



AGENDA

REGULAR MEETING OF THE VILLAGE COUNCIL

Monday, November 25, 2024

7:30 PM

Village Hall – 21 East Church Street, Lake Orion, MI 48362

(248) 693-8391 ext. 102

ADDRESSING THE VILLAGE COUNCIL: Each person wishing to address the village council shall be afforded an opportunity to do so. If you wish to comment, please stand or raise a hand to indicate that you wish to speak. When recognized, give your name and address and direct your comments to the Chair.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call and Determination of Quorum**
4. **Presentations**

A. Introductions of LOPD Officer Annie Pirkle and Shane Hockney

5. **Call to the Public**
6. **Approval of Agenda**

By order of the President/Chair, no matters will be discussed after 10:30 p.m., unless council/board/commission votes to continue the meeting.

7. **Consent Agenda**

All items on the Consent Agenda are approved by one vote.

- A. Clinton River Watershed Council (CRWC) Membership Renewal
- B. Update Authorized Bank Signers - Update President and President Pro Tem
- C. Approval of Village Council Regular Meeting Minutes of November 12, 2024.
- D. Receive and File of DDA Regular Meeting Minutes of October 15, 2024.
- E. Planning Commission Re-appointment – Ed Sabol

- F. Downtown Development Authority Board Re-appointments
- G. Correspondence from Nancy Moshier requesting placement of sidewalk improvement program on Council agenda
- H. Correspondence from Michael Lamb requesting placement on next Council agenda of discussion on combining DDA Board with Planning Commission
- I. Approval of the Oakland County Tactical Consortium Interlocal Agreement
- J. DDA Budget Amendment

8. Items Removed from the Consent Agenda

9. Public Hearings

- A. Public Hearing on Village of Lake Orion PY 2025 Community Development Block Grant (CDBG) Application

10. Financial Matters

- A. Invoice Approval - November 25, 2024

11. Other Items

- A. Adoption of Resolution authorizing the submission of Program Year (PY) 2025 CDBG Application
- B. Pay Application No. 1 – Park Avenue Retaining Wall Replacement Project
- C. Appointment of Council Members to Boards, Commission and Committees
- D. RZ-24-01: 315 N Lapeer Rezoning Request
- E. RZ-24-02: 638 Buena Vista Rezoning Request

12. Call to the Public

13. Council Comments

14. Village Manager Comments

15. Closed Session Items

16. Business From Closed Session

17. Adjournment

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the Village, at least three (3) business days in advance of the meeting, if requesting

accommodations. The Village of Lake Orion will provide foreign language or hearing impaired interpretation services for those individuals who contact the village to request such services at least seven (7) days prior to the meeting.

En el espíritu de la observancia de la Ley de Estadounidenses con Discapacidades, las personas con discapacidad debe sentirse libre para ponerse en contacto con el pueblo, por lo menos tres (3) días hábiles de antelación a la fecha de la reunión, si se solicitan alojamiento. El municipio de Lake Orion proporcionará idioma extranjero o personas con problemas de audición servicios de interpretación para las personas que se ponen en contacto con el pueblo de solicitar dichos servicios con no menos de siete (7) días antes de la reunión.

Mark Amundson

From: Mark Amundson
Sent: Monday, November 4, 2024 5:12 PM
To: Lake Orion Police – ALL PERSONNEL; Darwin McClary; Sonja Stout (stouts@lakeorion.org); Lynsey Blough (bloughl@lakeorion.org); Corrine Hall (hallc@lakeorion.org); Cheryl Hendrick; Wes Sanchez (wsanchez@lakeorion.org)
Cc: Annie Pirkle; amundsonm@lakeorionpolice.org
Subject: New Officer Annie Pirkle
Attachments: annie.jpg

Hello All,

I wanted to introduce our newest police officer, Officer Anne “Annie” Pirkle!.


I am super excited for her to join our team as the newest full time Lake Orion Police Officer. She is originally from Toledo, Ohio and currently resides in Novi Michigan with her wife Courtney. They will be relocating to the Lake Orion area to be closer to family in the near future. She has a Labrador named Sullivan and 2 black cats. She enjoys snowmobiling, fishing, hiking, and hanging out with family and friends. She has previously worked for a few agencies to include Livingston County Sheriff’s Office and Pinckney Police Department. She also is a part time officer with the Huron Clinton Metroparks Police department. She also has a bachelors degree from Thiel College in Criminal Justice and Sociology.

Annie has started effective today 11/14/2024 and will be in training primarily with Lt. Stanfield and other officers over the next several weeks.

Please reach out and say hi. I am very happy she has joined this team and we are going in the right direction!!



Mark Amundson
 Chief of Police
 Lake Orion Police Department
 21 E. Church Street, Lake Orion, MI 48362
 ☎ 248.693.8321 | 📠 248.693.8941
 📅 Monday – Friday | 09:00AM – 05:00PM
 ✉ amundsonm@lakeorionpolice.org
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Mark Amundson

From: Mark Amundson
Sent: Tuesday, November 12, 2024 3:45 PM
To: Lake Orion Police – ALL PERSONNEL
Cc: Darwin McClary; Sonja Stout (stouts@lakeorion.org); Lynsey Blough (bloughl@lakeorion.org); Gage Belko (zoning@lakeorion.org); Corrine Hall (hallc@lakeorion.org); Wes Sanchez (wsanchez@lakeorion.org); Cheryl Hendrick
Subject: New Officer - Shane Hockney
Attachments: 2024 Hockney.jpg

I am proud to introduce another member of our team!. Officer Shane Hockney was hired as a full-time police officer for the Village of Lake Orion. Shane served in the United States Marine Corps as an Infantry Rifleman tasked as a combat lifesaver. After the marines, Shane worked as a Correctional Deputy for the Macomb County Sheriff's Office. Shane worked in the maximum-security unit of the Macomb County jail and also served on the Correctional Emergency Response Team. Shane has an associate's degree in Fire and Emergency Medical Sciences and also is a licensed EMT-B. Shane comes to us from Grosse Pointe Wood Department of Public Safety.

Shane will be primarily with Lt. Stanfield training but will be riding with other full and part time officers as well. He will also be in various other areas of the department such as records and ordnance.

Please join me in welcoming Shane to the Lake Orion Police Department.



Mark Amundson
Chief of Police
Lake Orion Police Department

21 E. Church Street, Lake Orion, MI 48362

☎ 248.693.8321 | 📠 248.693.8941

📅 **Monday – Friday | 09:00AM – 05:00PM**

✉ amundsonm@lakeorionpolice.org

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COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC: Clinton River Watershed Council (CRWC) Membership Renewal

BACKGROUND BRIEF:

Since 1972, the Clinton River Watershed Council (CRWC) has been providing education, stewardship, restoration, and community engagement opportunities to residents, local municipalities, and partners to fulfill CRWC's mission of protecting, enhancing, and celebrating the Clinton River, its watershed, and Lake St. Clair.

The Village of Lake Orion has been a member of the CRWC for many years and benefits from its provision of significant ecological, economic, and recreational value within the southeast Michigan communities.

SUMMARY OF PREVIOUS COUNCIL ACTION:

The Village Council renewed membership with CRWC and paid the dues on December 12, 2023 in the amount of \$621.00.

FINANCIAL IMPACT:

There is money budgeted in 101-260-956-000 – Dues and Miscellaneous

RECOMMENDED MOTION:

To approve and pay Invoice #4936 for CRWC Membership Renewal in the amount of \$644.00.

Village of Lake Orion

GOVERNMENT MEMBERSHIP FACTSHEET

Paint Creek, Stony Creek Subwatersheds
Population In Service Area: 2876 | Acres In Service Area: 2876

CURRENT SERVICES *(in the last year - 2024)*

Sites Monitored Through Adopt-A-Stream: SP2

Sites Monitored Through Stream Leaders: Meek's Park

Participation in Stream Leaders: Scripps Middle School, Waldon Middle School, Lake Orion High School

WaterTowns Project Completed/Year Joined: Became a WaterTown in 2019. 3 potential sites visioned.

Additional Events (River Day, Community, Table Displays): River Day - Lake Orion in 2024

Stormwater Education Member: Yes

CRWC is actively working to increase the services available to communities within the watershed, including additional volunteer opportunities such as cleanups and native plantings, recreation programs like Nourished by Nature, and opportunities for residents to implement green infrastructure.

2024-2030 DUES

Fee Calculation

Population (2876 x \$0.09)	\$259
	+\$500
Dues Total (to be reached CY2030)	\$759

Dues Schedule by Calendar Year

2024	2025	2026	2027	2028	2029	2030
\$621	\$644	\$667	\$690	\$707	\$730	\$759

CONTACT

The Clinton River Watershed Council appreciates your community's support of water resources. If you have questions or would like to discuss these changes in more detail, please reach out directly to CRWC Executive Director, Jennifer Hill via email at Jennifer@crwc.org, or by phone at 248-759-8134.



1115 W Avon Road, Rochester Hills
 (248) 601-0606 crwc.org
jennifer@crwc.org
 Clinton River Watershed Council
[@clintonriverwatershed](https://www.instagram.com/clintonriverwatershed)



CLINTON RIVER WATERSHED COUNCIL

EIN# 38-3216864

1115 W AVON ROAD

Section 7, Item A.

Date	Invoice #
11/8/2024	4936

Bill To
VILLAGE OF LAKE ORION 21 EAST CHURCH STREET LAKE ORION, MI 48362 DARWIN D.P. MCCLEARY, VILLAGE MANAGER

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	GOVERNMENT MEMBERSHIP	644.00	644.00
		Total	\$644.00



GOVERNMENT MEMBERSHIP

Since 1972, the Clinton River Watershed Council has been providing education, stewardship, restoration, and community engagement opportunities to residents, local municipalities, and partners to fulfill CRWC’s mission of protecting, enhancing and celebrating the Clinton River, its watershed, and Lake St. Clair. Flowing 81 miles, the Clinton River and its watershed encompass 73 communities. Both the Clinton River and Lake St. Clair provide significant ecological, economic, and recreational value to southeast Michigan and to the communities located here.

VALUE TO LOCAL GOVERNMENTS

Through longstanding programs like Adopt-A-Stream, StreamLeaders, and Keeping-It-Clean and environmental planning, ecological, and environmental policy expertise, CRWC provides a unique set of services to communities within the watershed through Local Government Memberships. These services are detailed on the opposite page and represent a wide array of community engagement and education paired with scientific expertise that fosters partnerships with local governments to benefit the watershed.

Through CRWC’s Local Government Membership, communities also become eligible for participation in CRWC’s Stormwater Public Education Program, which provides the Public Education requirements for NPDES MS4 permitting requirements.

GOVERNMENT MEMBERSHIP DUES STRUCTURE

In 2024, CRWC adjusted its dues structure for Local Government memberships to be tied directly to the population of residents being served within our service area, a better reflection of the inputs into the watershed from residents and a transparent, equitable structure that is applied equally across all communities. This adjustment allows CRWC to maintain current services while working to increase programming for residents and communities into the future.

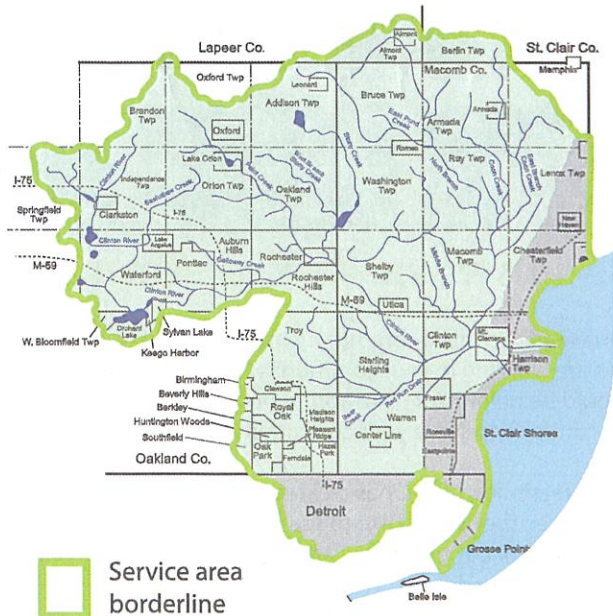
Over a 7-year period (2024-2030) CRWC is transitioning local government memberships to the updated dues structure. The full dues rate of \$500 + 9 cents per resident within the eligible service area will be reached in calendar year 2030.

ELIGIBILITY:

CRWC defines its service area as municipalities and counties located fully or partially within the Clinton River watershed and the Lake St. Clair shoreline watershed, including the Lake St. Clair and Anchor Bay drainage districts. The eligible service area is defined as the land area within the Clinton River watershed and/or the Lake St. Clair shoreline watershed.

POPULATION WITHIN THE WATERSHED:

CRWC will continue to utilize the US population as established in the most recent US census (2020). For communities that do not fall fully within CRWC’s service area, the population within the watershed is calculated by applying the percentage of eligible service area to the total population to determine the population within the service area.





November 8, 2024

Darwin D.P. McCleary
Village Manager
Village of Lake Orion
21 E. Church Street
Lake Orion, MI 48362

Dear Darwin D.P.,

As a valued Government Member of the Clinton River Watershed Council, I am reaching out to provide you with updated membership dues information for calendar year 2025 and your 2025 Government Membership invoice.

Similar to last year, we are providing you with the activities that have taken place within your community through October 2024, as well as your community's dues table for 2024-2030.

As you may recall, starting in 2024, CRWC began implementing an updated dues structure to allow the organization to continue to provide and grow the services your community values through a transparent and fair structure.

Along with your community's 2025 enclosed invoice, we have also provided a Government Membership Factsheet which lays out the continued robust services provided through CRWC's Local Government membership and the updated dues structure.

We value the work we do in your community immensely and are here to answer your questions as they arise. I welcome questions via email, phone, or would be happy to meet with you in person.

Thank you for the opportunity to continue to serve your community and its residents toward our common goal of protecting, enhancing and celebrating the Clinton River, its watershed, and Lake St. Clair.

Sincerely,

Jennifer Hill
Executive Director
email: jennifer@crwc.org
direct: 248-759-8134





COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC Update Authorized Bank Signers-Update President and President Pro Tem

BACKGROUND BRIEF: Currently on the bank accounts for both Oxford Bank and Comerica Bank are the signers Jerry Narsh, Village President; Teresa Rutt; President Pro Tem; Darwin McClary, Village Manager; and Sonja Stout, Clerk/Treasurer. The bank signers need to be updated by resolution to update the President to Teresa Rutt and President Pro Tem to Stan Ford for both bank accounts for the Village of Lake Orion.

RECOMMENDED MOTION: To adopt resolution 2024-037 and to authorize the Village Clerk/Treasurer, Sonja Stout to execute the appropriate certification as required by each depository and to be effective immediately.

**VILLAGE OF LAKE ORION
COUNTY OF OAKLAND
STATE OF MICHIGAN**

RESOLUTION NO. 2024-037

UPDATE BANK SIGNERS FOR PRESIDENT AND PRESIDENT PRO TEM

MOTION

VOTING YEA:

VOTING NAY:

MOTION:

RESOLVED: To update the following to be authorized signers for financial transactions on behalf of the Village of Lake Orion for the Village of Lake Orion on all financial accounts held at Oxford Bank and Comerica Bank: Teresa Rutt, Village President; Stan Ford, President Pro Tem and removing the previous President, Jerry Narsh from the bank accounts and updating the President Pro Tem to Stan Ford as President Pro Tem.

FURTHER RESOLVED: To authorize the Village Clerk/Treasurer, Sonja Stout to execute the appropriate certification as required by each depository and to be effective immediately.

THIS RESOLUTION WAS DULY ADOPTED BY THE LAKE ORION VILLAGE COUNCIL AT ITS REGULAR MEETING HELD ON NOVEMBER 25, 2024.



Sonja Stout
Village of Lake Orion
Clerk/Treasurer

CERTIFICATION

I, Sonja Stout, duly appointed Clerk/Treasurer of the Village of Lake Orion, Oakland County, Michigan, do hereby certify that the foregoing is a true and correct copy of Resolution 2024-037 adopted by the Village of Lake Orion Village Council at its regular meeting held on November 25, 2024

Given under my hand and seal of the Village of Lake Orion, Oakland County, Michigan on this 25^h day of November 2024.



Sonja Stout

Village of Lake Orion Clerk/Treasurer



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC: Approval of Village Council Regular Meeting Minutes of November 12, 2024.

RECOMMENDED MOTION: To approve the November 12, 2024 Village Council Regular Meeting Minutes, as presented.



MINUTES

REGULAR MEETING OF THE VILLAGE COUNCIL

Tuesday, November 12, 2024

7:30 PM

Village Hall – 21 East Church Street, Lake Orion, MI 48362

(248) 693-8391 ext. 102

1. Call to Order

The November 12th, 2024, Village Council Regular Meeting was called to order at 7:30 PM by Clerk/Treasurer Stout.

2. Pledge of Allegiance

3. Election Business

A. Village Clerk's Report - November 5, 2024 General Election Results

The Village Clerk read the Village Clerk's Report and went over the results as follows:

Alex Comparoni Jr received 637 votes; George Dandalides received 673 votes; Stan Ford received 761 votes; Michael Lamb received 635 votes; Matthew Szadyr received 568 votes for a total of votes cast of 3,298.

- Alex Comparoni, Jr., having received a sufficient number of votes, is elected to the Office of Village Council Member for a four-year term ending November 12, 2028.
- George Dandalides, having received a sufficient number of votes, is elected to the Office of Village Council Member for a four-year term ending November 12, 2028.
- Stan Ford, having received a sufficient number of votes, is elected to the Office of Village Council Member for a four-year term ending November 12, 2028.
- Michael J. Lamb, having received a sufficient number of votes is elected to the Office of Village Council Member for a two-year term ending November 8, 2026.

B. Administration of Oaths of Office

The Clerk administered the Oaths of Office to council members Lamb, Ford, Comparoni Jr, and Dandalides.

4. Roll Call and Determination of Quorum

PRESENT

- Council member Teresa Rutt
- Council member Stan Ford
- Council member Carl Cyrowski
- Council member Nancy Moshier
- Council member Michael Lamb
- Council member George Dandalides
- Council member Alex Comparoni Jr

STAFF PRESENT

- Village Manager Darwin McClary
- Clerk/Treasurer Sonja Stout
- DPW Director Wes Sanchez
- Police Chief Mark Amundson

5. Election of Council President and President Pro Tem

A. Election of Village Council President

Clerk/Treasurer Stout opened the floor for nominations for President.

Council member Stan Ford nominated Council member Rutt to serve as Council President,

Hearing no further nominations, Clerk/Treasurer Stout closed the nominations.

MOTION made by Council member Stan Ford, seconded by Council member Cyrowski that the nominations for the office of President are closed and a unanimous ballot be cast electing Council Member Teresa Rutt to the office of President.

VOTING YEA: Rutt, Ford, Cyrowski, Moshier, Lamb, Dandalides, Comparoni Jr

VOTING NAY: None

ABSENT: None

MOTION: Carried

B. Election for President Pro Temm

Clerk/Treasurer Stout opened the floor for nominations for President Pro Temm.

Council member Cyrowski nominated Council member Ford to serve as Council President Pro Temm, and Council member Moshier nominated Council member Lamb for President Pro Temm.

Hearing no further nominations, Clerk/Treasurer Stout closed the nominations.

Roll Call vote for Election of President Pro Tem:

The following council members cast their votes:

COUNCIL MEMBER FORD

VOTING YEA: Ford, Cyrowski, Comparoni Jr, Rutt, Dandalides
VOTING NAY: Moshier, Lamb
ABSENT: None

COUNCIL MEMBER LAMB

VOTING YEA: Moshier, Lamb
VOTING NAY: Ford, Cyrowski, Comparoni Jr, Rutt, Dandalides
ABSENT: None

Stan Ford received the most votes with 5-2 and was elected President Pro Tem.

6. Presentations

7. Call to the Public

Brenda Byer spoke.

Bill Kokonis spoke.

8. Consent Agenda

MOTION made by Council member Lamb, Seconded by Council member Cyrowski to approve the consent agenda as presented.

VOTING YEA: Rutt, Ford, Cyrowski, Moshier, Lamb, Dandalides, Comparoni Jr
VOTING NAY: None
ABSENT: None
MOTION: Carried

A. Approval of Special Event – Orion Lighted Christmas Parade

MOTION made by Council member Lamb, Seconded by Council member Cyrowski to adopt Resolution 2024-036, which approves the Orion Lighted Christmas Parade event application and the License Agreement between the Village of Lake Orion and Orion Area Lighted Parade Group for the use of various Village properties and public roads. The event is scheduled for December 7, 2024. Mr. Kokenos will provide the copy of the Certificate of Insurance prior to the event. Furthermore, to authorize the Village Council President and Village Clerk to execute the document on behalf of the Village.

VOTING YEA: Rutt, Ford, Cyrowski, Moshier, Lamb, Dandalides, Comparoni Jr
VOTING NAY: None
ABSENT: None
MOTION: Carried

B. Receive and File of October 2024 Police Department Report

MOTION made by Council member Lamb, Seconded by Council member Cyrowski to receive and file the October 2024 Police Department Activity Report.

VOTING YEA: Rutt, Ford, Cyrowski, Moshier, Lamb, Dandalides, Comparoni Jr
VOTING NAY: None
ABSENT: None

MOTION: Carried

C. Approval of Village Council Regular Meeting Minutes of October 28, 2024

MOTION made by Council member Lamb, Seconded by Council member Cyrowski to approve the October 28 , 2024 Village Council regular meeting minutes as presented.

VOTING YEA: Rutt, Ford, Cyrowski, Moshier, Lamb, Dandalides, Comparoni Jr

VOTING NAY: None

ABSENT: None

MOTION: Carried

D. Receive and File of Planning Commission Regular Meeting Minutes of August 5, 2024

MOTION made by Council member Lamb, Seconded by Council member Cyrowski to receive and file the August 5, 2024 Planning Commission Regular Meeting Minutes, as presented.

VOTING YEA: Rutt, Ford, Cyrowski, Moshier, Lamb, Dandalides, Comparoni Jr

VOTING NAY: None

ABSENT: None

MOTION: Carried

9. Items Removed from the Consent Agenda

10. Approval of Agenda

MOTION made by Council member Lamb, Seconded by Council member Cyrowski to approve the agenda for November 12th, 2024 Village Council Regular meeting.

VOTING YEA: Rutt, Ford, Cyrowski, Moshier, Lamb, Dandalides, Comparoni Jr

VOTING NAY: None

ABSENT: None

MOTION: Carried

11. Public Hearings

12. Financial Matters

A. Invoice Approval - November 12, 2024

MOTION made by Council member Cyrowski, Seconded by President Rutt to approve the November 12, 2024, bills in the amount of \$99,871.44 of which \$10,471.84 are DDA bills for a net total of \$89,399.60 and to receive and file the DDA bills.

VOTING YEA: Rutt, Ford, Cyrowski, Dandalides, Comparoni Jr

VOTING NAY: Moshier, Lamb

ABSENT: None

MOTION: Carried

B. Financial Statements - October 2024

MOTION made by Council member Lamb, Seconded by President Pro Tem Ford to receive and file the financial reports for October 2024.

VOTING YEA: Rutt, Ford, Cyrowski, Moshier, Lamb, Dandalides, Comparoni Jr

VOTING NAY: None
ABSENT: None
MOTION: Carried

13. Other Items

A. New Council Member Training and Orientation

MOTION made by Council member Comparoni Jr, Seconded by Council member Lamb to request that Administration proceed as soon as practicable to plan and implement an orientation session to provide information on the Village’s legal structure, operations, staffing, budget and finances, and other important resources to help inform and guide Council in its policy making role, with the orientation session to be held not later than December 2024.

VOTING YEA: Rutt, Ford, Cyrowski, Moshier, Lamb, Dandalides, Comparoni Jr
VOTING NAY: None
ABSENT: None
MOTION: Carried

14. Call to the Public

Brenda Byer spoke.

15. Council Comments

Council member Cyrowski spoke.

Council member Moshier spoke.

Council member Comparoni Jr spoke.

Council member Dandalides spoke.

Pro Tem Ford spoke.

Council member Lamb spoke.

President Rutt spoke.

16. Village Manager Comments

The Village Manager provided a summary of his report, which is also available on the Village Manager's page of the Village of Lake Orion's website.

17. Closed Session Items

18. Business From Closed Session

19. Adjournment

MOTION made by Council member Cyrowski, Seconded by Council member Moshier to adjourn the November 12th, 2024, Village Council Regular Meeting.

VOTING YEA: Rutt, Ford, Cyrowski, Moshier, Lamb, Dandalides, Comparoni Jr

VOTING NAY: None

ABSENT: None

MOTION: Carried

The November 12th, 2024, Village Council Regular Meeting adjourned at 8:14 PM.

Teresa Rutt
President

Sonja Stout
Clerk/Treasurer

Date Approved: as presented November 25th, 2024



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC: Receive and File of DDA Regular Meeting Minutes of October 15, 2024.

RECOMMENDED MOTION: To receive and file the October 15, 2024 Downtown Development Authority Board Regular Meeting Minutes, as presented.



MINUTES

REGULAR MEETING OF THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD

Tuesday, October 15, 2024

6:30 PM

Village Hall – 21 East Church Street, Lake Orion, MI 48362

(248) 693-8391 ext. 102

1. Call to Order

The October 15th, 2024 Downtown Development Authority Regular Meeting was called to order at 6:32 PM.

2. Roll Call and Determination of Quorum

PRESENT

Chairperson Debbie Burgess
Vice Chairperson Sam Caruso
Treasurer Matt Shell
Secretary Hank Lorant
Board Member Alaina Campbell
Village President Jerry Narsh

ABSENT

Board Member Lloyd Coe
Board Member Sally Medina
Board Member Chris Barnett

STAFF PRESENT

DDA Executive Director Matthew Gibb
DDA Assistant Director Janet Bloom
Village Manager Darwin McClary
Deputy Clerk/Treasurer Lynsey Blough

3. Approval of Minutes

A. September 17th, 2024 DDA Regular Meeting Minutes

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to approve the Downtown Development Authority Board Regular Meeting Minutes of September 17th, 2024.

- VOTING YEA:** Burgess, Caruso, Shell, Lorant, Campbell, Narsh
- VOTING NAY:** None
- ABSENT:** Coe, Medina, Barnett
- MOTION:** Carried

4. Approval of Agenda

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to approve the Agenda of October 15th, 2024, as presented.

- VOTING YEA:** Burgess, Caruso, Shell, Lorant, Campbell, Narsh
- VOTING NAY:** None
- ABSENT:** Coe, Medina, Barnett
- MOTION:** Carried

5. Call to the Public

George Dandalides spoke.

6. Consent Agenda

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to approve the October 15th, 2024, Consent Agenda by one vote.

- VOTING YEA:** Burgess, Caruso, Shell, Lorant, Campbell, Narsh
- VOTING NAY:** None
- ABSENT:** Coe, Medina, Barnett
- MOTION:** Carried

7. Financial Matters

A. Financial Reports

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to receive and file the Financial Reports for September 2024.

- VOTING YEA:** Burgess, Caruso, Shell, Lorant, Campbell, Narsh
- VOTING NAY:** None
- ABSENT:** Coe, Medina, Barnett
- MOTION:** Carried

B. Bill Approval

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to approve disbursements in the amount of \$150,562.50 for September 2024.

- VOTING YEA:** Burgess, Caruso, Shell, Lorant, Campbell, Narsh
- VOTING NAY:** None
- ABSENT:** Coe, Medina, Barnett
- MOTION:** Carried

8. New and Old Business

A. Request for Proposals - Demolition of Lumber Yard

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to direct and authorize the DDA Executive Director to issue and publish DDA RFP 24-01 in the form presented, making available all resources to secure qualified proposals for the demolition and other services outlined in the Request for Proposals.

- VOTING YEA:** Burgess, Caruso, Shell, Lorant, Campbell, Narsh
- VOTING NAY:** None
- ABSENT:** Coe, Medina, Barnett
- MOTION:** Carried

B. Request for Proposals - Deconstruction and Salvage

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to direct and authorize the DDA Executive Director to issue and publish DDA RFP 24-02 in the form presented, making available all resources to secure qualified proposals for the deconstruction, salvage and other services outlined in the Request for Proposals.

- VOTING YEA:** Burgess, Caruso, Shell, Lorant, Campbell, Narsh
- VOTING NAY:** None
- ABSENT:** Coe, Medina, Barnett
- MOTION:** Carried

C. Update on Vacant Land w/ Recommendation

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to direct and authorize the DDA Executive Director to close on the Waltman parcel, subject to title exceptions concerning the lack of a survey, at a total cost not to exceed \$7,000, as previously approved.

- VOTING YEA:** Burgess, Caruso, Shell, Lorant, Campbell, Narsh
- VOTING NAY:** None
- ABSENT:** Coe, Medina, Barnett
- MOTION:** Carried

D. Request for Proposals - Tarr Lot

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to direct and authorize the DDA Executive Director to issue and publish DDA RFP 24-03 in the form presented, making available all resources to secure qualified proposals for the parking lot repair and other services outlined in the Request for Proposals.

- VOTING YEA:** Burgess, Caruso, Shell, Lorant, Campbell, Narsh
- VOTING NAY:** None
- ABSENT:** Coe, Medina, Barnett
- MOTION:** Carried

9. Reports, Resolutions and Recommendations

A. Executive Director's Report

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to receive and file the Executive Director's Report.

- VOTING YEA:** Burgess, Caruso, Shell, Lorant, Campbell, Narsh
- VOTING NAY:** None
- ABSENT:** Coe, Medina, Barnett
- MOTION:** Carried

B. Assistant Director's Report

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to receive and file the Assistant Director’s Report.

VOTING YEA: Burgess, Caruso, Shell, Lorant, Campbell, Narsh

VOTING NAY: None

ABSENT: Coe, Medina, Barnett

MOTION: Carried

C. Committee Reports

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to receive and file the Promotions Committee’s, Design Committee’s, Organization Committee’s, and Economic Vitality’s Report.

VOTING YEA: Burgess, Caruso, Shell, Lorant, Campbell, Narsh

VOTING NAY: None

ABSENT: Coe, Medina, Barnett

MOTION: Carried

D. Budget Report

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to receive and file the October 2024 Budget Report.

VOTING YEA: Burgess, Caruso, Shell, Lorant, Campbell, Narsh

VOTING NAY: None

ABSENT: Coe, Medina, Barnett

MOTION: Carried

10. Board Comments and Training Feedback

Secretary Lorant had no comment.

Treasurer Shell spoke.

Vice Chairperson Caruso spoke.

Board Member Campbell spoke.

President Narsh spoke.

Chairperson Burgess spoke.

11. Next Regular Meeting – November 19, 2024

12. Adjournment

MOTION made by Treasurer Shell, Seconded by Secretary Lorant, to adjourn the October 15th, 2024 Downtown Development Authority Board Regular Meeting.

VOTING YEA: Burgess, Caruso, Shell, Lorant, Campbell, Narsh

VOTING NAY: None

ABSENT: Coe, Medina, Barnett

MOTION: Carried

The October 15th, 2024 Downtown Development Authority Board Regular Meeting adjourned at 8:01 PM.

Debbie Burgess
Chairperson

Lynsey Blough
Deputy Clerk/Treasurer

Sonja Stout
Village Clerk/Treasurer

Date Approved: as presented on November 19, 2024.



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC: Planning Commission Re-appointment – Ed Sabol

BACKGROUND BRIEF:

Ed Sabol, Planning Commissioner whose term expired on April 30, 2024, has expressed an interest in continuing to serve on the Planning Commission Board for another term.

The Planning Commission Board consists of nine members of which six members are appointed by the Village President subject to the majority approval by the members of the Village Council. President Rutt is requesting to re-appoint Ed Sabol to another three- year term with the term to expire on April 30, 2027, and is requesting Council’s approval of the appointment.

RECOMMENDED MOTION:

To re-appoint Ed Sabol to a three-year term on the Planning Commission (PC), term set to expire on April 30, 2027 subject to approval of Village Council.

From: Teresa Rutt
Sent: Friday, November 15, 2024 3:49 PM
To: Sonja Stout
Cc: Lynsey Blough
Subject: Re: Appointments

Hi Sonja,

I reached out to Ed Sabol on the Planning Commission and he would like to be reappointed to the PC. Also Matt, Sam, and Chris are willing to serve again on the DDA.

I would like to place on the agenda for our next council meeting reappointing all four to their respective positions on the PC/DDA for another term.

If you need anything else from me, please let me know!

Teresa

From: Sonja Stout <stouts@lakeorion.org>
Date: Wednesday, November 13, 2024 at 1:10 PM
To: Teresa Rutt <rutt@lakeorion.org>
Cc: Lynsey Blough <bloughl@lakeorion.org>
Subject: Appointments

Teresa,

I have attached the DDA roster and the Planning Commission roster. BZA is caught up on appointments. Let me know if you have any questions. The contact information is also on the roster as well. Keep me posted so I know how to proceed going forward.

*Sonja Stout
Clerk/Treasurer
Village of Lake Orion*



*21 E Church St
Lake Orion, MI 48362
P: 248-693-8391
Hours: Monday -Thursday
7AM-5 PM*



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC: Downtown Development Authority Board Re-appointments

BACKGROUND BRIEF:

The By-laws and governing documents of the Village of Lake Orion Downtown Development Authority (DDA) place the power of appointment to affirm and appoint servicing Board Members within the authority of the Village Council President.

The DDA board presently has three members whose terms have expired and they are:

- Matthew Shell is an at-large member whose term was a four-year term set to expire on October 31, 2024.
- Sam Caruso is an owner member whose term was a four-year term set to expire on October 31, 2024.
- Chris Barnett is an elected official whose term was a four-year term set to expire on October 31, 2023.

The Downtown Development Authority Board consists of nine members of which five members shall be persons having an interest in property located in the downtown district, one member shall be a resident of the district, and two members (maximum) can be members at large and one member is the Village President all of which shall be appointed by the Village President subject to the majority approval by the members of the Village Council. President Rutt is requesting to re-appoint Chris Barnett, Matthew Shell, and Sam Caruso to another four-year terms with the term to expire on October 31, 2028, for Matthew Shell and Sam Caruso and term to expire on October 31, 2027, for Chris Barnett, and is requesting Council's approval of the appointment.

RECOMMENDED MOTION:

To re-appoint Matthew Shell, Sam Caruso and Chris Barnett to four-year terms on the Downtown Development Authority Board, term to expire on October 31, 2028 for Matthew Shell and Sam Caruso and term to expire on October 31, 2027 for Chris Barnett, and is subject to approval of Village Council.



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC Correspondence from Nancy Moshier requesting placement of sidewalk improvement program on Council agenda

BACKGROUND BRIEF:

Administration has received correspondence from Council Member Nancy Moshier requesting the placement of the sidewalk improvement program on a Council agenda. Council received a copy of this request at its November 12, 2024, regular meeting.

SUMMARY OF PREVIOUS COUNCIL ACTION:

None

FINANCIAL IMPACT:

None

RECOMMENDED MOTION:

To receive and file the correspondence from Council Member Nancy Moshier dated November 12, 2024, requesting placement of the sidewalk improvement program on the next Council agenda.

Darwin McClary

From: n moshier
Sent: Tuesday, November 12, 2024 6:31 PM
To: Darwin McClary

Dear Darwin,

Please consider my request that you add the sidewalk improvement program to the next Village Council Agenda.

We previously passed a policy about special assessments and discussed how sidewalks would be handled.

My understanding is that the DPW has already performed an inventory of the Village Sidewalks.

Therefore, all that needs to be done is for Council to determine the following:

- set a priority for the repairs (ie. What order and how many we do each year)
- get a early spring bid from contractors.
- notify the effected citizens if they want to pay up front or have it spread on their tax bill over several years.
- anything else council or you feel is relevant to the program.

Thank you, I have been pushing this issue for several years and would like to get something done.

Nancy Moshier



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC Correspondence from Michael Lamb requesting placement on next Council agenda of discussion on combining DDA Board with Planning Commission

BACKGROUND BRIEF:

Administration has received correspondence from Council Member Michael Lamb requesting the placement of discussion on combining the DDA Board with the Planning Commission on the next Council agenda. Council received copies of this correspondence at its November 12, 2024, regular meeting.

SUMMARY OF PREVIOUS COUNCIL ACTION:

None

FINANCIAL IMPACT:

None

RECOMMENDED MOTION:

To receive and file the correspondence from Council Member Michael Lamb dated November 12, 2024, requesting placement of discussion on combining the DDA Board with the Planning Commission on the next Council agenda.

Darwin McClary

From: Michael Lamb
Sent: Tuesday, November 12, 2024 12:00 PM
To: Darwin McClary
Subject: request to add disscussion item to next council agenda on combining DDA Board with Planning Commission Board

Attachments: Are there any comparable communities that have consolidated the DDA with the Planning Commission.pdf; Vicksburg Adopting Ordinances Village Council Minutes November 04, 2019.pdf; Vicksburg Ord. No. 291.pdf; Vicksburg Ord. No. 292.pdf; Vicksburg Ord. No. 293.pdf

Dear Mr. McClary,

I would like to add this item to the next council agenda for discussion.

I believe that a lot of past issues regarding DDA practices, relationships, spending, and budget could be resolved by combining the DDA Board with the Planning Commission in smaller communities as provide for in Act 57 of 2018.

With the Lumberyard Project commencing without an approved plan pursuant to local and state law I believe we need to act quickly in this matter.

Currently, the Authority maintains separate staff, offices, attorneys, phone system etc. from the Village. There are reoccurring arguments over the budget and reimbursement to the Village for services.

The only communications between Council and Authority are though minutes and the Village Council Presidents attendance at the meetings with no required report to Council. No real two-way communication exists. The Village Manager has no vote on the DDA Board. Village Council and residents have to make an effort to find out what is going on.

The cost savings of combining governmental services is beneficial to the tax payers.

The increase communications and cooperation by having the Planning commission (which includes the President, one council member and the Village Manager as voting members) is also beneficial and provides for more representation of the tax payers. Citizens are complaining about lack of representation.

We are a small community that needs to be on the same page, especially with our \$20 million in infrastructure improvements hanging over us. We need to set aside all of the emotional drama and do what is best in the interests of the tax payers.

For reference on how this has been accomplished in other communities I have attached is a copy my correspondence with previous Manager Joe Young and documentation from the Village of Vicksburg..

Thank you for your cooperation in this matter.

Darwin McClary

From: Michael Lamb
Sent: Wednesday, November 13, 2024 9:24 AM
To: Darwin McClary
Subject: agenda request revision

Darwin can you please use this revised text for my agenda request. I believe it is clearer and less confrontational.

Thank you, Mike Lamb

Dear Mr. McClary,

I would like to add this item to the next council agenda for discussion.

I believe that a lot of past issues regarding DDA practices, relationships, spending, and budget could be resolved/improve by combining the DDA Board with the Planning Commission as provide for in **PA 57** of 2018.

There would be an increase in communications and cooperation by having the Planning Commission as the DDA Board which includes the Village President, one council member and the Village Manager as voting members. An additional benefit is that it provides for more representation by all the tax payers.

Currently, the DDA maintains a separate staff, offices, legal representation, phone system, etc. apart from the Village. In essence a duplication of costs. The cost savings of combining governmental services is beneficial to the tax payers.

Currently communications between Council and Authority are though DDA minutes and the Village Council Presidents attendance at the the DDA meetings. (no required report to Council). The Village Manager is not a member and has no vote on the DDA items.

Attached is a copy my correspondence with the previous Village Manager and the Ordinances from the Village of Vicksburg which effected the changes to their governing structure.

Thank you for your cooperation in this matter.

Michael Lamb

Michael J. Lamb, Councilman
Village of Lake Orion
Memorandum

Date: 9-24-21

To: Joe Young, Village Manager

Subject: Are there any comparable communities that have consolidated the DDA with the Planning Commission

Dear Joe,

The question was asked, “are there any comparable communities that have consolidated the DDA with the Planning Commission”. The answer is yes. Vicksburg Michigan had a similar demographic, population, waterfront and historical nature.

The Village of Vicksburg has had a similar situation with their DDA and DDA District which was resolved by means of amendment to various ordinances moving their DDA responsibilities to their Planning Commission. After a phone call with Mr. Jim Mallory, Village Manager, 269-365-8391, it was apparent the situations were quite similar.

Mr. Mallory granted me permission to quote him directly, however my notes are not that precise, so I encourage you to call him. His comments were well organized and he spoke with conviction. I have no doubt he can assist you in bringing clarity to your thoughts on this issue.

The following include my recollections of portions of the conversation. I am not asserting that Mr. Mallory’s comments regarding the Vicksburg DDA are a reflection of the VLO DDA, only that there are similarities in the issues. After the discussion, I am convinced we would be moving in the correct direction. Additionally, his opinion is that we have a situation of incompatible governmental offices within our current DDA Board.

Mr. Mallory indicated that their DDA had become focused on power and money. Things were not getting done. Funds were not being used with fiscal responsibility. Opinions had become passionate; claims were made by DDA members that it was “the DDA’s money”. Their DDA district had been expanded to include non-downtown areas drawing on funds that belonged elsewhere in the community. His comment was that all of the funds are tax revenues of the people and should be used appropriately with fiscal responsibility.

Mr. Mallory’s initiative to bring the DDA District into their Planning Commission was successful. Their Council passed the attached resolutions and within 90 days their newly reorganized Planning Commission was able to take affirmative action in moving projects forward and setting initiatives in motion. Their Planning Commission was expanded to 9 members to include business owners whom were not residents of their Village. Mr. Mallory stated that the level of efficiency and effectiveness of the new organization was greatly increased and that a win had occurred for all involved. Their DDA district was subsequently revised and they are moving full speed ahead with a vibrant and growing downtown.

Attached are various ordinances, minutes, etc.

VILLAGE OF VICKSBURG

ORDINANCE NO. 292

**AN ORDINANCE AMENDING CHAPTER 82, ARTICLE II, DIVISION 4 OF THE
VILLAGE OF VICKSBURG CODE OF ORDINANCES,
THE PLANNING COMMISSION**

The Village of Vicksburg hereby ordains:

SECTION 1. Chapter 82, Article II, Division 4

Chapter 82, Article II, Division 4 of the Vicksburg Code of Ordinances, entitled *Planning Commission*, shall be amended in its entirety to read as follows:

Section 82-101. Establishment

- (a) Pursuant to the requirements and authority of the Michigan Planning Enabling Act (Act 33 of 2008) and the Michigan Zoning Enabling Act (Act 110 of 2006), the Village Council hereby establishes a planning commission consisting of nine (9) members which shall replace the existing planning (zoning) commission.
- (b) The Village president shall appoint members of the planning commission, subject to approval by a majority vote of the members of the Village Council.
- (c) Each member of the planning commission shall serve a three (3) year term. The initial appointment of members shall be for periods of one (1), two (2), and three (3) years as determined by the Village Council. The Village Council may appoint up to three (3) ex officio members to the planning commission.
- (d) Members of the planning commission shall be qualified electors of the local unit of government except that two (2) members of the planning commission need not be qualified electors of the local unit of government.
- (e) The planning commission shall adopt Bylaws of the planning commission upon the approval of same by the Village Council.

Section 82-102. Authority, powers and duties

- (a) The planning commission shall have all authority, power and duties identified by the Michigan Planning Enabling Act as well as those powers and duties identified and transferred from the previous

planning (zoning) commission pursuant to the Michigan Zoning Enabling Act. In the event that any provision of the Village's zoning ordinance conflicts with the Michigan Planning Enabling Act, the provisions of the Michigan Planning Enabling Act shall control.

- (b) the planning commission shall have all zoning authority specifically provided by the Michigan Planning Enabling Act and those powers and duties transferred from its role pursuant to the Michigan Zoning Enabling Act.

Section 82-103. Officers

The planning commission shall elect at its first meeting of the year, a chair, vice-chair and secretary to serve for terms of one (1) year.

Section 82-104. Compensation

Planning commission members shall be compensated in amounts established by resolution by the Village Council.

Section 82-105. Oath of office

All planning commission members shall take an oath of office in a form approved by the Village Council.

Section 82-106. Adoption and incorporation of amendments to the Michigan Planning Enabling Act and other relevant statutory provisions.

All applicable amendments to the Michigan Planning Enabling Act and any other relevant statute shall be incorporated in this division by reference and shall supersede the statutes that they amend or replace.

Section 82-107. Planning Commission serving as DDA Board

Pursuant to the Michigan Planning Enabling Act, the planning commission shall concurrently serve as the board of the Village of Vicksburg Downtown Development Authority and shall have all authority and duties of the DDA board as set forth in the Recodified Tax Increment Financing Act (Act 37 of 2018).

SECTION 2. Continuation of Planning Commission.

Nothing in this Ordinance shall be interpreted as a discontinuation of the Village planning (zoning) commission. The planning commission shall be and remain constituted in accordance with and shall have all of the powers and duties set forth in the Michigan

Planning Enabling Act (Act 33 of 2008) as amended from time to time, those powers and duties previously set forth in the Michigan Zoning Enabling Act (Act 110 of 2006) and in this Ordinance. No matter pending before the planning commission as of the effective date of this ordinance shall be affected in any way by the fact that the planning commission is being reconstituted by this Ordinance. All such pending matters shall be carried forward under the planning commission at the same status as existed prior to the effective date of this Ordinance.

SECTION 3. Severability.

If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 4. Effective date.

This Ordinance and the related rules, regulations, provisions, requirements, orders and matters established shall take effect immediately upon publication, except any penalty provisions, if any, which shall take effect twenty (20) days after publication, pursuant to MCL 66.1.

SECTION 5. Repealer.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.


Clerk's Certification

I, Tracy L. Locey, Village Clerk of the Village of Vicksburg, certify that at a regular meeting of the Village Council held on November 4, 2019 at 7:00 p.m., at MP8 Building, 13326 N. Boulevard, Vicksburg, Michigan at which the following members were present:

Trustees: Bill Adams, Colin Bailey, Tim Frisbie, Rick Holmes, Carl Keller, Julie Merrill, and Gail Reisterer
Absent: None.

The Council enacted Ordinance #292 to become effective immediately upon publication and that the members of the Council present at the meeting voted on the adoption of the Ordinance as follows:

Motion: Frisbie
Support: Reisterer
Ayes: Adams, Bailey, Frisbie, Holmes, Keller, Merrill, and Reisterer
Nays: None.



Tracy L. Locey, Clerk



MINUTES

- I. Call to Order – President Adams called the meeting to order at 7:00 pm.
- II. Pledge of Allegiance: The Pledge of Allegiance was recited.
- III. Moment of Silence: Those willing and present took a moment of silence.
- IV. Roll Call: The following members were in attendance: Trustees: Bill Adams, Colin Bailey, Tim Frisbie, Rick Holmes, Carl Keller, Julie Merrill, and Gail Reisterer. Also, in attendance were: Village Manager Jim Mallery, Director of Community Engagement Alex Lee, Clerk Tracy Locey, Treasurer Michelle Morgan, DPW Chad Schippers and Police Officer Taylor Herrick.
- V. Approval of Agenda – Items 11a. Budget Amendments and 12. Director of Community Engagement Report were removed from the agenda. Frisbie moved, seconded by Reisterer to approve the agenda as amended. Motion carried 7-0.
- VI. Scheduled Appearances
 - a. Resolution 11-04-2019 Recognition of Dana Downing – Lee read the resolution aloud. Mallery and Adams presented Downing a copy of the Resolution. Keller moved, seconded by Reisterer to adopt the Resolution as presented. Motion carried 7-0 with a roll call vote.
- VII. Public Official Appearances – None.
- VIII. Citizen's Comments for agenda items – None.
- IX. Approval of General Consent Agenda – Keller moved, seconded by Reisterer to amend the dates on the agenda for the event requests from 2019 to 2020. Motion carried 7-0. Keller moved, seconded by Merrill to approve the consent agenda as amended. Motion carried 7-0 with a roll call vote.
 - a. Minutes of the Regular Council Meeting: October 18, 2019
 - b. Warrant Reports: Mercantile \$141,106.71
 - c. Event Requests
 - i. Trimble Vicksburg Graduation – June 7, 2019 2020
 - ii. Vicksburg United Church 150th Year – July 12, 2019 2020Correspondence – None

X. Council Action Items

- a. Ordinance 291; Amendments to the Village of Vicksburg Ordinance, Chapter 18, Article II, Division 1 adding Section 18-38 Planning Commission serving as DDA Board – Mallery addressed the Council stating the proposed Ordinances and By-Laws are required as part of the initiative to appoint the Planning Commission to act as the board of the Downtown Development Authority. State of Michigan statute requires ordinances to update and accommodate the new assignment of duties.
- b. Ordinance 292; Amendments to the Village of Vicksburg Ordinance, Chapter 18, Article II, Division 4 in its entirety;
- c. Ordinance 293; Adding an Ordinance to Appoint the Village of Vicksburg Planning Commission as the Downtown Development Authority;
- d. Consider Adoption of Planning Commission Amended By-Laws and Rules of Procedure;
 - a. Open Public Hearing – Keller moved, seconded by Bailey to open the public hearing at 7:07 pm.
 - b. Receive Written and Verbal Comments – John DeBault, current Chairperson of the DDA, inquired on his duties once the PC assumes the duties of the DDA. Mallery stated the PC will become responsible for the oversight of the DDA and its operations. Sub-committees may be formed to carry out the various projects of the DDA, but will be at the discretion of the PC. Keller inquired on the residency requirements of the PC membership. Mallery reviewed the State of Michigan statute for PC membership. Adams inquired on the compensation for DDA versus PC members. Mallery along with Attorney Horne stated PC members will continue to receive a stipend as is allowable by statute. DDA members are not allowed to be compensated. The PC members will continue to be compensated. DeBault stated the DDA has made great progress over the past few years and would like to continue to be involved and continue its success. Horne stated the ordinance will assign the duties for both the PC and DDA to the Chairperson/officials of the PC.

Denny Olsen would like to see the Christmas in the Village and façade programs continue. Mallery envision the programs continuing. Frisbie stated there is no intention of doing away with the DDA's great strides. Holmes would like to see an increase funding in the façade grant program.

- c. Close Public Hearing – With no further written or verbal comments, Frisbie moved, seconded by Keller to close the public hearing. Motion carried 7-0.
- d. Consider Adoption
 1. Ordinance 291 – Frisbie moved, seconded by Reisterer to adopt Ordinance 291 as presented. Motion carried 7-0 with a roll call vote.
 2. Ordinance 292 – Frisbie moved, seconded by Reisterer to adopt Ordinance 292 as presented. Motion carried 7-0 with a roll call vote.
 3. Ordinance 293 – Frisbie moved, seconded by Reisterer to adopt Ordinance 293 as presented. Motion carried 7-0 with a roll call vote.
 4. By Laws and Rules of Procedure for the Village of Vicksburg Planning Commission – Frisbie moved, seconded by Reisterer to adopt the By-Laws as presented. Motion carried 7-0 with a roll call vote.
- b. Consider Approval of SKCFA 2020-2021 Budget – Bailey stated the estimated amount due from the Village of Vicksburg decreased by approximately \$2,000. Frisbie inquired on the timing of the budget. Locey stated SKCFA’s fiscal year is April – March. The budget is prepared and presented 5 months in advance so the participating entities can prepare their respective budgets. Final allocation numbers will be available in January. Bailey recommends the approval the budget as presented. Holmes moved, seconded by Keller to approve the 2020-2021 budget as presented. Motion carried 7-0 with a roll call vote.
- c. Resolution 11-04-2019-2 Authorizing Signors to the State of Michigan Department of Transportation Contract 15-5509 – Mallery read the resolution authorizing Mallery to execute MDOT contract 15-5509. Keller moved, seconded by Merrill to adopt the resolution as presented. Motion carried 7-0 with a roll call vote.

XI. Village Manager Report

- a. Loader Tires – Mallery requested four tires in the amount of \$7,745.90 for the 2009 loader. The tires will be mounted and balanced by Goodyear Commercial Tire and Service Center of Kalamazoo through the MI-Deals program. Frisbie moved, seconded by Bailey to approve the expense as requested. Motion carried 7-0 with a roll call vote.

- b. Website/Hardware Proposal – Mallery provided an update on the website/streaming project. The amount of the contract was below \$3,500 therefore in accordance with the Village’s purchasing policy is at the discretion of the Village Manager. In January 2020 the streaming portion of the project is expected to go live. Lee stated he feels the project is progressing on schedule.

XII. Department/Committee Reports

- a. South Kalamazoo County Fire Authority – No further update than the budget.
- b. Downtown Development Authority – The Christmas in the Village event is moving along well. It will be bigger and better than last year with several new surprises. There are five façade grant recipients that have completed their projects. The regular meeting has been rescheduled to November 7th at Main Street Pub beginning at 5 pm. A public information/open house will begin at 6 pm.

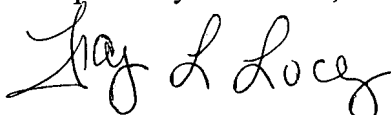
XIII. Citizen’s Comments – None.

XIV. Council President/Members Time

- a. Adams recommended the public attend he DDA meeting and reminded people to vote in tomorrow’s election.

XV. Adjournment - With there being no further business, the meeting was adjourned at 7:55 pm.

Respectfully Submitted,



Tracy L. Locey
Village Clerk

**Village of Vicksburg
Ordinance No. 293**

**ORDINANCE TO APPOINT THE VILLAGE OF VICKSBURG PLANNING
COMMISSION AS THE DOWNTOWN DEVELOPMENT AUTHORITY**

SECTION 1. The Village of Vicksburg Planning Commission (hereinafter referred to as the "Planning Commission") was previously constituted pursuant to the *Michigan Zoning Enabling Act*, Public Act 110 of 2006, as amended, MCL 125.3101 *et seq.* and the *Planning Enabling Act*, Public Act 33 of 2008, as amended, MCL 125.3801 *et seq.*

SECTION 2. The Planning Commission shall henceforth serve as the Board of the Village of Vicksburg Downtown Development Authority (hereinafter referred to as "DDA"), pursuant to MCL 125.4204(8). The term of each DDA member shall be the same as their term in office as a member of the Planning Commission. A DDA member may be removed under the procedure proscribed for removing a Planning Commission member.

SECTION 3. The Village President shall appoint the nine (9) members of the Planning Commission/DDA, subject to approval by a majority vote of the members of the Village Council. The Planning Commission and DDA shall be comprised of members of the community or surrounding communities as regulated by the *Planning Enabling Act*, Public Act 33 of 2008, as amended, MCL 125.3801 *et seq.*

SECTION 4. The Chairperson and all officers of the Planning Commission shall hold the same titles on the DDA. The Planning Commission and DDA shall hold at least one regular meeting in each quarter of the year or special meeting as needed. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. All meetings shall be noticed and recorded in accordance with the *Open Meetings Act*, Public Act No. 267 of 1976, as amended.

SECTION 5. Members of the DDA shall serve without compensation, but may be reimbursed for actual and necessary expenses in an amount and manner as proscribed by the Village Council. Members of the Planning Commission shall be compensated as outlined by resolution of the Village Council.

SECTION 6. The DDA shall have such powers and duties as are granted to the Village DDA by the statutes of the State of Michigan and any Ordinance of the Village including, but not limited to, those powers and duties provided in the Recodified Tax Increment Financing Act, Act 57 of 2018, being MCL 125.4101 *et seq.*

SECTION 7. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village of Vicksburg declares that it would have passed this Ordinance and each section,

subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared unconstitutional.

SECTION 8. That this Ordinance and the related rules, regulations, provisions, requirements, orders and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect 20 days after publication, pursuant to MCL 66.1; MSA 5.1271.

SECTION 9. Repealer – All prior Ordinances, or parts of Ordinances, in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

SECTION 10. Notice – Within 14 days of the adoption of this Ordinance, the Village Clerk shall transmit a copy of this Ordinance to the Michigan Secretary of State’s Office of the Great Seal.

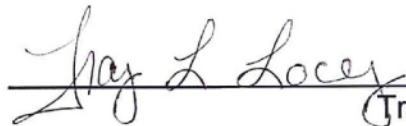
Clerk's Certification

I, Tracy L. Locey, Village Clerk of the Village of Vicksburg, certify that at a regular meeting of the Village Council held on November 4, 2019 at 7:00 p.m., at MP8 Building, 13326 N. Boulevard, Vicksburg, Michigan at which the following members were present:

Trustees: Bill Adams, Colin Bailey, Tim Frisbie, Rick Holmes, Carl Keller, Julie Merrill, and Gail Reisterer
Absent: None.

The Council enacted Ordinance #293 to become effective immediately upon publication and that the members of the Council present at the meeting voted on the adoption of the Ordinance as follows:

Motion: Frisbie
Support: Reisterer
Ayes: Adams, Bailey, Frisbie, Holmes, Keller, Merrill, and Reisterer
Nays: None.



Tracy L. Locey, Clerk

VILLAGE OF VICKSBURG

ORDINANCE NO. 291

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE II, DIVISION 1 OF THE
VILLAGE OF VICKSBURG CODE OF ORDINANCES,
DOWNTOWN DEVELOPMENT

The Village of Vicksburg hereby ordains:

SECTION 1. Modifications

Section 18-31 of Chapter 18, Article II, Division 1 of the Vicksburg Code of Ordinances shall be amended in its entirety to read as follows:

Sec. 18-31. Definitions.

All words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in the Recodified Tax Increment Financing Act (Act 57 of 2018)

Section 18-32 of Chapter 18, Article II, Division 1 of the Vicksburg Code of Ordinances shall be amended in its entirety to read as follows:

Sec. 18-32. Adoption of Public Act 57 of 2018 by reference.

The downtown development authority is hereby created and established pursuant to the terms and provisions of Act No. 57 of the Public Acts of Michigan of 2018, which act is adopted by reference.

Section 18-33 of Chapter 18, Article II, Division 1 of the Vicksburg Code of Ordinances shall be amended in its entirety to read as follows:

Sec. 18-33. Meanings of references in Act 57 of 2018.

Reference in Act 57 of 2018 to the term *chief elected officer* or *chief executive officer* shall mean the president of the Village.

Reference in Act 57 of 2018 to the term *chief administrative officer* shall mean the Village manager.

Reference in Act 57 of 2018 to the term *governing body of a municipality* shall mean the Village Council.

Reference in Act 57 of 2018 to the term *municipality* shall mean the Village of Vicksburg.

Section 18-35 of Chapter 18, Article II, Division 1 of the Vicksburg Code of Ordinances shall be amended in its entirety to read as follows:

Sec. 18-35. Amount of bond for director of board.

The board, which is the governing body of the Village Downtown Development Authority, may have a director, who shall be appointed by the Village president upon approval of the Village Council, and who shall serve at the pleasure of the board. A bond shall furnished by or on behalf of the Director as determined by resolution of the Village Council.

Section 18-38 of Chapter 18, Article II, Division 1 of the Vicksburg Code of Ordinances shall be added and shall read as follows:

Sec. 18-38. Planning Commission serving as DDA Board

Pursuant to the Michigan Planning Enabling Act, the planning commission shall concurrently serve as the board of the Village of Vicksburg Downtown Development Authority and shall have all authority and duties of the DDA board as set forth in Act 57 of 2018.

SECTION 2. Sections not amended.

All sections of Chapter 18, Article II, Division 1 of the Vicksburg Code of Ordinances not amended herein shall remain in full force and effect.

SECTION 3. Continuation of Downtown Development Authority.

Nothing in this Ordinance shall be interpreted as a discontinuation of the Village Downtown Development Authority. The Downtown Development Authority shall be and remain constituted in accordance with and shall have all of the powers and duties set forth in Act 57 of 2018) as amended from time to time and in this Ordinance.

SECTION 4. Severability.

If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 5. Effective date.

This Ordinance and the related rules, regulations, provisions, requirements, orders and matters established shall take effect immediately upon publication, except any penalty provisions, if any, which shall take effect twenty (20) days after publication, pursuant to MCL 66.1.

SECTION 6. Repealer.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Clerk's Certification

I, Tracy L. Locey, Village Clerk of the Village of Vicksburg, certify that at a regular meeting of the Village Council held on November 4, 2019 at 7:00 p.m., at MP8 Building, 13326 N. Boulevard, Vicksburg, Michigan at which the following members were present:

Trustees: Bill Adams, Colin Bailey, Tim Frisbie, Rick Holmes, Carl Keller, Julie Merrill, and Gail Reisterer

Absent: None.

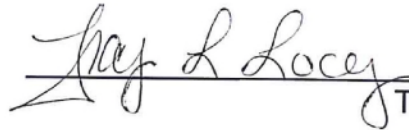
The Council enacted Ordinance #291 to become effective immediately upon publication and that the members of the Council present at the meeting voted on the adoption of the Ordinance as follows:

Motion: Frisbie

Support: Reisterer

Ayes: Adams, Bailey, Frisbie, Holmes, Keller, Merrill, and Reisterer

Nays: None.



Tracy L. Locey, Clerk



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC Approval of the Oakland County Tactical Consortium Interlocal Agreement

BACKGROUND BRIEF:

In 2009, the Oakland County Law Enforcement – Tactical Consortium (Oak-TAC) was established to coordinate a countywide training initiative to prepare Oakland County in the event of a major incident requiring a mutual aid response. As this workgroup has progressed, we have had a dedicated group of state, county, and local officers come together in this joint effort.

The training initiative of the Oakland County Tactical Consortium consists of training in Small Squad Tactics – Mobile Field Force, and a standardized method of Rapid Deployment – Active Shooter Response. Currently, the members of the executive board are representatives from the Oakland County Sheriff’s Office, Troy Police Department, Berkley Department of Public Safety, and the Auburn Hills Police Department.

In 2012, an Interlocal Agreement formally establishing the Oakland County Tactical Consortium was prepared by the Troy City Attorney’s Office and participating agencies adopted the agreement after approval from their respective governing bodies. Currently every law enforcement agency in Oakland County is a member of Oak-TAC. The Interlocal Agreement has been updated to clean up existing language in the document, add three “trustee” positions to the board, and allow the board to appoint a fiduciary, which will be Oakland County Emergency Management.

This updated agreement is required to be presented for consideration and approval to all local units of government in Oakland County, who participate in Oak-TAC. The agreement has been reviewed by City Attorney Kucharek and is in proper order for your consideration and approval.

RECOMMENDED MOTION:

Move to approve the updated Oakland County Tactical Consortium Inter-Local Agreement and authorize the Chief of Police to sign the agreement.

OAKLAND COUNTY TACTICAL CONSORTIUM AGREEMENT

This Agreement is made and entered into by and among the undersigned entities, which are collectively referred to in this Agreement as the “Members” or individually as a “Member”.

In 2012, certain Members entered into an Interlocal Agreement Formally Establishing the Oakland County Tactical Training Consortium (OAK-TAC), and they now wish to amend and replace the existing agreement by executing this Agreement.

Members may include law enforcement agencies, other governmental entities, and non-governmental entities who share a common interest in the goals of OAK-TAC.

The purpose of this Agreement is to establish and document an organizational framework of collaboration and cooperation for OAK-TAC and its Members, who have a common interest in coordinating and standardizing training, communication, policies, and tactical response and recovery techniques.

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

1. **DEFINITIONS**. The following words and expressions used throughout this Agreement, whether used in the singular or plural, shall be defined, read, and interpreted as follows:
 - a. **Agreement** means the terms and conditions of this Agreement and any other mutually agreed to written and executed modification, amendment, exhibit and attachment.
 - b. **Board** means OAK-TAC’s Board of Directors.
 - c. **Claims** mean any alleged losses, claims, complaints, demands for relief or damages, lawsuits, causes of action, proceedings, judgments, deficiencies, liabilities, penalties, litigation, costs, and expenses, including, but not limited to, reimbursement for reasonable attorney fees, witness fees, court costs, investigation expenses, litigation expenses, amounts paid in settlement, and/or other amounts or liabilities of any kind which are incurred by or asserted against a Member, or for which a Member may become legally and/or contractually obligated to pay or defend against, whether direct, indirect or consequential, whether based upon any alleged violation of the federal or the state constitution, any federal or state statute, rule, regulation, or any alleged violation of federal or state common law, whether any such claims are brought in law or equity, tort, contract, or otherwise, and/or whether commenced or threatened.
 - d. **Day** means any calendar day beginning at 12:00 a.m. and ending at 11:59 p.m.
 - e. **Fiduciary Member** means a Non-Voting or Voting Member appointed by the Board.
 - f. **Non-Voting Member** means an OAK-TAC Member that signs this Agreement and is not a law enforcement agency in Oakland County.
 - g. **Voting Member** means an OAK-TAC Member that signs this Agreement and is a law enforcement agency in Oakland County.
2. **AGREEMENT EXHIBITS**. The attached Exhibit A, Oakland County Tactical Consortium Bylaws (“Bylaws”), and any amendments thereto, are incorporated into and part of this Agreement.

3. **PURPOSE & OBJECTIVES OF OAK-TAC.** The purpose and objectives of OAK-TAC are as follows:
 - a. to provide professional training and leadership to law enforcement personnel;
 - b. to establish and implement cooperative programs and activities for training and response in small squad tactics and use of weapons, such as, but not limited to, hostage situations, events requiring use of special weapons and tactics (“SWAT”), Mobile Field Force, active assailant and terrorist situations, and Homeland Security Defense;
 - c. to promote education and safety in the use of special tactics;
 - d. to establish a forum for the free exchange of ideas regarding training by various law enforcement personnel; and
 - e. to establish coordinated response and recovery protocols, policy recommendations, and training for significant events requiring a multi-agency law enforcement response, as permitted in the Mutual Aid Agreement implemented by the Oakland County Chiefs of Police organization.
4. **POWERS OF THE BOARD.** The Board of Directors shall have the power and duty to establish policies and procedures for meetings; to determine topics of training; to implement training programs; to select training instructors and personnel; to provide for equipment, protective gear and venues for training; to schedule dates and times for training; to establish criteria for those eligible for specific trainings; to establish communication protocol between multiple agencies; to resolve disputes between or among Members; and to call for investigations of incidents involving the Members. The Board shall also have any other power or duty that has not been delegated to the Members in this Agreement and in the Bylaws.
5. **NON-EXCLUSIVE TRAINING.** No Member is obligated by this Agreement to use OAK-TAC exclusively for training and is expressly allowed to train internally or participate in other training programs.
6. **FUNDING.** OAK-TAC and its Board of Directors are not legal entities, so the Board shall appoint a Fiduciary Member, according to the process herein. The Fiduciary Member shall receive any income generated by OAK-TAC through its Members’ dues and training events. The Fiduciary Member shall not decide the allocation of funds. The allocation of OAK-TAC funds shall be decided by the Board.
7. **NEW MEMBERSHIP.** An entity that wishes to become a Member of OAK-TAC must make its request to the Board Secretary. Membership shall be approved upon a two-thirds (2/3) vote of the Voting Members. If approved, that entity must become a signatory and execute this Agreement within 6 months of approval by the Board to become a Member of OAK-TAC.
8. **DUES.** All Members shall be responsible for annual dues. Different rates will be set for Non-Voting and Voting Members. The rates shall be set and approved upon a two-thirds (2/3) vote of the Voting Members.
9. **COMPENSATION.** No Members, including Board Members, shall receive any compensation from OAK-TAC for the performance of their duties. However, a Member may be reimbursed for costs that Member incurred as a result of business meetings or other expenses directly related to OAK-TAC activities, if such costs are approved by the Board.
10. **MEMBER INSURANCE REQUIREMENTS.** Each Member shall have adequate insurance or self-insurance coverage to protect it from any Claims arising under or related to this Agreement and its participation in OAK-TAC.

11. **REMOVAL OF MEMBERS.** A Member may be removed upon a two-thirds (2/3) vote of the Voting-Members. The removed Member shall not receive any refund or compensation from OAK-TAC.
12. **DURATION OF AGREEMENT.**
- a. This Agreement and any amendments hereto shall be effective when executed by the Members. Voting and Non-Voting Members that are governmental entities must also have resolutions passed by their governing bodies, and this Agreement and any amendment must be filed in accordance with MCL 124.510. The approval and terms of this Agreement and any amendments hereto shall be entered into the official minutes of each governmental entities' governing bodies.
 - b. This Agreement shall remain in effect for so long as two or more Voting Members remain and the Agreement is not terminated in accordance with Section 13.b.
13. **TERMINATION OR CANCELLATION OF AGREEMENT.**
- a. Any Member may terminate their participation in OAK-TAC and withdraw from OAK-TAC for any reason upon a minimum of 30 Days' written notice before the effective date of termination or cancellation. The written notice must be sent to all of the Board Members, and the effective date for termination or cancellation shall be clearly stated in the notice. The terminating Member shall not receive any refund or compensation from OAK-TAC.
 - b. This Agreement shall be terminated upon a unanimous vote of all Voting Members.
14. **ASSETS UPON TERMINATION.** Upon termination of this Agreement, any expenses or outstanding liabilities shall be paid with OAK-TAC's funds. Any remaining funds shall be distributed to the existing Members on an equitable basis, as determined by the Board.
15. **AGREEMENT MODIFICATION OR AMENDMENT.** Any modifications, amendments, restatements of this Agreement, rescissions, waivers, or releases to this Agreement must be in writing and agreed to by all Members. Unless otherwise agreed, the modification, amendment, reinstatement, rescission, waiver, or release shall be signed by the same persons who signed the Agreement or other persons authorized by law. Notwithstanding the language herein, an amendment to add an additional member pursuant to Section 7 shall only require the additional member to become a signatory to this Agreement and they must forward their signature page to the Board.
16. **NO EMPLOYER-EMPLOYEE RELATIONSHIP.** This Agreement does not establish an employer-employee relationship between the Members (including the Board). No liability, right, or benefit associated with any employer-employee relationship shall be implied by the terms of this Agreement or the services or training performed pursuant to this Agreement.
17. **LIABILITY FOR MEMBER EMPLOYEES.** Each Member shall be responsible and liable for any disability and workers' compensation benefits, including derivative benefits, dependent benefits or other benefits related to disability and workers' compensation benefits, for its own employees.
18. **COMPLIANCE WITH LAWS.** Each Member shall comply with all federal, state, and local statutes, ordinances, regulations, administrative rules, and requirements applicable to its activities performed under this Agreement.
19. **PERMITS AND LICENSES.** Each Member shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all licenses, permits, certificates, and governmental authorizations for its employees and/or agents necessary to perform all of its obligations under this

Agreement. Upon request by the Board, a Member shall furnish copies of any permit, license, certificate, or governmental authorization to the Board.

20. **ASSURANCES.**

- a. **Responsibility for Claims.** Each Member shall be responsible for any Claims made against that Member by a third party, and for its own acts and the acts of its employees, agents, and subcontractors arising under or related to this Agreement.
- b. **Responsibility for Attorney Fees and Costs.** In any Claim that may arise from the performance of this Agreement, each Member shall seek its own legal representation and bear the costs associated with such representation, including judgments and attorney fees.
- c. **No Indemnification.** No Member shall have any right under this Agreement or under any other legal principle to be indemnified or reimbursed by any other Member or any of its agents in connection with any Claim.
- d. **Authorization and Completion of Agreement.** The Members have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Member have legal authority to sign this Agreement and bind the Members to the terms and conditions contained herein.

21. **DISCRIMINATION.** Members shall not discriminate against an employee or an applicant for employment in hiring, any terms and conditions of employment or matters related to employment regardless of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, genetic information, height, weight, disability, veteran status, familial status, marital status or any other reason, that is unrelated to the person's ability to perform the duties of a particular job or position, in accordance with applicable federal and state laws.

22. **DELEGATION OR ASSIGNMENT.** No Member shall delegate or assign any obligations or rights under this Agreement without the prior written consent of the other Members.

23. **RESERVATION OF RIGHTS.** This Agreement does not, and is not intended to, impair, divest, delegate or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Members. Nothing in this Agreement shall be construed as a waiver of governmental immunity for any Member.

24. **NO THIRD-PARTY BENEFICIARIES.** Except as provided for the benefit of the Members, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right in favor of any other person or entity.

25. **NO IMPLIED WAIVER.** Absent a written waiver, no act, failure, or delay by a Member to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by any Member shall subsequently affect its right to require strict performance of this Agreement.

26. **SEVERABILITY.** If a court of competent jurisdiction finds a term or condition of this Agreement to be illegal or invalid, then the term or condition shall be deemed severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force.

27. **CAPTIONS**. The section and subsection numbers, captions, and any index to such sections and subsections contained in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers, captions, and indexes shall not be interpreted or be considered as part of this Agreement. Any use of the singular or plural, any reference to gender, and any use of the nominative, objective or possessive case in this Agreement shall be deemed the appropriate plurality, gender or possession as the context requires.
28. **NOTICE**. Any written notice required or permitted under this Agreement shall be considered delivered to a Member as of the date that such notice is deposited, with sufficient postage, with the U.S. Postal Service, or the next business day with a written response or receipt of confirmation, if sent by e-mail. Each Member is responsible for ensuring the Board has its updated physical and e-mail addresses for notice under this Agreement. The Board will maintain this list and provide it to a Member upon request.
29. **GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE**. This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any Claim arising under or related to this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
30. **SURVIVAL OF TERMS**. The Members understand and agree that all terms and conditions of this Agreement that require continued performance, compliance, or effect beyond the termination date of the Agreement shall survive such termination date and shall be enforceable in the event of a failure to perform or comply.
31. **COUNTERPARTS & ELECTRONIC SIGNATURE**. This Agreement, including any amendments, may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. In making proof of this Agreement, and any amendments, it shall not be necessary to produce or account for more than one such counterpart executed by the Member against whom enforcement of this Agreement is sought. Signature to this Agreement transmitted by facsimile transmission, by electronic mail in portable format (“.pdf”) form, or by any other electronic means intended to preserve the original graphic and pictorial appearance of a document, will have the same force and effect as physical execution and delivery of the paper document bearing the original signature.
32. **ENTIRE AGREEMENT**. This Agreement represents the entire agreement and understanding between the Members, and supersedes all other prior oral or written understandings, communications, agreements, or contracts between the Members. The language of this Agreement shall be construed as a whole according to its fair meaning and not construed strictly for or against any Member.

IN WITNESS WHEREOF, David Woodward, Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners to execute this Agreement on behalf of Oakland County, and hereby accepts and binds Oakland County to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____
David Woodward, Chairperson
Oakland County Board of Commissioners

WITNESSED: _____ DATE: _____
Oakland County Board of Commissioners
County of Oakland

OAKLAND COUNTY SHERIFF’S OFFICE

By: _____
Print Name: Michael J. Bouchard
Title: Sheriff
Date: _____

IN WITNESS WHEREOF, [insert name and title of public body official] hereby acknowledges that he/she has been authorized by a resolution of the [insert public body], a certified copy of which is attached, to execute this Agreement on behalf of Public Body and hereby accepts and binds Public Body to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____
[insert name of official, title, and name of public body]

WITNESSED: _____ DATE: _____
[insert name, title]

(INSERT ENTITY’S NAME)

By: _____
Print Name: _____
Title: _____
Date: _____

EXHIBIT A**BYLAWS OF OAKLAND COUNTY TACTICAL CONSORTIUM****ARTICLE I***Name, Purpose, and Definitions*

- 1.1. **Name**. The name of this Consortium shall be the “Oakland County Tactical Consortium”, also referred to as “OAK-TAC”.
- 1.2. **Purpose and Objectives**. The purpose and objectives of OAK-TAC are as follows:
 - a. to provide professional training and leadership to law enforcement personnel;
 - b. to establish and implement cooperative programs and activities for training and response in small squad tactics and use of weapons, such as, but not limited to, hostage situations, events requiring use of special weapons and tactics (“SWAT”), Mobile Field Force, active assailant and terrorist situations, and Homeland Security Defense;
 - c. to promote education and safety in the use of special tactics;
 - d. to establish a forum for the free exchange of ideas regarding training by various law enforcement personnel; and
 - e. to establish coordinated response and recovery protocols, policy recommendations, and training for significant events requiring a multi-agency law enforcement response, as permitted in the Mutual Aid Agreement implemented by the Oakland County Chiefs of Police organizations.
- 1.3. **Definitions**. Any words or expressions defined in the Oakland County Tactical Consortium Agreement shall have the same meaning in these Bylaws.

ARTICLE II*Membership*

- 2.1. **Request for Membership**. Any political subdivision in Oakland County that has law enforcement personnel and provides law enforcement services may be eligible to become a Voting Member of OAK-TAC. This includes colleges and universities in Oakland County that provide public safety coverage through the use of sworn police personnel. Any other legal entity whose membership would benefit OAK-TAC through training, partnerships, or other supporting functions, may be eligible to become a Non-Voting Member of OAK-TAC.

All requests for membership shall be made in writing to the Secretary of OAK-TAC stating the prospective member’s ability to meet all of the requirements set forth in the Agreement. The request must be made by an authorized signor from the prospective member.

- 2.2. Receipt of Membership Request. The Secretary shall send a copy of the request for membership to each Voting Member. The request shall appear on the agenda for discussion at the first regular or special meeting held after receipt of the request.
- 2.3. Approval. Approval of membership shall be granted upon a two-thirds (2/3) vote of the Voting Members. Upon approval, the prospective member can execute the Agreement in accordance with the terms therein to become a Member.
- 2.4. Removal. A Member may be removed upon a two-thirds (2/3) vote of the Voting-Members. The removed Member shall not receive any refund or compensation from OAK-TAC.
- 2.5. Withdrawal. Any Member may terminate their participation in OAK-TAC and withdraw from OAK-TAC for any reason upon a minimum of 30 Days' written notice before the effective date of termination or cancellation. The written notice must be sent to all of the Board Members, and the effective date for termination or cancellation shall be clearly stated in the notice. The terminating Member shall not receive any refund or compensation from OAK-TAC.
- 2.6. Representation. Each Voting Member shall be represented by its Sheriff, Chief of Police, Director of Public Safety, Chief Executive Officer, or a designee of the Sheriff, Chief of Police, Director of Public Safety, or Chief Executive Officer.
- 2.7. Voting. Each Voting Member, or designated representative, present at a meeting, shall have one (1) vote on all items brought before the Board for Voting Members, and must be present in person at the meeting to cast their vote.
- 2.8. No Compensation. No Members, including Board Members, shall receive any compensation from OAK-TAC for the performance of their duties. However, a Member may be reimbursed for costs that Member incurred as a result of business meetings or other expenses directly related to OAK-TAC activities, if such costs are approved by the Board.

ARTICLE III

The Board, the Officers, and the Fiduciary Member

- 3.1. Officers. The Board shall consist of the following Officers: President, Vice President, Secretary, Treasurer, and three Trustees.
- 3.2. Term of Office. Each Officer's term of office shall be from January 1st to December 31st of each year, until such successor is duly elected.
- 3.3. Election of Officers. The election of Officers shall be conducted at the first regularly scheduled meeting where a quorum is present after September 30th of each year. Officers elected before January 1st shall take office on January 1st. If there is not a quorum at a regularly scheduled meeting between September 30th and December 31st of any year, the Officers of OAK-TAC shall be elected at the first regularly scheduled meeting when a quorum is present after January 1st, and the Officers shall commence their terms immediately. Officers shall be elected by a majority vote of the Voting Members present and voting at a duly constituted meeting.

- 3.4. Vacancies. If an Officer vacates their position mid-term for any reason, nominations shall be made and voted on at the next regularly scheduled meeting or at a special meeting called by the President, or, in the President's absence, the Vice President of OAK-TAC.
- 3.5. Removal. An Officer may be removed from the Board with or without cause upon a two-thirds (2/3) vote of the Voting Members.
- 3.6. Duties of Officers. The President shall be the chief Officer of OAK-TAC. The President shall preside over all meetings of OAK-TAC and set the meeting agenda. The President shall call meetings as necessary, as requested by a majority of the Voting Members, or on an emergency basis. The President shall also have the power to appoint an at-large member or members to assist the Board with special projects or assignments during their term in office.

The Vice President shall assume the duties of the President if the President is absent or unavailable for any reason.

The Secretary shall assume the duties of the President if the President and the Vice President are absent or unavailable. The Secretary shall keep the records and minutes of OAK-TAC and shall provide each Member of OAK-TAC with a copy of the meeting minutes from the last meeting in advance of the next regularly scheduled meeting. The Secretary shall also maintain a roster of Members (with their physical and e-mail addresses), the Agreement, these Bylaws, and all other OAK-TAC documentation. It shall be the Secretary's duty to receive and acknowledge all communications of OAK-TAC, and perform such duties as assigned by the President.

The Treasurer shall be responsible for the management and oversight of the financial affairs, including facilitating the adoption of an annual budget, completing invoices, as well as reviewing and approving the payment of expenses by the Fiduciary Member.

The Trustees shall only have the power to vote.

- 3.7. Powers of the Board. The Board of Directors shall have the power and duty to establish policies and procedures for meetings; to determine topics of training; to implement training programs; to select training instructors and personnel; to provide for equipment, protective gear and venues for training; to schedule dates and times for training; to establish criteria for those eligible for specific trainings; to establish communication protocol between multiple agencies; to resolve disputes between or among Members; to call for investigations of incidents involving the Members. and to perform any other function stated in the Agreement and these Bylaws. The Board shall also have any other power or duty that has not been delegated to the Members in the Agreement and in these Bylaws.
- 3.8. The Fiduciary Member. The Fiduciary Member of OAK-TAC shall be appointed upon a two-thirds (2/3) vote of the Board. The Fiduciary Member shall be the custodian and sole depositor of OAK-TAC's funds and shall disburse such funds as herein authorized or upon approval of the Board. The Fiduciary Member shall render a complete summary of any income, disbursements, and balances, whenever requested by the Board, and to the Members at each regularly scheduled meeting. A written copy of the same shall be made available to any Member upon request.

ARTICLE IV

Meetings

- 4.1. Regular Meetings. Regular meetings of OAK-TAC shall be held on dates approved by the Board that shall allow the majority of Voting Members to attend.
- 4.2. Special Meetings. Special meetings of OAK-TAC may be called by the President, or by a majority vote of the Voting Members. The place and time shall be determined by the President. Members must receive at least five (5) days' notice with the place and time of the special meeting stated in the notice.
- 4.3. Rules of Order. The most recently published version of Robert's Rules of Order shall be the parliamentary authority of the Board and shall govern proceedings of the Board and its Committees. Bylaws adopted by the Board that conflict with Robert's Rules of Order shall supersede any conflicting rules.
- 4.4. Motions requiring special procedures. All proposed motions for termination of OAK-TAC or decisions regarding assessments and/or dues to each Member must be announced at a meeting at least one month prior to the meeting where a vote on such a motion is scheduled.
- 4.5. Quorum. Unless otherwise stated herein, a quorum shall be required for the conduct of any business at regular or special meetings. A quorum for an action of the Voting Members shall be the minimum number of Voting Members required to pass that item. A quorum for an action of the Board shall be five (5) Officers; however, unless otherwise stated herein, approval of any item before the Board shall only require a majority vote of the Board.
- 4.6. Attendance. Any Voting Member whose designated representative fails to attend three (3) consecutive meetings of OAK-TAC within one calendar year should be notified of such absences by the Secretary.
- 4.7. Fiduciary Duties. Members are under a fiduciary duty to conduct the activities and affairs of OAK-TAC in the best interests of OAK-TAC. The Members shall discharge this duty in good faith. In the event that any Members of OAK-TAC, including the Board, are faced with a conflict of interest between their fiduciary duty to OAK-TAC and the duty owed to their organization, those Members should refrain from voting on the issue that presents a conflict of interest.

ARTICLE V

Dues, Fees, and Other Charges

- 5.1. Dues. All Members will be responsible for annual dues. Different rates will be set for Non-Voting and Voting Members. The rates and due dates shall be set and approved upon a two-thirds (2/3) vote of the Voting Members.

- 5.2. Fees and Other Charges. Fees or other charges assessed by OAK-TAC, including any conditions of payment (i.e., due dates), shall be set and approved upon a two-thirds (2/3) vote of the Voting Members.
- 5.3. Failure to Pay. The failure of any Member to pay dues, fees, or other charges within ninety (90) days of the due date may result in that Member's forfeiture from OAK-TAC without a vote. Reinstatement shall be granted upon a two-thirds (2/3) vote of the Voting Members and payment of all arrears.
- 5.4. Annual Dues will not be Prorated. If new prospective members are accepted for Membership after the annual dues have been assessed for that year, they will not be responsible for the annual dues that year. The new Members will be responsible for annual dues starting the following year.

ARTICLE VI

Committees

Special Committees and Sub-Committees. The Board may establish such committees and sub-committees as necessary to conduct the OAK-TAC's business. Ad hoc committees may be established by a majority vote of the Board for short-term purposes; however, any committee whose active work continues for greater than one (1) year shall be considered a standing committee, except by majority vote of the Board. Standing committees may be established by a majority vote of the Board.

ARTICLE VII

Amendments

- 7.1. Requirements. These Bylaws may be amended at any regular or special meetings of the Board by a two-third (2/3) vote of the Voting Members and in the following manner:
- a. Any Voting Member in good standing at a regular meeting may propose an amendment, alteration, revision, or addition to these Bylaws.
 - b. A written copy of the proposed amendment, alteration, revision, or addition shall be filed with the Secretary.
 - c. The Secretary shall include the proposed amendment, alteration, revision, or addition in the minutes, and read the proposal at two successive meeting, and it shall be voted upon at the second successive meeting.
- 7.2. Effective Date. Amendments to these Bylaws shall be effective thirty (30) days after they are approved; unless a longer period of time is designated by a majority vote of the Board.



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC Budget Amendment - DDA

BACKGROUND BRIEF:

The Village of Lake Orion and the Downtown Development Authority are public body recipients of a Placemaking and Public Spaces Grant in the amount of \$595,823.00. The grant funding is derived and distributed from Oakland County based A.R.P.A. funds and will be coordinated and reported for compliance by the Downtown Development Authority, with general oversight by the Village as its the DDA governing body.

On November 19, 2024 the DDA Board passed a motion to create three (3) new GL Account Numbers for the DDA Budget to account for the revenue and expenses associated with the grant:

- For Revenue GL 248-000-540-000 – County/Federal Program Grants
- For Expenses GL 248-726-980-001 – Public Space Grant – General Construction
- GL 246-726-980-002 – Public Space Grant – Development and Program

SUMMARY OF PREVIOUS COUNCIL ACTION:

The Council has previously accepted the Grant and Authorized the Agreement

FINANCIAL IMPACT:

This is revenue and expense out grant affiliated with expense related accounts for the Lumber Yard Project, but this amendment only accounts for the revenue and expense of the grant as set forth in the Motion.

RECOMMENDED MOTION:

Adopt the General Ledger Accounts created by the Downtown Development Authority for the Placemaking and Public Spaces Grant, and Amend the DDA BUDGET to reflect the following appropriation and budgeted expenses associated with each:

GL 248-000-540-000	\$595,823.00
GL 248-726-980-001	\$353,619.00
GL 248-726-980-002	\$242,204.00



DDA ACTION SUMMARY SHEET

MEETING DATE: November 19, 2024
TOPIC New General Ledger Account - Budget

BACKGROUND BRIEF:

The Village of Lake Orion and the DDA are public body recipients of a Placemaking and Public Spaces Program Agreement. This grant is for the development of a public space and supporting restoration as part of the lumber yard project.

The initial disbursement of funding is being remitted in accord with the attached invoice to Oakland County. The DDA needs to amend its Budget to add new revenue and expense GL line(s) to accept these fund and spend them, such that we can track these funds specific to a separate line item as the source of funds is the ARPA.

FINANCIAL IMPACT:

This grant is in the amount of \$595,823.00. It is paid in two installments. The tracking and reporting of acceptance and expense is performed through reporting documentation. This action is setting p the GL to hold the funding, and the GL(s) to spend and report.

RECOMMENDED MOTION:

Move to amend the Downtown Development Authority Budget, Fund 248, to create a new General Ledger Revenue Account under Number 248-260-540-000, titled County/Federal Program Grants

Further amend the Downtown Development Authority Budget, Fund 248, to create two new general Ledger Expense Account(s) under Number 248-726-980-001, titled Public Space Grant – General Construction; and Number 248-726-980-002, title Public Space Grant – Development and Program

Subject to Review and Approval of the Village Clerk and any necessary adoption by Village Council.

MSOC PLACEMAKING AND PUBLIC SPACES PROGRAM GRANT - INVOICE 1



Village of Lake Orion
21 E Church Street
Lake Orion, MI 48362

Attention: Darwin McClary, Village Manager

Date: October 29, 2024

Terms: Net 30 Days

Application ID: MSPM2406

FND10101-CCN1090205-SC731598-PRG133095-GRN-1004139

Bill To:	
ATTN	John Bry, Administrator Local Business Development Oakland County Economic Development
Address	2100 Pontiac Lake Rd, Bldg 41W Waterford, MI 48328
Phone	(248) 858-5444
Email	bryj@oakgov.com

Description	Qty	Total Award	Amount
First Grant Award Payment - 75% of Total Award*	1	\$595,823.00	\$446,867.25
Subtotal			\$446,867.25
Total Amount Due			\$446,867.25

***See Exhibit A**

Make Payment To: VILLAGE OF LAKE ORION

EXHIBIT A
Grant Award Payments

It is understood that under no circumstances shall the County be responsible for greater than 40% of the total development cost and that by accepting County Grant Funds, the Public Body thereby commits to contributing Grantee Funds in an amount sufficient to fully fund the development cost of the project as approved by the County pursuant to the Grant Application, Scope of Work and Budget (Exhibit C).

First Grant Award Payment

Within 45 days of the execution of this Interlocal Agreement between Oakland County and the Public Body the County will transfer seventy five percent (75%) of the total grant award to the Public Body.

Final Grant Award Payment

Within 30 days of the County receiving and approving documentation from the Public Body that demonstrates that eligible project development cost expenditures of a minimum amount of two times the first grant award payment have been made by the Public Body, the County will transfer the remaining balance of the total grant award to the Public Body.

Application Number: MSPM2406 – Lake Orion

Total Development Costs: \$1,909,806.00

Total Local Funds: \$1,313,983.00

Total Grant Award: \$595,823.00

Percent of Total Development Costs: 31%

First Grant Award Payment: \$446,867.25

(75% of the Total Grant Award)

Final Grant Award Payment: \$148,955.75

(25% of the Total Grant Award)



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC: Public Hearing on Village of Lake Orion PY 2025 Community Development Block Grant (CDBG) Application

BACKGROUND BRIEF:

Village Council is scheduled to hold a public hearing on the Village of Lake Orion Program Year (PY) 2025 Community Development Block Grant (CDBG) application.

SUMMARY OF PREVIOUS COUNCIL ACTION:

10/28/2024 - Council scheduled a public hearing on the PY 2025 CDBG on the Program Year (PY) 2025 CDBG application for Monday, November 25, 2024, at 7:30 PM.

FINANCIAL IMPACT:

The village anticipates receiving an estimated \$9,348.00 in PY 2025 CDBG funding.

RECOMMENDED MOTION:

To open the Public Hearing.

To close the Public Hearing.



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC: Invoice Approval – November 25, 2024

RECOMMENDED MOTION: To approve the November 25, 2024 bills in the amount of \$168,941.12 of which \$13,600.87 are DDA bills for a net total of \$155,340.25 and to receive and file the DDA bills.

INVOICE DISTRIBUTION REPORT FOR VILLAGE OF LAKE ORION

EXP CHECK RUN DATES 11/26/2024 - 11/26/2024

POSTED AND UNPOSTED
OPEN

Section 10, Item A.

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Amount	Check Number
Fund: 101 GENERAL FUND					
Department: 000 REVENUE					
101-000-279-000	GENERAL PORTION	BLUE CROSS BLUE SHIELD OF	HEALTH COVERAGE FOR ROSSMAN/SHANK NOV	777.27	None
101-000-279-000	RETIREE HEALTHCARE-RETIREE	BCBSM MEDICARE ADVANTAGE	RETIREE COVERAGE 11-1-2024-11-30-2024	978.48	None
101-000-281-003	CONSTRUCTION PLAN REVIEW	NOWAK & FRAUS ENGINEERS	N808 PENINSULA CONDOMINIUMS SERVICES	960.00	None
101-000-281-005	SITE PLAN & CONSTRUCTION P	NOWAK & FRAUS ENGINEERS	N034 CONSTELLATION BAY THRU OCTOBER 2	562.50	None
101-000-281-008	ENGINEERING REVIEW	NOWAK & FRAUS ENGINEERS	O039-SNUG HARBOR OCTOBER 27 2024	150.00	None
101-000-281-011	CONSTRUCTION SERVICES	NOWAK & FRAUS ENGINEERS	N569 ORION VILLAS-597 MILLER RD THRU	4,743.50	None
101-000-281-012	SITE PLAN, CONTRUCTION PLA	NOWAK & FRAUS ENGINEERS	N035 MYSTIC COVE THRU OCTOBER 27, 202	397.50	None
Total Department 000 REVENUE				8,569.25	
Department: 215 VILLAGE CLERK					
101-215-719-000	DC VILLAGE CONTRIBUTIONS	ALERUS FINANCIAL	DC VILLAGE CONTRIBUTIONS OCTOBER	500.80	None
101-215-960-000	MILEAGE \$0.67/MI X 49.8	BLOUGH, LYNSEY	FOIA TRAINING MILEAGE	33.37	None
Total Department 215 VILLAGE CLERK				534.17	
Department: 228 Information Technology					
101-228-801-000	BS&A CLOUD SOFTWARE UPGRAD	BS&A SOFTWARE	BS&A FINANCIAL SOFTWARE MIGRATION TO	17,479.00	None
101-228-801-000	MONTHLY BILLING FOR NOVEMB	VC3, INC.	MONTHLY BILLING	1,840.00	None
Total Department 228 Information Technology				19,319.00	
Department: 253 FINANCE TREASURY					
101-253-719-000	DC VILLAGE CONTRIBUTIONS	ALERUS FINANCIAL	DC VILLAGE CONTRIBUTIONS OCTOBER	601.76	None
101-253-957-000	LYNSEY BLOUGH - FOIA TRAIN	THE ROSSOW GROUP	FREEDOM OF INFORMATION ACT TRAINING	205.00	None
Total Department 253 FINANCE TREASURY				806.76	
Department: 260 GENERAL ACTIVITIES					
101-260-716-001	RETIREE HEALTHCARE	BCBSM MEDICARE ADVANTAGE	RETIREE COVERAGE 11-1-2024-11-30-2024	856.19	None
101-260-728-000	TOILET PAPER	AMAZON CAPITAL SERVICES	AMAZON	56.38	None
101-260-728-000	PAPER - 8.5"x11"	ODP BUSINESS SOLUTIONS LLC	OFFICE SUPPLIES	237.36	None
101-260-728-000	OD GREEN TOP 14"	ODP BUSINESS SOLUTIONS LLC	OFFICE SUPPLIES	62.24	None
101-260-728-000	KLEENEX MULTI-FOLD TOWEL	ODP BUSINESS SOLUTIONS LLC	OFFICE SUPPLIES	40.81	None
101-260-728-000	TIERED DISCOUNT	ODP BUSINESS SOLUTIONS LLC	OFFICE SUPPLIES	(5.11)	None
101-260-730-000	OCTOBER	XEROX CORPORATION	COPIER LEASE-BASE CHARGE	91.09	None
101-260-730-000	9/21/24-10/21/24 BASE	XEROX CORPORATION	COPIER LEASE OCTOBER	241.22	None
101-260-730-000	COLOR	XEROX CORPORATION	COPIER LEASE OCTOBER	65.23	None
101-260-730-000	B/W	XEROX CORPORATION	COPIER LEASE OCTOBER	12.02	None
101-260-830-000	11/1/24-11/30/24	PRIORITY WASTE	MONTHLY CURBSIDE COLLECTION ACC32147	21,874.60	None
101-260-851-000	TELEPHONES	MISWITCH COMMUNICATIONS	VILLAGE & POLICE PHONES NOVEMBER	317.43	None
101-260-920-000	20 E SHADBOLT ACCT # 1030	CONSUMERS ENERGY	OCOTOBER BILL	18.00	None
101-260-920-000	21 E CHURCH ACCT# 1030 170	CONSUMERS ENERGY	OCOTOBER BILL	211.80	None
101-260-921-000	STREETLIGHTS	DTE ENERGY	SEPTEMBER BILL STREETLIGHTS	4,142.60	None
101-260-930-000	MATS FOR VILLAGE OFFICE 11	Darwe] ENTERPRISES LLC	MONTHLY MAT RENTAL VILLAGE OFFICES 11	195.97	None
101-260-956-000	20245LOCAL GOVT MEMBERSHIP	CLINTON RIVER WATERSHED CO	2025 LOCAL GOVT MEMBERSHIP DUES	644.00	None
101-260-956-000	MERS TRAINING DEPOSIT	COMERICA BANK	CREDIT CARD-WES OCTOBER	860.40	None
Total Department 260 GENERAL ACTIVITIES				29,922.23	
Department: 751 PARKS AND RECREATION					
101-751-931-000	ANTIFREEZE	AutoZone	AUTO ZONE	37.74	None
Total Department 751 PARKS AND RECREATION				37.74	
Department: 880 CONTRACT SERV - LEAGAL/ACCTING/ENGINEER					
101-880-806-000	N885 ENGINEERING DESIGN 10	NOWAK & FRAUS ENGINEERS	N885 ENGINEERING DESIGN THRU OCTOBER	212.50	None

INVOICE DISTRIBUTION REPORT FOR VILLAGE OF LAKE ORION

EXP CHECK RUN DATES 11/26/2024 - 11/26/2024

POSTED AND UNPOSTED
OPEN

Section 10, Item A.

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Amount	Check Number
Fund: 101 GENERAL FUND					
Department: 880 CONTRACT SERV - LEAGAL/ACCTING/ENGINEER					
Total Department 880 CONTRACT SERV - LEAGAL/ACCTING/ENGINEER				212.50	
Total Fund 101 GENERAL FUND				59,401.65	
Fund: 202 MAJOR STREET FUND					
Department: 260 GENERAL ACTIVITIES					
202-260-801-000	N885 ENGINEERING DESIGN 20 NOWAK & FRAUS ENGINEERS		N885 ENGINEERING DESIGN THRU OCTOBER	425.00	None
Total Department 260 GENERAL ACTIVITIES				425.00	
Department: 463 ROUTINE MAINTENANCE					
202-463-719-000	DC VILLAGE CONTRIBUTIONS	ALERUS FINANCIAL	DC VILLAGE CONTRIBUTIONS OCTOBER	249.30	None
202-463-726-000	10/3/24 BLACKTOP REPAIR	GREAT LAKES ACE HARDWARE	GREAT LAKES ACE PURCHASES OCTOBER	80.70	None
202-463-801-000	STREET SWEEPING 10/27/2024	CURBCO SWEEPING	STREET SWEEPING	385.00	None
202-463-801-000	STREET SWEEPING 10/31/24	CURBCO SWEEPING	STREET SWEEPING	150.00	None
202-463-801-000	STREET SWEEPING 9/1/24	CURBCO SWEEPING	STREET SWEEPING	385.00	None
Total Department 463 ROUTINE MAINTENANCE				1,250.00	
Department: 474 TRAFFIC SERVICES					
202-474-719-000	DC VILLAGE CONTRIBUTIONS	ALERUS FINANCIAL	DC VILLAGE CONTRIBUTIONS OCTOBER	93.49	None
Total Department 474 TRAFFIC SERVICES				93.49	
Department: 478 WINTER MAINTENANCE					
202-478-719-000	DC VILLAGE CONTRIBUTIONS	ALERUS FINANCIAL	DC VILLAGE CONTRIBUTIONS OCTOBER	498.61	None
Total Department 478 WINTER MAINTENANCE				498.61	
Total Fund 202 MAJOR STREET FUND				2,267.10	
Fund: 203 LOCAL STREET FUND					
Department: 260 GENERAL ACTIVITIES					
203-260-801-000	N885 ENGINEERING DESIGN 10 NOWAK & FRAUS ENGINEERS		N885 ENGINEERING DESIGN THRU OCTOBER	212.50	None
Total Department 260 GENERAL ACTIVITIES				212.50	
Department: 463 ROUTINE MAINTENANCE					
203-463-719-000	DC VILLAGE CONTRIBUTIONS	ALERUS FINANCIAL	DC VILLAGE CONTRIBUTIONS OCTOBER	467.44	None
Total Department 463 ROUTINE MAINTENANCE				467.44	
Department: 474 TRAFFIC SERVICES					
203-474-719-000	DC VILLAGE CONTRIBUTIONS	ALERUS FINANCIAL	DC VILLAGE CONTRIBUTIONS OCTOBER	124.65	None
203-474-726-000	11/14/2024	AJAX MATERIALS CORP	CENTRAL STORM SEWER REPAIR	210.68	None
Total Department 474 TRAFFIC SERVICES				335.33	
Department: 478 WINTER MAINTENANCE					
203-478-719-000	DC VILLAGE CONTRIBUTIONS	ALERUS FINANCIAL	DC VILLAGE CONTRIBUTIONS OCTOBER	592.09	None
Total Department 478 WINTER MAINTENANCE				592.09	
Department: 875 CONSTRUCTION					
203-875-977-000	PARK AVE RETAINING WALL	NOWAK & FRAUS ENGINEERS	M718 PARK AVENUE RTAINING WALL THRU O	15,064.50	None
Total Department 875 CONSTRUCTION				15,064.50	
Total Fund 203 LOCAL STREET FUND				16,671.86	
Fund: 207 POLICE FUND					
Department: 301 POLICE/SHERIFF/CONSTABLE					
207-301-716-001	POLICE PORTION	BLUE CROSS BLUE SHIELD OF	HEALTH COVERAGE FOR ROSSMAN/SHANK NOV	2,331.75	None

INVOICE DISTRIBUTION REPORT FOR VILLAGE OF LAKE ORION

EXP CHECK RUN DATES 11/26/2024 - 11/26/2024

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Section 10, Item A.

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Amount	Check Number
Fund: 207 POLICE FUND					
Department: 301 POLICE/SHERIFF/CONSTABLE					
207-301-716-001	RETIREE HEALTHCARE	BCBSM MEDICARE ADVANTAGE	RETIREE COVERAGE 11-1-2024-11-30-2024	856.19	None
207-301-719-000	DC VILLAGE CONTRIBUTIONS	ALERUS FINANCIAL	DC VILLAGE CONTRIBUTIONS OCTOBER	1,893.74	None
207-301-730-000	POLICE PRINTER RICOH CONTR	U.S. BANK EQUIPMENT FINANC	RICOH CONTRACT PAYMENT POLICE PRINTER	110.43	None
207-301-801-000	BACKGROUND INVESTIGATIN RY	FORTIS GROUP LLC	BACKGROUND INVESTIGATION RYAN HAMMOND	1,200.00	None
207-301-801-000	PRE EMP ANNE PIRKLE	BEAUMONT URGENT CARE BY WE	PREEMPLOYMENT PHYSICAL	135.00	None
207-301-801-000	PRE EMP SHANE HOCKNEY	BEAUMONT URGENT CARE BY WE	PREEMPLOYMENT PHYSICAL	135.00	None
207-301-801-000	BACKGROUND INVESTIGATIN WH	FORTIS GROUP LLC	BACKGROUND INVESTIGATION ALEXANDRA WH	1,200.00	None
207-301-801-000	BACKGROUND INVESTIGATION M	FORTIS GROUP LLC	BACKGROUND INVESTIGATION MATT MIHACSI	1,200.00	None
207-301-851-000	TELEPHONES	MISWITCH COMMUNICATIONS	VILLAGE & POLICE PHONES NOVEMBER	317.43	None
207-301-957-000	SARAH KIMBALL - FOIA TRAIN	THE ROSSOW GROUP	FREEDOM OF INFORMATION ACT TRAINING	205.00	None
Total Department 301 POLICE/SHERIFF/CONSTABLE				9,584.54	
Total Fund 207 POLICE FUND				9,584.54	
Fund: 225 DEPT OF PUBLIC WORKS FUND					
Department: 000 REVENUE					
225-000-123-000	RETIREE HEALTHCARE	BCBSM MEDICARE ADVANTAGE	RETIREE COVERAGE 11-1-2024-11-30-2024	3,180.14	None
Total Department 000 REVENUE				3,180.14	
Department: 276 CEMETERY					
225-276-740-000	STONECO NEWPORT	LOU'S TRANSPORT	STONE CO-NEWPORT	485.86	None
225-276-748-000	28X18 FOUNDATION 11/14/24	GENESEE VALLEY VAULT INC.	FOUNDATION	38.00	None
225-276-748-000	48X18 DOUBLE BRONZE W/VASE	GENESEE VALLEY VAULT INC.	FOUNDATION	86.00	None
225-276-748-000	11/7/24 30X16	GENESEE VALLEY VAULT INC.	FOUNDATION	192.00	None
225-276-748-000	11/7/24 36X16	GENESEE VALLEY VAULT INC.	FOUNDATION	128.00	None
225-276-930-000	SUN AND SHADE	DAFOE'S LLC	SUN SHADE GRASS SEED-REISSUE	85.00	None
Total Department 276 CEMETERY				1,014.86	
Department: 441 DEPARTMENT OF PUBLIC WORKS					
225-441-719-000	DC VILLAGE CONTRIBUTIONS	ALERUS FINANCIAL	DC VILLAGE CONTRIBUTIONS OCTOBER	155.81	None
225-441-740-000	10/3/24 FASTENERS	GREAT LAKES ACE HARDWARE	GREAT LAKES ACE PURCHASES OCTOBER	9.98	None
225-441-740-000	10/29/24 EPOXY GLUE	GREAT LAKES ACE HARDWARE	GREAT LAKES ACE PURCHASES OCTOBER	37.08	None
225-441-741-000	10/28/24 LOG SPLITTER	GREAT LAKES ACE HARDWARE	GREAT LAKES ACE PURCHASES OCTOBER	39.89	None
225-441-741-000	10/28/24 LEAF RAKE	GREAT LAKES ACE HARDWARE	GREAT LAKES ACE PURCHASES OCTOBER	42.72	None
225-441-820-000	SAM HICKS	UHAN'S DEPARTMENT STORE	UNIFORMS	79.00	None
225-441-820-000	UTILITY PANT	BOOT BARN	DPW CLOTHING PURCHASES	53.99	None
225-441-820-000	KHAKI PANTS	BOOT BARN	DPW CLOTHING PURCHASES	44.99	None
225-441-820-000	RELAXED BOOT	BOOT BARN	DPW CLOTHING PURCHASES	78.25	None
225-441-865-000	SHELL OIL	COMERICA BANK	CREDIT CARD-WES OCTOBER	58.62	None
225-441-865-000	BP	COMERICA BANK	CREDIT CARD-WES OCTOBER	43.72	None
225-441-920-000	362 CASS ACCT# 1030 1701 1	CONSUMERS ENERGY	OCOTOBER BILL	173.35	None
225-441-920-000	333 CASS ST ACT # 1030 170	CONSUMERS ENERGY	OCOTOBER BILL	0.00	None
225-441-930-000	10/1/24 EXPANDING SEALANT	GREAT LAKES ACE HARDWARE	GREAT LAKES ACE PURCHASES OCTOBER	27.33	None
225-441-931-000	EQUIP REPAIR	BURDICK ST. LANDSCAPE SUPP	EQUIP REPAIR	17.99	None
225-441-932-000	REPAIR	MOTO-MEDIC INC.	2007 GMC	902.81	None
225-441-932-000	NETRO WASH	RHOMAR INDUSTRIES, INC	NEUTRO-WASH	635.88	None
225-441-956-000	6 @ 90.00 PER DRIVER	MICHIGAN MUNICIPAL LEAGUE	CDL CONSORTIUM DRIVERS FEE 1/1/25-12/	540.00	None
Total Department 441 DEPARTMENT OF PUBLIC WORKS				2,941.41	
Department: 443 PHASE II STORMWATER					
225-443-801-000	N885 ENGINEERING DESIGN 10	NOWAK & FRAUS ENGINEERS	N885 ENGINEERING DESIGN THRU OCTOBER	212.50	None

INVOICE DISTRIBUTION REPORT FOR VILLAGE OF LAKE ORION

EXP CHECK RUN DATES 11/26/2024 - 11/26/2024

POSTED AND UNPOSTED
OPEN

Section 10, Item A.

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Amount	Check Number
Fund: 225 DEPT OF PUBLIC WORKS FUND					
Department: 443 PHASE II STORMWATER					
225-443-930-000	11/08/2024	AJAX MATERIALS CORP	CENTRAL STORM SEWER REPAIR	910.80	None
Total Department 443 PHASE II STORMWATER				<u>1,123.30</u>	
Total Fund 225 DEPT OF PUBLIC WORKS FUND				<u>8,259.71</u>	
Fund: 248 DOWNTOWN DEVELOPMENT AUTHORITY FUND					
Department: 000 REVENUE					
248-000-539-000	GRANT FOR ECONOMIC DEVT	ROSES OF SILVERBELL	GRANT FROM MAIN STREET OC	775.00	None
Total Department 000 REVENUE				<u>775.00</u>	
Department: 260 GENERAL ACTIVITIES					
248-260-719-000	DC VILLAGE CONTRIBUTIONS	ALERUS FINANCIAL	DC VILLAGE CONTRIBUTIONS OCTOBER	546.16	None
248-260-851-000	ACCT 8529101420028897 - 11	COMCAST		195.75	None
248-260-920-000	ACCT 100062995376 - 118 N	CONSUMERS ENERGY	UTILITY	83.82	None
248-260-921-000	ACCT 910040951824 - 380 S	DTE ENERGY	STREET LIGHTS	34.28	None
248-260-921-000	ACCT 910040951774 - 38 S W	DTE ENERGY	STREET LIGHTS	49.54	None
248-260-921-000	ACCT 910040951725 - 22 SHA	DTE ENERGY	STREET LIGHTS	140.32	None
248-260-921-000	ACCT 910040951659 - 38 FLI	DTE ENERGY	STREET LIGHTS	408.72	None
248-260-921-000	ACCT 910040951600 - 491 S	DTE ENERGY	STREET LIGHTS	78.86	None
248-260-962-000	PARKING FEES - CONFERENCE	JANET BLOOM	MDA ANNUAL CONFERENCE	54.42	None
Total Department 260 GENERAL ACTIVITIES				<u>1,591.87</u>	
Department: 725 ORGANIZATION					
248-725-825-000	DOWNTOWN DOLLARS CERT 950	OAT SODA	DOWNTOWN DOLLARS REIMB	30.00	None
248-725-825-000	DOWNTOWN DOLLAR CERTS 4275	HANSON'S RUNNING SHOP	DOWNTOWN DOLLARS REIMB	50.00	None
Total Department 725 ORGANIZATION				<u>80.00</u>	
Department: 726 DESIGN					
248-726-883-000	INV 1032 SEASONAL LIGHT IN	ILLUMILAWN YARD SERVICES	INSTALL OF HOLIDAY LIGHTING	6,586.00	None
248-726-883-000	INV 2664 HALLOWEEN BANNERS	EPRINT SOLUTION LLC	HALLOWEEN BANNERS	78.00	None
Total Department 726 DESIGN				<u>6,664.00</u>	
Department: 728 ECONOMIC DEVELOPMENT					
248-728-801-000	AGING BALANCE ON CONTRACT	HUDSON COLLECTIVE	AGING BALANCE ON CONTRACT	4,490.00	None
Total Department 728 ECONOMIC DEVELOPMENT				<u>4,490.00</u>	
Total Fund 248 DOWNTOWN DEVELOPMENT AUTHORITY FUND				<u>13,600.87</u>	
Fund: 592 WATER AND SEWER FUND					
Department: 548 SEWER ACTIVITIES					
592-548-801-000	N885 ENGINEERING DESIGN 25	NOWAK & FRAUS ENGINEERS	N885 ENGINEERING DESIGN THRU OCTOBER	531.25	None
592-548-801-000	OCTOBER 2024	GREAT LAKES WATER AUTHORIT	INDUSTRIAL SPECIFIC RETAIL	840.72	None
592-548-831-000	OCTOBER	OAKLAND COUNTY TREASURER	SEWAGE DISPOSAL SERVICES-OCTOBER	44,603.70	None
592-548-975-001	SITE PLAN REVIEW/CONSTRUCT	NOWAK & FRAUS ENGINEERS	N434 SANITARY SEWER PUMP STATION IMPR	2,187.50	None
592-548-995-000	INTEREST 2020A BOND	OAKLAND COUNTY TREASURER	WRC DEBT SERVICES INVOICE #CI048330 I	3,675.83	None
592-548-995-000	INTERST 2020B BOND	OAKLAND COUNTY TREASURER	WRC DEBT SERVICES INVOICE #CI048330 I	1,109.73	None
592-548-995-000	AGENT FEES 2020A	OAKLAND COUNTY TREASURER	WRC DEBT SERVICES INVOICE #CI048330 I	1.10	None
592-548-995-000	AGENT FEES 2020B	OAKLAND COUNTY TREASURER	WRC DEBT SERVICES INVOICE #CI048330 I	2.26	None
Total Department 548 SEWER ACTIVITIES				<u>52,952.09</u>	
Department: 556 WATER ACTIVITIES					
592-556-719-000	DC VILLAGE CONTRIBUTIONS	ALERUS FINANCIAL	DC VILLAGE CONTRIBUTIONS OCTOBER	934.89	None

INVOICE DISTRIBUTION REPORT FOR VILLAGE OF LAKE ORION

EXP CHECK RUN DATES 11/26/2024 - 11/26/2024

POSTED AND UNPOSTED
OPEN

Section 10, Item A.

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Amount	Check Number
Fund: 592 WATER AND SEWER FUND					
Department: 556 WATER ACTIVITIES					
592-556-801-000	N885 ENGINEERING DESIGN 25	NOWAK & FRAUS ENGINEERS	N885 ENGINEERING DESIGN THRU OCTOBER	531.25	None
592-556-931-002	SUPPLIES	GUNNERS METERS & PARTS, I	PARTS FOR MAIN REPAIRS	15.00	None
592-556-975-000	NEPTUNE 360 AMR SET UP FEE	FERGUSON WATERWORKS #3386	NEPTUNE 360 UPDATE AND MAPPING SERVIC	2,189.78	None
592-556-975-000	STONECO NEWPORT	LOU'S TRANSPORT	STONE CO-NEWPORT	485.87	None
Total Department 556 WATER ACTIVITIES				4,156.79	
Total Fund 592 WATER AND SEWER FUND				57,108.88	
Fund: 701 ESCROW					
Department: 000 REVENUE					
701-000-675-000	FRANCHISE/PEG FEES FROM DI O. C. C. C.		FRANCHISE/PEG FEES FROM DIRECT LLC	2,046.51	None
Total Department 000 REVENUE				2,046.51	
Total Fund 701 ESCROW				2,046.51	

INVOICE DISTRIBUTION REPORT FOR VILLAGE OF LAKE ORION

EXP CHECK RUN DATES 11/26/2024 - 11/26/2024

POSTED AND UNPOSTED
OPEN

Section 10, Item A.

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Amount	Check Number
--- TOTALS BY FUND ---					
101			GENERAL FUND	59,401.65	
202			MAJOR STREET FUND	2,267.10	
203			LOCAL STREET FUND	16,671.86	
207			POLICE FUND	9,584.54	
225			DEPT OF PUBLIC WORKS FUND	8,259.71	
248			DOWNTOWN DEVELOPMENT AUTHORITY FUND	13,600.87	
592			WATER AND SEWER FUND	57,108.88	
701			ESCROW	2,046.51	
Total For All Funds:				168,941.12	



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC: Adoption of Resolution authorizing the submission of Program Year (PY) 2025 CDBG Application

BACKGROUND BRIEF:

Administration is requesting that the Village Council approve the resolution which authorizes the submission of the Program Year (PY) 2025 Community Development Block Grant (CDBG) application to Oakland County after holding a public hearing on the application. The Village is proposing to apply for funding for a basketball court replacement at Atwater Park. The deadline for submitting CDBG applications is Friday, December 6, 2024.

SUMMARY OF PREVIOUS COUNCIL ACTION:

10/28/2024 - Council scheduled a public hearing on the PY 2025 CDBG on the Program Year (PY) 2025 CDBG application for Monday, November 25, 2024, at 7:30 PM.

FINANCIAL IMPACT:

The Village anticipates receiving an estimated \$9,348.00 in PY 2025 CDBG funding.

RECOMMENDED MOTION:

To adopt Resolution #2024-039 which authorizes the Village of Lake Orion to submit Program Year 2025 Community Development Block Grant application in the approximate amount of \$9,348.00 as follows and to authorize the Village President to sign the Application and submit the documents to Oakland County and all necessary documents relating to the grant application:

Project Name	Allocation Amount
Atwater Park Basketball Court Refurbish	\$9,348.00



VILLAGE OF LAKE ORION
COUNTY OF OAKLAND
STATE OF MICHIGAN

COUNCIL RESOLUTION 2024-039
RESOLUTION AUTHORIZING THE SUBMISSION OF PROGRAM YEAR (Y) 2025 CDBG
APPLICATION

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

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

WHEREAS, the Village of Lake Orion has duly advertised and conducted a public hearing as follows:

President Rutt opened the Public Hearing at (Time)

(Record Public Comments Here if there are any)

President Rutt closed the Public Hearing at (Time)

on November 25, 2024 to receive public comments regarding the proposed use of PY2025 Community Development Block Grant funds (CDBG) in the approximate amount of \$9,348.00, and

WHEREAS, the Village of Lake Orion found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

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

Project Name	Allocation Amount
Atwater Park Basketball Court Refurbish	\$9,348.00

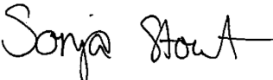
MOTION:
VOTING YEA:
VOTING NAY:

ABSTAIN:

ABSENT:

CERTIFICATION

I, Sonja Stout, duly appointed Clerk/Treasurer of the Village of Lake Orion, Oakland County, Michigan, do hereby certify that the above is a true copy of the Village of Lake Orion meeting minutes from November 25, 2024 at which time a quorum was present.



Sonja Stout
Village Clerk/Treasurer



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC Pay Application No. 1 – Park Avenue Retaining Wall Replacement Project

BACKGROUND BRIEF:

Administration is requesting that Village Council approve Pay Application No. 1 from JB Contractors, Inc., for the Park Avenue retaining wall replacement project. The project is substantially complete except for a repair to an underground electrical line for the McMaken landscape irrigation pump (at the contractor’s expense) and landscaping restoration. Village Engineer Wendy Spence has reviewed the pay application and has issued the attached letter recommending approval.

SUMMARY OF PREVIOUS COUNCIL ACTION:

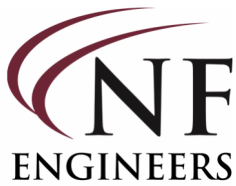
None

FINANCIAL IMPACT:

The final as-built cost of the project is estimated to be \$81,395.00. The Village will be retaining \$5,000.00 in payments to the contractor pending completion of the remaining work. The net amount due under Pay Application No. 1 is \$76,396.00. The FY 2024-25 budget includes an appropriation of \$100,000 in the Local Street Fund for this project.

RECOMMENDED MOTION:

To approve Pay Application No. 1 from JB Contractors, Inc., in the amount of \$76,396.00 for the Park Avenue Retaining Wall Replacement Project and authorize the Village Manager to execute all necessary documents on behalf of the Village relating to this pay application.



Mr. Darwin McClary, Village Manager
Village of Lake Orion
21 E. Church St.
Lake Orion, MI 48362

November 20, 2024

RE: Park Street Retaining Wall Replacement
Pay Request #1
NFE Job No. M718

Dear Mr. McClary:

Enclosed please find our recommended Pay Request #1 for the Park Avenue Retaining Wall replacement project. The amount requested is based upon quantities measured in the field after completion of all major items of work and includes both Change Order #1 (\$2,049.00) as approved by the Village Council at their October 28, 2024 meeting and the fee for the Soil Erosion Control Permit (\$1,742.50), which is a direct reimbursement. The OCWRC receipt for the permit fee is attached.

As discussed with Wes Sanchez and yourself, we have modified the Contractor's requested quantity for asphalt paving, item numbers 6 and 7 on the Pay Request, to remove the area of concrete replaced at the end of the driveway at 365 Park Avenue, which was to be protected per the contract. We included quantities for all asphalt pavement within the Village's right-of-way, plus the amount necessary to replace the paved collar around the Village's storm manhole adjacent to the right-of-way, which had been in very poor condition prior to construction. These items are of direct benefit to the Village.

The approved, measured quantities result in an increase to the contract base bid amount of **\$882.50**, from \$76,722.00 to \$77,604.50. For this project, a contingency of \$6,120 was estimated post-bid. The total amount being charged against that contingency is \$2,931.50, for Change Order #1 and the additional quantities installed. A retainage of \$5000 is being withheld pending final resolution of outstanding site restoration issues. The net amount of Pay Request #1 is therefore **\$76,396.00**.

If you have any questions, please feel free to call.

Sincerely,
NOWAK & FRAUS ENGINEERS

Wendy E. Spence, PE
Sr. Project Manager

CC: Wesley Sanchez, DPW Director
Sonja Stout, Clerk

W:\G500-Z000 Files\M000-FILES\M718\Office\Correspondence\M718 LT-03 Pay Request #1 recommendation.docx

**VILLAGE OF LAKE ORION
PARK AVENUE RETAINING WALL REPLACEMENT**

**ORIGINAL BID
JB CONTRACTORS, INC.
2933 MILITARY
DETROIT, MI 48209
313-995-8301**

**PAY REQUEST #1
BRUCE ABBOTT
11/4/2024**

**PAY REQUEST #1
NFE RECOMMENDATION
11/19/2024**

BID DATE: 30-Jul-24
PROJECT # M718

jbcontractors@outlook.com

ITEM NO.	ITEM DESCRIPTION	EST QTY.	UNIT	UNIT PRICE	AMOUNT	CONTRACTOR'S QUANTITY	REQUESTED AMOUNT	ADJUSTED QUANTITY	ADJUSTED AMOUNT
1	MOBILIZATION (3% max)	1.0	LS	\$2,200.00	\$2,200.00	1.0	\$2,200.00	1.0	\$2,200.00
2	PAVEMENT REMOVAL	55.0	SY	\$36.00	\$1,980.00	54.4	\$1,958.40	59.9	\$2,156.40
3	REMOVE EX. WOOD RETAINING WALL	1.0	LS	\$4,600.00	\$4,600.00	1.0	\$4,600.00	1.0	\$4,600.00
4	REMOVE GUARDRAIL	14.0	LF	\$10.00	\$140.00	25.0	\$250.00	25.0	\$250.00
5	REMOVE, SALVAGE AND REPLACE BLOCK RETAINING WALL	1.0	LS	\$4,225.00	\$4,225.00	1.0	\$4,225.00	1.0	\$4,225.00
6	2.0" MDOT 5EML HMA Wearing	55.0	SY	\$92.00	\$5,060.00	64.0	\$5,888.00	59.9	\$5,510.80
7	2.0" MDOT 4EML HMA Leveling	55.0	SY	\$92.00	\$5,060.00	64.0	\$5,888.00	59.9	\$5,510.80
8	6" 21AA AGGREGATE BASE	55.0	SY	\$65.00	\$3,575.00	44.6	\$2,899.00	44.6	\$2,899.00
9	GRAVEL SHOULDER	4.0	CY	\$50.00	\$200.00	0.0	\$0.00	0.0	\$0.00
10	TYPE A GUARDRAIL	39.0	LF	\$113.00	\$4,407.00	42.5	\$4,802.50	42.5	\$4,802.50
11	NYLOPLAST DRAIN BASIN	1.0	EA	\$3,000.00	\$3,000.00	1.0	\$3,000.00	1.0	\$3,000.00
12	4" HDPE SUBGRADE UNDERDRAIN WITH	13.0	LF	\$25.00	\$325.00	20.0	\$500.00	20.0	\$500.00
13	POP-UP DRAINAGE EMITTER	1.0	EA	\$200.00	\$200.00	1.0	\$200.00	1.0	\$200.00
14	BLOCK RETAINING WALL INC. 6A, GEOTEX. FABRIC & UNDERDRAIN	1.0	LS	\$40,250.00	\$40,250.00	1.0	\$40,250.00	1.0	\$40,250.00
15	SOIL EROSION AND SEDIMENTATION	1.0	LS	\$500.00	\$500.00	1.0	\$500.00	1.0	\$500.00
16	FINAL RESTORATION AND CLEANUP	1.0	LS	\$1,000.00	\$1,000.00	1.0	\$1,000.00	1.0	\$1,000.00
	TOTAL BASE BID ----->				\$76,722.00		\$78,160.90		\$77,604.50
	Change Order(s)								
1	C.O. #1 - Remove ex. conc. mass	1.0	LS	\$2,049.00	\$2,049.00	1.0	\$2,049.00	1.0	\$2,049.00
2	SESC Permit Fee	1.0	ALLOW	\$1,742.50	\$1,742.50	1.0	\$1,742.50	1.0	\$1,742.50
	TOTAL CHANGES ----->				\$3,791.50		\$3,791.50		\$3,791.50
	TOTAL ----->				\$80,513.50		\$81,952.40		\$81,396.00
	RETAINAGE (10% MAX PER CONTRACT)								\$5,000.00
NET PAY									\$76,396.00

Section 11, Item B.

OC WRC BILLING
2636 DIXIE HWY
WATERFORD, MI 48328
248-858-1106

WRC Permitting

Date: 09/30/2024 01:36:35 PM

CREDIT CARD SALE

VISA
CARD NUMBER: ***** K

TOTAL AMOUNT: \$1,742.50

APPROVAL CD: 09073G

ECI:

RECORD #: 000

CLERK ID: Monica

X _____
sesc 001126-2024-co JB CONTRACTORS

I AGREE TO PAY THE ABOVE TOTAL AMOUNT
ACCORDING TO THE CARD ISSUER AGREEMENT
(MERCHANT AGREEMENT IF CREDIT VOUCHER)



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC Appointment of Council Members to Boards, Commission and Committees

BACKGROUND BRIEF:

Every two years following each election, Council needs to appoint its representatives to various boards, commissions and committees. Attached is a summary of the Boards, Commissions and Committees including the number of representatives needed, who is currently serving, and meeting date, times and locations.

The following appointments/confirmations need to be made:

1. Confirmation of Village Council President to Planning Commission and DDA Board
2. Planning Commission
3. Parks and Recreation Advisory Committee
4. Orion Community Cable Communications Commission - 2 representatives
5. Paint Creek Trailways Commission - Representative and Alternate
6. North Oakland Transportation Authority (NOTA) Board of Directors
7. Southeast Michigan Council of Governments (SEMCOG) - Delegate and Alternate

RECOMMENDED MOTION:

Below are individual motions for each Board/Commission/Committee. However you may combine any of the appointments and do them all in one motion or multiple combined motions.

Motion #1: Confirm Village Council President _____ appointment to the Planning Commission and Downtown Development Authority for a term to expire November 8, 2026.

Motion #2: Appoint Council Member _____ as the Village Council representative to the Village of Lake Orion Planning Commission two a two-year term to expire November 8, 2026.

Motion #3: Appoint Council Member _____ as the Village Council representative to the Village of Lake Orion Parks & Recreation Advisory Committee to a two-year term to expire November 8, 2026.

Motion #4: Appoint Council Member _____ and _____ as the Village Council representatives to the Orion Community Cable Communications Commission (OCCCC) to two-year terms to expire November 8, 2026.

Motion #5: Appoint Council Member _____ as the Village Council Representative and _____ as the Village Council Alternate to the Paint Creek Trailways Commission for two-year terms to expire November 8, 2026.

Motion #6: Appoint Council Member _____ as the Village Council Representative to the North Oakland Transportation Authority (NOTA) board of Directors for two-year terms to expire November 8, 2026.

Motion #7: Appoint Council Member _____ as the Village Council Delegate and _____ as the Village Council Alternate to the Southeast Michigan Council of Governments (SEMCOG) for two-year terms to expire November 8, 2026.

Summary of Boards of Commissions and Committees

Board/Commission/Committee	Number of Representatives	Currently Serving	Meeting date	Meeting time	Meeting Location
Downtown Development Authority (DDA)	Village Council President	Jerry Narsh	3rd Tuesday of Month	6:30 PM	Village Hall
Planning Commission	1 Council Member in addition to Village Council President	Jerry Narsh, Mike Lamb	1st Monday of the month	6:30 PM	Village Hall
Parks & Recreation Advisory Committee	1 Council Member	Teresa Rutt	4th Tuesday of the month	6:30 PM	Sept-Oct Village Hall; April - August: Different Park each month; No meetings Nov. -Feb
Orion Community Cable Communications Commission	2 Council Member	Carl Cyrowski, Nancy Moshier	2nd Thursdays of even months	7:00 PM	ONTV Studio 1349 Joslyn (Orion Community Center)
Paint Creek Trailways Commission	1 Representative; 1 Alternative	Stan Ford, Mike Lamb (A)	3rd Tuesday of each month	7:00 PM	Either the Paint Creek Cider Mill, or the City of Rochester Municipal Offices
North Oakland Transportation Authority (NOTA)	1 Representative	Carl Cyrowski	3rd Thursday of each month	4:30 PM	Rotate between Lake Orion Village Offices, Orion Township, NOTA Business, Oxford Village Offices, Oxford Township and Addison Township
Southeast Michigan Council of Government (SEMCOG)	1 Delegate; 1 Alternate	Stan Ford (D), Ken Vanportfliet (A)	General Assembly meets 3 times a year (Oct, June, Mar)	late afternoon	At locations throughout the region



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC: RZ-24-01 (315 N. Lapeer) Rezoning Request

BACKGROUND BRIEF: Kyle Westberg of West Investment Group, LLC, proposes to rezone the subject site (parcel ID: 09-02-403-020) from the RV, Village Single-Unit Residential District to the RM, Multi-Unit District. The property – which is currently occupied by the Lake Orion Community Schools Administration Building, surface parking, and detention pond – is under purchase agreement between the applicant and LOCS, the Superintendent of which has supplied a letter authorizing the rezoning.

A site plan has not been proposed at this time; however, we anticipate the redevelopment of this parcel to include some form of multiple-unit or cluster housing in support of – and adjacent to – the redevelopment of the former high school / Ehman Center property to the north, which will provide high-density multi-unit housing under a Planned Unit Development designation. This PUD is undergoing final site plan and engineering review; however, we anticipate an amendment or additional PUD to accompany the site in question once a development plan is in place.

The Planning Commission recommended approval to Village Council at its November 5, 2024 meeting.

PREVIOUS BOARD ACTION: On June 10, 2024, the Village Council approved an addendum to the approved PUD agreement for the historic school building which now includes this parcel of land in order to meet the PUD development standards for density, parking, and stormwater detention.

FINANCIAL IMPACT:

None – the developer will be assuming all costs for rezoning, site planning, and future redevelopment.

RECOMMENDED MOTION:

To **APPROVE** the requested rezoning regarding the LOCS administration building property located at 315 N. Lapeer Street, Parcel 09-02-403-020.

MCKENNA

October 30, 2024

Mr. Darwin McClary, Village Manager
 Village of Lake Orion
 21 East Church Street
 Lake Orion, Michigan 48362

Subject: 315 N. Lapeer Street: Rezoning Review #1

Mr. McClary:

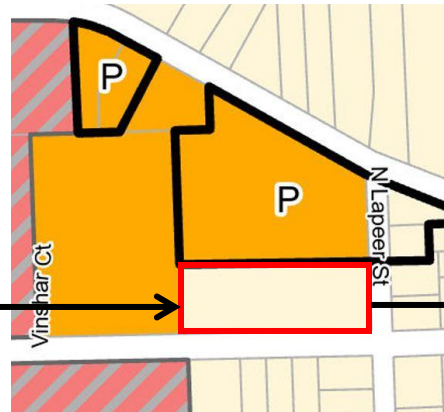
We have reviewed the application submitted by Mr. Kyle Westberg of West Investment Group, LLC, to rezone the subject site (parcel ID: 09-02-403-020) from the RV, Village Single-Unit Residential District to the RM, Multi-Unit District. The property – which is currently occupied by the Lake Orion Community Schools Administration Building, surface parking, and detention pond – is under purchase agreement between the applicant and LOCS, the Superintendent of which has supplied a letter authorizing the rezoning. This report is provided to ensure that the proposed rezoning is in substantial compliance with the Village’s Zoning Ordinance, Master Plan, and planning and zoning best practices.

EXISTING CONDITIONS

Property Gateway Parcel Map
 Oakland County



Zoning Map, 2023
 Village of Lake Orion



Future Land Use Map, 2022
 Village of Lake Orion



- RV - Village Single Family Residential
- RL - Lake Single Family Residential
- RM - Multiple Family Residential
- CC - Corridor Commercial

- Village Single-Family Residential
- Multiple-Family Residential
- Corridor Commercial

HEADQUARTERS
 235 East Main Street
 Suite 105
 Northville, Michigan 48167

☎ 248.596.0920
 ☎ 248.596.0930
MCKA.COM

Communities for real life.

Existing Land Use		Current Zoning	Future Land Use
*Subject Site	High School Admin. Building	Village Single-Unit Residential	Multi-Unit Residential
North	Vacant / Former High School	Multi-Unit Residential / PUD	Multi-Unit Residential
South	Single-Unit Homes	Village Single-Unit Residential	Village Single-Unit Residential
East	Single-Unit Homes	Village Single-Unit Residential	Village Single-Unit Residential
West	Mini-Warehouse Facility	Multi-Unit Residential	Multi-Unit Residential

RECOMMENDATION

It is recommended that the Planning Commission recommend approval of the proposed Zoning Map amendment for Parcel ID: 09-02-403-020 to be rezoned from RV, Village Single-Unit Residential District to RM, Multi-Unit District to Village Council based on the following findings of fact:

1. The proposed rezoning is consistent with the existing land use patterns of the surrounding parcels and provide an orderly transition from the existing commercial and multiple-unit and institutional uses to the west and north to the established single-unit neighborhoods to the east and south. The rezoning and future redevelopment may also contribute to the vibrant mix of housing options and provide a transition from the corridor and downtown commercial districts further west and south.
2. Rezoning the property to the RM District is fully compatible with surrounding zoning, which includes RM zoning to the north and west and RV zoning to the east and south. The single-family zoning has remained the same over the years, and the continued vacancy suggests that most uses permitted in the single-family residential district are not likely viable in this building.
3. The dimensional requirements of the requested rezoning district (the RM District) can be met.
4. With development trends geared toward higher density residential and mixed uses, supported by the Zoning Ordinance and Master Plan, the proposed rezoning will allow future development of the property to more-readily contribute to neighborhood vitality and economic development in the Village.
5. The request supports a variety of objectives of the 2002 adopted Master Plan and the 2022 Future Land Use and Zoning Plan amendment, making the economic reuse of the property highly desirable.
6. The proposed rezoning will not create a “spot” zone and is not likely to result in an undesirable trend to rezone parcels contrary to the Master Plan because of the location/existing conditions of the subject site.

REZONING REVIEW

In accordance with the rezoning criteria of Article 19 of the Zoning Ordinance, we offer the following comments for your consideration:

1. Would the rezoning be consistent with other land uses in the area?

The subject property is currently located in an area of the Village with a mix of uses. To the north is the former high school / Ehman Center, which is also owned by the applicant and approved as a Planned Unit Development for multi-unit apartments and flats; the project is undergoing final engineering and site plan reviews. To the west is a non-conforming mini-warehouse (self-storage facility), while other surrounding properties to the south and east contain single-unit homes, some of which have been converted into multi-unit dwellings.

The use of this corner site as multi-unit housing can be fully aligned with the surrounding land use patterns as it provides a transition among the various uses. When a site plan is proposed for the property, the applicant must comply with buffering, landscaping and design and engineering requirements so as to not burden the neighbors.

Additionally, both Lapeer Road and Elizabeth Street are classified as Village Major Streets which are functionally appropriate for higher traffic volumes that could be generated by the RM District.

2. Is the proposed zoning district compatible with the zoning classifications of surrounding land?

The subject property is zoned the RV, Residential Village District and currently contains the LOCS administration building, surface parking, and detention pond. The properties to the south and east are zoned single-unit residential, while the property to the west is zoned multi-unit residential. The proposed rezoning to multi-unit residential would be consistent with the adjacent residential districts.

If rezoned, future uses permitted by right would include uses permitted in the RL and RV Districts, but also two-unit dwellings, multiple-unit dwellings, nursing homes, convalescent homes, rest homes, and housing for the elderly, as defined. After public hearing and subject to special land use approval by the Planning Commission, hospitals, funeral homes, bed and breakfast facilities, adult foster care group homes, mobile home parks, childcare centers, places of worship, public utility buildings, and wireless communication facilities are among the uses that could be permitted.

3. Could all requirements in the proposed zoning classification be complied with on the subject parcel?

The subject site can conform to the dimensional standards of the RM, Multiple Unit District, per Section 12.03: Schedule of Regulations.

4. Have conditions changed since the Zoning Ordinance was adopted?

The Zoning Ordinance received a complete update in 2007 with minor amendments through 2022. The current single-unit zoning designation has remained the same over the years, and the property will soon be vacant. Further, recent development patterns in the Village have been geared toward higher density dwellings and mixed-uses, suggesting that most uses permitted in the single-unit residential district are not likely viable for the re-use of this site.

5. Is the proposed rezoning consistent with both the policies and the uses proposed for that area in the Master Plan? If not, is the Plan current and reasonable, or does it need to be updated?

The following adopted goals and objectives of the 2002 Village Master Plan support the subject rezoning:

- Promote and encourage small town village character by protecting and preserving historic homes and encouraging historic preservation;
- Limit multiple-family residential development to areas where they act as buffers between lower density single family residential and higher intensity land uses, such as commercial, office and major roadways, and only where it can be adequately served by public and private services;
- Support and encouraged mixed use development in the downtown and near downtown areas.
- Maintain and enhance the historical character of the Village’s older structures, and encourage the office designation of historic buildings and sites; and
- Improve the function and appearance of local streets by encouraging Village character landscaping with street trees, lighting, and sidewalks.

The 2022 Future Land Use and Zoning Plan – and adopted amendment to the Master Plan – further affirms the rezoning of this parcel, which supports higher density multi-unit residential in this area. This designation is also supported by the public engagement gathered through the Master Plan amendment planning effort initiated in 2020.

6. Will the amendment result in permissible exclusionary zoning?

No, the proposed rezoning will permit the continuance of orderly, residential development in this area of the Village.

Respectfully submitted,

McKENNA



Gage Belko, AICP
Associate Planner

CC: Ms. Sonja Stout, Village Clerk, 21 E. Church St., Lake Orion, MI 48362 (stouts@lakeorion.org)

Mr. Kyle Westberg, Applicant (West Investment Group, LLC), 70 Oakland Ave., Pontiac, MI 48342 (kwestberg@westconstruction.com)



Village of Lake Orion

21 E. Church Street
Lake Orion, Michigan 48362
Tel 248.693.8391
Fax 248.693.5874
www.lakeorion.org

ZONING MAP/TEXT AMENDMENT APPLICATION

A petition for amendment of the Zoning Ordinance shall be submitted to the Village Clerk on this form. 15 copies of materials must accompany. They will be submitted to Planning, Village Attorney, and Village Council. Please refer to Page 2 of this application regarding documents to submit. Fees must be paid when submitting materials and application.

MAP AMENDMENT A change in the zoning designation on a parcel of land in the Village.

Site Address: 315 N. Lapeer Street, Lake Orion, MI 48362 Parcel ID # (Refer to Tax Bill): 09 90-02-403-020

Common Name of Site: _____ Zoning District: _____

Name of Petitioner: West Investment Group, LLC Address: 79 Oaklamd Ave., Pontiac, MI 48342

Phone#: 248-758-9925 Email Address: Kwestberg@WestConstruction.com

PROPERTY OWNER INFORMATION

Property Owner Name: Lake Orion Community Schools Address: 315 N. Lapeer Street, Lake Orion, MI 48362

Property Owner Phone #: 248-693-5493 E-Mail: Andrea.Curtis@lok12.org

Current Zoning Designation: RV - Village Single Family Res. Proposed Zoning Designation: RM - Multiple Family Residential

Legal Description Proof of Ownership Plot Plan Statements

If Request is for a Conditional Re-Zoning Agreement Conditional Rezoning Agreement Fees

TEXT AMENDMENT A change in wording of a provision of the Zoning Ordinance.

Name of Petitioner: _____ Address: _____

Phone#: _____ Email Address: _____

Full Text of Current Article, Section and/or Paragraph Full Text of Proposed Amendment Statement

Fees

The Undersigned do hereby respectfully make application to and petition the Village of Lake Orion to Amend the Village Zoning Ordinance/Zoning map and agree to all submit all necessary fees:

Signature of Petitioner: [Signature] Date: 8/6/24

Signature of Property Owner: _____ Date: _____

Signature of Agent: _____ Date: _____

Signature of Property Owner: _____ Date: _____

When submitting a Zoning Map or Text Amendment Application, please refer to the list below for items to submit with the application.

Map Amendment: A petition for map amendment (zoning designation change) shall contain, at a minimum, the following information:

- a. The name, address, and telephone number of the petitioner. **Application page 1**
- b. A plot plan prepared under the direction of and sealed by one of the following professionals registered in the State of Michigan: Registered Architect, Registered Land Surveyor, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner, drawn to scale showing the property proposed to be rezoned showing:
 - i. The tax identification number and lot lines of all parcels included in the rezoning petition. **Complete**
 - ii. All structures, if any, on the parcels proposed to be rezoned. **Complete**
 - iii. The current zoning on the parcel(s) proposed to be rezoned and the zoning of all parcels within three hundred (300) feet of the perimeter of the parcel(s). **Complete (see attached zoning map - Exhibit B)**
- c. The proposed zoning designation desired for the property. **Complete**
- d. A statement as to why the property cannot be used or developed as zoned. **See Exhibit A**
- e. A statement as to why the requested zoning designation is more appropriate. **See Exhibit A**
- f. A statement as to how the requested zoning designation relates to the Village of Lake Orion Master Plan. **See Exhibit A**
- g. A legal description of the property proposed to be rezoned. **See Exhibit B and attached site plan**
- h. Proof of ownership and authorization of the owner to rezone the property. **See Exhibit C**

Text Amendment: A petition for a text amendment shall contain, at a minimum, the name, address, phone number, and signature of petitioner. Please submit **15 copies each:** of the Full Text of Current Article, Section, and/or Paragraph of the Zoning Ordinance that is proposed to be amended; a Statement as to why the proposed amendment is needed; the proposed full text of the article, section, and/or paragraph that is being submitted for amendment.

VILLAGE STAFF USE ONLY - DO NOT WRITE BELOW

Village of Lake Orion Zoning Map/Text Amendment Permit Worksheet

Reviewed by: _____ Date: _____ Parcel #: _____

Proof of Ownership Verified using: _____ Owner Signature(s): Yes / No

Plot Plan Copies Included: _____ Proposed Zoning Designation: _____ Statements: _____

Legal Description: _____

Village Fee: _____ Planner Escrow Fee: _____ Attorney Escrow Fee: _____

Date to Village Clerk _____ Date to Planning Commission: _____ Date to Village Council: _____

Is Subject Property Adjacent to Different Zoning Districts? Yes / No If Yes, explain: _____

Staked Survey or Additional Information Required: _____

Approval by: Zoning Administrator BZA PC VC

Remarks: _____

EXHIBIT A
STATEMENTS

Please refer to the following pages for:

- A statement as to why the property cannot be used or developed as zoned.
- A statement as to why the requested zoning designation is more appropriate.
- A statement as to how the requested zoning designation relates to the Village of Lake Orion Master Plan.

August 6, 2024

Petitioner:

Kyle J. Westberg
79 Oakland Ave.
Pontiac, MI 48342

Parcel ID No.:

90-02-403-020

Parcel Legal Description:

Located on attached page and civil drawing.

Current Zoning:

Parcel ID above is zoned RV – Village Single Family Residential

- Property adjacent to the North side of the subject property was recently rezoned RM – Multiple Family Residential.
- Property adjacent to the West side of the subject property is zoned RM – Multiple Family Residential.
- Properties on the East and South side of subject property is zoned RV

Proposed Zoning:

RM - Multiple Family Residential

Statements:

Please refer to the following statements to help support this application for a zoning amendment:

1. Statement on Why the Property Cannot Be Used or Developed as Zoned (RV - Village Single Family Residential)

The property located at 315 N. Lapeer Street, Lake Orion, MI 48362, currently zoned as RV - Village Single Family Residential, cannot be viably developed under this designation for several reasons:

- **Existing Structure Limitations:** The current building, originally constructed in the 1940s and remodeled in 1967, was used as a school and later as the administrative offices for the Lake Orion Community Schools. The building does not meet modern standards for a residential structure and would require significant renovation to be repurposed.
- **Economic Considerations:** The cost of renovating the existing structure or demolishing it and constructing new single-family homes would not be economically viable. The 1.6-acre parcel size limits the potential number of single-family homes that can be built, which would not provide a sufficient return on investment for developers.
- **Community Needs and Usage:** The current use as an administrative office highlights the community's need for more diversified property usage. The administrative offices are relocating due to inadequate facilities, further indicating that the current zoning does not align with the practical needs of the area.

2. Statement on Why the Requested Zoning Designation (RM - Multiple Family Residential) Is More Appropriate

The requested rezoning to RM - Multiple Family Residential is more appropriate for the following reasons:

- **Alignment with Surrounding Properties:** The properties adjacent to the west and north of the site are already zoned RM - Multiple Family Residential. Rezoning this parcel would create a more cohesive and consistent zoning landscape, facilitating better urban planning and development.
- **Better Utilization of Space:** The RM zoning designation would allow for the construction of multiple family dwellings, which can accommodate more residents and provide a wider variety of housing options. This is a more efficient use of the available land, addressing the housing needs of the community more effectively than single-family residences.
- **Economic Viability:** Developing the site for multiple family residences provides a more feasible investment opportunity. The density and potential for multiple units would allow developers to recoup their investments and contribute to the local economy.

3. Statement on How the Requested Zoning Designation Relates to the Village of Lake Orion Master Plan

The proposed RM - Multiple Family Residential zoning designation supports the Village of Lake Orion Master Plan by:

- **Alignment with Master Plan Objectives:** The Master Plan emphasizes creating a diverse housing stock that can accommodate various income levels, family sizes, and lifestyle preferences. In fact, the Lake Orion Master Plan – 2022 Amendment emphasizes that the Future Land Use of this parcel should be designated as Multiple-Family Residential (see exhibit D attached). Rezoning to RM facilitates this by allowing the development of multiple family residences, thus contributing to a balanced and comprehensive housing strategy.
- **Support for "Missing Middle Housing":** The "Missing Middle Housing" concept addresses the need for a range of housing types that fall between single-family homes and large apartment complexes. This type of housing includes duplexes, triplexes, townhouses, and other forms of multi-unit residences. The proposed RM zoning will enable the development of such housing, which is crucial for providing affordable, diverse living options. This variety of housing sizes and styles will be attractive to a broad spectrum of potential residents, including young professionals, families, and retirees, thereby supporting a vibrant and inclusive community.
- **Enhancing Community Cohesion:** The rezoning will create a more uniform and harmonious community fabric, enhancing the aesthetic and functional coherence of the area. This supports the Master Plan's objectives of creating well-integrated neighborhoods that provide a high quality of life for residents.

This request to rezone the property from RV to RM not only meets the practical and economic realities but also aligns with the broader planning and development goals of the Village of Lake Orion, fostering a more inclusive and vibrant community. Therefore, with these facts stated, we would respectfully request the Zoning Map be amended to change the zoning of this parcel from RV – Village Single Family Residential to RM – Multiple Family Residential.

Sincerely,

Kyle J. Westberg
Petitioner

EXHIBIT B

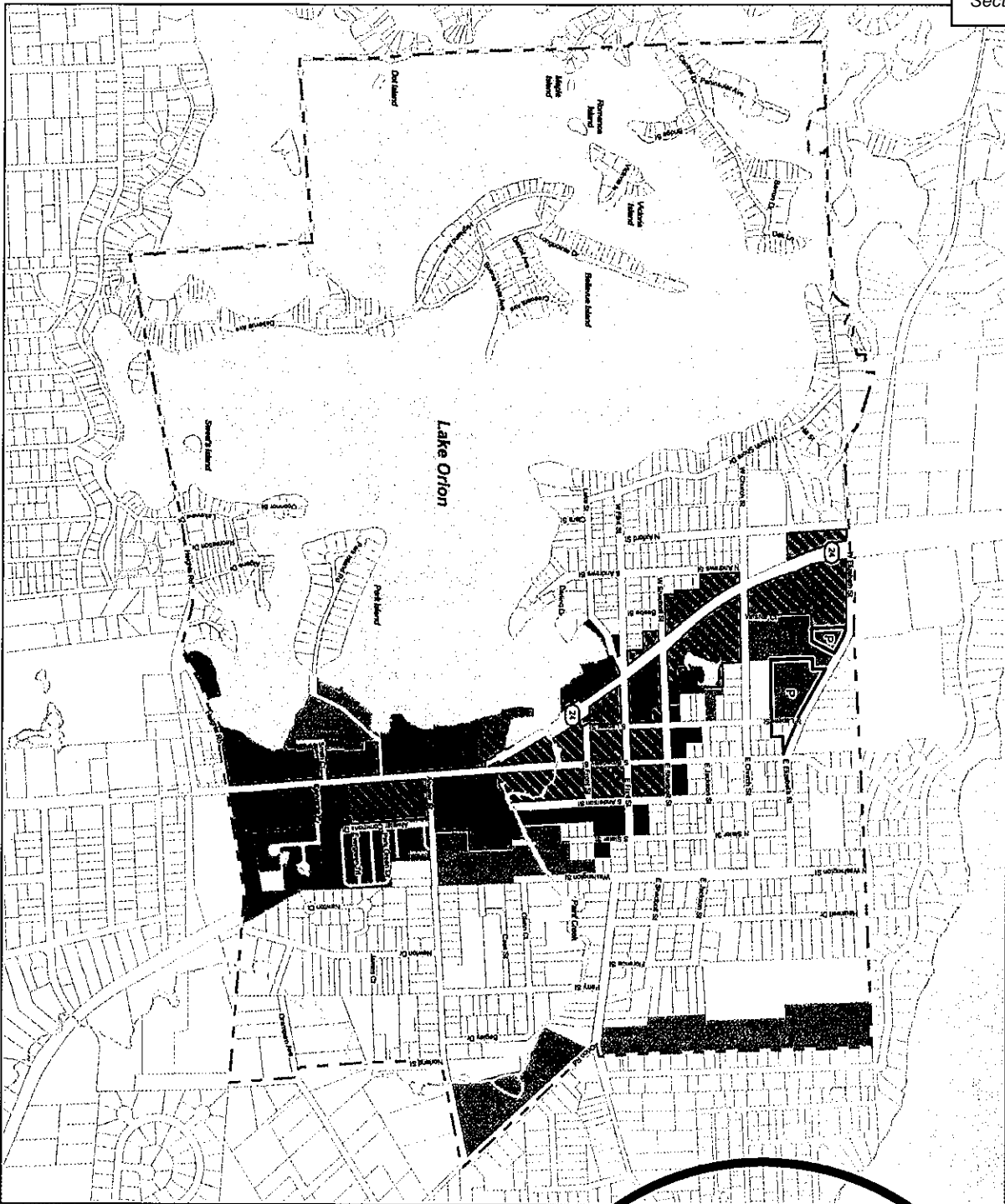
LEGAL DESCRIPTION OF THE LAND

Property situated in the Village of Lake Orion, County of Oakland, State of Michigan, more particularly described as follows:

Part of Lot 10 and all of Lot 11 of Supervisor's Plat No. 8, according to the Plat thereof as recorded in Liber 14 of Plats, Page 58, which is described as beginning at the Southeast corner of said Lot 11, thence North 89 degrees, 15 minutes, 57 seconds West 438.53 feet, thence North 00 degrees, 02 minutes, 14 seconds East 161.78 feet, thence South 89 degrees, 15 minutes, 57 seconds East 438.88 feet, thence South 00 degrees, 02 minutes, 49 seconds West 161.78 feet to the point of beginning (the "Premises").

Oakland County Property Gateway Description

T4N, R10E, SEC 2 SUPERVISOR'S PLAT NO 8 PART OF LOT 10, ALSO ALL OF LOT 11 ALL DESC AS BEG AT SE COR OF SD LOT 11, TH N 89-15-57 W 438.85 FT, TH N 00-02-14 E 161.78 FT, TH S 89-15-57 E 438.88 FT, TH S 00-02-49 W 161.78 FT TO BEG 11-29-01 FR 010 & 011



Zoning Map

Village of Lake Orion, Oakland County, MI

March 29, 2023

- Zoning Districts:**
- RV - Village Single Family Residential
 - RL - Lake Single Family Residential
 - RM - Multiple Family Residential
 - CC - Corridor Commercial
 - DC - Downtown Center
 - MU - Mixed Use
 - PUD - Planned Unit Development
 - Height Overlay
 - Approved Planned Unit Developments (PUD)

NOTE

The parcel lines on this map are a general representation of the actual parcel lines and are not intended to be substituted for an official survey or used to resolve boundary or area disputes. Consult official Village of Lake Orion records for precise distances, boundaries and areas of parcels.

CERTIFICATION

I, Susan Galvez, Village Clerk, Village of Lake Orion, do hereby certify that this is a true copy of the map adopted by the Village Council of the Village of Lake Orion, Oakland County, Michigan, on (date) _____, as well as those amendments made as of the revision dates shown.

Susan Galvez, Clerk, Village of Lake Orion

Date	Revised	Date	Revised	Date	Revised	Date	Revised



Planning Source: MapInfo Center for Geographic Information, Version 17.2
Data Source: Village of Lake Orion 2023, last revised 2023.



EXHIBIT C
OWNERSHIP APPROVAL

Proof of ownership and authorization of the owner to rezone the property.

- Attached Residential Property Profile from Oakland County as proof of ownership.
- Attached authorization letter from owner to rezone the property.

315 N LAPEER ST LAKE ORION MI 48362-3165



beds / full baths / half baths / sq ft

Residential Property Profile

09-02-403-020

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Owner Information

Owner(s) : LAKE ORION COMMUNITY SCHOOLS & SCHOOL DISTRICT 3 FRC
Postal Address : 315 N LAPEER ST LAKE ORION MI 48362-3165

Location Information

Site Address : 315 N LAPEER ST LAKE ORION MI 48362-3165
PIN : 09-02-403-020 Neighborhood Code : EXEMT
Municipality : Village of Lake Orion
School District : 63230 LAKE ORION COMMUNITY SCHOOLS
Class Code : 401 Residential - Improved

Property Description

T4N, R10E, SEC 2 SUPERVISOR'S PLAT NO 8 PART OF LOT 10, ALSO ALL OF LOT 11 ALL DESC AS BEG AT SE COR OF SD LOT 11, TH N 89-15-57 W 438.85 FT, TH N 00-02-14 E 161.78 FT, TH S 89-15-57 E 438.88 FT, TH S 00-02-49 W 161.78 FT TO BEG 11-29-01 FR 010 & 011

Split/Combination Information

Added Status : Added Parcel
Added Date : 11/30/2001 Added From : FR 010 & 011

No Sales Since 1994

Tax Information

Taxable Value : State Equalized Value :
Current Assessed Value : Capped Value :
Effective Date For Taxes : 12/01/2023 Principal Residence : N/A
Exemption Type
Summer Principal : 0% Winter Principal Residence : 0%
Residence Exemption Exemption Percent
Percent
2023 Taxes 2024 Taxes
Summer : \$0.00 Summer : \$0.00
Winter : \$0.00 Winter :
Village : \$0.00 Village : \$0.00

Lot Information

Description : Area : 1.612 ACRES



Lake Orion Community Schools

Administration Building
315 N. Lapeer Street, Lake Orion, MI 48362

Phone: 248 • 693 • 5400
Fax: 248 • 693 • 5464

Heidi Mercer
Superintendent

August 7, 2024

Andrea Curtis
*Assistant Superintendent
of Business and Finance*

Village of Lake Orion
21 East Church Street
Lake Orion, MI 48362-3212

Vacant
*Assistant Superintendent
of Teaching and Learning*

Adam Weldon
*Assistant Superintendent
of Human Resources*

To whom it concern:

As current owners of 315 N Lapeer Street, Lake Orion, MI 48362, we authorize rezoning of the property based on our executed Offer To Purchase agreement with West Investment Group, LLC.

West Investment Group, LLC is requesting to rezone the property from RV-Village Single Family Residential to RM-Multiple Family Residential.

Lake Orion Community Schools intends to occupy and operate in the location's building through September 1, 2025, after closing as permitted by the Offer To Purchase. In the event, the sale does not close for any reason whatsoever, the new zoning shall not take effect and the property shall revert to the original zoning.

Sincerely,

Heidi Mercer
Superintendent
Lake Orion Community Schools



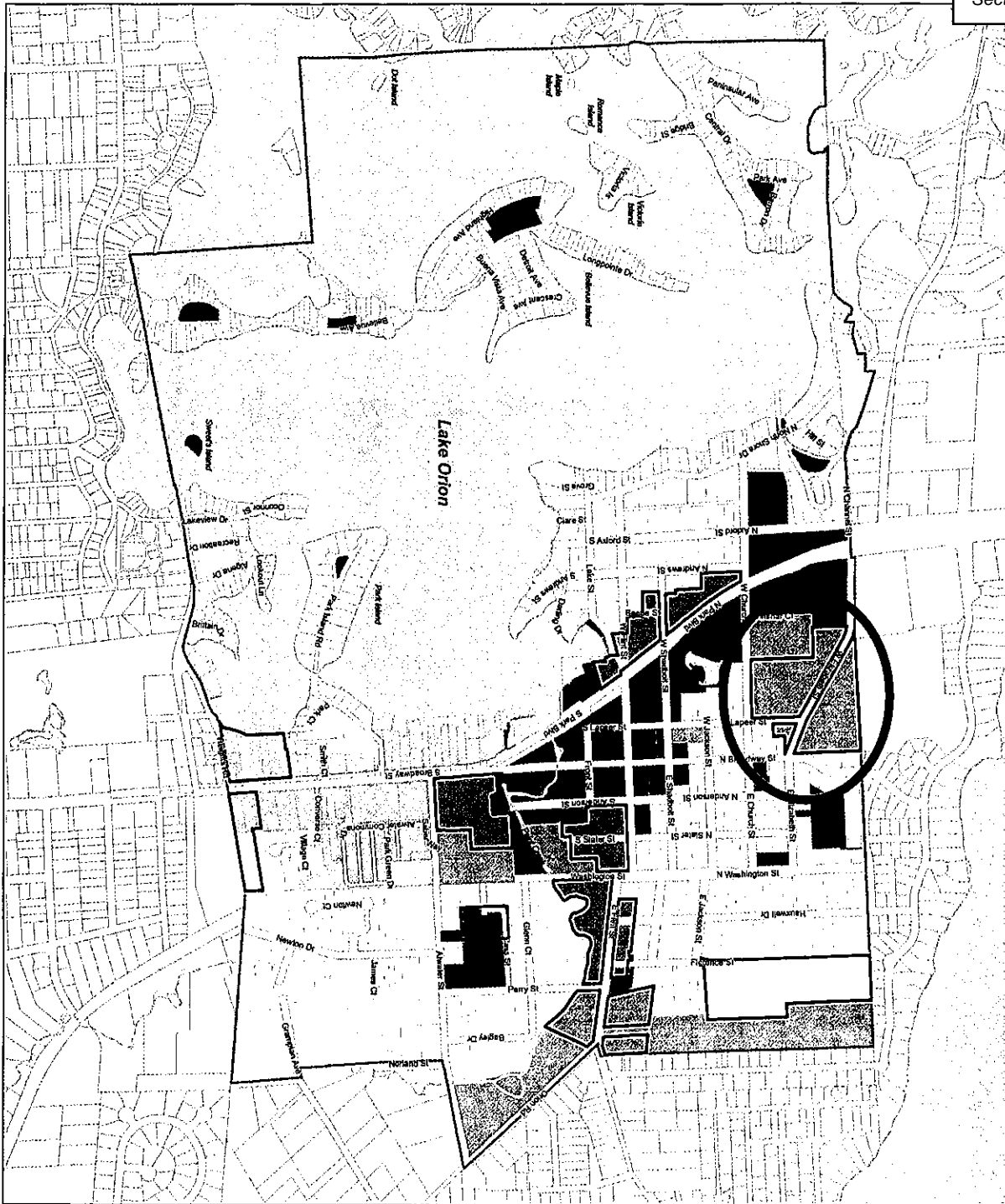
Nationally Recognized for its
Exemplary Blue Ribbon Schools



EXHIBIT D
FUTURE LAND USE

Maps indicating future land use for parcel 90-02-403-020 as suggested by the Lake Orion Master Plan - 2022 Amendment.

- February 7, 2022 – Approved by Village Planning Commission.
- February 28, 2022 – Adopted by Village Council.



Future Land Use

Village of Lake Orion, Oakland County, MI

February 7, 2022 - Approved by Village Planning Commission
 February 28, 2022 - Adopted by Village Council

- LEGEND**
- Village Boundary
 - Lakes and Rivers
 - Character Change Areas
 - Future Land Use Category**
 - Lake Single-Family Residential
 - Village Single-Family Residential
 - Multiple-Family Residential
 - Corridor Commercial
 - Mixed Use: Downtown
 - Mixed Use: Transition
 - Mixed Use: M-24 Corridor
 - Civil/Institutional/Recreation and Open Space



Maping Source: Mapbox.com for Geographic Information, Version 17x
 Data Source: Village of Lake Orion 2021, Mckenna 2021.



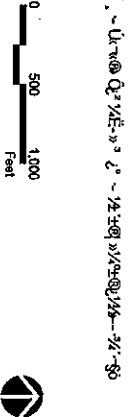


Future Land Use

Village of Lake Orion, Oakland County, MI

February 7, 2022. Approved by Village Planning Commission February 28, 2022. Adopted by Village Council.

- LEGEND**
- Village Boundary
 - Lakes and Rivers
 - Character Change Areas
 - Future Land Use Category**
 - Lake Single-Family Residential
 - Village Single-Family Residential
 - Multiple-Family Residential
 - Corridor Commercial
 - Mixed Use: Downtown
 - Mixed Use: Transition
 - Mixed Use: M-24 Corridor
 - Civil/Institutional/Recreation and Open Space



Planning Source: Maplogix Center for Geographic Information, Version 17x
Data Source: Village of Lake Orion 2021, Esri/arcgis.com, 2021.

VILLAGE OF LAKE ORION
21 E. CHURCH ST.
LAKE ORION, MI 48362
Phone : (248) 693-8391
LAKEORION.ORG

Received From: KYLE WESTBERG
BRENT WESTBERG
Date: 08/08/2024 Time: 2:49:10 PM
Receipt: 45534 *** REPRINT ***
Cashier: HEDRICKC

REZONING FOR 315 N LAPEER RD
SCHOOL ADMIN BUILDING

ITEM REFERENCE	AMOUNT
315NLAP 315 N LAPEER	
315 N LAPEER	\$1,000.00
APPL FEE APPLICATION FEE	
1 @ \$25.00 APPLICATION FEE	\$25.00
TOTAL	\$1,025.00
CHECK 2227	\$1,025.00
Total Tendered:	\$1,025.00
Change:	\$0.00



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: November 25, 2024

TOPIC: RZ-24-02 (638 Buena Vista) Rezoning Request

BACKGROUND BRIEF: Mr. and Mrs. Dave and Carren Otto propose to rezone the subject site (Parcel ID: 09-02-354-020) from the RV, Village Single-Unit Residential District to the RL, Lake Single-Unit Residential District. The property – which is currently occupied by the Otto’s single-unit home – was recently approved for several variances by the Board of Zoning Appeals (July 11, 2024) to construct an addition which includes a second two-car garage, terrace, and additional improvements. As a condition of this approval, the Otto’s were required to rezone their property within one year to the RL District, which carries smaller setback and alternative garage placement standards, thereby minimizing (or eliminating) the variances requested.

The Planning Commission recommended approval to Village Council at its November 5, 2024 meeting.

PREVIOUS BOARD ACTION: None; however, as stated above, the Board of Zoning Appeals conditioned their approval of variances on the rezoning of the property within one year.

FINANCIAL IMPACT: The applicants have requested from the Village Council a refund of the \$1,000 rezoning review fee held in escrow. \$542.50 will have been expended for review and coordination of this rezoning request, therefore, \$457.50 will be refunded to the applicants, as is standard procedure for unused escrow funds. The applicants will be assuming all costs for construction.

RECOMMENDED MOTION:

To **APPROVE** the requested rezoning regarding the Otto property located at 638 Buena Vista Avenue, Parcel 09-02-354-020.

MCKENNA

October 24, 2024

Mr. Darwin McClary, Village Manager
 Village of Lake Orion
 21 East Church Street
 Lake Orion, Michigan 48362

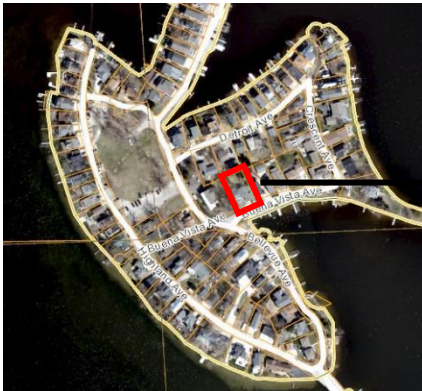
Subject: 638 Buena Vista Avenue: Rezoning Review #1

Mr. McClary:

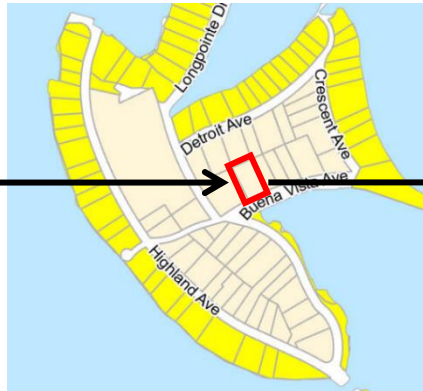
We have reviewed the application submitted by Mr. and Mrs. Dave and Carren Otto, to rezone the subject site (Parcel ID: 09-02-354-020) from the RV, Village Single-Unit Residential District to the RL, Lake Single-Unit Residential District. The property – which is currently occupied by the Otto’s single-unit home – was recently approved for several variances by the Board of Zoning Appeals (July 11, 2024) to construct an addition which includes a second two-car garage, terrace, and additional improvements. As a condition of this approval, the Otto’s were required to rezone their property to the RL District, which carries smaller setback and alternative garage placement standards, thereby minimizing (or eliminating) the variances requested. This report is provided to ensure that the proposed rezoning is in substantial compliance with the Village’s Zoning Ordinance, Master Plan, and planning and zoning best practices.

EXISTING CONDITIONS

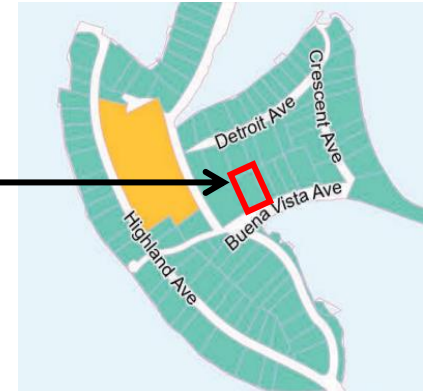
Property Gateway Parcel Map
Oakland County



Zoning Map, 2023
Village of Lake Orion



Future Land Use Map, 2022
Village of Lake Orion



- RV - Village Single Family Residential
- RL - Lake Single Family Residential
- Lake Single-Family Residential
- Village Single-Family Residential

HEADQUARTERS
 235 East Main Street
 Suite 105
 Northville, Michigan 48167

☎ 248.596.0920
 ☎ 248.596.0930
MCKA.COM

Communities for real life.

Existing Land Use		Current Zoning	Future Land Use
*Subject Site	Single-Unit Home	Village Single-Unit Residential	Lake Single-Unit Residential
North	Single-Unit Home	Village Single-Unit Residential	Lake Single-Unit Residential
South	ROW / Water	Lake Single-Unit Residential	Lake Single-Unit Residential
East	Single-Unit Home	Village Single-Unit Residential	Lake Single-Unit Residential
West	Single-Unit Home	Village Single-Unit Residential	Lake Single-Unit Residential

RECOMMENDATION

It is recommended that the Planning Commission recommend approval of the proposed Zoning Map amendment for Parcel ID: 09-02-354-020 to be rezoned from RV, Village Single-Unit Residential District to RL, Lake Single-Unit District to Village Council based on the following findings of fact:

1. The proposed rezoning is consistent with the existing land use patterns of the surrounding parcels, which have transitioned from small, seasonal cottages to larger primary dwellings with premier lake frontage. Given the highly variable (often smaller) lots located in these waterfront (and near-waterfront) areas, the proposed rezoning will support continued investment in Village neighborhoods.
2. Rezoning the property to the RL District is compatible with surrounding zoning, which includes RV zoning on adjacent lots and RL zoning further out. The RL District supports the same uses (primarily single-unit homes) as the RV District but carries slightly different development standards.
3. The dimensional requirements of the requested rezoning district (RL) can be more easily met than if the lot were to continue as RV. As stated, this is a condition of BZA approval for variances in the currently-zoned RV district; rezoning to RL would effectively minimize (or eliminate) the variances, thereby supporting the intent and purpose of the Village Zoning Ordinance and Master Plan.
4. With development trends geared toward larger primary dwellings, which generally meets the standards of the Zoning Ordinance the proposed rezoning will allow future development of the property to more-readily contribute to neighborhood vitality and economic development in the Village.
5. The request supports a variety of objectives of the 2002 adopted Master Plan and the 2022 Future Land Use and Zoning Plan amendment, making investment into this and surrounding properties more desirable to private owners.
6. The proposed rezoning will not create a “spot” zone as it is in alignment with the Master Plan due to the location/existing conditions of the subject site.

REZONING REVIEW

In accordance with the rezoning criteria of Article 19 of the Zoning Ordinance, we offer the following comments for your consideration:

- 1. Would the rezoning be consistent with other land uses in the area?**
The existing use of the property will not change. The proposed rezoning is consistent with the existing land use patterns of the surrounding parcels, which have transitioned from small, seasonal cottages to larger primary dwellings with premier lake frontage. Given the highly variable (often smaller) lots located in these waterfront (and near-waterfront) areas, the proposed rezoning will support continued investment in Village neighborhoods. We have no expectation that this use will cause any harm to surrounding property owners or the Lake itself, provided appropriate development measures are taken.
- 2. Is the proposed zoning district compatible with the zoning classifications of surrounding land?**
Rezoning the property to the RL District is compatible with surrounding zoning, which includes RV zoning on adjacent lots and RL zoning further out. The RL District supports the same uses (primarily single-unit homes) as the RV District but carries slightly different development standards.
- 3. Could all requirements in the proposed zoning classification be complied with on the subject parcel?**
The dimensional requirements of the requested rezoning district (RL) can be more easily met than if the lot were to continue as RV. As a condition of BZA approval for variances from the currently-zoned RV district development standards, rezoning to RL would effectively minimize (or eliminate) the variances, thereby supporting the intent and purpose of the Village Zoning Ordinance and Master Plan.
- 4. Have conditions changed since the Zoning Ordinance was adopted?**
The Zoning Ordinance received a complete update in 2007 with minor amendments through 2022. The current RV, Village Single-Unit zoning designation has remained the same over the years, limiting the extent of investment for larger, primary dwellings. As Lake Orion becomes an even more highly-desirable area, conditions are expected to remain in favor of this type of redevelopment.
- 5. Is the proposed rezoning consistent with both the policies and the uses proposed for that area in the Master Plan? If not, is the Plan current and reasonable, or does it need to be updated?**
The following adopted goals and objectives of the 2002 Village Master Plan support the subject rezoning:
 - Encourage and promote owner-occupied single unit dwellings in all neighborhoods;
 - Improve living amenities in all residential neighborhoods through high standards of housing design and construction, and access to usable convenient open space.
 - Create opportunities for single unit redevelopment...while maintaining current single-unit residential densities.
 - Discourage the conversion of single unit dwellings to multiple unit housing.
 - Maintain and improve the environmental quality of all residential areas and encourage and carefully monitor reinvestment in single unit housing areas, especially in blighted and low owner-occupied areas.

The 2022 Future Land Use and Zoning Plan – an adopted amendment to the Master Plan – further affirms the rezoning of this parcel, which supports lake-style residential development in this area under the Lake Single-Unit Residential future land use designation.

6. Will the amendment result in permissible exclusionary zoning?

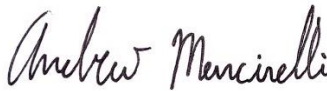
No, the proposed rezoning will permit the continuance of orderly, residential development in this area of the Village.

Respectfully submitted,

McKENNA



Gage Belko, AICP
Associate Planner



Andrew Mancinelli
Assistant Planner

CC: Ms. Sonja Stout, Village Clerk, 21 E. Church St., Lake Orion, MI 48362 (stouts@lakeorion.org)

Mr. and Mrs. Dave and Caren Otto, Applicant, 638 Buena Vista Ave., Lake Orion, MI 48362 (djotto1000@gmail.com & carenotto8@gmail.com)



21 E. Church Street
 Lake Orion, Michigan 48362
 Tel 248.693.8391
 Fax 248.693.5874
 www.lakeorion.org

ZONING MAP/TEXT AMENDMENT APPLICATION

A petition for amendment of the Zoning Ordinance shall be submitted to the Village Clerk on this form. 15 copies of materials must accompany. They will be submitted to Planning, Village Attorney, and Village Council. Please refer to Page 2 of this application regarding documents to submit. Fees must be paid when submitting materials and application.

MAP AMENDMENT A change in the zoning designation on a parcel of land in the Village.

Site Address: 638 Buena Vista Ave. Parcel ID # (Refer to Tax Bill): OL-09-02-354-020

Common Name of Site: SINGLE FAMILY HOME Zoning District: RV-VILLAGE SPR

Name of Petitioner: DAVID & CAREN OTTO Address: 638 BUENA VISTA AVE.

Phone#: 586-707-9824 / 248-330-9694 Email Address: djotto1000@gmail.com / CARENOTTO8@gmail.com

PROPERTY OWNER INFORMATION

Property Owner Name: DAVE & CAREN OTTO Address: 638 BUENA VISTA AVE.

Property Owner Phone #: (586) 707-9824 (Dave) (248) 330-9694 (Caren) E-Mail: Djotto1000@gmail.com CARENOTTO8@gmail.com

Current Zoning Designation: Village- Single-Family Residential Proposed Zoning Designation: Lake Single-Family Residential

____ Legal Description ____ Proof of Ownership ____ Plot Plan ____ Statements

If Request is for a Conditional Re-Zoning Agreement ____ Conditional Rezoning Agreement

____ Fees \$1,000 - m. escrow

TEXT AMENDMENT A change in wording of a provision of the Zoning Ordinance.

Name of Petitioner: _____ Address: _____

Phone#: _____ Email Address: _____

____ Full Text of Current Article, Section and/or Paragraph ____ Full Text of Proposed Amendment ____ Statement

____ Fees

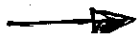
The Undersigned do hereby respectfully make application to and petition the Village of Lake Orion to Amend the Village Zoning Ordinance/Zoning map and agree to all submit all necessary fees:

Signature of Petitioner: _____ Date: _____

Signature of Property Owner: David Otto Date: 10/7/2024

Signature of Agent: _____ Date: _____

Signature of Property Owner: Caren J.O. Otto Date: 10/4/24



When submitting a Zoning Map or Text Amendment Application, please refer to the list below for items to submit with the application.

Map Amendment: A petition for map amendment (zoning designation change) shall contain, at a minimum, the following information:

- a. The name, address, and telephone number of the petitioner.
- b. A plot plan prepared under the direction of and sealed by one of the following professionals registered in the State of Michigan: Registered Architect, Registered Land Surveyor, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner, drawn to scale showing the property proposed to be rezoned showing:
 - i. The tax identification number and lot lines of all parcels included in the rezoning petition.
 - ii. All structures, if any, on the parcels proposed to be rezoned.
 - iii. The current zoning on the parcel(s) proposed to be rezoned and the zoning of all parcels within three hundred (300) feet of the perimeter of the parcel(s).
 - iv. The proposed zoning designation desired for the property.
- d. A statement as to why the property cannot be used or developed as zoned.
- e. A statement as to why the requested zoning designation is more appropriate.
- f. A statement as to how the requested zoning designation relates to the Village of Lake Orion Master Plan.
- g. A legal description of the property proposed to be rezoned.
- h. Proof of ownership and authorization of the owner to rezone the property.

Village is requesting this zoning for our 3 vacancies

Village Master Plan

Concedes all designated zone on Master Plan

Text Amendment: A petition for a text amendment shall contain, at a minimum, the name, address, phone number, and signature of petitioner. Please submit **15 copies each**: of the Full Text of Current Article, Section, and/or Paragraph of the Zoning Ordinance that is proposed to be amended; a Statement as to why the proposed amendment is needed; the proposed full text of the article, section, and/or paragraph that is being submitted for amendment.

****VILLAGE STAFF USE ONLY - DO NOT WRITE BELOW ****

Village of Lake Orion Zoning Map/Text Amendment Permit Worksheet

Reviewed by: _____ Date: _____ Parcel #: _____

Proof of Ownership Verified using: _____ Owner Signature(s): Yes / No

Plot Plan Copies Included: _____ Proposed Zoning Designation: _____ Statements: _____

Legal Description: _____

Village Fee: _____ Planner Escrow Fee: _____ Attorney Escrow Fee: _____

Date to Village Clerk _____ Date to Planning Commission: _____ Date to Village Council: _____

Is Subject Property Adjacent to Different Zoning Districts? Yes / No If Yes, explain: _____

Staked Survey or Additional Information Required: _____

Approval by:	Zoning Administrator	BZA	PC	VC
--------------	----------------------	-----	----	----

Remarks: _____

Map Amendment

- d.) LO Village is requesting change in zoning for 3 variances for our home.
- e.) The requested zoning designation is more appropriate by the LO and Gage at a village variance(s) request meeting on 7/11/2024.
- f.) The requested zoning designation to Lake Single-Family Residential aligns with the most recent Village of Lake Orion Master Plan.

Owners request refund of map amendment from \$1,000.⁰⁰ given on 10/8/2024.

Only/With 10/7/24 Cam S.C. Otto 10/4/24 111

VILLAGE OF LAKE ORION
21 E. CHURCH ST.
LAKE ORION, MI 48362
Phone : (248) 693-8391
LAKEORION.ORG

Received From: DAVID OTTO
Date: 10/08/2024 Time: 3:11:15 PM
Receipt: 46091 *** REPRINT ***
Cashier: HEDRICKC

REZONING 638 BUENA VISTA APPLICATION

ITEM REFERENCE	AMOUNT
ESCROW FEES/ESCROW DEPOSIT	
FEES/ESCROW DEPOSIT	\$1,000.00
TOTAL	\$1,000.00
CHECK 1287	\$1,000.00
Total Tendered:	\$1,000.00
Change:	\$0.00

KENNEDY SURVEYING, INC.

105 N. Washington St.
Oxford, Michigan 48371

Section 11, Item E.
Pho (248) 628-7191
Fax

Staked Survey

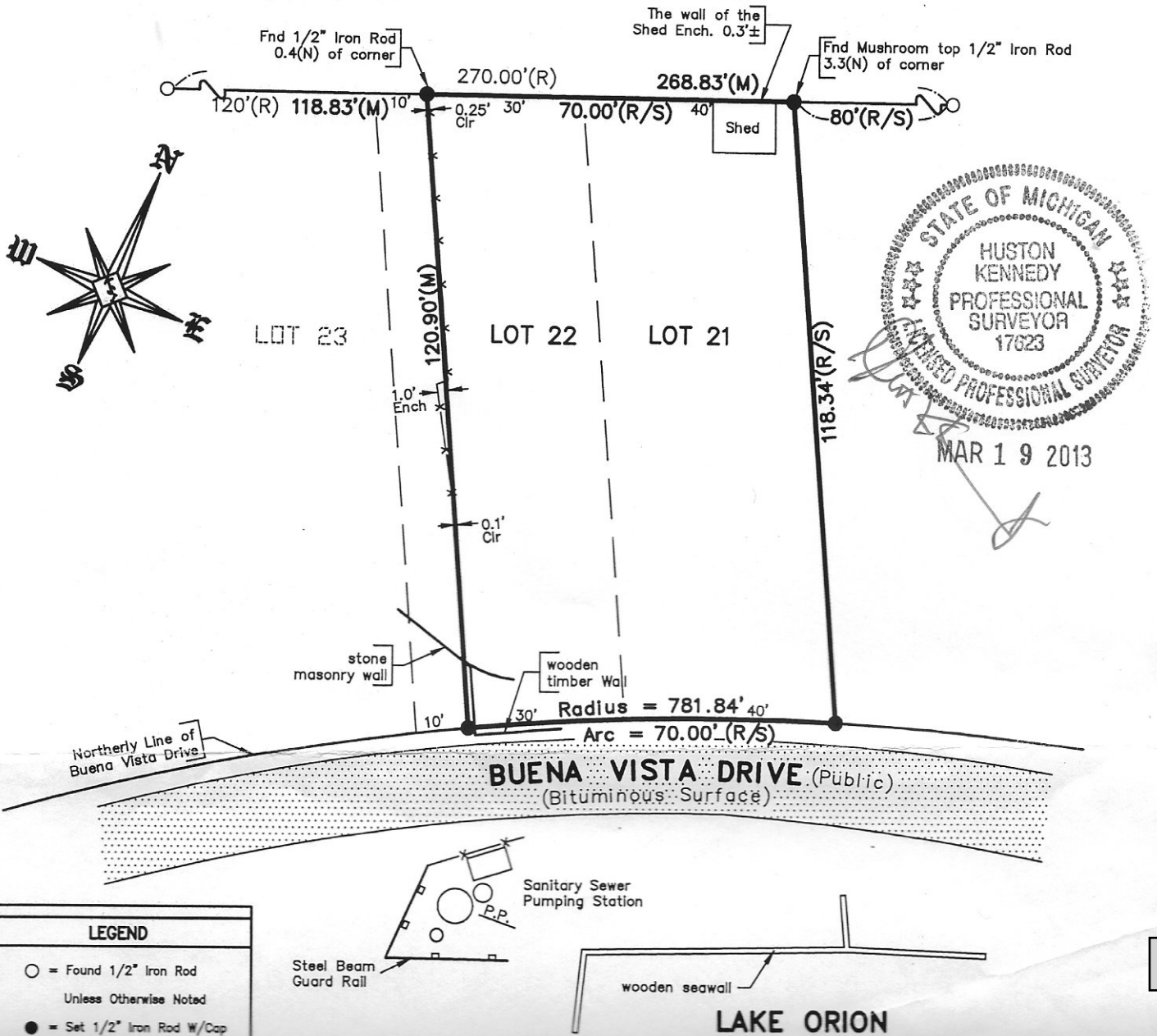
Certified Exclusively To: Mary Thorpe Date: March 19, 2013

Address: 1307 Park Boulevard, Lake Orion, Michigan 48302 Job No. 13-7025

This is to certify that I, [Signature], Licensed Professional Surveyor, on this date have surveyed and mapped the land described as follows: Lot 21, and the Easterly 30 feet of Lot 22, Block 12, of "ORION IMPROVEMENT COMPANY'S SUBDIVISION NO. 1", being part of Section 2, 3 10 and 11, Town 4 North, Range 10 East, Village of Orion, Oakland County, Michigan. As recorded in Liber 4 of Plats, on Page 19 of Oakland County Records. Also a strip of submerged land on the southerly side of the above Lot 21 and portion of Lot 22.

SURVEYOR'S NOTES:

- 1.) This survey is based upon the description as cited on an "AFFIDAVIT OF SCRIVENER'S ERROR", recorded in Liber 41605, Page 593 of Oakland County Records.
- 2.) The width of the R/W for Buena Vista Drive is not stated on the Plat, however the south line of Buena Vista Drive apparently extends to the water's edge of Lake Orion in 1888.
- 3.) The last statement in the property description "ALSO A STRIP OF SUBMERGED LAND ON THE SOUTHERLY SIDE OF THE ABOVE LOT 21 AND PORTION OF LOT 22" is a very ambiguous statement. The statement does not give the width of the submerged strip of land and is adjacent to the southerly line of Buena Vista Drive, which is shown on the plat as extending to the water's edge in 1888, the date of the plat.
- 4.) All the monumentation that was recovered is either second or third generation, not original.
- 5.) With the information that is provided on the above mentioned plat regarding the angular relationship between the platted street right of ways lines and the lot lines, it is almost impossible to recreate this plat. Therefore, when I am doing a retracement survey in this plat, I hold the found monumentation, occupation lines and conservations with adjoining property owner's to help determine a "best fit". Occupation lines would include, but not limited to, fence lines, shrub or planting lines, hard surface lines and sea wall joints.



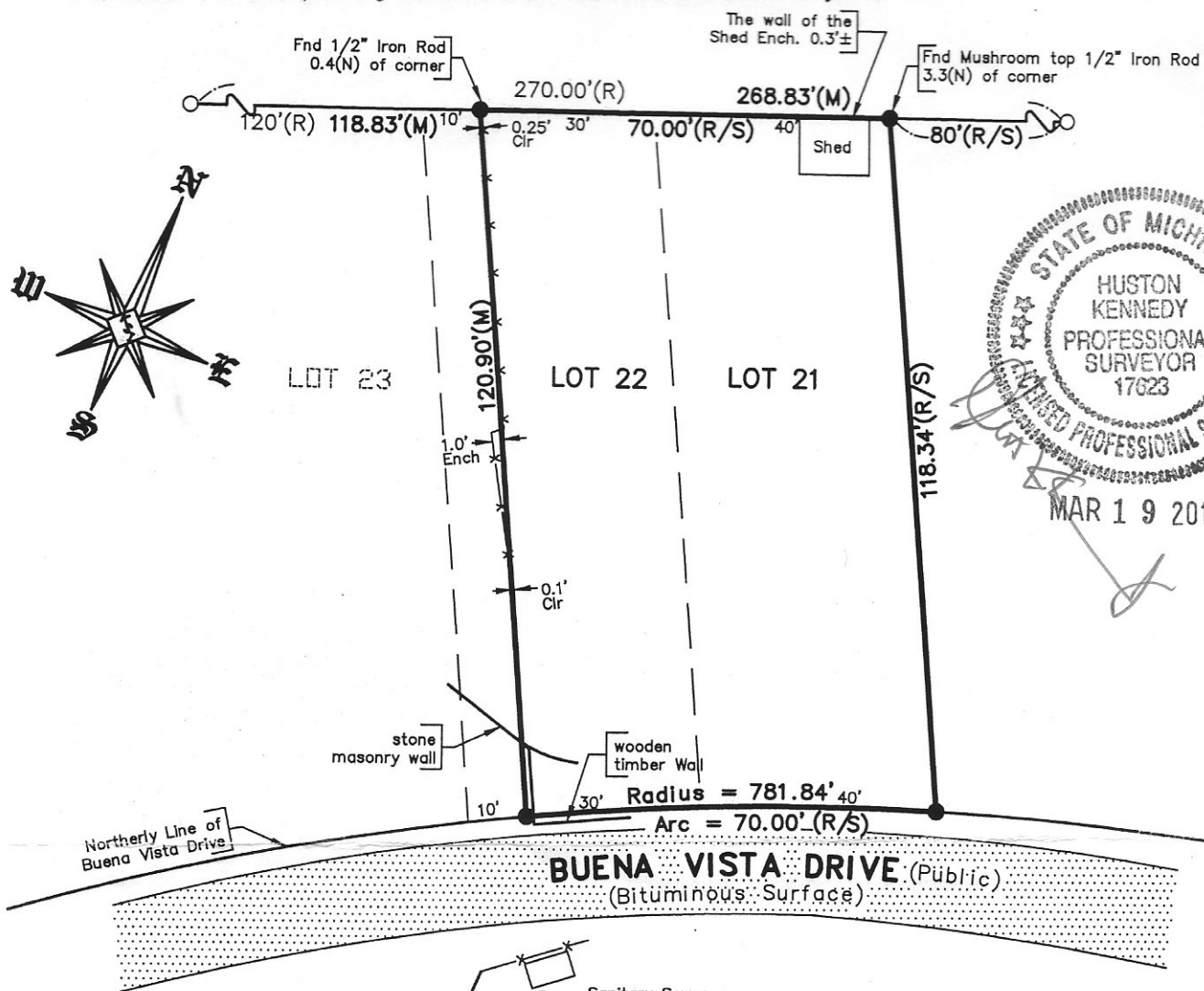


Village of Orion, Oakland County, Michigan. As recorded in Liber 4 of Plats, on Page 19 of Oakland County Records. Also a strip of submerged land on the southerly side of the above Lot 21 and portion of Lot 22.

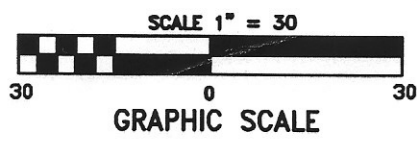
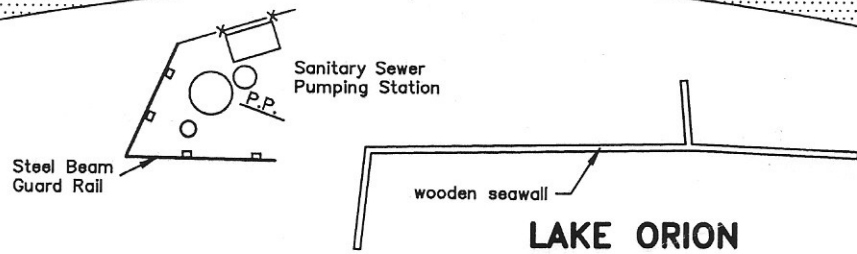
SURVEYOR'S NOTES:

Section 11, Item E.

- 1.) This survey is based upon the description as cited on an "AFFIDAVIT OF SCRIVENER'S ERROR", re 41605, Page 593 of Oakland County Records.
- 2.) The width of the R/W for Buena Vista Drive is not stated on the Plat, however the south line of Buena Vista Drive apparently extends to the water's edge of Lake Orion in 1888.
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LEGEND	
○	= Found 1/2" Iron Rod Unless Otherwise Noted
●	= Set 1/2" Iron Rod W/Cap
⊙	= Found Concrete Monument
M	= Measured Distance
R	= Recorded Distance
S	= Set Distance
P.O.B.	= Point of Beginning
-*-*	= Ex. Fence Line
DWG No. 13-70251	
Drawn By: DKS	

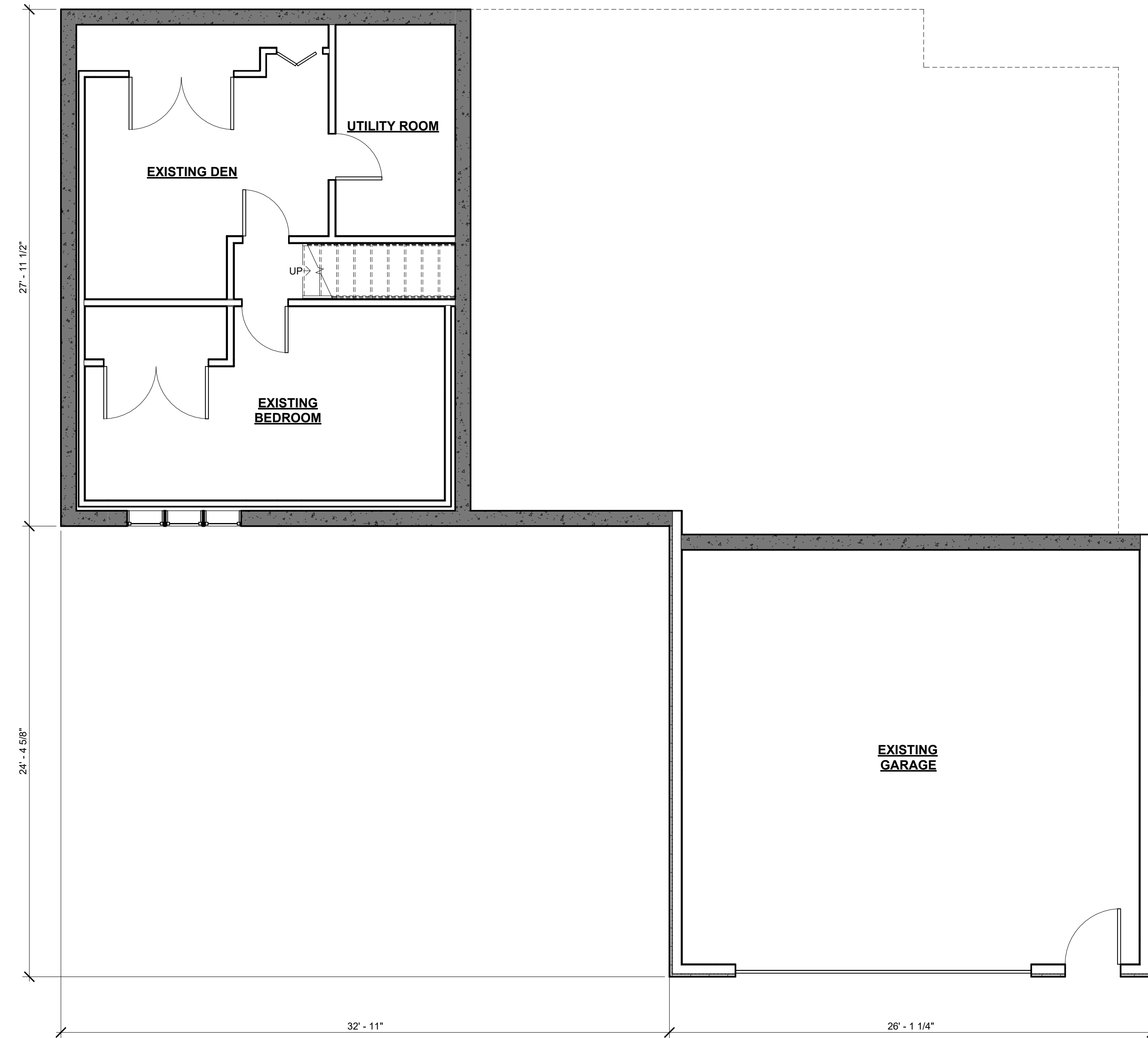


This survey was done without the benefit of a Title Policy, therefore, all easements of record and other factors relevant to title may not be shown.

When Recorded Please Return Original(s) To:
Kennedy Surveying, Inc.
105 N. Washington St.
Oxford, Michigan 48371



EXISTING



1 FOUNDATION PLAN - EXISTING
1/4" = 1'-0"

PROPOSED



2 FOUNDATION PLAN - PROPOSED
1/4" = 1'-0"

SCOPE OF WORK

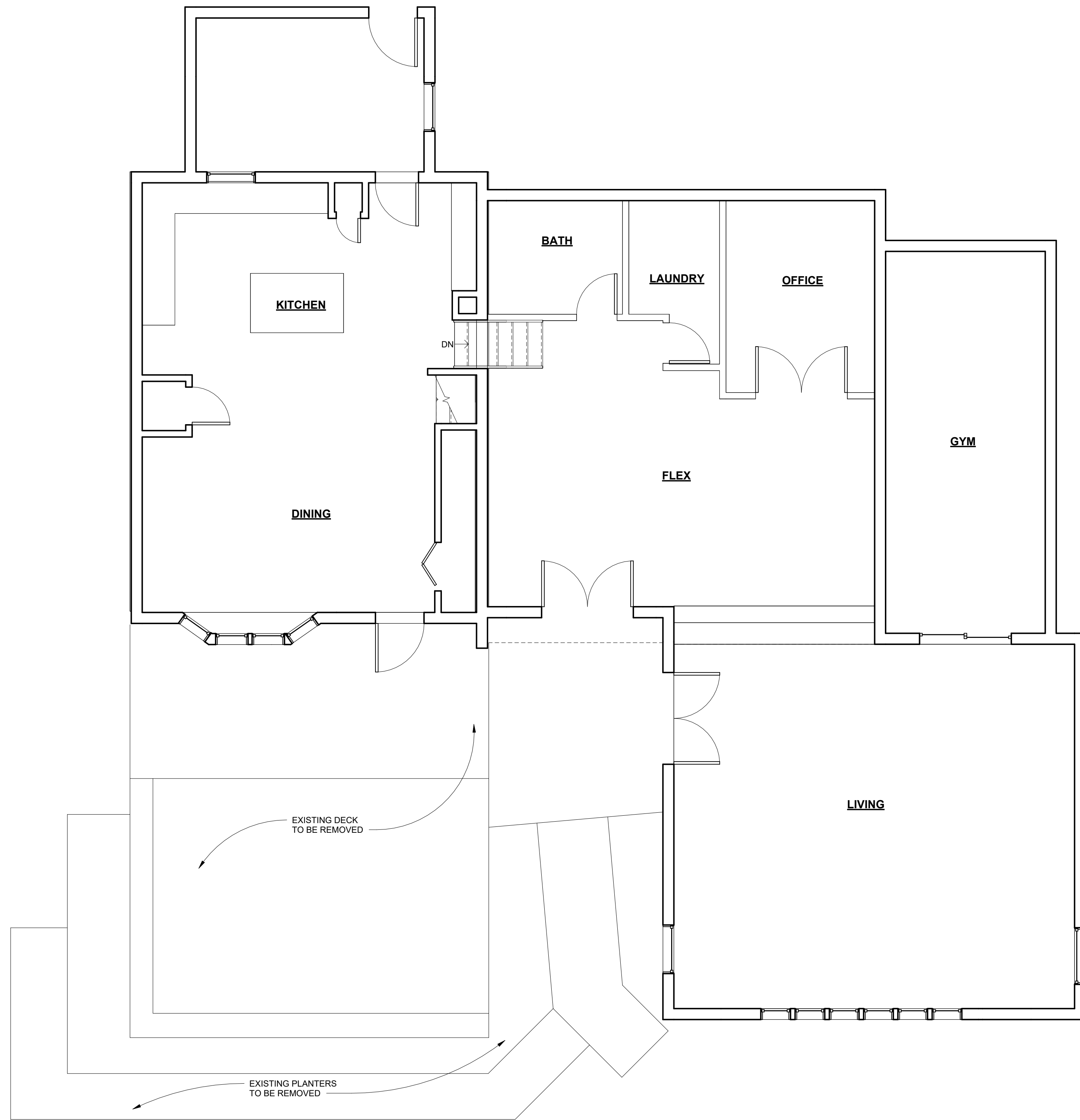
1. NEW STAIRS TO NEW ENTRY W/ FLANKING TIERED PLANTERS
2. NEW 23'-6"X20'-1" GARAGE
3. NEW ENTRY INTO BASEMENT FROM PROPOSED GARAGE
• NEW LAYOUT OF MUDROOM/ BEDROOMS TBD.
4. FULLY EXCAVATED STORAGE ROOM AND BREEZEWAY TO CONNECT EXISTING GARAGE TO PROPOSED GARAGE
5. OPTIONAL MAN DOOR TO PROPOSED GARAGE



PHONE: 248-620-3867
ADDRESS: 5633 Sashabaw Rd,
Clarkston, MI 48346
EMAIL: info@olaxinc.com

DAVID AND CAREN OTTO
638 Buena Vista
Lake Orion, MI

EXISTING



2 **MAIN ENTRANCE - EXISTING**
1/4" = 1'-0"

PROPOSED



1 **MAIN ENTRANCE - PROPOSED**
1/4" = 1'-0"

SCOPE OF WORK

1. EXTEND MAIN ENTRANCE TO CONNECT TO FLEX SPACE AND LIVING ROOM
2. ADD COVERED PORCH WITH BREEZEWAY BETWEEN GARAGES UNDERNEATH
3. NEW STAIRS TO NEW ENTRY W/ FLANKING TIERED PLANTERS
4. NEW TIERED DECK OVER NEW GARAGE W/ CABLE RAILING
5. NEW FLOOR TO CEILING WINDOWS AND FRENCH DOOR (OR SLIDING) INTO DINING AREA
6. REMOVED EXTERIOR DOOR AT LIVING ROOM AND CREATED LARGE OPENING TO CONNECT THE SPACES
7. REPLACED AND ADDED WINDOWS AT THE LAKEFRONT FACADE OF LIVING SPACE



PHONE: 248-620-3867
 ADDRESS: 5633 Sashabaw Rd,
 Clarkston, MI 48346
 EMAIL: info@olaxinc.com

DAVID AND CAREN OTTO

638 Buena Vista
 Lake Orion, MI

EXISTING



ADDITIONAL PERSPECTIVES



PROPOSED



PHONE: 248-620-3867
ADDRESS: 5633 Sashabaw Rd,
Clarkston, MI 48346
EMAIL: info@olaxinc.com

DAVID AND CAREN OTTO
638 Buena Vista
Lake Orion, MI



MINUTES

SPECIAL MEETING OF THE BOARD OF ZONING APPEALS

Thursday, July 11, 2024

6:30 PM

Village Hall – 21 East Church Street, Lake Orion, MI 48362

(248) 693-8391 ext. 102

1. Call to Order

The July 11, 2024 Board of Zoning Appeals Special Meeting was called to order at 6:30 PM.

2. Roll Call and Determination of Quorum

PRESENT

- Chairperson Bradley Mathisen
- Vice Chairperson Raymond Putz
- Secretary Brenton Bailo
- Board Member/Planning Commission Representative Hank Lorant

ABSENT

- Board Member Mary Chayka-Crawford

STAFF PRESENT

- Village Planning and Zoning Coordinator Gage Belko
- Village Clerk/Treasurer Sonja Stout

3. Designation of Alternate, as necessary

4. Approval of Agenda

MOTION made by Vice Chairperson Putz, Seconded by Secretary Bailo to approve the July 11, 2024 Special Meeting Agenda of Board of Zoning Appeals as presented.

VOTING YEA: Mathisen, Putz, Bailo, Lorant

VOTING NAY: None

ABSENT: Chayka-Crawford

MOTION: Carried

5. Approval of Minutes

A. Approval of BZA Minutes June 6th, 2024

MOTION made by Secretary Bailo, Seconded by Board Member/Planning Commission Representative Lorant, to approve the June 6th, 2024 Regular meeting minutes of Board of Zoning Appeals as presented.

VOTING YEA: Mathisen, Putz, Bailo, Lorant

VOTING NAY: None

ABSENT: Chayka-Crawford

MOTION: Carried

6. Public Comments on Non-Agenda Items Only

None.

7. Action Items

A. A-24-04 (638 Buena Vista) Variance Requests

MOTION made by Chairperson Mathisen, Seconded by Vice Chairperson Putz to open the Public Hearing.

VOTING YEA: Mathisen, Putz, Bailo, Lorant

VOTING NAY: None

ABSENT: Chayka-Crawford

MOTION: Carried

Chairperson Mathisen opened the public hearing at 6:32 PM.

Planner Belko provided a brief synopsis of variance request as stated in McKenna report with noting that item #2 is actually a 3.5 foot variance instead of the stated 4.5 ft variance. Planner Belko presented the recommendation for approving all the proposed variances subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, to align with zoning map and future land use map.

Anton Rozhanskiy with Olax, Inc, stated that there is no exterior/interior structure rebuild except for the kitchen as mentioned by the planner. Their plan is to reface the home to grant access to the house from the current garage and currently there is no access to the home from the garage.

The Board asked various questions directed towards Olax, Inc, representatives about their plans for improvement to the current structure and responses were provided.

Anton Rozhanskiy provided Chairperson Mathisen with a document that is attached and incorporated as part of the minutes that included various signatures from neighbors requesting the variance be approved.

Planner Belko went over procedures for approving the variances and his recommendation of attaching the condition to re-zone the property. He also went over the re-zoning procedures and that the property owner must initiate the process, then it must work through the proper

channels such first going to the Planning Commission Board then to Village Council for approvals. He said that construction can begin immediately. Planner Belko had asked if the homeowners, the Ottos, would be open to the re-zoning process before moving forward on a vote.

The Ottos inquired about the cost and process of the re-zoning process and asked various questions to Planner Belko. Planner Belko expressed his concern for the homeowner’s hesitancy and possibly tabling the item until he felt the homeowners would have a better understanding of the process being requested.

Caren Otto, requested a short recess to discuss with the representatives from Olax, Inc, and Planner Belko to discuss their options before tabling the item.

MOTION made by Chairperson Mathisen, Seconded by Board Member/Planning Commission Representative Lorant to recess for 15 minutes.

- VOTING YEA:** Mathisen, Putz, Bailo, Lorant
- VOTING NAY:** None
- ABSENT:** Chayka-Crawford
- MOTION:** Carried

The Board took a recess at 7:02 PM.
The Board re-convened at 7:17 PM.

Board Member/Planning Commission Representative Lorant asked if the item needed to be tabled and expressed his concern if voted on, the repercussions of not being able to be brought back to the board for another year.

Matt Craig, 146 Bellevue Ave, supports the construction of the property but is unsure of the re-zoning process that is being requested.

MOTION made by Chairperson Mathisen, Seconded by Board Member/Planning Commission Representative Lorant to close the Public Hearing.

- VOTING YEA:** Mathisen, Putz, Bailo, Lorant
- VOTING NAY:** None
- ABSENT:** Chayka-Crawford
- MOTION:** Carried

Chairperson Mathisen closed the public hearing at 7:22 PM.

Chairperson Mathisen read an email from Tom and Mary Sakala expressing their support for granting the variance requests. The letter is attached and incorporated as part of the minutes.

The Board had discussion.

MOTION #1 made by Secretary Bailo, Seconded by Board Member/Planning Commission Representative Lorant to approve the requested variance from the minimum required front yard setback for accessory structures, as proposed, subject to the property being lawfully

rezoned within one (1) year to RL, Lake Single Family Residential, therefore conferring approval of a lesser variance of 5.5 feet, based on the findings of the Village Planning Consultant enumerated in a letter dated July 2, 2024.

- VOTING YEA:** Mathisen, Putz, Bailo, Lorant
- VOTING NAY:** None
- ABSENT:** Chayka-Crawford
- MOTION:** Carried

MOTION #2 made by Secretary Bailo, Seconded by Board Member/Planning Commission Representative Lorant to approve the requested variance from the minimum required side yard setback, as proposed, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, based on the findings of the facts that is found in the Village Planning Consultant enumerated in a letter dated July 2, 2024.

- VOTING YEA:** Mathisen, Putz, Bailo, Lorant
- VOTING NAY:** None
- ABSENT:** Chayka-Crawford
- MOTION:** Carried

MOTION #3 made by Chairperson Mathisen, Seconded by Board Member/Planning Commission Representative Lorant to approve the requested variance from the minimum required accessory structure placement behind the front building line, as proposed, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, based on the findings of the Village Planning Consultant enumerated in a letter dated July 2, 2024.

- VOTING YEA:** Mathisen, Putz, Bailo, Lorant
- VOTING NAY:** None
- ABSENT:** Chayka-Crawford
- MOTION:** Carried

B. Monthly Planning and Zoning Report

MOTION made by Chairperson Mathisen, Seconded by Board Member/Planning Commission Representative Lorant to receive and file.

- VOTING YEA:** Mathisen, Putz, Bailo, Lorant
- VOTING NAY:** None
- ABSENT:** Chayka-Crawford
- MOTION:** Carried

Board Member/Planning Commission Representative Lorant spoke.

Dr. Brenton Bailo spoke.

Board Member Putz spoke.

8. Next Regular Meeting - August 1st, 2024

9. Adjournment

MOTION made by Board Member/Planning Commission Representative Lorant, Seconded by Secretary Bailo, to adjourn the July 11, 2024 Board of Zoning Appeals Special Meeting.

VOTING YEA: Mathisen, Putz, Bailo, Lorant

VOTING NAY: None

ABSENT: Chayka-Crawford

MOTION: Carried

The July 11th, 2024 Board of Zoning Appeals Special Meeting adjourned at 7:34 PM.

Dr. Brenton Bailo
Secretary

Sonja Stout
Village Clerk/Treasurer

Date Approved: as presented on October 3, 2024.

MCKENNA

July 2, 2024

Board of Zoning Appeals
Village of Lake Orion
21 E. Church Street
Lake Orion, MI 48362-3274

Subject : A-24-04 : 638 Buena Vista Variance Requests
Parcel: OL-09-02-354-020

Board Members:

We have reviewed the above-referenced variance request application submitted by Anton Rozhansky (Olax Inc.) on behalf of David and Caren Otto (the “Applicants”) who propose a 698-square-foot addition to the front of an existing ~2,655-square-foot single-family home located at 638 Buena Vista. This addition is part of a larger investment to update the property and will include an attached garage and rooftop patio; the existing patio and landscape retaining wall will be demolished to accommodate it. The property is located on Bellevue Island, north of Buena Vista Avenue and just east of Bellevue Avenue, within the RV, Village Single Family District.



HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

☎ 248.596.0920
☎ 248.596.0930
MCKA.COM

Communities for real life.

REQUEST

To build the proposed addition, the applicant is requesting three (3) variances from the Zoning Ordinance:

ARTICLE 12, SCHEDULE OF REGULATIONS, SECTION 12.02 TABLE – RV ZONING DISTRICT

- (1) Front (Southeast) Yard Setback: 22.85 feet minimum required (Established Front Setback)
16.1 feet existing (non-conforming)
14.5 feet proposed
8.35-foot variance requested

- (2) Side (Southwest) Yard Setback: 10.0 feet minimum required
6.5 feet existing (non-conforming)
6.5 feet proposed (expanding the nonconformity)
4.5-foot variance requested

SECTION 13.11, ACCESSORY BUILDINGS AND STRUCTURES – RV ZONING DISTRICT

- (3) Placement (Front Building Line): Behind front building line of existing residence
10.4 inch projection in front of existing residence
10.4-inch variance requested

For the purposes of this letter, “Variance 1” references the Front Yard Setback variance request, “Variance 2” references the Side Yard Setback variance request, and “Variance 3” references the placement/projection variance request.

COMMENTS

Per Section 19.04.D.1 of the Village’s Zoning Ordinance and the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended*, the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors. The Board may grant a dimensional (or non-use) variance upon a finding that a practical difficulty exists.

To meet the test of practical difficulty, the Board must find evidence of ALL the following standards:

- (a) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

Applicant response: Required setbacks prevent the owner from having an attached garage with direct access to the home.

The property is already in use for permitted purposes, with an existing single-family residence with an attached two-car garage. As discussed in **Item (d)** below, the subject property (specifically the lot itself) is not unique, save for the fact that it complies with Zoning Ordinance requirements for lot size (most lots near the lakefront do not comply with minimum standards and are nonconforming), which should make it easier to comply with established setback standards. The existing structure, however, is nonconforming regarding the side yard and front yard setback requirements, which the Applicants intends to increase. Under these circumstances, we find that the Applicants are more than capable of updating their home without increasing the structure’s nonconformities and note that the existing attached two-car garage could reasonably be retrofitted to provide such direct access to the home, as they are already proposing several interior and exterior structural changes to this portion of the home.

- (b) The variance(s) will provide substantial justice to applicant as well as neighboring property owners.**

Applicant response: Existing conditions of the deck and stairs have become a safety concern for the owner and guests. Granting them the variance will allow the owner and guests to enter the home in a safe manner.

Because the Applicants occupy a compliant lot along the lake and for the reasons noted above under **Item (a)**, we do not find that there is any justice to be granted to the Applicants, as reasonable design alternatives would allow them to make necessary property investments without variances. In fact, upholding the Ordinance requirements would provide the ultimate justice to neighboring property owners and the Village, where most property owners make an effort to comply with the Ordinance. As discussed further under Item (f), approval of the variances may set a precedent for nearby properties that wish to increase the non-conformity of their structure(s), which would defeat the purpose of established Ordinance standards. Nothing in the Zoning Ordinance precludes the applicants from updating their home for safe, convenient access – this could be accomplished within the limits of the code.

- (c) The variance(s) requested is(are) the minimum variance(s) needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.**

Applicant response: We are requesting the minimum variance in order to comfortably fit the owner's cars into the new garage and directly enter the home.

From the renderings and plans, the entire home appears to be proposed for updates, both interior and exterior; however, we note that the applicant has not provided alternative design solutions that could rule out the need for variances. Variance 1 increases the extent of the nonconforming side yard encroachment for the placement of a second two-car garage and roof-top patio. Variance 2 increases the extent of structure encroaching into the Establish Front Setback and, further, the proposed accessory structure extends past the front building line of the existing home, resulting in the need for Variance 3.

While granting these variances would clearly provide relief to the Applicant, none of the requested variances are the minimum possible. As mentioned several times, with an existing attached garage, we find that alternative design solutions could be reasonably explored without further deviation from the Zoning Ordinance. Nonconforming structures are allowed to be repaired/modernized without variances, provided such improvements do not expand any nonconformity (or introduce new ones) and are less than 50% of the True Cash Value of the property.

(d) The need for variance(s) is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.

Applicant response: Without direct access to the home from the garage, the owners need to carry groceries, luggage, etc. outside and up a rotting and uneven stairway to the front door.

Per the table below, the subject site is not unique. Not only is it very similar to nearby properties in shape and dimension, but it also complies with the requirements of the Zoning District. Although the existing structure is nonconforming with regard to setback requirements, the Applicant will be increasing these. Overall, the need for variances is not due to the lot's non-conformity or other unique circumstances but is instead entirely self-created (see **Item (e)**).

RV District Schedule of Regulations (requested setback variances highlighted in grey):

Standard	Required	Existing	Proposed	Notes
Minimum Lot Width	60 ft.	70 ft.	70 ft.	Complies
Minimum Lot Area	7,200 sq. ft.	8,289.6 sq. ft.	8,289.6 sq. ft.	Complies
Maximum Building Height	30 ft.	<30 ft.	<30 ft.	Complies
Established Front Setback	22.85 ft.	16.1 ft.	14.5 ft.	<u>Increasing non-compliance</u>
Minimum Side Yard Setback	10 ft.	6.5 ft. (S.W.) / 5.8 ft. (S.E.)	6.5 ft. (S.W.) / 5.8 ft. (S.E.)	<u>Increasing non-compliance</u>
Rear Setback	25 ft.	>25 ft.	>25 ft.	Complies
Maximum Lot Coverage	40%	30.8%	36.32%	Complies
Minimum Floor Area	1,200 sq. ft.	2,256 sq. ft.	2,893.4 sq. ft.	Complies

Due to the property's location adjacent to Lake Orion and its classification on the Future Land Use map, the lot could be rezoned to the RL, Lake Single Family Residential District. This new zoning classification would maintain the property's compliance with Zoning Ordinance standards and remove the necessity for the side yard setback variance (which is 5 feet in the RL district) and the accessory structure placement variance, as attached accessory structures are allowed in front of a residence in the RL district and up to 20 feet from the street lot line, thereby also reducing the variance needed for the front yard setback. The Board of Zoning Appeals may consider approving the side yard setback variance as proposed and a lesser front yard setback variance of 5.5 feet (as opposed to the requested 8.35 feet) with the condition of having the property rezoned within one (1) year, to align the Zoning Map with the Future Land Use Map.

- (e) The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant's predecessors; it is not self-created.**

Applicant Response: None provided.

The need for variances is entirely self-created, as the Applicant is taking affirmative action to demolish an existing structure on the property to accommodate an addition to the single-family dwelling, rather than simply modifying/upgrading the existing structure(s), which could be done without expanding or creating nonconforming dimensions.

- (f) Granting the variance will not impair the public health, safety, comfort, or welfare of the inhabitants of Lake Orion.**

Applicant Response: We designed the home to have minimal impact on surrounding properties by avoiding any additional light / air / view obstructions.

The variance requests for this particular application would have minimal negative impact on the public health, safety, comfort, and welfare of the inhabitants of Lake Orion. However, approving the variances without certain conditions is likely to set a perceived precedent for nearby properties that may wish to increase nonconforming structures on otherwise conforming lots, which may ultimately jeopardize the public welfare by undermining the Zoning Ordinance without due cause.

RECOMMENDATION

Subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Board of Zoning Appeals take the following actions:

Variance 1 – Front Setback:

Motion to approve the requested variance from the minimum required front yard setback for accessory structures in the, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, therefore conferring approval of a lesser variance of 5.5 feet, based on the finding that:

- (1) Compliance with the ordinance standard (in the RV District) for front yard setbacks would not prevent the use of property for a permitted purpose – a two-car garage and deck already exist, which could be modernized to fit established zoning standards. A lesser variance could be achieved for the proposed addition through rezoning to RL, Lake Single Family Residential.
- (2) Substantial justice would not be afforded to the neighboring properties or the Village as a whole; a compliant lot with no clear unique properties should, logically, make it easier to comply with Zoning standards. Further, minimizing the mass of structures on the lake is imperative and variances must pertain to the characteristics of the property itself – not to accommodate an additional accessory use or structure. Upholding the Zoning Ordinance standards would confer justice to the neighboring properties and the Village. Justice would also be achieved through rezoning to RL, Lake Single Family Residential by reducing the need for a variance and aligning the property with the Future Lane Use map.
- (3) The variance requested is not the minimum possible, as the lot is large enough to accommodate investment without further deviation; the applicant has not provided evidence that alternative designs are impractical and must pursue such alternatives to achieve full compliance. The need for the variance would be reduced through rezoning to RL, Lake Single Family Residential.
- (4) The need for the variance is not due to any unique circumstances peculiar to the property; the lot is found to be conforming and similar (larger, in fact) to nearby properties. The need for the variance would be reduced through rezoning to RL, Lake Single Family Residential.
- (5) The need for the variance is entirely self-created; despite apparent plans to update and modernize the entire home, the applicant is taking action to construct a nonconforming addition without ruling out (design or rezoning) alternatives. The need for the variance would be reduced through rezoning to RL, Lake Single Family Residential.
- (6) Granting the variance may set a perceived precedent, undermining the purpose of the Zoning Ordinance and potentially jeopardizing public health, safety, comfort, or welfare in the Village. The need for the variance would be reduced through rezoning to RL, Lake Single Family Residential.

Variance 2 – Side Setback:

Motion to approve the requested variance from the minimum required side yard setback, as proposed, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, based on the finding that:

- (1) Compliance with the ordinance standard (in the RV District) for side yard setbacks would not prevent the use of property for a permitted purpose – a two-car garage and deck already exist, which could be

modernized to fit established zoning standards. Compliance could also be achieved through rezoning to RL, Lake Single Family Residential, eliminating the need for the variance.

- (2) Substantial justice would not be afforded to the neighboring properties or the Village as a whole; a compliant lot with no clear unique properties should, logically, make it easier to comply with Zoning standards. Further, minimizing the mass of structures on the lake is imperative and variances must pertain to the characteristics of the property itself – not to accommodate an additional accessory use or structure. Upholding the Zoning Ordinance standards would confer justice to the neighboring properties and the Village. Justice would also be achieved through rezoning to RL, Lake Single Family Residential.
- (3) The variance requested is not the minimum possible, as the lot is large enough to accommodate investment without further deviation; the applicant has not provided evidence that alternative designs are impractical and must pursue such alternatives to achieve full compliance. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (4) The need for the variance is not due to any unique circumstances peculiar to the property; the lot is found to be conforming and similar (larger, in fact) to nearby properties. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (5) The need for the variance is entirely self-created; despite apparent plans to update and modernize the entire home, the applicant is taking action to construct a nonconforming addition without ruling out (design or rezoning) alternatives. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (6) Granting the variance may set a perceived precedent, undermining the purpose of the Zoning Ordinance and potentially jeopardizing public health, safety, comfort, or welfare in the Village. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.

Variance 3: Accessory Structure Placement:

Motion to approve the requested variance from the minimum required accessory structure placement behind the front building line, as proposed, subject to the property being lawfully rezoned within one (1) year to RL, Lake Single Family Residential, based on the finding that:

- (1) Compliance with the ordinance standard (in the RV District) for accessory structure placement would not prevent the use of property for a permitted purpose – a two-car garage and deck already exist, which could be modernized to fit established zoning standards. Compliance could also be achieved through rezoning to RL, Lake Single Family Residential.
- (2) Substantial justice would not be afforded to the neighboring properties or the Village as a whole; a compliant lot with no clear unique properties should, logically, make it easier to comply with Zoning standards. Further, minimizing the mass of structures on the lake is imperative and variances must pertain to the characteristics of the property itself – not to accommodate an additional accessory use or structure. Upholding the Zoning Ordinance standards would confer justice to the neighboring properties and the Village. Justice would also be achieved through rezoning to RL, Lake Single Family Residential.
- (3) The variance requested is not the minimum possible, as the lot is large enough to accommodate investment without further deviation; the applicant has not provided evidence that alternative designs are impractical and must pursue such alternatives to achieve full compliance. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.

- (4) The need for the variance is not due to any unique circumstances peculiar to the property; the lot is found to be conforming and similar (larger, in fact) to nearby properties. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (5) The need for the variance is entirely self-created; despite apparent plans to update and modernize the entire home, the applicant is taking action to construct a nonconforming addition without ruling out (design or rezoning) alternatives. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.
- (6) Granting the variance may set a perceived precedent, undermining the purpose of the Zoning Ordinance and potentially jeopardizing public health, safety, comfort, or welfare in the Village. The need for the variance would be eliminated through rezoning to RL, Lake Single Family Residential.


Should the Applicants fail to lawfully rezone their property to RL, Lake Single Family Residential within one (1) year to align with the planned Future Land Use of this area as a condition of the Board's approval of certain variances, such approved variances would be null and void and the Village shall cause for the abatement of any resulting violations of the Zoning Ordinance.

Should you have any questions, please reach out to us.

Respectfully,

McKENNA


Gage Belko, AICP
Associate Planner


Ashley E. Amey, NCI
Assistant Planner

cc: Village Clerk: Sonja Stout, 21 E. Church Street, Lake Orion, MI 48362
Applicant: David and Caren Otto, 638 Buena Vista, Lake Orion, MI 48362