

# **Regular City Council Meeting**

**August 27, 2018**

## **Agenda**

**7:30 pm**

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Approval of Minutes: July 31, 2018 and August 13, 2018**

**Approval of Bills: None**

**Attorney Bills: None**

**Approval of Agenda**

**Public Comment – William Charles and Lorenzo Cavaliere (5 minutes)**

**Discussion – Downtown**

**I. Old Business**

1. Second reading of Ordinance rezoning Parcel 21-19-126-002 (Thomasville) from RM-1 (Multiple Family Residential) to PD (Planned Development)
2. Second reading of Ordinance to Amend the Official Zoning Map of the City of South Lyon Conditionally Rezoning 825 W Lake St – Parcel 21-30-126-005 from R-1A (One-Family Residential) to RM-3 (Multiple-Family Residential).
3. Second reading of Ordinance Amendment to Add Section 22-167 – Soliciting in Public Roadway Prohibited; Exceptions

**II. Budget**

**III. Manager's Report**

**IV. Public Comment**

**V. Council Comments-**

**VI. Adjournment**

**\*Please see reverse side for rules of conduct for public comment at City Council Meetings\***

City of South Lyon  
Special City Council Meeting  
City Manager Interviews  
July 31, 2018

Mayor Pelchat called the meeting to order at 4:00 p.m.  
Mayor Pelchat led those present in the Pledge of Allegiance.

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

Mayor Pelchat announced Councilmember Walton will not be attending the meeting tonight.

CM 7-1-18 MOTION TO EXCUSE ABSENCE

Motion by Kurtzweil, supported by Kennedy  
Motion to excuse absence of Councilmember Walton

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Parisien stated she will be leaving at approximately 7:45 p.m.

MINUTES- None

BILLS- None

AGENDA

CM 7-2-18 MOTION TO APPROVE AGENDA

Motion by Parisien, supported by Kivell  
Motion to approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- None

Mayor Pelchat then read the rules for the record, as they are printed on back of Agenda. Members of the public may speak at a Council meeting upon recognition by the Mayor. Public comment may only occur during periods designated on the agenda for public comment or a public hearing. A person may speak for up to two (2) minutes during each of the two public comment periods on agenda items or non-agenda items. Waivers of the time requirement may only be granted at the discretion of the Mayor, and waivers to speak at a time other than a designated comment period may only be granted by the Council. Any person wishing to make a presentation longer than two minutes or requiring audio-visual equipment is asked to contact the City Clerk requesting to appear on a future agenda. A person may only address Council from the podium. Only one person may occupy the podium at a time. All remarks are to be directed to the Mayor and Council. Speakers are not to engage in direct dialog with other meeting attendees. Any person who violates the Rules of Conduct, disturbs the peace at the meeting, and/or interferes with the meeting may be warned, ordered to be seated, removed, and/or ticketed. \*This summarizes Council Resolution 04-18.

7-31-18

Complete Rules, including guidelines for considering waivers, are available in the Council Chambers and from the City Clerk.

## NEW BUSINESS

### 1. City Manager Candidate Interviews

Jaymes Vettraino stated he is here to present candidates for the City Manager position. He stated we are here tonight to review the qualifications and fit for the City Manager. He further stated we have the opportunity to schedule a date for a final interview and we are not here to choose a City Manager tonight, but to review and decide who Council will want to interview again. He stated he provided the questions and note sheets for Council. He further stated we are going to stay within 45 minutes per interview. He further stated he has left comment cards for the public to if they have any questions or concerns they want Council to read. He stated there will not be any public comment during the interviews.

Mr. Vettraino introduced the first candidate Thomas Skrobola.

Mayor Pelchat then asked question #1.

We have your background materials in front of us, but would you please begin by reviewing your professional career path and career goals. Additionally, based on your knowledge and understanding of the City, how are you a good fit for the City and how is the City a good fit for you?

Mr. Skrobola summarized his work history. He was originally on the City Manager track working for a small community working on budgets, and day to day operations. He also played a key role in wiring their buildings for networking. He also was able to gain 2.3 million dollars in grants and loans to rebuild their water system. He then switched to the financial track. He worked for Rochester for a number of years, working on tax rolls, trial balances and also worked on the IT side as well. He oversaw the design and expansion of their City Hall, including their public safety buildings. Mr. Skrobola then went to Kalamazoo as their CFO. Kalamazoo faced the same challenges as other communities, but he was able to tackle the problem with legacy costs for retiree health care, along with facing the challenges that most communities face. Mr. Skrobola explained he thinks South Lyon is a community on the move.

Councilmember Kennedy asked question #2

Based on your research and understanding of the City, what do you believe are the most important opportunities and challenges for the City in the near term and how would you approach these?

Mr. Skrobola explained he would be in support of implementing the master plan and to use the vision of the community to balance the various interests and ideas. He then discussed the great opportunities that are ahead because of the economy but also there will always be challenges. He explained he would be interested in seeing the results of a community survey to understand what the community is looking for.

Councilmember Parisien asked question #3

Please describe the process you would follow to comprehensively evaluate the current operations of the City and develop innovative improvements.

Mr. Skrobola explained he would evaluate current operations by talking to staff and discussing how they do things and why they do things in that way. Also listening to their feedback in a structured way and looking at particular ways to diagramming the process and so on. Also, to get the energy going and building confidence so people feel like they make a difference is important.

Councilmember Kivell asked question #4

The City is interested in improving its budget development process, fiscal reporting to the City Council, planning for its capital projects and management of its long-term liabilities. Please provide examples from your past experiences that demonstrate your fiscal management experience and your ability to implement financial policies set by the governing board.

Mr. Skrobola summarized his experience in Kalamazoo as the CFO. They were able address their legacy cost for retiree health care by generating money with bonds, and by bargaining with the collective bargaining units. They were also able to keep their health care at 4% per capita. He was able to put together a very effective forecasting system for tax revenues in October and by the time the tax roll was set, they were usually within \$40,000 to \$50,000.

Councilmember Kurtzweil asked question #5

What do you see as the City Manager's role in communicating with the press and public? And how, specifically do you plan to be successful in communicating with the public?

Mr. Skrobola explained job number 1 is being truthful and being prudent to make sure whatever you are communicating is easily understood.

Councilmember Richards asked question #6

The City is interested in improving its success in applying for, receiving and administering grants for important City priorities. Could you please provide your experience in administering grants and how you would approach implementing a successful grant application and management plan for the City?

Mr. Skrobola explained his experience with grants. He stated he has accessed grants for road work and infrastructure. He explained they were very successful in obtaining a wide variety of grants at Kalamazoo.

Mayor Pelchat asked question #7

Please describe the process you would utilize to recruit and select talented staff.

Mr. Skrobola explained his philosophy is to hire people that have a career path and allow them to move around within the organization. He further stated networking is helpful as well.

Councilmember Kennedy asked question #8

Collaboration and community involvement are important to the City. Please describe how you would plan to professionally collaborate with other organizations in the community and how you plan to personally become involved in the community.

Mr. Skrobola explained the biggest success of being a City Manager is building relationships. He stated in the past, he has reached out to local businesses and the civic leaders in the community. They revamped their purchasing process and they reached out to the small businesses to increase the buy local idea.

Councilmember Parisien asked question #9

If someone were to Google search you, what would they find regarding your past public positions and is there any information or background you would like to provide regarding the publicly available information?

Mr. Skrobola stated there is nothing too remarkable.

Councilmember Kivell asked question #10

If selected as the next City Manager, what would you predict your tenure would be?

Mr. Skrobola explained he would like to stay at least 5 years, and see the City through a few cycles of capital projects and help get a long-term plan in place.

Mr. Vettraino asked Mr. Skrobola if he had any questions for Council.

Mr. Skrobola asked what are the strengths of the community. Mayor Pelchat stated the staff is very team oriented and they are looking for leadership. He explained the town is a very family oriented and it has all the great amenities and the downtown has great potential.

Mr. Skrobola asked what challenges he will be facing if he is chosen for the job. Mayor Pelchat stated we have several positions that need to be filled, and leadership is going to be very important.

Mr. Skrobola thanked the Mayor and Council for interviewing him, and he feels his experience and skills fit with the needs of the City. South Lyon is a great community.

Mr. Vettraino introduced Tracey Schultz Kobylarz.

Mayor Pelchat then asked question #1.

We have your background materials in front of us, but would you please begin by reviewing your professional career path and career goals. Additionally, based on your knowledge and understanding of the City, how are you a good fit for the City and how is the City a good fit for you?

Ms. Kobylarz summarized her experience as a Township Supervisor of Redford. She brings a unique perspective because she has been a Trustee as well. She has also been on the Zoning Board of Appeals. Her strength is in general management, she serves on the elected body as well as being the township manager. She has done her homework on the City. She can be a strong leader. Ms. Kobylarz likes to lead with a team mentality. Her approach is to work with department heads and Council to bring a shared outlook when working on the budget.

Councilmember Kennedy asked question #2

Based on your research and understanding of the City, what do you believe are the most important opportunities and challenges for the City in the near term and how would you approach these?

Ms. Kobylarz explained that her opinion is it is important for the City Manager and City Council to work well together. She is impressed with the DDA Director as well as Council's courage to push the local businesses to redevelop their property.

Councilmember Parisien asked question #3

Please describe the process you would follow to comprehensively evaluate the current operations of the City and develop innovative improvements.

Ms. Kobylarz explained from an outsider's prospective, she would like to have a strategic planning session with Council. She stated she is a strategic visual thinker. She further stated she would like to meet with Council individually as well as collectively. We would also include the employees and the public as well. The more people involved the better. That will determine what the City needs and what her goals should be.

Councilmember Kivell asked question #4

The City is interested in improving its budget development process, fiscal reporting to the City Council, planning for its capital projects and management of its long-term liabilities. Please provide examples from your past experiences that demonstrate your fiscal management experience and your ability to implement financial policies set by the governing board.

Ms. Kobylarz explained that financial responsibility is the number one most important thing. You need to look at the City's short-term goals, and long-term goals. There needs to be a plan in place to make sure we address all issues, such as OPEB and retirements and pensions. Redford Township had a deficit of 10.2 million dollars. They were going to run out of cash within 5 years if they didn't change the way they did things. She now holds a financial vision session each year.

Councilmember Kurtzweil asked question #5

What do you see as the City Manager's role in communicating with the press and public? And how, specifically do you plan to be successful in communicating with the public?

Ms. Kobylarz explained she is a social media guru. She stated she didn't see a lot of information on the City's side. She stated another role of the City Manager is getting the information out to the residents and responding to their questions or concerns. She further stated when communicating with the press, she should be able to contact them and they should be able to contact her for anything as well.

Councilmember Richards asked question #6

The City is interested in improving its success in applying for, receiving and administering grants for important City priorities. Could you please provide your experience in administering grants and how you would approach implementing a successful grant application and management plan for the City?

Ms. Kobylarz explained they wrote a number of grants and she has a lot of experience with many different types of grants. She has done that working on her own, and with other people as a team.

Mayor Pelchat asked question #7

Please describe the process you would utilize to recruit and select talented staff.

Ms. Kobylarz explained we need to make sure we have a community that people want to work in. She stated if we have highly skilled and talented employees, it will be easier to hire additional talented employees. She stated there are different recruiting techniques for different types of jobs. We don't need a third party for hiring most people. People don't always take a job because of the pay, it's more about the climate in which people get to work. Ms. Kobylarz further explained recruiting is something she has done for many years.

Councilmember Kennedy asked question #8

Collaboration and community involvement are important to the City. Please describe how you would plan to professionally collaborate with other organizations in the community and how you plan to personally become involved in the community.

Ms. Kobylarz stated someone cannot be a successful City Manager without getting involved with the community by joining the Chamber of Commerce and by looking at the faith groups to see if they have a shared joint program. She then stated she formed a program called Building a Better Redford, which evolved into One Redford which was a program for the Police Department, Fire Department and the faith groups. They would come together once a month to discuss what the community's needs are.

Councilmember Parisien asked question #9

If someone were to Google search you, what would they find regarding your past public positions and is there any information or background you would like to provide regarding the publicly available information?

Ms. Kobylarz explained you will find she was the first woman elected to the position she currently holds. It was a cantankerous election. She then won the second election again, but there are always people that don't like the way you lead. She was elected three times. You have to let the water run-off, but sometimes it will still hurt. She further explained she is very strategically oriented when it comes to finances. She stated sitting in the boss's seat, you will always take the blame for things that happen in the community. There are some falsehoods out there as well, and she just lets it go. She is very involved with many organizations.

Councilmember Kivell asked question #10

If selected as the next City Manager, what would you predict your tenure would be?

Ms. Kobylarz explained she would like this to be her last job, and she doesn't see retirement in the near future, but probably 10 years.

Mr. Vettraino then asked if she has any questions for Council.

Ms. Kobylarz asked Mayor Pelchat what would his ideal City Manager be. Mayor Pelchat stated we are looking for strong leadership, and to have good communication skills as well. Truthfulness is important too. Infrastructure is important as well.

Ms. Kobylarz explained communication is something she is good at, and being truthful is important even if it isn't good news.

Mr. Vettraino asked about how the transitioning will work from going from an elected position to an appointed position. Ms. Kobylarz stated the toughest thing will be leaving a community where 97% of the community voted for her in the last Election. She will have to tell them she has taken a different career path. She can retire from that community at any time. She is now more of a figure head because they have changed the way their government works.

Ms. Kobylarz then explained what Council doesn't know is she has always chosen to be the most dedicated person no matter what she is doing. She stated she will always give more than 100%. Her hobby is her work, she is very flexible. There is a time for fun and a time for seriousness.

Mr. Vettraino introduced Allyson Bettis

Mayor Pelchat then asked question #1.

We have your background materials in front of us, but would you please begin by reviewing your professional career path and career goals. Additionally, based on your knowledge and understanding of the City, how are you a good fit for the City and how is the City a good fit for you?

Ms. Bettis explained she is public servant and her last 35 years has been in public service. She began as a tax administrator, then went on to Oak Park, then onto Garden City where she has been ever since. Public service is important. South Lyon is a good fit, it is similar to the community she currently serves. She would be a good fit. South Lyon is able to balance the small-town history against the sustainability of a City that will continue for future generations.

Councilmember Kennedy asked question #2

Based on your research and understanding of the City, what do you believe are the most important opportunities and challenges for the City in the near term and how would you approach these?

Ms. Bettis explained some priorities are common place such as economic development, there is a constant struggle between major cities and the outlying cities to ensure they are attracting the kinds of businesses to keep them sustainable. We also need to be the kind of city that attracts different people. She also stated we have to watch the finances. One of her strengths is finances. She has been able to make sure the city came through the financial bad times, and she could do that with the City as well.

Councilmember Parisien asked question #3

Please describe the process you would follow to comprehensively evaluate the current operations of the City and develop innovative improvements.

Ms. Bettis stated she would have to find out what is going on, what Council's priorities and she would move forward with implementing them. Also speaking with the administrative team to



find out what their priorities are, as well as what challenges they are facing. Then evaluate those and bring everyone together and talk about it as a team.

Councilmember Kivell asked question #4

The City is interested in improving its budget development process, fiscal reporting to the City Council, planning for its capital projects and management of its long-term liabilities. Please provide examples from your past experiences that demonstrate your fiscal management experience and your ability to implement financial policies set by the governing board.

Ms. Bettis stated she is the Chief Financial Officer for Garden City. One of her jobs is to make Council aware of the finances for the City. She updates them monthly. They will then go through all the paperwork and have a conversation explaining everything. She is responsible for the day to day of the financial operations, as well as the budget and audit process. She sometimes has to ask the hard questions such as why a department is over budget.

Councilmember Kurtzweil asked question #5

What do you see as the City Manager's role in communicating with the press and public? And how, specifically do you plan to be successful in communicating with the public?

Ms. Bettis explained the key word is transparency and openness. She has a resident, council members, employees that come into her office every day with questions and comments. She stated if you let people express their concerns, you have to be there.

Councilmember Richards asked question #6

The City is interested in improving its success in applying for, receiving and administering grants for important City priorities. Could you please provide your experience in administering grants and how you would approach implementing a successful grant application and management plan for the City?

Ms. Bettis explained she has a grant administrator at her current job, so she has learned a lot from her. Garden City has gotten over 5 million grants in the last few years. Her goal would be to emulate the expertise of their grant administrator.

Mayor Pelchat asked question #7

Please describe the process you would utilize to recruit and select talented staff.

Ms. Bettis stated she likes to educate current staff. She wants staff to leave their service with more knowledge than when they arrived. She stated she encourages training and mentorship. She has a lot of networking resources and when she leaves her current community, there will be a group of talent that she could ask to replace her.

Councilmember Kennedy asked question #8

Collaboration and community involvement are important to the City. Please describe how you would plan to professionally collaborate with other organizations in the community and how you plan to personally become involved in the community.

Ms. Bettis explained she likes smaller communities, because you can be more involved. She is a member of the Kiwanis, she attends and volunteers for all the events. You can't find out what your community needs if you are distant and not involved. That is what public service means to her.

Councilmember Parisien asked question #9

If someone were to Google search you, what would they find regarding your past public positions and is there any information or background you would like to provide regarding the publicly available information?

Ms. Bettis explained there will be many things from Oak Park and Garden City. You will find pictures of her traveling from all over the world. Also, she is president of the Wayne County Treasurer's Association.

Councilmember Kivell asked question #10

If selected as the next City Manager, what would you predict your tenure would be?

Ms. Bettis stated she doesn't plan on retiring anytime soon, at least 5 years. You should always leave your position with a legacy. She thinks everyone should have someone that can assume your responsibilities if you leave.

Mr. Vettraino then asked if she has any questions for Council.

Ms. Bettis asked Mayor Pelchat asked about the City Manager position, and what they want from a City Manager. Mayor Pelchat stated we need someone to lead by example, good communication, and help our staff be better and understand their roles better. A person that can communicate with the residents better. Basically, someone to take the opportunity to lead the community further.

Ms. Bettis then asked in terms of economic development, what is the Council looking for. Mayor Pelchat stated for several years we have focused on redeveloping the downtown and keep the blue collar unique downtown while still not turning away new opportunities. We need some leadership and a push. Ms. Bettis then asked how built out the City is. Mayor Pelchat stated we are looking at the growing communities around us, but have limited space for growth.

Mr. Vettraino asked Ms. Bettis to explain her current reporting relationship with the current City Manager and Council. Ms. Bettis stated they have a new City Manager and she reports to him, but she has known her Council for 20 years or more. It is easy for her to have conversations with Council. When you take a new position, you have to make a commitment and she is hoping the transition if she leaves Garden City will be smooth. She will not abandon them.

Mr. Vettraino asked how she will manage reporting to a group of 7 Councilmembers. Ms. Bettis stated the easiest way to communicate is email, that is a good way to ensure no one is left out, but that doesn't mean she doesn't have conversations with individuals as well as the Council as a whole. She is very honest, and she understands what her responsibilities are and that she works for the entire body of Council, not just individual members.

Mr. Vettraino then asked Ms. Bettis if there is anything else she wants Council to know.

Ms. Bettis explained as she gets further in her process, she is pleasantly surprised between the City she serves now and South Lyon. She wants to be an influence to the community. She believes in public service. One of the things she notices as a Clerk, is we get a lot of voters for presidential elections, but not many for local elections. Local Elections is what makes the community thrive, and she loves being a part of that. Making a difference in people's lives is what makes her happy.

Mr. Vettraino introduced Bruce Thompson.

Mayor Pelchat then asked question #1.

We have your background materials in front of us, but would you please begin by reviewing your professional career path and career goals. Additionally, based on your knowledge and understanding of the City, how are you a good fit for the City and how is the City a good fit for you?

Mr. Thompson explained he was with the City of Westland for 24 years. He began after working in the City of Monroe as a planner. He then went to Westland and began as a planner. He worked with a Director that taught him a lot, after he retired, he became the Director. He has learned a lot from different Mayors. In 2011 he took over the building department which gave him the opportunity to learn many things. The Mayor was confident in him to allow him to take over the economic development director. Planning, building and economic development work hand in hand. We have a TIFA district as well as a DDA. He stated they work on a lot of community-oriented projects. He will be potentially retiring in 120 days. He decided to continue to grow and look for a community that will grow with him. He was been fortunate to be a part of the Westland community, but he is looking for a new challenge.

Councilmember Kennedy asked question #2

Based on your research and understanding of the City, what do you believe are the most important opportunities and challenges for the City in the near term and how would you approach these?

Mr. Thompson stated with the state of revenue sharing, most communities are having budget challenges. He stated the City of South Lyon's budget has a decent budget surplus, but that doesn't mean you take it and run with it. He would have to sit with each of the directors to see what is needed in the future. It is a collaborative item to deal with.

Councilmember Parisien asked question #3

Please describe the process you would follow to comprehensively evaluate the current operations of the City and develop innovative improvements.

Mr. Thompson explained he would have to sit down with each of the directors and to be a manager you have to look at people as professionals and treat them with respect. You have to listen to what they have to say, and look at the fluctuations their departments have gone through. He has a lot of ideas, but he would have to meet with everyone and listen to their needs.

Councilmember Kivell asked question #4

The City is interested in improving its budget development process, fiscal reporting to the City Council, planning for its capital projects and management of its long-term liabilities. Please provide examples from your past experiences that demonstrate your fiscal management experience and your ability to implement financial policies set by the governing board.

Mr. Thompson explained one of the more important things he has done in the past, is when the state revenue sharing went down, they sat down as a community and looked at what everyone's long term goals were. They met with the residents as well. He further stated, they looked at how do they address the issue to ensure they stayed in the black. We then began projected budgets 3-5 years out. Infrastructure concerns were looked at, and how they would pay for those things. He stated it has been very successful. He thinks the best way to do it is to do so in the open. Transparency and sitting down with everyone to see what everyone needs and to ensure we are all on the same page.

Councilmember Kurtzweil asked question #5

What do you see as the City Manager's role in communicating with the press and public? And how, specifically do you plan to be successful in communicating with the public?

Mr. Thompson explained that he has dealt with the press a lot, and one of the things he prides himself with is being professional, and understanding they are professional as well. Making sure they are aware of all the good things happening in the community is important and making sure they focus on that.

Councilmember Richards asked question #6

The City is interested in improving its success in applying for, receiving and administering grants for important City priorities. Could you please provide your experience in administering grants and how you would approach implementing a successful grant application and management plan for the City?

Mr. Thompson explained he recently obtained a grant from SEMCOG. He stated they have an up to date master plan as well. He stated one was a non-motorized grant, and the first step was for the educational program. In 2019 they will be implementing that program. He stated it wasn't a huge grant, but it requires just as much administration. Following through with MDOT and SEMCOG is important. Making sure you have matching funds is also important to ensure you can get the grants. There is a limited amount of grants out there, but if you target what you are looking for, you can usually find something.

Mayor Pelchat asked question #7

Please describe the process you would utilize to recruit and select talented staff.

Mr. Thompson stated assuming he would need to, he has worked with a lot of people and have made a lot of connections. He would have to work through personnel, but there are many resources out there such as MML. There are different organizations you can use to get involved. You just sit down with people and get to know them. Sometimes people don't necessarily have the resume someone else has, but they are customer service oriented and seem like the right fit. Things can be learned which is part of being a professional.

Councilmember Kennedy asked question #8

Collaboration and community involvement are important to the City. Please describe how you would plan to professionally collaborate with other organizations in the community and how you plan to personally become involved in the community.

Mr. Thompson explained collaborative is a good word. He works with many different organizations and collaborative goes from bottom to top. You have to be collaborative with the people you serve as well. He stated it is really a matter of looking at what our community can do together. Everyone has the same goal, to move the community forward.

Councilmember Parisien asked question #9

If someone were to Google search you, what would they find regarding your past public positions and is there any information or background you would like to provide regarding the publicly available information?

Mr. Thompson stated he has never googled himself, but he prides himself in being very professional, and he has a high set of standards. It has become who he is, and you will find that if you google him. He is straight forward and he deals with everyone professionally.

Councilmember Kivell asked question #10

If selected as the next City Manager, what would you predict your tenure would be?

Mr. Thompson stated he would stay as long as Council would want him. He wants to stay somewhere where he can make a difference. One of the luxuries he has had, if he is asked a question, but he doesn't know the answer, he will find the answer. He wants to stay where his work is appreciated.

Mr. Vettraino asked if he has any questions for the Mayor.

Mr. Thompson stated he has done a lot of research, he has looked through the budget. His sister lives in the area, and it is one of the fastest growing areas in Michigan. He stated he is comfortable with his knowledge of South Lyon.

Mr. Vettraino stated the City is a strong Mayor form of government. Can you describe your role working with an elected official versus an appointed official?

Mr. Thompson stated he works with elected officials every day. His Council has his cell phone number and he doesn't work just 9-5. Becoming a city manager versus an administrator he thinks the most important thing is being prepared and making sure the elections officials are prepared to ensure they have the information they need to make decisions. We have to work together, and even if everyone can agree to disagree and move ahead professionally, that is a great working relationship.

Mr. Vettraino asked how his departmental budget preparation is.

Mr. Thompson stated he started in one department and went through 3. They have a budget director, but he is involved and always learning. The state requirements are the same regardless of the size of the community. He stated he has looked at the City's budget and he has a good handle on it, but the City also has terrific resources such as Plante Moran. He is capable of doing the budget, and working with the department heads as a team. Things always change, so you have to be able to adapt.

Mr. Thompson stated he appreciates the opportunity to be at this interview. He was very excited when this position opened. He and his wife are looking at moving out this way. He wants a place to grow and be a part of a community. This is the kind of place they would like to live, and it is important for him to be a part of a community and have a stake in it.

Mr. Vettraino introduced Paul Zelenak

Mayor Pelchat then asked question #1.

We have your background materials in front of us, but would you please begin by reviewing your professional career path and career goals. Additionally, based on your knowledge and understanding of the City, how are you a good fit for the City and how is the City a good fit for you?

Mr. Zelenak stated he has worked in municipal government for 30 years. He started in Rochester Hills as an engineer. He then obtained his business degree, then masters degree. He knew he wanted to make a difference in the community. He stated he enjoys helping to solve problems and it gave him the opportunity to meet people and he enjoyed it. He stated he often has learned more from bad managers than good ones. He knows what to do and what not to do. Mr. Zelenak stated he worked within the assessing department, the engineering department, he then worked on a 2-year strategic planning process. He then worked at the Village of Ortonville. He worked on a little bit of everything. Mr. Zelenak then explained when working in the smaller communities, you learn to chip in. He worked with the DDA, the zoning board of appeals, and because of all of that he feels he is a good fit for this community. This is a good opportunity.

Councilmember Kennedy asked question #2

Based on your research and understanding of the City, what do you believe are the most important opportunities and challenges for the City in the near term and how would you approach these?

Mr. Zelenak explained that working in a community, an important thing to have is a plan for the future, such as a capital improvement plan, a street plan, and a water and sewer rate study. He stated working on a multi-year financial budget will help as well. He stated collaboration with the staff, working with Councilmembers and training to set the proper culture for City Hall.

Councilmember Parisien asked question #3

Please describe the process you would follow to comprehensively evaluate the current operations of the City and develop innovative improvements.

Mr. Zelenak stated working with staff, looking over manuals, reviewing budgets, and looking over union contracts, getting the opportunity to get to know the businesses in the community as

well as the faith leaders. He then stated getting the chance to meet people is very important, to see and be seen is important. He stated one on one is the best approach. Some of the best respect he has gotten was from doing so. He rode with the police officers and that helped them to understand he wanted to be a part of their department and to trust him.

Councilmember Kivell asked question #4

The City is interested in improving its budget development process, fiscal reporting to the City Council, planning for its capital projects and management of its long-term liabilities. Please provide examples from your past experiences that demonstrate your fiscal management experience and your ability to implement financial policies set by the governing board.

Mr. Zelenak explained the budgeting process is that it is a year-round process. He is preparing now for the 2019 budget year. He stated this is the first time they have had a Capital Improvement plan. It gets everyone on the same page. He stated it is currently 77 pages long. At the same time, you should have a 5-year budget plan. At the same time, it is important for the public to see the government is acting pro-active and they are prepared for their future.

Councilmember Kurtzweil asked question #5

What do you see as the City Manager's role in communicating with the press and public? And how, specifically do you plan to be successful in communicating with the public?

Mr. Zelenak explained to be and be seen is very important to him. He needs to be prepared for any meetings. The public needs to see the City Manager at events and should be a part of the events. It is having an open-door policy, and when you open the lines of communication, people trust you more. He then stated the staff needs to be open as well to keep everyone informed. The rumor mill can be a bad thing, and if it is, it needs to be nipped in the bud.

Councilmember Richards asked question #6

The City is interested in improving its success in applying for, receiving and administering grants for important City priorities. Could you please provide your experience in administering grants and how you would approach implementing a successful grant application and management plan for the City?

Mr. Zelenak explained that grants are important and each department head needs to be looking for grants. His experience has been working with the department heads and consultants, and they have obtained over 2 million in grants in the last 5 years. He stated you need to know what is happening underground, you don't want to put in a new road, then find out you have to tear up the road to fix something underground. One of the recent grants they got was for \$5,000 to replace the trees in the Cemetery. It was a small grant, but it was still a savings to the City. He then discussed some other grants the City of Linden was able to get.

Mayor Pelchat asked question #7

Please describe the process you would utilize to recruit and select talented staff.

Mr. Zelenak stated if there is existing staff, he would use existing job descriptions and reviewing them with the current employees. He stated you have to have exit interviews as well. Using certain municipal locations to recruit individuals, and having a culture at City Hall that will make people want to come work at City Hall. He then stated talking with staff and getting feedback is important.

Councilmember Kennedy asked question #8

Collaboration and community involvement are important to the City. Please describe how you would plan to professionally collaborate with other organizations in the community and how you plan to personally become involved in the community.

Mr. Zelenak stated collaboration has to start at the beginning. Meeting with the schools to share services is a possibility. There are many opportunities to collaborate with other communities, such as purchasing equipment that the communities wouldn't need at the same time would work well. Collaborating and meeting the different groups to let people know he wants to preserve downtown is important as well.

Councilmember Parisien asked question #9

If someone were to Google search you, what would they find regarding your past public positions and is there any information or background you would like to provide regarding the publicly available information?

Mr. Zelenak stated there would be videos and photographs of things he has done in different communities. He worked in Lake Orion and they went to assist with rebuilding a school after Hurricane Katrina. He further stated there is another Paul Zelenak as well. He met the one that works at Wayne County. If you look at the videos, you will know he is a community minded individual.

Councilmember Kivell asked question #10

If selected as the next City Manager, what would you predict your tenure would be?

Mr. Zelenak stated at least 10 years, he wants to work in a community that wants him and where he can make an impact on the community.

Mr. Vettraino asked Mr. Thompson if he had any questions for Council.

Mr. Zelenak asked Mayor Pelchat what they see as their immediate goals for the City Manager. Mayor Pelchat stated there are some immediate things that need to be addressed, such as leadership, reviewing the job roles at City Hall as well as working towards a change in morale, working with communities around us as they grow. He stated we have some vacancies in department heads that need to be handled. We are a small community, the see and be seen idea is great.

Mr. Zelenak stated he is different than many managers because he has worked his way up through many departments. His specific training is unique, obtaining his assessors license, being a registered builder, working on strategic planning, and being able to work on writing ordinances and communicating with the public is important as well.



Councilmember Parisien left the meeting at 7:50 p.m.

Councilmember Walton entered the Council Chambers at 8:00 p.m.

Mr. Vettraino stated the goal is to get to a number of candidates that Council would like to interview. You can interview any number that you choose. He recommended Council to choose 3 candidates at a minimum. He further stated this is currently not a vote, but a discussion to decide who will be chosen to be interviewed at the next meeting.

Mayor Pelchat stated this has been an exciting day. He stated when he started he wanted to make sure we were thorough, and he was convinced we were going to ask 3 candidates to return for follow up interviews. He would like to have Paul Zelenak, Tracey Kobylarz, and Thomas Skrobola to come back for second interviews. Councilmember Kivell thanked everyone for coming for the interviews, but he agrees with Mayor Pelchat, he would like to see the same people return for second interviews. He further stated there was a great deal more solidity to their statements with a broader scope of understanding of every element that will need to be acted on as City Manager. Mayor Pelchat thanked everyone that applied, as well as everyone that interviewed. Councilmember Kennedy stated those are the same three he would like to have back for further interviews. He further stated the other two positions have had second tier jobs, and we need someone that will hit the ground running. Councilmember Richards stated he would like to have Bruce Thompson back, but his favorite would be Paul Zelenak, although he would like Tracey to come back as well. Councilmember Kurtzweil stated she wants to thank all candidates that applied, as well as the ones that interviewed tonight. It is a brave thing to do. She also agrees with Mayor Pelchat, and she had time over the weekend to review the resumes as well. Councilmember Walton apologized for running late, but she studied the resumes over the weekend, and the three that everyone has chosen, are the same ones she would like to interview.

#### CM 7-3-18 MOTION TO INVITE THREE CANDIDATES BACK FOR SECOND INTERVIEWS

Motion by Kurtzweil, supported by Kivell

Motion to invite Thomas Skrobola, Tracey Kobylarz and Paul Zelenak for second interviews on the 23<sup>rd</sup> of August

VOTE:

MOTION CARRIED-1 ABSENT

#### CM 7-4-18 MOTION TO ALLOW JAYMES VETTRAINO AND CITY ATTORNEY TO BEGIN WORKING ON EMPLOYMENT AGREEMENT

Motion by Kivell, supported by Richards

Motion to allow Jaymes Vettraino and Attorney Wilhelm to begin working on employment agreement

VOTE:

MOTION CARRIED- 1 ABSENT

#### PUBLIC COMMENT

Ryan Lare of 716 Grand Court stated he wanted to thank all of the candidates and it was an enjoyable evening and he was happy to be part of it.

#### COUNCIL COMMENTS

Councilmember Kennedy stated he wanted to remind everyone of Blues, Brews and Brats this coming Saturday.

7-31-18

CM 7-5-18 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Walton

Motion to adjourn meeting at 8:40 p.m.

VOTE: MOTION CARRIED- 1 ABSENT

Respectfully submitted,

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

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

DRAFT

City of South Lyon  
Regular City Council Meeting  
August 13, 2018

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

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

Mayor Pelchat stated Councilmember Walton will be arriving late.

MINUTES

Councilmember Kennedy stated on page 1, the minutes should reflect that he was present as well. He further stated on page 2, the resident that introduced her granddaughters name is Judy Keeling.

CM 8-1-18 MOTION TO APPROVE MINUTES

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

VOTE: MOTION CARRIED- 1 ABSENT

BILLS

CM 8-2-18 MOTION TO APPROVE BILLS

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

VOTE: MOTION CARRIED- 1 ABSENT

ATTORNEY BILLS

CM 8-3-18 MOTION TO APPROVE THE ATTORNEY'S BILLS

Motion by Kennedy, supported by Kivell  
Motion to approve the attorney bills as presented

VOTE: MOTION CARRIED- 1 ABSENT

AGENDA

CM 8-4-18 MOTION TO APPROVE THE AGENDA

Motion by Kivell, supported Parisien  
Motion to approve the agenda as presented

VOTE: MOTION CARRIED- 1 ABSENT

PUBLIC COMMENT-

Mayor Pelchat then read the rules for the record, as they are printed on back of Agenda. Members of the public may speak at a Council meeting upon recognition by the Mayor. Public comment may only occur during periods designated on the agenda for public comment or a public hearing. A person may speak for up to two (2) minutes during each of the two public comment periods on agenda items or non-agenda items. Waivers of the time requirement may only be granted at the discretion of the Mayor, and waivers to speak at a time other than a designated comment period

may only be granted by the Council. Any person wishing to make a presentation longer than two minutes or requiring audio-visual equipment is asked to contact the City Clerk requesting to appear on a future agenda. A person may only address Council from the podium. Only one person may occupy the podium at a time. All remarks are to be directed to the Mayor and Council. Speakers are not to engage in direct dialog with other meeting attendees. Any person who violates the Rules of Conduct, disturbs the peace at the meeting, and/or interferes with the meeting may be warned, ordered to be seated, removed, and/or ticketed. \*This summarizes Council Resolution 04-18. Complete Rules, including guidelines for considering waivers, are available in the Council Chambers and from the City Clerk.

Doug Cook of 25701 McCrory Lane stated he is from the Lake Street Cruise-In Motorfest and he wanted to publicly thank the Mayor, Council, Chief Vogel, Chief Collins, and the Dpw staff, First Presbyterian Church along with the 30 volunteers. He stated they had over 350 vehicles, and the food trucks did very well. He further stated the restaurants and businesses reported a lot of foot traffic during the event as well. He further stated they have 2 remaining car shows this year.

Carol Sedelko of 62512 Raleigh Court asked if the City could purchase some paint and paint the Art Craft building in our downtown. We have two buildings in the same block that is working on improving their building, and she stated the building owner has shirked their responsibility. Maybe then someone would be interested in renting it. She feels it is the City's responsibility to paint the eyesore.

Margaret of 62290 Arlington Circle stated she has a petition signed by over 40 signatures that don't want the property by Colonial Acres developed. People feel very strongly about it. She further stated there is a lot of wildlife in that area, what is going to happen with them. Another concern is another entrance to Colonial Acres.

Bonnie Campbell of 62310 Arlington Circle. She has some concerns as well. She stated Colonial Acres phase 5 has 467 units, and 377 units in Phases 1-4. That is an 844 senior condos and building 58-60 family homes that backs up to the 844 senior condos, doesn't seem like a good fit. She further stated assuming the development goes forward, approximately 50-60- units in Colonial Acres will back up to the homes. She further stated they are all walkouts, and also her bedroom windows will look directly into their yards.

Most of people that moved into Colonial Acres because they wanted to live in a quiet community of their peers. This housing development will change the flavor of our community, and they are also concerned about the barrier that is being discussed as well.

#### DISCUSSION- Downtown

Mr. Donohue stated he is meeting with 4 of the building owners tomorrow to pick their paint colors and they hope to have it done by the end of September. He then stated there is a new edition of the business directory that will be out soon. He further stated they are putting together a downtown event and city event calendar. He stated it is a timely piece and it is now in a digital format, it will be on the City's website and he will make sure they are emailed or hand delivered to all business owners in town.

Councilmember Kurtzweil stated we have residents that are noticing the same things we have been noticing. She asked where we are with the enforcement on the Bonner buildings. Is there any interest by the family of letting volunteers come in and paint their buildings? Mr. Donohue stated he met with the realtor and a representative for the family informally about 2 months ago. He stated we are now ready to go to the first formal step with the building department inviting people in with whomever they choose, such as their realtor or attorneys. He stated when he first met with them, they asked to give them 30 days to get it listed, and he knows they have had 4 offers. He stated they didn't live up to their conditions of

getting the properties listed. Councilmember Kurtzweil stated she thought the properties were listed, this tells her they don't want to pay a listing fee, a real estate agent, and they want to walk away with cash in their pocket without them doing anything to improve the buildings.

Councilmember Walton joined the meeting at 7:45 p.m.

They aren't interested in listing the properties, and they don't want to do anything to improve their real estate. She further stated the official meeting should be tomorrow. Mr. Donohue stated he agrees with her. He stated it is very frustrating and we are treating all 5 of the buildings equally.

Councilmember Parisien stated she is concerned about the Art Craft building as well. She stated the calendar looks great, but the biggest form of communication is Facebook and this should be posted on there as well. Mr. Donohue stated this is a clinical basic list, the DDA is working on something more official.

#### OLD BUSINESS

1. Consider first reading of Ordinance rezoning parcel 21-19-126-002 (Thomasville) from RM-1 (multiple family residential) to PD (planned development)

Councilmember Kivell stated this has been here and back numerous times, and he appreciates Colonial Acres residents and their comments and concerns. He stated our chore is to come to a consensus of what will be the best neighbor for Colonial Acres. We can't tell them they can't develop their property. He stated he has been against the layout for the density issues; the whole gamut is thrown out the window to allow them to build there. This is going to be the third planned development. He further stated Gateway was a good development because it was mixed use and it was a good fit. He then stated the Knolls, are still getting tangled up with things of what that planned development has transitioned to, problems that show up later. He stated it is a beautiful development, but by accomplishing a walking path around the water retention area, it allowed them to build lots that doesn't allow for the homeowners to put a deck and so on. Now we are changing the percentages for the City itself. He stated this flies in the face of so many things, he doesn't think he can support this.

Councilmember Kennedy stated he appreciates the changes that were made based on the previous Council discussion. He would like to talk about a few things that were changed in the plan. He further stated along the border of Colonial Acres, they will have staggered evergreens, as well a 6 foot privacy fence. Councilmember Kennedy stated Lexington does not connect to Colonial Acres, and this property will not have an entrance into Colonial Acres. This property is currently zoned to be able to build multiple apartment buildings.

Councilmember Parisien asked how many people were present at the public hearing for the Planning Commission. Attorney Wilhelm stated the council packet includes Planning Commission minutes from the meeting when this was discussed, but it doesn't reflect how many people attended. Councilmember Parisien asked how can we preserve wildlife. Carmine Avantini of CIB planning stated one item that will be retained is by the retention pond.

Councilmember Kennedy stated providing for the 50 units, do we know what is the price range going to be. Mr. Avantini stated they look larger than the original plan. The original owner intended to have it targeted toward empty nesters, but it didn't work out that way. They are now looking for less units, but larger homes. Councilmember Kivell stated we will end up with a parade of cases going to the ZBA. Mr. Avantini stated there could be some things the developer or the builder could decide not to put in, but when you start talking about patios or decks, everyone wants one of them. Councilmember Kivell stated they won't be able to meet the criteria for lot coverage. He wants to avoid that. Mr. Avantini stated we

would have to nail that down with the site plan review. He stated we have the same problems with other developments as well.

Councilmember Kurtzweil stated she has represented Colonial Acres in the past, and this could be considered a conflict of interest for her. She further stated if we remove recommendation I, and V, that would probably take away the conflict, but if those items must stay, she will not be voting due to a conflict of interest.

Councilmember Richards stated this property has bounced around for a long time. He complimented Mr. Cavaliere for the marvelous site plan he created. There were details and features that he has never seen before. He is ok with developing the property, but they originally had the perfect zoning to begin with. He stated if we deny this request, we are doing them a great service. Eventually you will come to see the failure of this project. He further stated these buildings have no basement, no yard, no view of anything. The largest units are smaller than the double wide in the trailer park, and it may end up looking like a trailer park. If we deny this request, he will work with him. If we approve this tonight, the beat goes on, but when it stops, you will be facing financial disaster. He stated it is a bad location for something like this. He further stated they will get working families, cats, dogs, children, which means toys, garbage cans, and other things. He is against this project, but it could still be corrected, but this is wrong.

Councilmember Parisien stated there was a person during public comment that brought along with her a petition with 42 names on it, and she would like that to be recognized and part of the Council packet.

Mayor Pelchat stated the developer is able to put in over 300 apartments, would Colonial Acres residents rather that, or would they rather the homes they are wanting to put in. Fact of the matter is, if we turn this down, they can go put 300 apartments on this property. He stated instead of shutting the door on this, we need to discuss this further.

Councilmember Kivell stated there is a lot of room to negotiate the situation if the developer will entertain the idea. We need to be protected from too many ZBA cases happening. He doesn't see how you can use a 4,300 square foot lot, that will allow for people to have a deck and so on. If there is some way to cut down the number of units, and expand the lot size, and he is hoping the developer is willing to negotiate.

Councilmember Kurtzweil stated Colonial Acres is a great community. She then asked if the developer has sat down and spoken with the residents. They built their lives here, and sometimes if you give them an opportunity to be heard, it may help. If she was the developer she would have met with them already. She would offer to facilitate the meeting, but she can't. They are reasonable people, and possibly we should put this off another 30 days.

Lorenzo Cavalier of 30078 Schoenberg Road, Warren stated we have made changes based on the conversations at the last meeting, as well as conversations he has had with City staff. Mr. Cavalier stated the project as proposed has not been presented as of yet. Councilmember Kivell, you are right, the public hasn't heard what you are interested in doing, but most of the conflict comes from not reducing what the waiver will be is going to be a tough situation. Mr. Cavalier stated they had approval for 60 forty-foot lots, on this same site. We have taken out 18% of the number of lots. He stated they removed 10 units, they increased the lot size, and from his understanding the biggest concern of Colonial Acres was having a road that would connect to their development. He further stated he provided the easement at the City's request. We don't have to have that. He doesn't think there should be a road there now either. They agreed to have a barrier with 6 ft vinyl fence as opposed to waiting years for the trees to mature. All of the focus has been to address the concerns for Colonial Acres. The density in Colonial Acres is much more than what they are proposing. He stated he can get approximately 250 apartment units in that area.

Mr. Cavalier stated several communities now allow for part of their setback to be used. Many communities are changing that ordinance.

Councilmember Kivell stated the setbacks are not the concern, the lot coverage is the concern. Mr. Cavalier stated the allowable coverage is 25%, we are suggesting 14.6%.

Councilmember Kurtzweil stated she wants to clarify that we aren't keeping him from speaking, we are willing to put this off for 30 days, and we are asking him to meet with Colonial Acres residents and hear their concerns and have some discussions with them.

Councilmember Parisien stated she apologizes, she doesn't think this will look like a trailer park, that is not Council's overall opinion, and she is sorry if that offended anyone. She then stated you have to understand from our viewpoint, we need to make sure the residents are heard. She understands his hardship as well, but we need to make sure our constituents understand what is coming in the future. Mr. Cavalier stated there was only one person that represented Colonial Acres, and their only concern was the road connecting this property to Colonial Acres. He was hoping the planning director could have explained everything that they have changed in the last 30 days. He stated at the beginning of this, the property was approved for 90 units, and we are now approved to have over 300 apartment units, then approved for 60 40-foot lots, and now we are trying to get 50-foot lots, and there are still concerns.

Councilmember Parisien stated she understands his concerns, and it can be frustrating that during the public hearing process, only one person attended with one complaint. She stated the majority of the residents didn't know there was a public hearing. They need to be able to speak to this issue. She further stated she would hope that he would meet with Colonial Acres residents to hear their concerns. Mr. Cavaliere stated we are now looking at another 30 days, which is now 60 days. Mayor Pelchat stated he would like the developer to speak with the residents of Colonial Acres. Mr. Cavaliere stated he can be ready in 2 weeks.

#### CM 8-5-18 MOTION TO APPROVE FIRST READING OF ORDINANCE

Motion by Parisien, supported by Kivell

Motion to approve First Reading of Ordinance Rezoning Parcel 21-19-126-002 (Thomasville) from RM-1 (multiple family) to PD (planned development) subject to the listed conditions

VOTE: MOTION CARRIED- 1 ABSTAINED DUE TO CONFLICT OF INTEREST

#### NEW BUSINESS

1. Consider appointment of Nahid Hamade Salemi to the Cable Commission

Ms. Salemi stated she applied to be on the Cable Commission. She was an executive producer Just moved to South Lyon last year and she loves living here. Decided to use what she knows who if appointed. Mayor Pelchat stated the Cable Commission have needed people for a long time.

Ms. Salemi stated she goes by Nancy if her name is hard to pronounce. Councilmember Kurtzweil welcomed her and she read her application and she asked what languages is she an interpreter for. Ms. Salemi stated Arabic and Persian. Councilmember Kurtzweil stated it is wonderful to have her here and her talent will definitely be called upon.

#### CM 8-6-18 MOTION TO APPOINT NAHID HAMADE SALEMI TO CABLE COMMISSION

Motion by Kivell, supported by Parisien

Motion to appoint Nahid Hamade Salemi to the Cable Commission

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider approval of charitable gaming license for South Lyon High School Pom Pon Boosters

Chief Collins stated they were invited to be a part of the meeting, but he didn't get a response.

#### CM 8-7-18 MOTION TO APPROVE CHARITABLE GAMING LICENSE

Motion by Kivell, supported by Parisien

Motion to approve the Local Governing Body Resolution for charitable gaming licenses recognizing South Lyon High School Pom Pon Boosters as a non-profit organization in the community for the purpose of obtaining charitable gaming licenses

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider approval of charitable gaming license for The Goodfellas Project

Kevin Pezeshkian of The Goodfellas stated they started this in March, and they are dedicated to helping low income families anywhere they can. This past weekend they just finished furnishing a home for a family that was in need and sleeping on the floor. They partnered with the Candlelight project and they have worked with Active Faith in the past. They want to keep helping people in need. Mayor Pelchat stated they have also helped with cleaning up the streets in town. Councilmember Parisien thanked him for doing this and being a part of the community. She further stated there was a group that contacted them with 211 concerns, or phone calls about homeless and shelter issues in our City. She stated people are also very focused on the opioid problem, as well as the problems with human trafficking. She further stated we had no idea it was such a prevalent problem in the City. There is a definite need for this organization. Mr. Pezeshkian stated they want to show our peers what is going on as well. Councilmember Kurtzweil thanked him for speaking with her before the meeting. She stated she started her career in the non-profit area. She stated to this day she supports non-profit activities. She stated the most important thing is he is setting a standard for the youth in our City. You are giving back to other human beings, and these are great character-building moments for him. She further stated he will become a role model for others in our community. She stated the little things you do can make a change in someone's life. She thanked him for doing what he is doing, and for showing people that his generation can recognize there are other values more important than material objects.

#### CM 8-8-18 MOTION TO APPROVE CHARITABLE GAMING LICENSE

Motion by Kurtzweil, supported by Walton

Motion to approve the Local Governing Body Resolution for charitable gaming licenses recognizing The Goodfellas Project as a non-profit organization in the community for the purpose of obtaining charitable gaming licenses

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider approval to remove gazebo at northeast corner of McHattie Park (near Lafayette and the Rail Trail)

#### CM 8-10-18 MOTION TO REMOVE GAZEBO

Motion by Kennedy, supported by Kivell

Motion to approve removal of gazebo at the northeast corner of McHattie Park

VOTE: MOTION CARRIED UNANIMOUSLY

5. Consider approval to purchase five (5) In-Car Mobile Data Computers (MDCs) using Drug Forfeiture Funds



Chief Collins stated this topic was discussed during the budget workshops. There was a suggestion by Plante Moran to use the Drug Forfeiture Fund. He has been shopping this around for a while, and we are already reaping the benefits of purchasing through CLEMIS.

CM 8-11-18 MOTION TO WAIVE COMPETATIVE BID PROCESS

Motion by Kennedy, supported by Parisien

Motion to waive competitive bid process because there would be no advantage to the City in obtaining bids

VOTE: MOTION CARRIED UNANIMOUSLY

CM 8-12-18 MOTION TO APPROVE PURCHASE OF IN-CAR MOBILE DATA COMPUTERS

Motion by Kennedy, supported by Walton

Motion to approve the purchase of 5 MDCs for \$22,777.30 using drug forfeiture funds

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Kurtzweil stated she has two comments on this issue. She stated when something comes before Council for a purchase, she would like something included reflecting where in the budget this is coming from. Chief Vogel is always very good at including this.

She stated she had a discussion with someone about bids, and if you explain the line item that this item is coming from, it gets you trained to look at the budget more. It is helpful to be able to see where they are and provide more back up to Council for where this is coming from in the budget. Try to refer to the budget, and there is a comment from CLEMIS that the equipment is outdated. Chief Collins stated our current equipment is very outdated. Councilmember Kurtzweil asked why this wasn't caught earlier, the money was there. Chief Collins stated they try to be responsible with taxpayer's dollars, and the equipment was working ok, but we recently began having trouble with the equipment, when they did, we brought this to Council for approval.

Councilmember Richards stated the Police Department and their budget is very specialized, and he hopes the PD can invest in a drone or possibly 2 drones.

6. Consider approval of 2 replacement furnace and A/C units at Police/Fire Administration building

Chief Collins stated this was previously discussed at the budget workshops and this is also a budgeted item. He stated the air conditioning units in the administration building are now failing.

CM 8-13-18 MOTION TO APPROVE PURCHASE/INSTALLATION OF FURNACE AND AIR CONDITIONING UNITS

Motion Kivell, supported by Kennedy

Motion to approve purchase and installation of the furnace and air conditioning unit as bid by Unlimited Heating & Air LLC for \$12,940

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Kurtzweil stated again, this is a budget issue, and again, there is nothing in the packet pointing to where in the budget this was approved. It appears it is coming out of Capital Outlay. That portion of the budget had \$15,000. If you subtract out the furnace and air conditioner, you will come out a little short for the office furniture purchase of \$3,000

Councilmember Parisien stated she appreciates Chief Collins for being frugal with taxpayers money, and not having air conditioning is rough and she thanked him and his department for all they are doing.

Councilmember Kennedy stated he discussed this with Chris Sovik and Chief Collins when this was originally in the packet a few weeks ago. It was originally pulled from the packet so those questions could be addressed. He then complimented Chief Collins for the decision that was made with going with Unlimited Heating & Cooling and for the additional information.

7. Consider approval of first reading of Ordinance Amendment to add Section 22-167- Soliciting in public roadway prohibited; Exceptions

Attorney Wilhelm stated he has provided Council with information and this will set up the requirements for soliciting in the travel portion of the road. He stated this will bring the City in compliance to enforce that the people that want to participate in that type of activity will meet the statutory requirements. There are a number of requirements listed in the statute and we have matched those and there are a few additional regarding the more aggressive tactics.

CM 8-14-18 MOTION TO APPROVE FIRST READING OF ORDINANCE AMENDING  
ORDINANCE AMENDING CHAPTER 22

Motion by Kivell, supported by Parisien

Motion to approve the first reading of the ordinances amending the City of South Lyon Code of Ordinances, chapter 22- Businesses, Article VI- Solicitors, to add a new section 22-167- Soliciting in Public roadways Prohibited; Exceptions, to comply with the requirements and statutory amendments in Public Act 112 of 2017 applicable to soliciting in public roadways

VOTE:

MOTION CARRIED UNANIMOUSLY

8. Consider approval of first reading of Ordinance to amend the Official Zoning Map of the City of South Lyon conditionally rejoining 825 W Lake St- Parcel 24-30-126-005 from R1 A (one family residential) to RM-3 (multiple family residential)

Bob Langan of 128 N Center Street. He stated this is the first time before Council and he is here to answer any questions Council might have. Mr. Langan stated the property is a 4 ½ acre parcel, at corner of Dixboro and 10 Mile. This property was annexed into the City and after having several meetings with City representatives, they came up with a plan based on many considerations, such as it being a small parcel, it is a good transitional zone between the Industrial area, and close enough to downtown that is walking distance. He stated they will include a foot path to the trail on Dixboro as well. He stated they are proposing 72 units in 3 buildings. High quality facades, high quality interior finishes, granite counter tops, in unit washer and dryers. He stated he believes it will have a low turnover, and provide good residents for the community. On the site itself, we put the buildings off to the side, so as your coming in, you see the yard and the gazebo instead of huge buildings. Car ports are taken away from the buildings, to make it easier for first responders and it is relatively open space. Mr. Langan stated they have a very nice landscape plan, frontage will be landscaped nicely, and it will have a second access point. Councilmember Kennedy asked about the house that is currently there. Langan stated it will be taken down, it is scheduled for demolition.

Councilmember Kivell stated he has a question on page 5, the city right to rezone. Why are we changing the language from what we normally do with if the development doesn't come through, the property will be reverted back to the original zoning. Attorney Wilhelm stated it will be reverted back to the original zoning. There is a time period that is built into it. He further stated once the time period runs out, you can change the zoning, but typically it goes back. Councilmember Richards stated before this property was annexed, he understands the property owners were in New York City. Mr. Langan purchased it from a private owner. Great potential for that property. He thinks it is worth more than what Mr. Lagan has envisioned. Many people agree with him that the property is a good location for a roundabout. The population may triple in the next few years that corner will be very important. He further stated this

property backs up to the west end development, and Dixboro will be improved. He thinks it is worth a lot more than what this plan involves.

Councilmember Kurtzweil stated she wants to disclose she knows Mr. Langan, but she has never represented him or any of his entities for anything.

Councilmember Kennedy stated the master plan shows this was intended for light industrial. Mr. Avantini stated when the annexation happened, it was at the same time they were working on the zoning map and it was originally light industrial. He further stated at this point, he encouraged them to go higher quality apartments, we don't have a lot of high quality apartments in the area. He further stated one of the conditions they are offering is site plan approval.

Councilmember Parisien stated she has three concerns such as the traffic. Mr. Langan stated they haven't decided to have a traffic study done. He stated he thinks the secondary access will alleviate some concerns. Councilmember Parisien stated it is a big concern for our residents. She further stated is this industrial? This document says we are changing it from industrial to residential. Councilmember Parisien stated previously we had someone earlier this year with this same request and we shot that down. She further stated it seems we are setting a double standard. We have already shot someone down tonight, and now we may approve this development. Mr. Langan stated what came to his mind is the location, we are abutting a swamp, Livingston County and industrial, and residential detached. To bridge the gap, he thinks this would fit in nicely. Mr. Langan stated there is only one neighbor that will be impacted. He further stated his concern was he wanted landscape screening between the two properties, and he has agreed to that Mr. Avantini stated they will have a traffic assessment at the time of the site plan, but it will be more related to access, not the traffic volume. In this case, they are requesting a conditional rezoning. This is different than the straight rezoning the owners of West End was asking for. We didn't spend too much time looking at this property, Mr. Avantini stated that West End could have asked for a conditional rezoning request, but they chose not to. Different sets of facts, and different conditions. He is comfortable with this. Mr. Langan stated there is a lot of detail they have provided at the conceptual level. He further stated you already have the information for what the buildings will look like. Councilmember Kivell asked how is he bound by what they are looking at now. Mr. Langan stated the conditional rezoning states if they don't stay within what Council is looking at tonight, the property will revert back to the original zoning. Further discussion was held regarding conditional rezoning.

#### CM 8-15-18 MOTION TO APPROVE FIRST READING OF ORDINANCE TO AMEND OFFICIAL ZONING MAP

Motion by Kivell, supported by Kennedy

Motion to approve the first reading of the Ordinance to amend the official zoning map of the City of South Lyon conditionally rezoning Parcel 21-30-126-005, 825 W Lake Street from the R-1A (one family residential) to RM-3 (multiple family residential) as presented

VOTE:

MOTION CARRIED- 1 OPPOSED

#### 9. Consider application for Class C Liquor License (quota license)

Janelle Valardi of 125 N Lafayette stated she is the attorney for the applicant, Rhonda Bifano. She further stated the purpose of the liquor license ordinance is clear. The Ordinance states, the process of this application needs to ensure the applicant meets the minimum requirements, such as business operations, management, background, and financial resources and the business meet the needs of the community. Ms. Bifano recently opened a business at 101 S Lafayette, The Corner Caffé, and the business is doing well. She further stated as everyone knows, that property has had a hard time in the past years. She is wanting to open a wine bar in the evening hours. She feels it will meet the needs of the residents. she stated people are looking for a wine bar, and this will be something unique and current. The ordinance is

specific that the council needs to consider many factors such as the line items in the ordinance. Some things need to be addressed that was in the Council packet. There was some feedback given to her by the building department, specifically, that there will be some renovations required, particularly the bathrooms. Ms. Bifano is willing to take on the cost of the renovations. There were comments from Bob Donohue stating there could be some hesitation to give the license to her because this is an asset that is used to attract other restaurants going forward. She further stated there maybe some fear that if someone is given this license, it could be taken somewhere else. She stated that is why it makes sense to give this license to someone that is a native of this community, and a business owner in the community which will ensure they will keep the license in the community.

Councilmember Parisien asked if this will affect the adjoining business, and was the business consulted. Ms. Valardi stated the other business was consulted and we don't think it will affect the business.

Councilmember Kennedy stated there are a few things that are concerning, such as the business name is spelled 4 different ways in the packet. There were 3 references requested, but only 2 were supplied. His concern is that this is the last quota license, which is far too valuable to provide such a small venue. He further stated after 4 months of being a coffee shop, you now want to change to a bar, and change the operating hours, after all the publicizing and another concern is the establishment offers between 30 and 35 seats, and if you brought in entertainment, that would take up more room and decrease the establishment. He stated the building department stated a second restroom would need to be added, which would also take up seating capacity. He stated if you look at other businesses that were granted licenses such as Lake street Tavern has four and half times the seating capacity, the South Lyon Hotel has ten times the seating capacity. He further stated he doesn't have a problem with a wine bar in that building, but he does have a problem with granting our last Class C license, but he would be ok if the business wanted to purchase a DDA liquor license. He further stated there are ADA requirements which would need to be met as well as a \$21,000 tap fee from the City. Councilmember Kennedy stated the Fire Inspector found some concerns for the property as well. He further stated the bottom line it is far too minimal to bring a good impact of the downtown along with there was no mention of additional employees, basically you are reducing the hours that the business will be open. He stated based on his concerns, he is looking for a larger venue for a larger draw to the City, but he would support the DDA Class C license.

Ms. Valardi stated even if a larger venue came to town and the City granted them the license, there is no guarantee the business would be able to keep the business going.

Rhonda Bifano 1131 Arrowhead, stated she did provide 3 references, they aren't planning on shortening the business hours, they will still be opening at 6:00 a.m. Councilmember Kennedy the paperwork shows they will be opening at 11:00 a.m. Councilmember Kennedy stated the impact of this business is 30 seats versus the other venues with much more seating. Councilmember Kennedy stated he is in favor of them getting a DDA license, but not the Class C license. He further stated this has nothing to do with the worthiness of the venue, but he thinks they should apply for a different license.

Ms. Valardi stated there is always risk for a larger business to come into town and take the license with them. Councilmember Kivell stated he would be ok if she wanted to do that as well.

Councilmember Parisien stated she understands both sides of the issue. If we don't grant this license, are we just going to hold onto this, what happened to moving the downtown forward. Everything

Councilmember Kennedy stated is all spot on. She would like to look into this further.

Councilmember Kivell stated they have made some good points, he is very pleased with the way they are running the coffee shop, but he can't get past the fact that Bob Donohue is constantly in discussions with restaurant venues that want to come into the City, but they need a location. He further stated this is a very small venue, and we are stuck with only 1 quota license until the next census is finished. He further

stated he would like some time to look into this. Councilmember Walton stated the original business model included a wine bar. Councilmember Parisien stated there are some questions that need to be answered, maybe get the application cleaned up and possibly postpone this for 30 days.

#### CM 8-15-18 MOTION TO POSTPONE FOR 30 DAYS

Motion by Parisien, supported by Kivell

Motion to postpone the application for Class C Liquor License for 30 days

VOTE:

MOTION CARRIED UNANIMOUSLY

BUDGET- Nothing

#### MANAGERS REPORT

Chief Collins stated they are moving along with the purchase of the property at 501 McMunn. We will be using Liberty Title in Brighton. We are moving forward with ASTI Environmental doing a site inspection for the property. He further stated Safebuilt will be moving forward with the inspection for the property as well.

Chief Collins stated we have received a revenue sharing check from RRRASOC for \$1,803.15

Chief Collins stated additional income has come in from B&M Ashman Inc which was associated with the Comcast project in Trotters Point. We billed Corner Cable and by default B&M we billed them for labor, equipment cost for replacing the water service line that was damaged and the City repaired. The check amount is \$5944.39

Chief Collins stated the Pumpkinfest committee is in desperate need of volunteers, especially for setup on Friday, as well as in the beer tent. The beer tent is a big source of income for Pumpkinfest and without it, we may not have a Pumpkinfest anymore. Anyone interested can sign up at [www.southlyonpumpkinfest.com](http://www.southlyonpumpkinfest.com)

Councilmember Kennedy stated he would like Chief Vogel to read the information he included in his weekly report for the grant he applied for. Fire Chief Vogel stated they have applied for a grant through Firehouse Subs and it ends August 30<sup>th</sup>, for a \$15,000 device, which is a high priority for the Fire Department.

Councilmember Kurtzweil asked about Heinanen Engineering, and what they are doing with dewatering. She thought South Lyon Head Engineering standards that would cause them to use our City Engineers. She further stated you permit the dewatering systems because you have to look at the area around it. She stated Moe's garage across the street, and a gas station next door. She stated she wants to know if there are any containment's that have leached into the water that he is removing from the ground. She thinks there could be some kind of contamination going on. She stated it is important because when material migrates through the soil, and you get near water, you have to look at the weight of the contaminant and gas will travel in the water. She stated we need to take a look at this. There is water all over that place, and our aquifer is 150 feet down. When you see people dewatering, you have to ask yourself what is the quality of the water you are pulling out of the ground and putting back into the City's system.

Councilmember Richards stated he has studied the concern that Councilmember Kurtzweil is referring to. He stated the water smells, but he doesn't know if it is contaminated or not. He stated the wells are about 10 feet down, and the reason they are doing this is because they can't pour the cement base for the collar because there is too much water. He stated we are tampering with the underground water table.

Councilmember Kurtzweil stated she doesn't know if he is going far enough to the aquifer, if you look at what he is doing, they want to take the piping and put it in the ground for where the Christmas Tree will be. She stated he is above the aquifer, but she is concerned about contamination.

Councilmember Kivell asked if Chief Collins will check with the Drain Commission to see if they have any interest into looking into the contamination concern.

#### PUBLIC COMMENT-

Ryan Lare of 716 Grand Court stated he was offended by Carls comments about the trailer park. He stated there are good people in the trailer park. The point is people live there and we need to respect everyone and not use racial comments during a public meeting. Mr. Lare stated while he was volunteering at Blues, Brews and Brats, it was brought to his attention that Councilmember Kennedy met with one of the City Manager candidates, and he doesn't believe the other candidates were able to do so. He would like the conversation disclosed during Councilmember Kennedy's council comments.

#### COUNCIL COMMENTS

Councilmember Richards stated he was talking about the size of the homes, he never intended to offend anyone. He apologizes if he has. Councilmember Richards stated the post office did a great job paving their parking lot. The DPW did a nice repair on the road behind the post office, they also repaired the approach at Liberty.

He stated he wanted to mention the Wendys restaurant, they have a new manager. The manager stated she wanted to participate in the Pumpkinfest. He further stated it is a marvelous business.

Councilmember Walton stated Blues, Brews and Brats was a great event. She then thanked the Chamber for putting on the event. The Chamber also thanked the Councilmembers that volunteered. She then congratulated the Mayor on his marriage.

Councilmember Kurtzweil stated she wanted to thank everyone for working the polls. She further stated it was wonderful seeing everyone getting along regardless of what political party they are part of. She also thanked the Oakland County Sheriff for being at some of the polls. Councilmember Kurtzweil stated there was a ballot that was stolen on Election Day. There was a person that gave our election workers a very hard time. She stated this could potentially be the beginning of ATIFA, and they are active in Oakland County as well as Ann Arbor. This could have been a dry run to see what our security is like. She further stated she encourages everyone to come up with a plan on how voters should be treated when they are harassing our inspectors. This is disturbing. She then asked if we can we have the Election workers give a description of the person to someone for a drawing. We need to look at precautions. She stated she agrees with Councilmember Walton. Blues, Brews and Brats was a great time, and she met many people that day. She then congratulated Mayor Pelchat on his wedding, and she now wants to congratulate the new First Lady of South Lyon. She has some good role models such as previous wives of our Mayors in the past that were very active in our community.

Councilmember Kurtzweil stated she is working on a landscape project, and part of the design is habitat for pollinators, and bees believe it or not, bees are becoming extinct. She stated she hopes people will take a moment to Google how they affect our every-day lives.

Councilmember Kennedy stated while volunteering at the Blues, Brews and Brats event he encountered one of the City Manager candidates. He welcomed the individual to the event and the discussion that ensued was a non-substantive discussion, in an extremely public setting where nothing confidential, or of any consequence, was discussed with the candidate. Nothing improper occurred.

Now, let's talk about the Salem-South Lyon District Library. On July 25 and again on July 31 it was discovered that someone had dug up and stolen a number of flowers from the gardens at the Salem-South Lyon District Library.

The incident was reported to the Michigan State Police who have jurisdiction at the library's location and it is currently under investigation. Over 20 plants were stolen with an estimated value of over \$350 including butterfly bush, echinacea and phlox among others. These flowers were paid for by the Friends of the Library through fund raisers and donations and the gardens are planted and tended by over 30 volunteers. Every gardener knows the amount of time and effort that goes into developing and maintaining gardens like these. Hopefully the individual, or individuals, responsible will be identified and held accountable. This brings me to my next announcement that the Friends of the Salem South Lyon District Library are sponsoring a gigantic book sale to raise funds for the library. It will be held from Tuesday, August 21 through Saturday, August 25. Tuesday to Thursday the hours are 9am-9pm; Friday and Saturday hours are 10am-5pm. He further stated on Saturday there's a bag sale at \$5/per bag for the books you select and any remaining books are free on Monday, August 27. So please stop by the library and support the efforts of the Friends of the Library as they work to raise funds for this wonderful institution!

Councilmember Parisien thanked Ms. Salemi for volunteering for the Cable Commission. She then stated we still need volunteers for our boards, commissions and Pumpkinfest is needing help as well. She stated September 8<sup>th</sup> is Depot Day as well as the Witches Hat Run. She further stated August 22<sup>nd</sup> is the second to last Lake Street Cruise-In

Councilmember Kivell stated the Blues, Brews, and Brats was a great event with some really good weather, and some great bands were there. He stated the hand rails on the walking bridge at Yerkes Drain are in really bad shape, they need to be replaced. He doesn't know if that is our responsible for that or is it the oil change place. Councilmember Kivell stated the Whipple street block party was a nice event as well. It is a very well-organized event with some great families.

Mayor Pelchat stated he wanted to remind everyone that Pumpkinfest is very important to this community and they need volunteers.

#### ADJOURNMENT

#### CM 8-17-18 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Walton  
Motion to adjourn the meeting at 10:25 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

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

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

# AGENDA NOTE

Old Business # 1

**MEETING DATE:** August 27, 2018

**PERSON PLACING ITEM ON AGENDA:** Recommendation from the Planning Commission  
Proposed on 06/14/18

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

## **EXPLANATION OF TOPIC:**

This is a housekeeping matter. Council previously addressed this issue on November 23, 2015 and approved the Preliminary (Stage I) Planned Development Site Plan for the Thomasville site condominium development with conditions. The Council also approved the rezoning of the property, 11.65± acres on the south side of Eleven Mile Road approximately a quarter mile west of Pontiac Trail (Tax ID 21-19-126-002) from RM-1 to PD (Planned Development), but no formal ordinance rezoning the Property was approved.

The previous PD rezoning and preliminary (stage I) PD site plan expired and the zoning reverted to RM-1 pursuant to ZO Section 102-391 due to no activity within 1 year and no extension. With respect to the current revised layout reducing the number units, the PC recommended rezoning and approval of the Preliminary site plan, both with conditions. This will be ready for Council consideration on 7/9/18 as to a first reading on the rezoning and preliminary site plan. The PD Agreement will be revised for steps 3 and 4 of the PD rezoning and shared with the developer.

## **MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Site Plan Material, including updated detail sheet
- Thomasville Summary Changes Letter
- Updated CIB Review Letter

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

**RECOMMENDATION:** Postpone the Second Reading of the Ordinance Rezoning Parcel 21-19-126-002 (Thomasville) from RM-1 (Multiple Family) to PD (Planned Development) subject to the listed conditions.

**SUGGESTED MOTION:** Motion to Postpone the Second Reading





# CITY OF SOUTH LYON

Mayor

Daniel L. Pelchat

Council Members

Mary Parisien

Glenn Kivell

Rose Walton

Margaret J. Kurtzweil

Stephen Kennedy

Carl Richards

City Manager (Acting)

Lloyd Collins

Clerk/Treasurer

Lisa Deaton

335 S Warren

South Lyon, MI 48178

Phone: 248-437-1735

Fax: 248-486-0049

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

**To:** Reviewing Council Members

**From:** Patrick Brzozowski

**Date:** 8/9/2018

**Re:** Updated CIB Report for Thomasville Condominiums

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An updated report was generated by CIB on 08/09/2018 for Council's consideration pertaining to the Thomasville Condominium development. These changes are highlighted in red and are contained on the following pages; page two paragraph two, page seven paragraph one, page seven paragraph seven.

Thank you,

Patrick Brzozowski



## CIB Planning

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August 9, 2018

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

<b>Subject:</b>	<b>REVISED (edited with corrections)</b> Thomasville Site Condominium, Planned Development (PD) Rezoning & Preliminary PD Site Plan
<b>Description of Application:</b>	The applicant is requesting Planned Development (PD) rezoning and Preliminary PD Site Plan approval for the proposed development of a 50 unit single-family residential development on an 11.635 acre parcel.
<b>Site Location:</b>	South side of 11 mile, 1/4 mile west of Pontiac Trail
<b>Applicant:</b>	Lorenzo Cavaliere Cavaliere Company 30078 Schoenherr Road, Suite 300 Warren, MI. 48088
<b>Zoning:</b>	RM-1, Multiple-Family Residential District
<b>Plans Dated:</b>	July 31, 2018

Dear City Council Members:

Pursuant to City Council's July 9, 2018 request for the site plan to be "cleaned up and questions cleared up," we have reviewed the above **REVISED** PD Rezoning and Preliminary PD Site Plan request to construct a 50 unit, detached single-family residential site condominium development fronting 11 Mile Road and abutting Colonial Acres. The site is triangular in shape and bordered by 11 Mile Road and single-family residential to the north; the railroad and condominium units to the south; and condominium units to the east. A pond is also located at the northwest corner of the site, next to the railroad track and 11 Mile Road. At one time, this property was approved for the construction of fifteen (15), 6-unit condominium buildings with outside parking, identical to those immediately east of the site. If developed under the original plan, a total of 90 units would be constructed.

In November 2015, the previous applicant, Tom Schroder, applied to the City for Planned Development (PD) Rezoning and Preliminary PD site plan approval for a 60 unit development.

The Planning Commission recommended and City Council gave preliminary approval of a 60 unit single family residential development.

This *revised* application for Planned Development Rezoning and Preliminary Planned Development Site Plan approval is a reduction in the number of units (from 60 units preliminarily approved in November 2015 to 50 units in August June 2018), with an increase in the individual condominium lot sizes. As the November 2015 application did not receive Final Site Plan approval, this *revised* 50-unit application is considered “new” and not an amendment to the previous plan.



This proposed single-family, 50-unit development will use the same entryway location as shown on the original 2015 plan.

## BACKGROUND

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

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

## CURRENT ZONING REQUIREMENTS

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

The alternative to this proposal would be to construct apartments (not senior) as a use by right. Under the RM-1 regulations, up to 337 apartments could be constructed.

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

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

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

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

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

**Review Comment:** The proposed use will create less density than the originally-approved attached single-family condominiums and be easier for purchasers to finance. It will provide moderately-priced new construction housing for the community, which is scarce in the City of South Lyon.

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

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

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

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

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

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

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

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

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

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

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

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

**Review Comment:** Vehicular access to the property will be from 11 Mile Road and meets the above criteria, while potentially improving accessibility for the existing Colonial Acres project should an agreement for cross access between the two developments come to fruition at some point. Sidewalks are also provided within the project, to be reviewed as part of the Preliminary PD Plan review.

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

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

## PRELIMINARY PLANNED DEVELOPMENT PLAN REVIEW COMMENTS

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

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

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

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

R-3 Requirements	Required	Provided	Comments
Lot Area	8750 sq. ft. minimum	Average of 5000 s.f.	The Planning Commission recommended approval of the waiver.  The range of lot sizes should be provided. The total square footage of each lot should be noted.
Lot Width	70 ft. minimum	50 ft. minimum	The Planning Commission recommended approval of the waiver.
Residential Density	3.7 units/acre max.	Approximately 4.3 units/acre	The Planning Commission recommended approval of the waiver.

R-3 Requirements	Required	Provided	Comments
Minimum floor area	1,000 s.f.	43 units at 1,500 s.f. 2 units at 1,400 s.f. 5 units at 1,300 s.f.	In compliance
Front yard setback (single-family)	25 ft.	25 ft.	In compliance
Side yard setback	6/16 ft.	5/10 ft.	The Planning Commission recommended approval of the proposed side yard setbacks and the corresponding waiver.
Rear yard	35 ft.	30 ft.	The Planning Commission recommended approval of the waiver.
Building Height (single-family)	2 stories max. 25-ft. max. building height	1-2 stories, max. 25 ft. height	In compliance
Lot Coverage (buildings)	25% maximum	14.6%	In compliance

Six (6) lots throughout the proposed plan vary from the setbacks throughout the development:

- Lot 6 20' side yard (instead of 25')
- Lot 7 25' rear yard (instead of 30')
- Lot 8 25' rear yard (instead of 30')
- Lot 20 15' rear yard (instead of 30')
- Lot 21 15' rear yard (instead of 30')
- Lot 22 5' rear yard (instead of 30')

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

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

5. **Park Area.** A pond exists at the ~~southwest~~ northwest corner of the property, as well as open areas between the rears of units on Lexington Circle. A walking path is provided within the development. Park benches are proposed near the pond, however, this specific locations of the benches are not yet provided.
6. **Preliminary Landscape Plan.** The preliminary landscape plan provides both the required street trees and replacement trees. In addition, the planting size for almost all of the proposed trees exceeds ordinance requirements and is considered a benefit of the project.

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

Fence details are not provided and must be submitted with Final Site Plan approval.

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

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

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

8. **Building Elevations.** The use of high-quality building elevations and materials is critical to the successful development of a small lot, single-family project such as this. The elevations submitted to the Planning Commission lacked in building variety and style, as well as architectural details. The applicant has submitted additional elevations for this submittal to City Council. The preliminary building elevations are attractive and have the potential to meet this standard, conditioned upon the proper variety of elevations



and acceptable building materials/colors. The Planning Commission did express the need for architectural variety and should be considered under Final PD Site Plan review.

9. **Deck and Patios.** As presented, a number of lots are proposed to have houses with footprints that maximize the buildable area. As such, there is limited rear yard area to construct a deck or patio and remain within the setback requirements. *Section 120-108 Porches and Decks* permits “decks at or below the ground floor level to project into a required side or rear yard, not not exceed a depth of 25% of the depth of required yard.” The rear yard setback for this development is proposed as 30 feet. An additional 7.5 feet may be gained with this provision, however, the resulting deck size or patio still may not be large enough to make it useful. To avoid recurrent request for variances from the Zoning Board of Appeals, the applicant should be prepared to address this issue.

## RECOMMENDATION

Based upon the above discussion, the Planning Commission recommends approval to City Council for the Planned Development (PD) Rezoning and Preliminary PD Site Plan for the Thomasville development, with:

- a. a waiver to allow an average lot area of 5,000 s.f.;
- b. a waiver to allow a minimum lot width of 50 ft.;
- c. a waiver to allow an overall density of 4.3 units per acre;
- d. a waiver to allow a setback of 10 feet between buildings;
- e. a waiver for rear yard setbacks;
- f. the installation of a 10 foot landscape buffering area with fencing and evergreen trees abutting Colonial Acres. Fencing should be installed at the beginning of the project/ construction;
- g. fencing specifications and details provided at final site plan review;
- h. identify specific locations for park benches on final site plan;
- i. inclusion of language for a future cross access agreement with Colonial Acres via Lexington Drive;
- j. submission of revised building elevations and material samples to the Planning Commission during final site plan review; and
- k. draft condominium documents to be submitted during final site plan approval.

If you have any further questions, please contact us at 810-335-3800.

Sincerely,

CIB PLANNING

Kelly McIntyre  
Senior Principal Planner

# AGENDA NOTE

Old Business # 2

**MEETING DATE:** August 27, 2018

**PERSON PLACING ITEM ON AGENDA:** Recommendation from Planning Commission

**AGENDA TOPIC:** Second Reading of Ordinance to Amend the Official Zoning Map of the City of South Lyon Conditionally Rezoning 825 W Lake St – Parcel No. 21-30-126-005 from R-1A (One-Family Residential) to RM-3 (Multiple-Family Residential).

**EXPLANATION OF TOPIC:** In March 2018, the owner of 825 W Lake St, LV Holdings, LLC, requested that the City rezone Parcel No. 21-30-126-005 from R-1A (One-Family Residential) to RM-3 (Multiple-Family Residential) with conditions that the development and use of the property be limited to a multiple family residential apartment project consisting of no more than 72 apartment units in 3 buildings. The owner's request is submitted pursuant to MCL 125.3405 which authorizes rezoning with conditions voluntarily offered by the owner of the property. The Planning Commission held a Public Hearing on June 14, 2018, and recommended approval of the owner's request for conditional rezoning based on the conditions voluntarily offered in writing by the owner.

Note, the Property was annexed by consent resolutions of the Township and City in 2016, and upon annexation, the Property “came into” the City zoned R-1A pursuant to Section 102-185 of the Zoning Ordinance.

Following the Planning Commission's recommendation, a conditional rezoning agreement was prepared, and it is set forth in the proposed zoning ordinance amendment in full. If the second reading is approved, Council will be asked to consider and approve the Conditional Rezoning Agreement separately at that time.

CIB Planning's review letter dated June 7, 2018 sets forth the details regarding the property and the surrounding area, its zoning and provides an analysis of the zoning amendment criteria.

The conditions voluntarily offered by the owner are contained on page 3 in Paragraph 3 of the Conditional Rezoning Agreement.

The Conditional Rezoning Agreement contains time limits, as authorized under MCL 125.3405(2), which the owner must meet or the zoning of the parcel will revert back to R-1A:

- (i) Final site plan approval within six (6) months of the approval of the Agreement;
- (ii) A building permit for the project, or first phase, if applicable, obtained within eighteen (18) months from the date of the approval of this Agreement; and
- (iii) A final certificate of occupancy for the project or the first phase thereof, if applicable, obtained within thirty (30) months from the date of the approval of this Agreement.

The time limits can be extended by the City on written request of the owner, but the City is not required to grant such requests for extension.

Once the use is established, it must be maintained in compliance with the conditions approved in the rezoning and agreement.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Ordinance to amend the official zoning map of the City of South Lyon conditionally rezoning Parcel No. 21-30-126-005 – 825 W Lake St, from R-1A to RM-3. The proposed ordinance contains the proposed Conditional Rezoning Agreement verbatim, but the Agreement will be presented separately for approval
- Planning Commission Minutes of June 14, 2018
- CIB Review updated June 7, 2018

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

**RECOMMENDATION:** Approve

**SUGGESTED MOTION:** Motion to approve the second reading of the Ordinance to amend the official zoning map of the City of South Lyon conditionally rezoning Parcel No. 21-30-126-005, 825 W Lake St from the R-1A (One-Family Residential) to the RM-3 (Multiple-Family Residential) as presented.

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

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

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP  
OF THE CITY OF SOUTH LYON CONDITIONALLY  
REZONING PARCEL NO. 21-30-126-005, 825 W. LAKE  
STREET, FROM THE R-1A DISTRICT (ONE-FAMILY  
RESIDENTIAL) TO THE RM-3 DISTRICT (MULTIPLE-  
FAMILY RESIDENTIAL)**

**THE CITY OF SOUTH LYON ORDAINS:**

**PART I. Amendment of Official Zoning Map.** The Official Zoning Map of the City of South Lyon incorporated into the South Lyon Zoning Ordinance by Section 102-182 is hereby amended to conditionally rezone the Property located at 825 W. Lake Street, South Lyon, MI 48178, Tax ID: 21-30-126-005, which is more fully described as:

A parcel of land located in Fractional Sections 19 and 30, Town 1 North, Range 7 East, City of South Lyon, Oakland County, Michigan, described as Beginning at the intersection of the line between Oakland and Livingston Counties with the center line of Ten Mile Road and running thence along the center line of Ten Mile Road an arc distance of 418.03 feet along a curve concave to the South, radius 1535.89 feet, whose chord bears North 80 degrees 01 minutes East, and is 416.75 feet long; thence South 0 degrees 24 minutes 0 seconds East 532.45 feet; thence North 89 degrees 13 minutes 47 seconds West 198.47 feet to the Southeast corner of a 70 foot by 223 foot Lot previously sold to Felix Turner and Cleo Turner, his wife; thence North 0 degrees 55 minutes East, along the East line of said Lot 70.00 feet to its Northeast corner; thence North 89 degrees 13 minutes 47 seconds West along the North line of said Lot 223.00 feet to its Northwest corner situated on the line between Oakland and Livingston Counties; thence North 0 degrees 55 minutes East along said county line to the point of beginning.

from the R-1A District (One-Family Residential) to the RM-3 District (Multiple-Family Residential) subject to the conditions set forth in the Conditional Rezoning Agreement and exhibits referenced below and attached hereto which were voluntarily offered by the Owner/Applicant and which are expressly incorporated into this Ordinance.

**CONDITIONAL REZONING AGREEMENT**

City of South Lyon  
and  
LV Holdings, LLC

(825 W. Lake Street – Parcel ID 21-30-126-005)

THIS CONDITIONAL REZONING AGREEMENT (the "Agreement") is made this \_\_\_\_ day of August, 2018, by and between the CITY OF SOUTH LYON, a Michigan municipal corporation, with its offices located at 335 S. Warren Street, South Lyon, MI 48178 ("City") and LV Holdings,

LLC, a Michigan limited liability company, whose address is 128 N. Center Street, Northville, MI 48167 ("Owner").

#### RECITALS

WHEREAS, the City is a municipal corporation organized and existing under and pursuant to the Michigan Home Rules Cities Act, 1909 PA 279, MCL 117.1 et seq., as amended, and exercising all of the powers provided for therein and pursuant to the City of South Lyon City Charter, last amended November 3, 2009;

WHEREAS, the Owner is a Michigan limited liability company, and it is the fee title holder of certain real property ("Property") commonly known as 825 W. Lake Street, South Lyon, MI 48178, Tax ID 21-30-126-005 which is more fully described as follows:

**A parcel of land located in Fractional Sections 19 and 30, Town 1 North, Range 7 East, City of South Lyon, Oakland County, Michigan, described as Beginning at the intersection of the line between Oakland and Livingston Counties with the center line of Ten Mile Road and running thence along the center line of Ten Mile Road an arc distance of 418.03 feet along a curve concave to the South, radius 1535.89 feet, whose chord bears North 80 degrees 01 minutes East, and is 416.75 feet long: thence South 0 degrees 24 minutes 0 seconds East 532.45 feet: thence North 89 degrees 13 minutes 47 seconds West 198.47 feet to the Southeast corner of a 70 foot by 223 foot Lot previously sold to Felix Turner and Cleo Turner, his wife; thence North 0 degrees 55 minutes East, along the East line of said Lot 70.00 feet to its Northeast corner; thence North 89 degrees 13 minutes 47 seconds West along the North line of said Lot 223.00 feet to its Northwest corner situated on the line between Oakland and Livingston Counties; thence North 0 degrees 55 minutes East along said county line to the point of beginning.**

WHEREAS, the Property is currently zoned R-1A (One-Family Residential), and Owner desires to develop a multiple family residential apartment project on the Property which is not permitted under the Property's R-1A zoning;

WHEREAS, pursuant to Section 405 of the Michigan Zoning Enabling Act, 2008 PA 110, MCL 125.3405 et seq., as amended, certain conditions voluntarily offered by the Owner of the Property, may become a condition of rezoning the Property;

WHEREAS, on or about March 21, 2018, 2018, the Owner submitted a Conditional Rezoning Application for the Property along with a conceptual site plan, a written supplement,

conceptual architectural drawings, and a conceptual landscape plan (attached as Exhibit A, collectively the "Application documents"), voluntarily offering, in writing, certain conditions to rezone the Property from R-1A (One-Family Residential) to RM-3 (Multiple-Family Residential) with conditions as set forth in this Agreement;

WHEREAS, on June 14, 2018, the City Planning Commission held a public hearing, after publication of notice thereof, on the Owner's Conditional Rezoning Application;

WHEREAS, on June 14, 2018, the City Planning Commission recommended approval of the Owner's request for conditional rezoning based upon the conditions voluntarily offered by Owner in writing which are set forth in this Agreement and the attached exhibits;

WHEREAS, on \_\_\_\_\_, 2018, the City Council approved the request for Conditional Rezoning and adopted Ordinance No. \_\_\_\_\_ based upon the conditions voluntarily offered by the Owner in writing which are set forth in this Agreement and the attached exhibits; and

NOW, THEREFORE, in consideration of the foregoing and the mutual promises hereinafter set forth, the City and Owner agree as follows:

1. Conditional Rezoning. Pursuant to Section 405 of the Michigan Zoning Enabling Act, MCL 125.3405, Owner agrees to limit the development and use of the Property as set forth in the rezoning conditions below as a condition of rezoning. Upon execution of this Agreement by the parties, the City shall effectuate the conditional rezoning of the Property from the R-1A district (One-Family Residential) to the RM-3 district (Multiple-Family Residential) on the City's official Zoning Map. This Agreement is valid and entered into on a voluntary basis and represents a permissible exercise of authority by the City pursuant to MCL 125.3405.

2. Rezoning Conditions. Owner agrees to develop and use the Property in accordance with the following conditions which have been offered voluntarily in writing by the Owner as conditions to the rezoning:

- a. Development and use of the Property shall be for a multiple family residential apartment project consisting of no more than 72 apartment units in 3 buildings in substantial conformance with the Application documents attached as Exhibit A;
- b. Development and use of the Property for a multiple family residential apartment development shall be subject to and in conformance with the final approval of the site plan for the Property by the City Planning Commission. The parties agree that minor revisions to the approved final site plan which, in the sole discretion of the City Manager, do not significantly modify the proposed development or use of the Property or the site plan, may be considered and approved by the City administratively without the necessity of review and approval by the Planning Commission and/or without amendment of this Agreement and exhibits hereto;
- c. All other permitted and special land uses in the RM-3 district are prohibited on the Property;
- d. Screening and landscaping shall be provided on the Property in accordance the Application documents, and otherwise consistent with City Ordinances;
- e. Except as modified herein, development and use of the Property shall comply with all other applicable state and local requirements for land development and use, ordinances, codes, standards, regulations, requirements, and engineering design standards and requirements.

3. Compliance with Conditions. Once commenced and established, development and use of the Property must remain in compliance with the conditions of rezoning and this Agreement. Any failure to comply with a condition contained herein shall constitute a violation of the City of South Lyon Zoning Ordinance and shall be punishable as provided for therein. Additionally, any such violation shall be deemed a nuisance per se and subject to abatement as provided for by law.



4. Time Limits. The City and Owner agree that the following approvals and activities are conditions to this Agreement and if not completed in the following time limits, the Property will revert back to the R-1A, One-Family Residential Zoning District:

- a. Final site plan approval within \_\_\_\_ (\_\_\_\_) months from the date of this Agreement;
- b. A building permit for the Project, or first phase thereof if applicable, is obtained within \_\_\_\_ (\_\_\_\_) months from the date of this Agreement.
- c. A final certificate of occupancy for the Project, or first phase thereof if applicable, is obtained within \_\_\_\_ (\_\_\_\_) months from the date of this Agreement.

5. Extension of Time Limits. The City may agree to extend the time limits in paragraph 4 on written request from the Owner, but shall not be required to grant such request for extension. Any extension granted shall be in writing signed by both parties.

6. City Right to Rezone. In the event that the time limit conditions in paragraph 4 are not met, nor extended upon mutual agreement of the parties pursuant to Paragraph 5 ; nothing in this Agreement shall be deemed to prohibit the City from rezoning all or any portion of the Property which is subject to this Agreement to another zoning district. Any rezoning shall be conducted in compliance with the City's Zoning Ordinance and the Michigan Zoning Enabling Act..

7. Owner Acknowledgments. Owner acknowledges that it voluntarily offered the conditions contained in this Agreement in connection with the request for conditional rezoning of the Property and that such conditions were offered in writing. Owner acknowledges that upon the requested conditional rezoning and this Agreement becoming effective, the development and use of the Property shall conform thereafter with the terms and conditions of the conditional rezoning, this Agreement, and all the requirements regulating development and use within the RM-3 zoning district as modified by the voluntarily offered conditions and with

this Agreement and that any failure to fully comply with such conditions and/or this Agreement shall constitute a violation of the City of South Lyon Zoning Ordinance, and shall be punishable accordingly. Owner acknowledges and agrees that the terms and conditions of this Agreement are necessary and roughly proportional to the burden imposed by the conditional rezoning of the Property, and are therefore necessary to ensure that public services and facilities will be capable of accommodating the development and use and the increased service of facility loads caused by the development and use, to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent uses of land, and to promote the use of the Property in a socially and economically feasible manner, and to achieve other legitimate objectives authorized by law. Owner agrees that the terms and conditions herein do not constitute a taking of property for any purpose or a violation of any Constitutional right, and Owner agrees to be bound by each and every provision and conditions of this Agreement.

8. Entire Agreement. This Agreement together with any agreements referenced herein, constitutes the entire agreement between the parties with respect to the subject of this Agreement.

9. Binding Effect, Running with the Land. This Agreement shall be binding on and inure to the benefit of the parties and their respective successors, heirs, assigns and transferees, and shall run with the land.

10. Amendments. The terms of this Agreement may be amended, changed, or modified, but only by written agreement executed by the required parties. Any amendment of this Agreement shall be recorded in the Oakland County Register of Deeds.

11. Governing Law. This Agreement shall be governed by, construed, and enforced in accordance with Michigan law.

12. Authority to Execute. The parties each represent and state that the individuals signing this Agreement are fully authorized to execute this document and bind their respective parties to the terms and conditions contained herein.

13. Enforcement. In the event of a proceeding to enforce this Agreement, a prevailing party may seek to recover its costs and attorney fees in addition to any other applicable and available relief.

14. Joint Drafting. No provision of this Agreement shall be construed against or interpreted to the disadvantage of one party against any other party by any court or other governmental authority by reason of any determination or assertion that one party was chiefly or primarily responsible for having drafted this Agreement.

15. Conflicts. In the event of conflict between the provisions of this Agreement and the provisions of another applicable ordinance, code, regulations, requirement, standard, or policy, the provisions of this Agreement shall prevail.

16. Severability. This invalidity of any provision of this Agreement shall not affect the validity of the remaining provisions, which shall remain valid and enforceable to the fullest extent permitted by law.

17. Recording. This Agreement shall be binding on the parties and the Property and shall be recorded with the Oakland County Register of Deeds.

18. Counterparts. This Agreement and any amendments to it may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one Agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first set forth above.

CITY: <b>CITY OF SOUTH LYON,</b> a Michigan Municipal Corporation  By: _____ DANIEL L. PELCHAT, its Mayor  By: _____ LISA DEATON, its Clerk	OWNER: <b>LV HOLDINGS, LLC</b> A Michigan Limited Liability Company  By: _____ Name: J. ROBERT LANGAN Title: Member/Manager  By: _____ Name: MICHAEL V. VALVONA Title: Member/Manager
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### **ACKNOWLEDGEMENT**

STATE OF MICHIGAN    )  
  ) ss  
COUNTY OF OAKLAND )

The foregoing Agreement was signed and acknowledged before me by Daniel L. Pelchat, the Mayor of the City of South Lyon, and Lisa Deaton, the Clerk of the City of South Lyon, on behalf of the City of South Lyon, a Michigan municipal corporation, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public  
Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_

### **ACKNOWLEDGEMENT**

STATE OF MICHIGAN    )  
  ) ss  
COUNTY OF OAKLAND )

The foregoing Agreement was signed and acknowledged before me by J. Robert Langan and by Michael V. Valvona, both on behalf of LV Holdings, LLC, a Michigan Limited Liability Company on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_

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

**PART III. Savings Clause.** This Ordinance amends the Zoning Ordinance only as specified herein, and the Zoning Ordinance shall remain in full force and effect.

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

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

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

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

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

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

### **Certificate of Adoption**

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

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

Adopted:  
Published:  
Effective:

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

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

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

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

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

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

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

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

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

Motion by Bradley, Second by Joseph

Voice Vote: Ayes: Unanimous  
Nayes: None

Motion Approved

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

Voice Vote: Ayes: Unanimous  
Nayes: None

Motion Approved

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

Voice Vote: Ayes: Unanimous  
Nayes: None

Motion Approved

Public Comments – None

#### Public Hearings

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

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

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

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

Lorenzo Cavaliere, 30078 Schoenherr, Suite 300, Warren, Michigan  
Cavaliere states that in the old plan there was a 3 foot green belt between the back of the curb and the sidewalk, and you really can't plant anything on the 3 feet. If we could go with a 2 foot green belt and a 5 foot public walk that would still give you the look and still give something that is quite practical.

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

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



Commissioner Joseph states that these are the epitome of "cookie cutter" houses. The designs are dated. They need to be more imaginative. Look at the materials that you are using. Take a drive around South Lyon. This is a 1980's house. Chair Lanam states that the designs are mostly identical. Commissioner suggests flipping the garage from one side to the other. Cavaliere explains that the elevations will be changing. Commissioner adds that the homes have very little character. Avantini adds that this is a re-zoning, so the preliminary is done here, recommendation to Council, and then they would come back here for site-plan and then to Council again. Cavaliere adds that they can definitely add some additional options for elevations. Lanam adds that they should bring in samples of materials as part of the review process. The conversation continues regarding the target market for this development and the housing shortage in this state. Attorney Wilhelm states that he wants to raise some issues from looking back at the last time this was presented to Council. Avantini states that the only reason that that connection was sought by the Police and Fire Department was so that they can approve their emergency exit through Colonial Acres. It really provides no benefit to this development. The conversation continues regarding the 2<sup>nd</sup> reading that is included in the Council packet dated 11-14-2016.

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

Judy Keeling, Colonial Acres Board

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

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

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

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

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

**Motion by Bradley, Second by Mosier**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

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

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

**Motion by Bradley, Second by Mosier**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

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

Voice Vote: Ayes: Unanimous

Nayes: None

### **Motion Approved**

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

Developer – Bob Langan, 128 N. Center Street, Northville, Michigan  
One of the Principles of LV Holdings, LLC., which is the owner of this property. He goes on to state that his partner, Michael Valvona and their Consulting Engineer, Cliff Seiber, from Seiber Keast and Associates is also in the room this evening. He states that this property is at the corner of Lake Street and Dixboro and was in the Township until about a year or so ago, when it was annexed in to the city. He goes on to say that they have had a number of meetings with Consultants in the City to go over what they thought would be a good use of this property. He states that they have come up with a Multi-Family concept, 72 units in three buildings. Consulting Engineer, Cliff Seiber states that they have really made an effort to make it not look cramped from Lake Street. He states that it is a looped traffic system with a Boulevard entrance off of Lake Street and good circulation throughout the site. Entering the site from the Boulevard gives you a more open space with a Gazebo. The Storm Water Basin runs along Lake Street adding a more open feel for the development. The Boulevard was added for a secondary access (after speaking with the Fire Marshall) with a breakaway gate for emergency use. Utilities, along with a looped water system, sanitary sewer and storm water will be on site as well. The mix of the units will include 51 – 2 bedroom and 21 – 1 bedroom. The parking requirements are met, along with an additional 20% guest parking.

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

Avantini goes on to list the following Conditions:

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

3. Outdoor Recreation – Walkway connection over to the trail that goes to McHattie Park
4. Carport Construction – With input from the Police Department, will be open design, be strategically placed and illuminated

Avantini goes on to talk about how they had 2 meetings to discuss different land uses. What would be a good transitional use? This particular use gives us more flexibility. He states that with the conditional re-zoning, they are locked in with this use.

Avantini goes on to state that they recommend the approval of the conditional rezoning application for 825 West Lake Street, from R1-A, Single Family Residential to RM-3, Multiple Family Residential, in order to construct a low-rise apartment complex – based upon the following reasons:

1. Although the multiple family designation is not consistent with the site's planned future use of Industrial, residential properties are in close proximity to the subject parcel;
2. The proposed multiple-family residential provides an appropriate transition between the abutting industrial and single-family residential zoning districts.
3. It will be difficult to develop the property for any of the permitted and special land uses in the current R1-A zoning district;
4. The site's physical and other environment features are compatible with the proposed use;
5. The proposed use is compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, traffic volumes, aesthetics, infrastructure, and addressing a community need;
6. The street system is capable of safely and efficiently accommodating the limited expected traffic volumes generated by the proposed use; and
7. The capacity of public utilities and services is sufficient to accommodate the proposed use without compromising the city's health, safety and welfare.

The conversation continues regarding building a pathway and whether to build now or build it when the City feels it is appropriate, based on the paving of Dixboro. Chair Lanam states that Dixboro, between 8 and 9 Mile will be paved within the next year, but between 9 and 10 Mile there is no definite time. There are pretty major things in the way.

Lanam questions why they felt that the Dixboro entrance is not necessary. Seiber explains that this can be changed if the city would prefer.

Commissioner Joseph states that he is not a fan of apartments, but these are an appealing design. He states that he would like these to be maintained and to have appropriate landscaping.

Commissioner Bradley questions if 2 dumpsters will be enough. Langan states that they would be placing them and sizing them accordingly.

Lanam states that they would like to see building and color samples.

**Public Hearing opens at 8:32 p.m.**

Gayle Neff, 834 W. Lake, South Lyon, Michigan

Neff states that she has lived at this corner for almost 35 years, and there have been numerous accidents at this location. She states that there is a slight curve to this road and her concern is the speed of the traffic as traffic is heading out of town. She questions if there will be any changes to Lake Street. She states that she is worried about losing her 100+ year old barn. She states that she is concerned regarding the electricity. She also states that it is a nice looking building, her main concern is the road and the traffic. She adds she would like to see a blinking light at this corner.

Commissioner Joseph states that if/when they pave Dixboro, they will have to put up a traffic light.

Matt Zajac, 132 Shannon Partin Court, Charleston Park Sub-Division

Zajac states that he would prefer that South Lyon remain more of a community where the owners have a vested interest in the City. In his younger years, having an apartment was not a community; it was just somewhere you are staying. While it is proposed to be higher end, this is his point of view and he is assuming the same point of view from his community. If it does go forward, he states, he would like to see requirements from the city that landscaping be imparted to hide parking and/or carports. He states again, that he would like to see owned units vs leased or rented units.

Commissioner Bradley adds, that as far as landscaping is concerned, the Board is pretty tough on this.

Ken and Linda Redman, 24000 N. Dixboro, South Lyon, MI

Redman states that he borders the property that we are talking about. He just wanted to see what this was about; he really does not have any complaints as of yet. Just wants to see what is going on there.

**Public Hearing closes at 8:43 p.m.**

Langan states that the application that they submitted comes with a two page, written by me, narrative of the conditions which were the exterior quality(durability), the interior quality fit and finish, the outdoor recreation pathway that we discussed, and the carport construction that we keep public safety in mind and to minimize the overwhelming visual effect of a carport. Langan states that he has submitted a landscape plan with the package. It has significant landscaping along Lake Street and significant landscaping with the Redman's.

Attorney Wilhelm states that he would like to briefly touch on the authorization for conditional rezoning – MCL125.3405

**Motion to recommend to the Council approval of the conditional rezoning application for 825 W. Lake Street from R1-A, Single Family Residential to RM-3, Multiple Family Residential, with the following conditions:**

1. The Exterior use of durable, exterior building materials including cultured stone accents, high quality composite siding, high efficiency and quality rated windows and attractive solid core exterior doors.
2. Interior Fit and Finish: Use of upgraded finishes including: stainless steel plumbing fixtures, granite countertops, marble and tile bathrooms, built in dishwasher, decorative trim, crown moldings, upgraded carpet, hardwood floors, and in-unit stackable washer and dryers.
3. Outdoor Recreation: the construction of a non-motorized pathway connecting the development to the Huron Valley Trail. The initial path will be temporary and constructed of wood chips or gravel. The owner/developer will deposit the civil engineer's cost of construction estimate for the construction of an asphalt path to be complete after Dixboro Road is paved.
4. Carport Construction: Carports will use an open design, be strategically placed, and illuminated (consistent with the current crime prevention and personal safety standards), with a berm between the carports and Dixboro Road to soften the visual impact.
5. Final site plan approval including landscaping for the following reasons:
  1. Although the multiple family designation is not consistent with the site's planned future use of Industrial, residential properties are in close proximity to the subject parcel;

2. The proposed multiple-family residential provides an appropriate transition between the abutting industrial and single-family residential zoning districts.
3. It will be difficult to develop the property for any of the permitted and special land uses in the current R1-A zoning district;
4. The site's physical and other environmental features are compatible with the proposed use;
5. The proposed use is compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, traffic volumes, aesthetics, infrastructure, and addressing a community need;
6. The street system is capable of safely and efficiently accommodating the limited expected traffic volumes generated by the proposed use;
7. The capacity of public utilities and services is sufficient to accommodate the proposed use without compromising the city's health, safety and welfare.

**Motion by Bradley, Second by Mosier**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

**New Business:**

1. Consideration of Zoning Ordinance Amendments for Small Cell Wireless Communication Facilities Deployment Act (SB 637)

Attorney Wilhelm gives a bit of back ground information regarding this act. He states that we are just trying to be proactive and stay ahead of the game.

**Motion to set a Public Hearing for 7-12-2018, to go over the ordinance for the wireless utility pole and other structures.**

**Motion by Mosier, Second by Joseph**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

Old Business:

Tabled Items:

Planning Consultant Report:

Avantini states that they are looking forward to meeting with you in two weeks to go through the Zoning Ordinance.

Staff Report: None

**Adjournment:**

**Approval to Adjourn**

**Motion by Bradley, Second by Joseph**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved – Meeting Adjourned – 9:05 p.m.**

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Scott Lanam, Chairman

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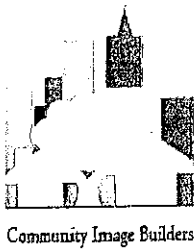
Judy Pleper, Recording Secretary

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Steve Mosier, Secretary



DRAFT



## CIB Planning

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June 7, 2018

Planning Commission  
City of South Lyon  
335 South Warren Street  
South Lyon, Michigan 48178

Attention: Patrick Brzozowski, Zoning Administrator

Subject: **Lake Street Conditional Rezoning Review (825 West Lake Street), R-1A, One-Family Residential to RM-3, Multiple Family Residential.**  
Approximately 5 acres located at the south east corner of West Lake Street and North Dixboro Road.

Dear Commissioners:

We have reviewed the above application for a Conditional Rezoning amendment from R-1A, One-Family Residential to RM-3, Multiple Family Residential. The applicant submitted the Conditional Rezoning Application for the property with, a conceptual site plan, voluntarily offering to limit its use of the property to an apartment complex along with enhanced building design. The parcel has 419 feet of frontage on West Lake Street and is characterized as a square parcel. This property was annexed into the City on August 11, 2016. Currently the parcel has a single family home at the front of the property, with the majority of the parcel undeveloped. Based upon our review of the zoning ordinance and master plan, discussions with City Staff and a visit to the site, we offer the following comments for your consideration.

### CONDITIONAL REZONING

The applicant is proposing to change the zoning of this parcel from One-Family Residential, R-1A, to Multiple Family Residential, RM-3, as a conditional rezoning under Section 405 of the Michigan Zoning Enabling Act (Act 110 of 2006). A conceptual plan is also provided to illustrate the proposed development and show that ordinance requirements can be met. Under Section 405 of the Zoning Enabling Act, a petitioner may

voluntarily offer in writing, and the City may approve, certain uses and development of property as a condition to rezoning land. Such conditions must be offered voluntarily by a petitioner; the City may not require a petitioner to offer conditions as a prerequisite for rezoning property. The conditions proposed by a petitioner as part of a conditional rezoning are supposed to result in recognizable and material benefits to the City that would unlikely be achieved otherwise under the site's existing zoning.

As part of a conditional rezoning request, the petitioner is offering the following conditions:

1. Exterior: use of durable, exterior building materials including cultured stone accents, high quality composite siding, high efficiency and quality rated windows, and attractive solid core exterior doors.
2. Interior Fit and Finish: use of upgraded finishes including: stainless steel plumbing fixtures, granite countertops, marble and tile bathrooms, built in dishwasher, decorative trim, crown moldings, upgraded carpet, hardwood floors, and in-unit stackable washer and dryers.
3. Outdoor Recreation: the construction of a non-motorized pathway connecting the development to the Huron Valley Trail. The initial path will be temporary and constructed of wood chips or gravel. The owner/developer will deposit the civil engineer's cost of construction estimate for the construction of an asphalt path to be complete after Dixboro Road is paved.
4. Carport Construction: Carports will use an open design, be strategically placed, and illuminated (consistent with the current crime prevention and personal safety standards), with a berm between the carports and Dixboro Road to soften the visual impact.

The proposed use cannot be obtained under the current zoning designation and a regular rezoning to RM-3, Multiple Family Residential could result in a complex with more units than shown. The City will have to determine that these benefits justify the rezoning and make the proposed use compatible with surrounding development.

In approving conditions to a rezoning, the City may establish a time period during which the conditions apply. If the conditions are not satisfied within the time specified then the land reverts to its former zoning classification. During the approved time period, the City can neither add to nor alter the conditions. The time period can be extended by mutual agreement between the City and petitioner.

As part of a conditional rezoning, the City may also waive required standards of the Zoning Ordinance if they feel the conditions proposed by the petitioner and the benefits that would result from them outweigh the need to meet such standards. Conversely, compliance with some or all Zoning Ordinance standards may be required by the City.

Conditional rezoning is a two step process: following a public hearing, a recommendation from the Planning Commission to City Council for the rezoning, then a formal site plan submission to the Planning Commission, if the rezoning is approved.

## LOCATION AND DESCRIPTION

The subject property was annexed into the City from Lyon Township on August 11, 2016. Per Section 102-185, Zoning of Annexed Area, "land zoned or un-zoned shall be automatically classified as an R1-A district." The site is surrounded by varied uses: to the north is single-family residential (Charleston Park) and to the west single-family residential homes (in Green Oak Township); industrial to the south (an undeveloped industrial park) and southeast (Michigan Seamless Tube); and vacant wetlands to the direct east. The property has frontage on Lake Street (Ten Mile Road) to the north as well as Dixboro Road to the west. Dixboro Road divides the City and Green Oak Township. Dixboro Road is not paved, and while many discussions have indicated that it will be paved, the timing of that construction is unknown. The parcel has a few existing trees on the site, however, the condition of the trees is not know at this time. The majority of the parcel is clear-cut, undeveloped land. No significant topographic issues are present.

Surrounding Land Use and Zoning			
	Existing Use	Zoning	Future Land Use / Master Plan
<b>Subject Property</b>	Single Family Residential & Vacant	R-1A, Single Family Residential	Industrial
North	Single Family Residential	R-1, Single Family Residential	Suburban Residential
South	Vacant	Industrial	Industrial
East	Single Family Residential	Industrial	Industrial
West	Single Family Residential	Township	Township

The following summarizes the permitted and special land uses in both the existing and proposed zoning districts

### **R1-A, One Family Residential**

#### ***Permitted Uses***

- Single-Family *attached* dwellings
- In-Home Office
- Senior Housing
- Adult & child residential care facilities
- Public, Institutional, & Utilities
- Cemeteries, lawfully occupied at the adoption of Ordinance
- Essential Public Services
- Accessory Uses
- Accessory buildings, structures & uses, customarily incidental to any of the above principal uses

#### ***Special Uses***

- Nursing & Convalescent Homes
- Adult & child residential care facilities
- Private Parks & Recreation Facilities, Owned & Operated by Homeowner or Condo Associations
- Recreation Facilities, Private
- Recreation Facilities Public
- Churches, Temples, & other Places of Worship or Public Assembly w Max. Seating of 750 persons
- Colleges & Universities
- Public & Quasi-Public Institutional Buildings, Structures & Uses
- Schools, including Public, Private & Parochial Elementary, Middle & High
- Accessory buildings, structures & uses, customarily incidental to any of the above special land uses

### **RM-3, One Family Residential**

#### ***Permitted Uses***

- Single-Family dwellings
- Two Family dwellings
- Multiple Family dwellings
- In-Home Office
- Senior Housing
- Adult & child residential care facilities
- Public, Institutional, & Utilities
- Cemeteries, lawfully occupied at the adoption of Ordinance
- Essential Public Services
- Accessory Uses
- Accessory buildings, structures & uses, customarily incidental to any of the above principal uses

#### ***Special Uses***

- Nursing & Convalescent Homes
- Adult & child residential care facilities
- Private Parks & Recreation Facilities, Owned & Operated by Homeowner or Condo Associations
- Recreation Facilities, Private
- Recreation Facilities Public

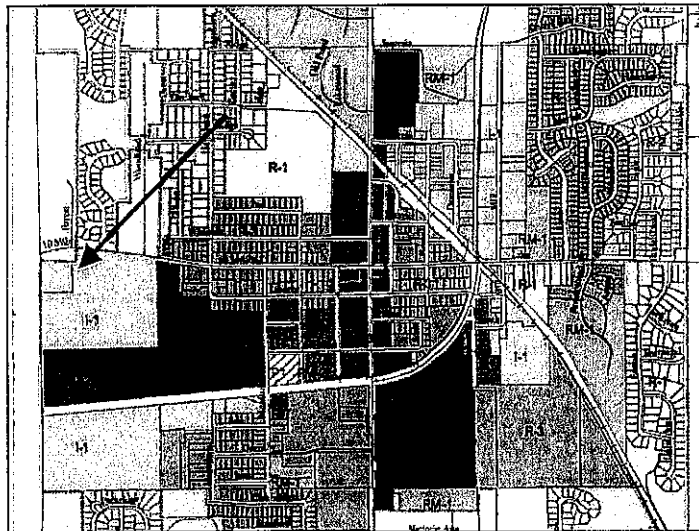
- Churches, Temples, & other Places of Worship or Public Assembly w Max. Seating of 750 persons
- Colleges & Universities
- Public & Quasi-Public Institutional Buildings, Structures & Uses
- Schools, including Public, Private & Parochial Elementary, Middle & High
- Accessory buildings, structures & uses, customarily incidental to any of the above special land uses

## REVIEW COMMENTS

In reviewing this application for an rezoning (amendment to the Zoning Map), the Planning Commission should consider additional comments from the applicant, relevant factual new information presented at the public hearing, and the following criteria, among other factors they may deem appropriate, in making their findings, decision and corresponding recommendation:

*A. The requested zone should be consistent with the goals, policies and future land use map of the Master Plan, including any location-specific or corridor studies. If conditions have changed since the Master Plan was adopted, as determined by the Planning Commission or City Commission, the consistency with recent development trends in the site's area shall be considered.*

The property at 825 West Lake Street is zoned R1-A, Single Family Residential and master planned as Industrial. The City's Master Plan was drafted in 2014 when the subject property was still part of the Township. The approved City Master Plan has the property surrounded by industrial planned land (within the City), however when a property is annexed into the City is is automatically zoned R1-A, single family residential. For the property to be developed consistent with the Future Land Use plan (as industrial land), a map amendment (rezoning) will need to occur.



The City's current zoning map shows the subject property within the Township and not zoned. With the annexation of the property, the zoning designation becomes R1-A.

While the proposed multiple-family residential development is not consistent with industrially zoned future land use, there are several properties in close proximity that are master planned as residential. The proposed multiple-family use provides a practical transition from the industrial site to the south and east, and the single family residential to the north and west of the site.

The City's master plan has a goal to "provide housing to match the varied needs and income levels of the present and future population." Currently multiple family residential only comprises 4.3 percent of the total existing land use in the City, and 7.3 percent of all residential. The proposed housing works toward the goal of providing high quality housing for a diverse population with varying incomes.

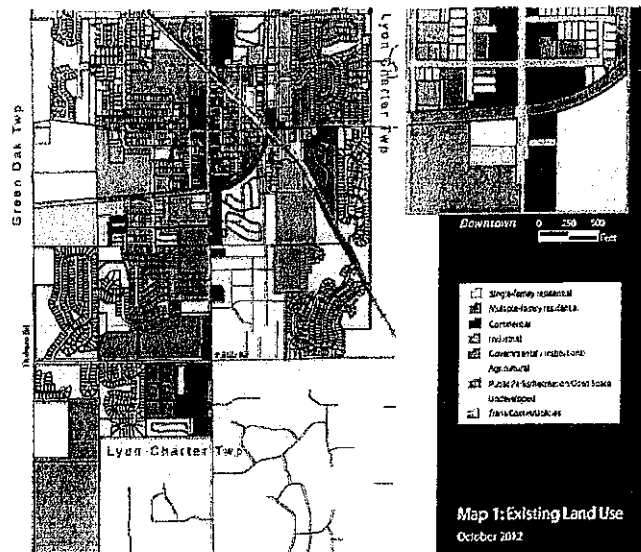
Additionally, another Master Plan goal within Industrial land is "to strive for full occupancy within the City's Industrial Parks." The property to the south of our subject site is a vacant industrial park-with infrastructure in place and waiting for build out and tenancy. Until this property is developed and used as Industrial land, there is not a demonstrated need for additional industrial land in this area of the City.

This conditional rezoning limits the property to be developed as multiple-family residential and excludes all other permitted uses. The City has the ability to permit a use that does not match the Future Land Use designation when it determines that the conditions proposed make the requested use compatible with surrounding land uses.

*B. The site's physical, geological, hydrological and other environmental features should be compatible with the host of principal permitted and special land uses in the proposed zone.*

As a condition of rezoning, this property can not develop into any other permitted or special land uses permitted in the Multiple Family Residential zoning district.

*C. Evidence should document the applicant cannot receive a reasonable return on investment through developing the property with one or more of the principal permitted and special land uses under the current zoning.*



The current zoning allows single-family residential housing. It is unlikely that a reasonable return on investment can be obtained by developing the property for large lot single-family residential use given the: size and shape of the parcel; lot size minimums and setback constraints; the requirement for two points of access to the residential development; and the varying uses on adjacent properties.

#### **FINDINGS**

In reviewing this application for an amendment to the Zoning Map, the Planning Commission should consider the following criteria, among other factors they may deem appropriate, in making their findings, recommendation, and decision:

***A. The requested zone should be consistent with the goals, policies and future land use map of the Master Plan, including any location-specific or corridor studies. If conditions have changed since the Master Plan was adopted, as determined by the Planning Commission or City Commission, the consistency with recent development trends in the site's area shall be considered.***

The property at 825 West Lake Street is zoned single-family residential and master planned for industrial land use. While the proposed multiple family residential zoning is not consistent with existing land use designation nor future land use designation, there are several properties in close proximity that are zoned (and vacant) as industrial property. The City does not currently have a need for additional industrially-zoned land in this immediate area. This conditional rezoning limits the property to development of multiple-family residential units and excludes all other permitted industrial uses.

***B. The site's physical, geological, hydrological and other environmental features should be compatible with the host of principal permitted and special land uses in the proposed zone.***

As a condition of rezoning, this property can not develop into any other permitted or special land uses permitted in the Multiple Family Residential district.

***C. Evidence should document the applicant cannot receive a reasonable return on investment through developing the property with one or more of the principal permitted and special land uses under the current zoning.***

The current zoning allows single-family residential housing. It is unlikely that a reasonable return on investment through developing the property as a low-density single-family residential development given the: size of the parcel; lot size minimums and setback constraints; the requirement for two points of access to the residential development; and adjacent industrial properties.

***D. The potential uses allowed in the proposed zone should be compatible with surrounding uses and zoning in terms of land suitability, impacts on the***



***environment, density, nature of use, traffic volumes, aesthetics, infrastructure, and potential influence on property values.***

The conditional rezoning limits the property's development to multiple family residential. A multiple-family residential development will have more "greenspace" and have minimal odors, fumes, dust, and noise that may be associated with industrial development. The traffic generation rates are similar between low rise multi-family residential and light industrial/industrial parks. The additional "heavy load" traffic associated with industrial development has a greater effect on the roads.

***E. The street system should be capable of safely and efficiently accommodating expected traffic volumes generated by potential uses in the requested zone.***

The street system is capable of safely and efficiently accommodating expected traffic volumes generated by the multiple family residential development.

***F. The capacity of public utilities and services should be sufficient to accommodate the potential uses in the requested zone without compromising the City's health, safety and welfare.***

The proposed conditional rezoning should not increase demand for public services beyond what can reasonably be provided to the site.

***G. There should be an apparent demand in the City for the types of potential uses in the requested zone in relation to the amount of land in the City currently zoned and available to accommodate the demand.***

There is a limited amount of multiple-family residential development both existing and zoned for development. The City's Master Plan identifies a goal to provide varied affordable housing options for the existing and future population. The presence of industrial land to the south of the property and single-family residential to the north of the property makes this a good location for multiple-family residential, since it acts as a transition from, and buffer between, the different land uses.

***H. Other criteria as determined by the Planning Commission or City Council which would protect the public health, safety and welfare, protect public and private investment in the City, promote implementation of the goals, objectives and policies of the Master Plan and any amendments thereto, and enhance the overall quality of life in the City.***

The subject property is subject to the site plan review process and failure to obtain approval will lead to the conditional rezoning being eliminated.

## **RECOMMENDATION**

Given the above analysis, we recommend approval of the conditional rezoning application for 825 West Lake Street, from R1-A Single Family Residential to RM-3, Multiple Family Residential, in order to construct a low-rise apartment complex, with the above submitted conditions and based upon the following reasons:

1. Although the multiple family designation is not consistent with the site's planned future use of Industrial, residential properties are in close proximity to the subject parcel;
2. The proposed multiple-family residential provides an appropriate transition between the abutting industrial and single-family residential zoning districts.
3. It will be difficult to develop the property for any of the permitted and special land uses in the current R1-A zoning district;
4. The site's physical and other environmental features are compatible with the proposed use;
5. The proposed use is compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, traffic volumes, aesthetics, infrastructure, and addressing a community need;
6. The street system is capable of safely and efficiently accommodating the limited expected traffic volumes generated by the proposed use; and
7. The capacity of public utilities and services is sufficient to accommodate the proposed use without compromising the city's health, safety and welfare.

If you have any further questions, please contact us at 810-335-3800.

Sincerely,

**CIB PLANNING**

A handwritten signature in cursive script, appearing to read "Kelly McIntyre", written in dark ink.

Kelly McIntyre  
Senior Principal Planner

# AGENDA NOTE

Old Business # 3

**MEETING DATE:** August 27, 2018

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

**AGENDA TOPIC:** Second reading of Ordinance Amendment to Add Section 22-167 – Soliciting in Public Roadway Prohibited; Exceptions

**EXPLANATION OF TOPIC:** In 2016 the Michigan Attorney General issued an opinion (OAG #7291) concluding that soliciting in public streets and highways violates the Michigan Vehicle Code and Uniform Traffic Code. The Michigan Legislature responded by enacting Public Act 112 of 2017 amending the Michigan Vehicle Code to add language to MCL 257.676b to specifically allow a charitable or civic organization to solicit charitable contributions within the public roadway provided certain conditions are met:

- The organization must comply with applicable local government regulations
- The organization must maintain at least \$500,000 in liability insurance coverage
- Individuals soliciting on behalf of an organization must be at least 18 years old
- Soliciting may only take place during daylight hours
- Individuals soliciting must wear high-visibility safety apparel
- No soliciting in a work zone and soliciting must take place in an intersection with working traffic control devices

The City has historically allowed soliciting within the right of way, and in addition to the requirements in Public Act 112 of 2017, the proposed ordinance amendment includes the following requirements:

- Solicitors must have personal identification as well as something identifying the organization
- Solicitors must leave the roadway when traffic is moving
- Solicitors must not impede or interfere with traffic, yell at, threaten, or intimidate drivers
- Applicant organizations must obtain a permit for soliciting in the public roadway

No change since first reading.

## **MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Proposed ordinance adding Section 22-167
- Bill Analysis of HB 4160 (S-4) and
- Enrolled HB 4160 (Public Act 112 of 2017)
- MCL 257.676b as amended by PA 112
- City of South Lyon Code of Ordinances Chapter 22, Article VI – Solicitors – current

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

**RECOMMENDATION:** Approve

**SUGGESTED MOTION:** Motion to approve the second reading of the ordinance amending the City of South Lyon Code of Ordinances, Chapter 22 – Businesses, Article VI – Solicitors, to add a new section 22-167 – Soliciting in Public Roadways Prohibited; Exceptions, to comply with the requirements and statutory amendments in Public Act 112 of 2017 applicable to soliciting in public roadways.

ORDINANCE NO. \_\_-18

CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 22 – BUSINESSES, ARTICLE VI – SOLICITORS, TO ADD A NEW SECTION 22-167 – SOLICITING IN PUBLIC ROADWAYS PROHIBITED; EXCEPTIONS, TO COMPLY WITH THE REQUIREMENTS AND STATUTORY AMENDMENTS IN PUBLIC ACT 112 OF 2017 APPLICABLE TO SOLICITING IN PUBLIC ROADWAYS.

THE CITY OF SOUTH LYON ORDAINS:

**PART I. Amendment of Chapter 22 – Businesses, Article VI – Solicitors: Adding Section 22-167 – Soliciting in Public Roadways Prohibited; Exceptions.** Chapter 22 – Businesses, Article VI – Solicitors, of the Code of Ordinances of the City of South Lyon, is hereby amended to add Section 22-167 – Soliciting in Public Roadways Prohibited; Exceptions, as follows:

Sec. 22-167 – Soliciting in Public Roadways Prohibited; Exceptions.

- a) Notwithstanding any other provision in this article to the contrary, no person, whether or not registered and permitted as a solicitor, shall block, obstruct, Impede or otherwise Interfere with the normal flow of vehicular traffic upon a public roadway within the City by means of a barricade, object or device, or with his or her person. For purposes of this article the term "roadway" means the area of a paved or unpaved public street, highway or road designed for vehicular travel generally including the area from curb to curb, or if no curb is present, from outer edge of shoulder to outer edge of shoulder.
- b) The foregoing prohibition does not apply to a person soliciting contributions on behalf of a charitable or civic organization, if all of the following conditions are satisfied:
  - i. Only persons soliciting contributions on behalf of a charitable or civic organization are permitted to solicit or complete solicitation transactions within the roadway. As used in this section, "charitable or civic organization" means a nonprofit organization that is qualified under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, 26 USC 501, or a veterans' organization that has tax-exempt status under the Internal Revenue Code, as defined in MCL 257.676b(6) of the Michigan Vehicle Code.
  - ii. A person soliciting on behalf of a charitable or civic organization shall have visible Identification or lettering Identifying the organization and shall carry personal Identification on their person.
  - iii. All persons soliciting on behalf of a charitable or civic organization must be 18 years of age or older, and each person soliciting must be identified by full legal name on the application, including date of birth, address, and the applicant must

attach to the application a copy of a government issued form of Identification for each person who will engage in soliciting, such as a driver's license, passport, or other identification card.

- iv. Soliciting shall occur only during daylight hours which is defined to mean one-half hour after the sunrise and one-half hour before sunset based on published sunrise and sunset times on the applicable day where the soliciting occurs.
- v. All persons engaged in soliciting in the roadway shall wear high visibility safety apparel meeting the current American standards promulgated by the International Safety Equipment Association.
- vi. The portion of the roadway upon which the soliciting occurs is not in a work zone and is within an intersection where traffic control devices are present and functioning. Soliciting is not permitted in any intersection identified by the South Lyon Police Department, in its sole discretion and judgment, as being unreasonably dangerous or otherwise inappropriate for soliciting, based on factors including, but not limited to, traffic crash data, traffic violator data, sight distance or other features of the area, obstructions, traffic volume, traffic flow, or weather conditions.
- vii. Soliciting in the roadway shall not impede the free movement of vehicle traffic, intimidate or threaten drivers or occupants of vehicles, touch any vehicles or the driver or occupants, yell or scream at vehicles, the driver or its occupants, in a threatening manner, or otherwise cause traffic delays or interfere with traffic.
- viii. All persons engaged in soliciting shall move off or out of the roadway when vehicular traffic is moving.
- ix. Soliciting shall not occur at any time during inclement weather such as snow, ice, or fog, as determined by the Police Chief and/or his/her designee.
- x. A person shall only carry or hold a container of a small size, shape and weight (12"Hx6"Wx6"W, may have a handle which is not included in determining size) so as to not impede vehicle traffic and safe vehicular movement.
- xi. The charitable or civic organization shall maintain at least \$500,000.00 in liability insurance, and must submit adequate proof of this insurance to the City with its application.
- xii. The charitable or civic organization and persons soliciting on its behalf shall comply with all other provisions of this article and other applicable City requirements for the applications for and permitting of soliciting.

Secs. 22—168 – 22-180. - 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 \_\_\_\_ day of \_\_\_\_\_, 2018.

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

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

#### Certificate of Adoption

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

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

Adopted:  
Published:  
Effective:



Senate Fiscal Agency  
P. O. Box 30038  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (617) 373-6383  
Fax: (617) 373-1886

House Bill 4160 (Substitute S-4 as reported by the Committee of the Whole)  
Sponsor: Representative Shane Hernandez  
House Committee: Transportation and Infrastructure  
Senate Committee: Transportation

**CONTENT**

The bill would amend the Michigan Vehicle Code to do the following:

- Allow a person to solicit contributions on behalf of a charitable or civic organization during daylight hours on a public street or roadway under certain circumstances (listed below).
- Specify that a local government or road authority with jurisdiction over a roadway on which solicitation occurred would not be liable for any claim for damages arising out of the use of the roadway.
- Allow a local government to enact or enforce regulations restricting, but not prohibiting, the solicitation described in the bill, and require a local government that had enacted or was enforcing regulations prohibited under the bill to bring those regulations into compliance with the bill within 60 days after its effective date.

The conditions under which contributions could be solicited in a roadway are as follows:

- The organization would have to comply with applicable local government regulations.
- The organization would have to maintain at least \$500,000 in liability insurance.
- The person soliciting contributions would have to be at least 18 years old.
- The person would have to be wearing high-visibility safety apparel.
- The portion of the roadway where solicitation occurred could not be a work zone and would have to be within an intersection where traffic control devices were present.

"Charitable or civic organization" would mean a nonprofit organization that is qualified under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, or a veterans' organization that has tax-exempt status under the Code.

Currently, the Michigan Vehicle Code prohibits a person, without authority, from blocking, obstructing, impeding, or otherwise interfering with the normal flow of vehicular or pedestrian traffic upon a public street or highway in the State, by means of a barricade, object, or device, or with his or her own person. A person who violates this provision is responsible for a civil infraction.

MCL 257.676b

Legislative Analyst: Drew Krogulecki

**FISCAL IMPACT**

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local government. Any associated decrease in fine revenue would reduce funding to public libraries. Local governments also could potentially avoid the loss of revenue from lawsuits directed at municipalities due to injury of solicitors.

Date Completed: 6-27-17

Fiscal Analyst: Ryan Bergan

floorhb4160a

Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

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

Act No. 112  
Public Acts of 2017  
Approved by the Governor  
July 27, 2017  
Filed with the Secretary of State  
July 27, 2017  
EFFECTIVE DATE: July 27, 2017

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2017**

Introduced by Reps. Hernandez, Lucido, Canfield, Frederick, Noble, Brann and Sabo

## **ENROLLED HOUSE BILL No. 4160**

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 676b (MCL 257.676b).

*The People of the State of Michigan enact:*

Sec. 676b. (1) Subject to subsection (2), a person, without authority, shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street or highway in this state, by means of a barricade, object, or device, or with his or her person. This section does not apply to persons maintaining, rearranging, or constructing public utility facilities in or adjacent to a street or highway.

(2) Subsection (1) and any provision of the Michigan Administrative Code that prohibits a person from standing in a roadway other than a limited access highway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle do not apply to a person who is soliciting contributions on behalf of a charitable or civic organization during daylight hours, if all of the following are satisfied:

(a) The charitable or civic organization complies with applicable local government regulations. A local government may enact or enforce regulations restricting, but not prohibiting, the activity described in this subsection.

(b) The charitable or civic organization maintains at least \$500,000.00 in liability insurance.

(c) The person is 18 years of age or older.

(d) The person is wearing high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association.

(e) The portion of the roadway upon which the solicitation occurs is not a work zone and is within an intersection where traffic control devices are present.



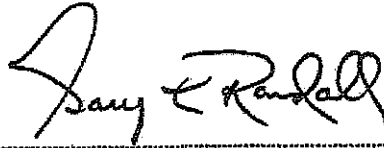
(3) A local government or road authority that has jurisdiction over a roadway upon which solicitation occurs as described in subsection (2) is not liable for any claim for damages arising out of the use of the roadway as described in subsection (2).

(4) A person who violates this section is responsible for a civil infraction.

(5) A local government that, on the effective date of the amendatory act that added this subsection, has enacted or is enforcing regulations that are prohibited under subsection (2)(a) shall bring those regulations into compliance with subsection (2)(a) no later than 60 days after the effective date of the amendatory act that added this subsection.

(6) As used in this section, "charitable or civic organization" means a nonprofit organization that is qualified under section 501(c)(3) or 501(c)(4) of the internal revenue code, 26 USC 501, or a veterans' organization that has tax-exempt status under the internal revenue code.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor

**MICHIGAN VEHICLE CODE (EXCERPT)**  
**Act 300 of 1949**

**257.676b Interference with normal flow of vehicular or pedestrian traffic prohibited; public utility facilities; solicitation of contributions on behalf of charitable or civic organization; violation as civil infraction; local regulations; "charitable or civic organization" defined.**

Sec. 676b. (1) Subject to subsection (2), a person, without authority, shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street or highway in this state, by means of a barricade, object, or device, or with his or her person. This section does not apply to persons maintaining, rearranging, or constructing public utility facilities in or adjacent to a street or highway.

(2) Subsection (1) and any provision of the Michigan Administrative Code that prohibits a person from standing in a roadway other than a limited access highway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle do not apply to a person who is soliciting contributions on behalf of a charitable or civic organization during daylight hours, if all of the following are satisfied:

(a) The charitable or civic organization complies with applicable local government regulations. A local government may enact or enforce regulations restricting, but not prohibiting, the activity described in this subsection.

(b) The charitable or civic organization maintains at least \$500,000.00 in liability insurance.

(c) The person is 18 years of age or older.

(d) The person is wearing high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association.

(e) The portion of the roadway upon which the solicitation occurs is not a work zone and is within an intersection where traffic control devices are present.

(3) A local government or road authority that has jurisdiction over a roadway upon which solicitation occurs as described in subsection (2) is not liable for any claim for damages arising out of the use of the roadway as described in subsection (2).

(4) A person who violates this section is responsible for a civil infraction.

(5) A local government that, on the effective date of the amendatory act that added this subsection, has enacted or is enforcing regulations that are prohibited under subsection (2)(a) shall bring those regulations into compliance with subsection (2)(a) no later than 60 days after the effective date of the amendatory act that added this subsection.

(6) As used in this section, "charitable or civic organization" means a nonprofit organization that is qualified under section 501(c)(3) or 501(c)(4) of the internal revenue code, 26 USC 501, or a veterans' organization that has tax-exempt status under the internal revenue code.

History: Add. 1968, Act 151, Eff. Nov. 15, 1968;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2017, Act 112, Imd. Eff. July 27, 2017.

*Amendment  
Act on Solicitors*

Sec. 22-161. - Solicitor defined.

The word *solicitor* as used in this article shall include any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, books or magazines, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, and such definition shall include any person who, for himself, or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. The word "solicitor" shall include the word "canvasser."

(Code 1988, § 7.81)

Sec. 22-162. - License required.

No person shall engage in the business of a solicitor within the city without first obtaining a license therefor. No such license shall be granted except upon certification of the chief of police.

(Code 1988, § 7.82)

Sec. 22-163. - License application.

The license application filed under the provisions of section 22-34 shall furnish the following information:

- (1) Name and description of the applicant.
- (2) Permanent home address and full local address of the applicant.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.

- (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery.
- (7) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) The fingerprints of the applicant and the names of at least two reliable property owners of the County of Oakland, State of Michigan, who will certify as to the applicant's good character and business respectability, or in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.
- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefore.

(Code 1988, § 7.83)

Sec. 22-164. - License fees.

The fees for a solicitor's license shall be as specified in sections 22-57 through 22-59. No fee for a solicitor's license shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he may apply to the city manager for an adjustment of the fees so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at or within six months after payment of the prescribed license fee. The applicant shall, by affidavit, and supporting testimony, show his method of business and gross volume or estimated gross volume of business and such other information as the city manager may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The city manager shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he shall determine whether the fee fixed for the solicitor's license is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and

above the fee so fixed. In fixing the fee to be charged, the city manager shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fee as prescribed by sections 22-57 through 22-59. Should the city manager determine the gross sales measure of the fee to be the fair basis, he may require the applicant's business in the City of South Lyon or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one license year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed in sections 22-57 through 22-59.

(Code 1988, § 7.84)

Sec. 22-165. - Exempt persons.

Persons engaged in soliciting on foot in the neighborhood of their residence under the direct supervision of any school or recognized nonprofit organization shall be exempt from the requirements of this article.

(Code 1988, § 7.85)

Sec. 22-166. - Violation and penalties.


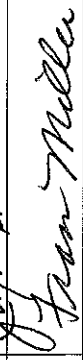


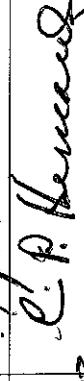





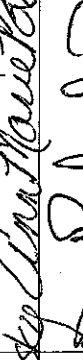

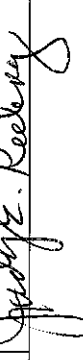
A violation of this article shall be deemed a municipal civil infraction.

(Ord. of 11-28-94(13), § 1(7.86))

Secs. 22-167—22-180. - Reserved.

# Petition to prevent building on vacant property

	Prevent development of vacant property.
Stop development	We, the undersigned, are concerned citizens who urge our leaders to prevent development

Printed Name	Signature	Address	Comment	Date
JOHN W. FARROW		62622 KALEIGH CT #2 SOUTH LYON, MI 48178		8-9-18
FRAN MILLER		62511 RALEIGH CT #6 SOUTH LYON, MI 48178		8-9-18
ITALO ROSE		62511 RALEIGH CT SOUTH LYON, MI 48178		8-9-18
ESPERCE		62511 RALEIGH CT SOUTH LYON, MI 48178		8-9-18
C. Paez		62401 RALEIGH CT #2		8-9-18
Alice Harrison		62401 RALEIGH CT Unit 4		8-9-18
Frederick C. Abbott		62401 RALEIGH CT Unit 3		8-9-18
PHILIP GRACE		62401 RALEIGH CT #2		8-9-18
CHRISTEN ANTHONY		62401 RALEIGH CT #2		8-9-18
CHUCK LAKE		62180 ARLINGTON CIRCLE		8-9-18
Donna Marie Polasky		62180 ARLINGTON CIRCLE		8-10-18
Jan Richardson		62180 ARLINGTON CIRCLE		8-10-18
Judy Keeling		62180-5 ARLINGTON CIRCLE		8-10-18

# Petition to prevent building on vacant property

Prevent development of vacant property. and preserve wildlife.
Stop development
We, the undersigned, are concerned citizens who urge our leaders to prevent development

Printed Name	Signature	Address	Comment	Date
Margaret Banaitis	Margaret Banaitis	62290 Arlington Circle #2	don't want more development	8/2/18
Cynthia L. Leaux	Cynthia Leaux	62290-5 Arlington Circle	preserve wildlife	8-3-18
Patricia McKeel	Patricia McKeel	62290-4 Arlington Circle	No development	8-4-18
Paula Rhodes	Paula Rhodes	62310-6 Arlington Circle	<del>USE THE LAND</del> LEAVE IT ALONE	8-5-18
Lorene Feltow	LORENE FELTOW	62310-6 Arlington Circle	Please Don't Build	8-5-18
Glady's J. Baile	Glady's J. Baile	62310-5 Arlington Circle	No building!	8-5-18
Diane Luckey	Diane J. Luckey	62310-3 Arlington Circle	all of the above!	8-5-18
MICHAEL CAMPBELL	MICHAEL CAMPBELL	62310-2 ARLINGTON CIR		8/5/18
Barbara Jeffery	Barbara Jeffery	62320-5 <sup>105</sup> Arlington Circle		8/5/18
Roy P. Jeffery	Roy P. Jeffery	62320 ARLINGTON 105-3 Bldg		8/5/18
Gray Nantz	Gray Nantz	62320 <sup>105</sup> Arlington Circle	No Development	8/5/18
Shirley Jennings	Shirley Jennings	62330 Arlington Cir		
RUTH	RUTH	62330-1 ARLINGTON CIR.		aug 15

# Petition to prevent building on vacant property

Prevent development of vacant property. & preserve wildlife	
Stop development	We, the undersigned, are concerned citizens who urge our leaders to prevent development

Printed Name	Signature	Address	Comment	Date
Marilyn Kowalek	Marilyn Kowalek	62330 Arlington Ct #4		
Isabelle Delegerge		62330 Arlington Circle	No Building	8/5/18
MICHAEL KOGER	Michael K. Koger	62290 ARLINGTON CL. #6	No BUILDING!	8/7/18
CHONKA HOLCOMB	Chonka Holcomb	62320. ARLINGTON CL #5	No Building.	8/7/18
Don Parton	Don Parton	29516 Lex =	11	11
ROSE KROSSPERGER	Rosa Krossperger	25916 LEXINGTON DR	No BLDGS.	8/7/18
Ivonne JOHNSON	Ivonne Johnson	62042-6 Raleigh	No BLDGS	8/7/18
DONALD SMITH	Donald Smith	62512-5 RALEIGH	LEAVE VACANT	8-7-18
JOHN HORN	John Horn	62512 Raleigh Dr	good Luck	8-7-18
JOYCE SMITH	Joyce Smith	62512-2 Raleigh Ct	" "	8-7-18
FELICIA JOLI	Felicia Joli	62622-6 RALEIGH CT.	NO BUILDING	8-9-18
ROBERTA DOWDRE	Roberta Dowd	62622-5 Raleigh Ct	Leave Vacant	8-9-18
PHYLLIS COPPOLA	Phyllis Coppola	62622-4 Raleigh Ct	LEAVE VACANT	8-9-18



Prevent development of vacant property.
We, the undersigned, are concerned citizens who urge our leaders to prevent development
Stop development

[illegible]

