

Regular City Council Meeting

March 13, 2017

Agenda

7:30 p.m. **Call to Order**
Pledge of Allegiance
Roll Call
Approval of Minutes: February 27, 2013 and special meeting March 3, 2017
Approval of Bills:
Approval of Agenda

Public Comment

I. Old Business –

1. Presentation of updated and revised information regarding renewable energy installation at WW Treatment plant

II. New Business-

1. Consider approval of licensing agreement with Fibertech (Lighttower Fiber Networks)
2. First Reading of Ordinance to Amend the Official Zoning Map of the City of South Lyon Conditionally Rezoning 500 Stryker Street – Parcel No. 21-29-176-012 from R-3 (1-Family Residential) to I-1 (Light Industrial)
3. Consider approval of contract amendment and extension with SAFEBuilt
4. Consider adoption of Naming Policy for Parks and other City owned and operated facilities and related form
5. Update on proposal and status of discussion related to a School Resource Officer (SRO)

III. Discussion- Downtown

IV. Manager's Report

V. Council Comments-

VI. Adjournment

CITY OF SOUTH LYON
REGULAR COUNCIL MEETING
FEBRUARY 27, 2017

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

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

MINUTES- January 23, 2017

CM 2-1-17 MOTION TO APPROVE MINUTES OF JANUARY 23, 2017

Motion by Rzyzi, supported by Parisien
Motion to approve minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES- 2/13/17

Councilmember Wedell stated he would like to amend the minutes to state, Mayor Pro Tem Wedell gavelled Councilmember Kurtzweil 3 times and stated her comments were out of line. Councilmember Parisien stated her name is misspelled on the last page.

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

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

Councilmember Rzyzi stated he wanted to point out and that # 5 is a closed session, and he doesn't know why it is on here when it is also on #2 under new business, we don't need a closed session. City Manager Ladner stated it can be dealt with under open or closed session. Councilmember Rzyzi stated he doesn't feel it should be in closed session and he will vote no. City Manager Ladner stated it is Council's decision because it is reviewing a document of attorney client privilege and only Council can waive that. Councilmember Kurtzweil stated she will vote no as well. She stated you are asking to go into closed session to consider material exempt from discussion by state or federal statute. City Attorney Wilhelm stated when there is written attorney client communication it is exempt from FOIA and that is the generally excepted rationale for going into closed session. Councilmember Kurtzweil stated there is nothing confidential in it. Attorney Wilhelm stated the document is titled Attorney-Client Privilege. City Manager Ladner stated changing the agenda of action items requires a 2/3 super majority. Councilmember Kurtzweil stated we can amend the agenda before it is approved, after it is approved, we would have to have a super majority. She further stated we should follow Robert's Rules of Order. Attorney Wilhelm stated there is a resolution dated January 2006 which states a super majority is needed.

2-27-17

CM 2-3-17 MOTION TO REMOVE ITEM #5 CLOSED SESSION

Motion by Ryzyi, supported by Kurtzweil

Motion to remove item #5 from the Agenda

ROLL CALL VOTE: Kivell- No

Parisien- No

Ryzyi- Yes

Galeas- No

Wedell- No

Kramer- No

Kurtzweil- Yes

MOTION FAILED

Councilmember Kramer stated he would like to hear from the Dykema attorney because he is also entitled to Attorney Client privilege, and he understands what is being said, but he would like to hear if this report was made for Council, or if it is a document available under FOIA. Just for the sake of clarification, he would like to hear from the Attorney that labeled it Attorney Client Privilege.

CM 2-4-17 MOTION TO APROVE AGENDA

Motion by Kivell, supported by Wedell

Motion to approve Agenda as presented

MOTION CARRIED- 2 OPPOSED

Councilmember Ryzyi asked if it is a conflict for Councilmember Kivell to vote on the agenda because it involves his investigation. Attorney Wilhelm stated according to 4.6 of the Charter he should be excused from the vote for going into the closed session. Attorney Wilhelm stated it is not his position that it is a conflict for Councilmember Kivell to vote on the Agenda. Councilmember Ryzyi stated that is wrong, it is a conflict. Attorney Wilhelm stated he disagrees. Councilmember Wedell asked if this is dealt with in open session does Council then waive attorney client privilege. Attorney Wilhelm stated it would have to be a vote of Council to waive privilege, and you would have to understand the impact of such a decision, and he suggests we wait to hear what Mr. Muskovitz says given that he is the author of the attorney client privilege written communication. Councilmember Kurtzweil stated she disagrees, the people that hold the privilege is Mr. Muskovitz, and we as City Council have the ability to vote to release this because it is of great public interest. She stated there is nothing confidential in terms of the results, and it serves a great public interest, there is nothing defamatory of the holder of the conflict, and all the documents in the report came from public record. To argue the public doesn't have the right to see the report is a complete disservice to the public we serve. Councilmember Kramer stated he understands that, but he would like to understand why Mr. Muskovitz labeled it Attorney Client Privilege. Councilmember Parisien stated we shouldn't hastily get into something without hearing from the attorney that labeled it attorney client privilege.

Councilmember Ryzyi stated he still doesn't understand why the discussion is on the agenda in open and closed session, and there is nothing privileged so there shouldn't be a closed session. Attorney Wilhelm stated the idea was to provide Council to have an open session regarding this report, but yet given the opportunity to have a closed session to discuss the written communication marked as attorney client privilege by Attorney Muskovitz. Further discussion was held on amending the Agenda. Councilmember Kurtzweil stated you have to have a majority vote to go into closed session and Councilmember Kivell would not be allowed to vote on that. Attorney Wilhelm stated that is correct. She further stated if we

make a decision in closed session, it must be in the public record. Attorney Wilhelm stated the discussion is in closed session, then the decision is made in public session.

PUBLIC COMMENT

Steve Elmsley of 51824 8 Mile stated he is part of a citizens group called CPARD for public accountability and responsible development. He stated we are one of a few groups in the state that won an open meetings lawsuit, the law was written and amended in part by the litigation against the township of Northville. He further stated going into closed session on 8(h) of the open meetings act is the most obscure and obtuse way to go into closed session. In the past, cities and townships used to post a special meeting within 18 hours of a closed session at 4:45 p.m. and no one would know about it. He has heard some of the shenanigans going on here, and to have people believe that just because a document says privileged makes it some kind of special document. That is disingenuous. He further stated he works with many attorneys and they just lost a suit with Lyon Township, but it will probably be overturned in appeals. He further stated in the end, there is no case, why this needs to be in closed session at all, all you have said is the attorney wrote attorney client privilege on the document. He further stated all that needs to be said is Councilmember Kivell needs to say there is nothing to hide, and let it be dealt with it in open session. He further stated as the head of CPARD this isn't right, and it isn't right by the people you serve, release the documents and do it in front of the people and move on.

Carl Richards of 390 Lennox stated the historical society had a 3-hour program that was really good, it wasn't highly attended but they all had a good time. He further stated the most outstanding thing that was brought in was a large old boat made out of toothpicks that was made by Larry Ledbetter. Mr. Richards stated as a point of history, he brought in a small coffee cup with Hop Along Cassidy on it from the early 50's. He also brought an Indian arrowhead. He stated he also brought in a piece of men's decoration, which was an S for Michigan State, but it is from 1925 and 1926 and it belonged to his father. He stated the tube mill is taking applications, they normally take 100 apps, then bring in 60, and hire 40 people. He stated the Salvation Army is opening soon, and they have hired 12 people, and one was one of his handicapped friends. He further stated the goal is to hire 50 people. He further stated they have 6 houses up on Mill Street and it is very interesting, he hopes things go well for them.

Ryan Lare of 760 Grand Court stated it is a shame about the closed session, he agrees with Maggie and Joe, and people need to know what is going on with our elected officials. He further stated the government needs to start to think about the people that pay your salaries, and it is Election time, and he will not be voting for any of the renewing councilmembers. He further stated people are being told to be quiet and he wants a full investigation about Maggie being stopped from speaking about the fraudulent information, it is an obstruction of justice.

Dan Pelchat of 255 Wellington stated he wanted to thank Council, and to thank everyone that volunteers for the City and the people that work in this office. He is on the Cable Commission as well as employed by South Lyon Schools in the technology department. He stated he is here to discuss the recent technical difficulties with the equipment in the media room. He stated no one has asked him to speak on this, but he is here to put an end to the harassment of City employees and volunteers. He further stated it is uncalled for and stems from ulterior facts or lying. He further stated he had a hard time believing this can be manipulated into something it is not. He further stated the building was built in 1998, and the equipment we are using to video this meeting is from 1998. Mr. Pelchat stated it is 18 to 19 years old and I don't think anyone is using a computer from 1998. He stated there is not one person that can do a low

level of trouble shooting. We are in a tough spot to make a service call on 19-year-old equipment. He asks anyone that questions these facts, please attend the next Cable Commission at 7:30 on March 8th.

CM 2-5-17 MOTION TO SUSPEND THE RULES TO HAVE A CONVERSATION WITH THE PUBLIC SPEAKER

Motion by Kurtzweil, supported by Rzyzi

Motion to suspend rules to have conversation with public speaker

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Kurtzweil asked if it would help if a budget was put together to find out what it would take to modernize the equipment. She stated she was not informed the equipment was from 1998 until the last meeting. Mr. Pelchat stated the Cable Commission has been rebuilding the cable channel, nothing they have worked on has anything to do with the recording equipment. He stated we have tried to begin to bring this up to date, and it is unfortunate because of the way the television channel was left, and we had to rebuild that, now we have up to date hardware for that, but we need to get updated hardware for the recording equipment. Councilmember Kurtzweil suggested he get together with the schools, and put together an aggressive budget and get problems solved. Mr. Pelchat stated the City Manager will have some news regarding that later in the meeting. He further stated he is mainly here to squash the conspiracy theory, because it comes down to 19-year-old technology, we can hardly keep it running, and there are fewer and fewer people that service this type of equipment.

OLD BUSINESS

1. Consider proposed amendment to the performance evaluation provision of the City Manager Employment Agreement

CM 2-6-17 MOTION TO APPROVE PROPOSED AMENDMENT TO CITY MANAGER EMPLOYMENT CONTRACT

Motion by Kivell, supported by Kramer

Motion to approve the proposed amendment to Section 11 entitled performance evaluation and goals of the City Manager employment agreement as presented, and authorize the Mayor and Clerk to sign a first amended and restated City manager employment agreement containing the amended section 11

MOTION FAILED

City Manager Ladner stated this was brought before Council at the last meeting and the proposed language was rejected by Council. She stated the amendment has now been revised. Councilmember Kurtzweil stated she disagrees with the language, the revised language should give the City Manager 90 days in advance, giving her 2 weeks' notice is not fair. Councilmember Kivell stated this gives the City Manager the ability to make that argument. Councilmember Kramer stated there is option one or option 2. He stated he doesn't have a problem with the number of days being 60-90 days, instead of a 2-week notice.

CM 2-7-17 MOTION TO ADOPT THE REVISED LANGUAGE FOR CITY MANAGERS CONTRACT WITH ALTERNATIVE LANGUAGE OF AT LEAST 90 DAYS NOTICE IN ADVANCE

Motion by Kurtzweil, supported by Kramer

2-27-17

Motion to adopt the revised language for City Managers contract with alternative language of at least 90-days notice in advance

VOTE: MOTION CARRIED UNANIMOUSLY
CM 2-8-17 MOTION TO AMEND THE MOTION FROM 90 DAYS TO 60 DAYS

Motion by Wedell, supported by Ryzyi

Motion to amend the motion from 90 days to 60 days

VOTE: MOTION CARRIED UNANIMOUSLY
 Councilmember Ryzyi stated we are coming to a good conclusion and this is good teamwork.

NEW BUSINESS

1. Discussion regarding utility billing

Councilmember Ryzyi stated he added this because at the beginning of the meeting we heard a comment about adding the gaveling to the minutes and it got his attention, which is why he asked to have this added. The Council rules were passed in January 2006 and it states a Council Comments section will be added to the agenda, and it will allow them to make general announcements to the Community or ask other Councilmembers, Department Heads or the City Manager questions. He further stated make comments means you can say whatever you want. It raised his attention that there were possibly some fraudulent water bills. He further stated he stays in touch with residents through Facebook and when he put that on there, he got many comments from residents saying it happened to them and it has been going on for years. He quoted a few comments from his Facebook page such as, "yes I received one of those bills on some rentals I have in town", another said "it happened to them 20 years ago, and when they called the Water Department said we now have your attention." Councilmember Ryzyi stated there is some mistrust among the residents and it was admitted during that meeting in 2015 and if this is still happening, we need to address it.

Councilmember Kurtzweil stated this has been bubbling in the community. She found out about it watching a City Council tape. She stated the festering is there because this was a single woman with low usage, and she was sent a false water bill. She stated when the lady called the City, the City employee stated we did that to get your attention. She further stated people are angry that some employees took it upon themselves to issue a water bill that isn't a true bill. She said this woman was working two jobs, and this is how the City treated her. She watched that tape over the weekend and she clearly said to Council, here are my water bills, you can look at them. Councilmember Kurtzweil stated it makes the City look bad, and the Department look bad, I can't imagine any city allowing their employees to send out fraudulent water bills. She further stated she doesn't understand the culture of this City, that thinks it is ok to send a resident a fraudulent water bill, it went through the mail, which is mail fraud. If you have more than eleven people that received these bills, we could have a class action lawsuit against the City. She further stated she wants some assurances that this employee has been counseled and this is inappropriate at any time. She stated it is wrong, and she doesn't understand where the culture in this city comes from. She wants assurance this has stopped, and we need to get Plante Moran in here. If anyone paid a false water bill, we need to make amends real quick. No excuses, this is not defensible. This makes everyone look bad. Councilmember Kivell stated his comments in the minutes was that was not appropriate and it shouldn't take place, and it is a function of unit price and how many unit price was used, and it was spoken to the idea that the person would be talked to and it wouldn't happen again.

Joyce Clohosey a city resident stated she also received a water bill for over \$1,000. She further stated it was just her and her husband living there at the time, and they normally had a minimum water bill, so

fortunately she did not just pay it. She called and they were told we got your attention and we want to put in the digital meter. She said the bill came just like a normal water bill, and looking back that other people are saying this happened to them, it seems the City is violating Fair Housing, if the City is seeking low usage people out, and putting a fixture in their home in a bias way, it needs to be looked at. Just because people did or didn't pay that, doesn't mean it was wrong. It is difficult to deal with the City of South Lyon. She stated it was between 2009 and 2013. Councilmember Rzyzi stated the comment he received was it happened 20 years ago, very concerning.

Miranda Clay stated she owns a building on Washington and has owned it since 2007. She stated she has every bill and it went from \$900 a month to \$3,300. She stated she went to the two prior months' bill, the water department said they might have a leak, someone came out and they did not have a leak. She further stated they then said there was a rate increase. The bottom line was she was told if you don't pay you will get the water shut off. She further stated what is going to happen now, am I going to get a credit, or should I call channel 2, 4 or 7 and show them the bills. An investigation should happen. She hopes something is done, and if nothing is done, she will contact the media. Councilmember Kramer asked if it was just one bill and when. Ms. Clay said it was one bill and it was the last bill. Councilmember Rzyzi stated this is why he added this to the agenda, it is very upsetting. City Manager Ladner stated any meters that are replaced are on a regular schedule for replacement, it is not done by any selection of household size or location in the City. Councilmember Kurtzweil stated that is hard to believe. She said when they came out, she asked if there was something wrong with it, and he said no, it is being replaced because it wasn't pulling enough water and we want to make sure we are billing for every dime that comes into this house. She further stated the City was replacing water meters on every home that had low usage to get every dime you could. She said he was very honest and that is what he told her. The lady that came to the meeting to complain had a similar lifestyle, and she was targeted to get her meter replaced. She further stated the woman that was here had also been on vacation and because she worked 2 jobs, and the water department was only available Monday – Friday 8:30-5:00. Ms. Clohosey stated the home she bought was vacant for almost 2 years, and she had to have the City initial the electric box, and HUD had to sign off on everything, and the fact that there is a master schedule, no one from the water department wanted to come in and take corrective action. She stated she had a rental property that sat vacant, and you get a minimum bill whether any water is used or not. It takes a lot to go over that minimum, it is clear they look for low usages. She further stated she would like to see a water meter replacement schedule.

Ryan Lare stated he received a notice to replace his water meter as well, and he doesn't trust the water department or anyone in the City except for 3 people, Bob, Chief Collins, Chief Kennedy, and Councilmembers Maggie and Joe. This City needs to get its act together, and someone needs to be investigating the fraud that went on, it was mailed in the mail, that is fraud, and by gaveling Maggie at the last meeting that was an obstruction of justice, you have to be careful of what you vote on, that is a potential crime as well. People shouldn't have to worry about their water bills, and no one is coming into his house to change his meter, and if he gets a \$1200 water bill he will be the first one in the door.

Department Head Martin stated he would like to speak to Council and the City of South Lyon, he has worked for the City for 38 years. He takes responsibility for things pertaining to water, wastewater and other things. In order to have a billing system you have to have something to bill. What we bill is the water, and we do that thru water meters. We have 3600 meters throughout South Lyon. Most are 3/4 except the schools which have 6". The cost for water in the City is very reasonable, it is \$2.40 per 1,000 gallons. We read the meters quarterly. He said people think we are showing up to their house because they aren't generating enough water, that isn't true and it isn't reasonable. There is a battery-operated

meter head in each meter. The battery lasts 10-12 years. The guys drive around the City and picks up electronic reads, then we take the computer back to the billing department and upload it to the billing computer and it shows everyone's individual billing. If the battery goes bad, we don't get a signal, that is how it is determined that a meter needs to be replaced. He stated we don't call, we send letters, and it can be done any day of the week, and it takes 5 minutes to do this. If they don't call for another quarter, we have to do an estimated bill. He further stated that is how sometimes it can go over a year. That practice that was done was stopped in 2015, and he stopped it. The previous superintendent was the one that started that practice. The water meters are so precise and there is a small red dial and it speaks to a literal drip coming out of the bathroom faucet. He further stated we have updated all of our computers to windows 10, and BSA cash receipts and at the same time our water meters went to a new thing called Beacon. Mr. Martin stated Plante Moran audits the City every year as well as the water department. He stated they measure all unbillable water that goes out of the City, and 10% is very good, we were at 4.7% that is how good our system is, we will never get to 0%. We are as transparent as we can be, and that is a hard sell, but that is a fact. Our billing Clerk has worked here for 28 years, he stated he raised his family here as well. He stated his bill is approximately \$145.00 a quarter, and \$40.00 is for Garbage, that drops it down to \$105.00 a quarter, and it works out to .53cents a day. We have very few people complaining but if we do, we are there, we have two very good guys in the water department. He stated in a 10-unit building, you don't know how the water was used, someone could have had a toilet running.

Councilmember Kurtzweil stated she wants to get back to the fraud. She asked how does someone generate a bill if it is not based on usage. Department Head Martin stated fraud is a scary word, you have already tried and convicted him. Councilmember Kurtzweil asked how the bills are generated. She would assume the computer will look at the previous 3 years, and then generate an estimated bill. She stated her water usage was about \$100 a quarter, so how does someone generate a water bill for over a \$1,000. Department Head Martin stated he would be happy to look at this. Mayor Galeas stated he is very concerned and no one has asked him, but you are assuming as you always do, and he doesn't understand the checks and balances and he understands their concerns, but everyone should have their say. He further stated he is not disagreeing but things happen and lots of comments are being made, but we aren't getting an answer and we don't give the guy a chance to explain that is running the Department. He further stated this has been political since day one. We have the opportunity as Council representing the City if we have a question, to ask the question to the City Manager to get answers instead of trying to get everyone angry and asking things in public. He stated he would like a resolution instead of people making a point of giving everyone a hard time. Department Head Martin stated he cares so deeply and it is unfair to use the word fraud against him, you know me as a person, do you think I would allow that to happen. Councilmember Kurtzweil asked if there is someone over the billing clerk. Department Head Martin stated he is in her office every day, and his guys are in there as well working on things. He further stated he knows every now and then there will be a glitch, but if it happens we will address it and correct it. Councilmember Kurtzweil stated no one uncovered this until the taxpayer came up to the microphone and said that has to stop. Department Head Martin stated that happened in 2015 and it hasn't happened since. He guarantees over 4 letters were sent to that person, and it wasn't right, but he stopped it. Councilmember Kurtzweil suggested if it is a problem, sit down with the City Attorney and go get court orders. Department Head Martin stated we can according to the City Code, but we want to work with people. Councilmember Kurtzweil stated has she been counseled, and she wants assurance this will not happen again. Department Head Martin stated he will always strive to do things right, and he needs some respect from council as well. I give you my word, that was addressed and sometimes we do get some large readings, and then it comes back down, how do you know there is no leak. We know sometimes toilets run, and we work with those residents and we charge the water side of the bill, but we don't charge

on the sewer side. He stated he is being as honest as possible. He stated the integrity of the employees of the City is beyond reproach, we try to be true public servants. Councilmember Kurtzweil stated this employee was not an inexperienced employee, this was an employee that had extensive experience. Department Head Martin stated he hopes we can have more conversation back and forth and we can move forward with this. Councilmember Parisien asked if other communities take the same course of action as the City. Department Head Martin stated they do. He further stated we have nothing to gain by charging one penny more. Councilmember Rzyzi asked when Linden Beebe was the superintendent. Department Head Martin stated he took over in 2000. Councilmember Rzyzi stated he won't beat a dead horse, but you said this was implemented by him, and ended in 2015, and it has been going on potentially for 15 years. Department Head Martin stated he doesn't know how many times it was done in the last 15 years. He further stated just because a bill is high doesn't mean we did anything wrong. Councilmember Rzyzi stated it has happened and people were told it was to get their attention. He further stated in order to get people's attention, someone would have had to physically manipulate the numbers, don't whitewash it. Department Head Martin stated this hasn't happened since 2015 and if you have any questions why not just call and ask me if you have a concern instead of throwing it on Facebook. Councilmember Rzyzi asked if we need to have an audit. Department Head Martin stated we are audited each year. He further stated you have quality people working for the City. Councilmember Kivell stated that is an important part of the conversation, instead of being ambushed during Council Meetings these are all things that could be much more constructive when a phone call can be made during the day when you can give them the information and they can look into it, then if you want to still have a discussion during the meeting, at least they have the ability to investigate and come up with the root of the pricing spike might have been, the idea of having these TV moments is way over the top.

Mayor Gales stated he said this before, it isn't the statement, or the topic, it's the delivery. He further stated when he was on Council in the past we went to the City Manager with questions, and we got answers, we didn't always agree. He further stated there can't be a conspiracy or cover up if we have no idea what people are going to bring up. He stated when he is blindsided he has no option except to ask the Manager or the Department Heads. He stated the Department Heads and the City Manager are running the departments. He further stated if you see a water bill go high, it needs to be looked at. He stated it seems like people think everything has to be a social media topic to get everyone upset to solve a problem. If the rest of us aren't given the information to try to solve the problem, he doesn't understand where this is coming from.

Ms. Colohosey stated she understands Council doesn't do the water billing. She received a \$1200 water bill, and she was told on the phone it was to get her attention, not an average, they said was we sent you this bill to get your attention. She stated the superintendent just stood at the microphone and said on the record and on tape admitted his department sends out erroneous water bills. Mayor Galeas stated he did not say that.

Mayor Galeas called for a 5-minute recess at 9:17 p.m.

Mayor Galeas reconvened the meeting at 9:24 p.m.

2. Discussion/Consideration of investigation report from outside counsel

Mr. Muskovitz of Dykema Gossett PLLC stated it is standard practice for work product to be marked as attorney client privilege and Council may waive that, this is different than litigation. Councilmember Kivell stated the only reason he wanted to have the agenda remain as proposed is because he has no

problem with having this discussion in the open meeting, he didn't want to limit someone else's ability to have a discussion in closed session if they had a concern. He further stated he is unaware of the process and if he will be participating in the discussion, if not, he would like the ability to read a statement before the process takes place.

Councilmember Wedell asked if this body of Council can waive the privilege.

CM 2-9-17 MOTION TO WAIVE PRIVELEGE TO DISCUSS FINDINGS OF MR. MUSKOVITZ

Motion by Kramer, supported by Wedell

Motion to waive privilege to discuss findings by Mr. Muskovitz

VOTE:

MOTION CARRIED UNANIMOUSLY

Attorney Wilhelm stated this Council has set precedent and the participant can be included with the conversation, but not the vote. Councilmember Rzyzi stated he recalls neither of them participating and standing in the back of the room. Councilmember Kurtzweil stated it is fine. Councilmember Rzyzi stated he doesn't have a problem with it.

Mr. Muskovitz stated there are three basic facts not in dispute. Councilmember Kivell was employed by Pullum Windows at the time of the contracts being awarded, he participated in the votes, and didn't disclose his conflict. He stated the scope of the assignment was broke into 3 groups. The first was if Councilmember Kivell had any solicitation or rewarding of the bids. The second was if his conduct violated any sections of City Code or City Charter by not disclosing his employment, and the third was any recommendations to change city documents for any issues he found during this investigation. Mr. Muskovitz stated he interviewed all Councilmembers, Chief Collins, Lieutenant Sovik, City Manager Ladner, Attorney Wilhelm, and Councilmember Kivell individually. He stated Councilmember Kivell was very accommodating. He further stated Mr. Kivell shared all of his paystubs as well as his W-2 so we could determine if his compensation he received on a weekly basis equaled his yearly pay. He further stated he put together events in chronological order. Mr. Kivell was hired by Pullum in January 2016, which is before the Police Department reached out for window contracts, which reflects he was not hired by Mr. Pullum with the idea it might help him get the contract. Mr. Muskovitz stated he met with Mr. Pullum and he was very cooperative, he made arrangements for him to see the bid and specifications. Mr. Kivell was hired as a window assembler, he worked on the windows that went into the city's buildings, he was paid hourly, his hours throughout 2016 were consistent the entire year. The hours he worked before the bid was done, and the hours worked after the work was done was very consistent. He was not involved with the installation of the windows. He confirmed with Mr. Pullum that Mr. Kivell didn't receive any bonus, or stipend, commission nor a pay increase. That is why he asked to see his weekly paycheck to make sure they matched the W-2. He stated the fact his hours are consistent is because if Mr. Pullum doesn't keep his employees close to 40 hours a week, he will lose employees. The fact is Mr. Kivell worked there, he was an assembler, and he was paid for the work, but it wasn't disclosed. Mr. Muskovitz stated Mr. Kivell played no role in the bid process, nor did he play any factor in the bid proposal, as far as he can tell, the bids were kept by Lieutenant Sovik until the information was given to City Manager Ladner for the Council packet which was issued on August 4th. Lieutenant Sovik approached 5 other companies, but only two companies bid the job, and a 3rd suggested he contact Pullum because they have a reputable reputation and they are local. As far as the recommendation on the Agenda note that was written by Sovik which stated that Pullum was the low bidder, and a local business with a good reputation. He further stated after the bid was awarded, Mr. Pullum then contacted Lieutenant Sovik and City Manager Ladner stating that unilaterally he was going to enhance the product for aesthetic reasons without additional cost. Mr. Muskovitz stated the second issue is if Councilmember Kivell's

actions violated any of the Code or Charter provisions. He stated he looked at the Code and the Charter, but he also expanded that by the State Statute with dealing with local bodies that supersedes local ordinances and charter provisions of public officials. He stated he views the first and third motions voted on August 8th to approve Pullum as a contractor as voting on a contract. He further stated the second motion to waive the bidding process isn't seen as voting on a contract, but he found 7 violations of Charter, Code or State Statute which all involved the same conduct. He stated this is not straight forward, by voting on the contracts, did he have a financial interest in the City Code, and financial interest is not defined in the Code or Charter. Mr. Muskovitz stated if financial interest is defined as ownership, Mr. Kivell did not, but a broader definition would be a financial concern or benefit that can be derived by a relationship. He further stated the broader definition is more reasonable. He stated language and rulings by the Attorney General determined that by virtue of being employed by an entity that the City is contracting that there is a financial interest because there is a benefit for the company and the employee. Mr. Muskovitz stated when we concluded that it seems there are sections of the Code and Charter that are similar, such as section 4.6 which states it is a violation to vote on any question with a financial interest, similarly section 5.2 by voting to waive the bid process, Councilmember Kivell took official action on another matter and that is a violation, also by having a financial interest in the waiver motion. We concluded that because it was clear on the Agenda note and the comments made at the meeting that the waiver was being voted on because the City Manager was hoping to piggy back on the bid for the Police Department contract with a contract for the South Lyon Area Recreation Authority building. It was clear the process of soliciting bids was waived, there would be a vote on the windows for the Police Department, that there would also be a vote on the SLARA therefore we felt he had a legal violation of 3 sections of the code. He further stated the state statute is not a picture of clarity but we believe after analyzing it we determined that at a minimum required disclosure and not voting on the contract. He further stated it is known to Council that all 3 motions were voice vote and it was unanimous, it is not determinative of the outcome of the vote, but it was still a violation. He stated there are criminal sanctions involved that the City would have to file a criminal complaint. He stated section 2.78 of the code provide for sanctions for violation of the city code of suspension, removal from office or other disciplinary actions.

Councilmember Kramer asked what the ramifications are for the contract and if we need to revote on the contract. Mr. Muskovitz stated the contract is voidable, but it isn't void, but Council could void the contract. He further stated there have been no complaints by Pro Brothers who was the other bidder, therefore nothing needs to be done.

Councilmember Kurtzweil commended Dykema and Mr. Muskovitz for the stellar piece of legal work. This is what she thought we would originally get during the prior look at this. Dykema is in high regard because of the quality of the work. She stated she is more interested in the gymnastics and academics more than the end result. She further stated she is pleased he looked at all the material, and she also reviewed all of the material. She also thanked Mike Kramer for recommending Dykema. She further stated this is a model for all attorneys doing investigative work. Councilmember Kurtzweil stated Dykema has brought in the state statute 750.478 that wasn't reflected in the previous report. One of the statutes that didn't show up in the first investigative report. This statute is regarding willful neglect of duty, and all City employees should be aware of this statute and understand it. Dykema made a point of saying there are State Statutes that override some of our code and ordinances. You can't just look at our codes and ordinances, you have to look to the State Statutes. She further stated this is willful neglect of duty, and she agrees this is a jury issue. The jury will decide if the actions were intentional. This statute need to be analyzed and an employee may violate this, and we may have heard this tonight.

Councilmember Kramer stated in order to prosecute ordinance violations the City would have to hire special counsel, but his concern is the State Statute if there was willful neglect of duty, who would decide that, the prosecutor's office, or the City having to hire special counsel? Mr. Muskovitz stated he doesn't have that answer, it is possible it could go to the County prosecutor's office. Councilmember Kurtzweil stated to follow up on Mike's question, she asked Chief Collins when he writes a ticket and send things to be prosecuted, is it sometimes state law or ordinances. Chief Collins stated it can go either way, when we can we seek a complaint under city ordinance, if it is more serious or some reason to do so, we can go to the County prosecutor and ask them to write a warrant over state law. Mr. Muskovitz stated normally when it is state law, it is the prosecutor's office.

Councilmember Kivell stated he wants to applaud the report, it is very thorough, and well organized, he questions the findings, but he appreciates the work that was put into this. He further stated this validates everything that he had said in the meeting, and his only concern is how much more money this will cost for an extension of changing the language in Ordinances. Mr. Muskovitz stated he was asked for recommendations in improvements of policies and procedures. He further stated we would recommend something that is done in private sector by having people fill out statements annually in respect to their employment and knowing what the City contracts are at that time, and that would put everyone on notice those contracts were coming up and that would give that person a chance to allow someone to recuse themselves from voting. He would add some definitions to terms and a procedure for identifying conflicts.

Councilmember Rzyzi thanked Mr. Muskovitz for this report, there was a lot of time and due diligence done. He further stated he doesn't know all the facts, but originally, we received a recommendation from our City Attorney, then within a week or so there was a reversal of opinion, which is when we brought this before Council, and we voted to hire Dykema. He further stated there were 7 violations, and he is not a lawyer, and he doesn't think this is up to anyone to decide for anyone except law enforcement. Mr. Muskovitz stated there are 7 violations are all based on the same thing whether it is the State Statute or the City Code or Charter, there should have been disclosure. He further stated nothing mandates Council to pursue this under State Statute, you may decide to pursue this under City Code and take your own actions, that can include reprimand or removal. Councilmember Rzyzi stated he is not in the position to make a judgement call, if there are not wrong doings, councilmember Kivell should be given the opportunity to validate himself. He stated he thinks everyone deserves their day in court and he hopes that doesn't happen here, but everyone deserves justice and the opportunity to be validated.

CM 2-10-17 MOTION TO FORWARD FINDINGS OF INVESTIGATIVE REPORT TO LAW ENFORCEMENT

Motion by Rzyzi, supported by Kurtzweil

Motion to forward the findings of the investigative report regarding the conflict of interest of Councilmember Glenn Kivell for law enforcement review as to the alleged violations of City Charter and City Code March 17, 1968 specifically 750-478

ROLL CALL VOTE:

Parisien- No
Rzyzi- Yes
Galeas- No
Wedell- No
Kramer- Yes
Kurtzweil- Yes

MOTION FAILED

2-27-17

Councilmember Kramer asked what department would handle the law enforcement review. Mr. Muskovitz stated it is Council's decision to keep it in house and deal with the city code violations, or you could proceed with the County prosecutor under the state statute and anything that is done rests with Council. Councilmember Kramer stated before he goes this route, he would like to know how this will be handled, such as the special counsel and how we decide on that and the cost. Councilmember Kurtzweil asked if Dykema does have the someone that could be special counsel, because Johnson Rosati has a conflict. Mr. Muskovitz stated anyone could handle this but he hasn't discussed this with them. Councilmember Kurtzweil asked if all of the violations are misdemeanors. Mr. Muskovitz stated they are. Councilmember Kurtzweil stated she isn't worried about the cost because there is such a thing as restitution. Mayor Galeas stated he would like more information before deciding on where to go with this. Mr. Muskovitz stated there are two sides to every story and different legal arguments can be made. Councilmember Kivell stated you just listened to the exact information he laid out at the beginning of this, the crux is he didn't disclose what took place and that was a huge oversight. He further stated he has enjoyed no benefit other than he has a job that he was paid for, and he was not enriched with anything beyond what he would have been with or without this work going into this building. The idea of spending more money on prosecuting something on the fact he simply didn't say he worked at Pullum when it was a unanimous decision for both of the contracts seems so inappropriate compared to what the lack of disclosure was. He further stated he is trying to get his arms around the idea that this would be dragged out, there is a political favor to be had, but as a practical matter he doesn't see how the City is benefited one iota by this measure.

Councilmember Wedell stated if the motion gains a second, he will vote against it. He has listened to the report and everything that was said, and he finds the non-disclosure and voting was inappropriate, but the contracts were passed unanimously and he doesn't see any intent in Kivell's actions to gain anything for himself or the City. He further stated if the time comes, he will make the motion to censure him. Councilmember Parisien stated the non-disclosure was inappropriate, and there was no financial gain and it appears it was an oversight, and she would agree with a reprimand or suspension, but she doesn't feel a criminal complaint will benefit the City.

CM 2-11-17 MOTION TO DIRECT CITY MANAGER AND CITY ATTORNEY TO DRAFT LETTER OF CENSURE

Motion by Wedell, supported by Kramer

Motion to direct City Manager and City Attorney to draft letter of censure against Councilmember Kivell at the next meeting

ROLL CALL VOTE:

Parisien- No
Ryzyi- No
Galeas- Yes
Wedell- Yes
Kramer- Yes
Kurtzweil- No

MOTION FAILED

Councilmember Ryzyi stated the issue with a censure is most people see it as a joke. Mayor Galeas stated it is not a joke unless you make it a joke, it should be treated seriously. He further stated he doesn't believe the intent was there, and it isn't correct to say someone doesn't see it as a serious issue.

Councilmember Kurtzweil stated she will not vote for a censure, she was censured and it was politically motivated, there is no legal basis for it. It is more politically jived and the comments she got from residents is it is politically motivated to shut people up. She further stated censure could affect someone looking for a job, it could be something an employer doesn't want and it could prevent him from working. You either deal with the nature of the criminal violation, and I will leave it at that.

Councilmember Parisien stated she thinks we should set a precedent that this won't be tolerated. She further stated it is inappropriate for a reprimand and we should invoke the suspension, not criminal, but middle ground. Councilmember Rzyzi stated he is not the judge and jury, and let law enforcement deal with it, and he will not support suspension. Councilmember Kurtzweil stated she would like Dykema to draft the censure because she doesn't have confidence in the City Attorney and they have done a great job with the report and she wants to see them finish it.

DOWNTOWN

Bob Donohue the Economic Development and DDA Director stated he gave Council a report of the information given by all the representatives in Michigan of programs he thinks we can use to move forward with the Master Plan. He further stated this was the 9th year he has gone to D.C to fight for these policies and the trip was paid for by the Michigan Downtown Association. He further stated public officials cannot lobby, but they can educate and advocate. He further stated there was a bi partisan bill to extend tax credits to smaller scale projects and they looked at Mr. Bonner's building and they said that is the type of project they would like to see.

Councilmember Rzyzi stated he is excited about the Salvation Army opening, he has gotten good feedback on that. Mr. Donohue stated they will be opening in April. Councilmember Rzyzi stated some people weren't for it originally, but they will be hiring 50 people, and they have cleaned up the building and added a nice new entrance, and any foot traffic on that end of town is good. Mr. Donohue stated he would be remiss if he didn't point out there may be a potential casualty because we already have a resale shop in town. Councilmember Rzyzi stated it is competition. Councilmember Kurtzweil stated she has heard a lot of good things about the salvation army, people are looking forward to it. She further stated this is competition and not all businesses will survive the changes that are coming. She stated if you bring a business into town you will have to have a good product because hopefully the rent prices will go up because the values will go up. Mr. Donohue stated their plans changed, but they didn't change the plans with the building department. They did come in and are in good standing, and it is exciting and they are hoping to open by the end of the summer.

Mr. Donohue stated the City Manager mentioned we should have a study session regarding the building façade grants and tax abatements. Councilmember Kurtzweil suggested Monday of next week, she has been asking for this since September. It was the consensus of Council to meet Monday March 6, at 6:30p.m.

MANAGERS REPORT

City Manager Ladner thanked everyone for their condolences for her grandmother passing. City Manager Ladner reminded Council she will be in Lansing at the MMRMA conference Thursday and Friday this week. She stated the Parks and Recreation Commission has completed their draft naming policy and that will be on the next agenda. She further stated she will be speaking with an organization that works with municipalities to review their unfunded liability and to develop a strategy for reaching their full funding level. She further stated the Safe Routes to School program is moving forward but we are running into issues with MDOT and we are now hoping for a May bid letting. She stated she met with the school

administration and the Cable Commission to discuss the media room recording equipment, and they will be meeting with the company that replaced the media equipment in some of the schools. Councilmember Wedell stated he had read something about the residents on Marjorie Ann not wanting sidewalks installed. City Manager Ladner stated the City, Lyon Township and South Lyon Schools have received a letter along with a petition because the age of the homeowners they feel if we put in sidewalks it will be burden on them. She stated the sidewalk is being done in the right of way, and although we don't want to push this on them, it is a safety issue for the students. She stated they are working on a joint letter regarding this issue.

COUNCIL COMMENTS

Councilmember Kivell stated when we were discussing the Knolls project and the retention walls by the water retention area, and they have now have the fences up so it is no longer a safety issue. He further stated it looks nice and he emailed the contractor to let them know. He asked Department Head Martin to explain the copper and lead report. Department Head Martin stated the report will be included with the consumers' confidence report that will be going out soon. He further stated we are on a 3-year rotation for when we check for copper and lead. Our results were issued this week from the DEQ and the scale goes from 0-15 for lead. Our reading was less than 1. He further stated for copper the limit is 1300 and we were under 2. He is very happy with those numbers.

Councilmember Parisien stated at the last two meetings it was brought up by a resident asking if we could stop the leaf pick up and move that money to funding roads and she would like to discuss that at a future meeting. Roads are a hot topic and they need to be addressed in our community. City Manager Ladner stated we could deal with that during the budget workshop.

Councilmember Parisien stated she wanted to thank the City of Wixom for hosting us and it was nice to meet with other councilmembers and mayors to see what they are dealing with as well. She further stated tomorrow is paczki day and everyone should go to the South Lyon Bakery and get their paczkis.

Councilmember Ryzyi stated he knows these meetings seem difficult and painful and that is a negative, but a lot of good has happened in the last year and a half. We updated our fee schedule, Board of Review has been revived and reformed, the dangerous building codes have been updated, the new website, electronic funds, as well as hiring Bob Donohue. He stated this has all happened since the November 2015 Election, and he stated with all the good happening we can keep getting better. One of the things is to continue to set those standards high. People are pushing and we will keep pushing. He stated the City has a corrective action letter from the state because our fund balance is dwindling, we have the water bill scandal, open meeting act violations, and that is finally being addressed. He further stated change is happening and as long we continue down that path things will continue to get better.

Councilmember Kramer stated he would like to have the investigation report attached to the minutes for this meeting. He further stated he is disappointed that we spent money to hire an attorney for the investigation to be done, and he is a firm believer of following the rules. The report is clear, and we did nothing about it. He further stated he is disappointed in Council that not even a slap of the wrist was done.

Councilmember Kurtzweil stated this has been another interesting meeting and she likes to think of herself as a champion for reform in the City and she will continue to do that, she doesn't care if she upsets anyone on Council, she cares about the voters. She stated tonight the voters and taxpayers of the City of South Lyon just got screwed by some of their Councilmembers. She further stated this Council just

taught the students that rules don't matter. That is the lesson we have taught tonight. She further stated at the last meeting Marilyn from the Resale Shop made a complimentary comment about Bob Martin being the most loved employee in the City. She stated she wouldn't have made that comment because all our City employees are worth value and do a great job. She further stated she wants to recognize Chief Collins and Chief Kennedy who are also loved and respected. They have given outstanding service to the City of South Lyon.

ADJOURNMENT

CM 2-11-17 MOTION TO ADJOURN

Motion by Kramer, supported by Wedell

Motion to adjourn the meeting at 10:57 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor Galeas

Lisa Deaton Clerk/Treasurer



Dykema Gossett PLLC
2723 South State Street
Suite 400
Ann Arbor, MI 48104
WWW.DYKEMA.COM

**CONFIDENTIAL WORK PRODUCT
ATTORNEY – CLIENT PRIVILEGE**

INVESTIGATION REPORT

On August 8, 2016, the South Lyon City Council voted on three (3) motions. The first was a vote to approve the purchase and installation of replacement windows in the main Police Building (“Police Building”) by Pullum Window Corp. (“Pullum”) in the amount of \$24,069.39, as the low bidder of two bids. The second was a vote to waive the bidding process for replacement windows for the City Building located at 318 W. Lake St. (occupied by the South Lyon Area Recreation Authority) (“SLARA Building”). The third was a vote to approve the purchase and installation of replacement windows in the SLARA Building by Pullum in the amount of \$18,000.92. At the time of the votes Councilmember Glenn Kivell was employed by Pullum, a fact he had not disclosed. All three motions were unanimously approved by a voice vote by the Council with Councilmember Kivell voting.

At a City Council meeting on November 28, 2016, the fact that Councilmember Kivell worked for Pullum when he voted on the motions was disclosed. Subsequently, City Manager Lynne Ladner recommended that the City Council approve the hiring of outside counsel to conduct an investigation of Councilmember’s Kivell’s conduct. At the December 12, 2016 Council meeting, the Council voted to retain the undersigned to conduct the investigation. Councilmember Kivell abstained from voting.

A. Scope of Investigation

Prior to the selection of outside counsel, City Manager Ladner solicited proposals to conduct a conflict of interest review, which listed the following to be addressed by outside counsel.

1. Role, if any, played by Councilmember Glenn Kivell in (a) solicitation of bids and/or (b) the development of the bid proposal by Pullum Windows (“Pullum”).
2. Role, if any, Councilmember Kivell had in recommendations to City Administrator and the City Council in relation to the award of contract to Pullum to replace windows in (a) the main Police Department building and/or (b) the City owned building located at 318 W. Lake St.
3. Did Councilmember Kivell have a “financial interest” as defined by the City Code in the two contracts that were awarded to Pullum Windows?

4. Did Councilmember Kivell have a “financial interest” as defined by the City Charter in the two contracts that were awarded to Pullum Windows?

5. Did Councilmember Kivell violate the City of South Lyon Code of Ethics as stated in the City Code Sections 2-72, 2-75 (a) and 2-75 (b)(5)?

6. Make recommendations to City Administration and the City Council regarding options for addressing and identified conflict of interest, city charter or city code violations.

7. Make recommendations related to improvements and implementation to City Administration and the City Council with respect to existing city policies and procedures related to conflict of interest.

B. Relevant Provisions of City Code; City Charter; State Statute

Set out below are sections of the South Lyon Code of Ordinances and City Charter relevant to issues 3-6 listed above. In addition, because, as discussed below, portions of the Code and Charter are superseded by state law (Act 317 of 1968, MCL 15.321 et seq., (Contracts of Public Servants with Public Entities)), relevant portions of Act 317 of 1968 are included as well.

1. Code of Ordinances.

Section 2-71 - Declaration of policy.

The proper operation of democratic government requires that elected and appointed public officials and employees be independent, impartial, responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals there is hereby established a code of ethics for all elected or appointed officials and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interest in matters affecting the city. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of South Lyon.

Section 2-72 - Responsibilities of public office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this state and to carry out impartially the laws of the nation, state, and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office

regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

Section 2-75 - Conflict of Interest.

(a) No councilman or other official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

(b) Specific conflicts of interest are enumerated below for guidance of officials and employees:

(1) *Incompatible employment.* No councilman or other official or employee shall engage in or accept private employment or render services for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties.

(5) *Contracts with the city.* Any councilman or other official or employee who has a substantial or controlling financial interest in any business entity, transaction, or contract with the city, or in the sale of real estate, materials, supplies, or services to the city, shall make known to the proper authority such interest in any matter on which he may be called to act in his official capacity. He shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale.

A councilman or other official or employee shall not be deemed interested in any contract or purchase or sale of land or other thing of value unless such contract or sale is approved, awarded, entered into, or authorized by him in his official capacity.

Section 2-78 - Sanctions.

Violations of any provisions of this code should raise conscientious questions for the councilman or other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the city. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

2. City Charter

Rules of Council.

Section 4.6 The Council shall determine the rules of its proceedings subject to the following provisions:

(c) No Councilman shall vote on any question in which he is financially interested or in any question concerning his own official conduct; but on all other questions every Councilman present shall vote unless excused by unanimous consent of the remaining members present.

Financial Interests Prohibited.

Section 5.2. No person holding any elective or appointive office under the City government shall take any official action on any contract with the City or other matter in which he is financially interested, or be a bondsman or surety on any contract or bond given to the City. Any member of the Council or other officer found guilty of violating the provisions of this section may be punished by a fine of not to exceed five hundred dollars (\$500.00) or be imprisoned for not more than ninety (90) days or both within the discretion of the court. The conviction of any Councilman or officer under this section shall operate in itself to forfeit his office.

Penalties for Violation of Charter.

Section 13.7. Any person or officer of the City found guilty by a Court of competent jurisdiction of any violation of this Charter may be punished by a fine which in addition to court costs charged to him, shall not exceed five hundred (\$500) or imprisonment for not more than ninety (90) days, or both such fine and imprisonment, in the direction of the Court. For an officer of the City, the punishment provided in this section shall be in addition to that of having the office declared vacant as provided in this Charter. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.

3. Act 317 of 1968 (MCL 15.321 et seq.) (Contracts of Public Servants with Private Entities)

AN ACT relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts.

Section 1. As used in this act:

(a) "Public servant" includes all persons serving any public entity, except members of the legislature and state officers who are within the provisions of section 10 of article 4 of the state constitution as implemented by legislative act.

(b) "Public entity" means the state including all agencies thereof, any public body corporate within the state, including all agencies thereof, or any non-incorporated public body within the state of whatever nature, including all agencies thereof.

Section 2.

(1) Except as provided in sections 3 and 3a, a public servant shall not be a party, directly or indirectly, to any contract between himself or herself and the public entity of which he or she is an officer or employee.

(2) Except as provided in section 3, a public servant shall not directly or indirectly solicit any contract between the public entity of which he or she is an officer or employee and any of the following:

(a) Him or herself.

(b) Any firm, meaning a co-partnership or other unincorporated association, of which he or she is a partner, member, or employee.

(c) Any private corporation in which he or she is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present total market value in excess of \$25,000.00 if the stock is listed on a stock exchange or of which he or she is a director, officer, or employee.

(d) Any trust of which he or she is a beneficiary or trustee.

(3) In regard to a contract described in subsection (2), a public servant shall not do either of the following:

(a) Take any part in the negotiations for such a contract or the renegotiation or amendment of the contract, or in the approval of the contract.

(b) Represent either party in the transaction.

Section 3.

(1) Section 2 does not apply to either of the following:

(a) A public servant who is paid for working an average of 25 hours per week or less for a public entity.

(b) A public servant who is an employee of a public community college, junior college, or state college or university.

(2) A contract as defined in and limited by section 2 involving a public entity and a public servant described in subsection (1) shall meet all of the following requirements:

(a) The public servant promptly discloses any pecuniary interest in the contract to the official body that has power to approve the contract, which disclosure shall be made a matter of record in its official proceedings. Unless the public servant making the disclosure will directly benefit from the contract in an amount less than \$250.00 and less than 5% of the public cost of the contract and the public servant files a sworn affidavit to that effect with the official body or the contract is for emergency repairs or services, the disclosure shall be made in either of the following manners:

(i) The public servant promptly discloses in writing to the presiding officer, or if the presiding officer is the public servant who is a party to the contract, to the clerk, the pecuniary interest in the contract at least 7 days prior to the meeting at which a vote will be taken. The disclosure shall be made public in the same manner as a public meeting notice.

(ii) The public servant discloses the pecuniary interest at a public meeting of the official body. The vote shall be taken at a meeting of the official body held at least 7 days after the meeting at which the disclosure is made. If the amount of the direct benefit to the public servant is more than \$5,000.00, disclosure must be made as provided under this subparagraph.

(b) The contract is approved by a vote of not less than 2/3 of the full membership of the approving body in open session without the vote of the public servant making the disclosure.

(c) The official body discloses the following summary information in its official minutes:

(i) The name of each party involved in the contract.

(ii) The terms of the contract, including duration, financial consideration between parties, facilities or services of the public entity included in the contract, and the nature and degree of assignment of employees of the public entity for fulfillment of the contract.

(iii) The nature of any pecuniary interest.

(3) This section and section 2 do not prevent a public servant from making or participating in making a governmental decision to the extent that the public servant's participation is required by law....

Section 5.

(1) This act is aimed to prevent public servants from engaging in certain activities and is not intended to penalize innocent persons. Therefore, no contract shall be absolutely void by reason of this act. Contracts involving prohibited activities on the part of public servants shall be voidable only by decree of a court of proper jurisdiction in an action by the public entity, which is a party thereto, as to any person, firm, corporation or trust that entered into the contract or took any assignment thereof, with actual knowledge of the prohibited activity. In the case of the corporation, the actual knowledge must be that of a person or body finally approving the contract for the corporation. All actions to avoid any contract hereunder shall be brought within 1 year after discovery of circumstances suggesting a violation of this act. In order to meet the ends of justice any such decree shall provide for the reimbursement of any person, firm, corporation or trust for the reasonable value of all moneys, goods, materials, labor or services furnished under the contract, to the extent that the public entity has benefited thereby. This provision shall not prohibit the parties from arriving at an amicable settlement.

Section 7.

Any person violating the provisions of this act is guilty of a misdemeanor.

Section 8.

It is the intention that this act shall constitute the sole law in this state and shall supersede all other acts in respect to conflicts of interest relative to public contracts, involving public servants other than members of the legislature and state officers, including but not limited to section 30 of 1851 PA 156, MCL 46.30. This act does not prohibit a unit of local government from adopting an ordinance or enforcing an existing ordinance relating to conflict of interest in subjects other than public contracts involving public servants.

C. Fact Investigation.

The investigation consisted of the following:

1. Interviews Conducted

Mayor and all other members of City Council

City Manager Lynne Ladner

City Attorney Timothy Wilhelm

Police Chief Lloyd Collins

Police Lt. Christopher Sovik

Charles Pullum

2. Documents Reviewed¹

Pullum initial quote (\$20, 941.36) (February 18, 2016) (Attachment 1)

Pro Bros Window & Sunroom quote (\$25,998.00) (February 26, 2016) (Attachment 2)

Police Department Budget Documents (Attachment 3)

Special City Council Meeting (Budget Workshop) minutes (April 23, 2016) (Attachment 4)

Amy Allen, SLARA Regional Director, May 26, 2016 email to Ladner regarding needed building repairs (Attachment 5)

¹ A copy of each document, with the exception of Councilmember Kivell's 2016 and 2017 pay stubs and his 2016 W-2 is included with this report.

May 31, 2016 Lt. Sovik Memo to Police Chief Collins re: window replacement quote (Attachment 6)

Pullum second quote (\$24,060.39) (July 11, 2016) (Attachment 7)

Memorandum from Lt. Sovik to Police Chief Collins (July 11, 2016) (Attachment 8)

August 8, 2016 Agenda Note: window replacement – Main Police Building (Attachment 9)

August 8, 2016 Agenda Note: consider approval of replacement windows at SLARA Building (Attachment 10)

August 8, 2016 Council Meeting Minutes (Excerpt) (Attachment 11)

Pullum Window September 9, 2016 letter to City Manager Ladner (Attachment 12)

Pullum Window September 13, 2016 letter to City Manager Ladner (Attachment 13)

Pullum Police Station Work Order (September 22, 2016) (Attachment 14)

SLARA Building Work Order (September 26, 2016) (Attachment 15)

City Attorney Wilhelm letter (11/26/2016) (Attachment 16)

Excerpt from Council Meeting Minutes (11/28/2016) (Attachment 17)

City Attorney Wilhelm letter (12/1/2016) (Attachment 18)

City Attorney Wilhelm letter (12/2/2016) (Attachment 19)

Councilmember Kivell's 2016 and January 2017 pay stubs

Councilmember Kivell's 2016 W-2.²

3. **Review of Various City Council Meetings** (Video and audio recording)

D. Legal Research

1. Research regarding meaning of terms contained in City Code and Charter, and interpretation of similar terms in case law, Attorney General Opinions, and State Ethics Board Opinions in the conflict of interest context.

² Councilmember Kivell voluntarily allowed me to review his paystubs and his 2016 W-2, and was very cooperative in responding to my questions and request for information.

2. Evaluation of potential application of various state statutes to the facts uncovered through the investigation, including Act 196 of 1973 (MCL 15.341 et seq.), Act 317 of 1968 (MCL 15.321 et seq.), MCL 750.478, and MCL 750.505.

3. Research regarding the interaction between potentially applicable statutes and the scope of preemption of certain statutes and local ordinances.

4. Research regarding case law and Michigan Attorney General opinions interpreting and applying potentially applicable statutes.

5. Research regarding potential consequences of violations of the statutes at issue.

E. Chronology

February 2016	Lt. Christopher Sovik contacted five window vendors soliciting quotes for replacing Police Department windows. Hanson's Windows, one of the five contacted, declined to submit a quote as it does not service commercial properties, and recommended Pullum Window as an option.
February 18, 2016	Pullum submits a quote (\$20,941.36).
February 26, 2016	Pro Bros Window & Sunroom ("Pro Bros") submits a quote (\$25,998.00)
April 9, 2016	Draft budget, which had previously been provided to councilmembers, discussed at Budget Workshop. Budget information from the Police Department included a line item for Capital Outlay of \$25,000 (line item 970) with the following explanation: "the original main police building windows are in need of repair/replacement". Further, the Department's five (5) year Capital Improvement Plan (2016/17 – 2020/21) contained a line item for FY 2016/17 of \$25,000 for replacement windows – Main Building. A cover document contained the following statement: Building Maintenance: The Main Police Building is in need of window replacement and/or repair, and is included in this year's proposed fiscal budget (2016-2017). The current windows are not very energy efficient. As a result of the harsh winters, ice build-up on the roof caused water damage in the clerical area of the main building. We experienced drywall damage and ceiling leaks. During the winter season, one can feel the draft from the squad room windows.

April 23, 2016	Special City Council meeting (Budget Workshop). The line item for new windows for the Police building was raised by Councilmember Kramer. Chief Collins explained that new windows were needed because the building was drafty and the windows were in bad shape. (Councilmember Kivell was present.)
May 23, 2016	Budget approved by City Council.
May 26, 2016	Amy Allen, SLARA Regional Director, sent City Manager Lynne Ladner an email listing nine items she would like addressed regarding the SLARA Building. Number 6 on the list was: "Window – need replacing, bad seal, air and moisture getting in."
May 31, 2016	Lt. Sovik Memo to Police Chief Collins in which he indicates that he had contacted Pullum at the suggestion of Hanson's Windows.
June 4, 2016	City Manager Ladner starts leave of absence; Police Chief Collins serves as acting City Manager in her absence.
July 11, 2016	Pullum submits an updated quote (\$24,060.39). ³
July 11, 2016	Lt. Sovik Memo to Police Chief Collins re: Window Replacement - Main Police Building. The Memo states the reason for the need to replace the windows, summarizes Lt. Sovik's efforts to obtain bids and discusses the two quotes that were received. Lt. Sovik recommended that Pullum be selected. In making his recommendation, Lt. Sovik pointed out that (a) Pullum was the low bidder, (b) the bid was below the budgeted amount, (c) despite steady increases in price, Pullum would not increase its quote, even though it would be two-three months before the windows would be installed, (d) it had been in business for several years and (e) it was a very reputable local company.
August 1, 2016	City Manager Ladner returns to work.
August 4, 2016	Council meeting agenda and packet, including Agenda Notes regarding window replacement at the two buildings in question, provided to councilmembers.

³ This quote followed a more extensive review by Charlie Pullum of the scope of the project.

August 8, 2016	<p>Council approved the purchase and installation of replacement windows in the Main Police Building from Pullum in the amount of \$24,060.39.</p> <p>Council approved a motion to waive the bidding process in lieu of quotes on purchase and installation of windows in the SLARA Building. The minutes reflect that this was being done so that Council could vote at the meeting to approve the selection of Pullum to assemble and install replacement windows at the SLARA Building. Prior to the meeting City Manager Ladner had requested a quote from Charlie Pullum, which he provided.</p> <p>Council approved purchase and installation of replacement windows in City building rented by SLARA for \$18,000.92 from Pullum.</p>
September 9, 2016	<p>City Manager Ladner met with Charlie Pullum who proposed an upgrade at no cost to the City for both the Police and SLARA buildings.</p> <p>Letter from Charlie Pullum to City Manager Ladner which included improved potential energy savings at the Police Building at no additional cost to the City.</p>
September 13, 2016	Letter from Charlie Pullum to Lt. Sovik with recommended specifications, which included improved potential energy savings for both projects at no additional cost to the City.
September 22, 2016	Approximate date assembly of Police Building windows began.
September 26, 2016	Approximate date assembly of SLARA Building windows began.
November 28, 2016	Council meeting at which Councilmember Kivell's employment with Pullum discussed.

F. Councilmember Kivell's Employment at Pullum Windows

Councilmember Kivell began working for Pullum in January 2016 as a window assembler, a position he continues to hold. As a window assembler, Kivell was not involved in the installation of the windows. Councilmember Kivell is paid by the hour and receives overtime compensation when he works more than 40 hours in a work week. As discussed

below it is my opinion that by virtue of his being an employee of Pullum, Councilmember Kivell had a financial interest in the "Pullum contracts", particularly since he was assembling the windows that were installed, and was paid to do so. It should be pointed out, however, that Councilmember Kivell did not receive any compensation other than his normal wages. Thus, he did not receive any commission or bonus in or for 2016.. His hourly rate has not changed since he was hired.

Councilmember Kivell, along with up to a half dozen other employees, worked on the assembly of the windows for both buildings. According to the owner, Charlie Pullum, he strived to give his employees a full-time schedule, otherwise he was concerned that employees would not stay. Thus, in 2016, Councilmember Kivell averaged between 39 and 40 hours per week. Further, the hours worked per week by Councilmember Kivell in 2016, after factoring in holidays, were very consistent. Councilmember Kivell's hours did not spike in the period leading up to the vote by Council, during the period between the August 8 Council meeting and the date assembly began, or during the period when the windows were assembled. Further, Councilmember Kivell's hours did not drop after the windows were assembled, other than as a result of holidays in November and December.

G. Issues

The City's request can be broken down into the following three groups: (1) Questions related to Councilmember Kivell's role, if any, in (a) soliciting or developing the Pullum bid, and/or (b) recommending to the City Administrator the award of the contract to Pullum for one or both buildings. (2) Determination of whether by voting on the motions and not disclosing his status as an employee of Pullum, Councilmember Kivell violated either the City Code or City Charter, and if so, options for addressing the violations. (3) Recommendations to City Administration and City Council with respect to improvements to existing city policies and procedures related to conflict of interest.

The first issue can be resolved in short order. Given the importance of the third issue, it will be dealt with in a separate Report. With respect to the first issue, based upon my investigation, I conclude that Councilmember Kivell had no role in soliciting or developing the Pullum bid, and he did not recommend or advocate for Pullum to be selected as the vendor with respect to either building. Further, he had no role in recommending that the bidding process for replacement windows for the SLARA Building be waived. Specifically:

1. While it would have been reasonable for Councilmember Kivell to assume that Pullum would submit a bid to replace the windows, the first time that it was disclosed that Pullum had submitted bids was on August 4 when the August 8 Council meeting packet was provided to the councilmembers. Chief Collins, Lt. Sovik and City Manager Ladner did not disclose this information to Councilmember Kivell prior to that date.

2. Councilmember Kivell was not part of the bid process. He did not play any role in (a) solicitation of bids and/or (b) the development of the bid proposal by Pullum.

3. According to Councilmember Kivell, he had no discussions with Charlie Pullum regarding anything to do with replacing windows in the City buildings prior to Pullum being selected as the vendor. Charlie Pullum confirmed that statement.⁴

4. Councilmember Kivell did not recommend that the City waive the bidding process on the SLARA Building.

5. Councilmember Kivell did not recommend to City Manager Ladner or the City Council that Pullum be awarded the contract to replace windows in City buildings.

While seemingly straightforward, the second issue (the propriety of Councilmember Kivell voting on the three motions) is anything but. For example, while the City asked whether Councilmember Kivell had a “financial interest” as defined by the City Code and City Charter, neither document defines that phrase. Further, “financial interest” is subject to different meanings. Thus, does “interest” mean a share, right or title in the ownership in an entity, one common definition of that term, or does it mean a “concern”, a second common definition of that term? (See, e.g., Dictionary.com.) A second issue is the meaning of “personal interest”, used but not defined in City Code Section 2-75(a). A third issue is what is the difference between “financial interest” as used in City Code Section 2-75(a) and a “substantial or controlling financial interest” as used in City Code Section 2-75(b)(5)? A fourth issue is whether the first three issues are relevant, in light of Section 8 of 1968 PA 317 (“It is the intention that this act shall constitute the sole law in this state and shall supersede all other acts in respect to conflicts of interest relative to public contracts, involving public servants other than members of the legislature and state officers,...”). Further, as noted below, 1968 PA 317 (MCL 15.321 et seq.), is not a picture of clarity. It is also unclear to what extent other statutes such as MCL 15.341 et seq. (Standards of Conduct for Public Officers and Employees) apply here and/or are preempted by MCL 15.321 et seq.

It is in this context that Councilmember Kivell’s votes on the two motions to approve contracts between the City and Pullum, in addition to his vote on the motion to waive the bidding process for the second contract, will be discussed and analyzed.⁵ The question of whether Councilmember Kivell had a “financial interest” under the City Code and the City Charter will be discussed in connection with our evaluation of whether his conduct violated the Code, Charter, or applicable state statutes.

⁴ The November 28, 2016 Council meeting minutes reflect that Councilmember Kivell stated that “after the bid was achieved, Charlie Pullum told him that he doesn’t believe Lt. Sovik understood what exactly is going on with the windows.” In and of itself, this statement does not raise a question as to Councilmember Kivell’s veracity regarding his lack of interaction with Charlie Pullum before August 8 and no other evidence has been discovered that does.

⁵ This analysis includes consideration of sections of the Code of Ordinances and Charter identified by the City, as well as others I have identified.

H. Evaluation of the Votes Under The City Code and City Charter

1. Vote to Approve the Purchase and Installation of Replacement Windows By Pullum.

The votes to approve the purchase and installation of replacement windows by Pullum were tantamount to votes on a contract. As such, the propriety of Councilmember Kivell's actions on these two motions must be judged under state law and not either the City Code or City Charter, in light of Section 8 of Act 317 of 1968, MCL 15.321 et seq. (the "Act"), which provides as follows:

It is the intention that this act shall constitute the sole law in this state and shall supersede all other acts in respect to conflicts of interest relative to public contracts, involving public servants other than members of the legislature and state officers, including but not limited to section 30 of 1851 PA 156, MCL 46.30. This act does not prohibit a unit of local government from adopting an ordinance or enforcing an existing ordinance relating to conflict of interest in subjects other than public contracts involving public servants.

MCL 15.328. *See also* Opp. Mich. Atty. Gen. No. 6906 (June 25, 1996) (confirming that "the Legislature intended that 1968 PA 317 constitute the sole law regarding conflicts of interest arising out of public contracts involving public servants," and noting that other acts were superseded to the extent they could penalize a public servant for a conflict of interest arising out of a public contract).⁶ Application of this statute to the two votes to approve the contracts will be discussed below.

2. Vote to Waive Bidding Process for Replacement Windows in SLARA Building

The City Code and City Charter do apply, however, to Councilmember Kivell's vote to waive the bidding process for replacement windows for the SLARA Building, as this vote did not involve a contract, but rather was a vote to bypass normal bidding procedures.

(a) City Charter Section 4.6(c).

To determine if there has been a violation of Section 4.6(c) of City Charter, the question is whether by voting to waive the bidding process for replacement windows for the SLARA Building, Councilmember Kivell voted on a question in which he was "financially interested."

The City Charter does not define "financial interest." As mentioned above, the term can be defined narrowly, referring only to control or ownership of a business involved in a

⁶ Although opinions of the Michigan Attorney General are not binding on Michigan courts, they can serve as persuasive authority. *AG v. PowerPick Players' Club of Mich., LLC*, 287 Mich. App. 13, 34 (Mich. Ct. App. 2010) (quoting *Lysogorski v Bridgeport Charter Twp*, 256 Mich. App. 297, 301; 662 NW2d 108 (2003)).

transaction, or it can be defined more broadly, meaning to have any concern in the business or transaction, i.e., the possibility of deriving some financial benefit from the transaction.

In the context of interpreting a conflict of interest ordinance, or a charter provision, I believe the more expansive interpretation of “financial interest” is appropriate. My conclusion is based in part on the fact that Section 2-75(b)(5) of the City Charter specifically references “substantial or controlling financial interest in any business entity.” The use of that term suggests that “financial interest” as used in other sections of the Charter must mean something other than a financial interest that rises to the level of a “substantial or controlling” interest in a business entity.

Further, Michigan Attorney General Opinions concerning conflict of interest issues recognize that conflicts can arise from financial interests less substantial than control or ownership of a business. When asked to opine regarding potential conflicts arising where a board member is also an officer or employee of a financial institution that does business with the board, the Attorney General stated as follows:

[I]f the board member engages in any business transaction involving that board and his financial institution, a conflict of interest does exist where he is a director, president, general manager or other similar executive officer of the financial institution. But if he were simply an employee of the financial institution having a position other than those, the extent of his involvement with the financial institution as well as his involvement with the particular business transaction would determine in particular cases whether a conflict is present.

Op. Mich. Atty. Gen. 4555 (Apr. 12, 1967).

The Michigan Attorney General has more recently opined that an employee of a company has a financial interest in contracts between his employer and a public entity, especially—but not only—where the employee personally *provides* services pursuant to that contract:

For example, a building official that is an employee of the private organization that serves the building official’s governmental subdivision might only provide services as an employee to other governmental subdivisions. In other words, the building official for city “A” works as an employee of the private organization but the official only provides code enforcement and administration services to city “B” as an employee of the organization. Circumstances such as these are unlikely to raise conflict of interest concerns. **However, where the building official intends to provide services to city “A,” a conflict of interest is more likely. At a minimum, the building official has an indirect financial interest in any contract between the private organization and the city because of the building official’s status as an employee of the private organization. See, e.g., *Detroit Area Agency on Aging v Office of Services to the Aging*, 210 Mich App 708, 717;534 NW2d 229 (1995), lv den 451 Mich 897 (1996). This is because the private organization would benefit financially from the contract with the city, and in theory so would its employees.**

Op. Mich. Atty. Gen. No. 7285 (July 9, 2015) (emphasis added). *See also* Op. Mich. Atty. Gen. No. 6151 (May 12, 1983) (noting that a “substantial conflict of interest” may exist where a state legislator participates in the performance of a contract).

Although the vote to waive the bidding process was not directly a vote to enter into a contract with Councilmember Kivell’s private employer, it was clear from the Agenda Note to the August 8, 2016 meeting that if the motion to waive passed, it would be followed by a vote to approve a contract with Pullum to provide windows for the SLARA Building. And since the first contract with Pullum had already been approved before the waiver vote was taken, it was equally clear that if the waiver vote passed, the motion to approve the second contract with Pullum would likely be approved as well. As set forth above, there is authority in Michigan to support a finding that Councilmember Kivell had a financial interest in contracts between the City and his private employer, particularly because Councilmember Kivell was providing services pursuant to the contracts (i.e., he was assembling the windows in question). Thus, because the ultimate result of a successful motion to waive was likely to be a contract in which Councilmember Kivell would arguably have a financial interest, I believe there is evidence to support a finding that Councilmember Kivell was financially interested in the waiver vote, and that his vote on the question constituted a violation of Section 4.6(c) of the City Charter.

(b) City Charter Section 5.2.

To determine if there has been a violation of Section 5.2 of the City Charter, the question is whether by voting to waive the bidding process for replacement windows for the SLARA Building, Councilmember Kivell took an “official action on any contract with the City or other matter” in which he was “financially interested.”

The motion for waiver was an official action on an “other matter” in which, for reasons set forth above, Councilmember Kivell was financially interested, since a successful vote on the waiver motion was likely to lead to a contract in which Councilmember Kivell arguably would have a financial interest. I therefore believe there is evidence to support a finding that his vote on the motion for waiver was a violation of Section 5.2 of the City Charter.

(c) City Code Section 2-72.

To determine if there has been a violation of Section 2-72 of the City Code, the question is whether, in voting to waive the bidding process, Councilmember Kivell has “carried out impartially the laws of the . . . state,” and whether his conduct in his “official and private affairs” has been “above reproach.”

There is authority in Michigan suggesting that where a public official is in a position where “he cannot execute his public duties without affecting his private interests,” the public official cannot exercise impartial judgment. Op. Mich. Atty. Gen. No. 4869 (June 4, 1975). *See also Mettler Walloon, L.L.C. v. Melrose Twp.*, 281 Mich. App. 184, 214 (Mich. Ct. App. 2008) (“Logically, where a governmental actor has a personal pecuniary interest in the outcome of proceedings, he might not be an impartial decision maker.”); Op. Mich. Atty. Gen. No. 7285 (July 9, 2015) (noting that “[a] conflict of interest arises when the public official has an interest

not shared in common with the other members of the public . . .”) (quoting 63 Am. Jur. 2d, Public Officers and Employees, § 246).

In this case, by virtue of his employment with Pullum, there is an argument that Councilmember Kivell could not vote to waive the bidding process without affecting his private interests, because as set forth above, approval of the waiver would likely lead to approval of a contract in which he had a financial interest. Because he had a pecuniary (i.e. financial) interest in the outcome of the vote, I believe there is evidence to support a finding that Councilmember Kivell could not act impartially in voting on the waiver of the bidding process, and his vote therefore constituted a violation of Section 2-72 of the City Code.

(d) City Code Section 2-75(a).

To determine if there has been a violation of Section 2-75(a) of the City Code, the question is whether Councilmember Kivell had a “financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties.”

None of the relevant terms are defined in the City Code. We find no reason that the phrase “financial interest” should be given a different meaning under the City Code than it has under the City Charter, so the discussion above regarding “financial interest” applies equally here. With respect to the remaining language of the provision, the Michigan Attorney General has interpreted a state statute utilizing similar language (MCL 15.342(6) and (7)),⁷ and found that the statute prohibited public officials who also have private employment from considering approval of a permit requested by their private employer. *See* Op. Mich. Atty. Gen. No. 5864 (March 17, 1981) (citing MCL 15.342(6) and (7), and finding that “[b]y virtue of their employment nexus with the applicant, Dow Chemical Company, a fact which sets them apart from other members of the public, the two temporary members employed by Dow Chemical will be placed in a situation of conflict of interest in seeking to serve ‘both masters.’”). *See also* Op. Mich. Atty. Gen. No. 6134 (March 17, 1983) (finding a conflict under MCL 15.342(6) where public servant’s dual positions create the “possibility of making decisions which may conflict with the best interest of one of those responsibilities to the correlative disadvantage of the other responsibility.”); State Board of Ethics Opinion 2004-EA-01, *In re: Certificate of Need Commission Michigan Department of Community Health*, Nov. 5, 2004 (noting that the interest of a public officer’s employer is a personal interest of the public officer, and holding that public officials should abstain from deliberating and voting on standards that exclusively benefit their private employers).

Because the vote to waive the bidding process for the replacement windows for the SLARA Building arguably put Councilman Kivell in the position of serving two “masters,” I

⁷ Although you did not ask us to evaluate its applicability to the facts at hand, the language of Section 2-75(b)(1) of the City Code is also very similar to the language of MCL 15.342(6). Thus, our discussion of and conclusions regarding Section 2-75(a) of the City Code would be equally applicable to Section 2-75(b)(1) of the City Code.

believe there is evidence to support a finding that his vote constituted a violation of Section 2-75(a) of the City Code.

(e) City Code Section 2-75(b)(5).

City Code Section 2-75(b)(5) requires any councilman “who has a substantial or controlling financial interest in any business entity, transaction, or contract with the city” to “make known to the proper authority such interest in any matter on which he may be called to act in his official capacity,” and requires him to “refrain from voting upon or otherwise participating in the transaction or the making of such contract....”

I note that this section of the City Code is somewhat inconsistent with Section 4.6(c) of the City Charter, cited above. The City Charter section prohibits city officials from voting on any question in which they are “financially interested,” but the City Code section implies that city officials *can* properly vote upon or participate in matters or transactions unless they have a “*substantial or controlling* financial interest.”

Nonetheless, to determine whether this City Code section was violated, the issue is whether by virtue of his employment with Pullum, Councilmember Kivell had a substantial financial interest in Pullum or in the decision to waive the bidding process for the replacement windows for the SLARA Building. The City Code does not define “substantial or controlling financial interest,” but by adding the word “substantial,” the provision requires some degree of financial interest that goes beyond the interests regulated by the provisions discussed above.

I found very little authority to aid in defining “substantial interest” in this context. The Michigan Attorney General has suggested that whether an employee has a “substantial interest” in his employer or in a transaction involving his employer depends on the employee’s level of responsibility to the employer and on the benefits the employee stands to gain as a result of the transaction. *See* Op. Mich. Atty. Gen. 4646 (June 18, 1968) (noting that the “paradigm conflict of interest case” involves a contract between the state and a public servant “or some firm in which he has a substantial interest,” and whether a conflict exists depends on “the extent of that person’s involvement with the particular business transaction,” including factors such as whether the employee could “receive reward and recognition for obtaining and holding the business of the school district” or whether, on the other hand, the employee simply “performs skilled or semi-skilled craft, janitorial or purely ministerial functions for the bank.”).

In this case, although Councilmember Kivell works as a skilled craftsman for Pullum, it is undisputed that he was involved in the particular business transaction at issue, in that he was paid to construct the windows that were the subject of the contract for which he voted to waive the bidding process. He received no bonus or extra compensation for obtaining the contracts with the City, however, and the compensation he received while building windows for the City was consistent with the compensation he received while working on other projects. Given the competing evidence on this point, and the lack of clear authority establishing a benchmark for a “substantial” interest, I cannot conclude that Councilmember Kivell’s vote to waive the bidding process constituted a violation of City Code Section 2-75(b)(5).

(f) Consequences of Violations of City Code and City Charter

Section 2.77 of the City Code establishes a Board of Ethics, which is charged with investigating and reporting upon alleged violations of the City Code provisions pertaining to ethics. It is our understanding that no members have been appointed to this board, however.

Section 2.78 of the City Code provides that any councilperson who violates a provision of the code should consider voluntarily resigning his position, and that violation may also “constitute a cause for suspension, removal from office or employment, or other disciplinary action.”

Section 13.7 of the City Charter provides that a court of competent jurisdiction can punish officers found guilty of violating the City Charter. The punishment can include a monetary fine of up to \$500, imprisonment for not more than 90 days, and having the office declared vacant.

Section 5.2 of the Charter also includes its own sanction provision which is similar to that provided in Section 13.7, except that a conviction of a Councilman under Section 5.2 “shall operate in itself to forfeit his office.”

I. Evaluation of the Votes Under Applicable State Statutes

1. Vote to Approve the Purchase and Installation of Replacement Windows By Pullum.

a. Councilmember Kivell violated Act 317 of 1968 by voting on the Pullum contracts.

Act 317 of 1968, MCL 15.321 et seq., is entitled “Contracts of Public Servants with Public Entities,” (the “Act”). The preamble to the Act states that it “generally applies to a contract between a public entity and a public servant who serves the entity but also has a pecuniary interest in the contract.”

We believe this Act applies to Councilmember Kivell’s votes to approve two contracts between the City and Pullum, although it likely does not apply to the vote to waive the bidding process for the second contract. The Act applies here because Councilmember Kivell is a “public servant,” which the Act defines as “all persons serving any public entity,” subject to certain exceptions not applicable here. MCL 15.321(a). The City is a “public entity,” which the Act defines as “any public body corporate within the state.” MCL 15.321(b). *See also* Op. Mich. Atty. Gen., No. 6906 (June 25, 1996) (confirming that the Act applies to members of city councils).

The restrictions and requirements that the Act imposes with respect to contracts vary depending on the average number of hours a public servant with an interest in the contract is paid to work in a week for the public entity, with public servants working more than 25 hours per week subject to greater restrictions. Since Councilmember Kivell is paid to work 25 hours or

less per week for the City, our discussion is limited to the provisions of the Act that apply to that situation.

Although the applicable language of the Act is confusing and ambiguous,⁸ we believe that the reasonable interpretation and application of sections 15.322 and 15.323 is that prior to the City Council's vote on the contracts between the City and Pullum, Councilmember Kivell was required to disclose his pecuniary interest in the contracts (and the City Council's official minutes should have included the disclosure and other information as well), and Councilmember Kivell should have refrained from voting on the contracts.

The basis for our conclusion is as follows. Section 2 of the statute prohibits public servants who work more than 25 hours per week for a public entity from engaging in certain conduct with respect to various categories of contracts. For example, subsection 2 of section 2 prohibits those public servants from soliciting various types of contracts, including contracts between the public entity and a private corporation of which the public servant is an employee. MCL 15.322(2)(c). Section 3 of the statute incorporates by reference the categories of contracts identified in Section 2, and it imposes certain requirements on such contracts if they involve a public servant who works 25 hours or less for the public entity. MCL 15.323(2).

The contracts that were the subject of the two votes at issue here were between the City and a private corporation (Pullum) that employed a public servant (Kivell) who worked an average of 25 hours or less per week for the City. The contract was therefore subject to the requirements set forth in MCL 15.323(2), which include the following:

- (1) The public servant must promptly disclose any pecuniary interest in the contract to the official body that has power to approve the contract, and the disclosure must be made a matter of record in the official body's official proceedings. The manner of disclosure varies depending on the amount of the direct benefit to the public servant from the contract, but since no disclosure was made in this case, the manner in which any required disclosure should have been made is irrelevant and will not be discussed in this Report. MCL 15.323(2)(a).
- (2) The contract must be approved by a vote of not less than 2/3 of the full membership of the approving body in open session without the vote of the public servant making the disclosure. MCL 15.323(2)(b).
- (3) The official body must also make certain disclosures in its official minutes, including the names of the parties involved in the contract and the nature of the pecuniary interest. MCL 15.323(c).

⁸ For example, subsection 2 of section 2 of the statute prohibits certain public officials from soliciting various contracts. Subsection 3 of section 2 and section 3 of the statute both incorporate subsection 2 by reference, but it is unclear whether they incorporate the "solicitation" element from subsection 2. Further, it is not clear whether it is to be assumed that a public official has a pecuniary interest in the categories of contracts identified in MCL 15.322, or if a separate "pecuniary interest" must be established.

The required disclosures must be made prior to approval of the contracts at issue. Op. Mich. Atty. Gen. Mich., No. 6276 (March 1, 1985).

Whether Councilmember Kivell was required to make a disclosure under these statutory provisions depends on whether he had a “pecuniary interest” in the two contracts between the City and Pullum. The Act does not define “pecuniary interest”. Michigan case law suggests that the phrase “pecuniary interest” is essentially synonymous with the phrase “financial interest” and can be based on the potential of an indirect benefit. See, e.g., *Studier v. Mich. Pub. Sch. Emples. Ret. Bd.*, 472 Mich 642, 655 (2005) (noting dictionary definitions of “financial” that included “pertaining to monetary receipts and expenditures; pertaining or relating to money matters; pecuniary,” and noting dictionary definitions of “pecuniary” including “consisting of or given or extracted in money,” or “of or pertaining to money.”). See also *Crampton v. Michigan Dep’t of State*, 395 Mich 347, 351-52 (1975) (citing examples of cases involving pecuniary interests that prevented decisionmakers from acting impartially, including a mayor who was responsible for village finances and therefore “could not fairly adjudicate and impose fines for traffic offenses,” and members of a board of optometry who stood to gain business from proceedings brought against other optometrists).

Further, as set forth above, the Michigan Attorney General has opined that an employee has at least an indirect financial interest in contracts of its employer. Op. Mich. Atty. Gen. No. 7285 (July 9, 2015). It is worth noting, however, that most of the cases and Attorney General opinions applying this statute involve far more significant financial interests than Councilmember Kivell’s interest as an employee. See, e.g., *Wells Fargo Advantage Nat’l Tax Fee Fund v. Helicon Assocs.*, 520 F. App’x 367 (6th Cir. 2013) (chief administrative officer of charter school was also the general manager of an LLC that sold a building to the school for far more than its actual value); *People v. Redmond*, 2006 Mich App LEXIS 3222 (Nov. 14, 2006) (superintendent of Oakland County Intermediate School District was also chairman of the board of directors of a non-profit organization, and superintendent entered into contracts with the non-profit on behalf of the ISD that resulted in payments of more than \$500,000 for services, as well as payment of unauthorized severance packages and vacation payouts); *Van Buren v. Ackron*, 63 Mich App 600 (1975) (sewer and water commissioner was also controlling stockholder in construction company that contracted with the township at recommendation of sewer and water commission); Op. Mich. Atty. Gen. 6276 (Mar. 1, 1985) (city council member was part owner and operator of lumberyard that contracted with the city).

In any event, I believe there is evidence that would support a finding that Councilmember Kivell’s employment with Pullum constituted a pecuniary interest that should have been disclosed under MCL 15.323 prior to approval of the two contracts between the City and Pullum, and Councilmember Kivell should not have voted on the two contracts. Because no disclosures were made, and Councilmember Kivell voted on the contracts, I believe there is evidence to support a finding that there has been a violation of the Act.

b. Consequences Resulting From a Violation of the Act

There are criminal penalties for violations of the Act. *See* MCL 15.327 (any person violating the provisions of the act “is guilty of a misdemeanor.”).

Contracts entered into in violation of the Act are not absolutely void, however. Instead, a contract can be declared to be voidable through a decree issued by a court, if the public entity brings an action against a “person, firm, corporation or trust that entered into the contract . . . with actual knowledge of the prohibited activity. MCL 15.325(1). With respect to lawsuits brought against corporations, however, “the actual knowledge must be that of a person or body finally approving the contract for the corporation.” *Id.* Further, “to meet the ends of justice,” any decree rendering such a contract voidable “shall provide for the reimbursement of any person, firm, corporation or trust for the reasonable value of all . . . goods, materials, labor or services furnished under the contract, to the extent that the public entity has benefited thereby.” *Id.*

In this case, if the City wished to seek a declaration that the contracts between the City and Pullum are voidable, the City would need to file suit against Pullum (a corporation that entered into the contract) and would need to prove that the individual or board that approved the contracts on Pullum’s behalf had actual knowledge “of the prohibited activity.” Even if the City obtains a decree that the contracts are voidable, however, the decree would also provide for reimbursement to Pullum for the reasonable value of all goods and services furnished by Pullum to the City under the contracts. Given that Charlie Pullum provided superior product from what he had quoted, the reasonable value of the windows provided may have exceeded what the City paid. Further, it is noteworthy that the City has not received any complaints from Pro Bros Window & Sunroom or any other window vendor regarding the vote.

2. Vote to Waive Bidding Process for Replacement Windows in SLARA Building

(a) Act 317 of 1968, MCL 15.321 et seq.

Because the vote to waive the bidding process was not a vote to approve a contract, I do not believe that the Act applies to this vote. To the extent the Act does apply, the result would be the same as set forth above with respect to the votes to approve the contracts between the City and Pullum.

(b) Act 196 of 1973, MCL 15.341 et seq.

This act is entitled “Standards of Conduct for Public Officers and Employees,” and it establishes general ethical standards for public officers. The statute appears to have limited application to local officials, however. *See* MCL 15.341 (including employees and elected officials of political subdivisions of the state in the definition of “employee” and “public officer” covered by the statute only for purposes of application of the whistleblower provision); *but see* Op. Mich. Atty. Gen. 6005 (Nov. 2, 1981) (opining that ethical standards of the act apply to local officers and employees). Further, local officials are not subject to the jurisdiction of the State

Ethics Board which investigates violations of the act. *See id.* Because it is unclear the extent to which the ethical standards prescribed in this act apply to local officials, and local officials are not subject to the jurisdiction of the State Ethics Board, any violation of this statute that may have occurred is ultimately irrelevant to the analysis.

(c) MCL 750.478—Willful Neglect of Duty

Under section 478 of the Michigan Penal Code, willful neglect of duty by a public officer is a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000. MCL 750.478.

Willful neglect of duty requires evidence of deliberate forbearance, and of an “intent to intentionally, knowingly, and purposely misbehave and engage in wrongful conduct.” *People v. Waterstone*, 296 Mich App 121, 142 (2012).

Proving a charge of willful neglect under this statute with respect to Councilman Kivell’s actions would likely require proof that he both knew he was required to make disclosures in connection with the vote to waive the bidding process, and that he intentionally failed to do so. From a review of video/audio recordings of various Council meetings, it appears that Councilmember Kivell was well acquainted with the conflict of interest provisions in the Code of Ordinances and Charter. That being said, there is a question of whether he knew or should have known that it applied to him based on his employment with Pullum. Further, there is the question of whether Councilmember Kivell intentionally failed to disclose his employment status. Whether such a charge could be proven is beyond our investigation and beyond the scope of this memorandum.

J. Conclusion

My conclusions can be summarized as follows:

1. Alleged Violations of City Charter Provisions

I believe there is evidence to support a finding that Councilmember Kivell had a financial interest in the waiver of the bidding process for the windows for the SLARA Building, and that his vote on the issue was therefore a violation of City Charter Section 4.6(c). Sanctions for violation of a City Charter provision can be imposed by a court of competent jurisdiction upon a finding of guilt, and can include monetary fines, imprisonment, and having the office declared vacant (See Section 13.7).

I also believe there is evidence to support a finding that by voting to waive the bidding process, Councilmember Kivell took “official action” on an “other matter” in which he was financially interested, and that his vote on the issue was a violation of Section 5.2 of the City Charter. Sanctions for a violation of this City Charter provision are similar to those for a violation of Section 4.6(c), except that a conviction under this section operates to forfeit the office of the convicted Councilmember.

2. Alleged Violations of City Code Provisions

I believe there is evidence to support a finding that Councilmember Kivell could not act impartially in voting to waive the bidding process for replacement of the windows in the SLARA Building, because approval of the waiver was likely to lead to approval of a contract in which he arguably had a financial interest, and that his vote on the waiver therefore constituted a violation of Section 2-72 of the City Code.

I also believe there is evidence to support a finding that Councilmember Kivell had a financial interest in the contract likely to result from approval of the waiver (and therefore in the waiver motion) that would tend to impair his independence of judgment or action in the performance of his official duties, and that his vote therefore constituted a violation of Section 2-75(a) of the City Code.

It is unclear whether Councilmember Kivell had a substantial or controlling financial interest in the vote to waive the bidding process for the second contract, and I therefore cannot conclude that there has been a violation of City Code Section 2-75(b)(5).

Although you did not ask us to evaluate its applicability to the facts at hand, I believe that Councilmember Kivell was required by virtue of the language of Section 2-71 of the City Code, to have disclosed his employment with Pullum.

A violation of the City Code can “constitute a cause for suspension, removal from office or employment, or other disciplinary action.” City Code Section 2.78.

3. Alleged Violations of Statutory Provisions

I believe there is evidence to support a finding that Councilmember Kivell had a pecuniary interest in the two contracts between the City and Pullum, and by failing to disclose that interest prior to the City Council’s vote to approve the contracts and by failing to abstain from the vote, he violated MCL 15.323. There are potential criminal sanctions for a violation of the statute, and the City can seek a declaration that the contracts are voidable, although Pullum would be entitled to reimbursement for the reasonable value of goods and services provided under the contracts.

I do not believe that MCL 15.341 et seq. adds anything to the analysis, and the question of whether there was a violation of MCL 750.478 is beyond the scope of our investigation and this Report.

K. Summary of Options To Address Conduct At Issue

The City's options are as follows:

- For violations of the City Charter or statutory provisions that can result in a criminal penalty, the City can retain counsel to file and prosecute charges against Councilmember Kivell. (Charter Sections 5.2 and 13.7; MCL 15.327)
- The City could also file an action seeking to have the contracts with Pullum declared voidable, although Pullum would be entitled to recover the reasonable value of goods and services provided under the contracts.
- For violations of the City Code, the City Council could vote to suspend Councilmember Kivell, remove him from office, or impose other disciplinary actions as provided for in Section 2-78. The City Council could also consider appointing members of the public to the Ethics Board established by Section 2-77 of the City Code, and requesting that the Ethics Board investigate Councilmember Kivell's actions.

Respectfully Submitted,

Melvin J. Muskovitz
(734) 214-7633
mmuskovitz@dykema.com

4842-2165-2804.1

INVESTIGATION REPORT ATTACHMENTS

1. Pullum initial quote (\$20, 941.36) (February 18, 2016)
 2. Pro Bros Window & Sunroom quote (\$25,998.00) (February 26, 2016)
 3. Police Department Budget Documents
 4. Special City Council Meeting (Budget Workshop) minutes (April 23, 2016)
 5. Amy Allen, SLARA Regional Director, May 26, 2016 email to Ladner regarding needed building repairs
 6. May 31, 2016 Sovik Memo to Collins re: window replacement quote
 7. Pullum second quote (\$24,060.39) (July 11, 2016)
 8. Memorandum from Lt. Sovik to Police Chief Collins (July 11, 2016)
 9. August 8, 2016 Agenda Note: window replacement – Main Police Building
 10. August 8, 2016 Agenda Note: consider approval of replacement windows at SLARA
 11. August 8, 2016 Council Meeting Minutes (Excerpt)
 12. Pullum Window September 9, 2016 letter to City Manager Ladner
 13. Pullum Window September 13, 2016 letter to Lt Sovik
 14. Pullum Police Station Invoice (September 22, 2016)
 15. SLARA Building Invoice (September 26, 2016)
 16. City Attorney Wilhelm letter (11/26/2016)
 17. Excerpt from Council Meeting Minutes (11/28/2016)
 18. City Attorney Wilhelm letter (12/1/2016)
 19. City Attorney Wilhelm letter (12/2/2016)
- Councilmember Kivell's 2016 and January 2017 pay stubs
 - Councilmember Kivell's 2016 W-2.

INVESTIGATION REPORT
ATTACHMENT 1

FORM CODE # <QTE 80603 0> FORM: QUOTE FROM: PULLUM WINDOW CORP., 415 N. LAFALETTE, SOUTH LYON, MI., 48178 <QTE 80603 0>
PH: 248-491-4700 WEBSITE: www.pullumwindow.com

0 0 JOB PO#: BY: PO: ENTER: 02/18/2016 HD SC GR ALL SALES ARE FINAL. NO ORDER
NAME: SOUTH LYON POLICE STATION PH: 1-248-437-0459 WK: X W/JB X X CHANGES AFTER ORDER ENTRY.
LOT#: STR#: 219 WHIPPLE CT: SOUTH LYON ST: MI W/BO * * * *
CITY OF SOUTH LYON SUB: SID#: DEL SCREENS + GRILLS MAY BE BACK
355 SOUTH WARREN N/ S/ E/ W/ INST ORDERED FOR YOUR CONVENIENCE
SOUTH LYON MI 48178 OFF OFF/ W/ W/ CP2 STORED PRODUCTS ARE DISCARDED
1-248-486-0049 EXT: ANDERSEN WOOD WINDOW REMOVAL - INSTALL QUAKER W/DRYWALL RETURNS MASTER WORKS AFTER 90 DAYS. * * * *
INSTALL JOB CHARLIE PULLUM CALL FOR LIMITED WARRANTIES

L#	Q	DESC	P R O D U C T	P R O D U C T I O N	C O D E		GLAZING	(MUNTIN)	FINISH	SCR	HARD JAMB	ROOM	ROUGH OPENING								
			TYPE	STYLE	LINE	SIZE A	SIZE B	SIZE C	MULT	GLASS	TYPE	CUT-UP TYPE	CL	INT	EXT	S CL	L F	WIDTH	W	X	H

QUAKER SPECIFICATIONS:

Bronze Aluminum - Low "E" / Argon Glazing
unequal still units to be field milled by installer

2}	6 T-L	OAK D.SET A	JB 24	X 24	- S	1	IG LE/AG	....	1 LT	....	BRZ1 BRZ1	..	....	REPL A	0	0	0	0
			JB WIDTH	24.000	| JB LEFT	24.000	| JB RIGHT	24.000										
			GUARDIAN LOWE# 7138 WITH ARGON GAS															
3}	T-R	OAK AWNING A	JB 48	48	V	1	IG LE/AG	....	1 LT	....	BRZ1 BRZ1	F	BZ	ROTO REPL A	0	0	0	0
			GUARDIAN LOWE# 7138 WITH ARGON GAS															
4}	B-R	OAK D.SET A	JB 24	X 24	- S	1	IG LE/AG	....	1 LT	....	BRZ1 BRZ1	..	....	REPL A	0	0	0	0
			JB WIDTH	24.000	| JB LEFT	24.000	| JB RIGHT	24.000										
			GUARDIAN LOWE# 7138 WITH ARGON GAS															
5}	5	OAK C'MENT A	JB 24	72	R	1	IG LE/AG	....	1 LT	....	BRZ1 BRZ1	F	BZ	ROTO REPL B	0	0	0	0
			GUARDIAN LOWE# 7138 WITH ARGON GAS															
6}	3	OAK AWNING A	JB 72	48	V	1	IG LE/AG	....	1 LT	....	BRZ1 BRZ1	F	BZ	ROTO REPL C-1	0	0	0	0

FORM CODE # <QTE 80603 0> FROM: PULLUM WINDOW CORP., 415 N. LAFAYETTE, SOUTH LYON, MI., 48178 <QTE 80603 0>

CITY OF SOUTH LYON MI 48178 NAME: SOUTH LYON POLICE STATION STR#: 219 WHIPPLE
355 SOUTH WARREN LOT: SEE PAYMENT TERMS BELOW
SOUTH LYON SUB: PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY. PAGE# 2

LINE	Q	DESC	PRODUCT	SIZE A	SIZE B	SIZE C	GLAZING	MULTI	GLASS TYPE	CUT-UP TYPE	CLINT	EXT	S CL	L LF	WIDTH	ROOM	ROUGH OPENING
------	---	------	---------	--------	--------	--------	---------	-------	------------	-------------	-------	-----	------	------	-------	------	---------------

GUARDIAN LOWE# 7138 WITH ARGON GAS

Permit Costs are Reserved.

TOTAL: \$ 19,740.59 INCLUDING TAX

*** OPTIONS TO BASE LIST: ***

73	3	---	OAK SLIDER A	JB 72	X 48	- XO	1	IG	LE/AG	---	1	LT	----	BRZ1	BRZ1	F	BZ	STDO	REPL	C-2	0	0
----	---	-----	--------------	-------	------	------	---	----	-------	-----	---	----	------	------	------	---	----	------	------	-----	---	---

GUARDIAN LOWE# 7138 WITH ARGON GAS

DEDUCT FOR THE ABOVE SLIDER IN LIEU OF AWNING (LINE 6): \$ 574.94 INCL. TAX

OPTION: ADD FOR 1/4" BRONZE OUTER LITE ON BASE LIST (MUST BE TEMPERED PER QUAKER): \$ 1,200.77 INCL. TAX

\$20,941.36

FORM CODE # <QTE 80603 0> FROM: PULLUM WINDOW CORP., 415 N. LAFAYETTE, SOUTH LYON, MI., 48178 <QTE 80603 0>
CITY OF SOUTH LYON MI NAME: SOUTH LYON POLICE STATION
355 SOUTH WARREN MI LOT: STR#: 219 WHIPPLE
SOUTH LYON MI 48178 SUB: SEE PAYMENT TERMS BELOW
SCREENS AND GRILLS MAY BE BACK ORDERED FOR YOUR CONVENIENCE.
PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY. PAGE# 3

L# } Q | DESC | P R O D U C T | P R O D U C T I O N C O D E | GLAZING | (MUNTIN) | FINISH | SCR | HARD | JAMB | ROOM | ROUGH OPENING
} | | TYPE STYLE LINE | SIZE A SIZE B SIZE C | MULT | GLASS TYPE | CUT-UP TYPE CL | INT EXT | S CL | L F | WIDTH | W X H

Purchaser agrees that all invoices are due 30 days after shipment unless agreed otherwise in writing. A 2% per month
24% APR, not compounded, time-price differential charge will be added to all past due balances plus all collection,
legal expenses and attorney fees incurred in efforts to obtain payment.

All disputes and claims shall be submitted to arbitration with a single arbitrator pursuant to the Uniform Arbitration
Act ct (MCL691.1681, et seq.) and the winner shall be entitled to interest, costs and reasonable attorney fees should
the arbitrator rule in that party's favor. An arbitration award may be entered as a judgement in any circuit court
having competent jurisdiction consistent with MCL691.1681, et seq.

Terms: 50% deposit (cash or check). Balance Due: Cashier's check prior to delivery, unless a credit account has been established.

Credit sales require a Notice Of Commencement executed by the owner. If not available: (initial: _____) and supply the following:

Owner: _____ Address: _____ Ph#: _____
Title Company: _____ Contact: _____ Ph#: _____

Signature constitutes that sizing & specifications were checked & approved to order: _____ DATE _____

Signature constitutes that sizing & specifications were checked & approved to order: _____ DATE _____

Unless specified, the material, shape and color of the insulated glass perimeter spacer may vary.

Ask your sales representative for a Michigan Uniform Energy Code (M.U.E.C.) Report listing the R-Values for the above products.

FLASHING: "Michigan Residential Code" R703.8 requires flashing on ALL Windows-Doors. Use "TAPE FLASHING" per their instructions.

PLEASE RELEASE SCREEN AND HARDWARE BACK ORDERS 3 1/2 WEEKS BEFORE REQUIRED.

SOUTH LYON POLICE STATION SOUTH LYON, MI

INSTALLATION NOTES:

1. Contractor shall be responsible for the cost & coordination of installation & field testing. Field testing shall be performed within thirty (30) days of installation.
2. All fastening or related materials shall be supplied by others (Unless Noted Otherwise).
3. Strap anchors, sub-sills, receptors and panning are field drilled for drilled for perimeter fastening by others (Unless Noted Otherwise).
4. Quaker does not provide insulation, blocking, shims, sealant or fastening anchors. Anchors shown on these shop drawings are not intended to depict type or size, merely location of anchors. Fasteners where shown, not to exceed 18" centers. Determining type and of fasteners is the responsibility of installer.
5. Quaker assumes no responsibility for water or air penetration due to failure of installer to properly seal joint of any field assembled products.
6. Quaker recommends insulation to be installed in all voids between window and existing wall condition. All performance data listed on Quaker window test reports were achieved with window voids filled with insulation.
7. Quaker window products will assume no responsibility for errors resulting from the use of these drawings by other trades.
8. Some elevations on the attached pages may require field mulling. Please contact Quaker for specific field mulling instructions for your specific Model/ Series.

DISSIMILAR METALS:

ANSI/AAMA 101-88 Recommendations for Dissimilar Materials

- A) Where Aluminum surfaces come in contact with metals other than Stainless Steel, Zinc, Cadmium or small areas of white bronze, keep Aluminum surfaces from direct contact with incompatible metals. This is achieved by providing suitable protection coating of paint, by using good quality caulking material, between the surfaces, by using non-absorbent plastic or elastomeric tapes or gaskets, or in the case of steel, using a sufficiently thick galvanized coating. Coatings containing lead pigmentation must be avoided.
- B) Dissimilar metals should be painted if used in locations where drainage from them passes over aluminum.
- C) Wood or other absorbent materials which may become repeatedly wet and which are in contact with Aluminum should be painted with 2 coats of Aluminum house paint and the joints sealed with a good quality caulking compound.
- D) Where Aluminum is in contact with treated wood, wood should be treated with Pentachlorophenol 5% minimum concentration, or Wolman Salt or Crescote or Zinc Naphthenate (select one), and follow the protective measures outlined on container.

APPROVAL NOTICE:

For this job in accordance with the quote:
Quaker will proceed with fabrication of the products once a contractor has approved a set of these shop drawings and submitted back to Quaker. Fabrication will not commence until Quaker is in receipt of "approved" or "approved as noted" shop drawings. These shop drawings show our interpretation of the project and are submitted for approval. Our responsibility shall be limited to furnishing and/or fabricating the materials in accordance with these approved details. These shop drawings may deviate from architectural plans and specifications, due to window contractors estimated quotation for this job presented to Quaker prior to any shop drawings. It is the responsibility of the window contractor to alert Quaker of any requirements for our windows or window products. Any alter window fabrication due to inaccurate information, incorrect field measurements or architectural specifications will result in additional charges to window contractor. All window sizes and quantities shown on elevation sheets are for reference only. Window contractor is to check

all sizes and quantities shown in accordance with actual building conditions, architectural plans and specifications. Please change and correct any sizing or window quantities as required on these shop drawings. Return a corrected or marked up set back to Quaker approved for window fabrication.

GENERAL NOTES:

1. These drawings represent Quaker's concept of the application of its products in functional compliance with the architect's drawings and specifications referenced. Unless noted otherwise, Quaker's standard manufacturing shall apply. It is important that these drawings be reviewed with respect to the architect's intent, interacting project conditions and materials, job site conditions and with consideration given to any anticipated building movements. Quaker assumes no responsibility for the integration of its products into any wall system or any other project.
2. Approved or reviewed shop drawings will take precedence over specifications in areas of conflict.
3. All elevations are viewed from the exterior.
4. Please verify all opening and reference dimensions, all elevation handling and quantities as Quaker will interpret these drawings and any information contained herein are correct as shown unless specifically addressed on these drawings.
5. All windows & door units are factory glazed (Unless Noted Otherwise).
6. Requests for revisions after Quaker has been authorized to release materials for fabrication must be in writing and will be subject to a purchase price adjustment.
7. Window and screens are intended as barriers, against weather or insects. The requirement for any travel limited device, egress or special glazing must be explicitly identified by the architect.
8. Class 5 balance is adjustable and may require slight adjustment once final installation is complete.
9. Lead times are calculated from the date on which Quaker receives final approved information in writing. The lead time is approximate only and may vary depending upon delivery of materials to Quaker from Quaker's vendors. Quaker window disclaims any liability due to procurement problems with vendors.
10. Advertised performance ratings are based on individual window tests. Milled units and / or Perimeter Accessories require different AAMA testing procedure. Please consult Quaker or your AAMA guideline booklet for more information.
11. ALL FIELD TEST ARE TO BE AAMA 502 TEST AT 2/3 TEST PRESSURE.

WARRANTY:

Contact Quaker for complete warranty coverage details.

- * Quaker's warranty does not apply and is null and void if its products are installed into structures that do not allow for appropriate water/moisture drainage. This includes, but is not limited to "Exterior Finish & Installation System" (E.F.I.S.), a.k.a. "Synthetic Stucco".
- * Warranty does not apply to any damage by accident, fire, explosion, abuse, vandalism, or act of God.
- * This warranty does not apply to any damage caused by misuse. This includes, but is not limited to, the misuse of mastic acid or brick wash.
- * If using mastic acid or brick wash cleaning solutions, please follow the manufacturer's instructions found on product labeling or on the manufacturer's website.
- * Labor cost incurred because of any warranty claim are not covered by this warranty.

CONTRACTOR NOTE:

All dimensions to be field verified and guaranteed by contractor. Materials will be released for fabrication only upon receipt of signed and approved shop drawings.

SIGN _____ DATE _____

APPROVED ☐ APPROVED AS NOTED ☐

Please return one print set marked with your signature, any comments and notation of approval from fabrication.

☐ Drawings completed without specifications.

☐ Owner requests value engineering options.

☐ Following specifications to best of knowledge (Owner ultimately responsible for compliance).

- * Quaker window will not be responsible for installation or any refinishing work associated with a warranty claim.
- * Quaker's warranty is the only warranty applicable to this purchase. All other warranties, expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose are disclaimed.

It is understood and agreed that Quaker's liability, whether in contract, in tort, under any warranty, in negligence, or otherwise, shall Quaker be liable for special, indirect, or consequential damages. The price paid by the purchaser/owner for the equipment is a consideration in limiting Quaker's liability. No action, regardless of form, arising out of the transaction under this agreement may be brought by the purchaser/owner more than one (1) year after the cause of action has accrued. Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you. Quaker Window Products Company will not be held responsible, and Quaker's warranty does not apply, and is null and void if inappropriate test measures are used in determining Quaker's advertised performance standards. These measures would include but are not limited to the use of an uncalibrated test laboratory, testing on units that exceed the maximum test size, inappropriate calibration of on-site test equipment, and/or testing that is not performed within a reasonable time period (as described in AAMA's Voluntary specifications for field testing of windows & glass doors). This limited warranty gives you specific legal rights, and you may also have other rights which may vary from state to state.

MAINTENANCE:

As it pertains to Quaker's paint finishes, the cleaning recommendations for AAMA 2604 is an integral part of the warranty given for gloss, color retention, and chalking. The warranty requires that regular cleaning has to be performed periodically, at least once a year and twice a year for structures directly exposed to areas of high salt concentration, such as near a seashore.

The conditions are as follows:

- * Clean water with slight amounts of mild alkaline detergents must be used.
- * The cleaning effect may be increased by rubbing with a soft, non-scratching cloth or cotton with modest pressure.
- * The temperature of the parts to be cleaned must not exceed 80° F.
- * For removal of grease and oily substances Isopropyl Alcohol may be used.
- * The cleaning solution must not be allowed to react for more than 1 (one) hour.
- * After cleaning, the surface must be rinsed with clean, cold water.
- * A proper maintenance record has to be kept and documented. This documentation must contain the following information:

- ✓ Date
- ✓ Name and address of performing party
- ✓ Description of cleaning procedure and detergents used.
- ✓ Signature of person performing the cleaning procedure.



QUAKER
WINDOW PRODUCTS

PHONE (573)-744-5211
FAX (573)-744-5566
COMMERCIAL
FAX (573)-744-5822
www.quakerwindows.com

Scale: NONE
Sheet #: 1 of 1

COVER SHEET

QUAKER WINDOW PRODUCTS
WILL NOT BE RESPONSIBLE
FOR FIELD MEASUREMENT,
QUANTITIES, & INSTALLATION
DESIGN. CONTRACTOR MUST
VERIFY ALL DIMENSIONS.

Project Name:

POLICE STATION
SOUTH LYON, MI

Drawn by: DG
Date: 06/17/10

504 Highway 63 South
Freeburg, MO 65035

SYMBOL LEGEND

- [E]** INDICATES FIELD APPLIED SEALANT BY OTHERS
- [F]** FASTENERS BY OTHERS
- [B]** INDICATES BLOCKING BY OTHERS
- [S]** SHIM AS NEEDED BY OTHERS
- [C]** SHEET NUMBER
1
CUT SECTION

FINISH SCHEDULE: COLOR

- ☒ 2604: DARK BRONZE
- ☐ 2605:
- ☐ ANODIZED:
- ☐ CUSTOMER TO PROVIDE COLOR CHIP
- ☐ OTHER:
- CUSTOMER TO VERIFY FINISH AND COLOR

GLAZING SCHEDULE

STANDARD GLAZING DESCRIPTION	
GL1 - 1/4" LOWE (DUAL SILVER) - OSB - Stnd - Cardinal, TEMPERED.	
GL2 - 3/4" LOWE (DUAL SILVER) - 5/32" Stnd - Cardinal, TEMPERED.	
VARIATIONS FROM STANDARD (NOTED ON WINDOW ELEVATIONS)	
SYMBOL	DESCRIPTION
CUSTOMER TO VERIFY GLAZING OPTIONS	

ABBREVIATIONS

M.O. = MASONRY OPENING
 O.R.O. = OVERALL ROUGH OPENING
 O.U.D. = OVERALL UNIT DIMENSION
 R.D. = RECEPTOR DIMENSION
 R.O. = ROUGH OPENING
 T.T.P. = TIP TO TIP OF PANNING
 U.D. = UNIT DIMENSION
 AMN = AWNING
 CA = CASEMENT
 DH = DOUBLE HUNG
 DS = DIRECT SET (FIXED)
 HOP = HOPPER
 SH = SINGLE HUNG
 SL = HORIZONTAL SLIDING

INDEX

SHEET #	DESCRIPTION
A1	COVER SHEET
A2	GENERAL NOTES
A3	ELEVATIONS
C1 - C2	CUT DETAILS

GENERAL WINDOW DETAILS AND NOTES

ELEVATIONS ARE VIEWED FROM THE EXTERIOR
 DEVIATIONS FROM GENERAL WINDOW DETAILS AND NOTES TO BE LISTED ON WINDOW ELEVATIONS
 CUSTOMER TO VERIFY COUNTS AND SIZES
 SERIES: T600
 CONFIGURATIONS: DS, AMN, CA
 GRIDS: N/A
 HARDWARE: STANDARD BLACK (AMN & CA)
 SCREENS:
 • FULL SCREEN BETTER VIEW (AMN & CA)
 ADDITIONAL PARTS:

EXAMPLE ELEVATION DESCRIPTION
 WINDOW TYPE — TYPE X
 WINDOW CONFIGURATION — XX
 DEVIATIONS FROM GENERAL DETAILS AND NOTES
 QUANTITY — QTY, X

WARRANTY

FINISH: 5 YEAR
 GLASS: 5 YEAR
 HARDWARE: 1 YEAR

NO.	REVISIONS	BY	DATE
1	SIZE CHANGES	Q.W.P.	00-00-00

GENERAL NOTES

Description:
 QUAKER WINDOW PRODUCTS
 WILL NOT BE RESPONSIBLE
 FOR FIELD MEASUREMENT,
 QUANTITIES, & INSTALLATION
 DESIGN. CONTRACTOR MUST

Project Name:

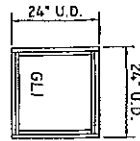
POLICE STATION
 SOUTH LYON, MI



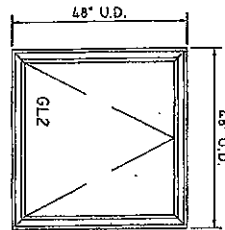
PHONE (573)-744-5211
 FAX (573)-744-5586
 COMMERCIAL
 FAX (573)-744-5822
 www.quakerwindows.com

Drawn By: DG
 504 Highway 83 South
 Crookston, MO 65006

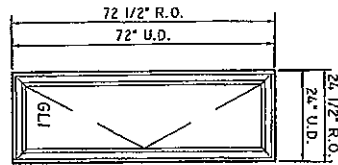
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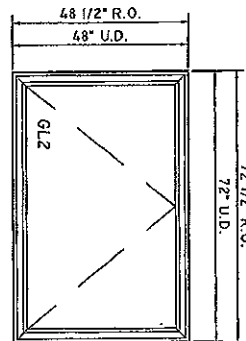
TYPE A DS
DS - PART OF COMBO
QTY. 12



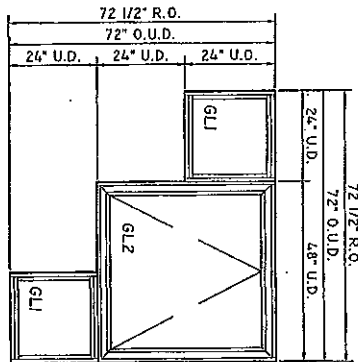
TYPE A AWN
AWN - PART OF COMBO
CRANK HANDLE
QTY. 6



TYPE B CA
CA RIGHT HINGE
ROTO HWDR
QTY. 5



TYPE C1 AWN
AWN - CRANK HANDLE
QTY. 3



TYPE A COMBO
FOR ILLUSTRATION
C-MULL
QTY. 6



PHONE (573)-744-5211
FAX (573)-744-5696
COMMERCIAL
FAX (573)-744-5822
www.quakerwindow.com

Description:

ELEVATIONS

QUAKER WINDOW PRODUCTS
WILL NOT BE RESPONSIBLE
FOR FIELD MEASUREMENT,
QUANTITIES, & INSTALLATION
DESIGN. CONTRACTOR MUST

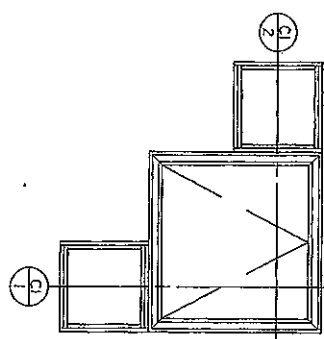
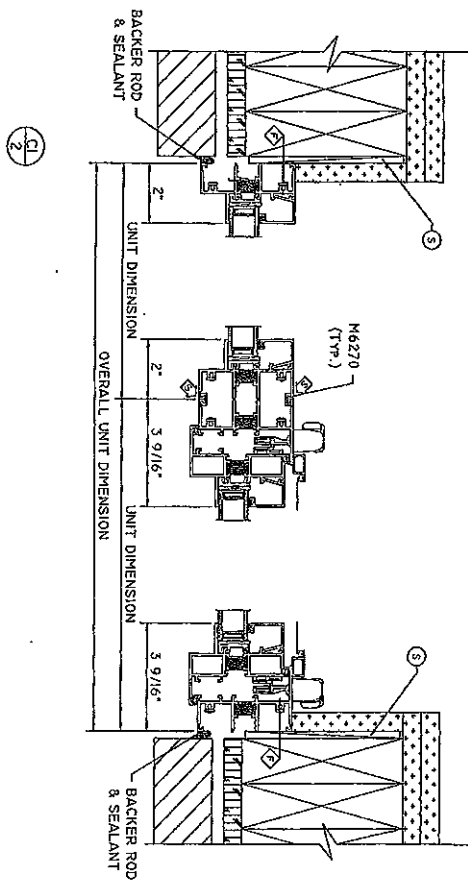
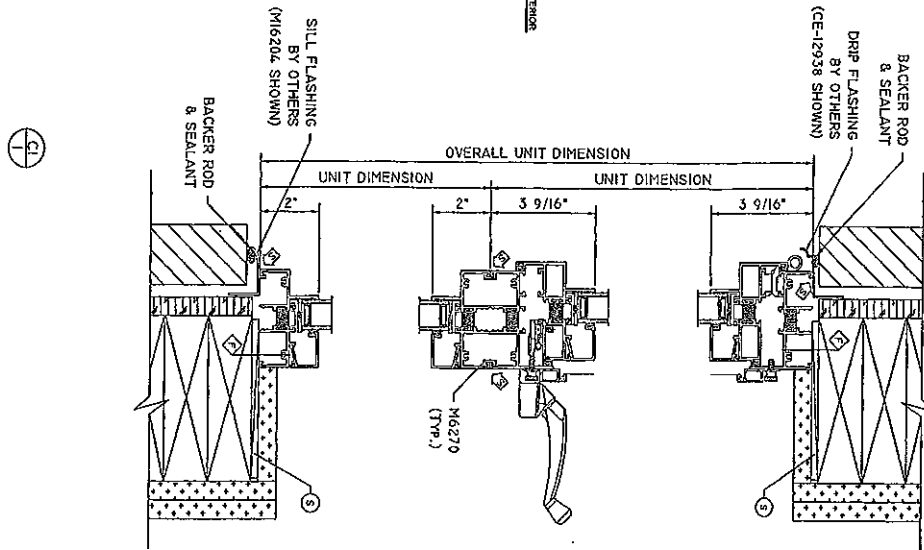
Project Name:

**POLICE STATION
SOUTH LYON, MI**

Drawn By:
DG

504 Highway 63 South
Freebura, MO 65035

Scale:
3/8"=1'



SCALE 3/8"=1'

SYMBOLS LEGEND	
(S)	INDICATES FIELD APPLIED SEALANT
(F)	FASTENERS BY ERECTOR
(B)	INDICATES BLOOMING BY ERECTOR
(SH)	SHIM AS NEEDED

NOTICE:
QUAKER DOES NOT GUARANTEE ANY
INSTALLATION OR SEALANT UNLESS OTHERWISE NOTED.

ALL FASTENING SHALL BE FIELD FITS
TRIMMED BY THE INSTALLER
FIELD FITS
SEALANT MUST BE APPLIED TO
FIELD FITS
PROVIDE PROPERLY TO
SUPPORT THE WEIGHT OF THE WINDOW
FRAME. DO NOT USE EXPANDING OR
SHIMMING TYPE FOAM.



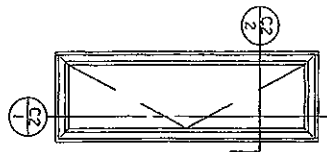
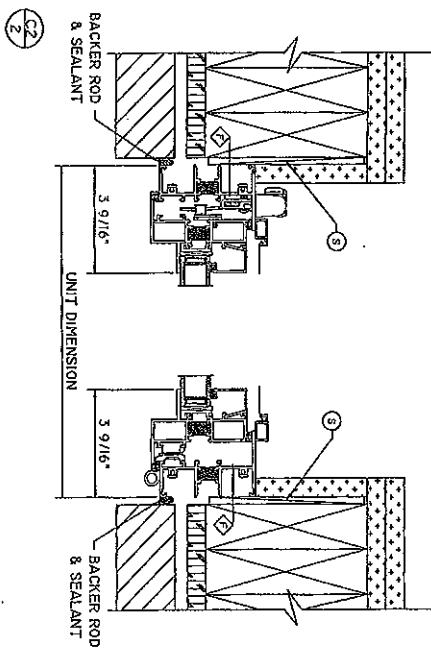
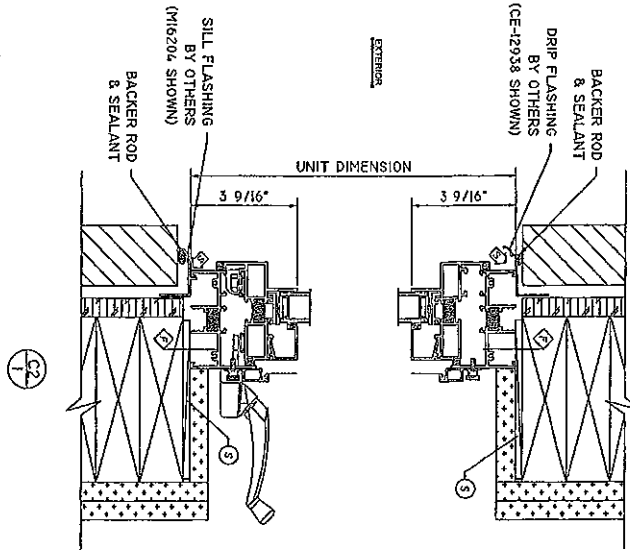
PHONE (573)-744-5211
FAX (573)-744-5586
COMMERCIAL
FAX (573)-744-5822
www.quakerwindows.com

Description: **CUT DETAILS**
QUAKER WINDOW PRODUCTS
WILL NOT BE RESPONSIBLE
FOR FIELD MEASUREMENT,
QUANTITIES, & INSTALLATION
DESIGN. CONTRACTOR MUST

Project Name: **POLICE STATION
SOUTH LYON, MI**

Drawn By: **DG** 504 Highway 63 South
Cassville, MO 65012

Scale: **3"=1'**



SCALE 3/8\"/>

SYMBOL LEGEND	
	INDICATES FIELD APPLIED SEALANT
	FASTENERS BY ERECTOR
	SPACERS BLOCKING BY ERECTOR
	SPM AS NEEDED

NOTICE:
QUAKER DOES NOT WARRANT ANY
INSTALLATION, INCLUDING PROPER
INSTALLATION, OR THE RESULTS
THEREOF.
SEALANT INSTALLATION
ALL SEALING SHALL BE FIELD RTA
APPLIED BY THE INSTALLER
FIELD BY OTHERS
SEALANT INSTALLATION SHOULD
ALWAYS BE DONE IN ACCORDANCE
WITH THE FOLLOWING INSTRUCTIONS
TO SUPPORT THE SEAL OF THE WINDOW
FRAME. DO NOT USE LEANING OR
SHIMMING TOOLS.



PHONE (873)-744-5211
FAX (873)-744-5588
COMMERCIAL
FAX (873)-744-5822
www.quakerwindows.com

Description:
CUT DETAILS
QUAKER WINDOW PRODUCTS
WILL NOT BE RESPONSIBLE
FOR FIELD MEASUREMENT,
QUANTITIES, & INSTALLATION
DESIGN. CONTRACTOR MUST

Project Name:
**POLICE STATION
SOUTH LYON, MI**

Drawn By: **DG**
Date: **504 Highway 63 South
Freeburg, MO 65036**

Scale: **3\"/>**

INVESTIGATION REPORT
ATTACHMENT 2

PROPOSAL DATE 2/26/16

PAGE 1 OF 1

PRO BRO'S Window & Sunroom		PROPOSAL SUBMITTED TO		JOB LOCATION		INSTALLATION DETAILS											
7335 Grand River • Suite 700 Brighton, Michigan 48114 (810) 225-5100		NAME: <u>SOUTH LYON POLICE DEPARTMENT</u> STREET: <u>219 W 180th</u> CITY: <u>South Lyon</u> STATE: <u>MI</u> ZIP: <u>48172</u> PHONE: <u>248 437 1273</u> WORK: <u>248 437 4193</u>		NAME: _____ STREET: _____ CITY: _____ STATE: _____ ZIP: _____ PHONE: _____ WORK: _____ MODULE #A: _____		INSTALL: <input type="checkbox"/> CASE <input type="checkbox"/> HISTORY <input type="checkbox"/> CATEGORY <input type="checkbox"/> VENDOR ON CHARGE <input type="checkbox"/> APPROVE INSTALLATION (LEAD TIMES) _____ TO _____ NEEDS MANUAL											
LINE	QTY	PACK OR METE	SIZE	SPAND	TYPE	TH	GLASS	TYPE	DATE	CLASS	SHIELD	PAINT	SCALE	1/1	NO. OF LENSES	NOTES/VIEWED FROM STREET	DESCRIPTION
5				RESTORATION	FRONT PM	WHITE	SAFETY	NO	NO	1/2			1/2		4		Hand Painted
5					CAS								4		1		(-Frame) (C/O)
1					FRONT								1/2		3		
3					CAS								4		3		LSR (1/2 1/2 1/2)
INTERIOR TRIM PACKAGE				NOTES: (FULL FRAME RESTORATION)													
PIPE CASING AND EXTENDERS																	
EXTERIOR				PAYMENT TO BE MADE AS FOLLOWS													
EXTERIOR COLOR: <u>WHITE</u> <u>GLASS</u> <u>SAFETY</u> <u>GLASS</u>				DOWN: BALANCE UPON INSTALLATION (PRORATE 50% DAY)													
FRAME: <u>CHINA</u> <u>CHINA</u> <u>BLACK</u>				DATE: _____													
REMOVAL: <u>ALUMINUM</u> <u>X</u> <u>WOOD</u> <u>STEEL</u> <u>EVAN</u>				AT THE INSTALLATION, IF THE JOB IS NOT COMPLETE, CUSTOMER MAY RETURN 5% OF TOTAL PRICE UNTIL COMPLETION.													
REGULATION: <u>NO</u> <u>UP</u> <u>DOWN</u> <u>GLASS</u>				CASH <input type="checkbox"/> CHK <input type="checkbox"/>													
X SOLAR GLASS: <input type="checkbox"/> OTHER <input type="checkbox"/>				SELLER'S SIGNATURE: <u>[Signature]</u> DATE: <u>2/26/16</u>													
				BALANCE													

THIS IS THE BEST AND TRUEST COPY OF THE PROPOSAL AS SUBMITTED BY THE PROPOSER, AND THE BEST COPY OF THE PROPOSAL.

Part 1: Proposal Form Part 2: Proposal Form Part 3: Customer Copy

INVESTIGATION REPORT
ATTACHMENT 3

POLICE DEPARTMENT

Fiscal Year 2016-2017

Goals and Objectives

"Safeguarding our Community"

The Mission of the South Lyon Police Department is to efficiently provide quality police service to our community by promoting a safe environment through a police-citizen partnership, with an emphasis on mutual trust, integrity, fairness, and professionalism.

- Due to the continuing threat of incidents of terrorism, the Police Department will persist in collaborating with local, state, and federal enforcement and intelligence agencies and fusion centers. Special emphasis and asset allocation will be placed upon surveillance and protection of vulnerable targets including schools and critical infrastructure such as water, sewer, and energy systems. As part of our association with OakTac consortium, officers will continue to train with other agencies in preparation for major incidents requiring mutual aid. The Police Department will continue coordinated active shooter training exercises with the South Lyon Fire Department.
- Police Department personnel will continue school safety checks and surveillance. Checks include all public schools within the city. Uniform officers are present on school property during student arrival and dismissal times, and also perform walk-through checks on a daily basis. Detectives also conduct random surveillance checks of schools during school hours.
- The Police department will continue to utilize social media outlets (Facebook, Twitter & Nixle) in addition to the department website and the local news media in order to facilitate information sharing with the public.
- The Police Department will continue the development of personnel through in-service training, and by facilitating furthered college education. We will continue periodic staff meetings to ensure that department expectations are communicated and achieved.
- As a component of the Community Oriented Policing Program, participation in the Lakes Area Citizens Police Academy is a highly regarded public relation activity. The Police Department will continue participation with partner agencies.
- The Police Department will continue to promote collaborative partnerships within our community, as well as with surrounding communities, as an effective and efficient way to maintain order and improve quality of life.

POLICE DEPARTMENT

Fiscal Year 2016-2017

Expenditures

702 Wages and Salaries

This line item includes salaries and wages for a chief, lieutenant, four sergeants, ten police officers, one clerk, school crossing guards, part-time police cadets, and a maintenance person. The \$25,934 increase is due to anticipated contractual adjustments including a 2% wage increase, overtime including holiday pay, cost of living payments, longevity pay, and projected overtime for additional downtown events.

715-720 Fringe Benefits

This line item includes the following fringe benefits: F.I.C.A., Retirement, Uniforms and Cleaning, Life and Dental Insurance, Optical Insurance, ASR/EHIM, Workman's Compensation, and Disability Insurance. The \$45,334 increase reflects an increase in Health Care Costs and MERS contributions. (AVG: 13% increase ASR)

721 Uniforms and Cleaning Allowance

This line item covers uniform and cleaning allowances that are mandated by labor agreements. The \$4,600 increase reflects an increase of \$250 per officer and \$600 for cadet uniforms.

722 Tuition Reimbursement

This line item includes tuition reimbursement for police personnel mandated by contract, (\$800/semester/officer; \$1,600 max./yr./officer). The \$4,800 would cover the expense of three officers continuing education for the contract year. This remains unchanged.

727 Office Supplies

This line item covers all consumable office supplies including refill cartridges for printers and faxes throughout the department, and remains unchanged.

740 Operating Expense

This line item is a general account designed to provide for all expenditures that do not fit in other line items. It covers expenses ranging from physical and psychological exams for employees to legal reference manuals and other non-consumable items, and remains unchanged.

745 Ammunition

This line item covers the costs for practice and duty ammunition, and reflects training levels required to minimize liability exposure with respect to firearms. Included are both training and duty ammunition for pistols, rifles, and shotguns. Also included are replacements for pepper spray, simunitions, and Taser cartridges, and remains unchanged.

860 Gas and Oil

This line item is for the fuel and oil used by the department's fleet of vehicles. The \$34,000 budgeted remains the same as the F.Y. 2015-16.

861 Transportation and Mileage

This line item is used to reimburse staff for the use of personal vehicles on department business.

863 Vehicle Maintenance

These funds provide repairs for police vehicles and equipment, and pay the police department's contribution to fund the City's mechanic.

910 Insurance and Bonds

This line item pays for the police department's portion of the insurance costs of the City. The \$24,806 includes building insurance, fleet insurance, professional liability insurance, and remains unchanged.

920 Utilities

This line item covers the cost of Consumers Power, Detroit Edison, and the South Lyon Water Department, projected at \$17,500 which is an increase of \$1,000 from the previous year.

930 Repairs and Maintenance

This fund pays for repairs to the department's small equipment not covered by contract such as typewriters and shredders.

931 Building Maintenance

This line item pays for repairs and maintenance to police department buildings, including carpet cleaning and cleaning supplies. The amount budgeted allows for anticipated costs for maintaining two aging buildings.

957 Education and Training

These funds are used for the training of department personnel. It is mandatory that the department maintains a \$4,000 base level to qualify for receipt of training funds from the State of Michigan. The balance reflects costs of driver training mandated by our insurance carrier, limited conference expenses, and annual in-service training for officers.

958-1 Witness Fees

These funds are used to pay witness fees and mileage for civilians subpoenaed to court on the City's behalf.

970 Capital Outlay

The original main police building windows are in need of repair / replacement. (TBD)

101-300 GENERAL FUND OPERATION						
POLICE						
		Audit	Adopted	Amended	Proposed	Proposed
Expenditure	Description	2014-2015	2015-2016	2015-2016	2016-2017	2017-2018
702	Wages/Salaries	1,373,138	1,414,014	1,414,014	1,439,948	1,468,747
715-720	Fringe benefits	543,063	611,267	611,267	656,601	669,733
721	Uniforms & Cleaning Allowance	14,540	14,700	14,700	19,300	19,300
722	Tuition Reimbursement	2,140	4,800	4,800	4,800	4,800
727	Office supplies	4,417	5,500	5,500	5,500	5,500
740	Operating Expense	12,097	14,000	14,000	14,000	14,000
745	Ammunition	5,431	5,500	5,500	5,500	6,000
801	Professional Services	10,367	12,248	12,248	12,408	12,408
802	Contractual Services	104,735	118,989	118,989	114,878	116,854
803	Prisoner board		100	100	100	100
810	Animal collection		500	500	500	500
820	Computer Expense	4,581	7,000	7,000	7,000	7,000
826	Legal fees	21,460	27,000	27,000	29,000	29,000
830	Memberships & dues	545	675	675	720	720
851	Radio Maintenance	2,008	2,000	2,000	2,000	2,000
853	Telephone	10,038	10,000	10,000	10,000	10,000
860	Gas & Oil	26,033	34,000	34,000	34,000	34,000
861	Transportation & Mileage		200	200	200	200
863	Vehicle Maintenance	22,073	20,000	20,000	20,000	20,000
910	Insurance & Bonds	21,278	24,806	24,806	24,806	24,806
920	Utilities	16,159	16,500	16,500	17,500	17,500
930	Repairs & Maintenance	1,978	2,000	2,000	2,000	2,000
931	Building Maintenance	8,350	7,700	7,700	7,700	7,700
957	Education/Training	3,974	7,000	7,000	7,000	7,000
958-100	Witness fees	64	300	300	300	300
970	Capital Outlay		23,000	23,000	25,000	20,000
977	Equipment Purchases	3,268	9,382	9,382	9,235	9,235
978	Capital Equipment		57,965	57,965	72,282	78,000
	TOTAL	2,211,737	2,451,146	2,451,146	2,542,278	2,587,403

SOUTH LYON POLICE DEPARTMENT 5 YEAR CAPITAL IMPROVEMENT PLAN 2016/17 – 2020/21

Additional Personnel: The Police Department's yearly number of Calls for Service has greatly increased over the last four years. Many homes are currently being built inside our jurisdictional borders. Lyon Township is growing as well which will bring more people into and through our City. In 2012, our agency responded or generated 5,581 Calls for Service. In 2015, our agency responded to or generated 12,876 Calls for Service. Having an additional officer on a staggered shift (during higher call volume periods) will ensure continued excellent response times and service to the community by our officers. Over the past four years, our department has not replaced two full-time police officers (retirements) and one clerical position. The Police Department should staff one additional full-time police officer within the next two to three years.

Motor Vehicles and Equipment: The replacement vehicles for this 5-Year Capital Improvement Plan will include (6) Ford Interceptor AWD SUVs. We will continue purchasing Ford Interceptor AWD SUVs by adding them to the fleet as needed. Eventually, when the older SUVs are removed from the fleet, they can be stored and used for parts to replenish aging vehicles before being removed from patrol usage. This practice worked when our department utilized older Crown Victoria vehicles in the past, which saved thousands of dollars when operable fleet vehicles were in need of repair. These vehicles will require emergency equipment necessary to perform law enforcement functions, equipped with lights, siren console, prisoner partition, in-car camera system, in-car computer system as well as various other items necessary for safety and proper implementation of the vehicle for law enforcement functions. Much of the necessary emergency equipment can be removed from vehicles being taken out of service and installed into new patrol vehicles. However, most of the additional expense will come from equipping new Ford Interceptor AWD SUVs during their initial implementation. Most of the equipment in vehicles other than Ford Interceptor AWD SUVs cannot be transferred to new vehicles. Police patrol vehicles are constantly used under extreme conditions thus requiring regular maintenance and eventual replacement. Maintaining a fleet of patrol vehicles in good working order is vital to the effort to provide the citizens of South Lyon with the highest level of emergency response and general law enforcement services.

Two vehicles that will be taken out of service in 2016 are (1) 2009 Ford Explorer (291) with 124,934 miles & (1) 2004 Chevrolet Impala (242) with 120,000 miles. Maintenance for 291 & 242 during the past year ran into the thousands.

Two vehicles that will be taken out of service in 2017 are (2) 2012 Ford Interceptor Sedans (221 & 222).

It is anticipated that we will see an increase in both mileage and maintenance costs for the aforementioned vehicles since 221 and 222 are the primary vehicles currently assigned to patrol and are utilized more than any other vehicles at this time.

Additional Equipment: This plan includes body-worn cameras and docking stations (10) with additional expense for ample hard drive storage and retention of data (2016). This purchase will also require computer software in order to be compliant with Freedom of Information Act requests while protecting the privacy of citizen rights by having the ability to redact certain portions of requested material.

Building Maintenance: The Main Police Building is in need of window replacement and / or repair, and is included in this year's proposed fiscal budget (2016-2017). The current windows are not very energy efficient. As a result of the harsh winters, ice build-up on the roof caused water damage in the clerical area of the main building. We experienced drywall damage and ceiling leaks. During the winter season, one can feel the draft from the squad room windows.

The interior of the main police building needs a new coat of paint to present a more positive professional image to the public as we often conduct tours for various community groups. The officers are willing to perform the labor in order to cut down on the expense.

The police administration building containing the Detective Bureau consists of two separate rooms on the west wing of the 52-year-old building. The rooms need an upgrade (construction materials) in order to present a more positive professional image. The current décor is dismal and old. The wall separating the two rooms could be eliminated to make better use of the space (2017).

The fencing on the west and south sides of the main police building is in need of replacement. Last year, we replaced an 80' strip of fencing on the west side of the building which greatly improved the appearance of the property. We are looking to improve the appearance of the remaining sides of the building with the same contractor and fencing.

Office Furniture: The Police Department needs to replace and upgrade the Main Building Police Department office furniture at a total cost of \$20,000 in year 2017, and the Admin Building office furniture at a total cost of \$8,000 in 2018. Although functional, some of the furniture is in poor shape and some is unsightly. Most of it was purchased at the time right after the original construction of the building (25yrs old). Most of the office furniture in the police administration building is much older and more unsightly.

Additional Computer Equipment: Our current server is five years old. In 2019, our department will need an upgrade as software and hardware becomes more technologically sophisticated.

SOUTH LYON POLICE DEPARTMENT

2016/17 – 2020/21

5-YEAR CIP PERFORMANCE GOALS

We pride ourselves on being a transparent organization that is accessible and responsive to the needs of the residents of the City of South Lyon. We strongly believe that each citizen has a right to know what type of law enforcement services and activities have occurred within South Lyon and, more importantly, provide insight into the inner-workings of the Department and how we provide the many police services they have come to expect and deserve.

1. Continue to practice long range capital planning, as it strengthens the linkages between community infrastructure needs and the financial capacity of the City. In addition, increase coordination between departments, agencies, and other political jurisdictions.
2. Continue to identify and prioritize future infrastructure needs in order to determine the best use of available resources.
3. Provide a balanced program for capital improvements given anticipated funding revenues over a five-year planning period in order to sustain and thrive while delivering essential services to the community.

**Police Department
Capital Improvement Plan
2016/17 - 2020/21**

Activity	2016/17	2017/18	2018/19	2019/20	2020/21
Personnel					
(1) Full-Time Police Officer			\$101,357		
Motor Vehicles and Equipment					
Replace One marked Patrol Vehicle 2009	\$27,641				
Police Vehicle Equipment (2 vehicles)	\$15,000				
Replace One unmarked Police Vehicle 2004	\$27,641				
Police Vehicle Equipment (2 vehicles)		\$20,000			
Replace One Marked Patrol Vehicle 2012		\$28,641			
Replace One Marked Patrol Vehicle 2012		\$28,641			
Police Vehicle Equipment (1 vehicle)			\$10,000		
Replace One Marked Patrol Vehicle 2013			\$29,641		
Police Vehicle Equipment (1 vehicle)					\$11,000
Replace One Marked Patrol Vehicle 2014					\$30,641
Additional Equipment					
Body Cameras / Storage / Software		\$20,000			
Building Maintenance					
Replace Windows - Main Building	\$25,000				
Interior Paint - Main Building		\$2,000			
Upgrade Detective Bureau Rooms		\$10,000			
Wooden Fencing - West & South Side Main Bldg		\$12,000			
Office Furniture					
Replace Office Furniture - Main Building		\$20,000			
Replace Office Furniture - Admin Building			\$8,000		
Additional Computer Equipment					
Server				\$8,000	
Total Capital for Police Department	\$95,282	\$141,282	\$47,641	\$8,000	\$41,641

INVESTIGATION REPORT
ATTACHMENT 4

The City of South Lyon
Special City Council Meeting
Budget Workshop
April 23, 2016

Mayor Galeas called the meeting to order at 9:20 a.m.
Mayor Galeas led those present in the Pledge of Allegiance.

PRESENT: Mayor Galeas
Council Members: Dedakis, Kivell, Kramer, Kurtzweil, Rzyzi and Wedell
Also Present: City Manager Ladner, Chief Collins, Chief Kennedy, Attorney Wilhelm,
Bookkeeper Mosier and Clerk Deaton

Department Head Martin was not required to attend

PUBLIC COMMENT:

Carl Richards of 390 Lenox stated he believes Council should raise the ceiling on the money the City Manager and Department Head Martin should be able to spend without Council approval.

City Manager Ladner stated she has given Council copies of revised General Fund revenue for the next fiscal year. She stated there is a line item for sidewalk grants, but it is under Miscellaneous. She is recommending transfer \$250,000 from the unrestricted funds of wastewater operating funds to general funds. She stated when we added the 2.5 mills it took 2.5 mills of potential property taxes from general fund for buying street improvements, fund balance, or any other improvements. It is a 40 year bond. She further stated we have the ability to transfer money from unrestricted enterprise funds.

Councilmember Rzyzi stated the fund revenue report reflects the audit total expenditures of 4.7 million and it ended up being 5.8 million. If that continues do we propose 5.6 million, but we are going from a 73% fund balance to 38%. City Manager Ladner stated we are proposing we amend the 2015-2016 budget lower because we never approved the DDA position, we also had 3 months without Kristen Delaney, and we replaced her with a lower salary person. She stated the significant change in revenue was the purchase of the Fire Truck, as well as increase in cost of commodities, we purchased 2 police cars. She further stated the audited fund balance estimate was 73%. We have not spent everything that was budgeted for. Councilmember Kramer asked if we have added personal cost in the past year. Councilmember Kivell stated the costs are rising, but our taxable value is as well, therefore we are moving in the right direction. City Manager Ladner stated we hired one new employee for the DPW. She stated that is approximately \$70,000. Councilmember Kramer stated it doesn't seem like our personnel costs have gone up, and if you take away the fire truck, there is still a huge shortfall. City Manager Ladner stated she based the wages and benefits based on what Bookkeeper Mosier gave her. Ms. Mosier stated she based everything on a 2% raise, last year was the first time some employees had a raise in 5 years. She further stated the insurance cost has gone up as well. She further stated she included a 7-10% increase which is what has happened historically in the fringe benefits. She further stated the DPW employee was hired to replace a previous employee. City Manager Ladner stated the fringe cost for

administration went up \$100,000 and \$40,000 for Police and \$1,000 for Fire Department. She further stated she is trying to generate our revenues more conservatively than past City Managers. Councilmembers Kramer stated fund balance should not be used for salaries, and he is concerned. City Manager Ladner stated employees went without raises for years, after that we negotiated raises and employees began paying towards their health care. Further discussion was held regarding the MERS cost the City pays towards the employees. City Manager Ladner stated the State average is 5%, but the City of South Lyon contributes over 12% and that shouldn't have continued through the years. Councilmember Kramer stated we are still not offsetting the unfunded liability. Councilmember Kurtzweil stated she has done some research on this issue, and we can't control the costs of healthcare and retirement benefits. City Manager Ladner stated we can hire the new employees with a defined benefit plan with a 1.5 multiplier and it does not require us to accelerate our defined benefit plan, and it doesn't require us to close our existing plan. She further stated we have several employees who will be retiring in the next few years, and we can either leave those positions vacant, or they can be on the cheaper benefit plan. City Manager Ladner stated commodities aren't getting cheaper; it isn't just health care and employee costs, such as publishing, gas, and diesel. She further stated the City hasn't raised fees in over a decade. We take a \$300.00 loss each time we have a site plan review just from the publishing costs versus the fee we charge. City Manager Ladner stated we need to review and raise fees, not just on the Cemetery. Councilmember Kivell stated redevelopment is the only way to generate a lot of tax revenue and we don't have that and in the meanwhile our neighbors are moving forward. Discussion was held regarding the final payment of the Fire truck and the possibility of financing for 7 years, as opposed to paying the balance out of General Fund to save money. City Manager Ladner stated the Building Department is now using the I.C.C fees which was approved by Council a few years ago, until now we were using the old fees this is a significant increase. Councilmember Kivell stated our fees should be comparable to the communities around us. Attorney Wilhelm suggests the City Manager and Council to review the City's fees and raise whatever is necessary to cover the City's cost. Councilmember Wedell stated there have been so many changes in the revenue report and he doesn't have faith in any of the numbers in the spreadsheet. Discussion was held on the Wastewater Bond. City Manager Ladner stated the bond payments are no longer supported by the 2.5 mill tax revenue since the 2008 crash. Councilmember Kurtzweil stated she would like to see the terms and conditions of the bond because sometimes the bond will allow you to raise mills without an Election. Councilmember Kivell stated we ran on 2 mills for a long time, but recently had to raise it to 2.5 mills. Councilmember Kramer stated he would like to know what is leading to the decline of the general fund and would like the personnel cost, and the cost we are paying for the bond payments from the general fund. Councilmember Kramer stated he also wants the balance of the unreported accounts. City Manager Ladner stated this was brought to Council's attention in 2013, and we have been spending money from the General Fund to help cover the bond payments. City Manager stated she will gather the information requested by Council. Discussion was held regarding the miscellaneous line item. Ms. Mosier stated if there are any changes for that account, she can give Council a report with a breakdown of what was added.

Chief Collins stated the Officer that worked with the DEA is back on staff. There is potential to gain some of the money earned while he was on that program, but as of right now we have not. Councilmember Kivell stated he wasn't aware it was up to them to decide if they share the funds. Chief Collins stated since the program began, the legislature has decided to use that money to cover short falls in other government accounts.

Chief Collins stated he has budgeted for 2 vehicles. He further stated the two vehicles he would like to replace have been very expensive to keep running. Chief Collins stated many of the repairs were major. He further stated they would like to end up with all four wheel drive vehicles, but he only asks for new vehicles when necessary. Currently we don't have a mileage limit or age limit, so we base the need of vehicles by cost of repairs and maintenance history. Councilmember Kramer asked if the light bars and computers are figured in with the budget as well. Chief Collins stated they are.

Councilmember Kramer questioned the line item for new windows under building maintenance. Chief Collins stated the windows are very drafty and in bad shape. He stated they tried to have them repaired, but they cannot get anyone to come out. He stated they could wait another year to replace them if necessary, but with the drafty windows, it also raises the heating and cooling bills. Mayor Galeas asked the status of the building. Chief Collins stated the windows are going, and we had to replace the roof last year. He further stated we do not have adequate room but we make do. Chief Collins stated they would like a new facility in the future when possible.

Discussion was held regarding the future cost of body cameras. Councilmember Wedell questioned the line item for the body cameras, software and storage. Chief Collins stated the body cameras are currently \$800.00-\$1200.00 but the cost could go down in the future. He further stated body cameras are a scary thing, because personnel costs for any FOIA costs will be very high. He stated some Police Departments have had to hire personal just to deal with the redacting and viewing of the footage for FOIA requests. He isn't opposed to the body cameras, but there are a lot of costs that will go along with that. He stated they are continually watching what is out there. Councilmember Dedakis stated she is aware the legislature is pushing for body cameras throughout the nation, so it probably will be required. Further discussion was held regarding FOIA requests.

Chief Kennedy stated he is not asking for any large expenditure for the next fiscal year. He further stated in 2018 he would like to replace a 14 year old vehicle. He further stated he would like to replace the laptops they are currently using with iPads which is not a significant cost. Chief Kennedy stated we need to purchase a stationary air compressor. We may need to add a 40 hour full time person in the next 2-3 years. Chief Kennedy stated we may need the roof of the Fire Department replaced in 2018, we have spent \$3,000 for repair to some leaks we have had this year. Councilmember Kivell asked if we are having the problem where we are training people, and then they leave for a full time job. Chief Kennedy stated that hasn't been a problem. Discussion was held regarding the maintenance of the Fire Hall. Mayor Galeas stated both the Chief of Police and the Fire Chief are very diligent with their budgets.

Councilmember Wedell asked why the line item for operating expense is so high. City Manager Ladner stated that line item is for various functions such as the holiday party, office supplies as well as other expenses. City Manager Ladner stated we can lower that line item. City Manager Ladner stated the contractual services cover the copiers, the mail machine, as well as the cost of the contract for Oakland County for Assessing Services. She stated she has lowered that line item as well. Councilmember Wedell asked why the line item for planning is so high. City Manager Ladner stated she has lowered that to 40,000. Councilmember Kurtzweil asked if the increase in the Election line item is higher due to the

Presidential Election this year. Clerk Deaton stated we will need additional election workers for the August and November Election as well as they will be working additional hours. Councilmember Rzyzi asked if the website will be updated soon. City Manager Ladner stated the new website is underway; she has received all of the pictures that were needed. She further stated everyone at City Hall will be trained on updating the website. Councilmember Kivell asked if there is additional functionality or will the new website just look different. City Manager Ladner stated there is additional functionality and our current website is very outdated.

Councilmember Kurtzweil asked if the general fund operating millage of 10.32 was voted on by the voters. City Manager Ladner stated it was not. The City Council has held the operating millage of 13.75 which 2.5 mills of that was the debt service. She stated the rest is split between capital improvement, land acquisition and bldg. authority land acquisition and general fund. She is recommending we change the general fund to 10.3662. Discussion was held regarding shifting the Building Authority Land Acquisition to general fund. Bookkeeper Mosier stated the Building Authority Land Acquisition fund is used to pay on the bond for Volunteer Park so we cannot shift that portion of the mills. City Manager Ladner stated the 0.3000 will cover the cost of the bond payment, therefore we could move a small portion of that mill.

Councilmember Kurtzweil stated there were a number of properties that went before the Michigan Tax Tribunal that had their taxes reduced. She asked if our Assessor has anything in place to ensure these properties get back up to the correct value. City Manager Ladner stated she will be meeting with our Assessor to discuss why there were so many successful challenges to our values. She further stated south Lyon Square was able to get theirs reduced significantly for two years. Councilmember Kurtzweil stated they get their taxes reduced, but the City has no benefit, because they don't use their tax savings to improve their property. City Manager Ladner stated she has discussed having a yearly inspection fee for any vacant property and charge them a fee to do so, which basically penalizes them for having vacant buildings. Councilmember Kurtzweil stated the City has basically become a profit loss center because landowners are having their taxes lowered, but they are not improving the property. Mayor Galeas stated a friend of his told him if you own extra buildings, but then you get hit with fines, they sometimes will try to sell the building instead of just letting it sit. Councilmember Kivell stated anything we can do to keep landowners from leaving their buildings vacant is what we need to do. Attorney Wilhelm stated it costs money to fight the cases and sometimes the tax dollars that could be gained doesn't justify the expense. He stated we don't have a great number of cases, and he thinks the numbers will continue to rise in value. He further stated that the Assessors goal should be to accurately assess properties to avoid any MTT cases. Further discussion was held regarding MTT cases.

Josey Kearns from the Cultural Arts Commission stated the Commission received the planning grant they were attempting to get, but that also means they have to change their budget. She further stated they are almost ready for the survey they intend on doing. Ms. Kearns stated they received a donation of art supplies worth approximately \$350.00 She further stated they received a total of donations of \$1200.00 Ms. Kearns stated corporate sponsoring is a long process, but they are considering pursuing it. Discussion was held regarding the expenditures for the current year. Ms. Kearns stated they are looking into other grants. Councilmember Rzyzi stated he doesn't have any issues with the \$2,525 line item for the Cultural Arts, but he is hoping they can check into having some kind of statue placed downtown celebrating our history. Councilmember Kivell stated he is happy they are realizing the budget is just a

starting point and changes can always be made. Mayor Galeas if they are considering an art show in the future? Ms. Kearns stated they would love to.

Councilmember Rzyzi stated he would like an update on the South Lyon Car Wash sign. City Manager Ladner stated as of yesterday it was turned off. The brightness is not supposed to succeed one candlelight off of his property, and right now it is much brighter. She further stated we are working with him to solve the problems. She stated the sign is currently conforming, but the electronic message board is slightly larger than what was approved. Councilmember Kurtzweil stated it is back on, but today it has a company name of D&G and she thinks he put this sign in as a revenue generating sign. Attorney Wilhelm stated he cannot do any off premises advertising. He further stated they have the prosecutor involved and they will work with the City Manager on this problem. Attorney Wilhelm stated the owner of the car wash has been working with the City. Further discussion was held regarding the sign.

CM 4-1-16 MOTION TO ADJOURN

Motion by Kramer, supported by Kivell
Motion to adjourn meeting at 12:10

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor John Galeas

Lisa Deaton Clerk/Treasurer

INVESTIGATION REPORT
ATTACHMENT 5

From: Amy Allen [<mailto:aallen@slrec.com>]
Sent: Thursday, May 26, 2016 10:37 AM
To: Lynne Ladner <lladner@southlyonmi.org>
Cc: StCharles, Mark <Mark.StCharles@greenoaktwp.com>; Patti Carcone (pcarcone@lyontwp.org)
<pcarcone@lyontwp.org>; Amy Allen <aallen@slrec.com>
Subject: Priority Listing for Building

Here is a listing showing what we would like addressed in order for the building.

1. Lights – in back office and director's office lights flicker and/or are out. It's not a matter of new bulbs, we need new ballasts.
2. Back Door – floor at the bottom is crumbling away. Tripping hazard.
3. Bathroom Re-model – we would like to see the whole thing redone or updated. Please add in fan and vanity with storage. Floor needs replaced so toilet can seal.
4. Electrical Issues Addressed – we have issues with blowing fuses all the time if multiple things are turned on in the back. We can't use microwave if a space heater is being used or we blow a fuse. If we plug in phone chargers it blows fuses.
5. Backroom Kitchen Update – would like new sink fixture (high faucet so we can place bucket under) and updating shelving.
6. Windows – need replacing, bad seals, air and moisture getting in
7. Gym type door in back – need to seal it so draft doesn't come in.
8. Cracks in cinder block – walls are starting to show more cracks. May need to be caulked again in spots.
9. Painting – we would love to have the building interior painted if possible. This may be something the SLARA takes on as an expense. Just let me know.

Lynne, can you let me know what the next step is in this process?

PS. Can you send me any contacts you may have for carpeting? Otherwise I will start having my secretaries pull some companies to recruit some bids..

Amy L. Allen, CPRP

Recreation Director
South Lyon Area Recreation Authority
318 W. Lake Street
South Lyon, MI 48178
Phone: 248-437-8105
Fax: 248-437-4324
aallen@slrec.com



INVESTIGATION REPORT
ATTACHMENT 6

SOUTH LYON POLICE DEPARTMENT MEMORANDUM

Subject: Window Replacement Quote

To: Chief Collins

From: Lt. Sovik

Date: May 31, 2016

I contacted Hanson's Windows (1-888-497-8930) to inquire about receiving a quote to replace the windows on the main police building. Customer Service Representative Tina indicated that their company does not service commercial properties. During her search of local area window installers, Tina recommended Pullum Windows as an option, and has recommended Pullum windows to several others inquiring about commercial windows in the area.

INVESTIGATION REPORT
ATTACHMENT 7

L#	Q	DESC	PRODUCT			PRODUCTION CODE			GLAZING (MUNTIN)		FINISH		SCR	HARD	JAMB	ROOM	ROUGH OPENING
			TYPE	STYLE	LINE	SIZE A	SIZE B	SIZE C	MULT	GLASS TYPE	CUT-UP TYPE	CL						INT	EXT	CL	LF	WIDTH	W	X	H

QUAKER SPECIFICATIONS:

2)	6 T-L	OAK D.SET	A	JB 24	X 24	. S	1	IGT LE/AG BRZ ... 1 LT	.... -- BRZ1 BRZ1 REPL	A	0	0
				JB WIDTH	24.000	| JB LEFT	24.000	| JB RIGHT	24.000			
				BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE								
				GUARDIAN LOWE# 713B WITH ARGON GAS								
				* * * THE ABOVE LINE ITEM CONTAINS TEMPERED GLASS IN THE EXTERIOR AND INTERIOR LITES. * * *								
3)	T-R	OAK AMING A		JB 48	48	V	1	IGT LE/AG BRZ ... 1 LT	---- -- BRZ1 BRZ1 F BZ ROTO REPL	A	0	0
				BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE								
				GUARDIAN LOWE# 713B WITH ARGON GAS								
				* * * THE ABOVE LINE ITEM CONTAINS TEMPERED GLASS IN THE EXTERIOR AND INTERIOR LITES. * * *								
4)	6-R	OAK D.SET	A	JB 24	X 24	. S	1	IGT LE/AG BRZ ... 1 LT	.... -- BRZ1 BRZ1 REPL	A	0	0
				JB WIDTH	24.000	| JB LEFT	24.000	| JB RIGHT	24.000			

FORM CODE # <QTE	80603 0> FORM: QUOTE	FROM: PULLUM WINDOW CORP., 415 N. LAFAYETTE, SOUTH LYON, MI., 48178	<QTE	80603 0>
CITY OF SOUTH LYON	NAME: SOUTH LYON POLICE STATION	SCREENS AND GRILLS MAY BE BACK ORDERED FOR YOUR CONVENIENCE.		
355 SOUTH WARREN	LOT: STR# 219 WHIPPLE	SEE PAYMENT TERMS BELOW		
SOUTH LYON MI 48178	SUB:	PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY.	PAGE# 2	

L#	Q	DESC	PRODUCT	PRODUCTION CODE	GLAZING	(MUNTIN)	FINISH	SCR	HARD	JAMB	ROOM	ROUGH OPENING
			TYPE STYLE LINE	SIZE A SIZE B SIZE C	MULT	GLASS TYPE	CUT-UP TYPE CL	INT EXT	S CL	L LF	WIDTH	W x H

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GUARDIAN LOWE# 7138 WITH ARGON GAS

*** THE ABOVE LINE ITEM CONTAINS TEMPERED GLASS IN THE EXTERIOR AND INTERIOR LITES. ***

5)	5	---	OAK C'HENT A	JB 24 72	R	1	IGT LE/AG BRZ --- 1 LT	----	BRZ1 BRZ1 F	BZ ROTO REPL	B	0 0
----	---	-----	--------------	----------	---	---	------------------------	------	-------------	--------------	---	-----

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GUARDIAN LOWE# 7138 WITH ARGON GAS

*** THE ABOVE LINE ITEM CONTAINS TEMPERED GLASS IN THE EXTERIOR AND INTERIOR LITES. ***

6)	3	---	OAK ANNING A	JB 72 48	V	1	IGT LE/AG BRZ --- 1 LT	----	BRZ1 BRZ1 F	BZ ROTO REPL	C-1	0 0
----	---	-----	--------------	----------	---	---	------------------------	------	-------------	--------------	-----	-----

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GUARDIAN LOWE# 7138 WITH ARGON GAS

*** THE ABOVE LINE ITEM CONTAINS TEMPERED GLASS IN THE EXTERIOR AND INTERIOR LITES. ***

[TOTAL: \$ 24,060.39 INCLUDING TAX]

FORM CODE # <QTE		80603 0> FORM: QUOTE		FROM: PULLUH WINDOW CORP., 415 N. LAFAYETTE, SOUTH LYON, MI., 48178		<QTE 80603 0>	
CITY OF SOUTH LYON		NAME: SOUTH LYON POLICE STATION		SCREENS AND GRILLS MAY BE BACK ORDERED FOR YOUR CONVENIENCE.			
355 SOUTH WARREN		LOT: STR#: 219 WHIPPLE		SEE PAYMENT TERMS BELOW			
SOUTH LYON MI 48178		SUB:		PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY.		PAGE# 3	

L#	Q	DESC	PRODUCT	PRODUCTION CODE	GLAZING	(MURTIH)	FINISH	SCR	HARD	JAMB	ROOM	ROUGH OPENING											
		TYPE	STYLE	LINE	SIZE A	SIZE B	SIZE C	MULT	GLASS	TYPE	CUT-UP	TYPE CL	INT	EXT	S	CL	L	LF	WIDTH		W	X	H

Purchaser agrees that all invoices are due 30 days after shipment unless agreed otherwise in writing. A 2% per month 24% APR, not compounded, time-price differential charge will be added to all past due balances plus all collection, legal expenses and attorney fees incurred in efforts to obtain payment.

All disputes and claims shall be submitted to arbitration with a single arbitrator pursuant to the Uniform Arbitration Act ct (MCL691.1681, et seq.) and the winner shall be entitled to interest, costs and reasonable attorney fees should the arbitrator rule in that party's favor. An arbitration award may be entered as a judgement in any circuit court having competent jurisdiction consistent with MCL691.1681, et seq.

Terms: 50% deposit (cash or check), Balance Due: Cashier's check prior to delivery, unless a credit account has been established.

Credit sales require a Notice Of Commencement executed by the owner. If not available: (initial: _____) and supply the following:

Owner: _____ Address: _____ Ph#: _____

Title Company: _____ Contact: _____ Ph#: _____

Signature constitutes that sizing & specifications were checked & approved to order: _____ DATE _____

Unless specified; the material, shape and color of the insulated glass perimeter spacer may vary.

FLASHING: "Michigan Residential Code" R703.8 requires flashing on ALL Windows+Doors. Use "TAPE FLASHING" per their instructions.

PLEASE RELEASE SCREEN AND HARDWARE BACK ORDERS 3 1/2 WEEKS BEFORE REQUIRED.

INVESTIGATION REPORT
ATTACHMENT 8

SOUTH LYON POLICE DEPARTMENT MEMORANDUM

Subject: Window Replacement – Main Police Building

To: Chief Collins

From: Lt. Sovik

Date: July 11, 2016

The main police building windows have been in need of replacement for the past several years. As a result of the deterioration, there are wide gaps between the windows and block encasements. The squad room during the winter months requires a space heater in order to maintain a comfortable temperature, or increasing the setting temperature well above normal for that time of the year. Several of the windows seals have broken causing a film between the glass panes.

Anticipating this need, we budgeted \$25,000.00 for replacement windows in FY 2016-17. I contacted five different vendors for quotes beginning early February of this year. Only two of the five submitted written quotes. The two quotes are attached; one from Pro Bros Window & Sunroom (\$25,938.00) and Pullum Windows (\$24,060.39). Wallside Windows appeared on site, took measurements, and later sent me an email indicating that their window products are more for a residential setting. They declined to submit a quote.

I contacted Hansons Windows (1-888-497-8930) to inquire about receiving a quote to replace the windows on the main police building. Customer Service Representative Tina indicated that their company does not service commercial properties. During her search of local area window installers, Tina recommended Pullum Windows as an option, and has recommended Pullum windows to several others inquiring about commercial windows in the area.

A representative from Pella windows appeared on site to take measurements, but never submitted a bid.

I recommend we go with the low bid submitted by Pullum Windows. They are a very reputable local company and have been in business for several years. I have recently been in contact with Charlie Pullum. He indicated that his quote would not increase, although the industry has seen steady increases in manufacturing and installation. It takes at least twelve weeks from order date for manufacturing, and then our building will be placed on the list for installation. He indicated that it would be two or three months before the windows would be installed. I don't think we should wait on this purchase any longer. I would like to have the new windows installed before the cold season arrives.

The Pullum Window bid is under than the amount approved for this project.

INVESTIGATION REPORT
ATTACHMENT 9

AGENDA NOTE

New Business Item: Window Replacement - Main Police Building

MEETING DATE: August 8, 2016

PERSON PLACING ITEM ON AGENDA: Police Chief

AGENDA TOPIC: Window Replacement – Main Police Building

EXPLANATION OF TOPIC: The main police building windows have been in need of replacement for the past several years. As a result of the deterioration, there are wide gaps between the windows and block encasements. The squad room during the winter months requires a space heater in order to maintain a comfortable temperature, or increasing the setting temperature well above normal for that time of the year. Several of the windows seals have broken causing a film between the glass panes. Five vendors were contacted for quotes. The low bid of \$24,060.39 was submitted by Pullum Windows.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Memo from Lt. Sovik; Response correspondence; bids from Pullum Windows (\$24,060.39) and Pro Bros Window & Showroom (\$25,938.00)

POSSIBLE COURSES OF ACTION: Approve/Do Not Approve the purchase of the replacement windows from Pullum Windows in the amount of \$24,060.39.

RECOMMENDATION: Approve the purchase and installation as bid by Pullum Windows

SUGGESTED MOTION: Motion by _____, supported by _____ to approve the purchase and installation of windows by Pullum Windows in the amount of \$24,060.39.

08/08/16

INVESTIGATION REPORT
ATTACHMENT 10

AGENDA NOTE

New Business: Item #

MEETING DATE: August 8, 2016

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Consider approval of Purchase and installation of replacement windows in City building rented by SLARA at 318 Lake St.

EXPLANATION OF TOPIC: For several years the City has rented the building located at 318 W Lake St. to the South Lyon Area Recreation Authority. During that time very little preventative or on-going maintenance has been done to the building except when necessary to repair significant issues. The building has reached a point that if steps are not taken to begin addressing maintenance items in the building it will become an eyesore and potentially unsafe for the employees working there. Bob Martin and I have toured the building reviewing the priority list of items that most predominantly need addressed. Several of these items Bob believes can be handled by members of the DPW and Water and Waste Water crews. However, the windows in the building have reached the end of their useful life. The existing windows allow wind and snow to enter the building when closed requiring staff to utilize towels and other cloth items to attempt to insulate at the bottom of the frames to stay warm. During the winter condensation collects on the windows emphasizing the difference between the interior and exterior temperatures.

The City of South Lyon collects rent from SLARA for the use of this building and should be reinvesting that money into the upkeep and maintenance of the building. I was given a priority list of items from the Director in May after we had already approved the budget but with the Police Department having bid for new windows for their building I would like to piggyback on that low bid and I had Pullum Windows provide a quote to replace the windows for this building. If the replacement is approved, it will be necessary to approve a budget amendment in the General Fund at the August 22 Council meeting as this is not an item that was budgeted for this fiscal year. The budget to replace the windows which does not include the replacement of any of the glass doors only the windows for this building is \$18,000.92. This price includes installation.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Bid from Pullum Windows

POSSIBLE COURSES OF ACTION: Authorize/Reject Bid from Pullum Windows for replacement of windows in building at 318 W Lake St.

RECOMMENDATION: Approve Bid from Pullum Windows

SUGGESTED MOTION: Motion by _____, supported by _____ to Approve Bid from Pullum Windows in the amount of \$18,000.92 to replace and install windows at 318 W Lake St

08/08/16

INVESTIGATION REPORT
ATTACHMENT 11

**CITY OF SOUTH LYON
REGULAR CITY COUNCIL MEETING
AUGUST 8, 2016**

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

PRESENT: Mayor Galeas
ALSO PRESENT: Council Members: Dedakis, Kivell, Kramer, Kurtzweil, Rzyzi and Wedell
City Manager Ladner, Police Chief Collins, City Attorney Wilhelm,
Department Head Martin, DDA Bob Donahue, Bookkeeper Lori Mosier
and Recording Secretary Marianne Jamison

ABSENT: Clerk/Treasurer Deaton

MINUTES

CM 8-8-16 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Kramer
Motion to approve the minutes as amended

VOTE: **MOTION CARRIED UNANIMOUSLY**

Wedell – On Page 4 under heading CM 7-3-16 MOTION TO APPROVE 2% PAY INCREASE FOR NON-UNION EMPLOYEES AND DEPARTMENT HEADS – Moved by Kivell with no support (strike supported by Kurtzweil).

BILLS

CM 8-8-16 MOTION TO APPROVE BILLS

Motion by Wedell, supported by Rzyzi
Motion to Approve the Monthly Bills as presented

VOTE: **MOTION CARRIED UNANIMOUSLY**

Kivell questioned on Page 3 of 5 of the Check Register at the top – Civic Research Services in the amount of \$500.

Mosier explained this is from the Cultural Arts and was the facilitator fee.

Kivell questioned, also on Page 5 Visicom Services in the amount of \$11,096.93.

Mosier responded that Visicom is our IT Company and this covers 2 months of services and the Police Department purchased 3 computers as well. There is limited room; only so much information can be put on the description line.

8/8/16

10. Consider approval of Purchase and installation of replacement windows in Main Police Building

During the Budget Workshop we discussed this issue with Council. We estimated the cost would be about \$25,000 to replace the drafty and leaking windows in the Police facility. We do have \$25,000 approved in this FY budget. We attempted to get numerous estimates and a number of vendors would not give a bid for a commercial building. The vendor that originally installed the windows did not want to bid. Only 2 places that bid; Pro Brother's Windows and Showroom for \$25,938.00 and we got an estimate from a local merchant Pullum Windows for \$24,069.39. The Police Department requests the approval of local vendor Pullum.

Dedakis attested to the Police Department building needing some TLC. There was talk of a combined Police/Fire Department in maybe 5-10 years. You need windows! The Fire and DPW needs attention too. The building is actually separating from the ground. You have my vote on this. Maybe in the future we can have a feasibility session of the combo complex

Collins noted we have had a preliminary meeting with HRC to talk about investigating feasibility of sites.

Galeas noted the problems with the window installation originally at that building.

Kurtzweil stated she thanks Sgt. Sovik for noting this was a budgeted item also. That way she can note if a budget item will need an amendment down the line.

CM 8-8-16 CONSIDER APPROVAL OF PURCHASE AND INSTALLATION OF REPLACEMENT WINDOWS IN MAIN POLICE BUILDING

Motion by Kurtzweil, supported by Kramer

Motion to approve the purchase and installation of replacement windows by Pullum Windows in the amount of \$24,069.39.

VOTE:

MOTION CARRIED UNANIMOUSLY

11. Consider approval of Purchase and installation of replacement windows in City Building rented by SLARA at 318 W. Lake St.

Ladner stated that the City rents the building at 318 W. Lake St. to SLARA (South Lyon Area Recreation Authority). Very little preventative or on-going maintenance has been done to the building unless when it is absolutely necessary to repair it. It is going to reach a point where it becomes an eyesore and potentially unsafe for the employees working there. Martin and I toured the building this week and Amy is here if Council has any questions of her. Several of the items can be handled by the Department of Public Works and Water & Wastewater. SLARA as a board is looking into doing the carpet replacement and paying for that themselves. There

is cracking of the cinder block and light is coming through from the outside. The windows are so drafty they have to put T-shirts along the edge of the windows to stop the draft. The bathroom floor is cracked and heaving so that the toilet does not sit level. It needs significant maintenance. Since the Police Department was doing windows I contacted Pullum Windows to see if we could a quote (discount) to purchase and replaced the windows at the same time. The price to replace the windows (not the glass doors front or back) with new windows is \$18,000.92. It is not a budgeted item but will require a budget amendment out of the General Fund but it is something that needs to be done before winter since it does affect utility bills. It is a building that is dedicated to a woman; there is a plaque outside the door.

Kurtzweil asked if the building needs this much work, how you got through the budget session. How did this happen?

Ladner noted she received the information from Amy after the budget was done. There are small items we can fix in between. Add a slop sink for mopping. Major remodeling of the bathrooms. An exterior door in the back where concrete needs to be reworked. A door on the back that opens onto the driveway so it is a hazard and unusable. I can pass on to Council the full evaluation of needs.

CM 8-8-16 TO WAIVE THE BIDDING PROCESS ON PURCHASE AND INSTALLATION OF WINDOWS IN LEIU OF QUOTES.

Motion by Kramer, supported by Weddell

Motion to waive the bidding process for the replacement of windows in the City Building at 318 W. Lake St.

VOTE:

MOTION CARRIED UNANIMOUSLY

CM 8-8-16 CONSIDER APPROVAL OF PURCHASE AND INSTALLATION OF REPLACEMENT WINDOWS IN CITY BUILDING RENTED BY SLARA AT 318 W. LAKE ST.

Motion by Kramer, supported by Rzyli

Motion to approve the purchase and installation of replacement windows in the City Building located at 318 W. Lake St. in the amount of \$18,000.92 from Pullum Windows.

VOTE:

MOTION CARRIED UNANIMOUSLY

12. Consider First reading of Ordinance rezoning Parcel 21-19-126-002 from RM-1 (Multiple Family Residential) to PD (Planned Development)

Attorney Wilhelm stated as indicated in the agenda note this is a housekeeping matter. Looking back on November 23, 2015 this matter was brought before the Council for preliminary

INVESTIGATION REPORT
ATTACHMENT 12

Pullum Window Corporation

**415 N. Lafayette
South Lyon, Mi., 48178**

9/9/2016

Lynne Ladner,

South Lyon City Manager

Re: Window Orders for the Police Station and 318 Lake, South Lyon

We are ready to release the window orders for the Police Station and 318 Lake, South Lyon . I have some recommendations on how to improve on the potential energy savings in both projects for the same amount of money the city council approved (no additional cost).

Recommended Specifications:

- **ColorClad Aluminum Clad Wood Windows manufactured in South Lyon by Pullum Window Corporation**
- **Casement and Awning Style Windows (Fixed and Venting)**
- **AAMA 2604 Bronze Field Tested Exterior Powder Coated Cladding**
- **Red Oak interior and Red Oak Interior Trim Clear Coated by PWC**
- **Oil Rubbed Bronze Hardware & Bronze Screen Frames**
- **Glazing: Exterior Pane with Triple Silver Soft Coat Low-e & Interior Pane with U4 Hard Coat Low-e and in addition Argon Gas with Super Spacers (No Bronze Tinted Glass)**
- **Window layout as per the attached elevations Dated 9/9/2016**
- **Installation to include Insulation, Exterior Caulking, Interior Trim**
- **All debris to be disposed of by Pullum Window Corporation**

What do we need to do next to keep the process moving forward?

Thank You

Charlie Pullum

INVESTIGATION REPORT
ATTACHMENT 13

Pullum Window Corporation

**415 N. Lafayette
South Lyon, Mi., 48178**

9/13/2016

Attn: Lieutenant Christopher Sovik

South Lyon Police Department

219 Whipple, South Lyon, Mi., 48178

Re: The Window Order for the Police Station

We are ready to release the window orders for the South Lyon Police Department . I have some recommendations on how to improve on the potential energy savings in both projects for the same amount of money the city council approved (no additional cost).

Recommended Specifications:

- **ColorClad Aluminum Clad Wood Windows manufactured in South Lyon by Pullum Window Corporation**
- **Casement and Awning Style Windows (Fixed and Venting)**
- **AAMA 2604 Bronze Field Tested Exterior Powder Coated Cladding**
- **Red Oak Window Interior and Red Oak Interior Trim Clear Coated**
- **Oil Rubbed Bronze Hardware & Bronze Screen Frames**
- **Glazing: Exterior Pane to be Bronze Tinted Glass & Interior Pane with Double Silver Lowe and in addition Argon Gas with Super Spacers**
- **Window layout as per the attached elevations Dated 9/9/2016**
- **Installation to include Insulation, Exterior Caulking, Interior Trim**
- **All debris to be disposed of by Pullum Window Corporation**

NOTE: South Lyon Police Department to remove and reinstall steel bars.

Thank You

Charlie Pullum

INVESTIGATION REPORT
ATTACHMENT 14

FORM CODE # <INV S 17558 0> FORM: INVOICE FROM: PULLUM WINDOW CORP., 415 N. LAFAYETTE, SOUTH LYON, MI., 48178 <INV S 17558 0>
PH: 248-491-4700 WEBSITE: www.pullumwindow.com

QTE 80878 0 JOB PO#: 44129 BY: LADNER PO: 09/09/2016 ENTER: 09/22/2016 HD SC GR ALL SALES ARE FINAL. NO ORDER CHANGES AFTER ORDER ENTRY.
CITY OF SOUTH LYON NAME: SOUTH LYON POLICE STATION PH: 1-248-437-1773 WK: CT: SOUTH LYON ST: MI W/BO * * * * *
355 SOUTH WARREN LOT#: SUB: STR#: 219 WHIPPLE CT: SOUTH LYON SID#: DEL INST * * * * *
SOUTH LYON MI 48178 N/ OFF OF/ S/ E/ W/ P.W.C. CP2 * * * * *
1-248-437-1735 EXT: ANDERSEN WOOD WINDOW REMOVAL IN BLOCK WALL WITH BRICK VENEER
INSTALL JOB CONTACT: LIEUTENANT CHRISTOPHER SOVIK CHARLIE PULLUM CALL FOR LIMITED WARRANTIES

L#	Q	DESC	P R O D U C T	P R O D U C T I O N	C O D E	MULT	GLAZING	(MUNTIN)	FINISH	SCR	HARD	JAMB	ROOM	ROUGH	OPENIN
			TYPE	STYLE	LINE	SIZE	A	SIZE	B	SIZE	C				

PULLUM WINDOW SPECIFICATIONS:

INSTALLATION INSTRUCTIONS - WINDOW FRAME = BLOCK - 3/8" ON ALL SIDES (3/4" OVER ALL WIDTH AND HEIGHT)
FOAM BETWEEN BLOCK AND JAMB
CAULK EXTERIOR WITH BACKER RODS
INTERIOR TRIM TO BE RED OAK STOP ONLY (NO EXTENSION JAMB - NO CASING)
SOUTH LYON POLICE DEPARTMENT TO REMOVE AND RE-INSTALL INTERIOR STEEL SECURITY BARS

COLORCLAD SPECIFICATIONS:

BRONZE ALUMINUM CLAD - LOW "E" / ARGON GLAZING
3/16" BRONZE TINTED GLASS IN THE EXTERIOR PANE
RED OAK INTERIOR WITH CLEAR COAT FACTORY APPLIED - REMOVE FINIS
SEE DRAWINGS FOR UNEQUAL STACKED ASSEMBLIES
[* * FRONT ELEVATION * *]

3} 1 TOP CLD CEMENT C JB 72.125 24.875 S 1 IG LE/AG BRZ ... 1 LT ... ROAK BRZ1 ... 4 9/16 F-1 0 0

FORM CODE # <INV S 17558 0> FORM: INVOICE FROM: PULLUM WINDOW CORP., 415 N.LAFAYETTE, SOUTH LYON, MI., 48178 <INV S 17558 0>
 CITY OF SOUTH LYON NAME: SOUTH LYON POLICE STATION
 355 SOUTH WARREN LOT: STR#: 219 WHIPPLE
 SOUTH LYON MI. 48178 SUB: PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY. PAGE# 2

L#	Q	DESC	P R O D U C T	TYPE	STYLE	LINE	P R O D U C T I O N	C O D E	MULT	GLAZING	(MUNTIN)	FINISH	SCR	HARD	JAMB	ROOM	ROUGH	OPENING						
			SIZE A	SIZE B	SIZE C					GLASS	CUT-UP	TYPE	CL	INT	EXT	S	CL	L	LF	WIDTH		W	X	H

GLASS SIZE: 67.625 x 20.375 AL/8 / AL/8

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK

4} CTR CLD AWMING A JB 48 23.875 V 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 F BZ ORBZ 4 9/16 F-1 0 0

GLASS SIZE: 43.5 x 19.375 AL/8 / AL/8 SCREEN SIZE: 44.875 x 19.75

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

5} BOT CLD C'MENT A JB 23.625 24.125 S 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 F BZ ORBZ 4 9/16 F-1 73 1/8 49 7/8

GLASS SIZE: 19.125 x 19.625 AL/8 / AL/8

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK

6} 1 ... CLD C'MENT C JB 23.5 72.875 L 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 F BZ ORBZ 4 9/16 F-2 24 1/2 73 3/4

PRODUCT SERIES: COLORCLAD WITH MULTIPoint HARDWARE

GLASS SIZE: 19 x 68.375 AL/8 / AL/8 SCREEN SIZE: 20.375 x 68.75

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

FORM CODE # <INV S 17558 0> FROM: INVOICE FROM: PULLUM WINDOW CORP. 415 N. LAFAYETTE, SOUTH LYON, MI. 48178 <INV S 17558 0>
 CITY OF SOUTH LYON NAME: SOUTH LYON POLICE STATION
 355 SOUTH WARREN LOT: STR#: 219 WHIPPLE
 SOUTH LYON MI 48178 SUB: SEE PAYMENT TERMS BELOW
 SCREENS AND GRILLS MAY BE BACK ORDERED FOR YOUR CONVENIENCE.
 PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY. PAGE# 3

L#	Q	DESC	P R O D U C T			P R O D U C T I O N			C O D E			GLAZING	(MUNTIN)			FINISH		SCR	HARD	JAMB	ROOM	ROUGH OPENING		
			TYPE	STYLE	LINE	SIZE A	SIZE B	SIZE C	MULT	GLASS	TYPE		CUT-UP	TYPE	CL	INT	EXT					S CL	L	LF	WIDTH	W	X	H

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

HINGE TYPE: STANDARD WASHABILITY HINGES# 14.76.00

CASEMENT WINDOWS NARROWER THAN 24 INCHES MUST HAVE A DYAD SPLIT ARM OPERATOR

7} 1 TOP CLD CEMENT C JB 72 25.375 S 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 ... 4 9/16 F-3 0 0

GLASS SIZE: 67.5 x 20.875 A1/8 / A1/8

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

8} CTR CLD AMMING C JB 47.75 23.75 V 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 F BZ ORBZ 4 9/16 F-3 0 0

GLASS SIZE: 43.25 x 19.25 A1/8 / A1/8 SCREEN SIZE: 44.625 x 19.625

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

9} BOT CLD CEMENT C JB 23.5 24.25 S 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 ... 4 9/16 F-3 73 50 5,

GLASS SIZE: 19 x 19.75 A1/8 / A1/8

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

FORM CODE # <INV S	17558 0>	FORM: INVOICE	FROM: PULLUM WINDOW CORP., 415 N. LAFAVETTE, SOUTH LYON, MI., 48178	<INV S	17558 0>
CITY OF SOUTH LYON	355 SOUTH WARREN	SOUTH LYON	NAME: SOUTH LYON POLICE STATION	LOT: STR#: 219	WHIPPLE
MI	48178	SUB:	SCREENS AND GRILLS MAY BE BACK ORDERED FOR YOUR CONVENIENCE. SEE PAYMENT TERMS BELOW. PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY.		
			PAGE# 5		

L#	Q	DESC	PRODUCT	TYPE	STYLE	LINE	SIZE A	SIZE B	SIZE C	CODE	MULT	GLAZING	GLASS	TYPE	(MUNTIN)	FINISH	SCR	HARD	JAMB	ROOM	ROUGH	OPENING

13} 2 ... CLD C'MENT C JB 23.5 73.875 L 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 F BZ ORBZ 4 9/16 R-2, R-3 24 1/2 74 3/4

PRODUCT SERIES: COLORCLAD WITH MULTIPPOINT HARDWARE

GLASS SIZE: 19 x 69.375 AL/8 / AL/8 SCREEN SIZE: 20.375 x 69.75

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

HINGE TYPE: STANDARD WASHABILITY HINGES# 14.76.00

CASEMENT WINDOWS NARROWER THAN 24 INCHES MUST HAVE A DYAD SPLIT ARM OPERATOR

[* * RIGHT ELEVATION * *]

14} 1 TOP CLD C'MENT C JB 71.75 25.875 S 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 .. 4 9/16 R-4 0 0

GLASS SIZE: 67.25 x 21.375 AL/8 / AL/8

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

15} CTR CLD AMNING C JB 47.75 23.875 V 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 F BZ ORBZ 4 9/16 R-4 0 0

GLASS SIZE: 43.25 x 19.375 AL/8 / AL/8 SCREEN SIZE: 44.625 x 19.75

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

FORM CODE # <INV S 17558 0> FORM: INVOICE FROM: PULLUM WINDOW CORP., 415 N. LAFAVETTE, SOUTH LYON, MI., 48178 <INV S 17558 0>
 CITY OF SOUTH LYON NAME: SOUTH LYON POLICE STATION
 355 SOUTH WARREN LOT: STR#: 219 WHIPPLE
 SOUTH LYON MI 48178 SUB:

L# } Q DESC P R O D U C T P R O D U C T I O N C O D E MULT GLAZING GLASS TYPE (MOUNTIN) FINISH SCR HARD JAMB ROOM ROUGH OPENING
 } TYPE STYLE LINE SIZE A SIZE B SIZE C CUT-UP TYPE CL INT EXT S CL L LF WIDTH W x H

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

16} BOT CLD CEMENT C JB 23.875 23.5 S 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 .. 4 9/16 R-4 72 3/4 50 3/
 GLASS SIZE: 19.375 x 19 A1/8 / A1/8
 BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE
 GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK

[* * RIGHT ELEVATION * *]

17} 3 --- CLD AWNING C JB 72 49.375 V 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 F BZ ORBZ 4 9/16 B-1.2.3 73 49 7/
 GLASS SIZE: 67.5 x 44.875 A1/8 / A1/8 SCREEN SIZE: 68.875 x 45.25
 BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE
 GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

18} 2 --- CLD CEMENT C JB 23.5 73.875 L 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 F BZ ORBZ 4 9/16 B-4.5 24 1/2 74 3/
 PRODUCT SERIES: COLORCLAD WITH MULTIPPOINT HARDWARE
 GLASS SIZE: 19 x 69.375 A1/8 / A1/8 SCREEN SIZE: 20.375 x 69.75
 BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE
 GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

SCREENS AND GRILLS MAY BE BACK ORDERED FOR YOUR CONVENIENCE.
 SEE PAYMENT TERMS BELOW
 PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY. PAGE# 6

FORM CODE # <INV S 17558 0> FROM: INVOICE FROM: PULLUM WINDOW CORP., 415 N. LAFAYETTE, SOUTH LYON, MI., 48178 <INV S 17558 0>
 CITY OF SOUTH LYON NAME: SOUTH LYON POLICE STATION
 355 SOUTH WARREN LOT: STR#: 219 WHIPPLE
 SOUTH LYON MI 48178 SUB:

L#	Q	DESC	P R O D U C T	P R O D U C T I O N	C O D E	MULT	GLAZING	(MUNTIN)	FINISH	SCR	HARD	JAMB	ROOM	ROUGH OPENIN
			TYPE STYLE LINE	SIZE A	SIZE B	SIZE C	GLASS TYPE	CUT-UP TYPE CL	INT EXT	S CL	L LF	WIDTH		W x H

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

HINGE TYPE: STANDARD WASHABILITY HINGES# 14.76.00

CASEMENT WINDOWS NARROWER THAN 24 INCHES MUST HAVE A DYAD SPLIT ARM OPERATOR

[* * LEFT ELEVATION * *]

19} 1 TOP CLD CEMENT C JB 72 24.875 S 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 ... 4 9/16 L-1 0 0

GLASS SIZE: 67.5 x 20.375 A1/8 / A1/8

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

20} CTR CLD AWNING C JB 47.75 24.25 V 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 F BZ ORBZ 4 9/16 L-1 0 0

GLASS SIZE: 43.25 x 19.75 A1/8 / A1/8 SCREEN SIZE: 44.625 x 20.125

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

21} BOT CLD CEMENT C JB 23.5 24 S 1 IG LE/AG BRZ ... 1 LT ROAK BRZ1 ... 4 9/16 L-1 73 49 7

GLASS SIZE: 19 x 19.5 A1/8 / A1/8

BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE

#	Q	DESC	P R O D U C T			P R O D U C T I O N			C O D E	MULT	GLAZING	(MUNTIN)	FINISH		SCR	HARD	JAMB	ROOM	ROUGH OPENING		
			TYPE	STYLE	LINE	SIZE A	SIZE B	SIZE C					GLASS	TYPE					CUT-UP	TYPE CL	INT	EXT	S CL	L	LF	WIDTH	W	X	H

GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK
 [* * LEFT ELEVATION * *]

22}	1	TOP	CLD C'MENT C		JB 72	25.25		S	1	IG	LE/AG BRZ	... 1 LT ROAK BRZ1	4 9/16	L-2		0		0
-----	---	-----	--------------	--	-------	-------	--	---	---	----	-----------	----------	------	--------------	----	------	--------	-----	--	---	--	---

GLASS SIZE: 67.5 x 20.75 A1/8 / A1/8
 BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE
 GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK

23}	CTR	CLD AWNING C		JB 47.75	23.875			V	1	IG	LE/AG BRZ	... 1 LT ROAK BRZ1	F	BZ ORBZ	4 9/16	L-2		0		0
-----	-----	--------------	--	----------	--------	--	--	---	---	----	-----------	----------	------	--------------	---	---------	--------	-----	--	---	--	---

GLASS SIZE: 43.25 x 19.375 A1/8 / A1/8
 SCREEN SIZE: 44.625 x 19.75
 BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE
 GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK

24}	BOT	CLD C'MENT C		JB 23.5	23.875			S	1	IG	LE/AG BRZ	... 1 LT ROAK BRZ1	4 9/16	L-2		73		50 1/
-----	-----	--------------	--	---------	--------	--	--	---	---	----	-----------	----------	------	--------------	----	------	--------	-----	--	----	--	-------

GLASS SIZE: 19 x 19.375 A1/8 / A1/8
 BRONZE TINTED GLASS IN THE EXTERIOR INSULATED GLASS SURFACE
 GLAZING: AGC CS36 DOUBLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK

FORM CODE # <INV S 17558 0> FROM: INVOICE FROM: PULLUM WINDOW CORP., 415 N. LAFAYETTE, SOUTH LYON, MI., 48178 <INV S 17558 0>

CITY OF SOUTH LYON MI 48178 NAME: SOUTH LYON POLICE STATION STR#: 219 WHIPPLE SCREENS AND GRILLS MAY BE BACK ORDERED FOR YOUR CONVENIENCE. SEE PAYMENT TERMS BELOW. PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY. PAGE# 9

L# } Q } DESC P R O D U C T P R O D U C T I O N C O D E MULT GLAZING GLASS TYPE (MUNTIN) FINISH SCR HARD JAMB ROOM ROUGH OPENING
} } TYPE STYLE LINE SIZE A SIZE B SIZE C CUT-UP TYPE CL INT EXT S CL L LF WIDTH W X H

TOTAL WITHOUT TAX \$ 24,060.39 TAX ID# NO TAX TOTAL DUE AFTER 30 DAYS \$ 24,310.39 + CHARGE PER MONTH + ALL COLLECTION FEES AND COSTS.

PAYMENT: TAX# NO TAX

INVESTIGATION REPORT
ATTACHMENT 15

[illegible]

PULLUM WINDOW SPECIFICATIONS:

INSTALLATION INSTRUCTIONS: - WINDOW FRAME = BLOCK - 3/8" ON ALL SIDES (3/4" OVERALL WIDTH & HEIGHT)
FOAM BETWEEN BLOCK AND JAMB
CAULK EXTERIOR WITH BACKER RODS
INTERIOR TRIM TO BE RED OAK STOP ONLY (NO EXTENSION JAMBS - NO CASING)

COLORCLAD SPECIFICATIONS:

BRONZE ALUMINUM CLAD EXTERIOR - RED OAK INTERIOR WITH CLEAR COAT - U4/LOW-E/ARGON GLAZING W/PYROLITIC SURF. #4
NO INTERIOR CASING - JUST 1/4 ROUND IN RED OAK WITH CLEAR COAT
[* * FRONT ELEVATION * *]

3} 1 --- CILD CEMENT C JB 31.5938 48 SLS 3 IG LE/AG --- 1 LT ---- : ROAK BRZ1 F BZ ORBZ 4 9/16 FRT LEFT 95 3/4 48 I

PRODUCT SERIES: COLORCLAD WITH MULTIPPOINT HARDWARE

GLASS SIZE: 27.0938 x 43.5 A1/8 / A1/8 SCREEN SIZE: 28.4688 x 43.875

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

FORM CODE # <INV S 17560 0> FORM: INVOICE FROM: PULLUM WINDOW CORP., 415 N.LAFAYETTE, SOUTH LYON, MI., 48178 <INV S 17560 0>
CITY OF SOUTH LYON NAME: SOUTH LYON RECREATION CTR
355 SOUTH WARREN LOT: STR#: 318 LAKE ST.
SOUTH LYON MI 48178 SUB: SEE PAYMENT TERMS BELOW
PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY. PAGE# 2

L#	Q	DESC	PRODUCT	TYPE	STYLE	LINE	SIZE A	SIZE B	SIZE C	CODE	MULT	GLAZING	GLASS TYPE	(MUNTIN)	FINISH	SCR	HARD	JAMB	ROOM	ROUGH	OPENING
----	---	------	---------	------	-------	------	--------	--------	--------	------	------	---------	------------	----------	--------	-----	------	------	------	-------	---------

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

HINGE TYPE: STANDARD WASHABILITY HINGES# 14.76.00

4} 1 --- CLD CEMENT C JB 31.4375 47.375 SRS 3 IG LE/AG --- 1 LT --- ROAK BRZ1 F BZ ORBZ 4 9/16 FRT RIGH 95 1/4 47 7,

PRODUCT SERIES: COLORCLAD WITH MULTIPPOINT HARDWARE

GLASS SIZE: 26.9375 x 42.875 A1/8 / A1/8 SCREEN SIZE: 28.3125 x 43.25

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

HINGE TYPE: STANDARD WASHABILITY HINGES# 14.76.00

[* * RIGHT ELEVATION * *]

5} 2 --- CLD AMNING C JB 46.25 49.25 V 1 IG LE/AG --- 1 LT --- ROAK BRZ1 F BZ ORBZ 4 9/16 REAR 47 1/4 49 3,

GLASS SIZE: 41.75 x 44.75 A1/8 / A1/8 SCREEN SIZE: 43.125 x 45.125

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

6} 1 --- CLD CEMENT C JB 17.25 49.25 L 1 IGT LE/AG --- OBS 1 LT --- ROAK BRZ1 F BZ ORBZ 4 9/16 RT ELEV 18 1/4 49 3,

PRODUCT SERIES: COLORCLAD WITH MULTIPPOINT HARDWARE

GLASS SIZE: 12.75 x 44.75 T1/8 / T1/8 SCREEN SIZE: 14.125 x 45.125

FORM CODE # <INV S 17560 0> FROM: INVOICE FROM: PULLUM WINDOW CORP., 415 N. LAFAYETTE, SOUTH LYON, MI., 48178 <INV S 17560 0>
 CITY OF SOUTH LYON NAME: SOUTH LYON RECREATION CTR
 355 SOUTH WARREN LOT: STR#: 318 LAKE ST.
 SOUTH LYON MI 48178 SUB: SEE PAYMENT TERMS BELOW
 PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY. PAGE# 3

L#	Q	DESC	P R O D U C T	P R O D U C T I O N	C O D E	MULT	GLAZING	(MUNTIN)	FINISH	SCR	HARD JAMB	ROOM	ROUGH OPENIN
			TYPE STYLE LINE	SIZE A	SIZE B	SIZE C	GLASS TYPE	CUT-UP TYPE CL	INT EXT	S CL	L LF	WIDTH	W X H

OBSCURE GLASS

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

HINGE TYPE: STANDARD WASHABILITY HINGES# 14.76.00

CASEMENT WINDOWS NARROWER THAN 24 INCHES MUST HAVE A DYAD SPLIT ARM OPERATOR

PLAN REFERENCE: C

*** THE ABOVE LINE ITEM CONTAINS TEMPERED GLASS IN THE EXTERIOR AND INTERIOR LITES. ***

7} 1 --- OLD CEMENT C JB 17.25 49.25 R 1 1GT LE/AG --- OBS 1 LT ---- ROAK BRZ1 F BZ ORBZ 4 9/16 RT ELEV 18 1/4 49 3

PRODUCT SERIES: COLORCLAD WITH MULTIPoint HARDWARE

GLASS SIZE: 12.75 x 44.75 11/8 / 11/8 SCREEN SIZE: 14.125 x 45.125

OBSCURE GLASS

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

HINGE TYPE: STANDARD WASHABILITY HINGES# 14.76.00

CASEMENT WINDOWS NARROWER THAN 24 INCHES MUST HAVE A DYAD SPLIT ARM OPERATOR

PLAN REFERENCE: C

*** THE ABOVE LINE ITEM CONTAINS TEMPERED GLASS IN THE EXTERIOR AND INTERIOR LITES. ***

FORM CODE # <INV S 17560 0> FROM: INVOICE FROM: PULLUM WINDOW CORP., 415 N. LAFAYETTE, SOUTH LYON, MI., 48178 <INV S 17560 0>

CITY OF SOUTH LYON MI 48178 NAME: SOUTH LYON RECREATION CTR ST# 318 LAKE ST. SCREENS AND GRILLS MAY BE BACK ORDERED FOR YOUR CONVENIENCE. SEE PAYMENT TERMS BELOW. PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY. PAGE# 4

L#	Q	BESC	P R O D U C T	P R O D U C T I O N	C O D E	MULT	GLAZING	(MUNTIN)	FINISH	SCR	HARD JAMB	ROOM	ROUGH OPENIN
			TYPE STYLE LINE	SIZE A	SIZE B	SIZE C							W x H

[* * REAR ELEVATION * *]

8}	2	----	CLD AMMING C	JB 46.25	49.25	V	1	IG	LE/AG	---	1	LT	----	ROAK BRZ1 F	BZ ORBZ 4.9/16	RT ELEV	47 1/4	49 3
----	---	------	--------------	----------	-------	---	---	----	-------	-----	---	----	------	-------------	----------------	---------	--------	------

GLASS SIZE: 41.75 x 44.75 A1/8 / A1/8 SCREEN SIZE: 43.125 x 45.125

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

TOTAL WITHOUT TAX \$ 18,000.92 TAX ID# NO TAX TOTAL DUE AFTER 30 DAYS \$ 18,250.92 + CHARGE PER MONTH + ALL COLLECTION FEES AND COSTS.

PAYMENT: TAX# NO TAX

FORM CODE # <INV S 17560 0> FORM: INVOICE FROM: PULLUM WINDOW CORP., 415 N. LAFALETTE, SOUTH LYON, MI., 48178 <INV S 17560 0>
 PH: 248-491-4700 WEBSITE: www.pullumwindow.com

QTE 80882 0 JOB PO#: 44130 NAME: SOUTH LYON RECREATION CTR PH: 1-248-437-8105 WK: BY: LADNER PO: 09/09/2016 ENTER: 09/26/2016 HD SC GR
 CITY OF SOUTH LYON 355 SOUTH WARREN SOUTH LYON MI 48178 STR#: 318 LAKE ST. CT: SOUTH LYON ST: MI W/BO
 SUB: N/ OFF OF/ LAKE STREET (LAKE ST. IS 10 MILE) CALL ANY TO SCHEDULE
 1-248-437-1735 EXT: ALUMINUM WINDOW REMOVAL IN MASONRY
 INSTALL JOB INSTALL CLD ALUMINUM CLAD WINDOWS W/RED OAK INTERIOR CHARLIE PULLUM
 NOTES: P.W.C. CP2
 ALL SALES ARE FINAL. NO ORDER CHANGES AFTER ORDER ENTRY.
 * * * * *
 SCREENS + GRILLS MAY BE BACK ORDERED FOR YOUR CONVENIENCE * * * * *
 STORED PRODUCTS ARE DISCARDED AFTER 90 DAYS. * * * * *
 CALL FOR LIMITED WARRANTIES

#	Q	DESC	PRODUCT TYPE	STYLE	LINE	PRODUCT SIZE A	PRODUCT SIZE B	PRODUCT SIZE C	CODE	MULT	GLAZING GLASS TYPE	(MUNTIN)	FINISH INT EXT	SCR S CL	HARD L LF	JAMB WIDTH	ROOM	ROUGH OPENING W	H
---	---	------	--------------	-------	------	----------------	----------------	----------------	------	------	--------------------	----------	----------------	----------	-----------	------------	------	-----------------	---

1}

PULLUM WINDOW SPECIFICATIONS:

INSTALLATION INSTRUCTIONS: - WINDOW FRAME = BLOCK - 3/8" ON ALL SIDES (3/4" OVERALL WIDTH & HEIGHT)
 FOAM BETWEEN BLOCK AND JAMB
 CAULK EXTERIOR WITH BACKER RODS
 INTERIOR TRIM TO BE RED OAK STOP ONLY (NO EXTENSION JAMBS - NO CASING)

2}

COLORCLAD SPECIFICATIONS:

BRONZE ALUMINUM CLAD EXTERIOR - RED OAK INTERIOR WITH CLEAR COAT - U4/L0W-E/ARGON GLAZING W/PYROLITIC SURF.#4
 NO INTERIOR CASING - JUST 1/4 ROUND IN RED OAK WITH CLEAR COAT
 [* * FRONT ELEVATION * *]

3} 1 --- CLD CEMENT C JB 31.5938 48 SLS 3 IG LE/AG --- 1 LT --- ROAK BRZ1 F BZ ORBZ 4 9/16 FRT LEFT 95 3/4 48 1

PRODUCT SERIES: COLORCLAD WITH MULTIPOINT HARDWARE
 GLASS SIZE: 27.0938 x 43.5 AL/8 / AL/8 SCREEN SIZE: 28.4688 x 43.875
 GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

FORM CODE # <INV S 17560 0> FORM: INVOICE FROM: PULLUM WINDOW CORP., 415 N. LAFAYETTE, SOUTH LYON, MI, 48178 <INV S 17560 0>
CITY OF SOUTH LYON MI 48178 NAME: SOUTH LYON RECREATION CTR
355 SOUTH WARREN LOT: STR#: 318 LAKE ST.
SOUTH LYON SUB: SEE PAYMENT TERMS BELOW
SCREENS AND GRILLS MAY BE BACK ORDERED FOR YOUR CONVENIENCE.
PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY. PAGE# 2

L#	Q	DESC	PRODUCT TYPE	STYLE	LINE	SIZE A	SIZE B	SIZE C	CODE	MULT	GLAZING TYPE	(MUNTIN)	CUT-UP TYPE	CL	FINISH	SCR	HARD JAMB	ROOM	ROUGH OPENING

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

HINGE TYPE: STANDARD WASHABILITY HINGES# 14.76.00

4} 1 --- CLD CEMENT C JB 31.4375 47.375 SRS 3 IG LE/AG --- 1 LT --- ROAK BRZ1 F BZ ORBZ 4 9/16 FRT RIGH 95 1/4 47 3

PRODUCT SERIES: COLORCLAD WITH MULTIPPOINT HARDWARE

GLASS SIZE: 26.9375 x 42.875 AL/8 / AL/8 SCREEN SIZE: 28.3125 x 43.25

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

HINGE TYPE: STANDARD WASHABILITY HINGES# 14.76.00

[* * RIGHT ELEVATION * *]

5} 2 --- CLD AMMING C JB 46.25 49.25 V 1 IG LE/AG --- 1 LT --- ROAK BRZ1 F BZ ORBZ 4 9/16 REAR 47 1/4 49 3

GLASS SIZE: 41.75 x 44.75 AL/8 / AL/8 SCREEN SIZE: 43.125 x 45.125

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

6} 1 --- CLD CEMENT C JB 17.25 49.25 L 1 IG LE/AG --- OBS 1 LT --- ROAK BRZ1 F BZ ORBZ 4 9/16 RT ELEV 18 1/4 49 3

PRODUCT SERIES: COLORCLAD WITH MULTIPPOINT HARDWARE

GLASS SIZE: 12.75 x 44.75 T1/8 / T1/8 SCREEN SIZE: 14.125 x 45.125

FORM CODE # <INV S 17560 0> FROM: INVOICE FROM: PULLUM WINDOW CORP., 415 N. LAFAYETTE, SOUTH LYON, MI, 48178 <INV S 17560 0>
 CITY OF SOUTH LYON
 355 SOUTH WARREN
 SOUTH LYON MI 48178
 NAME: SOUTH LYON RECREATION CTR
 LOT: STR#: 318 LAKE ST.
 SUB:

SCREENS AND GRILLS MAY BE BACK ORDERED FOR YOUR CONVENIENCE.
 SEE PAYMENT TERMS BELOW
 PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY.

L#	Q	DESC	P R O D U C T	P R O D U C T I O N	C O D E	MULT	GLAZING	(MOUNTIN)	FINISH	SCR	HARD	JAMB	ROOM	ROUGH OPENI
			TYPE STYLE LINE	SIZE A	SIZE B	SIZE C	GLASS TYPE	CUT-UP TYPE CL	INT EXT	S CL	L LF	WIDTH		W x H

OBSCURE GLASS

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

HINGE TYPE: STANDARD WASHABILITY HINGES# 14.76.00

CASEMENT WINDOWS NARROWER THAN 24 INCHES MUST HAVE A DYAD SPLIT ARM OPERATOR

PLAN REFERENCE: C

* * * THE ABOVE LINE ITEM CONTAINS TEMPERED GLASS IN THE EXTERIOR AND INTERIOR LITES. * * *
 JB 17.25 49.25 R 1 1GT LE/AG --- OBS 1 LT ----- ROAK BRZ1 F BZ ORBZ 4 9/16 RT ELEV 18 1/4 49 3

PRODUCT SERIES: COLORCLAD WITH MULTIPOINT HARDWARE

GLASS SIZE: 12.75 x 44.75 T1/8 / T1/8 SCREEN SIZE: 14.125 x 45.125

OBSCURE GLASS

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL
 INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

HINGE TYPE: STANDARD WASHABILITY HINGES# 14.76.00

CASEMENT WINDOWS NARROWER THAN 24 INCHES MUST HAVE A DYAD SPLIT ARM OPERATOR

PLAN REFERENCE: C

* * * THE ABOVE LINE ITEM CONTAINS TEMPERED GLASS IN THE EXTERIOR AND INTERIOR LITES. * * *

FORM CODE # <INV S 1/560 0> FROM: INVOICE FROM: PULLUM WINDOW CORP., 415 N.LAFAYETTE, SOUTH LYON, MI., 48178 <INV S 1/560 0>

CITY OF SOUTH LYON MI 48178 NAME: SOUTH LYON RECREATION CTR LOT: ST#: 318 LAKE ST. SCREENS AND GRILLS MAY BE BACK ORDERED FOR YOUR CONVENIENCE. SEE PAYMENT TERMS BELOW. PLEASE CALL FOR A COPY OF THE LIMITED WARRANTY. PAGE# 4

L#	Q	DESC	P R O D U C T	P R O D U C T I O N	C O D E	MULT	GLAZING	(MUNTIN)	FINISH	SCR	HARD JAMB	ROOM	ROUGH OPENING
			TYPE STYLE LINE	SIZE A	SIZE B	SIZE C							W x H

[* * REAR ELEVATION * *]

8} 2 --- CLD AMMING C JB 46.25 49.25 V 1 IG LE/AG ... 1 LT --- ROAK BR21 F BZ ORBZ 4.9/16 RT ELEV 47 1/4 49 3/4

GLASS SIZE: 41.75 x 44.75 A1/8 / A1/8 SCREEN SIZE: 43.125 x 45.125

GLAZING: AGC CS28 TRIPLE SILVER LOWE WITH ARGON GAS & BLACK SUPERSPACER DUAL SEALED WITH HOT MELT BUTYL

INTERIOR: RED OAK

HANDLE: STD OIL RUBBED BRONZE

TOTAL WITHOUT TAX \$ 18,000.92 TAX ID# NO TAX TOTAL DUE AFTER 30 DAYS \$ 18,250.92 + CHARGE PER MONTH + ALL COLLECTION FEES AND COSTS.

PAYMENT: TAX# NO TAX

INVESTIGATION REPORT
ATTACHMENT 16



JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331
Phone: 248.489.4100 | Fax: 248.489.1726

Timothy S. Wilhelm
twilhelm@jrsjlaw.com

www.jrsjlaw.com

November 26, 2016

Mayor John Galeas, Jr. and City Council
City of South Lyon
335 S. Warren Street
South Lyon, MI 48178

RE: Pullum Window Corporation Contracts -- Conflict of Interest

Dear Mayor Galeas and Council Members:

It has been brought to my attention that Council Member Kivell was employed by Pullum Window Corporation ("Pullum") on August 8, 2016, when City Council approved the Pullum bids to install windows in the Police Department and SLARA buildings. The August 8, 2016 Council minutes are enclosed, see pages 15-16. Council Member Kivell voted on both matters and did not disclose his employment relationship with Pullum. His employment at Pullum was a clear conflict of interest as it would tend to impair his independence of judgment as a Council member. His failure to disclose his employment relationship with a bidder for contracts with the City and voting to approve them was improper and contrary to the City's Code of Ethics contained in Sections 2-71 through 2-76 of the Code of Ordinances.

Furthermore, his participation in the review and approval of these bids and contracts raises questions regarding their validity which will need to be addressed. But, before I can provide a specific recommendation for addressing this conflict of interest I need to conduct additional legal research and obtain additional information regarding Council Member Kivell's employment relationship with Pullum and the bid and contract details. Depending the facts and circumstances, Charter Sections 4.6(c) and 5.2 and Code Section 2-75(b)(5) may be applicable, each of which prohibits a council member from voting on a contract or other matter in which he or she has a financial interest.

Charter Section 4.6(c) pertains to the Rules of Council and states:

Section 4.6 The Council shall determine the rules of its proceedings
subject to the following provisions:

(c) No Councilman shall vote on any question in which he is financially interested or on any question concerning his own official conduct; but on all other questions every Councilman present shall vote unless excused by unanimous consent of the remaining members present.

Charter Section 5.2 entitled "Financial Interests Prohibited" states as follows:

Section 5.2 No person holding any elective or appointive office under the City government shall take any official action on any contract with the City or other matter in which he is financially interested, or be a bondsman or surety on any contract or bond given to the City. Any member of the Council or other officer found guilty of violating the provisions of this section may be punished by a fine of not to exceed five hundred dollars (\$500.00) or be imprisoned for not more than ninety (90) days or both within the discretion of the court. The conviction of any Councilman or officer under this section shall operate in itself to forfeit his office. (Emphasis added).

Code Section 2-75(b)(5) also addresses contracts with the City and states:

(5) Contracts with the city. Any councilman or other official or employee who has a substantial or controlling financial interest in any business entity, transaction, or contract with the city, or in the sale of real estate, materials, supplies, or services to the city, shall make known to the proper authority such interest in any matter on which he may be called to act in his official capacity. He shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale.

A councilman or other official or employee shall not be deemed interested in any contract or purchase or sale of land or other thing of value unless such contract or sale is approved, awarded, entered into, or authorized by him in his official capacity.

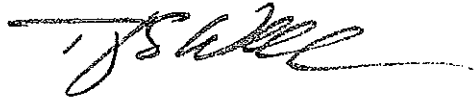
Note, the Charter and Code do not prohibit the approval of contracts between the City and a council member or where a council member has a financial interest; rather, under those authorities, generally the financial interest must be identified and disclosed and the interested council member is prohibited from voting on or participating in the matter. Other facts that may impact this issue include whether Pullum has installed the windows, and, if so, whether the City has paid Pullum for the work.

Mayor John Galeas, Jr. and City Council
Pullum Window Corp Contracts – Conflict of Interest
November 26, 2016
Page 3

Although I do not yet have a definitive recommendation for addressing this issue, I felt it necessary to bring this to your attention. If you have any question or concerns regarding the foregoing in advance of the Council meeting, please do not hesitate to contact me.

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.

A handwritten signature in black ink, appearing to read 'T. Wilhelm', with a long horizontal flourish extending to the right.

Timothy S. Wilhelm

encl

cc Lynne Ladner, City Manager
Lloyd Collins, Police Chief

INVESTIGATION REPORT
ATTACHMENT 17

CM 11-10-16 MOTION TO APPROVE PURCHASE OF 2014 FORD 4X4 SE ESCAPE FROM VARSITY FORD

Motion by Kurtzweil, supported by Kramer

Motion to approve purchase of 2014 Ford 4X4 SE Escape from Varsity Ford

MOTION CARRIED UNANIMOUSLY

VOTE:

8. Discussion regarding conflict of interest with Councilmember Kivell and Pullum Windows

Councilmember Kivell stated when the item was brought up about the Police Department needing new windows, he wasn't aware of anything else until the bids were brought back to Council by Lt. Sovik or Chief Collins. At that time, he noticed Pullum Windows had made a very competitive bid winning the low bid of the project. He was happy the owner of the business stepped up with an interest to help out his community. He further stated he has no interest financially, he builds windows. He further stated he doesn't get anything extra. Mr. Kivell stated after the bid was achieved Charlie Pullum told him he doesn't believe Lt. Sovik understood what exactly is going on with the windows. He stated they sell many different high end windows. He further stated Charlie Pullum wanted to make their own windows for that building with an oak interior. Mr. Kivell stated he was adamant about pursuing that. He further stated when the bid approval came about he didn't think twice about it, he has no financial gain. He further stated it would have been in his and Council's best interest if he had recognized that, to eliminate the potential of a conflict of interest, and for that he apologizes.

Councilmember Ryzyl stated he added this to the discussion because it is very serious and more serious than an oversight. He further stated most of the people on Council care about the residents, and everyone puts on their best face, but behind the scenes not everyone is so nice. He stated he was offended by the letter from City Attorney Wilhelm regarding the conflict of interest of Councilmember Kurtzweil. He further stated additionally, he felt as though he was cut off by Mayor Galeas. He stated Attorney Wilhelm stated has shown bias regarding himself and Councilmember Kurtzweil on multiple occasions. He further stated there is more than meets the eye with how people are treated on this Council. He stated he wants to commend Councilmember Kurtzweil for bringing her conflict of interest forth. He further stated Councilmember Kivell conflict is a serious topic. He quoted a letter from the City Attorney which stated his employment with Pullum was a clear conflict of interest because it would tend to impair his independence of judgement as a Councilmember. He further quoted his failure to disclose his employment with a potential bidder was improper and contrary to the City's Code of Ethics.

Mayor Galeas stated the overall tone of this Council of being mean and rude to people across the board is unacceptable, and it doesn't matter who it comes from. We should treat people the way we want to be treated and we should be able to discuss things in a business-like matter whether everyone agrees with each other or not. He further stated you have to pay attention and some things are done innocently and you can't let personal things from the past interfere with your decisions. He stated when he was on Council years ago, someone did some work on his vehicle, and he then found out that person was also doing some work for the City. He let the City Manager know. He further stated if you don't acknowledge it, everyone thinks the worse. He thinks differently than other people and he thinks we need to pay attention to the real issues, not what is personally happening. Mayor Galeas stated there is a lot of good going on, but the sidetracking and the things that are taking our minds off of what we should be doing as a Council.

11/28/16

INVESTIGATION REPORT
ATTACHMENT 18



JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331

Phone: 248.489.4100 | Fax: 248.489.1726

Timothy S. Wilhelm
twilhelm@jrsjlaw.com

www.jrsjlaw.com

December 1, 2016

Mayor John Galeas, Jr. and City Council
City of South Lyon
335 S. Warren Street
South Lyon, MI 48178

RE: Pullum Windows Bids – Council Member Kivell Conflict of Interest

Dear Mayor Galeas and Council Members:

On November 26, 2016, I provided correspondence advising you of Council Member Kivell's conflict of interest with respect to the approvals of Pullum Window Corporation's bids for the installation of windows at the Police Department and SLARA buildings. Council Member Kivell was employed by Pullum when the Council approved the Pullum bids, but he did not disclose his employment or the conflict of interest and voted on the approvals rather than recusing himself.

Because he did not disclose his conflict of interest as to Pullum and voted on the approvals, the validity and legality of the approvals is in question. There is case law in Michigan to the effect that an improper vote due a conflict of interest invalidates a contract. See, *Elieff v. Marquardt*, 69 Mich. App. 311, 244 N.W.2d 624 (1976). The problem that arises here is that the windows have already been installed at both the Police Department and SLARA building. The City Council approved the payment to Pullum for the Police Department windows on November 14, 2016, but the invoice for the SLARA windows has not yet been presented to Council for payment.

Voiding the bids and contracts would not end the issue. If not paid pursuant to an actual written contract, the contractor would very likely have a good claim for payment under an equitable theory for unjust enrichment or quantum meruit (the principle that one is entitled to be paid for the value of the work done for another even in the absence of a contract). Here, that would be true.

Because all members of Council, even exclusive of Council Member Kivell, were in favor of the Pullum bids, as was the City Administration, the best course at this point may be to consider simply ratifying, or re-doing, the August 8th votes and approvals with Council Member Kivell recusing himself due to his conflict of interest.

The three Council motions from August 8th include: i) consider approval of the Pullum bid to install windows at the Police Department; ii) consider waiving the bid process for the SLARA window project; and iii) consider approval of the Pullum bid to install windows at the SLARA building. The vote on each of these actions was unanimous, and it appears the Pullum bids were recommended because Pullum is a reputable local business and submitted the lowest bids.

Also, based on his statements during the November 28, 2016, Council meeting, it does not appear Council Member Kivell has or had a financial interest in the Pullum bids or contracts. He stated he was not aware of the Pullum bids prior them being presented to Council, and he did not participate in the bidding process in any way. Further, he explained that as an employee of Pullum he makes windows and is paid by the hour. He is not employed as a salesperson and did not receive any compensation or other financial benefit from the City's approvals of the Pullum bids.

Based on the foregoing, I recommend that Council address any question regarding the validity of the approvals of the Pullum bids and the City's authority to accept and pay for the windows that Pullum has already installed by ratifying or re-approving the Pullum bids and contracts. Council Member Kivell should recuse himself from any such actions.

If Council ratifies or re-approves its prior actions, I do not believe any further action by Council will be required on this matter. But, if Council wishes to take other actions or would like information on other options, I remain ready to provide any assistance I can or as otherwise directed.

Should you have any questions or concerns regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Timothy S. Wilhelm

cc L. Ladner, City Manager
L. Collins, Police Chief

INVESTIGATION REPORT
ATTACHMENT 19



JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331
Phone: 248.489.4100 | Fax: 248.489.1726

Timothy S. Wilhelm
twilhelm@jrsjlaw.com

www.jrsjlaw.com

December 2, 2016

Mayor John Galeas, Jr. and City Council
City of South Lyon
335 S. Warren Street
South Lyon, MI 48178

RE: Pullum Windows Bids – Council Member Kivell Conflict of Interest

Dear Mayor Galeas and Council Members:

This correspondence is provided in response to the requests for information on the City's options for addressing Council Member Kivell's conflict of interest, which arose when he voted to approve the Pullum Window Corporation bids and contracts on August 8, 2016, while employed by Pullum but without disclosing his conflict of interest.

I previously addressed this issue in correspondence dated November 26, 2016 and December 1, 2016. In the latter correspondence, I advised that the concerns regarding the validity of the Pullum bid approvals presented by Council Member Kivell's conflict of interest could be addressed by re-approving or ratifying the approvals, and if re-approved, no further action by Council would be required. This position is based on the available information and circumstances surrounding this matter, including how the Pullum bids were obtained and approved and other information regarding Council Member Kivell's employment at Pullum.

As to the bid for the Police Department windows, the City, through its Police Department, approached Pullum for a bid, for a budgeted expenditure, after another contractor suggested that the City should contact Pullum. Also, Pullum's bid for the SLARA building was initiated on short notice by the City Manager following demands by SLARA that the City address various maintenance issues. The City Administration recommended approval of the bids because Pullum is a reputable local company and submitted the lowest bid which was consistent with the other bid the City received. Furthermore, the votes on all three motions relating to the Pullum bids were unanimous voice votes.

Further, there is nothing indicating Council Member Kivell influenced or participated in the bid process in any way, particularly because the two bids were handled by different departments. Council Member Kivell stated publicly that he works in the shop for Pullum making and assembling windows, and he gets paid by the hour. He stated he had no financial interest in the Pullum contracts and did not receive any financial benefit or additional compensation as a result of the approvals of the contracts with the City. Mr. Pullum has confirmed that Mr. Kivell received no financial benefit from the contracts. Thus, based on the available information, there is nothing indicating there was a violation of Charter Sections 4.6(c) or 5.2 or Code Section 2-75(b)(5) which prohibit a council member from voting on a matter in which the member is financially interested.

As I stated previously, Council Member Kivell should have disclosed his conflict of interest and recused himself from participating in and voting on the Pullum bids. But, his voting on the approvals does not appear to have been intentional, and there is no information indicating that he intended to or did improperly influence the bid process or benefit himself financially. The legal issues raised by his failure to disclose his conflict of interest can be addressed if Council were to re-approve or ratify the approvals.

As to the requests for information on what else the City could do regarding this matter, I offer the following:

1. Council could hire an outside attorney or other individual to conduct an investigation and provide findings, conclusions, and/or recommendations to Council. As indicated in the City Manager's email, she has already obtained the names of several attorneys from the Michigan Municipal League that may be able to assist the City in this capacity.
2. The matter could be referred to a law enforcement agency, as was done earlier this year, such as the Oakland County Prosecutors Office, for an investigation. As referenced by Chief Collins in his email, this could be done following or in conjunction with an outside investigation. If Council were to refer this matter to law enforcement, I would recommend against having the South Lyon Police Department conduct the investigation.
3. The matter could be referred to the City's Ethics Commission as provided for in the City's Code of Ethics, Code Sections 2-71 through 2-78, but doing so would require that Council first appoint members to the Commission.
4. Council could take other disciplinary-like actions, such as "censure," which is inherent in the Council's authority.

Should you have any questions or concerns regarding the foregoing, please do not hesitate to contact me.

Mayor Galeas and City Council
December 2, 2016
Page 3

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Timothy S. Wilhelm

cc L. Ladner, City Manager
L. Collins, Police Chief

SOUTH LYON SPECIAL CITY COUNCIL/STUDY SESSION
MARCH 6, 2017

Mayor Galeas called the meeting/session to order at 6:30 p.m.

Mayor Galeas stated Councilmember Rzyzi would not be attending.

City Manager Ladner stated Councilmember Kivell will not be attending.

PRESENT: Mayor Galeas, Councilmember Kramer, Kurtzweil, Parisien, Wedell

ALSO PRESENT: City Manager Ladner, Attorney Wilhelm, Clerk Deaton, DDA Director Robert Donohue

City Manager Ladner stated we have one business item before we begin the study session. She stated at the last Council meeting, the Mayor called for a 5-minute recess, which normally the mics are muted. Apparently, they were not this time, and some personal conversations were heard on the audio. She further stated the City has the original version, as well as an edited version without the audio from the break, and it is Council's decision which version they want on the cable channel and online.

Councilmember Kurtzweil stated she is ok with the unedited version going online. City Manager Ladner then played the audio that was recorded during the 5-minute break. Councilmember Kurtzweil stated she has no problem with the original recording, she stated she is not embarrassed by it. Mayor Galeas stated he has no problem with it, but it serves no purpose. He stated he sent a letter to every employee in the City apologizing for Council's behavior because it has been embarrassing. Councilmember Parisien stated she doesn't have a problem with it either, but Mayor Galeas is right, nothing good will come of it, no knowledge will come of it. Councilmember Kurtzweil suggested the City Manager decide which version is played online. City Manager Ladner stated she also had personal conversations that were recorded, but she doesn't have a problem with it either, therefore she will play the original video on the cable channel.

CM 3-1-17: MOTION TO EXCUSE COUNCILMEMBERS RYZYI AND KIVELL

Motion by Parisien, supported by Kurtzweil

Motion to excuse the absence of Councilmembers Rzyzi and Kivell

VOTE:

MOTION CARRIED UNANIMOUSLY

Economic Development/Downtown Development Authority Director Bob Donohue stated we are here to discuss downtown development grants, and tax abatements, and 3 members of Oakland County Equalization is here to answer any questions regarding the abatements anyone might have. Stacy Osbourne, Anne Grady, and Jackie Godoshian were all present and introduced themselves.

Mr. Donohue stated in the opening memo he has explained some pros and cons of both programs, as well as his recommendation of the Commercial tax abatement. He spoke with Mary Richie from OCE and they looked at one possible project to focus on as an example for the tax abatement. He further stated we are looking at the parcels owned by Gene Carroll and the Veterans Parking Lot at S Lafayette and Liberty.

Ms. Osbourne explained the difference between the Commercial Redevelopment and the Commercial Rehabilitation programs. She stated the commercial facilities abatement is for new development or restoring existing buildings. She stated the Rehabilitation abatement is for obsolete buildings and focuses

on new construction. She stated the abatements for new or replacement buildings work the same and are taxed the same. Mr. Osbourne stated whatever the construction project is or the new building will be part of the abatement, there will not be a change for the way the land is taxed. She asked Mr. Donohue what the use will be. Mr. Donohue stated they are looking at mixed use and residential. Ms. Osbourne stated Council would first have to establish a Commercial Redevelopment District and there would have to be a public hearing. She stated once the district is approved, the construction can start, but there is a time sensitive timeline involved. She stated the Council will have to establish the district, within 45 days the owner must file application, then within 60 days the Council must approve or deny and file with the County and State. She stated the construction period is for 2 years. She further stated the abatement can last a minimum of 1 year up to 12-year maximum. She stated the construction period can begin anytime within the period of the abatement. Ms. Osbourne stated the terms and requirements must be in the agreement or resolution, such as requiring a reinvestment amount, if they are bringing jobs to the City, or residents. Such conditions would be considered by Council and written into the resolution/agreement. Ms. Grady stated one of the 4 parcels Mr. Donohue asked them to use as the example is outside of the DDA and could not be combined with the other 3 parcels. Mr. Donohue stated Mr. Carroll will be following the master plan with his plans. The parcel that is outside of the DDA district will be a parking lot. Ms. Osbourne stated the land will remain as an ad valorem parcel and be taxed fully, but the replacement building will only pay ½ mill rates for the period of time of the abatement. Mr. Donohue stated they are looking at retail on first floor, offices and residents above. He stated Mr. Carroll has rough drawings, but no definite sizes. Mr. Donohue stated he is thinking approximately \$125.00 per square foot. Councilmember Kurtzweil asked about conditions that can be put on the agreement. She asked if a default can be created if the business owner claims bankruptcy. Ms. Osbourne stated the City issued the certificate and they can revoke it, but it may have to be written in the agreement. Councilmember Kurtzweil stated she thinks the bankruptcy court could put a stay on it. She asked if the certificate is guaranteed by the landowner. Ms. Osbourne stated the City will want to create its own provisions within the agreement to protect the City. Councilmember Kurtzweil stated businesses are either going to succeed or they won't and we have to prepare for that. Councilmember Kramer stated he wants to make sure we understand this, first Council will create the district, then the owner applies for the abatement, and the City must approve or deny. If approved the abatement would be on the building only, the land will still be taxed on full mills. Discussion was held regarding creating one district at a time for each project as we move forward. Councilmember Kramer asked what would happen with the bakery if Mr. Carroll follows through with this. Mr. Donohue stated they will be relocated within the City. Councilmember Kurtzweil asked if Mr. Carroll has the financial resources for this project such as his own funds, or a financial relationship with a financial institution. Mr. Donohue stated he has not seen his finances, but that information will come as he moves forward. Councilmember Kurtzweil stated she thinks we should take this slow, her confidence level is shaky because the City doesn't have experience with this. She stated we need to manage this very carefully. Mr. Donohue stated Gary Fagin purchased Browns property, and he is looking at redeveloping that area. He further stated he thinks Mr. Carroll's redevelopment could be the kick off we need. Councilmember Kramer stated he hopes the construction doesn't last 2 years. Mr. Donohue stated Mr. Carroll is hoping for 9-12 months. Mayor Galeas asked if we should re-evaluate the DDA. Ms. Osbourne stated you could, but the base line would change. Mr. Donohue stated we could but we wouldn't receive as much TIFA in the future. Councilmember Kramer asked why only one other community has used this program. Ms. Grady stated it is a newer and somewhat unknown program. Councilmember Kurtzweil asked when we look at the term of the abatement do we look at the value of the project or the threshold. Mr. Donohue stated he thinks we should take a conservative approach with a 2 or 3-year tax abatement. Ms. Grady stated for an example if the building is valued at \$95.00 per square foot, the top end would be valued at \$6.7 million. She further

stated he would receive the abatement for the number of years in the agreement paying $\frac{1}{2}$ the mills, which the abatement would be \$101,000 per each year. Mayor Galeas stated we definitely need to have a good handle on this. Mr. Donohue stated Mr. Carroll would be thankful for anything, he has not expectations. Councilmember Kurtzweil asked what will happen if he builds this project, then retires and the new owners come in and changes things, is it possible to make sure the new owner maintains the character of the development for the remainder of the abatement. Ms. Osbourne stated the new owner would have to file with the City for the abatement certificate, it is not transferrable. Mr. Donohue stated we could enforce that and add it to the contract language. Councilmember Kurtzweil stated it is possible for someone to purchase the building for the abatement, but they may have other intentions. Councilmember Kramer stated he is surprised Farmington didn't look at this. Councilmember Kurtzweil stated some communities aren't as bad as our downtown is, we have one of the worst downtowns in the area. Mr. Donohue stated it may have something to do with the size of the communities as well. He further stated we have a lot to gain with our master plan.

Mr. Donohue stated façade grants are far less complex and more straight forward than the tax abatements. He further stated currently there are 3 buildings downtown that are owned by the same person, and he is looking to change the façade on all 3 buildings with custom made windows, etc. He further stated the cost is approximately \$85,000. Mr. Donohue stated he believes we should look at offering \$5,000 per building and possibly a \$5,000 bonus. He further stated Andrea Phillips is also looking into redoing the façade on her buildings and revamping them. Mr. Donohue stated there are currently 7 building owners that have shown interest in this program and if we follow this program conservatively we are looking at \$45,000. He further stated if we wanted to assist with signage as well, we could put aside \$5,000 for signage grants. He further stated you have more control if you use grants, we can keep our historic architecture identity. Mr. Donohue stated they will have to follow the guidelines we set up for them. He further stated the old Kathleen's building will be a major change. He further stated they already have permits pulled for the interior, but are waiting to see if this plan is approved before they pull permits for the exterior. He further stated this would have to be a budgeted item, but the grants will not be given until after the work is completed. Discussion was held regarding a design committee and a sub committee to review the grants and work with the city planner. Mr. Donohue stated after the DDA pays off its bonds, he would like them to take over this program. Councilmember Kurtzweil asked if we would have to form a historic district façade grant program. Mr. Donohue stated there is no historical district needed in the foreseeable future. Councilmember Kurtzweil stated the Lake Street Tavern building owner is considering an \$85,000 project for the façade of his buildings, and if the money doesn't kick in until after the project is done seems to be a hardship. Most of the businesses downtown are low end businesses, they aren't high volume businesses and asking them to come to the table with that much money is not easy for them. She further stated she would like to up the grant to \$50,000 and she would budget for this grant program for up to \$100,000. Mr. Donohue stated he has seen this program work in other communities, but no matter what the community does, some business owners will not participate. He further stated the City should test this out for a year or two with a conservative number of \$5,000 per building and see how it goes. Councilmember Kurtzweil stated she thinks the City should cover half of the construction cost. Mr. Donohue stated he doesn't think the budget could handle that kind of hit. Councilmember Kurtzweil stated she doesn't know if the owner will follow through with the amount of the grant being so low. Mayor Galeas stated he likes this idea as well, currently there are no incentives for the downtown building owners to fix up their property. Mr. Donohue stated we need to be conservative at the beginning. Councilmember Kurtzweil stated if the owner is willing to do all 3 buildings, she is willing to pitch in more. Councilmember Parisien stated she agrees we need to take a more conservative approach. Mr. Donohue stated we need to look at this as setting a precedent and be

conservative the first year with a base amount of \$5,000 or \$10,000, but the grant should never be 50% of the cost of the project. Mayor Galeas suggested we get this program going, and re-evaluate at the end of the first year. Councilmember Kurtzweil stated she would like to see if the City can afford \$100,00 for this program, and if the City has to make cuts, then they make cuts, so maybe the Police Department doesn't get new police cars or no new leaf blower, but this needs to happen.

Mr. Donohue stated a strong grant application is necessary.

Councilmember Kurtzweil stated Wyandotte is one southeastern Michigan example of reinventing their downtown and they use façade grants as well. She further stated they have very strict guidelines. She stated she doesn't like the idea of the DDA taking over the program in the future, she would like to keep more design control. Councilmember Kramer stated we can add this to a future council agenda. Mr. Donohue stated he has told everyone if this program happens, the money won't be available until after the new fiscal year in July. Discussion was held regarding budgeting for the façade grants. Mr. Donohue stated if the funds aren't currently available, but we give them notice that the façade grant is going to happen, it will kick off. Councilmember Wedell stated we should use conservative numbers for the first year which will make it easier on the budget. Mr. Donohue stated we need a lot of enthusiasm for this program, and promote it and the businesses, such as ribbon cuttings.

ADJOURNMENT

CM 3-1-17 MOTION TO ADJOURN

Motion by Kramer, supported by Kurtzweil

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

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor Galeas

Lisa Deaton Clerk/Treasurer

CHECK REGISTER FOR CITY OF SOUTH LYON
 CHECK DATE FROM 02/16/2017 - 03/09/2017

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
Bank 01 GEN FUND CHECKING							
02/16/2017	01	71132	MISC	Wolverine Energy	BD Payment Refund	174.85	Open
					BD Payment Refund	174.85	Open
					BD Payment Refund	174.85	Open
						524.55	
02/16/2017	01	71133	MISC	1ST NATIONAL BANK	REFUND TAX OVERPAYMENT, 1011 SADDLE	0.00	Open
				Void Reason: ISSUED TO WRONG	MORTGAGE COMPANY		
02/16/2017	01	71134	MISC	ISLAND HOSPITALITY MGMT INC	ACCOMMODATIONS - LT SOVIK - TRAINING	424.00	Open
02/16/2017	01	71135	5310	ARBOR SPRINGS WATER CO., INC.	WATER	57.22	Open
02/16/2017	01	71136	2431	AT&T*	PHONE AT CEMETERY	63.17	Open
02/16/2017	01	71137	3602	BLUE CROSS BLUE SHIELD OF MICH	HEALTH INSURANCE PREMIUMS - MARCH 20	37,965.72	Open
					RETIRE HEALTH INSURANCE PREMIUMS - M	3,112.06	Open
						41,077.78	
02/16/2017	01	71138	3835	BRICCO EXCAVATING CO., LLC	DWRF PAYMENT #15 - FINAL	146,298.00	Open
02/16/2017	01	71139	11073	BS & A SOFTWARE	ACCESSMIGOV MODULE	3,150.00	Open
02/16/2017	01	71140	5264	BUSCH'S	SUPPLIES	6.75	Open
02/16/2017	01	71141	5859	CAPITAL TITLE	REFUND TAX OVERPAYMENT, 24179 MARTIN	86.41	Open
02/16/2017	01	71142	3935	CTB PLANNING	CONSULTANT FEES, RETAINER & PLAN REV	5,984.00	Open
02/16/2017	01	71143	3442	CMC TELECOM, INC.	PHONE SERVICE	81.98	Open
02/16/2017	01	71144	0283	CORRIGAN OIL CO.	GAS & DIESEL 1/5 - 2/2/17	6,022.23	Open
02/16/2017	01	71145	0962	D&G NATURES WAY LAWN CARE	MAY & SEPT SERVICES	206.24	Open
02/16/2017	01	71146	0317	DTE ENERGY	ELECTRIC SERVICE 12/22-1/24/17	22,988.88	Open
02/16/2017	01	71147	4123	DYKEMA GOSSETT PLLC	ATTY FEES - CONFLICT OF INTEREST INV	2,371.20	Open
02/16/2017	01	71148	4030	ECIVIS, INC	ANNUAL LICENSE RENEWAL (2 USERS)	4,900.00	Open
02/16/2017	01	71149	6061	MATTHEW EMERY	VIDEO COUNCIL MEETING - 2/13/17	75.00	Open
02/16/2017	01	71150	3455	EMPLOYEE HEALTH INSURANCE MGMT	ADMIN FEES	777.00	Open
					MEDICAL CLAIMS FUNDING	9,951.83	Open
						10,728.83	
02/16/2017	01	71151	5430	DANIEL GEHRINGER	REIMB MILEAGE & PARKING -OPERATORS D	139.20	Open
02/16/2017	01	71152	11113	ICMA MEMBERSHIP RENEWALS	ANNUAL MEMBERSHIP DUES - 425188 L LA	741.60	Open
02/16/2017	01	71153	0557	INTL UNION OF OPERATING ENG	PAYROLL DEDUCTIONS - FEB 2017	316.86	Open
02/16/2017	01	71154	0966	KROPP MECHANICAL SERVICE CO.	HVAC MAINTENANCE	450.00	Open
02/16/2017	01	71155	1509	MARTIN'S DO IT BEST	REPL PHOTOCELLS FOR OUTSIDE LIGHTS	27.26	Open
02/16/2017	01	71156	9834	WOODROW MATNEY	CUSTODIAL SVCS @ DEPOT	684.00	Open
02/16/2017	01	71157	0470	MISDU	PAYROLL DEDUCTION - 2/17/17	322.07	Open
02/16/2017	01	71158	1034	OAKLAND COUNTY TREASURER	SOUTH LYON WOODS TAX - JAN 2017	485.00	Open
02/16/2017	01	71159	3705	OAKLAND SCHOOLS*	2016 WINTER TAX BILL MAILING	1,207.19	Open
02/16/2017	01	71160	3004	OBSERVER & ECCENTRIC NEWSPAPER	ZBA&BOR PUBLISHING & HELP WANTED AD	2,095.56	Open
02/16/2017	01	71161	5364	PEOPLE'S EXPRESS	SR TRANSPORTATION SERVICES - JANUARY	6,160.00	Open
02/16/2017	01	71162	0462	PETER'S TRUE VALUE HARDWARE	JANUARY 2017 STMT	1,012.17	Open
02/16/2017	01	71163	4124	SAFE RIDE NEWS	LATCH 2017 MANUAL	88.00	Open
02/16/2017	01	71164	6049	STATE OF MI MDEQ	S1 DRINKING WATER CERT EXAM FEE - DE	70.00	Open
02/16/2017	01	71165	7741	TASER INTERNATIONAL*	(2) TASERS, (2) HOLSTERS & BATTERY P	2,137.16	Open
02/16/2017	01	71166	6085	BRITTANY TOOMAN	REIMBURSE NREMT TEST FEE	80.00	Open
02/16/2017	01	71167	0062	VANTAGEPOINT TRANSFERS	PLAN 301149, PAYROLL DEDUCTIONS 2/17	3,680.98	Open

CHECK REGISTER FOR CITY OF SOUTH LYON
 CHECK DATE FROM 02/16/2017 - 03/09/2017

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
02/16/2017	01	71168	6033	VISICOM SERVICES, INC.	IT SERVICES COMPUTER SOFTWARE UPGRADE FOR ASSET	831.25 398.21 <u>1,229.46</u>	Open Open
02/16/2017	01	71169	3854	SUSAN L. WINTERS	PAYROLL DEDUCTION - 2/17/17	165.92	Open
02/16/2017	01	71170	3984	WOW! BUSINESS	INTERNET/CABLE SERVICE INTERNET SERVICE CABLE SERVICE PARK SECURITY	126.13 46.97 117.61 62.00 <u>352.71</u>	Open Open Open Open
02/23/2017	01	71171	5310	ARBOR SPRINGS WATER CO., INC.	WATER FOR CITY HALL BOTTLED WATER	13.00 26.00 <u>39.00</u>	Open Open
02/23/2017	01	71172	5403	KRISTEN DELANEY	PLANNING COMM MINUTES - 2/9/17	100.00	Open
02/23/2017	01	71173	0584	DTE ENERGY	ELECTRIC SERVICE 1/19-2/7/17	15.05	Open
02/23/2017	01	71174	4094	HR MGMT GROUP INC	NEW EMPLOYEE BACKGROUND CHECK	240.00	Open
02/23/2017	01	71175	2415	HURON VALLEY AMBULANCE. INC	OWI	50.00	Open
02/23/2017	01	71176	6636	LYNNE LADNER	CAR ALLOWANCE - FEB 2017	350.00	Open
02/23/2017	01	71177	3520	METLIFE - GROUP BENEFITS	DENTAL INSURANCE PREMIUMS	4,903.91	Open
02/23/2017	01	71178	6018	MI-AWWA	LIMITED TREATMENT COURSE - D GEHRING	500.00	Open
02/23/2017	01	71179	6002	NEW DIRECTIONS BEHAVIORAL	EAP SERVICES - 1ST QTR 2017	320.63	Open
02/23/2017	01	71180	5183	OAKLAND COUNTY TREASURERS	FRMS FEES 11/8/16 ELECTION BALLOTS	1,229.02 426.00 <u>1,655.02</u>	Open Open
02/23/2017	01	71181	5845	MICHIGAN.COM#1008	RENEW NEWSPAPER SUBSCRIPTION 3/1/17-	65.02	Open
02/23/2017	01	71182	0218	PARKSIDE CLEANERS	RUG CLEANING	43.00	Open
02/23/2017	01	71183	4076	PRINCIPAL FINANCIAL GROUP	VISION INSURANCE - MARCH 2017	725.06	Open
02/23/2017	01	71184	5554	SALEM-SOUTH LYON DISTRICT	TAXES DUE TO LIBRARY	2,029.90	Open
02/23/2017	01	71185	9062	SCHOOLCRAFT COLLEGE	2017 MCOLES TRAINING CONSORTIUM FEE	400.00	Open
02/23/2017	01	71186	0461	SOUTH LYON COMMUNITY SCHOOLS	TAXES DUE TO SCHOOLS	24,967.08	Open
02/23/2017	01	71187	1732	STANDARD INSURANCE COMPANY	LIFE & DISABILITY INSURANCE	2,517.60	Open
02/23/2017	01	71188	3100	STATE OF MICHIGAN**	FINGERPRINTING	42.00	Open
02/23/2017	01	71189	2362	STATE OF MICHIGAN	D3 DRINKING WTR CERT EXAM - ARMSTRON	70.00	Open
02/23/2017	01	71190	1774	THE BANK OF NEW YORK MELLON, NA	BOND PAYMENTS 03 SAN SEWER &DWRF (52	250,279.74	Open
02/23/2017	01	71191	3653	TOSHIBA BUSINESS SOLUTIONS	COPY CHARGES	64.91	Open
02/23/2017	01	71192	3652	WASHTENAW AREA MUTUAL AID	DRIVER TRAINING - CONRAD, SALNA, LAI	150.00	Open
02/23/2017	01	71193	3984	WOW! BUSINESS	FIBER OPTIC NETWORK CABLE BOX	710.00 10.00 <u>720.00</u>	Open Open
03/02/2017	01	71194	MISC	BOY SCOUT TROOP #38	SERVICES PERFORMED FOR 2016 COOL YUL	100.00	Open
03/02/2017	01	71195	0561	A.F.S.C.M.E. COUNCIL 25	PAYROLL DEDUCTIONS - MARCH 2017	635.20	Open
03/02/2017	01	71196	3740	CORY ARMSTRONG	REIMBURSE FOR WTR OPER CERT STUDY GU	80.92	Open
03/02/2017	01	71197	4234	AVAYA*, INC.	DPW PHONE SYSTEM	12.58	Open

CHECK REGISTER FOR CITY OF SOUTH LYON
 CHECK DATE FROM 02/16/2017 - 03/09/2017

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
03/02/2017	01	71198	3165	CONSUMERS ENERGY^	GAS SERVICE	340.46	Open
					GAS SERVICE	326.59	Open
					GAS SERVICE	393.95	Open
					GAS SERVICE	251.81	Open
					GAS SERVICE	98.16	Open
					GAS SERVICE	93.58	Open
					GAS SERVICE 1/21-2/17/17	6,193.03	Open
					GAS SERVICE 1/20-2/17/17	690.92	Open
					GAS SERVICE 1/20-2/16/17	1,684.28	Open
					GAS SERVICE	407.53	Open
						10,480.31	
03/02/2017	01	71199	4084	BOB DONOHUE	MILEAGE REIMBURSEMENT - JAN & FEB 20	254.12	Open
03/02/2017	01	71200	0317	DTE ENERGY	STREET LIGHTS	9,131.79	Open
03/02/2017	01	71201	0584	DTE ENERGY	ELECTRIC SERVICE	190.24	Open
					ELECTRIC SERVICE	406.29	Open
					ELECTRIC SERVICE	109.79	Open
					ELECTRIC SERVICE	75.72	Open
					ELECTRIC SERVICE	395.08	Open
					ELECTRIC SERVICE 1/24-2/21/17	190.72	Open
					ELECTRIC SERVICE 1/24-2/21/17	955.97	Open
						2,323.81	
03/02/2017	01	71202	0584	DTE ENERGY	ELECTRIC SERVICE	1,362.03	Open
03/02/2017	01	71203	4091	ELECTRICAL CODE SERVICES LLC	ELECTRICAL INSPECTOR PAY - FEB 2017	689.26	Open
03/02/2017	01	71204	6061	MATTHEW EMERY	VIDEO COUNCIL MEETING - 2/27/17	75.00	Open
03/02/2017	01	71205	6020	KEVIN ERDMANN	REIMB FOR WTR OPER GUIDE CERT STUDY	90.07	Open
03/02/2017	01	71206	6113	JOHN GALEAS, JR	COUNCIL PAY - FEBRUARY 2017	220.00	Open
03/02/2017	01	71207	4117	DONALD GOTHAM	MILEAGE REIMB - FEB 2017	62.06	Open
03/02/2017	01	71208	4089	JONES & BARTLETT LEARNING	FIRE ACADEMY BOOKS	392.00	Open
03/02/2017	01	71209	2586	GLENN KIVELL	COUNCIL PAY - FEB 2017	180.00	Open
03/02/2017	01	71210	3398	MICHAEL KRAMER	COUNCIL PAY - FEB 2017	180.00	Open
03/02/2017	01	71211	6114	MARGARET KURTZWELL	COUNCIL PAY - FEBRUARY 2017	180.00	Open
03/02/2017	01	71212	4033	MICHIGAN ASSOC OF CHIEFS OF POLIC	MEMBERSHIP RENEWAL	100.00	Open
03/02/2017	01	71213	1385	MICHIGAN MUNICIPAL LEAGUE^	EMPLOYMENT AD	89.50	Open
					EMPLOYMENT AD - ACCTG CLERK	35.00	Open
						124.50	
03/02/2017	01	71214	0470	MISDU	PAYROLL DEDUCTION - 3/3/17	322.07	Open
03/02/2017	01	71215	2763	MMTA	MEMBERSHIP RENEWAL	50.00	Open
03/02/2017	01	71216	9789	MICHAEL MORITZ	MILEAGE REIMBURSEMENT	23.67	Open
03/02/2017	01	71217	6115	MARY PARISIEN	COUNCIL PAY - FEB 2017	180.00	Open
03/02/2017	01	71218	1199	PNC BANK	CONFERENCE LODGING/MEALS, MEETING RE	600.42	Open
03/02/2017	01	71219	5141	POLICE OFFICERS ASSOCIATION OF	PAYROLL DEDUCTIONS - MARCH 2017	615.40	Open
03/02/2017	01	71220	0559	POLICE OFFICERS LABOR COUNCIL	PAYROLL DEDUCTIONS - MARCH 2017	251.25	Open
03/02/2017	01	71221	3804	RICOH USA, INC.	COPIER MAINTENANCE	275.40	Open
03/02/2017	01	71222	3756	JOSEPH RYZYI	COUNCIL PAY - FEB 2017	180.00	Open
03/02/2017	01	71223	6049	STATE OF MI MDEQ	S-4 DRINKING WTR CERT EXAM - ABRAMOW	70.00	Open
					S-3 DRINKING WATER CERT EXAM - RACE	70.00	Open

03/10/2017 09:18 AM
User: Joan
DB: South Lyon

CHECK REGISTER FOR CITY OF SOUTH LYON
CHECK DATE FROM 02/16/2017 - 03/09/2017

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Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
03/02/2017	01	71224	3110	STATE OF MICHIGAN,	2017 BIOSOLIDS LAND APPL FEE	140.00	Open
03/02/2017	01	71225	1465	TERMINIX PROCESSING CENTER	PEST CONTROL - 318 W LAKE	1,588.07	Open
03/02/2017	01	71226	3675	TOSHIBA FINANCIAL SERVICES	COPIER LEASE	60.00	Open
					COPIER LEASES	84.00	Open
						2,093.01	Open
						2,177.01	
03/02/2017	01	71227	0062	VANTAGEPOINT TRANSFERS	PAYROLL DEDUCTIONS - 3/3/17	3,684.14	Open
03/02/2017	01	71228	1378	HARVEY WEDELL	COUNCIL PAY - FEBRUARY 2017	180.00	Open
03/02/2017	01	71229	3854	SUSAN L. WINTERS	PAYROLL DEDUCTION - 3/3/17	185.69	Open
03/02/2017	01	71230	3984	WOW! BUSINESS	INTERNET SERVICE	35.97	Open
03/03/2017	01	71231	MISC	MARC MOOTE	REFUND TAX OVERPAYMENT 21.17.306.029	44.42	Open
03/03/2017	01	71232	MISC	SELECT TITLE COMPANY	REFUND TAX OVERPAYMENT 21.18.477.006	84.29	Open
03/03/2017	01	71233	MISC	FAIRMONT PROPERTIES	REFUND TAX OVERPAYMENT 21.29.151.002	965.38	Open
03/03/2017	01	71234	MISC	CLEARVIEW PROPERTIES	REFUND TAX OVERPAYMENT 21.19.201.011	2,147.44	Open
03/03/2017	01	71235	0859	LLOYD COLLINS	REIMBURSE PETTY CASH	40.28	Open

01 TOTALS:

(1 Check Voided)

Total of 103 Disbursements:

597,243.85

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 000.000	ENGINEERING FEES	HUBBELL, ROTH, & CLARK,	SITE PLAN FEES	251.48	
101-000.000-035.000		Total For Dept 000.000		251.48	
Dept 200.000 ADMINISTRATION					
101-200.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	108.66	
101-200.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	475.06	
101-200.000-740.000	OPERATING EXPENSE	TELSYSTEMS	SERVICE ON RECORDING EQUIPMENT	380.00	
101-200.000-802.000	CONTRACTUAL SVCS	GFL ENVIRONMENTAL	DUMPSTERS & RECYCLING - MARCH 2017	63.13	
101-200.000-802.000	CONTRACTUAL SVCS	KROFF MECHANICAL SERVICE	SVC HEATING	368.89	
101-200.000-880.000	COMMUNITY PROMOTIONS	DAVID FORSYTH	REIMBURSE FLAGS FOR CEMETERY	610.56	
101-200.000-900.000	PRINTING	PRINTING SYSTEMS	NOMINATING PETITIONS	22.68	
		Total For Dept 200.000 ADMINISTRATION		2,028.98	
Dept 276.000 CEMETERY					
101-276.000-740.000	OPERATING EXPENSE	BADER & SONS CO.	MOWER BELTS, BLADES & FILTERS	583.43	
101-276.000-802.000	CONTRACTUAL SVCS	GFL ENVIRONMENTAL	DUMPSTERS & RECYCLING - MARCH 2017	76.27	
		Total For Dept 276.000 CEMETERY		659.70	
Dept 300.000 POLICE					
101-300.000-727.000	OFFICE SUPPLIES	OFFICE EXPRESS	OFFICE SUPPLIES	73.10	
101-300.000-727.000	OFFICE SUPPLIES	OFFICE EXPRESS	OFFICE SUPPLIES	33.68	
101-300.000-745.000	AMMUNITION	AERKO INTERNATIONAL MICH	(22) FREEZE+P - CHEMICAL AEROSOL UNIT	282.00	
101-300.000-745.000	AMMUNITION	TASER INTERNATIONAL*	(46) TASER CARTRIDGES & BATTERY PACKS	1,279.71	
101-300.000-802.000	CONTRACTUAL SVCS	GFL ENVIRONMENTAL	DUMPSTERS & RECYCLING - MARCH 2017	38.13	
101-300.000-851.000	RADIO MAINTENANCE	L-3 COMMUNICATIONS	VLP2 REPL BATTERIES	339.70	
101-300.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	HEADLIGHT	29.39	
101-300.000-863.000	VEHICLE MAINTENANCE	VICTORY LANE	HEADLIGHT BULBS & BATTERIES	48.98	
101-300.000-931.000	BUILDING MAINTENANCE	ADVANCED SAFE & LOCK	OIL CHANGE - PD222	33.48	
101-300.000-931.000	BUILDING MAINTENANCE	ALLOR PLUMBING	REPAIR TO PD FRONT DOOR LOCK	156.00	
101-300.000-931.000	BUILDING MAINTENANCE	KROFF MECHANICAL SERVICE	REPAIRS TO PLUMBING - PD BLDG	225.00	
101-300.000-931.000	WITNESS FEES	BRETT BENDER	INSPECT/SERVICE FURNACE IN PD BLDG	353.22	
101-300.000-958.100	WITNESS FEES	FREDERICK VINCENT BURGAJ	WITNESS FEES	8.00	
101-300.000-958.100	WITNESS FEES	ROBERT UPHOFF	WITNESS FEES	9.00	
101-300.000-958.100	EQUIPMENT	CYNERGY PRODUCTS	WITNESS FEES 2/22/17	8.20	
101-300.000-977.000			CONSOLE FACE PLATE & TERMINAL BLOCK	115.10	
		Total For Dept 300.000 POLICE		3,032.69	
Dept 335.000 FIRE					
101-335.000-721.000	UNIFORMS & CLEANING ALLOWANCE	ALLIE BROTHERS UNIFORMS	UNIFORM SHIRT - KENNEDY	47.99	
101-335.000-721.000	UNIFORMS & CLEANING ALLOWANCE	PRIORITY ONE EMERGENCY	UNIFORM PANTS & BELT - ARMSTRONG	113.92	
101-335.000-727.000	OFFICE SUPPLIES	GRAINGER	TRAFFIC CONES, CLEANING SUPPLIES & FL	622.47	
101-335.000-727.000	OFFICE SUPPLIES	LAKELAND PRINTING	EMS & FIRE INSPECTION FORMS	141.80	
101-335.000-727.000	OFFICE SUPPLIES	QUICKSILVER MARKETING SO	ANNUAL REPORTS, CARBON MONOXIDE FORMS	139.00	
101-335.000-727.000	OFFICE SUPPLIES	QUILL CORPORATION	PAPER, PENS, SOAP, CUPS, COFFEE	178.99	
101-335.000-740.000	OPERATING EXPENSE	ADVANCE AUTO PARTS	OIL ABSORBENT	50.16	
101-335.000-740.000	OPERATING EXPENSE	W4 SIGNS	DECALS, BRICK WRAP	85.00	
101-335.000-802.000	CONTRACTUAL SVCS	GFL ENVIRONMENTAL	DUMPSTERS & RECYCLING - MARCH 2017	38.14	

INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON
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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 335.000 FIRE					
101-335.000-851.000	RADIO MAINTENANCE	AL ENGRAVING & SIGNS, IN	LASER ENGRAVING (RADIOS)	30.00	
101-335.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	OIL DRAIN VALVES	33.99	
101-335.000-863.000	VEHICLE MAINTENANCE	HALT FIRE INC.	AUTO CHARGE SINGLE BAR GRAPH DISPL, I	250.30	
101-335.000-863.000	VEHICLE MAINTENANCE	HALT FIRE INC.	BALL VALVE REPL - ENGINE 2	67.03	
101-335.000-863.000	VEHICLE MAINTENANCE	INTERSTATE BILLING SERVI	HYDRAULIC FITTINGS & HOSE - LADDER 1	447.83	
101-335.000-863.000	VEHICLE MAINTENANCE	PAYETTE SALES & SERVICE,	ASSY COMPLETE MIRROR	624.57	
101-335.000-863.000	VEHICLE MAINTENANCE	SHARE CORP.	DEGREASER	108.23	
101-335.000-863.000	REPAIR MAINTENANCE	DOUGLASS SAFETY SYSTEMS	WAIST STRAP FOR LEFT SIDE HARNESS	151.30	
101-335.000-930.000	REPAIR MAINTENANCE	DOUGLASS SAFETY SYSTEMS	U CLIP - BATTERY PACK SCREW	30.93	
101-335.000-930.000	REPAIR MAINTENANCE	ANN ARBOR DOOR SYSTEMS,	GARAGE DOOR REPAIR	125.00	
101-335.000-931.000	BUILDING MAINTENANCE	ANN ARBOR DOOR SYSTEMS,	GARAGE DOOR SERVICE/REPAIR	190.00	
101-335.000-931.000	BUILDING MAINTENANCE	BOUND TREE MEDICAL, LLC	GLOVES, CHEST SEALS, WIPES, GLUCOSE S	342.97	
101-335.000-977.000	EQUIPMENT				
		Total For Dept 335.000 FIRE		3,819.62	
Dept 440.000 DEPT. OF PUBLIC WORKS					
101-440.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	69.54	
101-440.000-740.000	OPERATING EXPENSE	ANN ARBOR WELDING SUPPLY	CYLINDER RENTAL	95.79	
101-440.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	WATER	13.00	
101-440.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	WATER	6.50	
101-440.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	WATER	13.00	
101-440.000-740.000	OPERATING EXPENSE	BADER & SONS CO.	MOWER BELTS, BLADES & FILTERS	56.06	
101-440.000-740.000	OPERATING EXPENSE	GRAINGER	GLOVES	48.18	
101-440.000-740.000	OPERATING EXPENSE	HRDIRECT	LABOR LAW POSTER RENEWAL	74.99	
101-440.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	GLOVES, PAPER, SAFETY & 1ST AID SUPPL	157.60	
101-440.000-740.000	OPERATING EXPENSE	GEL ENVIRONMENTAL	DUMPSTERS & RECYCLING - MARCH 2017	119.86	
101-440.000-802.000	CONTRACTUAL SVCS	ADVANCE AUTO PARTS	BELT TENSIONER T-6	106.25	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	GEAR OIL & SUPPLIES T-12	68.12	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	TIE ROD END T-4	42.91	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	BELT T-6	18.35	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	VEHICLE WASH SUPPLIES	21.96	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	FRONT END PARTS T-5 & BLOWER MOTOR RE	231.40	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	TIRE GAUGE	13.79	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	BATTERIES T-15	210.36	
101-440.000-863.000	VEHICLE MAINTENANCE	ANGELO'S WHOLESALE	BEARINGS	23.90	
101-440.000-863.000	VEHICLE MAINTENANCE	CONTRACTORS STEEL COMPAN	SHEET STEEL FOR FLOOR PAN T-15	605.59	
101-440.000-863.000	VEHICLE MAINTENANCE	CONTRACTORS STEEL COMPAN	SHEET STEEL FOR FLOORS, WALLS & ROOF	686.20	
101-440.000-863.000	VEHICLE MAINTENANCE	COOK AUTOMOTIVE	FRONT END ALIGNMENT T-4	69.00	
101-440.000-863.000	VEHICLE MAINTENANCE	CORRIGAN TOWING	T-12 TOWED	300.00	
101-440.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	EXHAUST PARTS T-12	223.76	
101-440.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	OIL DRAIN VALVE	55.98	
101-440.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	MIRRORS & MUD FLAPS T-15	43.96	
101-440.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	OIL DRAIN VALVES	213.93	
101-440.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	U-JOINT KIT T-12 & PULLEYS T-6	181.06	
101-440.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	REAR DIFFERENTIAL T-12	2,210.00	
101-440.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	MISC PARTS T-12	20.96	
101-440.000-863.000	VEHICLE MAINTENANCE	INTERSTATE BILLING SERVI	HEADLIGHT BULB	8.95	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 440.000 DEPT. OF PUBLIC WORKS					
101-440.000-863.000	VEHICLE MAINTENANCE	INTERSTATE BILLING SERVI	HYDRAULIC FITTINGS & HOSE - T-4	226.49	
101-440.000-863.000	VEHICLE MAINTENANCE	INTERSTATE BILLING SERVI	HEADLIGHT & BULBS	90.17	
101-440.000-863.000	VEHICLE MAINTENANCE	KNAPHEIDE TRUCK EQUIPMEN	MISC PARTS T-8	40.04	
101-440.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	AIR BRAKE PARTS & CABLE TIES	218.58	
101-440.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	FILTERS T-15	62.21	
101-440.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	BATTERY ENDS	4.38	
101-440.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	BELTS & POWER CORD	140.12	
101-440.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	FLASHER BULBS	5.02	
101-440.000-863.000	VEHICLE MAINTENANCE	SHARE CORP.	DEGREASER	541.16	
101-440.000-931.000	BUILDING MAINTENANCE	BECKWAY DOOR	FURNISH & INSTALL NEW GARAGE DOORS #3	3,130.00	
101-440.000-935.000	NPDES PHASE 2 STORMWATER	HUBBELL, ROTH, & CLARK,	STORM WATER PERMIT ASST 2015/16	53.06	
		Total For Dept 440.000 DEPT. OF PUBLIC WORKS		10,522.18	
Dept 690.000 PARKS AND RECREATION					
101-690.000-801.000	PROFESSIONAL SERVICE	JOHN'S SANITATION	PORTA JOHN @ PARKS	290.00	
101-690.000-930.000	REPAIR MAINTENANCE	FUTURE ELECTRONICS LLC	PARTS FOR BAKER PARK LED LIGHTS	243.46	
101-690.000-962.000	MISCELLANEOUS EXPENSE	SOUTH LYON FENCE & SUPPL	FURNISH & INSTALL GATE - VOL PARK/BIK	405.55	
		Total For Dept 690.000 PARKS AND RECREATION		939.01	
Dept 732.000 HISTORICAL DEPOT					
101-732.000-802.000	CONTRACTUAL SVCS	D&G NATURES WAY LAWN CAR	SPRING & FALL 2017 WEED & FEED -WITCH	206.24	
		Total For Dept 732.000 HISTORICAL DEPOT		206.24	
		Total For Fund 101 GENERAL FUND		21,459.90	
Fund 202 MAJOR STREETS					
Dept 474.000 TRAFFIC SERVICES					
202-474.000-740.000	OPERATING EXPENSE	HUNT SIGN CO., LTD	SIGN POST CAPS	66.70	
202-474.000-740.000	OPERATING EXPENSE	HUNT SIGN CO., LTD	YIELD & NO PARKING SIGNS	146.90	
202-474.000-740.000	OPERATING EXPENSE	HUNT SIGN CO., LTD	SIGN POST BANDS & BRACKETS	68.12	
202-474.000-740.000	OPERATING EXPENSE	HUNT SIGN CO., LTD	"NO PARKING THIS SIDE OF STREET" SIGN	108.20	
		Total For Dept 474.000 TRAFFIC SERVICES		389.92	
Dept 478.000 SNOW PLOWING					
202-478.000-740.000	OPERATING EXPENSE	DETROIT SALT COMPANY LLC	ROAD SALT (100.63 TON)	5,240.19	
		Total For Dept 478.000 SNOW PLOWING		5,240.19	
		Total For Fund 202 MAJOR STREETS		5,630.11	
Fund 203 LOCAL STREETS					
Dept 474.000 TRAFFIC SERVICES					
203-474.000-740.000	OPERATING EXPENSE	HUNT SIGN CO., LTD	SIGN POST CAPS	66.70	
203-474.000-740.000	OPERATING EXPENSE	HUNT SIGN CO., LTD	YIELD & NO PARKING SIGNS	146.90	
203-474.000-740.000	OPERATING EXPENSE	HUNT SIGN CO., LTD	SIGN POST BANDS & BRACKETS	36.68	
203-474.000-740.000	OPERATING EXPENSE	HUNT SIGN CO., LTD	"NO PARKING THIS SIDE OF STREET" SIGN	108.20	
		Total For Dept 474.000 TRAFFIC SERVICES		358.48	

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User: Joan
DB: South Lyon

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Fund 203 LOCAL STREETS					
Dept 478.000 SNOW PLOWING				657.74	
203-478.000-740.000	OPERATING EXPENSE	DETROIT SALT COMPANY LLC	ROAD SALT (100.63 TON)	657.74	
		Total For Dept 478.000 SNOW PLOWING			
		Total For Fund 203 LOCAL STREETS		1,016.22	
Fund 592 WATER & SEWER					
Dept 550.000 SEWER / REPAIR					
592-550.000-740.000	OPERATING EXPENSE	JACK DOHENY SUPPLIES INC	VACTOR HAND HELD REMOTE REPAIRED	342.08	
592-550.000-740.000	OPERATING EXPENSE	JACK DOHENY SUPPLIES INC	SEWER CAMERA CABLE	205.00	
592-550.000-740.000	OPERATING EXPENSE	MCAUGHTON-MCKAY	SEWER CAMERA DETECTABLE CABLE	629.00	
592-550.000-740.000	REPAIR MAINTENANCE	ETNA SUPPLY	SEWER MAIN REPAIR PARTS	211.37	
592-550.000-930.000	REPAIR MAINTENANCE	PLUMBERS SERVICE	CABLED SANITARY LINE - 24179 MARTINDA	198.00	
592-550.000-930.000	REPAIR MAINTENANCE	STONE DEPOT	FLOAT STONE	117.00	
		Total For Dept 550.000 SEWER / REPAIR		1,702.45	
Dept 555.000 REFUSE COLLECTION					
592-555.000-818.100	REFUSE COLLECTION(CONTRACTUAL	GFL ENVIRONMENTAL	REFUSE COLLECTION - MARCH 2017	41,973.84	
		Total For Dept 555.000 REFUSE COLLECTION		41,973.84	
Dept 556.000 WATER					
592-556.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	43.49	
592-556.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	39.37	
592-556.000-727.000	OFFICE SUPPLIES	USA BLUE BOOK	UPS FOR OPERATOR'S COMPUTER & FLASH D	9.53	
592-556.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	LAB SUPPLIES	26.00	
592-556.000-740.000	OPERATING EXPENSE	BUSCH'S	SUPPLIES	57.56	
592-556.000-740.000	OPERATING EXPENSE	ELHORN ENGINEERING COMPA	PHOSPHATE	2,228.00	
592-556.000-740.000	OPERATING EXPENSE	GRAINGER	STEP LADDER	106.00	
592-556.000-740.000	OPERATING EXPENSE	GRAINGER	WELL HOUSE CONTROL PANEL BULBS	6.81	
592-556.000-740.000	OPERATING EXPENSE	GREAT LAKES ACE HARDWARE	GRAFFITI REMOVAL ON WATER TOWER	74.56	
592-556.000-740.000	OPERATING EXPENSE	IDEXX LABORATORIES*	LAB SUPPLIES	1,129.47	
592-556.000-740.000	OPERATING EXPENSE	JCI JONES CHEMICALS INC.	CHLORINE	218.00	
592-556.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	1ST AID & PAPER SUPPLIES,GLOVES,BINDE	115.03	
592-556.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	SAFETY DATA SHEETS/POSTERS	105.00	
592-556.000-740.000	OPERATING EXPENSE	HUBBELL, ROTH, & CLARK,	WATER RELIABILITY STUDY	922.32	
592-556.000-801.000	PROFESSIONAL SERVICE	GFL ENVIRONMENTAL	DUMPSTERS & RECYCLING - MARCH 2017	49.05	
592-556.000-802.000	CONTRACTUAL SVCS	USA BLUE BOOK	UPS FOR OPERATOR'S COMPUTER & FLASH D	53.98	
592-556.000-820.000	COMPUTER	FLEETPRIDE	OIL DRAIN VALVE	55.98	
592-556.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	OIL DRAIN VALVES	33.99	
592-556.000-863.000	VEHICLE MAINTENANCE	HINES PARK FORD, INC.	MUD FLAP KIT W-2	42.49	
592-556.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	VEHICLE WASH SOAP	38.99	
592-556.000-863.000	VEHICLE MAINTENANCE	SHARE CORP.	DEGREASER	162.35	
592-556.000-863.000	VEHICLE MAINTENANCE	WEST SHORE SIGNS, INC.	VEHICLE DECALS	220.00	
592-556.000-863.000	VEHICLE MAINTENANCE	UTILITIES INSTRUMENTATIO	REPAIR CHEMICAL FEED FOR LOW SERVICE	1,035.00	
592-556.000-931.000	BUILDING MAINTENANCE				
		Total For Dept 556.000 WATER		6,772.97	
Dept 557.000 WASTEWATER					
592-557.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	43.49	

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Fund 592 WATER & SEWER					
Dept 557.000 WASTEWATER					
592-557.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	39.36	
592-557.000-727.000	OFFICE SUPPLIES	USA BLUE BOOK	UPS FOR OPERATOR'S COMPUTER & FLASH D	9.53	
592-557.000-740.000	OPERATING EXPENSE	ADVANCE AUTO PARTS	HEADLIGHT BULBS & BATTERIES	18.01	
592-557.000-740.000	OPERATING EXPENSE	ANN ARBOR WELDING SUPPLY	CYLINDER RENTAL	31.93	
592-557.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	LAB SUPPLIES	26.00	
592-557.000-740.000	OPERATING EXPENSE	BRIGHTON ANALYTICAL, INC	WW ANALYSIS	82.50	
592-557.000-740.000	OPERATING EXPENSE	BUSCH'S	SUPPLIES	60.74	
592-557.000-740.000	OPERATING EXPENSE	CHEMTRADE CHEMICALS US L	ALUMINUM SULFATE	5,110.93	
592-557.000-740.000	OPERATING EXPENSE	ELHORN ENGINEERING COMPA	POLYMASTER PARTS	313.99	
592-557.000-740.000	OPERATING EXPENSE	FISHER SCIENTIFIC	LAB SUPPLIES	150.85	
592-557.000-740.000	OPERATING EXPENSE	FISHER SCIENTIFIC	LAB SUPPLIES	135.77	
592-557.000-740.000	OPERATING EXPENSE	GRAINGER	DRUM PUMP FOR SAMPLING AERATION BASIN	212.63	
592-557.000-740.000	OPERATING EXPENSE	HACH COMPANY	LAB SUPPLIES	148.57	
592-557.000-740.000	OPERATING EXPENSE	QUALITY FIRE SERVICES	FIRE EXTINGUISHER REPLACED	82.00	
592-557.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	1ST AID & PAPER SUPPLIES,GLOVES,BINDE	115.03	
592-557.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	SAFETY DATA SHEETS/POSTERS	104.99	
592-557.000-740.000	OPERATING EXPENSE	REPUBLIC SERVICES #241	PLANT SCREENINGS REMOVAL	760.26	
592-557.000-740.000	OPERATING EXPENSE	STONE DEPOT	GRAVEL FOR DRYING BEDS	157.50	
592-557.000-740.000	OPERATING EXPENSE	UTILITIES INSTRUMENTATIO	CHANGE LIFT STATION GENERATOR PROGRAM	320.00	
592-557.000-740.000	OPERATING EXPENSE	GFL ENVIRONMENTAL	DUMPSTERS & RECYCLING - MARCH 2017	49.04	
592-557.000-802.000	CONTRACTUAL SVCS	KROFF MECHANICAL SERVICE	WINTER HVAC INSPECTION	1,125.00	
592-557.000-802.000	COMPUTER	USA BLUE BOOK	UPS FOR OPERATOR'S COMPUTER & FLASH D	53.97	
592-557.000-820.000	BUILDING MAINTENANCE	UTILITIES INSTRUMENTATIO	BLOWER BLDG ACTIVATED SLUDGE LOGIC RE	1,440.00	
592-557.000-931.000	BUILDING MAINTENANCE	UTILITIES INSTRUMENTATIO	ANNUAL METER CALIBRATIONS	1,040.00	
592-557.000-931.000			Total For Dept 557.000 WASTEWATER	11,632.09	
			Total For Fund 592 WATER & SEWER	62,081.35	

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INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON
POST DATES 03/13/2017 - 03/13/2017
JOURNALIZED
OPEN

Page: 6/6

CHECKS TO BE APPROVED 3/13/2017

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund Totals:					
			Fund 101 GENERAL FUND	21,459.90	
			Fund 202 MAJOR STREETS	5,630.11	
			Fund 203 LOCAL STREETS	1,016.22	
			Fund 592 WATER & SEWER	62,081.35	
			Total For All Funds:	90,187.58	

The above checks have been approved for payment.

Lisa Deaton, City Clerk/Treasurer

John Galeas, Jr., Mayor

03/07/2017 04:47 PM

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REVENUE REPORT FOR CITY OF SOUTH LYON

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PERIOD ENDING 02/28/2017

FINANCIAL REPORT FEBRUARY 2017

GL NUMBER	DESCRIPTION	2016-17		YTD BALANCE 02/28/2017 NORM (ABNORM)	ACTIVITY FOR MONTH 02/28/17 INCR (DECR)	AVAILABLE BALANCE NORM (ABNORM)	% BDCGT USED
		ORIGINAL BUDGET	AMENDED BUDGET				
Fund 101 - GENERAL FUND							
Revenues							
Dept 000.000		3,412,062.00	3,412,062.00	3,304,667.38	2,807.15	107,394.62	96.85
101-000.000-402.000	REAL PROPERTY TAX	920.00	920.00	1,151.50	97.00	(231.50)	125.16
101-000.000-423.000	SOUTH LYON WOODS TAX	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00
101-000.000-444.000	PAYMENT IN LIEU OF TAXES	7,500.00	7,500.00	9,378.16	529.53	(1,878.16)	125.04
101-000.000-446.000	PENALTIES AND INTEREST	150,000.00	150,000.00	97,591.70	22,584.45	52,408.30	65.06
101-000.000-451.000	BUILDING PERMITS	0.00	0.00	18,390.00	1,378.00	(18,390.00)	100.00
101-000.000-452.000	HEATING & PLUMB. REFG. PERMI	0.00	0.00	12,265.93	1,009.93	(12,265.93)	100.00
101-000.000-453.000	ELECTRICAL PERMITS	0.00	0.00	3,012.50	1,122.00	(3,012.50)	100.00
101-000.000-454.000	LICENSES & BUSINESS MISC.	946,168.00	946,168.00	622,295.81	0.00	323,872.19	65.77
101-000.000-570.000	STATE SHARED REV.	0.00	0.00	1,900.00	0.00	(1,900.00)	100.00
101-000.000-600.000	BOARD OF APPEALS	0.00	0.00	91,658.45	368.72	388.55	99.58
101-000.000-630.000	ADMIN FEE PROPERTY TAX	92,047.00	92,047.00	28,073.00	2,160.00	6,927.00	80.21
101-000.000-634.000	GRAVE OPENINGS & FOUNDATIONS	40,000.00	40,000.00	41,206.72	4,199.42	(1,206.72)	103.02
101-000.000-642.000	POLICE	2,500.00	2,500.00	550.00	70.00	1,950.00	22.00
101-000.000-661.000	PARKING VIOLATION	30,000.00	30,000.00	15,228.50	3,450.15	14,771.50	50.76
101-000.000-662.000	LOCAL COURT FINES	0.00	0.00	2,946.70	0.00	(2,946.70)	100.00
101-000.000-663.000	REFUND-(FOR COST OF ARREST)	7,000.00	7,000.00	2,561.12	440.13	4,438.88	36.59
101-000.000-664.000	INTEREST	0.00	0.00	284.58	43.21	(284.58)	100.00
101-000.000-664.200	PARK AND REC. INTEREST	0.00	0.00	286.55	63.18	(286.55)	100.00
101-000.000-666.000	INTEREST-EQUALIZ.& CONTINGENC	150,000.00	150,000.00	117,596.70	19,262.92	32,403.30	78.40
101-000.000-668.200	RENTS AND ROYALTIES-CABLE	40,000.00	40,000.00	27,349.28	6,477.24	12,650.72	68.37
101-000.000-668.300	LEASE--ANTENNA	8,800.00	8,800.00	6,096.24	762.03	2,703.76	69.28
101-000.000-668.400	RENTAL PROPERTIES	20,000.00	20,000.00	0.00	0.00	20,000.00	0.00
101-000.000-669.209	CONTRIBUTION-PERPETUAL CARE	0.00	38,683.00	38,298.05	0.00	384.95	99.00
101-000.000-673.000	SALES OF FIXED ASSETS	0.00	0.00	1,707.36	0.00	(1,707.36)	100.00
101-000.000-675.200	CONTRIBUTIONS-COOL YULE	4,100.00	4,100.00	918.00	0.00	3,182.00	22.39
101-000.000-675.600	CULTURAL ARTS REVENUES	20,000.00	20,000.00	0.00	0.00	20,000.00	0.00
101-000.000-694.300	PYMT. OF SIDEWALKS BY RESIDEN	100,000.00	73,000.00	68,545.65	1,574.61	4,454.35	93.90
101-000.000-698.000	MISCELLANEOUS	0.00	0.00	1,235.00	235.00	(1,235.00)	100.00
101-000.000-698.100	FIRE MISC.	0.00	0.00	1,973.12	0.00	(1,973.12)	100.00
101-000.000-698.800	GRANT MONIES-POLICE DEPT.	0.00	0.00	320.00	0.00	(320.00)	100.00
101-000.000-698.900	GRANT MONIES-CULTURAL ARTS	0.00	0.00				

PERIOD ENDING 02/28/2017

FINANCIAL REPORT FEBRUARY 2017

GL NUMBER	DESCRIPTION	2016-17		YTD BALANCE		ACTIVITY FOR		AVAILABLE		% BDT USED
		ORIGINAL BUDGET	AMENDED BUDGET	02/28/2017 NORM (ABNORM)	MONTH 02/28/17 INCR (DECR)	NORM (ABNORM)	BALANCE			
Fund 101 - GENERAL FUND										
200.000-ADMINISTRATION		1,272,460.00	1,275,460.00	813,264.54	37,471.99		462,195.46	63.76		
276.000-CEMETERY		101,325.00	101,325.00	63,534.81	235.46		37,790.19	62.70		
295.000-SENIOR TRANSPORTATION		73,920.00	73,920.00	43,120.00	6,160.00		30,800.00	58.33		
300.000-POLICE		2,542,278.00	2,536,778.00	1,553,628.56	60,395.10		983,149.44	61.24		
335.000-FIRE		464,750.00	460,750.00	311,674.48	22,507.74		149,075.52	67.65		
346.000-AMBULANCE		2,075.00	2,075.00	622.89	216.10		1,452.11	30.02		
440.000-DEPT. OF PUBLIC WORKS		877,203.00	875,703.00	503,929.20	58,138.81		371,773.80	57.55		
690.000-PARKS AND RECREATION		140,775.00	140,775.00	82,034.37	1,308.36		58,740.63	58.27		
732.000-HISTORICAL DEPOT		30,175.00	30,175.00	17,493.48	1,873.29		12,681.52	57.97		
800.000-CABLE COMMISSION		2,225.00	2,225.00	0.00	0.00		2,225.00	0.00		
802.000-CULTURAL ARTS		4,675.00	4,675.00	1,480.70	0.00		3,194.30	31.67		

Fund 101 - GENERAL FUND:
 TOTAL EXPENDITURES

5,511,861.00	5,503,861.00	3,390,783.03	188,306.85	2,113,077.97	61.61
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PERIOD ENDING 02/28/2017

FINANCIAL REPORT FEBRUARY 2017

GL NUMBER	DESCRIPTION	2016-17		YTD BALANCE 02/28/2017 NORM (ABNORM)	ACTIVITY FOR MONTH 02/28/17 INCR (DECR)		AVAILABLE BALANCE NORM (ABNORM)		% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET						
Fund 202 - MAJOR STREETS									
000.000		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
212.000-ACCOUNTANT		4,080.00	4,080.00	4,130.00	0.00	0.00	(50.00)	101.23	
451.000		41,000.00	41,000.00	21,300.45	0.00	0.00	19,699.55	51.95	
463.000-STREET-ROUTINE MAINT.		151,710.00	151,710.00	88,106.90	1,248.30	1,248.30	63,603.10	58.08	
474.000-TRAFFIC SERVICES		14,525.00	14,525.00	6,983.34	85.48	85.48	7,541.66	48.08	
478.000-SNOW PLOWING		87,500.00	87,500.00	40,222.98	10,268.69	10,268.69	47,277.02	45.97	
479.000-SNOW REMOVAL		3,700.00	3,700.00	1,881.14	0.00	0.00	1,818.86	50.84	
485.000-TRANSFER BETWEEN FUNDS		146,113.00	146,113.00	0.00	0.00	0.00	146,113.00	0.00	
491.000-STORM SEWER		9,805.00	9,805.00	4,026.46	0.00	0.00	5,778.54	41.07	
TOTAL EXPENDITURES		458,433.00	458,433.00	166,651.27	11,602.47		291,781.73	36.35	
Fund 202 - MAJOR STREETS:									
TOTAL EXPENDITURES		458,433.00	458,433.00	166,651.27	11,602.47		291,781.73	36.35	
Fund 203 - LOCAL STREETS									
000.000		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
212.000-ACCOUNTANT		4,100.00	4,100.00	4,130.00	0.00	0.00	(30.00)	100.73	
451.000		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
463.000-STREET-ROUTINE MAINT.		145,145.00	145,145.00	74,694.30	1,245.29	1,245.29	70,450.70	51.46	
474.000-TRAFFIC SERVICES		6,250.00	6,250.00	5,231.03	0.00	0.00	1,018.97	83.70	
478.000-SNOW PLOWING		71,900.00	71,900.00	35,396.77	10,268.67	10,268.67	36,503.23	49.23	
485.000-TRANSFER BETWEEN FUNDS		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
491.000-STORM SEWER		15,625.00	15,625.00	4,075.30	0.00	0.00	11,549.70	26.08	
TOTAL EXPENDITURES		243,020.00	243,020.00	123,527.40	11,513.96		119,492.60	50.83	
Fund 203 - LOCAL STREETS:									
TOTAL EXPENDITURES		243,020.00	243,020.00	123,527.40	11,513.96		119,492.60	50.83	

EXPENDITURE REPORT FOR CITY OF SOUTH LYON

PERIOD ENDING 02/28/2017

FINANCIAL REPORT FEBRUARY 2017

GL NUMBER	DESCRIPTION	2016-17		YTD BALANCE		ACTIVITY FOR		AVAILABLE		% BGD USED
		ORIGINAL BUDGET	2016-17 AMENDED BUDGET	02/28/2017 NORM (ABNORM)	MONTH 02/28/17 INCR (DECR)	NORM (ABNORM)	BALANCE			
Fund 592 - WATER & SEWER										
452.000		0.00	310,000.00	418,075.04	127,918.58	(108,075.04)		134.86		
540.000-WATER / REPAIR		144,831.00	144,831.00	41,567.93	101.43	103,263.07		28.70		
550.000-SEWER / REPAIR		146,850.00	146,850.00	46,822.94	2,086.63	100,027.06		31.88		
555.000-REFUSE COLLECTION		504,000.00	504,000.00	335,454.66	41,973.84	168,545.34		66.56		
556.000-WATER		967,897.00	967,897.00	587,488.88	171,500.47	380,408.12		60.70		
557.000-WASTEWATER		1,883,340.00	1,573,340.00	702,641.57	68,729.13	870,698.43		44.66		
TOTAL EXPENDITURES		3,646,918.00	3,646,918.00	2,132,051.02	412,310.08	1,514,866.98		58.46		
Fund 592 - WATER & SEWER:										
TOTAL EXPENDITURES		3,646,918.00	3,646,918.00	2,132,051.02	412,310.08	1,514,866.98		58.46		

February 2017 Payroll Report								
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
Administration								
Badarak, A.	18.7700	80.00		\$ 1,501.60	\$ -	\$ 4,675.50	\$ 6,177.10	Vac payout, Long & Ins Stip
Blaha, M.	14.5000	88.50		\$ 1,283.25	\$ -		\$ 1,283.25	
Ciarelli, J.	16.3700	84.00		\$ 1,375.08	\$ -		\$ 1,375.08	
Deaton, L.				\$ 4,863.46			\$ 4,863.46	
Donhue, R.				\$ 5,076.92			\$ 5,076.92	
Gotham, D.	16.7500	73.75		\$ 1,235.31	\$ -		\$ 1,235.31	
Ladner, L.				\$ 7,130.78			\$ 7,130.78	
Lanning, W.	10.7300	32.00		\$ 343.36			\$ 343.36	
Mosier, L.				\$ 4,525.30			\$ 4,525.30	
Judy Pieper	17.2800	160.00		\$ 2,764.80	\$ -		\$ 2,764.80	
TOTAL: Administration		518.25	0.00	\$ 30,099.86	\$ -	\$ 4,675.50	\$ 34,775.36	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
Cemetery								
Bjerke, Michael	11.7200			\$ -			\$ -	
Brannun, L.	11.7200			\$ -			\$ -	
Nicholls, William	11.7200			\$ -			\$ -	
Wauford, S.	11.7200			\$ -			\$ -	
Wedesky, J. W.	11.7200			\$ -			\$ -	
Williamson, N.	12.4600			\$ -			\$ -	
TOTAL: Cemetery		0.00	0.00	0.00	0.00	0.00	0.00	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
Police								
Baaki, D.	35.4018	160.00	4.00	\$ 5,664.29	\$ 217.03		\$ 5,881.31	
Baker, A.	32.6213	160.00	12.00	\$ 5,219.41	\$ 598.43		\$ 5,817.84	
Baker, J.	35.4018	160.00		\$ 5,664.29	\$ -		\$ 5,664.29	
Barbour, R.	32.6213	160.00		\$ 5,219.41	\$ -		\$ 5,219.41	
Brooks, T.	32.6213	160.00	7.00	\$ 5,219.41	\$ 350.60		\$ 5,570.01	
Collins, L.				\$ 7,198.52		\$ 482.49	\$ 7,681.01	Ins. Stipend
Faught, C.	35.4018	160.00		\$ 5,664.29	\$ -		\$ 5,664.29	
Garris, G.	17.0300			\$ -			\$ -	
Hoydic, S.	32.6213	160.00	11.00	\$ 5,219.41	\$ 550.94		\$ 5,770.35	
Kretlin, F.	17.0300	19.00		\$ 323.57			\$ 323.57	
LaChance, J.	10.0000	80.00		\$ 800.00			\$ 800.00	
Lambi, A.	11.3000	84.50		\$ 954.85			\$ 954.85	
Laraway, P.	17.0300	18.00		\$ 306.54			\$ 306.54	
Ley, K.	17.0300	19.00		\$ 323.57			\$ 323.57	
Raap, T.	32.6213	160.00		\$ 5,219.41	\$ -		\$ 5,219.41	
Regentik, C.	18.7700	160.00		\$ 3,003.20	\$ -	\$ 482.49	\$ 3,485.69	Ins. Stipend
Sederlund, C.	35.4018	164.00	5.00	\$ 5,805.90	\$ 271.28		\$ 6,077.18	
Sovik, C.	37.7086	160.00	2.00	\$ 6,033.38	\$ 115.43		\$ 6,148.81	
Sroufe, T.	32.6213	160.00		\$ 5,219.41	\$ -	\$ 482.49	\$ 5,701.90	Ins. Stipend
Stevens, T.	32.6213	160.00		\$ 5,219.41	\$ -	\$ 1,300.00	\$ 6,519.41	Longevity
Tomanek, J.	32.6213	160.00	4.00	\$ 5,219.41	\$ 199.48		\$ 5,418.89	
Walton, T.	32.6213	160.00		\$ 5,219.41	\$ -		\$ 5,219.41	
Wilcox, W.	12.1400	21.00		\$ 254.94	\$ -		\$ 254.94	
Wilcox, W.	17.0300	19.00		\$ 323.57	\$ -		\$ 323.57	
Wittrock, M.	32.6213	160.00	2.00	\$ 5,219.41	\$ 99.31		\$ 5,318.71	
Total: Police		2824.50	47.00	\$ 94,514.98	\$ 2,402.51	\$ 2,747.47	\$ 99,664.95	

Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
Fire								
Armstrong, C.	21.7400	50.00		\$ 1,087.00			\$ 1,087.00	
Bach, R.	14.8800	47.75		\$ 710.52			\$ 710.52	
Boisvert, R.	20.6000	37.75		\$ 777.65			\$ 777.65	
Carlington, L.	17.1700	22.50		\$ 386.33			\$ 386.33	
Carlington, R.	18.1900	10.50		\$ 191.00			\$ 191.00	
Conrad, C.	16.0200	140.25		\$ 2,246.81			\$ 2,246.81	
Dobrick, Zach	8.9000	14.50		\$ 129.05			\$ 129.05	
Dziurgot, A.	8.9000	36.75		\$ 327.08			\$ 327.08	
Gearns-Hazlett, J.	20.6000	2.00		\$ 41.20			\$ 41.20	
Good, Alexander	14.8800	34.00		\$ 505.92			\$ 505.92	
Kennedy, M.				\$ 2,773.08			\$ 2,773.08	
Laitinen, Daniel	8.6700	24.75		\$ 214.58			\$ 214.58	
McGillen, T.	17.1700	18.25		\$ 313.35			\$ 313.35	
McGowan, Cain	8.9000	21.75		\$ 193.58			\$ 193.58	
Moynihan, B.	20.6000	85.25		\$ 1,756.15			\$ 1,756.15	
Noechel, J.	20.6000	88.75		\$ 1,828.25			\$ 1,828.25	
Olando, Michael	16.0200	130.00		\$ 2,082.60			\$ 2,082.60	
Pierson, Lee	14.8800	12.25		\$ 182.28			\$ 182.28	
Salna, E.	8.9000	12.00		\$ 106.80			\$ 106.80	
Sherrill, Cody	14.8800	17.75		\$ 264.12			\$ 264.12	
Shippe, S.	18.1900	46.00		\$ 836.74			\$ 836.74	
Tooman, Brittany	9.6900	21.00		\$ 203.49			\$ 203.49	
Ulrich, C.	17.1700	12.75		\$ 218.92			\$ 218.92	
Vliet, A.	8.9000	12.00		\$ 106.80			\$ 106.80	
Weir, M.	22.8900	67.75		\$ 1,550.80			\$ 1,550.80	
Wilson, T.	20.6000	44.75		\$ 921.85			\$ 921.85	
Total: Fire		1011.00		\$ 19,955.93		\$ -	\$ 19,955.93	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
D.P.W.								
Abramowicz, J.	19.4600	160.00	6.5	\$ 3,113.60	\$ 189.74		\$ 3,303.34	
Archey, Je.	23.5000	160.00	16.00	\$ 3,760.00	\$ 572.00	\$ 280.00	\$ 4,612.00	On-call
Brock, R.	25.0300	160.00	0.50	\$ 4,004.80	\$ 19.24		\$ 4,024.04	
Buers, D.	23.2800	160.00	3.50	\$ 3,724.80	\$ 126.25		\$ 3,851.05	
Dental, F.	20.6600	160.00	26.00	\$ 3,305.60	\$ 805.74	\$ 360.00	\$ 4,471.34	On-call
Jamison, M.	18.7700	160.00		\$ 3,003.20	\$ -	\$ 1,300.00	\$ 4,303.20	Longevity
Moritz, M.	21.9000	160.00	4.00	\$ 3,504.00	\$ 134.28		\$ 3,638.28	
Paver, V.	21.5000	160.00	3.50	\$ 3,440.00	\$ 114.63	\$ 280.00	\$ 3,834.63	On-call
Plasecki, T.	21.5000	160.00	15.50	\$ 3,440.00	\$ 507.63	\$ 200.00	\$ 4,147.63	On-call
Race, J.	18.6600	160.00	16.50	\$ 2,985.60	\$ 461.84		\$ 3,447.44	
Valencia, A.	18.2600	160.00	3.00	\$ 2,921.60	\$ 82.17		\$ 3,003.77	
Total: D.P.W.		1,760.00	95.00	\$ 37,203.20	\$ 3,013.50	\$ 2,420.00	\$ 42,636.70	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
W. & W.W.								
Archey, Ju.	18.7700	160		\$ 3,003.20	\$ -	\$ 1,600.00	\$ 4,603.20	Longevity
Armstrong, C.	19.3100	160	6.00	\$ 3,089.60	\$ 173.79	\$ 320.00	\$ 3,583.39	On-call
Beason, R.	27.1500	160	6.00	\$ 4,344.00	\$ 251.28	\$ 280.00	\$ 4,875.28	On-call
Blankstrom, D.	17.3900	160	3.00	\$ 2,782.40	\$ 78.26	\$ 280.00	\$ 3,140.66	On-call
Ciaramitaro, J.	25.5600	160		\$ 4,089.60	\$ -		\$ 4,089.60	
Erdmann, Kevin	19.3100	160	9.00	\$ 3,089.60	\$ 260.69	\$ 320.00	\$ 3,670.29	On-call
Gehringer, D.	24.9600	160	3.00	\$ 3,993.60	\$ 113.82		\$ 4,107.42	
Martin, R.				\$ 6,728.24	\$ -		\$ 6,728.24	
Popravsky, P.	20.8200	160		\$ 3,331.20	\$ -	\$ 1,600.00	\$ 4,931.20	Longevity
Sahl, L.	10.5100			\$ -	\$ -		\$ -	
Total: W. & W.W.		1280.00	27.00	\$ 34,451.44	\$ 877.83	\$ 4,400.00	\$ 39,729.27	
Grand Total		7,393.75	169.00	\$ 216,225.40	\$ 6,293.83	\$ 14,242.97	\$ 236,762.21	



South Lyon – Wastewater Treatment Plant: Executive Summary

Based on the total available ground space, we are proposing a single axis tracking ground mount consisting of 976 panels for a total of 326.96 kW (DC). These areas were designated as suitable for solar because they experience the least amount of shading. Based on the site conditions and weather patterns for the area, the system is estimated to produce 449,562 kWh annually. Therefore, the purchase of this solar array is expected to reduce your electric use by 22%. (kWh)

In Michigan, investor-owned utilities (DTE & Consumer's Energy) only accommodate net-metering for customer self generation up to 150 kW. In order to build a solar PV system larger than this, it must be a no-flow system that does not ever need to export energy to the grid. Typically, this means that the system's annual generation cannot exceed 60% of the location's annual consumption. Wastewater treatment plants are good candidates for this type of renewable energy system because they have a large, consistent and steady annual consumption pattern.

This system is listed at a contract price of \$685,000. If financed through an ESA/LPA model (see Estimated Term Sheet) there is an approximate 5-year ROI. We anticipate \$1,211,137 in savings over the life of the lease. The solar system will not only reduce your electric expenditure, but also provide positive public relations by reducing your carbon footprint. Please see the next page.



Superior Renewable Solutions LLC

Carbon Footprint

Your carbon footprint will be reduced. Over the life of your system 9,212 tons of carbon dioxide (CO₂) will be eliminated from your footprint. Equivalent to:



Planting 214,640 trees.



Driving reduced by 18,424,000 auto miles, or 939,624 gallons of gasoline.



Recycling 29,110 tons of waste instead of sending it to landfill.



Displacing CO₂ emissions from the annual electric use of 1,044 homes.



8,976,370 pounds (4,488.2 tons) of coal burned.



and you will help avoid the use of up to
224,681,500 gallons of water by Thermoelectric Powerplants.

Design 1 South Lyon Wastewater, 23500 Dixboro Rd., South Lyon

Report

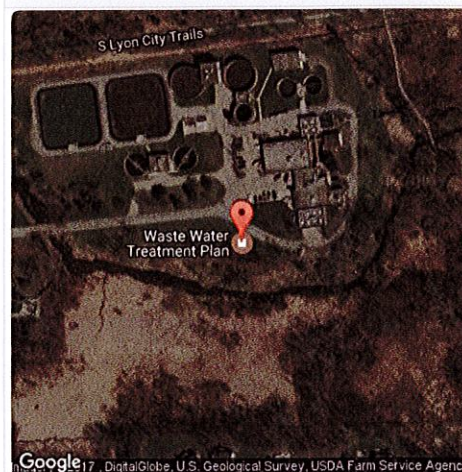
Project Name South Lyon Wastewater
Project Address 23500 Dixboro Rd., South Lyon
Prepared By Kevin Moore
 kevin@midwestwindandsolar.com



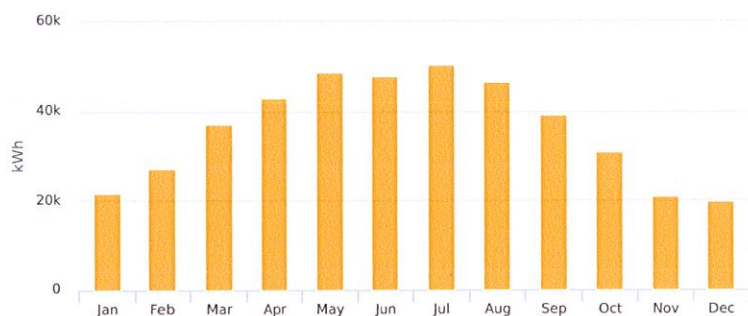
System Metrics

Design Design 1
Module DC Nameplate 327.0 kW
Inverter AC Nameplate 288.0 kW
 Load Ratio: 1.14
Annual Production 433.6 MWh
Performance Ratio 80.2%
kWh/kWp 1,326.3
Weather Dataset TMY, 10km Grid (42.45,-83.65), NREL (prospector)
Simulator Version 952ddcaa14-b9052dabfb-dbabae0d26-6c14c1f35e

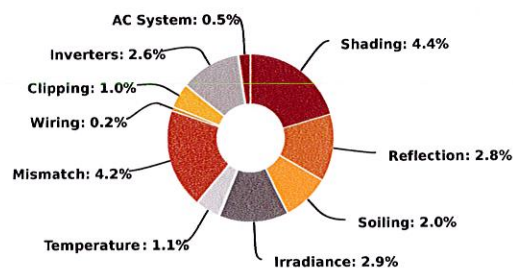
Project Location



Monthly Production



Sources of System Loss



Annual Production

	Description	Output	% Delta
Irradiance (kWh/m ²)	Annual Global Horizontal Irradiance	1,426.7	
	POA Irradiance	1,653.4	15.9%
	Shaded Irradiance	1,580.1	-4.4%
	Irradiance after Reflection	1,535.7	-2.8%
	Irradiance after Soiling	1,505.0	-2.0%
	Total Collector Irradiance	1,505.0	0.0%
Energy (kWh)	Nameplate	491,849.6	
	Output at Irradiance Levels	477,503.1	-2.9%
	Output at Cell Temperature Derate	472,405.5	-1.1%
	Output After Mismatch	452,682.4	-4.2%
	Optimal DC Output	451,924.8	-0.2%
	Constrained DC Output	447,260.8	-1.0%
	Inverter Output	435,823.0	-2.6%
	Energy to Grid	433,644.0	-0.5%
Temperature Metrics			
	Avg. Operating Ambient Temp		11.5 °C
	Avg. Operating Cell Temp		19.1 °C
Simulation Metrics			
	Operating Hours	4634	
	Solved Hours	4634	

Condition Set

Description	Condition Set 1											
Weather Dataset	TMY, 10km Grid (42.45,-83.65), NREL (prospector)											
Solar Angle Location	Meteo Lat/Lng											
Transposition Model	Perez Model											
Temperature Model	Sandia Model											
Temperature Model Parameters	Rack Type	a	b	Temperature Delta								
	Fixed Tilt	-3.56	-0.075	3°C								
	Flush Mount	-2.81	-0.0455	0°C								
Soiling (%)	J	F	M	A	M	J	J	A	S	O	N	D
	2	2	2	2	2	2	2	2	2	2	2	2
Irradiation Variance	5%											
Cell Temperature Spread	4° C											
Module Binning Range	-2.5% to 2.5%											
AC System Derate	0.50%											
Module Characterizations	Module						Characterization					
	Q.PLUS L-G4 335 (Hanwha Q Cells)						Default Characterization, PAN					
Component Characterizations	Device						Characterization					
	Symo 24.0-3-480 (2014) (Fronius)						Mfg Specs					

Components

Component	Name	Count
Inverters	Symo 24.0-3-480 (2014) (Fronius)	12 (288.0 kW)
Home Runs	500 MCM (Copper)	2 (51.5 ft)
Combiners	1 input Combiner	2
Combiners	6 input Combiner	2
Strings	10 AWG (Copper)	61 (5,148.2 ft)
Modules	Hanwha Q Cells, Q.PLUS L-G4 335 (335W)	976 (327.0 kW)

Wiring Zones

Description	Combiner Poles	String Size	Stringing Strategy
Wiring Zone	12	16-16	Along Racking
Wiring Zone 2	12	16-16	Along Racking
Wiring Zone 3	12	16-16	Along Racking
Wiring Zone 4	12	16-16	Along Racking

Field Segments

Description	Racking	Orientation	Tilt	Azimuth	Intrarow Spacing	Frame Size	Frames	Modules	Power
Field Segment 1	Fixed Tilt	Vertical (Portrait)	30°	180°	16.3 ft	2x1	144	288	96.5 kW
Field Segment 2	Fixed Tilt	Vertical (Portrait)	30°	180°	16.3 ft	2x1	152	304	101.8 kW
Field Segment 3	Fixed Tilt	Vertical (Portrait)	30°	173.019°	16.3 ft	2x1	96	192	64.3 kW
Field Segment 4	Fixed Tilt	Vertical (Portrait)	30°	173.66°	16.3 ft	2x1	96	192	64.3 kW

Detailed Layout





Superior Renewable Solutions LLC

Estimated Term Sheet

Date: 01.01.2017
Project Name: South Lyon
Project Address: Michigan
System Size: 327 kW
Mounting Type: Ground
Proposal: 1

This table is an *estimate and summary* of the financial terms for this unique project. Final payment amounts and any subsequent Interest Rate decisions will be determined by contract holder based on End User/Off-Taker's; credit report valuation, most current financial and tax returns, estimated net worth, and other means to determine Credit Worthiness. The customer's payments will begin on the first day of the month following the completion and commissioning of system. Specific schedule of installation is determined through mutual agreement by the installer of record and the customer. A 25-year model is used to accurately reflect the actual warranted and useful life of the renewable energy equipment installed.

Energy Service Agreement

Financing Type:	ESA/LPA
Lease Contract Term Years:	7
Anticipated AC kWhrs Output 1Yr:	449562
Monthly System Lease:	\$ 3,949.00
25 Yr Cost:	\$ 473,880.00

AC Grid Energy

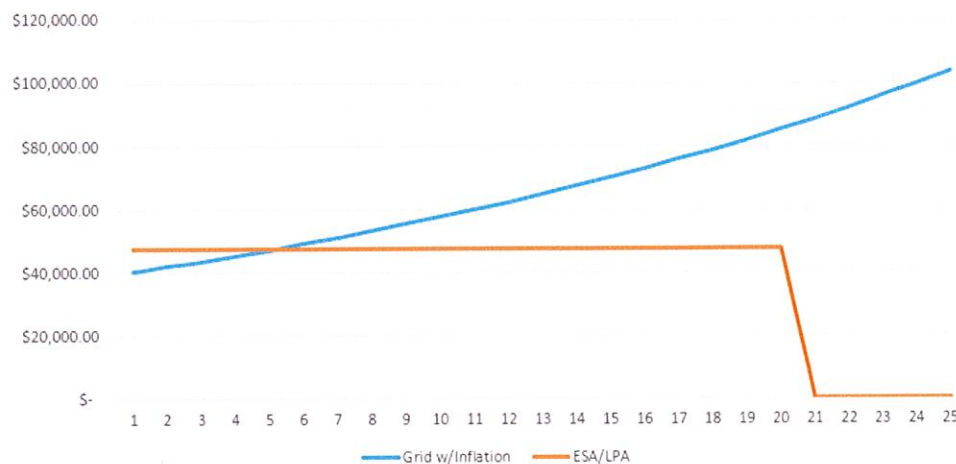
Grid Retail Rate \$/kWhr	\$ 0.09
Avg Grid Retail Inflation:	4.00%
Equal Grid w Whrs Consumption 1Yr:	449562
Current Monthly Grid Cost:	\$ 3,371.72
25 Yr Cost:	\$ 1,685,017.60

Grid w/Inflation ESA/LPA

1	\$ 40,460.58	\$ 47,388.00
2	\$ 42,079.00	\$ 47,388.00
3	\$ 43,762.16	\$ 47,388.00
4	\$ 45,512.65	\$ 47,388.00
5	\$ 47,333.16	\$ 47,388.00
6	\$ 49,226.48	\$ 47,388.00
7	\$ 51,195.54	\$ 47,388.00
8	\$ 53,243.36	\$ 47,388.00
9	\$ 55,373.10	\$ 47,388.00
10	\$ 57,588.02	\$ 47,388.00
11	\$ 59,891.54	\$ 47,388.00
12	\$ 62,287.20	\$ 47,388.00
13	\$ 64,778.69	\$ 47,388.00
14	\$ 67,369.84	\$ 47,388.00
15	\$ 70,064.63	\$ 47,388.00
16	\$ 72,867.22	\$ 47,388.00
17	\$ 75,781.91	\$ 47,388.00
18	\$ 78,813.18	\$ 47,388.00
19	\$ 81,965.71	\$ 47,388.00
20	\$ 85,244.34	\$ 47,388.00
21	\$ 88,654.11	\$ -
22	\$ 92,200.28	\$ -
23	\$ 95,888.29	\$ -
24	\$ 99,723.82	\$ -
25	\$ 103,712.77	\$ -
\$ 1,685,017.60		\$ 473,880.00

Lifetime lease savings of: **\$1,211,137.60**

Grid with Inflation v. LPA



The signing parties acknowledge receipt of this Estimated Term Sheet and understands it is a viable but non-binding estimate based on initial date provided by the EPC. Final approval & terms may be impacted by the End-User's credit worthiness and actual credit rating. Final costs and payments will only be determined after the due diligence documentation evaluation and outlined within the body of the Leasing Agreement. This Estimated Term Sheet is valid for fourteen days from date.

The following documentation will be required for commercial off-takers by our underwriters:

- ✓ Form-4: Credit Application signed by ALL OWNERS or END USER (*answering all questions*)
- ✓ Three most recent Fiscal-Year-End Corporate Tax Returns (ALL PAGES, including copy of Tax Extension paperwork if most recent year not available)
- ✓ Three years Audited Financial Statements
- ✓ Current YTD Financial Statements
- ✓ Three most recent monthly Bank Statements (complete statements, all pages)
- ✓ Three years Personal Tax Returns for All Owners (C corporate exempt)
- ✓ Schedule of Debts

The approval process begins once all necessary due diligence documentation listed above are received constituting a complete financial package

End User/Off Taker: _____ Signature: _____ Date: _____

SRS Financial Manager: _____ Signature: _____ Date: _____

AGENDA NOTE

MEETING DATE: March 13, 2017

PERSON PLACING ITEM ON AGENDA: City Attorney

AGENDA TOPIC:

- 1) Consider approval of License Agreement for Access to and Use of Right-of-Way for DAS antennas, support structures, and equipment with Fiber Technologies Networks, LLC (Fibertech); and
- 2) Consider approval of License Agreement for Access to and Use of Right-of-Way for DAS antennas, support structures and equipment as a general form for use with other telecommunications providers.

EXPLANATION OF TOPIC:

Fiber Technologies Networks, LLC (Fibertech) holds a METRO Act permit from the City for the use of the city right of way for telecommunications facilities. Fibertech wants to expand its facilities in the City to include DAS facilities (antennas, support structures and equipment) which are not covered by the State METRO Act and METRO permits.

A separate form of City authorization for access to and use of the City right of way is needed for DAS facilities. The City Attorney has provided the attached License Agreement for Access to and Use of Right-of-Way (License Agreement) with Fibertech. The License Agreement is consistent with Chapter 82, Division 2 of the City's Code of Ordinances relating to the City's authority over city rights of way.

The License Agreement is based on the METRO Act permit to the extent applicable (term, access to and use of right of way, maintenance, relocation, identification, indemnification, insurance, term, bond, removal, assignment, etc) and was negotiated with Fibertech.

Fibertech proposes to install three (3) DAS nodes on three existing DTE poles. The locations are shown on the location map in Exhibit A. For one node (Node 186), Fibertech will be replacing the existing pole with a 45 foot pole. Council should review and determine whether the proposed height for those nodes is acceptable.

The details regarding the nodes, including the location, existing pole, antenna, equipment, photographs and photographic simulation of the appearance of the proposed nodes are contained in the Exhibit B specifications and drawings. Fibertech is limited to constructing and erecting the DAS equipment in compliance with the specifications and drawings.

The License Agreement allows Fibertech to request modifications to address changes or for additional nodes on existing or new poles or structures. For any future new poles, Fibertech would be required to show that there are no alternative existing poles. (Section 2).

Exhibit D contains the schedule of annual fees for locating antennas, supporting structures and equipment in the right of way. The License Agreement contains a provision for prop-rating the initial annual fee based on the completion of the installation of the node equipment. There is no fee if Fibertech locates a node on an existing pole because Fibertech already pays the pole-owner a fee, and it does not agree to pay the City an additional fee for locating on an existing pole where there is no increased cost to the City. Eliminating a fee for locating on an existing pole encourages Fibertech to located on existing poles.

Note, the City could make city-owned poles available, but it is not required to do so. If Fibertech and the City were to agree to nodes being located on city-owned poles (such as downtown decorative light poles), then an additional contract for that use would need to be approved by Council which is stated in Exhibit D. If the City does not want to consider allowing the use of city-owned poles now or in the future, then the motion should be conditioned on removal of those references in Exhibit D.

Fibertech will be required to apply for and obtain Right of Way permits for construction as well, and the License Agreement does not waive any zoning or other needed approvals.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

- Proposed License Agreement

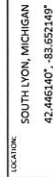
POSSIBLE COURSES OF ACTION: approve/reject/postpone

RECOMMENDATION:

1. Approve License Agreement with Fiber Technologies Networks, LLC (Fibertech)
2. Approve License Agreement for Access to and Use of Right-of-Way for DAS antennas, support structures and equipment as a general form for use with other telecommunications providers. This motion does not approve any information specific to Fibertech, or Exhibit A location map, Exhibit B specifications, Exhibit C bond, or Exhibit D fee schedule to the License Agreement.

SUGGESTED MOTIONS:

1. Approve License Agreement for Access to and Use of Right-of-Way for DAS antennas, support structures and equipment with Fiber Technologies Networks, LLC (Fibertech), as presented, and authorize the City Manager to sign it on behalf of the City subject to and conditioned on the following:
 - a. Approval of the plans and specifications for each of the three (3) DAS nodes described in Exhibit B to the License Agreement by the City Engineer.
 - b. The overall height of any new poles and antennas shall be strictly limited to 51.0' above ground level [height limit in feet and inches], and the overall height of any replacement poles shall be strictly limited to 51.0' above ground level [height limit in feet and inches], including the antenna or other equipment.
 - c. All other required City reviews, permits, or approvals being obtained.
 - d. All approvals from other governmental agencies being obtained.
2. Approve the License Agreement for Access to and Use of Right-of-Way for DAS antennas, support structures and equipment as a general form for use with other telecommunication providers.



NOTES:



PREPARED BY:

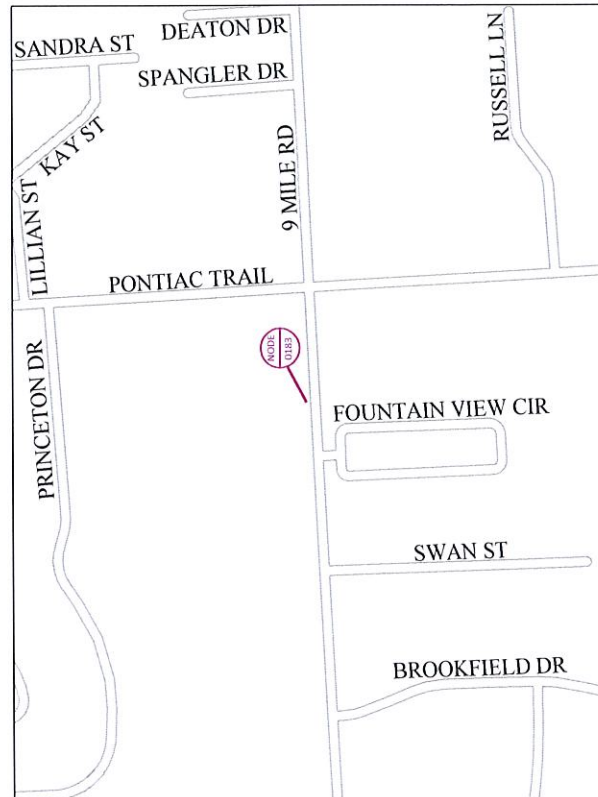
UC SYNERGETIC
Innovative Thinking. Engineered Solutions.
21 OXFORD RD
MASSFIELD, MA 02048
1-508-337-7600
www.ucsynerg.com

FIBERTECH DAS
LOCATION MAPS

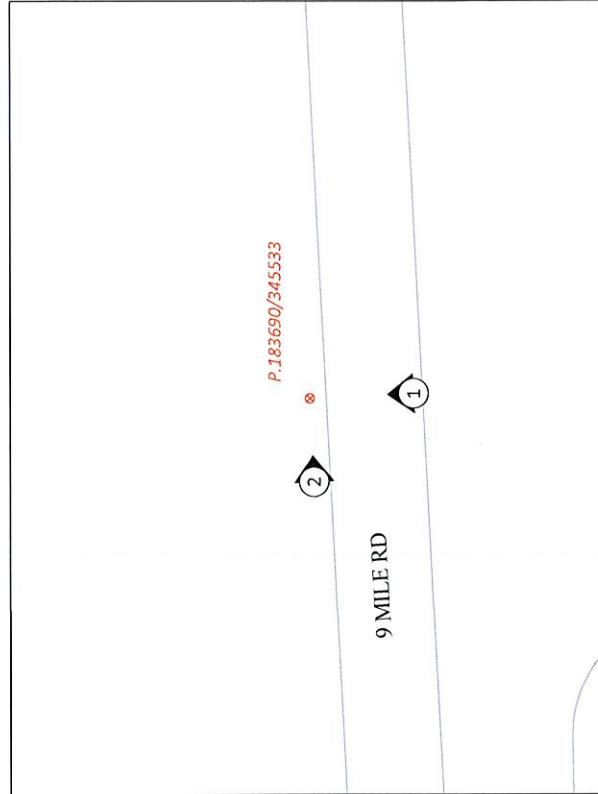
REVIEWS		DATE
REV	DESCRIPTION	

1

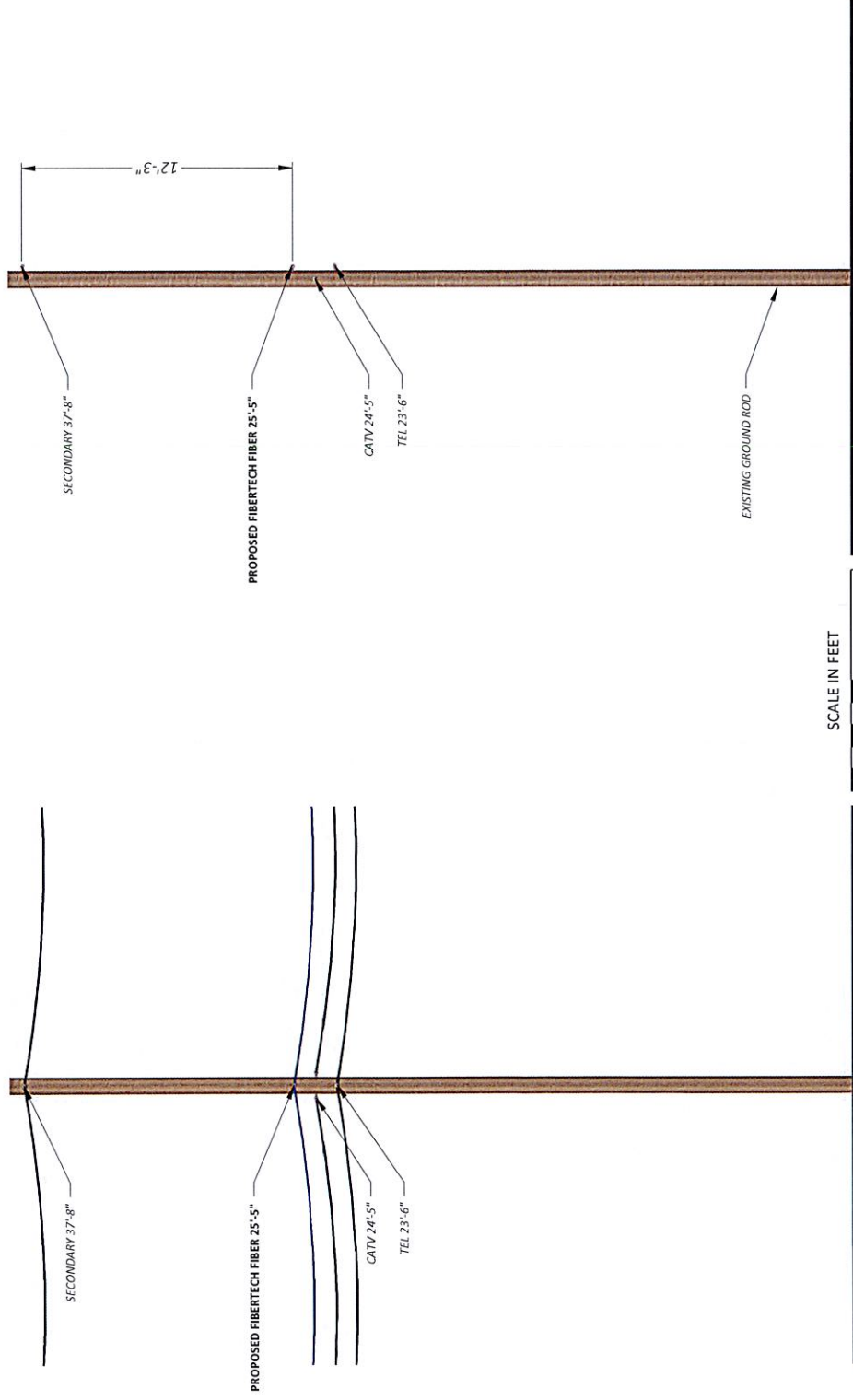
DRAFT:	WIP
SCALE:	AS NOTED
ISSUE DATE:	09/24/15
PROJECT NAME:	SC-M-1033
SHEET #:	1 OF 12



LOCATION MAP
LAT: 42.446140° LONG: -83.652149°
1" = 500'



NODE PLACEMENT
1" = 50'



LOCATION: SOUTH LYON, MICHIGAN
42.446340°, -83.652149°

NOTES:

PREPARED FOR:

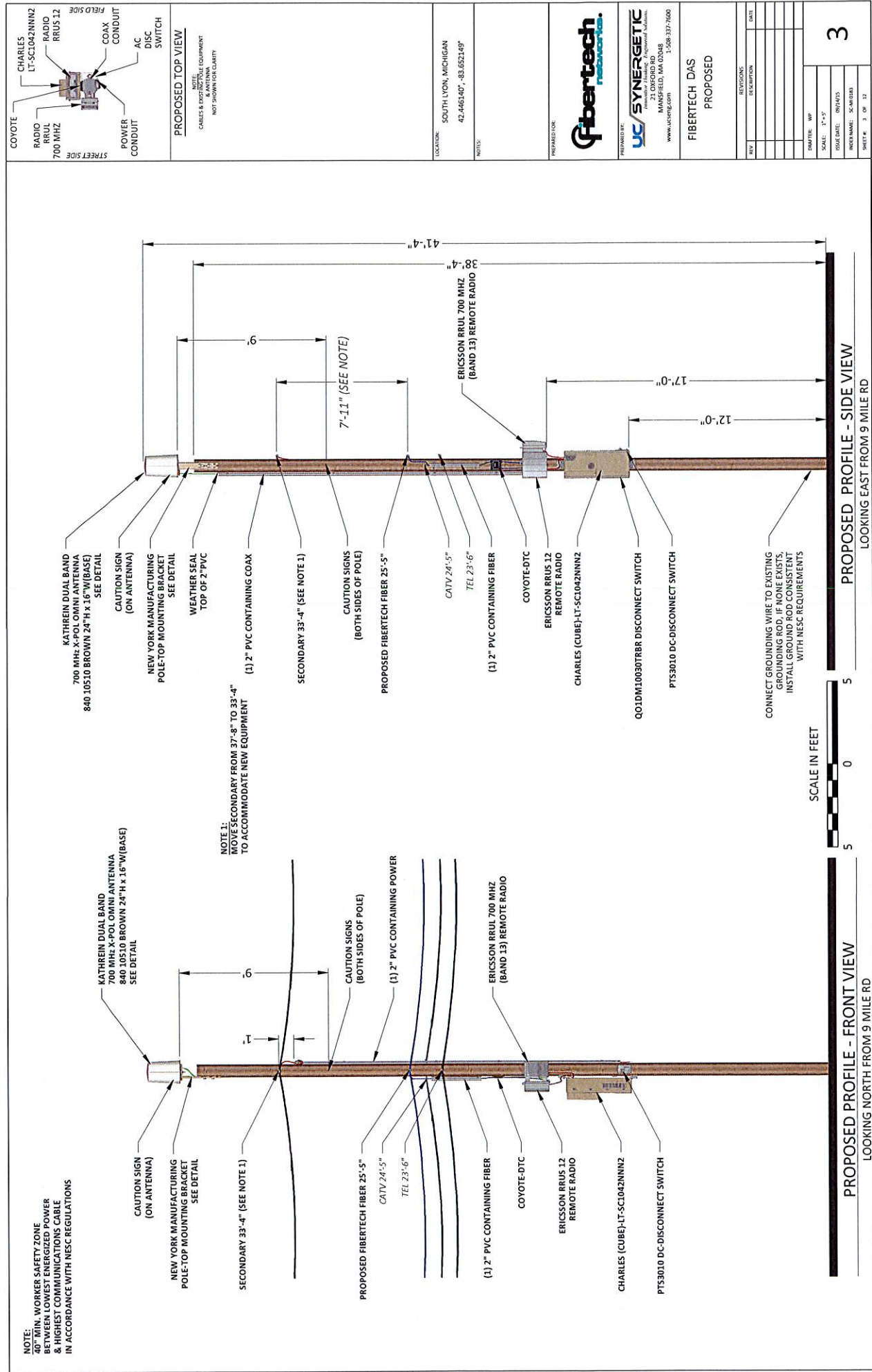


PREPARED BY:
UC/ SYNERGETIC
Infrastructure Engineering & Construction
3100 OAKWOOD RD
MANSHFIELD, MA 02048
www.ucsynerg.com 1-508-337-7600

FIBERTECH DAS
EXISTING

REV	DESCRIPTION	DATE

DRAWN BY: WFP
SCALE: 1"=5'
ISSUE DATE: 09/14/15
PROJECT NAME: SC-MR-003
SHEET # 2 OF 22

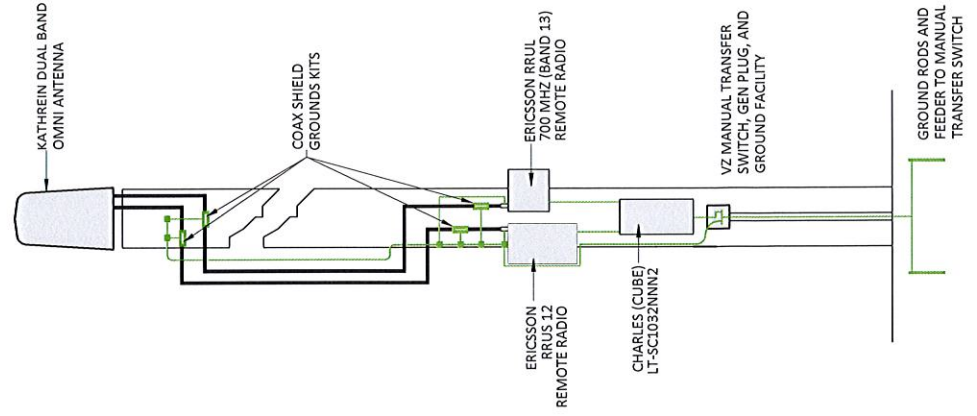




A photograph of a utility pole with multiple cross-arms and wires, set against a cloudy sky. The pole is positioned in the foreground, with trees and a road visible in the background.

TYPICAL GROUNDING DIAGRAM

NOT TO SCALE

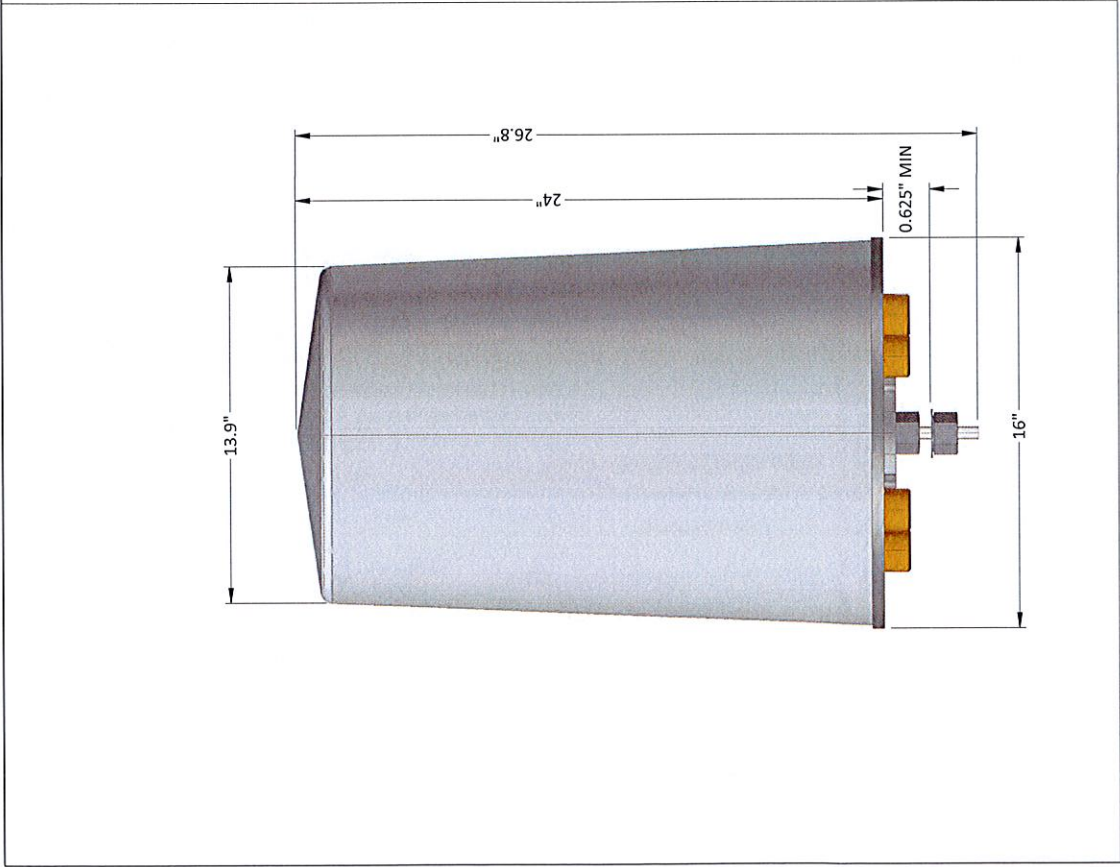


TYPICAL GROUNDING DIAGRAM

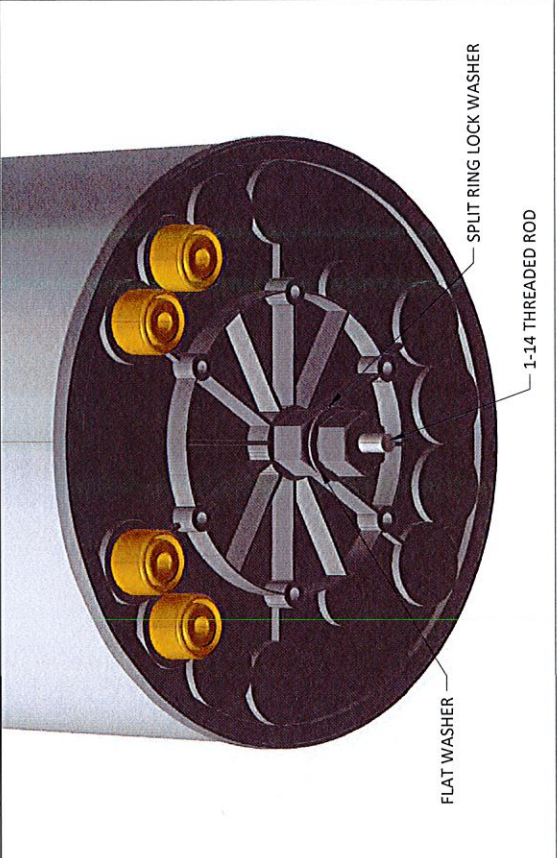
NOT TO SCALE

**FIBERTECH DAS
SIGNAGE/ PHOTO SIM/
WIRING DIAGRAM**

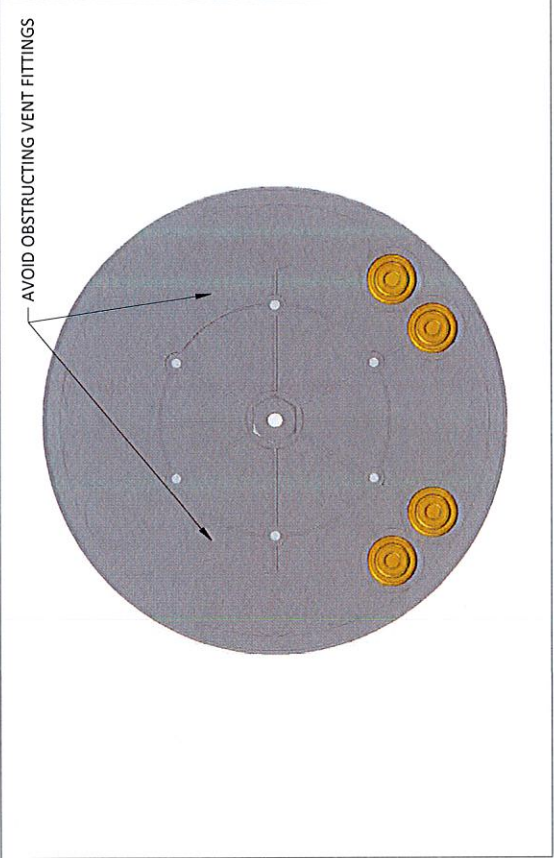
REVISIONS		4
REV	DESCRIPTION	
DRAWING: WP		4
SCALE: NTS		
ISSUE DATE: 09/14/15		
INCHES NAME: SC-M-01B3		
SHEET # 4 OF 12		



KATHREIN SCALA 700 MHz DUAL BAND OMNI ANTENNA
SIDE VIEW



KATHREIN SCALA 700 MHz DUAL BAND OMNI ANTENNA
ISOMETRIC VIEW



KATHREIN SCALA 700 MHz DUAL BAND OMNI ANTENNA
BOTTOM VIEW

LOCATION: SOUTH LYON, MICHIGAN

MATERIAL:

PREPARED FOR:
Fibertech
FIBERTECH INC.

PREPARED BY:
UC/ SYNERGETIC
UNIVERSITY OF CALIFORNIA, SYNERGETIC
21 OXFORD RD
MANSHFIELD, MA 02048
www.uc-syng.com 1-508-337-7600

FIBERTECH DAS
KATHREIN OMNI
ANTENNA DETAIL

REVISIONS	
REV	DESCRIPTION

DATE:

DESIGNED BY:

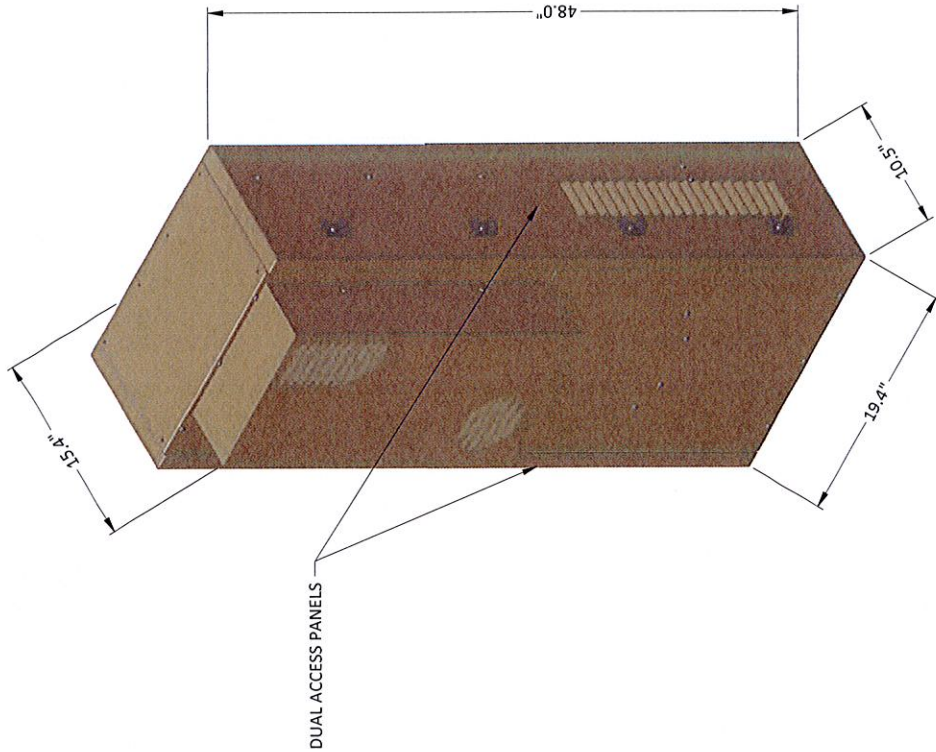
SCALE: NTS

ISSUE DATE: 09/14/15

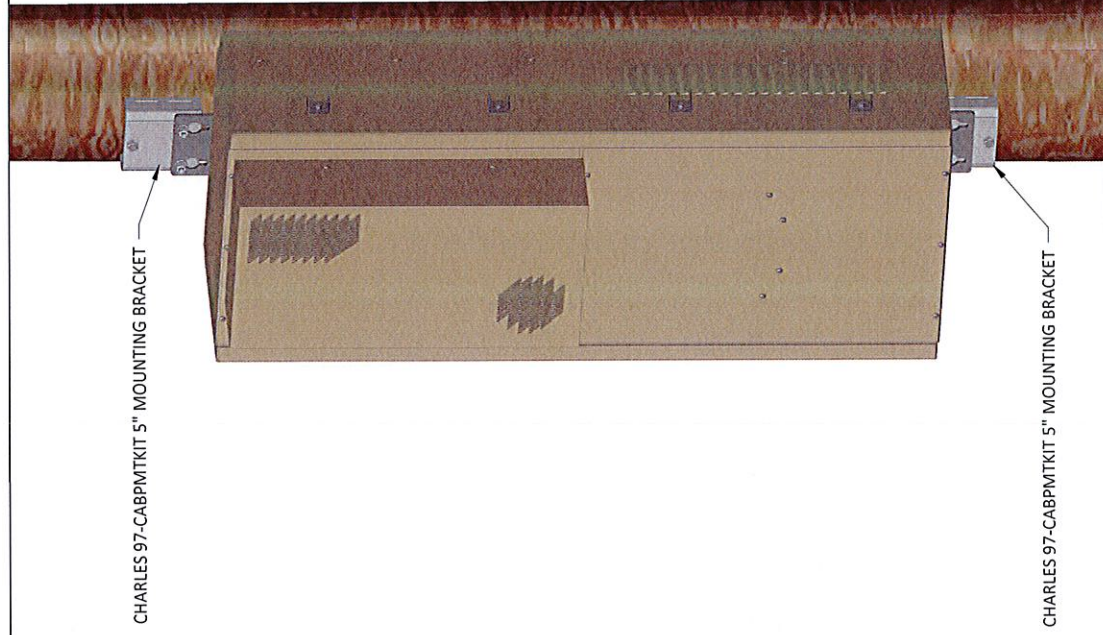
REVISED NAME: SC-MR-03A

SHEET # 6 OF 12

6

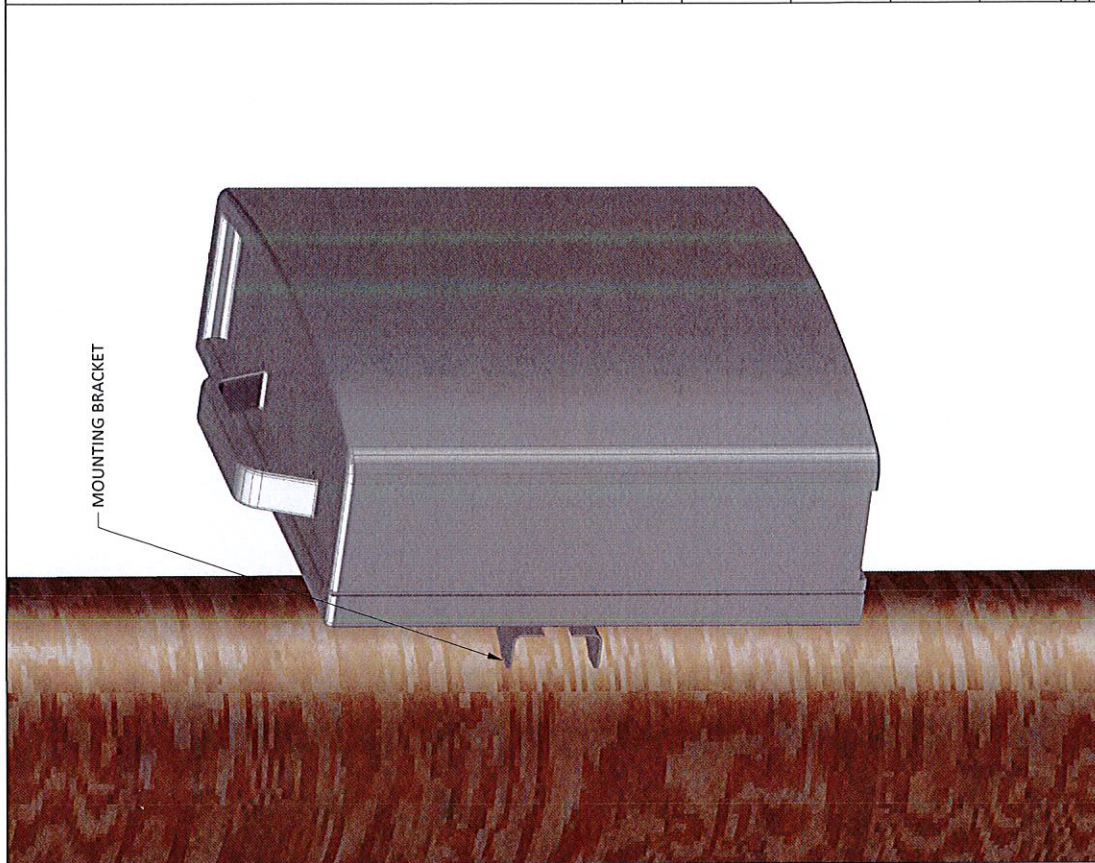
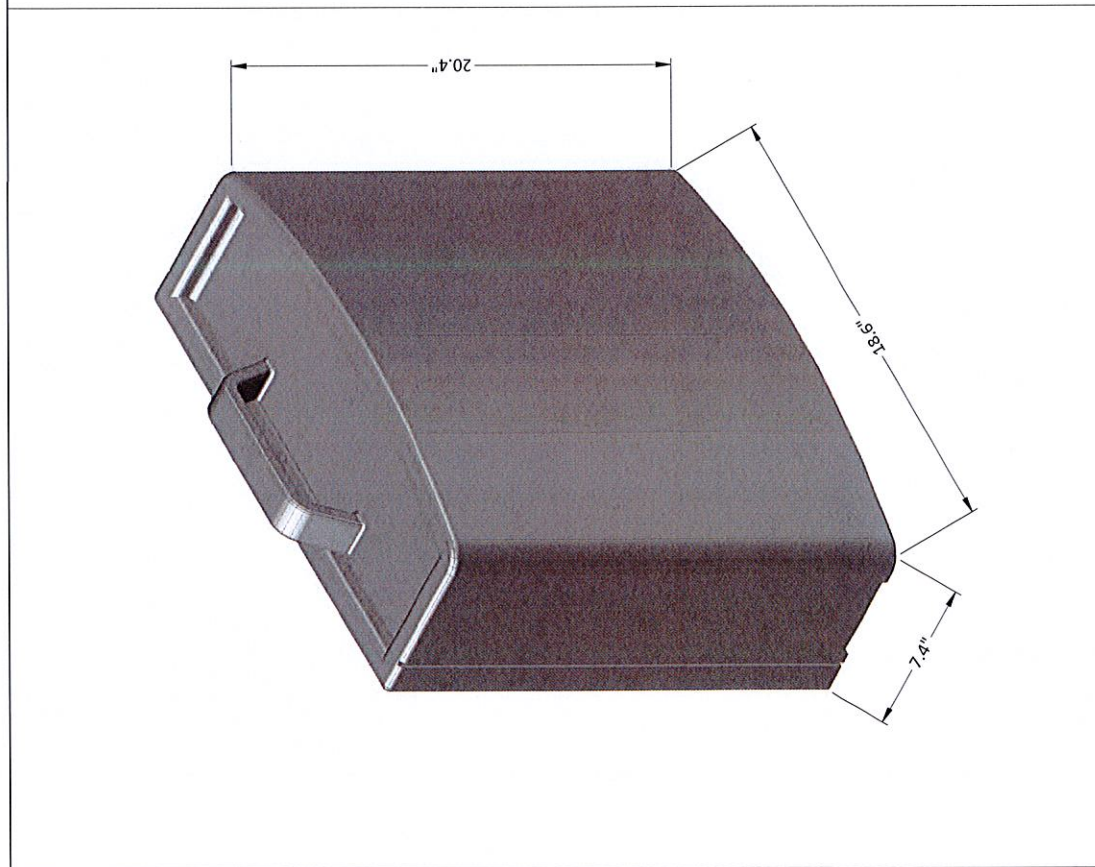


CHARLES UNIVERSAL BROADBAND ENCLOSURE (CUBE) LT-SC1042NNN2
ISOMETRIC VIEW




CHARLES UNIVERSAL BROADBAND ENCLOSURE (CUBE) LT-SC1042NNN2
WITH MOUNTING BRACKETS
CONCEPTUAL VIEW

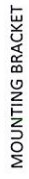
LOCATION: SOUTH LYON, MICHIGAN		PROJECT: FIBERTECH	
NOTES:		FIBERTECH DAS	
PREPARED BY:		CHARLES (CUBE)	
FIBERTECH		LT-SC1042NNN2	
SYNERGETIC		RESPONSES:	
21 OXFORD RD		REV	
MANSFIELD, MA 02048		DESCRIPTION	
1-508-337-7600		DATE	
www.ucstring.com		DRAWN BY	
FIBERTECH DAS		SCALE: NTS	
CHARLES (CUBE)		ISSUE DATE: 08/14/15	
LT-SC1042NNN2		PROJECT NAME: SC-AN13A1	
		SHEET # 7 OF 22	
		7	



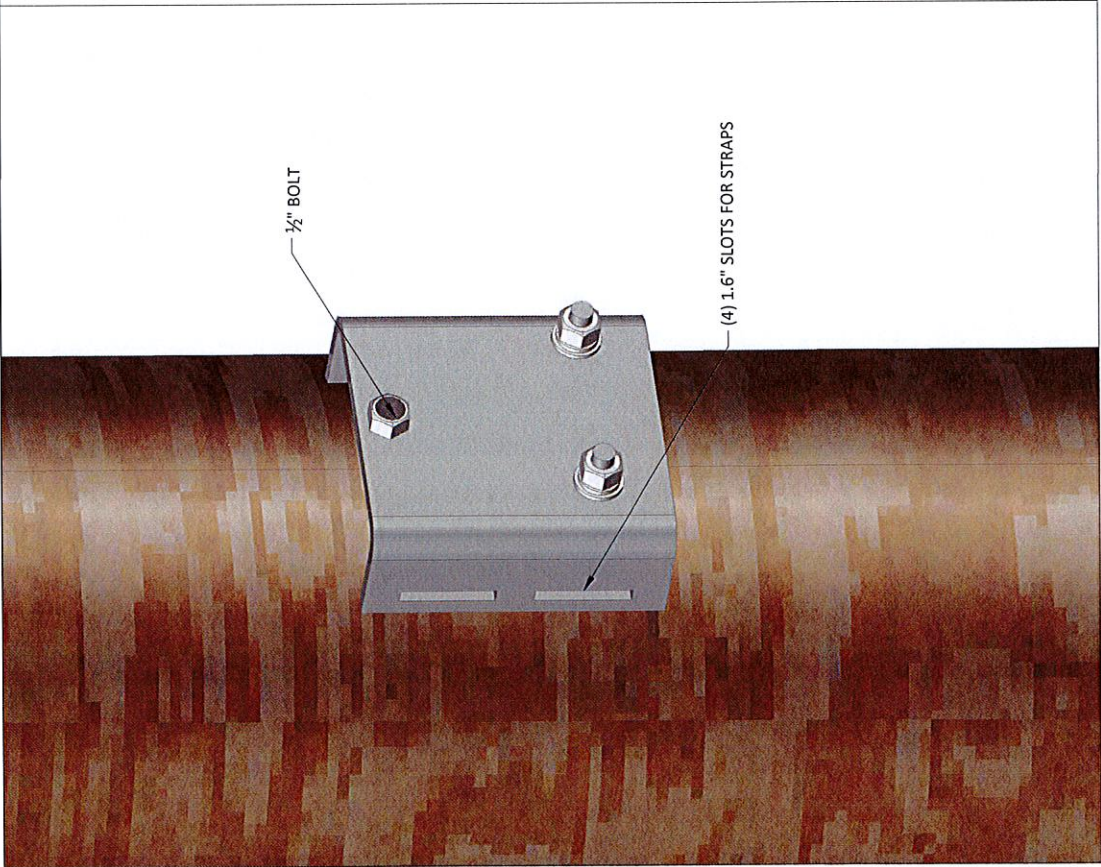
ERICSSON RRUS 12 REMOTE RADIO
ISOMETRIC VIEW

ERICSSON RRUS 12 REMOTE RADIO
WITH MOUNTING BRACKET
CONCEPTUAL VIEW

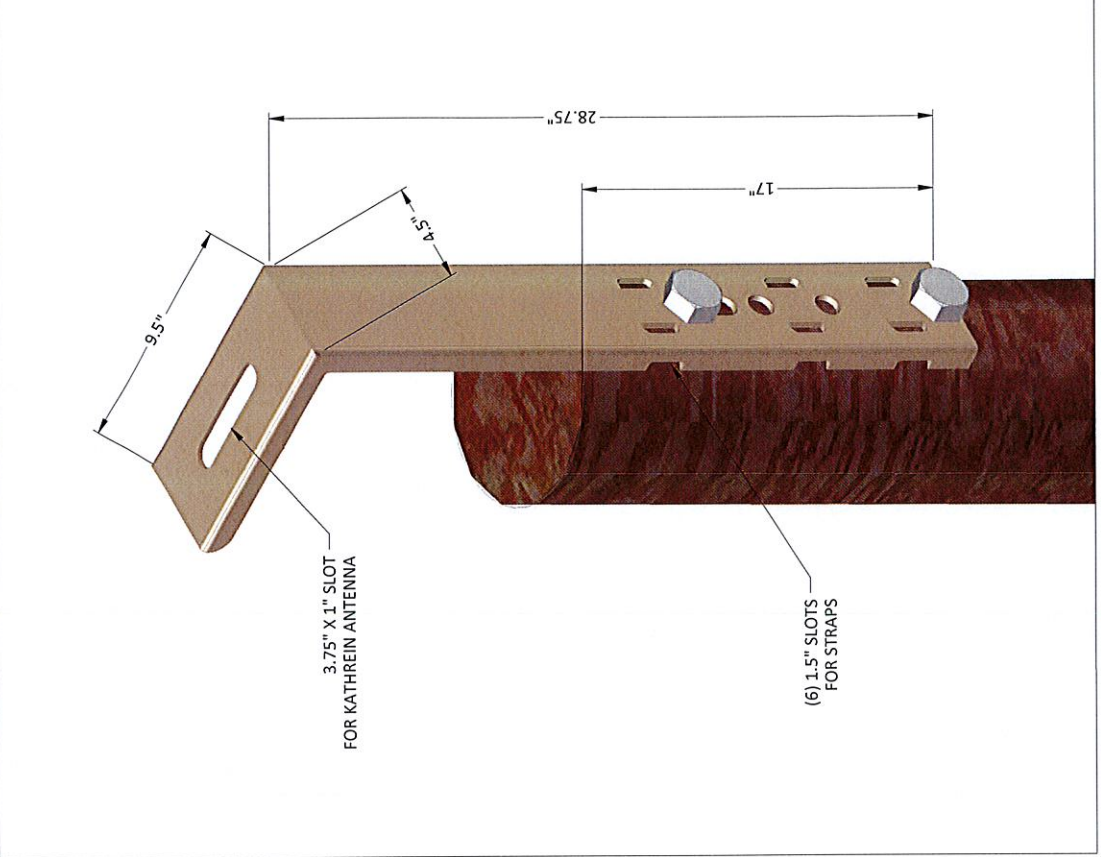
LOCATION: SOUTH LYON, MICHIGAN					
NOTES:					
PREPARED FOR:					
 <div style="float: right; text-align: right;"> FIBERTECH DAS ERICSSON RRUS 12 </div>					
<div style="display: flex; justify-content: space-between;"> <div> <p>UC SYNERGETIC</p> <p>Infrastructure Mobility & Operational Solutions</p> <p>21 OXFORD RD MAYFIELD, WA 97046 www.ucsyng.com 1-508-337-7606</p> </div> <div> <p>PREPARED BY:</p> </div> </div>					
REV	DESCRIPTION	DATE			
DRAWN BY	WSP				
SCALE	NYS				
ROUTE DATE	09/14/15				
PROJECT NAME	S-C-W-030A3				
SHEET #	A OF 12				
			8		



REVIEWS		6
REV	DESCRIPTION	
EMPLOYEE: WP		
SCALE: NTS		
ISSUE DATE: 09/14/15		
INFO NAME: SC-W 0343		
SHEET #: 9 OF 12		



CHARLES 97-CABPMTKIT 5" MOUNTING BRACKET
CONCEPTUAL VIEW



NEW YORK MANUFACTURING TOP POLE BRACKET
FOR KATHREIN ANTENNA
CONCEPTUAL VIEW

LOCATION: SOUTH LYON, MICHIGAN

NOTES:

PREPARED FOR:

Fibertech
FIBER OPTIC TECHNOLOGY

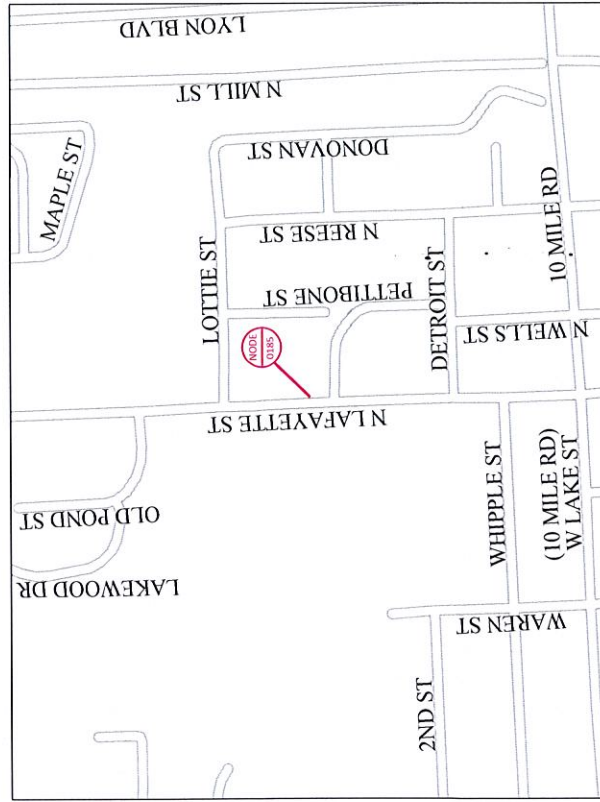
PREPARED BY:
UC / SYNERGETIC
Fiber Optic Technology
21 OXFORD RD
MANSFIELD, MA 02048
www.ucsynerg.com 1-508-337-7600

**MOUNTING BRACKET
DETAILS**

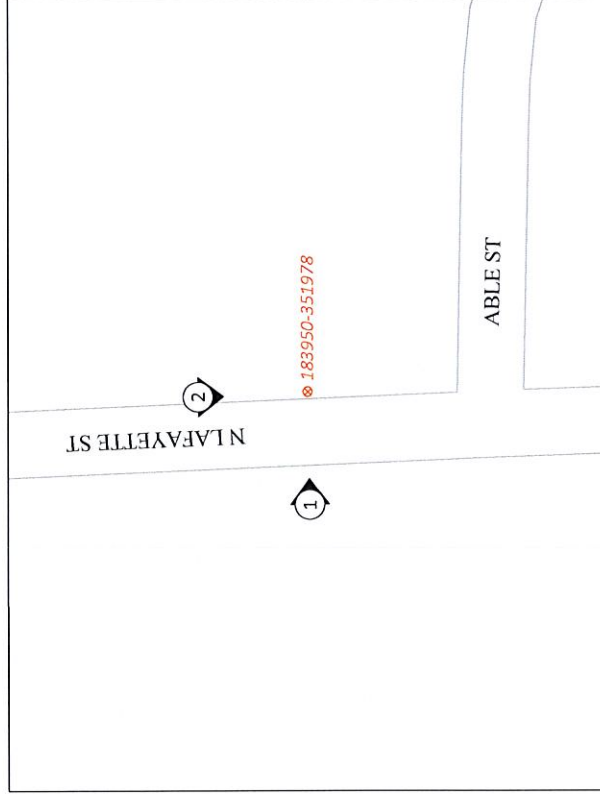
REV	DESCRIPTION	DATE

DATE: 08/14/15	SCALE: NTS	PROJECT: 11
DRAWN: SCARLETT	ISSUE: 01	DATE: 08/14/15
CHECKED: 11	DATE: 08/14/15	SCALE: NTS
DATE: 08/14/15	SCALE: NTS	PROJECT: 11

[illegible]



LOCATION MAP
LAT: 42.463735° LONG: -83.651549°
1" = 500'



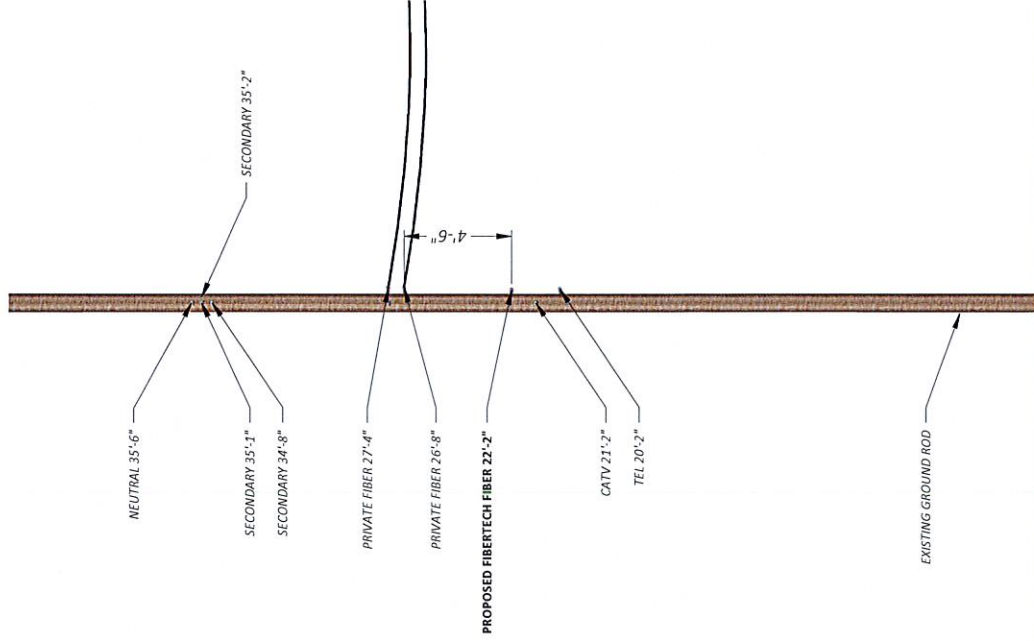
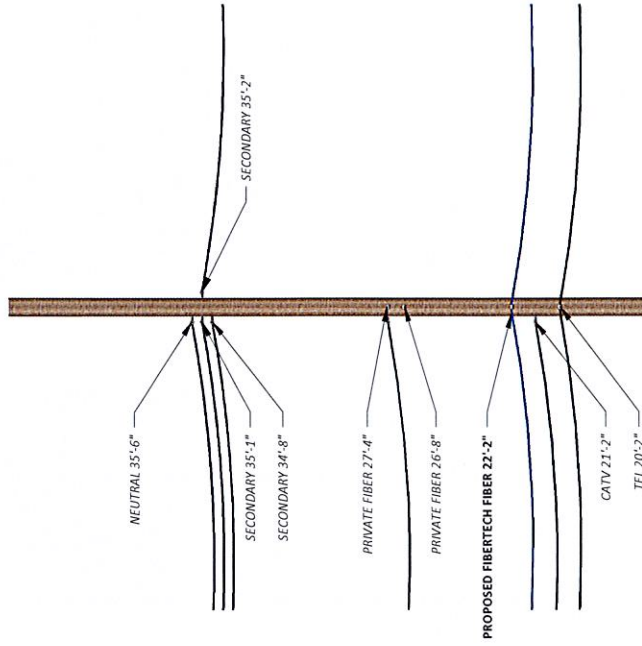
NODE PLACEMENT
1" = 50'

FIBERTECH DAS
LOCATION MAPPS

REVISIONS		DATE
REV	DESCRIPTION	

DRAWN BY:	ER
SCALE:	AS NOTED
ISSUE DATE:	11/11/15
INSEA NAME:	SCAR O HES
SHEET #:	1 OF 12

1



1 EXISTING PROFILE - FRONT VIEW
LOOKING EAST FROM N LAFAYETTE ST

2 EXISTING PROFILE - SIDE VIEW
LOOKING SOUTH FROM N LAFAYETTE ST

LOCATION: SOUTH LYON, MICHIGAN
42.463735°, -83.651549°

NOTES:

PREPARED FOR:

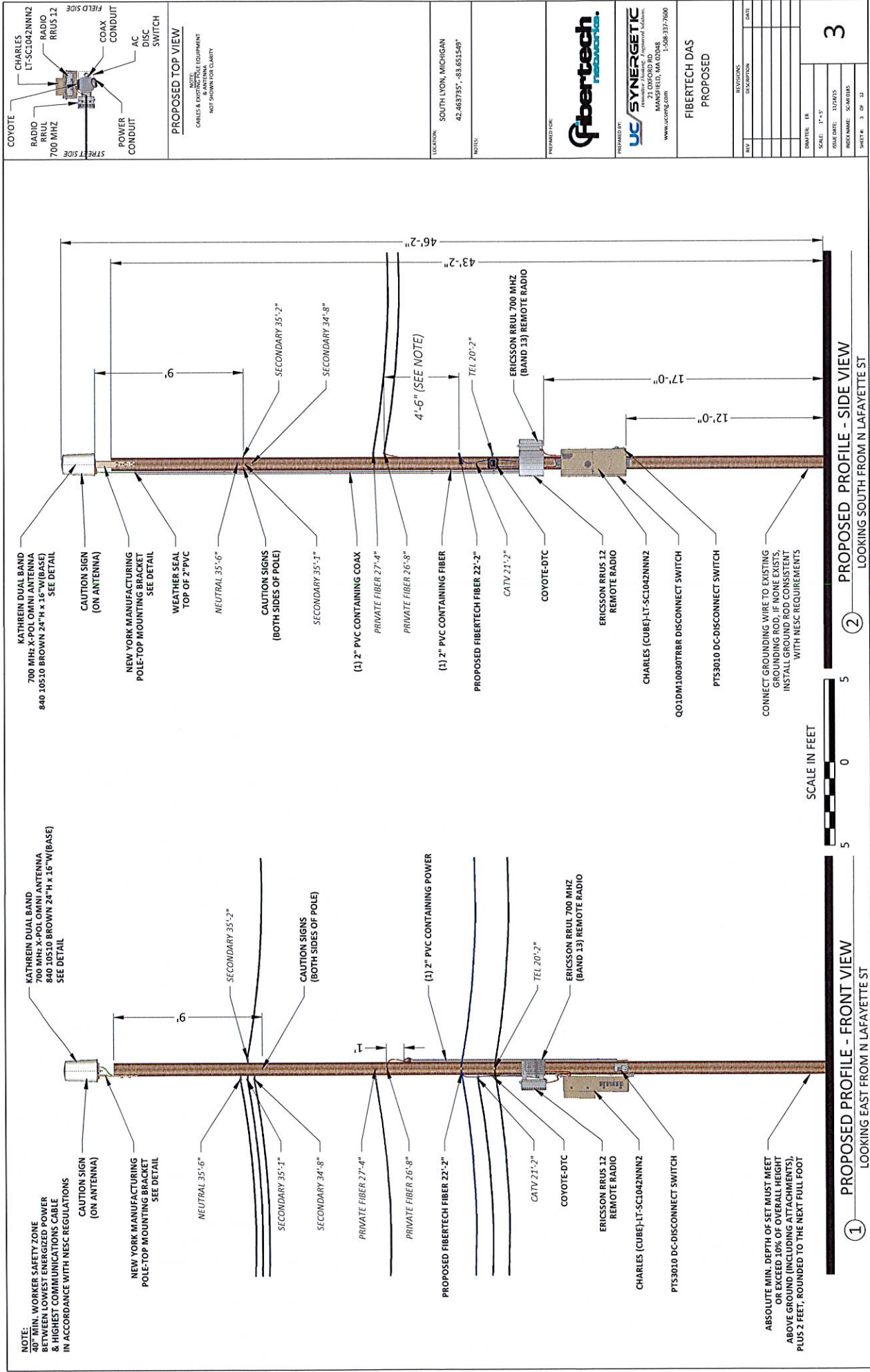


PREPARED BY: UC SYNERGETIC
Infrastructure Planning & Engineering Solutions
10000 UNIVERSITY AVENUE
MANASSAS, VA 20108
www.ucsyng.com 1-508-337-7600

FIBERTECH DAS
EXISTING

REV	REVISIONS	DATE

DRAWN BY: ER
SCALE: 1" = 5'
FOCUS DATE: 12/17/15
PROJECT NAME: SCARLETS
SHEET # 2 OF 22



NOTICE



Radio frequency fields beyond this point do not exceed FCC limits for the general public.

Please use equipment within an outdoor site.

Maximum SAR: 1.600-487-8878 for disconnection.

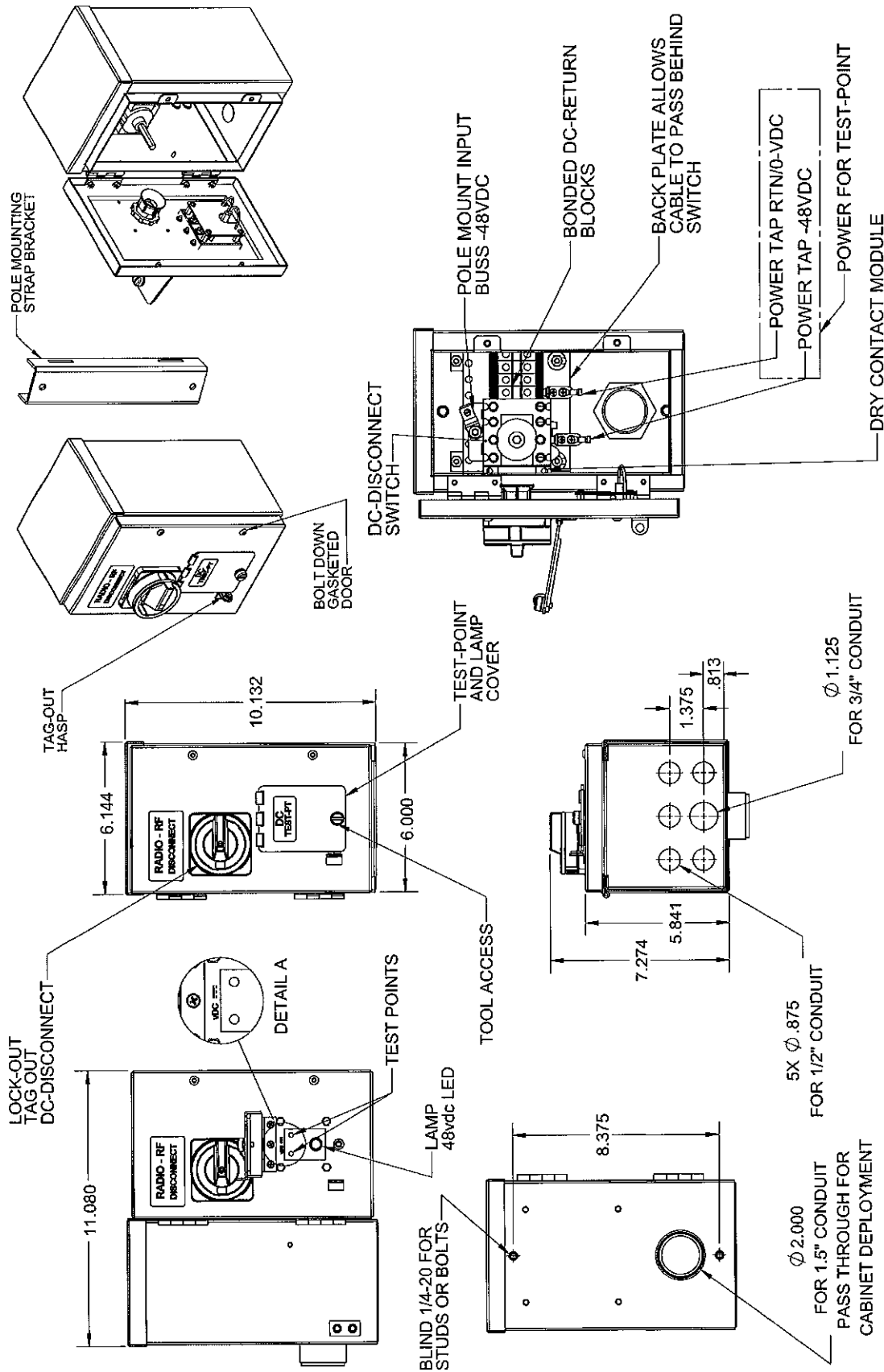
For additional information, visit www.fcc.gov.



TYPICAL GROUNDING DIAGRAM

NOT TO SCALE

FIBRETECH DAS		SIGNAGE/ PHOTO SIM/		WIRING DIAGRAM	
REVISIONS					
REV	DESCRIPTION	DATE			
DRAWN BY: ER			4		
SCALE: NTS					
PLOT DATE: 3/17/2015					
PLOT NAME: SCAM-DAS					
SHEET #:			4 OF 12		



LOCATION: SOUTH LYON, MICHIGAN

NOTE:

PREPARED FOR:



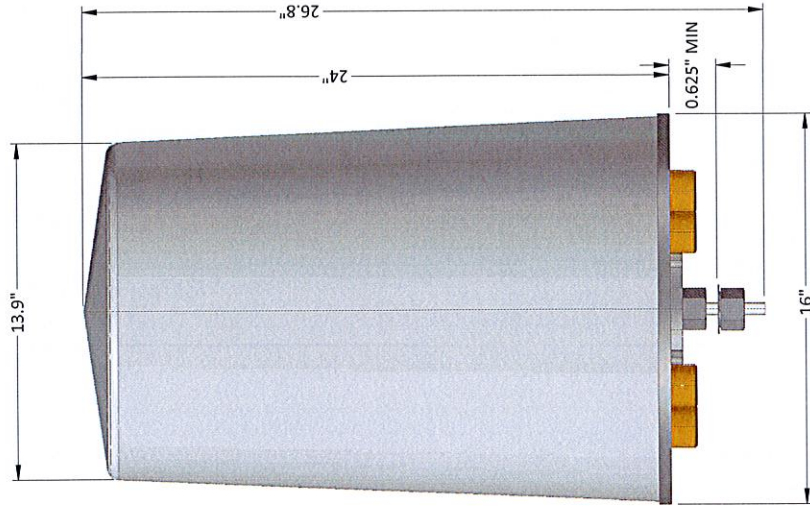
PREPARED BY:
UC/SYNERGETIC
 275 CONCORD RD
 MANSFIELD, MA 01948
 1-508-337-7500
 www.using.com

FIBERTECH DAS
 PTS3010 REMOTE ACCESS
 DC-DISCONNECT DETAILS

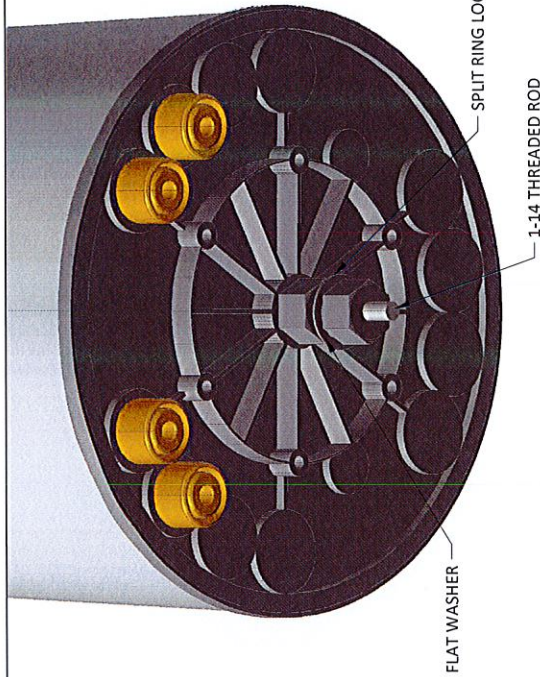
REV	DESCRIPTION	DATE

DRAWN BY:	
CHECKED BY:	
DESIGN NAME:	SC-48VDC
DATE:	5-01-02

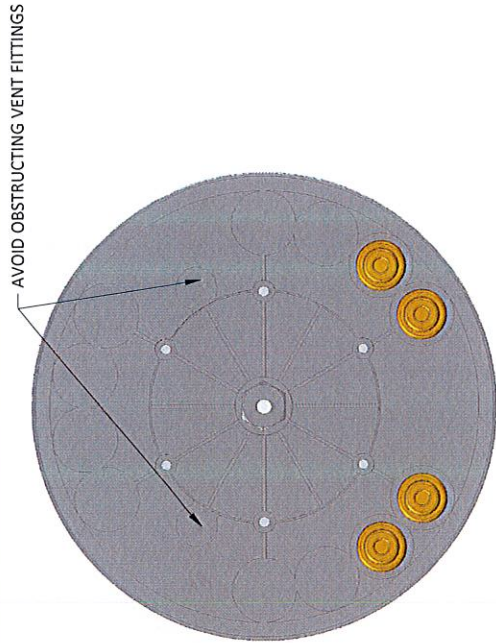
ALUMINUM CONSTRUCTION
 NOTES: UNLESS OTHERWISE SPECIFIED.



KATHREIN SCALA 700 MHz DUAL BAND OMNI ANTENNA
SIDE VIEW



KATHREIN SCALA 700 MHz DUAL BAND OMNI ANTENNA
ISOMETRIC VIEW



KATHREIN SCALA 700 MHz DUAL BAND OMNI ANTENNA
BOTTOM VIEW

LOCATION: SOUTH LYON, MICHIGAN

NOTES:

PREPARED FOR:

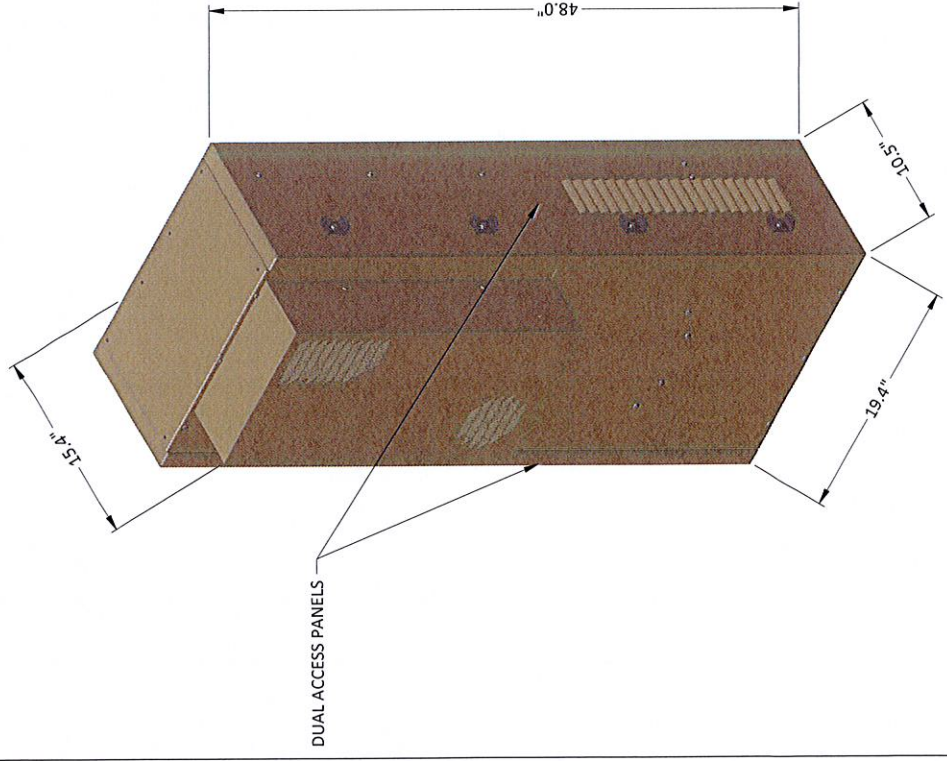


PREPARED BY:
UC / SYNERGETIC
FIBERTECH
21 OXFORD RD
MANSFIELD, MA 02048
www.ucsyng.com 1-508-337-7000

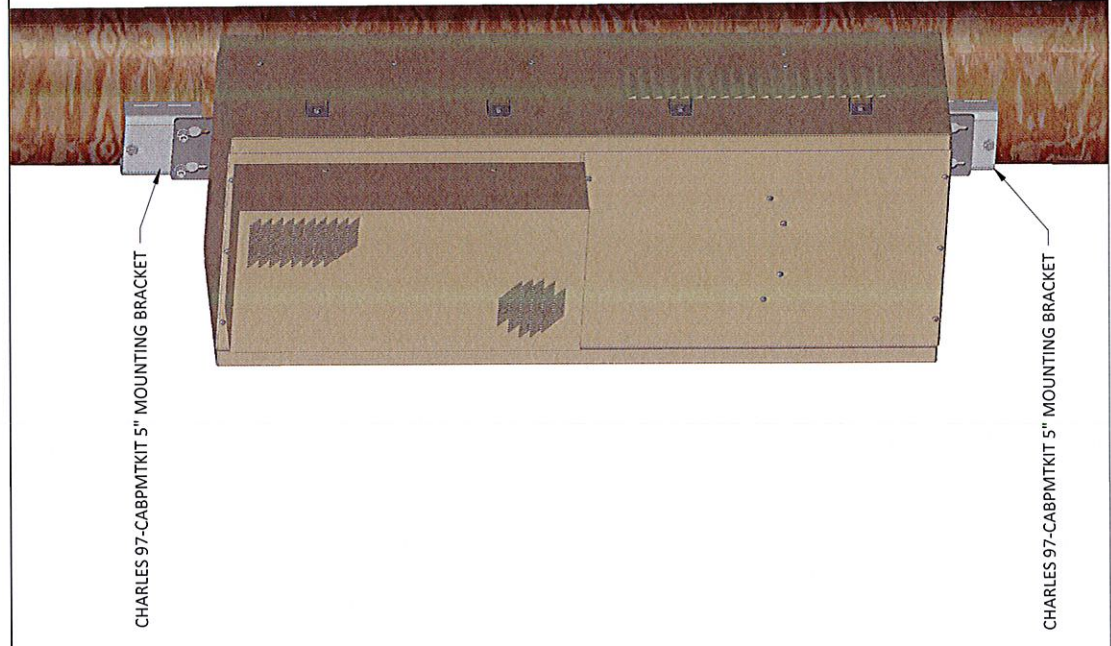
FIBERTECH DAS
KATHREIN OMNI
ANTENNA DETAIL

REVISIONS	
REV	DESCRIPTION

DATE:	
DRAWN BY:	
CHECKED BY:	
SCALE:	
DATE:	11/18/15
PROJECT NAME:	SCALASBDS
SHEET #:	6 OF 22



CHARLES UNIVERSAL BROADBAND ENCLOSURE (CUBE) LT-SC1042NNN2
ISOMETRIC VIEW



CHARLES UNIVERSAL BROADBAND ENCLOSURE (CUBE) LT-SC1042NNN2
WITH MOUNTING BRACKETS
CONCEPTUAL VIEW

LOCATION: SOUTH LYON, MICHIGAN

NOTES:

PREPARED FOR:

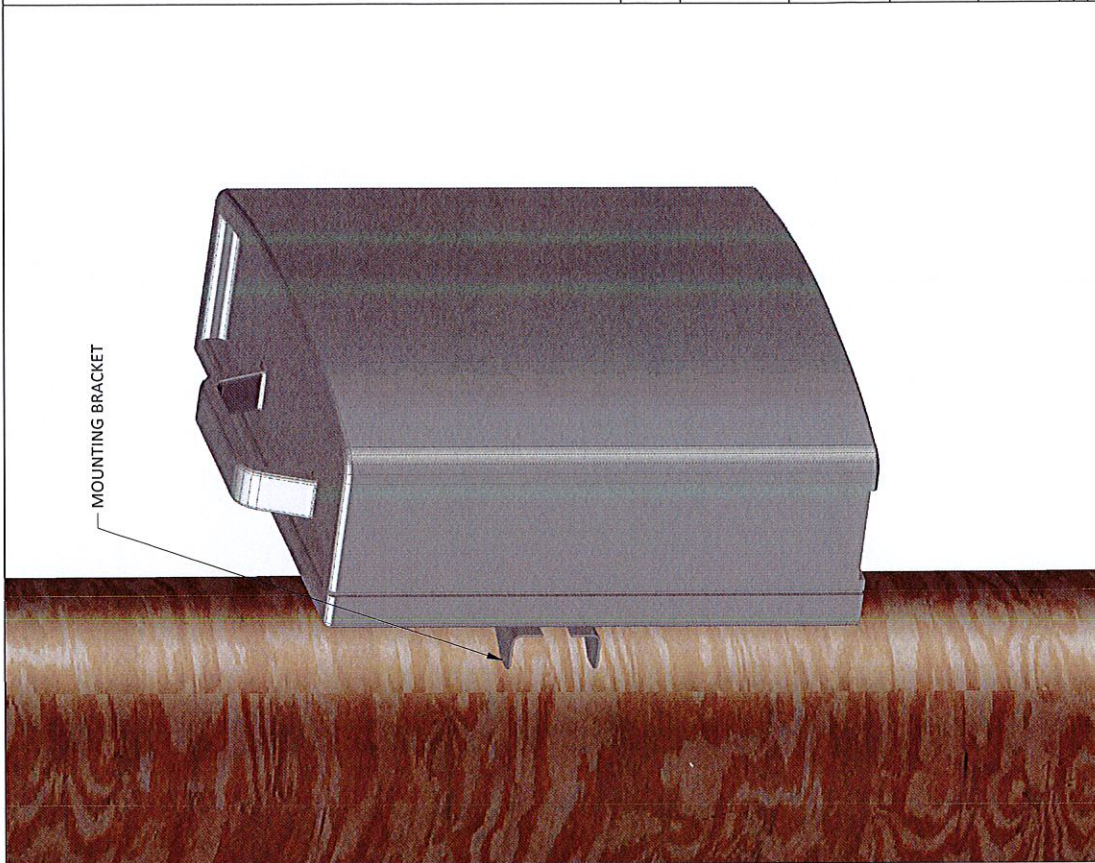
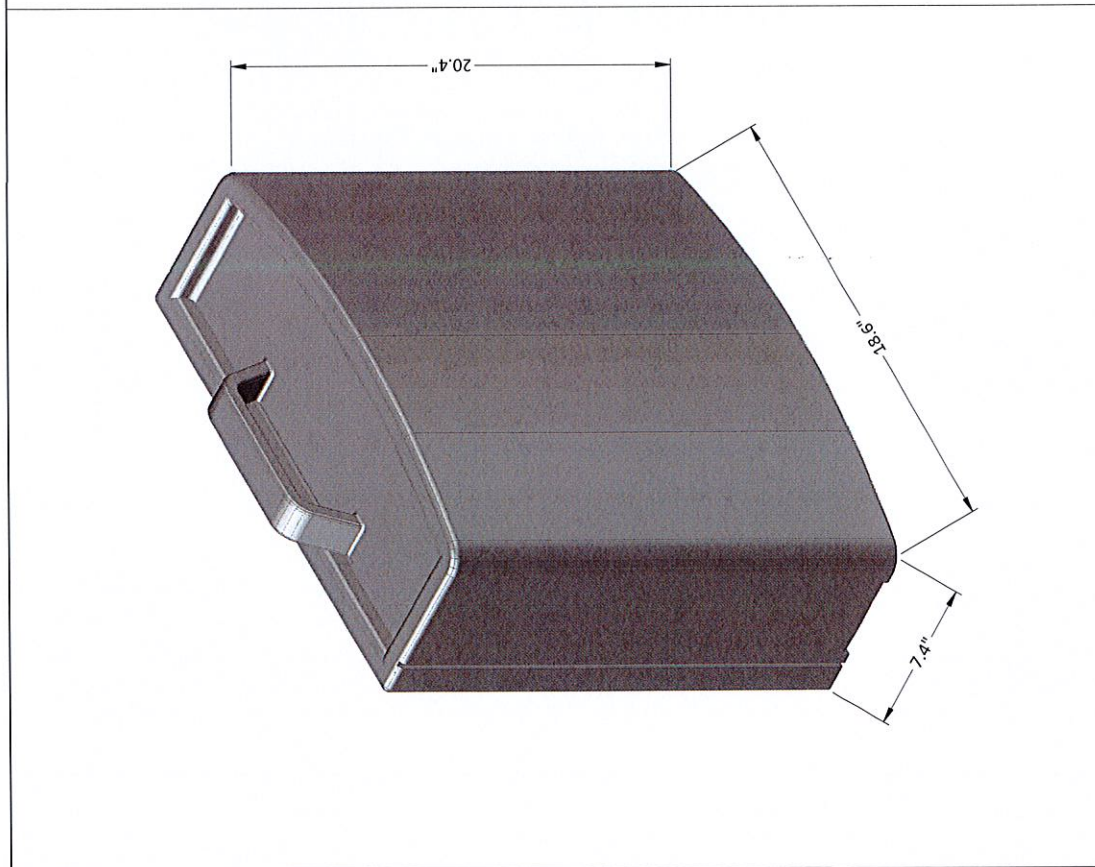


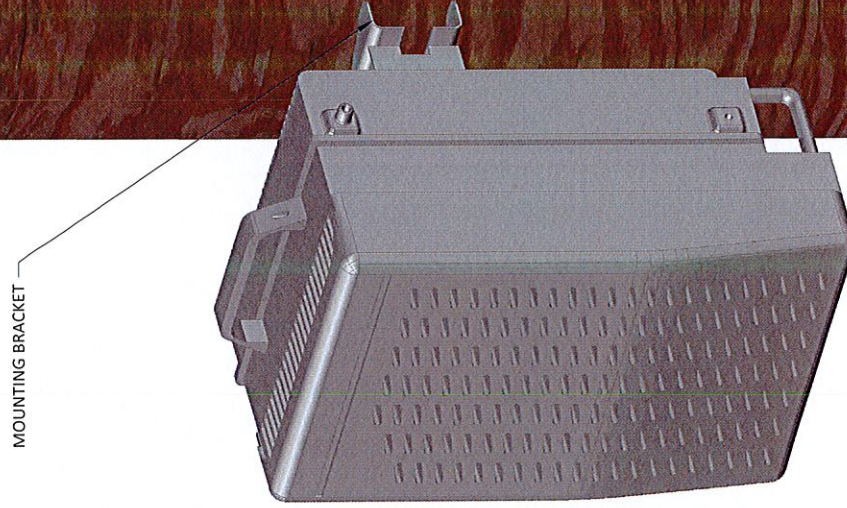
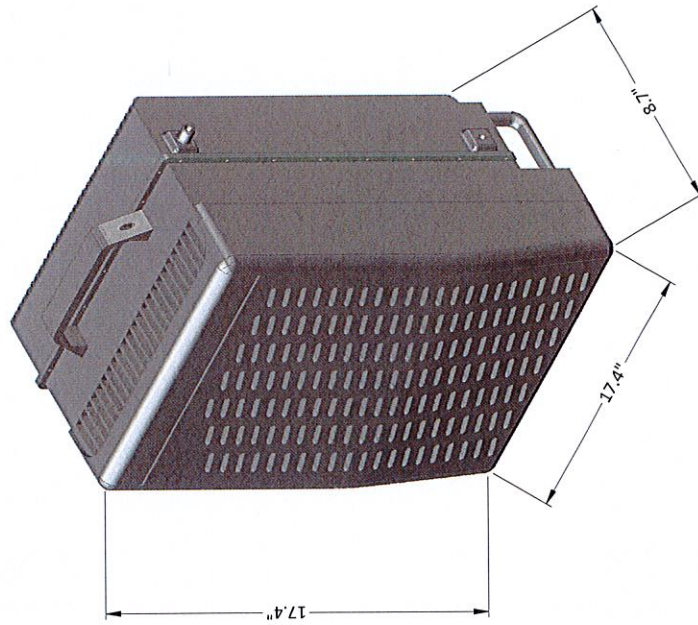
PREPARED BY:
UC / SYNERGETIC
21 OXFORD RD
MANSFIELD, MA 02048
www.ucsynerg.com 1-508-337-7600

FIBERTECH DAS
CHARLES (CUBE)
LT-SC1042NNN2

REVISIONS	
REV	DESCRIPTION

DATE:	
DRAWN BY:	
CHECKED BY:	
SCALE:	
DATE:	
PROJECT NAME:	
SHEET #:	

[illegible]



MOUNTING BRACKET

LOCATION:	SOUTH LYON, MICHIGAN
-----------	----------------------

NOTES:

DATE: 10/10/2010



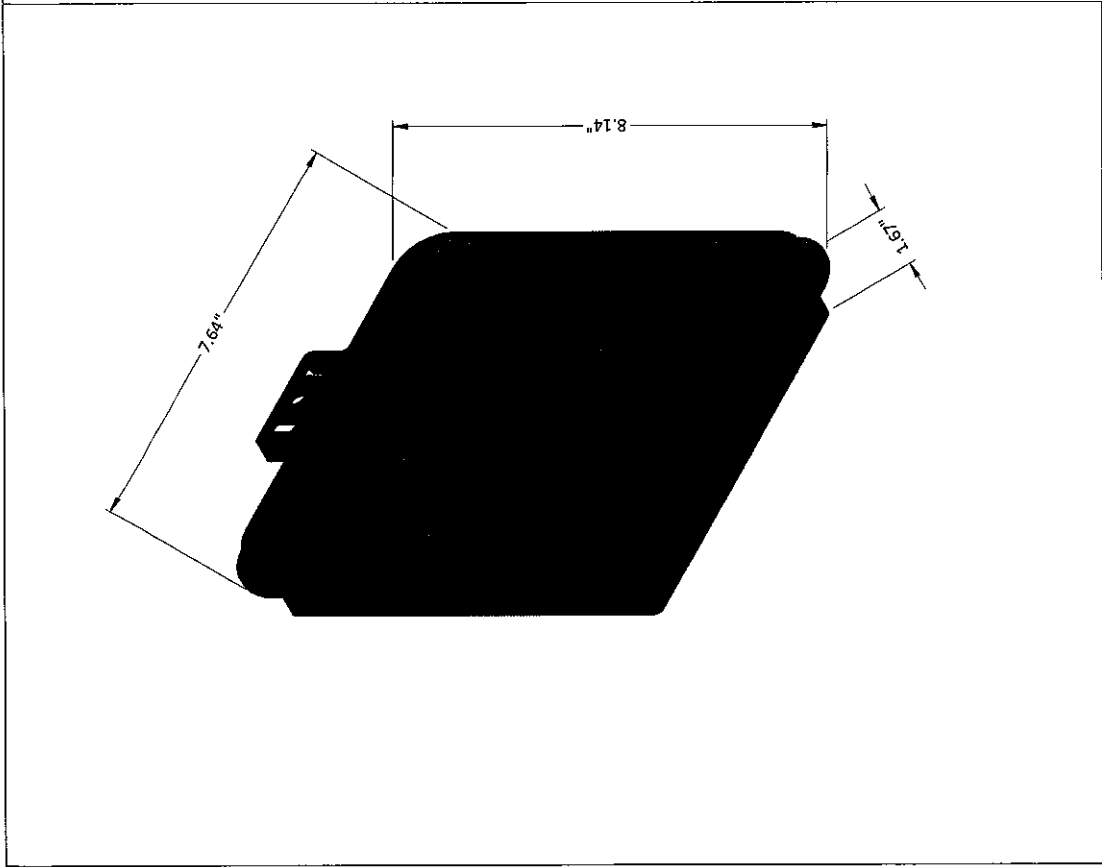
PREPARED BY:
UC SYNERGETIC
Innovative Thinking. Engineered Solutions.
21 OXFORD RD
MANSFIELD, MA 02048
1-508-337-7600
www.ucseng.com

FIBERTECH DAS
ERICSSON
RRUL700 MHZ (BAN

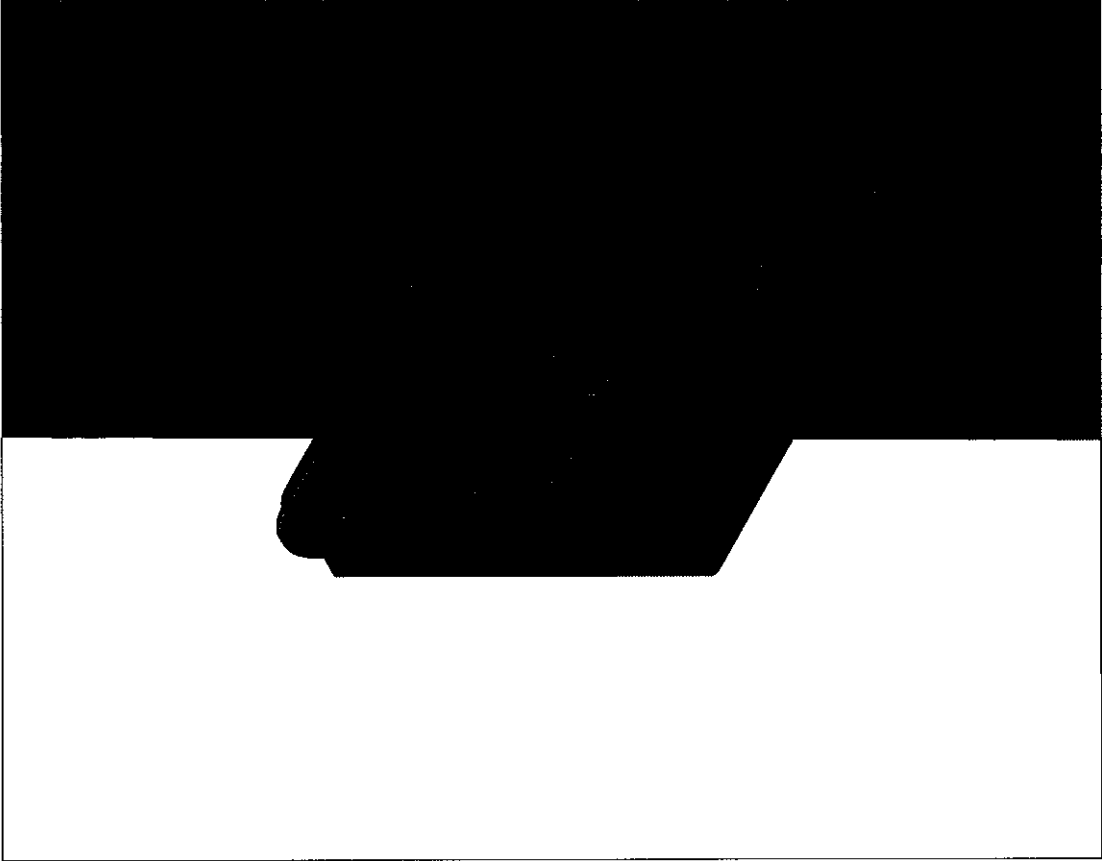
REVISIONS		DATE
REV	DESCRIPTION	

DRAWING: 08 SCALE: NTS ISSUE DATE: 11/18/15 INDEX NAME: SCAM-0185	9
SHEET # 9 OF 32	

9

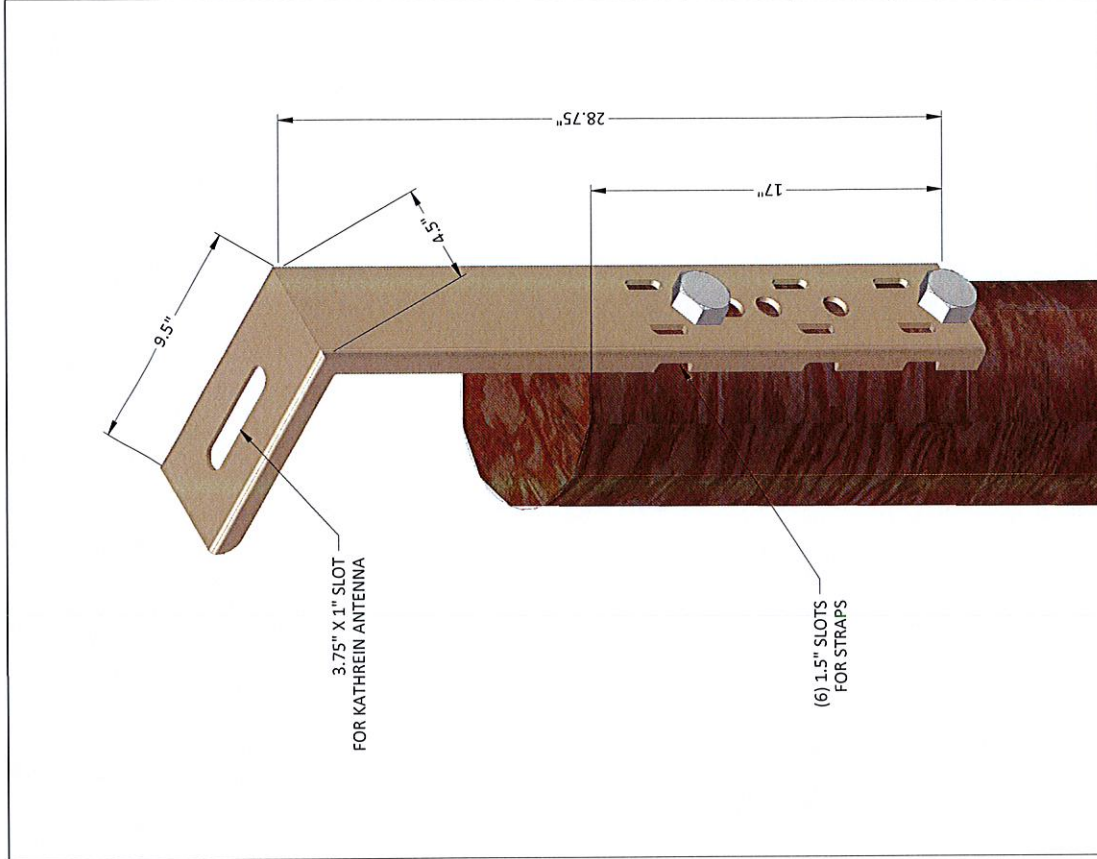
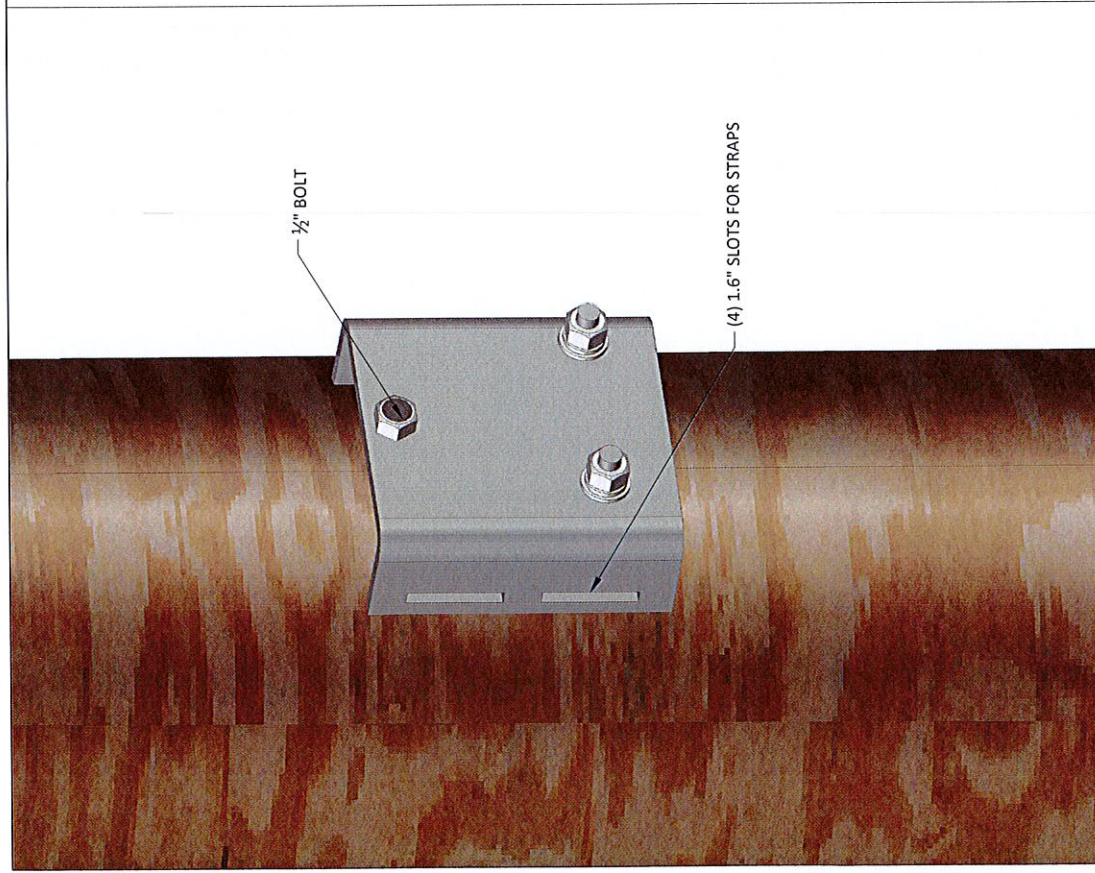


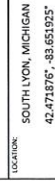
COYOTE - DTC
ISOMETRIC VIEW



COYOTE - DTC
CONCEPTUAL VIEW

LOCATION: SOUTH LYON, MICHIGAN		
NOTES:		
RELATED TO:		
Fibertech <small>INCORPORATED</small>		
PREPARED BY: UC/SYNERGETIC <small>Universal Computing, Registered Vendor 10000 E. 15th Avenue, Suite 100 MANSFIELD, MA 02048 www.ucimg.com 1-508-333-7600</small>		
FIBERTECH DAS COYOTE DTC		
NO.	ISSUANCE	DATE
	DESCRIPTION	
DRAWING: IR		
SCALE: NTS		
DATE: 11/14/75		
DRAWN BY: SC-M-DAS		
SHEET # 10 OF 12		

[illegible]



NOTES:

FIBERTECH DAS
LOCATION MAPS

REVISIONS		DATE
REV	DESCRIPTION	

DRAWING: YMF
SCALE: AS NOTED
ISSUE DATE: 09/14/15
ISSUE NAME: SC-48 0186
SHEET #: 1 OF 12

1



NODE PLACEMENT
1" = 50'



LOCATION MAP
LAT: 42.471876° LONG: -83.651925°
1" = 500'

NOTE 1:
REPLACE EXISTING POLE WITH
NEW 45' CLS POLE

ELCO POLE TO POLE GUY 18'-2"

ELCO POLE TO POLE GUY 18'-2"

EXISTING GROUND ROD

SCALE IN FEET



EXISTING PROFILE - FRONT VIEW

LOOKING EAST FROM N LAFAYETTE ST

EXISTING PROFILE - SIDE VIEW

LOOKING SOUTH FROM N LAFAYETTE ST

LOCATION
SOUTH LON, MICHIGAN
42.471875° - 83.651925°

NOTES

PREPARED FOR



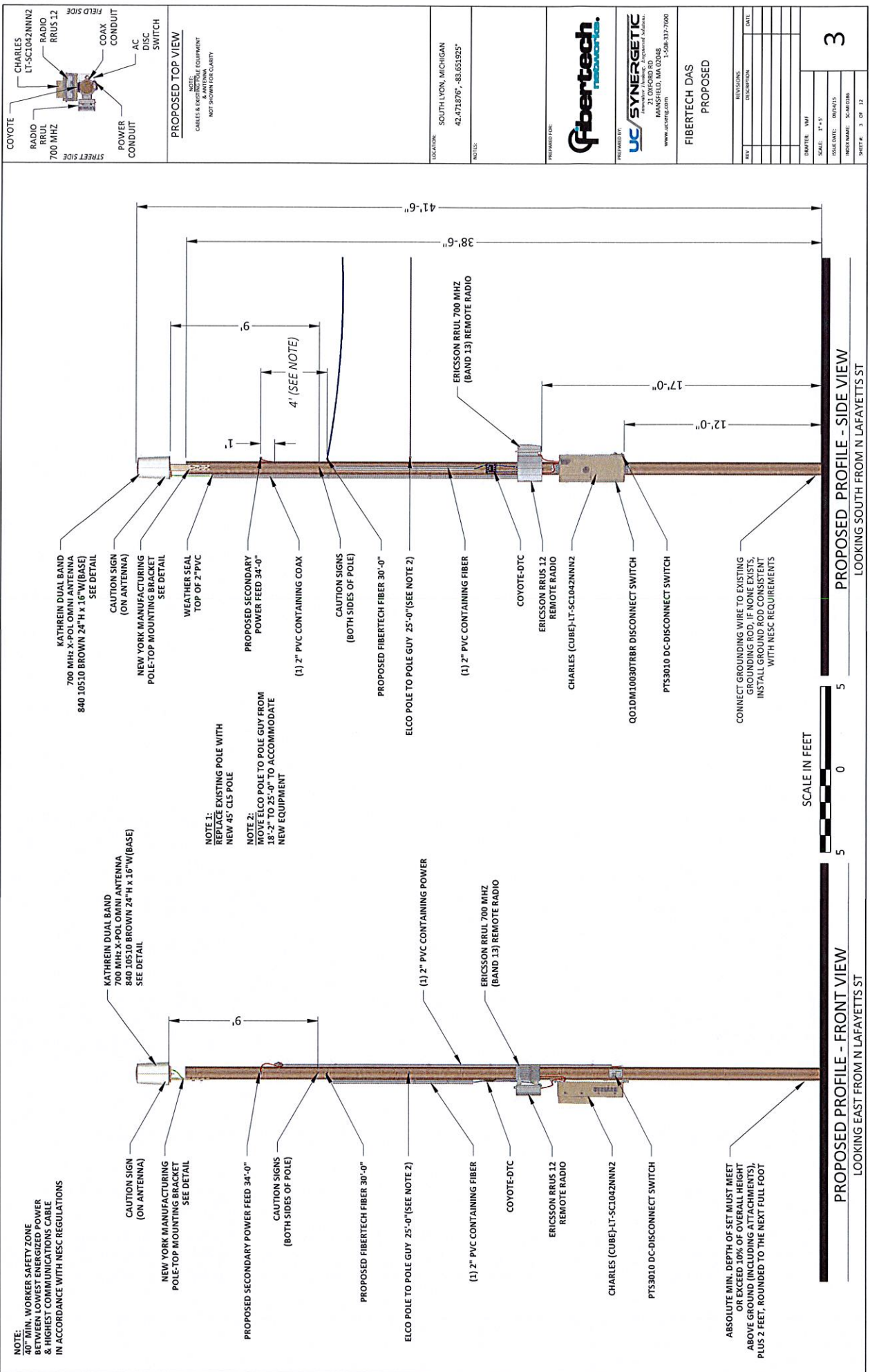
PREPARED BY
UC/SYNERGETIC
21 OXFORD RD
MANCHESTER, MA 01048
www.ucsynerg.com 1-800-333-7606

FIBERTECH DAS
EXISTING

REV	REVISIONS	DATE
	DESCRIPTION	

DATE	NAME
SCALE	1" = 10'
DATE	STATUS
PROJECT NAME	SCHEMATIC
SHEET #	2 OF 12

2



COYOTE

CHARLES

LT-SC1042NNN2

RADIO

RRUL 700 MHZ

CONDUIT

AC DISC

SWITCH

POWER

CONDUIT

STREET SIDE

FIELD SIDE

NOTE:

CABLES & EQUIPMENTABLE EQUIPMENT

NOT SHOWN FOR CLARITY

PROPOSED TOP VIEW

LOCATION:

SOUTH LYON, MICHIGAN

42.471876° - 83.651925°

NOTES:

PREPARED FOR:

Fibertech

PREPARED BY:

UC SYNERGETIC

21 OXFORD RD

MARSHFIELD, MA 01946

WWW.UCSYNERGETIC.COM

1-800-337-7600

FIBERTECH DAS

PROPOSED

REVISIONS

DATE

DESCRIPTION

DRAWN BY:

SCALE:

DATE:

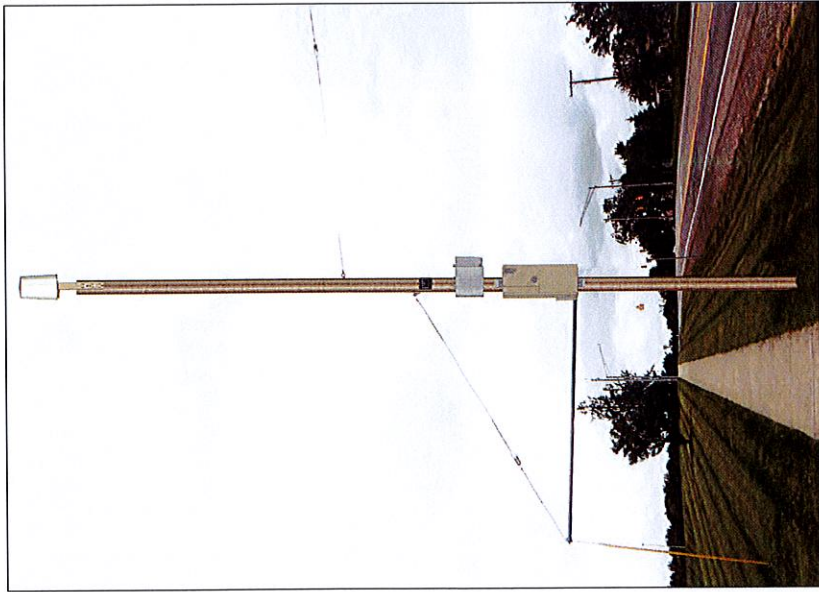
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SHEET #:

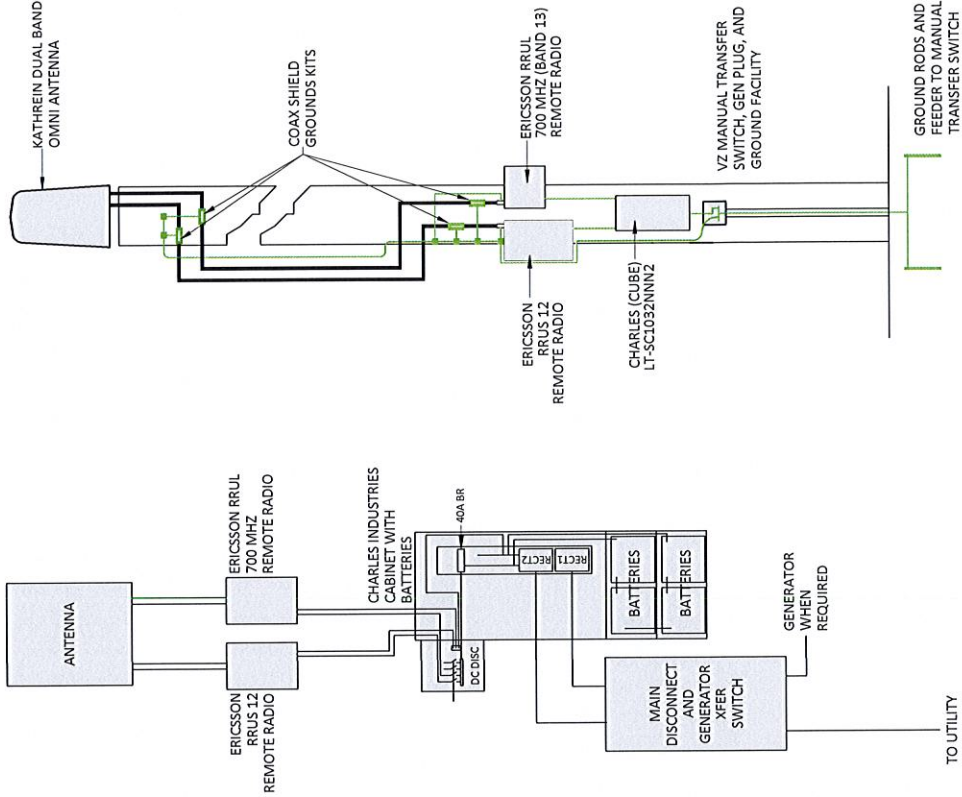
3



POLE SIGNAGE



PHOTOGRAPHIC SIMULATION



ELECTRICAL DIAGRAM
NOT TO SCALE

TYPICAL GROUNDING DIAGRAM
NOT TO SCALE

LOCATION: SOUTH LYON, MICHIGAN
42.471876° - 83.651925°

NOTES:

PREPARED FOR:



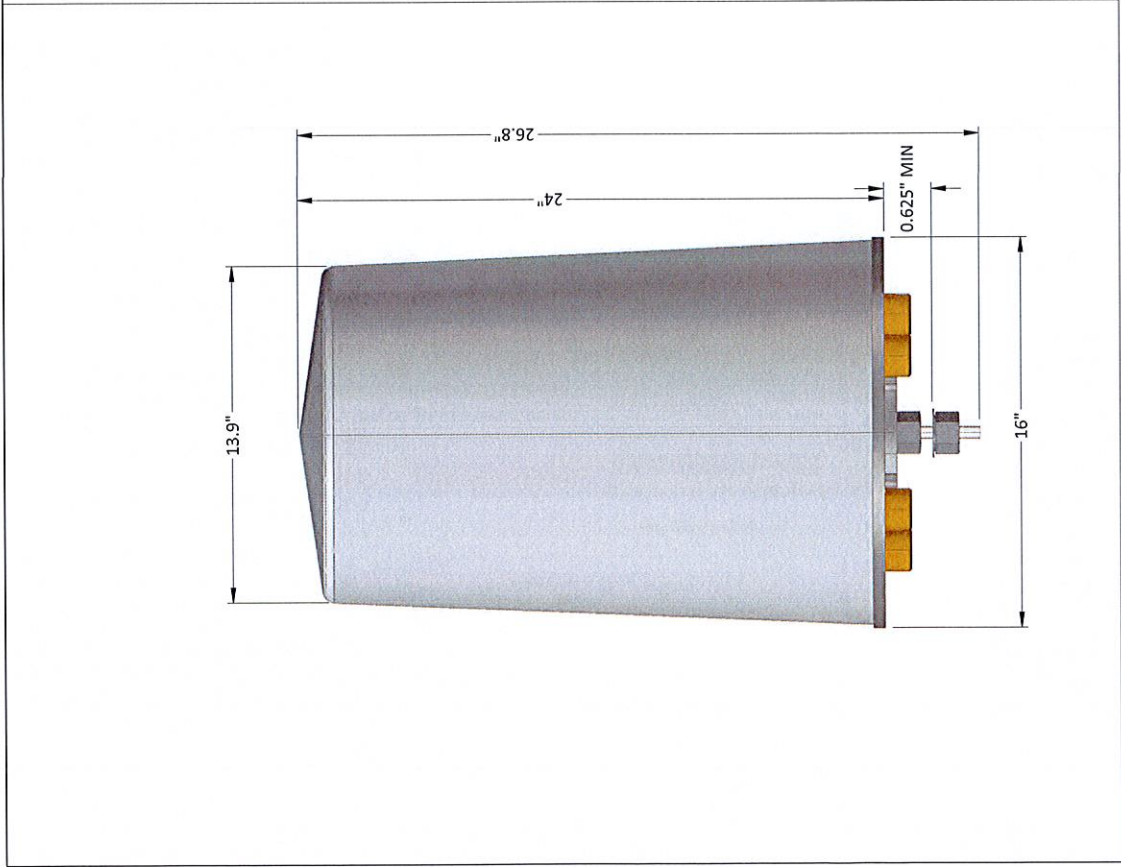
PREPARED BY:
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21 OXFORD RD
MANSFIELD, MA 02048
www.ucsynerg.com 1-508-337-7600

FIBERTECH DAS
SIGNAGE/ PHOTO SIM/
WIRING DIAGRAM

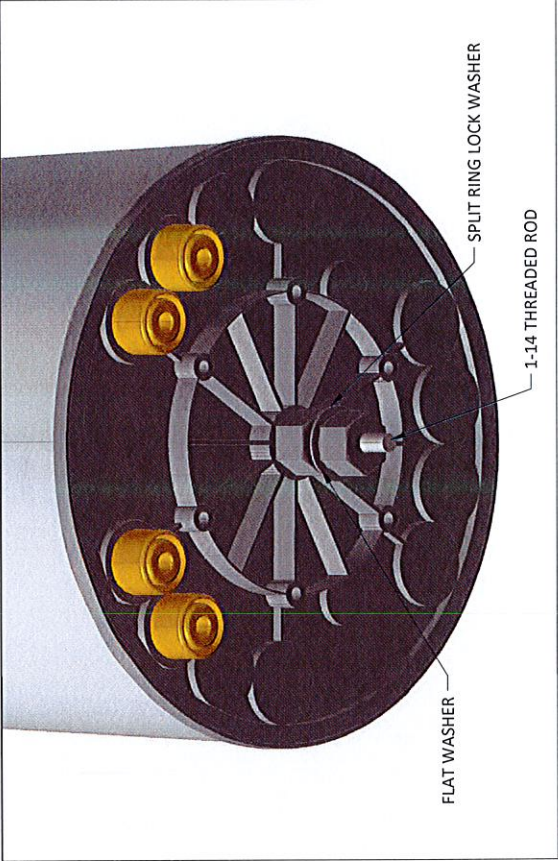
REV	DESCRIPTION	DATE

DATE	NAME

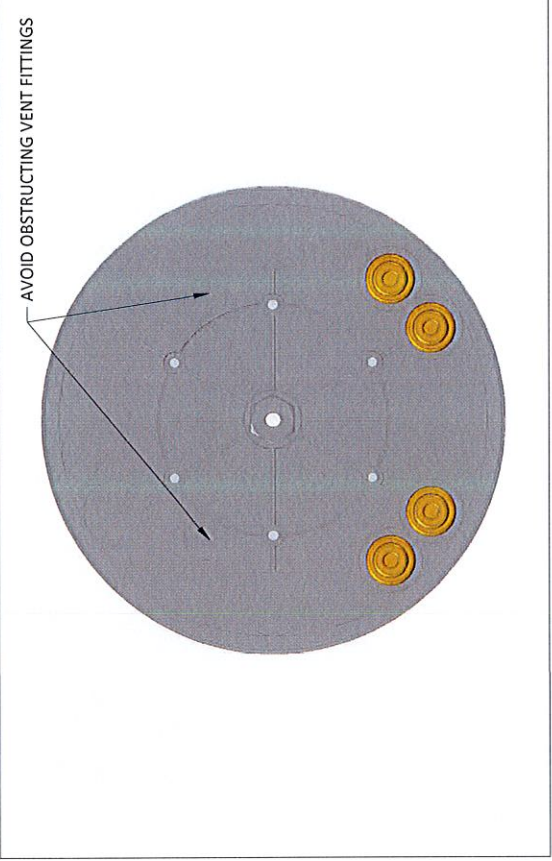
SCALE: NTS	DATE: 08/14/15
INCHES: 1/4" = 1'-0"	INCHES: 1/4" = 1'-0"
SHEET: 4 OF 12	



KATHREIN SCALA 700 MHz DUAL BAND OMNI ANTENNA
SIDE VIEW



KATHREIN SCALA 700 MHz DUAL BAND OMNI ANTENNA
ISOMETRIC VIEW



KATHREIN SCALA 700 MHz DUAL BAND OMNI ANTENNA
BOTTOM VIEW

LOCATION: SOUTH LYON, MICHIGAN

NOTES:

PREPARED FOR:
Fibertech
FIBERTECH INC.
21 OXFORD RD.
MANCHESTER, MA 02048
www.fibertech.com 1-800-337-7600

PREPARED BY:
UC / SYNERGETIC
UNIVERSITY OF CALIFORNIA
21 OXFORD RD.
MANCHESTER, MA 02048
www.ucsynergistic.com 1-800-337-7600

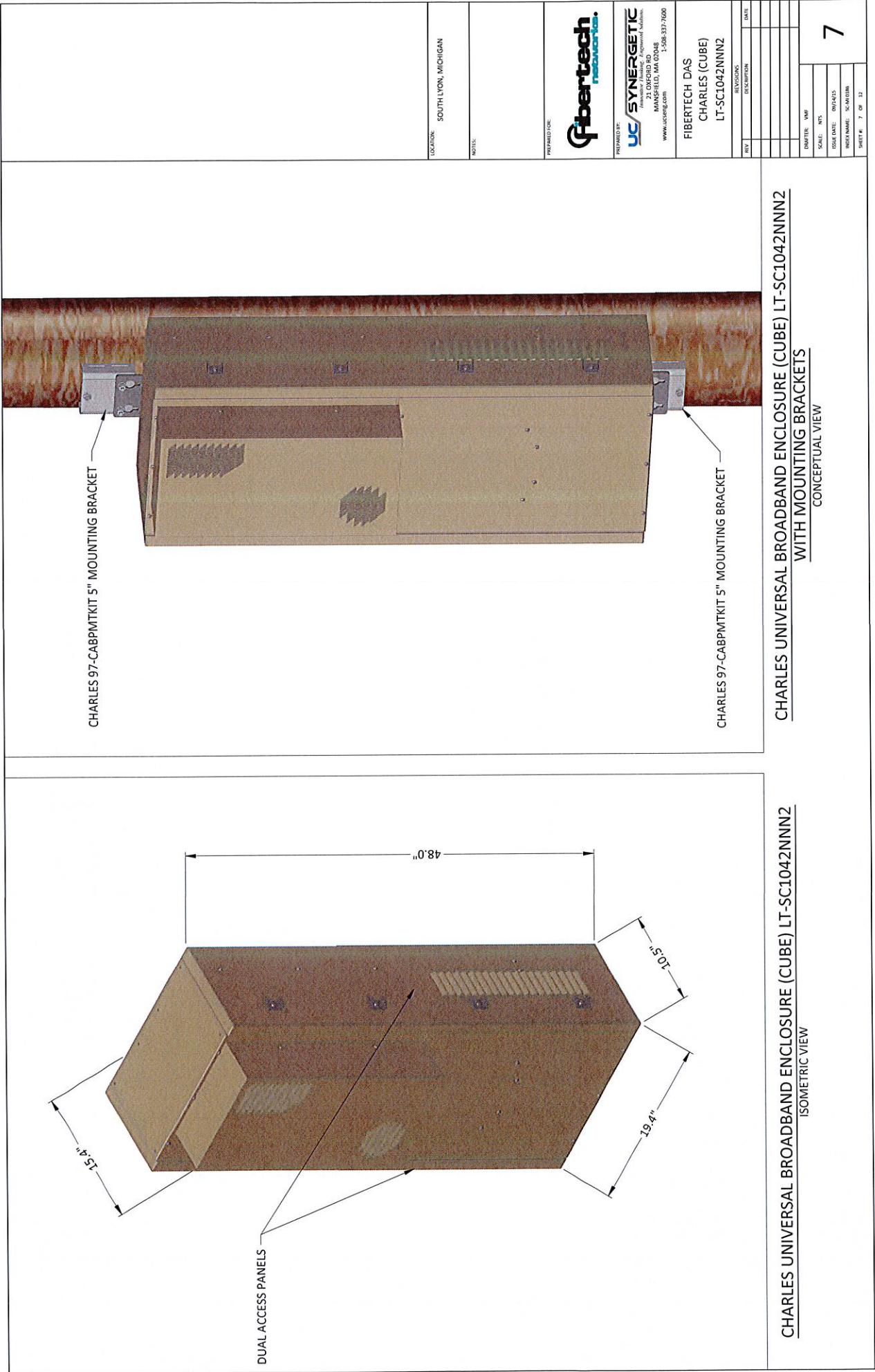
FIBERTECH DAS
KATHREIN OMNI
ANTENNA DETAIL

REV	DESCRIPTION	DATE

DATE	NAME

6

SCALE: NTS
DATE: 08/14/15
DRAWN: SCAL/DSB
SHEET: 6 OF 12



LOCATION: SOUTH LYON, MICHIGAN

NOTES:

PREPARED FOR:

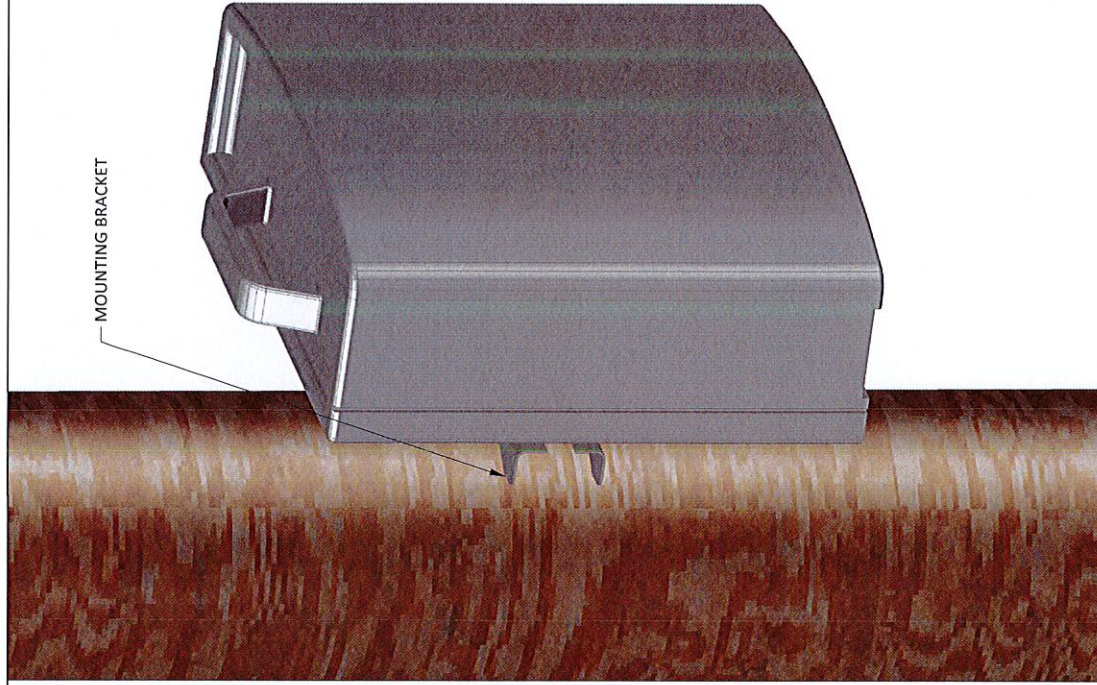
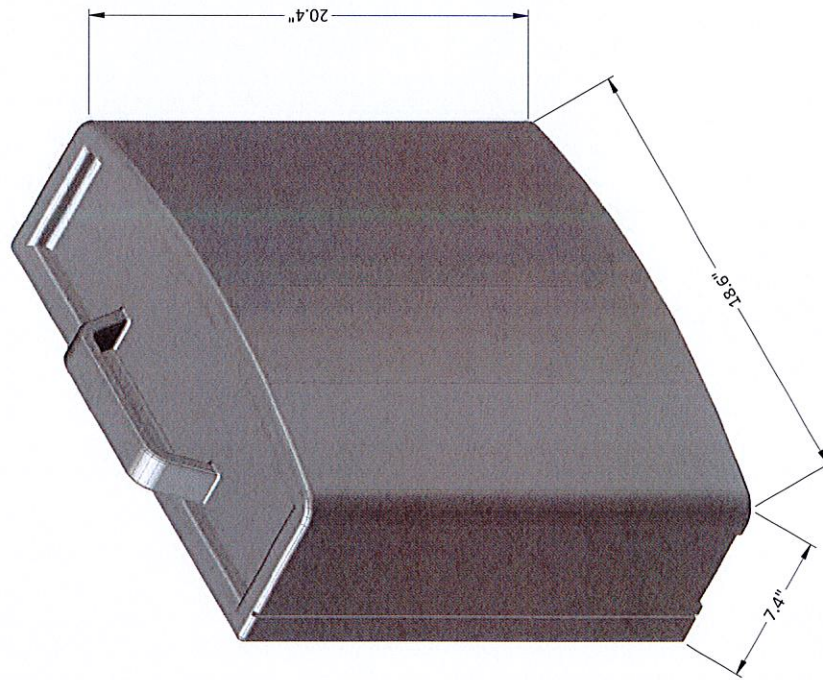


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MANSFIELD, MA 02048
www.ucsynerg.com 1-508-337-7600

FIBERTECH DAS
CHARLES (CUBE)
LT-SC1042NNN2

REVISIONS		DATE
REV	DESCRIPTION	

DATE: N/A
SCALE: N/A
CODE DATE: 08/24/25
PROJECT NAME: SC-M01036
SHEET # 7 OF 12



LOCATION: SOUTH LYON, MICHIGAN

NOTES:

PREPARED FOR:



PREPARED BY:



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MANSFIELD, MA 02048
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FIBERTECH DAS
ERICSSON
RRUS 12

REVISIONS		
REV	DESCRIPTION	DATE

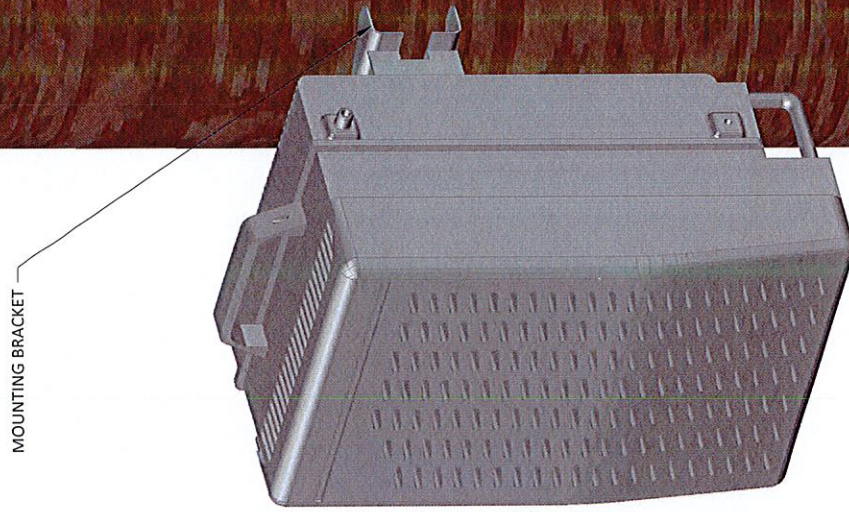
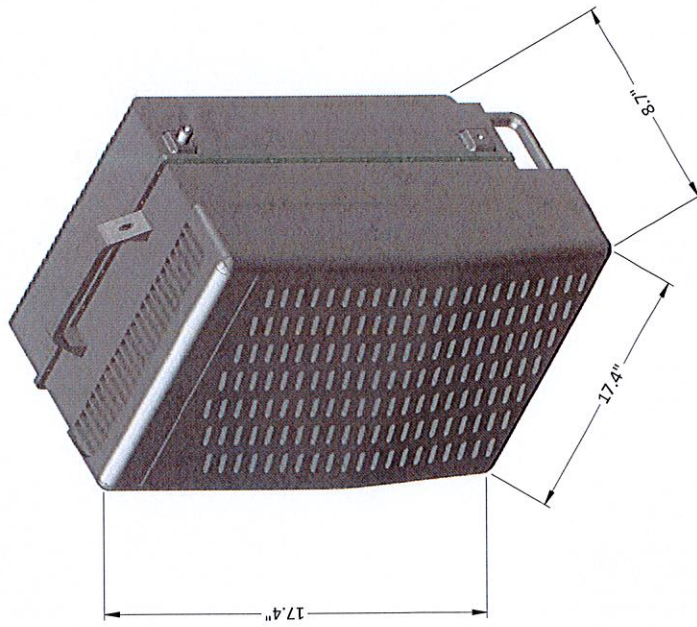
DATE:	11/11/2011
DRAWN BY:	VP

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SCALE:	NTS
--------	-----

ISSUE DATE:

INDEX NAME:-



MOUNTING BRACKET

LOCATION: SOUTH LYON, MICHIGAN

NOTES:

PREPARED FOR:



PREPARED BY:

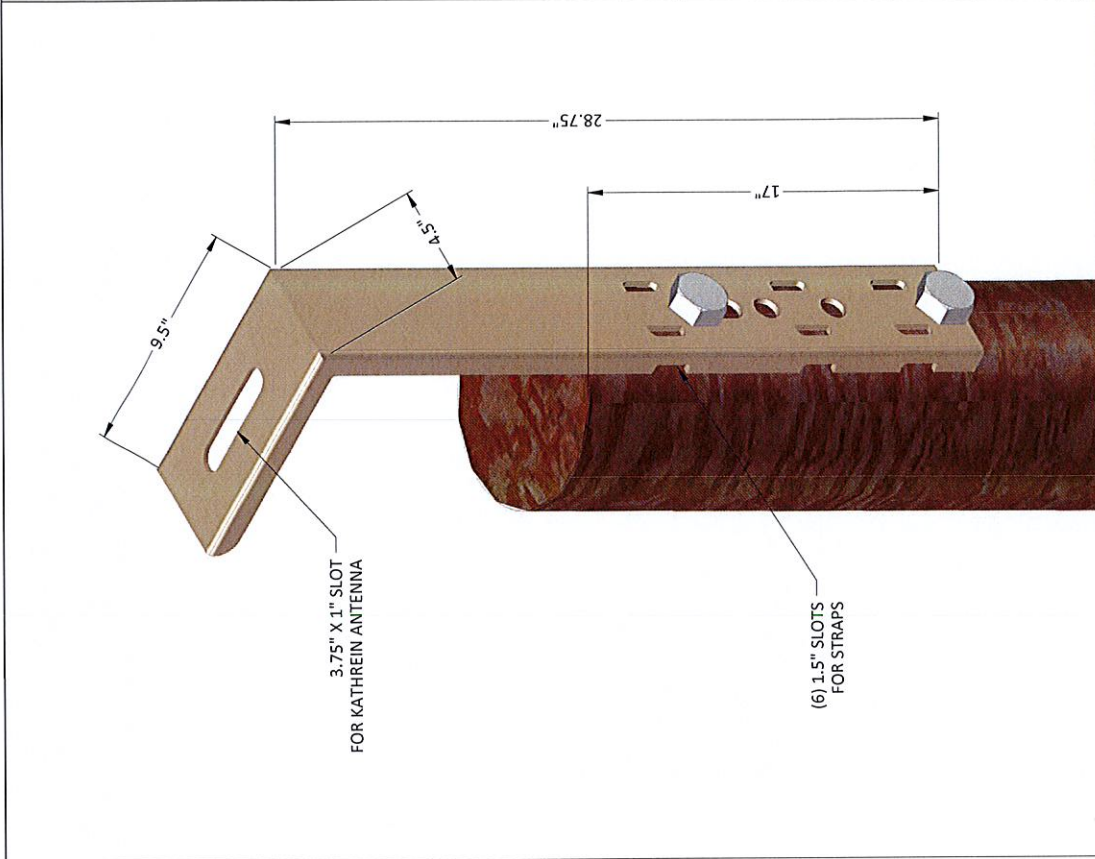
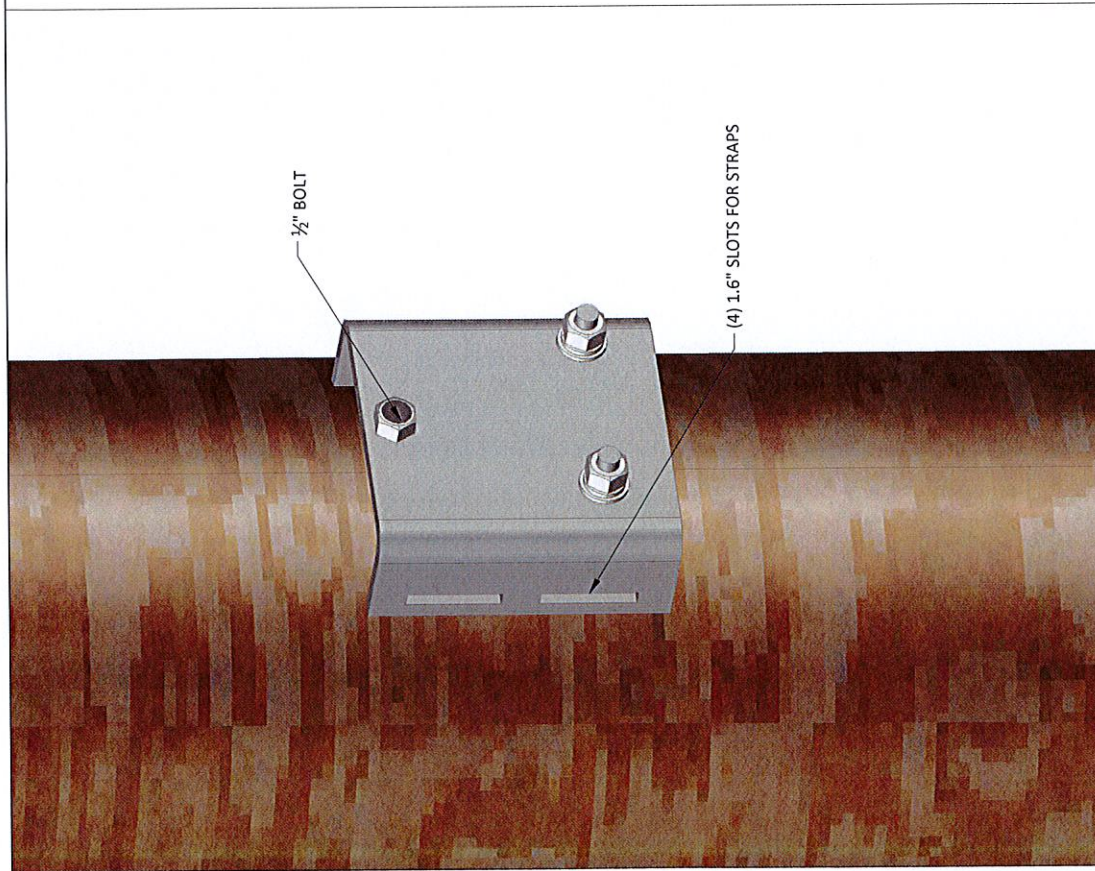


FIBERTECH DAS

ERICSSON

ERICSSON
RRUL 700 MHZ (BAND 13)

REVISES		9
NEW	DESCRIPTION	
	DATE	
QUANTITY		UNIT
SCALE:		NTS
ISSUE DATE:		09/14/15
INDEX NAME:		SC-NET 0186
SHEET #		12

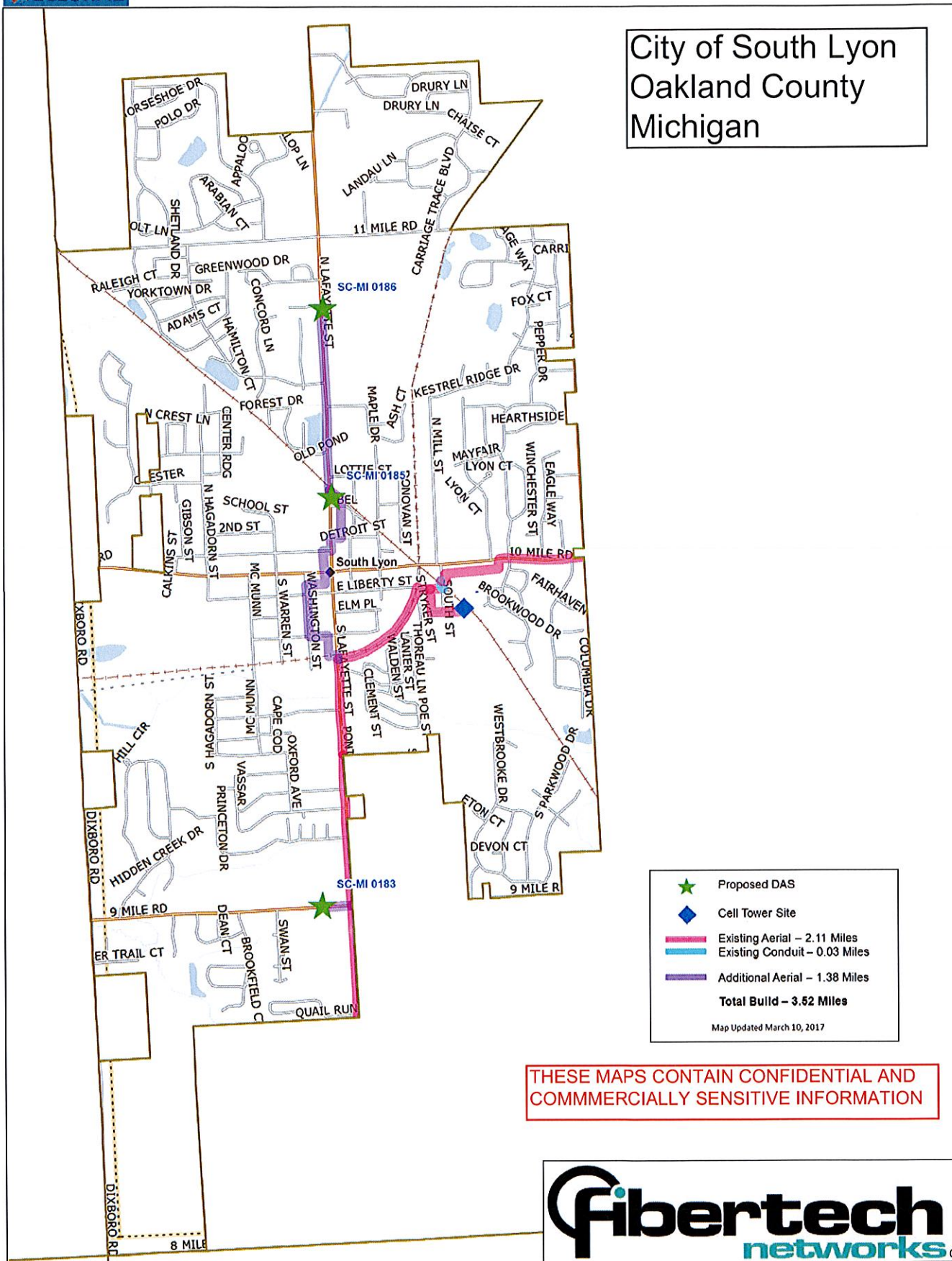


REVISIONS		
REV	DESCRIPTION	DATE

11

DRAWING: VMBF
SCALE: NTS
ISSUE DATE: 09/7/015
DRAWING NAME: SC-MB-0136G
SHEET # 11 OF 12

City of South Lyon
Oakland County
Michigan



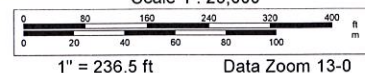
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www.delorme.com



Scale 1 : 25,000



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This License Agreement (License), which shall be effective as of the date of the last signature ("Effective Date"), is by and between the City of South Lyon, a Michigan municipal corporation ("City"), whose address is 335 S. Warren St., South Lyon, Michigan 48178, and Fiber Technologies Networks, L.L.C., ("Company") a limited liability company organized under the laws of the State of New York, whose address is 300 Meridian Centre, Rochester, New York 14618.

RECITALS

A. Company desires to use public-right-of way in the City ("ROW") for the installation and use of facilities that the City does not agree with Company are "Telecommunications Facilities" for purposes of and defined in the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended ("METRO Act"), and Permits that allow access to and ongoing use of the ROW under the METRO Act.

B. Pursuant to its proprietary ownership, jurisdiction, authority, and/or control of the ROW, and the right to approve licenses and franchises for the use of the ROW under the Michigan Constitution, applicable statutes, and the City Charter and Ordinances, the City has agreed to allow Company access to and the use of the ROW under the Terms and Conditions of this License, which Company has accepted.

THE CITY AND COMPANY THEREFORE AGREE TO THIS LICENSE AND ALL OF ITS TERMS AND CONDITIONS:

Section 1. Definitions. The following words or phrases have the meanings indicated:

Public Right-of-Way or ROW shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway owned, controlled, or under the jurisdiction of the City, to the extent City has the ability to grant the rights set forth herein. Public right-of-way does not include a federal, state, or private right-of-way.

Facilities shall mean the Company's antennas, supporting structures for antennas, equipment shelters or houses, and other equipment, hardware, and personal property, including components owned by Company's customers integrated into the Facilities, all of which are described and depicted in Exhibits attached to this License for each location Company is licensed to access and use as provided in Section 2.

Section 2. Grant.

City hereby grants a License to Company for access to and ongoing use of the Public Right-of-Way to use, construct, install and maintain Facilities in those portions of the Public Right-of-Way identified (by number) on the Location Map

that is attached as **Exhibit A** on the terms set forth herein. For new structures, this grant is subject to Company demonstrating and documenting to the City Manager's satisfaction that existing structures are not available to satisfy Company's needs for a Facility in the area of the proposed location by documenting that the entities that own or control the existing structures are not required or have refused to authorize attachment of Company's Facilities, and that in requesting the authorization, Company offered and was willing to pay the established rates, and comply with the terms and conditions as applicable under MCL 484.2361 or MCL 460.6g. The plans and specifications for the Facilities that may be installed and used at each location shown on Exhibit A, and written authorization to use an existing structure owned or controlled by an entity other than Company upon which Facilities will be located, are attached as **Exhibit B**, corresponding to the location number on Exhibit A.

(a) The **Exhibit A Location Map** may be modified by written request by Company and approval by the City Manager to modify approved locations and/or add additional locations. Said approval shall not be unreasonably conditioned or denied for new locations on existing structures. For new structures, Company shall demonstrate and document to the City's satisfaction that an existing structure is not available to satisfy Company's needs for a Facility in the area of the proposed location. To demonstrate an existing ROW structure is not available, Company must document that the entity that owns or controls the structure is not required or has refused to authorize attachment of Company's Facilities, and that in requesting the authorization, Company offered and was willing to pay the established rates, and comply with the terms and conditions as applicable under MCL 484.2361 or MCL 460.6g. In acting on an Exhibit A modification request, to the extent allowed by law City may consider the number of ROW structures in the area and may condition any City approval on reasonable restrictions regarding the height, size, type, appearance, and location in the ROW similar to those aspects of existing ROW structures in the area.

(b) The **Exhibit B Facilities Plans and Specifications** for a location may be modified by written request by Company and approval by the City Manager, which shall not be unreasonably withheld, in conformance with the Federal Telecommunications Act of 1996. Facilities located in the ROW under this License shall not be altered, expanded, or changed in appearance without City approval, which shall not be unreasonably withheld and shall not be subject to any state or federal statute, rule, or law that allows such modifications without City approval, or restricts or limits the City's authority in that regard.

(c) Any decision by the City Manager on a request for a modification of the **Exhibit A Location Map or an Exhibit B Facilities Plans and Specification** for a location may be appealed by Company to the City Council.

(d) Attachments. Company shall not allow attachment of wires or any other facilities of a third party to Facilities owned or controlled by Company without City's prior written approval of the required modification of Exhibit B under Section 2(b), with any such third party wires or facilities not being subject to any state or federal statute, rule, or law that allows further modifications without City approval, or restricts or limits the City's authority in that regard. Company shall allow attachment of third party wires and facilities to Company owned poles that can structurally accommodate the attachments if the third party is willing to pay Company compensation at established or market rates and the third party has a license and all required permits from the City for the attachments.

(e) Nonexclusive. The rights granted by this License are nonexclusive. City reserves the right to approve, at any time, additional Licenses for access to and ongoing usage of the Public Right-of-Way by others telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and/or grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

Section 3. Contacts, Maps and Plans.

(a) Company Contacts. The names, addresses and the like for engineering and construction related information for Company and its Telecommunication Facilities are as follows:

The address, e-mail address, phone number and contact person (title or name) at Company's local office (in or near Municipality) is 21555 Melrose Ave, Bldg S, Southfield, MI, 48075 sherald@lighttower.com 585-269-8436, Steve Herald, Market Operations Manager.

If Company's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them is 300 Meridian Centre, Suite 200, Rochester, NY 14618, jmiller@lighttower.com 585-568-8483, Jean Miller, Director Expansion Projects Northwest Region.

The name, title, address, e-mail address and telephone numbers of Company's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is 21555 Melrose Ave, Bldg S, Southfield, MI, 48075 sherald@lighttower.com 585-269-8436, Steve Herald, Market Operations Manager.

The address, phone number and contact person (title or department) at Company's home office/regional office with responsibility for engineering

and construction related aspects of the Telecommunication Facilities is 300 Meridian Centre, Suite 200, Rochester, NY 14618, jmiller@lighttower.com 585-568-8483, Jean Miller, Director Expansion Projects Northwest Region.

Company shall at all times provide Manager with the phone number at which a live representative of Company (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency. This number is: 855-583-4237.

The preceding information is accurate as of the Effective Date. Company shall notify Municipality in writing as set forth in Section 12 of any changes in the preceding information.

(b) As-Built Records. Company, without expense to City, shall, upon 48 hours notice, give City access to all "as-built" maps, records, plans and specifications showing the Facilities or portions thereof in the Public Right-of-Way.

Section 4. Use of Public Right-of-Way.

(a) No Burden on Public Right-of-Way. Company, its contractors, subcontractors, and the Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. The Facilities shall be installed and maintained so as to not endanger or injure persons or property in or about the Public Right-of-Way. If City reasonably determines that any portion of the Facilities constitutes an undue burden or interference, due to changed circumstances, Company, at its sole expense, shall modify the Facilities or take such other actions as City may determine is in the public interest to remove or alleviate the burden, and Company shall do so within a reasonable time period. City shall attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

(b) No Priority. This License does not establish any priority of use of the Public Right-of-Way by Company over any present or future Licensees or parties having agreements with City or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to City, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other license, agreement or franchise holders, as determined by City in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.

(c) Restoration of Property. Company, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Company's sole expense, in a manner approved by City, any portion of the Public Right-of-Way

that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Facilities to a reasonably equivalent (or, at Company's option, better) condition as that which existed prior to the disturbance. In the event that Company, its contractors or subcontractors fail to make such repair within a reasonable time, City may make the repair and Company shall pay the costs City incurred for such repair.

(d) Marking. Company shall mark the Facilities as follows: Aerial portions of the Facilities shall be marked with a marker which shall state Company's name and provide a toll-free number to call for assistance. Underground portions of the Facilities shall have a stake or other appropriate above ground markers with Company's name and a toll-free number indicating that there is buried equipment below.

(e) Tree Trimming. Company may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Facilities, consistent with any standards adopted by City. Company shall dispose of all trimmed materials. Company shall minimize the trimming of trees to that essential to maintain the integrity of the Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.

(f) Installation and Maintenance. The construction and installation of the Facilities shall be performed pursuant to plans approved by City. Company shall install and maintain the Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Company's use, or the facilities of all users of the poles are required to go underground then Company shall have the right to request a modification under Section 2 for an alternate location. Company may perform maintenance on the Facilities without prior approval of City, provided that Company shall obtain any and all permits required by City in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by City.

(g) Coordination. Company shall coordinate its construction and all other work in the Public Right-of-Way with any City programs or projects Company is notified of in the City's review comments on a Company construction permit application.

(h) Compliance with Laws. Company shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Company shall secure all necessary permits, licenses and approvals from City or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. City shall not unreasonably delay or deny issuance of any such permits, licenses or approvals. Company shall comply

in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Company shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended. This section does not constitute a waiver of Company's right to challenge laws, statutes, ordinances, rules or regulations now in force or established in the future.

(i) Street Vacation. If City vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Company's Facilities in the vacated Public Right-of-Way, Company shall, as a condition of this License, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by City or a court of competent jurisdiction. Company shall relocate its Facilities to such alternate location as City and Company mutually agree, applying reasonable engineering standards.

(j) Relocation. If City requests Company to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Company shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate location as City and Company mutually agree, applying reasonable engineering standards. The work shall be completed within a reasonable time period.

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

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

(m) Underground Relocation. If Company has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, this License shall

terminate as to any pole that is no longer used except by Company for its Facilities, which shall be promptly removed at Company's sole cost and expense. For any pole that this License is terminated for under this subsection, Company may request a modification under Section 2 for an alternate location.

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

Section 5. Indemnification.

(a) Indemnity. Company shall defend, indemnify, protect, and hold harmless City, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Section 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Company, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Company's use of or installation of Facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Company, its officers, agents, employees, contractors, successors and assigns.

(b) Notice, Cooperation. City shall notify Company promptly in writing of any such claim and the method and means proposed by City for defending or satisfying such claim. City shall cooperate with Company in every reasonable way to facilitate the defense of any such claim. City shall consult with Company respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.

(c) Settlement. City shall not settle any claim subject to indemnification under this Section 5 without the advance written consent of Company, which consent shall not be unreasonably withheld. Company shall have the right to defend or settle, at its own expense, any claim against City for which Company is responsible hereunder.

Section 6. Insurance.

Company has provided and will continue to maintain all necessary insurance information in accordance with its METRO Act Bilateral Right-of-Way Telecommunications Permit dated April 14, 2014, which shall be applicable and cover Company's Facilities, actions,

and operations under this License and be confirmed by the Certificates of Insurance provided for said METRO Act Permit.

Section 7. Term.

The term ("Term") of this License shall be until the earlier of:

- (a) Fifteen years (15) from the Effective Date; provided, however, that following such initial term there shall be three subsequent renewal terms of five (5) years. Each renewal term shall be automatic unless City notifies Company in writing, at least one (1) year prior to the end of any term then in effect, that due to changed circumstances a need exists to negotiate the subsequent renewal with Company. Municipality shall not unreasonably deny a renewal term; or
- (b) When the Facilities have not been used to provide telecommunications services for a period of 180 days by the Company or a successor or an assign of the Company; or
- (c) When Company, at its election and with or without cause, delivers written notice of termination to City at least 180 days prior to the date of such termination; or
- (d) Upon either Company or City giving written notice to the other of the occurrence or existence of a default under this License by the other party and such defaulting party failing to cure, or commence good faith efforts to cure, such default within 60 days (or such shorter period of time provided elsewhere in this License) after delivery of such notice; or
- (e) Unless Manager grants a written extension, one (1) year from the Effective Date if prior thereto Company has not started the construction and installation of the Facilities within the Public Right-of-Way and two (2) years from the Effective Date if by such time construction and installation of the Facilities is not complete.

Section 8. Performance Bond or Letter of Credit.

City may require Company to post a bond (or letter of credit) as specified in the attached **Exhibit C**.

Section 9. Fees.

- (a) Company shall pay City an annual fee in advance on or before the Effective Date and each anniversary date thereafter for each City Manager approved location of Facilities shown on the Exhibit A Location Map, regardless of whether Company has installed the Facilities at that location, with the amount of the fee to be determined in accordance with the Fee Schedule that is attached as **Exhibit D**, and the payment to be made by delivery

to the City Treasurer, or to such other person or location as the City designates in writing at least one (1) month prior to a payment due date. For each paid for location, Company shall be entitled to a prorated credit against its next annual payment for the portion of the year covered by that payment that a construction permit has not been issued. For additional locations approved under Section 2, payment of the fee, prorated from the date of the City Manager's approval through the next anniversary date of this License, shall be a condition of that approval.

(b) A payment of the annual fee received by the City more than 15 days after it is due shall include an administrative late charge equal to five (5%) percent of the required payment.

Section 10. Removal.

(a) As soon as practicable after the Term, Company or its successor and assign, at its sole cost and expense, and unless waived by the City Manager, shall remove all Facilities from the Public Right-of-Way.

(b) The schedule and timing of removal shall be subject to approval by the City Manager. Unless extended by Manager, removal shall be completed not later than one (1) year following the Term. Portions of the Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned, title to which shall vest in the City at the option of City exercised by written notice to Company as set forth in Section 12.

Section 11. Assignment.

Company may assign or transfer its rights under this License, or the persons or entities controlling Company may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Company's business, or by other means, subject to the following:

(a) No such transfer or assignment or change in the control of Company shall be effective under this License, without City's prior approval (not to be unreasonably withheld), during the time period from the Effective Date until the completion of the construction of the Facilities in those portions of the Public Right-of-Way identified on Exhibit A.

(b) After the completion of such construction, Company must provide notice to City of such transfer, assignment or change in control no later than 30 days after such occurrence; provided, however,

(1) Any transferee or assignee of this License shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this License, including responsibility

for any defaults which occurred prior to the transfer or assignment; shall supply City with the information required under Section 3(a); and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which City reasonably deems necessary, and

(2) In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Company's ability to perform under the terms and conditions of this License and comply with applicable law; and Company shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which City reasonably deems necessary.

(c) Company may grant a security interest in this License, its rights thereunder or the Facilities at any time without notifying City.

Section 12. Notices.

(a) Notices. All notices under this License shall be given as follows:

(1) If to City, to City of South Lyon, Attn: Manager,
335 S. Warren St., South Lyon, MI 48178

with a copy to: City of South Lyon, Attn: Clerk,
335 S. Warren St., South Lyon, MI 48178

(2) If to Company, to Judith Newkirk, Director of Access & Permitting,
300 Meridian Centre, Rochester, New York, 14618.

(b) Change of Address. Company and City may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

Section 13. Other items

(a) No Cable, OVS. This License does not authorize Company to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).

(b) Duties. Company shall faithfully perform all duties required by this License.

(c) Amendment. Except as set forth in Section 2, this License may only be amended by the written agreement of City and Company.

(d) Interpretation and Severability. The provisions of this License shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this License be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this License. If any provision in this License is found to be partially overbroad, unenforceable, or invalid, Company and City may nevertheless enforce such provision to the extent permitted under applicable law.

(e) Governing Law. This License shall be governed by the laws of the State of Michigan.

Attest:

City of Farmington Hills

By: _____
Lisa Deaton
City Clerk

By: _____
Lynne Ladner
Its: Manager

Date: _____, 2016

Fiber Technologies Networks, L.L.C.

By: _____

Its:

Date: _____, 2016

Exhibit A - Public Right-of-Way to be Used by Facilities

The Public Right-of-Way locations that Company is granted access to and the use of is are shown on the attached Location Map, which as provided in Section 2 of the License to which this Exhibit is attached, may be modified from time to time to add (or remove) locations.

Exhibit B - Facilities Plans and Specifications

For each numbered Facilities location shown on Exhibit A, the plans and specifications for those Facilities are attached:

Location #	Location Name	Lat	Long	Nearest address	Description of Plans and Specifications
SC-MI 0183	12821-SOUTH_LYON_2	42.446140	-83.652149	61450 9 Mile Rd. South Lyon	Attach Facilities to existing DTE secondary pole
SC-MI 0185	12823-SOUTH_LYON_4	42.463735	-83.651549	295 N. Lafayette St. South Lyon	Attach Facilities to existing DTE secondary pole
SC-MI 0186	12845-SOUTH_LYON_5	42.471876	-83.651925	1000 N. Lafayette St. South Lyon	Attach Facilities to existing DTE secondary pole

Exhibit C - Bond

As authorized under Section 8 of the License that this Exhibit is attached to and part of, a Bond conforming to these specifications and requirements is required in the amount of \$ \$20,000.00 as representing an amount that does not exceed the reasonable cost to ensure that the Public Right-of-Way is returned to its original condition during and after Company's access and use.

The Bond shall be in the form of cash, or an irrevocable bank letter of credit form or surety bond form approved by City, and shall be posted with City before any construction or engineering License may be issued.

During the term and all renewal terms of this License, City reserves the right to increase the Bond amount if it is no longer sufficient to cover the reasonable cost to ensure that the Public Right-of-Way is returned to its original condition during and after Company's access and use. Such right shall be exercised by written notice to Company that specifies the increased amount and date it is to be provided that is at least 60 days after City's notice.

Exhibit D - Fee Schedule

Annual fees shall be paid by Company to City according to the following Fee Schedule:

Company-owned wood poles	\$100.00
Company-owned metal or fiberglass poles in underground districts	\$100.00
City-owned wood poles	\$240.00
City-owned streetlights	\$300.00
City-owned traffic signals	\$600.00
City-owned ornamental poles in downtown districts	\$1200.00

Company is responsible for all costs related to purchasing or retrofitting structures for use by the Facilities.

The inclusion of fees for City-owned poles, streetlights, and traffic signals in the Fee Schedule does not obligate the City to allow use of such facilities by Company. Any approval of such use will require a separate, City Council approved contract with Company, with the City reserving its right in that contract to require different fees than the minimum fees for City-owned poles, streetlights, and traffic signals in this Fee Schedule.

AGENDA NOTE

MEETING DATE: March 13, 2017

PERSON PLACING ITEM ON AGENDA: Recommendation from Planning Commission

AGENDA TOPIC: First Reading of Ordinance to Amend the Official Zoning Map of the City of South Lyon Conditionally Rezoning 500 Stryker Street – Parcel No. 21-29-176-012 from R-3 (1-Family Residential) to I-1 (Light Industrial)

EXPLANATION OF TOPIC: In October 2016, the owner of 500 Stryker Street requested that the City rezone Parcel No. 21-29-176-012 from R-3 (1-Family Residential) to I-1 (Light Industrial) with conditions that the development and use of the property be limited to a self-storage facility. The owner's request is submitted pursuant to MCL 125.3405 which authorizes rezoning with conditions voluntarily offered by the owner of the property. The Planning Commission held a Public Hearing on December 8, 2016, and recommended approval of the owner's request for conditional rezoning based on the conditions voluntarily offered in writing by the owner.

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

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

The conditions voluntarily offered by the owner are contained in Paragraph 2 of the Conditional Rezoning Agreement which reflects the conditions voluntarily offered in writing by the owner along with its original rezoning request.

The Conditional Rezoning Agreement contains time limits, as authorized under MCL 125.3405(2), which the owner must meet or the zoning of the parcel will revert back to R-3:

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

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

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

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

- Ordinance to amend the official zoning map of the City of South Lyon conditionally rezoning Parcel No. 21-29-176-012 – 500 Stryker Street, from R-3 to I-1.

- Planning Commission Minutes of December 8, 2016
- CIB Review updated December 2, 2016

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

RECOMMENDATION: Approve

SUGGESTED MOTION: Motion to approve the first reading of the Ordinance to amend the official zoning map of the City of South Lyon conditionally rezoning Parcel No. 21-29-176-012, 500 Stryker Street from the R-3 district (one-family residential) to the I-1 district (light industrial).

ORDINANCE NO. ____-17

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

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF
THE CITY OF SOUTH LYON CONDITIONALLY REZONING
PARCEL NO. 21-29-176-012, 500 STRYKER STREET, FROM
THE R-3 DISTRICT (ONE-FAMILY RESIDENTIAL) TO THE I-
1 DISTRICT (LIGHT INDUSTRIAL)**

THE CITY OF SOUTH LYON ORDAINS:

PART I. Amendment of Official Zoning Map. The Official Zoning Map of the City of South Lyon incorporated into the South Lyon Zoning Ordinance by Section 102-182 is hereby amended to conditionally rezone the Property located at 500 Stryker Street, South Lyon, MI 48178, Tax ID: 21-29-176-012 and more fully described as:

Lot 11, Assessor's Plat No. 3 of the City of South Lyon, according to the plat thereof, recorded in Liber 52 of Plats, page 40, Oakland County Records.

from the R-3 District (One-Family Residential) to the I-1 District (Light Industrial) subject to the conditions set forth in the Conditional Rezoning Agreement and exhibits below which were voluntarily offered by the applicant and which are expressly incorporated into this Ordinance.

CONDITIONAL REZONING AGREEMENT

City of South Lyon
and
Raymond Schovers

(500 Stryker Street – Parcel ID 21-29-176-012)

THIS CONDITIONAL REZONING AGREEMENT (the "Agreement") is made this ____ day of March, 2017, by and between the CITY OF SOUTH LYON, a Michigan municipal corporation, with its offices located at 335 S. Warren Street, South Lyon, MI 48178 ("City") and RAYMOND SCHOVERS, a married man, whose address is 44425 Chedworth Drive, Northville, MI 48167 ("Owner").

RECITALS

WHEREAS, the City is a municipal corporation organized and existing under and pursuant to the Michigan Home Rules Cities Act, 1909 PA 279, MCL 117.1 et seq., as amended, and

exercising all of the powers provided for therein and pursuant to the City of South Lyon City Charter, last amended November 3, 2009;

WHEREAS, the Owner is a married man and resident of the State of Michigan, County of Wayne;

WHEREAS, the Owner is the fee title holder of certain real property ("Property") commonly known as 500 Stryker Street, Tax ID 21-29-176-012 and more fully described as follows:

Lot 11, Assessor's Plat No. 3 of the City of South Lyon, according to the plat thereof, recorded in Liber 52 of Plats, page 40, Oakland County Records.

WHEREAS, the Property is currently zoned R-3 (One-Family Residential), and Owner desires to develop a self-storage facility on the Property which is not permitted under the Property's current zoning;

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

WHEREAS, on October 19, 2016, the Owner submitted a Conditional Rezoning Application for the Property with a conceptual site plan (attached as Exhibit A), voluntarily offering, in writing, certain conditions to rezone the Property from R-3 (One-Family Residential) to I-1 (Light Industrial) with conditions as set forth in this Agreement;

WHEREAS, on December 8, 2016, the City Planning Commission held a public hearing, after publication of notice thereof, on the Owner's Conditional Rezoning Application;

WHEREAS, on December 8, 2016, the City Planning Commission recommended approval of the Owner's request for conditional rezoning based upon the conditions voluntarily offered by Owner in writing which are set forth in this Agreement and the attached exhibits;

WHEREAS, on _____, 2017, the City Council approved the request for Conditional Rezoning and adopted Ordinance No. _____ based upon the conditions voluntarily offered by the Owner in writing which are set forth in this Agreement and the attached exhibits; and

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

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

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

- a. Development and use of the Property shall be for a self-storage facility in substantial conformance with the preliminary site plan attached as Exhibit B;
- b. Development and use of the Property for a self-storage facility shall be subject to final approval of the site plan for the Property by the City Planning Commission. The parties agree that minor revisions to the approved final site plan which, in the sole discretion of the City Manager, do not significantly modify the proposed development or use of the Property or the site plan, may be considered and approved by the City administratively without the necessity of review and approval by the Planning Commission and/or without amendment of this Agreement and exhibits hereto;
- c. All other permitted and special land uses in the I-1 district are prohibited on the Property;

- d. Screening and landscaping shall be provided on the Property in accordance with City Ordinances;
- e. Except as modified herein, development and use of the Property shall comply with all other applicable state and local requirements for land development and use, ordinances, codes, standards, regulations, requirements, and engineering design standards and requirements.

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

4. Time Limits. The City and Owner agree that the following approvals and activities are conditions to this Agreement and if not completed in the following time limits, the Property will revert back to the R-3, One-Family Residential District:

- a. Final site plan approval within six (6) months from the date of the approval of this Agreement;
- b. A building permit for the Project, or first phase thereof if applicable, is obtained within eighteen (18) months from the date of the approval of this Agreement.
- c. A final certificate of occupancy for the Project, or first phase thereof if applicable, is obtained within thirty (30) months from the date of the approval of this Agreement.

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

6. City Right to Rezone. Nothing in this Agreement shall be deemed to prohibit the City from rezoning all or any portion of the Property which is subject to this Agreement to another zoning district. Any rezoning shall be conducted in compliance with the City's Zoning Ordinance

and the Michigan Zoning Enabling Act, provided, however, that the City shall not rezone the Property to a different zoning district provided the time limit conditions in paragraph 4 have been met.

7. Owner Acknowledgments. Owner acknowledges that it voluntarily offered the conditions contained in this Agreement in connection with the request for conditional rezoning of the Property and that such conditions were offered in writing. Owner acknowledges that upon the requested conditional rezoning and this Agreement becoming effective, the development and use of the Property shall conform thereafter with the terms and conditions of the conditional rezoning, this Agreement, and all the requirements regulating development and use within the I-1 zoning district as modified by the statement of conditions and with this Agreement and that any failure to fully comply with such conditions and/or this Agreement shall constitute a violation of the City of South Lyon Zoning Ordinance, and shall be punishable accordingly. Owner acknowledges and agrees that the terms and conditions of this Agreement are necessary and roughly proportional to the burden imposed by the conditional rezoning of the Property, and are therefore necessary to ensure that public services and facilities will be capable of accommodating the development and use and the increased service of facility loads caused by the development and use, to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent uses of land, and to promote the use of the Property in a socially and economically feasible manner, and to achieve other legitimate objectives authorized by law. Owner agrees that the terms and conditions herein do not constitute a taking of property for any purpose or a violation of any Constitutional right, and Owner agrees to be bound by each and every provision and conditions of this Agreement.

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF SOUTH LYON,
a Michigan Municipal Corporation

By: _____
John Galeas, Jr, its Mayor

By: _____
Lisa Deaton, its Clerk

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing Agreement was signed and acknowledged before me by John Galeas, Jr., the Mayor of the City of South Lyon, and Lisa Deaton, the Clerk of the City of South Lyon, on behalf of the City of South Lyon, a Michigan municipal corporation, on the _____ day of _____, 2017.

Notary Public
Oakland County, Michigan
My Commission Expires: _____

OWNER

Raymond Schovers

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing Agreement was signed and acknowledged before me by Raymond Schovers on the _____ day of _____, 2017.

Notary Public
Oakland County, Michigan
My Commission Expires: _____

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

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

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

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

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

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

John Galeas, Jr., Mayor

Lisa Deaton, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the _____ day of _____, 2017.

Lisa Deaton, City Clerk

Adopted:
Published:
Effective:

**City of South Lyon
Planning Commission
Regular Meeting Minutes
December 8, 2016**

The meeting was called to order by Chairman Lanam at 7:06 p.m.

PRESENT: Scott Lanam, Chairman
Keith Bradley, Vice-Chairman
Jerry Chaundy, Secretary
Frank Leimbach, Commissioner
Steve Mosier, Commissioner
Jason Rose, Commissioner

ABSENT: Michelle Berry, Commissioner (excused)
Wayne Chubb, Commissioner (excused)
Mike Joseph, Commissioner (excused)

OTHERS PRESENT: Timothy Wilhelm, City Attorney
Carmine Avantini, Planning Consultant
Kelly McIntyre, Planning Consultant
Megan Blaha, City of South Lyon

APPROVAL OF AGENDA

Motion by Mosier, second by Chaundy to approve the agenda for December 8, 2016.

VOTE

MOTION CARRIED UNANIMOUSLY

Minor corrections were made to the November 10, 2016 minutes.

APPROVAL OF MINUTES AS AMENDED:

Motion by Bradley, second by Chaundy to approve the minutes for November 10, 2016 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

COMMENTS FROM THE PUBLIC:

Carl Richards

390 Lennox, South Lyon

Richards stated that there is a problem with meeting minutes being made available to the public. He said that he stands behind everything that he has said in the past. He wants the Planning Commission to know that the maps that they have are inaccurate. The most accurate map that he has come across is the map from the CDBG application. He gave a copy of that map to Chairman Lanam.

PUBLIC HEARING:

1) Conditional Rezoning South Lyon Storage at 500 Stryker

Chairman Lanam opened the public hearing at 7:07 p.m.

Planning Consultant Avantini reviewed his letter dated November 30, 2016, noting that the Commission has now been presented with a preliminary site plan as part of the conditional rezoning request. He stated that the plan will come back before the Commission for final site plan approval as part of the process.

Avantini explained the conditional rezoning request process that had been discussed at the November meeting. He noted that he wanted to make it clear to anyone in the audience tonight that a conditional rezoning to industrial would not open this property up to any industrial uses other than self storage. He went on to say that if the site plan isn't built, the property would then revert back to the previous residential zoning.

Barbara Donley
225 E. Liberty, South Lyon

Donley stated that she is concerned about industrial uses so close to the cemetery and residential. She mentioned the development on Reese Street and the location of the PNC bank. She said that these were originally supposed to be constructed as through streets. She said that perhaps a better use of this property would be to extend Stryker Street and have it connect to more residential. She finished by saying that she would rather see the property remain residential, as industrial is not a very attractive use.

Francesca Aragona, Designhaus Architecture
301 Walnut Boulevard, Rochester

Aragona reviewed the preliminary site plan with the Commission. She noted their efforts to screen the use from surrounding properties with landscaping.

Lanam questioned what looked to be 100% galvanized metal siding on the buildings. He stated that he would like to see a more attractive mix of materials and noted that galvanized metal should not be installed all the way to ground level because it rusts.

Donley said that more screening was needed on the cemetery side. Aragona responded that more evergreens could be added. Leimbach agreed stating that he would like to see any evergreen gaps along the cemetery side of the property filled in with more evergreens so it is a continuous screen.

Avantini stated that the applicant has offered to come to the Commission for final site plan approval as part of the conditional rezoning. He noted that any changes to the site plan or landscape plan could be discussed in greater detail at that time.

Denise Donley
225 E. Liberty, South Lyon

Donley stated that South Lyon is not a beautiful city now so why put an industrial use so near to residential? She said that we should be thinking about getting rid of the trailer park instead.

Commissioner Rose stated that the Commission has been discussing this site for a long time. He went on to say that he is a developer and in his experience, it would be nearly impossible to develop this site as profitable residential. He noted that the limited access to the site, the drainage and the easement across the property are serious issues. Rose stated that the City cannot get rid of the trailer park, per state law. He said that he doesn't see anyone wanting to build high end homes near the trailer park.

Donley asked how the Fire Chief felt about this development.

Avantini stated that the proposed use is one of the few that the Fire Chief would approve due to the limited access to this site.

Donley said that other uses would be better. She asked the Commission to reconsider approving the rezoning or insist that the developer make the site more attractive.

Chairman Lanam closed the public hearing at 7:32 p.m.

MOTION TO APPROVE THE CONDITIONAL REZONING REQUEST FOR 500 STRYKER STREET FROM R-3 RESIDENTIAL TO I-1 INDUSTRIAL ALONG WITH THE PRELIMINARY SITE PLAN AND CONTINGENT UPON THE CONDITIONS PROVIDED BY THE APPLICANT AND OUTLINED IN PLANNING CONSULTANT AVANTINI'S REVIEW LETTER DATED NOVEMBER 30, 2016:

Motion by Chaundy, second by Rose to approve the conditional rezoning request for 500 Stryker Street.

VOTE

MOTION CARRIED UNANIMOUSLY

2) West End Industrial Park at 10 Mile and Dixboro

Chairman Lanam opened the public hearing at 7:35 p.m.

Avantini stated this agenda item is being discussed again because the appropriate notifications have been mailed. He noted that the applicant has asked the Commission to reconsider adopting the Master Plan and associated Future Land Use Map as it calls for this property to remain Industrial.

Avantini noted that as it stands now, the Commission is bound to deny the request because it is incompatible with the Master Plan and the Future Land Use Map. He said that in addition to this incompatibility, he is also concerned about the site's proximity to Michigan Seamless Tube.

City Attorney Wilhelm stated that he had not received the definitive proof of ownership and the written consent of the property owner that had been requested at the November meeting.

Bob Donohue, City of South Lyon
335 S. Warren, South Lyon

Donohue stated that as the Director of Community and Economic Development, he has some concerns about this proposed use. He stated that Michigan Seamless Tube has plans to expand. Donohue said that he had recently met with Oakland County regarding this expansion and possible

wetland mitigation that would need to be done for the company to expand. He stated that incompatibility with the Master Plan is an issue. Donohue said that the lack of industrial properties in the City should be carefully considered. He said that he has received many calls from developers looking for industrial land since he started at his position in June.

Leimbach stated that he also has concerns about this rezoning request.

Lanam stated that he agrees, although he does recognize some of the issues that the applicant has brought to the Commission's attention. He stated that he would like to see the City do its own analysis of the property in addition to the one done by representatives of the applicant.

Cliff Sieber, Sieber Keast Engineering
100 N. Center Street, Northville

Sieber noted that the applicants and their consultants have done further research since the November meeting. He stated that materials have been submitted to the City that demonstrate that residential uses would be less burdensome to the City in terms of runoff, traffic and water usage.

Marc O'Rourke, Landmarc Building & Development
40440 Grand River Ste. E, Novi

O'Rourke stated that signed permission from the property owner for this rezoning request has been submitted to the City. He stated that the owner of the property purchased it about 20 years ago and has had the property continuously listed since they started to develop it.

Lanam stated that based on what Donohue had said about Michigan Seamless Tube expanding, the wetland would no longer be a buffer.

Mark Szerlag, Thomas Duke
37000 Grand River #360, Farmington Hills

Szerlag stated that he currently has the listing for this property. He noted that it has been represented by many different brokerage firms in the past and none have been successful. Szerlag noted that the property was originally zoned residential. It only changed when the property was annexed into the City and rezoned to Industrial. He said that the property has had zero interest from serious developers due to some major challenges including the road classification of Dixboro Road and the property's distance from I-96 and other major expressways.

Barbara Donley
225 E. Liberty, South Lyon

Donley asked who owns this property?

Robert Matthews
13566 Crooked Creek Drive, South Lyon

Matthews introduced himself and stated that he owns West End Industrial. He reiterated that the property has been on the market for a very long time. He stated that both the City and Lyon Township had approached him about locating a community center on the site. They both decided to not pursue the property because of its location and many physical limitations.

Carl Richards
390 Lennox, South Lyon

Richards stated that he lives near this property. He thinks that it is the ideal location for a small business to build a factory. He said that he has tried to convince Michigan Seamless Tube to purchase the property and make an entrance to their property on it. In his opinion if they make it residential it will become a subdivision that will never get finished. He said that there are other places to build houses.

Ken Redmond
24000 Dixboro Road, South Lyon

Redmond lives next to this property and he is in favor of rezoning. He said that the wetland on the property provides enough of a buffer.

Avantini referenced the conceptual plan on display, noting that if the rezoning was approved it is unlikely it would look like this plan. He stated that a number of the buildings on the conceptual plan are facing each other directly. In his opinion, he doesn't think the layout or the density as presented in the conceptual plan would be marketable.

Wilhelm asked Matthews about how the property was being marketed. Specifically, has it been marketed as condo or as a parcel? Matthews replied that they have tried marketing it both ways.

Matthews went on to say that he shouldn't be held hostage by the Master Plan since his property was originally zoned residential.

Rose asked about the conceptual plan and whether or not it would be incorporated in any decision to rezone. Wilhelm clarified that the owner and/or developer cannot be held to the conceptual plan presented tonight. Wilhelm said that the conceptual plan was simply a placeholder with no connection to the rezoning request.

Sieber said that he had listened to the conversation this evening and he wonders if the rezoning request would be looked upon more favorably if it was for a conditional rezoning. Rose said that he would be more likely to vote in favor for a conditional rezoning that had a site plan included.

Bradley stated that he was very firm that he would not vote in favor of something that was not in compliance with the Master Plan.

Chairman Lanam closed the public hearing at 8:05 p.m.

MOTION TO DENY REZONING REQUEST FOR WEST END INDUSTRIAL LOCATED AT DIXBORO ROAD AND 10 MILE ROAD FROM I-1 INDUSTRIAL TO RM-1 MULTIPLE FAMILY RESIDENTIAL FOR THE REASONS OUTLINED IN PLANNING CONSULTANT AVANTINI'S REVIEW LETTER DATED NOVEMBER 3, 2016:

Motion by Bradley, second by Leimbach to deny the rezoning request for West End Industrial.

VOTE

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

1) South Lyon Hotel Site Plan Approval

Avantini went over his review letter dated November 30, 2016 on the revised site plan for the South Lyon Hotel. He noted that there was still some remaining questions about the location of the loading zone. He stated that it had been a lengthy process working with the applicants on the design for the building and he is happy with the results and thinks that this design will come close to look of the original building. Avantini stated that the applicant brought a sample of the modular brick that they are proposing to use on the building. Avantini stated that the applicant has not provided him with a photometric grid, however if the Commission approves, he can review it administratively once it has been submitted. He went on to say that normally the Commission would like to see screening of the parking lot, but the size and dimensions of the lot do not allow for it in the case.

Avantini stated that he recommends approval based on the applicant addressing the comments in his review.

Corry Bala, South Lyon Hotel
201 N. Lafayette

Bala stated that the loading zone will remain on the north side of the lot since that is the most logical place for it. Bala went on to say that he feels like all issues have been adequately addressed and he is hoping for a "green light" tonight so they can get to work putting the footings in.

Walt Holden, TCI Construction
7159 W 12 ½ Mile Road, Messick

Holden stated that even though they have to go the ZBA for a variance, this will not change the location of the footings so he is hoping they can apply for building permits tomorrow if they are approved here tonight. Holden stated that they have already applied to the Building Department to put in the footings and had been denied.

Leimbach asked if the plans could be changed so that the new building started 4' above grade like the original building had.

Holden stated that this was not practical. The building does not have a basement. In order to build it 4' grade they'd have to dig a basement and fill it with sand. Building it above grade would also make it more difficult for handicapped people to enter at the front of the building.

Bala stated that because the building is built at grade, the ceilings would be higher on both the first and second floors so the structure would retain the height of the original building.

Mosier asked about using old columns or bricks from the original building. Bala responded that the columns were not structurally sound and would not be reused. He went on to say that some of the saved bricks from the original building may be used inside.

Rose stated that he likes the design of the building and thinks the higher ceilings will look good.

Chaundy agreed, stating that he also likes the design.

Bala thanked them stated that the new design was drawn realistically for their business. He thinks that it will be more user-friendly and more efficient.

Bala asked if they were approved tonight, could they apply for permits tomorrow. Avantini stated that he did not want to speak for the building official, but he thinks that it should be okay.

Bala asked about the sidewalk in front of the building. Avantini stated that any flags that were broken would need to be replaced.

Lanam stated that the rear entrance of the building is a little obscured. He stated that he would like to see some kind of architectural detail to make it stand out more. Lanam suggested a mural or sign. Bala said that whatever they do would need to be in compliance with the sign ordinance.

**MOTION TO APPROVE THE REVISED SITE PLAN FOR THE SOUTH LYON HOTEL
CONTINGENT UPON THE APPLICANT COMPLYING WITH ALL CONDITIONS OUTLINED
IN PLANNING CONSULTANT AVANTINI'S REVIEW LETTER DATED NOVEMBER 30, 2016
AS WELL AS ANY CONDITIONS OR COMMENTS FROM CITY DEPARTMENT HEADS
AND CONSULTANTS.**

Motion by Bradley, second by Rose to approve the site plan for the South Lyon Hotel.

VOTE

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS:

None.

TABLED ITEMS:

None.

PLANNING CONSULTANT REPORT:

Avantini stated that the City Council approved the Master Plan at their most recent meeting. Now that the plan has been approved, the Commission can begin reviewing the new zoning ordinance. Avantini stated that he would like to see the Commission do a workshop on a Saturday and review the ordinance all at once.

Wilhelm asked that the schedule of meetings for 2017 be put on the next agenda.

Lanam asked about work done at South Lyon Square and Avantini updated the Commission.

STAFF REPORT:

None.

ADJOURNMENT:

Motion by Rose, second by Bradley to adjourn the meeting at 9:03 p.m.

VOTE

MOTION CARRIED UNANIMOUSLY

Kristen A. Delaney

Scott Lanam, Chairman

Kristen Delaney, Recording Secretary

Jerry Chaundy, Secretary

DRAFT



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

CONDITIONAL REZONING APPLICATION

Project

Representative*: Designhaus Architecture

Address: 301 Walnut Blvd.

City/State/Zip: Rochester, MI 48307

Phone/Fax: 248.601.4422

Email: francesca@designhaus.com

Property Owner: Raymond Schovers

Address: 44425 Chedworth Drive

City/State/Zip: Northville, MI 48167

Phone/Fax: 248.348.0365

Email: ~~rschovers@gmail.com~~ schoversbldg@gmail.com / cell - 248-921-9696

Future Land Use designation:

Current Zoning: R-3 One Family Residential

Proposed Zoning: L1 Light Industrial - Self Storage Only

Project Name: South Lyon Storage

Location of Property: Between 9 and 10 Mile Road, south side of Stryker

Property Identification Number: 21-29-176-012 (500 Stryker Street)

Brief Description of Conditional Zoning

Proposal: Property to be conditionally rezoned to Light Industrial. Climate controlled self storage building and non-climate controlled drive up buildings are within the project scope.

APPLICATION SIGNATURE:

The applicant indicated above must sign this application. All correspondence and notices regarding the proposal will be transmitted to the applicant. By signing this application, the applicant is indicating that all information contained in this application, all accompanying plans and all attachments are complete and accurate to the best of his/her knowledge. This application is not valid unless it is accompanied by an application and review fee, along with an escrow deposit.

Applicant:

Ray Schovers Oct 19, 2016
(Signature / Date)

Ray Schovers
(Print Name)

Legal Owner:

Ray Schovers Oct 19, 2016
(Signature / Date)

Ray Schovers
(Print Name)

* Basis of representation (i.e. legal representative, owner, option to buy). Copy of deed, title and/or option to purchase must be provided at time of application.



November 15, 2016

City of South Lyon
335 S. Warren Street
South Lyon, MI 48178
Attn.: Carmine Avantini

Re: 500 Stryker Street – Conditional Rezoning and Preliminary Site Plan Review

Parcel I.D.: 21-29-176-012

Zoning: Current R-3 Multiple Family Residential, Requested L-1 Light Industrial

Mr. Avantini,

Designhaus Architecture of Rochester, Michigan and has been retained by Mr. Raymond Schovers to pursue the approval of a new self-storage facility in the City of South Lyon. The property is located on Stryker Street, between Nine and Ten Mile Roads, east of S. Lafayette St. and west of Griswold Road on 6.989 acres.

This parcel is currently vacant and zoned R-3 Multiple Family Residential. To the west is zoned MH Mobile Home Residence, to the east is R-3 Multiple Family Residential – the use is a cemetery, to the north is R-T Two-Family Residential and the southern property line is a residential use in Lyon Township.

Roughly a third of the site is divided by Yerkes Drain, making this portion of the south nearly undevelopable.

Due to the site location and shape, surrounding uses and Yerkes Drain, we are asking a conditional rezoning to L-1, Light Industrial. The use being requested with this conditional rezone is to be limited to self-storage only. Screening and buffering on site will be provided in accordance to city ordinance. Zoning codes and building codes will be upheld in the design and construction of the self-storage facility.

Based on comments from the previous Planning Commission meeting, we have submitted a preliminary site plan review package (included with this letter). We are asking that this preliminary package, along with the conditional rezoning, be approved and placed on the next available City Council meeting.

Please review the included plans and information. We will be happy to discuss any comments or concerns at future meetings.

Sincerely, Designhaus Architecture

Signed,

A handwritten signature in black ink, which appears to read "Peter Stuhlreyer", is written over a horizontal line.

Peter Stuhlreyer, Principal Architect

301 Walnut Blvd | Rochester, MI | 48307 | 248.601.4422 | designhaus.com



CIB PLANNING

Community Image Builders

December 1, 2016

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

Attention: Megan Blaha, Zoning Administrator

Subject: **REVISED** South Lyon Self Storage Conditional Rezoning and *Preliminary Site Plan Review* (500 Stryker), R-3, One-Family Residential to I-1, Light Industrial. Approximately 7 acres located on the on the south side of Stryker, east of South Lyon Woods Manufactured Housing Community, and west of South Lyon Cemetery.

Dear Commissioners:

We have reviewed the above *revised* application for a Conditional Rezoning amendment from R3, One-Family Residential to I-1, Light Industrial. The applicant submitted the Conditional Rezoning Application for the property with a Preliminary Site Plan, voluntarily offering to limit its use of the property as a self storage facility. The parcel has 261 feet of frontage on Stryker and is characterized as a long rectangular parcel. Currently the parcel has a vacant single family home at the front of the property, with a majority of the parcel undeveloped. Based upon our review of the zoning ordinance and master plan, discussions with City Staff and a visit to the site, we offer the following comments for your consideration.

CONDITIONAL REZONING

The applicant is proposing to change the zoning of this parcel from One-Family Residential, R-3, to Light Industrial, I-1, as a conditional rezoning under Section 405 of the Michigan Zoning Enabling Act (Act 110 of 2006). A Preliminary Site Plan is also provided to illustrate the proposed development and show that ordinance requirements can be met. Under Section 405 of the Zoning Enabling Act, a petitioner may voluntarily offer in writing, and the city may approve, certain uses and development of property as a condition to rezoning land. Such conditions must be offered voluntarily by a petitioner; the city may not require a petitioner to offer conditions as a prerequisite for rezoning

property. The conditions proposed by a petitioner as part of a conditional rezoning are supposed to result in recognizable and material benefits to the city that would unlikely be achieved otherwise under the site's existing zoning.

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

1. The use will be limited to a self storage facility;
2. Screening and buffering will be provided according to ordinance requirements;
3. Zoning and Building codes will be upheld in design and construction; and
4. Final Site Plan approval will be obtained from the Planning Commission.

The proposed use cannot be obtained under the current zoning designation and a regular rezoning to I-1, Light Industrial would open the site up to potentially incompatible land uses (see the list of zoning district uses below). The City will have to determine that these benefits justify the rezoning and make the proposed use compatible with surrounding development.

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

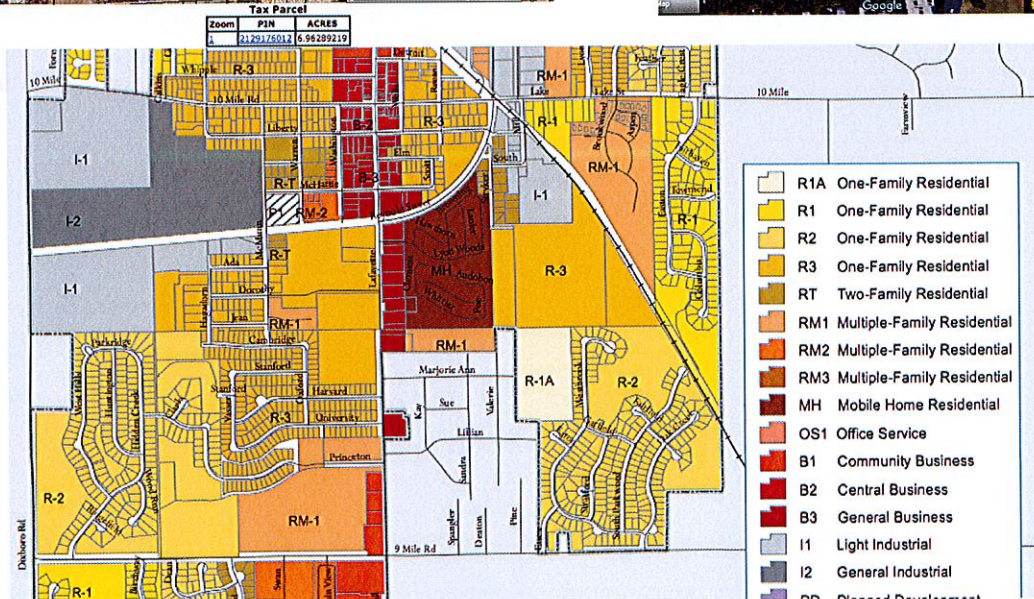
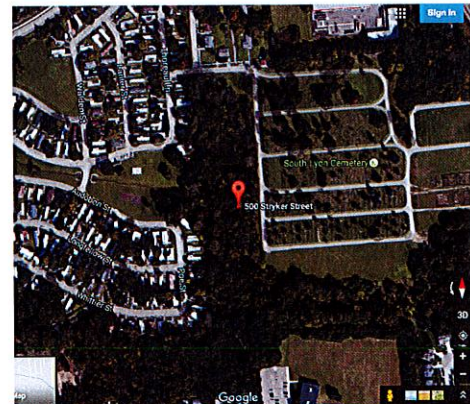
As part of a conditional rezoning, the city may also waive required standards of the Zoning Ordinance if they feel the conditions proposed by the petitioner and the benefits that would result from them outweigh the need to meet such standards. Conversely, compliance with some or all Zoning Ordinance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

Conditional rezoning is a two step process: following a public hearing, a recommendation from the Planning Commission to City Council for the conditional rezoning and preliminary site plan,; followed by a formal site plan submission to the Planning Commission, should the rezoning be approved.

LOCATION AND DESCRIPTION

The subject site is surrounded by primarily residential uses, including manufactured homes and two-family residential homes. To the north is a single family residential structure; to the south is property in Lyon Township (residential uses and zoning); to the east is a city-owned property, South Lyon Cemetery; and to the west is South Lyon Manufactured Housing Community. The parcel is wooded with a significant amount of trees including: Box Elder, Elm, Chinese Elm, Cherry, Maple, and Poplar, with scrub brush. The condition of the trees is not know at this time. The rear third of the parcel is bisected by the Yerkes Drain and difficult to develop. No significant topographic issues are present.

Surrounding Land Use and Zoning			
	Existing Use	Zoning	Future Land Use / Master Plan
Subject Property	Single Family Residential & Vacant	R-3, Single Family Residential	Traditional Residential
North	Single Family Residential	RT, Two-Family Residential	Traditional Residential
South	Residential	Township	Township
East	Governmental (Cemetery)	R-3, Single Family Residential	Traditional Residential
West	Single-family Residential	MH-Manufactured Housing	Traditional Residential



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

I-1. Light Industrial

Permitted Uses

- Basic Design, Research, Design and Pilot and/or Experimental Product Development Service and Retail Trade
- Data Processing and Computer Centers
- Medical Laboratories
- Professional and Corporate Offices
- Veterinary Clinics
- Business Centers, combining small scale office and industrial space
- Central Dry Cleaning Plants and Laundries
- Health Clubs and Related Uses
- Business, Research, Vocational, and Technical Training Schools, Essential Public Services
- Governmental Offices and Uses
- Public and Quasi-Public Institutional Buildings, Uses, and Structures
- Assembly, Manufacture, Compounding, Processing, or Treatment from previously prepared materials or repair of such products, including, but limited to food products, bakery goods, candy, plastics, cosmetics, pharmaceuticals, toiletries, pottery, toys, sporting goods, rubber products, metal products, products from bone, canvas, cellophane, cloth, cork, feathers, fiber, wood, etc.

Special Uses

- Adult & child residential care facilities
- Adult Entertainment Regulated Uses
- Commercial Recreation Uses, private
- Social Clubs,
- Auto Repair Establishment (Major Repair)
- Billboards and Off-Premise signs
- Banking Centers, including ATMs which are separate from a Financial Institution
- Veterinary Office, Clinics & Hospitals
- Kennels and Pet Boarding Facilities
- Commercial Parking Lots & Garages
- Mini-or Self-Storage
- Outdoor Display and Sales
- Radio and Television Studios and Stations
- Essential Public Service Buildings and Storage Yards
- Wireless Communication Facilities
- Airports, Landing Fields, Hangars, and similar uses
- Concrete and Asphalt Batch Plants
- Extractive Uses (Commercial Mining of sand, gravel, stone and similar)
- Filling Stations
- Heat Treatment Plants
- Incinerators, Cogeneration Plants, Recycling Centers and Composting Facilities
- Laboratories-Experimental, Film, and Testing
- Lumber and Planing Mills
- Metal Plating, Buffing and Polishing
- Railroad Transfer and Storage Yards
- Retail sales of goods assembled, manufactured, compounded, processed, packaged, or treated from previously prepared materials, or repaired or stored on the premises

- Salvage Yards
- Stamping Plants
- Truck Terminals, Truck Stops, and Truck Service Facilities

R-3. One Family Residential

Permitted Uses

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

Special Uses

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

CONDITIONAL REZONING REVIEW

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

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

The property at 500 Stryker is zoned and master planned as a residential land use. While this is not consistent with proposed industrial zoning designation, there are several properties in close proximity that are master planned as industrial. One parcel, the City Cemetery, separates 500 Stryker from several other industrial uses. This conditional

rezoning limits the property to develop as a self storage facility and excludes all other permitted industrial uses. The City has the ability to permit a use that does not match the Future Land Use designation when it determines that the conditions proposed make the requested use compatible with surrounding land uses.

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

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

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

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

FINDINGS

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

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

The property at 500 Stryker is zoned and master planned as a residential land use. While this is not consistent with proposed industrial zoning designation, there are several properties in close proximity that are master planned as industrial. One parcel, the City Cemetery, separates 500 Stryker from several other industrial uses. This conditional rezoning limits the property to develop as a self storage operation and excludes all other permitted industrial uses.

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

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

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

The current zoning allows single-family residential housing. It is unlikely that a reasonable return on investment through developing the property as a single-family residential development given the: size of the parcel; difficulties in crossing the Yerkes Drain to access the rear third of the parcel; lot size minimums and setback constraints; the requirement for two points of access to the residential development; and

D. The potential uses allowed in the proposed zone should be compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic volumes, aesthetics, infrastructure, and potential influence on property values.

The conditional rezoning limits the property's development to self-storage units. The nature of this operation includes a minimal number of employees and traffic generation.

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

The street system is capable of safely and efficiently accommodating expected traffic volumes generated by the self storage unit facility. According to the Institute of Transportation Engineers, self storage units produce 54% less traffic volume than traditional industrial uses, with 24 trips during the P.M. peak traffic hour.

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

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

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

There is a limited amount of available Industrial land in the City that can adequately be developed for use as a self-storage facility. The presence of a manufactured housing community next door also makes this a good location for the storage facility, since the units lack garages and basements; leaving a need for additional storage space.

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

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

PRELIMINARY SITE PLAN REVIEW

As a part of the Conditional Rezoning Review, we have reviewed the *PRELIMINARY SITE PLAN* for a mini self-storage facility, to be built in three (3) phases.

Phase 1	Gross Floor Area (GFA) in square feet (sf)
Building A	40,400 sf (climate controlled)
Building B	6,400 sf

Phase 2	Gross Floor Area (GFA) in square feet (sf)
Building C	6,400 sf
Building D	4,400 sf

Phase 3	Gross Floor Area (GFA) in square feet (sf)
Building E	6,400 sf
Building F	6, 400 sf
Building G	3,900 sf

The opinions in this report are based on a review of the site plan submitted by the applicant and conformance to City plans and ordinance standards. Key review item points in this letter are underlined for the benefit of the applicant. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application and on the site plan

- 1. Parking Space Requirements.** The current zoning ordinance requires warehouses to provide 5 spaces plus one for each 1700 usable square feet, totaling 48 spaces. The

City's Ordinance does not have a separate category for storage facilities, which are different in traffic patterns, trips per day, and occupancy than a traditional industrial use. According to the International Transportation Engineers's (ITE) manual, standard parking demand is .16 spaces per 1,000 square feet of gross floor area. Using this calculation 12 spaces are required. The applicant has shown ten (10) spaces, however, additional spaces could be provided if required by the Commission.

In keeping with the City's Zoning Ordinance, the intent of parking is to ensure adequate parking to meet the anticipated parking demand on a subject site. Based on ITE's parking requirement, the reduction in parking meets ordinance intention as the proposed use would actually demand less than required by ordinance. We are of the opinion that requirement of 12 spaces is a more reliable standard and that the required 48 spaces spaces is excessive and only contributes to more impermeable surface.

2. **Off Street Loading.** Ordinance requires loading and off loading spaces on industrial properties be at least 10 feet by 50 feet, or 500 square feet. The applicant is proposing a 10 foot by 65 foot loading space at the rear of Building A (south side). The Ordinance requires that one space *plus* one space for each 20,000 square feet of gross floor area, for a resulting two (2) loading spaces. The applicant has provided one (1) space. The loading space is only pertinent Building A and the use of the industrial building is not a typical industrial use (warehousing/manufacturing, etc.). We are of the opinion that the requirement of two (2) loading spaces is excessive and one (1) loading space can amply serve the facility.
3. **Parking Lot/Circulation.** The proposed parking lot and drive aisles are proposed to be paved with asphalt with all islands curbed, thereby meeting ordinance requirements. A sidewalk from the parking lot to Building A entrance is provided and meets ordinance requirements. Access to Buildings B through G is from a gate with key pad access.
4. **Landscaping.** The landscape plan provides the required street trees and plantings. A tree survey was conducted and trees were tagged in the field. A review of the landscape plan indicates that 198 trees (greater than 6" Diameter at Breast Height (DBH) will be removed. The City's Tree Protection and Removal ordinance requires that all trees 6" DBH or greater removed must be replaced on a one to one basis. Additional information on the existing trees and tree replacement shall be submitted with Final Site Plan review.

The applicant is proposing a black, decorative commercial strength steel fencing along the east and west property lines, as well as north of the Yerkes Drain. The same fencing is proposed to surround the two (2) proposed detention basins. To screen the property from adjacent residential properties and the City Cemetery, the applicant also proposes tall evergreen trees. We are of the opinion that additional trees should be added, in a staggered pattern, to ensure that the property is fully screened. This

will additionally help the applicant replace the appropriate number of trees required by ordinance.

5. **Lighting.** The applicant is proposing wall pack lighting throughout the site on four (4) sides of all proposed building. No additional information regarding lighting has been provided. A detailed lighting plan, including a photometric grid and manufacturer's specification sheets, shall be provided for Final Site Plan Approval. The applicant should also note that full cutoff, shielded light fixtures must be used.
6. **Dumpster Enclosure.** A dumpster enclosure, constructed of masonry brick to match the building is proposed on the south side of Building C (to be constructed in Phase 2). Since the applicant is proposing to develop the site in phases, the dumpster enclosure shall be constructed in Phase 1.
7. **Building Elevations.** This Preliminary Site Plan includes building elevations for all buildings. Building A will be faced with corrugated, steel-clad panel siding, split face block, composite panel system, and aluminum trim. Buildings B through G will be faced with corrugated, steel-clad panel siding and metal garage doors. The Ordinance requires that no more than 75% of any wall in the Industrial District be covered by concrete (formed in place), metal, glass, drivet, cement, plaster, stucco or similar materials. Although facade calculations are not provided, the proposed buildings do not meet this requirement. The Planning Commission should determine if the proposed heavy landscape screening and fencing will render the buildings not visible from adjacent properties and be more beneficial than requiring masonry on the buildings. Material samples shall be submitted to the Planning Commission during Final Site Plan review.
8. **Signs.** Although sign locations are shown on the site plan, permits must be obtained and will be reviewed administratively.
9. **Other Department and Agency Review.** Site plan approval must be conditioned upon review and approval from other applicable consultants, departments, and agencies.

CONDITIONAL REZONING RECOMMENDATION

Given the above analysis, we recommend approval of the conditional rezoning application for 500 Stryker, from R-3 Residential to I-1 Industrial, in order to construct a self-storage facility, with the above submitted conditions and based upon the following reasons:

1. Although the industrial zone designation is not consistent with the site's planned future use of Traditional Residential, properties with the same planned future use designation (Industrial) are in close proximity to the subject parcel;

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

PRELIMINARY SITE PLAN RECOMMENDATION

Based upon the above comments, we recommend that the Planning Commission recommends approval of the 500 Stryker Self Storage Facility Preliminary Site Plan to City Council, conditioned upon the following:

1. Planning Commission's decision to waive the City's parking ordinance requirement for warehouses and use ITE's parking standards for mini/self storage.
2. Planning Commission's decision to waive the requirement for a second loading zone.
3. Additional landscape detail, plantings, and tree replacement addressed during Final Site Plan review.
4. A complete lighting plan being submitted for review during Final Site Plan Review.
5. Planning Commission's decision to waive the facade maximum material requirements in lieu of additional evergreen screening along the property perimeter.
6. Facade materials and samples being presented and approved during Final Site Plan Review.
7. Review and approval from other applicable consultants, departments, and agencies.

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

Sincerely,

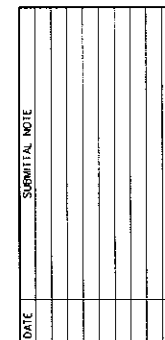
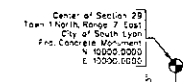
CIB PLANNING



Carmine P. Avantini, AICP
President

<p>Sanitary Sewer Structure Rm=93.55 21' E Inv.=925.55 10' N Inv.=925.45 10' S Inv.=925.45</p>	<p>Storm Sewer Leaching Basin Rm=93.05 Top of Storm=94.8 Top of Storm=94.8</p>	<p>Cole Valve & Well Rm=93.00 Top of Pipe=94.10</p>
<p>Sanitary Sewer Structure Rm=94.80 10' N Inv.=925.70 10' S Inv.=926.70</p>	<p>Storm Sewer Leaching Basin Rm=95.25 Top of Storm=94.8</p>	<p>Cole Valve & Well Rm=95.30 Top of Pipe=95.55</p>
<p>Sanitary Sewer Structure Rm=95.20 10' N Inv.=927.50 21' S Inv.=928.90 21' W Inv.=928.80</p>	<p>Storm Sewer Well Structure Rm=95.40 8' NC Inv.=93.00 8' SW Inv.=95.40</p>	
<p>Sanitary Sewer Structure Rm=95.70 21' E Inv.=924.65 8' N Inv.=925.00</p>	<p>Storm Sewer Well Structure Rm=95.30 8' SW Inv.=95.70</p>	
<p>Sanitary Sewer Structure Rm=93.70 21' E Inv.=924.65 8' N Inv.=925.00</p>	<p>Storm Sewer Well Structure Rm=95.25 8' SW Inv.=95.70</p>	
<p>Sanitary Sewer Structure Rm=95.40 10' S Inv.=927.85 10' N Inv.=927.85</p>	<p>Storm Sewer Pipe 48" CSP h Inv.=90.75</p>	
<p>Sanitary Sewer Structure Rm=92.05 10' S Inv.=920.80 10' W Inv.=920.80 8' E Inv.=920.05</p>	<p>Storm Sewer 48" CSP S Inv.=91.05 48" Conc. N Inv.=91.05</p>	
<p>Sanitary Sewer Structure Rm=94.80 10' S Inv.=929.75 10' N Inv.=920.20</p>	<p>Storm Sewer Structure Not Located</p>	
<p>Sanitary Sewer Structure Rm=95.40 8' S Inv.=905.60 8' W Inv.=905.80</p>	<p>Storm Sewer Structure Not Located</p>	
<p>Sanitary Sewer Structure Rm=94.80 48" Conc. S Inv.=91.90 48" Conc. W Inv.=92.00</p>	<p>Storm Sewer Structure Rm=94.80 48" E Inv.=93.30 48" E Inv.=93.30</p>	

Note. This survey was done without the benefit of a Tide Policy, therefore, assessments of record and other factors relevant to tide may not be shown.



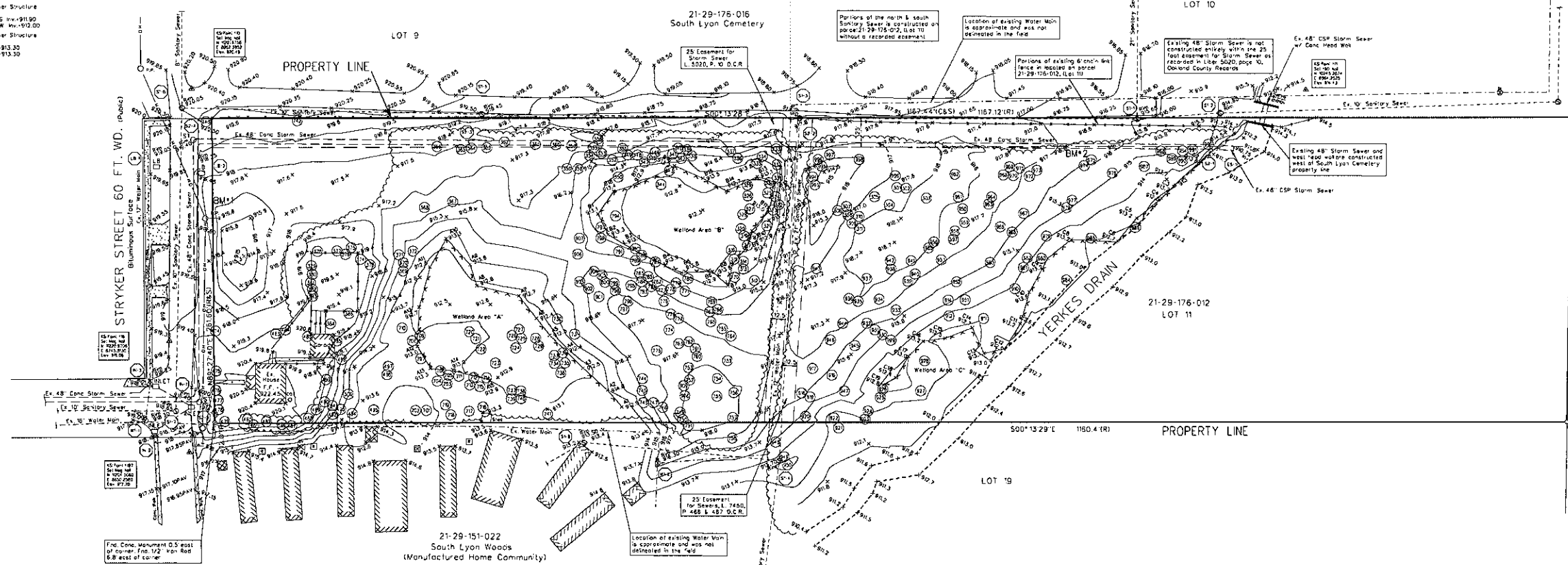
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DEVELOPED FOR:

PLAN NAME:

INITIAL SUBMITTAL:	08/19/
THIS SUBMITTAL:	08/19/
SCALE:	1" = 5'
SHEET:	CI
PROJECT:	024 08 0



TREE TAG	DA	TREE NAME	TREE TAG	DA	TREE NAME	TREE TAG	DA	TREE NAME	TREE TAG	DA	TREE NAME	TREE TAG	DA	TREE NAME
320	8	Box Elder	336	8	Box Elder	798	10	Box Elder	783	10	Cherry	949	8-10	Box Elder
321	8	Box Elder	337	8	Box Elder	799	10	Box Elder	784	10	Cherry	950	8	Box Elder
322	10	Cherry	338	6-8	Cherry	800	10	Box Elder	785	10	Cherry	951	8	Box Elder
323	10	Cherry	339	10	Box Elder	801	10	Box Elder	786	10	Cherry	952	8	Box Elder
324	10	Cherry	340	10	Box Elder	802	10	Box Elder	787	10	Cherry	953	8	Cherry
325	8	Box Elder	341	10	Box Elder	803	10	Box Elder	788	10	Cherry	954	8	Box Elder
326	10	Cherry	342	10	Box Elder	804	10	Box Elder	789	10	Cherry	955	8	Box Elder
327	10	Cherry	343	10	Box Elder	805	10	Box Elder	790	10	Cherry	956	8	Box Elder
328	10	Cherry	344	10	Box Elder	806	10	Box Elder	791	10	Cherry	957	8	Box Elder
329	10	Cherry	345	10	Box Elder	807	10	Box Elder	792	10	Cherry	958	8	Box Elder
330	10	Cherry	346	10	Box Elder	808	10	Box Elder	793	10	Cherry	959	8	Box Elder
331	10	Cherry	347	10	Box Elder	809	10	Box Elder	794	10	Cherry	960	8	Box Elder
332	10	Cherry	348	10	Box Elder	810	10	Box Elder	795	10	Cherry	961	8	Box Elder
333	10	Cherry	349	10	Box Elder	811	10	Box Elder	796	10	Cherry	962	8	Box Elder
334	10	Cherry	350	10	Box Elder	812	10	Box Elder	797	10	Cherry	963	8	Box Elder
335	10	Cherry	351	10	Box Elder	813	10	Box Elder	798	10	Cherry	964	8	Box Elder
336	10	Cherry	352	10	Box Elder	814	10	Box Elder	799	10	Cherry	965	8	Box Elder
337	10	Cherry	353	10	Box Elder	815	10	Box Elder	800	10	Cherry	966	8	Box Elder
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343	10	Cherry	359	10	Box Elder	821	10	Box Elder	806	10	Cherry	972	8	Box Elder
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346	10	Cherry	362	10	Box Elder	824	10	Box Elder	809	10	Cherry	975	8	Box Elder
347	10	Cherry	363	10	Box Elder	825	10	Box Elder	810	10	Cherry	976	8	Box Elder
348	10	Cherry	364	10	Box Elder	826	10	Box Elder	811	10	Cherry	977	8	Box Elder
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351	10	Cherry	367	10	Box Elder	829	10	Box Elder	814	10	Cherry	980	8	Box Elder
352	10	Cherry	368	10	Box Elder	830	10	Box Elder	815	10	Cherry	981	8	Box Elder
353	10	Cherry	369	10	Box Elder	831	10	Box Elder	816	10	Cherry	982	8	Box Elder
354	10	Cherry	370	10	Box Elder	832	10	Box Elder	817	10	Cherry	983		

BM *1 • Nag nail in West face of Power Pole
85' West of end of Stryker Street
ELEV = 919.28 (Oakland County GIS Datum)

BM *2 • *60 nail in South face 10" Cherry Trg *975
along East prop. line 100' North of Yerkes Drain
ELEV = 917.41 (Oakland County GIS Datum)

915 X - EXISTING ELEVATION
BM - BENCH MARK
○ - FND. 1/2" IRON ROD UNLESS NOTED
● - FND. CONCRETE MONUMENT
● - SET 1/2" IRON ROD W/ 12 CAP
▲ - KSI CONTROL POINT
OH - EX. OVER-HEAD LINES
P - EX. POWER POLE
R - EX. UTILITY RISER
GV - GAS VALVE
W - WATER VALVE
WG - WATER GATE VALE
SS - SANTARY SEWER MANHOLE
CS - SANTARY SEWER CLEAN OUT
ST - STORM SEWER MANHOLE
LB - LEADING BASIN
INLET - STORM SEWER INLET
FF - FINISH FLOOR
327 - TREE TAG
312 - STRUCTURE NUMBER
- TREE / BRUSH LINE

JOB NUMBER: 16-7672
DATED: August 17, 2016

Wetlands delineated in the field
by ASTI Environmental, July 2016

CONVENTIONAL STRENGTH WELDED STEEL PANEL

PREFABRICATED

MONTAGE PLATE 3-8 BAIL

CLIP OF 10mm x 16mm x 3mm SCALE DIMENSIONAL

SCALE

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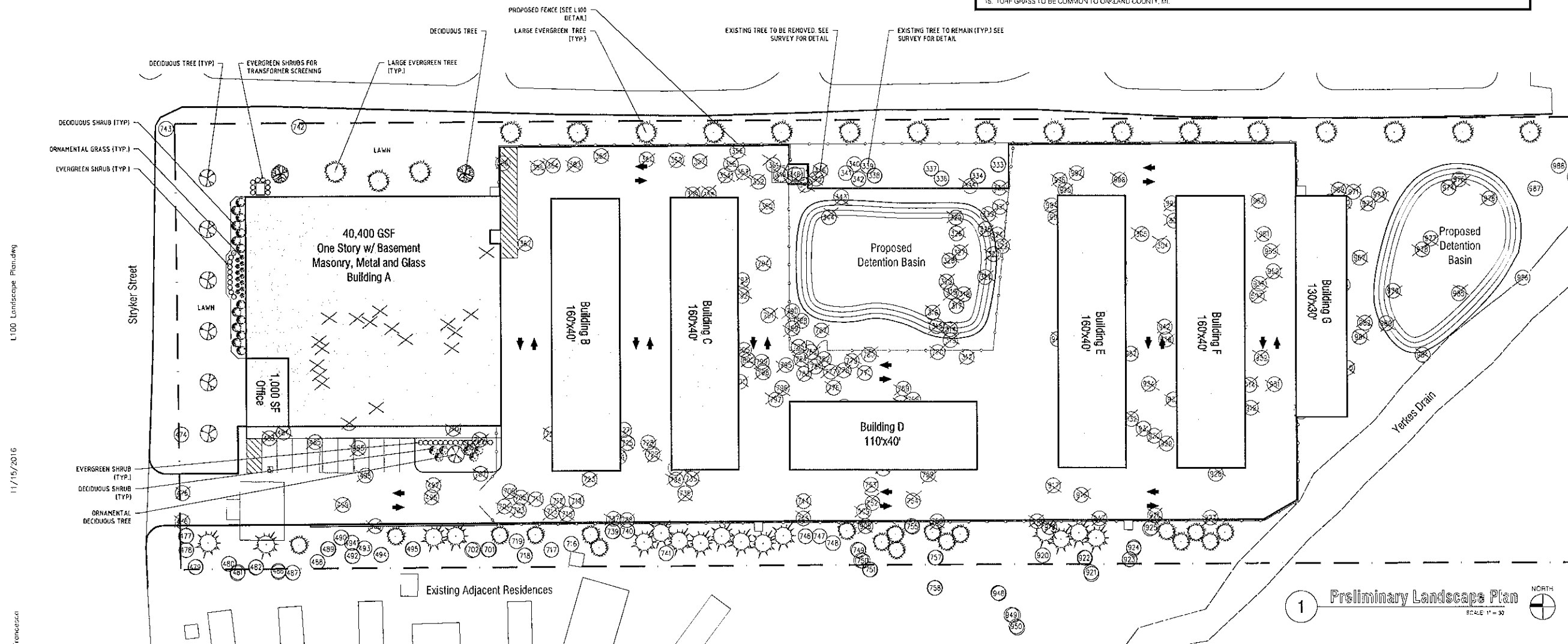
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EVERGREEN TREES	DECIDUOUS TREES	PERENNIALS/GRASSES
 <p>NOTE: REMOVE ALL TAGS, STRINGS, PLASTICS, AND ANY OTHER MATERIALS WHICH ARE UNSIGHTLY OR COULD CAUSE GIRDLING.</p> <p>RUBBER HOSE (BLACK)</p> <p>PLASTIC BANDS</p> <p>COVER PLANTING WITH 4" SHREDDED HARDWOOD BARK MULCH TO 6" BEYOND OUTERMOST BRANCHES. LEAVE 3" BARE SOIL AROUND TREE.</p> <p>(3) 2"x2" HARDWOOD STAKES OR EQUIVALENT DRIVEN 4"-8" OUTSIDE OF ROOTBALL. REMOVE AFTER ONE YEAR.</p> <p>TOP SOIL</p> <p>SET PLANT MATERIAL 6" HIGHER THAN ORIGINAL DEPTH. CUT ALL BINDING AND REMOVE BURLAP FROM TOP 1/3 OF ROOTBALL.</p> <p>AMEND SOIL PER SITE CONDITIONS AND REQUIREMENTS OF THE TREE.</p> <p>FINISH GRADE</p>	 <p>DO NOT CUT LEADER</p> <p>PLASTIC BANDS</p> <p>(3) 2"x2"x8" HARDWOOD STAKE SET 18" INTO UNDISTURBED SOIL</p> <p>TREE WRAP</p> <p>UNDISTURBED SOIL</p> <p>NOTE: STAKE TREES OVER 2" CALIPER. GUY TREES OVER 3" CALIPER. TREE SHALL HAVE SAME RELATIONSHIP TO FINISHED GRADE AS IT HAD AT PLACE OF ORIGIN.</p> <p>3"-4" SHREDDED BARK MULCH</p> <p>REMOVE BURLAP FROM TOP 1/3 OF BALL. SLASH BURLAP AND CUT WIRE ON ROOTBALL AT 18" INTERVALS (BOTH HORIZONTAL AND VERTICAL).</p>	 <p>PERENNIALS - SIZE AND SPACING AS SHOWN ON PLAN</p> <p>3" SHREDDED BARK MULCH</p> <p>PLANTING MIXTURE: 50% TOPSOIL, 50% SPHAGNUM PEAT MIXTURE</p> <p>UNDISTURBED SOIL</p>
		<p>SHRUBS</p>  <p>NOTE: PLANT SHRUB AT SAME RELATIONSHIP TO FINISHED GRADE AS IT HAD TO GRADE AT PLACE OF ORIGIN.</p> <p>4" SHREDDED BARK MULCH</p> <p>CUT AND REMOVE BURLAP FROM TOP 1/3 OF BALL</p> <p>SLASH REMAINING BURLAP</p> <p>LIMIT OF BARE ROOT</p> <p>SPREAD</p> <p>UNDISTURBED SOIL</p> <p>YARDS</p>

1. LANDSCAPE CONTRACTOR SHALL VISIT THE SITE, INSPECT EXISTING SITE CONDITIONS AND REVIEW PROPOSED PLANTING AND RELATED WORK. IN CASE OF DISCREPANCY BETWEEN PLAN AND PLANT LIST, PLAN SHALL GOVERN QUANTITIES. CONTACT LANDSCAPE ARCHITECT WITH ANY CONCERNS.
2. CONTRACTOR SHALL VERIFY LOCATIONS OF ALL ON SITE UTILITIES PRIOR TO BEGINNING CONSTRUCTION ON HIS HER PHASE OF WORK. ELECTRIC, GAS, TELEPHONE, CABLE TELEVISION MAY BE LOCATED BY CALLING MISSOURI GAS, ANY DAMAGE OR INTERRUPTION OF SERVICES SHALL BE THE RESPONSIBILITY OF CONTRACTOR. CONTRACTOR SHALL COORDINATE ALL RELATED ACTIVITIES WITH OTHER TRADES ON THE JOB AND SHALL REPORT ANY UNACCEPTABLE JOB CONDITIONS TO OWNERS REPRESENTATIVE PRIOR TO COMMENCING WORK.
3. ALL PLANT MATERIAL TO BE PREMIUM GRADE NURSERY STOCK AND SHALL SATISFY AMERICAN ASSOCIATION OF NURSERYMEN STANDARD FOR NURSERY STOCK. ALL LANDSCAPE MATERIAL SHALL BE NORTHERN GROWN, NO 1 GRADE.
4. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON LANDSCAPE PLAN PRIOR TO PRICING THE WORK.
5. THE OWNERS REPRESENTATIVE RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL NOT MEETING SPECIFICATIONS.
6. ALL SINGLE STEM SHADE TREES TO HAVE STRAIGHT TRUNKS AND SYMMETRICAL CROWNS.
7. ALL SALES TREES MUST HAVE A CENTRAL LEADER. TREES WITH FORKED OR IRREGULAR TRUNKS WILL NOT BE ACCEPTED.
8. ALL TREES TO HAVE CLAY OR CLAY LOAM BALLS, TREES WITH SAND BALLS WILL BE REJECTED.
9. ALL TREE LOCATIONS SHALL BE STAKED BY LANDSCAPE CONTRACTOR AND ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF THE PLANT MATERIAL.
10. CONCERNING GROUND COVER, ALL PLANTING BEDS SHALL RECEIVE 3" SHREDED HARDWOOD BARK MULCH SEE SPECIFICATIONS. ALL OTHER DISTURBED AREAS SHALL BE SOILED.
11. LANDSCAPING SHALL BE MAINTAINED IN A GOOD CONDITION TO PRESENT A HEALTHY, NEAT, AND ORDERLY APPEARANCE FREE FROM REFUSE AND DEBRIS. ALL UNHEALTHY AND DEAD MATERIAL SHALL BE REPLACED WITHIN ONE (1) YEAR OF THE NEXT APPROPRIATE PLANTING PERIOD.
12. OWNER TO ESTABLISH MAINTENANCE PROGRAM TO ENSURE GROUNDS AND LANDSCAPING TO REMAIN HEALTHY AND WELL GROOMED.
13. RECOMMENDED PLANTING DATES ARE MARCH 1ST TO MAY 15TH FOR ALL MATERIALS AND OCTOBER 1ST TO DECEMBER 15TH FOR DECIDUOUS MATERIALS. PLANTINGS OUTSIDE THESE DATES SHALL HAVE PRIOR APPROVAL OF THE LANDSCAPE ARCHITECT.
14. UNDERGROUND IRRIGATION SYSTEM TO BE DESIGNED AND INSTALLED BY CONTRACTOR.
15. TURF GRASS TO BE COMMON TO OAKLAND COUNTY, ILL.



AGENDA NOTE

MEETING DATE: March 13, 2017

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Consider approval of contract amendment and extension for building department services for the City.

EXPLANATION OF TOPIC: In January the Building Department Secretary retired. Prior to January 1st we believed that position would be filled by transferring an existing employee to that position. A few days before Jan. 1, the existing employee notified me that they were no longer interested in the full-time position. With four weeks being an inadequate period of time to complete the hiring process and training for this position we are currently receiving contracted services through Safebuilt.

This contract amendment provides for identifying the rate that we will pay for this contracted employee. It also provides the City with the opportunity to have this position remain a part-time contracted position. The third option that it provides but is only a preliminary discussion would be to transition the part-time contracted employee to a full-time position combining the Building Department position and our part-time Zoning Administrator position.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Draft Contract Amendment and Extension.

POSSIBLE COURSES OF ACTION: Approve/Reject/Postpone/Table

RECOMMENDATION: Approve

SUGGESTED MOTION: Motion to approve the contract amendment and extension with SAFEBuilt for Building Department Services.

AMENDMENT 2
PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF SOUTH LYON, MICHIGAN
AND SAFEbuilt MICHIGAN, LLC
TERM EXTENSION /PERMIT TECHNICIAN/ZONING SERVICES

Amendment to the Professional Services Agreement effective March 29, 2015, between the City of South Lyon, Michigan, (City) and SAFEbuilt Michigan, Inc., whom has merged into and consolidated with SAFEbuilt Michigan, LLC, (SAFEbuilt). The Municipality and the Consultant shall be jointly referred to as the "Parties".

Agreement Amendment Effective Date: This Amendment shall be effective on the latest date on which the Amendment is fully executed by both parties.

RECITALS AND REPRESENTATIONS

1. City and SAFEbuilt entered into an Agreement for Professional Services (Agreement), by which both Parties established the terms and conditions for service delivery for the period of March 29, 2015 through March 28, 2017. Upon mutual agreement of the Parties as approved by City Council and Consultant, this Agreement may be renewed for up to a three (3) year period.
2. On August 01, 2015, City and SAFEbuilt instituted Amendment 1 to the Agreement. SAFEbuilt shall provide plumbing/mechanical inspection and plan review services to the City at a percentage of City fee schedule.

NOW, THEREFORE

Agreement is hereby amended as follows:

1. 7.0 TERM AND TERMINATION, 7.1 Term.
The term of this Agreement shall be extended by mutual agreement of the City and SAFEbuilt for a three (3) year period of March 29, 2017 through March 28, 2020.
2. Exhibit A - Scope of Services and Exhibit B – Fee Schedule for Services.
 - A. SAFEbuilt shall provide Permit Technician/Administrative Services to the City.
 - ✓ Service shall be provided on a part time/as needed basis for approximately six (6) months
 - ✓ Services level may be increased as mutually agreed upon by both Parties
 - ✓ A qualified individual with BS&A experience shall be provided to perform the functions of this position
 - ✓ Individual shall answer questions concerning the building permitting process and requirements
 - ✓ Individual shall form and maintain positive relationships with City staff and applicantsSAFEbuilt shall be compensated at the following rate:
 - ✓ Permit Technician - \$46.00 per hour – one (1) hour minimum
 - B. Option to included Zoning Administration Services by mutual agreement of both Parties
 - ✓ Upon Zoning Administration service start date the following fee schedule shall apply:

Services	Service Fee
Building Inspection Services	90% of building permit fee
Building Plan Review Services	90% of building plan review fee
Permit Technician Services	\$28.00 per hour – one hour minimum
Existing permits – issued prior to 3/31/14	Inspections - \$35 per inspection Plan Review - \$75 an hour for revisions to approved plans

Commercial Certificate of Occupancy Inspection Services	\$50 per inspection \$50 per half hour for follow-up inspections
Property Maintenance, Zoning, and Building Code Compliant Inspection Services	\$100 per hour <ul style="list-style-type: none"> - minimum charge of \$50 per property - South Lyon to send SAFEbuilt a written request, if possible, with details of request.
Building Official Services	\$85 per hour – minimum charge of ½ hour.
Fire Plan Review and Inspection Services	\$85 per hour – minimum charge of ½ hour
Meetings – type and frequency to be mutually agreed upon	SAFEbuilt will attend 1 evening meeting (e.g. Zoning Board of Appeals meetings) (if requested) per month at no charge – any meetings over that number will be billed at \$85 an hour with a one hour minimum. SAFEbuilt will not charge for pre-submittal meetings with applicants

The original Agreement, Exhibits and terms shall remain in effect, to the extent not modified by this Amendment.

IN WITNESS HEREOF, the undersigned have caused this Amendment to be executed in their respective names on the dates hereinafter enumerated.

City of South Lyon, Michigan

SAFEbuilt Michigan, LLC

Signature

Signature

Name: _____

Name: _____

Title: _____

Title: _____

Date: ____/____/____

Date: ____/____/____

AGENDA NOTE
New Business: Item

MEETING DATE: March 13, 2017

PERSON PLACING ITEM ON AGENDA: Lynne Ladner, City Manager and Parks & Rec Commission

AGENDA TOPIC: Consider adoption of Naming Policy for Parks and other City owned and operated facilities and related form

EXPLANATION OF TOPIC: The Parks and Recreation Commission has been working for several months to develop donation and naming/memorial policies for City Assets and other situations. The first of those items that they are presenting to the Council for adoption is the Naming Policy and the related application form. These have been developed after careful research into policies in other communities, past practices for the City and considering potential situations in the not so distant future as funds are sought for the Volunteer Park Phase 1 project.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Proposed Naming Policy and Application form

POSSIBLE COURSES OF ACTION: Approve/Postpone/Reject the adoption of the Naming Policy and Application

RECOMMENDATION: Approve the adoption of the Naming Policy and Application

SUGGESTED MOTION: Moved by, _____ seconded by, _____ to approve the adoption of the Naming Policy and Application.

CITY OF SOUTH LYON NAMING POLICY FOR PARKS AND OTHER CITY OWNED AND OPERATED FACILITIES

I. Purpose

The purpose of this policy is to set forth a uniform procedure and guidelines to be utilized in reviewing and approving naming requests for parks and other City owned and operated facilities.

II. General

- A. City Parks and Other Facilities Request forms are available at City Hall or on the city website, www.southlyonmi.org.
- B. All costs are the responsibility of the applicant.
- C. Signage will be positioned to maximize the benefit to an area.
- D. The City accepts no liability for damage to any signage from vandals or third parties.
- E. The City reserves the right to remove any signage that has been damaged and is, in the view of the appointed representative, beyond repair

III. Procedure for a Naming Proposal

- A. A naming request may be submitted by a city resident, any city board or commission, or any person or organization proposing to donate a facility or park, or other significant improvement, or a major financial contribution, toward the costs of such park, facility, or improvements.
- B. The request shall be made in writing, using the City Parks and Other Facilities Naming Request form and shall be submitted to the City Manager.
- C. The request shall be forwarded to the Parks and Recreation Commission or the appropriate commission that has jurisdiction of said property, such as the Historical Commission.
- D. The Commission shall accept the application for review at its next regularly scheduled meeting.
- E. Using the guidelines set forth in this policy, the Commission will review the application, recommended any changes, come to an agreement, and then set a public hearing date upon completion of the application review. The Commission shall set a public hearing date, which is then published 14 days prior to the public hearing.
- F. Following the public hearing, the Commission shall make a recommendation to the City Council to approve or deny the request.
- G. The City Council shall approve or deny the request at a regular or special meeting of the City Council.

IV. Naming Guidelines

A name for a City park or facility should provide some form of individual identity and be appropriate for the site. In considering naming requests the following general criteria should be used:

- A. The proposed name must not too closely resemble an existing park or facility name.
- B. The proposed name could reflect the function and purpose of the site, the geographic location and features of a site, the distinctive natural or geological features of the site, or the commonly recognized historical significance of a site.
- C. City parks and facilities may be named for an entity or a deceased person subject to the following conditions:
 - 1. The person must be deceased for a minimum of five years.
 - 2. Written documentation of approval by next of kin (if available/possible) is required as part of the proposal.
 - 3. The person or entity must have made a significant positive contribution to society or the community, a contribution to the park or facility without which the park or facility may not exist, or in which the individual's or entity's contributions enhanced a program or facility.

D. Although City parks and facilities will not normally be named for living persons, exceptions to this policy may be made by the City Council at the recommendation of the appropriate commission when the commission finds one of the following:

1. The nominated person has made a substantial contribution (monetary or service) to the specific park or facility being named.
2. The nominated person has made a significant contribution to the community over an extended period of time.
3. The nominated person has received national recognition.

E. As a general rule, portions of a park or facility will not have a name other than that of the entirety of the park or facility. Exceptions may be considered where a donation of 60 percent or more of the cost of development or improvement of that portion of the park or facility. This minimum 60 percent contribution can also be satisfied by a individual, group, or organization's future significant and binding commitment to the future improvement of the park, facility, and/or the South Lyon community.

F. The proposal to name a park or facility after an entity or person shall set forth detailed information providing compelling support for a determination that the person or entity contributed to community or society as required by this Policy. The responsibility for the cost of the plaque or monument indicating the name or entity for which the park or facility is named shall be as agreed between the Commission and the applicant. The Commission will have the right to determine the size, style and type of sign for consistency with the current or future signing system.

G. Notwithstanding any other provision of this policy:

1. A park or facility that has been donated by a person or entity with the condition that the person or entity name the park or facility as requested may be so named pursuant to the condition of the donation.
2. A park or facility that has been acquired, improved, or renovated with funds from a grant or gift with the condition that the park or facility be named as required in the grant or gift may be so named pursuant to the terms of the grant or gift.
3. Names associated with tobacco, alcohol, religious organizations, political candidates or adjudicated felons are prohibited.
4. Names deemed inappropriate by the reviewing commission will be rejected.
5. The dedication of small park amenities with an identifiable lifespan and not intended to be permanent such as fixed parks benches and tables shall be addressed under a separate parks policy.

V. Renaming

The intent of naming is for permanent recognition. The renaming of parks and facilities is strongly discouraged. It is recommended that efforts to change a name be subject to the most crucial examination so as not to diminish the original justification for the name or discount the value of the prior contributors. Parks named for subjects, other than individuals, may be changed in name only if the current name is ineffectual or inappropriate.

A. Only parks and facilities named for geographic location, outstanding features, or neighborhood should be considered for renaming. Parks that have been named by deed restriction or other agreement shall not be considered for renaming.

B. Parks and facilities named after individuals shall not be changed unless it is found that because of the individual's character the continued use of their name would not be in the best interest of the community and such renaming is not otherwise prohibited by deed restriction or other agreement.

Parks and Other City Owned Facilities
Naming Request Form

Name of Applicant/Organization _____

Address of Applicant _____

Phone Number: Cell _____ Other _____

E-mail _____

Description of City Asset/Facility: _____

Proposed name of city asset/facility _____

Justification for name (attach as a separate page, if necessary)

Please note that City parks and facilities may be named for a deceased person subject to the following conditions: The person must be deceased for a minimum of five years, written documentation of approval by next of kin (if available/possible) is required, and the person must have made a significant positive contribution to society or the community, a contribution to the park or facility without which the park or facility may not exist, or in which the individual's contributions enhanced a program or facility.

Although City parks and facilities will not normally be named for living persons, exceptions may be made by the City Council at the recommendation of the appropriate commission when the commission finds one of the following: The nominated person has made a substantial contribution (monetary or service) to the specific park or facility being named, the nominated person has made a significant contribution to the community over an extended period of time, or the nominated person has received national recognition.

____ I have received a copy of the Naming Policy for Parks and Other City Owned and Operated Facilities, and agree to all the provisions and procedures as outlined.

____ I have attached all applicable drawings, documents and plans, as appropriate.

Requested by _____
Please print

Signature _____

Parks and Other City Owned Facilities
Naming Request Form
Page 2

For City Use Only

Date Received _____ Staff Initials _____

City Manager recommendation to _____ Commission

City Manager initials and date _____

Commission Review Date: _____

Public Hearing Date: _____

Funding Verified: _____ by _____ Date: _____

Commission Recommendation ____ approve ____ deny

Referred to City Council Date: _____

City Council Approval/Denial Date: _____

DRAFT

SOUTH LYON POLICE DEPARTMENT

Lloyd T. Collins
Chief of Police



Memorandum

To: Honorable Mayor Galeas and Councilmembers

From: Chief Lloyd T. Collins

Subject: School Resource Officer Proposal

Date: March 8, 2017

In August of 2016, representatives of South Lyon Community Schools approached City Manager Ladner regarding the possibility of reinstating the School Resource Officer, (SRO), program at South Lyon High School. School district administrators are also working with Lyon Township and Oakland County Sheriff's Office officials regarding an SRO program for South Lyon East High School. Several meetings took place and various budget and potential contract documents have been exchanged by the parties involved.

As discussed with City Manager Ladner, the police department would be very open to the request to reinstate the SRO program at South Lyon High School. The previous SRO program was terminated approximately eight years ago due to financial issues. During that time, the police department lost two full-time police officer positions. In order to dedicate a School Resource Officer to South Lyon High School, it would be necessary to replace one of those officers.

In January of 2017, Chief Collins and City Manager Ladner met with South Lyon Community Schools Assistant Superintendents Altermatt and Graham regarding the school district's request to reinstitute the SRO program at South Lyon High School. Governance documents, a contract, job description, and financial models were discussed. Chief Collins subsequently forwarded the proposed documents to City Attorney Wilhelm for review and comment. Chief Collins also forwarded South Lyon Police Department labor agreement/budget information to Assistant Superintendent Graham, pursuant to his request. Approval of both the South Lyon City Council and the South Lyon Community

Schools Board of Education will be necessary before reaching any agreement regarding an SRO at South Lyon High School.

School district officials have proposed compensating both the City of South Lyon and Lyon Township for a portion of the cost of providing School Resource Officers at South Lyon High School and South Lyon East High School. Their proposal includes compensation for the school year only, (40 weeks). They also propose covering 50% of the SRO's salary, benefits, and equipment during that time. Under the proposed formula, each local community would be reimbursed somewhere between \$55,000 and \$60,000 per year.

As previously stated, it would be necessary to hire an additional officer in order to accommodate the request to provide an SRO at South Lyon High School. Likewise, Lyon Township would add an additional deputy to allow for an SRO at South Lyon East High School. The cost for an additional South Lyon officer for FY 2017-2018, including fringe benefits and equipment, would be approximately \$147,513. The formula proposed by school district officials would therefore cover approximately 40% of the increased cost to the city.

A formula used by some school districts/municipalities provides for 75% funding by the school district and 25% funding by the municipality. That formula takes into consideration the fact that the 40 week school year equals approximately 75% of the 52 weeks in a year. The SRO would be assigned exclusively to SRO duties during the school year, and would be assigned to patrol duties during the summer months. Under that formula, the school district would reimburse the city approximately \$110,634 for FY 2017-2018, (including benefits, equipment, vehicle usage, and dispatch services). Reimbursement for 75% of the officer's salary and benefits only would be approximately \$101,542.

The school district proposal was forwarded to City Attorney Wilhelm on February 1, 2107 for review and comment. Once his review is complete, City Council will be provided with additional information.



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

Business ID: _____
Request ID: _____

Temporary Authorization Application

(For MLCC Use Only)

(Authorized by R 436.1023(2),(3), R 436.1403(2), R 436.1407, and R 436.1419)

*****This application, all required documents, and a \$70.00 inspection fee must be submitted at least ten (10) days in advance of your event for your request to be considered by the Commission.*****

Part 1 - Licensee Information

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

Licensee name(s): Witch's Hat Brewing Company, LLC		
Address: 601 S Lafayette		
City: South Lyon	Zip Code: 48178	
Contact name: Ryan Cottongim	Phone: 248-974-5781	Email: ryan@witchshatbrewing.com

☒ \$70.00 Inspection Fee - Make Check Payable to **State of Michigan** MLCC Use - Fee Code 4037

Part 2 - Temporary Authorizations Available

A licensee may request up to twelve (12) daily authorizations for each type of temporary authorization in a calendar year. Select all that apply to this application:

<input checked="" type="checkbox"/> Temporary Outdoor Service - Complete Parts 3, 8, and 9	<input type="checkbox"/> Temporary Extended Hours Permit - Complete Parts 6 and 9
<input type="checkbox"/> Temporary Dance Permit - Complete Parts 4 and 9	<input type="checkbox"/> Temporary Specific Purpose Permit - Complete Parts 7, 8, and 9
<input type="checkbox"/> Temporary Entertainment Permit - Complete Parts 5 and 9	

Part 3 - Temporary Outdoor Service Information

Temporary Outdoor Service requires a recommendation from the local law enforcement agency that has primary jurisdiction over the licensed premises. **The local law enforcement agency must complete Part 8 of this application.**

Date(s) of event: March 17th, 2017	Describe event: Outdoor St. Patrick's Day Party
Date(s) of event:	Describe event:
Date(s) of event:	Describe event:
1. Check below if the event(s) listed above will include any of the following: <input type="checkbox"/> Dancing <input type="checkbox"/> Contests <input type="checkbox"/> Tournaments <input type="checkbox"/> Classic Cars <input type="checkbox"/> Motorcycles <input type="checkbox"/> Concerts <input type="checkbox"/> Festivals	
2. List the exact dimensions of the proposed area: <div style="display: inline-block; border: 1px solid black; padding: 2px;">72</div> feet X <div style="display: inline-block; border: 1px solid black; padding: 2px;">171</div> feet = <div style="display: inline-block; border: 1px solid black; width: 80px; height: 20px;"></div> square feet Submit a diagram of outdoor area with application <div style="display: flex; justify-content: space-around; width: 100%;"><div>Width</div><div>Length</div></div>	
3. Describe type and height of the barrier that will be used to enclose the area: 48" tall orange snow fence perimeter	
4. Will the proposed outdoor service area be connected to the licensed premises? <input checked="" type="radio"/> Yes <input type="radio"/> No If No, what is the distance from the licensed premises to the proposed area? <div style="display: inline-block; border: 1px solid black; width: 80px; height: 20px;"></div> feet	
5. Is the entrance/exit point(s) for the proposed area through the licensed premises? <input type="radio"/> Yes <input checked="" type="radio"/> No	
6. Are there any dedicated streets or intervening property between proposed area and the licensed premises? <input type="radio"/> Yes <input checked="" type="radio"/> No	
7. Describe type of security that will be used for event(s) and how it will be utilized to secure and monitor to prevent sales to minors and visibly intoxicated persons: <i>we will have TIPS trained staff and volunteer staff on hand acting as security around the event.</i>	

Part 3 Continued - Temporary Outdoor Service Information

8. Is the location of the proposed area owned, rented, or leased by the licensee?	<input checked="" type="radio"/> Yes <input type="radio"/> No
If No , submit a lease or written permission to use the proposed area, including permission from a city, township, or village if the proposed area is located on municipally owned-property.	
9. Is the proposed area located in the same local governmental unit as the licensed premises?	<input checked="" type="radio"/> Yes <input type="radio"/> No
If No , please explain:	
10. Does the licensee currently hold an Additional Bar Permit that will be utilized in the proposed area?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If No , the licensee will be restricted to providing only table service in the proposed area unless a new Additional Bar Permit has been requested by the licensee and approved by the Commission.	

Part 4 - Temporary Dance Permit Information

<ul style="list-style-type: none">• Licensees that currently hold a Dance Permit at the licensed premises <u>do not</u> need to request a Temporary Dance Permit for dancing in a Temporary Outdoor Service area.• The dance floor must be at least 100 square feet, be clearly marked, and shall not have tables, chairs, or other obstacles on the dance floor while customers are dancing.
1. List the dates requested for a Temporary Dance Permit:

Part 5 - Temporary Entertainment Permit Information

<ul style="list-style-type: none">• Licensees that currently hold a Entertainment Permit at the licensed premises <u>do not</u> need to request a Temporary Entertainment Permit for entertainment in a Temporary Outdoor Service area.• A Temporary Entertainment Permit does not allow for topless activity on the licensed premises.
1. List the dates requested for a Temporary Entertainment Permit:
2. Describe the type of entertainment provided:
3. Will the entertainment provided under the Temporary Entertainment Permit include a contest with prizes totalling over \$250.00 in retail value?
<div><input type="radio"/> Yes <input type="radio"/> No</div> <p>If Yes, the licensee must complete Form LCC-207 and submit with this application. <i>No alcoholic beverages may be used as part of any contest or as a prize for a contest. No licensee may provide anything of value from another licensee without prior Commission approval.</i></p>

Part 6 - Temporary Extended Hours Permit Information

<ul style="list-style-type: none">• Licensees that currently hold an Extended Hours Permit in conjunction with a Dance or Entertainment Permit at the licensed premises <u>do not</u> need to request a Temporary Extended Hours Permit for use with a Temporary Outdoor Service area.
1. Select the permit type that requires a Temporary Extended Hours Permit*: <input type="checkbox"/> Dance Permit <input type="checkbox"/> Entertainment Permit
2. List the dates and hours requested for a Temporary Extended Hours Permit:

Part 7 - Temporary Specific Purpose Permit Information

<ul style="list-style-type: none">• Licensees that currently hold a Specific Purpose Permit for an approved purpose at the licensed premises <u>do not</u> need to request a Temporary Specific Purpose Permit for the same purpose for use with a Temporary Outdoor Service area.• A Temporary Specific Purpose Permit requires a recommendation from the local law enforcement agency that has primary jurisdiction over the licensed premises. The local law enforcement agency must complete Part 8 of this application.
1. Indicate the activity that requires extended hours* (e.g. food service):
2. List the dates and hours requested for a Temporary Specific Permit:

*Hours of Operation

Weekdays and Saturdays - Beer, wine, and spirits may be sold from 7:00 a.m. to 2:00 a.m. of the next day, provided that the sale of spirits is legal in the governmental unit where the license is desired.

Sundays - Legal hours of sale on Sundays are from 7:00 a.m. until 2:00 a.m. of the next day, provided the sale of alcoholic beverages on Sunday is legal in the governmental unit and the appropriate permit has been approved by the Commission and the permit has been issued.

Part 8 - Local Law Enforcement Recommendation for Temporary Outdoor Service and Temporary Specific Purpose Permit

The local law enforcement agency with primary jurisdiction over the event location must complete this section.

Name of law enforcement agency: South Lyon Police Department	
Address of law enforcement agency: 219 Whipple St. South Lyon, MI 48178	
Phone number of officer: 248-437-1773	Email of officer: <i>chief@southlyonpolice.com</i>
I certify that I have reviewed this application and recommend the approval of the Temporary Outdoor Service or Temporary Specific Purpose Permit by the Michigan Liquor Control Commission.	
<i>Lloyd T. Collins, Chief of Police</i> Print Name & Title of Reviewing Officer:	<i>Chief Lloyd T. Collins</i> Signature of Reviewing Officer
	<i>02/24/17</i> Date

Part 9 - Signature of Licensee

If approved, the license shall not sell, or allow the consumption of alcoholic beverage outdoors, except in the defined area, under administrative rule R 436.1419.

If approved, the licensee shall provide service of alcoholic beverages in the outdoor area only by wait staff servicing the tables, unless the licensee uses an approved additional bar in the area where customers may obtain their alcoholic beverages from a bartender using a currently authorized additional bar or receiving approval by the Commission for a new Additional Bar Permit.

Refrigeration trucks and/or trailers cannot include an alcoholic beverage logo and must be rented by the licensee from a non-wholesale company. If the refrigeration truck/trailer allows customer access to obtain alcoholic beverages, an Additional Bar Permit must be obtained unless an existing Additional Bar Permit will be utilized.

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

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

Submit this application, all required documents, and a \$70.00 inspection fee at least 10 days at least ten (10) days in advance of your event for your request to be considered by the Commission. Make check payable to State of Michigan.

Ryan Cottongim President

Print Name of Licensee & Title	<i>[Signature]</i> Signature of Licensee	<i>2/22/2017</i> Date
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Please return this completed form along with corresponding documents and fees to:

Michigan Liquor Control Commission

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

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

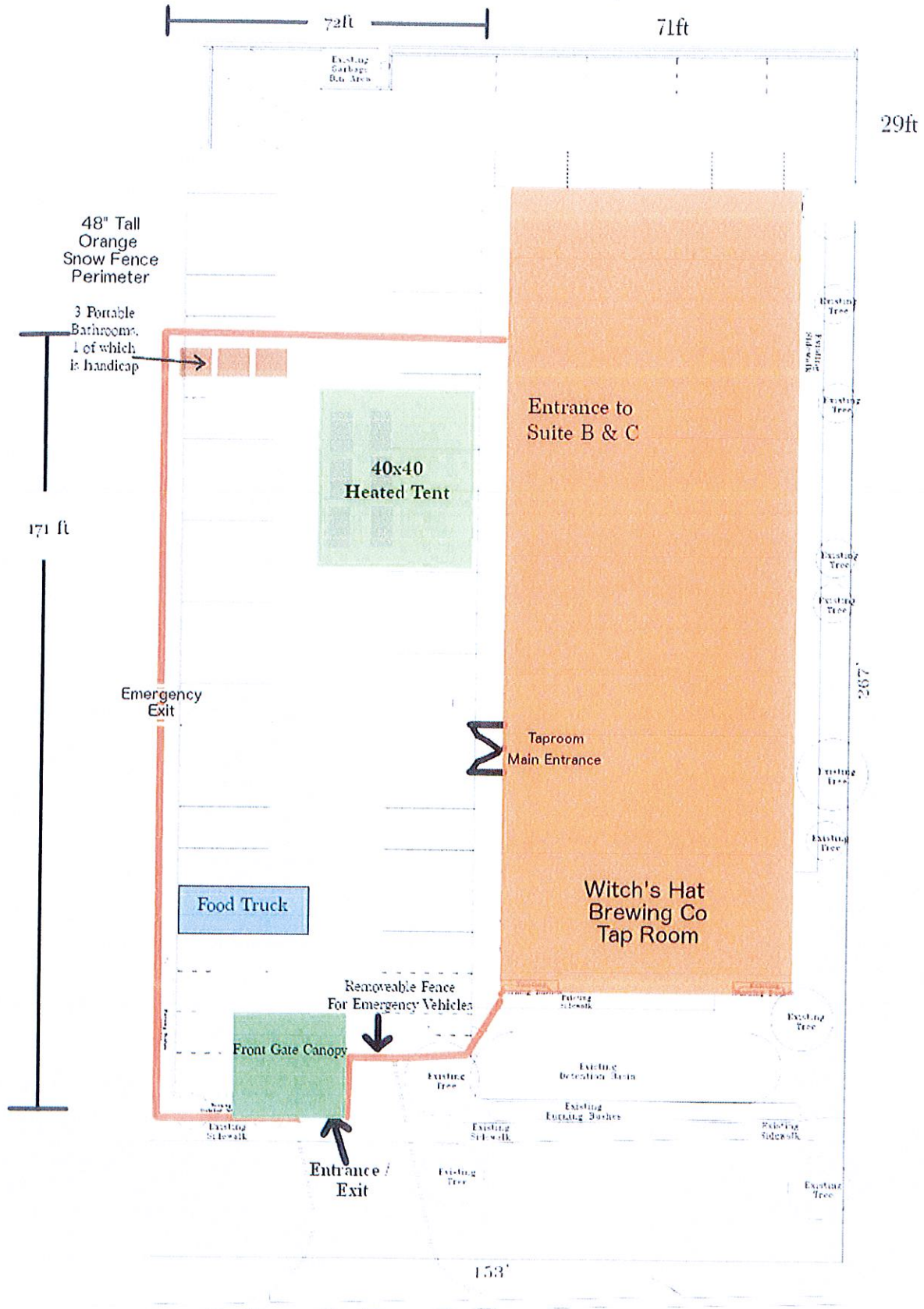
Fax to: 517-373-4202

2017 St. Patrick's Day Party

Friday, March 17th, Noon to Midnight

Indoor and outdoor party with outdoor heated tent and food truck.

Parking will be held across the street and in public lots.





SOUTH LYON FIRE DEPARTMENT

217 Whipple Street, South Lyon, MI 48178

Phone: 248-437-2616 Fax: 248-437-3025

www.southlyonfire.com

TENT / CANOPY / MEMBRANE STRUCTURE PERMIT APPLICATION

Requirements for Temporary Membrane Structures, Tents and Canopies

A temporary permit is required to: Erect or operate an air-supported temporary membrane structure canopy or tent having an area in excess of 200 square feet, or a canopy in excess of 400 square feet, except for structures used exclusively for camping.

___2 Tent (size _40x40_ and 20x20___) ___Canopy (size ___) ___Membrane/Inflatable Structure

Today's Date: _2/15/2017_ Applicant Name: ___Ryan Cottongim___ Applicant Phone: 248-974-5781

Business / Organization Name Witch's Hat Brewing Company_____

Address: _601 S Lafayette South Lyon, 48178_____

Location for permit use: _601 S Lafayette_____

Date(s) requested for permit use: _March 17, 2017_____

Start time: _____11am_____ End Time: _____Midnight_____

Air-Supported Structure: A structure wherein the shape of the structure is attained by air pressure and occupants of the structure are within the elevated pressure area.

Canopy: A structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is open without sidewalls or drops on 75 percent or more of the perimeter.

Tent: A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

The structure shall be in compliance with Chapter 24 of the 2006 International Fire Code®, including the following items:

1. Gasoline, LP gas, charcoal, candles or other cooking devices or any other unapproved open flame shall not be permitted inside or located within 20 feet of the tent. Tents where cooking is preformed shall be separate from other tents by a minimum of 20 feet. A type K extinguisher shall be provided in accordance with 2006 International Fire Code®.
2. A minimum of two 2A:10BC extinguishers are required for 400 - 1000 square feet. Provide one additional extinguisher for each 2,000 square feet. A minimum of one 40BC extinguisher for each generator or transformer.
3. All tents shall be constructed of flame-resistant materials. An affidavit shall be submitted certifying that the flame-resistant process and materials used comply with Section 2406 of the 2006 International Fire



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Code® and stating the date of treatment and the warranted period of effectiveness of the process.
The flame-resistant process shall be in conformance with NFPA 701.

4. Electrical wiring shall be in conformance with Article 305 of NFPA 70 and the International Fire Code.
5. Exits shall be clearly marked. Exit signs shall be installed at required exit doorways and where otherwise necessary to indicate clearly the direction of egress when the exit serves an occupant load of 50 or more.
6. Exit signs shall be of an approved self-luminous type or shall be internally or externally illuminated by fixtures supplied in the following manner: 1. Two separate circuits, one of which shall be separate from all other circuits, for occupant loads of 300 or less; or 2. Two separate sources of power, one of which shall be an approved emergency system, shall be provided when the occupant load exceeds 300.
7. A detailed site and floor plan for the temporary structure with an occupant load of more than 50 shall be submitted with this application for approval by the Fire Prevention Bureau. The plan shall indicate details of the means of egress facilities, seating capacity, arrangement of seating and location type of heating and electrical equipment. The arrangement of aisles shall be subject to the approval by the fire code official and shall be maintained clear at all times.
8. Upon receipt and approval of the site and floor plan an occupancy load will be issued by the South Lyon Fire Department. The Fire Chief or his designee may request the current occupant load at any time the structure is open to the public. Therefore an accurate head count shall be maintained.
9. Hay, straw, shavings or similar combustible materials shall not be located within any tent, canopy or membrane structure. The areas within and adjacent to the structure shall be maintained clear of all combustible materials that could create a fire hazard within 20 feet of the structure.
10. Smoking shall not be permitted in tents, canopies or membrane structures. "NO SMOKING" signs shall be conspicuously posted.

An electronic copy of the 2006 International Fire Code® is available at www.southlyonfire.com

Applicant's Signature

Ryan Cottongim

Date

2/15/17



SOUTH LYON FIRE DEPARTMENT

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

February 23, 2017

Chief Lloyd Collins
South Lyon Police Department
219 Whipple St.
South Lyon, MI 48178

RE: Ryan Cottongim
Witch's Hat Brewing – St. Patrick's Day Event
601 S. Lafayette Rd.
South Lyon, MI 48178

The South Lyon Fire Department has received the application for the upcoming St. Patrick's Day Event located at your facility. The plan is for the temporary use of a large tent to be occupied for gathering of patrons, as well as the use of the open parking lot as a gathering.

The occupant load for the tent is limited to 107 persons including staff/employees and the occupant load for the open gathering area is 3,650 persons including staff/employees. At no time, shall the occupant load for the event exceed either of these occupant loads, especially the tent.

This plan review was conducted in accordance with the International Fire Code (IFC) 2006 Edition.

We have no objections to this proposed tent event subject to the following conditions:

1. No smoking or open flame appliances (signage required) within or adjacent to tent.
IFC 2404.6
IFC 2404.7
2. If the tent is provided with sides; there shall be a minimum of 2 exits required with a minimum width of 72" each. The exits shall be placed a distance apart equal to, not less than $\frac{1}{2}$ the length of the maximum overall diagonal dimension of the area served. All exits shall provide a continuous and unobstructed path of travel to a public way.
IFC 2403.12.2
3. All exits shall be clearly marked with illuminated exit signs.
IFC 2403.12.6
IFC 2403.12.6.1
4. Tent shall be provided with approved emergency lighting, with backup power capabilities.
IFC 2403.12.7
5. Two fire extinguishers shall be provided; one at each exit. Minimum size is a 2A:10BC (8lbs)
IFC 906
6. The tent shall not be within 20 ft. of lot lines, buildings, other tents, internal combustion engines (including heaters) or parked vehicles.
IFC 2403.8.2



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7. Propane storage must remain a minimum of 10' from the tent. IFC 2404.16.2.2
8. Front entrance gate shall not obstruct more than 50% of the clear width of the entrance drive. The tent shall be anchored properly, but maintain portability to be moved if necessary.
9. Field verification is required of the certification that the tent meets the requirements for flame resistance in accordance with NFPA 701. (Certificate must match)
10. The tent is subject to the approval of the City of South Lyon as necessary.

If you have any questions about this plan review report, please feel free to contact me at (248)437-2616.

Respectfully,

Rick Boisvert, CFPS
Fire Inspector