



City of the Village of Clarkston  
375 Depot Rd  
Clarkston, Michigan 48346  
5.13.2024 City Council Regular Meeting Agenda

Microsoft Teams meeting Join on your computer @ 7pm,  
mobile app or room device "Click here" to join the meeting

Meeting ID: 216 646 593 066 Passcode: abjPKn

1. Call To Order
2. Pledge Of Allegiance
3. Roll Call  
Mayor Wylie, Mayor Pro Tem Rodgers Council Members: Casey, Forte, Lamphier,  
Quisenberry, and Roth.
4. Approval Of Agenda - Motion
5. Public Comments  
Individuals have the opportunity to address the City Council on topics not on the  
agenda for three minutes. In order to hear all Individuals comments at a  
reasonable hour, the City Council request that speakers respect the three-minute  
time limit. Note: this is not a question-answer session. However, it is an  
opportunity to voice your thoughts with City Council.
  - a. TBD
6. FYI
  - a. Presentation by Sheriff Bouchard Thursday, May 16th @ 5:30 pm
  - b. Soggy Doggy at Deer Lake Beach Saturday, May 18th @ 10 am to 12 noon

Documents:

[5.16.2024 PRESENTATION BY SHERIFF BOUCHARD.PDF](#)  
[5.18.2024 SOGGY DOGGY EVENT.PDF](#)

7. Sheriff Report For April 2024

Documents:

[CITY OF THE VILLAGE APRIL 2024 \(2\).PDF](#)

8. City Manager Report 5.13.2024

Documents:

[5.13.2024 CITY MANAGER REPORT.PDF](#)

9. Motion: Acceptance Of Consent Agenda As Presented 5.13.2024

Final Minutes: 4.8.2024

Draft Minutes: 4.22.2024

Treasurer's Report: 5.13.2024

Documents:

[5.13.2024 CONSENT AGENDA.PDF](#)

10. Unfinished Business:

a. First Read: Proposed Ordinance Changes to enable our Building & Code Enforcement officials to issue citations (with input from T. Ryan)

Documents:

[CITY CODE ENFORCEMENT OFFICER ORDINANCE 05.2024.PDF](#)

11. New Business:

a. Resolution: Proposal to approve Concrete Sidewalk Cutting for eligible heaved sidewalks (representative from contractor to attend)

~~b. Resolution: Proposal to Waive Park Rental Fees for Non-Profit Organizations (with input from T. Ryan) – Deferred to the 5/28 Council meeting~~

c. Resolution: Proposal to Implement a Social Media Policy

d. Resolution: Acknowledgement of May being Mental Health Awareness Month

e. Resolution: Five-Year Extension of the Metro Act Right-of-Way Agreement with AT&T

Documents:

[SIDEWALK REPAIRS PHASE 1.PDF](#)

[SOCIAL MEDIA POLICY.PDF](#)

[MAY MENTAL HEALTH MONTH.PDF](#)

[METRO ACT RENEWAL.PDF](#)

12. Adjourn

Only those matters that are on the agenda are to be considered for action. People with disabilities needing accommodations for effective participation in this meeting should please contact the Karen A. DeLorge, City Clerk (248) 625-1559 at least two working days in advance of the meeting.

An attempt will be made to provide reasonable accommodations.

## Presentation by Sheriff Bouchard

Independence Township Hall Meeting Room



Thursday, May 16, 2024

Doors open 5:30pm

Presentation 6:00pm

Join us for a present day topic presentation  
by Sheriff Bouchard



### Co-hosted by:

**Peg Roth**

Clarkston City  
Council



**Paul Brown**

Independence Township  
Treasurer



Sheriff Michael Bouchard runs one of the nation's largest Sheriff's Offices, overseeing over 1,400 employees and managing an annual budget of over \$202 million. Sheriff Bouchard brings the experience of 37 years of law enforcement and 37 years as an elected official to the position. On January 11, 1999, Michigan Senator and Majority Floor Leader Michael Bouchard accepted the appointment as successor to John F. Nichols who passed away suddenly. In November of 2020, Sheriff Bouchard was returned to Office for the sixth time. His current term will expire on January 1, 2025. Sheriff Bouchard was honored as the 2022 "Sheriff of the Year" by the Michigan Sheriffs' Association. In 2016, he was the recipient of the Ferris E. Lucas Sheriff of the Year award from the National Sheriffs' Association. He is the only sheriff in Michigan to receive both awards.

**Sheriff Michael J. Bouchard**



**Oakland County, Michigan**

**Fun activities for all the doggies, plus tons of room to get "soggy"! Bring your pup(s) out to for a fun romp around Deer Lake Beach! Must provide record of rabies and DHLPP Vaccines!**

**Date and Time**

Saturday May 18, 2024  
10:00 AM - 12:00 PM EDT  
Saturday, May 18  
10AM-12PM

**Location**

Deer Lake Beach  
350 White Lake Road

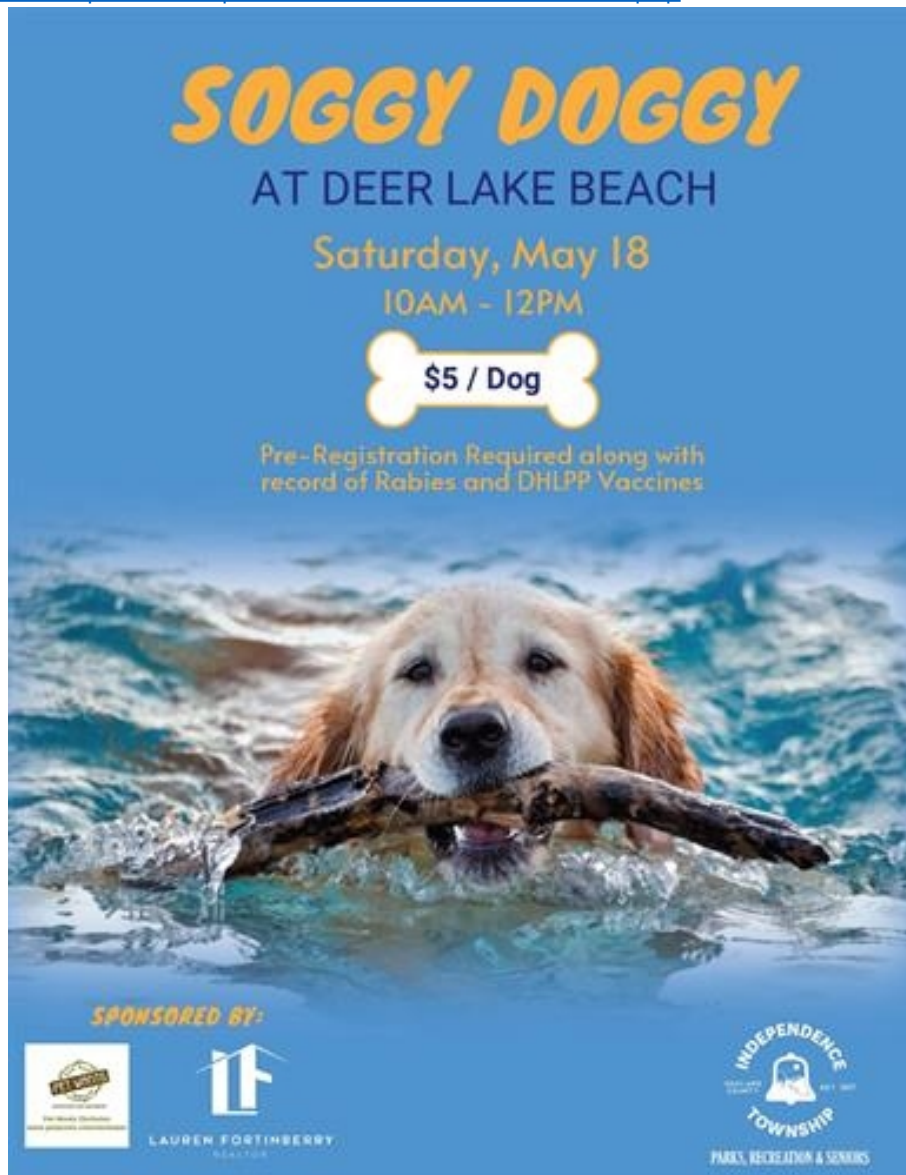
**Fees/Admission**

\$5 pre-registration required!

Call 248-625-8223 or go online <https://app.amilia.com/store/en/independence-township/shop/programs>

**Website**

[https://www.indtwp.com/departments/parks\\_rec\\_and\\_seniors/fest/index.php](https://www.indtwp.com/departments/parks_rec_and_seniors/fest/index.php)



**OAKLAND COUNTY SHERIFF DEPARTMENT  
INDEPENDENCE SUBSTATION**

TO: John Smith, City Manager

FROM: Lieutenant Richard Cummins, Substation Commander

SUBJECT: City of the Village of Clarkston Monthly Report

	2024												2024	2023
ARRESTS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD	YTD
Felony (CLR-059)	0	0	0	0									0	1
Misdemeanors (CLR-059)	2	0	0	0									2	9
<b>MICR:</b>														
Violent Crimes (CLR-004)	1	0	0	0									1	0
Property Crimes (CLR-004)	0	0	0	0									0	4
<b>TRAFFIC:</b>														
Monthly Citations Citation Report	3	29	28	10									70	304
Crashes - Crash Report	5	4	2	3									14	30
<b>LIQUOR INSPECTION ACTIVITY:</b>														
Alcohol Compliance Checks (AE)	0	4	0	0									4	0
Violations (CLR-065)	0	0	0	0									0	0
<b>COMMUNITY LIAISON:</b>														
Community Meetings L3535	2	1	1	1									5	24
Community Other L3539	1	0	0	0									1	0
<b>STATION STATISTICS:</b>														
Calls for Service (CLR-065)	86	53	47	53									239	1024

# City of the Village of Clarkston

## City Manager Report

May 13, 2024

### Status of Parking Lot Sealcoating and Road Striping

Contractors have been authorized to begin the following services absolutely as soon as warm and dry weather will permit: (1) sealcoating, crack fill and restriping of the Washington & Main and Depot Road parking lots (on separate days), (2) application of crosswalk tape on Depot Road, White Lake Road, and W. Washington, (3) restriping of parking space markings on E. Washington and S. Buffalo. (Please Note: It was necessary for me to provide approval of the estimate of \$750.00 to restripe E. Washington in order for it to be scheduled along with the Buffalo work.)

### Annual 2<sup>nd</sup> Grade Walking Tour

The Clarkston Schools annual 2<sup>nd</sup> grade walking tour of downtown Clarkston will begin May 14<sup>th</sup> and continue through June 3<sup>rd</sup>. The tour includes a 20-minute session at City Hall where I provide the students with an overview of the role and responsibilities of local government. There will be a total of 20 sessions from the seven elementary schools, or approximately 350 students plus parents and teachers. Feel free to stop by!

### Downtown Trash Cans

After several weeks of no service, Waste Management is once again emptying the City's downtown Main Street trash receptacles. We will monitor this service going forward.

### Building Permit Activity

While building projects often ramp up in the spring, the City currently has 21 open permits, about 30% higher than usual.

### Completed Repairs

To my knowledge, all of the lawns damaged by the snow plowing and all of the non-functioning DTE streetlights have now been repaired. Any residents still needing repairs are urged to call the City.

### In Other News...

In this week's Clarkston Community Awards breakfast I was pleased to accept an award on behalf of the City and our DPW team for the annual Taste of Clarkston event. The Chamber of Commerce and the Independence Township Parks & Recreation were co-recipients for the event. City Resident Jim Brueck also received an award for his work on environmental bioswales in the City. Also this week, I participated in a Connecting Clarkston Podcast, providing an update on all things Clarkston! And lastly, I attended the Oakland County Economic Outlook luncheon for a full status update on the County's economy and business outlook.

Respectfully submitted, **Jonathan Smith, City Manager, May 9, 2024**



City of the Village of Clarkston  
Artemus M. Pappas Village Hall  
375 Depot Road  
Clarkston, Michigan 48346  
4.8.2024 City Council Regular Meeting Final Minutes

4/8/2024 - Minutes

1. Call To Order

Call To Order The regular session meeting of the City of the Village of Clarkston City Council was called to order by Mayor Pro Tem Rodgers at 7:00 P.M.

2. Pledge Of Allegiance

Mayor Pro Tem Rodgers led the Pledge of Allegiance.

3. Roll Call

**Council Members Present:** , Laura Rodgers, Mayor Pro Tem, Gary Casey, Amanda Forte, Ted Quisenberry, and Peg Roth.

**Council Members Absent:** Sue Wylie, Mayor & Mark Lamphier

**Others Present:** Jonathan Smith, City Manager, Tom Ryan, City Attorney, Oakland County Sheriff Sergeant John Ashley.

**Others Absent:** Karen A. DeLorge, City Clerk

4. Approval Of Agenda - Motion

Agenda has been amended by Rodgers to Table under New Business 10 b. Resolution: Proposal to Waive the Depot Park Rental Fee for 501c(3) Non-Profit Organizations.

Motioned to approve amended agenda by Forte, supported by Quisenberry, to approve the agenda as presented - All Ayes.

**MOTION CARRIED 5-0**

5. Public Comments

Peg Roth, Spoke

Dr. Thomas K. Stone's letter read - by Mayor Pro Tem Rodgers

6. FYI

Mayor Pro Tem Rodgers reminded everyone about the CIDL April Book Sale.

7. City Manager Report (Including 2023 Annual Summary) 4.8.2024

City Manager's 2023 Annual Summary 4.8.2024 is posted on the City's Website

8. Motion: Acceptance Of Consent Agenda As Presented 4.8.2024

Motioned by Quisenberry, supported by Roth to approve the Consent Agenda. VOTE: All Aye.

**MOTION CARRIED 5-0**

9. Unfinished Business:

a. Resolution: Be it Resolved by Forte and Seconded by Casey that the City of the Village of Clarkston hereby authorizes Terry Hawke to proceed with the manufacturing of a safe and simplified Pony Cycle for installation in Depot Park by the DPW staff at a total, not-to-exceed cost of \$3,500 to be paid from the Friends of Depot Park budget (401-265-728.001) with a current balance of \$6,500. *Added stipulation: Final approval and payment pending review and approval from the City Engineer and Risk Management Specialist at the Michigan Municipal League (MML)* VOTE: (4) Ayes (1) No

**Resolution is Adopted: 4-1**

b. Discussion: Follow-up on March 25th Motion: Appointment of a Committee to conduct a performance review for the City Manager - Discussed by Council

10. New Business:

a. Resolution: Be it Resolved by Forte and Seconded by Roth that the City of the Village of Clarkston hereby authorizes the City Manager to contract with Distinctive Landscape of Clarkston to replace 300' of deteriorated coping on the Depot Park raised landscape beds for a not-to-exceed cost of \$9,042 to be paid from the Capital Project Fund Professional & Contractual Services budget (401-901-805.001). VOTE: All Ayes

**Resolution is Adopted: 5-0**

b. ~~TABLED: Resolution: Proposal to Waive the Depot Park Rental Fee for 501c(3) Non-Profit Organizations~~  
TABLED UNTIL CITY COUNCIL MEETING 4.22.2024. VOTE: All Ayes

**Resolution Tabled**

c. 1st Read: Proposed Ordinance Changes to enable our Building & Code Enforcement officials to issue citations. **Read by Tom Ryan, City Attorney.**

11. Adjourn

Motion by Roth, supported by Forte to adjourn the regular City Council Meeting at 8:19 p.m. - All Ayes,

**MOTION CARRIED: 5-0.**

Respectfully Submitted by Karen DeLorge, City Clerk.





City of the Village of Clarkston  
Artemus M. Pappas Village Hall  
375 Depot Road  
Clarkston, Michigan 48346  
4.22.2024 City Council Regular Draft Meeting Minutes

4/22/2024 - Minutes

1. Call To Order

Call To Order The regular session meeting of the City of the Village of Clarkston City Council was called to order by Mayor Wylie at 7:00 P.M.

2. Pledge Of Allegiance

Mayor Wylie led the Pledge of Allegiance.

3. Roll Call

**Council Members Present:** Sue Wylie, Mayor, Laura Rodgers, Mayor Pro Tem, Gary Casey, Amanda Forte, Mark Lamphier, Ted Quisenberry, and Peg Roth.

**Council Members Absent:** None

**Others Present:** Jonathan Smith, City Manager, Karen A. DeLorge, City Clerk.

**Others Absent:** Tom Ryan, City Attorney, Oakland County Sheriff Sergeant John Ashley.

4. Approval Of Agenda - Motion

Motioned by Forte, supported by Rodgers, to approve the agenda as presented - All Ayes.

**Motion Carried: 7-0**

5. Public Comments

Peg Roth - Spoke.

6. FYI

Mayor Wylie reminded everyone of the following:

- a. April 23 CIDL Book Sale
- b. April 27 Oakland County No-Haz Collection Event
- c. May 8 Clarkston Community Awards Breakfast
- d. May 11 Angels' Place Race

7. Sheriff Report For March 2024

Reviewed

8. City Manager Report 4.22.2024

Reviewed by Mayor Wylie.

The City Manager Report provided the following updates:

- Status of Sidewalk Repair and Replacements

- Buffalo Parking Space Marking
- Crosswalk Painting
- Snowplow Grass Damage
- Street Light Repairs

9. Motion: Acceptance Of Consent Agenda As Presented 4.22.2024

Consent Agenda has been amended by Mayor Wylie to make the following change: To remove from Tom Ryan's Invoice#11112 line item 3/28/2024 Preparation of first draft of HDC ordinance amendment for civil infraction penalties. \$142.50. Motioned by Roth, supported by Forte, to approve the amended consent agenda as presented - All Ayes,

**Motion Carried 7-0**

10. Unfinished Business:

a. First Reading: Proposed Ordinance Changes to enable our Building & Code Enforcement officials to issue citations (with input from T. Ryan) **TABLED due to Tom Ryan being absent.**

11. New Business:

a. Discussion: 1 Quarter Activity Report from the Historic District Commission. **Presented by Dr. Michael Moon of the HDC.**

b. Resolution: Be it resolved by Forte, supported by Casey that the City of the Village of Clarkston hereby authorizes the City Manager to contract with Doug's Sealcoating to clean, crack-fill, sealcoat and restripe the City's Washington & Main and Depot Road parking lots at a not-to-exceed cost of \$11,000, to be funded by the City's Parking Fund (231-000-001.000) designated for road, sidewalk and parking lot maintenance. Roll Call Vote: All Ayes - Casey, Forte, Lamphier, Quisenberry, Rodgers, Roth and Wylie

**Resolution is Adopted 7-0**

c. Resolution: Proposal to Purchase and Install "See-Me Flags" at the Depot Road & Main Street Crosswalk. **TABLED by Council.**

d. Resolution: Be it resolved by Forte, supported by Roth that the City of the Village of Clarkston hereby authorizes the City Manager to obtain additional estimates for the repair of the leaking shutoff valve in the City Hall utility closet and then select the best contractor with a not-to-exceed cost of \$1,000.00, to be funded by the Village Hall Building Maintenance budget (101-265-931.000). Roll Call Vote: All Ayes - Casey, Forte, Lamphier, Quisenberry, Rodgers, Roth and Wylie

**Resolution is Adopted 7-0**

12. Adjourn

Motion by Forte, supported by Roth to adjourn the regular City Council Meeting at 8:27 p.m. - Vote - All Ayes.

**Motion Carried 7-0**

Respectfully Submitted by Karen DeLorge, City Clerk.

# TREASURER'S REPORT FOR CITY COUNCIL MEETING:

5/13/2024

## Treasurer's Report:

### I. Disbursements from 04/01/2024 - 04/30/2024

101 General Fund	\$	26,582.32
202 Major Streets	\$	495.38
203 Local Street	\$	183.22
220 Mill Pond Lake	\$	-
231 Parking Meter Fund	\$	859.09
236 Friends of Depot Park	\$	-
301 GO Bond Debt	\$	-
401 Capital Projects Fund	\$	372.65
590 Sewer Fund	\$	204.98
703 Tax Fund	\$	-
<b>Total</b>	<b>\$</b>	<b>28,697.64</b>

### II. Invoices for review and payment approval

Carlisle Wortman - 2024 Code Enforcement	\$	-
Carlisle Wortman - 2024 Building Administration	\$	1,638.73
Carlisle Wortman - Master Plan, Bldg Adm, Planner & Other	\$	-
HRC MS4 Permitting	\$	-
HRC Professional Services April 2024	\$	-
Tom Ryan - Professional Services (April Invoice)	\$	332.50
Tom Ryan - Professional Services Court (April Invoice)	\$	190.00
<b>Total</b>	<b>\$</b>	<b>2,161.23</b>

### III. Other Checks for Review

	\$	-
	\$	-
	\$	-
	\$	-
<b>Total</b>	<b>\$</b>	<b>-</b>

<b>GRAND TOTAL</b>	<b>\$</b>	<b>30,858.87</b>
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Check Date	Bank	Check #	Invoice	Payee	Description	Account	Dept	Amount
Fund: 101 GENERAL								
04/09/2024	GEN	11451	78504	BEDROCK EXPRESS LTD	PARK MATERIALS	728.000	265	234.50
04/09/2024	GEN	11452	8529 10 141 000505	COMCAST	TELEPHONE	850.000	172	409.10
04/09/2024	GEN	11453	204123098485	CONSUMERS ENERGY	VH - UTILITIES CONSUMERS	921.000	265	240.23
04/09/2024	GEN	11455	74639	CHARTER TOWNSHIP OF INDEPEND	VEHICLES - GAS & OIL	862.000	446	489.38
04/09/2024	GEN	11456	18894	PSLZ LLP	AUDIT FEES	805.000	223	11,000.00
04/09/2024	GEN	11457	354182	VIEW NEWSPAPER GROUP	PUBLICATIONS	901.000	215	363.40
04/10/2024	GEN	11458	2173106	CARLISLE/WORTMAN ASSOC INC	PLANNING COMMISSION	958.000	701	187.50
04/10/2024	GEN	11459	200354847786	DTE ENERGY	DTE STREET LIGHTING	926.000	448	1,760.92
04/10/2024	GEN	11460	5069222095	RICOH USA, INC	SUPPLIES	726.000	172	245.57
04/10/2024	GEN	11461	11112	THOMAS J RYAN PC	LEGAL FEES	803.000	266	1,282.50
			11111		LEGAL FEES	803.000	266	142.50
				CHECK GEN 11461 TOTAL FOR FU				1,425.00
04/10/2024	GEN	11462	5948	PRINTING SYSTEMS, INC.	SUPPLIES	726.000	262	39.20
04/10/2024	GEN	11463	2173189	CARLISLE/WORTMAN ASSOCIATES,	BLDG DEPT PROFESSIONAL FEES	809.000	371	1,638.73
04/10/2024	GEN	11464	INV75132	DORNBOS SIGN, INC.	DPW SUPPLIES	726.000	441	123.65
04/10/2024	GEN	11465	5/9/2024	OAKLAND COUNTY CLERKS ASSOC	DUES & CONFERENCES	958.000	215	40.00
04/10/2024	GEN	11466	138014665	SUMMIT FIRE PROTECTION	SUPPLIES-VH BUILDING	726.004	265	366.00
04/10/2024	GEN	11467#	6000619040	STAPLES	SUPPLIES	726.000	172	78.20
			6000619040		SUPPLIES	726.000	262	5.97
				CHECK GEN 11467 TOTAL FOR FU				84.17
04/10/2024	GEN	11468	0071581-1714-8	WM CORPORATE SERVICES, INC	RUBBISH COLLECTION	818.000	265	221.47
04/10/2024	GEN	11469	8118987	ROYAL PUBLISHING	DUES & CONFERENCES	958.000	101	90.00
04/11/2024	GEN	11470	4/11/2024	DTE ENERGY	DETROIT EDISON-VH	920.000	265	24.94
			4/11/2024		DETROIT EDISON-VH	920.000	265	206.25
			4/11/2024		DTE UPPER PARKING LOT	923.000	265	176.45
			4/11/2024		DTE UPPER PARKING LOT	923.000	265	43.59
			4/11/2024		DTE UPPER PARKING LOT	923.000	265	17.63
			4/11/2025		DTE UPPER PARKING LOT	923.000	265	17.69

Check Date	Bank	Check #	Invoice	Payee	Description	Account	Dept	Amount
Fund: 101 GENERAL								
					CHECK GEN 11470 TOTAL FOR FU			486.55
04/15/2024	GEN	11471	78588	BEDROCK EXPRESS LTD	PARK MATERIALS	728.000	265	45.00
			78580		PARK MATERIALS	728.000	265	279.50
					CHECK GEN 11471 TOTAL FOR FU			324.50
04/15/2024	GEN	11472	198889542	COMCAST	TELEPHONE	850.000	172	337.59
04/15/2024	GEN	11473	241000035403	BLUE CARE NETWORK	HEALTH INSURANCE	712.000	441	490.12
04/15/2024	GEN	11474	3/21/2024	HOME DEPOT CREDIT SERVICES	SUPPLIES	726.000	262	55.93
04/15/2024	GEN	11475	200429	GREAT LAKES ACE HARDWARE	PARK MATERIALS	728.000	265	30.84
04/16/2024	GEN	11476	126287	MAZZA AUTO PARTS	MATERIAL & OUTSIDE LABOR-PICKUP TR	861.001	446	392.41
			126287		MATERIAL & OUTSIDE LABOR-DUMP TRUC	861.007	446	393.00
					CHECK GEN 11476 TOTAL FOR FU			785.41
04/16/2024	GEN	11477*#	3/26/2024	ELAN FINANCIAL SERVICES	MISC EXPENSE	955.000	101	7.99
			3/26/2024		SUPPLIES	726.000	172	65.21
			3/26/2024		TECHNOLOGY/INTERNET EXPENSE	852.000	172	21.19
			3/26/2024		MILEAGE/CONFERENCE	860.000	172	248.65
			3/26/2024		SUPPLIES	726.000	262	59.74
			3/26/2024		SUPPLIES-VH BUILDING	726.004	265	273.94
			3/26/2024		BUILDING MAINTENANCE-VH	931.000	265	317.37
			3/26/2024		PHYSICAL EXPENSES	713.000	441	15.90
			3/26/2024		DPW EQUIPMENT	726.000	446	69.90
			3/26/2024		MATERIAL & OUTSIDE LABOR-PICKUP TR	861.001	446	21.50
			3/26/2024		MATERIAL & OUTSIDE LABOR-DUMP TRUC	861.007	446	209.06
			3/26/2024		PLANNING COMMISSION	958.000	701	80.00
					CHECK GEN 11477 TOTAL FOR FU			1,390.45
04/18/2024	GEN	11479	6001121766	STAPLES	SUPPLIES	726.000	172	33.92
04/22/2024	GEN	11480	4/22/2024	MOSCOVIC BUILDING COMPANY LL	PERMIT FEES	492.000	000	455.00
04/22/2024	GEN	11481	5029469387	RICOH USA INC	RICOH COPIER LEASE	941.000	172	202.65
04/23/2024	GEN	11482	4/30/2024	DOUG WEAVER	SALARY - BLDG INSPECTORS	805.001	371	325.00
04/23/2024	GEN	11483	4/30/2024	JEFF SHAFER	SALARY - BLDG INSPECTORS	805.001	371	455.00
04/23/2024	GEN	11484	4/30/2024	KRISTINA WELSH	PROFESSIONAL & CONTRACTUAL SERVICE	805.001	371	520.00

CHECK DISBURSEMENT REPORT FOR CITY OF THE VILLAGE OF CLARKSTON  
 CHECK DATE FROM 04/01/2024 - 04/30/2024

Check Date	Bank	Check #	Invoice	Payee	Description	Account	Dept	Amount
Fund: 101 GENERAL								
04/24/2024	GEN	11485	4/24/2024	CHARTER TOWNSHIP OF INDEPEND	SEWER & WATER-VH	924.000	265	36.85
04/29/2024	GEN	11486	79031	BEDROCK EXPRESS LTD	PARK MATERIALS	728.000	265	134.65
			79130		PARK MATERIALS	728.000	265	212.90
			79093		PARK MATERIALS	728.000	265	99.70
			78994		PARK MATERIALS	728.000	265	94.75
				CHECK GEN 11486 TOTAL FOR FU				<u>542.00</u>
04/29/2024	GEN	11487	04/21/2024	HOME DEPOT CREDIT SERVICES	DPW SUPPLIES	726.000	441	331.93
04/29/2024	GEN	11488	177098255	ULINE	SUPPLIES-VH BUILDING	726.004	265	657.71
04/29/2024	GEN	11489#	6001136543	STAPLES	SUPPLIES	726.000	172	50.27
			6001156558		SUPPLIES-VH BUILDING	726.004	265	111.78
				CHECK GEN 11489 TOTAL FOR FU				<u>162.05</u>
				Total for fund 101 GENERAL				26,582.32

05/01/2024 06:15 PM  
User: TREASURER2  
DB: Clarkston

CHECK DISBURSEMENT REPORT FOR CITY OF THE VILLAGE OF CLARKSTON  
CHECK DATE FROM 04/01/2024 - 04/30/2024

Check Date	Bank	Check #	Invoice	Payee	Description	Account	Dept	Amount
Fund: 202 MAJOR STREET								
04/09/2024	GEN	11454*	104112	ROAD COMM FOR OAKLAND CTY	SALT - WINTER MAINTENANCE	778.001	453	271.12
04/18/2024	GEN	11478*	104146	ROAD COMM FOR OAKLAND CTY	SUPPLIES & MTLs - NON-WINTER MAINT	726.001	451	224.26
Total for fund 202 MAJOR STREET								495.38

05/01/2024 06:15 PM  
User: TREASURER2  
DB: Clarkston

CHECK DISBURSEMENT REPORT FOR CITY OF THE VILLAGE OF CLARKSTON  
CHECK DATE FROM 04/01/2024 - 04/30/2024

Check Date	Bank	Check #	Invoice	Payee	Description	Account	Dept	Amount
Fund: 203 LOCAL STREET								
04/09/2024	GEN	11454*	104112	ROAD COMM FOR OAKLAND CTY	SALT - WINTER MAINTENANCE	778.001	453	100.28
04/18/2024	GEN	11478*	104146	ROAD COMM FOR OAKLAND CTY	SUPPLIES & MTLs - NON-WINTER MAINT	726.001	451	82.94
Total for fund 203 LOCAL STREET								183.22



Check Date	Bank	Check #	Invoice	Payee	Description	Account	Dept	Amount
Fund: 231 PARKING METER FUND								
04/09/2024	PARK	1263	INV-1045106	PASSPORT LABS, INC	MISC EXPENSE	955.000	172	162.25
			INV-1044935		MISC EXPENSE	955.000	172	380.76
				CHECK PARK 1263 TOTAL FOR FU				<u>543.01</u>
04/15/2024	PARK	1264	IRIS0000133138	T2 SYSTEM CANADA INC	MISC EXPENSE	955.000	172	55.00
			IRIS0000133137		MISC EXPENSE	955.000	172	55.00
				CHECK PARK 1264 TOTAL FOR FU				<u>110.00</u>
04/16/2024	PARK	1265	3/26/2024	ELAN FINANCIAL SERVICES	MISC EXPENSE	955.000	172	137.66
04/24/2024	PARK	1266	267033911	T-MOBILE	PHONE EQUIPMENT	760.000	172	68.42
				Total for fund 231 PARKING METER FUND				859.09

CHECK DATE FROM 04/01/2024 - 04/30/2024

Check Date	Bank	Check #	Invoice	Payee	Description	Account	Dept	Amount
Fund: 401 CAPITAL PROJECT FUND								
04/16/2024	GEN	11477*#	3/26/2024	ELAN FINANCIAL SERVICES	STREET SIGNS & POSTS	819.000	446	123.65
			3/26/2024		PROFESSIONAL & CONTRACTUAL SERVICE	805.001	901	249.00
				CHECK GEN 11477 TOTAL FOR FU				372.65
				Total for fund 401 CAPITAL PROJECT FUND				372.65

05/01/2024 06:15 PM  
User: TREASURER2  
DB: Clarkston

CHECK DISBURSEMENT REPORT FOR CITY OF THE VILLAGE OF CLARKSTON  
CHECK DATE FROM 04/01/2024 - 04/30/2024

Check Date	Bank	Check #	Invoice	Payee	Description	Account	Dept	Amount
Fund: 590 SEWER								
04/17/2024	SEWER	2143	300-2112-S	GREAT LAKES WATER AUTHORITY	IWC CHARGES IND TWP	814.002	536	71.14
04/22/2024	SEWER	2144	233217	PRINTING SYSTEMS, INC.	SUPPLIES	726.000	536	133.84
					Total for fund 590 SEWER			204.98
TOTAL - ALL FUNDS								28,697.64

'\*'-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE FUND

'#'-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE DEPARTMENT



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

*Code Enforcement Services Division*

TIN# 38-298-9393

INVOICE

Jonathan Smith, City Mgr.  
City of the Village of Clarkston  
375 Depot Street  
Clarkston, MI 48346

Invoice No. 2173789  
Client No.: 1035  
Date: 05/08/24  
Period End: 4/30/2024

Building Administration

4/1/2024 SW Monthly Retainer

2024 Monthly Retainer = \$1,638.73

SUBTOTAL DUE THIS INVOICE

\$1,638.73

101 371 809 000

Thomas J. Ryan, P.C.  
2055 Orchard Lake Road  
Sylvan Lake, MI 48320

Invoice submitted to:  
Jonathan Smith  
City Manager  
City of the Village of Clarkston  
375 Depot Road  
Clarkston, MI 48346

May 1, 2024

Invoice #11116

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
4/8/2024 Review council packet for 4/8/24 council meeting	0.50 95.00/hr	47.50 ✓
Attend City Council meeting	2.50 95.00/hr	237.50 ✓
4/10/2024 Phone call from City Clerk re: 4/7/24 FOIA request from Mrs. Bisio	0.50 95.00/hr	47.50 ✓
4/11/2024 Review FOIA response from City Clerk to Mrs. Bisio	1.00 95.00/hr	95.00 ✓
4/22/2024 Review City Council packet for 4/22/24 council meeting	0.50 95.00/hr	47.50 ✓
<b>For professional services rendered</b>	<b>5.00</b>	<b>\$475.00</b>
<b>Previous balance</b>		<b>\$1,282.50</b>
Accounts receivable transactions		
4/15/2024 Payment - Thank You No. 11461		(\$1,282.50)
4/30/2024 Credit issued for correction on March 2024 Statement		(\$142.50) ✓
<b>Total payments and adjustments</b>		<b>(\$1,425.00)</b>
Balance due		<b>\$332.50</b>

\$332.50  
Handwritten signature

Thomas J. Ryan, P.C.

2055 Orchard Lake Road  
Sylvan Lake, MI 48320

Invoice submitted to:  
Jonathan Smith  
City Manager  
375 Depot Road  
Clarkston, MI 48346

May 1, 2024

In Reference To: Clarkston Court/Prosecution  
Invoice #11115

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
4/1/2024 Review correspondence from 52/2 District Court re: Clarkston v Williams	0.50 95.00/hr	47.50 ✓
4/4/2024 Correspondence to Judge Kostin's clerk re: Clarkston v Knight; Correspondence to attorney, Mr. Black, re: Clarkston v Knight	1.00 95.00/hr	95.00 ✓
4/19/2024 Review correspondence from 52/2 District Court re: 5/1/24 docket before Judge Kostin	0.50 95.00/hr	47.50 ✓
<b>For professional services rendered</b>	<b>2.00</b>	<b>\$190.00</b>
<b>Previous balance</b>		<b>\$142.50</b>
Accounts receivable transactions		
4/15/2024 Payment - Thank You No. 11461		(\$142.50)
<b>Total payments and adjustments</b>		<b>(\$142.50)</b>
<b>Balance due</b>		<b>\$190.00</b>

\$190.00  
JF

CITY OF THE VILLAGE OF CLARKSTON  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF THE VILLAGE OF CLARKSTON  
MUNICIPAL CODE, CHAPTER 10 RULES OF CONSTRUCTION: GENERAL PENALTY;  
SECTION 10.11 CIVIL INFRACTION; LOCAL OFFICIALS TO ISSUE CITATION

The City of the Village of Clarkston Ordains:

Section 1.01. To amend Chapter 10 Rules of Construction: General Penalty, Section 10.11 Civil  
Infraction; Local Officials to Issue Citation, to add language to read as follows:

10.11(C) For violations of the codes adopted in Chapter 150; the City Building  
Official or the City Code Enforcement Officer.

Section 2.01. Repealer Clause.

All ordinances of the city in conflict with the provisions herewith are hereby repealed.

Section 3.01. Severability Clause.

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

Section 4.01. Effective Date.

This Ordinance is hereby declared to have been adopted by the City Council of the City of the  
Village of Clarkston, at a meeting thereof duly called and held on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2024, and shall be published in the manner prescribed by law and shall  
become effective 20 days after publication.

\_\_\_\_\_  
Sue Wylie, Mayor

\_\_\_\_\_  
Karen DeLorge, City Clerk

CERTIFICATE OF CLERK

I, Karen DeLorge, being the duly appointed and qualified Clerk of the City of the Village  
of Clarkston, Oakland County, Michigan, do hereby certify and declare that the foregoing is a  
true and correct copy of an Ordinance adopted by the City Council of the City of the Village of  
Clarkston at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Karen DeLorge, City Clerk

# City of the Village of Clarkston

375 Depot Road  
Clarkston, Michigan 48346

## Resolution - Sidewalk Repairs Phase I: Horizontal Cutting

WHEREAS, in May of 2019 the City of the Village of Clarkston replaced 250 heaved or broken sidewalk slabs (approximately 4,000 square feet) throughout the City at a total cost of \$30,216, and;

WHEREAS, in May of 2023 an inventory of the City's sidewalks identified 300 heaved or broken slabs needing replacement and requested estimates from four (4) contractors, which ranged from \$56,657 up to \$113,818, and;

WHEREAS, because even the lowest estimate of \$56,657 exceeded the City's sidewalk replacement budget of \$44,000, Council recommended that the City Manager requote the project with fewer slabs, and;

WHEREAS, the City Manager subsequently spoke with the City Engineer and the previous City Engineer (now with the City of Birmingham) identifying a successful new technology to horizontally cut heaved slabs rather than replace them to eliminate trip hazards, and;

WHEREAS, in April 2024 the City Manager met with Ben Johnson of Precision Concrete Cutting, the owner of the proprietary (sole source) horizontal cutting technology, and;

WHEREAS, in May of 2024 the City Manager revised the City's sidewalk inventory to reflect a total of 347 slabs requiring repair and segmenting the work into two phases: Phase I where 171 slabs are horizontal cut and Phase II where the remaining 176 slabs are removed and replaced (see attached schedule), and;

WHEREAS, for the Phase I work Precision Concrete Cutting provided an estimate of \$24,754 to horizontally cut the 171 slabs (competitive estimates were not sought due to the proprietary, sole source status of this technology), and;

WHEREAS, to allow for unforeseen work, a 10% provision is recommended, bringing the total Phase 1 funding request to \$27,229.40, and;

NOW THEREFORE, BE IT RESOLVED that the City of the Village of Clarkston hereby authorizes the City Manager to contract with Precision Concrete Cutting at a not-to-exceed cost of \$27,229.40 for the Phase 1 horizontal cutting of heaved sidewalk slabs in the City, to be funded by the City's Parking Fund (231-000-001.000) designated for road, sidewalk and parking lot maintenance. A separate resolution for the Phase II costs will be presented to Council at a future date.

Casey	Forte	Lamphier	Quisenberry	Rodgers	Roth	Wylie	Totals
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No
<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain
<input type="checkbox"/> Absent	<input type="checkbox"/> Absent	<input type="checkbox"/> Absent	<input type="checkbox"/> Absent	<input type="checkbox"/> Absent	<input type="checkbox"/> Absent	<input type="checkbox"/> Absent	<input type="checkbox"/> Absent

Resolution is Adopted

Resolution is Defeated

\_\_\_\_\_  
Karen DeLorge, City Clerk

\_\_\_\_\_  
May 13, 2024

\_\_\_\_\_  
Date



# City of the Village of Clarkston

## Sidewalk Repair Inventory as of May 9, 2024

Street	Address	PHASE I	PHASE II		Total
		(June 2024)	(August 2024)		
		4'x4' Regular Slabs that can be Horizontally Cut	4'x4'x4" Regular Slabs Needing Full Replacement	4'x4'x6" Driveway Slabs Needing Full Replacement	
Buffalo	7		4		4
	10	1			1
	11	2		4	6
	20	2			2
	25		6		6
	26		2		2
	40	3			3
	54		1		1
	55			2	2
	61		2		2
	68	1			1
Side of 24 E. Washington	2			2	
Clarkston Road	88		3		3
	30	1			1
	Side of 80 Robertson Ct	1			1
Depot Road					0
E. Church	3		1		1
	6		4		4
	15	1	5		6
	21	3			3
	44			3	3
	52		3		3
	Side of 35 E. Buffalo Side of 6600 Waldon	3	4	10	17
E. Washington	8		2		2
	21	2			2
	24	3			3
	29		2		2
	37	2			2
	43	1			1
	44		5		5
	50	3			3
	51	3			3
	56	1			1
	61	3			3
	66	1	1		2
	69		4		4
80		4		4	
Side of 7 Buffalo	3			3	
Miller Road	9	1			1
	15	4			4
	21	2			2
	27	2			2
	Side of 160 Holcomb	2		2	4
	3		4		4
	17	2			2
	22		3		3
	27	1			1
	28		2		2
	37		2		2
	38			5	5
	41	2	4		6
	42	1			1
	48		4		4
59		2		2	

# City of the Village of Clarkston

## Sidewalk Repair Inventory as of May 9, 2024

Street	Address	PHASE I (June 2024)	PHASE II (August 2024)		Total	
		4'x4' Regular Slabs that can be Horizontally Cut	4'x4'x4" Regular Slabs Needing Full Replacement	4'x4'x6" Driveway Slabs Needing Full Replacement		
N. Holcomb	64	3			3	
	65	1	1		2	
	68	3			3	
	73			5	5	
	79	1		4	5	
	80				4	4
	89			5		5
	98	1				1
	101	1		4	5	10
	122	1				1
	129				3	3
	132	1				1
	145	2				2
	150	1				1
	160	1				1
	168	1				1
	176	2				2
115/119	1				1	
127/129				4	4	
N. Main	14	1			1	
	21	2			2	
	42	2			2	
	43	3			3	
	49	1			1	
	52	1	2		3	
	55	2			2	
	58	5			5	
	61	1			1	2
	62	3				3
	71	2				2
	76	3				3
	81	1				1
	90	4				4
	99			2		2
	104			2		2
	107	1				1
	123				4	4
	129			1		1
	130			2		2
	135				1	1
	148	1				1
	154	1				1
	155	3				3
165			1		1	
174			5		5	
180	2		1		3	
	7		4		4	
	10	2			2	
	17	2			2	
	20	1			1	
	24	1			1	
	27	1			1	
	37	2			2	
	40	1		1	2	
43	2			2		

# City of the Village of Clarkston

## Sidewalk Repair Inventory as of May 9, 2024

Street	Address	PHASE I (June 2024)	PHASE II (August 2024)		Total
		4'x4' Regular Slabs that can be Horizontally Cut	4'x4'x4" Regular Slabs Needing Full Replacement	4'x4'x6" Driveway Slabs Needing Full Replacement	
Robertson Ct.	50	1	1		2
	57	1			1
	62	1			1
	79	4			4
	80	4			4
	82	2			2
	88	1			1
	Park	1			1
	Side of 104 N. Main	3			3
	Side of 114 N. Main	2			2
S. Holcomb	11	1	4		5
	12	2			2
	23	1			1
	29	2			2
	30	2			2
	43	2			2
	46	1			1
	61		2	4	6
	69	1			1
S. Main	3	1			1
	21		1		1
	39		2		2
	49	1			1
	23/25	2			2
W. Washington	20	1			1
	61	1			1
	63	1			1
	64	1			1
	Dam	1			1
<b>Total Units</b>		<b>171</b>	<b>124</b>	<b>52</b>	<b>347</b>

Per Unit Price	\$58.00/inch ft	\$10.00/sq ft *	\$15.00/sq ft *	
Extended Price	\$29,754.00	\$19,840.00	\$12,480.00	\$62,074.00
Municipal Discount	(\$5,000.00)	N/A	N/A	(\$5,000.00)
Adjusted Price	\$24,754.00	\$19,840.00	\$12,480.00	\$57,074.00
10% Unforeseen Cost Provision	\$2,475.40	\$1,984.00	\$1,248.00	\$5,707.40
Mobilization	Included	Included	Included	\$0.00
Traffic Control	Included	\$600.00	\$300.00	\$900.00
Lawn Restoration	Not Required	Included	Included	\$0.00
Total Cost Estimate	\$27,229.40	\$22,424.00	\$14,028.00	\$63,681.40
		\$36,452.00		

\* Estimated Pricing



1896 Goldeneye Drive, Holland MI 49424  
Phone: 616.403.1140 FAX: 616.582.5951  
www.MichiganSafeSidewalks.com

April 24, 2024

The City of The Village of Clarkston  
Attn: Jonathan Smith, City Manager  
375 Depot Rd  
Clarkston, MI 48346



Phone: (248) 625-1559 Email: smithj@villageofclarkston.org

Subject: SIDEWALK TRIP HAZARD REMOVAL, Proposal for The City of The Village of Clarkston – SELECT Locations, 2024

Jonathan,

We appreciate the opportunity to submit this proposal for The City of The Village of Clarkston. Total cost for this project will not exceed \$25,000 based on an agreed scope and job rate. Upon your review and acceptance of this proposal, please sign and return (or submit a valid purchase order referencing this proposal) via FAX to (616) 582-5951 or email us at info@PCCMich.com.

We will provide a W-9 for your files and have our proof of insurance (an ACORD) emailed directly to your attention by our insurance provider. Let us know if any additional information or documents are required before we begin work. We appreciate the opportunity to provide our service.

### Precision Concrete Cutting

Precision Concrete Cutting (PCC) has been removing trip hazards from uneven sidewalks and other concrete walkways across the nation for over 25 years. As the industry leader in technology and price, PCC can reduce liability associated with uneven sidewalk and help meet ADA compliance with a method more effective and less expensive than alternatives. PCC utilizes its patented tools and processes that it has developed and refined for trip hazard removal. Not only is trip hazard removal the specialty of PCC... it's the only thing we do. PCC has dozens of locations across the country. Precision Concrete, Inc. is the locally licensed business unit serving Michigan, Indiana, Central Illinois, and Missouri that leverages the proven tools, process, and training to provide this service.

### The Advantage

The Precision Concrete Cutting (PCC) service removes the entire trip hazard from side to side on the entire sidewalk while other methods of repair often leave a portion of the trip hazard. Not only can PCC reach the edges of every sidewalk, we can remove trip hazards from virtually any angle and at any location. Trip hazards caused by cracked concrete or located in hard-to-reach places such as in gutters or adjacent to a wall, post, or railing will be eliminated without any damage to nearby impediments. **There is no other process of trip hazard removal available with the quality, flexibility, and diversity as that of PCC.**



### Quality

The Precision Concrete Cutting (PCC) process involves the measurement of every sidewalk trip hazard identified. PCC inspects the sidewalks and takes specific measurements to identify and log each trip hazard size and location. These measurements are used to determine the size of repair that is required, and to guarantee that the repair is made to dimensional specifications.

The PCC finished repair is aesthetically pleasing, smooth, and of superior quality compared to alternatives. It does not leave grooves in the surface of the concrete, it is not uneven, and is left with an acceptable coefficient of friction to not create slip hazards.



### Environmental & Community Friendly

The Precision Concrete Cutting (PCC) process does not require heavy equipment in the work area. The PCC equipment is small and maneuvered about by individual employees. No damage is created to buildings, landscaping, irrigation systems, or the surrounding environment. Complete cleanup of the work area is performed and dust abatement systems minimize dust. All materials removed are properly recycled.

PCC utilizes a patented dust collection system to keep dust to a minimum while performing its work. This is a great benefit over other repair processes that leave the area covered in concrete dust or slurry. PCC also cleans up the removed concrete and debris created while

performing the repairs and disposes (for recycle) of it as part of the service. Being a complete solution, no follow-on tasks are required of The City of The Village of Clarkston staff. Sidewalks remain open with only minor disruption while PCC moves thru an area performing the trip hazard removals.

As a member of the U.S. Green Building Council (USGBC) we are proud of the fact that we reduce the impact to landfills and the environment as a result of our service. For example, **removing and replacing just 50 sidewalk panels would result in approximately 60,000 lbs of concrete being removed** (your average 5' x 5' panel weighs about 1,200 lbs). Using Precision Concrete Cutting, sidewalk trip hazard removal can be accomplished by removing about 400 lbs of concrete that will be recycled. No heavy equipment or hauling is required. Also, there is no damage to trees or adjoining landscape with Precision Concrete Cutting.



### Real Savings

Precision Concrete Cutting (PCC) leverages new technology and unique equipment to perform sidewalk repairs at a 70-80% cost savings compared to sidewalk replacement. It is estimated that this project will **save The City of The Village of Clarkston over \$40,000 on repairs.**

### Professional Plan and Approach

Precision Concrete Cutting (PCC) will conduct a pre-construction planning meeting with The City of The Village of Clarkston designated contact(s) using a PCC Project Manager to establish priorities, a high-level schedule for each job site, review risks/constraints, and safety plans. The Project Manager will assure schedule, scope, and budget objectives are attained for the project. The PCC Delivery Manager will assure quality and safety objectives are attained during the onsite work phase of the project.

PCC will deploy a well-marked light-duty pickup truck/van and full logo trailer used to mobilize up to three (3) full sets of cutting equipment and operators. Safety cones are placed wherever the truck/van and trailer park and they are placed on the sidewalks in front of and behind the operator area to assure pedestrian safety during cutting. All PCC staff (including project manager) wears high-visibility safety vests whenever they are outside their vehicle.



**Scope and Cost**

Precision Concrete Cutting (PCC) is proposing a SAW CUT solution (NOT GRINDING) for The City of The Village of Clarkston to remove select sidewalk trip hazards at scattered addresses (to be determined by the City) throughout the City. PCC would typically bill for this project at the rate of \$58 per Inch Foot (defined as the average inch height of the trip hazard x linear feet of the hazard). For this project, PCC will perform up to 521 Inch Feet of trip hazard removal for a total cost of \$30,208. However, with a municipal project discount applied, **total cost for this project will not exceed \$25,000**. Billing will be based on actual work performed, up to the amount of the approved project budget.

The scope of the sidewalk trip hazards (as defined by the customer) are differentials in the walkway of .75" high but less than or equal to 1.5" high. Trip hazards will be eliminated leaving a maximum running slope (ramp) of 1:8 as permitted to meet ADA requirements. The work will be performed on City sidewalks in the project areas as determined and prioritized by the City.

Job No. (Area)	Location	Remove and Replace (ft)	Estimated # of Trip Hazards Cut	Estimated Linear Feet	Estimated Inch Feet	Cost	
1	Scattered Addresses - determined by City (as budget allows)	0	250	800	521	\$30,208.33	
<b>Totals</b>		0	250	800	521	\$30,208.33	
						Additional Services:	\$0.00
						Travel and Expenses:	\$0.00
						Discount*:	-\$5,208.33
<b>Net Proposed Total:</b>						<b>\$25,000.00</b>	

\*Municipal discount will apply if project is accepted prior to May 10, 2024, and with an authorization to proceed with project by May 17, 2024.

MAP: Work area(s) will be determined by City.



**Sole Source Status**

The technology that Precision Concrete Cutting uses to remove trip hazards has been developed and patented by Precision Concrete Cutting based in Provo, UT. Precision Concrete Cutting and its local branches are the only companies authorized to use the patented equipment and method for removing sidewalk trip hazards as described by the following patent numbers:

U.S. Patent No. 6,827,074  
U.S. Patent No. 6,896,604  
U.S. Patent No. 7,000,606

U.S. Patent No. 7,143,760  
U.S. Patent No. 7,201,644  
U.S. Patent No. 7,402,095

These patent numbers and the Precision Concrete Cutting (PCC) licensing agreement make Precision Concrete, Inc. a sole source for trip hazard removal in Michigan using this technology.

**Invoicing**

A Precision Concrete Cutting (PCC) invoice will be issued for work completed at the conclusion of the project. Payment terms are net 15 days from the date work is completed unless contract states otherwise. PCC will not charge The City of The Village of Clarkston any additional fees for mobilization, setup, cleanup, or travel / expenses. All such fees are included in the proposed price.

An itemized invoice listing the location of each trip hazard resolved will be listed and can be provided in hard copy or soft copy as required by The City of The Village of Clarkston. This itemized list provides the City with a completely auditable summary of the work performed by PCC. It is also a document that can support the fact that your organization has a proactive sidewalk maintenance program in place.

**Summary**

Precision Concrete Cutting is very interested in working with The City of The Village of Clarkston to deliver a proactive and cost-effective sidewalk maintenance program to help with the efforts of ADA compliance and reduce liabilities associated with sidewalk trip hazards. Our goal is to develop (or foster) a long-term relationship in which we can help The City of The Village of Clarkston achieve its annual sidewalk maintenance objectives.



**Thank you for your consideration. Signature and date below confirms your acceptance of this proposal.**

**Ben Johnson**, Business Dev Mgr, SE Michigan  
and **Mark Bonkowski** (President)

**Precision Concrete, Inc.**  
1896 Goldeneye Drive  
Holland MI 49424

(248) 606-9161 Cell

(616) 403-1140 Office  
(616) 582-5951 Fax

\_\_\_\_\_ customer

\_\_\_\_\_ authorized signature / date

\_\_\_\_\_ printed name / title

# City of the Village of Clarkston

375 Depot Road  
Clarkston, Michigan 48346

## Resolution - Social Media Policy

**WHEREAS**, the City of the Village of Clarkston engages with the public through multiple digital outlets (City Website & Facebook), the city should have an external social media policy in place and posted on these outlets, and;

**WHEREAS**, an external social media policy will improve government transparency and to help ensure external communications are appropriate and if not appropriate they can be addressed, and;

**WHEREAS**, the attached External Social Media Policy is based on State of Michigan Social Media Community Guidelines, and;

**NOW THEREFORE, BE IT RESOLVED** that the City of the Village of Clarkston hereby authorizes the City Clerk to post the attached external social media policy on all digital outlets.

Casey	Forte	Lamphier	Quisenberry	Rodgers	Roth	Wylie	Totals
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No
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Resolution is Adopted

Resolution is Defeated

\_\_\_\_\_  
Karen DeLorge, City Clerk

\_\_\_\_\_  
May 13, 2024

Date





## Social Media

The City of the Village of Clarkston engages with the public through multiple digital outlets. We do this to provide information of citywide interest to city residents, the business community, visitors to our wonderful city, and other members of the general public. We encourage you to engage with the city through these digital outlets. Please feel free to submit comments and questions. Please also feel free to share the information that the City of the Village of Clarkston posts on our digital outlets with your friends and family.

If you decide to submit comments or questions on official City of the Village of Clarkston social media site(s), we will do our best to respond to you as soon as we can. However, as you can imagine, the City of Clarkston receives a lot of correspondence – via social media and otherwise – so responses should only be expected during regular city business hours, and it may take some time to get back to you.

When engaging with the city through social media you agree to the following City of the Village Social Media Customer Use Policy.

### **Social Media Customer Use Policy**

When engaging with the City of Clarkston on social media you are subject to the Terms of Service (TOS) of the host site. The City of the Village of Clarkston encourages anyone interested in sending comments or questions to the city via social media to review host site TOS prior to engaging with the city on specific social media site(s). Please make sure that you fully understand your rights before posting.

If you decide to comment or ask questions on social media, please keep in mind that the City of Clarkston uses social media to engage with all members of the public. Thus, the city will moderate discussions on social media to ensure that everyone who wants to comment feels welcome and is able to do so. The City of Clarkston reserves the right to remove content and comments that contain:

- Profane or obscene language or content;
- Content that promotes or perpetuates discrimination against protected classes;
- Content intended to sexually harass others;
- Content that encourages or promotes illegal activity;
- Spam, or any content that links to external sites;

- Solicitations of commerce, or advertisements, which include promotion or endorsement of a product, service, or individual;
- Promotions of services, products, or political candidates or organizations;
- Content that violates intellectual property interests of any third party (i.e. copyright or trademark infringement);
- Content that includes sensitive personal identifying information, including, but not limited to social security numbers, financial account numbers, or driver's license numbers. For your protection, never post sensitive personal identifying information on social media!
- Information that may compromise the safety or security of the public, including public systems, and infrastructure;
- Information that may compromise the safety or security of the state, including state employees;
- Threats of violence;
- Trolling, or posting inflammatory, off-topic, or inappropriate comments or content for the purpose of upsetting other users and provoking an emotional response or disrupting on-topic discussion.

### **Freedom of Information Act (FOIA)**

All content posted on official City of the Village of Clarkston social media page(s) is public record. Content removed from official City of Clarkston social media site(s) that is archived becomes public record as well. With limited exceptions, such content is therefore not exempt from FOIA requests. FOIA requests should be submitted through official City of Clarkston request processes.

### **Disclaimer**

- Content posted by the public on the City of the Village of Clarkston social media page(s) will not replace statutory, administrative, or other requirements to provide the City of Clarkston agencies with required information. Failure to provide the City of Clarkston with required information in the required manner will not be deemed satisfaction of this requirement. Put another way, if a City of y of Clarkston agency or statute requires you to provide the city with information, posting it on social media will not satisfy this requirement.
- City of the Village of Clarkston social media posts may include content or hypertext links to information created and maintained by other public or private sources. When viewing content or a link outside of the villageofclarkston.org domain, users are subject to security and privacy policies of the host website.
- The City of the Village of Clarkston is not responsible for, nor can it control, content on, or the design of, third-party sites.
- Comments and content posted by the public on the City of the Village of Clarkston social media do not reflect the opinions or position of the city.
- The City of the Village of Clarkston is not responsible for loss of sensitive personal identifying information that is voluntarily provided and posted by the public on City of the Village of Clarkston social media site(s). It is your responsibility to protect your sensitive information by not posting such information on social media sites designed to be viewed by members of the public.

Questions about the City of the Village of Clarkston Community Guidelines and Customer Use Policy should be submitted to [delorgek@villageofclarkston.org](mailto:delorgek@villageofclarkston.org).

## Mental Health Awareness Month – May 2024

WHEREAS, mental health includes our emotional, psychological, and social well-being; it affects how we think, feel, and act; it also affects how we handle stress, relate to others, and make choices; and

WHEREAS, mental health is important for our individual well-being and vitality, as well as that of our families, communities, and businesses; and

WHEREAS, Mental Health America’s (MHA) 2023 “State of Mental Health in America” Survey, ranks Michigan as 25<sup>th</sup> in the Nation for prevalence of mental illness, and 20<sup>th</sup> in the nation for access to care; and

WHEREAS, May 1 through May 31, 2024 is recognized as Mental Health Awareness month. MHA’s 2024 theme is “Where to Start: Mental Health in a Changing World”, which highlights getting back to the basics including self-care, coping skills, advocating for mental health, and knowing when to seek additional help; and

WHEREAS, Oakland Community Health Network joins our national partners in promoting this year’s “Where to Start” campaign; and

WHEREAS, mental health management ensures that individuals can focus on their abilities to live, work, learn and fully participate and contribute to our society, while promoting diversity, inclusion, and acceptance; and

WHEREAS, improved systems of care for vulnerable populations, access to non-emergent and crisis-services, advanced integrated physical and behavioral health care along with provider relations help to fortify services coordinated by OCHN; and

WHEREAS, Oakland Community Health Network (OCHN), and its service provider agencies, are committed to inspiring hope, empowering people, and strengthening communities.

NOW, THEREFORE, BE IT RESOLVED that, Oakland Community Health Network, hereby recognizes May 2024 as Mental Health Awareness Month. OCHN calls upon our citizens, government agencies, public and private institutions, businesses, faith-based organizations, and schools to recommit our state to increasing awareness and understanding of mental illness, and the need for appropriate and accessible services for all people with mental illnesses to promote recovery and a higher quality of life.

CHIEF EXECUTIVE OFFICER (CEO)  
Dana Lasenby

BOARD OFFICERS

Jonathan Landsman, Chair  
John Paul Torres, Vice Chair  
Dennis Cowan, Treasurer  
Adam Fuhrman, Secretary

BOARD MEMBER

Bijaya A. Hans M.D.  
Sarah May  
Malkia Newman  
Christina Root  
Yvette Woodruff  
John Young

April 16, 2024

Re: May is Mental Health Awareness Month Proclamation

Dear Oakland County Leaders and Residents:

Oakland Community Health Network (OCHN) is recognizing May as Mental Health Awareness Month.


OCHN calls upon our citizens, government agencies, public and private institutions, businesses, faith-based community, and schools to recommit our state to increasing awareness and understanding of mental illness, and the need for appropriate and accessible services for all people with mental illnesses to promote recovery.

Mental Health America's (MHA) 2024 campaign focuses on *Where to Start* in discussing and managing mental health in an ever-evolving modern world to include:

- Learning how modern life affects mental health
- Actively finding ways to manage stress
- Advocating to improve mental health for yourself and your community

Please view the May is Mental Health Awareness Month Proclamation we have included in this mailing and help OCHN in recognizing May as Mental Health Awareness Month. If you would like a representative from OCHN to attend an upcoming meeting to accept the proclamation, please contact Maurissa Rose-Smith, Communication and Community Outreach Specialist, at 947-345-1576 or [rose-smithm@oaklandchn.org](mailto:rose-smithm@oaklandchn.org)

Sincerely,



Caitlin M Toth, MPH  
Lead Communications and Community Outreach Specialist  
Oakland Community Health Network

# City of the Village of Clarkston

375 Depot Road  
Clarkston, Michigan 48346

## Resolution - Metro Act Renewal

**WHEREAS**, the Metro Act Right-of-Way Permit first issued in March 2011 (attached) provides allowances for AT&T to utilize public right-of-ways for telecommunication lines and other equipment, and;

**WHEREAS**, City Council approved subsequent extensions of the Metro Act permit in 2014 and 2019, and;

**WHEREAS**, the attached letter from AT&T is seeking another extension through August of 2029, and;

**NOW THEREFORE, BE IT RESOLVED** that the City of the Village of Clarkston hereby authorizes the City Clerk to sign and return the attached Metro Act permit extension through August 2029.

Casey	Forte	Lamphier	Quisenberry	Rodgers	Roth	Wylie	Totals
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Resolution is Adopted

Resolution is Defeated

\_\_\_\_\_  
Karen DeLorge, City Clerk

May 13, 2024

\_\_\_\_\_  
Date



AT&T Michigan Angela Wesson  
METRO Act Administrator  
54 N. Mill Street  
Mailbox #30  
Pontiac, MI 48342

April 17, 2024

**City of the Village of Clarkston**  
**375 Depot St**  
**Clarkston, MI 48346**

**METRO ACT RIGHT OF WAY PERMIT EXTENSION**

Dear City of the Village of Clarkston,

This is a letter agreement which extends the existing METRO Act Permit issued by the City of the Village of Clarkston /Oakland to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expires on August 31, 2024. The extension is for a term to end on August 31, 2029.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the address on this letterhead. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at <http://www.michigan.gov/mpsc>. Please click on Regulatory Information, Telecommunications, and METRO Act/Right of Way.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Ms. Angela Wesson via e-mail, [AD3245@att.com](mailto:AD3245@att.com) or 248-877-9518.

Agreed to by and on behalf of the  
**City of the Village of Clarkston**

**Michigan Bell Telephone Company d/b/a AT&T** acknowledges receipt of this.  
Permit Extension granted by the municipality.

By: \_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Angela Wesson

Its: \_\_\_\_\_

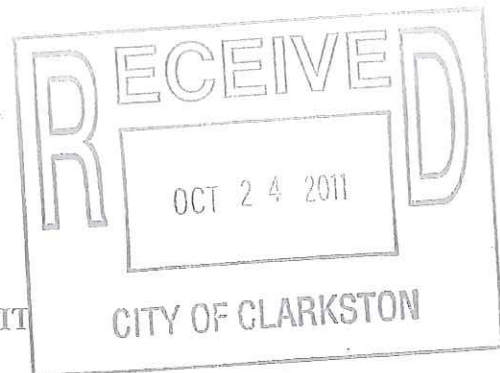
Its: METRO Act Administrator

Date: \_\_\_\_\_

Date: \_\_\_\_\_

METRO Act  
Unilateral Form

RIGHT-OF-WAY  
TELECOMMUNICATIONS PERMIT



This permit issued this 31 day of March, 2011 by the City of the Village of Clarkston, a Michigan municipal corporation, located at 375 Depot Street, Clarkston, MI 48346 to McLeodUSA Telecommunications Services, LLC d/b/a PAETEC Business Services ("PAETEC"), an Iowa limited liability company, located at One Martha's Way, Hiawatha, IA 52233 and Oakland Schools Intermediate School District ("District"), located at 2100 Pontiac Lake Rd., Waterford, MI 48328-2735.

1 Definitions

- 1.1 Date of Issuance shall mean the date set forth above.
- 1.2 Manager shall mean Municipality's [Mayor/Manager/Supervisor/Village President] or his or her designee.
- 1.3 METRO Act shall mean the Metropolitan Extension Telecommunications Right-of-Way oversight Act, Act No. 48 of the Public Acts of 2002, as amended.
- 1.4 Municipality shall mean the City of the Village of Clarkston, a Michigan municipal corporation.
- 1.5 Permit shall mean this document.
- 1.6 Permittee shall mean PAETEC, a limited liability company organized under the laws of the State of Iowa whose address is One Martha's Way, Hiawatha, IA 52233, and District whose address is 2100 Pontiac Lake Rd., Waterford, MI 48328-2735.
- 1.7 Public Right-of-Way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public Right-of-Way does not include a federal, state, or private right-of-way.
- 1.8 Telecommunications Facilities or Facilities shall mean the Permittee's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial

mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communications device.

1.9 Term shall have the meaning set forth in Part 7.

## 2 Grant

2.1 Municipality hereby issues a permit under the METRO Act to Permittee for access to and ongoing use of the Public Right-of-Way identified on Exhibit A to construct, install and maintain Telecommunication Facilities on the terms set forth herein.

2.1.1 Exhibit A may be modified by Manager upon written request by Permittee.

2.1.2 Any decision of Manager on a request by Permittee for a modification may be appealed by Permittee to Municipality's legislative body.

2.2 Overlapping. Permittee shall not allow the wires or any other facilities of a third party to be overlapped to the Telecommunication Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the Michigan Public Service Commission under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.

2.3 Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

## 3 Contacts, Maps and Plans

3.1 Permittee Contacts. The names, addresses and the like for engineering and construction related information for Permittee and its Telecommunication Facilities are as follows:

3.1.1 The address, e-mail address, phone number and contact person (title or name) at Permittee's local office (in or near Municipality) is Greg Serich, PAETEC, 4074 S. Linden, Flint, MI 48507, (810) 600-2090, greg.serich@paetec.com.



- 3.1.2 If Permittee's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them is \_\_\_\_\_.
- 3.1.3 The name, title, address, e-mail address and telephone numbers of Permittee's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is Greg Serich, PAETEC, 4074 S. Linden, Flint, MI 48507, (810) 600-2090, greg.serich@paetec.com.
- 3.1.4 The address, phone number and contact person (title or department) at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is Greg Serich, PAETEC, 4074 S. Linden, Flint, MI 48507, (810) 600-2090, greg.serich@paetec.com.
- 3.1.5 Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency.
- 3.1.6 Permittee shall immediately notify Municipality in writing as set forth in Part 12 of any inaccuracies or changes in the preceding information.
- 3.2 Route Maps. Within ninety (90) days after the substantial completion of new Facilities in a Municipality, a provider shall submit route maps showing the location of the Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).
- 3.3 As-Built Records. Permittee, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

#### 4 Use of Public Right-of-Way

- 4.1 No Burden on Public Right-of-Way. Permittee, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably

determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Permittee, at its sole expense, shall modify the Telecommunication Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality will attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

- 4.2 No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 4.3 Restoration of Property. Permittee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Permittee's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Permittee's option, better) condition as that which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.
- 4.4 Marking. Permittee shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Permittee's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free

telephone number.

- 4.5 Tree Trimming. Permittee may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.
- 4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Permittee shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Permittee's use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.
- 4.7 Pavement Cut Coordination. Permittee shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").
- 4.7.1 The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.
- 4.8 Compliance with Laws. Permittee shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Permittee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest

edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended.

- 4.9 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Permittee's Facilities in the vacated Public Right-of-Way, Permittee shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its Facilities to such alternate route as Municipality, applying reasonable engineering standards, shall specify.
- 4.10 Relocation. If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality, applying reasonable engineering standards, shall specify. The work shall be completed within a reasonable time period.
- 4.11 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality will attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.
- 4.12 Miss Dig. If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- 4.13 Underground Relocation. If Permittee has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Permittee shall relocate its Facilities underground in the same location at Permittee's sole cost and expense, unless otherwise stipulated as between Consumers Energy, Detroit Edison or such other electric or telecommunications provider in the agreement between such parties.

- 4.14 Identification. All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

## 5 Indemnification

- 5.1 Indemnity. Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Permittee's use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.
- 5.2 Notice, Cooperation. Municipality will notify Permittee promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality will cooperate with Permittee in every reasonable way to facilitate the defense of any such claim. Municipality will consult with Permittee respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.
- 5.3 Settlement. Municipality will not settle any claim subject to indemnification under this Part 5 without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any claim against Municipality for which Permittee is responsible hereunder.

## 6 Insurance

- 6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Permittee shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Permittee may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's

acceptance of such self-insurance shall not be unreasonably withheld.

- 6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).
  - 6.1.2 If PAETEC places any new, or relocates any existing telecommunication facilities underground within the rights-of-way of the City of the Village of Clarkston, liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.
  - 6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
  - 6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
  - 6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.
- 6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.
- 6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan

Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A- or better by A.M. Best Company.

- 6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.
- 6.5 Contractors. Permittee's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee's policies).
- 6.6 Insurance Primary. Permittee's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

## 7 Term

- 7.1 Term. The term ("Term") of this Permit shall be until the earlier of:
- 7.1.1 Five years from the Date of Issuance; or
- 7.1.2 When the Telecommunication Facilities has not been used to provide telecommunications services for a period of one hundred and eighty (180) days by Permittee or a successor or an assignee of Permittee; or
- 7.1.3 When Permittee, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or
- 7.1.4 Upon either Permittee or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or

commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or

- 7.1.5 Unless Manager grants a written extension, one year from the Date of Issuance if prior thereto Permittee has not started the construction and installation of the Telecommunication Facilities within the Public Right-of-Way and two years from the Date of Issuance if by such time construction and installation of the Telecommunication Facilities is not complete.

8 Performance Bond or Letter of Credit

- 8.1 Municipal Requirement. Municipality may require Permittee to post a bond (or letter of credit) as provided in Section 15(3) of the METRO Act, as amended [MCL § 484.3115(3)].

9 Fees

- 9.1 Establishment; Reservation. The METRO Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature and amount of any fees which may be charged by Municipality in connection with the Public Right-of-Way.

10 Removal

- 10.1 Removal; Underground. As soon as practicable after the Term, Permittee or its successors and assigns shall remove any underground cable or other portions of the Telecommunication Facilities from the Public Right-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Permittee shall not remove any underground cable or other portions of the Telecommunication Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Permittee's sole cost and expense.

10.1.1 For purposes of this Part 10, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.

- 10.2 Removal; Above Ground. As soon as practicable after the Term, Permittee, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of its Telecommunication Facilities, including but not limited to poles, pedestal mounted terminal boxes, and lines attached to or suspended from poles.



- 10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Permittee as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.
- 11 Assignment. Permittee may assign or transfer its rights under this Permit, or the persons or entities controlling Permittee may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Permittee's business, or by other means, subject to the following:
- 11.1 No such transfer or assignment or change in the control of Permittee shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Date of Issuance until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.
- 11.2 After the completion of such construction, Permittee must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,
- 11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and
- 11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Permittee's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Permittee shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.
- 11.3 Permittee may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

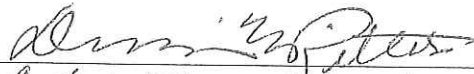
12 Notices

- 12.1 Notices. All notices under this Permit shall be given as follows:
- 12.1.1 If to City, to the City of the Village of Clarkston, City Manager, 375 Depot Street, Clarkston, MI 48346.
- 12.1.2 If to Permittee, to PAETEC, ROW Department, One Martha's Way, Hiawatha, IA 52233.
- 12.2 Change of Address. Permittee and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

- 13.1 No Cable, OVS. This Permit does not authorize Permittee to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).
- 13.2 Effectiveness. This Permit shall become effective when Permittee has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acknowledgement of receipt, below.
- 13.3 Authority. This Permit satisfies the requirement for a permit under Section 5 of the METRO Act [MCL 484.3105].
- 13.4 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.
- 13.5 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

City of the Village of Clarkston

By:   
Its: City Manager  
Date: 3/30/2011

Acknowledgement of Receipt: Permittee acknowledges receipt of this Permit granted by Municipality.

McLeodUSA Telecommunications Services, LLC  
d/b/a PAETEC Business Services

APPROVED  
REIMU  
Law Group  
Date 7/14/10

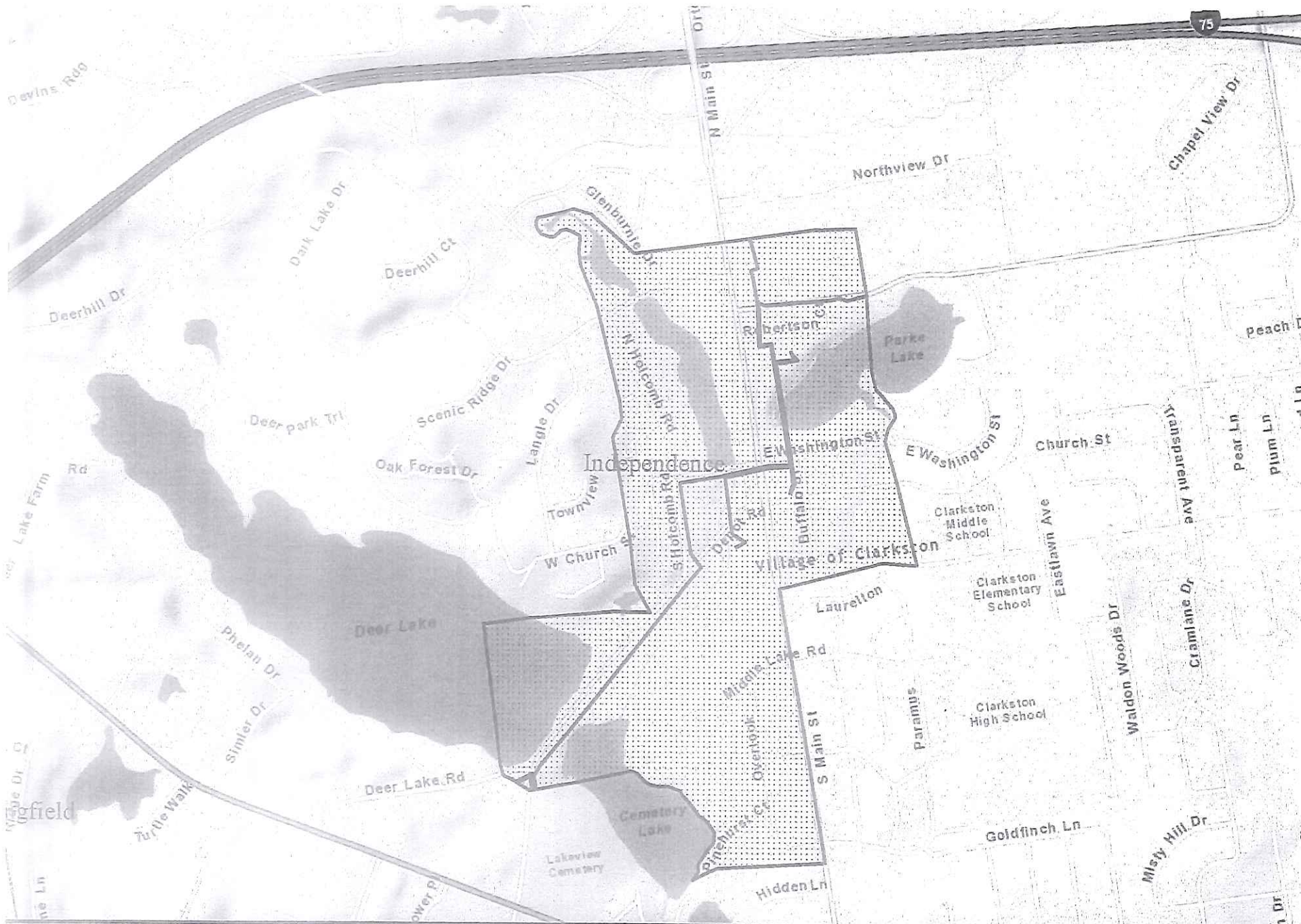
By: [Signature]  
Its: Vice President, Outside Plant  
Date: June 27, 2011

Oakland Schools Intermediate School District  
By: [Signature]  
Its: Deputy Supt  
Date: 9/28/11

**Exhibit A**

**Public Right-of-Way to be Used by Telecommunication Facilities**

Existing facilities in Public Rights-of-Way within Municipality as of the date this Permit is issued.



**Paetec Fiber Optic Route**  
 ——— 12,652 feet: Aerial  
 - - - 0 feet: Buried



Subject To Change Without Notice



**Village of Clarkston, MI**

Author: Paul Neumann  
 Printing Date: October 10th, 2011



Exhibit B

Bond

::ODMA\PCDOCS\GRR\764521\3