

**AGENDA**  
**CITY OF GROSSE POINTE PARK**  
**CITY COUNCIL MEETING**

**June 8<sup>th</sup>, 2020 7:00 pm**

**SPECIAL NOTICE:** Due to Governor Whitmer's Stay Home Stay Safe Executive Order and to Minimize the Spread of COVID-19, this meeting will be held electronically. See instructions below for how to join the meeting and guidelines for meeting conduct. All City Council meeting materials are included as part of this meeting notice.

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance to the Flag
- IV. Approval of Minutes
- V. Managers' Report
- VI. Public Safety Report
- VII. Library Board Appointment
- VIII. Approval of Budget Amendment
- IX. Extension of Recycling Services Contract Resolution
- X. Expansion of Outdoor Dining and Retail Resolution
- XI. Adoption of the T.I.F.A. Amended Development Plan
- XII. Full Faith and Credit Bond Resolution
- XIII. Human Rights Ordinance
- XIV. Adoption of Pride Month Proclamation
- XV. Flags on Municipal Property
- XVI. Committee Reports
- XVII. Finance Report
- XVIII. New/Old Business
- XIX. Public Comment
- XX. Adjournment

**ZOOM MEETING AND TELECONFERENCE INFORMATION**

- Go to [zoom.us](https://zoom.us)
- Meeting ID: 875 5560 9653
- Password: 664167

**Dial In Information**

- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 875 5560 9653

Password: 664167

Michigan Relay is a communications system that allows hearing persons and deaf, hard of hearing, or speech-impaired persons to communicate by telephone. Users may reach Michigan Relay by dialing 7-1-1 and then connection with Zoom conference number above. There is no additional charge to use this service. Please contact [smithl@grossepointepark.org](mailto:smithl@grossepointepark.org) with any other requests for accommodations.

### **How to Submit Public Comment**

There will be two options for how to submit a public comment for this meeting: attending the Zoom meeting or written comment. There will be one public comment at the end of the meeting. Spoken comments will be limited to three minutes. Written comments will be limited to 250 words.

Members of the public wishing to make a comment via Zoom will need to either join the meeting through the app on their computer/tablet/mobile phone and/or dial in to the phone number listed on the public notice. All spoken comments through the Zoom app or the phone will be limited to three minutes. The provided meeting guidelines outline the process for teleconferencing comments that will be followed during the meeting.

Written comments can be submitted directly to [smithl@grossepointepark.org](mailto:smithl@grossepointepark.org). Written submissions need to be 250 words or less and be submitted by 5pm on Sunday, June 7<sup>th</sup>.

### **Guidelines for Public Participants**

1. All virtual meetings will be conducted via Zoom with a dial-in option. If you join the meeting utilizing the Zoom app on your computer/tablet/phone, you will be able to listen, see the City Council members, and make a public comment if you desire to do so. **We are not allowing the public to utilize a webcam during the meeting.** If you join the meeting with your webcam on, it will be disabled by the host.
2. All meeting materials and meeting information is available on the City website at [www.grossepointepark.org](http://www.grossepointepark.org)
3. The meeting will start promptly at the time listed on the meeting notice. **Public participants will be permitted to join the meeting five minutes before the meeting is scheduled to start.**
4. When you are ready to join the meeting, please make sure your line is muted to decrease background noise. Public participant lines have to remain muted until the public comment portion of the meeting. **Also make sure your webcam is**

**disabled before you join.** If you join the meeting with your webcam on, it will be disabled by the host.

5. If you decide you want to make a public comment at any point during the meeting, you will need to utilize the raise hand function in the Zoom app or on the phone. To raise your hand on the phone, press \*9. Staff will add you to the public comment queue list. **Please note that all public participants are only allowed one three-minute public comment. Indicating you have a public comment numerous times will not give you additional time to speak.**
6. **When the public comment period begins,** the Mayor will review the process for public comments. After the process is reviewed, the Mayor will call on a Staff member to read any public comments that were submitted via written statement. When those are completed, the Mayor will call for any spoken public comment. A staff member will call on public participants by either the last four digits of your phone number or your participant name listed in the Zoom app. Public participants will be called in the order they were added to the queue list. Public participants who do not respond within ten seconds of their phone number or screen name being called will be skipped and the next person in line will be called on. This method will continue until all public participants have had the opportunity to comment. **All public comments shall not exceed three minutes and a timer will be displayed on the screen.**
7. Once the public comment period is done, the Mayor will end the meeting.

**Hosts will have the ability to and will remove participants from the meeting if they breach the peace in such a way that disrupts or interferes with the meeting.**

BUDGET WORKSHOP

TUESDAY, MAY 7, 2020

7:00 PM

An electronic budget workshop was held through Zoom due to Governor Whitmer's Stay Home Stay Safe Executive Order 2020-79 and to minimize the spread of COVID-19.

The following were electronically present: Councilmembers Flutt, Read, Relan, Robson, Hodges, and Mayor Denner.

Excused Absence: Councilmember Grano

Also electronically present: Nick Sizeland, City Manager, and Jane M. Blahut, Finance Director/Clerk, and Leah Smith, Assistant to the City Manager, and Jake Howlett, City Attorney

**BUDGET OVERVIEW**

City Manager summarized the general fund budget stating that taxable values increased by 3.2% increasing tax revenue from \$6,405,647 to \$6,611,600. The value rose higher than the rate of inflation which required the rate to be rolled back. The final 2021 taxable value is \$648,321,884, representing a 1.9% increase.

The tax rates are as follows:

	<u>2020</u>	<u>2021</u>
Operating	\$11.0654	\$10.9093
Rubbish	1.6381	1.6150
Public Relations	0.0812	0.0771
Road Millage	1.0000	1.0000
Public Safety Millage	2.6846	2.6467
Bond debt	<u>0.9400</u>	<u>0.9350</u>
Total	\$17.4093	\$17.1831

The projected revenue and expenditure for the Fiscal Year 2021 budget factor in potential decreases due to the COVID-19 pandemic including forecasting for a 10% decrease in Sales Tax Revenue and a decrease in all revenue sharing streams from the State.

The City Manager stated that OPEB- retiree health insurance and pensions costs are the most significant fringe benefit costs. In order to reduce these costs, the measures below have been undertaken:

- Public safety personnel hired prior to March 1, 2014; the multiplier was reduced from 2.5% to 2.25%.
- All general employees hired prior to March 1, 2014, the multiplier was lowered from 2.5% to 2%.
- All Public safety personnel and general employees pension multiplier for employees hired after March 1, 2014; is 2%. There are currently 12 of 31 public safety officers and 14 of 36 general employees that are at the 2% multiplier.

A surplus account was also established to deposit extra payments over and above the City's ARC payment to be applied to the overall underfunded liability.

In January 2020, the Council approved the implementation of Trust No. 115, which allows the City to set aside funds to fund the underfunded health care liability, otherwise known as the OPEB – Retiree Health Insurance. The City worked with a professional actuarial firm to determine the required funding the City would need to provide to meet the State required funding levels over the next 30 years. The plan submitted by the City was approved by the Michigan Department of Treasury for the OPEB funding. The following measures have been taken to reduce the unfunded health care liability reached through contract negotiations:

- Dispatch union retiree coverage and administration and non-union employee's coverage limited to a two-person contract effective June 1, 2007.
- DPW retiree coverage reduced to a two-person coverage on July 1, 2009
- All employees hired after March 1, 2014 will not receive retiree health care
- All employees hired prior to March 1, 2014 with 30 years of service will receive retiree health care until they are Medicare eligible.

City Manager stated that the Act 51 funding within the major and local street funds has been projected at a 10% reduction in anticipated funding by the state. The Road Millage Fund tax capture for 2021 is estimated to be \$648,000; \$490,000 thousand will be transferred to the Major Street fund and \$150,000 will be transferred into the Local Street fund.

City Manager noted that the current rubbish contract through GFL expires in June 2021. Rates have increased from \$16 per ton to \$31 per ton because of the closure of the Detroit rubbish substation, increasing the overall budget for refuse disposal. City Manager also indicated that the City has been in discussion with neighboring communities to release a joint RFP for a new recycling provider. Because of the COVID-19 pandemic, the Recycling RFP will be released in December.

City Manager summarized the Downtown Development Authority (DDA) budget, highlighting that Director Krajniak has volunteered to forego his salary for the 2020 budget year. City Manager stated that the \$6,000 dollars originally allocated towards the salary and administrative line item would be moved and create a new budget line item to provide direct marketing and business services. City Council voiced general concern over the compliance of the DDA with Act 57 reporting requirements and if the DDA Board held a meeting to provide review and approval of the proposed budget. Discussion followed and the City Attorney recommended that the DDA Board hold a meeting to review and discussed the proposed budget before the Budget Public Hearing on May 11<sup>th</sup>. Discussion ended with City Manager being directed to have the DDA board hold a special meeting to discuss the budget per the City Attorney recommendation.

City Manager summarized the Tax Increment Finance Authority (TIFA) budget. City Council voiced general concern over the compliance of the TIFA with Act 57 reporting requirements and if the TIFA Board held a meeting to provide review and approval of the proposed budget. Discussion followed and the City Attorney recommended that the TIFA Board hold a meeting to review and discussed the proposed budget before the Budget Public Hearing on May 11<sup>th</sup>. Discussion ended with City Manager being directed to have the TIFA board hold a special meeting to discuss the budget per the City Attorney recommendation.

City Manager noted that the following capital improvements are still scheduled for completion for Fiscal Year 2021:

Park & Rec Picnic, Grills, Lounge	\$ 10,000
Tile Repair – Windmill Comfort St	3,000
Concrete Repairs/Patterson Gazebo	9,000
Doors at lift station – Patterson	15,000
Computers – IT	18,844
IT Right Annual Contract	21,000
Equipment – Computer Services – JIS COU	17,000
Equipment – Lawn & Garden	2,575
B.S.A. Software	5,400
Lease - Postage Machine	2,000
Lease – Xerox	5,000
Fitness Center Equipment Lease	20,000
Equipment – Public safety	31,000
Vehicle’s – Public Safety	66,000
Extraction Equipment – Public Safety	10,000
Equipment – Patrol Vehicle	20,000
Fire Turnout Gear	15,000
CAD Computer	12,000
Installment Purchase Principal	90,000
Installment Purchase Contract Int	64,219
MDI-HVAC Update Park & Rec	16,280
Landscape Consulting/Storage	55,375
Inside Gatehouse/Concessions Gutter	4,700
Website – Revize	16,000
Utility Gardening – Trailer and Tan	700
Office Windows – Park & Rec	1,875
Revamp Chipping Green/Flower Beds	3,500
Tables & Chairs – Mckeever Lounge	2,000
Maintenance Garage Tuckpointing	8,000
Replace Engine on Vac-All	7,000

Council Member Read voiced concern regarding the proposed line item for the revamp of the chipping green and flower beds located at Windmill Pointe Park and discussion followed regarding the City of Grosse Pointe Park Foundation and the Foundation’s role regarding maintenance of foundation funding projects.

The City Manager also noted that the City decided to not include the following Capital Improvement projects in the Fiscal Year 2021 budget for various reasons:

Staircase to Lavin’s Center Deck	10,000
Floating Docks – Kayaks	10,000
Kayak Racks	7,500
Tompkins Center Chairs	9,600
Commercial stove at Tompkins Center	10,000
Electric Charging	25,000

City Manager stated Great Lakes Water Authority (GLWA) has increased the water flow rate from \$10.34 to \$11.04. GLWA has reduced their MCF volume flow from 59,500 to 55,500. With these proposed changes, the cost will remain consistent with the current rate and Administration is recommending that rates remain consistent with the prior year.

City Manager stated the marina rates have been increased by 5% and boat slip users were notified in September, 2019. City Council voiced concern over the electrical and flooding issues present. Discussion followed and City Manager noted the Marina is an enterprise fund. City Manager noted he would review and provide a response to the Council.

**PUBLIC COMMENT**

Assistant to the City Manager read two written public comments submitted by residents and one resident provided a verbal public comment.

The Mayor adjourned the workshop at 11:15pm.

COUNCIL MEETING – MAY 11, 2020  
7:00 P.M.

An electronic meeting through Zoom was held due to Governor Whitmer’s Stay Home Stay Safe Executive Order 2020-77 and to minimize the spread of COVID-19.

The meeting was called to order and opened with the Pledge of Allegiance to the Flag.

The following were electronically present: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner.

Also, electronically present: Nick Sizeland, City Manager, Jane M. Blahut, Finance Director/Clerk, Jake Howlett, City Attorney, and Leah Smith, Assistant to the City Manager, and Stephen Poloni, Director of Public Safety.

MANAGER’S REPORT

City Manager Sizeland presented a brief overview of the status of issues since the last meeting.

- COVID-19 update including a timetable of events
- City reopening
- City Master Plan
- Building Department
- COVID-19 testing for employees, all employees tested negative
- Safe routes to School
- Mask donation
- Marina update
- Recycling update
- Census update
- Rocket Fiber update
- DTE update

MINUTES – APRIL 13, 2020

Mayor Denner presented to Council for consideration the minutes of April 13, 2020, for approval.

Motion by Councilmember Fluitt, supported by Councilmember Robson, to approve the minutes of April 13, 2020, as presented.

AYES: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

CHAMBER OF COMMERCE

Mayor Denner presented Jenny Boettcher from the Chamber of Commerce to present a brief overview of what is being undertaken to assist business owners and residents of the Grosse Pointe communities.



Jenny Boettcher from the Chamber of Commerce stated that our local businesses continue to be challenged financially and mentally more than ever before, the Chamber is staying on top of Local, State and Federal grant and loan resources while also providing professional and educational webinars and toolkits. These resources are being communicated through the Chamber's website, E-blasts, social media posts, print and phone calls.

Many of the resources acquired are from the MI Chamber, U.S. Chamber, MI. Gov website, Wayne County Economic Development, SBA, DTE Foundation, Community Foundation for SE MI, National Retail Federation, and other various resources.

We are also using our communication platforms to promote:

- Restaurant offering Curbside pickup & Delivery (Chamber's website, ads in the GP News, social media posts & E-blast).
- Retailers offering curbside pickup & delivery
- Market Delivery and Pick up offers.
- Gift card give-a-ways through social media contest.
- Scavenger hunts
- Salons & Spas: promotions so people can start scheduling their appointments.
- Nurseries (gardening centers) as they begin to open up
- Reopening resources (masks, shields, socially distance signage, measures, etc.)
- Wide variety of interactive stories and posts promoting our communities' spirit – acts of kindness sidewalk chalk art, window decorations, etc.

The Chamber is offering Zoom Meeting assistance to the Village and Hill Association and Avenue in the Woods so they can stay in touch and hold their monthly meetings.

#### Networking/Events/Programs

Due to the uncertainty of the coronavirus and social distancing, the Chamber postponed:

1. Mayor's Prayer Breakfast scheduled for Thursday, May 7<sup>th</sup> - will be rescheduled.
2. GP Restaurant Week – will be rescheduled as a Virtual GP Restaurant Week (TBD).
3. Legacy on the Lake – Postponed to 2021 but are still going to have a fundraising campaign in which proceeds will go towards helping small businesses.
4. The Chamber's networking events have been virtually moved to a Zoom platform as well as Learn at Lunches which are offered at no charge. The Chamber is encouraging participants to get a carry out lunch from a local restaurants.

Upcoming Webinars: Microsoft Modern Office by Proactive Technology May 27<sup>th</sup> @ 1:00pm. – 2:30

#1 Website 101 on June 3<sup>rd</sup>. #2 Building Your Online Presence on June 10<sup>th</sup>. Presented by Wright Outcomes.

The Chamber's Ambassador committee meetings (member outreach program) is conducted through Zoom as well. The ambassadors are given a list of members to check in on (well-check). If there is pending feedback and a member needs help in any way, someone from the chamber staff will follow-up with the business

5. Member survey: A survey was sent to the membership last week to better understand the needs of businesses and where they need to turn their focus.

To ensure the safety of our community and to help businesses navigate the new normal, we are creating a "Grosse Pointe is Open for Business Playbook". This comprehensive guide will include many of the recommendations developed by the Governor's Economic Recovery Task Force, along with guidelines from the CDC and other federal, state and local agencies. This resource will act as a living document, which we will update as the situation changes.

#### 2020 Census

COVID-19 changed Chamber's Census work so we pivoted our strategy using digital promotions, editorials & ads in the GP News and partnering with our community partners such as the Grosse Pointe Public School System, Grosse Pointe Public Library and The Helm who are sharing Census promotion on their websites, social media and emails. Due to the Pandemic, the door to door work has been postponed until sometime after June 1, 2020.

Below is the current progress of self-response for each city:

	<u>2010</u>	<u>As of 4/25/20</u>
GPC:	79.9%	77.4%
GPF:	84.5%	82.5%
GPP:	74.8%	75%
GPW:	83.7%	83%
GPS:	82.8%	78.7%

#### Local Resources

Wayne County Small Business Relief Loan Fund

Health Choice Affordable Healthcare for Small Businesses and their Employees

Detroit Business Stabilization Fund

Michigan Small Business Relief Grant

Facebook Small Business Grant Program

Southeast Community Foundation Grant Program

**State Resources**

Michigan Resources for Employers and Workers

Treasury: Small Business Taxpayers Provided Tax Assistance

MEDC COVID-19 Resources

Michigan SBDC COVID-19 Resources

State of Michigan's Corona Virus Resources

Small Business Association of Michigan Corona Virus Resources

**Federal Resources**

The Small Business Administration's Guidance for Businesses and Employers to Plan and Respond to Coronavirus

U.S. Chamber Coronavirus Resources and Coronavirus Response Toolkit

U.S. State Department Travel Guidelines

Guidance for Preparing your workplace for COVID-19

CDC Guidance for Businesses and Employers

SBA to Provide Disaster Assistance Loans for Small Businesses Impacted by Coronavirus

The GP Chamber recently assisted Wayne County Economic Development Department with their small business relief grant program by helping score applications. Below are the number of businesses in each city that were awarded a grant (\$2500-\$5000). In Grosse Pointe Park they include the following: **Breckels Massage, Cabbage Patch Saloon, Full Circle, Farm Field Table, Hot Yoga GP.**

The Chamber is participating in Wayne County's Workplace Reopening Group. We will provide details on the progress of this group as it becomes available.

**Webinars & Toolkits**

- Workshop Wednesdays
- Sweatpants and Laptops: Dealing with Remote Work and Legal Concerns
- What Employers Need to Know about Families First Coronavirus Response Act
- Unemployment Benefits
- Communication During a Pandemic

- Opening America Again
- Return to Work Safety Resources

PPP Webinar: the guidance and steps to take now to ensure loan forgiveness

Councilmember Relan inquired if guidelines for hospitals have been established.

Miss Boettcher stated they are meeting with Henry Ford Hospital to discuss guidelines.

Councilmember Read stated now may be a good time to offer discounts on memberships.

Councilmember Robson inquired if the Wayne County Grant Program is still available.

Miss Boettcher stated that program has been closed.

Mayor Denner stated as of last week there were still grants available for businesses.

Councilmember Hodges stated through the Cares act pay check protection is still available.

Mayor Denner congratulated the Chamber for taking a leadership role.

#### TIFA BOARD APPOINTMENT

Mayor Denner presented to Council for consideration the appointment of Marcia L. Fairrow to the TIFA Board for a two-year term.

Mayor Denner stated five of the current board members are up this fall and will be considered for re-appointment with staggered terms. Anyone who submitted an application will be considered in October.

Motion by Mayor Denner, supported by Councilmember Robson, to appoint Marcia L. Fairrow to the TIFA Board for a two-year term.

AYES: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluit, and Mayor Denner

NAYS: None

#### TIFA AMENDED DEVELOPMENT PLAN

#### PUBLIC HEARING

Mayor Denner summarized the timeline of the requirements for the TIFA Amended Development Plan. He noted at the December 9<sup>th</sup> Council meeting, Council voted to approve moving DPW to the proposed Mack Avenue site between Wayburn and Maryland contingent on several conditions. One of the conditions related to funding, and that it be within that authorized by the TIFA Board, plus any donor support, and not exceed \$4 million dollars. Notice was sent to all homeowners located within the TIFA district in the 20 day requirement prior to this evening's Public Hearing. The TIFA Board has approved the Amended Development Plan. Notices were sent by certified mail to the governing bodies of the taxing jurisdictions and proper notice was published in the Detroit News twice.

Mayor Denner opened the Public Hearing.

City Manager Sizeland read aloud the public comment. He noted the TIFA Director, TIFA Attorney, and TIFA Chairman are on the phone for clarification is necessary.

Based on the comments presented by City Manager Sizeland, 9 residents are in support of the TIFA Amended Development Plan and 5 residents are opposed to the TIFA Amended Development Plan.

Mayor Denner closed the Public Hearing. He noted the process going forward would be to adopt the Amended Development Plan at a future meeting.

Motion by Mayor Denner, supported by Councilmember Grano to defer action on discussion and adoption of the plan until the regularly scheduled meeting scheduled for June 8<sup>th</sup>, 2020.

Councilmember Read stated time is not of the essence in this situation. She stated she is not against moving the DPW building or the proposed Art Center. She stated she will not vote for a new plan that is not in compliance.

Councilmember Grano stated there is a motion on the floor and there is a point of order.

Councilmember Fluitt stated she is in agreement with Councilmember Read, the DDA and TIFA are not in compliance with State law. Discussions should be exhausted this evening.

Councilmember Robson stated it is a wise motion allowing more time for public engagement.

Councilmember Hodges stated she agrees with voting at a later date and recommended exhausting discussions this evening so everyone has time to consider all the discussions discussed.

Amended Motion No. 1

Motion by Councilmember Hodges to amend the motion made to reflect continued discussion this evening and defer the vote until June 8<sup>th</sup>.

Motion fails due to lack of support.

Original Motion

Motion by Mayor Denner, supported by Councilmember Grano to defer action on discussion and adoption of the plan until the regularly scheduled meeting for June 8<sup>th</sup>.

AYES: Councilmembers Grano, Hodges, Robson, and Mayor Denner

NAYS: Councilmembers Relan, Read, and Fluitt

The motion carries, discussion and action will be taken at the June 8<sup>th</sup> meeting.

## **2020-21 FISCAL YEAR BUDGET PUBLIC HEARING**

Mayor Denner opened the 2020-21 fiscal year Budget Public Hearing. He noted a thorough review was undertaken at the budget workshop held earlier in the month.

Councilmember Hodges, who serves as Councilmember for Finance expressed her gratitude to the staff team for providing a balanced budget. She indicated the 6/30/19 audit was a thorough audit with no recommendations. The City's AA- rating is the highest rating given Headlee restrictions and currently there is a healthy 20% fund balance in the General Fund.

#### **PUBLIC COMMENT**

There were three residents who called in and made public comments opposing the 2020-21 budget. Additionally, the City Manager read two written comments also opposing the 2020-21 budget.

Public input was closed

#### **CITY OF GROSSE POINTE PARK RESOLUTION NO. 1**

**RESOLVED**, that in accordance with P.A. 5 of 1982, requiring the governing body to establish the millage rate required to balance the 2020-21 fiscal year budget and in accordance with Section 8.4 of the City of Grosse Pointe Park Charter, it is hereby determined that the millage rate for general operating purposes for the fiscal year 2020-21 be \$17.1831 or \$17.1831 per \$1,000 of Taxable Value (10.9093 general operating; 1.6150 rubbish disposal; 0.0771 communication fees; 0.9350 bond issue; 1.0000 roads; 2.6467 public safety).

Motion by Mayor Denner, supported by Council Relan, to approve Budget Resolution No. 1 that establishes tax rates as presented.

AYES: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

#### **SPECIAL ASSESSMENT ROLL RESOLUTION NO. 2**

**WHEREAS**, in accordance with Section 20.12 of the City of Grosse Pointe Park City Code whereby when any expense shall have been incurred by the City in respect to any single premise and subsequently such expense remain unpaid, and

**WHEREAS**, such premises have been advised that such unpaid bills will be placed as a lien against such property, plus fifteen percent (15%) service charge if not paid by a certain date.

**BE IT RESOLVED**, that a Special Assessment Roll for delinquent bills for water and miscellaneous items be placed upon the property described in the Exhibits as presented, copies of which are on file in the City Clerk's office and are a part of these minutes, in the respective amounts set forth opposite said properties in said Exhibits, including a service charge of fifteen percent (15%) for placing the bills for water and miscellaneous items on the Special Assessment Roll, and that Special Assessment shall be due and payable at the time 2020 City taxes are next due and payable with respect to such property.

Motion by Mayor Denner, supported by Councilmember Robson, to approve the Special Assessment Roll, Resolution No. 2 as presented.

AYES: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

**CITY OF GROSSE POINTE PARK**

**RESOLUTION NO. 3**

**RESOLVED**, that having published proper notices and held a public hearing for the budgets of the following funds for the fiscal year 2020-21, such budgets are hereby adopted in the amounts set forth and purpose intended along with increases in related revenue sources:

<b>GENERAL FUNDS</b>	
<b>Estimated Revenue</b>	
Property Taxes	\$8,692,015
Licenses	39,100
State Shared Revenues	1,059,161
Charges for Services	628,600
Fines & Forfeits	425,000
Interest & Rents	339,700
Other Revenue	670,995
	<hr/>
Total Estimated Revenues	<u>\$ 11,854,571</u>

**Appropriations**

City Council	\$ 107,594
Judicial	335,800
City Manager	185,000
Public Service	345,582
Elections	122,690
Financial Administration	282,026
City Clerk	183,196
Public Safety	7,441,734
Public Works	344,470
Tree Maintenance	255,153
Parks	535,490
Recreation	546,722
Fitness/Activity Center	599,525
Planning & Beautification	13,607
Transfer to Other Funds	552,468
	<hr/>
Total Appropriations	<u>\$ 11,851,057</u>

**Major Street Fund**

Total Estimated Revenues	\$ 1,314,587
Total Appropriations	1,298,747

Local Street

Total Estimated Revenues & T/I	\$ 1,001,519
Total Appropriations	985,393

Garbage & Rubbish Collection

Total Estimated Revenues	\$ 1,235,642
Total Appropriations	1,219,189

Building Department

Total Estimated Revenues	\$ 321,369
Total Appropriations	321,295

Downtown Development Authority Fund

Total Estimated Revenues	\$ 193,426
Total Appropriations	191,000

Tax Increment Financing Fund

Total Estimated Revenues	\$ 1,318,070
Total Appropriations	1,316,500

Indigent Defense Fund

Total Estimated Revenues	\$ 10,400
Total Appropriations	10,400

Drug Law Enforcement Fund

Total Estimated Revenues	\$ 3,000
Total Appropriations	3,000

Block Grant Fund

Total Estimated Revenues	\$ 20,000
Total Appropriations	20,000

Road Fund

Total Estimated Revenues	\$ 648,321
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Total Appropriations & T/O 640,000

Bond Debt

Total Estimated Revenues \$ 594,000  
Total Appropriations 593,023

Capital Improvement Bonds Series 2019

Total Estimated Revenues \$ 2,215,000  
Total Appropriations 2,215,000

Capital Improvement Fund

Total Estimated Revenues \$ 552,468  
Total Appropriations 552,468

Water & Sewer Fund

Total Estimated Revenues \$ 5,564,015  
Total Appropriations 6,373,733

Marina Fund

Total Estimated Revenues \$ 293,000  
Total Appropriations 274,400

City Attorney Howlett stated a timing concern was raised relative to the approval of the DDA and TIFA budgets. He stated that per statute Council votes on the proposed budgets and then the budget is adopted by the DDA and TIFA boards.

City Manager Sizeland noted DDA Director Krajniak contributed his salary of \$6,000 to the Business District. The Director and the Board discussed the proposed parking lot. He noted the Board approved the Business Support services to be increased from \$6,000 to \$10,000 and the parking lot be reduced from the current \$120,000 to \$45,000, reducing the overall requirement of fund reserves.

DDA and TIFA Attorney Levasseur phoned in stating the sequence of budgets is for the Council to approve before the DDA adopts a budget.

DDA/TIFA Attorney noted there were Special meetings held this afternoon to adopt the fiscal year 2020-21 budgets.

City Manager stated there were no recommended changes to the TIFA budget.

Motion by Mayor Denner, supported by Councilmember Robson, to approve Resolution No. 3, for estimated revenues and appropriations as presented.

Councilmember Fluitt stated she has a problem with the DDA and TIFA budget, noting TIFA is not helping out small businesses.

**Amendment motion #1**

Motion by Councilmember Fluitt, supported by Councilmember Read, to amend the motion on the table to remove the DDA and TIFA budgets in its entirety out of the budget.

City Attorney Howlett stated he has researched the issue of helping out business with resources generated from TIFA. While some direct use of funds is likely not permitted, we continue to explore ideas to comply with the law and provide help directly to business.

DDA/TIFA Attorney Levasseur stated the City of Royal Oak and Dearborn have not issued any funds to assist business owners and there were not any specifics or clarity relative to the program available. The law has to be followed.

Mayor Denner recommended the budget be adopted and amended at a later date.

Councilmember Relan stated the DDA and TIFA are not in compliance with State law and those budgets should be removed from the budget.

DDA/TIFA Attorney Levasseur stated he is working with the City Manager and DDA/TIFA Director to comply with statute. By the end of the week it will be updated on the website.

Councilmember Read stated there is a \$3,500 expenditure for revamping of the putting green at the park and requested it be removed from the Capital Improvement Fund.

**Amendment motion #2**

Motion by Councilmember Read, supported by Councilmember Fluitt, to remove the \$3,500 expenditure for the revamping of the putting green in the Capital Improvement Fund.

**Amendment motion #3**

Motion by Mayor Denner, supported by Councilmember Relan, to amend the proposed DDA budget revenues from \$193,426 to \$122,426 and the proposed expenditures from \$191,000 to \$120,000.

Councilmember Relan inquired why the DDA was paying for the site clearing of the DPW building for \$45,000.

Mayor Denner stated the demolition has often been paid by the City, the DDA or TIFA to facilitate re-development.

**Amendment motion #4**

Motion by Councilmember Relan, supported by Councilmember Fluitt to remove the \$45,000 expenditure for site clearing in the DDA budget.

Councilmember Grano stated it is a legal requirement to approve the budget by May 18<sup>th</sup>.

Councilmember Read stated she read the Memorandum of Understanding and did not find language relative to the City being responsible for site clearing of the DPW yard.

Councilmember Fluitt inquired who is responsible for site clearing of Verdonckt's.

Mayor Denner stated the TIFA will pay for that, as it is customary to do site clearance when implementing a new project.

Councilmember Fluitt stated she would be interested in seeing the estimates for these items.

Mayor Denner stated bids will be provided by the construction company.

Councilmember Relan inquired if there are long term plans for repairs at the Marina.

City Manager Sizeland stated he is working on a long-term plan to address the Marina needs.

Vote on Amendment motion #4 (Removal of \$45,000 site clearing DDA)

AYES: Councilmembers Relan, Read, and Fluitt

NAYS: Councilmembers Grano, Hodges, and Robson, and Mayor Denner

The motion fails.

Vote on Amendment motion #3 (Amending DDA & TIFA budgets)

AYES: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

The motion passes.

Vote on Amendment motion #2 (Removal of \$3,500 for revamping putting greens)

AYES: Councilmembers Relan, Read, and Fluitt

NAYS: Councilmembers Grano, Hodges, and Robson, and Mayor Denner

The motion fails.

Vote on Amendment motion #1 (Removal of DDA & TIFA budgets)

AYES: Councilmembers Relan, Read, and Hodges, and Fluitt

NAYS: Councilmembers Grano, Robson, and Mayor Denner

The motion passes.

Original motion: (Adopting Resolution No. 3)

AYES: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

#### PROPOSED C.D.B.G. 2020 FUNDING

Mayor Denner presented to Council for consideration the proposed allocation for the 2020 C.D.B.G. Funding.

Assistant to the City Manager Smith stated the City of Grosse Pointe Park has been allocated \$20,000 in C.D.B.G. Funds. She recommended the following distribution:

- Senior Services (The Helm) \$14,000
- Transportation Services (PAATS) 6,000

The C.D.B.G. Coordinators of Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Shores, and Grosse Pointe Woods met and are recommending submitting the same joint application submitted last year. The aforementioned communities would like to submit a request for \$400,000 to renovate the basement at The Helm.

The Administration is recommending that the Council authorize Administration submittal of the City's 2020 C.D.B.G. application and proceed with the joint application with the other Grosse Pointe Communities to Wayne County of inclusion in the Wayne County's Annual Action Plan to the U.S. Department of Housing and Urban Development by the May 29<sup>th</sup>, 2020 deadline.

Councilmember Grano inquired if a Public Hearing is required.

Assistant to the City Manager stated she researched whether a Public Hearing is required and does not think it is. Manager clarified due to new Wayne County guidelines it is not required for the \$20,000 amount.

Motion by Mayor Denner, supported by Councilmember Hodges, that the C.D.B.G. 2020 funding be allocated as prescribed and if a Public Hearing is required, one will be scheduled.

AYES: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

#### TEMPORARY PRECINCT RELOCATION PRECINCTS 5 & 6

Mayor Denner presented to Council for consideration a resolution authorizing the temporary relocation of precincts 5 and 6 located at Defer Elementary on Kercheval.

The resolution reads as follows:

WHEREAS, the Grosse Pointe Public School System has requested the Grosse Pointe Park Mayor and Council to temporarily authorize the relocation of precincts 5 & 6 currently located at 15424 Kercheval, due to the upcoming construction within Defer Elementary School, and temporarily relocating to the Lavins Gymnasium located at 14920 Windmill Pointe Park on Windmill Pointe Drive; and

WHEREAS, all residents who are registered voters within Precincts 5 & 6 will receive written notification informing them of the temporary relocation; and

WHEREAS, public notice will be posted on the City website and all City buildings notifying residents of the upcoming temporary relocation of Precincts 5 & 6; and

WHEREAS, notice will be published in the Grosse Pointe News informing residents of the upcoming temporary relocation of Precincts 5 & 6; and

NOW, THEREFORE BE IT RESOLVED, Mayor Denner and Members of Council authorize the temporary relocation of Precincts 5 & 6 currently located at Defer Elementary School to the Lavins Gymnasium at Windmill Pointe Park located at 14920 Windmill Pointe Drive.

Motion by Mayor Denner, supported by Councilmember Read, to adopt the resolution authorizing the temporary relocation of precincts 5 and 6 located at Defer Elementary School.

AYES: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

#### FINANCE REPORT – APRIL, 2020

Councilmember for Finance Hodges presented to Mayor Denner and Council for consideration the invoices exceeding \$5,000 for the month of April, 2020 as presented. All invoices are routine and are budgeted for.

<u>Vendor</u>	<u>Description</u>	<u>Payment</u>
Bodman	Pros. Atty. & retainer fee	\$10,000
Build Safe	Building Inspector – March	9,600
Great Lakes Water	Water usage - February	109,475
Great Lakes Water	Waste water – March	151,000
Green for Life	Recycling for April	18,756
Green for Life	Rubbish for April	36,848

Motion by Councilmember Hodges, supported by Councilmember Read, to approve the invoices exceeding \$5,000 for the month of April, 2020, in accordance with Section 2.249 of the Charter.

AYES: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

#### NEW/OLD BUSINESS

##### Code of Conduct:

Councilmember Hodges stated there is currently a polarization on Council and the community. She stated she wants to lead in the most effective way. City Manager Sizeland is in the process of preparing a Code of Conduct for the Council regarding ethics, rules and procedures and is hoping this document will be beneficial for the Council and employees as well. She stated she is interested in correcting any errors that have occurred and expresses full compliance be addressed on all issues. She also noted funding a planning expertise would be beneficial to the City.

**Art Center:**

Councilmember Relan stated he has requested the Art Center be placed on the agenda for the past four months and has repeatedly asked that the information on the City website be removed.

Mayor Denner stated a clarification of his comments. He anticipates the Planning Commission will schedule a public session to review site and operating plans for the proposed Art Center this summer. He stated he should have replied, however, noted that Councilmember Relans questions were requested to be put in writing to be clarified and to date has not received those questions in writing.

Councilmember Robson stated it is important to have that information on the Art Center on the City website, it provides transparency.

Councilmember Fluit stated the speculative information should be removed from the City website. The City Council has not approved this project and it is not providing transparency. Documents should be removed until the funding is in place.

**Public Comment:**

Councilmember Read stated there were emails sent to the City Manager and/or the Finance Director for inclusion on the Public Comment portion of the meeting.

City Manager stated the Public Comment rules were not followed; all comments were to be forwarded to Leah Smith for public comment.

**Master Plan:**

Councilmember Read inquired if proposals were received for the Master Plan.

City Manager stated he went through State MI Deal, it is a site for municipalities to acquire competitive pricing.

**PUBLIC COMMENT**

**DPW:**

One resident expressed opposition of the DPW building.

One resident expressed support of the DPW building.

**Art Center:**

Two residents expressed support for the Art Center

Three residents expressed opposition for the Art Center.

Motion by Councilmember Read, supported by Councilmember Grano, to adjourn the meeting at 11:15 pm

SPECIAL CITY COUNCIL MEETING – MAY 18<sup>TH</sup>, 2020  
7:00 P.M.

An electronic meeting through Zoom was held due to Governor Whitmer's Stay Home Stay Safe Executive Order 2020-96 and to minimize the spread of COVID-19.

The meeting was called to order and opened with the Pledge of Allegiance to the Flag.

The following were electronically present: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner.

Also electronically present: Nick Sizeland, City Manager, Jane M. Blahut, Finance Director/Clerk, Jake Howlett, City Attorney, and Leah Smith, Assistant to the City Manager.

ADOPTION OF 2020-2021 DOWNTOWN DEVELOPMENT AUTHORITY (DDA) & TAX INCREMENT FINANCE AUTHORITY (TIFA) BUDGETS

Mayor Denner presented to Council for consideration the 2020-2021 budgets for the DDA and the TIFA. The Mayor stated that the TIFA budget presented was the same as the budget presented at the May 11<sup>th</sup> meeting. The DDA budget presented had been modified by taking out the parking lot line item and increasing the total amount for the business and marketing line item.

Motion by Mayor Denner, supported by Council Member Grano to approve the DDA and TIFA budgets as presented.

Mayor Denner stated City Administration and the City Attorney have been researching ways to utilize funds for COVID-19 response and relief. City of Royal Oak has created a business incubator fund within their DDA for COVID-19 relief purposes.

City Attorney Howlett stated that the statute allows for DDA to create that kind of program but no such allowance is present in the TIFA statute. Research is ongoing to look for ways to create a legal program for both boards.

Amendment to Motion by Mayor Denner, supported by Council Member Relan to add an additional \$50,000 from surplus to the TIFA budget and \$10,000 from surplus to the DDA budget for the creation of a COVID-19 relief fund.

Council Member Fluitt questioned the amounts being added to the budget considering that the budget appeared to have \$500,000 of unspent funds. Finance Director Blahut clarified that in Fiscal Year 2020-2021, \$385,000 is being utilized out of fund reserves.

Council Member Robson asked for verification that the \$425,000 line item for residential improvements within the TIFA budget would remain untouched. City Manager Sizeland confirmed that the amount is correct and is remaining untouched at this time.

Council Member Relan stated that both the TIFA and DDA budget did not appear to address ongoing concerns within both districts such as sidewalk flooding, traffic hotspots, and sewer backups.

Council Member Read questioned what the assets listed inside the budget are. Finance Director Blahut stated that the assets are properties owned by the City that are placed into an asset account.

Council Member Read also questioned why the dates on the TIFA and DDA expenditure sheets posted on the City website do not reconcile with the activity shown in the budget handout. Finance Director Blahut explained that the numbers change daily as activity is charged to the fund.

Numerous Council Members expressed they would like to see more detail on budget line items included in the future.

Mayor Denner ended discussion and called for vote on the two motions on the table.

Amended Motion (To add an additional \$50,000 from surplus to the TIFA budget and \$10,000 from surplus to the DDA budget for the creation of a COVID-19 relief fund)

AYES: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

Original Motion (to approve the DDA and TIFA budgets as presented)

AYES: Councilmembers Grano, Read, Hodges, Robson, and Mayor Denner

NAYS: Councilmembers Relan and Fluitt

#### RULES OF THE CITY COUNCIL AND CODE OF CONDUCT

Mayor Denner presented the Rules of the City Council and Code of Conduct to council for discussion. The Mayor stated that this document has been a priority for City Manager Sizeland since his appointment as manager and has been in development for many months. The document required extensive research and includes resources from the Michigan Municipal League (MML), National League of Cities (NLC), and other Cities to glean best practices. It also references City Charter when necessary. The Mayor made it clear that this is the first draft made available to Council and that the agenda item is intended to be a workshop on the document with Administration and not adoption.

City Manager Sizeland worked through the document with City Council. The following changes were recommended:

Council Member Fluitt and Relan recommended that if 2 council members want an item added to the agenda, it should be added automatically. City Attorney Howlett stated that the process could be utilized with the recommendation that Council Members be mindful of discussions through email regarding agenda items because of the potential to trigger the OMA requirements.

Numerous City Council Members requested that the section of the City Charter being referenced be added to the body of the document where appropriate.



Council Member Fluitt stated that she would like to see draft minutes posted to the website at the same time the draft is available for the public to review. City Attorney Howlett stated he would not recommend publishing draft documents on the website.

Numerous Council Members voiced concern over the Chair calling on spokesperson for a group. Mayor Denner clarified and said that a spokesperson would only be utilized if desired by the public and not mandated by the Chair.

Mayor Denner stated that he would like the language changed regarding how Council Members can reach out to the City Attorney and expressed his desire for those requests to be coordinated with the City Manager. Council Member Grano stated that the Ordinance Review committee works closely with the City Attorney and would like to suggest that the committee is granted an exception to this requirement. City Attorney Howlett stated that this process was being presented for consideration to make sure that his time was being utilized wisely and efficiently.

Numerous Council Members stated that details needed to be added to define and clarify the role of a Council Representative on other City commissions and committees.

Council Member Read stated that she was uncomfortable with the language regarding the use of social media and that the City should not be restricting the way the Council can utilize social media, it is a first amendment right.

Numerous Council Members stated that they would be uncomfortable signing the document but would be willing to sign a stronger worded Code of Ethics document.

Discussion ended with City Manager Sizeland being directed to consider the suggestions and present a modified draft for the June 8<sup>th</sup> meeting.

#### FLAGS ON MUNICIPAL PROPERTY

Mayor Denner introduced the agenda item by stating that Council Member Fluitt had requested Council approve the flying of the Pride Flag during June for Pride month. The Mayor stated that he had requested the City Manager and City Attorney research the topic.

Mayor Denner stated that the motion he was going to make was focused on the role of government and that the motion should not be seen as an action against any group. He also noted that the City is actively working on an ordinance to protect rights of all residents against discrimination.

Motion made by Mayor Denner, second by Council Member Robson to approve the following resolution:

Resolved by the Council of the City of Grosse Pointe Park that the policy of the City of Grosse Pointe Park is that the only flags, banners or insignia permitted to be displayed in City Hall or on the grounds of Grosse Pointe Park municipal facilities are those of the United States of America, the State of Michigan, and the City of Grosse Pointe Park.

Councilmember Fluitt read a statement regarding the importance of Pride Month and the symbolism of flying the Pride flag for the entire community. Councilmember Fluitt also asked what the legal opinion is on the Pride flag.

City Attorney Howlett stated that the City likely has a right to free speech and can decide to a pride Flag. City Attorney Howlett did advise the Council to consider that such a decision could potentially open the door to political and legal issues and challenges.

Councilmembers Read and Grano both expressed disappointment in the lack of supporting information regarding the agenda item within the meeting packets.

Council member Grano suggested that the City draft a proclamation recognizing Pride Month.

Councilmember Relan stated that Pride Month is federally recognized and the flag should be seen as a sign of inclusion.

Motion by Council Member Relan, seconded by Council Member Read to move the discussion and vote regarding flags on municipal property to the June council meeting allowing more time for detailed discussion.

Motion to amend by Council Member Robson, seconded by Council Member Grano to move the discussion and vote regarding on flags on municipal property to the July council meeting to allow more time for public input and research.

Council Member Hodges stated that June is Pride Month so waiting until the July meeting would not be ideal.

Motion by Council Member Grano, seconded by Council Member Hodges, to direct Administration to draft a proclamation in support of Pride Month for adoption at the June meeting.

Mayor Denner ended discussion and called for vote on the four motions on the table.

Motion 4 (to direct Administration to draft a proclamation in support of Pride Month for adoption at the June meeting)

AYES: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

Motion 3 (move the discussion regarding flags on municipal property to the July council meeting to allow more time for public input and research)

AYES: Councilmembers Grano and Robson

NAYS: Councilmembers Relan, Read, Hodges, and Fluitt, and Mayor Denner

Motion 2 (to move the discussion regarding flags on municipal property to the June council meeting allowing more time for detailed discussion)

AYES: Councilmembers Grano, Relan, Read, Hodges, Robson, and Fluitt, and Mayor Denner

NAYS: None

Original Motion (to approve a City policy that the only flags, insignia, or banners that can be hung at City Hall or on any municipal property can only be the flags of the United States of America, the State of Michigan, and the City of Grosse Pointe Park)

Vote postponed to June 8<sup>th</sup> Council Meeting

#### NEW/OLD BUSINESS

Councilmember Grano summarized an email Council received from Council Member Read about a potential conflict of interest rumor moving throughout the community. Council Member Grano suggested that documents be posted to the City website for transparency.

Mayor Denner stated that issue had been resolved and the City Attorney had reviewed the documentation and recommended that no further action needed to be taken on the matter.

Council Member Fluitt stated that the TIFA district should be looking at street closures for businesses to be able to extend their services outside and still be able to abide by social distancing recommendations. Council Member Fluitt also stated that various business owners within the TIFA district had told her that the Charlevoix Street Parties had been cut back.

City Manager Sizeland stated that the Charlevoix Street Parties were included in the budget and the City was waiting on further information regarding the COVID-19 pandemic before making any final decisions regarding holding or cancelling the events.

City Attorney Howlett stated that the Bodman Law firm will be granting a 20% reduction in rates for services regarding the TIFA and DDA. City Attorney Howlett also summarized that Bodman is working on a community outreach plan to provide pro-bono legal services for residents throughout the Jefferson-Chalmers neighborhood in Detroit and the City of Grosse Pointe Park to assist with COVID-19 related issues.

#### PUBLIC COMMENT

City Manager Sizeland stated that there were 4 written public comments that were submitted but would not be read because they did not follow the provided guidelines.

City Manager Sizeland read 16 written comments submitted by residents and 1 written comment submitted by a non-resident.

2 residents made verbal comments.

With no further business the meeting adjourned at 11:40 pm.

SUSAN HIGMAN LARSEN

Grosse Pointe Park, MI 48230

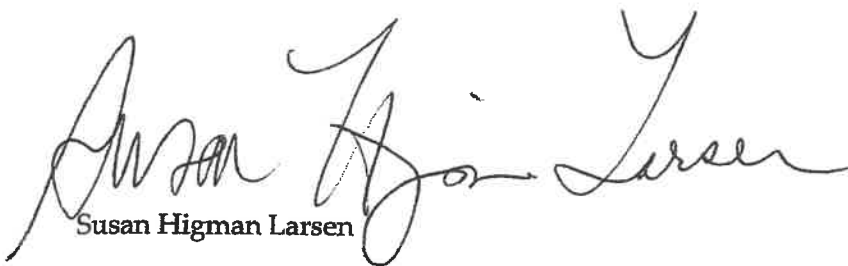
April 4, 2020

Central Library  
10 Kercheval  
Grosse Pointe Farms, MI 48236  
Attn: Secretary, Board of Trustees

Dear Board of Trustees:

I am writing in application for the post of Library Trustee for Grosse Pointe Park. Attached please find my application, responses to the posted questions, a list of organizations of which I have been associated, and a current resume. I am, of course, available to answer any questions. Thank you for your consideration, and I look forward to hearing from you.

Sincerely,



Susan Higman Larsen

- Why do you want to serve on the Library Board?

My entire career has been in publishing—from exhibition catalogues and scholarly books to academic journals and trade magazines. I have been involved in writing, editing, designing, scheduling, budgeting, and marketing publications, in both print and digital formats, for years, and have great interest in issues surrounding circulation and access for all. But libraries are not just about books, and I continue to be impressed by the vast offerings our library provides to accommodate and enrich the lives of multiple constituencies in various demographics. I am particularly proud of the service our library has provided during the current Covid-19 situation. The library is a cornerstone of the Grosse Pointe community—indeed, any community—and I would like to help advance the library's mission in our immediate area and beyond.

- What talents would you bring to the Library Board?

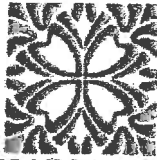
In terms of prior board experience, I have chaired and co-chaired advancement, communications, and publicity committees. I have served as a board secretary, as well as a member of executive search and grant review committees. I bring an understanding of board finances, as well as issues surrounding compensation and Human Resources. In terms of soft skills, I am reliable, a good listener, a passionate advocate, a forward thinker, and possess a good sense of humor.

- Have you had experience working with or in a library? If yes, where?

My experience in libraries has been as a patron, from my local childhood branch, where I was given a card as soon as I was able to sign my name, to the Library of Congress, where I conducted research in college and later years. Professionally, I have overseen the work of librarians while managing a five-year collections access project for the Detroit Institute of Arts, funded by the Institute for Museums and Library Services, and last summer I was the only non-librarian on a team chosen to select the next book for the Michigan Humanities Council's "Great Michigan Read."

- What do you feel is the most important issue facing the Grosse Pointe Public Library?

The most important issue facing the Grosse Pointe Public Library today—April 4— is planning for its reopening to the public, and all the attendant issues, once the Stay at Home order is lifted in the state. Maintaining the safety of patrons, staff, facilities, and materials and restoring full operation is paramount. The good will established by the library during this time provides an opportunity for leverage in the days ahead.



**GROSSE POINTE PUBLIC LIBRARY TRUSTEE APPLICATION**

The Grosse Pointe municipalities and the city of Harper Woods each appoint a representative to the Library board for four-year terms. Board members hire and evaluate the Director of the Library, oversee the fiscal management of the library and determine library policies. In addition, board members serve as ambassadors to their respective cities and the community. Board members advocate for a strong, fiscally sound and progressive library. The Library board meets once a month with additional meetings required occasionally. Applicants must be qualified electors of the library district. Please complete the application below if you are a resident of Grosse Pointe Park, Grosse Pointe Shores, or Grosse Pointe Woods. You may include a resume, if available. In addition to the application, please prepare a brief letter covering the following topics:

- Why do you want to serve on the Library Board?
- What talents would you bring to the Library Board?
- Have you had experience working with or in a library? If yes, where?
- What do you feel is the most important issue facing the Grosse Pointe Public Library?

**Return by Monday, April 6, 2020 5:00 p.m. to:**

Central Library  
10 Kercheval  
Grosse Pointe Farms, Michigan 48236  
Attention: Secretary, Library Board of Trustees

NAME: Susan Higman Larsen

ADDRESS: \_\_\_\_\_, Grosse Pointe Park, MI 48230

TELEPHONE: Home: \_\_\_\_\_ | Work: \_\_\_\_\_

Cell: \_\_\_\_\_ E-mail: \_\_\_\_\_

OCCUPATION: Freelance editor and publishing consultant

LIST YOUR COMMUNITY SERVICE AND ORGANIZATIONS OF WHICH YOU ARE A MEMBER. Please indicate any leadership roles and note the dates of involvement.

See attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE NAME TWO REFERENCES:

NAME	RELATIONSHIP	TELEPHONE
1. <u>Stuart Grigg,</u> <u>Principal,</u> <u>Grigg Graphic Services</u>	<u>Fellow board member</u>	_____
2. <u>Sean Everett,</u> <u>Executive Director,</u> <u>Detroit Public Library Foundation</u>	<u>Fellow board member</u>	_____

BUDGET AMENDMENT RESOLUTION  
6/30/20

	<u>Original 2019-20</u>	<u>Revised 2019-20</u>	<u>Increase (Decrease)</u>
<u>GENERAL FUND</u>			
<u>Expenditures</u>			
MML Search	\$ -0-	\$ 17,000	\$ 17,000
Insurance/Bonds	40,000	64,320	24,320
Trust 115 – OPEB	-0-	50,000	50,000
Transfer Out – Marina	<u>-0-</u>	<u>100,000</u>	<u>100,000</u>
	\$ 40,000	\$ 231,320	\$ 191,320
<u>LOCAL STREET FUND</u>			
<u>Expenditures</u>			
Local Street Improve	<u>\$600,000</u>	<u>\$1,258,861</u>	<u>\$658,861</u>
	\$600,000	\$1,258,861	\$658,861
<u>INDIGENT FUND</u>			
<u>Expenditures</u>			
Court app. Attorney	<u>\$10,186</u>	<u>\$24,000</u>	<u>\$13,814</u>
	\$10,186	\$24,000	\$13,814
<u>CDBG FUND</u>			
Surplus appropriation	<u>\$-0-</u>	<u>\$10,547</u>	<u>\$10,547</u>
	\$-0-	\$10,547	\$10,547
<u>BOND DEBT</u>			
<u>Revenues</u>			
Surplus Appropriation	<u>\$-0-</u>	<u>\$400.00</u>	<u>\$400.00</u>
	\$-0-	\$400.00	\$400.00

ROAD FUND

Expenditures

Transfer Out – Local	\$616,727	<u>\$-0-</u>	<u>\$(616,727)</u>
Transfer Out – Major	<u>-0-</u>	<u>\$616,727</u>	<u>\$ 616,727</u>
	\$616,727	\$616,727	\$-0-

CONSTRUCTION BOND SERIES 2019

Revenue

Bond Proceeds	\$-0-	\$2,650,938	\$2,650,938
Interest	<u>-0-</u>	<u>2,158</u>	<u>2,158</u>
	\$-0-	\$2,653,096	\$2,653,096

Expenditures

Construction	<u>\$-0-</u>	<u>\$ 435,014</u>	<u>\$ 435,014</u>
	\$-0-	\$ 435,014	\$ 435,014

WATER-SEWER FUND

Expenditures

Engineering	<u>\$50,000</u>	<u>\$100,000</u>	<u>\$ 50,000</u>
	\$50,000	\$100,000	\$ 50,000

MARINA FUND

Revenue

Transfer-In General	<u>\$-0-</u>	<u>\$100,000</u>	<u>\$100,000</u>
	\$-0-	\$100,000	\$100,000





## Council Meeting June 8, 2020

<b>TITLE:</b> Contract Extension Recycling GFL	<b>DATE:</b> June 4, 2020
<p><b>SUMMARY:</b> The Cities of Grosse Pointe Park, Farms, Shores and City currently have a recycling contract with GFL Environmental set to expire on June 30<sup>th</sup> 2020. Due to rising recycling costs and level of services provided the cities worked with Resource Recycling Systems to redevelop a bid document administered by Grosse Pointe Farms to reflect the changing recycling market and seek competitive rates. However due to COVID-19 the Grosse Pointe Communities and RRS decided the market would be better suited to wait further in the year for submittal.</p> <p>Working with GFL the cities sought a 6-month extension of services for the same price of \$3.99/unit/month. GFL came back with an extension of current prices of \$3.99 from July 1, 2020 to October 1, 2020. Afterwards the price would reflect to \$0.26/month/unit increase with a 2% annual increase and the new rate would be effective October 1, 2020-September 30, 2021.</p> <p>The Cities intend to review the document provided by RRS and submit to the market for competitive pricing before the new rate takes effect October 1, 2020.</p>	
<p><b>FINANCIAL IMPACT</b> Recycling stays at current rates through October 1, 2020. Thereafter a \$0.26/month/unit rate increase with a 2% annual increase</p>	
<p><b>RECOMMENDATION:</b> Direct the City Manager to Authorize signing of the Contract Extension with GFL Environmental for Recycling Services</p>	
<b>PREPARED BY:</b> Nick Sizeland	<b>TITLE:</b> City Manager



April 30, 2020

Shane Reeside, City Manager  
City of Grosse Pointe Farms  
90 Kerby Road  
Grosse Pointe Farms, MI 48236

Re: Cities of Grosse Pointe Curbside Recycling Program for Grosse Pointe City, Grosse Pointe Farms, Grosse Pointe Park, Village of Grosse Pointe Shores

Dear City Managers,

Thank you for the opportunity to extend recycling collection for your residents for the remainder of our current contract which expires on June 30, 2020.

If agreed the rate from July 1, 2020 to October 1, 2020 shall remain at \$3.99/unit/month.

- **Extension rate increase of \$0.26/month/unit with a 2% annual increase.**
- **New rate effective October 1, 2020- through September 30, 2021.**

It is our understanding that your residents have been very satisfied with our service level since 2009 which reflects our commitment to you as a partner in recycling. Thank you for the opportunity to serve you and your beautiful communities.

Sincerely,

A handwritten signature in black ink that reads 'Mar Jo Van Natter'.

Mar Jo Van Natter  
Municipal Sales Executive  
GFL Environmental USA Inc.

Dated: \_\_\_\_\_, 2020

CITY OF GROSSE POINTE  
A Municipal Corporation

Witnessed by:

\_\_\_\_\_

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

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

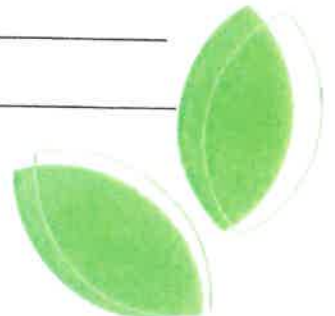
Witnessed by:

\_\_\_\_\_

CITY OF GROSSE POINTE FARMS  
A Municipal Corporation

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

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



Page 2

**CITY OF GROSSE POINTE PARK**  
A Municipal Corporation

Witnessed By:

\_\_\_\_\_

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

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

**Village of Grosse Pointe Shores**  
A Municipal Corporation

Witnessed By:

\_\_\_\_\_

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

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

Witnessed By:

\_\_\_\_\_

**GFL Environmental USA, Inc.**

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

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





## Council Meeting *June 8, 2020*

<b>TITLE:</b> Resolution Authorizing Temporary Uses of Public Right of Way and Streets for COVID-19 Business Support	<b>DATE:</b> June 4, 2020
<p><b>SUMMARY:</b> Due to the COVID-19 pandemic throughout our Country and State of Michigan, businesses have been shut down in the B-1 General and Local districts within the City of Grosse Pointe Park by the Executive Orders of Michigan’s Governor. As businesses begin to think of how to reopen on Monday June 8th, the City intends to offer an arrange of possible strategies to assist them. By allowing creative use of public sidewalks, streets, parking lots and on-street spaces, the City may be able to offer more space for their business activities while maintaining new social distancing requirements prescribed by the Governor.</p> <p>Some or all of the strategies the City could explore include:</p> <ul style="list-style-type: none"> <li>➤ Restaurant Carryout Pick-Up in designated street parking spaces</li> <li>➤ Store Pick-Up in designated on-street parking spaces</li> <li>➤ Temporary Street Closure</li> <li>➤ Outdoor sales permission on sidewalks</li> <li>➤ Outdoor tape markings on sidewalks showing social distancing spacing for line-ups into</li> <li>➤ stores (to avoid over capacity)</li> <li>➤ Outdoor sales permission in designated on-street parking spaces using the “parklet” platform</li> <li>➤ Outdoor dining permission in designated on-street parking space using the “parklet” platform</li> <li>➤ Outdoor dining/patio space permission on public sidewalks</li> <li>➤ Explore Social District if passed by State of Michigan HB 5781</li> </ul> <p>The resolution attached for City Council will provide authorization for a temporary way of allowing these initiatives and expedite approval for businesses by the City. If they work well after careful evaluation, a permanent authorization could be reviewed by Council at a later time. Also, this use of the public right of way would be proposed to be extended free of charge for one year as a temporary measure per allowed timeframe of these initiatives. As well if approved the City Manager will seek support from the DDA and TIFA Boards for assistance with these measures.</p> <p>The City Administration has reached out to businesses and will continue to do so and determine interest in these methods of providing business support so that a coordinated strategy could be worked out in specified locations, while avoiding conflicting uses of the public right of way. The City Manager would have the authority under the proposed resolution to work out the details of the options that commercial businesses may wish to employ.</p>	
<b>FINANCIAL IMPACT</b> None	
<b>RECOMMENDATION:</b> Approve the attached resolution	
<b>PREPARED BY:</b> Nick Sizeland	<b>TITLE:</b> City Manager

# Options for Outdoor Expansion for Dining and Retail

## Examples of Parklets for Outdoor Dining





**Examples of Street Closures for Dining**





## Examples of Sidewalk Sales







CITY OF GROSSE POINTE PARK  
CITY COUNCIL RESOLUTION  
TEMPORARY AUTOMOBILE PICK-UP, SIDEWALK RETAIL SALES,  
PARKING AREA RETAIL SALES AND STREET CLOSURE.

WHEREAS, the entire State of Michigan has been under a State of Emergency For several weeks and this Emergency Situation of COVID-19 have caused the Governor of the State to issue several emergency orders, some of which caused restaurants and retail stores to be closed, and;

WHEREAS, the City Council is desirous to take quick action to allow restaurants and, in some cases, retail stores to use public property for the expansion of their businesses;

NOW, THEREFORE, BE IT RESOLVED, that In the B-1 General and Local Business Zoning Districts, the City Manager may permit the use of that portion of any sidewalk or street between the property line, parking lots and the traveled portion of the street (including areas customarily used for parking) as a designated area for pickup of goods exclusively reserved for a specific retail establishment or as a designated area for retail sales of goods, food and/or beverages.

BE IT FURTHER RESOLVED, that the City Manager and Director of Public Safety may allow for the temporary street closure to service retail establishments for the sale of goods, food and/or beverages and;

BE IT FURTHER RESOLVED, that such uses shall be memorialized by a license approved by the City Manager and City Attorney may be issued on a temporary basis for up to one year.

BE IT FURTHER RESOLVED, that Such licenses may only be issued if the City Manager with review by the Building Department and Director of Public Safety finds that the proposed temporary use will not unreasonably interfere with the public use of the sidewalk and/or street and such license shall specifically identify the area of the license and the conditions under which such area may be used.

BE IT FURTHER RESOLVED, that if issued, such license shall be at no cost to the property owners other than appropriate insurance costs and indemnities for a period of one year, at which time, if such license is extended, reasonable fees may be imposed in the discretion of the City Manager.

Dated: June 8, 2020

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Robert W. Denner, Mayor

CITY OF GROSSE POINTE PARK  
WAYNE COUNTY, MICHIGAN

RESOLUTION APPROVING AMENDMENTS TO THE  
GROSSE POINTE PARK NORTHWEST TAX INCREMENT FINANCE AUTHORITY  
DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN

Minutes of a regular meeting of the City Council of the City of Grosse Pointe Park,  
Wayne County, Michigan (the "City"), held at 15115 East Jefferson Avenue, Grosse Pointe Park,  
Michigan, on June 8, 2020, at 7:00 p.m., local time.

PRESENT: \_\_\_\_\_

\_\_\_\_\_

ABSENT: \_\_\_\_\_

OTHERS PRESENT: \_\_\_\_\_

The following Resolution was offered by Council Member \_\_\_\_\_ and  
supported by Council Member \_\_\_\_\_:

WHEREAS, the City has, pursuant to the provisions of Act 450, Public Acts of Michigan,  
1980, as amended, now Part 3 of Act 57, Public Acts of Michigan, 2018 (the "Act") created the  
Grosse Pointe Park Northwest Tax Increment Finance Authority (the "Authority") and has  
designated the boundaries of the Authority district; and

WHEREAS, the City adopted a Development Plan and Tax Increment Financing Plan  
with respect to the Authority at a meeting held on October 27, 1986; and

WHEREAS, the last amendments to the Development Plan and Tax Increment Financing  
Plan were adopted by the City Council of the City on May 23, 2016; and

WHEREAS, the Authority has submitted amendments to the last approved Development  
Plan and Tax Increment Financing Plan to this City Council for governing body consideration in  
accordance with Section 318(2) of the Act; and

WHEREAS, the Authority has fully informed the taxing jurisdictions in the development  
area about the fiscal and economic implications of the proposed amendments to the Development  
Plan and Tax Increment Financing Plan pursuant to Section 313 of the Act, and the City Council  
has provided a reasonable opportunity to such taxing jurisdictions to express their views and  
recommendations regarding said amendments as required by Section 313 of the Act; and

WHEREAS, the City Council of the City has given order to, and completed the necessary public notification requirements by mail and by publication in a newspaper of general circulation as required by Section 317 of the Act; and

WHEREAS, the City Council has conducted a public hearing in accordance with Section 317 of the Act on May \_\_\_, 2020;

NOW THEREFORE, be it resolved by the City Council of the City of Grosse Pointe Park, as follows:

1. That the Authority's Development Plan and Tax Increment Financing Plan, as amended, continue to constitute and embody a public purpose.
2. Pursuant to Section 318 of the Act, the City Council finds:
  - (a) That the Tax Increment Financing Plan, as amended, meets the requirements set forth in Section 313(1) of the Act, and the Development Plan, as amended, meets the requirements set forth in Section 316(2) of the Act;
  - (b) That the proposed method of financing the development described in the Development Plan, as amended, is feasible and that the Authority has the ability to arrange the financing;
  - (c) That the development described in the Development Plan, as amended, is reasonable and necessary to carry out the purposes of the Act;
  - (d) That the amount of captured assessed value estimated to result from the adoption of the amended Plans is reasonable;
  - (e) That land which may be acquired within the development area to carry out the purposes of the Development Plan, as amended, is reasonably necessary to carry out the Development Plan, as amended, and the purposes of the Act;
  - (f) That the Development Plan, as amended, is in reasonable accord with the approved master plan of the City;
  - (g) That the public services, such as fire and police protection and utilities, are or will be adequate to service the development area; and
  - (h) That such changes in zoning, streets, street levels, intersections and utilities as contemplated by the Development Plan, as amended, if any, are reasonably necessary for the development area and for the City.

3. In accordance with the above foregoing considerations, the Amended Development Plan and Tax Increment Financing Plan in the form attached hereto as APPENDIX I is hereby approved and adopted for all purposes of the Act.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution shall be, and the same hereby are, rescinded, but only to the extent of such conflict.

**APPENDIX I**

**CITY OF GROSSE POINTE PARK  
NORTHWEST TAX INCREMENT FINANCE AUTHORITY  
AMENDED DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN**

A vote was taken on the foregoing Resolution, the results of which were as follows:

YES: Council Members: \_\_\_\_\_  
\_\_\_\_\_

NO: Council Members: \_\_\_\_\_  
\_\_\_\_\_

ABSTAIN: Council Members: \_\_\_\_\_  
\_\_\_\_\_

The Resolution was thereupon declared adopted.

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Grosse Pointe Park, Michigan, at its regular meeting held on June 8, 2020, at 7:00 p.m., local time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended by State of Michigan Governor's Executive Order 2020-75 (COVID-19), and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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Jane M. Blahut,  
City Clerk, Grosse Pointe Park, Michigan  
Dated: June 8, 2020

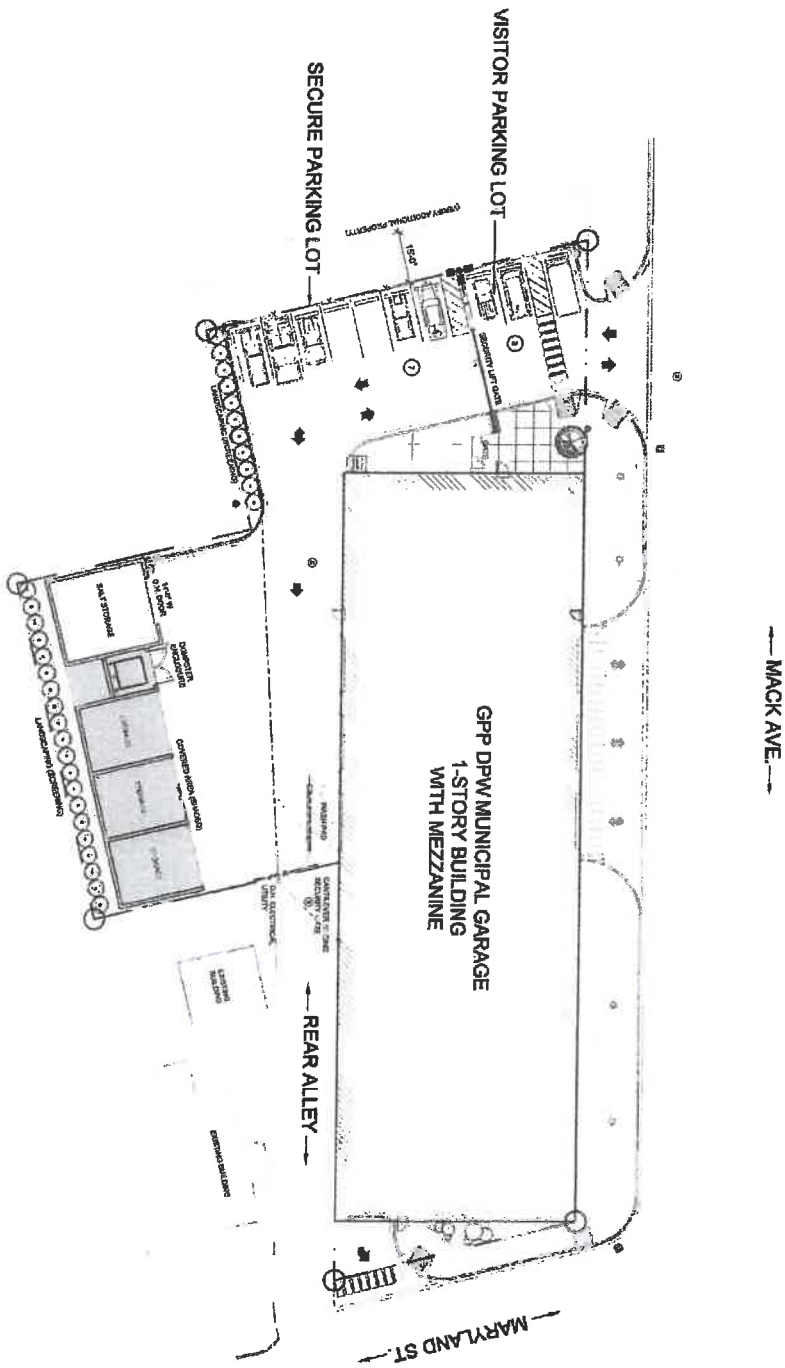




GROSSE POINTE PARK  
DEPARTMENT OF PUBLIC WORKS  
MUNICIPAL GARAGE

2020.031

CONCEPTUAL DESIGN



PRELIMINARY SITE PLAN  
SCALE: 1/16" = 1'-0"

MAY 12, 2020

SP1.1

GPP MUNICIPAL GARAGE



2020.031  
 GROESSE POINTE PARK  
 DEPARTMENT OF PUBLIC WORKS  
 MUNICIPAL GARAGE

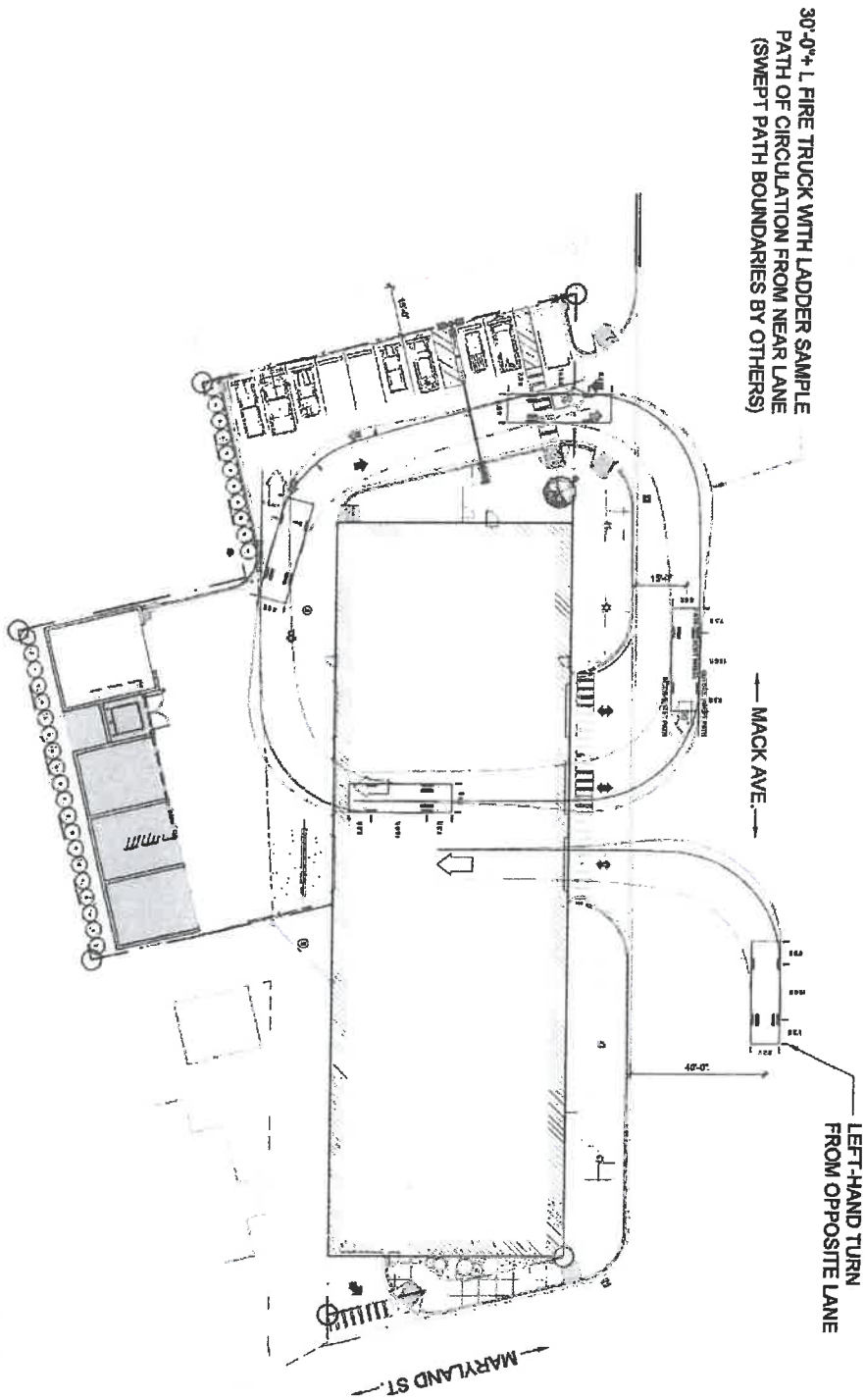
CONCEPTUAL DESIGN

PRELIMINARY SWEEP PATH ANALYSIS  
 SCALE: 1/16" = 1'-0"

MAY 12, 2020

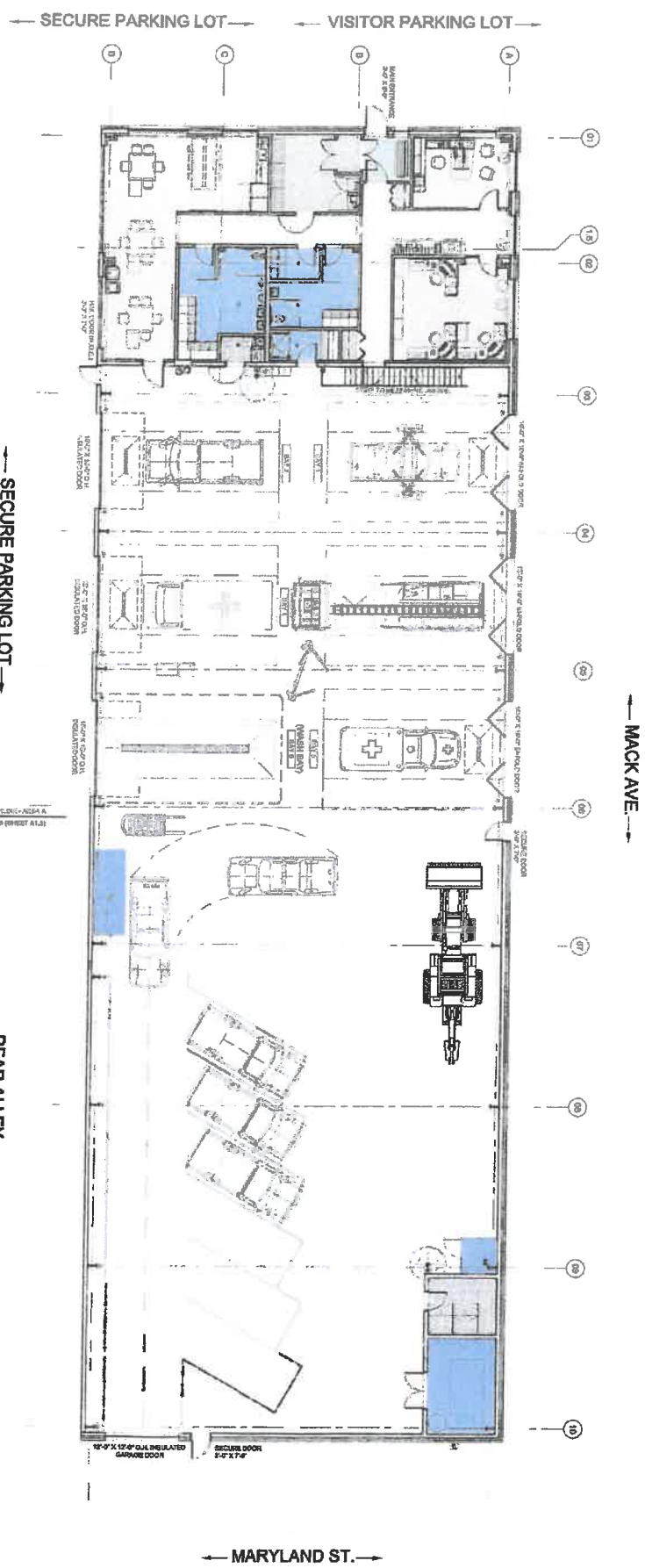
SP1.2

GPP MUNICIPAL GARAGE





2020.031  
 GROESSE POINTE PARK  
 DEPARTMENT OF PUBLIC WORKS  
 MUNICIPAL GARAGE



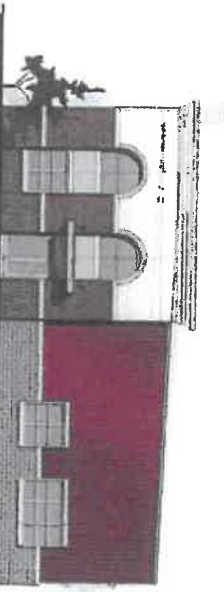
# CONCEPTUAL DESIGN

PRELIMINARY FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

MAY 12, 2020



2.1 EAST ELEVATION



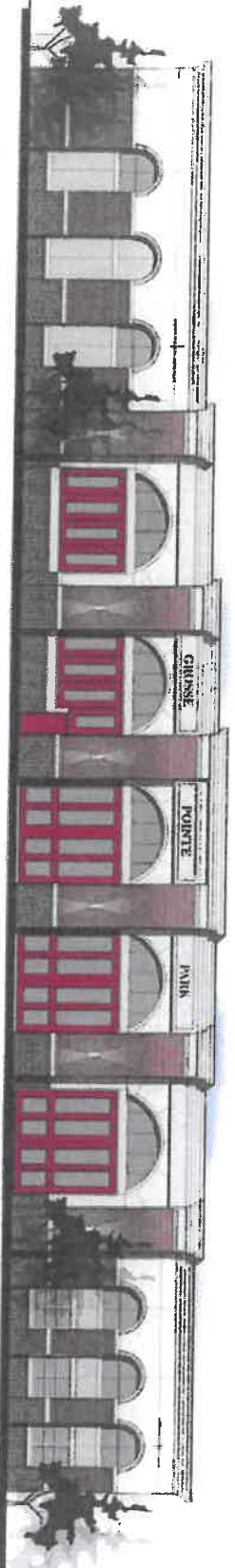
2.2 WEST ELEVATION

- ↳ 2.1.1 BRICKWORK (MASONRY)
- ↳ 2.1.2 BRICKWORK (MASONRY)
- ↳ 2.1.3 BRICKWORK (MASONRY)
- ↳ 2.1.4 BRICKWORK (MASONRY)
- ↳ 2.1.5 BRICKWORK (MASONRY)
- ↳ 2.1.6 BRICKWORK (MASONRY)
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- ↳ 2.1.11 BRICKWORK (MASONRY)
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- ↳ 2.1.20 BRICKWORK (MASONRY)



2.3 SOUTH ELEVATION

- ↳ 2.3.1 BRICKWORK (MASONRY)
- ↳ 2.3.2 BRICKWORK (MASONRY)
- ↳ 2.3.3 BRICKWORK (MASONRY)
- ↳ 2.3.4 BRICKWORK (MASONRY)
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- ↳ 2.3.20 BRICKWORK (MASONRY)



2.4 NORTH ELEVATION

- ↳ 2.4.1 BRICKWORK (MASONRY)
- ↳ 2.4.2 BRICKWORK (MASONRY)
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- ↳ 2.4.20 BRICKWORK (MASONRY)

2020.031  
 GROESSE POINTE PARK  
 DEPARTMENT OF PUBLIC WORKS  
 MUNICIPAL GARAGE

CONCEPTUAL DESIGN

COLORED ELEVATIONS

MAY 13, 2020

CITY OF GROSSE POINTE PARK  
WAYNE COUNTY, MICHIGAN

RESOLUTION APPROVING FULL FAITH AND CREDIT PLEDGE  
FOR THE PAYMENT OF TAX INCREMENT BONDS TO BE ISSUED BY THE  
GROSSE POINTE PARK NORTHWEST TAX INCREMENT FINANCE AUTHORITY

Minutes of a regular meeting of the City Council of the City of Grosse Pointe Park, Wayne County, Michigan (the "City"), held at 15115 East Jefferson Avenue, Grosse Pointe Park, Michigan, on June 8, 2020, at 7:00 p.m., local time.

PRESENT: \_\_\_\_\_

\_\_\_\_\_

ABSENT: \_\_\_\_\_

OTHERS PRESENT: \_\_\_\_\_

The following Resolution was offered by Council Member \_\_\_\_\_ and supported by Council Member \_\_\_\_\_:

WHEREAS, the City has, pursuant to the provisions of Act 450, Public Acts of Michigan, 1980, as amended, now Part 3 of Act 57, Public Acts of Michigan, 2018 (the "Act") created the Grosse Pointe Park Northwest Tax Increment Finance Authority (the "Authority") and has designated the boundaries of the Authority district; and

WHEREAS, the City adopted a Development Plan and Tax Increment Financing Plan with respect to the Authority at a meeting held on October 27, 1986; and

WHEREAS, the Authority submitted amendments to the last approved Development Plan and Tax Increment Financing Plan to this City Council for governing body consideration in accordance with Section 318(2) of the Act; and

WHEREAS, the City Council conducted a public hearing with respect to such amendments in accordance with Section 317 of the Act on May 11, 2020; and

WHEREAS, on the date hereof, and prior to the adoption of this Resolution, this City Council approved and adopted for all purposes of the Act the amendments to the Development Plan and Tax Increment Financing Plan in the form submitted by the Authority to this City Council (as so amended, the "Amended Development Plan and Tax Increment Financing Plan"); and

WHEREAS, pursuant to the Amended Development Plan and Tax Increment Financing Plan, the Authority proposes to issue its tax increment bonds in 2020 pursuant to Section 315 of the Act in an amount not to exceed \$4,000,000, payable for up to a fifteen (15) year period, for the purpose of enhancing the City's western boundary and encouraging the continued rejuvenation of the Mack Avenue corridor through the acquisition, construction and equipping of a public facility consisting of the Department of Public Works' offices and related storage facility, with the principal amount of such bonds to include payment of any architect, engineering, other professional and administrative services, legal and financing expenses in connection therewith, and the issuance costs of such bonds (the "Bonds"); and

WHEREAS, the primary security for the Bonds will be the tax increment revenues received by the Authority pursuant to Section 311(c) of the Act, to be pledged by the Authority for the payment of the principal of and interest on the Bonds (the "Tax Increment Revenues"); and

WHEREAS, as additional security for the Bonds, the issuance of the Bonds is subject to the pledge by the City of its full faith and credit for the payment of the principal of and interest on such Bonds pursuant to Section 315 of the Act;

NOW THEREFORE, be it resolved by the City Council of the City of Grosse Pointe Park, as follows:

1. The City hereby irrevocably pledges its full faith and credit as additional security for the payment of the principal of and interest on the Bonds, and agrees that should the Tax Increment Revenues primarily pledged be insufficient for payment of such principal and interest, the City shall make such payments as a first budget obligation from its general funds including the collection of ad valorem taxes, if necessary, which the City may be authorized to levy on all taxable property within its boundaries. Any such taxes, however, will be subject to applicable charter, statutory and constitutional limitations on the taxing power of the City, and shall not be in an amount or at a rate exceeding that necessary to pay such principal and interest. If the City, at the time prescribed by law for the making of its annual tax levy, shall have other funds on hand which have been set aside and earmarked for payment of its obligations hereunder for which a tax levy would otherwise have to be made, then the tax levy shall be reduced by the amount of such other funds. Such other funds may be raised from any lawful source. Nothing in this Resolution shall restrict or be construed as restricting the City's ability to incur additional indebtedness or to make additional pledges or assignments of, or to agree to set aside as received, any revenues received or to be received by the City from the collection of ad valorem property taxes levied by the City, as security for current or future obligations of the City or the Authority.

2. The Mayor, the City Manager, the City Clerk and the Finance Director of the City, and each of them, are authorized and directed to take all actions necessary or desirable to facilitate the issuance and sale of the Bonds by the Authority, including the preparation, use and distribution of a Preliminary Official Statement, Official Statement and other disclosure materials, if required, relating to the Bonds to be issued by the Authority, circulation of which is hereby approved, and, if required, to execute and deliver on behalf of the City a continuing

disclosure certificate in compliance with the requirements of Rule 15c2-12 under the Securities and Exchange Act of 1934 and to comply with all of the requirements as set forth therein.

3. The Mayor, the City Manager, the City Clerk and the Finance Director of the City, and any other City official required by law, or any of them, and their designees and agents, are hereby designated, for and on behalf of the City, to (a) file a qualifying statement, request for reconsideration, or application for prior written approval, as applicable, with the Michigan Department of Treasury pursuant to the Revised Municipal Finance Act, Public Act 34 of 2001, as amended, and take any other actions necessary or desirable under such Act in connection with the issuance of the Bonds and the pledge by the City of its full faith and credit; (b) execute and deliver any certificates, documents and instruments as may be customary or required by the successful bidder in connection with the sale of the Bonds; (c) pay any expenses, costs or fees incidental to any of the foregoing; and (d) do all other acts and take all other actions and other necessary procedures required to effectuate a sale, issuance and delivery of the Bonds by the Authority, including, if appropriate, and without limitation, obtaining a rating of the Bonds by a nationally recognized securities rating agency.

4. The authority granted by this Resolution shall expire if the Bonds are not issued by December 31, 2020.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution shall be, and the same hereby are, rescinded, but only to the extent of such conflict.

A vote was taken on the foregoing Resolution, the results of which were as follows:

YES: Council Members: \_\_\_\_\_  
\_\_\_\_\_

NO: Council Members: \_\_\_\_\_  
\_\_\_\_\_

ABSTAIN: Council Members: \_\_\_\_\_  
\_\_\_\_\_

The Resolution was thereupon declared adopted.

### **CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Grosse Pointe Park, Michigan, at its regular meeting held on June 8, 2020, at 7:00 p.m., local time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended by State of Michigan Governor's Executive Order 2020-75 (COVID-19), and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Jane M. Blahut,  
City Clerk, Grosse Pointe Park, Michigan  
Dated: June 8, 2020



**CITY OF GROSSE POINTE PARK**  
**Ordinance No. 218**

**AN ORDINANCE TO AMEND THE CITY OF GROSSE  
PINTE PARK CODE OF ORDINANCES BY AMENDING  
CHAPTER 2 TO ADD ARTICLE VII SECTIONS 2-271-  
HUMAN RIGHTS.**

**THE CITY OF GROSSE POINTE PARK ORDAINS:**

**Section 1.** The Code of the City of Grosse Pointe Park is amended to add Chapter 2, Article VII, Sections 2-271 - , entitled “Human Rights.”

**Sec. 2-271 Purpose.**

In recognition of the inherent dignity and equal and inalienable rights of all members of the human family, it is the public policy of the City of Grosse Pointe Park in the exercise of its police power for the public safety, public health and general welfare to assure equal opportunity to all persons in the area of employment, housing, public accommodations, and public services.

**Sec. 2-272 Definitions.**

The following definitions shall apply to this Ordinance.

*Age.* The word “age” shall mean an individual's chronological age, except as otherwise provided by law.

*Ancestry.* The word “ancestry” shall mean an individual’s family or ethnic descent.

*Color.* The word “color” shall mean an individual's skin pigmentation.

*Creed.* The word “creed” shall mean a system of beliefs, principles, or opinions that guides an individual’s actions.

*Discrimination or discriminate.* The words “discrimination” or “discriminate” shall mean without limitation, any act which, because of race, color, religion, gender, age, height or weight, marital status, sexual orientation, familial status, national origin, or physical or mental disability, results in the unequal treatment or separation of any person, or denies, prevents, limits or otherwise adversely affects the benefit or enjoyment of any person, of employment, ownership or occupancy of real property or public accommodations and public services.

*Employment.* The word “employment” shall mean the act of hiring, recruiting, retaining and promoting of a person to perform the duties of a particular job or position.

*Familial status.* The words “familial status” shall mean one or more individuals under the age of 18 years residing with a parent or other person having custody or in the process of

securing legal custody of the individual or individuals or residing with the designee of the parent or other person having or securing custody, with the written permission of the parent or other person. For purposes of this definition, "parent" includes a person who is pregnant.

*Gender.* The word "gender" shall mean the real or perceived sex, gender identity, or gender expression.

*Gender Identity or Expression.* The words "gender identity" or "expression" shall mean an individual's actual or perceived sex including identity, self-image, appearance, expression, or behavior, whether or not that identity, self-image, appearance, expression, or behavior is different from that traditionally associated with the individual's biological sex assigned at birth.

*Genotype.* The word "genotype" shall mean the genetic constitution of an individual.

*Harassment.* The word "harassment" shall mean conduct or communication directed at another individual intentionally for the purpose or effect of creating an intimidating, hostile, or offensive environment with regard to employment, public accommodation, public services, or housing.

*Height or weight.* The words "height" or "weight" shall mean the physical characteristics of an individual as it relates to that individual's size and shall apply only to employment.

*Housing.* The word "housing" shall mean the opportunity to purchase, lease, sell, hold, rent, use, and convey dwelling units.

*Marital status.* The words "marital status" shall mean the state of being single, married, separated, widowed, or divorced.

*Medical condition.* The words "medical condition" shall mean all past or present physical or mental health diagnoses, treatments, and procedures an individual has received, associated symptoms and risk factors, and effects of such diagnoses, treatments, and procedures.

*National origin.* The words "national origin" shall mean to include the national origin of an ancestor.

*Person.* The word "person" shall mean an individual, firm, partnership, corporation, association, organization, unincorporated organization, labor organization, trustee, receiver or other fiduciary.

*Physical or mental disability.* The words "physical" or "mental disability" shall mean one or more of the following:

- (1) A determinable physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic:
  - a. Where applicable, substantially limits one or more of the major life activities of that individual and is unrelated to the individual's ability to perform the duties of a particular job or position or substantially limits one or more of the major life activities of that individual and is unrelated to the individual's qualifications for employment or promotion;
  - b. Where applicable, is unrelated to the individual's ability to utilize and benefit from a place of public accommodations and public services;
  - c. Where applicable, is unrelated to the individual's ability to utilize and benefit from educational opportunities, programs, and facilities at an educational institution;
  - d. Where applicable, substantially limits one or more of that individual's major life activities and is unrelated to the individual's ability to acquire, rent, or maintain property.
- (2) A history of a determinable physical or mental characteristic described in subsection (1).
- (3) Being regarded as having a determinable physical or mental characteristic described in subsection (1).
- (4) "Physical or mental disability" does not include either of the following:
  - a. A determinable physical or mental characteristic caused by the current illegal use of a controlled substance by that individual;
  - b. A determinable physical or mental characteristic caused by the use of an alcoholic liquor by that individual if that physical or mental characteristic prevents that individual from performing the duties of his or her job.
- (5) "Unrelated to the individual's ability" shall mean, with or without accommodation, an individual's disability does not prevent the individual from doing one or more of the following:
  - a. Where applicable, performing the duties of a particular job or position;
  - b. Where applicable, utilizing and benefiting from a place of public accommodation or public services;

- c. Where applicable, utilizing and benefiting from educational opportunities, programs, and facilities at an educational institution; and
- d. Where applicable, acquiring, renting, or maintaining property.

*Public accommodations and public services.* The words “public accommodations” and “public services” shall mean the full and equal access to any educational, cultural, governmental, health-care, day-care, entertainment, recreational, refreshment, transportation, financial institution, accommodation, business, or other facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public, or which receive financial support through the solicitation of the general public or through governmental subsidy of any kind.

*Religion.* The word “religion” shall mean a particular system of faith and worship.

*Sexual Harassment.* The words “sexual harassment” shall mean a type of discrimination including, but not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

- a. Submission to such conduct or communication by an individual is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodation, public services, or housing;
- b. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting the individual’s employment, public accommodations, public services, or housing; and
- c. Such conduct or communication has the purpose or effect of substantially interfering with an individual’s employment, public accommodation, public services, or housing, or creating an intimidating, hostile, or offensive employment, public accommodation, public services, or housing.

*Sexual orientation.* The words “sexual orientation” shall mean real or perceived, male or female heterosexuality, bisexuality, or homosexuality. It shall also mean an individual’s sexual and/or romantic identity in relation to the gender(s) to which the individual is attracted, or the absence of such sexual and/or romantic identity.

**Sec. 2-273 Prohibition.**

- (a) No person or persons shall discriminate against any person or persons within the City regarding employment, housing, public accommodations and public services on the basis of that person's race, color, gender identity, religion, gender, age, height or weight, marital status, sexual orientation, familial status, national origin, or physical or mental disability. This Ordinance shall not be construed to be preempted by any state or federal statute.

- (b) This Ordinance shall be construed and applied in a manner consistent with the First and 14<sup>th</sup> Amendments of the U.S. Constitution and Art. I, §2 of the Constitution of Michigan regarding freedom of speech and free exercise of religion.
- (c) No person shall adopt, enforce or employ any policy or requirement, or publish, post, broadcast, or distribute any advertisement, sign, notice, or solicitation which discriminates, or suggests, supports, or affirms discrimination, in the provision of housing, employment, public accommodations, or public services.
- (d) No agent, broker, or any other person shall discriminate in making referrals or listings or providing information with regard to housing, employment, public accommodations, or public services. A report of such person's responsibility for a violation of this Ordinance shall be made to an applicable licensing or regulatory agency for such person or business, if any.
- (e) No person shall coerce, threaten or retaliate against an individual for making a complaint or assisting in the investigation regarding a violation or alleged violation of this Ordinance, nor require, request, conspire with, assist or coerce another person to retaliate against an individual for making a complaint or assisting in an investigation.
- (f) No person shall conspire with, assist, coerce, or request another person to discriminate in any manner prohibited by this Ordinance.

**Sec. 2-274 Exemptions.**

- (a) *Private club exemption.* The words "private club exemption" shall mean the prohibition of Section 2-273 above, shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the state under Act No. 8 of the Public Act of 1933, being MCL §§436.1-436.58, the Michigan Liquor Control Act, as amended.
- (b) *Religious exemption.* The prohibition of Section 2-273, above, shall not apply to a religious educational institution or an educational institution operated, supervised, or controlled by a religious institution or organization which limits admission or gives preference to an applicant of the same religion.

- (c) *Private residence exemption.* The prohibition of Section 2-273, above, shall not apply to:
- (1) The rental of housing accommodations in a building which contains housing accommodations for not more than two families living independently of each other if the owner or a member of the owner's immediate family resides in one of the housing accommodations, or to the rental of a room or rooms in a single-family dwelling by a person if the lessor or a member of the lessor's immediate family resides in the dwelling.
  - (2) The rental of housing accommodations for not more than 12 months by the owner or lessor where it was occupied by him/her and maintained as his/her home for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.
  - (3) With respect to the age provision only, the sale, rental or lease of housing accommodations meeting the requirements of federal, state or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed or operated, bona fide, for the purpose of providing housing accommodations for persons 50 years of age or older.
- (d) *Bona fide occupational qualification exemption.* The prohibition of Section 2-273, above, with respect to employment only, shall not apply where a protected classification set forth in Section 2-273 is a bona fide occupational qualification reasonably necessary to the normal operation of a business or enterprise. A person shall have a burden of establishing that the qualification is reasonably necessary to the normal operation of that person's business or enterprise.
- (e) *Private education institution exemption.* The prohibition of Section 2-273, above, relating to gender only shall not apply to an educational institution which now or hereafter provides an education to persons of one gender.
- (f) *Governmental exemption.* The prohibition of Section 2-273 shall not apply to any action by a governmental entity or agency where a person's qualification is expressly limited by statute, charter, ordinance or policy as otherwise provided at law.

**Sec. 2-275 Violations, fines and penalties.**

- (a) Any person violating any of the provisions of this Ordinance shall be responsible for a municipal civil infraction, and upon a determination or admission of responsibility shall be subject to a civil fine of not more than \$500.00, costs of prosecution and such other costs, damages, expenses,

sanctions and remedies as authorized by law, including but not limited to, the Revised Judicature Act, and specifically MCL §600.8302, as amended.

- (b) The City Attorney may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by City Code and this Ordinance, to reverse the effects of such discrimination.
- (c) Nothing contained in this Ordinance shall be construed to limit in any way the remedies, legal or equitable, available to the City or any person for the prevention or correction of discrimination.

**Sec. 2-276 Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance.

CITY OF GROSSE POINTE PARK  
PROCLAMATION DESIGNATING  
JUNE AS GAY PRIDE MONTH

WHEREAS, the City of Grosse Pointe Park supports the rights of every citizen to experience equality and freedom from discrimination; and

WHEREAS, all people regardless of age, gender identity, race, color, religion, marital status, national origin, sexual orientation, or physical challenges have the right to be treated on the basis of their intrinsic value as human beings; and

WHEREAS, in support of the city's commitment, a Non-Discrimination Ordinance will be considered by the City Council on June 8<sup>th</sup>, 2020 making these rights the law of the city; and

WHEREAS, the City of Grosse Pointe Park accepts and welcomes people of diverse backgrounds and believes a diverse population leads to a more vibrant community; and

WHEREAS, the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) communities contribute to the cultural, civic and economic successes of the City of Grosse Pointe Park; and

WHEREAS, the Federal government since the year 2000 has recognized the month of June as "Gay & Lesbian Pride Month" and later expanded the commemoration further by declaring June to be Lesbian, Gay, Bisexual and Transgender Pride Month

NOW, THEREFORE, BE IT RESOLVED, I, Mayor Denner and the members of the Grosse Pointe Park City Council hereby proclaim June 2020 as Gay Pride Month in Grosse Pointe Park, Michigan and encourage our residents to reflect on the ongoing struggle for equality members of the LGBTQ community face and celebrate the contributions that enhance our city.

Dated: June 8, 2020

Robert W. Denner, Mayor





## Council Meeting June 8, 2020

<b>TITLE:</b> City Policy for flying Flags on Municipal Property	<b>DATE:</b> June 3, 2020
<p><b>SUMMARY:</b> Currently the City of Grosse Pointe Park has no established policy regarding the flying of flags on Municipal Property and traditionally the City has flown the City Flag and United States Flag on Municipal Property. However due to increased interest the City Council is exploring the idea of adopting a formal policy and procedure.</p> <p>Through research and reaching out to community colleagues in the Grosse Pointes and City Administrations throughout the State, a majority of communities do not have a written policy and procedure in place and use the tradition of flying the US, State and City Flags. However, in communities without a policy the City may allow the decision to come forth to a City Council decision (e.g. Ferndale).</p> <p>Upon a Council decision, the City could move towards three different scenarios</p> <ol style="list-style-type: none"> <li>1. Fly the US, State and City Flag on Municipal Property</li> <li>2. Fly Federally recognized Observances on Municipal Property</li> <li>3. Council decide upon a case by case on Municipal Property</li> </ol> <p>Attached with this letter presents example options 1 and 2 with a resolution from Ypsilanti for Option 1 and a form to fill out by Oak Park for Option 2. Option 3 is more informal however it could lead to increased time debating the merits of a flag and if denied by Council could lead to lawsuits. A city does have first amendment rights to Government speech however the cost to litigate may warrant the City to consider this option carefully.</p>	
<b>FINANCIAL IMPACT:</b> None	
<b>RECOMMENDATION:</b> Direct the City Manager to Adopt a Policy and Procedures for Flying Flags on Municipal Property per Council Recommendation	
<b>PREPARED BY:</b> Nick Sizeland	<b>TITLE:</b> City Manager



Resolution No. 2019-186  
August 27, 2019

RESOLUTION AUTHORIZING AND LIMITING DISPLAY OF CITY, STATE AND FEDERAL  
GOVERNMENT FLAGS AND SYMBOLS IN CITY HALL

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

Whereas, the City of Ypsilanti desires to honor and recognize the City government relationship with the State of Michigan and the United States of America, and whereas it is right and proper to display the flags of the State of Michigan and the United States of America in the City Council Chambers; and

Whereas, the City Council determines it does not want to become a forum to advertise or promote any particular ideology, religion, private or other non-governmental groups or associations; and

Whereas, the space in City Hall is limited; and

Whereas, the accumulation of flags, banners or other materials can cause an unsightly and cluttered appearance, and pose a fire safety risk; and

NOW THEREFORE, the policy of the City of Ypsilanti is that the only flags, banners, signs or insignia allowed in the City Hall shall be the flag, banner and insignia of the City of Ypsilanti, State of Michigan and the United States of America.

Further, the City Clerk is directed to remove any and all non-confirming items from Ypsilanti City Hall, or any other City property.

OFFERED BY: Council Member Morgan

SUPPORTED BY: Mayor Pro-Tem Richardson

YES: 5 NO: 2 (Bashert, Somerville) ABSENT: 0 VOTE: CARRIED

I do hereby certify that the above resolution is a true and correct copy of Resolution 2019-089 as passed by the Ypsilanti City Council, at their meeting held on August 27, 2019.

\_\_\_\_\_  
Andrew Hellenga, City Clerk

**CITY OF OAK PARK, MICHIGAN**  
**REQUEST TO RAISE FLAG**

City of Oak Park flag policy:

- The City of Oak Park reserves the right to choose which flags may or may not be flown at city-owned properties.
- Any flag flown shall comply with the U.S. Flag Code.
- The City will only consider requests for observances implemented by Presidential Proclamation, Executive Order, and Public Law and/or government flags.
- Requests must be received at least 30 days prior to requested flying date.
- Requestor shall provide a flag that is 3 feet by 5 feet with placement for holes.
- Requestor shall specify the length of time the flag shall be flown and cannot exceed a 31 day period.

All requests are subject to review by the City Attorney.

**PLEASE PROVIDE THE FOLLOWING INFORMATION**

Requestor's Name: \_\_\_\_\_

Firm/Organization: \_\_\_\_\_

Requestor's Address: \_\_\_\_\_

Requestor's Telephone No.: \_\_\_\_\_ Email Address: \_\_\_\_\_

Flying Dates Requested: \_\_\_\_\_ to \_\_\_\_\_

**DESCRIPTION OF REQUEST –**

Describe in detail the type of flag and reason for your request that it be flown at city owned property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requestor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FOR CITY USE ONLY:

SUBMITTED: \_\_\_ IN-PERSON \_\_\_ BY U.S. MAIL \_\_\_ BY FAX/EMAIL

DATE FILED: \_\_\_\_\_

ACCEPTED/RECEIVED BY: \_\_\_\_\_

## MEMORANDUM

**TO:** Mayor Denner  
Nick Sizeland, City Manager

**FROM:** Thomas J. Howlett

**DATE:** June 4, 2020

**SUBJECT:** Grosse Pointe Park Flag Policy

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### ISSUE

Can the City of Grosse Pointe Park decide to fly a Pride flag at City Hall while maintaining the ability to deny flying other potential flag messages on an ad hoc basis?

### SHORT ANSWER

The City can regulate and decide what flags to fly on its flagpole located on City property under the principles of government speech. Further, the City can be selective, within constitutional limitations, in its choices regarding flags. Selective decisions about which flags to fly may still result in litigation based on ad hoc choices, that, while defensible, may be difficult to predict under a given fact pattern and which will require significant City resources and money to oppose.

### ANALYSIS

While the First Amendment prohibits governments from making any law "abridging the freedom of speech" of individuals, the First Amendment does not empower individuals to abridge the speech of government. The First Amendment "restricts government regulation of private speech; it does not regulate government speech." *See Freedom From Religion v. City of Warren, Mich*; 707 F.3d 686 (6<sup>th</sup> Cir 2013), *citing Pleasant Grove City, Utah v. Sumnum*, 555 U.S. 460, 467, 129 S.Ct. 1125, 172 L.Ed.2d 853 (2009). In *City of Warren*, a foundation and an individual sued the City, the mayor, and the downtown development authority for putting a Christmas display

on City property that included a nativity scene, along with secular Christmas displays. *Id.* The plaintiffs sued because Warren rejected their request to include an image of the winter solstice. *Id.* Both the trial court and Court of Appeals upheld the City's refusal to do so.

The Sixth Circuit in *City of Warren* (citing multiple US Supreme Court cases) outlined the government speech protections as follows: “[W]hen the government speaks, ‘it is entitled to say what it wishes,’ (*Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 833, 115 S.Ct. 2510, 132 L.Ed.2d 700 (1995)), and ‘to favor and disfavor’ all kinds of policies and points of view’, (*Nat'l Endowment for Arts v. Finley*, 524 U.S. 569, 598, 118 S.Ct. 2168, 141 L.Ed.2d 500 (1998) (Scalia, J., concurring in the judgment)).” Thus, generally, “the government's own speech ... is exempt from First Amendment scrutiny.” *Johanns v. Livestock Mktg. Ass'n*, 544 U.S. 550, 553, 125 S.Ct. 2055, 161 L.Ed.2d 896 (2005). Further, the *City of Warren* court held that the fact that government engages in speech in a particular location, open and accessible to the public, does not render that space a public forum.

A recent Supreme Court case outlined the test for what constitutes government speech. The Supreme Court in *Summum* held that city-erected monuments, to which a foundation objected based on their message, were protected government speech because the City: (1) maintained final approval authority over every aspect of the process by which the monuments were approved and erected; (2) was selective in deciding which monuments to add to the park; and (3) located all of the monuments on city property. *Summum, supra*, at 473. By “effectively controll[ing]” the message being sent in these ways, it was the government, not the donors of the monuments or anyone else, which spoke. *Id.* Stated differently, “[S]imply because the government opens its

mouth to speak does not give every outside individual or group a First Amendment right to play ventriloquist.” *Downs v. L.A. Unified Sch. Dist.*, 228 F.3d 1003, 1013 (9th Cir.2000).<sup>1</sup>

In *Walker v Tex Div, Sons of Confederate Veterans, Inc*, the Supreme Court held that images on Texas license plates were government speech that are not subject to the Free Speech Clause. 576 US \_\_; 135 S Ct 2239, 2244 (2015). In *Walker*, the Board that controlled license plate approval had previously approved license plates for college athletics and some nonprofits. The approval process required an application be approved before Texas residents could order a given license plate design. The Board denied the application of the Sons of Confederate Veterans for a proposed license plate design featuring the Confederate battle flag. *Id.* The Sons of Confederate Veterans challenged the denial, invoking the First Amendment. *Id.*

In holding that the license plate messages were government speech, the Court identified three factors as relevant to identifying government speech in light of *Summum*: (1) whether the government has traditionally used the message or conduct at issue to speak to the public; (2) whether persons would interpret the speech as conveying some message on the government's behalf; and (3) whether the government maintains control over the selection of the message. *Id.* at 2247.<sup>2</sup>

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<sup>1</sup> A City does not, however, have absolute, unmitigated authority under the guise of government speech. The Court in *City of Warren* stated: “[n]one of this, we hasten to add, gives cities and towns a blank check. None of this frees them from the obligation to comply with the Establishment Clause or other constitutional guarantees . . . . And none of this frees them from the push and pull of the political process — above all from accountability for their speech through the democratic process.” *City of Warren, supra*. The Court further noted that those objecting to the government speech could demonstrate, pass out leaflets, campaign, etc. to express their disapproval. *Id.* But the court also stated that what cannot be done is to “commandeer the government’s own voice to deliver its message unless or until the body politic elects officials willing to” change the government’s speech.

<sup>2</sup> Factor 3 strongly suggests that the City should develop a policy for its decision making process on what flags will be permitted to fly at City Hall.

The *Walker* and *Summum* factors support the conclusion that the choice of flags to fly or not fly on the City flagpole at City Hall constitutes government speech. Historically, governments use flagpoles to communicate with the public.<sup>3</sup> The flagpole is on government property at City Hall and is maintained by government staff. Most importantly, the government solely controls the flagpole and its use, including what flags fly atop it. Applying the *Walker* factors here, the City's use of the flagpole or a flag display is likely to be determined government speech.

### CONCLUSION

Based on the above analysis, a potential decision by the City to fly a Pride flag (or other flags) would likely be considered protected government speech. Further, based on the analysis above, it would be difficult for other groups to challenge the City's decision to not fly other flags. Flag flying decisions, based on the *Walker* and *Summum* factors and the Sixth Circuit's decision in *City of Warren*, would be in the City's discretion.

Despite the City's likely sound legal position, it is still possible (if not probable) that legal challenges to contest such flag decisions could be filed. Even if unsuccessful, the costs to defend would be potentially significant. Further, as noted in *City of Warren*, it is also likely to generate significant political challenges and requests for a variety of flags and displays, which will have to be decided on by the Council on a case-by-case basis, consuming some measure of City time and resources.

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<sup>3</sup> Several courts have specifically ruled that government flags constitute government speech. For example, see *Shurtleff v City of Boston*, 928 F3d 166 (2019) (holding that governments have long used flags to communicate messages); *Griffin v Sec'y of Veterans Affairs*, 288 F3d 1309, 1324 (Fed Cir 2002) (“We have no doubt that the government engages in speech when it flies its own flags over a national cemetery, and that its choice of which flags to fly may favor one viewpoint over another.”)

# City of Grosse Pointe Park

15115 EAST JEFFERSON AVENUE □ GROSSE POINTE PARK, MICHIGAN 48230 □  
PHONE (313) 822-6200

## **Tabled Motion Introduced by Mayor Denner at the May 18<sup>th</sup>, 2020 Special City Council Meeting**

Resolved by the Council of the City of Grosse Pointe Park that the policy of the City of Grosse Pointe Park is that the only flags, banners or insignia permitted to be displayed in City Hall or on the grounds of Grosse Pointe Park municipal facilities are those of the United States of America, the State of Michigan, and the City of Grosse Pointe Park.





**May 2020**

***Invoices over \$5,000 for Review & Acceptance***

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Current Payment</u>	<u>Fiscal year to Date or <u>Project to Date</u></u>
05/06/20	Bodman	Pros. Atty. & retainer fee	\$ 10,000	100,772
05/06/20	Build Safe	Building Inspector- April	9,600	96,000
05/06/20	AT&T	911 Maintenance	11,278	11,278
05/06/20	Ford Motor Company	2019 Police Interceptor	8,611	8,611
05/11/20	Great Lakes Water	Water usage- March	112,734	1,143,807
05/12/20	GP Clinton Refuse	Refuse disposal- March	14,862	236,392
05/14/20	Dept. of Transportation	Kercheval to Mack- Cadieux grant	14,061	143,409
05/21/20	Michigan Municipal League	Membership Renewal	5,782	5,782