# AGENDA - City Council

DATE: October 17, 2022 7:00 PM City Council Chambers

I. Call to Order
II. Roll Call
III. Pledge of Allegiance
IV. Approval of Consent Agenda
    I. Approval of September 19, 2022 Minutes
    II. Committee & Commissions Report
    III. Finance Report
V. Public Comment (Agenda Items)
VI. Managers' Report
VII. Unfinished Business
    I. OHM Sewer Update
    II. Baker Tilly Presentation-Water & Sewer Rate Study
    III. Council Comment
VIII. New Business
    I. Zoning Ordinance Map Amendment
    II. Redevelopment Ready Communities Participation Resolution
    III. City Attorney Contract
    IV. Ethics and DDA Reappointments
    V. Ordinance #234 Solicitations
    VI. Ordinance #235 Garbage and Refuse
    VII. Closed Door Session- To Consult with Attorney and Discuss Litigation Strategy
    VIII. Council Comment
IX. Public Comment (Non-Agenda Items)
X. Adjournment

**Public Comment:** Public Comments are limited to three minutes.

**Live Stream:** The meeting will be livestreamed to the Official City of Grosse Pointe Park YouTube Channel.

CITY COUNCIL MEETING - September 19, 2022
7:00 PM

## CALL TO ORDER

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

## ROLL CALL

The following were present: Councilmembers Brenner, Gallagher, Caulfield, Wiener, Relan and McMillan, and Mayor Hodges.

Also present: Nick Sizeland, City Manager; Jane M. Blahut, Finance Director/Clerk; Jake Howlett, City Attorney; Bryan Jarrell, Director of Public Safety; Patrick Droze, OHM Advisors, City Engineer; Warren Rothe, Assistant City Manager; and Courtney Delmege, Deputy Clerk.

## APPROVAL OF CONSENT AGENDA

Motion by Councilmember Wiener, seconded by Councilmember Brenner to approve the consent agenda consisting of: August 15, 2022 Minutes; August 22, 2022 Minutes; Committee and Commissions report; and finance report.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, Relan and McMillan, and Mayor Hodges.

NAYS: None

## PUBLIC COMMENT (AGENDA ITEMS)

One public comment was made.

## MANAGERS' REPORT

City Manager Sizeland presented a brief overview of the status of issues since the last meeting: Solicitation ordinance in October; rezoning application; DPW building update; civic campus RFP; sycamore trees; alley paving and separating; Infrastructure FAQ on website; millage town hall; SEMCOG costal resilience; and drinking water revolving fund.

Public Safety Director Jarrell presented a brief overview of the following: Public Safety open house on September 25, 2022; first babysitting class on September 17, 2022; Grosse Pointe Park Public Safety Foundation website officially launched.

## UNFINISHED BUSINESS:
## OHM SEWER UPDATE

City Engineer Patrick Droze presented a storm progress report including: sewer televising and manhole condition assessment; coordination with EGLE; St. Clare Montefalco Church; sewer relief system at Patterson Park (aka EERV); downspout disconnections; model development – hydrology & hydraulics; flow metering; capital improvement program; funding; and future project development.

DRAFT PENDING APPROVAL

## PUBLIC HEARING-VACATION OF WAYBURN

Mayor Hodges opened the public hearing for the vacation of Wayburn at 7:32 p.m. Four public comments were made. The public hearing was closed at 7:46 p.m.

## RESOLUTION TO VACATE A PORTION OF WAYBURN

RESOLUTION TO VACATE A PORTION OF WAYBURN
City of Grosse Pointe Park

At a regular meeting of the City Council for the City of Grosse Pointe Park, Michigan, held in the City Hall on the 19th day of September 2022 at 7:00 PM, Eastern Time.
Present Members: Brenner, Gallagher, Caulfield, Wiener Relan, and McMillan, and Mayor Hodges.
Absent Members: None
Motion by Councilmember Wiener, seconded by Councilmember McMillan to adopt the following resolution:
WHEREAS, MCL 117.4h provides that a Home Rule City may, in its Charter, provide for the "use, regulation, improvement and control of the surface of its streets, alleys and public ways, and of the space above and beneath them;" and
WHEREAS, the City of Grosse Pointe Park is a Home Rule City, the Charter of which provides that "Council action to vacate, discontinue or abolish any highway, street, lane, alley or other public place or part thereof shall be by resolution," City Charter, at § 7.6(a);
WHEREAS, the Charter further requires that the Council shall "appoint a time when it shall meet and hear objections" to a proposed vacation, and "notice of the time, place and purpose of such meeting shall be published either separately or as part of any published proceedings of the Council," City Charter, at § 7.6(a); and
WHEREAS, the City has entered into a Purchase Agreement with the Urban Renewal Initiative Foundation ("URIF"), under which the City has agreed to convey certain property located on Jefferson Avenue between Alter Road and Maryland Avenue (the "Property") to the URIF to develop a non-profit community center for the arts (the "Schaap Center"); and
WHEREAS, the Council finds that the Property includes an unused portion of Wayburn Street legally described on the attached Exhibit A ("Unused Wayburn Street"), and that vacating Unused Wayburn Street is necessary for the City to convey the Property to URIF; and
WHEREAS, URIF has agreed to construct a sidewalk along Jefferson Avenue across Unused Wayburn Street; and
WHEREAS, notice of this Council meeting was given in the manner prescribed by the Open Meetings Act, Act No. 267, Public Acts of Michigan 1976, as amended;
NOW THEREFORE BE IT RESOLVED that:
1. The City shall hear any objections to the proposed vacation of Unused Wayburn Street at its next regularly scheduled council meeting, on September 19, 2022 at 7:00 PM;
2. After the public meeting is held, a vote will be held on this Resolution at the Council meeting to be held on September 19, 2022 at 7:00 PM; and
3. That the City Council, pursuant to the authority granted to it by MCL 117.4h and Section 7.6 of the City Charter, hereby vacates Unused Wayburn Street, as legally described on the attached Exhibit A.
At a Council meeting held on September 19, 2022, following a public hearing to address any objections or concerns to the proposed vacation of Unused Wayburn Street was held on September 19, 2022, at 7:00 PM, and after discussion, the following roll call vote was taken:

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener and McMillan, and Mayor

DRAFT PENDING APPROVAL

Hodges.

NAYS: Councilmember Relan.

RESOLUTION DECLARED ADOPTED.

EXHIBIT A
UNUSED WAYBURN STREET
TO BE VACATED BY RESOLUTION

LAND SITUATED IN THE CITY OF GROSSE POINTE PARK, COUNTY OF WAYNE, STATE OF MICHIGAN, LEGALLY DESCRIBED AS FOLLOWS:

ALL OF WAYBURN AVENUE (60 FEET WIDE) OF "TURNBULL AND EPSTEAN'S JEFFERSON AVE. SUB. OF PART OF LOT 1 OF ALTERS SUB. P.C. 570", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 26 OF PLATS, PAGE 98, WAYNE COUNTY RECORDS, ADJACENT TO LOTS 202 AND 203 OF SAID "TURNBULL AND EPSTEAN'S JEFFERSON AVE. SUB. OF PART OF LOT 1 OF ALTERS SUB. P.C. 570" AND NORTH OF JEFFERSON AVENUE (120 FEET WIDE) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF JEFFERSON AVENUE (120 FEET WIDE) AND THE WESTERLY RIGHT OF WAY LINE OF WAYBURN AVENUE (60 FEET WIDE); THENCE NORTH 21 DEGREES 15 MINUTES 00 SECONDS WEST, 255.26 FEET; THENCE SOUTH 81 DEGREES 35 MINUTES 38 SECONDS EAST, 69.04 FEET; THENCE SOUTH 21 DEGREES 15 MINUTES 00 SECONDS EAST, 217.69 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 56 SECONDS WEST, 60.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,188.66 SQUARE FEET OR 0.325 ACRES OF LAND.

Motion by Councilmember Wiener, seconded by Councilmember McMillan to adopt the resolution to vacate a portion of Wayburn.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener and McMillan, and Mayor Hodges.

NAYS: Councilmember Relan.

## COUNCIL COMMENT

There were no council comments made on unfinished business.

## NEW BUSINESS:
## BID AWARD: MACK AVENUE WATER MAIN

Bids for the Mack Avenue Water Main Replacement project from Cadieux to Kensington on Mack Avenue were received, opened and read aloud at 11:00 AM on Tuesday, September 12, 2022, at the City of Grosse Pointe Park offices. Bids were received from four (4) bidders, with the bid pricing ranging from $454,473.91 to $689,962.00. The lowest bid was received from Inner City Contracting in the amount of $454,473.91.

DRAFT PENDING APPROVAL

Motion by Councilmember Wiener, seconded by Councilmember Caulfield to award the water main replacement project to Inner City Contracting in the amount of $454,473.91.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, Relan and McMillan, and Mayor Hodges.

NAYS: None

COST RECOVERY ORDINANCE #233

ORDINANCE NO.233

CITY OF GROSSE POINTE PARK
COUNTY OF WAYNE, MICHIGAN

AN ORDINANCE OF THE CITY OF GROSSE POINTE PARK, WAYNE COUNTY, MICHIGAN TO AMEND CHAPTER 2 OF THE CODE OF ORDINANCES, "ADMINISTRATION;" ARTICLE II, "ADMINISTRATIVE SERVICE;" DIVISION 8, "DEPARTMENT OF PUBLIC SAFETY;" BY ADDING SECTION 2-98 "COST RECOVERY."

THE CITY OF GROSSE POINTE PARK ORDAINS:
SECTION 1. AMENDMENT.
Chapter 2, Article II, Division 8 of the City's Code of Ordinances, is hereby amended by adding section 2-98 "Cost Recovery" to read as follows:
DIVISION 8. – DEPARTMENT OF PUBLIC SAFETY.
Sec. 2-98. Cost Recovery.
1. Name. This Section shall be known as the Grosse Pointe Park Emergency Response Cost Recovery Ordinance.
2. Purpose. This Ordinance is adopted to enable the Public Safety Department to invoice for and collect cost recovery charges from Responsible Parties, particularly where cost recovery charges are attributable to bonded companies, or are covered by applicable insurance policies.
3. Definition. The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
a. City means the City of Grosse Pointe Park, Wayne County, Michigan, or any officer, employee, board, commission, or agent, acting within the scope of actual or apparent authority.
b. Emergency Response Event shall mean any of the following occurrences:
i. Motor Vehicle Accident Under the Influence. Providing, sending and/or utilizing public works, police, firefighting and/or rescue services by the City to an accident involving a motor vehicle where one or more of the drivers were operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and controlled substance.
ii. OWI Stops. The making of a traffic stop and arrest by a public safety officer when the driver was operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and controlled substance.
iii. Motor Vehicle Accident. Providing, sending and/or utilizing public works, police, firefighting and/or rescue services by the city to an accident involving a motor vehicle.

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iv. Water, Sewer, Gas and Electrical Utility Emergencies. Any failure, disruption, collapse, fire, damage, explosion, or downing of any pipeline, utility pole, wires or lines, or device used in the transmission of electricity, gas, electronic signals, water, or sewage; or the emission, leak or discharge, outage or hazard arising out of or related to any gas, electrical, communication, cable, or other utility service, whether accidental or non-accidental or caused by natural or unnatural causes.

v. Explosions, Collapses. Any explosion or collapse of any home, building or other structure, or any other explosion or collapse of any other nature of from any other cause, which destroys, damages, or encroaches public or private property or pedestrian or vehicular access.

vi. Medical Treatment of Persons. City costs incurred as a result of medical services provided to persons requiring medical assistance for an injury or illness, or transport to a medical facility. This includes persons in custody, confined, or incarcerated by the City, including, but not limited to: individuals who are i) under arrest, ii) incarcerated; iii) escaped from confinement, including escape while being transported during the course of confinement or while held in confinement by a judge; v) while under supervised release; vi) on medical furlough; vii) residing in a half-way house or mental health facility; viii) living under home detention; ix) or confined completely or partially in any way under a penal statute or rule, for medical, including, without limitation, costs of accompanying the person to or from a medical or psychiatric treatment facility or medical or psychiatric practitioner.

vii. Any obstruction, removal, defacement, damage, restriction from access of a fire hydrant or Public Safety Department connections for the pressurization of fire suppression system located on public or private streets, access lanes or private property. When feasible, the Public Safety Department will provide a notice and opportunity to remove the obstruction or encroachment, and upon failure to comply, the Public Safety Department may have the necessary work performed, and the Emergency Response Costs will be sought from the Responsible Party.

viii. Illegal or Preventable Fires. A fire caused i) by a knowing and intentional violation of a federal, state or local law or regulation, including, without limitation, an arson fire, ii) by the negligent or uncontrolled operation, use or ignition of a fire pit, bonfire or open burning container or barbecue, including the use of a barbecue in the garage or outdoor structure; or iii) by the ignition, discharge or launch of legal or illegal fireworks.

ix. Technical Rescue. Complex search and/or rescue incidents requiring specially trained personnel and special equipment to complete the mission. Technical Rescue Incidents include, without limitation, vehicle and machinery rescue, collapse rescue, trench rescue, water rescue, rope rescue, confined space rescue, wild or vicious animal search and rescue, dive search and rescue, and other search and/or rescue operation requiring specialized operations.

x. Fire investigation and Administration Costs. All costs to investigate and prepare reports of an arson or fire.

xi. Any response by the Public Safety Department, entity operating at the request of the Public Safety Department, or any other responder as set forth in the national incident management system (Homeland Security Presidential Directive 5), to any call or request for assistance, including medical emergencies, from any person, property owner, government agency, emergency service provider, or other entity.

c. Emergency Response Costs shall mean the actual necessary costs attributed to an Emergency Response Event, except as may be limited by any policy adopted by the City. Costs include any labor, equipment, or material associated with the investigation, removal, repair, abatement, mitigation, monitoring, cleanup, analysis, collection and sampling, and attorney fees, associated with an Emergency Response Event.

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d. Responsible Party shall mean any individual or entity, including without limitation, any corporation, firm, partnership, association, limited liability company, agency, business, public or private utility, video service or telecommunications provider or owner or manager of telecommunications, equipment, professional, agency or governmental entity, joint venture, partnership or any other person or entity responsible for, contributing to or proximate causing, an Emergency Response Event or necessitating the Emergency Response. This definition will include any owner, manager, lessee or lessor of property who is responsible for, or contributes to an Emergency Response Event; any registered owner, lessor, lessee, or operator of any motor vehicle, the operation of which resulted in an Emergency Response Event, or a passenger there of whose actions were proximate cause of an Emergency Response Event; any public or private utility or any owner, installer, or manager of a cellular tower, telecommunications equipment, or related facilities; a bank mortgagee or other lien holder which acquired legal or equitable rights to the property. Responsible party shall include their heirs, estates, successors, assigns and legal and personal representatives, receivers, and principals and officers.

4. Assessment of Cost.

a. All Emergency Response Costs associated with an Emergency Response Event which are incurred by the City may be jointly and severally assessed to any or all Responsible Parties.

b. The City Finance Director, and/or the Finance Director's designees shall certify the total Emergency Response Costs incurred by the City. The Public Safety Director shall then decide whether to assess any, all, or part of the costs against any of the Responsible Parties. In making a determination, the Public Safety Director shall consider the following factors:

i. The total cost incurred by the City, including, but not limited to, materials, equipment, manpower, administration, assistance from other sources, etc.

ii. The risks to the City, its residents, their property, or any other people or property which results from the Emergency Response Event which caused the City to incur Emergency Response Costs.

iii. Any injuries or damage to people or property which resulted from the situation which caused the City to incur Emergency Response Costs.

iv. Whether the situation which caused the City to incur Emergency Response Costs necessitated an evacuation.

v. Whether the situation which caused the City to incur Emergency Response Costs resulted in damage to the environment.

c. The Public Safety Director may, after consideration of the factors listed in subsection 4(b) above, allocate the cost among and between the Responsible Parties.

d. The Public Safety Director shall direct the City Clerk to send a statement of cost assessed pursuant to this Ordinance to all Responsible Parties so assessed. Such statement shall be dated and sent first class U.S. Mail, postage prepaid, to the last known address of each Responsible Party. The costs shall be paid in full within 30 days of receiving the statement. The City shall have the option to contract with a third-party contractor to manage and collect outstanding assessed costs on behalf of the City; any contracting agreement shall be approved by City Council and the contractor's performance shall be subject to periodic review by City Council. Any third-party contractor hired by the City pursuant to this section is not authorized to collect outstanding fees through self-help measures.

e. The City may charge any cost assessed pursuant to the Ordinance to the insurer of any Responsible Party. The submission of an invoice for the assessed cost to an insurer does not limit or extinguish the liability of a Responsible Party for the cost assessed pursuant to this Ordinance until such time as the assessed cost or damages are paid in full.

5. Notice and Right to Appeal.

DRAFT PENDING APPROVAL

a. Any Responsible Party receiving an invoice for Emergency Response Costs may appeal all or a portion of the amount to the City Manager or his designee by filing a written request for an appeal with the City Clerk. The request must be received by the City Clerk within 30 days of receiving the invoice. The request must be accompanied by a written explanation as to why the invoiced amount should not be charged to the Responsible Party. After hearing the Responsible Party, the City Manager shall review the Emergency Response Costs assessed to the Responsible Party and may affirm or waive any or all of the assessed Emergency Response Costs. This decision shall be submitted to the Responsible Party in writing. If the City Manager decides not to assess all or part of the Emergency Response Costs, such decision shall not, in any way extinguish or limit the Responsible Party's liability to any third party for any other cost or damages arising from the same incident.

b. Following a timely appeal to the City Manager, a Responsible Party may further appeal to the Public Safety Committee by filing a written request for an appeal with the City Clerk. The request must be received by the City Clerk within 30 days of receiving the City Manager's decision, and must include a copy of the City Manager's decision and a written explanation as to why the invoiced amount should not be charged to the Responsible Party. The City Clerk shall inform the Responsible Party of the date of the next regularly scheduled Public Safety Committee meeting, where the secondary appeal shall be heard. After hearing the Responsible Party and any response by the City Manager, the Public Safety Committee shall review the Emergency Response Costs assessed to the Responsible Party and may affirm or waive any or all of the assessed Emergency Response Costs. This decision shall be submitted to the Responsible Party in writing. If the Public Safety Committee decides not to assess all or part of the Emergency Response Costs, such decision shall not, in any way extinguish or limit the Responsible Party's liability to any third party for any other cost or damages arising from the same incident.

6. Failure to Pay; Procedure to Recover. If no request for an appeal is received within the time specific, or if the Responsible Party does not pay the assessed costs within 30 days of receiving the statement:

a. The City Attorney may proceed to initiate a suit in a court of competent jurisdiction to collect the monies owed;

b. The Responsible Party shall be deemed to be in default to the City, until full payment is received by the City;

c. If the assessed costs relate to real property, the amount due may be certified to the City Treasurer and assessed against the lot or parcel of land to be collected or returned in the same manner as municipal taxes against real estate are certified, assessed, collected, and returned. The City may also seek collection of the outstanding costs by levying a special assessment on the property pursuant to Section 20-12 of the City Code. Upon receipt of the full amount owed, any lien placed upon the property pursuant to this section shall be extinguished.

7. Exemption. Emergency Response Events that occur within the City limits that are provided to or performed for a property owner or taxpayer of the City, or an occupant of a property registered as a rental unit under Section 13-49 of Chapter 13 of this Code, are exempt from cost recovery charges under this ordinance. This exemption is made due to the fact that City property owners/taxpayers provide pro rata support for public safety services through taxes paid to the City. Provided however, this exemption does not apply if the Emergency Response Event involved any act that violates any ordinance, local, state, or federal statue. This exemption also does not apply to costs associated with medical transport provided by the Public Safety Department, which shall continue to be submitted to health insurance companies for reimbursement.

SECTION 2. SEVERABILITY.

DRAFT PENDING APPROVAL

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 3. RATIFICATION.

All other provisions of the code of Ordinances of the City of Grosse Pointe Park, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

SECTION 4. PUBLICATION.

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of Grosse Pointe Park, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of Grosse Pointe Park.

Motion by Councilmember McMillan, supported by Councilmember Caulfield to adopt the Cost Recovery Ordinance No. 233.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, Relan and McMillan, and Mayor Hodges.

NAYS: None

## PLANNING COMMISSION APPOINTMENTS

Motion by Councilmember Wiener, seconded by Councilmember Caulfield, to appoint Jimmy Saros to the Planning Commission to fill a full term left by Amy Chesterton ending September 30, 2025.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, Relan and McMillan, and Mayor Hodges.

NAYS: None

Motion by Councilmember Caulfield , seconded by Councilmember Relan, to appoint Janet Attarian to the Planning Commission to fill a full term left by Katherine Sanpere ending September 30, 2025.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, Relan and McMillan, and Mayor Hodges.

NAYS: None

## DONATION POLICY

Councilmember Wiener requested consideration by the City Council to revoke the current city donation policy adopted by the City Council in January of 2021. Councilmember Wiener stated that while despite good intentions, the donor policy has proven to be an encumbrance to the work of the City Council.

DRAFT PENDING APPROVAL

Motion by Councilmember Wiener, seconded by Councilmember McMillan to revoke the donation policy adopted by City Council in January of 2021.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: Councilmember Relan.

CITY ATTORNEY REVIEW

The City of Grosse Pointe Park publicly posted a RFP for City Attorney services after the City Council directed the administration to draft an RFP in January. The City received and reviewed 8 responses. The Personnel Committee completed this work and was assisted by a volunteer Park resident with municipal attorney experience. Factors used to identify firms to interview included: adherence to the proposal guidelines, number of assigned attorneys, fees, and the firms current municipal clients. Four firms were identified and interviews were held by the personnel committee. In the end, the Committee unanimously voted to recommend that The Kelly Firm be considered by the Council to serve as the City Attorney.

Motion by Councilmember Gallagher, seconded by Councilmember McMillan to select the Kelly Firm and to authorize the City Manager to enter into contract negotiations and bring a contract before the City Council for their consideration at the October Council meeting.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, Relan and McMillan, and Mayor Hodges.

NAYS: None

COUNCIL COMMENT

Councilmember Wiener commented on the following: Infrastructure Town Hall meeting to be held on Tuesday, September 20, 2022.

Councilmember Relan commented on the following regarding demolition of vacant homes: parking lots do not generate tax revenue or house families. Homes are being purchased by developers to be eventually demolished for parking lots; they are being allowed to deteriorate and appear blighted; many houses have already been converted into parking lots. Held first GPP men's basketball league over 30; looking to start a women's basketball league.

City Manager Sizeland responded that there will be a Planning Commission meeting on October 6, 2022 discussing the rezoning of four properties in question from RD residential to P1 parking district pending the review of the site plan from the developer. The Planning Commission will then make a recommendation to the City Council for final approval.

Councilmember Brenner responded to Councilmember Relan: he hates losing homes for parking lots but loves the newfound vitality of the Kercheval business district; has lived in the City for over forty years and the business district has never been this busy; the businesses necessitate the parking; as much as the City is walkable and a bikeable community, families and elderly are driving cars to patronize businesses; desires the developers to be more forthright with their plans and they could do a much better job of community engagement that would benefit both the developers and the community.

DRAFT PENDING APPROVAL

Mayor Hodges commented on the following: the owner of Ridge Crest in Grosse Pointe Village is a GPP resident; an endowment fund has been established through the VanElslander Foundation for Dr. Phillip Hessburg, former DDA Chair; GPP Mutants swim team won gold; Max McPartlin, a young GPP resident went to Los Angeles to cook for Matthew Stafford as a result of a steak cooking fundraiser at Maire elementary; Grosse Pointe Theatre performing Joseph and the Amazing Technicolor Dreamcoat; shout out to Devonshire block party; moment of honor for Mr. John Boll passed away at the age of 93 and funded many things which inspired others to give.

PUBLIC COMMENT (NON-AGENDA ITEMS)

Ten public comments were made.

ADJOURNMENT

Motion by Councilmember Relan, seconded by Councilmember Caulfield, to adjourn the meeting.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, Relan and McMillan, and Mayor Hodges.

NAYS: None

With no further business, the meeting adjourned at 9:05 pm.

DRAFT PENDING APPROVAL

**Ordinance Review Committee – September 20, 2022**

- Solicitation Ordinance discussed
- Garbage Ordinance discussed

**Infrastructure Town Hall – September 20, 2022**

- Members of administration presented a PowerPoint on the water/sewage millage
- Additional information on Infrastructure webpage

**Community Engagement – September 27, 2022**

- DPW Opening
- Development in business district

**TIFA Meeting – September 29, 2022**

- Parking lot tabled behind Pointe Hardware
- New attorney selected Kevin Kilby from McGraw Morris
- Presentation on Maryland/Lakepointe lot
- DPW budget amendment

**Beautification Commission Meeting – October 5, 2022**

- Fall Plant Exchange
- Keep MI Beautiful updates

**Planning Commission Meeting – October 6, 2022**

- Applicant presented to Planning Commission to rezone from residential lots to P-1 Parking
- Commission voted 3-2 to recommend to City Council

**Grosse Pointe Park Infrastructure General Updates and Status Report September/October 2022:**

Here are some bullet points of current projects, work and planning is not limited to this.

**EERV**

Another positive meetings with EGLE, we continue to broaden our data and modeling. EGLE made no suggestions that we should not proceed with our continued work and optimum installation date.

EERV Sluice Gate and Backflow preventer are on order and appear to be well on schedule for our targeted optimum installation date.

**Infrastructure/Millage Town Hall**

The infrastructure town hall was held on September 20th and the recording can be viewed at:
https://www.youtube.com/watch?v=1Z0u-9gk070&t=2629s
Furthermore, the presentation, FAQ and additional information are available on the city infrastructure page:
https://www.grossepointepark.org/infrastructure/index.php

An additional informal Millage discussion was held over coffee on the morning of October 11th at Le Rouge Boulangerie Bakery on Kercheval by city manager Sizeland, DPW superintendent Jenny and Max Wiener.

**Scoping/Jetting and Flow Monitoring of Sewers:**

Pipetek contract is complete, there were an additional 50+ cubic yards of debris removed in the previous period. Now with the final data is in place, we are structuring an action plan for future years, this includes a combination of rotating sectional preventative scoping/jetting throughout the city, as well as a targeted deep dive regime for areas that could not be as thoroughly explored.

**Downspout, And System Dry Out**

With the DPW move soon to be completed, we can redouble our efforts to encourage residents to disconnect wherever possible. We are shifting into the unsolicited stage of disconnection, furthermore, beyond the current work in alleyways and large scale separation, DPW and City is working to encourage new construction to be cognizant of best practices to minimize water into our system.

**Large Capital Projects**

**Water Main Work**

Mack and Cadieux watermain replacement/upgrade had meetings held with contractor to plan out project, ensure all raw materials are available on an acceptable timeline and ensure minimal service disruption and invasive work to impacted residents. Current planning is to begin work in the coming weeks.

**Alleyway Repaving**

Contracted alleyway paving should begin work tentatively around October 25th.

**Grants and External Funding**

An unfortunate clarification has come from EGLE regarding the lead service lines. The draft intended use plan list was misleading. EGLE is only awarding lead service line replacement loans/principal forgiveness for those outside of the fundable range if they **are a disadvantaged community**. **GPP does not qualify as a disadvantaged community** and is not eligible for any DWSRF money. The EGLE DWSRF draft document is below, please note the definitions.

https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Funding/DWSRF/IUP-Draft-FY2023.pdf?rev=c72004adc67b4ba3a2808da2b8af8af9&hash=9EA8DE8FCAAA586D12E0529C15E3686B

We will continue to pursue any and all grant and relief money, however, this reinforces the current infrastructure teams action direction of self-determination. OHM issued a memorandum on this as well:
https://cms8.revize.com/revize/grossepointepark/Document%20Center/Infrastructure/Reports/DWSRF_100622.pdf

**DPW Building**

After a slew of unfortunate delays, DPW should begin operating out of the new building by this time next month.

**Cellular Service**

City Manager continues to hold meetings with potential suppliers to develop options to improve cellular coverage in the park. Some potential proposals are forthcoming.

**September 2022**

***Invoices over $5,000 for Acceptance***

| Date | Vendor | Description | Current Payment | Fiscal year to Date or Project to Date |
|---|---|---|---|---|
| 09/01/22 | Bodman | Pros. Atty. & Retainer fee | 10,000 | 20,000 |
| 09/02/22 | Aquatic Source | Chlorine tablets and pool repair parts | 11,978 | 22,923 |
| 09/02/22 | Huntington National Bank | 2019 Construction Bond | 129,934 | 129,934 |
| 09/02/22 | Green for Life | Recycle for September | 26,325 | 78,975 |
| 09/02/22 | Green for Life | Rubbish for September | 39,202 | 117,606 |
| 09/13/22 | Great Lakes Water | Waste water- August | 158,700 | 317,400 |
| 09/13/22 | GP Clinton Refuse | Refuse disposal- August | 20,328 | 38,130 |
| 09/14/22 | Pointe Alarm | Camera system for meetings | 10.365 | 10,365 |
| 09/16/22 | HESCO | Meter Site Investigation | 6,600 | 74,100 |
| 09/21/22 | Gabriel, Roeder, Smith & Co. | GASB Statement preparation | 8,200 | 8,200 |
| 09/21/22 | Interstate Billing | Hydraulic Pump | 8,203 | 8,203 |
| 09/28/22 | M.O.R. E Supplies | Park passes | 7,472 | 7,472 |
| 09/28/22 | Pipetek Infrastructure | Sanitary Sewer Televising Program | 98,550 | 699,421 |
| 09/28/22 | Metro Detroit Tree & Firewood | Tree maintenance | 15,000 | 15,000 |
| 09/28/22 | Arbor Pro | Tree maintenance | 15,914 | 36,024 |

# CITY COUNCIL MEETING

DATE: October 17, 2022

**SUBJECT:** OHM Sewer Update

**SUMMARY:** The City of Grosse Pointe Park is currently under contract with HESCO for the sanitary sewer flow meters installed along Jefferson Avenue and Fairfax. The contract ends the first week of October 2022 however HESCO has kept the flow meters in place in anticipation of a potential purchase. OHM recommends the City purchase four of the installed flow meters and continue the maintenance agreement through HESCO.

**FINANCIAL IMPACT:** HESCO has provided a quote to purchase the four flow meters, two depth sensors with install, and the continuation of maintenance to the flow meters. The total cost for the meters is $28,278 and the monthly maintenance is $3,300 for the City of Grosse Pointe Park. The monthly maintenance will be charged to the City monthly per meter location.

**RECOMMENDATION:** Council approve of the Hesco quote as attached to the OHM Montly Sewer Update

**PREPARED BY:** Nick Sizeland, City Manager

# memorandum

**Date:** October 13, 2022

**To:** Nick Sizeland, City Manager
**cc:** File
**From:** Patrick M. Droze, P.E.

**Re:** Monthly Progress Report

This monthly progress report is provided for the period of September 13, 2022 through October 12, 2022. This report includes a summary of ongoing efforts with system assessment, sewer model development, active site projects and community engagement.

## SEWER TELEVISING AND MANHOLE CONDITION ASSESSMENT

Pipetek crews have completed CCTV inspections of all accessible portions of the City's sanitary sewer system. This included additional cleaning work to maximize the work under the previously approved contract. Work was completed in late September.

*Figure 1 - Locations of Additional Heavy Cleaning Work*

Asset Management

With the completion of the majority of pipeline and manhole inspection, OHM proposes to moving forward with an assessment of the system. As part of this, OHM would review the condition assessment data for sanitary sewer pipes and manholes investigated under the program. Specific work tasks would include the following:

- Identify specific needs related to structural, I/I and operation and maintenance defects within sewers and manholes
- Prepare recommendations related to the type and method of rehabilitation for the manholes and pipe. The typical options for manholes include spray-in liners or manhole inserts, as well as isolated chimney repairs and adjustments. Typical options for pipe rehabilitation include spot liners, full pipe liners, slip lining, pipe joint grouting, and open cut repairs.
- Prioritize the needed improvements and forecast deterioration.
- Prepare conceptual level maps identifying the proposed pipe and manhole rehabilitation projects.
- Prepare a Conceptual Opinion of Construction Cost for a rehabilitation project.
- Identify projects for 2023 construction (pending funding).

## COORDINATION WITH AGENCIES

- Department of Environment, Great Lakes and Energy (EGLE)
  A meeting was held on 09/29/2022 with EGLE to discuss the model approach. OHM provided a meeting summary on 10/10/2022 and followed up with staff to check on their review of the data and understood that the technical documentation is still under review. A follow-up modeling meeting will be held on with EGLE and OHM in the coming weeks.

## ST CLARE MONTEFALCO CHURCH

Construction plans have been approved on September 9, 2022. The project can advance to construction upon approval of the water main by EGLE.

## SEWER RELIEF SYSTEM AT PATTERSON PARK PROJECT (aka EERV)

As noted earlier, OHM continues to meet with EGLE to discuss sanitary sewer project update, and the EERV model. Other updates are provided below:

Permit

During the most recent meeting with EGLE, staff expressed their opinion that although there remains some work relative to modeling and the standard operating procedures, the project is likely at a stage where construction drawings can be submitted for review. OHM is proceeding with finalizing of details and specifications and will work towards submittal within the next month.

Advance Purchase of Long Lead items

OHM has coordinated with a vendor for the purchase of long-lead time elements of the relief system.

SCADA System

City Staff, Kennedy Industries, RESA Power and OHM performed a full system evaluation of the Patterson Park Stormwater Pumping station SCADA controls system. This work helped to identify connectivity between various system elements and the SCADA system. A report documenting the findings from this and future recommendations is being prepared.

BRIC Grant
On August 1, 2022, FEMA announced the selected BRIC Grant applicants. Unfortunately, Grosse Pointe Park did not receive a grant for the EERV. FEMA selected 53 projects from the 788 national applicant pool.

## DOWNSPOUT DISCONNECTIONS

No additional work has been performed on downspout evaluations. OHM understands that the City is integrating downspout inspections into the permitting process to help identify and correct connected downspouts as they are identified.

## MODEL DEVELOPMENT – HYDROLOGY AND HYDRAULICS

OHM used GLWA flow data from 2019 through 2021 and flow meter data from City meters, a hydrologic flow model for the Jefferson Pump Station has been completed. Hydrologic flow models will be developed for the flow meter locations once the flow metering is completed. OHM has used this to build 4 separate models for the 10-year, 25-year, 50-year and 100-year recurrence intervals. Based on the hydrologic model, a hydraulic model has been prepared for the existing and proposed condition for all recurrence intervals described above. A technical memorandum on the model operations and EERV effectiveness was presented to EGLE. This technical memorandum will be expanded to be part of the Basis of Design. This modeling demonstrates the potential level of service for the improvement.

The OHM modeling team is also reviewing alternatives for other hydraulic improvements within the southern section of the City. Depending on effectiveness of these improvements, these may be added to the future CIP.

## FLOW METERING

Flow data continues to be collected on a monthly basis. To date, the majority of rain events have been relatively light. There were smaller rain events throughout the summer such as June 6-8 (2.34”), June 20 (0.38”), July 5 (0.49”), July 24 (0.48”), August 8 (0.74”), August 21 (0.97”), September 11 (0.32”) and September 23 (0.40”). A summary of the monthly rainfall is below.

| Month | Monthly Total |
|---|---|
| **June** | 3.61 inches |
| **July** | 1.55 inches |
| **August** | 2.83 inches |
| **September** | 2.68 inches |
| **October (as of 10/12)** | - |

A review of the flow metering confirms that to date, no storm event has been significant enough to divert flow to the lower trunk sewer system.

The flow metering contract expired this week. OHM has sent a recommendation letter with a quote from HESCO to purchase four of the six flow metering and two-level sensors (attached). These meters would be maintained and serviced by HESCO monthly. The goal is to capture significant rain events. As noted above, the City has not experienced a significant storm during the 2022 growing season. The meters will also be beneficial for the study of smaller drainage areas within the system during future efforts to locate sources of I/I.

## CAPITAL IMPROVEMENT PROGRAM

In late August, the team met with BakerTilly to discuss the rate study work that is analyzing the existing water/sewer rates. To support the rate setting work, OHM is developing 5 and 20-year horizon CIP projects to establish a framework for projects and revenue requirements going forward. A draft of this is attached to this update.

## FUNDING

City staff and OHM are looking into other funding opportunities such as State Revolving Fund (SRF) for Asset Management. A community can receive up to $2 million for communities that did not participate in the State Stormwater, Asset Management and Wastewater (SAW) Grant. The fundings can be used for manholes and pipes that have a MACP or PACP score greater than or equal to 4. An intent to apply is due in November 2022.

## LOOK AHEAD

Within the next month, we anticipate the following items will be completed:

- Work to gain acceptance of the hydrologic and hydraulic model with EGLE.
- Advance manhole cover replacement as part of the 2022 alley paving project (starting 10/25)
- Work with staff on future projects to asset management and rate setting assistance

OHM Advisors
1145 GRISWOLD STREET, SUITE 200
DETROIT, MICHIGAN 48226 T 313.481.1250 OHM-Advisors.com

# memorandum

**Date:** October 4, 2022

**To:** Nick Sizeland, City Manager
**cc:** File
**From:** Patrick M. Droze, P.E.

**Re:** Sanitary Sewer Flow Meter Extension

The City of Grosse Pointe Park is current under contract with HESCO for the sanitary sewer flow meters installed along Jefferson Avenue and Fairfax. The contract ends the first week of October 2022. At the end of the contract, the sanitary sewer flow meters will be removed from the system. OHM recommends the City purchase four of the installed flow meters and continue the maintenance agreement through HESCO.

The City would be purchasing the following:

- Four Isco 2150 AV meters (currently installed);
- Two 2110 Level Sensors (require install)

Continuing to meter for sanitary sewer will allow the City to further understand the flow dynamic between the upper and lower trunks along Jefferson during large rainfall events. The flow meters can be moved to determine areas within the City to identify areas with significant inflow and infiltration (I/I) and develop targeted projects to reduce the I/I in the sanitary system. Additionally, long term data allows the sanitary sewer hydrologic/hydraulic model to be validated and expanded to include other areas of the system as they are metered.

HESCO has provided a quote to purchase the four flow meters, two depth sensors with install, and the continuation of maintenance to the flow meters. The total cost for the meters is $28,278 and the monthly maintenance is $3,300 for the City of Grosse Pointe Park. The monthly maintenance will be charged to the City monthly per meter location.

Please reach out if you have any questions about the quote.

OHM Advisors
1145 GRISWOLD STREET, SUITE 200
DETROIT, MICHIGAN 48226 T 313.481.1250 OHM-Advisors.com

# QUOTE

HESCO
Knowledgeable • Professional • Attentive • Likeable

29770 Hudson Drive Novi, MI 48377
Phone: (586) 978-7200
hesco-mi.com

**TO:**
City of Grosse Pointe Park

Thursday, September 29, 2022

**QUOTE #:** 2031-1
**SALESPERSON:** Kevin Livingston

## Flow Meter Purchase and Service Extension

| LINE ITEM | DESCRIPTION | QTY | UNIT | UNIT PRICE | LINE TOTAL |
|---|---|---|---|---|---|
| 1.00 | Teledyne ISCO 2150 Flow Meter<br>Isco 2150 Flow Meter from HESCO inventory, Including mounting rings units installed at sites SSMH-0513, 0065,0220,0229 | 4 | EA | 3,685.00 | $14,740.00 |
| 2.00 | Isco 2110 Ultrasonic Level Sensor<br>New Isco 2110 Ultrasonic level Sensors with 2191 Battery module, 10M sensor cable and mounting hardware. To be installed in MH SSMH-0095, 0737 | 2 | EA | 5,769.00 | $11,538.00 |
| 3.00 | HESCO Field Service<br>Installation of 2110 Level Sesors (original contract rate) | 2 | EA | 1,000.00 | $2,000.00 |
| 4.00 | HESCO Field Service<br>Preventive Maintenance Service on 6 flow meters for 12 months<br>$550/meter/month<br>$550 * 6 = $3,300 | 1 | Month | 3,300.00 | $3,300.00 |
| | | | | *SUBTOTAL:* | **31,578.00** |
| | | | | *MI SALES TAX:* | **1,576.68** |
| | | | | ***TOTAL:*** | **33,154.68** |

| Ship Via: | Best Way<br>FOB Factory | Shipping Terms: | Included |
|---|---|---|---|

| Payment Terms: | Net 30 | Quote Valid Through: | 10/06/2022 |
|---|---|---|---|

| Lead Time: | Shop Drawing Submittals: Weeks ARO<br>Shipment: Weeks ARA |
|---|---|

***END QUOTE***

City of Grosse Pointe Park

Infrastructure Capital Improvements Plan

October 2022

DRAFT

## About the Capital Improvements Plan

The Draft Capital Improvement Plan (CIP) for public utility infrastructure (water supply, sanitary sewer, storm sewer) has been developed to document future capital needs within the City of Grosse Pointe Park. The CIP is intended to serve as a tool to guide future infrastructure investments by prioritizing projects based on needs, system criticality and long-term operational cost reductions. The CIP is intended to elevate projects critical to Cityside health, safety and welfare while also tracking smaller desired projects. Projects are shown for the 5 year and 20-year horizon with 5-year projects deemed to have a higher level of need and certainty. 20-year projects are those either desirable or driven by regulatory compliance.

## Basis of Projects:

Projects listed within the CIP are included based on a combination of prior studies, state mandated improvements and future desired improvements. Reference documents include the 2021 Water DWSRF Project Plan, the 2017 Sanitary Sewer Evaluation Study, 2021-2022 sewer televising, and projects recommended by DPW Staff.

## Goals:

The CIP works to assist the City in attaining goals for improved overall infrastructure condition, increased reliability and improved operational costs.

**Water**: Increase overall system reliability by eliminating segments of water main with significant break history, Projects will be elevated for these segments by focusing in areas where breaks result in the highest impact to other infrastructure and where the loss of pressure results in

**Sewer**: Increase system resiliency to flooding through the elimination of inflow and infiltration sources, Maintain system capacity through cleaning, sewer lining and root treatments.

**Storm:** Improve overall system drainage and develop options for increased capacity through peak flow controls or increased pumping capacity.

## Coordination with other infrastructure:

This document is intended to ultimately supplement a more comprehensive City CIP. It is envisioned that projects will ultimately be coordinated to develop the most cost-effective projects that also limit the impact to the Community. The CIP should be updated annually to align projects with current city needs.

# Water Supply System Projects

Projects within the CIP for water main are based on the 2021 Asset Management Plan which developed four main projects to address the highest concentration of low-pressure water main, aging pipelines and lead service lines. The city will work towards completing work within these areas first.

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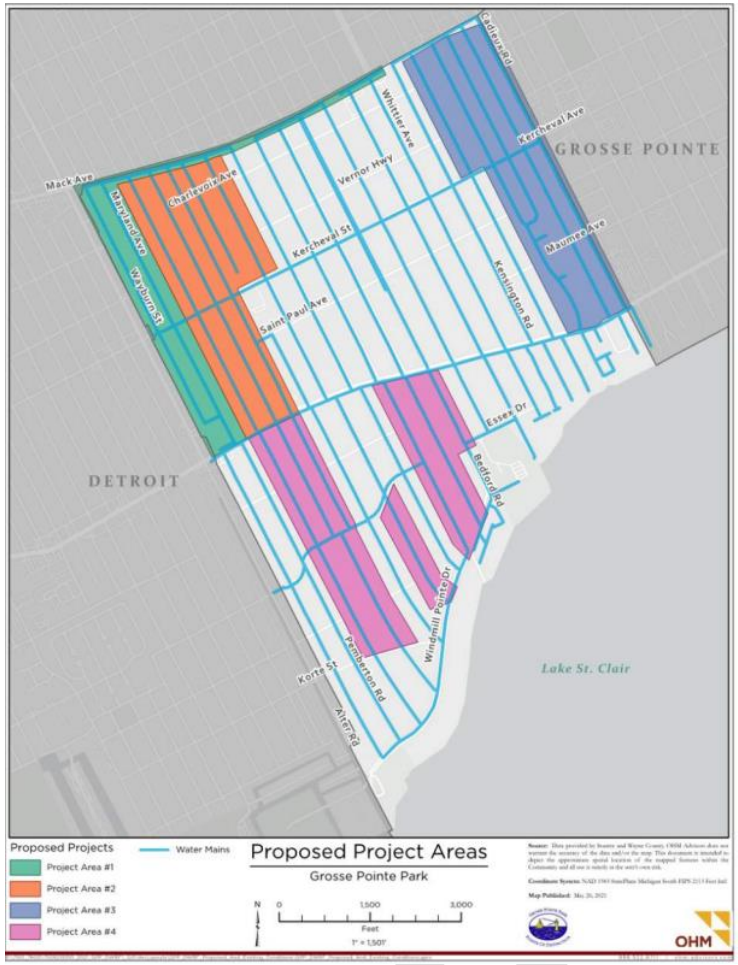
Water main work in subsequent years will be based on needs assessment based on break history, system flow conditions and coordination with other projects.



## Project Listing

| Year | Project Name | Category | Rationale | Importance | Project Cost |
|---|---|---|---|---|---|
| 2022 | Mack Ave WM | Mainline Replacement | Water Main replacement of problematic segment with break history | Critical Infrastructure Replacement | $ 600,000.00 |
| 2024 | Area 1 DWRF | Mainline Replacement | Replacement of undersized water mains within area of concentrated lead services lines | State Mandated and Reliability | $ 7,000,000.00 |
| 2027 | Area 2 DWRF | Mainline Replacement | Replacement of undersized water mains within area of concentrated lead services lines | State Mandated and Reliability | $ 7,000,000.00 |
| 2030 | Area 3 DWRF | Mainline Replacement | Replacement of undersized water mains within area of concentrated lead services lines | State Mandated and Reliability | $ 8,500,000.00 |
| 2033 | Area 4 DWRF | Mainline Replacement | Replacement of undersized water mains within area of concentrated lead services lines | State Mandated and Reliability | $ 6,800,000.00 |
| 2023 | Physical Water Service Inventory | Lead Service Lines | Mandated physical inventory of unknown water service connections to identify material type. Work to be completed no later than 2025. | State Mandated | $ 150,000.00 |
| 2024 | Physical Water Service Inventory | Lead Service Lines | Mandated physical inventory of unknown water service connections to identify material type. Work to be completed no later than 2025. | State Mandated | $ 150,000.00 |
| 2025 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 450,000.00 |
| 2026 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 480,000.00 |
| 2027 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 500,000.00 |
| 2028 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 525,000.00 |
| 2029 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 550,000.00 |

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| Year | Project Name | Category | Rationale | Importance | Project Cost |
|---|---|---|---|---|---|
| 2030 | Kercheval Water Main Replacement - Phase 1 | Mainline Replacement | Replacement of critical water infrastructure for reliability. | Critical Infrastructure Replacement | $ 1,500,000.00 |
| 2030 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 575,000.00 |
| 2031 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 600,000.00 |
| 2032 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 630,000.00 |
| 2032 | Kercheval Water Main Replacement - Phase 2 | Mainline Replacement | Replacement of critical water infrastructure for reliability. | Critical Infrastructure Replacement | $ 1,500,000.00 |
| 2033 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 660,000.00 |
| 2033 | 2033 Water Main Replacement | Mainline Replacement | Future Water Main Replacement Project elevated by break history, Assumed length 2500' of 8" main. | Desired | $ 750,000.00 |
| 2034 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 690,000.00 |
| 2035 | 2035 Water Main Replacement | Mainline Replacement | Future Water Main Replacement Project elevated by break history, Assumed length 2500' of 8" main. | Desired | $ 750,000.00 |
| 2035 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 725,000.00 |
| 2036 | 2036 Water Main Replacement | Mainline Replacement | Future Water Main Replacement Project elevated by break history, Assumed length 2500' of 8" main. | Desired | $ 750,000.00 |
| 2036 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 760,000.00 |
| 2037 | 2037 Water Main Replacement | Mainline Replacement | Future Water Main Replacement Project elevated by break history, Assumed length 2500' of 8" main. | Desired | $ 750,000.00 |

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| Year | Project Name | Category | Rationale | Importance | Project Cost |
|---|---|---|---|---|---|
| 2037 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 800,000.00 |
| 2038 | 2038 Water Main Replacement | Mainline Replacement | Future Water Main Replacement Project elevated by break history, Assumed length 2500' of 8" main. | Desired | $ 750,000.00 |
| 2038 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 840,000.00 |
| 2039 | 2039 Water Main Replacement | Mainline Replacement | Future Water Main Replacement Project elevated by break history, Assumed length 2500' of 8" main. | Desired | $ 750,000.00 |
| 2039 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 880,000.00 |
| 2040 | 2040 Water Main Replacement | Mainline Replacement | Future Water Main Replacement Project elevated by break history, Assumed length 2500' of 8" main. | Desired | $ 750,000.00 |
| 2040 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 925,000.00 |
| 2041 | 2041 Water Main Replacement | Mainline Replacement | Future Water Main Replacement Project elevated by break history, Assumed length 2500' of 8" main. | Desired | $ 750,000.00 |
| 2041 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 975,000.00 |
| 2042 | Annual Water Service Replacement | Lead Service Lines | Annual replacement of lead services lines to be completed by 2041. | State Mandated | $ 1,000,000.00 |
| **TOTAL WATER SYSTEM PROJECT COSTS** | | | | | **$ 51,765,000.00** |
| | | | | | |

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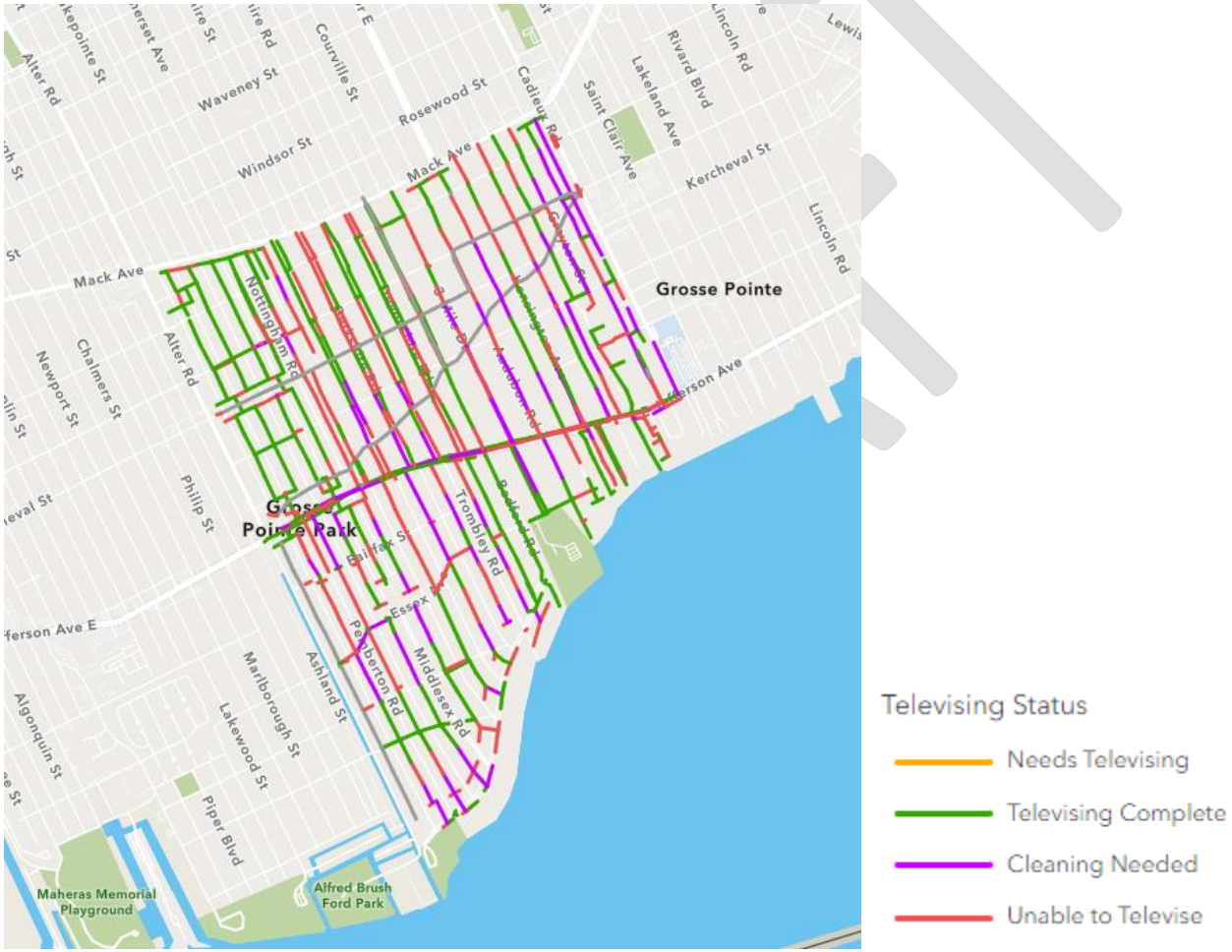
## Sanitary Sewer System Projects

Projects within the CIP for sanitary sewer are based on preliminary findings from televised system inspection completed in 2021-2022. The evaluations indicate the need for ongoing system maintenance comprised of jetting, root treatment and lining. A full asset management plan will be completed in future years to prioritize pipeline segments for this work. Projects listed are also based on wet weather analysis performed since 2018.



Project Listing

| Year | Project Name | Category | Rationale | Importance | Project Cost |
|---|---|---|---|---|---|
| 2023 | Extreme Emergency Relief System | Resiliency | Project identified as priority after 2016 storms. System will provide hydraulic relief during certain events. | Flood Control | $ 1,700,000.00 |
| 2023 | East Jefferson Sewer Separation | Capacity | Removal of catch basins from the sanitary sewer system. | Inflow Removal | $ 350,000.00 |
| 2023 | Flow Metering | Maintenance | Recommended to gain an increased understanding of system operation and identification of wet areas within the system. | Inflow Removal | $ 50,000.00 |
| 2023 | Sewer Asset Management Plan | Asset Management | Using pipeline and manhole inspection, develop a comprehensive evaluation of the sewer system. | System Operations | $ 150,000.00 |
| 2023 | North Side Root Treatment | Maintenance | Root Treatment of sewers. This will increase reliability and reduce maintenance costs. | Maintenance | $ 250,000.00 |
| 2024 | Wet Weather Metering | System Operations | Recommended to gain an increased understanding of system operation and identification of wet areas within the system. | Inflow Removal | $ 50,000.00 |
| 2024 | Access Manhole Improvements | Maintenance | Installation of new manholes in rear yard areas to improve access and ease of future system maintenance. | Maintenance | $ 350,000.00 |
| 2024 | North Side Alley Separation Projects | Capacity | Elimination of rear yard drainage and alley drainage to the sanitary sewer system. This will increase system capacity to manage wet weather flows. | Inflow Removal | $ 4,000,000.00 |

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| Year | Project Name | Category | Rationale | Importance | Project Cost |
|---|---|---|---|---|---|
| 2025 | Jefferson Avenue Relief Gates | Resiliency | Project identified in 2018 as an alternative to EERV. Project will provide relief to the sanitary system for smaller extreme events where pump capacity is exceeded at Jefferson Avenue. | System Operations | $ 200,000.00 |
| 2025 | South Side Relief Sewers | Capacity | Creation of a relief sewer to improve flow routing to the Jefferson Avenue lower trunk system. | Flood control | $ 3,187,500.00 |
| 2026 | Sewer Jetting Equipment | Maintenance | Route jetting is recommended for significant portions of the system. | System Operations | $ 800,000.00 |
| 2026 | Annual Sewer Televising - Area 1 | Maintenance | 1/5 of System will undergo annual inspection to identify maintenance needs. | System Operations | $ 200,000.00 |
| 2026 | Annual Sewer Televising - Area 2 | Maintenance | 1/5 of System will undergo annual inspection to identify maintenance needs. | Maintenance | $ 200,000.00 |
| 2026 | Bishop Street Separation | Capacity | Bishop Road was not separated in 1997. This should be completed to remove inflow to the sanitary sewer system. | Inflow Removal | $ 1,500,000.00 |
| 2027 | Sewer Lining Projects | System Operations | Pending the outcome of the asset management plan, high priority segments of sewer lining will be advanced. | Inflow Removal | $ 1,000,000.00 |
| 2027 | Annual Sewer Televising - Area 3 | Maintenance | 1/5 of System will undergo annual inspection to identify maintenance needs. | Maintenance | $ 200,000.00 |
| 2028 | Sewer Lining Projects | System Operations | Pending the outcome of the asset management plan, high priority segments of sewer lining will be advanced. | Inflow Removal | $ 1,000,000.00 |

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| Year | Project Name | Category | Rationale | Importance | Project Cost |
|---|---|---|---|---|---|
| 2028 | Annual Sewer Televising - Area 4 | Maintenance | 1/5 of System will undergo annual inspection to identify maintenance needs. | Maintenance | $ 200,000.00 |
| 2029 | Annual Sewer Televising - Area 5 | Maintenance | 1/5 of System will undergo annual inspection to identify maintenance needs. | Maintenance | $ 200,000.00 |
| 2030 | Annual Sewer Televising - Area 1 | Maintenance | 1/5 of System will undergo annual inspection to identify maintenance needs. | Maintenance | $ 250,000.00 |
| 2031 | Annual Sewer Televising - Area 2 | Maintenance | 1/5 of System will undergo annual inspection to identify maintenance needs. | Maintenance | $ 250,000.00 |
| 2032 | Annual Sewer Televising - Area 3 | Maintenance | 1/5 of System will undergo annual inspection to identify maintenance needs. | Maintenance | $ 250,000.00 |
| 2033 | Annual Sewer Televising - Area 4 | Maintenance | 1/5 of System will undergo annual inspection to identify maintenance needs. | Maintenance | $ 250,000.00 |
| 2034 | Annual Sewer Televising - Area 5 | Maintenance | 1/5 of System will undergo annual inspection to identify maintenance needs. | Maintenance | $ 250,000.00 |
| 2035 | Jefferson Avenue Pumping Station Upgrades | Pumping | Electrical system upgrades and pump maintenance. | System Operations | $ 10,000,000.00 |
| **TOTAL SEWER SYSTEM PROJECT COSTS** | | | | | **$ 26,837,500.00** |

DRAFT

# CITY COUNCIL MEETING

DATE: October 17, 2022

**SUBJECT:** Baker Tilly Presentation-Water & Sewer Rate Study

**SUMMARY:** In March of this year Council approved of the MI Plan from Baker Tilly for a for a period of work over 10 years to review how we compile funds for infrastructure in Grosse Pointe Park. For Councils review are preliminary drafts from Baker Tilly regarding water and sewer rates and further discussion about splitting of the fund between water and sewer, the rate structure change, millage vote, capital improvements, OPEB & pension expenses and the revolving fund. Andy Campbell from Baker Tilly will present at the meeting and will take any questions the council shall have.

**FINANCIAL IMPACT:** No Financial Impact

**RECOMMENDATION:** Review informational material from Baker Tilly

**PREPARED BY:** Nick Sizeland, City Manager

**CITY OF GROSSE POINTE PARK (MICHIGAN) WATER AND SEWER FUND**

**COMPARATIVE DETAIL OF OPERATING EXPENSES - SEWER**

| | | Fiscal Year Ended | | | | | |
|---|---|---|---|---|---|---|---|
| | | 6/30/2020 | 6/30/2021 | 6/30/2022 | 6/30/2023 | Test Year | Multiplier |
| | | (----------Per Client----------) | | | | | |
| Dept 527 - Sewage Disposal | | | | | | | |
| 702.010 | Salaries - Full Time Employees | $142,970 | $183,507 | $188,569 | $183,217 | $183,217 | 3.0% |
| 719.000 | Fringe Benefits | 116,800 | 159,999 | 168,800 | 173,864 | 173,864 | 3.0% |
| 740.000 | Operating Supplies | 18,256 | 20,125 | 21,643 | 22,292 | 22,292 | 3.0% |
| 802.000 | Legal Services | - | - | 17,054 | 17,566 | 17,566 | 3.0% |
| 815.000 | Engineering | 104,461 | 32,921 | 102,500 | 120,000 | 120,000 | 3.0% |
| 851.000 | Telephone | 3,298 | 4,241 | 4,305 | 4,434 | 4,434 | 2.0% |
| 921.000 | Electricity | 11,457 | 14,574 | 17,166 | 18,196 | 18,196 | 2.0% |
| 922.010 | Gas-Heating Pump Station | 7,163 | 4,000 | 8,750 | 9,275 | 9,275 | 2.0% |
| 923.020 | Sewer Charges | 1,812,000 | 1,824,000 | 1,908,800 | 1,966,064 | 1,966,064 | 4.0% |
| 923.040 | Wet Well Clean Out | - | - | 12,000 | 30,000 | 30,000 | 2.0% |
| 934.000 | Repair - Building | 3,195 | 7,394 | 10,558 | 10,875 | 10,875 | 2.0% |
| 937.000 | Repair - Yard/Storage Equipment | 7,712 | 901 | 18,759 | 19,322 | 19,322 | 2.0% |
| 939.000 | Repair - Vehicles | 9,762 | 3,535 | 6,493 | 6,688 | 6,688 | 2.0% |
| 939.010 | DPW Equipment Rental | 30,750 | 31,673 | 32,465 | 32,465 | 32,465 | 2.0% |
| 939.020 | Jetter VAC | - | 29,424 | 16,000 | 16,000 | 16,000 | 2.0% |
| 957.000 | Training/Education | 981 | - | 1,673 | 3,000 | 3,000 | 2.0% |
| 968.100 | Depreciation | - | - | - | - [1] | - | 0.0% |
| 978.000 | Equipment - Engineering | 481 | - | 8,811 | - | - | 2.0% |
| 978.010 | OPEB Expense | 35,380 | - | 39,792 | 41,000 | 41,000 | 2.0% |
| | Total Sewage Disposal | 2,304,667 | 2,316,294 | 2,584,138 | 2,674,258 | 2,674,258 | |
| Dept. 528 - Sewer/Pump Station | | | | | | | |
| 702.010 | Salaries - Full Time Employees | 104,045 | 112,810 | 112,750 | 135,900 | 135,900 | 3.0% |
| 702.030 | Salaries - Temporary Employees | - | - | - | 31,251 | 31,251 | 3.0% |
| 719.000 | Fringe Benefits | 97,000 | 99,910 | 105,405 | 93,235 | 93,235 | 3.0% |
| 740.000 | Operating Supplies | 18,322 | 16,765 | 19,344 | 23,000 | 23,000 | 3.0% |
| 801.100 | Professional/Contractual Serv | - | 7,756 | 17,054 | 17,566 | 17,566 | 3.0% |
| 932.000 | Repair-Sewer System | 28,418 | 14,743 | 20,000 | 20,600 | 20,600 | 3.0% |
| 935.000 | Repair-Heavy Equipment | 1,329 | 531 | 3,979 | 4,098 | 4,098 | 3.0% |
| 960.000 | Insurance & Bonds | 105,317 | 108,477 | 111,200 | 131,200 | 131,200 | 0.0% |
| 996.010 | Three Mile Station Controls | - | 34,580 | 41,000 | 41,000 | 41,000 | 2.0% |
| 996.020 | Preventative Maintenance | 35,289 | 13,857 | 20,500 | 20,500 | 20,500 | 2.0% |
| 996.040 | Independent System Testing 3 Mile | 16,034 | 16,130 | 15,375 | 15,375 | 15,375 | 2.0% |
| 996.041 | Pump Station Flooring and Windows | - | - | - | 50,000 | - | 0.0% |
| 996.042 | Pump Station Floor Drains | - | - | - | 80,000 | - | 0.0% |
| | Total Sewer/Pump Station | 405,753 | 425,559 | 466,607 | 663,725 | 533,725 | |
| | Total Sewer Operating Expenses | $2,710,420 | $2,741,853 | $3,050,745 | $3,337,983 | $3,207,983 | |

[1] Depreciation Expenses is removed from this report as this report is completed on the cash basis.

**CITY OF GROSSE POINTE PARK (MICHIGAN) WATER AND SEWER FUND**

**CASH FLOW ANALYSIS - SEWER WITH NO MILLAGE**

| | | 2022/23 | Increases Per Year | 2023/24 |
|---|---|---|---|---|
| Assumptions | | | | |
| Units Charged | | 30,190 | | 30,190 |
| Sewer Services Charge | | $71.96 | 0.00% | $71.96 |
| Units Charged | | 29,997 | | 29,997 |
| Capital Projects Charge | | $3.75 | 0.00% | $3.75 |
| *Typical homeowner's bi-monthly bill* | | *$75.71* | | *$75.71* |
| Revenue | | | | |
| Sewer Services Revenue | | $2,172,472 | | $2,172,472 |
| Capital Projects Revenue | | 112,489 | | 112,489 |
| Other | | 96,250 | | 96,250 |
| Total Revenue | | 2,381,211 | | 2,381,211 |
| Less: Total operating expenditures | | (3,337,983) | | (3,317,266) |
| Net Operating Revenue | | (956,772) | | (936,055) |
| Less: Estimated Cash Funded Capital Improvements | | - | | - |
| Estimated debt service #1 2023 Bonds [1] | | - | | (200,000) |
| Net Cash Flow | | ($956,772) | | ($1,136,055) |
| *Cash & Investments* | *$9,027* | *($947,745)* | | *($2,083,799)* |

[1] Estimated debt service payments based on a $2,000,000 15-year bond issue at an estimated market rate (EERV project).

**CITY OF GROSSE POINTE PARK (MICHIGAN) WATER AND SEWER FUND**

**CASH FLOW ANALYSIS - SEWER WITH MILLAGE**

| | | 2022/23 | Increases Per Year | 2023/24 |
|---|---|---|---|---|
| Assumptions | | | | |
| Units Charged | | 30,190 | | 30,190 |
| Sewer Services Charge | | $71.96 | 0.00% | $71.96 |
| Units Charged | | 29,997 | | 29,997 |
| Capital Projects Charge | | $3.75 | 0.00% | $3.75 |
| *Typical homeowner's bi-monthly bill* | | *$75.71* | | *$75.71* |
| Revenue | | | | |
| Sewer Services Revenue | | $2,172,472 | | $2,172,472 |
| Capital Projects Revenue | | 112,489 | | 112,489 |
| Other | | 96,250 | | 96,250 |
| Millage Revenue | | 879,146 | 3.00% | 905,521 |
| Total Revenue | | 3,260,358 | | 3,286,732 |
| Less: Total operating expenditures | | (3,337,983) | | (3,317,266) |
| Net Operating Revenue | | (77,625) | | (30,534) |
| Less: Estimated Cash Funded Capital Improvements | | - | | - |
| Estimated debt service #1 2023 Bonds [1] | | - | | (200,000) |
| Net Cash Flow | | ($77,625) | | ($230,534) |
| *Cash & Investments* | *$9,027* | *($68,598)* | | *($299,132)* |

[1] Estimated debt service payments based on a $2,000,000 15-year bond issue at an estimated market rate (EERV project).

**CITY OF GROSSE POINTE PARK (MICHIGAN) WATER AND SEWER FUND**

**COMPARATIVE DETAIL OF OPERATING EXPENSES - WATER**

| | | Fiscal Year Ended | | | | | |
|---|---|---|---|---|---|---|---|
| | | 6/30/2020 | 6/30/2021 | 6/30/2022 | 6/30/2023 | Test Year | Multiplier |
| | | (----------Per Client----------) | | | | | |
| Dept. 535 - Water Department | | | | | | | |
| 702.010 | Salaries - Full Time Employees | $219,691 | $202,855 | $240,875 | $178,100 | $178,100 | 3.0% |
| 703.000 | Salaries - Administration | 81,311 | 71,178 | 100,047 | 88,630 | 88,630 | 3.0% |
| 719.000 | Fringe Benefits | 273,000 | 281,190 | 296,655 | 93,235 | 93,235 | 3.0% |
| 728.100 | Postage | 11,660 | 8,617 | 8,925 | 9,193 | 9,193 | 2.0% |
| 740.000 | Operating Supplies | 87,328 | 119,270 | 125,059 | 135,000 | 135,000 | 2.0% |
| 743.000 | Supplies Gas & Oil | 30,616 | 41,536 | 49,620 | 64,506 | 64,506 | 2.0% |
| 744.000 | Supplies - Small Tools & Equip | 10,820 | 16,614 | 22,292 | 25,000 | 25,000 | 2.0% |
| 746.000 | Uniforms | 8,098 | 8,873 | 9,095 | 12,400 | 12,400 | 2.0% |
| 801.100 | Professional/Contractual Serv | 22,121 | 28,995 | 30,696 | 35,000 | 35,000 | 2.0% |
| 810.000 | Auditor | 5,869 | 2,600 | 6,196 | 6,382 | 6,382 | 2.0% |
| 840.000 | SEMCOG | - | - | 841 | 866 | 866 | 2.0% |
| 923.010 | Water Charges | 1,540,464 | 1,551,260 | 1,424,300 | 1,467,029 | 1,467,029 | 4.0% |
| 930.020 | Repair - Water Meters & Hydrant | 15,159 | - | 71,750 | 73,903 | 73,903 | 3.0% |
| 931.000 | Repair - Water System | 42,253 | 35,014 | 36,380 | 40,000 | 40,000 | 3.0% |
| 934.000 | Repair - Building | 3,044 | 2,891 | 6,139 | 6,323 | 6,323 | 3.0% |
| 935.000 | Repair - Heavy Equipment | 13,375 | 30,730 | 33,439 | 38,000 | 38,000 | 3.0% |
| 936.000 | Repair - Shop Equipment | 787 | - | 1,365 | 1,406 | 1,406 | 3.0% |
| 936.010 | Replace Cab for 1992 F-800 Ford T | - | 5,221 | - | - | - | 2.0% |
| 939.000 | Repair - Vehicles | 1,003 | 471 | 1,705 | 2,500 | 2,500 | 2.0% |
| 957.000 | Training/Education | 1,740 | 2,440 | 2,501 | 2,576 | 2,576 | 2.0% |
| 967.200 | Equipment Rental | 30,750 | 31,673 | 32,465 | 32,465 | 32,465 | 2.0% |
| 968.100 | Depreciation | - | - | - | - [1] | - | 2.0% |
| 968.120 | Landscape/Dirt/Gravel/Ice | 26,800 | 26,800 | 20,100 | - | - | 2.0% |
| 968.140 | Cowles Environment | 9,000 | 9,000 | 9,502 | 9,787 | 9,787 | 2.0% |
| 981.100 | Bobcat Repair | - | 5,100 | 7,688 | 15,000 | 15,000 | 2.0% |
| 981.200 | Sterline Dump Box with Tarp | - | 18,000 | 18,450 | 19,000 | 19,000 | 2.0% |
| 981.450 | Pick up Truck with Plow | - | - | 88,000 | 46,500 | 46,500 | 2.0% |
| 981.460 | Bobcat | - | - | 60,000 | - | - | 0.0% |
| 981.462 | Sweeper | - | - | - | 264,000 | - | 0.0% |
| 981.463 | Cross Connections | - | - | - | 5,500 | - | 0.0% |
| 981.464 | MI Plan | - | - | - | 7,000 | - | 0.0% |
| | Total Water Operating Expenses | $2,434,889 | $2,500,328 | $2,704,085 | $2,679,301 | $2,402,801 | |

[1] Depreciation Expenses is removed from this report as this report is completed on the cash basis.

## CITY OF GROSSE POINTE PARK (MICHIGAN) WATER AND SEWER FUND

## CASH FLOW ANALYSIS - WATER WITH NO MILLAGE

| | | 2022/23 | Increases Per Year | 2023/24 |
|---|---|---|---|---|
| Assumptions | | | | |
| Units Charged | | 30,298 | | 30,298 |
| Great Lakes Charge | | $61.34 | 0.00% | $61.34 |
| Billable Flow (100 cubic ft) | | 412,661 | | 412,661 |
| Water Usage Charge | | $3.80 | 0.00% | $3.80 |
| Units Charged | | 29,997 | | 29,997 |
| Capital Projects Charge | | $3.75 | 0.00% | $3.75 |
| *Typical homeowner's bi-monthly bill (assumes 1,500 cubic feet/bi-monthly)* | | *$122.09* | | *$122.09* |
| Revenue | | | | |
| Great Lakes Charge Revenue | | $1,858,479 | | $1,858,479 |
| Water Usage Revenue | | 1,568,112 | | 1,568,112 |
| Capital Projects Revenue | | 112,489 | | 112,489 |
| Other | | 96,250 | | 96,250 |
| Total Revenue | | 3,635,330 | | 3,635,330 |
| Less: Total Operating Expenditures | | (2,402,801) | | (2,485,394) |
| Net Operating Revenue | | 1,232,529 | | 1,149,936 |
| Less: Estimated Cash Funded Capital Improvements | | - | | - |
| Net Cash Flow | | $1,232,529 | | $1,149,936 |
| *Cash & Investments* | *$9,027* | *$1,241,556* | | *$2,391,492* |

**CITY OF GROSSE POINTE PARK (MICHIGAN) WATER AND SEWER FUND**

**CASH FLOW ANALYSIS - WATER WITH MILLAGE**

| | | 2022/23 | Increases Per Year | 2023/24 |
|---|---|---|---|---|
| Assumptions | | | | |
| Units Charged | | 30,298 | | 30,298 |
| Great Lakes Charge | | $61.34 | 0.00% | $61.34 |
| Billable Flow (100 cubic ft) | | 412,661 | | 412,661 |
| Water Usage Charge | | $3.80 | 0.00% | $3.80 |
| Units Charged | | 29,997 | | 29,997 |
| Capital Projects Charge | | $3.75 | 0.00% | $3.75 |
| *Typical homeowner's bi-monthly bill (assumes 1,500 cubic feet/bi-monthly)* | | *$122.09* | | *$122.09* |
| Revenue | | | | |
| Great Lakes Charge Revenue | | $1,858,479 | | $1,858,479 |
| Water Usage Revenue | | 1,568,112 | | 1,568,112 |
| Capital Projects Revenue | | 112,489 | | 112,489 |
| Other | | 96,250 | | 96,250 |
| Millage Revenue | | 879,146 | 3.00% | 905,521 |
| Total Revenue | | 4,514,476 | | 4,540,851 |
| Less: Total operating expenditures | | (2,679,301) | | (2,485,394) |
| Net Operating Revenue | | 1,835,175 | | 2,055,457 |
| Less: Estimated Cash Funded Capital Improvements | | - | | - |
| Net Cash Flow | | $1,835,175 | | $2,055,457 |
| *Cash & Investments* | *$9,027* | *$1,844,202* | | *$3,899,659* |

# CITY COUNCIL MEETING

DATE: October 17, 2022

**SUBJECT:** Zoning Ordinance Map Amendment

**SUMMARY:** Michael Stines, representing the property owners of 1212/1214 Wayburn and 1213/1217 Maryland is requesting to change the zoning of the properties from R-D (Two-Family Residential) to P-1 (Vehicular Parking). This request constitutes a request to change or amend the City's zoning map. This is accomplished through an amendment to the Zoning Ordinance which involves a two-step process. First, the Planning Commission holds a public hearing and votes to recommend that an application be approved or denied by the City Council. The Planning Commission considered the application and held the required public hearing at its October 6th regular meeting, where they voted 3-2 to recommend approval of this rezoning request. The second step in amending the zoning ordinance is approval by the legislative body, in this case the City Council.

The following materials are attached as part of the rezoning request for your review and consideration:

1. Staff report by the City Planner
2. Rezoning Application
3. Site Plan
4. Affidavit of publication for the Public Notice
5. Copy of the Public Notice
6. List of property owners within 300 feet of the subject properties who were mailed the public notice.
7. Written comments were received at the Planning Commission's Public Hearing.

**FINANCIAL IMPACT:** N/A

**RECOMMENDATION:** Consider granting the applicant's request to rezone the affected properties from R-D (Two-Family Residential) to P-1 (Vehicular Parking)

**PREPARED BY:** Warren Rothe, Assistant City Manager

MCKENNA

John Jackson, AICP

**STAFF REPORT** CONTACT INFORMATION

Michael Stines

CASE/NUMBER

APPLICANT/PROPERTY OWNER

October 6, 2022

1212/1214 Wayburn;1213/1217

PUBLIC HEARING DATE

PROPERTY ADDRESS/LOCATION

**BRIEF SUMMARY OF REQUEST**

This applicant is requesting to rezone four parcels from R-D to P1 to allow them to construct a parking lot. The parking lot will be part of the shared parking system that currently serves the Park's central business district. Parking spaces will be metered and electrical vehicle charging stations will be provided.

MAP SOURCE: Wayne County GIS

| EXISTING ZONING | EXISTING LAND USE | SURROUNDING ZONING & LAND USE | SITE IMPROVEMENTS | SIZE OF PROPERTY |
|---|---|---|---|---|
| R-D, Residential | Single Family Residential | B-1/Commercial<br>R-D/Residential | Four existing homes | Appx. 16,000 square feet |

STAFF RECOMMENDATION

**APPROVE** | APPROVE WITH CONDITIONS | REVISE AND RESUBMIT | DENY

**COMPATIBILITY** with the COMPREHENSIVE PLAN

The recently adopted master plan identified this area as Mixed Residential Neighborhood. The Master Plan also promotes the implementation of *Green Infrastructure* and *EV Charging Stations.*
The City has recently completed a ***parking study*** of the business districts which suggest there may be the need for future public parking lots in and around the Kercheval Business District.

**PROPERTY HISTORY**

These four parcels have been used as residential dwellings for several decades.

**COMPATIBILITY** with the ZONING ORDINANCE

Sec. 27-71. The P-1 Vehicular Parking Districts are intended to permit the establishment of areas to be used solely for offstreet parking of private passenger vehicles as a use incidental to a principal use. These districts will generally be provided by petition or request to serve a use district which has developed without adequate offstreet parking facilities.

**ATTACHMENTS** (CIRCLE)

| SUBMITTED PLANS | PUBLIC HEARING PETITION/ APPLICATION FORM | LEGAL NOTICE | LEGAL DESCRIPTION |
|---|---|---|---|

PUBLIC COMMENTS | AGENCY COMMENTS | RESPONSE TO STANDARDS

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.

We have reviewed the above request with the City's Zoning Ordinance, Master Plan, other applicable plans, conditions on the site, and sound planning and design principles in an effort to provide constructive and helpful feedback for the development of this site. We offer the following comments for your consideration.

**1. Background**

The subject property has been assembled to accommodate the development of a metered parking lot to serve the Kercheval Avenue Business District. The City's recently adopted Master Plan indicates that providing adequate parking in this Business District is important to the long term viability of this area. The Master Plan identifies a number of other policies intended to reduce reliance on surface parking lots including alternative forms of mobility and connections.

Although the Master Plan and the recently completed Parking Study promote alternatives to surface parking lots and managing the existing supply of parking, the Parking Study states that when the existing supply of parking is utilized over 75-90% from new uses and redevelopment, "more public parking should be added".

Public parking lots have been added in areas to the "south" of Kercheval on lots purchased by the TIFA. These lots establish the pattern of providing public parking lots as a transition between the businesses on Kercheval and the surrounding neighborhood. For this pattern to be successful, adequate screening must be provided to protect the adjacent residents from the impacts of the surface parking lots.

**2. Zoning and Use**

| LOCATION | EXISTING LAND USE | CURRENT ZONING | FUTURE LAND USE |
|---|---|---|---|
| **Subject Site** | Residential | RD, Two Family | Mixed Residential |
| **North** | Residential | RD, Two Family | Mixed Residential |
| **South** | Commercial | B, Local Business | Business District |
| **East** | Residential | RD, Two Family | Mixed Residential |
| **West** | Residential | RD, Two Family | Mixed Residential |

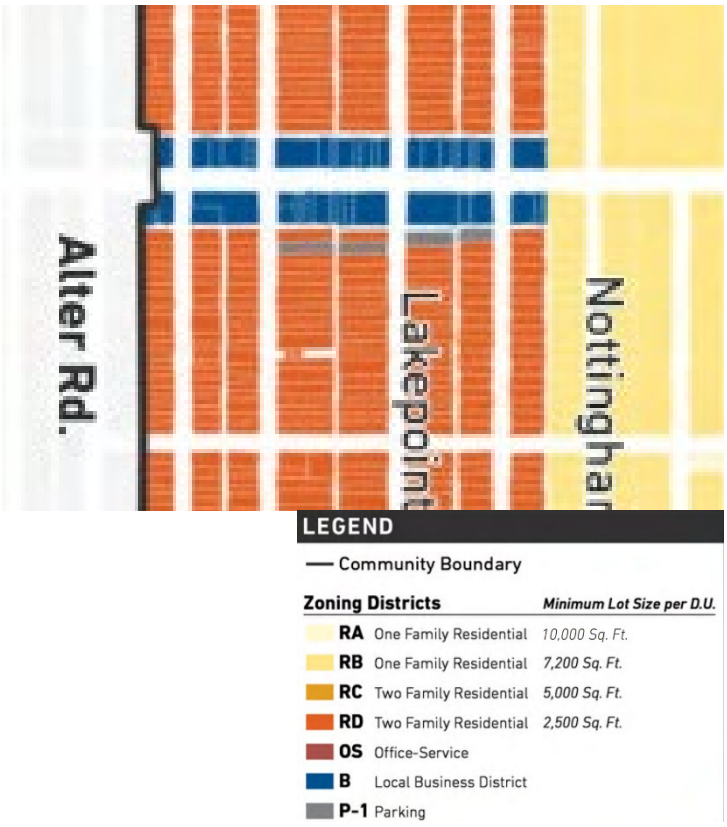
**NEW PUBLIC PARKING OPPORTUNITIES**

There may be a future need to add more parking spaces, especially within the Kercheval Business District. We recommend that the City continues to monitor the overall performance of the parking system and operations by conducting annual field surveys and tracking the data against threshold indicators to ensure that parking utilization is within the 75-90% occupancy range.

New businesses, especially ones with an anticipated higher parking demand in the evening hours (i.e. restaurants and bars), will decrease the amount of available parking spaces in the districts. The Kercheval Business District is anticipating a few new redevelopments in the western portion of the district in 2022/2023, including a new restaurant at the corner of Maryland and Kercheval. While some of the increased parking demand could be handled by off-street private lots on site, there will be additional demand for on-street parking which could raise the occupancy levels to 90% or greater for certain blocks, especially during evening hours.

Enhancing wayfinding, adding meters or pay stations, and adjusting time limits and rates will be critical to help with turnover of parking. After these initial recommendations are implemented, and parking occupancy levels are starting to rise in multiple blocks and parking lots, then more public parking should be added to the Kercheval Business District.

*GPP – Parking Study 2021*



**3. Rezoning Standards**

The following standards were developed to assist the City in evaluating any rezoning request and represent best planning and zoning practices and are consistent with the intent of the Michigan Planning Enabling Act:

**A. Consistency with the Master Plan's goals, policies, and Future Land Use Map, including planned timing or sequence of development.**

The site is planned and zoned for Mixed Residential/Two-family uses and has historically been used this way. However, the City's Master Plan and the recent parking study anticipate the eventual need for additional public parking to serve the Kercheval Avenue Business District. In addition, the City, through the TIFA, has converted property adjacent to this Business District to public parking lots. While the rezoning may not match the Future Land Use Map, the proposed rezoning is consistent with the long term, goals and objectives of the City, and recent initiatives to invest in convenient public parking adjacent to the Kercheval Avenue Business District. We find these standards are met.

**B. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.** The site has no exceptional environmental features that will be impacted by the proposed development. The proposed parking lot will have open areas along the Wayburn and Maryland street frontages and utilize permeable pavers to reduce the stormwater impacts of the proposed parking area. We find these standards are met.

**C. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses**

**and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.** In several areas of the Kercheval Business District, there are single family homes that abut the alleys behind active businesses. Providing surface parking as a buffer or transition between the service areas of the businesses and the adjacent residential neighborhood is a sound planning practice that will enhance the compatibility between the two uses. We find these standards are met.

D. **Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of the City.** The City has the resources to manage the proposed parking lot and the proposed design that includes permeable pavers and other innovative stormwater protection measures will reduce the impact on City infrastructure. We find these standards are met.

E. **Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).** The proposed parking lot will reduce the impact of traffic circulating looking for available parking. We find these standards are met.

F. **The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the City to accommodate the demand.** The intent of the City is to provide a variety of alternative to surface parking, however, with the continued success of the Kercheval Avenue Business in the form of redevelopment and thriving businesses, the Parking Study states that there will be increased demand for parking. Public, shared, and managed parking lots are much more efficient and effective in providing the necessary parking and reducing the need for private parking lots. We find the standards of this section to be met.

G. **The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.** The boundary of the new district is compatible with the surrounding area and scale of future developments. The site is just large enough to accommodate a double loaded row of parking, a service alley, sufficient screening and fits in with the urban character of the neighborhood. We find the standards of this section to be met.

H. **The requested rezoning will not create an isolated or incompatible zone in the area.** The requested site is located between the B, Local Business District, and R-D, Mixed Residential District and provides a logical transition between the two districts. We find the standards of this section to be met.

I. **Other factors deemed appropriate by the Planning Commission and City Council.** We find that the request for rezoing to P-1 to allow the proposed parking lot is consistent with the initiatives of the City to have convenient surface parking for the Kercheval Avenue Business District in a way that protects the character of the Business District (no surface parking lots along Kercheval) and provides a transition to the adjacent residential neighborhoods. The City may want to consider developing a parking plan to identity locations for future parking lots to serve this and other business districts in the City.

**SUMMARY AND RECOMMENDATION**

Based on the findings above, we recommend the Planning Commission recommend approval of the proposed rezoning to the City Council.

We look forward to reviewing these findings and recommendations with you. In the meantime, if you have

any questions, please feel free to contact us.

Respectfully submitted,

**McKENNA**

John Jackson, AICP
President

Cc: Nick Sizeland, City Manager
Warren Rothe, Assistant City Manager
Terry Brennan, Building Official
Gage Belko, Assistant Planner

# City of Grosse Pointe Park

**FEE: $500.00 + Escrow Deposit**

**MAIL TO:** CITY OF GROSSE POINTE PARK
BUILDING DEPARTMENT
15115 E. Jefferson
Grosse Pointe Park, MI 48230

## REZONING APPLICATION

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE REZONING REQUEST WILL NOT BE SCHEDULED FOR A HEARING UNTIL IT HAS BEEN VERIFIED THAT ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS.**

**If you have any questions, please call (313)822-6200 or e-mail building@grossepointepark.org.**
**Please refer to www.grossepointepark.org to find the following information:**

- Planning Commission page for meeting schedule
- Zoning Ordinance Section 27-171; Changes and Amendments

## APPLICANT CONTACT INFORMATION

**PROPERTY OWNER**

Name: SEE ATTACHED.
Address:
City, State, Zip:
Phone #:
Email:

**APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING**

**APPLICANT/OWNERS REPRESENTATIVE**

Name: MICHAEL STINES
Address: 121 KERCHEVAL AVENUE
City, State, Zip: G.P. FARMS, MI 48236
Phone #: [redacted]
Email: [redacted]

**APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING**

### PRE-APPLICATION CONFERENCE

It is strongly encouraged that all applicants and their representatives meet with City of Grosse Pointe Park staff prior to submitting an application for a rezoning. A pre-application meeting with staff allows for a preliminary review of the application procedures, project timelines, compliance with the City Master Plan, and other project criteria, and prevents most situations that usually results in a project being postponed.

### PHASING OF APPLICATION

Public hearings before the Planning Commission are held for initial review of a rezoning application. Applications and support materials must be submitted twenty (20) business days prior to the public hearing date. The Planning Commission will make a recommendation to City Council who will take the final action on the application.

# City of Grosse Pointe Park

## PROPERTY INFORMATION

Property Address: 1212/1214 Wayburn; 1213/1217 Maryland Property ID Number: See attached

Size of property (frontage / depth / sq. ft. or acres): See attached

Surrounding Zoning Districts: North R-D South B-1 East R-D West R-D

Legal Description: See attached

## PROPOSAL

Current Zoning District: R-D Proposed Zoning District: P1

**Please note: If proposing a Rezoning with Conditions, please attach a separate sheet(s) with your proposed conditions**

I hereby certify the following:

1. I am the legal owner of the property for which this application is being submitted, or I have submitted a written statement by the property owner that allows me to apply on their behalf.
2. I desire to apply for a rezoning of the property indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
3. The requested rezoning would not violate any deed restrictions attached the property involved in the request.
4. I have read the recommended sections of the Zoning Ordinance and understand the necessary requirements that must be completed.
5. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that is does not assure approval of the plan.
6. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be assigned a date for a public hearing before the Planning Commission that may not necessarily be the next scheduled meeting due to notification requirements and Planning Commission Bylaws.
7. I acknowledge that this form is not in itself a rezoning but only an application for a rezoning and is valid only with procurement of applicable approvals.
8. I authorize City Staff, and the Planning Commission and City Council members to inspect the site.

Property Owner Signature: _____ Date: 9/8/2022

**OFFICE USE ONLY:**

Parcel ID #: _____ File #: _____ Date: _____

Hearing Date: _____ Application Deadline(including all support material): _____

Receipt #: _____ Check #: _____ Received by & date: _____

Property #1: 1212 Wayburn

- Owner: 1212 Wayburn LLC
- Parcel #: 39 007 16 0062 001
- Size: 0.082 acres
- Legal Description: PKPP62A LOT 62 EXCEPT THE NLY 6.0 FT THEREOF SCHIAPPACASSES SUB OF LOT 5 ETC OF ALTERS PLAT PC 570 L37 P61 WCR

Property #2: 1214 Wayburn

- Owner: 1214 Wayburn LLC
- Parcel #: 39 007 16 0062 002
- Size: 0.084 acres
- Legal Description: PKPP62B PKPP63 NLY 6.0 FT OF LOT 62 ALSO LOT 63 SCHIAPPACASSES SUB OF LOT 5 ETC OF ALTERS PLAT PC 570 L37 P61 WCR

Property #3: 1213 Maryland

- Owner: 1213 Maryland LLC
- Parcel #: 39 007 16 0091 000
- Size: 0.098 acres
- Legal Description: PKPP91 LOT 91 SCHIAPPACASSES SUB OF LOT 5 ETC OF ALTERS PLAT PC 570 L37 P61 WCR

Property #4: 1217 Maryland

- Owner: 1217 Maryland LLC
- Parcel #: 39 007 16 0090 000
- Size: 0.070 acres
- Legal Description: PKPP90 LOT 90 SCHIAPPACASSES SUB OF LOT 5 ETC OF ALTERS PLAT PC 570 L37 P61 WCR

# Wayburn / Maryland Plan

September 26, 2022

# Wayburn Parking Lot Perspective

September 30, 2022

# Maryland Alley Perspective

September 30, 2022

AFFIDAVIT OF LEGAL PUBLICATION

COPY

# Grosse Pointe News

16980 Kercheval Pl
Grosse Pointe, Michigan 48230
(313)882-3500

COUNTY OF WAYNE
STATE OF MICHIGAN, SS.

Melanie Mahoney
being duly sworn deposes and says that attached advertisement of

City of Grosse Pointe Park
was duly published in accordance with instructions, in the GROSSE POINTE NEWS on the following date:

September 15, 2022

#1 GPP 9/15 PHN 10-6 REZONING

and knows well the facts stated herein, and that she is the Administrative Assistant of said newspaper.

Melanie Mahoney

Notary Public

ROBERT M ADELMAN
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires October 09, 2028
Acting in the County of Wayne

City of Grosse Pointe Park, Michigan

# NOTICE OF PUBLIC HEARING ON ZONING ORDINANCE AMENDMENT

The Planning Commission of the City of Grosse Pointe Park will hold a Public Hearing on October 6, 2022, at 7:00 PM to review a Rezoning Request. The rezoning request is to rezone 1212 Wayburn (Parcel #39007160062001), 1214 Wayburn (Parcel #39007160062002), 1213 Maryland (Parcel #39007160091000), and 1217 Maryland (Parcel #39007160090000) from R-D (Two-Family Residential) to P1 (Vehicular Parking). The hearing will take place in the fourth floor Council Chamber of City Hall, 15115 E. Jefferson Avenue, G.P.P. 48230. Information concerning this request may be obtained from the Public Service Department during regular business hours from 8:00 a.m. to 4:30 p.m., Monday through Friday, or by calling (313)-822-4365. Written comments concerning this request will be received by the Public Service Department prior to the public hearing or by the Planning Commission at the public hearing. The recommendation will be forwarded to the City Council after the Public Hearing.

Warren J. Rothe,
Assistant City Manager

GPN: 9/15/22

| Address | City | State | Zip |
|---|---|---|---|
| 14932 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 14938 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 15020 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 1170 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 15108 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 15110 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 15112 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 15118 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 1231 LAKEPOINTE | GROSSE POINTE PARK | MI | 48230 |
| 1227 LAKEPOINTE | GROSSE POINTE PARK | MI | 48230 |
| 1225 LAKEPOINTE | GROSSE POINTE PARK | MI | 48230 |
| 1221 LAKEPOINTE | GROSSE POINTE PARK | MI | 48230 |
| 1219 LAKEPOINTE | GROSSE POINTE PARK | MI | 48230 |
| 1211 LAKEPOINTE | GROSSE POINTE PARK | MI | 48230 |
| 1235 LAKEPOINTE | GROSSE POINTE PARK | MI | 48230 |
| 15127 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 15119 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 15117 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 15033 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 15029 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
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| 15011 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 15005 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 14945 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 1249 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1247 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1243 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1241 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1237 -39 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1235 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1231 -33 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1227 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1225 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1221 -1223 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1215 -17 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1211 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1216 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1222 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1224 -1226 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1228 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1232 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1234 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1236 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1238 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1242 -1244 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1246 WAYBURN | GROSSE POINTE PARK | MI | 48230 |

| Address | City | State | Zip |
|---|---|---|---|
| 1254 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1245 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1243 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
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| 1225 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1221 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1217 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1213 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1212 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1214 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1216 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1218 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1220 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1222 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1224 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1238 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1240 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1242 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1244 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1248 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 15115 E. JEFFERSON | GROSSE POINTE PARK | MI | 48230 |
| 15102 KERCHEVAL | GROSSE POINTE PARK | MI | 48230 |
| 1247 MARYLAND | GROSSE POINTE PARK | MI | 48230 |
| 1212 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 1214 WAYBURN | GROSSE POINTE PARK | MI | 48230 |
| 15105 KERCHEVAL | GROSSE POINTE P ARK | MI | 48230 |
| 14930 KERCHEVAL | DETROIT | MI | 48215 |
| 14933 KERCHEVAL | DETROIT | MI | 48215 |
| 14912 KERCHEVAL | DETROIT | MI | 48215 |
| 14922 KERCHEVAL | DETROIT | MI | 48215 |
| 14929 KERCHEVAL | DETROIT | MI | 48215 |
| 14900 KERCHEVAL | DETROIT | MI | 48215 |
| 2186 ALTER | DETROIT | MI | 48215 |
| 2180 ALTER | DETROIT | MI | 48215 |
| 2174 ALTER | DETROIT | MI | 48215 |
| 2170 ALTER | DETROIT | MI | 48215 |
| 2166 ALTER | DETROIT | MI | 48215 |
| 2156 ALTER | DETROIT | MI | 48215 |
| 2150 ALTER | DETROIT | MI | 48215 |
| 2146 ALTER | DETROIT | MI | 48215 |
| 2140 ALTER | DETROIT | MI | 48215 |
| 2132 ALTER | DETROIT | MI | 48215 |

| Address | City | State | Zip |
|---|---|---|---|
| 2124 ALTER | DETROIT | MI | 48215 |
| 14901 KERCHEVAL | DETROIT | MI | 48215 |
| 14911 KERCHEVAL | DETROIT | MI | 48215 |
| 14925 KERCHEVAL | DETROIT | MI | 48215 |

**Written Comments as of 4:30 10/6/2022**

**Submitted by Tyler Kliffman**

I am concerned about the inconsistencies between the proposed rezoning, and the community's vision for Grosse Pointe Park that was recently adopted in our Master Plan. Please let me be the first to say that I wish this list was more succinct, but the plan raises so many issues for this proposal that concern me as a resident, and deserve your attention as a community leader:

- On page 103, the *Future Zoning Plan* shows the site of the proposed rezoning to remain residential, not to be converted to parking lots.
- On page 107, the *Action Plan* outlines specific goals, strategies, and objectives. For neighborhoods, the plan's primary goal is that "The City will maintain its existing housing, as well as encourage a more diversified housing stock. New and rehabbed buildings will be consistent with the character and historic nature of Grosse Pointe Park." As such, all 2 objectives and 8 strategies in this section are inconsistent with the proposed rezoning of residential areas to parking lots. The plan elaborates on the character and historic nature of its neighborhoods throughout, which is also inconsistent with the land use, development scale, and typical massing of the proposed rezoning from residential to parking:
    - On page 38, the plan says Grosse Pointe Park's residential areas are rich with diverse architectural character, and the history and endurance in the architectural styles should be celebrated and sustained. The plan states that as new development is considered and planned, maintaining a building style that matches the long-standing durability and design elements of residential zones is highly encouraged.
    - On page 67, the plan describes the future land use for the site of the proposed rezoning as "Mixed Neighborhood" – characterized by small residential lots, an interconnected street grid and a mix of housing types that infill around the existing residential, commercial, and institutional uses.
    - On page 70, the plan begins a lengthy section of design guidelines for any new development in residential districts. The plan describes the character of homes in the proposed rezoning's area as historical and charming, consisting of architectural housing styles of the classic Detroit bungalow, Craftsman, and Prairie styles. The plan describes how, on narrow residential lots like those that are proposed for rezoning, these repeated architectural elements create balanced and welcoming neighborhoods.
    - The plan's design guidelines include several pages of detailed specifications for new development to be consistent with the neighborhood's traditional housing forms, and designed in a way that acknowledges and engages the character and history of the surrounding area, so that the existing fabric is respected and strengthened. These guidelines state that overall, the scale and massing of new development should be consistent with homes on the block, mirroring the height and width of adjacent homes.
- For business districts, the *Action Plan* states that "The City will foster an environment that is supportive of local businesses and work with its partners to attract and retain small businesses, while maintaining a strong local tax base." To reach this goal, the plan notes the high priority strategy to begin action on implementing the recommendations of 2021 Parking Study of the business districts. Issues related to parking on Kercheval and the associated parking study are also addressed throughout the plan:

- On page 16, improving public parking is listed as the top priority that residents have for the Kercheval Business District (however, it was less than one percentage point ahead of responses that indicated "No Improvements Needed).
- On page 47, the plan describes Kercheval Avenue as a thriving and vibrant business district, with an enhanced streetscape that slows down traffic and serves as an active walkable environment. It also notes, as with any successful business district, that parking has been a challenge for this area. A Parking Study for all of the business districts/areas is being completed to determine the main issues and provide recommendations for solutions.
- On page 50, the plan outlines opportunities to preserve, enhance, and invest in our Business Districts. For Kercheval, the plan encourages preserving density, character, and walkability. It encourages enhancing parking, which includes several measures that make better use of our existing parking areas (including consistent metering, striping, and signage). The targeted development of new parking lots would be noted under recommendations for investment, however no investment needs are identified related to parking, or any other facet of the Kercheval Business District.
- On page 101, the plan indicates that the City's current parking requirements are excessive, and recommends that revising minimum parking requirements be considered. It states that "Off-street parking is currently set up for parking to be located within 200 feet of a principal building. However, given that Grosse Pointe Park has fairly walkable districts already, parking should be permitted a further distance (typical distance is usually 300-600 feet)" – including several use-specific recommendations.

- The MKSK Parking Study, which was conducted in association with the Master Plan, and presented as a high priority strategy to follow in its *Action Plan*, includes many opportunities to improve parking in Grosse Pointe Park.
  - For the Kercheval Business District, the Parking Study observed that most parking lots, including those that support the area of the proposed rezoning, were occupied less than 60% of the time - the lowest measurable threshold that would not warrant any new parking lots.
  - The Parking Study notes several priorities to address, which would make better use of what we currently have without creating new parking lots, including the outdated mechanical meters, parking rates that are insufficient to sustain a modern parking program, spaces with meters missing or out of service, the lack of turnover in prime parking spaces, lack of wayfinding signage, lack of accommodations for other modes of travel, the need for more efficient curbside management, and for contractor vehicle parking.
  - For new parking lot opportunities, the Parking Study recommends implementing several strategies to address the issues above, and monitoring parking occupancy levels as new businesses are developed, before determining if new parking in the Kercheval Business District is warranted.
  - Some City Council members have expressed concern that the parking study does not represent our needs because data was collected in 2021, following pandemic closures in the previous year. I'm inclined to agree that the parking study does not tell the full story of our community, and likely inflates our parking needs and occupancy rates, due to the following facts:
    - The Parking Study notes that Red Crown had opted to convert their entire parking lot to temporary outdoor dining space, so it was not represented in the study.

- Other restaurants had opted to use park-lets to provide outdoor spaces in their parking areas, which are not represented in the study.
- The Parking Study notes that Beaumont owns a significant parking footprint in the Kercheval Business District that is not included in the parking study. Since this was conducted, that site is now vacant.

- In the Master Plan, page 78 talks about the need to upgrade parking lots with screening and sustainable landscaping, page 98 provides an overview of Green Infrastructure recommendations, page 101 provides recommendations to implement sustainable standards through the zoning ordinance, and page 107 outlines goals, strategies, and objectives for green infrastructure that includes revising the City's minimum parking requirements to follow best practices. While it's reassuring to hear that the City Manager is committed to improving stormwater management related to parking lots, it is unclear if any of these recommendations have been pursued that would guarantee best practices are being followed, and that developers will be held to these standards.

**Submitted by Devan Stachecki & Belle Teesdale**

We are writing to you as residents who are concerned with developments along the Kercheval business districts that threaten the nature of our neighborhood and set a dangerous precedent for our city moving forward. The Brine oyster restaurant bankrolled by the Cotton family is certainly a welcome addition to the Kercheval streetscape in place of the vacant Janet's Lunch building at the corner of Maryland and Kercheval. However, through rather underhanded means, the team behind that restaurant concept also plans to do irreparable damage to the fabric of the neighborhoods which make the West Park district what it is today. The homes at 1217 & 1213 Maryland St along with 1212 & 1214 Wayburn St have been purchased by the Cotton's and are currently in the process of being torn down. It's become a poorly kept secret that the plan is to raze these homes and replace them with parking lots.

That the building & planning department of Grosse Pointe Park allows full scale demolition of buildings with no prior approval is a legislative shortfall that should be addressed to prevent this from occurring in the future. While there will still be a zoning variance required, any reasonable individual can see the issue of forcing a zoning committee to choose between approving a variance or leaving land vacant, as compared to requiring an owner to show a site plan prior to allowing them to raze properties. The current process allows anyone with sufficient means to reshape our community in a way which suits their personal interests with no consideration for the civil good. It's clear this is happening in this case and the blueprint is plainly laid out for anyone else who wants to do something similar in the future. We would like the city council to champion changes to the process so that this does not become the start of a slippery slope for our community.

As residents of the adjoining property at 1221 Maryland St, we are concerned that since the demolition is in process–and it is attached to the name Cotton–there will be little appetite to ensure the interests of ordinary citizens are protected. We hope that this letter and the response by our elected officials will change our mind. As things currently stand we are deeply concerned that the value and beauty of our home will be overshadowed by an eyesore of a parking lot that will serve Brine well but degrade our home and neighborhood forever. Additionally, it is unclear how and when the residents of this area (particularly those like us who immediately adjoin this proposed parking lot) will be privy to the

site plan and its impact on our home and neighborhood in terms of setbacks, obscuring walls, landscaped buffers and so on. We are asking for the city council's assistance to ensure that the concerns and rights of Grosse Pointe Park's many residents are not sacrificed to simply benefit a selected few.

Thank you for your time and attention. We hope to hear a response to this letter soon.

**Submitted by the Joe Hebaka on behalf of the Grosse Pointe Park Business Association**

See attached letter

**Submitted by Thomas Steen, Kay Agney, Cathy Champion, Peter Dow, Mike Fikany, Eric Goosen**

See attached letter

**Submitted by Wendy Relan**

Planning Commissioners, City Manager and City Council,

I would like to request that the Commission carefully review this Rezoning request before you. You all are appointed to the position to represent the best interest of the residents of Grosse Pointe Park. This parking solution is very short-sighted thinking that has and will continue to diminish the number of families in our city and schools. This neighborhood is often the gateway into homeownership in GPP. Many young families chose to rent in the "cabbage patch", fall in love with the community and end up buying homes for the school district among many other reasons. Why would we ever want to limit the number of opportunities for new residents and families? This will have dire effects on our school enrollments. Many of the policies set in place over the last 20 years to eliminate multifamily housing, incentives to convert multi to single family, and demolition have resulted in dozens and dozens fewer housing units. This correlates directly to fewer students in our schools.

Your commission embarked on a very necessary and long-overdue Master Planning process, which has yielded a road map for the future of our city. The residents deserve to know that their feedback in the master planning process was heard. Additional parking lots and paved surfaces do not best serve a forward-thinking municipality. Please look to our peer communities to review their master plan goals. You will not find surface parking lots to be a high priority. We are plagued with major water and sewer infrastructure issues as well as fears of future flooding. This plan will exacerbate an already overtaxed water infiltration issue into the storm sewers. There seems to have been a blatant disregard for creative parking solutions in favor of housing demolition and parking lot construction. The smarter solution is managing the parking options that already exist and sometimes visitors might walk a block or two. Resident permit parking should have been implemented years ago. Any influx of visitors to the business district should never negatively impact our neighboring residents.

While I understand this is a private development, the developers' communication with the city and the community has been seriously lacking. If this is a portion of a much larger development, as it appears to be, why is it not reviewed as a whole? What is the plan for the ownership or operation of these parking lots? Is it planned to be Developer owned and leased to the city? Or privately owned? If leased back to the City, what will the cost be to the residents? This has brought to light some serious

flaws in our cities' ordinances. Per the ordinance, a demolition permit is only required of buildings 10,000sf and over. This is a wholly inadequate ordinance that seriously puts residents in danger and allows for developers and demolition contractors to work unchecked. A resident waking up to find a backhoe just feet from her side door tearing with absolutely no notice presents a very serious communication and liability for the city and the developer. There are very few buildings in GPP that are actually 10,000sf+ (the schools, library, city hall, churches, a small number of businesses, and a couple of mansions). It makes one question if the contractor is truly following all necessary environmental and safety guidelines. While I understand the ordinance is outside of your purview, your commission should make a recommendation to Ordinance Review. We are all fully aware that this is really a moot point now, since the homes were already demolished and three others by the same developer are midway through demolition. The Commission and the City Administration need to review their ordinances and policies to ensure safety and welfare for all of the residents.

Thank you for your attention to this matter,

Wendy Ward Relan

resident of Pemberton

**Submitted by Max Wiener**

See attached letter.

**Submitted by Victoria Cosgrove**

To Whom It May Concern,

As Grosse Pointe Park residents we were troubled to watch the events surrounding the The Brine restaurant and associated parking lot projects begin to unfold. The process followed by the City Council is troublesome at best and sets a dangerous precedent for future development in the City. Perhaps the only fact more disturbing is how the demolition in residential neighborhoods was handled - without so much as a silt fence between the construction site and neighboring properties, and without any notice to surrounding home owners. Good governmental oversight been lacking thus far. The City has also provided little to no insight into why it would purchase residential homes only to sell them back to a private developer at a lower price, to then see them subsequently demolished before zoning approval was even granted for the intended project. With little to no background or guidance being provided by elected officials, residents can only speculate as to how this course of action benefits the City at large and how it is a justifiable expenditure of public funds. We appreciate you taking the time to read this and hope the residents of Grosse Pointe Park will be considered in the city's decision.

Thank you,

Victoria Cosgrove

To Whom it May Concern,

My name is Joe Hebeka and I'm the founder and President of the Grosse Pointe Park Business Association. I also own Belding Cleaners on Kercheval Avenue, one of the oldest continually operating businesses in all five Grosse Pointes' at 104 years old.

For many years, parking, or the lack of parking, has been a popular topic amongst business owners in Grosse Pointe Park. As the commercial district has grown with many new businesses over the past ten to fifteen years, so has the demand for parking, which obviously go hand-in-hand. Customers and patrons are increasingly frustrated with parking issues. Ample parking is almost always necessary for a commercial district to thrive and grow.

Lack of parking also poses as a problem with staff as well. Often, employees and staff must park on residential side streets and walk in unfavorable climates like snow and or rain which can be a deterrent in hiring, at a time in which there is already a labor shortage. As new businesses continue to open or expand, side street parking will only become more congested. Some of the business owners on Kercheval must park in front of their own business and feed the parking meter all day long because they simply have nowhere else to park, which is very impractical and takes more parking away from customers and patrons.

Other business owners and I are in full support for some much-needed additional parking for our business district and we believe it will be done tastefully and in a manner that complements our beautiful commercial district. Customer accessibility is a key component to the livelihood of any business. With the highly welcomed new business over the past few years and to continue this amazing momentum, the time has never been better for more parking.

Thank You,

Joe Hebeka
Belding Cleaners
President, GPP Business Association

Trenton Chamberlain
Bricks Pizzeria
Vice President, GPP Business Association

**Board of Directors**

Zack Assaf, Village Wine Shop

Randy Cousineau, Pointe Hardware

Sonny Mio, Park Place Market

Vina Taylor, The Zealous Root

In the last several years, Grosse Pointe Park has risen, almost from the ashes. From being the unwanted stepchild of the 5 Pointes, it is now the hip, vibrant place to live and visit. What has turned the community around? Years of hard work and investment from the city and residents who took a risk in the Park.

Gone are the seedy party stores that did not appeal to residents. Gone are so many empty storefronts that screamed "we are failing". Gone is a greasy spoon, with major structural issues. Gone is a struggling church that could not sustain itself and invest in its needed upkeep.

Today, the Park is a destination point for residents of all the Pointes as well as outside the Pointes. We have the Park Grill that expanded into a second storefront, we have Atwater Brewery that has indoor and outdoor seating, we have 313 Wine Bar and the Cabbage Patch Café. We have Brick's that provides a family atmosphere. Buscemi's has changed ownership and has reopened after a long closure. Howler's and Growlers is popular. Coming soon, replacing Janet's Lunch, is a brand new, 2 story bar/entertainment location that will draw even more visitors. Antonio's Restaurant and Rustic Cabin were the only 2 survivors on Kercheval, from when the Park was abandoned by most merchants.

There have been many additional commercial improvements and new establishments on Charlevoix and Mack, along with bars and restaurants that have survived over the years.

The impact of all of this development has not only raised the residential values in the Park, but has had an even larger impact of increasing the values of the Cabbage Patch. No longer is the Park stigmatized, but is now desired, especially to the younger residents that we previously would lose to the Royal Oak's and Ferndale's on the other side of town. Along with 2 outstanding waterfront parks, 2 movie theaters, street festivals and more, we are the envy of the Pointes.

We strongly support creating parking to fill the needs of our vibrant commercial areas, which will also alleviate parking issues for homeowners and renters. Decisions have to be made. These decisions have to be made with a large lens and for the benefit of the Park as a whole. There is no decision or answer that will please everyone, but the Park has been on the right path over the recent years and continues to improve. Parking is needed, both for the businesses and for the residents. Providing off street parking, adjacent to our commercial district, while not well received by all, is good for all.

Thomas D. Steen
Kay Agney
Cathy Champion
Peter Dow
Mike Fikany
Eric Goosen

October 5, 2022

Members of the Planning Commission,

Before you is a vote regarding potentially rezoning properties for surface parking lots. There have been some statements made expressing concern regarding the potential impact on our broader sewer system in Grosse Pointe Park.

I thought it appropriate to share my view on these developments as the chair of the infrastructure committee. I can only make broad stroke assumptions as I do not have the full scope or finalized engineering proposals. First, the areas being developed were homes and landscapes which already represented a large impermeable footprint, so the square footage converted is not one to one. Second, the city fully intends to have proactive working relationship with the developer, in fact there have been initial outreach from developers voicing their commitment to sustainable, high quality and environmentally friendly design and construction and the precedent of their existing construction reinforces my view of their sincerity. Finally, this development could potentially be utilized to improve the broader runoff and the sanitary/sewer interchanges that existed on those properties.

The infrastructure committee takes the mission of drying the system very seriously. We currently have multiple ongoing projects which are engaged in over areas magnitudes larger than these properties in question. With all of these factors in mind I do not see a reason why this question should impact your decision on re-zoning.

Should you have any questions or concerns, please do not hesitate to contact me.

Regards,

Max Wiener
Grosse Pointe Park City Council Member
Chairman Infrastructure Committee

**ORDINANCE NO. _____**
**CITY OF GROSSE POINTE PARK**
**COUNTY OF WAYNE, MICHIGAN**

**AN ORDINANCE OF THE CITY OF GROSSE POINTE PARK, WAYNE COUNTY, MICHIGAN TO AMEND THE ZONING ORDINANCE AND MAP OF GROSSE POINTE PARK, WAYNE COUNTY, MICHIGAN, SPECIFICALLY BY REZONING THE LAND DESCRIBED BELOW FROM R-D (TWO-FAMILY RESIDENTIAL) TO P-1 (VEHICULAR PARKING).**

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

**SECTION 1. AMENDMENT.**

That the Zoning Ordinance and Map of the City of Grosse Pointe Park, said map being incorporated by reference in the Zoning Ordinance for the City of Grosse Pointe Park pursuant to Article 3 thereof, be and the same is hereby amended, changed and altered so that hereafter the lands hereinafter described shall be zoned as and included in the P-1 (Vehicular Parking) district on said Zoning Map. Said lands are described as being in the City of Grosse Pointe Park, Wayne County, Michigan, described as follows:

**Parcel #: 39 007 16 0062 001**

Lot 62, "Schiappacasse's Subdivision, as recorded in Liber 37, Page 61 of Plats, Wayne County Records.

**Parcel #: 39 007 16 0062 002**

Lot 63 and the Northerly 6.0 feet of Lot 62, Schiappacasse's Subdivision, according to the plat thereof as recorded in Liber 37, Page 61 of Plate, Wayne County Records.

**Parcel #: 39 007 16 0091 000**

Lot 91, Schiappacasse's Subdivision, as recorded in Liber 37, Page 61 of Plats, Wayne County Records.

**Parcel #: 39 007 16 0090 000**

Lot 91, Schiappacasse's Subdivision, as recorded in Liber 37, Page 61 of Plats, Wayne County Records.

**SECTION 2. EFFECTIVE DATE.**

The foregoing amendment to the City of Grosse Pointe Park Zoning Ordinance and Zoning Map was approved and adopted by the City Council on _____, 2022, after a public hearing as required pursuant to the Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on _____, 2022, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment in the *Grosse Pointe News* as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

**ORDINANCE DECLARED ADOPTED.**

_____

Michele Hodges, Mayor

City of Grosse Pointe Park, Michigan

**CERTIFICATION**

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Grosse Pointe Park, County of Wayne, State of Michigan, at a regular meeting of the City Council held on the _____ day of _____, 2022, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present:
Members Absent:

It was moved by Member _____ and supported by Member _____ to adopt the Ordinance.

Members voting yes:
Members voting no:

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of Grosse Pointe Park.

_____

Jane Blahut, City Clerk
City of Grosse Pointe Park, Michigan

ADOPTED:
PUBLISHED:
EFFECTIVE:

# CITY COUNCIL MEETING

DATE: October 17, 2022

**SUBJECT:** Redevelopment Ready Communities Participation Resolution

**SUMMARY:** As the Planning Commission and City Council oversee various developments in the City, it has become clear that an evaluation of the City's development review processes and planning functions is needed. Such an evaluation can help improve these functions and ensure that they offer participation and efficiency to all members of the community. One such way to conduct this evaluation is through the Redevelopment Ready Communities program.

Redevelopment Ready Communities (RRC) is a voluntary certification program offered by the Michigan Economic Development Corporation (MEDC). The goal of the program is to *empower communities to share their future by building a foundation of planning, zoning, and economic development best practices and integrating them into their everyday functions.*

The RRC program has been around for several years and recently underwent a change to create two certification levels: *Essentials* and *Certified*. The primary difference is the Essentials level focuses on four best practices, while Certified has six. Currently, 65 communities have obtained certification and another 240 are working through the process, including the City of Grosse Pointe.

The RRC process begins with one or more individuals taking a free online training course on the best practices. From there, the governing body adopts a resolution that essentially says: *we see value in the RRC program and wish to join the program.* Once the resolution is adopted, City staff works with our MEDC Community Assistant Team (CAT) representative to review our documents, policies, and processes to see how well we currently meet the best practices. The MEDC will evaluate how close the city is to meeting the best practices and summarize the results in a written report.

From here, the City Council will be able to review the findings of the report with city administration. At this point, the Council can decide if they wish to continue in the program and pursue one of the two certification levels. If the Council desires to move forward, they pass another resolution and enter into a memorandum of understanding with the MEDC and commit to meeting all elements of the best practices. It is important to note there is no time limit for obtaining certification. Some municipalities take years to become certified, others have accomplished it in less than a year.

Becoming a certified RRC community is listed as a high priority item in the 2022 Master Plan. The four best practices of the Essentials level are designed to ensure that a community:

- Has established a vision for its future. (Master and Capital Improvement Plans)
- Has zoning regulations that allow for the vision of the plans to be realized.
- Has established development review procedures that are easy to understand, efficient in utilization, and transparent to allow for participation in the process by interested parties.
- Intentionally supports its various Boards and Commissions through recruitment, orientation, and training to ensure that members understand their responsibilities.

Assistant City Manager Rothe has completed the training. If the Council decides to proceed with the initial MEDC evaluation and report, they may adopt the introductory resolution. City Administration believes that incorporating these best practices into our development review processes will enhance, simplify, and strengthen our City's ability to manage growth, make sound land-use decisions, and maximize community engagement in the development process.

In addition to ensuring our procedures have been reviewed and aligned with best practices, a benefit of formal

participation in the RRC program gives us access to grant funding that can be used in meeting the RRC best practices. An example of this would be costs associated with an updating of the City's Zoning Ordinance.

At this time, it is recommended that the City pursue the Essentials certification level. However, at any point in the process, including after receiving the formal MEDC report, the decision to pursue the Certified level could be made. An overview of best practices 1-4 is found on the following pages.
City administration welcomes your questions and discussion on the RRC program.

**FINANCIAL IMPACT:** There is no cost to participate in the RRC program.

**RECOMMENDATION:** Adopt the accompanying resolution authorizing the City to participate in the MEDC RRC Program. Once again, the outcome of this vote will ultimately be a written report from the MEDC, with involvement from City staff, on how well the City currently adheres to the program's best practices. It is at that time the Council may choose to "formally" enter the program and pursue certification.

**PREPARED BY:** Warren Rothe, Assistant City Manager

With the activity on Kercheval regarding development and demolitions of homes the City is highlighting its current policies and ordinances in reference to demolitions which include the following

**Code Provisions Involving Demolition**

1. The newly adopted demolition ordinance that governs the demolition of structures that are larger than 10,000 square feet. Notification requirements are contained in this ordinance.
2. Section 15-6 of the Chapter 15 (Nuisances) governing standards of fencing and silt fencing related to construction sites. Demolition is included as a construction activity. There are certain exemptions to this Section.

**Permits and Requirements**

- Applicants use the regular building permit form for demolition applications. A new form specifically for demolitions only will be created.
- Information required on the permit itself.
    - Contractor or Builder license.
    - Certificate of insurance, including workers compensation
    - Asbestos and lead abatement education affidavit
- Additional items required by the Building Official prior to the issuance of a demolition permit:
    - Verification of written notice to adjoining homeowners within 150 ft of demolition
    - Utility service disconnects from DTE for gas and electricity.
    - Water shut-off and disconnect. ( This can be completed during the demolition period).
    - Asbestos abatement and air quality report, if applicable.
    - Asbestos and lead abatement education affidavit for employees involved in the demolition.
- Requirements during/after demolition.
    - Inspection of bulkhead on sewer service after basement floor is removed.
    - All structures and flatwork concrete (including garage, sheds, decks, patios, drives and walks on private property) must be removed and cleared.
    - Any damage done to public walks, utilities, and trees etc. will require repair or replacement.
    - Fencing around site – see Section 15-6 of City Code.
    - Water source for dust control
    - Excavation must be filled with clean material.
    - Site must be “crowned” for drainage and stabilized with seed and mulch.

**Inspections Required**

- Open Hole
- Sewer Bulkhead
- Final Backfill
- Final Grade

In addition to review of our current demolition procedures and updates made administratively the administration will request the Ordinance Review Committee review our current ordinances to see if updates are to be made regarding demolition. Currently we are working on a Request for Proposals to update the City Zoning Code that I will bring to Council at a future date.

The recently adopted Master Plan discussed as a priority to update our zoning code, historically it has been added to over the years but has not had a complete rewrite in some time to correspond with the evolution of the community. It also does not provide the most recent up to date information on processes for applicants such as residents and developers that could help facilitate an easier process through our building department while also increasing transparency and growth to our community. For example the City rezoning process only applies to the Planning Commission and Council voting on the rezoning at hand but the site plan is approved by the Director of Public Service (The City Manager). This is not a common practice in todays standards and should be updated.

As attached is a resolution and information provided by Assistant City Manager Rothe to review the Redevelopment Ready Communities program and discuss the opportunities this may provide to the city planning, building and engagement process.

redevelopment ready communities®

# WHAT ARE THE BEST PRACTICES?

## BEST PRACTICE 1: Plans & Engagement

Best Practice 1 evaluates community planning and how a community's redevelopment vision is embedded in the master plan, capital improvements plan, and downtown plan or corridor plan(s). It also assesses how a community identifies its stakeholders and engages them, not only during planning processes, but on a continual basis.

Comprehensive planning documents are a community's guiding framework for growth and investment. Information and strategies outlined in the plans are intended to serve as policy guidelines for local decisions about the physical, social, economic and environmental development of the community. The master plan is updated, at a minimum, every five years to provide a community with a current and relevant decision-making tool. The plan sets expectations for those involved in development, giving the public some degree of certainty about their vision for the future, while assisting the community in achieving its stated goals. An updated master plan is essential to articulating the types of development the community desires and the specific areas where the community will concentrate resources. Coordination between the master plan, capital improvements plan, and downtown plan or corridor plan(s) is essential. It is important that planning documents establish goals, implementation actions, timelines and responsible parties.

Public participation is the process by which a community consults with interested or affected stakeholders before making a decision. Communities have a large toolbox of ever-evolving options for how to solicit public participation ranging from time-tested (and required) tools such as public hearings and notices to more proactive activities such as open houses, social media, and surveys. A public participation plan is essential to formalize those efforts and outline how the public will be engaged throughout planning and development processes. Such a plan can help minimize disputes later in the development review process and ensure diverse and equitable stakeholder engagement.

## BEST PRACTICE 2: Zoning

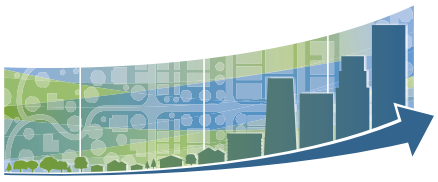
Best Practice 2 evaluates a community's zoning ordinance and how it meets community goals, enables the form and type of development the community is seeking and includes modern approaches to zoning. Zoning is a key tool for plan implementation. Obsolete zoning regulations can discourage development and investment. Outdated regulations can force applicants to pursue rezoning or variance requests thus extending project timelines, increasing costs, and creating uncertainty. Communities should look to streamline requirements and regulate for the kind of development that is truly desired. Zoning should be used to shape inviting, walkable, vibrant communities, rather than inhibit them.

## BEST PRACTICE 3: Development Review

Best Practice 3 evaluates the community's development review policies and procedures to ensure they integrate predictability throughout. Unnecessary steps or unclear instructions increase time and expenses associated with development. Community leaders should look to simplify and clarify policies and increase efficiency to create an inviting development climate that is vital to attracting investment. To do this, sound internal procedures need to be in place and followed. Making information on the development review process and resources readily available assists applicants of all experience levels in understanding what they will need to know as they invest in the community.

## BEST PRACTICE 4: Boards & Commissions

Best Practice 4 assesses the tools a community has put in place to strengthen their boards and commissions. Diversity on boards and commissions can ensure a wide range of perspectives are considered when making decisions on development and financial incentives. Being intentional when a community conducts recruitment



# WHAT ARE THE BEST PRACTICES? *continued*

and orientation for newly appointed or elected officials and creates a solid foundation for the community to build upon. Additionally, communities that prioritize training and collaboration provide officials and staff with opportunities to expand their knowledge and ultimately make more informed decisions about land use and redevelopment issues.

## BEST PRACTICE 5: Economic Development & Marketing

Best Practice 5 assesses the community's plans to strengthen its overall economic health and market itself to create community pride and increase investor confidence. Today, economic development means more than business attraction and retention. While business development is a core value, a community needs to include community development and talent in the overall equation for economic success. The goal of the economic development strategy is to identify initiatives and methods that will encourage diversity of the region's economic base, tap into opportunities for economic expansion and help to create a sustainable, vibrant community. Additionally, this best practice helps communities understand and deploy local economic development tools and incentives.

The ability to tell a community's story is an essential part of any economic development effort. To do this, communities must understand their existing assets, know their audience, and have consistent messaging. To coordinate these efforts internally and externally, Redevelopment Ready Communities® create formal marketing plans which help implement the community vision, values and goals.

## BEST PRACTICE 6: Priority Redevelopment Sites

Best Practice 6 assesses how a community identifies, envisions, and markets their priority redevelopment sites. Instead of waiting for developers to propose projects, Redevelopment Ready Communities® identify priority sites and prepare information to assist developers in finding opportunities that match the community's vision. Communities must think strategically about the redevelopment of properties and targeting investments in areas that can catalyze further development. For instance, identifying and marketing priority sites in obsolete, vacant and underutilized properties can assist a community in stimulating the real estate market. Additionally, engaging the public and understanding desired outcomes for priority sites create a predictable environment for development projects and reduce the risk of rejected development proposals.

Post certification, the Redevelopment Services Team will be available to assist communities in identifying, packaging, and marking sites that can help the community implement their vision.

## EXPECTATIONS

The following pages provide more detail on each best practice, outlining criteria within each. The RRC team uses these expectations when working with communities to determine if the community's local processes align with the best practices. Communities are encouraged to carefully review the expectations when working on RRC-related items and reach out to their RRC planner with any questions.

## 1.1 Master Plan

Master plans establish a community vision through public engagement and identify how to implement that vision. The plan is an essential document that guides future development throughout the community, adding predictability and community support to the development process.

**CRITERIA:** The governing body has adopted a master plan in the past five years.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ The master plan reflects the community's desired direction for the future. | ☐ The master plan reflects the community's desired direction for the future. |
| ☐ The master plan identifies strategies for priority redevelopment areas. | ☐ The master plan identifies strategies for priority redevelopment areas. |
| ☐ The master plan addresses land use and infrastructure, including complete streets. | ☐ The master plan addresses land use and infrastructure, including complete streets. |
| ☐ The master plan includes a zoning plan. | ☐ The master plan includes a zoning plan. |
| ☐ The master plan establishes goals, implementation actions, timelines and responsible parties. | ☐ The master plan establishes goals, implementation actions, timelines and responsible parties. |
| ☐ The master plan is accessible online. | ☐ The master plan is accessible online. |
| | ☐ Progress on master plan implementation is assessed annually. |

## 1.2 Downtown or Corridor Plan

Downtowns and major corridors are economic engines for communities. Having a plan for these particular areas adds predictability for future development and can support local efforts to strengthen businesses and create a community gathering space.

**CRITERIA:** The governing body has adopted a downtown or corridor plan.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ The downtown or corridor plan identifies development area boundaries. | ☐ The downtown or corridor plan identifies development area boundaries. |
| ☐ The downtown or corridor plan clearly identifies priority projects. | ☐ The downtown or corridor plan clearly identifies priority projects. |
| ☐ The downtown or corridor plan includes mixed-use and pedestrian-oriented development elements. | ☐ The downtown or corridor plan includes mixed-use and pedestrian-oriented development elements. |
| ☐ The plan is available online. | ☐ The plan is available online. |

NOTE: For essential level, this best practice only applies in instances where the community has an active DDA or CIA TIF.

## 1.3 Capital Improvements Plan

Turning plans into action often requires capital investments. These plans, established under Michigan law, help coordinate these investments, which could include infrastructure, facilities, parks, technology and more.

**CRITERIA:** The governing body has adopted a capital improvements plan.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ The capital improvements plan details a minimum of six years (beginning with the current year) of public structures and improvements and is updated annually. | ☐ The capital improvements plan details a minimum of six years (beginning with the current year) of public structures and improvements and is updated annually. |
| ☐ The capital improvements plan coordinates projects to minimize construction costs. | ☐ The capital improvements plan coordinates projects to minimize construction costs. |
| ☐ The capital improvements plan coordinates with adopted community plans and the budget. | ☐ The capital improvements plan coordinates with adopted community plans and the budget. |
| ☐ The capital improvements plan is accessible online. | ☐ The capital improvements plan is accessible online. |

## 1.4 Public Participation Plan

Public participation plans help communities establish clear expectations for public engagement, ensuring all groups are represented in decision making processes.

**CRITERIA:** The community has a public participation plan for engaging a diverse set of community stakeholders.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ The plan identifies key stakeholders, including those not normally at the visioning table. | ☐ The plan identifies key stakeholders, including those not normally at the visioning table. |
| ☐ The plan describes public participation methods and the appropriate venue to use each method. | ☐ The plan describes public participation methods and the appropriate venue to use each method. |
| ☐ The plan includes the use of both traditional and proactive engagement methods. | ☐ The plan includes the use of both traditional and proactive engagement methods. |
| ☐ The plan identifies how the community will report out results of engagement efforts. | ☐ The plan identifies how the community will report out results of engagement efforts. |
| ☐ The community reviews and updates the plan on a regular basis. | ☐ The community reviews and updates the plan on a regular basis. |
| | ☐ The community provides an update on engagement activity to the governing body at least annually. |

## 2.1 Alignment with Master Plan

Under Michigan law, zoning ordinances must be based on an adopted master plan. Ensuring such coordination reduces uncertainty and risk for development.

**CRITERIA:** The governing body has adopted a zoning ordinance that aligns with the goals of the current master plan.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ The community has evaluated the master plan's recommendations to determine if changes to the zoning map or ordinance are needed. | ☐ The community has evaluated the master plan's recommendations to determine if changes to the zoning map or ordinance are needed.<br>☐ The community has made updates to the zoning ordinance to align with the goals and zoning recommendations from the master plan. |

## 2.2 Accessibility and User-friendliness

Adding user-friendly components to the zoning ordinance can make it easier to understand, thus removing an initial barrier that disproportionately impacts local, small-scale, and first-time applicants.

**CRITERIA:** The zoning ordinance is accessible and user-friendly.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ The ordinance and zoning map are accessible online. | ☐ The ordinance and zoning map are accessible online.<br>☐ The ordinance portrays clear definitions and requirements.<br>☐ The ordinance includes graphics, tables or charts. |

## 2.3 Concentrated Development

Allowing for areas of context-sensitive concentrated development provides myriad benefits including enabling pedestrian mobility, providing a sense of place, generating fiscal stability for communities, and leveraging existing infrastructure.

**CRITERIA:** The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ The ordinance allows mixed-use buildings by-right in designated areas of concentrated development.<br>The ordinance requires **ONE** or more of the following elements in areas of concentrated development:<br>☐ Build-to lines<br>☐ Open store fronts<br>☐ Outdoor dining<br>☐ Minimum ground floor transparency<br>☐ Front-facing doorways<br>☐ Parking located in the rear of the building | ☐ The ordinance allows mixed-use buildings by-right in designated areas of concentrated development.<br>The ordinance requires **TWO** or more of the following elements in areas of concentrated development:<br>☐ Build-to lines<br>☐ Open store fronts<br>☐ Outdoor dining<br>☐ Minimum ground floor transparency<br>☐ Front-facing doorways<br>☐ Parking located in the rear of the building |

## 2.4 Housing Diversity

Having an ordinance which clearly allows for diverse housing types creates unique neighborhoods, provides lifestyle options for residents of all ages and income levels, helps attract talent, and provides flexibility for meeting market demand.

**CRITERIA:** The zoning ordinance allows for a variety of housing options.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| The ordinance allows for **TWO** or more of the following housing types by-right:<br>☐ Accessory dwelling units (ADU)<br>☐ Townhouses/rowhouses<br>☐ Triplexes<br>☐ Quadplexes<br>☐ 6-plexes<br>☐ Stacked flats<br>☐ Residential above commercial<br>☐ Micro units<br>☐ Cottage housing/bungalow courts<br>☐ Tiny houses | The ordinance allows for **THREE** or more of the following housing types by-right:<br>☐ Accessory dwelling units (ADU)<br>☐ Townhouses/rowhouses<br>☐ Triplexes<br>☐ Quadplexes<br>☐ 6-plexes<br>☐ Stacked flats<br>☐ Residential above commercial<br>☐ Micro units<br>☐ Cottage housing/bungalow courts<br>☐ Tiny houses |

## 2.5 Parking Flexibility

The cost and space consumed by parking can make or break a project financially. Providing flexible options for parking allows for creative and context-sensitive solutions in communities of all sizes and reduces the negative impacts excessive parking can have on a community's sense of place.

**CRITERIA:** The zoning ordinance includes flexible parking requirements.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| The ordinance includes regulations for **TWO** or more of the following tools approved either administratively or by the planning commission:<br>☐ Reduction or elimination of required parking when on-street or public parking is available<br>☐ Connections between parking lots<br>☐ Shared parking agreements<br>☐ Parking maximums<br>☐ Elimination of parking minimums<br>☐ Parking waivers<br>☐ Electric vehicle charging stations<br>☐ Bicycle parking<br>☐ Payment in lieu of parking<br>☐ Reduction of required parking for complementary mixed uses<br>☐ Banked/deferred parking | The ordinance includes regulations for **THREE** or more of the following tools approved either administratively or by the planning commission:<br>☐ Reduction or elimination of required parking when on-street or public parking is available<br>☐ Connections between parking lots<br>☐ Shared parking agreements<br>☐ Parking maximums<br>☐ Elimination of parking minimums<br>☐ Parking waivers<br>☐ Electric vehicle charging stations<br>☐ Bicycle parking<br>☐ Payment in lieu of parking<br>☐ Reduction of required parking for complementary mixed uses<br>☐ Banked/deferred parking |

## 2.6 Green Infrastructure

Integrating green infrastructure can reduce infrastructure and maintenance costs, provide opportunities for recreation and physical activity, reduce exposure to harmful substances, advance placemaking goals, improve safety, promote community identity and a sense of well-being, and provide economic benefits.

**CRITERIA:** The zoning ordinance includes standards for green infrastructure.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| N/A | The ordinance includes regulations for **THREE** or more of the following:<br>☐ Low impact development techniques (rain gardens, bioswales, etc.)<br>☐ Rain water collection (blue roofs, cisterns, water harvesting, stormwater vaults, etc.)<br>☐ Green roofs<br>☐ Permeable pavement<br>☐ Steep-slope protections<br>☐ Street-tree planting standards<br>☐ Tree preservation or replacement standards<br>☐ Parking lot internal landscaping standards<br>☐ Open space preservation development (i.e., cluster housing)<br>☐ Required native or low-maintenance plantings<br>☐ Renewable energy<br>☐ Buffering standards around water bodies or other natural resources<br>☐ Off-site stormwater regulations allowing site developers to participate in district-scale stormwater management plans |

## 3.1 Defined Processes

Clearly defined development review processes provide predictability for investments big and small.

**CRITERIA:** The zoning ordinance includes clear steps for major development review processes.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ Processes for site plan review, special land use, rezoning, variances, and text amendments are clearly laid out in the zoning ordinance. | ☐ Processes for site plan review, special land use, rezoning, variances, and text amendments are clearly laid out in the zoning ordinance. |
| ☐ Development review standards are clearly defined. | ☐ Development review standards are clearly defined. |

## 3.2 Point of Contact

Having a clearly identified point of contact helps communities offer positive and personalized service which builds a foundation for a predictable development review experience.

**CRITERIA:** The community has clearly identified a point of contact for development review activities.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ The community has an identified development review point of contact, which is clearly indicated on the website. | ☐ The community has an identified development review point of contact, which is clearly indicated on the website. |

## 3.3 Conceptual Review

Conceptual review meetings offer a chance for early, informal review of proposed projects. This helps avoid costly mistakes or delays later in the process.

**CRITERIA:** The community defines and offers conceptual review meetings for applicants.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ The community advertises online that conceptual site plan review meetings are available. | ☐ The community advertises online that conceptual site plan review meetings are available.<br>☐ The community has clearly defined expectations posted online and a checklist to be reviewed at conceptual meetings. |

## 3.4 Internal Review Process

Clearly documenting the internal review process provides predictability and consistency in the development review process. It also ensures that processes can continue in the event of staff turnover.

**CRITERIA:** The community has a clearly documented internal staff review policy.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| The internal review process addresses the following:<br>☐ Key steps of the application from submittal to issuing of the permit<br>☐ Timelines<br>☐ Identifies who reviews applications<br>☐ Identifies approval standards | The internal review process addresses the following:<br>☐ Key steps of the application from submittal to issuing of the permit<br>☐ Timelines<br>☐ Identifies who reviews applications<br>☐ Identifies approval standards<br><br>☐ The community has established a joint review team. |

## 3.5 Approval Authority

Approving permitted uses at the planning commission or staff level allows faster approval and respects the administrative nature of development review.

**CRITERIA:** The community streamlines the approval process by using administrative and planning commission approval authority.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ Site plans for permitted uses are approved administratively or by the planning commission. | ☐ Site plans for permitted uses are approved administratively or by the planning commission.<br>☐ Permitted uses do not require a formal public hearing (but allow for public comment and other engagement as deemed necessary). |

## 3.6 Fee Schedule

Having a fee schedule allows an applicant to clearly understand their likely costs upfront, reducing surprises further in the process.

**CRITERIA:** The community maintains a fee schedule.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ The fee schedule is available online in an easy-to-find location. | ☐ The fee schedule is available online in an easy-to-find location.<br>☐ The fee schedule is reviewed annually and updated as needed. |

## 3.7 Payment Methods

Clearly identifying methods of payment reduces uncertainty. Communities that accept credit cards offer a highly sought after, modern option that adds flexibility.

**CRITERIA:** The community offers clear methods of payment.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| ☐ The community clearly indicates on its website accepted method(s) of payment for development fees. | ☐ The community clearly indicates on its website accepted method(s) of payment for development fees.<br>☐ The community accepts credit card payment for development fees. |

## 3.8 Access to Information

Having key information and forms available online (or organized into a guide) reduces the number of questions the point of contact will need to address and increases the likelihood of a successful development review experience from the beginning.

**CRITERIA:** The community makes development review information and forms readily available online.

| ESSENTIALS EXPECTATIONS | CERTIFIED EXPECTATIONS |
|---|---|
| The community's website includes the following essential items:<br>☐ Zoning ordinance<br>☐ Meeting information<br>☐ Application(s) for site plan<br>☐ Special land use, rezoning, variance<br>☐ Zoning text amendment and zoning permits<br>☐ Fee schedule<br>☐ Conceptual meeting availability | The community has compiled a "Guide to Development," which includes the following:<br>☐ Relevant contact information<br>☐ Relevant meeting schedules; flowcharts of development review processes<br>☐ Conceptual meeting procedures<br>☐ Relevant ordinances to review prior to application submission<br>☐ Applications for all major development review processes (at least site plans, special land-uses, variances, and rezoning)<br>☐ Explanation of approval authority for development review processes<br>☐ Fee schedule<br>☐ Special meeting procedures<br>☐ Financial assistance tools<br>☐ Design standards and other local guidelines<br>☐ Information on building processes and contacts<br><br>☐ The "Guide to Development" is available online. |

## 3.9 Project Tracking

Having a consistent tracking system keeps staff and applicants informed of a project's development review status. It also ensures continuity in the event of staff turnover or absences.

| **CRITERIA:** The community has a method to track development projects. | |
|---|---|
| **ESSENTIALS EXPECTATIONS** | **CERTIFIED EXPECTATIONS** |
| N/A | ☐ The community uses a tracking mechanism for projects during the development process, from application to permit. |

## 3.10 Continued Improvement

Collecting feedback and taking time to assess the strengths and challenges of the development review process helps a community keep its processes up to date through continuous improvement.

| **CRITERIA:** The community solicits feedback and regularly reviews the development review experience. | |
|---|---|
| **ESSENTIALS EXPECTATIONS** | **CERTIFIED EXPECTATIONS** |
| N/A | ☐ The community obtains customer feedback on the development review experience and integrates changes where applicable.<br>☐ The community assesses its development review process at least annually to identify potential changes. |

# **Best Practice Four:** Boards and Commissions

## 4.1 Recruitment Process

Having clear and accessible recruitment and appointment procedures reduces barriers to attracting candidates for boards and commissions.

| **CRITERIA:** The community has a clear recruitment and appointment process. | |
|---|---|
| **ESSENTIALS EXPECTATIONS** | **CERTIFIED EXPECTATIONS** |
| ☐ Board and commission applications are available online. | ☐ Board and commission applications are available online.<br>☐ The community has clearly documented the process for board and commission appointments online. |

## 4.2 Expectations and Interests

Providing clear expectations on what being a board member entails (and helpful background to have) helps candidates understand which board may best fit their experience and capacity.

| **CRITERIA:** The community sets expectations for board and commission positions. | |
|---|---|
| **ESSENTIALS EXPECTATIONS** | **CERTIFIED EXPECTATIONS** |
| ☐ The community outlines expectations for board and commission positions. | ☐ The community outlines expectations for board and commission positions.<br>☐ The community identifies associated interests and background for board and commission positions. |

## 4.3 Orientation

Ensuring recently elected or appointed officials have the information they need to perform their new duties makes the development review process more predictable.

| **CRITERIA:** The community provides orientation material to all appointed and elected members of development-related boards and commissions. | |
|---|---|
| **ESSENTIALS EXPECTATIONS** | **CERTIFIED EXPECTATIONS** |
| ☐ The orientation materials include all relevant planning, zoning and development information. | ☐ The orientation materials include all relevant planning, zoning and development information. |

## 4.4 Bylaws

Bylaws are required under law for certain boards and commissions. They also provide predictability for board proceeds and therefore the development review experience.

| **CRITERIA:** The community has bylaws for boards and commissions. | |
|---|---|
| **ESSENTIALS EXPECTATIONS** | **CERTIFIED EXPECTATIONS** |
| ☐ The community has adopted bylaws for development related boards and commissions.<br>☐ The bylaws are available online. | ☐ The community has adopted bylaws for development related boards and commissions.<br>☐ The bylaws are available online. |

## 4.5 Planning Commission Annual Report

All planning commissions in Michigan must issue an annual report as outlined in the MPEA. This is also a great opportunity to assess past activity and communicate with other boards.

| **CRITERIA:** The community issues a planning commission annual report. | |
|---|---|
| **ESSENTIALS EXPECTATIONS** | **CERTIFIED EXPECTATIONS** |
| ☐ The planning commission prepares an annual report for the governing body. | ☐ The planning commission prepares an annual report for the governing body. |

## 4.6 Training Strategy

Developing a training strategy identifies opportunities and encourages on-going training aligned with the community's goals, needs, and capacity.

| **CRITERIA:** The community has a documented training strategy. | |
|---|---|
| **ESSENTIALS EXPECTATIONS** | **CERTIFIED EXPECTATIONS** |
| ☐ The strategy identifies training goals and expectations. | ☐ The strategy identifies training goals and expectations. |
| ☐ The strategy identifies funding sources. | ☐ The strategy identifies funding sources. |
| ☐ The strategy identifies how training participants share outcomes with other officials and staff. | ☐ The strategy identifies how training participants share outcomes with other officials and staff. |
| ☐ The strategy identifies how the community consistently encourages training. | ☐ The strategy identifies how the community consistently encourages training. |
| ☐ The strategy is reviewed every two years. | ☐ The strategy is updated annually. |

## 4.7 Joint Meetings

Joint meetings offer opportunity for direct collaboration between officials to ensure the community's board are rowing in the same direction.

| **CRITERIA:** The community holds joint meetings with boards and commissions. | |
|---|---|
| **ESSENTIALS EXPECTATIONS** | **CERTIFIED EXPECTATIONS** |
| N/A | ☐ The community holds collaborative work sessions, meetings, trainings or other joint events at least annually. |

**CITY GROSSE POINTE PARK**
**WAYNE COUNTY, MICHIGAN**

**RESOLUTION AUTHORIZING THE CITY OF GROSSE POITNE PARK TO PARTICIPATE IN THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION (MEDC) REDEVELOPMENT READY COMMUNITIES PROGRAM**

**WHEREAS**, the Michigan Economic Development Corporation (MEDC) has established the statewide Redevelopment Ready Communities (RRC) Program to empower communities to shape their future and maximize economic potential; and

**WHEREAS**, RRC is a program that provides technical assistance to and certifies Michigan communities who actively engage stakeholders and plan deliberate, fair and consistent processes; and

**WHEREAS**, the City of Grosse Pointe Park recognizes the value of the RRC program and seeks to improve its redevelopment readiness via a detailed review of existing development processes; and

**WHEREAS**, the RRC program includes evaluating and strengthening the development-related partnerships between the City and stakeholder organizations such as: the MEDC, Grosse Pointe Park Downtown Development Authority (DDA), Grosse Pointe Park Tax Increment Finance Authority (TIFA), Grosse Pointe Park Planning Commission (PC) and Wayne County; and.

**WHEREAS**, the City of Grosse Pointe Park is updating its Master Plan to incorporate certain elements required for pursuing RRC certification.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The City of Grosse Pointe Park is willing to participate in the MEDC RRC Program, including increased interaction and partnership with the MEDC, DDA, TIFA, PC and Wayne County and other stakeholders in the development review process.
2. It is the intention of the City of Grosse Pointe Park to utilize the RRC Best Practices and evaluation process to improve our processes and communication with stakeholders.
3. City Administration is hereby authorized to proceed toward implementation of the recommendations necessary to receive RRC Certification from the MEDC.

**RESOLUTION DECLARED ADOPTED**

_____
Michele Hodges., Mayor
City of Grosse Pointe Park, Michigan

## CERTIFICATION

The foregoing is a true and complete copy of a Resolution adopted by the City Council in the City of Grosse Pointe Park, Wayne County, Michigan at a regular meeting held on the ____ day of _____ 2022. Public Notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of 1976, and the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Members Present:

Members Absent:

It was moved by Member and supported by Member to adopt the Resolution.
Members Voting Yes:
Members Voting No:

The Resolution was declared adopted by the Mayor and has been recorded in the Resolution Book.

_____
Jane Blahut, City Clerk
City of Grosse Pointe Park, Michigan

# CITY COUNCIL MEETING

DATE: October 17, 2022

**SUBJECT:** City Attorney Contract

**SUMMARY:** The City of Grosse Pointe Park publicly posted a RFP for City Attorney services after the City Council directed the administration to draft an RFP in January. The City received and reviewed 8 responses. The Personnel Committee completed this work and was assisted by a volunteer Park resident with municipal attorney experience. Factors used to identify firms to interview included: adherence to the proposal guidelines, number of assigned attorneys, fees, and the firms current municipal clients. Four firms were identified and interviews were held by the personnel committee. In the end, the Committee unanimously voted to recommend that The Kelly Firm be considered by the Council to serve as the City Attorney. A timeline of the Personnel Committee's activities is as follows:

Timeline
January 10th: City Council meeting, motion to go out for Request for Proposals for City Attorney Services
March 25th: Request For Proposal closed.
May 11th: Personnel Committee reviewed proposals and recommended four firms for an interview.
June 14th: Personnel Committee Interviews with firms
June 20th: Personnel Committee Interview with a firm
August 29th: Personnel Committee met to conclude next steps and bring to City Council a formal recommendation

City Council at its September 19th meeting approved the personnel committee's recommendation and a motion was made to authorize the City Manager too enter into contract negotiations with a contract for council review and approval. If approved Dan Kelly of the Kelly Firm would become our Lead City Attorney with the assistance of Brittney Ellis and Ralph Maccarone as City Prosecutor.

As noted in the contract, The Kelly Firm will work with the City and waive fees for 30 days as part of the transition, working with City Attorney Howlett and Bodman PLC on current items in progress. The contract is for a term of 3 years with a negotiation period at the end of the first year to review the current terms if they are mutually agreed upon by both parties or a switch to an hourly rate as proposed in the RFP of $165/hour for City Attorney Services and Prosecution for $130/hour. Dan Kelly will be present at the meeting if there are any questions the council should have for the Kelly Firm.

**FINANCIAL IMPACT:** Currently, the City is paying an annual retainer of $70,000 for City Attorney services and an annual retainer of $50,000 for prosecution services in Fiscal Year 2023. The contract as presented calls for an annual retainer of $60,000 for City Attorney services and $40,000 for Prosecution services to be paid monthly.

**RECOMMENDATION:** Motion by Council to approve the Contract of the Kelly Firm to act as City Attorney and City Prosecutor for the City of Grosse Pointe Park.

**PREPARED BY:** Nick Sizeland, City Manager

**ATTORNEY-CLIENT FEE AGREEMENT**

**AS TO THE CITY OF GROSSE POINTE PARK**

**THIS AGREEMENT** is entered into this ____ day of October 2022 between the City of Grosse Pointe Park (hereinafter "Grosse Pointe Park " or "the City") and The Kelly Firm, PLC (hereinafter the "Law Firm"), located at 2825 University Drive, Auburn Hills, Michigan 48326. The client requires legal services and retains Daniel J. Kelly and The Kelly Firm, PLC to provide same.

**W I T N E S S E T H:**

WHEREAS, Grosse Pointe Park is a City charged with the privilege and responsibility of carrying out the functions of a municipality within the geographic limits of Grosse Pointe Park, Wayne County, Michigan; and

WHEREAS, these functions include the exercise of the entire panoply of powers vested in a City within the State of Michigan; and

WHEREAS, it has been the experience of Grosse Pointe Park that said functions are best performed upon the advice and with the assistance of competent legal counsel; and

WHEREAS, the Law Firm is able and experienced in matters of municipal law and capable of providing the quality of complete legal services which Grosse Pointe Park will require.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereafter enumerated and agreed by the parties as follows:

1. The City of Grosse Pointe Park does hereby retain The Kelly Firm, PLC, as general counsel and City attorney for the performance of legal services hereunder set forth.

2. The City does hereby appoint Daniel J. Kelly to serve the City as lead counsel on behalf of the City. Said counsel may appoint such other members and associates of the Law Firm, subject to the approval of the City Manager, and as shall be deemed appropriate. Special counsel outside of the Law Firm shall be subject to the approval of the Manager and/or City Council.

3. The Law Firm shall perform all legal services necessary to the duties and functions required by the provisions of the City of Grosse Pointe Park. Such duties shall specifically include the following:

3.1 Attendance at the offices of Grosse Pointe Park at such times and in such quarters as may be designated by the Manager and/or City Council;

3.2 Representation of the City in all litigation to which it is a party in all Courts, except matters pertaining to prosecution of criminal and civil infractions in the Grosse Pointe Park Municipal Court;

3.3 Representation of the City in all matters assigned to the Law Firm by the Manager, City Council or as otherwise designated as appropriate and proper;

3.4 Attendance as requested at all City Council meetings, Planning Commission meetings, Executive Sessions or other public meetings upon request of the Manager and/or City Council;

3.5 All consultation with elected officials and department heads as requested and as necessary to perform the functions of the City;

3.6 Preparation and presentation of all legal opinions required and/or provided for in the City's Code;

3.7 Representation of the City in all matters arising before administrative tribunals as a result of the ordinary and usual governmental functions of the City;

3.8 Consultation and drafting of all City ordinances;

3.9 Consultation, negotiating, and drafting of all City contracts;

3.10 Preparation of all deeds and conveyances of real estate to which the City is a party, including examination of title thereto;

3.11 Representation of the City in all matters involving the prosecution and enforcement of municipal ordinance and code violations (Prosecution Services);

3.12 Representation of the City in all matters of Eminent Domain as requested by the Manager or City Council;

3.13 Representation of the City in all matters related to environmental, water/sewer, land use, zoning, and planning matters

3.14 Research and Response to any and all Freedom of Information Act Requests provided by the City;

3.15 Representation of the City in all matters and providing legal services as the Manager, Clerk, Treasurer, and/or the City Council may request.

4.0 The City understands that it will be charged for legal services performed by the attorneys of the Law Firm at the following rates:

4.1 For general City Attorney legal services, the Firm's Response to the City's RFP has proposed an hourly rate of $165.00 per chargeable hour for senior attorneys of the firm and $145.00 per chargeable hour for firm associates. Prosecution services will be charged at the hourly rate of $130.00 per hour;

4.2 For the First Year of representation beginning 11/1/2022 through 10/31/2023, the billing for The Firm will be capped at:

a. $40,000.00 for Prosecution Services (billed monthly at approximately $3,333.33 per month); and,

b. $60,000.00 for General Legal Services (excluding litigation) ($5,000.00 per month).

At the conclusion of the first year of services being performed, The Firm and the City may meet to re-negotiate the terms of this Contract, with the intent to review the reasonableness of the first-year caps stated above. Unless otherwise mutually agreed in writing, upon the expiration of the first year caps, the Firm will bill at the RFP Response's hourly rates herein defined under Section 4.1 for all services performed. Notwithstanding the foregoing, any and all costs and expenses incurred on behalf of the City but paid by The Firm will be billed above and beyond and not included in any said capped amount.

4.3 During the Transition Period, for a period of 30 days ending November 16, 2022, the Law Firm will waive any and all fees in order to allow the City an effective transition between attorneys.

4.4 The hourly rates will increase by an annual cost of living amount not to exceed 2% annually calculated on the first day of the year (excluding the first year as stated above).

4.5 The Law Firm will bill the City once per month for all hours worked in that period. The City will receive a statement for services rendered each month, and the City shall reimburse the Law Firm upon request for all expenses incurred by the Law Firm on behalf of the City. The Law Firm agrees that no copying expenses will be billed for the services provided herein, except all litigation copying expenses will be billed at $0.15 per page together with all direct litigation expenses (deposition expenses, travel and other direct litigation costs), with no additional multiplier or fee added;

4.6 The Law Firm shall use, at its own expense, it's own facilities, supplies, and personnel for all services required hereunder;

4.7 The Law Firm shall devote its best professional efforts to the business of the City. The Law Firm shall accept no representation contrary to the interest of the City. In the event of a conflict of interest on any matter assigned to the Firm, the Firm shall immediately disclose to the City the conflict and assist the City in a resolution and/or appointment of a separate Law Firm to handle the matter in conflict;

4.8 The Law Firm shall take such action as is deemed appropriate under the circumstances and will keep the City informed of the progress of such actions as are taken on the City's behalf. Any expression by the Law Firm

concerning the outcome of any matter represents the Law Firm's opinion but is not a warranty or guarantee as to that outcome;

4.9 The Law Firm, in the performance of the duties required of it hereunder, shall not discriminate against any employee or application for employment, with respect to hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of race, color, religion, national origin or ancestry, nor because of age or sex, except where based on a bona fide occupational qualification.

5. The City understands that Michigan Rule of Professional Code 1.16 allows The Kelly Firm, PLC to withdraw from representation of the City if any of the following occur:

5.1 The client insists upon pursuing a course of action the attorney considers repugnant or imprudent;

5.2 The client fails to pay the fees, expenses, and/or costs required under this Contract after reasonable warning that non-payment will result in withdrawal;

5.3 Continued representation will result in an unreasonable financial burden on the Law Firm.

6. The City and Law Firm agree that this Fee Agreement is for a period of three (3) years from the date hereof (as modified in Section 4.2). The parties agree that modification of this Agreement can occur at any time upon both parties agreeing thereto. This Agreement shall automatically renew unless either party provides thirty (30) days written notice of intent to terminate. Such renewal shall be subject to

modification by the City Bid in the course of the ordinary budget review process. This Agreement maybe terminated upon thirty (30) days notice of either party's intent to terminate, in which case the Law Firm agrees to cooperate with the City in the professional and orderly transfer of work to the new legal services provider and the City agrees to pay all outstanding bills for services provided prior to termination.

IN WITNESS WHEREOF, the City of Grosse Pointe Park and The Kelly Firm, PLC through their designated and authorized representative, have set their hands and seals this ____ day of October 2022.

ACCEPTED BY:

CITY OF GROSSE POINTE PARK

By Nick Sizeland
Its: City Manager

Date: _____

THE KELLY FIRM, PLC

By: Daniel J. Kelly

Date: _____

# CITY COUNCIL MEETING

DATE: October 17, 2022

**SUBJECT:** Ethics and DDA Reappointments

**SUMMARY:** Downtown Development Authority- 4 Year Term Ending 2026
Zack Assaf

Ethics Review Board- 3 Year Term Ending 2025
David Breen

**FINANCIAL IMPACT:** No Financial Impact

**RECOMMENDATION:** Council motion to approve the reappointment of Zach Assaf to the Downtown Development Authority for a 4-year term ending in 2026.

Council motion to approve the reappointment of David Breen to the Ethics Review Board for a 3 year term ending in 2025.

**PREPARED BY:** Nick Sizeland, City Manager

# CITY COUNCIL MEETING

DATE: October 17, 2022

**SUBJECT:** Ordinance #234 Solicitations

**SUMMARY:** Chief Jarrell brought to the attention of City Administration several weaknesses in the existing regulations on solicitors. These regulations are contained in Chapter 18 of the City Code. The existing chapter is mostly language from the original 1957 code with some sections revised later, primarily in the 1970s. In working on language revisions, it was decided to rewrite Chapter 18 in its entirety. The Ordinance Committee unanimously voted to bring the proposed rewrite to the Council for their consideration.

Chapter 18 identifies three types of solicitors: peddlers and service vendors, transient merchants, and charitable solicitors. There is significant overlap and similarities between these categories and the proposed ordinance lumps them into one category.

The most significant revisions to the code involve a more thorough description of the licensing process. The current ordinance merely says a license is required and shall be obtained by approval of the Chief of Police. The proposed ordinance codifies the Public Safety Department's existing practices of conducting background checks on applicants. Additionally, the current ordinance is silent on our ability to charge fees for reviewing and issuing solicitation applications. The proposed ordinance would give the City Council the ability to establish fees by resolution. This fee would likely be nominal (under $50) for a permit lasting less than 30 days and perhaps larger for a permit lasting an entire year. City Administration will review fees in other communities before preparing a recommendation.

Lastly, the current ordinance has significant regulations involving solicitations by charitable organizations. These were all added to the City Code in 1975. They require a large amount of information, including the financial statements of the organization and estimates of the wages/expenses expected to be incurred in the solicitation process. In speaking with both Chief Jarrell and Manager Sizeland (the latter is responsible for issuing licenses to charitable solicitations, but not peddlers or transient merchants), neither of them has ever received or processed a charitable solicitation request. Given this language is no longer being applied, these separate regulations are being removed entirely.

**FINANCIAL IMPACT:** This ordinance would allow the City to collect fees for processing solicitation applications. No other fiscal impact is anticipated.

**RECOMMENDATION:** Motion to adopt ordinance #234 as presented.

**PREPARED BY:** Warren Rothe, Assistant City Manager

**ORDINANCE NO. 234**
**CITY OF GROSSE POINTE PARK**
**COUNTY OF WAYNE, MICHIGAN**

**AN ORDINANCE OF THE CITY OF GROSSE POINTE PARK, WAYNE COUNTY, MICHIGAN TO AMEND CHAPTER 18 OF THE CODE OF ORDINANCES, "PEDDLERS, SOLICITIORS, AND TRANSIENT MERCHANTS;"**

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

**SECTION 1. AMENDMENT.**

Chapter 18 of the City's Code of Ordinances is hereby amended to read in its entirety as follows:

**Chapter 18 SOLICITORS**

**Sec. 18-1. Intent.**

To license and regulate solicitor activity and to provide penalties for the violation thereof.

**Sec. 18-2. Purpose.**

The purpose of this Ordinance is to:

a) Secure and protect the general welfare and safety of the residents of the City of Grosse Pointe Park;
b) Require solicitors to obtain a license to solicit within the City;
c) Establish an application process, including required information and fees, for the issuance of a license;
d) Establish recognized exemptions from this Ordinance;
e) Provide for penalties for violations of this Ordinance.

**Sec. 18-3. Definitions.**

a) *Charitable* means and includes the words patriotic, educational, social, religious, philanthropic, civic, public, fraternal or eleemosynary, either actual or purported.
b) *Person* means any natural person, business, firm, corporation, partnership, limited liability company or other association, non-profit organization, charitable organization, society, league, guild, club, team, and includes any trustee, receiver, assignee, agent or other representative thereof.

c) *Solicit and/or Solicitation* means any act related to or involving traveling by foot, bicycle, animal powered cart or wagon, or any electric or motorized vehicle from place-to-place, from house-to house, from street-to-street, or remaining stationary in any place and using public streets, sidewalks, parks, or other public ways or places to:
   1. Sell or offer for sale or display for sale any goods, wares, produce, provisions, or merchandise to any *person* not a dealer therein.
   2. Take orders for the purchase of goods, wares, produce, provisions, or merchandise by samples, lists, catalogs, or subscriptions for magazines and books from any *person* not a dealer therein.
   3. Sell or offer for sale or take orders for the sale of services (e.g. landscaping, painting, roofing, snow removal, etc.) from any *person* not a dealer therein.

d) *Solicitor* means any person soliciting in the City and encompasses the words "peddler" and "transient merchant."

**Sec. 18-4. License application process.**

a) No *person* shall *solicit* without first obtaining a license from the City of Grosse Pointe Park using the prescribed form(s).
b) If an application is filed on behalf of anyone other than a natural *person*, an application must be made for each agent or employee who will be *soliciting* in the City.
c) The applicant(s) shall supply all of the information listed on the application before the application will be deemed complete and reviewable.
d) Applicants may be subject to a background check, including without limitation, a review of the Wayne County Sheriff's Department, Michigan State Police, and sex offender records. If upon completion of a background check the City determines there is a reasonable basis to conclude the applicant poses a plausible threat to the general peace and safety to the City, the application may be denied.
e) Unless the applicant is charged with any violation of local, state, or federal law subsequent to filing the application, all background checks shall be valid for a period of one (1) year following the approval of the application.
f) During any period in which a *person* is licensed under this Ordinance, that *person* must inform the City of any and all changes to the information on their application and any

event that would likely result in a change to the information produced in their background check.

**Sec. 18-5. Duration and renewal.**

A license issued under the provisions of this Ordinance shall be valid only for the specific dates provided for on said license and shall expire as indicated thereon. Subject to City approval, applicants can apply for a permit lasting for up to one year.

**Sec. 18-6. Fees.**

All applications that are submitted pursuant to this Ordinance shall be accompanied by a non-refundable per *person* license fee. The purpose of the fee is to cover the administrative costs associated with processing the application, including but not limited to conducting and reviewing the background checks, and regulating approved *solicitors* within the City. The fees shall be established and set forth by resolution of the City Council.

**Sec. 18-7. Prohibited behavior and activity.**

a) No *solicitor* shall obstruct any street, alley, sidewalk, driveway, or entrance to a public place.
b) No *solicitor* shall enter or call upon any residence or place of business with posted "No Solicitors," "No Peddlers," "No Trespassing," or similar signs.
c) No *solicitor* shall engage in repeated *solicitation* of any same *person* who either affirmatively declines, chooses to ignore, or shows no response to the *solicitation* inquiry. Furthermore, no *solicitor* shall harass or threaten any *person* in the course of their *solicitation*.
d) No *solicitor* shall engage in *soliciting* without carrying and displaying the license issued pursuant to this Ordinance, unless exempted under Sec. 18-10.
e) No *solicitor* shall *solicit* within any City Park or upon any property owned or controlled by the City, without specific approval of the City, separate from this license.
f) No *solicitor* using a vehicle, when stopped to make a sale, shall remain longer than necessary to make a sale to a customer wishing to buy, nor shall they establish

themselves on or linger along any public right-of-way for the primary purpose of doing business with passing traffic.

**Sec. 18-8. Hours of operation.**

Permitted solicitors may only solicit within the City between the hours of nine o'clock (9:00) a.m. and sunset between Monday and Saturday.

**Sec. 18-9. Suspension and revocation.**

In addition to the penalties which may be imposed under Section 18-11 of the City of Grosse Pointe Park Code, a license issued pursuant to the provisions of this Ordinance may be revoked or suspended by the City for any of the following reasons:

a) Any fraud, misrepresentation, or false statement(s) made in connection with the selling of goods, wares, services, produce, provisions, or merchandise.
b) Any fraud, misrepresentation, or false statement(s) contained in the application.
c) Any violation of federal, state, or local laws or ordinances.
d) Any conviction of a licensee for a felony or misdemeanor involving theft or dishonesty.

**Sec. 18-10. Exempted persons.**

The *persons* listed below shall be exempt from the licensing requirements of this Ordinance, however, such *persons* or groups shall be subject to the other provisions of this Ordinance. This includes without limitation the prohibited activities stated in Section 18-7 and the hours of operation state in Section 18-8 contained herein.

a) *Persons* that are eighteen (18) years of age of younger *soliciting* for the benefit of any public or private school, or youth activities including but not limited to Girl Scouts, Scouts BSA, religious organization youth groups, or youth sports teams or athletic leagues.
b) Any *person* under 18 years of age when *soliciting* services for lawn, yard, or garden work, or leaf, snow, or ice removal.
c) Any *person* engaged in canvassing, distributing printed material, or obtaining signatures for political candidates, ballot issues, or other political issues.
d) Any veteran licensed with Wayne County under P.A. 1921, No. 359, as amended.

e) Nothing in this Ordinance shall exempt any *person* from the licensing requirement for Transient Merchants as described in Public Act 51 of 1925, as amended.

**Sec. 18-11. Violation and penalties.**

Any *person* who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of this Ordinance, shall be responsible for a municipal civil infraction, and shall be punished by a fine not to exceed $500.00 and all applicable court costs. Equitable relief may also be award as permitted by Michigan law. In situations where there are repeated violations occurring over multiple days, every day upon which any such violation occurs shall constitute a new and separate offense.

**Sec. 18-12. Right to appeal.**

Any *person* aggrieved by the City's action to deny an application for a license as provided in this Ordinance, or in the decision with reference to the revocation of a license as provided in this Ordinance, shall have the right of appeal to the City Manager. Such appeal shall be made by filing with the City Manager a written statement setting forth fully the grounds for the appeal within fourteen (14) days after notice of the action complained of has been mailed to such *person's* last known address. The City Manager shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed to such *person's* last known address. The decision and order of the City Manager on such an appeal shall be final.

**SECTION 2. SEVERABILITY.**

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

**SECTION 3. RATIFICATION.**

All other provisions of the code of Ordinances of the City of Grosse Pointe Park, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

**SECTION 4. PUBLICATION.**

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of Grosse Pointe Park, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of Grosse Pointe Park.

**ORDINANCE DECLARED ADOPTED.**

_____

Michele Hodges, Mayor
City of Grosse Pointe Park, Michigan

4859-8402-0265_2

**CERTIFICATION**

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Grosse Pointe Park, County of Wayne, State of Michigan, at a regular meeting of the City Council held on the _____ day of _____, 2022, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present:
Members Absent:

It was moved by Member _____ and supported by Member _____ to adopt the Ordinance.

Members voting yes:
Members voting no:

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of Grosse Pointe Park.

_____

Jane Blahut, City Clerk
City of Grosse Pointe Park, Michigan

INTRODUCED:
ADOPTED:
PUBLISHED:
EFFECTIVE:

# CITY COUNCIL MEETING

DATE: October 17, 2022

**SUBJECT:** Ordinance #235 Garbage and Refuse

**SUMMARY:** The Ordinance Review Committee considered updates to Chapter 12 of the City Code, governing garbage and refuse. The chapter has been rewritten in its entirety. The revisions better codify existing garbage and refuse practices and include standards for the composition, storage, and collection of garbage and recycling containers. The Ordinance Review Committee unanimously voted to recommend that this ordinance be considered by the City Council for approval.

**FINANCIAL IMPACT:** No financial impact is expected from this ordinance.

**RECOMMENDATION:** Motion to adopt Ordinance #235 as presented.

**PREPARED BY:** Warren Rothe, Assistant City Manager

**ORDINANCE NO. 235**
**CITY OF GROSSE POINTE PARK**
**COUNTY OF WAYNE, MICHIGAN**

**AN ORDINANCE OF THE CITY OF GROSSE POINTE PARK, WAYNE COUNTY, MICHIGAN TO AMEND CHAPTER 12 OF THE CODE OF ORDINANCES, "GARBAGE AND REFUSE."**

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

**SECTION 1. AMENDMENT.**

Chapter 12 of the City's Code of Ordinances is hereby amended to read in its entirety as follows:

Chapter 12 Garbage and Refuse

**Sec. 12-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a) *Brush* includes, but is not necessarily limited to, tree limbs and clippings from shrubs and bushes.

b) *Garbage* and *food wastes* includes, but is not necessarily limited to, every refuse accumulation of animal, fowl, fish, fruit, vegetable or other similar or like substances that results from the preparation, use, cooking, dealing in, handling or storing of meat, fish, fowl, fruits and vegetables. Products or processes involving the use of such substances, including fish or fowl or other dead animals requiring disposal, and any condemned food or food products or similar disposable substances, materials or things found or situated within the city are also included in this definition.

c) *Property:* Property means both improved and unimproved land, and any building, structure, or premises within the city or a portion of the city.

d) *Occupant:* Occupant means a person or entity occupying a property and includes an owner, tenant, or lessee.

e) *Recyclable* and *curbside recyclable* mean newspapers, paper, phone books, magazines, clean cardboard cut to fit, clean tin or aluminum cans, glass, and plastic containers (#1

through or #7 with triangular recycling symbol on the container) to be collected on the scheduled collection day.

f) *Rubbish* and *refuse* include, but are not necessarily limited to, all miscellaneous waste materials and matter resulting from normal household or living conditions, business operations and enterprises, general routine property use, and maintenance and physical construction and installations related to general routine property use, including garbage, and waste materials from the construction or repair of buildings and structures.

g) *Storage* means the accumulation of materials regulated by the provisions of this article that are awaiting final collection, transportation, and disposal.

h) *Yard waste* includes, but is not necessarily limited to, grass, weeds, shrub clippings, leaves, brush, tree trimmings and other similar materials which may be so classified by the city, and which are accumulated upon the premises of any property within the city for collection and disposal separately from the regular rubbish and refuse, and to be picked up on the scheduled collection day.

**Sec. 12-2 Prohibited deposit of rubbish, garbage, and yard waste.**

No person shall deposit, throw, or place any rubbish or garbage in any alley, street, river, other public places, or private premises or allow such rubbish or garbage to be kept on private premises except for collection by the city in accordance with the provisions of this article or any other applicable provisions of the City Code. All rubbish and garbage placed for collection shall have been generated from the specific property from which it is to be collected. No person shall transport or bring garbage or rubbish for collection or deposit to any property within the city from any other property whether within or without the city. No person shall permit any rubbish or garbage to accumulate on any premises owned or controlled by him/her for a period longer than the interval between the collection days established for the neighborhood. No person shall deposit any yard waste in any alley, street, river, or other public place except for collection by the city in accordance with the provisions of this chapter. No person shall deposit any yard waste in any public drain, or allow yard waste to accumulate in any public drain. No person shall deposit any yard waste in any public drain easement that will result in the waste entering the drain or otherwise interfering with the proper operation of the drain.

**Sec. 12-3 Collection by contracting private company; charges; schedule.**

a) The City shall contract with a private company for the purpose of garbage, rubbish, yard waste, and curbside recyclable collection.
b) Fees for services provided by the City in accordance with this Chapter shall be established from time to time by resolution of the City Council.
c) Collection services provided by the contractor shall occur according to the schedule under the terms of the contract.

**Sec. 12-4 Containers.**

No person shall permit to accumulate upon his premises any garbage, rubbish, recyclables, or yard waste unless it is placed and maintained in containers as follows:

a) *Containers for garbage or rubbish*.
    1. All containers used for garbage or rubbish shall be substantial metal, plastic, or rubber construction, provided with handles and a tight-fitting cover. They must be in accordance with size, capacity, and weight rules and limitations set by the City. The cover shall be kept on the container whenever garbage is placed within.
    2. Garbage and food waste shall first be placed into plastic bags before being placed into a container for collection.
    3. Plastic bags are a suitable container for garbage and rubbish if they are securely sealed (not punctured) and are filled so that the contents will not cause tearing or rupturing of the bag when it is lifted at the sealed or tied end.
    4. Approved containers are available for purchase from the City's Department of Public Works. A resident may purchase a container by paying the charge established by resolution of City Council from time-to-time.
b) *Containers for yard waste*. Tree limbs, branches, shrubbery, bush cuttings, and other brush are to be considered yard waste and must be placed in approved yard refuse bags or cans conspicuously labeled for yard waste. Yard waste labels are available at City Hall at no cost.
c) *Containers for recyclables.* All curbside recyclables shall be placed into containers that comply with size, capacity, and weight rules and limitations set by the City. Items shall be

placed separately in the recycling cart. Newspapers are to be tied or placed in paper bags not to exceed 50 pounds.

d) *Storage of Containers*.

1. Containers shall be stored and placed in an enclosed accessory structure, garage or shed, in the primary structure, or in an approved container or facility for external storage equipped with tightfitting vermin proof lids inconspicuously placed on the premises during intervals between city collection days. Containers not enclosed in an accessory structure or primary structure shall be stored to the rear or side of the primary structure, garage, or accessory structure as close to the structure as possible.
2. Containers serving property on a public or private alleyway shall not be stored in the public or private alleyway and must be located inside the rear lot line of the property.
3. Containers shall be stored in such a manner as to prevent water from falling on the container and entering it. The City or its contractor may decline to collect or empty any container filled or partially filled with ice or water.

**Sec. 12-5 Standards of Collection.**

a) *Rubbish, Garbage, and Recyclables*.

1. The occupant of any property shall place any containers or materials for collection at their curbside or, if established, the City designated collection point.
2. All containers shall be prepared for collection and placed curbside or at the designated collection point no earlier than 6:00 p.m. the day before the regularly scheduled collection day for the particular area being serviced. All containers shall be removed from the collection point no later than midnight on the same day that the collection is made.
3. All cardboard boxes which cannot be ripped up, torn, or cut up and placed in a disposable rubbish bag or container shall be completely flattened or knocked down and placed next to collection containers in a manner which prevent them from being blown, strewn or battered until such boxes are collected on the regularly scheduled collection day.

4. It is the duty of the City's contractor to remove all curbside recyclables from the street. No other vendors shall be permitted to collect any paper, glass, plastic, or tin cans on the regularly scheduled collection days.

b) *Yard Waste*.

1. All yard waste containers shall be placed at curbside or the City designated collection point for regular pickup service but only during the months and weeks the City establishes for that service, and such materials must be in accordance with size, weight, and bundling rules and limitations set by the City.
2. Larger branches may be placed at curbside in front of the premises, with butt ends facing the street for disposal by city chipper service in accordance with rules, standards, and schedule set by the City.
3. Any tree trimming contractor, nursery employee, utility company employee or other privately employed person who performs or provides a tree trimming removal service for a fee, or as a company service, on any property or premises within the city shall be responsible for the removal and disposal beyond the corporate limits of the city of all tree limbs, brush, trunks and stumps accumulated from the performance of such service.
4. It shall be unlawful to mix yard waste with regular household rubbish and recyclables.
5. During the months of October through the second full week of December, all tree leaves (no grass clippings) may be raked into the street gutter for collection on days scheduled by the City.

**Sec. 12-6 Disposal of waste created by building contractors.**

Building contractors shall be responsible for the removal of all wastes, rubbish, remodeling or maintenance materials and site clearing materials from the building site and the transportation and disposal thereof beyond the corporate limits of the city.

**Sec. 12-7 Construction waste to be removed prior to final inspection and issuance of certificate of occupancy.**

All building contractors' waste, rubbish and site clearing materials shall be moved or cleared from the premises before final inspection shall be made or before a certificate of occupancy shall be issued.

**Sec. 12-8 Garbage Grinders Required.**

Garbage grinders shall be required in new and existing structures as follows:

a) All residential buildings constructed under permit issued after June 1, 1983, and all other buildings or structures used for purposes which develop food wastes and constructed under permit issued after such date shall have installed a garbage grinder conforming to the provisions of this section.

b) In the case of any residence or any such other building or structure constructed under permit issued prior to such date, the installation of a grinder shall be required:

1. In the case of a major repair or replacement of such a nature as to make it convenient and practicable to install a garbage grinder where such residence, building or structure does not already contain a grinder conforming to this section; or
2. When required by any other provision of this Code.
3. The remodeling of a kitchen, involving the installation of a new sink, shall be deemed an alteration in which the installation of a garbage grinder is convenient and practicable.
4. No person shall be required to install a garbage grinder in accordance with this Subsection in any case in which the Department of Public Service finds that installing a garbage grinder would be inadvisable or troublesome due to limitations in the existing plumbing or private sewer connection or other such serious practical difficulty.

c) No garbage grinder shall be deemed to satisfy the provisions of this section unless it be of size and design adapted to grind all garbage and food wastes (shells, large bones and the like excepted) likely to be accumulated on the premises and unless

it be installed and connected in such a way as to secure good performance.

d) Where there is more than one housekeeping unit within the same building, garbage grinders shall be supplied for each such unit.

e) Installation, operation and maintenance of any equipment or method to be used for the disposal of food wastes shall comply with the applicable laws, ordinances and regulations concerning building, housing, plumbing, electricity, smoke abatement, air pollution, safety engineering, health, sanitation and fire prevention.

**Sec. 12-9 Rules and Regulations of City Manager to Implement Chapter Provisions.**

In order to clarify and implement the provisions of this chapter, the City Manager is hereby authorized and directed to make all necessary and reasonable rules and regulations consistent with this article.

**Sec. 12-10 Violations.**

The first violation of this Chapter shall be a civil infraction with a maximum penalty of a $50 fine. The second violation of this Chapter within thirty-six months shall be a civil infraction with a maximum penalty of a $100 fine. The third violation of this Chapter within thirty-six months shall be a civil infraction with a maximum penalty of a $150 fine. The fourth violation of this Chapter within thirty-six months shall be a misdemeanor with a maximum penalty of a $500 fine and/or 90 days in jail. The fines described in this Section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.

**SECTION 2. SEVERABILITY.**

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

**SECTION 3. RATIFICATION.**

All other provisions of the code of Ordinances of the City of Grosse Pointe Park, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

**SECTION 4. PUBLICATION.**

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of Grosse Pointe Park, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of Grosse Pointe Park.

**ORDINANCE DECLARED ADOPTED.**

_____

Michele Hodges, Mayor
City of Grosse Pointe Park, Michigan

**CERTIFICATION**

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Grosse Pointe Park, County of Wayne, State of Michigan, at a regular meeting of the City Council held on the _____ day of _____, 2022, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present:
Members Absent:

It was moved by Member _____ and supported by Member _____ to adopt the Ordinance.

Members voting yes:
Members voting no:

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of Grosse Pointe Park.

_____

Jane Blahut, City Clerk
City of Grosse Pointe Park, Michigan

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