



# Memorandum

*Office of the Village Manager*

**TO:** Honorable President Narsh and Village Council  
**FROM:** Darwin D. P. McClary, Village Manager  
**DATE:** January 13, 2023

**RE:** **VILLAGE MANAGER'S REPORT**

## **35 N. BROADWAY STREET DEMOLITION UPDATE**

The police department's code enforcement division continues to monitor the progress of this work.

## **GOAL SETTING SESSIONS**

Council is scheduled to hold goal setting work sessions on January 18 and 24, with January 26 set aside as a reserve date if an additional meeting is necessary. Council has previously received copies of the SMART goals work sheets to use as a template in drafting goals and objectives, although you are free to use any method that is comfortable for you. Councilors should bring to the first meeting your written goals and objectives to share with others and for discussion.

## **REFERENDUM PETITION – DDA EXTENSION ORDINANCE**

Some people have expressed concerns about the status of the referendum petition submitted by Harry Stephen. While the village council took no formal action on the petition, administration continues to review the matter to determine whether the petition must be submitted to the electors of the village at an upcoming election. There are several legal issues regarding the petition. Since we have not received a response from the Township Attorney regarding some of the questions about the township's role in processing petitions, I have requested that the Village Attorney prepare for my review a draft letter to our state representative and state senator seeking an Attorney General's opinion regarding the legal issues, since the questions involve matters of statewide implication. Attorney Kucharek and I will keep council updated on our progress on this matter.

## **DDA BOND SALE CONCERNS**

A council member expressed concerns about the legality of the proposed DDA Downtown Development Bond sale in relation to the provisions of 6.12 of the village charter relating to limitations on investment in business enterprises. I forwarded the concerns to the village's bond

counsel, Jeff Aronoff. Below is an excerpt from bond counsel's communication to me in response to the concern:

***"On the merits of the issue, you're absolutely correct that we have no legal concerns at this point. The project as contemplated by the resolution involves public improvements and no investment in private enterprise. As (or if) the deal moves forward, part of our diligence process as bond counsel involves examining the specific project components in more detail to ensure that none of the bond proceeds are being invested in private use/private benefit, which would be prohibited regardless of anything in the Village charter. Bond proceeds must be spent on public improvements, both for purposes of state law and federal tax law, and there is nothing in the authorizing proceedings that contemplates otherwise. Has Councilor Lamb articulated why he thinks there's some sort of investment in private enterprise here? Certainly bond proceeds can be invested in public improvements that ultimately set the foundation for private economic development—no legal problem there."***

I will keep council updated as we continue to move through the process of considering the issuance of the bonds.

## **NEW WEB SITE DESIGN**

Village staff received training on the design and maintenance of the new village web site. I am not pleased at all with the initial design and have communicated my concerns to CivicPlus. They informed me that the village contracted for the basic web design and that an additional annual charge of \$1,100 (prorated for the first year) would be necessary for the upgrade. They would waive any fees for the additional upfront design. I am expecting a price proposal from them for the upgrade. I will be presenting this to council at your January 23 meeting for consideration. You can view the current basic design here: <http://lakeorionmi.civiccms.acsitefactory.com/>. The upgrade design would look much for similar to the City of Richmond's design: <https://www.cityofrichmond.net/>.

Meanwhile, I have been reorganizing the village's current web site menus and pages at [www.lakeorion.org](http://www.lakeorion.org) to better assist the public in navigating to important information, as well as adding some new content and links.

## **SPECIAL ASSESSMENT POLICIES AND PROCEDURES**

It is imperative that we have a comprehensive policy for special assessments so that we can address the myriad capital improvement needs of the community. I am working on drafting special assessment policies and procedures, including proposed methods of determining village and property owner contributions toward key projects, so that the village can establish a fair, uniform, and consistent method in determining when special assessments are appropriate and the methods of spreading costs. I will present the proposed policy to council for discussion once it is completed.

## **TENTATIVELY SCHEDULED COUNCIL MEETING AGENDA ITEMS**

Attached please find a list of items tentatively scheduled to come before council during the next month (this is a list of items tentatively scheduled to date and will change).

### **IMPORTANT DATES**

- **January 10, 2023** – DDA Work Session – Lumber yard property priorities – 6:30 PM
- **January 11, 2023** – ONTV Board meeting
- **January 17, 2023** – DDA Board regular meeting
- **January 18, 2023** – Village Council Goal Setting Work Session #1 – 6:30 PM
- **January 19, 2023** – Board of Zoning Appeals regular meeting – CANCELLED
- **January 19, 2023** – Orion Public Library Board of Trustees meeting
- **January 23, 2023** – Village Council regular meeting
- **January 24, 2023** – Village Council Goal Setting Work Session #2 – 6:30 PM
- **January 26, 2023** – Village Council Goal Setting Work Session #3 (if needed) – 6:30 PM

| Doc ID | Status | Doc # | Short Title   | Department      | Meeting           |
|--------|--------|-------|---|-----------------|-------------------|
| 5295   | Draft  |       | Presentation - Introduction of New Lake Orion Police Department Officers                    | Village Council | 01/18/23 06:30 PM |
| 5597   | Draft  |       | Village Council Goal Setting Work Session   | Village Council | 01/18/23 06:30 PM |
| 5640   | Draft  |       | 486 S. Broadway - Land Redivision and Combination   | Village Council | 01/18/23 06:30 PM |
| 5552   | Draft  |       | Receive and File Request for Amendments to Council Bylaws and Rules of Procedure            | Village Council | 01/23/23 07:30 PM |
| 5581   | Draft  |       | Act 152 Publicly Funded Employee Health Insurance Contribution Limits                       | Village Council | 01/23/23 07:30 PM |
| 5584   | Draft  |       | Amendments to Ordinance - Pelton Boat Docks Regulations                                     | Village Council | 01/23/23 07:30 PM |
| 5585   | Draft  |       | Pedal Boat Pub and Orion Tours Boat Dock Use Agreement                                      | Village Council | 01/23/23 07:30 PM |
| 5586   | Draft  |       | Budget Amendments - Second Quarter FY 2022-23   | Village Council | 01/23/23 07:30 PM |
| 5591   | Draft  |       | Data Sharing Agreement - Michigan Department of State - Driving Record Subscription Service | Village Council | 01/23/23 07:30 PM |
| 5618   | Draft  |       | Oakland County Critical Infrastructure Grant (Carol Thurber)                                | Village Council | 01/23/23 07:30 PM |
| 5624   | Draft  |       | Schedule Public Hearing on Reprogramming of CDBG Funds                                      | Village Council | 01/23/23 07:30 PM |
| 5598   | Draft  |       | Village Council Goal Setting Work Session   | Village Council | 01/24/23 06:30 PM |
| 5599   | Draft  |       | Village Council Goal Setting Work Session   | Village Council | 01/26/23 06:30 PM |
| 5583   | Draft  |       | Green's Park Schedule and Fees  | Village Council | 02/13/23 07:30 PM |
| 5587   | Draft  |       | Adoption of FY 2023-24 Council Goals and Objectives   | Village Council | 02/13/23 07:30 PM |
| 5589   | Draft  |       | Dragon on the Lake 2023   | Village Council | 02/13/23 07:30 PM |