1. CALL TO ORDER
2. VIRTUAL MEETING INSTRUCTIONS
3. INVOCATION AND PLEDGE
4. RECOGNITION - Citizen of the Month
5. APPROVAL OF BILLS
6. PUBLIC COMMENT (3 minutes or less) *Board does not respond during public comment
7. APPROVAL OF AGENDA
8. CONSENT AGENDA
   A. Minutes - Regular Meeting, January 19, 2021
   B. Purchase EKG Monitor/Defibrillators - Fire Department
   C. Purchase Replacement John Deere Gator - Parks & Recreation
   D. Tower Co. Lease Extension
   E. Orion Veterans' Memorial Lease
   F. ZBA Appointment
   G. IT Right Contract
   H. Award 2021 Lawn Mowing Contract - Titan Lawn Care
   I. Request for Proposal - Lawn Fertilization
9. PENDING
   A. Second Reading - PC-2020-38 Edgar Development Rezone Request
   B. First Reading - PC-2021-02 Milosch Project Rezone Request
   C. Amend Consent Judgement
10. REPORTS
    A. Police/Fire Reports
    B. Strategic Communications Solutions - 2020 Report for Orion Township
11. PUBLIC COMMENT
12. BOARD MEMBER COMMENT
13. CLOSED EXECUTIVE SESSION - Discuss Pending Litigation
14. ADJOURNMENT

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
To: Orion Township Board of Trustees  
From: Penny S. Shults, Clerk  
Meeting Date: Virtual conference meetings  
Memo Date: January 26, 2021  
Subject: Public Input Instructions

PROCESS

Public Input Instructions for Virtual Meetings

1. Public Comment for non-agenda items will take place at the beginning of the meeting (3 minutes maximum).

2. Supervisor Barnett will ask for Public Comment for agenda items, and will be received in this order.
   A. People in the meeting on the computer, please raise your hand.
   B. People in the meeting on the phone, please say your name, moderator will make list. Moderator will take down the names and read them back. Anyone who wants to speak and is not on the list can say their name again. Once list is complete, moderator will call by name for public comments.
   C. Any emails will be read during the meeting by the moderator. Please submit emails to board@oriontownship.org

3. Public Comment will take place at the end of the meeting.
NOTICE
CHARTER TOWNSHIP OF ORION
BOARD OF TRUSTEES MEETING
AT 7:00 P.M.

The Charter Township of Orion Board of Trustees will hold a regular scheduled Board meeting on the first and third Mondays of each month of the calendar year 2021 at 7:00 P.M., with exceptions as noted*:

<table>
<thead>
<tr>
<th>January 4, 19* (Tuesday)</th>
<th>July 6* (Tuesday), 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 1, 16* (Tuesday)</td>
<td>August 2, 16</td>
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<tr>
<td>March 1, 15</td>
<td>September 7* (Tuesday), 20</td>
</tr>
<tr>
<td>April 5, 19</td>
<td>October 4, 18</td>
</tr>
<tr>
<td>May 3, 17</td>
<td>November 1, 15</td>
</tr>
<tr>
<td>June 7, 21</td>
<td>December 6, 20</td>
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</table>

Due to the health concern of COVID-19 and the Michigan Department of Human Services (MDHHS)), The Charter Township of Orion Board of Trustees meetings at 7:00 p.m. meeting are being offered via video conference.

Video conference can be accessed by downloading the app GoToMeeting. The meeting number is 308-965-445. Live comments and questions will be accepted during the workshop at an appropriate time that will be explained by Supervisor Barnett.

You may also email your comments or concerns to board@oriontownship and include Board meeting in the subject line. Meetings are aired live on Orion Neighborhood Television.

Access meetings from your device.
https://www.gotomeet.me/OrionTownship/orion-township-board

You can also dial in using your phone.
United States: +1 (872) 240-3212

Access Code: 308-965-445

New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/308965445

Penny S. Shults, Clerk
Charter Township of Orion

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations. Thank you kindly.
2/1/2021

INVOICES

Total Checks
Non Board Bills 1/21/2021 $4,877.59
Non Board Bills 1/27/2021 $400,971.44
Board Bills 2/1/2021 $627,033.04
Total Invoices $1,032,882.07

Total Invoice Disbursements $1,032,882.07

PAYROLL

Total Gross
Regular Pay 1/20/2021 $225,710.84
POC Firefighters 1/21/2021 $10,666.68
FICA Expenses $17,339.22
Benefit Expenses $80,004.54
Total Payroll Disbursements $333,721.28

Grand Total Disbursements $1,366,603.35

Due to the conversion to the Pooled Cash Fund, total disbursements include refunds from deposits, bonds & escrows which are not expenses to the township. The payroll check register shows deductions that are not expenses to the township.

Prepared by Tandem Graves, AP/PA Coordinator
1. CALL TO ORDER. The Charter Township of Orion Board of Trustees held a regular meeting on Tuesday, January 19, 2021 via video conference only. Supervisor Barnett called the meeting to order at 7:05 p.m.

BOARD MEMBERS PRESENT: Chris Barnett, Penny Shults, Donni Steele, Brian Birney, Julia Dalrymple, Mike Flood, Kim Urbanowski

BOARD MEMBERS ABSENT: None

OTHERS PRESENT:
- Chief Rob Duke
- Matt Bush
- Don Hickmont
- John Cooper
- Erin McComb
- Tammy Girling
- Aaron Whatley
- James Stevens
- Bill Kokenos
- Gary Roberts
- Alex P
- John Pender
- Harry Huston
- Sam Timko
- Deborah Peterson
- Joe Skore
- ONTV

2. VIRTUAL MEETING INSTRUCTIONS.

3. INVOCATION AND PLEDGE. Trustee Flood gave the Invocation, followed by the Pledge of Allegiance.

4. RECOGNITION

4A. CITIZEN OF THE MONTH. Bill Kokenos is on the Chamber of Commerce Board and is being recognized for “saving Christmas” in Orion this year by organizing the Christmas Parade that traveled on a Saturday and Sunday during the holiday season. He made sure to bring joy to the neighborhoods of Orion Township after traditional events could not happen this year. The Charter Township of Orion gratefully expresses its appreciation to Bill for his volunteerism and commitment to the Orion Community through his service and giving his time and talents, bringing holiday cheer to all residents of Orion Township.

4B. mPARKS AWARD. mPARKS is a Statewide Parks Organization that recognized Orion Township as one of the COVID-19 Engagement Award Winners and was recognized as one of two communities in the state for our citizen engagement and Programming Response Plan in relation to the COVID-19 pandemic. Parks & Recreation started a donation center at the Community Center and a Senior Call Program for support that was copied across the country.

5. APPROVAL OF BILLS. Moved by Treasurer Steele, seconded by Trustee Flood to authorize payment of bills in the amount of $1,307,531.21 and payrolls in the amount of $313,683.54, for a total disbursement of funds in the amount of $1,621,214.75, as presented.
AYES: Dalrymple, Flood, Urbanowski, Barnett, Shults, Steele, Birney
NAYS: None
ABSENT: None
MOTION CARRIED
6. PUBLIC COMMENT (3 minutes or less) *Board does not respond during public comment. Public comment was not heard.


Moved by Clerk Shults, seconded by Trustee Flood to approve the agenda, as amended. MOTION CARRIED

8. CONSENT AGENDA.

A. Minutes - Regular Meeting, January 04, 2021. Approve, as presented.

B. 2021 Community Service Agreement – Orion Area Youth Assistance & North Oakland Community Coalition. Authorize the Supervisor and Clerk to sign the 2021 Community Service Agreements with Orion Area Youth Assistance and the North Oakland Community Coalition, on behalf of the Township, and authorize the distribution of the funds in the amount of $22,500 ($20,000 for Youth Assistance, $2,500 for NOCC), as budgeted and authorized for 2021, and as per the agreements, both NOCC and Youth Assistance will provide financial information showing how last year’s funds were spent.

C. 2021 NoHaz Interlocal Agreement. Adopt the resolution approving the 2021 NO HAZ Agreement, authorize the Supervisor to sign it, and appoint Mike Flood as Orion Township’s official representative.

D. 2021 Request for Proposals – Parks & Recreation. Authorize advertising for sealed bids for the 2021 Parks & Recreation projects, as outlined.

E. Purchase Fire Engine – Fire Department. Approve and authorize the Fire Department to purchase one (1) Sutphen Custom Pumper for a total delivered vehicle sales price with options of $574,284.18 from Apollo Fire Equipment, 12584 Lakeshore Dr, Bruce Township, MI 48065. This purchase will be made through the Houston-Galveston Area Council (H-GAC) cooperative purchasing program.

F. Meter Reading Equipment Upgrade. Allow the Department of Public Services to purchase the Neptune 360-Meter Reading upgrade platform, at a cost of $13,975.86, from Ferguson Waterworks and implement the system as soon as scheduling allows.

G. Easement Acquisition – Gregory Meadows. Contract with OHM for Gregory Meadows pathway easement acquisition support, at a cost not to exceed $13,500.00.

I. Grid4 High Speed Internet/Phone Contract for Municipal Complex. Approve the service agreement with Grid4 Communications, with any minor modifications as recommended by the Township Attorney and approved by the Township Supervisor and authorize the Supervisor to execute the same.

J. Appoint Planning Commission Member to Serve as Representative Zoning Board of Appeals. Appoint Don Walker to serve as the Planning Commission representative on the Zoning Board of Appeals for 2021.


L. Accept ZBA Resignation and Appoint New ZBA Member. Accept the resignation of Lucy Koscierzynski with regret and direct the Clerk to send a letter of appreciation, appoint Derek Brackon to the ZBA as a Regular Member for a term ending 12-31-2021, and advertise the vacancy of Alternate.

M. Property Purchase – 508 S Broadway. Approve the resolution to Approve the Purchase of Property for the property commonly known as 508 South Broadway, located in Lake Orion, Michigan, and authorize the Supervisor and Clerk to execute all documents necessary to close on the Property.

Moved by Trustee Flood, seconded by Trustee Birney to approve the Consent Agenda, as amended.
AYES: Barnett, Shults, Steele, Birney, Dalrymple, Flood, Urbanowski  ABSENT: None
NAYS: None  MOTION CARRIED

9. PENDING BUSINESS

A. Second Reading PC-2019-48 Cottages at Gregory Meadows PUD. Moved by Clerk Shults, seconded by Trustee Urbanowski to declare the second reading of PC-2019-48 Cottages at Gregory Meadows Final PUD Rezone/Map Amendment and Agreement, was held on January 19, 2021, and approve the request to rezone the property from Suburban Farms (SF) to Planner Unit Development (PUD), located at 3537 and 3595 Gregory Rd. (Sidwell #09-31-200-006 and 09-31-200-008) for plans date stamped received November 6, 2020, for the reasons given by the Planning Commission at the December 2, 2020 meeting and the conditions set forth by the Planning Commission on December 2, 2020. In addition, the Township Supervisor and the Township Clerk are authorized to sign the PUD Agreement on behalf of the Township after it is approved by the Township Attorney.
AYES: Shults, Steele, Birney, Dalrymple, Flood, Urbanowski, Barnett  ABSENT: None
NAYS: None  MOTION CARRIED

Public comments were heard from Harry Huston, and Jeff McComb and Erin McComb at 3580 Gregory.
Clerk Shults read letters from the public, including Steven Miller at 4563 Peppermill, Mr. Jassosh, Sharon Jasso at 4473 Morgan Pine, Matthew Rise at 4490 Peppermill Lane, Jerry DeMott, and James Colbin.

**B. Second Reading – Safety Path Regulation Ordinance Amendment.** Moved by Clerk Flood, seconded by Treasurer Steele to approve the second reading and update the amendment to Safety Path Regulation Ordinance (Ord. 97).

AYES: Steele, Birney, Dalrymple, Flood, Urbanowski, Barnett, Shults  
ABSENT: None  
NAYS: None  
MOTION CARRIED

**C. Second Reading – Parks and Recreation Ordinance Amendment.** Moved by Clerk Shults, seconded by Trustee Birney to approve the second reading and update the amendment to Parks and Recreation Ordinance (Ord. 132).

AYES: Birney, Dalrymple, Flood, Urbanowski, Barnett, Shults, Steele  
ABSENT: None  
NAYS: None  
MOTION CARRIED

**D. Schedule Parks and Paths Advisory Committee Meeting.** Moved by Treasurer Steele, seconded by Clerk Shults to schedule the first meeting of the newly formed Parks & Paths Advisory Committee for February 18, 2021 at 6:00 pm.

MOTION CARRIED

10. REPORTS

**A. Police/Fire Reports.** Moved by Trustee Birney, seconded by Treasurer Steele to receive and file the Police and Fire Reports.

MOTION CARRIED

**B. Single Hauler Report.** Moved by Clerk Shults, seconded by Trustee Flood to receive and file the Single Hauler Report, as presented.

MOTION CARRIED

11. PUBLIC COMMENT. Public Comment was not heard.

12. BOARD MEMBER COMMENTS. Board member comments were heard.

13. CLOSED EXECUTIVE SESSION – Discuss Pending Litigation: 9:22 P.M. Moved by Trustee Flood, seconded by Clerk Shults to go into closed executive session to discuss pending litigation and attorney opinions, and include Planning and Zoning Director Tammy Girling.

AYES: Dalrymple, Flood, Urbanowski, Barnett, Shults, Steele, Birney  
ABSENT: None  
NAYS: None  
MOTION CARRIED

The Board was in temporary recess from 9:22 p.m. – 10:17 p.m. for the Closed Executive Session.
CHARTER TOWNSHIP OF ORION BOARD OF TRUSTEES
MINUTES, REGULAR MEETING, TUESDAY, JANUARY 19, 2021

The regular Board of Trustees meeting reconvened at 10:17 p.m.

14. ADJOURNMENT. Moved by Trustee Flood, seconded by Supervisor Barnett to adjourn. MOTION CARRIED  The meeting was adjourned at 10:17 p.m.

________________________________________
Penny S. Shults, Clerk

______________________________
Chris Barnett, Supervisor
Charter Township of Orion

Transcription: Melissa Bardecki
**Agenda Item Summary**

**To:** Board of Trustees

**From:** Robert Duke, EFO
Fire Chief

**Meeting Date:** February 1, 2021

**Memo Date:** January 22, 2021

**Subject:** Fire Department: Purchase EKG Monitor/Defibrillators

☑ Consent  ☐ Pending

**REQUEST:**
The Fire Department is requesting authorization to purchase four (4) LIFEPAK 15 monitor/defibrillators in the amount of $157,911.52. The purchase will be made through Stryker Medical as a sole source vendor (letter attached) with whom we currently have built a strong relationship with for other medical equipment that we use such as; active compression decompression (CPR) machines and our ambulance stretchers. A comparative analysis chart is attached for review. There is a lead time of 45-60 days as this equipment is built and configured for each end user.

**REASON:**
Combined monitor/defibrillators enable the paramedic to assess and monitor a patient’s ECG and rapidly deliver a defibrillating countershock to patients suffering from ventricular fibrillation during a cardiac arrest. These monitor/defibrillators are a requirement to begin providing advanced life support. The LIFEPAK 15 continuously monitors all 12-leads of the heart and cardiac rhythm. This monitor/defibrillator works seamlessly with the web-based LIFENET System, so FD paramedics can automatically share critical patient data with hospital emergency departments and ER physicians.

**PROCESS:**
Personnel from the Fire Department equipment committee and EMS Coordinator have reviewed the monitor/defibrillator specification (local & state) standards based on operational use and needs of providing best practice care to our community. A recommendation from the EMS Coordinator is provided for support and review.

**BUDGET**
If yes, fill out information below:

<table>
<thead>
<tr>
<th>Financial Item?</th>
<th>☒</th>
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</thead>
<tbody>
<tr>
<td>Expected Invoice Date:</td>
<td>2/4/2021</td>
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</table>

<table>
<thead>
<tr>
<th>Project/Grant Tracking?</th>
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</thead>
<tbody>
<tr>
<td>Reviewed by Budget Director?</td>
<td>☒</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Account No.</th>
<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Outlay Equipment</td>
<td>206-336-997</td>
<td>Monitor/Defibrillators</td>
<td>$157,911.52</td>
<td>$157,911.52</td>
<td>$0.00</td>
</tr>
</tbody>
</table>
RECOMMENDATION (Motion)

To approve and authorize the Fire Department to purchase four (4) LIFEPAK 15 monitor defibrillators from Stryker Medical, P.O. Box 93308 Chicago, IL in the amount of $157,911.52.
<table>
<thead>
<tr>
<th>Stryker Medical LFEPAK 15</th>
<th>ZOLL X Series</th>
<th>Phillips Tempus LS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pros</strong></td>
<td><strong>Pros</strong></td>
<td><strong>Pros</strong></td>
</tr>
<tr>
<td>2. Transmits EKG's to current hospital receiving stations</td>
<td>2. Intuitive</td>
<td>2. Lightweight</td>
</tr>
<tr>
<td>3. Integrates with LUCAS CPR devices</td>
<td>3. Approximately $5,000 less expensive per unit</td>
<td>3. Has numerous plugins including laryngoscope and ultrasound</td>
</tr>
<tr>
<td><strong>Cons</strong></td>
<td><strong>Cons</strong></td>
<td><strong>Cons</strong></td>
</tr>
<tr>
<td>1. Sole Source product</td>
<td>1. Does not integrate with LUCAS</td>
<td>1. Does not integrate with LUCAS</td>
</tr>
<tr>
<td>2. Device is robust, leading to a heavier monitor</td>
<td>2. Does not integrate with existing hospital EKG receiving stations</td>
<td>2. Does not integrate with existing hospital EKG receiving stations</td>
</tr>
<tr>
<td></td>
<td>3. Poor described durability</td>
<td>3. Poor described durability</td>
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<tr>
<td></td>
<td>4. Artifact issues affecting interpretation of EKG's have been described by users</td>
<td>4. First Philips Product since having FDA certification restored in July 2020</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. Not approved for sale in Michigan until September 2021</td>
</tr>
<tr>
<td><strong>Users</strong></td>
<td><strong>Users</strong></td>
<td><strong>Users</strong></td>
</tr>
<tr>
<td>Most local fire departments</td>
<td>Star EMS</td>
<td>No local users</td>
</tr>
<tr>
<td></td>
<td>Oxford Fire Department</td>
<td>due to sales restrictions</td>
</tr>
</tbody>
</table>
Better data means better CPR

Measure. Improve. Repeat.
Give your resuscitation teams a head start on turning data into targeted improvements with the CODE-STAT™ Data Review Software.
CODE-STAT makes it easy to correlate key CPR performance metrics, recognize trends, and understand team performance immediately after response. At a glance, spot where you are doing well or where there is room for improvement—and gain confidence in your team’s operations and skills.

CODE-STAT empowers your care teams by:
• Connecting patient data via an integrated system of devices—including LIFEPAK® AEDs, and now the LUCAS® 3 Chest Compression System.
• Providing the ease-of-use and clarity you need to make sense of your system’s data.
• Enabling your resuscitation teams to learn from every event when using CODE-STAT to facilitate team debriefs and process improvements.

Make improvement faster and easier
• Easily create individual case reports and aggregate statistics across your organization.
• Quickly identify compression hands-on time, chest compression and ventilation rates, longest pause, peri-shock pause, and time before first shock.

Complete case review with new insights for the LUCAS device
• Chest compression device application time.
• Automatic annotation of power on and first LUCAS compression.

Easier and more accurate documentation and time-stamping
• LUCAS device compression waveform.
• Comprehensive case log with LUCAS device and LIFEPAK data.
No time to review? No problem.
With CODE-STAT Data Review Service, you gain access to all the data and functionalities of your CODE-STAT software along with the ease of expert annotations. CODE-STAT Data Review Service matches you with an expert clinical annotator to determine target metrics, design reports, and return CPR reports quickly.

- Essential and Advanced levels of service
  - 2-day delivery of expert case reviewed CPR reports
  - Includes initial and ongoing consultation
  - Monthly or quarterly reporting based on your needs
  - Secure data transmission
- Helps facilitate data collection for hospital reporting requirements
- Subscriptions available for EMS agencies or hospitals of any size

It’s time to focus on what matters most—improving CPR quality and saving lives.

Contact your local sales rep for more information about CODE-STAT Data Review Software and Service.

Statement from the American Heart Association: “Significant improvement in arrest outcomes depends on collection, analysis, feedback, and interventions based on data and observations...Only once these data are routinely collected will it be possible to continuously evaluate and improve what is done.”

25% Compressions

Speed clinically-significant improvements

Hands-on compression ratio relates directly to patient outcomes, which is why Redmond Medic One set out to increase this performance metric using CODE-STAT software. In just six months, the team increased its compression ratio from 66% to 83%—a 25% improvement. Research shows clinically significant improvement takes place after the kind of targeted performance reviews you can hold when you learn from every resuscitation with CODE-STAT.²

Date: January 15, 2021

To: Chief Robert Duke

From: Kyle Cameron, Captain
     EMS Coordinator

Subject: ALS Defibrillator Recommendation

Hello Chief Duke,

After extensive research into the ALS defibrillator products currently available on the market, it is my recommendation we pursue the purchase of LIFEPAK 15 units from Stryker Medical. This recommendation is based on useability, durability and integration with current equipment. Defibrillators are not currently a part of competitive bid programs and are all sole source products.

The other defibrillators that were reviewed were the Zoll X series, and the Phillips Tempus LS. Neither monitor fully meets our ALS needs. Both the Zoll and Phillips products lack the integration with our LUCAS CPR devices, as well as, hospital-supported telemetry features. Zoll and Phillips monitors also have end-user described durability issues. Ultimately neither monitor would fully fit the needs of our department.

I recommend we pursue the Stryker Medical LIFEPAK 15 for purchase. Please review the attached LIFEPAK 15 quote and attached sole source letter from Physio.

I look forward to your review of this recommendation.
LIFEPAK® 15 MONITOR/DEFIBRILLATOR
For Emergency Medical Services
When you respond to emergencies, you need the most advanced monitor/defibrillator that sets the new standard in innovation, operations and toughness.
The LIFEPAK 15 monitor/defibrillator delivers.

Physio-Control defibrillators have set the standard for over 55 years, and the latest version of the LIFEPAK® 15 monitor/defibrillator raises the bar. As our most advanced emergency response monitor/defibrillator, the LIFEPAK 15 device balances sophisticated clinical technologies and supreme ease of use in a device that’s tough enough to stand up to your most challenging environments. Evolving from its original platform, the 15 adds new features—temperature monitoring and external power—to complement existing features which include 360J energy and 12-lead ECG transmission. And that means your team can be even more effective.

A LIFEPAK device never stands on its own—and the LIFEPAK 15 monitor is no different. Physio-Control is committed to providing innovative solutions for emergency response care, from first responders to throughout the hospital.

Our products have helped save tens of thousands of lives. We’re proud to continue this work with new features in the LIFEPAK 15 monitor/defibrillator.
The new standard in clinical innovation.

The pioneer in portable defibrillation and monitoring technology, Physio-Control is committed to creating technologies and devices that change the way you provide emergency care. You can see the results in the latest version of the LIFEPAK 15 monitor/defibrillator, which sets a new standard in innovation—yet again.
Advanced monitoring parameters
With more monitoring capabilities than any other monitor/defibrillator, the 15 gives you EtCO₂ with continuous waveform capture*. Masimo® Rainbow® technology helps you detect hard-to-diagnose conditions and improve patient care with noninvasive monitoring of carbon monoxide, SpO₂ and methemoglobin. In addition, the 15 now offers temperature monitoring—and like other data, you can transmit it to other systems, trend it, or display for post-event review in CODE-STAT™ data review software.

Advanced support for treating cardiac patients
The 15 continuously monitors all 12 leads in the background and alerts you to changes using the ST-Segment trend monitoring feature, after acquiring the initial 12-lead. Additionally, STJ values are now included on the 12-lead printout to help you identify changes. The 15 also works seamlessly with the web-based LIFENET System 5.0, so you can automatically share critical patient data with multiple patient care teams.

Full energy up to 360 joules, for every patient who needs it
The LIFEPAK 15 monitor/defibrillator features 360J biphasic technology, which gives you the option of escalating your energy dose up to 360J for difficult-to-defibrillate patients. Why is this necessary? Recent studies have shown that reffibrillation is common among VF cardiac arrest patients and that defibrillation of recurring episodes of VF is increasingly difficult. Another recent randomized controlled clinical trial shows the rate of VF termination was higher with an escalating higher energy regimen of 200J and over.¹

Proven CPR guidance and post event review
The CPR Metronome in the LIFEPAK 15 monitor uses audible prompts to guide you without distracting vocal critique. A metronome has been a feature that has been demonstrated to help professionals perform compressions and ventilations within the recommended range of the 2010 AHA Guidelines. Post-event review of CPR data and delivering feedback to the team has been shown to be effective in improving CPR quality in both hospital and out-of-hospital.²³⁴ And by transmitting code data directly to CODE-STAT Data Review software, EMS personnel can review CPR statistics and provide training and feedback where it is most needed.

Post-event review of CPR data and delivering feedback to the team has been shown to be effective in improving CPR quality in both hospital and out-of-hospital.²³⁴
The new standard in operational effectiveness.

Flexible, connected and easy to use, the LIFEPAK 15 monitor/defibrillator was designed based on the feedback and needs specific to working in the field.

Dual-mode LCD screen with SunVue™ display
Switch from full-color to high-contrast SunVue mode with a single touch for the best full-glare view in the industry. A large screen (8.4 inches diagonally) and full-color display provide maximum viewability from all angles.

Flexible power options
Choose between external worldwide AC or DC power, or use the latest Lithium-ion dual battery technology for up to six hours of power. The LIFEPAK 15 monitor’s two-battery system requires no maintenance or conditioning, and allows you to charge batteries in the device. In addition, you can track the status and service life of your batteries using LIFENET® Asset, part of the LIFENET System data network.

Data connectivity
The 15 collects code summaries and equipment status data along with critical clinical information as you treat patients. Using LIFENET Connect, part of the LIFENET System data network, the code summaries can be sent directly to your quality improvement team for review with CODE-STAT Data Review Software. Your equipment manager can also view equipment status on the LIFENET System 5.0 using LIFENET Asset and alert you to any potential issues.

Upgradable platform
The 15 platform is flexible enough to adapt to evolving protocols and new guidelines, and can be upgraded as you’re ready to deliver new capabilities. With more processing power and speed, the 15 is designed to grow as your needs change, helping you avoid costly premature replacements.

Attention to detail
The LIFEPAK 15 monitor is designed based on field feedback to make it a more effective tool. The 15 has a larger handle for easier handoffs, an easy to clean keypad, and a common interface to the LIFEPAK 12 defibrillator/monitor that helps reduce training.
The new standard in toughness.

We believe LIFEPAK equipment should live up to the highest expectations of those working in the harshest settings. The 15 is LIFEPAK TOUGH, with improved ruggedness and durability you can rely on.

---

Works when dropped, kicked, soaked or dirty
The LIFEPAK 15 monitor/defibrillator passes 30-inch drop tests, which is equal to falling off a cot or dropping it in transit. And with an IP44 rating, it doesn’t matter how wet or dirty it gets, so you can keep working in steady wind, rain and other harsh environments.

Toughened inside and out
We heard from emergency response teams that they wanted a tougher device—so we added a shock-absorbing handle, a double-layer screen that can take a beating from doorknobs and cot handles, and redesigned cable connections for confident monitoring and therapy delivery.

Unmatched field service
The unit’s self-checking feature alerts our service team if the device needs attention. Our on site maintenance and repair, access to original manufacturer parts, and highly trained, experienced service representatives give you the peace of mind that your LIFEPAK 15 monitor will be ready when you need it.*

---

Data connectivity  LIFEPAK TOUGH™  Dual-mode LCD screen with SunVue display

* A variety of customized service options are available.
LIFEPAK 15 MONITOR/DEFIBRILLATOR

Integrated Carbon Monoxide and Methemoglobin monitoring.

12-lead ECG transmissions via the LIFENET System and ST segment trend monitoring make the LIFEPAK 15 device a vital part of decreasing EMS-to-Balloon (E2B) response times.

The latest Lithium-ion battery technology and dual battery system allows for nearly six hour run time, automatic switching between external power and batteries, and an approximate two-year replacement cycle.

Easy one-touch Bluetooth® data transmission.

Large screen for better visibility and easy monitoring and one touch to switch from LCD color view to SunVue mode for best viewing in sunlight.

On-screen temperature display in either Celsius or Fahrenheit.
CPR Metronome, a proven technology that actively guides users to a consistent compression rate without the need for extra external hardware.

Integrated Oridion EtCO₂ provides waveform ranges as low as 0–20 mmHg to help identify ROSC or gauge CPR quality, consistent with the AHA guidelines.

The LIFEPAK 15 monitor/defibrillator at a glance.

Redesigned cable connector gives you the confidence for secure therapy delivery.
For more than 55 years, Physio-Control has been developing technologies and designing devices that are legendary among first response professionals, clinical care providers, and the community.
A legacy of trust.

Since we were founded in 1955, Physio-Control has been giving medical professionals around the world legendary quality and constant innovation. Our LIFEPAK devices have been carried to the top of Mount Everest. They’ve been launched into orbit on the International Space Station. And you’ll find more than half a million units in use today on fire rescue rigs, ambulances, and hospital crash carts worldwide.

We are inspired and informed by the rescuers who choose our products to save lives. The knowledge gained from working with some of the world’s largest EMS organizations helps us constantly improve clinical standards and durability.

Today, we continue our legacy of innovation with leading new technologies that improve patient care. Our 360J biphasic technology gives patients the best chance at survival. Our secure, web-based flow of ECG data helps improve STEMI patient outcomes. And our carbon monoxide monitoring helps catch the number one cause of poisoning deaths.

From the streets to the emergency room to the administrative office, we offer a powerful suite of solutions that range from code response to quality control analysis. And even as we bring groundbreaking products to the market, some things don’t change. As always, when you choose our products, you don’t just get a device. You also get the most comprehensive warranty in the business, industry-leading technical service, and a partner with over 55 years of experience in emergency care.

For more information about the LIFEPAK 15 monitor/defibrillator—and how it can help you do what you do best—please contact your local Physio-Control representative or visit www.physio-control.com.
Physio-Control Continuum of Care

Defibrillators/Monitors

LIFEPAK CR® Plus Automated External Defibrillator
Featuring the same advanced technology trusted by emergency medical professionals—yet simple to use—the LIFEPAK CR Plus AED is designed specifically for the first person to respond to a victim of sudden cardiac arrest. Unlike AEDs with complex prompts and limited energy for defibrillation, the fully automatic LIFEPAK CR Plus AED combines an easy two-step operation, just the right level of guidance, and the capability to escalate to 360 joules when needed.

LIFEPAK® 1000 Defibrillator
The LIFEPAK 1000 Defibrillator is a powerful and compact device designed to treat cardiac arrest patients and provide continuous cardiac monitoring capabilities. Built-in flexibility allows the 1000 to be programmed for use by first responders or professionals and enables care providers to change protocols as standards of care evolve. A large, intuitive screen displays graphics and ECG readings that are clear and easy to read from any angle and in bright sunlight. The most rugged AED in the LIFEPAK fleet, you can carry the 1000 with confidence into the harshest environments.

LIFEPAK® 20e Defibrillator/Monitor
Building on the design of its predecessor, the LIFEPAK 20e defibrillator/monitor is compact, lightweight and easy to rush to the scene or use during transport. The 20e is highly intuitive to use, putting early, effective defibrillation into the hands of first responders. The 20e skillfully combines AED function with manual capability so that ACLS-trained clinicians can quickly and easily deliver advanced therapeutic care. Clinically advanced and packed with power, the 20e uses Lithium-ion battery technology that provides extended operating time for transporting patients from one area of the hospital to another and includes ADAPTIV™ biphasic technology up to 360 joules.
CPR Assistance

LUCAS™ Chest Compression System

Designed to provide effective, consistent and uninterrupted compressions according to AHA Guidelines, LUCAS can be used on adult patients in out-of-hospital and hospital settings. Maintaining high-quality hands-free compressions frees responders to focus on other lifesaving therapies and enables them to wear seatbelts during transport. Available in both air-powered and the newer battery-powered version.

Information Management

LIFENET® System

The LIFENET System provides EMS and hospital care teams with reliable, quick access to clinical information helping to improve patient care flow and operational efficiency. The LIFENET System provides a reliable and secure web-based platform linking care teams with critical information for emergent patient data and post-event review. From providing an advanced alert of an incoming patient, to reviewing post-event data, to tracking assets, the LIFENET System is the most comprehensive system on the market today.

CODE-STAT™ Data Review Software

CODE-STAT software is a powerful tool to improve your resuscitation system. Measuring performance, providing feedback, enabling peer-review and identifying areas for improvement make CODE-STAT software a critical component to improving EMS and Hospital care teams’ performance. Features such as multiple continuous waveform capture and CPR interval reporting take post-event review to another level, helping to improve patient care and outcomes.
**GENERAL**

The LIFEPAK 15 monitor/defibrillator has six main operating modes:

- **AED Mode**: for automated ECG analysis and a prompted treatment protocol for patients in cardiac arrest.
- **Manual Mode**: for performing manual defibrillation, synchronized cardioversion, noninvasive pacing, and ECG and vital sign monitoring.
- **Archive Mode**: for accessing stored patient information.
- **Setup Mode**: for changing default settings of the operating functions.
- **Service Mode**: for authorized personnel to perform diagnostic tests and calibrations.
- **Demo Mode**: for simulated waveforms and trend graphs for demonstration purposes.

**PHYSICAL CHARACTERISTICS**

- **Weight**: Basic monitor/defibrillator with new roll paper and two batteries installed: 8.6 kg (18.8 lb)
  - Fully featured monitor/defibrillator with new roll paper and two batteries installed: 9.1 kg (20.1 lb)
  - Lithium-ion battery: 0.59 kg (1.3 lb)
- **Accessory Bags and Shoulder Strap**: 1.77 kg (3.9 lb)

**DISPLAY**

- **Size (active viewing area)**: 212 mm (8.4 in) diagonal; 171 mm (6.7 in) wide x 128 mm (5.0 in) high
- **Resolution**: display type 640 dot x 480 dot color backlit LCD
- **User Selectable Display Mode**: full color or SunVue™ display high contrast
- **Display**: a minimum of 5 seconds of ECG and alphanumerics for values, device instructions, or prompts
- **Display**: up to three waveforms
- **Waveform Display Sweep Speed**: 25 mm/sec for ECG, Sp02, IP, and 12.5 mm/sec for CO2

**DATA MANAGEMENT**

The device captures and stores patient data, events (including waveforms and annotations), and continuous waveform and patient impedance records in internal memory.

The user can select and print reports, and transfer the stored information via supported communication methods.

**REPORT TYPES**:
- Three format types of CODE SUMMARY™ critical event record: short, medium, and long
- 12-lead ECG with STEMI statements
- Continuous Waveform (transfer)
- Trend Summary
- Vital Sign Summary
- Snapshot

**Memory Capacity**: Total capacity is 360 minutes of continuous ECG, 90 minutes of continuous data from all channels, or 400 single waveform events.

**Maximum memory capacity for a single patient includes up to 200 single waveform reports and 90 minutes of continuous ECG.**

**COMMUNICATIONS**

The device is capable of transferring data records by wired or wireless connection. This device complies with Part 15 of the FCC rules, and its operation is subject to the following two conditions: (1) this device may not cause harmful interference, and (2) this device must accept any interference received, including interference that may cause undesired operation.

Serial Port RS232 communication + 12V available

Limited to devices drawing maximum 0.5 A current

Bluetooth® technology provides short-range wireless communication with other Bluetooth-enabled devices

**MONITOR**

**ECG**

ECG is monitored via several cable arrangements:
- A 3-wire cable is used for 3-lead ECG monitoring.
- A 5-wire cable is used for 7-lead ECG monitoring.
- A 10-wire cable is used for 12-lead ECG acquisition. When the chest electrodes are removed, the 10-wire cable functions as a 4-wire cable.

Standard paddles or QUICK-COMBO pacing/defibrillation/ECG electrodes are used for paddles lead monitoring.

**Frequency Response**:
- Monitor: 0.5 to 40 Hz or 1 to 30 Hz
- Paddles: 2.5 to 30 Hz
- 12-lead ECG diagnostic: 0.05 to 150 Hz

**Lead Selection**: Leads I, II, III, (3-wire ECG cable)

- Leads I, II, III, AVR, AVL, and AVF acquired simultaneously (4-wire ECG cable)
- Leads I, II, III, AVR, AVL, AF, and C lead acquired simultaneously (5-wire ECG cable)
- Leads I, II, III, AVR, AVL, AVF, V1, V2, V3, V4, V5, and V6 acquired simultaneously (10-wire ECG cable)

**ECG size**: 4, 3, 2.5, 2, 1.5, 1, 0.5, 0.25 cm/mV (fixed at 1 cm/mV for 12-lead)

**Heart Rate Display**:
- 20–300 bpm digital display
- Accuracy: ±4% or ±3 bpm, whichever is greater
- QRS Detection Range Duration: 40 to 120 msec
- Amplitude: 0.5 to 5.0 m

**Common Mode Rejection (CMRR)**: ECG Leads: 90 dB at 50/60 Hz

**Sp02/Sp02/SpC02/SpMet**

**Sensors**:
- MASCIMO® sensors including RAINBOW® sensors
- NELLCOR® sensors when used with the MASCIMO RED™

**Sp02**

**Display Saturation Range**: ~<50% for levels below 50%, 50 to 100%

**Saturation Accuracy**: 70–100% (0–68% unspecified)

**Adulthood/Pediatrics**:
- ±2 digits (during no motion conditions)
- ±3 digits (during motion conditions)

**Dynamic signal strength bar graph**

**Pulse Rate Accuracy**

- ±0.2°C including sensor

**Invasive Pressure**

**Transducer Type**: Strain-gauge resistive bridge

**Excitation Voltage**: 5 Vdc

**Connector**: Electro Shield: CXS 3102A 14S-6S

**Width/Height**: 0.1% up to 10%

**Accuracy**:
- ±0.2°C including sensor

**Reusable Temperature Cable**: 5 foot or 10 foot

**Disposible Sensor Types**: Surface–Skin, Esophageal/Rectal
Trend

Time Scale: Auto, 30 minutes, 1, 2, 4, or 8 hours
Duration: Up to 8 hours

ST Segment: After initial 12-lead ECG analysis, automatically selects and trends ECG lead with the greatest ST displacement

Display Choice of: HR, PR (SpO₂), PR (NIBP), SpO₂ (%), SpCO₂ (%), SpMet (%), CO₂ (EtCO₂/FIO₂), RR (CO₂), NIBP, IP1, IP2, ST

ALARMS

Quick Set: Activates alarms for all active vital signs
VF/VT Alarm: Activates continuous (CPSS) monitoring in Manual mode
Apnea Alarm: Occurs when 30 seconds has elapsed since last detected respiration
Heart Rate Alarm Limit Range: Upper, 100~250 bpm; lower, 30~150 bpm

INTERPRETIVE ALGORITHM

12-Lead Interpretive Algorithm: University of Glasgow

12-Lead ECG Analysis Program, includes AMI and STEMI statements

POWER

Power Adapters: AC or DC
Power Adapters provide operation and battery charging from external AC or DC power
- Full functionality with or without batteries when connected to external AC/DC
- Typical battery charge time while installed in LIFEPAK 15 device is 190 minutes
- Indicators: external power indicator, battery charging indicator
Dual battery: Capability with automatic switching
Low battery indication and message: Low battery fuel gauge indication and low battery message in status area for each battery
Replace battery indication and message: Replace battery fuel gauge indication, audio tones and replace battery message in the status area for each battery

POWER

BATTERY

Battery Specifications
Battery Type: Lithium-ion
Weight: 0.59 kg (1.3 lb)
Voltage: 11.1V typical
Capacity (rated): 5.7 amp hours
Charge Time (with fully depleted battery): 4 hours and 15 minutes (typical)
Battery indicators: Each battery has a fuel gauge that indicates its approximate charge. A fuel gauge that shows two or fewer LEDs after a charge cycle indicates that the battery should be replaced.
Charging Temperature Range: 0° to 50°C (32° to 122°F)
Operating Temperature Range: 0° to 50°C (32° to 122°F)
Short Term (<1 week) Storage Temperature Range: -20° to 60°C (-4° to 140°F)
Long Term (>1 week) Storage Temperature Range: 20° to 25°C (68° to 77°F)
Operating and Storage Humidity Range: 5 to 95% relative humidity, non-condensing

ENERVIRONMENTAL

Unit meets functional requirements during exposure to the following environments unless otherwise stated.

Operating Temperature: 0° to 45°C (32° to 113°F);
-20°C (-4°F) for 1 hour after storage at room temperature;
60°C (140°F) for 1 hour after storage at room temperature

Storage Temperature: -20° to 65°C (-4° to 149°F) except therapy electrodes and batteries

Relative Humidity, Operating: 5 to 95%, non-condensing.
NIBP: 15 to 95%, non-condensing
Relative Humidity, Storage: 10 to 95%, non-condensing

Atmospheric Pressure, Operating: -822 to 4,572 m (-2,625 to 15,000 ft).
NBG: -152 to 3,048 m (-500 to 10,000 ft)

Water Resistance, Operating: IP44 (dust and splash resistance) per IEC 529 and EN 1789 (without accessories except for 12-lead ECG cable, hard paddles, and battery pack)

Vibration: MIL-STD-810E Method 514.4, Propeller Aircraft - category 4 (figure 514.4-7 spectrum a), Helicopter - category 6 (3.75 Gms), Ground Mobile - category 9 (3.14 Gms), EN 1789: Sinusoidal Sweep, 1 octave/min, 10-150 Hz, ±0.15 mm/2 g

Shock (drop): 5 drops on each side from 18 inches onto a steel surface EN 1789: 30-inch drop onto each of 6 surfaces

Shock (functional): Meets IEC 60601-2-27 and MIL-STD-810E shock requirements 3 shocks per face at 40 g, 6 ms half-sine pulses

Bump: 1000 bumps at 15 g with pulse duration of 6 msec

Impact, Non-operating: EN 60601-1 0.5 + 0.05 joul impact UL 60601-1-6.78 Nm impact with 2-inch diameter steel ball. Meets IEC62262 protection level IK 04.

REFERENCES


*All claims valid as of March 2011.

For further information please contact your local Physio-Control representative or visit our website at www.physio-control.com
## LP15 Quote

### Quote Summary

- **Quote Number:** 10057127
- **Version:** 1
- **Prepared For:** ORION TWP STA 3 AND FIRE ADMIN
- **Attn:** Chris LaGerould
- **Email:** clagerould@oriontownship.org
  
  (248) 431-5573

- **Quote Date:** 12/22/2020
- **Expiration Date:** 03/15/2021

- **Delivery Address:** ORION TWP STA 3 AND FIRE ADMIN
- **Address:** 3365 GREGORY RD
  
  LAKE ORION
  
  Michigan 48359-2014

- **End User - Shipping - Billing**
- **Name:** ORION TWP STA 3 AND FIRE ADMIN
- **Address:** 3365 GREGORY RD
  
  LAKE ORION
  
  Michigan 48359-2014

- **Bill To Account**
- **Name:** ORION TWP STA 3 AND FIRE ADMIN
- **Address:** 3365 GREGORY RD
  
  LAKE ORION
  
  Michigan 48359-2014

### Equipment Products:

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<td>2.0</td>
<td>41577-000284</td>
<td>Ship Kit - QUIK-COMBO Therapy Cable; 2 rolls 100mm Paper; RC-4, Patient Cable, 4ft.; NIBP Hose, Coiled; NIBP Cuff, Reusable, adult; 12-Lead ECG Cable, 4-Wire Limb Leads, 5ft; 12-Lead ECG Cable, 6-Wire Precordial attachment</td>
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<td>3.0</td>
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<td>LP 15 Lithium-ion Battery 5.7 amp hrs</td>
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<td>5.0</td>
<td>21300-008159</td>
<td>LIFEPAK 15 NIBP Straight Hose, 6’</td>
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<td>NIBP Cuff-Reusable, Child</td>
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<td>7.0</td>
<td>11160-000017</td>
<td>NIBP Cuff - Reusable, Large Adult</td>
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<td>$28.90</td>
<td>$115.60</td>
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<td>8.0</td>
<td>11577-000002</td>
<td>LIFEPAK 15 Basic carry case w/ right &amp; left pouches; shoulder strap (11577-000001) included at no additional charge when case ordered with a LIFEPAK 15 device</td>
<td>4</td>
<td>$277.95</td>
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<td>9.0</td>
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<td>LIFEPAK 15 Carry case top pouch</td>
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<td>LIFEPAK 15 Carry case back pouch</td>
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<td>4G Modem: Verizon Cellular (for use on Stryker data plan; purchased separately)</td>
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<td>Masimo™; RC Patient Cable - EMS, 4 FT.</td>
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<td>Masimo™ Rainbow™ DCI Adult Reusable SpO2, SpC0, SpMet Sensor, 3 FT. For use with RC Patient Cable.</td>
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<td>Masimo™ Rainbow™ DCIP Pediatric Reusable SpO2, SpC0, SpMet Sensor, 3 FT. For use with RC Patient Cable.</td>
<td>4</td>
<td>$599.25</td>
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LP15 Quote

Quote Number: 10057127

Version: 1

Prepared For: ORION TWP STA 3 AND FIRE ADMIN
Attn: Chris LaGerould
cagherould@oriontownship.org
(248) 431-5573

Quote Date: 12/22/2020
Expiration Date: 03/15/2021

ProCare Products:

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<td>KORE - Stryker data plan for modem (Verizon)</td>
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<td>$299.00</td>
<td>$1,196.00</td>
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<td>16.1</td>
<td>78000008</td>
<td>Prevent Plus Batteries (Onsite) for LIFEPAK 15 V4 Monitor/Defib - Manual &amp; AED, Trending, Noninvasive Pacing, SpO2, NIBP, 12-Lead ECG, EtCO2, BT.</td>
<td>4</td>
<td>$6,120.00</td>
<td>$24,480.00</td>
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ProCare Total: $25,676.00

Price Totals:

Grand Total: $157,911.52

Prices: In effect for 60 days.

Terms: Net 30 Days

Ask your Stryker Sales Rep about our flexible financing options.
**Deal Consummation:** This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule.

**Confidentiality Notice:** Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker’s prior written approval, except as may be requested by law or by lawful order of any applicable government agency.

**Terms:** Net 30 days. FOB origin. A copy of Stryker Medical’s standard terms and conditions can be obtained by calling Stryker Medical’s Customer Service at 1-800-Stryker.

In the event of any conflict between Stryker Medical’s Standard Terms and Conditions and any other terms and conditions, as may be included in any purchase order or purchase contract, Stryker’s terms and conditions shall govern.

**Cancellation and Return Policy:** In the event of damaged or defective shipments, please notify Stryker within 30 days and we will remedy the situation. Cancellation of orders must be received 30 days prior to the agreed upon delivery date. If the order is cancelled within the 30 day window, a fee of 25% of the total purchase order price and return shipping charges will apply.
Stryker is the sole-source provider in the Hospital (hospitals and hospital-owned facilities), Emergency Response Services and Emergency Response Training (paramedics, professional and volunteer fire) markets in the U.S. and Canada for the following products:

- New LIFEPAK® 15 monitor/defibrillators
- New LIFEPAK 20e defibrillator/monitors
- New LIFEPAK 1000 automated external defibrillators
- New LUCAS® chest compression system
- TrueCPR® coaching devices
- CODE-STAT™ data review software and service

Stryker is the sole-source provider in all markets for the following products and services:

- RELI™ (Refurbished Equipment from the Lifesaving Innovators) devices
- LIFENET® system and related software
- Factory-authorized inspection and repair services which include repair parts, upgrades, inspections and repairs
- HealthEMS® Software
- HomeSolutions.net® Software
- ACLS (non-clinical) LIFEPAK defibrillator/monitors
- Heart Safe SolutionSM Government Campus Solution
- MultiTech 4G and Titan III gateways

Stryker is also the sole-source distributor of the following products for EMS customers in the U.S. and Canadian markets:

- McGRATH™ MAC EMS video laryngoscope

Stryker does not authorize any third parties to sell these products or services in the markets listed above. We will not fulfill orders placed by non-authorized businesses seeking to resell our products or services. If you have questions, please feel free to contact your local Stryker customer service representative at 800.442.1142.

Sincerely,

Matt Van Der Wende, Senior Director, Americas Sales

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GDR 3321967_M
Stryker or its affiliated entities own, use, or have applied for the following trademarks or service marks: LIFEPAK, LUCAS, TrueCPR, CODE-STAT, RELI, LIFENET, HealthEMS, HomeSolutions.net, Heart Safe Solution, Stryker. All other trademarks are trademarks of their respective owners or holders. The absence of a product, feature, or service name, or logo from this list does not constitute a waiver of Stryker’s trademark or other intellectual property rights concerning that name or logo.
Agenda Item Summary

To: Orion Township Board of Trustees

From: Aaron Whatley, Parks & Recreation Director

Meeting Date: February 1, 2021

Memo Date: January 2, 2021

Subject: Purchase of replacement John Deere Gator

REQUEST

The request before the board is authorization to purchase a replacement John Deere Gator from Weingartz, at a cost of $11,404.43.

PROCESS/INFORMATION

Bids were obtained from three vendors: Tri-County, JW Turf, and Weingartz. Bids from Tri-County and JW Turf had to be rejected due to lack of current availability & unsuitability. $12,000.00 was earmarked for this item in the 2021 budget. Please see attached quote for more information.

BUDGET

If yes, fill out information below:

Financial Item? ☒  Project/Grant Tracking? ☐

Expected Invoice Date: 2/15/2021 Reviewed by Budget Director? ☒

<table>
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<th>Fund Name</th>
<th>Account No.</th>
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<td>Capital Outlay - Vehicles</td>
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<td>$12,000.00</td>
<td>$11,404.43</td>
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RECOMMENDATION (Motion)

Board action would be to authorize the purchase of a replacement John Deere Gator vehicle from Weingartz, at a cost not exceed $11,404.43.
**QUOTATION**

**To:** CHARTER TOWNSHIP OF ORION  
2525 JOSLYN  
LAKE ORION, MI 48360  

**Quote #:** 20362342-00  
**Date:** 01/12/21  
**Exp Date:**  

**Attn:**  
**Phone:** (248) 391-0304  
**Email:** invoices@oriontownship.org  

**Prepared By:** Gary Berman - FH Sales  
**Phone:** (248) 893-5832  
**Email:** gberman@weingartz.com  

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<td>Boss Plow Box 5'6&quot; Atv/Utv V</td>
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<td>List Price: $2,970.00</td>
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**Total**  
$2,970.00

**Invoice Total**  
$2,970.00

---

Approved By

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<tr>
<th>Customer</th>
<th>Date</th>
<th>Weingartz Representative</th>
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Page 4 of 1

Weingartz, 39050 Grand River Ave, Farmington Hills, MI 48335,
Quote Id: 23465785

Prepared For:
Orion Township

Prepared By:  Gary Berman
Weingartz Supply Co.
39050 Grand River Avenue
Farmington Hls, MI  48335
Tel: 248-471-3050
Fax:  248-471-6948

Date: 12 January 2021  Offer Expires: 31 January 2021
## Quote Summary

**Prepared For:**
Orion Township  
MI  
Home: 248-391-0304

**Prepared By:**
Gary Berman  
Weingartz Supply Co.  
39050 Grand River Avenue  
Farmington Hls, MI 48335  
Phone: 248-471-3050

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<td>31 January 2021</td>
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</table>

### Equipment Summary

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Suggested List</th>
<th>Selling Price</th>
<th>Qty</th>
<th>Extended</th>
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<tbody>
<tr>
<td>JOHN DEERE GATOR™ TS (Model Year 2021)</td>
<td>$9,695.67</td>
<td>$8,434.43</td>
<td>1</td>
<td>$8,434.43</td>
</tr>
</tbody>
</table>

**Equipment Total**

| Total                              | $8,434.43 |

### Quote Summary

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Equipment Total</td>
<td>$8,434.43</td>
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<td>SubTotal</td>
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<td>Est. Service Agreement Tax</td>
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<td>Total</td>
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<td>Down Payment</td>
<td>(0.00)</td>
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<td>Rental Applied</td>
<td>(0.00)</td>
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<tr>
<td><strong>Balance Due</strong></td>
<td><strong>$8,434.43</strong></td>
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**Salesperson:** X  
**Accepted By:** X
**JOHN DEERE GATOR™ TS (Model Year 2021)**

**Quote Id: 23465785**

- **Suggested List: $9,695.67**

### Code Description Qty

<table>
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<tr>
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<th>Qty</th>
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</thead>
<tbody>
<tr>
<td>56B0M</td>
<td>GATOR™ TS (Model Year 2021)</td>
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#### Standard Options - Per Unit

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<tr>
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<td>1</td>
</tr>
<tr>
<td>0501</td>
<td>PR - Base</td>
<td>1</td>
</tr>
<tr>
<td>1015</td>
<td>Turf Tires</td>
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<tr>
<td>2016</td>
<td>Non Adjustable Seat</td>
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<tr>
<td>3100</td>
<td>Cargo Box Manual Lift</td>
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</tr>
<tr>
<td>4099</td>
<td>Less Front Protection Package</td>
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<tr>
<td>4199</td>
<td>Less Rear Protection Package</td>
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</tr>
<tr>
<td>6018</td>
<td>Less Rear Receiver Hitch</td>
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#### Dealer Attachments

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<thead>
<tr>
<th>Code</th>
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</thead>
<tbody>
<tr>
<td>BM25000</td>
<td>Floor Mat</td>
<td>1</td>
</tr>
<tr>
<td>BM23765</td>
<td>Cargo Box Power Lift Kit</td>
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<td>BM25048</td>
<td>Poly Bedliner 40 in.</td>
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<tr>
<td>BM23839</td>
<td>Rear Receiver Hitch, 38 mm (1.25 in.)</td>
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<tr>
<td>BM23989</td>
<td>Drawbar/ ball mount for 1.25 in. receiver hitch</td>
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</tr>
<tr>
<td>BM23459</td>
<td>Front Bumper and Brush Guard</td>
<td>1</td>
</tr>
</tbody>
</table>

#### Other Charges

- Freight: 1
FW: Orion Township Lead

Alex Jovanovski <ajovanovski@weingartz.com>
Mon 1/11/2021 4:29 PM
To: Gary Berman <gberman@weingartz.com>

Please see below.

Alex Jovanovski
Sales Manager
WEINGARTZ
EVERYTHING FROM LAWN TO SNOW

Direct: 248-893-5871
Cell: 734-771-8418
ajovanovski@weingartz.com
www.weingartz.com

From: Weingartz Information <info@weingartz.com>
Sent: Monday, January 11, 2021 4:28 PM
To: Alex Jovanovski <ajovanovski@weingartz.com>
Subject: FW: Orion Township Lead

Please follow up with lead

From: David Raftery <draftery@oriontownship.org>
Sent: Monday, January 11, 2021 10:31 AM
To: Weingartz Information <info@weingartz.com>
Subject: Orion Township

Good morning,

I am looking to purchase a new John Deere TS gator with:
1. Electric dump box
2. Bed liner
3. Floor mat
4. Brush guard
5. 1.25in trailer hitch receiver with drawbar and 2in ball
6. Turf tires.

I am also looking for a Boss plow, mount and control for our 2019 John Deere 590M Gator

We are a municipality and will qualify for the John Deere MI Deal
Is that something you would be able to quote me?
Thank you for your time

David Raftery
Parks Superintendent
Parks and Recreation
1335 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 3526  F: 248.391.0332
W: www.orionparks.com
Agenda Item Summary

To: Township Board Members

From: Chris Barnett, Township Supervisor

Meeting Date: February 1, 2021

Memo Date: January 28, 2021

Subject: Tower Co. Lease Extension

REQUEST

The request is to extend the Ground Lease for the cell tower located on the southeast corner of the parcel of Fire Station 2, located at 3801 Giddings Road.

REASON

The Township entered into a Lease Agreement with TowerCo. in March 2018 which permitted TowerCo. to construct a cell tower on approximately 2,500 square feet of land in the southeast corner of Fire Station 2’s property, located at 3801 Giddings Road. The annual lease payment made by TowerCo. is $1,200.00 per month, with an annual escalator of 2% per year. TowerCo. prepaid the first five years of rent (a total of $72,000) in May 2020. The initial term of the lease is ten-years, with three automatic five-year extensions, totaling a 25-year lease agreement.

On January 11, 2021, TowerCo. provided the Township with a request for a Second Amendment to the lease, which would extend the ground lease to April 13, 2070; extending the lease beyond its current expiration date of April 13, 2045. Following the terms of the existing lease agreement, allowing for an annual 2% escalator in the monthly lease payment, the monthly rent payment in 2070 would be approximately $2,925.43. The Township Attorney has requested TowerCo. to add an amendment to Section 5 (“Consideration”) of the original agreement to address specifically what rent would be charged from 2045-2070.

PROCESS

It is recommended the Board approve a motion conditioned upon receiving an amendment to Section 5 (“Consideration”) of the original lease agreement, to state the exact amount TowerCo. would pay for the lease between 2045 and 2070.

BUDGET

If yes, fill out information below:

<table>
<thead>
<tr>
<th>Financial Item?</th>
<th>☒</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expected Invoice Date:</td>
<td>Click or tap to enter a date.</td>
</tr>
<tr>
<td>Project/Grant Tracking?</td>
<td>☐</td>
</tr>
<tr>
<td>Reviewed by Budget Director?</td>
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</table>

<table>
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<tr>
<th>Fund Name</th>
<th>Account No.</th>
<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
</tr>
</thead>
</table>

RECOMMENDATION (Motion)
The recommended motion is:

“I move to approve the Second Amendment to the Original Ground Lease with TowerCo., conditioned upon Tower Co’s approval of an amendment to Section 5 of the original Lease Agreement, and authorize the Township Supervisor to execute same.”
Agenda Item Summary

To: Township Board of Trustees
From: Chris Barnett, Township Supervisor
Meeting Date: February 1, 2021
Memo Date: January 28, 2021
Subject: Orion Veterans’ Memorial Lease

REQUEST

As you are aware, the Township recently purchased the property at 508 S. Broadway adjacent to the Orion Veterans’ Memorial. As such, we need to formalize the arrangement between the Township and the Orion Veterans’ Memorial. Township Attorney Dan Kelly has assisted in preparing the attached lease agreement.

BUDGET

If yes, fill out information below:

- Financial Item?
- Project/Grant Tracking?
- Expected Invoice Date: Click or tap to enter a date.
- Reviewed by Budget Director?

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Account No.</th>
<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
</tr>
</thead>
</table>

RECOMMENDATION (Motion)

Approve the attached Lease Agreement between the Township and the Orion Veterans’ Memorial and authorize the Township Attorney to make minor modifications based on feedback from the Orion Veterans’ Memorial Board.
VETERAN’S MEMORIAL LEASE AGREEMENT

This Lease Agreement ("Agreement") is made by the ORION VETERAN’S MEMORIAL, a Michigan non-profit corporation ("Veteran’s Memorial"), whose address is 189 W. Clarkston Road, Box 4, Lake Orion, Michigan 48362 and the CHARTER TOWNSHIP OF ORION, a Michigan municipal corporation (the "Township"), whose address is 2525 Joslyn Road, Lake Orion, Michigan 48360 (hereinafter collectively "the Parties") for the lease of real property located in Orion Township, Oakland County, Michigan (the "Property"), on the following terms and conditions:

RECEITALS

The Township owns certain real property, more commonly known as 508 South Broadway, Lake Orion, Michigan, 48362 (Parcel No. 09-11-426-020) (the "Property") (Exhibit “A”), which contains a “parking area” and “commercial building” on the premises. Veteran’s Memorial shall lease the Property from the Township for five (5) year period(s), renewable at the discretion of the Township, subject to the following:

A. The property is currently subject to a Commercial Lease Agreement (Exhibit “B”) with a third-party ("current Lessee") for the full use and lease of the Property (the “Third-Party Lease”), which the parties hereto intend to honor and acknowledge that any use or possession of the leased property may be delayed until expiration or termination of the Third-Party Lease.

B. Upon expiration or termination of the “Commercial Lease” with the current Lessee for the commercial building located on the Property, the Veteran’s Memorial shall obtain the right to use of the Property, including the Parking Area and Commercial Building, for purposes of holding meetings, providing parking to visitors to the Veteran’s Memorial, and conducting any other Veteran’s Memorial-related activities, subject to the rights and obligations contained herein.

NOW, THEREFORE, the parties agree as follows:

1. Lease of the Property. Veteran’s Memorial agrees to lease the Property from the Township, from the date the Parties execute this Agreement (the “Effective Date”), for the Term stated in Section 3. Under this Lease Agreement, upon expiration or termination of the Commercial Lease currently held by the current Lessee, the Veteran’s Memorial shall have the non-exclusive right to use the Property for purposes of Veteran’s Memorial activities and Township-approved improvements.

2. Ownership. At all times during the Term of this Agreement, the Township shall remain the owner of the Property. Veteran’s Memorial shall not acquire any ownership in the Property by entering into this Agreement. Further, the Township retains the right to construct, remove, reconfigure, alter, improve or take any other action related to the Property or the structures thereon. Veteran’s Memorial shall take no action to make any physical improvements or alterations to the Property without prior Township written approval.
3. **Term.** The Term of this Agreement shall commence upon execution of this Agreement and shall terminate five (5) years thereafter (the “Initial Term”). The Lease shall automatically renew for continuous one (1) year periods unless either party notifies the other in writing of their intent to terminate the Lease. The Township shall retain the absolute right to terminate the Lease at any time, for any reason, upon 90 days written notice to Veteran’s Memorial. The Lease shall automatically terminate if for any reason Veteran’s Memorial ceases to exist, files for dissolution or bankruptcy, loses its non-profit status or its current Board structure and governance changes in anyway.

4. **Rent.** To the extent its financial ability and when able, the Veteran’s Memorial shall, over time, pay to the Township the “value” of the Property as consideration for this Lease. The “value” of the Property shall be defined as the purchase price of Three Hundred Seventeen Thousand Five Hundred Dollars ($317,500.00). It is the intent of the Veteran’s Memorial to pay the Township for the value of the Property from fundraising, donations, existing funds, and other lawful means. The Township recognizes the public benefit provided by the Veteran’s Memorial operations, the economic benefit from the maintenance and improvements to the Property by Veteran’s Memorial, and the agreed upon joint interest to provide the citizens of Orion Township a public place to honor and recognize our veterans. As such, the parties recognize Veteran’s Memorial has limited funds and is unable to make definite commitments for payments; however, Veteran’s Memorial understands and is in agreement with paying the Township for the value of the Property as set forth in this Agreement. The Township is in agreement that the public benefits received under this Lease Agreement are sufficient and appropriate. Therefore, as an initial payment under this Lease Agreement, upon execution of the Lease by the parties, Veteran’s Memorial shall pay the Township Twenty-Five Thousand Dollars ($25,000.00) as an initial lease payment, which shall be applied towards the value of the Property. Thereafter, Veteran’s Memorial shall pay to the Township all funds it determines have been acquired for purposes of financing the payments stated herein, all of which shall be applied towards satisfaction of payment of the value of the Property to the Township. When able, Veteran’s Memorial shall make payments towards the value of the Property up to the extent possible without effecting its current operations or ability to meet its agreed upon obligations. Upon Veteran’s Memorial’s satisfaction of payment of the value of the Property to the Township, the Township shall lease the Property to Veteran’s Memorial for the annual lease amount of One Dollar ($1.00).

5. **Utilities.** Veteran’s Memorial shall not have any responsibility for payment of utilities until such time that the Third-Party Lease with the current Lessee of the Commercial Building located on the Property expires or is otherwise terminated. Upon expiration or termination of the Third-Party Lease agreement with the current Lessee, Veteran’s Memorial shall be responsible for payment of all utilities, costs and fees.

6. **Taxes.** The Township agrees to pay all of the real property taxes and assessments levied against the Property, if any, for any year during the period between the Effective Date and the expiration of the Term of this Agreement (the “Payment Period”). Any penalties or interest assessed against the Property due to the late payment of real property taxes and assessments shall be the sole and absolute responsibility of the Township. However, as a governmental entity, the Township is exempt from certain real and personal property taxes. To the extent possible, Veteran’s Memorial shall cooperate with the request(s) of the Township or any taxing authority to establish and allow the Township to receive the benefit of its tax exemptions. Such actions may
include providing the necessary information, documents, and cooperation to establish the Township’s entitlement to tax exemptions. The Township shall also be responsible for any personal property taxes assessed against personal property located on the Property during the Payment Period, unless exempted.

7. **Use of the Property.** Veteran’s Memorial shall have the non-exclusive right to use the Property, subject to the existing Third-Party Lease. Upon expiration or termination of the Third-Party Lease with the current Lessee, Veteran’s Memorial shall have use of the Property for purposes of holding meetings, providing parking to visitors to the Veteran’s Memorial, and conducting any other Veteran’s Memorial-related activities.

   a. Veteran’s Memorial shall not do nor permit to be done in, on or about the Property anything which is illegal or unlawful, or which is of a hazardous or dangerous nature, or which will cause cancellation of any insurance on the Property held by the Township. Veteran’s Memorial shall cause, at its expense, the Property to comply with all laws, ordinances, regulations, and directives of any governmental authority applicable to Veteran’s Memorial’s use of the Property, including, without limitation, the Americans With Disabilities Act (collectively “Applicable Laws”).

   b. Veteran’s Memorial shall not cause, maintain or permit any nuisance in, on or about the portions of the Property under its control, nor commit any waste therein or thereon. Veteran’s Memorial shall not use the Property, or permit the Property to be used, in any manner which: (i) violates any applicable law; (ii) causes or is reasonably likely to cause any damage or liability to the Property; or (iii) violates a requirement or condition of any insurance policy covering the Property. If the Veteran’s Memorial uses the Property in such a way that the cost of any insurance policy is increased, the Veteran’s Memorial shall be responsible for paying the increased cost of the insurance policy.

10. **Representations and Warranties of the Township.** The Township represents and warrants to the Veteran’s Memorial that:

   a. This Agreement and the transactions contemplated hereby have been duly authorized on the part of the Township;

   b. The Township has the authority to lease this Property to the Veteran’s Memorial in accordance with the terms of this Agreement; and

   c. The Township is not a “foreign person” as defined in the Internal Revenue Code.

11. **Maintenance, Upkeep, and Ownership Expenses.** While the Third-Party Lease with the current Lessee remains in effect, to the extent necessary, the Veteran’s Memorial and the Township shall work together cooperatively to maintain and provide for the upkeep of the Property. However, upon termination or expiration of the Third-Party Lease, Veteran’s Memorial shall be responsible for all costs related to maintenance and upkeep of the property.
12. **Insurance.**

   a. The Township shall, at all times during the term of this Lease, and at its own cost and expense, procure and continue a policy of commercial general liability insurance (also known as broad form comprehensive general liability insurance), insuring against liability for bodily injury, property damage, and personal injury arising out of the use, operation or occupancy of the Property. Veteran’s Memorial shall be named as an additional insured on such policies. At its sole discretion, the Township may require Veteran’s Memorial to obtain a policy of insurance deemed necessary to protect the Township or the Property; and

   b. Veteran’s Memorial waives all claims against the Township for injury or death to persons, damage to property, loss of income, and additional expenses or to any other interest of Veteran’s Memorial sustained by Veteran’s Memorial or any party claiming through the Veteran’s Memorial resulting from: (i) any occurrence in or upon the Property; (ii) leaking of roofs, bursting, stoppage or leaking of water, gas, sewer or steam pipes or equipment, including sprinklers; (iii) wind, rain, snow, ice, flooding, freezing, fire, explosion, earthquake, excessive heat or cold, fire or other casualty; (iv) any system or equipment serving the Property being defective, out of repair or failing; and (v) vandalism, malicious mischief, theft or other acts or omissions of any other parties.

13. **Indemnity.** Veteran’s Memorial shall indemnify and hold harmless the Township from and against any and all claims arising from: (a) Veteran’s Memorial’s use of the Property or the conduct of its business; (b) any act or omission done, permitted or suffered by Veteran’s Memorial in or about the Property; or (c) any breach or default in the performance of any obligation of Veteran’s Memorial under the terms of this Agreement, all of which indemnities shall include court costs and reasonable attorneys’ fees; provided, however, that the foregoing shall not extend to any claim arising out of any negligence by the Township, its agents, officers, servants, employees or contractors.

14. **Enforcement of Agreement.** Should either party fail or refuse to comply with or complete its obligations as required by this Agreement (a “default”) and fail to cure the same within thirty (30) days’ written notice thereof, the non-defaulting party shall have the right to enforce the terms of this Agreement by specific performance, as well as by any other claims and remedies available in law and equity, and the defaulting party agrees it will not oppose any request for relief to specifically enforce this Agreement. In the event of a default by either party, if legal action is required to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney fees and costs. All rights or remedies afforded to the parties hereunder or by law shall be cumulative and not alternative, and the exercise of one right or remedy shall not bar other rights or remedies allowed herein or by law.

15. **Amendments or Restatements.** This Agreement may be amended or modified only by a written document signed by each of the parties to this Agreement.

16. **Severability.** This Agreement is intended to be performed in accordance with, and only to the extent permitted by all applicable laws, ordinances, rules, and regulations. If any provision of this Agreement or its application to any individual, entity or circumstances is, for any
reason and to any extent, invalid or unenforceable, the remainder of this Agreement and the application of the provision to other individuals, entities or circumstances shall not be affected by it, but rather shall be enforced to the greatest extent permitted by law.

17. **Waiver.** Any party’s failure to insist on compliance or enforcement of any provision of this Agreement shall not affect its validity or enforceability or constitute a waiver or future enforcement of that provision or of any other provision of this Agreement.

18. **Successors and Assigns.** This Agreement shall run with the land described herein as the Lease and shall bind and benefit the parties and their respective successors and assigns.

19. **Assignment.** Veteran’s Memorial shall not, either voluntarily or by operation of law, assign, encumber or otherwise transfer this Agreement or any interest herein, or sublet the Property or any part thereof, or permit the Property to be occupied by anyone other than the Veteran’s Memorial (any such assignment, encumbrance, subletting, occupation or transfer is hereinafter referred to as a “Transfer”), with the exception of the current Lessee for the duration of its Third-Party Lease, unless Veteran’s Memorial receives the prior written consent of the Township.

20. **Alterations.** Subject to the written approval of the Township, any alterations, additions or improvements to the Property shall be made at the Veteran’s Memorial’s sole cost and expense, in accordance with plans and specifications submitted to and approved by all applicable governmental authorities having jurisdiction over such alterations, additions or improvements. All alterations, additions or improvements to the Property shall not act to diminish the value of the Property in any way. Veteran’s Memorial shall be responsible for paying any construction liens placed or which remain upon the Property in connection with any such work authorized by the Veteran’s Memorial.

21. **Governing Law and Venue.** This Agreement shall be construed in accordance with and governed by the laws of the State of Michigan, and any actions concerning this Agreement shall be brought in Oakland County, Michigan.

22. **Notices.** Any notices sent under or required by this Agreement shall be served as follows:

Orion Veteran’s Memorial  
4480 Orion Road, 2nd Floor  
189 W Clarkston Road, Box 4,  
Lake Orion, MI 48362  
Attn: _________________________

and

Charter Township of Orion  
2525 Joslyn Rd.  
Lake Orion, MI 48360  
Attn: Township Supervisor and Township Attorney
24. **Counterparts.** This Agreement may be signed in multiple counterparts, which, when taken together, shall constitute one and the same instrument.

ORION VETERAN’S MEMORIAL  
a Michigan non-profit corporation

________________________________________
By: ________________________________
Its: ________________________________
Dated: ________________________, 2021

CHARTER TOWNSHIP OF ORION  
a Michigan municipal corporation

________________________________________
By: ________________________________
Its: ________________________________
Dated: ________________________, 2021
EXHIBIT A

Legal Description

Township of Orion and Village of Lake Orion

Lot 3, of "Supervisor's Plat No. 1", a Subdivision of part of Southeast 1/4 of Section 11 and part of West 1/2 of Section 12, Town 4 North, Range 10 East, in Orion Township and Village of Lake Orion, Oakland County, Michigan, according to the plat thereof as recorded in Liber 52 of Plats, Page 18, Oakland County Records, except a triangular parcel off the Southwest corner being 5 feet along the Southerly Lot line and 63 feet along the Westerly Lot line and except that part taken for road widening described as: Beginning at the Northeast Lot corner; thence South 87 degrees 43 minutes 30 seconds West along the Northerly Lot line, 127.09 feet to the Northwest Lot corner; thence South 04 degrees 25 minutes West along the Westerly Lot line, 3 feet; thence South 89 degrees 01 minutes 30 seconds East, 119.58 feet; thence on the Arc of a curve to the right (Radius of 14 feet) 7.34 feet to the Easterly Lot line; thence North 03 degrees 21 minutes 30 seconds East along the Easterly Lot line, 11.88 feet to the point of beginning. Also the North 12 feet of Lot 12, except the Westerly 46 feet thereof except that part of the following described Tract "A" lying Easterly and Northerly of a line described as follows: Beginning at a point on the South line of Tract "A", said point being located 31.16 feet West of the Southeast corner of Tract "A"; thence Northerly, parallel to the East Lot line, 50.28 feet; thence Westerly at right angles, 50.00 feet; thence Northerly at right angles, 17.42 feet more or less, to the Northerly line of said Tract "A", and the point of ending of this described line.

Tract "A":
Lot 3, of "Supervisor's Plat No. 1", a Subdivision of part of the Southeast 1/4 of Section 11 and part of West 1/2 of Section 12, Town 4 North, Range 10 East, Orion Township and Village of Lake Orion, Oakland County, Michigan, according to the plat thereof as recorded in Liber 52 of Plats, Page 18, Oakland County Records, except a triangular parcel off the Southwest corner of being 5 feet along the Southerly line and 63 feet along the Westerly Lot line and except that part taken for road widening, described as: Beginning at the Northeast Lot corner; thence South 87 degrees 43 minutes 30 seconds West along the Northerly Lot line, 127.09 feet to the Northwest Lot corner; thence South 04 degrees 25 minutes West along the Westerly Lot line, 3 feet; thence South 89 degrees 01 minutes 30 seconds East, 119.58 feet; thence on the Arc of a curve to the right (Radius of 14 feet) 7.34 feet to the Easterly Lot line; thence North 03 degrees 21 minutes 30 seconds East along the Easterly Lot line, 11.08 feet to the point of beginning. Also the North 12 feet of Lot 12, except the Westerly 46 feet thereof.

Re: 508 South Broadway
Agenda Item Summary

To: Board of Trustees

From: Chris Barnett  
       Township Supervisor

Meeting Date: February 1, 2021  
Memo Date: January 27, 2021  
Subject: Zoning Board of Appeals Appointment

REQUEST:
Currently there is a vacant Alternate position on the ZBA.

Diane Dunaskiss is interested in serving and has submitted the attached application.

REASON:

PROCESS:

BUDGET
If yes, fill out information below:

<table>
<thead>
<tr>
<th>Financial Item?</th>
<th>Project/Grant Tracking?</th>
<th>Expected Invoice Date: Click or tap to enter a date.</th>
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<td>56</td>
<td>56</td>
<td>56</td>
<td>56</td>
<td>56</td>
</tr>
</tbody>
</table>

RECOMMENDATION (Motion)
Appoint Diane Dunaskiss to the ZBA as an Alternate Member for a term ending 12-31-2023.

Attachment (Board only)
Agenda Item Summary

To: Township Board of Trustees
From: Chris Barnett, Township Supervisor
Meeting Date: February 1, 2021
Memo Date: January 28, 2021
Subject: IT Right Contract

REQUEST

We have been experiencing many customer service issues with our current Information Technology Consultant, Marco. The issues have caused a loss of productivity, extreme frustration, and additional expenditures. We have worked for the last few months to attempt to resolve the issues. It has become evident that it is in the best interest of the Township to end our relationship with Marco.

It is my recommendation with the Department Directors’ unanimous agreement that we hire IT Right for managed IT service. We are a previous customer of IT Right and our employees have a level of familiarity and confidence in their services provided. We currently pay Marco $5030.44 per month for managed IT service. IT Right will provide managed IT service for $3420 per month. In other words, the Township will realize a savings of $1610.44 per month by switching back to IT Right.

BUDGET

If yes, fill out information below:

Financial Item? ☒
Project/Grant Tracking? ☐
Expected Invoice Date: Click or tap to enter a date.
Reviewed by Budget Director? ☒

<table>
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<tr>
<th>Fund Name</th>
<th>Account No.</th>
<th>Description</th>
<th>Cost (Monthly)</th>
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<tbody>
<tr>
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<td>101-228-820</td>
<td>Computer Consultant</td>
<td>$1,511.64</td>
</tr>
<tr>
<td>Building Fund</td>
<td>249-371-820</td>
<td>Computer Consultant</td>
<td>$461.70</td>
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<tr>
<td>Water &amp; Sewer</td>
<td>592-248-820</td>
<td>Computer Consultant</td>
<td>$393.30</td>
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<tr>
<td>Fire Fund</td>
<td>206-336-820</td>
<td>Computer Consultant</td>
<td>$461.70</td>
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<td>Parks/Recreation Fund</td>
<td>208-751-820</td>
<td>Computer Consultant</td>
<td>$591.66</td>
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</tbody>
</table>

RECOMMENDATION (Motion)

Approve the attached contract with IT Right for an annual amount of $41,040 and authorize the Supervisor to sign on behalf of the Township.
I.T. Right Service Contract

PROPOSAL FOR SERVICES
BOX 160 BATH MI 48808 * 1.855.ITRIGHT
This Agreement is made effective as of __________, by and between Orion Township-Oakland, and I.T. Right of 5815 East Clark Road, Bath Michigan 48808.

In this Agreement, the party who is contracting to receive services shall be referred to as "The Client", and the party who will be providing the services shall be referred to as "I.T. RIGHT". I.T. RIGHT has a background in Computer technology and is willing to provide services to The Client based on this background. The Client desires to have services provided by I.T. RIGHT.

Therefore, the parties agree as follows:

1. DESCRIPTION OF SERVICES. Beginning on __________ I.T. RIGHT will provide the following services (collectively, the "Services"): Repair and maintenance of computer equipment and the computer network. This includes the existing computers and related network equipment within the client’s office.

2. SERVICES NOT COVERED. I.T. Right reserves the right to charge an hourly rate for labor related to the design and implementation of new equipment/technologies. Client will be notified ahead of time of any extra charges involved before the work is started. Client will be responsible for the purchase of any hardware or software items. Replacement of Servers, and Wiring services are considered new technology, are not covered under this contract and will be billed separately.

3. PAYMENT. The Client will pay a fee to I.T. RIGHT for the Services in the amount of $41,040.00. This fee shall be payable within 30 days unless otherwise noted in this document.

4. PERFORMANCE OF SERVICES. I.T. RIGHT shall determine the manner in which the Services are to be performed and the specific hours to be worked by I.T. RIGHT. The Client will rely on I.T. RIGHT to work as many hours as may be reasonably necessary to fulfill I.T. RIGHT’s obligations under this Agreement.

5. THIS SECTION INTENTIONALLY LEFT BLANK.

6. NEW PROJECT APPROVAL. I.T. RIGHT and The Client recognize that I.T. RIGHT’s Services will include working on various projects for The Client. I.T. RIGHT shall obtain the approval of The Client prior to the commencement of a new project.

7. TERM/TermINATION. This Agreement shall be effective for a period of 2 years. Either party reserves the right to terminate this contract at any time provided 30 days’ notice is given. The remaining time will be prorated and paid to the client.

8. EMPLOYEES. I.T. RIGHT’s employees, if any, who perform services for The Client under this Agreement shall also be bound by the provisions of this Agreement.
9. **NOTICES.** All notices required or permitted under this Agreement shall be in writing and shall be deemed delivered when delivered in person or deposited in the United States mail, postage prepaid, addressed as follows:

**Service contract:**

If for The Client:

Orion Township-Oakland  
2525 Joslyn Road  
48360 Lake Orion  
United States

If for I.T. RIGHT:

I.T. Right  
Dan Eggleston  
5815 East Clark Road Suite G  
Bath Michigan 48808

10. **ENTIRE AGREEMENT.** This Agreement contains the entire agreement of the parties and there are no other promises or conditions in any other agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties.

11. **AMENDMENT.** This Agreement may be modified or amended if the amendment is made in writing and is signed by both parties.

12. **APPLICABLE LAW.** The laws of the State of Michigan shall govern this Agreement.

Party receiving services: **Orion Township-Oakland**

Accepted By: _________________________________

Title: _________________________________

Party providing services: I.T. Right

Proposed By _________________________________

Dan Eggleston, Director of Information Technology
Appendix A
QUOTE

<table>
<thead>
<tr>
<th>QUOTE #</th>
<th>ITRQ18876</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE</td>
<td>1/15/2021</td>
</tr>
</tbody>
</table>

TO Chris Barnett  
Orion Township-Oakland  
2525 Joslyn Road  
48360 Lake Orion  
United States  
Phone: 248-391-0304

<table>
<thead>
<tr>
<th>SALESPERSON</th>
<th>JOB</th>
<th>PAYMENT TERMS</th>
<th>DUE DATE</th>
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<tbody>
<tr>
<td>R. Allen</td>
<td></td>
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<table>
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<tr>
<th>QTY</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
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<tbody>
<tr>
<td>1</td>
<td>Unlimited Annual Labor Service Contract</td>
<td>$41,040.00</td>
<td>$41,040.00</td>
</tr>
</tbody>
</table>

Includes:

Managed Anti-virus

Workstation Proactive Performance Monitoring, Patch Management, Scheduled Maintenance, Predictive Hardware Failure, and Intrusion Detection.


Remote Backup

End User Security Training and Testing

(Once Monthly) Proactive Network Administration / Project Design and Vcio Management / Budget Planning

<table>
<thead>
<tr>
<th>SUBTOTAL</th>
<th>$41,040.00</th>
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I.T. Right, PO Box 160 Bath MI 48808
Thank You For Your Business!

<p>| | |</p>
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<tr>
<th></th>
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<tbody>
<tr>
<td>SALES TAX</td>
<td>$0.00</td>
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<tr>
<td>TOTAL</td>
<td>$41,040.00</td>
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</table>
REQUEST
The request before the board is authorization to extend the existing lawn mowing contract with Titan Lawn Care for 2021.

PROCESS/INFORMATION
The Township originally contracted with Titan in 2019 for the mowing of Township properties; they have provided excellent service for the past two seasons, and have agreed to honor their existing contract rates through 2021.

BUDGET
If yes, fill out information below:

<table>
<thead>
<tr>
<th>Financial Item?</th>
<th>Project/Grant Tracking?</th>
</tr>
</thead>
<tbody>
<tr>
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<td>☐</td>
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</table>

Expected Invoice Date: Monthly – through growing season.

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Account No.</th>
<th>Original Amount Budgeted for G/L</th>
<th>Cost of Item/Project</th>
<th>Remaining Budget after cost of item/project</th>
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</thead>
<tbody>
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RECOMMENDATION (Motion)
Board action would be to authorize extending the contract with Titan Lawn Care for the 2021 growing season.
1. CALL TO ORDER. The Charter Township of Orion Board of Trustees held a regular meeting on Monday, June 3, 2019 at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan. Supervisor Barnett called the meeting to order at 7:00 p.m.

BOARD MEMBERS PRESENT: Chris Barnett, Penny Shults, Donni Steele, Brian Birney, Julia Dalyrymple, Mike Flood, John Steimel

BOARD MEMBERS ABSENT: None

OTHERS PRESENT:

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
<th>Name</th>
<th>Name</th>
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</thead>
<tbody>
<tr>
<td>Tim Melvin</td>
<td>Karen Perepeluk</td>
<td>Lil Hutchison</td>
<td>Dennis Collins</td>
</tr>
<tr>
<td>Jim Porritt</td>
<td>John &amp; Nanci Canine</td>
<td>Sue Johnston</td>
<td>Dee Gordon</td>
</tr>
<tr>
<td>Thomas Sweetman</td>
<td>John E. Buchanan</td>
<td>Gary Roberts</td>
<td>Eugene McNabb</td>
</tr>
<tr>
<td>Tonya Hamilton</td>
<td>Sharon Kelly</td>
<td>Brian Kelly</td>
<td>Timothy Lorey</td>
</tr>
<tr>
<td>Nancy Lange</td>
<td>John Blair</td>
<td>Dan Dewey</td>
<td>Dan Rush</td>
</tr>
<tr>
<td>Doug Jones</td>
<td>Tom &amp; Norma DeClute</td>
<td>Mat Johansson</td>
<td>Valerie Theisen</td>
</tr>
<tr>
<td>Richard S. Stein</td>
<td>Pr. Rhonda Chapman</td>
<td>Jack W</td>
<td>Martha Hufty</td>
</tr>
<tr>
<td>Victoria Skok</td>
<td>Phil Christi</td>
<td>Kelly Keller</td>
<td>Diane Naren</td>
</tr>
<tr>
<td>John Naren</td>
<td>Malcolm Whitehouse</td>
<td>Jim Newell</td>
<td></td>
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2. INVOCATION AND PLEDGE. Pastor Rhonda Chapman from Bethany Tabernacle Church led the Invocation, followed by the Pledge of Allegiance.

3. RECOGNITION: Supervisor Barnett highlighted the Lake Orion Memorial Day activities.

4. PRESENTATION: Orion Art Center. Karen Starick, Executive Director of the Orion Art Center gave a presentation on the Orion Art Center.

5. PUBLIC HEARINGS.

   A. Bunny Run Annex #5 (portion of) Private Road Maintenance SAD #1 – Public Hearing on Cost Estimate.

   B. Mill Lake Gardens Private Road Maintenance SAD #4 – Public Hearing on Cost Estimate.

6. APPROVAL OF BILLS. Moved by Treasurer Steele, seconded by Trustee Steimel to authorize payment of bills in the amount of $298,123.54 and payrolls in the amount of $140,733.20, for a total disbursement of funds in the amount of $438,856.74, as presented. AYES: Steimel, Barnett, Shults, Steele, Birney, Dalrymple, Flood ABSENT: None NAYS: None MOTION CARRIED

7. BRIEF PUBLIC COMMENT. Public comment was heard.

Moved by Trustee Flood, seconded by Trustee Birney to approve the Agenda, as amended.

MOTION CARRIED

9. CONSENT AGENDA

A. Minutes, Regular Meeting: Monday, May 20, 2019. Approve, as corrected.

B. Resolution – Celebrating the 100th Anniversary of the Ratification of the 19th Amendment. Adopt the Resolution Celebrating the 100th Anniversary of the Ratification of the 19th Amendment of the United States Constitution, giving women the right to vote.

C. Oakland County Equalization Contract. Approve the contract, and authorize the Accounting Controller to make the necessary budget adjustment, as submitted, and direct the Supervisor and Clerk to sign on behalf of the Township.

D. SSH & SSH #1 Water Quality Control SAD #3 – Set Public Hearing on Proposed Roll. Adopt the Charter Township of Orion SSH & SSH #1 Private Road Maintenance SAD #3 Resolution to Set the Public Hearing on Proposed Roll for Monday, July 15, 2019 at 7:00 p.m.

E. Square Lake Water Quality Control SAD #3B – Set Public Hearing on Proposed Roll. Adopt the Square Lake Water Quality Control (Weed/Algae) SAD #3B Resolution to Schedule the Hearing on Proposed Roll for Monday, July 15, 2019 (immediately following the 7:00 p.m. public hearing for the SSH & SSH #1 Private Road Maintenance SAD #3).

F. Purchase of Property Parcel ID-09-32-151-018. Adopt the Resolution declared on June 3, 2019 approving the purchase of vacant property located at Pasadena and Baldwin Roads, Tax ID No. 09-32-151-018, from Eleanor M. Olson for the total purchase price of $125,000 and authorize the Township Supervisor to execute all documents and pay related closing costs to accomplish same, as presented.

G. Hire Part-Time Clerk – Planning and Zoning. Hire Courtney Keisman as part-time Clerk – Planning & Zoning, a level 3 Technical Unit union position at $15.57 per hour, 29 hours per week, no benefits, effective date to be determined, contingent upon passing all applicable tests and screening.
Moved by Trustee Flood, seconded by Treasurer Steele to approve the Consent Agenda, as amended.  AYES: Steele, Birney, Dalrymple, Flood, Steimel, Barnett, Shults  
ABSENT: None  NAYS: None  MOTION CARRIED

10. PENDING BUSINESS

A. Bunny Run Annex #5 (portion of) Private Road Maintenance SAD #1 – Action after Hearing.  Moved by Clerk Shults, seconded by Trustee Flood to adopt the Charter Township of Orion Bunny Run Annex #5 (portion of) Private Road Maintenance SAD #1 Resolution Authorizing the preparation of the Special Assessment Roll, as presented.
AYES: Birney, Dalrymple, Flood, Steimel, Barnett, Shults, Steele  
ABSENT: None  NAYS: None  MOTION CARRIED

B. Mill Lake Gardens Private Road Maintenance SAD #4 – Action after Hearing.  Moved by Clerk Shults, seconded by Trustee Flood to adopt the Charter Township of Orion Mill Lake Gardens Private Road Maintenance SAD #4 Resolution Authorizing the preparation of the Special Assessment Roll, as presented.
AYES: Dalrymple, Flood, Steimel, Barnett, Shults, Steele, Birney  
ABSENT: None  NAYS: None  MOTION CARRIED

C. Presentation – Oakland Paint Ball.  Doug Jones and Mats Johansson, representatives from Oakland Paintball, gave a presentation regarding information about a potential public/private partnership agreement for a paintball course to be located in a portion of Camp Agawam.

Moved by Trustee Birney, seconded by Trustee Flood to authorize the Supervisor, Parks & Recreation Director and the Attorney to negotiate with Oakland Paintball and bring back a proposal contract to the Board for consideration.
AYES: Shults, Steele, Birney, Dalrymple, Flood, Steimel, Barnett  
ABSENT: None  NAYS: None  MOTION CARRIED

D. 2019 Water and Sewer Rates.  Moved by Treasurer Steele, seconded by Trustee Birney to adopt the 2019/2020 water rates by resolution, along with monthly billing, as proposed.
AYES: Steele, Birney, Dalrymple, Flood, Steimel, Barnett, Shults  
ABSENT: None  NAYS: None  MOTION CARRIED

Moved by Treasurer Steele, seconded by Trustee Birney to adopt the 2019/2020 sewer rates by resolution, along with monthly billing, as proposed.
AYES: Birney, Dalrymple, Flood, Steimel, Barnett, Shults, Steele  
ABSENT: None  NAYS: None  MOTION CARRIED

E. First Reading – PC-2019-20, Orion Classic Car Club Conditional Rezone Request.  Moved by Clerk Shults, seconded by Trustee Flood to declare the first reading of PC-2019-20, Orion Classic Car Club, a request to Conditionally Rezone an eastern portion of 3030 S. Lapeer Rd. (parcel 09-26-101-015) from General Business (GB) to (GB) with conditions and an eastern portion of unaddressed parcel 09-26-101-009 from Single Family Residential 2 (R-2) to General...
Business (GB) with conditions, to have been held on June 3, 2019, and direct the Clerk to advertise for the second reading and possible conditional approval on July 1, 2019.
AYES: Dalrymple, Flood, Barnett, Shults, Birney  ABSENT: None  NAYS: Steimel, Steele  MOTION CARRIED

**F. Second Reading – PC-2019-15, Breckenridge Townhomes Rezone Request.** Moved by Clerk Shults, seconded by Trustee Flood to declare that the Orion Township Board of Trustees held and approved the second reading on June 3, 2019, for PC-2019-15, Breckenridge Townhomes Rezone Request, a request to rezone the Southerly +/-200’ of parcel 09-32-400-055 & the Southerly +/-150’ of 09-32-400-057 (unaddressed parcels) from Single Family Residential 1 (R-1) to Brown Road Innovation Zone (BIZ) use groups A, C, & D for the reasons given in the recommendation of approval by the Planning Commission on May 1, 2019.
AYES: Flood, Steimel, Barnett, Shults, Steele, Birney, Dalrymple  ABSENT: None  NAYS: None  MOTION CARRIED

**G. Second Reading – Recreational Marihuana Ordinance.** Moved by Clerk Shults, seconded by Trustee Dalrymple to declare the second reading held, and adopt the Recreational Marihuana Ordinance, as presented.
AYES: Steimel, Barnett, Shults, Steele, Birney, Dalrymple, Flood  ABSENT: None  NAYS: None  MOTION CARRIED

**H. Second Reading – Amendment to Ord. 121: Possession or Use of Marihuana Ordinance.** Moved by Clerk Shults, seconded by Trustee Flood to approve the amendment to Ordinance 121: Possession or Use of Marihuana.
AYES: Barnett, Shults, Steele, Birney, Dalrymple, Flood, Steimel  ABSENT: None  NAYS: None  MOTION CARRIED

**I. Second Reading – Update Fireworks Ordinance.** Moved by Clerk Shults, seconded by Trustee Flood to approve the amendment to Ordinance 143: Fireworks Safety Standards.
AYES: Shults, Steele, Birney, Dalrymple, Flood, Steimel, Barnett  ABSENT: None  NAYS: None  MOTION CARRIED

**J. Second Reading – Update Noxious Weed Ordinance.** Moved by Clerk Shults, seconded by Trustee Flood to approve the amendment to Ordinance 79: Noxious Weeds.
AYES: Steele, Birney, Dalrymple, Flood, Steimel, Barnett, Shults  ABSENT: None  NAYS: None  MOTION CARRIED

**K. Award Bid – Mowing Services.** Moved by Clerk Shults seconded by Trustee Flood to award the bid for mowing of Township properties (parks, safety paths, sidewalks, Paint Creek and Polly Ann Trails) to Titan Lawncare, at the rates of $2,500 for 2019 and $2,300 for 2020 per mowing, as presented.
AYES: Birney, Dalrymple, Flood, Steimel, Barnett, Shults, Steele  ABSENT: None  NAYS: None  MOTION CARRIED
L. **Food & Beverage Partnership Agreement – Parks & Recreation.** Moved by Clerk Shults, seconded by Trustee Steimel to approve the revised Food and Beverage Agreement, as presented.

AYES: Barnett, Shults, Steele, Birney, Dalrymple, Flood, Steimel  
NAYS: None  
ABSENT: None  
MOTION CARRIED

Moved by Trustee Flood, seconded by Trustee Birney to authorize the Township Supervisor to work with the Township Attorney and the Parks and Recreation Director to enter into a contract with Miss Mixology, and authorize the Township Attorney to submit the Participation Permit Application to the Liquor Licensing Commission.

AYES: Shults, Steele, Birney, Dalrymple, Flood, Steimel, Barnett  
NAYS: None  
ABSENT: None  
MOTION CARRIED

M. **Peddler/Solicitor License Application – Jaron “The Bookman” Mason.** Moved by Clerk Shults, seconded by Trustee Birney to approve the Peddler/Solicitor License Application for Jaron “The Bookman” and issue a peddler’s license under Ord. 95, with a current proof of car insurance for the Peddler, and the applicant must update his driver’s license when required by law.

AYES: Steele, Birney, Dalrymple, Flood, Barnett, Shults  
NAYS: None  
ABSENT: None  
MOTION CARRIED

N. **Credit Card Policy Revision Request.** Moved by Treasurer Steele, seconded by Trustee Birney to adopt the new Credit Card Policy to state “The Township Supervisor, in conjunction with the Township Treasurer” to Paragraph A.

AYES: Birney, Dalrymple, Flood, Steimel, Barnett, Shults, Steele  
NAYS: None  
ABSENT: None  
MOTION CARRIED

O. **IT Right Contract Service Upgrade.** Moved by Clerk Shults, seconded by Supervisor Barnett to approve the contract amendment with IT Right for $6,000 and authorize the Supervisor to sign on behalf of the Township, with the Accounting Controller to make the necessary budget adjustments.

AYES: Dalrymple, Flood, Barnett, Shults, Steele, Birney  
NAYS: None  
ABSENT: None  
MOTION CARRIED
11. REPORTS

A. Police/Fire Reports. Moved by Trustee Birney, seconded by Trustee Flood to receive and file the Police and Fire Reports, as presented.
MOTION CARRIED

12. PUBLIC COMMENT. Public Comment was heard.

13. BOARD MEMBER COMMENTS. Board member comments were heard.

14. ADJOURNMENT. Moved by Trustee Steimel, seconded by Trustee Birney to adjourn.
MOTION CARRIED The meeting was adjourned at 10:12 p.m.

__________________________________________
Penny S. Shults, Clerk

__________________________________________
Chris Barnett, Supervisor
Charter Township of Orion

Transcription: K. Comeau
Request for Proposals
Mowing Township Properties, Safety Paths, Sidewalks,
Paint Creek Trail and Polly Ann Trail Contract Requirements 2019-2020

General Conditions – Township Properties

1. All equipment is to meet all current MIOSHA and MDOT safety standards and shall be maintained to those standards. Contractor must have sufficient number of operators available and all equipment is to be available for Township inspection. There shall be evidence of compliance with the requirement of this paragraph prior to the awarding of a contract.

2. The Township may request evidence of compliance with the requirements of Paragraph 1 prior to the start of each working day. Failure to maintain compliance will result in the immediate termination of the contract.

3. There shall be no equipment transported on sidewalks or bike paths.

4. Contractor shall be responsible for operating all equipment at a safe and prudent manner to prevent any injury or damages to persons or property.

5. All tractors must be equipped with Roll Over Protection (ROPS) and electronic power take off disconnects.

6. All trucks, trailers, and drivers must meet State guidelines. Trucks and trailers will require clean markings that carry the contractor’s name.

7. Contractor’s staff will be required to wear clothing (shirt, hat) that identifies the contractor, as well as a maintenance/utility style vest.

8. No equipment shall be left on any job site overnight.

9. Contractor is responsible for cleaning streets, roads, and/or paths of any debris, cut weeks, and/or other clippings incurred from mowing of property.

10. Contractor must be able to provide service within 24 hours after call-out, commencing April 3, 2019. Also, second cuts of the playing fields will have to be accomplished within 24 hours of call-out.

11. Contractor must be able to cut grass within 2.5” on playing fields and 3” on grounds.

12. Designated areas of work shall be reviewed by the Township for compliance with performance specifications.

13. Contractor must provide supervision for all work and maintain communication with the Township’s Parks & Recreation Director and Park Superintendent.

14. Billings for each bid packet should be generated monthly and are to include work site, fields, date cut, and submitted to the Parks & Recreation Director for authorization of payment.
15. There shall be no trees or shrubs cut. Mowing shall come within 6” around trees, shrubs, fences, posts and bleachers.

16. Contractor will be supplied with location maps of properties to be cut, outlining specific areas to be cut.

17. Trimming around trees, shrubs, fences, posts, goals and bleachers in the Parks shall be done during every other scheduled mowing; starting with the first mowing. Any additional trimming beyond that scheduled shall be upon request only. Requests shall be made 24hrs. in advance of a scheduled mowing at that location and only by authorized staff. There should be no damage to any tree, shrub, bleacher, post, goal, netting, curbing or other township properties from trimming. Any damages incurred will be the contractor’s responsibility.

18. Mowing shall be done on a weekly basis unless directed otherwise by the Parks & Recreation Director or Park Superintendent. Regular mowing of Parks shall be on Thursdays and/or Mondays, unless the area is deemed too wet to mow or unable to mow due to inclement weather (notification must be given). Mowing shall resume as soon as conditions improve. Mowing shall return to the Thursday and/or Monday schedule the following week of such an occurrence. No mowing of athletic fields shall take place after 4:30 p.m., unless coordinating with either the Parks & Recreation Director or Park Superintendent.

19. The contractor shall not commence work under this contract until he/she has obtained the insurance required under this paragraph. All coverage shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverage shall be with insurance carrier acceptable to the Charter Township of Orion.

20. The Contractor shall indemnify, hold harmless and defend the Township, its elected and appointed officials, its agents, and employees against all claims, damages, losses, expenses, judgments or punitive awards, including attorney fees, which may be sustained or incurred on account of injury or death to person(s) or damage to or destruction of property resulting from the performance of work hereunder, not caused by the sole negligence of the Township, its officials, its agents, or employees.

21. These general requirements shall be incorporated in the entire agreement between the Township and the Contractor. The Contract shall be binding upon the parties hereto and their respective successors and assigns.

Additional General Conditions – Safety Paths, Sidewalks, Trails

1. Mowing will be provided on a monthly basis unless additional cutting is required and authorized by the Department of Public Services.

2. Contractor must be able to cut grass within 4” of terrain and 3’ under tree limbs.

3. All areas that are reasonably accessible by a four-wheel drive tractor or wing mower shall be cut.

General Specifications

1. Each bidder shall be responsible for visiting the sites of the proposed work to fully acquaint himself/herself with existing conditions so that he may fully understand any difficulties and restrictions attending the execution of the work under the proposed contract. Bidders shall thoroughly examine bid documents. The failure or omission of any bidder to receive and examine any form, instrument, addendum, or other document or to visit the site and acquaint himself with conditions there existing shall in no way relieve any bidder from any obligation and respect to this bid or to the contract. The submission of a bid shall be taken as prima facie evidence of compliance with this section.

2. Contractor guarantees the reimbursement, repair or replacement and restoration of any cultivated area damaged by careless or accidental use of materials and/or machinery in the performance of contract, to the satisfaction of the Township.
3. The contractor shall not sublet, assign or transfer the contract or any portion of any payment due him/her thereunder, without the written consent of the Township.

4. All contractors shall fill out completely the attached bid document.

5. Upon the Township’s request the contractor shall make available for our inspection the firm’s support equipment (truck, trailers, etc.) before awarding this contract. It is our intent to determine if the contractor has the necessary quantities of equipment and that equipment is of the proper quality to handle a project of this size. Failure to pass this inspection may be cause for disqualification from further considerations.

6. The length of this contract shall extend over the next two (2) year concluding on November 30, 2020, with a possible option for the Township to extend the contract on a yearly basis provided the pricing remains the same.
   A. This contract may be canceled by the Township at any time after the expiration of six (6) months from the date hereof by giving to the contractor ninety (90) days prior written notice of intention to do so.
   B. This contract may be canceled by the Township at any time should the contractor fail to maintain compliance with any of the conditions or specifications listed in this document.

7. Only the Township’s Parks & Recreation Director and Park Superintendent are authorized to seek additional information from prospective vendors regarding their bid proposals. Correspondence or inquiries made directly to vendors regarding their bid proposals from all other persons are to be directed to those Township employees designated above for appropriate review and response.

8. Any deviation from the specifications stated above must be detailed in the bid.

9. The Charter Township of Orion reserves the right to reject any and all bids.

10. The contractor shall certify that they are compliant with Public Act 517 of 2012, the Iran Economic Sanctions Act, MCL 129.311.

Insurance Requirements

A. **Workers' Compensation Insurance:** The contractor shall procure and maintain during the life of this contract, Workers’ Compensation Insurance, including Employers Liability coverage, in accordance with all applicable Statutes of the State of Michigan.

B. **Commercial General Liability Insurance:** The contractor shall procure and maintain during the life of this contract, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than $2,000,000 per occurrence and/or aggregate combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable; (F) Per contract aggregate.

C. **Motor Vehicle Liability:** The Contractor shall procure and maintain during the life of this contract, Motor Vehicle Liability Insurance, including Michigan no-fault coverage, with limits of liability of not less than $1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

D. **Additional Insured:** Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be "Additional Insured": The Charter Township of Orion, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and Board members, including employees and volunteers thereof.
E. **Vehicle Liability Insurance.** as described above, shall include an endorsement stating the following: "It is understood and agreed that thirty (30) days advance written notice of cancellation, non-renewal, reduction and/or material change be sent to the Township Clerk, Charter Township of Orion, 2525 Joslyn Rd., Lake Orion, MI 48360.

F. **Proof of Insurance Coverage:** The Contractor shall provide the Charter Township of Orion at the time the contracts are returned by him/her for execution, certificates and/or policies as listed below:

1. Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
2. Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
3. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
4. If so requested, certified copies of all policies mentioned above will be furnished.

**Cancellation Notice**

Workers’ Compensation Insurance, Commercial General Liability Insurance, and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: It is understood and agreed that Thirty (30) days Advanced Written Notice of Cancellation, Non-Renewable, Reduction and/or Material Change shall be sent to the Supervisor’s Office, Charter Township of Orion of Orion, 2525 Joslyn Road, Lake Orion, MI 48360

**Orion Township Authorized Contacts**

Aaron Whatley, Parks & Recreation Director  
(248) 391-0304 ext. 3501

David Raftery, Park Superintendent  
(248) 391-0304, ext. 3526
CHARTER TOWNSHIP OF ORION

Sealed Bid Form
2019-2020

Requested by the Parks & Recreation Department
Bid Opening: Wednesday, March 13, 2019 at 12:30 p.m.

The undersigned hereby declares that he/she has carefully examined the instructions and specifications as listed in the Bid Packet. The undersigned declares the prices set forth in this bid do cover all the requirements listed in the bid packet “Mowing Township Property, Safety Paths, Sidewalks, Paint Creek and Polly Ann Trails Contract Requirements.”

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of the bid opening to allow for the award of the bid, and that the prices bid will remain firm through invoice.

The Charter Township of Orion reserves the right to split or abstract any or all bid proposals and award multiple contracts from the same quotation, based on price, availability and service, when in its judgment it best serves the Charter Township of Orion.

BID SECTION #1. Bid each package independently of the others. You do not have to bid on each package to be considered for the package(s) you wish to bid.

BID PACKAGE “A” – FIELDS & GROUNDS (Township properties as specified in Addendum “A”)

Mowing Per Cut Fee $_________
Second Cut Fee $_________

BID PACKAGE “B” – TRAILS & SAFETY PATHS (as specified in Addendum “B”)

Mowing Per Lineal Foot $_________

BID PACKAGE “C” – FIRE STATIONS 1, 2, 3 & 4

Mowing Per Cut Fee $_________

BID SECTION #2. For bidders interested in bidding all of BID SECTION #1 (“A,” “B,” “C”), and want to issue “volume discount,” please enter below:

FEE AFTER DISCOUNT
“A” Mowing Per Cut $_______
Second Cut $_______
“B” Mowing Per Lineal Foot $_______
“C” Mowing Per Cut Fee $_______
BIDDERS

Name of Bidder: _________________________________________________________________

Address: _______________________________________________________________________

Telephone No.: ____________________ Fax No.: _________________________________

Authorized Signature: ________________________________________________________ Date:____________

EQUIPMENT TO BE USED ON JOBS

Lawn Mowers (make & year)  Blowers
  ____________________________  ____________________________
  ____________________________  ____________________________
  ____________________________  ____________________________
  ____________________________  ____________________________

Trimmers  Edgers
  ____________________________  ____________________________
  ____________________________  ____________________________
  ____________________________  ____________________________

Trucks  Trailers
  ____________________________  ____________________________
  ____________________________  ____________________________
  ____________________________  ____________________________

References (commercial accounts)

Entity’s Name  & Address, Contact Information & Phone Number

1) ______________________________________________________________

2) ______________________________________________________________

3) ______________________________________________________________
Township Properties Addendum “A”

1. Civic Center Parks, Fields & Grounds
2. Township Hall Grounds
3. Wildwood Amphitheater Grounds
4. Friendship Park, Fields & Grounds
5. Orion Center Grounds
6. Jesse Decker Park, Fields & Grounds
7. Camp Agawam Grounds
### Trails & Safety Paths Addendum “B”

<table>
<thead>
<tr>
<th>Trail Name</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paint Creek Trail</td>
<td>6336 lf</td>
</tr>
<tr>
<td>Polly Ann Trail</td>
<td></td>
</tr>
<tr>
<td>Waldon to Joslyn</td>
<td>3092 lf</td>
</tr>
<tr>
<td>Greenshield to Waldon</td>
<td>4152 lf</td>
</tr>
<tr>
<td>National Storage to Giddings</td>
<td>3961 lf</td>
</tr>
<tr>
<td>National Storage to Apartments</td>
<td>550 lf</td>
</tr>
<tr>
<td>Giddings / Waldon to EWS</td>
<td>777 lf</td>
</tr>
<tr>
<td>Giddings by RR Tracks</td>
<td>59 lf</td>
</tr>
<tr>
<td>Powers Dist. To Sensor Dev.</td>
<td>1444 lf</td>
</tr>
<tr>
<td>Silverbell – Pump House to Power Ln.</td>
<td>550 lf</td>
</tr>
<tr>
<td>Silverbell Bridge to Joslyn</td>
<td>1526 lf</td>
</tr>
<tr>
<td>Silverbell Vacant Property</td>
<td>100 lf</td>
</tr>
<tr>
<td>Silverbell/Squirrel Corner/ Crosswalk</td>
<td>333 lf</td>
</tr>
<tr>
<td>Silverbell / M24 Corners/ Crosswalk</td>
<td>309 lf</td>
</tr>
<tr>
<td>Orion Rd / Stoney Creek</td>
<td>673 lf</td>
</tr>
<tr>
<td>Clarkston Bridge @ Buckhorn</td>
<td>271 lf</td>
</tr>
<tr>
<td>Baldwin &amp; Waldon Bridge</td>
<td>352 lf</td>
</tr>
<tr>
<td>Maybe &amp; Rohr Corner</td>
<td>590 lf</td>
</tr>
<tr>
<td>Maybe @ Baldwin</td>
<td>1220 lf</td>
</tr>
<tr>
<td>Indianwood PAT P-Lot</td>
<td>600 lf</td>
</tr>
<tr>
<td>Joslyn Rd to Indianwood Rd</td>
<td>2900 lf</td>
</tr>
<tr>
<td>Joslyn to Clarkston</td>
<td>6332 lf</td>
</tr>
<tr>
<td>Clarkston to Weber</td>
<td>6035 lf</td>
</tr>
<tr>
<td>Clarkston to Baldwin</td>
<td>4711 lf</td>
</tr>
<tr>
<td>Clarkston West of Baldwin</td>
<td></td>
</tr>
<tr>
<td>Clarkston Rd. East of Joslyn</td>
<td></td>
</tr>
<tr>
<td>Baldwin S/O Clarkston To Barn</td>
<td>4505 lf</td>
</tr>
<tr>
<td>Silverbell / Bald Mtn. Corner</td>
<td>100 lf</td>
</tr>
<tr>
<td>Baldwin/Indianwood Roundabout</td>
<td></td>
</tr>
<tr>
<td>Baldwin Roundabout Medians</td>
<td></td>
</tr>
<tr>
<td>Baldwin/ Brown medians near Panera</td>
<td></td>
</tr>
<tr>
<td>Clarkston / Joslyn</td>
<td>1650 lf</td>
</tr>
<tr>
<td>Indian Lk. / M24</td>
<td>2100 lf</td>
</tr>
<tr>
<td>Road intersections with pathways</td>
<td></td>
</tr>
<tr>
<td>Squirrel Rd.</td>
<td></td>
</tr>
<tr>
<td>Silverbell to Baldmountain Sub</td>
<td></td>
</tr>
<tr>
<td>M-24 South of Home Depot</td>
<td></td>
</tr>
<tr>
<td>M-24 North of Silverbell</td>
<td></td>
</tr>
</tbody>
</table>
Fire Stations Addendum “C”

Fire Station #1 (93 S. Anderson Rd.)
Fire Station #2 (3801 Giddings Rd.)
Fire Station #3 (3365 Gregory Rd.)
Fire Station #4 (465 S. Baldwin Rd.)
To: Orion Township Board of Trustees

From: Aaron Whatley, Parks & Recreation Director

Meeting Date: January 19, 2021

Memo Date: January 8, 2021

Subject: Request for Proposal – Lawn Fertilization

REQUEST

The request before the board is authorization to advertise for proposals for lawn fertilization.

PROCESS/INFORMATION

The current contract expired at the end of 2020. We wish to open the project to bid; I am proposing we seek a three-year contract

All bids will be presented to the board for final award, as required per policy.

BUDGET

If yes, fill out information below:

<table>
<thead>
<tr>
<th>Financial Item?</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expected Invoice Date:</td>
<td>Click or tap to enter a date.</td>
</tr>
<tr>
<td>Project/Grant Tracking?</td>
<td>☒</td>
</tr>
<tr>
<td>Reviewed by Budget Director?</td>
<td>☒</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Account No.</th>
<th>Original Amount Budgeted for G/L</th>
<th>Cost of Item/Project</th>
<th>Remaining Budget after cost of item/project</th>
</tr>
</thead>
</table>

RECOMMENDATION (Motion)

Board action would be to authorize advertising for sealed bids for a three-year lawn fertilization contract.
Agenda Item Summary

To: Charter Township of Orion Board of Trustees

From: Penny S. Shults

Meeting Date: February 1, 2021

Memo Date: January 28, 2021

Subject: Second Reading – PC-2020-38, Edgar Development Rezone Request

REQUEST
Board action on PC-2020-38, Edgar Development Rezone Request.

REASON
Please refer to documentation from your January 4, 2020 meeting packet (following).

PROCESS
First reading was held on January 4, 2021 and the item was advertised in the January 13, 2021 edition of The Orion Review for second reading and possible adoption at the February 1, 2021 meeting.

BUDGET
If yes, fill out information below:

| Financial Item? | ☐ |
| Project/Grant Tracking? | ☐ |
| Expected Invoice Date: | Click or tap to enter a date. |
| Reviewed by Budget Director? | ☐ |

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Account No.</th>
<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
</tr>
</thead>
</table>

RECOMMENDATION (Motion)

IF MOTION TO APPROVE SECOND READING:
Motion to declare that the Orion Township Board of Trustees held and approved the second reading on February 1, 2021, for PC-2020-38, Edgar Development Rezone Request, requesting to rezone a portion of 09-26-451-005 (approximately 4.21 acres), located on the northern portion of 3805 S. Lapeer Rd. from Restricted Business (RB) to General Business (GB) for the reasons given in the recommendation of approval by the Planning Commission on December 16, 2020.

* (Motion maker to insert any additional reasons)

OR

IF MOTION TO DENY SECOND READING:
Motion to declare that the Orion Township Board of Trustees held and denied the second reading on February 1, 2021, for PC-2020-38, Edgar Development Rezone Request, requesting to rezone a portion of 09-26-451-005 (approximately 4.21 acres), located on the northern portion of 3805 S. Lapeer Rd. from Restricted Business (RB) to General Business (GB) for the following reasons:

*(Motion maker to list reasons)*
Agenda Item Summary

To: Charter Township Of Orion Board of Trustees
From: Charter Township of Orion Planning Commission
Meeting Date: January 4, 2021
Memo Date: December 17, 2020
Subject: PC-2020-38 Edgar Development Rezone

REQUEST
Board action on PC-2020-38, Edgar Development Rezone Request, requesting to rezone a portion of 09-26-451-005 (approximately 4.21 acres), located on the northern portion of 3805 S. Lapeer Rd. from Restricted Business (RB) to General Business (GB).

REASON
The Planning Commission, at their December 16, 2020 meeting, passed a motion to recommend approval of PC-2020-38, Edgar Development Rezone Request.

PROCESS
The Orion Township Board of Trustees deliberates on PC-2020-38 and approves or denies the first reading. If the first reading is approved the Clerk advertises for second reading and possible adoption of the map amendment at a later date.

BUDGET
If yes, fill out information below:

<table>
<thead>
<tr>
<th>Financial Item?</th>
<th>☐</th>
<th>Project/Grant Tracking?</th>
<th>☐</th>
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<tr>
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<th>Account No.</th>
<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
</tr>
</thead>
</table>

RECOMMENDATION (Motion)
January 4, 2021

IF MOTION TO APPROVE FIRST READING:
Motion to declare that the Orion Township Board of Trustees held and approved the first reading on January 4, 2021, for PC-2020-38, Edgar Development Rezone Request, requesting to rezone a portion of 09-26-451-005 (approximately 4.21 acres), located on the northern portion of 3805 S. Lapeer Rd. from Restricted Business (RB) to General Business (GB) and direct the Clerk to advertise for second reading and possible approval on February 1, 2021.
IF MOTION TO DENY FIRST READING:
Motion to declare the first reading was held and denied on January 4, 2021, for PC-2020-38, Edgar Development Rezone Request, requesting to rezone a portion of 09-26-451-005 (approximately 4.21 acres), located on the northern portion of 3805 S. Lapeer Rd. from Restricted Business (RB) to General Business (GB) for the following reasons:
   *(Motion maker to insert reasons)

February 1, 2021
IF MOTION TO APPROVE SECOND READING:
Motion to declare that the Orion Township Board of Trustees held and approved the second reading on February 1, 2021, for PC-2020-38, Edgar Development Rezone Request, requesting to rezone a portion of 09-26-451-005 (approximately 4.21 acres), located on the northern portion of 3805 S. Lapeer Rd. from Restricted Business (RB) to General Business (GB) for the reasons given in the recommendation of approval by the Planning Commission on December 16, 2020.
   * (Motion maker to insert any additional reasons)

OR

IF MOTION TO DENY SECOND READING:
Motion to declare that the Orion Township Board of Trustees held and denied the second reading on February 1, 2021, for PC-2020-38, Edgar Development Rezone Request, requesting to rezone a portion of 09-26-451-005 (approximately 4.21 acres), located on the northern portion of 3805 S. Lapeer Rd. from Restricted Business (RB) to General Business (GB) for the following reasons:
   *(Motion maker to list reasons)
TO: Charter Township of Orion Board of Trustees  
FROM: Charter Township of Orion Planning Commission  
DATE: December 18, 2021  
RE: PC-2020-38, Edgar Development Rezone Request  

The applicant, Jeffrey Edgar, is requesting approval for PC-2020-38, Edgar Development Rezone Request, requesting to rezone a portion of 09-26-451-005 (approximately 4.21 acres), located on the northern portion of 3805 S. Lapeer Rd. from Restricted Business (RB) to General Business (GB).  

The Planning Commission held a public hearing on December 16, 2020 and at the regularly scheduled Planning Commission meeting the same evening took the following action: 

Moved by Acting Chairman Reynolds, seconded by Commissioner Urbanowski, that the Planning Commission forwards a recommendation to the Township Board to approve PC-2020-38, Edger Development, rezone request, requesting to rezone the northern approximately 4.21 acres of parcel 09-26-451-005 from Restricted Business (RB) to General Business (GB) as depicted on the plan date stamped receive 11/12/2020, located at 3805 S. Lapeer Rd. This recommendation to approve is based on the following findings of facts: the objective of the Master Plan is met and the commercial corridor along M24 on the east side, it is compatible with the adjacent or the existing uses to the south and does still provides cohesive zoning between the adjacent uses around the surrounding area.  

Acting Chairman Reynolds asked if there was any public comment. There were none.  

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Gross, yes; Urbanowski, yes. Motion carried 5-0 (Dunaskiss absent & one vacancy)  

Included in your packet are the consultant review letter, the rezone application, a rezoning plan, a citizen email, the Planning Commission minutes and Public Hearing minutes from December 16, 2020. If you have any questions, please feel free to contact me at (248) 391-0304 x 5000.
REZONING SUBMITTAL

PRESENTED TO:

Charter Township of Orion
Planning and Zoning Department
2525 Joslyn Road,
Lake Orion, Michigan 48360

SUBMITTED BY:

Cunningham-Limp
28970 Cabot Drive, Suite 100
Novi, Michigan 48377

OWNER/APPLICANT:

Edgar Development
3805 S. Lapeer Road,
Lake Orion, Michigan 48360
TABLE OF CONTENTS

01  Rezoning Application

02  Applicant Statement of Purpose

03  Proof of Ownership

04  Supporting Documentation

05  Operating Agreement
OWNER'S ACKNOWLEDGEMENT:

Waldo Enterprise, LLC ("OWNER") has retained Cunningham-Limp ("OWNERS AGENT") to act on the Owners behalf to facilitate rezoning of the 4.219 acres, of the 15.03 total acres of Parcel number: 09-26-4514-003.
Charter Township of Orion  
Planning & Zoning Department  
2525 Joslyn Rd., Lake Orion MI 48360  
P: (248) 391-0304 ext. 5000; Fax (248) 391-1454

Checklist for Rezoning Application

Applications must be submitted by noon on Wednesday, four weeks prior to a scheduled meeting. Meetings are held on the first and third Wednesday of each month, unless otherwise specified.

The petitioner, or a representative with written permission from the property owner, must be present at the meeting. Refer to 30.04, C for the criteria the Planning Commission will use to reach their decision to amend the zoning map.

The following must accompany your completed application; incomplete submittals will not be accepted.

- Complete application including original ink signatures of property owner and the applicant.
- The Rezoning fees calculated using Ordinance No. 41.
- Proof of ownership. Acceptable forms of documentation include: Warranty Deed, Quit Claim Deed, Land Contract, or Option to Purchase with a Copy of the Warranty Deed.
- 6 sets of a 24” x 36” plot plan containing all elements within Zoning Ordinance No. 78, Section 30.04,B, 2.
- 6 sets of all supporting documents, reports, studies etc.
- PDF format copy of all information submitted (may be emailed or provided on a USB/flash drive).

Please note that an applicant requesting a zoning map change, shall construct and install a sign indicating the requested change of zoning. See Zoning Ordinance No. 78, Section 30.04, H for details.

The Township reserves the right to request additional copies of printed materials as necessary.

If you have any questions, please call the Planning and Zoning Director (248) 391-0304 ext. 5000
30.04, Amendments to the Zoning Ordinance: Map amendments may be initiated by any governmental body or any persons having a freehold interest in the subject property, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest entitled to exclusive possession or which is specifically enforceable.

**Project Name:** EDGAR DEVELOPMENT

**Applicant**

Name: **Jeffrey Edgar**

Address: **3805 S. Lapeer Road**  
City: Lake Orion  
State: MI  
Zip: 48360

Phone: (248)210-0199  
Cell:  
Fax:  
Email: jedgar@wallyedgar.com

**Property Owner(s)**

Name: **Waldo Enterprises, LLC**

Address: **3805 S. Lapeer Road**  
City: Lake Orion  
State: MI  
Zip: 48360

Phone: (248)210-0199  
Cell:  
Fax:  
Email: jedgar@wallyedgar.com

* If the name on the deed does not match the name of the property owner on this application, documentation showing the individual is the same as the company name must be provided.

**Plan Preparer**

Name: **PEA GROUP**

Address: **2430 Rochester Court**  
City: Troy  
State: MI  
Zip: 48083

Phone: (248)528-7369  
Cell:  
Fax:  
Email: jbutler@peagroup.com

**Project Contact Person**

Name: **Samuel Ashley**

Address: **28970 Cabot Drive Suite 100**  
City: Novi  
State: MI  
Zip: 48377

Phone: (248)489-2300  
Cell:  
Fax:  
Email: sashley@clc.build
Sidwell Number(s):  Part of 09-26-451-002 Has been sold and added to 09-26-451-003 New Parcel Number Pending

Location or Address of Property: 3805 S. Lapeer Road, Lake Orion, MI, 48360

Side of Street: East Nearest Intersection: Silverbell Road & Lapeer Road

Acreage: 4.219 of total parcel Current Use of Property: Undeveloped

Frontage (in feet): Varies Depth (in feet): Varies

Subject Property Zoning: RB Adjacent Zoning: N. RB S. PUD E. RB W. GB & OP

Is the complete legal description printed on the site plan? ☑ Yes ☐ No (if no please attach to the application)

Requested Zoning Classification: General Business (GB)

Existing Use of Property: 4.219 acres undeveloped Proposed Use of Property: Undecided at this point

Explain why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership: Please see attached Memo

Explain why the existing zoning classification is no longer appropriate: Please see attached Memo

Explain why the proposed rezoning will not be detrimental to surrounding properties: Please see attached Memo
I/We, the undersigned, do hereby submit this application for Rezoning, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance; No. 78, Section 30.04 and applicable ordinance requirements. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete.

Signature of Applicant:
(must be original ink signature) ___________________________ Date: November 11, 2020
Print Name: Jeffery Edgar

I, the property owner, hereby give permission to the applicant listed above to act as my agent in submitting applications, correspondence and to represent me at all meetings. I also grant permission to the Planning Commission members to visit the property, without prior notification, as is deemed necessary.

Signature of Owner:
(must be original ink signature) ___________________________ Date: November 11, 2020
Print Name: Jeffery Edgar
Charter Township of Orion
Planning & Zoning Department
2525 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5002; Fax (248) 391-1454

Project Name  EDGAR DEVELOPMENT

PC#  Parcel#(s)  09-26-451-003

Please select an option below:

X  Permission to Post on Web Site
By signing below as applicant and on behalf of my consultants, we agree to allow the plans for the above named project, in which approval is being sought by the Planning Commission and/or Township Board, to be posted on the Township website.

Signature of Applicant

Jeffrey Edgar

Printed Name of Applicant

Date

11/11/2020
REZONING APPLICATION

APPLICATION STATEMENT OF PURPOSE

The subject parcel is comprised of 15.03 total acres, given the Boundary Adjustment approved by the Township on November 9, 2020. The initial 10.82 acres is currently zoned General Business and the added acreage of 4.219 is currently zoned Restricted Business and was previously part of the Hills of Woodbridge Parent Parcel and anticipated PUD application. Due to the acquisition of the 4.219 acres and as a result of the approved Boundary Adjustment, the parcel has split zoning. The Owner’s request is to rezone the 4.219 acres to General Business to be consistent with the primary zoning within the parcel. The 4.219 acres is vacant and undeveloped.

RECEIVED

NOV 12 2020

Orion Township Planning & Zoning

www.cunninghamlimp.com
REZONING APPLICATION

CONTINUATION OF THE REZONING APPLICATION

EXPLAIN WHY THE REZONING IS NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF THE RIGHTS OF USAGE COMMONLY ASSOCIATED WITH PROPERTY OWNERSHIP?

One of the rights of property ownership is for the owner to be able to develop their property in a manner consistent with the surrounding properties to obtain a return on their investment in the property. The rezoning of the 4.219 acres to General Business will create a uniform zoning throughout the parcel, consistent with the historical zoning of the parcel prior to the acquisition of the 4.219 acres.

EXPLAIN WHY THE EXISTING ZONING CLASSIFICATION IS NO LONGER APPROPRIATE?

Given the approved Boundary Adjustment, it is appropriate to have a constant zoning on the parcel. This will promote uniform and compatible uses within the parcel. The developed portion of the parcel is used for automotive sales. Given that the majority of the parcel is currently zoned as General Business, it requested to continue the General Business zoning throughout the parcel.

EXPLAIN WHY THE PROPOSED REZONING WILL NOT BE DETRIMENTAL TO SURROUNDING PROPERTIES?

The 4.219 acres requested to be rezoned as General Business is surrounded by General Business (balance of the same parcel) to the south, Restricted Business to the north and east (Undeveloped parcel Owner is currently seeking PUD approval) and Office and Professional to the west. The Wally Edgar automotive dealership has occupied this location for 33 years under the General Business zoning classification. Wally Edgar Chevrolet was developed prior to the adjacent parcel developments. The use of the dealership has been in harmony with the adjacent developments since its origination. With the request to simply create a consistent zoning throughout a parcel that has operated as a permitted General Business use for 33 years, there will not be a detrimental impact to the surrounding properties. This is a result of additional land acquired during an uncompleted PUD process and creates consistency within the parcel.
WALDO III, LLC
A Michigan Limited Liability Company

OPERATING AGREEMENT

This Operating Agreement is made and adopted on May 31, 2019, by Waldo III, LLC, a Michigan limited liability company (Company) and Jeffrey Edgar, its sole member ('Member').

ARTICLE I ORGANIZATION AND MEMBERSHIP

1.1 **Formation.** The Company has been organized as a member-managed Michigan limited liability company by the filing of the Articles of Organization (Articles) as required by the Michigan Limited Liability Company Act, MCL 450.4101 et seq. (Act). The Member is the only member of the Company.

1.2 **Name.** The name of the Company is stated on the first page of this Operating Agreement. The Company may also conduct its business under one or more assumed names.

1.3 **Purposes.** The Company has been formed for the purpose or purposes enumerated in the Articles. The Company shall have all the powers necessary or convenient to effect any purpose for which it is formed, including all powers granted by the Act.

1.4 **Duration.** The Company shall commence on the date of filing of the Articles with the Department of Licensing and Regulatory Affairs, Bureau of Commercial Services, and shall continue in existence for the period fixed in the Articles or until the Company dissolves and its affairs are wound up in accordance with the Act or this Operating Agreement.

1.5 **Registered Office and Resident Agent.** The Registered Office and the Resident Agent of the Company shall be as designated in the initial or amended Articles. The Registered Office and the Resident Agent may be changed from time to time. Any such change shall be made in accordance with the Act. If the Resident Agent resigns, the Company shall promptly appoint a successor.

1.6 **Sole Member.** The Member is the sole member of the Company. There are not any other members. The Member is the only person who has been admitted to the Company as a member and the Member is the only person who has and holds a membership interest in the Company. The Member, being the only member and having and holding the only membership interest in the Company, is
the only person having rights in the Company, including but not limited to the only right to receive distributions and the only right to vote and participate in management.

1.7 **No Liability of Member for Acts, Debts, or Obligations.** Unless otherwise provided by law, the Member is not liable for the acts, debts, or obligations of the Company.

1.8 **Allocation of Profits and Losses: Distributions.** Any and all profits and losses for each fiscal year shall be allocated to the Member. Distributions may be made to the Member, in such amounts or forms and at such times, as determined by the Member unless otherwise provided by the Act.

1.9 **Assignment of Member's Interest-Distributions.** The Member shall be free to assign any part (but not the whole) of the Member's membership interest representing the distributions to which the Member would be entitled on such terms as the Member and such assignee may agree.

1.10 **Assignment of Member's Interest-Full Membership.** The Member shall be free to assign all or any part of the Member's interest representing the entire right to be a Member in the Company, on such terms as the Member and such assignee may agree, but only if those persons being or becoming members of the Company first enter into a multiple-member operating agreement that provides for voting rights, allocations of profits and losses, timing of distributions, designation of a tax matters partner, and other matters commonly addressed in a multiple-member operating agreement.

1.11 **Additional Members.** The Company may admit one or more other persons as Members of the Company on such terms as the Company and such additional persons may agree, but only if the Member and those persons being or becoming members of the Company first enter into a multiple-member operating agreement that provides for voting rights, allocations of profit and loss, timing of distributions, designation of a tax matters partner, and other matters commonly addressed in a multiple-member operating agreement.

**ARTICLE II ADMINISTRATIVE PROVISIONS**

2.1 **Books and Records.** The Company shall maintain complete and accurate books and records of the Company's business and affairs as required by the Act. The Company's books and records shall be kept at the Company's Registered Office.

2.2 **Fiscal Year.** The Company's fiscal year shall be the calendar year.

2.3 **Amendment; Entire Agreement.** This Operating Agreement may be amended at any time by the Member, for any reason. This Operating Agreement, as may be
amended, constitutes the entire agreement between the Member and Company with respect to its subject matter.

ARTICLE III MANAGEMENT OF THE COMPANY

3.1 **Management.** The Company shall be managed by the Member, who may be known as and hold whatever title(s) the Member chooses, including the title of President.

3.2 **Unlimited and Unconditional Power and Authority of Member.** Any and all decisions and actions concerning the business and affairs of the Company shall be made by the Member without limitation. The Member has the sole power and authority, on behalf of the Company, to do all things necessary or convenient to carry out the Company's business and affairs, including, without limitation, the sole power and authority to (a) purchase, lease, or otherwise acquire any real or personal property from any source whatsoever, including the Member; (b) sell, convey, mortgage, grant a security interest in, pledge, lease, exchange, or otherwise dispose of or encumber any real or personal property; (c) open one or more depositary accounts and make deposits into, write checks against, and make withdrawals against such accounts; (d) borrow money and incur liabilities and other obligations; (e) enter into any contract or agreement and execute any and all contracts, agreements, documents, and instruments of whatever nature; (f) engage employees and agents and define their respective duties and compensation; (g) establish pension plans, trusts, profit-sharing plans, and other benefit and incentive plans for the Member, employees, and agents of the Company; (h) obtain insurance covering the business and affairs of the Company and its property; (i) begin, prosecute, or defend any proceeding in the Company's name; and (j) participate with others in partnerships, joint ventures, and other associations and strategic alliances.

3.3 **Third-Party Reliance.** Any person (including any financial institution or contracting party) who may deal with the Company or the Member on behalf of the Company shall be entitled, without liability and without any further inquiry or investigation whatsoever, to rely on the sole, exclusive, and unilateral power and authority of the Member to make any and all decisions and to take any and all actions with respect to the Company, and the decisions and actions of the Member shall be binding on and enforceable against the Company without exception.

ARTICLE IV INDEMNIFICATION; EXCULPATION OF LIABILITY

4.1 **Indemnification; Exculpation of Liability.** The Company shall indemnify, defend, and hold the Member harmless from and against any losses, claims, costs, damages, and liabilities, including, without limitation, judgments, fines, amounts paid in settlement, and expenses (including, without limitation, attorney fees and expenses, court costs, investigation costs, and litigation costs) incurred by the Member in any civil, criminal, or investigative proceeding in which he or she is
involved or threatened to be involved by reason of the Member being a manager of the Company. Moreover, the Member shall not have any monetary liability for any breach of any duty established by Section 404 of the Act. However, the Company shall not be required to indemnify the Member for and the liability of the Member shall not be eliminated for (a) the receipt of a financial benefit to which the Member is not entitled; (b) liability under Section 308 of the Act; or (c) a knowing violation of law.

ARTICLE V DISSOLUTION AND WINDING UP

5.1 **Dissolution.** The Company shall dissolve and its affairs shall be wound up on the first to occur of the following events only: (a) at any time specified in the Articles; (b) on the occurrence of any event specified in the Articles; or (c) the consent of the Member.

5.2 **Winding Up.** On dissolution, the Company shall cease carrying on its business and affairs and shall begin to wind them up. The Company shall complete the winding up as soon as practicable. On the winding up of the Company, its assets shall be distributed in a manner consistent with the Act.

This Operating Agreement is made and adopted by the Company and the Member as the sole Member of the Company, as of the day and year listed on the first page of this Agreement.

**WITNESSED BY:**

[Signatures]

Jeffrey Edgar
Member

[Signatures]

WALDO III, LLC:

[Signatures]

By Jeffrey Edgar
Its Manager
Rezoning Review
Request: from split RB and GB, to GB

Case No: PC-2020-38
Site: 3805 S. Lapeer Road
Applicant: Jeffrey Edgar
Plan Date: 11/11/2020
Zoning: RB Restricted Business & GB General Business
Parcel ID: 09-26-451-002 & -003

Dear Planning Commission Members:

We have completed a review of the request for rezoning referenced above and a summary of our findings is below. Items in bold require specific action by the applicant. Items in italics can be addressed administratively.
SUMMARY OF FINDINGS

Existing Conditions

1. **Zoning.** The site consists of two areas that were formally separate parcels but have since become one parcel. The south area (former parcel) is 10.82 acres zoned GB, General Business and is currently developed as Wally Edgar Chevrolet. The north area (former parcel) is 4.22 acres zoned RB, Restricted Business and is vacant. The new parcel totals 15.03 acres with approximately 870 feet of frontage on Lapeer Road. The GB district permits automobile dealerships and the intent of the GB district, from Zoning Ordinance Section 14.00 – Preamble, is as follows:

   "The General Business (GB) District is intended to provide locations for individual businesses or a collection of businesses that provide a commodity or service on a regional basis. The zoning district is characterized by higher traffic generation and greater degrees of sight visibility and requires a site design which will not impede the flow of traffic or traffic safety. The GB District is intended to have the necessary restrictions to limit businesses’ impact upon the community. This includes safe and efficient traffic flow, adequate parking and attractive landscaping. The GB District is further intended to have direct access onto an existing or proposed thoroughfare, but only where optimum egress and regress can be provided."

   The RB district, which is what the north 4.22-acre area is currently zoned, does not permit automobile dealerships. The Application Statement of Purpose states that a boundary adjustment was recently approved by the Township due to the applicant’s acquisition of the north area (parcel), which has resulted in a split zoning of the site that includes both GB and RB zoning as this boundary adjustment preceded this rezoning request. Due to this boundary adjustment, the entire site, including the developed dealership area and undeveloped north area, is subject to this request.

**Hills of Woodbridge PUD Modification**

The undeveloped north area (4.22 acres) was previously within the approved concept and eligibility PUD plan for the development known as the Hills of Woodbridge. This PUD was recently subject to Planning Commission modification consideration related to a recent boundary adjustment that occurred prior to final PUD approval being granted for the north and area in question. At its December 2 meeting, the Planning Commission determined that a public hearing for the modification request would not be required and that the PUD may proceed with the final application. Therefore, this rezoning request may proceed without any delay related to the Hills of Woodbridge final PUD consideration. Below is an excerpt from the planner review for the PUD.

**Hills of Woodbridge PUD – 11/24/2020 Final PUD Review**

"Modification of Approved PUD Plans. The Hills of Woodbridge PUD applicant has requested that the Planning Commission consider a modification to the approved concept and eligibility PUD plan. This is the result of a portion of the PUD area having recently been sold to the adjacent Wally Edgar Chevrolet dealership to the south to no longer be included within the PUD. The applicant has submitted a comparison overlay and sketch that indicate in detail the PUD area and development details that are no longer within the parcel originally considered as part of the concept PUD."
2. **Adjacent zoning & land uses.**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RB</td>
<td>Vacant</td>
</tr>
<tr>
<td>East</td>
<td>RB</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>PUD/SR</td>
<td>Corporate Office</td>
</tr>
<tr>
<td>West</td>
<td>GB</td>
<td>Automobile Dealership</td>
</tr>
</tbody>
</table>
3. **Master Plan.** The Future Land Use Map designates the site as Neighborhood Commercial and Single Family Medium High Density as indicated below. The Single Family Medium High Density designation appears to be an extension of the developed residential area surrounding the site to the north, east, and south.
From the Master Plan:

**Neighborhood Commercial Designation**

“Neighborhood Commercial uses are located primarily along Baldwin and Lapeer Road (M-24) corridors with the greatest concentration planned for the M-24 corridor. These areas are intended to be located in close proximity to the residential neighborhoods in order to meet the day-to-day shopping needs of nearby residents. Neighborhood commercial activities may be located either individually or in small centers that serve one or more neighborhood trade areas. Planned uses include food stores, hardware and drug stores as well as personal service establishments, all of which can be found within the Restricted Business (RB) zoning district.”

**Single Family Medium High Density Designation**

“Single Family Medium High Density Residential is the highest density single family category with a density range of 3 to 5 dwelling units per acre. While the actual density will depend on the area needed for the street right-of-way, lot sizes in such areas range from 8,400 to 14,000 square feet each. A majority of the areas planned for Medium High Density residential are clustered around the Township’s lakes, near Gingelville Village and the Village of Lake Orion, and located adjacent to the Township’s major corridors. Much like the medium density areas, the clustering of residential homes around lakes allows more people to take advantage of the amenity while also providing sufficient recreation space. These areas are typically flatter and can thus accommodate a greater number of units. The presence of adequate roads and utilities are also of importance. The correlating zoning classifications include the R-1/R-2/R-3, Single Family Residential zoning districts at a minimum lot size of 14,000 square feet, 10,800 square feet and 8,400 square feet respectively.”

4. **Items for Planning Commission Consideration:**

**Planner Comments:** The Future Land Use Map designates the front of the site as Neighborhood Commercial and the rear as Single Family Medium High Density. This conflicts with current zoning and uses for the following reasons:

**Existing South Dealership Area**
- The existing zoning and use of the developed south portion of the dealership site is consistent with the current GB zoning district. However, the FLU map, which indicates split Neighborhood Commercial and Single Family Medium High Density for the south portion, is currently inconsistent with both the use and zoning of the site as a designation of General Commercial would be more appropriate for an auto dealership operating in the GB district.
- The applicant has stated that the dealership has been operating in this location for 33 years.
- Future updates to the Master Plan FLU map should consider the current boundaries of the developed south portion of the dealership site in relation to overall Township goals for development of this area.

**Undeveloped North Area**
- The current RB zoning of the undeveloped north area appears to accurately reflect only the Neighborhood Commercial designation of the frontage of the north area.
- The Planning Commission may wish to consider if the limited retail uses conceptually approved in this area as part of the Hills of Woodbridge PUD more accurately represent the FLU map, as opposed to uses permitted in the GB district, such as an auto dealership. We
note that many of the development sites on the Hills of Woodbridge PUD plan show what appear to be drive-through restaurants, which are not permitted in RB but are permitted in GB as a special land use.

- Hills of Woodbridge Concept and Eligibility Plan. At the February 20, 2019, regular Planning Commission meeting, a recommendation of approval was forwarded to the Township Board for the concept and eligibility plan based on the following findings of fact:

**PC Findings of Fact**

1. There appears to be a significant amount of preservation of buffer and existing landscaping to the perimeter, especially to the east.
2. This plan is less intensive development than could potentially be here.
3. It contains more percentage of residential versus commercial.
4. The residential component provides a better transition from the commercial along Lapeer Road to the single-family development to the east.
5. Because it is more residential and less commercial intensive, the township will probably see less of an impact than if it was all commercial; although, there will be some impact from what is existing now (vacant land).
6. It appears that the preliminary plans show additional open space than required.
7. They are preserving some of the natural features on the site.
8. The proposed architectural upgrades to the units do seem to be an upgrade and will need to be clarified later. That will also be true for the preliminary increased landscaping details along Lapeer Road.

- The Planning Commission may request that the applicant address the above findings of fact related to the north area included within this rezoning request. While the applicant does not consider this area to be within the boundaries of the PUD at the time this rezoning application was made, these findings of fact are still relevant to previous Planning Commission consideration of development and uses within the north area in question.

- This request is essentially an expansion of the current GB district boundaries for the developed portion of the dealership site, so it does not appear to reflect one of the characteristics of a spot zone, which would be the creation of a new isolated zoning district in this area..

**Future Land Use Plan Boundaries**

In general, and for most communities, future land use plan boundaries are not typically intended to be precise related to the boundaries of individual parcels as master plans have a long-range focus. Related to this, the Orion Township Master Plan states that:

"It should be remembered that the Master Plan is just the best estimate of what would be the desirable land use configuration of the community in the future, from a point in time at the present. As time moves on, this concept of a desirable community may change, so the Plan must be flexible in order to accommodate that change."

**Planner Comments:** While the proposed GB zoning may not be consistent with the Future Land Use Map, the extension of the General Business district to include the north area could potentially be
an extension of the existing dealership site and its current GB zoning, although there is no guarantee of a specific future land use on the site.

30.04 Amendments to the Zoning Ordinance

Findings of Fact and Recommendation of the Planning Commission. Following the public hearing, the Planning Commission shall transmit a summary of comments received at the public hearing and the proposed Ordinance amendments, including any maps and recommendations make written findings of fact and transmit same, together with its recommendation, to the Township Board. The Township Board may hold additional hearings if the Township Board considers it necessary, or if requested.

Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning Commission shall make findings based on the evidence presented to it with respect to the following matters:

   a. The objectives of the Township's Master Plan. See general discussion above and refer to Master Plan for additional information.

   b. Existing uses of property within the general area of the property in question. See aerial photo on page 1.

   c. The zoning classification of property within the general area of the property in question. See Zoning Map on page 3.

   d. The suitability of the property in question to the uses permitted under the existing zoning classification. See attachment to this review.

   e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification. This item should be discussed by the Planning Commission and the previous findings related to the Hills of Woodbridge PUD should be reviewed (see page 6.).

Sincerely,

Giffels Webster

Rodney L. Arroyo, AICP
President

Eric Fazzini, AICP
Senior Planner

Eric Pietsch
Senior Planner

www.giffelswebster.com
<table>
<thead>
<tr>
<th>Permitted Land Use</th>
<th>General Business (GB)</th>
<th>Restricted Business (RB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile parts, accessories</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Automobile dealerships, used car sales, showrooms</td>
<td>Permit by right</td>
<td>Not permissible</td>
</tr>
<tr>
<td>Automobile repair garages, service centers, &amp; other auto retail (no gas sales)</td>
<td>Permit by right</td>
<td>Not permissible</td>
</tr>
<tr>
<td>Automobile wash establishments</td>
<td>Permit by right</td>
<td>Not permissible</td>
</tr>
<tr>
<td>Recreational vehicle sales/service</td>
<td>Permit by right</td>
<td>Not permissible</td>
</tr>
<tr>
<td>Gasoline/fuel service stations</td>
<td>Special Use</td>
<td>Not permissible</td>
</tr>
<tr>
<td>Planned Unit Development (subject to section 30.03)</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Day-to-day consumer goods</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Grocery store</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Neighborhood convenience store (no gas sales)</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Pharmacy/Drug store (without drive-thru pharmacy)</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Pharmacy/Drug store (with drive-thru pharmacy)</td>
<td>Permit by right</td>
<td>Special Use</td>
</tr>
<tr>
<td>Bar/Lounge</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Outdoor cafe</td>
<td>Special Use</td>
<td>Special Use</td>
</tr>
<tr>
<td>Outdoor patio</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Restaurant (no drive-thru)</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Restaurant (with drive-thru)</td>
<td>Permit by right</td>
<td>Not permissible</td>
</tr>
<tr>
<td>Dry cleaning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel/motel</td>
<td>Special Use</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Printing, copying, shipping stores</td>
<td>Permit by right</td>
<td>Not permissible</td>
</tr>
<tr>
<td>Financial &amp; insurance service (banks, credit unions w/ drive-thru)</td>
<td>Permit by right</td>
<td>Special Use</td>
</tr>
<tr>
<td>Financial &amp; insurance service (banks, credit unions w/o drive-thru)</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Emergency or extended hour medical clinic</td>
<td></td>
<td>Special Use</td>
</tr>
<tr>
<td>Professional &amp; medical offices</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Veterinary clinics &amp; hospitals</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Schools for music, dance, business, or trade</td>
<td>Permit by right</td>
<td>Permit by right</td>
</tr>
<tr>
<td>Private schools for profit</td>
<td>Permit by right</td>
<td>Not permissible</td>
</tr>
<tr>
<td>Public service &amp; government facilities</td>
<td>Permit by right</td>
<td>Not permissible</td>
</tr>
<tr>
<td>Private clubs, lodge, &amp; banquet halls</td>
<td>Permit by right</td>
<td>Not permissible</td>
</tr>
<tr>
<td>Churches</td>
<td>Special Use</td>
<td>Not permissible</td>
</tr>
<tr>
<td>Public transportation facilities</td>
<td>Permit by right</td>
<td>Not permissible</td>
</tr>
<tr>
<td>Mini storage &amp; warehousing</td>
<td>Special Use</td>
<td>Not permissible</td>
</tr>
</tbody>
</table>
See attached.
The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, December 16, 2020, at 7:00 pm VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285 (Meeting being conducted via video/telephone conference due to the health concern of COVID-19)

PLANNING COMMISSION MEMBERS PRESENT:
Don Walker, PC Rep to ZBA
Don Gross, Commissioner
Kim Urbanowski, Commissioner
Scott Reynolds, Vice Chairman
Joe St. Henry, Secretary

PLANNING COMMISSION MEMBERS ABSENT:
Justin Dunaskiss, Chairman
(one vacancy)

1. OPEN MEETING
Acting Chairman Reynolds, opened the meeting at 7:04 pm

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Eric Fazzini, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Mark Landis, (Township Engineer) of OHM Advisors
Jeff Williams, Township Fire Marshal
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Bruce Parker
Heidi Jancek
Kim Thomas
Rick
Scott Gies
Tom DeAgostino
Dana Tousley
James Owings
Ron Rader
Sermed Saif
Chris Kawa
Chris Wilding
Dave B
Iven Sharrak
JD
Kuldip Sandhu
Zoe Darin
RJ
Russ
Cory Newman
Jeffery Schmitz
Licia
Matt Darin
Shannan Hea
Tim Philippart
Iden Kalabat
Kevin McClellan
Sam Ashley
Valerie Rup
A. Jones
CJ Lee
Gerardo Mend
James Butler
John Santeramo
Marsha Parker
Mike Mollan
Russ Luxton Jr.
Sherry
3. MINUTES
A. 12-2-20, Planning Commission Regular Meeting Minutes

Moved by Commissioner Gross, seconded by Commissioner Walker, to approve the minutes as presented.

4. AGENDA REVIEW AND APPROVAL

Moved by Secretary St. Henry, seconded by Commissioner Gross, to approve the agenda as presented.

Acting Chairman Reynolds recessed the regular meeting and opened the Public Hearing for PC-2020-26, WOW! Gas Station, Special Land Use, located at 3865 S. Baldwin Rd. at 7:06 p.m.

Acting Chairman Reynolds closed the Public Hearing for PC-2020-26 at 8:19 p.m. and opened the Public Hearing for PC-2020-38, Edgar Development Rezone Application, located at a northern portion of 3805 S. Lapeer Rd. (parcel 09-26-451-005), requesting to rezone approximately 4.21 acres from restricted business (RB) to General Business (GB) at 8:20 p.m.

Acting Chairman Reynolds closed the Public Hearing for PC-2020-38 at 8:23 p.m. and reconvened the regular Planning Commission meeting.

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

7. NEW BUSINESS

A. PC-2020-26, Wow Gas Station, Special Land Use, located at 3865 S. Baldwin Rd. (parcel #09-29-326-016).

B. PC-2020-38, Edgar Development Rezone Application, located at a northern portion of 3805 S. Lapeer Rd. (parcel 09-26-451-005), requesting to rezone approximately 4.21 acres from Restricted Business (RB) to General Business (GB).

Acting Chairman Reynolds said they had a Public Hearing on this tonight. He asked if the applicant would like to add to his presentation? Mr. Ashley replied that he had nothing further to add unless there were any questions.

Acting Chairman Reynolds stated that he wanted to disclose a relationship and a potential conflict of interest. Mr. Sam Ashley, the applicant tonight, and Acting Chairman Reynolds have done work in the past and do currently do work, but he was not involved with this application or project. He didn’t believe there was any conflict of interest but wanted to bring up that relationship prior to deliberating on the topic if there was an issue with that relationship. There were no issues.

Planner Fazzini read through his review date stamped December 7, 2020.
Acting Chairman Reynolds said that there was a letter that he had read into the record, during the Public Hearing that there was support from the Hi Hill subdivision, with no strong opposition to the rezone request.

Commissioner Gross asked what the intent of the use of the property? His concern was that it would be used as a body shop, or a transmission repair facility, something that is going to create noise, and odors, that could impact the adjoining PUD that they are reviewing immediately to the north and to the east. He added that they have an opportunity here to plan the uses concurrently, rather than try and solve something at a later date, and to avoid any conflicts that might be resulting. His other concern he had was lighting, and if it is going to be used as a storage lot, and the impact that it might have on future residential properties, to the north and to the east. He asked again, what the intent of the use was? He knew they couldn’t commit to it unless it was a contract zoning but he would like to have what the intent was of the owner recognizing that the owner or the applicant was the owner of the adjoining auto dealership to the south. Mr. Ashley stated that they purchased the property from the Hills of Woodbridge development. They have been working very closely with them to make sure that they are not any conflicts and that both projects are developed in harmony. He added that at this point, there isn’t an intended use, it is really from a land investment standpoint. Before the Hills of Woodbridge bought the property, it was a much larger acreage that was for sale, larger than their client needed. However, when the Hills of Woodbridge acquired that property, there was then the opportunity to buy a smaller parcel. Looking at the overall acreage that is there and just from a wise development practice, the ability to add more acreage based on the usability standpoint, that is what their client decided to do. Right now, there is not an intended use for it, but it is simply, they are just looking to get the zoning consistent, on the overall acreage of the total parcel. He said as it relates to lighting, if there is a development plan that is put in place that will come back before the Township, any lighting that is done will certainly be done per the ordinance, and any other considerations from the Township, or from any residents or any other input that is necessary, they will certainly take that into account.

Acting Chairman Reynolds said that they are just looking at a Rezone, not a Conditional Rezone. Special Land Use items would pop up at that point and time, they are strictly looking at the uses that would be permitted between the current zoning and the proposed zoning. So, also, a point of reference of what is now permitted by right versus by either Special Land Use or previously, it is not permissible.

Commissioner Walker asked why there were there now asking for the change of zoning if they don’t know what their client is going to do with it? He thought it made more sense now that they have the property, to wait and decide what they want to do with it. Mr. Ashley replied originally, the dealership was only comprised of, in round numbers, 10 acres. They bought the additional four acres, so those have been combined now into one parcel because they have done a boundary adjustment, so on that one parcel, they have split zoning. They have 10 acres that are General Business (GB) and the four acres that were acquired, which are currently zoned Restricted Business (RB). They are simply looking to carry the General Business (GB) zoning across the entire parcel now that it has been combined into an overall parcel, which is 15.039 acres. It is just to uniform the zoning, across the entire parcel. Based on the primary zoning, that is on the parcel by percentage basis, if they took the 4.2 acres, that equates to 27% of the land area, and the 10.82 acres is 73%. It is simply just carrying the zoning across the entire parcel so it is uniform on one lot. Commissioner Walker said he understood that and said the timing befuddled him.

Acting Chairman Reynolds said looking at the rezone of the parcel, from (GB) to (RB), a couple of points or concerns usually are, automotive dealerships would be a permitted by right use, and
then a gasoline and fuel station would be allowable with a Special Land Use. Previously, restaurants and outdoor patios were permissible, except for a restaurant with a drive-thru, along with hotels. He added that it looked like schools, churches, mini storage, and public transportation facilities would be allowable, some of those are by Special Land Use, and thought it was a more impactful zoning use there. He didn’t think it was inconsistent with the adjacent uses, especially since the (GB) that is directly adjacent to this parcel to the south, the gas station that is under construction, and there is also the auto dealership that is across the way, so he didn’t think it was inconsistent. He didn’t know how much more impactful it is to the surrounding area. It is even consistent with the PUD that was on their docket last week, and approved under concept review, to have a retail center, he thought those were all compatible on adjacent uses. The biggest difference that he saw there would maybe be the automobile-based uses that would be most impactful and hard to justify that isn’t cohesive if you have an auto dealership directly to the south and then directly to the west.

Mr. Ashley asked if he could address one point as it related to timing. Part of the sequence that they are going through is really something they talked through with the Township. When the property was purchased it was still under the original encumbrance of what was proposed to be the PUD for the Hills of Woodbridge. What they decided to do, rather than keep than the 4.2 acres in the PUD, they decided to bifurcate it from the PUD. The first step was getting the boundary adjustment done, and then the next step was going through the zoning.

Commissioner Gross stated that he was still concerned with the fact that they were dealing with the residential component surrounding this property to the north and the east. They are kind of ignoring the fact that something could be going in there, which could adversely affect that or adversely impact financial development from a positive standpoint. The site is big enough if there, is going to be a building and if it had some additional setback further from what the ordinance requires so that, there is some protection to those residential properties that he thought he would feel a little bit more comfortable. He is trying to find a way that they can a least address these concurrently. Mr. Ashley said they purchased the property from the Hills of Woodbridge, so they have been and will be working with them concurrently as they go through their process. He said that he can’t provide anything but certainly would be appropriate if he was to seek a letter of support from the adjacent development, that they are in support of what they are doing. He couldn’t provide that but was happy to provide that later in the week.

Acting Chairman Reynolds said it is just strictly a rezone, so he thought that they should focus on the uses that would be potentially allowable with fully rezoning the parcel to (GB). This isn’t a Conditional Rezone, so there are no conditions before them, so they are going to be subject to their standard zoning requirements. The biggest difference he saw was a restaurant with a drive-thru and an automotive dealership repair and automobile wash establishment, something that is an automotive use. There are zoning requirements that are going to provide a buffer, this parcel would be an island surrounded by the PUD. The Hills of Woodbridge, which would be a reasonable buffer from a multi-family development to those residential developments that are further to the east. There are not conditions being put forth, they are not going to evaluate, obviously, a site plan at this time. They can speak to the discussion points of concern and suggest, what additional parameters might be put forward. He was fairly confident he didn’t see a major transition. It is not like they were talking residential to (GB) they are talking about (RB) to (GB) so a lot of those buffers and parameters are very similar. It is really the use changes that he thought they should be discussing here.

Mr. Ashley said that they have studied the Hills of Woodbridge Site Plan quite extensively. He thought that it might be helpful to reflect on how they proposed the land use that they have in the majority of their northern property line, it is a retail or commercial use and detention pond
that is being proposed there. When they look at this site, and then how it relates to the site to the north, there is a nice transition between the two parcels.

Planner Fazzini said if approved and if the north development does come in for a site plan, the tree survey and the tree permit process will be required, and that is an extensive woodlands area now. So that may help with their comfort level as far as buffering or things like that brier area of the property line. Depending on the percentages of what they are preserving and clear-cutting, some of those things they talked about with other cases may have to be preserved. With the Hills of Woodbridge PUD, they are still not through the final PUD process, they can now focus on the rear of that development as it relates to this area, and ask the applicant to address that as far as screening or landscaping if the (GP) zoning is approved and there is an expectation that a dealership, would it be permitted.

Acting Chairman Reynolds said he was looking at the report from Giffels Webster. If the PUD were to go through, that is the only (RB) zoned parcel, there is the Palace on the northwest corner of Silverbell and Lapeer Rd. is (GB), the PUD on the corner of Silverbell and Lapeer Rd. that is a drive-thru gas station use so they are really closely related to (GB). He was not seeing a strong opposition to (GB) in the area, especially, since there is a buffering parcel that would be proposed from the R-1 parcels directly to the east, and they are not directly to the east there is a parcel in between them.

Secretary St. Henry stated that a few years ago, they dealt with a situation with Palace Chrysler. They wanted to expand some additional property and thought it had to be rezoned for them to be able to expand their parking spaces. They added on to their parking lot, significantly. Commissioner Walker said that he thought that had to do with the wetland issues there. Secretary St. Henry said his point was that the dealership was looking for additional space, they knew what they were going to do with that, at the time, it was pretty straightforward, they needed more storage space for new vehicles, or it may have been storage space for their body shop. He thought it was straightforward, a Restricted Business (RB) to General Business (GB) and given the fact that there are ten-acres of (GB) now with a well-established car dealership. He added that there was a very good point that was brought up that for the new residential development, that is going in there, in terms of where the commercial portion of that development is, and where it is in relation to that.

Acting Chairman Reynolds stated what he also wanted to add, from the review, was that the Master Plan currently suggests that it be neighborhood commercial, which reviewing that, it is all suggested as one uniform neighborhood commercial zoning. Across the street would be mixed-use, to the north as multi-family medium density. Just based on some of those, he was in support of the rezone. As it is presented right now, just based on its compatibility with adjacent uses. He didn’t see the major direction change from (RB) to (GB).

Commission Gross said that Walley Edger has done a wonderful job on his property, it has been a great addition to the community. He could sell the property tomorrow and they would have no control over whether it is going to be a part of a dealership or if it is going to be something entirely different. Acting Chairman Reynolds agreed and said that is why they are strictly looking at the use without conditions. He said he was ok with their standard differences in landscape buffers, between business zoning, and residential zoning there are buffer requirements there. He thought that there was a number of items, if there was a site plan permitted, they are still going to be held to the same residential zoning adjacent to a residential use of zero-foot candles. He thought that there were those items in place, so they think that they need to focus on the uses, and to push back on uses. They are not really drastically
changing in some of these requirements as it relates to the residential zoning adjacent between (RB) and (GB), it was the use changes, in his opinion.

Moved by Acting Chairman Reynolds, seconded by Commissioner Urbanowski, that the Planning Commission forwards a recommendation to the Township Board to approve PC-2020-38, Edger Development, rezone request, requesting to rezone the northern approximately 4.21 acres of parcel 09-26-451-005 from Restricted Business (RB) to General Business (GB) as depicted on the plan date stamped receive 11/12/2020, located at 3805 S. Lapeer Rd. This recommendation to approve is based on the following findings of facts: the objective of the Master Plan is met and the commercial corridor along M24 on the east side, it is compatible with the adjacent or the existing uses to the south and does still provides cohesive zoning between the adjacent uses around the surrounding area.

Acting Chairman Reynolds asked if there was any public comment. There were none.

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Gross, yes; Urbanowski, yes. Motion carried 5-0 (Dunaskiss absent & one vacancy)

8. UNFINISHED BUSINESS
None

9. PUBLIC COMMENTS
None

10. COMMUNICATIONS
None

11. PLANNERS REPORTS
None

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
None

14. CHAIRMAN’S COMMENTS

15. COMMISSIONERS’ COMMENTS

16. ADJOURNMENT
Motion carried.

Respectfully submitted,
PC-2020-38, Edgar Development, Rezone Application, located at a northern portion of 3805 S. Lapeer Rd. (parcel 09-26-451-005), requesting to rezone approximately 4.21 acres from Restricted Business (RB) to General Business (GB).

Acting Chairman Reynolds asked if the applicant was present?

Mr. Sam Ashley with Cunningham Limp presented. 119
Mr. Ashley stated that the owner of the property acquired 4.2 acres from the property to the north, and that property is currently zoned Restricted Business (RB). The existing property is 8.82 acres, which is currently zoned General Business (GB), which is the location for the Wally Edger Chevrolet Dealership. About a month ago, the two properties were combined in a boundary adjustment, leaving them with a total of 10 acres, which has split zoning on it. What they are seeking approval for is to be able to modify and change the zoning on the 4.2 acres to match the existing General Business (GB) zoning on the 10.8 acres, so they have unified zoning across the entire site itself.

Acting Chairman Reynolds asked that any public comments be limited to no more than three minutes, and one visit to discuss questions, comments, and concerns. There were no comments from the public.

Acting Chairman Reynolds read a letter from the Hi Hill Village Association. The letter stated that they were not opposed to the rezoning of the land, and there was not any strong opposition at this time.

Acting-Chairman Reynolds asked if anyone else from the public would like to speak? There was not. Vice-Chairman Reynolds closed the public hearing at 8:23 p.m.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date
From: Hi Hill Village Association <hihillsub@gmail.com>
Sent: Tuesday, December 15, 2020 1:06 PM
To: Tammy Girling <tgirling@oriontownship.org>
Subject: PC2020-38

Tammy,

I am writing this regarding the Edgar Rezoning Application. Hi Hill Village is not opposed to the rezoning of this land as there are currently no plans for expansion per the conversation I had with Cunningham-Limp. Any future development may cause concerns for Hi Hill Village especially from a light or noise pollution perspective. Thank you and stay safe!

Jason Rosell, President
Hi Hill Village Association
Agenda Item Summary

To: Charter Township Of Orion Board of Trustees
From: Charter Township of Orion Planning Commission
Meeting Date: February 1, 2021
Memo Date: January 26, 2021
Subject: PC-2021-02, Milosch Project Rezone Request

REQUEST
Board action on PC-2021-02, Milosch Project Rezone Request. The request is to rezone the western 4.293 acres of unaddressed parcel (09-26-300-013) located at the nw corner of Silverbell and Lapeer Roads from General Business (GB) to Industrial Park (IP).

REASON
The Planning Commission, at their January 20, 2021 meeting, passed a motion to recommend conditional approval of PC-2021-02, Milosch Project Rezone Request.

PROCESS
The Orion Township Board of Trustees deliberates on PC-2021-02 and approves or denies the first reading. If the first reading is approved the Clerk advertises for the second reading and possible adoption of the map amendment on March 1, 2021.

BUDGET
If yes, fill out information below:

Financial Item? ☐ Project/Grant Tracking? ☐
Expected Invoice Date: Click or tap to enter a date. Reviewed by Budget Director? ☐

<table>
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<th>Fund Name</th>
<th>Account No.</th>
<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
</tr>
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RECOMMENDATION (Motion)
February 1, 2021

IF MOTION TO APPROVE FIRST READING:
Motion to declare that the Orion Township Board of Trustees held and approved the first reading on February 1, 2021, for PC-2021-02, Milosh Project Rezone Request, requesting to rezone the western 4.293 acres of unaddressed parcel (09-26-300-013) located at the nw corner of Silverbell and Lapeer Roads from General Business (GB) to Industrial Park (IP) and direct the Clerk to advertise for second reading and possible approval on March 1, 2021.
OR

IF MOTION TO DENY FIRST READING:
Motion to declare the first reading was held and denied on February 1, 2021, for PC-2021-02, Milosch Project Rezone Request, requesting to rezone the western 4.293 acres of unaddressed parcel (09-26-300-013) located at the nw corner of Silverbell and Lapeer Roads from General Business (GB) to Industrial Park (IP) for the following reasons:
*(Motion maker to insert reasons)

March 1, 2021
IF MOTION TO APPROVE SECOND READING:
Motion to declare that the Orion Township Board of Trustees held and conditionally approved the second reading on March 1, 2021, for PC-2021-02, Milosch Project Rezone Request. The request is to rezone the western 4.293 acres of unaddressed parcel (09-26-300-013) located at the nw corner of Silverbell and Lapeer Roads from General Business (GB) to Industrial Park (IP) with the conditions and for the reasons given in the recommendation of approval by the Planning Commission on January 20, 2021.
* (Motion maker to insert any additional reasons)

OR

IF MOTION TO DENY SECOND READING:
Motion to declare that the Orion Township Board of Trustees held and denied the second reading on March 1, 2021, for PC-2021-02, Milosch Project Rezone Request, requesting to rezone the western 4.293 acres of unaddressed parcel (09-26-300-013) located at the nw corner of Silverbell and Lapeer Roads from General Business (GB) to Industrial Park (IP) for the following reasons:
*(Motion maker to list reasons)
TO: Charter Township of Orion Board of Trustees  
FROM: Charter Township of Orion Planning Commission  
DATE: January 26, 2021  
RE: PC-2021-02, Milosch Project Rezone Request

The applicant, Donald E. Milosch, is requesting approval for PC-2021-02, Milosch Project Rezone Request, requesting to rezone the western 4.293 acres of unaddressed parcel (09-26-300-013) located at the nw corner of Silverbell and Lapeer Roads from General Business (GB) to Industrial Park (IP).

The Planning Commission held a public hearing on January 20, 2021 and at the regularly scheduled Planning Commission meeting the same evening took the following action:. 

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, that the Planning Commission forwards a recommendation to the Township Board to approve PC-2021-02, Milosch Project Rezone Request. Requesting to rezone the western 4.293 acres of the unaddressed parcel (09-26-300-013) located west of the NW corner of Silverbell and Lapeer Roads from General Business (GB) to Industrial Park (IP). This recommendation to approve is based upon the fact that the proposed rezoning, to (IP) is reasonable and consistent with the goals of the Master Plan; the proposed rezoning to (IP) is consistent with the surrounding land uses and will not have an adverse impact on the development in the area; the retention of (GB) zoning at the immediate intersection of Lapeer and Silverbell, maintains the commercial designation and future development along Lapeer Road.

This recommendation is based upon the condition that a lot split would be submitted, reflecting the legal descriptions of the zoning classifications.

Chairman Reynolds asked if there were any public comments? There were none.

Roll call vote was as follows: Walker, no; Urbanowski, yes; St. Henry, yes; Hoffman, yes; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 6-1.

Included in your packet is the consultant review letter, the rezone application, a rezoning plan, and the Planning Commission minutes and Public Hearing minutes from January 20, 2021. If you have any questions, please feel free to contact me at (248) 391-0304 x 5000.
The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, January 20, 2021, at 7:00 pm VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285 (Meeting being conducted via video/telephone conference due to the health concern of COVID-19 and the Michigan Department of Health and Human Services)

PLANNING COMMISSION MEMBERS PRESENT (Commissioner location):
Don Walker, PC Rep to ZBA (Orion Twp.) - 7:07 pm
Scott Reynolds, Chairman (Orion Twp.)
Kim Urbanowski, BOT Rep to PC (Orion Twp.)
Don Gross, Vice-Chairman (Orion Twp.)
Garrett Hoffman, Commissioner (Orion Twp.)
Joe St. Henry, Secretary (Orion Twp.)
Jessica Gingell, Commissioner (Orion Twp.)

PLANNING COMMISSION MEMBERS ABSENT:
None.

1. OPEN MEETING
Chairman Reynolds opened the meeting at 7:01 pm.

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Eric Fazzini, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Jim Fields
Jim Sharp

3. MINUTES
A. 01-06-21, Planning Commission Regular Meeting Minutes

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, to approve the minutes for January 6, 2020, as presented.

Vice-Chairman Gross amended the motion, re-supported by Secretary St. Henry, that the date should be January 6, 2021.

4. AGENDA REVIEW AND APPROVAL
Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, to approve the agenda as presented.

Chairman Reynolds recessed the regular meeting and opened the Public Hearing for PC-2021-02, Milosch Project Rezone Request at 7:05 pm.

Chairman Reynolds closed the Public Hearing for PC-2021-02 at 7:09 pm and reconvened the regular Planning Commission Meeting

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY
None
6. CONSENT AGENDA
None

7. NEW BUSINESS

A. PC-2021-02, Milosch Project Rezone, a request to rezone the western 4.293 acres of the unaddressed parcel (09-26-300-013) located at the NW corner of Silverbell and Lapeer Roads.

Chairman Reynolds disclosed a potential conflict of interest. He stated that he has done projects with both Mr. Sharpe and the Milosch business on an adjacent parcel, but not part of this rezoning request. There was some previous relationship but no current relationship. There was no concern from the Planning Commissioners.

Chairman Reynolds asked if the applicant would like to add anything? Mr. Sharpe replied he did not.

Planner Fazzini read through his review date stamped January 7, 2021.

Commissioner Walker asked what the petitioner intended to do with this? Mr. Sharpe replied that he couldn’t speak on Mr. Milosch’s behalf on what exactly he is proposing. He knew that the property to the west was recently zoned to (IP) zoning as well, but couldn’t speak on behalf of that. They prepared the plan on behalf of Mr. Milosch as to how he wanted to split the property and was unsure of the exact reasoning behind the (GB) and the (IP) zoning.

Vice-Chairman Gross said after reviewing the surrounding area he thought that it was consistent with the industrial zoning. There is industrial zoning development to the west and it certainly would not be an adverse impact on those properties. There are no residential properties surrounding this to have any negative impact. He didn’t see any reason why they should delay the rezoning request.

Chairman Reynolds agreed that there was (IP) to the west. He noted that one piece that he was hung up on was the grounds for further requests, per ordinance requirements of; why does it work and, how it ties into the Master Plan? He added that it is inching (IP) closer and closer to the M24 corridor versus, some corridors of M24, it is in the Lapeer Overlay District, so there are those requirements. He was more or less looking at the (IP) venturing closer to M24 and the possibilities that that presents. He wished there was more information presented.

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, that the Planning Commission forwards a recommendation to the Township Board to approve PC-2021-02, Milosch Project Rezone Request. Requesting to rezone the western 4.293 acres of the unaddressed parcel (09-26-300-013) located west of the NW corner of Silverbell and Lapeer Roads from General Business (GB) to Industrial Park (IP). This recommendation to approve is based upon the fact that the proposed rezoning, to (IP) is reasonable and consistent with the goals of the Master Plan; the proposed rezoning to (IP) is consistent with the surrounding land uses and will not have an adverse impact on the development in the area; the retention of (GB) zoning at the immediate intersection of Lapeer and Silverbell, maintains the commercial designation and future development along Lapeer Road. This recommendation is based upon the condition that a lot split would be submitted, reflecting the legal descriptions of the zoning classifications.

Chairman Reynolds asked if there were any public comments? There were none.

Roll call vote was as follows: Walker, no; Urbanowski, yes; St. Henry, yes; Hoffman, yes; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 6-1.
B. PC-2021-03, Village Square Minor PUD Amendment (Walgreens sign addition), located at 3520 S. Baldwin Rd. (09-29-301-082)

Chairman Reynolds asked if the applicant was present?

Mr. Jim Fields at 33650 Giftos Dr., Clinton Twp., MI presented.

Mr. Fields stated that Walgreens is wanting to identify their added clinic services inside the pharmacy, by adding a small 18-inch by roughly 6-ft. letters clinic on the north and east elevations for a total of 9.5-sq. ft. per elevation.

Planner Fazzini read through his review date stamped January 13, 2021.

Chairman Reynolds said he read into the report about the illumination of the sign. He asked for clarification from the applicant because he thought that there may be some glare or overly-lit photometric concerns. He was not strongly opposed to a second sign, just based on the size and scale, and Walgreens being on a corner and the sign being minimal, he was open to a secondary sign. He thought that his findings of fact, he would just want to be grounded in something specific to the site if they were to support the amended PUD.

Vice-Chairman Gross stated the size of 9.5-sq. ft. per side is still below the maximum required for the zoning district. He said it was just a matter of two signs versus one. He added that since these signs are on opposite sides of the building, they cannot be seen simultaneously. He stated that identifying this as having a clinic within the building, could almost be considered a public service sign indicating that there is an additional opportunity for health services within the building.

Secretary St. Henry said that regarding the lighting concerns, as long as those can be addressed and as long as the lighting for the clinic sign is on par with the regular Walgreen sign, he thought that was more than acceptable. He agreed with Vice-Chairman Gross, that this is a public service providing this type of clinic in the Gingellville area on Baldwin. He was in support of it.

Chairman Reynolds asked the Planner if there was a way to administratively address some of the concerns that the fixture would be shielded or the illumination levels essentially adhere to the lighting standards? He questioned if that would be a good way to look forward to addressing these concerns with the signage backlighting? Planner Fazzini replied yes. They will review the submittal again as part of permitting. They could have the applicant just verify that the statement tonight that there are no external light fixtures proposed as part of this. Mr. Fields replied that is correct, there is no external lighting. The plank letters will be consistent with the facia and the way the Walgreens letters are lit.

Planning & Zoning Director Girling stated that they do have an actual light level that signs can emit. If they had within the motion that they have to meet ordinance then they will be covered by that incase Ordinance Enforcement had to go out they wouldn’t have to question whether at the PC they allowed them to exceed it, so, something referencing the ordinance criteria.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission approves PC-2021-03, Village Square PUD Minor Amendment, requesting two additional wall signs over the existing two wall signs for Walgreens, located at 3520 S. Baldwin Rd. (Sidwell #09-29-301-082), for plans date stamped received December 28, 2020. This approval is based on the following facts: that the overall sign size does not exceed the area
required for signage within the subject district, and the addition of the new sign at 9.5-sq. ft. is not excessive to the façade signs; the sign ordinance is on a corner site, and consequently, the signs cannot be seen simultaneously by any driver; the clinic sign does provide a public service by identifying the service within an existing building; this approval is contingent upon the compliance with the lighting requirements of the ordinance for internal illumination.

Roll call vote was as follows: Urbanowski, yes; Gross, yes; Walker, yes; Hoffman, yes; St. Henry, yes; Gingell, yes; Reynolds, yes. Motion carried 7-0.

8. UNFINISHED BUSINESS
None

9. PUBLIC COMMENTS
None

10. COMMUNICATIONS

Chairman Reynolds stated that there were plans submitted by the Haley Law Firm. The memo read that the existing tower did not increase its height for the cell tower located at 467 E. Scripps Rd., and that the structural analysis was provided so the tower could withstand the weight of the additional equipment. This met the criteria for Administrative Review per Ord. #78 section 27.07. According to the review it was addressed and administratively approved.

11. PLANNERS REPORTS
Planner Fazzini stated that they would like to have the 2nd PC meeting in February starting at 6 pm - 7 pm for the first study session for the Master Plan update.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
None.

14. CHAIRMAN’S COMMENTS
Chairman Reynolds stated he looked forward to getting into the Master Plan.

15. COMMISSIONERS’ COMMENTS
Commissioner Hoffman stated that he is still trying to get a handle on this, but was enjoying it so far.

Commissioner Walker welcomed Commissioner Gingell.

Commissioner Gross welcomed Commissioner Gingell.

Trustee Urbanowski congratulated Commissioner Gingell and welcomed her to the team.

Secretary St. Henry welcomed Commissioner Gingell and looked forward to working with her.

Commissioner Gingell said she was looking forward to getting involved in the process.
16. ADJOURNMENT
Moved by Trustee Urbanowski, seconded by Vice-Chairman Gross to adjourn the meeting at 7:37 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date
The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, January 20, 2021, at 7:05 pm via “GoToMeeting” #599-669-285.

PLANNING COMMISSION MEMBERS PRESENT (Commissioner location):
Don Walker, PC Rep to ZBA (Orion Twp.) - 7:07 pm Scott Reynolds, Chairman (Orion Twp.)
Kim Urbanowski, BOT Rep to PC (Orion Twp.) Don Gross, Vice-Chairman (Orion Twp.)
Joe St. Henry, Secretary (Orion Twp.) Garrett Hoffman, Commissioner (Orion Twp.)
Jessica Gingell, Commissioner (Orion Twp.)

PLANNING COMMISSION MEMBERS ABSENT:
None

CONSULTANTS PRESENT:
Eric Fazzini, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Jim Fields Jim Sharp

PC-2021-02, Milosch Project Rezone, a request to rezone the western 4.293 acres of the unaddressed parcel (09-26-300-013) located at the NW corner of Silverbell and Lapeer Roads from General Business (GB) to Industrial Park (IP).

Acting Chairman Reynolds asked if the applicant was present?

Mr. Jim Sharp with Sharp Engineering presented.

Mr. Sharp stated that they have a piece of property that is on the northwest corner of Silverbell and M24. The applicant is looking to split the property currently zoned (GB) and they are looking to split a portion of it to be (GB) and a portion of it to be rezoned to (IP). He thought that they met all of the requirements as far as the areas and things of that nature. They did have an opportunity to run through the Planners review and other than maybe a suggestion as to what Mr. Milosch would like to rezone the (IP) property for, and not just keep it (GB), he didn’t’ think there were any other comments.

Chairman Reynolds asked if there were any public comments? There were not.

Chairman Reynolds asked if there were any comments from the Commissioners. There were not.

Chairman Reynolds closed the public hearing at 7:09 p.m.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion
30.04, Amendments to the Zoning Ordinance: Map amendments may be initiated by any governmental body or any persons having a freehold interest in the subject property, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest entitled to exclusive possession or which is specifically enforceable.

**Project Name:** Milosch Project

**Applicant**

**Name:** Donald E. Milosch

**Address:** 3800 S Lapeer Rd, City: Lake Orion, State: MI, Zip: 48359

**Phone:** 248-393-2222, Cell: Fax: 248-393-7564

**Email:** brian@palacecj.com

**Name:** Milosch’s Leasing & Rental Inc.

**Address:** 3800 S Lapeer Rd, City: Lake Orion, State: MI, Zip: 48359

**Phone:** 248-393-2222, Cell: Fax: 248-393-7564

**Email:**

* If the name on the deed does not match the name of the property owner on this application, documentation showing the individual is the same as the company name must be provided.

**Property Owner(s)**

**Name:** Jim Sharpe

**Address:** 1750 Lakesview Dr, City: Oxford, State: MI, Zip: 48371

**Phone:** 248-877-2102, Cell: Fax:

**Email:** jим@sharpe-engineering.com

**Planning Preparation Firm/Person**

**Name:** Brian Milosch

**Address:** 3800 S Lapeer Rd, City: Lake Orion, State: MI, Zip: 48359

**Phone:** 248-393-2222, Cell: 248-496-1441, Fax: 248-393-7564

**Email:** brian@palacecj.com
Sidewall Number(s): 09-26-300-013

Location or Address of Property: Silverbell Rd., Lake Orion, MI 48359

Side of Street: Silverbell Nearest Intersection: Silverbell + Lapeer Rd.

Acreage: 4.293 Current Use of Property: vacant

Frontage (in feet): 460 Depth (in feet): 475

Subject Property Zoning: GB Adjacent Zoning: N GB2/IP S IP E GB W IP

Is the complete legal description printed on the site plan? ☑ Yes ☐ No (If no please attach to the application)

Requested Zoning Classification: IP

Existing Use of Property: vacant Proposed Use of Property: IP

Explain why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership: Need IP for potential development.

Explain why the existing zoning classification is no longer appropriate: Need IP for potential development

Explain why the proposed rezoning will not be detrimental to surrounding properties: IP zoning is concurrent with north and west property and fits with other zonings in the area.
I/We, the undersigned, do hereby submit this application for Rezoning, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance; No. 78, Section 30.04 and applicable ordinance requirements. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete.

Signature of Applicant:
(must be original ink signature) ___________________________ Date: 12-16-2020
Print Name: ___________________________ ___________________________

I, the property owner, hereby give permission to the applicant listed above to act as my agent in submitting applications, correspondence and to represent me at all meetings. I also grant permission to the Planning Commission members to visit the property, without prior notification, as is deemed necessary.

Signature of Owner:
(must be original ink signature) ___________________________ Date: 12-16-2020
Print Name: ___________________________ ___________________________
Charter Township of Orion
Planning & Zoning Department
2525 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5002; Fax (248) 391-1454

Project Name: [Signature]

PC# Parcel#: (A) 09-26-300-013

Please select an option below:

☐ Permission to Post on Web Site
By signing below as applicant and on behalf of my consultants, we agree to allow the plans for the above named project, in which approval is being sought by the Planning Commission and/or Township Board, to be posted on the Township website.

Signature of Applicant: [Signature]
Date: [Date]

Printed Name of Applicant: [Name]
January 8, 2021

Planning Commission
Orion Township
2525 Joslyn Road
Lake Orion, MI, 48360

Rezoning Review
Request: from GB, to split GB and IP

Case No:        PC-2021-62
Site:           3800 S. Lapeer Road (Dealership)
Applicant:      Donald E. Milosch
Plan Date:      12/17/2020
Zoning:         GB General Business
Parcel ID:      09-26-300-013

Dear Planning Commission Members:

We have completed a review of the request for rezoning referenced above and a summary of our findings is below. Items in bold require specific action. Items in italics can be addressed administratively. A summary of the requested Planning Commission action is provided on the next page.
30.04 Amendments to the Zoning Ordinance

Findings of Fact and Recommendation of the Planning Commission. Following the public hearing, the Planning Commission shall transmit a summary of comments received at the public hearing and the proposed Ordinance amendments, including any maps and recommendations make written findings of fact and transmit same, together with its recommendation, to the Township Board. The Township Board may hold additional hearings if the Township Board considers it necessary, or if requested.

Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning Commission shall make findings based on the evidence presented to it with respect to the following matters:

a. The objectives of the Township’s Master Plan. See #5 and #6 for planner comments.

b. Existing uses of property within the general area of the property in question. See #4.

c. The zoning classification of property within the general area of the property in question. See #4.

d. The suitability of the property in question to the uses permitted under the existing zoning classification. See #7 and #8 for planner comments.

e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification. See #6 for planner comments.

SUMMARY OF FINDINGS

Existing Conditions

1. Site. The site consists of one 7.75-acre parcel located on the northwest corner of the intersection of South Lapeer Road and Silverbell Road. The parcel has approximately 855 feet of frontage along Silverbell Road and 376 feet of frontage along South Lapeer Road. An incomplete safety path exists for the south half of the site’s Lapeer Road frontage. The site is undeveloped. Based on the May 2019 Google Street View image provided below, the east half of the site was previously a large gravel surface area with cross-access provided to the developed dealership site to the north and blocked access to Silverbell Road to the south. Based on the site image provided on the first page, it appears that this unpaved area was expanded as a result of the site’s use as a construction staging area for recent improvements to Lapeer Road.

May 2019 Google Street View image of site’s Silverbell Rd frontage (dealership in background to north)
2. **Rezoning Plan.** The rezoning plan submitted by the applicant indicates that the parcel would be subject to a future land division to create two parcels as follows:
   a. The west proposed parcel (Parcel A) would be 4.293 gross acres (3.45 net acres) and is proposed to be rezoned from GB, General Business, to IP, Industrial Park.
   b. The east proposed parcel (Parcel B) would be a 3.457-acre corner parcel located at the intersection and is proposed to remain zoned GB, General Business. As the site is currently one parcel, the existing GB corner area to remain GB has been included as part of the application. Should this application be denied, the entire parcel would remain GB.

3. **Lapeer Road Overlay District.** The entire site is currently within the Lapeer Road Overlay District. Should this rezoning request be approved, the site would remain within the Overlay District. We note that the application and/or rezoning plan does not indicate the presence of the Overlay District, and this Overlay District will still remain regardless of whether or not the rezoning request is approved. This should be referenced in any motion related to this application.

4. **Adjacent zoning & land uses.**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North/East</td>
<td>GB</td>
<td>Milosch's Palace CDJR</td>
</tr>
<tr>
<td>East</td>
<td>PUD</td>
<td>Mobil Gas Station</td>
</tr>
<tr>
<td>South</td>
<td>OP</td>
<td>Vacant</td>
</tr>
<tr>
<td>West/North</td>
<td>IP</td>
<td>Vacant- approved for PC-2020-06 Peninsula Agriculture</td>
</tr>
</tbody>
</table>
5. **FLU Map.** The Future Land Use Map designates the site as Industrial/Commercial/Residential Mixed Use. This designation extends to the north and south of the site along the west side of Lapeer Road in this area. The Master Plan considers this as an Industrial Classification as follows:

"Industrial/Commercial/Residential Mixed-Use Development is planned to provide a mix of industrial, commercial and residential uses in the area near Brown Road between Baldwin and Joslyn and along Lapeer Road between Brown and Waldon. The intent is a mix of industrial, residential, commercial, medical and office uses and ancillary commercial uses within a well-planned business setting. Large-format retail may be considered along the Brown Rd frontage. The Township will also promote economic development initiatives for the area. Economic incentives may include Brownfield Redevelopment, Local Development Finance Authority (LDFA), Industrial Facilities Tax Exemption (IFT), Tax Increment Financing (TIF), infrastructure investments and State grant programs. Redevelopment projects will be reviewed by way of a Planned Unit Development for those projects which deviate from the listing of permitted/special uses. Specific zoning regulations are incorporated within the Light Industrial (LI), Brown Road Innovation Zone (BIZ) and Lapeer Road Overlay zoning districts."

6. **Master Plan Text.** The 2015 Master Plan text, including the Objectives, also provide guidance related to this request. Below are several sections that broadly relate to this rezoning request.

If desired, the Planning Commission may request that the applicant address the below objectives, and any other objectives contained within the Master Plan, as they may relate to the west Parcel A portion of the site proposed for IP, Industrial Park zoning. This should include the applicant expanding on the purpose of IP zoning as the application form only states that IP zoning is needed for "potential development". This description does not provide useful information related to if this potential development would be industrial, commercial, office, or another use.

**Existing Land Use Conclusion (pg 3-47)**
- The largest concentrations of commercial uses are in proximity to residential developments along the Lapeer Road and Baldwin Road corridors.
- Industrial growth has concentrated in the southern portions of the Township and includes a number of industrial parks. Since the last Master Plan update, the Brown Road Innovation District and Lapeer Road Overlay District were adopted to encourage a flexible mix of uses within these industrial areas.

**Road Improvements and Traffic Studies (pg 4-10)**
- Other traffic studies have been completed in conjunction with proposed projects that provide detailed information on the following intersections: Lapeer Road/Silverbell Road.
- The Lapeer Road/Silverbell Road traffic study is a component of the planned 2016 Lapeer Road rehabilitation project.

**Goals, Objectives, and Policies (pg 5-4)**
- Transportation and Thoroughfares, Goal A: To provide a traffic circulation system that safety and efficiently serves residents and businesses located within the Township.
Objective VII: To reduce or limit conflicts between land use and traffic whenever possible.

- Growth Management, Goal A:
  - Objective II (part): Consider traffic impacts of new development and the cumulative impacts on traffic corridors.

- Office Areas, Goal B: To provide sites for Research and Development uses that are characterized by buildings in which people are employed in activities that are of a technical nature, or are professional activities, including technical training and education.
  - Objective I: To allocate areas in the Township which would be suitable for the development of high-technology office or research facilities.
    - Policy 4: Promote the Brown Road area and the Lapeer Road corridor for industrial, medical, office, and research-related facilities.

- Commercial Areas, Goal A: To provide for a proper distribution of commercial land uses.
  - Objective I: To strictly limit the location of commercial uses to protect the health, safety, and welfare of businesses and their patrons.
    - Policy 1: Commercial areas should be limited to...appropriate areas within the Lapeer Road and Brown Road corridors.

- Industrial Areas, Goal B: To strive for high standards of design for industrial development in the township, especially since one of the most heavily traveled gateways to the Township (Lapeer Road) traverses the industrial area.
  - Objective I: To create industrial areas which are well served by infrastructure, area efficiently served by transportation facilities, and are as attractive as can be attained in an industrial district.

**Zoning Ordinance Considerations:**

7. The intent of the GB district, from Zoning Ordinance Section 14.00 – Preamble, is as follows:

**Existing GB Zoning Intent**

“The General Business (GB) District is intended to provide locations for individual businesses or a collection of businesses that provide a commodity or service on a regional basis. The zoning district is characterized by higher traffic generation and greater degrees of sight visibility and requires a site design which will not impede the flow of traffic or traffic safety. The GB District is intended to have the necessary restrictions to limit businesses’ impact upon the community. This includes safe and efficient traffic flow, adequate parking and attractive landscaping. The GB District is further intended to have direct access onto an existing or proposed thoroughfare, but only where optimum egress and regress can be provided.”

8. The intent of the IP district, proposed for the west Parcel A portion of the site, is as follows:

**Proposed IP Zoning Intent (west Parcel A area)**

The Industrial Park (IP) Districts are intended to provide locations for the development of industrial subdivisions permitting a variety of industrial uses in a park-like setting with full
provision of roads and utilities and with adequate setbacks, greenbelts, and landscaping. This district is intended to provide locations for similar activities as are permitted in the Limited Industrial District. Furthermore, it is intended that the effects of any industrial activity in an IP District should be confined within the IP District, so as to not create any nuisance or hazard for adjacent or nearby uses. It is further intended that Industrial Park Districts shall have an internal roadway with a minimum sixty (60) foot right-of-way, that each building or use within the complex have direct access onto that internal roadway, and that the district, as a whole, have direct access onto an existing or proposed major thoroughfare.

As stated in the Master Plan Text section, the application form only states that IP zoning is needed for “potential development”. This description does not provide useful information related to if this potential development would be industrial, commercial, office, or another broad use. Therefore, it is difficult to consider the following items related to the Zoning Ordinance. The Planning Commission should consider all possible uses in the district when making these findings:

a. How the potential development of the entire site (west IP and east GB proposed parcels) would relate to the Zoning Ordinance intent statements for each area.

b. Why the site is not suitable for development under the existing zoning classification. (PC finding §30.04 d.)

CONCLUSION

The applicant could submit additional information via the application form that may address how the proposal relates to the Future Land Use Plan, Master Plan text, and Zoning Ordinance provisions. This additional information could also be presented to the Planning Commission at the scheduled hearing.

Respectfully,
Giffels Webster

Rod Arroyo, AICP
President

Eric Fazzini, AICP & CNU-A
Senior Planner
**Article XVIII**

**Industrial Park (IP)**

**Section 18.00 – Preamble**

The Industrial Park (IP) Districts are intended to provide locations for the development of industrial subdivisions permitting a variety of industrial uses in a park-like setting with full provision of roads and utilities and with adequate setbacks, greenbelts, and landscaping. This district is intended to provide locations for similar activities as are permitted in the Limited Industrial District.

Furthermore, it is intended that the effects of any industrial activity in an IP District should be confined within the IP District, so as to not create any nuisance or hazard for adjacent or nearby uses. It is further intended that Industrial Park Districts shall have an internal roadway with a minimum sixty (60) foot right-of-way, that each building or use within the complex have direct access onto that internal roadway, and that the district, as a whole, have direct access onto an existing or proposed major thoroughfare.

**Section 18.01 – Use Matrix (added 07/16/18)**

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02.E., provided that such uses will not create adverse impacts to surrounding areas.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>P = Permitted by Right</th>
<th>S = Special Use</th>
<th>S* = Special Use permitted within Lapeer Road Overlay District</th>
<th>Zoning District</th>
<th>Footnotes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial, Research, and Technology Uses</td>
<td></td>
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<tr>
<td>Compounds, manufacture, assembly, treatment, repair, processing, packaging of</td>
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<tr>
<td>Electrical appliances, electronic instruments and devices, including but not limited to computers, cellular phones and tablets.</td>
<td>P</td>
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<tr>
<td>Electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.</td>
<td>P</td>
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<tr>
<td>Previously prepared materials such as, but not limited to, the following: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shell, soil, textiles, millwork, tobacco, wax, wire, wood or yarns, and sheet metal, but not including large stamping plants and saw mills.</td>
<td>P</td>
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<td>Pottery &amp; figurines or other similar ceramic products using only previously pulverized clay or kilns fired only by electricity or gas.</td>
<td>P</td>
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<tr>
<td>Bakery goods, candy, food products, cosmetics, pharmaceuticals, toiletries, hardware and cutlery.</td>
<td>P</td>
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<tr>
<td>Musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products.</td>
<td>P</td>
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<tr>
<td>Storage buildings, repair facilities, and/or yards for vehicles, equipment, &amp; materials for contractors, landscaping, and/or lawn treatment services, and recreational vehicles</td>
<td>P</td>
<td>A</td>
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<td>Packaging and/or parcel delivery services</td>
<td>P</td>
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<td>Printing plants</td>
<td>P</td>
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<tr>
<td>Tool, die, gauge, and machine shops</td>
<td>P</td>
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<tr>
<td>Warehousing and wholesale establishments, storage and transfer facilities (other than these accessory to an adjoining retail use and not including waste disposal transfer stations)</td>
<td>P</td>
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<tr>
<td>Facilities where primary activities are of an experimental or testing nature</td>
<td>P</td>
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<tr>
<td>Office</td>
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<tr>
<td>Offices related to the principal use.</td>
<td>P</td>
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</tbody>
</table>

*Revised 07/26/18*

Charter Township of Orion Zoning Ordinance 78  142

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## Article XVIII
### Industrial Park (IP)

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Zoning District</th>
<th>Footnotes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P = Permitted by Right</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>S = Special Use</strong></td>
<td></td>
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<tr>
<td><strong>S² = Special Use permitted within Lapeer Road Overlay District</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary clinics and animal boarding</td>
<td>S²</td>
<td>D</td>
</tr>
<tr>
<td><strong>Retail, Entertainment and Service</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Entertainment, Amusement and Recreational Uses</strong></td>
<td></td>
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<tr>
<td>Health clubs and exercise establishments</td>
<td>S B</td>
<td></td>
</tr>
<tr>
<td>Private indoor recreation facilities (such as batting cages, dance studios, indoor soccer, ice rinks, archery)</td>
<td>S B</td>
<td></td>
</tr>
<tr>
<td><strong>Automobile-Related Uses</strong></td>
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<tr>
<td>Automotive retail and service facilities</td>
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<td></td>
</tr>
<tr>
<td>Automotive repair, paint and body shop, collision shop</td>
<td>S² D</td>
<td></td>
</tr>
<tr>
<td>Equipment repair and sales</td>
<td>S² D</td>
<td></td>
</tr>
<tr>
<td><strong>Eating and Drinking Establishments</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants, including drive-through restaurants</td>
<td>S² D</td>
<td></td>
</tr>
<tr>
<td><strong>General Retail</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building material sales</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Showrooms for kitchen, bath, household fixtures, household furniture or other retail activities associated with fabrication, assembly processing, or wholesaling</td>
<td>S² D</td>
<td></td>
</tr>
<tr>
<td><strong>General Service</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mini-storage and warehousing</td>
<td>S² D</td>
<td></td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>S² D</td>
<td></td>
</tr>
<tr>
<td>Financial and insurance service (banks, credit unions, etc. with or without drive-through)</td>
<td>S² D</td>
<td></td>
</tr>
<tr>
<td><strong>Civic and Institutional</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Churches</td>
<td>S² D</td>
<td></td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planned Unit Development, subject to the standards and approval requirements of Section 30.03</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Outdoor storage as a principle use in accordance with Section 27.19</td>
<td>P/S</td>
<td></td>
</tr>
<tr>
<td><strong>Accessory Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor storage as an accessory use, in accordance with Section 27.19</td>
<td>P/S</td>
<td></td>
</tr>
<tr>
<td>Accessory buildings and accessory uses customarily incidental to the permitted uses in this Section, in accordance with Section 27.02</td>
<td>P C</td>
<td></td>
</tr>
<tr>
<td><strong>Uses Not Permitted</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities where activities of a retail nature, except for building material sales and parcel delivery services, are conducted.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stand-alone facilities for the sale and/or consumption of food or beverages either on or off-site (except as special land use within the Lapeer Overlay District)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Section 18.02 – Footnotes to the Use Matrix (added 07-16-18)

**A.** See Section 27.19

**B.** Indoor recreation establishments are subject to a review of parking by the Planning Commission and subject to the submittal of parking studies based upon Institute of Transportation Engineers (ITE) standards, if required. The Planning Commission may allow a maximum building height of forty (40) feet, subject to the review of adjoining land use and a determination that additional building height for recreation uses will not adversely impact neighboring uses.

**C.** The following accessory uses shall be permitted, subject to the standards and requirements set forth herein and in Sections 27.02:
Article XVIII

1. Repair and maintenance of vehicles and equipment owned by the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.

2. The repair and maintenance of vehicles and equipment left for long-term storage of at least four (4) months with the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.

3. One storage building for materials or equipment related to the principal use. However, building material outlets may be permitted, subject to Planning Commission approval.

4. Accessory uses which in the opinion of the Planning Commission are subordinate and customarily incidental to the above permitted or special uses.

D. Uses as listed below are allowed as a special land use subject to special use conditions imposed by the Planning Commission in accordance with Section 30.02, on parcels within the Lapeer Road Overlay District. These uses are to be complementary to the Industrial Park zoning district, and may include uses such as: (added 09.02.14, amended 07.16.18)

1. Showrooms for kitchen, bath, household fixtures, household furniture or other retail activities associated with fabrication, processing, or wholesaling. Products retailed shall be a minor part of the principal use activity. Retail floor area shall not exceed thirty percent (30%) of the total floor area.

2. Automotive retail and service facilities, such as trailer hitches, car stereo, window tinting and similar uses.

3. Automotive repair, paint and body shop, collision shop.

4. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools and construction equipment.

5. Banks and credit unions, with or without drive-through.

6. Restaurants, including drive-through restaurants including outdoor café and/or patio subject to:

   Seasonal use restrictions, hours of operation, sketch plan indicating location of tables, chairs, awnings, canopies, dance floor, protective fencing, railings, planters, or other pedestrian barriers, compliance with Michigan Liquor control Commission (MLCC) requirements (for a café), compliance with Township Noise Regulations (Ord. No. 135), and/or other conditions as required by the Planning Commission. No site plan will be required unless requested by the Planning Commission, with the Planning Commission retaining the option of requiring a full site plan.

7. Churches

8. Hotels and motels

9. Veterinary clinics and animal boarding

10. Mini-storage and warehousing

Section 18.03 – Required Conditions (amended 07.16.18)

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. (amended 01.30.86)

A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
Agenda Item Summary

To: Township Board of Trustees
From: Chris Barnett, Township Supervisor
Meeting Date: February 1, 2021
Memo Date: January 28, 2021
Subject: Amend Consent Judgment

REQUEST

We have received a request to amend the 2007 Consent Judgment entered into between the Orion Township and Mat Dunaskiss, his heirs and assigns. In an effort to resolve a dispute and litigation over an interpretation of the Consent Judgment, Mr. Dunaskiss and his heirs have offered to restrict the total number of docks on the Subject Property and additional properties not previously included in the Consent Judgment. The proposed amended Consent Judgment would limit and clarify the total number of docks and boats on 5 lake front parcels involving over 15 acres of vacant land. The Dunaskiss’ have offered to not sell, develop or request any further docks for a period 8 years, after which the permission granted would terminate. The amendment would resolve a potentially costly lawsuit regarding the interpretation of the 2007 Consent Judgment and would avoid the immediate development and construction of approximately 45 homes on the properties, as set forth in development plans submitted to the Township.

BUDGET

If yes, fill out information below:

Financial Item? ☐
Project/Grant Tracking? ☐
Expected Invoice Date: Click or tap to enter a date.
Reviewed by Budget Director? ☐

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Account No.</th>
<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
</tr>
</thead>
</table>

RECOMMENDATION (Motion)

I move to authorize the Township Supervisor and Township Attorney to take the necessary steps to amend the June 7, 2007 Consent Judgment entered into between the Charter Township of Orion and Mat Dunaskiss, et al., pursuant to the terms and conditions as set forth in the proposed Amended Consent Judgment, together with any and all minor revisions made by the Township Attorney and approved by the Township Supervisor.
STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CHARTER TOWNSHIP OF ORION, Case No. 2006-077573-CZ

V Plaintiff, Hon.

MATHEW DUNASKISS, an individual, THE ESTATE OF
FRANK M. DUNASKISS, and ALDONA DUNASKISS,
Individually and as personal representative of the Estate of
Frank M. Dunaskiss, and UNKNOWN HEIRS OF THE ESTATE
OF FRANK M. DUNASKISS,

Defendants,

AND

MATHEW DUNASKISS, an individual, THE ESTATE OF
FRANK M. DUNASKISS, and ALDONA DUNASKISS,
Individually and as personal representative of the Estate of
Frank M. Dunaskiss, and UNKNOWN HEIRS OF THE ESTATE
OF FRANK M. DUNASKISS

Counter-Plaintiffs,

V

CHARTER TOWNSHIP OF ORION,

Counter-Defendants.

______________________________
DANIEL KELLY (P41315) KEVIN LAIDLER (P62781)
The Kelly Firm PLC Laidler Law Office PLLC
2825 University Dr, 400 S. Broadway St. Suite 203
Auburn Hills, MI 48326-2544 Lake Orion MI 48362
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AMENDED CONSENT JUDGMENT

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At a session of said Court held in the
City of Pontiac, County of Oakland,
State of Michigan, on __________, 2021

PRESENT: HON. __________________
CIRCUIT COURT JUDGE

Based on the stipulation of the parties as evidenced below, and the parties' intent to resolve this matter amicably without other court proceedings, and the Court being otherwise fully informed in the premises, the Court enters the following Amended Consent Judgment.

RECITALS

A. The collective Defendants are owners of real property located at or in close proximity to 460 Cushing Drive in the Charter Township of Orion, County of Oakland, said property having a tax identification number of 09-03-27-030 (the "Subject Property" of the 2007 Consent Judgment and identified herein as Pine Island on Exhibit "A"). Defendants are also the owners of additional real property in close proximity to the 460 Cushing property and identified herein by Parcel Numbers 09-03-276-002 (Large Northern Parcel), 09-03-277-001 (Lake Bottom), 09-03-277-002 (Small Island) and 09-03-277-005 (Dock Parcels), amounting to several acres of undeveloped land. All five (5) parcels as stated herein are considered and referred to herein as the “Property” and are shown on Exhibit “B”).

B. In 2006, Plaintiff Charter Township of Orion ("the Township") filed a declaratory and injunctive relief action regarding the use of the Subject Property. The Township's claims included that the use of the Subject Property violated the residential zoning classification.

C. Defendants answered the Verified Complaint, denying the claims, affirmatively claiming that the use of the property is a legal historic non-conforming use and filed a counter-complaint against the Township, alleging in part equal protection violations.

D. The Township denied the claims asserted by Defendants in the counter-complaint and the parties entered into a Consent Judgment to resolve this matter without further court action.

E. In the spirit of cooperation, Defendants are willing to forgo the economic benefits of developing the undeveloped parcels known as tax identification number 09-03-278-030, 09-03-276-002, 09-03-277-001, 09-03-277-002 and 09-03-277-005 for a period of eight (8) years from the signing of this Amended Consent Judgment, with automatic one-year renewals upon completion of the original eight (8)-year time frame, if mutually agreed in writing by the parties. Development shall be defined as the construction, permitting or approval of any development or improvement to the land; including, any additional docks or uses of the “Property.”

F. As consideration for Defendants forgoing the benefit of development, Plaintiff agrees to permit a total of four (4) docks on Parcel Number 09-03-277-005, a total of four (4) docks
on Parcel Number 09-03-278-030 (Island parcel), and zero (0) docks on Parcel Numbers 09-276-002, 09-03-277-01 and 09-03-277-002 for the period of eight (8) years, unless extended by mutual agreement in writing of the parties.

NOW THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Defendants are the record owners of the Subject Property located at 460 Cushing Drive in Orion Township, said property having a tax identification number of 09-03-278-030 (aka Pine Island and referred to herein as the “Subject Property” as shown on attached Exhibit “A”). Defendants are also record owners of additional property in close proximity to the Subject Property which includes Parcel Numbers 09-03-276-002, 09-03-277-001, 09-03-277-002 and 09-03-277-005. As stated herein, all five (5) parcels are intended to be included and encumbered by this Amendment to Consent Judgment and are referred to herein as the “Property”.

2. The Property and the above identified parcels are currently zoned for single-family residential use.

3. The “Property” currently has structures (docks) that are rented. The parties agree that the following provisions shall govern only Defendants their heirs and Permitted Assigns' rights and use of the Property in substantially its current state of development, until such time as Defendants or their heirs or Permitted Assigns, sell to anyone that is not a Permitted Assign, or otherwise develop the Property. The provisions of this Amended Consent Judgment shall not run with the land and shall not be transferable, except to Defendants’ relatives, either by blood or marriage, or to a trust which has as its primary beneficiaries any of the Defendants or their relatives either by blood or marriage, or to an entity owned one hundred percent 100% by Defendants or their relatives either by blood or marriage, said transferees or assigns are referred to herein as "Permitted Assigns."

a. Defendants, their heirs and Permitted Assigns shall be permitted to maintain a maximum of four docks on parcel number 09-03-278-030 (Pine Island), which docks shall allow a maximum of two (2) boat slips for a total of eight (8) boats or watercrafts to be seasonally moored on the Pine Island parcel (Exhibit “A”). Additionally, this amended Judgment will allow four (4) additional docks on Parcel Number 09-03-277-005, only, with a maximum of two (2) boat slips per dock for a total of eight additional (8) boats or watercrafts to be seasonally moored on parcel number 09-03-277-005, only. The permission granted herein will allow a total of eight (8) docks (16 boats) on the Property for a period of eight (8) years, conditioned upon there being no development of any kind on Parcel Numbers 09-03-278-030, 09-03-276-002, 09-03-277-001, 09-03-277-002, and 09-03-277-005, unless mutual extended in writing. The development or sale to any person or entity other than a “Permitted Assign” of any portion of the Property will revoke any permission granted herein for the use or leasing of docks on any of the above stated parcels. Docks, for the purpose of this Consent Judgment, are defined as a structure or other device located at the property edge used to moor or otherwise seasonally secure a boat or watercraft. These docks may be used by Defendants'
family, guests, renters, and renters' guests either gratuitously or for a fee. Defendants shall also be permitted to maintain the currently situated boathouse on the Subject Property, which shall house only one (1) boat or watercraft for use of Defendants’ family only. Defendants shall maintain a record of all boats or watercrafts using the Subject Property and shall give the Township a list of all users and boat registration numbers. There shall be no other boats or watercrafts located on, docked or moored at, the Property unless specifically addressed herein.

b. Access to the Subject Property shall be gated and access shall be limited to Defendants' family and their guests and authorized boat users and their guests.

c. Access to the Subject Property and Parcel Number 09-03-277-005 by renters and their guests shall be limited to the hours of 7:00 a.m. to 10:00 p.m., excluding Memorial Day weekend, Independence Day weekend and Labor Day weekend, during which time the hours may be extended to midnight.

d. There shall be no fuel sales or commercial fueling of boats on the Subject Property.

e. There shall be no retail sales of any kind on the Subject Property.

f. There shall be no commercial signs erected on the Subject Property; however, Defendants may place one sign on the Subject Property indicating the hours of access and property rules.

g. There shall be no overnight camping on the Subject Property.

h. There shall be no storage of trailers or vehicles on the Subject Property.

i. There shall be no storage of boats or watercrafts on the Subject Property in the off-boating season, except for boats or watercrafts owned by the Dunaskiss family which are stored in limited view of the public.

4. If at any time Defendants develop or sell to a “Non-Permitted Assignee” any portion of the properties identified herein, Defendants shall proceed through the ordinary Township planning process and shall comply with all applicable Township regulations and ordinances in the development of the property. This Judgment and any Amendment thereof grants Defendants nor their Permitted Assigns no greater rights to docks than that specifically provided herein, with said rights shall be revoked upon development or sale of the properties.

5. Nothing in this Amended Consent Judgment shall relieve Defendants from the obligation to receive any necessary permits or approvals from the State of Michigan, the Department of Environmental Quality, relative to the docks for the Subject Property.

6. The terms and conditions of this Amended Consent Judgment are for the benefit of the Township and the Defendants, and their Permitted Assigns. The terms and conditions
herein run with the land only to Permitted Assigns and if the land is sold or assigned to someone other than a Permitted Assign, the terms and conditions of this Amended Consent Judgment are rendered null and void and the Subject Property must thereafter comply with all applicable Township ordinances.

7. All claims in the pleadings, and any and all new claims that could be asserted by the parties related to the Property as of the date of this Amended Consent Judgment, are part of this Amended Consent Judgment, and, subject to the terms and conditions of this Amended Consent Judgment, all claims as between the undersigned parties are dismissed with prejudice and without attorneys' fees, interest or costs.

8. The terms of this Amended Consent Judgment may be amended, changed or modified only by the written consent of the parties approved and ordered by the Court.

9. This Court retains jurisdiction to ensure compliance with the terms of this Amended Consent Judgment.

____________________________________
CIRCUIT COURT JUDGE

____________________________________
KEVIN LAIDLER (P62781)            DANIEL KELLY (P41315)
Oakland County Sheriff's Office
Orion Township Substation

Weekly "Calls for Service" Summary:

Time period: 01-18-2021 to 1-24-2021

• Calls for service - 387
• Felony Arrests - 0
• Misdemeanor Arrests - 1
• Accidents - 14

21-11813  01/19/2021  7:39PM – Orion Twp – Armed Robbery / OCSO K-9 Unit Assist

Deputies responded to a 911 call at the 3500 block of Baldwin Walgreens on the report of an armed robbery. Upon arrival, Deputies made contact with the clerk who stated that a black male entered the store and walked around not selecting any items. Once the other customers exited the store the male suspect approached the cashier placing his right arm over the counter and demanded the money. The suspect also stated that he was serious and that he would shoot. The cashier opened the drawer and the suspect reached over and grabbed the cash with his bare hands, and then fled on foot heading west from the store. Deputies recovered a several items believe to be dropped by the suspect as he was fleeing the area. An OCSO K9 Unit responded to the scene and initiated a track. The track was without results. Deputies were able to obtain photos from the surveillance camera. The incident remains under investigation.

VICTIM INFORMATION: 23-year old Cashier

SUSPECT INFORMATION: Black male subject, approximately in his 20’s, wearing a black hoodie, black jeans with holes, black high-top tennis shoes, with the hoodie pulled up over a blue mask.
21-12346  01/20/2021  2:02 PM – Lake Orion Village – Assist/ Armed Robbery / OCSO K-9 Unit Assist  
Deputies responded to the Walgreens located at 450 N Park Blvd to assist the Lake Orion Police Department on the report of an armed robbery. The cashier reported that a male subject had presented what appeared to be a firearm and then had stolen cash out of the store register. This suspect is believed to be in connection with the armed robbery at Walgreens in Orion Township on 1/19/21. Deputies set up a perimeter and began searching neighboring businesses. An OCSO K9 Unit responded to the scene and initiated a track. The track led from the side of the building to the back of the building where the track was terminated.

21-13663  01/22/2021  7:51 AM – Orion Township – Trespassing Warning
Deputies were dispatched to Planet Fitness (1101 S Lapeer Rd) for a complaint of a male working out who refused to wear a mask. The manager had asked the individual to wear a mask while working out, or leave, due to the club’s policy. When the confronted the, a 28-year-old man, stated that the only way he would leave was if he was escorted out of the premises. Deputies arrived and escorted the male outside without incident. The business also advised that he was no longer welcome to return, and Deputies advised the male of his trespass warning.

21-14729  01/23/2021  7:35PM  Endangered Missing – Suicidal Subject
Deputies received a call to respond to the 1100 block of Lark Street for a Suicidal Subject. Upon arrival deputies spoke with the subject’s mother who indicated that her son recently broke up with his girlfriend and threaten to commit suicide by jumping off an overpass. Deputies checked the area and were unable to locate the subject. Deputies coordinated a search with Rochester Hills deputies and learned that the subject may be at a residence in Rochester Hills. Rochester Hills Deputies conducted welfare check and located the subject and transported him to Ascension Providence Hospital for mental health evaluation.

Everyone with information or crime tips regarding these incidents are encouraged to contact the Orion Township Sheriff’s Office Substation at 248 393-0090 for tips, or our Dispatch Center at 248 858-4911 for crimes in-progress. Tipsters can remain anonymous.
Date: January 27, 2021

To: Orion Township Board of Trustees

From: John Pender
Assistant Fire Chief

Subject: Fire Department Call Volume/Significant Incidents

Orion Township Call Volume
January 13, 2021 – January 26, 2021

Medical Calls- 81
Non- Medical Calls- 17
Total Call Volume- 98

Year to Date- 189

Fire Department Significant Incidents

• Probationary firefighter academy is still going well.
  - They are currently in the stations job shadowing and participating in activities and calls.

• Responded to a construction trailer fire on Joslyn road. Found to be the generator fully involved. Crews extinguished the fire with no damage to the construction trailer.

• Single vehicle car rollover accident. Car was rolled over and driver was unable to get out. FD stabilized the vehicle and extricated the patient. Patient was stable with minor injuries.

• Dispatched to a commercial structure fire at an assisted living facility that is currently under construction. Full alarm was activated (4 stations, all hands). Upon arrival, it was found to be an overheated furnace motor that had caused a lot of smoke throughout the building.
Objective: To promote and implement comprehensive economic development strategies on behalf of Orion Township. Principally among these initiatives is meeting the objectives of the Corridor Improvement Authority (CIA) and associated reimbursement through Tax Increment Finance (TIF) over the projected time period. Additionally SCS maintains a focus on general community promotion through direct advocacy, building active relationships with key stakeholders, prospects, real estate sales entities and participating in promotional opportunities.

On the high level, clearly business and social issues surrounding the national pandemic have impacted commercial development in most asset classes in 2020, with residential of some forms being the exception. Unfortunately the hotel industry impact has been severe and the complete restart of some of those developments is difficult to project. That said, the SCS view is that while this creates variance in timing, the underlying fundamentals in terms of demand and finance-ability driving planned Orion Township projects and projects currently being considered are generally still strong.

**Economic Development and Strategic Initiative Activity**

**Summary Highlights of Primary Activities:**

1. Currently pursuing large industrial project on Kemp land Brown, east of Joslyn with large area developer.
2. Review and input to Planning Consultant on 2021 Master Plan revisions. SCS has a number of suggestions for improvement to the Master land Use plan will be actively participating going forward.
3. Have and will continue to provide input to the Chesapeake Group (Howard Kohn) master plan RE consultant on market and general OT real estate and marketing issues.
4. Prepared several draft documents for contribution to the MEDC Redevelopment Ready Community (RRC) OT initiative. OT currently has “engaged” status and the MEDC is amending the requirements which are forthcoming in 2021. Assisting Planning / Zoning Director and Chief Assistant pursuant to Certification.
5. Collaboration with developers on the multi-family development in BIZ which assists in realizing the BIZ goals of higher density mixed use projects. The Proposed Contour Development submittals is evidence of good progress in this regard.

6. Continued collaboration with Director of Planning and Planning consultant on potential update to Multi Family density in BIZ and especially the empty nester product in the Gingellville overlay.

7. Although generally slowed field activity in 2020, the Brown Road Corridor planning and real estate matters continue to be a focus. Ongoing discussion with multiple developers and current land owners relative to land assembly and zoning options. SCS is maintaining a pipeline estimate of active projects. This item is an ongoing activity and will be so for the foreseeable future.

8. Following the initial SCS showing of the Jack Warren property to Pulte has yielded a 330 Townhouse project now under construction and meeting target sales goals. Estimated total value near $33,000,000 min. (about 10% of the total investment requirement over 20 years)

9. Multiple discussions and tours with the broker of the now shelved Orion Corner proposed project (west of Estes along Brown). Because of the current ownership structure, this may be the most challenging of all BIZ properties. Emphasis here on finding new opportunities is imperative.

10. Initially achieving (now maintaining) 5 star community rating by University of Michigan e-cities initiative.

11. Assisting in coordination of CIA administrative process and multiple discussions with Oakland County Assessor’s office and OT on revenue projection matters. Input to the supervisor’s office on market interest rates. Collaboration with Chief Assistant on document filing.

12. Direct marketing (inside and outside the CIA District) and business attraction activities with multiple potential developers, broker meetings and correspondence with the goal of CIA promotional opportunities.

13. Assisting in maintenance of relationships with Oakland County Economic Development and State of Michigan (MEDC) relationships on behalf of OT. Attending MEDC on line “Tool Box” meetings.
Corridor Improvement Authority (CIA) District Status:

The TIF calculation contemplated by the CIA, approved by the Orion Township Board of Trustees in May of 2016 estimates the requirement of approximately $338,000,000 of constructed new investment (including inflationary increases) within the District limits in 20 years from the date thereof. At the end of 2020, projects including Aldi, Menards, Baldwin Square, La-Z-Boy, Hyatt House, Car Wash, Pulte’s Breckenridge condominiums, an industrial self-storage product and Contour Development are built, under construction or reasonably committed. The tax collected payable towards debt in 2020 was $179,534.98 (Kim Boesl). This amount is below the projected 2020 revenue by $136,945 in the original plan due to timing variance. Some variance will be offset partially by the BOT reduction of interest rate to market going forward. A near term goal of SCS is to work with the Finance Director in full recast of the CIA projection in 2021.

Obviously the level of current activity is not a measure of the future and SCS intends to maintain focus on meeting the projected goals of the CIA and community promotion. While it is difficult to predict how long it will take to move all of these projects to the tax rolls, proactively working toward that end is imperative. A host of factors can influence real estate projects but from our perspective, we anticipate that Orion Township will realize an improved 2021.

Respectfully Submitted,

Gary D. Roberts AIA
Senior Consultant, Strategic Communication Solutions
January 14, 2021