

# **Regular City Council Meeting**

## **August 28, 2017**

### **Agenda**

**7:30 p.m.**      **Call to Order**  
**Pledge of Allegiance**  
**Roll Call**  
**Approval of Minutes: August 14, 2017**  
**Approval of Bills: none**  
**Approval of Agenda**

**Public Comment**

Swearing in of New firefighters:

1. Dan Laitinen
2. Austin Dziurgot
3. Cain McGowan

**I. Old Business –**

1. Appointment of Erin Kopkowski to Planning Commission

**II. New Business-**

1. Appointments/Resignation from boards & commissions
  - a. Resignation of Dan Pelchat from Cable Commission
  - b. Appointment of Bob Martin to Historical Commission
  - c. Appointment of Linda Graham to Cultural Arts Commission
2. Consider designating an alternate to SEMCOG
3. Consider approval of road closures for Witch's Hat run
4. Consider approval of road closures for Pumpkinfest run
5. Consider first reading of Ordinance to reduce the number of Planning Commission members from 9 to 7 and bring the division into compliance with the Michigan Planning Enabling Act.
6. Consider first reading of Ordinance to increase the value of purchases requiring City Council approval and competitive bidding and clarify purchasing authority in emergency circumstances
7. Consider alternatives for contracting for interim Class B Operator services

**III. Budget**

**IV. Discussion- Downtown**

**V. Manager's Report**

**VI. Council Comments-**

**VII. Closed session under section 8(b) of the Open Meetings Act, connected with the negotiation of a collective bargaining agreement**

**VIII. Adjournment**

**CITY OF SOUTH LYON  
REGULAR COUNCIL MEETING  
AUGUST 14, 2017**

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

PRESENT: Mayor Galeas, Councilmembers: Kivell, Kramer, Kurtzweil, Rzyzi and Wedell  
Also Present: Chief Collins, Department Head Martin, Chief Kennedy, Attorney Wilhelm and Clerk Deaton  
Absent: City Manager Ladner, and Councilmember Parisien

Mayor Galeas stated Councilmember Parisien is on her honeymoon.

CM 8-1-17 MOTION TO EXCUSE ABSENCE OF COUNCILMEMBER PARISIEN

Motion by Kramer, supported by Kurtzweil  
Motion to excuse absence of Councilmember Parisien

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES- 7-24-17

Councilmember Kivell stated on page 7 it states his tax bill went up \$30.00 but it should say \$31.00

CM 8-2-17 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Kurtzweil, supported by Rzyzi  
Motion to approve minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Kurtzweil stated the expenditure report shows that as of July 31<sup>st</sup> the administration budget has used 9.79% of their budget, and if it continues they will be overbudget in the next 12 months. She stated she is going to stay on the mantra of watching the expenditures and watching for red flags. Councilmember Kramer asked about the charge for a car rental reimbursement. Chief Kennedy stated one of their newer drivers had a collision with a private citizen. He stated the driver made too quick of a left turn.

CM 8-3-17 MOTION TO APPROVE BILLS

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

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

Councilmember Kurtzweil stated she recalls at the last meeting there was an appointment to the Planning Commission that was delayed until this meeting and she doesn't understand why it isn't on here. She further stated the applicant would have done a good job and she is very qualified. She stated she would assume the votes would be there to appoint her. Councilmember Kivell stated we should wait until we have a full board. Mayor Galeas stated it is a timing issue with not having a full board, he thought it

should wait. Councilmember Rzyzi stated usually appointments aren't controversial and he thinks Ms. Kopkowski is qualified for the Planning Commission and he will vote to approve the appointment if Council adds this to the Agenda, if not he is ok with waiting.

#### CM 8-4-17 MOTION TO APPROVE AGENDA

Motion by Wedell, supported by Kivell

Motion to approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

#### PUBLIC COMMENT

Alissa Carruth of 330 S Warren stated she is here to speak representing a coalition of concerned South Lyon residents. She stated for years we have had a certain amount of cohesiveness between government and residents. Although we haven't always agreed as in any kind of debate, it wasn't due to bad blood or vindictiveness, but rather opens a dialogue to move the City forward. She further stated through experience, accessibility, transparency and general level headedness is expected and most of you demonstrate. She stated in the last 2 years our trust in local government has wavered, our patience has grown thin, and our stability is being threatened, constructive debate has become destructive debate. Otherwise productive and efficient meetings have become long drawn out and anarchic proceedings. She stated experienced Councilmembers have decided it is no longer worth their time and energy and we can't blame them. She stated to top it off the South Lyon Water Department, Sewer Department and Department of Public Works superintendent Bob Martin has turned in his resignation. Even wearing all the different hats, he has had a successful and much appreciated 38 years of service to our community. We are extremely grateful for his service to our community. She stated his resignation has stirred up disappointment and angst from residents, employees and colleagues. In an underappreciated role, he has been one of the finest if not the finest public servants in this City. Heading up 3 departments and saving us many dollars. She further stated he deserves nothing less than our utmost respect. Bob is a staple in South Lyon for his sense of community and his selfless volunteerism and we look forward to that continuing. It is a career ending too soon no doubt due to the juvenile behavior of Council. She stated you get the Council you ask for and we refuse to stand by and watch the City be taken over by antagonistic rhetoric that intends to rile up the Council and general populous. She stated you all ran for Council because you love this City and in the best interest of the City, we request, or demand for the resignation of Councilmember Kurtzweil.

Marilyn Smith of the South Lyon Resale Shop stated we should all stand and applaud Bob Martin for his years of service and he will be missed more than anyone knows and she hopes 2 of you are happy with what you have done.

Josie Kearns representing the Cultural Arts Commission stated they had a lot of help with the Arts and Cars show. Linda Robinson of the Cultural Arts Commission stated it was dark and there was an elderly artist that was very meticulously packing up and it was a long process, and a police officer kept the light on them until they were packed up and ready to go. She further stated she didn't get his name, but she did go to the Police station and found out it was Detective Whittrock. Ms. Kearns thanked everyone that helped and they hope to do the Arts and Cars show again next year.

Dan Pelchat 255 Wellington stated he wanted to thank Mike Kramer, Harvey Wedell, John Galeas and Bob Martin for their commitment to the City. He further stated it is easy to say you want to get involved but you are always on the job. He then wished Bob Martin luck and stated he is very happy for him. Mr. Pelchat stated he has enjoyed working with Rich Perry, Amber King, and Steve Kaukonen on the Cable

Commission, but he has resigned and wanted to announce he is running for Mayor of the City of South Lyon.

Judy Keeling of 61280 Arlington Circle stated she would like to thank Joe and Maggie for their hard work and the investigating that they do before the meetings and thanks them for being part of the City.

Dean Whitcomb of 25885 McCrory Lane stated he wants to thank Bob Martin, he has known him for many years, dealing with the Junior League and other organizations. He stated Bob has always done what he said he was going to do and always asked what else he can do. He further stated Bob is the best.

Kenyson Borkowski of 112 Harvard stated she is also announcing she is also running for Mayor as a write in candidate.

Superintendent Bob Martin of 695 N Crest, 23500 Dixboro and 376 Dorothy which are all working and living places. He stated he wants to say thank you for a chance he was given on March 23<sup>rd</sup>, 1979. He stated he just moved to the City and he was working for the DNR. He stated he walked into City Hall and ran into Gail Smolarz and Norma Wallace and he asked if they had a water treatment center. Norma then told him to go to the water plant and talk with the superintendent, and that was 38 years ago. He stated he loves music and Jackson Browne did a song called This Is My Opening Farewell. He stated he has been blessed to work for the City. He further stated he has worked with 3 terrific City Managers, Rod Cook, David Murphy and now Lynne Ladner. He further stated he has worked with 3 Fire Chiefs, Chuck Buers, Craig Kaska and Mike Kennedy. Department Head Martin stated he has worked with 2 Police Chiefs, Gerald Smith who we recently lost and Lloyd Collins and he is really lucky for that. Numerous Councilmembers as well. He stated he has had some incredible employees he has become friends with. The crew at City Hall, Phyllis, Judy, Joan, Lisa, Tara and Lori. Every day he walks in there is a moment of caring and love, and not a lot of people can say that about their job. He has worked with a special person Susan Martin who has made him stronger and better. He further stated the DPW employees care for the City so much. He replaced Steve Renwick who is in a hospital bed right now and he wishes him prayers and thanks him for his 38 years of service. Bob further stated he was hired by Linden Beebe who was unbelievable and it was understood you don't just take a test, you take every test every time and you pushed yourself to be better which is why he has been the superintendent there since he left. He stated the workers at the water plant such as Ron Beason, a gentleman named John Haas who worked for the City for many years. He further stated he met Dave Miller in college and they became friends, and he bumped into him again at the South Lyon water plant. He is the finest water person he has ever met and he gave 38 years to the City and he is the reason the water plant is what it is today. Bob stated 80 years ago a baseball player named Lou Gehrig announced he is the luckiest man in the world, but no, he is for getting to serve the City of South Lyon for so long. Bob stated he cannot forget his wife and children. He stated his children have been so proud of his job, and his wife has been supportive of his career as well. He then thanked all the citizens and residents of the City and he loves this City.

Ryan Lare of 760 Grand Court stated he wanted to thank Bob and we have cake for his retirement after the meeting in the conference room.

OLD BUSINESS- None

#### NEW BUSINESS

1. Planning Commission resignation- Michelle Berry

CM 8-5-17 MOTION TO ACCEPT RESIGNATION OF MICHELLE BERRY

Motion by Wedell, supported by Rzyzi

Motion to accept resignation of Michelle Berry from the Planning Commission with thanks

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Rzyzi stated he wanted everyone to know Michelle is resigning from the Planning Commission to run as a write in candidate for Mayor. Mayor Galeas stated if anyone is interested in being on a board, please go onto the City's website and fill out the application.

2. Consider request from Parks and Recreation for the purchase and installation of new playground equipment

Councilmember Kivell asked if the playground equipment went out for bid. Jodi Movens from Parks and Recreation stated all companies don't have the same equipment, but the prices were similar. She stated they are all from the same suppliers, but different companies. They have been working on this for a few months. This company offered everything they were asking for and the City already has a relationship with them. Councilmember Kramer asked if the Parks & Recreation Commission should recommend the equipment to the City Manager, then the City Manager look for bids. Councilmember Kurtzweil stated it seems quite often we are dealing with the issue of bidding, she then asked Tim if he and Lynne have looked into amending the ordinance. Attorney Wilhelm stated he has spoken with Lynne but she hasn't directed him to draft a new ordinance. Councilmember Kurtzweil stated it says they want to secure City Council approval along with authorization for the funds donated from the Lion's Club, but she doesn't know if this would require a bid because they aren't using City funds. She further stated if the funds are consistent with the use the funds were donated for, we would just need a resolution authorizing the release of the funds, and the bidding process wouldn't apply. Councilmember Kramer asked about the upkeep of the park. Department Head Martin stated they do. Councilmember Rzyzi thanked them for their work on this. He stated he fully trusts their recommendation. He stated we need some understanding about the bid process, but he wants to move this forward as soon as possible. Councilmember Kivell stated Council could make an approval with a contingency about the funding and if the City Manager doesn't see any red flags. Ms. Movens stated the quote doesn't include removing the old equipment. Councilmember Kramer stated we will need the cost of the removal of the old equipment and the installation of the new. Councilmember Kurtzweil thanked Parks and Recreation for modernizing the city park. Councilmember Kivell stated when he started the playground equipment was generously donated from Michigan Seamless Tube and we were grateful to have it, but the kids were happy when we got the colorful playground equipment too.

CM 8-6-17 MOTION TO APPROVE PURCHASE OF PLAYGROUND EQUIPMENT

Motion by Kivell, supported by Rzyzi

Motion to approve the purchase of the Burke playground equipment of stand-up digger, kid force spinners, orbiton and comet for \$6,900 as long as City Manager approves and authorizing the funds used from Lion's Club donation

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider purchase of 1 LifePak 1000 Automated External Defibrillator (AED) and battery

Chief Collins stated this is to replace their last remaining LifePack 500 which is barely serviceable and out of warranty. He stated his budget plan was to replace all the 500's with the LifePack 1000's. He started we want to stay with Physio-Control because they are the same ones used by the Fire Department

and Huron Valley Ambulance. This also allows us to get pads interchangeable and we get new pads when they are used. He stated the total amount is \$2,656.78. That is below the \$5,000 which requires competitive bidding. Councilmember Kivell asked what happens with the ones that are turned back into the company. Chief Collins stated they are no longer supported and parts are hard to get. Councilmember Kurtzweil stated Tim should speak with Lynne regarding the amount department heads are allowed to spend without Council approval. She stated the amount should be higher, she is looking at streamlining governmental decisions. She further stated only when the contract exceeds \$5,000 is when the competitive bid is necessary. She thinks it was a waste of time for him to have to come to Council and ask for this, and she is asking this ordinance be reviewed for immediate modernization. Councilmember Rzyzi stated he believes the amount should be raised as well because he has trust in our department heads, especially Chief Collins.

CM 8-7-17 MOTION TO APPROVE PURCHASE OF LIFEPAK 1000 AED AND BATTERY

Motion by Rzyzi, supported by Kramer

Motion to approve the purchase of 1 LifePak 1000 AED and battery from Physio-Control for \$2,656.78

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Consider resolution to prohibit all truck turns at the intersection of Lake and Lafayette Streets to submit to RCOC

The Economic Development/DDA Director Bob Donohue stated a lot of credit should go to Chief Collins. He stated he and Chief Collins met with the TIA and it took a while longer, but we finally got this done. He stated all truck turns will be eliminated and rerouted to Reynolds Sweet or any trucks going to MST will go down McMunn. He stated the trucking companies will be notified by RCOC and our Police Department will do the enforcement. Councilmember Kurtzweil asked where the \$6,000 will be coming from for the purchase of the signs. Department Head Martin stated it will come from the budget for signage, he always has money in the budget for sign replacement. Councilmember Rzyzi asked about the line item for signs. Department Head Martin stated it is in the Local and Major Street Funds. Councilmember Kivell stated it has been mentioned numerous times that the line item doesn't have to balance, the department does. Councilmember Rzyzi stated this is very much needed and he fully supports this, but in the future, he wants to know where the money will be coming from. He knows this has been discussed for about a year, but he wants to know where the money is coming from. A lot of hard work by Bob Donohue and Chief Collins. Councilmember Kurtzweil stated anytime someone comes to Council for money, she wants a note regarding where the money will be coming from including the line item number. It is a cultural change and we need to look at the line items, this is a positive change. Mr. Donohue stated it will be completed 2-3 months after they receive the resolution. Mayor Galeas stated the business owners downtown have been adamant trying to get this changed. The pole on the corner has been hit so many times, and the clock post as well. He further stated in the past they were told no one can do anything because they are county roads, but once we actually got RCOC and the TIA to see the problems, they agreed. He stated it will take some getting used to by the truck drivers, but it will happen. Chief Collins stated they will probably give a few breaks at the beginning but truck drivers don't like tickets and the slow learners will get them.

CM 8-8-17 MOTION TO APPROVE RCOC RESOLUTION PROHIBITING TRUCK TURNS AT 10 MILE AND PONTIAC TRAIL

Motion by Kramer, supported by Rzyzi

Motion to approve the resolution supporting and requesting RCOC to prohibit all trucks from turns at intersection of Ten Mile and Pontiac Trail and the posting of truck route signs, and the expenditure of an estimated \$6,000 for RCOC to fabricate and install all signs, including the ones located on the City streets as soon as possible

VOTE: MOTION CARRIED UNANIMOUSLY

5. Consider relocation and expansion of the Veteran's Monument

Mr. Donohue stated this item was brought up to him by a veteran in July 2016. He stated the veteran had some suggestions, but didn't know where to start. He further stated he spoke with Councilmember Wedell, and he directed him to the VFW. He further stated Don Beagle donated his services and came up with the concepts. He further stated we went to each of the veteran groups, then to the Parks and Recreation, Planning Commission and the Historical Commission. He stated if this is approved tonight, the veterans will begin raising funds, which it may take a year or 2 to raise the \$30,000. Mr. Donohue stated he is a veteran as well and he thought with all the publicity the War Dog Memorial is getting our local veterans needed something as well. Mayor Galeas stated he always felt something more was needed for the veterans. Councilmember Rzyzi stated there seems to be some misinformation going around. Someone created a panic that the memorial was going to be moved, but it is actually going to be replaced by a bigger, better more appropriate memorial. He further stated knowing everyone is on board, it shows this is a wonderful project. He further stated it is fitting for Councilman Wedell for voting on this and he thanked him for his service. It is nice to have veterans on Council. Mr. Donohue stated the actual monument will be moved and will be the centerpiece. Councilmember Kivell stated he believes it will be easier for them to accomplish the donations once it is an approved plan because people will know the project is going to happen. Councilmember Kurtzweil stated she has attended services there before and she has attended other places as well, and she always felt that the corner was not respectful to our wonderful veterans. She stated if you don't believe in the worth of a veteran, talk to one about the freedom of speech, and they will be the first to say they fought for freedom of speech, and fought for the right to associate freely, to gather in the public square but not to raise your violence. She stated this community has a lot of veterans and she strongly supports the veterans and she cannot think of anything more we can do to support and thank those individuals that have given so much of their lives. She further stated with considering what happened in Charlottesville, freedom of speech is saying what you want to say, and she may not agree, but everyone has a right to speak their opinion and she respects that. Councilmember Kurtzweil stated this memorial will mean a lot to all the men and women that have given their lives and for the generations that haven't gone to war, spend some time with a vet and learn your history. This is a very important project for the City to take on. Councilmember Kivell stated the existing memorial was blessed by the honor of the people having celebrations there, but it will be nice to enhance the whole package and give them more space. Councilmember Kurtzweil stated you have families that come and spend quiet time at these places. She stated you don't get the quiet time at the current location, you can't forget about the families of the veterans and she wished we would have done this sooner. Councilmember Wedell stated he wants to disclose he is the Commander of the American Legion here in town, and we do a lot of things with the VFW but he doesn't have a stake in anything that would preclude him from voting on this.

CM 8-9-17 MOTION TO APPROVE RELOCATION AND EXPANSION OF THE VETERANS MONUMENT

Motion by Ryzyi, supported by Kurtzweil

Motion to approve the relocation and expansion of the Veterans Monument at the Historic Village, Adjacent to and incorporating the Blue Star Membership, Parks and Recreation Commission, Planning Commission and the Historical Commission, and as designed in the proposed site plan dated May 10, 2017

VOTE: MOTION CARRIED UNANIMOUSLY

BUDGET

Councilmember Kurtzweil asked Department Head Martin if his salary is paid from the enterprise funds. Department Head Martin stated it is. Councilmember Kurtzweil asked if his salary is split between water and sewer and DPW. He stated no. Councilmember Kurtzweil stated at the last meeting she brought up the revenue statement and she spoke with Lori Mosier who is the best bookkeepers a municipality can have and she said the state revenue sharing seemed high because there will be an adjustment made so the number will come down a bit. Councilmember Kurtzweil stated she contacted Plante Moran and she asked them if they can break out the water department versus the sewer water department. She stated reason being is for years the sewer and water department had been operating at a loss and it was difficult to determine where the loss was coming from. She stated if you break them out you can see which rates need to be raised. She further stated she spoke with them regarding borrowing money from our enterprise funds. She stated Plante Moran said we could do that, but it has to be an arms-length transaction with terms, conditions and with the current interest rate. Councilmember Kurtzweil stated at the last meeting Kivell stated the unrestricted/restricted funds came from the state. She stated we are a private utility, therefore the State wouldn't be involved with what portion of the money is restricted. She stated Plante Moran told her several years ago, they thought the City made a resolution deciding where the money would fall whether it was restricted or unrestricted. She stated the City's finances are outdated and they need a new resolution as to how the restricted versus unrestricted funds will be. She stated when we were going through the budget cycle we had a revenue sheet showing 1.6 million, and when she spoke with Plante Moran, their rough estimate is it will be closer to 2.5 million. She is asking how our balances could be off by a million dollars. Councilmember Kurtzweil stated that is a huge swing, and it makes her question the numbers in the budget. Councilmember Kramer stated Lynne should be bringing these issues to us. Plante Moran should be dealing with Lynne and the entire Council. He further stated he would like this brought to the City Manager's attention. Councilmember Kramer stated we all had issues with the budget and the whole process needs to be overhauled. Councilmember Wedell stated Ms. Kurtzweil misidentified where the disagreement was at the last meeting, it was about property tax, not the revenues. Councilmember Kivell stated he has no qualms about Maggie speaking with our expert auditors. He further stated he applauds any additional information we can get, although he wishes the City Manager would be doing this instead of Council. He further stated he will not be surprised to find out we are in a better position than what was presented to Council at the budget workshops. Councilmember Ryzyi stated he is not optimistic about the budget numbers. He further stated he is glad these discussions are going on so we can hopefully avoid another tax increase next year. Councilmember Ryzyi stated we have many 3<sup>rd</sup> party vendors such as the City Attorney, the planner and Safebuilt. He stated as Councilmembers there should not be an issue with Council contacting our vendors. He stated he would rather do his job here in the meetings, but if other people want to contact them, he doesn't have an issue with it. Councilmember Kurtzweil stated she is going to continue to contact anyone that she can in



order to understand the budget, it was a fiasco this spring and a lot of this is learning on the job. She stated she will bring the information back to Council so we can move forward together.

Mayor Galeas stated he spoke with Plante Moran and he told them we need a better way to get the budget information to Council. Councilmember Kurtzweil stated she is staying on top of balancing budgets. She further stated East Lansing is proposing an income tax proposal to tax their downtown businesses. She stated she would not support such a thing. She stated they are doing so to enhance their revenue instead of balancing their budget. She stated they also discussed a public safety millage, consolidating services, and a 5% reduction in City services. She further stated other cities are dealing with the same things we are. She stated we need to start strategizing how we are going to fund our 5 million unfunded liability.

#### DOWNTOWN

Mr. Donohue stated a lot of things going on, and the building owners are going to start coming in for their building projects. He stated Richard Rowe is beginning to talk to contractors and he is hoping to get the work done on his 3 buildings this fall. Mr. Donohue stated the Hotel is hoping to open with a limited menu for Pumpkinfest. Mr. Donohue stated Ladies Night Out is being planned on November 17<sup>th</sup>. They have secured the billboard by Pullum Windows. Mr. Donohue stated he wants to add that as soon as he started, the first person that came to him and offered to help him in anyway was Bob Martin. He also took him around the City and he appreciates Bob's assistance and advice. He further stated it has been great working with someone of his caliber. He also stated the DPW workers are top notch in every way. Councilmember Rzyzi stated there is a lot of excitement about the Hotel opening and he is hoping they are opened by Pumpkinfest, he sees them working hard every day. Mayor Galeas stated he is friends with Cory Bala and he is one of the nicest guys, but he is also tenacious and if he says they will be opened for Pumpkinfest he believes it. He stated the railing looks amazing. We have some pretty amazing business owners in this town. He further stated he goes to the Salvation Army often, and he also goes to the resale shop as well. These businesses are gems and everyone should visit them.

Councilmember Kivell asked if the Farmers Market is going well. Mr. Donohue stated it is going well, but we haven't been at maximum capacity, but they are trying to focus more on vegetables and plants than artisans. Most people are happy about that, although some are not. He further stated Tim Davids is the new Market Manager. Councilmember Kivell stated he would hate to see a lull in the action at the current location until the transition takes place. Mr. Donohue stated in a 3-5-year period we will have to have a new home for the Market and that is a good problem to have.

Councilmember Kurtzweil stated the downtown is having record attendance at our events, such as the Lake Street Cruise in, the Arts and Cars, and the Blues Brews and Brats. They were absolutely packed. She further stated 3<sup>rd</sup> Monk and the Witches Hat was packed as well. Mr. Donohue stated we have great community support for our events.

#### MANAGER'S REPORT- None

#### COUNCIL COMMENTS

Councilmember Kurtzweil stated she wants to highlight a couple of things. We have differences on this Council and they are ideological differences and at most meetings there are dust ups regarding the budget. She stated questions on things such as invoices and bills aren't about criticizing people, it is about Council's responsibility of fiscal management of the taxpayer's dollars. She further stated it is the statutory responsibility of Council to appropriate and levy taxes. She stated we have differences in the budget process. She said she didn't vote for the budget because there is deficit spending in this budget and she doesn't feel that is appropriate. She is a very efficient fiscal person and the City received a corrective action letter from the State stating the expenditures exceeded revenues for the past 3 years. She

stated the battles she has been fighting was validated through that letter. She further stated 8 months after receiving that letter, she experienced the absolute worst budgeting experience in her life and she is hoping we can correct that. Councilmember Kurtzweil stated the most disheartening thing that hasn't been addressed is the 5 million pension liability and legacy costs. She stated we have 3 options, raise taxes, dissolve the Police Department and hire the Oakland County sheriff or wait until the dollar amount is high enough and file bankruptcy. She further stated we don't have a good option and if this had been dealt with years ago we may be in a different position. You have to look back at what has been done so we can learn from it, move forward with a plan and a strategy. For people that think there is negativity or toxicity up here she encourages them to watch the meetings because most of the problems are the budget. She further stated we have to get the finances in order. You won't have a downtown if you don't get the finances in order.

Councilmember Kurtzweil stated she has been asked many times and she has given everyone the same answer, she is not interested in running for Mayor. She wants to thank everyone that suggested this to her, left petitions under her door, and pulled her aside, but she hasn't changed her position. She further stated it isn't fair to the candidates to have this hanging out there, and she has made commitments until the 2018 Election cycle and she will not go back on that. Councilmember Kurtzweil stated she would like to commend all of the candidates running for Mayor. She stated it is very important to move forward with new generation of leaders with individuals that come forward with problem solving skills. We have very serious issues coming toward us. We need to make the tough decisions and forget about getting reelected. She further stated the community will stand behind Council if you articulate the reasons why and if you have good communication skills you will be fine. She stated she would like to commend the 3 women that are running for Mayor. She further stated women moving into politics is important for the City to move forward. She stated the lady that spoke earlier asking for her resignation is part of the resistance and part of the problem, but she respects her opinion. The problem is that women are picked apart more than men, especially in politics. She further stated she was told many years ago that I wasn't wanted on Council because of my gender. She further stated there was a dust up between herself and a councilmember at the Christmas party in 2015 because of her gender and she will not repeat what she said. She wishes all of the Mayoral candidates do well.

Councilmember Kramer stated the vote in Lyon Township was 7-0 to hire Bob Martin. They know what they are getting, he hopes we know what we are losing. He further stated he wishes we could have kept him here to finish out his career. You are the face of South Lyon and we wish you the best.

Mayor Galeas asked Department Head Martin if he will still be handling the music in McHattie Park. Department Head Martin stated our music program has gotten bigger and more powerful and he hopes to see everyone there this Friday night with Rich Eddy's. He stated we are closing out the series next Friday with a dedication to Sgt. Peppers' 50<sup>th</sup> anniversary. He stated it is a wonderful night and the friendships that have been made at the gazebo is tremendous and he thanks the City for the opportunity.

Councilmember Ryzyi stated he will not run for Mayor either. He stated if someone is going to run for Mayor it must be the right time, and this isn't the time for him. He stated there has been some fake news going around that no one wants to be the Mayor of South Lyon. He further stated he doesn't think people generally knew there was a deadline and maybe if it had been announced who was or wasn't going to run for Mayor and Council more people would have filed. He further stated with 8 candidates stepping up, obviously people do want to be the Mayor. He stated the people that impressed him the most is the people that came out early. He stated he isn't going to endorse anyone, but it needs to be someone new that can lead the City into a new direction. He further stated he didn't have time to meet all the candidates, but he does like the style of Mr. Powell and he likes the people that tell it like it is but still be

respectful. He stated when dealing with unfunded liabilities, that is how you make change. He looks forward to working next to whomever is elected Mayor.

Councilmember Ryzyi stated Bob Martin was one of the first people that welcomed him to the City and he gave him a tour of the water/sewer plant. He stated everything he has done for the City is appreciated. He further stated Lyon Township is getting a good employee and congratulated him. He then thanked Ryan Lare for bringing a cake for Bob.

Councilmember Ryzyi stated at the last meeting there was an exchange with Councilman Kivell about the increase in taxes. He stated he pulled his taxes and his statement was the difference between last year and this year was \$30.00. He stated the reason the raise in taxes was so low was because the school mill was lowered from 9.6 mills to 9.0 mills. He stated what happened was City Council started with the budget discussion of a 2-mill tax increase, then we had a final meeting and raised it .6838 mills. What happened was we raised it and it was the largest tax increase in a decade or two, but since the school lowered their debt made it a wash. He further stated he wants to make it clear because saying it wasn't that much money isn't correct.

Councilmember Ryzyi stated he wants to wish the Panthers a wonderful season which is starting today. He thanked Councilmen Kramer for his service with the Panthers.

Councilmember Ryzyi stated the Blues, Brews and Brats was a nice event and he thanked the Chamber for putting that on. He further stated he wants to thank Chief Kennedy and thanks to Kenyson regarding the spray park that the Fire Department put on. They put one on for the general public, then another one for the children at the kid's club. He stated Kenyson approached Chief Kennedy years ago and that is what started it and the kids have a great time.

Councilmember Kivell stated Brews, Blues and Brats was a nice time, perfect weather and everyone performed well. He further stated Andrea from the Chamber assured him they wouldn't abandon the City when they moved to Lyon Township and he thanked her for that.

Councilmember Kivell stated he feels terrible and is heartbroken that Bob Martin is leaving. He stated he watched the meeting where Lyon Township made the offer and the positive spirit that was in the room was great. He further stated the collegiality and positive spirit in the room was palpable and he hopes they act that way all the time. He further stated he will be a huge asset to them. He further stated Bob is the most stand up genuine person he has ever met and he thanked him for everything he has done for the City.

Councilmember Wedell thanked Bob for everything.

Mayor Galeas stated he has gotten to know Bob really well, he is like a throwback to what work ethic is really about. You don't see many people that work like he does. He is the first one to not take any credit for the work his guys do. He further stated Lyon Township is getting the best and we are losing the best.

#### ADJOURNMENT

#### CM 8-10-17 MOTION TO ADJOURN

Motion by Ryzyi, supported by Kramer

Motion to adjourn at 9:25 p.m.

Respectfully submitted.

---

Mayor John Galeas

---

Clerk Lisa Deaton

8/14/17



# SOUTH LYON FIRE DEPARTMENT

217 WHIPPLE STREET, SOUTH LYON, MI 48178-1113

(248) 437-2616 - SOUTHLYONFIRE.COM

SERVING OUR CITIZENS SINCE 1893



## MEMORANDUM

TO: City Manager Lynne Ladner

FROM: Fire Chief Mike Kennedy

DATE: August 21, 2017

RE: Firefighter Swearing In

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I am requesting time prior to the official agenda of the City Council meeting on Monday, August 28, 2017 to swear in three new firefighters. These employees have completed the Michigan Fire Fighters Training Council Firefighter I & II program hosted by the Farmington Hills Fire Department along with SLFD's internal on-the-job training program, which includes a final written and practical competency examination.

### New firefighters:

- Dan Laitinen
- Austin Dziurgot
- Cain McGowan

### Swearing in of fire fighters:

1. Brief comments by fire chief.
2. Fire firefighters come forward and are sworn in by city clerk.
3. Family member pins badge on fire fighters.



CITY OF SOUTH LYON  
Application for Appointment

Date: JULY 6, 2017

Name: ERIN KOPKOWSKI  
Address: 202 NORTH WELLS STREET  
City, State, Zip Code: SOUTH LYON, MI 48178  
Home Phone: 248) 437-7104 Business Phone: ---  
Occupation: ARCHITECT  
Employer: MODIFY, LLC  
Education & Related Experience: BS IN ARCHITECTURE  
10 YEARS CITY COUNCIL

Are you a citizen of the United States? Yes ☒ No ☐

Are you in default to the City? Yes ☐ No ☒

Is any member of your family an elected official of the City? Yes ☐ No ☒

If so, who? \_\_\_\_\_

Please select which position(s) you are interested in

Board/Commission	
Planning Commission	<input checked="" type="checkbox"/>
Parks and Recreations	<input type="checkbox"/>
Board of Review	<input type="checkbox"/>
Housing Commission	<input type="checkbox"/>
Zoning Board of Appeals	<input type="checkbox"/>
Building Authority	<input type="checkbox"/>
Downtown Development Authority	<input type="checkbox"/>
Historical Commission	<input type="checkbox"/>
Cultural Arts Commission	<input type="checkbox"/>
Other	<input type="checkbox"/>

Special qualifications: \_\_\_\_\_

Describe why you are interested in this position: CONTINUE TO SERVE  
COMMUNITY

How long have you lived in South Lyon? 25 YEARS

Previous place of Residence? \_\_\_\_\_

References:

1. LISA DEATON
2. GLENN KIVELL
3. CHIEF MIKE KENNEDY

Applicant's Signature: \_\_\_\_\_

Date: 7/6/2017

Please print this application and  
submit to:

City of South Lyon  
Attn: Clerk's Office  
335 S. Warren Street  
South Lyon, MI 48178  
Tel. (248) 437-1735

**For Office Use Only**

Comments: \_\_\_\_\_

Appointed to: \_\_\_\_\_ Date: \_\_\_\_\_

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**From:** DannyP [d.pelchat@gmail.com]  
**Sent:** Monday, August 14, 2017 1:31 PM  
**To:** Rich Perry; Steve Kaukonen; Amber King  
**Cc:** Lynne Ladner  
**Subject:** Resignation Letter for City of South Lyon Cable Commision

I want to thank each and every one of you for your time and commitment to rebuilding South Lyon Cable Channel 19 over the past three years. It has been a real joy working with and getting to know you all.

I know there is more work to be done with our local cable channel which is why it is difficult to walk away from such a great team that works so well together... but in order for me to be able to run a fair write-in campaign for the City of South Lyon Mayoral seat this fall I must resign my seat on the Cable Commission.

I hereby resign my position as a member of the City of South Lyon Cable Commission. 8/14/2017

--

***Dan Pelchat***

*LVCSports.com*



CITY OF SOUTH LYON  
Application for Appointment

Date: 8/15/17

Name: Linda Graham

Address: 7319 Bishop Rd.

City, State, Zip Code: Brighton, MI 48116 G.O. Twp

Home Phone: (810) 986-5219 Business Phone: (810) 220-1490

Occupation: Realtor

Employer: Preview Properties, PC

Education & Related Experience: I have a deep interest in the South Lyon area community & a passion for the arts. I cultivated a relationship between the CAC & SL Fine Arts Society & the Center for Active Adults during my tenure as Director at the CAC. I would love to continue to support arts in the community by serving on the Cultural Arts Commission.

Are you a citizen of the United States? Yes ☒ No ☐

Are you in default to the City? Yes ☐ No ☒

Is any member of your family an elected official of the City? Yes ☐ No ☒

If so, who? (X)

Please select which position(s) you are interested in

Board/Commission	
Planning Commission	<input type="checkbox"/>
Parks and Recreations	<input type="checkbox"/>
Board of Review	<input type="checkbox"/>
Housing Commission	<input type="checkbox"/>
Zoning Board of Appeals	<input type="checkbox"/>
Building Authority	<input type="checkbox"/>
Downtown Development Authority	<input type="checkbox"/>
Historical Commission	<input type="checkbox"/>
Cultural Arts Commission	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>



Special qualifications: I have worked on several boards & Councils throughout my career such as United Way's chair of Emergency Needs Food Subcommittee & Co-Chair of Non-Profit "Live United" Campaign  
as well as being a member of Howell Rotary, Board Mbr. of Institute for Healing Racism, & many other opportunities to serve the "greater good!"  
Describe why you are interested in this position: \_\_\_\_\_


I have a deep passion for community & those things that serve the community. I also have a deep passion for art, education & health & wellness & see this as a way to serve the community thru art.

How long have you lived in South Lyon? I live in Green Oak Trp - 8 yrs.

Previous place of Residence? Muskegon County - 26 yrs.

References:

1. Linda Robinson
2. Lois Gibbons
3. Melissa Baker

Applicant's Signature:  Date: 8/15/17  
Thank you for your consideration!

Please print this application and submit to:

City of South Lyon  
Attn: Clerk's Office  
335 S. Warren Street  
South Lyon, MI 48178  
Tel. (248) 437-1735

---

For Office Use Only

Comments: \_\_\_\_\_

Appointed to: \_\_\_\_\_ Date: \_\_\_\_\_

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# **AGENDA NOTE**

**New Business: Item #**

**MEETING DATE:** August 28, 2017

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

**AGENDA TOPIC:** Consider designating an alternate to SEMCOG

**EXPLANATION OF TOPIC:** During a visit with a representative from SEMCOG in early August it was discovered that the City of South Lyon does not have a named alternate to represent South Lyon. The current delegate is Councilman Wedell. In the past I have attended SEMCOG events as the City Manager and an unofficial alternate as we prepared for the Safe Routes project.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

**POSSIBLE COURSES OF ACTION:** Do nothing until after the upcoming election/Designate the City Manager as the Alternate Delegate to SEMCOG

**RECOMMENDATION:** Designate the City Manager as the Alternate Delegate for the City of South Lyon to SEMCOG

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to designate the City Manager as the Alternate Delegate for the City of South Lyon to SEMCOG

## SEMCOG Delegate/Alternate Designation Form

The following official representatives have been designated to the SEMCOG General Assembly which meets three times per year:

**DELEGATE: (the delegate must be an elected official)**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Preferred E-mail: \_\_\_\_\_

**(Please note: E-mail is our primary form of communication)**

Preferred Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Phone: (include as many as you like)

Business/Office: \_\_\_\_\_

Home: \_\_\_\_\_

Mobile/Text: \_\_\_\_\_

**ALTERNATE: (the alternate may be an elected official, staff, or individual selected by the member)**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Preferred E-mail: \_\_\_\_\_

**(Please note: E-mail is our primary form of communication)**

Preferred Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Phone: (include as many as you like)

Business/Office: \_\_\_\_\_

Home: \_\_\_\_\_

Mobile/Text: \_\_\_\_\_

Completed by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Name and Title)

# AGENDA NOTE

New Business: Item #

**MEETING DATE:** August 28, 2017

**PERSON PLACING ITEM ON AGENDA:** Police Chief

**AGENDA TOPIC:** Fall Witch's Hat Run

**EXPLANATION OF TOPIC:** The South Lyon High School Cross Country Team has requested authorization for their annual Fall Witch's Hat Run at 8:15 a.m. on Saturday, September 10, 2016.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

Parade/Demonstration Application, Road Closure Approval, Memo from Chief Collins

**POSSIBLE COURSES OF ACTION:** Approve/Do Not Approve the request.

**RECOMMENDATION:** Approve the request.

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to Resolve That Lisa Deaton, City Clerk/Treasurer is hereby authorized to make application to the Road Commission for Oakland County on behalf of the City of South Lyon in the County of Oakland, Michigan for the necessary permits to conduct the Fall Witch's Hat Run on September 9, 2017 and the related road closures:

Eleven Mile Road – East Drive of South Lyon High School to Martindale Road  
Martindale Road – Arrow to Eleven Mile Road

and that the City of South Lyon in the County of Oakland, Michigan will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend and represent the Board against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permits as issued.

08/28/17



# SOUTH LYON POLICE DEPARTMENT

219 Whipple  
South Lyon, Michigan 48178  
Ph: (248)437-1773 / Fax: (248)437-0459  
Lloyd T. Collins  
Chief of Police

WITCH'S Hat Run

## PARADE / DEMONSTRATION/EVENT APPLICATION

Date Application Submitted: 7-27-17 Requested Date of Event: Sept 9, 2017  
Applicant / Contact's Name: Scott Smith PH #: 248-207-5135  
Applicant Address: 9734 Silverside Dr., South Lyon, MI 48178  
Name of Event(s): Witch's Hat Run  
Business / Organizations Name (if Applicable): South Lyon High School Boys Cross Country  
Bus. Ph#: \_\_\_\_\_ Bus. Address: \_\_\_\_\_  
President /CEO (Responsible for Event): Scott Smith Direct Ph#: 248-207-5135

Event START Time: 8:15 a.m. / p.m. Event END Time: 10:45 a.m. / p.m.  
Approximate Number of PERSONS: 400 Organization Names: Runners

Approximate Number of VEHICLES: 12 Types of Vehicles: 3 Lead Cars and 3 Sweep Cars  
3 Lead Bikes and 3 Sweep Bikes

Approximate Number of ANIMALS: 0 SPECIFIC Animals: \_\_\_\_\_

Amount of space to be maintained between and /all units in Parade: \_\_\_\_\_

Route to be traveled (Include Street Names and Turning Directions) or area to be utilized:

Please see attached directions

S. Smith  
Applicant's SIGNATURE

S. Smith  
Responsible Party's SIGNATURE

APPROVED [ ☒ ] DENIED [ ☐ ]

Chief Lloyd T. Collins 08/17/17  
Lloyd T. Collins, Chief of Police

South Lyon Police Department

Parade/Demonstration Permit page 2

Witch's Hat Run Routes

8:15 Start End Time about 10:45 AM 13.1 Mile Race

Start in the South Lyon High School bus loop on the east side of the high school. Turn right (east) onto Eleven Mile Road. Turn right (south) on Eagle Heights Drive. Turn left on Stoney Dr. Turn right on Brick, turn left on Eagle Heights Drive. Turn right (west) on Kestrel Ridge. Turn left (south) on Mill Street. Turn right onto the sidewalk in front of Pete's Tru Value. Turn right on the bike path heading north to Eleven Mile. Cross Eleven Mile. Take the bike path all the way to Travis Rd. Left on Travis Rd, Right on Martindale, Right on Albert and loop out of sub on Annah. Turn left on Martindale. Turn right on Barkley, left on Barkley Drive and take small loop at the end of Barkley. Turn left on Sunridge, Right on Tonester, right on Martindale, right on the bike path (cross Eleven Mile Rd). Left on the sidewalk that borders Eleven Mile up to Eagle Heights Drive. Turn right (south) on Eagle Heights Drive. Turn left on Stoney Dr. Turn right on Brick, turn left on Eagle Heights Drive. Turn right (west) on Kestrel Ridge. Turn left (south) on Mill Street. Turn right onto the sidewalk in front of Pete's Tru Value. Turn right on the bike path heading north up to the bike path spur that heads behind the South Lyon High School baseball fields. End on the bike path spur near Pontiac Trail behind South Lyon High School.

9:15 Start End time about 10:45 AM 6.2 Mile Run

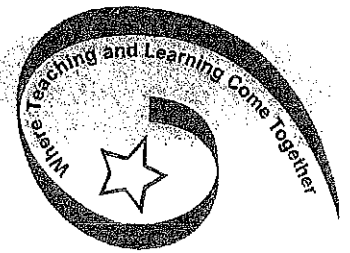
Start at South Lyon High School on Eleven Mile Rd. where the bus loop driveway meets 11 Mile Rd.( the east side of the high school). Turn right (east) onto Eleven Mile Road. Turn right (south) on Eagle Heights Drive. Turn left on Stoney Dr. Turn Left on Arrow. Turn Left (North) at Martindale (crossing Martindale). Just north of Eleven Mile the runners pick up the bike path that borders Martindale heading North. Turn right on the bike path and take it all the way to Travis. Left on Travis. Left on Martindale. Right on the bike path that heads back to South Lyon High School (crossing Eleven Mile Rd). Turn right onto the bike path spur that heads west behind the baseball diamonds on the south side of South Lyon High School. The run ends on the bike path spur close to Pontiac Trail.

9:30 Start End time about 10:30 AM 3.1 Mile Run/Walk

Start in the South Lyon High School bus loop on the east side of the high school. Turn right (east) onto Eleven Mile Road. Turn right (south) on Eagle Heights Drive. Turn right on Kestrel Ridge. Turn Left on Mill Street. Turn right on the sidewalk in front of Pete's Tru Value. Turn right onto the bike path heading north towards Eleven Mile. Turn left onto the bike path spur that heads west behind the baseball diamonds on the south side of South Lyon High School. The run ends on the bike path spur close to Pontiac Trail.

# South Lyon Community Schools

345 South Warren • South Lyon, Michigan • 48178



Event Name: Witch's Hat Run (9/9/2017)

Event Name: Pumpkinfest Run (9/23/2017)

To Whom It May Concern:

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

Sincerely,

James Graham

Asst. Supt. For Business and Finance

Date

## Mission Statement

In support of our community, the mission of the South Lyon Community Schools is to provide the highest quality educational process so that all students can excel as individuals and become contributing members of society.

# CERTIFICATE OF INSURANCE

Producer

**SET SEG**

415 W. Kalamazoo Street  
Lansing, MI 48933

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

## COMPANIES AFFORDING COVERAGE

Insured

**South Lyon Community Schools**

345 S Warren

South Lyon, MI 48178-1358

**A** MASB-SEG Property/Casualty Pool, Inc.

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE	LIMITS	
<b>A</b>	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> Comprehensive Form <input checked="" type="checkbox"/> Premises/Operations <input checked="" type="checkbox"/> Incidental Medical Malpractice Coverage <input checked="" type="checkbox"/> Products/Completed Operations <input checked="" type="checkbox"/> Contractual <input checked="" type="checkbox"/> Independent Contractors <input checked="" type="checkbox"/> Broad Form Property Damage <input checked="" type="checkbox"/> Personal Injury	PC 0000474 26	7/1/17	7/1/18	BI & PD COMBINED OCCURRENCE	\$1,000,000
					BI & PD COMBINED AGGREGATE	N/A
					PERSONAL INJURY OCCURRENCE	\$1,000,000
					PERSONAL INJURY AGGREGATE	N/A

**DESCRIPTION** The City of South Lyon, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers are hereby added as additional insureds but only as respects to the activities performed by or on behalf of the named Insured as it represents the District's Witch's Hat Run September 9, 2017.

CERTIFICATE HOLDER

City of South Lyon  
325 South Warren  
South Lyon, MI 48178

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

*Cari Wolfe*

Cari Wolfe  
PROPERTY/CASUALTY DEPARTMENT

Date July 13, 2017



## **APPROVAL OF ROAD CLOSURES**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_

Resolved That Lisa Deaton, City Clerk/Treasurer is hereby authorized to make application to the Road Commission for Oakland County on behalf of the City of South Lyon in the County of Oakland, Michigan for the necessary permits to conduct the Fall Witch's Hat Run on September 9, 2017 and the related road closures:

Eleven Mile Road – East Drive of South Lyon High School to Martindale Road  
Martindale Road – Arrow to Eleven Mile Road

and that the City of South Lyon in the County of Oakland, Michigan will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend and represent the Board against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permits as issued.

### **VOTE:**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of South Lyon, County of Oakland, State of Michigan, at a regularly scheduled meeting of August 28, 2017, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

Lisa Deaton  
City Clerk/Treasurer

# **AGENDA NOTE**

**New Business: Item #**

**MEETING DATE:** August 28, 2017

**PERSON PLACING ITEM ON AGENDA:** Police Chief

**AGENDA TOPIC:** Pumpkinfest Run

**EXPLANATION OF TOPIC:** The South Lyon High School Track and Field Team has requested authorization to conduct their annual Pumpkinfest Run at 9:55 a.m. on Saturday, September 23, 2017. The event will be held in conjunction with the Pumpkinfest Parade, and no additional road closures are required.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

Parade/Demonstration application, memo from Chief Collins

**POSSIBLE COURSES OF ACTION:** Approve/Do Not Approve the request.

**RECOMMENDATION:** Approve the request.

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to approve the application for the Pumpkinfest Run at 9:55 a.m. on Saturday, September 23, 2017.

08/28/17

# SOUTH LYON POLICE DEPARTMENT

*Lloyd T. Collins*

Chief



## Memorandum

**To:** Lynne Ladner, City Manager

**From:** Chief Lloyd T. Collins

**Subject:** 2017 Pumpkinfest Run

**Date:** August 17, 2017

I have received a permit request for the above-mentioned event. I reviewed the proposed route, which is similar to previous years. The event is scheduled to begin at 9:55 a.m. on Saturday, September 23, 2017. It will conclude by 10:45 a.m.

A copy of the application for permit is attached for your information.

The planned event will be held in conjunction with the Pumpkinfest Parade. The Police Department will provide support for the event, as well as for the Pumpkinfest Parade.

I am requesting City Council consideration of the Pumpkinfest Run at the meeting of August 28, 2017.

cc: Lt. Chris Sovik  
Bob Martin, DPW Supt.  
Chief M. Kennedy, SLFD  
Lisa Deaton, Clerk/Treasurer



# SOUTH LYON POLICE DEPARTMENT

219 Whipple

South Lyon, Michigan 48178

Ph: (248)437-1773 / Fax: (248)437-0459

Lloyd T. Collins

Chief of Police

## PARADE / DEMONSTRATION/EVENT APPLICATION

Date Application Submitted: 7-27-17 Requested Date of Event: Sept 23, 2017

Applicant / Contact's Name: Scott Smith PH #: 248-207-5135

Applicant Address: 9734 Silverside Dr., South Lyon, MI 48178

Name of Event(s): Pumpkin Fest Run

Business / Organizations Name (if Applicable): South Lyon High School Boys Cross Country

Bus. Ph#: \_\_\_\_\_ Bus. Address: \_\_\_\_\_

President /CEO (Responsible for Event): Scott Smith Direct Ph#: 248-207-5135

Event START Time: 9:55 (a.m.) p.m. Event END Time: 10:45 (a.m.) p.m.

Approximate Number of PERSONS: 300 Organization Names: Runners

Approximate Number of VEHICLES: 4 Types of Vehicles: Lead Car ; Lead Bicycle

Sweep Car ; Sweep Bicycle

Approximate Number of ANIMALS: 0 SPECIFIC Animals: \_\_\_\_\_

Amount of space to be maintained between and /all units in Parade: 15 minutes between first and last

runners in town

Route to be traveled (Include Street Names and Turning Directions) or area to be utilized:

Start at Millennium Middle School north parking lot and exit lot via driveway by Bigby.  
Turn Left onto Pontiac Trail and run to Liberty. Left on Liberty. Left on Washington.  
Right onto bike path thru McMillan Park. Cross McMillan. Continue on bike path west.  
Turn Left onto bike path and head south to Princeton Dr. Left on Princeton. Right on  
sidewalk and immediately right into Millennium Parking Lot. Finish on Millennium's Track.

Sc-Smt  
Applicant's SIGNATURE

Sc-Smt  
Responsible Party's SIGNATURE

APPROVED [✓]

DENIED [ ]

Chief Lloyd T. Collins 08/17/17  
Lloyd T. Collins, Chief of Police

# CERTIFICATE OF INSURANCE

<b>Producer</b> <b>SET SEG</b> 415 W. Kalamazoo Street Lansing, MI 48933	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
<b>Insured</b> <b>South Lyon Community Schools</b> 345 S Warren South Lyon, MI 48178-1358	<b>COMPANIES AFFORDING COVERAGE</b> <b>A</b> MASB-SEG Property/Casualty Pool, Inc.

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE	LIMITS	
<b>A</b>	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> Comprehensive Form <input checked="" type="checkbox"/> Premises/Operations <input checked="" type="checkbox"/> Incidental Medical Malpractice Coverage <input checked="" type="checkbox"/> Products/Completed Operations <input checked="" type="checkbox"/> Contractual <input checked="" type="checkbox"/> Independent Contractors <input checked="" type="checkbox"/> Broad Form Property Damage <input checked="" type="checkbox"/> Personal Injury	PC-00474-201711	7/1/17	7/1/18	BI & PD COMBINED OCCURRENCE	\$1,000,000
					BI & PD COMBINED AGGREGATE	N/A
					PERSONAL INJURY OCCURRENCE	\$1,000,000
					PERSONAL INJURY AGGREGATE	N/A

**DESCRIPTION** The City of South Lyon, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers are hereby added as additional insureds but only as respects to the activities performed by or on behalf of the named Insured as it represents the District's Pumpkinfest 5K Run being held September 23, 2017.

<b>CERTIFICATE HOLDER</b> City of South Lyon 325 South Warren St South Lyon, MI 48178	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL <b>30</b> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.
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**AUTHORIZED REPRESENTATIVE**

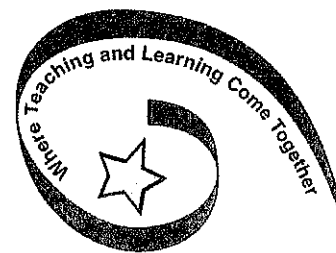
*Cari Wolfe*

CARI WOLFE  
PROPERTY/CASUALTY DEPARTMENT

Date July 13, 2017

# South Lyon Community Schools

345 South Warren • South Lyon, Michigan • 48178



Event Name: Witch's Hat Run (9/9/2017)

Event Name: Pumpkinfest Run (9/23/2017)

To Whom It May Concern:

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

Sincerely,

James Graham  
Asst. Supt. For Business and Finance

Date

## Mission Statement

In support of our community, the mission of the South Lyon Community Schools is to provide the highest quality educational process so that all students can excel as individuals and become contributing members of society.

# AGENDA NOTE

**MEETING DATE:** August 28, 2017

**PERSON PLACING ITEM ON AGENDA:** City Manager/Planning Department

**AGENDA TOPIC:** Ordinance to repeal existing and adopt a new ordinance to reduce the number of members on the Planning Commission from 9 to 7 and to bring the ordinance and Planning Commission into compliance with the Michigan Planning Enabling Act (MPEA), MCL 125.3801 et seq.

## **EXPLANATION OF TOPIC:**

Filling vacancies on the Planning Commission has become an ongoing and continual effort. There are currently three vacancies on the Planning Commission. Given the difficulty in getting qualified candidates interested in serving on the Planning Commission, staff recommends that the membership be reduced from nine (9) members to seven (7) as authorized under the MPEA.

The proposed ordinance amendment repeals the existing sections in Chapter 2, Article V, Division 4 relating to the Planning Commission and adopts new provisions continuing and establishing a Planning Commission consisting of seven (7) members each having a 3 year term. This may require an analysis of which current members' terms end in which year so that we have terms expirations spread out over three years (eg, 2 in 2018, 2 in 2019, 3 in 2020). Expirations should be 2, 2, 3 – or as evenly as possible over 3 years. To the extent any changes in current terms are needed, they can be addressed by staff.

The ordinance addresses more than just the reduction in membership because there was never an ordinance amendment to address the Michigan Planning Enabling Act, MCL 125.3801 et seq., copy attached. The Zoning Ordinance was updated to address the changes in the MZEA and contains provisions relating to the Planning Commission. Thus, the proposed amendment, which is not in the zoning ordinance, only addresses the issues relating to the MPEA. The ordinance amendment addresses authority and purpose as well as the qualifications for Planning Commission members. It provides that planning commissioners shall not be compensated except for expenses approved by Council. Members may be removed for misfeasance, malfeasance or nonfeasance in office on written charges and after a hearing. It sets forth the Planning Commissions powers and duties which are consistent with the MPEA and MZEA. Lastly, the ordinance clarifies that it does not affect any action or approval by a previous Planning Commission.

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

- Proposed ordinance amendment
- Current ordinance – Ch 2, Art V, Division 4 – Planning Commission
- MPEA, MCL 125.3801 et seq.

**POSSIBLE COURSES OF ACTION:** approve/deny/revise/postpone

**RECOMMENDATION:** approve first reading

**SUGGESTED MOTION:** Motion to approve the first reading of the ordinance to repeal the existing and adopt a new Division 4, in Chapter 2, Article V of the Code of Ordinances for the City of South Lyon

**MICHIGAN PLANNING ENABLING ACT**  
**Act 33 of 2008**

AN ACT to codify the laws regarding and to provide for county, township, city, and village planning; to provide for the creation, organization, powers, and duties of local planning commissions; to provide for the powers and duties of certain state and local governmental officers and agencies; to provide for the regulation and subdivision of land; and to repeal acts and parts of acts.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

*The People of the State of Michigan enact:*

**ARTICLE I.**  
**GENERAL PROVISIONS**

**125.3801 Short title.**

Sec. 1. This act shall be known and may be cited as the "Michigan planning enabling act".

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

**125.3803 Definitions.**

Sec. 3. As used in this act:

(a) "Chief administrative official" means the manager or other highest nonelected administrative official of a city or village.

(b) "Chief elected official" means the mayor of a city, the president of a village, the supervisor of a township, or, subject to section 5, the chairperson of the county board of commissioners of a county.

(c) "County board of commissioners", subject to section 5, means the elected county board of commissioners, except that, as used in sections 39 and 41, county board of commissioners means 1 of the following:

(i) A committee of the county board of commissioners, if the county board of commissioners delegates its powers and duties under this act to the committee.

(ii) The regional planning commission for the region in which the county is located, if the county board of commissioners delegates its powers and duties under this act to the regional planning commission.

(d) "Ex officio member", in reference to a planning commission, means a member, with full voting rights unless otherwise provided by charter, who serves on the planning commission by virtue of holding another office, for the term of that other office.

(e) "Legislative body" means the county board of commissioners of a county, the board of trustees of a township, or the council or other elected governing body of a city or village.

(f) "Local unit of government" or "local unit" means a county or municipality.

(g) "Master plan" means either of the following:

(i) As provided in section 81(1), any plan adopted or amended before September 1, 2008 under a planning act repealed under section 85.

(ii) Any plan adopted or amended under this act. This includes, but is not limited to, a plan prepared by a planning commission authorized by this act and used to satisfy the requirement of section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term.

(h) "Municipality" or "municipal" means or refers to a city, village, or township.

(i) "Planning commission" means either of the following, as applicable:

(i) A planning commission created pursuant to section 11(1).

(ii) A planning commission retained pursuant to section 81(2) or (3), subject to the limitations on the application of this act provided in section 81(2) and (3).

(j) "Planning jurisdiction" for a county, city, or village refers to the areas encompassed by the legal boundaries of that county, city, or village, subject to section 31(1). Planning jurisdiction for a township refers to the areas encompassed by the legal boundaries of that township outside of the areas of incorporated villages and cities, subject to section 31(1).

(k) "Population" means the population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.

(l) "Public transportation agency" means a governmental entity that operates or is authorized to operate



intercity or local commuter passenger rail service in this state or a public transit authority created under 1 of the following acts:

- (i) The metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426.
- (ii) The public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479.
- (iii) 1963 PA 55, MCL 124.351 to 124.359.
- (iv) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.
- (v) The revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.
- (vi) The charter township act, 1947 PA 359, MCL 42.1 to 42.34.
- (vii) The urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.
- (m) "Public transportation facility" means that term as defined in section 2 of the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.402.
- (n) "Street" means a street, avenue, boulevard, highway, road, lane, alley, viaduct, or other public way intended for use by motor vehicles, bicycles, pedestrians, and other legal users.

**History:** 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

#### **125.3805 Assignment of power or duty to county officer or body.**

Sec. 5. The assignment of a power or duty under this act to a county officer or body is subject to 1966 PA 293, MCL 45.501 to 45.521, or 1973 PA 139, MCL 45.551 to 45.573, in a county organized under 1 of those acts.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

#### **125.3807 Master plan; adoption, amendment, and implementation by local government; purpose.**

Sec. 7. (1) A local unit of government may adopt, amend, and implement a master plan as provided in this act.

(2) The general purpose of a master plan is to guide and accomplish, in the planning jurisdiction and its environs, development that satisfies all of the following criteria:

- (a) Is coordinated, adjusted, harmonious, efficient, and economical.
- (b) Considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development.
- (c) Will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.
- (d) Includes, among other things, promotion of or adequate provision for 1 or more of the following:
  - (i) A system of transportation to lessen congestion on streets and provide for safe and efficient movement of people and goods by motor vehicles, bicycles, pedestrians, and other legal users.
  - (ii) Safety from fire and other dangers.
  - (iii) Light and air.
  - (iv) Healthful and convenient distribution of population.
  - (v) Good civic design and arrangement and wise and efficient expenditure of public funds.
  - (vi) Public utilities such as sewage disposal and water supply and other public improvements.
  - (vii) Recreation.
  - (viii) The use of resources in accordance with their character and adaptability.

**History:** 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010.

### **ARTICLE II.**

#### **PLANNING COMMISSION CREATION AND ADMINISTRATION**

#### **125.3811 Planning commission; creation; adoption of ordinance by local unit of government; notice required; exception; adoption of charter provision by city or home rule village; effect of repeal of planning act; continued exercise or transfer of powers and duties of zoning board or zoning commission.**

Sec. 11. (1) A local unit of government may adopt an ordinance creating a planning commission with powers and duties provided in this act. The planning commission of a local unit of government shall be officially called "the planning commission", even if a charter, ordinance, or resolution uses a different name such as "plan board" or "planning board".

(2) Within 14 days after a local unit of government adopts an ordinance under subsection (1) creating a planning commission, the clerk of the local unit shall transmit notice of the adoption to the planning

commission of the county where the local unit is located. However, if there is not a county planning commission or if the local unit adopting the ordinance is a county, notice shall be transmitted to the regional planning commission engaged in planning for the region within which the local unit is located. Notice under this subsection is not required when a planning commission created before the effective date of this act continues in existence under this act, but is required when an ordinance governing or creating a planning commission is amended or superseded under section 81(2)(b) or (3)(b).

(3) If, after the effective date of this act, a city or home rule village adopts a charter provision providing for a planning commission, the charter provision shall be implemented by an ordinance that conforms to this act. Section 81(2) provides for the continuation of a planning commission created by a charter provision adopted before the effective date of this act.

(4) Section 81(3) provides for the continuation of a planning commission created under a planning act repealed under section 85.

(5) Section 83 provides for the continued exercise by a planning commission, or the transfer to a planning commission, of the powers and duties of a zoning board or zoning commission.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

**125.3813 Planning commission; effect of township ordinance; number of days; petition requesting submission of ordinance to electors; filing; petition subject to Michigan election law; violation.**

Sec. 13. (1) Subject to subsection (2), a township ordinance creating a planning commission under this act shall take effect 63 days after the ordinance is published by the township board in a newspaper having general circulation in the township.

(2) Subject to subsection (3), before a township ordinance creating a planning commission takes effect, a petition may be filed with the township clerk requesting the submission of the ordinance to the electors residing in the unincorporated portion of the township for their approval or rejection. The petition shall be signed by a number of qualified and registered electors residing in the unincorporated portion of the township equal to not less than 8% of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected. If such a petition is filed, the ordinance shall not take effect until approved by a majority of the electors residing in the unincorporated portion of the township voting thereon at the next regular or special election that allows reasonable time for proper notices and printing of ballots or at any special election called for that purpose, as determined by the township board. The township board shall specify the language of the ballot question.

(3) Subsection (2) does not apply if the planning commission created by the ordinance is the successor to an existing zoning commission or zoning board as provided for under section 301 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3301.

(4) If a township board does not on its own initiative adopt an ordinance under this act creating a planning commission, a petition may be filed with the township clerk requesting the township board to adopt such an ordinance. The petition shall be signed by a number of qualified and registered electors as provided in subsection (2). If such a petition is filed, the township board, at its first meeting following the filing shall submit the question to the electors of the township in the same manner as provided under subsection (2).

(5) A petition under this section, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

**125.3815 Planning commission; membership; appointment; terms; vacancy; representation; qualifications; ex-officio members; board serving as planning commission; removal of member; conditions; conflict of interest; additional requirements.**

Sec. 15. (1) In a municipality, the chief elected official shall appoint members of the planning commission, subject to approval by a majority vote of the members of the legislative body elected and serving. In a county, the county board of commissioners shall determine the method of appointment of members of the planning commission by resolution of a majority of the full membership of the county board.

(2) A city, village, or township planning commission shall consist of 5, 7, or 9 members. A county planning commission shall consist of 5, 7, 9, or 11 members. Members of a planning commission other than ex officio members under subsection (5) shall be appointed for 3-year terms. However, of the members of the planning commission, other than ex officio members, first appointed, a number shall be appointed to 1-year or

2-year terms such that, as nearly as possible, the terms of 1/3 of all the planning commission members will expire each year. If a vacancy occurs on a planning commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.

(3) The membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the local unit of government to the extent practicable.

(4) Members of a planning commission shall be qualified electors of the local unit of government, except that the following number of planning commission members may be individuals who are not qualified electors of the local unit of government but are qualified electors of another local unit of government:

(a) 3, in a city that on September 1, 2008 had a population of more than 2,700 but less than 2,800.

(b) 2, in a city or village that has, or on September 1, 2008 had, a population of less than 5,000, except as provided in subdivision (a).

(c) 1, in local units of government other than those described in subdivision (a) or (b).

(5) In a township that on September 1, 2008 had a planning commission created under former 1931 PA 285, 1 member of the legislative body or the chief elected official, or both, may be appointed to the planning commission, as ex officio members. In any other township, 1 member of the legislative body shall be appointed to the planning commission, as an ex officio member. In a city, village, or county, the chief administrative official or a person designated by the chief administrative official, if any, the chief elected official, 1 or more members of the legislative body, or any combination thereof, may be appointed to the planning commission, as ex officio members, unless prohibited by charter. However, in a city, village, or county, not more than 1/3 of the members of the planning commission may be ex officio members. Except as provided in this subsection, an elected officer or employee of the local unit of government is not eligible to be a member of the planning commission. The term of an ex officio member of a planning commission shall be as follows:

(a) The term of a chief elected official shall correspond to his or her term as chief elected official.

(b) The term of a chief administrative official shall expire with the term of the chief elected official that appointed him or her as chief administrative official.

(c) The term of a member of the legislative body shall expire with his or her term on the legislative body.

(6) For a county planning commission, the county shall make every reasonable effort to ensure that the membership of the county planning commission includes a member of a public school board or an administrative employee of a school district included, in whole or in part, within the county's boundaries. The requirements of this subsection apply whenever an appointment is to be made to the planning commission, unless an incumbent is being reappointed or an ex officio member is being appointed under subsection (5).

(7) Subject to subsection (8), a city or village that has a population of less than 5,000, and that has not created a planning commission by charter, may by an ordinance adopted under section 11(1) provide that 1 of the following boards serve as its planning commission:

(a) The board of directors of the economic development corporation of the city or village created under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636.

(b) The board of a downtown development authority created under 1975 PA 197, MCL 125.1651 to 125.1681, if the boundaries of the downtown district are the same as the boundaries of the city or village.

(c) A board created under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, if the boundaries of the authority district are the same as the boundaries of the city or village.

(8) Subsections (1) to (5) do not apply to a planning commission established under subsection (7). All other provisions of this act apply to a planning commission established under subsection (7).

(9) The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the legislative body, by ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its bylaws.

(10) An ordinance creating a planning commission may impose additional requirements relevant to the subject matter of, but not inconsistent with, this section.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 105, Imd. Eff. June 29, 2010.

**125.3817 Chairperson, secretary, and other offices; election; terms; appointment of advisory committees.**

Sec. 17. (1) A planning commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in bylaws adopted under section 19.

(2) A planning commission may appoint advisory committees whose members are not members of the planning commission.

History: 2008, Act 33, Eff. Sept. 1, 2008.

**125.3819 Bylaws; adoption; public record requirements; annual report by planning commission.**

Sec. 19. (1) A planning commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

(2) A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

History: 2008, Act 33, Eff. Sept. 1, 2008.

**125.3821 Meetings; frequency; time; place; special meeting; notice; compliance with open meetings act; availability of writings to public.**

Sec. 21. (1) A planning commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings. Unless the bylaws provide otherwise, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting.

(2) The business that a planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

(3) A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 2008, Act 33, Eff. Sept. 1, 2008.

**125.3823 Compensation; expenses; preparation of budget; acceptance of gifts.**

Sec. 23. (1) Members of a planning commission may be compensated for their services as provided by the legislative body. A planning commission may adopt bylaws relative to compensation and expenses of its members and employees for travel when engaged in the performance of activities authorized by the legislative body, including, but not limited to, attendance at conferences, workshops, educational and training programs, and meetings.

(2) After preparing the annual report required under section 19, a planning commission may prepare a detailed budget and submit the budget to the legislative body for approval or disapproval. The legislative body annually may appropriate funds for carrying out the purposes and functions permitted under this act, and may match local government funds with federal, state, county, or other local government or private grants, contributions, or endowments.

(3) A planning commission may accept gifts for the exercise of its functions. However, in a township, other than a township that on the effective date of this act had a planning commission created under former 1931 PA 285, only the township board may accept such gifts, on behalf of the planning commission. A gift of money so accepted in either case shall be deposited with the treasurer of the local unit of government in a special nonreverting planning commission fund for expenditure by the planning commission for the purpose designated by the donor. The treasurer shall draw a warrant against the special nonreverting fund only upon receipt of a voucher signed by the chairperson and secretary of the planning commission and an order drawn by the clerk of the local unit of government. The expenditures of a planning commission, exclusive of gifts and grants, shall be within the amounts appropriated by the legislative body.

History: 2008, Act 33, Eff. Sept. 1, 2008.

**125.3825 Employment of planning director and other personnel; contract for services; use of information and advice provided by public officials, departments, and agencies.**

Sec. 25. (1) A local unit of government may employ a planning director and other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses, within a budget authorized by the legislative body. This authority shall be exercised by the legislative body, unless a charter provision or ordinance delegates this authority to the planning commission or another body or official. The appointment of employees is subject to the same provisions of law as govern other corresponding civil employees of the local unit of government.

(2) For the purposes of this act, a planning commission may make use of maps, data, and other information and expert advice provided by appropriate federal, state, regional, county, and municipal officials, departments, and agencies. All public officials, departments, and agencies shall make available public information for the use of planning commissions and furnish such other technical assistance and advice as they may have for planning purposes.

History: 2008, Act 33, Eff. Sept. 1, 2008.

ARTICLE III.

PREPARATION AND ADOPTION OF MASTER PLAN

**125.3831 Master plan; preparation by planning commission; meetings with other governmental planning commissions or agency staff; powers.**

Sec. 31. (1) A planning commission shall make and approve a master plan as a guide for development within the planning jurisdiction subject to section 81 and the following:

(a) For a county, the master plan may include planning in cooperation with the constituted authorities for incorporated areas in whole or to the extent to which, in the planning commission's judgment, they are related to the planning of the unincorporated area or of the county as a whole.

(b) For a township that on September 1, 2008 had a planning commission created under former 1931 PA 285, or for a city or village, the planning jurisdiction may include any areas outside of the municipal boundaries that, in the planning commission's judgment, are related to the planning of the municipality.

(2) In the preparation of a master plan, a planning commission shall do all of the following, as applicable:

(a) Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.

(b) Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.

(c) Cooperate with all departments of the state and federal governments, public transportation agencies, and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the local unit of government's programs with these agencies.

(3) In the preparation of the master plan, the planning commission may meet with other governmental planning commissions or agency staff to deliberate.

(4) In general, a planning commission has such lawful powers as may be necessary to enable it to promote local planning and otherwise carry out the purposes of this act.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

**125.3833 Master plan; land use and infrastructure issues; inclusion of maps, plats, charts, and other related matter; recommendations for physical development; additional subjects; implementation of master street plan or certain elements; specifications; section subject to MCL 125.3881(1); public transportation facilities.**

Sec. 33. (1) A master plan shall address land use and infrastructure issues and may project 20 years or more into the future. A master plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission's recommendations for the physical development of the planning jurisdiction.

(2) A master plan shall also include those of the following subjects that reasonably can be considered as pertinent to the future development of the planning jurisdiction:

(a) A land use plan that consists in part of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, subject to subsection (5), public transportation facilities, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes. If a county has not adopted a zoning ordinance under former 1943 PA 183 or the Michigan

zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, a land use plan and program for the county may be a general plan with a generalized future land use map.

(b) The general location, character, and extent of all of the following:

(i) All components of a transportation system and their interconnectivity including streets and bridges, public transit including public transportation facilities and routes, bicycle facilities, pedestrian ways, freight facilities and routes, port facilities, railroad facilities, and airports, to provide for the safe and efficient movement of people and goods in a manner that is appropriate to the context of the community and, as applicable, considers all legal users of the public right-of-way.

(ii) Waterways and waterfront developments.

(iii) Sanitary sewers and water supply systems.

(iv) Facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels.

(v) Public utilities and structures.

(c) Recommendations as to the general character, extent, and layout of redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of streets, grounds, open spaces, buildings, utilities, or other facilities.

(d) For a local unit of government that has adopted a zoning ordinance, a zoning plan for various zoning districts controlling the height, area, bulk, location, and use of buildings and premises. The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.

(e) Recommendations for implementing any of the master plan's proposals.

(3) If a master plan is or includes a master street plan or 1 or more elements described in subsection (2)(b)(i), the means for implementing the master street plan or elements in cooperation with the county road commission and the state transportation department shall be specified in the master street plan in a manner consistent with the respective powers and duties of and any written agreements between these entities and the municipality.

(4) This section is subject to section 81(1).

(5) The reference to public transportation facilities in subsection (2)(a) only applies to a master plan that is adopted or substantively amended more than 90 days after the effective date of the amendatory act that added this subsection.

**History:** 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

### **125.3835 Subplan; adoption.**

Sec. 35. A planning commission may, by a majority vote of the members, adopt a subplan for a geographic area less than the entire planning jurisdiction, if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth in section 7.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

### **125.3837 Metropolitan county planning commission; designation; powers.**

Sec. 37. (1) A county board of commissioners may designate the county planning commission as the metropolitan county planning commission. A county planning commission so designated shall perform metropolitan and regional planning whenever necessary or desirable. The metropolitan county planning commission may engage in comprehensive planning, including, but not limited to, the following:

(a) Preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, together with long-range fiscal plans for such development.

(b) Programming of capital improvements based on relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program.

(c) Coordination of all related plans of local governmental agencies within the metropolitan area or region.

(d) Intergovernmental coordination of all related planning activities among the state and local governmental agencies within the metropolitan area or region.

(2) In addition to the powers conferred by other provisions of this act, a metropolitan county planning commission may apply for, receive, and accept grants from any local, regional, state, or federal governmental agency and agree to and comply with the terms and conditions of such grants. A metropolitan county planning commission may do any and all things necessary or desirable to secure the financial aid or cooperation of a regional, state, or federal governmental agency in carrying out its functions, when approved by a 2/3 vote of the county board of commissioners.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

**125.3839 Master plan; adoption; procedures; notice; submittals; use of electronic mail.**

Sec. 39. (1) A master plan shall be adopted under the procedures set forth in this section and sections 41 and 43. A master plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the planning jurisdiction or with functional subject matter areas of the master plan.

(2) Before preparing a master plan, a planning commission shall send to all of the following, by first-class mail or personal delivery, a notice explaining that the planning commission intends to prepare a master plan and requesting the recipient's cooperation and comment:

(a) For any local unit of government undertaking a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county undertaking a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality undertaking a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that municipality is located. If there is a county planning commission, the municipal planning commission may consult with the regional planning commission but is not required to do so.

(e) For a municipality undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located.

(f) For any local unit of government undertaking a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and mailing address for this purpose with the planning commission.

(g) If the master plan will include a master street plan, the county road commission and the state transportation department.

(3) A submittal under section 41 or 43 by or to an entity described in subsection (2) may be made by personal or first-class mail delivery of a hard copy or by electronic mail. However, the planning commission preparing the plan shall not make such submittals by electronic mail unless, in the notice described in subsection (2), the planning commission states that it intends to make such submittals by electronic mail and the entity receiving that notice does not respond by objecting to the use of electronic mail. Electronic mail may contain a link to a website on which the submittal is posted if the website is accessible to the public free of charge.

**History:** 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

**125.3841 Preparation of proposed master plan; submission to legislative body for review and comment; approval required; notice; submission of comments; statements as advisory.**

Sec. 41. (1) After preparing a proposed master plan, a planning commission shall submit the proposed master plan to the legislative body for review and comment. The process of adopting a master plan shall not proceed further unless the legislative body approves the distribution of the proposed master plan.

(2) If the legislative body approves the distribution of the proposed master plan, it shall notify the secretary of the planning commission, and the secretary of the planning commission shall submit, in the manner provided in section 39(3), a copy of the proposed master plan, for review and comment, to all of the following:

(a) For any local unit of government proposing a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county proposing a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality proposing a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that local unit of government is located. If there is a county planning commission, the secretary of the municipal planning commission may submit a copy of the proposed master plan to the regional planning commission but is not required to do so.

(e) For a municipality proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located. The secretary of the municipal planning commission shall concurrently submit to the county planning commission, in the manner provided in section 39(3), a statement that the requirements of subdivision (a) have been met or, if there is no county planning commission, shall submit to the county board of commissioners, in the manner provided in section 39(3), a statement that the requirements of subdivisions (a) and (d) have been met. The statement shall be signed by the secretary and shall include the name and address of each planning commission or legislative body to which a copy of the proposed master plan was submitted under subdivision (a) or (d), as applicable, and the date of submittal.

(f) For any local unit of government proposing a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and address for this purpose with the secretary of the planning commission. An entity described in this subdivision that receives a copy of a proposed master plan, or of a final master plan as provided in section 43(5), shall reimburse the local unit of government for any copying and postage costs thereby incurred.

(g) If the proposed master plan is or includes a proposed master street plan, the county road commission and the state transportation department.

(3) An entity described in subsection (2) may submit comments on the proposed master plan to the planning commission in the manner provided in section 39(3) within 63 days after the proposed master plan was submitted to that entity under subsection (2). If the county planning commission or the county board of commissioners that receives a copy of a proposed master plan under subsection (2)(e) submits comments, the comments shall include, but need not be limited to, both of the following, as applicable:

(a) A statement whether the county planning commission or county board of commissioners considers the proposed master plan to be inconsistent with the master plan of any municipality or region described in subsection (2)(a) or (d).

(b) If the county has a county master plan, a statement whether the county planning commission considers the proposed master plan to be inconsistent with the county master plan.

(4) The statements provided for in subsection (3)(a) and (b) are advisory only.

**History:** 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

**125.3843 Proposed master plan; public hearing; notice; approval by resolution of planning commission; statement; submission of copy of master plan to legislative body; approval or rejection by legislative body; procedures; submission of adopted master plan to certain entities.**

Sec. 43. (1) Before approving a proposed master plan, a planning commission shall hold not less than 1 public hearing on the proposed master plan. The hearing shall be held after the expiration of the deadline for comment under section 41(3). The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the local unit of government. The planning commission shall also submit notice of the public hearing in the manner provided in section 39(3) to each entity described in section 39(2). This notice may accompany the proposed master plan submitted under section 41.

(2) The approval of the proposed master plan shall be by resolution of the planning commission carried by the affirmative votes of not less than 2/3 of the members of a city or village planning commission or not less than a majority of the members of a township or county planning commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the planning commission to form the master plan. A statement recording the planning commission's approval of the master plan, signed by the chairperson or secretary of the planning commission, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map. Following approval of the proposed master plan by the planning commission, the secretary of the planning commission shall submit a copy of the master plan to the legislative body.

(3) Approval of the proposed master plan by the planning commission under subsection (2) is the final step for adoption of the master plan, unless the legislative body by resolution has asserted the right to approve or reject the master plan. In that case, after approval of the proposed master plan by the planning commission, the legislative body shall approve or reject the proposed master plan. A statement recording the legislative body's approval of the master plan, signed by the clerk of the legislative body, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map.



(4) If the legislative body rejects the proposed master plan, the legislative body shall submit to the planning commission a statement of its objections to the proposed master plan. The planning commission shall consider the legislative body's objections and revise the proposed master plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until the legislative body approves the proposed master plan.

(5) Upon final adoption of the master plan, the secretary of the planning commission shall submit, in the manner provided in section 39(3), copies of the adopted master plan to the same entities to which copies of the proposed master plan were required to be submitted under section 41(2).

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

**125.3845 Extension, addition, revision, or other amendment to master plan; adoption; procedures; review and findings.**

Sec. 45. (1) An extension, addition, revision, or other amendment to a master plan shall be adopted by following the procedure under sections 39, 41, and 43, subject to all of the following:

(a) Any of the following amendments to a master plan may be made without following the procedure under sections 39, 41, and 43:

(i) A grammatical, typographical, or similar editorial change.

(ii) A title change.

(iii) A change to conform to an adopted plat.

(b) Subject to subdivision (a), the review period provided for in section 41(3) shall be 42 days instead of 63 days.

(c) When a planning commission sends notice to an entity under section 39(2) that it intends to prepare a subplan, the notice may indicate that the local unit of government intends not to provide that entity with further notices of or copies of proposed or final subplans otherwise required to be submitted to that entity under section 39, 41, or 43. Unless the entity responds that it chooses to receive notice of subplans, the local unit of government is not required to provide further notice of subplans to that entity.

(2) At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

**125.3847 Part of county master plan covering incorporated area; adoption by appropriate city or village required; exception.**

Sec. 47. (1) Subject to subsection (2), a part of a county master plan covering an incorporated area within the county shall not be recognized as the official master plan or part of the official master plan for that area unless adopted by the appropriate city or village in the manner prescribed by this act.

(2) Subsection (1) does not apply if the incorporated area is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

**125.3849 City or village planning department; authority to submit proposed master plan, or proposed extension, addition, revision, or other amendment.**

Sec. 49. (1) This act does not alter the authority of a planning department of a city or village created by charter to submit a proposed master plan, or a proposed extension, addition, revision, or other amendment to a master plan, to the planning commission, whether directly or indirectly as provided by charter.

(2) Subsection (1) notwithstanding, a planning commission described in subsection (1) shall comply with the requirements of this act.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

**125.3851 Public interest and understanding; promotion.**

Sec. 51. (1) To promote public interest in and understanding of the master plan, a planning commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education.

(2) A planning commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or

implementation of the master plan.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

#### ARTICLE IV.

#### SPECIAL PROVISIONS, INCLUDING CAPITAL IMPROVEMENTS AND SUBDIVISION REVIEW

##### **125.3861 Construction of certain projects in area covered by municipal master plan; approval; initiation of work on project; requirements; report and advice.**

Sec. 61. (1) A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission by a vote of not less than 2/3 of its entire membership for a township that on the enactment date of this act had a planning commission created under former 1931 PA 285, or for a city or village, or by a vote of not less than a majority of its membership for any other township. If the planning commission fails to act within 35 days after submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission.

(2) Following adoption of the county plan or any part of a county plan and the certification by the county planning commission to the county board of commissioners of a copy of the plan, work shall not be initiated on any project involving the expenditure of money by a county board, department, or agency for the acquisition of land, the erection of structures, or the extension, construction, or improvement of any physical facility by any county board, department, or agency unless a full description of the project, including, but not limited to, its proposed location and extent, has been submitted to the county planning commission and the report and advice of the planning commission on the proposal have been received by the county board of commissioners and by the county board, department, or agency submitting the proposal. However, work on the project may proceed if the planning commission fails to provide in writing its report and advice upon the proposal within 35 days after the proposal is filed with the planning commission. The planning commission shall provide copies of the report and advice to the county board, department, or agency sponsoring the proposal.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

##### **125.3863 Approval of construction project before effective date of act; rescission of authorization; failure of planning commission to act within certain period of time.**

Sec. 63. If the opening, widening, or extension of a street, or the acquisition or enlargement of any square, park, playground, or other open space has been approved by a township planning commission that was created before the effective date of this act under former 1931 PA 285 or by a city or village planning commission and authorized by the legislative body as provided under section 61, the legislative body shall not rescind its authorization unless the matter has been resubmitted to the planning commission and the rescission has been approved by the planning commission. The planning commission shall hold a public hearing on the matter. The planning commission shall submit its reasons for approval or disapproval of the rescission to the legislative body. If the planning commission disapproves the rescission, the legislative body may overrule the planning commission by a vote of not less than 2/3 of its entire membership. If the planning commission fails to act within 63 days after submission of the proposed rescission to the planning commission, the proposed rescission shall be considered to be approved by the planning commission.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

##### **125.3865 Capital improvements program of public structures and improvements; preparation; basis.**

Sec. 65. (1) To further the desirable future development of the local unit of government under the master plan, a planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements, unless the planning commission is exempted from this requirement by charter or otherwise. If the planning commission is exempted, the legislative body either shall prepare and adopt a capital improvements program, separate from or as a part of the annual budget, or shall delegate the preparation of the capital improvements program to the chief elected official or a nonelected administrative official, subject to final approval by the legislative body. The capital improvements program

shall show those public structures and improvements, in the general order of their priority, that in the commission's judgment will be needed or desirable and can be undertaken within the ensuing 6-year period. The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements. Consequently, each agency or department of the local unit of government with authority for public structures or improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements.

(2) Any township may prepare and adopt a capital improvement program. However, subsection (1) is only mandatory for a township if the township, alone or jointly with 1 or more other local units of government, owns or operates a water supply or sewage disposal system.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

#### **125.3867 Programs for public structures and improvements; recommendations.**

Sec. 67. A planning commission may recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof, regardless of whether the planning commission is exempted from the requirement to prepare a capital improvements program under section 65.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

#### **125.3869 Copy of zoning ordinance and amendments; request by county planning commission for submission by municipal planning commission.**

Sec. 69. If a municipal planning commission has zoning duties pursuant to section 83 and the municipality has adopted a zoning ordinance, the county planning commission, if any, may, by first-class mail or personal delivery, request the municipal planning commission to submit to the county planning commission a copy of the zoning ordinance and any amendments. The municipal planning commission shall submit the requested documents to the county planning commission within 63 days after the request is received and shall submit any future amendments to the zoning ordinance within 63 days after the amendments are adopted. The municipal planning commission may submit a zoning ordinance or amendment under this subsection electronically.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

#### **125.3871 Recommendations for ordinances or rules governing subdivision of land; public hearing; notice; action on proposed plat; approval, approval with conditions, or disapproval by planning commission; approval of plat as amendment to master plan.**

Sec. 71. (1) A planning commission may recommend to the legislative body provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105. If a township is subject to county zoning consistent with section 209 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3209, or a city or village is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, the county planning commission may recommend to the legislative body of the municipality provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105. A planning commission may proceed under this subsection on its own initiative or upon request of the appropriate legislative body.

(2) Recommendations for a subdivision ordinance or rule may address plat design, including the proper arrangement of streets in relation to other existing or planned streets and to the master plan; adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air; and the avoidance of congestion of population, including minimum width and area of lots. The recommendations may also address the extent to which streets shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of a plat.

(3) Before recommending an ordinance or rule described in subsection (1), the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the local unit of government.

(4) If a municipality has adopted a master plan or master street plan, the planning commission of that municipality shall review and make recommendations on plats before action thereon by the legislative body under section 112 of the land division act, 1967 PA 288, MCL 560.112. If a township is subject to county zoning consistent with section 209 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3209, or a city or village is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL

124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, and the municipality has adopted a master plan or master street plan, the county planning commission shall also review and make recommendations on plats before action thereon by the legislative body of the municipality under section 112 of the land division act, 1967 PA 288, MCL 560.112.

(5) A planning commission shall not take action on a proposed plat without affording an opportunity for a public hearing thereon. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time, and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the municipality. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

(6) A planning commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the plat is submitted to the planning commission. If applicable standards under the land division act, 1967 PA 288, MCL 560.101 to 560.293, and an ordinance or published rules governing the subdivision of land authorized under section 105 of that act, MCL 560.105, are met, the planning commission shall recommend approval of the plat. If the planning commission fails to act within the required period, the plat shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the planning commission upon request of the proprietor. However, the proprietor may waive this requirement and consent to an extension of the 63-day period. The grounds for any recommendation of disapproval of a plat shall be stated upon the records of the planning commission.

(7) A plat approved by a municipality and recorded under section 172 of the land division act, 1967 PA 288, MCL 560.172, shall be considered to be an amendment to the master plan and a part thereof. Approval of a plat by a municipality does not constitute or effect an acceptance by the public of any street or other open space shown upon the plat.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

#### ARTICLE V.

#### TRANSITIONAL PROVISIONS AND REPEALER

**125.3881 Plan adopted or amended under planning act repealed under MCL 125.3885; effect; city or home rule village charter provision creating planning commission or ordinance implementing provision before effective date of act; ordinance creating planning commission under former law; ordinance or rules governing subdivision of land.**

Sec. 81. (1) Unless rescinded by the local unit of government, any plan adopted or amended under a planning act repealed under section 85 need not be readopted under this act but continues in effect as a master plan under this act, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term. This includes, but is not limited to, a plan prepared by a planning commission and adopted before the effective date of this act to satisfy the requirements of section 1 of the former city and village zoning act, 1921 PA 207, section 3 of the former township zoning act, 1943 PA 184, section 3 of the former county zoning act, 1943 PA 183, or section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203. The master plan is subject to the requirements of this act, including, but not limited to, the requirement for periodic review under section 45(2) and the amendment procedures set forth in this act. However, the master plan is not subject to the requirements of section 33 until it is first amended under this act.

(2) Unless repealed, a city or home rule village charter provision creating a planning commission before the effective date of this act and any ordinance adopted before the effective date of this act implementing that charter provision continues in effect under this act, and the planning commission need not be newly created by an ordinance adopted under this act. However, both of the following apply:

(a) The legislative body may by ordinance increase the powers and duties of the planning commission to correspond with the powers and duties of a planning commission created under this act. Provisions of this act regarding planning commission powers and duties do not otherwise apply to a planning commission created by charter before the effective date of this act and provisions of this act regarding planning commission membership, appointment, and organization do not apply to such a planning commission. All other provisions of this act, including, but not limited to, provisions regarding planning commission selection of officers, meetings, rules, records, appointment of employees, contracts for services, and expenditures, do apply to such a planning commission.

(b) The legislative body shall amend any ordinance adopted before the effective date of this act to implement the charter provision, or repeal the ordinance and adopt a new ordinance, to fully conform to the requirements of this act made applicable by subdivision (a), by the earlier of the following dates:

- (i) The date when an amendatory or new ordinance is first adopted under this act for any purpose.
- (ii) July 1, 2011.
- (3) Unless repealed, an ordinance creating a planning commission under former 1931 PA 285 or former 1945 PA 282 or a resolution creating a planning commission under former 1959 PA 168 continues in effect under this act, and the planning commission need not be newly created by an ordinance adopted under this act. However, all of the following apply:
  - (a) Beginning on the effective date of this act, the duties of the planning commission are subject to the requirements of this act.
  - (b) The legislative body shall amend the ordinance, or repeal the ordinance or resolution and adopt a new ordinance, to fully conform to the requirements of this act by the earlier of the following dates:
    - (i) The date when an amendatory or new ordinance is first adopted under this act for any purpose.
    - (ii) July 1, 2011.
  - (c) An ordinance adopted under subdivision (b) is not subject to referendum.
- (4) Unless repealed or rescinded by the legislative body, an ordinance or published rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105, need not be readopted under this act or amended to comply with this act but continue in effect under this act. However, if amended, the ordinance or published rules shall be amended under the procedures of this act.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

### **125.3883 Transfer of powers, duties, and records.**

Sec. 83. (1) If, on the effective date of this act, a planning commission had the powers and duties of a zoning board or zoning commission under the former city and village zoning act, 1921 PA 207, the former county zoning act, 1943 PA 183, or the former township zoning act, 1943 PA 184, and under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, the planning commission may continue to exercise those powers and duties without amendment of the ordinance, resolution, or charter provision that created the planning commission.

(2) If, on the effective date of this act, a local unit of government had a planning commission without zoning authority created under former 1931 PA 285, former 1945 PA 282, or former 1959 PA 168, the legislative body may by amendment to the ordinance creating the planning commission, or, if the planning commission was created by resolution, may by resolution, transfer to the planning commission all the powers and duties provided to a zoning board or zoning commission created under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702. If an existing zoning board or zoning commission in the local unit of government is nearing the completion of its draft zoning ordinance, the legislative body shall postpone the transfer of the zoning board's or zoning commission's powers, duties, and records until the completion of the draft zoning ordinance, but is not required to postpone the transfer more than 1 year.

(3) If, on or after the effective date of this act, a planning commission is created in a local unit of government that has had a zoning board or zoning commission since before the effective date of this act, the legislative body shall transfer all the powers, duties, and records of the zoning board or zoning commission to the planning commission before July 1, 2011. If the existing zoning board or zoning commission is nearing the completion of its draft zoning ordinance, the legislative body may, by resolution, postpone the transfer of the zoning board's or zoning commission's powers, duties, and records until the completion of the draft zoning ordinance, but not later than until 1 year after creation of the planning commission or July 1, 2011, whichever comes first.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

### **125.3885 Repeal of certain acts.**

Sec. 85. (1) The following acts are repealed:

- (a) 1931 PA 285, MCL 125.31 to 125.45.
- (b) 1945 PA 282, MCL 125.101 to 125.115.
- (c) 1959 PA 168, MCL 125.321 to 125.333.

(2) Any plan adopted or amended under an act repealed under subsection (1) is subject to section 81(1).

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

## CURRENT ORDINANCE

## DIVISION 4. - PLANNING COMMISSION

## Sec. 2-191. - Commission continued.

The city planning commission heretofore established in accordance with Act 285 of the Public Acts of 1931, as amended, of the State of Michigan, is hereby continued. The South Lyon Planning Commission shall be composed of nine members, who shall represent, insofar as is possible, different professions or occupations. Said members shall be appointed by the mayor and confirmed by the council, three members to be appointed annually. The term of each member shall be three years or until his successor takes office. The members shall hold no other municipal office, except that one of such members may be a member of the zoning board of appeals. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor with the approval of the council. All members shall hold office until their successors are appointed and qualified.

(Code 1988, § 1.161)

## Sec. 2-192. - Compensation.

There shall be no compensation for any member of the city planning commission, except that reasonable expenses may be allowed on approval of the council.

(Code 1988, § 1.162)

## Sec. 2-193. - State law applicable.

The rules, regulations, duties and authority as outlined by Act 285 of Public Acts of 1931, as amended, of the State of Michigan shall apply in all cases.

(Code 1988, § 1.163)

## Secs. 2-194—2-205. - Reserved.

ORDINANCE NO. \_\_-17

CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO REPEAL AND ADOPT A NEW DIVISION 4 – PLANNING COMMISSION, IN CHAPTER 2 – ADMINISTRATION, ARTICLE V – BOARDS AND COMMISSIONS OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH LYON TO REDUCE THE NUMBER OF PLANNING COMMISSION MEMBERS FROM NINE (9) TO SEVEN (7) AND TO BRING THE DIVISION INTO COMPLIANCE WITH THE MICHIGAN PLANNING ENABLING ACT

THE CITY OF SOUTH LYON ORDAINS:

**PART I. Repeal of Division 4 – Planning Commission.** Chapter 2, – Administration, Article V – Boards and Commissions, Division 4 – Planning Commission, of the Code of Ordinances of the City of South Lyon, is hereby repealed.

**PART II. Adoption of New Division 4 – Planning Commission.** A new Chapter 2, – Administration, Article V – Boards and Commissions, Division 4 – Planning Commission, of the Code of Ordinances of the City of South Lyon, is hereby adopted to read in its entirety as follows:

Sec. 2-191. – Authority.

This division is adopted pursuant to the authority granted the city council under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., as amended, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq., as amended, to establish a planning commission with the powers, duties, and limitations provided by those Acts and subject to the terms and conditions of this division and any future amendments to this division.

Sec. 2-192. – Purpose.

The purpose of this division is to provide that the South Lyon City Council hereby retains and confirms the establishment, under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., as amended, the South Lyon Planning Commission, formerly established under the Municipal Planning Act, Public Act 285 of 1931, MCL 125.31 et seq. [repealed], to establish the appointments, qualifications and terms of membership of the planning commission; set the minimum number of meetings per year; and to prescribe the powers and duties of the planning commission.

Sec. 2-193. – Establishment.

There shall be a City of South Lyon Planning Commission pursuant to Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 et seq., hereinafter referred to as the "planning commission," with the powers and duties as therein set forth and as hereinafter provided. Members of the planning commission as of

the effective date of this ordinance from which this division is derived shall continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., as amended, as well as the requirements of the bylaws adopted by the planning commission.

**Sec. 2-194. – Membership; qualifications; terms.**

- a) The planning commission shall consist of seven (7) members appointed by the mayor with the approval of a majority of the city council elected and serving.
- b) The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, education, and social development of the city, in accordance with the major interests as they exist in the city, such as natural resources, recreation, education, public health, government, transportation, residential uses, industry, and commerce. The membership shall also be representative of the entire geography of the city to the extent practicable.
- c) Planning commission members shall be qualified electors of the city, except that one member may be an individual who is not a qualified elector of the city but who is a qualified elector of another local unit of government.
- d) There shall not be any ex officio members on the planning commission.
- e) The members shall hold no other municipal office, except that one of such members may be a member of the zoning board of appeals.
- f) The term of each member shall be three years or until his successor takes office. Members shall hold office until their successors are appointed and qualified.
- g) Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term in the same manner as the original appointment.

**Sec. 2-195. – Compensation.**

There shall be no compensation for any member of the planning commission, except that reasonable expenses may be allowed on approval of the council.

**Sec. 2-196. – Removal.**

The city council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

**Sec. 2-197. – Powers and duties.**

The planning commission shall have the powers and duties as set forth in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., as amended, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq., as amended,



and the rules, regulations, duties and authority of the planning commission, as outlined in the Michigan Planning Enabling Act shall apply in all cases.

Sec. 2-198. – Approval, ratification and reconfirmation.

All official actions taken by all City of South Lyon planning commissions preceding the planning commission established by this division are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of the ordinance from which this division is derived shall continue with the planning commission created by this division, subject to the requirements of this division, and shall be deemed a continuation of any previous City of South Lyon planning commission. This division shall be in full force and effect from and after its adoption and publication.

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

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

Made, passed and adopted by the South Lyon City Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
John Galeas, Jr., 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 \_\_\_\_\_, 2017.

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

Adopted:  
Published:  
Effective:

# AGENDA NOTE

**MEETING DATE:** August 28, 2017

**PERSON PLACING ITEM ON AGENDA:** Per Council discussion

**AGENDA TOPIC:** Amendment of purchasing ordinance to increase the value of purchases requiring Council approval and competitive bidding and to clarify authority for emergency purchases

## **EXPLANATION OF TOPIC:**

At the last Council meeting, Council approved a routine Police Department request to purchase equipment valued at approximately \$2,600. The purchasing ordinance required Council approval because the purchase exceeded \$2,000. There were comments and discussion by Council about increasing the values of purchases requiring Council approval and competitive bidding to eliminate the additional time and cost associated with Departments having to obtain Council approval for routine budgeted purchases of supplies, materials, equipment and services at values that do not warrant the staff costs related to presenting lower value purchases for approval and Council's review and approval.

The proposed ordinance amendment increases the value of purchases requiring Council approval from \$2,000 to \$5,000 (See Section 2-222).

The proposed amendment also increases the value of purchases requiring competitive bidding, as defined in the ordinance (Section 2-224), from \$5,000 to \$10,000. Thus, purchases of up to \$10,000 can be made on the open market and must be supported by 3 written quotes which may be obtained verbally or in writing which is current city practice. But, purchases over \$10,000 must be approved by Council and be done by competitive bidding.

The proposed ordinance amendment also adds a provision (Section 2-225) providing for authority for emergency purchases and a requirement that emergency purchase which exceed \$5,000 must be reported to Council at the next regular meeting.

This ordinance amendment is not intended as a comprehensive amendment to the purchasing ordinance. The ordinance could be revised to include different value thresholds including consideration of whether the purchase is budgeted. There are also alternative methods for addressing emergency purchases and reporting.

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

- Redline markup of ordinance showing proposed changes

**POSSIBLE COURSES OF ACTION:** approve/deny/revise/postpone

**RECOMMENDATION:** Approve first reading of ordinance to amend purchasing ordinance

**SUGGESTED MOTION:** Motion to approve the first reading of the ordinance to amend the purchasing ordinance – Article VI – Purchasing, Chapter 2 – Administration of the Code of Ordinances of the City of South Lyon, as presented.

ORDINANCE NO. \_\_-17

CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND ARTICLE VI -- PURCHASING, CHAPTER 2, - ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH LYON TO INCREASE THE VALUE OF PURCHASES REQUIRING CITY COUNCIL APPROVAL AND COMPETITIVE BIDDING AND TO CLARIFY PURCHASING AUTHORITY IN EMERGENCY CIRCUMSTANCES

THE CITY OF SOUTH LYON ORDAINS:

**PART I. Amendment of Article VI -- Purchasing.** Article VI -- Purchasing, Chapter 2 -, - Administration, of the Code of Ordinances of the City of South Lyon, is hereby amended to read in its entirety as follows:

Sec. 2-221. - Purchasing agent.

The manager, or his or her designee, shall act as purchasing agent of the city. The manager shall adopt any necessary rules respecting requisitions and purchase orders.

Sec. 2-222. - Purchases or contracts under ~~\$5,000.00~~ 10,000.00.

Purchases of supplies, materials or equipment, the cost of which is less than ~~\$10,000.00~~ 5,000.00, may be made in the open market but such purchases shall, except where the manager shall determine that no advantage to the city would result or in the employment of professional services, be based on comparative prices supported by three (3) written quotes and shall be awarded to the lowest competent bidder. The purchasing agent may solicit prices verbally or by telephone, or may contact prospective suppliers by written communication. A record shall be kept for six ~~(6)~~ months of all open market orders and the comparative prices submitted thereon, which records shall be available for public inspection. Purchases or contracts obligating the city in an amount less than ~~\$5,000.00~~ 2,000.00 need not have the prior approval of the city council.

Sec. 2-223. - Written contract required.

All purchases and sales, regardless of monetary value, shall be made the subject of a written contract. A purchase order shall be a sufficient written contract in cases where the expenditure is in the usual and ordinary course of the city's affairs.

Sec. 2-224. - Approval for purchases or contracts over ~~\$5,000.00~~ 2,000.00; competitive bidding for purchases or contracts over ~~\$10,000.00~~ 5,000.00.

Any expenditure for supplies, materials, equipment, construction project or contract obligating the city, where the amount of the city's obligation is in excess of ~~\$5,000.00~~ 2,000.00, shall be first approved by the city council. Where such expenditure or contract exceeds ~~\$10,000.00~~ 5,000.00, it shall be subject to competitive bidding as herein prescribed except where the council shall

determine that no advantage to the city would result or where the expenditure or contract is for professional services. Where competitive bidding is required, the following procedure will apply.

(1) The purchasing agent shall solicit bids from a reasonable number of such qualified prospective bidders as are known to him by sending each a copy of the notice requesting bids and notice thereof shall be posted in the city hall. Bids shall also be solicited by newspaper advertisement when directed by the city council.

(2) Unless prescribed by the council, the manager shall prescribe the amount of any security to be deposited with any bid, which deposit shall be in the form of cash, certified or cashier's check or bond written by a surety company authorized to do business in the State of Michigan. The amount of such security shall be expressed in terms of percentage of the bid submitted. Unless fixed by the council, the manager shall fix the amount of the performance bond and in the case of construction contracts, the amount of the labor and materials bond to be required of the successful bidders.

(3) Bids shall be opened in public at the time and place designated in the notice requesting bids in the presence of the purchasing agent, the city clerk and at least one other city official, preferably the head of the department most closely concerned with the subject of the contract. The bids shall thereupon be carefully examined and tabulated and reported to the council with the recommendation of the purchasing agent at the next council meeting. After tabulation all bids may be inspected by the competing bidders. In lieu of the procedure for opening bids herein specified, the council may direct that bids be opened at a council meeting.

(4) When such bids are submitted to the council, if the council shall find any of the bids to be satisfactory, it shall award the contract to the lowest competent bidder meeting specifications, unless the council shall determine that the public interest will be better served by accepting a higher bid. Such award may be by resolution or ordinance. The council shall have the right to reject any or all bids and to waive irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements.

(5) At the time the contract is executed by him, the contractor shall file a bond executed by a surety company authorized to do business in the State of Michigan, to the city, conditioned to pay all laborers, mechanics, subcontractors and material-men as well as all just debts, dues and demands incurred in the performance of such work and shall file a performance bond when one is required. Said contractor shall also file evidence of public liability insurance in an amount satisfactory to the city manager, and agree to save the city harmless from loss or damage caused to any person or property by reason of the contractor's negligence.

(6) All bids and deposits of certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him within five days after the same has been awarded, or file any bond required within the same time, the deposit accompanying his bid shall be forfeited to the city, and the council may, in its discretion, award the contract to the next lower competent bidder meeting specifications, or to another competent bidder meeting specifications if

the council shall determine that the public interest will be better served by accepting such other bid, or said contract may be readvertised.

Sec. 2-225. – Emergency purchases.

In the case of any emergency, the city manager or his or her designee, may purchase any supplies, materials, equipment or services, necessary to the continuation of the operation, business, and work of the city or affected department or that is necessary to protect the public health, safety and welfare; provided, however, that if such purchase exceeds \$5,000.00, it shall be reported to the city council at the next regular council meeting following such purchase.

Formatted: English (United States)

Sec. 2-225~~6~~. – Inspection of materials.

The responsibility for the inspection and acceptance of all materials, supplies and equipment shall rest with the ordering department.

Sec. 2-226~~7~~. – Sale of property.

Whenever any city property, real or personal, is no longer needed for corporate or public purposes, the same may be offered for sale. Personal property not exceeding \$500.00 in value may be sold for cash by the purchasing agent after receiving quotations or competitive bids therefor for the best price obtainable. Property with a value in excess of \$500.00 may be sold after advertising and receiving competitive bids, as provided in section 2-224 of the Code and after approval of the sale has been given by the council.

Secs. 2-227~~8~~—2-240. – 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
John Galeas, Jr., 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 \_\_\_\_\_, 2017.

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

Adopted:  
Published:  
Effective:

**PRINCIPALS**

Daniel W. Mitchell  
Nancy M.D. Faught  
Keith D. McCormack  
Jesse B. VanDeCreek  
Roland N. Alix  
Michael C. MacDonald  
James F. Burton  
Charles E. Hart

**SENIOR ASSOCIATES**

Gary J. Tressel  
Randal L. Ford  
William R. Davis  
Dennis J. Benoit  
Robert F. DeFrain  
Thomas D. LaCross  
Albert P. Mickalich  
Timothy H. Sullivan  
Thomas G. Maxwell

**ASSOCIATES**

Marvin A. Olane  
Marshall J. Grazioli  
Donna M. Martin  
Colleen L. Hill-Stramsak  
Bradley W. Shepler  
Karyn M. Stickel  
Jane M. Graham  
Todd J. Sneathen  
Aaron A. Uranga  
Salvatore Conigliaro

**HUBBELL, ROTH & CLARK, INC.**

OFFICE: 105 W. Grand River  
Howell, MI 48843  
PHONE: 517.552.9199  
FAX: 517.552.6099  
WEBSITE: [www.hrcengr.com](http://www.hrcengr.com)  
EMAIL: [info@hrcengr.com](mailto:info@hrcengr.com)

August 24, 2017

City of South Lyon  
335 South Warren  
South Lyon, MI 48178

Attn: Ms. Lynne Ladner  
City Manager

Re: South Lyon WWTP  
Interim Class B Licensed Operator

HRC Job No. 20170753.02

Dear Ms. Ladner,

At your request, this office has investigated potential alternatives for the City's consideration to fill the impending vacant Interim Class B Licensed Operator position at the City's WWTP. It is the understanding of this office that the City intends to initiate a formal search for a permanent WWTP Superintendent and/or a full time Class B Licensed WWTP Operator in the relatively near future. To enable the City Council and Administration sufficient time to coordinate the search process for a new WWTP Superintendent and/or a full time Licensed WWTP Operator, a period of Interim services will most likely be required. For baseline investigation purposes, all parties contacted were informed of a preference for a three (3) month timeframe commitment with the option to extend services on a month-to-month basis thereafter up to a maximum additional six (6) months. It is our further understanding that during the Interim Period, the Class B Licensed Operator position duties would be as described follows:

**Duties Included:**

1. Site Visits as determined to be necessary by the Interim Class B Licensed Operator and satisfactory compliance with MDEQ for the same.
2. Execution of monthly operating reports (MOR's) by the Interim Class B Licensed Operator and submission to MDEQ through MiWaters as already established by City certified staff.
3. Interim Class B Licensed Operator reporting to the City Manager

**Clarifications:**

- A. The Interim Class B Licensed Operator position will not be recognized as the WWTP Superintendent, perform administrative functions, manage budget, nor manage staff at the WWTP. Ms. Lynne Ladner, South Lyon City Manager will serve as the Interim Administrator for WWTP Operations, overseeing all other departmental activity and functions.
- B. The Interim Class B Licensed Operator position will not be responsible for management of the City's MDEQ Storm water Permit nor the current Asset Management requirements mandated under the existing WWTP NPDES Permit. HRC is currently assisting the City with these efforts and will continue in that capacity.
- C. The Interim Class B Licensed Operator position will not be responsible for reporting to City Council. Ms. Lynne Ladner, South Lyon City Manager will report to City Council.



Based upon the information obtained to date, we can report the following:

**Alternative No. 1 – Shared Services**

This office initiated communications with three (3) individual qualified WWTP Operators in Southeastern Michigan, who hold a Class B WWTP Operator's License, with regard to serving as Interim Operator for the City of South Lyon. We can report that at this time, all of the qualified Operators that were contacted, while interested, ultimately declined the opportunity due to time/work load, personal, or potential conflicts of interest.

**Alternative No. 2 – Interim Privatized Services**

HRC has met with City Staff and Highland Treatment Inc. (HTI) located in Highland Michigan. HTI provides WWTP Operational Services in both Lyon Township and Green Oak Township. HTI performed a site visit of the WWTP and has provided a quotation, insurance, proof of licensure (Attached). The HTI quote attached includes is for an hourly rate of \$90/hour to provide the Interim Class B Licensed Operator services.

**Alternative No. 3 – Interim Intergovernmental Cooperation – Oakland County**

HRC met with the Engineering Management staff at the Oakland County Water Resource Commissioner (OCWRC) to investigate the potential for intergovernmental assistance. The OCWRC employs Class B Licensed Operators to run numerous WWTP's throughout Oakland County. OCWRC engineering and operations staff have toured the City's WWTP and are capable of providing the interim services. However, the conditions are currently under OCWRC legal review, and a resolution has not been achieved as of the date of this correspondence.

**Summary and Conclusions:**

Based upon the investigation to date, and the time sensitive manner necessary to ensure WWTP MDEQ compliance, it is recommended the City consider proceeding with entering into a monthly Interim Privatized Services agreement with HTI for provision of the Class B Licensed Operator position. It must be recognized that the HTI quotation attached is for \$90.00/Hour, based upon 20 hours/month. However, based upon preliminary discussions held with OCWRC and MDEQ district staff, the time required on site for the Interim Class B Operator, may be in the range of 40 hours/month. Therefore, a monthly range can be anticipated in the amount of a minimum of \$1,800.00 to \$3,600.00. The actual monthly fees may vary month to month depending upon the activities scheduled at the WWTP. Therefore, contingencies for fluctuation should be anticipated to account for the regulatory transition.

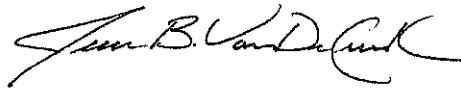
This office also recommends that further consideration be given to Interim Intergovernmental Cooperation with the OCWRC, if determined to be financially and legally viable in the relatively near future, during the time in which the Interim Class B Operator position is still needed at the City's WWTP.

Ms. Lynne Ladner  
August 24, 2017  
HRC Job Number 20170753.02  
Page 3 of 3

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

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Jesse B. VanDeCreek, P.E.  
Vice President / Principal

JBV/jbv  
pc: HRC; Mike Darga



P.O. Box 1089  
 Highland, MI 48357-1089  
 OFFICE: 248-889-1922  
 FAX: 248-887-6256

## PROPOSAL

DATE	Proposal #
22-Aug-17	HTi82217

NAME / ADDRESS
City of South Lyon 335 S. Warren St. South Lyon MI 48178 attn: Lynne Ladner, City Manager

		TERMS		PROJECT	
		Net 10			
ITEM	DESCRIPTION	RATE	QTY	TOTAL	
Operations	provide the cith with an experienced operator to oversee day to day operations, complete monthly reports and provide status updates to the City Manager. This will be based on a five hour per week basis.	\$ 90.00	20	\$ 1,800.00	
				\$ -	
				\$ -	
COST ESTIMATE prepared by Anthony Dowson		TOTAL		\$ 1,800.00	



HIGHTRE-02

CMIRACLE

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/15/2017

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

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

PRODUCER Hartland Insurance Agency, Inc. PO Box 129 Hartland, MI 48353	CONTACT NAME: David Walker		
	PHONE (A/C, No, Ext): (810) 632-5161 201	FAX (A/C, No): (810) 632-6775	
	E-MAIL ADDRESS: davidwalker@hartlandinsurance.com		
INSURED  Highland Treatment Company Inc PO Box 1089 Highland, MI 48357-1089	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Colony Insurance Company		
	INSURER B: Auto-Owners Insurance Company		18988
	INSURER C: Accident Fund Company		12305
	INSURER D:		
	INSURER E:		
	INSURER F:		

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Pollution & Profess  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			PACE304657	03/01/2017	03/01/2018	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 1,000,000
							PRODUCTS - COMP/OP AGG	\$ 1,000,000
								\$
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			9683564400	03/01/2017	03/01/2018	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			EXC304658	03/01/2017	03/01/2018	EACH OCCURRENCE	\$ 5,000,000
							AGGREGATE	\$ 5,000,000
								\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WCV6081181	03/01/2017	03/01/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER	
							E.L. EACH ACCIDENT	\$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
A	Pollution Liability			PACE304657	03/01/2017	03/01/2018	Pollution Liability	1,000,000
A	General Liability			PACE304657	03/01/2017	03/01/2018	Professional	1,000,000

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

## CERTIFICATE HOLDER

## CANCELLATION

City of South Lyon  
Wastewater Plant  
23500 Dixboro Rd.  
South Lyon, MI 48178

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

AUTHORIZED REPRESENTATIVE

**State of Michigan  
Department of Environmental Quality**

**This is to certify that**

***Anthony V. Dowson***

having submitted acceptable evidence of qualifications, in accordance with the requirements of the Rules Governing the Certification of Sewage Treatment Works Operators, is qualified to operate any sewage treatment works of any of the following classifications:

**A, B, C, D, L1**

Issued  
April 29, 2015

Expires  
July 15, 2018

Operator I.D. Number  
**12549**



ISSUED BY THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
UNDER AUTHORITY OF ACT 451 P.A. 1994 AS AMENDED

EQP 3402  
REV. 3/2011

**South Lyon Historical Commission Meeting**  
**Wednesday, August 2, 2017**  
**Minutes**

**Members Present:** Gary Wickersham, Linda Ross, Bob Tremitiere, Jim Race

**Members Absent:** Roger Heiple, Phil Weipert, Larry Ledbetter

**Others Present:** Carl Richards, Pete Niedzielski

**Secretary Bob Tremitiere** called the meeting to order and a quorum was declared.

**July Minutes:** Jim motioned to accept the July minutes. Linda seconded and the motion passed.

**Depot Day:** Gary reported that everything is moving along smoothly. Seven booths have been rented out and 4-5 more will be used by non-profits. Gary said that Larry was able to negotiate a reduction in the tent price. All of the exhibitors have confirmed their attendance. We now have four people who will use the chapel to display their collections/ hobbies. Gary said that we now have a Facebook page. It is called South Lyon Area Historical Society.

**Gazebo Roof:** Bob said that the roof is complete and the bill has been turned in for payment. McCarter told us that the finial on the top is in bad shape and needs to be replaced. Jim had asked them to take a picture of it, which they did, and forwarded to Bob, who brought it to the meeting. Bob asked McCarter to give us a price to replace it. Pete said that he could help in making one, as he has a lathe, and Bob said he has one too. Linda suggested that we put a weathervane up instead of a new finial, an idea that was well liked. Carl shared some ideas on how to make a finial if we go that way.

**School Back Door Walkway:** The DPW repaired the collapsed walkway. Linda asked that the railing be painted before Depot Day. Bob said that he would head up the project and will ask for help to complete it.

**Memorial Garden Pathway Project:** Bob reported that the project is complete and that Larry asked the Scout to leave us several bricks and a bag of base for future repairs. Bob and Linda said that the new walk is a major improvement over what we had before.

**Other Business:**

-Carl took pictures of the roof job as it was being done. He also brought us samples of the materials used for future reference.

-Carl is awaiting further direction from Larry re: spraying roundup and painting, but said that he can't do it right now due to back problems. He will do it when he is feeling better.

Business concluded, Linda motioned for adjournment and Bob seconded. The motion carried and the meeting ended at 8:08PM.

Minutes recorded by Bob Tremitiere, Secretary

Submitted by Larry Ledbetter, president