81	
		Total For Dept 491.000 STORM SEWER		845.81	
		Total For Fund 202 MAJOR STREETS		3,857.94	
Fund 203 LOCAL STREETS					
Dept 478.000 SNOW PLOWING					
203-478.000-740.000	OPERATING EXPENSE	DETROIT SALT COMPANY LLC	ROAD SALT	1,621.92	
		Total For Dept 478.000 SNOW PLOWING		1,621.92	



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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 203 LOCAL STREETS					
Dept 491.000 STORM SEWER					
203-491.000-740.000	OPERATING EXPENSE	CLARKE MOSQUITO CONTROL	MOSQUITO BRIQUETTES	845.81	
		Total For Dept 491.000 STORM SEWER		845.81	
		Total For Fund 203 LOCAL STREETS		2,467.73	
Fund 592 WATER & SEWER					
Dept 540.000 WATER / REPAIR					
592-540.000-930.000	REPAIR MAINTENANCE	ETNA SUPPLY	SHUT OFF KEY	118.71	
		Total For Dept 540.000 WATER / REPAIR		118.71	
Dept 556.000 WATER					
592-556.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	40.57	
592-556.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	LAB SUPPLIES	26.00	
592-556.000-740.000	OPERATING EXPENSE	BOUND TREE MEDICAL, LLC	DEFIB PADS	14.87	
592-556.000-740.000	OPERATING EXPENSE	ELHORN ENGINEERING COMEA	PHOSPHATE	3,700.00	
592-556.000-740.000	OPERATING EXPENSE	JCI JONES CHEMICALS INC.	CHLORINE	426.10	
592-556.000-740.000	OPERATING EXPENSE	PARAGON LABORATORIES, IN	WATER ANALYSIS	1,856.00	
592-556.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	OFFICE SUPPLIES	75.16	
592-556.000-740.000	OPERATING EXPENSE	USA BLUE BOOK	LAB SUPPLIES	481.20	
592-556.000-802.000	CONTRACTUAL SVCS	HACH COMPANY	LAB EQUIPMENT SERVICE MAINTENANCE	362.50	
592-556.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	DRAIN PAN FOR SHOP	5.58	
592-556.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	PARTS FOR WW TRAILER	393.68	
592-556.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	SHOP TOOL	18.18	
592-556.000-863.000	VEHICLE MAINTENANCE	SHARE CORPORATION	SHOP TOOLS	19.44	
592-556.000-900.000	PRINTING	QUICK SILVER MARKETING S	PRINTING REQUESTION FORMS	77.10	
592-556.000-931.000	BUILDING MAINTENANCE	UIS SCADA, INC.	PERFORM ANNUAL CALIBRATIONS	903.50	
		Total For Dept 556.000 WATER		8,399.88	
Dept 557.000 WASTEWATER					
592-557.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	40.56	
592-557.000-740.000	OPERATING EXPENSE	ANN ARBOR WELDING SUPPLY	CYLINDER RENTAL	35.14	
592-557.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	LAB SUPPLIES	26.00	
592-557.000-740.000	OPERATING EXPENSE	BOUND TREE MEDICAL, LLC	DEFIB PADS	14.86	
592-557.000-740.000	OPERATING EXPENSE	BRIGHTON ANALYTICAL, L.L	W/WATER ANALYSIS	82.50	
592-557.000-740.000	OPERATING EXPENSE	CHEMCO PRODUCTS INC.	POLYMER	7,187.41	
592-557.000-740.000	OPERATING EXPENSE	ENVIRONMENTAL RESOURCE A	WASTEWATER TESTING SAMPLES	1,141.25	
592-557.000-740.000	OPERATING EXPENSE	NCL OF WISCONSIN, INC.	LAB SUPPLIES	206.88	
592-557.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	OFFICE SUPPLIES	75.15	
592-557.000-802.000	CONTRACTUAL SVCS	HACH COMPANY	LAB EQUIPMENT SERVICE MAINTENANCE	2,209.50	
592-557.000-802.000	CONTRACTUAL SVCS	KROFF MECHANICAL SERVICE	WINTER HVAC MAINTENANCE INSPECTION	1,225.00	
592-557.000-900.000	PRINTING	QUICK SILVER MARKETING S	PRINTING REQUESTION FORMS	77.10	
592-557.000-931.000	BUILDING MAINTENANCE	GRAINGER	EMERGENCY LIGHT & PART FOR UV WIPER S	241.60	
592-557.000-970.000	CAPITOL IMPROVEMENTS	GRAINGER	EMERGENCY LIGHT & PART FOR UV WIPER S	452.35	

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Fund 592 WATER & SEWER Dept 557.000 WASTEWATER					
			Total For Dept 557.000 WASTEWATER	13,015.30	
			Total For Fund 592 WATER & SEWER	21,533.89	

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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund Totals:					
			Fund 101 GENERAL FUND	10,062.35	
			Fund 202 MAJOR STREETS	3,857.94	
			Fund 203 LOCAL STREETS	2,467.73	
			Fund 592 WATER & SEWER	21,533.89	
			Total For All Funds:	37,921.91	

The above checks have been approved for payment.

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

\_\_\_\_\_  
Daniel L. Peléhat, Mayor

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CHECK REGISTER FOR CITY OF SOUTH LYON  
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Check Date	Check	Vendor Name	Description	Amount	Status
Bank 01 GEN FUND CHECKING					
03/14/2019	76199	LOOP WATERS EDGE LLC	UB refund for account: APPO-000005-0000	22,295.07	Open
03/14/2019	76200	AMAZON CAPITAL SERVICES	GEAR DRYER FAN PINS	107.99 23.94 131.93	Open Open Open
03/14/2019	76201	AT&T	503 STRYKER ST. SERVICE DATES MARCH 1, SERVICE DATES 02/22/2019 - 03/21/2019	146.73 288.92 435.65	Open Open Open
03/14/2019	76202	AVAYA INC.*	WATER DEPARTMENT PHONE SYSTEM	144.03	Open
03/14/2019	76203	BASIC	FSA MONTHLY FEES - MARCH 2019	86.40	Open
03/14/2019	76204	KRISPEN S. CARROLL	PAYROLL DEDUCTION CASE NO. 17-57623-PJS	57.88	Open
03/14/2019	76205	CITY OF NOVI TREASURER	SOUTH LYON DISPATCH : LOCKUP SERVICES	32,048.50	Open
03/14/2019	76206	CONSUMERS ENERGY	UTILITIES SERVICE PERIOD 02/02/2019 - 0 215 WHIPPLE ST. GENERATOR SERVICE PERIO 215 WHIPPLE ST. SERVICE DATES 02/02/201 219 WHIPPLE ST. SERVICE DATES 02/02/201 214 W. LAKE ST. SERVICE DATES 02/02/201 300 DOROTHY ST. #B SERVICE DATES 02/05/ 318 W. LAKE STREET SERVICE PERIOD 02/02 335 S. WARREN SERVICE PERIOD 02/05/2019 300 DOROTHY ST. SERVICE PERIOD 02/05/20 250 DOROTHY ST. SERVICE PERIOD 02/05/20	2,677.44 15.93 619.00 383.14 472.72 264.84 110.74 478.86 105.05 118.00 5,245.72	Open Open Open Open Open Open Open Open Open Open Open
03/14/2019	76207	CORRIGAN OIL CO.	GAS & DIESEL 02/06/2019 - 03/04/2019	4,823.93	Open
03/14/2019	76208	BOUCK CORPORATION	REGISTRATION FOR POLICE SUPERVISION FEB	375.00	Open
03/14/2019	76209	MATTHEW EMERY	COUNCIL RECORDING - MARCH 11, 2019	75.00	Open
03/14/2019	76210	EMPLOYEE HEALTH INSURANCE MGMT	ADMIN & AGENT FEES CLAIMS FUNDING - FEBRUARY 2019	795.50 4,262.35 5,057.85	Open Open Open
03/14/2019	76211	FRANK FOGARTY	BOARD OF REVIEW PAY - MARCH 2019	350.00	Open
03/14/2019	76212	GARY BEASLEY	BOARD OF REVIEW PAY - MARCH 2019	350.00	Open
03/14/2019	76213	GFL ENVIRONMENTAL USA	RESIDENTIAL SERVICES DATES 03/01/2019 - GEAR DRYERSTUFF	42,786.26 16.13	Open Open
03/14/2019	76214	GREAT LAKES ACE HARDWARE	PAYROLL DEDUCTION MARCH 2019 DUES	262.76	Open
03/14/2019	76215	INTL UNION OF OPERATING ENG	PSYCHOLOGICAL EVALUATION MARCH 1, 2019	500.00	Open
03/14/2019	76216	JUDITH MALINOWSKI LLP	500,000 GALLON WATER TOWER PAINTING & R	241,000.00	Open
03/14/2019	76217	LC UNITED PAINTING	ASPHALT & SUPPLIES	175.74	Open
03/14/2019	76218	LOWE'S	ANNUAL MEMBERSHIP - CHIEF SOVIK	100.00	Open
03/14/2019	76219	MICHIGAN ASSOC. OF CHIEFS			

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Check Date	Check	Vendor Name	Description	Amount	Status
03/14/2019	76220	MICHIGAN MUNICIPAL LEAGUE*	MML CAPITAL CONFERENCE 2019 - PAUL ZELE EMPLOYMENT ADVERTISING	250.00 122.64 <u>372.64</u>	Open Open
03/14/2019	76221	MISDU	PAYROLL DEDUCTION REMITTANCE ID#9129625	322.07	Open
03/14/2019	76222	BRUCE NUSSBAUM	BOARD OF REVIEW PAY - MARCH 2019	350.00	Open
03/14/2019	76223	OCAA	EQUALIZATION 101 CONFERENCE REGISTRATIO	35.00	Open
03/14/2019	76224	OBSERVER & ECCENTRIC	PUBLIC NOTICE PUBLISHING	330.40	Open
03/14/2019	76225	PARKSIDE CLEANERS	CLEANING	34.20	Open
03/14/2019	76226	RICHARD PERRY	CABLE COMMISSION MATERIALS HEADPHONES,	1,232.96	Open
03/14/2019	76227	PITNEY BOWES*	POSTAGE MACHINE	682.62	Open
03/14/2019	76228	ROAD COMM. FOR OAKLAND COUNTY	GRADE & CHLORIDE VOLUNTEER PARK	452.00	Open
03/14/2019	76229	ROBERT VOGEL	POSTCARDS	29.48	Open
03/14/2019	76230	SALEM-SOUTH LYON DISTRICT	TAX DISBURSEMENT/TAXES DUE TO LIBRARY	475.43	Open
03/14/2019	76231	SOUTH LYON COMMUNITY SCHOOLS	TAX DISBURSEMENT/TAXES DUE TO SCHOOLS	5,268.12	Open
03/14/2019	76232	CHRISTOPHER SOVIK	REIMBURSEMENT FOR PETTY CASH	17.54	Open
03/14/2019	76233	STATE OF MICHIGAN**	LIVESCAN FINGERPRINT SUBMISSIONS	346.00	Open
03/14/2019	76234	TIMOTHY DAVIDS	FARMER'S MARKET MANAGER HOURS 19 HOURS	380.00	Open
03/14/2019	76235	UNITED COMMUNICATIONS CORP.	MINITOR VI REPAIR	119.97	Open
03/14/2019	76236	VANTAGEPOINT TRANSFERS	ICMA 457 PLAN #301149 PAYROLL TRANSFER	2,861.90	Open
03/14/2019	76237	VISICOM SERVICES, INC.	IT SERVICES - FEBRUARY 2019	497.95	Open
03/14/2019	76238	WOW! BUSINESS	SERVICE PERIOD 03/06/2019 - 04/05/2019 PARK SECURITY	46.97 62.00	Open Open
03/14/2019	76239	AMAZON CAPITAL SERVICES	DPW SERVICE DATES 03/06/2019 - 04/05/20 WITCH'S HAT DEPOT MUSEUM SERVICE 02/27/	150.67 143.72 <u>403.36</u>	Open Open
03/21/2019	76239	AMAZON CAPITAL SERVICES	NAME PLATES	90.65	Open
03/21/2019	76240	ARBOR SPRINGS WATER CO., INC.	5 GAL. ARTESIAN WATER 5 GAL. ARTESIAN WATER	13.00 26.00 <u>39.00</u>	Open Open
03/21/2019	76241	BLUE CROSS BLUE SHIELD OF MICH	HEALTH INSURANCE PREMIUMS - APRIL 2019 HEALTH INSURANCE PREMIUMS - APRIL 2019	3,913.89 31,509.86 <u>35,423.75</u>	Open Open
03/21/2019	76242	DOUG BURNS	MILEAGE REIMBURSEMENT FOR TRAVEL TO/FROM	53.94	Open
03/21/2019	76243	CIB PLANNING	PLANNING CONSULTANT FEES - FEBRUARY 201	2,466.50	Open
03/21/2019	76244	CITY OF SOUTH LYON	214 W. LAKE ST. WATER SERVICE PERIOD 11 219 WHIPPLE ST. WATER SERVICE PERIOD 11	119.07 307.53 <u>426.60</u>	Open Open
03/21/2019	76245	BOB DONOHUE	REIMBURSEMENT FOR MDA LANSING DAY PARKI	206.23	Open
03/21/2019	76246	MATTHEW EMERY	RECORDING OF PLANNING COMMISSION MEETIN	75.00	Open

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Check Date	Check	Vendor Name	Description	Amount	Status
03/21/2019	76247	KEVIN ERDMANN	REIMBURSEMENT FOR C EXAM APPLICATION FE MILEAGE REIMBURSEMENT TO/FROM ACTIVATED	70.00 40.25 <u>110.25</u>	Open Open Open
03/21/2019	76248	HYATT HOTELS	MAINSTREET CONFERENCE LODGING FOR B. DO	661.44	Open
03/21/2019	76249	MAFC*	MIDWEST FIRE RESCUE EXPO APRIL 17, 2019	70.00	Open
03/21/2019	76250	MI-AWMA	SPRING REGIONAL MEETING - R. BEASON	170.00	Open
03/21/2019	76251	MICHIGAN DOWNTOWN ASSOCIATION	REGISTRATION FEE FOR MDA LANSING DAY AN	135.00	Open
03/21/2019	76252	PARKSIDE CLEANERS	4 X 10 RUG AND 3 X 10 RUG	43.00	Open
03/21/2019	76253	PEOPLE'S EXPRESS	TRANSPORTATION - JANUARY 2019 & FEBRUAR	13,154.00	Open
03/21/2019	76254	ROAD COMMISSION FOR OAKLAND	TRAFFIC SIGNAL MAINTENANCE - FEBRUARY 2	111.84	Open
03/21/2019	76255	ROSATI, SCHULTZ, JOPPICH	CITY ATTORNEY RETAINER WORK PROFESSIONA MICHIGAN TAX TRIBUNAL MATTERS PROFESSIO	10,404.20 2,787.00 <u>13,191.20</u>	Open Open Open
03/21/2019	76256	VISICOM SERVICES, INC.	IT SUPPORT SERVICES MONTHLY BILLING - A	2,730.80	Open
03/21/2019	76257	WOW! BUSINESS	INTERNET ACCESS SERVICE PERIOD 03/12/20	710.00	Open
03/28/2019	76258	AMAZON CAPITAL SERVICES	CASE FOR SMOKE DETECTORS	116.99	Open
03/28/2019	76259	CORY ARMSTRONG	REIMBURSEMENT FOR EMT RENEWAL	25.00	Open
03/28/2019	76260	ASTI ENVIRONMENTAL SERVICES	GROUNDWATER ORDINANCE DRAFT	460.00	Open
03/28/2019	76261	BUSCH'S	SUPPLIES	123.25	Open
03/28/2019	76262	CARL RICHARDS	MONTHLY COUNCIL PAY - MARCH 2019	180.00	Open
03/28/2019	76263	CAROL BRANDON	MILEAGE AND MEAL REIMBURSEMENT FOR GRAN	104.59	Open
03/28/2019	76264	KRISPEN S. CARROLL	PAYROLL DEDUCTION CASE NO: 17-57623-PJS	57.88	Open
03/28/2019	76265	CITY OF SOUTH LYON	WATER SERVICE PERIOD 11/28/2018 - 03/04 WITCH'S HAT DEPOT SERVICE PERIOD 12/01/	307.53 56.25 <u>363.78</u>	Open Open Open
03/28/2019	76266	COMMUNICATIONS TECHNOLOGIES, INC.	MONTHLY PHONE MAINTENANCE 03/20/2019 -	85.00	Open
03/28/2019	76267	CSX TRANSPORTATION, INC.	ANNUAL FEE FOR PIPELINE - SEWER 5/10/20	557.75	Open
03/28/2019	76268	DANIEL PELCHAT	MONTHLY COUNCIL PAY - MARCH 2019	220.00	Open
03/28/2019	76269	DTE ENERGY	200 DOROTHY ST. SERVICE PERIOD 01/18/20	38.71	Open
03/28/2019	76270	MATTHEW EMERY	COUNCIL RECORDING - MARCH 27, 2019	75.00	Open
03/28/2019	76271	GFL ENVIRONMENTAL USA	DUMPFSTER & RECYCLING APRIL 1, 2019 TO A	433.62	Open
03/28/2019	76272	HURON VALLEY GUNS	UNIFORMS - JACOBS	316.90	Open
03/28/2019	76273	GLENN KIVELL	CAP CONFERENCE MILEAGE AND PARKING REIM MONTHLY COUNCIL PAY - MARCH 2019	153.20 180.00 <u>333.20</u>	Open Open Open
03/28/2019	76274	MARGARET KURTZWELL	MONTHLY COUNCIL PAY - MARCH 2019	180.00	Open
03/28/2019	76275	WOODROW MATNEY	CUSTODIAL SERVICES @ DEPOT FOR FEBRUARY	684.00	Open
03/28/2019	76276	MISDU	PAYROLL DEDUCTION REMITTANCE ID: 91296	322.07	Open
03/28/2019	76277	OAKLAND COUNTY ANIMAL CONTROL	DOG LICENSES SOLD JUNE 30, 2018 TO DECE	5,869.50	Open
03/28/2019	76278	OAKLAND COUNTY TREASURER	SOUTH LYON WOODS TAX - FEBRUARY 2019	462.50	Open
03/28/2019	76279	MARY PARISIEN	MONTHLY COUNCIL PAY - MARCH 2019	180.00	Open



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Check Date	Check	Vendor Name	Description	Amount	Status
Total of 109 Disbursements:					
				620,017.75	



March 2019 Payroll Report								
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>Administration</b>								
				\$ -	\$ -		\$ -	
Brandon, C.	15.8700	146.75		\$ 2,328.92	\$ -		\$ 2,328.92	
Deaton, L.				\$ 7,758.27			\$ 7,758.27	
Donohue, R.				\$ 8,287.50			\$ 8,287.50	
Gotham, D.	17.8100	110.00		\$ 1,959.10	\$ -		\$ 1,959.10	
Lanning, W.	12.0000	37.25		\$ 447.00			\$ 447.00	
Mosier, L.				\$ 7,435.44		\$ 1,600.00	\$ 9,035.44	Longevity
Pieper, Judy	19.5300	240.00	5.00	\$ 4,687.20	\$ 146.48		\$ 4,833.68	
Tieman, P.	19.6200	132.75		\$ 2,604.56			\$ 2,604.56	
Zelenak, Paul				\$ 11,538.48			\$ 11,538.48	
<b>TOTAL: Administration</b>		<b>666.75</b>	<b>5.00</b>	<b>\$ 35,507.99</b>	<b>\$ 146.48</b>	<b>\$ 1,600.00</b>	<b>\$ 48,792.94</b>	
<b>Cemetery</b>								
				\$ -			\$ -	
Brannun, L.	13.2500			\$ -			\$ -	
Lemke, John N.	12.4600			\$ -			\$ -	
Nicholls, William	12.4600			\$ -			\$ -	
Wauford, S.	12.4600			\$ -			\$ -	
Wedesky, J. W.	12.4600			\$ -			\$ -	
Williamson, N.	12.4600			\$ -			\$ -	
<b>TOTAL: Cemetery</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>Police</b>								
				\$ -			\$ -	
Baaki, D.	40.7404	284.00	12.00	\$ 11,570.27	\$ 747.18		\$ 12,317.45	
Baker, A.	34.6077	240.00	5.00	\$ 8,305.85	\$ 265.33		\$ 8,571.18	
Baker, J.	37.7226	240.00	27.50	\$ 9,053.42	\$ 1,587.79		\$ 10,641.21	
Barbour, R.	34.6077	248.00	17.50	\$ 8,582.71	\$ 924.86		\$ 9,507.57	
Faught, C.	37.7226	248.00	27.00	\$ 9,355.20	\$ 1,553.08		\$ 10,908.29	
Hoydic, S.	34.6077	240.00	12.00	\$ 8,305.85	\$ 636.78		\$ 8,942.63	
Kelley, W.	10.0000	118.00		\$ 1,180.00			\$ 1,180.00	
Krettlin, F.	18.1100	27.00		\$ 488.97			\$ 488.97	
Laraway, P.	18.1100	26.50		\$ 479.92			\$ 479.92	
Ley, K.	18.1100	27.00		\$ 488.97			\$ 488.97	
Morris, Carlie	11.3300	158.00		\$ 1,790.14			\$ 1,790.14	
Raap, T.	34.6077	248.00	2.50	\$ 8,582.71	\$ 132.12		\$ 8,714.83	
Salyers, B.	18.8700	240.00	13.50	\$ 4,455.84	\$ 370.58		\$ 4,826.42	
Schneemann, J.	22.7572	240.00	16.50	\$ 5,461.73	\$ 563.24		\$ 6,024.97	
Sederlund, C.	37.7226	240.00	61.50	\$ 9,053.42	\$ 3,550.88		\$ 12,604.31	
Sovik, C.				\$ 11,134.62			\$ 11,134.62	
Sroufe, T.	34.6077	240.00	33.00	\$ 8,305.85	\$ 1,751.16	\$ 482.49	\$ 10,539.50	Insurance Stipend
Stevens, T.	34.6077	240.00	26.00	\$ 8,305.85	\$ 1,374.10	\$ 1,300.00	\$ 10,979.95	Longevity Pay
Tomanek, J.	34.6077	240.00	16.50	\$ 8,305.85	\$ 875.58		\$ 9,181.43	
Walton, T.	34.6077	240.00	27.00	\$ 8,305.85	\$ 1,426.93		\$ 9,732.78	
Wilcox, W.	18.1100	5.00		\$ 90.55			\$ 90.55	
Wittrock, M.	37.7226	252.00	24.00	\$ 9,506.10	\$ 1,380.52		\$ 10,886.62	
<b>Total: Police</b>		<b>4041.50</b>	<b>321.50</b>	<b>\$ 141,109.66</b>	<b>\$ 17,140.14</b>	<b>\$ 1,782.49</b>	<b>\$ 160,032.29</b>	
<i>*Please note 3 pay periods in the month of March 2019</i>								

Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>Fire</b>								
Armstrong, C.	22.8400	37.50		\$ 856.50			\$ 856.50	
Conrad, C.	19.1100	196.25		\$ 3,750.34			\$ 3,750.34	
D'Ambrosio, A.	9.4400	88.00		\$ 830.72			\$ 830.72	
Dobrick, Z.	15.6400	27.75		\$ 343.92			\$ 343.92	
Fudala, J.	9.4400	45.75		\$ 431.88			\$ 431.88	
Good, A.	15.6400	19.00		\$ 297.16			\$ 297.16	
Hopkins, N.	9.4400	5.25		\$ 49.56			\$ 49.56	
Laitinen, D.	15.6400	91.50		\$ 1,431.06			\$ 1,431.06	
Madsen, W.	15.6400	50.00		\$ 569.06			\$ 569.06	
Matthews, A.	21.6400	91.50		\$ 1,980.06			\$ 1,980.06	
Mayer, D.	9.4400	2.00		\$ 18.88			\$ 18.88	
McGahan, K.	18.0400	180.75		\$ 3,260.73			\$ 3,260.73	
McGillen, T.	18.0400	39.75		\$ 717.09			\$ 717.09	
McGowan, C.	15.6400	16.00		\$ 250.24			\$ 250.24	
Moynihan, B.	21.6400	88.25		\$ 1,909.73			\$ 1,909.73	
Nielsen, S.	9.4400	36.25		\$ 342.20			\$ 342.20	
Noechel, J.	18.0400	70.25		\$ 1,267.31			\$ 1,267.31	
Olando, M.	19.1100	21.75		\$ 415.64			\$ 415.64	
Tooman, B.	18.0400	117.00		\$ 2,110.68			\$ 2,110.68	
Viet, A.	16.8300	43.50		\$ 732.11			\$ 732.11	
Vogel, R.				\$ 4,169.70			\$ 4,169.70	
Weir, M.	24.0500	112.00		\$ 2,693.60			\$ 2,693.60	
Wilson, T.	21.6400	64.75		\$ 1,401.19			\$ 1,401.19	
<b>Total: Fire</b>		<b>1444.75</b>		<b>\$ 29,829.36</b>			<b>\$ 29,829.36</b>	
<b>Department</b>	<b>Pay Rate</b>	<b>Reg Hours</b>	<b>O.T. Hours</b>	<b>Reg Pay</b>	<b>O.T. Pay</b>	<b>Misc.</b>	<b>Total Pay</b>	<b>Notes</b>
<b>D.P.W.</b>								
Abramowicz, J.	23.8700	240.00	9.50	\$ 5,728.80	\$ 345.04	\$ 225.00	\$ 6,298.84	On-Call Pay
Archey, Jr.	25.0700	240.00	33.00	\$ 6,016.80	\$ 1,264.90	\$ 315.00	\$ 7,596.70	On-Call Pay
Brock, R.	26.6300	240.00	28.50	\$ 6,391.20	\$ 1,171.35	\$ 90.00	\$ 7,652.55	On-Call Pay
Buers, D.	24.8500	240.00	3.00	\$ 5,964.00	\$ 115.29		\$ 6,079.29	
Dental, F.	24.6700	240.00	38.50	\$ 5,920.80	\$ 1,444.15	\$ 315.00	\$ 7,679.95	On-Call Pay
Jamison, M.	20.0100	240.00		\$ 4,802.40			\$ 4,802.40	
Moritz, M.	23.4700	240.00		\$ 5,632.80			\$ 5,632.80	
Paver, V.	23.0700	240.00	9.50	\$ 5,536.80	\$ 335.65	\$ 315.00	\$ 6,187.45	On-Call Pay
Piasecki, T.	23.0700	240.00	28.50	\$ 5,536.80	\$ 1,000.66	\$ 315.00	\$ 6,852.46	On-Call Pay
Race, J.	22.5700	240.00	36.50	\$ 5,416.80	\$ 1,235.73	\$ 315.00	\$ 6,967.53	On-Call Pay
Valencia, A.	22.1700	240.00	4.50	\$ 5,320.80	\$ 149.65		\$ 5,470.45	
<b>Total: D.P.W.</b>		<b>2,640.00</b>	<b>191.50</b>	<b>\$ 62,268.00</b>	<b>\$ 7,062.40</b>	<b>\$ 1,890.00</b>	<b>\$ 71,220.40</b>	
<b>Department</b>	<b>Pay Rate</b>	<b>Reg Hours</b>	<b>O.T. Hours</b>	<b>Reg Pay</b>	<b>O.T. Pay</b>	<b>Misc.</b>	<b>Total Pay</b>	<b>Notes</b>
<b>W. &amp; W.W.</b>								
Armstrong, C.	23.3300	240		\$ 5,599.20	\$ -		\$ 5,599.20	
Beason, R.	30.6800	240	8.00	\$ 7,363.20	\$ 377.36	\$ 315.00	\$ 8,055.56	On-Call Pay
Blankstrom, D.	21.7600	240	16.00	\$ 5,222.40	\$ 522.24	\$ 315.00	\$ 6,059.64	On-Call Pay
Caramitaro, J.	28.9600	240	14.00	\$ 6,470.40	\$ 579.32	\$ 680.00	\$ 7,729.72	On-Call Pay
DeHoff, T.	12.0000	139		\$ 1,668.00			\$ 1,668.00	
Erdmann, Kevin	24.0300	240	4.00	\$ 5,767.20	\$ 144.18	\$ 515.00	\$ 6,426.38	On-Call Pay
Gehringer, D.	27.4800	240	1.00	\$ 6,590.40	\$ 41.91	\$ 715.00	\$ 7,347.31	On-Call Pay
Lawrence, E.	17.2700	240		\$ 4,144.80			\$ 4,144.80	
Poprasky, P.	22.2000	240		\$ 5,328.00	\$ -		\$ 5,328.00	
<b>Total: W. &amp; W.W.</b>		<b>2059.00</b>	<b>43.00</b>	<b>\$ 48,153.60</b>	<b>\$ 1,665.01</b>	<b>\$ 2,540.00</b>	<b>\$ 52,358.61</b>	
<b>Grand Total</b>		<b>10,852.00</b>	<b>561.00</b>	<b>\$ 316,868.60</b>	<b>\$ 26,014.03</b>	<b>\$ 7,812.49</b>	<b>\$ 362,233.60</b>	
<b>*Please note 3 pay periods in the month of March 2019</b>								

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

March 13, 2019

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

Invoice # 1071919

In Reference To: Michigan Tax Tribunal Matters

Professional Services Rendered Through February 28, 2019

		<u>Hrs/Rate</u>	<u>Amount</u>
<u>Colonial Acres/Docket 18-1007</u>			
2/7/2019	SSM Prepare for and attend property inspection	2.70 150.00/hr	405.00
	SSM Receipt/review of email from OCED regarding units inspection and information requests; Respond to same; Note to file	0.30 150.00/hr	45.00
2/8/2019	SSM Receipt/review of email from Assessor; Respond to same; Note to file	0.30 150.00/hr	45.00
2/13/2019	SSM Receipt/review of email from OCED; Respond to same; Note to file	0.30 150.00/hr	45.00
	SSM Review of notes from inspection; Email to Assessor regarding same	0.30 150.00/hr	45.00
2/14/2019	SSM Receipt/review of Valuation Disclosure	0.90 150.00/hr	135.00
	SSM Preparation of Motion to Withhold and Prehearing Statement	1.50 150.00/hr	225.00

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

			<u>Hrs/Rate</u>	<u>Amount</u>
2/19/2019	SSM	Final review of documents prior to filing	0.40 150.00/hr	60.00
2/20/2019	SSM	Review file regarding filing of Petitioner's Valuation Disclosure; Preparation of email to OCED regarding same; Note to file	0.40 150.00/hr	60.00
2/25/2019	SSM	Receipt/review of Motion to Extend Time for Filing Valuation Disclosures; Review file regarding same; Begin response to same	1.70 150.00/hr	255.00
2/26/2019	SSM	Continue work on Response to Motion for Extension	2.10 150.00/hr	315.00
2/28/2019	SSM	Continue work on Response to Motion for Extension	2.50 150.00/hr	375.00
Subtotal:			[ 13.40	2,010.00]

Pullum Window/Docket 18-1058

2/7/2019	SSM	Emails to and from Petitioner and Assessor to arrange inspection; Note to file regarding same	0.30 150.00/hr	45.00
2/20/2019	SSM	File analysis regarding inspection confirmation	0.20 150.00/hr	30.00
2/21/2019	SSM	Review of file in preparation for site inspection; Confirm inspection	0.90 150.00/hr	135.00
	SSM	Receipt/review of email from Petitioner's representative regarding withdrawal; Emails to OCED and City of South Lyon regarding same; Receipt/review of email from OCED; Note to file	0.70 150.00/hr	105.00
2/22/2019	SSM	Receipt/review of emails from City Manager and OCED regarding withdrawal; Review dismissal order; Correspondence regarding same	0.70 150.00/hr	105.00
2/25/2019	SSM	Receipt/review of Order of Dismissal; Correspondence regarding same	0.30 150.00/hr	45.00

	<u>Hrs/Rate</u>	<u>Amount</u>
Subtotal:	[ 3.10	465.00]
For professional services rendered	16.50	\$2,475.00
Additional Charges :		
	<u>Qty/Price</u>	
<u>Colonial Acres/Docket 18-1007</u>		
2/14/2019 Color Photocopies - Valuation Disclosure	524	262.00
	0.50	
2/19/2019 Motion Fee - Motion to Withhold	1	50.00
	50.00	
Subtotal:		[ 312.00]
Total additional charges		\$312.00
Total amount of this bill		\$2,787.00
Previous balance		\$540.00
2/21/2019 Payment - thank you. Check No. 76080		(\$540.00)
Balance due		\$2,787.00

---

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

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

March 13, 2019

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

Invoice # 1071920

In Reference To: City Attorney Retainer Work

Professional Services Rendered Through February 28, 2019

		<u>Hours</u>
	<u>Board of Ethics</u>	
2/1/2019	TSW Multiple correspondence to and from City regarding adjourning and rescheduling Board of Ethics meeting	0.30
2/4/2019	TSW Continued legal research regarding First Amendment issues in Board of Ethics assignment	1.00
	TSW Receipt/review correspondence from City regarding adjournment of Board of Ethics meeting and additional information	0.20
2/7/2019	TSW Continued research regarding First Amendment, type of possible claims, immunity, protected speech, obscenity, indecent speech; Preparation of letter to Board of Ethics regarding same	2.70
	TSW Summarize relevant First Amendment case law	0.80
	TSW Legal research regarding conduct sufficient to deter or chill person of ordinary firmness	1.60

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

			<u>Hours</u>
2/8/2019	TSW	Continued legal research for correspondence to Board of Ethics on impact of First Amendment	2.20
	TSW	Continued preparation of correspondence to Board of Ethics regarding impact of First Amendment	1.50
2/9/2019	TSW	Review of materials provided to Board of Ethics	1.00
	TSW	Continued drafting letter to Board of Ethics regarding impact of First Amendment	1.90
2/10/2019	TSW	Continued legal research regarding First Amendment and impact on matter under review	1.70
	TSW	Continued drafting letter to Board of Ethics regarding impact of First Amendment	0.60
2/11/2019	TSW	Continued preparation of correspondence to Board of Ethics regarding impact of First Amendment	3.00
	TSW	Continued research of regarding penalty for violation of ethics code	1.50
2/12/2019	TSW	Receipt/review correspondence from and telephone conference with City Manager regarding Board of Ethics materials	0.40
	TSW	Continued preparation of correspondence to Board of Ethics regarding First Amendment issues	2.00
	TSW	Review of materials for Board of Ethics consideration; Review and revise proposed findings for source citations	1.30
	TSW	Correspondence to City Manager regarding status and materials for Board consideration	0.50
	MJZ	Edit/revise memorandum to Board of Ethics regarding First Amendment issues	0.60

			<u>Hours</u>
2/13/2019	TSW	Telephone conference with City Manager regarding upcoming Board of Ethics meeting and related issues	0.50
	TSW	Correspondence to Board of Ethics regarding discipline options	1.00
2/14/2019	TSW	Begin review of draft findings and revisions to findings and identifying source materials	1.40
2/16/2019	TSW	Continued review of draft findings and revisions to findings and identifying source materials	1.70
	TSW	Correspondence to Board of Ethics Chair regarding revised draft findings	0.10
2/19/2019	TSW	Multiple telephone conferences with City Manager regarding upcoming Board of Ethics meeting and related issues - attendance by Council members, proposed findings and recommendation, County Prosecutor decision	0.60
	TSW	Review of Council minutes regarding referral to Board of Eithics; Review of Council minutes regarding Council Member Richards' apology	0.60
	TSW	Continued preparation for Board of Ethics meeting and review findings and source materials	1.60
	TSW	Preparation of Board of Ethics meeting; Review attorney client privileged letters to Board of Ethics; Review Open Meetings Act	1.10
	TSW	Attend Board of Ethics meeting	1.90
2/20/2019	TSW	Review of notes from Board of Ethics meeting and Board of Ethics findings and conclusion	0.50
	TSW	Attention to issues relating to Council consideration of Board of Ethics conclusion including materials packet, procedures, legal issues, Open Meetings Act issues, attorney-client privilege issues	1.00



			<u>Hours</u>
2/20/2019	TSW	Telephone conference with and correspondence to and from City Manager regarding Board of Ethics issues and update for Council	0.60
	TSW	Legal research regarding issues relating to Council consideration of Board of Ethics conclusion	0.60
SUBTOTAL:			<hr/> [ 38.00 ]
<u>City Council</u>			
2/7/2019	TSW	Receipt/review of Council agenda and packet	0.10
2/11/2019	TSW	Review of Council agenda and packet; Review ordinance amendments and Road Commission documents	0.40
	TSW	Attend Council meeting	1.70
2/21/2019	TSW	Receipt/review of Council agenda and packet	0.10
2/23/2019	TSW	Review of Agenda, packet and minutes of 2/11/19	0.40
2/25/2019	TSW	Attend Council meeting	0.50
SUBTOTAL:			<hr/> [ 3.20 ]
<u>District Court Prosecutions</u>			
2/4/2019	EKS	Review files in preparation for 2/5/19 prosecutions	0.50
2/5/2019	EKS	Prosecute morning docket	2.00

			<u>Hours</u>
2/5/2019	EKS	Receipt/review of Judge Reeds' updated 2/5/19 docket	0.20
	CDS	Receipt/review of Judges Bondy, Law and Reeds' 2/12/19 dockets	0.20
	CDS	Telephone conference with client, J. Tomanek ([REDACTED])	0.20
2/7/2019	CDS	Receipt/review of Judge Bondy and Law's 2/12/19 docket	0.20
2/11/2019	CDS	Review files for 2/12/19 docket	0.30
2/12/2019	CDS	Prosecute morning docket	3.50
2/13/2019	CDS	Review Incident Report for Witness List ([REDACTED])	0.20
2/14/2019	CDS	Preparation of Subpoenas to Officers, victim and witness ([REDACTED])	0.30
2/15/2019	CDS	Telephone conference with client, J. Tomanek ([REDACTED])	0.20
2/18/2019	CDS	Review of files for 2/19/19 docket	0.50
	CDS	Telephone conference with client, C. Sederlund ([REDACTED])	0.20
2/19/2019	CDS	Receipt/review of Notice to Appear ([REDACTED])	0.20
	CDS	Receipt/review of Notice to Appear ([REDACTED])	0.20
	CDS	Telephone conference with client, J. Tomanek ([REDACTED])	0.20

			<u>Hours</u>
2/19/2019	CDS	Prosecute morning docket	2.00
2/20/2019	CDS	Receipt/review of Judge Bondy' 2/26/19 docket	0.20
2/21/2019	CDS	Receipt/review of Appearance ( [REDACTED] )	0.20
2/25/2019	CDS	Receipt/review of Judge Bondy's updated 2/26/19 docket	0.20
2/26/2019	CDS	Receipt/review of Notice to Appear ( [REDACTED] )	0.20
	CDS	Receipt/review of Judges Law and Reeds' updated 3/5/19 dockets	0.20
	CDS	Telephone conference with client, J. Tomanek ( [REDACTED] )	0.20
	CDS	Prosecute morning docket	3.00
2/27/2019	CDS	Receipt/review of Judges Law and Reeds' 3/5/19 dockets	0.20
SUBTOTAL:			<hr/> [ 15.50 ]

General City Attorney Work

2/1/2019	TSW	Legal research for Board of Ethics assignment regarding legislative and qualified immunity	2.30
	TSW	Receipt/review correspondence from Building Department regarding downtown building inspections	0.20
2/4/2019	TSW	Receipt/review correspondence from City Manager regarding utility billing; Review Ordinances relating to utility billing	0.50

		<u>Hours</u>
2/4/2019	TSW Receipt/review correspondence from City Manager regarding status of Council agenda matters	0.20
2/5/2019	TSW Continued review of Road Commission easements for Dixboro paving project; Telephone conference with J. Benedict at Road Commission regarding paving project details	1.00
	TSW Review of correspondence from City Manager regarding Road Commission request for Section 4(f) clearance letter; Research regarding clearance letter; Telephone conference with K. Siegel at Road Commission environmental division regarding Section 4(f) letter	0.60
	TSW Receipt/review correspondence from K. Siegel at Road Commission regarding Section 4(f); Research regarding section 4(f) of Transportation Act and Federal Highway Administration implementation	1.00
	TSW Edit/revise Section 4(f) clearance letter; Correspondence to and from K. Siegel regarding revised Section 4(f) letter	0.70
	TSW Review of proposed phone service purchase and service agreements for Water Department and Department of Public Works	0.50
	TSW Telephone conference with and correspondence to and from J Allen at CTI regarding phone service agreements	0.30
	TSW Telephone conference with City Manager regarding phone service agreements	0.10
	TSW Legal research regarding utility billing question	1.00
	TSW Correspondence to City Manager regarding utility billing question	0.30
2/6/2019	TSW Correspondence to City Manager regarding review of Road Commission easements and license	0.50

			<u>Hours</u>
2/6/2019	TSW	Preparation of Agenda Note for Road Commission easements and license for Dixboro Road paving project	0.50
	TSW	Telephone conference with City Manager regarding agenda items, Road Commission issues, utility billing, phone equipment and service agreements	0.40
	TSW	Correspondence to and from City Manager regarding Section 4(f) letter to Road Commission	0.10
	TSW	Multiple correspondence to City Manager regarding Council agenda items	0.30
2/7/2019	TSW	Receipt/review correspondence from City Manager regarding bidding documents for sale of property and review and research regarding bidding documents; Correspondence to City Manager regarding bid documents	1.00
	TSW	Receipt/review of multiple correspondence from J. Allen at CTI regarding telephone equipment leases agreements and options and service agreements	0.40
	TSW	Multiple correspondence to and from Clerk regarding Volunteer Park purchase	0.40
	TSW	Correspondence to and from Road Commission Environmental Division regarding Section 4(f) letter	0.20
2/10/2019	TSW	Continued review of CTI and NEC telephone equipment lease and service agreement; Correspondence to City Manager regarding review of agreements	0.60
	TSW	Review of sample holiday decoration license agreement	0.40
2/13/2019	TSW	Continued preparation of correspondence to City Manager regarding review of CTI phone equipment and service agreements	0.60
2/20/2019	TSW	Receipt/review correspondence from Police Chief and research regarding deaf child road sign	0.40

			<u>Hours</u>
2/21/2019	TSW	Receipt/review of multiple correspondence from City Manager regarding miscellaneous issues	0.20
	TSW	Correspondence to Police Chief regarding traffic signs	0.10
2/22/2019	TSW	Telephone conference with Mayor regarding issues relating to Council consideration of Board of Ethics conclusion	0.30
2/25/2019	TSW	Correspondence to and from City Manager regarding phone equipment lease and service agreements	0.30
2/26/2019	TSW	Telephone conference regarding downtown building; Correspondence to and from attorney for building owner	0.20
2/27/2019	TSW	Review of existing and past Huron Valley Ambulance agreements and changes to agreement with other surrounding communities	1.20
2/28/2019	TSW	Continued review of City's agreement with Huron Valley Ambulance	0.50
SUBTOTAL:			<hr/> [ 17.30 ]
<u>Ordinance Amendment</u>			
2/6/2019	TSW	Review of ordinance amendment to adopt 2015 IFC	0.10
			No Charge
	TSW	Review and update ordinance amendment and agenda note to limit use of fireworks; Correspondence to City Manager regarding same	0.50
SUBTOTAL:			<hr/> [ 0.60 ]

			<u>Hours</u>	
<u>Thomasville Site Condo</u>				
2/1/2019	TSW	Review previous draft of Planned Development Agreement and Phase 1 Preliminary Site Plan for details and drafting of future cross access easement and revisions to planned development agreement	0.90	
2/6/2019	TSW	Continued revisions to Declaration of Cross Access Easement	0.60	
2/10/2019	TSW	Continued review and revision of declaration of cross access easement and Planned Development Agreement	0.40	
2/22/2019	TSW	Receipt/review correspondence from L. Cavaliere regarding owner authorization letter	0.10	
2/26/2019	TSW	Correspondence to and from L. Cavaliere regarding authorization from property owner	0.50	
2/27/2019	TSW	Receipt/review correspondence from Planning Consultant regarding outstanding site plan items	0.10	No Charge
SUBTOTAL:			[ 2.60 ]	
				<u>Amount</u>
For professional services rendered			77.20	\$10,400.00

Additional charges:

			<u>Qty/Price</u>	
<u>Board of Ethics</u>				
2/19/2019	Photocopies - Board of Ethics Findings & Recommendation		21 \$0.20	\$4.20
SUBTOTAL:			[ \$4.20 ]	

	<u>Amount</u>
Total costs	\$4.20
Previous balance	\$10,705.00
2/21/2019 Payment - thank you. Check No. 76080	(\$10,705.00)
Balance due	<u>\$10,404.20</u>

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

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



# AGENDA NOTE

Consent Agenda /

**MEETING DATE:** April 8, 2019

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

**AGENDA TOPIC:** Use of Volunteer Park for Easter Egg Scramble

**EXPLANATION OF TOPIC:** We have received a request from the Kiwanis Club of South Lyon to use Volunteer Park on Saturday April 20, 2019 from 10:30 am to 1:30 pm for its annual Easter Egg Scramble

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Letter of Request from Kiwanis Club of South Lyon, Hold Harmless Agreement, Certificate of Insurance.

**POSSIBLE COURSES OF ACTION:** Approve or not approve the granting of the use of Volunteer Park.

**RECOMMENDATION:** Approve the request.

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to approve the request of the Kiwanis Club of South Lyon to use Volunteer Park for the Easter Egg Scramble on April 20, 2019 from 10:30am to 1:30 pm.

# Kiwanis Club of South Lyon, Mich., Inc.



P.O. Box 235  
South Lyon, MI 48178  
"On Chief Pontiacs' Trail"  
"We Build"

April 1, 2019

Hon. City Council  
c/o Paul Zelenak  
City Manager  
South Lyon City Council  
335 S. Warren Street  
South Lyon, Michigan 48178

## **Re: Kiwanis Use of Volunteer Park**

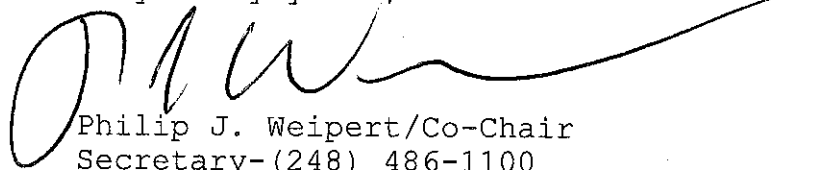
Dear Paul and the Honorable City Council,

The South Lyon Kiwanis is requesting the use of the Volunteer Park grounds for the purpose of holding its annual Easter Egg scramble.

The scramble will take place on **Saturday April 20th, 2019** from appx. **10:30 a.m. through 1:30 p.m.** with the actual scramble starting at **12:00 o'clock-noon**. This will be a community event with appx. 14,000 eggs being distributed to children of all ages. Displays by the South Lyon Police & Fire Departments along with the Lyon Township Fire and emergency vehicles and the Sheriff's department will also be provided.

I have attached a copy of the required insurance Certificate naming the City as an additional insured along with your required hold harmless agreement. If you have any questions regarding this or any other matter, please feel free to call me.

Very truly yours,



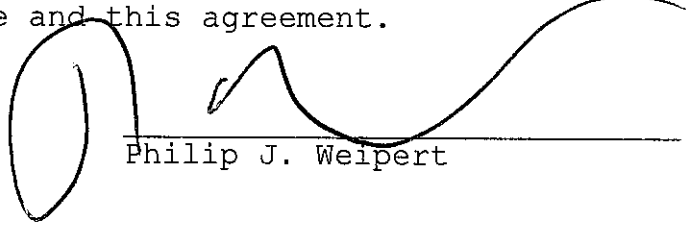
Philip J. Weipert/Co-Chair  
Secretary-(248) 486-1100

PJW:jj  
Enclosures  
cc: Abe Ayoub/Co-Chair

# HOLD HARMLESS AGREEMENT

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

3/30/19



Philip J. Weipert



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/21/2019

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

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

PRODUCER Hylant - Indianapolis 10401 North Meridian St, Ste 200 Indianapolis IN 46290	CONTACT NAME: Lisa Christenson PHONE (A/C, No, Ext): 317-817-5172 FAX (A/C, No): 317-817-5151 E-MAIL ADDRESS: kiwaniscert@hylant.com
INSURED KIWAN03 Kiwanis International, All Clubs and Their Members 3636 Woodview Trace Indianapolis IN 46268	INSURER(S) AFFORDING COVERAGE INSURER A : Lexington Insurance Company INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :
	NAIC # 19437

## COVERAGES

CERTIFICATE NUMBER: 330464859

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		013136005	11/1/2018	11/1/2019	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 Liquor Liability \$1,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			013136005	11/1/2018	11/1/2019	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Self-Insured Retention			013136005	11/1/2018	11/1/2019	All Claims \$75,000

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

The Certificate Holder and others as defined in the written agreement are additional insured subject to the terms, conditions, and exclusions on the policy with respect to the General Liability only regarding the following Kiwanis event (setup, take down & rain date(s) during the policy term are included).

April 15th thru 22nd, 2019 or any future date(s) during the policy term.  
Easter Egg Stuffing and Easter Egg Scramble  
Located @ City of South Lyon - Volunteer Park  
Kiwanis Club of South Lyon

## CERTIFICATE HOLDER

## CANCELLATION

City of South Lyon, its elected and appointed officials, officers, employees and volunteers  
Attn: Paul Zelenak - City Manager  
335 S. Warren  
Souty Lyon, MI 48178

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

AUTHORIZED REPRESENTATIVE

Judy K. Wilson

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## ENDORSEMENT

This endorsement, effective 12:01 AM 11/01/2018

Forms a part of policy no.: 013136005

Issued to: KIWANIS INTERNATIONAL, INC.

By: LEXINGTON INSURANCE COMPANY

### ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

(Based on CG 2026 04/13)

This endorsement modifies insurance provided by the following:

#### COMMERCIAL GENERAL LIABILITY POLICY

#### SCHEDULE

##### Name of Additional Insured Person(s) or Organization(s)

City of South Lyon, its elected and appointed officials, officers, employees and volunteers  
Attn: Paul Zelenak - City Manager  
335 S. Warren  
Souty Lyon,, MI 48178

Information required to complete this Schedule, if not shown above, will be shown in the Declarations

**A. Section II - Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

**B. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:**

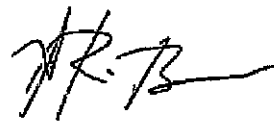
If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;  
whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations

All other terms and conditions of the policy remain the same.



Authorized Representative

# AGENDA NOTE

Old Business # 1

**MEETING DATE:** April 8, 2019

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

**AGENDA TOPIC:** Second Reading of Wireless Facilities in Public Rights-of-Way Ordinance

**EXPLANATION OF TOPIC:** Recently adopted Federal and State legislation generally require local municipalities to approve requests to install antennas and related wireless facilities, utility poles and other support structures within the public rights-of-way subject to some exceptions and limitations. The Federal and State laws regarding these wireless facilities are complicated, and they are inconsistent with one another.

We recommend adopting an ordinance to regulate various aspects of these wireless facilities that will be constructed and/or installed in the City's rights-of-way. The proposed ordinance also attempts to reconcile the differences between the Federal and State laws. Generally, the ordinance proposes to regulate wireless facilities in the public rights-of-way in the same manner as other infrastructure within the right-of-way which will require applications for permits, required submissions with applications, compliance with safety protection standards and aesthetic, spacing and underground standards, and other permit terms and conditions similar to METRO Act permits. There are also fee requirements, annual payments depending on the type and height of the wireless facility or supporting structure, and bonding requirements.

The Federal and State law also impose time deadlines, or "shot-clocks," requiring the City to approve or deny an application.

The ordinance also addresses issues relating to collocation of wireless facilities and to use of existing poles or structures versus replacing or installing new ones.

Because of the timing, there is also a proposed Resolution to Establish Standards for Wireless Facilities and Other Infrastructure Installations in Public Rights-of-way which can be adopted prior to the April 14, 2019 deadline.

Based on the Council discussion and comments at the first reading on March 25, 2019 the proposed ordinance has been revised to address and strengthen the aesthetic, location, and spacing standards. The revisions are shown in blackline.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Wireless Facilities in Public Rights-of-Way Ordinance – revised

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

**RECOMMENDATION:** Approve second reading

**SUGGESTED MOTION:** Motion by \_\_\_\_\_ and supported by \_\_\_\_\_ to approve the second reading of the Wireless Facilities in Public Rights-of-Way Ordinance amending Chapter 87 of the City of South Lyon Code of Ordinances to reorganize existing sections 87-1 through 87-21 as Article I, and to add Article II, Sections 87-51 through 87-68.

**ORDINANCE NO. \_\_\_\_-19**

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

**AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 87 – TELECOMMUNICATIONS TO REORGANIZE EXISTING SECTIONS 87-1 THROUGH 87-21 TO CREATE ARTICLE I - RIGHTS-OF-WAY OVERSIGHT, AND TO ADD A NEW ARTICLE II – WIRELESS FACILITIES IN RIGHTS-OF-WAY, TO ESTABLISH REQUIREMENTS, STANDARDS, AND REGULATIONS FOR ACCESS TO AND USE OF PUBLIC RIGHTS-OF-WAY FOR WIRELESS FACILITIES THAT ARE NOT TELECOMMUNICATION FACILITIES UNDER ARTICLE I OF CHAPTER 87.**

**THE CITY OF SOUTH LYON ORDAINS:**

**PART I. Amendment of Chapter 87 to Reorganize Existing Sections 87-1 Through 87-21 to Create Article I – Rights-of-Way Oversight.** Chapter 87 – Telecommunications, of the Code of Ordinances of the City of South Lyon, is hereby amended to reorganize Sections 87-1 through 87-21 to create a new “Article I – Rights-of-Way Oversight” which shall include existing Sections 87-1 through 87-21 unchanged.

**PART II. Amendment of Chapter 87 to Add a New Article II – Wireless Facilities in Rights-of-Way.** Chapter 87 – Telecommunications, of the Code of Ordinances of the City of South Lyon, is hereby amended to add Article a new Article II – Wireless Facilities in Rights-of-Way, to read as follows:

**ARTICLE II. – WIRELESS FACILITIES IN RIGHTS-OF-WAY**

**Sec. 87-51. – Purpose.**

This article is adopted in response to new and differing State and Federal regulations, including Michigan Public Act No. 365 of 2018 (MCL 460.1301 – 460.1339), 47 USC 1455, Rules adopted by the Federal Communications Commission (FCC) as 47 CFR 1.40001 (now 47 CFR 1.6100) and 47 CFR 1.6001 – 1.6003, and the FCC’s Declaratory Ruling and Third Report and Order in FCC 18-133, that infringe on the city’s constitutional and proprietary rights and interests in its public right-of-way and the reasonable control thereof under Article VII, Section 29 of the Michigan Constitution of 1963, the city charter, and other applicable laws, which would allow the city to require public right-of-way users to obtain a franchise or permit from the city. Without waiving those city rights, this article is adopted for the purpose of complying with those State and Federal regulations by providing for and regulating access to and ongoing use of, public rights-of-way for wireless facilities that are not considered to be telecommunications facilities covered by the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) (“Act”), and permits applied for and issued under that Act and article I of this chapter.



## **Sec. 87-52. – Definitions.**

As used in this article, the following words and phrases shall have the indicated meanings:

Applicant means a wireless provider that applies for a permit or approval for wireless facilities, a wireless support structure, or utility pole in a public right-of-way.

Collocation or collocate means to place, replace, modify, mount, or install wireless facilities on or adjacent to a wireless support structure or utility pole, but does not include make-ready work or the installation of a new wireless support structure or utility pole.

Eligible facilities request means a request for modification of a lawfully existing wireless tower or lawfully existing wireless base station in a public right-of-way that involves collocation, removal, or replacement of wireless facilities that will not substantially change the physical dimensions of the wireless tower or based station support structure, with wireless tower, wireless base station, and substantial change defined in Section 87-59.

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

Public right-of-way means the area on, above, or below a public roadway, highway, street, alley, bridge, sidewalk, or utility easement dedicated for compatible uses, whether owned or controlled by, or under the jurisdiction of, the city or county, state, or federal government but does not include a private right-of-way, limited access highway, land owned or controlled by a railroad, and railroad infrastructure.

Small wireless facility means a wireless facility that meets each of the following requirements:

- (a) Each antenna is enclosed or would fit within an enclosure of not more than 6 cubic feet in volume.
- (b) All other wireless facilities associated with all antennas at a single location are not more than 28 cubic feet in volume, with electric meters, telecommunications demarcation boxes, grounding equipment, power transfer and cut-off switches, vertical cable runs, and concealment elements required by the city excluded from that calculation.

Utility pole means a pole or similar structure other than a wireless support structure, that is or may be fully or partially used for cable or wireline communications, electric distribution, lighting, traffic control, signage if the pole is at least 15 feet in height above ground level, or a similar function, or that is designed to support small wireless facilities.

Wireless facility or facilities means equipment and components at a fixed location that enables or facilitates the provision of wireless services, including antennas, transmitters,

receivers, coaxial or fiber-optic cable, equipment shelters or cabinets, power supplies, comparable equipment, and miscellaneous hardware, but excluding structures or improvements on, under, or within which the equipment is collocated, telecommunication facilities as defined in section 87-3, and a wireline backhaul facility.

Wireless provider means a person or entity that provides wireless services and a person or entity that builds or wireless facilities or support structures for a disclosed provider of wireless services.

Wireless service means a wireless communication service that is permitted or authorized by the Federal Communications Commission, which includes but is broader than personal wireless services as defined in 47 USC § 332.

Wireless service provider means a person or entity that provides wireless services.

Wireless support structure means a freestanding structure designed to support or capable of supporting small wireless facilities, but does not include a utility pole.

**Sec. 87-53. - Required permits and approvals to be applied for and complied with.**

(a) Wireless facilities, wireless support structures, and utility poles shall not be installed, used, operated, or maintained in a public right-of-way without complying with the applicable regulations in this article and first obtaining and thereafter complying with the terms and conditions of all of the following permits or approvals to be applied for from the indicated city department or division:

(1) A Right-of-Way Permit from the Department of Public Works to be applied for, reviewed, and issued or denied under Article II of Chapter 82 of the Code and the standards and regulations in this article.

(2) Required building, electrical, and other construction code permits from the Building Department to be applied for, reviewed, and issued or denied under Article II of Chapter 18 of the Code.

(3) Any approvals or permits required through the Department of Planning and Zoning to be applied for, reviewed, and issued or denied under the Zoning Ordinance in Chapter 102 of the Code.

(b) A permit or approval shall not be required and fees or rates shall not be payable for:

(1) Replacement of a small wireless facility with a small wireless facility that is not larger or heavier and complies with applicable codes.

(2) Routine maintenance of small wireless facilities, wireless support structures, or utility poles.

(3) The installation, placement, maintenance, operation, or replacement of a micro wireless facility that is suspended on cables strung between utility poles or wireless support structures in compliance with applicable codes.

(c) Any construction code and Zoning Ordinance permits or approvals for wireless facilities, wireless support structures, or utility poles shall be conditioned on the issuance of and compliance with the Right-of-Way construction or engineering permit and permit conditions for those facilities, support structures, or utility poles.

(d) The time period for the city to act on a wireless provider permit or approval application for wireless facilities, support structures, or utility poles under this article shall not commence until the city has complete applications for all of the required city permit or approvals listed in subsection (a) for those wireless facilities, support structures, and utility poles.

(e) In addition to city permits and approvals, any required permits from other governmental entities that also have an ownership, control, or jurisdictional interest in the public right-of-way must be obtained prior to construction, and thereafter complied with. Obtaining a permit for wireless facilities, wireless support structures, or utility poles from another governmental entity who share the public right-of-way with the city does not relieve a wireless provider from the need to comply with the standards in this article and the city reserves the right to require that a Right-of-Way Permit under this article and Article II in Chapter 82 of the Code be applied for, obtained, and complied with.

(f) To the extent applicable and allowed under existing franchises, permits, and applicable law, the permit requirements under this article shall apply to all new installations in the public right-of-way by electric and gas public utilities, incumbent or competitive local exchange carriers, fiber providers, and cable television video services providers.

#### **Sec. 87-54. - Types of wireless facilities and applicable standards.**

(a) The following types of wireless facilities, support structures, and utility poles in the public right-of-way are addressed and subject to the application, review, and other standards and regulations in the indicated section of this article:

(1) Section 87-58 for collocation of a small wireless facility on an existing wireless support structure or utility pole.

(2) Section 87-59 for collocation of a small wireless facility on a new or replacement wireless support structure or utility pole.

(3) Section 87-60 for eligible facilities requests.

(4) Section 87-61 for collocation of wireless facilities other than small wireless facilities and eligible facilities requests.

(5) Section 87-62 for replacement and new wireless support structures or utility poles not involving small wireless facilities or eligible facilities requests.

(b) An application for a permit or approval required under this article shall conspicuously identify the type of wireless facilities proposed and the ordinance section(s), as listed in subsection (a), the applicant believes to be applicable.

**Sec. 87-55. - Permit applications for Right-of-Way Construction or Engineering Permit.**

(a) Applications for a Right-of-Way Permit under Article II of Chapter 82 of the Code and the standards and regulations in this article shall be filed with the Department of Public Works and shall include plans for the proposed wireless facilities, wireless support structures, and utility poles in a quantity, form, size, and scale required by the City's applicable Engineering Design Standards and applicable ordinances, with the Department of Public Works allowed to waive or relax a standard to the extent it is not applicable or necessary for review of the application. The plans shall include a cover sheet with the project name, wireless provider applicant name and contact information, a general location map and sheet index, and detailed scaled location and elevation drawings for each site for which the permit is requested that show, describe, and include the following:

- (1) The sides of and specific locations on named streets, with geographic information system (GIS) coordinates.
- (2) The location and edges of the public right-of-way and portion used for vehicular travel, and the location and dimensions of existing above-ground structures, utilities, sidewalks, driveways, buildings, signs, traffic lights and signs, poles, curbs, buildings, utility cabinets, utility pole guy wires, shelters, benches, storm drains, wireless support structures, utility poles, other improvements, and trees within 75 feet of the proposed location.
- (3) Existing below ground structures including but not limited to water, sanitary sewer, storm sewer, electric, gas, cable, communication lines, and conduit.
- (4) Information necessary to demonstrate compliance with the public, utility, and traffic safety and protection standards in section 87-56.
- (5) Information necessary to demonstrate compliance with the aesthetic, spacing, and undergrounding standards in section 87-57.
- (6) Information necessary to demonstrate compliance with the applicable standards for the type of wireless facilities, support structure, or utility poles for which approval is requested under sections 87-58 through 87-62.

(b) In addition to identification of the type of proposed wireless facility and applicable ordinance section as required in section 87-54(b) and the plans described in subsection (a), applications shall include:

- (1) Certified documentation that each proposed wireless support structure or utility pole can structurally accommodate the proposed wireless facilities and

documentation of its ability to accommodate the proposed and any future wireless facilities.

(2) Manufacturer, model number, height, width, depth, weight, and volume in cubic feet of all proposed wireless facilities individually and collectively, specifically including the total cubic feet of each antenna and the total cubic feet of all other wireless facilities.

(3) The identity of the wireless provider applying for the permit and the owners of and wireless providers that will use the wireless facilities, wireless support structures, and utility poles for which the permit is requested, and for each of those entities the following:

- (i) Legal and any assumed names, and resident agent name, if any.
- (ii) Local, mailing, and registered office addresses.
- (iii) Name, title, and authority of signatory for that entity.
- (iv) Contact person name, address, phone numbers and email address.

(4) Documentation that the owner of the proposed wireless facilities, wireless support structures, and utility poles has approved what is disclosed in the plans for the requested permit.

(5) A written certification by the applicant that the wireless facilities for which the permit is requested will be operational within one (1) year after permit issuance.

(6) A certificate of compliance with FCC rules related to radio frequency emissions from the proposed wireless facilities.

(7) Copies of any required permits from other governmental entities that also have an ownership, control, or jurisdictional interest in the public right-of-way or documentation that those permits have been properly applied for.

(8) Documentation of the date when complete applications for construction code permits and any required Zoning Ordinance permits or approvals were or will be made.

(9) Identification of contractors who will be working in the public right-of-way and contact persons and information for those contractors.

(10) A construction schedule indicating the period of time for the work from commencement to completion and restoration of all public right-of-way disturbed by the work.

(11) A traffic control plan for when work is being performed in the public right-of-way.

(12) Photo simulations of existing and proposed conditions.

(13) A video recording of the location showing the staging and work areas where construction machinery will be driven or positioned off the traveled roadway.

(14) Documentation of the applicant's ability to provide any required bond under section 87-65.

(15) Payment of any application, review, or processing fee established by resolution of the city council under section 87-66.

(16) For applications that would involve exceeding the height limits under Public Act No. 365 of 2018, to the height limits allowed by 47 CFR 16.001 - 16.003, a statement of whether the applicant agrees to pay the annual recurring fees recognized as presumptively valid under the Declaratory Ruling and Order in FCC 18-133.

(c) An application may be for up to 20 collocations by the applicant of substantially similar small wireless facilities for placement on similar types of wireless support structures or utility poles.

**Sec. 87-56. - Public, utility, traffic, and pedestrian safety protection standards.**

(a) Wireless facilities, wireless support structures, utility poles, and any related equipment shall be designed, installed, used, and maintained in compliance with the following standards that are intended to avoid material interference with the safe operation of traffic equipment, sight lines and clear vision areas, Americans with Disabilities Act (ADA) compliance regarding pedestrian access or movement, and the maintenance and full unobstructed use of public utility and drainage infrastructure:

(1) Shall have a separation distance of at least five (5) feet from a sidewalk and the back of a curb, or if there is no curb, from the edge of the improved public right-of-way improved used for motor vehicle travel.

(2) Shall have a separation distance of at least five (5) feet from the edge of any driveway and not be positioned to obstruct the ability to view traffic on the road from a vehicle exiting a driveway.

(3) Shall be located outside the corner clearance area under the Zoning Ordinance and comply with any other traffic safety clear vision standard under any city or other governmental ordinance, code, standard, rule, or regulation.

(4) Shall not cause a physical or visual obstruction or safety hazard to pedestrian or vehicular traffic.

(5) Shall comply with any setback, separation, or isolation distance requirement from existing or planned public utilities and lawful structures in the public right-of-way under any city ordinance, code, or design standards.

(6) The lowest part of wireless facilities shall be located at a height that is at least ten (10') feet above existing grade or higher as necessary to not pose a

hazard or obstruction to persons or vehicles and to provide sufficient separation distance from power lines and similar facilities.

(7) Wireless support structures and utility poles shall not have more collocated wireless facilities than the structure or pole is designed and constructed to safely accommodate as documented by a certified structural analysis.

(8) Construction and traffic control during construction shall be in accordance with the Michigan Manual of Uniform Traffic Control Devices, Michigan Vehicle Code, and the directives of the city public safety department.

(9) Shall not interfere or prevent compliance with ADA standards regarding pedestrian access and movement.

(10) Shall comply with all conditions of any required permits from other governmental entities.

~~(10)~~(11) Wireless facilities shall be designed to be resistant to unauthorized access, climbing, vandalism and other activities that result in hazardous situations, in reception of communications or attracted nuisances.

(b) To provide compliance with one or more of the standards in subsection (a), the city may require that a proposed collocation involving a new or replacement utility pole be moved by up to 75 feet for collocation on a designated existing wireless support structure or utility pole or to a designated location for the new or replacement utility pole. The applicant may request a waiver of this requirement by demonstrating in writing that the applicant cannot secure the right to comply with the city's requirement on reasonable terms and conditions and that compliance imposes unreasonable technical problems or significant additional costs.

(c) An applicant may request a waiver or modification of one or more of the standards in subsection (a) by demonstrating in writing that compliance will prevent a disclosed wireless service provider that would be using the proposed wireless facilities, support structure, or utility pole, from providing personal wireless services in violation of 47 USC § 332.

**Sec. 87-57. - Aesthetic, location, spacing, and undergrounding standards.**

(a) Wireless facilities, wireless support structures, utility poles, and any related equipment shall be designed, installed, used, and maintained in compliance with the following standards that are intended to conceal such facilities, structures, and poles to the extent technically feasible in an effort to avoid or remedy the tangible and intangible public harm of installations in the public right-of-way that are unsightly, out-of-character with the surrounding area, or could result in the direct or indirect removal of trees and other aesthetically desirable features and appearances:

(1) Shall be strictly limited to the location and what is shown on the approved plans.

(2) The City disfavors exterior mounted wireless facilities and equipment, including antennas, brackets, wires, cables, conduit, and the City prefers that

wireless facilities be installed internal to the wireless support structure or utility pole such as a monopole or smart pole unless technically infeasible. See illustrations.

~~(2)(3)~~ Wireless facilities shall be treated and colored to be visually compatible with the wireless support structure or utility pole they are collocated on or associated with by painting or other coating. ~~For existing wood utility poles, a finish color of conduit that is zinc, aluminum, or stainless steel is considered visually compatible.~~

~~(3)(4)~~ Wireless facilities shall be compatible in scale and proportion to the structure or pole upon which they are to be attached, using the smallest and least intrusive technology available, with the diameter of top mounted antennas to not exceed twice the diameter of the top of the structure or pole.

~~(5)~~ Antennas shall be top mounted and aligned with the centerline of wireless support structures or utility poles, or side mounted with the vertical centerline of the antenna parallel with the support structure or utility pole. There must be a smooth transition between the support structure or pole and the antenna and related equipment or attachments.

~~(4)(6)~~ All antenna mounts shall be designed so as not to preclude possible future co-location by the same or other service providers, operators or carriers.

~~(5)(7)~~ If not installed internal to the support structure or pole, which is preferred, ~~A~~all cables and wires shall be placed in conduit or otherwise properly secured and concealed on the wireless support structure or utility pole.

~~(6)(8)~~ No more than three (3) antennas may be collocated on a support structure or utility ~~utility~~ pole and only if that number of antennas can be designed and accommodated in a manner that complies with all requirements of this section.

~~(7)(9)~~ Existing trees in the public right-of-way shall not be removed or trimmed to facilitate the installation, use, or maintenance of wireless facilities.

~~(8)(10)~~ Wireless facilities, support structures, and utility poles shall not be located within the drip line (critical root zone) of an existing tree in or adjoining the public right-of-way.

~~(9)(11)~~ Ground mounted wireless facilities, including equipment cabinets and enclosures, shall be located as close as legal and technically feasible to the wireless support structure or utility pole they are associated with.

~~(10)(12)~~ Ground mounted wireless facilities or associated equipment such as , including equipment cabinets and enclosures, shall be installed underground unless technically or physically infeasible, and if permitted to be installed above-ground such equipment shall be camouflaged and concealed to the maximum extent technically feasible by matching color and materials to existing above-ground structures, landscaping, and placement to take advantage of concealment



provided by the proposed structure or pole, existing landscaping, or above-ground improvements.

~~(11)~~(13) Externally installed wireless facilities shall not project more than two (2) feet from any side of the utility pole or wireless support structure upon which they are collocated.

~~(12)~~(14) Wireless facilities shall not be illuminated unless required by law or integral to a concealment design such as appearance as or on a street light pole.

~~(13)~~(15) New and replacement utility poles shall be located in alignment with existing utility poles on either side.

(16) New and replacement utility poles shall be located equidistance from existing utility poles on either side.

~~(14)~~(17) All new and replacement support structures and poles shall be of monopole or smart pole design and construction capable of containing and housing the wireless facilities and associated equipment within the structure or pole unless the City Manager approves an alternative design. All conduit, wires, cable, fiber and other hardware shall be located internal to the structure or pole. Disguising, camouflaging, or stealthing structures or poles is encouraged.

~~(15)~~(18) New and replacement support structures and utility poles shall be made of the same material and have the same visual appearance as the existing utility poles on either side. If those existing utility poles are different, the new or replacement pole shall be metal or fiber if either existing pole is of that material and shall otherwise be the same material as the newer of the existing poles and shall be of a monopole design capable of containing the wireless facilities and associated equipment, conduit, wires inside the structure or pole.

~~(16)~~(19) Unless a greater height is approved under this article as required by state or federal law, wireless support structures and utility poles shall not be taller than the existing utility poles on either side.

~~(17)~~(20) In a public right-of-way abutting residentially used or zoned property, new wireless facilities, wireless support structures, and utility poles shall only be located in line with a side lot line.

~~(18)~~(21) New wireless facilities shall not be collocated on an existing wireless support structure or utility pole that is directly in front of an existing residential dwelling or that is along the frontage of a property containing a building of historic significance under federal, state, or other laws.

~~(19)~~(22) New wireless facilities, wireless support structures, and utility poles shall not be located in front of an existing residential or commercial structure.

~~(20)~~(23) In a public right-of-way abutting residentially used or zoned property, wireless facilities that require a cooling system shall use a passive

system, or if a motorized system is technologically required, shall use a system and fan with the lowest available noise level.

~~(21)~~(24) Except for a label containing the name and emergency contact telephone number for the wireless provider responsible for the wireless facilities and wireless support structure or utility pole, information that identifies them and their location, and any information required to be displayed by state or federal law, no signage shall be allowed, with all manufacturer decals that are not needed for safety reasons to be removed or painted over.

~~(22)~~(25) Regardless of the number of antennas that are collocated on a utility pole or wireless support structure, the other wireless facilities associated with those antennas shall not exceed 28 cubic feet in volume.

(26) Collocations on and replacement or new utility poles or wireless support structures in a public right-of-way that has been specifically designated or identified by ordinance or city council resolution for a program of improvement, redevelopment, beautification, regulation, or other planning goals, shall be subject to city review and approval of the design, appearance, and method and height of attachment to assure consistency, compatibility, and uniformity with the standards, objectives, installations and streetscape appearance planned for that public right-of-way under the program.

(27) Wireless facilities shall not be located in the public right-of-way of a designated Natural Beauty Road or Street under MCL 324.35701 through MCL 324.35706.

(28) Wireless facilities are prohibited on downtown decorative light poles.

(29) New wireless support structures and utility poles shall not be installed or located on Lake Street and Lafayette Street within the South Lyon Downtown Development Authority District boundaries.

(30) Location Preferences. The most desirable location for new wireless facilities is collocation on existing support structures and utility poles. All wireless facilities shall be sited to avoid or minimize land use conflicts in compliance with the following standards:

- (i) Preferred Locations. The following list of preferred locations for wireless facilities is in order of preference from most to least preferred: Industrial, non-DDA business and commercial areas, nd office zoning districts, public or quasi-public.
- (ii) Less Preferred Locations. The following less preferred locations are listed in order of preference from most to least preferred: Parks or open space, DDA business and commercial areas, Lake and Lafayette Streets, residential zoning districts.

(31) Avoid Residential and DDA Areas. New support structures and utility poles shall not be located within residential areas (right of way bordered by property zoned R-1A, R-1, R-2, or R-3) and the City of South Lyon Downtown Development Authority District unless sufficient technical and other information is provided to demonstrate to the satisfaction of the City Manager that location in such areas is appropriate, subject to the following findings:

- (i) The location of the proposed facility site is essential to meet the service demands of the carrier and no other alternative co-location, existing development or utility facility site, or type of support structure is feasible. This shall be documented by the applicant providing a list of the locations of preferred technically feasible sites, the good faith efforts and measures taken by the applicant to secure these preferred sites, and the specific reasons why these efforts and measures were unsuccessful.
- (ii) The use of a new support structure, tower, or utility pole for the proposed facility by itself or in combination with other existing, approved, and proposed facilities will avoid or minimize adverse effects related to land use compatibility, visual resources, and public safety.

~~(23)~~

(b) To provide compliance with one or more of the standards in subsection (a), the city may require that a proposed collocation involving a new or replacement utility pole be moved by up to 75 feet for collocation on a designated existing wireless support structure or utility pole or to a designated location for the new or replacement utility pole. The applicant may request a waiver of this requirement by demonstrating in writing that the applicant cannot secure the right to comply with the city's requirement on reasonable terms and conditions and that compliance imposes unreasonable technical problems or significant additional costs.

(c) Above ground wireless facilities and support structures and utility poles shall not be allowed in an area designated by the city council solely for underground or buried cable and utility facilities if all of the following apply:

(1) The city has required all cable and utility facilities, other than city, street light, and traffic signal poles and attachments, to be placed underground by a date that is not less than 90 days before the submission of the application.

(2) The city does not prohibit the replacement of city poles by a wireless provider in the designated area.

(d) An applicant may request a waiver or modification of one or more of the standards in subsections (a) and (c) by demonstrating in writing that compliance will prevent a disclosed wireless service provider that would be using the proposed wireless facilities, support structure, or utility pole, from providing personal wireless services in violation of 47 USC § 332.

(e) To the extent applicable and allowed under existing franchises, permits, and applicable law, the permit requirements under this article shall apply to all new installations in the public right-of-way by electric and gas public utilities, incumbent or competitive local exchange carriers, fiber providers, and cable television video services providers.

**Sec. 87-57. - Collocation of small wireless facilities on existing structures and poles.**

(a) This section applies to the collocation of small wireless facilities on existing wireless support structures or utility poles.

(b) For collocations where the applicant wants the annual rate limited to what is allowed by MCL 460.1313, wireless facilities shall not extend more than five (5) feet above the height of the wireless support structure or utility pole they are collocated on.

(c) If the applicant has agreed to pay the annual recurring fee recognized as presumptively valid under the Declaratory Ruling and Order in FCC 18-133, subject to compliance with subsection (b), the collocation shall not result in a height that exceeds the greater of the following overall heights of the structure or pole and collocated wireless facilities:

- (1) 50 feet.
- (2) A height that is 10% more than the height of the existing structure or pole.
- (3) A height that is 10% more than the height of immediately adjacent wireless support structures or utility poles in the public right-of-way.

(d) Subject to the possible time adjustments in MCL 460.1315 and 47 CFR 1.6003 that are included in the Shot Clock Appendix to this article, the city shall approve or deny an application for a permit under this section within 60 days of all applications for the requested facilities being submitted and complete.

(e) A permit application under this section may only be denied for reasons listed in section 87-63(b).

**Sec. 87-59. - Collocation of small wireless facilities on replacement/new structures and poles.**

(a) This section applies to the collocation of small wireless facilities on new or replacement wireless support structures or utility poles.

(b) For collocations where the applicant wants the annual rate limited to what is allowed by MCL 460.1313, wireless facilities shall not extend more than five (5) feet above the height of the wireless support structure or utility pole and the new or replacement wireless support structure or utility pole used for collocation shall not exceed 40 feet in height above ground level.

(c) If the applicant has agreed to pay the annual recurring fee recognized as presumptively valid under the Declaratory Ruling and Order in FCC 18-133, the collocation shall not result in a height that exceeds the greater of the following overall heights of the new or replacement structure or pole and collocated wireless facilities:

- (1) 50 feet.

(2) For a replacement structure or pole, a height that is 10% more than the height of the structure or pole being replaced.

(3) A height that is 10% more than the height of immediately adjacent wireless support structures or utility poles in the public right-of-way.

(d) Subject to the possible time adjustments in MCL 460.1315 and 47 CFR 1.6003 that are included in the Shot Clock Appendix to this article, the city shall approve or deny an application for a permit under this section within 90 days of all applications for the requested facilities being submitted and complete.

(e) A permit application under this section may only be denied for reasons listed in section 87-63(b).

**Sec. 87-60. - Eligible facilities requests.**

(a) This section applies to eligible facilities requests as defined in section 87-52.

(b) For purposes of this section:

(1) Wireless tower means a structure in a public right-of-way, the sole or primary purpose of which is to support antennas and associated wireless equipment for the provision of wireless services.

(2) Wireless base station means equipment or a structure (other than a wireless tower), that at the time of the application supports or houses wireless facilities at a fixed location that enables wireless service between user equipment and a communications network.

(c) An eligible facilities request application shall include the documents, plans, specifications, and statements necessary to establish that:

(1) The wireless tower or base station is existing.

(2) The wireless tower or base station to be modified is in compliance with all applicable city, state, and other local zoning, siting, and regulatory reviews, permits, and approvals.

(3) Modification is limited to collocation, removal or replacement of wireless equipment.

(4) There will be no "substantial change" to the wireless tower or base station.

(d) For purposes of this section substantial change means any of the following:

(1) Increasing the height over the height approved as of February 22, 2012, by more than 10% or more than 10 feet, whichever is greater.

(2) Adding wireless facilities that would protrude from the edge of the structure by more than six (6) feet.

(3) The installation of new ground equipment cabinets if there are no pre-existing ground cabinets.

(4) If there are existing ground equipment cabinets, the installation of ground cabinets that are 10% larger in height or overall volume than the existing cabinets.

(5) Excavation or deployment outside the perimeter of the area occupied by the wireless tower or base station and existing wireless facilities.

(6) A modification that does not comply with prior approval conditions for the wireless support structure or base station unless the noncompliance is limited to a modification that would not be a substantial change under the above standards in subsections (1) through (5).

(7) A modification that would defeat or be incompatible or inconsistent with existing elements of a wireless tower or base station designed to conceal or minimize its appearance as a wireless tower or base station.

(e) Subject to the possible time adjustments under 47 CFR 1.6100 that is included in the Shot Clock Appendix to this article, the city shall approve or deny an application for a permit under this section within 60 days of all applications for the requested facilities being submitted and complete.

**Sec. 87-61. - Collocation of wireless facilities other than small wireless facilities and eligible facilities requests.**

(a) This section applies to the collocation of wireless facilities that are not described in sections 87-58, 87-59, or 87-60.

(b) Collocations shall comply with all standards in sections 87-56 and 87-57.

(c) For collocations where the applicant wants the annual rate limited to what is allowed by MCL 460.1313, wireless facilities shall not extend more than five (5) feet above the height of the wireless support structure or utility pole they are collocated on.

(d) If the applicant has agreed to pay the annual recurring fee recognized as presumptively valid under the Declaratory Ruling and Order in FCC 18-133, subject to compliance with subsection (c) and the applicant's demonstration that a disclosed wireless provider will be prohibited from providing personal wireless services without the increased height, the collocation shall not result in a height that exceeds the greater of the following overall heights of the structure or pole and collocated wireless facilities:

(1) 50 feet.

(2) A height that is 10% more than the height of the existing structure or pole.

(3) A height that is 10% more than the height of immediately adjacent wireless support structures or utility poles in the public right-of-way.

(e) Subject to the possible time adjustments in MCL 460.1315 and 47 CFR 1.6003 that are included in the Shot Clock Appendix to this article, the city shall approve or deny an application for a permit under this section within 90 days of all applications for the requested facilities being submitted and complete.

**Sec. 87-62. - Replacement and new wireless support structures and utility poles not involving small wireless facilities or eligible facilities requests.**

(a) This section applies to the new and replacement wireless support structures and utility poles not involving collocation of wireless facilities under sections 87-58, 87-59, or 87-60.

(b) Wireless support structures and utility poles shall comply with all standards in sections 87-56 and 87-57.

(c) For wireless support structures and utility poles where the applicant wants the annual rate limited to what is allowed by MCL 460.1313, the height shall not exceed 40 feet above ground level and wireless facilities shall not extend more than five (5) feet above the height of the wireless support structure or utility pole.

(d) If the applicant has agreed to pay the annual recurring fee recognized as presumptively valid under the Declaratory Ruling and Order in FCC 18-133, subject to the applicant's demonstration that a disclosed wireless provider will be prohibited from providing personal wireless services without a height greater than in subsection (c), the wireless support structure or utility pole may be increased to a height that does not exceed the greater of the following overall heights of the structure or pole and collocated wireless facilities:

(1) 50 feet.

(2) A height that is 10% more than the height of the existing structure or pole.

(3) A height that is 10% more than the height of immediately adjacent wireless support structures or utility poles in the public right-of-way.

(e) For new and replacement wireless support structures and utility poles under this section, the city may specify and require relocation from what is proposed to a new location in the same general public right-of-way area based on any standard listed in sections 87-56, 87-57, or permit conditions listed in section 87-64(e).

(f) Subject to the possible time adjustments in MCL 460.1315 and 47 CFR 1.6003 that are included in the Shot Clock Appendix to this article, the city shall approve or deny an application for a permit under this section within 150 days of all applications for the requested facilities being submitted and complete.

**Sec. 87-63. - Review and decisions on permit applications.**

(a) Within the time allowed for approval or denial of a permit application, the city shall issue a written notice to the applicant that either denies the requested permit for specified reasons with citations to sections of this article or applicable codes or provides notice that the application has been approved and the requirement for the permit to be issued.

(b) An application under sections 87-58 and 87-59 for wireless facilities, support structures, or utility poles described in and complying with those sections may only be denied if the facilities, structures, or poles would do one or more of the following:

- (1) Materially interfere with the safe operation of traffic control equipment.
- (2) Materially interfere with sight lines or clear zones for transportation or pedestrians.
- (3) Materially interfere with compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, or similar federal, state, or local standards regarding pedestrian access or movement.
- (4) Materially interfere with maintenance or full unobstructed use of public utility infrastructure under the jurisdiction of the city.
- (5) With respect to drainage infrastructure under the jurisdiction of the city or other governmental entity, either of the following:
  - (i) Materially interfere with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed.
  - (ii) Not be located a reasonable distance from the drainage infrastructure to ensure maintenance under the Drain Code of 1956, 1956 PA 40, MCL 280.1 to 280.630, and access to the drainage infrastructure.
- (6) Fail to comply with the one or more spacing standards in sections 87-56 and 87-57 that do not prevent a wireless provider from serving any location.
- (7) Fail to comply with applicable codes.
- (8) Fail to comply with the aesthetic, spacing, or undergrounding standards in section 87-57 in a historic, downtown, or residential district unless such compliance is demonstrated by the applicant to prohibit use of the wireless service provider's technology.
- (9) Fail to meet the aesthetic, spacing, and undergrounding standards in section 87-57 unless such compliance is demonstrated by the applicant to prohibit the provision of personal wireless services.

(c) If an application is denied, the applicant may attempt to cure the reasons for denial by submitting a revised application with amended or supplemental information within 30 days of the denial without payment of an additional application fee. The city shall approve or deny the revised application within 30 days, limiting its review to the reasons for denial, and provide notice of that decision as provided in subsection (a).



(d) Before issuance of a permit, any bond required by section 87-65 shall be provided and the annual fee established by Resolution of the city council for the approved wireless facilities under section 87-66 shall be paid.

**Sec. 87-64. - Permit terms and conditions.**

(a) Repair. Every Right-of-Way Permit issued under Article II in Chapter 82 of the Code and this article shall be considered to include a condition that all wireless providers using the wireless facilities, support structures, or utility poles are responsible for repairing all damage to the public right-of-way caused by the activities of one or more of those providers while occupying, constructing, installing, mounting, maintaining, modifying, operating, or replacing wireless facilities, wireless support structures, or utility poles, and to restore the public right-of-way to the condition that existed prior to the damage. If the wireless providers fail to perform the repairs and restoration within 60 days of the city's written notice to do so, the city may perform the repairs and restoration, with the wireless providers responsible for paying the city its reasonable and documented costs within 30 days of the city's invoice or billing for those costs.

(b) Electricity. Every Right-of-Way Permit issued under Article II in Chapter 82 of the Code and this article shall be considered to include a condition that all wireless providers using the wireless facilities, support structures, or utility poles shall be responsible for arranging and paying for all electricity used for the wireless facilities.

(c) Indemnification. Every Right-of-Way Permit issued under Article II in Chapter 82 of the Code and this article shall be considered to include a condition that all wireless providers using the wireless facilities, support structures, or utility poles shall defend, indemnify, and hold harmless the city and its officers, agents, and employees against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of any wireless facilities, wireless support structures, or utility poles to the extent caused by the applicant, wireless providers using the facilities, structures, or poles, and their contractors, subcontractors, and the officers, employees, or agents of any of these. This obligation does not apply to any liabilities or losses due to or caused by the sole negligence of the city or its officers, agents, or employees.

(d) Insurance. Every Right-of-Way Permit issued under Article II in Chapter 82 of the Code and this article shall be considered to include a condition that all wireless providers using the wireless facilities, support structures, or utility poles obtain insurance naming the city and its officers, agents, and employees as additional insureds against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees in amounts required by the city. A wireless provider may meet all or a portion of the city's insurance coverage and limit requirements by self-insurance. To the extent it self-insures, a wireless provider is not required to name additional insureds under this section. To the extent a wireless provider elects to self-insure, the wireless provider shall provide to the city evidence demonstrating, to the city's satisfaction, the wireless provider's financial ability to meet the city's insurance coverage and limit requirements.

(e) Every Right-of-Way Permit issued under Article II in Chapter 82 of the Code and this article shall be considered to include the following conditions which are based on the substantive terms and conditions of the current unilateral form of permit approved by the Michigan Public Service Commission for use under the Metropolitan Extension

Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended:

- (1) No Burden on Public Right-of-Way. Permittee, its contractors, subcontractors, and the wireless facilities, structures, and poles shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. The Wireless facilities, structures, and poles shall be installed and maintained so as to not endanger or injure persons or property in or about the Public Right-of-Way. If City reasonably determines that any portion of the wireless facilities, structures, and poles constitutes an undue burden or interference, due to changed circumstances, Permittee, at its expense, shall modify the wireless facilities, structures, and poles or take such other actions as City may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. City shall attempt to require all occupants of a pole or conduit whose wireless facilities, structures, and poles are a burden to remove or alleviate the burden concurrently.
- (2) No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permit holder or parties having agreements with City or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to City, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by City in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- (3) Marking. Permittee shall mark the Wireless facilities, structures, and poles in compliance with applicable federal and state law requirements, with each location at which Wireless facilities, structures, and poles are located to have a written sign that is readable from ground level that at a minimum states Permittee's name and a toll-free telephone number to call for assistance, and if Wireless facilities, structures, and poles are underground, a statement that there is buried equipment at the site.
- (4) Installation and Maintenance. The construction and installation of the wireless facilities, structures, and poles shall be performed pursuant to plans approved by City, and together with the maintenance of the wireless facilities, structures, and poles, shall be done in a clean, good, and workmanlike manner. Permittee shall install and maintain the wireless facilities, structures, and poles in a reasonably safe condition, free from workmanship and product defects. Permittee may perform maintenance on the wireless facilities, structures, and poles without prior approval of City, provided that Permittee shall obtain any and all permits required by City in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by City.
- (5) Coordination. Permittee shall coordinate its construction and all other work in the Public Right-of-Way with any City programs or projects Permittee was notified of in the City's review comments on construction permit application.

(6) Compliance with Laws. Permittee shall comply with all governmental laws, statutes, ordinances, rules, resolutions, tariffs, administrative orders, certificates, permits, orders, regulations, and other legal requirements regarding the construction, installation, use, and maintenance of its wireless facilities, structures, and poles, whether federal, state or local, now in force or which hereafter may be promulgated or become effective. Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended.

(7) Street Vacation. If City vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of wireless facilities, structures, and poles in the vacated Public Right-of-Way, Permittee does, as a condition of this Permit, consent to the vacation and remove its Wireless facilities, structures, and poles at its cost and expense when and within the reasonable time ordered by City or a court of competent jurisdiction. If Permittee fails to satisfy this obligation, City may take all reasonable actions it deems necessary to secure timely completion of the required work.

(8) Relocation. If City requests Permittee to relocate, protect, support, disconnect, or remove its wireless facilities, structures, and poles because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its wireless facilities, structures, and poles, at its cost and expense, including where necessary to such alternate location as City and Permittee mutually agree, applying reasonable engineering standards. The work shall be completed within a reasonable time period. If Permittee fails to satisfy this obligation, City may take all reasonable actions it deems necessary to secure timely completion of the required work.

(9) Public Emergency. City shall have the right to sever, disrupt, dig-up or otherwise destroy wireless facilities, structures, and poles of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, City shall attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, and similar events. Permittee shall be responsible for repair at its cost and expense of any of its wireless facilities, structures, and poles damaged pursuant to any such action taken by City.

(10) Miss Dig. If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 174 of the Public Acts of 2013, as amended, MCL § 460.721et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.

(11) Underground Relocation. If Permittee has its wireless facilities on poles of a utility or telecommunications provider and such utility or telecommunications provider relocates its system underground, this Permit shall terminate as to any such pole that is no longer used except by Permittee for its wireless facilities.

Permittee shall remove any such pole described in this subsection at its cost and expense within a reasonable time period specified by the City in a written notice. If Permittee fails to satisfy this obligation, City may take all reasonable actions it deems necessary to secure timely completion of the required work.

(12) Identification. All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

(f) Compliance with permit conditions is required, with a violation of permit conditions being a violation of this article.

#### **Sec. 87-65. - Bond.**

A bond may be required to be posted prior to issuance of a Right-of-Way Permit under Article II in Chapter 82 of the Code and this article in an amount not exceeding \$1,000.00 for each wireless facility at a location to provide for removal of abandoned or improperly maintained facilities, repair and restore the public right-of-way, and recoup rates or fees that have not been paid within 12 months of when they were due. The city may not require the bond to be cash unless the wireless provider has failed to obtain or maintain a required bond in a form other than cash or the surety has defaulted or failed to perform on a bond given on behalf of the wireless provider.

#### **Sec. 87-66. - Fees.**

Application, review, inspection, and recurring annual rates or fees shall be payable to the city in amounts established by city council resolution.

#### **Sec. 87-67. - Shot Clock Appendix.**

The attached Shot Clock Appendix containing MCL 460.1315, 47 CFR 1.6003, and 47 CFR 1.40001 is part of this article.

#### **Sec. 87-68. - Violations.**

A violation of any section in this article or permit condition shall be a municipal civil infraction. Nothing in this section shall be construed to limit the remedies available to the city under a permit or otherwise by law for such violations.

**PART III. Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of South Lyon Code of Ordinances shall remain in full force and effect, amended only as specified above.

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

**PART V. Severability.** Should any division, section, subsection, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

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

Made, passed and adopted by the South Lyon City Council this \_\_\_\_ day of April  
\_\_\_\_\_, 2019.

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

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

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the \_\_\_\_ day of April\_\_\_\_\_, 2019.

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

Adopted:  
Published:  
Effective:

# AGENDA NOTE

New Business #   /  

**MEETING DATE:** April 8, 2019

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

**AGENDA TOPIC:** Resolution Establishing Fees for Wireless Facilities, Wireless Support Structures, and Utility Poles in Public Rights-of-Way

**EXPLANATION OF TOPIC:** With the adoption of the Wireless Facilities in Right of Way Ordinance following the State and Federal laws making the City's rights of way available for the installation and use of wireless facilities and related structures, the City needs to set the fees the law authorizes the City to charge which include permit and annual fees related to those facilities. The State and Federal laws dictate maximums the City can charge for these fees. The fees included in this resolution are based on reasonable estimates of the City's costs for reviewing permits and allowing the wireless facilities and other structures in the right of way.

Note, the State and Federal laws allow wireless facilities and support structures to be different heights – Federal laws allows greater height (approximately 50 feet plus antenna) while the State law allows approximately 40 feet plus antenna, and each provides for a different fee.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Resolution

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

**RECOMMENDATION:** Approve the resolution

**SUGGESTED MOTION:** Motion by \_\_\_\_\_ and supported by \_\_\_\_\_ to approve the Resolution Establishing Fees for Wireless Facilities, Wireless Support Structures, and Utility Poles in Public Rights-of-Way as presented.

**RESOLUTION NO. \_\_\_\_-19**

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

**RESOLUTION ESTABLISHING FEES FOR WIRELESS  
FACILITIES, WIRELESS SUPPORT STRUCTURES, AND  
UTILITY POLES IN PUBLIC RIGHT-OF-WAY**

WHEREAS, on April 8, 2019, the South Lyon City Council adopted an Ordinance to amend the South Lyon Code of Ordinances, Chapter 87, Telecommunications, to re-organize existing sections 87-1 through 87-21 to create Article I, and to add a new Article II - Wireless Facilities in Right-of-Way, to establish requirements, standards, and regulations for access to and use of public right-of-way for wireless facilities that are not telecommunication facilities under Article I of Chapter 87, referred to as the "Ordinance" in this Resolution; and

WHEREAS, the Ordinance requires the payment of permit application, review and inspection fees, and recurring annual fees in amounts established by City Council Resolution; and

WHEREAS, just as the Ordinance was adopted in response to new and differing State and Federal regulations without waiving the City's constitutional and proprietary rights and interests in its public right-of-way, in adopting this Resolution to establish the fees as called for by the Ordinance, the City Council is not waiving those rights and interests in attempting to comply with the directives and guidance provided by those State and Federal regulations; and

WHEREAS, the City does not accept that the maximum annual fees for collocation in a public right-of-way established under Michigan Public Act No. 365 of 2018 ("Act") are fair and reasonable or a reasonable approximation of the City's costs of maintaining, protecting, and managing its public right-of-way, including accurate records of all installations within it, which will only increase with the large number of wireless facilities, wireless support structures, and new and replacement utility pole deployments expected; and

WHEREAS, under the Federal Communications Commission ("FCC") Rules and Declaratory Ruling identified in the Ordinance, the overall height of wireless support structures or utility poles and collocated small wireless facilities required to be approved, and the recurring annual fees recognized as presumptively valid, are each higher than allowed by the Act; and

WHEREAS, the City reasonably approximates that its annual costs of maintaining, protecting, and managing its public right-of-way for each small wireless facility in it will be at least \$270.00; and

WHEREAS, the City has reason to believe that on the March 12, 2019, effective date of the Act, there were collocations of wireless facilities on wireless support structures and utility poles in the public right-of-way that the City has no record of, for which the non-discriminatory annual fee required by the Ordinance and this Resolution should be paid; and

WHEREAS, the City does not accept that the maximum permit application fees established under the Act will cover the City's administrative and possible consultant costs to properly review

and act on each permit application within the varying times allowed by the State and Federal regulations; and

WHEREAS, the City believes that from an administrative efficiency perspective, the use of a single permit application for multiple collocations as allowed by the Act and Ordinance, and encouraged by the FCC Rules and Declaratory Ruling, should be encouraged as a way to help limit the City's costs and provide an incentive approach for undocumented collocations by a wireless provider to be permitted on an after-the-fact basis; and

WHEREAS, although the Ordinance calls for annual fees to be paid prior to permit issuance, for administrative efficiency the City has determined to have all subsequent annual fees by wireless providers payable in advance prior to January 1 of each calendar year, with the amount of the annual fee paid prior to permit issuance to be prorated from the date of payment through the end of the calendar year; and

WHEREAS, although this Resolution has been adopted with the intention of establishing fees consistent and in compliance with differing State and Federal regulations, the City recognizes that there should be a procedure available for wireless providers to challenge or request a waiver or modification of a fee.

**IT IS THEREFORE RESOLVED** that the City Council hereby establishes the following fees to be payable to the City under Article II - Wireless Facilities in Right-of-Way, in Chapter 87, Telecommunications, of the South Lyon Code of Ordinances:

**PERMIT APPLICATION FEES**

<b>New Collocations, Eligible Facilities Requests, and New or Replacement Utility Poles</b>	
Single collocation of small wireless facility on existing structure or utility pole	\$ 200.00
Single collocation of small wireless facility and new or replacement structure or utility pole	\$ 300.00
Eligible Facilities Request	\$ 200.00
Collocation of other than small wireless facility on existing structure or utility pole	\$ 300.00
New and Replacement Utility Poles not involving small wireless facilities	\$ 500.00
Multiple collocations of substantially similar small wireless facilities on similar structure or utility poles by same wireless provider. (*Amount is for each collocation up to 20; fee for 20 collocations would be \$2,000.00)	\$ 100.00*



<b>Collocations in existence on March 11, 2019</b>	
Single collocation of wireless facility on existing structure or utility pole	\$ 200.00
Multiple collocations of substantially similar wireless facilities on similar structures or utility poles by same wireless provider. (*Amount is for each collocation up to 20; fee for 20 collocations would be \$2,000.00)	\$ 100.00*

**ANNUAL FEES FOR EACH WIRELESS FACILITY AT A LOCATION**

Collocations of wireless facilities that existed on March 11, 2019, <b>as documented</b> in City records or by an after-the-fact permit application filed <b>no later than May 31, 2019</b> . (The annual fee for collocations not documented to have existed as required shall be \$125 for collocation on structures or poles not more than 40 feet in height and \$270 for collocation on structures and poles exceeding 40 feet in height)	\$ 20.00
Collocations of small wireless facilities on structures or utility poles not exceeding 40 feet in height that existed on March 11, 2019	\$ 20.00
Collocations of small wireless facilities on structures or utility poles that did not exist on March 11, 2019, and do not exceed 40 feet in height	\$ 125.00
Collocations of small wireless facilities on structures or utility poles that did not exist on March 11, 2019, and that exceed 40 feet in height	\$ 270.00

**IT IS FURTHER RESOLVED** that the annual fees shall be paid in advance on a calendar year basis, with the amount of the annual fee that must be paid prior to permit issuance to be a prorated amount of the annual fee in the above schedule, representing the portion of the year from the date of payment through the end of the calendar year, with all subsequent annual fees payable in advance prior to January 1 of each calendar year.

**IT IS FURTHER RESOLVED** that there shall be no proration of the annual fees to be paid for collocations of wireless facilities that existed on March 11, 2019, and that the first payment of those fees shall be made on or before May 31, 2019.

**IT IS FURTHER RESOLVED** that an administrative late charge equal to 5% of an annual fee that is not paid by the date it is due shall be payable to the City within one month of the due date, and that for each month or portion of a month after that that the annual fee remains delinquent, an additional 1% administrative late charge shall be payable to the City.

**IT IS FURTHER RESOLVED** that a wireless provider directly affected by a fee established by this Resolution may file a written challenge to or request for waiver or modification relief from the fee with the City Clerk for placement on the next available City Council regular meeting Agenda for consideration, with the following procedures and standards to apply:

1. The filing of a challenge or request for relief does not suspend the obligation to pay the fee.

2. A challenge or request for relief must demonstrate that the fee prohibits or has the effect of prohibiting the wireless provider from providing personal wireless services contrary to Federal law, that the fee is discriminatory and not a reasonable approximation of the City's objectively reasonable costs under Federal law, or that the fee is otherwise in violation of State or Federal law.

3. A challenge or request for relief shall identify the Federal and State laws upon which it is based and identify what the wireless provider claims the City must do to bring the fee into compliance with those laws.

4. The City Council shall provide a wireless provider filing a challenge or request for relief with an opportunity to be heard at a City Council meeting, after which the City Council shall make a decision on the challenge or request. The City Council's decision shall be placed in written form, which may be at a meeting subsequent to when the decision was made.

5. In making its decision on a challenge or request for relief from a fee, the City Council shall consider each claim presented by the wireless provider and may consider other factors consistent with the State and Federal laws the City is attempting to comply with or that are based on the City's Charter, Ordinances, and rights and interests in the public right-of-way.

At a regular meeting of the City of South Lyon City Council, a motion was made by Council Member \_\_\_\_\_, supported by Council Member \_\_\_\_\_, to adopt the above resolution.

Ayes:

Nays:

Absent:

RESOLUTION DECLARED [ADOPTED/FAILED].

#### CERTIFICATION

I certify that this resolution was duly adopted by the City Council of the City of South Lyon on \_\_\_\_\_, 2019.

Lisa Deaton  
City Clerk  
South Lyon

# AGENDA NOTE

New Business: Item # 2

**MEETING DATE:** April 8, 2019

**PERSON PLACING ITEM ON AGENDA:** Fire Chief Robert Vogel

**AGENDA TOPIC:** Acceptance of the Michigan Municipal Risk Management Authority grant for a thermal imaging camera.

**EXPLANATION OF TOPIC:** SLFD has received a grant from Michigan Municipal Risk Management Authority for a matching 50% to purchase a thermal imaging camera. Cost of the thermal imaging camera is \$8,529.87; the grant covers \$4,264.93 and the city pays the other \$4,264.93. The new camera is replacing and old camera the fire department currently owns. The camera was going to be replaced is the next budget however this grant will save the South Lyon citizens over \$4,000 dollars.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Grant approval email from State of Michigan Bureau Fire Service, quote from Bullard, and grant application.

**POSSIBLE COURSES OF ACTION:** Approve/do not approve the grant.

**RECOMMENDATION:** Approve the grant from Michigan Municipal Risk Management Authority.

**SUGGESTED MOTION:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to approve the grant from Michigan Municipal Risk Management Authority.



MICHIGAN MUNICIPAL  
RISK MANAGEMENT  
A U T H O R I T Y

March 18, 2019

Robert Vogel  
City of South Lyon  
217 Whipple St  
South Lyon, MI 48178

**RE: Grant Funding – Requirements for Reimbursement**

Dear Mr. Vogel,

I am pleased to inform you that the Risk Avoidance Program (RAP)/Certification and Accreditation Program (CAP) application for your Thermal Imaging Camera project was approved. The Membership Committee authorized 50% funding up to a maximum of \$4,264.93 for your project.

RAP/CAP funds are issued on a reimbursement basis. Payment will be based upon verification received from the City of South Lyon of their payment of the project in full. Please see the attached **RAP/CAP Grant Reimbursement Procedure** for guidelines on processing your grant payment.

Such documentation is needed in order to verify that the grant allotted is being used for the project described in your application. If your application submission contained the above referenced documentation, please contact MMRMA.

Payment of RAP/CAP funds is contingent upon the City of South Lyon remaining a member of MMRMA and in compliance with the Joint Powers Agreement. Your approved grant reimbursement is valid for six months from the date of this letter. **GRANT EXPIRATION: 09/30/2019.**

Sincerely,

Cara Kowal, ARM, CPCU  
Manager of Risk Management Services

CK/sp

cc: Paul Zelenak  
MMRMA Risk Manager

**RISK**

MICHIGAN MUNICIPAL  
RISK MANAGEMENT  
A U T H O R I T Y

**RAP/CAP GRANT REIMBURSEMENT PROCEDURE**

Once RAP/CAP grant funding is approved, the following documents are required for submission to MMRMA in order to process your grant payment:

- ☐ Copies of all invoices associated with the project. Invoices should provide enough detail to allow for verification of purchases to the specific item(s) for which the grant funds were approved.
- ☐ Proof of payment associated with each invoice.
  - ACCEPTABLE PROOFS OF PAYMENT INCLUDE:
    - Check: Copy of Cancelled Check indicating Payer, Payee, and amount paid that can be cross-referenced to detailed invoices.
    - ACH/EFT payment: Copy of processed ACH/EFT payment/receipt indicating Payer, Payee, and amount paid that can be cross-referenced to detailed invoices.
    - Credit Card payment: Copy of credit card statement/receipt indicating Payer, Vendor, and amount paid that can be cross-referenced to detailed invoices.
    - PayPal payment: Copy of PayPal statement/receipt indicating Payer, Vendor, and amount paid that can be cross-referenced to detailed invoices.
    - Vendor Receipt: Receipt must indicate Payer, amount paid, and amount paid that can be cross-referenced to detailed invoices.
  - Proofs of payment must match invoice amounts. If multiple payments to a vendor are included in one check or other form of payment, a financial breakdown/reconciliation of individual amounts included with the payment must be provided.
  - INVOICES STAMPED "PAID," PURCHASE ORDERS, ACCOUNTING SOFTWARE PAYMENT PRINTSCREENS, OR SCREEN SHOTS OF JOURNAL ENTRIES DO NOT CONSTITUTE A PROOF OF PAYMENT.
- ☐ **\*Projects Involving Training\*** In addition to invoices and proofs of payment regarding tuition expenses as indicated above, certificates of completion and test scores (when applicable) must also be submitted.

Such documentation is needed in order to verify that the grant allotted is being used for the project described in your application.

Please send documentation to:

Cara Kowal, Manager of Risk Management Services  
[ckowal@mmrma.org](mailto:ckowal@mmrma.org)  
FAX – 734-513-0318

**RISK**

**MICHIGAN MUNICIPAL  
RISK MANAGEMENT  
AUTHORITY**

## **RISK AVOIDANCE PROGRAM (RAP) CERTIFICATION AND ACCREDITATION PROGRAM (CAP) APPLICATION**

**Project Name:** Thermal Imaging Camera

**Applicant Member/Municipality:** South Lyon

**Department Involved:** South Lyon Fire Department

**Address:** 217 Whipple St. South Lyon, MI 48178

**Project Contact:** Robert Vogel

**Phone:** 248-437-2616

**E-mail:** Firechief@southlyonmi.org

\*MMRMA will email confirmation of receipt and date of application review. If you do not receive this information, please check with MMRMA to ensure your application was received.

**Alternate Contact (If Any):**

**Phone:** 248-437-2616

**E-mail:** mwcir@southlyonmi.org

**MMRMA Member Representative:** Paul Zelenak

**Project Start:** 10/22/2018

**Project End:** 12/20/2018

**Provide a description of project (if necessary attach separate pages):**

A thermal imaging camera (TIC) is a critical multiuse piece of property conservation and lifesaving equipment. It is the best way to perform search and rescue either as a first response engine or as part of a rapid intervention team or the quickest way to locate fire that may be hidden in void spaces, unaccusable attic spaces, behind walls or otherwise not obvious to working firefighters. The use of this tool can cut search times in half allowing firefighters to locate a victim quicker and to prevent unnecessary damage to property while conducting overhaul. Our participation in several mutual aid groups in Oakland County, Livingston County and Washtenaw County we are often called upon to provide a ladder company and rapid intervention crews (RIC) to mutual aid structure fires. The current functions of a ladder company and a RIC team includes search and rescue for both potential victims as a result of a fire and in the event a firefighter needs to be rescued a TIC with the latest technology would offer the added technology that our firefighters need to affect a successful rescue. Ladder companies are also heavily involved in overhaul, this technology would aid in locating hidden fire (hot spots) ultimately providing better property conservation both in our mutual aid districts and within our first due area. We are requesting 50% of the cost to replace an older, outdated, and unreliable TIC that is currently carried on our ladder truck so while we service our own citizens or assist an outside agency we have the capabilities necessary to affect a rescue or extinguish a fire more efficiently than our current capabilities allow.



MICHIGAN MUNICIPAL  
RISK MANAGEMENT  
A U T H O R I T Y

**Identify the risk exposure that is to be mitigated and provide additional data (loss runs, claims, incident reports, other) to document the problem.**

South Lyon Fire Department protects 11,741 citizens living in 3.5 square miles with 100% paid on call staff. Due to the socioeconomics of the city, structure fires are often a rare occurrence. This means that firefighters rely more on training and equipment than experience. The thermal imaging camera is a vital piece of equipment that can take minutes off the amount of time it takes a firefighter to locate a victim resulting in a rescue versus a recovery and saves property resulting in a lower dollar amount lost due to damage from fire and the actions necessary to locate fire caused by firefighters. SLFD has one thermal imaging camera that is over 10 years old and prone to problems. It shows the location of any heat at all or absolutely no heat. Its only useful ability is to find hot spots in a wall during an electrical odor investigation. Once there has been a fire, large areas of the walls show " hot " simply from reflected heat from the fire. This was never more true than at a chimney fire in our city. Following the extinguishment of the fire, the wall showed " hot " on our old TIC, in the area where the fire had been located. It was determined that there was reflected heat coming from the chimney liner. Without the ability to determine the degree of heat, it was logical to assume the fire was out. As it turns out, a defect in the flue allowed fire to spread to a wall joist where it smoldered for hours before reigniting the house causing the loss of half the roof and master bedroom. If we were to obtain newer model thermal imagers, we would have been able to distinguish true hidden fire from reflected heat.

**What are the project goals and plan of action to resolve the risk exposure?**

The South Lyon Fire Department is looking to increase victim survivability and to lower the dollar amount loss caused to our citizens and mutual aid communities from fire by adding to it's inventory a new thermal imaging camera. Once this critical piece of equipment is added to our ladder truck, we will be better equipped to meet these goals.



MICHIGAN MUNICIPAL  
RISK MANAGEMENT  
A U T H O R I T Y

**Does the plan duplicate or incorporate previous attempts to solve the problem? (If yes, please explain.)**

The South Lyon Fire Department trains all of its firefighters on the proper use and implementation of thermal imagers including the associated limitations. While the department does have newer TIC on the front line engines, our ladder truck is in need of a new camera, Due to the unpredictable nature of the paid on call model, we are forced to keep those newer cameras on our engines leaving our ladder truck with the outdated model.

**If benefits of the project will aid or involve other departments, members or organizations, please describe (Letters of support are encouraged; please attach.):**

If South Lyon Fire Department is awarded the monies to aid in purchase of a new TIC our bordering jurisdictions would most certainly reap the benefits of this vital equipment. Our ladder truck is frequently the first piece requested and sent to a mutual aid as several of our mutual aid partners do not have a ladder truck in their fleet. Green Oak Twp, Lyon Twp, Salem Twp, and Northfield Twp are all bordering jurisdictions that South Lyon frequently responds with.





MICHIGAN MUNICIPAL  
RISK MANAGEMENT  
A U T H O R I T Y

**List other departments, organizations, or MMRMA members involved (if any):**

No other departments or organizations are involved.

**Additional Information:**

The Bullard T3X Thermal imager with Powerhouse bundle(\$7,465.00), T3X Electronic Thermal Throttle (\$999.00) and T3 Series Retractable Strap Kit(\$74.87) comes to a total of \$8,529.87. Shipping is paid for by the manufacturer

**RISK**

MICHIGAN MUNICIPAL  
RISK MANAGEMENT  
AUTHORITY

## **RAP & CAP GRANT BUDGET WORKSHEET**

**Total Project Cost: \$ 8,529.87**

**Other sources contributing funds: (Please list below)**

Organization:

Amount:

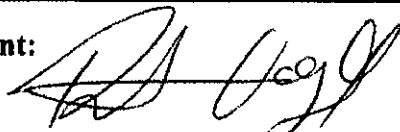
**Total from other source: \$ \$0.00**

(include grant money from other organizations)

**RAP FUNDS REQUESTED: \$4264.93**

1. Supporting documentation including quotes, bids, invoices, meeting minutes, or other information further supporting the budget **MUST** be attached.
2. Large project funding requests should include an itemized list of budget expenses that cross-reference supporting attachments.
3. MMRMA requires at least 50% contribution by the member municipality (not including funds received from other sources such as community foundations and other grants).

**Signature of applicant:**



**Date:**

10-30-2018

**Print Name (Member Representative):** Paul Zelenak

**Title:** City Manager

**Signature (Member Representative):**



**Date:** 10-30-18

**Submit completed applications to:** Cara Kowal, Manager of RM Services

Email: [ckowal@mmrma.org](mailto:ckowal@mmrma.org)

Fax: 734-513-0318

Mail: 14001 Merriman Road  
Livonia, MI 48154

**1898 Safety Way, Cynthia, KY 41031 Ph: 877-285-5273 Fax: 859-234-6858**

**SALES QUOTE**

**Bills To:**

South Lyon Fire department  
South Lyon, MI

**Ship To:**

**South Lyon Fire department**  
**South Lyon, MI**

**Quote Number**

### Datos

**Effective Date :** 10/23/2018  
**Expiration Date :** 11/23/2018

[illegible]

**Quote Prepared By Mark Jellon**

**Cell** **312-550-4823**

**E-mail** [mark.jellon@bulldand.com](mailto:mark.jellon@bulldand.com)

**Fax**

**All Product Will Be Shipped Via Bulfinch's Standard Ground Parcel Shipping Method.**  
**Bulfinch Pays Shipping On All Orders Over \$2,500.00 NE Value That Are Shipping Withing The Continental US (Excludes APO & FPO Addresses)**

**Freight: FOB Cynthiana, KY Unless Order Meets Free Freight Requirements Explained Above**  
**Delivery: 3-4 Weeks**

**Payment Terms Are: NET 30 Days On Approved Credit Or Payment In**

# AGENDA NOTE

New Business: Item # 3

**MEETING DATE:** April 8, 2019

**PERSON PLACING ITEM ON AGENDA:** Fire Chief Robert Vogel

**AGENDA TOPIC:** Budget amendment to move \$4,264.93 from Capital Equipment 335-000-978 to Equipment 335-000-977 to cover the cost of new thermal imaging camera and increase 101-000.000-698.6 \$4265.00.

**EXPLANATION OF TOPIC:** SLFD has received a grant from Michigan Municipal Risk Management Authority for a matching 50% to purchase a thermal imaging camera. Cost of the thermal imaging camera is \$8,529.87; the grant covers \$4,264.93 and the city pays the other \$4,264.93. The new camera is replacing and old camera the fire department currently owns. The camera was going to be replaced is the next budget however this grant will save the South Lyon citizens over \$4,000 dollars.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

**POSSIBLE COURSES OF ACTION:** Approve/do not approve the budget amendment request.

**RECOMMENDATION:** Approve budget amendment to move \$4,264.93 from Capital Equipment 335-000-978 to Equipment 335-000-977 to cover the cost of new thermal imaging camera and increase 101-000.000-698.6 \$4265.00.

**SUGGESTED MOTION:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to approve budget amendment to move \$4,264.93 from Capital Equipment 335-000-978 to Equipment 335-000-977 to cover the cost of new thermal imaging camera and increase 101-000.000-698.6 \$4265.00.

101 GENERAL FUND REVENUES								
Amended 04/08/2019								
Revenue	Description	Audited 2016-2017	Proposed 2017-2018	Amended 2017-2018	Proposed 2018-2019	Amended 2018-2019	Proposed 2019-2020	Proposed 2020-2021
	<b>TAXES</b>							
402	Current Property Tax (11.2)	3,406,237	3,782,216	3,782,216	4,127,644	4,127,644	4,047,633	4,128,585
423	Mobile Home Park	1,067	920	920	1,100	1,100	1,100	1,150
444	Service fee in lieu of taxes	617			500	500	500	500
446	Penalties and interest	9,378	9,500	9,500	9,600	9,600	9,600	9,600
	<b>Total</b>	<b>3,417,299</b>	<b>3,792,636</b>	<b>3,792,636</b>	<b>4,138,844</b>	<b>4,138,844</b>	<b>4,058,833</b>	<b>4,139,835</b>
	<b>LICENSES &amp; PERMITS</b>							
451	Building Permits	220,000	150,000	150,000	175,000	175,000	180,000	170,000
452	Plumbing and Mechanical Permits	30,324	35,000	35,000	33,000	33,000	33,000	30,000
453	Electrical Permits	31,918	14,500	14,500	28,000	28,000	28,000	20,000
454	Licenses & Business Permits	6,157	4,000	4,000	3,000	3,000	3,000	3,000
	<b>Total</b>	<b>288,399</b>	<b>203,500</b>	<b>203,500</b>	<b>239,000</b>	<b>239,000</b>	<b>244,000</b>	<b>223,000</b>
	<b>INTERGOVERNMENTAL REVENUES</b>							
570	State Shared Revenues	957,600	954,016	954,016	1,001,177	1,001,177	1,016,195	1,031,438
570-1	State Shared Rev-Comm. Stabilization	139,398			119,000	119,000	119,000	119,000
571	Federal Grant							
	<b>Total</b>	<b>1,096,998</b>	<b>954,016</b>	<b>954,016</b>	<b>1,120,177</b>	<b>1,120,177</b>	<b>1,135,195</b>	<b>1,150,438</b>
	<b>CHARGES FOR SERVICES</b>							
630	Property Tax Admin Fees	94,283	93,000	93,000	95,000	95,000	96,000	97,000
634	Grave Openings & Foundations	45,349	35,000	35,000	37,000	37,000	37,000	37,000
635	W & S Administration							
668.4	Property Rentals	9,144	8,800	8,800	8,800	8,801	8,800	8,800
668-3	Lease-Antenna	40,304	45,000	45,000	42,000	42,000	42,000	42000
668-2	Property Rental-Cable	154,381	150,000	150,000	140,000	140,000	140,000	140000
	<b>Total</b>	<b>343,461</b>	<b>331,800</b>	<b>331,800</b>	<b>322,800</b>	<b>322,801</b>	<b>323,800</b>	<b>324,800</b>
	<b>FINES &amp; FORFEITURES</b>							
661	Parking Violations	700	750	750	750	750	800	800
662	Local Court Fines	29,322	30,000	30,000	30,000	30,000	30,000	30,000
	<b>Total</b>	<b>30,022</b>	<b>30,750</b>	<b>30,750</b>	<b>30,750</b>	<b>30,750</b>	<b>30,800</b>	<b>30,800</b>
	<b>MISCELLANEOUS REVENUES</b>							
642	Police Miscellaneous	65,398	45,000	45,000	40,000	40,000	40,000	40,000
664	Interest Income	5,933	4,000	4,000	5,500	5,500	5,500	5,500
669-209	Contribution-Perpetual Care				50,000	50,000	50,000	50,000
675.6	Donations to Cultural Arts Comm.	918	1,000	1,000	1,000	1,000	1,000	1,000
676.005	Contribution-Parks&Rec							
694.3	Payment of Sidewalk by Resd.	1,820						
692	Grant Money							
698	Miscellaneous	94,680	130,000	130,000	50,000	50,000	50,000	50,000
	Prior Years Prop Tax				4,500	4,500	4,500	4,500

101-335 GENERAL FUND OPERATION								
FIRE								
Amended 04/08/2019								
Expenditure	Description	Audited 2016-2017	Proposed 2017-2018	Amended 2017-2018	Proposed 2018-2019	Amended 2018-2019	Proposed 2019-2020	Proposed 2020-2021
702	Wages/Salaries	252,818	245,500	245,500	275,000	275,000	280,500	284,708
715-720	Fringe Benefits	27,702	27,800	27,800	31,543	31,543	32,173	32,656
721	Uniforms & Cleaning Allowance	16,056	17,000	17,000	17,000	17,000	17,340	17,600
727	Office Supplies	4,042	5,000	5,000	4,000	4,000	5,100	5,177
740	Operating Expense	10,954	10,000	10,000	10,500	10,500	10,500	10,658
802	Contractual Services	44,532	43,100	43,100	45,000	45,000	45,000	45,675
820	Computers	2,064	2,500	2,500	5,100	5,100	10,000	10,150
830	Memberships & Dues	1,674	5,000	5,000	5,000	5,000	5,100	5,177
851	Radio Maintenance	1,536	2,000	2,000	2,000	2,000	2,040	2,071
853	Telephone	1,801	1,775	1,775	1,900	1,900	1,900	1,929
860	Gas & Oil	8,016	8,200	8,200	8,000	8,000	8,100	8,222
863	Vehicle Maintenance	39,379	23,750	23,750	24,000	24,000	24,480	24,847
880	Community Promotions	1,750	1,500	1,500	1,530	1,530	1,561	1,584
910	Insurance & Bonds	22,317	23,000	23,000	23,000	23,000	23,000	23,345
920	Utilities	8,195	7,905	7,905	8,300	8,300	8,466	8,593
930	Repairs & Maintenance	8,122	4,000	4,000	4,080	4,080	4,162	4,224
931	Building Maintenance	18,948	7,800	7,800	12,500	12,500	12,750	12,941
944	Hydrant Rental	2,500	2,500	2,500	2,500	2,500	2,550	2,588
957	Education/Training	17,614	20,800	20,800	21,216	21,216	21,640	21,965
970	Capital Outlay							
977	Equipment Purchases	10,248	9,000	9,000	12,000	16,265	10,000	10,150
978	Capital Equipment	16,532			126,000	136,607	41,000	41,615
978-1	Transfer to Equipment Fund							
990	Debt-Principal							
995	Debt-Interest							
	<b>TOTAL</b>	<b>516,800</b>	<b>468,130</b>	<b>468,130</b>	<b>640,169</b>	<b>655,041</b>	<b>567,362</b>	<b>575,873</b>
Printed:	4/3/2019							

# AGENDA NOTE

New Business Item # 4

**MEETING DATE:** April 8, 2019

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

**AGENDA TOPIC:** Corner Caffé Liquor License

**EXPLANATION OF TOPIC:** We have received information and a request from the Corner Caffé to obtain the City's last remaining quota Liquor License. They have previously come before City Council regarding their request. They have submitted additional information outlining their planned improvements.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Planned improvement plan for the location and outline. Floor plans. Lease information. Liquor License Ordinance. Inspection reports. Letters of review from our consultants at CIB, and DDA / Economic Development Director, Water/Sewer Department.

**POSSIBLE COURSES OF ACTION:** Approve or not approve the granting of the Liquor License to Corner Caffé.

**RECOMMENDATION:** Conditional Approval, with the Liquor License being transferred after improvements have been made to the leased space.

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to approve the Conditional Approval of the liquor license for the Corner Caffé

**The Corner Caffé'**  
**Business Plan/Timeline**  
**248-437-0686**

**Phase 1(Coffee/sandwich shop only)**

- Purchase business and associated equipment
- Purchase new signs for front of building establishing change in ownership
- Update signage on the side of building with listings of all businesses in the building
- Extend hours to 6:00 am to 9:00 pm
- Add additional equipment to prepare freshly prepared foods, convection ovens, panini machines, add fountain pop and larger ice cream cooler.
- Extend hours to 6:00 am to 9:00 pm
- Purchase free-standing cooler for grab/go foods
- Pull out old landscaping and put fresh flowers in
- Provide canopy/awnings to encourage outdoor seating
- Add additional outdoor lighting in patio area and around windows.
- Provide a "bar type" area looking out windows for customers
- Update seating to include couch/soft seating areas
- Apply for liquor license

Estimated investment \$40,000-\$75,000

Estimated time frame 30-45 days to open and an additional 30 days to complete

**Phase 2 (Open wine bar)**

- Obtain liquor license/open wine bar
- Make required improvements for additional bathroom for A-2 occupancy per Lindhout's recommendations
- Make required improvements by removing former Glazy Days sink
- Add fire suppression requirements
- Move ice cream cooler to the front/South area for more kid-friendly access
- Replace current black formica tables with round cocktail-type tables, provide tablecloths for evening hours
- Develop evening menu with tapas and small desserts
- Develop new drink menu, including wine list and various cocktails
- Start development of kitchen area in the back-storage room.
- Build bar area behind counter
- Replace pottery shelves with wine racks
- Build shelving units to store sellable bottles of wine along with other pieces, ie: spices, jams, gourmet cheeses, olives
- Expand hours until 11:00pm
- Convert basement into storage.
- Replace current food prep area with additional storage space for supplies and minor prepwork
- Replace all older furniture with compliant flame resistant furniture



- Replace outdoor seating area, park benches, add outdoor heating.
- Research use of balcony overlooking downtown for additional outdoor seating.

Estimated investment \$100,000 to \$175,000

Estimated time frame to complete 30-90 days

Total estimated investment over 3 phases \$140,000 to \$250,000

Ultimately, I would love to own the building and make improvements to it as well. We are in early discussions about the purchase now.

---

**The Corner Caffe'**  
**Proposed Menu**  
**248-437-0686**

Our mission is to provide a unique menu of wine selections, signature cocktails, small plates and desserts. We want to provide a quieter atmosphere to enjoy an evening glass of wine or after-dinner drink and dessert. Our focus is to embrace the historic atmosphere of the building and of our town.

**Small plates:**

Cherry tomato, fresh basil and baby mozzarella skewers

Wild mushroom with warm brie toasts

Belgian endive salad with goat cheese

Watermelon feta mint skewers

Chinese chicken salad mini tacos

Snack boards: cured meats, artisan cheeses, marinated olives with sliced baguettes

**Signature Cocktails:**

Lyon Iced Coffee:

Cold-brew coffee, stout, Irish whiskey, simple syrup, heavy cream

Lafayette Lemonade:

-Whiskey, lemonade, fresh blackberries, rosemary, sugar and tonic water

McHattie Mule:

-Ginger beer, vodka, lime juice

Erwins Spiked Cider:

-Hot apple cider, bourbon, OJ, cloves, anise w/cinnamon stick

**Desserts:**

Assorted Cheesecakes

Carrot cake

Tres leche cake

Hot fudge lava cake

Tiramisu

Sorbet

This is just an idea of what we are brainstorming for serving. It will give you an idea of our vision, we don't want to serve "bar" food nor have a full dinner menu. This would be along with various wines, signature cocktails and beer.



# The Corner Caffe















City of South Lyon  
Liquor License Application

Please answer each question thoroughly. All answers should be typed or printed legibly and neatly in black ink. If the space provided is insufficient for a complete answer, use additional sheets following the same format used in the questionnaire. Failure to provide all required information or attachments could result in delay or denial of liquor license. All Liquor License applications are subject to final approval by the South Lyon City Council.

Name and address of applicant:

Rhonda Bifano

[REDACTED]

South Lyon MI 48178

[REDACTED]

Name and address of business:

The Corner Cafe

101 S. Lafayette

South Lyon MI 48178

248-437-0686

Note: If the applicant is a partnership, you must include the name and address of each partner and attach a copy of the partnership agreement. If the applicant is a privately held corporation, you must include the name and address of each corporate officer, member of the board of directors and/or stockholders. Attach a copy of the articles of incorporation.

Type of liquor license applying for (circle all those that apply):

☒ Class C ~~Resort~~

☐ Tavern Club

☐ Hotel A B

☐ Quota Transfer

☐ Microbrewery/Brewpub

Theme of Proposed Business: Our mission is to provide a unique  
menu of wine selections, signature cocktails, small plates  
and desserts. We want to provide a quieter atmosphere to

enjoy an evening glass of wine or cocktail and dessert. Our focus  
is to embrace the historic atmosphere of the building and  
of our town.

Street address where the liquor license is to be located:

101 S. Lafayette S. Lyon MI 48178

Questionnaire:

What is the applicant's management experience in the alcohol liquor business?

Though the cafe, coffee shop & bar industry is new to me, I have placed a management staff in the cafe with 15 yrs+ experience in the industry.

What is the applicant's general business management experience?

I have owned two businesses in downtown South Lyon for approximately 26 years now. I also own a real estate/rental venture for approximately 9 years now.

What is the applicant's general business reputation?

I would like to say excellent. We have owned an optometric practice in down town South Lyon and have earned the "Peoples Choice" Award several years in a row.

What is the applicant's moral character?

Excellent.

What is the applicant's financial status and ability to build and/or operate the proposed facility on which the proposed liquor license is to be located?

Excellent. I have added my personal financial advisor as a reference and <sup>she</sup> can vouch for my financial status.

What is the applicant's past criminal convictions involving moral turpitude, violence or alcoholic liquors?

NONE

Does the applicant use alcoholic beverages to excess?

NO

What is the effect that the issuance of a license would have upon the economic development of the surrounding area?

I feel the concept of a wine bar / cordials / dessert etc.  
in downtown is filling a void in downtown. I want to  
create a place for dessert or a drink after dinner / movies  
that is not of a "sports bar" venue.

What effect would the issuance of a license have on the health, safety and welfare of the general public?

There would ~~be~~ be no effect on the welfare  
of the general public as we would be ~~abiding~~ abiding  
by all of the health departments requirements.

Has the applicant received responses from the Health Department, Planning Department, Building Department and/or Fire Department with regard to the proposed facility?

NOT yet, pending

What is the public need or convenience for issuance of a liquor license for this facility at the proposed location?

The city currently doesn't have a wine bar or a nicer place for a cocktail in the evening hours. This is new and exciting for our downtown.

What is the uniqueness of the proposed facility when contrasted against other existing or proposed facilities and the compatibility of the proposed facility to surrounding architecture and land use?

This wine bar concept fills a void in South Lyon. We want to create a quieter atmosphere to have an evening cocktail.

Does the facility to which the proposed liquor license is to be issued comply with the applicable building, plumbing, electrical and fire prevention codes and zoning statutes and ordinances applicable in the City?

(Has applicant received information from these departments?)

Yes, pending inspections

What effect will the facility to which the proposed license is to be issued have upon vehicular and pedestrian traffic in the area?

It would not effect traffic, as patrons would park in designated spots or local parking lots as they currently do when visiting the city.

What is the proximity of the proposed business facilities to other similarly situated licensed liquor facilities?

The Lake St. Tavern and the St. Hotel are within walking distance but we plan on having a different feel with a quieter atmosphere.

What is the proximity of the proposed facility to complimentary uses such as office and commercial development?

The proposed facility compliments local businesses and draws them in after closing due to the uniqueness of an up scale wine bar.

What effect would the proposed facility have upon the surrounding neighborhood and/or business establishments, including impacts upon residential areas, church and school districts?

It would draw in a different clientele, that are looking for an up scale environment for an evening cocktail. It would help stabilize the corner offering an evening business instead of closing in the afternoon.

What proposed or actual commitments are being made by the applicant to establish permanency in the community?

The applicant lives and works in the downtown community already.  
What utilities are available to serve the facility?  
All utilities are available... gas, electric, phone, garbage internet and wi-fi for patrons

What other factors should the City consider?

The applicant has been invested in the downtown area for over 20 years and is committed to the community. She wants to bring a unique venue downtown and is willing to invest in something new. She is a successful business owner and wants this corner to thrive. The corner needs more than coffee and ice cream to thrive in the evening hours.

Rhonda 6.18.15  
Signature of Applicant Date

Checklist:

Complete the Michigan Liquor Control Commission Application

✓

Fully complete the City of South Lyon Liquor License Application

✓

Current credit report

✓

Attach a non-refundable application fee of \$500 made payable to the City of South Lyon

✓

Proposed Menu

✓

Any other information pertinent to the applicant and operation of the proposed facility

Liquor License Investigation

Applicant's Full Name (as listed on Driver's License)

Rhonda B. Gano

Address:

[REDACTED]

Home phone:

---

Cell phone:

[REDACTED]

Date of Birth:

9.17.66

Place of Birth:

Lansing, MI

Driver's License No.:

Social Security No.:

[REDACTED]

Have you ever legally changed your Name? Yes If Yes, List the following:

Date:

8.29.92

City/State:

Lansing, MI

Court:

Eaton County

(previously Rhonda Graham)

Employer's Name: \_\_\_\_\_ Business Phone: \_\_\_\_\_

List chronologically all of your residences for the last 10 years:

Dates	Street Address	City	State
June 1992 to present	[REDACTED]		

If multiple applicants/partners, list partners:

N/A

LCC Business/Employment References

Applicant: Rhonda Bifano

List chronologically all employment and business ownerships during the past 10 years, starting with your current employment. Use a separate sheet of paper for additional employment or to further explain reasons for leaving previous employment.

① Current Business/Employment: Bifano Eyecare

Employer's Name:

myself

Phone:

248.446.1146

Supervisor (if applicable): \_\_\_\_\_

Position & Job description: Optometrist / Business owner



Date Hired: 1992 to present Reason for leaving: Still employed

② Previous Business/Employment: L+M Holdings LLC

Employer's Name: myself Phone: 248-568-2922

Supervisor (if applicable): NONE

Position & Job description: owner + land lord

Date Hired: 1999 to Present Reason for leaving: Still employed

③ Previous Business/Employment: Bifono Developments LLC

Employer's Name: myself Phone: 248-568-2922

Supervisor (if applicable): NONE

Position & Job description: owner + land lord

Date Hired: 2009 to Present Reason for leaving: Still employed

Previous Business/Employment: \_\_\_\_\_

Position & Job description:

Date Hired:

to

Reason for leaving:

LCC Personal References

Applicant:

Rhonda Bifano

Full name:

Chris Bifano

Address:

Home phone:

X

Cell phone:

Employer:

Bifano Eyecare  
L+M Holdings

Bus. phone:

248.446.1146

Position/Work phone:

Partner / optometrist / Landlord

Number of years acquainted:

30 yrs

Full name:

Christine Isham

Address:

Home phone:

Cell phone:

Employer: Northern Financial Advisors Bus. phone: 248) 985-1632

Position: President / Co-owner Work phone: Same

Number of years acquainted: 26 years

Full name: Eric Oprisic

Address: [REDACTED]

Home phone: — Cell phone: [REDACTED]

Employer: Dhea Consulting Bus. phone: —

Position: owner Work phone: —

Number of years acquainted: 20 years

**Affidavit**

Applicant: Rhonda Bifano

The Liquor Application, Business/Employment References and Personal References forms provided must be completed in their entirety.

A complete investigation will be conducted by the City of South Lyon Police Department to verify all of the information that you provide in the referenced Liquor Application forms.

Your Criminal History will be obtained and evaluated by the Chief of Police, who will be your contact person for the Liquor Application Process.

Additionally, you must obtain and provide, at your own expense, a copy of your current credit report which is to be submitted with the Liquor Application forms. The three national credit bureaus are Trans Union, Equifax and Experian, which can be accessed at [www.creditreporting.com](http://www.creditreporting.com).

I attest that the facts that I have provide in the Liquor License Application forms are complete and true to the best of my knowledge. I authorize the City of South Lyon Police Department to investigate my personal history as well as my financial and credit records for the purposes of this Application. Additionally, I have read and understand the provisions of the City of South Lyon Statement of Policy on Alcoholic Beverages Licenses.

R. Bigano

4-3-2019

Applicant's Signature

Date

Rhonda Bigano

Printed Name

1. The applicant is The Corner Cafe LLC which is a LLC owned by Rhonda Bifano 11310 Arrowhead, South Lyon MI 48178. (Articles of Organization are attached).
2. The Corner Cafe LLC is applying for a Class C on premise liquor license
3. The address is 101 S. Lafayette, South Lyon MI 48178 and is zoned B2, Central Business
4. Dennis Engerer is the owner of the premises. His address is 215 E Main St, Northville MI 48167 (Lease is attached).
5. See attached business plan
6. See attached plan of operation
7. Rhonda Bifano (owner of The Corner Cafe LLC) has been a downtown South Lyon business owner for over 20 years. She currently has a successful Optometric practice along with 2 additional real estate businesses. She has the knowledge, the personal finances and the history to run a successful wine bar in South Lyon.
8. The required 3 personal references are listed in the application.
9. The Corner Cafe LLC start-up funds are from the owner's personal finances. One of the required references is her personal financial planner that she has worked with for over 25 years and can attest to her financial stability.
10. The applicant has not applied for a liquor license in the past.
11. The Corner Cafe LLC will be managed by Mike Carano and Mike Stanbury who have a history in both the coffee shop and bar/restaurant businesses.
12. The criminal background check is attached.
13. The applicant is not disqualified to receive such a license.
14. There are no liquor license violations for this applicant.
15. The applicant has no violations or restrictions that would disqualify the applicant from receiving the license as described in subsection (f).
16. There is no other pertinent information on the applicant or the establishment that is not covered in this written statement, the city application or the attached documentation.

## COMMERCIAL LEASE

This Lease is made between: DENNIS ENGERER  
herein called Lessor and CORNER CAFE, Rhonda Bifano, herein called lessee.

Lessee hereby offers to lease from the Lessor the premises situated in the City of \_\_\_\_\_  
County of OAKLAND, State of Michigan, described as 101 LAFAYETTE &, upon  
the following TERMS and CONDITIONS:

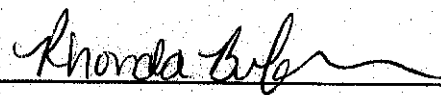
1. **Terms and Rent.** Lessor demises the above premises for a term of 3 years, commencing 1st of MAY 2018  
and terminating on APRIL 31, 2021, or sooner as provided herein at the annual rent of \_\_\_\_\_  
Dollars (\$ \_\_\_\_\_), payable in equal installments in advance on the first day of  
each month's rental, during the term of this lease. All rental payments shall be made to the Lessor, at the address  
specified above. Lessee has first option to renew lease for the next 3 years. \* NOT MORE THAN 3% INCREASE/YEAR
2. **Use.** Lessee shall use and occupy the premises for CAFE/COFFEE SHOP. The premises shall be used  
for no other purpose. Lessor represents that the premises may law-fully be used for such purpose.
3. **Care and Maintenance of Premises.** Lessee acknowledges that the premises are in good order and repair, unless  
otherwise indicated herein. Lessee shall, at his own expense and at all times, maintain premises in good and safe  
condition, including plate glass, electrical wiring, plumbing and heating installations and any other system or  
equipment upon the premises and shall surrender the same, at termination hereof, in as good condition as  
received, normal wear and tear excepted. Lessee shall be responsible for all repairs required, excepting the roof  
and exterior walls, structural foundations,  
and: ALL OTHER STRUCTURES, which shall be maintained by  
Lessor. Lessee shall also be maintain in good condition such portions adjacent to the premises, such as sidewalks,  
driveways, lawns and shrubbery, which would otherwise be required to be maintained by Lessor.
4. **Alterations.** Lessee shall not, without first obtaining the written consent of Lessor, make any alterations, or  
improvements in, to or about the premises.
5. **Ordinances and Statutes.** Lessee shall comply with all statutes, ordinances and requirements of all municipal, state  
and federal authorities now in force, pertaining to the premises, occasioned by or affecting the use of thereof by  
Lessee.
6. **Assignment and Subletting.** Lessee shall not assign this lease or sublet any portion of the premises without prior  
written consent of the Lessor, which shall not be unreasonably withheld. Any such assignment or subletting  
without consent shall be void and, at the option of Lessor, may terminate this lease.
7. **Utilities.** All applications and connections for necessary utility services on the demised premises shall be made in  
the name of the Lessee only, and Lessee shall be solely liable for the utility charges as they become due, including  
those for sewer, water, gas, electricity, and telephone services, Internet, cable or satellites services.  
(\_\_\_\_\_). Garbage
8. **Entry and Inspection.** Lessee shall permit Lessor or Lessor's agents to enter upon the premises at reasonable times  
and upon reasonable notice, for the purpose of inspecting the same, and will permit Lessor at any time within (60)  
days prior to the expiration of this lease, to place upon premises any usual "To Let" or "For Lease" signs, and  
permit persons desiring to lease the same to inspect the premises thereafter.
9. **Possession.** If Lessor is unable to deliver possession of the premises at the commencement hereof, Lessor shall not  
be liable for any damage caused thereby, nor shall this lease void or voidable, but Lessee may terminate this lease  
of possession is not delivered within 60 days of commencement of term hereof.


10. **Indemnification of Lessor.** Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the demised premises or any part thereof, and Lessee agrees to hold Lessor harmless from any claims for damages, no matter how caused.
11. **Insurance.** Lessee, at his/her expense, shall maintain plate glass and public liability insurance including bodily injury and property damage Lessee and Lessor with minimum coverage as follows:  
Lessee shall provide Lessor with a Certificate of Insurance showing Lessor as additional insured. The certificate shall provide for a ten-day written notice to Lessor in the event of cancellation or material change of coverage. To the maximum extent permitted by insurance policies which may be owned by Lessor or Lessee, Lessee and Lessor, for the benefit of each other, waive any all rights of subrogation which otherwise might exist.
12. **Eminent Domain.** If the premises or any part thereof of any other estate therein, or any other part of the building materially affecting Lessee's use of the premises, shall be taken by eminent domain, this lease shall terminate on the date when title vests pursuant to such taking. The rent, and any additional rent, shall be apportioned as the termination date, and rent paid for any period beyond that date shall be repaid to Lessee. Lessee shall not be entitled to any part of the award for such taking or any payment in lieu thereof, but Lessee may file a claim for taking of fixtures and improvements owned by Lessee, and for moving expenses.
13. **Destruction of Premises.** In the event of partial destruction of the premises during term hereof, from any cause, Lessor shall forthwith repair the same, provided that such repairs can be made within sixty (60) days under existing governmental laws and regulations, but such partial destruction shall not terminate this lease, except that Lessee shall be entitled to a proportionate reduction of rent while such repairs are being made, based upon the extent to which the making of such repairs shall interfere with the business of Lessee on the premises. If such repairs cannot be made within said (60) days, Lessor, at his option, may make the same within a reasonable time, this lease continuing effect with the rent proportionately abated foresaid, and in the event that Lessor shall not elect to make such repairs which cannot be made within sixty (60) days, this lease may be terminated at the option of either party. In the event that the building in which the demised premises may be situated is destroyed to an extent of not less than one-third of replacement costs thereof, Lessor may elect to terminate lease whether the demised premises be injured or not. A total destruction of the building in which premises may be situated shall terminate this lease.
14. **Lessor's Remedies on Default.** If Lessee defaults in payment of rent, or any additional rent, or defaults in performance of any of the other covenants or conditions hereof, Lessor may give Lessee notice of such default and if Lessee does not cure any such default within thirty (30) days, after the giving such notice (or if such other default is of such nature that it cannot be completely cures within such period, If Lessee does not commence such curing within such thirty (30) days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Lessor may terminate this lease on not less than \_\_\_\_\_ days' notice Lessee. On the date specified in such notice the term of this lease shall terminate, and Lessee shall then quit and surrender the premises to Lessor, but Lessee shall remain liable as hereinafter provided. If this lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the premises by any lawful means and remove Lessee and other occupants and their effects. No failure to enforce any term shall be deemed a waiver.
15. **Security Deposit.** Lessee shall deposit with Lessor on the signing of this lease the sum of: (One Month Rent and Security deposit, \_\_\_\_\_, Last month rent) Dollars (\$ \_\_\_\_\_) as security for the performance of Lessee's obligations under this lease, including without limitation the surrender of possession of the premises to Lessor as herein provided. If Lessor applies any part of the deposit to cure any default of Lessee, Lessee shall on demand deposit it with Lessor the amount so applied so that Lessor shall have the full deposit on hand at all times during the lease.
16. **Tax Increase.** In the event there is any increase during any year of the term of this lease in the City, County, or State real estate taxes over and above the amount of such taxes assessed for the tax year during which the term of this lease commences, whether because of increased rate or valuation, Lessee shall pay to Lessor upon presentation of paid tax bills an amount equal to sixty six (66%) of the increase in taxes upon the land and building in which leased premises are situated. In event that such taxes are assessed for a tax year extending beyond the

term of lease, the obligation of Lessee shall be proportionate to the portion of the lease term included in such year.

17. **Common Area Expenses.** In the event the demised premises are situated in a shopping center or in a commercial building in which there are common areas, Lessee agrees to pay his pro-rata share of maintenance, taxes, and insurance for the common area.
18. **Attorney's Fees.** In case suit should be brought for recovery of the premises, or for any sum due hereunder, or because of any act which may arise out of possession of the premises, by either party, the prevailing party shall be entitled to all costs incurred in connection with such action, including a reasonable attorney's fee.
19. **Waiver.** No failure of Lessor to enforce any term hereof shall be deemed to be a waiver.
20. **Notices.** Any notice which either party may or is required to give, shall be given by mailing the same, postage prepaid, to Lessee at the premises, or Lessor at the address specified above, or at such other places as may be designated by the parties from time to time.
21. **Heirs, Assigns, Successors.** This lease is binding upon and inures to the benefit of the heirs, assigns and successors in interest to the parties.
22. **Option to Renew.** Provided that Lessee is not in default in the performance of this lease, Lessee shall have the option to renew the lease for additional term of (        ) years commencing at the expiration of the initial lease term. All of the terms and conditions of the lease shall apply during the renewal term except that the monthly rent shall be the sum of \$                     . The option shall be exercised by written notice given to Lessor not less than        days prior to the expiration of the initial lease term. If notice is not given in the manner herein within the time specified, this option shall expire. \*\* Not greater than 3% increase per year.
23. **Subordination.** This lease is and shall be subordinated to all existing and future liens and encumbrances against property.
24. **Radon Gas Disclosure.** As required by law. (Landlord) (Seller) makes the following disclosure: "Radon Gas" is naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in. Additional information regarding radon testing may be obtained from your public health unit.
25. **Entire Agreement.** The foregoing constitutes the entire agreement between the parties and may be modified only by writing signed by both parties. The following Exhibits, if any, have been made a part of this lease before parties' execution hereof:

Signed this Second Day of May 2018 Day of MAY 2018

By   
Lessee

  
Lessor





**Report of Stockholders, Members, or Partners**  
(Authorized by MCL 436.1529(1), R 436.1051, and R 436.1110)

**Part 2c - Limited Partnerships** - Please complete this section and attach more copies of this page if more room is needed.

Name and address of all partners:	Percent % Issued:	Date Issued/Acquired:

Name and address of Managers, pursuant to administrative rule R 436.1111:


**Part 3 - Authorized Signers** (Authorized in compliance with R 436.1109(1)(c) for a corporation or R 436.1110(1)(g) for a limited liability company)

Name & Title:	<u>Rhonda Bifano owner</u>
Name & Title:	
Name & Title:	
Name & Title:	
Name & Title:	

**Part 4 - Signature of Applicant or Licensee**

I certify that the authorized signers under Part 3 of this form have been authorized in compliance with R 436.1109(1)(c) for a corporation or R 436.1110(1)(g) for a limited liability company.

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

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

Rhonda Bifano  
Print Name of Applicant or Licensee & Title

Rhonda Bifano  
Signature of Applicant or Licensee

4-3-19  
Date

Please return this completed form to:  
Michigan Liquor Control Commission  
Mailing address: P.O. Box 30005, Lansing, MI 48909  
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933  
Fax to: 517-763-0059



## Report of Stockholders, Members, or Partners

(Authorized by MCL 436.1529(1), R 436.1051, and R 436.1110)

### Part 1 - Licensee Information

Please state your name as it is filed with the State of Michigan Corporation Division.

Licensee name(s): The Corner Caffé	
Address: 101 S. Lafayette	
City: South Lyon	Zip Code: 48178

### Part 2a - Corporations - Please complete this section and attach more copies of this page if more room is needed.

Name and address of all stockholders:	No. of Shares Issued:	Date Issued/Acquired:

Name and address of Corporate Officers and Directors, pursuant to administrative rule R 436.1109:


### Part 2b - Limited Liability Companies - Please complete this section and attach more copies of this page if more room is needed.

Name and address of all members:	Percent % Issued:	Date Issued/Acquired:
Rhonda Bifano [REDACTED]	100	April/2018

Name and address of Managers and Assignees, pursuant to administrative rule R 436.1110:




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

## Retailer License & Permit Application

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

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

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

<https://get.adobe.com/reader/>

- ☒ Completed Retail License & Permit Application (Form LCC-100, attached)
- ☒ Livescan Fingerprint Form\* (attached)
- ☐ Inspection, License, and Permit Fees
- ☒ Local Government Authorization (Form LCC-106) - **For a new on-premises license only**
- ☐ Purchase agreement - **For the transfer of ownership of a license**
- ☒ Property document (lease, deed, land contract, etc.)
- ☐ New Specially Designated Merchant license documents - **For a new Specially Designated Merchant license only** (see page 3)
- ☐ New On-Premises Resort License Questionnaire (LCC-109a) or New On-Premises Redevelopment or Development District License Questionnaire (LCC-109b) - **For a new on-premises Resort, Redevelopment, or Development District license only**

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

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

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

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

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

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

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

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



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

Business ID: \_\_\_\_\_  
Request ID: \_\_\_\_\_  
(For MLCC Use Only)

### Retailer License & Permit Application

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

#### Part 1 - Applicant Information

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

Applicant name(s): <u>The Corner cafe</u>	
Address to be licensed: <u>101 S. LaCayette</u>	
City: <u>South Lyon</u>	Zip Code: <u>48178</u>
City/township/village where license will be issued: <u>South Lyon</u>	County: <u>Oakland</u>
Federal Employer Identification Number (FEIN): <u>[REDACTED]</u>	

1. Are you requesting a new license? ☒ Yes ☐ No
2. Are you applying ONLY for a new permit or permission? ☐ Yes ☒ No
3. Are you buying an existing license? ☐ Yes ☒ No
4. Are you transferring the classification of an existing on premises license? ☐ Yes ☒ No
5. Are you modifying the size of the licensed premises?  
If Yes, specify: ☐ Adding Space ☐ Dropping Space ☐ Redefining Licensed Premises  
☐ Yes ☒ No
6. Are you transferring the location of an existing license? ☐ Yes ☒ No
7. Is this license being transferred as the result of a default or court action? ☐ Yes ☒ No
8. Do you intend to use this license actively? ☐ Yes ☐ No

Leave Blank - MLCC Use Only

#### Part 2 - License Transfer Information (If Applicable)

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

Current licensee(s): <u>N/A</u>	
Current licensed address:	
City:	Zip Code:
City/township/village where license is issued:	County:

#### Part 3 - Licenses, Permits, and Permissions

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

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

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

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

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

Inspection Fees: <u>\$70.00</u>	License & Permit Fees: <u>760.00</u>	<b>TOTAL FEES:</b> <u>830.00</u>
---------------------------------	--------------------------------------	----------------------------------

# Schedule A - Licenses, Permits, & Permissions

Applicant name: The Corner Cafe

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

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

## Off Premises Permits: Base Fee:

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

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

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

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

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

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

### Inspection, License, Permit, & Permission Fee Calculation

Number of Licenses: 1 x \$70.00 Inspection Fee

Total Inspection Fee(s): \$ 70.00

Total License Fee(s): \$600.00

Total Permit Fee(s): \$160.00

**TOTAL FEES DUE:** \$ 830.00

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

Make checks payable to **State of Michigan**

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

- New Transfer
- ☐ ☐ B-Hotel License \$600.00

Number of guest rooms: \_\_\_\_\_

- ☐ ☐ A-Hotel License \$250.00

Number of guest rooms: \_\_\_\_\_

- ☒ ☐ Class C License \$600.00

- ☐ ☐ Tavern License \$250.00

- ☐ ☐ Resort License Upon Licensure

- ☐ ☐ DDA/Redevelopment License Upon Licensure

- ☐ ☐ Brewpub License \$100.00

- ☐ ☐ G-1 License \$1,000.00

- ☐ ☐ G-2 License \$500.00

- ☐ ☐ Aircraft License \$600.00

- ☐ ☐ Watercraft License \$100.00

- ☐ ☐ Train License \$100.00

- ☐ ☐ Continuing Care Retirement Center License \$600.00

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

*B-Hotel or Class C Licenses Only:*

- ☐ ☐ Additional Bar(s)

Number of Additional Bars: \_\_\_\_\_

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

## On Premises Permits: Base Fee:

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

- ☒ Sunday Sales Permit (PM)\*\* 15%\*\*

- ☐ Catering Permit \$100.00

- ☐ Banquet Facility Permit - Complete Form LCC-200

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

- ☒ Outdoor Service No charge

- ☒ Dance Permit No charge

- ☒ Entertainment Permit No charge

- ☐ Extended Hours Permit: No charge

- ☐ Dance ☐ Entertainment Days/Hours: \_\_\_\_\_

- ☐ Specific Purpose Permit: No charge

Activity requested: \_\_\_\_\_

Days/Hours requested: \_\_\_\_\_

- ☐ Living Quarters Permit No charge

- ☐ Topless Activity Permit No charge

**Schedule B - New Specially Designated Merchant (SDM) License Supplemental Application - New SDM License Applications ONLY**

Applicant name:

*The corner cafe*

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

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

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

☒ a. Applicant holds and maintains retail food establishment license or extended retail food establishment license under the Food Law of 2000, MCL 289.1101 to MCL 289.8111.

☐ b. Applicant holds or has been approved for Specially Designated Distributor (SDD) license.

☐ c. Applicant holds or has been approved for an on-premises license, such as a Class C, A-Hotel, B-Hotel, Tavern, Club, G-1, or G-2 license.

**Section 2 - Quota Requirements for New SDM License Applicants**

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

☒ a. Applicant is an applicant for or holds a Class C, A-Hotel, B-Hotel, Tavern, Club, G-1, or G-2 license.  
*MCL 436.1533(5)(a) - SDM license is exempt from SDM quota and license cannot be transferred to another location.*

☐ b. Applicant's establishment is at least 20,000 square feet and at least 20% of gross receipts are derived from the sale of food.  
*MCL 436.1533(5)(b)(i) - SDM license is exempt from SDM quota and license cannot be transferred to another location.*

☐ c. Applicant's establishment is a pharmacy as defined in the Public Health Code, MCL 333.17707.  
*MCL 436.1533(5)(b)(iii) - SDM license is exempt from SDM quota and license cannot be transferred to another location.*

☐ d. Applicant's establishment qualifies as a marina under MCL 436.1539.  
*MCL 436.1533(5)(e) - SDM license is exempt from SDM quota and license may be transferred to another location if the applicant complies with MCL 436.1539 at the new location.*

☐ e. Applicant does not qualify under any of the quota exemptions or waiver listed above.  
*MCL 436.1533(5) - Commission shall issue one (1) SDM for every 1,000 population in a local governmental unit and an unissued SDM must be available in the local governmental unit for the applicant to qualify. SDM license may be transferred to another location.*

**Documents Required To Be Submitted with New SDM License Application**

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

☒ Copy of retail food establishment license or extended retail food establishment license for a SDM license. The name on the food establishment license must match the applicant name in Part 1 of this application form. *A food establishment license is not required for a SDM license to be issued in conjunction with a SDD license or an on-premises license.*

☐ If applying under Section 2b above, documentary proof that applicant's establishment is at least 20,000 square feet and at least 20% of gross receipts are derived from the sale of food.

☐ If applying under Section 2c above, a copy of the pharmacy license issued under the Public Health Code.

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

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

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

Name: <u>Rhonda Bifano</u>		
Home address: <u>[REDACTED]</u>		
City: <u>South Lyon</u>	State: <u>MI</u>	Zip Code: <u>48178</u>
Business Phone: <u>248-437-6686</u>	Cell Phone: <u>[REDACTED]</u>	Email: <u>rbifano917@yahoo.com</u>
Have you ever been licensed by the Michigan Liquor Control Commission (MLCC) or do you currently hold an interest in any other licenses issued by the MLCC? If <b>Yes</b> , please list business ID numbers below. If you hold interest in 2 or more locations under the same name, please also write "chain" below. Pursuant to MCL 436.1603, a retailer licensee <u>may not hold interest in a manufacturer or wholesaler licensee</u> . <span style="float: right;"><input type="radio"/> Yes <input checked="" type="radio"/> No</span>		
Do you hold 10% or more interest in the applicant entity? <span style="float: right;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span>		
If you answered "no" to the first question and "yes" to the second question, you must submit fingerprints and undergo an investigation by the MLCC. Please see the attached instructions for submitting fingerprints to the MLCC. You must submit a copy of the completed and endorsed " <u>Livescan Fingerprint Background Request</u> " with your application.		

**Part 5b - Personal Information (Individuals) - Must be at least 21 years of age, pursuant to administrative rule R 436.1105(1)(a).**

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

**Part 5c - Signature**

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

<u>Rhonda Bifano</u>	<u>Rhonda Bifano</u>	<u>4-3-19</u>
Print Name	Signature	Date

## Part 6 - Contact Information

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

What is your preferred method of contact?		<input type="radio"/> Phone	<input type="radio"/> Mail	<input checked="" type="radio"/> Email	<input type="radio"/> Fax
What is your preferred method for receiving a Commission Order?		<input type="radio"/> Mail	<input checked="" type="radio"/> Email	<input type="radio"/> Fax	
Contact name:	Rhonda Bifano		Relationship: self		
Mailing address:	[REDACTED] South Lyon MI 48178				
Phone:	[REDACTED]	Fax number:	[REDACTED]		
		Email: rbifano917@yahoo.com			

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

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

## Part 8 - Signature of Applicant

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

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

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

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

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

<u>Rhonda Bifano (member)</u>	<u>Rhonda Bifano</u>	<u>4.3.19</u>
Print Name of Applicant & Title	Signature of Applicant	Date

Please return this completed form along with corresponding documents and fees to:  
Michigan Liquor Control Commission  
Mailing address: P.O. Box 30005, Lansing, MI 48909  
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933  
Fax to: 517-284-8557



## LIVESCAN FINGERPRINT BACKGROUND REQUEST

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

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

<b>I. Fingerprint Reason</b>							
1. Code LL	2. Requestor/Agency ID 1479J		3. Agency Name MI DEPT OF LICENSING AND REGULATORY AFFAIRS - LIQUOR CONTROL				
<b>II. Applicant Information:</b> Type or clearly print answers in all fields before going to be fingerprinted.							
1a. Last Name Bifano		1b. First Name Rhonda		1c. Middle Initial		1d. Suffix	
2. Any Alternative Names, Last Names, or Aliases Rhonda Graham				3. Social Security Number (Optional) [REDACTED]			
4. Place of Birth (State or Country) [REDACTED] ← Lansing		5. Date of Birth [REDACTED]		6. Phone Number 248-568-2922		7. Driver License State MI	
8. Driver License Number [REDACTED]		9. Address [REDACTED]		10. City South Lyon		11. State MI	
12. ZIP Code 48178		13. Sex F		14. Race [REDACTED]		15. Height [REDACTED]	
16. Weight [REDACTED]		17. Eye Color [REDACTED]		18. Hair Color [REDACTED]			
<b>III. Live Scan:</b> Must be completed by the Livescan Operator at the time of fingerprinting.							
1. Date Printed		Picture ID Type Presented		3. TCN		4. Live Scan Operator	

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

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

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

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

Signature: Rhonda Bifano Date: 4/11/18

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

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

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



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

Business ID: \_\_\_\_\_

Request ID: \_\_\_\_\_

(For MLCC use only)

**Local Government Approval**  
(Authorized by MCL 436.1501)

**Instructions for Applicants:**

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

**Instructions for Local Legislative Body:**

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

At a \_\_\_\_\_ meeting of the \_\_\_\_\_ council/board  
(regular or special) (township, city, village)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from \_\_\_\_\_

(name of applicant - If a corporation or limited liability company, please state the company name)

for the following license(s): \_\_\_\_\_  
(list specific licenses requested)

to be located at: \_\_\_\_\_

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: \_\_\_\_\_

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

If disapproved, the reasons for disapproval are \_\_\_\_\_

**Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

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

Print Name of Clerk

Signature of Clerk

Date

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

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

Michigan Liquor Control Commission

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

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

Fax to: 517-763-0059

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**  
**FILING ENDORSEMENT**

*This is to Certify that the* ARTICLES OF ORGANIZATION

*for*

THE CORNER CAFE LLC

ID Number: [REDACTED]

*received by electronic transmission on* March 29, 2018 *, is hereby endorsed.*

*Filed on* March 30, 2018 *, by the Administrator.*

*The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.*



*In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 30th day of March, 2018.*

*Julia Dale, Director*

*Corporations, Securities & Commercial Licensing Bureau*

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**  
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*Julia Dale*

Julia Dale, Director

Corporations, Securities & Commercial Licensing Bureau

ORDINANCE NO.03-18

CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN

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

THE CITY OF SOUTH LYON ORDAINS:

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

CHAPTER 8 – ALCOHOLIC LIQUOR

ARTICLE I – GENERAL

Secs. 8-1 – 8-30. - Reserved.

ARTICLE II – LICENSING

Sec. 8-31. - Short title.

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

Sec. 8-32. – Statement of purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 8-42 through 8-69. Reserved.



**PART II. Severability.** Should any division, section, subsection, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

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

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


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

Made, passed and adopted by the South Lyon City Council this 14 day of May, 2018.

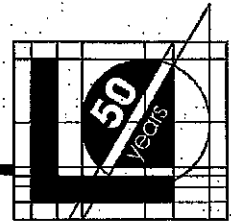
  
Daniel L. Pelchat, Mayor  
  
Lisa Deaton, City Clerk

#### Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the 14 day of May, 2018.

  
Lisa Deaton, City Clerk

Adopted: 5/14/18  
Published: 5/24/18  
Effective: 5/24/18



March 18, 2019

## Our Mission

### Integrity

in architecture and design  
in client relationships  
in employee relationships  
in community relationships

### advancement

in all these efforts

South Lyon Downtown Development Authority  
Bob Donohue, DDA Director  
335 S. Warren Street  
South Lyon, MI 48178

Re: Corner Caffè – 101 S. Lafayette Street

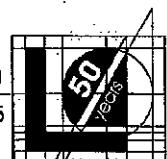
Dear Bob,

This letter is in response to your meeting notes that were issued via email regarding your discussion of the Corner Caffè project with Tim McNaught with the City of South Lyon Building Department and Alan Mathews, City of South Lyon Fire Inspector. It is our understanding that the topic of your meeting was the Building Plan Review Checklist that was prepared and issued for Rhonda Bifano's project dated 1/29/2019. In review of your meeting notes and initial Building Plan Review Checklist we offer you the following responses/solutions to the items in question:

1. *Use Group:* Use group information has been provided within the Code Analysis information on attached Drawing Sheet 2/A1.0. The existing building is a Non-Separated mixed with existing Residential on the 2<sup>nd</sup> floor and our existing A-2 Assembly use on the main entry level.
2. *Height and Area:* Not Applicable, as note within the Building Plan and Review document dated 1/29/19.
3. *Type of Construction:* The Existing Construction Type of "5B" has been listed within the Code Analysis information on attached Drawing Sheet 2/A1.0.
4. *Fire Rated Assemblies:* Per your discussion and distributed meeting notes, two (2) layers of 5/8" Type "X" gyp. bd. will be added to the existing ceiling system within Rooms 102, 103, 104, 105, 106, 107, 108, 110 and 111. Per Table 722.2.1.4(2), two layers of 5/8" Type "X" gyp. bd. will provide 120 minutes of protection. Please see noted changes on the Reflected Ceiling Plan, as included on attached Drawing Sheet 4/A2.0.
5. *Interior Finishes:* Existing furniture has been evaluated, with a majority of the existing seating tables and chairs complying 2018 IFC requirements. Existing fabric couches and chair units will need to be replaced in order to comply with commercial flame resistant standards moving forward. Please refer to our condition notes and sample furniture mockups listed on attached Drawing Sheet 1/A2.0.
6. *Fire Protection Systems:* As noted in your meeting notes with Tim McNaught with the City of South Lyon Building Department, and Alan Mathews the City of South Lyon Fire Inspector; we will specify that existing ceiling spaces within the entry level A2-Assembly space have two layers of 5/8" Type "X" gyp. bd. providing +1 hour protection to the upper level residential units. All penetrations through the new gyp. bd. lid will also be fire caulked. Please refer to Drawing Sheet 4/A2.0 for locations and noted information.
7. *Occupant Load:* Occupant load information and associated plumbing calculations have been provided within our Code Analysis on the attached Drawing Sheet 2/A1.0. Given our existing non-separated mixed use building occupancy and "5B" Construction Type, we agree with limiting the occupant load of the existing lower level A2-Assembly space to 48 occupants.
8. *Complete Life Safety Plans:* Per the initial drawing review, this information has been provided and can be found on attached Drawing Sheet 1/A1.0.

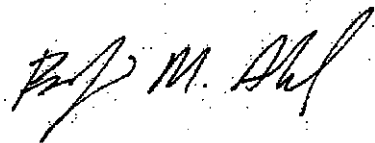
william p. lindhout	frank l. pierron	piet w. lindhout	robert j. king	michael j. kennedy	david a. richardson	michael j. o'leary
bradley m. alvord	john w. eckstein	d. jason mcintyre	holly a. osterhout	joshua l. henderson	heather m. teeling	

9. *Exit Signs:* Please refer to attached Drawing Sheet 4/A2.0 for locations of designated building exit signs. Exit signs shall be Lithonia Model # ECR LED M8 combination LED Exit Sign/Egress Lighting units with battery backup. Provide alternate LHQM wall mounted LED combo unit with battery backup where required to accommodate field conditions.
10. *Egress Illumination:* Please refer to attached Drawing Sheet 4/A2.0 for locations of designated building egress illumination fixtures. Exit illumination fixtures shall be Lithonia Model ELM6L with battery backup. Fixtures shall work in combination with lighted Exit Signs as specified in Item #9 above. Final number of fixtures shall be determined in the field by the electrical subcontractor in order to meet required lighting levels per code.
11. *Exit Doors:* Existing exit doors, hardware and swings, within Rooms 102 and 110, serving an occupant load of less than 50 occupants shall remain as is per Sections 1010.1.2.1 and 1010.1.10 of the 2015 Michigan Building Code. See attached Egress Plan on Drawing Sheet 1/A1.0.
12. *Building & Site Accessibility:* Existing building and site meets requirements as note within the Building Plan and Review document dated 1/29/19.
13. *Wheelchair Access:* Proposed building upgrades meet requirements as noted within the Building Plan and Review dated 1/29/19. See attached Proposed Renovation Plan on Drawing Sheet 6/A1.0.
14. *Plumbing Fixture Counts:* Proposed building upgrades meet requirements as noted within the Building Plan and Review dated 1/29/19. See attached Proposed Renovation Plan on Drawing Sheet 6/A1.0, and Code Analysis on 2/A1.0.
15. *Dual Height Drinking Fountain:* Existing restaurant/ proposed bar use is not required to provide a dual height drinking fountain per Section 410.3 of the Michigan Plumbing Code. See note on attached Code Analysis, Drawing Sheet 2/A1.0.
16. *Michigan Energy Code Compliance:* Note applicable, as noted within the Building Plan and Review document dated 1/29/19.
17. *Approved plan review from Oakland County Health Department:* Owner is currently working with the Oakland County Health department and shall provide documentation that the existing/proposed kitchen operation meets current health department requirements.
18. *Structural Calculations:* Note applicable, as noted within the Building Plan and Review document dated 1/29/19.
19. *List of Special Inspections:* Note applicable, as noted within the Building Plan and Review document dated 1/29/19.
20. *List of Deferred Submittals:* Note applicable, as noted within the Building Plan and Review document dated 1/29/19.
21. *Chapter 4 Requirements:* Note applicable, as noted within the Building Plan and Review document dated 1/29/19.



Thank you for DDA's, Building Department, and Fire Departments assistance with this existing old downtown project. Please let us know if you have any questions or concerns with our submitted documentation.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Brad M. Alvord". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Brad M. Alvord, project architect, partner  
Lindhout Associates architects aia pc





## CITY OF SOUTH LYON

August 1, 2018

Subject: Plan Review -

### Jurisdiction

City of South Lyon

335 S Warren

South Lyon, MI 48178

Contact: Ken Pike, Building Official, [kpika@safebuilt.com](mailto:kpika@safebuilt.com). 248 459-5081

NOTE: All plan review responses and questions shall be directed to the person that did the review as noted below.

### Mayor

Daniel L. Pelchat

### Council Members

Glenn Kivell

Margaret J. Kurtzweil

Mary Parisien

Carl W. Richards

Rose Walton

Stephen Kennedy

### Interim City Manager

Chief Lloyd Collins

### Clerk/Treasurer

Lisa Deaton

### Deputy Clerk/Treasurer

Judy Pieper

335 S Warren

South Lyon, MI 48178

Phone: 248-487-1785

Fax: 248-486-0049

[www.southlyonmi.org](http://www.southlyonmi.org)

### Codes Currently in Effect (Statewide)

2015 Michigan Building Code, MBC 2015

2015 Michigan Mechanical Code, MMC 2015

2015 Michigan Plumbing Code, MPC 2015

2014 National Electrical Code w/state amendments, NEC 2014

Accessibility: Michigan Barrier Free Design Law, P.A. 1966 as amended and the 2003

ICC/ANSI A117.1 - 2009 standard as referenced from Chapter 11 of the 2015 Michigan Building Code.

### Disclosure and Limitation of Reviews

This review and recommendation for approval does not relieve the owner or their representatives from complying with other codes, ordinances and other federal, state and county reviews, approvals, permits and inspections.

### Building Plan Review Comments by: Tracy Kallek, Deputy Building Official.

To: Lloyd Collins, Interim City Manager

Re: Liquor License at 101 S. Lafayette

Chief, per your request here is the review of 101 South Lafayette.

A liquor license will put this property into a A-2 Occupancy condition. Nightclubs, bars, taverns, dance halls, and food courts. Water closets required, Male 1 per 40, Female 1 per 40. Lavatories, Male and Female 1 per 75. Drinking Fountain 1 per 500. One Service Sink.

There is currently an old print for the Corner Café, which calls out an Occupancy of 30 people indoor and 18 people outdoors. The restroom currently in use has only one water closet, one lavatory and is not Barrier Free.

A renovation by a design professional will required to bring this property up to a A-2 use group occupancy.

Best Regards,

Tracy Kallek  
Deputy Building Official

City of South Lyon Building Department  
335 S Warren  
South Lyon, MI 48178  
248.459.4227 cell  
tkallek@safebuilt.com

**SAFEbuilt** inc.



# BUILDING PLAN REVIEW PER MICHIGAN BUILDING CODE 2015

BUILDING LOCATION: 101 S. LAFAYETTE

BUILDING DESCRIPTION: THE CORNER CAFÉ

WORK DESCRIPTION: INTERIOR ALTERATION

SQ.FT.: NEED

PLANS

APPROVED:

DENIED: 1/29/19

OVERALL

OK 1. USE GROUP (S):

NA 2. HEIGHT AND AREA PER TABLE 503:

NEED 3. TYPE OF CONSTRUCTION:

NEED 4. FIRE RATED ASSEMBLIES: WALL, FLOOR, CEILING, REQUIRE UL # AND DETAIL:

FIRE RATED PENETRATION DETAILS FOR ALL PENETRATIONS AND REPAIRS

NEED 5. INTERIOR FINISHES: PROPER FLAME SPREAD LISTED:

? 6. FIRE PROTECTION SYSTEMS: FIRE SUPPRESSION & FIRE ALARM PLANS REQUIRED:

OK 7. OCCUPANT LOAD WITH CALCULATIONS PER TABLE

OK 8. COMPLETE LIFE SAFETY PLAN: ACCESS, TRAVEL DISTANCE, EXIT DISCHARGE,  
ACCESSIBLE EGRESS,

NEED 9. EXIT SIGNS: TACTILE AND ILLUMINATED: LOCATIONS ON PLANS

NEED 10. EGRESS ILLUMINATION: LOCATIONS AND EMERGENCY POWER LISTED.

NEED 11. EXIT DOORS: PROPER NUMBER, SIZE, SWING, HARDWARE LISTED.

OK 12. BUILDING AND SITE TO MEET ACCESSIBILITY PER CH. 11 AND ICC A117.1

OK 13. ALL WHEELCHAIR APPROACH, MANEUVERING, & CLEARANCES

OK 14. PLUMBING FIXTURE COUNTS PER TABLE 403 OF MPC 2015 BASED ON #7 TOTALS.

NA 15. REQUIRED DUAL HEIGHT DRINKING FOUNTAIN AND SERVICE SINK.

NA 16. MICHIGAN ENERGY CODE 2015 COMPLIANCE : ASHRAE- 90.1

NEED 17. APPROVED PLAN REVIEW FROM OAKLAND COUNTY HEALTH DEPT.

NA 18. COMPLETE STRUCTURAL CALCULATIONS PACKAGE FROM ENGINEER.

NA 19. LIST OF SPECIAL INSPECTIONS TO BE DONE AND COMPANY DOING THEM PER CH 17.

NA 20. LIST OF DEFERRED SUBMITTALS

NA 21. CHAPTER 4 REQUIREMENTS

22.

23.

24.

REVIEWED BY TIM MCNAUGHT



## SOUTH LYON FIRE DEPARTMENT

217 Whipple Street, South Lyon, MI 48178  
Phone: 248-437-2616 Fax: 248-437-3025  
www.southlyonfire.com

7/19/2018

CORNER CAFE &  
GLAZY DAYS  
101 SOUTH LAFAYETTE  
SOUTH LYON, MICHIGAN 48178

TO WHOM IT MAY CONCERN:

PLEASE BE ADVISED THAT AN ANNUAL FIRE INSPECTION OF THE ABOVE LISTED BUSINESS WAS CONDUCTED ON 7/17/2018. THIS INSPECTION WAS ALSO CONDUCTED FOR THE PURPOSE OF A LIQUOR LICENSE APPLICATION. THE BELOW LISTED DEFECIENCY'S/VIOLATIONS WERE NOTED AT THE TIME OF THE INSPECTION.

- ~~1.~~ FIRE EXTINGUISHERS REQUIRE ANNUAL INSPECTION.
- 2. POST APPROVED BUSINESS OCCUPANT LOAD (AT SERVICE COUNTER/CORNER CAFE).
- ~~3.~~ PORTABLE FIRE EXTINGUISHER REQUIRES MOUNTING ON APPROVED BRACKET (FOOD PREP AREA/CORNER CAFE).
- ~~4.~~ REMOVE DOOR HARDWARE ON NON-REQUIRED DOOR (ADJACENT TO MAIL BOXES).
- ~~5.~~ ELIMINATE MULTIPLE ELECTRICAL OUTLETS/ADAPTERS (BASEMENT X 2).  
RECOMMEND INSTALLING APPROVED ELECTRICAL OUTLET JUNCTION BOXES WHERE NECESSARY.
- 6. POTTERY KILN REQUIRES APPROVED CONVECTION EXHAUST HOOD AND EXHAUST FAN. (GLAZY DAYS). PROVIDE DOCUMENTATION OF ELECTRICAL & MECHANICAL INSPECTIONS FOR NEW INSTALLATION.)
- ~~7.~~ PROVIDE COPY OF APPROVED APPLICATION FOR NEW CANOPYS SHELTERS.

THE ABOVE DEFECIENCY'S/VIOLATIONS SHALL BE CORRECTED ON/OR BEFORE AUGUST 25, 2018.

IF YOU HAVE ANY QUESTIONS CONCERNING THE ABOVE INFORMATION, PLEASE DO NOT HESITATE TO CONTACT ME.

YOURS SINCERELY,

  
ALAN A. MATTHEWS  
FIRE INSPECTOR.



## **SOUTH LYON FIRE DEPARTMENT**

217 Whipple Street, South Lyon, MI 48178  
Phone: 248-437-2616 Fax: 248-437-3025  
www.southlyonfire.com

8/28/2018

CORNER CAFE &  
GLAZY DAYS  
101 SOUTH LAFAYETTE  
SOUTH LYON, MI. 48178

TO WHOM IT MAY CONCERN:

BE ADVISED THAT A RE-INSPECTION WAS CONDUCTED OF THE ABOVE LISTED BUSINESS ON 8/28/2018, FOR THE PURPOSE OF VERIFYING COMPLIANCE WITH THE VIOLATIONS NOTED ON 7/19/2018, ANNUAL FIRE INSPECTION.

I AM HAPPY TO REPORT THAT ALL DEFECIENCY'S/VIOLATIONS HAVE BEEN CORRECTED. NO FURTHER INSPECTIONS ARE REQUIRED AT THIS TIME.

THANK YOU FOR YOUR ASSISTANCE IN MAINTAINING A SAFE ENVIRONMENT FOR YOUR EMPLOYEE'S AND BUSINESS.

YOURS SINCERELY,

  
ALAN A. MATTHEWS  
FIRE INSPECTOR

## **MEMORANDUM**

**TO:** Mayor & City Council  
**FROM:** Bob Donohue, Economic Development & DDA Director  
**SUBJ:** Bifano Class C Liquor License Request  
**DATE:** April 4, 2019

The purpose of this memo is to provide my most recent review, analysis and recommendation based upon revised and new information submitted by the applicant since my initial review and recommendation of September 19, 2018, as requested by the City Manager, of the Rhonda Bifano request for a City of South Lyon Class C Liquor License. This review, now based upon new information, is as follows.

### **ISSUES/CONCERNS:**

1. This is the City's last remaining Quota Class C Liquor License
2. Compliance with the City's new Liquor License Ordinance.
3. Compliance with the City's Zoning Ordinance
4. Police Department Review as part of the MLCC process to approve.
5. The City's (DDA and City Council) desire to attract Wine Bars.
6. Availability of adequate space for Upscale Restaurants and Wine Bars.
7. Availability of Redevelopment (DDA) Class C Liquor Licenses which are unlimited in terms of number available. There is a requirement of a minimum of \$100,000 to be invested by the License owner at the site (Building and Site) of the Liquor License establishment; or, proof (from Oakland County Equalization and/or the City's Building Department) that there has been at least \$100,000 invested in the Redevelopment (DDA) District within the past 2 years.
8. The cost of a Redevelopment (DDA) Class C Liquor License is approximately \$23,000.
9. The cost of a non-quota Class C Liquor License purchased by a private owner and transferable from anywhere in Oakland County, if approved by the City, and a Resort Transfer Class C Liquor License from anywhere in the State of Michigan, if approved by the City, is approximately \$60,000 - \$120,000.
10. Is there a greater cost factor for a small business versus a larger business to obtain a City Quota Liquor License?
11. Will an experienced, successful Upscale Restaurant make their decision to locate in Downtown South Lyon based upon the availability of a City Quota Class C Liquor License?
12. Parking. The core downtown and most of the DDA District is a "Parking Exempt Zone" as defined by the City's Zoning Ordinance. Does a proposed location have more or less of an impact on adjacent parking, parking within the core downtown and parking within the DDA District?
13. Risk: Stability and Longevity of the Business Operation and keeping the license in South Lyon.
14. Does the proposed Wine Bar request improve the Business Mix in Downtown South Lyon?

15. MLCC Requirements
16. City of South Lyon Zoning Ordinance compliance
17. City of South Lyon Building Department Requirements
18. State of Michigan Barrier Free (ADA) Design Requirements

**BACKGROUND INFORMATION:**

- A. At least 7 different Upscale Restaurant owner/developers have contacted the City in the past 2 years who were, or are now, interested in locating in Downtown or anywhere within the City of South Lyon. Most want a Downtown location. No adequate space was available at the time. Two of those remain interested.
- B. 4 additional upscale Restaurant owner/developers were contacted by the City over the past 2.5 years who then became interested in locating in Downtown or anywhere in the City of South Lyon. Most want a Downtown Location. No space was/is available at the time.
- C. 9 of the 11 Upscale Restaurant owner/developers expressed a need for at least 3,000 – 4,500 square feet of floor space. The other 2 noted their need of at least 1,800 - 2,000 square feet. Again, no space in the Downtown was or is now available at this time.
- D. The former Draft Street Bar & Grill building (now vacant) became available in late the Summer of 2018. It has its own Class C Liquor License and a Package Liquor Sales License. 2 of the above noted Upscale Restaurants who previously showed interest in South Lyon, have made offers to the current owner's Realty Co., Thomas Duke & Assoc. One is currently in negotiations. There are environmental issues.
- E. The City has been contacted by 4 different Wine Bar operators over the past 2 years. 2 of those have Wine Bar experience and one has Bar and food service experience. The other had no experience. Again, no adequate space was or is now available.
- F. The minimum space for all prospective Wine Bar Operators was noted as "800 – 2,000 square feet of floor space." The average capacity for a Wine Bar is anywhere from 20 – 50 persons based upon other Wine Bars in and outside of Michigan.
- G. I recently discussed the City Quota versus Redevelopment (DDA) Class C Liquor Licenses with the 3 prospective Upscale Restaurant owner/developers who are still interested in locating in Downtown South Lyon. All 3 noted that their "ability to get the City's Quota Liquor License is not a deal breaker" for them. They all also noted "the availability and relatively easy process to obtain a Redevelopment (DDA) Liquor License, the impressive and very positive residential growth in and surrounding the City of South Lyon, management of the downtown, the apparent upswing of the downtown and the historic character and charm of the downtown are what attracts us."
- H. The owners of The Corner Caffe have met with me several times since September 2018, and I have met with their architect and other consultant and contractor representatives as well, to review and discuss new details including interior layout, seating, design, building and fire code items, signage and business plan.

**CONCLUSION/RECOMMENDATION:**

I realize that this is a complex issue and may not be an easy decision to make. However, after my additional review of all of the issues, concerns, background information, other known factors, the most recent information provided by the applicant, and with a great deal of thought, **it is again my recommendation that City Council approve the subject request by Rhonda Bifano, for the following reasons:**

1. I have had several discussions with the applicant and her team members before and after my previous recommendation for approval in September, 2018.
2. I have reviewed the most recent revised floor plans prepared by the applicant's architect, Brad Alvord of Lindhout Architects, dated 3-18-19.
3. The new, more detailed information submitted by the applicant provides a more detailed and complete picture with a clearer description and higher quality proposed business operation, in my opinion.
4. The subject request meets the requirements of the City's new Liquor License Ordinance.
5. The subject request meets the standards and requirements of the City of South Lyon Zoning Ordinance.
6. The Wine Bar Management Team includes Bar and Restaurant Management experience, in addition to Rhonda Bifano's own successful, long-time, local, professional business experience.
7. The interior design will be enhanced, particularly the area formerly occupied by Glazy Days which has relocated and expanded in a new location on S. Pontiac Trail in the City. New design details provide soft colors, soft lighting and a small intimate atmosphere to meet the perceptions of customers/patrons of what a wine bar is, or is supposed to be, "similar to other Wine Bars in Michigan and other states."
8. The Corner Caffe (Coffee Shop) will continue to be an important part of the overall operation and atmosphere primarily during the hours of 6:00 a.m. through 7:00 p.m., while the Wine Bar will have service as early as 11:00 a.m. with its primary hours between 5:00 – 11:00 p.m. Extended hours (beyond 11:00 p.m.) may be available on Friday and Saturday evenings, and during events, based upon demand. I am aware of successful, combined Wine Bar/Coffee Shops elsewhere.
9. A small Plate ("Tapas") Menu will be available, in addition to the Caffe menu.
10. All items noted in a February 19 communication from the City's Building Department to the applicant have been positively and successfully addressed. All items noted by the City Fire Marshall have been positively addressed.
11. Water Service and Restroom improvements will be made to conform with City and State code requirements (noted by the SL Building Department), including all handicap (American Disability Act (ADA) requirements).
12. Will meet all MLCC and Oakland County Health Department requirements.
13. A Wine Bar provides a key ingredient of an optimal business mix for Downtown.
14. The proposed Wine Bar meets market demand confirmed by the Oakland County Small Business Center in their Market Analysis for Downtown South Lyon provided in November, 2016. And, the market data will be updated in early 2019.
15. Support of our Local Business Owners is very important.

16. Risk of keeping the Liquor License's future in South Lyon is reduced due to the applicant being a successful, long-time, local professional business owner, by the experience of the Wine Bar Team which the owner has assembled and with agreement documents required by the City as part of their Liquor License approval.
17. Provides a positive, much needed shot in the arm for Downtown and the overall community, which will, in my opinion, help to recruit Upscale Restaurants and Retail businesses.
18. The applicant's proposed site for the Wine Bar operation has its own adjacent parking lot with 9 spaces, which is within the "Parking Exempt Zone" as noted in the City's Zoning Ordinance.
19. Consistent attention to detail by the Corner Caffe owners and staff, inside and out (outstanding flowers are well maintained outside of the building on the front and side), high quality of the products sold at The Corner Caffe, and the obvious high quality customer service training of the employees, is very positive for Downtown and the entire community.
20. I do not see size (number of seats, anywhere from 29 – 49, as an issue or a factor, due to the size of existing typical successful Wine Bars elsewhere (20 – 50) and our expressed need for both a Wine Bar and Upscale Restaurants as part of an optimal business mix and overall downtown experience here in Downtown South Lyon.
21. Approval of the Bifano request does not harm our ability to recruit and accommodate an experienced, Upscale Restaurant, with the current, somewhat unlimited availability of Redevelopment (DDA) Liquor Licenses.

My recommendation to approve the Bifano request is based upon the items noted above, my 40 years of professional experience in downtown revitalization and downtown management, and my almost 3 years of becoming familiar with all aspects of Downtown South Lyon and the surrounding community. Also, this recommendation is provided after many recent discussions with the applicant and City Department Staff, taking a fresh look at all of the issues, review of background information and consideration of new details. New and more detailed information has reaffirmed my last recommendation of September 19, 2018. Therefore, at this time, I believe that approval of the Bifano request for a Class C Liquor License is simply the right thing to do. Furthermore, I believe it will be good for Downtown and the City of South Lyon. Thank you for your time and consideration.



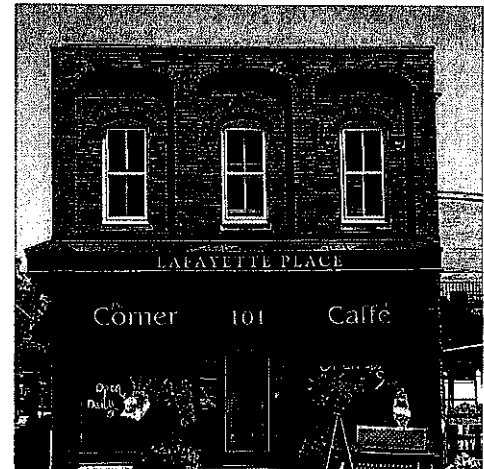
## CIB PLANNING

Community Image Builders

April 2, 2019

Paul Zelenak  
City Manager  
City of South Lyon  
335 S. Warren  
South Lyon, MI 48

Subject	Corner Caffé Build Out
Review	Comments on Phase 1 and 2
Location	101 S. Lafayette, South Lyon 48178
Zoning	B-2, Central Business District



Dear Mr. Zelenak,

Per your request I have reviewed the build-out plans/partial renovation plan for the Corner Caffé, located at 101 S. Lafayette Street. The property is located in the B-2, Central Business District, at the intersection of Lafayette and Lake Streets. The applicant is proposing to renovate the property in phases: Phase 1 being the coffee/sandwich shop only and Phase 2 being the addition of a wine bar. Phase 1 will include new signage, canopy/awning, outdoor lighting and landscaping. The plans submitted and reviewed pertain to the coffee/sandwich shop and future wine bar only.

### REVIEW COMMENTS

The proposed renovation was reviewed in accordance with the City of South Lyon Zoning Ordinance and my comment are as follows:



- 1. Zoning and Use.** The property is zoned, B-2, Central Business District. The intent of the district is to permit uses which provide for a variety of retail stores and related activities which occupy prime frontages and serve the consumer population beyond the boundaries of the City. *Section 102-307 (3) Principal Permitted Uses* permits "restaurants and taverns where patrons are served while seated with a building occupied by the establishment."

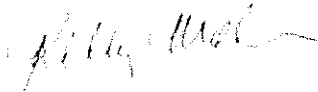
The Corner Café meets the intent of the district, as it has prime frontage on Lafayette and Lake Streets as well as its use as a restaurant is permitted by right.

*Section 102-308 (2) Principal Uses Permitted, Subject to Special Conditions*, permits a sidewalk café or outdoor cafes as an extension of the existing business. *Subject to special conditions* listed in *Section 102-308(2)(a-d)*, the City Manager or designee determines if the café satisfies the criteria listed. The Corner Café should apply for an Outdoor Café permit to provide service and seating in the proposed designated area shown on the plans prepared by Lindhout Associates.

- 2. Parking.** *Section 102-476 (2)* allows off-street parking for nonresidential uses on the same lot or within 300 feet of the building it is intended to serve. Off street parking (under the same property name and address) exists south of the building and additional parking east of the Corner Caffé. With the additional on-street parking in the downtown, the parking requirement is satisfied.
- 3. Canopy/Awning.** The applicant will need to submit plans for the proposed canopy/awning for administrative review. It should be noted that any logo or words on the canopy/awning are considered signage and will be reviewed in accordance with the Sign Ordinance standards.
- 4. Lighting.** Ordinance requires that all lighting be shielded to reduce glare and directed downward. The applicant should submit a lighting plan for the outdoor eating area, the building entrance, and any decorative lighting with specifications. The lighting plan may be reviewed administratively.
- 5. Signage.** The applicant notes that new signage will be part of Phase 1, however, no details have been provided on this plan. The applicant should submit a separate sign permit application to the City for review.

The use of the building as a restaurant (and future wine bar) meets the zoning criteria for the B-2, Central Business District, however, the applicant should apply for an Outdoor Café permit when the outdoor area is ready for use. The proposed use and location are prime examples of the intent of this district. Should you have any additional questions regarding the zoning and use of this property, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read "Kelly McIntyre", with a stylized flourish at the end.

Kelly McIntyre  
Director of Planning  
CIB Planning



# City of South Lyon Water & Wastewater Department

April 4, 2019

Per your request, here is the information I have.

In 2005 Corner Café located at 101 S. Lafayette was charged a \$5,600.00 tap in fee. The previous owner, prior to 2005, had already paid a \$6,000.00 fee totaling \$11,600.00 in tap in fees.

Restaurants with liquor licenses have a unit factor of .35 per fixture. An onsite inspection and review of proposed renovation indicates the Corner Café has 13 fixtures. Using the unit factor of  $.35 \times 13$  (# of fixtures)  $\times$  \$7,000.00 (tap in fee for water and sewer) = \$31,850.00 - \$11,600.00 ( fees already assessed ). Total tap in fee \$20,250.00.

Tap in fee numbers are based on Oakland County Schedule of Unit Assignment factors effective July 1, 2018.

All of the information above is correct to the best of my knowledge.

Thanks,  
Ron Beason

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

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



# City of South Lyon Water & Wastewater Department

Address: 101 S. Lafayette

Date: 8/3/18

Name: Corner Cafe

To Whom It May Concern:

A cross connection has been found at your location. This is a list of all cross connections found and possible corrections. For a secondary location you will have 60 days to comply and correct the problem(s) and for a primary location you will have 30 days. This inspection is for the protection of the water supply and is important to the safety of the community.

Your location is a (PRIMARY/SECONDARY) location. A Primary location must be inspected annually and a secondary location must be inspected once every three years. A secondary location can be inspected every year as well depending on the discretion of the inspector. Any actions taken to correct the violations should be reported to the South Lyon Water Department. Please inform us as soon as possible so we may record that you have corrected the problem. Phone: 248-437-4006 248-437-0419 Fax: 248-437-0449

Cross Connections Found At Location:

- Softener discharge line into sump
- Brine tank overflow line into drain

List of Possible Corrections:

Provide a 1" minimum air gap for  
softener discharge line in sump pump  
and for the softener brine tank overflow  
line into floor drain.

**Inspectors:**  
Dan Gehringer  
Kevin Erdmann

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

**Note:** Your backflow prevention device contains your business from the City of South Lyon water distribution system ONLY. Cross Connections may still exist within your building. As of 1/1/18 backflow testers must have an ASSE 5110 Certification in order for the results to be valid.

Email: [crossconnection@southlyonmi.org](mailto:crossconnection@southlyonmi.org)

**RESOLUTION NO. \_\_\_\_-19**

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

**RESOLUTION CONDITIONALLY APPROVING THE  
APPLICATION FOR A CLASS C QUOTA ON-PREMISES  
LIQUOR LICENSE FOR THE CORNER CAFE LLC, 101 S.  
LAFAYETTE STREET, SOUTH LYON, MICHIGAN**

WHEREAS, the City adopted and has a Liquor License Ordinance, City of South Lyon Code of Ordinances, Chapter 8 – Alcoholic Liquor, which provides for the City’s regulation and licensing of new on-premises liquor establishments within the City;

WHEREAS, the City’s Liquor License Ordinance is intended to ensure that the individuals and entities seeking liquor licenses or who propose to operate licensed on-premises liquor establishments within the City meet certain minimum requirements as to background, experience, financial resources, business operations and management experience and that the proposed liquor establishment meets the needs of the community;

WHEREAS, the City Liquor License Ordinance allows the City Council to review application materials and other information in light of certain criteria to identify the applicants and proposed liquor establishments that best qualify for a liquor license and best meet the needs of the City and its residents;

WHEREAS, an applicant who receives an approval or recommendation for approval from the City must also obtain applicable licenses from the Michigan Liquor Control Commission and comply with the Michigan Liquor Control Code and applicable MLCC regulations and other agency requirements (e.g. Health Department permits);

WHEREAS, in fall 2018, Applicant, The Corner Cafe LLC, which is owned by Rhonda Bifano, submitted to the City an amended Liquor License application for a Class C quota on-premises liquor license to operate a wine bar at 101 S. Lafayette, South Lyon as part of its existing Corner Cafe business;

WHEREAS, the City Administration and Departments have reviewed Applicant’s application and other materials in light of the review criteria contained in Section 8-36(f) and other applicable requirements;

WHEREAS, the City Administration has met with the Applicant and its representatives regarding the Plan of Operations, proposed interior renovations and building improvements, and other applicable requirements, including the proposed schedule for completion of the proposed renovations;

WHEREAS, the City Council has reviewed the Applicant’s amended Liquor License Application and other information in light of the review criteria in the City’s Liquor License Ordinance, and finds:

- a. The Applicant and proposed managers meet the minimum background requirements and the City Council is not aware of any other restrictions or facts that would prohibit its approval of Applicant's application for a Class C quota on-premises liquor license;
- b. The Applicant has represented that the business will be operated and managed by individuals with experience operating liquor and food establishments and the proposed managers have been identified and their qualifications reviewed;
- c. The Applicant and its owners and the building due not have any unpaid taxes or amounts due to the City;
- d. The proposed wine bar will complement the existing Corner Cafe business, and the resulting business with wine bar, as described in the Plan of Operations, will be unique in the City and fill a need in the community;
- e. The proposed wine bar is consistent with the surrounding commercial, retail and business uses in the downtown;
- f. The Applicant currently has only a 3-year lease for the space which expires in 2021;
- g. The Applicant has provided information indicating it has sufficient financial resources to successfully operate the proposed wine bar and Corner Cafe business in compliance with the Plan of Operations;
- h. The Applicant has represented and provided plans showing that upon completion of the proposed renovations and improvements, the building and interior space to be occupied by the wine bar will comply with all applicable construction, building, fire codes, and applicable laws ordinances and regulations;
- i. The Applicant has demonstrated sufficient investment in the building and proposed business and operations which will be a benefit to the City and the downtown in terms of financial investment, promotion of economic development, promoting downtown business;

THEREFORE, BE IT RESOLVED, that the South Lyon City Council finds that The Corner Cafe LLC meets the requirements to operate an on-premises liquor establishment in the City, and upon completion of the proposed renovations and work to the building and compliance with all applicable laws, codes, ordinances, and regulations, its proposed wine bar will meet the needs of the City and its residents;

BE IT FURTHER RESOLVED, that the South Lyon City Council hereby approves the application for a Class C quota on-premises liquor license for The Corner Cafe LLC for use at 101 S. Lafayette Street, South Lyon, Michigan, subject to the following conditions:

1. Written documentation confirming the termination of Glazy Days' occupancy within the building;

2. Compliance and corrections addressing all comments, concerns and code contained or referenced in the Plan Review dated August 1, 2018 prepared by Safebuilt, the City's building and plan inspection services provider;
3. Compliance with the applicable construction code (2015 Michigan Building Code, MBC 2015; 2015 Michigan Mechanical Code, MMC 2015; 2015 Michigan Plumbing Code, MPC 2015; 2014 National Electrical Code with state amendments, NEC 2014) as set forth in the Safebuilt August 1, 2018 Plan Review;
4. Compliance with the Michigan Barrier Free Design Act, PA 1 of 1966, as amended;
5. Compliance with the 2003 ICC/ANSI A117.1 – 2009 standard as referenced in Chapter 11 of the 2015 Michigan Building Code;
6. Compliance with all requirements for A-2 use group occupancy at 101 S. Lafayette, including but not limited to: water closets and lavatories, drinking fountain, service sink, all of which must comply with barrier free access requirements;
7. Compliance with and/or corrections of items listed on the Building Plan Review dated January 29, 2019 by Tim McNaught;
8. Compliance with the 2015 IFC and any comments or concerns identified by the South Lyon Fire Department;
9. Completion of proposed improvements, renovations and work shown, contained in, and contemplated by the Code Review and Partial Renovation plans dated March 18, 2019, prepared by Lindhout Associates Architects, Project No. 18126 (Sheets A1.0 – A2.0);
10. Completion of the "Phase 2" transition items in Applicant's Business Plan/Timeline submitted in March 2019;
11. Compliance with the City of South Lyon water and sewer ordinances, including permits, installation, inspections and approvals of additional water and sewer utilities improvements and/or facilities;
12. Payment in full of all applicable water and sewer tap-in fees as required by City of South Lyon ordinances, codes, regulations, policies and resolutions as set forth in the email dated July 31, 2018 from Ron Beason of the South Lyon Water/Wastewater Department;
13. Payment in full of all applicable application, permit, review, and inspection fees.

BE IT FURTHER RESOLVED, that based on the materials submitted and Applicant's representations, the conditions relating to the completion of proposed interior building improvements and renovations at the Corner Cafe, 101 S. Lafayette, shall be completed, reviewed, inspected and approved on or before 180 days from the date of approval of this Resolution.

BE IT FURTHER RESOLVED, that upon completion of the foregoing conditions in accordance with this conditional approval which shall be subject to City reviews, inspections and approvals, as determined by the City Manager in consultation with applicable City Department Heads and Inspectors, the City Council shall then consider and approve a resolution recommending the Applicant, above all others, to the Michigan Liquor Control Commission for approval of the Class C quota on-premises liquor license for operations at the Corner Cafe, 101 S. Lafayette, South Lyon, Michigan.

BE IT FURTHER RESOLVED, that in the event the foregoing conditions are not completed, inspected and approved on or before 180 days from the date of approval of this Resolution, this Resolution shall expire and be null and void without the need for any further City Council action, and the City Council shall have no obligation to recommend approval of the Applicant, above all others, to the MLCC for the Class C quota on-premises liquor license, but the City Council may grant an extension of time for compliance for good cause as determined in its sole discretion.

At a regular meeting of the City of South Lyon City Council, a motion was made by Council Member \_\_\_\_\_, supported by Council Member \_\_\_\_\_, to adopt the above resolution.

Ayes:  
Nays:  
Absent:

RESOLUTION DECLARED [ADOPTED/FAILED].

#### CERTIFICATION

I certify that this resolution was duly adopted by the City Council of the City of South Lyon on \_\_\_\_\_, 2019.

Lisa Deaton  
City Clerk  
South Lyon





## SALEM TOWNSHIP

9600 Six Mile • PO Box 75002 • Salem, Michigan 48175

Phone: 248.349.1690 • Fax: 248.349.9350

TO: Contiguous Municipal Legislative Body, County Planning, Public Utilities, and Railroad Company

FROM: Salem Township

DATE: March 26, 2019

RE: SALEM TOWNSHIP MASTER PLAN PUBLIC HEARING

In accordance with the Michigan Planning Enabling Act (PA 33 of 2008 as amended), Salem Township is preparing to adopt the Updated Master Plan Document after an extensive review period. The Salem Township Planning Commission will hold a Public Hearing to receive comments on the final draft of the Salem Township Master Plan.

The Public Hearing will be held at the Salem Township Hall at 9600 Six Mile Road, Salem, MI 48175 beginning at 7:30 P.M. If you would like to review the Draft Master Plan, a copy is available at the Township hall during regular business hours or it may be viewed on our website [www.salem-mi.org](http://www.salem-mi.org). Please send all questions or comments to the attention of Anne Alexander, Salem Township Building Coordinator, P.O. Box 75002, Salem, MI 48175

We thank you for your consideration in this matter and look forward to hearing from you.

Anne Alexander,  
Salem Township Building Coordinator

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

Dear Tree City USA Supporter,

On behalf of the Arbor Day Foundation, I write to congratulate South Lyon on earning recognition as a 2018 Tree City USA. Residents of South Lyon should be proud to live in a community that makes the planting and care of trees a priority.

South Lyon is one of more than 3,500 Tree City USAs, with a combined population of 150 million. The Tree City USA program is sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters.

If ever there was a time for trees, now is that time. Communities worldwide are facing issues with air quality, water resources, personal health and well-being, and energy use. South Lyon is stepping up to do its part. As a result of your commitment to effective urban forest management, you are helping to provide a solution to these challenges.

We hope you are excited to share this accomplishment. Enclosed in this packet is a press release for your convenience as you prepare to contact local media and the public.

State foresters coordinate the presentation of the Tree City USA recognition materials. We will forward information about your awards to your state forester's office to facilitate presentation. It would be especially appropriate to make the Tree City USA award a part of your community's Arbor Day ceremony.

Again, we celebrate your commitment to the people and trees of South Lyon and thank you for helping to create a healthier planet for all of us.

Best Regards,



Dan Lambe  
President

FOR IMMEDIATE RELEASE:

### **Arbor Day Foundation Names South Lyon Tree City USA**

South Lyon, MI, was named a 2018 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management.

South Lyon achieved Tree City USA recognition by meeting the program's four requirements: a tree board or department, a tree care ordinance, an annual community forestry budget of at least \$2 per capita and an Arbor Day observance and proclamation.

"Tree City USA communities see the impact an urban forest has in a community first hand," said Dan Lambe, president of the Arbor Day Foundation. "Additionally, recognition brings residents together and creates a sense of community pride, whether it's through volunteer engagement or public education."

Trees provide multiple benefits to a community when properly planted and maintained. They help to improve the visual appeal of a neighborhood, increase property values, reduce home cooling costs, remove air pollutants and provide wildlife habitat, among many other benefits.

More information on the program is available at [arborday.org/TreeCityUSA](http://arborday.org/TreeCityUSA).

**About the Arbor Day Foundation:** The Arbor Day Foundation is a million member nonprofit conservation and education organization with the mission to inspire people to plant, nurture, and celebrate trees. More information is available at [arborday.org](http://arborday.org).

1	2	3	4	5	6
Hampton's Condo All Fools' Day		Commission Meet			
7	8	9 April Day meet 10am	10	11	12
13	14 Girl Scouts 71323, 230-4	15	16	17	18
19	20	21 Radio Club 635 Palm Sunday	22	23	24
25	26	27	28	29	30
31	1	2	3	4	5
6	7	8	9	10	11
12	13	14	15	16	17
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24	25	26	27	28	29
30	31	1	2	3	4

2019

APRIL

New Moon: 5  
First Quarter: 12  
Full Moon: 19  
Last Quarter: 26

MAY  
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MARCH  
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Administrative  
Professionals Day (USA)

Society Program

Passover Begins

Good Friday

Radio Club 9-11

Girl Scouts  
71643, 530-8pm  
Easter Sunday

28  
Girl Scouts  
71323, 230-4