



MINUTES

REGULAR MEETING OF THE LAKE ORION VILLAGE COUNCIL

Monday, October 8, 2018

7:30 PM

Lake Orion Village Hall Council Chambers

21 East Church Street

LAKE ORION, MI 48362

(248) 693-8391 ext. 102

1. Call to Order

The Monday, October 8, 2018 Regular Meeting of the Lake Orion Village Council was called to order in the Lake Orion Village Hall Council Chambers located in the 21 East Church Street, Lake Orion, MI 48362 by President Pro-Tem Bradley Mathisen at 7:30 PM followed by the Pledge of Allegiance.

2. Pledge of Allegiance

3. Roll Call and Determination of Quorum

Attendee Name	Organization	Title	Status	Arrived
Kenneth Van Portfliet	Village of Lake Orion	President	Excused	
Bradley Mathisen	Village of Lake Orion	President Pro-Tem	Present	
David Churchill	Village of Lake Orion	Council Member	Present	
Raymond Hammond	Village of Lake Orion	Council Member	Present	
Douglas Hobbs	Village of Lake Orion	Council Member	Present	
John Ranville	Village of Lake Orion	Council Member	Present	
Teresa L Rutt	Village of Lake Orion	Council Member	Present	

4. Presentations

1. Police Department Life Saving Awards Presentation

5. Call to the Public

Let the record show no public comments were received on non-agenda items.

6. Consent Agenda Adopted

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	David Churchill, Council Member
SECONDER:	Teresa L Rutt, Council Member
AYES:	Mathisen, Churchill, Hammond, Hobbs, Ranville, Rutt
EXCUSED:	Kenneth Van Portfliet

1. Request to Plant Memorial Tree at Village Hall **Adopted**

RESOLVED: To approve the request to relocate a new Crimson King Maple and to relocate the Supervisor Deb Waldo memorial Plaque to the west lawn of the Village Hall with funds to be paid for by the Orion Township Fire Association and Lake Orion Police Association.

2. Adopt 2019 Michigan Department of Transportation Performance Resolution for Governmental Agencies (Form 2207B) - Annual Permit for Work on State Trunkline Right-Of-Way **Adopted**

VILLAGE OF LAKE ORION RESOLUTION NO. 2018-035

MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT)

PERFORMANCE RESOLUTION

FOR GOVERNMENT AGENCIES

RESOLVED, WHEREAS, The Village of Lake Orion hereinafter referred to as the "GOVERNMENTAL AGENCY", periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration, of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claim, nor shall it be interpreted, as giving either party hereto, a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the MICHIGAN Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation, construction, and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and

those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regards to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED: that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Jeremy Richert, DPW Director

Jerry Narsh, Police Chief

Joseph Young, Village Manager

3. Approval of Village Council Regular Meeting Minutes -September 24, 2018 **Adopted**
RESOLVED: To approve the Regular Village Council Meeting Minutes of Monday, September 28, 2018, as presented.
4. Approval of Village Council Special Meeting Minutes - October 3, 2018 **Adopted**
RESOLVED: To approve the Special Village Council Meeting Minutes of Monday, October 3, 2018, as presented.
5. Building Permit Monthly Report **Adopted**
RESOLVED: To receive and file the Building Permit report for September 2018.

7. Approval of Agenda

1. **Motion to:** approve the Monday, October 8, 2018 Village Council regular meeting agenda.
Approved as Presented

8. Public Hearings

1. Public Hearing: Proposed Zoning Ordinance Amendment - Ordinance No. 26.94 Text Amendments - Conditional Rezoning
2. Public Hearing: Proposed Zoning Ordinance Amendment - Ordinance No. 26.95 Text Amendments - Text Amendments to Administrative Procedures and Standards

9. Agenda Items for Consideration

A. Financial Matters

1. Invoice Register and Bill Approval **Adopted**

RESOLVED: To approve the bills paid October 2, 2018 of \$12,281.73 and to approve payment of the October 4, 2018 Invoice Register Report in the amount of \$117,250.99 and the Fontana Construction pay #2 in the amount of \$444,469.50.

2. Police Ballistic Vest Purchase Request **Adopted**

RESOLVED: To approve the purchase of police officer ballistic vests through the State of Michigan Ballistics Armor Body Contract in an amount not to exceed \$13,788.00 with a 50% grant through the U. S. Department of Justice Programs - Bulletproof Vest Partnership/Body Armor Safely Initiative in the amount of \$6,894 as presented.

B. Other Items

1. Ordinance 26.94 - Condition Rezoning Second Reading and Adoption **Adopted**

RESOLVED: That Ordinance No. 26.94, an Ordinance to amend the Village of Lake Orion Zoning Ordinance, to amend Article 19 Administrative Procedures and Standards to be expanded by adding Section 19.08 to include a provision for conditional rezoning is hereby accepted for second reading and adoption and shall become effective upon the publication of a synopsis of this Ordinance in *The Lake Orion Review* pursuant to the Charter of the Village of Lake Orion.

2. Proposed Zoning Ordinance Amendment - Ordinance No. 26.95 Text Amendments to Administrative Procedures and Standards - Second Reading and Adoption **Adopted**

RESOLVED: That Ordinance No. 26.95, an Ordinance to amend the Village of Lake Orion Zoning Ordinance, to amend Article 19, Administrative Procedures and Standards, Section 19.05 to provide for a set of review considerations that would be applied to each rezoning application resulting so rezoning applications would be reviewed and evaluated based on a uniform set of criteria is hereby accepted for second reading and adoption and shall become effective upon the publication of a synopsis of this Ordinance in *The Lake Orion Review* pursuant to the Charter of the Village of Lake Orion.

10. Call to the Public

Let the record show no public comments were received.

11. Council Comments

Council Member Churchill commented on the following:

- Confirmed the Police Department has a policy violation regarding officers not wearing a vest and the effect on the Village's liability

-

Requested an update on the carport for the Police Department

Village Manager stated the Village has received the building permit for the carports and they should be installed soon.

- Noted the issues with the delays with the roundabout and its impact on residents who live in the area and the traffic problem it is creating.

Village Manager Young stated he will contact the Road Commission tomorrow regarding concerns with the road in the detour areas. He noted that OCSD will be putting staff at Conklin and Stoney Creek Road at traffic time to help alleviate some of the congestions.

Council Member Hobbs, noting that Orion Township is allowing cannabis facilities in its Business Park and that the Village has been approached for a dispensary, asked Village residents to write Council members as to how they feel regarding these development. He indicated these are future issues the Village will be dealing with and he is looking for residents' input.

Police Chief Narsh stated that the facilities in Orion Township are for manufacturing under the Medical Marijuana Act and not in anticipation of the possible change due to the proposal on the November ballot.

President Pro Tem Mathisen requested an update on the Perry Street Sewer Project.

Village Manager Young stated that the Village had a strategy meeting with the Water Resource Commission and the Village is still negotiating through the Water Resource Commission with the contractor for the project.

12. Village Manager Comments

Village Manager Young reported on the following:

- Water Main Project: Reviewed the status update map and noted the EPA and MDEQ came to the Village office on Tuesday, October 2nd for a meeting to conduct and American and Steel technical assistance visit of the construction site to confirm all iron

and steel products used in the project are made in the United States.

- Fire Station #1: Opened and operating, including the public restrooms. Open House is October 14th.
- Leaf Collection: Will begin October 15 and leaves will be picked up by district
- Lakeview Project (Ranville): The ground has settled and paving should begin soon
- Watermain at the Roundabout (Ranville): Waiting to hear what the Road Commission can do to replace the 4 inch pipe with an 8 inch pipe since the road is opened.
- Roundabout: AT&T connections is the reason for the delay with the roundabout

Council Member Ranville stated that watermain at the roundabout should have been replaced in 1997 and HRC should have made sure this was done.

Police Chief Narsh stated the contractor is not responsible for the delay in the Roundabout Project. The utilities were not in the place they were supposed to be. The contractor is waiting for AT&T to resolve this issue. The contractor has worked through the work stoppage.

13. Police Chief Report

Police Chief Narsh commented on the following:

- Orion Township Fire Station 1 is opened for business and is fully equipment and staffed
- LOPD has been challenged to the Check Swab Challenged by the City of Berkley and asked all those able to participate to help LOPD win the challenge.

14. Closed Session Items

15. Reconvene to Open Session

16. Business From Closed Session

17. Adjournment

Motion to: adjourn the Monday, October 8, 2018 regular Village Council meeting. **Adopted**

The regular Village Council meeting of Monday, October 8, 2018 adjourned at 8:12 PM

Kenneth VanPortfliet
President

Susan C. Galeczka, CMC CMMC

Village Clerk

Date Approved: _____