



City Council Budget Study Session Agenda

Monday, May 03, 2021 at 6:00 PM
27400 Southfield Road, Lathrup Village, Michigan 48076

ZOOM REMOTE MEETING INFORMATION

Webinar ID: 928 7405 3787

Password: 368894

CLICK HERE: [Online Link](https://zoom.us/j/92874053787?pwd=M1R0c01ycis5N2k5amJJb3Q1enRldz09)

<https://zoom.us/j/92874053787?pwd=M1R0c01ycis5N2k5amJJb3Q1enRldz09>

Telephone: 646.558.8656 or 312.626.6799

CLICK HERE: [Public Comment Form Link](#)

In accordance with Emergency Orders issued by the Michigan Department of Health and Human Services, Oakland County, local officials, and State of Michigan legislation, which allows for electronic meetings of public bodies, notice is hereby given that the City of Lathrup's City Council will be meeting electronically using www.Zoom.us for videoconference and public access.

1. Call to Order

2. Discussion Items

A. Fiscal Year 2021/22 Budget

- Revenues
- Road Millage Rate
- Millage Rate Breakdown
- Salaries
- No transfer of funds from General Fund or Major Street Fund to Local Street Fund

[B.](#) Capital Improvement Plan 2021-2026

[C.](#) Retiree Health Addendum

[D.](#) American Rescue Plan (ARP)

3. Discussion Items

[A.](#) Request for Opinion – Placing Special Assessments on Winter Tax Bill

[B.](#) Study Session - Recordings

C. Encroachment License Application – 27680 Lathrup Blvd

D. Marijuana/Cannabis Update

E. Infrastructure Update

F. Planning Commission Appointment

4. **Mayor and Council Comments**

5. **Public Comments**

6. **Adjourn**



A HERITAGE OF GOOD LIVING

Dr. Sheryl L. Mitchell Theriot

City Administrator

City of Lathrup Village

27400 Southfield Road | Lathrup Village, MI 48076

smitchell@lathrupvillage.org

Office: 248.557.2600 x 225 | Cell: 248.520.0620

COUNCIL COMMUNICATION:

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell Theriot, City Administrator

DA:

RE: Capital Improvement Plan 2021-2026

The 2021-2026 Capital Improvement Plan (CIP) serves as a tool to assist the city in long-range planning and improvements. The 6-year CIP and annual update is a requirement under the Michigan Planning Enabling Act of 2008.

A capital improvement project is a major, nonrecurring expenditure that generally has a public purpose and costs \$5,000 or more. This can include rehabilitation and new facilities and equipment, with a useful life of 3 or more years.

Jill Bahm, Planner from Giffels Webster and staff have worked extensively on the updates for the Capital Improvement Plan (CIP) 2021-2026. The CIP ensures the timely repair and replacement of ageing infrastructure, provides a level of certainty for residents, businesses and developer regarding the location and timing of public investment, and helps to identify the most economical mean of financing capital improvements.

The Planning Commission held a public hearing at their March 16, 2021 and voted to recommend City Council's adoption. The City Council has posted the public hearing and will take action at the May 17, 2021 meeting, along with the adoption of the budget.

RECOMMENDATION

Projects as presented totaling: **\$5,285,974**

Fiscal Year 2021/22 Funding Sources:

- General Fund/CIP/Special Assessments	\$ 411,450
- Water/Sewer Fund	\$ 133,477
- Water CIP Bonds	\$ 3,103,000
- Road Bonds	\$ 1,532,322
- Local & Major Streets	\$ 88,000
- DDA Fund	\$ 17,725
TOTAL	\$5,285,974

Suggested Motion:

To receive the recommendations from the Planning Commission and approve the recommended amendments from the City Administrator in the Adoption of the Capital Improvement Plan for 2021-2026, as presented.

Project				Estimated Cost				FUNDING OPTIONS										
No.	Name	Fiscal Year Start	Funding Source	Equip/Construction	Other	Total	FY21/22	CIP/GF/ARP	WATER/SEWER	WATER BONDS	ROAD BONDS	LOCAL/MAJOR	DDA	FY22/23	FY 23/24	FY24/25	FY25/26	FY26/27
Administrative																		
AD	21-01	Police Department building analysis	2021	General Fund	Study	\$ 10,000	\$ 10,000	\$ 10,000										
AD	21-02	City Hall Lobby Renovation	2021	General Fund	Update	\$ 30,000	\$ 30,000	\$ 30,000										
AD	21-03	City Hall Carpet Replacement	2021	General Fund	Update	\$ 15,000	\$ 15,000	\$ 15,000										
Total						\$ -	\$ 55,000	\$ 55,000										
DPS																		
DPS	21-01	Backhoe tractor	2021/2022	General Fund		\$ 85,000	\$ 85,000	\$ 85,000										
DPS	21-02	Leaf Vac Conversion Kit	2021/2022	General Fund		\$ 8,000	\$ 8,000	\$ 8,000										
DPS	20-03	PickUp Truck (plow ready)	2021/2022	General Fund		\$ 45,000	\$ 45,000	\$ 45,000										
DPS	20-04	Paving Lot Replacement Phase 1	2021/2022	General Fund		\$ 51,000	\$ 51,000	\$ 51,000										
DPS	20-05	Paving Lot Replacement Phase 2	2022/2023	General Fund		\$ 50,000	\$ 50,000	\$ 50,000						\$ 50,000				
DPS	20-06	Paving Lot Replacement Phase 3	2023/2024	General Fund		\$ 50,000	\$ 50,000	\$ 50,000							\$ 50,000			
Total						\$ 289,000	\$ 289,000	\$ 189,000						\$ 50,000	\$ 50,000			
DDA																		
DDA	21-01	Hanging Flower Baskets	2020/2021	DDA Funds		\$ 9,225	\$ 9,225	\$ 9,225					\$ 9,225					
DDA	20-02	Alley Study - Feasibility + condition	2020/2021	DDA Funds		\$ 8,500	\$ 8,500	\$ 8,500					\$ 8,500					
TOTAL						\$ 17,725	\$ 17,725						\$ 17,725					
PARKS																		
PR	21-01	Splash Pad Study and Planning	2021/2022	General Fund		\$ 5,000	\$ 5,000	\$ 5,000										
PR	21-02	Goldengate Park Update Study and Planning	2021/2022	General Fund		\$ 5,000	\$ 5,000	\$ 5,000										
PR	21-03	Replace Sarackwood Playground Equipment	2022/2023	General Fund/Grant		\$ 100,000	\$ 100,000							\$ 100,000				
PR	21-04	Acquisition and Development of SE Quadrant Park	2024/2025			\$ -										TBD		
TOTAL						\$ 110,000	\$ 110,000	\$ 10,000						\$ 100,000				
Police																		
P	21-01	Axon Taser	2021/2023	Police		\$ 17,800	\$ 13,350	\$ 4,450	\$ 4,450					\$ 4,450	\$ 4,450			
P	21-02	Patrol Vehicle	2021/2022	Police		\$ 45,000	\$ 45,000							\$ 45,000				
P	21-03	Mobile Data Computer Replacement	2022-2025	Police		\$ 12,000	\$ 12,000	\$ 3,000	\$ 3,000					\$ 3,000	\$ 3,000	\$ 3,000		
P	21-04	New Portable Radios	2021/2022	Police		\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000									
P	21-05	Body Cams	2021/2022	Police		\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000									
P	21-06	Expanded Station	TBD	TBD		\$ 1,500,000	\$ 1,500,000							TBD				
See AD-01		New Police Station	TBD	TBD	TBD		TBD									TBD		
TOTAL						\$ 100,350	\$ 77,450	\$ 77,450						\$ 52,450	\$ 7,450	\$ 3,000		
Roads																		
R	21-01	2021 Paving Program	2021/2022	Paving Bond Issue		\$ 4,856,109	\$ 5,845,000	\$ 1,532,322			\$ 1,532,322			\$ 2,116,391	\$ 2,116,583			
R	21-02	2021 Local Road Paving Program	2021/2022	Local/Major Road Fund		\$ 88,000	\$ 88,000	\$ 88,000				\$ 88,000						
R	21-03	Culvert Jet Cleaning	2021/2022	Special Assessment		\$ 30,000	\$ 30,000	\$ 10,000						\$ 10,000	\$ 10,000			
R	21-04	Ditches	2023/2024	CIP Bond/Special Assess.		\$ 300,000	\$ 50,000	\$ 50,000						\$ 125,000	\$ 125,000			
R	21-05	Sidewalks	2022/2024	Special Assessment		\$ 20,000	\$ 20,000	\$ 20,000										
TOTAL						\$ 6,283,000	\$ 1,700,322	\$ 80,000	\$ -	\$ -	\$ 1,532,322	\$ 88,000	\$ -	\$ 2,251,391	\$ 2,251,583	\$ -	\$ -	\$ -
Sanitary Sewer																		
S	21-01	2021 Retention Tank Upgrades	2020/2022	CIP Bond Issue		\$ 550,000	\$ 550,000	\$ 550,000			\$ 550,000							
S	21-02	2021 Sanitary Sewer Repairs	2021/2024	CIP Bond Issue		\$ 480,000	\$ 480,000	\$ 120,000			\$ 120,000			\$ 120,000	\$ 120,000	\$ 120,000		
S	21-03	2021 EFSDS CAP Projects	2021/2022	Water / Sewer Fund		\$ 2,080,800	\$ 2,080,800	\$ 133,477	\$ 133,477					\$ 133,477	\$ 133,477	\$ 133,477	\$ 133,477	133,477.00
S	21-04	2022/2023 Storm Sewer CCTV	2022/2023	Water / Sewer Fund		\$ 360,000	\$ 360,000							\$ 180,000	\$ 180,000			
S	21-06	2023 Sewer Improvements	2023 / 2024	Water / Sewer Fund		\$ 120,000	\$ 120,000								\$ 120,000			
S	21-07	2024 Sewer Improvements	2024 / 2025	Water / Sewer Fund		\$ 120,000	\$ 120,000									\$ 120,000		
S	21-08	2025 Sewer Improvements	2025 / 2026	Water / Sewer Fund		\$ 180,000	\$ 180,000										\$ 120,000	
TOTAL						\$ 3,890,800	\$ 803,477		\$ 133,477	\$ 670,000				\$ 433,477	\$ 553,477	\$ 373,477	\$ 253,477	\$ 133,477
Water																		
W	21-01	Lead and Copper Exterior Identification	2021/2023	CIP Bond Issue		\$ 1,320,000	\$ 1,320,000	\$ 440,000			\$ 440,000			\$ 444,000	\$ 444,000			
W	21-02	2021 - 2023 Water Main Replacement	2021/2023	CIP Bond Issue		\$ 1,360,000	\$ 1,360,000	\$ 475,000			\$ 475,000			\$ 437,500	\$ 447,500			
W	21-03	Lead & Copper Service Line Replacement	2021/2024	CIP Bond Issue		\$ 500,000	\$ 500,000	\$ 150,000			\$ 150,000			\$ 200,000	\$ 150,000			
W	21-04	Fire Hydrants Replace / Refurbish	2021/2023	CIP Bond Issue		\$ 552,000	\$ 552,000	\$ 184,000			\$ 184,000			\$ 184,000	\$ 184,000			
W	21-05	Gate Valve Replacement	2021/2022	CIP Bond Issue		\$ 972,000	\$ 972,000	\$ 324,000			\$ 324,000			\$ 324,000	\$ 324,000			
W	21-06	Water Meter Replacement	2021/2022	CIP Bond Issue		\$ 860,000	\$ 860,000	\$ 860,000			\$ 860,000							
W		2024 Water Main Replacement	2024/2025	Water / Sewer Fund		\$ 325,000	\$ 325,000									\$ 325,000		
W		2025 Water Main Replacement	2025/2026	Water / Sewer Fund		\$ 475,000	\$ 475,000										\$ 475,000	
TOTAL						\$ 4,704,000	\$ 8,244,000	\$ 3,433,000			\$ 2,433,000			\$ 1,589,500	\$ 1,549,500	\$ 325,000	\$ 475,000	\$ -

TOTAL BY FUNDING SOURC FOR FY 2021/22

\$ 5,285,974 \$ 411,450 \$ 133,477 \$ 3,103,000 \$ 1,532,322 \$ 88,000 \$ 17,725

SPECIAL NOTE

W	Planned Use of Water/Sewer Funds for Projects	2021/2024	Water / Sewer Fund	\$ 1,880,000		\$ 1,880,000	\$ 1,000,000		\$ 1,000,000					\$ 440,000	\$ 440,000			
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Water CIP Bond		YEARLY AMOUNT		\$5,380,000	
FY 21/22	Sanitary Sewer	\$	670,000		
FY 21/22	Water	\$	2,433,000		
		\$		3,103,000	
FY 22/23	Sanitary Sewer	\$	120,000		
FY 22/23	Water	\$	1,589,500		
		\$		1,709,500	
FY 23/24	Sanitary Sewer	\$	120,000		
FY 23/24	Water	\$	1,549,500	\$	1,669,500
TOTAL			\$	6,482,000	\$ (1,102,000)

Road Bond		YEARLY AMOUNT		\$5,845,000	
FY 21/22		\$	1,532,322		
FY 22/23		\$	2,116,391		
FY 23/24		\$	2,116,583		
		\$	5,765,296		\$79,704



Project				Estimated Cost								
No.	Name	Fiscal Year Start	Funding Source	Equip/Construction	Other	Total	FY21/22	FY22/23	FY 23/24	FY24/25	FY25/26	FY26/27
Administrative												
AD 21-01	Police Department building analysis	2021	General Fund		Study	\$ 10,000	\$ 10,000					
AD 21-02	City Hall Lobby Renovation	2021	General Fund		Update	\$ 30,000	\$ 30,000					
AD 21-03	City Hall Carpet Replacement	2021	TBD		Update	\$ 15,000	\$ 15,000					
Total						\$ 55,000	\$ 55,000					
DPS												
DPS 21-01	Backhoe tractor (used)	2021/2022		\$ 85,000		\$ 85,000	\$ 85,000					
DPS 21-02	Leaf Vac Conversion Kit	2021/2022		\$ 8,000		\$ 8,000	\$ 8,000					
DPS 20-03	Pick Up Truck (plow ready)	2021/2022		\$ 45,000		\$ 45,000	\$ 45,000					
DPS 20-04	Parking Lot Replacement Phase I	2021/2022		\$ 51,000		\$ 51,000	\$ 51,000					
DPS 20-05	Parking Lot Replacement Phase II	2022/2023		\$ 50,000		\$ 50,000		\$ 50,000				
DPS 20-06	Parking Lot Replacement Phase III	2023/2024		\$ 50,000		\$ 50,000			\$ 50,000			
Total						\$ 289,000	\$ 189,000	\$ 50,000	\$ 50,000			
DDA												
DDA 21-01	Hanging Flower Baskets	2021/2022	DDA Funds	\$ 9,225	-	\$ 9,225	\$ 9,225					
DDA 20-02	Alley Study - Feasibility + condition	2021/2022	DDA Funds	\$ 8,500	Study	\$ 8,500	\$ 8,500					
TOTAL						\$ 17,725	\$ 17,725					
PARKS												
PR 21-01	Splash Pad Study and Planning	2021/2022				\$ 5,000	\$ 5,000					
PR 21-02	Goldengate Park Update Study and Planning	2021/2022				\$ 5,000	\$ 5,000					
PR 21-03	Replace Sarackwood Playground Equipment	2022/2023				\$ 100,000	\$ 100,000					
PR 21-04	Acquisition and Development of SE Quadrant Park	2024/2025				\$ -				TBD		
TOTAL						\$ 110,000	\$ 110,000	\$ -				
Police												
P 21-01	Axon Taser	2021-2023	Police	\$ 17,800		\$ 13,350	\$ 4,450	\$ 4,450	\$ 4,450			
P 21-02	Patrol Vehicle	2021/2022	Police	\$ 45,000		\$ 45,000		\$ 45,000				
P 21-03	Mobile Data Computer Replacement	2022-2025	Police	\$ 12,000		\$ 12,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000		
P 21-04	New Portable Radios	2021/2022	Police	\$ 30,000		\$ 30,000	\$ 30,000					
P 21-05	Body Cams	2021/2022	Police	\$ 40,000		\$ 40,000						
P 21-06	Expanded Station	TBD	TBD	TBD		TBD						
See AD-01	New Police Station	TBD	Police	TBD		TBD				TBD		
TOTAL						\$ 100,350	\$ 37,450	\$ 52,450	\$ 7,450	\$ 3,000		
Roads												
R 21-01	Bond Paving Program	2021/2022	Paving Bond Issue	\$ 1,328,000		\$ 5,528,000	\$ 1,328,000	\$ 2,100,000	\$ 2,100,000			
R 21-02	Local Road Paving Program	2021/2022	Local/Major Road Fund	\$ 88,000		\$ 88,000	\$ 88,000					
R 21-03	Culvert Jet Cleaning	2021/2022	CIP Bond Issue			\$ 30,000	\$ 10,000	\$ 10,000	\$ 10,000			
R 21-04	Ditches	2022/2023	CIP Bond Issue			\$ 300,000	\$ 50,000	\$ 125,000	\$ 125,000			
R 21-05	Sidewalks	2022/2024	CIP Bond Issue			\$ 20,000	\$ 20,000					
TOTAL						\$ 5,966,000	\$ 1,496,000	\$ 2,235,000	\$ 2,235,000	\$ -	\$ -	\$ -

Project				Estimated Cost								
No.	Name	Fiscal Year Start	Funding Source	Equip/Construction	Other	Total	FY21/22	FY22/23	FY 23/24	FY24/25	FY25/26	FY26/27
Sanitary Sewer												
S 21-01	Retention Tank repairs	2021 / 2022	CIP Bond Issue	\$ 500,000		\$ 500,000	\$ 500,000					
S 21-02	Sanitary Sewer Repairs	2021 - 2024	CIP Bond Issue	\$ 480,000		\$ 480,000	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000		
S 21-03	2021 EFSDS CAP Projects	2021/2022	Water / Sewer Fund	\$ 800,862		\$ 800,862	\$ 133,477	\$ 133,477	\$ 133,477	\$ 133,477	\$ 133,477	133,477.00
S 21-04	2022 Storm Sewer CCTV	2022/2023	Water / Sewer Fund	\$ 360,000		\$ 360,000		\$ 180,000			\$ 180,000	
TOTAL						\$ 2,140,862	\$ 753,477	\$ 433,477	\$ 253,477	\$ 253,477	\$ 313,477	\$ 133,477
Water												
W 21-01	Lead and Copper Exterior Identification	2021 - 2023	CIP Bond Issue	\$ 440,000		\$ 1,320,000	\$ 440,000	\$ 440,000	\$ 440,000			
W 21-02	Water Main Replacement	2021 - 2023	CIP Bond Issue	\$ 475,000		\$ 2,160,000	\$ 475,000	\$ 437,500	\$ 447,500	\$ 325,000	\$ 475,000	
W 21-03	Lead & Copper Service Line Replacement	2021 - 2024	CIP Bond Issue	\$ 50,000		\$ 850,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 350,000	\$ 350,000	
W 21-04	Fire Hydrants Replace / Refurbish	2021 - 2023	CIP Bond Issue	\$ 184,000		\$ 552,000	\$ 184,000	\$ 184,000	\$ 184,000			
W 21-05	Gate Valve Replacement	2021 - 2023	CIP Bond Issue	\$ 324,000		\$ 972,000	\$ 324,000	\$ 324,000	\$ 324,000			
W 21-06	Water Meter Replacement	2021 / 2022	CIP Bond Issue	\$ 860,000		\$ 860,000	\$ 860,000					
TOTAL						\$ 6,714,000	\$ 2,333,000	\$ 1,435,500	\$ 1,445,500	\$ 675,000	\$ 825,000	\$ -

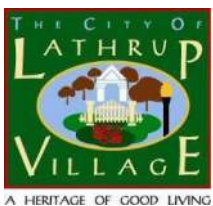
Ongoing project

City of Lathrup Village

2021 Capital Improvement Plan



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PREPARED FOR:

**CITY OF LATHRUP VILLAGE
PLANNING COMMISSION
27400 SOUTHFIELD ROAD
LATHRUP VILLAGE, MI
48076**

FEBRUARY 2021

Table of Contents

INTRODUCTION.....5

PROGRAM AREAS.....10

Administrative 15

Department of Public Services 16

Downtown Development Authority 17

Parks & Recreation 18

Police Department 19

Roads 20

Water 21

Sewer 23

Introduction

Introduction

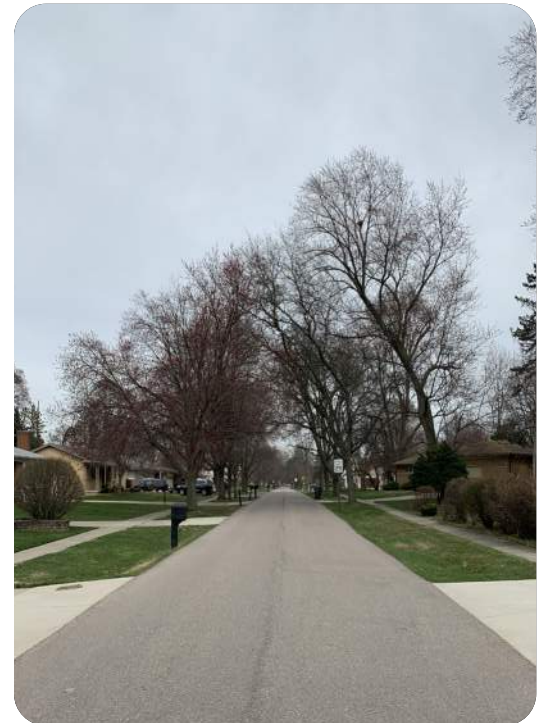
The 2021-2026 City of Lathrup Village Capital Improvement Plan (CIP) will serve as a tool to assist the city in turning long-range policy planning into real improvements on the ground. A six-year capital improvement plan and an annual update of that plan is a requirement for the City of Lathrup Village under the Michigan Planning Enabling Act of 2008. The following report identifies the major capital improvements needed and/or planned for the community, the time frame for implementation of those improvements, and the budget and revenue sources that will make those improvements a reality. Capital improvements cover multiple departments within the City of Lathrup Village and include new facilities, water and sewer line replacements and improvements, police equipment, parks and recreation facilities, non-motorized pathways, and professional services.



Drainage ditch repair (Giffels Webster, 2020)

WHAT IS A CAPITAL IMPROVEMENT PLAN (CIP)?

A Capital Improvement Plan is a six-year schedule of public physical improvements which identifies the needs for improvements and the sources of funding to make those improvements. It provides a schedule of expenditures for constructing, maintaining, upgrading, and/or replacing a community's physical inventory. The CIP, therefore, is a tool to assess the long-term capital project requirements (the "big jobs") of Lathrup Village. Since capital improvement projects are spread across multiple community needs (fire protection, police, water and sewer, parks and recreation, municipal administration, etc.), the CIP prioritizes these projects across the entire community and over time, providing a comparison of the community's various needs and wants.



City Street in Lathrup Village (Giffels Webster, 2020)

WHAT ARE CAPITAL IMPROVEMENT PROJECTS?

Capital improvement projects are major and infrequent expenditures, such as the construction of a new facility, a major rehabilitation or repair of an existing facility, or the purchase of major equipment. Capital improvement projects are non-recurring expenditures that tend to be large both in physical size and in cost, and have a long-term usefulness (10 years or more) . Examples of capital improvement projects can include:

- Construction of a new city hall
- Construction of a new police station
- Extension or replacement of a water/sewer line
- Major rehabilitation of a city's community center
- Creation of a new city park
- Large equipment and vehicles



Lathrup Village DPS yard (Giffels Webster, 2020)

Each city department is asked to take a long view look at future initiatives or improvements that may require capital purchases in order to be fully implemented. Each department works to improve the manner by which the city delivers services to its residents and stakeholders. Lists of need are developed based on research and discussions with communities that have similar needs. The majority of the capital purchases in these categories are funded through the general fund or other dedicated city funds. Thorough knowledge and research of our future planned costs allows for the pursuit of grant and other outside funding sources to meet our policy goals. The following sections discuss the city's various needs and proposed funding by department.

The term "major expenditure" is relative; what is "major" to one community might be "minor" to another. The City of Ann Arbor, for example, sets a minimum threshold of \$100,000 for projects to be included in the City's CIP, while the City of Rochester Hills sets a minimum of \$25,000. Lathrup Village's policy for determining a Capital Improvement is defined in the following section.

WHAT IS THE CITY OF LATHRUP VILLAGE'S CAPITAL IMPROVEMENT POLICY (CIP)?

A capital improvement project is a major, nonrecurring expenditure that meets one of more of the following criteria:

- Any acquisition of land for a public purpose which costs \$5,000 or more.
- Any construction of a new public facility (city building, water/sewer lines, pathways), or any addition to an existing public facility, the cost of which equals \$5,000 or more and has a useful life of three or more years.
- A nonrecurring rehabilitation (not to include annual/recurring maintenance) of a building, its grounds, a facility, or equipment, the cost of said rehabilitation being \$5,000 or more with a useful life of three or more years.
- Purchase of major equipment which, individually or in total, cost \$5,000 or more with a useful life of three or more years.

Planning, feasibility, engineering, or design studies related to an individual capital improvement project, or program implemented through individual capital improvement projects, with a cost of \$5,000 or more and a useful life of three or more years.

WHAT IS THE ROLE OF THE CITY PLANNING COMMISSION IN THE CIP PROCESS?

The Capital Improvement Program is a dynamic planning document, intended to serve as a tool to implement the City of Lathrup Village's Master Plan. The Master Plan should correspondingly include capital improvement projects as well as guide long-term capital planning. The Planning Commission is uniquely qualified to manage the development and annual update of the City's CIP, based on their role in creating and updating the city's Master Plan. The Planning Commission's role will ensure that public works projects are consistent with the land uses identified within the Master Plan. By making a recommendation of approval for the CIP to the City Council, the Planning Commission agrees that the projects outlined within it reasonably address the city's capital improvement needs.



Lathrup Village public safety vehicles (Giffels Webster, 2020)



Lathrup Village 2019 CIP (Giffels Webster, 2020)

The CIP is an essential link between planning for capital improvement projects and budgeting for them. Once approved by the City Council, the CIP can be used to develop the capital project portion of the city's budget. Those projects included in the CIP's first year (2020) potentially form the basis for the upcoming year's capital project budget. As the CIP is annually updated, a continuous relationship will be maintained between the CIP and the city's annual budget. The annual update to the CIP will typically occur in advance of the preparation of the city's budget.

WHAT ARE THE BENEFITS OF PREPARING A CAPITAL IMPROVEMENT PLAN?

- Prudent use of taxpayer dollars
- Prioritizing projects across the needs of the community and across departments (an "apples-to-apples" comparison)
- Generating community support by inviting public input
- Promoting economic development
- Improving the city's eligibility for State and Federal grants
- Providing an implementation tool for the goals and objectives of the city's Master Plan
- Transparency in identification of high-priority projects
- Coordination / cost-sharing between projects



Lathrup Village DPS yard (Giffels Webster, 2020)



Damaged storm sewer culvert (Giffels Webster, 2020)

Program Areas

Program Areas

The following sections outline the Program Areas of the City of Lathrup Village's CIP:

1. Data Collection Process
2. Data Compilation Process
3. CIP Adoption Process

The components of the CIP are compiled and reported by Program Areas. The following table (Figure 1) displays the Program Areas used in this CIP (each assigned with a color). These program areas represent the stakeholders in the CIP.



Sarackwood Park (Google, 2020)

FIGURE 1 CIP PROGRAM AREAS

AD	Administrative
DPS	Department of Public Services
DDA	Downtown Development Authority
PR	Parks & Recreation
PD	Police Department
R	Roads
S	Sewer
W	Water

1. DATA COLLECTION. Each of the stakeholders outlined above has either a master plan or schedule that defines the needs and resource level within their respective area of responsibility. To more easily identify projects, standard forms were created that allow the stakeholders to define their projects and resource allocation levels. The standard forms used for data collection are found in the Appendix.

A definition of the standard CIP forms is provided as follows:

- **PROJECT APPLICATION FORM** - Consists of project descriptions, schedules, necessity, and possible sources of funding. The information provides an understanding of the overall scope of each project and how it is valued within its program area and within the City. While stakeholders may be aware of major projects further out on the horizon, only those planned for within the six-year window of the 2020-2026 CIP were included.
- **PROJECT COST DETAIL FORM** - Consists of a matrix of six (6) budget years across the top of the form and a listing of costing components along the side of the form. The form is split into two (2) parts; the upper half is the capital cost for the project and the lower half is the cost of operations or maintenance for that project if applicable. Recognition of the operations and maintenance costs of a project is a valuable tool in forecasting future needs for resource allocation. Investment in a new facility is only worthwhile if there are funds available to operate and maintain it.
- **PROJECT RATING FORM** - This form is used when new projects are identified but cannot all be funded within a given fiscal year. The forms are used to rate both the importance and impact of a project within its program area and within the city. The ratings are weighted with emphasis given to those projects that are mandated by law, by agreement, or because they are a matter affecting health safety and welfare. Projects without a ranking were not competing for funding, either because they are mandatory or because no other similar projects were proposed.

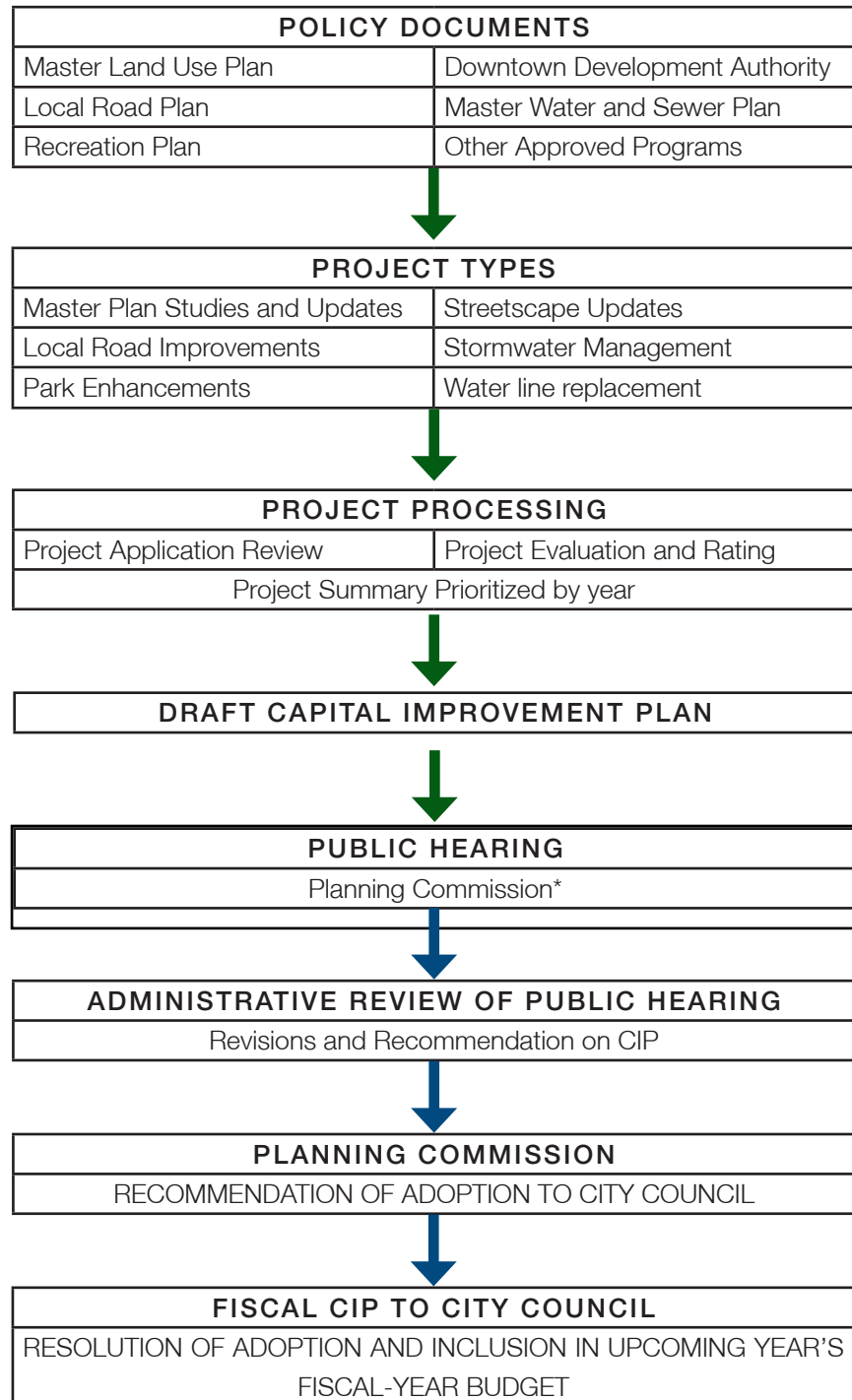
2. DATA COMPILATION. The information received from the stakeholders has been compiled into a Project Summary Worksheet. This worksheet contains all of the projects in the CIP over six (6) budget years with a cost summary of each budget year by program area and for the entire CIP. Included with the worksheet is the listing of possible funding sources and an estimate of the city's share for each project. The project summary worksheet can be found in the Appendix of this CIP.



Lathrup Village welcome sign (Giffels Webster, 2020)

Figure 2 - CIP Adoption Process

3. CIP ADOPTION PROCESS. The adoption process involves a public hearing to solicit citizen input. The CIP will then be modified (if necessary), approved by the city Planning Commission (via a formal recommendation for approval to the City Council), and forwarded to the City Council for adoption. Adoption of the CIP by the City Council does not constitute an authorization to commit resources to any project. This approval is recognition of a plan for projects within the community that may move toward implementation in the future. The projects included within Year 1 of the Capital Improvement Plan potentially form the basis for the upcoming year's capital projects budget. An outline of the process is displayed in Figure 2 on the following page.



Project Inventory

Below is a summarized list of all projects considered for the 2020 Capital Improvement Plan. Project details are shown on the following pages; they can also be viewed online via the [Interactive CIP Dashboard Map](#).

Project Number	Name	Fiscal year start	Funding source	Total
Administrative				
AD21-01	Police Department building analysis	2021	General Fund	\$10,000
AD21-02	City Hall Lobby Renovation	2021	General Fund	\$30,000
AD21-03	City Hall Carpet Replacement	2021	TBD	\$15,000
Administrative Total				\$55,000
Department of Public Services (DPS)				
DPS21-01	Backhoe tractor (used)	2021/2022	TBD	\$85,000
DPS21-02	Leaf Vac Conversion Kit	2021/2022	TBD	\$8,000
DPS21-03	Pick Up Truck (plow ready)	2021/2022	TBD	\$45,000
DPS21-04	Parking Lot Replacement Phase I	2021/2022	TBD	\$51,000
DPS21-05	Parking Lot Replacement Phase II	2022/2023	TBD	\$50,000
DPS21-06	Parking Lot Replacement Phase III	2023/2024	TBD	\$50,000
DPS Total				\$289,000
Downtown Development Authority (DDA)				
DDA21-01	Hanging Flower Baskets	2021/2022	DDA Funds	\$9,225
DDA21-02	Alley feasibility study	2021/2022	DDA Funds	\$8,500
DDA Total				\$17,725
Parks and Recreation (P&R)				
PR21-01	Splash Pad Study and Planning	2021/2022	General Fund	\$5,000
PR21-02	Goldengate Park Update Study and Planning	2021/2022	General Fund	\$5,000
PR21-03	Replace Sarackwood Playground Equipment	2022/2023	TBD	\$100,000
PR21-04	Acquisition and Development of SE Quadrant Park	2024/2025	TBD	TBD
P&R Total				\$110,000
Police				
P21-01	Axon Taser	2020/2021	Police	\$17,800
P21-02	Patrol Vehicle	2021/2022	Police	\$45,000
P21-03	Mobile Data Computer Replacement	2022-2025	Police	\$12,000
P21-04	Speed Trailer	2020/2021	Police	\$30,000
P21-05	Mobile Radios	2021/2022	Police	\$40,000
P21-06	New Police Station Study	2021/2022	Police	TBD
Police Total				\$100,350

INTERACTIVE CIP DASHBOARD URL:

<https://oakgov.maps.arcgis.com/apps/opsdashboard/index.html#/45dd43a3429a404b9d8287f40d2e7d57>

Project Inventory - continued

Project Number	Name	Fiscal year start	Funding source	Total
Roads				
R21-01	2021 Paving Program	2021/2022	Paving Bond Issue	\$1,328,000
R21-02	2021 Paving Program	2021/2022	Local/Major Road Fund	\$88,000
R21-03	2022 Paving Program	2022/2023	Paving Bond Issue	\$2,100,000
R21-04	2023 Paving Program	2023/2024	Paving Bond Issue	\$2,100,000
R21-05	2024 Paving Program	2024/2025	Local/Major Road Fund	\$200,000
Roads Total				\$5,616,000
Sanitary Sewer				
S21-01	Retention Tank repairs	2021 / 2022	CIP Bond Issue	\$500,000
S21-02	Sanitary Sewer Repairs	2021 - 2024	CIP Bond Issue	\$480,000
S21-03	2021 EFSDS CAP Projects	2021/2022	Water / Sewer Fund	\$800,862
S21-04	2022 Storm Sewer CCTV	2022/2023	Water / Sewer Fund	\$360,000
Sanitary Sewer Total				\$2,140,862
Storm Sewer				
ST21-01	Culvert Jet Cleaning	2021/2022	CIP Bond Issue	\$30,000
ST21-02	Ditches	2022/2023	CIP Bond Issue	\$300,000
ST21-03	Sidewalks	2022/2024	CIP Bond Issue	\$20,000
Storm Sewer Total				\$350,000
Water				
W21-01	Lead and Copper Exterior Identification	2021 - 2023	CIP Bond Issue	\$1,320,000
W21-02	2021 Water Main Replacement	2021 - 2023	CIP Bond Issue	\$2,185,000
W21-03	Lead Service Line Replacement	2021 - 2024	CIP Bond Issue	\$550,000
W21-04	Fire Hydrants Replace / Refurbish	2021 - 2023	CIP Bond Issue	\$552,000
W21-05	Gate Valve Replacement	2021 - 2023	CIP Bond Issue	\$972,000
W21-06	Water Meter Replacement	2021 / 2022	CIP Bond Issue	\$860,000
Water Total				\$6,714,000

INTERACTIVE CIP DASHBOARD URL:

<https://oakgov.maps.arcgis.com/apps/opsdashboard/index.html#/45dd43a3429a404b9d8287f40d2e7d57>

Administrative

The City Administrator is responsible for the efficient administration of all City Departments, ensuring all laws and ordinances are enforced, development of an annual budget, and maintenance of an accounting system that shall conform with the laws and generally accepted accounting principles. The administrative departments include the office of the City Administrator, Treasurer, City Clerk, and the City's boards and commissions. This category also includes general inter-departmental needs such as copiers, printers and other office equipment.

AD21-01		Police Department Building Analysis
Project Year:	2021-2021	A study is need to determine where a larger police building could possibly be located. A larger facility is needed to accommodate growth - the current station is at capacity.
Estimated Cost:	\$10,000	
Funding Source:	General Fund	
Ranking:	TBD	
AD21-02		City Hall Lobby Renovation
Project Year:	2021-2021	Our City Hall building provides a first-impression for new residents and is a space that many Villagers visit monthly. Currently, the lobby of City Hall gives the impression that it is dark, dirty and dated. Additionally, City Office and Police Department counters are not ADA compliant.
Estimated Cost:	\$30,000	
Funding Source:	General Fund	
Ranking:	TBD	
AD21-03		City Hall Carpet Replacement
Project Year:	2021-2021	
Estimated Cost:	\$15,000	
Funding Source:	General Fund	
Ranking:	TBD	

Department of Public Services

Lathrup Village has maintained a contract with the private company Lathrup Services to manage all of its public service provisions. Services such as water main repair, snow plowing, landscaping and general maintenance and repairs fall into this category.

DPS21-01		Backhoe Tractor
Project Year:	2020-2021	Current tractor is 12 years old and in need of replacement.
Estimated Cost:	\$60,000	
Funding Source:	General Fund	
Ranking:	TBD	
DPS21-02		Leaf Vac Conversion Kit
Project Year:	2021-2022	Newest vac is three years old; next oldest is 12 years old and needs to be moved to backup status to ensure continuation of leaf program. Current tractor is 12 years old and in need of replacement.
Estimated Cost:	\$100,000	
Funding Source:	General Fund	
Ranking:	TBD	
DPS21-03		Pick-Up Truck (Plow Ready)
Project Year:	2021-2022	
Estimated Cost:	\$40,000	
Funding Source:	General Fund	
Ranking:	TBD	
DPS21-04		Parking Lot Replacement (Phase I of III)
Project Year:	2022/2023	Entire DPS parking lot is falling apart and salt/dirt are getting into the storm sewers. It is hard to maneuver and is unsafe.
Estimated Cost:	\$7,500	
Funding Source:	General Fund	
Ranking:	TBD	
DPS21-05		Parking Lot Replacement (Phase II of III)
Project Year:	2022/2023	Entire DPS parking lot is falling apart and salt/dirt are getting into the storm sewers. It is hard to maneuver and is unsafe.
Estimated Cost:	\$15,000	
Funding Source:	General Fund	
Ranking:	TBD	
DPS21-06		Parking Lot Replacement (Phase III of III)
Project Year:	2023/2024	Entire DPS parking lot is falling apart and salt/dirt are getting into the storm sewers. It is hard to maneuver and is unsafe.
Estimated Cost:	\$30,000	
Funding Source:	General Fund	
Ranking:	TBD	

Downtown Development Authority - Equipment

The DDA has proposed improvements to Southfield Road at the gateways to the City as incremental improvements while the Southfield Road improvement project awaits federal funding priority. These projects will bolster economic development efforts to keep Lathrup Village competitive and attractive for business development. Streetlight Improvements include transitioning street lights to LEDs and installment of additional streetlights in the Village Center, which will improve lighting and create a more walkable, safe, downtown.

DDA21-01		Hanging Flower Baskets
Project Year:	2020/2021 - 2025/2026	Purchase of Flower baskets, soil and flowers
Estimated Cost:	\$9,255	
Funding Source:	DDA Funds	
Ranking:	3	
DDA21-02		Light Pole Banners
Project Year:	2021/2022	
Estimated Cost:	\$8,500	
Funding Source:	DDA Funds	
Ranking:	3	



Existing Light pole banner on Southfield Road (Giffels Webster, 2020)

Parks and Recreation

The Recreation Department includes upgrades to City Parks, Community Room, and Fitness Center. The City's parks are in need of restoration and upgrades to maintain safety and accessibility. Several parks are in need of additional wood chips and landscaping around play equipment in order to ensure safety of use. Drainage improvements around recreational amenities are additionally needed to reduce instances of standing water and to protect accessibility.

PR20-01		Splash Pad Study and Planning
Project Year:	2021/2022	Determine if a splash pad would be a good investment for the city, what the best location would be and what it would cost.
Estimated Cost:	\$5,000	
Funding Source:	General Fund	
Ranking:	TBD	
PR20-02		Goldengate Park Update Study and Planning
Project Year:	2021/2022	
Estimated Cost:	\$5,000	
Funding Source:	General Fund	
Ranking:	TBD	
PR20-03		Replace Sarackwood Playground Equipment
Project Year:	2021/2022	Funds will only be utilized if a Recreation Passport Grant is awarded to the City. If awarded, 75% (\$75,000) would be reimbursed. Total cost after installation, final inspection and grant reimbursement would be \$25,000.
Estimated Cost:	\$100,000	
Funding Source:	General Fund and Grant	
Ranking:	TBD	
PR20-04		Acquisition and Development of SE Quadrant Park
Project Year:	TBD	Acquire the land and develop a park in a currently vacant, private-owned property lot in the Southeast quadrant of the city. The lot is a little less than an acre in size. Project cost would depend on the types of features desired in the park.
Estimated Cost:	TBD	
Funding Source:	TBD	
Ranking:	TBD	



Police

The Lathrup Village Police Department offers full policing services to its residents including routine patrol, traffic enforcement, detective services, community relations, and other specialized functions. Lathrup Village holds the distinction of being one of the Oakland County's safest cities.

P21-01		Axon Taser
Project Year:	2020 - 2023	Tasers increase officer safety and reduce liability to department by reducing lethal force. This funding request is for two years at \$4,450 per year.
Estimated Cost:	\$17,800	
Funding Source:	Police	
Ranking:	TBD	
P21-02		Patrol Vehicle
Project Year:	2021/2022	Need to replace older unit in fleet
Estimated Cost:	\$45,000	
Funding Source:	Police	
Ranking:	TBD	
P21-03		Mobile Data Computer Replacement
Project Year:	2022 - 2025	\$3,000 per year for four (years)
Estimated Cost:	\$12,000	
Funding Source:	Police	
Ranking:	TBD	
P21-04		Mobile Radios
Project Year:	2021/2022	Police communication equipment is needed for patrol vehicles and offices prep radios
Estimated Cost:	\$30,000	
Funding Source:	Police	
Ranking:	TBD	
P21-05		Expanded Police Station Study
Project Year:	Ongoing	A study is need to determine where a larger police building could possibly be located. A larger facility is needed to accommodate growth - the current station is at capacity.
Estimated Cost:	TBD	
Funding Source:	Police	
Ranking:	TBD	
P21-06		New Police Station
Project Year:	Ongoing	A study is need to determine where a larger police building could possibly be located. A larger facility is needed to accommodate growth - the current station is at capacity.
Estimated Cost:	TBD	
Funding Source:	Police	
Ranking:	TBD	

Roads

The City of Lathrup Village has 26.2 miles of local roads and 7.36 miles of major streets. In November 2020, Lathrup Village Voters passed a millage for road and ditch repair to address the urgent needs of the transportation system. The millage funds a three-year project beginning in the spring of 2021 that will take three years to complete. The project will be paid for by the issuance of a bond twill be paid back over 10 years with an average millage rate of 3.9176 mills. Due to the significant cost savings, this project includes ditch grading, culvert replacement and culvert cleaning. These additional tasks will ensure that the new roads will achieve their maximum lifespan and improve the flooding after moderate to significant rains.

S21-01		Bond Paving Program
Project Year:	2021-2022	2021/2022: 2022/2023: 2023/2024:
Estimated Cost:	\$5,528,000	
Funding Source:	CIP Bond	
Ranking:	TBD	
S21-02		Local Road Paving Program
Project Year:	2021-2022	Locations TBD
Estimated Cost:	\$88,000	
Funding Source:	Local/Major Road Fund	
Ranking:	TBD	
S21-03		Culvert Jet Cleaning
Project Year:	2021-2022	
Estimated Cost:	\$30,000	
Funding Source:	CIP Bond	
Ranking:	TBD	
S21-04		Ditch Repair Program
Project Year:	2022-2023	
Estimated Cost:	\$300,000	
Funding Source:	CIP Bond	
Ranking:	TBD	
S21-05		Sidewalk repair
Project Year:	2022-2024	
Estimated Cost:	\$20,000	
Funding Source:	CIP Bond	
Ranking:	TBD	

Sewer

SANITARY SEWER

The Lathrup Village sanitary sewer system consists of approximately 145,000 linear feet (lft) of sewers ranging in size from 8 inch to 24 inches in diameter. Of the 145,000 lft of sewer, the older portion of the system is comprised of approximately 118,900 (82%) of vitrified clay pipe, while the newer portion of the system is comprised of approximately 26,100 (18%) lft of concrete pipe. Constructed in the 1920's as a combined sewer system, the city converted it to a dedicated sanitary sewer system in the 1960's (meaning that storm water and sanitary water are not permitted to mix). It is believed that all residents and businesses within the city are connected to the sanitary sewer and there are no active septic systems. Since the City of Lathrup Village reached its full development capacity the sanitary sewer system covers the entire city with no need for expansion.

During the construction of I-696, the system was severed and divided into a northern and a southern system that are metered and discharged into the Evergreen Farmington Sewage Disposal System (EFSDS). The sewer system north of I-696 is routed to a 3-million-gallon retention tank which is located at the west end of Sunnybrook, near Evergreen Road north of I-696. This facility is currently receiving significant maintenance and repair in order to safeguard the operation of the system.

Lathrup Village has invested heavily over the past couple of decades in its sanitary sewer system. As a result, the system is in good condition, but it does require maintenance to keep it from degrading. In the fall of 2020, the City invested in having 30,000 linear feet of sewer pipe inspected via closed circuit television. As a result of this process, the City Engineer recommended budgeting approximately \$120,000 for necessary repairs for each of the next four years.

Sanitary Retention Tank

Lathrup Village has its own sanitary retention tank that is used to store inflow from the sanitary sewer system when the inflow rate is greater than the rate at which we are permitted to outflow to the Evergreen-Farmington Sewer Disposal System (EFSDS). In the past, there have been instances where the retention tank has filled up and the City was forced to allow the tank to overflow. As a result, the City is under a Consent Decree from the Michigan Department of Environment, Great Lakes and Energy (EGLE). In 2019, the city outsourced the operations and maintenance of the retention tank to the Oakland County Water Resource Commission (OCWRC). The County has notified us that the retention tank requires approximately \$500,000 in maintenance and repairs for safety and upgrades in order to obtain compliance with the Consent Decree.

STORM SEWER

Of the four infrastructure categories of public infrastructure (sanitary sewer, storm sewer, roads and water), the city's storm sewer system has received the least amount of resources and attention in the last decade. Upkeep of ditches, culverts, and drains found in the right-of-way is, by City ordinance, the responsibility of the adjoining property owner.

For many blocks, ditches have not been properly maintained and the culverts have become damaged or have been shifted by the freeze/thaw cycle rendering them unable to perform their function. The result is a storm system that functions at a level below full capacity and leaves standing water in ditches for days following rainstorms. Poor maintenance on culverts have left them slow to drain or impassible, preventing storm water from reaching the proper drains which send water to the Rouge River. The current state of the storm and ditch system impacts the subsurface ground water levels and the volume of flow in the city's sanitary sewer system.

S21-01		Retention Tank Repairs
Project Year:	2021-2022	The retention tank requires approximately \$500,000 in maintenance and repairs for safety and upgrades
Estimated Cost:	\$500,000	
Funding Source:	CIP Bond	
Ranking:	TBD	
S21-02		Sanitary Sewers Repairs
Project Year:	2021-2024	Perform repairs found during the 2020 CCTV
Estimated Cost:	\$480,000	
Funding Source:	CIP Bond	
Ranking:	TBD	
S21-03		EFSDS CAP Projects
Project Year:	2022-2023	The EFSDS is now a Chapter 20 Drain, entitled "Evergreen-Farmington Sanitary Drain (EFSD). The City share of the project cost is estimated at \$2,080,800. The annual debt service is \$133,477.
Estimated Cost:	\$2,080,800 (\$133,477 annually)	
Funding Source:	Sewer Fund	
Ranking:	TBD	
S21-04		2022 Storm Sewer CCTV
Project Year:	2022-2023	Perform CCTV inspection on sewer pipes.
Estimated Cost:	\$120,000	
Funding Source:	Sewer Fund	
Ranking:	TBD	

Water

Lathrup Village has approximately 31 miles of water main. Of that mileage, 17 miles of water main were installed prior to 1930 with the remaining 24 miles installed prior to 1972. The expected life of a water main is approximately 50 years. Because most of the system has already significantly outlived its useful life, the City experiences a much larger than expected number of costly water main breaks each year.

The City has been addressing this issue on an ongoing basis. In the fall of 2020, the City completed the Santa Barbara water main project, which installed about a mile of new water main to increase pressure and volume to the west side of the City. However, a large portion of the water system still needs to be replaced. As discussed in a prior recommendation, the opportune time to replace water main is simultaneous to road replacement. This dramatically reduces the cost of water main replacement and also eliminates any need to damage existing roadway in order to replace water main. The residents recently approved a three year road replacement project and it is recommended that the City replace as much water main as possible during this three-year project.

Fire Hydrants

Lathrup Village has approximately 243 fire hydrants and approximately 60% of those were installed prior to 1930. The City estimates that 120 hydrants need to be replaced or refurbished in order to provide optimal functionality should their use be required to extinguish a fire. It is estimated that 60 hydrants will need to be replaced and 60 will be able to be refurbished. The estimated cost per hydrant is \$4,540. This equates to a total project cost of \$545,000. The recommendation is to address 40 hydrants per year for the next three years. Completing this project (along with water main improvements) will help to improve safety and ultimately improve the City's fire rating, which should result in lower insurance rates for businesses and residents.

Water Main Gate Valves

Gate valves are used to provide isolation capability for water mains. When water mains require maintenance or repair, a gate valve can be closed to shut off the water supply to the water main in question. Lathrup Village has over 300 gate valves of which 60% were installed prior to 1930. Due to their age, a large number of these gate valves no longer function. This is huge problem, especially because of the large number of water main breaks the City experiences every year. In many instances, when a water main breaks, the contractor cannot shut off the water upstream because of a non-functioning gate valve. This means the repair must be done under pressure, which results in added expense for the repair, additional time that residents are without water, excessive water loss for which the City is liable, and safety risk for the water department staff. The City Engineer estimates that 162 gate valves require replacement. The cost of each replacement is estimated to be \$5,925, which equates to \$960,000 for the entire project. The 2021 CIP plans to replace 54 gate valves per year for the next three years.

Water

Distribution Service material Inventory (DSMI) and Lead\Galvanized Water Service Abatement

In response to the Flint water crisis, the State of Michigan adopted a variety of new regulations related to lead in the water system. As a result of these regulations, by 2025, the City is required to identify the material of all water service pipes leading into all homes and businesses in the City. Any service line that consists of lead or galvanized steel is required to be replaced with the cost born completely by the City. Starting in 2021, the City must replace a minimum of 5% of its lead/galvanized service lines each year for the next 20 years.

Lead and Copper Exterior Identification

Service line material verification is required at both the water stop box (usually by the sidewalk in front of each home) and where the water service physically enters the home/business. The City has already launched a self-identification campaign for residents to identify the material inside their homes and businesses. Identifying the material at the stop box is a significantly more intensive process. It requires digging five feet down on both sides of the stop box and visually inspecting the pipes leading to and going from the stop box for 18 inches on each side. The estimated cost for each stop box identification is \$650. This estimate includes repairing the sidewalk when it is damaged during the identification process. In addition, most of the stop boxes in the City are over 75 years old and do not function well or at all. Because most of the work to replace the stop box will already be completed in the identification process, it is the opportune time to replace these old and failing devices. The additional cost to replace each stop box is \$75, bringing the total cost to \$725 per water service line. It is estimated that there will be 1,600 services to be verified and are anticipating conducting 500 verifications per year starting in 2021. Based on these numbers, the estimate to complete this project is \$1.16M. The City will also be applying for grant money to help defray some of these costs.

In addition, the City will be required to replace the lead and galvanized lines that are identified via the aforementioned methods. The cost of this abatement is estimated to run about \$4,500 to \$5,000 per line. While there is no way to accurately estimate how many lead and galvanized lines there are in the City, it does initially appear to be relatively low. The CIP is budgeting approximately to \$500,000 be utilized for this abatement.

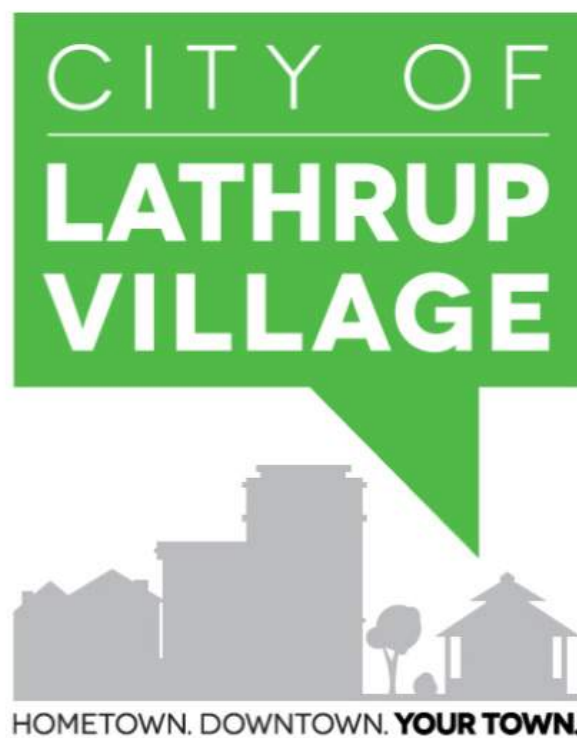
Water Loss and Water Meters

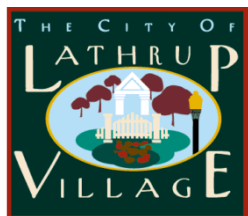
Over the last five to ten years, the City has had larger than expected water losses. Lathrup Village purchases its water from Southeast Oakland County Water Authority (SOCWA), who meters the volume that the entire City uses. The City, in turn, bills residents and businesses based upon their individual metered usage. The discrepancy between these two meter readings has grown to 40%. This means the City is footing the bill for 40% of the City's water usage without reimbursement totaling a loss of over a quarter million dollars each year. While water loss is expected due to a variety of conditions (water main breaks, fire hydrant flushing, etc.), the rate should typically be closer to 20%. SOCWA has verified its meters are working correctly and the City has not found any significant areas of continued water loss outside of normal loss channels.

The primary area of concern lies with the water meters that are used in the City. Like most of the infrastructure, the city's water meters are quite old. It is very common for older meters to lose their accuracy and under-record actual usage. As such, all water meters in the City will be replaced. There are approximately 1,785 meters in use and the estimated cost of replacement and installation is \$860,000.

Water

W20-01		Lead and Copper Exterior Identification
Project Year:	2021-2023	The City is required to identify the material of all water service pipes leading into all homes and businesses in the Cit by 2025.
Estimated Cost:	\$1,320,000	
Funding Source:	CIP Bond	
Ranking:	TBD	
W20-02		Water Main Repair Program
Project Year:	2021-2023	2021: Wiltshire & San Rosa 2022 & 2023: Goldengate, Bloomfield & Glenwood
Estimated Cost:	\$2,160,000	
Funding Source:	CIP Bond	
Ranking:	TBD	
W20-03		Lead and Copper Service Line Replacement
Project Year:	2021-2024	The City will be required to replace the lead and galvanized lines that are identified in the lead and copper exterior identification. The cost of this abatement is estimated to run about \$4,500 to \$5,000 per line.
Estimated Cost:	\$850,000	
Funding Source:	CIP Bond	
Ranking:	TBD	
W20-04		Fire Hydrant Replacement / Refurbish
Project Year:	2021-2023	It is estimated that 60 hydrants need to be replaced and 60 will be able to be refurbished.
Estimated Cost:	\$552,000	
Funding Source:	CIP Bond	
Ranking:	TBD	
W20-05		Gate Valve Replacement
Project Year:	2021-2023	The City's gate valves are very old and do not close correctly. Budget for the replacement of 27 valves per year for 6 years to replace all gate valves installed before 1930 . Useful life is 50 years
Estimated Cost:	\$972,000	
Funding Source:	CIP Bond	
Ranking:	TBD	
W20-06		Water Meter Replacement
Project Year:	2021/2022	Replace 1,600 boxes @ \$725 per box
Estimated Cost:	\$860,000	
Funding Source:	CIP Bond	
Ranking:	TBD	





A HERITAGE OF GOOD LIVING

Dr. Sheryl L. Mitchell Theriot

City Administrator

City of Lathrup Village

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smitchell@lathrupvillage.org

Office: 248.557.2600 x 225 | Cell: 248.520.0620

COUNCIL COMMUNICATION:

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell Theriot, City Administrator

DA: May 3, 2021

RE: Retiree Health Addendum

In a recent the *Macomb County* decision (Kendzierski v Macomb County), the “Supreme Court held that, unless the Collective Bargaining Agreements (CBAs) explicitly promised to provide retirees with healthcare benefits for life, lifetime benefits could not be presumed. The Court next held that, in the absence of explicit contractual language promising retirees with lifetime healthcare benefits, the general durational clause controlled. In other words, the Court held, unless a contract provision promised to provide retirees with benefits for life, retirees were only guaranteed healthcare benefits until the CBAs they retired under expired” (Keller Thoma).

Neither the City’s **current** Collective Bargaining Agreements (CBA) language for police command/officers, Chief of Police contract, nor the Personnel Manual includes language that promises “lifetime” benefits. The City’s Labor Attorney Steven Schwartz may be in attendance at the study session.

Four (4) current employees who are covered under health insurance plans that were in place prior to the current Health Savings Account plans have submitted a request for a written agreement that includes language specifying that as a retiree, they (and a qualifying spouse) are entitled to “lifetime healthcare benefits.” The employees were hired between 1996 and 2006.

The City’s **current** language does not promise “lifetime” benefits in the policies or agreements that are in place. Current language is provided below:

Personnel Manual – Amended April 2019

14.02 Hospitalization Insurance - Regular Full-time Employees Only

For full time employees (hired before December 31, 2007) the City shall continue hospitalization coverage after retirement for the retiree and spouse.

Chief McKee Contract Language:

Retiree Health Insurance: The City shall pay the insurance premiums for Mr. McKee and his spouse, upon retirement from the City. The City shall continue hospitalization coverage, after retirement for Mr. McKee and his spouse at the level provided to the City’s Command Officers at the time of his retirement. The City shall pay the insurance premiums for the surviving spouse of Mr. McKee if he dies as a result of a duty-related incident regardless of the number

of years of credited pension service. If the surviving spouse remarries, the City has no obligation to provide insurance, and the coverage mentioned above will cease.

Command Officers Contract 2021 - 2024

Section 6. Retiree health insurance/employees hired prior to August 1, 2005. Subject to Section 7, for full-time employees hired by the City before August 1, 2005, the City shall continue hospitalization coverage, currently Blue Cross CB PPO Platinum 250, after retirement for command officers and their spouse. Non-duplication of benefits clause is in Article 35. Employees hired prior to August 1, 2005, and their spouses at the time of retirement, who are eligible for health care as described in this Section and are deemed Medicare Eligible due to either age or family status will be considered "Medicare Primary", will be required to enroll in Medicare Part B insurance when initially eligible, and will receive a Medicare Supplemental Medical Policy and Medicare Advantage Prescription Drug Plan (MA-PDP) administered by Blue Cross Blue Shield. For employees hired prior to July 1, 2008, the same conditions shall apply to their spouse.

Police Officers Contract 2021 – 2024

Section 6. Retiree health insurance/employees hired prior to July 1, 2008. The City shall continue hospitalization coverage after retirement for all full-time Patrol Officers hired before August 1, 2005 and their spouses. Employees who are hired after August 1, 2005 and before July 1, 2008 shall receive health insurance, currently CB PPO Platinum 250 provided by Blue Cross Blue Shield, as a retiree for themselves only and may pay for spousal coverage. A non-duplication of benefits clause is in Article 36. Employees hired prior to July 1, 2008, who are eligible for retiree health care as described in this Section and are deemed Medicare Eligible due to either age or family status, will be considered "Medicare Primary", will be required to enroll in Medicare Part B insurance when initially eligible, and will receive a "Medicare Supplemental Medical Policy and Medicare Advantage Prescription Drug Plan (MA-PDP)" administered by Blue Cross Blue Shield. For employees hired prior to July 2008, the same conditions shall apply to their spouse.

April 26, 2021

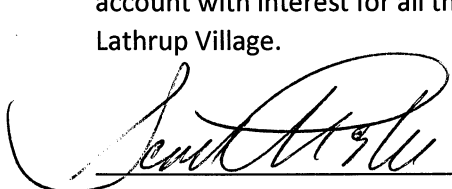
Retiree Health Care Addendum between the City of Lathrup Village and Chief Scott McKee, Assistant City Administrator/Treasurer Pamela Bratschi, Officer Rakaman Upshaw and Officer Charles Becker.

Employees are seeking to clarify the contract language and Personnel Manual regarding retiree health care benefits. The Collective Bargaining agreement has specific language that health care benefits will be paid by the city upon the employees' retirement for he and his spouse. The personnel manual has language that health care benefits for full time employees (hired before December 31, 2007) will have paid health care coverage after retirement for the retiree and spouse. These benefits will continue until Medicare age and/or death. The coverage will continue for the surviving unmarried spouse until his/her death. This language implies the health care benefits are "lifetime benefits" but it does not specifically state these exact words in the contract or personnel manual.

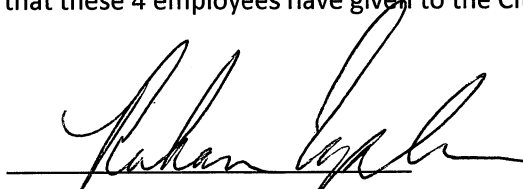
The spirit of the language in the Collective Bargaining agreement, personnel manual and the actions of the City would solidify that these benefits are "lifetime benefits." All previous civilian, DPW and Law Enforcement officers who have met the retirement age and years of service have been afforded these retirement health care benefits without exception.

A recent court case, *Kendzierski v Macomb County* (May 30, 2019) challenges the promised health care benefits that all the retired Lathrup Village employees have realized as a result of each collective bargaining agreement. The four remaining employees are proposing to add the appropriate language which would protect their retiree health care benefits that were bargained for or promised in good faith throughout their 20+ years of service with the city. The failure to insert the term "lifetime" could not have been realized when the City's labor attorney drafted the CBA language or when the Personnel Manual was created and all we want to do is protect these benefits against any potential future legal challenges.

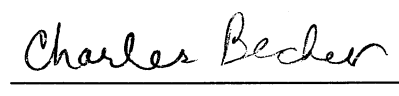
All new employees are awarded an HSA plans for retirement and can take this with them if they leave employment before retirement with the city. At this time, the City would not be able to fund an HSA account with interest for all the years of service that these 4 employees have given to the City of Lathrup Village.

 4/27/21

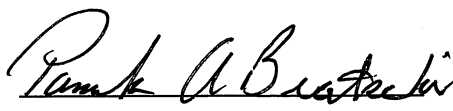
Chief Scott McKee

 4/27/21

Officer Rakaman Upshaw

 4/27/21

Officer Charles Becker

 4/27/2021

Assistant City Administrator/ Treasurer Pamela Bratschi



A HERITAGE OF GOOD LIVING

Dr. Sheryl L. Mitchell Theriot**City Administrator**

City of Lathrup Village

27400 Southfield Road | Lathrup Village, MI 48076

smitchell@lathrupvillage.org

Office: 248.557.2600 x 225 | Cell: 248.520.0620

COUNCIL COMMUNICATION:**TO:** Mayor Garrett and City Council Members**FR:** Sheryl Mitchell Theriot, City Administrator**DA:****RE:** American Rescue Plan (ARP)

The Federal Government is releasing \$350 billion to states and local governments. The City of Lathrup Village is expecting to receive \$403,939. It is our understanding that the funds will first go to the State of Michigan, which will then issue 2 separate installments – May/June 2021 and May/June 2022. The funds must be used by December 31, 2024.

The guidelines have not yet been issued, but are expected shortly. The funds can not be deposited into any pension fund. In general, allowable uses include:

- Responding to or mitigate the public health emergency with respect to the COVID-19 emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries, such as tourism, travel, and hospitality;
- Providing government services to the extent of the reduction in revenue (to supplement budget shortfalls due to revenue loss);
- Make necessary investments in water, sewer, or broadband infrastructure; and
- Responding to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, that are performing such essential work, that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work.

Local governments may transfer funds to a private nonprofit organization, a public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of state or local government.

The Lathrup Village DDA is intending to submit a request for up to \$50,000 for the Lovin' Lathrup Village Business Relief Mini-Grant Program to provide COVID-19 to Lathrup Village Small Businesses *specifically prioritizing* home-based businesses. Prior rounds of the Lovin' Lathrup Village Business Relief Mini-Grant Program required business to be located within the Downtown District.



DDA Memorandum

TO: Sheryl Mitchell, City Administrator
CC: Susie Stec, DDA and CED Director
FROM: Cori Dahl, DDA and Special Projects Manager
DATE: April 28, 2021
RE: American Rescue Plan Municipality Funds

The American Rescue Plan is providing \$350 billion to states, counties, and local governments. The National League of Cities estimates that Lathrup Village will receive \$403,939.01 through this plan. The funds will be allocated by the state in two installments: May/June 2021 and May/June 2022 and must be used by December 31st, 2024. These funds can be used in the following ways but not limited to:

- To supplement budget shortfalls due to revenue loss
- Towards infrastructure projects (water, sewer, and broadband)
- **COVID-19 Relief for households, small business, and nonprofits, etc.**

Additionally, these funds are eligible to be transferred to organizations including Lathrup Village Downtown Development Authority/Mainstreet. The LVDDA is not seeking funds for revenue loss. Instead, we are proposing City Council allocate up to \$50,000 towards the Lovin' Lathrup Village Business Relief Mini-Grant Program to provide COVID-19 relief to Lathrup Village Small Businesses *specifically prioritizing* home-based businesses. Prior rounds of the Lovin' Lathrup Village Business Relief Mini-Grant Program required business to be located within the Downtown District, rendering home-based businesses ineligible. The DDA will spearhead this funding initiative on behalf of the City to provide relief to all Lathrup Village business including those located in the Downtown District and home-based businesses.

The LVDDA has prioritized aiding businesses over the past year including providing \$34,000 in relief to 17 business in two previous rounds of the Lovin' Lathrup Village Business Relief Mini-Grant Program and \$30,000 to three Lathrup Village restaurants through the Lovin' Lathrup Village/Oakland Together Restaurant Relief Program. Additional support to businesses through the distribution of over 200 Oakland County ReOpen Kits and business promotion videos through the initiatives of Live in LV interviews, Spring into Self-Care business highlights, and Financial Planning February reaching an audience of over 13,000 views on social media. The \$50,000 of ARP Funds will greatly impact the economic prosperity and resiliency of Lathrup Village businesses through the continued impact of the COVID-19 pandemic.



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City Administrator

City of Lathrup Village

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smitchell@lathrupvillage.org

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COUNCIL COMMUNICATION:

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell Theriot, City Administrator

DA:

RE: Request for Opinion – Placing Special Assessments on Winter Tax Bill

The question was as to what would be required in order to place special assessments or millages on the Winter Taxes.

Attorney Scott indicated that it would require a charter amendment to change/amend the date that the City taxes are collected. Two areas that would also need to be addressed:

- The timeframe for turning over delinquent taxes to the County for collection
 - o Section 9.18 – all city taxes remaining uncollected by the Treasurer on the 1st day of March, following the date when said roll was received shall be returned to the county and become a lien upon the property.
- Special Assessment – the final roll and public hearing would need to be done by mid-October

Suggested Motion:

Adopt the Attached Resolution



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COUNCIL COMMUNICATION:

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell Theriot, City Administrator

DA: May 5, 2021

RE: Study Session Recordings

A request was made to discuss if the Study Sessions should be video recorded.



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COUNCIL COMMUNICATION:

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell Theriot, City Administrator

DA: May 5, 2021

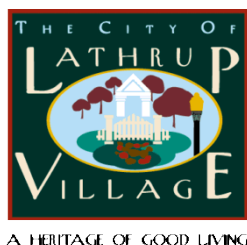
RE: Encroachment License Application – 27680 Lathrup Blvd

Mr. Douglass Grech has submitted a Revocable Permanent Encroachment License Application for the abandoned portion of San Quentin Street, which serves as part of his driveway.

This has been the topic of discussion for at least a few years. Mr. Grech has placed a number of personal items in this space. The most recent communication was sent to him on March 6, 2021, in response to his interest in seeking the Encroachment License. The \$1,000 application fee has been submitted.

If there are not any outstanding issues, the application can be place on the May 17th Council agenda.





CITY OF LATHRUP VILLAGE

27400 Southfield Road
Lathrup Village, Michigan 48076
248.557.2600
www.lathrupvillage.org

March 6, 2021

Mr. Douglass Grech
27680 Lathrup Blvd.
Detroit, MI 48-76

Dear Mr. Grech,

This letter is in response to your most recent correspondence dated January 21, 2021. You have expressed interest in acquiring the section of San Quenton Street adjacent to your property.

The city attorney has indicated that an option available to you would be to apply for an Encroachment License. The checklist and application form are enclosed. Complete the attached form in its entirety and submit along with the \$1,000 non-refundable application fee. This process does not include the cost of recording the license with the Oakland County Register of Deeds or any City Consultant fees associated with preparation and or review of the license.

The other option would be to seek City Council approval of the vacation of the street. Please note that there may be costs associated with the process of vacating the street, in addition to the \$300.00 fee for the land division review. As the requesting party it will be your obligation to have a professional survey completed, including preparation of the legal description for the portion to be vacated. If Council approves the vacation, it will be necessary for you to divide the property and "deed" the split portion of the property to the other adjacent property owner. Please note, that the approval by City Council is not automatic, and there must be a compelling reason. Once the formal vacation of the street is approved, the City forwards this to the Oakland County Assessor, who will attach the areas equally to the properties on either side by correcting the tax parcel descriptions and map. You will then need to come into the city and apply for a formal split/combination. Once that is approved through the city it is then sent the Oakland County Assessor. Both parcels will be deleted then provided with new parcel numbers and descriptions as approved.

Please let me know how you intend to proceed. As you are aware, this has been an issue for at least 2 years. It is imperative that you move forward with one of the available options no later than May 1, 2021, or the City will have no alternative but to move forward with enforcement against the unauthorized encroachment.

Should you have any questions, please feel free to contact me at 248.557.2600, ext. 225 or smitchell@lathrupvillage.org.

Thank you

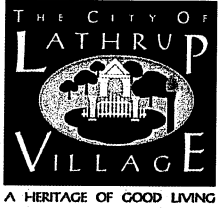
Sheryl L. Mitchell Theriot
City Administrator

cc: City Attorney
City Code Enforcement

Owner's Name (Please Print)

Owner's Signature

Date



**CITY OF LATHRUP VILLAGE
REVOCABLE PERMANENT ENCROACHMENT
LICENSE APPLICATION**

For Office Use Only

Date Received: 4.21.2021

License Number: _____

INSTRUCTIONS: COMPLETE THE FOLLOWING SECTIONS AS IT APPLIES TO YOUR REQUEST**THIS LICENSE IS FOR: (CHECK ONE ONLY)**☐ PERPETUATUAL UNTIL REVOKED BY THE CITY.☒ PRE-EXISTING CONDITION AND PERPETUATUAL UNTIL REVOKED BY THE CITY.Validation Period: Requested Start Date: ASAP

This application for license is made by:

DOUGLAS GRECH

(Print Owner's Full Name)

, at 27680 LATHRUP BLVD

(Print Owner's Legal Mailing Address)

daytime phone number: 248 905 3353, hereinafter referred to as "Licensee",

Licensee is the owner of the following described properties located in the City of Lathrup Village, Oakland County

Street Address: 27680 LATHRUP BLVD, LATHRUP VILLAGE, MI 48076Legal Address: 27680 LATHRUP BLVD, LATHRUP VILLAGE, MI 48076Licensee is the owner of said properties abut the following **described public right(s)-of-way (name of streets/alleys impacted):**SAN QUENTONLicensee desires to encroach upon said right-of-way for the following purposes and as shown and described in **Exhibit "A"**, attached to this License. **Describe Exhibit "A":**ABANDONED CITY STREETS; PART of DRIVEWAY

An encroachment effectively provides public property for private use. Therefore, as a general policy, it is not in the City's interest to grant encroachments. New structures should be able to accomplish their various needs within the confines of their property boundaries and required setbacks. Granting of encroachment will generally occur under one of the following conditions:

- a) To acknowledge an existing, historical unlicensed encroachment and to outline the owner's liability and responsibility for maintenance and future removal of the encroaching structure, or
- b) To license an encroachment that is a public amenity. Examples may include awnings on commercial structures, non-restrictive safe objects, planters in the right-of-way (but not within pedestrian walkways), irrigation systems approved by Engineering and Parks Departments to maintain landscaping within public right-of-way.

All decisions of the City Council on Encroachment License Applications will be final.

Licensee covenants and agrees as follows:

There is a non-refundable application fee of **\$1,000.00 for residents \$1,500.00 for non-residents**, this fee does not include the cost of recording the license with the Oakland County Register of Deeds or any City Consultant fees associated with preparation and or review of the license.

This license is granted for a specific use and within a specified term as checked above, subject to being terminated at any time and for any reason at the sole discretion of the City of Lathrup Village.

This license shall be subordinate to the right of the City of Lathrup Village to use said area for any public purposes.

The Licensee shall obtain right-of-way and Building Permits as required by the City for any work to be performed in the public right-of-way with design approvals for such work obtained from the Building Official. Licensee agrees to join any improvement district formed for the purpose of constructing improvements within public right-of-way. Licensee is responsible for the maintenance and repair of the public right-of-way, together with improvements constructed therein, which the City of Lathrup Village, in the exercise of its discretion, shall determine to be necessary to keep the same in a safe and clean condition. In the event that Licensee defaults in any of its duties as set forth herein, the City of Lathrup Village shall have the right, upon written notification to the Licensee, to perform duties to the City of Lathrup Village's standards and to recover all costs for performing duties from the Licensee. Further, Licensee waives any claim for damages sustained by Licensee and Licensee shall hold the City of Lathrup Village harmless for any claims, causes of action or damages asserted against the City of Lathrup Village for the work performed by the City of Lathrup Village pursuant to this paragraph.

Unless the property that is the subject of this license agreement is covered by a homeowner's insurance policy, Licensee shall at all times during the term hereof, carry public liability insurance for the benefit of the City with limits of not less than \$500,000 as may be amended from time to time, naming the City as **"Additional Insured"**.

Licensee shall maintain said public liability insurance coverage in full force and effect during the term of this License and shall furnish the City with a most current certificate of such coverage evidencing its validity. All insurance policies maintained pursuant to this agreement shall contain the following endorsement: **"It is hereby understood and agreed that this insurance policy may not be canceled by the surety until**

forty-five (45) days after receipt by the City of a written notice of such intention to cancel or renew." The Licensee shall show proof of this insurance to the City before this agreement is filed.

Licensee agrees to indemnify and hold harmless the City of Lathrup Village, its officers, employees, insurers, and self-insurance, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, death, property loss or damages, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with this license, including but not limited to, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or part by the act, omission, error, professional error, mistake, negligence, or other fault of licensee or the City. Licensee agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claim or demands at the sole expense of the licensee or, at the option of the City of Lathrup Village, licensee agrees to pay the City of Lathrup Village or reimburse the City of Lathrup Village for the defense costs incurred by the City of Lathrup Village in connection with, any such liability, claims, or demands. The licensee also agrees to bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not any such liability, claims, or demands alleged are groundless, false or fraudulent.

This license may be terminated by Licensee at any time and for any reason following delivery of a written notice of Licensee's intent to cancel. The City of Lathrup Village may terminate this license at any time and for any reason. Upon termination, Licensee shall at Licensee's expense, remove any improvements or encroachments from said property. The property shall be restored to a condition satisfactory to the City of Lathrup Village.

This license is subject to all state laws, the provisions of the Charter of the City of Lathrup Village as it now exists or may hereafter be amended, and the ordinances of the City of Lathrup Village now in effect or those which may hereafter is adopted.

Nothing herein shall be construed so as to prevent the City of Lathrup Village from granting such additional licenses or property interests in or affecting said public property as it deems necessary.

The conditions hereof imposed on the granted license of encroachment shall constitute covenants running with the life of improvements encroaching in public right of way, and binding upon Licensee. The encroachment shall terminate when the improvement has failed or out of compliance with required standards of performance or if it is revoked by the City, whichever comes sooner.

In any legal action to enforce the provisions of this Agreement, the prevailing party shall be entitled to its reasonable attorney's fees.

If the structure for which this license was issued is removed for any reason, Licensee shall not continue to rebuild in the public right-of-way. The public right-of-way is for the general public benefit, and it is not for occupation or construction of encroachments.

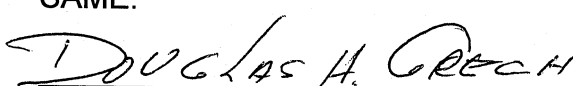
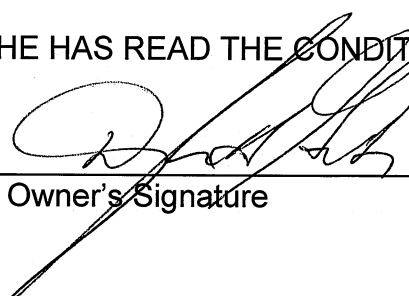
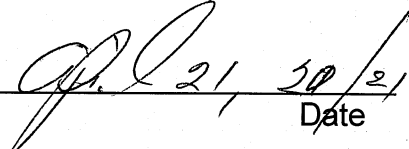
The licensee waives any and all claims against the City of Lathrup Village for loss or damage to the improvements constructed within the encroachment area.

The Licensee clearly understands the following actions of Licensee or his/her agents and employees shall automatically terminate and cancel this agreement:

- 1) Discontinuation of insurance coverage
- 2) Change of ownership or alteration of use from the original specific use in encroached area
- 3) Restriction of the City of Lathrup Village or its agents and contractors from access to its public land under the encroached area not occupied by a previously constructed building

Under these circumstances, the Licensee shall restore the right-of-way under the encroachment to its original or better conditions immediately and in accordance with the latest City standards for improvements of Public right of way.

THE OWNER ACKNOWLEDGES HE/SHE HAS READ THE CONDITIONS AND AGREES TO ABIDE BY SAME.

Owner's Name (Please Print) Owner's Signature Date



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City Administrator

City of Lathrup Village

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COUNCIL COMMUNICATION:

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell Theriot, City Administrator

DA: May 5, 2021

RE: Marijuana/Cannabis Update

The Planning Commission discussed the draft Zoning Ordinance and General Code Ordinance language at their meeting on April 20th. Video Link: <https://youtu.be/Ma3XVXWuX84>

The current sunset expires in August, 2021.

A Public Hearing before the Planning Commission is being planned for **June 15, 2021** for the Zoning Amendments. It was suggested that the draft go to City Council to review before the Public Hearing.

The schedule will need to include 2 readings of the General Code Ordinance at City Council.

- June 21st (1st reading)
- July 26th (2nd reading)

NOTE: The copies in the study packet do not reflect the changes requested by the Planning Commission at the April 20th meeting.

memorandum

DATE: April 15, 2021

TO: City of Lathrup Village Planning Commission

FROM: Jill Bahm, Giffels Webster

SUBJECT: Zoning Discussion - Cannabis

Recent Action

- **April 20, 2021.** The Planning Commission will discuss the final draft zoning ordinance, with minor changes that cross-reference to the draft licensing ordinance. Once satisfied with this language, the Planning Commission may wish to set a public hearing.
- **February 8, 2021.** The Planning Commission held a public hearing on a separate ordinance related to primary caregiver facilities as permitted by the Michigan Marihuana Facilities Licensing Act (MMFLA). This ordinance provides for such uses in a specific district in the City and prohibits them from residential districts.
- **January 19, 2021 Planning Commission Meeting.** The Planning Commission discussed the draft ordinance and changes to mitigate odors and impacts on adjacent uses.
- **October 20, 2020 Planning Commission Meeting.** The Planning Commission discussed a general concept and the background considerations for cannabis regulation in the City.

The remainder of the memo that follows includes that background as well as a summary of the proposed draft ordinance language and discussion questions.

Introduction

What prompted this discussion?

- On November 6, 2018, Michigan voters approved Proposal 18-1, which legalized recreational marijuana and created the Michigan Regulation and Taxation of Marihuana Act (MRTMA). The law required all Michigan communities to decide if it would allow or prohibit state-licensed recreational marijuana establishments.
- The city of Lathrup Village held an informational town hall meeting in January 2019 and the city, along with many other communities across the state, opted out of the MRTMA. City Council included a “sunset” on the opt-out, to encourage discussion on the issue.
- A subcommittee has been researching how other communities regulate cannabis facilities and, in August 2020, recommended that the city allow a limited number of facilities.
- City Council extended the sunset on the opt-out through August 2021, allowing for time to create ordinances that are appropriate to the city of Lathrup Village. This will include general code and zoning amendments.

What types of facilities are permitted by the MRTMA?

The MRTMA and its associated administrative rules define the following uses:

- **“Designated consumption establishment”** means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license issued under the Michigan regulation and taxation of marihuana act.
- **“Grower”** means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.
- **“Microbusiness”** means a person or entity licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a Marihuana Safety Compliance Facility, but not to other marihuana establishments.
- **“Processor”** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.
- **“Provisioning center”** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a registered primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act.
- **“Safety compliance facility”** means a licensee that is a commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
- **“Secure transporter”** means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
- **“Temporary marihuana event license”** means a state license held by a marihuana event organizer under the Michigan regulation and taxation of marihuana act, for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license.

What is the difference between cannabis, marihuana and marijuana?

According to the Michigan Marihuana Regulatory Agency (MRA), Michigan’s spelling with an “h” was chosen for the Marihuana Tax Act of 1937. As governing state laws spell marihuana with an “h,” MRA legal communication and references to statutes in relation to the Michigan Medical Marihuana Act or the Michigan Medical Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act – and the corresponding administrative rules will use an “h” in the spelling of Marihuana. In non-formal communication, “j” will generally be used.

Regardless of the spelling, there are some people who consider the word marijuana to be pejorative and racist, due to the classification given by drug enforcement agencies during and after prohibition and

again in the 1960's. We recommend using the term cannabis to refer to the industry from a more objective perspective that removes any historical stigma and negative connotations coming from the use of the word marijuana.

Current Language

What does the Zoning Ordinance say?

- Since cannabis facilities are not currently permitted in the city, the zoning ordinance does not address them. If the city did permit them without specific zoning standards, the Planning Commission would determine which permitted uses are the most similar and those standards would apply.
- For example, a provisioning center is essentially a retail use and would be permitted wherever retail uses are permitted and any standards, such as parking, etc. that apply to retail establishments would apply to provisioning centers. Other establishments, such as a transporter, may be more industrial in nature and be permitted as such.

Potential impacts and considerations

The MRTMA allows communities to select which types of facilities and how many it wishes to permit. The recent petitions submitted vary from two provisioning centers to as many as seven provisioning centers and each of the other facilities. Zoning standards may be developed to protect the public health, safety, and welfare. The city may wish to consider potential impacts of cannabis facilities to determine if any specific standards should apply to mitigate those impacts. Some of those issues may include:

- Safety. Are there safety concerns for employees of the facilities, patrons of the facilities or the public in surrounding areas? What about the appearance of security measures like shutters, bars and the like?
- Parking and traffic. Are there any unusual parking or traffic considerations associated with these uses?
- Energy and water consumption. In particular, grow and processing facilities can be high-demand uses for energy and water. Are there any areas of the city in which this could be problematic? Could this be mitigated by including renewable energy and water re-use in the scoring criteria and rewarding businesses that address these issues effectively with additional points?
- Nuisances. What nuisances are typically associated with these facilities? These concerns generally include odor, but are there other concerns?

These concerns may be addressed through some of the following approaches:

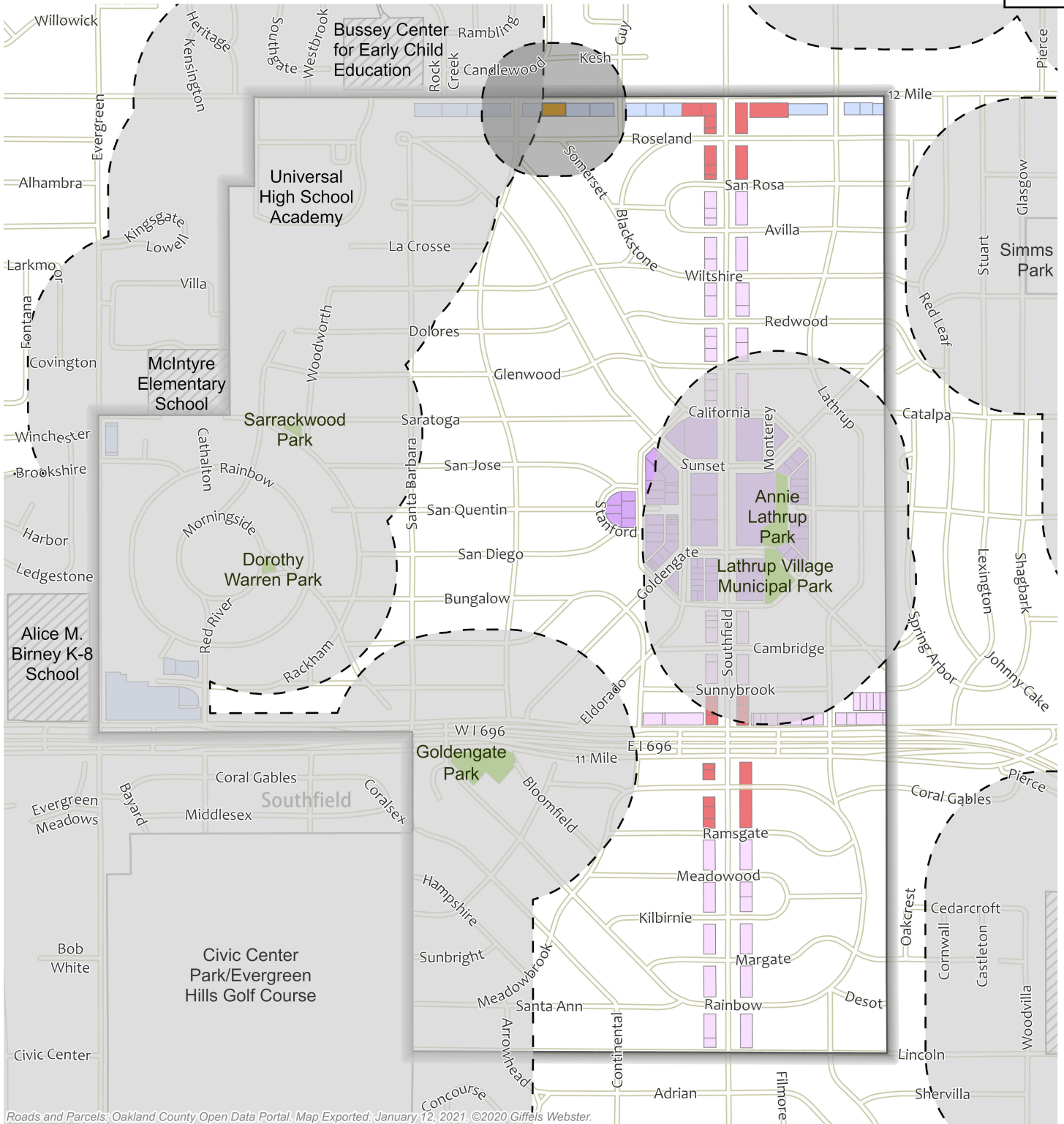
- Location. Where in the community should such uses be permitted?
 - Facilities are generally grouped as follows:
 - Grow, processing, testing and transport facilities, in urban areas, are mainly indoor uses, and are generally industrial in nature.
 - Microbusinesses have a grow component but also may sell to the public, similar to a micro-brewpub.
 - Provisioning centers are retailers and designated consumption establishments are similar to bars. Many communities recognize that these centers may be perceived as

safer when located in a standard retail-type setting, rather than in an industrial setting.

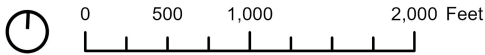
- Issues to be explored:
 - Are there any compatibility issues with existing uses?
 - State law requires uses to be located at least 1,000 ft from schools, which precludes several areas of the city, including most of downtown – but should these uses be permitted downtown? Should there be setbacks from residentially zoned areas? Is a setback from residential zoning practical given that nearly all non-residential properties in the city abut residential zoning?
 - Is there a concern about concentration of such uses or should they all be located together?
 - Are there any accessory uses that should be considered, like drive-through facilities, or the sales of other products, including alcohol?
- Trash. How is waste handled? Where is it stored?
- Hazardous materials. Specific standards related to the storage of hazardous materials should apply.
- Hours of operation. Should any of these uses be limited in their hours of operation?
- Parking. How is visitor parking accommodated? What should the standards be? How are deliveries accommodated?
- Outdoor activities. Should any outdoor sales, storage or seating be permitted?
- Signage. Signs will be regulated through the city's sign ordinance; any cannabis-related facilities should be treated the same way in terms of time, place and manner. While the MRTMA does allow some content-based regulation, it is unclear if this is consistent with general sign-based case law.
- Lighting. How is the site lit to ensure safety while limiting an overly bright site, glare and excessive energy usage?
- Building design. Are there standards for building design and/or form that should be included? Should facilities have any energy-related standards?
- Fencing/screening and landscaping. Are there any additional site improvements needed to screen or buffer any of these facilities from surrounding uses?
- Permitted uses. With use and site standards in place, should these uses be permitted by-right or as special land uses (which require public hearings)?

Recommendation

- See draft ordinance attached.



Roads and Parcels: Oakland County Open Data Portal. Map Exported: January 12, 2021. ©2020 Giffels Webster.



- | | |
|------------------------|------------------------------|
| Office | Schools |
| Commercial - Vehicular | Lathrup Village Park |
| Mixed Use | Shelters |
| Village Center | 1000' School and Park Buffer |
| Southfield Park | 500' Shelter Buffer |

ORDINANCE NO. ____

CITY OF LATHRUP VILLAGE

OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF LATHRUP VILLAGE ZONING ORDINANCE

ARTICLE 2, TO ADD DEFINITIONS FOR CANNABIS FACILITIES, ARTICLE 3, TO ADD SPECIFIC CANNABIS FACILITIES TO THE MIXED USE AND COMMERCIAL VEHICULAR DISTRICTS AS SPECIAL LAND USES, AND TO ARTICLE 4, TO ADD SPECIFIC STANDARDS FOR PERMITTED CANNABIS FACILITIES.

THE CITY COUNCIL OF THE CITY OF LATHRUP VILLAGE ORDAINS:

PART I. DEFINITIONS.

Amend Section 2.2 – Definitions, to add the following definitions:

Cannabis facilities. Cannabis facilities mean “marihuana facilities” as defined by the State of Michigan. **Additional terms are defined in Section 18-282 of the City of Lathrup Village municipal code.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air contaminants. Stationary local sources producing air-borne particulates, heat, odors, fumes, spray, vapors, smoke or gases in such quantities as to be irritating or injurious to health.

Cannabis facility. A location at which a license holder is licensed to operate under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA) and the Michigan Regulation and Taxation of Recreational Marihuana Act (MRTMA)

Cannabis retailer. A person licensed to obtain cannabis from cannabis establishments and to sell or otherwise transfer cannabis to cannabis establishments and to individuals who are 21 years of age or older.

Person. An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

Safety compliance facility. A facility authorized to receive cannabis from, test cannabis for, and return cannabis to a licensed cannabis facility.

Separation Distance Measurements. The distance computed by measuring a straight line from the nearest property line of the parcel used for the purposes stated in this ordinance to the nearest property line of the parcel used as a cannabis facility.

PART 2. AMEND ARTICLE 3 TO ADD CANNABIS FACILITIES AS FOLLOWS:

Section 3.1.7.C. Commercial Vehicular District. Special land uses

xi. Cannabis Facilities: Cannabis retailer and safety compliance facility

Section 3.1.9.C. Mixed Use District. Special land uses

x. Cannabis Facilities: Cannabis retailer and safety compliance facility

PART 3. AMEND ARTICLE 4 TO ADD A NEW SECTION 4.17 AS FOLLOWS:

Section 4.17 Cannabis Facilities

1. **Purpose.** It is recognized by this Chapter that certain unique uses cannot easily be evaluated in the same manner as other uses because of their potential to adversely affect public health, safety and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner contrary to the purpose and intent of this Chapter. However, when properly regulated, these uses can make a positive contribution to the economic vitality of the city. Therefore, it is the purpose of this Article to impose reasonable regulations upon certain uses to provide an adequate approval process while moderating their potential adverse effects on surrounding and neighboring properties.
2. **Applicability.** Any land use that requires a license from the Department of Licensing and Regulatory Affairs (LARA) in the administration of Michigan Medical Marihuana Facilities Licensing Act (MMFLA), Michigan Regulation and Taxation of Marihuana Act (MRTMA) or other state law providing for the sale, transport, testing, growing, distribution, and processing of cannabis or any other activity involving a cannabis-related use shall require review and approval pursuant to Article 6. Any facility not specifically authorized in this Ordinance is prohibited. Provisions of this section do not apply to the medical use of cannabis in compliance with the Michigan Medical Marihuana Act (MMMA).
3. **Approval Procedures for Cannabis Facilities.**
 - A. **Zoning approval.** Zoning approval shall be required prior to issuance of any license. Zoning approval does not guarantee a license for any proposed facility.
 - B. **License Required.** Licensing for cannabis facilities is required per Chapter 18 of the City of Lathrup Village Municipal Code.
4. **Zoning review application requirements.** Zoning applications for cannabis facilities shall be submitted as required in Section 6.2. In addition, the following information is also required:
 - A. As provided in Section 6.1, a site plan shall be required, showing the proposed building(s) to be used, remodeled or reconstructed, along with the parking, landscaping and lighting plans. Existing and proposed building elevations shall be provided, including building materials, window glazing calculations, descriptions of glass to be used, and other pertinent information that describes building construction or structural alterations.
 - B. A plan for general waste disposal, chemical disposal and plant waste disposal.
 - C. A notarized statement by the property owner that acknowledges use of the property for a cannabis facility and agreement to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a cannabis facility. Written consent shall also include approval of the owner and operator for the City to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations.
 - D. A copy of official paperwork issued by LARA as follows: paperwork indicating that the applicant has successfully completed the prequalification step of the application for the state operating license associated with the proposed land use, or proof that the applicant has filed such application for the prequalification step with LARA, including all necessary application fees.

- E. A map, drawn to scale, containing all schools, publicly owned parks or playgrounds, temporary emergency shelters, Substance Use Disorder Programs, Residential Districts, and any marihuana facilities within one-thousand (1,000) feet of the proposed location. Distances shall be measured in accordance with the Separation Distance Measurements, as defined in Section 2.2.
 - F. Operations and Management Plan. An operations and management plan shall be submitted. The plan should describe security measures in the facility **as required by Section 18-285 (18)**; this may include the movement of the product, methods of storage, cash handling, etc.
 - G. All permitted facilities shall be bonded to guarantee that all accounting and taxes are paid in full according to the law and that the operation or facility performs in accordance with all government standards
5. **Separation Distances.** It has been observed that without separation distances between cannabis facilities and certain other land uses, cannabis facilities can tend to concentrate in clusters. It is further recognized that these uses which, because of their very nature, have serious objectionable operational characteristics, particularly when concentrated under certain circumstances. In addition, special regulations of cannabis facilities have been deemed necessary to limit the intensity and density of this use, and to recognize that separation distances are necessary from certain uses as described in this Section. No cannabis facilities are permitted within one thousand (1,000) feet of the following uses:
- A. K through 12 public or private school building or licensed child care center
 - B. A government or nonprofit facility that offers regular, on-site programs and services primarily to persons 18 years of age and under and is used for said programs and services for a minimum of three (3) days a week year-round. Programs and services may include, but are not limited to, social, training, cultural, artistic, athletic, recreational or advisory services and activities and includes private youth membership organizations or clubs and social service teenage club facilities.
 - C. A publicly owned park or playground
 - D. A facility is licensed by the State of Michigan as a Substance Use Disorder Program
 - E. A facility that serves as a temporary emergency shelter
 - F. **Another provisioning center [NOTE: to be discussed by PC]**
6. **General requirements for cannabis facilities.** In addition to the licensing requirements of Section 18-293, the following general requirements apply:
- A. Consumption of cannabis shall be prohibited in all facilities, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.
 - B. Residential uses within the same structure/building are prohibited.
 - C. Outdoor storage **of any kind is prohibited.** The discharge of toxic, flammable or hazardous materials into city sewer or storm drains is prohibited. **All waste shall be kept secure and shall be disposed of in a manner consistent with local, state and federal laws.**
 - D. No cannabis facilities shall be operated in a manner that creates noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the facility is operated.

E. Air contaminants must be controlled and eliminated by the following methods:

- i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all air contaminants prior to leaving the building. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three (3). The filter(s) shall be rated for the applicable CFM.
- ii. Air scrubbing and filtration system must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
- iii. Negative air pressure must be maintained inside the building.
- iv. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- v. The building official may approve an alternative odor control system, in accordance with the Michigan Mechanical Code, if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required.

7. **Specific requirements for cannabis retailers.** Such uses shall be presented as being for retail purposes and shall contribute to the vibrancy and walkability of the district. The sale or dispensing of alcohol or tobacco products at a cannabis retail facility is prohibited.

A. **Hours of operation.** No cannabis retailer shall be open to the public between the hours of 8 p.m. to 8 a.m.

B. **Facility Exterior.** The exterior appearance of a facility must be compatible with surrounding businesses and any descriptions of desired future character, as described in the Master Plan. All standards of the MX and CV district apply.

- i. No cannabis or equipment used in the sale, testing or transport of cannabis can be placed or stored outside of an enclosed building. This section does not prohibit the placement or storage of motor vehicles outside of an enclosed building so long as money or cannabis is not left in an unattended vehicle.
- ii. Site and building lighting shall be sufficient for safety and security, but not cause excessive glare or be designed so as to be construed as advertising with the intent to attract attention. Outdoor lighting will comply with Section 5.8.
- iii. Drive-through facilities and mobile facilities are prohibited.

C. **Facility Interior.**

- i. Interior construction, design and use of a facility will not impede the future use of a building for other uses as permitted in the assigned zone district.
- ii. Neither cannabis nor cannabis-infused products may be placed within twenty (20) feet of the front façade, **nor lit such that they are visible from a public way.**
- iii. Interior security measures other than security cameras shall not be visible from the public right-of-way (e.g. security shutters, bars, or other methods) during operating business hours.

- iv. Interior lighting shall not be so bright so as to create a nuisance to neighboring property owners or passersby.
- v. Ventilation, by-product and waste disposal, and water management (supply and disposal) for the facility will not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure and/or surrounding properties.

8. Specific requirements for Safety Compliance Facility.

- 1. Shall have a secured laboratory space and cannabis storage areas that cannot be accessed by the general public.
- 2. Have appropriate education, training and/or experience to comply with state regulations on testing medical cannabis.
- 3. There shall be no other accessory uses permitted within the same facility other than those associated with testing cannabis.
- 4. Cannabis that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

PART 4. AMEND SECTION 5.13 AS FOLLOWS TO PROVIDE PARKING STANDARDS FOR CANNABIS FACILITIES:

Section 5.13.13. Minimum numbers of parking spaces required.

C. Business & Commercial

- i. Professional and administrative offices, **including cannabis safety compliance facilities:** One (1) per 275 sq ft of gross leasable area
- iv. Personal services and retail uses, **including cannabis retail facilities:** One (1) per 200 sq ft of usable area...

PART 5. SAVINGS CLAUSE.

The amendments referenced herein do not affect or impair any act done, offense committed, or right accruing or acquired, or liability, penalty or forfeiture or punishment pending or incurred prior to the effective date of this amendment.

PART 6. SEVERABILITY.

This Ordinance and its various parts, sentences, paragraph, sections, clauses and rules promulgated hereunder are hereby declared to be severable. If any part, sentence, paragraph, section, clause, or rule promulgated hereunder is adjudged to be unconstitutional or invalid for any reason, such holdings shall not affect the remaining portions of this Ordinance.

PART 7. REPEALER.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

PART 8. EFFECTIVE DATE; PUBLICATION.

This Ordinance shall become effective after publication of a brief notice in the newspaper circulated in the City, stating the date of the enactment and the effective date of the Ordinance, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk, and such other facts as the City Clerk shall deem pertinent.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL, CITY OF LATHRUP VILLAGE, OAKLAND COUNTY, MICHIGAN THIS ____ day of ____, 2020

Yvette Talley, City Clerk

Date of Introduction:

Date of Adoption:

Date of Publication of Notice of Adoption:

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of the ordinance passed at a meeting of the City of Lathrup Village held on the ____ day of ____, 2020

Yvette Talley, City Clerk

Chapter 18 – Businesses

ARTICLE VI- Cannabis Businesses

Sec. 18-281. - Purpose.

The purpose of this article is to exercise the City of Lathrup Village's regulatory authority to locally license and regulate cannabis businesses, including cannabis retail establishments, cannabis provisioning centers, cannabis microbusinesses, cannabis grower facilities, cannabis safety compliance facilities, cannabis secure transporters, cannabis processor facilities, designated consumption establishments, cannabis event organizers, and temporary cannabis events to the extent permissible under state and federal laws and regulations, and to protect and promote the public health, safety, and welfare of the city and its residents.

Sec. 18-282. - Definitions.

Except as expressly defined differently, words and phrases in this article shall have the same meanings ascribed to them as in the Michigan Medical Marihuana Act, Michigan Medical Marihuana Facilities Licensing Act, Marihuana Tracking Act, Michigan Regulation and Taxation of Marihuana Act, Michigan Zoning Enabling Act, and the administrative rules and regulations promulgated by the State of Michigan and the Michigan Department of Licensing and Regulatory Affairs, as amended.

Applicant means an individual, person, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity or other business entity who applies for a license to operate a cannabis business in the city.

City means the City of Lathrup Village, Michigan.

Cultivate means to propagate, breed, grow, harvest, dry, cure, or separate parts of the cannabis plant by manual or mechanical means.

Co-locate or *co-location* means any combination of growers, processors, and/or cannabis retail establishments that may operate as separate cannabis businesses at the same physical location.

Industrial hemp means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of cannabis-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

LARA means the Michigan Department of Licensing and Regulatory Affairs.

Cannabis means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including cannabis concentrate and cannabis-infused products. Cannabis does not

include: (i) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination; (ii) industrial hemp; or (iii) any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other products.

Cannabis accessories means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing cannabis into the human body.

Cannabis concentrate means the resin extracted from any part of the plant of the genus cannabis.

Cannabis business means a cannabis grower, cannabis safety compliance facility, cannabis processor, cannabis microbusiness, cannabis retailer, cannabis provisioning center, cannabis secure transporter, or any other type of cannabis establishment or facility licensed by LARA.

Cannabis grower means a person licensed to cultivate cannabis and sell or otherwise transfer cannabis to cannabis establishments.

Cannabis-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable cannabis that is intended for human consumption in a manner other than smoke inhalation. Cannabis-infused product shall not be considered a food for purpose of the Food Law, MCL 289.1101 to 289.8111.

Marihuana Tracking Act or *MTA* means Public Act 282 of 2016, MCL 333.27901, et seq., as amended and all future amendments.

Cannabis microbusiness means a person licensed to cultivate not more than 150 cannabis plants, process and package cannabis, and sell or otherwise transfer cannabis to individuals who are 21 years of age or older or to a cannabis safety compliance facility, but not to other cannabis establishments.

Cannabis processor means a person licensed to obtain cannabis from cannabis establishments; process and package cannabis; and sell or otherwise transfer cannabis to cannabis establishments.

Cannabis provisioning center means a licensee that is a commercial entity located in the city that purchases cannabis from a grower or processor and sells, supplies, or provides cannabis to registered qualifying patients, directly or through the patients' registered primary caregivers.

Cannabis retailer means a person licensed to obtain cannabis from cannabis establishments and to sell or otherwise transfer cannabis to cannabis establishments and to individuals who are 21 years of age or older.

Cannabis safety compliance facility means a person licensed to test cannabis, including certification for potency and the presence of contaminants.

Cannabis secure transporter means a person licensed to obtain cannabis from cannabis establishments in order to transport cannabis to cannabis establishments.

Michigan Medical Marihuana Act, or *MMMA* means the initiated law of 2008, MCL 333.26421, et seq., as amended and all future amendments.

Michigan Medical Marihuana Facilities Licensing Act, or *MMFLA* means Public Act 281 of 2016, MCL 333.26421, et seq., as amended and all future amendments.

Michigan Regulation and Taxation of Marihuana Act or *MRTMA* means, the initiated law of 2018, MCL 333.27951, et. seq., as amended and all future amendments.

Person means an individual, partnership, corporation, limited liability company, trust, or other legal entity.

Primary caregiver or *registered primary caregiver* means a person who is at least 21 years old and who has agreed to assist with a registered qualifying patient's medical use of cannabis and who has not been convicted of any felony within the past ten years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in Section 9a of Chapter X of the Code of Criminal Procedure, 1927 PA 175, MCL 770.9a.

Process or *processing* means to separate or otherwise prepare parts of the cannabis plant and to compound, blend, extract, infuse, or otherwise make or prepare cannabis concentrate or cannabis-infused products.

Qualifying patient or *registered qualifying patient* means a person who has been diagnosed by a physician as having a debilitating medical condition and who has a valid registry identification card issued by LARA or an equivalent approval lawfully issued under the laws of another state or other entity of the United States which identifies the person as a registered qualifying patient.

School means and includes buildings and grounds used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12 by a public, private, charter, denominational, or parochial school.

Stakeholder means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, all members and managers; with respect to a corporation, whether profit or non-profit, all stockholders, directors, corporate officers or persons with equivalent titles; and with respect to a partnership or limited liability partnership, all partners and investors.

State means the State of Michigan.

State license means a license issued by LARA that allows a person to operate a cannabis business.

Sec. 18-283. - Operation without city license prohibited.

A cannabis business in the city must be licensed by the state, licensed by the city pursuant to this article and obtain zoning approval pursuant to Section 4.17 of the City of Lathrup Village Zoning Ordinance. No person shall operate a cannabis business in the city without first obtaining a license to do so from the city. A cannabis business

operating without a city license under this article or without a state license is declared to be a public nuisance.

Sec. 18-284. - No pre-existing non-conforming facilities

No person or entity that was open or operating any facility purporting to produce, manufacture, test, transfer or transport medical marihuana or marihuana prior to the adoption of this ordinance, shall be a lawful use or lawful nonconforming use.

Sec. 18-285. - License application.

- (a) Applications for a city license shall be submitted to the City Clerk on an application form to be provided by the city accompanied by a fee in the amount of \$5,000.00 per each license sought. The applicant shall submit one printed and one electronic copy of the completed application and supporting information to the City Clerk. For a co-located facility, an applicant may apply for multiple licenses using one application that explicitly details the operation of the co-located facility. Each license sought will require an additional application fee of \$5,000.00 per license.
- (b) A complete application shall be made under oath and shall contain all of the following:
 - 1) The applicant shall identify an individual to act as primary responsible person for the applicant and point of contact for the application who shall be either a resident of the city, a resident of Oakland County or reside within 100 miles of the city;
 - 2) The applicants' and any stakeholders' names, dates of birth, mailing address, email address, and phone numbers, including emergency contact information, and a copy of a government-issued photo identification card of the applicant and stakeholders;
 - 3) For a privately held corporation, all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of ten percent or less, and their spouses;
 - 4) For a partnership or limited liability partnership, all partners and their spouses;
 - 5) For a limited partnership and a limited liability limited partnership, all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of ten percent or less and who does not exercise control over or participate in the management of the partnership, and their spouses;
 - 6) For a limited liability company, all members and managers, not including a member holding direct or indirect ownership interest of ten percent or less and who does not exercise control over or participate in the management of the company, and their spouses;
 - 7) If the applicant is not an individual, the articles of incorporation or organization, Internal Revenue Service SS-4 EIN confirmation letter, and the operating agreement or bylaws of the applicant, if a limited liability company or corporation;

- 8) The name and address of the proposed cannabis business and any additional contact information deemed necessary by the manager of community and economic development;
- 9) For the applicant and every stakeholder affirmation that each is at least 21 years of age;
- 10) Written consent authorizing the city's police department to perform a criminal background check to ascertain whether the applicant and stakeholders have any convictions involving dishonesty, theft, fraud, or controlled substances;
- 11) The name, date of birth, address, copy of photo identification, and email address for any operator or employee if other than the applicant;
- 12) An affirmation whether the applicant or operator has ever had a business license revoked or suspended, and if revoked or suspended, then the reason for such revocation or suspension;
- 13) For the applicant or for each stakeholder a resume that includes any prior experience with a cannabis business;
- 14) With respect to cannabis retail establishments, a description of any drug and alcohol awareness programs that will be provided or arranged for by the applicant and made available for the public;
- 15) A written description of the training and education that the applicant will provide to employees of the cannabis business;
- 16) A copy of the proposed business plan for the cannabis business, including, but not limited to:
 - a. The ownership structure of the business, including percentage ownership of each person or entity; and
 - b. Planned worker training programs; and
 - c. Financial structure and financing of the proposed cannabis business; and
 - d. Short and long-term goals and objectives; and
 - e. If co-location of cannabis businesses is proposed, provide an explanation of the integration of such businesses, including a drawing showing the relationship between the businesses being co-located, including floor area and the separation provided between such facilities, including identification of any points of entry, ingress or egress, and controls at each location; and
 - f. Any community outreach/education plans and strategies; and
 - g. Any charitable plans and strategies.
 - h. Plan outlining what supply chains will be used to provide product for the cannabis business, accompanied by any tentative supply agreements with state certified suppliers.

- 17) One of the following: (a) proof of ownership of the premises wherein the cannabis business will be operated; or (b) written consent from the property owner to use the premises for a cannabis business requiring licensure under this article, together with a copy of any lease for the premises;
- 18) Security Plan. A security plan shall address security measures related to the transportation and disposal of product and employee and customer safety. Video surveillance is required, and the camera system shall be equipped with software allowing local authorities to login securely to cameras remotely. The Lathrup Village Police Department shall review the security plan prior to acceptance of the application and shall approve the plan prior to the Planning Commission public hearing. At a minimum, the security plan shall address the following:
- a. All cannabis waste shall be disposed of in a manner consistent with federal, state, and local laws so that the cannabis waste is destroyed properly and rendered unusable. All waste containers must be maintained within the secure facility and must be equipped with locks and tamper resistant seals until they are removed by an authorized waste disposal company.
 - b. To the extent applicable, the security plan should include additional strategies for onsite protection from power outages, fire, chemical spills, and address other applicable issues such as storage, access control, credentialing, security officers, cameras, alarms, and internal theft
 - c. The plan shall address surveillance methods, access control strategies, territorial reinforcement, maintenance, and target hardening; including the experience of customers, employees, and neighbors (residents, offices, businesses, etc.).
 - d. An explanation of how the video surveillance system will be operated, including who is responsible for monitoring the video footage and storing any video recordings.
 - e. A diagram showing where all cameras are located and assigning a number to each camera for identification purposes. The diagram shall be to scale and shall be correlated with a camera index for all assigned cameras. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the licensed premises and allows for the clear and certain identification of any person and activities in all areas required to be recorded. Cameras must be placed in all rooms with exterior windows, exterior walls, and roof hatches. Entrances and exits to the premises or site shall be recorded from both indoor and outdoor vantage points.

Recording distance/range of each camera should be identified on the site plan.

- f. Areas where cannabis products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premises shall be recorded, as well as limited-access areas, security room(s) and area storing the surveillance system storage device.
 - g. Licensed retailers shall record point-of-sale areas and areas where cannabis products are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis products, or any person in the retail area, with enough clarity to determine identity.
- 19) A scaled floor plan of the cannabis business, as well as a scale diagram illustrating the property upon which the cannabis business will be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped-accessible;
 - 20) Any proposed elevation drawings, and photographs or other depiction of materials to be visible on the exterior of the proposed cannabis business;
 - 21) A scaled location area map containing all schools, child care centers, publicly owned parks or playgrounds, temporary emergency shelters, Substance Use Disorder Programs, Residential Districts, and any marijuana facilities within one-thousand (1,000) feet of the proposed location;
 - 22) A sanitation plan designed to protect against any cannabis being ingested on the premises by any person or animal, indicating how the waste and byproduct will be stored and disposed of, and how any cannabis will be rendered unusable upon disposal;
 - 23) A proposed recordkeeping plan that will track payment method, amount of payment, time of sale, product quantity, and other product descriptors;
 - 24) An affirmation that neither the applicant nor any stakeholder is in default to the city and that the applicant or stakeholder has not failed to pay any past-due property taxes, special assessments, fines, fee or other financial obligation to the city;
 - 25) A copy of the applicant's notice of prequalification status issued by the Michigan Cannabis Regulatory Agency of LARA to operate a medical cannabis facility or adult-use cannabis establishment. This shall include a full and complete copy of

the prequalification application materials, together with any and all supporting documents and attachments, that were submitted to the State of Michigan, Department of Licensing and Regulatory Affairs, Bureau of Marihuana Regulation, Medical Marihuana Facilities, in the application for an entity/individual prequalification application packet under the MMFLA and the administrative rules. If the applicant does not have a prequalification from the state, the application will not be processed by the city;

26) An estimate of the number and type of jobs that the cannabis business is expected to create, the compensation expected to be paid for such jobs, and the projected annual budget and revenue of the cannabis business;

27) A signed acknowledgment that the applicant is aware and understands that all matters related to cannabis, growing, cultivation, possession, dispensing, testing, safety compliance, transporting, distribution, and use are currently subject to state and federal laws, rules, and regulations, and that the approval or granting of a license hereunder will not exonerate or excuse the applicant from abiding by the provisions and requirements and penalties associated therewith;

28) Proof of insurance covering the business and naming the City of Lathrup, its elected and appointed officials, employees, and agents, as additional insured parties, primary and non-contributory available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of:

- a. At least \$2,000,000.00 for property damage;
- b. At least \$2,000,000.00 for injury to one person; and
- c. At least \$2,000,000.00 for injury to two or more person resulting from the same occurrence. The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with state law. The policy shall provide that the city shall be notified by the insurance carrier 30 days in advance of any cancellation or reduction in coverages.

29) Any other information requested by the city considered to be relevant to the processing or consideration of the application.

- (c) Upon receipt of a completed application and application fee, the City Clerk shall refer a copy of the application to appropriate city departments for their review.
- (d) An application shall not be eligible to be considered for approval, until:
 - (1) The police department and community and economic development departments have inspected the proposed location for compliance with all laws

for which they are charged with enforcement and for compliance with the requirements of this article.

- (2) The community and economic development department verifies the proposed location of the cannabis business complies with the zoning code.
- (3) The community and economic development department confirms the proposed cannabis business meets applicable codes and this article.
- (4) The city treasurer confirms the applicant and each stakeholder and the proposed location of the business are not in default to the city.
- (5) The police department determines the applicant meets the requirements of this article with respect to the background check and security plan.

Sec. 18-286. – Initial application period

- (a) The city will accept applications for a license(s) for a cannabis business over a 30 day period, as established by the city manager after the effective date of this article. At the end of the 30 day period, all properly submitted and complete applications shall be subject to examination and review by the city.
- (b) After the initial application period closes, the city shall verify that any applications received in this initial application period are full and complete applications. The city shall consider an application full and complete if it includes all information requested by this article and the city application forms.
- (c) The city may, in its discretion, elect to issue or not issue licenses for any of the cannabis business types or issue licenses in any combination thereof, but in no instance shall issue more licenses than are permitted pursuant to the terms of this article and state law.
- (d) If, after the initial 30-day application period, the city does not receive more applications than the permitted number of licenses for a particular type of facility, then the city shall accept license applications for only those facilities, on an ongoing basis, until such time as the number of allowed licenses have been approved for those specific facilities.

Sec. 18-287. - Preliminary denial of application.

- (a) The city shall reject any application that does not meet the requirements of the MMFLA, the MMMA, the administrative rules or this article. The city shall reject any application that does not contain an approved entity/individual prequalification issued by the state. The city shall reject any application that contains any false, misleading or incomplete information. The city shall reject any application that does not conform or comply with any of the following: International Fire Code; International Property Maintenance Code; Michigan Plumbing Code; Michigan Mechanical Code; National Electrical Code; Michigan Rehabilitation Code and the Michigan Building Code.
- (b) An applicant whose application is rejected or denied by the city shall not be entitled to review by the city or any board or commission thereof and the

applicant shall waive any right to bring an action against the city for such a rejection or denial.

Sec. 18-288. - License application evaluation.

- (a) To evaluate applications, the city shall use a point-based system which shall be approved, and may be modified from time-to-time, by city council resolution, and shall take into account the following application evaluation criteria:
- a. The content and sufficiency of the information contained in the application.
 - b. Whether the proposed plan has received approval from the police department and all other appropriate departments.
 - c. Whether the proposed facility will revitalize or redevelop property that has been vacant or unused for an extended period of time.
 - d. Planned outreach on behalf of the proposed business, and whether the applicant or its stakeholders have made, or plan to make, significant physical improvements to the building housing the cannabis business, including plans to control traffic, noise, and odor effects on the surrounding area.
 - e. Whether the applicant or any of its stakeholders have a record of acts detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; and whether the applicant or any of its stakeholders have ever been convicted of operating an illegal business enterprise of any kind.
 - f. Whether the applicant has reasonably and tangibly demonstrated it possesses adequate resources and experience to implement the submitted business plan.
 - g. Whether the proposed location in the city in relation to its proximity to other locations for cannabis businesses represents a reasonable and harmonious dispersion of cannabis businesses.
 - h. The proximity of the business to a school.
 - i. Whether adequate off-street parking is provided or available.
 - j. Whether the size and nature of the use in relationship to previously approved and issued cannabis business licenses is reasonable.

- k. Whether the applicant has business experience previously in the city and demonstrates that the applicant has sufficient business experience to operate the proposed cannabis business.
 - l. Whether the proposed plan incorporates sustainable infrastructure and energy efficient elements and fixtures.
 - m. Whether the proposed plan incorporates infrastructure that adequately addresses stormwater drainage.
 - n. Whether the proposed plan incorporates odor control systems to prevent odor dispersion to neighboring properties.
 - o. Whether an applicant has applied for a co-location of equivalent licenses at one location.
 - p. Other criteria as indicated important for consideration by any appropriate department of the city administration.
- (b) The city may engage professional expert consultant assistance in performing any of the duties and responsibilities under this article.
- (c) The point-based merit system, shall incorporate the evaluation criteria outlined within this article, and may include additional criteria intended to select licensees that provide the best outcome for the community as determined by the city.
- a. In the event of a tie among applicants through the merit system which would result in more approvals than available licenses, the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval.
 - b. Any application receiving less than 70 percent of possible points outlined within the point-based merit system shall be automatically denied license approval.
 - c. Applications and evaluation points yielded from a point-based merit system shall be considered for up to 1 year following the publication of merit point system scores. The effective applications and points shall be used to recommend license approval should prior recommendations be declined or fail to receive license. Applications within the process may receive a one-time extension not to exceed three months, approved by the city manager with proper display of good cause shown.
- (d) Within 90 days of receiving the last completed application, the city administrator shall recommend applications for site plan approval to the planning commission.

The city administrator may only recommend a number of applications for consideration equal to or less than the number of remaining licenses available for issuance. All other applicants shall be sent a written notice of rejection setting forth specific reasons why the city manager did not recommend their application for city council approval.

- (e) Upon receiving site plan approval from the planning commission, applicants shall move forward for final license approval from the city council as recommended by the city manager.
- (f) Upon submittal of the city administrator's recommended applications to the city council, the city shall publish and provide public notice of the city council meeting when the city council will consider the license applications. Notice shall be given not less than 14 days prior to the city council meeting. All written feedback shall be presented to the city council.
- (g) The public notice shall be published in a newspaper of general circulation and posted at City Hall. The notice shall be sent by mail or personal delivery to the owners and occupants of property within 300 feet of the proposed cannabis business site. The public notice must include at minimum the following:
 - a. Proposed location of the cannabis business; and
 - b. Name of the applicant(s) or organization; and
 - c. Intended cannabis business use; and
 - d. Information pertaining to methods of accepting public feedback; and
 - e. Location, date, and time of the meeting in which city council will consider license approval.
- (h) All cannabis business licenses shall be effective for one year following its original issuance date. Annual renewal of the license shall follow the process as outlined within this article. The improvements made pursuant to site plan approval by the planning commission shall be commenced after license approval by the city council and be completed within one year after the license is approved by the city council. The city council may, in its sole and exclusive discretion, grant an extension of time not to exceed 180 days if an applicant submits a written request to the city administrator prior to the license expiration showing that its medical cannabis provisioning center facility application or adult use retail facility application with the state remains pending and that the applicant has diligently pursued approval of the state license and all other required permits, approvals

and licenses without delay or inaction on applicant's part, and showing good cause for the extension of time.

Sec. 18-289. - License limit.

- (a) The city council finds and determines that it is in the public interest and serves a public purpose to limit the maximum number of licenses that the city may issue, with the acceptable uses as follows:
 - 1. Adult use cannabis retail establishments/Medical cannabis provisioning center establishments – two (2);
 - 2. Adult use and medical cannabis safety compliance facilities – two (2).
- (b) The city council finds and determines that it is in the public interest and serves a public purpose to prohibit the following cannabis business uses from receiving a license from the city:
 - 1. Adult use and medical cannabis secured transporter establishments; and
 - 2. Designated consumption establishments; and
 - 3. Cannabis event organizer; and
 - 4. Temporary cannabis events; and
 - 5. Adult use and medical cannabis growing facility establishments; and
 - 6. Adult use and medical cannabis processing establishments, and
 - 7. Adult use cannabis microbusiness establishments.
- (c) Should a license for a cannabis business become available due to expiration, revocation, or non-renewal, the city administrator shall set an application period and receive applications for a license(s) for a cannabis business over a 30-day period. At the end of the 30-day period, all properly submitted and complete Applications shall be subject to examination and review by the city. The city may elect to issue or not issue licenses for any of the permitted uses or issue licenses in any combination thereof, but in no instance shall issue more licenses than are permitted pursuant to the terms of this article.

Sec. 18-290. - Cannabis facility co-location and stacking.

Separate cannabis business uses, under common ownership, and with proper licensing issued by LARA for each use, shall be permitted to operate at the same location with license approval from city. Co-locating establishments must have license approval for each cannabis business type and use.

Sec. 18-291. - License renewal application.

- (a) Application for license renewal shall be made in writing to the City Clerk at least 30 days prior to the expiration of an existing license.
- (b) An application for a license renewal shall be made under oath on forms provided by the city.

- (c) An application for a license renewal shall be accompanied by a renewal fee in an amount of \$5,000.00, of which half will be returned if the license is not renewed. The renewal fee is established to defray the costs of the administration of this article.
- (d) Upon receipt of a completed application for a license renewal meeting the requirements of this article and the license renewal fee, the City Clerk shall refer a copy of the renewal application to appropriate city departments and officials for review,
- (e) An application for a license renewal shall be not be considered for approval unless:
 - a. The fire inspector has inspected the proposed location for compliance with all laws for which they are charged with enforcement within the past calendar year;
 - b. The director of the community and economic development department has confirmed that the location complies with the zoning code and this article, at the time a license is granted;
 - c. The building official has confirmed that the cannabis business meets the city building code requirements;
 - d. The city treasurer has confirmed that the applicant and each stakeholder of the applicant and the location of the cannabis business are not currently in default to the city;
 - e. The police department has reviewed the application and determined that the applicant has satisfied the requirements of this article with respect to the background check and security plan;
 - f. The applicant possesses the necessary state licenses or approvals, including those issued pursuant to the MMFLA;
 - g. The applicant has operated the cannabis business in accordance with the conditions and requirements of this article;
 - h. The cannabis business has not been determined to be a public nuisance; and
 - i. The applicant is operating the cannabis business in accordance with applicable federal, state, and local laws and regulations.
- (f) If written approval is given by each individual, department, or entity identified in subsection (e), and the renewal application is found to be compliant with this article by the community and economic development director, the community and economic development department shall issue a license renewal to the applicant. If no renewal license is issued, half of the renewal fee shall be returned. The renewal shall be deemed approved if the city has not issued formal notice of denial within 60 days of the filing date of the application, unless the applicant is advised of non-compliance with this article or incompleteness of information or any required inspection during such period.

Sec. 18-292. - Transfer of ownership, licenses generally.

- (a) No license issued pursuant to this article shall be transferred unless approved by the State and City.

Sec. 18-293. - Minimum operational standards of cannabis business.

Except as may conflict with state law or regulation the following minimum standards apply to all cannabis businesses:

- (a) The entire parcel where the cannabis business will be located must be properly zoned for that type of use, and the cannabis business operations must be entirely contained within the building.
- (b) The cannabis business shall be operated in compliance with the MMMA, the MMFLA, the MTA, MRTMA, and the state's administrative rules. Any violation of such laws or rules shall be deemed a violation of this article.
- (c) On-premises consumption of cannabis shall be prohibited at any cannabis business except testing standards as outlined by LARA.
- (d) In addition to security requirements pursuant to state laws and regulations and any other applicable city ordinances, the cannabis business shall continuously monitor the entire premises, interior and exterior, with surveillance systems that include security cameras operating 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 180 days.
- (e) The cannabis business shall be contained within a lockable facility, including all interior doors, all windows and points of entry and exits with commercial grade non-residential locks and with an alarm system monitored. Cannabis shall not be permitted to be stored in trailers or sheds or other accessory structures to the principal building. Storage shall further be in accordance with the MRTMA, MMMA, MMFLA, MTA, and promulgated rules as amended.
- (f) A locking safe or secure locking cabinet system permanently affixed to the permitted premises that shall store any cannabis and all cash remaining in the facility overnight shall be used. For cannabis-infused products that must be kept refrigerated or frozen, the facility may lock the refrigerated container or freezer in a manner authorized by the MRTMA and promulgated rules as amended in place of the use of a safe so long as the container is affixed to the building structure.
- (g) No cannabis business shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property where the cannabis business is operated; or any other

nuisance adverse to the public health, safety and welfare of the residents of the city.

- (h) All activity related to the provisioning, transferring, testing, or transportation of all cannabis shall be done indoors and fully compliant with state law so that it is not visible to the public.
- (i) All cannabis businesses shall maintain an inventory and record keeping system and/or database identifying the amount of cannabis on the premises in accordance with the MRTMA, the MTA and the rules and regulations, as amended from time to time. This log shall be available to law enforcement personnel at anytime.
- (j) All marijuana located on premise shall be inventoried and tagged with unique RFID tag as required by MTA and promogulated rules as amended from time to time.
- (k) The state license and the city license required by this article shall be conspicuously displayed on the premises of a cannabis business.
- (l) All cannabis facilities shall apply for and obtain from the city, or other applicable government authority, all necessary building, mechanical, electrical, plumbing, sign, fence, soil erosion and city zoning compliance permits.
- (m) Floors, walls, and ceilings shall be constructed in such a manner that they may be kept adequately cleaned and in good repair.
- (n) There shall be adequate screening or other protection against the entry of pests. Waste shall be disposed of so as to minimize the development of odor and minimize the potential for waste development and minimize the potential for waste becoming an attractant, harborage or breeding place for pests.
- (o) Venting of cannabis odors into the areas surrounding the cannabis business is prohibited and deemed and declared to be a public nuisance. All facility ventilation methods shall comply with the MRTMA and administrative rules promogulated, as amended from time to time.
- (p) Waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where cannabis is exposed. Disposal systems for spent water and spent soil shall be approved by the city and byproduct materials, soils, plant materials, and other materials shall be stored indoors until pickup for disposal and shall not be left outdoors for disposal pickup for longer

than six hours. Disposal of cannabis or cannabis waste or byproducts by on-site burning or introduction into the sewer system is prohibited.

- (q) The interior and exterior of all buildings, fixtures and other accessories shall be maintained in a presentable and sanitary condition.
- (r) Cannabis businesses shall provide its occupants with adequate and accessible restroom facilities that are maintained in a sanitary condition and good repair.
- (s) Cannabis that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
- (t) Cannabis businesses shall be free from infestation by insects, rodents, birds, or vermin or any kind.
- (u) All cannabis shall be packaged and labeled as provided by MRTMA, MTA, and promulgated rules as amended.
- (v) The premises shall be open for inspection during hours of operation and as such other times as anyone is present on the premises.
- (w) No other accessory uses are permitted within the same facility other than those associated with the retailing of cannabis.
- (x) Advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors is prohibited.

Sec. 18-294. - Additional operational standards for cannabis retail establishments.

Except as may conflict with state law or regulation, the following minimum standards for cannabis retail establishments shall apply:

- (a) Cannabis retail and medical cannabis provisioning center establishments may be open to the public only between 8:00 a.m. to 8:00 p.m.
- (b) Unless permitted by the MRTMA, public or common areas of the cannabis retail establishment must be separated from restricted or non-public areas of the retail establishment by a permanent barrier. Unless permitted by the MMMA, MMFLA, or the MRTMA, no cannabis may be stored, displayed, or transferred in an area accessible to the general public.
- (c) All cannabis storage areas within cannabis retail and medical cannabis provisioning center establishments must be separated from any customer/patient areas by a permanent barrier. Unless permitted by the MMMA, MMFLA, or MRTMA, no cannabis is permitted to be stored in an area accessible by the general public or registered customers/patients. Cannabis may be displayed in a sales area only if permitted by the MRTMA.

- (d) Drive-thru windows on the premises of a cannabis business establishment shall not be permitted.

Sec. 18-295. - License revocation, suspension and denial; basis for action; appeal.

- (a) Any city license issued under this article may be revoked or suspended by the city after written notice and an administrative hearing if a city official finds and determines that grounds for revocation or suspension exist. Any grounds for revocation or suspension must be provided to the licensee at least ten days prior to the date of the hearing by first class mail to the address given on the license application or any address provided to the City Clerk in writing subsequent to the filing of an application.
- (b) A license applied for or issued may be denied, revoked or suspended on any of the following grounds:
- a. A violation of any provision of this article, including, but not limited to, the failure to provide the information required by this article;
 - b. Any conviction of a felony or any misdemeanor involving controlled substances, theft or dishonesty by the licensee, stakeholder, or any person holding an ownership interest in the license;
 - c. Commission of fraud or misrepresentation or the making of a false statement by the applicant, licensee, or any stakeholder of the applicant or licensee while engaging in any activity for which this article requires a license;
 - d. Failure to obtain site plan approval from the planning commission;
 - e. Failure to obtain or maintain a license or renewed license from the city pursuant to this article;
 - f. Failure of the licensee or the cannabis business to obtain or maintain a state license or approval pursuant to the MRTMA, MMMA, or MMFLA;
 - g. The cannabis business is determined by the city to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare;
 - h. Any default in the payment of any charges, taxes, or fees, to the city if not cured upon 45 days following notice sent by electronic means or mail to the address of the cannabis business;
 - i. Violation of any state law applicable to cannabis businesses.
- (c) Appeal of denial of an application, or revocation or suspension of a license: the community development department shall notify an applicant of the reason(s) for denial of an application for a license or license renewal or for revocation or suspension of a license or any adverse decision under this article and provide the applicant with the opportunity to be heard. Any applicant aggrieved by the denial or revocation or suspension of a license or adverse decision under this

article may appeal to the city council, who shall appoint a hearing officer to hear and evaluate the appeal and make a report and recommendation to the city council. Such appeal shall be taken by filing with the City Clerk, within 14 days after notice of the action complained of has been mailed to the applicant's last known address on the records of the City Clerk, a written statement setting forth fully the grounds for the appeal. The city council shall review the report and recommendation of the hearing officer and make a decision on the matter.

- (d) Following the denial of a license and any subsequent appeal during the recommendation and issuance process, the city may move to recommend the application with the next highest number of merit points as determined in the application process.

Sec. 18-296. - Penalties; temporary suspension of a license.

- (a) The city may require an applicant or licensee of a cannabis business to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this article. Failure to provide the required material may be grounds for application denial, or license revocation.
- (b) Any person in violation of any provision of this article, including the operation of a cannabis business without a license shall be responsible for a misdemeanor and shall be subject to a civil fine and costs. Increased civil fines may be imposed for a repeat violation. As used in this section "repeat violation" shall mean a second or any subsequent infraction of the same requirement or provision committed by a person or Facility within any 24 month period. Unless otherwise specifically provided in this article, the penalty schedule is as follows:
 - a. \$750.00, plus costs, for the first violation;
 - b. \$1,000.00, plus costs, for a repeat violation;
 - c. \$3,000.00, plus costs per day, plus costs for any violation that continues for more than one day.
- (c) The city may temporarily suspend a cannabis business license without a prior hearing if the city finds that public safety or welfare requires emergency action affecting the public health, safety, or welfare. The city shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.
- (d) If the city temporarily suspends a license without a prior hearing, the licensee is entitled to a hearing within 30 days after the suspension notice has been served on the licensee or posted on the licensed premises. The hearing shall be limited to the issues cited in the suspension notice.
- (e) If the city does not hold a hearing within 30 days after the date the suspension was served on the licensee or posted on the licensed premises, then the suspended license shall be automatically reinstated and the suspension vacated.

- (f) The penalty provisions herein are not intended to foreclose any other remedy or sanction that might be available to, or imposed by the city, including criminal prosecution.

Sec. 18-297. - Disclaimer.

- (a) Nothing in this article shall be construed to authorize any person to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of cannabis for unlawful purposes or allow any other activity relating to cultivation, growing, distribution or consumption of cannabis that is otherwise illegal.
- (b) Except as may be required by law or regulation, it is not the intent of this article to diminish, abrogate, or restrict the protections for individual use of cannabis found in the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act and the Michigan Regulation and Taxation of Marihuana Act.

Secs. 18-298—18-399. - Reserved.



A HERITAGE OF GOOD LIVING

Dr. Sheryl L. Mitchell Theriot

City Administrator

City of Lathrup Village

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Office: 248.557.2600 x 225 | Cell: 248.520.0620

COUNCIL COMMUNICATION:

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell Theriot, City Administrator

DA: May 3, 2021

RE: Infrastructure Update

A number of projects will be underway the week of May 3 to May 14. The **QUICK LINK** to Project Updates is available on the website:

http://cms5.revize.com/.../quick_link_-_project_updates.php

Exterior Water Service Excavation - Lead & Copper Verifications and Stop Box Replacement

(approx. 350 properties randomly selected, as required by Michigan EGLE)

- Sunde has completed Phase 1A Lead & Copper verifications (12 total)
- The week of May 3rd Sunde should complete Phase 1B L & C verifications (19 total)
- **May 3 - May 14: Streets include Bloomfield, Coral Gables, Eldorado Place, Kilburnie and Lathrup Blvd.**

Lead & Copper Service Line Replacements (SOCWA/D'Angelo Brothers)

- 21 properties have been identified as having lead or galvanized steel, which require removal and replacement
- Letters were mailed out requesting the property owners to sign the Agreement granting access and permitting the service line to be replaced.
- 15 signed agreements have been received so far

Ditches/Culverts – letters were mailed on April 8, 2021, to the 8 properties on Avilla, Cambridge and Sunset. These properties are along the street paving project route and their ditch/culvert was identified as requiring significant maintenance. The property owners were given until May 7, 2021 to provide verification that the repairs will be completed. Otherwise, the paving contractor will address the ditches and culverts. The estimated prices were provided. Council approved allowing for extended payments before any outstanding balances would be placed as a special assessment on the property taxes.

Sidewalks – the assessment and marking of residential sidewalks in the area south of I-696/11 Mile is underway. Project is behind schedule. Have requested DPS to assist with project.

Gate Valves – no work has begun yet

Fire Hydrants (nearby residents may experience periodic water interruptions during the process)

- Sunde has completed Phase 1 of the hydrant repairs (3 total)
- **May 3 to May 14 - 7 fire hydrants to be replaced**

- Glenwood & Lathrup (1)
- Avilla & Lathrup (2)
- Sunset & Wiltshire (1)
- Glenwood & Santa Barbara (1)
- Glenwood & Woodworth (1)
- San Jose & Rackham (1)

Group 1 – Street Resurfacing and Reconstruction (scheduled to start Monday, May 3rd)

Glenwood Blvd	(Resurface from Lathrup to E. Goldengate)
Cambridge Blvd	(Rehabilitation from Rainbow to Santa Barbara)
Sunset Dr	(Resurface from Bloomfield to Wiltshire)
Bungalow Dr	(Resurface from Rainbow to Santa Barbara)
Sunnybrook Ave	(Resurface from Red River to Rackham)
Avilla Blvd	(Resurface from Southfield to east city limit)
Glenwood Blvd	(Rehabilitation from Red River to Santa Barbara)
Santa Barbara Dr	(Resurface from Bungalow to San Jose)

GARBAGE PICKUP

- Monday, May 3rd - regular service
- The following Monday(s) –Tringali Trucks will still be able to make it down the street We are working with Tringali on identifying “corners” where residents can leave their containers when the garbage trucks can’t get through. We are advising residents to be prepared to **not** put out their trash containers in weeks 2 and 3 of construction, just in case the trucks can’t get through.

BRANCH CHIPPING –We are asking residents on the roads under construction to **NOT** put out tree branches for the chipping service on Friday’s, until the construction is completed.

MAIL – the Post Office has advised that they will **AUTOMATICALLY HOLD** mail for any streets under construction. Residents can pick up their mail at the Lathrup Village Post Office (28211 Southfield Road) during their regular hours of operation. For additional information, call 800.275.8777

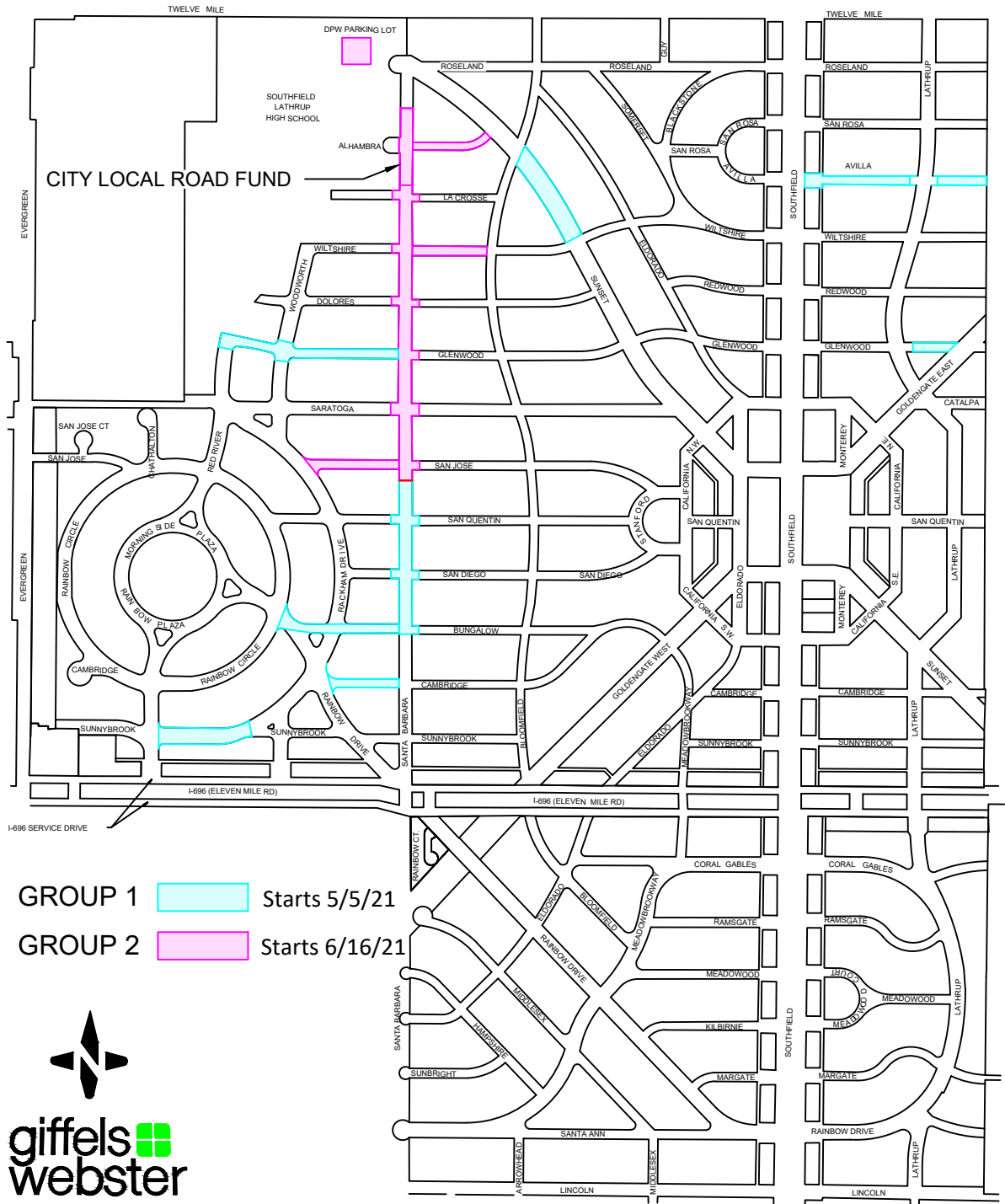
PARKING – During the same two (2) to three (3) week period when the road will be closed, residents will need to seek alternate parking locations as they will not have access to their street or driveway. The City Police Department will be patrolling the alternate parking areas more often during construction and will not ticket vehicles parked in the road overnight.

Lawn Irrigation Systems - Property Owners who have irrigation systems located within ten (10) feet of the edge of the roadway should mark the location of any sprinkler heads so they are not damaged during construction. The City requests that these portions of your irrigation system be temporarily turned off during construction.

Lawns & Landscaping - All lawns impacted by construction will be restored and landscaped by the Contractor at the end of construction. The Contractor will be required to water the lawn for 2 weeks after which it will be the resident’s responsibility to water.

2021 PAVEMENT RECONSTRUCTION PROGRAM

CITY OF LATHRUP VILLAGE, OAKLAND COUNTY, MICHIGAN



LOCATION MAP

NOT TO SCALE



A HERITAGE OF GOOD LIVING

Dr. Sheryl L. Mitchell Theriot

City Administrator

City of Lathrup Village

27400 Southfield Road | Lathrup Village, MI 48076

smitchell@lathrupvillage.org

Office: 248.557.2600 x 225 | Cell: 248.520.0620

COUNCIL COMMUNICATION:

TO: Mayor Garrett and City Council Members

FR: Sheryl Mitchell Theriot, City Administrator

DA: May 3, 2021

RE: Planning Commission Appointment

The term for Ms. Charo Hulleza is open. The term was originally thought to have expired on May 1, 2021. Ms. Hulleza indicated that her last day was the April meeting.

The City Ordinance Sec. 51-19. indicates - Terms of members. (a) The term of each member of the planning commission shall be for a period of three years from the first day of September of the year in which he/she is appointed or until his/her successor takes office.

The appointee would complete the remainder of this term and fill the 3 year term from May 1, 2021 to April 31, 2024. A second seat, currently held by Jason Hammond, also expires on August 31, 2021.

The deadline for applications is May 10, 2021 for the vacated seat. It is anticipated that Mayor Garrett will submit her recommendation for council's consideration at the May 17, 2021 council meeting.

Applications have been received from:

- Robin Dillard-Russaw
- Dawn Medley