

**CITY OF GROSSE POINTE WOODS**  
**20025 Mack Plaza**  
**Regular City Council Meeting Agenda**  
**Monday, May 20, 2013**  
**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. MINUTES
  - A. Council 05/06/13
  - B. Beautification Commission 03/13/13, w/recommendation
    1. Lochmoor Club – Letter of Agreement
  - C. Citizens Recreation Commission 03/12/13
  - D. Historical Commission 03/14/13
  - E. Senior Citizens Commission 03/19/13
  
7. PUBLIC HEARING
  - A. Proposed 2013/14 General Budget and Millage Rate
    1. Proposed Budget and Appropriation Resolution
    2. Memo 05/15/13 – City Administrator & Treasurer/Comptroller, w/attachments
    3. Affidavit of Legal Publication
  
8. COMMUNICATIONS
  - A. Budget Amendment and Bill Payment Approval
    1. Memo 05/13/13, w/attachments – Treasurer/Comptroller
  - B. Budget Transfer – City Bus Repair
    1. City Council Excerpt 05/06/13
    2. Letter 05/15/13, w/attachments – City Attorney
  - C. Monthly Financial Report – April 2013
  
9. BIDS / PROPOSALS/  
CONTRACTS
  - A. Trucking Services
    1. Memo 04/30/13 – Director of Public Services
    2. Letter 04/23/13 – Hernden Trucking Co.
    3. Certificate of Insurance
    4. Hernden Trucking Agreement
    5. Hernden Trucking Agreement Amendment
  - B. Gas Fired Heater
    1. Memo 05/09/13 – Director of Public Services
  - C. Purchase – Two 10’ Snow Plows
    1. Memo 05/10/13 – Director of Public Services

10. CLAIMS/  
ACCOUNTS                      A. Labor Attorney  
  1. Keller Thoma 05/01/13
11. NEW BUSINESS/PUBLIC COMMENT
12. 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**



COUNCIL  
05-06-13 - 40

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, MAY 6, 2013, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:33 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke  
Council members: Bryant, Granger, Koester, McConaghy, Shetler  
Absent: Ketels

Also Present: City Administrator Fincham  
City Attorney Don Berschback  
Treasurer/Comptroller Irby  
City Clerk Hathaway  
Director of Public Works Ahee

Motion by McConaghy, seconded by Bryant, to excuse Council Member Ketels from tonight's meeting.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

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

The following Commission Members were in attendance:

Phil Hage, Beautification Advisory Committee  
Carroll Evola, Planning Commission

Motion by Granger, seconded by Shetler, 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, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Jack Smith, Executive Director of the Government Finance Officers Association, presented to Dee Ann Irby, Treasurer/Comptroller, the City of Grosse Pointe Woods' 44<sup>th</sup> consecutive Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.

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

1. City Council minutes dated 04/15/13.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by Granger, seconded by Bryant, regarding **Lochmoor Club – Michigan Tax Tribunal**, that the City Council concur with the Committee-of-the-Whole at their meeting on April 22, 2013, and not pursue an appeal of this tribunal case.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by Granger, seconded by Shetler, regarding **Lochmoor Club – Michigan Tax Tribunal**, that the City Council concur with the Committee-of-the-Whole at their meeting on April 22, 2013, and stipulate to the personal property for 2010 and 2011, which is a part of the opinion.



Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by Granger, seconded by Bryant, regarding **Lochmoor Club – Michigan Tax Tribunal**, that the City Council concur with the Committee-of-the-Whole at their meeting on April 22, 2013, and revise the 2013 personal property and real property values to mirror the Judge's Opinion for 2012 values.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by Bryant, seconded by Granger, regarding proposed **water/sewer budget**, that the City Council concur with the recommendation of the Committee-of-the-Whole at their meeting on April 28, 2013, and adopt the rate increases as proposed in Scenario #2, as presented in the Treasurer/Comptroller's memo dated April 26, 2013, consumption rates to become effective July 1, 2013.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by Bryant, seconded by Granger, regarding **2013 Grosse Pointe Woods/Shores Little League Parade**, that the City Council concur with the recommendation of the Committee-of-the-Whole at their meeting on April 28, 2013, and approve the request of the Woods-Shores Little League Parade held on Sunday, May 5, 2013, from 12:45 p.m. to 1:45 p.m.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

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

1. Committee-of-the-Whole minutes dated 04/22/13 and 04/29/13.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by Shetler, seconded by Bryant, regarding **Pyrotechnic Display**, that the City Council concur with the recommendation of the Fireworks Committee at their meeting on April 11, 2013, and approve an Agreement with Melrose Pyrotechnics, Inc. in an amount not to exceed \$27,000.00 to provide pyrotechnic services for the 2013 Grosse Pointe Woods Fireworks display, and to authorize the City Administrator to sign said Agreement, to be paid from Fireworks Account No. 205-870-820.110.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

The Mayor **appointed Jennifer Boettcher**, President/Executive Director of the Grosse Pointe Chamber of Commerce, as a member of the Firework's Committee, with a term to begin in 2014.

Motion by McConaghy, seconded by Shetler, regarding Appointment – Jennifer Boettcher, that the City Council voice no objection to the Mayoral appointment of Jennifer Boettcher, President/Executive Director of the Grosse Pointe Chamber of Commerce, as a member of the Firework's Committee, with a term to begin in 2014.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by Bryant, seconded by McConaghy, regarding **Employment Contracts – Appointed Officials**, that the City Council concur with the Compensation and Evaluation Committee at their meeting on April 22, 2013, and extend the contracts of the City Administrator, City Treasurer/Comptroller, City Clerk, City Assessor, and the City Attorney from July 1, 2013, through June 30, 2014, and that there not be any increase in compensation or benefits for the appointed officials at this time.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by Granger, seconded by Bryant, regarding **contract – printing services**, that the City Council approve a contract with Compton Press Industries to provide printing services for the City's calendar, *Update* newsletters, and *Annual Drinking Water Quality Report* at a cost of \$16,100.00 per fiscal year in an amount not to exceed \$48,300.00 for three years from July 1, 2013, through June 30, 2016, funds to be taken from Account No. 101-780-880.000 for the calendar and newsletters; and Account No. 592-536-757.000 for the *Annual Water Quality Report*.

Motion by Granger, seconded by Bryant, regarding contract-printing services, to amend the previous motion by adding, ". . . contingent upon approval of each the 2013/14, 2014/15, and 2015/16 budgets."

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by Koester, seconded by Granger, regarding **contract – janitorial services for municipal building**, that the City Council award a contract to Triple F Commercial Cleaning Services in an amount not to exceed \$13,000.00 for municipal building janitorial services from July 1, 2013, through June 30, 2014, funds to be taken from Account No. 101-444-818.000, contingent upon approval of the 2013/14 budget.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by Shetler, seconded by Bryant, regarding **fee schedule – water meters/read device**, that the City Council adopt the Water Meter Fee Schedule as proposed by the Director of Public Services in his memo dated April 17, 2013, and authorize the City Clerk to add said fees into the City's Fee Schedule by Department, as follows:

Size Meter and Read Device	Current Fee	Proposed Fee
5/8"	\$185.00	\$205.50
3/4"	\$197.00	\$232.50
1"	\$239.00	\$314.00
1 1/2"	\$412.00	\$533.00
2"	\$551.00	\$718.50
3"	\$1,595.00	\$2,675.00
4:	\$2,742.00	\$3,955.00
6"	N/A	\$5,590.00

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by Granger, seconded by McConaghy, regarding **application for permit/license**, that the City Council approve the application of Robert G. Muir of Edward Jones for a Permit/License to Solicit.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by Granger, seconded by Bryant, regarding **application for permit/license**, that the City Council approve Lori Ann Romanik for 2013 Ice Cream Vendor Licenses, contingent upon receipt of proper insurance.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by McConaghy, seconded by Bryant, regarding **unpaid invoices**, that the City Council authorize the Treasurer/Comptroller to transfer 2012 outstanding invoices in the amount of \$8,859.00 to the July 2013 tax bills.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by McConaghy, seconded by Granger, regarding **proposed FY 2013/14 Budget**, that the City Council set May 20, 2013, for a Public Hearing on the Proposed 2013/14 budget and to authorize the City Clerk to publish said Public Hearing Notice in the *Grosse Pointe News* for final adoption.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Following a brief discussion regarding **budget transfer – city bus repair**, the City Council unanimously consented to defer this item to the May 20, 2013, City Council Meeting to allow time for the City Attorney to provide a completed legal opinion including a determination regarding receipt of reimbursement monies from SMART-Community Credit funding as it relates to a resident's-only park.

Motion by Granger, seconded by Shetler, regarding **Wayne County Bike Rack Agreement**, that the City Council adopt the resolution authorizing Mr. Reeside to sign this Agreement.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by McConaghy, seconded by Bryant, regarding **Proclamation – Scleroderma Foundation Awareness Month**, that the City Council voice no objection to the issuance of this Mayoral proclamation.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

Motion by McConaghy, seconded by Granger, regarding **City Attorney**, that the City Attorney statements dated April 30, 2013, be approved for payment:

1. City Attorney Don Berschback in the amount of \$4,262.50;
2. City Attorney Charles Berschback in the amount of \$4,865.00.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler  
No: None  
Absent: Ketels

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

- Council Member Bryant, Chair of the Compensation & Evaluation Committee, stated that the Committee was very pleased with work of the appointed officials, that they could not be more pleased, and that everyone works very well together.

Motion by Granger, seconded by Bryant, to adjourn tonight's meeting at 7:59 p.m.  
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway  
City Clerk



City of Grosse Pointe Woods  
Beautification Advisory Commission  
Lake Room – GPW City Hall  
Meeting, March 13, 2013



Approved by Commission  
04/10/13

LB

**Present:** Arslanian, Briggs, DiClemente, Gossman, Hage, Hilton, Hyduk, Janowski, Martin-Rahaim, McCarthy, Reiter, Rozycki  
**Also present:** DPW Representative Mathews    **Excused:** Cook, Hagen, Sauter, Council Representative Granger

**Call to order:** The meeting was called to order at 7:30 p.m. by E. Reiter.

**Minutes:** A. DiClemente moved, and J. Gossman seconded, approval of the Feb 13th minutes. Motion passed.

**Treasurer's Report:** In honor of his ten years of exemplary service, G. Hilton was presented with a BAC tile by the Mayor and the Council. The GPW Council also approved the \$100 license for the Mother's Day plant sale.

**Chairperson's Report:** No report.

**Council Report:** P. Hage described the Feb 25<sup>th</sup> meeting of Council, noting that Dennis Janowski was officially appointed to BAC. A sign-up sheet for future Council meetings was distributed; E. Reiter will attend on April 8<sup>th</sup>.

**DPW Report:** Despite a critical reduction of personnel and funds, DPW is doing its best to respond promptly to citizen concerns. The May Update will detail the request process for 64 gallon recycling bins on wheels, which remain the property of Rizzo. Current, smaller recycling bins can still be used and purchased for a ten-dollar fee.

**Flower sale:** The flower-sale committee, which includes K. Martin-Rahaim, G. Hilton, D. McCarthy, and G. Arslanian, discussed changes in Jusco prices and distributed a revised, picturesque order form. BAC agreed to exclude diseased impatiens, subject to powdery mildew, from the May sale, but the committee will still order impatiens impervious to the disease, such as double impatiens, New Guinea impatiens, and sun impatiens. BAC expressed appreciation to G. Arslanian for her successful recruitment of two Grosse Pointe North mothers of freshman students to be in charge of distribution of orders, thus ensuring four years of continuity. D. Hyduk agreed to purchase two dozen critters for the May sale: owls, doves, rabbits, and pineapples (symbol of hospitality) were recommended.

**Tile / Mug Programs:** In the spirit of cost cutting, BAC decided to market tiles from previous years instead of commissioning a new 2013 tile. D. Hyduk and K. Martin-Rahaim recommended that BAC consider Star of the Sea church for a 2014 commemorative tile to honor the 20<sup>th</sup> anniversary of the new church's construction in 1994.

**Awards Program** P. Hage reported on the benefits and drawbacks of several potential locations for the 2013 BAC awards. *After serious deliberation and much discussion, P. Hage moved, A. DiClemente seconded, that the City Council approve the BAC recommendation of the Lochmoor Club as the venue for the 40<sup>th</sup> BAC Awards scheduled for Nov 13, 2013, with an amount not to exceed \$3500 to pay for expenses.* Motion passed unanimously. As part of a signed Letter of Agreement, the city of GP Woods will pay an initial non-refundable deposit of \$500 to the Lochmoor Club, a deposit underwritten by the BAC Flower sale. Awards criteria were distributed for review and discussion at the April meeting. BAC expressed its appreciation to Jan Treuter for composing guidelines for the Renovation Award. In addition to establishing guidelines for a Landmark II, the Landmark awards subcommittee, which consists of A. DiClemente, J. Hagen, G. Hilton, and C. Briggs, will also consider whether awards should be given for Christmas decorations, beautiful night-lighting, Back Door landscaping, or neighborhood block achievement. This subcommittee will report at the April BAC meeting.

**Old Business:** D. Hyduk reminded BAC of the July 2012 motion to donate and to plant unsold May flowers for indisposed GPW senior citizens. As Vice Chair, C. Briggs volunteered to contact the Chair of the GPW Senior Citizen Commission for recommendations of senior citizens in need of such services and if no recommendations are forthcoming, then Services for Older Citizens will be contacted.

**New Business:** D. Janowski, BAC's newest member, volunteered to be Recording Secretary, earning the gratitude of BAC.

The meeting was adjourned by unanimous acclamation at 8:50 p.m.

Respectfully submitted,

Christine Briggs    Vice-Chair    Beautification Advisory Commission

NOTE





*Letter of Agreement*  
*Date: February 21, 2013*

It is a pleasure to confirm that the Lochmoor Club has reserved the following function space for your event:

**DESCRIPTION OF GROUP AND EVENT**

**MEMBER:** City of GP Woods

**GROUP:** City of GP Woods

**GROUP CONTACT:** Phil Hage

**FUNCTION TYPE:** Awards Dinner

**ROOM(s):** Ballroom

**DATE:** November 13, 2013

**ANTICIPATED ATTENDANCE:** 90

**FUNCTION AGENDA**

<i>DATE</i>	<i>TIME</i>	<i>FUNCTION</i>	<i>ROOM</i>	<i>SET-UP</i>	<i># OF PEOPLE</i>	<i>RENTAL FEE</i>
11-13-13	6:30-10pm	Dinner	Ballroom	Rounds	90	Waived

***\*\*Please note the timing listed above is tentative\*\****

*Deposit and Billing Policy*

**Payment Schedule for both Member and Sponsored Functions**

Initial Non-Refundable Deposit due with signed Letter of Agreement will be charged as follows:

**Ballroom-Waived for 2013**

If multiple rooms are booked, the deposit will equal to the total room rental. Space requirements will be determined by the Catering Department and the Club will attempt to provide groups a room suitable for the number of attendees at the event. Any space requested beyond that will be charged additional room rental.

**Payment Schedule**

Upon signing Letter of Agreement- Initial quoted deposit amount  
30 days prior to the event date-50 % of estimated event revenue  
Day of the event-Any remaining/additional charges

\*Payment amounts are subject to change with the addition of tax, gratuity, upgraded menu items, increased guest counts and additional items ordered.

### *Cancellation Policy*

1. Events cancelled within twenty four (24) hours of the event will be subject to cancellation charges equaling 100% of the anticipated event revenue.
2. Events cancelled within 2-3 business days of the event start date will be subject to cancellation charges equaling 90% of the anticipated event revenue.
3. Events cancelled 4-30 days prior to the event date will be subject to cancellation charges equaling 75% of the anticipated event revenue.
4. Events cancelled 31-90 days prior to the event date will be subject to cancellation charges equaling 50% of the anticipated event revenue.
5. Events cancelled 91 or more days prior to the event date will be subject to cancellation charges equaling 30% of the anticipated event revenue.

### *Guarantee/Revenue Requirements*

1. The Catering Department must be notified of the exact attendance no later than 12:00 noon, (72) seventy-two hours prior to the scheduled function. Exact attendance for functions scheduled on Wednesday must be received by 12:00 noon the preceding Thursday. Guarantees are not subject to reduction and charges will be made accordingly.
2. If the Catering Department does not receive a guarantee, the last indication of the number of attendees will be considered the guarantee.
3. Any meals served above the guaranteed number of guests will be charged accordingly at menu price.
4. Lochmoor Club may substitute other food and beverages when the guaranteed number is received less than 72 hours prior to the event should an increase in count occur.
5. Split menus incur a surcharge of \$1.50 per person per item offered. All entrées must have the same starch and vegetable.
6. All beverages and menu items are subject to a Service Charge and Michigan State Sales Tax.

## *Food and Beverage*

1. The Club's liquor license requires that only Club employees dispense alcoholic beverages. Alcohol Service may be denied to those guests who appear to be intoxicated or under age.
2. All federal, state and local laws with regard to food and beverage purchases are strictly adhered to.
3. All food and beverage must be purchased from Lochmoor Club by prior arrangement with the Catering Department.
4. No food or beverage may be brought into Lochmoor Club by club members, guests or other invitees, with the exception of wedding/shower cakes.
5. All food and beverage must be consumed within Club premises. Open containers or glasses of such beverages may not be taken out of the Club.
6. Lochmoor Club prepares quantities of food based on the guaranteed number of guests.
7. If an additional server is requested beyond our normal staffing guidelines, an additional fee will be incurred.
8. There is a \$75.00 cashier charge on all cash bars.

## *Menu Price*

1. Lochmoor Club will confirm food and beverage prices fourteen (14) days prior to the function date. All food and beverages prices are subject to change.
2. A twenty percent (20%) gratuity and six percent (6%) Michigan Sales Tax will be added to all food and beverage charges.
3. If a group requests tax-exempt status, proper documentation is required one week prior to the event date.

## *Banquet and Meeting Space*

1. As other groups may be utilizing the same space, prior to or following your event, please adhere to the agreed upon times. Should times change, please notify the Catering Department. Every effort will be made to accommodate your time change.
2. Lochmoor Club reserves the right to move any event to a different room of the appropriate size for the number of attendees and space needed for the event.

3. Lochmoor Club reserves the right to make the final decision to move outdoor functions inside during inclement weather, or based upon impending inclement weather, as predicated by the National Weather forecast.

## *Wedding Ceremony*

1. A wedding ceremony may be held at the Club. Charges will vary depending on the set-up involved. The Club does not permit the throwing of rice or flower petals inside or outside the clubhouse.
2. The Club must grant permission for any flowers or decorations to be placed anywhere outside of the actual function room booked for the event.

## *Entertainment*

1. Functions engaging entertainment should use discretion with respect to loud music or behavior that may be objectionable to other Club guests. Management reserves the right to exercise final authority over bands, DJ's, musicians and other entertainment, whether they are engaged by the Member/Sponsor or through the Club. The Club will request entertainers to reduce their volume should the noise level be objectionable.
2. Entertainers are not permitted to invite guests into the Club without management permission.

## *Audio Visual Services*

1. The following equipment is available upon request: LCD projector, Screens, DVD & TVs, Flip Charts, Easels, Lecterns and Microphones. The Catering Department will quote fees.
2. Clients accept responsibility for any damage to hired audio visual equipment outside of normal wear throughout the course of their presentation. Should damage occur, client will be responsible for repair or replacement value due within thirty (30) days of billing.
3. Client is responsible for having all presentation media available for connection, testing, and confirmation at least one-half (1/2) hour prior to event seating.
4. Lochmoor Club will not be held responsible or liable for the unauthorized playback of copyrighted material.

### *Decorations/Private Property*

1. The affixing of anything to wall, floors furnishings or ceilings of room with mails, tape, staples or by any other method is not permitted.
2. No open flames are permitted on table arrangements.
3. Lochmoor Country Club will not assume responsibility for any loss or damage of merchandise or articles left at the club prior to, during, or following any function.
4. The Club member, host or sponsor of the event assumes responsibility for any and all damage to or loss of property from the function room or other areas of the Club, caused by guests, invitees, or independent contractors affiliated with the event.

### *Personal Property/Rental Equipment/Supplies*

1. Lochmoor does not have space available to store personal property, equipment or supplies belonging to or rented by the member. All such items are to be brought in the day of the event and removed at the end of the event.
2. All outside vendors must contact the Catering Office to arrange for set-up/delivery times.

### *Force Majeure*

Lochmoor Club's failure to perform any term or condition of this Agreement as a result of conditions beyond its control such as, but not limited to, war, strikes, fires, floods, acts of God, governmental restrictions, power failures, or damage or destruction of any network facilities or servers, shall not be deemed a breach of this Agreement.

### *Media and Publicity*

1. There shall be no public advertising, public notices, promotions or coverage in any media (newspaper, radio, television, or general circulation publications) of any event to be conducted at Club without the express written permission of the Board of Directors. Any violation of this rule will result in the immediate cancellation of the function.
2. Any and all signage or publicity used on the day of the event needs to be placed within the banquet room. In certain areas of the Club, signage will be allowed right outside the banquet room. No signage is permitted in the Lobby.

## *Dress Code*

1. Lochmoor Dress Code Policies must be conveyed to all of your guests. Those guests that do not comply will not be admitted.
2. Appropriate dress is defined as follows:  
Gentlemen: Business Suits, sports coat and tie or collared shirts. Clean neat shorts or slacks.  
Ladies: Skirted suits, pant suits and dresses or attire appropriate for the time of day.
3. ***Denim is NOT permitted on the Club's premises at any time.***

## *Closing*

1. All functions must end by the contracted time, unless other arrangements have been made with Club Management.
2. All bands and other entertainment must finish their last set by 12:00 a.m.
3. All banquet space must be vacated by 12:30 a.m.
4. Lochmoor Club reserves the right to control all functions held on Club premises and to discontinue service of alcoholic beverages at any time if, in the judgment of Club Management, it would be in the best interest of the Club and guests to do so.

## *Miscellaneous House Rules*

1. In the event that the function requires a permit or license from any governing body-local, state or federal-the Member/Sponsor is solely responsible for obtaining such a license or permit at their expense.
2. Smoking is prohibited in all areas of the club house and grounds, with the exception of the designated area.

I have received and I am aware of the club policies.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Function: \_\_\_\_\_

Approved by Commission  
**RECEIVED**

MAR 27 2013

CITY OF GROSSE POINTE WOODS

## **Citizen's Recreation Committee Meeting Minutes**

**Meeting of the Citizen's Recreation Commission held on March 12, 2013 at 7:00 p.m. in the conference room at City Hall, 20025 Mack Ave, Grosse Pointe Woods, Michigan 48236.**

### **Present:**

Joe Dansbury  
Gilbert Heim  
Barb Janutol  
Tom Jerger  
Mark Miller  
Mike Soviak

### **Not Present**

Bill Babcock  
Mike Moore  
Amanda York

### **ALSO PRESENT:**

George McMullen

**Call To Order:** 7:05 p.m.

### **Approval of Minutes:**

**Motion** to accept the minutes from February 12, 2013 by Joe Dansbury and seconded by Mark Miller.

Motion passed by the following vote:

Yes: Dansbury, Heim, Janutol, Jerger, Miller and Soviak.

No: None

Absent: Babcock, Moore, and York

### **Council Meeting Report:**

No report. Mr. McConaghy not present.

### **Supervisor's Report:**

No report Ms. Byron not present.

### **New Business:**

Joe Dansbury forwarded the Recreation Commission budget, as requested, to Dee Ann. A copy was presented to the Commission Members. No increase was requested in this year's budget.

Possible boat storage at the Lakefront Park will be discussed at the April 2013 meeting, pending a report from Amanda York after her contact with St. Clair Shores.

Mark Miller suggested a discussion should be on the agenda for the April meeting regarding possible cuts for next year's budget.

### **Adjournment:**

**Motion** was made to adjourn the meeting by Mark Miller and seconded by Tom Jerger.

Motion passed by the following vote:

Yes: Dansbury, Heim, Janutol, Jerger, Miller, and Soviak.

No: None

Absent: Babcock, Moore and York

**Meeting Adjourned at 7:24 p.m.**

The next regularly scheduled meeting will be at 7:00p.m.on Tuesday, April 9, 2013.

Respectfully submitted by:

Barbara Janutol, Secretary

bajanutol@gmail.com



Approved by Commission 6D 13

RECEIVED

APR 02 2013

CITY OF GROSSE POINTE WOODS

Grosse Pointe Woods Historical Commission Minutes  
March 14, 2013

**I. Call to Order**

The regular meeting of the Grosse Pointe Woods Historical Commission was called to order at 7:34 p.m. in the Cook Schoolhouse by Chairperson Colleen D'Agostino.

**II. Roll Call**

**Present:** Colleen D'Agostino, Mary Kaye Ferry, Del Harkenrider, Shirley Hartert, Suzanne Kent, Lynne Millies, Sean Murphy, John Parthum

**Also Present:** Council Representative Art Bryant, and George McMullen

**Absent:** Gordon Michaelson

**III. Approval of Agenda**

**Motion:** Harkenrider moved to approve the agenda for March 14, 2013. Millies Seconded. Ayes: all. Motion carried.

**IV. Approval of Minutes**

Ferry moved to approve the minutes of February 14, 2013. Millies seconded. Ayes: all. Motion carried.

**V. Old Business**

**A. Treasurer's Report:** Parthum reported a balance of \$2,066.00 in the Historical Commission's account and a balance of \$4,641.74 in the Cook Schoolhouse account.

**B. Lake Front Park Chronology:** Kent reported that she is still working on inserting photographs to accompany the text of the Chronology.

**C. Cook Schoolhouse Projects:** Parthum reported that he had obtained a key for the antique schoolhouse clock. The clock will be wound for special events and programs. Parthum also reported that work has been done on the air ducts, and there is now a key for the basement door. John A. Hammel's painting of the Cook Schoolhouse has been hung in the back area. Parthum has framed three lists of donations to the school since it has been located on the city hall campus. There was also discussion about artifacts found when the school was moved.

**Motion:** Parthum moved to recommend to City Council the payment of these Cook Schoolhouse expenses totaling \$950.00. To include:

Cement walk from the front to the rear entrance:	450.00
Labor and needed supplies to do finishing touches:	500.00
<b>Total:</b>	<b>\$950.00</b>

This money would come from the Cook Schoolhouse Account #205-870-820-210. Seconded by Hartert. Ayes: all. Motion carried.

Historical Commission: 3/14/13, p. 2

**Motion:** Parthum moved to do an immediate certification of the above motion. Seconded by Ferry. Ayes: all. Motion carried.

D. **Flag Retirement Ceremony:** planned for Saturday, June 15, 2013.

Commission members discussed possible locations for the ceremony.

E. **Memorial Day:** Commission members discussed preparations for the ceremony on May 27, 2013. Kent will have a mock-up of the program by next month.

#### **VI. New Business**

A. **Vacancies:** There are two vacancies on the Historical Commission.

B. **MORSA:** The annual meeting of the Michigan One-Room Schoolhouse Association will take place on May 18, 2013 at Central Michigan University. Commission members discussed the possibility of hosting a future meeting at the Cook Schoolhouse.

**VII. Comments:** None.

**VIII. Adjournment:** 8:50 p.m.

Respectfully submitted,

Suzanne Kent, Secretary

*The next meeting of the Grosse Pointe Woods Historical Commission  
will take place at 7:30 p.m. on April 11, 2013 in the Conference Room at City Hall.*

RECEIVED

MAR 25 2013

Approved by Commission

04/



SENIOR CITIZENS COMMISSION  
MARCH 19, 2013

CITY OF GROSSE POINTE WOODS  
MINUTES OF THE REGULAR SENIOR CITIZENS COMMISSION MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON TUESDAY, MARCH 19, 2013, IN THE LAKE ROOM OF THE GROSSE POINTE WOODS COMMUNITY CENTER.

Vice-Chairperson Thornton called the meeting to order at 7:00 p.m.

Roll Call: Vice-Chairperson Thornton  
Commission Members: Gattari, Hyduk, Kypros, Lawless, Maier, Wehrmann, Witt  
Excused: Flanagan, Nelson  
Also in Attendance: Council Representative Shetler

**MINUTES:** Motion by Hyduk, seconded by Wehrmann, that the January 15, 2013 minutes be approved with the following correction: Where indicated, the Treasurer's Report balance of \$3,422.97 represents the Carry Forward Balance only. Motion passed unanimously.

**CHAIRPERSON'S REPORT:** In Chairperson Nelson's absence, Thornton reported that a special meeting will be scheduled in April, 2013 to plan for the Ice Cream Social.

**TREASURER'S REPORT:** As of February 28, 2013, the Carry-Forward Budget Balance is \$3,422.97. The Council-Approved General Fund posts a balance of \$1,109.42.

**SOC REPORT:** Maier reported an additional \$20,000 grant was received for Outreach to Caregiver Program. The building renovations are expected to be completed by the end of April, with the ribbon cutting scheduled for Friday, June 7<sup>th</sup>. To coincide with SOC's 35<sup>th</sup> anniversary, 35 activities will be available to the public during the month of June. Wayne County Community College will also be offering several classes free of charge. A birthday party, in conjunction with Independence Day, will be sponsored by American House on July 3<sup>rd</sup>.

**COMMUNITY REPRESENTATIVE/SENIOR CLUB REPORT:** Kypros reported that her sister has taken over the position of president of the Senior Club. New members have joined. The club may offer bingo for those who do not play cards.

**COUNCIL REPRESENTATIVE REPORT:** Shetler reported that the Council has been in budget discussions for the last several months. They are in a discussion and fact-finding mode only at this time. The City is in good shape financially, and the departments have done a good job of cost cutting. One of the main unions has settled early. There was good feedback on the commission reception held in the Community Center.

**NEW BUSINESS:** Wehrmann suggested that a health presentation program similar to that offered through CareLink at St. John could be offered to Grosse Pointe Woods' seniors. Possible timeframe could be at the Ice Cream Social or through the Senior Club in the fall. Gattari reported on her hosting duties for Grosse Pointe Cable's program, "Aging Well in America". The shows are broadcast twice a month. Nelson and Daniel Kvamme will tape an appearance on March 26, while Shetler and Maier will tape on April 23.

**OLD BUSINESS:** No report.

Upon motion by Wehrmann, seconded by Maier, the meeting adjourned at 7:45 p.m. The next regularly scheduled meeting will be held on May 15, 2013 following the Ice Cream Social at 4:00 p.m.

Respectfully submitted,

Mary Hyduk  
Recording Secretary





**CITY OF GROSSE POINTE WOODS**  
**MEMORANDUM**

7A

RECEIVED  
MAY 15 2013  
CITY OF GROSSE PTE. WOODS

**Date:** May 15, 2013

**To:** Mayor and City Council

**From:** Al Fincham, City Administrator  
Dee Ann Irby, Treasurer/Comptroller

**Subject:** Proposed 2013-2014 Budget

Pursuant to Section 8.2 of the City Charter, we hereby present the proposed budget for fiscal year 2013-2014. The Finance Committee and Committee of the Whole met to discuss the proposed budget on January 14, March 11 and 25, and April 4, 2013.

As a result of those meetings, the budget was prepared with an increase of 0.2066 mills to the City's general operating millage rate and the use of \$1,187,085 General Fund Fund balance. The projected use of Fund Balance includes \$400,000 as matching funds for a road grant. The general operating millage is now at the Headlee Cap. The total City millage rate, including Solid Waste and Public Relations, will be 16.1327 mills. Attached is an updated Fund Balance Summary and General Fund Budget Projection.

At a Committee of the Whole meeting held on April 29, 2013, the water/sewer budget and rate schedule was discussed at length. On May 6<sup>th</sup> City Council approved rate increases, beginning July 1, 2013. The rate increase for an average residential customer is 4%.

Please feel free to contact either of us with any questions or concerns.

CITY OF GROSSE POINTE WOODS

CERTIFIED RESOLUTION

Motion by xxxx, seconded by xxxx, that the Council adopts the following resolution:

CITY OF GROSSE POINTE WOODS  
BUDGET AND APPROPRIATION RESOLUTION

WHEREAS, a public notice has been previously given, as required by City Charter and State of Michigan Public Act 5 of 1982, that a public hearing would be held at 7:30 p.m. on Monday, May 20, 2013, for the purpose of receiving comments on the proposed 2013-14 City Budget and the intent to levy Property Tax Revenues within the said City of Grosse Pointe Woods; and;

WHEREAS, a full and final public hearing has been held on proposed 2013-14 City Budget, and the proposed Increase in Property Taxes, it is therefore the opinion and judgment of Council that the aforesaid proposed 2013-14 City Budget is in all things appropriate, correct and should be approved and that the property Tax Levy to finance the 2013-14 City Budget should be approved accordingly.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grosse Pointe Woods, Michigan, that the proposed 2013-14 City Budget and the proposed property Tax Levy for the fiscal year 2013-14 as finally reviewed (and/or changed by) the Council at this public hearing be adopted and the amounts as contained in the aforesaid budget should be appropriated as designated and property tax levied accordingly.

BE IT RESOLVED that there are those sums of revenue which are deemed necessary to be raised by ad valorem tax levies on all real and personal property within the City of Grosse Pointe Woods, and that the City Clerk be and is hereby directed to certify such amounts to the City Assessor for the spread on the 2013 City Tax Roll at the rate of 13.4986 mills per thousand of the current City of Grosse Pointe Woods taxable valuation for general operations; at the rate of 0.0810 per thousand of the current City of Grosse Pointe Woods taxable valuation for Act 359 Public Relations; at the rate of 0.5280 mills per thousand of the current City of Grosse Pointe Woods taxable valuation for Advanced Emergency Medical Services; at the rate of 2.0251 mills per thousand of the current City of Grosse Pointe Woods taxable valuation for Solid Waste.

Motion carried by the following vote:

Yes:

No:

Absent:

CERTIFICATION

I, Lisa Kay Hathaway, Clerk of the City of Grosse Pointe Woods, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Council on May 20, 2013, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be, or have been, made available as required by said Act.

Lisa Kay Hathaway, MMC  
City Clerk

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## Fund Balance Summary

5/15/2013	ACTUAL								Budgeted	Estimated	Proposed		PROJECTED		PROJECTED	
	30-Jun-05	30-Jun-06	30-Jun-07	30-Jun-08	30-Jun-09	30-Jun-10	30-Jun-11	30-Jun-12	Use FY 12-13	Balance 30-Jun-13	Use FY 13-14	Balance 30-Jun-14	Use FY 14-15	Balance 30-Jun-15	Use FY 15-16	Balance 30-Jun-16
<b>Non-Restricted</b>								\$326,795								
General & Cable	\$7,324,290	\$6,934,386	\$6,374,259	\$4,707,389	\$2,887,968	\$3,865,272	\$4,729,315	\$5,056,110	(\$645,532)	\$4,410,578	(\$734,885)	\$3,675,693	(\$754,413)	\$2,521,280	(\$733,431)	\$1,454,952
Municipal Improvement	\$138,075	\$19,493	\$35,848	\$176,383	\$177,984	\$116,162	\$182,154	\$103,054	(\$50,000)	\$53,054	(\$52,200)	\$854	(\$52,200)	(\$51,346)	(\$52,200)	\$0
Highway Beautification	\$168,733	\$190,953	\$154,589	\$163,185	\$157,761	\$157,107	\$154,382	\$164,528	\$0	\$164,528	\$0	\$164,528	\$0	\$164,528	\$0	\$164,528
006 Park Construction	\$0	\$0	\$49,185	\$52,949	\$52,949	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Matching funds for road grant											(\$400,000)	(\$400,000)				
2014-15 shortfall of restricted fund balance													(\$281,551)	(\$281,551)	(\$318,955)	(\$371,155)
<b>Total Non-Restricted</b>	<b>\$7,631,098</b>	<b>\$7,144,832</b>	<b>\$6,613,881</b>	<b>\$5,099,906</b>	<b>\$3,276,662</b>	<b>\$4,138,541</b>	<b>\$5,065,851</b>	<b>\$5,323,692</b>	<b>(\$695,532)</b>	<b>\$4,628,160</b>	<b>(\$1,187,085)</b>	<b>\$3,441,075</b>	<b>(\$1,088,164)</b>	<b>\$2,352,911</b>	<b>(\$1,104,586)</b>	<b>\$1,248,325</b>
Non-Restricted Annual Change		(\$486,266)	(\$530,951)	(\$1,513,975)	(\$1,823,244)	\$861,879	\$927,310	\$257,841		37.71%		28.13%		19.14%		10.10%
							\$18,482	\$5,199,921								
							\$345,277	Balance								
<b>Restricted</b>									Budgeted	Estimated	Proposed	Estimated	PROJECTED	Estimated	PROJECTED	Estimated
	30-Jun-05	30-Jun-06	30-Jun-07	30-Jun-08	30-Jun-09	30-Jun-10	30-Jun-11	30-Jun-12	Use	Balance	Use	Balance	Use	Balance	Use	Balance
	FY 12-13								FY 12-13	30-Jun-13	FY 13-14	30-Jun-14	FY 14-15	30-Jun-15	FY 14-15	30-Jun-15
Major Street	\$525,379	\$126,269	\$309,747	\$77,609	\$50,725	\$62,321	\$64,383	\$262,189	(\$50,000)	\$212,189	(\$130,456)	\$81,733	(\$130,456)	(\$48,723)	(\$130,456)	\$0
Local Street	\$21,294	\$40,587	\$30,996	\$148,606	\$240,200	\$253,864	\$125,329	\$143,811	(\$50,000)	\$93,811	(\$90,000)	\$3,811	(\$90,000)	(\$86,189)	(\$90,000)	\$0
Rosette Gratiot Drain	\$1,509,853	\$1,568,203	\$969,635	\$1,166,480	\$1,179,355	\$770,074	\$180,120	\$24,414	\$0	\$24,414	\$0	\$24,414	\$0	\$24,414	\$0	\$24,414
Emergency Fund	\$424,704	\$373,445	\$349,880	\$230,544	\$174,521	\$48,282	\$118,512	\$173,977	(\$75,000)	\$98,977	(\$97,135)	\$1,842	(\$97,135)	(\$95,293)	(\$97,135)	\$0
Solid Waste	\$269,741	\$90,288	\$190,303	\$253,091	\$258,943	\$318,498	\$464,655	\$370,317	(\$133,824)	\$236,493	(\$98,499)	\$137,994	(\$98,499)	\$39,495	(\$98,499)	\$0
City 302 PS Training	\$4,689	\$9,634	\$9,967	\$13,788	\$17,717	\$26,433	\$34,290	\$41,262	\$0	\$41,262	\$0	\$41,262	\$0	\$41,262	\$0	\$41,262
DBG Grants	\$1,778	\$1,504	\$1,515	\$1,597	\$16,458	\$16,748	\$8,031	\$152	\$0	\$152	\$0	\$152	\$0	\$152	\$0	\$152
11 Emergency Service	\$65,200	\$33,194	\$24,822	\$21,026	\$22,899	\$904	\$6,347	\$112,230	\$0	\$112,230	(\$37,260)	\$74,970	(\$37,260)	\$37,710	(\$37,260)	\$450
Drug Enforcement	\$4,228	\$11	\$11	\$2,381	\$5,256	\$1,333	\$281	\$1,491	\$0	\$1,491	\$0	\$1,491	\$0	\$1,491	\$0	\$1,491
Park Bonds	\$15	\$1,320	\$426	\$9,760	\$959	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Restricted</b>	<b>\$2,826,881</b>	<b>\$2,244,455</b>	<b>\$1,887,302</b>	<b>\$1,924,882</b>	<b>\$1,967,033</b>	<b>\$1,498,457</b>	<b>\$1,001,948</b>	<b>\$1,129,843</b>	<b>(\$308,824)</b>	<b>\$821,019</b>	<b>(\$453,350)</b>	<b>\$387,669</b>	<b>(\$453,350)</b>	<b>(\$85,681)</b>	<b>(\$453,350)</b>	<b>\$67,769</b>
Restricted Annual Change		(\$582,426)	(\$357,153)	\$37,580	\$42,151	(\$468,576)	(\$496,509)	\$127,895								
Annual Change--All Funds		(\$1,068,692)	(\$888,104)	(\$1,476,395)	(\$1,781,093)	\$393,303	\$430,801	\$385,736	(\$1,004,356)	\$5,449,179	(\$1,640,435)	\$3,808,744	(\$1,541,514)	\$2,267,230		
\$10,457,979																
Cumulative Effect-- All Funds		(\$1,068,692)	(\$1,956,796)	(\$3,433,191)	(\$5,214,284)	(\$4,820,981)	(\$4,390,180)	(\$4,004,444)	(\$5,008,800)		(\$6,649,235)		(\$8,190,749)			

\* General Fund Fund Balance must cover the shortfall

# GENERAL FUND BUDGET PROJECTIONS

5/15/2013

: 13-14 budget projections prelim

		Final	Final	Final	Current	Estimates					
		2009-10	2010-11	2011-12	Budget	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Taxable Value	Commercial	63,517,473	61,444,920	63,236,964	65,423,499	62,355,137	62,978,688	63,608,475	64,244,560	65,529,451	66,840,040
	Residential & Personal	717,462,999	637,821,926	553,938,918	539,448,732	538,801,394	544,189,407	549,631,302	555,127,615	566,230,167	577,554,770
	Total	780,980,472	699,266,846	617,175,882	604,872,231	601,156,530	607,168,096	613,239,777	619,372,174	631,759,618	644,394,810
Percent Change in Taxable Value		(0.09)	(0.105)	(0.117)	(0.020)	(0.0061)	0.010	0.010	0.010	0.020	0.020
<b>City's Millage Rate</b>											
Operating		9.2791	11.0291	12.006	12.526	13.4986	13.4986	13.4986	13.4986	13.4986	13.4986
Public Relations		0.059	0.059	0.059	0.081	0.081	0.081	0.081	0.081	0.081	0.081
Public Safety Pension		0.9362	0.9362	0.9362	0.9362	0	0	0	0	0	0
Park Bond			0.4769								
Total City Millage		10.2743	12.5012	13.0012	13.5432	13.5796	13.5796	13.5796	13.5796	13.5796	13.5796
<b>REVENUE</b>											
Property Taxes		\$9,393,623	\$8,717,923	\$8,438,724	\$8,191,906	\$8,163,465	\$8,245,100	\$8,327,551	\$8,410,826	\$8,579,043	\$8,750,624
LOSS Personal Property Tax							(\$40,000)	(\$40,000)	(\$40,000)	(\$40,000)	(\$40,000)
State Revenue Sharing		\$1,084,931	\$1,088,548	\$1,186,705	\$1,170,600	\$1,170,600	\$1,170,600	\$1,170,600	\$1,170,600	\$1,170,600	\$1,170,600
State Revenue Sharing-EVIP		\$248,192	\$244,575	\$140,307	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000
Other		\$2,204,945	\$2,091,241	\$2,103,614	\$1,935,168	\$1,958,698	\$1,958,698	\$1,958,698	\$1,958,698	\$1,958,698	\$1,958,698
Transfers In From Other Funds		\$407,000	\$490,008	\$230,000	\$200,000	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000
TOTAL GENERAL FUND REVENUE		\$13,338,691	\$12,632,295	\$12,099,350	\$11,622,674	\$11,497,763	\$11,539,398	\$11,621,849	\$11,705,124	\$11,873,341	\$12,044,922
<b>EXPENSES</b>											
Total Budgeted Expense		\$12,381,787	\$11,785,501	\$11,772,555	\$12,268,206	\$12,232,648	+ 1/2%	+ 1/2%	+ 1/2%	+ 1/2%	+ 1/2%
Capital Equipment Purch/Fire Truck Reserve						included					
WCA Assessing Contractual Svcs/ FT ee in 2015						included					
Pension Contribution Increase						included					
TOTAL GENERAL FUND EXPENSE		\$12,381,787	\$11,785,501	\$11,772,555	\$12,268,206	\$12,232,648	\$12,293,811	\$12,355,280	\$12,417,057	\$12,479,142	\$12,541,538
ANNUAL SHORTFALL / Use of Fund Balance		\$956,903	\$846,794	\$326,795	(\$645,532)	(\$734,885)	(\$754,413)	(\$733,431)	(\$711,932)	(\$605,801)	(\$496,616)
Fund Balance (used) to balance other funds				(\$68,954)	(\$50,000)	(\$52,200)	(\$333,751)	(\$371,155)	(\$371,155)	(\$371,155)	(\$371,155)
Fund Balance (used) for matching funds to roads grant						(\$400,000)					
Balance as of June 30, 20xx											
++ All Non Restricted Fund											
Balances,except Pkwy Beautif.		\$4,138,542	\$5,065,851	\$5,323,692	\$4,628,160	\$3,441,075	\$2,352,911	\$1,248,324	\$165,237	(\$811,719)	(\$1,679,490)
: 13-14Budget projections prelim			42.98%	45.22%	37.72%	28.13%	19.14%	10.10%	1.33%	-6.50%	-13.39%

## ASSUMPTIONS:

\$0

Bond Rating  
Concern

- Does not account for future headlee roll back of existing millage.
- Expense does NOT include roads.
- Use of Fund Balance to balance other funds, include both restricted & non-restricted.

City of ~~Grosse Pointe Woods~~, Michigan

**NOTICE OF PUBLIC HEARING**  
**On The Proposed 2013-14 General Budget**  
**And**  
**Various Other Fund Budgets**

NOTICE IS HEREBY GIVEN, that the Mayor and City Council of the City of ~~Grosse Pointe Woods~~ will be meeting on May 20, 2013 at 7:30 p.m. in the Council Chambers of the Municipal Building, 20025 Mack Plaza, for the purpose of conducting a public hearing on the proposed 2013-14 General Fund Budget as well as the various other Fund Budget of the said City.

The subject of this hearing is the property tax millage rate of 16.1327 proposed to be levied on July 1, 2013 to support the proposed General Fund & Solid Waste Budgets. If adopted, the proposed millage will generate \$9,697,366 in operating revenue from ad valorem property taxes for all funds, which is a \$111,835 or 1.19% increase compared to the 2012-13 total tax collection of \$9,583,531. It is anticipated that the winter millage levied for Milk River Drainage tax will be 4.5977 mills.

Purpose of Millage	Millage Rate	Revenue Generated
General Operating	13.4986	\$8,114,008
EMS	0.5280	\$317,381
Total General Operating Levies	14.0266	\$8,431,389
Act 359 - Public Relations	0.0810	\$48,689
Act 298 - Solid Waste	2.0251	\$1,217,288
Total Special Acts Millage	2.1061	\$1,265,977
<b>TOTAL SUMMER MILLAGE</b>	<b>16.1327</b>	<b>\$9,697,366</b>

The City Council expects to take action on the proposed millage rates as well as taking action to approve the aforementioned budgets at the Council meeting immediately following the public hearing. The taxing unit publishing this notice, identified above, has complete authority to establish the number of mills to be levied from within its authorized millage rate.

GENERAL FUND			
General Government		\$2,664,438	
Public Safety		\$5,226,636	
Public Works		\$2,345,663	
Parks & Recreation		\$1,637,550	
MIS		\$358,361	
Total General Fund			\$12,232,648

SPECIAL REVENUE			
Major Street		\$769,456	
Local Street		\$745,224	
Parkway Beautification		\$70,275	
Ambulance		\$626,016	
Act 302 Training		\$8,000	
Solid Waste		\$1,318,787	
CDBG		\$7,000	
911 Service Fund		\$89,760	
Total Special Revenue			\$3,634,518

DEBT SERVICE FUND			
Grosse Gratiot Drain (Milk River)		\$1,409,168	
Total Debt Funds			\$1,409,168

CAPITAL PROJECTS FUND			
Municipal Improvement		\$92,560	
Total Capital Projects Fund			\$92,560

ENTERPRISE FUNDS			
Parking Fund		\$267,204	
Water / Sewer		\$9,852,366	
Boat Dock Fund		\$113,215	
Commodity Sales Fund		\$53,800	
Total Enterprise Funds			\$10,286,585

INTERNAL SERVICE FUNDS			
Workmen's Compensation		\$141,000	
Motor Vehicle Fund		\$1,064,216	
Total Internal Service Funds			\$1,205,216





**CITY OF GROSSE POINTE WOODS  
MEMORANDUM**

84

RECEIVED

MAY 13 2013

CITY OF GROSSE PTE. WOODS

**Date:** May 13, 2013

**To:** Mayor and City Council

**From:** Dee Ann Irby, Treasurer/Comptroller

*DA Irby*

**Subject:** Budget Amendment and Bill Payment Approval

Attached are two (2) statements from the Wayne County Treasurer's Office, representing the refund of taxes for Michigan Tax Tribunal decisions. The reduction in taxable values effect tax years 2008-2012. There are 18 parcels involved in the refunding, however the primary cost is for Kroger & Lochmoor Club real property.

**Residential Property Addresses with refunds:**

1950 Roslyn  
2073 Fleetwood  
1450 Torrey Road  
637 Higbie Place  
1044 Marian  
1605 Edmunton  
2086 Ridgemont  
759 Shoreham  
1018 Sunningdale  
2001 Lochmoor  
2180 Vernier  
1405 Brys  
1865 Fleetwood  
1555 Aline  
2022 Vernier  
1527 Sunningdale

I am requesting authorization to pay \$201,329.50 to Wayne County Treasurers' office for the City's portion of MTT tax refunds. In addition, I am requesting a budget amendment, in the amount of \$201,329.50, from the General Fund Fund Balance to account 101-210-801.300.

If you have any questions, please feel free to call me.

**Raymond J. Wojtowicz**  
**Wayne County Treasurer**  
**Monthly Delinquent Tax Settlement Invoice**

CITY OF GROSSE POINTE WOODS  
Dee Ann Irby, Treasurer  
20025 MACK AVE.  
GROSSE POINTE WOODS MI 48236

Date: 3/31/2013  
Invoice ID: 27404  
Amount: \$25,212.17

**Presettlement Amounts**

31-Mar-13	Monthly detail transactions	2008	253.62
31-Mar-13	Monthly detail transactions	2009	7.12
31-Mar-13	Monthly detail transactions	2010	-568.42
31-Mar-13	Monthly detail transactions	2011	-24,904.49
			<u>25,212.17</u>

**Postsettlement Amounts**

31-Mar-13	Monthly detail transactions	2010	-307.68
31-Mar-13	Monthly detail transactions	2011	-24,904.49
			<u>25,212.17</u>

March, 2013:

The tax transactions for this month result in an amount due from your taxing authority. If payment for the above amount is not received by the end of the month, interest may be added. Contact Paul Zelenak at (313) 224-6732 with any questions.

**Raymond J. Wojtowicz**  
**Wayne County Treasurer**

**Raymond J. Wojtowicz**  
**Wayne County Treasurer**  
**Month End Detail Report      3/31/2013**

CITY OF GROSSE POINTE WOODS  
Dee Ann Irby, Treasurer  
20025 MACK AVE.  
GROSSE POINTE WOODS MI 48236

**Charges and Payments**

**Tax Year 2008**

	<u>Taxes</u>	<u>Interest</u>	<u>Total</u>
Administration Fee			
Tax Receipt <i>1950 ROSLYN</i>			
40003060102000	1.42	0.59	2.01
Transaction Type Total	1.42	0.59	2.01
Tax Type Total	1.42	0.59	2.01
Interest			
Tax Receipt			
40003060102000	19.53	8.08	27.61
Transaction Type Total	19.53	8.08	27.61
Tax Type Total	19.53	8.08	27.61
Operating Taxes			
Tax Receipt			
40003060102000	158.43	65.57	224.00
Transaction Type Total	158.43	65.57	224.00
Tax Type Total	158.43	65.57	224.00
Year Total	179.38	74.24	253.62

**Tax Year 2009**

	<u>Taxes</u>	<u>Interest</u>	<u>Total</u>
Administration Fee			
Tax Receipt <i>2073 FLEETWOOD</i>			
40007030137000	0.68	0.00	0.68
Transaction Type Total	0.68	0.00	0.68
Tax Type Total	0.68	0.00	0.68
Interest			
Tax Receipt			
40007030137000	6.44	0.00	6.44
Transaction Type Total	6.44	0.00	6.44
Tax Type Total	6.44	0.00	6.44
Year Total	7.12	0.00	7.12

**Tax Year 2010**

	<u>Taxes</u>	<u>Interest</u>	<u>Total</u>
10125			

# Administration Fee

## Tax adjustment

40002100017000	-4.08	-0.17	-4.25
40014040356000	-10.51	-0.09	-10.60
Transaction Type Total	-14.59	-0.26	-14.85

## Tax Receipt

40012060049000	24.76	5.09	29.85
Transaction Type Total	24.76	5.09	29.85
Tax Type Total	10.17	4.83	15.00

# HDEN Interest item

## Tax Receipt

1450 TORREY RD

40012060049000	229.39	47.06	276.45
Transaction Type Total	229.39	47.06	276.45
Tax Type Total	229.39	47.06	276.45

# Interest

## Tax adjustment

637 HIGBIE PL

40014040356000	-49.49	-0.44	-49.93
Transaction Type Total	-49.49	-0.44	-49.93
Tax Type Total	-49.49	-0.44	-49.93

# Local Drain

## Tax adjustment

1044 MURIAN

40002100017000	-45.62	-1.93	-47.55
40014040356000	-117.48	-1.04	-118.52
Transaction Type Total	-163.10	-2.97	-166.07
Tax Type Total	-163.10	-2.97	-166.07

# Operating Taxes

## Tax adjustment

40002100017000	-176.88	-7.49	-184.37
40014040356000	-455.46	-4.04	-459.50
Transaction Type Total	-632.34	-11.53	-643.87
Tax Type Total	-632.34	-11.53	-643.87
Year Total	-605.37	36.95	-568.42

# Tax Year 2011

## Local Assessment-A01

## Tax Receipt

1605 EDMUNDSON

40001050121000	419.14	40.05	459.19
Transaction Type Total	419.14	40.05	459.19
Tax Type Total	419.14	40.05	459.19

# Administration Fee

## Tax adjustment

KROGER

40010010121301	-604.50	-18.44	-622.94
Transaction Type Total	-604.50	-18.44	-622.94

Tax Receipt				
	40001050121000	48.08	4.60	52.68
Transaction Type Total		48.08	4.60	52.68
Tax Type Total		-556.42	-13.84	-570.26
Interest				
Tax Receipt				
	40001050121000	163.93	15.67	179.60
Transaction Type Total		163.93	15.67	179.60
Tax Type Total		163.93	15.67	179.60
Local Rubbish				
Tax adjustment				
	40010010121301	-2,457.57	-74.99	-2,532.56
Transaction Type Total		-2,457.57	-74.99	-2,532.56
Tax Type Total		-2,457.57	-74.99	-2,532.56
Local Drain				
Tax adjustment				
	40010010121301	-5,839.12	-178.16	-6,017.28
Transaction Type Total		-5,839.12	-178.16	-6,017.28
Tax Type Total		-5,839.12	-178.16	-6,017.28
Local Publicity				
Tax adjustment				
	40010010121301	-77.10	-2.35	-79.45
Transaction Type Total		-77.10	-2.35	-79.45
Tax Type Total		-77.10	-2.35	-79.45
Operating Taxes				
Tax adjustment				
	40010010121301	-17,379.50	-530.28	-17,909.78
Transaction Type Total		-17,379.50	-530.28	-17,909.78
Tax Receipt				
	40001050121000	1,429.46	136.59	1,566.05
Transaction Type Total		1,429.46	136.59	1,566.05
Tax Type Total		-15,950.04	-393.69	-16,343.73
Year Total		-24,297.18	-607.31	-24,904.49
<b>Payable Total</b>		<b>-24,716.05</b>	<b>-496.12</b>	<b>-25,212.17</b>

*KROGER*

**Raymond J. Wojtowicz**  
**Wayne County Treasurer**  
**Monthly Delinquent Tax Settlement Invoice**

CITY OF GROSSE POINTE WOODS  
Dee Ann Irby, Treasurer  
20025 MACK AVE.  
GROSSE POINTE WOODS MI 48236

Date: 4/30/2013  
Invoice ID: 27442  
Amount: \$176,117.33

**Presettlement Amounts**

31-Mar-13	Monthly detail transactions	2010	-307.68
31-Mar-13	Monthly detail transactions	2011	-24,904.49
30-Apr-13	Monthly detail transactions	2009	1,328.07
30-Apr-13	Monthly detail transactions	2010	-38,677.19
30-Apr-13	Monthly detail transactions	2011	-41,024.61
30-Apr-13	Monthly detail transactions	2012	-72,531.43

176,117.33

**Postsettlement Amounts**

31-Mar-13	Monthly detail transactions	2011	-23,884.10
30-Apr-13	Monthly detail transactions	2010	-38,677.19
30-Apr-13	Monthly detail transactions	2011	-41,024.61
30-Apr-13	Monthly detail transactions	2012	-72,531.43

176,117.33

April, 2013:

The tax transactions for this month result in an amount due from your taxing authority. If payment for the above amount is not received by the end of the month, interest may be added. Contact Paul Zelenak at (313) 224-6732 with any questions.

**Raymond J. Wojtowicz**  
**Wayne County Treasurer**

**Raymond J. Wojtowicz**  
**Wayne County Treasurer**  
**Month End Detail Report      4/30/2013**

CITY OF GROSSE POINTE WOODS  
Dee Ann Irby, Treasurer  
20025 MACK AVE.  
GROSSE POINTE WOODS MI 48236

**Charges and Payments**

<u>Tax Year</u> <b>2009</b>		<u>Taxes</u>	<u>Interest</u>	<u>Total</u>
Local Assessment-A01	<i>2086 RIDGEMONT</i>			
	Distribute 123 auction proceeds			
	40003030028000	119.96	0.00	119.96
	Transaction Type Total	119.96	0.00	119.96
	Tax Type	119.96	0.00	119.96
Administration Fee				
	Distribute 123 auction proceeds			
	40003030028000	20.62	0.00	20.62
	Transaction Type Total	20.62	0.00	20.62
	Tax Receipt <i>759 SHOREHAM</i>			
	40010060121000	20.81	0.00	20.81
	Transaction Type Total	20.81	0.00	20.81
	Tax Type	41.43	0.00	41.43
Special Assessment-B01				
	Distribute 123 auction proceeds			
	40003030028000	430.25	0.00	430.25
	Transaction Type Total	430.25	0.00	430.25
	Tax Type	430.25	0.00	430.25
Special Assessment-B05				
	Distribute 123 auction proceeds			
	40003030028000	85.31	0.00	85.31
	Transaction Type Total	85.31	0.00	85.31
	Tax Type	85.31	0.00	85.31
Interest				
	Distribute 123 auction proceeds			
	40003030028000	87.63	0.00	87.63
	Transaction Type Total	87.63	0.00	87.63
	Tax Receipt			
	40010060121000	98.43	0.00	98.43
	Transaction Type Total	98.43	0.00	98.43

Operating Taxes	Tax Type	186.06	0.00	186.06
	<i>2086 Ridge MONT</i>			
	Distribute 123 auction proceeds			
	40003030028000	465.06	0.00	465.06
	Transaction Type Total	465.06	0.00	465.06
	Tax Type	465.06	0.00	465.06
	Year Total	1,328.07	0.00	1,328.07

**Tax Year 2010**

**Local Assessment-A01**

	Distribute 123 auction proceeds			
	40003030028000	54.64	0.00	54.64
	Transaction Type Total	54.64	0.00	54.64
	Tax Type	54.64	0.00	54.64

**Administration Fee**

	Distribute 123 auction proceeds			
	40003030028000	10.90	0.00	10.90
	Transaction Type Total	10.90	0.00	10.90

	Tax adjustment <i>1018 Summerdale</i>			
	40010010264001	-921.03	-39.39	-960.42
	Transaction Type Total	-921.03	-39.39	-960.42

	Tax Receipt			
	40010060121000	18.20	0.00	18.20
	Transaction Type Total	18.20	0.00	18.20
	Tax Type	-891.93	-39.39	-931.32

**Special Assessment-B01**

	Distribute 123 auction proceeds			
	40003030028000	58.77	0.00	58.77
	Transaction Type Total	58.77	0.00	58.77
	Tax Type	58.77	0.00	58.77

**Special Assessment-B05**

	Distribute 123 auction proceeds			
	40003030028000	317.50	0.00	317.50
	Transaction Type Total	317.50	0.00	317.50
	Tax Type	317.50	0.00	317.50

**Interest**

	Distribute 123 auction proceeds			
	40003030028000	49.11	0.00	49.11
	Transaction Type Total	49.11	0.00	49.11
	Tax Receipt			
	40010060121000	56.31	0.00	56.31
	Transaction Type Total	56.31	0.00	56.31
	Tax Type	105.42	0.00	105.42



Local Drain

Tax adjustment			
40010010264001	-7,569.56	-323.69	-7,893.25
Transaction Type Total	-7,569.56	-323.69	-7,893.25
Tax Type	-7,569.56	-323.69	-7,893.25

Operating Taxes

Distribute 123 auction proceeds			
40003030028000	211.84	0.00	211.84
Transaction Type Total	211.84	0.00	211.84
Tax adjustment			
40010010264001	-29,345.89	-1,254.90	-30,600.79
Transaction Type Total	-29,345.89	-1,254.90	-30,600.79
Tax Type	-29,134.05	-1,254.90	-30,388.95
Year Total	-37,059.21	-1,617.98	-38,677.19

**Tax Year 2011**

	<b><u>Taxes</u></b>	<b><u>Interest</u></b>	<b><u>Total</u></b>
Administration Fee			
Distribute 123 auction proceeds			
40003030028000	5.37	0.00	5.37
Transaction Type Total	5.37	0.00	5.37
Tax adjustment			
40010010264001	-924.70	-29.05	-953.75
Transaction Type Total	-924.70	-29.05	-953.75
Tax Receipt <i>2001 Hochmar</i>			
40007030396000	7.34	0.00	7.34
40010060121000	16.33	0.00	16.33
Transaction Type Total	23.67	0.00	23.67
Tax Type	-895.66	-29.05	-924.71
Special Assessment-B05			
Distribute 123 auction proceeds			
40003030028000	355.64	0.00	355.64
Transaction Type Total	355.64	0.00	355.64
Tax Type	355.64	0.00	355.64
Interest			
Distribute 123 auction proceeds			
40003030028000	34.97	0.00	34.97
Transaction Type Total	34.97	0.00	34.97
Tax Receipt			
40007030396000	11.78	0.00	11.78
40010060121000	26.21	0.00	26.21
Transaction Type Total	37.99	0.00	37.99
Tax Type	72.96	0.00	72.96

Local Rubbish

Tax adjustment			
40010010264001	-3,759.27	-118.12	-3,877.39
Transaction Type Total	-3,759.27	-118.12	-3,877.39
Tax Type	-3,759.27	-118.12	-3,877.39
Local Drain			
Tax adjustment			
40010010264001	-8,931.93	-280.64	-9,212.57
Transaction Type Total	-8,931.93	-280.64	-9,212.57
Tax Type	-8,931.93	-280.64	-9,212.57
Local Publicity			
Tax adjustment			
40010010264001	-117.93	-3.71	-121.64
Transaction Type Total	-117.93	-3.71	-121.64
Tax Type	-117.93	-3.71	-121.64
Operating Taxes			
Distribute 123 auction proceeds			
40003030028000	103.33	0.00	103.33
Transaction Type Total	103.33	0.00	103.33
Tax adjustment			
40010010264001	-26,584.92	-835.31	-27,420.23
Transaction Type Total	-26,584.92	-835.31	-27,420.23
Tax Type	-26,481.59	-835.31	-27,316.90
Year Total	-39,757.78	-1,266.83	-41,024.61

# Tax Year 2012

## Administration Fee

	<u>Taxes</u>	<u>Interest</u>	<u>Total</u>
Cancel an adjustment			
40003080017002	1.16	0.01	1.17
Transaction Type Total	1.16	0.01	1.17
Migrate HDEN items to regular			
40011011568000	0.01	0.00	0.01
Transaction Type Total	0.01	0.00	0.01
Tax adjustment			
40003080003002	-1.98	-0.02	-2.00
40004010068000	-1.72	-0.02	-1.74
40010010264001	-949.66	-8.72	-958.38
40007030161000	-2.31	-0.02	-2.33
40010010121301	-679.40	-6.24	-685.64
40004080207002	-3.76	-0.03	-3.79
40003080017002	-2.32	-0.02	-2.34
40010010089000	-5.64	-0.06	-5.70
Transaction Type Total	-1,646.79	-15.13	-1,661.92
Tax Type	-1,645.62	-15.12	-1,660.74

Interest  
10125

2180 Vermeer  
1405 Buys  
Rock moor Club  
1865 Fleetwood  
Kuger  
1555 Alene  
2022 Vermeer  
1527 Summingdale

Tax adjustment			
40003080017002	-3.99	-0.04	-4.03
Transaction Type Total	-3.99	-0.04	-4.03
Tax Type			
	-3.99	-0.04	-4.03
Local Rubbish			
Cancel an adjustment			
40003080017002	4.71	0.04	4.75
Transaction Type Total	4.71	0.04	4.75
Tax adjustment			
40010010089000	-31.17	-0.33	-31.50
40004010068000	-9.53	-0.10	-9.63
40003080017002	-9.42	-0.08	-9.50
40010010121301	-2,762.05	-25.37	-2,787.42
40004080207002	-15.30	-0.14	-15.44
40010010264001	-3,860.77	-35.46	-3,896.23
40007030161000	-9.40	-0.09	-9.49
40003080003002	-8.08	-0.07	-8.15
Transaction Type Total	-6,705.72	-61.64	-6,767.36
Tax Type			
	-6,701.01	-61.60	-6,762.61
Local Drain			
Cancel an adjustment			
40003080017002	11.18	0.10	11.28
Transaction Type Total	11.18	0.10	11.28
Tax adjustment			
40010010264001	-9,173.10	-84.25	-9,257.35
40003080003002	-19.19	-0.18	-19.37
40010010089000	-74.06	-0.78	-74.84
40003080017002	-22.36	-0.21	-22.57
40004080207002	-36.35	-0.33	-36.68
40004010068000	-22.65	-0.24	-22.89
40007030161000	-22.34	-0.21	-22.55
40010010121301	-6,562.58	-60.28	-6,622.86
Transaction Type Total	-15,932.63	-146.48	-16,079.11
Tax Type			
	-15,921.45	-146.38	-16,067.83
Local Publicity			
Cancel an adjustment			
40003080017002	0.15	0.00	0.15
Transaction Type Total	0.15	0.00	0.15
Tax adjustment			
40003080017002	-0.30	0.00	-0.30
40010010121301	-86.65	-0.80	-87.45
40004010068000	-0.30	0.00	-0.30
40003080003002	-0.25	0.00	-0.25
40010010089000	-0.98	-0.01	-0.99
40007030161000	-0.30	0.00	-0.30

40010010264001	-121.12	-1.11	-122.23
40004080207002	-0.48	0.00	-0.48
Transaction Type Total	-210.38	-1.92	-212.30
Tax Type	-210.23	-1.92	-212.15
Operating Taxes			
Cancel an adjustment			
40003080017002	33.28	0.31	33.59
Transaction Type Total	33.28	0.31	33.59
Tax adjustment			
40004010068000	-67.40	-0.71	-68.11
40003080017002	-66.56	-0.62	-67.18
40010010264001	-27,302.72	-250.77	-27,553.49
40003080003002	-57.11	-0.52	-57.63
40004080207002	-108.20	-0.99	-109.19
40007030161000	-66.50	-0.61	-67.11
40010010089000	-220.42	-2.33	-222.75
40010010121301	-19,532.79	-179.41	-19,712.20
Transaction Type Total	-47,421.70	-435.96	-47,857.66
Tax Type	-47,388.42	-435.65	-47,824.07
Year Total	-71,870.72	-660.71	-72,531.43
<b>Payable Total</b>	<b>-147,359.64</b>	<b>-3,545.52</b>	<b>-150,905.16</b>



COUNCIL EXCERPT  
05-06-13  
PENDING APPROVAL

Following a brief discussion regarding **budget transfer – city bus repair**, the City Council unanimously consented to defer this item to the May 20, 2013, City Council Meeting to allow time for the City Attorney to provide a completed legal opinion including a determination regarding receipt of reimbursement monies from SMART-Community Credit funding as it relates to a resident's-only park.

RECEIVED  
MAY 15 2013  
CITY OF GROSSE PTE. WOODS

DON R. BERSCHBACK  
ATTORNEY AND COUNSELOR AT LAW  
24053 JEFFERSON AVENUE  
ST. CLAIR SHORES, MICHIGAN 48080-1530

(586) 777-0400  
FAX (586) 777-0430  
E-MAIL donberschback@yahoo.com

OF COUNSEL  
CHARLES T. BERSCHBACK \*  
\* ALSO ADMITTED IN FLORIDA

May 15, 2013

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

**LEGAL OPINION**

RE. Use of SMART Credits for Local Bus Repair

Dear Mayor and Council:

This issue was initially addressed by the City Council on May 6, 2013 as agenda item 8G. I have enclosed the documents received and placed on file for agenda item 8G.

I first addressed this issue in a letter dated April 26<sup>th</sup> which was part of agenda item 8G. Exhibit 1. For purposes of background, that letter stated as follows:

I have reviewed the March 28<sup>th</sup> Memo regarding necessary repairs to City buses as well as the emails exchanged between Susan Como and Melissa Hightower at SMART. I was asked to review this given the fact that the money would be used to repair buses that in part transport residents to Lake Front Park.

I spoke with Ms. Hightower on April 24, 2013 and we discussed previous emails indicating she was well aware of the fact that repairs would be utilized for buses that transport our residents to a resident only park. She indicated that for purposes of these credits, this would still be a valid use of public funds because the "public", in a general sense, refers to our city's residents. These credit amounts are used in other communities for personalized resident service such as taxi programs, charter bus service, and municipal van service. Ms. Hightower analogized it to other cities use of money for their local PAATS services.

At the May 6<sup>th</sup> meeting, the City Council referred this matter to our office for a formal legal opinion as follows:

Following a brief discussion regarding budget transfer – city bus repair, the City Council unanimously consented to defer this item to the May 20, 2013, City Council Meeting to allow time for the City Attorney to provide a completed legal opinion including a determination regarding receipt of reimbursement monies from SMART-Community Credit funding as it relates to a resident's-only park.

Honorable Mayor and Council  
May 15, 2013  
RE: Use of SMART Credits for Local Bus Repair  
Page 2

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Historically, the City of Grosse Pointe Woods has been extremely cautious about utilizing public funds for any improvements to Lakefront Park. This is based on the unique circumstances and the fact that Lakefront Park, like the other Grosse Pointe parks, are not open to the public as a whole.

This case involves an interpretation of the statutes, rules, and regulations relating to the grant of SMART Funds. Acceptance of public funds through county, state, or federal grants generally include a stipulation in the grant that the funds be used for the public, and prohibit discrimination based on long-standing indicia (sex, race, color, religion, national origin, age or handicap). The SMART bus website indicates that SMART fully complies with the provisions established through various state and federal civil rights acts. **Exhibit 2.**

Although not directly applicable, case law relating to the tax exempt status of resident only parks has interpreted the phrase "public" to mean "all state residents". The specific state statute relating to tax exemptions for public property (MCL 211.7m and MCL 211.7x) was amended to allow for exemptions for land "dedicated to the public and used as a park open to the public generally". See *Balough v. City of Flat Rock*, 152 Mich App 517 (1985) and *Michigan State Tax Commission v. City of Grosse Pointe*, 2006 WL 1237242 (Mich App).

Again, the issue relating to the issue of SMART funds does not specifically involve taxation of exempt property, but a Court could theoretically analogize the situation to those cases. However, circumstances surrounding this issue are unique because the SMART funds are used in other cities for a variety of purposes that tend to benefit only the specific residents of the city utilizing the funds. Although I believe it would be highly unlikely that a Court would rule that the use of the SMART funds for repairing our buses would somehow jeopardize the residents only status of Lakefront Park, I cannot guarantee that someone could make that argument if they were denied access to use of one of our buses.

According to the SMART community transit manual, the source of the repair funds would be (1) municipal credits under State Act 51 and (2) community credits coming from SMART millage funding that is returned by SMART to local communities for capital or operating purposes. Municipal credits are based on Public Act 51 of 1951, which governs state appropriations for most Michigan transportation programs. Municipal credits are placed into the Comprehensive Transportation Fund (CTF) with \$2 million credited annually to municipalities under Section MCL 247.660(e)(4)(c)(iv). That subsection references the "credit program established under Section 101 (MCL 247.660)". Interesting enough, Section 247.660(4) states:

Notwithstanding any other section of this or any other act, each authority authorized by this section to return money in terms of a credit shall have the final decision as to what constitutes a proper expenditure, a public transportation service, or a public transportation purpose under subsections (2) and (3).

**Exhibit 3.**

Honorable Mayor and Council

May 15, 2013

RE: Use of SMART Credits for Local Bus Repair

Page 3

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Community credits are also available through the SMART program to help operate local community transit programs. The website [www.smartbus.org](http://www.smartbus.org) had a press release dated October 2011 in which the City of Clawson dedicated a new SMART bus for local transit services. "The SMART bus will be used for the Clawson Senior Center, providing transportation for resident's medical appointments, shopping excursions and other events in the City. This service is for any resident in Clawson over the age of 55 or residents with a disability." Exhibit 4. Similarly, the City already has on file an email reply from Ms. Hightower indicating that she is aware of the fact that the buses transport residents only to a resident only park and her response was "that's fine".

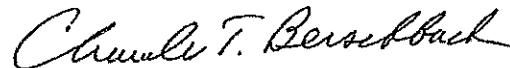
It is my opinion that the use of SMART funds to repair our local buses is within the statutory scheme, not discriminatory, well supported by past practices of the SMART bus authority, a proper utilization of public funds, and will not adversely affect the status of Lake Front Park.

Very truly yours,



DON R. BERSCHBACK

and



CHARLES T. BERSCHBACK

CTB:gmr  
Enclosures

cc: Skip Fincham  
Lisa K. Hathaway



## MEMO 13 - 16

TO: Alfred Fincham, City Administrator

FROM: Joseph J Ahee, Director of Public Services *JA*

DATE: April 17, 2013

SUBJECT: Repairs Needed – City Buses

After performing a thorough maintenance check to determine the current condition of the city buses, the following repairs will be necessary including parts and labor.

P&R Bus 4 – 1997 Ford E-Super Duty Bus

Replace rotted oil pan, gasket and rear main seal	\$ 3,050.00
Replace brake lines 50-feet: parts \$16.03, labor \$800.00	816.03
Tires: 2 @\$101.49 each	202.98
Coil springs – front 2 @\$121.65	243.30
Ball joints – uppers 2 @\$34.00, lowers 2 @\$62.00	192.00
Front end alignment	100.00
Subtotal	<u>\$ 4,604.31</u>

P&R Bus 5 – 1997 Ford E-Super Duty Bus

Replace rotted oil pan, gasket, and rear main seal	\$ 3,050.00
A/C Compressor: cost \$400.00, labor \$1,000	1,400.00
Replace brake lines 50-feet: parts \$16.03, labor \$800.00	816.03
Tires: 4 @\$101.49 each	405.96
Coil springs – front 2 @\$121.65	243.30
Front end alignment	100.00
Subtotal	<u>\$ 6,015.29</u>

Total \$10,619.60

Sue Como agreed to pursue possible Smart funds and it is my understanding that funds will be available. However, at this time sufficient funds are not available in the Parks & Rec vehicle maintenance account #640-851-939.300 to cover the repairs on both buses. Sufficient funds are available to cover the repairs to P&R Bus 5. In order to cover the repairs on P&R Bus 4, I am requesting \$4,604.31 be transferred to account #640-851-939.300 from the general fund fund balance. The \$4,604.31 will be reimbursed to the general fund fund balance when received from Smart. If you have any questions concerning this matter please contact me.

c.c. Dee Ann Irby  
O/F

Recommended for Approval as Submitted:

*Alfred Fincham*  
Alfred Fincham, City Administrator

*Dee Ann Irby*  
Dee Ann Irby, City Treasurer/Comptroller

*5/1/13*  
Date

*5/1/13*  
Date

Council Approval Required



CHARLES T. BERSCHBACK

ATTORNEY AT LAW

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

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

DON R. BERSCHBACK  
OF COUNSEL

April 26, 2013

Alfred Fincham, City Administrator  
City of Grosse Pointe Woods  
20025 Mack Plaza  
Grosse Pointe Woods, MI 48236

RE. Use of SMART Credits for Local Bus Repair

Dear Skip:

I have reviewed the March 28<sup>th</sup> Memo regarding necessary repairs to City buses as well as the emails exchanged between Susan Como and Melissa Hightower at SMART. I was asked to review this given the fact that the money would be used to repair buses that in part transport residents to Lake Front Park.

I spoke with Ms. Hightower on April 24, 2013 and we discussed previous emails indicating she was well aware of the fact that repairs would be utilized for buses that transport our residents to a resident only park. She indicated that for purposes of these credits, this would still be a valid use of public funds because the "public", in a general sense, refers to our city's residents. These credit amounts are used in other communities for personalized resident service such as taxi programs, charter bus service, and municipal van service. Ms. Hightower analogized it to other cities use of money for their local PAATS services.

Having reviewed this material and after my discussion with SMART representative Hightower, I would have no objection to use of these funds for repairs to our buses.

Very truly yours,



CHIP BERSCHBACK

CTB:nmg  
Enclosures

cc: Don R. Berschback  
Lisa K. Hathaway



### Resources

SMART is committed to serving residents in Macomb, Oakland, Wayne and Monroe counties by working with local units of government and local transit agencies. By working together we have the ability to share resources, maximize efficiencies and provide higher levels of transportation service.

SMART offers a variety of programs and services to assist transit providers. In this section you will find resource information for:

- Funding
- Marketing and communication services
- Bus advertising program
- Links to state and federal websites
- Funding sources

Local units of government are not limited to SMART funding sources to operate service. Additional funds generated from communities' general fund or special tax assessments may be combined with the funding sources available through SMART to provide a higher level of transit service. The current SMART programs available to provide capital and operating funding are listed below:

#### Municipal Credits (MC)

State Act 51 **operating** assistance, allocated to each community in Macomb, Oakland and Wayne counties. MC may be used for a variety of purposes including the cost to operate local community service. Funds must be utilized within two (2) years of their establishment.

#### Community Credits (CC)

SMART millage funding that is returned by SMART to local communities within the taxing district. CC may be used for **capital or operating** purposes. **Operating** funds must be utilized within two (2) years of their establishment. Funds for SMART-approved transportation related **capital** expenses must be utilized within five (5) years from award.

#### Specialized Service (SS)

State-wide competitive program that allows private non-profit, private for profit and local units of government to receive **operating** assistance for a community based program whose primary interest is older adults and people with disabilities. Annual applications and participation in quarterly coordination committee meetings are required. New applications are accepted upon state authorization.

#### Section 5310

Federal **capital** program (competitive) to provide formula funding to States for the purpose of assisting private nonprofit groups in meeting the transportation needs of the elderly and persons with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs.

#### Section 5316 Job Access Reverse Commute (JARC)

A competitive Federal program administered by the state, SEMCOG and local transit systems. Applications are accepted when authorized by the FTA.

#### Section 5317 New Freedom

A competitive Federal program administered by the state, SEMCOG and local transit systems. Applications are accepted when authorized by the FTA.

#### SMART Bus Procurement Program

SMART programs Federal and State **capital** funding for bus/van purchases to local units of government. The Federal Transit Administration (FTA) and the Michigan Department of Transportation (MDOT) provide a percentage, which equals the total cost to purchase a

## WHAT ARE MUNICIPAL CREDITS

Municipal Credit funds first became available under a State authorized funding program in July of 1979. This program provides \$3 million in credit funds to be divided between every City, township and Village in Oakland, Wayne and Macomb counties on a per capita basis. The \$3 million comes from a \$1 million special State grant and \$2 million from State Act 51 operating funds. Act 51 funds are given to SMART based on a match of 40% from the State and 60% from other funding sources.

In the past, SMART made up the entire 60% match with federal funding and farebox. Today, because of the decrease in federal funding, the millage funds are needed to meet the 60% match requirement. The local match is automatically met by communities who pay the SMART millage (Opt-in communities). Opt-out communities, who do not pay the SMART millage must use other funds to meet the match requirement.

Opt-out communities, who do not provide this local match, are still eligible to receive approximately two-thirds of their municipal credit funds from SMART.

## HOW TO USE MUNICIPAL CREDITS

Municipal Credit funds were to be used by local units of government to operate small bus systems or as we call them today "Community Partnership Programs". Because every municipality did not have a small bus system, SMART expanded the Municipal Credit Program to include other transportation projects. These projects are what we define as our "Municipal Credit Program". For opt-out communities, the projects are as follows:

1. Municipal van service
2. Subsidized taxi program
3. Purchase of charter bus service
4. Other proper transportation purposes

Municipalities have the option of funding one program or a combination of programs to meet the transportation needs of their citizens. Municipalities also have the option to transfer their funds to participate in a joint transportation program. **Municipal Credits MUST be used for operating cost only.**

## HOW TO APPLY FOR MUNICIPAL CREDITS

To apply for Municipal Credit funds, a municipality must contract with SMART and have the ability to spend the funds for a qualified transportation program within two years. After two years, all unused Municipal Credit funds are recaptured.

## Susan Como

---

**From:** Susan Como  
**Sent:** Monday, April 08, 2013 9:36 AM  
**To:** Robert E Novilke  
**Cc:** Alfred Fincham; Charles Berschback; Don R. Berschback  
**Subject:** FW: Local Bus repairs

Please see below.

*Susan Como*  
*Executive Assistant to the City Administrator*  
*City of Grosse Pointe Woods*  
*(313) 343-2445*  
[scomo@gpwmil.us](mailto:scomo@gpwmil.us)

*"Ability is what you're capable of doing. Motivation determines what you do. Attitude determines how well you do it." ~Lou Holtz~*

---

**From:** Hightower, Melissa [<mailto:MHightower@smartbus.org>]  
**Sent:** Monday, April 08, 2013 9:03 AM  
**To:** Susan Como  
**Subject:** RE: Local Bus repairs

That's fine.

Melissa V. Hightower  
Suburban Mobility Authority for Regional Transportation (SMART)  
Wayne County Ombudsperson  
30000 Industrial Drive  
Inkster, MI 48141  
734-446-3026 (office)  
248-244-8701 (fax)  
[mhightower@smartbus.org](mailto:mhightower@smartbus.org)

---

**From:** Susan Como [<mailto:SComo@gpwmil.us>]  
**Sent:** Friday, April 05, 2013 3:47 PM  
**To:** Hightower, Melissa  
**Subject:** RE: Local-Bus repairs

I know we have previously discussed and you advised it was OK, but I just want to remind you that our park is a resident only park. With that being said, will it still be OK to be reimbursed for the repairs to our bus. (the buses are also open to the public when we have special events).

*Susan Como*  
*Executive Assistant*  
*City of Grosse Pointe Woods*  
*(313) 343-2445*

[scomo@gpwmi.us](mailto:scomo@gpwmi.us)

---

**From:** Hightower, Melissa [<mailto:MHightower@smartbus.org>]  
**Sent:** Tuesday, April 02, 2013 1:30 PM  
**To:** Susan Como  
**Subject:** RE: Local Bus repairs

Yes the repairs can be reimburse from Community Credits.

Melissa V. Hightower  
Suburban Mobility Authority for Regional Transportation (SMART)  
Wayne County Ombudsperson  
30000 Industrial Drive  
Inkster, MI 48141  
734-446-3026 (office)  
248-244-8701 (fax)  
[mhightower@smartbus.org](mailto:mhightower@smartbus.org)

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**From:** Susan Como [<mailto:SComo@gpwmi.us>]  
**Sent:** Tuesday, April 02, 2013 1:28 PM  
**To:** Hightower, Melissa  
**Subject:** RE: Local Bus repairs

One more quick question. Since it is for operations, it can come out of the community credit balance correct?

	FY 09	FY 10	FY 11	FY12	FY13	Total
Municipal Credit					\$4,609	
\$4,609						
Community Credit	\$6,298.42	\$14,375.42	\$14,938	\$9,050	\$9,050	
\$53,711.84						

**Susan Como**  
*Executive Assistant to the City Administrator*  
*City of Grosse Pointe Woods*  
*(313) 343-2445*  
[scomo@gpwmi.us](mailto:scomo@gpwmi.us)

*"Ability is what you're capable of doing. Motivation determines what you do. Attitude determines how well you do it." ~Lou Holtz~*

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**From:** Hightower, Melissa [<mailto:MHightower@smartbus.org>]  
**Sent:** Tuesday, April 02, 2013 12:06 PM  
**To:** Susan Como  
**Subject:** RE: Local Bus repairs

Hello Sue,

You can use your MC/CC funding to pay for the repairs. Once the repairs are completed, please input these expense on your quarterly report and fax me the paid invoices for all other the repairs that was done on the vehicle.

As always, if you have any questions please contact me.

Thanks

Melissa V. Hightower  
Suburban Mobility Authority for Regional Transportation (SMART)  
Wayne County Ombudsperson  
30000 Industrial Drive  
Inkster, MI 48141  
734-446-3026 (office)  
248-244-8701 (fax)  
[mhightower@smartbus.org](mailto:mhightower@smartbus.org)

---

**From:** Susan Como [<mailto:SComo@gpwmi.us>]  
**Sent:** Tuesday, April 02, 2013 11:29 AM  
**To:** Hightower, Melissa  
**Subject:** Question  
**Importance:** High

Hi Melissa:

Attached is a memo from our city's Director of Public Services outlining the repairs that need to be made to our busses that are used to transport our residents to-and-from our park as well as for other city events. If you recall, you and I discussed you looking into the possibility of utilizing some of the surplus of the money our community has to perform the necessary repairs.

Can you tell me if we would be able to use our available funding to pay for the repairs needed to keep the busses running?

Thank you,

*Susan Como*  
*Executive Assistant*  
*City of Grosse Pointe Woods*  
*(313) 343-2445*  
[scomo@gpwmi.us](mailto:scomo@gpwmi.us)

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This transmission is the property of the City of Grosse Pointe Woods. If you have received this in error please delete immediately.

**Subject:** Bus Repair Memo  
**From:** Susan Como (SComo@gpwm.us)  
**To:** blbwday@yahoo.com;  
**Cc:** JAhos@gpwm.us; afincham@gpwm.us;  
**Date:** Thursday, April 25, 2013 4:29 PM

Hi Chip:

The memo attached is the most current - not sure if you have this one or the one dated March 28th.

Have a good night.

Susan Como  
Executive Assistant  
City of Grosse Pointe Woods  
(313) 343-2445  
scomo@gpwm.us

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## Overview

To ensure the prevention of discrimination based on race, religion, color, national origin, sex, age, disability, sexual orientation, familial/marital status and socioeconomic status in all of its programs, services and employment practices, SMART fully complies with the provisions established through the following Civil Right Acts and DBE regulations:

- The Civil Rights Act of 1964 is a comprehensive U.S. legislation intended to end discrimination based on race, color, religion, or national origin. SMART must comply with Title VI, which prevents discrimination by government agencies that receive federal funds, and Title VII which prohibits discrimination by covered employers on the basis of race, color, religion, sex or national origin.
- Civil Rights Restoration Act of 1987 reinforced previous federal statutes outlawing discrimination in employment and other. A 1984 Supreme Court ruling in Grove City v Bell was overturned by the 1987 act. Grove City College used a loophole to discriminate by sex, claiming only college programs receiving federal financial assistance needed to follow antidiscrimination laws. The Restoration Act abolished that loophole, blanketing entire organizations or entities with the antidiscrimination laws.
- The Americans with Disabilities Act of 1990 (ADA) gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.
- Michigan's Elliott-Larsen Civil Rights Act (ELCRA), states that it's illegal to subject people to differential treatment based on religion, race, color, national origin, age, sex, height, weight, familial status or marital status.
- The Vietnam Era Veterans Readjustment Act of 1972 was passed to encourage Vietnam veterans to use the provided education benefits offered. After the Vietnam War, a surprising amount of veterans opted to not participate in the general infantry (GI) program and many had no high school diploma. The act encourages participation by providing advance payment of the GI allowance at the beginning of the school term and payment allowances on the first of every month. The act also includes training options and employment assistance.

SMART has established programs that act in accordance with state and federal laws concerning the elimination of discriminatory practices in the workplace and service delivery. These programs are:

- Americans with Disabilities (ADA) Program
- Disadvantage Business Enterprise (DBE) Program
- Equal Employment Opportunities (EEO) Program
- Title VI Program

## Civil Rights Programs

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## and Statutory Notes ·

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## References

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## References

nd funds, etc., to department of management and  
el, budget or civil service commission, see § 18.45.

notorized transportation

as provided in this act include provisions for  
sportation \* \* \*

igan transportation fund to the state trunk line  
s, a reasonable amount, but not less than 1% of  
tion or improvement of nonmotorized transporta-

highway \* \* \* that meets accepted practices or nonmotorized transportation \* \* \* such as the opening of lanes, the addition or improvement of a appropriate measure shall be considered to be a res of this section.

the provisions of this section annually, if the reasonable period of years, \* \* \* not to exceed

in a county, city, or village receiving money from the state shall prepare \* \* \* a 5-year program for the transportation department which when implemented would result in the distribution of at least 1% of the amount distributed to the state by the transportation department for the previous calendar year, or village, whichever is appropriate, from the previous calendar year, multiplied by 10, less the amount received by the transportation department or the county, city, or village in the immediately preceding 5 calendar years. A transportation department and each municipality in the state shall submit its share of the cost of its 5-year program under this subsection to the transportation department and the county where the project is located. When a transportation department completes preparation of its 5-year program, it shall notify each affected county, city, or village when the program is submitted to the transportation department's 5-year program. A city\* \* \* or village receiving money from the state transportation fund shall consult with the state transportation department regarding its preparation \* \* \* of the 5-year program for a nonmotorized project affecting a facility owned or operated by the transportation department or county. A county receiving money from the state transportation fund shall consult with the state transportation department regarding a nonmotorized project affecting a transportation facility owned or operated by the transportation department or the city or village.

line; asterisks \* \* \* indicate deletion

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The department shall consult with a county, city, or village when planning a nonmotorized project affecting a transportation facility within the county, city, or village.

(6) Facilities for nonmotorized transportation including those that contribute to complete streets as defined in section 10p<sup>1</sup> may be established in conjunction with or separate from already existing highways, roads, and streets and shall be established when a highway, road, or street is being constructed, reconstructed, or relocated, unless:

(a) The cost of establishing the facilities would be disproportionate to the need or probable use.

(b) The establishment of the facilities would be contrary to public safety or state or federal  
law.

.. (c) Adequate facilities for nonmotorized transportation already exist in the area.

\* \* \*

.. (d) The previous expenditures and projected expenditures for nonmotorized transportation facilities for the fiscal year exceed 1% of that unit's share of the Michigan transportation fund, in which case additional expenditures shall be discretionary.

(7) The state transportation department may provide information and assistance to county road commissions, cities, and villages on the planning, design, and construction of nonmotorized transportation facilities and services.

Amended by P.A.1982, No. 438, § 1, Eff. Jan. 1, 1983; P.A.2006, No. 82, Imd. Eff. March 29, 2006; P.A.2010, No. 135, Imd. Eff. Aug. 2, 2010.

<sup>1</sup> M.C.L.A. § 247.660p.

247.660L. Return of money from comprehensive transportation fund as credit to cities, villages, and townships; application to use credit for public transportation purposes; unexpended credit; final decision; conditions on expenditure prohibited; coordination of services

Sec. 10L (1) \* \* \* Subject to subsections (2) and (3), for each 12-month period beginning October 1, 1987, and each 12-month period thereafter, \$2,000,000.00 shall be returned from the distribution under section 10e(4)(a)<sup>1</sup> by each eligible authority \* \* \* organized or continued under the regional transit authority act<sup>2</sup> as a credit to those cities, villages, and townships within \* \* \* the authority \* \* \* that receive credits under this section or that are eligible to receive credits as of October 1, 2001 if the city, village, or township applies to the authority for the credit in accordance with procedures and standards established by the authority \* \* \*. The return of money in terms of a credit shall be based upon the population of each city, village, or township within the authority.

(2) For each 12-month period described in subsection (1), a city, village, or township described in subsection (1) may apply to the authority to use its credit for public transportation purposes within the authority's jurisdiction. However, the money returned \* \* \* as a credit to any city, village, or township that provides public transportation service for that city, village, or township shall be used exclusively toward reducing the operating deficit of that service. \* \* \* Any service provided by the city, township, or village utilizing the credit received \* \* \* under this section shall be operated by the authority returning the money in terms of a credit on a contractual basis with each city, village, or township or with a combination of cities, villages, and townships. If a city, township, or village has not applied to the authority to utilize its credit pursuant to this subsection by the last day of the 12-month period, that municipality's share of the money credited pursuant to subsection (1) shall be used by the authority for an expenditure within the county within which the city, village, or township lies.

(3) A city, village, or township that has applied for and received approval from the authority for use of its credit pursuant to subsection (2) shall have 1 year after the end of the period in which the application was made to actually expend that credit. A credit not actually expended by the city, village, or township by the last day of the year after the end of the

Changes in text indicated by underline; asterisks \* \* \* indicate deletion

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**EXHIBIT**

3



period in which the application was made shall be used by the authority for an expenditure within the county within which the city, village, or township lies.

(4) Notwithstanding any other section of this or any other act, each authority authorized by this section to return money in terms of a credit shall have the final decision as to what constitutes a proper expenditure, a public transportation service, or a public transportation purpose under subsections (2) and (3).

(5) The expenditure of the amounts required to be expended under subsections (2) and (3) shall not be conditioned on an expenditure by a county in which the expenditure is required to be expended.

(6) An authority shall retain the ability to coordinate services between contracting cities, villages, and townships or groups of cities, villages, or townships.

(7) As used in this section, "operating deficit" means the operating cost of a public transportation service less the revenues generated by the service.

P.A.1951, No. 51, § 10I, added by P.A.1982, No. 438, § 1, Eff. Jan. 1, 1983. Amended by P.A.1987, No. 234, § 1, Imd. Eff. Dec. 28; P.A.2012, No. 391, Imd. Eff. Dec. 19, 2012.

<sup>1</sup> M.C.L.A. § 247.660e.

<sup>2</sup> M.C.L.A. § 124.541 et seq.

#### Historical and Statutory Notes

##### 2012 Legislation

For contingent effect provisions of P.A.2012, No. 391, see Historical and Statutory Notes following M.C.L.A. § 247.660b.

#### 247.660n. Comprehensive transportation fund; distribution; authorization to receive funds; notes

Sec. 10n. (1) Funds from the comprehensive transportation fund may be distributed to a trustee, or to the Michigan municipal bond authority as created under the shared credit rating act, 1985 PA 227, MCL 141.1051 to 141.1076, that is authorized to receive the funds under a borrowing resolution adopted by an eligible authority. The issuance of the notes of an eligible authority in anticipation of payment of proceeds from the comprehensive transportation fund shall be authorized by a borrowing resolution of the eligible authority under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426, or a regional transit authority under the regional transit authority act.<sup>1</sup> The issuance of the notes under this section is not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and shall be subject to the prior approval of the state transportation commission. Failure of the commission to take action within 35 days after receipt of notification from the eligible authority of intent to issue the notes, constitutes approval by the state transportation commission. The eligible authority may only issue the notes in anticipation of funds to be received during its current fiscal year at any time before the eligible authority's receipt of the funds from the comprehensive transportation fund. The principal amount of notes for which the funds to be received from the comprehensive transportation fund are pledged shall not exceed 85% of the amount remaining to be received by the eligible authority from the comprehensive transportation fund in the current fiscal year. The pledge of 100% of the funds the eligible authority expects to receive from the comprehensive transportation fund shall be secured by a direct transfer of the pledge funds from the comprehensive transportation fund to the trustee or the Michigan municipal bond authority that is authorized to receive the funds by the borrowing resolution adopted by the eligible authority. The notes of the eligible authority shall not be in any way a debt or a liability of this state and shall not create or constitute any indebtedness, liability, or obligations of this state or be or constitute a pledge of the full faith and credit of this state. Each note shall contain on its face a statement to the effect that the eligible authority is obligated to pay the principal of and the interest on the note only from funds of or due to the eligible authority and that this state is not obligated to pay that principal or interest and that neither the faith in credit nor the taxing power of this state is pledged to the payment of the principal of or the

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interest on the not issuance, shall bear addition to other se issued by a financial

(2) The issuance of 2002 PA 470, MCL

P.A.1951, No. 51, § 10 No. 329, Imd. Eff. May

<sup>1</sup> M.C.L.A. § 124.54

##### 2012 Legislation

For contingent effect 391, see Historical and M.C.L.A. § 247.660b.

Transfer of powers Michigan finance auth

##### 247.660p. Complet

Sec. 10p. (1) As

(a) "Complete str appropriate access b people and goods wh

(b) "Complete str design, and construc being constructed o notes complete stre

(2) Is sensitive to suburban, and rural

(ii) Considers the appropriate exempti

(iii) Considers the abilities.

(c) "Department"

(d) "Local road ag

(e) "Municipality"

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Changes in



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Press Releases

## Clawson Dedicates a New SMART Bus

October 2011 Clawson, MI -- Over the weekend SMART and the city of Clawson celebrated the addition of a new bus to the existing fleet at the Clawson Fall Fest. The latest SMART bus will be used to transport senior citizens to their choice of destinations, allowing them a continued quality of life and the freedom of independence. The bus dedication was attended by Mickey Alderman, Clawson's Parks and Recreation Director, and Kathy Leenhouts, Clawson Senior Center Coordinator.

Through the SMART Community Partnership Program (CPP) communities have access to funding and SMART resources to help operate local community transit programs. The CPP helps local municipalities provide community transit programs for their residents and supports a variety of transit needs including: operating expenses, bus purchases, maintenance, loaner vehicles and technical assistance to help communities develop, design and operate service.

John Hertel, SMART's General Manager, said of the continued partnership between SMART and the city of Clawson, "SMART is proud to partner with Clawson to support their local transit services. Through our partnership, SMART continues to serve Southeast Michigan residents' transit needs while bringing federal dollars back to the county."

The city of Clawson has three existing vehicles already in operation and the latest addition is a 2011 model, seating up to fourteen passengers, and allowing for two wheelchairs with a convenient handicap lift. The SMART bus will be used for the Clawson Senior Center, providing transportation for residents' medical appointments, shopping excursions and other events in the city. The service is for any resident in Clawson over the age of fifty-five or residents with a disability.

"We are thrilled to have a new SMART bus to add to our transportation program," said Kathy Leenhouts, "Having two vehicles with lifts allows us to accommodate more riders, especially those with physical limitations."

SMART provides each CPP funding through Community Credits in which a portion of the transit property tax is returned to local communities for operating and/or capital purchases. SMART also acts as the fiduciary agent for the State Municipal Credit Program. Approximately \$6.5 million annually has been redistributed by SMART via municipal and community credit programs to the area's community-based transit programs, of which \$27,000 is distributed to the city of Clawson annually.

SMART is southeast Michigan's only regional transit system, serving Macomb, Oakland and Wayne counties. Recognized nationally as an innovator in community based service for its unique partnerships with 75 communities, SMART serves an average of 12 million riders annually. For more information, go to [www.smartbus.org](http://www.smartbus.org) or call Customer Information at 866-962-5515.

###



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Select Language

Gadgets powered by Google



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EXHIBIT


4

MEMO 13 - 21



RECEIVED  
MAY - 8 2013  
CITY OF GROSSE PTE. WOODS

TO: Alfred Fincham, City Administrator

FROM: Joseph J Ahee, Jr., Director of Public Services 

DATE: April 30, 2013

SUBJECT: Recommendation – Trucking Services

Hernden Trucking Co. has the current contract to provide trucking services for the City through June 30, 2013. They are fully insured and bonded and have provided satisfactory services for the City in the past. Their offer to extend current pricing for the upcoming fiscal year from July 1, 2013 through June 30, 2014 is attached. In the April 2011 bid Hernden Trucking's per yard pricing was low on all items. They include a loader at no charge which provides a significant cost savings to the City and their drivers load themselves so the City does not have to provide an operator for loading the trucks. Tom Hernden also uses his loader to grade the DPW yard along with piling up debris such as concrete, water main break spoils, wood chips, etc., at no additional cost to the city, enabling DPW employees to work on other more important tasks.

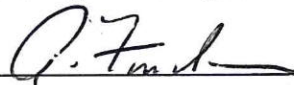
I do not believe any benefit would accrue to the city by seeking additional bids. Therefore, it is my recommendation that the City enter into a contract with Hernden Trucking Company, 24293 Twenty-Four Mile Road, Macomb, MI 48042 to continue to provide trucking and hauling services from July 1, 2013 through June 30, 2014. This is a budgeted expense in the amount of \$84,000.00 included the 2013/2014 budget in account 226-528-818.000, contingent upon final budget approval on May 20, 2013.

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

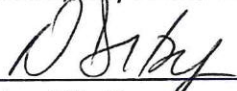
Attachment

c.c. Dee Ann Irby  
O/F

Recommend approval of the above stated and do not believe any benefit will accrue to the City to seek further competitive bids.

  
\_\_\_\_\_  
Alfred Fincham, City Administrator

5-8-13  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Dee Ann Irby, City Treasurer/Comptroller

5-8-13  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Council Approval Required

## ***Hernden Trucking Co.***

---

24293 24 Mile Road  
Macomb, Michigan 48042  
Phone (586) 949-5187

April 23, 2013

City of Grosse Pointe Woods D.P.W.  
1200 Parkway Drive  
Grosse Pointe Woods, MI 48236

Attn: Mr. Joseph Ahee

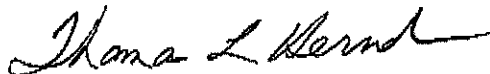
Re Proposal for Trucking Services

Dear Mr. Ahee,

I hereby state that Hernden Trucking Company will extend our current trucking prices per our current Trucking Agreement (copy enclosed) to include the one year period of July 1, 2013 through June 30, 2014.

If you have any questions or I can be of further assistance, please contact me.

Sincerely,



Thomas L. Hernden



# CERTIFICATE OF INSURANCE

Scan Code  
CERT

☐ FARM BUREAU MUTUAL INSURANCE COMPANY OF MICHIGAN  
☒ FARM BUREAU GENERAL INSURANCE COMPANY OF MICHIGAN  
 Lansing, Michigan 48909

☐ AMENDED

Name and Address of Certificate Holder:

CITY OF GROSSE POINTE WOODS  
 20025 MACK PLAZA DR  
 GROSSE POINTE WOODS MI 48236

Named Insured and Address:

HERNDEN THOMAS DBA  
 HERNDEN EXCAVATING & TRUCKING  
 24293 24 MILE RD  
 MACOMB MI 48042

Issue Date: 05/16/2013

This is to certify that the following policy(ies) of insurance has (have) been or will be issued by the Company to the Named Insured. This certificate is not a guarantee that the policy(ies) will remain in effect until its (their) stated expiration date. In the event of cancellation of any of the insurance policies before the expiration date, the Company will endeavor to mail notice of such cancellation to the Certificate Holder designated above at the Certificate Holder's last known address, but failure to mail such notice shall impose no obligation or liability of any kind upon the Company. This certificate is issued as a matter of information only and confers no rights upon the Certificate Holder. This certificate does not amend, extend, or alter the coverage afforded by the policy(ies) of insurance indicated below. The information conveyed in this Certificate of Insurance is only valid for the indicated policy periods. Certificates of Insurance for subsequent policy periods must be requested by the Certificate Holder.

Type of Insurance	Policy Number	Policy Period	Limits of Liability
Business Auto Liability <input checked="" type="checkbox"/> Specifically Described Autos (Symbol 7) <input type="checkbox"/> Hired Auto (Symbol 8) <input type="checkbox"/> Non-Owned Auto (Symbol 9)	BAP-0923094	Eff. 10/17/2012 Exp. 10/17/2013	Combined Single Limit Each Accident \$ 1,000,000
Worker's Disability Compensation		Eff. Exp.	Coverage A - Statutory Coverage B - Bodily Injury by Accident \$ Each Accident (Employer's Liab.) Bodily Injury by Disease \$ Each Employee Bodily Injury by Disease \$ Policy Limit
Comprehensive General Liability or Commercial Package <input checked="" type="checkbox"/> Including <input type="checkbox"/> Excluding Products-Completed Operations <input checked="" type="checkbox"/> Hired Auto <input checked="" type="checkbox"/> Non-Owned Auto <input checked="" type="checkbox"/> CERTIFICATE HOLDER is an Additional Insured on the Comprehensive General Liability Policy. <input type="checkbox"/> Excluding:	CPP-0922816	Eff. 10/05/2012 Exp. 10/05/2013	Each Occurrence \$ 1,000,000 Products Aggregate \$ 2,000,000 General Aggregate \$ 2,000,000 Medical Payments Limit \$ 5,000
Owners and Contractors Protective Liability		Eff. Exp.	Each Occurrence \$ General Aggregate \$
Products - Completed Operations Liability		Eff. Exp.	Each Occurrence \$ Products Aggregate \$
Umbrella Liability		Eff. Exp.	Limit \$
Farmowners Liability Including Products Business Pursuits <input type="checkbox"/> Excluded <input type="checkbox"/> Included		Eff. Exp.	Limit \$ Type: Describe:
Other		Eff. Exp.	

X

Authorized Signature

4122

Agent Number

(810) 987-6390

Agent Phone Number

## **HERNDEN TRUCKING AGREEMENT**

This agreement is entered into on this \_\_\_\_ day of \_\_\_\_\_, 2013 between the CITY OF GROSSE POINTE WOODS, a Municipal Corporation, of 20025 Mack Plaza, Grosse Pointe Woods, Michigan ("City"), and Hernden Trucking Company, 24293 Twenty-Four Mile Road, Macomb, Michigan 48042;

**WHEREAS**, Hernden Trucking Company is engaged in hauling leaves/brush, scrap, concrete, wood chips, debris, dirt, and sand: and

**WHEREAS**, the City desires to utilize the services of Hernden Trucking Company as an independent contractor:

### **THEREFORE, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:**

1. Award of Contract: Hernden Trucking is hereby awarded a non-exclusive contract to perform hauling services for the City.
2. Term of Contract: This contract will begin on the date this agreement is signed by the City of Grosse Pointe Woods and continue through June 30, 2014.
3. Rates: Hernden Trucking Company will perform hauling services as instructed by the City at the agreed sums of \$4.50 per yard for leaves/brush, \$5.00 per yard for removal of wood chips, excavation spoils and clean concrete, \$5.00 per yard for delivery of compost; \$7.50 per yard for sand in; \$9.00 for 21AA crushed concrete in; \$9.50 per yard for screened topsoil in; and \$10.00 per yard for miscellaneous debris out.
4. Termination: Notwithstanding the term of this contract, this agreement may be terminated by either party with 30 days written notice to the other party for any reason.
5. Insurance: Hernden Trucking Company will keep in full force and affect insurance coverage in accordance with the bid specifications and shall furnish proof of such insurance to the City of Grosse Pointe Woods.
6. Compliance with City Ordinances: Hernden Trucking shall be required to comply with all city ordinances and pertinent state laws during the terms of this Agreement including, but not limited to, hours of operation.



7. City Indemnification: Hernden Trucking agrees to indemnify and hold harmless the City from any actions, suits, debts, judgments, damages and/or claims arising out of Hernden Trucking's performance of this Agreement.
8. Incorporation of Bid Documents: The bid documents including the notice to bidders, specifications, insurance coverage, and bid sheet is incorporated into this Agreement by reference. In the event of any inconsistencies between the bid documents and this Agreement, the Agreement controls.

**WITNESS:**

\_\_\_\_\_

**City of Grosse Pointe Woods**

**By:**

\_\_\_\_\_  
Alfred Fincham  
City Administrator

**Hernden Trucking Company**

**By:**

\_\_\_\_\_  
Tom Hernden  
Owner

**Approved for Signature**

\_\_\_\_\_  
**Charles T. Berschback**  
**City Attorney**

**Date:**\_\_\_\_\_

**HERNDEN TRUCKING AGREEMENT AMENDMENT**

This Amendment is signed this \_\_\_\_ day of \_\_\_\_\_, 2013 between City of Grosse Pointe Woods ("City") and Hernden Trucking Company ("Hernden").

**WHEREAS**, Hernden was awarded a contract for hauling services which incorporated bid specifications; and,

**WHEREAS**, one of the bid specifications is that the trucking company maintain insurance coverage in accordance with the bid specifications including but not limited to workers compensation insurance coverage; and,

**WHEREAS**, Hernden has informed the City that as a sole proprietor he cannot obtain workers compensation coverage on himself,

**NOW THEREFORE IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:**

1. So long as Tom Hernden works as a sole proprietor, workers compensation coverage is not required.
2. Hernden will notify the City immediately if circumstances change which would require workers compensation insurance.
3. Hernden Trucking Company and Tom Hernden individually hereby further indemnify and hold harmless the City from any actions, suits, debts, judgments, damages and/or claims arising out of not having workers compensation insurance.
4. Hernden Trucking will not provide services for the City if there comes a time in the future when he would be required to obtain workers compensation insurance, without advance notice and permission from the City.

**WITNESS:**

**City of Grosse Pointe Woods**

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

Alfred Fincham  
City Administrator

**Hernden Trucking Company**

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

Tom Hernden  
Owner

\_\_\_\_\_  
Tom Hernden, an Individual

MEMO 13 - 24

9B

MAY 10 2013  
CITY OF GROSSE PTE. WOODS

TO: Alfred Fincham, City Administrator

FROM: Joseph J Ahee, Jr., Director of Public Services *ja*

DATE: May 9, 2013

SUBJECT: Recommendation –Gas Fired Heater for Department of Public Works

On April 15, 2013 a bid request was mailed to four companies asking them to bid on furnishing and installing one direct gas-fired blow-thru space heater in Garage 2 at the Department of Public Works. The information was also advertised in the Grosse Pointe News. The bid opening was May 7, 2013 and bids were received from the two companies below.


K&S Ventures, Inc.	\$17,750.00
Supreme Heating & Cooling	\$19,216.00

This high-efficiency heater will replace four very old and inefficient heaters resulting in significant energy savings in both electric and gas. K&S Ventures has provided heating and cooling, maintenance and repair services to the city since 2007 and their work has always been satisfactory. Therefore, I recommend the contract to furnish and install one direct gas-fired blow-thru space heater in Garage 2 at the Department of Public Works be awarded to the lowest qualified bidder K&S Ventures, Inc., 2653 Auburn Road, Auburn Hills, MI 48326 in an amount not to exceed \$17,750.00. This is a budgeted item included in the 2012/2013 budget in Municipal Improvement account 401-901-970.103 in the amount of \$20,000.00.

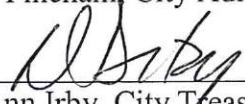
If you have any questions concerning this matter please contact me.

c.c. Dee Ann Irby  
Bid File  
O/F

Recommended for Approval as Submitted:

  
Alfred Fincham, City Administrator

5-10-13  
Date

  
Dee Ann Irby, City Treasurer/Comptroller

5-10-13  
Date

Council Approval Required

MEMO 13 - 25



RECEIVED

MAY 15 2013

CITY OF GROSSE PTE. WOODS

TO: Alfred Fincham, City Administrator

FROM: Joseph J Ahee, Jr., Director of Public Services *JA*

DATE: May 10, 2013

SUBJECT: Recommendation –Two Root Model RXT52-PR-10' Snow Plows

On April 16, 2013 a bid request was mailed to four companies asking them to bid on furnishing two Root model RXT52-PR-10' snow plows to the Department of Public Works. The information was also advertised in the Grosse Pointe News. The bid opening was May 7, 2013 and only one bid was received as shown below.

Shults Equipment, Inc.

\$13,490.00.

I recommend the contract to furnish two Root model RXT52-PR-10' snow plows to the Department of Public Works be awarded to Shults Equipment, Inc., 1532 S. State Road, Ithaca, MI 48847 in an amount not to exceed \$13,490.00. This is a budgeted item included in the 2012/2013 budget in Motor Vehicle Capital Equipment general ledger account 640-852-977.200 in the amount of \$14,000.00. I do not believe any benefit would accrue to the city by seeking additional bids.

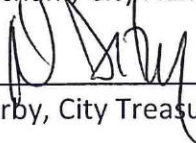
If you have any questions concerning this matter please contact me.

c.c. Dee Ann Irby  
Bid File  
O/F

Recommend approval of the above stated and do not believe any benefit will accrue to the City to seek further competitive bids.

  
\_\_\_\_\_  
Alfred Fincham, City Administrator

5-14-13  
Date

  
\_\_\_\_\_  
Dee Ann Irby, City Treasurer/Comptroller

5-15-13  
Date

\_\_\_\_\_  
Council Approval Required



**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

CC LH  
RECEIVED  
MAY - 7 2013  
CITY OF GROSSE PTE. WOODS  
10A

FEDERAL I.D. 38-1996878

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

May 01, 2013  
Client: 000896  
Matter: 000000  
Invoice #: 101528

Attention: Mr. Al Fincham, City Administrator

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REGARDING: GENERAL MATTERS

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

TOTAL \$1,565.97

Q.7

**KELLER THOMA**  
*A PROFESSIONAL CORPORATION*

COUNSELORS AT LAW  
440 EAST CONGRESS  
5TH FLOOR  
DETROIT, MICHIGAN  
313.965.7610  
FAX 313.965.4480  
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FEDERAL I.D. 38-1996878

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


May 01, 2013  
Client: 000896  
Matter: 000000  
Invoice #: 101528

Attention: Mr. Al Fincham, City Administrator

Page: 1

RE: GENERAL MATTERS

For Professional Services Rendered through April 30, 2013



DATE	ATTY	DESCRIPTION	HOURS
04/09/2013	DAH	Attention to revisions to the AEMT contract.	3.00
04/11/2013	DBD	Attention to review of review of drafts of pending collective bargaining agreements.	0.25
04/11/2013	DAH	Attention to revisions to the AEMT contract.	0.50
04/15/2013	DBD	Attention to review of correspondence from Ms. Irby with respect to pending contract matters.	0.25
04/15/2013	DAH	Attention to preparation of collective bargaining agreement with the TPOAM.	6.50
04/16/2013	DBD	Attention to preparation of correspondence to Mr. Fincham and Ms. Irby with respect to pending matters.	0.25
04/16/2013	DAH	Attention to preparation of collective bargaining agreement with the TPOAM; emails and telephone calls to and from POAM Representative regarding status of POAM contract; attention to finalizing COAM contract.	3.00
04/18/2013	DAH	Email messages to City Manager Fincham and Finance Director Irby regarding AEMT and TPOAM contracts; email message to POLC Representative Figurski forwarding latest draft of Command Officers contract.	0.75
04/22/2013	DAH	Review of contract with Command Officers and AEMTs regarding language for retiree healthcare.	0.25

Total Services \$1,523.75



**KELLER THOMA**  
A PROFESSIONAL CORPORATION

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

May 01, 2013  
Client: 000896  
Matter: 000000  
Invoice #: 101528

Attention: Mr. Al Fincham, City Administrator

Page: 2


RE: GENERAL MATTERS

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ATTORNEY		HOURS	RATE	AMOUNT
DAH	DEBRA A. HOOPER	14.00	\$100.00	\$1,400.00
DBD	DENNIS B. DuBAY	0.75	\$165.00	\$123.75

**DISBURSEMENTS**

04/16/2013	Document Reproduction		\$41.80
04/19/2013	Telephone		\$0.42
Total Disbursements			\$42.22



**Total Amount Due** **\$1,565.97**