

Regular City Council Meeting

June 25, 2012

Agenda

7:30 p.m. **Call to Order**
Pledge of Allegiance
Roll Call
Approval of Agenda
Minutes – June 11, 2012
Public Comment:

I. Old Business

1. None

II. New Business

1. Planning Services Agreement
2. First Reading – Amendment to the Fence Ordinance
3. First Reading – Donation Box Ordinance
4. First Reading – Amendment to the Site Plan Review Ordinance
5. First Reading – Amendment to Housing Ordinance
6. Budget Amendment
7. Purchase of Turnout Gear
8. Amendment to Interlocal Agreement – Justice Assistance Grant Program

III. Manager's Report

IV. Council Comments

V. Adjournment

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
JUNE 11, 2012**

Mayor Wallace called the meeting to order at 7:30 p.m.

Mayor Wallace led those present in the Pledge of Allegiance to the Flag

PRESENT: Mayor Wallace
Council Members: Dixon, Kivell, Kopkowski, Kramer, Rzyzi, and Wedell
City Manager Murphy
City Attorney Lee
Department Heads: Collins, Kennedy, and Martin
ABSENT: City Clerk/Treasurer Zemke

CM 6-1-12 – EXCUSE ABSENCE

Motion by Kivell, supported by Kramer

To excuse the absence of City Clerk/Treasurer Zemke due to illness

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

CM 6-2-12 – APPROVAL OF MINUTES- MAY 14, 2012

Motion by Kramer, supported by Kivell

To approve the minutes of the May 14, 2012 Regular Council meeting as written

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF MONTHLY BILLS:

Discussion was held on various bills.

Discussion was held on the charge for review of taking over the water lines/hydrants. It was stated that this is for Lafayette Woods. The question was asked where we stand with that issue. Mr. Jesse VanDeCreek of HRC gave a brief update. He stated that we are very close.

CM 6-3-12 – APPROVAL OF MONTHLY BILLS

Motion by Kivell, supported by Kramer

To approve the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF AGENDA:

CM 6-4-12 APPROVAL OF AGENDA

Motion by Wedell, supported by Kopkowski

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT:

Mr. Carl Richards of 390 Lennox stated that we have had three tremendous things happen since the last Council meeting. He stated that the flags downtown were replaced and an award was given to Mr. Strickland for his donation. He discussed the cost savings in getting them done including the volunteers. Secondly, the ball fields that have been completed are getting tremendous use. The bridge was also re-built beautifully. Finally, the washing of the water tower has been complete, and the people who live and work were thrilled.

Doreen Hannon, Director of the Salem-South Lyon District Library and Ken Kenizel, Board President were present. Ms. Hannon stated that they would like to thank the City of South Lyon for paying for the trail that connects Volunteer Park to the Library. She has ridden it and it took her about 10 minutes to get to the Park and about 10 minutes to get to the Farmer's Market. It is so beautiful and a way to keep people away from the hustle and bustle of Pontiac Trail. They are planning their first annual Bicycle Dream Cruise on June 23rd. There will be a ribbon cutting at Volunteer Park at 9 a.m. They are inviting people of all ages to ride to the library, and when they get there, there will be refreshments and fun things happening. She further stated that this will also be the kick-off of their summer reading program. Mayor Wallace thanked Ms. Hannon for the wonderful things she is doing at the library. Councilman Kivell stated the quality of the library was an important part of getting the path in.

OLD BUSINESS: None

NEW BUSINESS:

1. Brown's Root Beer Cruise

Mayor Wallace stated that Mr. Ed Brown could not be present, but hoped that Council would remember some of the cruises that he has had in the past. People have been asking him to do another. Ed Brown is very well respected in the old car community. He is asking for a street closure on July 14th. Chief Collins has approved the application.

CM 6-5-12 APPROVAL OF ROAD CLOSURE

Motion by Kopkowski, supported by Kramer

To approve the closure of McHattie Street between Pontiac Trail and South Lyon Collision on July 14, 2012 from 4:30 p.m. to 10:00 p.m.

Mayor Wallace stated that some of the other surrounding businesses are planning to be a big part of it.

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Blues, Brews and Brats

Kim Thompson on behalf of the Chamber of Commerce at 127 N. Lafayette stated that they are requesting road closure on Saturday July 28th from noon until 1:00 a.m. The event would take place from 4-11 p.m. They are hosting three Blues Bands and will include a beer tent and brats.

Councilman Kivell stated that he liked the fact that area was chosen to showcase.

Ms. Thompson stated that they originally anticipated having multiple vendors, however for various reasons, it does look like they will only be having two. Discussion was held on the reasons, including the unknown attendance, etc. Discussion was held future years.

CM 6-6-12 APPROVAL OF ROAD CLOSURE

Motion by Kramer, supported by Kivell

Resolved That Julie Zemke, 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 Blues, Brews and Brats Event from July 28 until July 29, 2012 and the related road closures: Lafayette Street between Lake Street and Liberty Street; from 12:00 noon on July 28 until 1:00 a.m. on July 29, 2012; 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:

MOTION CARRIED UNANIMOUSLY

3. Agreement with School District for Tax Collection

Mayor Wallace stated that this has been an ongoing agreement with the schools for many years. We collect the taxes for the schools and disburse it later. We do this at no fee, but we are allowed to keep the interest on the funds.

CM 6-7-12 – APPROVAL OF AGREEMENT – TAX COLLECTION

Motion by Wedell, supported by Ryzyi

To approve the Agreement between the City of South Lyon and the South Lyon Community Schools for the 2012 tax season as presented

Discussion was held on the length of the contract. Attorney Lee stated that it was felt that because interest rates are so low, some communities refused to collect without a fee.

VOTE:

MOTION CARRIED UNANIMOUSLY

4. Center for Active Adults Agreement

Mayor Wallace stated that he has been a strong advocate of this for many years.

City Manager Murphy stated this is similar to the Park Authority having participation with Lyon and Green Oak Townships. Participation has remained steady with South Lyon being the largest user. This is our portion for the program. Councilman Kivell stated that he was surprised that we were double Green Oak. Discussion was held on senior areas of the communities.

CM 6-8-12 – APPROVAL OF AGREEMENT – CENTER FOR ACTIVE ADULTS

Motion by Dixon, supported by Ryzyi

To approve the agreement with the South Lyon Community Schools for the Senior Citizen Programs and contribution of \$43,842

VOTE:

MOTION CARRIED UNANIMOUSLY

5. Appointments to Arts and Cultural Commission

City Manager Murphy stated that we put out notice that we were seeking individuals interested in serving on the new Arts and Cultural Commission. We received four applications to fill those positions and all seem very well qualified to serve. We are still looking for a fifth member, but he is asking Council to affirm these appointments at this time.

Council Member Kopkowski asked if this was just appointments with no allocation of any funding. City Manager Murphy stated that this is just appointments.

Councilman Kivell stated that he was very pleased to see the credentials of the people in our area that have offered their services.

City Manager Murphy pointed out that three of the four live in the City. The fourth does not, but certainly cares about the area.

Mayor Wallace asked the City Manager if he received a call from Dayna Johnston. City Manager Murphy stated that he did, but it was too late for this agenda. Mayor Wallace stated that Dayna does have a four-year degree.

Mayor Wallace asked if references are checked. City Manager Murphy stated that we do not.

CM 6-9-12 – AFFIRMATION OF APPOINTMENTS

Motion by Kivell, supported by Wedell

To affirm the City Manager's appointment of Dr. Bradley Bloom, Kelly Johnson, Linda Lemke and Kenneth Michalik to the Arts and Cultural Commission.

VOTE:

MOTION CARRIED UNANIMOUSLY

6. 2011 Road project

City Manager Murphy stated that they went out and looked at the roads as well as the options. They met with HRC. He has provided a list. He stated that he thinks that we can save money by just doing the bad portions of the roads rather than a complete reconstruction.

Discussion was held on the Reese extension. It was stated that this only affects two homes. Mr. Jesse VanDeCreek stated that what they would do is pulverize it, recycle it, pack it down and put in a 2" cap. They are looking at not excavating. He further discussed the condition of the road. Discussion was held on the cost. Mr. VanDeCreek stated that when you scale things down, you have to do a lot of hand work. However, the unit bid prices are what they are estimating based on the unit prices now. He further discussed the short stretches of road.

Discussion was held on the 110' of Hagadorn proposed. City Manager Murphy stated that this the worst part on the south side is in the Oakland County right-of-way. It was stated that on the north side, the bad areas are the City's.

Mr. VanDeCreek stated that they are not saying that these roads do not need rehabilitation, but they are trying to prioritize and scale back. Further discussion was held on the condition of the roads including Hagadorn, Ridge, etc.

Councilman Kivell stated that he does not feel that Reese is a priority right now. He would rather wait until we do a reconstruction of Liberty. City Manager Murphy stated that he did not either until he walked down and saw how really deteriorated it is.

Councilman Kramer asked if any of these projects are in the DWRF area. Mr. VanDeCreek stated that some of the streets are. However, since we are now scaling down to 100'+/-, with trenchless technology, etc. he cannot say whether it would affect these patches or not. He stated that E. Liberty would be the most likely. He further discussed the work that is being proposed.

Councilman Kivell asked the anticipated life expectancy of these repairs. Mr. VanDeCreek stated that he would guess five years.

Councilman Kramer asked that if Council agrees on the list, what happens next. City Manager Murphy stated that it would be the agreement on the design. He further stated that he was hoping to get going on this so that we can go out for bid. If we do not like those bids, we can re-bid in the winter. We will need to bring a budget amendment back for this as well. Mr. VanDeCreek discussed the need to get Warren completed before school starts. He further stated that you also have to keep in mind that this is not the typical project that the City does and you are not going to have the economy of scale in this situation. This is piece meal. We have addressed the worst areas.

Discussion was held on the detail of each road. Mayor Wallace stated that he would have like to have seen patching from Wells up to Reese as well on the E. Liberty project. City Manager Murphy stated that there is never a true end.

Councilman Kramer asked Superintendent Martin if he is pleased with this list. Superintendent Martin stated that a lot of time has gone into this. We have been walking these streets. When you piece meal, you do not get exactly what you want. However, in this economy you need to address those areas that are heavily worn. We can get 5-6 years out of this, and who knows where we are going to be then. We are moving in the right direction here.

Councilman Kramer stated that he wants to make sure that we are not patching something that will need to be done again with the DWRF. Superintendent Martin stated that we will go back and look at that.

CM 6-10-12 – 2012 STREET IMPROVEMENT PROJECT

Motion by Kramer, supported by Wedell

To approve the proposed list of road projects as presented for the 2012 Street Improvement Project

City Manager Murphy asked if Council wished to also include the approval of the HRC agreement so that we can get started. It was stated that the maximum amount is \$76,900. City Manager Murphy stated that if it were to exceed, it would have to be with written authorization

Councilman Kramer amended the motion to include the agreement with HRC in the amount of \$76,900. Councilman Wedell supported.

VOTE:

MOTION CARRIED UNANIMOUSLY

The question was asked if we do not proceed with construction, is it still going to cost \$76,900. Mr. VanDeCreek stated that it has been broken down between construction and design.

7. Budget Amendments

City Manager Murphy stated that these are year-end budget amendments. He should have brought this on a quarterly basis because it is more difficult to do so many at the end of the year. He reviewed the changes including Michigan Tax Tribunal, retirees pay-out, over estimated interest income, the baseball fields, etc. These are still estimates and will not be exactly what will be in the audit.

Further discussion was held on bringing the amendments on a more timely basis.

Councilman Wedell asked when we actually close the books for this budget year. Bookkeeper Mosier stated that sometime in August before the auditors come out. Councilman Wedell stated that he would also encourage a more timely amendment process. If we do not make those changes, it is hard to do a fair analysis.

CM 6-11-12 – APPROVAL OF BUDGET AMENDMENTS

Motion by Kivell, supported by Wedell

To approve the 2011-2012 budget amendments as presented.

VOTE:

MOTION CARRIED UNANIMOUSLY

8. Attorney Contract

City Manager Murphy stated that we went out for bid approximately three months ago. A committee was formed which consisted of himself, City Clerk, Chief Collins and Councilman Wedell. We received 10 responses back from very well qualified firms. We narrowed those down to 4 who we interviewed on Friday, May 18th. Originally we had discussed taking the weekend to think about the firms. However it was obvious after speaking to each other, there was one that rose to the top, which was Johnson, Rosati, Schultz and Joppich. Their pricing was one of the lowest, if not the lowest. They have a great reputation. We worked with them on the Oakland 40 suit and they were very well organized, kept us informed, and we were very pleased with them.

City Manager Murphy stated that the prosecutor is very well regarded. Chief Collins stated that Mr. Snell recently changed over to Johnson Rosati from another firm. He had unsolicited calls from other chiefs in the area indicating how disappointed they were that Mr. Snell left the firm that represented their municipalities and how fortunate the municipalities are that he would represent.

City Manager Murphy stated that in the contract the start date was left blank. Parvin Lee will be done on June 30th. He would like Johnson, Rosati, Schultz and Joppich, if Council is to approve them, begin July 1st. This will also begin a new fiscal year. We would be going on a monthly retainer versus an hourly rate, which should work to our advantage.

Councilman Wedell stated that they made the best initial presentation and offered the strongest team of any of the firms we interviewed. They have a risk management point of view in order to prevent problems rather than to react to them. They were a good value and seamless in terms of their structure. In our conversation after the interviews we were unanimous. Therefore, he would also like to recommend approval to Council.

City Manager Murphy stated that obviously no one could fill Parvin's shoes, but he believes this firm is the closest we are going to get.

Councilman Kivell stated that his concern was potential conflict of interest with MMRMA. However, he has been assured that MMRMA has other counsel as well as the ability to go outside.

Councilman Ryzyi stated that it sounds like it would be a good fit. He asked with regards to the agreement, section 4E, he asked how we would determine cost for special projects or assignments of a non-retainer nature. Councilman Kivell stated that those items would have to be identified and approved by Council.

City Manager Murphy pointed out that the labor negotiations are billed at \$160. He stated that he does try not to use labor attorneys unless he has to.

Councilman Rzyzi stated that the agreement discusses out-of-state travel expenses. Attorney Lee stated that he has only traveled out of state for the City one time.

Attorney Lee stated that he currently has six Tax Tribunal matters in his office as well as the appeal of the Trailer Park case. His recommendation is that rather than turn those cases over to Johnson Rosati and incur the expense of duplication, he would recommend that those cases remain with his office and anything after July 1st be handled by Johnson Rosati. City Manager Murphy stated that he does not handle the tax tribunals, but he would recommend leaving the water case with Parvin.

Councilman Kramer asked if the monthly retainer cover any appeals. Mr. Wilhelm stated that those would be covered under the retainer. Councilman Kramer asked if there is a designated person for prosecutions. Mr. Wilhelm stated that Chuck Snell will be the prosecutor.

Discussion was held on the status of the tax tribunals. Attorney Lee stated that generally a case can take two years, and these are in various stages. He further stated that tax tribunals would not be covered under the monthly retainer so the City would be paying either way.

CM 6-12-12 – APPROVAL OF AGREEMENT – LEGAL SERVICES

Motion by Wedell, supported by

To approve the three-year agreement with Johnson, Rosati, Schultz and Joppich as presented beginning July 1, 2012 and any litigation that would occur after that date with the pending items to remain with Booth Patterson

VOTE:

MOTION CARRIED UNANIMOUSLY

Mayor Wallace stated that he would hope that Johnson Rosati would keep Parvin's phone number at hand with his 32 years experience with this municipality. He is a valuable resource.

MANAGER'S REPORT:

City Manager Murphy asked if Council would like him to make up an evaluation form for the City Manager evaluation or he could provide some examples. Mayor Wallace stated that it is easier to have a checklist and we can see what others say as well.

City Manager Murphy stated that in order to get the cameras on the restroom into the park and tied into the Historic Village, we need to trim some trees to get the line of site. Mayor Wallace stated that most of those are junk trees anyway. He further stated that there was another option of a repeater on the snow hill. City Manager Murphy stated that would be more expensive, but he is looking into it.

COUNCIL COMMENTS:

Council Member Dixon stated that she is looking forward to the summer activities.

Councilman Kramer stated that he has had three games at McHattie Park and it is outstanding. He encouraged everyone to go down and see it.

Councilman Kramer asked if we have an ordinance dealing with synthetic drugs. Attorney Lee stated that he would encourage the City to ask your new attorneys to look into it. Discussion was held on the uncertainty of what the State is going to do. There are some communities that have adopted ordinance. Chief Collins stated that they assisted the Oakland County Sheriff's Department approximately six weeks ago dealing with a break-in at a gas station in the Township. He discussed the amount of K2 that was stolen. He further

stated that he sent officers to all of the likely establishments in the City that would sell the items. That investigation revealed only two establishments. He then sent letters to all of the likely businesses citing the hazards and asking for cooperation in removing those items. The two establishments have removed those items. He further discussed the investigation and stated that they have not found any other sales.

Councilman Kramer stated that the new bike trail heading to the Library is great.

Councilman Wedell stated that the bike trail does not just start at Volunteer Park but connects to trails throughout the City.

Councilman Ryzyi stated that the Parade was wonderful and thanked the veterans and all of the volunteers.

Council Member Kopkowski wished Mayor Wallace a Happy Birthday.

Councilman Kivell stated that the idea of identifying the places that sell K2 is one step, but asked if there is anything that can be done to stop the use. Chief Collins stated that it would be difficult at this point because of the ever changing chemicals. He further stated that at the State level they are very busy addressing the issue.

Councilman Kivell added that the bike path also connects to Wixom, Island Lake, etc.

Councilman Kivell stated that the High School has graduated, and his youngest son was part of that group.

Councilman Kivell stated that with all the activities taking place this summer, downtown is starting to pop. The residents are going to enjoy the extra life downtown.

Mayor Wallace wanted to note that there was an article in the South Lyon Herald last week regarding his family that was full of untruths. Hopefully they will do a follow up.

Mayor Wallace stated that we need to pursue the additional parking for the ball fields, even if it is just gravel. He discussed problems with the parking being taken up at the village. City Manager Murphy stated that we can start after the new budget. It should also be noted that the parking lot on the other side of the water plant sits empty. Possibly people are not aware of it. Councilman Kivell stated that we also have the property on the other side of the Witch's Hat.

ADJOURNMENT:

CM 6-13-12 ADJOURNMENT

Motion by Kivell , supported by Kramer

To adjourn meeting at 8:54 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Tedd M. Wallace
Mayor

Julie C. Zemke
City Clerk/Treasurer

AGENDA NOTE

New Business: Item #1

MEETING DATE: June 25, 2012

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Agreement for Planning Services

EXPLANATION OF TOPIC: On January 9, 2012 the City Council approved an agreement with LSL Planning Inc. for planning services, although the agreement was never signed. In May/June the lead consultant, Carmine Avantini, left LSL and went out on his own to form CIB Planning Inc. The reason the City Committee that went out for RFPs and conducted the interviews recommended LSL was because of Mr. Avantini, in fact we had the agreement changed so that we were assured of having Mr. Avantini attend the Planning Commission Meetings and the City Council Meetings as needed. Since Carmine Avantini has gone out on his own and maintains a working relationship with LSL, I think it is in the best interest of the City to engage Mr. Avantini and his new firm CIB Planning Inc. as the City's Planning Consultant. Mr. Avantini will be using the same people at LSL now that were part of his team prior to leaving LSL Inc, so the City will not see any reduction in the quality of services. The agreement proposed is the same agreement the Council approved on January 9, 2012 with LSL, but this is with CIB Planning Inc.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Memo from LSL Inc., and agreement with CIB Planning Inc.

POSSIBLE COURSES OF ACTION: Approve/do not approve the agreement with CIB Planning Inc. for Planning Services for the City.

RECOMMENDATION: Accept and approve the agreement with CIB Planning Inc. for Planning Services for the City.

SUGGESTED MOTION: Motion by _____, supported by _____ to approve the three year contract between the City of South Lyon and CIB Planning Inc., for planning services.



LSL Planning, Inc.

Community Planning Consultants

June 4, 2012,

Mr. David Murphy, City Manager
City of South Lyon
335 S. Warren Street
South Lyon, MI 48178

Dear Mr. Murphy:

Change is never easy; but it's not always a bad thing ... just different. The economic situation, particularly with our work in Michigan, has caused many changes at LSL in the last couple of years.

As you already know, one big change is that Carmine Avantini, a valuable partner since LSL began in 1997, recently decided to venture off on his own (CIB Planning). While his departure will be an adjustment for all, it is our intent to continue to support one another. CIB Planning and LSL Planning will continue working together under a formal alliance, assuring you access to LSL's specialized resources such as zoning, form-based codes, complete streets and GIS/graphics. Similarly LSL and our clients will continue to tap Carmine for economic development, TIFA and his other many talents. We expect to support each other as back-ups for meetings or workshops when they conflict with other meetings or vacations as well.

The personal and professional relationships we have forged over the years will remain strong. Our mutual intent is to make this transition as smooth as possible. For South Lyon specifically, at the city's request, we agree to "assign" the still pending contract for on-going services to CIB Planning, with LSL Planning continuing to provide support as needed. LSL Planning will be billed as a subconsultant to CIB Planning unless we mutually agree to a different arrangement for a specific project or task.

For the Master Plan, we will provide a single contract that outlines the specific role and fee for CIB Planning and LSL Planning. Carmine will continue to serve as the Project Manager and the rest of the LSL team will retain the roles outlined in the proposal and a single invoice will come from CIB Planning. From the city's perspective, the planning team remains intact. We believe the service will be the same as when Carmine was a full time employee at LSL, just a difference in the invoicing.

We thank you for your past and continued support. If you have any questions on the LSL side, please contact Brad Strader in the Royal Oak office.

Sincerely,

Bradley K. Strader

Paul M. LeBlanc

Carmine P. Avantini

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, entered into this day of _____ 2012, A.D., by and between the City of South Lyon, State of Michigan, hereinafter referred to as "Client" and CIB PLANNING, INC., a Michigan Corporation, hereinafter referred to as "Consultant."

WITNESSETH:

WHEREAS, the client desires to engage the Consultant to render professional services for the Client; and

WHEREAS, the Consultant desires to provide said services and agrees to do so for compensation based upon services rendered and expenses incurred pursuant to the terms and conditions hereinafter set forth;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

SECTION I. SCOPE OF SERVICES.

The Consultant shall perform the specified services under this Contract to provide on-going or on-call professional planning, zoning advisory and economic development assistance, as noted below.

A. DEVELOPMENT REVIEW SERVICES

The Consultant shall provide written technical reports and recommendations on site plans, subdivision and condominium plans, special land use approvals, rezonings, variances, lot splits and other development proposals, in accordance with the City Master Plan, zoning, subdivision and condominium ordinances, and sound planning and design principles. The schedule for reviews and submittal of reports to the City shall be mutually agreed upon, but shall allow the consultant at least ten (10) days after receipt of a submittal packet by the consultant to provide a report to the City.

B. OTHER SERVICES

Other services may be requested from time-to-time. Compensation for such services shall be negotiated at the time of the request, and may be incorporated into the not-to-exceed fee, or charged separately, depending on the scope and nature of the request. Upon request by an authorized representative of the City, the Consultant may also be asked to provide the following services.

1. Provision on a day-to-day basis telephone assistance and advice
2. Preparation for, and attendance at, meetings with City officials, public, City staff, and applicants as requested by the City.
3. Preparation for, and attendance, at other meetings of a planning or coordinating nature, with other agencies, groups, staff/consultants or adjacent communities.
4. Assistance on Federal or state grant program applications and administration.
5. Professional planning and related work in maintenance or interpretation of the City's Master Plan and amendments, as required.
6. Provision of verbal or written reports, reviews and recommendations regarding zoning ordinance interpretations, amendments to the zoning ordinance, updates to the zoning map or other City land development ordinances.

7. Preparation for litigation and acting as expert witness in zoning related court cases involving the City.
8. Coordination with the City attorney, police and fire departments, engineer, zoning enforcement officer and building official as appropriate.
9. Periodic reports on new planning techniques or experiences which may be beneficial to the City or topical training seminars.
10. Provision of other technical services related to planning, land use and community development concerns relevant to the needs that may be required and requested by the City Planning Department.

SECTION II. CHANGES TO SCOPE OF SERVICES.

The client may from time to time during the course of this agreement, request modifications of this Agreement or changes in the Scope of Services to be performed hereunder. Such changes, including any increase or decrease in the amount of the Consultant's compensation, which are mutually agreed upon by the Client and the Consultant, shall be incorporated in written amendments to this agreement.

SECTION III. PROJECT MANAGEMENT AND COMMUNICATION

The Consultant Contact shall be Carmine Avantini as Project Manager. No other direct contact shall be made with the Consultant regarding the project without advance approval of the Consultant.

SECTION IV. COMPENSATION AND METHOD OF PAYMENT.

- A. The City shall pay the Consultant on an hourly basis according the fee schedule (Attachment A).
- B. As part of the not-to-exceed fee above, the Consultant shall also be reimbursed for documented out-of-pocket expenses including but not limited to long distance telephone, mileage to special meetings and projects, postage, photography, document reproduction, etc.
- C. The Client may authorize the Consultant to provide additional services beyond the Scope of Services or attend additional meetings for a fee in addition to paragraph A above. For additional professional services the Consultant shall be compensated at the hourly rates described Attachment A, unless a separate fee is mutually agreed upon.
- D. Invoices will be submitted monthly for work performed during the billing period and shall be paid within thirty (30) days of receipt of such invoice by the Client.

SECTION V. ASSIGNABILITY

The Agreement shall not be assigned or transferred by either the Consultant or the Client to any entity not connected with the Consultant without the prior written consent of the other. Notwithstanding the foregoing, the Consultant shall not be prohibited from contracting with qualified subconsultants or from assigning to a bank, trust company, or other financial institutions, any claims for compensation due, or to become due to the Consultant from the Client under this agreement, without prior written consent.

SECTION VI. DATA AND SERVICES TO BE PROVIDED BY CLIENT TO CONSULTANT

If requested by the Consultant, Client shall furnish at no charge to the Consultant, in a timely manner:

- A. Copies of all reports, plans, maps, drawings, aerial photos, data and similar materials relevant to the performance of the scope of services. Such materials shall be provided at no cost to the Consultant.
- B. The Client shall be responsible for any professional, legal, engineering or accounting services connected with the project and shall coordinate review of any draft by the Client's Attorney, if necessary.
- C. The Client shall be responsible for scheduling meeting rooms, publication of agendas and notices, and the costs of publication for postings, notices and mailings.
- D. The Client shall devote sufficient time at regular meetings to adequately discuss the project within the number of meetings herein described and to maintain the project schedule, or shall schedule special meetings devoted exclusively to the project.
- E. The Client shall provide the Consultant with decisions or reviews in a timely manner.
- F. If the primary Client contact person is changed, the Consultant shall be compensated for time spent on orientation to the new staff person.

SECTION VII. SCHEDULE.

The Consultant and Client shall agree to complete all work required and described in the contract on an expeditious schedule designed to meet time frames as specified in the proposal, or as mutually extended by the Client and the Consultant.

SECTION VIII. OWNERSHIP OF DATA.

Upon completion or termination of this Agreement, all reports, charts, maps, and graphics shall become the property of the Client, and shall not be furnished to any other party without written permission of the Client. It is understood and agreed that the calculations, final documents, studies, surveys, drawings, maps, reports, and specifications prepared pursuant to this Agreement in machine format or hard copy, are instruments of professional service. They are and shall remain the property of the Client.

The consultant will retain the original disk, tapes, and drawings. The Client understands that changes or modifications to the disk, tapes, or drawings made by anyone other than the consultant may result in adverse consequences which the Consultant can neither predict nor control. Therefore, the Client agrees, to the fullest extent permitted by law, to hold harmless and indemnify the Consultant from and against all claims, liabilities, losses, damages, and costs including, but not limited to, attorney fees, arising out of or in any way connected with the modification, misinterpretation, misuse, or reuse by others of the machine readable information, drawings, and data provided by the Consultant.

under this Agreement. The foregoing indemnification applies, without limitation, to any use of the Project documentation on other projects, for additions to the project, or for completion of this project by others, excepting only such use as may be authorized, in writing, by the Consultant.

SECTION IX. CONFIDENTIALITY

Information obtained and reports prepared by the Consultant under this Agreement shall be considered confidential and shall not be made available to any individual or organization by the Consultant without prior approval of the Client.

SECTION X. DURATION AND TERMINATION

This Agreement will remain in effect for a period of three (3) years from the date of execution. In addition, it may be terminated by either the Client or the Consultant upon ninety (90) days written notice. In such case the Consultant shall be compensated by the Client for all work completed prior to termination upon delivery of products completed to the Client.

SECTION XI. NON-DISCRIMINATION:

The Consultant shall, when applicable, comply with the requirements of all federal, State, and Local laws, ordinances and regulations relating to minimum wages, social security, unemployment compensation insurance, and Worker's Compensation, and shall not discriminate against any employee or applicant for employment because of race, sex, creed, color or national origin.

SECTION XII. COMPLIANCE WITH ALL LAWS.

In the performance of this Agreement, Consultant agrees to comply with all applicable State, Federal, and local statutes, ordinances, and regulations, and obtain any and all permits applicable to the performance of this Agreement.

IN WITNESS WHEREOF, the Client and Consultant have executed this Agreement as of the date above and in accordance with the laws of the State of Michigan.

WITNESS:

CITY OF SOUTH LYON, MICHIGAN

By:

CIB PLANNING, INC.

By:

AGENDA NOTE

New Business: Item #2

MEETING DATE: June 25, 2012

PERSON PLACING ITEM ON AGENDA: Planning Consultant

AGENDA TOPIC: First Reading – Fence Ordinance

EXPLANATION OF TOPIC: This ordinance amendment is based on a recommendation from Building Official Andy Gerecke. He noted that the City of Novi allows a wider variety of fence materials and suggested that we may want to amend our ordinance to allow: vinyl, resin and composite materials. Although this is not part of the Zoning Ordinance, the Planning Commission has reviewed the change and supports it.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Draft of amended ordinance.

POSSIBLE COURSES OF ACTION: Approve/do not approve the 1st reading of the proposed ordinance amendment as presented.

RECOMMENDATION: Approve the 1st reading of the proposed ordinance amendment as presented.

SUGGESTED MOTION: Motion by _____, supported by _____ to approve 1st reading of the amendments to City of South Lyon Ordinance, Chapter 18, Article IV, Section 18-133 “Construction material” as presented.

Sec. 18-133. - Construction material.

(a) No electrically charged fence shall be permitted in any areas of the city, nor shall barbed wire or other sharp pointed material be used in the construction of a fence in any residentially zoned district of the city.

(b) Fences may be constructed of woven wire, metal, wood, vinyl, resin, composite or masonry. Masonry walls shall require a foundation equal to the depth of the frost line, or 42 inches. Posts or anchoring devices for all other fences shall be placed at a depth of not less than 30 inches.

AGENDA NOTE

New Business: Item #3

MEETING DATE: June 25, 2012

PERSON PLACING ITEM ON AGENDA: Planning Consultant

AGENDA TOPIC: First Reading – Donation Box Ordinance

EXPLANATION OF TOPIC: Due to the proliferation of donation boxes across the City, City Administration requested that the Planning Commission look into an ordinance that would regulate the placement and upkeep of these receptacles. Planning Consultant, Carmine Avantini drafted the attached amendment. At their last meeting the Planning Commission recommended that this ordinance be sent to the City Council.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Draft of amended ordinance.

POSSIBLE COURSES OF ACTION: Approve/do not approve the 1st reading of the proposed ordinance amendment as presented.

RECOMMENDATION: Approve the 1st reading of the proposed ordinance amendment as presented.

SUGGESTED MOTION: Motion by _____, supported by _____ to approve 1st reading of the amendments to City of South Lyon Ordinance, Chapter 102, Section 102-113 “Donation Boxes” as presented.

**CITY OF SOUTH LYON
ORDINANCE AMENDMENT
CHAPTER 102
ZONING ORDINANCE**

The City of South Lyon Ordains:

An Ordinance to amend section 102-3 and to amend the Code of the City of South Lyon by adding a new section which new section shall be designated as Section 102-113 of Chapter 102.

Sec. 102-3

Donation Box means a container or receptacle used to accept donations from the general public to a charitable organization.

Sec. 102-113 Donation Boxes

Donation boxes shall only be allowed in nonresidential zoning districts and located at the rear or in the side yard of buildings. The donation boxes must not impede the orderly flow of traffic or eliminate required parking spaces. ~~In those instances where donation boxes cannot be located to the rear or side yard of buildings, a location that is not highly visible to any abutting residential district or from public streets may be allowed by the Code Enforcement Officer.~~ A maximum of two (2) donation boxes are permitted on a property and both the boxes and area around them must maintained. ~~Failure to do so may result in donation boxes not being allowed to remain on the property.~~

CERTIFICATION

I hereby certify the foregoing is a true and accurate copy of an ordinance amendment enacted by the South Lyon City Council at a regular meeting held on the ____ day of _____, 2012.

Julie C. Zemke, Clerk

AGENDA NOTE

New Business: Item #4

MEETING DATE: June 25, 2012

PERSON PLACING ITEM ON AGENDA: Planning Consultant

AGENDA TOPIC: First Reading – Site Plan Review

EXPLANATION OF TOPIC: In an effort to simplify the site plan review process for City Administration, the Planning Commission and applicants, Planning Consultant Carmine Avantini has worked to clarify and organize the City's Site Plan Review ordinance. You will notice that he has added a table to the amended ordinance which makes it obvious when Site Plan Review is required, and when Administrative Approval is sufficient. The Planning Commission gave their input during the development of this ordinance amendment and they gave it their unanimous support at their last meeting.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Draft of amended ordinance.

POSSIBLE COURSES OF ACTION: Approve/do not approve the 1st reading of the proposed ordinance amendment as presented.

RECOMMENDATION: Approve the 1st reading of the proposed ordinance amendment as presented.

SUGGESTED MOTION: Motion by _____, supported by _____ to approve 1st reading of the amendments to City of South Lyon Ordinance, Chapter 102, Article IV "Site Plan Review" as presented.

ARTICLE IV - SITE PLAN REVIEW

Sec. 102-131 Site Plan Review (all districts)

(a) ~~Submission. A site plan shall be submitted to the planning commission for approval of the following:~~

- ~~(1) Any use or development for which the submission of a site plan is required by a provision of this chapter.~~
- ~~(2) Any development, except single family and two family residential, for which off street parking areas are provided as required in sections 102-476 and 102-477.~~
- ~~(3) Any use in an RT, RM, MH, OS, B, I, PD, or P-1 district.~~
- ~~(4) Any use except single or two family residential which lies contiguous to a major thoroughfare or collector street.~~
- ~~(5) All residentially related uses permitted in single family districts such as but not limited to churches, schools and public facilities.~~
- ~~(6) Building additions or accessory buildings shall not require planning commission review unless off street parking in addition to that already provided on the site is required. However, the building inspector may refer such site plans to the planning commission for review.~~
- ~~(7) Site plans for site condominiums and planned developments shall follow the procedures as provided in section 102-132 and article VI, division 15 of this chapter, respectively. Site plans for subdivisions shall follow procedures of chapter 86, subdivisions. (102-131(a)(7) moved to 102-131(c) below)~~

BERM ILLUSTRATIONS (move to Sec. 102-491(1))

(a) **Purpose.**

(1) It is the intent of this Article to require site plan review approval by the Planning Commission prior to issuance of a building permit for certain buildings, structures, and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent parcels, and the character of future development, and for all special land uses, to ensure that all such buildings, structures, and uses are in conformity with the provisions of this Article.

(2) It is further the intent of this Article to require the eventual upgrade of existing sites that do not conform with current standards of this Article and ensure that the arrangement, location, design and materials within a site are consistent with the character of the City and the goals and design guidelines in the City of South Lyon Master Plan.

(b) **Uses Requiring Site Plan Review**

Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
a.	New construction of any non-residential or multiple-family development.	•		
b.	All uses subject to special conditions.	•		
c.	Site condominium developments.	•		

CITY OF SOUTH LYON ZONING ORDINANCE

Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
d.	Planned Developments (PDs) in accordance with <i>ARTICLE VI, DIVISION 14, PD, PLANNED DEVELOPMENT DISTRICT STANDARDS</i> .	•		
e.	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.	•		
f.	Co-location of a communication antenna upon an existing tower.		•	
g.	Adult and child residential care facilities including day-care centers, foster care homes, family day-care homes and group homes.	In accordance with <i>Sections 102-203(8) and 102-217(1)</i>		
h.	Home occupations.		•	
i.	Temporary uses, buildings, structures, and seasonal events.		•	
j.	An increase in floor area of uses subject to site plan review up to 1,000 square feet or 5% of existing floor area, whichever is less.		•	
k.	Change in use to one permitted in zoning district and requires no significant changes to building footprint, parking, landscaping, lighting, signs, bikepaths or sidewalks.		•	
l.	Improvements to outdoor recreational uses and parks.		•	
m.	Expansion, replacing or alteration of landscaping areas consistent with this Article.		•	
n.	Improvements or installation of walls, fences, or lighting.		•	
o.	Alterations to off-street parking layout or installation of pavement or curbing improvements provided total number of spaces does not change the number of parking spaces by more than five percent (5%) or to meet various Federal, State, or Americans with Disabilities Act requirements and the construction plans and lot construction are approved by the appropriate City staff.		•	
p.	Construction or relocation of a waste receptacle or enclosure.		•	
q.	Changes to facade, architectural features or wall signs (elevation plan showing changes and construction materials is required) pursuant to <i>Section 102-442</i> . Changes within the Downtown Development Authority (DDA) must adhere to the requirements set forth by the DDA.	•		
r.	Approved changes to utility systems.		•	
s.	Grading, excavation, filling, soil removal, creation of swimming pool, creation of ponds or tree clearing over 100 square feet.		•	
t.	Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool or clearing of trees within an area of less than 100 square feet.			•
u.	Modifications to nonconforming uses, buildings or sites, including a change to a more conforming situation; modifications to nonconforming single-family dwelling units shall be in accordance with <i>ARTICLE V, NONCONFORMITIES</i> .		•	
v.	Modifications to upgrade a building to improve barrier free design, comply with Americans with Disabilities Act or other Federal, State or County regulations.		•	
w.	Construction or erection of permitted accessory buildings and structures accessory to a single- or two-family dwelling unit.			•

CITY OF SOUTH LYON ZONING ORDINANCE

Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
x.	Construction, reconstruction, erection and/or expansion of single-family or two-family dwelling on parcel zoned solely for residential purposes.			•
y.	Development regulated by the Land Division Act of 1997 (P.A. 112) and the <i>City of South Lyon Subdivision Ordinance</i> .			•
z.	Erection of essential public service local distribution lines.			•
aa.	Construction, erection or relocation of permitted accessory buildings and structures less than 100 square feet in area accessory to a multiple-family, commercial, office, essential service, municipal, or industrial use.			•
bb.	Keeping of animals as an accessory use without additional structures, except kennels.			•
cc.	Construction of accessory building or structure for the keeping of animals.		•	
dd.	Accessory outdoor display of general retail items as determined by the Code Enforcement Officer.		•	
ee.	Internal construction or change in the floor plan for a conforming use that does not increase gross floor area, provided the construction cost over a 12 month period does not exceed 50% of the building SEV or affect parking requirements on a site.			•
ff.	Construction or erection of signs, antennas, cooling/heating or other mechanical equipment, telephone booth, newspaper boxes, or similar structures which conform to other City standards and where site plan review is not specifically required under other sections of this Article.			•
gg.	Any proposed building or use which does not qualify for sketch plan or exempt from any site plan review.	•		

(c) **Planned Unit Developments and Site Condominiums.** Site plans for site condominiums and planned developments shall follow the procedures as provided in section 102-132 and article VI, division 15 of this chapter, respectively. Site plans for subdivisions shall follow procedures of chapter 86, subdivisions.

(b)(d) Compliance with requirements; fees. Each site plan submitted to the planning commission in accordance with the requirements of this chapter shall contain such information and be in such form as the planning commission may prescribe in its adopted rules for site plan submission. No site plan shall be approved by the planning commission until the same has been reviewed, where applicable, by the building inspector in coordination with other city departments, planning and engineering consultants and for compliance with the standards of the respective departments. Fees for review of site plans shall be established by resolution of the city council, **including the establishment of escrow amounts to cover all review expenses.**

(e) ~~Required information. The following information shall be included on the site plan:~~

- ~~(1) A scale of not less than 1" = 50' if the subject property is less than three acres and 1" = 100' if three acres or more.~~
- ~~(2) Date, north point and scale, topography at two-foot contour elevations or spot elevations on a 50-foot grid of both existing and proposed grades, location of floodplains, wetlands and woodlands.~~
- ~~(3) A vicinity sketch showing location of the property and zoning abutting the property.~~

- ~~_____ (4) The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.~~
- ~~_____ (5) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.~~
- ~~_____ (6) Typical floor plans and building elevation drawings shall be submitted.~~
- ~~_____ (7) The location of all existing and proposed drives and parking areas.~~
- ~~_____ (8) The location and right-of-way widths of all abutting streets and alleys.~~
- ~~_____ (9) Plans for greenbelts, berms and landscape planting shall be submitted as required by the city. In those instances where open space development is proposed the layout and improvements proposed shall be submitted with cost estimates for such improvements.~~
- ~~_____ (10) The names and addresses of the architect, landscape architect, planner, designer, engineer, or person responsible for the preparation of the site plan.~~
- ~~_____ (11) For commercial developments, a sample of all exterior building materials shall be provided to all planning commission meetings.~~

(e) Site Plan Submittal Requirements

The site plan shall include all the following information, unless the City Planner or designee determines that some of the required information is not reasonably necessary:

- (1) Application, Form and Fees.** A completed application form, supplied by the City Planner or designee, and an application fee; a separate escrow deposit may be required for administrative charges to review the site plan submittal. An application will not be placed on the Planning Commission agenda until the City Planner or designee determines that the application is complete as reviewed by the Code Enforcement Officer, City staff and consultants.
- (2) Proof of Ownership.** Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- (3) Project Schedule.** A narrative indicating the period of time within which the project will be completed.
- (4) Copies.** Seven (7) copies of the site plan for the initial staff and consultant review; fifteen (15) copies of the site plan for Planning Commission review.
- (5) Sheet Size.** Sheet size of submitted drawings shall be twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineers scale of one (1) inch equals twenty (20) feet for sites of twenty (20) acres or less; and one (1) inch equals one hundred (100) feet or less (i.e. one (1) inch equals twenty (20) to one hundred (100) feet) for sites over twenty (20) acres.
- (6) Cover Sheet.** Cover sheet providing:
 - a. Applicant's name.
 - b. Name of the development.
 - c. Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
 - d. Date of preparation and revision dates.
 - e. North arrow.
 - f. Property lines and dimensions.
 - g. Complete and current legal description and size of property in acres.
 - h. Small location sketch of sufficient size and scale to determine the site's

- location within the City.
 - i. Note on each plan sheet stating ``Not to Be Used as Construction Drawings.'
- (7) Site Plan. Plan sheet(s) indicating:
 - a. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.
 - b. Lot lines and all structures on the property and within one hundred (100) feet of the site's property lines.
 - c. Location of any vehicle access points on both sides of the street within one hundred (100) feet of the site along streets where vehicle access to the site is proposed.
 - d. Existing buildings and any public or private easements, noting those which will remain and which are to be removed.
 - e. Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use; for residential developments, the number, type, and density of proposed housing units; if a multi-phase development is proposed, identification of the areas included in each phase.
 - f. Elevations showing height, materials and colors for all proposed structures, including any residential units, shall be provided and considered part of the approved site plan; the building elevations must show all rooftop mechanical units along with the proposed method of screening. Material samples must be submitted for review at the Planning Commission meeting.
 - g. Building footprints, setbacks, typical floor plans and a sketch of any ground mounted equipment to scale along with required screening.
 - h. Existing and proposed locations of utility services (with sizes), including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements; notes shall be provided clearly indicating which existing services will remain and which will be removed;
 - i. Locations of all natural, historical, and architectural features; natural features shall include all woodlands, trees, wetlands, lakes, rivers, drainageways, topography, etc..
 - j. Location(s) of any MDEQ- regulated wetland, including submission of a wetland delineation by a qualified wetland consultant, and indication of the status of application for an MDEQ wetland permit or copy of permit received including description of any wetland mitigation required; and location of other nonregulated wetland areas over two (2) contiguous acres.
 - k. Location and method of screening for all waste receptacles including dumpsters and compactors.
 - l. Location and dimensions of parking lots and spaces, and loading/unloading areas (including vehicle pathway to access loading area), and calculations to meet the requirements of *Division 3, Off-Street Parking and Loading*.
 - m. Details of exterior lighting meeting the requirements of *Section 102-433, Exterior Lighting* including locations, height, method of shielding; and a photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles);
 - n. Size, type, and location of proposed identification signs including:
 - 1. Location, type, height and method of lighting for identification signs.
 - 2. Location and type of any directional or regulatory/traffic control signs, with details for any sign not conforming to the Michigan Manual of Uniform Traffic Control Devices.

o. Details of site circulation and access design, including:

1. Dimensions of existing and proposed right-of-way lines, including those abutting the site, and names of abutting public streets.
2. Indication of pavement widths and pavement type including internal service and access drives.
3. Street horizontal and vertical dimensions, including curve radii.
4. Locations and dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersection streets, including those across a street.
5. Location of existing sidewalks and location and dimensions for proposed sidewalks and bicycle paths.
6. Written verification of access easements or agreements, if applicable.

(8) **Landscape Plan.** A landscape plan in accordance with *DIVISION 4, LANDSCAPING*, indicating proposed plant locations with common plant name, number, and size in caliper at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.

(9) **Grading Plan.** A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two-foot contour levels and with topography extending a minimum of fifty (50) feet beyond the site in all directions and a general description of grades within one hundred (100) feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond.

(10) **Stormwater Management Plan.** A general description and location of stormwater management system shall be shown on the grading plan, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of any retention/detention ponds. Stormwater outfall structures or basins constructed in an MDEQ-regulated wetland may require an MDEQ wetland permit; and, if constructed below the ordinary high water mark of an inland lake or stream, will require a permit under the Inland Lakes & Streams Act, PA 346 of 1972, as amended. Status of all such MDEQ permit applications or copies of permits with attached conditions shall be provided as applicable.

(11) **Additional Items.** Any additional graphics or written materials requested by the Planning Commission or City Council to assist the City in determining the compliance with the site plan standards, such as aerial photography, photographs, traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways, and impact on significant natural features and drainage.

~~(d) *Preliminary site plans.* Action on a preliminary site plan shall be taken by the planning commission when one of the following conditions exist:~~

~~(1) All requirements for site plan approval, as set forth herein, are met and a recommendation for approval has been forwarded to the planning commission by all reviewing agencies of the city.~~

~~(2) A site plan, by request of the applicant, needs an official denial by the planning commission in order to gain access to the zoning board of appeals.~~

~~(3) In those instances where approval authority is vested with the city council, a recommendation shall be made by the planning commission to the city council.~~

~~Preliminary site plan approval by the planning commission, or when required by the city council establishes site development feasibility.~~

~~(e) Final site plans (detailed engineering plans). Except where otherwise set forth in this chapter, final site plan approval shall be given by the planning commission when all conditions set forth herein for final site plans are complied with. The planning commission may waive final site plan approval and delegate such final site plan approval to city administrative personnel. In the process of reviewing a final site plan, the various reviewing agencies and departments shall consider:~~

~~(1) That all local, county and state requirements as may apply to the proposed use are met.~~

~~(2) All applicable engineering requirements are met.~~

~~(3) The final site plan shall remain unchanged from the approved preliminary site plan except as may be recommended by the planning commission.~~

~~(4) Final site plan approval, except as specifically permitted in subsection (e)(4)c. of this section, shall not be given until all the above requirements are met. No work shall commence on any site, except as specifically permitted herein, or any buildings requiring site plan approval and no permits shall be issued until after final site plan approval is granted. Final site plan approval shall be granted as set forth below:~~

~~a. All requirements for final site plan approval are met.~~

~~b. In those instances where approval authority is vested with the city council, a recommendation shall be made by the planning commission to the city council.~~

~~c. Upon request, the city may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the movement of soil on the site, prior to final site plan approval, provided:~~

~~1. A grading plan, drawn to city specifications and when necessary to county specifications, has been reviewed and approved.~~

~~2. A soil erosion permit, when required, has been secured from the county.~~

~~3. A site water run off permit from the department of natural resources.~~

(f) Optional Preliminary Site Plan Review Process

The site plan approval process includes a review, at the option of the applicant, of a preliminary site plan by the Planning Commission. This option is recommended for site plans affecting over five (5) acres, plans affecting locations designated in the City of South Lyon Master Plan as having significant natural features, sites containing floodplain or within the flood hazard zone, sites containing or potentially containing MDEQ designated/regulated wetlands, special land uses and complex commercial developments. The review of a preliminary site plan allows the Planning Commission and City staff to review and comment on the project's compliance with the requirements of this Article prior to the preparation of all the required site plan review materials.

~~(f) Review considerations. In the process of reviewing the site plan, the planning commission shall consider:~~

~~(1) The location and design of driveways providing vehicular ingress to and egress from the site,~~

in relation to streets giving access to the site, and in relation to pedestrian traffic.

(2) The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:

a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

c. In those instances where nonresidential land uses abut areas zoned for residential purposes, access to streets by means of curb cuts or driveways to and from such nonresidential land uses shall be limited to those streets that are zoned for nonresidential land use. In those instances where corner lots abut both a residential street and a nonresidential street, access may be allowed to the residential street only if properties immediately opposite across such street are zoned for nonresidential purposes and turning movements to such residential street shall be restricted to only allow a turn toward the nonresidential street.

(3)

The planning commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

Section 102-131(f) is relocated to 102-455

(g) Standards for Site Plan Approval

Based upon the following standards, the Planning Commission may recommend approval, approval with conditions or denial of the site plan:

(1) **General.** All elements of the site plan shall be designed to take into account the site's topography, existing historical and architectural features, the size and type of plot, the character of adjoining property and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Article.

(2) **Building Design.** The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development in accordance with the requirements of *Section 102-442, Building Façade Design*.

(3) **Preservation of Significant Natural Features.** Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural features, in particular woodlands, MDEQ-designated/regulated wetlands, and, to a lesser extent, wetlands which are not regulated by the MDEQ.

(4) **Landscaping.** The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Article. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of *DIVISION 4, LANDSCAPING*.

(5) **Streets.** All streets shall be developed in accordance with the *City Code of Ordinance, Chapter 86, Subdivisions* and construction standards, unless developed as a private road in accordance with the requirements of *Section 86-62, Streets*.

(6) **Access, Driveways and Circulation.** Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided and shall meet the following criteria:

1. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
2. All driveways shall meet the design and construction standards of the City.
3. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site.
4. For uses having frontage and/or access on a major traffic route, as defined in the City of South Lyon Master Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of *ARTICLE 102-441, ACCESS MANAGEMENT*.

(7) **Emergency Vehicle Access.** All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the City fire and police departments.

(8) **Sidewalks, Pedestrian and Bicycle Circulation**

1. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area in accordance with *Section 82-72 of the Code of Ordinances*.
2. A pedestrian circulation system shall be separated from vehicular circulation system.
3. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants and other high traffic areas of pedestrians or bicycles.

(9) **Barrier-free Access.** The site has been designed to provide barrier-free parking and pedestrian circulation.

(10) **Parking.** The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by *SECTION 102-476, PARKING REQUIREMENTS*. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or City Council may reduce the required number of parking spaces when shown to be acceptable with parking demand information and any required easement agreements.

(11) **Loading and Storage.** All loading and unloading areas and outside storage areas shall be screened as determined by the Planning Commission.

(12) **Soil Erosion Control.** The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the City Engineer.

(13) **Utilities.** Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.

(14) **Stormwater Management.** Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

(15) **Lighting.** Exterior lighting, in accordance with *SECTION 102-433 EXTERIOR LIGHTING*, shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

(16) **Noise.** The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.

(17) **Mechanical Equipment and Utilities.** Mechanical equipment and utilities, roof, building and ground mounted, shall be screened in accordance with the requirements of *Section 102-454, Screening of Rooftop Equipment*.

(18) **Waste Receptacles.** Waste receptacles shall be provided as required in *Section 102-491, Trash Receptacle Landscaping and Screening*.

(19) **Signs.** The standards of *CHAPTER 70, SIGNS*, must be met.

(20) **Hazardous Materials or Waste.** For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, automobile body repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.

(21) **Other Agency Reviews.** The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the MDEQ, MDOT, Oakland County Drain Commission, Oakland County Health Department, and other Federal and State agencies, as applicable.

(22) **Site Plans with Multiple Phases**

The Planning Commission shall review site plans with multiple phases as a site plan meeting the submission requirements of *Section 102-131(e), Site Plan Submittal Requirements*. Any future phases identified on a site plan must be reviewed by the Planning Commission in the form of a site plan submission. The Planning Commission may require that the conceptual layout for future phases and outlots be shown on site plans to ensure proper development of the overall site. When a future phase of development is identified on a site plan, however, the Planning Commission is not bound by any aspect of that portion of the plan until a site plan meeting the requirements of this Article have been provided. In addition, any phase of a site plan where construction has not commenced within one (1) year from the date of approval must return to the Planning Commission for a new site plan approval.

(i) **Conditions of Site Plan Approval**

a. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary to ensure that public

services and facilities can accommodate the proposed site plan and its activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards of *Section 102-131(g), Standards for Site Plan Approval*, and necessary to meet the intent and purpose of this Article.

- b. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property or holder of the site plan.
- c. A record of conditions imposed shall be recorded on the site plan or construction plans and be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with *Section 102-131(l), Deviations from Approved Site Plan*.
- d. A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
- e. The Director of Community and Economic Development may require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the Planning Commission. Alternately, the Director of Community and Economic Development can allow review of construction plans instead of the submission of a revised site plan. Should a site plan resubmittal be required, all modifications shall be highlighted on the plan in such a manner that the modifications are easily identified. The Director of Community and Economic Development shall have authority to approve the site plan.
- f. The Director of Community and Economic Development or Code Enforcement Officer may make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate such approval following a public hearing.
- ~~(g) Expiration The approval of any site plan under the provisions of this article, other than subdivision~~
~~plate, which shall follow the procedures set forth in the platting sections of the Michigan Land Division~~
~~Act, as amended, and the applicable standards of the South Lyon Subdivision Regulations, shall~~
~~expire one year after the date that site plan approval is given, whether it is preliminary or final site plan~~
~~approval, unless actual construction and development have been commenced within the time~~
~~limitations of the original one year approval period, and construction is in conformity with the approved~~
~~final site plan. If construction and development have commenced within the original one year approval~~
~~period then site plan approval shall continue for a period of five years from the date final site plan~~
~~approval was given, provided no lapse in the continuous construction and development of the~~
~~property takes place until all development and construction is completed and approved by the city. In~~
~~the event that a lapse in development and construction on the property should take place and~~
~~development and construction is not commenced again on the property, site plan approval shall~~
~~continue for a period of one year from the last inspection date registered on the building permit. One~~
~~year after that date, site plan approval shall expire and no further construction or development shall~~
~~thereafter take place on the property until site plan approval has been requested by the applicant and~~
~~granted by the planning commission. When site plan approval of a proposed development shall expire~~
~~for any reason, a previously approved site plan shall not again receive approval until or unless the~~
~~following conditions are met:~~
- ~~(1) Any subsequent amendments to the standards of this zoning code, site engineering~~

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standards, or city council policies that may be applicable to the proposed development shall be met before site plan approval may be granted, and

~~(2) Any change in use not part of any previously approved site plan proposed for the development or any part thereof, shall meet all of the requirements of this zoning code, site engineering standards or city council policies that may be applicable to the new use before site plan approval may be granted.~~

~~The building department shall not issue a building permit for any type of development or construction on the basis of any previously approved site plan when that approval has expired, unless the site plan has received an extension from the planning commission or is re-approved.~~

~~The fee for review of an expired site plan shall be the current fee that would be charged for the review of an initial site plan submittal.~~

~~(h) A development agreement with suitable guarantee may be required by the city to assure compliance with an approved final site plan.~~

(j) Validity of Approved Site Plan

(1) Approval of the site plan, including any phase of a multi-phased site plan, is valid for a period of one (1) year. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the site plan shall be null and void.

(2) Upon written application filed prior to the termination of the one (1) year review period, the Planning Commission may authorize a single extension of the time limit for approval of a site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period, the length of which shall be determined by the Planning Commission but which shall not exceed one (1) year. Once the site plan expires, it must comply with any new ordinance requirements.

(k) Appeals of Site Plan

(1) Any person aggrieved by the decision of the Planning Commission in granting or denial of final site plan approval shall have the right to appeal the decision to the Zoning Board of Appeals (ZBA). The appeal shall be filed with the City Clerk within five (5) business days of the decision of the Planning Commission. The appeal shall state the aggrieved parties' grounds for appeal.

a. The filing of an appeal of a decision of the Planning Commission concerning a site plan shall act to stay any building permit issued for improvements on the property which is the subject of the appeal.

b. On hearing such appeal, the ZBA shall review the record before the Planning Commission and shall determine whether or not there was support on the record for the original decision. The appellant shall not have the right to present new evidence, but shall be bound by the record before the Planning Commission. The ZBA shall approve the site plan if the requirements of this Article and other applicable City Ordinances are met, and prepare written findings on its decision on the appeal.

- c. An appeal of a ZBA decision concerning a site plan shall be to the Circuit Court of Oakland County.

(l) Deviations from Approved Site Plan

Amendments to the approved site plan may occur only under the following circumstances:

(1) An applicant or property owner who has been granted site plan approval shall notify the Director of Community and Economic Development of any proposed amendment to such approved site plan.

(2) Minor changes may be approved by the Director of Community and Economic Development. The Director of Community and Economic Development must provide, in writing to the Planning Commission, documentation that the proposed revision does not alter the basic design, compliance with the standards of this Article, nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Director of Community and Economic Development shall consider the following to be a minor change:

- a. Change in size of structures, for residential buildings by up to five percent (5%), provided that the overall density of units does not increase.
- b. Change in square footage of non-residential buildings by up to five percent (5%) or one thousand (1,000) square feet, whichever is smaller.
- c. Alterations to horizontal and/or vertical elevations by up to five percent (5%).
- d. Movement of a building or buildings by no more than ten (10) feet.
- e. Increase in designated "areas not to be disturbed."
- f. Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one (1:1) or greater basis, with approval of the Director of Community and Economic Development.
- g. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
- h. Changes in floor plans which do not alter the character of the use.
- i. Slight modification of sign placement or reduction of size.
- j. Relocation of sidewalks and/or refuse storage stations.
- k. Internal rearrangement of parking lot which does not change the number of parking spaces by more than five percent (5%) or alter access locations or design.
- l. Changes required or requested by the City for safety reasons.

(4) Should the Director of Community and Economic Development determine that the requested modification to the approved site plan is not minor, the Planning Commission shall be notified in writing that the site plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the site plan and submit to the Director of Community and Economic Development for resubmission to the Planning Commission. All modifications must be highlighted in such a manner that the modifications to the approved plan are easily identified.

(5) Any deviation from the approved site plan, except as authorized in *Section 102-131(l), Deviations from Approved Site Plan*, shall be considered a violation of this Article.

(m) Projects Eligible for Sketch Plan Review and Administrative Approval

(1) **Intent.** The intent of this section is to permit submittal of sketch plan in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this Ordinance. The intent is to also provide for an administrative review by City staff of Planning Commission approved site plans for compliance with conditions as imposed by the Planning Commission.

(2) **Eligibility.** A sketch plan, rather than a complete site plan package, may be submitted for uses or activities identified in *Section 102-131(b) Uses Requiring Site Plan Review*.

(3) **Procedure**

1. **Sketch Plan.** The process for administrative approval of a sketch plan shall involve submittal of the sketch plan and required application form, and fee to the Director of Community and Economic Development. The Director of Community and Economic Development shall review the sketch plan in accordance with the same standards used by the Planning Commission for a full site plan. The Director of Community and Economic Development shall make a report of administrative reviews to the Planning Commission.

(a) **The minimum contents of a sketch plan submitted for administrative review include:**

(1) **Cover sheet including:**

- i. Completed application form and fee.
- ii. Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year).
- iii. Scale and north-point.
- iv. Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning and streets within a quarter mile.
- v. Legal and common description of property including net acreage.
- vi. Identification and seal of registered or licensed architect, engineer, land surveyor, or landscape architect who prepared drawings.
- vii. Zoning classification of petitioner's parcel and all abutting parcels.
- viii. A note on each plan sheet stating "Not to Be Used as Construction Drawings."

(2) **Buildings and Structures**

- i. Existing and proposed buildings and parking lots with dimensions and setbacks.
- ii. Floor plan indicating existing and proposed uses.
- iii. Building elevations including materials and colors for all sides with proposed changes.

(3) **Parking and Access**

- i. Existing and proposed parking calculations.
- ii. Existing and proposed driveways.

(4) Site Data

- i. Existing and proposed landscaping illustrated on the plan and described in a plant list.
 - ii. Proposed changes to grading and other natural features.
 - iii. Existing and proposed lighting and screening.
 - iv. Proposed changes to utilities.
 - v. Any other items requested by the Director of Community and Economic Development to assist in the administrative review.
2. **Planning Commission Approved Site Plan.** If the administrative review consists of a review of an approved site plan with conditions by the Planning Commission, the complete site plan must be submitted with all revisions highlighted in such a manner that all modifications are easily identified.
3. **Additional Information.** The Director of Community and Economic Development retains the option to require additional information or a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues. If a full site plan is required, the Director of Community and Economic Development shall inform the applicant to submit a set of plans in accordance with this Article within fourteen (14) days of receipt of the application.

(n) As-Built Drawings

- (1) All projects within the City which go through site plan and/or construction plan review shall be required to submit record drawings. The drawings will need to be reviewed and approved by the City Engineer prior to final acceptance of the project by the City of South Lyon.
- (2) The initial submittals shall be of two (2) sets of black line prints providing the applicable information shown on the checklist below. The minimum scale shall be 1"=50' and shall bear the seal of a registered professional engineer or surveyor licensed to practice within the State of Michigan. All record lengths and elevations must be labeled as record.
- (3) After the record drawings have been approved by the City Engineer, the applicant shall submit two (2) mylar copies of the approved drawings. A CD shall also be provided which contains a .pdf version of each sheet of the plan set with the following attributes:
- a. Locations shall be shown on the plans in State Plane coordinates using the NAD83 Michigan South zone.
 - b. Individual pipe sizes and structure types should be on separate layers.
 - c. The scale shall be 1:1.
 - d. Annotation should be snapped to the mid-point of lines. Lines should be

snapped to the center of structures.

As-Built Requirements Checklist

Additional specific information per site may be required at the discretion of the Engineer.

Sanitary Sewer – In Plan & Profile Show:	Completed	Outstanding	N/A
All invert & rim elevations to USGS Datum			
Actual laying length between structures			
Type of pipe used			
Actual slope of pipe			
Size of pipe			
Tie down all structures via coordinates			
Lead information (distance from downstream manhole, riser length, depth, tie down end, etc.)			
Storm Sewer – In Plan & Profile Show:	Completed	Outstanding	N/A
All invert & rim elevations to USGS Datum			
Actual laying length between structures			
Type of pipe used			
Actual slope of pipe			
Size of pipe			
Tie down all structures via coordinates			
Lead information (distance from downstream manhole, depth, tie down end, etc.)			
Water Mains – In Plan View:	Completed	Outstanding	N/A
Valve rim elevations			
Size & type of pipe			
Length of pipe			
Tie down all structures via coordinates			
Call out actual offset from pavement			
Detention Ponds	Completed	Outstanding	N/A
Letter required by the design engineer stating that the pond is properly sized according to approved plans and the outlets are properly located and sized			
Pavement	Completed	Outstanding	N/A
Sidewalks/bike paths require spot elevations every			
Curbing and parking lot approach ramps require			
Structures in parking lot require spot elevations			
Submittals	Approved – Submit To City	Submit W/Revisions Noted Above	
Two (2) Paper Copies			

CITY OF SOUTH LYON ZONING ORDINANCE

Two (2) Mylar Copies		
Electronic Version		

(o) **Property Maintenance after Approval**

(1) It shall be the responsibility of the owner of the property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site.

(2) Any property owner who fails to so maintain an approved site plan shall be deemed in violation of the provisions of this Article and shall be subject to the same penalties appropriate for a violation.

With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association.

Sec. 102-132 - Site Condominium Review

Pursuant to authority conferred by section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans shall be reviewed and approved by the planning commission and city council. In determining whether to approve a condominium subdivision plan, the planning commission and city council shall consult with the city attorney, city engineer, and city planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design and compliance with all requirements of the Condominium Act. Site condominium general requirements shall be as follows:

(1) Definitions. In addition to the definitions found in section 102-3, the following shall apply to this section:

- a. In applying the provisions of chapter 86 to a condominium development as provided herein, the word "lot" shall be deemed to mean "condominium unit;" the word "subdivision" shall be deemed to mean "site condominium;" and the word "plat" shall be deemed to mean "condominium subdivision plan."
- b. The definitions of the following terms as found in Act 59, Public Acts of 1978, as amended, the "Condominium Act," shall also apply to this section:
 - Condominium project
 - Condominium subdivision plan
 - Condominium unit
 - Developer
 - Master deed
- c. The following additional definition shall also apply to this section: Site condominium shall mean a condominium project wherein individual parcels of land constituting individual development sites are proposed for separate ownership and use, in fashion similar to a subdivision as defined in chapter 86

(2) Preliminary site plan approval requirements. Prior to recording of the master deed required by section 72 of Act 59, Public Acts of 1978, as amended, a condominium project must receive preliminary site plan approval pursuant to section 102-131.

(3) Information requirements for preliminary approval. In addition to any other information required to be submitted by this chapter in connection with site plan approval, for a condominium project, a developer shall furnish the following information to the commission:

- a. The name, address, and telephone numbers of the developer or proprietor of the condominium project, and any person, partnership, or corporation with any ownership interest in the land on which the condominium project is proposed to be developed together with a description of the nature of such interest.
- b. The legal description of the land on which the condominium project will be developed together with tag identification number.
- c. The acreage content of the land on which the condominium project will be developed.
- d. The purpose of the project (for example, residential, commercial, industrial, etc.).
- e. Approximate number of condominium units to be developed on the subject parcel.
- f. A plan indicating the proposed method of sewage disposal, water supply, and stormwater drainage.
- g. A copy of the proposed master deed, including all exhibits thereto.
- h. A copy of any proposed restrictive covenants.

In the event any of the above information or materials are changed or revised prior to certificates of occupancy units, such revisions or changes shall be forwarded to the building inspector.

(4) Standards for preliminary approval.

- a. The standards and procedures found in this chapter relative to site plan approval shall apply to any condominium project in the city.
- b. In addition to the above, a site condominium project shall also comply with following restrictions, regulations, and standards of chapter 82, article III, and sections 86-2, 86-62, 86-63, 86-64, 86-65, 86-66, 86-67, 86-68 and 86-69
- c. Private roads may be permitted, notwithstanding the provisions of subsection 86-62(b), provided such roads meet the balance of the requirements of this section.

(5) Final approval requirements. Following construction of the condominium development, and prior to issuance of any certificates of occupancy, the developer shall secure final approval from the planning commission.

(6) Information requirements for final approval. In connection with an application for final approval for a condominium project, a condominium developer shall submit:

- a. A copy of the recorded master deed (including exhibits).
- b. A copy of any recorded restrictive covenants.
- c. Two copies of an "as-built survey."

- d. A copy of the site plan on photographic hard copy, laminated photostatic copy or mylar sheet of at least 13 by 16 inches with an image not to exceed 10½ by 14 inches.
 - e. Appropriate approvals from the State of Michigan and/or County of Oakland for any improvements for which such approvals are required.
 - f. A fee as established by resolution of the city council.
- (7) Standards for final approval/temporary occupancy permits.
- a. The commission shall review the information submitted to insure that the condominium development has been constructed in accordance with the provisions of this chapter, and any other applicable provisions of this Code.
 - b. In the event required monuments, stormwater drainage facilities, sewage disposal facilities, water supply facilities, or any other required improvements are not completed at the time the request for final approval is made, the commission may grant final approval, and allow temporary occupancy permits for a specific period of time and for any part of the condominium development, provided that a deposit in the form of cash, certified check, or irrevocable letter or credit be made with the city, in form and amount as determined by the commission, to insure the installation and/or completion of such improvements without cost to the city.
 - c. All condominium projects shall comply fully with all applicable state and federal statutes.
- (8) Conditions. In granting preliminary site plan approval or final approval, the commission may impose reasonable conditions in accordance with article II, division 2, of this chapter.
- (9) Variances. In connection with the application of the standards set forth in subsection (4)b of this section, the commission may grant variances in accordance with section 86-5
- (10)Expandable or convertible condominiums. Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo the preliminary site plan review and final approval review as provided herein.

AGENDA NOTE

New Business: Item #5

MEETING DATE: June 25, 2012

PERSON PLACING ITEM ON AGENDA: City Clerk/Treasurer

AGENDA TOPIC: Amendment to the Housing Commission Ordinance

EXPLANATION OF TOPIC: As you may know, the Housing Commission had been inactive for a period of time without having a full Commission. In June 2011 the Commission started meeting again and holding regular quarterly meetings with special meetings called as needed. Recently, some purchases have been requested by the Director, Premier Property Management. In reviewing the ordinance, it indicates that any purchase over \$500 would require the approval of the City Council. The Commission is requesting that figure be raised so that purchases can be made with approval of the Commission in a timely manner. The proposed amendment would mirror what currently exists within Chapter 2, Article VI – Purchasing of the City Code. It should be noted that the funds to be expended are not funds budgeted within the City's budget. These are all federal funds and rents received by the Director and budgeted within the Commission's budget.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Proposed Amendment

POSSIBLE COURSES OF ACTION: Approve/do not approve the first reading of the amendment to Chapter 34, Article IV, Section 34-87 and adding 34-88 through 34-91

RECOMMENDATION: Approve the first reading of the amendment to Chapter 34, Article IV, Section 34-87 and adding 34-88 through 34-91

SUGGESTED MOTION: Motion by _____, supported by _____ That this be the first reading of an amendment to Chapter 34, Article IV, Section 34-87 and adding 34-88 through 34-91

**CITY OF SOUTH LYON
ORDINANCE AMENDMENT**

CHAPTER 34, ARTICLE IV SECTION 34-87 AND ADDING SECTIONS 34-88 THROUGH 34-91

The City of South Lyon Ordains:

An amendment to the City Code of the City of South Lyon, Chapter 34 – Housing Commission by amending Section 34-87 and adding Sections 34-88 through 34-91 as follows:

Sec. 34-81. - Housing commission continued.

The city housing commission, heretofore created pursuant to Act No. 18, Public Acts of 1933 (Ex. Sess.), State of Michigan, as amended is hereby continued.

(Code 1988, § 1.151)

Sec. 34-82. - Members, term and appointment.

In accordance with section 4 of said Act 18 of 1933 (Ex. Sess.) the city housing commission shall consist of five members to be appointed by the mayor with the approval of the city council. Each of said members shall serve for a term of five years and until his successor shall be appointed and qualified. Members of the first commission shall be appointed for staggered terms. Members shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in the performance of their duties.

(Code 1988, § 1.152)

Sec. 34-83. - Meetings, rules, record, quorum, officers, employees.

The commission shall meet at regular intervals, said meetings to be public. It shall adopt its own rules of procedure, and shall keep a record of the proceedings. Three members shall constitute a quorum for the transaction of business. A president and vice-president shall be elected by the commission. The commission may appoint a director who may also serve as secretary, and such other employees or officers as shall be necessary. The commission shall prescribe the duties of all of its officers and employees and may, with the approval of the appointing authority, fix their compensation. The commission may from time to time as necessary employ engineers, architects and consultants.

(Code 1988, § 1.153)

Sec. 34-84. - Powers and duties.

Such commission shall have the following enumerated powers and duties:

- (1) To determine in what areas of the city it is necessary to provide proper sanitary housing facilities for families of low income and for the elimination of housing conditions which are detrimental to the public peace, health, safety, morals, and/or welfare.
- (2) To purchase, lease, sell, exchange, transfer, assign and mortgage any property, real or personal, or any interest therein, or acquire the same by gift, bequest or under the power of eminent domain; to

own, hold, clear and improve property; to engage in or to contract for the design and construction, reconstruction, alteration, improvement, extension, and/or repair of any housing project or projects or parts thereof; to lease and/or operate any housing project or projects.

(3) To control and supervise all parks and playgrounds forming a part of such housing development but may contract with existing departments of the city for operation or maintenance of either or both.

(4) To establish and revise rents of any housing project or projects, but shall rent all property for such sums as will make them self-supporting, including all charges for maintenance and operation, for principal and interest on loans and bonds, and for taxes.

(5) To rent only to such tenants as are unable to pay for more expensive housing accommodations.

(6) To call upon other city departments for assistance in the performance of its duties, but said departments shall be reimbursed for any added expense incurred therefor.

(7) It shall have such other powers relating to said housing facilities project as may be prescribed by ordinance or resolution of the governing body of the city or as may be necessary to carry out the purposes of the act.

(Code 1988, § 1.154)

Sec. 34-85. - Interest of members, officers, employees in contracts.

No member of the housing commission or any of its officers or employees shall have any interest directly or indirectly in any contract for property, materials or services to be acquired by said commission.

(Code 1988, § 1.155)

Sec. 34-86. - Report to governing body.

The commission shall make an annual report of its activities to the city council and shall make such other reports as the city manager may from time to time require.

(Code 1988, § 1.156)

Sec. 34-87. - Deeds, contracts, leases, purchases.

All deeds, contracts, leases or purchases entered into by the commission shall be in the name of the city and shall be approved by the city council. Contracts for the purchase of necessary materials costing less than ~~\$500.00~~ \$2,000.00 and leases with tenants and options need not be so approved.

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

Sec. 34-88 - 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. 34-89. - Approval for purchases or contracts over \$2,000.00; competitive bidding for purchases or contracts over \$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 \$2,000.00, shall be first approved by the city council. Where such expenditure or contract exceeds \$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. 34-90 - Inspection of materials.

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

Sec. 34-91 - 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 therefore 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.

CERTIFICATION

I hereby certify the foregoing is a true and accurate copy of an ordinance amendment enacted by the South Lyon City Council at a regular meeting held on the ____ day of _____, 2012.

Julie C. Zemke, Clerk

AGENDA NOTE

New Business: Item #6

MEETING DATE: June 25, 2012

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Proposed Amendment to 2011/2012 Budget.

EXPLANATION OF TOPIC: The Local Streets budget does not reflect the costs to be incurred for the design of the 2012 Streets Project. The total amount of the increase is \$39,900.

Fund/Dept.	Account Number	Adopted	Amended	Line Item
Expenses				
Capital Improvement	401-451.000-969.203	-0-	\$39,900	Transfer out
Local Streets	203-451.000-801.000	\$19,500	\$59,400	2012 Streets Project
Revenue				
Local Streets	203-000.000-676.401	-0-	\$39,900	Transfer in

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Adopted 2011-2012 Capital Improvement and Local Streets budget and the proposed amended 2011-2012 Capital Improvement and Local Streets budget.

POSSIBLE COURSES OF ACTION: Approve/do not approve the proposed amendment to the 2011-2012 Capital Improvement and Local Streets budget as presented.

RECOMMENDATION: Approve the proposed amendment to the 2011-2012 Capital Improvement and Local Streets budget as presented.

SUGGESTED MOTION: Motion by _____, supported by _____ to approve the proposed amendment to the 2011-2012 Capital Improvement and Local Streets budget as presented

401 CAPITAL IMPROVEMENT FUND							
REVENUES							
Revenue	Description	Audit 2009-2010	Adopted 2010-2011	Amended 2010-2011	Adopted 2011-2012	Amended 2011-2012	Adopted 2012-2013
402	Current Property Tax (.156)	74,460	51,404	51,404	48,562	48,562	47,942
402-5	Current Property Tax- Treatment Plant						
446	Penalties & Interest						
566-1	Transporation Enhancement(Urb	10,096					
570	State Shared Revenues						
571-1	Federal Grant-Stimulus-9 Mile		509,146	509,146			
571-4	Federal Grant-S. W. Connector				230,730	230,730	
571-5	Federal Grant-Pontiac Trail/9 Mile Rd. ¹						
571-001	Federal Grant Comm. Development		28,139	28,139			
664	Interest Income	12,662	20,000	20,000			
675	Contrib.-Road Comm. Pontiac Tr	94,910					
675-001	Contrib. Road Comm. Southeast Connector						
676-274	Transfer In CDBG	28,935					
692	Grant					84,350	
698-7	DELEG Grant			67,991			
	TOTAL REVENUES	221,063	608,689	676,680	279,292	363,642	47,942
	BEGINNING FUND BALANCE	2,819,878	2,518,711	2,518,711	2,457,054	2,457,054	2,366,346
	TOTAL REVENUES	3,040,941	3,127,400	3,195,391	2,736,346	2,820,696	2,414,288
	TOTAL EXPENDITURES	522,230	670,346	738,337	370,000	369,250	126,500
	ENDING FUND BALANCE	2,518,711	2,457,054	2,457,054	2,366,346	2,451,446	2,287,788

401 CAPITAL IMPROVEMENT FUND							
EXPENDITURES							
		Audit	Adopted	Amended	Adopted	Amended	Adopted
Expenditure	Description	2009-2010	2010-2011	2010-2011	2011-2012	2011-2012	2012-2013
801-150	Prof. Svcs.-CDBG Chester St. Dra	3,719					25,300
801-170	Prof. Svcs.-S. W. Connector	5,890	10,000	10,000	15,000	120,000	
801-190	Prof. Svcs.-Urban Design Engine	4,905					
801-280	Prof. Svcs.-Alleyway						
801-002	Prof. Svcs.-Storm Water Master	50,654					
802-000	Cont. Svcs.-Chester St. Drain	19,760					101,200
802-210	Cont. Svcs.-S.W. Connector		100,000	100,000	355,000	125,000	
802-280	Cont. Svcs.-CDBG Alleyway						
802-190	Cont. Svcs.-Urban Design Transp	24,288					
802-400	Contractual Svcs. - DELEG			67,991			
802-900	Contribution - LED Grant					84,350	
969-202	Contribution-Major Streets		509,146	509,146			
969-203	Contribution-Local Streets	413,014				39,900	
970-000	Parking Lot improvements		51,200	51,200			
	TOTAL EXPENDITURES	522,230	670,346	738,337	370,000	369,250	126,500

203 LOCAL STREET OPERATIONS							
REVENUES							
		Audit	Adopted	Amended	Adopted	Amended	Adopted
Revenue	Description	2009-2010	2010-2011	2010-2011	2011-2012	2011-2012	2012-2013
574	Gas & Wgt. Tax	143,101	139,311	139,311	143,755	143,755	164,497
626-100	Major & Local Misc. Revenue						
664	Interest Income	730	1,500	1,500	800	800	200
676-101	Contribution-General Fund						
676-202	Contribution Major Street	167,500			70,000	91,400	90,000
676-401	Contribution-Capitol Improvement	413,014				39,900	
694	Other Revenue-Tri Party						
698	Proceeds from Sale of Bonds						
	TOTAL	724,345	140,811	140,811	214,555	275,855	254,697
	BEGINNING FUND BALANCE	173,656	239,396	239,396	133,272	133,272	87
	TOTAL REVENUES AVAILABLE	898,001	380,207	380,207	347,827	409,127	254,784
	TOTAL EXPENDITURES	658,605	246,935	246,935	345,823	409,040	248,313
	ENDING FUND BALANCE	239,396	133,272	133,272	2,004	87	6,471

203 LOCAL STREET OPERATION							
EXPENDITURES							
Expenditure	Description	Audit 2009-2010	Adopted 2010-2011	Amended 2010-2011	Adopted 2011-2012	Amended 2011-2012	Adopted 2012-2013
212 Accountant							
801	Professional Services	2,800	3,200	3,200	3,200	3,200	3,200
	SUBTOTAL	2,800	3,200	3,200	3,200	3,200	3,200
451 Construction							
801	Professional Services	101,567	-	-	19,500	59,400	
801-220	Pro. Services 09/10 Street Impr.	-	-	-			
	Pro. Services Chester Storm	-	-	-			
802	Contractual Services-09/10 Street	376,249	-	-			
	Contract. Services Dean Dr.	-	-	-	78,010	125,295	
	SUBTOTAL	477,816	-	-	97,510	184,695	-
463 Street Routine Maintenance							
702	Wages/Salaries	69,594	80,100	80,100	70,400	70,400	70,400
715-720	Fringe Benefits	33,152	51,000	51,000	40,000	40,000	40,000
740	Operating Expense	1,099	6,372	6,372	1,000	1,000	1,000
801	Professional Services						
910	Insurance & Bonds	-	65	65	65	65	65
930	Repair & Maintenance	3,592	7,500	7,500	24,250	24,250	24,250
940	Equipment Charges	16,498			13,350	13,350	13,350
940-100	Equipment Rental Charges	-	16,500	16,500			
	SUBTOTAL	123,935	161,537	161,537	149,065	149,065	149,065
474 Traffic Services							
702	Wages/Salaries	1,650	2,000	2,000	2,000	2,000	2,000
715-720	Fringe Benefits	824	1,100	1,100	1,100	1,100	1,100
740	Operating Expense	418	3,000	3,000	3,000	3,000	3,000
	SUBTOTAL	2,892	6,100	6,100	6,100	6,100	6,100
478 Snow Plowing							
702	Wages/Salaries	15,235	29,000	29,000	29,000	9,800	29,000
715-720	Fringe Benefits	10,825	15,000	15,000	15,000	4,430	15,000
740	Operating Expense	17,336	25,000	25,000	20,000	20,000	20,000
930	Repair & Maintenance						
940	Equipment Charges				13,350	13,350	13,350
	SUBTOTAL	43,396	69,000	69,000	77,350	47,580	77,350
491 Storm Sewer							
702	Wages/Salaries	2,892	3,000	3,000	3,000	7,200	3,000
715-720	Fringe Benefits	1,344	1,598	1,598	1,598	3,200	1,598
740	Operating Expense	3,530	2,500	2,500	6,000	6,000	6,000
930	Repair & Maintenance				2,000	2,000	2,000
940	Equipment Charges						
	SUBTOTAL	7,766	7,098	7,098	12,598	18,400	12,598
	TOTAL EXPENDITURES	658,605	246,935	246,935	345,823	409,040	248,313

AGENDA NOTE

New Business: Item #7

MEETING DATE: June 25, 2012

PERSON PLACING ITEM ON AGENDA: Fire Chief Mike Kennedy

AGENDA TOPIC: Purchase of four sets of firefighting turnout gear as requested in the 2012-2013 budget.

EXPLANATION OF TOPIC: The fire department is requesting the authorization to purchase four sets of structural firefighting turnout gear. This purchase was requested as part of our 2012-13 budget proposal. There is a six week lead time on orders, so we would like to place the order on July 2, 2012. We have historically only purchased one or two sets annually, which is below the \$5,000.00 bid price. This gear and pricing is based upon a Livingston County group discount bid specification.

We already have fourteen sets of gear from this vendor, and I would prefer to continue to use them to maintain uniformity. Additionally, this gear has held up very well for us. Douglas Safety Systems is the only vendor of this particular gear in Michigan.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Quotation.

POSSIBLE COURSES OF ACTION: Approve/do not approve the waiver of the formal bid process and award the quotation of \$7,211.00 to Douglas Safety Systems for four sets of firefighting turnout gear.

RECOMMENDATION: Approve the waiver of the formal bid process and award the quotation of \$7,211.00 to Douglas Safety Systems for four sets of firefighting turnout gear.

SUGGESTED MOTION:

#1 Motion by _____, supported by _____ to waive the formal bid process for the purchase of four sets of firefighting turnout gear.

#2 Motion by _____, supported by _____ to approve the purchase of four sets firefighting turnout gear from Douglas Safety Systems for \$7,211.00.



Douglass Safety Systems LLC **
2655 N. M-30
Suite #6
Sanford, MI 48657

Phone 800-316-3255

Quotation

Quote Number:
25293

Quote Date:
Jun 15, 2012

Customer ID
S049

Quoted to:

SOUTH LYON FIRE DEPT.
ATTN: ACCTS PAYABLE
217 WHIPPLE
SOUTH LYON, MI 48178

Shipping Terms	Quote Good Thru	Payment Terms	Sales Rep
NOT INCLUDED	7/15/12	Net 30 Days	SN001-SR

Quantity	Item	Description	Unit Price	Extension
4.00		#S25 94Gg - Ultramotion Coat 2F3 Outershell, Stedair 4000 Moisture Barrier, Glide Thermal Liner, NFPA Triple Trim, Hypalon Reinforced Cuffs and DRD	1,802.75	7,211.00
4.00		#S35 94Gg - Ultramotion Pant 2F3 Outershell, Stedair 4000 Moisture Barrier, Glide Thermal Liner, NE Suspenders, Hypalon Reinforced Cuffs and Knees		
4.00		#110 - Radio Pocket		
4.00		#125 - Microphone Loop		
4.00		#173 - Glove Holder		
4.00		#175 - Accessory Hook		
36.00		#705 - 3" Scotchlite Yellow Letters "SOUTH LYON"		
4.00		#365 - Hanging Tail Name Patch		
28.00		#705 - 2" Scotchlite Yellow Letters "LAST NAME"		
4.00		#214 - I Tech Knee		
4.00		#260 - Reverse Boot cut		
			Subtotal	\$ 7,211.00
			Sales Tax	
			Freight/Handling	
			Total	\$ 7,211.00

AGENDA NOTE

New Business: Item #8

MEETING DATE: June 25, 2012

PERSON PLACING ITEM ON AGENDA: Police Chief

AGENDA TOPIC: Justice Assistance Grant, (JAG), Amendment

EXPLANATION OF TOPIC: The Oakland County Fiscal Services Division has requested governing body approval of an amendment to the 2009 Recovery Act JAG. The City of South Lyon received \$10,581 under the grant that was utilized for acquisition of a computer server network for the Police Department. The amendment to the JAG was necessitated by the transfer of grant-funded equipment from the City of Pontiac to the County of Oakland when the Oakland County Sheriff became responsible for law enforcement activities in Pontiac.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Memo from Gaia Piir, (Oakland County Fiscal Services), requesting signature on JAG amendment; copy of amendment to 2009 JAG.

POSSIBLE COURSES OF ACTION: Authorize/Do Not Authorize the City Manager's signature on the amendment to the 2009 JAG.

RECOMMENDATION: Authorize the City Manager's signature on the amendment to the 2009 JAG.

SUGGESTED MOTION: Motion by _____, supported by _____ to authorize the City Manager's signature on the Amendment to the Intergovernmental Agreement Between and Among Participants in the 2009 Federal Bureau of Justice Assistance Edward Byrne Justice Assistance Grant Program.

06/25/12

sharpes@southlyonpolice.com

Date: Thu, 17 Nov 2011 11:22:16 -0500

From: "Piir, Gaia" <piirg@oakgov.com>

Subject: 2009 Recovery Act JAG Grant - Amendment to Intergovernmental Agreement

"Atkins, Timmy" <atkinst@oakgov.com>, "Capt. Tim Collins" <tcollins@ferndalepolice.org>, "Carolyn Howard" <carolynhoward@madison-heights.org>, "Chief Anthony Roberts" <anthonyroberts@madison-heights.org>, "Chief Armstrong Lathrup Village" <warmstrong274@gmail.com>, "Chief David Molloy" <dmolloy@cityofnovi.org>, "Chief David Niedermeier" <dniedermeier@aol.com>, "Chief Don Studt" <dstudt@ci.birmingham.mi.us>, "Chief Kirt Bowden" <kbowden@bloomfieldtp.org>, "Cindy Rose" <crose@ci.wixom.mi.us>, "Commander Matt Koehn" <mkoehn@fhgov.com>, <cpetrides@ci.oak-park.mi.us>, "Cunningham, Dale" <cunninghamd@oakgov.com>, "Debbie Watson" <dlwatson@twp.waterford.mi.us>, "Dep Chief Mark Clemence" <mclemence@ci.birmingham.mi.us>, "Dep. Chief Corrigan ODonohue" <corrigan@ci.royal-oak.mi.us>, "Dep. Chief Jeff James" <jjames@twp.waterford.mi.us> ,

To: "Director John McNeilance" <McNeilance@ci.oak-park.mi.us>, "Doreen Olko" <dolko@auburnhills.org>, "Geof Gaudard" <GGaudard@bloomfieldtp.org>, "Kelly Knight" <kknight@whitelaketwp.com>, "Lt Edward Harris" <Eharris@whitelakepolice.com>, "Lt. Casimir Miarka" <cmiarka@auburnhills.org>, "Lt. Curt Lawson" <c_lawson@wbpolice.org>, "Lt. Gordon Young" <gordony@ci.royal-oak.mi.us>, "Lt. Jason Weimer" <jweimer@hazelparkpd.us>, "Lt. Michael Turner" <m_turner@wbpolice.org>, "Lt. Steve Sharpe" <sharpes@southlyonpolice.com>, "Michael Ciaramitaro" <MCiaramitaro@fhgov.com>, "Mike Kowall" <mkowall@whitelaketwp.com>, "Patricia Cauchi" <pcauchi@cityofnovi.org>, "Phil Langmeyer" <plangmeyer@bloomfieldtp.org>, "Sgt. Brian Bassett" <bbassett@cityofsouthfield.com>, "Sgt. Charlie Yon" <cyon@ci.wixom.mi.us>, "Sgt. Don Ostrowski" <don.ostrowski@troymt.gov>, "Sgt. Michele Kuzila" <michelekuzila@cityofsouthfield.com>, "Sgt. Paul Shakinis" <pshakinis@walledlake.com>, "Sgt. Rick Leonard" <rleonard@auburnhills.org>, "Sgt. Robert Ford" <RFord@pontiac.mi.us>

Cc: "Dale Cunningham" <cunninghamd@oakgov.com>, "Agacinski, Karen" <agacinskik@oakgov.com>

Good Afternoon,

You may be aware that Oakland County is now providing police services for the City of Pontiac. Due to this change in relationship with the City it is necessary to amend each of our JAG Grant Intergovernmental Agreements. Attached is the amendment for the 2009 Recovery Act JAG. Please review the amendment and proceed with the following:

- Insert/change the name of your municipality on Page 4 of the agreement
- Enter the name(s) and title(s) on the print name line
- Obtain signature(s) from your Authorizing Official(s)
- Return a hard copy with original signatures to me (mailing address listed below)

I would like to get the signed copies back no later than November 28, 2011 if possible.

Please let me know if you have any questions.

Thank you for your cooperation.

Gaia V. Piir
Grants Compliance and Programs Coordinator
Oakland County Fiscal Services Division
Phone (248) 858-1037
Fax (248) 858-9724
piirg@oakgov.com

Mailing address:
Oakland County
Attn: Gaia V. Piir
Fiscal Services Bldg 41 W

**Amendment
to the Intergovernmental Agreement
Between and Among
Participants in the 2009 Federal Bureau of Justice Assistance
Edward Byrne Justice Assistance Grant Program**

This Amendment (Amendment) to the Intergovernmental Agreement (Agreement) is between and among the governmental entities, constitutional and municipal corporations in the State of Michigan whose names are listed in Appendix A, and incorporated here by reference. In this Amendment, any reference to a Party is a reference to each and every governmental entity that is identified in Appendix A and any reference to "Parties" is a reference to all the governmental entities listed in Appendix A.

In consideration of the mutual promises, obligations, representations and assurances made in the Agreement and in this Amendment, the adequacy of which is acknowledged, the Parties agree as follows:

Purpose

For fiscal year 2009, the Parties, having been certified disparate by the Bureau of Justice Assistance (BJA), entered into an intergovernmental agreement in order to apply for and to qualify for Edward Byrne Justice Assistance Grant (JAG) Funds, supported under FY09 Recovery Act (BJA-Byrne JAG) Pub. L. No. 111-5, 42 USC 3750-3758. The Parties agreed, among other things, to undertake all actions necessary to be and remain compliant with grant requirements, to accept title to various equipment and supplies purchased with grant funds, to assume responsibility for, track, maintain and monitor the equipment and supplies and to satisfy the reporting requirements of BJA under the terms of the grant.

In 2011, the City of Pontiac and the County of Oakland entered into a separate intergovernmental agreement by which Pontiac and the County agreed that the County would provide law enforcement services for Pontiac in return for certain fees. The County agreed, among other things, to assume responsibility for hiring and provisioning law enforcement officers and staff, managing law enforcement supplies, material and equipment necessary to provide law enforcement services for Pontiac and for providing patrol services generally.

Certain equipment, listed in Appendix B, which is incorporated here by reference, was purchased by Pontiac with 2009-SB-B9-1863 JAG grant funds. The equipment remains in working order and can continue to be used for law enforcement purposes. In addition, in federal grant number 2009-SB-B9-1863, five hundred thirty-three thousand, five hundred fifty-four dollars and twenty five cents (\$533,554.25) in grant funds, designated for Pontiac, remain unexpended. These funds remain available for law enforcement purposes within Pontiac through February 28, 2013. Pontiac intended to use the funds to pay salaries for Pontiac Police Officers, to the extent permitted by the grant.

Terms

By this Amendment:

1. Pontiac and the County acknowledge the existence of an intergovernmental agreement between them. Under its terms the County, through its Sheriff's Office, agrees to provide law enforcement services for Pontiac.
2. Pontiac transfers to the County and the County accepts title to accounted-for usable equipment purchased with 2009-SB-B9-1863 JAG grant funds, listed in Appendix B, incorporated here by reference, to be used by the County for law enforcement purposes in Pontiac for the term of the intergovernmental agreement referenced in Section 1 or for as long as the County provides law enforcement services for Pontiac.
3. Pontiac transfers to the County and the County assumes all responsibility for fulfilling grant obligations regarding the above referenced accounted-for usable equipment for the term of the intergovernmental agreement referenced in Section 1 or for as long as the County provides law enforcement services for Pontiac.
4. Pontiac assigns all its rights and interest in the remaining unexpended FY 2009 grant funds under grant number 2009-SB-B9-1863 to the County. The funds are to be used and expended for law enforcement purposes in Pontiac, including but not limited to, supplies, materials and equipment, salaries, and such other needs as the County, through the Sheriff's Office, deems necessary and appropriate, in its sole discretion. All expenditures of Pontiac-designated JAG grant funds by the County shall be in compliance with grant requirements.
5. If the County stops providing law enforcement service to Pontiac, the County shall return title to any still operational accounted-for usable equipment purchased with 2009-SB-B9-1863 JAG funds within 60 days. Similarly, Pontiac shall be entitled to any remaining unexpended 2009-SB-B9-1863 JAG funds according to the procedures set forth in the original Memorandum of Understanding.
6. The other Parties to this Agreement acknowledge that they have been advised of the transfer of property and assignment of rights between Pontiac and the County. They further acknowledge that they have no claim to any of the equipment or funds described in this Amendment and assume no responsibility or liability for the law enforcement services that the County has agreed to provide to Pontiac.
7. All Parties agree that except as specifically provided above, all other definitions, terms and conditions set forth in the Agreement remain in full force and effect and shall not be modified, excepted or diminished by the provisions of this Amendment except as specifically provided herein. Notwithstanding any other provisions in this amendment, Pontiac specifically agrees and acknowledges that any fines, fees or penalties which may arise from management or disposal of grant funded equipment before the County takes actual possession of the equipment are and remain the obligation of Pontiac. This includes

2009-SB-B9-1863

repayment of any grant funds to the federal government upon sale or disposal of any grant-funded property, if such repayment is required under the terms of the grant.

8. This Amendment may be executed in counterparts, but shall constitute one document.

(Remainder of page intentionally blank)

2009-SB-B9-1863

By signing below, the individuals acknowledge that they are authorized to bind the Parties to the terms and conditions set forth in this Amendment to the Intergovernmental Agreement Between and Among Participants in the 2009 Federal Bureau of Justice Assistance Edward Byrne Justice Assistance Grant Program for grant number 2009-SB-B9-1863.

For the City of South Lyon _____:

By David M. Murphy _____

Date: 11-28-11 _____

(print name) David M. Murphy _____

Its City Manager _____

2009-SB-B9-1863

By signing below, the individuals acknowledge that they are authorized to bind the Parties to the terms and conditions set forth in this Amendment to the Intergovernmental Agreement Between and Among Participants in the 2009 Federal Bureau of Justice Assistance Edward Byrne Justice Assistance Grant Program for grant number 2009-DJ-BX-0790.

For the County of Oakland:

By:



Date: 5-2-12

(print name) MICHAEL J. GINGELL

Its CHAIRMAN

Appendix A

**List of Governmental Entities Certified as Disparate by the Bureau of Justice Assistance
for Purposes of Edward Byrne Justice Assistance Grant Funds**

Jurisdiction Name

OAKLAND COUNTY
BIRMINGHAM CITY
FERNDALE CITY
HAZEL PARK CITY
LATHRUP VILLAGE CITY
MADISON HEIGHTS CITY
OAK PARK CITY
PONTIAC CITY
ROYAL OAK CITY
SOUTH LYON CITY
TROY CITY
WALLED LAKE CITY
WIXOM CITY
NOVI CITY
SOUTHFIELD CITY
AUBURN HILLS CITY
FARMINGTON HILLS CITY
BLOOMFIELD TOWNSHIP
WATERFORD CHARTER TOWNSHIP
WEST BLOOMFIELD CHARTER TOWNSHIP
WHITE LAKE CHARTER TOWNSHIP

Appendix B
2009 (Recovery Act) List of Equipment

Available for transfer to Oakland County:

2010 Chevrolet Impala 2G1WD5EM9A1177989
2010 Chevrolet Impala 2G1WD5EM6A1177819
2010 Chevrolet Impala 2G1WD5EM7A1178591
2010 Chevrolet Impala 2G1WD5EM3A1179527

5 Computer Aided Dispatch (CAD) workstations

City of South Lyon
Office of the Mayor

PROCLAMATION

WHEREAS, Rodney Cook began his service to the City of South Lyon in October of 1983 and remained a constant in the community until retiring in March 2008; and

WHEREAS, Rodney Cook received several awards including an Outstanding Leadership Award from the South East Michigan Council of Governments in 1998; and

WHEREAS, Rodney Cook constructed the first pedestrian bicycle trail in southwest Oakland County including development of the abandoned Grand Trunk Western Railroad right-of-way and participated in construction of over 15 miles of trail within and outside the City of South Lyon; and

WHEREAS, Rodney Cook was instrumental in the successful purchase of land now referred to as Volunteer Park; and

WHEREAS, Rodney Cook helped develop and secure funding for local road improvements including roads under the control of the Road Commission for Oakland County and Livingston County; and

NOW THEREFORE, I Tedd Wallace, Mayor of the City of South Lyon on behalf of the City Council and the entire community, do hereby dedicate the portion of the rail trail from Volunteer Park to the Salem-South Lyon District Library in honor of Mr. Rodney Cook.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of South Lyon, Michigan to be affixed this 23rd day of June, 2012.



Tedd M. Wallace, Mayor