Regular City Council Meeting March 27, 2017

Agenda

7:30 p.m. Call to Order

Pledge of Allegiance

Roll Call

Approval of Minutes: March 13, 2017

Approval of Bills: Approval of Agenda

Public Comment

I. Old Business -

- 1. Second 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)
- Consider approval of Final bill submitted by Dykema Gossett for services rendered during Conflict of Interest Review/Investigation
- Consider adoption of Policy Statement Use of Façade Grant Funds in Historic Downtown Core District, Façade Improvement & Sign Grant Program Document, Façade Improvement Grant Priority Policy, Façade Improvement Grant Application and Sign Grant Application.

II. New Business-

- 1. Consider approval of Dispatch/Lock=up Service Agreement with City of Novi
- 2. Consider approval of emergency expenditure for fire department radio repeater at water tower o North Mill St due to critical failure following March 8th power outage
- 3. Discussion Sidewalks
- 4. Discussion and consideration to set date for City Manager's 2017 review and designate two council members to meet with City Manager to identify: Goals, performance measures and evaluation form to be used.
- III. Discussion- Downtown
- IV. Manager's Report
- V. Council Comments-
- VI. Adjournment

CITY OF SOUTH LYON REGULAR CITY COUNCIL MEETING March 13, 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

Council Members: Dedakis, Kivell, Kramer, Kurtzweil, Ryzyi and Wedell

ALSO PRESENT: Chief Collins, City Attorney Wilhelm, Deputy Clerk /Treasurer Pieper

ABSENT: City Manager Ladner, Department Head Martin, Clerk/Treasurer Deaton

MINUTES - February 27, 2017

Councilmember Wedell would like to amend his statement on the first page to read out of order. Councilmember Kurtzweil stated she would like to add the following statement on page 3, paragraph 2 (that starts with Carl Richards) the last sentence to be added Kurtzweil further noted that Wedell was out of order when he addressed Carl Richards at the public comment section of the agenda. She also added to section CM 2-5-17 at the beginning of the paragraph: Kurtzweil noted that Wedell was out of place when he spoke directly to a public speaker without first making a motion to suspend the rules. Kurtzweil than asked Deputy Clerk/Treasurer Pieper for a clarification to make sure that the notes were properly transcribed, on page 8 where it says Mayor Galeas called for a 5-minute recess, she would like to make sure that there was no motion to recess. Pieper advised that she would check the tape. Councilmember Kivell made a correction to the end of page 3, regarding the last paragraph concerning Dan Pelchat. The sentence reads ulterior and it should be alternative.

CM 3-1-2017 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Ryzyi, supported by Kramer Motion to approve minutes as amended

Vote: MOTION CARRIED UNANIMOUSLY

MINUTES - MARCH 3, 2017 SPECIAL MEETING

CM 3-2-2017 MOTION TO APPROVE MINUTES OF MARCH 3-6-2017

Motion by Kramer, supported by Wedell Motion to approve minutes as presented

Vote: MOTION CARRIED UNANIMOUSLY

BILLS -

Councilmember Kurtzweil has a question on the bill that was paid to Dykema Gossett, for the amount of \$2,371.20, asking for clarification if this is a final bill for all the incredible services we received from Dykema Gossett on the conflict of interest issue or if that is just his first bill? Kurtzweil goes on to question the payment of sidewalks by the residents on the revenue financial statement. She questions the original budget of \$20,000 for the sidewalks and the available balance of \$20,000. Stating that she thought that at the time of the Special Meeting that Council had, the \$20,000 was already used up, and she does not see that notation. Kurtzweil again goes on to say that it was her understanding that individuals in the community were paying for half of the cost to have the sidewalks repaired. So if that is the case, then where is the revenue showing on the revenue statement for those homes that kicked in to have their sidewalk replaced. She is just requesting a clarification on how we are documenting this and can if we can get to it in two weeks, this is not an emergency. Councilmember Ryzyi stated that he would like some detail on how many sidewalks have been fixed and what houses were done. Ryzyi goes on to state that he continues to have a concern for the attorney invoices and until he receives re-assurance that we are getting a fair deal and have something in place to control those hours, he will be not be approving the invoices from the Johnson Rosati Law Firm. Councilmember Kivell asked Attorney Wilhelm for any insight on the final payment for Bricco. Wilhelm stated he does not.

CM 3-3-17 MOTION TO APPROVE BILLS

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

VOTE: MOTION CARRIED 1 OPPOSED

AGENDA

CM 3-4-2017 MOTION TO APPROVE AGENDA

Motion by Kramer, supported by Wedell Motion to approve the Agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Ryan Lare of 716 Grand Court stated that he has been a resident for 16 years and coming to the microphone brings him no pleasure at all, but for justice to the residents, he feels he must speak in regards to the conflict of interest, regarding the attorney and regarding Councilmember Kivell. He goes on to state, in his opinion, that based on the outside investigation, voted upon by Council, Councilmember Kivell needs to resign his seat effective immediately at the end of the meeting tonight.

Carl Richards of 390 Lenox gave an update to the damage done by the wind storms that we have had in the last week. On a positive note, we sustained a minor amount of damage at the Historic Village, one of our biggest trees blew over. We also lost a few trees at McHattie Park. He goes on to state that we have

one week left before Spring gets here and he guarantees that the sap is running in our Maple trees up at the north end and east end of town.

John Hogan of 987 Oak Creek Drive stated that he started watching the City Council meetings over the past couple of months, and after the last meeting on February 27, 2017, it was really just too much. He goes on to discuss two of the City Council Members and their accusations toward the City and its employees of purposely sending fraudulent water bills and participating in a cover up. He goes on to say that there was no actual fact-finding of what happened and no specific questions were asked of Department Head Robert Martin or city employees prior to the February 27, 2017 meeting. Information was based on old videos and Facebook. Hogan than refers back to the Council meeting of January 23, 2017, to again show the false accusation of a "cover-up" made by a Councilmember regarding the breakdown of the video equipment, and how an individual felt the need to step forward to state facts regarding the equipment breakdown. These facts could have easily been provided if anyone had taken the time to ask. He then stated that it has been his observation that two City Councilmembers have no intention of working with the other Councilmembers or City officials to move this City forward. They are more interested in making grandstand speeches and headlines for the paper. Mr. Hogan goes on to thank Department Head Martin, the entire team at the DPW, and to the other City employees. Further thanking Martin for his dedication, passion and positivity for the city. And to the other City Councilmembers, he hopes that they will not give up and continue to move things forward.

OLD BUSINESS

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

Corry Bala from Superior Renewable Solutions, returned with additional information regarding the renewal energy project. The new numbers for the system they are looking in to would cost \$685,000. He goes on to discuss the financing programs and over the course of 25 years, which is what the panels are warrantied for, they would be saving the City \$761,000.00. Councilmember Parisien questions if there are any known grants available or if any other communities or states have offered their communities grants to install solar panels. SRS owner Chris Yuko advises that there are no grants and refers to the financial structure on the third page of their handout. Parisien goes on to state that she has been doing some research on this subject, and feels this is the way of the future and it is an attractive offer for the City of South Lyon. Councilmember Ryzyi questioned the numbers that are presented and how they are calculated. Yuko clarified that this is not the actual breakdown of the contract, this is still an estimate. Ryzyi goes on to say that he doesn't feel that this would be that much of protection of the environment. Ryzyi states that because we know you, this is a conflict and we need to get other bids. A proposal needs to be put together without costing anything and presented to Council. Councilmember Kivell stated that he likes the idea, but he feels it will be a competitive circumstance. Mayor Galeas stated that in the long run, if you are going to save money, he doesn't see a problem with trying to do something out front. Bala goes on to explain that the soft cost of \$3,000.00 will allow them to move forward to see if it would make sense to put a contract in place somewhere in the future. Councilmember Kurtzweil states she is all for green energy, she is not opposed to the technology; she is opposed to the timing. To the best of her knowledge the Water and Sewer Department is operating at a loss and has been operating at a loss for years. At this time, in the City's financial budget, she has not seen evidence that the budgeting process for the finances are strong enough to absorb another long term debt program. Councilmember Kramer goes on to discuss the financial savings, and would like to see it from the city side to take a look at more numbers and make a comparison. Councilmember Wedell stated that if we go to a project of this size, we are going to have to do it through an RFP, and we can seed your research you put together, that will be a big leg up for your firm. Councilmember Kurtzweil adds an additional comment regarding monopolies and states that she is not convinced that the long term business model is going to provide a benefit to the residents of the City. When the electric company notices that the electrical usage has gone down in this area, there will be a rate increase. Councilmember Ryzyi stated that he doesn't think Council would have given this 2 meetings and this much consideration if it wasn't for knowing Corry and trusting him. This is a big commitment and he doesn't feel that it is something that we should entertain and he will not vote for the motion to sign a letter of intent. Councilmember Parisien followed up saying that she would argue that this is fiscally responsible because South Lyon does have some budget issues and if in the long run it's going to save us anything then that's in the benefit of the taxpayers and they come first. She than stated, what are we leaving for South Lyon? Every single day it's just getting worse and worse when it comes to emissions and landfills, for the future of South Lyon, why not make it healthier for our children and the generations to follow. She stated that she fully supports having other bidders. Council goes on to discuss RFP's, the letter of intent and needing City Manager Ladner and Department Head Martin to weigh in on this.

NEW BUSINESS

1. Consider approval of licensing agreement with Fibertech (Lighttower Fiber Networks)

Attorney Wilhelm stated Fibertech has existing tele-communication facilities within the Cities right of way and they are proposing to install 3 DAS (Distributing Antenna System) nodes which are excluded from the Metro Act. This license agreement is modeled on the Metro Act and the Metro Act Permit and would provide them with access to the right of away and the ability to maintain those structures within the right of way. Wilhelm then refers to the packet, Exhibit A through D. After dealing with the Fibertech representative today, Wilhelm stated he is agreeable to take the suggested motion condition, item 1B, regarding the overall height for new and replacement poles being 51 feet, we would add that language verbatim to Exhibit B and that would go along with the specifications. Councilmember Ryzyi questioned if we could pass this with removing Exhibit D? Wilhelm agreed to eliminate the city-owned references to Exhibit D. Mayor Galeas confirmed that this agreement is for all city owned poles. Councilmember Kramer questioned if Pibertech is negotiating with DTE for the use of the poles? Wilhelm confirms that he has a copy of the Pole Attachment Agreement. The City will not incur the charges and the poles are mini cellular antennas.

Wilhelm stated the second component would be to approve this type of agreement with any other company that comes in with something similar.

CM 3-5-2017 MOTION TO APPROVE THE LICENSE AGREEMENT FOR ACCESS TO AND THE USE OF RIGHT OF WAY FOR DAS ANTENNA'S AS PRESENTED WITH THE 4 CONDITIONS IN ADDITION WE WOULD REMOVE THE CITY LANGUAGE IN EXHIBIT D AND WITH THE CORRECTION OF SOUTH LYON INSTEAD OF FARMINGTON HILLS AND THE DATE IN THE ACTUAL CONTRACT

Motion by Kramer, supported by Kivell

Motion to approve the license agreement for access to and the use of right away for DAS Antenna's as presented with the 4 conditions. In addition we would remove the city language in Exhibit D and with the correction of South Lyon instead of Farmington Hills and the date in the actual contract

DISCUSSION

Councilmember Kurtzweil asked the City Attorney about the antennas and if there is any health consequences to the frequency that is being emitted from then given DTE's recent history with technology and that issue. Wilhelm stated he presumed so, but he did not have the answer to that, he stated that issue is raised under state and federal law regarding wireless communication.

VOTE: <u>MOTION CARRIED – 1 OPPOSED</u>

CM 3-6-2017 MOTION TO APPROVE THE LICENSING AGREEMENT FOR ACCESS TO AND USE OF THE RIGHT OF WAY FOR DAS ANTENNAS, SUPPORT STRUCTURES AND EQUIPMENT AS A GENERAL FORM FOR USE WITH OTHER TELECOMMUNICATION PROVIDERS

Motion by Kramer, supported by Kivell

Motion to approve the licensing agreement for access to and use of the right of way for DAS Antennas, supported structures and equipment as a general form for use with other telecommunication providers

VOTE: MOTION CARRIED - 1 OPPOSED

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)

Carmen Avantini, CIB Planning, explained the history of this property and on the applicants prior to purchasing. He goes on to explain that the applicants came to the Planning Commission and discussed the options for this property and the potential uses in the district. The Planning Commission recommended that they look at a Self-Storage Facility. Avantini stated that the applicant did follow up on that and they put together a conditional re-zoning request, meaning that if Council approved this re-zoning; it can only be used as a Self-Storage Facility, not all of the other uses are permitted in an industrial zone. They will meet all ordinance requirements for screening, and this will also go back to the Planning Commission for final site plan review and approval.

Councilmember Kivell questioned the number of hydrants needed in this space. Fire Chief Kennedy explained that they have not seen the official site plan yet. Councilmember Kurtzweil discussed with the new owner some of her ideas and opinions for the buildings. Councilmember Ryzyi stated that he recognized the Schovers name and made sure this was not considered a conflict.

CM 3-7-2017 MOTION TO APPROVE THE FIRST READING OF THE ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SOUTH LYON OFFICIALLY REZONING

PARCEL NO. 21-29-176-012, ALSO KNOWN AS 500 STRYKER STREET, FROM THE R-3 DISTRICT TO THE I-1 DISTRICT

Motion by Kramer, supported by Wedell

VOTE: MOTION CARRIED UNANIMOUSLY

3. Consider approval of a contract amendment and extension with Safebuilt

Attorney Wilhelm stated in light of City Manager Ladner's absence, he will explain that due to the recent retirement in the building department, there is an opportunity for Safebuilt to provide some services. Dennis Smith, Safebuilt Building Official, stated that this will extend the contract between the City and Safebuilt for an additional 3 years and it allows for the Permit Tech position that is currently vacant to be more of a permanent operation for the City with one of Safebuilt's employees. Building Inspector Smith stated that nothing else changes, service rates, percentage fees, no other changes. Councilmember Kurtzweil stated that she would like to see a cost benefit analysis to make sure that this is what we should be doing. Kurtzweil also questioned Wilhelm if he had had a chance to speak with Ladner about this. Both Wilhelm and Smith confirmed that Ladner was for it.

CM 3-8-2017 MOTION TO APPROVE THE EXTENSION OF CONTRACT AND ADDITION OF THE PERMIT TECHNICIAN FOR THE 3 YEAR CONTRACT PROVIDED

Motion by Kivell, supported by Kramer

Motion to approve the extension of contract and addition of the Permit Technician for the 3 year contract provided

VOTE: MOTION CARRIED UNANIMOUSLY

4. Consider adoption of Naming Policy for Parks and other City owned and operated facilities and related form

Councilmember Ryzyi stated that he would assume the Maddie Doty Field would be grandfathered in. He next questioned the financial contributions and what the trigger point for understanding how the contributions would be exempt. He also added that in his personal opinion, there should be some sort of leeway for Council to have some sort of say if we want to take it upon ourselves to make our own dedication. He also added that Lynne had brought up a good point regarding a registry for this policy. Ryzyi stated that he would like to see this go back to Park and Rec and take these suggestions under consideration.

CM 3-9-2017 MOTION TO POSTPONE THIS DISCUSSION TO THE NEXT MEETING SO THAT COUNCIL CAN HAVE THE DISCUSSION WITH PARKS AND REC AND OUR CITY MANAGER

Motion by Kramer, supported by Kivell

Motion to postpone this discussion to the next meeting so that Council can have the discussion with Parks and Rec and our City Manager

VOTE: <u>MOTION CARRIED UNANIMOUSLY</u>

5. Update on proposal and status of discussion related to a School Resource Officer (SRO)

Councilmember Ryzyi abstained from this discussion as his wife is on the school board. Police Chief Collins stated due to the absence of City Manager Ladner, he will offer some comment. Collins stated that the school district would like to re-institute the School Resource Officer program for the South Lyon High School and South Lyon East High School. Lyon Township is open to this and they have already brought an additional Deputy aboard. Collins stated that the only way we can do this is to bring another officer aboard filling one of the two existing vacancies in the Police Department. He then referenced the financial models listed in the council packet. The Police Department is very interested in putting a School Resource Officer back in South Lyon High School. Councilmember Kramer asked if we had any idea of the agreement between Lyon Township and the Oakland County Sheriff Department. The discussion continued regarding the budget and the current procedures that are in place. Councilmember Wedell questioned if there are any other communities that have kids at South Lyon High School that are not in South Lyon? Collins said there are, but he does not have the current numbers. Councilmember Kurtzweil stated that it is her understanding that the school district has issued a bond of \$60 million. Kurtzweil stated she would assume that some of that bond money went towards upgrading security provisions and accommodations in all the schools. Kurtzweil does not see where the need has been demonstrated. Nobody has justified the expense. Mayor Galeas stated that times are changing and having a police presence there may detour things from happening. Councilmember Kivell compared the procedures between a SRO Officer and a patrol officer. Councilmember Parisien stated that having an officer on duty and seeing an officer there makes a huge difference. There are a lot of drug issues coming from our young generation.

DISCUSSION - DOWNTOWN

Economic Development and DDA Director, Bob Donohue asked Council if they had any questions for him. Councilmember Kramer stated he has spoken with a member of the Ferndale Planning Commission and went on to explain that the City of Ferndale had someone come in from U of M to teach a course on the benefits of the tax abatements and how to recoup the most bang for your buck. Kramer offered to get the information from this individual and to pass this on to Donohue. Councilmember Kurtzweil questioned when the Façade Grant will be prepared for Council and how much he will be looking for. Donohue advised that he will be ready by the next Council meeting and he is looking for a total of \$50,000, \$45,000 for Facade Grants and \$5,000 for sign grants. He added that this is a follow up from the City Manager from last August. Kurtzweil stated that this is clearly a very good program, after speaking with some City Managers that have used this program and it is unbelievable the changes that happen. Kurtzweil discussed that it is time for an investment in the downtown area. She will not be approving anything that has come up tonight my vote is going toward this, the Downtown. Kurtzweil questioned Donohue about getting lights in the trees in the downtown. Donohue goes on to discuss a few ideas that he is discussing with the DDA and the cost. Kurtzweil also questioned if a Zoning Map has been sent

over to the Chamber. Councilmember Ryzyi thanked Donohue for the work he is doing not only in the downtown area. He went on to say that we need to keep the focus on the downtown and asked if Donohue has a budget for himself and if he can get it ready to be added to the budget. Donohue stated that he has put his whole career in to downtowns and he is entering his 39th year, and a strong downtown will definitely stabilize and increase the tax base of the community. Councilmember Kivell questioned if there has been any further action taken regarding the poles for banners. He also asked if a building owner makes improvements to their façade only, will this raise the value of the building. Donohue was able to question Mary Ricci of Oakland County Equalization and she said no, façade only would not immediately trigger an assessed value increase. Donohue references his first year action plan for the Economic Development/DDA Director and passed out a copy of his work so far (Copy added to the minutes)

MANAGER REPORT

Councilmember Kurtzweil asks if Lynne has signed the amendment to her employment contract, and that maybe this should be added to the agenda for the next meeting. She would like to set a review time period for the City Manager. Also, she questioned if the City is required to have a functioning construction board of appeals. Attorney Wilhelm commented that we do have one, we do have members and we may have to appoint new members. Safebuilt representative Smith addressed Kurtzweil's questions, we do have a construction board of appeals, and their regulations and by-laws are governed by state statutes, and he will provide a copy to Council. Councilmember Ryzyi questioned if there any updates on MERS.

COUNCIL COMMENTS

Councilmember Kivell'discussed the recent power outages and wondered if there were still neighborhoods without power. He is grateful that it is over as we round the last wave of snow coming through.

Councilmember Parisien thanked Mr. Hogan for taking the time to come in tonight. It's important to hear resident's feedback whether good, bad or ugly. She stated that he has brought up a very good point and that the employee morale is down. Parisien has visited with various departments and everyone is doing a great job, all of our employees in South Lyon work very, very hard. She went on to say that she can't speak for everyone on Council, but she did express her apology to all of our employees in South Lyon and if they feel that they are being attacked at all, that is not the case and sincerely sorry and thank you for all that you do for South Lyon. Have a happy and safe St. Patrick's Day.

Councilmember Ryzyi stated Council has decided not to take any action on the fraudulent water bills. Thank you Mr. Hogan for coming in and I think it is wonderful that you came up to speak and let us know some feedback. I appreciate what you said in your defense of Bob Martin, Bob should be defended, he loves his community and he's been a staple. He clarified that in regards to the facts on the water bills, it was happening, it's done and I'm glad I brought it to attention. Bob gave his word, I believe him and it's not going to happen again. It was not meant to be an attack on the Water Department. Ryzyi stated that he believes there is a benefit to Facebook, it's popular and he will not stop posting on Facebook. Ryzyi stated that in regards to the letter that the Mayor sent to the City employees, he is not embarrassed by his actions on Council. Instead of an apology he ends by offering a thank you. Thank you to all City

Employees, all our Contractors and then went on to thank all staff and department heads that were attending the meeting. Thank you for listening, and he will continue to ask the tough questions.

Mayor Galeas stated that he wanted to clarify the contents of his letter. Not only did he apologize for the body of the Council, he also thanked everyone without expecting anything back. This was based on comments that have been made to him. The Mayor went on to say that when people go on to do something right, they should be acknowledged for it. Galeas went on to say that he met with the Superintendent from the Township and they had a great conversation and talked about when they had a meeting years ago and they discussed maybe it was time to have another one.

Councilmember Wedell said he would echo Mary's comments and drive carefully on Friday.

Councilmember Kramer stated that he will not be at the next meeting.

Councilmember Kurtzweil stated that he would like to respond to John Hogan's comments also regarding the water bill matter. She went on to say, John you have known me for a long time. I'm not changing for you and I'm not changing for anybody, and I'm not changing for anybody on this Council. That's the bottom line. I am an advocate. That's who I am, that's who I will always be. I will never protect an employee or a department head that deliberately sends out false information to a taxpayer. It's not going to happen on my watch, that is not why I was elected. So if you are looking for someone to sweep things under the rug, vote for a different candidate. That's not why I was elected. As long as my facts were straight and right that's all I really care about. She goes on to say, that she had a talk with Plante Moran today and she is not going to discuss that conversation, except that she finds it highly unlikely that they have any other community where this activity has gone on. I think the business model that you are advocating for, to call somebody on the phone, is the business model that flies in the face of transparency of governmental services. Which I support, I don't avoid. So, I respect your position in possibly quietly handling this matter, but the silence is not anything I will accept. Additionally, Kurtzweil went on to say that she had the opportunity to speak with individuals in other communities regarding this matter and was dismayed to hear what she heard from other communities as to what their reaction would have been had they found out the same information. Kurtzweil goes on to address Mr. Hogan and stated, I'm not going to apologize to you. I didn't apologize to you back when you were on the Chamber Board, and I'm not going to apologize to you now. Kurtzweil stated that March is Women's Month; it's a month where we honor women who have made contributions to the society in which we live. Tonight I would like to thank and honor Melissa Taylor, for coming forward on April 14, 2015, and reporting the City's use of fraudulent water bills to get people's attention regarding outdated water meters. Her courage and her guts for bringing this to the city's attention has resulted in an obvious change in governmental practice. She has instilled in the City a renewed sense of moral character and importance of never breeching the public's trust. So to Melissa tonight, to the tax payer who came to the microphone a year ago, your efforts are dually noted and many people in the community thank you. Kurtzweil went on to thank Chief Kennedy and Chief Collins for your steady hand in the blackout. Extending the greatest amount of gratitude for everything you have done for the past 4 or 5 days.

ADJOURNMENT

CM 3-10-2017 MOTION TO ADJOURN

Motion by Kivell, supported by Kramer Motion to adjourn the meeting at 10:35 p.m.

VOTE: <u>MOTION CARRIED UNANIMOUSLY</u>

Respectfully submitted, Judy Pieper Deputy Clerk/Treasurer Mayor Galeas

AGENDA NOTE

MEETING DATE: March 27, 2017

PERSON PLACING ITEM ON AGENDA: Recommendation from Planning Commission

AGENDA TOPIC:

- 1. Second 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 (One-Family Residential) to I-1 (Light Industrial)
- 2. Consider approval of Conditional Rezoning Agreement between Raymond Schovers and City of South Lyon for Parcel No. 21-29-176-012

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 (One-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 which is set forth in the proposed zoning amendment ordinance in full. If the second reading is approved, Council will be asked to consider approving the Conditional Rezoning Agreement.

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.

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.

(The conditional rezoning agreement is set forth verbatim in the conditional rezoning ordinance)

- Planning Commission Minutes of December 8, 2016
- CIB Review updated December 2, 2016

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

RECOMMENDATION:

- 1. Approve the second reading
- 2. Approve the conditional rezoning agreement

SUGGESTED MOTION:

- 1. Motion to approve the second reading of the Ordinance to amend the official zoning map of the City of South Lyon conditionally rezoning Parcel No. 21-29-176-012, 500 Stryker Street from the R-3 district (one-family residential) to the I-1 district (light industrial) subject to the conditions voluntarily offered by the property owner which are set forth in the ordinance.
- 2. Motion to approve the Conditional Rezoning Agreement between Raymond Schovers and the City of South Lyon regarding Parcel No. 21-29-176-012 and authorize the Mayor and Clerk to execute the Agreement.

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 <u>Exhibit A</u>), 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;

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

- 1. <u>Conditional Rezoning</u>. 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. <u>Rezoning Conditions</u>. 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. <u>Compliance with Conditions</u>. 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. <u>Time Limits</u>. 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. <u>Extension of Time Limits</u>. 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. <u>City Right to Rezone</u>. 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. 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. <u>Entire Agreement</u>. This Agreement together with any agreements referenced herein, constitutes the entire agreement between the parties with respect to the subject of this Agreement.
- 9. <u>Binding Effect, Running with the Land</u>. 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. <u>Amendments</u>. 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. <u>Governing Law</u>. This Agreement shall be governed by, construed, and enforced in accordance with Michigan law.
- 12. <u>Authority to Execute</u>. 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. <u>Enforcement</u>. 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. <u>Joint Drafting</u>. 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. <u>Conflicts</u>. 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. <u>Severability</u>. 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. <u>Counterparts</u>. 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
F	By:
Ī	By:
ACKNOV	<u>WLEDGEMENT</u>
STATE OF MICHIGAN)) ss COUNTY OF OAKLAND)	
of the City of South Lyon, and Lisa Deaton, t	nowledged before me by John Galeas, Jr., the Mayor he Clerk of the City of South Lyon, on behalf of the poration, on the day of, 2017.
Notary Public Oakland County, Michigan My Commission Expires:	
(OWNER

Raymond Scl	hovers		

ACKNOWLEDGEMENT

Certificate of Adoption

	I hereby certify that the foregoing is a true and complete copy of the ordinance adopted egular meeting of the South Lyon City Council held on the day of
	Lisa Deaton, City Clerk
Adopte Publish	ed:



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

(810)335-3800

email: avantini@cibplanning.com

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.

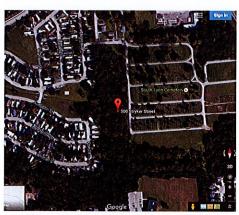
Conditional rezoning is a two step process: following a public hearing, a recommendation from the Planning Commission to City Council for the conditional rezoning and preliminary site plan; followed by a formal site plan submission to the Planning Commission, should the rezoning be approved.

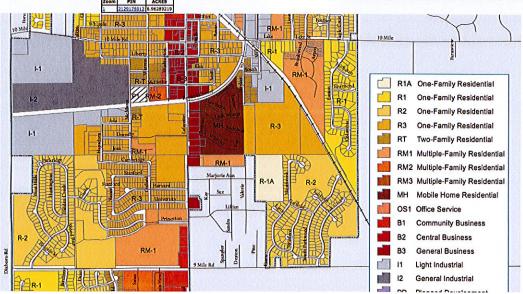
LOCATION AND DESCRIPTION

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	Residental	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
- Retails 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 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 basement; 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 1-1 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.

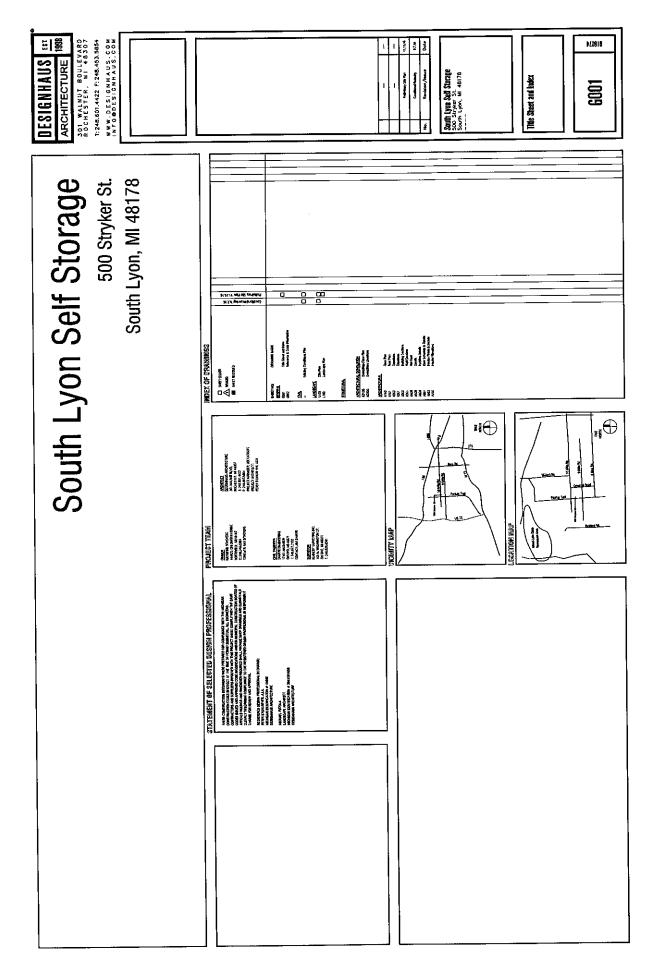
Sincerely,

CIB PLANNING

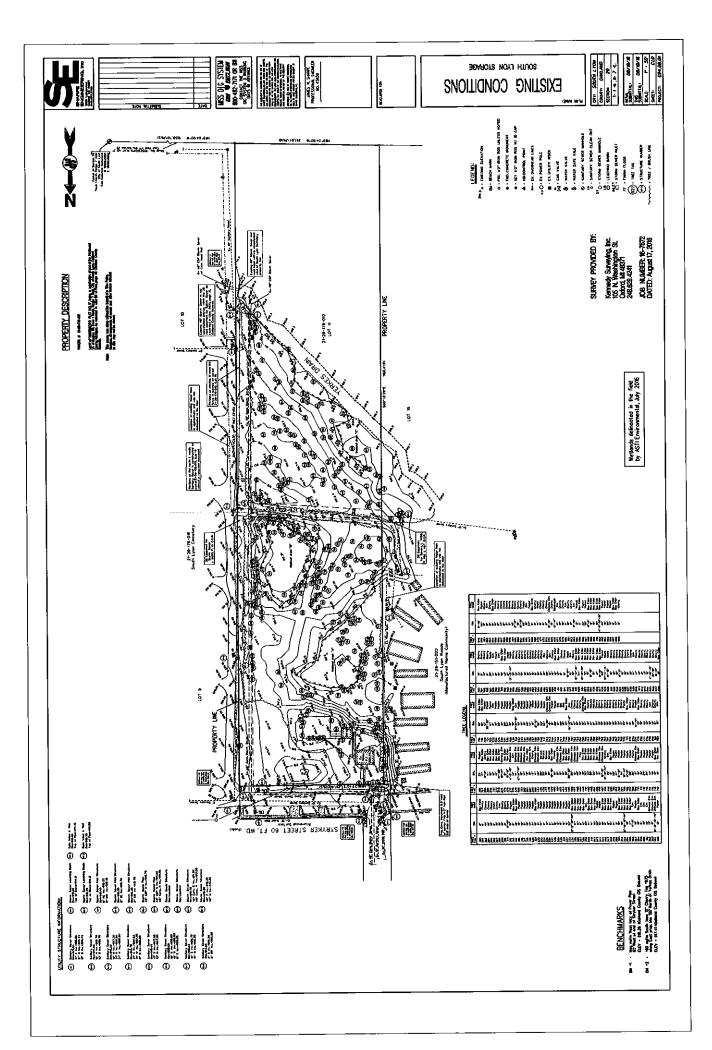
Carmine P. Avantini, AICP

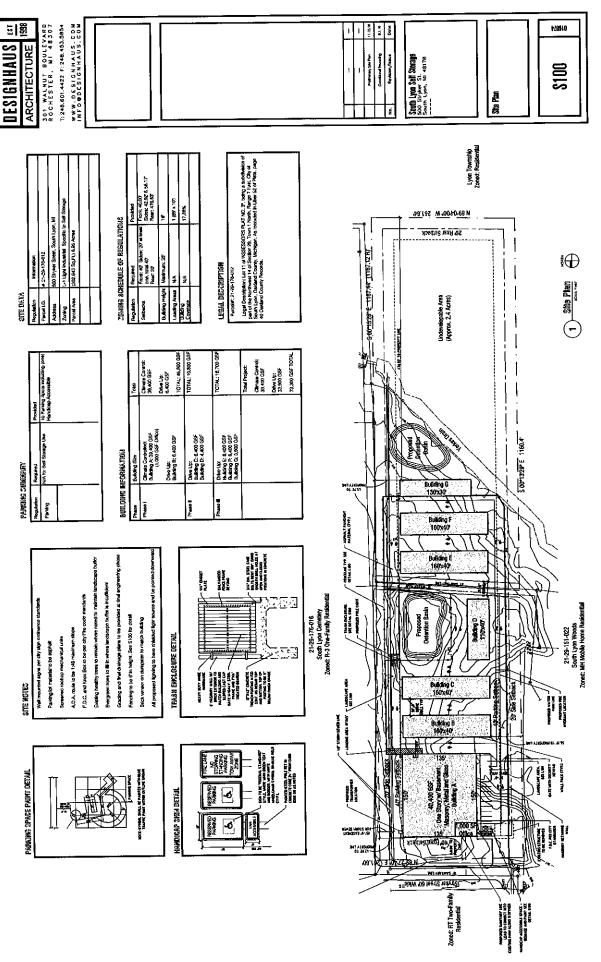
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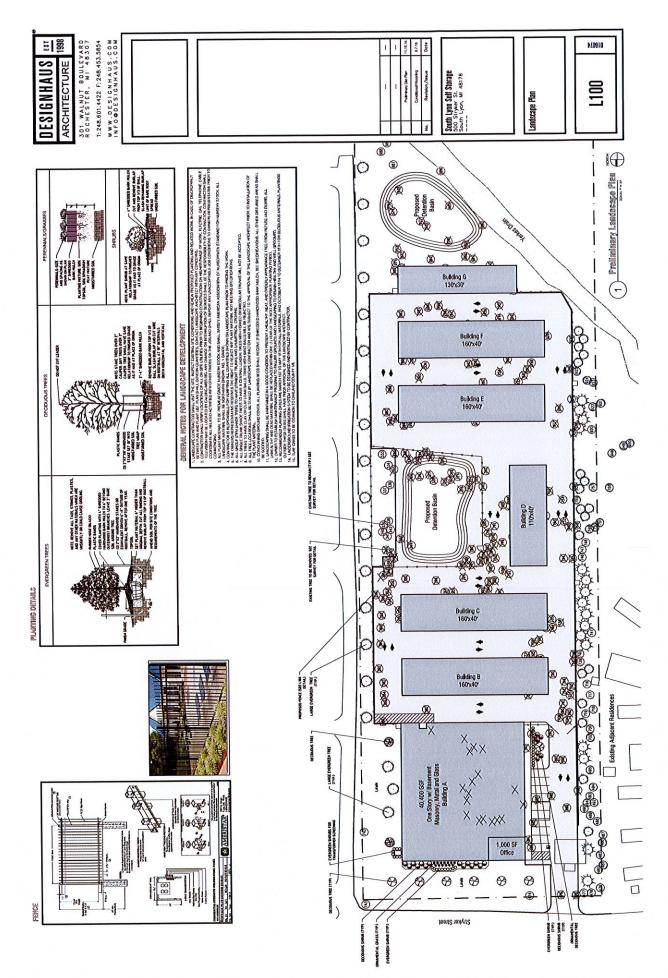


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400 Renaissance Center • Detroit, MI 48243 • EIN# 38-1446628

SOUTH LYON, CITY OF MS. LYNNE LADNER, CITY MANAGER SOUTH LYON CITY HALL 335 S. WARREN STREET SOUTH LYON, MI 48178 DUE UPON RECEIPT

MARCH 15, 2017 CLIENT-MATTER NO. 024828-000002 INVOICE NO. 3120447

FOR PROFESSIONAL SERVICES RENDERED

RE: CONFLICT OF INTEREST REVIEW

TOTAL AMOUNT DUE\$	36,018,60
DISBURSEMENTS	55.10
FEES\$	35,963.50

RE: CONFLICT OF INTEREST REVIEW

DATE	ID	DESCRIPTION	HOURS
01/01/17	MJMU	REVIEW LETTERS FROM ATTORNEY WILHELM AND IDENTIFY INFORMATION RELEVANT TO INVESTIGATION; REVIEW EMAIL CORRESPONDENCE BETWEEN COUNCIL MEMBERS AND BETWEEN COUNCIL MEMBERS AND MR. WILHELM AND IDENTIFY INFORMATION RELEVANT TO INVESTIGATION.	1.60
01/05/17	MJMU	ATTENTION TO EMAIL CORRESPONDENCE FROM COUNCIL MEMBER.	0.20
01/06/17	MJMU	ATTENTION TO CORRESPONDENCE FROM MS. LADNER; PREPARE LIST OF INFORMATION NEEDED AND CORRESPONDENCE TO MS. LADNER REGARDING SAME.	0.40
01/09/17	MJMU	ATTENTION TO ETHICS POLICIES.	0.40
01/11/17	MJMU	BEGIN REVIEW OF DOCUMENTS AND PREPARATION OF CHRONOLOGY, SUMMARY OF FACTS, WITNESS QUESTIONS, INFORMATION NEEDED AND THINGS TO DO.	2.20
01/13/17	MJMU	CONTINUE REVIEW OF DOCUMENTS, PREPARATION OF CHRONOLOGY, SUMMARY OF FACTS, WITNESS QUESTIONS, INFORMATION NEEDED AND THINGS TO DO.	3.60
01/16/17	MJMU	PREPARE AUTHORIZATION TO RELEASE EMPLOYMENT INFORMATION; CORRESPONDENCE TO AND FROM MR. KIVELL REGARDING SAME; ATTENTION TO QUESTIONS FOR COUNCIL MEMBERS AND CITY MANAGER.	1.20
01/17/17	CQW	CONDUCT RESEARCH AND CREATE MEMO REGARDING GENERAL FINANCIAL INTEREST OF A CITY COUNCIL MEMBER WHO IS EMPLOYED BY A COMPANY WHICH CONTRACTS WITH THE CITY COUNCIL, AND WHETHER MERE EMPLOYMENT QUALIFIES AS A FINANCIAL INTEREST.	2.80
01/17/17	МЈМИ	TELEPHONE WITH MR. PULLUM; CORRESPONDENCE TO MR. PULLUM; CORRESPONDENCE TO AND FROM MS. LADNER; ATTENTION TO QUESTIONS FOR MR. PULLUM AND IDENTIFICATION OF INFORMATION NEEDED; ATTENTION TO DRAFTING INVESTIGATION REPORT; ATTENTION TO RESEARCH REGARDING CONFLICT OF INTEREST ISSUES AND MEANING OF FINANCIAL INTEREST; TELEPHONE WITH LT. SOVIK; TELEPHONE MR. WILHELM.	1.70
01/18/17	МЈМИ	PREPARE QUESTIONS FOR MR. PULLUM; MEETING WITH MR. WILHELM; MEETING WITH MR. PULLUM; TRAVEL TO AND FROM MEETINGS; LEGAL RESEARCH REGARDING CONFLICTS ISSUES.	5.30
01/19/17	MJMU	ATTENTION TO EMPLOYMENT ISSUES (COMPENSATION AND HOURS); ATTENTION TO MEANING OF "FINANCIAL INTEREST"; CORRESPONDENCE FROM AND TO MS. LADNER REGARDING INVESTIGATION.	1.10
01/20/17	MJMU	CORRESPONDENCE TO AND FROM MS. LADNER.	0.20

DATE	ID	DESCRIPTION	HOURS
01/23/17	KLLE	REVIEWING CITY CODE AND CITY CHARTER PROVISIONS AND RESEARCH MATERIALS RE CONFLICT OF INTEREST ISSUE.	1.10
01/24/17	KLLE	REVIEWING RELEVANT MATERIALS RE CONFLICT OF INTEREST ISSUE; CONFERENCES RE SAME.	0.80
01/24/17	MJMU	PREPARE FOR AND INTERVIEW COUNCIL MEMBERS PARISIEN, KRAMER AND WEDELL, AND CITY MANAGER LADNER AT CITY HALL; TRAVEL TO AND FROM INTERVIEWS; TELEPHONE INTERVIEW OF COUNCIL MEMBER RZYZI.	6.30
01/25/17	KLLE	RESEARCH RE STATE STATUTES APPLICABLE TO CONFLICT OF INTEREST ISSUES; RESEARCH RE POTENTIAL PREEMPTION OF LOCAL ORDINANCES AND RE AUTHORITIES INTERPRETING STATE STATUTES.	4.20
01/25/17	MJMU	REVIEW CITY CHARTER; REVIEW CITY ORDINANCES; ATTENTION TO ISSUES TO ADDRESS IN REPORT; TELEPHONE WITH MR. KIVELL.	1.20
01/26/17	KLLE	RESEARCH RE INTERPRETATION OF PREEMPTION PROVISION AND SCOPE OF PREEMPTION; RESEARCH RE APPLICATION OF MCL 15.321 AND 15.341 TO LOCAL OFFICIALS.	5.20
01/26/17	MJMU	ATTENTION TO INFORMATION PROVIDED BY AND TELEPHONE CONFERENCE WITH COUNCIL MEMBER KURTZWEIL; TELEPHONE CONFERENCE MAYOR GALEAS; ATTENTION TO RELEVANT STATE STATUTES.	3,40
01/27/17	KLLE	RESEARCH RE INTERACTION BETWEEN MCL 15.321 AND 15.341; RESEARCH RE APPLICATION OF MCL 15.322 AND 15.323 AND RE INCORPORATION OF PORTIONS OF 15.322 INTO 15.323.	3.40
01/27/17	MJMU	PREPARE FOR AND MEETING WITH COUNCIL MEMBER KIVELL, TRAVEL TO AND FROM MEETING; ATTENTION TO CORRESPONDENCE FROM COUNCIL MEMBER KURTZWEIL; ATTENTION TO LEGAL ISSUES FOR REPORT.	3.20
01/31/17	KLLE	RESEARCH RE DEFINITION OF PECUNIARY INTEREST AND FINANCIAL INTEREST USED IN CASE LAW.	2.50
02/01/17	KLLE	RESEARCH RE CONFLICT OF INTEREST ISSUE; DRAFTING MEMORANDUM RE SAME.	3.00
02/02/17	KLLE	RESEARCH RE SCOPE OF SUPERSEDING PROVISION OF MCL 15.321 ET SEQ; RESEARCH RE APPLICATION OF 15.321 ET SEQ. TO EMPLOYEE RELATIONSHIPS.	1.20
02/03/17	KLLE	RESEARCH RE MEANING OF TERM "ACTUAL KNOWLEDGE" IN MICHIGAN STATUTES; RESEARCH RE GENERAL ETHICS STATUTE APPLICABILITY TO LOCAL GOVERNMENTAL OFFICIALS AND INTERPRETATIONS OF STATUTE; DRAFTING SUMMARY OF CONCLUSIONS.	1.90
02/04/17	KLLE	RESEARCH RE CASE LAW AND ATTORNEY GENERAL OPINIONS INTERPRETING STATUTORY PROVISIONS PERTAINING TO CONFLICTS OF INTEREST; DRAFTING MEMORANDUM RE SAME.	2.50
02/05/17	KLLE	RESEARCH RE CASE LAW AND ATTORNEY GENERAL OPINIONS INTERPRETING STATUTORY PROVISIONS AT ISSUE AND LANGUAGE INCORPORATED INTO CITY CHARTER AND CITY CODE PROVISIONS; DRAFTING MEMORANDUM RE SAME.	1.70

DATE	ID	DESCRIPTION	HOURS
02/06/17	KLLE	RESEARCH RE CASE LAW AND ATTORNEY GENERAL OPINIONS DEFINING "SUBSTANTIAL" FINANCIAL INTERESTS; DRAFTING MEMORANDUM.	2.60
02/07/17	KLLE	RESEARCH RE CASE LAW AND ATTORNEY GENERAL OPINIONS INTERPRETING PHRASE "SUBSTANTIAL" FINANCIAL INTEREST; DRAFTING REPORT.	1.00
02/07/17	мјми	ATTENTION TO CORRESPONDENCE FROM MS. KURTZWEIL.	0.20
02/10/17	KLLE	REVIEWING ADDITIONAL AUTHORITIES INTERPRETING STATUTES AND PHRASES RELEVANT TO CONFLICT OF INTEREST ISSUE; CONFERENCES RE SAME.	0.50
02/10/17	MJMU	TELEPHONE CONFERENCE WITH MR. WILHELM; ATTENTION TO REPORT ISSUES.	0.80
02/14/17	KLLE	RESEARCH RE NEGLECT OF DUTY STATUTE AND OTHER MICHIGAN STATUTES POTENTIALLY GOVERNING PUBLIC OFFICIAL'S FAILURE TO DISCLOSE INFORMATION.	1.80
02/14/17	MJMU	TELEPHONE WITH MR. RYZYI; ATTENTION TO CORRESPONDENCE FROM MR. RYZYI.	0.20
02/19/17	MJMU	ATTENTION TO CHRONOLOGY.	0.80
02/20/17	KLLE	DRAFTING SECTIONS OF REPORT PERTAINING TO LEGAL ANALYSIS OF CONFLICT OF INTEREST ISSUE.	2.40
02/20/17	MJMU	IDENTIFY INFORMATION NEEDED AND CORRESPONDENCE TO MS. LADNER REGARDING SAME; ATTENTION TO AND ANALYSIS OF HOURS WORKED BY COUNCILMEMBER KIVELL AT PULLUM WINDOW; ATTENTION TO MEANING OF "FINANCIAL INTEREST"; REVIEW NOTES FROM INTERVIEW OF COUNCILMEMBERS AND MR. PULLUM.	3.10
02/21/17	KLLE	DRAFTING SECTIONS OF REPORT PERTAINING TO LEGAL ANALYSIS; RESEARCH RE INTERACTION BETWEEN STATUTES AND INTERPRETATION OF AMBIGUOUS STATUTORY PROVISIONS.	2.60
02/21/17	MJMU	ATTENTION TO CORRESPONDENCE FROM MS. DEATON WITH RESPONSES TO QUESTIONS; REVIEW POLICE DEPARTMENT BUDGET AND SUPPLEMENT CHRONOLOGY ACCORDINGLY; MULTIPLE CORRESPONDENCE TO AND CORRESPONDENCE FROM MS. DEATON WITH ADDITIONAL INFORMATION REQUESTS; PREPARE LIST OF QUESTIONS FOR CHIEF COLLINS; REVIEW CHIEF COLLINS' RESPONSES; ATTENTION TO FOLLOW-UP CORRESPONDENCE FROM CHIEF COLLINS; ATTENTION TO INVESTIGATION REPORT.	2.70
02/22/17	KLLE	A DEPOS OF REPORT PERTAINING TO LEGAL ANALYSIS OF	3.70



DATE	ID	DESCRIPTION	HOURS
02/22/17	МЈМИ	REVIEW COUNCIL AGENDA NOTES AND CORRESPONDENCE TO MS. DEATON WITH QUESTIONS REGARDING SAME; ATTENTION TO DEFINITION OF FINANCIAL INTERESTS; ATTENTION TO POSSIBLE SANCTIONS FOR CODE VIOLATIONS; ATTENTION TO CORRESPONDENCE FROM CHIEF COLLINS; ATTENTION TO CORRESPONDENCE FROM MS. DEATON WITH RESPONSES TO QUESTIONS.	2.60
02/23/17	KLLE	REVISING ALL SECTIONS OF REPORT; REVIEWING AUTHORITIES CITED IN SUPPORT AND INFORMATION FROM FACTUAL INVESTIGATION; CONFERENCES RE REPORT.	4.50
02/23/17	MJMU	FINALIZE DOCUMENTS TO PROVIDE WITH REPORT AND CORRESPONDENCE TO MS. LADNER REGARDING SAME; ATTENTION TO INVESTIGATION REPORT; TELEPHONE WITH MS. LADNER.	2.10
02/24/17	KLLE	REVISING AND FINALIZING REPORT; CONFERENCES RE SAME.	2.90
02/24/17	MJMU	FINALIZE INVESTIGATION REPORT AND CORRESPONDENCE TO MS. LADNER.	2.30
02/27/17	MJMU	PREPARE FOR AND ATTEND COUNCIL MEETING; TRAVEL TO MEETING.	5.40
TOTAL A		EY & PARALEGAL TIME\$	104.50 35,963.50



DISBURSEMENTS	
PHOTOCOPY EXPENSES	1.80
SCANNING EXPENSES	1.60
PRINTING EXPENSES	51.70
TOTAL DISBURSEMENTS\$	55.10

NOTE: INCURRED DISBURSEMENTS NOT APPEARING ON THIS INVOICE WILL BE BILLED LATER.



CLIENT-MATTER NO. 024828-000002 CONFLICT OF INTEREST REVIEW INVOICE NO. 3120447 PAGE NO. 8

FEES		\$	35,963.50	
DISBURSEMENTS			55.10	
TOTAL AMOUNT DUE	E	\$	36,018.60	
38 FLOOF 400 (ECK INFORMATION OMPLETE:	DykemaGossettenc ACCOUNTING DEPARTM RENAISSANCE CENTER DETROIT, MI 48243	MENT		
ECK#:	DATE:	AM	OUNT:	

THIS INVOICE IS PAYABLE UPON RECEIPT.

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE.

FOR FIRM USE:	
RECEIVED DATE:	_

FOR BILLING INQUIRIES CONTACT:
Julia Murphy
734-214-7626
jmurphy@dykema.com

AGENDA NOTE

New Business: Item #

MEETING DATE: March 27, 2017

PERSON PLACING ITEM ON AGENDA: Bob Donohue, Econ Dev & DDA

Director

AGENDA TOPIC: Façade Improvement & Sign Grant Program

EXPLANATION OF TOPIC: A wide variety of background information and examples of Facade and Sign Grant programs has been provided by Administrative Staff to City Council. And, based upon discussion at Regular and Special Work Session Meetings in February and March, together with the fact that there are 3 different downtown building owners who are now planning to restore and rehabilitate the original character of 7 building fronts (facades), the City has an opportunity to provide an incentive which will enhance the physical character of Downtown South Lyon and assist property owners with their investment efforts. Downtown is the front door to the community. Rehabilitation of several of buildings will improve the historic, architectural character of downtown. Those planned and future improvements will also play a significant role in stabilizing and increasing the tax base of not only the downtown, but the entire community. Improved visual character and respect for our architectural heritage downtown will strengthen our unique identity which is a distinct economic development advantage for South Lyon.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Attached are 1) Façade Improvement & sign Grant Program description; 2) Facade Improvement Grant Application; 3) Sign Grant Application; 4) Façade Improvement Grant Priority Policy; and 5) City Policy Statement: Use of Funds to Encourage Retail/Restaurant development in the Historic Core Downtown District.

POSSIBLE COURSES OF ACTION: Approval/Denial, Postpone or Table

RECOMMENDATION: Establish the <u>City of South Lyon Façade Improvement & Sign Grant Program</u> as defined in the Program Description and designate \$45,000 in the City's Budget/General Fund for that purpose which will incentivize investment in the historic, core area of Downtown South Lyon and to enhance its physical character and visual quality, thereby attracting more investment.

SUGGESTED MOTION: Motion by	, supported by
to Approve and establish the	Façade Improvement & Sign
Grant Program and related documents, and to designate \$	45,000 in the General Fund of
the City's Budget for that purpose which will incentivize	investment in the Historic Core
Downtown Area and attract more investment in the future	2 .

City Policy Statement

Use of Facade Improvement Funds to Encourage Retail/Restaurant Development in the Historic Core Downtown District

WHEREAS, the City has created a Façade Improvement Grant Program; and

WHEREAS, one of the purposes of the South Lyon DDA is to improve and promote the retail and commercial environment within its boundaries; and

WHEREAS, recommendations and guidelines contained in the City of South Lyon's Master Plan stress the importance of revitalization of the downtown district; and

WHEREAS, façade restoration, building and signage improvements will improve the City of South Lyon's unique identity and sense of place; and

WHEREAS, Facade and Signage improvements will promote business and trade in Downtown South Lyon; and

WHEREAS, A vibrant Downtown will help to stabilize and increase taxable property values not only within the DDA district but throughout the City of South Lyon; and

WHEREAS, the core, historic retail/restaurant and commercial area within the DDA District is the area south of the railroad tracks on N. Lafayette Street, north of the U.S. Post Office on S. Lafayette Street, just south of E. Lake Street; and extending west on W. Lake Street to the first alley west of Lafayette Street and east of Lafayette Street on E. Lake Street to Wells Street; and WHEREAS, The City and the DDA developed an application and have designated certain guidelines to be used to determine eligibility for funding from the Facade Improvement Grant Program.

NOW THEREFORE, BE IT RESOLVED that in the historic core retail and commercial area of the DDA District:

- 1. The applications for grant funding which otherwise follow the design guidelines established by the City and the DDA, should be given priority for a project that is or will be used on the street level for retail or restaurant activity.
- 2. That the DDA, on behalf of the City may decline a request for grant funding for a façade improvement or building restoration or where the street level of the building is now or will be used soley for a service or office use and does not directly relate to an improvement to be used to conduct a retail or restaurant trade on the street level of the building.

Adopted this day of	, 2017 by the City of South Lyor

City of South Lyon

FACADE IMPROVEMENT & SIGN GRANT PROGRAM

FAÇADE IMPROVEMENT PROGRAM DESCRIPTION:

The South Lyon Façade Improvement and Sign Grant Program (FISGP) is designed to enhance the visual character of the downtown area while at the same time offering an incentive to building and business owners who invest in downtown South Lyon. "Place" is now recognized as one of the most essential components of economic development throughout the United States and beyond. The unique qualities and assets of The City of South Lyon, including its Downtown, neighborhoods, natural environment, parks, tree-lined streets, schools, churches, businesses, civic and non-profit organizations, and its people, the residents and the City administration are collectively what make South Lyon a unique place. Downtown serves as the front door to the community and is the single image most often associated with the City by residents, shoppers, visitors, businesses and by those who drive through. Thus, improving that image is a very important element in the City of South Lyon's plans to maximize the economic potential of Downtown and the entire community. Therefore, in order to stimulate private investment in physical assets and to further enhance and preserve the architectural and historical character and sense of place of Downtown South Lyon and the entire community, this Façade (building front) Improvement and Sign Grant Program is now available.

Michigan Public Act 169 of 1970, as amended, the State's historic preservation law, which was enabled by the National Historic Preservation Act of 1966, declares Historic Preservation to be a "public purpose". The use of Design Guidelines is an important part of the approval process to receive a Facade Grant. The FISGP will utilize the *U. S. Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards*, the *National Main Street Center Building File: Design Guidelines*, and the *City of South Lyon Master Plan (adopted in 2016)*, *Façade Program and Downtown Building Guidelines*. Consistent use of these accepted professional Design Guidelines is essential to assure that only quality improvements are made, improvements which meet the public purpose test of "historic preservation" by respecting the unique, original architectural character of each individual building. New, infill architecture is encouraged. Each new building should speak for the age within it is built, yet complement and match the scale, setback, window fenestration and materials of its historic neighbors. Perhaps the best way to describe quality infill is a tour guide 50 years from now, walking along the sidewalks downtown stating "this is an excellent example of a building constructed in 2017 whose architecture and design continue the unique architectural evolution and diverse heritage of buildings so carefully attended to in Downtown South Lyon."

BASIC INFORMATION

The actual Façade Improvement Grant for an individual façade will be fifty percent of the actual façade improvement project cost, up to a maximum of \$5,000 per building façade. The average building in downtown South Lyon is 2 stories in height, 20 – 25 feet wide and 100 – 150 feet deep/long.

BASIC INFORMATION (continued)

- All Façade Improvement Grants are matching grants requiring a 50% match of funds to cover necessary construction with a maximum grant of \$5,000 per building.
- Two or more multiple, connected, adjacent buildings under the same ownership are eligible to receive a maximum of \$5,000 per storefront, plus a bonus of \$5,000. For example: 125 and 127 E. Lake Street (now occupied by the Lake Street Tavern which has two (2) storefronts) and, 131 E. Lake Street (now occupied by Tae Kwon Do, one storefront) are three adjacent buildings all owned by the same owner. In this example, these buildings (multiple, adjacent, same ownership) are eligible for a potential Façade Grant of \$20,000 if their facades are simultaneously restored.
- Corner buildings with 2 distinct storefronts containing retail display windows facing both streets are also
 eligible for a \$5,000 bonus. Thus, the total potential façade grant for an eligible corner building could be
 a maximum of \$10,000.
- The City of South Lyon reserves the right to target funds for those projects providing the most positive impact in downtown South Lyon (See FIGSP Priority Policy)
- The Façade Grant Program would be administered by the City's Economic Development & DDA Director, assisted by the Main Street Program "Design Committee" that would serve in an ad-hoc capacity, as needed, to review individual applications for a potential Facade Improvement & Sign Grants and make a recommendation of approval or denial to the DDA Board for their final approval or denial.
- The make-up of the Design Committee is a partnership of City Officials (Econ Dev & DDA Director, Planning Staff) and Community Volunteers (with background & experience in architecture, building construction, planning, art & design). This Design Committee and partnership comply with the National Main Street Program for Downtown South Lyon (which we initiated with Main Street Oakland County in October, 2016). Again, the Design Committee will review and recommend approval or denial of a requested Facade Grant application request to the full DDA Board for their approval or denial.
- All Facade Grants, after approval by the Design Committee and the DDA, are provided on a rebate basis, after completion of all construction and after all final inspections.
- A complete application must be submitted by the applicant with all required information provided.

SIGN GRANT PROGRAM:

Quality signage is also important to the overall visual character of the downtown and the community's sense of place. All signage seeking funds from the South Lyon Façade Improvement and Sign Grant Program (FISGP) must comply with the City of South Lyon Zoning Ordinance and must be compatible with the U. S. Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards, and the National Main Street Center Building File: Design Guidelines.

 Exterior Primary, Permanent Signs (including those on an awning) are eligible for an individual Sign Grant.

FAÇADE IMPROVEMENT & SIGN GRANT PROGRAM

Page 3.

SIGN GRANTS (continued)

- All Sign Grants will be matching grants requiring a 50% match of funds to cover construction and installation up to a maximum of \$500 per individual storefront.
- All signs must meet all Zoning Ordinance Requirements and local design guidelines
- Sign Grants are also provided on a rebate basis, <u>after one year of business occupancy by the sign grant applicant</u> at the approved building site location. Grant approval must be received prior to manufacture of the sign.
- All Sign Grants would also be on a matching basis with a maximum grant of 50% of the sign cost, up to \$500 or \$1,000 for each primary business sign.
- All Sign Grants will be payable on a rebate basis <u>after one year of successful business occupancy by the sign grant applicant in the approved location.</u>
- Approval must be received by the grant applicant before any work on the sign begins
- All sign grants must be approved by the DDA Design Committee and the DDA Board
- A complete application must be submitted by the applicant with all required information provided.

NOTE: In no way is the approval of a Facade Improvement or Sign Grant meant to in any way to circumvent the need for any and all required building permits from the Building Department and/or any Planning Commission approvals as necessary.

Additional Items:

APPLICATION: Separate Document

City of South Lyon Facade Improvement Grant Priority Policy: Separate Document

City of South Lyon General Policy: Separate Document

3/17

FACADE IMPROVEMENT GRANT PRIORITY POLICY

Intent of Priority Policy:

The purpose of the City of South Lyon Facade Improvement Program Grant priority policy is to set forth rules and guidelines for distribution of limited grant funds to projects that most closely meet the true intent of the Facade Improvement Grant Program. With reduced funds now available in the overall DDA Budget, it is necessary for the City to provide these funds for those projects providing the most positive impact in Downtown South Lyon.

Intent of the Facade Improvement Program:

The intent of the Façade Improvement Program is to strengthen the economic viability of Downtown South Lyon by providing financial incentives for improving the exterior of its buildings. The program provides an opportunity to building owners and or tenants to preserve the architectural heritage of Downtown South Lyon and enhance the unique atmosphere and sense of place that Downtown South Lyon provides to the greater South Lyon community. It is important to the aesthetic enhancement of Downtown South Lyon that individual building design treatments have basic components be compatible with each other and the subject building's original architectural style. The City of South Lyon and the DDA believe that the best approach is through the preservation, restoration and rehabilitation of a building's original architectural features.

The dominant emphasis is the preservation of Downtown South Lyon's architectural heritage and preserving the original architectural features of each building. This preservation based economic development philosophy is a key component of the National Main Street (NMS) Program, which was adopted by the City of South Lyon and the DDA in October of 2016 with application and acceptance in to the Main Street Oakland County (MSOC) Program which administers the NMS Program trademark.

Rules:

- All grants are subject to the Façade Improvement Grant Program Guidelines, the City of South Lyon Master Plan adopted in 2016, the U.S. Secretary of the Interior Standards for Historic Preservation Projects and the National Main Street Building File Design Guidelines.
- 2. All grants are subject to funding availability, and are based upon a recommendation by the DDA's Design Committee and a separate vote of approval by the DDA Board of Directors.



City of South Lyon

FACADE IMPROVEMENT GRANT APPLICATION

1.	Legal Name of the Business:
2.	Business Address:
3.	Parcel Identification (Tax I.D.) Number:
	Applicant Name:
5.	
6.	Applicant Phone Number:
7.	Applicant E-mail Address:
	Architect Contact Info:
	Contractor Contact Info:
10.	Name of Real Property Owner:
	Address of Real Property Owner:
	Other Contact Info of Real Property Owner:
13.	Location: <u>Inside</u> or <u>Outside</u> (circle one) of the DDA District? <u>Yes</u> or <u>No</u> (circle one)
14.	In the Core, Historic Downtown? Yes or No (circle one)
15.	What is the age/date of construction of the existing structure?
16.	What is the current use?, Intended Use?
	Proposed Project Start Date:, Completion Date:
18.	Project Description: Use additional sheets as necessary as an attachment to the
	application:
19.	Please state why this project will benefit the City:
20.	Project Cost:
21.	Provide cost breakdown by major categories such as architectural fees, engineering fees,
	signs, awnings, painting, carpentry, masonary, windows, electrical, etc., as an attachment
	to this application:
22.	How will the project be financed? If a private financial institution will be involved, please
	specify which bank and identify the loan office and telephone number:
23.	Any other funding/incentives being utilized for this project (Local, State, Fed., Private):
24.	The project will involve the building's: Front Façade:, Exterior Side:, Exterior Rear
	Wall:, Roof:
25.	Any additional information:
	Please submit three (3) copies of the project design.
27.	Please submit one (1) photograph of the existing facade(s)
	TE: Please use additional sheets as necessary to answer the above questions, and attach
the	m to the application.



them to the application.

City of South Lyon

SIGN GRANT APPLICATION

1.	Legal Name of the Business:
2.	Business Address:
	Parcel Identification (Tax I.D.) Number:
	Applicant Name:
5.	Applicant Mailing Address:
	Applicant Phone Number:
	Applicant E-mail Address:
	Architect Contact Info:
	Contractor Contact Info:
	Name of Real Property Owner:
	Address of Real Property Owner:
	Other Contact Info of Real Property Owner:
13.	Location: Inside or Outside (circle one) of the DDA District? Yes or No (circle one)
14.	In the Core, Historic Downtown? Yes or No (circle one)
15.	What is the age/date of construction of the existing structure?
16.	What is the current use?, Intended Use?
	Proposed Project Start Date:, Completion Date:
18.	Project Description: Use additional sheets as necessary as an attachment to the
	application:
19.	Please state why this project will benefit the City:
20.	Project Cost:
21.	Provide cost breakdown by major categories such as architectural fees, engineering fees,
	signs, awnings, painting, carpentry, masonary, windows, electrical, etc., as an attachment
	to this application:
22.	How will the project be financed? If a private financial institution will be involved, please
	specify which bank and identify the loan office and telephone number:
23.	Any other funding/incentives being utilized for this project (Local, State, Fed., Private):
24.	The project will involve the building's: Front Façade:, Exterior Side:, Exterior Rear
	Wall:, Roof:
25.	Any additional information:
26.	Please submit three (3) copies of the project design.
27.	Please submit one (1) photograph of the existing facade(s)
NO	TE: Please use additional sheets as necessary to answer the above questions, and attach

AGENDA NOTE

New Business: Item #

MEETING DATE: March 27, 2017

PERSON PLACING ITEM ON AGENDA: Police Chief

AGENDA TOPIC: Dispatch/Lock-up Service Agreement

EXPLANATION OF TOPIC: The current agreement with the City of Novi will expire on June 30, 2017. The present rate is \$116,276. Novi officials have offered to renew the agreement for three years with annual increases of 5%. The agreement includes dispatch services for both the Police and Fire Departments, as well as short term prisoner lock-up. The proposed rates are: 2017-18, \$122,090; 2018-19, \$128,194; 2019-20, \$134,604.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Proposed three-year agreement; Contract review letter from City Attorney Wilhelm

POSSIBLE COURSES OF ACTION: Approve/Do Not Approve the proposed agreement.

RECOMMENDATION: Approve the agreement.

SUGGESTED MOTION: Motion by _______, supported by _______, supported by ________, to approve the three-year agreement, as presented, with the City of Novi to provide dispatch and lock-up services for the South Lyon Police and Fire Departments.



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

March 2, 2017

Chief Lloyd Collins South Lyon Police Department 219 Whipple Street South Lyon, Michigan 48187

RE: Agreement for Dispatch Services

Dear Chief Collins:

You asked our office to review the proposed Agreement for Dispatch Services between the City of South Lyon and the City of Novi extending the term through June 30, 2020.

The proposed agreement is consistent with the current agreement approved in March 2014. The proposed renewal will extend the Agreement three years commencing at the expiration of the current agreement, June 30, 2017, and running through June 30, 2020. The renewal clarifies that Novi will furnish police and fire department dispatch services. There is an increase in the fees that South Lyon will pay to Novi. The proposed renewal contains the same indemnity and hold harmless provision as well and provides that either party may terminate on ninety (90) days prior written notice. The signatures should be revised to reflect that it will be signed by Mayor Galeas and Clerk Deaton. Other than the revision to the signature, we have no recommended changes and have no objection to the City approving the renewal agreement.

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.

TSW/mdi

cc Lynne Ladner, City Manager Mike Kennedy, Fire Chief

Agreement for Dispatch Services

Between the

City of Novi

City of South Lyon

This Agreement is made and effective as of the date of the last signature and is between the City of South Lyon ("South Lyon"), whose address is 335 South Warren, South Lyon, Michigan 48178, Oakland County, Michigan and the City of Novi ("Novi") whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, Oakland County, Michigan.

WHEREAS: It is the intention of South Lyon to secure and Novi to furnish Dispatch Services, and

WHEREAS: It is the intention of South Lyon and Novi to enter into an Agreement for the provision of said Dispatch Services through June 30, 2020, and to have the compensation for said services set forth in this Agreement.

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions contained herein, the parties agree as follows:

- 1. This Agreement is for a term ending June 30, 2020. The obligation to provide services under this Agreement may be terminated by either party upon ninety (90) days prior written notice to the other party, delivered via First Class Certified United States Mail with Return Receipt requested. Unless prior to the ending date of this Agreement, a written extension is negotiated and executed, the provisions of this Agreement may be extended on a month-to-month basis by agreement of the parties.
- 2. Novi agrees to furnish Police and Fire Department Dispatch Services on a 24 hours a day, 7 days a week basis to South Lyon.
- 3. Novi agrees to serve as the Primary Safety Answering Point for South Lyon as part of the Oakland County E-911 Emergency Communications System. Dispatch Services to be provided by Novi shall include all emergency communication for South Lyon in accordance with the City of Novi - Telecommunications Proposal attached hereto as Exhibit A and incorporated herein by reference. Any requests from South Lyon that increase the scope of dispatch services from what is currently required shall not be binding on the City of Novi unless approved in writing by the Novi Police Chief.
- 4. Novi agrees to furnish Dispatch Services as outlined in this Agreement, specifically Paragraphs 2 and 3, and to provide training necessary for all dispatchers to comply with and obtain any certifications required by applicable law. Novi further agrees to provide emergency telecommunicator and fire dispatcher training for its dispatchers to obtain certifications in those fields at locations and times determined by the Novi Police Chief

through outside accredited or recognized courses or programs that are established by South Lyon Police and Fire Chiefs and the Novi Police Chief.

5. In consideration for furnishing of said dispatch services as outlined in this Agreement, South Lyon agrees to pay Novi the following amounts for the periods indicated, with quarterly payments made on or before the first day of each quarter:

Time Period	Annual Amount
July 1, 2017 through June 30, 2018	\$122,090
July 1, 2018 through June 30, 2019	\$128,194
July 1, 2019 through June 30, 2020	\$134,604

- 6. South Lyon and Novi agree that any change in the Emergency Service Area or any change in the scope of dispatch services to be provided, is subject to re-negotiation and mutual written Agreement of the parties. In any event, South Lyon agrees that any expansion of the South Lyon Emergency Service Area will be preceded by ninety (90) days written notice to Novi to provide time for discussion and negotiation of satisfactory terms and to provide sufficient time to make equipment and record keeping modifications.
- 7. To the extent allowed by law, throughout the effective period of this Agreement and during any extension hereof pursuant to any written extension agreement or on a month-to-month basis, Novi agrees to hold harmless, indemnify, represent and defend South Lyon, its officers, officials, and employees from any and all claims, causes of action, liabilities, judgments, costs, damages and/or expenses for bodily injury Novi's delivery of dispatch services as specifically identified in the provisions of this Agreement, most specifically Paragraphs 2 and 3.

To the extent allowed by law, throughout the effective period of this Agreement and during any extension hereof pursuant to any written extension agreement or on a month-to-month basis, the City of South Lyon agrees to hold harmless, indemnify, represent and defend Novi, its officers, officials, and employees from any and all claims, causes of action, liabilities, judgments, costs, damages and/or expenses for bodily injury and/or property damage and/or any other claim relating to or solely arising out of South Lyon's delivery of services, by the City of South Lyon or its Police or Fire Departments.

The obligation of the parties pursuant to this indemnification paragraph shall continue following termination of this Agreement and for all times during which lawful claims may be made in relation to any acts arising out of this Agreement. Under the provisions of this Paragraph, the indemnitor, whether Novi or South Lyon, shall provide reasonable and adequate legal representation on behalf of the indemnitee, and shall pay all claims, judgments and/or liabilities which become due.

8. This Agreement and its incorporated Exhibit A constitute the entire Agreement for Dispatch Services between South Lyon and Novi.

CITY OF NOVI TELECOMMUNICATIONS PROPOSAL

It is the mission of the Novi Regional 911 Center to provide a fast and effective communications link between the citizens requesting public safety services and the public safety agencies charged with providing emergency and non-emergency services to those citizens.

The "City of Novi Telecommunications Proposal" provides dispatching services 365 days a year on a 24/7 basis. It includes the following services and ensures Tele-Communicators will:

- Successfully undergo a recognized extensive communications Training Program.
- Have a thorough understanding of all radio console functions and public safety communications system used by the Novi Regional 911 Center.
- Answer 911 and non-emergency phone calls from the public and dispatch appropriate law enforcement, fire and/or EMS units as needed.
- Maintain contact with the caller throughout an emergency and update responding personnel of a changing situation.
- Activate weather sirens for inclement weather as needed.
- Have a thorough understanding of geography and addressing in all regional service areas.
- Be knowledgeable of mutual aid agreements between regional agencies.
- Assign complaint numbers for Calls for Service utilizing a computer aided dispatch system tracking complainant and officer response time information.
- Respond to requests from authorized public safety personnel i.e. LEIN, CLEMIS, NCIC checks, make follow-up phone calls, dispatch wreckers, etc.
- Maintain audio recordings of all radio traffic and telephone calls.
- Attend basic and advanced training as directed to stay up to date with dispatching methods and procedures.
- Maintain and make available Dialogic Reverse 911 Notification System.
- Provide short-term custody of arrested subjects, absent any major medical concerns and based on decision of Shift Commander.

AGENDA NOTE

New Business: Item #

MEETING DATE: March 27, 2017

PERSON PLACING ITEM ON AGENDA: Fire Chief Mike Kennedy

AGENDA TOPIC: Emergency approval of funds for radio repeater at water tower on North Mill Street.

EXPLANATION OF TOPIC: The VHF radio repeater at the water tower on North Mill had a critical failure following the power outage on March 8, 2017.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Memo, quote, interlocal agreement

POSSIBLE COURSES OF ACTION: Approve/do not approve the \$16,532 quote from Cynergy Wireless to replace the VHF repeater with expected \$8,266 reimbursement from Lyon Township.

RECOMMENDATION: Approve the \$16,532 quote from Cynergy Wireless to replace the VHF repeater with expected \$8,266 reimbursement from Lyon Township.

SUGGESTED MOTION: Motion by	, supported by
to approve t	the \$16,532 quote from Cynergy Wireless to
replace the VHF repeater with expected	\$8,266 reimbursement from Lyon Township.

MEMORANDUM

TO:

Lynne Ladner, City Manager

FROM:

Mike Kennedy, Fire Chief

DATE:

March 17, 2017

RE:

Water Tower Repeater

CC:

Ken Van Sparrentak, Fire Chief – Lyon Township

Current Issue

South Lyon FD and Lyon Twp FD both relay on a VHF repeater located at the water tower on North Mill Street for incident notification. This repeater has been having intermittent outages since the high wind event and power outage last week. On Thursday, March 16, 2017, Cynergy Wireless examined the repeater, when it was in a total failure state. They determined the repeater is in need of replacement. Due to the age of the equipment, repair would exceed replacement costs. Both fire departments have been using a back-up system as an intermediary solution.

Cynergy Wireless has quoted the replacement repeater at \$16,532.00, and they can have a new repeater functional the week of March 20. South Lyon FD has had a service level agreement with Cynergy Wireless since 2011, and they maintain specific knowledge of our system and equipment. This repeater does require significant programming prior to installation. This repeater receives signal from Novi Dispatch, which is also tied into the Oakland County Open Sky radio communications system. The quoted price is within industry pricing standards.

I have had a preliminary discussion with Chief Van Sparrentak, and he is in agreement on the need to get this system back online. If Lyon Twp pays 50% of the replacement costs, total city costs will be \$8,266.00.

Background

In 2009, the City of South Lyon and Lyon Township both adopted an inter-local agreement to share costs associated with this repeater. This has been City of South Lyon owned equipment with Lyon Twp paying 50% of annual maintenance and equipment replacement costs such as back-up batteries.

I have minutes from both municipalities (attached) of the adoption of the agreement, but I do not have a copy of the agreement itself. This agreement predates my employment. I have sent an email to Clerk Deaton to see she has a copy of this agreement.



1463 Combernere Drive - Troy Michigan 48083 Phone 248-298-3855 - Toll Free 800-491-9350 Fax 248-298-3859

Quote

Project

Date	Quote #
3/17/2017	30006

Name / Address

South Lyon Fire Department 217 Whipple Street South Lyon, Mi. 48178

Ship To

South Lyon Fire Department 217 Whipple Street South Lyon, MI 48178

Account #

Rep

1 Misc Kenwood 100W Base Station amp 2,254.50 2,254.50 1 Misc Kenwood NXR-810 Repeater 1,935.00 1,935.00 1 Misc Kenwood 100W Repeater amp 1,948.50 1,948.50 2 Misc Kenwood Power Supply with Smart Charger 1,219.50 2,439.0 1 Misc Kenwood 42 inch locking rack 1,800.00 1,800.0 1 Labor Labor 3,220.00 3,220.0 1 Misc Installation and cabling supplies 250.00 250.00				•	70
1 Misc Kenwood NXR-710 Base Station 1,935.00 1,935.00 1 Misc Kenwood 100W Base Station amp 2,254.50 2,254.5 1 Misc Kenwood NXR-810 Repeater 1,935.00 1,935.0 1 Misc Kenwood 100W Repeater amp 1,948.50 1,948.5 2 Misc Kenwood Power Supply with Smart Charger 1,219.50 2,439.0 1 Misc Kenwood 42 inch locking rack 1,800.00 1,800.0 1 Labor Labor 3,220.00 3,220.0 1 Misc Installation and cabling supplies 250.00 250.0				CHSI	
1 Misc Kenwood 100W Base Station amp 2,254.50 2,254.51 1 Misc Kenwood NXR-810 Repeater 1,935.00 1,935.00 1 Misc Kenwood 100W Repeater amp 1,948.50 1,948.50 2 Misc Kenwood Power Supply with Smart Charger 1,219.50 2,439.0 1 Misc Kenwood 42 inch locking rack 1,800.00 1,800.0 1 Labor Labor 3,220.00 3,220.0 1 Misc Installation and cabling supplies 250.00 250.00	Qty	Item	Description	Cost	Total
	1 1 1 2 1 1 1	Misc Misc Misc Misc Misc Labor Misc	Kenwood 100W Base Station amp Kenwood NXR-810 Repeater Kenwood 100W Repeater amp Kenwood Power Supply with Smart Charger Kenwood 42 inch locking rack Labor Installation and cabling supplies	2,254.50 1,935.00 1,948.50 1,219.50 1,800.00 3,220.00 250.00	1,935.00 2,254.50 1,935.00 1,948.50 2,439.00 3,220.00 250.00 750.00

CM 2-3-09 - ACCEPTANCE OF LETTER OF WITHDRAW - SPURT INDUSTRIES, LLC

Motion by Wedell, supported by Morelli

To accept the letter from Spurt Industries, LLC withdrawing their proposal for compost site at Volunteer Park

VOTE:

MOTION CARRIED UNANIMOUSLY

Ms. Jean Benedict of 21211 Laser Lane stated that Council has officially accepted the letter from Mr. Turner, but questioned whether Council would stop pursuing a compost facility on that piece of property with anyone. Mayor Doyle stated that he would not want to do this again. The members of Council concurred.

Council took a brief break from 7:50 to 7:57 p.m.

2. Inter-Governmental Agreement - Radio Frequency

Chief Kaska stated that Council has discussed this and the Agreement is being presented as drafted by the City Attorney.

CM 2-4-09 - APPROVAL OF INTER-GOVERNMENTAL AGREEMENT

Motion by Morelli, supported by Maida

To approve the Inter-Governmental Agreement with Lyon Township for shared radio frequencies

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

3. Plante/Moran - Agreement for Audit Services

City Manager Murphy stated that this is the Letter of Engagement for next year's audit.

Councilman Kivell stated that he would like to extend an appreciation to Plante Moran. In light of the fact that State Shared Revenues and property taxes are decline, they still held to under 3% increase when they traditionally went with the rate of inflation, which is 4.4%.

Attorney Lee stated that the agreement is drafted for the Manager to sign so Council should also approve the City Manager executing the agreement.

CM 2-5-09 – APPROVAL OF LETTER OF ENGAGEMENT – PLANTE MORAN

Motion by Selden, supported by Wedell

To approve the Letter of Engagement with Plante Moran for auditing services for the 2008-2009 fiscal year and authorize the City Manager to sign it

VOTE:

MOTION CARRIED UNANIMOUSLY

MANAGER'S REPORT

City Manager Murphy stated that at the last meeting, Council had asked a question regarding payment to Andrew King. This was for Fire Department training. He is a paramedic from Med-Flight.

Mr. Quinn explained that this was the first reading of the amendment to the Peddlers Ordinance which gives the Clerk more specific direction to reject any applicant that has been convicted within the last 10 years of any violation of federal, state or local ordinance which negatively reflects upon the applicant's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations include but are not limited to burglary, theft, larceny, embezzlement, swindling, fraud, any offense that requires registration on any sexual offender's list, unlawful business practices and any other form of actual or threatened physical harm against any person, or a conviction for an attempt of any of the foregoing; or the applicant has any outstanding warrants for any crime.

Motion by Hemker, second by Fletcher To adopt the amendment to Chapter 32, Peddler, Canvassers and Solicitors.

Voice Vote:

Ayes: Unanimous

Nays: None

MOTION APPROVED

J. Intergovernmental Agreement with South Lyon

Mr. Quinn explained that this would allow the fire departments to share the fire frequency. The Township would coordinate the DPW radios frequencies. The parties agree to divide equally after the merger all costs associated with maintaining the joint frequency. A 180 day notice would need to be given in order to terminate the agreement. The City has approved this.

Chief McClain explained that if this was approved they would begin migrating over to using their frequency for emergency responses. This was about 10 times cheaper than upgrading the current system; it was only a temporary fix. The cost was approximately \$600.00.

Motion by Hicks, second by Carcone

To adopt the resolution for the Intergovernmental Agreement with the City of South
Lyon.

Roll Call Vote:

Ayes: Fletcher, Hemker, Carcone, Hicks, Young, Dolan,

Cash

Nays: None

MOTION APPROVED

ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION

Mr. Fletcher asked if they can see the disbursements. Ms. Cash stated that she will provide those. Mr. Fletcher asked for clarification on miscellaneous reimbursements. Supervisor Young explained that he does go through those. Mr. Quinn explained those charges are when a 3rd party was being charged for his services through the Township.

Motion by Fletcher, second by Carcone



CITY OF SOUTH LYON

Mayor John Doyle, Jr.

Council
Glenn Kivell
Erin Kopkowski
Patricia Maida
Ron Morelli
Charles Selden
Harvey Wedell

City Manager David M. Murphy

City Clerk/Treasurer
Julie C. Zemke

February 25, 2009

Charter Township of Lyon 58000 Grand River New Hudson, MI 48165 Attn: Michelle Cash Township Clerk

Dear Michelle,

Enclosed are four (4) executed copies of the Inter-Governmental Agreement between the Charter Township of Lyon and the City of South Lyon for the sharing of the Fire Department's radio frequency. The City Council approved this agreement at their regular meeting of February 23rd. My understanding is that the document had been sent to Chief McClaine as well as the Township Attorney.

If/when your Board takes action on the agreement, please return two fully executed copies to me. If you have any questions, please contact me at 248-437-1735.

Sincerely,

Julie C. Zemke

City Clerk/Treasurer

335 S. Warren South Lyon, Michigan 48178

248-437-1735 Fax 248-486-0049

www.southlyonmi.org

INTER-GOVERMENTAL AGREEMENT

The Charter Township of Lyon (hereinafter "Township") and the City of South Lyon (hereinafter "City") hereby enter into the following agreement for the purposes of improving emergency communications between their respective Fire Departments, Dispatching organizations and creating a Fire only channel for communication of fire related information.

WHEREAS, the Township currently shares its VHF radio frequency with numerous other Oakland County and surrounding area fire departments, and has experienced congestion and associated difficulties communicating during emergencies, and the Township system does not offer other features necessary to provide effective communications for its department, and

WHEREAS, the City Fire Department currently shares its communication frequency with the City's Department of Public Works which also creates the potential for confusion and restricted communication during times of emergency, and

WHEREAS, the Township if faced with immediate need to update its radio equipment prior to the anticipated transition to the county wide 800 MHz radio system and desires to avoid making a major expenditure prior to the implementation of the County wide communication system, and

WHEREAS, in the spirit of mutual cooperation the parties desire to facilitate both cost savings and improved inter-governmental communication, the parties enter into the following agreement.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

- 1. That the City and Township Fire Departments will share the City's fire frequency, 155.745 MHz, and said frequency shall be devoted exclusively to Fire Department uses by both entities.
- 2. That the Township will coordinate and pay for switching the City DPW radios to another frequency, procure the required FCC license therefore, and hire Advanced Wireless Telecom, Inc., the City's current radio maintenance provider to reprogram DPW radios to a new frequency.
- 3. The Township agrees to bear the entire cost of the separation and reprogramming of DPW radios, the cost of merging the departments to the shared frequency, and hold the City harmless from any out of pocket expense necessary to complete the transition.
- 4. The parties agree to divide equally, all costs associated with maintaining the joint frequency following the merger, including but not limited to quarterly maintaince cost, repairs to equipment, and the cost of the emergency dedicated ATT phone line to Novi Dispatch.
- 5. That this agreement shall remain in force and effect until one of the parties gives a one hundred, eighty (180) day written notice to the other of their intent to terminate this agreement.

The undersigned represent that this agreement has been approved by their respective legislative bodies as reflected in an entry noting that approval in the official minutes of the body.

Executed thisday of March 2009.	
CHARTER TOWNSHIP OF LYON	CITY OF SOUTH LYON
BY:	BY: John Doyle, Jr., Mayor
BY	BY Julie C. Zeinke, City Clerk/Treasure

Hornet Concrete involces for sidewalk repairs

7/20/2016	38849	\$	415.00
8/1/2016	38894	\$	690.00
10/6/2016	39128	\$	468.75
10/10/2016	39125	\$	263.50
10/12/2016	39126	\$	292.50
10/14/2016	39127	\$	390.00
10/18/2016	39129	\$	448.50
10/28/2016	39130	\$	540.00
11/4/2016	39212	\$	497.00
11/14/2016	39213	\$	580.00
Total	:	\$ 4	1,585.25

50/50 Program for Residential sidewalks.

11/14/2016 134 Easton \$ 11/21/2016 938 Westbrooke \$ 11/23/2016 No address listed \$ 12/19/2016 821 Fairhaven \$	500.00 125.00 250.00 125.00
-------------------------------------------------------------------------------------------------------------------	--------------------------------------

\$ 1,320.00

Lynne Ladner

From:

margaret kurtzweil <madisoncrest@hotmail.com>

Sent:

Wednesday, March 22, 2017 2:08 PM

To:

Lynne Ladner

Subject:

Your review

Lynne

Could you please put on the agenda a discussion re: your 2017 review. If you would like to have it in October, that is fine with me, but let's get a date set up so that we can establish some goals in the next meeting or so, so that you have time to adequately prepare. You can put it on the agenda or just include it with your manager's report, whatever you think is best.

Thanks Maggie

Maggie (Margaret) J. Kurtzweil Madison Crest Business Law, PLLC P. O. Box 177 South Lyon, Mi 48178 586.942.6927

South Lyon Historical Commission Meeting Wednesday, March 1, 2017 Minutes

Members Present: Larry Ledbetter, Linda Ross, Phil Weipert, Jim Race, Gary Wickersham

Members Absent: Roger Heiple, Bob Tremitiere

President Larry Ledbetter called the meeting to order at 7:45PM. A quorum was declared.

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

Creek clean up: Larry reported that he expects a good turnout of Boy Scouts for the creek clean up on April 22.

Projects: Jim asked when is the date to paint the chapel and re-roof the gazebo. Larry said that he would find

Historic Photos: Linda reported that the historical pictures are on display in city hall. In addition, a large 6x4 foot painting of downtown done by Diane Wynings is on display.

Depot Day: Larry said that this one will be the best ever, and we need one big draw to attract crowds. There was much discussion about how to better get the word out. One suggestion was to get Tracy Lynn or Anita Cochran to perform. Jim thought a DJ would be a good idea, maybe Jim or Tim Tate. A front page article in the paper would help. Jim suggested that we make up posters and place them around town, and possibly have a banner that could be stretched across the street or displayed on the side of a building, perhaps Jerry Sweet's building on the corner of Lake and Lafayette. Larry will check in to a petting zoo. Other suggestions included athletes to sign autographs and radio station WHMI (93.5 FM). Larry announced that the next Depot Day meeting will be on March 14.

Gardeners: Larry said that we need more volunteers to help Linda and Bob with the gardening. Linda said that people say that they will help but don't show up after a few times. Linda is going to put together a new flyer. We are also working to eliminate some garden beds to reduce the workload.

Heating Cost: Larry reported that the cost to heat the buildings last month was \$450, with the Witch's Hat and freight house being the largest portion. He suggested that perhaps we could turn down the heat in the chapel and school to 35 deg. When they are not in use.

House for Historic Village: Linda asked if Irene Foley's house on Ten Mile Road could be a candidate for a small house for our village. Jim said that he will check with Blaine Smith on the house that he has (also on Ten Mile Rd) that might become available.

With business completed, Phil moved to adjourn. Jim seconded and the motion passed. The time was 8:50.

Minutes recorded by Gary Wickersham Transcribed by Bob Tremitiere, secretary Submitted by Larry Ledbetter, president

MADISON CREST BUSINESS LAW_{PLIC}

March 22, 2017

John Gaelas City of South Lyon

Re:

Your inappropriate letter to city employees

Dear John:

I am in receipt and review of your inappropriate letter to city employees apologizing, in part, on behalf of council for "actions and behavior" at city council meetings. Clearly, you do not apologize for me.

Additionally, your letter has set-off some employees as it appears that your letter was not well-received. Some employees believe that you are the problem on city council particularly with your raging and ranting temper at city council meetings, your constant gaveling of people whose opinions you do not want to listen to or to be heard and your treatment of public speakers. It appears that this lack of respect for you has been further engrained due to your vote to keep your friend, Glenn Kivell, from possibly being jailed for his 7 violations. It is hard to ask the employees to be honest on their job when you, the mayor, rejected principles of integrity and honesty, with your vote. No wonder the employees are upset.

Further, some employees were appalled that you would communicate with them about "political" matters on council. Frankly, most employees who come to work are dedicated and committed to serving the community, not playing favorites with or against any one particular council member or you. However, you have changed the opinions of these good employees who now believe that they are being pulled into the divide on council. As one employee conveyed to me: "the only reason he wrote that letter is because he plans to run again for mayor and he wants to get past his vote on the Kivell and make it look like it is everyone else who is the problem, when in fact it is him, and those other council people who voted with him." The employees do not want to be a recipient of yours or anyone else's political pleas for forgiveness.

Communicating with the employees in the manner in which you did, was not only unprofessional, but it now appears to have created a rift as some employees agree that certain members of council need to be voted out of office in November and that certain members of council are continuing to lead the city down the wrong path, both financially and morally.



Clearly, the employees along with the voting public believe that corruption is alive and well on city council as evidenced by the Kivell vote. Pitching employee against employee on the basis of what city council does, does not do, acts or behaves, not only severs employee loyalty, but it naturally forces them to emotionally "pick sides" which they appear to be doing. You have now become an instrument of hate rather than an instrument of unity.

As one professional explained to me, this letter from the mayor is nothing less than an abuse of his position and an abuse of the city employees. And she is correct. It is highly unlikely that any member of city council would have been permitted to submit a letter similar to yours, to the city employees. The emotions of the employees are not your private see-saw which you can manipulate according to the whims of your political objectives. Keep the employees out of the politics and please, cease abusing them with your elected position and your self-serving communications.

Hopefully, this response to your inappropriate letter will renew your respect in the dignity and the right of our city employees to be free from political contact from you. Leave the employees alone and just let them do their job without political interference. In the future, please keep your communications limited to department managers, only. The employees are not tools in your political sandbox.

Again, you do not apologize for me or on behalf of me. Some employees actually believe that it is about time someone started standing up to the entrenchment on council!

Last and most importantly, the only "actions and behavior" of city council members that are of quite concern and most disturbing, are the votes on the Kivell matter from you, Harvey and Mare, that appears to have the employees not only shaking their heads but losing their confidence in your leadership and moral compass, and a loss of respect for those particular council members that voted with you.

MADISON CREST BUSINESS LAW, PLLC

Margaret J. Kurtzweil

Cc: Lynne Ladner City Council

madisoncrest@hotmail.com

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

27555 Executive Drive, Suite 250 Farmington Hills, MI 48331 (248) 489-4100 Tax ID# 38-3107356

March 10, 2017

City of South Lyon Attn: Lisa Deaton, Clerk/Treasurer 335 S. Warren Street South Lyon, MI 48178

Invoice #

1068592

In Reference To: Michigan Tax Tribunal Matters

Professional Services Rendered Through February 28, 2017

			_	Hrs/Rate	Amount
Ri	ite Ai	d of Mich (#4230-02)/Docket 16-2674			
2/7/2017 SS		Analysis regarding discovery responses; Preparation of correspondence to Oakland County Equalization Division regarding same		0.50 130.00/hr	65.00
SS		Preparation of second set of discovery responses; Correspondence regarding same		0.80 130.00/hr	104.00
Sı	ubtota	al:	[1.30	169.00]
Fo	o r p ro	fessional services rendered	-	1.30	\$169.00
Ва	alanc	e due			\$169.00

Please include your Invoice Number on your payment. All payments should be mailed to the Farmington Hills' office listed above. Thank you.

Johnson, Rosati, Schultz & Joppich, P.C.

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C. 27555 Executive Drive, Suite 250 Farmington Hills, MI 48331 (248) 489-4100 Tax ID# 38-3107356

March 10, 2017

City of South Lyon Attn: Lisa Deaton, Clerk/Treasurer 335 S. Warren Street South Lyon, MI 48178

Invoice #

1068593

In Reference To: City Attorney Retainer Work

Professional Services Rendered Through February 28, 2017

		<u>Hours</u>
500 Stryke	<u>r</u>	
	ntinued preparation of draft conditional rezoning inance and agreement	1.30
	respondence to and from Planning Director regarding Stryker condition rezoning request	0.20
	respondence to Applicant regarding draft conditional oning ordinance and agreement	0.20
	reipt/review correspondence from Applicant regarding stions on conditional rezoning	0.20
con	reipt/review correspondence from applicant regarding ditional rezoning agreement; correspondence to nning Consultant and Planning Director regarding ne	0.20
	respondence to and from City Manager and Planning nsultant regarding 500 Stryker conditional rezoning	0.10

				Hours	
2/14/2017	TSW	Telephone conference with Planning Consultant regarding 500 Stryker conditional rezoning agreement		0.40	
	TSW	Preparation of revised conditional rezoning agreement and ordinance amendment; correspondence to Planning Director and Consultant regarding same		0.60	
2/16/2017	TSW	Continued revisions to conditional rezoning agreement and correspondence to applicant regarding changes		0.40	
	SUBT	OTAL:	[3.60]
	Arcad	<u>is</u>			
2/1/2017	TSW	Receipt/review correspondence from environmental consultant regarding status		0.20	No Charge
2/2/2017	TSW	Investigation regarding environmental consultant invoices	.	0.20	No Charge
	SUBT	OTAL:	[0.40]
	City C	ouncil			
2/8/2017	TSW	Preparation of council agenda note for proposed amendment to Section 11 performance review provision in City Manager employment agreement and correspondence to and from City Manager regarding same	;	0.40	
2/12/2017	TSW	Review Council Packet, minute and agenda items		0.30	
2/13/2017	TSW	Review agenda packet and preparation for Council meeting		0.50	
	TSW	Attend Council meeting		1.70	

			<u>Hours</u>	
2/23/2017 TSW	Receipt/review of council agenda and packet and review of minutes		0.30	
2/27/2017 TSW	Attend Council meeting		3.50	
SUBT	OTAL:	[6.70]
Distri	ct Court Prosecutions			
2/3/2017 CDS	Receipt/review correspondence from ()		0.20	
2/6/2017 CDS	Review of files for 2/7/17 Docket		0.30	
2/7/2017 CDS	Prosecute morning docket		4.00	
CDS	Review of Death Certificate ()		0.20	
CDS	Receipt/review of Clearance ()		0.20	
2/8/2017 CDS	Receipt/review of Judge Bondy's 2/14/17 docket		0.10	
CDS	Receipt/review of Judge Law's 2/14/17 docket		0.10	
CDS	Receipt/review of Judge Reed's 2/14/17 docket		0.10	
CDS	Receipt/review of Appearance/ Request for Discovery ()		0.20	
2/9/2017 CDS	Correspondence to South Lyon Police Department and Defense Counsel regarding Discovery (0.20	

		Hours
2/13/2017 CDS	Receipt/review of Notice to Appear for Pretrial ()	0.10
CDS	Receipt/review of Judgment of Sentence ()	0.20
CDS	Receipt/review of Judgment of Sentence ()	0.20
CDS	Receipt/review correspondence from P. Weipert ()	0.20
CDS	Review of store video ()	0.40
EKS	Review of files in preparation for 2/14/17 morning prosecutions	0.50
2/14/2017 CDS	Receipt/review of Judge Bondy's 2/21/17 docket	0.10
CDS	Receipt/review of Judge Law's 2/21/17 docket	0.10
CDS	Receipt/review of Judge Reed's 2/21/17 docket	0.10
EKS	Prosecute morning docket	2.00
2/20/2017 CDS	Receipt/review of proposed Stipulation ()	0.20
CDS	Telephone conference with ()	0.10
CDS	Review of Judgment of Sentence ()	0.20
CDS	Telephone conference with ()	0.10

				Hours	
2/20/2017 CDS	Telephone conference with client,	()	0.20	
CDS	Review of files for 2/21/17 Docket			0.30	
2/21/2017 CDS	Prosecute morning docket			3.50	
CDS	Review of Record of Reinstatement Fee ()		0.20	
2/22/2017 CDS	Receipt/review of Judge Law's 2/22/17 docket			0.20	
CDS	Receipt/review of Judge Reed's 2/28/17 docket			0.20	
2/27/2017 CDS	Telephone conference with client,	(0.10	
CDS	Review of Incident Report ()			0.20	
CDS	Receipt/review of Sentencing Order ()			0.20	
CDS	Review of files for 2/28/17			0.30	
2/28/2017 CDS	Prosecute morning docket			4.20	
SUBT	ΓΟΤΑL:		[19.70]
Electi	ons				
2/14/2017 TSW	Research for voting precinct polling place agree private property	ement or	1	0.70	

			Hours	
2/16/2017 TSW	Review of and begin preparation of election precinct location agreement		0.30	
SUBT	OTAL:	[1.00]
Fibert	<u>ech</u>			
2/7/2017 TSW	Telephone conference with J Newkirk at Fibertech regarding status of license agreement		0.20	
2/8/2017 TSW	Telephone conference with J. Newkirk regarding DAS node locations and license agreement details and status		0.60	
2/9/2017 TSW	Multiple correspondence to and from J Newkirk regarding Fibertech nodes and proposed license agreement and height of existing and replacement poles		0.90	
2/10/2017 TSW	Receipt/review correspondence from J. Newkirk regarding Fibertech revised Node 184		0.10	
TSW	Correspondence to City regarding revised information for Fibertech node 184		0.10	
TSW	Receipt/review correspondence from City Engineer regarding pole location issue		0.10	
TSW	Telephone conference with DPW Director regarding Fibertech DAS nodes and poles location		0.20	
2/11/2017 TSW	Correspondence to City Engineer regarding Fibertech pole location issue		0.10	
2/14/2017 TSW	Correspondence to and from J Newkirk at Fibertech regarding DAS node 184 location and details		0.40	
2/16/2017 TSW	Multiple telephone conferences with and correspondence to and from City Engineer, City Clerk and Judy Newkirk regarding Fibertech DAS node 184 location; research regarding city boundaries		0.60	

			Hours	
2/28/2017 TSW	Correspondence to and from J Newkirk regarding status of license agreement for DAS equipment		0.10	
SUBT	TOTAL:	[3.40]
Gener	ral City Attorney Work			
2/1/2017 TSW	Continued review of conflicts of interest research, billing entries and council minutes		0.30	
TSW	Receipt/review correspondence from Police Chief regarding School Resource Officer Agreement and research regarding same		0.60	
2/2/2017 TSW	Continued research regarding South Lyon Economic Development Corporation		0.20	
TSW	Begin preparation of letter to Council regarding conflicts of interest research and open meetings issue		0.30	
2/3/2017 TSW	Research and preparation of amendment to City Manager employment agreement		0.70	
TSW	Correspondence to and from City Manager regarding proposed amendment to City Manager employment agreement		0.10	
TSW	Continued research for School Resource Officer agreement		0.10	
TSW	Continued preparation of correspondence to Council regarding conflicts of interest research and open meeting issues		0.30	
TSW	Receipt/review correspondence from Police Department regarding firing range agreement		0.20	
2/6/2017 TSW	Correspondence to Clerk regarding South Lyon economic development corporation		0.10	

		Hours	
2/6/2017 TSW	Telephone conference with City Manager regarding status of rezoning requests, Michigan Seamless Tube bankruptcy	0.30	
TSW	Continued preparation of correspondence to Council regarding conflicts of interest research and open meetings issues	0.50	
TSW	Correspondence to and from Police Chief regarding use of gun range and SRO agreement	0.20	
TSW	Receipt/review correspondence from Economic Development Director regarding draft commercial redevelopment and rehabilitation and facade grant program and policies	0.20	
2/7/2017 TSW	Telephone conference with MMRMA regarding gun range agreement and coverage; multiple correspondence to and from Police Chief regarding gun range agreement	0.20	
TSW	Continued research for School Resource Officer Agreement	0.80	
2/8/2017 TSW	Receipt/review correspondence from Council Member Kurtzweil in response to February 6, 2017 letter and additional information regarding research and closed session dates	0.50	
2/9/2017 TSW	Telephone conference with Council Member Kivell regarding Council agenda	0.20	No Charge
TSW	Telephone conference with City Manager regarding Council Agenda and status of conflict of interest investigation	0.30	
2/10/2017 TSW	Telephone conference with M Muskovitz regarding status of investigation	0.10	
2/12/2017 TSW	Edit/revise School Resource Officer Agreement	0.50	

		<u>Hours</u>
2/12/2017 TSW	Telephone conference with Council Member Kramer regarding Council agenda	0.10 No Charge
2/13/2017 TSW	Receipt/review correspondence from City Manager regarding proposed amendment to Safebuilt Building Services Agreement	0.10
TSW	Receipt/review correspondence from City Manager regarding Council agenda	0.20
TSW	Receipt/review correspondence from Council Member Kurtzweil to Carol Rosati objecting to paying JRSJ invoices	0.10 No Charge
2/14/2017 TSW	Telephone conference with Planning Consultant regarding sign ordinance and Jamie Vista site plan	0.10
TSW	Review Zoning Ordinance and Planning Commission approval of site plan for Jamie Vista and correspondence to Planning Consultant regarding same	0.20
TSW	Continued research regarding Economic Development Corporation status; correspondence to City Clerk regarding amended articles of incorporation	0.50
TSW	Legal research regarding terms of office	0.30
TSW	Telephone conference with City Manager regarding rezonings, food trucks, union grievances status, City Manager employment agreement amendment, Fibertech DAS nodes	1.10
TSW	Continued research for School Resource Officer agreement	0.60
2/15/2017 TSW	Continued research for revised language for City Manager performance review provision	0.60
TSW	Preparation of revised performance review provision for City Manager employment contract	0.30

		<u>Hours</u>	
2/16/2017 TSW	Research regarding FERPA and SRO agreement	0.80	
TSW	Continued research for SRO agreement	1.50	No Charge
TSW	Continued review of Economic Development Corp information	0.40	
2/17/2017 TSW	Receipt/review correspondence from Police Chief regarding Council meeting rules and procedures	0.40	
TSW	Begin legal research regarding enforcement of council rules and procedures	1.00	
TSW	Continued legal research regarding enforcement of council rules and procedures	1.50	No Charge
TSW	Telephone conference with Police Chief regarding SRO agreement and Council meeting rules and procedures	0.30	
2/19/2017 TSW	Continued review of SRO Agreement	0.40	
TSW	Continued research for SRO Agreement	1.00	No Charge
2/20/2017 TSW	Continued research for SRO Agreement	0.40	No Charge
TSW	Continued research regarding enforcement of Council meeting rules and procedures	1.50	
TSW	Continued legal research regarding council meeting rules and procedures and Open Meetings Act	1.50	No Charge
2/21/2017 TSW	Continued legal research regarding enforcement of council rules and procedures	2.00	
TSW	Continued legal research on enforcement of council rules and procedures	1.30	No Charge

		Hours	
2/22/2017 TSW	Begin preparation of letter to Police Chief regarding enforcement of Council meeting rules and procedures	1.20	
TSW	Continued preparation of letter to Police Chief regarding enforcement of council rules and procedures	0.80 1	No Charge
TSW	Receipt/review correspondence from Police Chief regarding Dispatch Contract	0.10	
TSW	Prepare and send redacted JRSJ invoice to City Manager	0.30	No Charge
TSW	Correspondence to City Manager regarding revised language for amendment of performance evaluation provision of City Manager Employment Agreement	0.30	
TSW	Multiple telephone conferences with City Manager regarding council agenda items, Fibertech status, rezoning requests, council rules, etc.	0.80	
2/23/2017 TSW	Telephone conference with special outside counsel regarding open/closed meeting issues	0.30	
TSW	Legal research regarding Open Meeting Act (OMA) and closed session, conflicts of interest	1.30	
TSW	Continued preparation and finalize correspondence to Police Chief regarding enforcement of council meeting rules and procedures	0.80	
2/24/2017 TSW	Receipt/review of Special Counsel investigation report on Kivell conflict of interest	1.50	
TSW	Legal research regarding and review of MCL 15.231 et seq	1.30	No Charge
TSW	Correspondence to Police Chief regarding OMA issues	0.50	No Charge
TSW	Research regarding open meeting issues relating to special counsel investigation report	0.60	

				Hours		
2/26/2017	TSW	Continued review of special counsel investigation report and legal research regarding same		0.60		
2/27/2017	TSW	Continued review of special counsel investigation report and preparation for council meeting		1.30		
	TSW	Telephone conference with City Manager regarding Council agenda items and issues relating to Investigation Report for Council meeting		0.60		
	TSW	Continued legal research regarding open meetings act		0.30		
	TSW	Legal research regarding water billing concerns		0.50	No Charge	
	TSW	Telephone conference with Mayor regarding Council rules and procedures		0.30		
	TSW	Correspondence to and from Clerk regarding issue for council meeting		0.20		
	TSW	Review current Safe Built Building Services Agreement and proposed amendment		0.50		
2/28/2017	TSW	Telephone conference with City Manager regarding recording of 2/27 council meeting		0.30		
	TSW	Continued review of proposed amendment to Safebuilt Building Services Agreement		0.40		
	SUBT	OTAL:	[39.70]
	Labor					
2/7/2017	TSW	Review documents relating to union grievances in preparation for meeting and review of CBAs		1.00		
	TSW	Attend meeting with City Manager and Unions regarding grievances		1.50		

			Hours	
SUBT	OTAL:	[2.50]
Michig	gan Seamless Tube			
TSW	Receipt/review correspondence from Clerk regarding status of taxes for Michigan Seamless Tube		0.20	
TSW	Telephone conference with Water Department regarding status of invoices		0.20	
TSW	Receipt/review correspondence from Water Department regarding Michigan Seamless Tube's water bills		0.30	
TSW	Research regarding bankruptcy issues		0.50	
			1.00	7
SUBT	OTAL:	Ĺ	1.20]
Person	<u>nnel</u>			
TSW	Telephone conference with City Manager regarding personnel matter; Receipt/review correspondence from City Manager regarding same; initial research regarding personnel matter		1.40	
TSW	Correspondence to City Manager regarding personnel matter		0.10	
TSW	Prepare documents relating to personnel matter		1.40	
7 TSW	Review of Personnel Manual and preparation of documents for personnel matter		2.20	
TSW	Telephone conference with Fire Chief regarding personnel matter		0.30	
TSW	Multiple correspondence to and from City Manager and Fire Chief regarding personnel matter		0.70	
	TSW TSW TSW TSW TSW TSW TSW TSW TSW	TSW Telephone conference with Water Department regarding status of invoices TSW Receipt/review correspondence from Water Department regarding Michigan Seamless Tube's water bills TSW Research regarding bankruptcy issues SUBTOTAL: Personnel TSW Telephone conference with City Manager regarding personnel matter; Receipt/review correspondence from City Manager regarding same; initial research regarding personnel matter TSW Correspondence to City Manager regarding personnel matter TSW Prepare documents relating to personnel matter TSW Review of Personnel Manual and preparation of documents for personnel matter TSW Telephone conference with Fire Chief regarding personnel matter TSW Multiple correspondence to and from City Manager and	TSW Receipt/review correspondence from Clerk regarding status of taxes for Michigan Seamless Tube TSW Telephone conference with Water Department regarding status of invoices TSW Receipt/review correspondence from Water Department regarding Michigan Seamless Tube's water bills TSW Research regarding bankruptcy issues SUBTOTAL: Personnel TSW Telephone conference with City Manager regarding personnel matter; Receipt/review correspondence from City Manager regarding same; initial research regarding personnel matter TSW Correspondence to City Manager regarding personnel matter TSW Prepare documents relating to personnel matter TSW Review of Personnel Manual and preparation of documents for personnel matter TSW Telephone conference with Fire Chief regarding personnel matter TSW Multiple correspondence to and from City Manager and	SUBTOTAL: Michigan Seamless Tube TSW Receipt/review correspondence from Clerk regarding status of taxes for Michigan Seamless Tube TSW Telephone conference with Water Department regarding status of invoices TSW Receipt/review correspondence from Water Department regarding Michigan Seamless Tube's water bills TSW Research regarding bankruptcy issues 0.50 SUBTOTAL: [1.20 Personnel TSW Telephone conference with City Manager regarding personnel matter; Receipt/review correspondence from City Manager regarding same; initial research regarding personnel matter TSW Correspondence to City Manager regarding personnel matter TSW Prepare documents relating to personnel matter TSW Review of Personnel Manual and preparation of documents for personnel matter TSW Telephone conference with Fire Chief regarding personnel matter TSW Telephone conference with Fire Chief regarding personnel matter

				<u>Hours</u>	
2/8/2017	TSW	Continued preparation of documents for personnel matter		0.60	
	TSW	Correspondence to Fire Chief regarding personnel matter		0.30	
	DAK	Edit/revise disciplinary memo to Fire Fighter (Potential Discipline of Fire Fighter issue)		0.40	
	SUBT	OTAL:	[7.40]
	Planni	ng Commission			
2/2/2017	TSW	Receipt/review correspondence from Planning Director regarding Planning Commission agenda		0.10	
2/8/2017	TSW	Review Planning Commission packet		0.30	
2/9/2017	TSW	Review background documents relating to Planning Commission condition on Alexander Center site plan approval		0.80	
	TSW	Attend Planning Commission meeting		1.50	
2/12/2017	TSW	Correspondence to Planning Director regarding follow up from 2/9 Planning Commission meeting		0.10	
	SUBT	OTAL:	[2.80	1
	Police	Department			
2/1/2017	TSW	Correspondence to and from City Manager regarding police grievances and review of Collective Bargaining Agreements (CBAs) regarding grievance procedures		0.30	
2/6/2017	' TSW	Telephone conference with and receipt/review of correspondence from City Manager regarding union grievances		0.60	

				<u>Hours</u>	
	SUBT	OTAL:	[0.90)
	Wells	Street Alley			
2/22/2017	7 SSM	File Analysis; Telephone conferences with County Treasurer's Office (x2); Preparation of email to T. Schultz at Oakland County Equalization Division; Preparation of note to file		0.90	
	SSM	Receipt of email from T. Schultz; Preparation of note to file		0.30	
2/23/2011	7 SSM	Receipt of two emails from Brenda Firestine regarding ownership of parcel; Review attached documents; Preparation of email to B. Firestein regarding platted alley; Preparation of note to file		0.80	
	SUBT	OTAL:	 [2.00]
		End Industrial			
2/8/201	7 TSW	Review of background planning documents regarding West End Industrial site plan		0.40	
	TSW	Correspondence to City Manager, Planning Director, Planning consultant and Economic Development Directo regarding West End Industrial rezoning and status	r	0.30	
	TSW	Receipt/review correspondence from Economic Development Director regarding West End Industrial rezoning		0.20	
	TSW	Preparation of council agenda note for West End Industrial rezoning		0.40	
2/9/201	7 TSW	Receipt/review correspondence from Planning Consultar regarding status	nt	0.10	

				Hours	
2/14/2017	TSW	Telephone conference with Planning Consultant regarding West End Industrial rezoning		0.20	
2/15/2017	TSW	Review correspondence from attorney for applicant		0.20	
	TSW	Telephone conference with M Linnell regarding West End Industrial		0.10	No Charge
2/17/2017	TSW	Telephone conference with opposing counsel regarding status of rezoning request for West End Industrial		0.30	
2/24/2017	TSW	Telephone conference with opposing counsel regarding status		0.10	No Charge
2/28/2017	TSW	Telephone conference with City Manager regarding status of rezoning		0.10	
	SUBT	OTAL:	[2.40]
	Zoning	g Board of Appeals			
2/15/2017	TSW	Receipt/review of resident letter regarding Zoning Board of Appeals Case 17-001		0.10	No Charge
2/16/2017	TSW	Preparation for and attend Zoning Board of Appeals meeting		1.50	
	SUBT	OTAL:	[1.60]
	For pr	ofessional services rendered	-	95.30	Amount \$9,486.00

Additional charges:

		Qty/Price	Amount
	City Council		
2/7/2017	Photocopies - Follow-up City Council Packet	160 \$0.20	\$32.00
2/24/2017	Photocopies - City Council Meeting Correspondence	28 \$0.20	\$5.60
	SUBTOTAL:	-]	\$37.60]
	General City Attorney Work		
9/5/2016	Expert Witness Fee - ASTI Environmental Services regarding 128 Lafayette Street	1 \$1,998.75	\$1,998.75
10/11/2016	Expert Witness Fee - ASTI Environmental Services regarding 128 Lafayette Street	1 \$934.38	\$934.38
2/8/2017	Photocopies - MMRMA Coverage Documents	139 \$0.20	\$27.80
	SUBTOTAL:		\$2,960.93]
	Labor		
2/8/2017	Photocopies - POAM Contract	26 \$0.20	\$5.20
	Photocopies - POLC Contract	26 \$0.20	\$5.20
	SUBTOTAL:	[\$10.40]

	Qty/Price	Amount
Zoning Board of Appeals		
2/20/2017 Photocopies - Zoning Board of Appeals New Member Binder	339 \$0.20	\$67.80
SUBTOTAL:	į	[\$67.80]
Total costs		\$3,076.73
For professional services rendered	95.30	\$12,562.73
Total amount of this bill		\$12,562.73
Previous balance		\$9,043.20
Balance due		\$21,605.93

Please include your Invoice Number on your payment. All payments should be mailed to the Farmington Hills' office listed above. Thank you.

Monthly flat fee of \$9,000.00 for first 80 hours of work. Anything over 80 hours to be billed at the hourly rate of \$135.00