CITY OF GROSSE POINTE WOODS

20025 Mack Plaza

Regular City Council Meeting Agenda Monday, December 19, 2011 7:30 p.m.

- 1. CALL TO ORDER
- 2. **ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE
- 4. RECOGNITION OF COMMISSION MEMBERS
- 5. ACCEPTANCE OF AGENDA
- 6. **PRESENTATIONS**
- A. Lisa Pinkos Howle
 - 1. Commemorative Vase
 - 2. Certificate of Service
- Joseph Sucher
 - 1. Certificate of Service
- C. Christopher Jenkins
 - 1. Proclamation

- 7. **APPOINTMENTS**
- A. Beautification Commission (Mayoral)
 - 1. Reappointments (6)
- B. Citizens Recreation Commission (Council)
 - 1. Reappointments (3)
- Community Tree Commission (Mayoral)
 - 1. Reappointment (5)
- Historical Commission (Mayoral) D.
 - 1. Reappointments (5)
- Planning Commission (Mayoral)
 - 1. Reappointments (3)
 - 2. Vacancy (1)
- Senior Citizens Commission (Mayoral) F.
 - 1. Reappointments (5)
 - 2. Vacancies (3)
 - a. Biographical Sketches
 - i. Anne Marie Gattari
 - ii. Mary F. Hyduk
 - iii. Donald Witt
- G. Board of Review (Council)
 - 1. Reappointments (3)
- H. Construction Board of Appeals (Mayoral)
 - 1. Reappointment (2)
- **MINUTES** A. Council 12/05/11
 - B. Committee-of-the-Whole and Closed Executive Session 12/05/11
 - C. Committee-of-the-Whole 12/12/11, w/recommendation
 - 1. Class Fee Schedule
 - a. Memo 11/04/11 Park Supervisor
 - D. Committee-of-the-Whole 11/28/11
 - Planning Commission 11/22/11, w/recommendations

8.

- Sign Appeal: Farm Bureau Insurance-Colleen Dyer Agency
- 2. Sign Appeal: Telly's Place
- F. Finance Committee 11/22/10
- 9. PUBLIC HEARINGS
- A. Sign Appeal: Farm Bureau Insurance Colleen Dyer Agency, 20879 Mack Avenue
 - 1. Planning Commission Excerpt 11/22/11
 - 2. Letter 12/15/11 City Attorney, w/attachments
 - 3. Memo 11/16/11 Building Official
 - 4. Sign Permit Application 09/27/11
 - 5. Letter 11/18/11 C. Dyer
 - 6. Plan 11/18/11
 - 7. Photo
- B. Sign Appeal: Telly's Place, 20791 Mack Avenue
 - 1. Planning Commission Excerpt 11/22/11
 - 2. Letter 12/15/11 City Attorney, w/attachments
 - 3. Memo 11/16/11 Building official
 - 4. Sign Permit Application 08/2/11
 - 5. Letter 08/09/11 E. Tellegadas
 - 6. Photos (4)
- C. Sign Appeal: Blue Book/Towar Productions, 19803 Mack Avenue
 - 1. Planning Commission Excerpt 12/13/11
 - 2. Letter 12/15/11 City Attorney, w/attachments
 - 3. Memo 12/06/11 Building Official
 - 4. Letter 12/06/11 Embree Sign Co.
 - 5. Sign Permit Application 12/05/11
 - 6. Plan
 - 7. Photos (3)
- 10. COMMUNICATIONS
- A. Refuse Vendor Livadich Seyfudich
 - 1. Application for Permit/License 12/01/11
- B. Refuse Vendor Ronald M. Hirth
 - 1. Application for Permit/License 12/02/11
- C. Ghesquiere Park Baseball Diamond Use: Grosse Pointe North High School
 - 1. Memo 11/29/11 Recreation Supervisor
 - 2. Letter 07/15/11 C. Kennedy
- D. Budget Amendment: Engineering
 - 1. Memo 11/29/11 Director of Public Services
 - 2. Memo 12/01/11 City Engineer
- E. Monthly Financial Report November 2011

- 11. BIDS / PROPOSALS/ CONTRACTS
- A. Alternative Routing 911 overflow calls
 - Memo 12/12/11 City Administrator/Director of Public Safety
- 12. PROCLAMATIONS
- A. Christopher Jenkins
- 13. RESOLUTIONS
- A. Wayne County Annual Permits (3)
 - 1. Memo 12/07/11 Director of Public Works
 - a. Permit to Construct, Operate, Use and/or maintain Maintenance
 - i. Permit
 - ii. Letter 11/23/11 S. Khaldi
 - iii. Scope of Work and Conditions
 - iv. Indemnity and Insurance
 - v. Resolution Authorizing Execution of Annual Maintenance Permits
 - b. Permit to Construct, Operate, Use and/or maintain Pavement Restoration
 - i. Permit
 - ii. Letter 11/28/11 S. Khaldi
 - iii. Indemnity and Insurance
 - iv. Resolution Authorizing Execution of Annual Pavement Restoration Permit
 - c. Permit to Construct, Operate, Use and/or maintain Special Events
 - i. Permit
 - ii. Letter 11/28/11 S. Khaldi
 - iii. Annual Special Events for Municipalities Road Closure/Detour Addendum Guidelines
 - iv. Banner Attachment for Municipalities Addendum Guidelines
 - v. Conditions and Limitations of permits
 - vi. Resolution Authorizing Execution of Annual Special Events Permits

- 14. CLAIMS/ ACCOUNTS
- A. Labor Attorney
 - 1. Keller Thoma 12/01/11 Invoice #96473

- 15. NEW BUSINESS
- 16. ADJOURNMENT

Lisa Kay Hathaway, MMC City Clerk

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT) POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440 or Telecommunications Device for the Deaf (TDD) 313 343-9249.

NOTE TO PETITIONERS: YOU, OR A REPRESENTATIVE, ARE REQUESTED TO BE IN ATTENDANCE AT THE MEETING SHOULD COUNCIL HAVE QUESTIONS REGARDING YOUR REQUEST

MEMO



TO:

Lisa Hathway

FROM: RE: Betty Ahee Citizen appointments to Commissions and Boards

DATE:

12-19-11

Mayoral Appt. – Shaded

Council Appt. - Unshaded

Appointed by	Authority	Commission	Name	Address
Mayor	City Code Sec. 14-42; 3-yr staggered term; 15 members	Beautification Commission	Allemon, William	1313 Torrey Road GPW
			Briggs, Christine	562 North Rosedale Ct. GPW
-			Di Clemente, Angelo	20128 Wedgewood GPW
			Hagen, Janet	1733 Allard GPW
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			Martin-Rahaim, Kelly	20061 Doyle Ct GPW
			Sterr, Sally	1461 Torrey GPW
Council	By-Laws; 9 members; 3-yr staggered terms	Citizens Recreation Commission	Heim, Gib	1219 Brys Drive GPW
			Janutol, Barbara	1708 Aline GPW
THE STATE OF THE S	11	11	Rozycki, Richard	20062 E Ballantyne Ct. GPW
Mayor	By-Laws; 11 members; 3- yr staggered terms	Community Tree Commission	Chan, Stephen	939 Blairmoor Ct. GPW
, , , , , , , , , , , , , , , , , , , ,	П	11	DiCicco, Christopher	19954 E. Clairview GPW
~~~~			Greening, Robert	693 Pear Tree Lane GPW
	II	ŧŧ	Profeta, Jeffrey	555 Shoreham GPW

Appointed by	Authority	Commission	Name	Address
	AND THE RESIDENCE OF THE PARTY		Rogers, Wilson G.	1961 Norwood GPW
Mayor	Council Resolution 8-29- 79. 3-yr. Staggered term, 11 members	Historical Commission	D'Agostino, Colleen	2121 Stanhope GPW
			Ferry, Mary Kaye	56 Shorecrest Circle GPW
			Michaelson, Gordon	1572 Cook GPW
			Murphy, Sean P.	903 Woods Lane GPW
			Parthum Jr., John W.	1208 Elford Ct. GPW
Mayor	City Code 2-251, 5-yr. Staggered term, 5 members	Local Officers' Compensation	None	
Mayor	Section 2-441 City Charter; 3-yr. Staggered term, 9 members	Planning Commission	Richardson, Ross C.	791 Oxford N. GPW
			Vaughn, Thomas S.	1294 Lochmoor GPW
			Vitale, John A.	20771 Wedgewood GPW
			Vacancy – Nederhood	
Mayor	11 members; 7 –general community –3-yr terms; 4-senior groups & community interest groups- 1-yr term	Senior Citizens' Commission	Maier, Sharon	17150 Waterloo GPW
			Mitts, Mary	20049 Fairway GPW
			Nelson, Mary Rose	1915 Fleetwood GPW
			Solomon, Mary Lou	1919 Huntington GPW

Appointed By	Authority	Commission	Name	Address
		Senior Citizens' Commission (Cont.)	Kypros, Despina	910 South Brys Dr. GPW
			Vacancy - Shetler Jr. 12-31-13	
			Vacancy – Wilson 12-31-12	
Council	M.C.L. Sec. 168.30c; 4 members; 2 ea. Of 2 political parties; 4- yr.term	Board of Canvassers	None	
Council	City Charter 9.6; 6 members; 3-yr staggered term	Board of Review	Lombardo, Shari	1953 Lochmoor GPW
			McLellan, Jan Ryndress	2002 Stanhope GPW
			McMullen, George	1382 Hollywood GPW
Mayor	M.C.L. 125.1514 3-7 members; 2-yr. staggered term	Construction Board of Appeals	Kiehler, Walter	533 Hawthorne GPW
			Vitale, John	20771 Wedgewood GPW
Mayor	City Code Sec. 86- 241; 3 members; 3- yr. staggered term	Downspout Board of Appeals	None	
Council	Articles of Incorporation of 1992; 3 members; 3-yr. staggered term	Building Authority Committee	None	
Mayor		Fireworks Committee	None	
Mayor		Mayor's Mack Ave. Business Sutdy Committee	None	

Beautification Commission

Citizens' Recreation Commission

Return to Clerk's Office

Board of Review

Bullding Authority

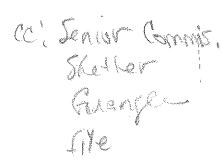
Community Tree Commission

Downspout Board of Appeals



## CITY OF GROSSE POINTE WOODS 20025 Mack Plaza

Grosse Pointe Woods, MI 48236



# BIOGRAPHICAL SKETCH

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

Citizens Recitation	100 Hadan
Construction Board of Appeals	Historical Commission
	Mack Avenue Business Study Committee
Fireworks Committee   Local Officers' Compensation Commission	Planning Commission
The state of the s	Other:
Senior Citizens' Commission	
a a company of the	
NAME: ANNE MARIE GATTARI	18000
NAME: ANNE MARIE GATTARI ADDRESS: 19958 W. CLAIRVIEW CT.	GPW TOUGO
ADDRESS: 19958 W. C. L. 1717	onice: 586.279.3610
TELEPHONE: Home: 313.884.5826	Office:
TELEPHONE: Home: 313.	at in the tarrante, com
am gattari	@ beightstarcare . com
E-Mail: (L	Bright Star of Grosse Pointe
OCCUPATION: OWNER PRESIDENT	DV 14/LI = 1 = 1
OCCUPATION: Land	3 d
# OF YEARS RESIDENT OF GROSSE POINTE W	0008:
# OF YEARS RESIDER	RELATIVE TO THE COMMISSION: HOME EXPERT
THE PROPERTY OF AREAS OF EXPERTISE	RELATIVE TO THE COMMISSION: Home care expert;
PERSUNAL SKILLED	acceptante today, com
Les - Gates Column to La	(03) 4844 /
EDUCATION: BA Tournalism @ 1	4(SI) 1979
BA Tournalism &	ons: Partner of WSU's Institute of
PROPESSIONAL / SERVICE CLUB AFFILIATION	
PROPERTION -	ten for Older Citizers
Gerontology; Supportur Scru	TO THE COMMISSION/BOARD: Parsonal professional
TO A SERT	e successful aging, remaining at
DESCRIBE WHY YOU WOULD BE AN ASSET	1 1 So vomaining at
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Signature of sponsor	Sand 18 2011
Cat Contract a way	Signature of appacant  Date: YOU. 18 2011





**Beautification Commission** 

Citizens' Recreation Commission

Construction Board of Appeals

**Board of Review** 

Fireworks Committee

## CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Grosse Pointe Woods, MI 48236 OCT 1 1 2011

CITY OF GROSSE PTE. WOODS

## **BIOGRAPHICAL SKETCH**

**Board of Canvassers** 

Historical Commission

Community Tree Commission

Downspout Board of Appeals

**Building Authority** 

✓ I am interested in making application to serve as a member on the following Board/Commission:

Local Officers' Compensation Commission	Mack Avenue Business Study Committee
Pension Board	Planning Commission
Senior Citizens' Commission	Other:
NAME: MARY F. HYDUK	
ADDRESS: /9766 WEDGEWOOD.	DR., GPW 48236
TELEPHONE: Home: 886-7995	Office: <i>N/f</i> )
E-Mail: DENMAR77 @	BOL, COM
OCCUPATION: SECRETARY (PAR	et-time)
# OF YEARS RESIDENT OF GROSSE POINTE WOOI	BORN & RAISED IN GPW DS: <u>21 YEARS IN GPW W/ HUSBANID</u> & CHILDREN
PERSONAL SKILLS OR AREAS OF EXPERTISE REI	
GOOD ORGANIZATIONAL & INTERA	PERSONAL SKILLS - KNOWLEDGE OF COMPUTE
EDUCATION: GRADUATE OF MARYMOUN	OMPUTE.
PROFESSIONAL / SERVICE CLUB AFFILIATIONS:	
ASSISTANCE LEAGUE SINCE 1980,	COMMISSION MEMBER - STAR OF THE SEA
DESCRIBE WHY YOU WOULD BE AN ASSET TO THE	HE COMMISSION/BOARD: <u>WORK</u> WELL
WITH ALL AGE GROUPS, ENJOY V	POLUNTEERING
Signature of sponsor	Mary F. Hyoluk Signature of applicant Date: 10/4/11
Return to Clerk's Office	Date: 10/4/11



**Beautification Commission** 

Citizens' Recreation Commission

Local Officers' Compensation Commission

**Construction Board of Appeals** 

**Board of Review** 

**Pension Board** 

Fireworks Committee

## CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Grosse Pointe Woods, MI 48236



OCT 1 1 2011

CITY OF GROSSE PTE WOODS

## **BIOGRAPHICAL SKETCH**

**Board of Canvassers** 

**Historical Commission** 

**Community Tree Commission** 

**Downspout Board of Appeals** 

Mack Avenue Business Study Committee

**Building Authority** 

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

Pension Board	Planning Commission
Senior Citizens' Commission	Other:
NAME: DONALD WI	purities of the second
ADDRESS: 1658 ANITA	
TELEPHONE: Home: 313-881-6120	Oglice: 313-330-0338
E-Mail: WITT DONAL	D @ HOTMAIL, COM
OCCUPATION: Retired	
# OF YEARS RESIDENT OF GROSSE POINTE WOOD	s: 240
PERSONAL SKILLS OR AREAS OF EXPERTISE REL	ATIVE TO THE COMMISSION:
X	
EDUCATION: Bof Science	Math Wayne States
PROFESSIONAL / SERVICE CLUB AFFILIATIONS: _	× ·
DESCRIBE WHY YOU WOULD BE AN ASSET TO TH	E COMMISSION/BOARD: adesire to assist
the members continue to make	e OPWa place where serious
want to and can live.	Novald With
Signature of sponsor	Signature of applicant
	Date: 10-4-6011
Return to Clerk's Office	
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COUNCIL 12-05-11 - 140

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, DECEMBER 5, 2011, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:52 p.m. by Mayor Novitke.

Roll Call:

Mayor Novitke

Council members:

Bryant, Granger, Ketels, Koester, McConaghy, Shetler

Absent:

None

Also Present:

City Administrator Fincham City Attorney Berschback

Treasurer/Comptroller Irby

City Clerk Hathaway

Director of Public Works Ahee

Director of Public Safety Pazuchowski

Council, Administration, and the audience Pledged Allegiance to the Flag.

The following Commission members were in attendance:

George McMullen, Board of Review

Motion by Granger, seconded by Bryant, that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

Motion by McConaghy, seconded by Ketels, regarding **appointment – Mayor Pro- Tem**, that the City Council appoint Council Member Granger to serve as Mayor ProTem.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

Motion by Granger, seconded by McConaghy, that the City Council voice no objection to the following **Mayoral appointments:** 

## Council Members to Commissions:

Commission	Council Representative	
Beautification	Granger	
Recreation	McConaghy	
Tree	Koester	
Historical	Bryant	
Local Officers Compensation	Bryant	
Planning	Ketels	
Senior Citizens	Shetler	

### Council Members to Committees:

Committee	Chair	Members
Ad Hoc Labor Negotiations	Bryant	McConaghy/Novitke
Compensation & Evaluation	Bryant	McConaghy/Novitke
Construction	Granger	Shetler/Novitke
Finance	McConaghy	Koester/Novitke
Fireworks	Novitke	Shetler/Granger
Mack Ave. Business Study	Ketels	Shetler/Novitke
Public Relations	Granger	Ketels/Novitke
Ad Hoc Public Safety Committee	Granger	Novitke

Council Member to an Organization:

Grosse Pointe Chamber of Commerce	Bryant/Novitke

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

Motion by Bryant, seconded by Shetler, regarding **Council appointments**, that the City Council make the following appointment:

Council Members to Boards:

\$		
Pension	Granger	
	- C. G. 1.5 C.	ŧ.

Motion carried by the following vote:

Yes:

Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher

No:

None

Absent:

None

Motion by Granger, seconded by McConaghy, regarding **Council appointments**, that the City Council make the following appointment:

Council Members to General Organizations:

Grosse Pointes-Clinton Refuse Disposal	Fincham
Authority	

Motion carried by the following vote:

Yes:

Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher

No:

None

Absent:

None

Motion by Ketels, seconded by Granger, regarding **Council appointments**, that the City Council make the following appointment:

Wayne County Community Development	Koester	Alternate: Bryant
Advisory Council		•

Motion carried by the following vote:

Yes:

Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher

No:

None

Absent:

None

Motion by Bryant, seconded by Granger, regarding **Council appointments**, that the City Council make the following appointment:

Wayne County Community Development	Fincham
Advisory Council – Planning Committee	

Motion carried by the following vote:

Yes:

Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher

No:

None

Absent:

None

Motion by Bryant, seconded by Shetler, that the following minutes be approved as submitted:

1. City Council Minutes dated November 21, 2011.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

Motion by Granger, seconded by Ketels, regarding **commemorative vase** — **Lisa Pinkos Howle**, concur with the recommendation of the Public Relations Committee at their meeting on November 21, 2011, approve the presentation of a commemorative vase to Lisa Pinkos Howle, to be presented at the Council Meeting on December 19, 2011.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

Motion by Bryant, seconded by Granger, regarding **purchase – Cook School Dehumidifier**, that the City Council concur with the recommendation of the Historical Commission at their meeting on November 10, 2011, and authorize the purchase of a

dehumidifier for the Cook School House in an amount not to exceed \$300, with funds to be paid from the Parkway Beautification Fund, Account No. 205-870-675.340.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

Motion by Granger, seconded by Bryant, regarding **resignation** — **Senior Commission**, that the City Council accept the resignation of Richard Shetler Jr. from the Senior Citizens Commission with regret and appreciation (due to his election to the City Council.)

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

Motion by McConaghy, seconded by Ketels, regarding **2010/11 Comprehensive Annual Financial Report**, that the City Council accept, receive and place on file the 2010/11 Comprehensive Annual Financial Report.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

Motion by Bryant, seconded by Shetler, regarding **Fire Safety Interlocal Agreement**, that the City Council authorize the Mayor and City Clerk to sign the Fire Safety Interlocal Agreement.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

Motion by Granger, seconded by Ketels, regarding **2011 Water/Sewer Miscellaneous Concrete Pavement Repair Program**, that the City Council approve \$2,562.70, for a total construction amount not to exceed \$24,534.70, for the 2011 Water/Sewer Miscellaneous Concrete Pavement Repair Program for additional necessary repairs, to be taken from Account No. 592-537-975.400.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

Motion by McConaghy, seconded by Granger, regarding **Labor Attorney**, that the City Council approve the following statement dated November 1, 2011:

1. Labor Attorney Keller Thoma - \$3,310.61.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

Motion by McConaghy, seconded by Granger, regarding **City Attorney**, that the City Council approve the following statements dated November 30, 2011:

- 1. City Attorney Don R. Berschback \$ 4,572.50;
- 2. City Attorney Charles T. Berschback \$3,720.00.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

Hearing no objections, the following item was heard under New Business:

Employee Health Care.

Motion by Bryant, seconded by Granger, regarding **health care**, that that City Council adopt the hard cap for the three public safety union groups (Police, Command, AEMT/Dispatcher) pursuant to PA 152.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

• The Mayor invited all to attend Edward Timbush's 100th Birthday Celebration at Big Boy Restaurant on December 9, 2011.

Motion by Ketels, seconded by Bryant, to adjourn tonight's meeting at 8:22 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway City Clerk

# 88

# COMMITTEE-OF-THE-WHOLE 12-05-11 - 47

MINUTES OF THE MEETING OF THE COMMITTEE-OF-THE-WHOLE OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, DECEMBER 5, 2011, IN THE CONFERENCE ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

PRESENT:

Mayor Novitke

Council Members Bryant, Granger, Ketels, Koester, McConaghy,

Shetler

ABSENT:

None

ALSO PRESENT:

City Administrator Fincham
City Attorney Don Berschback
Treasurer/Comptroller Irby

City Clerk Hathaway

Director of Public Safety Pazuchowski

Labor Attorney DuBay

Mayor Novitke called the meeting to order at 7:03 p.m.

Motion by Ketels, seconded by Granger, that all items on tonight's agenda be received, placed on file, taken in order of appearance.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None None

Absent:

The Mayor stated that the Committee would be discussing the state statute regarding health care, and may discuss caps on health care. In response to Governor Snyder's recent health care plan directive, the Council will need to choose one of three options prior to January 1:

- 1. Exempt the City (supermajority vote);
- 2. Utilize the 80/20 formulation (simple majority vote);
- 3. Take no action (establishes a hard cap of \$5,500 for individual; \$11,000 for two persons; \$15,000 for family.)

Labor Attorney DuBay, as outlined in his legal opinion dated December 1, 2011, and in accordance with PA 152, and MCLA 408.473 of the Wages and Fringe Benefits Act, stated that non-union employees fringe benefits will follow the TPOAM contracts for the Fiscal Years 2011/12 and 2012/13 per policy adopted by the City Council on April 11, 2011, through June 30, 2013. He recommended the City Council take no action as a result of the previously adopted policy. He also stated that choosing the hard cap option can reduce the total cost of the coverage.

Motion by Bryant, seconded by Ketels, regarding **health care insurance**, that the Committee-of-the-Whole recommend that City Council adopt the hard cap for the three public safety union groups (Police, Command, AEMT/Dispatcher.)

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

The Committee-of-the-Whole concurred with the Labor Attorney's legal opinion regarding the application of PA 152 to non-union City employees in his letter dated December 1, 2011.

Motion by Bryant, seconded by McConaghy, that the Committee recess the regularly scheduled Committee-of-the-Whole meeting at 7:21 p.m. and convene in Closed Executive Session for the purpose of discussing labor negotiations and a legal opinion at which time the Committee may or may not reconvene in regular session to address additional items as necessary, in accordance with the Open Meetings Act 1976 PA 267.

Motion carried by the following roll call vote:

Bryant Yes Granger Yes

Ketels Yes

Koester Yes McConaghy Yes Novitke Yes

Shetler Yes

Motion by Ketels, seconded by Bryant, that the meeting of the Committee-of-the-Whole be adjourned at 7:49 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway City Clerk MINUTES OF THE MEETING OF THE COMMITTEE-OF-THE-WHOLE OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, DECEMBER 12, 2011, IN THE CONFERENCE ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

PRESENT:

Mayor Novitke

Council Members Bryant, Granger, Howle, Ketels, McConaghy,

Sucher

ABSENT:

None

ALSO PRESENT:

City Administrator Fincham

City Attorney Chip Berschback

City Clerk Hathaway

Director of Public Services Ahee Recreation Supervisor Sharpe

Also in attendance at tonight's meeting:

Joe Cazeno and Ron Gerken, DTE Representatives

Mayor Novitke called the meeting to order at 7:30 p.m.

Motion by Bryant, seconded by Ketels, that all items on tonight's agenda be received, placed on file, taken in order of appearance.

Motion carried by the following vote:

Yes:

Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher

No:

None

Absent:

None

The first item discussed was the **DTE Update and supporting data**. The Mayor provided an overview. DTE Representatives provided a verbal report regarding outages and equipment that has been installed, but had no supporting data available. Mr. Gerken stated that all of the equipment had not been installed due to the number of storms this summer. Work is projected to be completed by January 20, 2012. The Mayor requested, and DTE Representatives agreed to provide, a written report within the next week identifying complete and incomplete work; and, a second letter is to be provided within one week of completion outlining following-up on the completed project. Per Mr. Cazeno, this project is paid for by capital dollars.

The next item discussed was regarding the **NLC Service Line Warranty Program**. The Mayor provided an overview. The program provides water and sewer line insurance for lines running from the homeowners line to the City line, and allocates 10% back to the City. The Chair asked the Committee to consider dedicating that 10% back to some fund, suggesting the storm water fund or something similar. This is a one year contract and automatically renewable unless it states otherwise. The City Attorney suggested including an option to terminate within 60-90 days into the contract. The Mayor suggested publication of a public relations piece.

The City Administrator stated that it is permissible for the City to waive the 10% and pass the savings onto the customer. Other municipalities that have implemented this program include Saline and Huntington Woods, and Royal Oak will join in January.

A disclaimer was discussed. The City Attorney was directed to provide a draft letter including a disclaimer.

The City Administrator and City Attorney were directed to determine whether the contract could include a provision that would pass the City's entitlement of 10% savings onto the customer and waive the City's 10%, and that the City Administrator follow-up on the services provided to Saline and Huntington Woods. This item is to remain on the Committee-of-the-Whole and return on January 30.

The Committee then discussed **Lake Front Park matters** including bathroom renovations, class fees, pickle ball, email blast/mail chimp, and the dog park. First, the City Administrator and Director of Public Services provided an update on the Bathroom renovations, which are currently under way. The Director anticipates project completion within four to six weeks.

Discussion then ensued regarding class fees.

Motion by Bryant, seconded by McConaghy, regarding **parks and recreation fee schedule**, that the Committee-of-the-Whole recommend that City Council set class fees as indicated in the Recreation Supervisor's memo dated November 4, 2011, effective for the 2012 summer season.

Motion carried by the following vote:

Yes:

Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher

No:

None

Absent:

None

The next item discussed was regarding **Pickle Ball**. The Mayor stated the cost to renovate the tennis courts in Ghesquiere Park would be of no cost to the City, but would be the responsibility of individuals promoting a fundraising program. The Mayor suggested renovations that would incorporate a multifunction court use including both tennis and pickle ball, and the City Administrator stated it could be done. Discussion ensued regarding the City's resident's-only parks. The City Administrator will inquire whether multiuse will be acceptable. The Director of Public Services reported a cost of \$68,000 for two courts, and \$171,000 for four courts including engineering to replace the courts. He will also obtain repair costs. There was a consensus of the Committee that the courts be maintained for multi use (tennis and pickle ball), that the ability to fund be identified, and that the Director of Public Works provide costs for repairing the courts verses replacement. This item is to remain on the Committee-of-the-Whole.

The Chair declared a recess at 9:09 p.m., and reconvened at 9:20 p.m.

The next item discussed was **email blast/mail chimp** to be used for the purpose of advertising activities and lessons. The Park Supervisor stated mail chimp offers a free subscription for up to 2,000 subscribers and that it is currently used to disseminate information to the swim team. The established fee is subscriber based with no contractual obligations to the City. Discussion ensued regarding other providers and competitive pricing. There was a consensus of the Committee that email blast services are to be coordinated through one staff person, the Communications Coordinator, for all City departments. Administration was asked to obtain service provider cost comparables and cost for staff time. The additional information provided by administration and a plan of implementation is to be reviewed by the Public Relations Committee prior to returning to Committee-of-the-Whole.

Next, **dog park**. The City Administrator received an inquiry regarding the temporary fence surrounding the dog park and requested permanent replacement. The Director of Public Services stated grass and fence maintenance is difficult and cost prohibitive. The cost for a permanent fence to be installed is \$6,700. There was a consensus of the Committee to keep the dog park in its current location. Administration was directed to provide additional information including costs, review/propose a license fee, plans and cost to install a permanent fence, address drainage issues/costs, and cost to install water service. This item is to remain on the Committee-of-the-Whole.

Motion by Bryant, seconded by Ketels, that the following items be removed from the Committee-of-the-Whole:

- 1. Bathroom updates;
- 2. Class fees.

Motion carried by the following vote:

Yes:

Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher

No:

None

Absent:

None

Under New Business, the following items were discussed:

- The City Administrator received a 2012 project proposal from the Grosse Pointe Woods Foundation, which is requesting approval to purchase and install four English Weave Large Planters between existing benches at the clock in front of City Hall. There was a consensus to refer this item to the Beautification Commission for a recommendation.
- The City Administrator stated the Department of Environmental Quality (DEQ) reported the Grosse Pointe Woods' SRF project has now been qualified as a project within the fundable range. The City's Engineers will need to resubmit a new plan by February that addresses only critical and high/important mains. The Engineers estimate cost at \$3.5 million. This item is to be placed on the Committee-of-the-Whole on January 23, 2012.
- Council Member Bryant discussed a recent Letter to the Editor written by Pete Waldmeir regarding the 3% credit card use charge.

- Council Member Granger discussed pending repairs to the Cook School House, and suggested completing the repairs in order to rent out the facility. The approximate cost of the repairs are estimated at \$5,000. The City Attorney was directed to review handicap accessible requirements for the historic building. There was a consensus of the Committee to authorize repair work, to direct the City Attorney to advise regarding accessibility requirements for renting, and to have the repair work done over winter with the City Administrator authorizing up to \$5,000.
- A complaint was received from a resident regarding the condition of the activity center equipment. The Director of Public Services stated some equipment has been repaired/replaced and some is on order.

Motion by Bryant, seconded by Granger, that the meeting of the Committee-of-the-Whole be adjourned at 10:31 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway City Clerk



## City of Grosse Pointe Woods Parks and Recreation

Memorandum 24-11

Date:

November 4, 2011

To:

Al Fincham, City Administrator

From:

Joe Ahee, Director of Public Services

Melissa Sharp, Recreation Supervisor

Subject:

Parks & Recreation Fee Increases

A recent survey of all Grosse Pointe summer program fees concludes that Grosse Pointe Woods is charging significantly less than the rest of the cities for some summer programs.

Please see the Fee Summary below:

Price per session/price per contact hour (CH)							
Program Name	, GPW	GPC	GPF	GPP	GPS	Comm. Ed.	Average fee
Swim Team	\$65	\$60	\$110	\$100	\$125	n/a	\$83.75
Synchro Team	\$45	\$30	\$85	No team	No team	n/a	\$53
Swim Lessons	\$40 \$3.33	\$45 \$4.50	\$45 \$4.50	\$60 \$6.00	\$30 \$3.00	\$132 \$11	\$5.39/CH
Water Aerobics	\$36 \$4.00	\$45 \$4.50	\$55 \$2.50	\$112 \$7.00	\$15/ season	\$75 \$5	\$4.60/CH
Tennis Lessons	\$40 \$4.00	\$40 \$4.00	\$45 \$4.50	\$45 \$4.50	n/a	n/a	\$4.25/CH

Based on the information above, we recommend the following increases:

Proposed Fee Increases							
Program Name	Current fee	Proposed fee	Net revenue				
Swim Team	\$65	\$75	\$1,910				
Synchronized Swim Team	\$45	\$55	\$340				
Swim Lessons	\$40/\$3.33	\$52/\$4.33	\$9,407				
Water Aerobics	\$36/\$4.00	\$39/\$4.33	\$264				
Tennis Lessons	\$40/\$4.00	\$52/\$4.33	\$3,180				
Total increased revenue			\$15,101				



## COMMITTEE-OF-THE-WHOLE 11-28-11 - 44

MINUTES OF THE MEETING OF THE COMMITTEE-OF-THE-WHOLE OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, NOVEMBER 28, 2011, IN THE CONFERENCE ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

PRESENT:

Mayor Novitke

Council Members Bryant, Granger, Ketels, Koester, McConaghy, Shetler

ABSENT:

None

ALSO PRESENT:

City Administrator Fincham Treasurer/Comptroller Irby City Attorney Berschback Deputy City Clerk Ryska

Mayor Novitke called the meeting to order at 7:34 p.m.

Motion by Bryant, seconded by Ketels, that all items on tonight's agenda be received, placed on file, taken in order of appearance.

Motion carried by the following vote:

Yes:

Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No:

None

Absent:

None

The first item on the agenda was the **2010/2011 Audit**. Mark Hurst and Kari Shea from Plante & Moran were present to provide an overview and answer any questions. The Chair stated that this was an excellent audit. Mr. Hurst explained that the audit revealed one material weakness and one significant deficiency, both of which were relatively insignificant isolated instances. Mr. Hurst additionally stated that the city added funds to the Fund Balance. A question and answer session ensued regarding information reported on the Statement on Auditing Standards (SAS).

Mr. Hurst then informed the Committee that the Federal Awards Audit is necessary for any awards adding up over \$500,000. No problems were found and the City is in full compliance with this requirement.

Ms. Shea outlined the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ending June 30, 2011 and informed the Committee that the CAFR and Statistics portion of the report are optional and having them adds to the transparency of City finances. Ms. Shea further explained the City implemented the new GASB Statement #54 – Fund Balance Reporting and Governmental Fund Type Definitions, now putting the Local Street and Cable Franchise funds in the General Fund.

Ms. Shea reminded the Committee that although funds were added to the Fund Balance, the City should keep in mind that the Fund Balance in other Funds are diminishing and should be kept in consideration when discussing future budgets.

COMMITTEE-OF-THE-WHOLE 11-28-11 – 45

The Chair declared a recess at 8:41 p.m., and reconvened at 8:52 p.m.

The next items on the agenda were **Fiscal Forecasting and Headlee Override**. Treasurer/Comptroller Irby first distributed a handout with General Fund Budget Projections that did not contain a Headlee Override millage. Approximately \$469,000 will be used from the General Fund Balance to cover the annual shortfall and to balance other funds for FY 2011/12. Based on the projections, the City would exhaust its Fund Balance by FY 2014/15 considering the forecasted decrease in property tax revenue and increased need for infrastructure repairs and vehicle maintenance.

The second handout distributed by Treasurer/Comptroller Irby did contain a Headlee Override millage. The additional millage would give the City an additional two years of operation before exhausting its Fund Balance. The Committee discussed the possibility of placing a millage proposal on a ballot for the purpose of funding road construction projects.

The Treasurer/Comptroller was asked to provide an information sheet outlining what cost containment efforts the City has already taken to minimize expenditures.

The Chair declared a recess at 9:47 p.m., and reconvened at 9:58 p.m.

The next item on the agenda was **Planning Commission Vacancy**. Mayor Novitke asked the Committee how they would like to proceed in order to fill the Planning Commission vacancy. Discussion ensued and the Committee decided to post the opening on the website and ask for applicants. The City Clerk was instructed to post the following notice:

Grosse Pointe Woods City Council is accepting applications to fill a vacancy on the Planning Commission. Interested residents should submit a Biographical Sketch and statement of interest to the City Clerk by February 29, 2012. The Biographical Sketch form is available on the City's website at <a href="https://www.gpwmi.us">www.gpwmi.us</a> or at the City Clerk's office.

Mayor Novitke then stated that the applications received would be addressed at a Committee-of-the-Whole meeting on March 12, 2012.

The next item on the agenda was **Council Appointments to Commissions/ Committees/ Boards**. The Committee discussed the Mayoral and Council appointments that will be made at the next City Council meeting.

The next item discussed was the position of **Mayor Pro-Tem**. Mayor Novitke stated that the appointment of the Mayor Pro-Tem would be at the next City Council meeting.

COMMITTEE-OF-THE-WHOLE 11-28-11 - 46

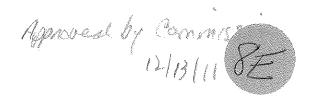
The next item on the agenda was **Council Procedures**. For the benefit of the newly elected Council Members, Mayor Novitke began discussion of the purpose and function of the City Council and the Committee-of-the-Whole. He stated the importance of being prepared for Council meetings and having an understanding that the function of Council is to set policy. Additionally, Mayor Novitke outlined the differences of various motions made at meetings. Council and Administration are always available should anyone have questions.

The next item on the agenda was **City Attorney Overview**. City Attorney Berschback outlined the legality of a number of policies and procedures, namely the Open Meetings Act, Closed Executive Sessions, Freedom of Information Act, and Zoning Board of Appeals. Mr. Berschback also explained the meaning of a quorum and why members should not engage in round robin discussions.

Hearing no objections the following was addressed under New Business:

• City Administrator Fincham commended Treasurer/Comptroller Irby on a job well done with the Audit.

Motion by Koester, seconded by Shetler, that the meeting of the Committee-of-the-Whole be adjourned at 11:02 p.m. PASSED UNANIMOUSLY.



## PLANNING COMMISSION 11/22/11 - 043

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GROSSE POINTE WOODS HELD ON TUESDAY, NOVEMBER 22, 2011, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:36 p.m. by Chair Vaughn.

Roll Call:

Chair Vaughn

Dickinson, Evola, Gilezan (7:46 pm), Hamborsky, Richardson, Vitale

Absent:

Fuller

Also Present:

**Building Official Tutag** 

City Attorney C. Berschback Recording Secretary Babij Ryska

Motion by Evola, seconded by Vitale, that Commission Members Fuller and Gilezan be excused from tonight's meeting.

MOTION CARRIED by the following vote:

YES:

Dickinson, Evola, Hamborsky, Richardson, Vaughn, Vitale

NO:

None

ABSENT:

Fuller, Gilezan

The Commission, Administration, and audience Pledged Allegiance to the Flag.

Motion by Dickinson, seconded by Evola, that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

MOTION CARRIED by the following vote:

YES:

Dickinson, Evola, Hamborsky, Richardson, Vaughn, Vitale

NO:

None

ABSENT:

Fuller, Gilezan

Chair Vaughn welcomed Council Member Ketels, as Planning Commission Representative and Council Members Shetler and Koester for being in attendance at tonight's meeting.

Motion by Richardson, seconded by Evola, regarding **Approval of Minutes**, that the Planning Commission Meeting Workshop minutes dated September 27, 2011 and the regular meeting minutes dated October 25, 2011 be approved.

MOTION CARRIED by the following vote:

YES:

Dickinson, Evola, Hamborsky, Richardson, Vaughn, Vitale

NO:

None

ABSENT:

Fuller, Gilezan

## PLANNING COMMISSION 11/22/11 - 044

The first item on the agenda was a **Sign Appeal: Telly's Place, 20791 Mack Ave**. Building Official Tutag provided an overview of the application, noting that due to the number of factors that do not comply with the ordinance, administration does not recommend approval. Discussion ensued regarding the aesthetics of the proposal. Evans Telegadas, owner, was present to answer questions.

Motion by Dickinson, seconded by Evola, regarding **Sign Appeal: Telly's Place, 20791 Mack Ave**, that the Planning Commission, upon review of the signs, has determined that allowing an exception of the provisions of Chapter 32 of the City Code would be in the best interest of the city and not against the spirit and intent of Chapter 32, and recommend that the City Council approve the variance request with the following provisions:

- the wall color on the front of the building remain the same;
- the signs remain unilluminated.

A substitute motion was proposed to include an additional provision.

Substitute motion by Evola, seconded by Vitale, regarding **Sign Appeal: Telly's Place, 20791 Mack Ave**, that the Planning Commission, upon review of the signs, has determined that allowing an exception of the provisions of Chapter 32 of the City Code would be in the best interest of the city and not against the spirit and intent of Chapter 32, and recommend that the City Council approve the variance request with the following provisions:

- the wall color on the front of the building remain the same;
- the signs remain unilluminated; and
- the graphics and messaging on the signs remain the same.

#### MOTION CARRIED by the following vote:

YES:

Dickinson, Evola, Hamborsky, Richardson, Vaughn, Vitale

NO:

Gilezan

ABSENT:

Fuller

The next item on the agenda was a **Sign Appeal: Farm Bureau Insurance – Colleen Dyer Agency, 20879 Mack Ave.** Building Official Tutag provided an overview of the application, noting that if the sign were placed on the front of the building it would comply with the ordinance, administration recommends approval. Discussion ensued regarding the structure of the sign. Mark Gibson of Majestic Sign & Design, on behalf of Colleen Dyer, was present to answer questions.

Motion by Dickinson, seconded by Evola, regarding **Sign Appeal:** Farm Bureau Insurance – **Colleen Dyer Agency, 20879 Mack Ave**, that the Planning Commission, upon review of the signs, has determined that allowing an exception of the provisions of Chapter 32 of the City Code would be in the best interest of the city and not against the spirit and intent of Chapter 32, and recommend that the City Council approve the variance for the following reasons:

## PLANNING COMMISSION 11/22/11 - 045

- The 25 square foot proposed sign on the north wall is within a reasonable scale to the 115 foot wall and other buildings;
- The north elevation of the building is adjacent to the parking lot giving the same view of the wall if the building were on the corner facing Ridgemont;
- The proposed sign is of a level necessary to identify the business and its product;
- This sign could be located on the front elevation, which is 20 feet in length as opposed to 115 feet without a variance.

## MOTION CARRIED by the following vote:

YES:

Dickinson, Evola, Gilezan Hamborsky, Richardson, Vaughn, Vitale

NO:

None

ABSENT: Fuller

The next item on the agenda was Continued Discussion: Solar Panels. Building Official Tutag provided a draft Solar Panel / Wind Energy Ordinance. The purpose of the ordinance is to give the City some guidelines to regulate such alternative energy installations. Discussion ensued regarding the content of the draft ordinance. The Planning Commission requested that this item be postponed until the January 2012 meeting with the intent of having an expert in the field make a presentation to the Commission for educational purposes.

The next item on the agenda was the Building Official's Monthly Report. Mr. Tutag reported the following:

- Grosse Pointe Theatre Group is looking for a 31000 square foot permanent performing arts location.
- Home improvement permits are steady.
- Currently at a 94% occupancy rate.
- Four potential business moving in on Mack Ave.
- The Rivers project is progressing, in the process of reviewing condominium plans. Demolition is slated to begin in January.
- University Liggett is beginning their \$2.9 million construction project.

## Commission Member Evola gave the Council Report:

## November 7, 2011

Nothing to report pertaining to the Planning Commission.

#### November 14, 2011

Council accepted the Planning Commissions recommendation that no ordinance changes be made regarding resale establishments.

# PLANNING COMMISSION 11/22/11 - 046

The following **Subcommittee Reports** were provided:

- 2020 Plan Nothing to report.
- Special Sign Ordinance Nothing to report.

Hearing no objections, the following items were heard under **New Business**:

 Chair Vaughn requested of Council Member Ketels, a process by which to fill the vacancy that currently exists on the Planning Commission. This topic is slated to be discussed at a Committee of the Whole meeting, Council Member Ketels will report back at next meeting.

Motion by Evola, seconded by Vitale, to adjourn the Planning Commission meeting at  $9:40~\rm p.m.$  Passed unanimously.

Approved by brancher 11/2 4/10

FINANCE COMMITTEE

11-22-10

MINUTES OF THE FINANCE COMMITTEE MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, NOVEMER 22, 2010, IN THE CONFERENCE ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 9:14 p.m. by Chair Sucher.

In attendance:

Chairman Sucher

Members: McConaghy, Novitke

Absent:

None

Also present:

City Administrator Fincham

City Treasurer/Comptroller Irby

City Clerk Hathaway

Director of Public Works Ahee

Also in attendance:

Council Members Granger and Howle.

Motion by Novitke, seconded by McConaghy, that that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

Motion passed by the following vote:

Yes:

McConaghy, Novitke, Sucher

No:

None

Absent:

None

Motion by McConaghy, seconded by Novitke, that the minutes of June 7, 2010, be approved as submitted.

The following items contained within the minutes were discussed:

- 1. The Treasurer/Comptroller was asked whether she had presented her overview regarding 2009/10 Fiscal Year in writing to the Finance Committee, which she believed she had probably done.
- 2. Under 911 revenue, source, distribution formulas, and expenditures, the City Administrator provided an update regarding the Conference of Eastern Wayne (CEW) stating that the CEW is withholding payment on the last two invoices in an effort to recapture \$40,000.00 in attorney fees that had been double billed. The responsibility of managing CEW accounting has changed from Grosse Pointe Shores to Grosse Pointe Park's Manager, Dale Krajniak. The account balance will be maintained at \$20,000.00 with overages to be more accurately disbursed to

the Cities. He also stated that there is currently no signed, fully executed Agreement.

3. Under health care, the City Administrator reported that per previous City Council action, Cornerstone has been engaged to administer the Early Retirement Insurance Program, and that the application has been submitted, qualified, and accepted, and the first disbursement is expected sometime mid next year.

Motion passed by the following vote:

Yes:

McConaghy, Novitke, Sucher

No:

None

Absent:

None

The Treasurer/Comptroller requested approval of a **FY 2010/11 budget amendment** to cover expenses caused by an unexpected retirement (Dispatcher) and payout of accumulated sick and vacation time. A total of \$11,500.00 is needed.

Motion by Novitke, seconded by McConaghy, regarding FY 2010/11 budget amendment, that the Finance Committee recommend that the City Council authorize a transfer in the amount of \$3,500.00 from savings realized from the City's liability insurance contract, and \$8,000.00 from the ambulance fund; for a total combined transfer in the amount of \$11,500.00 into the 911 Emergency Services Fund.

Motion passed by the following vote:

Yes:

McConaghy, Novitke, Sucher

No:

None

Absent:

None

Motion by Novitke, seconded by McConaghy, that the previous motion be immediately certified.

Motion passed by the following vote:

Yes:

McConaghy, Novitke, Sucher

No:

None

Absent:

None

In accordance with the recommendation of the City's Auditor, Plante Moran, the Treasurer/Comptroller presented a budget for the FY 2010/11 Parkway Beautification Fund (fund 205.) The Mayor reminded the Committee that Fireworks are totally self-supported, reserves carry-over, and stated his concern about those funds being merged with others. He would like to see a separate Fireworks Account showing donations, expenses, and identifying reserves. The Treasurer/Comptroller stated that she felt confident with the budget as presented, but agreed to add an asterisk to

Donations-Fireworks line item, and a footnote explaining reserves and identifying the dollar amount. This item is to remain on the Finance Committee agenda.

The Treasurer/Comptroller then provided a report regarding the June 30, 2010, Fund Balance and projections. The Mayor asked whether consideration is being given to increasing revenue such as providing City services to other municipalities. The City Administrator discussed several items including dispatch services and gasoline sales. The Treasurer/Comptroller also stated that the water/sewer rates are anticipated to be higher than 5-6%, rather 12%.

The City Administrator met with the City Engineer regarding Lake Front Park restroom renovations, and there is an anticipated cost in the amount of \$1,200.00 to prepare plans. Upon inspection it was found that the male and female restrooms can be reconfigured to family restrooms in accordance with ADA requirements. The Mayor stated he is concerned that if the restrooms are reconfigured, whether additional cost will be incurred if the entire building is required to also be ADA compliant. The City Administrator said no according to the City Engineer, and the Mayor requested that statement in writing. The Mayor then asked for a range of costs for the renovations. The Mayor asked whether existing restrooms could be simply designated as "unisex" with new signage. The City Administrator said it would have to be ADA compliant. Member McConaghy reminded the Committee that the Recreation Commission would like costs for cameras on the exterior of the restrooms and around the guard shack. This item is to be placed on the Committee-of-the-Whole agenda.

Discussion then ensued regarding **cost reduction initiatives**. The City Administrator stated an additional Lieutenant retirement-resignation was received today and discussed possible reorganization of the Public Safety Department based upon vacancies recently created by retirements; a savings of approximately \$250,000.00. He advised the Committee that he is prepared to fill three vacant Sergeant positions, and that there are thirty-six officers budgeted, thirty-four are in place. The Mayor suggested addressing this item at a Committee-of-the-Whole to obtain a recommendation for Council. This item is to be addressed at the Committee-of-the-Whole on December 6, 2010, at 7 p.m.

The Treasurer/Comptroller then discussed a reorganization of the Finance Department. She suggested outsourcing payroll at a cost of \$7,000.00, and further stated there will be no loss of jobs in the Finance Department. The intent is to cross-train the current Payroll Clerk in water, the Water Manager will focus on learning assessing duties with her responsibilities including part-time water and part-time assessing. The current Assessor Colombo's salary will be eliminated (\$29,000.00) in March/April. The current

FINANCE COMMITTEE 11-22-10

Deputy Assessor will be retiring in February. Colombo will assist to fill the position with a full-time Level 3 Assessor.

The Chair stated he would review the Monthly Financial Reports and bring any issues to the Committee.

#### **New Business**

 As a result of information received from the Detroit Water/Sewer Department at a meeting held with Administration today, the Treasurer/Comptroller requested a Committee-of-the-Whole meeting be scheduled on December 13, 2010, to discuss water, to enable Council to take action on a contract modification at their meeting on January 3, 2011.

Motion by McConaghy, seconded by Novitke, that tonight's meeting be adjourned at 11:27 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway City Clerk



## PLANNING COMMISSION 11/22/11 - EXCERPT

The next item on the agenda was a **Sign Appeal: Farm Bureau Insurance – Colleen Dyer Agency, 20879 Mack Ave.** Building Official Tutag provided an overview of the application, noting that if the sign were placed on the front of the building it would comply with the ordinance, administration recommends approval. Discussion ensued regarding the structure of the sign. Mark Gibson of Majestic Sign & Design, on behalf of Colleen Dyer, was present to answer questions.

Motion by Dickinson, seconded by Evola, regarding **Sign Appeal: Farm Bureau Insurance – Colleen Dyer Agency, 20879 Mack Ave**, that the Planning Commission, upon review of the signs, has determined that allowing an exception of the provisions of Chapter 32 of the City Code would be in the best interest of the city and not against the spirit and intent of Chapter 32, and recommend that the City Council approve the variance for the following reasons:

- The 25 square foot proposed sign on the north wall is within a reasonable scale to the 115 foot wall and other buildings;
- The north elevation of the building is adjacent to the parking lot giving the same view of the wall if the building were on the corner facing Ridgemont;
- The proposed sign is of a level necessary to identify the business and its product;
- This sign could be located on the front elevation, which is 20 feet in length as opposed to 115 feet without a variance.

## MOTION CARRIED by the following vote:

YES:

Dickinson, Evola, Gilezan Hamborsky, Richardson, Vaughn, Vitale

NO:

None

ABSENT:

Fuller

#### CHARLES T. BERSCHBACK

ATTORNEY AT LAW 24053 EAST JEFFERSON AVENUE ST. CLAIR SHORES, MICHIGAN 48080-1530

> (586) 777-0400 FAX (586) 777-0430 blbwiaw@yahoo.com

December 15, 2011

PECEIVED

DEC 1 5 2011

CITY OF GROSSE PTE. WOODS

Honorable Mayor and Council City of Grosse Pointe Woods 20025 Mack Plaza Grosse Pointe Woods, MI 48236

RE. Three Sign Appeals / 12.19.11 Agenda Items

Dear Honorable Mayor and Council:

You will be reviewing three sign Appeals based on recommendations from the Planning Commission. The applicable ordinance section is 32-32, which allows an appeal after review and recommendation from the Planning Commission. The Council may grant an "exception" to the Ordinance based on a finding that it "would be in the best interests of the City" and "not against the spirit and intent of this chapter". Keep in mind that we are dealing with Sign Ordinance Chapter 32, not a Zoning Chapter variance appeal. The issues of "hardship" and "practical difficulty" are not the technical applicable standards. The applicable standards to be used by the Council are "the best interest of the City" and whether approval would "not be against the spirit and intent of the chapter". The spirit and intent of the chapter can be gleaned from Section 32-1, which outlines the purpose and objectives of the Sign Chapter.

- 1. The recommendation for the Farm Bureau sign was a unanimous approval from the Planning Commission.
- 2. With respect to Telly's, the decision was not unanimous and was also conditioned on the following:
  - a. The wall color on the front of the building remains the same.
  - b. The signs remain un-illuminated.
  - c. The graphics and messaging on the signs remain the same.
- 3. The recommendation regarding The Little Blue Book was to not recommend the exception.

Under these circumstances, I think it is important to advise the Council as to some of the reasons why the Planning Commission recommended allowing Telly's to keep the signs while recommending that the two box signs above the bay windows at the Little Blue Book building be removed.

The minutes do not reflect the rationale for the decision but my notes reflect that the Planning Commission recognized that Telly's graphics on the front panels hid unsightly brick work where prior doors had been bricked up. The colors blended in with the existing facade and the signs were not illuminated.

With respect to the Little Blue Book, the applicant modified a portion of the original application so that the Tower Production sign and the Little Blue Book logo met the requirements of the ordinance. Accordingly, the Planning Commission's final recommendation dealt with the two signs above the bay windows. The prior owner had installed box signs above the bay window, which the Planning Commission felt distracted from the facade. It was pointed out that the requested signs could be decreased in size and hung on the inside of the window as a window sign, thereby still providing the desired messaging to the public.

I have attached the applicable sections from the Sign ordinance for your review. If you have any questions, please call.

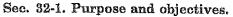
Very truly yours, Chip Bewelbuck

CHIP BERSCHBACK

CTB:nmg Enclosures

CC:

Al Fincham Don Berschback Gene Tutag



The purpose of this chapter is to create the legal framework for a comprehensive and balanced system of signage in the city to facilitate communication between people and their environment and to avoid the visual clutter that is potentially harmful to community appearance, traffic and pedestrian safety, property values and business opportunities. To achieve this purpose, this chapter has the following objectives:

- (1) Protect the aesthetic quality of the city.
- (2) Promote the appearance of an early American colonial motif within the commercial business district of the city.
- (3) Protect the general public from damage and injury caused by the distractions, hazards and obstructions caused by excessive signage.
- (4) Preserve the value of property by ensuring the compatibility of signage with surrounding land uses.
- (5) Keep signs within a reasonable scale with respect to the buildings to which they relate.
- (6) Prevent off-premises signs from conflicting with business, residential and public land uses.
- (7) Prevent the placement of signs in a manner, which will conceal or obscure other signs or adjacent businesses.
- (8) Keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products.
- (9) Prevent hazards due to collapse, fire, collision, decay or abandonment of signage.
- (10) Provide signage that will harmonize with the building upon which it is placed and the adjoining properties.

(Code 1997, § 62-1; Ord. No. 803, § 62-1, 2-28-2005)

#### Sec. 32-2. Scope of chapter.

(a) It shall be unlawful for any person to erect, construct or alter any sign in the city without complying with the provisions of this chapter. (b) Any sign already established on the effective date of the ordinance from which this chapter is derived, and which is rendered nonconforming by the provisions in this chapter, and any sign which is rendered nonconforming as a result of subsequent amendments to this chapter, shall be subject to the regulations concerning nonconforming structures and uses set forth in this chapter. (Code 1997, § 62-2; Ord. No. 803, § 62-2, 2-28-2005)

#### Sec. 32-3. Definitions.

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

Abandoned sign means any sign which, by reason of neglect, damage or deterioration, requires repair and the owner thereof fails, neglects or refuses to initiate refurbishment or repair to the sign within ten days after having received written notice so to do from the city or fails to complete such repair or refurbishment within 60 days from the receipt of such notice from the city.

Animated sign means a sign depicting the actual or apparent movement of any portion of a sign, and shall include replicas or statues of persons, animals and cartoon style characters, whether such statues contain or appear to contain moving parts or not.

Application means the paperwork necessary for the processing of the applicant's request including all requested information, photographs, drawings or renderings as detailed on the application form requested by the city and as amended by the city from time to time.

Area means the entire area within a rectangle, circle, triangle or parallelogram enclosing the extreme limits of writing or pictorial representation, emblem or any figure of similar character together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed, excluding the necessary supports or uprights on which such sign is



brand identification material is used on or is a part of the sign advertising price, such shall be considered the gasoline price sign.

Ground sign means a sign supported by one or more poles columns, uprights or braces or a solid base in or upon the ground, which are not part of a building.

Mansard facade means that portion of a building as described in diagram 62-3A (the triangle portion).

Marquee sign means a sign that is attached to a marquee.

Message units means a word, an abbreviation, a number containing up to ten digits, a symbol, a geometric shape or a person's or firm's initials containing up to 11 letters. Punctuation marks are not counted in computing the number of message units.

Michigan Building Code means the Michigan Building Code as published by the state as adopted and amended from time to time.

Moving message board means an electrical sign designed to exhibit a pattern of letters or numbers delivered in such fashion so as to appear to be moving lines or words of type.

Multitenant building means a building with multiple tenants or businesses, which share a common entrance.

Neon and neon type mean any arrangement of exposed and visible illuminated neon or neon type tubes, fiber optics, light emitting diodes or similar technology.

Noncombustible material means any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit during an exposure of five minutes and which will not continue to burn or glow at such temperature.

Nonconforming sign means any sign existing on and after the effective date of the ordinance from which this chapter is derived, which sign does not comply with one or more of the requirements for signs as contained in this chapter.

Open-face sign means a sign having a projected area exposed to wind loads consisting of less than 70 percent of the gross area of the sign as determined by the overall dimensions.

Parapet and parapet wall mean the part of any wall entirely above the roof.

Parapet panel sign means a closed-face sign mounted upon the parapet wall of a building.

Parapet skeleton sign means an open-face sign composed of individual letters, which are mounted upon the parapet wall of a building.

Plastic materials means those materials made wholly or principally from standardized plastics.

Pole sign means any sign placed on a pole (whether round, square of rectangular); which pole is placed into the ground.

Political sign means a sign announcing the candidacy of a person running for public office or issues to be voted upon at an election.

Portable sign means any sign or display board, searchlights, lighting panel or similar device mounted upon a trailer or upon its own frame and wheels and not being a ground sign as defined in this chapter.

Projecting encroaching sign means a projecting sign that projects beyond a private property line into and over/public property.

Projecting sign means a sign, other than a wall sign, suspended from or supported by a building or structure, or masonry or wooden posts or steel columns, and projecting therefrom.

Pylon sign means any sign placed on a stake or mast-like pole.

Roof sign means a sign erected over or on the roof of any building and wholly or partially dependent upon the roof of the building for support, or attached to the roof in any way.

Rotating sign means any sign or advertising device that rotates or gives the appearance or optical effect of rotating.

Sign means any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of

Telly's graphics =

CD32:5

others that is located on or attached to any premises, real property or structure on real property, or upon any vehicle.

Sign structure means a supporting structure erected, used or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied; provided, however, this definition shall not include a building, fence, wall or earthen berm.

Temporary sign means a sign, banner or other advertising device constructed of cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display including decorative displays for holidays or public demonstrations.

Time and temperature sign means any sign with numbers expressing the time and temperature and designed to reflect changes in such information.

Trailer sign means a sign with a display surface supported on a mobile chassis, other than a motor vehicle.

Valance means a loose nonstructural edging located around the bottom of an awning not exceeding 12 inches in height. This provision shall only apply to valances to which sign copy is applied.

Wall sign means a sign which is attached to, affixed to, placed upon or painted upon any exterior wall or surface of any building, building structure or part thereof, provided that no part of any such sign extends more than eight inches from the face of the exterior wall.

Window area means that portion of a transparent material (glass or other see-through material) on each elevation of a building. Window area includes doors of glass or see-through doors.

Window signage means any sign or message, including lighted signs, plastic, paper, cardboard or cloth signs or signs of similar material placed or installed on any window surface. Advertising messages visible through a window display the objective of which is to communicate with pedestrian or vehicular traffic will be considered a

window sign for purposes of this chapter. The term "window signage" includes, but is not limited to, hours of operation, directory signs, community signs and temporary signs.

Yard sale sign, basement sale sign, garage sale sign and rummage sale sign mean posters, signs and notices advertising a sale of personal property by private individuals conducted at residential premises.

(Code 1997, § 62-3; Ord. No. 803, § 62-3, 2-28-2005)

#### Sec. 32-4. Administration and enforcement.

- (a) Enforcement authority. Subject to applicable provisions of law and consistent with the delegation of power found in the Charter and applicable ordinances, the building official or the building official's duly authorized representative is hereby authorized and directed to enforce this chapter.
- (b) Right of entry. Upon presentation of proper credentials, the building official or the building official's duly authorized representative may at reasonable times enter any building, structure or premises in the city to perform any duty imposed upon such person by this chapter.
- (c) Interpretation. Subject to applicable provisions of law and consistent with the delegation of power found in the Charter and applicable ordinances, the building official and the planning commission, to the extent a matter is brought before the planning commission pursuant to this chapter, is hereby authorized to interpret the provisions of this chapter.
- (d) Establishment of permit fees. Fees for permits required by this chapter shall be established by resolution of council.
- (e) Permit generally alteration or relocation of signs.
  - (1) Permit required: issuance. No person shall erect, construct, alter, relocate or refurbish, or cause or permit to be erected, constructed, altered, relocated or refurbished, any sign in the city without first obtaining a permit from the division of safety inspection. A separate permit shall be required for each sign. Electrical signs

#### Sec. 32-30. Flags and flagpoles.

Flagpoles shall not be erected between the sidewalk and curbline of Mack Avenue nor within 20 feet of any property line if freestanding. Flags of any nature or design in excess of 120 square feet in size shall not be flown within the city. Flags of other than the United States of America, the state, county and city or Tree City USA shall not be flown within the city other than in residential zoning districts, unless a permit shall first have been obtained from the division of safety inspection. Permits may be obtained to fly flags of any nature for a period not to exceed 30 days. Not more than one such permit shall be issued to any business establishment within a 12-month period.

(Code 1997, § 62-31; Ord. No. 803, § 62-31, 2-28-2005)

#### Sec. 32-31. Awnings and canopies.

- (a) Awnings and canopies shall be made with cloth, canvas or vinyl, and may not be covered with metal or hard plastic materials.
- (b) Awnings and canopies shall be of city approved colors. Such colors shall be approved by resolution of the planning commission and samples shall be maintained by the building official and made available to all applicants seeking a permit to install an awning or canopy free of charge.
- (c) Striped awnings or canopies shall not be permitted or installed.
- (d) No advertising message or logo shall be permitted on the face of any awning or canopy.
- (e) No awning or canopy shall be backlighted with artificial lighting.
- (f) Advertising material may be contained on the valance of an awning or canopy. Such message shall not exceed the message unit limitations for such property. Letters or numbers on the valance shall be limited in height to eight inches.
- (g) All applications for a permit to install a new awning or canopy or to install exact replacement awnings or canopies shall be authorized by the building official, provided that such proposed installation meets the provisions of this chapter. (Code 1997, § 62-32; Ord. No. 803, § 62-32, 2-28-2005)

# Sec. 32-32. Appeal of denial of permit.

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission, which will provide a recommendation to the city council.

(Code 1997, § 62-33; Ord. No. 803, § 62-33, 2-28-2005)

#### Sec. 32-33. Electronic changeable copy signs.

- (a) Definition. An "electronic changeable copy sign" is defined as a sign upon which the copy changes automatically on a lamp bank and which sign meets the definition of a ground sign as contained in this chapter. Scoreboards used to keep track of scores during athletic events are exempt from this definition.
- (b) Standards. The following rules and regulations shall be applicable to electronic changeable copy signs notwithstanding any other rules or regulations contained in this chapter:
  - Such sign shall not produce blinking or animated messages.
  - (2) The changeable copy or message delivered by the sign shall not be changed more often than once in any eight-hour time period.
  - (3) Such sign shall be permitted to be installed only within a community facilities zoning district of the city, once application

Council Standard of review

#### CITY OF GROSSE POINTE WOODS

#### **BUILDING DEPARTMENT**

#### **MEMORANDUM**

TO:

Planning Commission

FROM:

Gene Tutag, Building Official

DATE:

November 16, 2011

SUBJECT:

Sign Variance for Farm Bureau Insurance, Colleen Dyer Agency

20879 Mack Avenue

An application to install a sign on the north wall of 20879 Mack Ave has been denied by the Building Department as the new sign is in violation of Chapter 32 as follows:

Section 32-13 - Wall signs

(f) Wall signs upon sides of building shall not exceed three feet in height or a maximum of 12 square feet in size.

The proposed LED illuminated wall sign contains 25 square feet in size. All other relevant requirements of the sign ordinance are met.

The owner of Farm Bureau Insurance, Colleen Dyer, is appealing the denial of the permit. As stated in Section 32-32, the Planning Commission in accordance with Section 32-35, will be reviewing the attached application for appeal and provide a recommendation to the City Council.

The City Council may grant an exception if there is a finding that the exception would be in the best interest of the city and that the exception would not be against the spirit and intent of the sign ordinance.

Section. 32-32 - Appeal of denial of permit

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission, which will provide a recommendation to the city council.

The spirit and intent of the sign ordinance is listed in the objectives found in section 32-1 as follows:

#### Section 32-1 – Purpose and objectives

The purpose of this chapter is to create the legal framework for a comprehensive and balanced system of signage in the city to facilitate communication between people and their environment and to avoid the visual clutter that is potentially harmful to community appearance, traffic and pedestrian safety, property values and business opportunities. To achieve this purpose, this chapter has the following objectives:

- (1) Protect the aesthetic quality of the city.
- (2) Promote the appearance of an early American colonial motif within the commercial business district of the city.
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- (10) Provide signage that will harmonize with the building upon which it is placed and the adjoining properties.

In reviewing the requested variance one needs to consider the size of the proposed sign in relation to the area and length (115 feet) of the wall to which it will be attached. This sign could be installed on the front elevation without a variance. The north elevation of the building is adjacent to the Ridgemont parking lot, so even though it is an interior lot has the same view as if the building fronted onto the street.

The installation of this sign and grant of the requested variance is consistent with the goals and objectives of Chapter 32 and approval is recommended:

- 1.) The proposed sign size of 25 square feet installed on the north wall which measures 115 feet in length is within a reasonable scale with respect to the buildings to which they relate.
- 2.) The north elevation of the building is adjacent to the open space of the Ridgemont parking lot giving the same view of the wall if the building were on the corner facing Ridgemont.
- 3.) The proposed sign is of a level necessary to identify the business and its product.
- 4.) This sign could be located on the front elevation which is much smaller 20 feet as opposed to 115 feet in length with out a variance.

# GROSSE POINTE WOODS SIGN PERMIT APPLICATION



Per Chapter 32 of the City's Sign Ordinance, provide two copies of actual color renditions (include photo of building w/sign imposed) to the Building Department. Show lettering font/s, cross cuts, sign and lettering dimensions, amperage being used, total square footage of sign, location of sign relative to the building it is being displayed on, trademark/logo information, and distance the sign will be from the building are required with this application. *NOTE: Property Owner's approval signature is required.

GPW Business Information:			
CONTACT PERSON:	Colleen Dver	PHONE:	313.884.2695
			E-MAIL:
cdyer@fbinsmi.com			
BUSINESS NAME:	Colleen Dyer Ager	ney	FAX:
BUSINESS ADDRESS: 2	20879 ————————————————————————————————————	Ave	
*RROPERTY OWNER'S APPI		Mag Tel	Tim L
Property Owner NAME (please print	77 -		er SIGNATURE
Troporty Owner Marie (picase print)	,	rroperty Own	er SIGNATURE
Sign Company Information:			
NAME/CONTACT:Ma	E-MAIL:	PHONE: 586.4	13.0213
mgibson@majesticsignmi.o	com		
CONTACT NAME:	Mark Gibson		FAX:
ADDRESS:32432 Dequind Sign Description:	re Warren, mi 48092_		_ LICENSE #:
TYPE: Dimensiona	al Plastic lett	ers	
BUILDING WIDTH:	SIGN D	IMENSIONS: 2	27" x 138"=25sq.ft
MATERIAL IN FACE OF SIG		ic letters	FARM Bureau
COLOR COMBINATIONS: BI	ack,Red	A	
SINGLE FACE: [X] DOUBLE	E FACE: [ ] FONT	T STYLE: AI	Tal, (Eximers Logo)
ILLUMINATION: INTERIOR	E [] EXTERIOR [	X FONT COL	OR/S: Black
NUMBER OF MESSAGE UNI			FONT: 3.5" - 8.75"
Applicant's Name & Signature:	Colleen I.	Dyer Col	lead Of
Descional Law ////tox		· · · · · · · · · · · · · · · · · · ·	771

Colleen Dyer, Agent

20879 Mack Avenue Grosse Pointe Woods, MI 48236

PHONE: 313-884-2695 FAX: 313-884-2685

WWW.COLLEENDYERAGENCY.COM

November 18, 2011

# City of Grosse Pointe Woods Planning Commision

I am requesting a variance and approval from the Planning Commission regarding the sign for my business. Farm Bureau Insurance, Colleen Dyer Agency, located at 20879 Mack Avenue, Grosse Pointe Woods.

The reason for the request is due to the exposure on the building as well as the size of the sign. The size allowable on the front of the building is different than the side. This building has a very large side exposure and the size allowable is small and a sign that size would look out of place, as well as it's more accessible and easy to see for my existing clients as well as future clients.

The company that I have hired Majestic Signs explains below.

If you reference than attached layout/photo of her proposed sign you'll note that the font stroke of many of the letters of the logo are just too narrow to go the size the city permits and still allow an LED light module to be mounted within the narrow channel of the letter housing of those letters. For instance, please refer to the "right arm" of the letter "U" in the word "insurance". That right arm is just too narrow at the size the city will permit for the north size of the building to fit any sort of available LED light to be mounted in that space. The same holds true for the left arms of the letter "A" found 3 times throughout the logo...

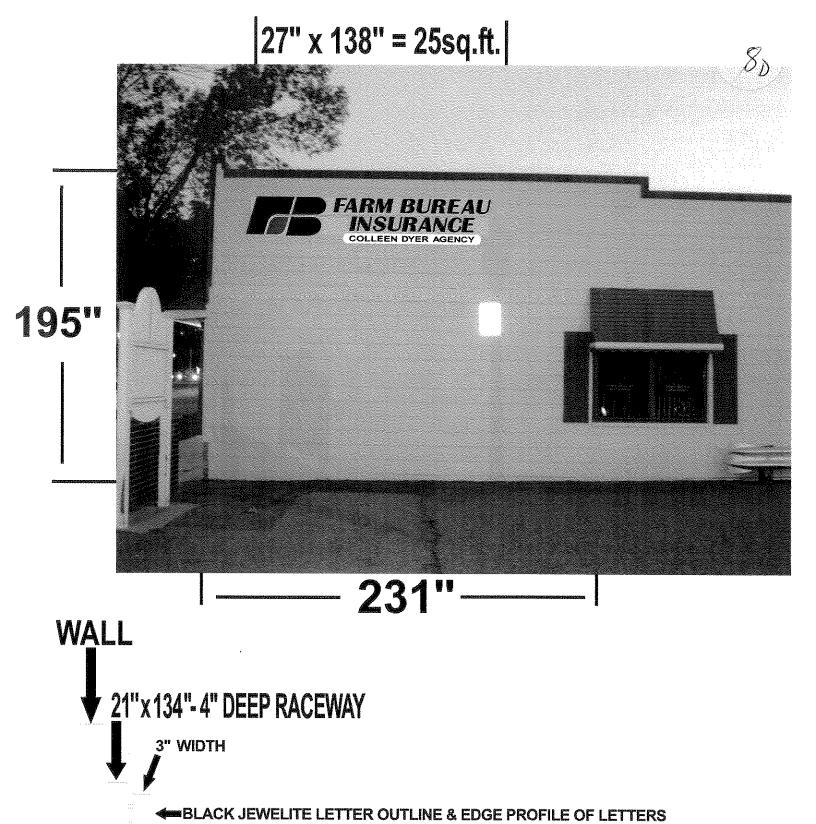
As you know, without a light installed throughout each portion of the letters of the sign, the sign would only partially light up at night creating dark shadows and appear dingy. Therefore the sign would be less effective than Colleen needs for her business. Plus it would distract rather than enhance the cohesive look of the city's existing businesses and not complement the image the city is trying to maintain for itself.

I am very committed to this location and to the City of Grosse Pointe Woods, and respectfully request approval.

Thank ;you,

Colleen I. Dyer, President

Colleen Dyer Agency







.75" GAP

EGV 18 2011

FILE WOODS

GRANGE DEPT.





#### PLANNING COMMISSION 11/22/11 - EXCERPT

The first item on the agenda was a **Sign Appeal: Telly's Place, 20791 Mack Ave.** Building Official Tutag provided an overview of the application, noting that due to the number of factors that do not comply with the ordinance, administration does not recommend approval. Discussion ensued regarding the aesthetics of the proposal. Evans Telegadas, owner, was present to answer questions.

Motion by Dickinson, seconded by Evola, regarding **Sign Appeal: Telly's Place, 20791 Mack Ave**, that the Planning Commission, upon review of the signs, has determined that allowing an exception of the provisions of Chapter 32 of the City Code would be in the best interest of the city and not against the spirit and intent of Chapter 32, and recommend that the City Council approve the variance request with the following provisions:

- the wall color on the front of the building remain the same;
- the signs remain unilluminated.

A substitute motion was proposed to include an additional provision.

Substitute motion by Evola, seconded by Vitale, regarding **Sign Appeal: Telly's Place, 20791 Mack Ave**, that the Planning Commission, upon review of the signs, has determined that allowing an exception of the provisions of Chapter 32 of the City Code would be in the best interest of the city and not against the spirit and intent of Chapter 32, and recommend that the City Council approve the variance request with the following provisions:

- the wall color on the front of the building remain the same;
- the signs remain unilluminated; and
- the graphics and messaging on the signs remain the same.

#### MOTION CARRIED by the following vote:

YES:

Dickinson, Evola, Hamborsky, Richardson, Vaughn, Vitale

NO:

Gilezan

ABSENT:

Fuller

#### CHARLES T. BERSCHBACK

ATTORNEY AT LAW

24053 EAST JEFFERSON AVENUE

ST. CLAIR SHORES, MICHIGAN 48080-1530

(586) 777-0400 FAX (586) 777-0430 blbwlaw@yahoo.com

December 15, 2011

PEC 1 5 2011

CITY OF GROSSE PTE. WOODS

Honorable Mayor and Council City of Grosse Pointe Woods 20025 Mack Plaza Grosse Pointe Woods, MI 48236

RE. Three Sign Appeals / 12.19.11 Agenda Items

Dear Honorable Mayor and Council:

You will be reviewing three sign Appeals based on recommendations from the Planning Commission. The applicable ordinance section is 32-32, which allows an appeal after review and recommendation from the Planning Commission. The Council may grant an "exception" to the Ordinance based on a finding that it "would be in the best interests of the City" and "not against the spirit and intent of this chapter". Keep in mind that we are dealing with Sign Ordinance Chapter 32, not a Zoning Chapter variance appeal. The issues of "hardship" and "practical difficulty" are not the technical applicable standards. The applicable standards to be used by the Council are "the best interest of the City" and whether approval would "not be against the spirit and intent of the chapter". The spirit and intent of the chapter can be gleaned from Section 32-1, which outlines the purpose and objectives of the Sign Chapter.

- 1. The recommendation for the Farm Bureau sign was a unanimous approval from the Planning Commission.
- 2. With respect to Telly's, the decision was not unanimous and was also conditioned on the following:
  - a. The wall color on the front of the building remains the same.
  - b. The signs remain un-illuminated.
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- 3. The recommendation regarding The Little Blue Book was to not recommend the exception.

Under these circumstances, I think it is important to advise the Council as to some of the reasons why the Planning Commission recommended allowing Telly's to keep the signs while recommending that the two box signs above the bay windows at the Little Blue Book building be removed.

The minutes do not reflect the rationale for the decision but my notes reflect that the Planning Commission recognized that Telly's graphics on the front panels hid unsightly brick work where prior doors had been bricked up. The colors blended in with the existing facade and the signs were not illuminated.

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I have attached the applicable sections from the Sign ordinance for your review. If you have any questions, please call.

Very truly yours,

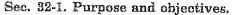
Chip Beischbuch

CHIP BERSCHBACK

CTB:nmg Enclosures

cc:

Al Fincham
Don Berschback
Gene Tutag



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(Code 1997, § 62-1; Ord. No. 803, § 62-1, 2-28-2005)

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brand identification material is used on or is a part of the sign advertising price, such shall be considered the gasoline price sign.

Ground sign means a sign supported by one or more poles, columns, uprights or braces or a solid base in or upon the ground, which are not part of a building.

Mansard facade means that portion of a building as described in diagram 62-3A (the triangle portion).

Marquee sign means a sign that is attached to a marquee.

Message units means a word, an abbreviation, a number containing up to ten digits, a symbol, a geometric shape or a person's or firm's initials containing up to 11 letters. Punctuation marks are not counted in computing the number of message units.

Michigan Building Code means the Michigan Building Code as published by the state as adopted and amended from time to time.

Moving message board means an electrical sign designed to exhibit a pattern of letters or numbers delivered in such fashion so as to appear to be moving lines or words of type.

Multitenant building means a building with multiple tenants or businesses, which share a common entrance.

Neon and neon type mean any arrangement of exposed and visible illuminated neon or neon type tubes, fiber optics, light emitting diodes or similar technology.

Noncombustible material means any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit during an exposure of five minutes and which will not continue to burn or glow at such temperature.

Nonconforming sign means any sign existing on and after the effective date of the ordinance from which this chapter is derived, which sign does not comply with one or more of the requirements for signs as contained in this chapter.

Open-face sign means a sign having a projected area exposed to wind loads consisting of less than 70 percent of the gross area of the sign as determined by the overall dimensions.

Parapet and parapet wall mean the part of any wall entirely above the roof.

Parapet panel sign means a closed-face sign mounted upon the parapet wall of a building.

Parapet skeleton sign means an open-face sign composed of individual letters, which are mounted upon the parapet wall of a building.

Plastic materials means those materials made wholly or principally from standardized plastics.

Pole sign means any sign placed on a pole (whether round, square of rectangular); which pole is placed into the ground.

Political sign means a sign announcing the candidacy of a person running for public office or issues to be voted upon at an election.

Portable sign means any sign or display board, searchlights, lighting panel or similar device mounted upon a trailer or upon its own frame and wheels and not being a ground sign as defined in this chapter.

Projecting encroaching sign means a projecting sign that projects beyond a private property line into and over/public property.

Projecting sign means a sign, other than a wall sign, suspended from or supported by a building or structure, or masonry or wooden posts or steel columns, and projecting therefrom.

Pylon sign means any sign placed on a stake or mast-like pole.

Roof/sign means a sign erected over or on the roof of any building and wholly or partially dependent upon the roof of the building for support, or attached to the roof in any way.

Rotating sign means any sign or advertising device that rotates or gives the appearance or optical effect of rotating.

Sign means any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of

CD32:5 Telly's graphics =

others that is located on or attached to any premises, real property or structure on real property, or upon any vehicle.

Sign structure means a supporting structure erected, used or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied; provided, however, this definition shall not include a building, fence, wall or earthen berm.

Temporary sign means a sign, banner or other advertising device constructed of cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display including decorative displays for holidays or public demonstrations.

Time and temperature sign means any sign with numbers expressing the time and temperature and designed to reflect changes in such information.

Trailer sign means a sign with a display surface supported on a mobile chassis, other than a motor vehicle.

Valance means a loose nonstructural edging located around the bottom of an awning not exceeding 12 inches in height. This provision shall only apply to valances to which sign copy is applied.

Wall sign means a sign which is attached to, affixed to, placed upon or painted upon any exterior wall or surface of any building, building structure or part thereof, provided that no part of any such sign extends more than eight inches from the face of the exterior wall.

Window area means that portion of a transparent material (glass or other see-through material) on each elevation of a building. Window area includes doors of glass or see-through doors.

Window signage means any sign or message, including lighted signs, plastic, paper, cardboard or cloth signs or signs of similar material placed or installed on any window surface. Advertising messages visible through a window display the objective of which is to communicate with pedestrian or vehicular traffic will be considered a

window sign for purposes of this chapter. The term "window signage" includes, but is not limited to, hours of operation, directory signs, community signs and temporary signs.

Yard sale sign, basement sale sign, garage sale sign and rummage sale sign mean posters, signs and notices advertising a sale of personal property by private individuals conducted at residential premises.

(Code 1997, § 62-3; Ord. No. 803, § 62-3, 2-28-2005)

# Sec. 32-4. Administration and enforcement.

- (a) Enforcement authority. Subject to applicable provisions of law and consistent with the delegation of power found in the Charter and applicable ordinances, the building official or the building official's duly authorized representative is hereby authorized and directed to enforce this chapter.
- (b) Right of entry. Upon presentation of proper credentials, the building official or the building official's duly authorized representative may at reasonable times enter any building, structure or premises in the city to perform any duty imposed upon such person by this chapter.
- (c) Interpretation. Subject to applicable provisions of law and consistent with the delegation of power found in the Charter and applicable ordinances, the building official and the planning commission, to the extent a matter is brought before the planning commission pursuant to this chapter, is hereby authorized to interpret the provisions of this chapter.
- (d) Establishment of permit fees. Fees for permits required by this chapter shall be established by resolution of council.
- (e) Permit generally alteration or relocation of signs.
  - (1) Permit required; issuance. No person shall erect, construct, alter, relocate or refurbish, or cause or permit to be erected, constructed, altered, relocated or refurbished, any sign in the city without first obtaining a permit from the division of safety inspection. A separate permit shall be required for each sign. Electrical signs

### Sec. 32-30. Flags and flagpoles.

Flagpoles shall not be erected between the sidewalk and curbline of Mack Avenue nor within 20 feet of any property line if freestanding. Flags of any nature or design in excess of 120 square feet in size shall not be flown within the city. Flags of other than the United States of America, the state, county and city or Tree City USA shall not be flown within the city other than in residential zoning districts, unless a permit shall first have been obtained from the division of safety inspection. Permits may be obtained to fly flags of any nature for a period not to exceed 30 days. Not more than one such permit shall be issued to any business establishment within a 12-month period.

(Code 1997, § 62-31; Ord. No. 803, § 62-31, 2-28-2005)

## Sec. 32-31. Awnings and canopies.

- (a) Awnings and canopies shall be made with cloth, canvas or vinyl, and may not be covered with metal or hard plastic materials.
- (b) Awnings and canopies shall be of city approved colors. Such colors shall be approved by resolution of the planning commission and samples shall be maintained by the building official and made available to all applicants seeking a permit to install an awning or canopy free of charge.
- (c) Striped awnings or canopies shall not be permitted or installed.
- (d) No advertising message or logo shall be permitted on the face of any awning or canopy.
- (e) No awning or canopy shall be backlighted with artificial lighting.
- (f) Advertising material may be contained on the valance of an awning or canopy. Such message shall not exceed the message unit limitations for such property. Letters or numbers on the valance shall be limited in height to eight inches.
- (g) All applications for a permit to install a new awning or canopy or to install exact replacement awnings or canopies shall be authorized by the building official, provided that such proposed installation meets the provisions of this chapter. (Code 1997, § 62-32; Ord. No. 803, § 62-32, 2-28-2005)

# Sec. 32-32. Appeal of denial of permit.

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission, which will provide a recommendation to the city council.

(Code 1997, § 62-33; Ord. No. 803, § 62-33, 2-28-2005)

# Sec. 32-33. Electronic changeable copy signs.

- (a) Definition. An "electronic changeable copy sign" is defined as a sign upon which the copy changes automatically on a lamp bank and which sign meets the definition of a ground sign as contained in this chapter. Scoreboards used to keep track of scores during athletic events are exempt from this definition.
- (b) Standards. The following rules and regulations shall be applicable to electronic changeable copy signs notwithstanding any other rules or regulations contained in this chapter:
  - Such sign shall not produce blinking or animated messages.
  - (2) The changeable copy or message delivered by the sign shall not be changed more often than once in any eight-hour time period.
  - (3) Such sign shall be permitted to be installed only within a community facilities zoning district of the city, once application



#### CITY OF GROSSE POINTE WOODS

#### **BUILDING DEPARTMENT**

#### **MEMORANDUM**

TO:

**Planning Commission** 

FROM:

Gene Tutag, Building Official 67

DATE:

November 16, 2011

SUBJECT:

Sign Variance for Telly's Place, 20791 Mack Avenue

Two wall signs were installed at Telly's Place, 20791 Mack Avenue, without the required permits. The owner was notified; an application was submitted and subsequently denied by the Building Department as the new signs are in violation of Chapter 32 as follows:

Section 32-17 - Combination of signs

- (a) A building shall be limited to a maximum of two signs from the following classifications:
  - (1) Wall sign.
  - (2) Ground and pole sign.
  - (3) Pylon sign.

One wall sign is currently on the front and one on the Hawthorne side of the building. The installation of these two additional wall signs on the Mack Ave elevation of the building brings the total number of wall signs to 4, as stated above two wall signs are permitted.

Section 32-13 - Wall signs

(c) Wall signs upon building fronts containing up to 40 feet of building frontage shall not exceed three feet in height or a maximum of 30 square feet in size.

The proposed wall signs are 5' 6" in height.

The owner of Telly's Place, Evans Telegadas, is appealing the denial of the permit. As stated in Section 32-32, the Planning Commission in accordance with Section 35-35, will be reviewing the attached application for appeal and provide a recommendation to the City Council.

The City Council may grant an exception if there is a finding that the exception would be in the best interest of the city and that the exception would not be against the spirit and intent of the sign ordinance.

#### Section. 32-32 – Appeal of denial of permit

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission, which will provide a recommendation to the city council.

The spirit and intent of the sign ordinance is listed in the objectives found in section 32-1 as follows:

#### Section 32-1 – Purpose and objectives

The purpose of this chapter is to create the legal framework for a comprehensive and balanced system of signage in the city to facilitate communication between people and their environment and to avoid the visual clutter that is potentially harmful to community appearance, traffic and pedestrian safety, property values and business opportunities. To achieve this purpose, this chapter has the following objectives:

- (1) Protect the aesthetic quality of the city.
- (2) Promote the appearance of an early American colonial motif within the commercial business district of the city.
- (3) Protect the general public from damage and injury caused by the distractions, hazards and obstructions caused by excessive signage.
- (4) Preserve the value of property by ensuring the compatibility of signage with surrounding land uses.
- (5) Keep signs within a reasonable scale with respect to the buildings to which they relate.
- (6) Prevent off-premises signs from conflicting with business, residential and public land uses.
- (7) Prevent the placement of signs in a manner, which will conceal or obscure other signs or adjacent businesses.
- (8) Keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products.
- (9) Prevent hazards due to collapse, fire, collision, decay or abandonment of signage.
- (10) Provide signage that will harmonize with the building upon which it is placed and the adjoining properties.

The signs that the applicant has installed without permit would be considered by some to be tastefully done and blend into the building, the grant of a variance is not recommended:

- 1) The signs exceed the level of the number of allowed signs by 100%.
- 2) The height of the signs exceeds the allowable height by 83%
- 3) The wall the signs are installed on is not of great length nor height that they exceed a reasonable scale with respect to their buildings to which they relate.
- 4) The signs were installed without city approval or permit.
- 5) The signs can be relocated to the interior of the building.



# received

# GROSSE POINTE WOODS SIGN PERMIT APPLICATION

JUL 252011

CITY OF GRUSSE PTE. WOODS

Per Chapter 32 of the City's Sign Ordinance, provide two copies of actual color rendered and include photo of building w/sign imposed) to the Building Department. Show lettering font/s, cross cuts, sign and lettering dimensions, amperage being used, total square footage of sign, location of sign relative to the building it is being displayed on, trademark/logo information, and distance the sign will be from the building are required with this application. *NOTE: Property Owner's approval signature is required.

building are required with this application. *NOTE: Property Owner's approval signature is required.
GPW Business Information:
CONTACT PERSON: EVANS TELEGADAS PHONE: 3/3-478-4539
BUSINESS NAME: TELLY'S PLACE INC. E-MAIL:  FAX: 3/3-88/-348/
BUSINESS ADDRESS: 20791 MACK AUE
*PROPERTY OWNER'S APPROVAL:
EVANS TELECADAS Property Owner NAME (please print)  EVANS TELECADAS Property Owner SIGNATURE
Sign Company Information:
NAME/CONTACT: CITY GRAPHICS PHONE: 586-293-8066
NAME/CONTACT: <u>C17Y GRAPHICS</u> PHONE: <u>586-293-8066</u> E-MAIL: FAX: <u>586-293-66</u> 34
ADDRESS: 16585 13 MILE R.D. FRASER LICENSE #:
Sign Description:
TYPE: 1/4" ACRYCIC MOGNIED TO BUILDING
TYPE: 4" ACRYLIC MOUNTED TO BUILDING  BUILDING WIDTH: 40" SIGN DIMENSIONS: 25/625 - 5x6-4x6
MATERIAL IN FACE OF SIGN: BLACK ACRYLIC
COLOR COMBINATIONS: BLACK & CHAMPAGNS
SINGLE FACE: [ ] FONT STYLE:
ILLUMINATION: INTERIOR [] EXTERIOR [] FONT COLOR/S: NONE
NUMBER OF MESSAGE UNITS: HEIGHT OF FONT:
Applicant's Name & Signature: Lange Heligardin
Received by: Date:
APPROVED BY: Date:
Building Official (313-343-2426)
2 WALLSISNS INS ALIED W/O DETMIT
ENIED 32-4 Variance Application Fee - 8150 - Please see Section #32-82 Appeals 2 WALL SISNS INS ALLED W/O DEMIT 2-17-4 WALL SISNS OBO ALLOWS MAY OF 2

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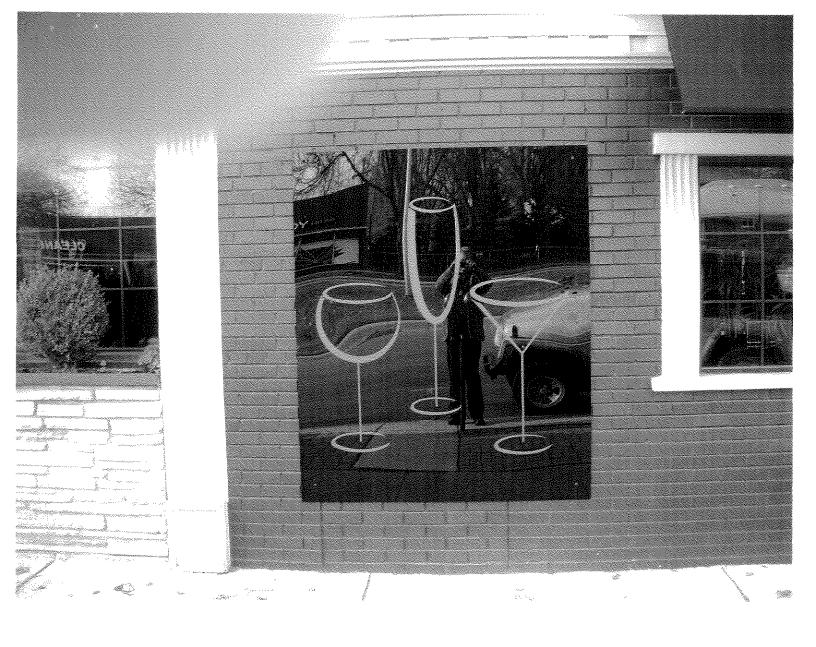
AUG 09 2011 CITY OF GRUSSE PTE. WOODS BUILDING DEPT.

# To the Planning Commission:

Telly's Place is requesting a variance concerning the two etchings I that were installed on the front well of the building. They were designed to cover over two doorways that had been bricked in years ago. The building is 70 years old and you could see the outline of the two old doorways because the bricks did not line up. So for cosmetic reasons the etchings were designed to hide the imperfection. We have received many compliments from our customers on the new look and we believe they are tastefully done and blend into the building.

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#### PLANNING COMMISSION 12/13/11 - EXCERPT

The first item on the agenda was a **Sign Appeal: Blue Book/Towar Productions, 19803 Mack Ave.** Building Official Tutag provided an overview of the application, noting that the number signs requested and height of the logo sign do not comply with the ordinance, administration does not recommend approval. Discussion ensued regarding alternate options that would be in compliance with the ordinance. Jeri Unger, representative of The Blue Book, and Dave Embree, of Embree Sign Co, were present to answer questions.

Motion by Hamborsky, seconded by Fuller, regarding **Sign Appeal: Blue Book/Towar Productions, 19803 Mack Ave**, that the Planning Commission, upon review of the proposed signs, recommends that City Council approve the four (4) inch variance for the logo sign, allowing this exception would be in the best interest of the city and not against the spirit and intent of Chapter 32, conversely, the Planning Commission recommends that City Council deny the variance request to have four (4) signs on the building, this exception of the provision of Chapter 32 of the City Code would not be in the best interest of the city and would be against the spirit and intent of Chapter 32.

The applicants agreed to reduce the size of the logo sign by four (4) inches, thereby coming into compliance with the ordinance.

Motion by Hamborsky, seconded by Fuller, to amend the previous motion to state, regarding **Sign Appeal:** Blue Book/Towar Productions, 19803 Mack Ave, the Planning Commission, upon review of the proposed signs, recommends that City Council deny the variance request to have four (4) signs on the building, this exception of the provision of Chapter 32 of the City Code would not be in the best interest of the city and would be against the spirit and intent of Chapter 32.

MOTION CARRIED by the following vote:

YES:

Dickinson, Fuller, Gilezan, Hamborsky, Vaughn, Vitale

NO:

None

ABSENT:

Evola, Richardson

Motion by Gilezan, seconded by Fuller, that the Planning Commission immediately certify the previous motion.

MOTION CARRIED by the following vote:

YES:

Dickinson, Fuller, Gilezan, Hamborsky, Vaughn, Vitale

NO:

None

ABSENT:

Evola, Richardson

#### CHARLES T. BERSCHBACK

ATTORNEY AT LAW
24053 EAST JEFFERSON AVENUE
ST. CLAIR SHORES, MICHIGAN 48080-1530

(586) 777-0400 FAX (586) 777-0430 blbwlaw@yahoo.com

December 15, 2011

DON R. BERSCHBACK
OF COUNSEL

OF COUNSEL

DEC 1 5 2011

Honorable Mayor and Council City of Grosse Pointe Woods 20025 Mack Plaza Grosse Pointe Woods, MI 48236

CITY OF GROSSE PTE. WOODS

RE. Three Sign Appeals / 12.19.11 Agenda Items

Dear Honorable Mayor and Council:

You will be reviewing three sign Appeals based on recommendations from the Planning Commission. The applicable ordinance section is 32-32, which allows an appeal after review and recommendation from the Planning Commission. The Council may grant an "exception" to the Ordinance based on a finding that it "would be in the best interests of the City" and "not against the spirit and intent of this chapter". Keep in mind that we are dealing with Sign Ordinance Chapter 32, not a Zoning Chapter variance appeal. The issues of "hardship" and "practical difficulty" are not the technical applicable standards. The applicable standards to be used by the Council are "the best interest of the City" and whether approval would "not be against the spirit and intent of the chapter". The spirit and intent of the chapter can be gleaned from Section 32-1, which outlines the purpose and objectives of the Sign Chapter.

- 1. The recommendation for the Farm Bureau sign was a unanimous approval from the Planning Commission.
- 2. With respect to Telly's, the decision was not unanimous and was also conditioned on the following:
  - a. The wall color on the front of the building remains the same.
  - b. The signs remain un-illuminated.
  - c. The graphics and messaging on the signs remain the same.
- 3. The recommendation regarding The Little Blue Book was to not recommend the exception.

Under these circumstances, I think it is important to advise the Council as to some of the reasons why the Planning Commission recommended allowing Telly's to keep the signs while recommending that the two box signs above the bay windows at the Little Blue Book building be removed.

The minutes do not reflect the rationale for the decision but my notes reflect that the Planning Commission recognized that Telly's graphics on the front panels hid unsightly brick work where prior doors had been bricked up. The colors blended in with the existing facade and the signs were not illuminated.

With respect to the Little Blue Book, the applicant modified a portion of the original application so that the Tower Production sign and the Little Blue Book logo met the requirements of the ordinance. Accordingly, the Planning Commission's final recommendation dealt with the two signs above the bay windows. The prior owner had installed box signs above the bay window, which the Planning Commission felt distracted from the facade. It was pointed out that the requested signs could be decreased in size and hung on the inside of the window as a window sign, thereby still providing the desired messaging to the public.

I have attached the applicable sections from the Sign ordinance for your review. If you have any questions, please call.

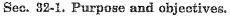
Very truly yours,
Chip Beischbuch

CHIP BERSCHBACK

CTB:nmg Enclosures

cc:

Al Fincham Don Berschback Gene Tutag



The purpose of this chapter is to create the legal framework for a comprehensive and balanced system of signage in the city to facilitate communication between people and their environment and to avoid the visual clutter that is potentially harmful to community appearance, traffic and pedestrian safety, property values and business opportunities. To achieve this purpose, this chapter has the following objectives:

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- (5) Keep signs within a reasonable scale with respect to the buildings to which they relate.
- (6) Prevent off-premises signs from conflicting with business, residential and public land uses.
- (7) Prevent the placement of signs in a manner, which will conceal or obscure other signs or adjacent businesses.
- (8) Keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products.
- (9) Prevent hazards due to collapse, fire, collision, decay or abandonment of signage.
- (10) Provide signage that will harmonize with the building upon which it is placed and the adjoining properties.

(Code 1997, § 62-1; Ord. No. 803, § 62-1, 2-28-2005)

#### Sec. 32-2. Scope of chapter.

(a) It shall be unlawful for any person to erect, construct or alter any sign in the city without complying with the provisions of this chapter. (b) Any sign already established on the effective date of the ordinance from which this chapter is derived, and which is rendered nonconforming by the provisions in this chapter, and any sign which is rendered nonconforming as a result of subsequent amendments to this chapter, shall be subject to the regulations concerning nonconforming structures and uses set forth in this chapter. (Code 1997, § 62-2; Ord. No. 803, § 62-2, 2-28-2005)

#### Sec. 32-3. Definitions.

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

Abandoned sign means any sign which, by reason of neglect, damage or deterioration, requires repair and the owner thereof fails, neglects or refuses to initiate refurbishment or repair to the sign within ten days after having received written notice so to do from the city or fails to complete such repair or refurbishment within 60 days from the receipt of such notice from the city.

Animated sign means a sign depicting the actual or apparent movement of any portion of a sign, and shall include replicas or statues of persons, animals and cartoon style characters, whether such statues contain or appear to contain moving parts or not.

Application means the paperwork necessary for the processing of the applicant's request including all requested information, photographs, drawings or renderings as detailed on the application form requested by the city and as amended by the city from time to time.

Area means the entire area within a rectangle, circle, triangle or parallelogram enclosing the extreme limits of writing or pictorial representation, emblem or any figure of similar character together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed, excluding the necessary supports or uprights on which such sign is

brand identification material is used on or is a part of the sign advertising price, such shall be considered the gasoline price sign.

Ground sign means a sign supported by one or more poles, columns, uprights or braces or a solid base in or upon the ground, which are not part of a building.

Mansard facade means that portion of a building as described in diagram 62-3A (the triangle portion).

Marquee sign means a sign that is attached to a marquee.

Message units means a word, an abbreviation, a number containing up to ten digits, a symbol, a geometric shape or a person's or firm's initials containing up to 11 letters. Punctuation marks are not counted in computing the number of message units.

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Moving message board means an electrical sign designed to exhibit a pattern of letters or numbers delivered in such fashion so as to appear to be moving lines or words of type.

Multitenant building means a building with multiple tenants or businesses, which share a common entrance.

Neon and neon type mean any arrangement of exposed and visible illuminated neon or neon type tubes, fiber optics, light emitting diodes or similar technology.

Noncombustible material means any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit during an exposure of five minutes and which will not continue to burn or glow at such temperature.

Nonconforming sign means any sign existing on and after the effective date of the ordinance from which this chapter is derived, which sign does not comply with one or more of the requirements for signs as contained in this chapter.

Open-face sign means a sign having a projected area exposed to wind loads consisting of less than 70 percent of the gross area of the sign as determined by the overall dimensions.

Parapet and parapet wall mean the part of any wall entirely above the roof.

Parapet panel sign means a closed-face sign mounted upon the parapet wall of a building.

Parapet skeleton sign means an open-face sign composed of individual letters, which are mounted upon the parapet wall of a building.

Plastic materials means those materials made wholly or principally from standardized plastics.

Pole sign means any sign placed on a pole (whether round, square of rectangular); which pole is placed into the ground.

Political sign means a sign announcing the candidacy of a person running for public office or issues to be voted upon at an election.

Portable sign means any sign or display board, searchlights, lighting panel or similar device mounted upon a trailer or upon its own frame and wheels and not being a ground sign as defined in this chapter.

Projecting encroaching sign means a projecting sign that projects beyond a private property line into and over/public property.

Projecting sign means a sign, other than a wall sign, suspended from or supported by a building or structure, or masonry or wooden posts or steel columns, and projecting therefrom.

Pylon sign means any sign placed on a stake or mast-like pole.

Roof/sign means a sign erected over or on the roof of any building and wholly or partially dependent upon the roof of the building for support, or attached to the roof in any way.

Rotating sign means any sign or advertising device that rotates or gives the appearance or optical effect of rotating.

Sign means any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of

Telly's graphics =

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others that is located on or attached to any premises, real property or structure on real property, or upon any vehicle.

Sign structure means a supporting structure erected, used or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied; provided, however, this definition shall not include a building, fence, wall or earthen berm.

Temporary sign means a sign, banner or other advertising device constructed of cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display including decorative displays for holidays or public demonstrations.

Time and temperature sign means any sign with numbers expressing the time and temperature and designed to reflect changes in such information.

Trailer sign means a sign with a display surface supported on a mobile chassis, other than a motor vehicle.

Valance means a loose nonstructural edging located around the bottom of an awning not exceeding 12 inches in height. This provision shall only apply to valances to which sign copy is applied.

Wall sign means a sign which is attached to, affixed to, placed upon or painted upon any exterior wall or surface of any building, building structure or part thereof, provided that no part of any such sign extends more than eight inches from the face of the exterior wall.

Window area means that portion of a transparent material (glass or other see-through material) on each elevation of a building. Window area includes doors of glass or see-through doors.

Window signage means any sign or message, including lighted signs, plastic, paper, cardboard or cloth signs or signs of similar material placed or installed on any window surface. Advertising messages visible through a window display the objective of which is to communicate with pedestrian or vehicular traffic will be considered a

window sign for purposes of this chapter. The term "window signage" includes, but is not limited to, hours of operation, directory signs, community signs and temporary signs.

Yard sale sign, basement sale sign, garage sale sign and rummage sale sign mean posters, signs and notices advertising a sale of personal property by private individuals conducted at residential premises.

(Code 1997, § 62-3; Ord. No. 803, § 62-3, 2-28-2005)

#### Sec. 32-4. Administration and enforcement.

- (a) Enforcement authority. Subject to applicable provisions of law and consistent with the delegation of power found in the Charter and applicable ordinances, the building official or the building official's duly authorized representative is hereby authorized and directed to enforce this chapter.
- (b) Right of entry. Upon presentation of proper credentials, the building official or the building official's duly authorized representative may at reasonable times enter any building, structure or premises in the city to perform any duty imposed upon such person by this chapter.
- (c) Interpretation. Subject to applicable provisions of law and consistent with the delegation of power found in the Charter and applicable ordinances, the building official and the planning commission, to the extent a matter is brought before the planning commission pursuant to this chapter, is hereby authorized to interpret the provisions of this chapter.
- (d) Establishment of permit fees. Fees for permits required by this chapter shall be established by resolution of council.
- (e) Permit generally alteration or relocation of signs.
  - (1) Permit required; issuance. No person shall erect, construct, alter, relocate or refurbish, or cause or permit to be erected, constructed, altered, relocated or refurbished, any sign in the city without first obtaining a permit from the division of safety inspection. A separate permit shall be required for each sign. Electrical signs

#### Sec. 32-30. Flags and flagpoles.

Flagpoles shall not be erected between the sidewalk and curbline of Mack Avenue nor within 20 feet of any property line if freestanding. Flags of any nature or design in excess of 120 square feet in size shall not be flown within the city. Flags of other than the United States of America, the state, county and city or Tree City USA shall not be flown within the city other than in residential zoning districts, unless a permit shall first have been obtained from the division of safety inspection. Permits may be obtained to fly flags of any nature for a period not to exceed 30 days. Not more than one such permit shall be issued to any business establishment within a 12-month period.

(Code 1997, § 62-31; Ord. No. 803, § 62-31, 2-28-2005)

#### Sec. 32-31. Awnings and canopies.

- (a) Awnings and canopies shall be made with cloth, canvas or vinyl, and may not be covered with metal or hard plastic materials.
- (b) Awnings and canopies shall be of city approved colors. Such colors shall be approved by resolution of the planning commission and samples shall be maintained by the building official and made available to all applicants seeking a permit to install an awning or canopy free of charge.
- (c) Striped awnings or canopies shall not be permitted or installed.
- (d) No advertising message or logo shall be permitted on the face of any awning or canopy.
- (e) No awning or canopy shall be backlighted with artificial lighting.
- (f) Advertising material may be contained on the valance of an awning or canopy. Such message shall not exceed the message unit limitations for such property. Letters or numbers on the valance shall be limited in height to eight inches.
- (g) All applications for a permit to install a new awning or canopy or to install exact replacement awnings or canopies shall be authorized by the building official, provided that such proposed installation meets the provisions of this chapter. (Code 1997, § 62-32; Ord. No. 803, § 62-32, 2-28-2005)

# Sec. 32-32. Appeal of denial of permit.

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission. which will provide a recommendation to the city council.

(Code 1997, § 62-33; Ord. No. 803, § 62-33, 2-28-2005)

#### Sec. 32-33. Electronic changeable copy signs.

- (a) Definition. An "electronic changeable copy sign" is defined as a sign upon which the copy changes automatically on a lamp bank and which sign meets the definition of a ground sign as contained in this chapter. Scoreboards used to keep track of scores during athletic events are exempt from this definition.
- (b) Standards. The following rules and regulations shall be applicable to electronic changeable copy signs notwithstanding any other rules or regulations contained in this chapter:
  - (1) Such sign shall not produce blinking or animated messages.
  - (2) The changeable copy or message delivered by the sign shall not be changed more often than once in any eight-hour time period.
  - (3) Such sign shall be permitted to be installed only within a community facilities zoning district of the city, once application

Council Standard Of Peview

#### CITY OF GROSSE POINTE WOODS

#### BUILDING DEPARTMENT

#### **MEMORANDUM**

TO:

Planning Commission

FROM:

Gene Tutag, Building Official

DATE:

December 6, 2011

SUBJECT:

Sign Variance for Blue Book, 19803 Mack Avenue

An application to install four wall signs at the Blue Book, 19803 Mack Avenue was denied by the Building Department as the new signs are in violation of Chapter 32 as follows:

Section 32-17 – Combination of signs

- (a) A building shall be limited to a maximum of two signs from the following classifications:
  - (1) Wall sign.
  - (2) Ground and pole sign.
  - (3) Pylon sign,

Two existing box cabinets are currently on the front of the building and will be refaced in accordance with the code, and with the required permit. The installation of two additional wall signs on the Mack Ave elevation of the building brings the total number of wall signs to four, as stated above two wall signs are permitted.

Section 32-13 – Wall signs

(c) Wall signs upon building fronts containing up to 40 feet of building frontage shall not exceed three feet in height or a maximum of 30 square feet in size.

The proposed "the little blue book" wall sign is 3' 4" in height.

The proposed signs are otherwise compliant with Chapter 32.

The Blue Book, is appealing the denial of the permit. As stated in Section 32-32, the Planning Commission in accordance with Section 32-32, will be reviewing the attached application for appeal and provide a recommendation to the City Council.

The City Council may grant an exception if there is a finding that the exception would be in the best interest of the city and that the exception would not be against the spirit and intent of the sign ordinance.

#### Section. 32-32 – Appeal of denial of permit

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission, which will provide a recommendation to the city council.

The spirit and intent of the sign ordinance is listed in the objectives found in section 32-1 as follows:

#### Section 32-1 – Purpose and objectives

The purpose of this chapter is to create the legal framework for a comprehensive and balanced system of signage in the city to facilitate communication between people and their environment and to avoid the visual clutter that is potentially harmful to community appearance, traffic and pedestrian safety, property values and business opportunities. To achieve this purpose, this chapter has the following objectives:

- (1) Protect the aesthetic quality of the city.
- (2) Promote the appearance of an early American colonial motif within the commercial business district of the city.
- (3) Protect the general public from damage and injury caused by the distractions, hazards and obstructions caused by excessive signage.
- (4) Preserve the value of property by ensuring the compatibility of signage with surrounding land uses.
- (5) Keep signs within a reasonable scale with respect to the buildings to which they relate.
- (6) Prevent off-premises signs from conflicting with business, residential and public land uses.
- (7) Prevent the placement of signs in a manner, which will conceal or obscure other signs or adjacent businesses.
- (8) Keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products.
- (9) Prevent hazards due to collapse, fire, collision, decay or abandonment of signage.
- (10) Provide signage that will harmonize with the building upon which it is placed and the adjoining properties.

The applicant states that the signs are tastefully done and will enhance the business identification. They are asking that the Planning Commission to allow them the same courtesy as Telly's to install four signs.

The signs that the applicant is proposing would be considered by some to be tastefully done, artistic, look good and blend into the building.

The grant of a variance is not recommended:

- 1) The signs exceed the level of the number of allowed signs by 100%.
- 2) The height of the signs exceeds the allowable height by 4".
- 3) The wall the signs are to be installed on is not of great length nor height that they exceed a reasonable scale with respect to the building.



#### COMPLETE SIGN SERVICE

ESTABLISHED 1912

12.6.11

22312 HARPER AVE, ST. CLAIR SHORES, MI 48080 PHONE: (586) 777-2252 embreesignco@comcast.net www.embreesign.com

GPW. CITY BLDG. DEPT.

DEAR SIRSIR MADAM!

ACTING ON BEHALF OF THE LITTLE BLUE BOOK, THEY ARE REQUESTING ADDITIONAL SUNAGE FOR THEIR NEW OFFICES AT 19803 MACH, AVE.

THE (2) EXISTING SIENS WILL HAVE NEW LEXAN PANEZS AND ARE VERY SMALL (1'X8' 31ENS) AND DO NOT ALLOW MUCH ROOM FOR LETTERING OF OUR 2 COMPANY NAMES, "BLUE BOOK" AND "TOWER PRODUCTIONS."

AS you CAN DER BY THE SKETCH, THE SIEWS ARE THOTEPULY DONE AND WILL ENHANCE OUR BUSINESS IDENTIFICATION AS WELL AS THE CATION. WE NOTICED TELLY'S BARGGRILD RECEIVED A SIMILUR VARIANCE AND LOORS VERY NICE AND WE ARE ACKING THE FINE CITY OF QUEST POINTE WOODS TO ALLOW US THE SAME BEST REGIROS, Dave Lulle COURTESY.



Rev. 07-04

# CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive Grosse Pointe Woods, Michigan 48236-2397 4 Signs. 17

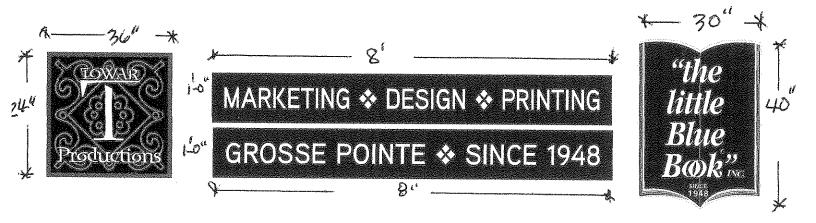
# SIGN PERMIT APPLICATION

DEC 0 5 2011

SIGN APPLICATIONS ARE REVIEWED BY THE PLANNING COMMISSION AT THE REGULARLY SCHEDULED MEETING ON THE FOURTH TUESDAY OF EACH MONTH. APPLICATIONS MUST BE RECEIVED BY THE BUILDING INSPECTOR BY 12 NOON, 21 DAYS BEFORE THE MEETING. ACTUAL COLOR RENDITIONS AND A LETTER OF REQUEST MUST BE SUBMITTED. RENDITIONS MUST INCLUDE CROSS CUTS, HEIGHT AND WIDTH DIMENSIONS, AMPAGE BEING USED, DIMENSIONS OF LETTERING, SQUARE FOOTAGE OF SIGN, LOCATION OF SIGN RELATIVE TO THE BUILDING IT IS BEING PLACED ON, AND THE DISTANCE THE SIGN WILL BE FROM THE BUILDING. 14 COPIES OF THE COLOR RENDITIONS AND A LETTER OF REQUEST ARE REQUIRED AT THE TIME OF SUBMITTAL.

APPLICANT INFORMATION
NAME: THE LITTLE BLUE BOOK TELEPHONE #:
BUSINESS NAME: BLUE BOOK FAX#:
BUSINESS NAME: 12 LOC STATE OF ACTION OF THE PROPERTY OF THE P
BUSINESS ADDRESS: 19803 MACK
SIGN ERECTOR E-MAIL:
BUSINESS NAME: EMBREE SIGN CO. TELEPHONE #: 313 308 3896
Dayle MAROK FAX#:
ADDRESS: 22312 HAPPERAVE. 3.C.S. LICENSE #:
ADDRESS:
SIGN DESCRIPTION  TYPE: REPLACEMENT PANALS (2) 2 WALL 10 PLAQUES
TYPE: REPLACEMENT PHINALS CY
BUILDING WIDTH:  SIZE OF SIGN: Dee purk  (Wall Sign depth not to exceed 8")
THE PART OF SIGN: LEADY
COLOR COMBINATIONS: WAVE LETTER, BLUE DKGD,
COLOR COMBINATIONS:
SINGLE FACE: DOUBLE FACE: LETTERING STYLE:
ILLUMINATION: Interior Exterior LETTERING COLOR:
MAN MAN MAING HEIGHT:
Denvised Applicant's Signature
22-13(C) SIGN TEACONS 11111111 10/1
) 22 - 1) Allow 2 Woll Sign ) Received By (Building Dept. Representative)
) 27-17 A(10W> 2/W)11-5-15
A 00000324

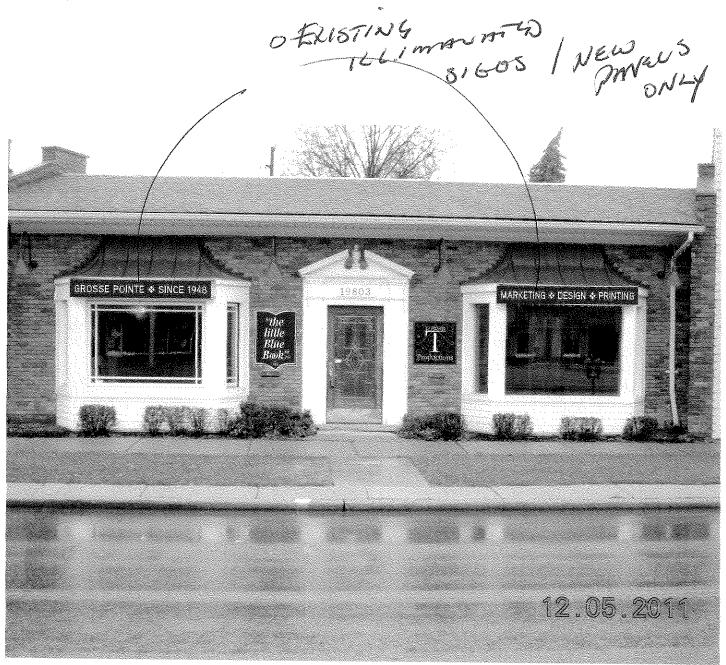
Scale: 1:22.85 Height: 40.858 Length: 171.412 in



Reflex Blue C

Scale: 1:65.21 Height: 440.460 Length: 489.074 in

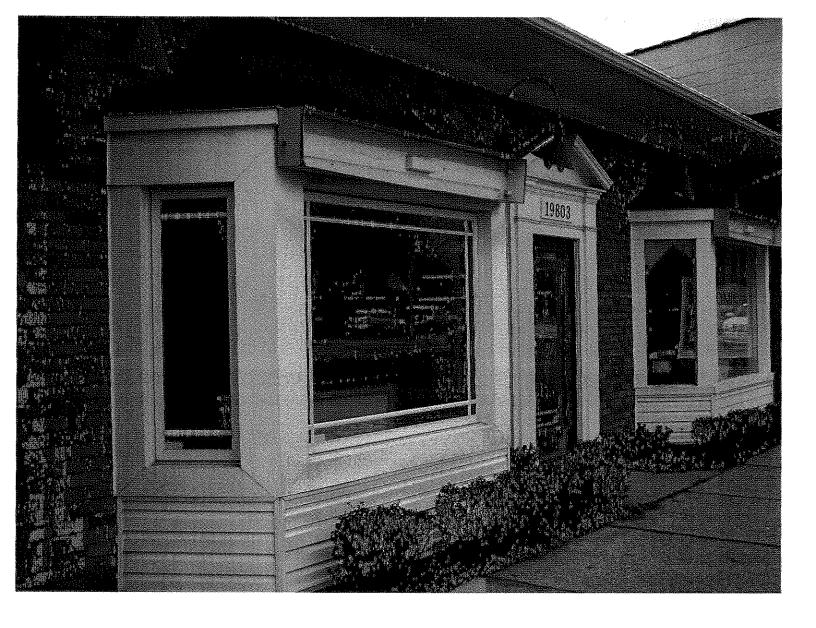
19803

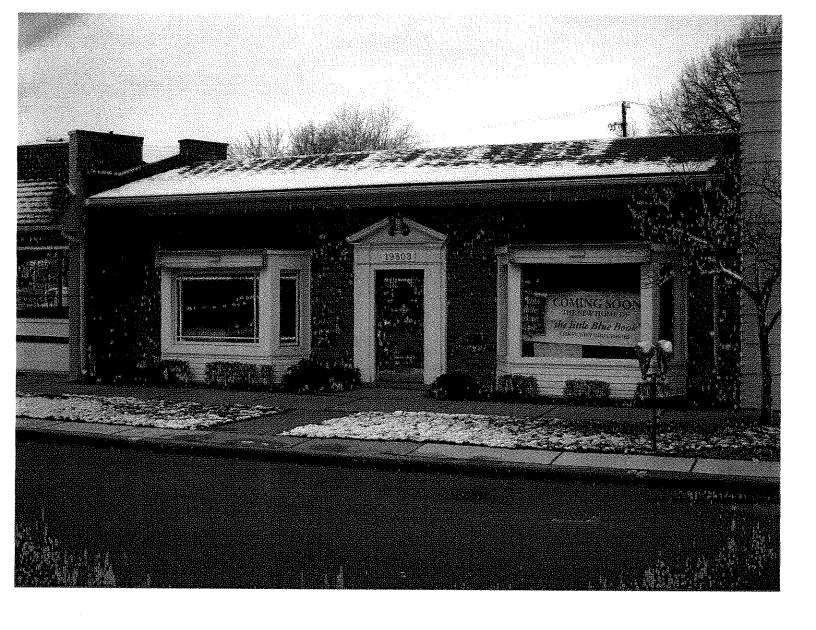




22312 HARPER AVE SGS MI 586-777-2252







# RECEIVED

DEC 0 1 2011

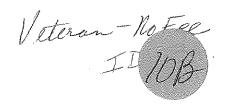
# CITY OF GROSSE POINTE WOODS 20025 MACK AVENUE GROSSE POINTE WOODS, MI 48236 (313) 343-2440



My Commission expires

DEC 0.2 2011

# CITY OF GROSSE POINTE WOODS 20025 MACK AVENUE GROSSE POINTE WOODS, MI 48236 (313) 343-2440



CHYOF GREGATION FOR PERMIT/LICENSE - VENDOR/SOLICITOR/PEDDLER PAL

Chapt Permit Fe	er 10 Businesses. Sectines: Annual \$75; Month kground Check: \$10)eac	on 10-220 \$20; Day \$10 🥿	•	2 2011
Applicant: Ronald M	The state of the s	-	CITY OF GOOG	EPTEN OODS
Home address: 19380 ELIC Harpert	HART T			4737
Business Name:		elephone.		
Business Address:				
Description of Business: $Ref$	use Ver	idon.		
Assistants:Name	Address		Date of Birt	th
Name	Address		Date of Birt	<u> </u>
Name	Address	Marie	Date of Birt	th
If vehicle used, describe: 1988  Year  Other cities served: 11900	CHCVY Make CN Woods	CMC Type	CDG 8 License #	2823
Years previously licensed in Grosse Po	inte Woods: None	20 <u>0 7</u> 20	08 20 69	20/0 201,
VENDOR: Valid for use from 9 a.m. to du REFUSE VENDOR: Shall not collect, rem the following morning, Sec. 10.221(a). SOLICITOR: Shall not walk on residentia NO PERSON: Shall deliver or deposit resor notice has been posted in a conspicuo or solicitors." Sec. 10.295	ove or cart away any mate I or commercial lawns; mu sidential handbills at any i	erials between the h ust use sidewalk. residential home or	nours of 10 p.m.	and 6 a.m.
Signed: Rould om Full	Date: <u>/ 2 つ ン</u> -	_//	#1990A1PA1	
State of Michigan ) County of Wayne ) ss.  Subscribed & sworn/to before me this 2 day of Legaler 20 //  Classification of Notary Public My Commission expires: 3 14 2014	Elizabeth M Ahee Notary Public of Michigan Wayne County Expires 03/14/20 Jan 1988 g in the County of	Date Issue	las	

White - City Clerk

Yellow - Applicant

Pink - Cashier





# City of Grosse Pointe Woods Parks and Recreation



Memorandum 169-11

Date:

November 29, 2011

To:

Alfred Fincham, City Administrator

From:

Melissa Sharp, Recreation Supervisor WAX

Subject:

Grosse Pointe North Baseball

Grosse Pointe North High School is requesting the use of the Ghesquiere Park Marstiller Baseball Diamond from Monday, March 12, 2012 through Friday, May 25, 2012 from 3:30 p.m. to 6:00 p.m. They will provide updated liability insurance as always.

This group has used the field for many years with no problems. I have no objection to their use of the baseball diamond.

RECOMMENDED FOR APPROVAL AS SUBMITTED:

City Administrator

Date

12-02-11

Council approval required



# The Grosse Pointe North High School Athletic Department

707 Vernier Road Grosse Pointe, Michigan 48236-1594 Telephone: (313) 432-3216 Fax (313) 432-3218

July 15, 2011

Ms. Melissa Sharp, Director Grosse Pointe Woods Recreation Department 20025 Mack Plaza Grosse Pointe Woods, MI 48236

Dear Ms. Sharp:

The Grosse Pointe North High School Athletic Department requests the use of Ghesquire Park Marstiller Baseball Diamond on the following dates for the 2011-2012 school year:

Ghesquire Park Marstiller Baseball Diamond
Monday, March 12, 2012 – Friday, May 25, 2012, 3:30 – 6:00 p.m.
Approximately 20 of the games scheduled are league games.

A specific schedule for each team will be submitted in advance. You can be assured that the athletes using the facilities will be under adult supervision at all times.

A certificate of insurance that includes a one million dollar general liability policy and 10 million dollar umbrella excess liability policy has been sent by our Board Office.

If you have any questions, please contact me at Grosse Pointe North, 707 Vernier Rd., Grosse Pointe Woods, Michigan, 48236, or (313)432-3216.

Thank you.

Sincerely,

Carmen G. Kennedy

Assistant Principal – Athletics

CC/km

#### MEMO 11 - 55



Alfred Fincham, City Administrator

FROM:

Joseph J Ahee, Jr., Director of Public Services

DATE:

November 29, 2011

SUBJECT:

2011 Engineering Budget

During the budget process for the 2011/2012 fiscal year, insufficient funds were budgeted to cover AEW assistance with general engineering topics including infrastructure inventory, pavement budget, grants, prospective development feasibility, etc.; or for assistance with specific water and sewer issues including rate reviews and meetings. A breakdown of anticipated services to be provided by AEW is included in the attached memo from Consulting City Engineer Scott Lockwood. The professional engineering services of AEW are an invaluable resource providing on-going assistance with the city's everyday infrastructure needs.

Based upon past year's expenses and because insufficient funds were budgeted for AEW's assistance in the 2011/2012 fiscal year, I am requesting \$20,000.00 be transferred from the General Fund fund balance to cover this expense. Funds should be credited to the DPW Contractual Services account 101-441-818.000 in the amount of \$5,000.00 and to the Water/Sewer Contractual Services account 592-537-818.000 in the amount of \$15,000.00.

If you have any questions concerning this matter please contact me.

Attachment

C.C.

Dee Ann Irby

Eng. File

O/F

Recommended for Approval as Submitted:

Alfred Fincham, City Administrator

Dee Ann Irby, City Treasurer/Comptroller

Council Approval Required

# **MEMORANDUM**

TO: Joseph Ahee, DPW Director

FROM: Scott Lockwood, Consulting City Engineer

DATE: December 1, 2011

SUBJECT: 2011 Engineering Budgets

#### unfettered

As we had recently discussed, there are several occasions where the City requests assistance from AEW with regard to the City's everyday infrastructure needs. In order to establish a budget to cover the costs of the aforementioned we had reviewed amounts invoiced for similar work last year. Based on last year, we would recommend the City budget the following 1) \$5000 for general engineering which would consist of assistance with topical day to day operations and establishing infrastructure needs and budgets and 2) \$15,000 for water and sewer which would relate to items specifically related to water and sewer, including rate review and meetings. Based on past year's it is anticipated the suggested budget amounts would have a breakdown similar to the following:

General Engineering	
Infrastructure Inventory and Budget (Pavement)	\$2,000
Grant Assistance	\$1,000
Prospective Development Feasibility	\$1,000
Property owner issues (drainage, pavement, etc.)	<u>\$1,000</u>
	\$5,000
Water and Sewer	
Infrastructure Inventory and Budget	\$3,000
Rate Studies (including Meetings)	\$5,000
Address System Issues (sinkholes, pressure, etc.)	\$5,000
Property owner issues	<u>\$2,000</u>
	\$15,000



# CITY OF GROSSE POINTE WOODS MEMORANDUM



DATE: December 12, 2011

RECEIVED

TO: Mayor and Council

DEC 1 4 2011

FROM: Al Fincham, City Administrator G-7

CITY OF GROSSE PTE WOODS

Andrew Pazuchowski, Director of Public Safety

SUBJECT: Alternative routing for overflow 911 calls to the City of Grosse Pointe Farms.

As a result of the City of Grosse Pointe Shores merging their Dispatch operations with the City of Grosse Pointe Farms, alternative routing needs to be established for alternate and overflow 911 calls. Our Public Safety Answering Point (PSAP) calls for service under the previous routing were designed to allow alternate and overflow 911 calls to automatically be directed to Grosse Pointe Shores. Alternative routing for non-emergency calls would historically have gone to the City of Grosse Pointe Shores in the event our dispatch center was out of service.

Grosse Pointe Shores has now closed their Public Safety Answering Point (PSAP) Dispatch Center with our alternate/overflow calls by default being directed to Grosse Pointe Farms. At year end, Grosse Pointe Shores will be removed from the network entirely according to Pam Anderson, the AT&T E911 Manager. Following is the existing and proposed rerouting recommendations.

#### Existing

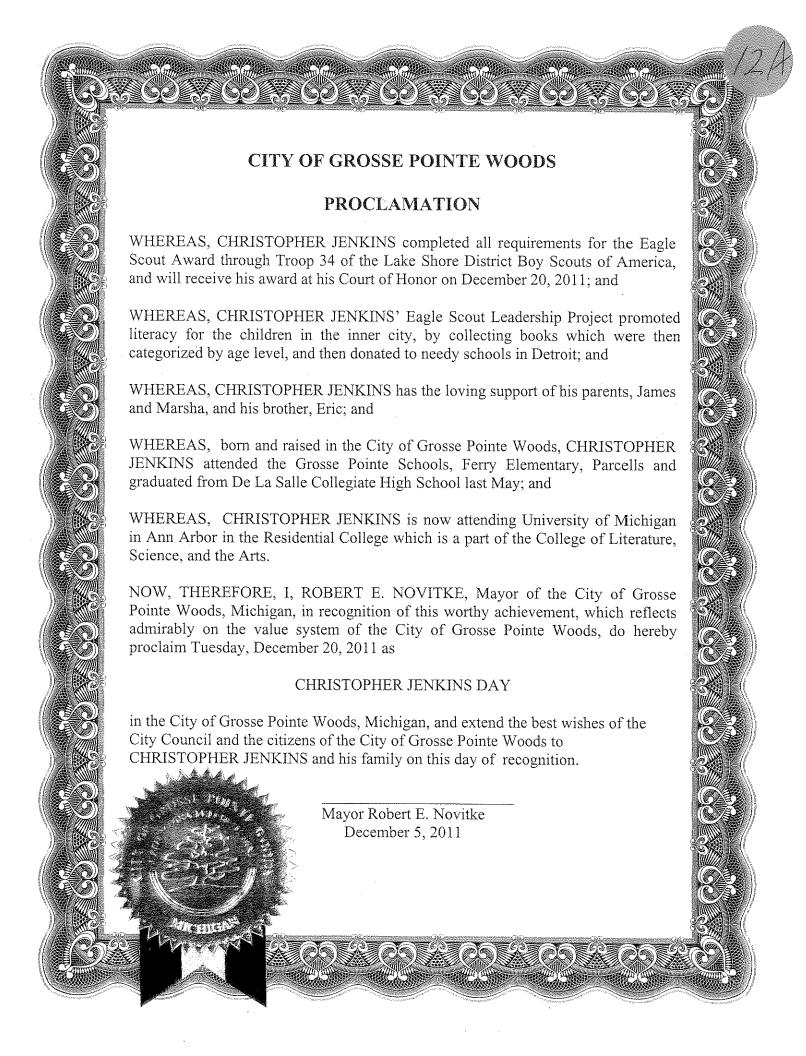
Trunks	PSAP	Alternate/overflow
2	Grosse Pointe City	Grosse Pointe Farms
3	Grosse Pointe Farms	Grosse Pointe Park
3	Grosse Pointe Park	Harper Woods
2	<b>Grosse Pointe Shores</b>	Now rerouted to Farms
2	Grosse Pointe Woods	Grosse Pointe Shores
3	Harper Woods	Grosse Pointe Woods

#### **Proposed**

Trunks	PSAP	Alternate/overflow
2	Grosse Pointe City	Grosse Pointe Farms
3	Grosse Pointe Farms	Grosse Pointe Park
3	Grosse Pointe Park	Harper Woods
2	Grosse Pointe Woods	Grosse Pointe Farms
3	Harper Woods	Grosse Pointe Woods

Grosse Pointe Farms has agreed to these changes and to accept our calls.

Recommendation: Council adopt the alternative/overflow rerouting as proposed



#### MEMO 11 - 57

TO:

Alfred Fincham, City Administrator

FROM:

Joseph J. Ahee, Jr., Director of Public Works

DATE:

December 7, 2011

SUBJECT:

Wayne County Annual Permit Community Resolution

Each year Wayne County issues the City of Grosse Pointe Woods an Annual Maintenance Permit to Construct, Operate, Use and/or Maintain – To Occupy the Right-of-Way of County Roads, an Annual Pavement Restoration Permit, and an Annual Permit for Special Events. As in prior years, the Model Community Resolution and the city's certificate of insurance must accompany the approved permits. Assistant City Attorney Chip Berschback has reviewed the resolution, which remains unchanged, in prior years and has had no objections.

I recommend the City Council adopt the Model Community Resolution authorizing execution of annual maintenance permits, authorize the Director of Public Works to sign the permits, and authorize the City Clerk to forward said documents.

If you have any questions concerning this matter please contact me.

Attachments

c.c.

Dee Ann Irby

O/F

Recommended for Approval as Submitted:

Alfred Fincham, City Administrator

Council Approval Required

#### **PERMIT OFFICE**

33809 MICHIGAN AVE WAYNE, Mi 48184, PHONE (734) 595-6504 FAX (734) 595-6356

72 HOURS BEFORE ANY CONSTRUCTION, CALL Eileen Gardenhire (734) 595-6504, Ext. 2030 FOR INSPECTION

PROJECT NAME

<BLANK>

CONTRACTOR / AUTHORIZED AGENT



# WAYNE COUNTY DEPARTMENT OF PUBLIC SERVICES PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN

PERMIT No. **A-12054**ISSUE DATE EXPIRES

1/1/2012 12/31/2012

REVIEW No. WORK ORDER

79636

DATE

LOCATION			CITY/TWP	
VARIOUS ROADS ( )			GROSSE POINTE WOOL	
PERMIT HOLDER	A15-2	CONTRACTOR		
CITY OF GROSSE POINTE WOODS				
20025 MACK PLAZA DR				
GROSSE POINTE WOODS, MI 48236-2343				
CONTACT		CONTACT		
JOSEPH AHEE	(313) 343-2460	<blank></blank>		

TO OCCUPY THE RIGHT-OF-WAY OF COUNTY ROADS FOR THE BELOW ACTIVITIES:

- 1. SANITARY SEWER INSPECTION, REPAIR AND ROUTINE MAINTENANCE.
- 2. WATERMAIN INSPECTION, REPAIR AND ROUTINE MAINTENANCE.
- 3. DUST PALLATIVE, CALCIUM & SALT APPLICATIONS.
- 4. SIDEWALK REPAIR AND REPLACEMENT.
- 5. TO PERFORM STREET SWEEPING OPERATIONS DURING DAYLIGHT HOURS ONLY.

ALL ACTUAL INSPECTION COSTS, INCLUDING OVERTIME, SUPERVISION, TESTING OF MATERIALS AND EMERGENCY WORK, IF REQUIRED, SHALL BE BILLED TO THE PERMIT HOLDER.

REFER TO ATTACHMENTS REFERENCED BELOW FOR ANNUAL PERMIT REQUIREMENTS AND CONDITIONS. ALL ATTACHMENTS ARE INCORPORATED BY REFERENCE AS PART OF THIS PERMIT.

PAVEMENT REPAIRS REQUIRE A SEPARATE PERMIT AND ARE NOT TO BE COMPLETED UNDER THE TERMS OF THIS ANNUAL PERMIT.

PERMIT HOLDER AGREES TO SUBMIT MONTHLY REPORTS OF WORK PERFORMED UNDER THIS PERMIT.

DATE

FINANCIAL SUMMARY		DEPOSITOR	APPROVED PLANS PREPARED BY	
PERMIT FEE	\$0.00			
PLAN REVIEW FEE	\$0.00		PLANS APPROVED BY DATE F	LANS APPROVED
OTHER FEE	\$0.00 \$0.00		, ENGALINOLES DI	1/1/2012
BOND	\$0.00		REQUIRED ATTACHMENTS	
INSPECTION DEPOSIT	\$0.00		GENERAL CONDITIONS	
OTHER BOND \$0.00	LETTER OF CREDIT DEPOSITOR	SCOPE OF WORK AND CONDITIO  MUNICIPAL MAINTENANCE PERM		
TOTAL COSTS\$0.00	\$0.00		INDEMNITY AND INSURANCE ATT	ACHMENT
			SAMPLE COMMUNITY RESOLUTION	N
TOTAL CHECK AMOUNT	AN-OCA		RULES, SPECIFICATIONS AND PE FOR PERMIT CONSTRUCTION - A' ONLINE AT	
	\$0.00		waynecounty.com/mygovt/dps/depts/engir	neering/permitOfc.a
CASHIER	DATE		spx	
CASHIEN	DATE			
	1/1/2012		(PERMIT VALID ONLY IF ACCOME BY ABOVE ATTACHMENTS	'ANIED
Maintain within the Road Right of Way, Cou	inty Easement, and	or County Property. The permitted work descri- and made part of this Permit. The General Cou	ditions herein, a Permit is hereby issued to the above named to Construct, Operational above shall be accomplished in accordance with the Approved Plans, Maps, Soliditions as well as any Required Attachments are incorporated as part of this Permit WAYNE COUNTY DEPARTMENT OF PUBLIC SERVICES	necificatione
JOSEPH AHEE PERMIT HOLDER / AUTHORIZED AGENT		DATE	PRI	EPARED BY

VALIDATED BY Sami H. Khaldi

Division Permit Engineer



November 23, 2011

City Of Grosse Pointe Woods 20025 Mack Plaza Dr Grosse Pointe Woods, MI 48236-2343

RE: Annual Maintenance Permit - A-12054

Attention: Joseph Ahee

Enclosed is your Wayne County Annual Maintenance Permit package. The Annual Permit authorizes a municipality to occupy Wayne County road rights-of-way for the purpose of inspection, repair and routine maintenance of the following facilities which are under its jurisdiction:

- 1. Sanitary sewer inspection, repair and routine maintenance.
- 2. Water main inspection, repair, routine maintenance and installation of residential and commercial water service connections (two-inch maximum diameter).
- 3. Application of dust palliatives.
- 4. Repair and replacement of existing sidewalks.

Note: A separate permit will be required for final pavement repairs when pavement is broken while making either emergency or non-emergency repairs.

In addition to the Annual Permit, the package also includes the following attachments, which are incorporated by reference into the permit:

- 1. Scope of Work and Conditions for Municipal Maintenance Permits
- 2. General Conditions and Limitations of Permits
- 3. Indemnity and Insurance Attachment
- 4. Model Community Resolution

Please review the insurance attachment carefully, since the insurance requirements have been recently updated.

This year, the WCDPS Permit Office has published its manual, *Rules, Specifications and Procedures for Permit Construction*. This manual replaces the Permit Specifications Document which was attached to annual permits in previous years. The manual is also incorporated by reference into this annual permit and is available online at:

http://waynecounty.com/dps_engineering_cpoffice.htm

As a condition of the annual permit, the County requires that your governing body pass a blanket resolution of approval which

- a) agrees to fulfill all permit obligations and conditions
- b) indemnifies, hold harmless and defends Wayne County and its officials and employees against any and all damage claims, suits or judgments of any kind or nature arising as a result of the permitted activity
- c) designates and authorizes an appropriate official of the requesting municipality to sign the permit on its behalf.

Please return the original permit, signed and dated by the person authorized and designated by the resolution, along with a certified copy of the resolution and a copy of your certificate of insurance, consistent with the requirements transmitted in this package. Type the name of the designated signer below the signature line and submit these documents to:

Wayne County Department of Public Services
Permit Office
Attn: Mr. Sami H. Khaldi
33809 Michigan Avenue
Wayne MI 48184

Once received, the Permit Coordinator will validate your permit and return an executed copy to you for your files.

The Scope of Work and Conditions for Municipal Maintenance Permits requires that the Permit Holder submit monthly reports of all work performed under this permit. These reports should be faxed to 734.595.6356.

If you have any questions regarding this Annual Permit, please contact me at 734.595.6504, extension 2038.

Sincerely,

Sami H. Khaldi

Division Permit Engineer

C: file

Attachments: Annual Permit

Scope of Work and Conditions for Municipal Maintenance Permits General Conditions and Limitations of Permits Indemnity and Insurance Attachment Model Community Resolution



### Wayne County Department of Public Services Engineering Division – Permit Office

# Scope of Work and Conditions Attachment For Annual Municipal Maintenance Permits

An Annual Maintenance Permit issued to a city, township or village within Wayne County shall be accompanied by a blanket resolution which a) agrees to fulfill all permit obligations and conditions, b) Indemnifies, hold harmless and defends Wayne County and its officials and employees against any and all damage claims, suits or judgments of any kind or nature arising as a result of the permitted activity. c) designates and authorizes an appropriate official of the requesting municipality to sign the permit on its behalf. The Annual Permit authorizes the municipality to occupy Wayne County road rights-of-way for the purpose of inspection, repair and routine maintenance of the facilities listed below that are under its jurisdiction.

Scope of Work - The following work is authorized under the Annual Maintenance Permit:

To excavate within the right-of-way of all roads under the jurisdiction of Wayne County for the purpose of making repairs, inspections and routine maintenance of water main facilities; including the installation of 2" maximum diameter residential and commercial service connections.

All commercial service connections must be individually approved by Wayne County Department of Public Services' Permit Office for completion of this ANNUAL permit.

A separate permit will be required for any operations performed under the following conditions:

- 1. All service connections larger than 2"
- All service connections that service more than one customer
- Wherever work is to be performed in a new subdivision.

#### **Permit Conditions**

Permit Holder agrees to submit reports of work performed under this permit on a <u>monthly</u> basis. These reports should be faxed to 734.595.6356.

- 2. The removal of pavement and temporary repairs are therefore allowed under this Annual permit. A separate permit will be required for final pavement repairs when pavement is broken while making either emergency or non-emergency repairs.
- 3. Any work not covered under the annual scope of work and conditions above shall require a separate permit. Refer to the Wayne County Rules, Specifications and Procedures Construction Permits.
- 4. All actual inspection costs, including overtime, supervision, testing of materials and emergency work, if required, shall be charged against Work Order No. **79605** and billed to the Permit Holder.

Revised: October 4, 2008



### Wayne County Department of Public Services Engineering Division - Permit Office

## Conditions & Limitations of Permits

Plan Approval and Specifications: All work performed under the permit shall be done in accordance with the approved plans, specifications, maps, statements and special conditions filed with the County and shall comply with Wayne County Specifications, as defined in the current Wayne County Rules, Specifications, und Procedures for Permit Construction, included as an attachment to this permit, the Wayne County Standard Specifications For Construction, as modified by WCDPS Special Provisions, and other WCDPS specifications. Any situation or problem which covers as a result of the construction, operation, use and/or maintenance of the facility in the right-of-way and is not covered by the approved plans nor by the County's current Standards and Specifications shall be resolved by the Permit Hokler as directed and approved by the Permit Office. Any significant change to the plans must be approved by the Permit Office and is authorized only when an approved addendum is obtained from the Permit Office.

Fees: The Permit Holder shall be responsible for all fees and costs incurred by the County in connection with the permit and shall deposit payment for fees and costs as determined by the County at the time the permit is

Bond: The Permit Holder shall furnish a bond in cash or Certified check in an amount acceptable to the County to guarantee performance under the conditions of the permit. The County may use all or any portion of the bond. The Perian rotater shall be necessary to cover any expense, including inspection costs or damage incurred by the County through the granting of the permit. Should the bond be insufficient to cover the expenses and damages incurred by the County, the Permit Holder shall pay such deficiency upon billing by the County. If the bond amount exceeds the expenses and damages incurred by the County, the excess performance bond provided for herein, when it cannot be returned to the expenses and damages incurred by the County. If the bond amount exceeds the expenses and damages incurred by the County, the excess performance bond provided for herein, when it cannot be returned, shall be deposited into the County Road Fund and become a part thereof, unless claimed by the Depositor within one year of the date of satisfactory completion of the construction authorized by the permit.

Insurance: The Permit Holder shall furnish proof of liability and property damage insurance in the form and amounts acceptable to the County with Wayne County named as an insured party. The Permit Holder shall maintain this insurance until the permit is released, revoked or cancelled by the County.

Indemnification: The Permit Holder shall indemnify, hold harmless and defend Wayne County, the Wayne County Department of Public Services, its officials and employees against any and all claims, suits and judgments to which the County, the Department, its officials and employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of to which the County, the Department, as officials and employees may be surject and not all costs and actual attorney fees which that it is made to negligence of the Permit Holder or to the joint negligence of the Permit Holder and the County, arising out of any and all work performed under the permit, or in connection with work not authorized by the permit, or resulting from failure to comply with the terms of the permit or arising out of the continued existence of the work product that is the subject of the permit.

Permit on Site: The Permit Holder shall keep available a copy of the permit and any associated approved plans on site during permitted activities.

Notification for Start and Completion of Work: The permit shall not become operative until it has been fully executed by the County. The Permit Holder shall notify the County before starting construction and shall notify the County when work is completed. The Permit Holder or their representative shall have copies of the executed permit and approved plans in their possession on the job site at all times

- The Permit Holder shall provide at least three (3) days advanced notice, excluding Saturdays, Sundays and holidays, to the Permit Office prior to the commencement of any permitted activities by submitting a START OF WORK NOTIFICATION form by mail, fax or e-mail. In certain instances, additional notice may be required by the Permit Office. In the event that construction work ceases for a period of time, then the Permit Holder shall notify the Wayne County Inspector at least 24 hours prior to resuming work.
- The Permit Holder shall comply with all requirements of the Miss Dig Statute, MCL §460.701 et seq., as amended. The Permit Holder shall call "MISS DIG", at (800) 482-7161, at least 72 hours, excluding Saturdays, Sundays and holidays, but not more than twenty-one (21) calendar days, before starting any underground work. The Permit Holder assumes all responsibility for damage to or interruption of underground utilities.
- The Permit Holder shall call Wayne County Department of Public Services' Traffic Operations Office at (734) 955-2154, at least 72 hours prior, excluding Saturdays, Sundays and holidays, but not more than twentyone (21) calendar days, before starting any underground work in the vicinity of any traffic signal equipment owned, operated or maintained by Wayne County.

Safety: The Permit Holder agrees that all work under the permit shall be performed in a safe manner and to keep the area affected by the permit in a safe condition until the work is completed and accepted by the County. The Permit Holder shall furnish, install and maintain all necessary traffic controls and protection which are in accordance with the current Manual on Uniform Traffic Control Devices (MUTCD). The Permit Holder shall activities and maintain all facilities as set forth in the permit in a manner so as not to damage, impair, interfere with, or obstruct a public road or create a foresceable risk of hum to the traveling public. The Permit Holder shall comply with all applicable OSHA and MIOSHA requirements.

Underground Utilities: The Permit Holder shall contact all utility owners regarding their facilities prior to starting work and shall comply with all applicable provisions of Act 53, Public Acts of 1974, as amended. Wayne County makes no warranty either expressed or implied as to the condition or suitability of subsurface conditions or any existing facility which may be encountered during an excavation. The presence or absence of utilities is based on the best information available and the County is not responsible for the accuracy of this information. The Permit Holder assumes all responsibility for the interruption and damage to underground utilities. The Permit Holder is responsible for proper disposal, in accordance with current regulations, of any material excavated from within the right-of-way. Such materials include, without limitation, soils or groundwater contaminated by petroleum products or other pollutants associated with sites identified by the MDEQ or reported on appropriate release forms for underground storage tanks.

Assignability: The permit is neither transferable nor assignable without the written consent of the County.

Limitation of Permit: The Applicant and the Permit Holder shall be responsible for obtaining and shall secure any permits or permission necessary or required by law from State, federal or other local governmental agencies and jurisdictions, corporations or individuals. These include, without limitation, those pertaining to drains, inland lakes and streams, wetlands, woodlands, flood plains, filling, noise regulation and hours of operation. Issuance of a Wayne County permit does not authorize activities otherwise regulated by State, federal or local agencies.

Access of Other Vehicles: The Permit Holder shall, at all times possible, maintain a minimum of one acceptable access to all abutting occupied properties, driveways and side streets unless otherwise specified on the approved plans. The Permit Holder shall notify all owners or occupants of properties whose access may be temporarily disrupted during the permitted work. The local police, fire or emergency service agencies shall define acceptable access. The Permit Holder shall provide signing and other improvements necessary to ensure adequate access until the roudway, drivway or side street is restored. The Permit Holder shall conduct all operations so as to minimize inconvenience to abutting property owners. Wayne County reserves the right to reasonably restrict the progress of work by the Permit Holder based on the rate of roadway and right-of-way restoration, including permanent or temporary pavement. Wayne County may require that work be suspended until satisfactory backfilling of open trenches or excavations has been completed and driveways, side streets and drainage

Restoration: The Permit Holder agrees to restore the County road and road right-of-way, County drain easement or County park property to a condition equal to or better than its condition before work under the permit began. If the Permit Holder fails to satisfactorily restore the permitted work area, Wayne County may take all practical actions necessary to provide reasonably safe and convenient public travel, preservation of the roadway and drainage, prevention of soil erosion and sedimentation, and elimination of nuisance to abutting property owners caused by the permitted activity. Security in the form of cosh, a certified check or surety bond shall be and trainings, presented of soli evision and securemental, and emination of nutsings to an acceptable safe condition. The amount of the security shall be determined by the Permit Office. In the event that a suspension of work will be protracted or that the work will not be completed by the Permit Holder, the Permit Holder shall restore the right-of-way to a condition similar to the condition that existed prior to issuance of the permit.

Acceptance: Acceptance by the County of work performed does not relieve the Permit Holder of full responsibility for work performed or the presence of the permitted facility. The Permit Holder acknowledges that the County has no liability for the presence of the Permit Holder's facility located within the County road right-of-way, County drain easement or County park property

Permit Expiration and Extension of Time: All work authorized by the permit shall be completed to the satisfaction of the Permit Office on or before the expiration date specified in the permit. Any request for an extension of time for completion shall be on a completed County form and shall demonstrate good cause for granting the request. Additional requirements may be imposed as a condition of an extension of time for completions shall be on a completed County form and shall demonstrate good cause for granting the request. Additional requirements may be imposed as a condition of an extension of time due to seasonal limitations or other considerations. These additional requirements may include, without limitation, changes to materials or construction methods, reestablishment of fees, bonds, deposits and insurance requirements.

Responsibility: The design, construction, operation and maintenance of all work covered by the permit shall be at the Permit Holder's expense with the exception that the Permit Holder will not be responsible for maintaining road widenings or similar facilities which become part of the County roadway.

Revocation: The permit may be suspended or revoked at the will of the County. Upon order of the County, the Permit Holder shall surrender the permit, cease operations and remove, after or relocate, at their expense, the facilities for which the permit was granted. The Permit Holder expressly waives any right to claim damages for compensation resulting from the revocation of the permit.

Violation: The County may declare the permit null and void if the Permit Holder violates the terms of the permit. The County may require immediate removal of the Permit Holder's facilities and restoration of the County property, or the County may remove the facilities and restore the County property at the Permit Holder's expense. The Permit Holder agrees that in the event of a violation of the terms of the permit or in the event the work authorized by the permit is not satisfactorily completed by the permit expiration date, the County may use all or any portion of the performance bond to restore the County road right-of-way, drain easement, wastewater facility or park property as necessary for reasonably safe and efficient operations and maintenance, or to establish extraordinary maintenance procedures as required to assure reasonably safe and efficient operation of the

Inspection and Testing of Materials: Wayne County reserves the right of inspection and the testing of materials by its authorized representatives of all permitted activities and/or activities within the road right-of-way, county owned property or within a County drain easement. All items identified by the final inspection shall be resolved prior to release of the permit. All numerials and methods utilized during the course of the authorized permit work shall meet the requirements of the current MDOT Standard Specifications For Construction as modified by Wayne County Special Provisions, Standard Plans for Permit Construction and this manual. The Permit Holder shall reimburse Wayne County for all required inspections and testing of materials.

Design: The Permit Holder is fully responsible for the design of the permitted facility, such that the design shall be consistent with all applicable County standards, specifications, guidelines, requirements and with good engineering practice. Any errors in the plans that become evident after the issuance of a permit, and which change the scope of permitted work, are subject to review and may be grounds for revocation of the permit. The Permit United work are subject to review and may be grounds for revocation of the permit. The permit United work are subject to review and may be grounds for revocation of the permit. The permit United work are subject to review and may be grounds for revocation of the permit. The permit United work are subject to review and may be grounds for revocation of the permit. of the Permit Holder's engineer to show all the related or pertinent conditions inside or outside the plan area.

Drainage: Drainage shall not be altered to flow into the road right-of-way or road drainage system unless approved by Wayne County.

Permit Holder Compliance: The Permit Holder shall abide by the conditions and limitations contained on the permit and all other conditions listed within the WCDPS Rules, Specifications and Procedures for Construction Permits. The application of any work undertaken under the permit shall constitute the Permit Holder's agreement to the Provision.



# Wayne County Department of Public Services Engineering Division – Permit Office Indemnity and Insurance Attachment

To the extent allowed by law, the Permit Holder shall defend and hold harmless Wayne County, the Department of Public Services, its officials and employees against any and all claims, suits and judgments to which Wayne County, the Departments, its officials and employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including County property. The Permit Holder shall provide this indemnity for any incident arising out of any and all activities performed under the permit or in connection with work not authorized by the permit, or resulting from the failure to comply with the terms of the permit, or arising out of the continued existence of the work product that is subject to the permit.

Certificates of insurance shall be required for all construction permits, excluding residential driveway permits. Each certificate of insurance and any associated correspondence shall reference the plan review number of the project. General liability and automotive liability insurance coverage shall be in amounts detailed below:

The general liability insurance coverage shall be in amounts not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. Proof of automobile liability shall be in amounts not less than \$1,000,000 combined single limit for each accident, bodily injury per accident, and property damage per accident, and in an amount not less than \$1,000,000 for bodily injury each person, each occurrence and property damage liability \$1,000,000 each occurrence.

The certificate of insurance must be provided by a person, the corporation, or by authorized representatives who signed personally either the application or permit. Insurance shall remain in force until the permit is released by Wayne County.

The Wayne County Department of Public Services shall be a Certificate Holder on the policy of insurance. Wayne County, and its officers, agents and employees shall be named as additional insured parties.

The insurance shall cover a period not less than the term of the permit and shall provide that it cannot be cancelled or reduced without thirty (30) days advance written notice to Wayne County, by Certified mail, first-class, return receipt requested. The thirty (30) days shall begin on the date when the County received the notice, as evidenced by the return receipt.

Such insurance shall provide by endorsement therein for the thirty (30) day notice by the insurer to the Permit Office prior to termination, cancellation or material alteration of the policy.

Licensee agrees to make application for renewal thereof at least sixty (60) days before the expiration date of the policy then in force and to file a certified copy of such renewed policy with the Permit Office.

The policy shall also provide by endorsement for the removal of the contractual exclusion.

Should insurance coverage be cancelled or reduced below acceptable limits, or allowed to expire, the authorization to continue work under the permit shall be suspended or revoked and shall not resume until new insurance is in force and accepted by Wayne County. Wayne County may, in such cases, take appropriate action to restore or protect the road and appurtenances. All costs incurred by this action shall be deducted from any remaining inspection deposit, bond and/or Letter of Credit and, if necessary, the Permit Holder may be billed to defray actual expenses.

# MODEL COMMUNITY RESOLUTION AUTHORIZING EXECUTION OF ANNUAL MAINTENANCE PERMITS

Resolution No.	
At a Regular Meeting of the <u>CITY COUNCIL</u> Governing Board) on offered:	(Name of Community(date), the following resolution was
WHEREAS, the <u>CITY OF GROSSE POINTE</u> periodically applies to the County of Wayne De Division Permit Office (hereinafter the "County repairs and annual maintenance work on local the boundaries of the Community, as needed foundition reasonably safe and convenient for p	epartment of Public Services, Engineering ") for permits to conduct emergency and County roads located entirely within from time to time to maintain the roads in a

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 et seq, the County permits and regulates such activities and related temporary road closures;

**NOW THEREFORE**, in consideration of the County granting such Permit, the Community agrees and resolves that:

It will fulfill all permit requirements and will save harmless, represent and defend the County of Wayne and all of its officers, agents and employees:

from any and all claims and losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the Community as the result of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road; and

from any and all claims of every kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road, except claims resulting from the direct negligence or willful acts or omissions of said County performing permit activities.

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors or any other person not a party to the Permit without its specific prior written consent and notwithstanding the issuance of the Permit.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor's behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this resolution as part of a Permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

The resolution shall stipulate that the requesting city, incorporated village or township shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

The resolution shall stipulate that the requesting city, incorporated village or township shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This resolution shall continue in force from this date until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

**BE IT FURTHER RESOLVED**, that the following position(s) are authorized to apply to the County of Wayne Department of Public Services Engineering Division Permit Office for the necessary permit to work within County road right-of-way or local roads on behalf of the Community.

Name	and/or	Title
Joseph Ahee		Director of Public Services
Scott Lockwood		City Engineer Anderson, Eckstein & Westrick
I HEREBY CERTIFY that the by the [Board of Trustees/City County of Wayne, Michigan, c	Councill of the	correct copy of a resolution adopted(name of Community),

#### **PERMIT OFFICE**

33809 MICHIGAN AVE WAYNE, MI 48184, PHONE (734) 595-6504 FAX (734) 595-6356

72 HOURS BEFORE ANY CONSTRUCTION, CALL Eileen Gardenhire (734) 595-6504, Ext: 2030 FOR INSPECTION

JOSEPH AHEE

<BI ANK>

PERMIT HOLDER / AUTHORIZED AGENT

CONTRACTOR / AUTHORIZED AGENT



# WAYNE COUNTY DEPARTMENT OF PUBLIC SERVICES PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN

PERMIT No.	
A-121	109
ISSUE DATE	EXPIRES
1/1/2012	12/31/2012
REVIEW No.	WORK ORDER
,	79349

PREPARED BY

DATE

GROSSE POINTE WOODS - PAVEMENT REST	ORATION			
LOCATION VARIOUS			CITY/TWP	
			GROSSE POINTE WOODS	
PERMIT HOLDER		CONTRACTOR		
CITY OF GROSSE POINTE WOODS				
20025 MACK PLAZA DR				
GROSSE POINTE WOODS, MI 48236-2343				
CONTACT		CONTACT		
JOSEPH AHEE	(313) 343-2460	<blank></blank>		

DESCRIPTION OF PERMITTED ACTIVITY (72 HOURS BEFORE YOU DIG, CALL MISS DIG 1-800-482-7161, www.missdig.org)

TO REPLACE AND REPAIR PAVEMENT CUTS DUE TO UTILITY REPAIRS WITHIN THE RIGHT-OF-WAY OF VARIOUS ROADS IN WAYNE COUNTY IN ACCORDANCE WITH THE WAYNE COUNTY RULES, SPECIFICATIONS AND PROCEDURES MANUAL & WAYNE COUNTY STANDARD PLANS FOR PERMIT CONSTRUCTION.

AT LEAST 72 HOURS PRIOR TO CONSTRUCTION, THE PERMIT HOLDER SHALL SUBMIT WRITTEN NOTICE OF CONSTRUCTION, INCLUDING THE LOCATION AND DATE OF THE WORK ALONG WITH CONSTRUCTION PLANS TO THE PERMIT OFFICE FOR APPROVAL.

THE FINAL AREA OF ANY PAVEMENT TO BE REPLACED AND/OR OVERLAID SHALL BE DETERMINED AND MARKED OUT BY THE COUNTY.

FOR EACH PROJECT, ALL ACTUAL PLAN REVIEW AND INSPECTION COSTS, INCLUDING OVERTIME, SUPERVISION, TESTING OF MATERIALS AND EMERGENCY WORK, IF REQUIRED, SHALL BE BILLED TO THE PERMIT HOLDER ON A MONTHLY BASIS.

ANY ROAD CLOSURE SHALL BE IN COMPLIANCE WITH THE MICHIGAN MANUAL OF TRAFFIC CONTROL DEVICES. HTTP://MUTCD.FHWA.DOT.GOV

DATE

DATE

THE ATTACHMENTS LISTED BELOW ARE INCORPORATED BY REFERENCE AS PART OF THE CONDITIONS OF THIS PERMIT.

V000147 / 4-4-40404	1/1/2012	V-V	(PERMIT VALID ONLY IF ACCOMPANIED BY ABOVE ATTACHMENTS)
TOTAL CHECK AMOUNT  CASHIER	<b>\$0.00</b> DATE		waynecounty.com/mygovt/dps/depts/engineering/permitOfc.a spx
INSPECTION DEPOSIT OTHER BOND TOTAL COSTS	\$0.00 \$0.00 <b>\$0.00</b>	LETTER OF CREDIT DEPOSITOR	REQUIRED ATTACHMENTS GENERAL CONDITIONS  INDEMNITY AND INSURANCE ATTACHMENT RULES, SPECIFICATIONS AND PROCEDURES FOR PERMIT CONSTRUCTION - AVAILABLE ONLINE AT
PERMIT FEE	\$0.00 \$0.00 \$0.00 \$0.00		PLANS APPROVED BY DATE PLANS APPROVED 1/1/2012
FINANCIAL SUMMARY	Michael	DEPOSITOR	APPROVED PLANS PREPARED BY

VALIDATED BY

Sami Khaldi

Division Permit Engineer



#### Wayne County Department of Public Services Engineering Division - Permit Office

#### Conditions & Limitations of Permits

Plan Approval and Specifications: All work performed under the permit shall be done in accordance with the approved plans, specifications, maps, statements and special conditions filed with the County and shall comply Plan Approval and Specifications. At work performed under the permit shall be uone in accordance with the approved plans, specifications, and defined in the current <u>Wavie County Rules. Specifications and Procedures for Permit Construction</u>, included as an attachment to this permit, the <u>Wavie County Standard Plans for Permit Construction</u>, and the <u>MDOT Standard Specifications For Construction</u>, as modified by WCDPS Specifications, and other WCDPS specifications. Any situation or problem which occurs as a result of the construction, operation, use and/or maintenance of the facility in the right-of-way and is not covered by the approved plans nor by the County's current Standards and Specifications shall be resolved by the Permit Holder as directed and approved by the Permit Office. Any significant change to the plans must be approved by the Permit Office and is authorized only when an approved addendum is obtained from the Permit Office.

Fees: The Permit Holder shall be responsible for all fees and costs incurred by the County in connection with the permit and shall deposit payment for fees and costs as determined by the County at the time the permit is

Bond: The Permit Holder shall furnish a bond in cash or Certified check in an amount acceptable to the County to guarantee performance under the conditions of the permit. The County may use all or any portion of the bond which shall be necessary to cover any expense, including inspection costs or damage incurred by the County through the granting of the permit. Should the bond be insufficient to cover the expenses and damages incurred by the County, the Permit Holder shall pay such deficiency upon billing by the County. If the bond amount exceeds the expenses and damages incurred by the County, the excess portion will be returned to the Depositor. The excess performance bond provided for herein, when it cannot be returned, shall be deposited into the County Road Fund and become a part thereof, unless claimed by the Depositor within one year of the date of satisfactory completion of the construction authorized by the permit.

Insurance: The Permit Holder shall furnish proof of liability and property damage insurance in the form and amounts acceptable to the County with Wayne County named as an insured party. The Permit Holder shall maintain this insurance until the permit is released, revoked or cancelled by the County.

Indemnification: The Permit Holder shall indemnify, hold harmless and defend Wayne County, the Wayne County Department of Public Services, its officials and employees against any and all claims, suits and judgments to the County, the Department, its officials and employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the County, whether due to negligence of the Permit Holder or to the joint negligence of the Permit Holder and the County, arising out of any and all work performed under the permit, or in connection with work not authorized by the permit, or resulting from failure to comply with the terms of the permit or arising out of the continued existence of the work product that is the subject of the permit.

n Site: The Permit Holder shall keep available a copy of the permit and any associated approved plans on site during permitted activities.

Notification for Start and Completion of Work: The permit shall not become operative until it has been fully executed by the County. The Permit Holder shall notify the County before starting construction and shall notify the County when work is completed. The Permit Holder or their representative shall have copies of the executed permit and approved plans in their possession on the job site at all times.

- The Permit Holder shall provide at least three (3) days advanced notice, excluding Saturdays, Sundays and holidays, to the Permit Office prior to the commencement of any permitted activities by submitting a START OF WORK NOTIFICATION form by mail, fax or e-mail. In certain instances, additional notice may be required by the Permit Office. In the event that construction work ceases for a period of time, then the Permit Holder shall notify the Wayne County Inspector at least 24 hours prior to resuming work.
- The Permit Holder shall comply with all requirements of the Miss Dig Statute, MCL §460.701 et seq., as amended. The Permit Holder shall call "MISS DIG", at (800) 482-7161, at least 72 hours, excluding Saturdays, Sundays and holidays, but not more than twenty-one (21) calendar days, before starting any underground work. The Permit Holder assumes all responsibility for damage to or interruption of underground utilities.
- The Permit Holder shall call Wayne County Department of Public Services' Traffic Operations Office at (734) 955-2154, at least 72 hours prior, excluding Saturdays, Sundays and holidays, but not more than twentyone (21) calendar days, before starting any underground work in the vicinity of any traffic signal equipment owned, operated or maintained by Wayne County.

Safety: The Permit Holder agrees that all work under the permit shall be performed in a safe manner and to keep the area affected by the permit in a safe condition until the work is completed and accepted by the County. The Permit Holder shall furnish, install and maintain all necessary traffic controls and protection which are in accordance with the current Manual on Uniform Traffic Control Devices (MUTCD). The Permit Holder shall conduct all activities and maintain all facilities as set forth in the permit in a manner so as not to damage, impair, interfere with, or obstruct a public road or create a foreseeable risk of harm to the traveling public. The Permit Holder shall comply with all applicable OSHA and MIOSHA requirements.

Underground Utilities: The Permit Holder shall contact all utility owners regarding their facilities prior to starting work and shall comply with all applicable provisions of Act 53, Public Acts of 1974, as amended. Wayne County makes no warranty either expressed or implied as to the condition or suitability of subsurface conditions or any existing facility which may be encountered during an excavation. The presence or absence of utilities is based on the best information available and the County is not responsible for the accuracy of this information. The Permit Holder assumes all responsibility for the interruption and damage to underground utilities. The Permit Holder is responsible for proper disposal, in accordance with current regulations, of any material excavated from within the right-of-way. Such materials include, without limitation, soils or groundwater contaminated by petroleum products or other pollutants associated with sites identified by the MDEQ or reported on appropriate release forms for underground storage tanks.

Assignability: The permit is neither transferable nor assignable without the written consent of the County.

Limitation of Permit: The Applicant and the Permit Holder shall be responsible for obtaining and shall secure any permits or permission necessary or required by law from State, federal or other local governmental agencies and jurisdictions, corporations or individuals. These include, without limitation, those pertaining to drains, inland lakes and streams, wetlands, woodlands, flood plains, filling, noise regulation and hours of operation. Issuance of a Wayne County permit does not authorize activities otherwise regulated by State, federal or local agencies.

Access of Other Vehicles: The Permit Holder shall, at all times possible, maintain a minimum of one acceptable access to all abutting occupied properties, driveways and side streets unless otherwise specified on the approved plans. The Permit Holder shall notify all owners or occupants of properties whose access may be temporarily disrupted during the permitted work. The local police, fire or emergency service agencies shall define acceptable access. The Permit Holder shall provide signing and other improvements accessary to ensure adequate access until the roadway, driveway or side street is restored. The Permit Holder shall conduct all operations so as to minimize inconvenience to abutting property owners. Wayne County reserves the right to reasonably restrict the progress of work by the Permit Holder based on the rate of roadway and right-of-way restoration, including permanent or temporary pavernent. Wayne County may require that work be suspended until satisfactory backfilling of open trenches or excavations has been completed and driveways, side streets and drainage

Restoration: The Permit Holder agrees to restore the County road and road right-of-way, County drain easement or County park property to a condition equal to or better than its condition before work under the permit began. If the Permit Holder fails to satisfactorily restore the permitted work area, Wayne County may take all practical actions necessary to provide reasonably safe and convenient public travel, preservation of the roadway and drainage, prevention of soil erosion and sedimentation, and elimination of nuisance to abuting property owners caused by the permitted activity. Security in the form of cash, a certified check or surety bond shall be required to secure the cost of restoring the disturbed portion of the right-of-way to an acceptable safe condition. The amount of the security shall be determined by the Permit Office. In the event that a suspension of work will be protracted or that the work will not be completed by the Permit Holder, the Permit Holder shall restore the right-of-way to a condition similar to the condition that existed prior to issuance of the permit.

Acceptance: Acceptance by the County of work performed does not relieve the Permit Holder of full responsibility for work performed or the presence of the permitted facility. The Permit Holder acknowledges that the County has no liability for the presence of the Permit Holder's facility located within the County road right-of-way, County drain easement or County park property.

Permit Expiration and Extension of Time: All work authorized by the permit shall be completed to the satisfaction of the Permit Office on or before the expiration date specified in the permit. Any request for an extension of time for completion shall be on a completed County form and shall demonstrate good cause for granting the request. Additional requirements may be imposed as a condition of an extension of time due to seasonal limitations or other considerations. These additional requirements may include, without limitation, changes to materials or construction methods, reestablishment of fees, bonds, deposits and insurance requirements.

Responsibility: The design, construction, operation and maintenance of all work covered by the permit shall be at the Permit Holder's expense with the exception that the Permit Holder will not be responsible for maintaining road widenings or similar facilities which become part of the County roadway.

Revocation: The permit may be suspended or revoked at the will of the County. Upon order of the County, the Permit Holder shall surrender the permit, cease operations and remove, after or relocate, at their expense, the facilities for which the permit was granted. The Permit Holder expressly waives any right to claim damages for compensation resulting from the revocation of the permit.

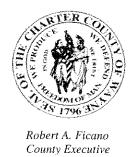
Violation: The County may declare the permit null and void if the Permit Holder violates the terms of the permit. The County may require immediate removal of the Permit Holder's facilities and restoration of the County property, or the County may remove the facilities and restore the County property at the Permit Holder's expense. The Permit Holder agrees that in the event of a violation of the terms of the permit or in the event the work authorized by the permit is not satisfactorily completed by the permit expiration date, the County may use all or any portion of the performance bond to restore the County road right-of-way, drain easement, wastewater facility or park property as necessary for reasonably safe and efficient operations and maintenance, or to establish extraordinary maintenance procedures as required to assure reasonably safe and efficient operations of the

Inspection and Testing of Materials: Wayne County reserves the right of inspection and the testing of materials by its authorized representatives of all permitted activities and/or activities within the road right-of-way, County owned property or within a County drain easement. All items identified by the final inspection shall be resolved prior to release of the permit. All materials and methods utilized during the course of the authorized permit work shall meet the requirements of the current MICOT Standard Specifications For Construction as modified by Wayne County Special Provisions, Standard Plans for Permit Construction and this manual. The Permit Holder shall reimburse Wayne County for all required inspections and testing of materials.

Design: The Permit Holder is fully responsible for the design of the permitted facility, such that the design shall be consistent with all applicable County standards, specifications, guidelines, requirements and with good engineering practice. Any errors in the plans that become evident after the issuance of a permit, and which change the scope of permitted work, are subject to review and may be grounds for revocation of the permit. The Permit Holder of the responsibility of correcting errors, deficiencies, or omissions due to oversight or unforeseen contingencies such as faulty drainage, poor subsoil conditions or the failure

Drainage: Drainage shall not be altered to flow into the road right-of-way or road drainage system unless approved by Wayne County.

Permit Holder Compliance: The Permit Holder shall abide by the conditions and limitations contained on the permit and all other conditions listed within the WCDPS Rules, Specifications and Procedures for Construction Permits. The application of any work undertaken under the permit shall constitute the Permit Holder's agreement to the Provision.



November 28, 2011

City Of Grosse Pointe Woods 20025 Mack Plaza Dr Grosse Pointe Woods, MI 48236-2343

RE: Annual Pavement Restoration Permit - A-12109

Attention: Joseph Ahee

Enclosed is your Wayne County Annual Pavement Restoration Permit package. The Annual Permit authorizes your company to occupy Wayne County road rights-of-way for the purpose of pavement repair and restoration.

In addition to the Annual Permit, the package also includes the following attachments, which are incorporated by reference into the permit:

- 1. General Conditions and Limitations of Permits
- 2. Indemnity and Insurance Attachment
- 3. Model Community Resolution

Please review the insurance attachment carefully, since the insurance requirements have been recently updated.

This year, the WCDPS Permit Office has published its manual, *Rules, Specifications and Procedures for Permit Construction*. This manual replaces the Permit Specifications document which was attached to annual permits in previous years. The manual is also incorporated by reference into this annual permit and is available online at:

#### http://waynecounty.com/dps_engineering_cpoffice.htm

In particular, refer to Section 6, "Restoration" and Section 7, "Maintaining Traffic and Traffic Control Devices" for specific rules and specifications regarding pavement restoration work. Additionally, refer to Wayne County Standards of Permit Construction, numbered: PR-1, PR-2, PR-3, PR-4 and PR-5 for detailed specifications on pavement repair and patching. These standards are also available online at the above web address.

As an additional condition of this annual permit, the Permit Holder agrees to provide at least 72 hours prior notice before starting any construction. Each notice shall be sent to the Permit Office at the address shown below and shall include the location and date of the proposed work along with a detailed set of construction plans.

For each restoration project, plan review and inspection costs, including overtime, supervision, materials testing and emergency work (if required) will be billed to the Permit Holder on a monthly basis.

Please return the original permit, signed and dated by an authorized signatory, confirming that the signer's name is typed below the signature line and submit these documents to:

Wayne County Department of Public Services
Permit Office
Attn: Mr. Sami H. Khaldi
33809 Michigan Avenue
Wayne MI 48184

Once received, I will validate your permit and return an executed copy to you for your files.

If you have any questions regarding this Annual Permit, please contact me at 734.595.6504, extension 2038.

Sincerely,

Sami H. Khaldi

Division Permit Engineer

C: file

Attachments: Annual Permit

General Conditions and Limitations of Permits Indemnity and Insurance Attachment Model Community Resolution



## Wayne County Department of Public Services Engineering Division – Permit Office Indemnity and Insurance Attachment

To the extent allowed by law, the Permit Holder shall defend and hold harmless Wayne County, the Department of Public Services, its officials and employees against any and all claims, suits and judgments to which Wayne County, the Departments, its officials and employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including County property. The Permit Holder shall provide this indemnity for any incident arising out of any and all activities performed under the permit or in connection with work not authorized by the permit, or resulting from the failure to comply with the terms of the permit, or arising out of the continued existence of the work product that is subject to the permit.

Certificates of insurance shall be required for all construction permits, excluding residential driveway permits. Each certificate of insurance and any associated correspondence shall reference the plan review number of the project. General liability and automotive liability insurance coverage shall be in amounts detailed below:

The general liability insurance coverage shall be in amounts not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. Proof of automobile liability shall be in amounts not less than \$1,000,000 combined single limit for each accident, bodily injury per accident, and property damage per accident, and in an amount not less than \$1,000,000 for bodily injury each person, each occurrence and property damage liability \$1,000,000 each occurrence.

The certificate of insurance must be provided by a person, the corporation, or by authorized representatives who signed personally either the application or permit. Insurance shall remain in force until the permit is released by Wayne County.

The Wayne County Department of Public Services shall be a Certificate Holder on the policy of insurance. Wayne County, and its officers, agents and employees shall be named as additional insured parties.

The insurance shall cover a period not less than the term of the permit and shall provide that it cannot be cancelled or reduced without thirty (30) days advance written notice to Wayne County, by Certified mail, first-class, return receipt requested. The thirty (30) days shall begin on the date when the County received the notice, as evidenced by the return receipt.

Such insurance shall provide by endorsement therein for the thirty (30) day notice by the insurer to the Permit Office prior to termination, cancellation or material alteration of the policy.

Licensee agrees to make application for renewal thereof at least sixty (60) days before the expiration date of the policy then in force and to file a certified copy of such renewed policy with the Permit Office.

The policy shall also provide by endorsement for the removal of the contractual exclusion.

Should insurance coverage be cancelled or reduced below acceptable limits, or allowed to expire, the authorization to continue work under the permit shall be suspended or revoked and shall not resume until new insurance is in force and accepted by Wayne County. Wayne County may, in such cases, take appropriate action to restore or protect the road and appurtenances. All costs incurred by this action shall be deducted from any remaining inspection deposit, bond and/or Letter of Credit and, if necessary, the Permit Holder may be billed to defray actual expenses.

# MODEL COMMUNITY RESOLUTION AUTHORIZING EXECUTION OF ANNUAL PAVEMENT RESTORATION PERMIT

Resolution No.			
At a Regular Meeting of theCII	Y COUNCI	L	(Name of Community
Governing Board) on offered:	·	( <i>date</i> ), t	he following resolution was
WHEREAS, theCITY_OF_GROSS periodically applies to the County of the C	of Wayne [	Department of	f Public Services, Engineering
Division Permit Office (hereinafter pavement repairs due to emergend within the boundaries of the Comm	the "Count by repairs o	ty") for permit on local and (	s to conduct permanent County roads located entirely
roads in a condition reasonably sa	fe and con	venient for pu	ithe to time to maintain the iblic travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 et seq, the County permits and regulates such activities and related temporary road closures;

**NOW THEREFORE**, in consideration of the County granting such Permit, the Community agrees and resolves that:

It will fulfill all permit requirements and will save harmless, represent and defend the County of Wayne and all of its officers, agents and employees:

from any and all claims and losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the Community as the result of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road; and

from any and all claims of every kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road, except claims resulting from the direct negligence or willful acts or omissions of said County performing permit activities.

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors or any other person not a party to the Permit without its specific prior written consent and notwithstanding the issuance of the Permit

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor's behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this resolution as part of a Permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

The resolution shall stipulate that the requesting city, incorporated village or township shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

The resolution shall stipulate that the requesting city, incorporated village or township shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This resolution shall continue in force from this date until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

**BE IT FURTHER RESOLVED**, that the following position(s) are authorized to apply to the County of Wayne Department of Public Services Engineering Division Permit Office for the necessary permit to work within County road right-of-way or local roads on behalf of the Community.

Name	and/or	Title	
Joseph Ahee		Director of Public Services	
		City Engineer	
Scott Lockwood		Anderson, Eckstein & Westric	k
I HEREBY CERTIFY that the by the [Board of Trustees/Cit County of Wayne, Michigan,	v Councill of the	d correct copy of a resolution adopted(name of Community),	

#### PERMIT OFFICE

33809 MICHIGAN AVE WAYNE, Mi 48184, PHONE (734) 595-6504 FAX (734) 595-6356

72 HOURS BEFORE ANY CONSTRUCTION, CALL Eileen Gardenhire (734) 595-6504, Ext: 2030 FOR INSPECTION

CONTRACTOR / AUTHORIZED AGENT



# WAYNE COUNTY DEPARTMENT OF PUBLIC SERVICES PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN

PERMIT No. <b>A-12</b>	142
ISSUE DATE	EXPIRES
1/1/2012	12/31/2012
REVIEW No.	WORK ORDER

PROJECT NAME GROSSE POINTE WOODS - S	PECIAL EVE	NTS			
LOCATION VARIOUS				CITY/TWP GROSSE POIN	TE WOODS
PERMIT HOLDER			CONTRACTOR	**************************************	
CITY OF GROSSE POINTE WO	DODS				
20025 MACK PLAZA DR					
GROSSE POINTE WOODS, MI	48236-2343	}			
CONTACT		•	CONTACT		
JOSEPH AHEE		(313) 343-2460	<blank></blank>		
DESCRIPTION OF PERMITTED ACTIVITY	(72	HOURS BEFORE YOU DIG, (	CALL MISS DIG 1-800-482-7161,	www.missdig.org)	997A-79-54WA
TO ALLOW TEMPORARY CLOS GENERAL AND SPECIAL CONF	SURE OF CE	RTAIN LOCAL AND COUN THIS PERMIT.	TY ROADS FOR A SPECIFIE	D PERIOD OF TIME IN ACCOR	DANCE WITH ALL
REFER TO ATTACHEMENT: AI MARATHONS, CELEBRATIONS	NNUAL SPEC	CIAL EVENTS PERMIT FOI VALS.	R MUNICIPALITIES TO COND	DUCT PARADES, BLOCK PART	TES,
PERMIT TO INSTALL BANNERS MONTH PRIOR TO INSTALLME PLEASE REFER TO ATTACHMI	NT FOR APP	PROVAL.	r e	FOR A BANNER SHOULD BE S	SUBMITTED ONE
PERMIT HOLDER SHOULD COL ARE/MAY BE AFFECTED BY TH	NTACT/INFO	RM THE LOCAL POLICE, I OSURE THREE (3) BUSIN	HOSPITAL, FIRE MARSHAL, S IESS DAYS PRIOR TO SCHE	SCHOOL AND ANY OTHER LO DULED CLOSURE.	CAL AGENCIES
THE PERMIT HOLDER SHOULD CLOSURE.	CONTACT	THE WAYNE COUNTY TRA	AFFIC OFFICE AT (734) 955-2	2154 THREE (3) WORKING DA	YS PRIOR TO ANY
THE CONTRACTOR/PERMIT HOMANUAL OF UNIFORM TRAFFI HOLDER.  ALL ATTACHMENTS ARE INCO	C CONTROL	DEVICES (HTTP://MUTCD	).FHWA.DOT.GOV) AND WILL	IS IN ACCORDANCE WITH THE L BE THE RESPONSIBILITY OF	E MICHIGAN - THE PERMIT
FINANCIAL SUMMARY		DEPOSITOR	——————————————————————————————————————	APPROVED PLANS PREPARED	BY
PERMIT FEE	\$0.00				
PLAN REVIEW FEE	\$0.00			PLANS APPROVED BY	DATE PLANS APPROVED
OTHER FEE	\$0.00 \$0.00				1/1/2012
BOND	\$0.00			REQUIRED ATTACHMENTS	
INSPECTION DEPOSIT OTHER BOND	\$0.00			GENERAL CONDITIONS	
O THE TECHNO	\$0.00	LETTER OF CREDIT DEPOSITOR	7	ANNUAL ROAD SPECIAL E MUNICIPALITIES	VENTS FOR
TOTAL COSTS	\$0.00			ANNUAL BANNER PERMIT	ATTACHMENT FOR
				MUNICIPALITIES SAMPLE COMMUNITY RES	OLUTION
TOTAL OHEOK AMOUNT				RULES, SPECIFICATIONS	
TOTAL CHECK AMOUNT	<b>\$0.0</b> 0			FOR PERMIT CONSTRUCT ONLINE AT waynecounty.com/mygovt/dps/de	
CASHIER				spx	pis/engineering/permitorc.a
CAGRIER	1/1/2012	·		(PERMIT VALID ONLY IF	ACCOMPANIED
n consideration of the Permit Holder and Con Maintain within the Road Right of Way, County and Statements filed with the Permit Office whi	tractor agreeing to	or County Property. The permitted w	ork described above shall be accomplish	BY ABOVE ATTAC by issued to the above named to Construct	t, Operate, Use and/or
			WAYNE COUNTY DEPAR	RTMENT OF PUBLIC SERVICES	
JOSEPH AHEE PERMIT HOLDER / AUTHORIZED AGENT		DATE			PREPARED BY
<blank></blank>		DATE	VALIDATED BY Sami Khald	5	DATE

Division Permit Engineer



Robert A. Ficano County Executive

November 28, 2011

City Of Grosse Pointe Woods 20025 Mack Plaza Dr Grosse Pointe Woods, MI 48236-2343

RE: Annual Permit for Special Events - A-12142

Attention: Joseph Ahee

Enclosed is your Wayne County Annual Permit for Special Events package. This annual permit grants preliminary authorization to a municipality to

- a) temporarily close a county road for a reasonable length of time for a parade, marathon, festival or similar activity;
- to use a county road as a detour for traffic around such activity taking place on a noncounty road.
- c) place a temporary banner within the County right-of-way;

In addition to the annual permit, the package also includes the following attachments, which are incorporated by reference into the permit:

- 1. Annual Special Events Attachment for Municipalities
- 2. Banner Attachment for Municipalities
- 3. General Conditions and Limitations of Permits
- 4. Model Community Resolution

As a condition of the annual permit, the County requires that a governing body pass a blanket resolution, effective for all permitted road closures for special events and installation of banners planned throughout the year which

- a) agrees to fulfill all permit obligations and conditions for the current year
- b) indemnifies, hold harmless and defends Wayne County and its officials and employees against any and all damage claims, suits or judgments of any kind or nature arising as a result of the permitted activity.
- c) designates and authorizes an appropriate official of the requesting municipality to sign the permit on its behalf

Additionally, the Permit Office requires that each municipality provide a written request on municipal letterhead at least (10) ten business days prior to the commencement of a road closure and/or banner placement. The written request should include all required information as specified in the appropriate attachments, "Annual Special Events for Municipalities" or "Annual Attachment for Banners". Upon approval, the permit office shall issue an addendum to this permit authorizing the special event activities.

For additional information on the Annual Permit for Special Events (Road Closure/Detour and Banner Placement), please refer to Rule 11.4 published in the <u>Wayne County, Rules, Specifications & Procedures for Construction Permits.</u>

This publication may be downloaded at

http://waynecounty.com/dps_engineering_cpoffice.htm

Please return the original permit, signed and dated by the person authorized and designated by the resolution, along with a certified copy of the resolution consistent with the requirements transmitted in this package. Type the name of the designated signer below the signature line and submit these documents to:

Wayne County Department of Public Services
Permit Office
Attn: Mr. Sami H. Khaldi
33809 Michigan Avenue
Wayne MI 48184

Once received, an executed copy will be returned to you for your files.

If you have any questions regarding this Annual Permit, please contact me at 734.595.6504, extension 2038.

Sincerely,

Sami H. Khaldi

Division Permit Engineer

C: file

Attachments:

Annual Permit Annual Special Events Attachment for Municipalities Banner Attachment for Municipalities General Conditions and Limitations of Permits Model Community Resolution



### Wayne County Department of Public Services Engineering Division – Permit Office

### Annual Special Events for Municipalities Road Closure/Detour Addendum Guidelines

An Annual Permit granting permission to temporarily close a County road for a reasonable length of time for a parade, marathon, celebration, festival or similar activity, or to use a County road as a detour for traffic around such activity taking place on a non-County road may be issued by the Permit Office to a governing body of a city, incorporated village or township.

An addendum, granting authorization to close County roads and to set detours over County roads may be issued if an annual Special Events Permit was previously executed with an associated blanket resolution. For each event, the Permit Holder shall submit a written request at least ten (10) business days prior to the commencement of a road closure. Each request shall be submitted on municipal letterhead and include the following information:

- a) The nature of the activity for which the permit is requested;
- b) The dates and times it is proposed to close and reopen the County road to traffic;
- c) The roads and/or portions of roads to be closed:
- d) The proposed detour route or routes, including a map if necessary to clearly describe the proposed detour.

The written request shall be sent to the following offices:

Wayne County Permit Office 33809 Michigan Ave Wayne MI 48184 Wayne County Division of Roads Traffic Operations Office 29900 Goddard Road Romulus MI 48242

Upon approval of the request, an addendum will be issue authorizing the special event activities.

#### Permit Conditions:

- 1. All roads temporarily closed under the permit shall be County local roads, as certified under Act 51, P.A. 1951, with residential frontage exclusive of section line (mile roads), quarter section line (collector roads) and border line roads.
- 2. Road closures authorized under the permit shall not be for the purpose of allowing private commercial activities such as advertising or the sale of goods, wares or produce.
- 3. The Permit Holder, at no expense to the County, shall provide any necessary police supervision.
- 4. Road closures authorized under the permit shall not have the effect of depriving property which is not adjacent to the section of road being closed from continuous uninterrupted access to the main public road system.
- 5. The closure or partial closure of the road and any detour route selected shall allow alternative routes for the reasonably safe and convenient movement of traffic.
- 6. Road closures authorized by the permit shall not exceed the approved duration, generally between 24 and 72 hours.
- 7. The Permit Holder shall, at no expense to the County, install, maintain and remove all traffic control devices required for the temporary road closure and detour routes.
- 8. All traffic control devices installed in conjunction with the road closure or partial closure and any detour route shall conform to the provisions of the current MUTCD. (http://mutcd.fhwa.dot.gov)
- 9. The Permit Holder shall, at its sole expense, immediately following conclusion of the permitted activity clean up and remove any litter, debris, refuse, etc., placed or left in the right-of-way as a result of the permitted activity. In the event that the Permit Holder fails to clean up as required, causing Wayne County to do the cleanup work, the Permit Holder shall reimburse Wayne County any costs incurred to restore the right-of-way.
- 10. The Permit Holder acknowledges that the County may, at its sole discretion, deny any road closure proposed under the permit.

Revised: October 7, 2008



### Wayne County Department of Public Services Engineering Division – Permit Office Banner Attachment for Municipalities Addendum Guidelines

Pursuant to MCL §247.323, a permit for installation of any banner to be placed within or over County road right-of-way may be issued to a governing body of a city, incorporated village or township. Commercial signs shall not be permitted within the right-of-way of any road under the jurisdiction of the Wayne County.

An addendum, authorizing the placement of banners within the County right-of-way may be issued if an annual Special Events Permit was previously executed with an associated blanket resolution. For each event, the Permit Holder shall submit a written request at least ten (10) business days prior to the placement of banner(s). Each request shall be submitted on municipal letterhead and include the following information:

- a) The activity in connection with which the banner is to be placed;
- b) The location of the proposed installation, including distance to overhead traffic control devices;
- c) A description of the banner, including any legend or symbol thereon;
- The height of any overhead banner from the road surface to its lowest point;
- e) The dates the banner will be erected and removed. This period shall not exceed a time specified by the Permit Office. An acceptable period of time for banners to be in place is a total of three (3) weeks, except for Holiday decorations which may be in place for eight (8) weeks;
- f) Such other information as the Permit Office may deem necessary.

Upon approval of the request, an addendum will be issue authorizing the special event activities.

#### **Design & Placement Requirements**

- Any banner shall be designed, installed and located so as to avoid danger to those using the road or undue interference with the free movement of traffic or maintenance operations.
- b) Any banner shall be securely fastened so as to have a minimum bottom height of 18 feet above the surface of the traveled way, shall be placed no closer than 100 feet in advance of flashing beacons or traffic control signals and shall be placed so as to not obstruct a clear view of traffic lights, signals or other traffic control devices.
- c) Banners shall not be attached to trees.
- d) No banner shall have displayed thereon any legend or symbol which may in any way be construed to advertise or otherwise promote the sale of or publicize any merchandise or commodity, or which may be construed to be political in nature.
- No banner shall have displayed thereon any device that is or purports to be an imitation of, resembles or may be mistaken for a traffic control device or which attempts to direct the movement of traffic.
- f) No banner shall be above ground figures, signs or other structures, objects or devices whether lit or unlit
- Decorations shall not include flashing lights, reflective materials or other devices that may distract motorists.

#### **Permit Conditions**

- a) Any authorization may be revoked by the Permit Office if the banner placement becomes dangerous to those using the road or unduly interferes with the free movement of traffic or maintenance operations.
- The city, village or township making application shall faithfully fulfill all permit requirements.

An addendum authorization may be revoked by the Permit Office upon failure to comply with any permit conditions.

Revised: October 14, 2009



#### Wayne County Department of Public Services Engineering Division – Permit Office

#### Conditions & Limitations of Permits

Plan Approval and Specifications: All work performed under the permit shall be done in accordance with the approved plans, specifications, maps, statements and special conditions filed with the County and shall comply with Wayne County Specifications, as defined in the current Wayne County Rules, Specifications and Procedures for Permit Construction, included as an attachment to this permit, the Wayne County Standard Plans for Permit Construction, and the MDOT Standard Specifications For Construction, as modified by WCDPS Special Provisions, and other WCDPS specifications. Any situation or problem which occurs as a result of the construction, operation, use and/or maintenance of the facility in the right-of-way and is not covered by the approved plans nor by the County's current Standards and Specifications shall be resolved by the Permit Holder as directed and approved by the Permit Office. Any significant change to the plans must be approved by the Permit Office and is authorized only when an approved addendum is obtained from the Permit Office.

Fees: The Permit Holder shall be responsible for all fees and costs incurred by the County in connection with the permit and shall deposit payment for fees and costs as determined by the County at the time the permit is

Bond: The Permit Holder shall furnish a bond in cash or Certified check in an amount acceptable to the County to guarantee performance under the conditions of the permit. The County may use all or any portion of the bond which shall be necessary to cover any expense, including inspection costs or damage incurred by the County through the granting of the permit. Should the bond be insufficient to cover the expenses and damages incurred by the County, the Permit Holder shall pay such deficiency upon hilling by the County. If the bond amount exceeds the expenses and damages incurred by the County, the excess portion will be returned to the Depositor. The excess performance bond provided for herein, when it cannot be returned, shall be deposited into the County Road Fund and become a part thereof, unless claimed by the Depositor within one year of the date of satisfactory completion of the construction authorized by the permit.

Insurance: The Permit Holder shall furnish proof of liability and property damage insurance in the form and amounts acceptable to the County with Wayne County named as an insured party. The Permit Holder shall maintain this insurance until the permit is released, revoked or cancelled by the County.

Indemnification: The Permit Holder shall indemnify, hold harmless and defend Wayne County, the Wayne County Department of Public Services, its officials and employees against any and all claims, suits and jadgments to which the County, the Department, its officials and employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the County, whether due to negligence of the Permit Holder or to the joint negligence of the Permit Holder and the County, arising out of any and all work performed under the permit, or in connection with work not authorized by the permit, or resulting from failure to comply with the terms of the permit or arising out of the continued existence of the work product that is the subject of the permit.

Permit on Site: The Permit Holder shall keep available a copy of the permit and any associated approved plans on site during permitted activities.

Notification for Start and Completion of Work: The permit shall not become operative until it has been fully executed by the County. The Permit Holder shall notify the County before starting construction and shall notify the County when work is completed. The Permit Holder or their representative shall have copies of the executed permit and approved plans in their possession on the job site at all times.

- The Permit Holder shall provide at least three (3) days advanced notice, excluding Saturdays, Sundays and holidays, to the Permit Office prior to the commencement of any permitted activities by submitting a START OF WORK NOTIFICATION form by mail, fax or e-mail. In certain instances, additional notice may be required by the Permit Office. In the event that construction work ceases for a period of time, then the Permit Holder shall notify the Wayne County Inspector at least 24 hours prior to resuming work.
- 2. The Permit Holder shall comply with all requirements of the Miss Dig Statute, MCL §460.701 et seq., as amended. The Permit Holder shall call "MISS DIG", at (800) 482-7161, at least 72 hours, excluding Saturdays, Sundays and holidays, but not more than twenty-one (21) calendar days, before starting any underground work. The Permit Holder assumes all responsibility for damage to or interruption of underground utilities.
- The Permit Holder shall call Wayne County Department of Public Services' Truffic Operations Office at (734) 955-2154, at least 72 hours prior, excluding Saturdays, Sundays and holidays, but not more than twenty-one (21) calendar days, before starting any underground work in the vicinity of any traffic signal equipment owned, operated or maintained by Wayne County.

Safety: The Permit Holder agrees that all work under the permit shall be performed in a safe manner and to keep the area affected by the permit in a safe condition until the work is completed and accepted by the County. The Permit Holder shall furnish, install and maintain all necessary traffic controls and protection which are in accordance with the current Manual on Uniform Traffic Control Devices (MUTCD). The Permit Holder shall conduct all activities and maintain all facilities as set forth in the permit in a manner so as not to damage, impair, interfere with, or obstruct a public road or create a foreseeable risk of harm to the traveling public. The Permit Holder shall comply with all applicable OSHA and MIOSHA requirements.

Underground Utilities: The Permit Holder shall contact all utility owners regarding their facilities prior to starting work and shall comply with all applicable provisions of Act 53, Public Acts of 1974, as amended. Wayne County makes no warranty either expressed or implied as to the condition or suitability of subsurface conditions or any existing facility which may be encountered during an excavation. The presence or absence of utilities is based on the best information available and the County is not responsible for the accuracy of this information. The Permit Holder assumes all responsibility for the interruption and damage to underground utilities. The Permit Holder is responsible for proper disposal, in accordance with current regulations, of any material excavated from within the right-of-way. Such materials include, without limitation, soils or groundwater contaminated by petroleum products or other pollutants associated with sites identified by the MDEQ or reported on appropriate release forms for underground storage tanks.

Assignability: The permit is neither transferable nor assignable without the written consent of the County.

Limitation of Permit: The Applicant and the Permit Holder shall be responsible for obtaining and shall secure any permits or permission necessary or required by law from State, federal or other local governmental agencies and jurisdictions, corporations or individuals. These include, without limitation, those pertaining to drains, inland takes and streams, wetlands, woodlands, flood plains, filling, noise regulation and hours of operation. Issuance of a Wayne County permit does not authorize activities otherwise regulated by State, federal or local agencies.

Access of Other Vehicles: The Permit Holder shall, at all times possible, maintain a minimum of one acceptable access to all abutting occupied properties, driveways and side streets unless otherwise specified on the approved plans. The Permit Holder shall notify all owners or occupants of properties whose access may be temporarily disrupted during the permitted work. The local police, fire or emergency service agencies shall define acceptable access. The Permit Holder shall provide signing and other improvements necessary to ensure adequate access until the roadway, driveway or side street is restored. The Permit Holder shall conduct all operations so as to minimize inconvenience to abutting property owners. Wayne County reserves the right to reasonably restrict the progress of work by the Permit Holder based on the rate of roadway and right-of-way restoration, including permanent or temporary pavement. Wayne County may require that work be suspended until satisfactory backfilling of open trenches or excavations has been completed and driveways, side streets and drainage restored.

Restoration: The Permit Holder agrees to restore the County road and road right-of-way, County drain easement or County park property to a condition equal to or better than its condition before work under the permit began. If the Permit Holder fails to satisfactorily restore the permit dwork area, Wayne County may take all practical actions necessary to provide reasonably safe and convenient public travel, preservation of the roadway and drainage, prevention of soil erosion and sedimentation, and elimination of nuisance to abuting property owners caused by the permitted activity. Security in the form of cash, a certified check or surety bond shall be required to secure the cost of restoring the disturbed portion of the right-of-way to an acceptable safe condition. The amount of the security shall be determined by the Permit Holder, the Permit Holder, the Permit Holder shall restore the right-of-way to a condition similar to the condition that existed prior to issuance of the permit.

Acceptance: Acceptance by the County of work performed does not relieve the Permit Holder of full responsibility for work performed or the presence of the permitted facility. The Permit Holder acknowledges that the County has no liability for the presence of the Permit Holder's facility located within the County road right-of-way, County drain easement or County park property.

Permit Expiration and Extension of Time: All work authorized by the permit shall be completed to the satisfaction of the Permit Office on or before the expiration date specified in the permit. Any request for an extension of time for completion shall be on a completed County form and shall demonstrate good cause for granting the request. Additional requirements may be imposed as a condition of an extension of time due to seasonal limitations or other considerations. These additional requirements may include, without limitation, changes to materials or construction methods, reestablishment of fees, bonds, deposits and insurance requirements.

Responsibility: The design, construction, operation and maintenance of all work covered by the permit shall be at the Permit Holder's expense with the exception that the Permit Holder will not be responsible for maintaining road widenings or similar facilities which become part of the County roadway.

Revocation: The permit may be suspended or revoked at the will of the County. Upon order of the County, the Permit Holder shall surrender the permit, cease operations and remove, alter or relocate, at their expense, the facilities for which the permit was granted. The Permit Holder expressly waives any right to claim damages for compensation resulting from the revocation of the permit.

Violation: The County may declare the permit null and void if the Permit Holder violates the terms of the permit. The County may require immediate removal of the Permit Holder's facilities and restoration of the County property, or the County may remove the facilities and restore the County property at the Permit Holder's expense. The Permit Holder agrees that in the event of a violation of the terms of the permit or in the event the work authorized by the permit is not satisfactorily completed by the permit expiration date, the County may use all or any portion of the performance bond to restore the County road right-of-way, drain easement, wastewater facility or park property as necessary for reasonably safe and efficient operations and maintenance, or to establish extraordinary maintenance procedures as required to assure reasonably safe and efficient operation of the County facility.

Inspection and Testing of Materials: Wayne County reserves the right of inspection and the testing of materials by its authorized representatives of all permitted activities and/or activities within the road right-of-way. County owned property or within a County drain easement. All items identified by the final inspection shall be resolved prior to release of the permit. All materials and methods utilized during the course of the authorized permit work shall meet the requirements of the current MDOT Standard Specifications For Construction as modified by Wayne County Special Provisions, Standard Plans for Permit Construction and this manual. The Permit Holder shall reimburse Wayne County for all required inspections and testing of materials.

Design: The Permit Holder is fully responsible for the design of the permitted facility, such that the design shall be consistent with all applicable County standards, specifications, guidelines, requirements and with good engineering practice. Any errors in the plans that become evident after the issuance of a permit, and which change the scope of permitted work, are subject to review and may be grounds for revocation of the permit. The Permit Office will not relieve the Permit Holder of the responsibility of correcting errors, deficiencies, or omissions due to oversight or unforeseen contingencies such as faulty drainage, poor subsoil conditions or the failure of the Permit Holder's engineer to show all the related or pertinent conditions inside or outside the plan area.

Drainage: Drainage shall not be altered to flow into the road right-of-way or road drainage system unless approved by Wayne County.

Permit Holder Compliance: The Permit Holder shall abide by the conditions and limitations contained on the permit and all other conditions listed within the WCDPS Rules, Specifications and Procedures for Construction Permits. The application of any work undertaken under the permit shall constitute the Permit Holder's agreement to the Provision.

#### MODEL COMMUNITY RESOLUTION AUTHORIZING EXECUTION OF ANNUAL SPECIAL EVENTS PERMITS

Donalistian Na

nesolution no.		
At a Regular Meeting of the _ Governing Board) on offered:		( <i>Name of Community</i> date), the following resolution was
requests an annual permit fro Engineering Division Permit ( County road for a parade, eve	om the County of Wayn Office (hereinafter the " ent, celebration, block d right-of-way, and the	(hereinafter the "Community") ne Department of Public Services, "County") to temporarily close a party or similar activity or, to erect a county road or road-right-of-way is unity;

WHEREAS, pursuant to Act 200 of 1969, being MCL 247.323 et seq, the County permits and regulates such activities, banners and related temporary road closures;

**NOW THEREFORE**, in consideration of the County granting such an Annual Permit, the Community agrees and resolves that:

It will fulfill all permit requirements and will save harmless, represent and defend the County of Wayne and all of its officers, agents and employees:

from any and all claims and losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the Community as the result of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road; and

from any and all claims of every kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road, except claims resulting from the direct negligence or willful acts or omissions of said County performing permit activities.

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors or any other person not a party to the Permit without its specific prior written consent and notwithstanding the issuance of the Permit.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

The resolution shall stipulate that the requesting city, incorporated village or township shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

The resolution shall stipulate that the requesting city, incorporated village or township shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This resolution shall continue in force from this date until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any permit which has already been issued or activity which has already been undertaken.

**BE IT FURTHER RESOLVED**, that the following position(s) are authorized to apply to the County of Wayne Department of Public Services Engineering Division Permit Office for the necessary permit to work within County road right-of-way or local roads on behalf of the Community.

Name	and/or	Title
Joseph Ahee		Director of Public Services
		City Engineer
Scott Lockwood		Anderson, Eckstein & Westric
by the [Board of Trustees/Ci	ty Council) of the	d correct copy of a resolution adopted (name of Community),
County of Wayne, Michigan,	on	•

# KELLER THOMA

A PROFESSIONAL CORPORATION

COUNSELORS AT LAW 440 EAST CONGRESS 5TH FLOOR DETROIT, MICHIGAN 48226 313,965,7610 FAX 313.965.4480

www.kellerthoma.com

CITY OF GROSSE POINTE WOODS 20025 Mack Plaza Grosse Pointe Woods, MI 48236

Attention: Mr. Al Fincham, City Administrator

8 2011

CITY OF GROSSE PTE. WOODS

FEDERAL I.D. 38-1996878

December 01, 2011

Client:

000896

Matter:

000000

Invoice #:

96473

REGARDING: GENERAL MATTERS

For professional services rendered and expenses incurred relative to the above matter:

TOTAL

\$547.10

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440 EAST CONGRESS
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Grosse Pointe Woods, MI 48236

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December 01, 2011

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Page:

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**RE: GENERAL MATTERS** 

For Professional Services Rendered through November 30, 2011

DATE	ATTY	DESCRIPTION	HOURS
11/07/2011	DBD	Attention to telephone call from City Manager Fincham and Ms. Irby with respect to pending matters.	0.50
11/08/2011	DBD	Attention to telephone call from Attorney Sudnick with respect to the Police Command Act 312 arbitration matters.	0.25
11/17/2011	DBD	Attention to telephone call from Attorney Sudnick with respect to the pending Command Officer Act 312 arbitration matter; attention to preparation for and prehearing conference with Arbitrator Kerner and Attorney Sudnick with respect to the same.	1.75
11/21/2011	TLF	Telephone call from Mr. Fincham and Ms. Irby regarding DPW employee with physical disability.	0.25
11/29/2011	DBD	Attention to telephone call from Mr. Fincham and Ms. Irby with respect to pending contract negotiation matter and personnel matters.	0.50
		Total Services	\$536.25

ATTORNEY		HOURS	RATE	AMOUNT
DBD	DENNIS B. DuBAY	3.00	\$165.00	\$495.00
TLF	THOMAS L. FLEURY	0.25	\$165.00	\$41.25

## KELLER THOMA

A PROFESSIONAL CORPORATION

CITY OF GROSSE POINTE WOODS

20025 Mack Plaza

Grosse Pointe Woods, MI 48236

Attention: Mr. Al Fincham, City Administrator

December 01, 2011

Client:

000896

Matter: Invoice #: 000000 96473

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RE:

**GENERAL MATTERS** 

DISBURSEMENTS

11/29/2011

**Document Reproduction** 

\$9.80

11/29/2011

Telephone

\$1.05

Total Disbursements

\$10.85

**Total Amount Due** 

\$547.10