

Regular City Council Meeting

November 26, 2012

Agenda

7:30 p.m. **Call to Order**
 Pledge of Allegiance
 Roll Call
 Approval of Agenda
 Minutes – October 22, 2012 and November 12, 2012
 Public Comment:

I. Old Business

1. Second Reading – Amendment to Chapter 46, Section 46-62 through 46-66

II. New Business

1. CDBG Public Hearing
2. CDBG Application
3. Construction Board of Appeals
4. Intergovernmental Agreement
5. Cancellation of Second Meeting in December
6. Closed Session to discuss legal opinion

III. Manager's Report

IV. Council Comments

V. Adjournment

AGENDA NOTE

Old Business: Item #1

MEETING DATE: November 26, 2012

PERSON PLACING ITEM ON AGENDA: Fire Chief Mike Kennedy

AGENDA TOPIC: Second Reading - An ordinance to amend the City of South Lyon Code of Ordinances, Chapter 46, "Fire Prevention and Protection," Article III, "Fire Department," Sections 46-62 through 46-66.

EXPLANATION OF TOPIC: The current ordinance has become antiquated and does not reflect the current operation and oversight of the fire department.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Proposed ordinance revision.

POSSIBLE COURSES OF ACTION: Approve/do not approve the second reading to amend the City of South Lyon Code of Ordinances, Chapter 46, "Fire Prevention and Protection," Article III, "Fire Department," Sections 46-62 through 46-66.

RECOMMENDATION: Approve the second reading to amend the City of South Lyon Code of Ordinances, Chapter 46, "Fire Prevention and Protection," Article III, "Fire Department," Sections 46-62 through 46-66.

SUGGESTED MOTION: Motion by _____, supported by _____ to approve the second reading to amend the City of South Lyon Code of Ordinances, Chapter 46, "Fire Prevention and Protection," Article III, "Fire Department," Sections 46-62 through 46-66.

ORDINANCE NO. 09-12

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

**AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON
CODE OF ORDINANCES, CHAPTER 46, "FIRE PREVENTION
AND PROTECTION," ARTICLE III, "FIRE DEPARTMENT,"
SECTIONS 46-62 THROUGH 46-66.**

THE CITY OF SOUTH LYON ORDAINS:

PART I. Amendments. Sections 46-62 through 46-66, in Article III, of Chapter 46 of the City of South Lyon Code of Ordinances are hereby amended as follows:

Article III. - Fire Department.

Sec. 46-62. - Firefighters.

Firefighters shall perform such duties and responsibilities as shall be conferred upon them from time to time by the fire chief of the City of South Lyon, and said firefighters shall have and perform such duties as imposed upon ~~firemen or~~ firefighters by any administrative directive, resolution, the Charter of the City of South Lyon, the South Lyon City Code and state and federal law.

Sec. 46-63. - Fire chief's duties.

The fire chief shall be the administrator and head of the fire department who shall be charged with the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, and the performance of other public services of an emergency nature assigned to the department. ~~The fire chief shall be responsible for the administrative offices of the fire department, as provided in chapter VI of the Charter of the City of South Lyon, and said~~ The fire chief may delegate any and all such duties, responsibilities, and functions to a fireman firefighters within his department. The fire chief shall in addition thereto have such powers, duties and responsibilities as from time to time shall lawfully be conferred upon him by the manager of the City of South Lyon, and by law. ~~The South Lyon Firefighters Association shall remain as a functional entity under the fire department.~~ Whenever any statute, ordinance, this Code, municipal regulation or law shall require a duty or responsibility of the fire chief, such duties and/or responsibilities shall be assumed or performed in the City of South Lyon by the fire chief.

Sec. 46-64. - Appointments and dismissals.

The fire chief, ~~and all firemen or firefighters,~~ shall be appointed and/or dismissed by the city manager. The fire chief shall have has the authority ability to appoint, promote, and/or dismiss

~~firefighters subject to approval from the city manager. When appointing new firemen or firefighters, the manager shall make his selections for an appointment from an eligibility list compiled from recognized examinations such as those conducted by the Michigan Municipal League. The fire chief shall, from time to time, recommend to the manager the organization and function of the fire department, including its personnel strength and chain of command.~~

~~Pursuant to chapter VI of the Chart of the City of South Lyon, the manager The fire chief shall submit to council, for review and concurrence approval, all proposed programs, organizations and reorganizations involving the fire department and its functions, including acquisition and use of all facilities and equipment thereby required, subject to budgetary control by the council of the City of South Lyon.~~

Sec. 46-65. - Charter benefits.

Firefighters ~~and firemen~~ of the City of South Lyon shall be entitled to all the rights, privileges and benefits heretofore granted and established for ~~firemen~~ firefighters under ~~chapter VI,~~ section 6.12(b) of the Charter of the City of South Lyon.

Sec. 46-66. - Department rules.

The ~~fire chief manager~~ shall ~~from time to time, subject to approval from the city manager,~~ ~~from time to time,~~ adopt procedures, directives, such rules, and regulations as he may deem expedient for the proper administration of the fire department and/or the duties, responsibilities and privileges of ~~firemen or~~ firefighters, and provided further that such regulations shall not be in conflict with any existing collective bargaining agreement between the City of South Lyon and the members of the fire department; ~~provided further that such regulations shall become effective 24 hours after the same shall have been posted on a bulletin board in the office of the fire chief.~~

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

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

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

PART V. Effective Date; Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within fifteen (15) days of its

adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the South Lyon City Council this ____ day of _____, 2012.

Tedd M. Wallace, Mayor

Julie Zemke, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the ____ day of _____, 2012.

Julie Zemke, City Clerk

Adopted:
Published:
Effective:

ORDINANCE NO. 09-12

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

**AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON
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AND PROTECTION," ARTICLE III, "FIRE DEPARTMENT,"
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Sec. 46-62. - Firefighters.

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Sec. 46-63. - Fire chief's duties.

The fire chief shall be the administrator and head of the fire department who shall be charged with the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, and the performance of other public services of an emergency nature assigned to the department. The fire chief may delegate any and all such duties, responsibilities, and functions to firefighters within his department. The fire chief shall in addition thereto have such powers, duties and responsibilities as from time to time shall lawfully be conferred upon him by the manager of the City of South Lyon, and by law. Whenever any statute, ordinance, this Code, municipal regulation or law shall require a duty or responsibility of the fire chief, such duties and/or responsibilities shall be assumed or performed in the City of South Lyon by the fire chief.

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The fire chief shall be appointed and/or dismissed by the city manager. The fire chief shall have the authority to appoint, promote, and/or dismiss firefighters subject to approval from the city manager.

Sec. 46-65. - Charter benefits.

Firefighters of the City of South Lyon shall be entitled to all the rights, privileges and benefits heretofore granted and established for firefighters under section 6.12(b) of the Charter of the City of South Lyon.

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

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

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

PART V. Effective Date; Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the South Lyon City Council this ____ day of _____, 2012.

Tedd M. Wallace, Mayor

Julie Zemke, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the _____ day of _____, 2012.

Julie Zemke, City Clerk

Adopted:
Published:
Effective:

AGENDA NOTE

New Business: Item #1

MEETING DATE: November 26, 2012

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: CDBG Public Hearing

EXPLANATION OF TOPIC: In order to receive the 2013 CDBG allocation of \$25,581 for the City of South Lyon, the Council must hold a public hearing to receive public input. Possible projects are as follows:

30% (\$7,674) could be used for services such as Haven (County would administer), Meals on Wheels and Youth Assistance. The remainder could be used for and Center for Active Adults or Removal of Architectural Barriers

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: N/A

POSSIBLE COURSES OF ACTION: Open public hearing and receive public comment.

Close Public Hearing.

AGENDA NOTE

New Business: Item #2

MEETING DATE: November 26, 2012

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: CDBG Application

EXPLANATION OF TOPIC: The City no longer has a low/mod area, so the options for use of this money have been limited. Up to 30% can be used for services, but the minimum that can be used is \$2,500. These uses include Haven, Meals on Wheels and Youth Assistance. The remainder of the money could be used for Center for Active Adults and/or the Removal of Architectural Barriers.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: The CDBG application

POSSIBLE COURSES OF ACTION: Use 30% of the allocation for services: \$2,500 for Haven and \$5,000 for Meals on Wheels. Use the remainder (\$18,358) for the Center for Active Adults.

RECOMMENDATION: Approve using 30% of the allocation for services: \$2,500 for Haven and \$5,000 for Meals on Wheels and the remaining \$18,358 for the Center for Active Adults.

SUGGESTED MOTION: See attached resolution.

**RESOLUTION OF THE CITY COUNCIL
CITY OF SOUTH LYON
ADOPTED ON NOVEMBER 26, 2012**

Motion by _____, supported by _____

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

WHEREAS, the City of South Lyon has duly advertised and conducted a public hearing on November 26, 2012 for the purpose of receiving public comments regarding the proposed use of PY 2013 Community Development Block Grant funds (CDBG) in the approximate amount of \$25,858, and

WHEREAS, the City of South Lyon found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

Project Name	Amount
Haven	\$ 2,500
Meals on Wheels	\$ 5,000
Center for Active Adults	<u>\$18,358</u>
	\$25,858

THEREFORE, BE IT RESOLVED, that the City of South Lyon CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the City Manager is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

Ayes:

Nays:

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of South Lyon, County of Oakland, State of Michigan, at a regularly scheduled meeting of November 26, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

Julie C. Zemke
City Clerk/Treasurer

AGENDA NOTE

New Business: Item #3

MEETING DATE: November 26, 2012

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Construction Board of Appeals

EXPLANATION OF TOPIC: The Stille-DeRossett-Hale Single State Construction Act (the "Act"), PA 230 of 1972, requires a municipality that has assumed the responsibility of administering and enforcing the Act to have a Construction Board of Appeals. A CBA is tasked with hearing appeals regarding the applicability of the Codes, whether the City, through its officials and inspectors has correctly applied the Codes, and to review requests for variances regarding equal alternative means for compliance (meaning that the CBA is not a way to obtain a waiver from full code compliance).

MCL 125.1514 requires that the construction board of appeals must have at least 3 but not more than 7 members. The members are to be appointed by the chief executive officer of the City which under Section 4.2(b) of the South Lyon City Charter is the Mayor.

Unless provided for otherwise, members are appointed for a 2-year term.

Members shall be qualified by experience or training to perform the duties of members of the construction board of appeals. This means that if you want the CBA to have authority over the building, electrical, mechanical and plumbing code issue then you must have members qualified to address those issues. Architects are most likely to have knowledge of all those disciplines.

There is no requirement regarding how often the CBA has to meet, and this type of board usually meets only as needed.

The CBA must hear an appeal and render a written decision within 30 days after the appeal is submitted.

The CBA must comply with the Open Meetings Act.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: A copy of MCL 125.1514 and list of the members of the Novi Construction Board of Appeals

POSSIBLE COURSES OF ACTION: Appoint the Novi Construction Board of Appeals to act as South Lyon's Construction Board of Appeals or advertise for qualified South Lyon area residents to sit on this Board.

RECOMMENDATION: Advertise for volunteers to sit on the Construction Board of appeals.

SUGGESTED MOTION: Motion by _____, supported by _____ to advertise for volunteers to sit on the Construction Board of appeals.

STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT (EXCERPT)
Act 230 of 1972

125.1514 Construction board of appeals; creation; appointment, qualifications, and terms of members; appeal to board; hearing; decision; statement of reasons for decision; appeal to commission; copy of decision; additional powers or duties; procedures; conducting business at public meeting; notice; availability of certain writings to public.

Sec. 14. (1) A construction board of appeals for each governmental subdivision enforcing the code shall be created consisting of not less than 3 nor more than 7 members, as determined by the governing body of the governmental subdivision. Unless otherwise provided by local law or ordinance, the members of the board of appeals shall be appointed for 2-year terms by the chief executive officer of a city, village, or township and the chairperson of the county board of commissioners of a county. A member of the board of appeals shall be qualified by experience or training to perform the duties of members of the board of appeals. A person may serve on the board of appeals of more than 1 governmental subdivision. If an enforcing agency refuses to grant an application for a building permit, or if the enforcing agency makes any other decision pursuant or related to this act, or the code, an interested person, or the person's authorized agent, may appeal in writing to the board of appeals. The board of appeals shall hear the appeal and render and file its decision with a statement of reasons for the decision with the enforcing agency from whom the appeal was taken not more than 30 days after submission of the appeal. Failure by the board of appeals to hear an appeal and file a decision within the time limit is a denial of the appeal for purposes of authorizing the institution of an appeal to the commission. A copy of the decision and statement of the reasons for the decision shall be delivered or mailed, before filing, to the party taking the appeal.

(2) This act does not prevent a governmental subdivision from granting its board of appeals additional powers or duties not inconsistent with this act, or from establishing procedures to be followed by its board of appeals insofar as the procedures do not conflict with this act. Except as otherwise provided by this act, or by other laws or ordinances, a board of appeals may by rules establish its own procedures.

(3) The business which the board of appeals may perform shall be conducted at a public meeting of the board of appeals held in compliance with Act No. 267 of the Public Acts of 1976. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(4) A record of decisions made by the board of appeals, properly indexed, and any other writing prepared, owned, used, in the possession of, or retained by the board of appeals in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976.

History: 1972, Act 230, Eff. Jan. 1, 1973;—Am. 1977, Act 195, Imd. Eff. Nov. 17, 1977;—Am. 1978, Act 442, Imd. Eff. Oct. 9, 1978.

Popular name: Act 230

Popular name: Uniform Construction Code

AGENDA NOTE

New Business: Item #4

MEETING DATE: November 26, 2012

PERSON PLACING ITEM ON AGENDA: Manager

AGENDA TOPIC: Intergovernmental Agreement with Lyon Township

EXPLANATION OF TOPIC: Lyon Township's attorney has provided documentation regarding the Competitive Grant Assistance Program (CGAP) grant award in the amount of \$51,500 for the Lyon Township Wastewater Treatment Outsourcing project. The documentation includes the correspondence from the Michigan Department of Treasury, part of Lyon Township's grant application, and a proposed intergovernmental agreement. In order to move forward, Lyon Township must enter into an intergovernmental agreement with either or both Wixom and South Lyon by December 27, 2012.

The project involves the study of the feasibility of sending a portion of Lyon Township's wastewater to Wixom's or South Lyon's wastewater treatment plants. The feasibility study will also evaluate whether this diverted flow will improve "operational efficiencies" at Wixom or South Lyon. It is unclear from the documents provided to the City whether the project includes the implementation and construction of the diversion infrastructure which has a total estimated project cost of \$851,500, but the CGAP documentation includes estimates for such costs. This is an issue that would require further clarification. Also, the budget for this project includes a breakdown of the costs for each of the three communities (Lyon Township, Wixom and South Lyon). The feasibility study phase estimates a cost of \$16,500 to South Lyon. Lyon Township's Supervisor has informally advised that South Lyon's costs for the project would be paid by Lyon Township. But, the proposed intergovernmental agreement does not state that South Lyon's costs would be paid by Lyon Township.

The City Attorney has reviewed the documentation, and based on the foregoing, the proposed intergovernmental agreement is not acceptable in the form presented. Before directing the City Attorney to contact the Lyon Township attorney and gather more information about the project, the Council should decide whether it is interested in pursuing this project because to do so would be contrary to the City's long-standing policy of not providing utility services outside City boundaries.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Intergovernmental Agreement, EVIP Grant Application and Notification of Intent to Award – CGAP 2012

POSSIBLE COURSES OF ACTION: Approve the Intergovernmental Agreement with Lyon Township, have the City Attorney work with the Lyon Township Attorney to clarify the proposed Intergovernmental Agreement or deny the agreement due to the policy the City has of not providing utility services outside the City limits.

RECOMMENDATION: Deny the agreement due to the policy the City has of not providing utility services outside the City limits.

SUGGESTED MOTION: Moved by, _____ seconded by, _____ to deny the proposed Intergovernmental Agreement with Lyon Township due to the long standing policy the City has of not providing utility services outside the City limits.

**INTERGOVERNMENTAL AGREEMENT FOR ACCEPTING THE
COMPETITIVE GRANT ASSISTANCE PROGRAM FOR LYON TOWNSHIP
WASTEWATER TREATMENT OUTSOURCING BETWEEN CHARTER
TOWNSHIP OF LYON, CITY OF WIXOM AND CITY OF SOUTH LYON**

The Competitive Grant Assistance Program Acceptance Agreement (the "Agreement") is made between the Charter Township of Lyon, a Michigan municipal corporation, 58000 Grand River Avenue, New Hudson, MI 48165, ("Lyon"), and the City of Wixom, a Michigan municipal corporation, 49045 Pontiac Trail, Wixom, MI 48393, ("Wixom"), and the City of South Lyon, a Michigan municipal corporation, 335 South Warren, South Lyon, MI 48178, ("South Lyon").

Within this Agreement, Lyon, Wixom and South Lyon may also be referred to jointly as "Parties".

Purpose of Agreement. Pursuant to the Urban Cooperation Act of 1967, 1967 PA 7, MCL 124.501, et seq, Lyon, Wixom and South Lyon enter into this Agreement for the purpose of accepting the Competitive Grant Assistance Program award entitled "Lyon Township Wastewater Treatment Outsourcing" (the "Program") which made a grant of an award to Lyon in the amount of \$51,500.00 to conduct a study on the benefits of collaborating of the Parties' wastewater treatment facilities.

Upon acceptance by the Michigan Department of Treasury of this Agreement, the budget for the Lyon Township Wastewater Treatment Outsourcing Program (Exhibit A) will be approved and the grant will be formally awarded.

In consideration of the mutual promises, obligations, representations and assurances in this Agreement the Parties agree to the following:

1. Required Date of Approval of Agreement. Pursuant to the requirements of the Michigan Department of Treasury the Parties must enter into and approve this Agreement ~~on or before Thursday, December 27, 2012.~~

2. Program Requirements. The Parties hereto agree that they will be bound by the provisions specified in Lyon's grant application packet and the requirements of the acceptance of the grant award from the Michigan Department of Treasury.

3. Effective Date of Interlocal Agreement. This Agreement and any amendments hereto shall be effective when executed by all Parties with concurrent resolutions passed by the governing bodies of each Party. An executed copy of this Agreement and any amendments shall be filed with each Parties' Clerk and with the Michigan Department of Treasury.

a. Unless extended by mutual written agreement by all Parties and with the concurrence of the Michigan Department of Treasury, this Agreement shall remain in effect until October 1, 2013 or until cancelled or terminated by any of the Parties pursuant to the termination or cancellation of Agreement section herein.

4. Payments. The awarded budgeted amount of \$51,500.00 as specified in Exhibit A shall be managed by Lyon. Each Party shall be limited to 33 1/3% reimbursement for services under each category. The City Manager of Wixom and the City Manager of South Lyon shall submit a monthly invoice for the

administrative, engineering and/or legal services which must include detailed entries for the services rendered. It is understood that reimbursement requests must include invoices and cancelled checks supporting the costs as required by the Michigan Department of Treasury within the project grant.

5. Purpose of Project. Lyon has had preliminary contact with Wixom and South Lyon to determine if they have capacity and would be willing to accept Lyon's sanitary sewer flow if arrangements acceptable to the communities can be established. Further, the goal and business objectives of this project are to delay expansion of the Lyon Wastewater Treatment Plant by transferring a portion of wastewater to Wixom and/or South Lyon's sanitary sewer facility in the short term and if Wixom and/or South Lyon's facilities can accept the flow on an ongoing basis the ultimate expansion to Lyon's treatment plant can be reduced by the amount being transferred to Wixom and/or South Lyon.

a. Another objective is to improve operational efficiencies at the existing treatment facilities at Wixom and South Lyon by more fully utilizing these facilities.

b. The outcomes of the study will be measured by comparing the cost of transferring Lyon's wastewater, and the annual charge for treatment of the wastewater at Wixom and/or South Lyon to the cost of constructing the required expansion at the Lyon Wastewater Treatment Plant.

6. Limitation of Liability. In no event shall any Party be liable to any other Party or any other person, for consequential, incidental, direct, indirect, special and punitive or other damages arising out of this Agreement.

7. Termination or Cancellation of Agreement. Any Party may terminate or cancel this Agreement upon thirty (30) days written notice, if: i) any other Party defaults in any obligation contained in this Agreement and within the thirty (30) day notice period the Parties fail to cure such default or fail to take a course of action to cure such default or ii) for any reason, including convenience. Any notification concerning default must be in writing and clearly the state the specific default(s). The effective date of termination and/or cancellation shall be clearly stated in the written notice. Either the City Managers or the Supervisor are authorized to terminate this Agreement on behalf of its respective municipality.

8. Reservation of Rights. This Agreement does not, and is not intended to waive, impair, divest, delegate or contravene any constitutional, statutory and/or legal right, privilege, power, obligation, duty or immunity of the Parties.

9. Delegation or Assignment. No Party hereto shall delegate or assign any obligations or rights under this Agreement without the prior written consent of both other Parties.

10. Notices. Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail or first class U.S. mail postage prepaid and addressed to the person listed below. Notice will be deemed given on the day when one of the following first occur:

- a. The date of actual receipt;
- b. The next business day when notice is sent express delivery service or personal delivery or three (3) days after mailing first class or certified U.S. mail.

c. The notices shall be sent to:

CHARTER TOWNSHIP OF LYON

Lannie Young, Supervisor
58000 Grand River
New Hudson, MI 48165

CITY OF WIXOM

Michael Dornan, City Manager
49045 Pontiac Trail
Wixom, MI 48393

CITY OF SOUTH LYON

David M. Murphy, City Manager
335 South Warren
South Lyon, MI 48178

11. Governing Law. This Agreement shall be governed, interpreted and enforced by the laws of the State of Michigan.

12. Entire Agreement. This Agreement represents the entire Agreement and understanding between the Parties which includes the requirements of the Michigan Department of Treasury for the Competitive Grant Assistance Program Award. This Agreement supersedes all other oral or written Agreements between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

CHARTER TOWNSHIP OF LYON

Dated: _____, 2012

By: _____

Lannie Young, Supervisor
58000 Grand River
New Hudson, MI 48165

Michele Cash, Clerk

CITY OF WIXOM

Dated: _____, 2012

By: _____
Michael Dornan, City Manager
49045 Pontiac Trail
Wixom, MI 48393

Catherine Buck, Clerk

CITY OF SOUTH LYON

Dated: _____, 2012

By: _____
David M. Murphy, City Manager
335 South Warren
South Lyon, MI 48178

Julie C. Zemke Clerk

EXHIBIT A

Charter Township of Lyon
October 23, 2012
Attachment: Intent to Award Approved Budget Amounts

Lyon Township Wastewater Treatment Outsourcing

Below is the approved budget for your grant project. Please note, all feasibility studies were funded at 25%. We have assigned budget categories to each of your original budget line items. Please use these categories when submitting your reimbursement requests.


Reimbursement requests must include invoices and cancelled checks supporting the costs.

Budget Category	Budget Description	Application Budget Amount	Intent to Award Budget Amount	Comments
Feasibility Study	Feasibility Phase: Administrative	\$4,000.00	\$4,000.00	Feasibility Study (25%)
Contracted Services	Feasibility Phase: Engineering	\$6,875.00	\$27,500.00	Contracted Services (100%)
Contracted Services	Feasibility Phase: Legal	\$20,000.00	\$20,000.00	
	Implementation Phase: Administrative	\$32,000.00	\$.00	Denied
	Implementation Phase: Engineering	\$52,500.00	\$.00	Denied
	Implementation Phase: Legal	\$50,000.00	\$.00	Denied
	Implementation Phase: Construction	\$300,000.00	\$.00	Denied
	Budget Total	\$465,375.00	\$51,500.00	

Application Due Date:
June 15, 2012

Economic Vitality Incentive Program Grant Application (FY 2012 - Round 2)

Issued under authority of Public Act 167 of 2012

PART 1: PRIMARY INFORMATION			
1. Primary Local Unit Name Charter Township of Lyon		2. Primary Local Unit Code 63105	
3. Primary Local Unit FEIN 38-197-65-90		4. Primary Local Unit County Oakland County	
5. Mailing Address 58000 Grand River Ave.		6. City New Hudson	7. State MI
		8. ZIP Code 48165	
PART 2: PROJECT OVERVIEW			
9. Project Title Lyon Township Wastewater Treatment Outsourcing			
10. Project Type <input type="checkbox"/> Merger <input type="checkbox"/> Inter-Local Agreement <input checked="" type="checkbox"/> Cooperative Effort			
11. Estimated Start Date 06/05/2012		12. Estimated Completion Date 10/01/2013	
13. Estimated Total Project Cost \$850,500.00		14. Grant Amount Requested \$465,375.00	
15. Local Units Participating in Project (include county and local unit code) City of South Lyon County - 63 Local Unit - 63221 City of Wixom County - 63 Local Unit - 63225			
16. Are the local unit(s) involved willing to devote appropriate resources and time to this project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
17. Is there potential for expansion of the project to include additional local units at a later date? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
PART 3: PROJECT CONTACT INFORMATION			
Note: The project contact individual should be a vital part of the grant project and will be Treasury's contact			
18. Contact Name Loren Crandell		19. Contact Title Township Engineer	
20. Contact Telephone Number (248) 852-3100		21. Contact Fax Number (248) 852-6372	
22. Contact E-mail Address lcrandell@giffelswebster.com			
23. Contact Local Unit Name Lannie Young			
PART 4: CERTIFICATION			
24. I certify that all statements in this application, including all requested supplemental information, are true, complete and accurate to the best of my knowledge. If awarded, I agree to allow the Department of Treasury and the State Auditor General's Office (and/or any of their duly authorized representatives) access, for the purposes of inspection, audit, and examination, to any books, documents, papers, and records of the grantee which are related to this project. I agree to allow the Department of Treasury to conduct periodic program reviews of the project. The purpose of these reviews will be to determine adherence to stated project goals and to review progress of the project in meeting its objectives. I agree to submit quarterly and final narrative and financial status reports to the Department of Treasury. I understand that failure to submit any required reports may result in the termination of the grant. I understand that this grant may be terminated if the Department of Treasury concludes that I am not in compliance with the conditions and provisions of this grant, or have falsified any information. By way of signature, I agree with all conditions of this grant program.			
Primary Local Unit Chief Administrative Officer Signature (as defined in MCL 141.422b) 		Date 6/12/12	
Printed Name of Primary Local Unit Chief Administrative Officer Lannie Young		Title Township Supervisor	

PART 5: PROJECT DETAILS

25. Project Description:

The Charter Township of Lyon is under a District Compliance Agreement with MDEQ that states that construction of an expansion to the Lyon Wastewater Treatment Facility should start no later than January 30, 2014. Due to economic conditions Lyon Township would like to postpone construction of the expansion as long as possible. As a means of postponing or even eliminating the need for the expansion the township requested that the feasibility of sending a portion of the wastewater generated in Lyon Township be transferred to one or both of two adjacent communities, the City of Wixom or the City of South Lyon.

If an agreement can be reached with one or both of these communities, the facilities required to transfer the waste flow to the selected municipalities collection system would be designed and constructed.

26. Describe the status of any shared service analysis undertaken to date related to this project.

Preliminary contact with the two municipalities has been undertaken to determine if they have capacity and would be willing to accept Lyon Township flow if arrangements acceptable to both communities can be established. Both communities have indicated that they are willing to continue further discussion.

27. How are the services currently being provided?

All wastewater currently generated in Lyon Township is being treated at the Lyon Wastewater Treatment facility.

28. Goals and Business Objectives of this Project. What are the outcomes you hope to achieve? How will you measure the outcomes?

1. To delay expansion of the Lyon Wastewater Treatment plant by transferring a portion of waste flow to a neighboring facility in the short term and if the neighboring facilities can accept the flow on an ongoing basis the ultimate expansion to the treatment plant can be reduced by the amount being transferred to the neighboring community.

2. To improve operational efficiencies at the existing treatment facilities at South Lyon and Wixom by more fully utilizing these facilities.

The outcomes will be measured by comparing the cost of transferring the wastewater, and the annual charge for treatment of the wastewater at the neighboring community to the cost of constructing the required expansion at the Lyon Wastewater treatment plant.

29. Will the project save money? ☒ Yes ☐ No

A. SHORT - TERM (1 year or less) ☒ Yes ☐ No

Estimated Short-Term Savings
\$5,500,000.00

B. LONG - TERM (Greater than 1 year) ☒ Yes ☐ No

Estimated Annual Long-Term Savings
\$5,500,000.00

Estimated 5 Year Total Savings
\$40,000,000.00

PART 5: PROJECT DETAILS, CONTINUED	
30. Work Plan and Project Timeline: What are the implementation steps to ensure this project's success?	
See MS Project Schedule	
31. Total Grant Budget Worksheet	
Budget Category	Budget Amount
See Excel Worksheet	\$850,500.00
TOTAL BUDGETED AMOUNT	\$850,500.00
32. Additional Information and Comments	
Additional Comments on Item 29:	
Will project save money—yes or at very least postpone the expenditure until economic conditions improve and allow for funding by Lyon Township becomes available.	
Short term saving: \$5,500,000.00 (cost to design and construct a minimal expansion to the treatment facility 0.75MGD)	
Long term saving: \$5,500,000.00 (The short term saving could become long term savings if the Lyon Wastewater Treatment plant expansion can be reduced by amount of flow being transferred to the neighboring municipality assume 0.75 MGD at present.	
If South Lyon and Wixom facilities could provide sufficient treatment capacities on a permanent basis the long term savings could \$40,000,000.00.	

Applications are due June 15, 2012. Completed applications must be received by 5 p.m. on Friday, June 15, 2012. Post mark dates will not be accepted. Incomplete applications and electronic submissions will not be considered.

The original signed application must be submitted by mail to:

Michigan Department of Treasury
Office of Revenue and Tax Analysis
PO Box 30722
Lansing, MI 48909

Estimated budgets for EVI Application

Feasibility Phase

Administrative	Hrs	Rate	Total	% Eligible	Eligible
Lyon Township	40	200	\$ 8,000.00	25%	\$2,000.00
Wixom	20	200	\$ 4,000.00	25%	\$1,000.00
South Lyon	20	200	\$ 4,000.00	25%	\$1,000.00

Engineering

Lyon Township	100	125	\$ 12,500.00	25%	\$3,125.00
Wixom	50	150	\$ 7,500.00	25%	\$1,875.00
South Lyon	50	150	\$ 7,500.00	25%	\$1,875.00

Legal

Lyon Township	40	250	\$ 10,000.00	100%	\$10,000.00
Wixom	20	250	\$ 5,000.00	100%	\$5,000.00
South Lyon	20	250	\$ 5,000.00	100%	\$5,000.00

Implementation Phase

Implementation Phase	Assume Arrangement with both municipalities			% eligible	If only one Municipality Deduct	
	Hrs	Rate				
Administrative						
Lyon Township	80	200	\$ 16,000.00	100%	\$16,000.00	
Wixom	40	200	\$ 8,000.00	100%	\$8,000.00	
South Lyon	40	200	\$ 8,000.00	100%	\$8,000.00	\$ (8,000.00)

Engineering

Lyon Township	500	150	\$ 75,000.00	50%	\$37,500.00	
Wixom	100	150	\$ 15,000.00	50%	\$7,500.00	
South Lyon	100	150	\$ 15,000.00	50%	\$7,500.00	\$ (15,000.00)

Legal

Lyon Township	120	250	\$ 30,000.00	100%	\$30,000.00	
Wixom	40	250	\$ 10,000.00	100%	\$10,000.00	
South Lyon	40	250	\$ 10,000.00	100%	\$10,000.00	\$ (10,000.00)

Construction

Lyon Twp	lump sum		\$ 500,000.00	50%	\$250,000.00	
Wixom	lump sum		\$ 50,000.00	50%	\$25,000.00	
South Lyon	lump sum		\$ 50,000.00	50%	\$25,000.00	\$ (50,000.00)

Grand Total			\$ 850,500.00		\$ 465,375.00	\$ (83,000.00)
Grand Total with deduct			\$ 767,500.00			

Lyon Township
Wastewater Treatment
Outsourcing

ID	Task Name	Duration	Start	Finish	Pred
1	Feasibility Phase	80 days?	Tue 6/5/12	Mon 9/24/12	
2	Engineering Feasibility	3 mons	Tue 6/5/12	Mon 8/27/12	
3	Preliminary Contact with municipalities	1 mon	Tue 8/28/12	Mon 9/24/12	3
4	Agreement to pursue	0 days	Mon 9/24/12	Mon 9/24/12	4
5	Implementation Phase	260 days	Tue 9/25/12	Mon 9/23/13	
6	Develop Final agreements	4 mons	Tue 9/25/12	Mon 1/14/13	5
7	Design of Facilities	3 mons	Tue 9/25/12	Mon 12/17/12	5
8	Obtain permits	4 mons	Tue 12/18/12	Mon 4/8/13	9
9	Construction of Facilities	6 mons	Tue 4/9/13	Mon 9/23/13	10,8



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

ANDY DILLON
STATE TREASURER

October 23, 2012

Lannie Young
Township Supervisor
Charter Township of Lyon
58000 Grand River Avenue
New Hudson, MI 48165

Dear Mr. Young:

Re: Notification of Intent to Award - CGAP FY 2012 (Round 2)

The Michigan Department of Treasury (Treasury) - Office of Revenue and Tax Analysis (ORTA) received your grant application for the Competitive Grant Assistance Program (CGAP), formerly known as the Economic Vitality Incentive Program (EVIP) - Grant Program. We are pleased to inform you that the project your governmental unit submitted entitled ***Lyon Township Wastewater Treatment Outsourcing*** has been selected for a grant award in the maximum amount of \$51,500.00.

Intent to Award Approved Budget Amount

Attached is the approved budget for your grant project.

Next Step

To receive the Grant Notice of Final Award, ~~Treasury must receive all the required Board Resolution(s), Board Meeting Minutes, or Inter-local agreements for all participating local units (as indicated in the Conditions of the grant application packet) by Thursday, December 27, 2012.~~ If the resolutions, minutes or agreements have not been received for all participating local units, the project funding will be subject to automatic cancellation. Submission of the resolutions, minutes or agreements will be considered an agreement to all provisions specified in the grant application packet and acceptance of the grant award.

Please send the required documents by e-mail to TreasRevenueSharing@michigan.gov or by mail to:

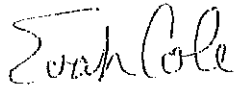
Michigan Department of Treasury
Office of Revenue and Tax Analysis
PO Box 30722
Lansing, MI 48909

Grant Application Conditions

For your reference, enclosed is a copy of the CGAP, formerly EVIP, Information and Conditions. Please review the conditions of the grant award. The conditions contain important information pertaining to the grant award (i.e. requirements for final award, reporting, reimbursement, etc.). Reminder, grant funds are distributed on a reimbursement basis.

Congratulations to you on the grant award. We appreciate your interest in the CGAP and look forward to working with you on this project. We ask that you inform all participating local units of this intent to award. If you have any questions, please let us know. We can be reached at (517) 373-2697.

Sincerely,

A handwritten signature in cursive script that reads "Evah Cole".

Evah Cole, Administrative Manager
Office of Revenue & Tax Analysis

Enclosure

c: Mr. Andy Dillon, Treasurer
Mr. Roger Fraser, Deputy Treasurer
Ms. Claire Allard, Strategy Advisor
Mr. Brom Stibitz, Senior Policy Advisor
Mr. Terry Stanton, Director of Communications
Mr. Jay Wortley, Director

Charter Township of Lyon
 October 23, 2012
 Attachment: Intent to Award Approved Budget Amounts

Lyon Township Wastewater Treatment Outsourcing

Below is the approved budget for your grant project. Please note, all feasibility studies were funded at 25%. We have assigned budget categories to each of your original budget line items. Please use these categories when submitting your reimbursement requests.

Reimbursement requests must include invoices and cancelled checks supporting the costs.

Budget Category	Budget Description	Application Budget Amount	Intent to Award Budget Amount	Comments
Feasibility Study	Feasibility Phase: Administrative	\$4,000.00	\$4,000.00	Feasibility Study (25%)
Contracted Services	Feasibility Phase: Engineering	\$6,875.00	\$27,500.00	Contracted Services (100%)
Contracted Services	Feasibility Phase: Legal	\$20,000.00	\$20,000.00	
	Implementation Phase: Administrative	\$32,000.00	\$.00	Denied
	Implementation Phase: Engineering	\$52,500.00	\$.00	Denied
	Implementation Phase: Legal	\$50,000.00	\$.00	Denied
	Implementation Phase: Construction	\$300,000.00	\$.00	Denied
	Budget Total	\$465,375.00	\$51,500.00	

AGENDA NOTE

New Business: Item #5

MEETING DATE: November 26, 2012

PERSON PLACING ITEM ON AGENDA: Manager

AGENDA TOPIC: Cancellation of December 24, 2012 Regular City Council Meeting.

EXPLANATION OF TOPIC: It has been the practice for many years to cancel the second City Council Meeting in December due to the holidays. This year that meeting falls on December 24, which is Christmas Eve and a holiday.

POSSIBLE COURSES OF ACTION: Approve/do not approve the cancellation of the December 24, 2012 regular City Council Meeting or move the meeting to another date.

RECOMMENDATION: Approve the cancellation of the second Regular City Council Meeting in December and authorize the City Manager to schedule the meeting on another date in December if the need should arise.

SUGGESTED MOTION: Moved by, _____ seconded by, _____ to cancel the second regular City Council Meeting of the month which falls on December 24, 2012 and to authorize the City Manager to schedule the meeting on another date in December if the need should arise.

South Lyon Historical Commission Meeting
Thursday, November 1, 2012
Minutes

Members Present: Norm Somers, Phil Weipert, Larry Ledbetter, Jack Renwick, Beth Pfiles, Bob Tremitiere

Members Absent: Roger Heiple

Others Present: SLHS President Linda Ross

President Jack Renwick called the meeting to order at 7:32. The October minutes were approved

2012-13 Budget: Bob reported that he got a budget status from Lori at City Hall and we are OK in most categories. There were a couple of categories that he has some questions about, and he will ask Lori to explain.

2012-13 Projects:

Gazebo Steps repair and sidewalk brick repair: Bob reported that Davor Zander has almost completed the repairs, including raising the steps, pouring concrete piers under the stringers, and repairing the brick sidewalks. He is awaiting a nice day to paint the new bottom board on the steps and to complete a few brick repairs. He will then review the completed work with Bob and submit his bill. Commissioners who have seen the work were very pleased with the quality.

Tree at end of Tracks: There hasn't been a regular Historical Society meeting since our last Commission meeting, but Linda reported that she has asked Mary Ann Guerriero to research and make a recommendation for a replacement.

Repair signs: Subsequent to our last meeting, we were asked to get a second estimate, since Tony Donnor's estimate was over \$1000. Bob asked Brownie's Signs for an estimate, and they came back with an estimate of \$2900. Meanwhile, Tony reduced his estimate to \$850. We all agreed that we would go with Tony, and Bob agreed to turn in his estimate to City Hall for payment of the deposit. The cost may go up a little, as Bob suggested that we use concrete around the rules signposts to prevent the wind from blowing them out of plumb.

Washburn School Window Repair: Larry reported that Village Glass now estimates that it would cost about \$450 to repair the rotted sash. This is up from \$150 that we approved at the last meeting. Jack suggested that we contact Pullam Glass for an estimate, and Larry agreed to do it. (Note: Subsequently, Larry contacted them and they said that they can replace the upper sash for \$350 plus \$100 labor. An all new window would be about \$700 plus labor. Larry will contact Village Glass again to see if they have any other suggestions.)

Other Old Business: Norm presented a report from Myla on the gardening. According to her figures, we had a total of 22 volunteers, 13 from the Society and the community, and another 9 during the annual volunteer day. Those volunteers put in 204 hours. Using the previous professional gardener's \$25 per hour salary, we saved \$5200 by having volunteers do the work.

2013-14 Projects:

Upgrade gazebo electrical: Bob reported that he met with Bob Martin and Troy, and they would be willing to have the city do much of the work to run a new circuit from the Chapel to the Gazebo. Bob Martin will work up a cost estimate. Norm suggested that we look at the map that he has previously provided, to determine where the gas line runs, and plan accordingly. Jack warned about a lot of buried concrete behind the Chapel.

Business completed, Norm motioned to adjourn, Phil seconded, and the motion passed. Meeting adjourned at 7:53PM

Minutes recorded by Bob Tremitiere, Secretary

Submitted by Jack Renwick, President

David Murphy

From: Megan OBrien [meganeo16@yahoo.com]
Sent: Thursday, November 15, 2012 8:54 PM
To: mkennedy@southlyonfire.com
Subject: thank you

Thank you very much for helping us with our smoke detectors! My family will sleep safer tonight. We appreciate all that you do for our community!
Megan Unruh

AGENDA NOTE

New Business: Item #6

MEETING DATE: November 26, 2012

PERSON PLACING ITEM ON AGENDA: Manager

AGENDA TOPIC: Closed Session

EXPLANATION OF TOPIC: City Attorney Wilhelm is asking to go into closed to discuss a legal opinion.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: N/A

SUGGESTED MOTION: Motion by _____, supported by _____ to go into closed session for the purpose of discussing a legal opinion. Roll Call