March 6, 2020

Honorable Mayor and Members of Council
Grosse Pointe Park, Michigan

Dear Mayor and Members of City Council:

The next meeting of the City Council of Grosse Pointe Park will be held at 7:00 P.M. on Monday, March 9, 2020 within Council Chambers. The tentative agenda is comprised of the following:

T.I.F.A. BYLAWS
Mayor Denner and Members of City Council will be asked to adopt the amended and restated T.I.F.A. bylaws.

T.I.F.A. PROCEDURES
Mayor Denner and Members of City Council will be asked to adopt rules regarding holding of T.I.F.A. meetings.

D.D.A AND T.I.F.A. APPOINTMENTS
Mayor Denner and Members of City Council will be asked to consider appointments to the D.D.A. and T.I.F.A. Boards.

MARINA RESOLUTION
Mayor Denner and Members of City Council will be asked approve a resolution for the marina.

PROPOSED ORDINANCE #215
Mayor Denner and Members of City Council will consider proposed Ordinance #215 relating to dogs.

PROPOSED ORDINANCE #216
Mayor Denner and Members of City Council will be asked to consider proposed Ordinance #216 relating to storm water discharge.

PROPOSED ORDINANCE #217
Mayor Denner and Members of City Council will be asked to consider proposed Ordinance #217 relating to small cell wireless facilities.
PUBLIC SAFETY ANNUAL REPORT
Director Poloni will present to Mayor Denner and Members of City Council a summary of activity from 2019 within the Public Safety Department.

FINANCE REPORT
Mayor Denner and Members of City Council will be asked to accept and approve the Finance Report and list of invoices for $5,000 and over.

Sincerely,

Nick Sizeland
City Manager
ARTICLE I: PURPOSE

Section I. Statement of Purpose

A. Purpose:

The purpose of the Northwest Tax Increment Finance Authority of the City of Grosse Pointe Park ("TIFA"), established in 1986, is to act in accordance with what is now Part 3, Act 57 of 2018, the Recodified Tax Increment Financing Act, MCL §175.4101 et seq. (the "Act") as such statute may from time to time be amended; including, particularly, to correct and prevent deterioration in the TIFA District; to increase property tax valuation; to encourage renovation or reuse of vacant or unsightly property; to create and implement development plans in the TIFA District; to promote the economic growth of the City of Grosse Pointe Park; and to encourage the expansion of commercial and other contributing enterprises in the TIFA District. The TIFA supplies the funding and the public and private sector leadership to provide for the future success and viability of the TIFA District.

B. Powers of the TIFA:

The Northwest Tax Increment Finance Authority of the City of Grosse Pointe Park ("TIFA") may:

a. Prepare an analysis of economic changes taking place in the City of Grosse Pointe Park and its environs as those changes relate to urban deterioration in the Development Area.

b. Study and analyze the impact of growth upon the TIFA District.

c. Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the TIFA, aids in the revitalization and growth of the development area.

d. Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code promulgated under the Stille—DeRossett-Hale single state construction code. MCL §175.1501 et seq.

e. Develop long-range plans, in cooperation with the Planning Commission of the City of Grosse Pointe Park which is chiefly responsible for planning in the City, designed to halt the deterioration of the property values and to promote the
economic growth of the TIFA District, and take such steps as may be necessary to implement the plans to the fullest extent possible.

f. Implement any plan of development in the TIFA Development Area necessary to achieve the purposes of Part 3 of Act 57 of 2018, in accordance with the powers of the TIFA as granted by Part 3 of Act 57 of 2018.

g. Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

h. Acquire by purchase or otherwise, on terms and conditions and in a manner the TIFA considers proper, own, convey, demolish, relocate, rehabilitate, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests therein which the TIFA determines is reasonably necessary to achieve the purposes of Part 3 of Act 57 of 2018, and to grant or acquire licenses, easements, and options with respect thereto.

i. Improve land, prepare sites for buildings, including the demolition of existing structures, and construct, reconstruct, rehabilitate, restore, and preserve, equip, improve, maintain, repair, and operate any building, including any type of housing, and any necessary or desirable appurtenances to that property within the TIFA District for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.

j. Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control, or a facility in the building or on the property, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the TIFA.

k. Lease any building or property under its control or any part of a building or property.

l. Accept grants and donations of property, labor, or other things of value from a public or private source.

m. Acquire and construct public facilities.

n. Incur costs in connection with the performance of its authorized functions, including, but not limited to, administrative costs, and architects, engineers, legal, and accounting fees.

C. Goals:

a. Improve communication and processes between the City and businesses and other institutions.
b. Increase awareness of TIFA District through, among other things, the support of programming on Kercheval and Charlevoix such as the “After 6” and Winterfest events.

c. Improve the physical and visual appearance of the TIFA District through various enhancements within the TIFA District which include continued entranceway improvements, softening the appearance of the commercial areas, improving vehicular and pedestrian circulation to reduce conflicts, addressing parking needs in the TIFA District and, whenever possible, in adjacent residential areas, compliant acting retail and office use by expanding compatible development including civic related programs to strengthen the TIFA development area, encourage renovation or reuse of vacant or unsightly property and/or conditioned improvements of facades.

d. Improve the efficiency and effectiveness of the operating board, staff, and volunteers.

e. To nurture community pride in and support of the TIFA District and the City.

f. To promote the TIFA District through marketing, public relations, and communications strategies.

g. To establish a coordinated effort among various organizations and agencies to support the revitalization of the TIFA District.

h. To promote economic growth and increase property values in the TIFA District and to eliminate the causes of deterioration.

i. To enhance the image of the TIFA District.

j. To expand and diversify the mix of profit and non-profit enterprises in the TIFA District.

k. To strengthen residential development and renovation.

l. To maintain and increase private sector investment and expansion.

m. To encourage business excellence and quality in merchandise, services, and building appearance.

n. To create a business district that is unique, diverse, friendly, comfortable, active, urban, cutting edge, accessible, creative, and cultural.

D. Goals Will be Achieved Through Long Term Commitment to Following Areas:

a. Design.

b. Economic restructuring.
c. Promotions.

d. Organization.

e. Financial Planning.

E. Funding Procedures:

Requests for project funding must be submitted to the TIFA Board.

ARTICLE II: OFFICES

Section I. Offices

The TIFA may have such offices as the TIFA Board of Directors may determine or the affairs of the TIFA may require from time to time.

ARTICLE III: BOARD OF DIRECTORS

Section I. General Powers of Board of Directors

The affairs of the TIFA shall be managed by its Board of Directors.

Section II. Number, Tenure, and Qualifications

The TIFA Board of Directors shall consist of not less than seven (7) or more than 13 members, appointed by the Mayor, subject to approval of the City Council. The members shall be appointed for a term of four years until the member’s successor is appointed. Of the members first appointed, an equal number of the members shall be appointed for one year, an equal number for two years, an equal number for three years, and an equal number for four years, as near as is practicable. At least a majority of the members shall be persons who have an interest in property located in the TIFA District. At least one of the members shall be a resident of the TIFA District, if the district has one hundred or more persons residing within it. Thereafter, each member shall serve for a term of four years.

Section III. Selection of Board Members

The Mayor, with the approval of the City Council, shall appoint the members of the TIFA Board. Subsequent Board Members shall be appointed in the same manner as the original appointments at the expiration of each member’s term of office. All terms shall be effective January 1.

In case of a vacancy prior to the end of a term, the new appointee shall serve until the end of the current vacancy.

The Mayor may ask for the assistance or advice of the TIFA Board of Directors on selecting Board Members for appointment. The TIFA Board of Directors may then assist the Mayor in determining the best candidates for positions on the TIFA Board of Directors through a recruitment selection process that considers the needs of the TIFA Board of Directors, needs of the TIFA, and review of applicants. A person so appointed by the Mayor shall be declared a
voting member of the TIFA Board of Directors upon approval by the City Council and taking the constitutional oath of office.

Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

Section IV. Chairperson and the Vice Chairperson

The Chairperson and Vice Chairperson of the TIFA Board shall be elected by the TIFA Board of Directors.

Section V. Expiration of Term; Continuation in Offices; Reappointment; Filling Vacancies

A Board Member whose term of office has expired shall continue to hold office until his or her successor has been appointed. If a vacancy is created by the death, resignation, or removal of a Board Member, a successor shall be appointed by the Mayor for the unexpired term only without the need for City Council approval.

Section VI. Removal

Pursuant to notice and after having been given an opportunity to be heard, a member of the Board may be removed for cause by the City Council. Removal of a member is subject to review by the Wayne County Circuit Court.

Section VII. Disclosure of Interests

A Board Member who has a direct financial interest in any matter before the TIFA Board of Directors shall disclose his or her interest prior to the TIFA Board of Directors taking any action with respect to the matter, which disclosure shall become a part of the record of the TIFA Board of Directors’ official proceedings. Board Members shall be subject to the provisions of MCL §15.321, et. seq. (Conflict of Interest as to Contracts), MCL §15.341, et. seq. (Standards of Conduct and Ethics), and any applicable provisions of the City’s Charter and Code of Ordinances.

Section VIII. Regular Meetings

Regular meetings of the TIFA Board of Directors shall be held at such time and place, as the Board shall from time to time determine subject to the approval of the City Council. The Chairperson shall determine the specific time and day of each month that regular meetings shall be held based on the availability of Board Members. All meetings of the TIFA Board shall be open to the public and shall be conducted in compliance with the Open Meeting Act (MCL §15.261 et. seq).

Section IX. Special Meetings

Special meetings of the TIFA Board of Directors may be called by or at the request of the City Council, the Board Chairperson, the Director, or any three (3) TIFA Board Members. The
person or persons authorized to call special meetings of the TIFA Board of Directors may fix any place within the City as the place for holding any special meeting.

Section X. Informational Meetings

Each year, the TIFA Board shall hold not fewer than two (2) informational meetings. Notice of an informational meeting shall be posted on the City’s website not less than 14 days before the date of the informational meeting. Not less than 14 days before the informational meeting, the TIFA Board shall mail notice of the informational meeting to the governing body of each taxing jurisdiction levying taxes that are subject to capture by the TIFA. As an alternative to mailing notice of the informational meeting, the TIFA Board may notify the clerk of the governing body of each taxing jurisdiction levying taxes that are subject to capture by the TIFA by electronic mail. Informational meetings may be held in conjunction with other public meetings of the TIFA Board of Directors or the City Council.

Section XI. Notice of Meetings

Except as otherwise provided by law, all meetings of the TIFA Board of Directors shall be preceded by public notice in accordance with the Open Meetings Act, as amended.

Section XII. Quorum and Voting

A majority of the members of the TIFA Board of Directors then in office shall constitute a quorum for the transaction of business. In the event that effective membership is reduced because of Disclosure of Interest (Article III, Section 6), a majority of the remaining members of the TIFA Board of Directors shall constitute a quorum for the transaction of business.

The vote of a majority of members present at a meeting at which a quorum is present shall constitute the action of the TIFA Board of Directors unless the vote of a larger number is required by statute or elsewhere in these rules.

Section XIII. Public Meetings

The meetings of the TIFA Board of Directors shall be open to the public and the TIFA Board of Directors may adopt rules consistent with the Open Meetings Act governing its procedures and the holding of meetings subject to the approval of City Council.

Section XIV. Compensation of Members

Members of the TIFA Board of Directors shall serve without compensation, but shall be reimbursed for actual and necessary expenses, subject to authorization by a vote of two-thirds of the majority of the Board Members.

Section XV. Minutes of all Meetings

The minutes of any meeting of the TIFA Board of Directors will be mailed to all members of the TIFA Board of Directors for their review five calendar days prior to the next regularly scheduled
meeting. Minutes of the proceedings of regular or special meetings shall be prepared at the request of and provided to any member of the TIFA Board of Directors or the City Council. Minutes of closed meetings shall be maintained in conformity with and shall be subject to the provisions of the Open Meetings Act (MCL §15.261 et seq).

ARTICLE IV: TIFA DIRECTOR

Section I. TIFA Director
The TIFA Board of Directors shall employ a Director (“TIFA Director”) subject to the approval of the governing body. A Board Member shall not be eligible to hold the position of Director.

Section II. Election and Term of Office
The Director shall serve at the pleasure of the TIFA Board of Directors.

Section III. Oath and Bond
Before entering upon the duties of the officer, the TIFA Director shall take and subscribe to the constitutional oath of office and furnish a bond by posting a bond in the penal sum determined in a resolution established by TIFA Board of Directors, payable to the TIFA for the use and benefit of the TIFA, approved by the TIFA Board, and filed with the City Clerk. The premium on the bond shall be considered an operating expense of the TIFA, payable from funds available to the TIFA for expenses of operation.

Section IV. The TIFA Director’s Role
The TIFA Director shall, subject to the approval of the Board of Directors, supervise, and be responsible for the preparation of plans and the performance of the functions of the TIFA in the manner authorized by the Act. The Director shall attend all meetings of the TIFA Board of Directors, and shall render to the TIFA Board of Directors and to the City Council, a regular report covering the activities and financial condition of the TIFA.

Before entering upon the duties of his or her office, the Director shall take and subscribe to the constitutional oath.

Section V. Legal Counsel.
Legal counsel shall advise the TIFA Board of Directors in the proper performance of its duties.

ARTICLE V: CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

Section I. Contracts
The TIFA Board of Directors shall approve all contracts entered into by the TIFA.

Section II. Checks, Drafts, etc.
All orders for the payment of money, notes, or other evidences of indebtedness shall be signed by the Director and forwarded on to the Finance Director of the City of Grosse Pointe Park for signature and for the issuance of payment.
Section III. Deposits
All funds of the TIFA shall immediately be deposited into the appropriate fund or account to the credit of the TIFA in such banks, trust companies, or other depositories as the Finance Director of the City of Grosse Pointe Park may select.

Section IV. Gifts
The TIFA Board of Directors may accept, on behalf of the TIFA, any contribution, gift, bequest, or device for the general purposes or for any special purpose of the TIFA. The Executive Director shall inform the City of Grosse Pointe Park in writing of the receipt of such gifts. The identity of the donor need not be reported should the donor wish to remain anonymous.

Section V. Budget
The Executive Director and the Executive Board shall prepare and submit for the approval of the TIFA Board a budget for the operation of the TIFA for the ensuing year. The TIFA Board of Directors shall set goals and objectives annually in September to develop and approve a budget for the fiscal year beginning the first day of January. The TIFA Board of Directors shall submit an annual budget to the City Council by the end of September for inclusion in the annual budget presentation to City Council for City approval. The budget shall be adopted by the TIFA Board after approval by the City Council.

ARTICLE VI: BOOKS AND RECORDS
The TIFA shall keep correct and complete books and records of account, shall also keep minutes of the proceedings of the TIFA Board of Directors, and shall keep at the principal office a record giving the names and addresses of the Board Members. All books and records of the Authority shall be open to the public at all times.

The Executive Director shall provide the Treasurer, TIFA Board of Directors, and City Council with regular financial reports of the activities of the revenues received and expenditures made by the TIFA.

ARTICLE VII: FISCAL YEAR
The fiscal year of the TIFA shall begin on the first day of July and end the last day of June each year.

ARTICLE VIII: REPORTING
Section I.
(1) Annually, on a form and in the manner prescribed by the Michigan Department of Treasury, the TIFA shall submit to the City Council, the governing body of a taxing unit levying taxes subject to capture by the TIFA, and the Michigan Department of Treasury a
report on the status of the tax increment financing account. However, the TIFA may submit by electronic means a report described in this Section to the City Council and the governing body of a taxing unit levying taxes subject to capture by the TIFA. The report shall include all of the following:

(a) The name of the TIFA.

(b) The date the TIFA was formed, the date the tax increment financing plan is set to expire or terminate, and whether the tax increment financing plan expired during the immediately preceding fiscal year.

(c) The date the TIFA began capturing tax increment revenues.

(d) The current base year taxable value of the TIFA District.

(e) The unencumbered fund balance for the immediately preceding fiscal year.

(f) The encumbered fund balance for the immediately preceding fiscal year.

(g) The amount and source of revenue in the account, including the amount of revenue from each taxing jurisdiction.

(h) The amount in any bond reserve account.

(i) The amount and purpose of expenditures from the account.

(j) The amount of principal and interest on any outstanding bonded indebtedness.

(k) The initial assessed value retained by the TIFA by property tax classification.

(l) The captured assessed value retained by the TIFA by property tax classification.

(m) The tax increment revenues received for the immediately preceding fiscal year.

(n) Whether the TIFA amended its Development Plan or its tax increment financing plan within the immediately preceding fiscal year and if the TIFA amended either plan, a link to the current development plan or tax increment financing plan that was amended.

(o) Any additional information the City or the Michigan Department of Treasury considers necessary.

(2) The report described in Section 1 above, shall be filed with the Michigan Department of Treasury at the same time as the annual financial report is filed with the Michigan Department of Treasury under Section 4 of the Uniform Budgeting and Accounting Act, MCL §141.424.
ARTICLE IX: AMENDMENTS TO BY-LAWS

These by-laws may be altered, amended, or repealed, and new by-laws may be adopted by a majority of the members appointed and serving if written notice is given of intention to alter, amend, or repeal or to adopt new by-laws at such meeting. The full nature of the bylaw change shall be included in the notice. Adoption of bylaw changes shall require affirmative votes by six members of the TIFA Board of Directors.

ARTICLE X: POLITICAL CAMPAIGN ACTIVITY

The TIFA shall not expend funds of the TIFA or otherwise contribute to the advocacy of any political candidate or ballot question.

ARTICLE XI: PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert’s Rules of Order Newly Revised shall govern the TIFA Board of Directors in all cases to which they are applicable and in which they are not inconsistent with these by-laws and any special rules of order the TIFA Board of Directors may adopt.

Adopted by the TIFA on: March 4, 2020

Adopted by the City of Grosse Pointe Park on March 4, 2020
CITY OF GROSSE POINTE PARK  
NORTHWEST TAX INCREMENT FINANCE AUTHORITY  
WAYNE COUNTY, MICHIGAN  

RULES REGARDING HOLDING OF MEETINGS  

1. Meetings of the board ("Board") of the City of Grosse Pointe Park (the "City") Northwest Tax Increment Finance Authority ("TIFA") shall be subject to the Open Meetings Act, 1967 PA 267, as the same may be amended from time to time (the "Open Meetings Act"), and shall be open to the public, except for closed sessions held in accordance with the Open Meetings Act.  

2. For regular meetings of the TIFA, there shall be posted within ten (10) days after the first meeting of the Board in each fiscal year a public notice stating the dates, times and places of its regular meetings for such fiscal year, and the date, time and place of its first regular meeting for the following fiscal year. Regular meetings may be cancelled or rescheduled by the Board.  

3. Special meetings may be called by or at the request of the City Council, the Chairperson elected by the Board (Chairperson), any director of the TIFA employed by the Board (the "Director"), or by any three (3) members of the Board.  

4. The Director shall cause public notice of any regular or special meeting, including any rescheduled regular meeting or adjourned or recessed meeting, to be posted in the manner and at the times prescribed by the Open Meetings Act, and public notices shall contain the information required by such Act.  

5. A majority of the members of the Board then in office constitutes a quorum for the transaction of business. If less than a majority of the members are present at a meeting, a majority of the members present may adjourn the meeting, subject to the public notice requirements of the Open Meetings Act. A vote of a majority of members then in office at a meeting at which a quorum is present constitutes the action of the Board, unless the vote of a larger number is required by applicable law.  

6. The Board may appoint or employ and fix the compensation of a secretary, who shall have such duties as set forth in the Recodified Tax Increment Financing Act, 2018 PA 57 (the "TIFA Act"), as the same may be amended from time to time, including keeping a record of the TIFA’s proceedings. In the absence of the appointment or employment of a secretary by the Board, such duties shall be performed by the Director.  

7. Each fiscal year, the Board shall hold not fewer than two (2) informational meetings as required by Section 910 of the TIFA Act, MCL §125.4901 et seq. Informational meetings shall be for the purpose of informing the public of the goals and direction of the TIFA, including projects to be undertaken in the coming year, and are not for the purpose of
voting on policy, budgets or other operational matters. Notice of an informational meeting shall be posted on the City’s or TIFA’s website not less than fourteen (14) days before the date of the informational meeting. Not less than fourteen (14) days before the informational meeting, the Board shall mail notice of the informational meeting to the governing body of each taxing jurisdiction levying taxes that are subject to capture by the TIFA under the TIFA Act. As an alternative to mailing notice of the informational meeting, the Board may notify the clerk of the governing body of each taxing jurisdiction levying taxes that are subject to capture by the TIFA under the TIFA Act by electronic mail. The informational meetings may be held in conjunction with other public meetings of the TIFA or the City Council.

8. These rules shall be effective upon their adoption by the Board and the approval of the City Council of the City, and may be amended by the vote of not less than a majority of the members of the Board then in office, subject to the approval of the City Council.

Adopted by the Board of the Northwest Tax Increment Finance Authority of the City of Grosse Pointe Park on ________________, 2020.

Approved by the Grosse Pointe Park City Council and effective on March __, 2020.
BOARD APPOINTMENTS

**D.D.A. Board – 4 Year Term**
Benjamin Wixson

**T.I.F.A. Board – 4 Year Term**
John Hughes
City of Grosse Pointe Park
15115 E. Jefferson
Grosse Pointe Park, MI 48230

BIOGRAPHICAL SKETCH

X I am interested in making an application to serve as a member of the following Board/Commission:

<table>
<thead>
<tr>
<th>Beautification Commission</th>
<th>Building Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of Review</td>
<td>Planning Commission</td>
</tr>
<tr>
<td>Recreation Commission</td>
<td>Tax Increment Finance Authority (T.I.F.A.)</td>
</tr>
<tr>
<td>X Other: Downtown Development Authority</td>
<td></td>
</tr>
</tbody>
</table>

NAME: Benjamin Wixson

ADDRESS:

TELEPHONE: Home: Office:

Email

OCCUPATION: Operations and Purchasing Manager - Automation Engineering

# OF YEARS RESIDENT OF GROSSE POINTE PARK: 5

PERSONAL SKILLS OR AREAS OF EXPERTISE RELATIVE TO THE COMMISSION:

I have a very diverse background with economics. Majoring in Economics in college afforded me the opportunity to study regional and behavioral economics in great detail. Projects include an economic statistical analysis of the Detroit Metropolitan Statistical Area (available upon request).

EDUCATION: Bachelor's in Economics (University of Michigan-Dearborn - Winter 2020), Associates in Applied Sciences (Schoolcraft College)

PROFESSIONAL/SERVICE CLUB AFFILIATIONS: Grosse Pointe Sail Club (board officer), Detroit Regional Yacht-Racing Association (executive committee), Prismatic Club of Detroit

DESCRIBE WHY YOU WOULD BE AN ASSET TO THE COMMISSION/BOARD: I am enthusiastic about economics and our great city. I can perform research and adequately communicate statistical findings in reports and through visual presentations. I'm dedicated to the prosperity and history of our community while also recognizing our city's unique advantages and challenges.

Signature of applicant

Return to Clerk's Office

Return 11/20/2020
# BIOGRAPHICAL SKETCH

X I am interested in making an application to serve as a member of the following Board/Commission:

<table>
<thead>
<tr>
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</tr>
<tr>
<td>Recreation Commission</td>
<td>Tax Increment Finance Authority (T.I.F.A.)</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME:</th>
<th>JOHN HUGHES</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS:</td>
<td></td>
</tr>
<tr>
<td>TELEPHONE:</td>
<td>Home:</td>
</tr>
<tr>
<td>Email:</td>
<td></td>
</tr>
<tr>
<td>OCCUPATION:</td>
<td>RETIRED EXECUTIVE FROM GENERAL MOTORS, MANAGE GROSSE POINTE PARK REAL ESTATE PORTFOLIO</td>
</tr>
<tr>
<td># OF YEARS RESIDENT OF GROSSE POINTE PARK:</td>
<td>31 YEARS</td>
</tr>
</tbody>
</table>

PERSONAL SKILLS OR AREAS OF EXPERTISE RELATIVE TO THE COMMISSION:

- 30 YRS OF GPP REAL ESTATE MANAGEMENT
- PROJECT MGT, FINANCE, REAL ESTATE AND CONSTRUCTION
- DETROIT PROPERTY OWNER FOR 40 YRS.

EDUCATION: B.S. FROM GMI IN INDUSTRIAL ADN, MASTERS, FINANCE

PROFESSIONAL/SERVICE CLUB AFFILIATIONS: GROSSE PTE SAIL CLUB
- DETROIT YACHT CLUB, MICHIGAN BUILDERS AND REAL ESTATE LICENSES

DESCRIBE WHY YOU WOULD BE AN ASSET TO THE COMMISSION/BOARD: WITH BROAD EXPERIENCE IN FINANCE, REAL ESTATE AND CONSTRUCTION, SEEK TO IMPROVE GROSSE PTE PARK COMMUNITY.

[Signature of applicant]

Return to Clerk's Office

Rec 12/5/19 10:10
MARINA RESOLUTION

WHEREAS, due to extensive and unexpected repairs, as a result of record high water levels in Lake St. Clair, and

WHEREAS, such repairs required the use of the marina available cash reserves, and

WHEREAS, such use resulted in the requirement to transfer funds from the City’s General Fund to complete the necessary repairs in a proper manner, and

WHEREAS, wages/fringes have been reduced and will be absorbed by the Parks and Recreation Department through General Operating Fund, and

WHEREAS, well holders have been notified in September, 2019, calendar year 2020 rates have been increased by 5% over the prior year, and

NOW THEREFORE BE IT RESOLVED, in response to the additional funds required, the Councilmembers hereby authorize the transfer of $100,000 from the General Fund to the Marina Fund.

Mayor Robert Denner

PROJECTED AMENDED BUDGET
MARINA F/Y 6-30-20

<table>
<thead>
<tr>
<th>ACTUAL BUDGET</th>
<th>PROJECTED AMENDED BUDGET 6-30-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTIVITY 6-30-19</td>
<td></td>
</tr>
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</table>

REVENUES:

Boat slip $ 279,138 $ 293,000

EXPENDITURES:

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<tr>
<th>Salaries/Fringes</th>
<th>$ 214,391</th>
<th>$ 125,800</th>
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<tbody>
<tr>
<td>Operating supplies</td>
<td>7,668</td>
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<td>Small tools/equipment</td>
<td>5,240</td>
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<tr>
<td>Auditor</td>
<td>592</td>
<td>600</td>
</tr>
<tr>
<td>Printing/publishing</td>
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<td>600</td>
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<td>Electricity</td>
<td>8,205</td>
<td>8,200</td>
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<td>Finger Piers</td>
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<td>55,200</td>
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<tr>
<td>Weed control</td>
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<td>Amount 2</td>
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<td>Boatwell refund</td>
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<td><strong>Total</strong></td>
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**UNRESTRICTED FUND DEFICIT:**  $ (71,049)

**TRANSFER IN**  

**UNRESTRICTED SURPLUS:**  

$37,551
CITY OF GROSSE POINTE PARK
Ordinance No. 215

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GROSSE POINTE PARK BY AMENDING SECTION 6.18(a) OF CHAPTER 6 AND SECTION 17.18 OF CHAPTER 17 TO THE CODE OF THE CITY OF GROSSE POINTE PARK.

THE CITY OF GROSSE POINTE PARK ORDAINS:

Section 1. Section 6.18(a) of Chapter 6 of the Code of the City of Grosse Pointe Park is amended to read as follows:

Sec. 6.18. Licensing of Dogs.

(a) No person shall keep or harbor any dog four (4) months old or older within the City without first obtaining a license for such dog from the Public Safety Department (including paying any fee prescribed by the Public Safety Department). Licenses shall be issued by the Public Safety Department and must be renewed on a yearly basis from the date of original issuance. No license shall be issued for any dog six (6) months old or older unless satisfactory evidence of rabies immunization for such dog is presented with the application for such license. Evidence of vaccination within twelve (12) months of the date of application shall be deemed satisfactory evidence of immunization. Upon issuance of a dog license, the Public Safety Department shall provide a metal tag to be attached to the collar of the licensed dog.

Section 2. Section 17.18 of Chapter 17 of the Code of the City of Grosse Pointe Park is amended to read as follows:

Sec. 17.18. Dogs.

(a) Prohibition. No dogs shall be permitted within either park unless permitted under Section 17.18 (b), below:

(b) Exceptions.

1. Dogs shall be permitted within the confines of an off-leash dog park at a location selected by the City Council at Patterson Park under rules and regulations promulgated by the Parks and Recreation Department and the City Manager.

2. Dogs, on a leash not exceeding six feet in length, may be walked to and from boats docked at the marina located at Windmill Pointe Park. All such dogs shall be under control at all times and confined to said boats and the immediately surrounding area.
3. Service dogs, on a leash not exceeding six feet in length, for the legally blind. All such dogs shall be under control at all times in compliance with the rules and regulations promulgated by the Parks and Recreation Department and the City Manager.

4. Owners who have received a license from the Parks and Recreation Department to walk their dogs at either park during the following time periods: from January 1 until Memorial Day on weekends only during park hours; from Memorial Day through Labor Day on weekends prior to 9:30 a.m.; and after Labor Day weekend until December 31 only during park hours. License holders shall comply with the rules and regulations promulgated by the Parks and Recreation Department and the City Manager.

5. Dogs under the control of federal, state, or local law enforcement and/or government agencies or departments.

6. Waterfowl control dogs as permitted under the rules and regulations promulgated by the Parks and Recreation Department and the City Manager.
AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GROSSE POINTE PARK BY REVISING AND AMENDING CHAPTER 23, ARTICLE II, OF THE CODE OF THE CITY OF GROSSE POINTE PARK TO ADD DIV. 6, SECTIONS 23-114 THROUGH 23-123 – STORMWATER DISCHARGE CONTROL

THE CITY OF GROSSE POINTE PARK ORDAINS:

Section 1. Chapter 23 of Article II of the Code of the City of Grosse Pointe Park is amended to add Division 6, Sections 23-114 through 23-123, entitled “Stormwater Discharge Control,” as follows:

Division 6. Stormwater Discharge Control

Sec. 23-114. Purpose.

(a) The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Grosse Pointe Park through the regulation of stormwater and non-stormwater discharges to the municipal separate storm sewer system to the maximum extent practicable as required by federal and state law.

(b) This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

(c) The objectives of this ordinance are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system by any user.

(2) To prohibit illicit connections and illicit discharges to the municipal separate storm sewer system.

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

(d) This ordinance shall apply to all water entering the municipal separate storm sewer system generated on any developed and/or undeveloped lands unless explicitly exempted by the Director of the Department of Public Service.

(e) The City of Grosse Pointe Park shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City may be delegated in writing by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the
City. Except as otherwise provided herein, the Director of the Department of Public Service shall, acting under the supervision of the City Manager, administer, implement and enforce the provisions of this ordinance.

(f) The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 23-115. Definitions.

The following words and phrases, when used in this ordinance, shall have the following meaning ascribed to them:

Authority. The word “authority” shall mean the Director of the Department of Public Service or his/her designee.

Best management practices (BMPs). The words “best management practices (BMPs)” shall mean those schedules of activities, prohibitions or practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or separate stormwater conveyance systems. BMPs also include treatment devices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.


Illicit connection. The words “illicit connection” shall mean a physical connection to the municipal separate storm sewer system that conveys or may convey illicit discharges into the system and/or is not authorized or permitted by the City; or any drain or conveyance connected from a commercial or industrial land use to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by the authority.

Illicit discharge. The words “illicit discharge” shall mean any discharge (or seepage) to the municipal separate storm sewer system that is not composed entirely of stormwater except discharges pursuant to a NPDES permit or as otherwise exempted by Section 23-116(b)(4) of this ordinance.

Municipal separate storm sewer system (MS4). The words “municipal separate storm sewer system (MS4)” shall mean those facilities located within the City and owned or controlled by the City or the county drain commissioner or the county board of road commissioners or the Michigan Department of Transportation by which stormwater may be collected and conveyed to the waters of this state, including any streets or roads with
drainage systems, inlets, curbs, gutters, storm pipes and retention, detention or infiltration basins, which are not part of the publicly-owned sanitary sewage collection system.

**National Pollutant Discharge Elimination System (NPDES).** The words “national pollutant discharge elimination system (NPDES)” shall mean a permit issued by the federal Environmental Protection Agency or a state under authority delegated pursuant to the Clean Water Act that authorizes the discharge of pollutants to waters of the United States.

**Non-stormwater discharge.** The words “non-stormwater discharge” shall mean any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater.

**Stormwater.** The word “stormwater” shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

**Stormwater pollution prevention plan (SWPPP).** The words “stormwater pollution prevention plan (SWPPP)” shall mean a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

**Sec. 23-116. Prohibition of illicit discharges.**

(a) No person shall discharge or cause to be discharged into the municipal separate storm sewer system or watercourses any materials, including any pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

(b) The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this ordinance, provided that they do not result in a violation of State of Michigan water quality standards:
   a. Water line flushing.
   b. Landscape irrigation runoff.
   c. Diverted stream flows.
   d. Rising groundwaters.
   e. Uncontaminated groundwater seepage into storm sewers.
   f. Uncontaminated pumped ground water (except for groundwater cleanups not specifically authorized by NPDES permits).
g. Discharges from potable water sources if authorized by the director of public service.

h. Foundation drains.

i. Air conditioning condensation.

j. Irrigation waters.

k. Springs.

l. Water from crawl space pumps.

m. Foundation and footing drains and basement sump pumps.

n. Lawn watering runoff.

o. Waters not containing soaps or detergents from noncommercial car washing.

p. Flows from riparian habitats and wetlands.

q. Dechlorinated swimming pool waters (less than one ppm chlorine) if authorized by the director of public service.

r. Residual street wash waters.

s. Uncontaminated industrial wastes if authorized under an NPDES permit and authorized by the director of public service.

t. Flows from firefighting and fire training activities.

u. Any other water source not containing pollutants if authorized by the director of public service.

(2) Discharges specified in writing by the City as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge but requires a verbal notification to the Director of the Department of Public Service prior to the time of the test.

(4) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval of the Director of the Department of Public Service has been granted for any discharge to the municipal separate storm sewer system.
Sec. 23-117. Prohibition of illicit connections.

(a) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Sec. 23-118. Suspension of discharges to municipal separate storm sewer system.

(a) Suspension due to illicit discharges in emergency situations. The City may, without prior notice, suspend municipal separate storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of the public, or to the municipal separate storm sewer system or waters of the United States. If the person fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize the damage to the MS4 or waters of the United States, or to minimize danger to the public.

(b) Termination due to detection of illicit discharge. Any person discharging to the municipal separate storm sewer system in violation of this ordinance may have their municipal separate storm sewer system access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its access to the MS4. The violator may petition the authority for reconsideration and hearing.

(c) A person who reinstates a municipal separate storm sewer system access to premises terminated pursuant to this ordinance without the prior approval of the City shall be guilty of a misdemeanor punishable as provided by section 1-8(a) of this Code.

Sec. 23-119. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of the discharges to the municipal separate storm sewer system.

Sec. 23-120. Access to facilities.

(a) The City shall be permitted to enter and inspect premises subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.
(b) Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(c) The City shall have the right to set up on any premises such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's stormwater discharge.

(d) The City has the right to require any discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated timely to ensure their accuracy.

(e) Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the owner at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the owner.

(f) Unreasonable delays in allowing the City access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is an operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(g) If the City has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 23-121 Requirements to prevent, control, and reduce stormwater pollutants by the use of best management practices.

(a) The City may impose requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the United States.

(b) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal separate storm sewer system or watercourses through the use of structural and/or non-structural BMPs.

(c) Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.
(d) Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this ordinance. The BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with the requirements of the NPDES permit.

(e) New development and redevelopment projects that disturb one (1) or more acres, including projects less than one (1) acre that are part of a larger common plan of development or sale, and that discharge into the MS4, shall provide BMPs capable to treat the first one inch of runoff from the entire site such that the discharge does not exceed a concentration of Total Suspended Solids of 80 milligrams per liter (mg/l). The owner shall ensure long-term operation, maintenance, repair, and replacement of all necessary BMPs in perpetuity.

Sec. 23-122. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the MS4 or waters of this state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City in person or by phone no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three business days of the phone notice. If the discharge or prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 23-123. Sanctions for violation.

(a) Except as provided by Sec. 23-118(c), and notwithstanding any other provision of the City's laws, ordinances, and regulations to the contrary, a person who violates any provision of this ordinance (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the authority under this ordinance) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than $500 per day for each infraction and not more than $5,000 per day for each infraction, plus costs and other sanctions.

(b) Increased fines may be imposed for repeat offenses. As used in this ordinance, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this ordinance (i) committed by a person within any 12-month period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this ordinance shall be as follows:

(1) The fine for any offense that is a first repeat offense shall be not less than $2,000, plus costs.
(2) The fine for any offense that is a second repeat offense, or any subsequent repeat offense shall be not less than $5,000, plus costs.

(c) Subject to the minimum fine amounts specified in Sections 23-123(b), above, the following factors shall be considered by a court in determining the amount of a municipal civil infraction fine following the issuance of a municipal civil infraction citation for a violation of this ordinance: the type, nature, severity, frequency, duration, preventability, potential and actual effect, and economic benefit to the violator (such as delayed or avoided costs or competitive advantage) of a violation; the violator’s recalcitrance or efforts to comply; the economic impacts of the fine on the violator; and such other matters as justice may require. A violator shall bear the burden of demonstrating the presence and degree of any mitigating factors to be considered in determining the amount of a fine. However, mitigating factors shall not be considered unless it is determined that the violator has made all good faith efforts to correct and terminate all violations.

(d) Notwithstanding any other provision of the City’s laws, ordinances, and regulations to the contrary, the following persons are designated as the authorized local officials to issue municipal civil infraction citations (directing alleged violators to appear in district court) and/or notices (directing alleged violators to appear at the City’s Municipal Violations Bureau, as applicable) for violations of this ordinance: the City manager, the director of public services, and any police officer.

(e) Except as otherwise provided by this ordinance, the requirements and procedures for commencing municipal civil infraction actions; issuance and service of municipal civil infraction citations; determination and collection of court-ordered fines, costs and expenses; appearances and payment of fines and costs; failure to answer, appear or, pay fines; disposition of fines, costs and expenses paid; and other matters regarding municipal civil infractions shall be as set forth in Act No. 236 of the Public Acts of 1961, as amended.

(f) Any person who (1) at the time of a violation knew or should have known that a pollutant or substance was discharged contrary to any provision of this ordinance, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the authority under this ordinance; or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this ordinance, or in any other correspondence or communication, written or oral, with the authority regarding matters regulated by this ordinance; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this ordinance; or (4) commits any other act that is punishable under state law by imprisonment for more than 90 days; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of $500 per violation, per day, or imprisonment for up to 90 days, or both in the discretion of the court.

(g) The authority is authorized, after giving reasonable notice and opportunity for compliance,

1. to correct any violation of this ordinance or damage or impairment to the stormwater drainage system caused by a discharge, and
(2) to bill the person causing the violation or discharge for the costs of the work to be reimbursed.

The costs reimbursable under this ordinance shall be in addition to fees, amounts or other costs and expenses required to be paid to the City under other sections of this ordinance.
CITY OF GROSSE POINTE PARK

Ordinance No. 217

AN ORDINANCE TO AMEND THE CITY OF GROSSE POINTE PARK CODE OF ORDINANCES BY AMENDING CHAPTER 23 TO ADD ARTICLE III, SECTIONS 23-124 THROUGH 23-132-SMALL CELL WIRELESS FACILITIES AN ORDINANCE REGARDING THE REGULATION OF SMALL WIRELESS FACILITIES WITHIN THE CITY UNDER THE SMALL WIRELESS COMMUNICATIONS FACILITIES DEPLOYMENT ACT, ACT 365 OF 2018, AS AMENDED.

THE CITY OF GROSSE POINTE PARK ORDAINS:

Section 1. Chapter 23 of the Code of the City of Grosse Pointe Park is amended to add Article III, Sections 23-124 through 23-132 – Small Cell Wireless Facilities that reads as follows:

ARTICLE III.

Small Cell Wireless Facilities

Sec. 23-124. Definitions.

The following definitions apply to this ordinance. To the extent there are any inconsistencies, the more specific definitions provided in this ordinance control over the definitions provided in elsewhere in the City’s Code of Ordinances.


Authorization. The word “authorization” shall mean permission from the City to do work in the public way or to maintain facilities in the public way and includes but is not limited to a franchise, a license, a permit, a letter, construction drawing approval. Multiple authorizations may be required for certain activities.

Collocate. The word “collocate” shall mean to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Collocate does not include make-ready work or the installation of a new utility pole or new wireless support structure.

Contractor. The word “contractor” shall mean and includes any of the following licensed entities performing work on an owner’s behalf: contractor; subcontractor; or any employee or agent of a contractor, subcontractor, or owner.

Department. The word “department” shall mean the City’s Department of Public Works.
Emergency. The word “emergency” shall mean a condition that poses a clear and immediate danger to life or health, or a significant loss of property, or requires immediate repair to restore service to a group of users of such service.

Emergency work. The word “emergency work” shall mean the replacement or repair of damage to active facilities, including main lines and services, where all 811 dig requirements are met.

Excavate. The word “excavate” shall mean without limitation any cutting, digging, grading, tunneling, boring, or other alteration of the surface or subsurface material or earth in the public way.

Facilities. The word “facilities” shall mean poles, pipes, culverts, conduits, ducts, cables, wires, fiber, amplifiers, pedestals, antennas, transmission or receiving equipment, other electronic equipment, electrical conductors, manholes, appliances, signs, pavement structures, irrigation systems, landscaping, monument signs, monument mailboxes and any other similar equipment, for public or private use.

Owner. The word “owner” shall mean any property owner, company owner, or any entity by which work within the right-of-way has been ordered, or any entity on behalf of which any work within the right-of-way is caused to be performed, or any agent thereof.

Person. The word “person” shall mean an individual, association, firm, partnership, limited liability company, joint venture, corporation, government, utility, or other organized entity able to contract for the activities described in this ordinance, whether for profit or not for profit. The term does not include the city.

Public right-of-way. The words “public right-of-way” shall mean the area on, below, or above a public roadway, highway, street, alley, easement or waterway. The term "public right-of-way" does not include a federal, state, or private right-of-way.

Small cell wireless facility. The words “small cell wireless facility” shall mean a wireless facility that meets both of the following requirements:

(i) Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.

(ii) All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

User. The word “user” shall mean a person that proposes to place facilities in the public way, places such facilities, or owns or maintains such facilities. The term includes but is not limited to licensees and franchisees.
Utility pole. The words “utility pole” shall mean a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements in section 13(5) of the Act and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than 15 feet in height above ground.

Wireless facility. The words “wireless facility” shall mean equipment at a fixed location that enables the provision of wireless services between user equipment and a communications network, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes a small cell wireless facility. Wireless facility does not include (i) the structure or improvements on, under, or within which the equipment is collocated, (ii) a wireline backhaul facility, or (iii) coaxial or fiber-optic cable between utility poles or wireless support structures or that otherwise is not immediately adjacent to or directly associated with a particular antenna.

Wireless provider. The words “wireless provider” shall mean a wireless infrastructure provider or a wireless services provider. Wireless provider does not include an investor-owned utility whose rates are regulated by the Michigan Public Service Commission ("MPSC").

Wireless services. The words “wireless services” shall mean any services, provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile location.

Wireless services provider. The words “wireless services provider” shall mean a person that provides wireless services.

Wireless support structure. The words “wireless support structure” shall mean a freestanding structure designed to support, or capable of supporting, small cell wireless facilities. Wireless support structure does not include a utility pole.

Sec. 23-125. General Requirements.

(a) No wireless providers shall occupy, wholly or in part, the streets, alleys, or public rights-of-way within the geographical boundaries of the City without first receiving a franchise and consent and permit for that purpose.

(b) No wireless providers shall attach, alter, or modify a City-owned pole or wireless support structure without entering into a license agreement with the City.

(c) The City may establish appropriate requirements for new franchises, licenses, and ordinance requirements consistent with state and federal law, and may modify the requirements of this ordinance from time to time to reflect changes in the industry. The City further retains the right to make any modifications based on court rules, injunctions, or statutory amendments addressing the federal and state law mandates requiring the City to provide this process under its current regulations. The City further reserves any constitutional or statutory challenges it may have under federal

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and state law to the process mandated, despite its efforts to comply such changes in the law.

(d) Notwithstanding any other provisions of this ordinance to the contrary, a wireless provider shall at all times comply with all laws and regulations of the state and federal government or any administrative agencies thereof. Provided, however, if any such state or federal law or regulation shall require a wireless provider to perform any service, or shall permit a provider to perform any service, or shall prohibit a wireless provider from performing any service, in conflict with the terms of this ordinance or resulting franchise or of any law or regulation of the City, then as soon as possible following knowledge thereof, a wireless provider shall notify the City of the point of conflict believed to exist between such regulation or law and the laws or regulations of the City or any applicable franchise.

(e) Subject to this ordinance, wireless providers may occupy and use the public right-of-way to collocate small cell wireless facilities to provide wireless services upon, along, over and under the public right-of-way in the city such that such collocations do not inhibit other utility installations within the public right-of-way.

(f) The city retains its right to impose fees and compensation consistent with federal and state law.

(g) Wireless providers shall pay taxes for telecommunications services that are subject to taxation.

(h) Use of the public right-of-way is allowed only to the extent the City itself possesses such rights.

(i) Wireless providers shall obtain approvals legally necessary to use the public right-of-way from owners, other than the City, of property interests in the public right-of-way or adjacent to the roadway system located within the City. To the extent any wireless provider obtains approval through a statutory authorization, as opposed to review and approval by the City, the wireless provider's placement or location of any small cell wireless facility, wireless facility, and utility pole within the City's public right-of-way shall comply the general and specific design and location requirements of this ordinance.

(j) No wireless provider shall have the exclusive right or privilege to occupy or use the public right-of-way for delivery of wireless services or any other purpose.

(k) The City reserves all rights to use the public right-of-way for any purpose not prohibited by law, including the provision of wireless services, and all rights to grant authorizations to any other person(s), including any wireless provider, to use the public right-of-way.

(l) Wireless providers shall have no right, title, or interest in the public right-of-way, and any franchise, consent, permit, or license provided by the City provides not right, title
or interest to occupy any space outside of the public right-of-way or any private property not owned by the City.

(m) Wireless providers use of the public right-of-way shall not divest the City of any interest in the public right-of-way.

(n) The City does not warrant its legal interest in the public right-of-way.

(o) Nothing in this section shall be deemed or construed to stop or limit the City from exercising any regulatory, police, governmental, or legislative function pursuant to applicable law, which powers include, but are not limited to, the authority to enact regulations, ordinances, rules, and orders not prohibited by state or federal law that affect the public right-of-way or a wireless provider's use of the public right-of-way.

(p) The terms of this section do not permit the wireless provider to operate a cable system or to provide cable service, as those terms are defined by Section 602 of the Cable Communications Policy Act of 1984, as amended (47 USC §522), or install any wires or facilities that are required to be permitted under the METRO Act, Public Act 48 of 2002, MCL §484.310.

(q) This ordinance only permits the wireless provider, upon obtaining required approvals and permits, to place its small cell wireless facilities in those portions of the public right-of-way approved by the city.

(r) Under no circumstances shall any wireless provider be permitted to place small cell wireless facilities on any building that is on the National Register of Historic Places, pursuant to 47 CFR §1.1307(a)(4).

(s) Collocation of small cell wireless facilities shall commence within six months of permit issuance and shall be activated for use no later than one year from the permit issuance date. Failure to commence collocation within six months of permit issuance shall void said permit. A small cell wireless facility not activated within one year of permit issuance shall be considered abandoned and shall be removed from the public right-of-way at the wireless provider's sole expense.

(t) A wireless provider shall notify the City in writing of the location and date that any wireless facility located in the city whose use will be discontinued. If the use of the facility is discontinued for 180 days without notice from the owner/operator or the owner of the property or other information indicates that the facility is not in use, the City may declare the facility abandoned. The City will provide notice and provide the wireless provider an opportunity to show cause before the City Manager as to why the wireless facility should not be removed. Following determination of the City Manager, the City may take the necessary steps to remove the facilities from the City's right-of-way.

Sec. 23-126. Permit Required.
(a) Permit Requirement. Except as otherwise provided in the Act, a wireless services provider seeking to use public rights-of-way in the City for its small cell wireless facilities shall apply for and obtain a permit pursuant to this ordinance.

(b) Limitations on Facilities in Application. No more than 20 small cell wireless facilities may be included in a single permit application.

(c) Application. A wireless provider shall apply for a permit on an application form made available by the City Clerk. A wireless provider shall file one copy of the application with the City Clerk, one copy with the City manager, one copy with the Department, and one copy with the City Attorney. Applications shall be complete and include all required information. An application is not considered complete until all required materials have been submitted and accepted by the City. At a minimum, the applications shall require submission of the following:

   a. Applicant contact information, including an address, phone contact, twenty-four-hour emergency contact information, e-mail address, and any applicable license numbers;

   b. Applicant's contractor and subcontractor information, including the names, addresses, phone contact, e-mail addresses, emergency contact numbers, and name of the supervisor(s) assigned to any facility project of all contractors or subcontractors that will work within the City's rights-of-way under a permit;

   c. Number of wireless facilities that will be deployed;

   d. The scope of the deployment, including whether the deployment is modification of a current facility or utility pole, collocation on an existing pole or structure, or installation of a new or replacement structure or pole;

   c. GIS maps and coordinates detailing locations for each proposed attachment and related facilities associated with each attachment;

   f. A coverage map showing the projected coverage areas of existing and proposed small cell wireless facilities;

   g. Site plan at a scale not smaller than one-inch equals twenty feet with dimensions showing the following:

      i. Proposed location within the right-of-way including nearest cross street intersection;

      ii. Parcel identification number and property ownership for parcels located within 75 feet of the proposed facility;

      iii. Height of the proposed facility;
iv. The distance of the proposed facilities and the nearest property line, roadways, rights-of-way, and utilities within the rights-of-way; and

v. Any other proposed improvements that are part of the deployment;

h. An application fee as established by the City Council;

i. Executed franchise, license and consent agreement for access to and use of the City's rights-of-way;

j. Specification sheets for all attachments and equipment that will be located within the City, including the dimensional size of the small cell wireless facility and all other wireless equipment;

k. Attachment drawings and demonstrations of each type of installation, including photograph simulations showing collocations, new or replacement poles, and concealment and design characteristics satisfying this ordinance;

l. Pole loading analysis if being collocated on a City pole or structure;

m. Attestation that the small cell wireless facilities will be operational for use by a wireless services provider within one (1) year after the permit issuance date;

n. Work plan describing the location of the proposed work, the work to be performed, the limits of disturbance to the public right-of-way and the method and materials to be used;

o. Landscape plans for ground-mounted facilities, if applicable;

p. Site/structure remediation plans for restoring the public right-of-way after removal of the wireless facilities;

q. Certificate of compliance with FCC radio frequency emission regulations;

r. For all new poles, replacement poles, and wireless structures, demonstration of compliance with ANSI/TIA 222-G-2 standards;

s. For all new poles, replacement poles, and wireless support structures, a certification by the wireless provider and a structural analysis sealed by a licensed engineer attesting that the towers and structures will accommodate collocation of additional antennas, including the extent of such collocation space;

t. For all new poles, replacement poles, and wireless support structures, a statement from a licensed engineer why no current existing towers or
structures are adequate to provide the services planned with the wireless facility;

u. An inventory of any existing and approved small cell wireless facilities, poles, and wireless support structures that are within the jurisdiction of the City;

v. Copy of all other permits related to the deployment, including any applicable METRO Act application and permit;

w. For deployments in downtown or residential districts, documentation of compliance with design and location requirements;

x. Documentation showing adequate insurance, including the City named as an additional insured;

y. A performance bond meeting the requirements of this Article; and

z. Any additional information requested by the City.

(d) Confidential information. If a wireless provider claims that any portion of the information submitted by it as part of its application contains trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act (MCL §15.231 et seq.), the wireless provider shall prominently so indicate on the application.

(e) Application fee. Except as otherwise provided by the Act, the application shall be accompanied by a one-time nonrefundable application fee in the amount as established by City Council.

(f) Permit Approval Process. Permit applications shall comply with the following process.

a. Pre-Meeting. Prior to submission of an application, a wireless provider shall meet with the City to discuss the application process, a wireless provider's intended deployment, and the requirements of this ordinance.

b. Submission. After the pre-meeting is conducted, the wireless provider may file the application, including all required documents, fees and information.

c. Initial Review for Completeness. Submitted applications will first be reviewed for completeness to ensure that all required information is included. If an application is deemed incomplete, the City will provide written notice to the wireless provider which clearly delineates all missing documents or information. Any applicable statutory review times will be tolled from the time the City notifies the wireless provider that the application is incomplete until a supplemental submission is received.
d. **Review by City Staff.** Once an application is deemed complete, it will be reviewed by the City Manager, the Department of Public Works, the City Building Official, the Chairperson of the Downtown Development Authority, the City Attorney and any other designees of the City Manager.

e. **Post-application Meeting.** If review by the City raises any issues or concerns, meetings with the wireless provider and relevant members of the City staff may be requested.

f. **Final Approval.** Upon the conclusion of the City's review, the City Council will review the application and any recommendations from the City Manager. If the City Council is satisfied that all the requirements of this ordinance are satisfied, it will approve the application. The wireless provider is requested to attend this meeting.

g. **Issuance of Permit.** Once an application is approved by the City Council, the Department of Public Works shall issue a permit granting wireless provider access to and use of the public rights-of-way.

h. **Notice of Completion.** Wireless provider will notify the City within 48 hours after completing the work allowed by the permit.

i. **Final Inspection.** Within 30 days after receiving notice that the wireless provider has completed the work under the permit, the City will inspect the wireless provider's facilities and make a written report as to the satisfaction of the permit, the City Code, any applicable agreements and state and federal law.

(g) **Timeline for Review.** Applications will be processed consistent with the following timelines:

a. **Collocation Requests.** Applications requesting to collocate small cell wireless facilities on poles located within the public right-of-way will be approved or denied within 60 days after the date the application is submitted, subject to the following:

   i. The City will determine whether the application is complete within 25 days after the application is submitted. The City will provide written notice to the wireless provider if the application is deemed incomplete and a supplemental response is required.

   ii. If a supplemental response is required, the City's deadline for approving or denying the application will be tolled by however many days it takes for the wireless provider to submit a supplemental response to the City after receiving notice that the wireless provider's application was incomplete. The City will notify the wireless provider whether the application remains incomplete within 10 days of receiving a supplemental response. If
more than one supplemental response is required, the deadline for approving or denying the application will continue to be tolled by the number of days between the City providing notice to the wireless provider and the City receiving a supplemental submission.

iii. The City may add 15 days to the deadline for approving or denying the application if another wireless provider also submitted an application within 7 days of the date of the submission of the application in question.

iv. The City may extend the deadline for approving or denying the application by an additional 15 days if the City notifies the wireless provider in writing that an extension is needed and the reasons for the extension.

v. If the City denies a completed application, it will provide written notice explaining the reason for denial. The wireless provider may cure the identified deficiencies and resubmit its application within 30 days after the denial without paying an additional fee. The City will approve or deny the revised application within 30 days after receiving the revised application.

vi. The deadline for approving or denying the application may be extended by mutual agreement between the City and the wireless provider.

b. Requests to Install a New or Replacement Utility Pole. Applications requesting to install a new or replacement utility pole and associated small cell wireless facility within the public right of way will be approved or denied within 90 days after the date the application is submitted. The City will determine whether the application is complete, deny the application, and review and consider a revised application as provided for collocation requests.

c. Requests to Install Facilities Outside the ROW, New or Replacement Wireless Support Structures Within the ROW or to Modify Wireless Support Structures. Applications to install or modify small cell wireless facilities outside of the public right-of-way, application to install new or replacement wireless support structures within the public right-of-way, and applications to install or modify wireless support structures to be used for small cell wireless facilities will be approved or denied within 90 days after the date the application is submitted, subject to the following:

i. The City will determine whether the application is complete within 30 days after the application is submitted. The City will provide
written notice to the wireless provider if the application is deemed incomplete and a supplemental response is required.

ii. If a supplemental response is required, the City's deadline for approving or denying the application will be tolled by however many days it takes for the wireless provider to submit a supplemental response to the City after receiving notice that the wireless provider's application was incomplete. The City will notify the wireless provider whether the application remains incomplete within 10 days of receiving a supplemental response. If more than one supplemental response is required, the deadline for approving or denying the application will continue to be tolled by the number of days between the City providing notice to the wireless provider and the City receiving a supplemental submission.

iii. The deadline for approving or denying the application may be extended by mutual agreement between the City and the wireless provider.

d. Requests to Install New Wireless Support Structures Outside of the ROW.
Applications to install or construct new wireless support structures outside of the public right-of-way to be used for small cell wireless facilities will be approved or denied within 150 days after the date the application is submitted, subject to the following:

i. The City will determine whether the application is complete within 30 days after the application is submitted. The City will provide written notice to the wireless provider if the application is deemed incomplete and a supplemental response is required.

ii. If a supplemental response is required, the City's deadline for approving or denying the application will be tolled by however many days it takes for the wireless provider to submit a supplemental response to the City after receiving notice that the wireless provider's application was incomplete. The City will notify the wireless provider whether the application remains incomplete within 10 days of receiving a supplemental response. If more than one supplemental response is required, the deadline for approving or denying the application will continue to be tolled by the number of days between the City providing notice to the wireless provider and the City receiving a supplemental submission.

iii. The deadline for approving or denying the application may be extended by mutual agreement between the City and the wireless provider.
Standards for Review of Application. The City may grant or deny the location and installation of any small wireless facility, pole, or wireless support structure prior to installation, if installation would:

a. Materially interfere with the safe operation of traffic control equipment.

b. Materially interfere with sight lines or clear zones for transportation or pedestrians.

c. Materially interfere with compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, or similar federal, state, or local standards regarding pedestrian access or movement.

d. Materially interfere with or endanger the use of City bike paths, walkways, parks, or recreational areas used by City residents.

e. Materially interfere with maintenance or full unobstructed use of the City's public utility infrastructure.

f. Materially interfere with maintenance or full unobstructed use of the City's drainage infrastructure as it was originally designed, or not be located a reasonable distance from the drainage infrastructure to ensure maintenance.

g. Fail to comply with spacing requirements as set forth in this ordinance.

h. Fail to comply with applicable codes.

i. Fail to comply with design and concealment requirements as set forth in this ordinance.

Sec. 23-127. General Design and Location Requirements.

Small cell wireless facilities, related equipment and accessories, poles and wireless support structures shall comply with the following design and concealment standards:

(a) Compatible Design. All small cell wireless facilities and related equipment must use materials, colors, textures, and screening so as to be aesthetically and architecturally compatible with the surrounding environment, including:

(1) Be compatible in design to match existing street lights, traffic control devices, poles, infrastructure, outside furniture, garbage receptacles, and adjacent buildings.

(2) Be aesthetically pleasing.
(3) Be the similar in color to existing architecture and adjacent infrastructure.

(b) Lighting. Facilities shall not be artificially lighted. If lighting is required, the lighting fixtures and installation must cause the least disturbance to surrounding properties and shall otherwise comply with Section 15.2 of Chapter 15 of the City's Code of Ordinances.

(c) Collocation. Unless physically or technically infeasible, all wireless facilities shall be constructed to accommodate two or more users. Any wireless provider must openly allow another provider to collocate upon its wireless facility under rates and conditions that are acceptable within the industry to promote collocation. Collocation of small cell wireless facilities is strongly encouraged.

(d) Ancillary Facility Equipment. All other wireless equipment with the facility shall be designed and painted to satisfy this section. The equipment will be required by the City to be located underground in any locations where the equipment will be visible from adjacent roadways and lots and public electrical utility lines are already placed underground. Where underground placement of equipment is not required or would impair service, aboveground placement is permitted upon the City's approval. Ground-mounted equipment shall comply with the following requirements:

1. All equipment shall be completely concealed from view within an enclosed cabinet. Cabinets must be compatible in color and design to match existing infrastructure and architecture.

2. So as not to impede or impair public safety or the legal use of the public right-of-way by the traveling public, in no case shall ground-mounted equipment be located closer than two feet from the public right-of-way, edge line, face of curb, sidewalk, bike lane or shared-use path.

3. Ground-mounted equipment shall be located a minimum of 12 feet from any permanent object or existing lawful encroachment in the public right-of-way to allow for access.

4. Ground-mounted equipment must be secured to a concrete foundation or slab with a breakaway design in the event of collisions.

5. Ground-mounted equipment must either be screened with plant material that is consistent with the characteristics of the surrounding area, be integrated into the base of an existing utility pole, wireless support structure or other infrastructure, or be otherwise camouflaged so as to be aesthetically and architecturally compatible with surrounding environment, without detracting from the streetscape. The City and the wireless provider shall agree on mutually acceptable design criteria prior to any above ground deployment.

(e) Separation Distances. New utility poles and ground-mounted equipment shall be installed at least 300 feet from any existing or proposed utility pole or ground-mounted equipment. Any wireless provider desiring to install poles less than 300 feet
apart shall demonstrate to the City's satisfaction that the wireless provider could not serve a location without the desired placement.

(f) Marking and Signage. No small cell wireless facility, utility pole, wireless support structure or any portion thereof shall have any signage except as expressly permitted by this ordinance or as required by state or federal law. Aerial portions of small cell wireless facilities shall be marked with a marker which shall state wireless provider's name and provide a toll-free number to call for assistance. Underground portions of small cell wireless facilities shall have a stake or other appropriate above ground markers with wireless provider's name and a toll-free number indicating that there is buried equipment below. Any marking required by this section shall not be used for advertising purposes and shall not exceed 1 square foot in area unless approved by the City.

Sec. 23-128. Design and Location Requirements for Deployments on Existing Poles.

Small cell wireless facilities installed on existing utility, street light, traffic signal poles, or wireless support structures located in residential and downtown districts shall comply with the following design and concealment standards:

(a) The maximum pole height shall be 40 feet.

(b) They shall be aesthetically pleasing, similar in design to existing infrastructure and architecture, consistent with the local character of the area and shall not detract from the streetscape.

(c) To the extent practicable, all accessory cables and equipment shall be installed underground.

   (1) If any equipment cannot be installed underground, then it shall be installed at the base of the pole and concealed with skirting compatible in design and color to the pole.

(d) Antenna shall be installed within the pole and not visible. If any antenna cannot be installed within the pole and made not visible, then it shall extend vertically from the pole or be flush-mounted to the side of the pole and shall be designed to be an architecturally compatible extension of the pole. The diameter of the antenna shall be consistent with the diameter of the pole, not including other appurtenances or extensions from the pole, or the base to which the pole is mounted. The antenna shall not extend more than ten feet above the top of the pole.

Sec. 23-129. Design and Location Requirements for Deployments Requiring New Poles.

Small cell wireless facilities requiring the installation of a new pole or wireless support structure in residential, historic, and downtown districts shall comply with the following design and concealment standards:
(a) If possible, poles and wireless support structures shall be designed to accommodate small cell wireless facilities for multiple wireless services providers.

(b) Poles shall be located a minimum of 15 feet from any tree, measured to the tree-trunk center. Additionally, 80 percent of the root protection zone shall remain undisturbed. The root protection zone shall either be a six-foot radius around the tree or a one-foot radius for every inch of tree diameter at breast height, whichever is greater. This minimum separation shall not apply for a new pole that replaces an existing pole, where the new pole is installed in the same place as, or immediate vicinity of, the existing pole.

(c) Poles shall be designed pursuant to City standards or the applicable utility's standard, and function as street light poles, utility poles, or traffic signal poles in consultation with the City or the applicable utility and shall be incorporated into the applicable utility or signaling system.

(d) Poles shall comply with the following height regulations:

   (1) In residential districts, poles shall not exceed 33 feet in height from ground level.

   (2) In downtown districts, poles shall not exceed 10% of an adjacent building or exceed 40 feet in height from ground level, whichever is less.

   (3) In all other districts, poles shall not exceed 40 feet in height from ground level.

(e) Poles shall be designed and installed with materials and appearance consistent with existing poles in the adjacent public way, unless materials and appearance are prescribed by other ordinance, law, or City requirements. Poles shall be aesthetically pleasing, consistent with the local character of the area and shall not detract from the streetscape.

(f) Antenna shall be installed within the pole and not visible. If any antenna cannot be installed within the pole and made not visible, then it shall extend vertically from the pole or be flush-mounted to the side of the pole and shall be designed to be an architecturally compatible extension of the pole. The diameter of the antenna shall be consistent with the diameter of the pole, not including other appurtenances or extensions from the pole, or the base to which the pole is mounted. The antenna shall not extend more than five feet above the top of the pole.

(g) To the extent practicable, all accessory cables and equipment shall be installed within the pole or placed underground as required by this ordinance.

Sec. 23-130. Insurance and Bonding Requirements.

(a) Insurance. The wireless provider shall furnish proof of insurance in an amount and form satisfactory to the City, naming the City as an additional insured. Such
insurance shall cover a period of not less than the term of this permit and shall provide that it cannot be cancelled without thirty (30) days advance written notice to the City.

(b) Bonding. Before any work under a permit issued pursuant to this ordinance may commence, a wireless provider shall furnish to the City a performance bond in the form of an irrevocable bank letter of credit form or surety bond form approved by City, in the amount of $1,000.00 per small cell wireless facility included in the application for a permit, to provide for the reasonable costs of removal of abandoned or improperly maintained small cell wireless facilities, to repair the ROW or to recoup unpaid rates or fees.

Sec. 23-131. Assignment; Speculation.

(a) Assignment; Transfer. No permit may be transferred or assigned by a wireless provider without the City's express written permission until the construction and installation of all permitted small cell wireless facilities is completed. After completion of such construction, wireless provider must provide notice to the City no later than thirty (30) days after any assignment or transfer, provided that the transferee or assignee:

1. Is qualified to perform under the terms of this ordinance, the permit issued by the City and any applicable agreement with the City, and shall be subject to the obligations set forth in the same;

2. Supplies the City with all relevant information required by this ordinance, the permit issued by the City and any applicable agreement with the City; and

3. Complies with any updated insurance and bond requirements deemed reasonably necessary by the City.

(b) Speculation. Any permit obtained pursuant to this ordinance shall not be held for speculative purposes.

Sec. 23-132. Revocation of Permit; Removal.

(a) Revocation of Permit. A permit to install small cell wireless facilities issued pursuant to this ordinance shall be revoked upon the occurrence of any of the following events:

1. The wireless provider does not commence construction of the permitted small cell wireless facilities six (6) months after the date of issuance;

2. The permitted small cell wireless facilities are not operational within one (1) year after the date of issuance;

3. The wireless provider or the permitted small cell wireless facilities violate the terms or conditions of this Ordinance, any applicable agreement with the City, any permit issued by the City, applicable codes or any relevant provision of
state or federal law, and such violations are not corrected within thirty (30) days after receiving written notice from the City;

(4) After the permitted small cell wireless facilities become operational, the wireless provider discontinues the use of the small cell wireless facilities for a period of one hundred and eighty (180) consecutive days;

(5) The wireless provider fails to renew the permit, or the permit otherwise expires by its own terms; or

(6) The wireless provider voluntarily requests that a permit be terminated.

These deadlines may be extended only with express written permission from the City. If small cell wireless facilities, utility poles or wireless support structures are installed prior to the revocation of a permit, the wireless provider shall comply with the procedures for removal in the following Section.

(b) Removal of Facilities; Restoration.

(1) A wireless provider shall remove all small cell wireless facilities, utility poles and wireless support structures, and shall restore the public right-of-way to its preinstallation condition within forty-five (45) days after receiving written notice from the City that a permit issued pursuant to this ordinance has been revoked.

(2) If the wireless provider does not complete removal and restoration within forty-five (45) days after receiving such notice, the City shall have the right, but not the obligation, to complete the removal and restoration and assess the costs and expenses against the wireless provider, including, without limitation, any administrative costs.

(3) If the City exercises its right to effectuate removal and restoration, the wireless provider shall pay to the City the costs and expenses incurred by the City in performing any removal work and any storage of the wireless provider's property after removal (including any portion of the small cell wireless facilities) within fifteen (15) business days of the date of a written demand for this payment from the City. The City may, in its discretion, obtain reimbursement for the above by making a claim under the wireless provider's performance bond. After the City receives the reimbursement payment from the wireless provider for the removal work performed by the City, the City shall promptly return to the wireless provider the property belonging to the wireless provider and removed by the City pursuant to this Section at no liability to the City. If the City does not receive the reimbursement payment from the wireless provider within such fifteen (15) business days, or if City does not elect to remove such items at the City's cost after the wireless provider's failure to so remove prior to forty-five (45) days subsequent to the issuance of notice pursuant to this Section, any items of the wireless provider's property, including without limitation the small cell wireless facilities,
remaining on or about the public right-of-way or stored by the City after the City's removal thereof may, at the City's option, be deemed abandoned and the City may dispose of such property in any manner allowed by law, and in accordance with any legal rights of persons other than the City who own utility poles located in the public right-of-way and used by the wireless provider. Alternatively, the City may elect to take title to such abandoned property, regardless of whether the City is provided an instrument satisfactory to the City transferring to the City the ownership of such property.

(4) The deadline for removal and restoration may be extended only with express written permission from the City.
Grosse Pointe Park
Department of Public Safety
Annual Report
2019
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March 9, 2020

Dear Mr. Sizeland,

On behalf of the members of the Department of Public Safety, I am pleased to present the Annual Report for the year 2019. The report details crime statistics and activities of the Department throughout the year. Department members continue to display dedication and commitment to the City and its residents in tracking and deterring criminals and promoting the safety of the community through aggressive law enforcement and fire prevention procedures.

Overall crime increased by a total of 50 crimes in 2019. Overall, the numbers of crimes went from 329 in 2018 to 379 in 2019. That number included both index and non-index crimes. Taking into consideration that 2018 was one of the lowest crime rates in recent history, 2019 reflected a slight decrease in the 5-year average. The actual number of index crimes, which are the 8 most serious crimes as defined by the FBI, increased by 2. The numbers of index crimes reported to the Department was 179.

Non-index crimes (less serious categories) also increased slightly in 2019. The number of non-index crimes reported to the Department was 200 in 2019, which was an increase from 149 in 2018. Our officers responded to 9325 calls for service, about a 9% increase in 2019 involving criminal and non-criminal related runs.

The Department Detective Bureau prides themselves on aggressive case investigation and prosecution of the criminal element. The Department has a close working relationship with area Departments and the Wayne County Prosecutor’s Office. The City’s Public Safety Department is proud of the exceptionally high clearance rate for Index offenses. This clearance rate is a result of dedicated work by the patrol officers and the Detective Bureau.

In 2019, the firefighting activity total decreased four percent from the totals from 2018. We reported to the State of Michigan 462 responses. Those responses include: dwelling, fires, smoke investigations, fire alarms, utility hazards, fuel spills, ambulance runs and car fires in 2019, our EMT’s responded to 279 calls for service.

We also wanted to make note of the retirement of a long serving employee’s, Lt. Jeff Longo, Lt. Ed Arnold, Sgt. James Vogler and PSO’s Thomas Lazarski and Michael Najm, who served the community over 25 years and we thank them for his service. We also welcomed five new Public Safety Officers – James Thompson, Thomas Lada, Jesse Lafriniere, Ryan Nelson, and Jason Lockwood.

In closing, I am thankful for the support given to the Department in the past year. I would also like to thank all the members of the Department for their commitment to the citizens and visitors of our community. The entire Department is committed to provide as safe and crime free community for our citizens to live in as possible.

Stephen T. Poloni
Chief of Police
Director of Public Safety
# Department Personnel Roster

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<th>Rank</th>
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<tr>
<td>Stephen Poloni</td>
<td>Chief</td>
<td>10/01/15</td>
<td>12/18/15</td>
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<td>James Bostock</td>
<td>Lieutenant</td>
<td>10/01/15</td>
<td>08/19/03</td>
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<td>Colin Connaire</td>
<td>Lieutenant</td>
<td>06/25/17</td>
<td>07/21/03</td>
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<td>Anthony Blain</td>
<td>Lieutenant</td>
<td>08/05/19</td>
<td>12/12/01</td>
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<td>Brent Merlington</td>
<td>Lieutenant</td>
<td>10/31/19</td>
<td>03/05/96</td>
</tr>
<tr>
<td>Michael Miller</td>
<td>Sergeant</td>
<td>05/23/16</td>
<td>07/01/98</td>
</tr>
<tr>
<td>Terry Hays</td>
<td>Sergeant</td>
<td>06/25/17</td>
<td>05/24/00</td>
</tr>
<tr>
<td>Michael Narduzzi</td>
<td>Sergeant</td>
<td>04/26/19</td>
<td>04/15/96</td>
</tr>
<tr>
<td>Daniel Kolar</td>
<td>Sergeant</td>
<td>08/05/19</td>
<td>02/08/95</td>
</tr>
<tr>
<td>Jeremy Pittman</td>
<td>Sergeant</td>
<td>08/05/19</td>
<td>02/15/08</td>
</tr>
<tr>
<td>Stephen Thiel</td>
<td>Sergeant</td>
<td>10/31/19</td>
<td>07/30/01</td>
</tr>
<tr>
<td>Ryan Willmer</td>
<td>Detective</td>
<td>10/31/19</td>
<td>12/21/01</td>
</tr>
<tr>
<td>Christopher Jones</td>
<td>PSO</td>
<td>04/22/94</td>
<td></td>
</tr>
<tr>
<td>Erik Davis</td>
<td>PSO</td>
<td>12/02/95</td>
<td></td>
</tr>
<tr>
<td>Thomas Gonicchia</td>
<td>PSO</td>
<td>11/29/96</td>
<td></td>
</tr>
<tr>
<td>Ryan Milroth</td>
<td>PSO</td>
<td>08/09/99</td>
<td></td>
</tr>
<tr>
<td>Thomas Taylor</td>
<td>PSO</td>
<td>07/30/02</td>
<td></td>
</tr>
<tr>
<td>Ronald Loosvelt</td>
<td>PSO</td>
<td>07/21/03</td>
<td></td>
</tr>
<tr>
<td>Paul Pionk</td>
<td>PSO</td>
<td>07/21/03</td>
<td></td>
</tr>
<tr>
<td>Thomas Card</td>
<td>PSO</td>
<td>03/24/08</td>
<td></td>
</tr>
<tr>
<td>Robert Ruggero</td>
<td>PSO</td>
<td>12/19/12</td>
<td></td>
</tr>
<tr>
<td>Kevin Remus</td>
<td>PSO</td>
<td>03/01/15</td>
<td></td>
</tr>
<tr>
<td>Aristides Reyes</td>
<td>PSO</td>
<td>07/20/15</td>
<td></td>
</tr>
<tr>
<td>Brady Baetens</td>
<td>PSO</td>
<td>03/01/16</td>
<td></td>
</tr>
<tr>
<td>Scott Gilchrist</td>
<td>PSO</td>
<td>07/10/17</td>
<td></td>
</tr>
<tr>
<td>Adam Bremer</td>
<td>PSO</td>
<td>10/04/18</td>
<td></td>
</tr>
<tr>
<td>Christopher Muklewicz</td>
<td>PSO</td>
<td>10/04/18</td>
<td></td>
</tr>
<tr>
<td>Michael O'Brien</td>
<td>PSO</td>
<td>10/31/18</td>
<td></td>
</tr>
<tr>
<td>James Thompson</td>
<td>PSO</td>
<td>04/12/19</td>
<td></td>
</tr>
<tr>
<td>Thomas Lada</td>
<td>PSO</td>
<td>06/21/19</td>
<td></td>
</tr>
<tr>
<td>Jason Lockwood</td>
<td>PSO</td>
<td>08/01/19</td>
<td></td>
</tr>
<tr>
<td>Jesse Lafriniere</td>
<td>PSO</td>
<td>09/01/19</td>
<td></td>
</tr>
<tr>
<td>Ryan Nelson</td>
<td>PSO</td>
<td>11/26/19</td>
<td></td>
</tr>
</tbody>
</table>
### Public Safety Dispatchers

<table>
<thead>
<tr>
<th>Name</th>
<th>Rank</th>
<th>Date Promoted</th>
<th>Date Appointed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jill Mazzara</td>
<td>Chief Dispatcher</td>
<td>02/24/97</td>
<td>02/01/93</td>
</tr>
<tr>
<td>Josephine Hendrix</td>
<td>Dispatcher</td>
<td>11/05/00</td>
<td>08/15/94</td>
</tr>
<tr>
<td>Jodi East</td>
<td>Dispatcher</td>
<td>11/05/00</td>
<td>01/07/99</td>
</tr>
<tr>
<td>Dawn Kelly</td>
<td>Dispatcher</td>
<td></td>
<td>07/10/11</td>
</tr>
</tbody>
</table>

### Administrative Services

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Date Promoted</th>
<th>Date Appointed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martarose Aguilera</td>
<td>Exec. Secretary</td>
<td>06/25/01</td>
<td>09/11/95</td>
</tr>
<tr>
<td>Carol Semann</td>
<td>Clerk/Typist</td>
<td>05/28/02</td>
<td></td>
</tr>
<tr>
<td>Robin Fissette</td>
<td>ACTION Clerk</td>
<td>09/26/11</td>
<td></td>
</tr>
<tr>
<td>Olga Merametdjian</td>
<td>Ordinance Officer</td>
<td>06/17/19</td>
<td></td>
</tr>
</tbody>
</table>

### School Crossing Guards

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arinda Mele</td>
<td>Crossing Guard</td>
<td>08/26/04</td>
</tr>
<tr>
<td>Ronald Mele</td>
<td>Crossing Guard</td>
<td>04/02/15</td>
</tr>
<tr>
<td>Greg Dunn</td>
<td>Crossing Guard</td>
<td>06/08/17</td>
</tr>
<tr>
<td>William Horner</td>
<td>Crossing Guard</td>
<td>08/28/18</td>
</tr>
<tr>
<td>Pellerito, Amy</td>
<td>Crossing Guard</td>
<td>08/12/19</td>
</tr>
<tr>
<td>Marcia Farrow</td>
<td>Crossing Guard</td>
<td>10/28/19</td>
</tr>
</tbody>
</table>
The City of Grosse Pointe Park Department of Public Safety employed a total of 48 employees during 2019. Of the 48 employees, 33 are sworn officers.

Proactive preventative patrol is the primary function of the department and 85% of the sworn personnel are dedicated to patrol functions. The Detective Bureau has 12% of the sworn staff and the administration is comprised of 3% of the staff. All personnel share in providing basic law enforcement service as needed.

Patrol Division

The patrol division of the City of Grosse Pointe Park Department of Public Safety is comprised of 4 shifts. These shifts have two supervisors and five uniformed patrol officers. The patrol shifts are responsible for the protection of life and property, enforcement of laws and ordinances, fire suppression and emergency medical responses. The patrol division responds to calls for service, traffic enforcement, field investigations and duties or special assignments in specific areas of the city.
2019 UNIFORM CRIME REPORTING

TOTAL REPORTED CRIMES

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Index Crimes</td>
<td>179</td>
<td>177</td>
<td>182</td>
<td>228</td>
<td>265</td>
</tr>
<tr>
<td>Non-Index Crimes</td>
<td>200</td>
<td>149</td>
<td>160</td>
<td>111</td>
<td>128</td>
</tr>
<tr>
<td>Total</td>
<td>379</td>
<td>329</td>
<td>342</td>
<td>339</td>
<td>393</td>
</tr>
</tbody>
</table>
## 2019 UNIFORM CRIME REPORTING

### INDEX OFFENSES

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Homicide</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Forcible Sexual Offenses</td>
<td>6</td>
<td>2</td>
<td>7</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Robbery - Armed</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Robbery - Unarmed</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>4</td>
<td>0</td>
<td>6</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>Burglary/Home Invasion</td>
<td>13</td>
<td>17</td>
<td>11</td>
<td>20</td>
<td>29</td>
</tr>
<tr>
<td>Larceny</td>
<td>138</td>
<td>149</td>
<td>139</td>
<td>163</td>
<td>201</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>14</td>
<td>9</td>
<td>14</td>
<td>31</td>
<td>22</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

*Index crimes are the eight crimes the FBI combines to produce its annual crime index. These offenses include criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. In this chart, the robbery classification is broken down into unarmed and armed robbery for these statistical purposes.*
### 2019 UNIFORM CRIME REPORTING

Select Non-Index Crime

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Drunkenness/Liquor Law Violations</td>
<td>2</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Obstructing Police</td>
<td>6</td>
<td>14</td>
<td>5</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Obstructing Justice</td>
<td>38</td>
<td>39</td>
<td>39</td>
<td>44</td>
<td>36</td>
</tr>
<tr>
<td>Weapons Violations</td>
<td>4</td>
<td>7</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Disorderly Conduct/Vagrancy</td>
<td>7</td>
<td>5</td>
<td>0</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Operating While Intoxicated</td>
<td>32</td>
<td>25</td>
<td>20</td>
<td>27</td>
<td>18</td>
</tr>
<tr>
<td>Health/Safety</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Trespassing</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Antitrust Law Violations</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Miscellaneous Criminal Offenses</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
These Calls for Service include a response by the police or an incident that has been discovered by patrol units.
5 Year Arrest Statistics

Total Arrests

2019 - 162
2018 - 143
2017 - 157
2016 - 168
2015 - 169
The Robbery Statistics reported include both Armed and Unarmed Robbery. In 2019, the City of Grosse Pointe Park Department of Public Safety responded to four incidents of Robbery.
In 2019, the City of Grosse Pointe Park Department of Public Safety responded to 13 incidents. These incidents involve the breaking and entering of residential structures and commercial buildings.
In 2019, 14 crimes were classified as motor vehicle theft.
In 2019, the City of Grosse Pointe Park Department of Public Safety responded to 58 incidents of Malicious Destruction of Property.
In 2019, the City of Grosse Pointe Park Department of Public Safety responded to 19 incidents of Assault.
One of the primary responsibilities of the uniform division of the Public Safety Department is the enforcement of the Michigan Uniform Traffic Code. The goal of enforcing the Traffic Code is to reduce personal injury accidents, property damage and pedestrian accidents. The department utilizes fully marked and semi marked patrol vehicles which are equipped with traffic radar on a daily basis. The violations issued by officers are broken down into three categories: moving/non-moving, alcohol related and parking violations. The most prevalent violation written is for speeding. Hazardous violations are issued for speeding, stop sign, signal lights and other moving violations. Non-Moving violations are issued for equipment violations, proof of insurance or improper plates. The City of Grosse Pointe Park deploys a separate parking enforcement unit whose violations are not shown below.

<table>
<thead>
<tr>
<th>Moving/Non-Moving Violations</th>
<th>2707</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Violations</td>
<td>2879</td>
</tr>
</tbody>
</table>

| Total Vehicle Violations     | 5586 |
| Total Non-Vehicle Violations | 23   |
| Total 2018 Violations        | 5606 |
Motor Vehicle Accidents

Motor vehicle accidents are separated into 2 categories: Property Damage Accidents and Personal Injury Accidents. The Property Damage accidents include motor vehicle accidents where property is damaged and no injury is reported. A Personal Injury Accident includes a motor vehicle accident where some type of injury is reported.

2019 Total Motor Vehicle Accidents...............101
**2019 Firefighting Response**

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling-Single/Multiple</td>
<td>8</td>
</tr>
<tr>
<td>Miscellaneous Buildings</td>
<td>0</td>
</tr>
<tr>
<td>Outside Fires</td>
<td>3</td>
</tr>
<tr>
<td>Mutual Aid Fire Response</td>
<td>6</td>
</tr>
<tr>
<td>Smoke Investigations</td>
<td>33</td>
</tr>
<tr>
<td>Fire Alarms</td>
<td>56</td>
</tr>
<tr>
<td>Wires Down</td>
<td>46</td>
</tr>
<tr>
<td>Natural Gas Leak</td>
<td>11</td>
</tr>
<tr>
<td>Carbon Monoxide Detection</td>
<td>16</td>
</tr>
<tr>
<td>Fuel Spill/Hazmat</td>
<td>0</td>
</tr>
<tr>
<td>Ambulance Runs</td>
<td>279</td>
</tr>
<tr>
<td>Car Fires</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>462</strong></td>
</tr>
</tbody>
</table>

In 2019, the Grosse Pointe Park Department of Public Safety had a $435,500.00 fire loss for the year.
2019 Emergency Medical Services

In 2019, our Basic Life Support Units (EMT's) responded to 279 calls for service. The categories of those responses are listed in the following chart.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto Accident</td>
<td>7</td>
<td>6</td>
<td>8</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Misc. Accident</td>
<td>34</td>
<td>41</td>
<td>68</td>
<td>52</td>
<td>32</td>
</tr>
<tr>
<td>Sick Person</td>
<td>238</td>
<td>305</td>
<td>253</td>
<td>245</td>
<td>269</td>
</tr>
<tr>
<td>Assist Other</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dead on Scene</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>TOTAL</td>
<td>279</td>
<td>313</td>
<td>334</td>
<td>308</td>
<td>319</td>
</tr>
</tbody>
</table>
Department Awards

The Awards Board is composed of five members, with at least one member of each level of the department and meets whenever awards applications occur. The Public Safety Departments awards are:

**POLICE MEDAL OF HONOR** - For extraordinary heroism by an officer who knowingly ignores the imminent threat to his/her personal safety.

**DISTINGUISHED SERVICE MEDAL** - for exceptionally meritorious conduct involving great risk and danger to the officer's personal safety, but less than required for the MEDAL OF HONOR.

**COMMENDATION** - For outstanding performance, involving personal risk to the officer that prevents a serious crime or the perpetrator is apprehended; for outstanding actions of a nature which bring unusual credit to the department and its members or contributions to law enforcement through the success of difficult programs, projects, or situations.

**MERIT** - outstanding performance under unusual difficult conditions, but need not involve exposure to physical danger or meritorious actions which would not be eligible for a higher award.

**LIFESAVING** - For officers who are directly responsible for the saving of a human life.

**CHIEF'S AWARD** - For individual or units who perform outstanding services in a specific task or in the performance of general duties over an extended period of time.

**CHIEF'S LETTER** – For performance that requires official recognition.
City of Grosse Pointe Park Department of Public Safety

2019 AWARDS

Department Commendation
Lt. James Bostock
Sgt. Michael Miller
Sgt. Daniel Kolar
D/Sgt. Jeremy Pittman
D/Sgt. Michael Narduzzi
PSO Christopher Jones
PSO Thomas Taylor
PSO Adam Bremer (2)
PSO Kevin Remus (2)
PSO Michael O'Brien (2)
PSO Scott Gilchrist
PSO Jesse Lafriniere

Department Citation
Lt. James Bostock
Lt. Brent Merlington
D/Sgt. Jeremy Pittman
PSO Christopher Jones
PSO James Thompson
PSO Robert Ruggero
PSO Kevin Remus
PSO Christopher Muklewicz
Dispatcher Jill Mazzara

Life Saving Award
Lt. James Bostock
Sgt. Michael Miller
PSO Christopher Jones
PSO Christopher Muklewicz
PSO Erik Davis
PSO Brady Baetens
PSO Michael O'Brien
PSO James Thompson
PSO Robert Ruggero

Chief's Letter
Sgt. Terry Hays
PSO Thomas Taylor
PSO Thomas Lada
PSO Robert Ruggero
February 2020

Invoices over $5,000 for Review & Acceptance

<table>
<thead>
<tr>
<th>Date</th>
<th>Vendor</th>
<th>Description</th>
<th>Current Payment</th>
<th>Fiscal year to Date or Project to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/03/20</td>
<td>Bodman</td>
<td>Pros. Atty. &amp; retainer fee</td>
<td>$10,000</td>
<td>70,772</td>
</tr>
<tr>
<td>02/03/20</td>
<td>Build Safe</td>
<td>Building Inspector- Jan.</td>
<td>9,600</td>
<td>67,200</td>
</tr>
<tr>
<td>02/10/20</td>
<td>Great Lakes Water</td>
<td>Water usage- Dec</td>
<td>116,554</td>
<td>807,866</td>
</tr>
<tr>
<td>02/13/20</td>
<td>Green for Life</td>
<td>Recycling for Feb.</td>
<td>18,756</td>
<td>150,050</td>
</tr>
<tr>
<td>02/13/20</td>
<td>Green for Life</td>
<td>Rubbish for Feb.</td>
<td>48,484</td>
<td>327,715</td>
</tr>
<tr>
<td>02/14/20</td>
<td>Bumler Mechanical</td>
<td>½ deposit for water heater-reimb. by bond</td>
<td>32,250</td>
<td>32,250</td>
</tr>
<tr>
<td>02/19/20</td>
<td>Art Tucker</td>
<td>Lead service replacement</td>
<td>8,500</td>
<td>24,777</td>
</tr>
<tr>
<td>02/19/20</td>
<td>Great Lakes Water</td>
<td>Waste water- Jan.</td>
<td>151,000</td>
<td>1,057,000</td>
</tr>
<tr>
<td>02/19/20</td>
<td>GP Clinton Refuse</td>
<td>Refuse disposal- Dec. &amp; Jan.</td>
<td>14,202</td>
<td>221,530</td>
</tr>
<tr>
<td>02/19/20</td>
<td>Santoro, INC</td>
<td>Plow for truck</td>
<td>6,147</td>
<td>6,147</td>
</tr>
<tr>
<td>02/20/20</td>
<td>Dept. of Transportation</td>
<td>Kercheval to Mack- Cadieux grant</td>
<td>16,738</td>
<td>129,348</td>
</tr>
</tbody>
</table>
COUNCIL MEETING – FEBRUARY 10, 2020
7:00 P.M.

A regular meeting of the Council for the City of Grosse Pointe Park was held on Monday, February 10, 2020, and opened with the Pledge of Allegiance to the Flag.

The following were present: Councilmembers Grano, Relan, Read, Hodges, and Fluitt, and Mayor Pro-tem Robson

Also present: Nick Sizeland, City Manager, Jane M. Blahut, Finance Director/Clerk, and Deri'ns J. Levasseur, City Attorney

Excused Absence: Mayor Denner

MINUTES – JANUARY 13, 2020

Mayor Pro-tem Robson presented to Council for consideration the minutes of February 10th, 2020.

Councilmember Robson stated he is shown as voting on the Master Plan on page 15 when in fact he had to excuse himself from the meeting prior to the vote.

Councilmember Fluitt stated she agreed to be the point person on the FCA for air quality related to the new FCA plant on page 19. She also stated the comment on Facebook from the City Attorney on page 20 should read “Resident of Middlesex expressed concern regarding what he considered to be unprofessional and threatening responses he received from the City Attorney”

Motion by Councilmember Hodges, supported by Councilmember Grano, to approve the minutes with the corrections noted.

AYES: Councilmembers Grano, Relan, Read, Hodges, and Fluitt, and Mayor Pro-tem Robson

NAYS: None

Excused Absence: Mayor Denner

TEMPORARY TRAFFIC REGULATION NO. 213

Mayor Pro-tem Robson presented to Council for consideration temporary traffic regulation no. 213 for approval as presented.

Director Poloni stated this temporary traffic regulation is for the control of parking on Kercheval east of Nottingham.

TEMPORARY TRAFFIC REGULATION NUMBER 213

1
Pursuant to Section 2-UTC-153 of the code of the City of Grosse Pointe Park, the undersigned hereby promulgates the following temporary regulation for the control of parking on Kercheval east of Nottingham within the City of Grosse Ponte Park, County of Wayne, State of Michigan.

1. On the south side of Kercheval from the east side of the west Pierce Middle School driveway to a point 50 feet east of the west Pierce Middle School driveway, I direct the designation of a No Stopping Standing Parking zone, except buses, 7a-4p on School Days.

This regulation shall become effective this date and expire in ninety days unless made permanent by City Council. Done in the City of Grosse Pointe Park, County of Wayne, State of Michigan, this 25th day of November, 2019.

Motion by Mayor Pro-tern Robson, supported by Councilmember Fluitt, to approve the temporary traffic regulation no. 213 for a ninety-day period unless made permanent by the Council.

AYES: Councilmembers Grano, Relan, Read, Hodges, and Fluitt, and Mayor Pro-tern Robson

NAYS: None

Excused Absence: Mayor Denner

EMERGENCY OPERATION PLAN

Mayor Pro-tern Robson presented to Council for consideration a resolution to provide for the mitigation, preparedness, response and recovery from natural and human-made disasters within City of Grosse Pointe Park by being part of the Wayne County emergency management program; to appoint the county emergency management coordinator as the City of Grosse Pointe Park emergency management coordinator; to provide for a means for coordinating the resources of the municipality with those of the county; and to provide a means through which the City Council may exercise the authority and discharge the responsibilities vested in them by this resolution and Act No. 390 of the Public Acts of 1976, as amended.

The resolution reads as follows:

Article 1 - Short Title

Section 101. This resolution shall be known as the "Emergency Management Resolution".

Article 2 – Definitions

Section 201. For the purpose of this resolution, certain words used herein are defined as follows:

(b) "Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from a natural or human-made cause, including but not limited to, fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident,
hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders.

(c) "Disaster relief force" means all agencies of county and municipal government, private and volunteer personnel, public officers and employees, and all other persons or groups of persons identified in the Wayne County Emergency Operations Plan as having duties to perform or those called into duty or working at the direction of a party identified in the plan to perform a specific disaster or emergency related task during a local state of emergency.

(d) "District Coordinator" means the Michigan Department of State Police District Emergency Management Coordinator. The District Coordinator serves as liaison between local emergency management programs and the Michigan State Police, Emergency Management Division in all matters pertaining to the mitigation, preparedness, response and recovery of emergency and disaster situations.

(e) "Emergency management coordinator" means the person appointed to coordinate all matters pertaining to emergency management within the municipality. The emergency management coordinator for City of Grosse Pointe Park is the Wayne County emergency management coordinator.

(f) "Emergency management program" means a program established to coordinate mitigation, preparedness, response and recovery activities for all emergency or disaster situations within a given geographic area made up of one or several political subdivisions. Such a program has an appointed emergency management coordinator and meets the program standards and requirements established by the Department of State Police, Emergency Management Division. The City of Grosse Pointe Park has elected to be part of the Wayne County emergency management program.

(g) "Emergency operations plan" means the plan developed and maintained by county and political subdivisions included in the emergency management program area for the purpose of responding to all emergency or disaster situations by identifying and organizing the disaster relief force.

(h) "Governor's state of disaster" means an executive order or proclamation by the Governor that implements the disaster response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.

(i) "Governor's state of emergency" means an executive order or proclamation by the Governor that implements the emergency response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.

(j) "Local state of emergency" means a declaration by the Mayor pursuant to the act and this resolution which implements the response and recovery aspects of the Wayne County Emergency Operations Plan and authorizes certain actions as described in this resolution.
(k) "Vital records" means those records that contain information needed to continue the effective functioning of the City of Grosse Pointe Park, including Public Safety Department and for the protection of the rights and interests of persons under emergency conditions in the event of an emergency or disaster situation.

**Article 3 - Emergency Management Coordinator: Appointment**

Section 301. By the authority of this resolution the Mayor hereby appoints the Wayne County Emergency Management Coordinator as the emergency management coordinator for City of Grosse Pointe Park. In addition to acting for, and at the direction of, the County Executive the Emergency Management Coordinator will also act for, and at the direction of, the Mayor.

Section 302. A line of succession for the Wayne County Emergency Management Coordinator has been established and is listed in the City of Grosse Pointe Park Emergency Operations Plan.

**Article 4 - Emergency Management Coordinator: Duties**

Section 401. The Emergency Management Coordinator shall comply with standards and requirements established by the Department of State Police, Emergency Management Division, under the authority of the act, in accomplishing the following:

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1 Act 390, as amended, sec. 7a (4) gives the Emergency Management Division the authority to promulgate several standards and requirements.
(a) Direct and coordinate the development of the Wayne County Emergency Operations Plan, which shall be consistent in content with the Michigan Emergency Management Plan.

(b) Direct and coordinate the development of the Wayne County Emergency Operations Plan, which shall be consistent in content with the Michigan Emergency Management Plan.

(c) Specify departments or agencies which must provide an annex to the plan or otherwise cooperate in its development.

(d) Identify departments and agencies to be included in the Emergency Operations Plan as disaster relief force.

(e) Develop and maintain a county Resource Manual.

(f) Coordinate the recruitment, appointment, and utilization of volunteer personnel.

(g) Assure the emergency management program meets eligibility requirements for state and federal aid.

(h) Coordinate and/or conduct training and exercise programs for the disaster relief force within the county and to test the adequacy of the Emergency Operations Plan.

(h) Through public information programs, educate the population as to actions necessary for the protection of life and property in an emergency or disaster.

(i) Assist in the development of mutual aid agreements.

(j) Assist the City of Grosse Pointe Park municipal liaison with the development of municipal standard operating procedures which are consistent with the county Emergency Operations Plan.
Article 5 - Emergency Management Liaison: Duties

Section 501. By the authority of this resolution the Mayor has appointed a liaison for the purpose of assisting the county Emergency Management Coordinator in coordinating the emergency management activities within the municipality. The duties of the liaison are as follows:

(a) Coordinate municipal emergency management activities with those of the county jurisdictions.
(b) Assist the county Emergency Management Coordinator with the development of the county Emergency Operations Plan and the incorporation of municipal resources into the plan.
(c) Identify municipal departments and agencies to be included in the Emergency Operations Plan as part of the disaster relief force.
(d) Identify municipal resources and forward information to the county Emergency Management Coordinator for inclusion in the county Resource Manual.
(e) Coordinate the recruitment, appointment, and utilization of volunteer resources.
(f) Assist the county Emergency Management Coordinator with administering training programs.
(g) Coordinate municipal participation in exercises conducted by the county.
(h) Assist in the development of mutual aid agreements.
(i) Assist in educating the population as to actions necessary for the protection of life and property in an emergency or disaster.
(j) Encourage departments/agencies within the municipality to identify and implement procedures to mitigate the effects of potential disasters.
(k) Assist in the assessment of the nature and scope of the emergency or disaster and collect damage assessment information and forward to the county.
(l) Coordinate the vital records protection program.
(m) Develop municipal standard operating procedures for disaster response which are consistent with the county Emergency Operations Plan.

Section 502. The Mayor shall appoint a minimum of two persons as successors to the position of the municipal liaison. The line of succession shall be supplied to the county Emergency Management Coordinator.

**Article 6 - Mayor Powers: Duties**

Section 601. On an annual basis, the Mayor shall review the eligibility and performance of the Emergency Management Coordinator and make recommendations to the City Council.

Section 602. The Mayor shall review the effectiveness of the Wayne County Emergency Operations Plan as the plan relates to the municipality once every two years. With the assistance of the municipal liaison, he/she shall make recommendations to the county Emergency Management Coordinator of any changes which may be needed. After this review and incorporation of necessary changes, the Mayor shall certify the plan to be current and adequate for City of Grosse Pointe Park the ensuing two years.

1 Rule 4 (c) (d-q) of the administrative rules promulgated for Act 390, sec. 19 states that the plan shall be considered official upon bearing the signature of the chief executive official of the municipality. The plan must be current and adequate (see rule) within two years.

Section 603. When circumstances within the City of Grosse Pointe Park indicate that the occurrence or threat of occurrence of widespread or severe damage, injury or loss of life or property from natural or human-made cause exists the Mayor may declare a local state of emergency. Such a declaration shall be promptly filed with the Wayne County Emergency Management Office, who shall forward it to the Department of State Police, Emergency Management Division. This declaration shall not be continued or renewed for a period in excess of 7 days except with the consent of the City Council.

Section 604. If the Mayor invokes such power and authority, he/she shall, as soon as reasonably expedient, convene the City Council for one or more emergency meetings in accordance with the Open Meetings Act to perform its normal legislative and administrative duties as the situation demands, and will report to that body relative to emergency activities.

2 Act 390, as amended, sec. 10 (1) (b) provides for the 7 day limit and disposition of the declaration.
Nothing in this resolution shall be construed as abridging or curtailing the powers of the City Council unless specifically provided herein.

Section 605. The Mayor may do one or more of the following under a local state of emergency:

(a) Direct the Emergency Management Coordinator to implement the Emergency Operations Plan.
(b) Issue directives as to travel restrictions on local roads within the municipality.
(c) Relieve city employees of normal duties and temporarily reassign them to other duties.
(d) Activate mutual aid agreements.
(e) Direct the municipal disaster relief effort in accordance with the county Emergency Operations Plan and municipal standard operating procedures.
(f) Notify the public and recommend in-place or evacuation or other protective measures.
(g) Request a state of disaster or emergency declaration from the Governor as described in Article 7.
(h) When obtaining normal approvals would result in further injury or damage, Mayor may, until City Council convenes, waive procedures and formalities otherwise required pertaining to the following:
   (1) For a period of up to 7 days, send the disaster relief force and resources to the aid of other communities as provided by mutual aid agreements.
   (2) For a period of up to 7 days, appropriate and expend funds from the disaster contingency fund created in Article 9 up to $5000.
   (3) For a period of up to 7 days, make contracts, obtain and distribute equipment, materials, and supplies for disaster purposed.
   (4) Employ temporary workers.
   (5) Purchase and distribute supplies, materials, and equipment.
   (6) Make, amend, or rescind ordinances or rules necessary for emergency management purposes which supplement a rule, order, or directive issued by the Governor or a state agency. Such an ordinance or rule shall be temporary and, upon the Governor's declaration that a state of disaster or state of emergency is terminated, shall no longer be in effect.

Section 606. If a state of disaster or emergency is declared by the Governor, assign and make available for duty the employees, property, or equipment of the City of Grosse Pointe Park within or without the physical limits of the City of Grosse Pointe Park as ordered by the Governor or the Director of the Department of State Police in accordance with the act.

Article 7 - Governor Declaration Request

Section 701. If a disaster or emergency occurs that has not yet been declared to be a state of disaster or a state of emergency by the Governor, and the Mayor determines that the situation is beyond control of the municipality, he/she may request the Governor to declare that a state of disaster or state of emergency exists in the municipality in accordance with the act. This shall be done by immediately contacting the Wayne County Emergency Management Coordinator. The Emergency Management Coordinator shall immediately contact the District Coordinator. The District Coordinator, in conjunction with the Emergency Management Coordinator, shall assess the nature and
scope of the disaster or emergency, and they shall recommend the state personnel, services, and equipment that will be required for its prevention, mitigation, or relief.

**Article 8 - Volunteers; Appointment; Reimbursement**

Section 801. Each municipal department, commission, board, or other agency of municipal government is authorized to appoint volunteers to augment its personnel in time of emergency to implement emergency functions assigned in the county Emergency Operations Plan. Such individuals are part of the disaster relief force and shall be subject to the rules and operational control set forth by the respective department, commission, board, or agency through which the appointment was made, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

**Article 9 - Disaster Contingency Fund**

Section 901. A disaster contingency fund is hereby created in the budget of not less than $5000. Money may be expended from the fund when a local state of emergency has been declared for the purpose of paying the disaster relief force, purchase of supplies and services, repair costs, or other needs required specifically for the mitigation of the effects of, or in response to, the emergency or disaster.

**Article 10 - Rights of Disaster Relief Force**

Section 1001. In accordance with the act, personnel of the disaster relief force while on duty shall have the following rights:

(a) If they are employees of the municipality, or other governmental agency regardless of where serving, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment.

(b) If they are not employees of the municipality, or other governmental agency be entitled to the same rights and immunities as are provided for by law.

**Article 12 - Temporary Seat of Government**

Section 1201. The City Council shall provide for the temporary movement and reestablishment of essential government offices in the event that existing facilities cannot be use.

**Article 13 - Liability**

Section 1301. As provided for in the act and this resolution, the municipality, or the agents or representatives of the municipality, shall not be liable for personal injury or property damage sustained by the disaster relief force. In addition, any member of the disaster relief force engaged in disaster relief activity shall not be liable in a civil action for damages resulting from an act of omission arising out of and in the course of the person's good faith rendering of that activity, unless the person's act or omission was the result of that person's gross negligence or willful misconduct. The right of a person to receive benefits or compensation to which he or she
may otherwise be entitled to under the worker's compensation law, any pension law, or act of congress will not be effected as a result of said activity.\textsuperscript{3}

Section 1302. As provided for in the act, any person owning or controlling real estate or other premises who voluntarily and without compensation grants the municipality the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons or for any other disaster related function during a declared local state of emergency or during an authorized practice disaster exercise, shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

**Article 14 – Sovereignty**

Section 1401. Should any section, clause, or provision of this resolution be declared by the courts invalid for any reason, such declaration shall not affect the validity of this resolution as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid.

**Article 15 – Repeals**

Section 1501. All resolutions or parts of resolutions inconsistent herewith are hereby repealed.

**Article 16 - Annual Review**

Section 1601. This resolution shall be reviewed annually by the City Council and changes shall be made if necessary.

**Article 17 - Effective Date**

Section 1701. This resolution shall have immediate effect.

Motion by Councilmember Grano, supported by Councilmember Relan, to adopt the Emergency Preparedness Plan.

AYES: Councilmembers Grano, Relan, Read, Hodges, and Fluitt, and Mayor Pro-tem Robson

NAYS: None

Excused Absence: Mayor Denner

CORRECTIVE ACTION PLAN
STATE OF MICHIGAN PA 202

Mayor Pro-tem Robson presented to Council for consideration adoption of the Corrective Action Plan PA 202 that will address 2018 OPEB liabilities.
City Manager Sizeland stated that the Corrective Action Plan is required for an underfunded local government and that the City is required to develop and submit for approval a corrective action plan for the retirement health plan for certain employees. Underfunded status for a retirement health system is defined as being less than 40% funded according to the most recent audited financial statements, and, if the local government is a city, village, township, or county, the actuarially determined contribution (ADC) for all of the retirement health systems of the local government is greater than 12% of the local government's

City Manager stated prior actions include the following done through contract negotiations:

Dispatch Union retiree coverage was limited to a two-person contract effective 7/1/07. DPW employees retiree coverage was reduced to a two-person contract effective 7/1/09. Administration and non-union employees follow the DPW/Clerical Contract for active employees. Non-union employees will not receive coverage at retirement. There are 6 admin who will receive coverage. Public Safety was reduced from family coverage to a two-person contract effective 7/1/12. All employees hired 4/1/14, will not receive coverage upon retirement. DPW employees will receive coverage until they reach Medicare age at 65 with 30 years of service. Employee must have at least 25 years of service and for each year deficient of 30 years would be responsible for 5% per year of such premium, once 65 is reached, coverage is terminated. Currently there are 68 full time employees, of those 26 will not receive coverage, and 12 will receive coverage until 65. Employees eligible for coverage contribute 1.5% annually hired prior to 4/1/14.

City Manager stated that the City established a qualified trust through Municipal Employees Retirement System to receive, invest, and accumulate assets for retirement health care on January 1, 2020, and has committed to an annual contribution of $50,000 to the qualified trust.

Motion by Councilmember Read, supported by Councilmember Grano, to approve the Corrective Action Plan for submission to the State to address the 2018 OPEB.

AYES: Councilmembers Grano, Relan, Read, Hodges, and Fluitt, and Mayor Pro-tem Robson

NAYS: None

Excused Absence: Mayor Denner

MARINA RESOLUTION

Mayor Pro-tem Robson presented to Council for consideration approval of a transfer from the General Fund in the amount of $100,000 to the Marina Fund to cover unexpected repairs.

The resolution reads as follows:
WHEREAS, due to extensive and unexpected repairs, as a result of record high water levels in Lake St. Clair, and

WHEREAS, such repairs required the use of the marina available cash reserves, and

WHEREAS, such use resulted in the requirement to transfer funds from the City's General Fund to complete the necessary repairs in a proper manner, and

NOW THEREFORE BE IT RESOLVED, in response to the additional funds required, the Mayor Pro-tem and City Council hereby authorize the transfer of $100,000 from the General Fund to the Marina Fund.

Councilmember Grano inquired if this is a loan to the Marina Fund or is it a gift from the General Fund.

Finance Director stated that would be up to the Council. It will take some time to build the fund reserves in the marina fund to an acceptable reserve. Rates have been budgeted to increase 5% over the next three years.

Councilmember Hodges inquired if the water levels return to a normal level, would the pier work recently done have to be reversed.

City Manager Sizeland stated possibly. If the water levels are reduced significantly the piers would have to be lowered for safety concerns.

Councilmember Grano inquired if all the marina bills are paid to date.

Finance Director stated all invoices are paid to date.

Councilmember Relan inquired if there is a measurement standard for water levels to determine if the marina would be closed this summer if the water levels continue to rise.

Motion by Councilmember Hodges, supported by Councilmember Read, to approve of the transfer from the General Fund to the Marina Fund in the amount of $100,000.

AYES: Councilmembers Grano, Relan, Read, Hodges, and Fluitt, and Mayor Pro-tem Robson

NAYS: None

Excused Absence: Mayor Denner
Mayor Pro-tem Robson presented to Council for consideration the permit required for Rocket Fiber LLC to have access into the right-of-way within the city limits.

City Manager stated the Grosse Pointe Public School System and Rocket Fiber are working on a project together to provide a fiber ring around the Grosse Pointes for the school district. The application provided will allow access to an ongoing use of public ways by telecommunication providers.

City Council will be asked to provide a right-of-way telecommunications permit. The project will begin in March 2020 and should be completed by November 2020.

The permit reads as follows:

RIGHT-OF-WAY

TELECOMMUNICATIONS PERMIT

This permit issued this _____ day of __________, 20___ by City of Grosse Pointe Park.

1 Definitions

1.1 Date of Issuance shall mean the date set forth above.

1.2 Manager shall mean Municipality’s Mayor or his or her designee.


1.4 Municipality shall mean the City of Grosse Pointe Park, a Michigan municipal corporation.

1.5 Permit shall mean this document.

1.6 Permittee shall mean collectively Rocket Fiber LLC, a limited liability company organized under the laws of the State of Michigan whose address is 1505 Woodward Avenue, Suite 300, Detroit, MI 48226 and Grosse Pointe Public School System, a municipal corporation organized under the laws of the State of Michigan whose address is 389 St. Clair Avenue, Grosse Pointe, MI 48230.

1.7 Public Right-of-Way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public Right-of-Way does not include a
federal, state, or private right-of-way.

1.8 Telecommunications Facilities or Facilities shall mean the Permittee's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communications device.

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

2 Grant

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

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

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

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

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

Contacts, Maps and Plans

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

3.1.1 The address, e-mail address, phone number and contact person (title or name) at Permittee's local office (in or near Municipality) is 1505 Woodward Avenue, Suite 300, Detroit, MI 48226, jongordon@rocketfiber.com, (313) 545-8949, General Counsel.

3.1.2 If Permittee's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them is:

3.1.3 The name, title, address, e-mail address and telephone numbers of Permittee's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is Scott Cerny, Director of Network Expansion, 1505 Woodward Ave., Ste. 300, Detroit, MI 48226, scottcerny@rocketfiber.com, (313) 545-8920.

3.1.4 The address, phone number and contact person (title or department) at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is 1505 Woodward Avenue, Suite 300, Detroit, MI 48226, (313) 545-8920, Director of Network Expansion.

3.1.5 Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency.

3.1.6 Permittee shall immediately notify Municipality in writing as set forth in Part 12 of any inaccuracies or changes in the preceding information.

3.2 Route Maps. Within ninety (90) days after the substantial completion of new Facilities in a Municipality, a provider shall submit route maps showing the location of the
Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).

3.3 **As-Built Records.** Permittee, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

4 **Use of Public Right-of-Way**

4.1 **No Burden on Public Right-of-Way.** Permittee, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Permittee, at its sole expense, shall modify the Telecommunication Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality will attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

4.2 **No Priority.** This Permit does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.

4.3 **Restoration of Property.** Permittee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Permittee's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication
Facilities to a reasonably equivalent (or, at Permittee's option, better) condition as that which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.

4.4 Marking. Permittee shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Permittee's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free telephone number.

4.5 Tree Trimming. Permittee may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.

4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Permittee shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Permittee’s use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular.
traffic or are otherwise required by Municipality.

4.7 Pavement Cut Coordination. Permittee shall coordinate its construction and all other work in the Public Right-of-Way with Municipality’s program for street construction and rebuilding (collectively “Street Construction”) and its program for street repaving and resurfacing (except seal coating and patching) (collectively, “Street Resurfacing”).

4.7.1 The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.

4.8 Compliance with Laws. Permittee shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Permittee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended.

4.9 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Permittee’s Facilities in the vacated Public Right-of-Way, Permittee shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its Facilities to such alternate route as Municipality, applying reasonable engineering standards, shall specify.

4.10 Relocation. If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality, applying reasonable engineering standards, shall specify. The work shall be completed within a reasonable time period.
4.11 **Public Emergency.** Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality will attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.

4.12 **Miss Dig.** If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.

4.13 **Underground Relocation.** If Permittee has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Permittee shall relocate its Facilities underground in the same location at Permittee's sole cost and expense.

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

5 **Indemnification**

5.1 **Indemnity.** To the extent permitted by law, Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Permittee's use of or
installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.

5.2 Notice, Cooperation. Municipality will notify Permittee promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality will cooperate with Permittee in every reasonable way to facilitate the defense of any such claim. Municipality will consult with Permittee respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.

5.3 Settlement. Municipality will not settle any claim subject to indemnification under this Part 5 without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any claim against Municipality for which Permittee is responsible hereunder.

6 Insurance

6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Permittee shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Permittee may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.

6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars ($5,000,000).

6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars ($500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.
6.1.3 Automobile liability insurance in an amount not less than One Million Dollars ($1,000,000).

6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.

6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.

6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.

6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.

6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of $50,000, they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.

6.5 Contractors. Permittee's contractors and subcontractors working in the Public
Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers’ compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee’s policies).

6.6 Insurance Primary. Permittee’s insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively “them”). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee’s insurance and shall not contribute to it (where “insurance or self-insurance maintained by any of them” includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7 Term

7.1 Term. The term (“Term”) of this Permit shall be until the earlier of:

7.1.1 Five (5) years from the Date of Issuance; or

7.1.2 When the Telecommunication Facilities has not been used to provide telecommunications services for a period of one hundred and eighty (180) days by Permittee or a successor or an assignee of Permittee; or

7.1.3 When Permittee, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or

7.1.4 Upon either Permittee or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or

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

8 Performance Bond or Letter of Credit

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

9 Fees

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

10 Removal

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

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

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

10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than
twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Permittee as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.

11 Assignment. Permittee may assign or transfer its rights under this Permit, or the persons or entities controlling Permittee may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Permittee’s business, or by other means, subject to the following:

11.1 No such transfer or assignment or change in the control of Permittee shall be effective under this Permit, without Municipality’s prior approval (not to be unreasonably withheld), during the time period from the Date of Issuance until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.

11.2 After the completion of such construction, Permittee must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,

11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and

11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Permittee’s ability to perform under the terms and conditions of this Permit and comply with applicable law; and Permittee shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.

11.3 Permittee may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12 Notices
12.1 Notices. All notices under this Permit shall be given as follows:

12.1.1 If to Municipality, to __________________________, with a copy to __________________________.

12.1.2 If to Permittee, to Rocket Fiber LLC, Attention: General Counsel, 1505 Woodward Avenue, Suite 300, Detroit, MI 48226.

12.2 Change of Address. Permittee and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

13.1 No Cable, OVS. This Permit does not authorize Permittee to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).

13.2 Effectiveness. This Permit shall become effective when Permittee has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acknowledgement of receipt, below.

13.3 Authority. This Permit satisfies the requirement for a permit under Section 5 of the METRO Act [MCL 484.3105].

13.4 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

13.5 Governing Law. This Permit shall be governed by the laws of the State of Michigan.
Councilmember Read inquired if the City is requesting a bond from Rocket Fiber LLC.

City Manager stated a $50,000 bond has been requested.

City Manager stated there will be Rocket Fiber LLC contact information on the City Website.

Councilmember Fluitt suggested the employees of Rocket Fiber LLC wear uniforms with identification badges so residents are not frightened of someone in their yard.

Councilmember Grano recommended the City Manager request a copy of Rocket Fiber's financial statements.

Motion by Councilmember Hodges, supported by Mayor Pro-tem Robson, to approve of the Rocket Fiber LLC METRO Act permit as presented.

AYES: Councilmembers Grano, Relan, Read, Hodges, and Fluitt, and Mayor Pro-tem Robson

NAYS: None

Excused Absence: Mayor Denner

CITY ATTORNEY

Mayor Pro-tem Robson presented to Council a summary of events of the issue related to the online response from the City Attorney to a resident. He stated the City Attorney is going to present a statement and Michele Hodges will presented a statement prepared by Mayor Denner.

City Attorney stated the situation that has occurred is unfortunate and regrets engaging online. He feels the resident involved misconstrued his comments. He stated he did not threaten the resident.

Councilmember Hodges read aloud Mayor Denner's statement.

I acknowledge and thank City Attorney Levasseur for his statement of apology.

This matter has been addressed with considerable focus and discussion by the Personnel Committee, Mayor Denner, Mayor Pro-tem Robson and Councilmember Hodges, and the City Manager. All view the Facebook exchange between Mr. Levasseur and Mr. Steiger as completely inappropriate. Mr. Levasseur understands that in light of this matter his actions going forward will be held to the highest professional and personal standards.
It should be noted that under our City Charter, the City Attorney is appointed by the Mayor with the confirmation of Council. The City Attorney may be removed at the will of the Council. Grosse Pointe Park City Attorney and Prosecutor services are currently provided through a contract with Bodman, PLC.

Further, I wish to confirm actions underway by the Council and Administration that relate to this matter that were previously initiated and have risen to critical importance in light of recent events.

The Administration is developing two documents to provide rules and guidance for the conduct of City Council and the City Administration. The first addresses Rules of the City Council and documents rules for conduct of City Council meetings and the advisory sub-committees of Council. The second documents a Code of Conduct to be applied to City Council and the City Administration. These documents have been under development and it is planned that they will be submitted to Council for discussion and approval at the March 9 regular City Council Meeting.

In addition, Council has established in an earlier meeting a working Ethics Committee to make recommendations to City Council. This working group has consisted of the City Manager, Councilmember Hodges and the City Attorney. Under the direction of this committee a new ordinance is under development that will establish standards of ethical conduct for City Officials and Employees, formally establish the Ethics Committee, and establish penalties for violation. This ordinance will be proposed by the ethics working group and submitted to the Ordinance Review Committee under normal city process. It is expected that an ethics ordinance will be submitted for City Council discussion and approval at the earliest practical time, allowing for the thoughtful development of the draft and the ordinance review process.

The conduct of Elected Officials, the Officers of the City and city employees must be held to the highest standards. Elected officials and Officers of the City have a responsibility that goes beyond normal working hours and activities, and governs their actions as professionals and representatives of our great city at all times. The actions I have outlined will serve the city and future administrations to help ensure that the government of the City of Grosse Pointe Park is viewed as a standard of excellence.

Robert W. Denner
Mayor

Councilmember Fluitt inquired if the Council should review the matter further.

Councilmember Read stated action cannot be taken because there was not proper notice given.

Councilmember Grano stated the City does not have a formal policy or guidelines in place to determine what action would be appropriate in this matter.
Councilmember Read stated two more residents have come forward to express dissatisfaction.

Mayor Pro-tem Robson stated we are in uncharted territories, and have never had a complaint of this matter in the past.

Mayor Pro-tem Robson recommended a closed-door session be held following the March 9, 2020 Council Meeting and would allow for the entire Council to be present.

Councilmember Relan questioned if the City Attorney’s statement was acceptable.

Councilmember Hodges stated there should be more diligence by the Council and Mayor Denner should be present.

Councilmember Grano stated Dennis Levasseur has met with each Councilmember to discuss this matter.

Motion by Mayor Pro-tem Robson, supported by Councilmember Read, to hold a closed door session immediately following the March 9th Council Meeting to further discuss the complaints made against the City Attorney.

AYES: Councilmembers Grano, Relan, Read, Hodges, and Fluit, and Mayor Pro-tem Robson

NAYS: None

Excused Absence: Mayor Denner

FINANCE REPORT – JANUARY, 2020

Councilmember Hodges presented to Mayor Pro-tem Robson and Council for consideration the invoices exceeding $5,000 for the month of January, 2020 for approval as presented.

The invoices are as follows:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Description</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bodman</td>
<td>Pros. Atty. &amp; retainer fee</td>
<td>$10,000</td>
</tr>
<tr>
<td>Build Safe</td>
<td>Building Inspector – December</td>
<td>9,600</td>
</tr>
<tr>
<td>Dominion Voting</td>
<td>Ballot Coding</td>
<td>6,935</td>
</tr>
<tr>
<td>J &amp; W Trees</td>
<td>Leaf hauling</td>
<td>57,000</td>
</tr>
<tr>
<td>Green for Life</td>
<td>Rubbish for December</td>
<td>48,484</td>
</tr>
<tr>
<td>GP Clinton Refuse</td>
<td>Refuse disposal – November</td>
<td>19,750</td>
</tr>
<tr>
<td>J &amp; W Trees</td>
<td>City tree work</td>
<td>8,480</td>
</tr>
<tr>
<td>Art Tucker</td>
<td>Lead service replacement</td>
<td>10,550</td>
</tr>
<tr>
<td>Great Lakes Water</td>
<td>Water usage – November</td>
<td>117,279</td>
</tr>
</tbody>
</table>
Councilmember Hodges explained in detail the unusual invoices and stated there are adequate funds in the budget for these expenses.

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

AYES: Councilmembers Grano, Relan, Read, Hodges, and Fluitt, and Mayor Pro-tem Robson

NAYS: None

Excused Absence: Mayor Denner

MANAGER’S REPORT

City Manager Sizeland presented a report summarizing work ongoing in the City.

- Dog Park
- Outreach event scheduled for February 10 at the Tompkins Center
- Hired an Assistant to the Manager
- DTE Gas Main Replacement
- Rocket Fiber
- DPW Facility update
- Census 2020
- Smart Cone
- Safe Routes to Schools
- Water levels
- Recycling contract
- PEG fees
- Snow plowing and sidewalk procedures
- Parks and Recreation Playscape Project

COMMITTEE REPORTS

Ordinance Review:
Councilmember Grano presented a brief overview of the Ordinance Review Committee was held on January 27, 2020. Topics of discussion were the following:
- Dog park ordinance update
- Scheduled meeting for February 24th at 6:00 PM at City Hall
- Small cell antennas placed throughout the City
- Ethics Ordinance will be prepared for the March 9th Council Meeting
- Sustainability Committee requested the Committee be converted to a Commission. The Board stated to maintain the Committee for present

Beautification Commission:
Councilmember Relan presented a brief overview of the Beautification Commission meeting that was held on Wednesday, February 5th. Topics of discussion were the following:

- Holiday lights
- Century Club – There are approximately 90 homes that will be reaching 100 years of age
- Arbor Day Poster Contest is underway
- Plant exchange will be sometime in May

Recreation Commission:
Councilmember Read presented a brief overview of the Recreation Commission meeting that was held on February 5, 2020. Topics of discussion were the following:

Windmill Pointe Park:
- The Park will host Flurries and Fun. This year's activities are Nerf Mobile games, board game extravaganza and build your own pizza. These events are open to all the Pointes during mid-winter break. Visit the City website for details.
- Dinner with Mary Lou – continues once a month, January through April at the Tompkins Center
- Maintenance and repairs include the terrazzo flooring and the roof at the Tompkins Community Center and landscaping near pier 2.

Lavins Activity Center:
- Phone lines – working to repair or considering replacement
- Lisa Santi – Karate Program – recognition of this wonderful 30 year program
- Guided Meditation – Classes have been very well received
- Camera System – Getting quotes for the entire Lavin's Center with the gym as the main priority

Marina:
- The City is preparing for another season of high water levels. Boaters have been notified of their options in the event of high water issues
- The City is also exploring a sand berm barrier at Windmill Pointe Park. City engineers will determine what areas would require to keep the high water out of the park.
- The City continues to assess the effect of a high water season on the electrical and water in the marina as well as the concession stand
Patterson Park:
- Administration is analyzing the data from the dog park sessions. A special recreation meeting will be set for March to review the data and recommendations. Residents and commissioners were seeking clarification regarding the decision-making process and looking to administration for guidance.
- The maintenance issues currently under review at Patterson Park include fencing near the kayak launch due to erosion, gazebo cement work, and boardwalk treads.
- Chad Craig, Supervisor of Parks and Recreation announced that the Grosse Pointe Park Foundation approved a grant for $175,000 for a new playscape.

Other Business:
- The commission also discussed the future of the Farmers’ Market, noting declining attendance and difficulty securing vendors. The Commission discussed that this is a national trend.
- Chad Craig reported that Chilly Fest had over 700 attendees, which was slightly down due to the weather, but was overall a successful event.
- The All Pointes Daddy-Daughter dance will be held on March 21st at South High School. Tickets are on sale through March 13, at $10 per person and available at the Lavins Center. Residents should be able to purchase online through the website.

Next meeting is scheduled for Wednesday, May 6, 2020 at 7:00 pm in the Tompkins Center.

Sustainability Committee:
Councilmember Fluitt presented a brief overview of the meeting that was held on February 6, 2020. Topics of discussion were as follows:
- Discussions regarding converting Committee to a Commission
- Environmental Company is expected late summer to prepare an audit
- DTE to provide audit of City Hall
- Recycling bins at the park and at the Lavins Center
- Meeting with the Climate Equity person at ECN regarding FCA air quality issues
- Next meeting is scheduled for March 12, 2020.

Personnel Committee:
Councilmember Hodges presented a brief overview of the meetings recently held. Topics of discussion were the following:
- Grosse Pointe City signed a one-year contract with Director Poloni

Councilmember Hodges inquired if the Park has a current contract for Director Poloni.

City Manager stated there is a current contract in force.

New/Old Business
School Board:
Councilmember Relan recommended the Grosse Pointe Park Council schedule a meeting with the Grosse Pointe School Board to discuss the issues related to the schools and Grosse Pointe Park. He stated time is running out and we need to express our dissatisfaction.

Councilmember Read stated unless there is a specific agenda item, a meeting to air our grievance probably will not be very effective.

Art Center:
Councilmember Fluitt stated Rocket Fiber LLC has an informational pamphlet that answers many residents questions. She recommends the Art Center provide a pamphlet outlining the plan to inform residents and possibly answer many of their questions.

Mayor Pro-tem Robson stated the Planning Commission will have a presentation regarding the Art Center.

Councilmember Hodges informed those present that a Community Meeting is scheduled at Atwater on February 12th at 6:00 pm to discuss the Art Center.

PUBLIC COMMENT

City Attorney:
Several residents expressed dissatisfaction with the City Attorney’s statement.

Several residents expressed satisfaction with the overall performance of the City Attorney.

Joe’s Garage:
Resident of Lakepointe inquired about Joe’s Garage.

Trombly School:
Resident of Lakepointe expressed dissatisfaction at the flags that were displayed at Trombly School.

Resident of Beaconsfield stated he read a report that stated young children should not have to walk further than ½ mile to school. The least the School System could do is provide one or two busses.

Boatwells:
Several boatwell tenants stated they received an email from the Recreation Department stating they may want to look for a boat slip in another marina due to the possibility of closing the Grosse Pointe Park Marina due to high water levels.
City Manager Sizeland stated he will verify with the Parks Supervisor that if a boatwell tenant elects to go elsewhere this boating season, they would not lose their slip for next boating season.

Street Lights:
Resident of Berkshire inquired about upgrading the street lights to LED

With no further business, the meeting adjourned at 9:00 pm