



CITY OF GROSSE POINTE WOODS
20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

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NOTICE OF MEETING
AND
AGENDA

COMMITTEE-OF-THE-WHOLE

Mayor Robert E. Novitke has called a meeting of the City Council, meeting as a Committee-of-the-Whole, for **Monday, April 30, 2012, at 7:30 p.m.** The meeting will be held in the Conference Room of the Municipal Building, 20025 Mack Plaza, 20025 Mack, Grosse Pointe Woods, MI 48236 and is accessible through the Municipal Court doors. In accordance with Public Act 267, the meeting is open to the public and the agenda items are as follows:

1. Call to Order
2. Roll Call
3. Acceptance of Agenda
4. Discussion: The Rivers of Grosse Pointe Woods
5. Business Web Page
6. Cook Schoolhouse: Vertical Platform, Restroom, Rear Walkway A. Letter 04/05/12 – City Attorney
7. LED Lighting Update
8. New Business
9. Adjournment

Alfred Fincham
City Administrator

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, Telecommunications Device for the Deaf (TDD) 313 343-9249, or e-mail the City Clerk at cityclk@gpwm.us.

cc:
Council – 7
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Email Group

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CHARLES T. BERSCHBACK

RECEIVED

APR 11 2011

CITY OF GROSSE POINTE WOODS

DON R. BERSCHBACK
OF COUNSEL

April 5, 2012

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

RE. Cook School/ADA Requirements

Dear Mayor and Council:

I have been asked to provide an opinion regarding the requirements of the Americans with Disabilities Act (ADA) as it relates to possible modifications to the Cook Schoolhouse. Factually, I understand that the "shed" portion of the building (the backroom) is on ground level and a handicap access bathroom has been "roughed-in" pending a final decision. Questions exist regarding either the need or desire to install a ramp or some type of "lift". Mr. Ahee informs me that a ramp is not feasible based on the slope requirement for the ramp. What is feasible is a lift which would be installed inside the building. The Historical Commission minutes of February 9, 2012 state that the Commission has recommended to Council that a vertical platform lift be installed in the backroom.

The US Department of Justice provides various publications regarding the ADA and City governments. The following is a general summary from those publications applicable to this issue:

1. The ADA II requires city governments to ensure that all of their programs, services, and activities, when viewed in their entirety, are accessible to people with disabilities. Program access is intended to remove physical barriers to city services, programs, and activities, but it generally does not require that a city government make each facility, or each part of a facility, accessible. For example, each restroom in a facility need not be made accessible. However, signage directing people with disabilities to the accessible features and spaces in a facility should be provided. "Program accessibility" may be achieved in a variety of ways. City governments may choose to make structural changes to existing facilities to achieve access. But city governments can also pursue alternatives to structural changes to achieve program accessibility. For example, city governments can move public meetings to accessible buildings and can relocate services for individuals with disability to accessible levels or part of buildings.

2. Historical significant facilities are those facility or properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law. Structural changes to these facilities that would threaten or destroy the historical significance of the property or would fundamentally change the program being offered at the historic facility need not be undertaken. Nevertheless, a city must consider alternatives to structural changes in these instances – including using audio-visual materials to depict the inaccessible portions of the facility and other innovative solutions.
3. If alterations are being made to a historically significant property, however, these changes must be made in conformance with the ADA Standards for Accessible Design ("the Standards"), 28 C.F.R. Part 36, § 4.1.7, or the Uniform Federal Accessibility Standards, ("UFAS") § 4.1.7, to the maximum extent feasible. If following either set of standards would threaten or destroy the historical significance of the property, alternative standards which provide a minimal level of access may be used.

Every ADA case is different depending on the unique facts and circumstances. In this case the City has committed Cook Schoolhouse for City wide programming. This fact coupled with the potential installation of the handicap bathroom leads to the conclusion that the City should provide access to the entire structure. A lift would be the ideal acceptable alternative to achieve program accessibility, and at the same time avoid threatening the historical significance of the property. I have an email in my file from the State Preservation Office confirming that an interior lift would be the best solution to promote these goals.

If you have any questions regarding this letter, please call.

Very truly yours,


CHIP BERSCHBACK

CTB:gmr

cc: Al Fincham
Dee Ann Irby
Joe Ahee
Gene Tutag