

**CITY OF GROSSE POINTE WOODS**  
**20025 Mack Plaza**  
**Regular City Council Meeting Agenda**  
**Monday, November 5, 2012**  
**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 10/15/12
  - B. Committee-of-the-Whole 10/15/12, 10/29/12  
w/recommendation:
    1. City Assessor
  - C. Planning Commission 09/25/12
  - D. Citizen's Recreation Commission 10/09/12,  
w/recommendations:
    1. Appointments (Council)
      - a. Biographical Sketches
        - i. Michael Soviak
        - ii. Amanda York
    2. Relay for Life
      - a. Memo 10/10/12 – Recreation Supervisor
  - E. Historical Commission 09/13/12
  - F. Tree Commission 09/05/12, w/recommendation:
    1. Appointment (Mayoral)
      - a. Biographical Sketch
        - i. Joe Backer
  
7. COMMUNICATIONS
  - A. Emergency Vehicle Repair – Public Safety
    1. Memo 10/25/12 – Director of Public Safety
    2. Invoice 10/12/12 – Apollo Fire Apparatus Repair
  
  - B. Title VI Non-Discrimination Plan
    1. Memo 10/22/12 – City Administrator
    2. Letter 10/29/12 – City Attorney
    3. Title VI Non-Discrimination Plan
  
  - C. Budget Transfer
    1. Memo 10/29/12 – Treasurer/Comptroller-Building Official
  
8. BIDS / PROPOSALS/  
CONTRACTS
  - A. Lighting Upgrade – City Hall/Transfer Funds
    1. Memo 10/19/12 – Director of Public Services
  
  - B. Assessor Contract

1. City Assessor Employment Agreement
9. PROCLAMATIONS
  - A. Pancreatic Cancer Action Network
10. RESOLUTIONS
  - A. The Rivers of Grosse Pointe – Project Plan
    1. Memo 10/26/12 – City Administrator
    2. The Economic Development Corporation of the Charter County of Wayne – Resolution Recommending Project Plan (The Rivers of Grosse Pointe Project)
    3. Project Plan for The Rivers of Grosse Pointe Project
    4. City of Grosse Pointe Woods Resolution Approving Project Plan (The Rivers of Grosse Pointe Project)
    5. Letter 10/29/12 – City Attorney
    6. Letter 09/12/12 – R. Byers, Chairman-Wayne County EDC
    7. Letter 09/21/12 – Miller Canfield
  - B. Regional Transit Authority
11. CLAIMS/  
ACCOUNTS
  - A. Labor Attorney
    1. Keller Thoma 10/01/12
  - B. City Attorney
    1. Don R. Berschback 10/30/12
    2. Charles T. Berschback 10/30/12
12. NEW BUSINESS/PUBLIC COMMENT
13. 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.



COUNCIL  
10-15-12 - 36

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, OCTOBER 15, 2012, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:32 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke  
Council members: Bryant, Granger, Ketels, Koester, McConaghy, Shetler  
Absent: None

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

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

The following Commission member was in attendance:

Grant Gilezan, Planning Commission

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

Motion carried by the following vote:

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

Treasurer/Comptroller Irby and City Council were presented with the 2011 Certificate of Achievement for Excellence in Financial Reporting from the Government Financial Officer's Association (GFOA) of the United States and Canada, and it was presented by Larry Gordier - GFOA, and Mark Hurst - Plante Moran.

Director of Public Safety Pazuchowski presented Public Safety Awards to the following individuals:

1. PSO Darrell Fisher – Commendation Award
2. PSO Daniel Marietta – Commendation Award
3. PSO Kyle Seidel – Meritorious Service Award
4. Sgt. Keith Waszak – Meritorious Service Award
5. James Lafer – Citizen Citation

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

1. City Council Minutes dated October 1, 2012;
2. Committee-of-the-Whole minutes dated October 1, 2012.

Motion carried by the following vote:

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

Motion by Granger, seconded by Bryant, regarding **Board of Election Inspectors/Receiving Board**, that the City Council concur with the recommendation of the Election Commission at their meeting on October 1, 2012, and approve the Certification of Board of Election Inspectors and Receiving Board and authorize rates of pay as presented, funds to be taken from the Clerk's Election Account No. 101-215-731.000.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 8:01 P.M. FOR A PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, FENCES, TO HEAR THE APPLICATION OF ROLAND LUTZ, 590 SHOREHAM, GROSSE

POINTE WOODS, WHO IS SEEKING APPROVAL OF A VARIANCE TO ALLOW A 6' VINYL PRIVACY FENCE WITH  $\frac{3}{4}$ " OPENINGS AND A 1' LATTICE TOP ALONG THE NORTH (REAR) LOT LINE OF THE SUBJECT PROPERTY. A PERMIT WAS DENIED DUE TO NONCOMPLIANCE WITH SECTION 8-279(1).

Motion by Granger, seconded by Ketels, that for purposes of the public hearing the following items be received and placed on file:

1. Letter 09/17/12 – Roland H. Lutz III
2. Application for Fence Zoning Compliance Permit 09/11/12, w/attachments
3. Memo 10/04/12 - Building Official, w/attachments
4. Affidavit of Property Owners Notified
5. Aerial View

Motion carried by the following vote:

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

The Building Official provided an overview.

The Chair asked if anyone from the audience wished to speak in favor of the proposed request. The following individuals were heard:

Roland Lutz  
590 Shoreham

Walter Tobeler  
576 Shoreham

The Chair asked if anyone from the audience wished to speak in opposition to the proposed request. No one wished to be heard.

Motion by Bryant, seconded by Ketels, that the public hearing be closed at 8:06 p.m. PASSED UNANIMOUSLY.

Motion by Granger, seconded by McConaghy, regarding Privacy Fence variance – 590 Shoreham, that the City Council grant a fence variance allowing  $\frac{3}{4}$ " openings on the west

side of the property due to the special circumstance that exists (being that this is a corner lot.)

Motion carried by the following vote:

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

Motion by Bryant, seconded by Shetler, regarding **Approval of Hours/Funds Transfer**, that the City Council approve a total number of hours not to exceed 1,350 to the City Clerk's Administrative Clerk II; and to approve a transfer of funds into the Clerk's Salaries & Wages Account No. 101-215-702.000 from the following Clerk's budgeted accounts:

Election Account No. 101-215-730.000	-	\$1,850;
Membership/Travel Account No. 101-215-958.000	-	\$1,150.

Motion carried by the following vote:

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

Motion by Granger, seconded by Shetler, regarding **Legal Proceedings – Bettie Cook Scott v Wayne County, et al**, that the City Council refer this to the City Attorney for further processing.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Bryant, regarding **Commitment of Funds-Fund Balance**, that the City Council commit \$14,850.00 of the Municipal Improvement Fund Balance for the year ended June 30, 2012.

Motion carried by the following vote:

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

Motion by Ketels, seconded by Shetler, regarding **transfer of funds**, that the City Council authorize an amount not to exceed \$3,000.00 to purchase City holiday decorations including greenery, lights, and bows; funds to be transferred into Account No. 401-901-757.000 from the following accounts:

1. Beautification Commission Account No. 101-105-800.100 - \$500.00;
2. DPW Municipal Improvement Account No. 401-903-977.120 - \$2,000.00;
3. City Administrator's Memberships & Travel Account No. 101-172-958.000 - \$500.00.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Koester, regarding **Monthly Report – September 2012**, that the City Council refer this item to the Finance Committee.

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Ketels, regarding **Proclamation – Fred and Joan Gowen 50<sup>th</sup> Wedding Anniversary**, that the City Council voice no objection to this Mayoral Proclamation.

Motion carried by the following vote:

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

No: None

Absent: None

Motion by Granger, seconded by Ketels, to adjourn tonight's meeting at 8:14 p.m.  
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway  
City Clerk





MINUTES OF THE MEETING OF THE COMMITTEE-OF-THE-WHOLE OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, OCTOBER 15, 2012, IN THE CONFERENCE ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

PRESENT: Mayor Novitke  
Council Members Bryant, Granger, Ketels, Koester, McConaghy, Shetler

ABSENT: None

ALSO PRESENT: City Administrator Fincham  
City Attorney Chip Berschback  
City Clerk Hathaway

Mayor Novitke called the meeting to order at 8:26 p.m.

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

Motion carried by the following vote:

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

No: None

Absent: None

The Committee then discussed a **position vacancy – Department of Public Works**. Director Ahee provided an overview regarding the vacancy of his Administrative Clerk I position and requested permission to fill the vacancy. A current part-time union Finance employee is interested in the full-time position in Department of Public Works, and the Treasurer/Comptroller requested permission to fill the part-time position if a vacancy is created.

There was a consensus of the Committee-of-the-Whole to authorize the Director of Public Works to fill the position in an amount not to exceed the current salary.

There was a consensus of the Committee that should a vacancy be created by filling the Public Works position with a Finance Department employee, that the Committee authorize replacement of that employee at a cost not to exceed the current salary.

Discussion then ensued regarding the City's **prescription plan**; changing the plan from Express Scripts to Navitus. The Committee and City Attorney discussed the Navitus Business Associate Agreement and Pharmacy Management Services Agreement stating there would be no changes in coverage only that Navitus would cost less as the City's provider. There was a consensus of the Committee to engage the new agreement contingent upon approval of the City Attorney.

Motion by Granger, seconded by Ketels, that the Committee recess the regularly scheduled Committee-of-the-Whole meeting at 8:46 p.m. and convene in Closed Executive Session for the purpose of discussing a pending litigation at which time the Committee may or may not reconvene in regular session to address additional items as necessary, in accordance with the Open Meetings Act 1976 PA 267.

Motion carried by the following roll call vote:

Shetler	Yes
Bryant	Yes
Granger	Yes
Ketels	Yes
Koester	Yes
McConaghy	Yes
Novitke	Yes

The Committee-of-the-Whole reconvened in regular session at 10:47 p.m.

Under New Business, Council Member Ketels discussed a recent resolution passed by the City of Farmington Hills regarding the Regional Transit Authority. Member Ketels is in support of the Transit Authority, and there was a consensus of the Committee to place the Resolution on the next Council agenda.

Motion by Ketels, seconded by Koester, that the meeting of the Committee-of-the-Whole be adjourned at 10:57 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway  
City Clerk

MINUTES OF THE MEETING OF THE COMMITTEE-OF-THE-WHOLE OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, OCTOBER 29, 2012, IN THE CONFERENCE ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

PRESENT: Mayor Novitke  
Council Members Bryant, Granger, Ketels, Koester, McConaghy, Shetler

ABSENT: None

ALSO PRESENT: City Administrator Fincham  
City Attorney Don Berschback  
City Clerk Hathaway

Mayor Novitke called the meeting to order at 7:38 p.m.

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

Motion carried by the following vote:

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

No: None

Absent: None

The Committee commenced discussion regarding recent staffing **vacancies** in three departments including Public Safety (Confidential Administrative Assistant), Building (Part-Time Clerk I), and the City Assessor. The City Administrator provided an overview and requested replacement of the public safety and building positions. There was a consensus of the Committee to fill the two positions; and the City Administrator requested, and was granted, permission to fill any vacancy caused by filling these positions as long as costs do not exceed the current salaries.

The next item discussed was the vacancy caused by the Assessor resigning. The City Administrator stated to the Committee that a previous Assessor applicant, Scott Vandemergel, continues to be interested in the position and is available to interview this evening if it is the pleasure of the Council.

The Chair declared a recess at 8:10 p.m., and reconvened at 8:20 p.m.

Following discussion, there was a majority consensus of the Committee to interview Scott Vandemergel this evening, which may or may not result in a recommendation to the City Council. Mr. Vandemergel provided an overview regarding his background, and responded to questions posed by the Committee.

The interview concluded and the Chair declared a recess at 9:12 p.m., and reconvened at 9:18 p.m.

There was a majority consensus to recommend hiring Mr. Vandermergel.

Motion by Bryant, seconded by Shetler, regarding the City Assessor position, that the Committee-of-the-Whole recommend the City Council offer Scott Vandermergel the position of the City Assessor contingent upon a suitable contract being negotiated.

Motion carried by the following vote:

Yes: Bryant, Ketels, McConaghy, Novitke, Shetler

No: Granger, Koester

Absent: None

Based upon a consensus of the Committee, administration was directed to contact Tom Columbo to find out the terms of contractual employment with the City including the number of working hours and rate of pay; the intent is to employ him through the transition of hiring a full-time City Assessor.

Motion by Bryant, seconded by Ketels, that the meeting of the Committee-of-the-Whole be adjourned at 10:01 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway  
City Clerk



PLANNING COMMISSION  
09/25/12 – 026

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GROSSE POINTE WOODS HELD ON TUESDAY, SEPTEMBER 25, 2012, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

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

Roll Call: Chair Gilezan  
Evola, Fuller, Hamborsky, Rozycki, Richardson, Vaughn, Vitale

Absent: Stapleton

Also Present: Building Official Tutag  
City Attorney C. Berschback  
Recording Secretary Babij Ryska

Motion by Fuller, seconded by Evola, that Planning Commission Member Stapleton be excused from tonight's meeting.

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Hamborsky, Rozycki, Richardson, Vaughn, Vitale  
NO: None  
ABSENT: Stapleton

Motion by Rozycki, seconded by Vaughn, 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: Evola, Fuller, Gilezan, Hamborsky, Rozycki, Richardson, Vaughn, Vitale  
NO: None  
ABSENT: Stapleton

Chair Gilezan welcomed Council Member Ketels, as Planning Commission Representative, for being in attendance at tonight's meeting.

Motion by Richardson, seconded by Vaughn, regarding **Approval of Minutes**, that the Planning Commission Regular Meeting minutes dated August 28, 2012 be approved.

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Hamborsky, Rozycki, Richardson, Vaughn, Vitale  
NO: None  
ABSENT: Stapleton

PLANNING COMMISSION  
09/25/12 – 027

The next item on the agenda was **Continued Discussion: Land Uses & Zoning on Mack Avenue**. City Attorney Berschback introduced a draft ordinance that defines "fast food" and provides language to restrict drive-thru food establishments to the C-2 district. Discussion ensued regarding some of the definitions. The City Attorney and Building Official will continue to work on the draft ordinance and then discuss it with John Jackson of McKenna Associates, Inc. An updated draft will be provided at the October meeting.

The next item on the agenda was regarding **Schedule a Public Hearing: St. John Hospital & Medical Center 19231/19233 Mack Avenue. To install a temporary heliport in the north parking lot**. Building Official Tutag gave an overview of the proposed project and the Commission discussed notification requirements.

Motion by Vitale, seconded by Rozycki, that the Planning Commission schedule a **Public Hearing** at a regular meeting on **October 23, 2012** for the purpose of hearing the proposed plan to install a **temporary heliport** at St. John Hospital & Medical Center 19231/19233 Mack Avenue, in the north parking lot.

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Hamborsky, Rozycki, Richardson, Vaughn, Vitale  
NO: None  
ABSENT: Stapleton

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

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Hamborsky, Rozycki, Richardson, Vaughn, Vitale  
NO: None  
ABSENT: Stapleton

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

- The Rivers project is coming along. All cottage units are sold and there is a waiting list for the independent living apartments. Curb cuts are complete. Excavation begun for the basement of the main building. Footing will be done by the end of November.
- Viviano Flowers bought out Secret Garden and will open a new shop at 20087 Mack.
- Verizon is moving locations within the City. Businesses are shopping around for cheaper rent and they are getting good deals with long term leases.
- Current vacancy rate is about 7%.
- Mack Avenue Grille has reopened.

PLANNING COMMISSION  
09/25/12 – 028

Commission Member Fuller gave the **September 2012 Council Reports:**

- September 10<sup>th</sup> meeting: No one was able to attend.
- September 17<sup>th</sup> meeting: Council provided notice that The Rivers project is applying for \$30 million in bonds through the Economic Development Corporation of Wayne County. There are no tax ramifications for this financing.

Commission Member Fuller will attend the October 1<sup>st</sup> Council Meeting and Chair Gilezan will attend the October 15<sup>th</sup> meeting.

The following **Sub-Committee Reports** were provided:

**2020 Plan** – Commission Member Hamborsky reported that the sub-committee met in a three hour session last Saturday and is requesting a Workshop meeting in October for the purpose of making a presentation to the rest of the Commission.

Chair Gilezan scheduled a **Workshop meeting** on **October 23, 2012 at 6:30 p.m.**

**Special Sign Ordinance** – Nothing to report.

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

- Chair Vaughn recommended that the Commission Members read two articles in the latest edition of Planning and Zoning News that was distributed by the Building Department.

Motion by Evola, seconded by Fuller, to adjourn the Planning Commission meeting at 8:46 p.m.  
Passed unanimously.

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

**Meeting of the Citizen's Recreation Commission held on October 9, 2012 at 7:00 p.m. in the conference room at City Hall, 20025 Mack Ave, Grosse Pointe Woods, Michigan 48236.**

**Present:**

Bill Babcock  
Joe Dansbury  
Gib Heim  
Barb Janutol  
Mark Miller  
Mike Moore

**Not Present:**

Tom Jerger

**RECEIVED**  
OCT 10 2012  
CITY OF GROSSE PTE. WOODS

**Also Present:**

Todd McConaghy, Nicole Byron, Michael Soviak

**Call To Order:** 7:00 p.m.

**Approval of Minutes:**

Motion to accept the minutes from October 9, 2012 by Mark Miller and seconded by Joe Dansbury.

Motion passed by the following vote:

Yes: Babcock, Dansbury, Heim, Janutol, Miller and Moore.

No: None

Absent: Jerger

**Council Meeting Report:**

Nicole Byron was appointed Supervisor of Parks and Rereation for the City of Grosse Pointe Woods by Council.

Welcome issued to Mike Soviak, who is a nominee for one of two vacant seats for the Citizen's Recreation Commission, along with Amanda York.

Motion was made to Council by Mark Miller and seconded by Mike Moore to approve the nominations of Michael Soviak and Amanda York as new members of the Recreation Commission.

Motion passed by the following vote:

Yes: Babcock, Dansbury, Heim, Janutol, Miller and Moore

No: None

Absent: Jerger

**NOTE**



### Supervisor's Report:

Hob Nob and Goblin event will be held on Friday October 19<sup>th</sup>, from 6:00 - 8:00 pm.

Gib Heim and Joe Dansbury will help with crowd control and Barb Janutol will help with cider and donuts. Todd McConaghy and Bill Babcock will be in attendance and will help as needed.

New "goose" dogs and their handlers have begun working at Lakefront Park.

Nicole is researching the possibility of dredging the canal this spring.

Relay for Life has again requested use of the Lakefront Park for their relay event on May 11 and 12, 2013.

A motion was made by Mark Miller and seconded by Joe Dansbury to approve the Relay for Life event on May 11 and 12, 2013 at Lakefront Park, subject to approval by the City Attorney and Council.

Motion passed by the following vote:

Yes: Babcock, Dansbury, Heim, Janutol, Miller and Moore.

NO: None

Absent: Jerger

### New Business:

The walkway for pedestrian traffic over the canal will be open starting November 1.

Nicole will but together a report on attendance, and boat well usage for the November meeting.

Suggestions were made to increase boat well rentals and will be further discussed at the November meeting pending more information.

2 "Emergency Preparedness" classes given by Oakland Community College at the Grosse Pointe Woods Community Center are scheduled for:

October 24<sup>th</sup> (6:30-8:30pm)....geared toward family disaster preparedness.

November 8<sup>th</sup> (1:00-3:00pm).... geared to senior disaster preparedness.

Motion was made by Mark Miller and seconded by Gib Heim to immediately certify the minutes of this meeting.

Motion passed by the following:

Yes: Babcock, Dansbury Heim, Janutol, Miller and Moore

No: None

Absent: Jerger



**Motion** was made to adjourn the meeting by Mr. Miller and seconded by Mr. Dansbury.

Motion passed by the following vote:

Yes: Babcock, Dansbury, Heim, Janutol, Miller and Moore.

No: None

Absent: Jerger

**Meeting Adjourned at 7:50 p.m.**

The next regularly scheduled meeting will be at 7:00p.m. Tuesday, November 13, 2012

Respectfully submitted by:

Barbara Janutol, Secretary

bajanutol@gmail.com



## CITY OF GROSSE POINTE WOODS

20025 Mack Plaza  
Grosse Pointe Woods, MI 48236

RECEIVED  
JUN 05 2012  
CITY OF GROSSE POINTE WOODS

### BIOGRAPHICAL SKETCH

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

<input type="checkbox"/> Beautification Commission	<input type="checkbox"/> Board of Canvassers
<input type="checkbox"/> Board of Review	<input type="checkbox"/> Building Authority
<input checked="" type="checkbox"/> Citizens' Recreation Commission	<input type="checkbox"/> Community Tree Commission
<input type="checkbox"/> Construction Board of Appeals	<input type="checkbox"/> Downspout Board of Appeals
<input type="checkbox"/> Fireworks Committee	<input type="checkbox"/> Historical Commission
<input checked="" type="checkbox"/> Local Officers' Compensation Commission	<input type="checkbox"/> Mack Avenue Business Study Committee
<input checked="" type="checkbox"/> Pension Board	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Senior Citizens' Commission	<input type="checkbox"/> Other:

NAME: MICHAEL ALAN SOVIAK  
ADDRESS: 1992 LANCASTER, GROSSE POINTE WOODS MI.  
TELEPHONE: Home: (313) 417-0331 Office: (313) 694-1886  
E-Mail: SOVIAKMI@UOMERCY.EDU  
OCCUPATION: V.P./CO-FOUNDER REVOLUTION FLAG SERVICE  
# OF YEARS RESIDENT OF GROSSE POINTE WOODS: 16 YEARS

PERSONAL SKILLS OR AREAS OF EXPERTISE RELATIVE TO THE COMMISSION:

BUDGETING SKILLS, PLANNING EVENTS AT THE UNIVERSITY OF DETROIT MERCY  
(CURRENTLY)

EDUCATION: GROSSE POINTE NORTH H.S., UNIVERSITY OF DETROIT MERCY

PROFESSIONAL / SERVICE CLUB AFFILIATIONS: 21ST CENTURY CLUB PAC

V.P. - STUDENT GOVERNMENT ASSOCIATION

DESCRIBE WHY YOU WOULD BE AN ASSET TO THE COMMISSION/BOARD: BACKGROUND

IN HOW BUSINESS AND GOVERNMENT WORK

Signature of sponsor

Michael Soviak  
Signature of applicant

Date: 6-5-12

Return to Clerk's Office



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

RECEIVED  
OCT 25 2011  
CITY OF GROSSE PTE WOODS

## BIOGRAPHICAL SKETCH

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

<input type="checkbox"/>	Beautification Commission	<input type="checkbox"/>	Board of Canvassers
<input type="checkbox"/>	Board of Review	<input type="checkbox"/>	Building Authority
<input checked="" type="checkbox"/>	Citizens' Recreation Commission	<input type="checkbox"/>	Community Tree Commission
<input type="checkbox"/>	Construction Board of Appeals	<input type="checkbox"/>	Downspout Board of Appeals
<input type="checkbox"/>	Fireworks Committee	<input type="checkbox"/>	Historical Commission
<input type="checkbox"/>	Local Officers' Compensation Commission	<input type="checkbox"/>	Mack Avenue Business Study Committee
<input type="checkbox"/>	Pension Board	<input type="checkbox"/>	Planning Commission
<input type="checkbox"/>	Senior Citizens' Commission	<input checked="" type="checkbox"/>	Other: <u>open</u>

NAME: Amanda York

ADDRESS: 2111 Beaufait Dr.

TELEPHONE: Home: (309) 781-0722 - cell Office: (586) 498-7122

E-Mail: Amanda.York@mail.house.gov

OCCUPATION: Community Outreach Representative - Congressman Sander Levin

# OF YEARS RESIDENT OF GROSSE POINTE WOODS: 3 months

PERSONAL SKILLS OR AREAS OF EXPERTISE RELATIVE TO THE COMMISSION:

Lifelong sports enthusiast, player, coach & referee. College soccer team captain.

EDUCATION: Western Illinois University, 12 credits needed for bachelor's degree

PROFESSIONAL / SERVICE CLUB AFFILIATIONS: Michigan Drug-Free coalition,  
Macomb Community Domestic Violence Council

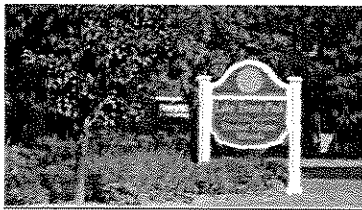
DESCRIBE WHY YOU WOULD BE AN ASSET TO THE COMMISSION/BOARD: I am new to Michigan  
and would bring a fresh perspective to the commission. I am excited to  
become an active member of the GPW community!

Signature of sponsor

Amanda York  
Signature of applicant

Date: 10/24/11

Return to Clerk's Office



## City of Grosse Pointe Woods Parks and Recreation

**RECEIVED**

OCT 10 2012

CITY OF GROSSE PTE. WOODS

Memorandum 148-12

Date: October 10, 2012  
To: Al Fincham, City Administrator  
From: Nicole Byron, Parks and Recreation Supervisor *NB*  
Subject: 2012 Relay for Life

---

The American Cancer Society Relay for Life is again requesting approval to host the Relay for Life fundraising event at Lake Front Park. The 2013 event is scheduled for May 11-12, which will not interfere with any activities at Lake Front Park. A certificate of insurance is forthcoming.

I have no objections to the approval of this request.

RECOMMENDED FOR APPROVAL AS SUBMITTED:

*Al Fincham*  
\_\_\_\_\_  
City Administrator

*10-10-12*  
\_\_\_\_\_  
Date

Council approval required

Approved by Commission 10/1/12

RECEIVED

SEP 18 2012

CITY OF GROSSE PTE. WOODS

Grosse Pointe Woods Historical Commission Minutes  
September 13, 2012

**I. Call to Order**

The regular meeting of the Grosse Pointe Woods Historical Commission was called to order at 7:35 p.m. in the Lake Room at City Hall.

**II. Roll Call**

**Present:** Mary Kaye Ferry, Del Harkenrider, Suzanne Kent, Gordon Michaelson, Lynne Millies, John Parthum

**Also Present:** Council Representative Art Bryant

**Excused:** Colleen D'Agostino, Eric Lindquist, Joe Mason, Sean Murphy

**Absent:** Shirley Hartert

**III. Approval of Agenda**

**Motion:** Harkenrider moved to approve the agenda for September 13, 2012. Ferry seconded. Ayes: all. Motion carried.

**IV. Approval of Minutes**

**Motion:** Ferry moved to approve the minutes of July 12, 2012. Harkenrider 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 \$8,800.16 in the Cook Schoolhouse account.
- B. *Lake Front Park Chronology:* no report.
- C. *Cook Schoolhouse Projects:* Parthum and Ferry met with Joe Ahee during the past month to discuss what needs to be done to get the building and grounds ready for the October 3, 2012 annual Questers meeting. The school is on the list of sites the Questers will be visiting that day. Parthum presented Commission members with a handout entitled "Cook Schoolhouse – New furnishings suggestions. September 13, 2012." Listed below are five (5) motions pertaining to the Cook Schoolhouse.

**Motion #1:** Kent moved to recommend to City Council the acceptance of the proposal by K&S Ventures, Inc. The company would install the A/C condensing unit and related parts. At the same time, the company would check and repair any supply ductwork. The cost of \$1470.00 would come from the Cook Schoolhouse account #205-870-820-210. (See attached copy of proposal.) Ferry seconded. Ayes: all. Motion carried.

**Motion #2:** Michaelson moved to recommend to City Council the purchase of a door for the basement storage room in the Cook Schoolhouse. The cost of the door, including all hardware and the closer, should not exceed \$413.00. The funds would come from the Cook Schoolhouse account #205-870-820-210. Ferry seconded. Ayes: all. Motion carried.

**Motion #3:** Ferry moved to recommend to City Council the purchase of nine (9) mounted photos for a wall collage in the Cook Schoolhouse not to exceed \$130.00. The funds would come from



MECHANICAL & ELECTRICAL CONTRACTING • ENERGY MANAGEMENT SYSTEMS • TEMPERATURE CONTROLS

September 4, 2012

**Joe Ahee**  
**City of Grosse Pointe Woods**  
**20025 Mack Ave.**  
**Grosse Pointe Woods, MI 48236**

**RE: School House Condensing Unit**

Dear Joe-

K & S Ventures, Inc. is pleased to provide a proposal to install a used Lennox Condensing unit for the School House at the City of Grosse Pointe Woods.

**Scope of Work:**

- Installation of 2 ½ ton used Lennox Condensing Unit
- Installation of used evaporator coil
  - Both Unit and Coil provided by Customer
- New suction and liquid refrigeration lines
- Supply condensate line to floor drain
- Repair floor supply ductwork

**Work Not Included**

- Any additional repairs to system
- Any necessary Electrical

Floor Supply Ductwork:       \$325.00  
Condenser/Coil Installation:   \$1,145.00

**Total Project Cost: \$1,470.00\***

**\*Price's valid for 30 days**

Please feel free to contact our office at 248-299-4212 with any questions or concerns.

Sincerely,

Jeremy Hintz  
Service Technician

Approved By: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Purchase Order #: \_\_\_\_\_

Cook Schoolhouse – New furnishings suggestions.

Sept. 13, 2012

Hamilton Beach 60 cup coffee urn

1 at 79.88      \$ 79.88

Or consider two of them

2 at 79.88      \$ 159.76

Tables & Chairs for 32 people    Proposal #1

Lifetime Combo (4) 60" round tables

(32) Commercial folding chairs

1 at 1399.00    \$1399.00

Tables & Chairs for 52 people    Proposal #2

Lifetime Combo (4) 60" round tables

Lifetime Card Table (5) 37" card tables

Lifetime Commercial folding chairs in 4 packs

(5) Commercial folding chairs

1 at 1399.00    \$1399.00

1 at 61.88      \$ 309.40

1 at 115.88      \$ 579.40

\$2287.80

Tables & Chairs for 64 people    Proposal #3

Proposal #1 double

1 at 1399.00    \$2798.00

Tables & Chairs for 52 people    Proposal #4

Lifetime Card Table (13) 37" card tables

Lifetime Commercial folding chairs in 4 packs

(13) Commercial folding chairs

1 at 61.88      \$ 804.44

1 at 115.88      \$1506.44

\$2310.88



GROSSE POINTE WOODS TREE COMMISSION  
Meeting Minutes of September 05, 2012

**Chairman, Stephen Chan, called the meeting to order at 7:30 p.m.**

**Present:** Rogers, Chan, Sullivan, Durney, DiCicco, Malley, Koester, (Council Representative), Paavola, Profeta, Greening, Christopoulos.

**Guest:** Joe Backer

**Absent:** None-Meredith resigned-moved.

**Approval of the Agenda for the meeting of September 05, 2012.** Motion by Durney and seconded by Sullivan to approve the agenda as presented. All members present approved the agenda.

**Approval of the meeting minutes of 06/06/12.**

Motion by Greening and seconded by DiCicco to approve the minutes as presented. All members present approved the motion.

No regular Tree Commission meetings were held in July and August.

**Treasurer's Report, August 28, 2012:**

Cash Reserve 07/01/2012 \$12,139.51

No expenses from 5/12—8/28/12.

(Balance carries forward)

Approved budget 07/01/12 \$1,500.00\*

No expenses for July and August 2012.

Balance thru 08/28/12 \$1,500.00

(Balance does not carry forward).

All expenses require prior Council approval.

\*For the 2013 Memorial Tree program, the budgeted amount as originally submitted was increased by \$161.50.

**Old Business:**

Profeta advised that he had the donor Memorial Tree program photographs printed and distributed along with a thank you letter to each donor. Profeta paid for the expense of printing and mailing. He was advised that these charges should be cleared for

payment by Council approval and processed as a budgeted item.

**New Business:**

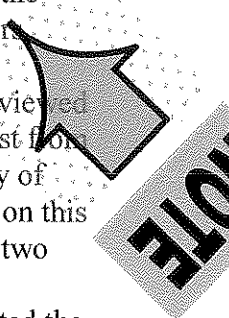
Betty Ahee, representative of the City Clerk's office, has received Bill Meredith's letter of resignation. With Mr. Backer absent from the conference room, Chairman Chan advised that three other residents expressed an interest in being a commission volunteer but not specifically the tree commission as shown on the attached biographical sketch for Joe Backer. After discussion, Malley made a motion and seconded by Sullivan, that we accept Joe Backer as a member of the Community Tree Commission. Greening made a motion and seconded by Paavola that the Council and Mayor approve the appointment of Joe Backer as a member of the Community Tree Commission. All members present approved both motions.

**2013 Arbor Day tree seedling;** Paavola reviewed for the members present her current price list from Van Pines Nursery. We purchase a quantity of 500 seedlings and the cost per tree is based on this quantity plus the growth cycle (one year or two years). Shipping and handling are separate charges. For the past two years we distributed the Black Hills Spruce which now costs 80 cents for a one year plant. A White Pine (Michigan's state tree) with one year growth costs the same. With the need to diversify our tree selection and stay within our budget, the members present agreed to purchase 500 White Pine one year seedlings.

**Motion by Malley and seconded by Profeta that the Council provide their approval to purchase 500 White Pine seedlings from Van Pines Nursery at a cost between \$500 & \$525.**

**Immediate certification of this motion is requested to take advantage of any discount provided with an order at this time. All members present approved this motion.**

White Pine plant description and other details are attached.



**New Business continued:**

**2012 Fall Tree Planting program:**

This program is being reviewed on September 11, 2012. The topic was tabled until the October 03, 2012 meeting.

**Replacement of dead memorial trees at the Lake Front Park.**

Paavoda will check the DPW resources to determine which city department is responsible for memorial tree replacement and advise.

**Adjournment:** Motion by Paavoda and seconded by Malley that the meeting be adjourned at 8:20 p.m. All members present approved the motion.

Submitted by

A handwritten signature in cursive script, appearing to read "Wilson G. Rogers".

Wilson G. Rogers

Secretary (313) 886-7660



# CITY OF GROSSE POINTE WOODS

20025 Mack Plaza  
Grosse Pointe Woods, MI 48236

RECEIVED

JUN 20 2011

CITY OF GROSSE PTE. WOODS

## BIOGRAPHICAL SKETCH

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

Beautification Commission	Board of Canvassers
Board of Review	Building Authority
Citizens' Recreation Commission	<input checked="" type="checkbox"/> Community Tree Commission
Construction Board of Appeals	Downspout Board of Appeals
Fireworks Committee	Historical Commission
Local Officers' Compensation Commission	Mack Avenue Business Study Committee
Pension Board	Planning Commission
Senior Citizens' Commission	Other:

NAME: JOE BACKER

ADDRESS: 640 HIDDEN LANE G.P.W. 48236

TELEPHONE: Home: 313-640-9002 Office: —

E-Mail: JBACKERSR@AOL.COM

OCCUPATION: RETIRED

# OF YEARS RESIDENT OF GROSSE POINTE WOODS: 8

PERSONAL SKILLS OR AREAS OF EXPERTISE RELATIVE TO THE COMMISSION:

LONG TIME HOBBY GARDENER


EDUCATION: 1-12 & 2 YRS TECH. SCHOOL

PROFESSIONAL / SERVICE CLUB AFFILIATIONS: MEN'S GARDEN CLUB

DESCRIBE WHY YOU WOULD BE AN ASSET TO THE COMMISSION/BOARD:

LOVE OF GARDENING, FORMER SUPERVISOR/DESIGN GM/CADILLAC DIV.

  
Signature of sponsor

  
Signature of applicant

Date: 6-16-2011

Return to Clerk's Office



**CITY OF GROSSE POINTE WOODS  
DEPARTMENT OF PUBLIC SAFETY**

7A

**RECEIVED**

OCT 31 2012

CITY OF GROSSE PTE. WOODS

**Date:** October 25, 2012  
**To:** Alfred Fincham, City Administrator  
Dee Ann Irby, Treasurer/Comptroller  
**From:** Andrew L. Pazuchowski, Director *AP*  
**Subject:** Emergency Vehicle Repair Approval

I am requesting approval of the attached invoice (invoice #36675) from Apollo FireApparatus Repair in the amount of \$8,623.00. These repairs were made to the 1990 Suthphen aerial tower as a result of failing the annual State safety inspection.

The replacement cost of this apparatus would be approximately \$1.2 million. Therefore, it is essential that we invest the money in this vehicle to extend its service lifespan.

Although this was an unpredicted expense that could not be budgeted for, \$4,500 is available in the vehicle maintenance account 640-851-939.200. The Director is requesting to transfer the following into the vehicle maintenance account 640-851-939.200

- \$2,123 from account 101-339-757.000 [fire operating supplies]
- \$2,000 from account 101-339-818.000 [fire contractual services]

Please contact me if you have any questions.

**RECOMMENDED FOR APPROVAL AS SUBMITTED:**

*Dee Ann Irby*  
\_\_\_\_\_  
Treasurer/Comptroller

*10-31-12*  
\_\_\_\_\_  
Date

*A. Fincham*  
\_\_\_\_\_  
City Administrator

*10-31-12*  
\_\_\_\_\_  
Date

No benefit will accrue to the City by seeking bids.

# Apollo FireApparatus Repair

12584 Lakeshore Drive  
Romeo, MI 48065

# COPY

# Invoice

Date	Invoice #
10/12/2012	36675

<b>Bill To</b>
GROSSE POINTE WOODS FIRE DEPT 20025 MACK PLAZA GROSSE POINTE WOODS, MI 48236-2397

<b>Ship To</b>
GROSSE POINTE WOODS FIRE DEPT 20025 MACK PLAZA GROSSE POINTE WOODS, MI 48236-2397

P.O. No.	Terms	Rep	Mileage/Hours	Truck #	VIN Number
	NET 30	WM		TOWER 5	

Serviced	Item	Description	Qty	Rate	Amount
9/24/2012	PER QUOTE	REPAIR PTO ENGAGED LIGHT IN CAB PER QUOTE		48.00	48.00
	PER QUOTE	REPLACE POLY BLOCK FOR EXT. CULINDER PER QUOTE		100.00	100.00
	PER QUOTE	REMOVE, REBUILD AND REINSTALL 2 EXT CYLINDERS PER QUOTE		3,700.00	3,700.00
	PER QUOTE	REPAIR RH OUTRIGGERS WARNING LIGHT PER QUOTE		80.00	80.00
	PER QUOTE	REMOVE, REBUILD AND REINSTALL 2 ELEVATION CYLINDERS PER QUOTE		4,300.00	4,300.00
	PER QUOTE	REPLACE BOLTS ON DRIVE SHAFTPER QUOTE		100.00	100.00
	PER QUOTE	REPLACE WATERWAY #1 GAUGE PER QUOTE		160.00	160.00
	PER QUOTE	REPAIR WATERWAY OPEN/CLOSE HANDLEPER QUOTE		75.00	75.00
	PER QUOTE	REPLACE DRAIN VALVE HANDLE PER QUOTE		10.00	10.00
	PER QUOTE	REPLACE LIGHT ON LOWER CONTROL PANEL PER QUOTE		50.00	50.00
10/8/2012	12-9-290,291	RBLT CYLINDER4.500X201.00X3 DSY INSPECT POLISH HONE BARREL REPLACE SEALS ASSY AND TEST	2	0.00	0.00
10/8/2012	12-9-288,289	REBUILT CYLINDER 6.50X51.00X4.00C70.75 DSY INSPECT POLISH ROD, HONE BARREL , REPLACE SEALS	2	0.00	0.00
	ATF	ATF-QT	120	0.00	0.00
				<b>Sales Tax (6.0%)</b>	
				<b>Total</b>	

Phone #	Fax #	E-mail	Web Site
586-752-6828	586-752-6907	ssoroka@apollofire.com	apollofire.com

# Apollo FireApparatus Repair

12584 Lakeshore Drive  
Romeo, MI 48065

## Invoice

Date	Invoice #
10/12/2012	36675

<b>Bill To</b>
GROSSE POINTE WOODS FIRE DEPT 20025 MACK PLAZA GROSSE POINTE WOODS, MI 48236-2397

<b>Ship To</b>
GROSSE POINTE WOODS FIRE DEPT 20025 MACK PLAZA GROSSE POINTE WOODS, MI 48236-2397

P.O. No.	Terms	Rep	Mileage/Hours	Truck #	VIN Number
	NET 30	WM		TOWER 5	

Serviced	Item	Description	Qty	Rate	Amount
	1009SWL-02-...	2.5 GUAGE FROM FCX PERFORMANCE	1	0.00	0.00
	GTL 60011-5	LICENSE LAMP	1	0.00	0.00
	AT-C-7279-A	SADDLE EXT/RET CYLINDER BOOM	4	0.00	0.00
	AT-C-3790-B	PIN ASSY LOWER EXT/RECT CYLINDER	2	0.00	0.00
	549-0065650	LIFT CYLINDER N/STLE 1986 AND UP	2	0.00	0.00
	W-1895	1895 LIGHT BULB	1	0.00	0.00
				<b>Sales Tax (6.0%)</b>	\$0.00
				<b>Total</b>	\$8,623.00

Phone #	Fax #	E-mail	Web Site
586-752-6828	586-752-6907	ssoroka@apollofire.com	apollofire.com



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



**Date:** October 22, 2012  
**To:** Mayor and Council  
**From:** Al Fincham, City Administrator *AF*  
**Subject:** Title VI Non-Discrimination Plan

---

The City has been notified by the State that in order to be in compliance with the Title VI of the Civil Rights Act of 1964 a formal plan explaining how we will ensure non-discrimination in all our programs, services, and activities must be adopted. Over the last several months our staff has been in contact with the Michigan Department of Transportation (MDOT), Office of Civil Rights Program Unit to ensure this document meets all the necessary requirements.

Title VI of the Civil Rights Act of 1964, related statutes, and regulations provide that no person shall on the grounds of race, color, national origin, gender, age or disability, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance. The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs, services, or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not. Attached is the final draft City Title VI Plan for your review.

The City Attorney has reviewed and approved the plan as submitted.

**Recommendation:**

That the City Council adopts the plan as presented.

CHARLES T. BERSCHBACK

ATTORNEY AT LAW

24053 EAST JEFFERSON AVENUE

ST. CLAIR SHORES, MICHIGAN 48080-1530

(586) 777-0400

FAX (586) 777-0430

blbwlaw@yahoo.com

CHARLES T. BERSCHBACK

DON R. BERSCHBACK

OF COUNSEL

October 29, 2012

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

RE. Title VI / 11-5-12 Agenda Item

Dear Mayor and Council:

I have reviewed the Title VI Non-Discrimination Plan. As stated in the Plan, Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin, in any program, service, or activity that receives federal assistance. Title VI includes all programs and activities of federal aid recipients and contractors. As Mr. Fincham outlines, the Plan was based on a model provided to us by the State of Michigan. I reviewed the Plan for accuracy and find it to be in order. I do not believe that the City has any discretion in this regard and recommend that the City Council adopt the Title VI Non-Discrimination Plan.

Very truly yours,



CHIP BERSCHBACK

CTB:gmr

Cc: Al Fincham

Don Berschback



# **CITY OF GROSSE POINTE WOODS**

## **TITLE VI NON-DISCRIMINATION PLAN**

**20025 MACK PLAZA DRIVE  
GROSSE POINTE WOODS, MI 48236  
313-343-2440 Phone  
313-343-5667 Fax  
[www.gpwmi.us](http://www.gpwmi.us)**

**Title VI Coordinator:  
Alfred Fincham, City Administrator  
313-343-2440 Phone  
313-343-5667 Fax  
Email: [afincham@gpwmi.us](mailto:afincham@gpwmi.us)**

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## INTRODUCTION

The City of Grosse Pointe Woods is located in Wayne County. The City provides water, sewer, roads, police, fire, parks, and several other services to its residents. Grosse Pointe Woods was incorporated as a City in 1950. The City of Grosse Pointe Woods serves all people of Grosse Pointe Woods, including minority populations, low-income populations, the elderly, persons with disabilities, and those who travel to our City. The City of Grosse Pointe Woods recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the City of Grosse Pointe Woods must provide access to individuals with limited ability to speak, write, or understand the English language. The City of Grosse Pointe Woods must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the

program because of race, color or religion. Therefore, the primary goals and objectives of the City of Grosse Pointe Woods Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the City of Grosse Pointe Woods programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City of Grosse Pointe Woods programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City of Grosse Pointe Woods;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in a City of Grosse Pointe Woods service, program or activity.

The City of Grosse Pointe Woods mission is “to serve the people of the City of Grosse Pointe Woods honestly, effectively, and with integrity in order to provide for an attractive, clean, safe, secure, and enriching environment that assures a high quality of life.” As the sub-recipient of federal transportation funds, the City of Grosse Pointe Woods must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of Grosse Pointe Woods shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of Grosse Pointe Woods, as a sub-recipient who contracts using federal funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City of Grosse Pointe Woods will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

## **Discrimination under Title VI**

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City of Grosse Pointe Woods efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of Grosse Pointe Woods has developed this Title VI Plan to assure that services, programs, and activities of the department are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

## **CITY OF GROSSE POINTE WOODS TITLE VI POLICY STATEMENT**

The City of Grosse Pointe Woods reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the City of Grosse Pointe Woods and its sub-recipients of federal funds will not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The City of Grosse Pointe Woods will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The City of Grosse Pointe Woods designates Al Fincham, the City Administrator as the Title VI Coordinator. The City Administrator will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Grosse Pointe Woods complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Grosse Pointe Woods and Title VI may be directed to the City Administrator at 20025 Mack Plaza Drive, Grosse Pointe Woods, MI 48236, Phone: 313.343.2440 or by email at [afincham@gpwmi.us](mailto:afincham@gpwmi.us).

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Robert E. Novitke  
Mayor

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Alfred Fincham  
City Administrator

## **CITY OF GROSSE POINTE WOODS**

### **TITLE VI ASSURANCE**

The City of Grosse Pointe Woods (hereinafter referred to as "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Program and, in adapted form in all proposals for negotiated agreements:

“The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.



6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Highway Aid Program and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Highway Aid Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated: \_\_\_\_\_

City of Grosse Pointe Woods

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

## AUTHORITIES

**Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);**

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

**Federal Aid Highway Act of 1973, 23 USC 324:** No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

**Age Discrimination Act of 1975, 42 USC 6101:** No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

**Americans With Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

**Section 504 of the Rehabilitation Act of 1973:** No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

**USDOT Order 1050.2:** Standard Title VI Assurances.

**EO12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.

**EO12898:** Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

**28 CFR 50.3:** Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

**EO13166:** Improving Access to Services for Persons with Limited English Proficiency.

## DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the City programs, policies and activities

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City.

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines. <http://aspe.hhs.gov/poverty/>

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Sub-Recipient – Any agency such as a council or governments, regional planning agency, education institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

## ADMINISTRATION – GENERAL

The City Administrator, Alfred Fincham shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the City Administrator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in, and beneficiaries of City programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

City Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities accomplishments and problems. The reviews will be conducted by the City to assure effectiveness in their compliance of Title VI provisions. The City Administrator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The City does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the City Administrator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The reviews will entail examination of the recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The City Administrator will be responsible for coordination, compilation, and submission of the annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5<sup>th</sup>.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The City will disseminate Title VI Program information to City employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI language in contracts and publishing the Title VI plan on the City's website, [www.gpwmil.us](http://www.gpwmil.us).

Remedial Action: The City, through the City Administrator will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

## **LIMITED ENGLISH PROFICIENCY**

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>i</sup>, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter<sup>ii</sup>. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of Grosse Pointe Woods receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients’ responsibilities to Limited English Proficient Person* in the December 14<sup>th</sup>, 2005 Federal Register.<sup>iii</sup>

The Guidance implies that the City of Grosse Pointe Woods is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations.

This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

### **Elements of an Effective LEP Policy**

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing and LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

### **Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy**

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of Grosse Pointe Woods and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local

governments. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub recipients to take steps to ensure meaningful access their programs and activities to LEP persons. More information for recipients and sub recipients can be found at <http://www.lep.gov>.

### **The Four-Factor Analysis**

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of Grosse Pointe Woods services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

### **Factor 1: The Proportion, Numbers and Distribution of LEP Persons**

The Census Bureau has a range of four classifications of how well people speak English. The classifications are 'very well', 'well', 'not well', and 'not at all'. For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table #1, the Census 2010 Data for The City of Grosse Pointe Woods shows a small amount of the population that would speak English less than 'very well'.

**Table #1**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percent
Population 5 years and over	15,392	15,392
English only	14,109	91.7%
Language other than English	1,283	8.3%
Speak English less than "very well"	249	1.6%
Spanish	115	0.7%
Speak English less than "very well"	44	0.3%
Other Indo-European languages	937	6.1%
Speak English less than "very well"	86	0.6%
Asian and Pacific Islander languages	64	0.4%
Speak English less than "very well"	57	0.4%
Other languages	167	1.1%
Speak English less than "very well"	62	0.4%

Source: American Fact Finder SELECTED SOCIAL CHARACTERISTICS IN THE UNITED STATES 2006-2010  
American Community Survey 5-Year Estimates



**Factor 2: Frequency of Contact with LEP Individuals**

The City has conducted an informal survey of their employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that staff have had contact with LEP individuals very infrequently. We have offices accessible to the public and therefore accessible to LEP individuals. The City also has staff that work in the field that could encounter LEP individuals. Additionally, regular board meetings are held the first Tuesday of each month which would potentially bring LEP individuals to these meetings. Given the small concentration of LEP individuals as displayed in Table #1 (above) the probability of our employees encountering LEP individuals is low.

**Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP**

The City of Grosse Pointe Woods serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to citizens of the City and others from outside the City. The nature of the services that the City provides is very important to an individual's day to day life. Denial of services to an LEP individual could have a significant detrimental effect. Although the LEP population is small, we will ensure accessibility to all of our programs, services, and activities.

**Factor 4: The Resources Available to the City of Grosse Pointe Woods and Overall Cost**

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

*"Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan."*

The City of Grosse Pointe Woods does serve very few LEP persons and has very limited resources; therefore it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order.

**Safe Harbor Stipulation**

Federal law provides a "Safe Harbor" situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A "safe harbor" means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under "safe harbor" includes providing written translations of vital documents for each eligible LEP language group eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This "safe harbor" provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP individuals in our community, the City of Grosse Pointe Woods budget and number of staff; it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for City of Grosse Pointe Woods to proceed with oral interpretation options for compliance with LEP regulations.

### **Providing Notice to LEP Persons**

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage in languages that an LEP individual would understand when free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices that persons requiring language assistance or special accommodations will have those provided, with seven (7) days advance notice to the City of Grosse Pointe Woods.

## Options and Proposed Actions

### Options:

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.<sup>iv</sup>

The City of Grosse Pointe Woods is defining as interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.<sup>v</sup>

Considering the relatively small scale of the City of Grosse Pointe Woods, the small concentration of LEP individuals, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

### **What the City of Grosse Pointe Woods will do. What actions will the City of Grosse Pointe Woods take?**

- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The City will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- Ensure placement of statements in notices and publications in languages other than English that interpreter services are available for public meetings.
- The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual’s language has been identified, City employees will contact an agency from the Translator’s Resource List to provide interpretation services to assist.
- Publications of the city’s complaint form available at public meetings.
- In the event that a City employee encounters a LEP individual, they will follow the procedure listed below:

#### OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken of the LEP individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s *Translators Resource List*.

3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

#### ROAD ENCOUNTER

1. Road crew employee will immediately contact the Title VI coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken of the individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT's *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

#### IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact an translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

#### OVER THE PHONE

1. If someone calls into our office speaking another language every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line and if possible determine the language spoken of the caller.
2. Once the language spoken by the caller has been identified we will proceed with providing the requested assistance to the LEP individual.

#### **City of Grosse Pointe Woods Staff Training**

City of Grosse Pointe Woods staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

#### **ENVIRONMENTAL JUSTICE**

Compliance with Title VI includes ensuring that no minority or low income population suffers "disproportionately high and adverse human health or environmental effect" due to any

“programs, policies and activities” undertaken by any agency receiving federal funds. This obligation will be met by the City of Grosse Pointe Woods in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City of Grosse Pointe Woods will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City of Grosse Pointe Woods will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.
- The project’s impact is unavoidable.
- The benefits of the project far out-weigh the overall impacts.
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the City of Grosse Pointe Woods will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City of Grosse Pointe Woods will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of project on minority and/or low income population groups:

**STEP ONE:** Determine if a minority of low income population is present within the project area. If a conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority populations and/or low income population groups present, proceed to Step Two.

**STEP TWO:** Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

**STEP THREE:** Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

**STEP FOUR:** If after mitigation, enhancements and off setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

**STEP FIVE:** Include all findings, determinations or demonstrations in the environmental document prepared for the project.

## **FILING A COMPLAINT**

### **I. Introduction**

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City programs, activities and services as required by statute.

### **II. Purpose**

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

### **III. Roles and Responsibilities**

The City Administrator has overall responsibility for the discrimination complaint process and procedures. The City Administrator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

#### **IV. Filing a Complaint**

The complainant shall make him/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of City programs, activities and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the City of Grosse Pointe Woods City Administrator. In all situations, the City of Grosse Pointe Woods employees must contact the City Administrator immediately upon receipt of Title VI related statutes complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

#### **V. Investigation**

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

#### Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the City of Grosse Pointe Woods, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Grosse Pointe Woods, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

#### Investigation Reporting Process:

- Complaints made against the City of Grosse Pointe Woods' sub-recipient should be investigated by the City following the internal complaint process.
- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of the City Administrator for review.
- The City Administrator reviews the file and investigative report. Subsequent to the review, the City Administrator makes a determination of "probable cause" or "no probable cause" and prepares the decision letter.

## **RETALIATION**

The laws enforced by the City of Grosse Pointe Woods prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

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



Office: 313.343-2440  
Fax: 313.343-2658  
[afincham@gpwmi.us](mailto:afincham@gpwmi.us)

## **REPORTING REQUIREMENTS TO AN EXTERNAL AGENCY**

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

## **RECORDS**

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

## **APPENDIX A [To Be Inserted In All Federal-Aid Contracts]**

During the performance of this contract, the contractor, for itself, its assignees and successors, in interest (hereinafter referred to as the “contractor”) agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department of the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. Withholding payments to the contractor under the contract until the contractor complies and/or
  - b. Cancellation, termination or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B Transfer of Property**

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **(GRANTING CLAUSE)**

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)\***

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)\*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and

the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

## **APPENDIX C Permits, Leases and Licenses**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

## APPENDIX D Title VI Complaint Form

### CITY OF GROSSE POINTE WOODS TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance."

This form may be used to file a complaint with the City of Grosse Pointe Woods based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

*If you need assistance completing this form due to a physical impairment, please contact Lisa Hathaway, City Clerk at: 313-343-2440(phone), 313-343-5667(fax) or via e-mail at [lhathaway@gpwmi.us](mailto:lhathaway@gpwmi.us).*

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Please explain your relationship with the individual(s) indicated above: \_\_\_\_\_

Name of agency and department or program that discriminated:

Agency or department name: \_\_\_\_\_

Name of individual (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Date(s) of alleged discrimination:

Date discrimination began \_\_\_\_\_ Last or most recent date \_\_\_\_\_

**ALLEGED DISCRIMINATION:**

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

\_\_\_\_\_ Race \_\_\_\_\_ Religion

\_\_\_\_\_ Color \_\_\_\_\_ National Origin

\_\_\_\_\_ Age \_\_\_\_\_ Sex

\_\_\_\_\_ Disability \_\_\_\_\_ Income

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

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

**Please return completed form to:** Al Fincham, City Administrator, 20025 Mack Plaza Drive, Grosse Pointe Woods, MI 48236. Email: [afincham@gpwwmi.us](mailto:afincham@gpwwmi.us) Phone: 313-343-2400, Fax: 313-343-2658

*Note: The City of Grosse Pointe Woods prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the City Administrator if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*



## APPENDIX E - Determine/Distinguish Significant/Non-Significant Effects

“Significant” requires considerations of both context and intensity:

- (a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
  - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the City Administrator.

## APPENDIX F- Program Compliance/Program Review Goals For Current Plan Year

1. The City's Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees.
2. The City's Title VI Plan will be published on the City of Grosse Pointe Woods website.
3. Appendix A will be included in all City contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the City of Grosse Pointe Woods Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure for responding to individuals with Limited English Proficiency will be implemented.
6. All City employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
7. A review of City facilities will be conducted in reference to compliance with the American Disabilities Act.
8. The following data will be collected and reviewed by the City Administrator and included, where appropriate, in the annual report submitted to MDOT.
  - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
  - b. **Public Meetings:** The number of open meetings. How meeting dates and times communicated to the general public and to individuals directly affected by the meeting.
  - c. **Construction Projects:** The number of construction projects, number of minority contractors bidding and the number selected; Verification that Title VI language was included in bids and contracts for each project.
  - d. **LEP Needs:** How many requests for language assistance were requested or required and the outcome of these requests.
  - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
  - f. **Timeliness of Services:** Number of requests for services; Amount of time from request to when service was delivered; Number of requests denied.
  - g. **Right of Way/Imminent Domain:** Numbers of such actions and diversity of individual affected.
  - h. **Program Participants:** Racial Data of program participants where possible.

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<sup>i</sup> The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

<sup>ii</sup> Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

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<sup>iii</sup> The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

<sup>iv</sup> <http://www.dotcr.ost.dot.gov/asp/lep/asp>

<sup>v</sup> Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.



**CITY OF GROSSE POINTE WOODS  
MEMORANDUM**

7C

**RECEIVED**

OCT 29 2012

CITY OF GROSSE PTE. WOODS

**Date: October 29, 2012**

**To: Mayor and City Council**

**From: Dee Ann Irby, Treasurer/Comptroller  
Gene Tutag, Building Official**

*DS  
COT.*

**Subject: Budget Transfer**

We currently have a part-time TPOAM clerical position that is being shared between the Building and Finance departments. The budget for this position was set at 1,200 hours. However, due to the shared services arrangement we are in need of additional working hours. The union contract allows up to 1,350 hours for part-time positions. We are requesting a budget transfer to support the addition of 150 hours, thru the end of this calendar year.

We respectfully request a budget transfer in the amount of \$2,866; a transfer of \$1,000 from building code violations account # 101-180-818.001 to building wages account # 101-180-702 and \$1,866 from comptroller membership & dues account # 101-223-958 to comptroller wages account # 101-223-702.

Please call if you have any questions.

MEMO 12 - 50

RECEIVED

OCT 22 2012

CITY OF GROSSE PTE. WOODS



TO: Alfred Fincham, City Administrator  
FROM: Joseph J Ahee, Director of Public Services  
DATE: October 19, 2012  
SUBJECT: Recommendation – Upgrade Lighting at City Hall

An analysis of the lights at City Hall was done by the Lighting Supply Company. It was determined that the existing fluorescent lights are inefficient T-12 fixtures. Ballasts for the T-12 fixtures are no longer available and manufacturing of the T-12 bulbs will be phased out over the next couple of years. These fixtures can be retrofitted with new ballasts and T-8 bulbs to improve efficiency.

DTE is currently offering rebates to anyone who retrofits older lighting. The following table represents the current cost to operate the lights, the cost to operate after retrofit, annual energy savings and the payback in years.

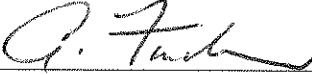
Current operating cost	\$4,138.50
Annual operating cost with retrofit	\$2,000.40
Annual energy savings	\$2,138.40
Payback in years	0.48 year

The total retrofit cost is \$2,736.81 less the DTE rebate of \$1,701.00 making the net cost of the project \$1,035.81. This is not a budgeted item. Therefore, I am requesting \$1,035.81 be transferred to account 101-444-818.000 from the General Fund fund balance with payment approved to Lighting Supply Co., 10651 Northend Ave., Ferndale, MI 48220 in the amount of \$1,035.81. I do not believe any benefit will accrue to the City to seek further competitive bids.

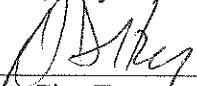
If you have any questions concerning this matter please contact me.

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

10-22-12  
Date

  
Dee Ann Irby, City Treasurer/Comptroller

10-22-12  
Date

Council Approval Required

8B

**City of Grosse Pointe Woods**

**CITY ASSESSOR**

**EMPLOYMENT AGREEMENT**

THIS AGREEMENT, signed this \_\_\_\_\_ day of November, 2012, by the CITY OF GROSSE POINTE WOODS, State of Michigan, a municipal corporation, hereinafter called the "City", and SCOTT T. VANDEMERGEL hereinafter called "VANDEMERGEL" both of whom agree as follows:

**WITNESSETH:**

**WHEREAS**, the City will employ the services of VANDEMERGEL as City Assessor of the City of Grosse Pointe Woods as provided by the City Charter, Code and state law; and,

**WHEREAS**, the City shall provide certain benefits, establish certain conditions of employment and will set working conditions of said employment; and,

**WHEREAS**, VANDEMERGEL agrees to the terms and conditions of this Employment Agreement as City Assessor.

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained, the parties agree as follows:

**Section 1 – DUTIES:**

City agrees to employ VANDEMERGEL as Assessor of the City to perform the functions and duties which are expressed and implied in the Charter and Code of the City of Grosse Pointe Woods, and all other functions and duties which are implicit by virtue of the nature of the office. VANDEMERGEL shall also perform such other legally permissible and proper duties and functions as the City Council, the City Code, and the City Charter may, from time to time, assign. VANDEMERGEL shall maintain any required licenses and/or levels of certification necessary for the performance of such duties as a condition of continued employment with the City. VANDEMERGEL shall serve at the pleasure of the City Council and be subject to removal by the City Council at any time with or without cause.

**Section 2 – SALARY:**

The City agrees to pay VANDEMERGEL at the rate of an annual base salary of Sixty Three Thousand (\$63,000.00) dollars, effective NOV. 19, 2012 payable in installments at the same time as other employees of the City are paid. Upon finding satisfactory performance in the future, the City Council may make appropriate adjustments.

Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City to adjust salary in response to annual budget considerations.

### **Section 3 – TERM:**

- A. The term of this agreement shall be effective from November 19, 2012 through June 30, 2013 unless terminated by either of the parties. VANDEMERGEL shall be employed on an at-will status as City Assessor to perform the functions and duties of the position as required by the Code and Charter. He shall also perform such duties and functions as the City Council may, from time to time, prescribe. He shall serve at the pleasure of the City Council and be subject to removal by the City Council at any time with or without cause.

Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City to terminate the services of VANDEMERGEL with or without cause, with or without notice, at any time.

- B. VANDEMERGEL shall be employed on an AT-WILL BASIS as City Assessor to perform the function duties of the position as required by the Code and Charter.
- C. THERE SHALL BE NO EXPECTATION OF RENEWAL OR EXTENSION OF THIS AGREEMENT UNLESS MUTUALLY AGREED UPON IN WRITING BY BOTH PARTIES.
- D. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of VANDEMERGEL to resign at any time from her position with the City. However, VANDEMERGEL shall be required to provide thirty (30) days written notice to the City prior to her resigning.
- E. VANDEMERGEL agrees to remain the exclusive employee of the City and neither to accept other employment nor to become employed by any other employer thereafter as long as he remains in the employ of the City.

### **Section 4 – TERMINATION AND SEVERANCE PAY:**

In the event that VANDEMERGEL is terminated without cause then, in that event, VANDEMERGEL shall receive severance pay equaling 60 days (2 months of regular pay) of his annual salary. Upon receipt of severance pay, VANDEMERGEL shall sign a Settlement and Release Agreement waiving any and all rights under this Agreement, and he shall agree not to file any lawsuit or engage in any litigation against the City, its agents, assigns, Council Members, (either in their representative capacity or in their individual capacities).

### **Section 5 – FRINGE BENEFITS:**

Except as otherwise provided herein, the City agrees to provide VANDEMERGEL with fringe benefits as listed in the Employee Handbook. The current benefits under the handbook are included and incorporated herein by reference. The regular benefits afforded to all salaried employees (pension, health, etc.) are included in this contract. It is agreed and understood that these benefits may be changed at any time by the City Council and/or the Board of Trustees of the Pension Plan.

## **Section 6 – BONDING:**

The City shall bear the full cost of any fidelity or other bonds required of VANDEMERGEL under any law or ordinance.

## **Section 7 – DUES AND SUBSCRIPTIONS:**

The City agrees to endeavor (but is not obligated) to annually budget and, upon prior approval of the City Council, pay for the professional dues and subscriptions of VANDEMERGEL which are necessary for the continuation and full participation in national, regional, state, and local associations and organizations which are immediately related to continued professional participation, growth and advancement, and for the general good of the City.

## **Section 8 – PROFESSIONAL DEVELOPMENT**

- A. City agrees to endeavor (but is not obligated) to annually budget and, upon prior approval of the City Council, pay for travel and subsistence expenses of VANDEMERGEL for professional and official travel, meetings and occasions which are necessary to continue the professional development of VANDEMERGEL and to adequately pursue necessary official and other functions for the City.
- B. City agrees to endeavor (but is not obligated) to annually budget and, upon prior approval of the City Council, pay for the travel and subsistence expenses of VANDEMERGEL for short courses, institutes and seminars that may be required by law in connection with duties performed for the City.
- C. Any professional development requiring airfare or overnight accommodations requires prior Council approval.
- D. City reserves the right to receive reimbursement for any professional development related expenditures from VANDEMERGEL in the event that VANDEMERGEL ceases employment with the City within 12 months from the City's payment of said expenditure.

## **Section 9 - OTHER TERMS AND CONDITIONS OF EMPLOYMENT:**

- A. VANDEMERGEL's scheduling of time at work at municipal facilities, meetings and events is expected to be without maximum limitation and shall meet the needs of the City, its businesses and inhabitants.
- B. The minimum workweek shall be 40 hours and there shall be no added compensation for hours worked longer than 40 hours per week.
- C. The City shall be VANDEMERGEL's sole and exclusive employer except as provided herein and except as may be approved by the City Council.



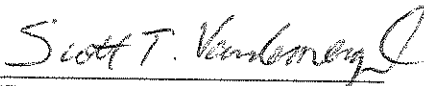
- D. During the term of this contract, the City may establish evaluation criteria, procedures and timetables. This evaluation program is subject to approval by City Council.
- E. There shall be no City car furnished nor any car allowance.

**Section 10 – GENERAL PROVISIONS:**

- A. This is the entire Agreement between the parties. This Agreement supercedes any and all other Agreements or contracts, either oral or written between the parties.
- B. Notices pursuant to this Agreement shall be deemed given if served personally in the same manner as is applicable to judicial practice or if deposited in the custody of the United States Postal Service, postage prepaid addressed as follows:
- |   |  |
|---|--|
| (1) City Clerk<br>City of Grosse Pointe Woods<br>20025 Mack Plaza<br>Grosse Pointe Woods, MI 48236. | (2) SCOTT T. VANDEMERGEL<br>38 Newberry Place<br>Grosse Pointe Farms, MI 48236 |
|---|--|
- C. The parties acknowledge that both the City and VANDEMERGEL have drafted this Agreement and have had the opportunity to have the Agreement reviewed by counsel of their choosing.
- D. If any provisions, or any portion thereof, contained in this Agreement are held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full effect.

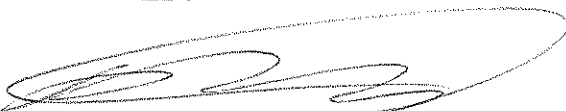
IN WITNESS WHEREOF, the parties have signed this Agreement below.

CITY OF GROSSE POINTE WOODS

  
SCOTT T. VANDEMERGEL  
Dated: November 1, 2012

BY: \_\_\_\_\_  
ROBERT E. NOVITKE  
Its: Mayor  
Dated: November \_\_\_\_, 2012

APPROVED:

  
DON R. BERSCHBACK, City Attorney  
Dated: November 1, 2012

9A

**CITY OF GROSSE POINTE WOODS  
PROCLAMATION**

WHEREAS, in 2012, an estimated 43,920 people will be diagnosed with pancreatic cancer in the United States and 37,390 will die from the disease; and

WHEREAS, pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and

WHEREAS, approximately 1,370 deaths occurred in Michigan; and

WHEREAS, the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the U.S. by 2020, and possibly as early 2015; and

WHEREAS, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

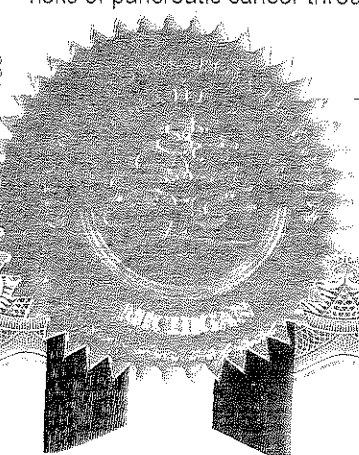
WHEREAS, the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in Grosse Pointe Woods and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in Grosse Pointe Woods support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and

WHEREAS, the good health and well-being of the residents of Grosse Pointe Woods are enhanced as a direct result increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

NOW, THEREFORE, I, ROBERT E. NOVITKE, Mayor of the City of Grosse Pointe Woods, Michigan, do hereby proclaim November 2012 as **Pancreatic Cancer Awareness Month** in the City of Grosse Pointe Woods and urge all citizens in our community and throughout the country to become aware of their own risks of pancreatic cancer through research and talking to health care providers about pancreatic cancer.

\_\_\_\_\_  
Mayor Robert E. Novitke  
November 5, 2012





## CITY OF GROSSE POINTE WOODS MEMORANDUM

10A

**Date:** October 26, 2012  
**To:** Mayor and Council  
**From:** Al Fincham, City Administrator *AF*  
**Subject:** The Rivers Resolution

The Rivers of Grosse Pointe Senior Continuum of Care Facility (the Rivers Project) is expected to be financed in part with bonds issued by the Economic Development Corporation of the County of Wayne (the EDC).

On October 11, 2012, the Wayne County Economic Development Board met and approved Resolution No. E-12-004 recommending a project plan for the Rivers of Grosse Pointe Project. The next step on the process is for the City of Grosse Pointe Woods Council to adopt a resolution approving the project plan. According to Section 8(2) of act 338 before incurring obligations, the EDC shall prepare a project plan and receive approval of the governing body or each city, village or township in which the project is located. Section 23 of Act 338 states "*The municipality [County] shall not be liable on notes or bonds of the corporation and the notes and bonds shall not be a debt of the municipality*".

The City retains all the usual powers and regulation of the project, such as site plan approval, zoning etc. Furthermore, the fact that bonds may be issued by the EDC for the Rivers Project has nothing to do with whether and how much property tax is paid. The owners will be required to pay property taxes in the same manner as they would if there were no bonds issued.

Several representatives from Wayne County, The Rivers Project and Dickenson Wright will be in attendance to further answer any questions Council may have.

**Recommendation:**

That the City Council adopts the project plan through a resolution as presented.



THE ECONOMIC DEVELOPMENT CORPORATION  
OF THE CHARTER COUNTY OF WAYNE

RESOLUTION RECOMMENDING PROJECT PLAN

(The Rivers of Grosse Pointe Project)

At a special meeting of the Board of Directors of The Economic Development Corporation of the Charter County of Wayne, Michigan (the "Issuer"), held in Detroit, Michigan, on the 11<sup>th</sup> day of October, 2012, pursuant to notice duly given.

PRESENT: Members LaKeisha Becton, Edna Bell, John James, Carla Sledge, Alfred Fincham, Jerry Nehr, Scott Catallo

ABSENT: Members Ray Byers, Kevin Kachigian, Tom Lewand, Ray Lozano, Matthew Schenk

The following preamble and resolution were offered by Board Member LaKeisha Becton and supported by Board Member John James:

WHEREAS, the Issuer has worked with representatives of DRSN Real Estate GP LLC, a Michigan limited liability company (the "Borrower"), to prepare a project plan (the "Project Plan"), a copy of which is attached hereto and incorporated herein by reference, for the financing of a portion of the costs of the acquisition, demolition, construction, furnishing and equipping of a Continuing Care Retirement Community (CCRC) project to be known as The Rivers of Grosse Pointe which will consist of approximately 77 independent living apartments, 80 assisted living units and 86 skilled nursing beds to provide senior housing and different levels of care for aging seniors, all to be located on an 8.8 acre campus at 900 Cook Road, City of Grosse Pointe Woods, Wayne County, Michigan (the "Project") in accordance with Public Act No. 338, Michigan Public Acts of 1974, as amended (the "Act"); and

WHEREAS, this Board of Directors has duly considered the Project Plan and has found it to be in compliance with the provisions of the Act; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF THE CHARTER COUNTY OF WAYNE AS FOLLOWS:

1. The Project Plan meets all the requirements set forth in Section 8(4) of the Act.

2. Based upon the information contained in Exhibit A attached hereto and all other information heretofore brought to the attention of this Board of Directors, the Issuer hereby certifies to the Board of Commissioners of the Charter County of Wayne that the Project shall not have the effect of transferring employment of more than 20 full-time persons from any municipality of the State of Michigan to the City of Grosse Pointe Woods.

3. The Board of Commissioners of the Charter County of Wayne is hereby requested, following a public hearing in accordance with the Act, to determine that the Project Plan constitutes a public purpose, to approve the Project Plan, and to authorize the Issuer to take such steps as are necessary to implement the Project and assist in the financing thereof through the issuance of revenue bonds or notes.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

YEAS:	Members	LaKeisha Becton, Edna Bell, John James, Carla Sledge,
Alfred		Fincham, Jerry Nehr, Scott Catallo

NAYS:	Members	None.
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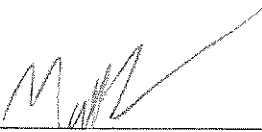
ABSTENTIONS:	Members	None.
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RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN     )  
                                  ) SS.  
COUNTY OF WAYNE     )

I, Matthew Schenk, the duly qualified and acting Secretary of The Economic Development Corporation of the Charter County of Wayne, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Directors of said Corporation at a special meeting held on the 11<sup>th</sup> day of October, 2012, an original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting of at least eighteen (18) hours prior to the time set for the meeting. In addition, said meeting was held in full compliance with the Issuer's Articles of Incorporation and Bylaws.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 11th day of October, 2012.

  
\_\_\_\_\_  
Secretary, Board of Directors of The Economic  
Development Corporation of the  
Charter County of Wayne

LANSING 28929-4 472191v2

THE ECONOMIC DEVELOPMENT CORPORATION  
OF THE CHARTER COUNTY OF WAYNE

PROJECT PLAN FOR  
THE RIVERS OF GROSSE POINTE PROJECT

APPLICANT: DRSN Real Estate GP LLC, a Michigan limited liability company

CONTACT: Richard L. Levin  
31100 Telegraph Road, Suite 250  
Bingham Farms, MI 48025  
Telephone: (248) 593-9901  
Fax: (248) 593-9941  
Email: rlevin@riverview-health.net

PROJECT: Acquisition, demolition, construction, furnishing and equipping of a Continuing Care Retirement Community (CCRC) project to be known as The Rivers of Grosse Pointe.

LOCATION: 900 Cook Road, City of Grosse Pointe Woods, Wayne County, Michigan

PROJECT AREA: See attached Exhibit A.

TOTAL COST: Not to exceed \$35,000,000.

BONDS: Not to exceed \$35,000,000.

This Project Plan was prepared in accordance with the Economic Development Corporations Act, Public Act No. 338 of the Michigan Public Acts of 1974, as amended. Attached is the requisite information based on Section 8(4) of the Act.



(A) THE LOCATION AND EXTENT OF EXISTING STREETS AND OTHER PUBLIC FACILITIES WITHIN THE PROJECT DISTRICT AREA AND THE LOCATION, CHARACTER, AND EXTENT OF THE CATEGORIES OF PUBLIC AND PRIVATE LAND USES THEN EXISTING AND PROPOSED FOR THE PROJECT AREA, INCLUDING RESIDENTIAL, RECREATIONAL, COMMERCIAL, INDUSTRIAL, EDUCATIONAL, AND OTHER USES, AND SHALL INCLUDE A LEGAL DESCRIPTION OF THE PROJECT AREA.

No changes to public streets are necessary for the Project.

The Project involves the acquisition, demolition, construction, furnishing and equipping of a Continuing Care Retirement Community (CCRC) project to be known as The Rivers of Grosse Pointe which will consist of approximately 77 independent living apartments, 80 assisted living units and 86 skilled nursing beds to provide senior housing and different levels of care for aging seniors.

The location of the Project Area is set forth in the legal description attached hereto as Exhibit A. The location of the improvements anticipated on the Project Area is illustrated in the Site Plan, which is on file with the offices of the Program Director of the Economic Development Corporation of the Charter County of Wayne, which is administered by the Wayne County Department of Economic Development Growth Engine, 500 Griswold, 30<sup>th</sup> Floor, Detroit, Michigan 48226, and incorporated by reference herein.

(B) A DESCRIPTION OF EXISTING IMPROVEMENTS IN THE PROJECT AREA TO BE DEMOLISHED, REPAIRED OR ALTERED, A DESCRIPTION OF REPAIRS AND ALTERATIONS, AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION.

All buildings that were on the site and which are obsolete are being demolished. The Project will consist of new construction.

(C) THE LOCATION, EXTENT, CHARACTER, AND ESTIMATED COST OF THE IMPROVEMENTS, INCLUDING REHABILITATION CONTEMPLATED FOR THE PROJECT AREA AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION.

The estimated costs of the Project are as follows:

<u>Description of Costs</u>	<u>AMOUNTS</u>
Project Direct Costs	22,000,000
Developer Distribution	1,100,000
Land Cost and Site Work	3,800,000
Legal, Insurance and Property Taxes	800,000

Architect/Design	700,000
Site Costs, Permits, Predevelopment Costs	500,000
Marketing	150,000
Furniture and Fixtures	<u>1,150,000</u>
 TOTAL COSTS	 \$30,200,000

(D) A STATEMENT OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED, AND THE ESTIMATED TIME OF COMPLETION OF EACH STAGE.

Some demolition has taken place. A construction contract has been executed. Construction began in the summer of 2012 and is expected to be completed within 15-18 months of commencement.

(E) A DESCRIPTION OF THE PARTS OF THE PROJECT AREA TO BE LEFT AS OPEN SPACE AND THE USE CONTEMPLATED FOR THE SPACE.

A copy of the Site Plan for the Project is on file with the office of The Economic Development Corporation of the Charter County of Wayne and incorporated by reference herein. The Site Plan indicates the planned usages of the Project Area, including such areas which could be characterized as "open space."

(F) A DESCRIPTION OF PORTIONS OF THE PROJECT AREA WHICH THE CORPORATION DESIRES TO SELL, DONATE, EXCHANGE OR LEASE TO OR FROM THE MUNICIPALITY AND THE PROPOSED TERMS.

The Economic Development Corporation of the Charter County of Wayne (the "EDC") will not sell, donate, exchange or lease any portion of the Project Area to or from the City of Grosse Pointe Woods.

(G) A DESCRIPTION OF DESIRED ZONING CHANGES AND CHANGES IN STREETS, STREET LEVELS, INTERSECTIONS AND UTILITIES.

The Project is located in a C.F. Community Facilities District, and has been approved for its intended use as a continuing care retirement community pursuant to the applicable zoning ordinance, which is satisfactory for the Project's intended use. Site plan approval has been granted by the local municipal planning commission and city council. Changes to utilities necessitated by the Project are included in the Site Utility Plan for the Project which is on file with the offices of the Program Director of the Economic Development Corporation of the Charter County of Wayne, which is administered by the Wayne County Department of Economic Development Growth Engine and incorporated by reference herein.

(H) A STATEMENT OF THE PROPOSED METHOD OF FINANCING THE PROJECT INCLUDING A STATEMENT BY A PERSON DESCRIBED IN SUBPARAGRAPH (J) INDICATING THE PAYMENT TO ALL PERSONS PERFORMING WORK ON THE CONSTRUCTION PROJECT OF THE PREVAILING WAGE AND FRINGE BENEFIT RATES FOR THE SAME OR SIMILAR WORK IN THE LOCALITY IN WHICH THE WORK IS TO BE PERFORMED, AND A STATEMENT OF THE ABILITY OF THE CORPORATION TO ARRANGE THE FINANCING. THE PREVAILING WAGE AND FRINGE BENEFIT RATES SHALL BE DETERMINED PURSUANT TO ACT NO. 166 OF THE PUBLIC ACTS OF 1965, AS AMENDED, BEING SECTIONS 408.551 to 408.558 OF THE MICHIGAN COMPILED LAWS.

The Project will be financed through the issuance and sale of not to exceed \$35,000,000 in principal amount of limited obligation revenue bonds to be issued by the EDC and privately placed with a commercial bank or other institutional investor and on such terms as the EDC shall approve. The proceeds of the bonds shall be loaned to the Applicant to finance the Project. The Applicant will agree to repay the loan in amounts fully sufficient to repay the bonds. The EDC shall be liable for bond payments only from and to the extent such loan payments are actually made by the Applicant. The Applicant shall be responsible for all costs of the Project, including those which are in excess of the amount of the loan. The Applicant shall be responsible for obtaining a bond purchaser.

With respect to the payment of prevailing wage and fringe benefit rates, see the Prevailing Wage Certificate attached hereto as Exhibit B.

(I) A LIST OF PERSONS WHO WILL MANAGE OR BE ASSOCIATED WITH THE MANAGEMENT OF THE PROJECT FOR A PERIOD OF NOT LESS THAN 1 (ONE) YEAR FROM THE DATE OF APPROVAL OF THE PROJECT PLAN.

The Project will be managed by DRSN Associates LLC, a Michigan limited liability company d/b/a Riverview Health, the parent company of the Applicant. Riverview Health is managed by managers. The Managers of Riverview Health are Richard L. Levin and James T. Mestdagh. Richard L. Levin is also the Riverview Health CEO.

(J) DESIGNATION OF THE PERSONS OR PERSONS, NATURAL OR CORPORATE, TO WHOM THE PROJECT IS TO BE LEASED, SOLD OR CONVEYED AND FOR WHOSE BENEFIT THE PROJECT IS BEING UNDERTAKEN IF THAT INFORMATION IS AVAILABLE TO THE CORPORATION.

The Project is being undertaken for the benefit of the Applicant. The land and building are expected to be owned by the Applicant and managed by DRSN Associates LLC d/b/a Riverview Health. The Project will include a Continuing Care Retirement Community (CCRC) which will combine residential accommodations with health facilities and services for elderly persons and/or eligible residents, in accordance with the applicable City of Grosse Pointe Woods ordinance. The

Project will have separate housing for those who live independently, assisted living for those who need more support, and skilled nursing for those needing such services, so as to accommodate the needs of community residents. The Project is not expected to be sold or conveyed to any other party.

(K) IF THERE IS NOT AN EXPRESS OR IMPLIED AGREEMENT BETWEEN THE CORPORATION AND PERSONS, NATURAL OR CORPORATE, THAT THE PROJECT WILL BE LEASED, SOLD, OR CONVEYED TO THOSE PERSONS, THE PROCEDURES FOR BIDDING FOR THE LEASING, PURCHASING OR CONVEYING OF THE PROJECT UPON ITS COMPLETION.

Not applicable.

(L) ESTIMATES OF THE NUMBER OF PERSONS RESIDING IN THE PROJECT AREA AND THE NUMBER OF FAMILIES AND INDIVIDUALS TO BE DISPLACED. IF OCCUPIED RESIDENCES ARE DESIGNATED FOR ACQUISITION AND CLEARANCE BY THE CORPORATION, A PROJECT PLAN SHALL INCLUDE A SURVEY OF THE FAMILIES AND INDIVIDUALS TO BE DISPLACED, INCLUDING THEIR INCOME AND RACIAL COMPOSITION, A STATISTICAL DESCRIPTION OF THE HOUSING SUPPLY IN THE COMMUNITY, INCLUDING THE NUMBER OF PRIVATE AND PUBLIC UNITS IN EXISTENCE OR UNDER CONSTRUCTION, THE CONDITION OF THOSE IN EXISTENCE, THE NUMBER OF OWNER-OCCUPIED AND RENTER-OCCUPIED UNITS, THE ANNUAL RATE OF TURNOVER OF THE VARIOUS TYPES OF HOUSING AND THE RANGE OF RENTS AND SALE PRICES, AN ESTIMATE OF THE TOTAL DEMAND FOR HOUSING IN THE COMMUNITY, AND THE ESTIMATED CAPACITY OF PRIVATE AND PUBLIC HOUSING AVAILABLE TO DISPLACED FAMILIES AND INDIVIDUALS.

There are no residents residing in the Project Area; consequently, none will be displaced.

(M) A PLAN FOR ESTABLISHING PRIORITY FOR THE RELOCATION OF PERSONS DISPLACED BY THE PROJECT IN NEW HOUSING IN THE PROJECT AREA.

Not applicable.

(N) PROVISION FOR THE COSTS OF RELOCATING PERSONS DISPLACED BY THE PROJECT AND FINANCIAL ASSISTANCE AND REIMBURSEMENT OR EXPENSES, INCLUDING LITIGATION EXPENSES AND EXPENSES INCIDENT TO THE TRANSFER OF TITLE, IN ACCORDANCE WITH THE STANDARDS AND PROVISIONS OF THE FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, 42 U.S.C. 4601 TO 4655.

Not applicable.

(O) A PLAN FOR COMPLIANCE WITH ACT NO. 227 OF THE PUBLIC ACTS OF 1972, BEING SECTIONS 213.321 TO 213.332 OF THE MICHIGAN COMPILED LAWS.

Not applicable.

(P) OTHER MATERIAL AS THE CORPORATION, LOCAL PUBLIC AGENCY, OR GOVERNING BODY CONSIDERS PERTINENT.

See Transfer of Employment Certificate attached hereto as Exhibit C.

## **EXHIBIT A**

### **DESCRIPTION OF REAL ESTATE**

The Project Area consists of certain property in the City of Grosse Pointe Woods, Wayne County, Michigan, described as follows:

DESCRIBED AS: THAT PART OF PRIVATE CLAIM 620 DESCRIBED AS:  
BEGINNING AT A POINT ON THE NORTHERLY LINE OF COOK ROAD DISTANT SOUTH 64 DEGREES 02 MINUTES 30 SECONDS EAST 3225.54 FEET AND NORTH 25 DEGREES 57 MINUTES 30 SECONDS EAST 30 FEET FROM THE INTERSECTION OF THE SOUTHERLY LINE OF PRIVATE CLAIM 620 AND THE CENTERLINE OF MACK AVENUE; THENCE SOUTH 64 DEGREES 02 MINUTES 30 SECONDS EAST ALONG THE NORTHERLY LINE OF PRIVATE CLAIM 620, 877.04 FEET; THENCE SOUTH 25 DEGREES 57 MINUTES 20 SECONDS WEST 745.0 FEET; THENCE NORTH 64 DEGREES 02 MINUTES 30 SECONDS WEST ALONG THE NORTHERLY LINE OF COOK ROAD, 877.04 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING APPROXIMATELY 653,661 SQUARE FEET OR 15.01 ACRES.

EXCEPTING THAT PORTION OF THE PROPERTY AS FOLLOWS:

SITUATED IN THE CITY OF GROSSE POINTE WOODS, WAYNE COUNTY, MICHIGAN, DESCRIBED AS:  
THAT PART OF PRIVATE CLAIM 620 COMMENCING AT THE INTERSECTION OF SOUTHERLY LINE OF PRIVATE CLAIM 620 AND THE CENTERLINE OF MACK AVENUE; THENCE S. 64° 02' 30" E., 3225.54 FEET; THENCE N. 25° 57' 30" E., 660.81 FEET TO THE POINT OF BEGINNING; THENCE N. 25° 57' 30" E., 114.19 FEET TO THE NORTHERLY LINE OF PRIVATE CLAIM 620; THENCE ALONG NORTHERLY LINE OF PRIVATE CLAIM 620 S. 64° 02' 30" E., 877.04 FEET; THENCE S. 25° 54' 12" W., 745.00 FEET TO THE NORTHERLY LINE OF COOK ROAD; THENCE ALONG NORTHERLY LINE OF COOK ROAD N. 64° 02' 30" W., 264.34 FEET; THENCE N. 15° 38' 13" E., 67.25 FEET; THENCE N. 25° 57' 30" E., 194.87 FEET; THENCE N. 70° 57' 30" E., 5.66 FEET; THENCE S. 64° 02' 30" E., 13.00 FEET; THENCE N. 25° 57' 30" E., 36.00 FEET; THENCE N. 64° 02' 30" W., 13.00 FEET; THENCE N. 19° 02' 30" W., 5.66 FEET; THENCE N. 25° 57' 30" E., 180.88 FEET; THENCE N. 70° 57' 30" E., 5.66 FEET; THENCE S. 64° 02' 30" E., 13.55 FEET; THENCE N. 25° 57' 30" E. 34.95 FEET; THENCE N. 64° 02' 30" W., 13.55 FEET; THENCE N. 19° 02' 30" W., 5.66 FEET; THENCE N. 25° 57' 30" E., 21.21 FEET; THENCE S. 64° 02' 30" E., 19.62 FEET; THENCE N. 25° 57' 30" E., 28.00 FEET; THENCE N. 64° 02' 30" W., 11.34 FEET; THENCE N. 25° 57' 30" E., 17.00 FEET; THENCE N. 64° 02' 30" W., 44.00 FEET; THENCE S. 25° 57' 30" W., 17.00 FEET; THENCE N. 64° 02' 30" W., 580.64 FEET TO THE POINT OF BEGINNING, CONTAINING 6.21 AC. OF LAND.

#### **PARCEL ADDRESS**

900 COOK ROAD, GROSSE POINTE WOODS, MI 48236

#### **PARCEL ID NUMBER**

PART OF PARCEL 014-99-0004-000

#### **PARCEL AREA**

382,448± SQUARE FEET OR 8.80± ACRES

#### **BASIS OF BEARING**

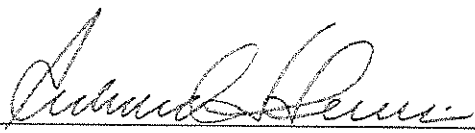
NORTH 64°02'30" WEST, BEING THE NORTH RIGHT OF WAY LINE OF COOK ROAD AS DESCRIBED WITHIN THE PHILIP F. GRECO TITLE COMPANY COMMITMENT No. 82-605249, DATED MARCH 22, 2010.

## EXHIBIT B

### PREVAILING WAGE CERTIFICATE

On behalf of DRSN Real Estate GP LLC, of Bingham Farms, Michigan, a Michigan limited liability company, for whose benefit The Rivers of Grosse Pointe Project is being undertaken, it is hereby certified that all persons performing work on the construction of the Project will be paid the prevailing wage and fringe benefits for the same or similar work in the locality in which the work is to be performed. The prevailing wage and fringe benefit rates shall be determined pursuant to the federal Davis-Bacon Act (U.S. Code, title 40, section 276a et. seq.) in compliance with Section 2 of Act No. 166 of the Public Acts of 1965, MCLA Section 408.552 (the "State Prevailing Wage Act"), which provides that contracts governed by federal Davis-Bacon Act shall be exempt from the provisions of the State Prevailing Wage Act.

DRSN REAL ESTATE GP LLC

By:   
Richard L. Levin  
Its: Manager

Dated: October 5, 2012

## EXHIBIT C

### TRANSFER OF EMPLOYMENT CERTIFICATE

DRSN Real Estate GP LLC, of Bingham Farms, Michigan (the "Applicant") hereby certify, as of the date hereof, that by and through the use of all or any portion of The Rivers of Grosse Pointe Project (the "Project") of The Economic Development Corporation of the Charter County of Wayne by the Applicant, or any other person, firm, or entity presently anticipated by any officer, employee, or other representative of the Applicant to be a potential user of any portion of the Project, there will not be the effect of transferring the employment of more than twenty (20) full-time persons from any municipality of the State of Michigan to the City of Grosse Pointe Woods.

DRSN REAL ESTATE GP LLC

By: 

Richard L. Levin

Its: Manager

Dated: October 5, 2012



CITY OF GROSSE POINTE WOODS

RESOLUTION APPROVING PROJECT PLAN

(The Rivers of Grosse Pointe Project)

Minutes of a regular meeting of the City Council of the City of Grosse Pointe Woods, County of Wayne, Michigan, held on November 5, 2012, at which the following members were present:

\_\_\_\_\_

and the following were absent: \_\_\_\_\_

The following preamble and resolution were offered by \_\_\_\_\_ and supported by \_\_\_\_\_:

WHEREAS, pursuant to The Economic Development Corporations Act, Public Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"), this City Council has reviewed the Project Plan presented to this meeting, relative to The Rivers of Grosse Pointe Project (the "Project") of The Economic Development Corporation of the Charter County of Wayne (the "Issuer"); and

WHEREAS, this City Council desires to express its approval of said Project Plan and the Project described therein and requests the Issuer to proceed with the Project and the financing thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GROSSE POINTE WOODS AS FOLLOWS:

1. It is hereby determined that the Project Plan for the Project as presented constitutes a public purpose within the meaning of the Act and said Project Plan is hereby approved in its entirety based on the following considerations:

(a) The Project Plan meets the requirements set forth in Section 8 of the Act.

(b) The persons who will be active in the management of the Project for not less than one year after the approval of the Project Plan have sufficient ability and experience to manage the Project Plan properly.

(c) The proposed method of financing the Project is feasible and the Issuer has the ability to arrange the financing.

(d) The Project is reasonable and necessary to carry out the purposes of the Act.

2. The Issuer is hereby requested to proceed with the Project and the financing thereof.

3. It is hereby recommended that the Board of Commissioners of the Charter County of Wayne, following a public hearing in accordance with the Act, approve the Project Plan.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

5. The City Clerk is hereby directed to provide three (3) certified copies to the Secretary of the Issuer.

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

ABSTENTIONS \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN     )  
                                      )ss.  
COUNTY OF WAYNE     )

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Grosse Pointe Woods at a regular meeting held on the 5th day of November, 2012, an original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976, as amended, including the case of a special or rescheduled meeting, notice by publication or posting of at least eighteen (18) hours prior to the time set for the meeting.

---

Grosse Pointe Woods City Clerk

CHARLES T. BERSCHBACK

ATTORNEY AT LAW

24053 EAST JEFFERSON AVENUE

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blbwlaw@yahoo.com

CHARLES T. BERSCHBACK

DON R. BERSCHBACK

OF COUNSEL

October 29, 2012

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

RE. Economic Development Corporation / 11-5-12 Agenda Item

Dear Mayor and Council:

I have reviewed Mr. Fincham's memo regarding this item as well as the Economic Development Corporations Act, MCL 125.1601 – 125.1636. As a reminder, if you review the Act, it can be confusing at times since "municipality" is defined as either a county, city, village or township. Taken in context, in many instances when the Act refers to a "municipality", it really means that the county is acting, not the city.

The City is being asked to approve the "project plan" which outlines the financing method for the Rivers Project. I was asked to confirm that no tax dollars would be lost if the Project Plan was approved. I have attached a letter from Raymond Byers, the Chairman for the Wayne County Economic Development Corporation dated September 12, 2012. The letter states:

"No tax dollar will be lost to any taxing jurisdiction; tax-exempt bonds do not create a local tax-exemption on property. Bonds are issued and purchased by outside investors, providing financing for the eligible costs of the development. The bonds do *not* require the full faith and credit of the County, the City or the EDC."

I also requested a letter from our Bond counsel, Pat McGow at Miller Canfield. His September 21, 2012 letter (attached) indicates that he spoke personally with the Bond attorney for the Wayne County EDC and is familiar with this specific request. He indicates: "The fact that bonds may be issued by the EDC for the Rivers Project has nothing to do with whether and how much property taxes are paid by that property. The owners of the properties are required to pay taxes in the same manner as they would if there were no bonds issued."

Finally, Mr. McGow has also confirmed for me in an email that City Council approval of this Project Plan is required for the developers to obtain financing from the Wayne County EDC.

Honorable Mayor and City Council  
October 29, 2012  
Page 2 of 2

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Section 8.2 of the EDC Act requires approval of the Project Plan by the City Council. Otherwise, the developers will have to seek other types of financing.

If you have any questions please call.

Very truly yours,

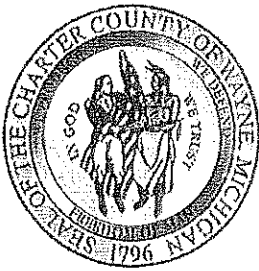
A handwritten signature in cursive script that reads "Chip Berschback".

CHIP BERSCHBACK

CTB:gmr

Enclosure

cc: Al Fincham  
Dee Ann Irby  
Don Berschback  
Pat McGow



Robert A. Ficano  
County Executive

Raymond L. Byers  
Chief Development Officer

September 12, 2012

Honorable Robert E. Novitke  
Mayor  
City of Grosse Pointe Woods  
20025 Mack Plaza Drive  
Grosse Pointe Woods, MI 48236

Dear Mayor and Council:

DRSN Real Estate Group has asked Wayne County to assist in the facilitation of private activity bond financing for the Rivers of Grosse Pointe Senior Continuum of Care facility. The financing will be facilitated through the Economic Development Corporation of the Charter County of Wayne (EDC) in accordance with Public Act 338 of the State of Michigan.

Private activity bonds generally provide more favorable interest rates than traditional financing, which is why they are attractive to the developer. The EDC will issue a combination of tax-exempt and taxable bonds (approx. \$30 million) to finance the project. Private activity bond financing does not require any financial commitment from either the City or the County. No tax dollars will be lost to any taxing jurisdiction; tax-exempt bonds do not create a local tax-exemption on the property. Bonds are issued and purchased by outside investors, providing financing for the eligible costs of the development. The bonds do *not* require the full faith and credit of the County, the City or the EDC.

It is our understanding that the Rivers of Grosse Pointe project has already received site plan approval from the City, and permits have been issued. The developer can start work at the site. It will not affect this financing.

The County Commission, as the governing body for the EDC, will appoint two directors to the EDC board for the duration of the project. The two members will represent neighborhood interests. We are appreciative of the guidance provided by the City in identifying the project directors.

At some point during the process, Mayor and Council will be asked to approve the project plan for the financing. The project plan has not been drafted yet, but will be forwarded to you as soon as it is ready.

DEPARTMENT OF ECONOMIC DEVELOPMENT GROWTH ENGINE  
500 Griswold - 30<sup>th</sup> Floor • Detroit, MI 48226 • 313-224-6673 • Fax: 313-224-8458

My staff is available to field any questions you may have. I am also available to discuss at your convenience.

Sincerely,



Raymond L. Byers  
Chief Development Officer, Wayne County EDGE  
Chairman, Wayne County EDC

Cc Robert A. Ficano, Wayne County Executive  
Chip Berschback, Attorney, City of Grosse Pointe Woods [blbwlaw@yahoo.com](mailto:blbwlaw@yahoo.com)  
Craig Hammond, Dickinson Wright, PLC [chammond@dickinsonwright.com](mailto:chammond@dickinsonwright.com)  
Pat McGow, Miller Canfield PLC [mgow@millercanfield.com](mailto:mgow@millercanfield.com)

Founded in 1852  
by Sidney Davy Miller

# MILLER CANFIELD

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FAX (313) 496-8450  
E-MAIL [mcgow@millercanfield.com](mailto:mcgow@millercanfield.com)

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150 West Jefferson, Suite 2500  
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MICHIGAN: Ann Arbor  
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Saginaw • Troy

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ILLINOIS: Chicago

NEW YORK: New York

OHIO: Cincinnati

CANADA: Toronto • Windsor

CHINA: Shanghai

MEXICO: Monterrey

POLAND: Gdynia  
Warsaw • Wrocław

September 21, 2012

Alfred Fincham, III  
City Administrator  
City of Grosse Pointe Woods  
20025 Mack Plaza Drive  
Grosse Pointe Woods, MI 48236-2397

Re: Wayne County Economic Development Corporation Bonds

Dear Mr. Fincham:

As requested by the City Attorney, I have reviewed the letter to the Mayor dated September 12, 2012 from Raymond Byers of Wayne County EDGE relating to the Rivers of Grosse Pointe Senior Continuum of Care facility (the "Rivers Project"). The letter indicates that the Rivers Project is expected to be financed in part with bonds issued by The Economic Development Corporation of the County of Wayne (the "EDC"). The letter also states that at some point in the bond issuance process, the City Council of the City of Grosse Pointe Woods (the "City") will be asked to approve the project plan for the financing.

The EDC is a public economic development corporation which was incorporated by Wayne County pursuant to Act 338, Public Acts of Michigan of 1974, as amended ("Act 338"). The purpose of the EDC is to issue bonds on behalf of industrial and commercial projects to allow the bonds to be sold on a tax-exempt basis. Tax-exempt bonds mean that the buyers of the bonds do not need to treat the interest earnings as income for income tax purposes, which results in a lower borrowing cost for the private developer.

I spoke with the bond attorney for the EDC at the law firm of Dickinson Wright regarding the project and the structure of the financing. He confirmed that the Rivers Project is being constructed by a private, for-profit developer to include assisted living facilities, condominiums and other structures to create various housing and assistance options. The Rivers Project is being financed by a combination of sources, including



taxable and tax-exempt bonds issued by the EDC. The bonds will be issued using a typical financing structure for these types of transactions, which involves the EDC issuing bonds and then entering into a Loan Agreement with the private borrower to loan the bond proceeds to the private borrower and the private borrower is responsible for the debt service on the bonds.

As is the case with other EDC bonds, the bonds are payable by the private developer and Wayne County is not liable in any way for payment of the bonds. Section 23 of Act 338 states "*The municipality [County] shall not be liable on notes or bonds of the corporation and the notes and bonds shall not be a debt of the municipality.*" MCL 125.1623(2). EDC bonds are not debts or obligations of the parent municipality, or the municipality where the project is located. The bonds are purchased by banks or other investors and because the bonds and proceeds are handled by a private trustee, the moneys do not flow through the EDC or the county.

Act 338 sets forth a multi-step process for the issuance of bonds to ensure that the public is informed of projects and financings that are done by the EDC. This process involves various meetings and approvals by the EDC, meetings and approvals of the governing body of the parent municipality (the Wayne County Commission) and a public hearing before the Wayne County Commission. For projects by a county EDC, there is an additional requirement that the project plan be approved by the governing body of each city, village or township where the project is located. The purpose is to make sure the public is informed of the project since the bonds are issued by a governmental entity.

Since the EDC is a county economic development corporation, the City's role is minor. Section 8(2) of Act 338 states that before incurring obligations, the EDC shall prepare a project plan for the project and receive the approval of the governing body of each city, village or township in which a part of the project is located. Of course, the City also has all of its usual powers and regulation of a project that it has under other applicable laws (site plan approval, zoning, etc.).

It should be noted that the issuance of tax-exempt bonds and the fact that interest on the bonds are tax-exempt to the holders of the bonds is a separate and unrelated matter from the issue of whether the property is tax-exempt for purposes of property taxes.

There is a provision in Act 338 which states that the EDC "*shall be exempt from all taxation on its earnings or property.*" MCL 125.1625. However, this provision does not mean that projects, such as the Rivers Project, which are financed by the EDC are also exempt from taxation. The EDC will not own the Rivers Project as part of this

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Alfred Fincham, III

-3-

September 21, 2012

transaction. Furthermore, even if the EDC did somehow take title to the Rivers Project, there are other Michigan statutes which provide that if a private for-profit company leases or uses land that is otherwise exempt from taxation, they still have to pay property taxes as if it was privately owned. See Act 189, Public Acts of Michigan of 1953, as amended, MCL 211.181 et seq.

The fact that bonds may be issued by the EDC for the Rivers Project has nothing to do with whether and how much property taxes are paid by that property. The owners of the properties are required to pay taxes in the same manner as they would if there were no bonds issued. The attorney from Dickinson Wright indicated that the developer is a private for-profit company and it is expected that the owners of the project and the condominium units will also be private individuals or companies. As such, they will still be responsible for pay property taxes as they would under other property tax laws.

Hopefully this answers the questions that have been asked about the Rivers Project. If you or anyone copied have any questions, please do not hesitate to contact me.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: Patrick F. McGow / s/  
Patrick F. McGow

Enclosures

Cc: (w/ Encl.)

DeeAnn Irby, Finance Director

Chip Berschback, Esq.

CITY OF GROSSE POINTE WOODS

RESOLUTION

R-171-12

IN SUPPORT OF A REGIONAL TRANSIT AUTHORITY

WHEREAS, public transportation is vital to the needs of a major metropolitan area (Macomb, Wayne, Washtenaw and Oakland Counties); and

WHEREAS, the economic viability of this area depends on the ability of workers to get to jobs using a comprehensive public transit system that includes both fixed routes and flexible para-transit as determined by each participating municipality; and

WHEREAS, the basic needs (medical office visits, grocery shopping, etc.) of some in our area can only be met through the provision of area-wide public transit; and

WHEREAS, a stable, fair, equitable and broadly-based funding mechanism is critical to the support of an area-wide public transit system; and

WHEREAS, our area has been hamstrung by a patchwork funding device that creates inequities and gaps in service, and subsidizes those who can access the service without paying the tax to support it; and

WHEREAS, the City of Grosse Pointe Woods has supported area-wide public transit by being an "opt-in" community in support of SMART since the system was established in 1996; and

WHEREAS, our region needs, but does not have, a Regional Transit Authority (RTA) to enable better public transit, as it is the only major metropolitan area in the nation to not have one.

NOW, THEREFORE, IT IS RESOLVED that the City of Grosse Pointe Woods urges the State Legislature to enact legislation allowing for a Regional Transit Authority so our region can pursue a better, more comprehensive regional transit system.

IT IS FURTHER RESOLVED that a copy of this resolution be sent electronically to the State Legislature, the Governor, all municipalities in Wayne County, all Wayne County Commissioners, and County Executive Robert A. Ficano.

AYES:

NAYS:

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 November 5, 2012, 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  
November 5, 2012

**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

RECEIVED

OCT 15 2012

CITY OF GROSSE PTE. WOODS

FEDERAL I.D. 38-1996878

CITY OF GROSSE POINTE WOODS  
20025 Mack Plaza  
Grosse Pointe Woods, MI 48236  
**Attention: Mr. Al Fincham, City Administrator**

October 01, 2012  
Client: 000896  
Matter: 000000  
Invoice #: 99459

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REGARDING: GENERAL MATTERS

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

TOTAL

\$126.15

G.T.

**KELLER THOMA**  
A PROFESSIONAL CORPORATION

COUNSELORS AT LAW  
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Page: 1

RE: GENERAL MATTERS

For Professional Services Rendered through September 30, 2012

DATE	ATTY	DESCRIPTION	HOURS
09/14/2012	DBD	Attention to call from City Administrator Fincham with respect to pending personnel matters.	0.25
09/20/2012	DBD	Attention to telephone call to City Administrator Fincham and Public Service Director Ahee with respect to pending contract and representation matters.	0.25
09/24/2012	DBD	Attention to review of correspondence from Public Safety Director Pazuchowski; attention to preparation of correspondence with respect to the same.	0.25

Total Services \$123.75

ATTORNEY	HOURS	RATE	AMOUNT
DBD DENNIS B. DuBAY	0.75	\$165.00	\$123.75

**DISBURSEMENTS**

09/07/2012	Document Reproduction	\$2.40
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Total Disbursements \$2.40

**KELLER THOMA**  
*A PROFESSIONAL CORPORATION*

CITY OF GROSSE POINTE WOODS

20025 Mack Plaza

Grosse Pointe Woods, MI 48236

**Attention: Mr. Al Fincham, City Administrator**

October 01, 2012

Client: 000896

Matter: 000000

Invoice #: 99459

Page: 2

RE: GENERAL MATTERS

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**Total Amount Due**

**\$126.15**

11B

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

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FAX (588) 777-0430  
E-MAIL donberschback@yahoo.com

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

October 30, 2012

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

RE: October 2012 Billing/DRB

<u>DATE</u>	<u>DESCRIPTION OF SERVICES</u>	<u>TIME</u>
9/27/2012	Preparation for and attendance at millage meeting (1.50); FOIA (.25); outside litigation work (.50)	2.25
10/1/2012	Review of weekend packet (.25); ordinance work (.25); Election Commission meeting (.25)	0.75
10/8/2012	Weekend packet review and work on City matters (.50); outside litigation issues (.50); review of Court cases and follow up (1.00)	2.00
10/9/2012	Work on outside litigation cases (1.00); ordinance review (.50); additional Court case follow up (1.00); FOIA (.25)	2.75
10/10/2012	Appearance in Municipal Court (2.00); review of contracts for prescriptions (1.00); miscellaneous COW and CC matters (1.00)	4.00
10/15/2012	Review of weekend packet and work on CC and COW matters (1.25); attendance at CC and COW meetings (1.25); letter correspondence and emails (.75)	3.25
10/16/2012	Outside litigation matters and follow up on CC and COW items (1.00); FOIA (.25); citizen complaints (.25)	1.50
10/17/2012	Appearance in Municipal Court (2.00); review of engineering contract (1.00); work on CC and COW items (.75)	3.75
10/18/2012	Outside litigation work (.50); citizen complaints (.25)	0.75
10/23/2012	Research on Charter and ordinances (.75); CC and COW matters (.50); meeting with SF (.50)	1.75
10/24/2012	Appearance in Municipal Court (2.50)	2.50
10/25/2012	Work on outside litigation, CC and COW matters (1.00)	1.00
10/29/2012	Review of weekend packet, all emails and TCs on miscellaneous City matters (1.00); attendance at COW meeting (2.50)	3.50

10/30/2012 FOIA (.25); ordinance and charter work (.75); follow up on COW matters (.50); outside litigation (.25); file research and memorandums (1.00)

2.75

**DRB = 32.50 hours x \$155.00**

**BALANCE DUE:**

**\$ 5,037.50**

**Breakdown**

General	24 hours
Municipal Court	8.50 hours
Bldg/Planning Comm.	0.00 hours
MTT	0.00 hours

TC - Telephone

CTB - Charles T. Berschback

DRB - Don R. Berschback

DAI - DeeAnn Irby

GPCRDA - Grosse Pointe Clinton Refuse Disposal Authority

LKH - Lisa K. Hathaway

CC - City Council

PC - Planning Commission

C&E - Comp and Eval

GT - Gene Tutag

CEW-Conference of Eastern Wayne

SF - Skip Fincham

LFP - Lakefront Park

MTT - Michigan Tax Tribunal



**CHARLES T. BERSCHBACK**

ATTORNEY AT LAW

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CHARLES T. BERSCHBACK

DON R. BERSCHBACK

OF COUNSEL

October 30, 2012

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

**RE: October Billing/ CTB Only**

<u>DATE</u>	<u>DESCRIPTION OF SERVICES</u>	<u>TIME</u>
9/27/2012	TT work on Lochmoor, Hunt Club and CVS (4.50)	4.50
9/28/2012	TT calls, emails (.50)	0.50
10/1/2012	Work on TT cases, review of Tribunal Orders re: discovery; TCs GS and State Tax Comm; prep for meeting; p.m. meeting with GS and calls with various appraisers (4.50); Municipal Court matters; meeting with Det Bur (.25); review of package and attendance at Council and COW meeting (1.50)	6.25
10/2/2012	TT work on files (.50); PC work on zoning ordinance (.50)	1.00
10/3/2012	Work on all TT cases; prep of summaries for Hunt Club and Lochmoor (3.00)	3.00
10/4/2012	Calls on Municipal Court/Juvenile Court matter; fax to Juvenile Court (.50); draft of interrogatories in 2012 TT cases (1.50)	2.00
10/5/2012	TT work on new discovery requests for 2012 new cases (2.00); TC LH, review of Scott lawsuit (1.50)	3.50
10/8/2012	Meetings with various Dept. Heads and appointed officials; follow up from office (2.25); work on PC letter (.25); work on TT files (1.00)	3.50
10/9/2012	Drafted answer to Scott case, TC LH on Court date, draft of brief on show cause hearing (1.00); work on TT cases for closed session (1.00)	2.00
10/10/2012	Finalized responsive pleadings in Scott case, TCs (.75); PC meeting with GT and Planner John Jackson on zoning ordinance (1.00)	1.75
10/11/2012	Prep for meeting with GS re: TT cases and closed session and other cases (2.50); review of Wayne County pleadings and brief in Scott case (.25)	2.75
10/12/2012	Attendance in Wayne County on Scott case; Count I dismissed (3.25); call with Wayne County attorney, meeting with SF, Joe A; meeting with DAP (.75); review of warrants (.25)	4.25

10/15/2012 TC GT; Sue Como; Det. Bur.; review of warrant request; review of Court docket (.50); emails, miscellaneous TT matters; prep for closed session (2.75); review of Rizzo specs (.50); meeting with GS; attendance at closed TT session (3.00)	6.75
10/16/2012 TC Joe Ahee revisions to Rizzo bid specs; work on Scott case (.50); TCs on TT cases (.25); TCs with Municipal Court victims (.50)	1.25
10/17/2012 Municipal Court (3.25); calls on TT cases (.25)	3.50
10/18/2012 TCs on TT cases (.25); TCs on Scott case (.25); TC GT on helistop, rough draft of resolutions, review of ordinance standards (.75)	1.25
10/22/2012 Work on PC Resolutions (.50); work on TT cases, TCs on assessor position (.50)	1.00
10/23/2012 Calls and research on assessor (.50); work on helistop and review of PC Agenda (.50); attendance at PC hearing (3.75)	4.75
10/24/2012 Municipal Court and warrants (3.00); meeting with GS; calls and emails on CVS and Pointe Plaza; calls on Kroger, prep of 2nd set of requests (1.00)	4.00
10/25/2012 PC draft of amended resolution on helistop (.25); TC GS, emails (.25)	0.50
10/29/2012 Work on TT cases; calls with several attorneys, emails (1.50); finalized helistop resolution, emails (.50); meeting with SF; prep of EDC letter; prep of Title VI letter (.50)	2.50
10/30/2012 Review of EDC Project Plan, review of Rivers Storm Drainage Agreements and file (.50); review of pending TT files, settlement discussions (1.00)	1.50

CTB = 62.00 hours at \$140.00 per hour	\$ 8,680.00
Less Motion Fee returned (motion withdrawn)	\$ (50.00)
<b>TOTAL DUE:</b>	<b>\$ 8,630.00</b>

TC - Telephone	GT - Gene Tutag
SF - Skip Fincham	LH - Lisa Hathaway
ST - Susan Tobin	Det. Bur. - Detective Bureau
DAI - DeeAnn Irby	PC - Planning Commission
DAP Director Andrew Pazuchowski	TT - Tax Tribunal
M/C - Mayor and Council	GS - Ginger Soles

**Breakdown**

General	13.50 hours
Municipal Court	7.75 hours
Building/Planning Commission	8.50 hours
Tax Tribunal	32.25 hours