

Regular City Council Meeting

January 25, 2016

Agenda

7:30 p.m. **Call to Order**
Pledge of Allegiance
Roll Call
Approval of Minutes: Jan. 11, 2016
Approval of Bills: none
Approval of Agenda
Public Comment

I. Old Business -

II. New Business

- 1) Consider resignations from City Commissions:
 - a. Holly Gerdom resignation from the Downtown Development Authority Board
- 2) Presentation by Landmarc Development seeking feedback on possible request to rezone West End Park from I-1 industrial to multi-family residential.
- 3) Presentation by Parks and Recreation Commission requesting action by the Council for expenditures related to updating plan for Volunteer Park Development
- 4) Consider approval of first reading of Dangerous Building Ordinance
- 5) Consider approval of first reading of Ordinance to adopt the 2012 International Property Maintenance Code
- 6) Consider Dorothy Street Sanitary Sewer Relocation Proposal for Professional Engineering Services
- 7) Consider approval of repair for Sanitary Sewer line along Pontiac Trail near the Water's Edge Complex to fix sewer line offset and existing sink hole conditions.
- 8) Consider resolution asking for repeal of the new language in Section 57, subsection (3) of PA 269 of 2016.
- 9) Approval for City Manager to attend the MLGMA Winter Institute.

IV. Discussion on Blight ordinance and unsafe structure structures

V. Discussion – Downtown

VI. Manager's Report

VII. Council Comments

VIII. Adjournment

The City of South Lyon
 Regular City Council Meeting
 January 11, 2016

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

PRESENT: Mayor Pro Tem Wedell
 Council Members: Dedakis, Kivell, Kramer, Kurtzweil and Rzyzi
 Also Present: City Manager Ladner, Chief Collins, Chief
 Kennedy, Department Head Martin, Attorney Wilhelm, and Clerk/Treasurer Deaton

ABSENT: Mayor Galeas

CM 1-1-16 MOTION TO EXCUSE ABSENCE OF MAYOR GALEAS

Motion by Kivell, supported by Kramer
 Motion to excuse absence of Mayor Galeas

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Councilmember Kurtzweil stated on page 6 paragraph 4, the minutes reflect the word donates, but it should be dedicated. She further stated on page 7 the minutes reflect Attorney Wilhelm stated it could be best if the bonds are collected to secure the work to be completed, and any review fees invoiced separately was actually stated by Councilmember Kurtzweil. She further stated on page 8 there is a grammatical correction that needs to be changed from your to you're.

CM 1-2-16 MOTION TO APPROVE MINUTES AS AMENDED

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

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Rzyzi asked if we used a local vendor for the printing of the Cool Yule flyers for \$49.06. He further stated we should always try to use our local vendors before we look outside the City. City Manager Ladner stated we did and we do when it is possible. Councilmember Rzyzi questioned the bill for the service call fees for the security cameras. City Manager Ladner stated they were knocked offline

and damaged when the roof was being replaced. Department Head Martin stated the DPW accidentally damaged the cameras when working on the roof. Councilmember Rzyzi questioned the cost of \$285.00 for the DVD player. City Manager Ladner stated this DVD player is an automatically looping system, and it quit working, therefore the Company tried to fix it, but was unable to. It was then sent to the manufacturer in California under warranty.

Councilmember Kurtzweil questioned the Singh Homes Bond refund for \$500.00. City Manager Ladner stated that is a lot refund for completing a home on a lot and meeting with all the requirements. She stated the \$500.00 is in our fee schedule. Councilmember Kurtzweil stated she would like the City Manager to explain the \$350.00 car allowance. City Manager Ladner stated that is a standard allotment that is given to City Managers for any travel they do for meetings and she does not ask for a mileage reimbursement. Councilmember Kurtzweil stated she would also like information regarding the refund of tax money for Gateway Commons and what was the basis for the decision. City Attorney Wilhelm stated that was a tax appeal and this is a consent judgement for resolution of the case. He does not know what their basis were for asking for the reduction. Councilmember Kurtzweil questioned the bill for \$484.00 for the New Dimensions Behavioral. City Manager Ladner stated they provide services to the employees of South Lyon at no cost, such as financial counseling, as well as other services and this was approved by the Council. Councilmember Kurtzweil questioned the bill for Lexis Nexis. City Manager Ladner stated is a system we use for the property tax system. Councilmember Kurtzweil questioned the bill for MWEA Asset Management Seminar. Department Head Martin stated the DEQ inow requires Asset Management and he and two of his employees will be attending this class. Councilmember Kurtzweil questioned the bill for Shred It and asked what is the City shredding. City Manager stated we collected documents from all departments, and they were such things as old ballots, and different documents that have passed the required state detention requirement.

CM 1-3-16 MOTION TO APPROVE BILLS

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

VOTE:

MOTION CARRIED UNANIMOUSLY

AGENDA

City Manager Ladner stated she would like to add an item under Old Business for Council to discuss the invoice for R.J. Hoffman for the demolition of 390 S Lafayette. Mayor Pro Tem Wedell stated he would like to move the Managers Report and Council Comments before Council enters into Closed Session. Councilmember Rzyzi stated there were many closed sessions in the past, and he wants to make sure the City does not take advantage of that. He questioned the need for the closed session and if the item to be discussed is actually attorney client privilege information. Attorney Wilhelm stated this pertains to an issue which he needs direction from Council regarding legal action. He further stated any action Council may take will be done in open session. Councilmember Kurtzweil stated she is questioning this

because the subject matter pertains to a public meeting. Attorney Wilhelm stated this is regarding the legal effect of action taken by the Board of Review. More discussion was held regarding the necessity of a closed session. Councilmember Dedakis stated this would be considered privileged information, which should not come out until after the discussion. Councilmember Kurtzweil stated the letter that was given to Council has information which is public information, but there is a recommendation that pertains to policy recommendations which cannot be discussed in closed session. She is very uncomfortable going forward and excluding the public from communications and allowing them to watch how Council makes their decisions. She further stated she is not convinced this is not worthy of a closed session, she is for open government and there is nothing confidential about anything that occurred at a public meeting. Attorney Wilhelm stated he is working in the best interest of the City and he is seeking input from Council. He further stated in the letter he discusses legal impacts for decisions which were made by the Board of Review. He stated he has also given privileged legal advice to the City as his client. He further stated any action which will be taken by Council will be done in a public meeting; he would just like to give the City confidential legal advice. Councilmember Rzyzi again stated there were far too many closed sessions in the past and he does not feel they should take liberties and he will vote no.

CM 1-4-16 APPROVE AGENDA AS AMENDED

Motion by Kramer, supported by Kivell
Motion to approve agenda as amended

VOTE:

ROLL CALL VOTE

Kivell- Yes

Dedakis- Yes

Rzyzi- No

Wedell- Yes

Kramer- Yes

Kurtzweil- No

MOTION PASSED

PUBLIC COMMENT

Tim McLeay of the Michigan Municipal Risk Management Authority stated he has been here in the past to give the City good news. He stated the MMRMA is a non-profit organization and they are not an insurance company therefore when there is money left at the end of the year, we give the money back to the members. He further stated he has two checks to give back to the City this year. The City is getting a total of \$69,301.00. He stated there is also some risk avoidance money that the City may be interested in that would help with security cameras and lighting.

Tedd Wallace of 115 Elm Place stated back in June 2013 the Lions Club donated \$25,000 to the City of South Lyon to be used in case the Recreation Center was built. He stated Councilmember Kramer

worked very hard on the Recreation Center but since that isn't happening now, they would like the money to be used for the hockey tarp purchased, equipment added to the playground as well as bleachers in Volunteer Park. They originally stated if the Recreation Center didn't work out, they wanted it donated to Capital Improvements, but there is a need for other things they would like to see done. He stated if Council would like to do a formal acceptance of that money, they would be ok with that.

Ryan Lare of 716 Grand Court stated he is a staff member and council of the Submarine Museum of Silversides. He was asked to give a presentation to Council for donations. He stated the donations would be for the submarine that is located in Muskegon, Michigan at the USS Silversides Submarine Museum. The submarine was originally launched 12 days after Pearl Harbor and went on 14 patrols. The submarine was in service until 1946. The donations would be used for the repairs and upgrades to the diesel engines. He stated if anyone would like to donate you can do that over the phone, or on their website at www.silversidesmuseum.org

Carl Richards of 390 Lennox stated he agrees with everything that was done with the demolition at 390 S Lafayette. He stated he met with the building inspector as well. Mr. Richards stated he has been asking people around town and most of the comments are negative. Mr. Richards stated there are many board expirations that are coming up in March and he wanted to make sure the Mayor was aware of that. Mr. Richards stated he thinks the City needs to work closer with Lyon Township especially with the Safe Routes to School Grant.

OLD BUSINESS

1. Invoice for R.J. Hoffman (demolition of 390 S. Lafayette)

City Manager Ladner stated the invoice for 390 S Lafayette is an additional \$1,800 that is being charged to the City for work over and above the contract. She stated the contractor found a second foundation under the first foundation, as well as there were some footings that we had to keep in the ground, which caused them to order additional concrete as well as the labor. We did receive a partial credit for some of the footings we had to keep. She further stated the final cost is \$37,572.89. Councilmember Kurtzweil questioned the original contract language and whether there was or was not a basement. City Manager Ladner stated there was a possibility there was a basement closed off. Councilmember Kurtzweil stated she had been in the building and she didn't see the possibility of a basement. She further stated if the Blue Sky bid was overpriced because it was based their bid on there being a basement in the building. City Manager Ladner stated they were given the opportunity to enter the building and R.J. Hoffman was the only one that did. Councilmember Rzyzi stated he is confused how the City didn't know if there was or was not a basement. Councilmember Kivell stated we asked for the demolition, why are we being charged because they didn't know there wasn't a second foundation. City Manager Ladner stated there was no way to anticipate a second foundation under the first. There was 8 to 12 inches of sand between the two foundations and they wouldn't have bored down that far to know that ahead of time.

CM 1-5-16 MOTION TO APPROVE PAYMENT OF INVOICE FOR R.J. HOFFMAN

Motion by Kramer, supported by Kivell

Motion to approve the additional payment of \$2,792.89 for the demolition of 390 S Lafayette

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Consider appointment/resignations from City Commissions:
 - a. Bill Jarret resignation from the Downtown Development Authority Board
 - b. Abraham Ayoub appointment to the Downtown Development Authority Board
 - c. Jennifer Dunigan appointment to the Downtown Development Authority Board

City Manager Ladner stated Mr. Jarratt has resigned from the DDA Board because his architectural firm has become very busy and doesn't have the time for the DDA Board anymore.

CM 1-6-16 MOTION TO APPROVE RESIGNATION

Motion by Kramer, supported by Kurtzweil

Motion to approve the resignation of Bill Jarratt from the DDA Board with thanks

Councilmember Dedakis stated the letter said the DDA is lacking in Agenda items and they don't seem to have much to discuss. She stated she finds it daunting the DDA doesn't have much to discuss. City Manager Ladner stated there were no items added to the Agenda from the DDA members who would have had 2 previously discussed items. They have several items to discuss at the next meeting which is this week. Councilmember Rzyzi asked if the City Manager controls the Agenda. He has spoken with the DDA Board members and they feel there is no support from the City.

VOTE: MOTION CARRIED UNANIMOUSLY

City Manager Ladner stated after the two current applicants that would like to be on the DDA Board, there are still two additional vacancies on the Board.

b. Appointments

Jennifer Dunigan of 216 E Lake also known as the Christmas House stated she is very interested in the downtown and she has a unique perspective as both a resident and a local business owner. Abe Ayoub of 417 S Lafayette stated he is very involved with the community and he feels his real estate background will be helpful and looks into being on the DDA Board and doing some good things.

Councilmember Kurtzweil stated it is very important to work with people with some very good credentials. We need to look closely at whom we appoint to the DDA Board and she feels these are two

appointments are very strategic. We have a local business owner as well and a business owner with a background in real estate. We need people that understand economic growth and economic development.

CM 1-6-16 MOTION TO ACCEPT APPOINTMENTS

Motion by Kivell, supported by Rzyzi

Motion to appoint Abe Ayoub and Jennifer Dunigan to the Downtown Development Authority Board

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Consider request from Cable Commission to purchase new recording and playback equipment for the cable access channel and desktop computer to remain in the administration technology room for the purpose of operating new equipment and storing files and content library.

Steve Kaukonen of 1120 Polo Drive stated when they last appeared before Council they had 3 items they discussed. Tonight they are here to discuss the software and hardware they would like to purchase. He stated this equipment will enable them to create playlists that they can schedule and let the community know what will be showing. We also will have the ability to stream the channel on the internet. Mr. Kaukonen stated they have spoken with different vendors. Rich Perry of 875 Westbrooke Drive stated the playback system, which all television channels have playback channels, and they searched for being able to schedule programs and this one does a lot more as well. Mr. Perry stated there is a lot of technology and as we looked at the different vendors, we found this playback system is middle priced and it is basic to use, but it has everything we need. We chose this software because of the functionality as well as ease of use. Mr. Perry stated this package is a standard definition package, and if we decide to change to high definition in the future it will only cost approximately \$500.00

Mr. Perry further stated Channel 19 is currently only played in homes that have WOW cable, with this system we will be able to stream it on the internet so that more people will be able to see it.

Councilmember Kivell stated this will be a monumental change in the way our local access channel functions and he is very happy about this. He further stated the high definition will be very beneficial once the library is created. Mr. Perry stated there are hardware requirements to have high definition playback and he suggests we do that now if Council is interested in this in the future. Councilmember Rzyzi stated the Cable Commission is a brand new Commission a year ago and they were unable to grow a vision which is what we need for this City. He further stated 80% of the City in South Lyon does not have WOW which means they aren't able to watch it the cable channel. With this package the entire community will be able to watch the access channel online. He stated we need to invest in our City and our community to benefit it, and he is for paying the extra \$500.00 for the high definition.

Councilmember Kurtzweil stated she would like to thank the Cable Commission for dedicating their time and there are tremendous expectations with what you will be able to do with this package. She stated

she is tired of waiting and the City needs to make an investment in this community and if we need to spend an additional \$500.00 for high definition then we should do this. She further stated she is hoping this cable channel can be used as a tool with development in the City such as programming providing people with opportunities showing which buildings are available to rent and what can be done with the business, she is hoping they will have a business platform somewhere on this cable channel.

Councilmember Kramer asked if there has been any discussion with South Lyon Schools regarding sharing some of the cost. Mr. Perry stated he has spoken with the schools, and there is a lot of talent there, once the channel is up and running, it will be easier to get some help with the content. Dan Pelchat stated the content can be endless, but we want to get it up and running first. Councilmember Rzyzi stated he wants to ensure South Lyon East will be included.

Councilmember Kivell stated when it is streaming online, it will not be just the cable channel of South Lyon, it will be the cable channel for the area and we will have more exposure. He further stated we get franchise fees and we have revenue from our provider, and we have had little to no money reinvested in this channel. We aren't flush with money, but we have enough to make sure this is a quality opportunity to make sure we have information for our residents to view.

CM 1-7-16 MOTION TO APPROVE COST OF PLAYBACK SOFTWARE FOR CABLE CHANNEL

Motion by Kramer, supported by Kivell

Motion to allow purchase of new recording/playback equipment with software not to exceed \$7,500.00

VOTE:

MOTION CARRIED UNANIMOUSLY

3. Review of proposals for Council Retreat facilitators and set date for March Council Retreat

City Manager Ladner stated she has received three proposals for the Council Retreat strategic planning session. She stated the low bidder was Lew Bender for \$2,300.00. She also received a bid from the MML as well as from retired Professor Joe Orrin from Eastern Michigan University. She stated the proposals are similar. City Manager Ladner stated she has sat in on educational sessions with Lew Bender and he has many references and she believes we would do really well with him. Councilmember Kivell stated he is hoping during the strategic planning session will be steered in a more thoughtful conversation and push the conversation into something much more constructive. Councilmember Dedakis stated strategic planning is important, however she isn't sold on the idea of the Council having to be sat down and shown a vision, we are all intelligent adults and should be able to do this on our own. City Manager Ladner stated the idea of the retreat is to help Council agree on a 3-5 year vision and actual performance goals that help get us in that direction including Department Heads.

Councilmember Kramer stated the only reason he agrees this is a good idea, is because it seems Council runs around in circles and we don't have a common goal. He further stated if it takes someone to get everyone on the same page to gain our goals for what we want to accomplish in 3-5 years.

Councilmember Rzyzi stated he has spoken with someone about the study that Michigan State did in the

past. He further stated Michigan State came to South Lyon and made recommendations and nothing happened. He doesn't know if that is previous administration, but he wants to make sure this is accessible to the public, and on the City website with our goals and objectives along with a timeline. Councilmember Kurtzweil stated she is a business attorney and she provides business forecasting for her clients. She stated strategic planning is a way of life, and this is something that is constantly being revised and adjusted. For this City to move forward, we need to take seriously how we plan for our future. She further stated Lew Bender has some very strong credentials for a facilitator. She believes it will behoove us to begin a professional approach for a strategic plan. The component Dr. Bender brings to the table is he has done this with other communities and the reason those communities are doing so well is because they have strategic planning on the table. They are taking corporate governments and adopting corporate behavior. She further stated this is a corporate model.

Councilmember Dedakis stated she agrees with many points, but if we hire outside Council, that will be our strategic planning. If we bring them in and pay \$150.00 an hour to counsel us, they will be giving us strategic planning, and that seems like double dipping. At the previous meeting, they gave us a great strategic plan to revitalize downtown and she is willing to pay them for that, she doesn't think we should do both. Councilmember Kurtzweil stated the problem is the Brighton Attorneys will only be dealing with downtown blight. She doesn't believe they would give us a vision of revitalizing downtown that is what the facilitator will do. He will give us a more total comprehensive vision. Councilmember Kivell stated the Michigan State review was a wonderful thing, but the problem is the limited funds while still providing City services, such as Police, Fire and taking care of the roads. He further stated that will still be our biggest complication. Determining how we structure the fees to pay for our enterprise fund are actually in our best interest or if we should be change that to the model where fees are paying for the enterprise fund. There are 2 ½ mills that could be used elsewhere. Councilmember Wedell stated he agrees with Councilmember Kivell that any strategic planning session needs to be broader than just downtown, and he is willing to participate and listen. Discussion was held regarding the location for the retreat. City Manager Ladner stated we are looking at locations close to the City, such as City Hall, the Library or the upper level of South Lyon Hotel.

CM 1-8-16 MOTION TO APPROVE MOVING FORWARD WITH THE STRATEGIC PLANNING RETREAT WITH LEW BENDER

Motion by Kramer supported by Kivell

Motion to approve moving forward with the strategic planning retreat with Lew Bender as facilitator

VOTE: MOTION CARRIED UNANIMOUSLY

City Manager Ladner stated Mr. Bender currently has Saturday March 19th available for the retreat. Council agreed on that date if Mr. Bender still has it available.

Mayor Pro Tem Wedell recessed the Council meeting at 9:00

Mayor Pro Tem Wedell called the meeting into order at 9:10

4. Consider application for approval for street closures for the Pint Sized Marathon on April 23, 2016

Stephanie Rife of 21011 Parkwoods stated she is here asking for Council to approve the street closures for the Pint Sized Marathon on Saturday, April 23 2016 at Noon. She further stated it was a great success last year. She stated she worked with the Police Department to change the route because of the congestion and they plan on having more Police support this year. She expects this event to continue to grow.

Chief Collins stated he approves of the route and suggests Council approve. Councilmember Rzyzi stated we need more community events such as this. Ms. Rife stated she originally expected about 100 people and it went much larger. It is a small marathon for parents and children and is community supported. Councilman Kivell stated he wanted everyone to know the road closures are from 11:00 to 2:00 p.m.

CM 1-9-16 MOTION TO APPROVE THE ROAD CLOSURES FOR THE PINT SIZED MARATHON

Motion by Rzyzi, supported by Dedakis

Motion to approve road closures for the Pint Sized Marathon as presented

VOTE: MOTION CARRIED UNANIMOUSLY

5. Consider acceptance of Risk Avoidance Program, (RAP) Grant

Chief Collins stated this is a RAP Grant for \$347.50 which is half the cost of sending an officer to a field training class. The South Lyon Police Department applied for this.

CM 1-10-16 MOTION TO APPROVE ACCEPTANCE OF THE RAP GRANT

Motion by Kivell, supported by Kramer

Motion to accept the grant from MMRMA for \$347.50

VOTE: MOTION CARRIED UNANIMOUSLY

6. Discussion and consideration of hiring special Council for the purpose of addressing unsafe structures and blight

Councilmember Kurtzweil stated as a business lawyer she counsels her clients to make change to achieve a desirable result, sometimes to align personal with the goals and objectives of the organization. She further stated she doesn't recommend change for the sake of change; she supports her decision for

change with reasons why things can be better. She is supporting the hiring of the Paul E. Burns Law Firm for the purpose of blight busting and code enforcement because they have the credentials, qualifications and the track record. She stated she supports her decision based on her prior experience with Johnson Rosati. Councilmember Kurtzweil stated she had issues with the handling of a Planning Commission issue, as well as Colonial Acres Phase 5. She further stated as of a month ago, she found out Johnson Rosati has negotiated away a requirement for a performance bond for a completion of roads, water supply system, sanitary system and storm water retention system in the Knolls of South Lyon. She stated that is an extremely risky decision. She further stated if the Knolls of South Lyon isn't completed, the homeowners of Eagle Heights will now be saddled with the decision of the City to now require a performance bond. Councilmember Kurtzweil stated to remove the performance bond from that development was a reckless decision. She cannot support Johnson Rosati in real estate business. She further stated the cost is approximately \$3.00 more an hour than the current attorney, and by hiring the Paul Burns Law Firm the City is actually retaining the services of someone qualified to do the job. Councilmember Kurtzweil stated the surrounding area is aware of what is being voted on tonight, and everyone in the region wants to see the downtown fixed. She further stated the problems of downtown cannot be blamed on the economy, but we can be part of the solution by retaining the experts that can help us.

Councilmember Kivell stated we will have the first reading of two ordinances, which are the blight and the International Property Maintenance Code, therefore we are in the final throws of arming ourselves with the instruments that Burns will be able to provide us, so he doesn't understand the need for the transition to hire the Paul Burns Firm.

Councilmember Rzyzi stated he has seen the mishandling of Colonial acres Phase 5, and a month ago, there were problems with the SLARA contract. He further stated the previous regime hand-picked the Johnson Rosati Firm, and now we need to move forward. We are at a critical point, and even if we have new ordinances, he doesn't feel we will see results. He wants to use the proven experts that have fought blight in other communities.

Councilmember Kramer stated there was an RFP and public meetings were held when Johnston Rosati was hired. There were interviews held and it was done by the book. There were no private meetings to come to the City and ask them to solicit business from the City, which is what happened in this case. He further stated we don't know anyone's relationship with Paul Burns Law firm. He stated when we hired the Johnson Rosati Law Firm we were moving from a two person Law Firm to a much larger Law Firm that provides many different services. Councilmember Kramer stated the Council has not given the City Attorney direction as to what we want to happen.

Councilmember Kivell stated what we do know, is they were successful in prosecuting a problem landlord that is also in our backyard, but what we also know is we have been telling our Law Firm to monitor this carefully and we want to emulate everything that was going on so that we can achieve the same success that was conducted in Brighton, and that is where we are now. We are at the brink of getting the ordinances we need to duplicate that.

Councilmember Dedakis stated she has reviewed the credentials of our current Law Firm and as impressive as they are she is a little disappointed they didn't come to the City with thoughts and ideas

they had for the problems in the downtown area. She further stated she understand there was a lack of direction from Council, however there is no better expert right now than the Brighton Attorney's. Attorney Wilhelm stated he would like to make 3 points. He knows the Paul Burns Law Firm and they are good Attorneys. He further stated Johnson Rosati is a qualified Law Firm, and he has provided specific successes they have had with Ordinance Enforcement. They are capable of doing the work. He stated they have not set a vision, because there has been some turmoil since 2013 and it has been difficult to identify the highest priorities for the City. The third point is regarding the criticism of his performance, as well as his partner's performance. He further stated the issue regarding the site plan was resolved. Attorney Wilhelm stated the developer of the Knolls asked for this particular concession in not requiring an official guarantee. He stated the City was advised of the impact of not requiring a guarantee. He further stated the provision that was added to the Planned Development agreement requires the completion of all underground utilities. There is no chance of a half completed subdivision and this was all presented to Council and approved by Council. Attorney Wilhelm stated the City was being asked by Colonial Acres to accept utility pipes and infrastructure that was put in the ground 30 years ago. He further stated they were looking out for the City's best interest to make sure we had all the appropriate documentation before accepting the financial obligation. Attorney Wilhelm stated the hourly rate for his firm is \$112.00 per hour for first 80 hours, then \$135.00 after that. He stated he understands Council's prerogative to explore the possibility of hiring an outside firm, but his firm is qualified to do this work.

Councilmember Rzyzi stated Johnson Rosati is doing a good job with what they are doing, but he wants the Attorneys that have already taken a case to the Supreme Court and won against a slumlord. He wants the winners on our side with a proven track record, he doesn't want to replicate what was done. Councilmember Kurtzweil stated she has no previous relationship with the Paul Burns Law Firm, and she just walked into their office and she had never met them before.

Councilmember Kivell stated we pay a retainer of \$9,000 per month and anything additional for legal services will be over that. Further discussion was held in regards to hiring the Paul Burns Law Firm for special projects.

Councilmember Wedell stated he was impressed with the Burns Law Firm, but what he was most impressed with was the common sense of a plan which they were able to carry thru. That was very well demonstrated, but he does have a problem with the letter that states they will work for the City for \$150.00 per hour but with no cap. He further stated when the decision was made to hire Johnson Rosati, we spent two days interviewing the Law Firms that responded to the RFP and the decision was made based on their presentation and they were the best fit for the City of South Lyon.

CM 1-11-16 MOTION TO POSTPONE UNTIL NEXT MEETING

Motion by Rzyzi, supported by Dedakis

Motion to postpone hiring Paul Burns Law Firm until next meeting with full Council

VOTE:

MOTION FAILED

1/11/16

CM 1-12-16 MOTION TO RETAIN PAUL BURNS LAW FIRM

Motion by Kurtzweil, supported by Rzyzi

Motion to retain services of Paul Burns Law Firm for no longer than 18 months for assistance with blight and code enforcement in the downtown area

VOTE:

ROLL CALL VOTE

Kivell- No

Dedakis- Yes

Rzyzi- Yes

Wedell- No

Kramer- No

Kurtzweil- Yes

MOTION FAILED

Councilmember Rzyzi stated this comes down to 3 members voting against postponing this until we have a full Council. Discussion was held regarding refining the details of the contract.

7. Discussion regarding hiring a grant writer

Councilmember Dedakis stated she attended a meeting for newly elected officials and many of the people she spoke with stated they hire someone specifically for grant writing. She further stated it will behoove us to look at people that currently have credentials to write grants and she would like to know where the City is with this. City Manager Ladner stated she does have grant writing experience, but it has taken a back street priority because there have been other priorities that have had to be dealt with in the past 18 months. She has asked state-wide, and most cities use their engineering firms or their City staff. Councilmember Dedakis asked how many grants has the City received. City Manager Ladner stated we have received rap grants the Police Department has brought in. She further stated the DDA is considering the Blight Elimination Grant, the Parks and Recreation Commission is looking into a grant for improvements to Volunteer Park. City Manager Ladner stated prior to her starting, City Council decided to not move forward with the SAW Grant which is the sewer asset management program, which would have provided a lot of money. Department Head Martin stated they chose to not follow through with the SAW Grant was because they would have had to guarantee any repairs to anything that was found wrong with the system in the first 3 years, along with that repairing would be an increase in rates to fund the repairs. He further stated we were able to get the DWRF in the last 5 years, which was a 6 million dollar grant. Councilmember Dedakis stated she would like knowing what we are currently applying for, and what grants we have already applied for. Councilmember Kurtzweil stated she is currently helping the Cultural Arts Commission look for grants. City Manager Ladner stated there is a public foundation directory that is online that will give a list of all organizations, businesses and resource that she has used in the past, but there is a cost involved. She further stated if Council is interested she will bring the costs before Council for them to decide. Discussion was held regarding the different ways

people can search for grants. Mayor Pro Tem Wedell stated the time consuming thing is writing the grant, and that is the skill set that is needed.

8. Discussion regarding job responsibilities for the Economic Development Coordinator

Councilmember Rzyzi stated during the interviews for the City Manager position, the main reason he voted to hire City Manager Ladner was her ability to write grants. He further stated in City government we get wrapped up in the red tape of government, but we need to be business smart. He further stated we need to get more grants. Councilmember Rzyzi stated if we spend \$12,000.00 for an administrative person to work part time in City Hall free up the job responsibilities of the City Manager so that she can try for grants makes sense. He further stated the priorities don't change. There are always day to day responsibilities but there are always two top priorities, which is grant writing, as well as getting more businesses downtown. He further stated he would like to see objectives and responsibilities.

Councilmember Kurtzweil stated she disagrees with the education requirement being a G.E.D or High School Diploma for the Community Economic Developer. She further stated it seems credentials are her theme tonight. She further stated there is no way a G.E.D. or High School Graduate could perform the job functions. She stated this position needs a college degree. Kelly McIntyre stated she has a Master's Degree from the University of Maryland, and a Masters in Community Planning. She further stated she has some grant writing experience, but what she is really good at is the Community Planning. Further discussion was held regarding the different job descriptions as well as the need for degrees.

Councilmember Rzyzi stated we need grants and he thinks Kelly should help with that and that hiring a part time person for \$12,000 is the solution and he is in agreement with that.

Councilmember Kramer stated we need to keep in mind, if we move forward with this and we require college degrees, we will also be paying for that. Discussion was held regarding the use of interns for assistance to the City Manager.

9. Consider approval of revised IT/CLEMIS agreement

Chief Collins stated this is a revised agreement for a long standing agreement presented from the Oakland County and Law Enforcement Management Information System. This has a lot to do with Police and Fire records management as well as record keeping for Police reports, dispatch, and they have revised this agreement to be standardized with all the local communities. Attorney Wilhelm stated this is the County's attempt to standardize their agreement. This is a 5 year contract but can be terminated with 120 days by either party. Chief Collins stated he is in favor of this, we could not come close to providing our own radio or records management system for this cost.

CM 1-13-16 MOTION TO APPROVE IT/CLEMIS SERVICES AGREEMENT

Motion by Kramer, supported by Dedakis

Motion to approve the revised IT/CLEMIS Services Agreement as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

10. Discussion considering sales of City owned Real Estate located on S. Warren Street

City Manager Ladner stated she was approached by a real estate broker and asked if the City would sell Parcel #80-21-30-276-001. She stated the 48 foot wide by 198 foot long vacant parcel which is best described as the scrub brush area that provide a buffer area between the parking lot of McHattie Park and the lot just north of this. She further stated she suggests the City keep the property as a buffer and potential expansion of parking lot for McHattie Park. Councilmember Rzyzi stated he and his family enjoy McHattie Park and he can't imagine changing it in anyway. Councilmember Kramer asked if the developer was interested in the vacant parcel as well. City Manager Ladner stated if he could purchase that property, there was another person interested in purchasing the vacant lot. It was the consensus of Council to keep the Property located at 80-21-30-276-001.

11. Discussion regarding delinquent real estate tax parcel 80-21-29-101-013

City Manager Ladner stated this parcel is .02 acres and the owner is listed as unknown with the City Hall address as the mailing address. She further stated there are some complicated issues to the ownership of this parcel. Originally it was created as a child parcel of 110 E Lake. This property is located behind the resale shop between the alley between the ally and the post office. She further stated the County does not have anything reflecting who actually owns this property. She further stated the Oakland County Treasurer found title search that reflected this parcel may or may not be owned by the Masonic Temple. She further stated the County does not know who owns it. She recommends the City allow it to go to tax foreclosure, then when we get the right of refusal, we consolidate this with the alley parcel. She stated this is the cheapest way to gain clear title. Marilyn Smith owner of the Resale Shop stated she seems to remember a survey being done when David Murphy was still the City Manager that reflected the City owned it. Further discussion was held regarding the parcel. The consensus of Council was to allow this to go to tax foreclosure and let the County do the title work.

12. Review of City Attorney invoices

Councilmember Rzyzi stated there was a recent turnover on City Council. He stated one of the driving themes is improving the downtown. He further stated anything outside of the retainer work is going to cost more money whether we use the City Attorney or hire the Brighton Attorneys. Councilmember Rzyzi stated we need to save money and watch where the money is being spent. He further stated the past Council settled on a 60% increase for the City Attorneys retainer. We are paying for more hours and a higher rate which is concerning. He stated the public has the right to review the invoices and he wants these on the website. Discussion was held regarding the Attorney's invoices. Councilmember Rzyzi questioned the November 4th entry. Attorney Wilhelm stated he was asked to do some research based on the City's Charter and new elected officials. Attorney Wilhelm stated he any discussion he has

based on a question from a representative from the City is considered attorney client privilege unless the City waives it. He stated Council should know what the repercussions could be before waiving privilege. Councilmember Rzyzi asked how a discussion regarding a public document could be considered attorney client privilege. Attorney Wilhelm stated a discussion regarding a public document does not waive attorney client privilege and doesn't mean the conversation shouldn't be attorney client privilege. Attorney Wilhelm stated if Council wishes to have invoices public, he can do any redactions that may be needed beforehand. Councilmember Rzyzi questioned the time spent on the food truck issue, and asked where we are with that issue. Attorney Wilhelm stated we are moving along, and there is a draft, but it may need to be revised. Councilmember Rzyzi questioned the November 11th note in the invoice. Attorney Wilhelm stated that was in anticipation of the road paving issues that may be coming up, and the concept of a millage. Councilmember Rzyzi stated if he speaks with Attorney Wilhelm, he would like his name on the invoice. Attorney Wilhelm stated he will in the future. Councilmember Rzyzi asked why there are so many billings for South Lyon Square sign, what is that for? Attorney Wilhelm stated the owner will need a variance and it will be taken to the Zoning Board of Appeals. Councilmember Rzyzi stated he voted against the pay increase for the Attorney's Office, and he suggested Attorney Wilhelm does not attend the Planning Commission meetings because we have a Planner that can handle that. Further discussion was held regarding invoices. Councilmember Dedakis stated she understands our Attorney has a fiduciary duty to keep some matters private, and then Council can decide what needs to be public. Councilmember Kurtzweil stated the invoices are her only opportunity to see what is happening in the City because she has not been receiving the weekly reports. She questioned the discussion regarding parking at the Alexander Center. Attorney Wilhelm stated he was advised there was an inquiry regarding parking and the occupancy of another part of the building. Councilmember Kurtzweil stated there is a bill for attending an appointment for DDA. She asked why Attorney Wilhelm had to attend a meeting for an appointment to the DDA. City Manager Ladner stated there was a question regarding whether the bylaws for the DDA allowed for a business owner outside of the DDA district could be a member of the DDA with the approval of the DDA members. Councilmember Kurtzweil stated she is trying to understand why the two highest paid members of the City, the City Manager and the City Attorney attending meetings together. She stated the City Manager should be capable of attending some of these meetings on her own. She stated even if it is a legal issue, the City Attorney doesn't need to attend. Councilmember Kivell stated there is an illusion being painted that we are paying for things that aren't worthy of paying our Attorney to do, but even though this month was a little higher than the previous 4 months, this bill was under the retainer, and we pay the retainer regardless. It is important for our Attorney to attend meetings to ensure the City is protected to make sure no one misrepresents the City.

13. Consider acceptance of donations:

a. Donations to the Police and Fire Departments from Ken and Barb Turner

Chief Collins stated as they have done for several years, the Turners have donated separate checks for the Police and Fire Department.

CM 1-14-16 MOTION TO ACCEPT DONATION

Motion by Kramer, supported by Dedakis

Motion to accept donation of \$100.00 for the Police Department and \$100.00 for the Fire Department with thanks from Mr. and Mrs. Turner

b. Donations to the City for the annual Holiday Party

Mayor Pro Tem Wedell stated we received several donations to support the annual Holiday Appreciation Gathering. The donations are from Community Image Builders \$200.00, Johnson Rosati \$500.00, Hubbel Roth & Clark \$400.00, Michigan Seamless Tube \$500.00, Safebuilt \$200.00, Plante & Moran \$100.00. We are very appreciative of their support and assistance with the Holiday party to appreciate our volunteers and employees.

CM 1- 15-16 MOTION TO ACCEPT DONATIONS FOR THE ANNUAL HOLIDAY PARTY

Motion by Kivell, supported by Kramer

Motion to accept with thanks donations to support the Holiday Appreciation Gathering

VOTE:

MOTION CARRIED UNANIMOUSLY

IV. Discussion on Blight Ordinance and unsafe structures- None

V. Discussion- Downtown

Councilmember Rzyzi stated he would like to know what the City would like to do with 390 S Lafayette. City Manager Ladner stated after the Master Plan is adopted she would like to have an open house with the public and the City Planner for everyone to give their input. She further stated the Master Plan will be before Council in March, and having an open house in April or May.

Councilmember Kurtzweil stated the DDA needs a strategic plan, and there is a good example on the website of Wyondotte. She further stated Allen Park began a strategic plan in March of 2014, and their strategic plan was completed by July 2014. She stated she met with the DDA from Rochester Hills and they stated we are missing a phenomenal opportunity by not dressing up the downtown.

Councilmember Kurtzweil stated she spoke with Shaun from Peters Tru Value, and she would like to propose a tax abatement for 5 years if they build the structure. She feels the City should give tax abatements to the downtown businesses which are willing to improve their property. Councilmember Kurtzweil stated the Rochester Hills DDA members visited some of the downtown stores, and they asked how the City can expect people moving into \$500,00 and \$600,000 homes shop in businesses that haven't been redecorated in almost 25 years. She further stated the DDA needs to realize the local businesses need to be modernized. Councilmember Kurtzweil stated she has spoken with a business

from the west coast, which would be a phenomenal business here in the City. She stated they are retail and they currently have locations in Troy and Ann Arbor. She further stated the leasing is a little difficult, but she has made them curious about the downtown South Lyon and she thinks the sales manager will be visiting our City soon. Councilmember Kurtzweil stated time is running out and we need to move forward with the DDA.

MANAGERS REPORT

City Manager Ladner stated there was a comment made earlier in regards to having a liaison with Lyon Township for the Safe Routes to School Grant. She stated she has recently met with them, and she works with the Township very well and they have a good working relationship. City Manager Ladner stated she would like to break the Budget workshops into 2 meetings and she will be getting with the Department Heads to work on the Budget. City Manager Ladner stated we will be hosting the South Oakland County Mayor Association dinner on February 10th if anyone on Council is interested in attending.

COUNCIL COMMENTS

Councilmember Kurtzweil stated she had been retained a few months ago by a business that wanted to relocate to downtown South Lyon where Grand Trunk use to be. She stated the business owner was well versed on the issues, of downtown considered a sad state, but she was willing to take a chance. She further stated this business owner was very bright and savvy, and she knows how to evaluate risk. Her decision to move into the downtown was depending on the vote tonight on hiring the Brighton lawyers, therefore we have lost a business. Councilmember Kurtzweil stated she would like to congratulate the Lyon Township DDA on the purchase of property for downtown parking. She further stated Lyon Township is expecting a retail need, and there will be an expansion for retail parking. She stated the competition is closing in fast and it is a shame that there were steps that could have been taken tonight to move forward but were not taken. Councilmember Kurtzweil stated the Lyon Township DDA has been in shorter existence than the South Lyon DDA has made great progress. She further stated she wanted to thank the Providence Hospital for the improvements they have made to their property here in downtown South Lyon. Councilmember Kurtzweil stated she and Brenda Smith C.P.A will be hosting the Chamber Buffet on January 22nd, at their offices at 417 S Lafayette at 8:30 a.m. Councilmember Kramer stated one of his biggest issues being a part of this Council is the criticism of the City employees by Council. The employees are too busy worrying about losing their jobs, rather than worrying about doing things for the City. He hopes in the strategic planning session they can discuss laying off the City employees and allowing them to do their jobs and then we can move forward. Councilmember Ryzyi stated he has some constructive criticism regarding the meeting being cancelled on December 28th. He stated this meeting could have been cut in half if that meeting was held. He further stated he went to the gym that night and drove by City Hall and the DPW did a great job plowing and salting. Councilmember Ryzyi stated he received a memo regards to limiting the time for public comment and that is a bad and slippery slope to midnight, and if we need to sit here until midnight we

can. We should never limit public comment. Councilmember Rzyzi stated the tarp for the hockey rink is a good idea. Department Head Martin stated the best place for that is the parking lot west of the water plant. He stated the DPW can repave the parking lot in the summer, then it can be flooded in the winter for ice skating. Councilmember Rzyzi stated the South Lyon Police and Fire Department both have very good Facebook pages. He further stated he believes there should be a South Lyon Facebook page. There is a lot of information we could put out there for our residents. He stated his last comment is regarding a meeting he had with a Lyon Township Board Member. He stated an idea they had was having a one time a year meeting with the City Council and the Lyon Township Board Members to discuss common goals.

Mayor Pro Tem Wedell stated he would like to reinforce the comments Councilmember Kramer made. He further stated the open ended discussion items on the agenda are largely a waste of time, and he further stated if anyone would like something on the Agenda, there should be a reason and a plan.

VI. Closed session per Section 8(h) of the OMA for discussion of information exempt from Section 13(1)(g) of the Freedom of Information Act, which exempts from public disclosure information subject to the attorney-client privilege

CM 1-16-16 MOTION TO ENTER INTO CLOSED SESSION

Motion by Kivell, supported by Kramer

Motion to enter into closed session per Section 8(h) of the OMA for the discussion of information exempt from

Section 13(1)(g) of the Freedom of Information Act which exempts from public disclosure information subject to the attorney-client privilege at 11:50 p.m.

VOTE:

ROLL CALL VOTE

Kivell- Yes

Dedakis- Yes

Rzyzi- No

Wedell- Yes

Kramer- Yes

Kurtzweil- No

MOTION FAILED

Attorney Wilhelm stated there is a time issue regarding the issue he wished to discuss in closed session, he will try to explain the issue without too much detail because he needs direction from Council. He further stated the issue involved was the granting of two poverty exemptions that were granted but did not meet the City's policy. Two were granted, one for 50% and one for 100%. The Oakland County Assessor stated because they did not meet the City's guidelines and should not have been granted. He further stated they recommended the City file tax appeals regarding the two exemptions. Mayor Pro Tem Wedell stated the result of the closed session would have resulted in direction from Council in open

1/11/16

session to proceed with the recommendation of the City Attorney. Attorney Wilhelm stated it is unclear if this is an issue of a lack of education or intentional. Councilmember Kurtzweil stated each case should be looked at case by case. It appears the first candidate did not report all income. She further stated she has an issue with the applicant and deliberately misstates assets and income. She stated the 2nd candidate didn't deliberately mis-lead the Board of Review. She cares about the conduct of the individual, not the Board of Review. Attorney Wilhelm stated this is an issue with the Board of Review. Councilmember Rzyzi stated he agrees with Councilmember Kurtzweil and he thinks the 1st applicant was deliberate, but it was not deliberate by the 2nd applicant and we should back off of the 2nd one. Councilmember Kramer stated the issue is the exemptions were already granted, therefore the Assessor is questioning if they should have been granted in the first place, therefore what position does this put the City in. Mayor Pro Tem Wedell stated either way, the proper review should be at the Michigan Tax Tribunal. Councilmember Dedakis stated if there is any question there does need to be a review.

CM 1-16-16 MOTION TO ADVISE THE CITY ATTORNEY TO MOVE FORWARD WITH THE MICHIGAN TAX TRIBUNAL

Motion by Kivell, supported by Kramer

Motion to advise the City Attorney to proceed with the Michigan Tax Tribunal for the two poverty exemptions

VOTE:

MOTION CARRIED- 2 OPPOSED

Adjournment

CM 1-18-16 MOTION TO ADJOURN MEETING

Motion by Kivell, supported by Kramer

Motion to adjourn meeting at 12:00 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Mayor Pro Tem Wedell

Lisa Deaton Clerk/Treasurer

1/11/16

Lynne Ladner

From: Holly Gerdom <holly@thelyon.com>
Sent: Thursday, January 21, 2016 12:38 PM
To: Lynne Ladner
Subject: DDA Resignation

Dear Lynne,

Per our discussion, please accept this as my resignation from the South Lyon DDA Board. Since I have sold the theater it makes sense for me to step down. I wish all the best for South Lyon!

Holly Gerdom

Landmarc

BUILDING • DEVELOPMENT

INCORPORATED

7530 Barnsbury, West Bloomfield, Mi 48324

Phone (248) 716-9425 Fax (248) 716-9426

E-Mail Marc@Landmarcbuilding.Com

1-20-16

City of South Lyon
Members of the
Planning Commission And City Council
335 S Warren St
South Lyon, Mi 48178

To Whom it may concern,

My name is Marc O'Rourke, President of Landmarc Building/Development, Inc. I come before you for the purposes of discussing the future land use plan as it pertains to a parcel of property for which I have obtained an option to purchase.

This parcel of property named West End Industrial is a light industrial park developed approximately 15 years ago, which remains owned by the original developer and has not as of yet had any lot sold to a light industrial purchaser nor has a building been built within the development.

All of the roads, utilities and infrastructure have been installed on this site and yet it remains fallow land.

My company, Landmarc Building/Development, Inc., is a local builder and developer of single family, multi-family and commercial properties operating since 1990 primarily in the I-275 and I-96 corridor. We have most recently developed the new PUD on 10 mile in Lyon Township called Riverwood, and just prior completed the redevelopment and repositioning of Woodwind Glen condos and Woodwind North single family also on 10 Mile. As such we have extensive experience, knowledge and knowhow of repositioning and multi-family developments locally.

With this thought in mind, we feel, and hope you will agree, that West End Industrial, while boasting a well laid out and well built infrastructure is poorly positioned to be successful as an industrial development for many reasons. However, all is not lost! Fifteen years later, I can visualize the rebirth of this development as a high quality, successful and vibrant addition to this community in much the same way our other redevelopment projects have become. We can only breathe new life into this project with your support. So with that said I would welcome opening a discussion and offer the following points to consider;

- Multi family is frequently considered an excellent transitional zoning between residential to the north and west to industrial to the south and east
- Multi family is a less dense use than industrial
- Multi family is a less intense user of utilities, natural resources noise and pollution
- Ranch condos are in high demand with demographics of aging population
- Ranch buyers require less municipal services than most all multi-family types
- The site lays out extremely well for this use
- The industrial use has a great deal of competition from sites on class A roads closer to highways and rail
- City Planners should consider economic viability to ascertain the likelihood of success
- Failed developments do not add to the viability of the City, growth and improvements do
- Residents in this location will improve patronage of local business

For these reasons and more I would ask for your input and support of a master plan amendment or zoning change to this property.

Marc O'Rourke
President
Landmarc Building/Development, Inc.



SCALE 1"=60'



BENCHMARK #7 - nail/tag N. side of 38" oak Elev = 918.10

BENCHMARK #9 - nail/tag N. side of 11" oak Elev = 918.32

SCALE
(IN FEET)
Horizontal Scale: 1 inch = 60 ft.



- VARIES
- LEVATION
- 5 FT. INTERVAL
- 1 FT. INTERVAL
- FORCE MAIN
- PHONE LINE
- CENTRIC LINE
- GRADE OF SLOPE
- ENCE
- BEIN SFT OFF EDGE ROAD (DIXBORO RD)
- 36 conc. 1 ft. inside 3 r.o.w. line.
- NOTE: PAVEMENT TO BEGIN 7' OFF EDGE OF EXISTING AVENUE ROAD (DIXBORO RD) PER O.C.R.C.
- R (TYP.)

NE CORNER SEC. 25
TIN-R8E
GREEN OAK TWP.
LIVINGSTON COUNTY MI

NW CORNER SEC. 30
TIN-R7E
LYON TWP.
OAKLAND COUNTY MI

NOTE: SIGHT DISTANCE EXCEEDS THE REQUIRED 560 FT IN BOTH DIRECTIONS FROM BOTH CARBIDE DR. AND BRIDGEPORT DR.

NOTE: PAVEMENT TO BEGIN SFT OFF EDGE OF EXISTING GRAVEL ROAD (DIXBORO RD) PER O.C.R.C.

ZONED R-1A
21-30-126-001
ALBERT COMBS

EXISTING STRUCTURE
N89°13'15"E
424.16'

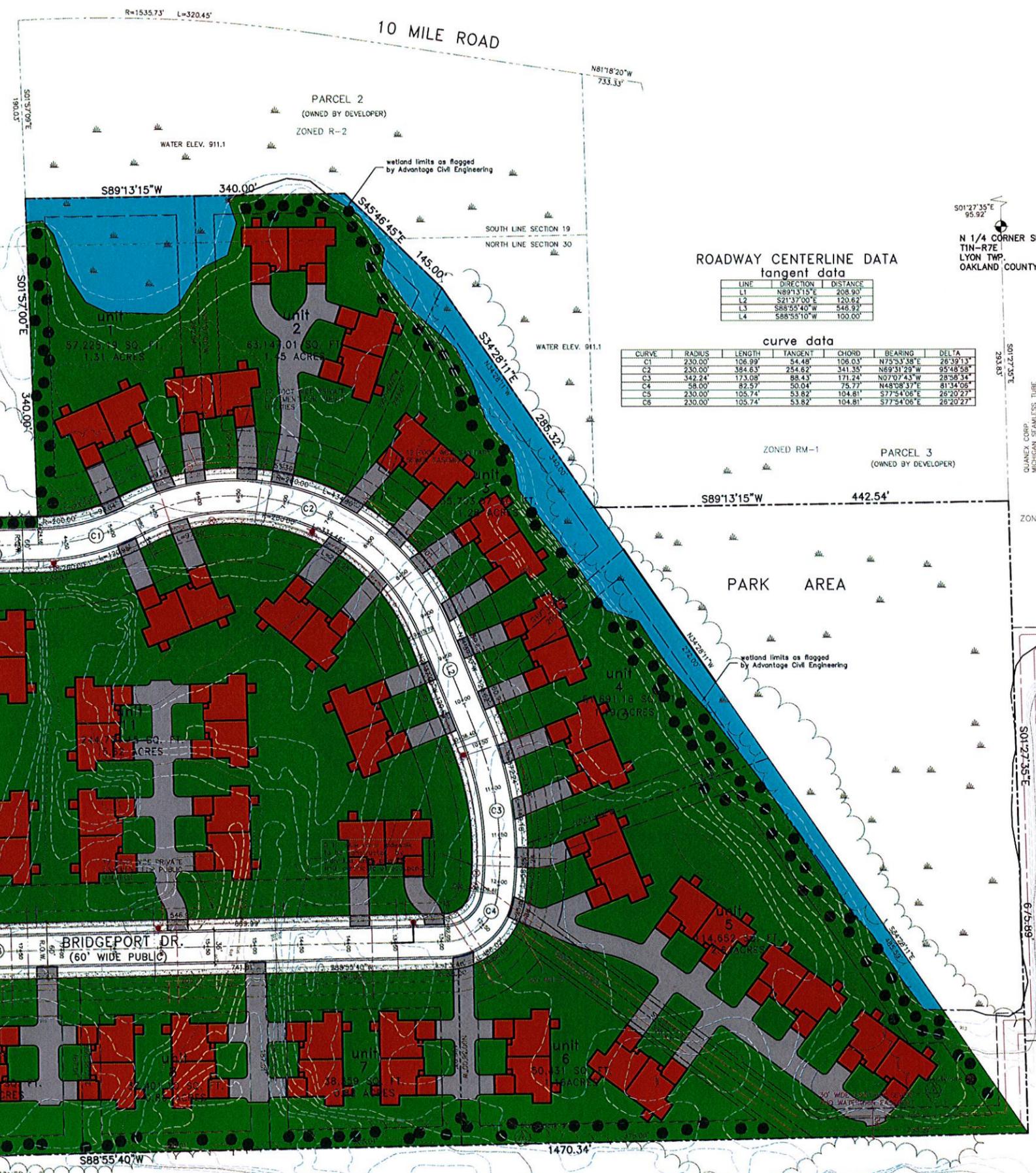
DIXBORO ROAD
(66 FOOT WIDE)

EDENDERRY DR.
(66 FOOT WIDE)

BRIDGEPORT DR.
(60' WIDE PUBLIC)

BRIDGEPORT DR.
(60' WIDE PUBLIC)

BRIDGEPORT DR.
(60' WIDE PUBLIC)



ROADWAY CENTERLINE DATA
tangent data

LINE	DIRECTION	DISTANCE
L1	N89°13'15"E	208.90'
L2	S21°37'00"E	120.62'
L3	S88°55'40"W	546.92'
L4	S88°55'10"W	100.00'

curve data

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	230.00'	106.99'	54.48'	106.03'	N75°53'38"E	26°39'13"
C2	230.00'	384.63'	254.62'	341.35'	N69°31'29"W	95°48'58"
C3	342.24'	173.08'	88.43'	171.24'	N07°07'43"W	28°58'34"
C4	58.00'	82.57'	50.04'	75.77'	N48°08'37"E	81°34'05"
C5	230.00'	105.74'	53.82'	104.81'	S77°54'06"E	26°20'27"
C6	230.00'	105.74'	53.82'	104.81'	S77°54'06"E	26°20'27"

NO. OF UNITS = 66

WEST END PARK
SECTION 19 & 30, TOWN 1 NORTH, RANGE 7 EAST
CITY OF SOUTH LYON, OAKLAND COUNTY, MICHIGAN

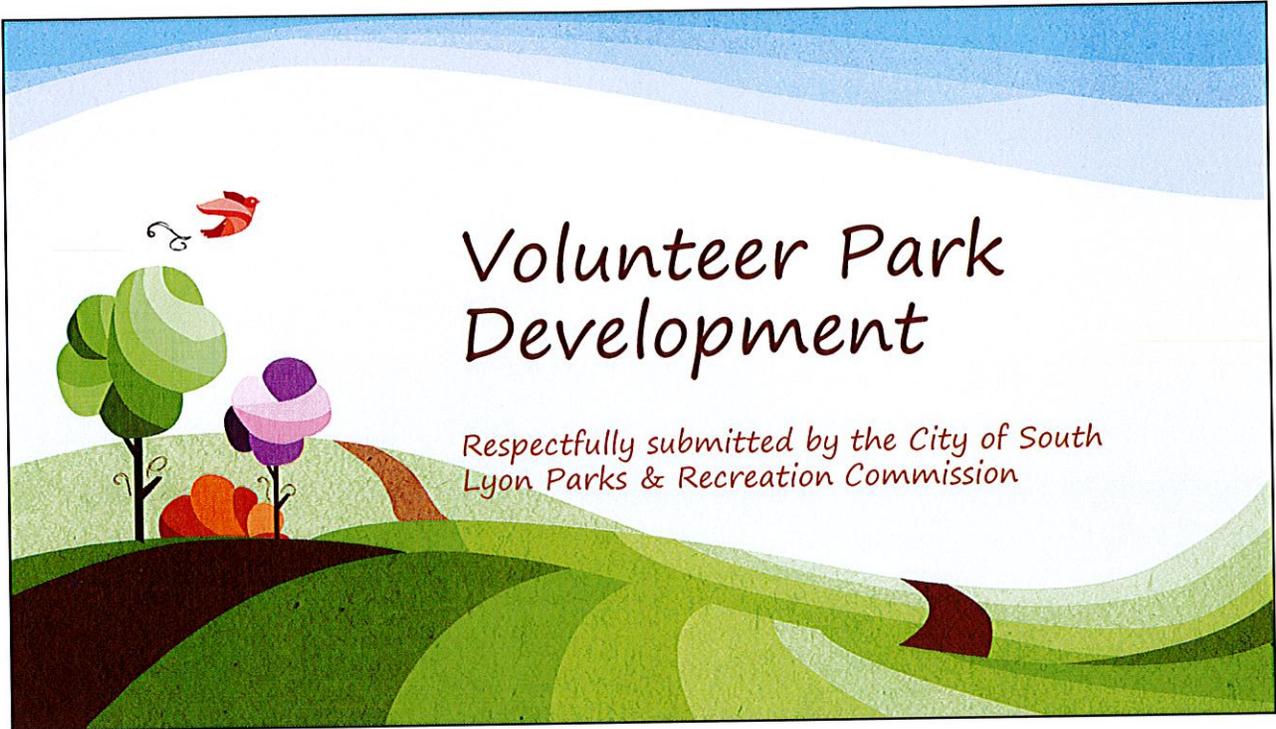
DATE: 1-10-16 DESIGNED BY: A.A. JOB NUMBER: 16-001
CHECKED BY: C.S. DRAWING FILE: 16-001 Layout B

LAYOUT "B"

SEIBER, KEAST ENGINEERING, L.L.C.
CONSULTING ENGINEERS
100 MAINTENCE • SUITE 10 • NORTHVILLE, MICHIGAN • 48167
PHONE: 248.308.3331 FAX: 248.308.3335

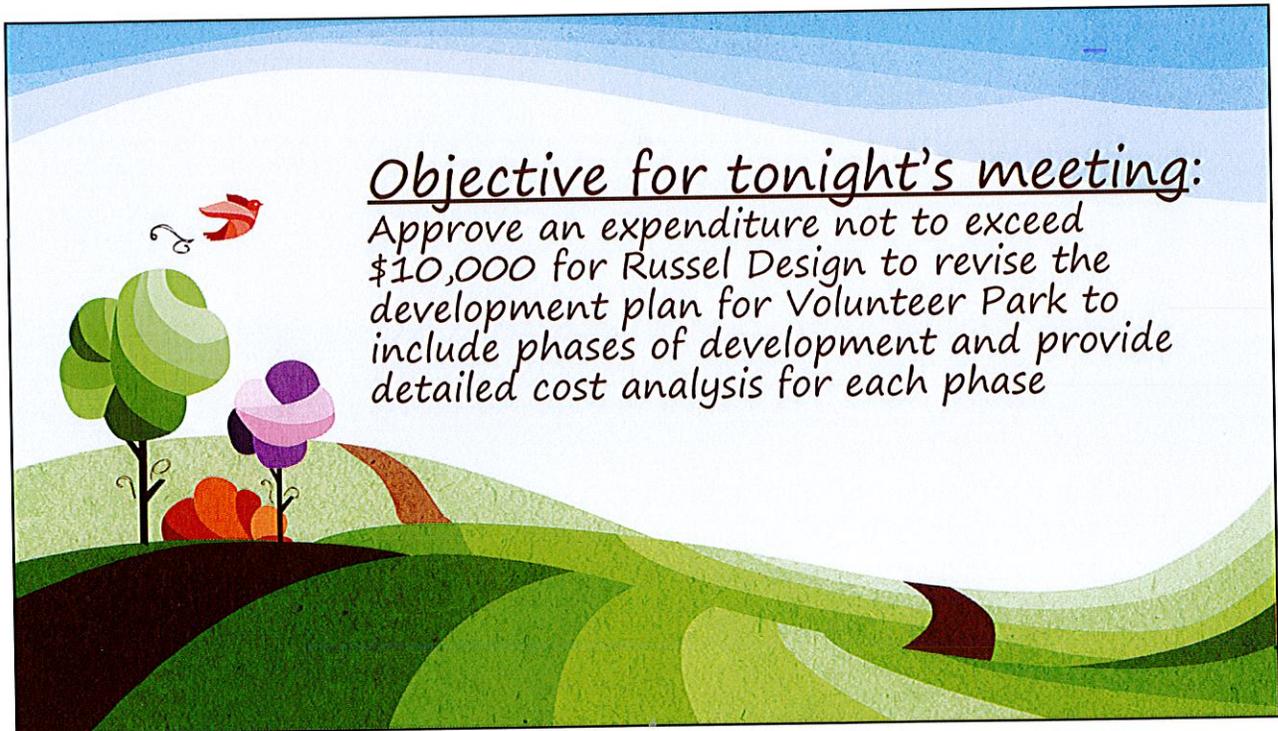
SHEET
1

QUANEX CORP.
MICHIGAN SEAMLESS TUBE
21-30-126-004
400 McMUNN



Volunteer Park Development

*Respectfully submitted by the City of South
Lyon Parks & Recreation Commission*



Objective for tonight's meeting:

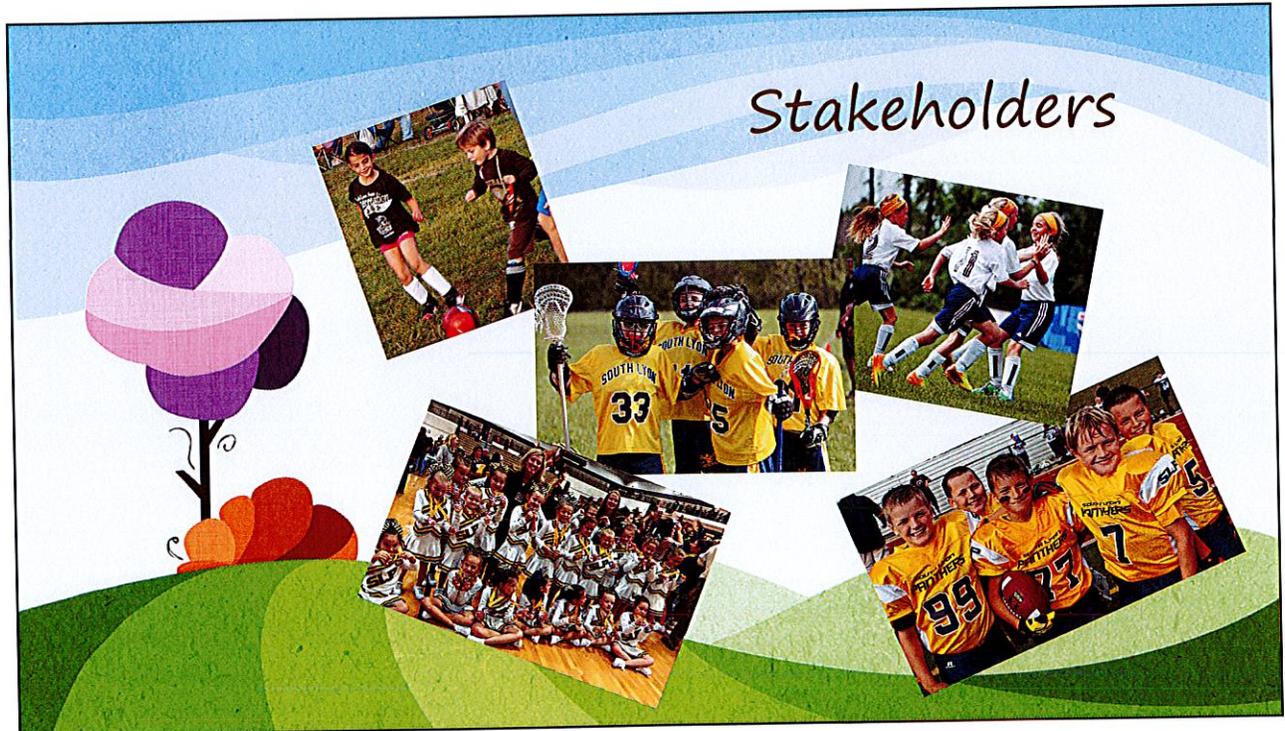
Approve an expenditure not to exceed \$10,000 for Russel Design to revise the development plan for Volunteer Park to include phases of development and provide detailed cost analysis for each phase

What will we be addressing tonight...

- Stakeholders
- Reasoning for Development
- Previously Approved Master Plan for Volunteer Park
- Benefits of City-led Initiative
- Request for the South Lyon City Council
- Next Steps
- Questions...



Stakeholders



- City of South Lyon
- South Lyon Area Recreation Authority (SLARA)
- South Lyon Junior League
- South Lyon Panthers
- South Lyon Soccer Club
- South Lyon Lacrosse Club
- South Lyon Area Youth!

The image displays a collection of logos for various South Lyon organizations. On the left, a list of organizations is provided. To the right, corresponding logos are shown: the City of South Lyon seal, the South Lyon Area Recreation Authority logo with the word 'Recreation' in a stylized font, the South Lyon Junior League logo featuring a baseball bat and ball, the South Lyon Panthers logo with a yellow panther head, the South Lyon Soccer Club logo with a blue shield and a lion, and the South Lyon Lacrosse Club logo with a lacrosse stick and the letters 'SL'.

Reasoning for Development

The image features a stylized landscape with rolling green hills in the foreground and a blue sky with wavy patterns in the background. On the left, a purple and pink flower with a black stem and leaves grows on a green hill. The text 'Reasoning for Development' is written in a black, cursive font across the middle of the image.



Shortage of Fields



The South Lyon School District includes South Lyon, Lyon Township and parts of Salem and Green Oak Township that spans three counties (approximate size – 88 square miles)...

What is the official number of non-school controlled Athletic Fields in this district?

2 Baseball Fields
at McHattie Park

2 Baseball Fields
2 Soccer Fields
at Volunteer Park

8

2 Baseball Fields
at Atchison Park

Location

Location – Parents have to drive to different communities for games/practices.

Right now, single organizations are forced to utilize multiple parks in different communities due to the lack of field space in South Lyon. A parent may be required to take one child to Atchison Park in Lyon Township and bring the other child to Volunteer Park in South Lyon. This adds frustration for families with multiple children in programs.

Because of fields being spread throughout the area, it also requires more work from the stakeholder groups to help with maintenance and upkeep of the fields.



Economic Impact



Through reviewing data of similar size communities, the economic impact of hosting an 8 team baseball and/or softball tournament over 2 days would potentially be \$40,000 to \$75,000 for local businesses.

This would include such segments as:

- ❖ Grocery
- ❖ Restaurants
- ❖ Entertainment
- ❖ Fuel
- ❖ Miscellaneous supplies

Expansion

Future Expansion – Our community is only getting bigger

Each organization has continued to grow in the past few years in participation. More players mean more teams needing more fields

Current Size of programs:

- South Lyon Panthers – 460 participants
- South Lyon Junior League – 1,500 participants
- South Lyon Lacrosse – 277 participants *MAXED OUT
- South Lyon Soccer Club – 300 participants
- SLARA Sports Programs – 1,300 participants

3,837...and getting bigger by the neighborhood!



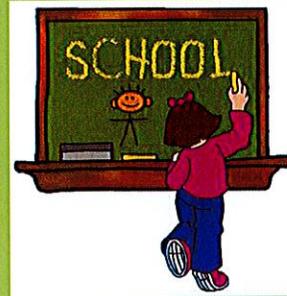
Schools

School use is at an all time high, with not enough space for everyone. When fields are available everyone fights for space and schools are reluctant to let private organizations utilize them.

A new elementary school is being built to help meet the demand for students, however a new school will offer very little in respect to field space. At this time, only one baseball field and a soccer field are scheduled to be included.

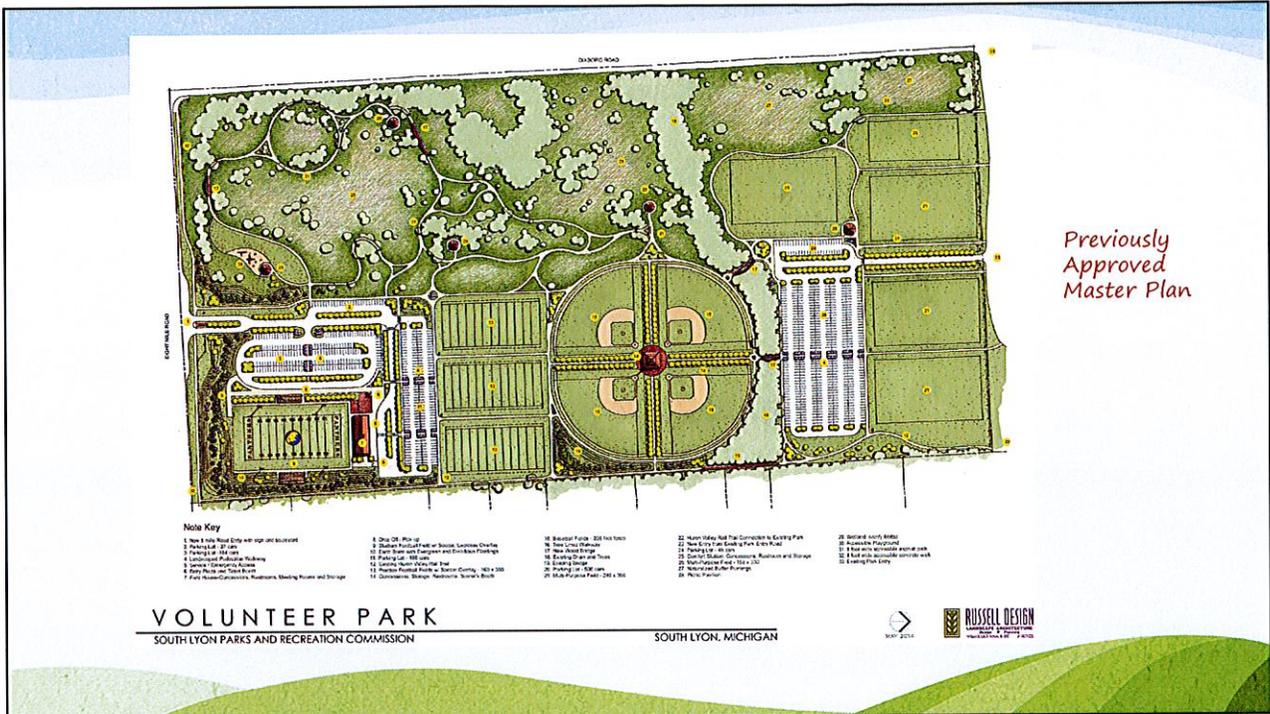
Currently, organizations utilize the following school fields

- ❖ Bartlett Elementary
- ❖ Brummer Elementary
- ❖ Hardy Elementary
- ❖ Kent Lake Elementary
- ❖ Salem Elementary
- ❖ Sayre Elementary
- ❖ Centennial Middle School
- ❖ Millennium Middle School
- ❖ South Lyon East High School
- ❖ South Lyon High School



Previously Approved Master Plan for Volunteer Park





Previously Approved Master Plan for Volunteer Park

South Lyon Panthers Lead Initiative

- ❖ Paid over \$10,500 for preliminary park development plan for Volunteer Park
- ❖ Worked with Junior League, Matcats, Soccer and Lacrosse organizations
- ❖ Presented to the South Lyon City Council on June 23rd, 2014
- ❖ Was met with positive reviews
- ❖ Given blessing by council to move forward with funding

Reasons this plan didn't progress

- ❖ Lack of funding
- ❖ Scope of work exceeded volunteer capacity
- ❖ Field usage priority has changed since preliminary plan was completed
- ❖ Some aspects of preliminary plan were too specific and grand



Benefits of a City-led Initiative

Benefits of a City-led initiative would include:

- ❖ Easier communication between all parties
- ❖ Dedicated point person
- ❖ Quicker turnaround on decisions
- ❖ Qualified for more fundraising/grant opportunities than individual organizations
- ❖ Follows current Master Plan goals for Volunteer Park development
- ❖ Shows a commitment by the City to make this happen!

The cost for modifying the previous plan is something that no single stakeholder organization is able to take on at this time given that construction is not a guarantee.

All stakeholders are willing and able to help out in any way possible!



Request for South Lyon City Council

The Parks and Recreation Commission would like City Council to approve an expenditure not to exceed \$10,000 for Russel Design to revise the development plan for Volunteer Park to include phases of development and provide detailed cost analysis for each phase.

The previous plan was done by Russell Design and was a conceptual design only. A revised plan illustrating phases of development with accompanying detailed cost analysis is needed. The reasons we are requesting to contract with Russel Design are as follows:

- Russel Design has already done preliminary research with all stakeholder groups in regards to design requests
- Russel Design has the previous design already in their software system which will eliminate initial design fees/costs associated with starting over with another design firm
- Contracting with Russel Design allows us to save time and money because they will be modifying an existing plan as opposed to creating a design from scratch



The new plan would include Phases of Development as determined by the Stakeholders and the City of South Lyon.

After each phase is determined a detailed plan and cost analysis would be brought before City Council for approval. After approval we would begin securing funding for that specific phase. The goal is to make development a reality by developing the park phase by phase to make funding more realistic.

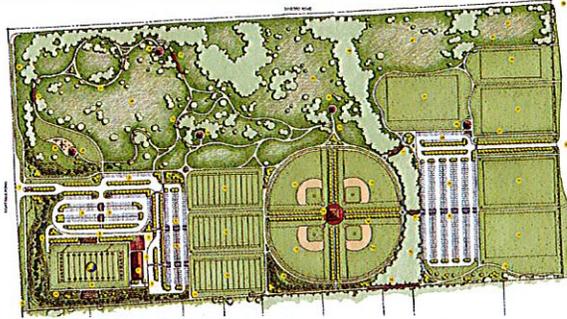
A decorative graphic featuring a stylized flower with purple and pink petals on the left side, growing from a green hill. The background consists of light blue and white wavy bands at the top, and more green hills at the bottom. The text 'Next Steps: After fund approval...' is centered in the middle of the graphic.

*Next Steps:
After fund approval...*

Contact Design Firm

The City of South Lyon would contact Russel Design to arrange for a revised phased plan for the development of Volunteer Park and detailed cost analysis.

The completed plan would then be presented to all parties involved for approval.



Determine Maintenance Needs

In the meantime, stakeholders would meet with South Lyon DPW to determine increase in maintenance cost for this development and research ways to offset this added annual expense.

Some possibilities for helping to offset the cost of upkeep on this new development

- ❖ Hosting Tournaments
- ❖ Continued Fundraising by Stakeholder Groups



Determine Funding Possibilities

In the meantime, the stakeholders would meet with City of South Lyon Staff to create a database of possible funding options available for each phase of this project. A Foundation presentation would also be created.

Some possibilities for helping to offset the cost of this new development included...

- ❖ Crowdfunding Initiatives
- ❖ Private Sponsors/Foundations
- ❖ Nationwide Recreation Foundations
- ❖ Michigan DNR Grants
- ❖ Youth Sports Foundations
- ❖ MSHDA
- ❖ MEDC

Start Securing Funds

After the revised plan is completed the plan would be submitted to City Council for approval. Upon approval, the committee can start securing funds for Phase I of Development.

- ❖ Can begin submitting for grants
- ❖ Can create crowdfunding campaigns
- ❖ Can contact specific foundations with requests
- ❖ Can reach out to specific companies with financial requests

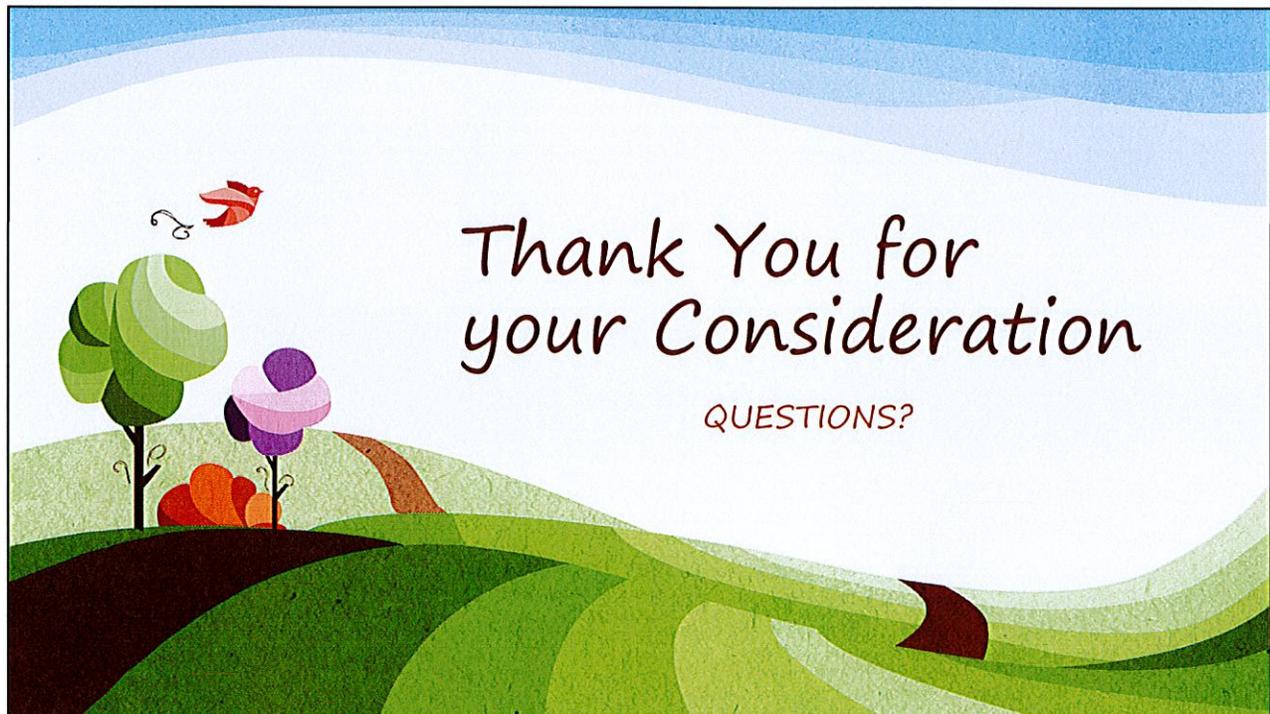


Once Funding is secured for Phase 1 -
Break Ground on Phase I!



Thank You for
your Consideration

QUESTIONS?



AGENDA NOTE

New Business: Item _____

MEETING DATE: January 25, 2016

PERSON PLACING ITEM ON AGENDA: City Manager/City Attorney

AGENDA TOPIC: First Reading - Dangerous building ordinance

EXPLANATION OF TOPIC: The Michigan Housing Law, MCL 125.401 et seq, (Public Act 167 of 1917) is a standard resource used by municipalities for defining dangerous buildings and outlining procedures for addressing dangerous buildings in their communities. The Housing Law applies "to any city and organized village in this state which, as determined by the last regular or special federal census, has or shall hereafter attain a population of 10,000 or more." MCL 125.540. Thus, the Housing Law applies to the City of South Lyon, but the City is not required to enforce the Housing law and may adopt the Act by reference or by setting out its provisions in detail with or without amendments. See, MCL 125.543.

The proposed ordinance incorporates various definitions and procedures from the Housing Law and from the City of Brighton Unsafe Structures ordinance which were litigated in the *Bonner v City of Brighton* case.

Below is a summary of the ordinance by section.

18-401 Definitions. This Section gives definitions of the terms words and phrases used in the ordinance, the most significant of which is "dangerous building" which uses the definition in the Housing Law, MCL 125.539. There are 10 conditions listed, the existence of any one or more of which makes a building or structure dangerous.

18-402 Dangerous Building Prohibited. This Section explains that it shall be unlawful for an owner or agent to keep or maintain a dangerous building, structure or facility as defined in the ordinance.

18-403 Owner and Occupants Responsible for Building. This section explains that the owner and occupants of a building or structure are responsible for maintaining it in a clean and habitable condition. This provision was taken from the City of Brighton ordinance - Section 18-48.

18-404 Notice of Dangerous Building. This Section explains the notices required to be sent to an owner or party in interest of a dangerous building or structure prior to a hearing. It specifies who is to receive notice, the contents of the notice, and the manner in which the notice must be served.

18-405 Emergency measures. This Section provides the City with emergency authority to address a condition involving a dangerous building or structure which presents an immediate danger to life or safety or any person, and it provides that the cost of such emergency actions shall be the responsibility of the owner and may be collected in the same manner as other costs incurred in the dangerous building process. This Section was modeled after the City of Brighton Section 18-56. Additionally, this Section may not be

necessary as the IPMC provides the code official with authority to address immediate threats to life and safety on an emergency basis.

18-406 Hearing officer, filing of notice with hearing officer. This Section provides for the appointment of a dangerous building hearing officer and the qualifications of such an officer, and it provides that a notice copy of a notice of dangerous building must be filed with the hearing officer.

18-407 Hearing, testimony, decision; compliance; unreasonable repairs. This Section explains how a dangerous building hearing is to be conducted, including the timing for the hearing officer's written decision and order. It also explains the procedures with regard to compliance or non-compliance with the hearing officer's order.

This Section also contains a provision addressing unreasonable repairs which is consistent with the City of Brighton Section 18-59 which was litigated in *Bonner v City of Brighton*. This provision provides that the City does not need to allow an owner an opportunity to repair a dangerous building if the repairs would exceed 100 percent of the property's true cash value as reflected on the City's assessment roll in effect before the building became a dangerous building. This is an un rebuttable presumption that the building is a dangerous and must be demolished. This provision also contains several exceptions for circumstances where the building became a dangerous building due to events out of the owner's control.

18-408 Noncompliance; Enforcement Hearing. This Section explains the procedures for a hearing before the City Council when the owner has failed to comply with the hearing officer's order. The City Council may approve, disapprove or modify the hearing officer's order. This Section also provides additional procedures for compliance with the City Council's decision.

18-409 Implementation and Enforcement of Remedies. This Section explains how the City Council's decision is implemented, and it provides explanations for charging and recovering the costs for demolition or making a building or structure safe as well as other remedies and procedures to ensure recovery of the City's costs.

18-410 Appeal to Circuit Court. This Section provides that an owner or party in interest aggrieved by a final decision or decision of the City Council may appeal to the circuit court within 20 days of the date of the decision or order being appealed from.

18-411 Violation of Ordinance, Penalties; Public Nuisance. This Section explains that violations of this ordinance are municipal civil infractions subject to civil fines of not more than \$500 plus costs as well as other direct and indirect costs. Every day a violation exists and continues shall constitute a separate offense. Also, this Section provides that a building or structure in violation of this ordinance is a public nuisance and may be abated by order of any court of competent jurisdiction.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

Proposed dangerous building ordinance
MCL 125.401
Article VII of the Housing Law, MCL 125.523 through MCL 125.543.
City of Brighton Unsafe Structures Ordinance, Sections 18-46 through 18-64.

POSSIBLE COURSES OF ACTION: approve/not approve/postpone/table First Reading of Dangerous Building Ordinance

RECOMMENDATION: Approve First Reading of Dangerous Building Ordinance.

SUGGESTED MOTION: Motion to approve the First Reading of Dangerous Building Ordinance.

ORDINANCE NO. __-16

CITY OF SOUTH LYON
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 18 - "BUILDINGS AND BUILDING REGULATIONS," ARTICLE III - "PROPERTY MAINTENANCE CODE," BY REPEALING THE CITY'S ADOPTION OF THE BOCA PROPERTY MAINTENANCE CODE, FIFTH EDITION, 1996 AND EXISTING SECTIONS 18-111 AND 18-112 IN THEIR ENTIRETY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH, AND BY ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, AND NEW SECTIONS 18-111 AND 18-112 REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF SOUTH LYON; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR.

THE CITY OF SOUTH LYON ORDAINS:

PART I. Repeal of Sections 18-111 and 18-112 . Existing Sections 18-111 and 18-112, of the City of South Lyon Code of Ordinances and the City's adoption of the BOCA Property Maintenance Code, fifth edition, 1996 are hereby repealed in their entirety.

PART II. Adoption of New Sections 18-111 and 18-112 and Adoption of the 2012 Edition of the International Property Maintenance Code. Sections 18-111 and 18-112 of the City of South Lyon Code of Ordinances, are hereby adopted to read as follows:

Sec. 18-111. Adoption of property maintenance code.

That a certain document, three (3) copies of which are on file at the City of South Lyon, 335 S. Warren, Michigan, being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of South Lyon, in the State of Michigan, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of

permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of South Lyon are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Sec. 18-112. Additions, insertions and changes.

The following sections of the *International Property Maintenance Code*, 2012 edition, are hereby revised as follows:

Section 101.1. Title. These regulations shall be known as the *International Property Maintenance Code* of the City of South Lyon, hereinafter referred to as "this code".

Section 103.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule: City of South Lyon Schedule of Fees, as amended from time to time.

Section 111.2. Membership of Board. The construction board of appeals of the jurisdiction for purposes of the state construction code shall serve as the board of appeals for purposes of this code.

Section 112.4. Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$500.00.

Section 302.4. Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

Section 304.14. Insect Screens. During the period from June 15 to September 1, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied

with *approved* tightly-fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

Section 602.3. Heat Supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from September 1 to June 15 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature of the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to June 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

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

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

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

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

Made, Passed and Adopted by the South Lyon City Council this ____ day of _____, 2016.

John Galeas, Jr., Mayor

Lisa Deaton, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the ____ day of _____, 2016.

Lisa Deaton, City Clerk

Adopted:
Published:
Effective:

HOUSING LAW OF MICHIGAN (EXCERPT)
Act 167 of 1917

ARTICLE VII
ENFORCEMENT.

125.521, 125.522 Repealed. 1972, Act 230, Eff. Jan. 1, 1973.

Compiler's note: The repealed sections pertained to plans and specifications for the construction or alteration of dwellings, buildings, or structures.

125.523 Administration of act; joint administration and enforcement agreement.

Sec. 123. The governing body of a municipality to which this act by its terms applies, or the governing body of a municipality which adopts the provisions of this act by reference, shall designate a local officer or agency which shall administer the provisions of the act, and if no such officer or agency is designated then the local governing body shall be responsible for administration of the act. Municipalities may provide, by agreement, for the joint administration and enforcement of this act where such joint enforcement is practicable.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.525 Registry of owners and premises.

Sec. 125. (1) A registry of owners and premises shall be maintained by the enforcing agency.

(2) The owners of a multiple dwelling or rooming house containing units which will be offered to let, or to hire, for more than 6 months of a calendar year, shall register their names and places of residence or usual places of business and the location of the premises regulated by this act with the enforcing agency. The owners shall register within 60 days following the day on which any part of the premises is offered for occupancy. Owners of multiple dwellings or rooming houses containing units which are occupied or offered for occupancy at the time this act becomes effective shall register within 90 days after the effective date of this article.

(3) If the premises are managed or operated by an agent, the agent's name and place of business shall be placed with the name of the owner in the registry.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.526 Inspection; intervals; inspection by federal government as substitute; basis; inspectors; hours of inspection; permission to enter leasehold; duties of owner; ordinance; multiple lessees; discrimination prohibited; fees; report; dwelling or rooming house with child residing; definitions.

Sec. 126. (1) The enforcing agency shall inspect multiple dwellings and rooming houses regulated by this act in accordance with this act. Except as provided in subsection (2), the period between inspections shall not be longer than 4 years. All other dwellings regulated by this act may be inspected at reasonable intervals. Inspections of multiple dwellings or rooming houses conducted by the United States department of housing and urban development under the real estate assessment center inspection process or other government agencies may be accepted by a local governmental unit and an enforcing agency as a substitute for inspections required by a local enforcing agency. To the extent permitted under applicable law, a local enforcing agency or its designee is authorized to exercise inspection authority delegated by law or agreement from other agencies or authorities that perform inspections required under other state law or federal law.

(2) A local governmental unit may provide by ordinance for a maximum period between inspections of a multiple dwelling or rooming house that is not longer than 6 years if the most recent inspection of the premises found no violations of the act and the multiple dwelling or rooming house has not changed ownership during the 6-year period.

(3) An inspection shall be conducted in the manner best calculated to secure compliance with the act and appropriate to the needs of the community, including, but not limited to, on 1 or more of the following bases:

(a) An area basis, such that all the regulated premises in a predetermined geographical area will be inspected simultaneously, or within a short period of time.

(b) A complaint basis, such that complaints of violations will be inspected within a reasonable time.

(c) A recurrent violation basis, such that premises that are found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.

(d) A compliance basis, such that a premises brought into compliance before the expiration of a certificate of compliance or any requested repair order may be issued a certificate of compliance for the maximum renewal certification period authorized by the local governmental unit.

(e) A percentage basis, such that a local governmental unit may establish a percentage of units in a multiple dwelling to be inspected in order to issue a certificate of compliance for the multiple dwelling.

(4) An inspection shall be carried out by the enforcing agency, or by the enforcing agency and representatives of other agencies that form a team to undertake an inspection under this and other applicable acts.

(5) Except as provided in subsection (7), an inspector, or team of inspectors, shall request and receive permission to enter before entering a leasehold regulated by this act at reasonable hours to undertake an inspection. In the case of an emergency, as defined under rules promulgated by the enforcing agency, or upon presentment of a warrant, the inspector or team of inspectors may enter at any time.

(6) Except in an emergency, before entering a leasehold regulated by this act, the owner of the leasehold shall request and obtain permission to enter the leasehold. In the case of an emergency, including, but not limited to, fire, flood, or other threat of serious injury or death, the owner may enter at any time.

(7) The enforcing agency may require the owner of a leasehold to do 1 or more of the following:

(a) Provide the enforcing agency access to the leasehold if the lease provides the owner a right of entry.

(b) Provide access to areas other than a leasehold or areas open to public view, or both.

(c) Notify a tenant of the enforcing agency's request to inspect a leasehold, make a good faith effort to obtain permission for an inspection, and arrange for the inspection. If a tenant vacates a leasehold after the enforcing agency has requested to inspect that leasehold, an owner of the leasehold shall notify the enforcing agency of that fact within 10 days after the leasehold is vacated.

(d) Provide access to the leasehold if a tenant of that leasehold has made a complaint to the enforcing agency.

(8) A local governmental unit may adopt an ordinance to implement subsection (7).

(9) For multiple lessees in a leasehold, notifying at least 1 lessee and requesting and obtaining the permission of at least 1 lessee satisfies subsections (5) and (7).

(10) Neither the enforcing agency nor the owner may discriminate against an occupant on the basis of whether the occupant requests, permits, or refuses entry to the leasehold.

(11) The enforcing agency shall not discriminate against an owner who has met the requirements of subsection (7) but has been unable to obtain the permission of the occupant, based on the owner's inability to obtain that permission.

(12) The enforcing agency may establish and charge a reasonable fee for inspections conducted under this act. The fee shall not exceed the actual, reasonable cost of providing the inspection for which the fee is charged. An owner or property manager shall not be liable for an inspection fee if the inspection is not performed and the enforcing agency is the direct cause of the failure to perform.

(13) An enforcing agency or a local governmental unit shall produce a report to a requesting party on the income and expenses of the inspection program for the preceding fiscal year. The report shall contain the fees assessed by the enforcing agency, the costs incurred in performing inspections, and the number of units inspected. The report shall be provided to the requesting party within 90 days of the request. The enforcing agency or local governmental unit may produce the report electronically. If the enforcing agency does not have readily available access to the information required for the report, the enforcing agency may charge the requesting party a fee no greater than the actual reasonable cost of providing the information. If an enforcing agency charges a fee under this subsection, the enforcing agency shall include the costs of providing and compiling the information contained in the report.

(14) If a complaint identifies a dwelling or rooming house regulated under this act in which a child is residing, the dwelling or rooming house shall be inspected prior to inspection of any nonemergency complaint.

(15) As used in this section:

(a) "Child" means an individual under 18 years of age.

(b) "Leasehold" means a private dwelling or separately occupied apartment, suite, or group of rooms in a 2-family dwelling or in a multiple dwelling if the private dwelling or separately occupied apartment, suite, or group of rooms is leased to the occupant under the terms of either an oral or written lease.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968;—Am. 1997, Act 200, Imd. Eff. Jan. 2, 1998;—Am. 2000, Act 479, Imd. Eff. Jan. 11, 2001;—Am. 2008, Act 408, Imd. Eff. Jan. 6, 2009.

125.527 Inspection; warrants for nonemergency situation; no warrant required in emergency.

Sec. 127. (1) In a nonemergency situation where the owner or occupant demands a warrant for inspection of the premises, the enforcing agency shall obtain a warrant from a court of competent jurisdiction. The enforcing agency shall prepare the warrant, stating the address of the building to be inspected, the nature of the inspection, as defined in this or other applicable acts, and the reasons for the inspection. It shall be

appropriate and sufficient to set forth the basis for inspection (e.g. complaint, area or recurrent violation basis) established in this section, in other applicable acts or in rules or regulations. The warrant shall also state that it is issued pursuant to this section, and that it is for the purposes set forth in this and other acts which require that inspections be conducted.

(2) If the court finds that the warrant is in proper form and in accord with this section, it shall be issued forthwith.

(3) In the event of an emergency no warrant shall be required.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.528 Inspections; public policy; records; checklist of violations.

Sec. 128. (1) It is the policy of this state that the inspection procedures set forth in this article are established in the public interest, to secure the health and safety of the occupants of dwellings and of the general public.

(2) The enforcing agency shall keep a record of all inspections.

(3) The enforcing agency shall make available to the general public a checklist of commonly recurring violations for use in examining premises offered for occupancy.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.529 Certificate of compliance; issuance; inspection.

Sec. 129. (1) Units in multiple dwellings or rooming houses shall not be occupied unless a certificate of compliance has been issued by the enforcing agency. The certificates shall be issued only upon an inspection of the premises by the enforcing agency, except as provided in section 131. The certificate shall be issued within 15 days after written application therefor if the dwelling at the date of the application is entitled thereto.

(2) A violation of this act shall not prevent the issuance of a certificate, but the enforcing agency shall not issue a certificate when the existing conditions constitute a hazard to the health or safety of those who may occupy the premises.

(3) Inspections shall be made prior to first occupancy of multiple dwellings and rooming houses, if the construction or alteration is completed and first occupancy will occur after the effective date of this article. Where first occupancy will occur before the effective date of this article, inspection shall be made within 1 year after the effective date of this article. Upon a finding that there is no condition that would constitute a hazard to the health and safety of the occupants, and that the premises are otherwise fit for occupancy, the certificate shall be issued. If the finding is of a condition that would constitute a hazard to health or safety, no certificate shall be issued, and an order to comply with the act shall be issued immediately and served upon the owner in accordance with section 132. On reinspection and proof of compliance, the order shall be rescinded and a certificate issued.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.530 Certificate withheld; premises not to be occupied; conditions of issuance; suspension of rent payments, escrow; account for rent and possession.

Sec. 130. (1) When a certificate is withheld pending compliance, no premises which have not been occupied for dwelling or rooming purposes shall be so occupied, and those premises which have been or are occupied for dwelling or rooming purposes may be ordered vacated until reinspection and proof of compliance in the discretion of the enforcing agency.

(2) A certificate of compliance shall be issued on condition that the premises remain in safe, healthful and fit condition for occupancy. If upon reinspection the enforcing agency determines that conditions exist which constitute a hazard to health or safety, the certificate shall be immediately suspended as to affected areas, and the areas may be vacated as provided in subsection (1).

(3) The duty to pay rent in accordance with the terms of any lease or agreement or under the provisions of any statute shall be suspended and the suspended rentals shall be paid into an escrow account as provided in subsection (4), during that period when the premises have not been issued a certificate of compliance, or when such certificate, once issued, has been suspended. This subsection does not apply until the owner has had a reasonable time after the effective date of this article or after notice of violations to make application for a temporary certificate, as provided in section 131. Nor does this subsection apply where the owner establishes that the conditions which constitute a hazard to health or safety were caused by the occupant or occupants. The rent, once suspended, shall again become due in accordance with the terms of the lease or agreement or statute from and after the time of reinstatement of the certificate, or where a temporary certificate has been issued, as provided in section 131.

(4) Rents due for the period during which rent is suspended shall be paid into an escrow account established by the enforcing officer or agency, to be paid thereafter to the landlord or any other party authorized to make repairs, to defray the cost of correcting the violations. The enforcing agency shall return any unexpended part of sums paid under this section, attributable to the unexpired portion of the rental period, where the occupant terminates his tenancy or right to occupy prior to the undertaking to repair.

(5) When the certificate of compliance has been suspended, or has not been issued, and the rents thereafter withheld are not paid into the escrow account, actions for rent and for possession of the premises for nonpayment of rent may be maintained, subject to such defenses as the tenant or occupant may have upon the lease or contract.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.531 Certificate; application; temporary certificates; fee.

Sec. 131. (1) An owner shall apply for a certificate of compliance. Inspection and issuance of certificates shall be in accordance with the requirements of this act and with procedures established by the enforcing agency. The enforcing agency may authorize the issuance of temporary certificates without inspection for those premises in which there are no violations of record as of the effective date of this article, and shall issue such temporary certificates upon application in cases where inspections are not conducted within a reasonable time. Temporary certificates shall also be issued for premises with violations of record, whether existing before or after the effective date of this article, when the owner can show proof of having undertaken to correct such conditions, or when the municipality has been authorized to make repairs, or when a receiver has been appointed, or when an owner rehabilitation plan has been accepted by the court.

(2) An application for a certificate shall be made when the owners, or any of them, enroll in the registry of owners and premises. If the owner fails to register, any occupant of unregistered or uncertified premises may make application.

(3) A fee of \$10.00 shall be paid by the applicant at the time the certificate is issued.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.532 Violations; recording; notice; order to correct, reasonable time; reinspection; notice to family independence agency.

Sec. 132. (1) If, upon inspection, the premises or any part of the premises are found to be in violation of any provision of this act, the enforcing agency shall record the violation in the registry of owners and premises.

(2) The owner, and, in the enforcing agency's discretion, the occupant, shall be notified in writing of the violation. The notice shall state the date of the inspection, the name of the inspector, the nature of the violation, and the time within which the correction shall be completed.

(3) If an inspector determines that a violation constitutes a hazard to the occupant's health or safety, under circumstances where the premises cannot be vacated, the enforcing agency shall order the violation corrected within the shortest reasonable time. The owner shall notify the enforcing agency of having begun compliance within 3 days. All other violations shall be corrected within a reasonable time.

(4) The enforcing agency shall reinspect after a reasonable time to ascertain whether the violation has been corrected.

(5) If an inspector determines that a violation constitutes a hazard to the health or safety of the occupants, the enforcing agency shall notify the family independence agency within 48 hours. The notice shall state the date of the inspection, the name of the inspector, the nature of the violation, and the time within which the correction shall be completed. The family independence agency shall check the address of the premises against the list of rent-vendored family independence program recipients.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968;—Am. 2000, Act 479, Imd. Eff. Jan. 11, 2001.

125.533 Compliance by owner and occupant.

Sec. 133. (1) The owner of premises regulated by this act shall comply with all applicable provisions of the act.

(2) The occupant of premises regulated by this act shall comply with provisions of the act specifically applicable to him.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.534 Noncompliance with notice of violation; actions; parties; motion for temporary relief; service of complaint and summons; filing notice of pendency of action; orders and determinations; repair or removal of structure; exception; costs; order approving

expenses; lien; authority of municipality; “urban core cities” defined.

Sec. 134. (1) If the owner or occupant fails to comply with the order contained in the notice of violation, the enforcing agency may bring an action to enforce this act and to abate or enjoin the violation.

(2) An owner or occupant of the premises upon which a violation exists may bring an action to enforce this act in his or her own name. Upon application by the enforcing agency, or upon motion of the party filing the complaint, the local enforcing agency may be substituted for, or joined with, the complainant in the discretion of the court.

(3) If the violation is uncorrected and creates an imminent danger to the health and safety of the occupants of the premises, or if there are no occupants and the violation creates an imminent danger to the health and safety of the public, the enforcing agency shall file a motion for a preliminary injunction or other temporary relief appropriate to remove the danger during the pendency of the action.

(4) Owners and lienholders of record or owners and lienholders ascertained by the complainant with the exercise of reasonable diligence shall be served with a copy of the complaint and a summons. The complainant shall also file a notice of the pendency of the action with the appropriate county register of deeds office where the premises are located.

(5) The court of jurisdiction shall make orders and determinations consistent with the objectives of this act. The court may enjoin the maintenance of unsafe, unhealthy, or unsanitary conditions, or violations of this act, and may order the defendant to make repairs or corrections necessary to abate the conditions. The court may authorize the enforcing agency to repair or to remove the building or structure. If an occupant is not the cause of an unsafe, unhealthy, or unsanitary condition, or a violation of this act, and is the complainant, the court may authorize the occupant to correct the violation and deduct the cost from the rent upon terms the court determines just. If the court finds that the occupant is the cause of an unsafe, unhealthy, or unsanitary condition, or a violation of this act, the court may authorize the owner to correct the violation and assess the cost against the occupant or the occupant's security deposit.

(6) A building or structure shall not be removed unless the cost of repair of the building or structure will be greater than the state equalized value of the building or structure except in urban core cities or local units of government that are adjacent to or contiguous to an urban core city that have adopted stricter standards to expedite the rehabilitation or removal of a boarded or abandoned building or structure that remains either vacant or boarded, or both, and a significant attempt has not been made to rehabilitate the building or structure for a period of 24 consecutive months.

(7) If the expense of repair or removal is not provided for, the court may enter an order approving the expense and placing a lien on the real property for the payment of the expense. The order may establish and provide for the priority of the lien as a senior lien, except as to tax and assessment liens, and except as to a recorded mortgage of first priority, recorded prior to all other liens of record if, at the time of recording of that mortgage or at a time subsequent, a certificate of compliance as provided for in this act is in effect on the subject property. The order may also specify the time and manner for foreclosure of the lien if the lien is not satisfied. A true copy of the order shall be filed with the appropriate county register of deeds office where the real property is located within 10 days after entry of the order to perfect the lien granted in the order.

(8) This act does not preempt, preclude, or interfere with the authority of a municipality to protect the health, safety, and general welfare of the public through ordinance, charter, or other means.

(9) As used in this section, “urban core cities” means qualified local governmental units as that term is defined in section 2 of the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2782.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968;—Am. 1976, Act 116, Imd. Eff. May 14, 1976;—Am. 2003, Act 80, Imd. Eff. July 23, 2003.

125.535 Receiver; appointment, termination; purpose; powers; expenses.

Sec. 135. (1) When a suit has been brought to enforce this act against the owner the court may appoint a receiver of the premises.

(2) When the court finds that there are adequate grounds for the appointment of a receiver, it shall appoint the municipality or a proper local agency or officer, or any competent person, as receiver. In the discretion of the court no bond need be required. The receivership shall terminate at the discretion of the court.

(3) The purpose of a receivership shall be to repair, renovate and rehabilitate the premises as needed to make the building comply with the provisions of this act, and where ordered by the court, to remove a building. The receiver shall promptly comply with the charge upon him in his official capacity and restore the premises to a safe, decent and sanitary condition, or remove the building.

(4) Subject to the control of the court the receiver shall have full and complete powers necessary to make the building comply with the provisions of this act. He may collect rents, and other revenue, hold them against the claim of prior assignees of such rents, and other revenue, and apply them to the expenses of making the

building comply with the provisions of this act. He may manage and let rental units, issue receivership certificates, contract for all construction and rehabilitation as needed to make the building comply with the provisions of this act, and exercise other powers the court deems proper to the effective administration of the receivership.

(5) When expenses of the receivership are not otherwise provided for, the court may enter an order approving the expenses and providing that there shall be a lien on the real property for the payment thereof. The provisions of subsection (7) of section 134 as to the contents and filing of an order are applicable to the order herein provided for.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.536 Additional remedies; occupant's action; concurrent remedies.

Sec. 136. (1) When the owner of a dwelling regulated by this act permits unsafe, unsanitary or unhealthful conditions to exist unabated in any portion of the dwelling, whether a portion designated for the exclusive use and occupation of residents or a part of the common areas, where such condition exists in violation of this act, any occupant, after notice to the owner and a failure thereafter to make the necessary corrections, shall have an action against the owner for such damages he has actually suffered as a consequence of the condition. When the condition is a continuing interference with the use and occupation of the premises, the occupant shall also have injunctive and other relief appropriate to the abatement of the condition.

(2) Remedies under this section shall be in addition to such other relief as may be obtained by seeking enforcement of the section authorizing suits by a local enforcement agency. The remedies shall be concurrent. When several remedies are available hereunder, the court may order any relief not inconsistent with the objectives of this act, and calculated to achieve compliance with it.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.537 Common law rights retained.

Sec. 137. The enumeration of rights of action under this article shall not limit or derogate rights of action at common law.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.538 Dangerous building prohibited.

Sec. 138. It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building as defined in section 139.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969.

125.539 "Dangerous building" defined.

Sec. 139. As used in sections 138 to 142, "dangerous building" means a building or structure that has 1 or more of the following defects or is in 1 or more of the following conditions:

(a) A door, aisle, passageway, stairway, or other means of exit does not conform to the approved fire code of the city, village, or township in which the building or structure is located.

(b) A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of this act or a building code of the city, village, or township in which the building or structure is located for a new building or structure, purpose, or location.

(c) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.

(d) A portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by this act or a building code of the city, village, or township in which the building or structure is located.

(e) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

(f) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.

(g) The building or structure is damaged by fire, wind, or flood, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a

harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

(h) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.

(i) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(j) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2518. For purposes of this subdivision, "building or structure" includes, but is not limited to, a commercial building or structure. This subdivision does not apply to either of the following:

(i) A building or structure if the owner or agent does both of the following:

(A) Notifies a local law enforcement agency in whose jurisdiction the building or structure is located that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement agency by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

(B) Maintains the exterior of the building or structure and adjoining grounds in accordance with this act or a building code of the city, village, or township in which the building or structure is located.

(ii) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies a local law enforcement agency in whose jurisdiction the dwelling is located that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the law enforcement agency not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling, including, but not limited to, a vacation home, hunting cabin, or summer home, that is occupied by the owner or a member of the owner's family during part of a year.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969;—Am. 1992, Act 113, Eff. Mar. 31, 1993;—Am. 1992, Act 144, Eff. Mar. 31, 1993;—Am. 2003, Act 55, Imd. Eff. July 14, 2003.

125.540 Notice of dangerous building; contents; hearing officer; service.

Sec. 140. (1) Notwithstanding any other provision of this act, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

(2) The notice shall be served on the owner, agent, or lessee that is registered with the enforcing agency under section 125. If an owner, agent, or lessee is not registered under section 125, the notice shall be served on each owner or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.

(3) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

(4) The hearing officer shall be appointed by the mayor, village president, or township supervisor to serve at his or her pleasure. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as hearing officer. The enforcing agency shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

(5) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969;—Am. 1992, Act 144, Eff. Mar. 31, 1993.

125.541 Hearing; testimony; determination to close proceedings or order building or structure demolished, made safe, or properly maintained; failure to appear or noncompliance with order; hearing; enforcement; reimbursement and notice of cost; lien;

remedies.

Sec. 141. (1) At a hearing prescribed by section 140, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than 5 days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

(2) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent, or lessee shall comply with the order. If the building is a dangerous building under section 139(j), the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.

(3) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (2), the hearing officer shall file a report of the findings and a copy of the order with the legislative body of the city, village, or township not more than 5 days after the date for compliance set in the order and request that necessary action be taken to enforce the order. If the legislative body of the city, village, or township has established a board of appeals under section 141c, the hearing officer shall file the report of the findings and a copy of the order with the board of appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in section 140.

(4) The legislative body or the board of appeals of the city, village, or township, as applicable, shall set a date not less than 30 days after the hearing prescribed in section 140 for a hearing on the findings and order of the hearing officer. The legislative body or the board of appeals shall give notice to the owner, agent, or lessee in the manner prescribed in section 140 of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The legislative body or the board of appeals of the city, village, or township shall either approve, disapprove, or modify the order. If the legislative body or board of appeals approves or modifies the order, the legislative body shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. For an order of demolition, if the legislative body or the board of appeals of the city, village, or township determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

(5) The cost of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the charges authorized under this act. The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the city, village, or township to bring the property into conformance with this act shall be reimbursed to the city, village, or township by the owner or party in interest in whose name the property appears.

(6) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the city, village, or township shall have a lien for the cost incurred by the city, village, or township to bring the property into conformance with this act. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(7) In addition to other remedies under this act, the city, village, or township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. A city, village, or township shall have a lien on the property for the amount of a judgment obtained under this

subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969;—Am. 1992, Act 113, Eff. Mar. 31, 1993;—Am. 1992, Act 144, Eff. Mar. 31, 1993;—Am. 2003, Act 55, Imd. Eff. July 14, 2003.

125.541a Enforcement of judgment against other assets; lien; effectiveness; priority.

Sec. 141a. (1) A judgment in an action brought pursuant to section 141(7) may be enforced against assets of the owner other than the building or structure.

(2) A city, village, or township shall have a lien for the amount of a judgment obtained pursuant to section 141(7) against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior files and recorded liens and encumbrances.

History: Add. 1992, Act 109, Eff. Mar. 31, 1993.

125.541b Noncompliance with order as misdemeanor; penalties; designation of blight violation by municipality.

Sec. 141b. (1) Except as otherwise provided under subsection (2), a person who fails or refuses to comply with an order approved or modified by the legislative body or board of appeals under section 141 within the time prescribed by that section is guilty of a misdemeanor punishable by imprisonment for not more than 120 days or a fine of not more than \$1,000.00, or both.

(2) If a legislative body of a municipality formed under the home rule city act, 1909 PA 279, MCL 117.1 to 117.38, has enacted an ordinance that is substantially the same as sections 138 to 142, the municipality may designate the violation of its ordinance as a blight violation in accordance with section 4q of the home rule city act, 1909 PA 279, MCL 117.4q.

History: Add. 1992, Act 144, Eff. Mar. 31, 1993;—Am. 2008, Act 50, Imd. Eff. Mar. 28, 2008.

125.541c Board of appeals; establishment; appointment and terms of members; vacancy; election of officers; quorum; compensation; expenses; meetings; writings.

Sec. 141c. (1) The legislative body of a city, village, or township may establish a board of appeals to hear all of the cases and carry out all of the duties of the legislative body described in section 141(3) and (4).

(2) The board of appeals shall be appointed by the legislative body of the city, village, or township and shall consist of the following members:

- (a) A building contractor.
- (b) A registered architect or engineer.
- (c) Two members of the general public.

(d) An individual registered as a building official, plan reviewer, or inspector under the building officials and inspectors registration act, Act No. 54 of the Public Acts of 1986, being sections 338.2301 to 338.2313 of the Michigan Compiled Laws. The individual may be an employee of the enforcing agency.

(3) Board of appeals members shall be appointed for 3 years, except that of the members first appointed, 2 members shall serve for 1 year, 2 members shall serve for 2 years, and 1 member shall serve for 3 years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.

(4) The board of appeals annually shall elect a chairperson, vice-chairperson, and other officers that the board considers necessary.

(5) A majority of the board of appeals members appointed and serving constitutes a quorum. Final action of the board of appeals shall be only by affirmative vote of a majority of the board members appointed and serving.

(6) The legislative body of the city, village, or township shall fix the amount of any per diem compensation provided to the members of the board of appeals. Expenses of the board of appeals incurred in the performance of official duties may be reimbursed as provided by law for employees of the legislative body of the city, village, or township.

(7) A meeting of the board of appeals shall be held pursuant to the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(8) A writing prepared, owned, used, in the possession of, or retained by the board of appeals in the

performance of an official function shall be made available to the public pursuant to the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: Add. 1992, Act 144, Eff. Mar. 31, 1993.

125.542 Appeal to circuit court.

Sec. 142. An owner aggrieved by a final decision or order of the legislative body or the board of appeals under section 141 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969;—Am. 1992, Act 144, Eff. Mar. 31, 1993;—Am. 2003, Act 55, Imd. Eff. July 14, 2003.

125.543 Adoption of housing law not required.

Sec. 143. Nothing herein contained shall require any city, village or township to adopt Act No. 167 of the Public Acts of 1917, as amended, being the housing law of Michigan.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969.

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The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Unsafe structure means a structure which has any of the following defects or is in any of the following conditions:

- (1) A structure, because of dilapidation, decay, damage, faulty construction, or otherwise which is unsanitary or unfit for human use;
- (2) A structure that has light, air, or sanitation facilities which are inadequate to protect the health, safety, or general welfare of those who live or may live within;
- (3) A structure that has inadequate means of egress as required by this Code;
- (4) A structure, or part thereof, which is likely to partially or entirely collapse, or some part of the foundation or underpinning is likely to fall or give way so as to injure persons or damage property;
- (5) A structure that is in such a condition so as to constitute a nuisance, as defined by this Code;
- (6) A structure that is hazardous to the safety, health, or general welfare of the people of the city by reason of inadequate maintenance, dilapidation, or abandonment;
- (7) A structure that has become vacant, dilapidated, and open at door or window, leaving the interior of the structure exposed to the elements or accessible to entrance by trespassers or animals or open to casual entry;
- (8) A structure that has settled to such an extent that walls or other structural portions have less resistance to winds than is required in the case of new construction by this Code;
- (9) A structure that has been damaged by fire, wind, flood, or by any other cause to such an extent as to be dangerous to the life, safety, health, or general welfare of the people living in the city;
- (10) A structure that has become damaged to such an extent that the cost of repair to place it in a safe, sound, and sanitary condition exceeds 50 percent of the assessed valuation of the structure, at the time when repairs are to be made.

(Ord. No. 307, § IX(104.1), 8-6-87)

Cross references: Definitions generally, § 1-2.

Sec. 18-47. Unlawful to occupy or maintain.

It shall be unlawful for an owner or agent to maintain or occupy an unsafe structure.

(Ord. No. 307, § IX(104.2), 8-6-87)

Sec. 18-48. Owner and occupants responsible for structure.

All persons or entities who own, manage, lease, rent, or occupy any structure shall be equally responsible for keeping the structure in a clean and habitable condition and shall take all necessary precautions to prevent any nuisance or other condition detrimental to public health, safety, or general welfare from arising thereon.

(Ord. No. 307, § IX(104.3), 8-6-87)

Sec. 18-49. Enforcing officers.

The city manager, or his designee, are empowered to perform the duties and functions and are given the authority of regularly authorized and appointed police officers of the city in the enforcement of the provisions of this article.

(Ord. No. 307, § IX(104.4), 8-6-87)

Sec. 18-50. Rules and regulations.

The city manager, or his designee, are authorized to prepare such reasonable rules and regulations as he deems necessary to carry out and enforce the provisions of this article.

(Ord. No. 307, § IX(104.5), 8-6-87)

Sec. 18-51. Right of entry.

The city manager, or his designee, shall have the right to enter private property at any reasonable hour of the day or night for the purpose of making a sanitary or health survey of the structure, obtaining a sample of water, collecting other data and material pertaining to public health, or enforcing the provisions of this Code. It shall be unlawful for any person to resist or attempt to prevent the city manager, or his designee, from carrying out the purposes of this section. The city manager, or his designee, shall have in their possession, while carrying out the duties outlined above, sufficient credentials identifying themselves. Such credentials shall be exhibited by the bearer on demand to any person in charge of the structure.

(Ord. No. 307, § IX(104.6), 8-6-87)

Sec. 18-52. Notice.

- (a) The city manager, or his designee, shall issue a notice of unsafe structure when it is determined that the structure is unsafe.
- (b) Service of the notice shall be made upon the owner or agent registered with the city and if not registered as indicated by the records of the city assessor by:
 - (1) Personally delivering a copy to the owner or agent;
 - (2) Mailing a copy by certified mail, postage prepaid, return receipt requested to the owner as indicated by the records of the city assessor and posting a copy of the notice upon a conspicuous part of the structure; or

(3) When service cannot be made by either of the above methods, by publishing the notice in a local newspaper of general circulation once a week for three consecutive weeks and by posting a copy of the notice upon a conspicuous part of the structure.

(c) The notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Specify the repairs and improvements required to be made to render the structure safe or if the city manager, or his designee, has determined the structure cannot be made safe, indicate that the structure is to be demolished;
- (4) Specify a reasonable time within which the repairs and improvements must be made or the structure must be demolished;
- (5) Include an explanation of the right to appeal the decision to the city council within ten calendar days of receipt of the notice in accordance with section 18-61;
- (6) Include a statement that the recipient of the notice must notify the city manager within ten calendar days of receipt of the notice of his intent to accept or reject the terms of the notice.

(Ord. No. 307, § IX(104.7), 8-6-87)

Sec. 18-53. Placarding of structure.

If the owner or agent refuses to comply with the requirements set forth in the notice, the city manager shall cause to be posted at each entrance of the structure a placard bearing the words:

Do not enter. This Structure is Unsafe and its Use or Occupancy has been Prohibited by the City of Brighton.

(Ord. No. 307, § IX(104.8), 8-6-87)

Sec. 18-54. Removal of placard.

The city manager, or his designee, shall remove the placard whenever the structure has been made safe. It shall be unlawful for any person to deface or remove a placard without the approval of the city manager or his designee.

(Ord. No. 307, § IX(104.9), 8-6-87)

Sec. 18-55. Prohibited use.

It shall be unlawful for any person to occupy a placarded structure or part thereof, or for any owner or any person responsible for the structure to allow anyone to occupy the placarded structure.

(Ord. No. 307, § IX(104.10), 8-6-87)

Sec. 18-56. Emergency measures.

When in the opinion of the city manager, or his designee, there is an actual and immediate danger of failure or

collapse of a structure or any part of a structure which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, the city manager, or his designee, is hereby authorized and empowered to order and require the occupants to vacate the structure immediately and the provisions of this article relating to notice are not applicable. The city manager, or his designee, shall cause to be posted at each entrance to the structure a notice reading as follows:

Do not enter. This Building is Unsafe and its Use or Occupancy has been Prohibited by the City of Brighton.
(Ord. No. 307, § IX(104.11), 8-6-87)

Sec. 18-57. Temporary safeguards.

When, in the opinion of the city manager, or his designee, there is an actual and immediate danger of collapse or failure of a structure or any part of a structure which would endanger life, or when any structure or a part of a structure has fallen and life is endangered by the occupation of the structure, the city manager, or his designee, shall cause the necessary work to be done to make the structure or part of the structure temporarily safe, whether or not the legal proceedings herein described have been instituted. The cost of making the structure or any part of the structure temporarily safe shall be a lien against the real property and shall be reported to the city assessor, who shall assess the costs against the property on which the structure is located.

(Ord. No. 307, § IX(104.12), 8-6-87)

Sec. 18-58. Notice and order to show cause.

(a) If an owner or agent fails to comply with the requirements set forth in the notice issued in accordance with section 18-52, the city manager, or his designee, shall serve a notice and order to show cause upon the owner or agent of the structure that is registered with the city and if not registered as indicated by the records of the city assessor. The notice and order to show cause shall be served in the same manner as provided in section 18-52 and shall be served not less than seven calendar days prior to the show cause hearing. The notice shall:

- (1) Specify the conditions making the structure unsafe;
- (2) Specify the action necessary to alleviate the unsafe condition;
- (3) Specify the time and place of the show cause hearing; and
- (4) Advise the owner or agent that he shall have the opportunity at the public hearing to present testimony and evidence to show cause why the structure should not be demolished or otherwise made safe as recommended by the city manager, or his designee.

(b) The show cause hearing shall be conducted by the city council and shall be at a regularly scheduled meeting of the council.

(Ord. No. 307, § IX(104.13), 8-6-87)

Sec. 18-59. Unreasonable repairs.

Whenever the city manager, or his designee, has determined that a structure is unsafe and has determined that the cost of the repairs would exceed 100 percent of the true cash value of the structure as reflected on the city assessment tax rolls in effect prior to the building becoming an unsafe structure, such repairs shall be

presumed unreasonable and it shall be presumed for the purpose of this article that such structure is a public nuisance which may be ordered demolished without option on the part of the owner to repair. This section is not meant to apply to those situations where a structure is unsafe as a result of an event beyond the control of the owner, such as fire, windstorm, tornado, flood or other Act of God. If a structure has become unsafe because of an event beyond the control of the owner, the owner shall be given by the city manager, or his designee, reasonable time within which to make repairs and the structure shall not be ordered demolished without option on the part of the owner to repair. If the owner does not make the repairs within the designated time period, then the structure may be ordered demolished without option on the part of the owner to repair. The cost of demolishing the structure shall be a lien against the real property and shall be reported to the city assessor, who shall assess the cost against the property on which the structure is located.

(Ord. No. 307, § IX(104.14), 8-6-87)

Sec. 18-60. Restoration.

A structure deemed to be unsafe may be restored to a safe condition provided a change of use or occupancy is not contemplated or compelled by reason of such reconstruction or restoration. If the damage or cost of reconstruction or restoration is in excess of 50 percent of the structure's assessed value, exclusive of foundations, such structure shall be made to comply with the requirements for materials and methods of construction of structures hereafter erected.

(Ord. No. 307, § IX(104.15), 8-6-87)

Sec. 18-61. Appeal to city council.

An owner of a structure determined to be unsafe may appeal the decision to the city council. The appeal shall be in writing and shall state the basis for the appeal. The appeal must be filed within ten calendar days from receipt of the notice of unsafe structure if the notice was served personally or by mail and ten calendar days from the date of the last publication if served by publication. The owner or his agent shall have an opportunity to be heard by the city council at a regularly scheduled council meeting. The city council may affirm, modify, or reverse all or part of the determination of the city manager, or his designee.

(Ord. No. 307, § IX(104.16), 8-6-87)

Sec. 18-62. Commencement of legal proceedings.

If the owner or his agent refuses to abide by the requirements set forth in the notice of unsafe structure or the notice and order to show cause or refuses to abide by the decision of the city council rendered at the show cause hearing, or on appeal, the city council may, by resolution, authorize the city attorney's office to initiate the appropriate legal proceedings.

(Ord. No. 307, § IX(104.17), 8-6-87)

Sec. 18-63. Appeal to circuit court.

An owner aggrieved by any final decision of the city council may appeal the decision to the county circuit

court by filing a complaint within 20 calendar days from the date of the decision.

(Ord. No. 307, § IX(104.18), 8-6-87)

Sec. 18-64. Penalties and remedies.

(a) Any person who shall violate any provision of this article shall be punished as provided by section 1-16 of this Code.

(b) Any person guilty of violation of this article shall also be subject to civil proceedings for damages and/or injunctive relief by the city or by any person or entity injured or damaged by such violation. Commencement of any such proceedings shall not constitute an election of remedies.

(c) Each day that a violation continues to exist shall constitute a separate offense.

(Ord. No. 307, § IX(104.19), 8-6-87)

Secs. 18-65—18-75. Reserved.

[View the mobile version.](#)

HOUSING LAW OF MICHIGAN (EXCERPT)
Act 167 of 1917

125.401 Short title; scope of act.

Sec. 1. This act shall be known as the housing law of Michigan and shall apply to every city and organized village in this state which, by the last regular or special federal census, had a population of 100,000 or more, and to every city or village as its population shall reach 100,000 thereafter and also to that territory immediately adjacent and contiguous to the boundaries of such a city or village and extending for a radial distance of 2-1/2 miles beyond their boundaries in all directions. This act shall also apply to any city and organized village in this state which, as determined by the last regular or special federal census, has or shall hereafter attain a population of 10,000 or more. This act relating to private dwellings and 2-family dwellings does not apply to any city or organized village lying outside the 2-1/2 mile radius and having a population of less than 100,000 unless the legislative body of the city or village by resolution, passed by a majority vote of the members elect of the legislative body, adopt the provisions. In the case of charter townships and townships the provisions of this act relating to private dwellings and 2-family dwellings may be applied to those areas by ordinance of the respective township board adopting the provisions. This act applies to all dwellings within the classes defined in the following sections, except that in sections where specific reference is made to 1 or more specific classes of dwellings, those provisions shall apply only to those classes to which specific reference is made. All other provisions that relate to dwellings shall apply to all classes of dwellings.

History: 1917, Act 167, Eff. Aug. 10, 1917;—Am. 1919, Act 326, Imd. Eff. May 13, 1919;—CL 1929, 2487;—Am. 1939, Act 303, Eff. Sept. 29, 1939;—Am. 1941, Act 91, Imd. Eff. May 16, 1941;—CL 1948, 125.401;—Am. 1976, Act 137, Imd. Eff. June 2, 1976;—Am. 2008, Act 408, Imd. Eff. Jan. 6, 2009.

Compiler's note: The catchlines following the act section numbers of this act were incorporated as a part of the act when enacted.

AGENDA NOTE

New Business: Item ____

MEETING DATE: January 25, 2016

PERSON PLACING ITEM ON AGENDA: City Manager/Building Official/City Attorney

AGENDA TOPIC: First Reading - Ordinance to adopt the 2012 International Property Maintenance Code

EXPLANATION OF TOPIC: The City's current property maintenance code is the BOCA Property Maintenance Code, fifth edition, 1996 which is outdated. To provide the appropriate tools and ordinances to allow for enforcement of property maintenance standards throughout the City, the City should adopt an updated property maintenance code.

The 2012 International Property Maintenance Code (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings, and it is designed to meet the need for a modern and up-to-day property maintenance code through code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

The IPMC is based on principles intended to establish provisions that are consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; that do not unnecessarily increase construction costs; that do not restrict the use of new materials, products or methods of construction; and that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

The IPMC is intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility for compliance with the IPMC is fixed among owners, operators and occupants. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

The IPMC also encourages international consistency in the application of its provisions, and the International Code Council provides resources regarding the application and interpretation of the IPMC as well as a process for updating the IPMC as a model code.

The following is a summary quoted directly from the IPMC explaining the scope and intent of the chapters in the Code.

Chapter 1 Scope and Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the

scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the property maintenance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that “equal protection under the law” has been provided.

Chapter 2 Definitions. All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term’s definition is especially key to or necessary for understanding of a particular code provision, the term is shown in italics wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code is provided.

Chapter 3 General Requirements. Chapter 3, “General Requirements,” is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building’s structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter’s provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

Chapter 4 Light, Ventilation and Occupancy Limitations. The purpose of Chapter 4 is to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifies occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding. This chapter also provides for alternative arrangements of windows and other devices to comply with the requirements for light and ventilation and prohibits certain room arrangements and occupancy uses.

Chapter 5 Plumbing Facilities and Fixture Requirements. Chapter 5 establishes the minimum criteria for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. Chapter 5 establishes the minimum criteria to verify that these principles are maintained throughout the life of a building.

Chapter 6 Mechanical and Electrical Requirements. The purpose of Chapter 6 is to establish minimum performance requirements for heating, electrical and mechanical facilities and to establish minimum standards for the safety of these facilities.

This chapter establishes minimum criteria for the installation and maintenance of the following: heating and air-conditioning equipment, appliances and their supporting systems; water-heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

Chapter 7 Fire Safety Requirements. The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building's occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

This chapter contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 7 establishes the minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems.

Chapter 8 Referenced Standards. The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 8 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

Proposed ordinance adopting the 2012 IPMC.

POSSIBLE COURSES OF ACTION: approve/not approve/postpone/table First Reading of Ordinance to adopt 2012 IPMC

RECOMMENDATION: Approve the first reading of the ordinance to adopt the 2012 IPMC

SUGGESTED MOTION: Motion to approve the First Reading of the Ordinance to adopt the 2012 IPMC.

ORDINANCE NO. __-16

CITY OF SOUTH LYON
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 18 - "BUILDINGS AND BUILDING REGULATIONS," ARTICLE III - "PROPERTY MAINTENANCE CODE," BY REPEALING THE CITY'S ADOPTION OF THE BOCA PROPERTY MAINTENANCE CODE, FIFTH EDITION, 1996 AND EXISTING SECTIONS 18-111 AND 18-112 IN THEIR ENTIRETY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH, AND BY ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, AND NEW SECTIONS 18-111 AND 18-112 REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF SOUTH LYON; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR.

THE CITY OF SOUTH LYON ORDAINS:

PART I. Repeal of Sections 18-111 and 18-112. Existing Sections 18-111 and 18-112, of the City of South Lyon Code of Ordinances and the City's adoption of the BOCA Property Maintenance Code, fifth edition, 1996 are hereby repealed in their entirety.

PART II. Adoption of New Sections 18-111 and 18-112 and Adoption of the 2012 Edition of the International Property Maintenance Code. Sections 18-111 and 18-112 of the City of South Lyon Code of Ordinances, are hereby adopted to read as follows:

Sec. 18-111. Adoption of property maintenance code.

That a certain document, three (3) copies of which are on file at the City of South Lyon, 335 S. Warren, Michigan, being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of South Lyon, in the State of Michigan, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of

permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of South Lyon are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Sec. 18-112. Additions, insertions and changes.

The following sections of the *International Property Maintenance Code*, 2012 edition, are hereby revised as follows:

Section 101.1. Title. These regulations shall be known as the *International Property Maintenance Code* of the City of South Lyon, hereinafter referred to as "this code".

Section 103.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule: City of South Lyon Schedule of Fees, as amended from time to time.

Section 111.2. Membership of Board. The construction board of appeals of the jurisdiction for purposes of the state construction code shall serve as the board of appeals for purposes of this code.

Section 112.4. Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$500.00.

Section 302.4. Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

Section 304.14. Insect Screens. During the period from June 15 to September 1, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied

with *approved* tightly-fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

Section 602.3. Heat Supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from September 1 to June 15 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature of the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to June 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

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

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

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

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

Made, Passed and Adopted by the South Lyon City Council this ____ day of _____, 2016.

John Galeas, Jr., Mayor

Lisa Deaton, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the ____ day of _____, 2016.

Lisa Deaton, City Clerk

Adopted:
Published:
Effective:

AGENDA NOTE

New Business: Item

MEETING DATE: January 25, 2016

PERSON PLACING ITEM ON AGENDA: City Manager Lynne Ladner

AGENDA TOPIC: Consider Dorothy Street Sanitary Sewer Relocation Proposal for Professional Engineering Services

EXPLANATION OF TOPIC: Bob Martin and I met with representatives from HRC to obtain a proposal and cost estimate for the relocation of the sanitary sewer line located on Dorothy Street between McMunn and Hagedorn. This is a line that has multiple sanitary sewer backups into at least two residential properties over the past five years often times more than once a year. The line is supposed to be gravity feed to the sewer main on Hagedorn but the pipe has an unacceptable degree of drop which permits the line to become blocked easily. Currently, the line is jetted at least once a month and monitored weekly for potential problems but without changing the degree of grade the backups which are considered to be the City's responsibility as it is the main not the service leads that is preventing the free flow of material backups in the system will continue to occur.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Proposal from HRC

POSSIBLE COURSES OF ACTION: Approve/Deny acceptance of the proposal for engineering services and authorize the City to solicit bids for the relocation of the line.

RECOMMENDATION: Approve acceptance of the proposal for engineering services and authorize the City to solicit bids for the relocation of the line.

SUGGESTED MOTION: Moved by, _____ seconded by, _____ to approve acceptance of the proposal for engineering services and authorize the City to solicit bids for the relocation of the line.

PRINCIPALS

George E. Hubbell
Thomas E. Biehl
Walter H. Alix
Keith D. McCormack
Nancy M. D. Fought
Daniel W. Mitchell
Jesse B. VanDeCreek
Roland N. Alix
Michael C. MacDonald
James F. Burton

SENIOR ASSOCIATES

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

ASSOCIATES

Jonathan E. Booth
Marvin A. Olane
Marshall J. Grazioli
Donna M. Martin
Charles E. Hart
Colleen L. Hill-Stramsak
Bradley W. Shepler
Karyn M. Stickle
Jane M. Graham

HUBBELL, ROTH & CLARK, INC.

OFFICE: 105 W. Grand River
Howell, MI 48843
PHONE: 517.552.9199
FAX: 517.552.6099
WEBSITE: www.hrc-engr.com
EMAIL: info@hrc-engr.com

December 1, 2015

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

Attention: Ms. Lynne Ladner, City Manager

Re: **Dorothy Street Sanitary Sewer Relocation**
Proposal for Professional Engineering Services

HRC Job No. 20150876.01

Dear Ms. Ladner:

HRC has met with City Staff to discuss the repeated sanitary sewer backups at several houses along Dorothy Street, between South Hagadorn and McMunn Street. We understand that the problem is due to less than desirable slope, and the existing shallow depth of the sewer line towards the outlet at McMunn (about 8 feet deep).

A review of the City's Sanitary Sewer GIS maps shows that there is an alternate outlet for this section of Dorothy Street sewer. The alternate outlet sewer is on South Hagadorn, and is about 18 feet deep. Connecting to the South Hagadorn sewer will allow the new Dorothy Street sanitary sewer to be installed at a standard slope and at a greater depth to help reduce the likelihood of a sewer backup.

We have prepared the attached conceptual construction and project cost estimate that includes the following major items of work:

1. Remove and replace the existing asphalt pavement on Dorothy Street. The replacement pavement section will be 3 inches of asphalt on 10 inches of 21AA aggregate. The cross-section will match the existing roadway dimensions with a 20 foot wide road and 2 foot gravel shoulders.
2. Install a new 8 inch sanitary sewer located within the Dorothy Street roadway that connects to the existing sewer on South Hagadorn with an internal drop.
3. New sanitary sewer leads will be installed within the road right-of-way for all homes that front Dorothy Street.
4. It is anticipated that the existing storm sewer will be used and only minor improvements to the existing catch basins will be needed. No major drainage improvements are included in this project.

Based on this conceptual project cost estimate we would recommend that the City establish a budget of \$357,490 for this project.

The engineering budget for this project would be based on providing preliminary engineering, design, bidding and construction engineering services, as well as construction observation. A projection of staff hours and rate table is attached. Our tasks can be summarized as follows:



Construction Cost Estimating - Summary

Conceptual Engineering
 Preliminary Engineering
 Detailed Design _____ % Complete

Client City of South Lyon **Date** 1-Dec-15
Project Dorothy St Sanitary Sewer **Project Number** 20150876

Remove and replace 8 inch sanitary sewer along Dorothy Street from McMunn to S. Hagadorn St

No.	Item	Qty	Price	Cost
1.	Sewer, Rem	650 ft	\$20	\$13,000
2.	Sanitary Sewer, 8 inch, Tr Det A	650 ft	\$80	\$52,000
3.	Sanitary Manhole, 48 inch	2 ea	\$5,000	\$10,000
4.	Connect to Existing Manhole	1 ea	\$10,000	\$10,000
5.	Sanitary Sewer Lead, 6 inch	600 ft	\$85	\$51,000
6.	Pavement Removal	1,740 syd	\$4	\$6,960
7.	HMA, 3 inch	320 ton	\$80	\$25,600
8.	Aggregate Base, 10 inch	950 ton	\$22	\$20,900
9.	Gravel Shoulder	100 ton	\$25	\$2,500
10.	Driveway, Remove & Replace	14 ea	\$1,500	\$21,000
11.	Lawn Restoration	0.75 acre	\$10,000	\$7,500
12.	Soil Erosion	Lump Sum	\$5,000	\$5,000
13.	Drainage Allowance	Lump Sum	\$5,000	\$5,000
14.	Dewatering Allowance	Lump Sum	\$10,000	\$10,000
15.	Traffic Control	Lump Sum	\$3,800	\$3,800
16.	Mobilization	Lump Sum	\$20,740	\$20,740
Construction Sub Total =				\$265,000
Contingencies =				\$27,000
Engineering =				<u>\$65,490</u>
TOTAL ESTIMATED CONCEPTUAL PROJECT COST =				\$357,490

Design Factors/Assumptions

1. Sanitary sewer to be installed near the middle of Dorothy Street.
2. Roadway will be removed and replaced 20' wide with 3 inches of HMA on 10 inches of 21AA aggregate.
3. Work to be completed in the existing right-of-way. No easements will be needed.

Unresolved items that may affect cost

1. Availability to install the interior drop connection at tap manhole in South Hagadorn.
2. Unsuitable soil conditions or extreme dewatering conditions.
3. 2016 bidding climate.

STAFF HOUR PROJECTIONS
CITY OF SOUTH LYON
DOROTHY SANITARY SEWER RELOCATION

TASK	STAFF HOURS BY LABOR CATEGORY							TOTAL ESTIMATED COST
	PRINCIPAL \$0.00	ASSOCIATE AND PM \$135.00	ENGINEER \$105.00	TECHNICIAN \$90.00	CLERICAL \$65.00	TOTAL HOURS	TOTAL ESTIMATED COST	
1 PRELIMINARY ENGINEERING 1. Scope development 2. Site inventory and condition assessment 3. Schematic drawings 4. Preliminary estimate of construction cost SUBTOTALS	1	1	1			3	\$ 240	
		2	2	8	2	4	\$ 480	
		4	12	4	2	14	\$ 1,270	
		7	19	12	4	22	\$ 2,290	
						43	\$ 4,280	
2 TOPOGRAPHIC SURVEY 1. Establish site vertical control datum 2. Collect surface grade and feature topography 3. Data processing and site plan creation SUBTOTALS		1	8		1	10	\$ 1,040	
		1	8		2	11	\$ 1,110	
		4	8	8	4	24	\$ 2,360	
		6	24	8	7	45	\$ 4,510	
						75	\$ 7,150	
3 DESIGN SERVICES 1. Prepare project plans and specifications 2. Sanitary sewer and roadway layout and grading 3. Obtain regulatory permits from WRC and MDEQ 4. Distribute plans, advertise, bid review & recommendation SUBTOTALS	1	2	30	40	2	25	\$ 2,420	
		1	8	16	4	29	\$ 2,680	
		1	8	16	4	34	\$ 3,350	
		2	20	8	4	34	\$ 3,350	
		6	66	80	10	163	\$ 15,600	
4 QUALITY CONTROL 1. Construction materials testing SUBTOTALS			16	40	4	60	\$ 5,540	
	0	0	16	40	4	60	\$ 5,540	
						240	\$ 21,600	
5 RESIDENT REPRESENTATIVE 1. Field Observation Staff SUBTOTALS	0	0	0	240	0	240	\$ 21,600	
						51	\$ 5,290	
	1	4	44	2	2	11	\$ 1,110	
6 CONSTRUCTION ENGINEERING 1. Construction contract administration 2. Process partial applications for payment 3. Contract interpretation and change order development 4. Project management and progress documentation SUBTOTALS		1	8	4	4	10	\$ 950	
		2	4	4	4	10	\$ 950	
		9	60	0	12	82	\$ 8,300	
		1	8	2	2	14	\$ 1,290	
		1	8	4	4	13	\$ 1,340	
7 CONSTRUCTION LAYOUT 1. Set grade stakes and develop cut sheets 2. New roadway layout and grading SUBTOTALS	1	2	16	6	2	27	\$ 2,630	
		2	16	4		22	\$ 2,310	
		2	16	8		8	\$ 720	
8 RECORD DRAWINGS 1. Topographic survey 2. Prepare drawings SUBTOTALS	0	2	16	12	0	30	\$ 3,030	
						690	\$ 65,490	
	4	32	217	398	39	690	\$ 65,490	





*Robert J. Martin
Superintendent*

City of South Lyon Water & Wastewater Department

January 21, 2016

TO: Lynne Ladner, City Manager & City Council

FROM: Bob Martin, Water/Wastewater Superintendent & DPW Director

SUBJECT: 12" Sanitary Sewer Main Failure

The Council may be aware the Water Department and DPW have been monitoring a sink hole located south of the Waters Edge Apartments' entrance. On Wednesday, January 20th, Advanced Underground Inspection Company attempted to video camera the sanitary main. This sanitary main is 14' deep with access by two manholes 160' apart. Due to debris in the main and the standing water level, we were only able to view up to 33'. We are now aware that some sort of separation has occurred west of the sink hole and possibly another failure of the main closer to the sink hole

We feel that this main was installed when Colonial Acres was first being constructed over 45 years ago. This main delivers sewage from the north end of town, including Colonial Acres and Waters Edge Apartments. The repair of this main needs to take place as soon as possible. The depth of this repair and the fact that the main will need to be bypassed forces us to outsource this job. I also recommend that our City engineers, Hubbell, Roth and Clark monitor this job. At this time I have not secured three bids, but a company that was on site during the videoing (Water Tap, Inc.) quoted the cost to be approximately \$60,000 to make this repair. We are hopeful that replacement of the entire line with 12" PVC will occur and replace the existing 12" reinforced concrete.

This failure is unexpected, however due to the fact that we have become aware of this severe condition, I am asking that the Council give me authority to begin repairs as soon as possible.

Operations:
23500 Dixboro Road
South Lyon, MI 48178
(248) 437-4006
Fax: (248) 437-0449

**Billing & Meter
Repair/ Installation:**
335 S. Warren
South Lyon, MI 48178
(248) 437-2326
Fax: (248) 486-0049

ADVANCED
Underground Inspection, LLC

UNDERGROUND VIDEO INSPECTION
 JET VACUUM CLEANING • INDUSTRIAL SERVICES

38657 Webb Drive
 Westland, MI 48185
(877) 9-CAMERA
 (734) 721-0081
 Fax (734) 721-0082

JOB TICKET
23897

wed, Jan, 20th 2016
 DATE & DAY

CUSTOMER DATA		JOB DATA	
NAME	City Of South Lyon	NAME	City of South Lyon
JOB#		CONTACT NAME	RON (248) 762-3647
CONTACT NAME		LOCATION	South Lyon, MI
SERVICE REQUESTED			
T&M	CONTRACT	QUOTE	

EQUIPMENT	QTY	HRS	DISPOSAL
BYPASS PUMP			MANIFEST QTY U/M LOCATION
TV UNIT #502			
TV GROUT			
JETTER VAC			
SEWER JET			
S.C.			
OTHER			

SUPPLIES USED (EXPENSES, RENTALS)
 2 PR Rubber Gloves

PERSONNEL		START TIME	ARRIVE SITE	DEPART SITE	END TIME	DOWN TIME	BILLABLE HOURS
EMPLOYEE#	NAME						
	Dan J		9:45 ^A	11:30 ^A			
	Justin M.		9:45 ^A	11:30 ^A			

COMMENTS:
 TV. 33.5 ft as Directed of 12" San
 unable to find sink hole from Both Manholes
 Due to Debris and water leaves. Ron made
 Decision to not Jet the Line today.

JOB COMPLETE: _____ CUSTOMER _____ 1/20/16
 SCHEDULE FOR RETURN: _____ AUI Daniel Quazy _____ 1/20/16



**Advanced Underground
Inspection L.L.C.**
38657 Webb Drive
Westland MI. 48185
734-721-0081
info@advui.com

ΣØ / Main sections

Project name CITY OF SOUTH LYON 1-20-16	Project # :	Responsible :	Date : 1/20/2016
---	-------------	---------------	----------------------------

No.	Start MH	End MH	Date	Street	Disc	Segment Ref:	ft	(ft)
1	M-56	M-55	1/20/2016	N. LAFAYETTE ST.			28.50	28.50
2	M-56	M-55	1/20/2016	N. LAFAYETTE ST.			5.00	5.00

Pipe size: CIRCULAR 12 = 33.5 ft (33.5 ft)

All sections = 33.5 ft (33.5 ft)



**Advanced Underground
Inspection L.L.C.**
38657 Webb Drive
Westland MI, 48185
734-721-0081
info@advul.com

Inspection Report

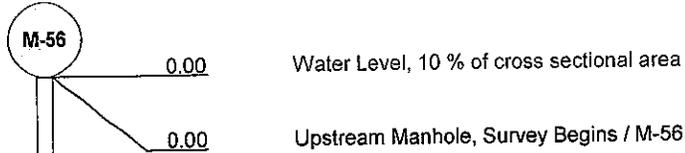
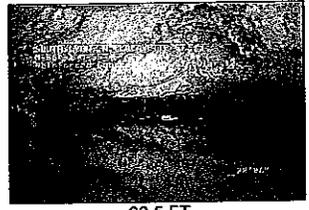
Date 1/20/2016	P/O. No.	Weather Snow	Surveyor's Name DANIEL JUHASZ	Pipe Segment Reference	Section No. 1
Certificate No. U-415-060R2823	Survey Customer	System Owner	Date Cleaned	Pre-Cleaning	Sewer Category

Street N. LAFAYETTE ST.	Use of Sewer	Upstream MH M-56
City SOUTH LYON	Drainage Area	Downstream MH M-55
Loc. details	Flow Control	Dir. of Survey Downstream
Location Code	Length surveyed 28.50 ft	Section Length 28.50 ft

Purpose of Survey Infiltration/Inflow Investigation	Joint Length 12 inch
Year Laid	Dia./Height Reinforced Concrete Pipe
Year Rehabilitated	Material
Tape / Media No.	Lining Method

Add. Information :

1:75 Position Observation



28.50 Survey Abandoned / CAMERA UNABLE TO GET PASS LOW POINT



**Advanced Underground
Inspection L.L.C.**
38657 Webb Drive
Westland MI, 48185
734-721-0081
info@advul.com

Inspection Report

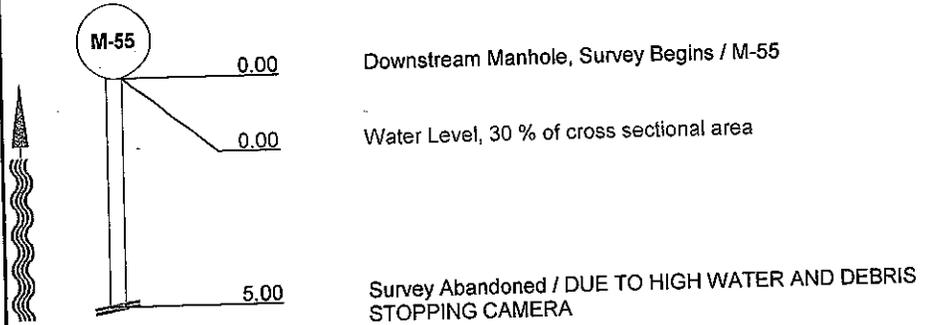
Date 1/20/2016	P/O. No.	Weather Snow	Surveyor's Name DANIEL JUHASZ	Pipe Segment Reference	Section No. 2
Certificate No. U-415-060R2823	Survey Customer	System Owner	Date Cleaned	Pre-Cleaning	Sewer Category

Street N. LAFAYETTE ST.	Use of Sewer	Upstream MH M-56
City SOUTH LYON	Drainage Area	Dowstream MH M-55
Loc. details	Flow Control	Dir. of Survey Upstream
Location Code	Length surveyed 5.00 ft	Section Length 5.00 ft

Purpose of Survey Infiltration/Inflow Investigation	Joint Length
Year Laid	Dia./Height 12 inch
Year Rehabilitated	Material Reinforced Concrete Pipe
Tape / Media No.	Lining Method

Add. Information :

1:50 Position Observation



AGENDA NOTE

New Business: Item

MEETING DATE: January 25, 2016

PERSON PLACING ITEM ON AGENDA: City Manager Lynne Ladner

AGENDA TOPIC: Consider resolution asking for repeal of the new language in Section 57, subsection (3) of PA 269 of 2016

EXPLANATION OF TOPIC:

History

SB 571 was initially a non-controversial 12-page bill that had bipartisan support. But on late Wednesday night (Dec. 17, 2015) the House brought the bill up for consideration and a substitute version was adopted that increased the 12-page bill to 53 pages in length. This included inserting new language into Section 57 of the existing act that deals with permissible and prohibited activities by public bodies on election-related issues. This language was inserted without any notice to the League or other local government organizations and moved without any public testimony, let alone public awareness of what was in the new version of the bill. The bill was passed around 10:30 pm Dec. 17 largely along party lines and sent to Governor Snyder for his signature.

The new language in Section 57 states:

(3) EXCEPT FOR AN ELECTION OFFICIAL IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992, A PUBLIC BODY, OR A PERSON ACTING FOR A PUBLIC BODY, SHALL NOT, DURING THE PERIOD 60 DAYS BEFORE AN ELECTION IN WHICH A LOCAL BALLOT QUESTION APPEARS ON A BALLOT, USE PUBLIC FUNDS OR RESOURCES FOR A COMMUNICATION BY MEANS OF RADIO, TELEVISION, MASS MAILING, OR PRERECORDED TELEPHONE MESSAGE IF THAT COMMUNICATION REFERENCES A LOCAL BALLOT QUESTION AND IS TARGETED TO THE RELEVANT ELECTORATE WHERE THE LOCAL BALLOT QUESTION APPEARS ON THE BALLOT.

In the days and weeks following approval of SB 571, many legislators—both Republicans and Democrats—said they did not fully read or know what was in the amended language. Some Republicans, after reading the bill and learning of its full negative implications and many unanswered questions, even said they encouraged the governor to veto the bill.

Despite the many concerns raised about the bill, Governor Snyder signed it into law Wednesday, Jan. 6, 2016. The governor, in a somewhat unusual move, sent out a letter

explaining why he signed the legislation despite the many unknowns and questions about the bill.

In his letter, the governor also called on the Legislature to enact new legislation to address the many concerns raised by the Michigan Municipal League and other organizations. Here is an excerpt from that letter:

However, recognizing that many local governmental entities and schools have raised concerns regarding confusion with the new language in section 57, I am calling on the Legislature to enact new legislation to address those concerns, and clarify that the new language does not impact the expression of personal views by a public official, the use of resources or facilities in the ordinary course of business, and that it is intended only to prohibit the use of targeted, advertisement style mass communications that are reasonably interpreted as an attempt to influence the electorate using taxpayer dollars. Local governmental entities and schools should still be allowed to distribute basic information about an election including the proposed or final ballot language and the date of the election. This is keeping within the spirit of the existing restrictions in the Act. The Senate Majority Leader and the Speaker of the House have agreed to work together on follow-up legislation clarifying the provision in section 57 of the Act in time for the March 2016 election.

New legislation to “fix” PA 269/SB 571 could be dropped in the Legislature as early as next week (week of Jan 11, 2016).

The League and several other organizations, including the Michigan Association of Counties, Michigan Townships Association, Michigan Association of School Boards, Michigan Association of School Administrators, believe there are significant constitutional and legal questions regarding PA 269, including a potential ban on freedom of speech. Repealing the provision is the only way to guarantee officials will be able to continue to give voters the facts. Ironically, Section 57, prior to the new language in SB 571, already provided the controls lawmakers were seeking.

Specific concerns with the new language:

The previous language in Section 57 (prior to the amendments) appropriately provided an allowance of elected and appointed officials to express their views without fear of violating the act. This new subsection does not appear to account for that allowance and could be read as a ban on freedom of speech.

The prohibition on any communication by television that references a local ballot question would seem to put every public access broadcast of a city council meeting at risk for violating this new provision. There is also no allowance for a public broadcast of a debate or voter forum, even if that forum is hosted by a third party.

Community newsletters, and potentially even election-day reminders, that are mailed to residents could be banned under this language.

Because this language specifically bans communication on only local ballot questions, the provision creates inconsistent treatment between communicating with residents on statewide ballot questions versus local questions.

Any violation of this section puts a community at risk for a state fine of up to \$20,000 and for an individual a fine of up to \$1,000 and/or a year in jail.

Because the law took immediate effect, it places an immediate gag order on local government entities with issues on the March 8, 2016 ballot and all subsequent elections. This impacts more than 100 cities, villages, townships, school districts, counties, and other entities that have ballot questions before the voters in the March 8 election. In summary, this language puts an undue burden on communities and their residents, blocking access to unbiased, objective communication on the local issues that matter most to the residents in every community in Michigan.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Joint Statement from the Michigan Municipal League, Michigan Association of Counties, Michigan Townships Association, Michigan Infrastructure & Transportation Association, Michigan Association of School Administrators, Michigan Association of School Boards and Michigan Association of Intermediate School Administrators. Draft Resolution

POSSIBLE COURSES OF ACTION: Support/Deny support for resolution seeking the repeal of the new language in Section 57, subsection (3) of PA 269 of 2016

RECOMMENDATION: Support resolution seeking the repeal of the new language in Section 57, subsection (3) of PA 269 of 2016

SUGGESTED MOTION: Moved by, _____ seconded by, _____ to support Resolution No. _____ to consider resolution asking for repeal of the new language in Section 57, subsection (3) of PA 269 of 2016.

Media Room >>>

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Press Release

Contact:

Kathy Barks Hoffman
517-485-6600

Matt Bach
Director of Media Relations
Michigan Municipal League
(734) 669-6317
mbach@mml.org; www.mml.org

FOR IMMEDIATE RELEASE: Jan. 7, 2016

Civic and Education Leaders Call for Repeal of Gag Provision in PA 269/SB 571

60-day Gag Order Officially Starts Friday for March 8 Election

LANSING, Mich. – A coalition of organizations representing local government and schools is calling for a repeal of a gag order provision included in a campaign finance bill signed into law by Gov. Rick Snyder on Wednesday, Jan. 6.

The Michigan Municipal League, Michigan Association of Counties, Michigan Townships Association, Michigan Infrastructure & Transportation Association, Michigan Association of School Administrators, Michigan Association of School Boards and Michigan Association of Intermediate School Administrators today are jointly seeking removal of language added to Section 57 in PA 269/SB 571. The organizations also are responding to Gov. Rick Snyder's letter to lawmakers asking them to fix a section in the new law that drastically limits the ways local officials can inform voters about local ballot measures:

"Public Act 269 essentially gags local officials from giving voters important information on local ballot issues, and the only way to fix that is to repeal that new addition to the law," said Dan Gilmartin, executive director and CEO of the Michigan Municipal League. "City, township, county, school and other officials agree that constituents need to have the facts to become informed voters on key matters that come before them, including charter changes, land transfers, millage questions and other issues required by state law to go to local elections. Repealing the provision is the only way to guarantee officials will be able to continue to give voters the facts."

The provisions causing such concern ban local officials or employees of local governments from using public resources for a communication 60 days before an election "by means of radio, television, mass mailing or prerecorded telephone message if that communication references a local ballot question."

The coalition points out that Gov. Snyder, in signing Senate Bill 571 into law Wednesday, called on the Legislature to enact new legislation to address local government and school officials' concerns. The governor stated in his letter to lawmakers that local governments and schools "should still be allowed to distribute basic information about an election including the proposed or final ballot language and the date of the election."

The groups behind today's statement agree that local governments should be able to communicate basic information that's factual and does not sway the voting public. However, the language in Section 57 does not allow for that – therefore a repeal is necessary.

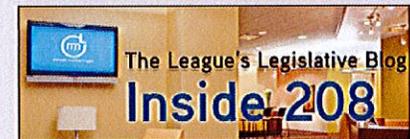
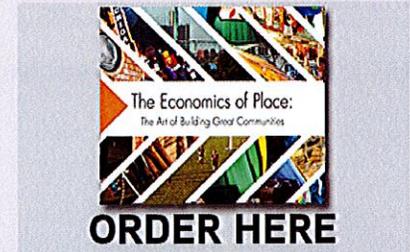
"Voters are entitled to, and expect, their local officials to fully explain the ramifications of local ballot issues," said Larry Merrill, executive director of the Michigan Townships Association. "Local public bodies are regularly required by law to defer to the wisdom of voters on many complex issues of public policy. It is imperative that voters be well-informed on the purpose, intent and consequences of the decisions they make when they vote on local ballot issues."

"This is a matter of extreme importance to the principle of local democracy," Merrill added. "Contrary to the characterization of interest groups supporting these restrictions, local elected officials are neither 'bureaucrats' nor 'lobbyists,' but are persons who have been elected by these same voters to serve as trustees and fiduciaries of the public interest."

State law already prohibits electioneering using public resources, making that section of the new law unnecessary and possibly unconstitutional. In recent days a number of legislators who voted for the bill admitted they were not aware of its scope and some have expressed regret at the limitations created by the local ballot measure section.

Michigan Association of Counties Executive Director Timothy K. McGuire said, "This is

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- Multimedia on mml.org
- The Business Alliance
- Wage & Salary
- League Affiliates

about effective, transparent government. The law in its current form harms counties' ability to be transparent with their residents."

The groups issuing today's statement want the provision removed from PA 269 immediately because the law took effect Wednesday, Jan. 6, and will impact nearly 50 school districts and local governments in communities from Benton Harbor to Iron County in the Upper Peninsula that have local ballot questions in the upcoming election. Entities with ballot items heading to voters on March 8 include Clare County, East Grand Rapids Public Schools, Goodrich Schools, Lansing School District, Ottawa County, Pontiac School District, Tuscola County, Iron County, and the cities of Birmingham, Fremont, Marine City, Romulus and Roseville.

"Those entities with items on the March 8 ballot will be within that 60-day window on Jan. 8 and under the gag order called for in the current law," said Don Wotruba, executive director of the Michigan Association of School Boards.

"Voters need access to accurate information on how the money would be spent and what the consequences will be for area children – including their own – if school districts win or lose those elections," he added. "School and local officials already are banned from advocating for a tax increase or bond renewal. They shouldn't be banned from giving voters the facts."

About Michigan Municipal League:

Michigan Municipal League is dedicated to making Michigan's communities better by thoughtfully innovating programs, energetically connecting ideas and people, actively serving members with resources and services, and passionately inspiring positive change for Michigan's greatest centers of potential: its communities. The League advocates on behalf of its member communities in Lansing, Washington, D.C., and the courts; provides educational opportunities for elected and appointed municipal officials; and assists municipal leaders in administering services to their communities through League programs and services. Learn more at mml.org.

###

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Michigan Municipal League :: 1675 Green Road, Ann Arbor MI, 48105 :: 734.662.3246 | 800.653.2483

RESOLUTION No. _____
Opposition to Public Act 269

CERTIFICATION

I, _____, City Clerk for the City of South Lyon, Oakland County, **WHEREAS**, Governor Snyder signed into law, with immediate, effect Public Act 269 (Senate Bill 571) despite wide spread calls for a veto of this bill, including from members of his own party; and

WHEREAS, both the Michigan Senate and the Michigan House of Representatives passed Senate Bill 571 late into the night of December 16, 2015, just prior to recessing for the year; and

WHEREAS, one of the last minute amendments made to Senate Bill 571, without the knowledge of the Michigan Municipal League or other local government organization, and approved without any public testimony or awareness, was the new language inserted into Section 57, subsection (3); and

WHEREAS, this new law prohibits a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that is to appear on the ballot, within 60 days of an election, and

WHEREAS, this law places an immediate gag order on entities with ballot questions on the March 8 ballot and every election thereafter; and

WHEREAS, municipal elected and appointed officials have a civic and legal duty to the residents of their communities to fully inform them regarding the issues placed before them, upon which they may exercise their constitutional right to vote; and

WHEREAS, existing laws, including the former language in Section 57, and decades of guidance from the Michigan Secretary of State, already prohibit the use of public funds to advocate for or against ballot issues; and

WHEREAS, existing laws already provided for an allowance for elected and appointed officials to express their views without fear of violating the act; and

WHEREAS, because the new law bans only communication on *local* ballot issues, it creates inconsistent treatment of statewide ballot questions versus local initiatives; and

WHEREAS, there are substantial questions regarding the constitutionality and legality of the new law, including a possible ban on freedom of speech;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of South Lyon calls for an immediate repeal of the new language in Section 57, subsection (3) of PA 269 of 2016; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that a copy of this Resolution be forwarded to the city's state representatives in the Michigan House of Representatives and the Michigan Senate.

I do hereby certify that the foregoing Resolution No. _____ was offered by Councilperson _____ and supported by Councilperson _____ and same was duly passed at a regular meeting of the City Council in the City Hall, held on _____ January 25, 2016, and that the vote was as follows:

Yeas:

Nays:

Absent:

AGENDA NOTE

New Business: Item

MEETING DATE: January 25, 2016

PERSON PLACING ITEM ON AGENDA: City Manager Lynne Ladner

AGENDA TOPIC: Approval for City Manager to attend the MLGMA Winter Institute

EXPLANATION OF TOPIC: As part of the requirements necessary for maintaining my status as and ICMA Credentialed Manager and on-going professional development for the benefit of the City of South Lyon I am seeking permission to attend the MLGMA Winter Institute Feb. 3-5

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Agenda for the Winter Institute with specific education session which will benefit South Lyon highlighted for the duration of the Conference

POSSIBLE COURSES OF ACTION: Approve/Deny request of the City Manager to attend professional development program

RECOMMENDATION: Approve request of the City Manager to attend professional development program

SUGGESTED MOTION: Moved by, _____ seconded by, _____ to support approve request of the City Manager to attend the MLGMA Winter Institute.



**Michigan Local Government Management Association Winter Institute
Feb. 2-5, 2016
Doubletree Hotel and Convention Center
Port Huron**

Tentative Agenda

Theme: Bridging Your Opportunities

Tuesday, Feb. 2

- | | |
|--------------|--|
| Noon-6:00 pm | Registration Open |
| 1:00-4:00 pm | Pre-conference Workshop
“Executive Presence and Leadership Fundamentals for the Future”
Speaker: David Limardi, ICMA
Cost: \$125 |
| 6:00-8:00 pm | Welcome Reception
Sponsored by RW Baird |

Wednesday, Feb. 3

- | | |
|-----------------|--|
| 8:00 am-5:00 pm | Registration Open |
| 8:00 am-5:00 pm | Executive Coaching
Pre-registration required |
| 8:00-9:00 am | Coffee Hour for First-Time Attendees & Students |
| 9:00-10:15 am | Welcoming General Session & Keynote
Speaker: Dave Lorenz, Pure Michigan |
| 10:30-11:45 am | Concurrent Sessions <ul style="list-style-type: none">• Marketing Your Community 101• Clean Energy Report & the Michigan Green Communities Program |

- Regional (and Beyond) Collaboration: Applying Lessons of the I-69 Corridor
- Ethics, presented by ICMA

Noon-1:30 pm

Lunch, MLGMA Awards, ICMA Preview

1:45-2:45 pm

General Session

“Mentoring & Coaching 101”

Speaker: Pat Martel, ICMA President (invited)

3:00-4:15 pm

Concurrent Sessions

- Mentoring & Coaching Follow-Up
- Budget & Finance 101
- **DDAC & Homeland Security**
- Student Session

5:30-7:00 pm

Past Presidents’ Dinner

Location: The Vintage, 103 Michigan St, Port Huron
Invitation Only

6:00 pm

Next Gen Dinner

Pre-registration required. Location TBA.
Sponsored by RW Baird

Thursday, February 4

8:00 am-5:00 pm

Registration Open

8:00 am-5:00 pm

Executive Coaching

Pre-registration required

9:00-10:15 am

General Session

“New MLGMA Branding Initiative”

Speaker: Michael Young, City Manager, Rockford

10:30-11:45 am

Concurrent Sessions

- Project Management 101
- Budget & Finance 201: OPEB
- **Marketing Your Community 201: Marketing for Redevelopment**
- MLGMA Branding Follow-Up Session

Noon-1:15 pm

Lunch & Keynote Speaker

“Executive-Level Stress Management and Wellness in the Workplace”

1:30-2:45 pm

General Session

“Quality Public Management: What Good Public Engagement Really Should Look Like”

3:15-4:30 pm

Concurrent Sessions

- Project Management 201: Roads
- Budget & Finance 301: Public Budgeting
- Marketing Your Community 301: Writing a Redevelopment RFP
- Budget & Finance 201: OPEB

5:00-6:30 pm

Vendor Reception

\$500 per table-top display. Vendor registration information available at mlgma.org.

7:30 pm

Managers vs. Managers Hockey

Location: McMorran Arena, 701 McMorran Blvd, Port Huron
Sponsored by RW Baird

Friday, February 5

8:30-9:30 am

Breakfast & MLGMA Annual Meeting

9:30-10:30 am

Legislative Update

Speaker: League Legislative Staff

10:30-1:30 am

Closing Keynote Speaker

11:30 am-1:00 pm

MLGMA Board of Directors Meeting



STATE OF MICHIGAN

**RECORDS MANAGEMENT
MANUAL FOR LOCAL
GOVERNMENTS**

Records Management Services



July 27, 2010

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Disposition of Public Records	10
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Depositing Public Records with Alternative Institutions	14
Regional Depository System	18

Laws:

- M.C.L. 15.231-15.232 (Freedom of Information Act, Definitions)
- M.C.L. 18.1284-1292 (Management and Budget Act, Records Management)
- M.C.L. 399.1-10 (Historical Commission Act)
- M.C.L. 750.491 (Penal Code, Public Records)

Note: The Michigan Compiled Laws are available online at <http://www.legislature.mi.gov/>.

Introduction

Public records are the property of the people of the State of Michigan. As a result, Michigan government agencies are responsible for ensuring that the public records they create and receive while conducting public business are retained and destroyed in accordance with Michigan law. The Records Management Services (an agency within the Department of Management and Budget) is responsible for assisting local government agencies with addressing records management and preservation issues.

While there are various laws that require Michigan government agencies to employ sound records management practices, agencies often find that good records management is good business. Almost every business process employs records, and agencies need to ensure that these records are managed in an effective and an efficient manner. Good records management can save agencies time and space (resources that are frequently in short supply for most offices).

Records Management Services can help local government agencies:

- Create records retention and disposal schedules for local government offices.
- Analyze the need for microfilm, microfiche, digital imaging systems and other records storage media.
- Follow regulations for reproducing public records.
- Appraise records for long-term value, and identify conservation solutions.
- Determine the best method of records disposal.
- Learn about emerging records management issues associated with computer technology.
- Establish proper storage space for local government records.

Local governments seeking assistance with their records management and preservation concerns may contact:

Records Management Services
Department of Technology, Management and Budget
3400 N. Grand River Ave.
Lansing, Michigan 48909
(517) 335-9132 (phone)
(517) 321-3408 (fax)
<http://www.michigan.gov/recordsmanagement/>

Public Records

The Michigan Freedom of Information Act (FOIA) (Public Act 442 of 1976, as amended), defines public records as recorded information “prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created.”

Two laws provide that local government records belong to the people of Michigan.

A. Section 491 of the Michigan Penal Code (MCL 750.491) declares that all official books, papers, and records created by (or received in) any office or agency of the political subdivisions of the state of Michigan are considered public property, belonging to the people of the state.

B. Section 5 of the Michigan Historical Commission Act (MCL 399.5) provides that all records required to be kept by local public officers in the discharge of their duties, records required to be filed in local public offices, and records which represent memorials of transactions of local public officers, are considered to be property of this state.

Section 491 of the Penal Code (MCL 750.491) declares the improper disposal of local government records to be a crime. This law states as follows: “Any person who shall willfully carry away, mutilate or destroy any of such books, papers, records or any part of the same, and any person who shall retain and continue to hold the possession of any books, papers, or records, or parts thereof, belonging to the aforesaid offices and shall refuse to deliver up such books, papers, records, or parts thereof to the proper officer having charge of the office to which such books, papers, or records belong, upon demand being made by such officer, or, in cases of a defunct office, the Michigan historical commission, shall be guilty of a misdemeanor, punishable by imprisonment in the state prison not more than 2 years or by a fine of not more than \$1,000.00.”

Retention and Disposal Schedules

Michigan law requires that all records be listed on an approved Retention and Disposal Schedule that identifies how long the records must be kept, when they may be destroyed, and when certain records can be sent to the Archives of Michigan for permanent preservation. All Retention and Disposal Schedules must be formally approved by the Records Management Services (DTMB), the Archives of Michigan (DNRE) and the State Administrative Board. Retention periods listed on approved Retention and Disposal Schedules have the force of law. There are two types of schedules that local government agencies may use:

- A **"general schedule"** will cover records that are common to a particular type of local government agency, such as a county clerk or a school district. General schedules may not address every single record that a particular agency may have in its possession. General schedules do not mandate that any of the records listed on the schedule be created. However, if they are created in the normal course of business, the schedule establishes a retention period for them.
- Any record that is not covered by a general schedule must be listed on an **"agency-specific schedule."** These schedules cover records that are unique to a particular local government agency. Agency-specific schedules always supersede general schedules. Agency-specific schedules only address the records of the agency named on the schedule, and may not be used by another agency.

Note: Agencies must immediately cease the destruction of all relevant records (even if destruction is authorized by an approved Retention and Disposal Schedule) if they receive a FOIA request, if they believe that an investigation or litigation is imminent, or if they are notified that an investigation or litigation has commenced. If relevant records exist in electronic formats (such as e-mail, digital images, word processed documents, databases, backup tapes, etc.), the agency may need to notify its information technology staff. Failure to cease the destruction of relevant records could result in penalties.

RECORDS AND RECORDS SERIES

Retention and Disposal Schedules are generally used to identify retention requirements for records series, but they may also be used to identify specific records.

A *"records series"* is a logical grouping of related records normally filed together to support a specific business process. Whereas, a *"record"* is an individual piece of recorded information. For example, the January 2003 minutes of the meeting of the Michigan Historical Commission is an individual record. However, all of the minutes of all meetings held by the Michigan Historical Commission, organized chronologically with meeting notices, agendas and supporting documentation, constitute a records series.

GENERAL RETENTION SCHEDULES

The general retention schedules that are listed below are approved for use by local governments.

1. [Nonrecord Material Defined \(approved 11-16-2004\)](#)
2. [Public Schools](#), Michigan Department of Education Bulletin No. 522, Revised (approved 9-5-2006)
3. [County Registers of Deeds \(approved 10-17-2006\)](#)
4. County Treasurers (superseded 9-12-2008 by [General Schedule #27](#))
5. County Social Services (superseded 4-17-2007)
6. [County Clerks \(approved 5-3-2005\)](#)
7. [Local Health Departments \(approved 10-5-2004\)](#)
8. [Cities and Villages \(approved 4-7-1998, updated 2010\)](#)
9. [County Roads Commissions \(approved 8-4-1998\)](#)
10. Townships
The [Michigan Township Record Retention General Schedule](#) is available from the [Michigan Townships Association](#).
11. [Local Law Enforcement \(approved 8-2-2005\)](#)
16. [Trial Courts \(approved 11-8-2006\)](#)
17. [Public Libraries \(approved 1-18-2005\)](#)
18. [Fire/Ambulance Departments \(approved 3-6-2007\)](#)
19. [Prosecuting Attorneys \(approved 5-1-2007\)](#)
20. [Community Mental Health Services Programs \(approved 5-1-2007\)](#)
21. [County Veterans Affairs \(approved 11-6-2007\)](#)
22. [Veterans Trust Fund \(approved 12-4-2007\)](#)
23. [Elections Records \(approved 10-16-2007\)](#)
24. [City and Village Clerks \(approved 11-5-2008\)](#)

25. [Township Clerks \(approved 6-17-2008\)](#)
26. [Local Government Human Resources \(approved 10-7-2008\)](#)
27. [County Treasurers \(approved 9-12-2008\)](#)
28. [City and Village Treasurers \(approved 7-20-2010\)](#)
29. [Township Treasurers \(approved 9-1-2009\)](#)
30. [Local Government Information Technology \(approved 12-1-2009\)](#)
31. [Local Government Financial Records \(approved 4-7-2009\)](#)
32. [Local Government Parks and Recreation Departments \(approved 4-20-2010\)](#)
34. [Local 9-1-1 Call Centers \(approved 7-20-2010\)](#)

CREATING RETENTION AND DISPOSAL SCHEDULES

1. Conduct an inventory of all records or records series (both paper and electronic) that are created or maintained by the agency. (See the "[Series Inventory Form](#)".)
 - A. It helps to select a room or cubicle, and then survey each drawer of each file cabinet or shelving unit to determine its contents.
 - B. While conducting the inventory, it would be a good idea to ensure that all drawers, shelves, file folders, boxes, etc. are properly labeled.
 - C. Identify any databases, spreadsheets, etc. that are used to support business processes or to help access paper files (such as indexes).

2. Create a list of the record series identified as a result of the inventory, and include brief description of the function and content of each series.¹ Try to answer the following questions:
 - A. Why is the record series created?
 - B. Does a law mandate the creation of the records series? If so, which law?
 - C. How is the records series created?
 - D. How are the records organized? (alphabetically, chronologically, etc.)
 - E. What format(s) does the records series exist in? (paper, photographs, maps, drawings, microfilm, digital images, e-mail, database, etc.)
 - F. What information can be found on a particular record? (names, dates, social security numbers, addresses, etc.)
 - G. Does the record series contain confidential information?
 - H. When did the agency first start to create/receive this record series? Is the record series still created?
 - I. Do other agencies maintain the same exact records series? If so, who? Why?

3. Establish retention periods for each records series based upon the following:
 - A. Statutorily required retention period, if any
 - B. Statute of limitation requirements
 - C. Audit requirements
 - D. Administrative need
 - E. Potential historical value

4. Enter the proposed schedule onto the [Records Retention and Disposal Schedule form \(MH-43\)](#). This form is available online at <http://www.michigan.gov/recordsmanagement/>.

5. Have the completed schedule signed by the authorizing official. This person may be the agency head, the mayor, manager, or administrator as provided by the official policy of the unit of local government submitting the schedule. **Note: Records**

¹ Records series descriptions are essential for helping people identify and locate the records in their office.

Management Services is willing to review and comment upon draft schedules before the agency seeks the signature of an authorizing official.

6. Send the signed schedule to: Records Management Services, 3400 N. Grand River, Lansing, Michigan 48909.
7. Records Management Services will review the schedule and identify record series that possess historical value. If the Archives of Michigan authorizes the eventual transfer of a particular record series to its custody for permanent preservation, a notation, such as "Transfer to the Archives of Michigan," will be placed in the column headed "Retention Period."
8. Records Management Services will forward the schedule to the State Administrative Board for approval.
9. A copy of the schedule will be returned to the local government agency, after the schedule is approved by the State Administrative Board. Note: The Records Management Services will retain the original approved schedule.
10. The local government agency may begin to dispose of records according to the provisions of the newly approved schedule.
11. Note: The procedures listed above may also be used to submit a revision or amendment to a Specific Schedule. However, agencies should indicate on the form if the schedule they are submitting is entirely new, a revision, or an amendment. Agencies can submit new, revised or amended schedules for approval that contain only one records series, or that contain multiple records series.

DEFINITIONS OF RETENTION CODES

The **retention codes** that appear on Records Retention and Disposal Schedules are used to establish how long records are retained by the creating agency before they are destroyed (or transferred to the Archives of Michigan for permanent retention). In addition to the retention code, a period of time, years and/or months, can be used in the calculation. Years are expressed as whole numbers, and months are expressed as fractions. For example, the fraction "0/6" would represent 6 months. The retention code plus the period of time results in a mathematical formula for calculating a destruction date.

ACT = Active

An active code is usually assigned to records that are case or project related. The records are retained "until the case or project is closed." This code can also be applied to records where a subjective decision is needed to determine when the records become inactive, as with a subject file. The record is retained "until it is determined to be inactive." The retention period is applied when the ACT condition has been met. For instance, a case file might be retained until the case is closed (ACT) plus five years.

CR = Creation

A creation code is assigned to records when a definitive retention period can be assigned. The retention period is usually based on a calendar year and where there are no conditions that must be met. For instance, correspondence has a two-year retention period. The retention period begins from the date the correspondence is created or received.

EXP = Expiration

An expiration code is typically assigned to contracts, grants or other types of agreements that must be retained until an expiration date or other legal condition has been met. For instance, contracts may be held until contract expiration (EXP) plus six years.

FY = Fiscal Year

A fiscal year code is similar to a CR code. The code is assigned to records when a definitive retention period can be assigned, however the retention is based on a fiscal year rather than a calendar year. This retention code is usually assigned to accounting records and their supporting documentation.

SUP = Superseded

A superseded code is typically assigned to records that are updated or revised at various times during the records lifetime. Examples would include policies or procedures. As a policy is updated and the old version is replaced or superseded, only the current version is needed.

EVT = Event

Event codes are assigned to records when a retention period is based on a future action or condition. We use this code when we know that a future action or condition will be met, but we don't know exactly when it will happen. For instance, deeds are retained to document the ownership of land by the State of Michigan. If and when the State of Michigan divests itself of that land, a retention period can be applied to the records. The records will be retained until the State of Michigan sells the land (EVT).

DISP = Immediate Disposal

Immediate Disposal is a retention code that is used when an agency requires an authorization to destroy obsolete records upon the approval of their Records Retention and Disposal Schedule. Once the Retention Schedule is approved the agency has the legal authority to destroy the obsolete records.

PERM = Permanent

These records are not authorized for destruction at any point in time, and will be retained in the custody of the creating agency.

Disposition of Public Records

Retention and Disposal Schedules indicate when and how a public record may be disposed of. There are two types of record disposition: destruction, or transfer to the Archives of Michigan for permanent preservation.

CONFIDENTIAL RECORDS DESTRUCTION

Some public records contain sensitive or confidential information. These records should not be placed in a regular trash or recycle bin when they are eligible to be destroyed. It is important that government agencies ensure that these records be destroyed in a manner that prevents the inappropriate release of the information.

The State of Michigan administers a master contract with a vendor that complies with the state's requirements for confidential destruction of records. The State of Michigan's contract requirements are:

- **Paper:** 5/16 inch particle size (can be accomplished with pulverization or grinding, and all material is recycled)
- **Film and computer disks:** 1/35 inch particle size (can be accomplished with grinding)

The rates and terms for this contract apply to state government agencies only, but local governments may contact this vendor for a price quote and information. The contracted vendor is Rapid Shred. For information about this contract, please contact: Dave Stevens, DTMB, 517-373-2107.

TRANSFERRING RECORDS TO THE ARCHIVES OF MICHIGAN

Local governments that want to transfer records to the Archives of Michigan need to complete the "Direct Records Transmittal" form (MH-85). Be sure to include a complete description of the records, the inclusive dates for the records, and the record series number from the Retention and Disposal Schedule on the form.

The MH-85 form may be obtained by contacting the Archives of Michigan at (517) 373-1408 or by visiting the Archives' website <http://www.michigan.gov/archivesofmi>. The completed form must be approved by the Archives of Michigan before the records are shipped. To arrange approval of the transfer, please send or fax the completed form to the Archives (address and fax number are on the form). The Archives of Michigan will contact you within 30 days of receiving the form to arrange shipment of the records.

Please maintain the order of your filing system when you pack records for transfer to the Archives. Only pack the records in boxes with the dimensions 15" x 12" x 9.75", because other boxes will not fit on the shelves.

To properly seal the box:

1. Fold the back flap first, then fold the side flaps, and fold the front flap on top.
2. Place the tape across the front flap to seal the box.
3. The top and sides of the box should not bulge.

Managing Electronic Records

Public records are created in a variety of formats, and increasingly they are created using computers. Common computer formats include word processed documents, electronic mail (e-mail), digital images, databases, spreadsheets, etc. These electronic records are dependent upon specific computer technology (hardware and software) to remain accessible. Government agencies that create electronic records are responsible for ensuring that these records remain accessible for their entire retention period, even if the original technology becomes obsolete. However, this can be a significant challenge that requires careful planning, because the average lifespan of most computer technology is less than 10 years.

Government agencies cannot ignore their responsibility to keep electronic records accessible and usable. Agencies will need to migrate their electronic records to new technology on a regular basis, until the record's retention period expires. Failing to migrate electronic records can be problematic, because new generations of technology are not always compatible with those they are replacing. Unfortunately, migration of electronic records can be very time-consuming and expensive; and for long-term electronic records, it may need to be repeated many, many times.

There are two types of electronic records that appear to cause agencies the most concern, e-mail and digital images. Guidelines about these two topics are available online at <http://www.michigan.gov/recordsmanagement/>.

Proper Storage of Records

Information can be recorded on a variety of storage media including paper, photographs, audio/visual media, microfilm, magnetic tape cartridges, optical disks, etc. All of these recording media are unstable and are capable of losing the information stored on them. Recording media require specific environmental conditions if they contain information that needs to be retained for a significant length of time. Proper storage conditions are especially important for records with permanent or archival value.

Extreme environmental conditions including heat, cold and dampness will destroy records very quickly. As a result, the facility used to store valuable records should be designed to provide an environment that will promote the preservation of the media and the information therein. Some agencies have created in-house storage vaults for their valuable records, others have selected outside facilities for their storage needs. Regardless of where valuable records are stored, proper environmental conditions are essential if the records are to be preserved.

The following environmental conditions should be addressed when selecting or designing a storage facility for records:

1. **Size:** Can the facility hold the volume of records to be stored, as well as future accumulations?
2. **Location:** Where is the facility in relationship to the people who need to access the records? How easy is it to retrieve records from the storage facility?
3. **Security:** How is access granted to the records? What locks or security devices protect the records? Who has access to the storage area?
4. **Fire Prevention/Suppression System:** What fire alarms exist? Is the fire equipment inspected annually? Is there an emergency plan; are emergency exits clearly marked and accessible? Is there a water sprinkler or chemical suppression system? Are pipes that contain running water located in a place where they could leak on the records? Are class A/B/C fire extinguishers in place?
5. **Temperature/Humidity Controls:** If the records need to be maintained in ideal environmental conditions, what system is in place to create and monitor the environment?
6. **Pests:** Has the facility had trouble with bugs and rodents? What precautions are in place to prevent infestation; how is infestation treated; are new shipments screened for pests?

RECOMMENDED ENVIRONMENTAL CONTROLS FOR PERMANENT RECORDS

The control of temperature and relative humidity is often cited as the initial step in the environmental protection of records with permanent or archival value. The following environmental and storage conditions are recommended for records that need to be retained for long periods of time:

Storage Media	Temperature	Relative Humidity	Storage Containers
Paper (preferably acid-free paper), bound or unbound records	68° F	55%	Baked enamel steel shelves or cabinets. Acid-free boxes, envelopes, folders, etc.
Magnetic recording media, including audio/video tapes, and computer tapes	65° F	35-45%	Shelve vertically, in dust-proof containers
Microforms, including film, fiche, aperture cards, etc. (master negatives only)	68° F	45-55%	Shelve vertically. Boxes/reels should be stored in non-ferrous metal or inert plastic.
Photographs (black and white, color)	68° F	35-40%	Individually store in acid-free, seamless envelopes.
Negatives (safety-based film)	68° F	45-55%	Individually store in acid-free, seamless envelopes. (Do not store negatives with prints)
Slides	68° F	45-55%	Store vertically, in an inert plastic container or carousel.
Optical disks	65-75° F	30-50%	Store each optical storage disk in a protective cartridge and shelve vertically.
Combined media	68-72° F	45-49%	Store each media type separately.

The most important environmental consideration is to protect against daily fluctuations in temperature and relative humidity. The above noted conditions should not vary more than 2-3% during any 24-hour period.

Depositing Public Records with Alternative Institutions

Local government agencies cannot relinquish legal custody of their public records. It is illegal to sell the official copy of a public record. However, under certain conditions, a local government agency may deposit (transfer physical custody of) its public records with an alternative institution that is willing to store and provide access to the records.

DEPOSITORY AGREEMENTS

While a local government agency cannot transfer legal custody of public records to another institution or individual, there may be circumstances upon which it is necessary or desirable to transfer physical custody. The local government agency should sign and execute a "Depository Agreement" with the alternative institution that specifies the terms of the depository arrangement. (See the model Depository Agreement form.) The agreement should at a minimum specify the following conditions:

1. The deposited records remain public property, and the local government agency may recall the records at any time. If the agency becomes defunct, the Archives of Michigan may recall the records to the state level.
2. The alternative institution shall retain physical and intellectual control of the deposited records at all times. Under no circumstances shall the deposited records be loaned, sold, or otherwise removed from the physical custody of the alternative institution, unless to be returned to the local government agency.
3. The alternative institution shall not destroy or weed a deposited record. If the alternative institution decides that storage of the records is no longer part of its mission, then the deposited records shall be returned to the local government agency for the remainder of their approved retention period, or longer.
4. The alternative institution shall care for the deposited records by providing storage facilities capable of preserving the records at least as well as the local government agency. The Depository Agreement should include a physical description of the storage facilities, and the temperature and humidity controls that are used.
5. The alternative institution shall provide security arrangements to prevent the destruction, rearrangement, loss, or theft of the deposited records in both the storage and the reference areas. The Depository Agreement should specify the security arrangements that are in place, such as alarms, locks, cameras and reference procedures.
6. The alternative institution shall not co-mingle the deposited records with other records in its holdings, and it shall maintain the deposited records in their original order.

7. The alternative institution shall make the deposited records available for public research and copying during normal business hours. The Depository Agreement should specify what the normal business hours are. Access to the deposited records continues to be governed by the provisions of the Michigan Freedom of Information Act when they are in the physical custody of the alternative institution. The alternative institution is responsible for complying with these access provisions.
8. Records that have been declared by law to be confidential must be maintained on a limited access basis. The specific terms of access will be governed by the applicable confidentiality statute. Deposited records remain restricted unless the applicable law is amended or repealed. The local government agency remains responsible for ensuring that confidential records are only accessed by authorized individuals. The local government agency is responsible for notifying the alternative institution in writing at the time of transfer, which deposited records contain confidential information, and the terms for providing access to these records.
9. The alternative institution should provide the local government agency and the Archives of Michigan with an annual report containing research statistics, including the number of requests received via on-site visit, letter, phone, e-mail and fax; the average response time for off-site researchers; and special events, tours, exhibits, research projects, etc. that the deposited records were used for.
10. The local government agency should send a copy of all Depository Agreements to the Archives of Michigan at least 30 days before they are signed. Public records should not be transferred to an alternative institution before an agreement is signed. Furthermore, the local government agency should send an inventory of all records that are deposited with the alternative institution to the Archives of Michigan within 30 days of the transfer.
11. Local government agencies that deposited their public records with an alternative institution without negotiating and signing a Depository Agreement should attempt to remedy the situation by doing so. Within 30 days of signing the agreement, the alternative institution should provide the local government agency and the Archives of Michigan with an inventory of the deposited records that are covered by the agreement.

SAMPLE
PUBLIC RECORDS DEPOSITORY AGREEMENT

Date [insert date the agreement is approved]

Between:

[name of local government unit]

And:

[name of alternative institution]

It is agreed that the public records listed on the attached Inventory (Attachment A) are deposited with the institution listed above, subject to the following terms:

1. The deposited records remain public property, and the local government unit may recall the records at any time. If the local government unit becomes defunct, the Archives of Michigan may recall the records to the state level.
2. The Alternative Institution shall retain physical and intellectual control of the deposited records at all times. Under no circumstances shall the deposited records be loaned, sold, or otherwise removed from the physical custody of the alternative institution, unless to be returned to the local government unit.
3. The Alternative Institution shall not destroy or weed a deposited record. If the alternative institution decides that storage of the records is no longer part of its mission, then the deposited records shall be returned to the local government unit for the remainder of their approved retention period.
4. The Alternative Institution shall care for the deposited records by providing storage facilities capable of preserving the records at least as well as the local government unit. [Describe the environment conditions, including temperature and humidity.]
5. The Alternative Institution shall provide security arrangements to prevent the destruction, rearrangement, loss, or theft of the deposited records in both the storage and the reference areas. The records shall be stored in a room separate from the research area. [Specify the security arrangements that are in place, such as alarms, locks, cameras and reference procedures.]
6. The Alternative Institution shall not co-mingle the deposited records with other records in its holdings, and it shall maintain the deposited records in their original order.

7. The Alternative Institution shall make the deposited records available for public research and copying during normal business hours. [Insert the normal business hours of the Alternative Institution.]

Access to the deposited records continues to be governed by the provisions of the Michigan Freedom of Information Act ([MCL 15.231-15.246](#)) when they are in the physical custody of the alternative institution. The Alternative Institution is responsible for complying with these access provisions.

8. Records that have been declared by law to be confidential must be maintained on a limited access basis. The specific terms of access will be governed by the applicable confidentiality statute. Deposited records remain restricted unless the applicable law is amended or repealed. The local government unit remains responsible for ensuring that legally confidential records are accessed only by authorized individuals.

9. This depository agreement must be reviewed and renewed annually in writing.

REMINDER: NO RECORDS CAN BE TRANSFERRED UNTIL BOTH THE LOCAL GOVERNMENT UNIT AND THE ALTERNATIVE DEPOSITORY INSTITUTION HAVE SIGNED THIS AGREEMENT. A COPY OF THE SIGNED AGREEMENT SHALL BE FILED WITH THE ARCHIVES OF MICHIGAN.

[Institution Representative Signature and Title]

[Local Government Unit Representative Signature and Title]

Regional Depository System

The Archives of Michigan entered into several agreements with archival repositories around Michigan to store/deposit local government records that were transferred to the custody of the Archives for permanent preservation. These agreements outline the responsibilities of the both the Archives and the designated depository regarding the records. The records remain the property of the State of Michigan, and the depository is responsible for providing storage and reference services so that researchers may have access to the records. The goal is to allow these records to be maintained in a location geographically close to the community of origin, while providing secure, environmentally controlled environments where the records can be preserved for the future.

Listed below are the Regional Depositories and the geographic areas that are served by each depository. Local government agencies should contact the Archives of Michigan with questions about transferring their records, rather than the regional depository. Furthermore, researchers interested in accessing local government records should contact the Reference Services of the Archives at (517) 373-1408 to locate those records.

Depository	Region
Michigan Technological University Archives and Copper Country Historical Collections (Houghton, MI)	Counties: Baraga, Gogebic, Houghton, Iron, Keweenaw, Ontonagon
Central U. P. and Northern Michigan University Archives (Marquette, MI)	Counties: Alger, Delta, Dickinson, Marquette, Menominee, Schoolcraft
Clark Historical Library, Central Michigan University (Mt. Pleasant, MI)	Counties: Claire, Gladwin, Gratiot, Isabella, Midland
Western Michigan University Archives and Regional History Collections (Kalamazoo, MI)	Counties: Allegan, Barry, Berrien, Branch, Calhoun, Cass, Kalamazoo, Kent, Muskegon, Ottawa, St. Joseph, Van Buren
Kresge Library, Oakland University (Rochester, MI)	County: Oakland
Burton Historical Collections, Detroit Public Library (Detroit, MI)	City: Detroit



**OAKLAND
COUNTY**
MICHIGAN

*A Proven Approach to Preserving,
Developing & Managing
Downtowns*

VIBRANT DOWNTOWNS



Increase property values & tax base



Attract businesses & jobs



Build stronger, more desirable
communities for all ages

Benefits & Requirements

“The Main Street approach is not a fad or buzz word. It’s a proven economic development program that improves the quality of life for our citizens. Since 2001, Main Street Oakland County has helped generate more than \$650 million in new public and private investment in our participating downtowns. Building on this success, Oakland County has customized program services to meet the varied needs of more communities.”

L. BROOKS PATTERSON, OAKLAND COUNTY EXECUTIVE



LEARN MORE

about the Main Street Oakland
County Program:

- ✓ Technical services available to
your community
- ✓ Training and promotion
opportunities
- ✓ Requirements for applying

THREE-TIER

MAIN STREET OAKLAND COUNTY PROGRAM

See Where Your Community Can Benefit

With this three-tier program, Main Street Oakland County (MSOC) is reaching out to support all Oakland County downtowns and commercial districts – small to large, new and old. We recognize that not all of our communities can meet the qualifications of the prestigious national level program, but all downtowns can benefit from the methodology and principals. The three tier levels are Select, Associate and Affiliate.

MAIN STREET OAKLAND COUNTY PROGRAM LEVEL ELIGIBILITY			
DEVELOPMENT PATTERN	SELECT	ASSOCIATE	AFFILIATE
Historic Downtown settled in 1800s or early 1900s, primarily built prior to 1940	✓	✓	✓
Historic Hamlet settled in 1800s or early 1900s, primarily built prior to 1940	✓	✓	✓
Urban mixed-use development or commercial center		✓	✓
Multi-Community Heritage Corridor, primarily built prior to 1950		✓	✓

Launched by the National Trust for Historic Preservation, the National Main Street program places a strong emphasis on economic development based on recognizing and preserving a downtown's historic architecture and cultural heritage as assets. These assets are a foundation for revitalization and ongoing success.

If your community doesn't have a traditional, historic downtown, or over time you've lost your downtown, take a look at this table and see where your community can fit into the new MSOC program. We now accommodate newer urban mixed-use developments and heritage corridors.

NATIONAL MAIN STREET FOUR-POINT APPROACH®

The Four-Point Approach® is a unique economic development strategy to energize community revitalization efforts and help manage success for the long term — through difficult times and change. An overview of the four points includes:



1 ORGANIZATION



Builds consensus and partnerships between the many vested stakeholders throughout a downtown to create a volunteer base in which everyone is working toward the same goal. A governing board of directors and standing committees make up the fundamental organizational structure of volunteer-driven revitalization programs. Volunteers are coordinated and supported by a paid program director. This structure not only divides the workload and clearly delineates responsibilities, but also builds consensus and cooperation among the various stakeholders for ongoing management.

2 DESIGN



Capitalizes on and enhances the visual aspects of downtown commercial areas to create a safe, appealing and inviting atmosphere. The physical elements such as the storefronts and building architecture, streetscape, public art, street furniture, parking areas, and public spaces are used to convey a positive image for the downtown. Quality maintenance practices such as historic building rehabilitation, adaptive use, appropriate new development, a design review process and long term planning are also strategies used to enhance the physical appearance of a downtown.

3 PROMOTION



Creates a positive image of the downtown to instill community pride and encourage commercial activity and investment in the area. Promotions such as advertising, retail and special events, marketing and social media campaigns can be used to communicate the unique characteristics of a downtown to residents and visitors — sparking interest in shopping, dining, living or investing and creating a business in the community.

4 ECONOMIC RESTRUCTURING



Strengthens the existing economic assets while diversifying the economic base of the downtown to support and improve profitability. The goal is to build a strong commercial district that supports today's consumers by providing a balanced commercial mix, supporting and expanding existing businesses, recruiting new businesses, developing infill space, and converting unused or underused commercial space into economically productive property.

Program Benefits

MSOC = Main Street Oakland County
 NMSC = National Main Street Center
 ✓ = Make a check mark next to the services that would be valuable to your community.
 X = Program Benefit Availability

NOTE: Provision of all technical services, training and promotional opportunities are dependent on the availability and scheduling of Oakland County staff and consultants and Oakland County Department of Economic Development & Community Affairs' budget resources. In all cases, priority access is given to MSOC Select Level communities.

TECHNICAL SERVICES	QUICK DESCRIPTION	SELECT	ASSOCIATE	AFFILIATE
Needs Assessment	Considered one of the most beneficial services, the Needs Assessment is completed by the NMSC and MSOC and provides the foundation for future growth by identifying the downtown's primary issues, goals, assets and opportunities.	X		
Technical Visit by NMSC	Technical Visits provided by the NMSC bring a national perspective, from national experts, on how to resolve a specific local challenge or implement a specific project. Tech Visits can take the form of a report, consultation or training session.	X		
Technical Visit by MSOC	Technical Visits provided by MSOC are an efficient way to access county expertise in downtown revitalization. Tech Visits can take the form of a report, consultation or training session, and frequently build upon best practices followed by other MSOC downtowns.	X	X	
Resource Team	A Resource Team comprised of NMSC and MSOC staff, with expertise in organization, design, promotion and economic restructuring determine the in-depth, long-term technical assistance needs of a local revitalization program.	X		
Annual Evaluation and Accreditation	An Annual Evaluation conducted by the NMSC and/or MSOC assesses a local program's progress, needs and future plans. Local programs are evaluated against the ten National Main Street Standards of Performance. Those that meet all ten standards of performance receive National Accreditation.	X		
Quarterly Manager's Meeting	Local program managers and MSOC staff share and collaborate on topics related to successful downtown management. Updates on training, resources and information are provided and discussed.	X	X	
Annual Associate Level Meeting	MSOC staff meets individually with local program managers to discuss their annual report, local program needs and assess future plans. This meeting assists in determining readiness for Select Level application.		X	
Design Assistance Program	Conceptual architectural and urban design services are available to local program managers, property owners and business owners. The service can include sketches, floor and site plans, written recommendations and construction cost estimates. This service provides an incentive for private owners to make property improvements.	X		
Historic Preservation Planning	Historic preservation is at the core of Main Street. This service includes technical assistance, conditional assessment, material conservation recommendations, redevelopment assistance, planning and design, preservation master planning, education and grant alerts.	X	X	X
Access to NMSC Consultants	On behalf of a Select Level community, MSOC can draw upon a national pool of NMSC consultants that provide services and training in downtown revitalization.	X		
Project Financial Packaging Assistance	Assistance can be provided to local programs, property owners and investors in identifying potential financial programs and incentives that may help move projects forward.	X		
Grant Application Support	Support can be provided to local programs to identify potential grants, prepare maps and graphics to strengthen grant applications and write letters of support.	X	X	
Environmental Stewardship and Green Infrastructure Planning	The importance of green-space, storm water management and energy efficiency continues to gain importance in urban environments. Assistance in areas of planning, design, mapping and data can be provided.	X	X	X
Trail and Non-Motorized Transportation Planning	Trails and non-motorized transportation systems can increase property values, attract visitors and improve residents' health and safety. This service can help your community plan for, develop and maintain this type of infrastructure.	X	X	X
Brownfield Program Consultation	Assistance is available to help communities understand state brownfield laws and programs. There are also limited grants funds for environmental assessments and potential access to the County Brownfield Redevelopment Authority.	X	X	X
Land Use, Master Plan and Zoning Consultation	Downtown development and historic preservation are most successful when supported by local planning and zoning. This service provides access to planning and zoning expertise, maps and data to support local decision making.	X	X	X
One Stop Shop Business Center	Oakland County's entry point for economic development services, including educational workshops, information-based planning, secondary market research, business strategy and GIS maps and data.	X	X	X
Small Business Consultation	Access business counselors that are predominately private-sector trained with management and financial consulting backgrounds. Specialties include accounting, brand management, marketing, market research, finance, GIS, technology, manufacturing, human resources and franchising.	X	X	X

Program Benefits

MSOC = Main Street Oakland County
 NMSC = National Main Street Center
 ✓ = Make a check mark next to the services that would be valuable to your community.
 X = Program Benefit Availability

NOTE: Provision of all technical services, training and promotional opportunities are dependent on the availability and scheduling of Oakland County staff and consultants and Oakland County Department of Economic Development & Community Affairs' budget resources. In all cases, priority access is given to MSOC Select Level communities.

✓ TRAINING OPPORTUNITIES		QUICK DESCRIPTION	SELECT	ASSOCIATE	AFFILIATE
Main Street Manager Orientation		Half-day session by NMSC and MSOC staff outlining the roles and responsibilities of the Main Street Manager.	X		
National Main Street Conference Registration Scholarship		MSOC pays a registration fee to this annual, premier downtown revitalization conference. Select Level communities receive two scholarships during their first three years in the MSOC program. Associate Level communities receive one scholarship per year.	X	X	
Main Street Mentoring (Facilitated Networking)		A service provided by Select Level communities, facilitated by MSOC, to cultivate a working relationship with Associate or Affiliate communities to share best practices and program development.		X	X
Main Street 101 Training		One- to two-day training covering the basics of the NMSC Four-Point Approach* of organization, design, promotion or economic restructuring by national presenters.	X	X	X
Main Street 201 Training		In-depth, one- to two-day advanced training covering the NMSC Four-Point Approach* of organization, design, promotion or economic restructuring by national presenters.	X	X	X
Main Street Four-Point Approach* Topical Workshops		In-depth training that addresses a topic of the Four-Point Approach* and occurs over one or two full days. This training session is conducted by state or national presenters.	X	X	X
MSOC Select Level Application Workshop		This workshop is held on a request basis for communities that have demonstrated the capacity and readiness to apply for the Select Level.		X	X
Planning and Economic Development Training		Oakland County offers a number of training and professional development opportunities for communities, including Annual Heritage Conference; One Stop Ready Academy; Trail, Water & Land Alliance; and historic preservation, planning and zoning workshops. These are important forums for networking and ongoing skill development.	X	X	X

PROMOTIONAL OPPORTUNITIES		QUICK DESCRIPTION	SELECT	ASSOCIATE	AFFILIATE
Formal Use of the National Main Street Center Trademark		The prestige associated with using the NMSC trademark is only available to Select Level communities.	X		
New Select Level Press Conference		A press conference held by Oakland County in the new Select Level community, to recognize and promote this achievement.	X		
New Associate Level Annual Press Conference		After communities are accepted into the Associate Level program, a joint press conference is held to recognize this achievement.		X	
National Accreditation Press Conference		The Oakland County Executive holds a press conference each year to recognize all the Select Level communities that get a perfect score on their annual program evaluation and achieve NMSC accreditation.	X		
Great American Main Street Award*		Each year at the national conference, the NMSC recognizes exceptional Main Street communities whose success serves as a model for comprehensive, preservation-based commercial district revitalization. It is the highest honor from the NMSC. Accredited Select Level communities are eligible and encouraged to apply.	X		
Marketing and Advertising Opportunities		MSOC communities are often featured in County publications, social media, press releases and marketing materials.	X		
Use of the MSOC Street Sign		Select Level communities can post signs, provided by the County, designating that they are a MSOC program community.	X		
Annual Main Event Awards and Recognition		MSOC Select and Associate Level communities compete for awards and are recognized at this annual celebration. Award categories are based on the Four-Point Approach* and special achievements.	X	X	
Articles in Oakland County Prosper Online Magazine		Subject to editor's approval, communities can promote their activities to a county-wide audience. The annual, printed Prosper magazine has fee-based opportunities available.	X	X	
Local, County, State and National Networking and Publicity		MSOC community participation at events provides good networking opportunities and may be featured in County publications, publicity, social media and on the web site.	X	X	X
Local, County, State and National Advocacy Program		A complex mix of programs and financial incentives are often required in downtown management and economic development. MSOC is active, at all government levels, in protecting and proposing the tools communities need.	X	X	X
Ribbon Cuttings and County Proclamation for New Businesses		Oakland County proclamations are available for MSOC communities for new business ribbon cuttings. Related photos may be used in County promotions.	X	X	X
County-Issued Press Releases for Special Projects		MSOC program communities undertaking special projects may be featured in county-issued press releases.	X	X	
Online Resources (Website)		All MSOC program members have a link on the AdvantageOakland website.	X	X	X

Downtown Management STRUCTURE

To manage city, village and township downtowns and commercial districts, the Main Street program can be utilized by a variety of organizations, including:

- ✓ Downtown Development Authorities (DDA)
- ✓ Principal Shopping Districts (PSD)
- ✓ Non-Profit Organizations

To the right is an outline of a standard Downtown Management Structure used at the Select Level.

DOWNTOWN MANAGEMENT BOARD

(DDA, PSD or Non-Profit)

Reviews Downtown Manager and committee recommendations and takes final action.

DOWNTOWN MANAGER

(DDA or PSD Executive Directors, Non-Profit Main Street Managers)

Reviews and coordinates activities of the office and all committees. Reports directly to the Downtown Management Board.

FOUR-POINT STANDING COMMITTEES

Committees develop annual work plans that include specific projects, task assignments, completion dates, volunteers and costs. Committees prepare operating budgets that are reviewed by the Downtown Manager and presented to Downtown Management Board for approval.

ORGANIZATION



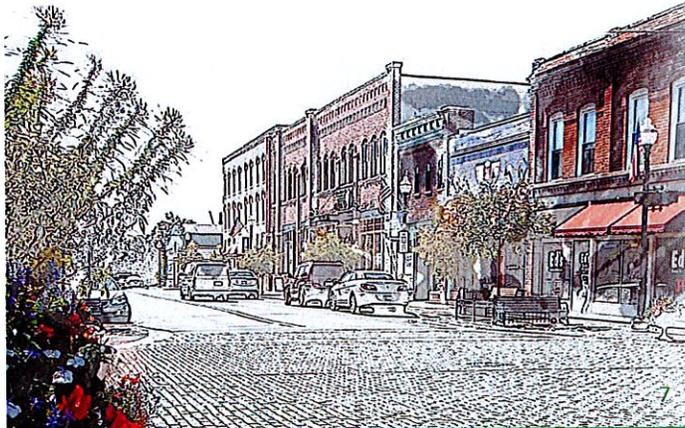
DESIGN



PROMOTION



ECONOMIC
RESTRUCTURING



National Main Street Center 8 PRINCIPLES

The National Main Street Center's Four-Point Approach® succeeds only when combined with the following eight principles:

1 COMPREHENSIVE: A single project cannot revitalize a downtown. An ongoing series of initiatives is vital to build community support and create lasting progress.

2 INCREMENTAL: Small projects make a big difference. They demonstrate that "things are happening" and hone the skills and confidence the program will need to tackle more complex problems.

3 SELF-HELP: Only local leadership can initiate long-term success by fostering and demonstrating community involvement and commitment to the revitalization process.

4 PUBLIC/PRIVATE PARTNERSHIP: The support and expertise of both the public and private sectors is necessary for an effective partnership.

5 CAPITALIZING ON EXISTING ASSETS: A key goal is to help communities recognize and make the best use of their unique offerings. Local assets provide the solid foundation for a successful program.

6 QUALITY: From storefront design to promotional campaigns to special events, quality must always be the main goal.

7 CHANGE: Changing community attitudes and habits is essential for success. A carefully planned Main Street program will shift public perceptions and practices to support and sustain the revitalization process.

8 ACTION-ORIENTED: Frequent, visible changes in the look and activities of the downtown will reinforce the perception of positive change. Small, but dramatic improvements show that the revitalization effort is underway.

Program Requirements

MSOC = Main Street Oakland County R = Required
 NMSC = National Main Street Center G = Goal

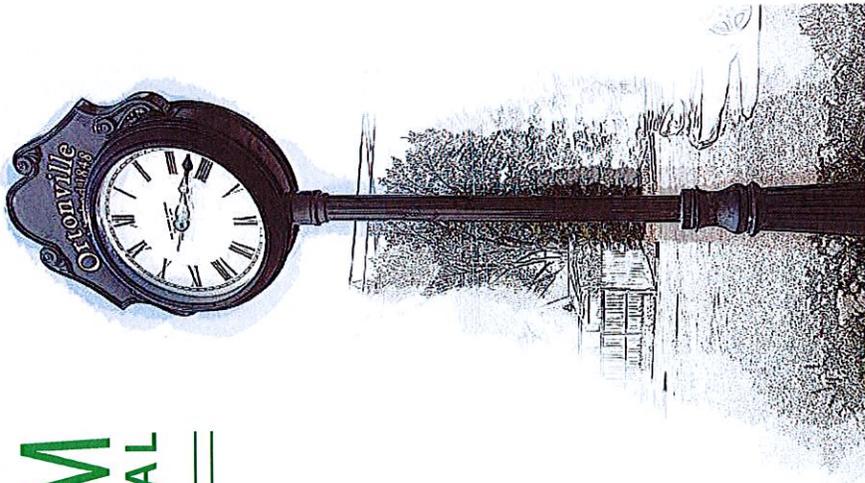
PROGRAM ENTRY	QUICK DESCRIPTION	SELECT	ASSOCIATE	AFFILIATE
Submit a <i>Letter of Request</i> and Application with Attachments to MSOC	MSOC staff provides assistance to the local community as they prepare the application prior to its formal submittal. The application is based on the 10 National Accreditation Standards of Performance for a quality downtown management program.	R		
Submit an Application to MSOC	MSOC staff meets with the community and guides them in completing a basic application that is submitted to MSOC for review.		R	R
Obtain a <i>Resolution of Support</i> from Local Governing Body	Local government commitment and involvement is critical to a downtown's revitalization and ongoing success – local resolutions demonstrate this support. <i>Associate Level communities must obtain a resolution of support by year two.</i>	R	R	G
Designate a Program Management Organization	An organization needs to be designated as the primary "client" for MSOC services. This group is responsible for reaching out to and involving businesses, property owners and the broader community in the MSOC program. <i>Select Level communities are required to have an active Board of Directors and Four-Point Approach* Committees.</i>	R	R	G
Designate a Program Liaison	Communities must designate a program liaison that serves as the main point of contact and is responsible for advancing the MSOC program in the community. <i>Select Level communities are required to have a paid professional Downtown Manager.</i>	R	R	R

ON-GOING PARTICIPATION	QUICK DESCRIPTION	SELECT	ASSOCIATE	AFFILIATE
These requirements are based on National Main Street Accreditation Standards of Performance.				
Broad-Based Community Support	Local Main Street program represents and involves a coalition of public and private stakeholders, organizations, agencies, businesses, individuals and property owners from throughout the community and commercial district.	R	G	G
Vision and Mission Statements	A vision statement communicates long-term hopes and intentions. A mission statement communicates the organization's sense of purpose and overall direction. Both are developed with broad stakeholder participation.	R	R	G
Comprehensive Work Plan	A comprehensive annual work plan provides the following: <ul style="list-style-type: none"> • A detailed blueprint for the Main Street program's activities • Reinforces the program's accountability both within the organization and also in the broader community • Provides measurable objectives by which the program can track its progress. 	R	G	
Historic Preservation Ethic	Historic preservation is central to a Main Street program's purpose. This involves saving, rehabilitating, and finding new uses for existing buildings, as well as adopting planning and zoning policies that enable the full use of existing buildings.	R	G	G
Active Board of Directors and Four-Point Approach* Committees	The Main Street approach is a community-driven process. Stakeholders must take an active role in leading and implementing positive change. The direct involvement of an active board of directors and Four-Point Approach* committees (organization, design, promotion and economic restructuring) are critical to success.	R	G	
Adequate Operating Budget	A successful, sustainable Main Street program needs the financial resources to employ staff and carry out its annual work plan. The size of a program's budget will vary by community, goals and stage of the program.	R	G	
Paid Professional Downtown Manager	Coordinating a successful Main Street program requires a trained professional staff person whose sole focus is the downtown. Ideally, this downtown manager's position is full-time, in some cases a part-time position may be acceptable.	R	G	
Program of Ongoing Training for Staff and Volunteers	Training needs to be an integral part of a program's work plan. As the Main Street program evolves, staff, board members and volunteers will need to sharpen their skills to meet new challenges and tackle more complex projects. Also, as turnover occurs, new board members and volunteers will need basic training.	R	G	
Track and Report Key Statistics	Tracking statistics such as investment, volunteer hours, and job and business creation, provides a tangible measurement of the program's progress and is crucial to garnering long term financial and programmatic support. <i>Tracking requirements vary by program level.</i>	R	R	R
Member of the National Main Street Network	Membership in the National Main Street Network connects local programs to their counterparts throughout the nation. Membership also provides access to valuable resources such as conferences, publications, website, webinars, lists and databases.	R	R	G

OTHER REQUIREMENTS	QUICK DESCRIPTION	SELECT	ASSOCIATE	AFFILIATE
Provide an Annual Report to MSOC	Select Level communities are required to submit an annual report to MSOC in preparation for the annual program evaluation. This report is used to evaluate a community's efforts relative to meeting the National Accreditation Standards of Performance. <i>Associate Level community's goal is to provide an annual report to MSOC that indicates the fulfillment of the application commitment.</i>	R	G	
Participate in Annual Program Evaluation	The annual program evaluation is to recognize accomplishments, identify program shortcomings and provide recommendations for improvement. It is also the basis for determining if a program receives National Accreditation.	R		
Attend MSOC workshops, Main Street 101 and 201	Select Level communities are required to have a minimum of two representatives at MSOC training events. Associate Level communities are required to have one representative.	R	R	G
Attend National Main Street Conference	Select Level communities are required to send at least one representative to this national event.	R	G	G
Act as a Mentor for Associate and Affiliate Level Communities	MSOC will facilitate arrangements for mentorship for those communities interested.	R		



LET THE MAIN STREET PROGRAM
HELP YOUR COMMUNITY MEET ITS POTENTIAL
For More Information Contact



Main Street Oakland County (MSOC)

2100 Pontiac Lake Road, Bldg 41W
Waterford, MI 48328-0412

MainStreetOaklandCounty.com

planninggroup@oakgov.com

(248) 858-0721

MAIN STREET OAKLAND COUNTY MISSION STATEMENT

To maximize the economic potential and to preserve the heritage and sense of place of Oakland County's historic downtowns and commercial districts by encouraging and facilitating the use of the Main Street Four-Point Approach® that emphasizes economic development within the context of historic preservation.





Advantage Oakland

ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS

- Business
- Residents
- Communities
- International
- Maps & Data
- Programs**

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One Stop Ready

One Stop Ready

Phone: 248-858-4071

Address:
2100 Pontiac Lake Road,
Building 41W
Waterford, MI 48328

Hours:
Mon-Fri 8:30am-5:00pm

The One Stop Ready Program encourages communities to capitalize on their strengths and refine their economic development processes for the purpose of implementing their community vision. [Program Overview](#)

Being ready for economic and community development is not simply approving projects. It means understanding the effects of leadership, process and time, and implementing a culture of collaboration with community stakeholders, businesses, developers, residents and resources.

The One Stop Ready program encourages communities to think of themselves in the context of a developer, a business or a resident making a decision to locate, or invest, in their community. [Sample Resolution](#)

How do they perceive the community? Why have they chosen this location? What are their deadlines?



[One Stop Ready Program in the News](#)

2015 Academy Classes:

- Economic Context, Community Vision & Management Structure (7/22/2015)
- An Investor's Perspective (8/26/2015)
- Implementation of Best Practices (9/30/2015)

One Stop Ready Community Showcase

2014 Academy Classes:

- Economic Context and Community Vision (6/25/2014)
- An Investor's Perspective (7/23/2014)
- Implementation Best Practices (9/24/2014)
- Management Structure (12/3/2014)

Program Components



[One Stop Ready Community Showcase - October 30, 2015](#)

One Stop Ready Communities

- Auburn Hills
- Clawson
- Groveland Township
- Hazel Park
- Highland Township
- Independence Township
- Keego Harbor
- Lyon Township
- Oak Park
- Orion Township
- Oxford Township
- Oxford Village
- Pontiac
- Royal Oak
- Southfield
- Troy
- Waterford Township
- West Bloomfield Township
- White Lake Township
- Wixom

All All

- One Stop Ready Academy
- Tools & Strategies
- Marketing
- One Stop Ready Forum

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Advantage Oakland

ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS

Business

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International

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Programs

You are here: Advantage Oakland > Business >

Business Roundtable

Business Roundtable

Phone: 248-858-4096

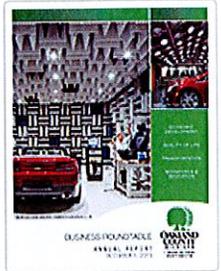
Address:
2100 Pontiac Lake Road,
Building 41W
Waterford, MI 48328

Hours:
Mon-Fri 8:30am-5:00pm

Oakland County Executive L. Brooks Patterson founded the Business Roundtable in 1993 so business leaders can engage county government on issues that will enable them to prosper.

Since its inception, more than 80 percent of the recommendations from Oakland County business leaders have been implemented by the county.

Four Business Roundtable Committees are organized around specific focus areas within the county. These four Committees are dedicated to enriching the lives of county residents.



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[Services](#)
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Committee Information



Economic Development Committee

The Economic Development Committee makes recommendations to promote business, industry and commerce within the County.

Committee Recommendations for 2016

- ▶ Establish a comprehensive talent development system
- ▶ Establish Oakland County as a center for research, development and manufacturing of key electric power transmission and generation components
- ▶ Develop a countywide marketing strategy to promote Oakland County's quality of life assets to the Millennial and "silver tsunami" generations
- ▶ Partner with DTE to provide property to host solar generation systems

[Economic Development Committee Video](#)

Details on these and other committees' recommendations can be found in the [Business Roundtable Annual](#)

[Report.](#)

Quality of Life Committee

The Quality of Life Committee focuses on intangible elements that make Oakland County a premier location for businesses and families.

Committee Recommendations for 2016

- ▶ Create a comprehensive community outreach program which acknowledges and offers ideas and services to retain current residents in both the millennial and baby boomer generations
- ▶ Document the county's excellence in amenities and objective measures that can be used to identify business opportunities and present them through the development capabilities of the Economic Development & Community Affairs department
- ▶ Create a public festival which will offer a high level of exposure locally, and beyond, of the creative and financial potential of the 55+ demographic
- ▶ Working with the leadership of the county's educational institutions and consultants, county staff and committee members should review what has been done to retain Millennials and tap the enormous potential of this energetic and creative generation

[Quality of Life Committee Video](#)

Details on these and other committees' recommendations can be found in the [Business Roundtable Annual Report](#).

Transportation Committee

The Transportation Committee examines transportation issues and identify actions Oakland County can resolve or mitigate them.

Committee Recommendations for 2016

- ▶ Oakland County Executive L. Brooks Patterson should support the local Complete Streets initiatives. Oakland County in conjunction with the Road Commission should publicize best practices to make streets safer for all users regardless of mode, age or ability.
- ▶ Oakland County should actively promote the driver and pedestrian/bicyclist safety information programs. The county should host forums where these programs are presented to county residents. Education for pedestrians and bicyclists should be woven into the work the county does with various trail groups.
- ▶ Oakland County Executive L. Brooks Patterson should encourage the Regional Transit Authority to include in its master plan a direct Oakland County to Detroit Metro Airport link to provide service for Oakland County residents.
- ▶ The county executive should work with key players to develop an Automotive Consortium for Infrastructure to focus attention on infrastructure needs for emerging technologies, including connected car and alternative fuel options.

[Transportation Committee Video](#)

Details on these and other committees' recommendations can be found in the [Business Roundtable Annual Report](#).

Workforce and Education Committee

The Workforce and Education Committee examines issues which concern current job holders, job seekers, new work force members, trainees and students.

Committee Recommendation for 2016

- ▶ Examine the current talent pipeline
- ▶ Enhance the talent pipeline by filling its gaps
- ▶ Collaborate with educational institutions, economic and workforce development entities, employers and other relevant organizations to develop common agreements, practices and credentials so the pipeline can be easily accessed
- ▶ Promote the talent pipeline through hard copy, social media and people-to-people gatherings

[Workforce and Education Committee Video](#) 

Details on these and other committees' recommendations can be found in the  [Business Roundtable Annual Report](#).

The Business Roundtable Initiative

The Oakland County Business Roundtable provides advice to the County Executive on business, economic, and land development matters in order to ensure the preservation of the county's quality of life and economic vitality for the benefit of its citizens, communities and businesses.

The Roundtable was established in 1993 as a panel of 125 representatives of business, government and education. This advisory group was charged with creating programs that would enhance Oakland County's business climate and quality of life.

Over the years the Roundtable has crafted a range of strategies for moving the county forward. These include:

- ▶ Plans to increase funding for road needs
- ▶ Streamlined, simplified processes for business development
- ▶ Improved access to job training programs

Since its formation, the majority of suggestions submitted at the annual Business Roundtable meeting have been implemented. Governor Granholm replicated elements of the Roundtable on a statewide basis, using it as a model in forming the Governor's Council of Economic Advisors.

Frequently Asked Questions

 All

 All

 Is the Oakland County Business Roundtable part of county government?

 Why was the Oakland County Business Roundtable created?

 What does the Oakland County Business Roundtable do?

 How does the Oakland County Business Roundtable decide which things to work on?

 Why is it necessary for businesses to be involved in these areas?



Community Overview



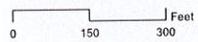
Downtown Development Authority
of the City of South Lyon

Contact
Debbie Nogle
335 S. Warren
South Lyon, MI 48178
248-437-1735

Statistics
Authority: 31 acres
Dev. Area: 31 acres
Millage: No

--- Authority Boundary

+ Development/Capture Area
Area defined in the development
plan where TIF capture can occur.



Map date: April 15, 2015
Created by: Oakland County Planning and
Economic Development Services

The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.



**Lyon Township
Downtown Development Authority**

Contact
Christina Archer
58000 Grand River Ave.
New Hudson, MI 48165
248-437-2240

Statistics
Authority: 3,984 acres
Dev. Area: 2,374 acres
Millage: No

Legend

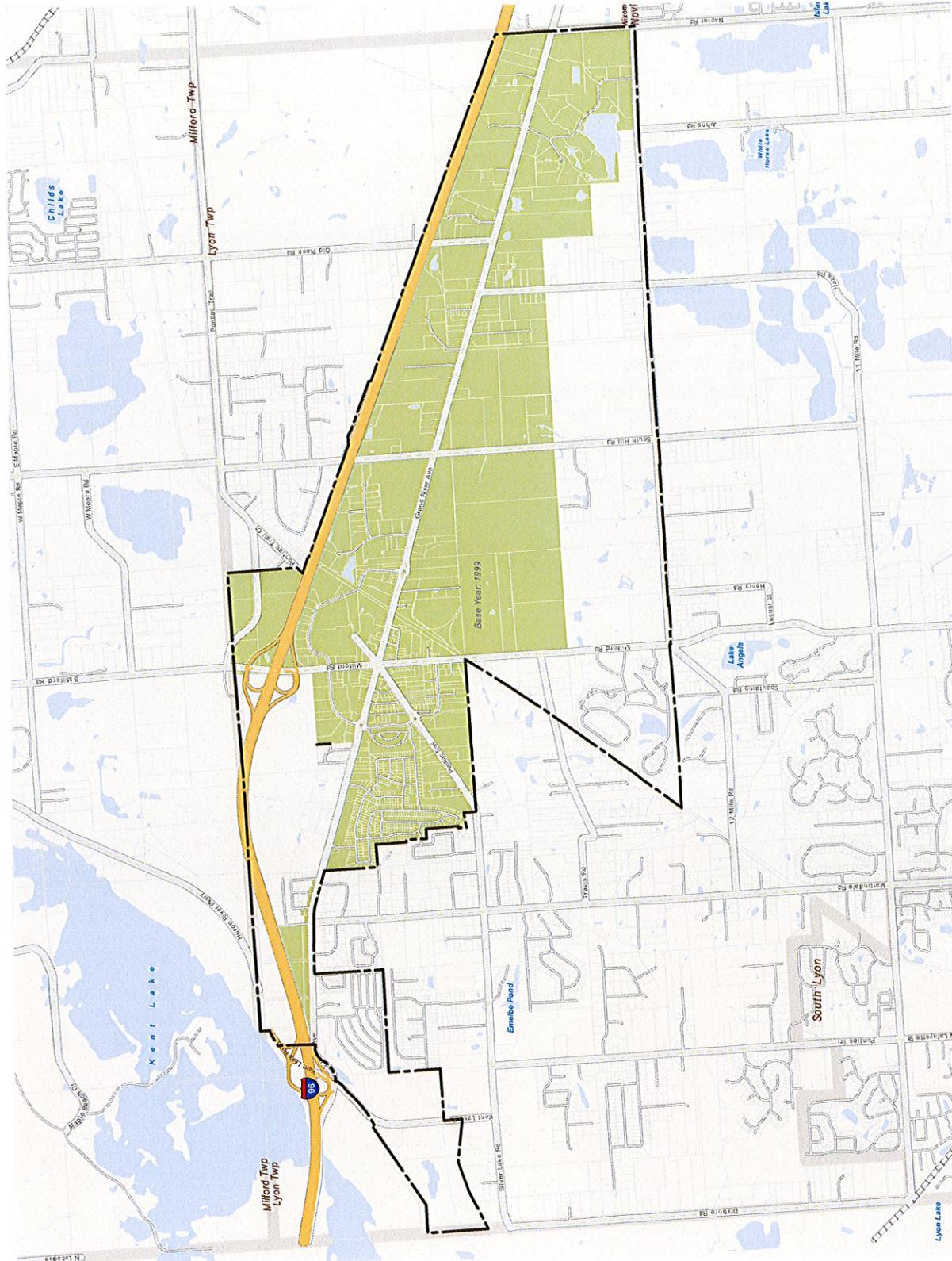
- Authority Boundary
- Development/Capture Area
Area defined in the development plan where TIF capture can occur.

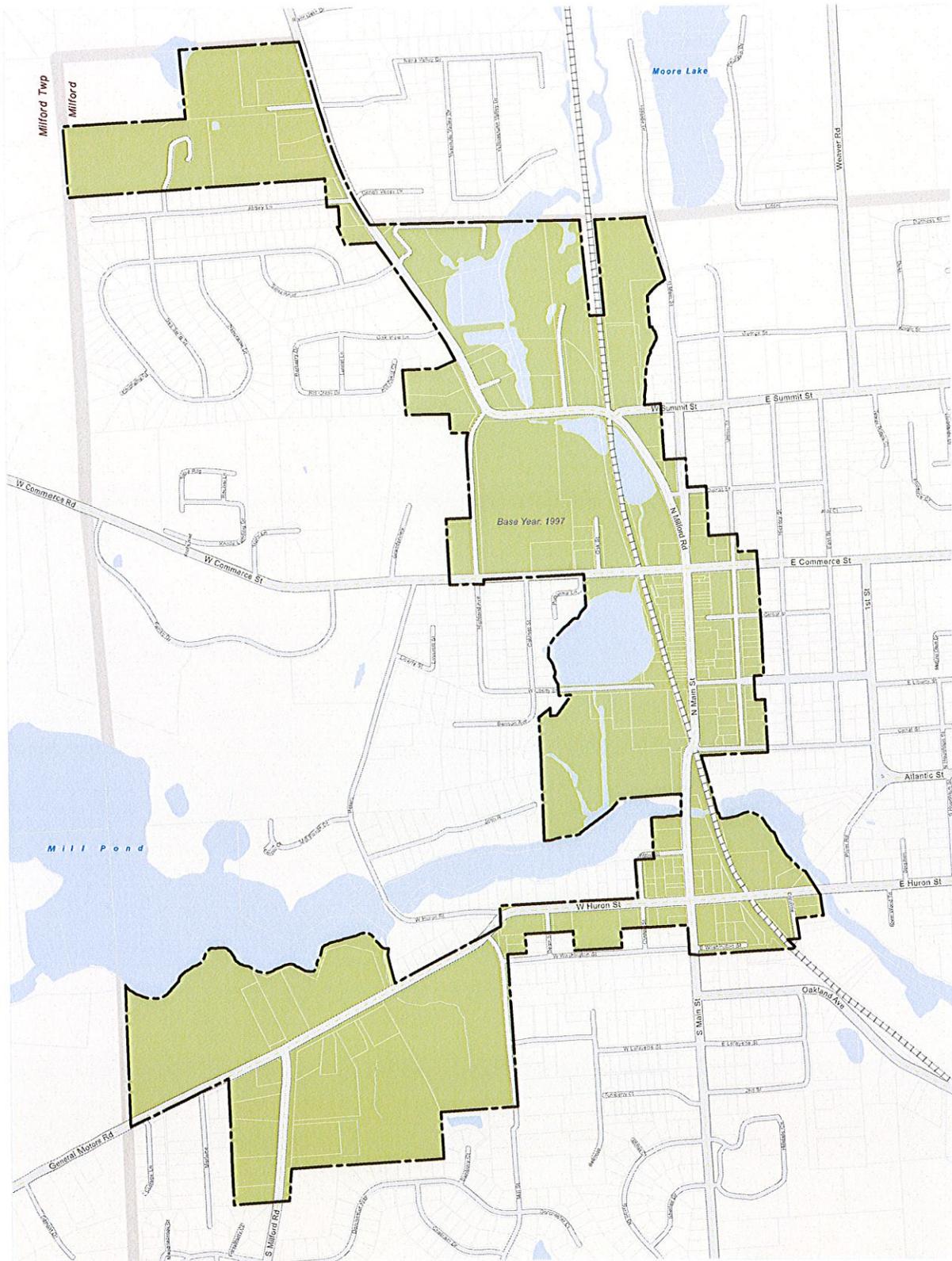


Map date: April 15, 2015
Created by: Oakland County Planning and Economic Development Services

The information provided herewith has been compiled from recorded documents, files, and other public records. It is a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.

Community Overview





Community Overview



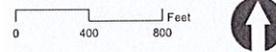
Village of Milford
Downtown Development Authority

Contact
Ann Barnette
1100 Atlantic
Milford, MI 48381
248-684-9719

Statistics
Authority: 276 acres
Dev. Area: 276 acres
Millage: Yes

Legend

-  Authority Boundary
-  Development/Capture Area
Area defined in the development plan where TIF capture can occur.



Map date: April 15, 2015
Created by: Oakland County Planning and Economic Development Services

The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.



City of Wixom
Downtown Development Authority

Contact
Clarence Goodlin
49045 Pontiac Trail
Wixom, MI 48393
248-624-0894

Statistics
Authority: 283 acres
Dev. Area: 283 acres
Millage: Yes

Legend

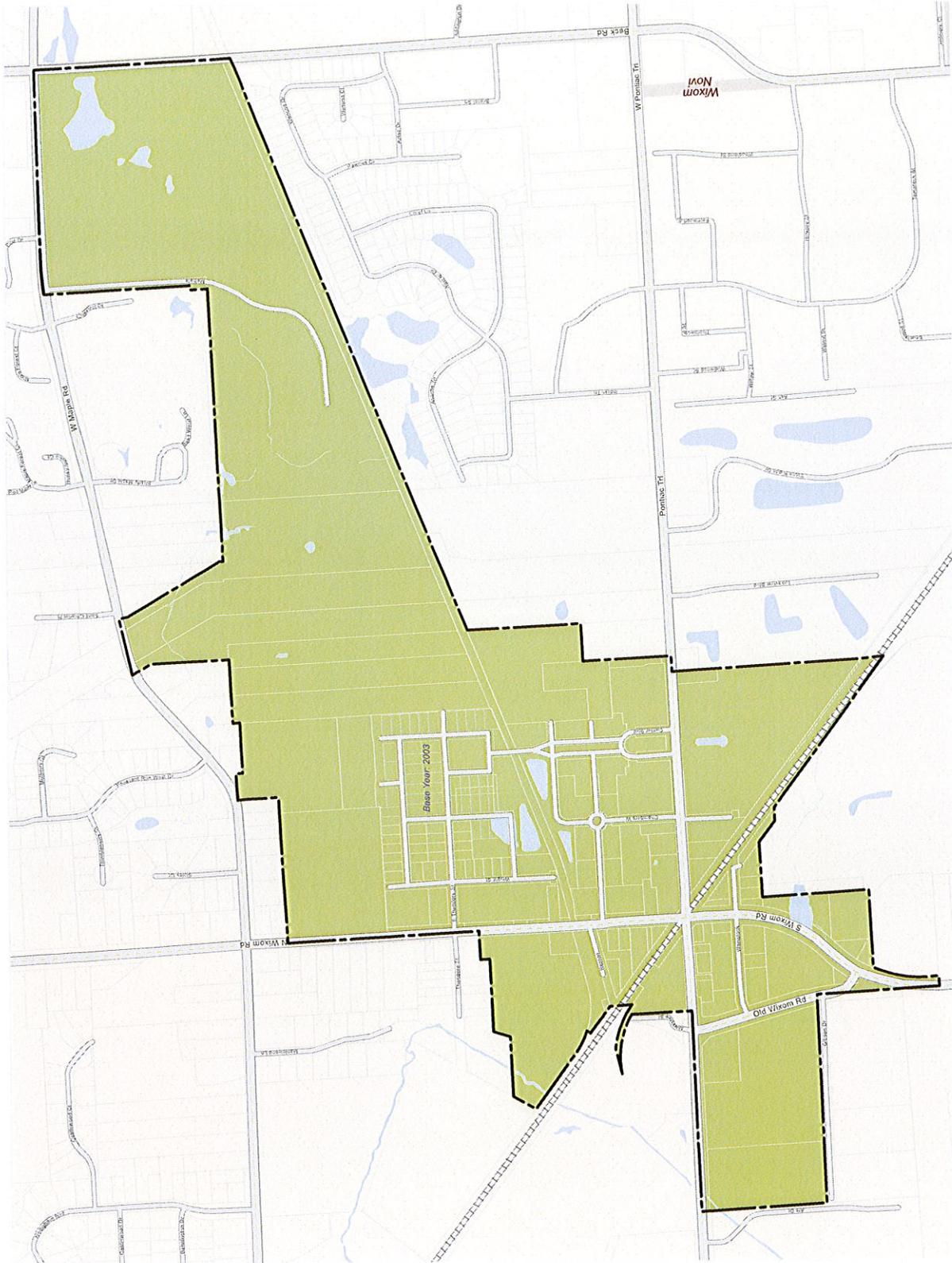
- Authority Boundary
- Development/Capture Area
Also defined in the development plan where TIF capture can occur.



Map date: April 15, 2015
Created by: Oakland County Planning and Economic Development Services

The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other sources. It is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.

Community Overview





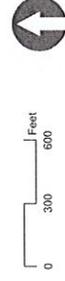
Rochester
Downtown Development Authority

Contact
Kristi Trevarrow
308 Main St
Rochester, MI 48307
248-656-0060

Statistics
Authority: 181 acres
Dev. Area: 181 acres
Millage: Yes

Legend

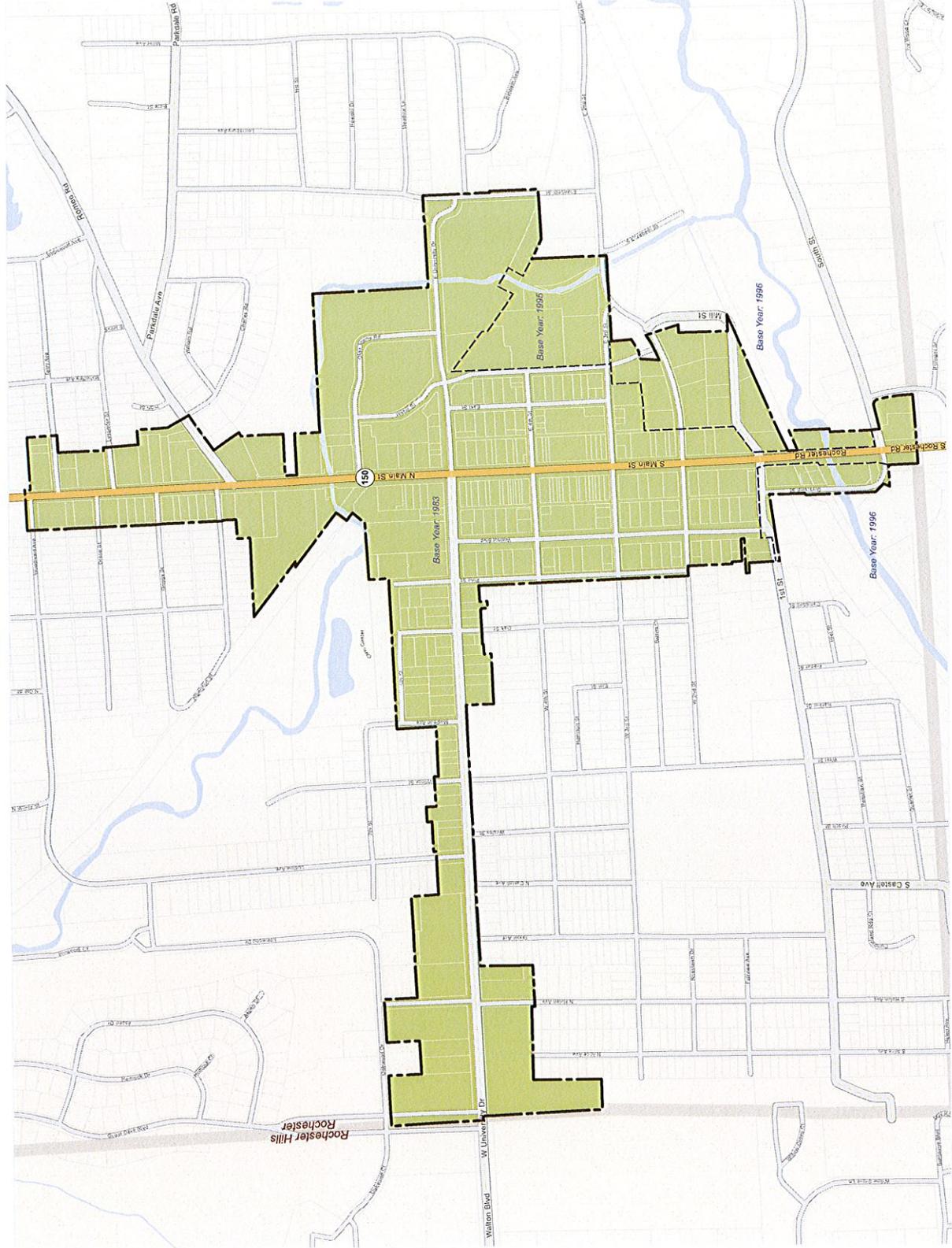
- Authority Boundary
- Development/Capture Area
Area defined in the development plan where TIF capture can occur.
- Separate Base Years
Represents delineated base years due to development area boundary amendment or expansion.

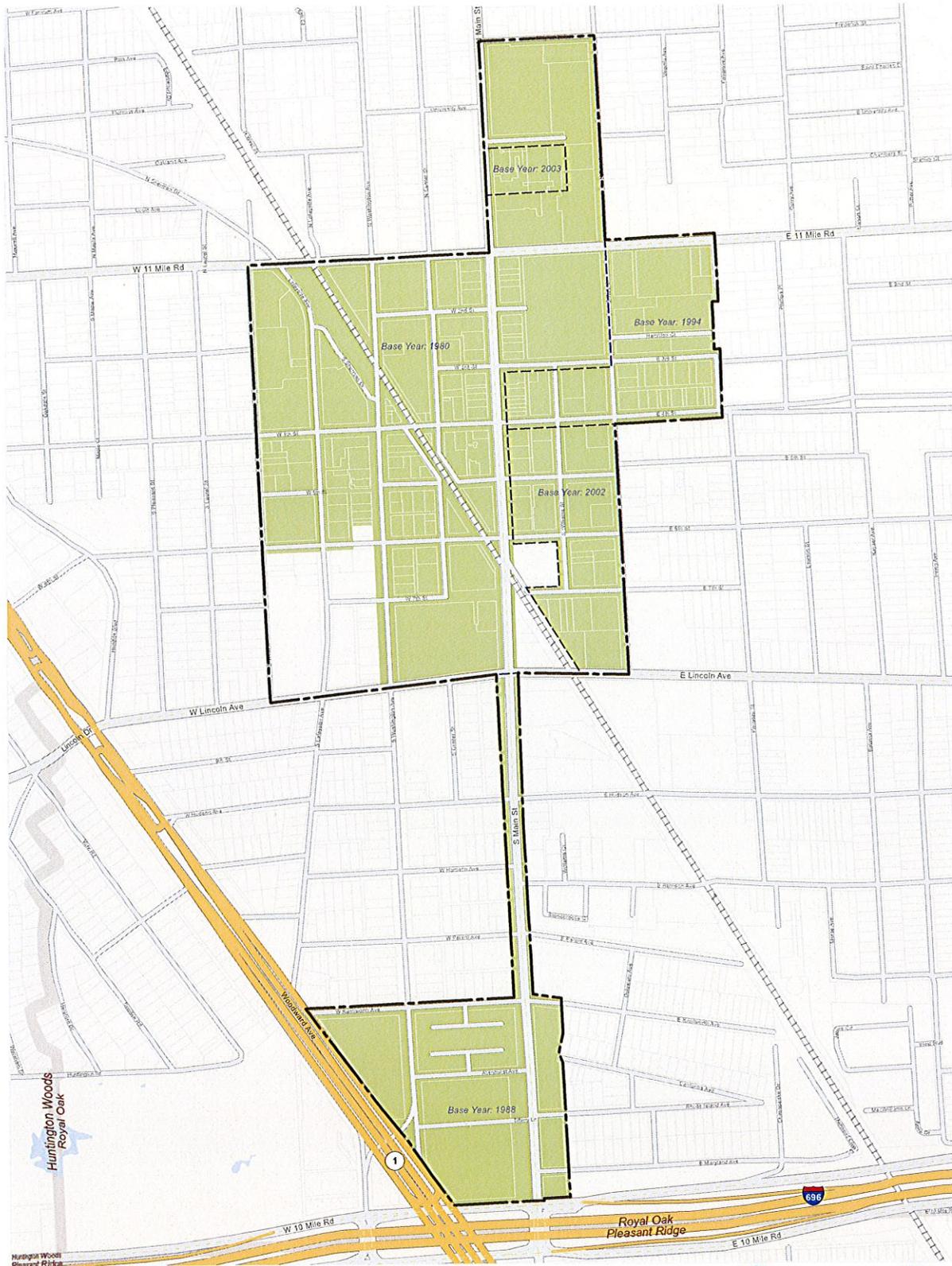


Map date: April 15, 2015
Created by: Oakland County Planning and Economic Development Services

The information provided herewith has been compiled from recorded deeds, plans, tax maps, and other public survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.

Community Overview
Oakland Twp
Rochester Hills





Community Overview



Royal Oak
Downtown Development Authority

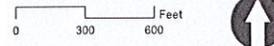
Contact
 Tim Thwing
 211 Williams St.
 Royal Oak, MI 48068
 248-246-3280

Statistics
 Authority: 164 acres
 Dev. Area: 149 acres
 Millage: Yes



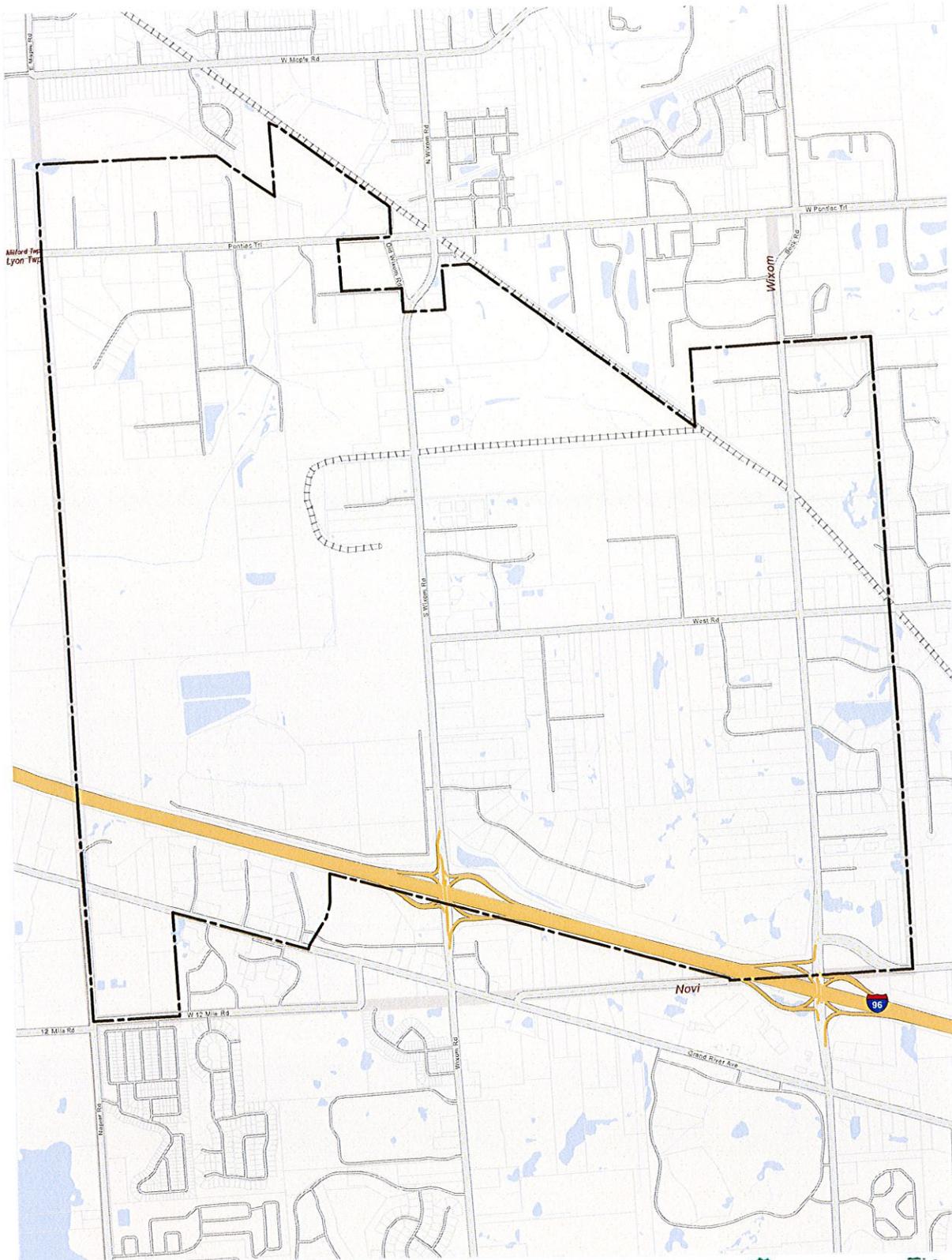
Legend

- Authority Boundary
- Development/Capture Area
Area defined in the development plan where TIF capture can occur.
- Separate Base Years
Represents blended base years due to development area boundary amendment or expansion

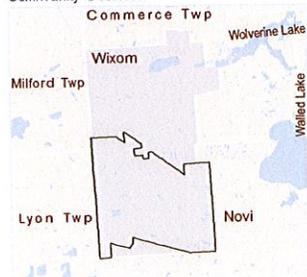


Map date: April 15, 2015
 Created by: Oakland County Planning and Economic Development Services

The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.



Community Overview



Local Development Finance Authority
of the City of Wixom

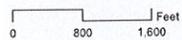
Contact
 Clarence Goodlein
 49045 Pontiac Trail
 Wixom, MI 48393
 248-624-0894

Statistics
 Authority: 2,737 acres
 Millage: No



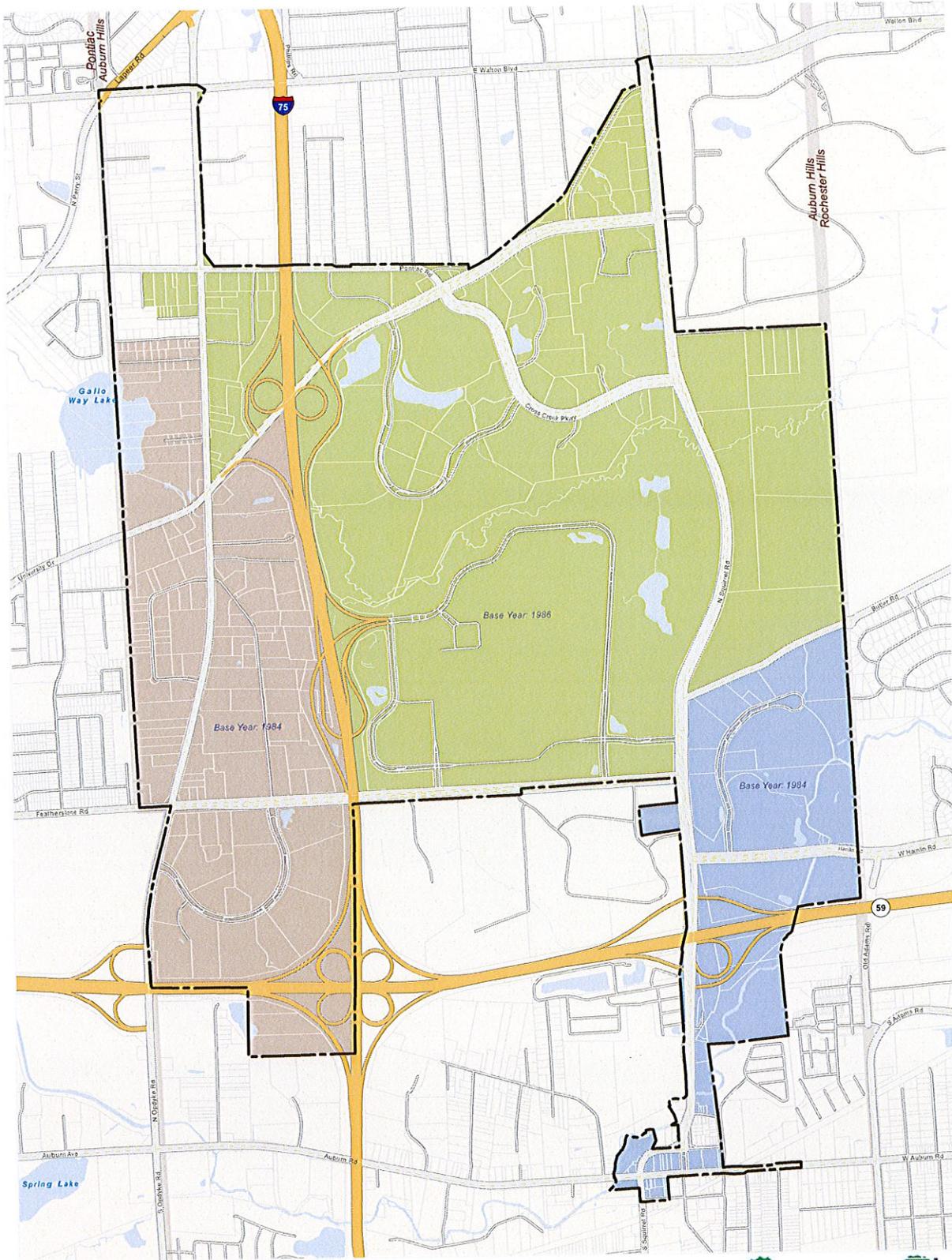
Legend

— Authority Boundary



Map date: April 15, 2015
 Created by: Oakland County Planning and
 Economic Development Services

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Community Overview



Tax Increment Finance Authority
of the City of Auburn Hills

Contact
Tom Tanghe
1827 N. Squirrel Road
Auburn Hills, MI 48326
248-370-9440

Statistics
Authority: 2,488 acres
Dev. Area: 2,383 acres
Millage: No

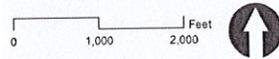
Legend

- Authority Boundary
- Development/Capture Area
Area defined in the development plan where TIF capture can occur. Separate colors are used to show multiple development plans.



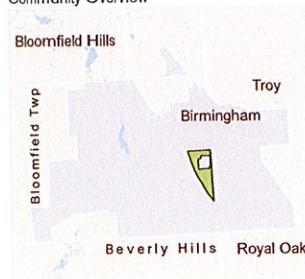
Map date: April 15, 2015
Created by: Oakland County Planning and Economic Development Services

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Community Overview



City of Birmingham
Corridor Improvement Authority

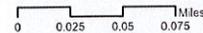
Contact
Jana Ecker
151 Martin St
Birmingham, MI 48012
248-644-1800

Statistics
Authority: 51 acres
Dev. Area: 51 acres
Millage: No



Legend

- Authority Boundary
- Development/Capture Area
Area defined in the development plan where TIF capture can occur.
- Separate Base Years
Represents blended base years due to development area boundary amendment or expansion



Map date: May 11, 2015
Created by: Oakland County Planning and Economic Development Services

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DOWNTOWN DEVELOPMENT AUTHORITY

Act 197 of 1975

AN ACT to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975 ;-- Am. 1988, Act 425, Imd. Eff. Dec. 27, 1988 ;-- Am. 1993, Act 323, Eff. Mar. 15, 1994

Popular Name: DDA

Popular Name: Downtown Development Authority Act

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The People of the State of Michigan enact:

Document	Type	Description
Section 125.1651	Section	Definitions.
Section 125.1651a	Section	Legislative findings.
Section 125.1652	Section	Authority; establishment; restriction; public body corporate; powers generally.
Section 125.1653	Section	Resolution of intent to create and provide for operation of authority; public hearing

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mcl act 197 of 1975

Section
125.1653a

Section

on proposed ordinance creating authority and designating boundaries of downtown district; notice; exemption of taxes from capture; adoption, filing, and publication of ordinance; altering or amending boundaries; agreement with adjoining municipality; agreement with qualified township.

Section
125.1653b

Section

Ratification and validation of ordinance and actions; compliance.

Section
125.1653c

Section

Proceedings or findings; validity.

Section
125.1653d

Section

Establishment or amendment of authority, district, or plan; notice; publication or posting.

Section
125.1654

Section

Board; appointment, terms, and qualifications of members; vacancy; compensation and expenses; election of chairperson; appointment as public official; oath; conducting business at public meeting; public notice; special meetings; removal of members; review; expense items and financial records; availability of writings to public; single board governing all authorities; member as resident or having interest in property; planning commission serving as board in certain municipalities; modification by interlocal agreement.

Section
125.1655

Section

Director, acting director, treasurer, secretary, legal counsel, and other personnel.

Section
125.1656

Section

Participation of employees in municipal retirement and insurance programs.

Section
125.1657

Section

Powers of board; creation, operation, or funding of retail business incubator.

Section
125.1658

Section

Board serving as planning commission; agenda.

Section
125.1659

Section

Authority as instrumentality of political subdivision.

Section
125.1660

Section

Taking, transfer, and use of private property.

Section
125.1661

Section

Financing activities of authority; disposition of money received by authority; municipal obligations.

Section

Section

Ad valorem tax; borrowing in anticipation

125.1662		of collection.
Section 125.1663	Section	Revenue bonds.
Section 125.1663a	Section	Borrowing money; issuing revenue bonds or notes; purpose; costs; security; pledge and lien of pledge valid and binding; filing or recordation not required; tax exemption; bonds or notes neither liability nor debt of municipality; statement; investment and deposit of bonds and notes.
Section 125.1663b	Section	Insufficient tax increment revenues to repay advance or pay obligation; contents, time, and payment of claim; appropriation and distribution of aggregate amount; limitations; distribution subject to lien; obligation as debt or liability; certification of distribution amount; basis for calculation of distributions and claim reports.
Section 125.1663c	Section	Retention and payment of taxes levied under state education tax act; conditions; application by authority for approval; information to be included; approval, modification, or denial of application by department of treasury; appropriation and distribution of amount; calculation of aggregate amount; lien; reimbursement calculations; legislative intent.
Section 125.1664	Section	Tax increment financing plan; preparation and contents; limitation; public hearing; fiscal and economic implications; recommendations; agreements; modification of plan; catalyst development project.
Section 125.1665	Section	Transmitting and expending tax increments revenues; reversion of surplus funds; abolition of tax increment financing plan; conditions; annual report on status of tax increment financing account; contents; publication.
Section 125.1666	Section	General obligation bonds and tax increment bonds; qualified refunding obligation.
Section 125.1667	Section	Development plan; preparation; contents; improvements related to qualified facility.
Section 125.1668	Section	Ordinance approving development plan or tax increment financing plan; public hearing; notice; record.
Section	Section	Development plan or tax increment

125.1669		financing plan as constituting public purpose; determination; ordinance; considerations; amendments; incorporation of catalyst development project plan.
Section 125.1670	Section	Notice to vacate.
Section 125.1671	Section	Development area citizens council; establishment; appointment and qualifications of members; representative of development area.
Section 125.1672	Section	Development area citizens council; advisory body.
Section 125.1673	Section	Consultation.
Section 125.1674	Section	Development area citizens council; meetings; notice; record; information and technical assistance; failure to organize, consult, or advise.
Section 125.1675	Section	Citizens district council as development area citizens council.
Section 125.1676	Section	Notice of findings and recommendations.
Section 125.1677	Section	Development area citizens council; dissolution.
Section 125.1678	Section	Budget; cost of handling and auditing funds.
Section 125.1678a	Section	Exemption.
Section 125.1679	Section	Historic sites.
Section 125.1680	Section	Dissolution of authority; disposition of property and assets; reinstatement of authority; contesting validity of proceedings, findings, and determinations.
Section 125.1681	Section	Proceedings to compel enforcement of act; rules.

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Act 281 of 1986

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THE LOCAL DEVELOPMENT FINANCING ACT

Act 281 of 1986

AN ACT to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing.

History: 1986, Act 281, Eff. Feb. 1, 1987 ;-- Am. 1993, Act 333, Eff. Mar. 15, 1994 ;-- Am. 2000, Act 248, Imd. Eff. June 29, 2000

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The People of the State of Michigan enact:

Document	Type	Description
Section 125.2151	Section	Legislative findings; short title.
Section 125.2152	Section	Definitions.
Section 125.2153	Section	Authority; establishment by municipality; establishment by next Michigan development corporation; limitation; powers.
Section 125.2154	Section	Resolution of intent; notice of public hearing; hearing; resolution exempting

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Section
125.2155

Section

taxes from capture; resolution establishing authority and designating boundaries; filing and publication; alteration or amendment of boundaries; validity of proceedings; establishment of authority by 2 or more municipalities; procedures to be followed by next Michigan development corporation.

Board; appointment, qualification, and terms of members; vacancy; reimbursement for expenses; chairperson; oath of office; rules; procedure; meetings; removal of member; publicizing expense items; financial records open to public; subsections (1) and (5) inapplicable to certain authority.

Section
125.2156

Section

Director, employment; compensation; term; oath of office; bond; chief executive officer; duties; acting director; appointment or employment, compensation, and duties of treasurer; appointment or employment, compensation, and duties of secretary; legal counsel; employment of other personnel; municipal retirement and insurance programs.

Section
125.2157

Section

Powers of board generally.

Section
125.2158

Section

Authority as instrumentality of political subdivision.

Section
125.2159

Section

Taking, transfer, and use of private property.

Section
125.2160

Section

Financing activities of authority.

Section
125.2161

Section

Revenue bonds.

Section
125.2161a

Section

Insufficient tax increment revenues for repayment of advance or payment of obligation; appropriation; filing claim; information required in claim; distributions; determination of amounts; limitations; distribution subject to lien; indebtedness, liability, or obligation; certification of distribution amount; basis for calculation of distributions and claims reports; use of 12-month debt payment period.

Section
125.2161b

Section

Retention and payment of taxes levied under state education tax act; conditions; application by authority for approval; information to be included; approval,

		modification, or denial of application by department of treasury; appropriation and distribution of amount; calculation of aggregate amount; lien; reimbursement calculations; legislative intent.
Section 125.2162	Section	Tax increment financing plan.
Section 125.2162a	Section	Designation as certified technology park; application to Michigan economic development corporation; agreement; determination of sale price or rental value for public facilities; inclusion of legal and equitable remedies and rights; marketing services; additional certified technology parks; priority to certain applications; duties of state.
Section 125.2162b	Section	Creation of authority in which certified technology park designated; agreement with another authority; designation of distinct geographic area; consideration of advantages and benefits; capture of amounts levied by state and local and intermediate school districts; application for approval of distinct geographic area; competitive application process; requirements.
Section 125.2162c	Section	Designation as certified alternative energy park; application; criteria; agreement; determination of sale price or rental value for public facilities; inclusion of legal and equitable remedies and rights; limitations; pledge to support authority's tax increment bonds; ownership and operation by economic development corporation.
Section 125.2162d	Section	Conveyance or lease of public facilities at less than fair market value or below market rates.
Section 125.2162e	Section	Notice of designation of next Michigan development area; marketing of authority district by Michigan economic development corporation; pledge to support tax increment bonds.
Section 125.2163	Section	Tax increment revenues transmitted to authority; expenditure of tax increment revenues; retention or reversion of excess revenue; prohibition; abolition of tax increment financing plan; annual financial report.
Section 125.2164	Section	Tax increment bonds; qualified refunding obligation.
Section	Section	Development plan generally.

125.2165

Section
125.2166

Section

Adoption of resolution approving development plan or tax increment financing plan; public hearing; notice; record.

Section
125.2167

Section

Development plan or tax increment financing plan as constituting public purpose; approval or rejection; considerations; amendments; procedure, notice, findings, and amendment as conclusive; contest.

Section
125.2168

Section

Relocation of person; notice to vacate.

Section
125.2169

Section

Preparation and submission of budget; manner; approval; cost of handling and auditing funds.

Section
125.2170

Section

Dissolution of authority; resolution; disposition of property and assets.

Section
125.2171

Section

Proceedings to enforce act.

Section
125.2172

Section

Effective date.

Section
125.2173

Section

Conditional effective date.

Section
125.2174

Section

Constitutionality of act.

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Act 450 of 1980

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THE TAX INCREMENT FINANCE AUTHORITY ACT

Act 450 of 1980

AN ACT to prevent urban deterioration and encourage economic development and activity and to encourage neighborhood revitalization and historic preservation; to provide for the establishment of tax increment finance authorities and to prescribe their powers and duties; to authorize the acquisition and disposal of interests in real and personal property; to provide for the creation and implementation of development plans; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to permit the issuance of bonds and other evidences of indebtedness by an authority; to permit the use of tax increment financing; to reimburse authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state agencies and officers.

History: 1980, Act 450, Imd. Eff. Jan. 15, 1981 ;-- Am. 1988, Act 420, Imd. Eff. Dec. 27, 1988 ;-- Am. 1993, Act 322, Eff. Mar. 15, 1994

Popular Name: TIFA

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The People of the State of Michigan enact:

Document	Type	Description
Section 125.1801	Section	Definitions.
Section 125.1801a	Section	Short title.
Section 125.1802	Section	Authority; establishment; public body corporate; powers generally.
Section 125.1803	Section	Resolution of intent; determinations; notice of public hearing; adoption, filing, and publication of resolution establishing

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Section 125.1804	Section	authority and designating boundaries of authority district; alteration or amendment of boundaries; validity of proceedings establishing authority.
Section 125.1805	Section	Board; composition; chairperson; oath of member; rules governing procedure and meetings; meetings open to public; removal of member; publicizing expense items; financial records open to public.
Section 125.1807	Section	Board; employment, compensation, term, oath, and bond of director; chief executive office; duties of director; absence or disability of director; reports; employment, compensation, and duties of treasurer and secretary; retention and duties of legal counsel; employment of other personnel; participation in municipal retirement and insurance programs.
Section 125.1808	Section	Board; powers generally.
Section 125.1809	Section	Board serving as planning commission; agenda.
Section 125.1810	Section	Authority as instrumentality of political subdivision.
Section 125.1811	Section	Taking, transfer, and use of private property by municipality.
Section 125.1812	Section	Financing activities of authority; sources.
Section 125.1812a	Section	Borrowing money; issuing negotiable revenue bonds; full faith and credit.
Section 125.1812a	Section	Insufficient tax increment revenues for repayment of advance or payment of obligation; appropriation and distribution to authority; filing, time, and contents of claim; distribution of amounts in 2 equal payments; appropriation and distribution of aggregate amount; limitations; distribution subject to lien; obligation as debt or liability; certification of distribution amount; basis for calculations of distributions and claims reports; debt payment period.
Section 125.1812b	Section	Retention and payment of taxes levied under state education tax act; conditions; application by authority for approval; information to be included; approval, modification, or denial of application by department of treasury; appropriation and distribution of amount; calculation of aggregate amount; lien; reimbursement

		calculations; legislative intent.
Section 125.1813	Section	Preparation and submission of tax increment financing plan; contents and approval of plan; public hearing; taxing jurisdictions.
Section 125.1814	Section	Transmitting and expending tax increment revenues; disposition of surplus funds; abolition of tax increment financing plan; financial report.
Section 125.1815	Section	Tax increment bonds; qualified refunding obligation.
Section 125.1816	Section	Development plan; preparation; contents.
Section 125.1817	Section	Public hearing on development plan; publication, mailing, and contents of notice; presentation of data; record.
Section 125.1818	Section	Development plan or tax increment plan as public purpose; determination; approval or rejection of plan; notice and public hearing; conclusiveness of procedure, adequacy of notice, and certain findings; validation and conclusiveness of plan; contesting plan.
Section 125.1819	Section	Notice to vacate.
Section 125.1820	Section	Development area citizens council; establishment; advisory body; appointment and qualifications of members.
Section 125.1821	Section	Consultation representative of authority and council.
Section 125.1822	Section	Meetings of council; open to public; notice; hearing persons present at meeting; record; information and technical assistance; failures not precluding adoption of development plan.
Section 125.1823	Section	Development plan; notice of findings and recommendations.
Section 125.1824	Section	Development area citizens council; dissolution.
Section 125.1825	Section	Budget; cost of handling and auditing funds.
Section 125.1826	Section	Preservation of public facility, building, or structure having significant historical interest; review of proposed changes to exterior of historic site.
Section 125.1827	Section	Dissolution of authority; resolution; disposition of property and assets.

Section 125.1828	Section	Authority district part of area annexed to or consolidated with another municipality; authority of annexing or consolidated municipality; status of obligations, agreements, and bonds.
Section 125.1829	Section	New authority or authority district and boundaries of authority district; prohibitions; validity of tax increment finance authority, authority district, development area, development plan, or tax increment financing plan established before December 30, 1986; development area created or expanded after December 29, 1986.
Section 125.1830	Section	Proceedings to compel enforcement of act; rules.

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CORRIDOR IMPROVEMENT AUTHORITY ACT

Act 280 of 2005

AN ACT to provide for the establishment of a corridor improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas in the districts; to promote the economic growth of the districts; to create a board; to prescribe the powers and duties of the board; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

History: 2005, Act 280, Imd. Eff. Dec. 19, 2005

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The People of the State of Michigan enact:

Document	Type	Description
Section 125.2871	Section	Short title.
Section 125.2872	Section	Definitions; A to M.
Section 125.2873	Section	Definitions.
Section 125.2874	Section	Authority; establishment; public body corporate; powers.
Section 125.2875	Section	Development area; establishment in municipality; exception; criteria;

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			compliance.
Section 125.2876	Section		Creation of authority; resolution by governing body; notice of public hearing; adoption of resolution designating boundaries; alteration or amendment; interlocal agreement.
Section 125.2877	Section		Annexation or consolidation; effect.
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Section	Section		Development plan; preparation; contents.

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Michigan Compiled Laws Complete Through PA 209 of 2015
 House: Adjourned until Tuesday, January 19, 2016 6:00:00 PM
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BROWNFIELD REDEVELOPMENT FINANCING ACT

Act 381 of 1996

AN ACT to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans; to create brownfield redevelopment zones; to promote the revitalization, redevelopment, and reuse of certain property, including, but not limited to, tax reverted, blighted, or functionally obsolete property; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing.

History: 1996, Act 381, Eff. Sept. 16, 1996 ;-- Am. 2003, Act 259, Imd. Eff. Jan. 5, 2004

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The People of the State of Michigan enact:

Document	Type	Description
Section 125.2651	Section	Short title.
Section 125.2652	Section	Definitions.
Section 125.2653	Section	Brownfield redevelopment authority; establishment; exercise of powers; alteration or amendment of boundaries; authority as public body corporate; written agreement with county.
Section 125.2654	Section	Resolution by governing body; adoption; notice; public hearing; proceedings

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Section 125.2655	Section	establishing authority; presumption of validity; exercise as essential governmental function; implementation or modification of plan.
Section 125.2656	Section	Designation of board by governing body; membership; trustees; applicability of subsection (2); election of chairperson, vice-chairperson, and other officers; oath; procedural rules; meetings; special meetings; removal of member; records open to public; quorum.
Section 125.2657	Section	Appointment or employment of director, treasurer, secretary, personnel, and consultants; assistance provided by municipality; retirement and insurance programs.
Section 125.2658	Section	Powers of authority; determining captured taxable value; transfer of municipality funds to authority.
Section 125.2658a	Section	Local site remediation revolving fund.
Section 125.2659	Section	Brownfield redevelopment fund.
Section 125.2660	Section	Authority as instrumentality of political subdivision.
Section 125.2661	Section	Taking, transfer, and use of private property.
Section 125.2662	Section	Financing sources of authority activities.
Section 125.2663	Section	Bonds and notes of authority.
Section 125.2664	Section	Brownfield plan; provisions.
Section 125.2665	Section	Brownfield plan as public purpose; determination; amendments to plan; validity of procedure, notice, and findings; presumption.
Section 125.2665	Section	Prohibited conduct; work plan; documents to be submitted for approval; written response; time limitation; additional response activities; review by department; approval or denial of work plan as final decision; appeal; reimbursement of costs; report; review by Michigan strategic fund; duties; distribution of remaining funds; use of school operating taxes; extension of review period; approval of combined brownfield plan.

Section 125.2665a	Section	Retention and payment of taxes levied under state education tax act; conditions; use; application for approval by authority; information to be included; approval, modification, or denial of application by department of treasury; appropriation and distribution of amount; aggregate amount; lien; obligations; copy of application; calculations; legislative intent; definitions.
Section 125.2666	Section	Tax increment revenues; transmission to authority; expenditure; reversion of surplus funds; financial status report; collection and compilation of financial reports by department and Michigan strategic fund; reporting obligations; performance postaudit report by auditor general; report by owner or developer for active project within brownfield plan; abolishment or termination of brownfield plan or amendment.
Section 125.2667	Section	Authorization, issuance, and sale of tax increment bonds and notes.
Section 125.2668	Section	Operating budget.
Section 125.2669	Section	Dissolution of authority; distribution of tax revenues and interest.
Section 125.2670	Section	Enforcement proceedings.
Section 125.2671	Section	Taxes levied before December 31, 1996.
Section 125.2672	Section	Conditional effective date.

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Business Development Team

Phone: 248-858-0792

Address:

2100 Pontiac Lake Road,
Building 41W
Waterford, MI 48328

Hours:

Mon-Fri 8:30am-5:00pm

Incentives and Grants

A wide range of incentives are available to companies considering expanding in Oakland County. These incentives seek to attract and retain high-quality jobs for a highly-skilled work force, as well as maintain a vibrant economic environment for the business community. They include tax incentives, financing programs, job training incentives and assistance to redevelop brownfield sites.

To learn more about available incentives programs and grants select a topic from the links below. This information changes often, please contact Business Development for questions and details.



[-] All [+] All

[-] Incentives

[Film and Digital Media Incentive Program](#)

Qualifying film and digital media productions can benefit from several new incentives from the state including production, work force and financing incentives.

[Property Tax Abatements](#)

Exemptions are offered solely at the discretion of the local unit of government. Policies and formulas for determining the term of years to be granted and other qualifications vary with each community. Contact our Business Development Team for more information.

[Oakland County Brownfield Redevelopment Authority](#)

Under state law, a Brownfield Redevelopment Authority is the way to access Tax Increment Financing. Tax credits, grants and loans are available to businesses that reuse contaminated, functionally obsolete or blighted properties.

[Michigan Diversification Loan Fund Program](#)

([download fact sheet](#))



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[Michigan Collateral Support Program](#)

([download fact sheet](#))

This program will supply cash collateral accounts to lending institutions to enhance the collateral coverage of borrowers.

Michigan Loan Participation Program

( [download fact sheet](#))



The MLPP will participate with lenders to finance diversification projects when faced with borrowers whose projected cash flows are considered speculative by the lender.

Obsolete Property Rehabilitation Act (OPRA)

( [download fact sheet](#))

It provides for a tax incentive to encourage the redevelopment of obsolete buildings. The tax incentive is designed to assist in the redevelopment of older buildings in which a facility is contaminated, blighted or functionally obsolete.

Federal Historic Tax Credit Program

The Federal Historic Preservation Tax Incentives program encourages private sector investment in the rehabilitation and re-use of historic buildings.

Alternative Energy Tax Credits

Tax credits are available for businesses engaged in research, development or manufacturing of alternative energy technology.

Capital Access Program

( [download fact sheet](#))

This program uses small amounts of public resources to generate private bank financing, providing small Michigan businesses access to bank financing that might not otherwise be available.

Personal Property Tax Relief in Distressed Communities (PA 328)

( [download fact sheet](#))

This Act allows distressed communities and county seats to abate all new personal property taxes in certain geographic areas to spur economic development.

Defense Contracting MBT Tax Credit

( [download fact sheet](#))

In 2008, legislation was passed creating a new Defense Contracting Michigan Business Tax (MBT) Credit to help Michigan companies procure these federal contracts from the Department of Defense, Department of Energy, or the Department of Homeland Security. The Michigan Economic Growth Authority has the authority to award a refundable tax credit against the MBT to Michigan companies who successfully win a contract.

Centers of Energy Excellence (COEE) Program

\$45 million has been authorized from the 21st Century Jobs Fund to promote the development, acceleration and sustainability of energy excellence sectors in Michigan.

Tool & Die Recovery Zones

This program allows tax payment relief to companies located in recovery zones. Taxes not paid include Michigan Business Tax, state education tax, personal and real property taxes, and local income tax where applicable.

21st Century Jobs Fund

This provides over \$2 billion over the next ten years to spark new investment, creating high-tech companies and jobs through loans, grants and equity investments.

Michigan Pre-Seed Capital Fund

The Michigan Pre-Seed Capital Fund was established to support high-tech start-up companies as they near commercial viability. The purpose of the Fund is to provide access to capital at an early stage of development and to position the company for external investment.

Emerging Technologies Fund

( [download fact sheet](#))

This fund is designed to expand funding opportunities for Michigan technology based companies in the federal innovative research and development arena. To that end, the Small Business & Technology Development Center (SBTDC) through the Michigan Strategic Fund (MSF) is dedicated up to \$1.4 million to match federal funding opportunities for exceptional commercial opportunities in Michigan.

[Michigan Manufacturing Technology Center](#)

The Center offers direct technical assistance to small and medium-sized manufacturers to connect them to the best manufacturing practices and technologies available.

[OU INCubator](#)

Oakland University's SmartZone Business Incubator (OU INC) provides entrepreneurial resources and strategic business solutions to develop intellectual property. The incubator supports existing and grows new technology-based and life science businesses with university resources, decision support technology, business counseling services and financial/capital acquisition assistance.

Grants

[Small Business Innovation Research Grants](#)

Grant program for small business concerns to engage in research/research and development that has the potential for commercialization. With the possible exception of those listed under [Grants.gov](#) , there are **No** grants for the general startup and operating costs of a mainstream for-profit business.

[MCACA Minigrant](#)

Michigan Council for Arts & Cultural Affairs Minigrant Program – Region 10a: Macomb & Oakland Counties

[Community Development Block Grant \(CDBG\)](#)

Program strengthens neighborhoods by supporting local revitalization, home improvement, and targeted public services.

[Comprehensive listing of incentive programs offered by the State of Michigan](#) 

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The Effectiveness of Tax Abatements

By Katie Maurer

Last Modified: April 20, 2005

Introduction

Tax abatements can be defined as either the forgiving of taxes by government or their deferral to a later predetermined date. The amount of abatement is typically determined as a percentage of tax payable or as a dollar amount of the tax attributable to the particular parcel receiving the abatement. The length of abatements can vary, though most state laws set a limit of 10 or 12 years as the maximum time taxes can be forgiven or deferred. Abatements can be given to businesses for a variety of purposes, including economic development (the increasing of jobs or the area tax base), and the resulting benefits from businesses that come to an area as a result of such tax incentives can include construction of public facilities and infrastructure (such as streets and roads), and the redevelopment of blighted areas.¹

Tax abatements have become a common, almost standard tool for cities to attract businesses to their area. When one city chooses to use tax abatements as a method to lure business, however, it puts increasing pressure on neighboring cities to do the same or else risk losing valued business and jobs as firms flock to where they can procure the most benefits. Thus the decision of where businesses will locate can become a game not of where a business would best operate and function but of where a business can receive the most free handouts.

Tax Abatements in Michigan

There are two main tax abatement laws in Michigan . P.A. 198 (1974) allows for local municipalities to issue abatements for industrial property taxes. Up to 50% of property taxes (taxes on buildings, machinery, and equipment) can be reduced for the new construction of facilities, while the renovation of obsolete facilities are eligible for reduction of up to 100% of property taxes on the value of improvements made to a facility. Industrial Property tax abatements have a maximum life span of 12 years.

P.A. 328 (1998) allows for the provision of tax abatements for personal property, though these abatements are only available in certain designated areas of eligible distressed communities. All new personal property taxes may be abated in these areas, and examples of such projects include manufacturing, mining, research and development, and wholesale trade.²

Tax abatements are for the most part given out by local municipalities, though the Michigan Economic Growth Authority (MEGA), an agency established in 1995 with the purpose of both retaining companies within Michigan as well as attracting new business to the state, also has the power to issue tax credits and abatements to companies that relocate to or expand within Michigan.

Factors that influence whether or not a company receives tax abatements from MEGA include: ³

- The number of new jobs created
- The average wage of new jobs being created
- Total capital investment of the business
- The cost disparity to the business between expanding or locating in Michigan and a site outside of Michigan
- The impact of the project on Michigan 's economy
- Assistance provided by local communities

MEGA is made up of an eight-member board that includes the CEO of the Jobs Commission, State Treasurer, Director of Management and Budget, Director of Transportation, and four additional private sector members that are appointed by the Governor.

Criticisms

A common criticism of the use of tax abatements is that they are handed out indiscriminately. The "but for" principle, in which tax incentives would only be given to those businesses that would not have settled in a particular area "but for" the given tax incentives, has been criticized for how easily it can be manipulated. Now that tax incentives have become such a widespread tool used to lure businesses to an area, business can play cities off against one another in order to receive the most benefits. It is often very hard (if not impossible) for a city to know the extent to which a firm is seriously looking at another city to move its business to, or if the firm is just trying to realize the most gain that it can. For cities it is often a zero sum game, where on the micro scale cities, in their competition with one another, drive deals so far down that the only real beneficiaries are the companies. Meanwhile, on the macro level few effects (positive or negative) can be seen.

MEGA is often criticized for giving abatements to large Michigan-based corporations (such as Dow Chemical and Delphi Automotive) when it remained questionable to many whether or not these large multinational companies would really leave. It is also often the large corporations that receive the most lucrative tax incentives, a situation that has led to what some critics term "corporate welfare."

Another criticism of tax abatements is their ineffectiveness. It is hard to gauge the success of such tax incentives given the inability to know the counterfactual—what the alternative situation would have been had the incentives not been given. Meanwhile, billions of dollars of tax awards have been given out that could've potentially been used for state infrastructure, health, and education improvements. By handing out tax breaks to already wealthy corporations, the tax burden in a locality is then made heavier and shifted to local residents and area businesses. It is also often said that the provision of tax abatements creates an unfair playing field for other businesses, as these government subsidies favor some businesses (often corporate) over others (often smaller and local). Instead of providing tax incentives to a very small portion of businesses, many critics instead advocate for broad-based tax reductions for all businesses.

The provision of government subsidies also goes against normal market forces; instead of firms deciding on locations based on where they could realize maximum productivity, they instead might be enticed to a location where the financial benefits (in the form of various government subsidies such as tax abatements) are high enough to offset the functional deficiencies of the site. These cases become especially risky for cities when they expect such businesses to set up and stay within their locale past the expiration of the given abatements, while the companies plan only to remain for the length of their subsidy. Thus truly little is given back to the community in the form of important public services such as infrastructure and education.

Accountability is also a problem. In Michigan, one of MEGA's provisions is that companies that receive abatements must be financially sound. Yet a significant number of abatements have been given to companies that have gone out of business or that weren't able to produce the minimum number of jobs stipulated in their agreement. Thus for some, millions of dollars in abatements have been wasted on these unproductive firms. One solution to this problem is the use of clawbacks and rescissions, whereby if a company doesn't meet the stipulated requirements, the State is allowed to rescind and reclaim its benefits. In this way companies can be held accountable.

Justifications

There have been many theories put forth as to why the use of tax abatements seems to be growing, not

shrinking, despite the perceived ineffectiveness of these programs by many researchers. One reason is path dependency. State and city officials have grown so used to using tax incentives as a method for economic development that they have become an established tool. Also, since the use of tax incentives has become so widespread, if a city chooses to refrain from using such incentives they risk losing valuable jobs and tax dollars. A lack of viable alternatives also plagues many state and city officials, as they feel they must do something but are limited in the range of options available. Thus they choose action over inaction, even though that action may ultimately be unproductive.

Though city officials may acknowledge the ineffectiveness of tax abatements, they often cite the use of such incentives as a means to promote the city. It shows a favorable business climate, as potential businesses can see that the city is willing to work with new businesses and keeps their interests in mind. Providing tax abatements in an effort to attract or retain area businesses is also a tangible action that city officials can point to and use as evidence to their electorate that they tried to help the community.

Conclusion

Tax abatements are a well-established tool for area economic development. Though they may ultimately be ineffective, they show that a city is pro-business and at least actively trying to spur economic development. The chances of their fading are slim and not likely to occur until a viable alternative emerges in their place. As long as one city offers them, others will follow suit in an attempt to remain competitive.

Additional Links

Flint and Genesee County Commerce Center
<http://www.growthalliance.com/>

Michigan Economic Development Council
<http://www.medc.michigan.org/>

Michigan Economic Development Corporation
<http://blaw7.tripod.com/>

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White, Sammis B., Richard D. Bingham, and Edward W. Hill. Financing Economic Development in the 21 st Century . Armonk , NY : M.E. Sharpe, 2003.

1. Michael, Joel and Karen Baker. ♦Property Tax Abatements for Economic Development.♦ House Research. October 2002.

2. Michigan.org. ♦Tax Abatements.♦ Michigan Economic Development Council.
Available online: <http://medc.michigan.org/services/sitedevelopment/combo.asp?ContentId=94E06760-B793-4687-BCDE-9639CBAE6BDC&Queuelid=1&ContentTypeId=10002> .

3. ♦ Michigan Economic Growth Authority (MEGA).♦ Flint and Genesee County Growth Alliance . Available online: <http://www.growthalliance.com/incmega.html> .

Premium Business Money Market Account Statement



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Account Number: 40-0779-6484

For the period 12/01/2015 to 12/31/2015

CITY OF SOUTH LYON
 PARK IMPROVEMENTS
 335 S WARREN ST
 SOUTH LYON MI 48178-1317

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101 002.180

Account Summary Information

Balance Summary

Beginning balance	Deposits and other credits	Checks and other debits	Ending balance
25,056.01	2.51	.00	25,058.52 <i>sl</i>

Interest Summary

Annual Percentage Yield Earned (APYE)	Number of days in interest period	Average collected balance for APYE	Interest paid this period	Interest paid year-to-date
0.12	31	25,056.09	2.51	25.42

Deposits and Other Credits

Description	Items	Amount
Deposits	0	.00
National Lockbox	0	.00
ACH Credits	0	.00
Funds Transfers In	0	.00
Trade Services	0	.00
Investments	0	.00
Zero Balance Transfers	0	.00
Adjustments	0	.00
Other Credits	1	2.51
Total	1	2.51

Checks and Other Debits

Description	Items	Amount
Checks	0	.00
Returned Items	0	.00
ACH Debits	0	.00
Funds Transfers Out	0	.00
Trade Services	0	.00
Investments	0	.00
Zero Balance Transfers	0	.00
Adjustments	0	.00
Other Debits	0	.00
Total	0	.00

Ledger Balance

Date	Ledger balance	Date	Ledger balance
12/01	25,056.01	12/31	25,058.52

Deposits and Other Credits

Other Credits

1 transaction for a total of \$2.51

Date posted	Transaction description	Reference number
12/31	2.51 Interest Payment	I-GEN115123100004497