



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

(313) 343-2440
Fax (313) 343-2785

**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, October 11, 2010, at 7:30 p.m.** The meeting will be held in the Conference Room of the Municipal Building, 20025 Mack Plaza, 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. Water Reservoir
 - A. Memo 10/06/10 - City Administrator
 - B. Memo 10/03/10 - City Engineer
5. McKenna Contract/ Invoice – Planning Commission
 - A. Memo 10/06/10 – Treasurer/Comptroller-City Administrator
 - B. Agreement to Provide Professional Planning, Zoning and Design Services 04/23/10
 - C. Professional Fee Schedule through 03/31/11
6. Serenity Way
 - A. City Council Excerpt 10/04/10
 - B. Letter 10/06/10 – City Attorney
7. Lake Front Park
 - A. Issues and Plans: Pool/Restrooms, Traffic Improvement, Supervision/Reorganization
 1. Committee-of-the-Whole Excerpt 08/02/10
 2. Memo 10/08/10 – City Administrator/Dir. Public Works/Park Supervisor
 3. Letter 10/04/10 – Traffic Improvement Association
 4. Letter 08/31/10 – Municipal Insurance Alliance
 5. E-mail 08/31/10 – Alliance Risk Control/G. B. Kendrick & Associates Inc.

- B. Guest punches/group permits –
Evening/Morning, Winter/Summer,
Resident/Non-resident, Usage
 - 1. Committee-of-the-Whole Excerpt
01/25/10
 - 2. City Council Excerpt 01/18/10
 - 3. Memo 10/07/10 – Recreation Supervisor
 - C. Platform Tennis User Fee
 - 1. City Council Excerpt 06/01/09
 - 2. Memo 10/07/10, w/attachment –
10/07/10
 - D. Pool Use – Non-resident
 - 1. City Council Excerpts 03/17/08
 - 2. City Council Excerpt 06/21/10
 - 3. Memo 10/07/10 – Recreation Supervisor
 - 4. Memo 10/07/10 – Recreation Supervisor
 - 8. Consideration to Remove from the
Committee-of-the-Whole Agenda
 - 9. New Business
 - 10. Adjournment
- A. Community Center Guidelines

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@gpwmi.us.

cc:
Council – 6
Ahee
Berschback
Director of DPS
Rec. Secretary

Tutag
Hathaway
Irby
Fincham
Grosse Pointe News

Post - 8
File
Granger - Email



CITY OF GROSSE POINTE WOODS
MEMORANDUM

(4)

Date: October 6, 2010

To: Mayor and Council

From: Al Fincham, City Administrator *AF*

Subject: Grosse Pointe Woods Water Reservoir Project

RECEIVED

OCT - 6 2010

CITY OF GROSSE PTE WOODS

Mr. Scott Lockwood's memo (attached) regarding the additional charges for the project in the amount of \$24,000 for electricity and communications is for work deemed necessary for the project and now completed. The work although not originally included was needed, thus the additional costs.

Also, the addition of remote capabilities of the tank mixer resulted in an increase of \$3,444.25 to the Reservoir contract.

Although the contract stipulated claims to be produced within 60 days of the event and they were not, Mr. Lockwood indicates the claims are justified.

Recommendation:

The amount of \$27,444.25 be paid for the additional work performed from the contingency amount of approximately \$126,000. This payment will allow for approximately \$98,500 remaining in contingency.

MEMORANDUM

TO: Al Fincham, City Administrator
Dee Ann Irby, Controller
Joe Ahee, DPW Director

FROM: Scott Lockwood, Consulting City Engineer

DATE: October 3, 2010

SUBJECT: Grosse Pointe Woods Water Reservoir Update

As we have recently discussed, the Reservoir Project is nearly complete. The system is operational and the only remaining work is some restoration around the reservoir. Throughout construction, there were several elements of work that varied from what was outlined in the construction documents. This resulted in an increase in several items of work, particularly with regard to work related to electricity and communications. Most notably, there was no provision in the contract documents for payment to DTE for bringing power to the site.

This project is being funded with State Revolving Funds (SRF). The approved SRF amount for this project is \$2,190,000 which includes a contingency amount equal to approximately \$126,000.

This project had three different contracts; 1) the Reservoir (Natgun, \$697,900.00), 2) the Pump Station (EFI, \$656,804) and 3) the Site Work (Fontana, \$423,140.90). The site work contractor was ultimately responsible for the coordination of all three contracts. As we suspected we may be going over the awarded contract amount for the Site Work, we met with the Contractor in July to try to get a handle on the cost of the extra work that had been performed. Our intent was to report to the City as soon as possible to alleviate any last minute surprises. We had made it clear to the Contractor that we needed this information as soon as possible. At the time we had anticipated the contract would be somewhere between \$0 to \$10,000 over the contract amount. We had frequently reminded the contractor we needed this information but had received nothing until earlier this week on Thursday, September 30. The sum of the items submitted by the contractor resulted in an increase to the contract of approximately \$24,000. We reviewed the submittal from the Contractor and met with him on October 1 to discuss. It is our opinion, the submittal from the contractor is justified and we are therefore recommending an increase to the contract of \$24,000. Please note, the contract documents clearly state the contractor shall provide amount of claims "within 60 days of the event" which was not adhered to and, therefore, gives the City the option to deny payment.

With regard to the Reservoir contract, after the bids were received it was decided to add a system which provides remote status of the tank mixer. This resulted in an increase to the Reservoir contract of \$3,444.25. We are recommending an increase to the Reservoir contract of approximately \$3444.25.

There is no proposed change to the Pump Station contract. Therefore, we recommend a total increase of \$27,444.25. This would be covered by the contingency in the Revolving Fund. If the contingency is used, there will approximately \$98,500 remaining in contingency.



(5)

CITY OF GROSSE POINTE WOODS
MEMORANDUM

RECEIVED

OCT - 6 2010

CITY OF GROSSE PTE. WOODS

Date: October 6, 2010

To: Mayor and City Council

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

Subject: McKenna Consulting Agreement and Payment of Invoices

In May 2010, former City Administrator Wollenweber signed an Agreement with McKenna Associates to Provide Professional Planning, Zoning and Design Services. This Agreement was open-ended; it did not include an ending date or a not to exceed dollar amount. (see attached agreement) Under the Zoning Enabling Act, the Planning Commission has the authority to hire consultants at a cost not to exceed \$5,000. The Planning Commission's budget for FY 2010-11 is \$5,000.

The City paid \$4,322.50 for services rendered during the months of May, June and July. Invoices for services rendered in August and September were not paid because the dollar amount exceeds the Planning Commission's authority and their 2010-11 budget. We recommend payment of the August and September invoices, in the amount of \$1,273.50, from the Building Department Contractual Services budget; account number 101-180-818.

The Building Official is requesting permission to engage future services of McKenna to assist with the final site plan review. He estimates the cost of review will not exceed \$3,500. If approved, the review fees will be charged to the Building Department budget.

Please feel free to call if you have any questions.

Date	5/10	3
Post-It Fax Note	7871	
To	John Jackson	
Co. Dept.		
Phone #	313 343 2450	
Fax #		

S E T O M O R O W M A T T E R S

RECEIVED

April 23, 2010

APR 26 2010

Mr. Mark Wollenweber, City Administrator
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

CITY OF GROSSE PTE. WOODS

Subject: Agreement to Provide Professional Planning, Zoning and Design Services

Dear Mr. Wollenweber:

Thank you for taking the time to introduce me to the project and your team this week. McKenna professionals have worked closely with and assisted dozens of communities craft specific zoning regulations to address challenging and exciting development projects. Over the course of our 32 year history, we have successfully helped communities review these special projects, navigating the sometimes contentious public involvement process.

The McKenna Team

Our Grosse Pointe Woods team includes successful planners and designers led by John R. Jackson, AICP, LEED-GA and Heather McPhail. John and Heather will be supported by other McKenna specialists in planning, GIS, graphics, economic development and design. John and Heather currently work with Southeast Michigan communities facing similar issues including: Grosse Pointe Woods, Harper Woods, Dearborn, Dearborn Heights, Southfield, Lincoln Park, Taylor, and others. Both John and Heather are experts in administering zoning regulations and standards, and are familiar with planning and design objectives for quality development in premier residential communities. Their track records demonstrate consistent reviews and recommendations that are useful, clear, thorough, and in accordance with community objectives. Our clients tell us our assistance is creative and current with best practices.

For your consideration, we present the following:

- We will function as a key part of the City's team and strive to become trusted advisors in City sustainability efforts.
- McKenna Associates have proven track record in working with streamlined development review procedures to ensure timely and accurate reviews and solutions.
- We have an award-winning community and economic development capability.
- We have award-winning in-house urban design capability.
- Our approach keeps the City informed of fresh, innovative approaches to planning, zoning, design, and economic development.

Communication Services

Communications in community planning and design is very important - many planning concepts are subtle, hard to verbalize and unfamiliar to the general public. At McKenna, we work very hard at planning and design communications.

- Each of our project managers has had training and coaching in consulting communications.
- We employ a full-time Graphic Specialist skilled at presentation in Adobe Creative Suite Premium.
- We are members of IAP2 - the International Association of Public Participation with a certified public participation specialist, Vice President Sara Hodges, AICP
- Our planners have tested for high levels of written communications.
- We employ a Communications Specialist on-staff, Christina McKenna.

235 East Main Street
Suite 105
Northville, MI 48167
TEL 248-596-0920
FAX 248-596-0930

151 South Rose Street
Suite 920
Kalamazoo, MI 49007
TEL 269-382-4443
FAX 269-382-4340

30 East Mulberry Street
Suite A
Lebanon, OH 45036
TEL 513-934-2346
FAX 513-934-2809

18 West Streetsboro Street
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Hudson, OH 44236
TEL 330-528-3342
FAX 330-542-8699

TOLL FREE 888-226-4326
WEB www.mckenna.com

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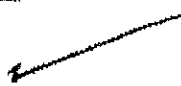
City of Grosse Pointe Woods
April 23, 2010
Page 2

McKenna Services

At your request, we are pleased to submit this agreement to you to provide professional services to the City of Grosse Pointe Woods (City), as described below:

1. Hourly Services

For the below services rendered upon request by the City, McKenna shall be compensated hourly per the attached 2010 Professional Fee Schedule dated April 21, 2010:

- A. Preparation for and attendance at Planning Commission, City Council, applicant, staff and other meetings.
- B. Provision of professional planning and related services in the amendment, interpretation, and revision of the Zoning Ordinance text and map, not to exceed \$2,500 excluding meetings.
- C. Provision of professional review and recommendations of development applications; consultation with City officials and applicants and other services related to the anticipated request for an elderly residential project.
- D. Additional professional services shall be provided as requested by the City. 

2. Terms

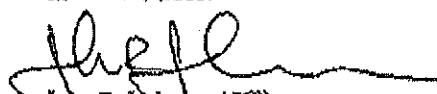
We shall commence work upon your direction. Payment shall be due within 30 days after receipt of our monthly invoice detailing services performed and time expended. Travel time will not be billed to the City.

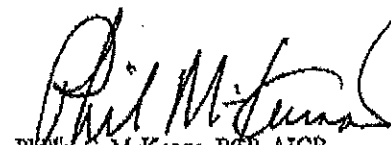
3. Authorization

If you find the above terms acceptable, please sign both enclosed copies and return one copy for our files.

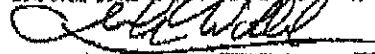
Please let us know if you have any questions. We look forward to working with the City of Grosse Pointe Woods. Thank you.

Sincerely,
MCKENNA ASSOCIATES INC.


John R. Jackson, AICP
Executive Vice President


Phillip C. McKenna, PCP, AICP
President

ACCEPTED BY: CITY OF GROSSE POINTE WOODS, MICHIGAN


Signature

5-10-10
Date

MARK WOLLENWEBER
Name / Title City Administrator

Attachments: Resumes
Firm Background
Project Examples

B E D A U S E T O M O R R O W M A T T E R S

PROFESSIONAL FEE SCHEDULE
Effective through March 31, 2011

McKenna
ASSOCIATES
INCORPORATED

<u>Professional Classification</u>	<u>Rate Per Hour</u>
President	\$160.00
Executive or Senior Vice President	\$135.00
Vice President	\$130.00
Director	\$120.00
Senior Principal or Manager	\$110.00
Principal	\$97.00
Senior	\$78.00
Associate	\$68.00
Assistant	\$55.00
Aide	\$44.00
Administrative Assistant	\$42.00

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Suite 204
Hudson, OH 44236
TEL 330-528-2342
FAX 330-342-5659

TOLLFREE 888-226-4326
WEB www.mckna.com

* Rates include the following overhead:

Accounting	Interest
Advertising and Promotion	Legal
Books, Publications and Maps	Licenses
Business Entertainment	Meals
Computers	Office Space and Parking
Charitable Contributions	Office Equipment
Professional Dues & Subscriptions	Office Supplies & Technology
Furniture and Fixtures	Postage (Except Overnight)
Graphic Supplies and general	Taxes
Insurance	Telephone, Facsimile, E-Mail

These rates do not include photography, outside reproduction, document or materials purchases, which are invoiced additionally. Rates also do not include reimbursable costs for travel, courier, overnight mail, etc. Mileage will be invoiced at \$.48/mile.

These hourly rates are valid through the above date, after which they may change per classification by a percentage equal to the increase in the Consumer Price Index for the prior 12 months per U.S. Department of Labor, Bureau of Labor Statistics.

April 21, 2010

16

COUNCIL EXCERPT
10-04-10

The following individual was heard regarding **Serenity Way operating in a residential area**, and requested the City Council file a complaint to the State:

Chapman Cunningham
20558 Fairway Lane

Motion by Howle, seconded by Bryant, that the following documents be received and placed on file:

1. Grosse Pointe News Article 09/09/10
2. Adult Foster Care Facility Licensing Act, Act 218 of 1979. Sections 400.703 – Definitions; 400.726 – Name or designation of facility; 400.723 – Complaint; specifications; resolution of issues; notice; failure to resolve issues; hearing; decision; finality; issuance of license.

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher
No: None
Absent: None

The City Attorney was directed to provide reasons why/why not the Council should file a complaint against Serenity Way, and identify whether an individual may file a complaint. This item was referred to Committee-of-the-Whole on October 11, 2010.

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 6, 2010

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

RE: Serenity Way/COW Agenda October 11, 2010

Dear Mayor and Council:

I have now reviewed the Adult Foster Care Facility Licensing Act (MCL 700.701-MCL 400.737), the Administrative Rules, and have called the Bureau of Children and Adult Licensing.

The first question raised was whether only a city or other legislative body can file a complaint regarding a facility. MCL 400.723 and 400.724 are attached (Exhibit 1). MCL 400.723 (1) states that the City may file a complaint with the Department to deny or revoke a license and that the complaint shall specify those provisions of the Act or Administrative Rules indicating that the facility is not in compliance. MCL 400.724 allows any person to request an investigation of an adult foster care facility. The complaint is then provided to the licensee and an on-site inspection takes place pursuant to the complaint. The name of the complainant is not released unless the complainant consents in writing to disclosure. The Department then investigates the complaint and determines whether the act or a rule has been violated. If the complainant is dissatisfied with the investigation, a request for a hearing may be made in writing to the Director. If the complainant is dissatisfied with the decision of the Director, an appeal may be filed in Circuit Court.

An issue has also been raised regarding the use of the words "staffed 24 hours a day by nurses aids" and "RN supervision" in the Grosse Pointe News ad (Exhibit 2). MCL 400.726 states "an adult foster care facility shall not utilize a name or designation which implies, infers or leads the public to believe that the facility provides nursing care". See Exhibit 1. MCL 400.703 defines an adult foster care facility as providing care for adults "who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care" (Exhibit 3). Adult foster care facilities do not include facilities such as nursing homes, hospitals, and homes for the aged licensed under separate statutes.

On October 5th I spoke with an area Manager for the Bureau of Children and Adult Licensing. We discussed the various concerns raised at the October 4th Council meeting. He confirmed that we were dealing with the licensing rules for adult foster care small group homes (12 or less). He

agreed with my analysis that either a City or an individual can file a complaint. If an individual files a complaint and request for investigation regarding violation of the rules, it will be investigated under MCL 400.724.

We discussed the issue of "continuous nursing care". He confirmed that the rules do not define that concept. However, the Bureau interprets it to mean that the facility would need to have a licensed nurse or RN, for example if a resident requires some type of continuous monitoring or administration of services (essentially 24 hour care). This is consistent with the definition found in 400.703 which would prohibit operation of the facility requiring "continuous nursing care". Various facilities have unlicensed nurses aides known as "direct care staff" under administrative rule 400.14204 (Exhibit 4). There are certain threshold training requirements for this staff and some facilities employ what are known as certified nursing aides (CNAs) although these individuals do not rise to the level of licensed nurses under their interpretation of continuous nursing care. This issue may be fact specific depending on the type of individual who resides at the home and the type of supervision required. No one currently resides in the facility so it is impossible to determine if a violation has or will occur. An individual can request an investigation and an investigation will be done on this issue.

With respect to local ordinance control, MCL 400.733 is attached as (Exhibit 5). These types of facilities are not exempt from local construction codes applicable to private residences. Our office intends to monitor code violations and issue citations if appropriate under the circumstances on a case by case basis.

Very truly yours,



CHIP BERSCHBACK

CTB:nmg
Enclosures

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(b) The applicant for the emergency license
licensee who is in compliance with all
applicable regulations under this act and under
contract with the department of mental health
county community mental health board to
operate the leased physical plant temporarily.

(c) The former licensee's access to the facili-
ty pursuant to a lease, sublease, or contract has
been lawfully terminated by the owner or lessee
of the facility."

For effective date provisions of P.A.2004, No.
59, see the Historical and Statutory Notes fol-
lowing M.C.L.A. § 400.713.

Prior Laws:

C.L.1970, § 331.688.
P.A.1972, No. 287, § 8.
P.A.1976, No. 397, § 1.

Cross References

Sentencing guidelines, see § 777.14a.

Library References

Asylums and Assisted Living Facilities ⇨13,
27.
Westlaw Topic No. 43.

Notes of Decisions

Sufficiency of evidence 1

1. Sufficiency of evidence

Evidence supported Department of Social
Services' determination that adult foster care
licensee "willfully and substantially" committed
violations within the meaning of the Adult Fos-
ter Care Facility Licensing Act; violations such
as the financial exploitation of a resident, the

failure to provide medication, and the failure to
provide dry clothing for a resident who was
incontinent, involved much more than mere
negligence, and, although licensee made certain
facility improvements upon receiving citations
or warnings, violations continued to occur.
Palo Group Foster Care, Inc v. Michigan Dept.
of Social Services (1998) 577 N.W.2d 200, 228
Mich.App. 140, appeal denied 589 N.W.2d 284,
459 Mich. 911. Asylums And Assisted Living
Facilities ⇨ 32

400.723. Complaints; resolution of issues, notice, failure to resolve; hear-
ing; finality of decision; issuance of license

Sec. 23. (1) The legislative body of a city, village, or township in which an
adult foster care facility is located may file a complaint with the department to
have the facility's license denied or revoked pursuant to the procedures pre-
scribed in this act and the rules promulgated under this act. The complaint
shall specify those provisions of this act or the rules promulgated under this act
with which the facility is not in compliance.

(2) The department shall resolve the issues of a complaint filed pursuant to
subsection (1) within 45 days after receipt of the complaint. Notice of the
resolution of the issues shall be mailed by registered mail to the complainant
and the licensee. Failure of the department to resolve the issues of the
complaint within 45 days after receipt of the complaint shall serve as a decision
by the department to deny or revoke the facility's license, and the licensee shall
be notified pursuant to section 22.¹

(3) If the decision to deny or revoke the license or the resolution of the issues
is protested by written objection of the complainant or licensee to the depart-
ment within 30 days after the denial or revocation of the license or the receipt
of the notice pertaining to the denial or revocation, the director or the
director's designated representative shall conduct a hearing pursuant to chap-
ter 4 of Act No. 306 of the Public Acts of 1969, as amended.² The decision of

400.723

SOCIAL SERVICES

the director shall be mailed by registered mail to the complainant and the licensee. If the resolution of the issues by the director is not protested within 30 days after receipt of the notice of the resolution, the resolution by the director is final. The department may issue a license pending the resolution of the matter.

¹ M.C.L.A. § 400.722.

² M.C.L.A. §§ 24.271 to 24.287.

Historical and Statutory Notes

Source:

P.A.1979, No. 218, § 23, Eff. March 27, 1980.
C.L.1970, § 400.723.

P.A.1972, No. 287, § 8.

P.A.1976, No. 397, § 1.

Prior Laws:

C.L.1970, § 331.688.

Library References

Asylums and Assisted Living Facilities ⇨ 13,
27.
Westlaw Topic No. 43.

Notes of Decisions

Exhaustion of remedies 3
Hearing 2
Validity 1

1. Validity

Dual role of Department of Social Services as investigator and adjudicator with regard to issuance of licenses for adult foster care small group homes with six or fewer persons was not per se violative of guarantee of due process. *City of Livonia v. Department of Social Services* (1983) 333 N.W.2d 151, 123 Mich.App. 1, affirmed 378 N.W.2d 402, 423 Mich. 466. Constitutional Law ⇨ 4329

2. Hearing

City and home owners near proposed adult foster care small group home were not entitled to hearing prior to licensure of facility due to lack of deprivation of liberty or property interests since any limitation on city's power to regulate such facilities was validly imposed by

legislature and homeowners had not alleged any deprivation of their rights in value, use, and enjoyment of their property. *City of Livonia v. Department of Social Services* (1985) 378 N.W.2d 402, 423 Mich. 466. Asylums And Assisted Living Facilities ⇨ 15

3. Exhaustion of remedies

Circuit court had jurisdiction over plaintiff's complaint which alleged that impending licensure of adult foster care facility would violate the Adult Foster Care Facility Licensing Act and that plaintiff would be irreparably harmed thereby, since relief sought by complaint, to enjoin licensure pending final resolution by Department of Social Services, was not available to plaintiff in any other forum, and thus plaintiff was not required to exhaust administrative remedies before pursuing the circuit court action. *City of Saginaw v. Herberg* (1982) 323 N.W.2d 640, 117 Mich.App. 173. Asylums ⇨ 3; conjunction ⇨ 75

400.724. Investigations

Sec. 24. (1) A person who believes that this act or a rule promulgated under this act may have been violated may request an investigation of an adult foster care facility. The request shall be submitted to the department in writing or the department shall assist the person in reducing an oral complaint to writing within 7 days after the oral request is made.

(2) The substance of the complaint shall be provided to the licensee not earlier than at the commencement of the on-site inspection of the adult foster care facility which takes place pursuant to the complaint.

ADULT FOSTER C

(3) The complaint, or otherwise disclose name of the complainant or an investigation results unless disclosure is c If disclosure is consi be given the opportur

(4) Upon receipt o the allegations preser has been, is, or is in c the complaint accor initiation of a comp receipt of the written

(5) The departmen days after the receipt ant a copy, if any, o when these documen of the original comp the documents listed the copies pursuant to (6) The departmen the same time that subsection (5).

(7) A written deter public inspection, bu be disclosed without

(8) A complainant by the department n submitted in writing department's finding: place of the hearing : facility. A complaina appeal by filing wit substance of the proc which the person rel The circuit court of jurisdiction to hear a appeal.

Source:

P.A.1979, No. 218, § 24,
C.L.1970, § 400.724.

SOCIAL SERVICES

ail to the complainant and the director is not protested within solution, the resolution by the license pending the resolution of

Notes

72, No. 287, § 8.
76, No. 397, § 1.

and homeowners had not alleged any of their rights in value, use, and of their property. City of Livonia v. Department of Social Services (1985) 378 02, 423 Mich. 466. Asylums And As- ing Facilities ⇨ 15

stitution of remedies

court had jurisdiction over plaintiffs which alleged that impending licen- hult foster care facility would violate Foster Care Facility Licensing Act and tiff would be irreparably harmed ince relief sought by complaint to nsure pending final resolution by De- of Social Services, was not available in any other forum, and thus plaintiff quired to exhaust administrative rem- e pursuing the circuit court action. inaw v. Herberg (1982) 323 N.W.2d Mich.App. 173. Asylums ⇨ 3; Un- 75

act or a rule promulgated at an investigation of an adult to the department in writing ducing an oral complaint to

provided to the licensee not nspection of the adult foster plaint.

ADULT FOSTER CARE FACILITIES

400.724

(3) The complaint, a copy of the complaint, or a record published, released, or otherwise disclosed to the adult foster care facility shall not disclose the name of the complainant or an adult resident named in the complaint unless the complainant or an adult resident consents in writing to the disclosure or the investigation results in an administrative hearing or a judicial proceeding, or unless disclosure is considered essential to the investigation by the department. If disclosure is considered essential to the investigation, the complainant shall be given the opportunity to withdraw the complaint before disclosure.

(4) Upon receipt of a complaint, the department shall determine, based on the allegations presented, whether this act or a rule promulgated under this act has been, is, or is in danger of being violated. The department shall investigate the complaint according to the urgency determined by the department. The initiation of a complaint investigation shall commence within 15 days after receipt of the written complaint by the department.

(5) The department shall inform the complainant of its findings. Within 30 days after the receipt of complaint, the department shall provide the complainant a copy, if any, of the written determination or a status report indicating when these documents may be expected. The final report shall include a copy of the original complaint. The complainant may request additional copies of the documents listed in this subsection and shall reimburse the department for the copies pursuant to established policies and procedures.

(6) The department shall inform the licensee of the department's findings at the same time that the department informs the complainant pursuant to subsection (5).

(7) A written determination concerning a complaint shall be available for public inspection, but the name of the complainant or adult resident shall not be disclosed without the complainant's or adult resident's consent.

(8) A complainant who is dissatisfied with the determination or investigation by the department may request a hearing. A request for a hearing shall be submitted in writing to the director within 30 days after the mailing of the department's findings as described in subsection (5). Notice of the time and place of the hearing shall be sent to the complainant and the adult foster care facility. A complainant who is dissatisfied with the decision of the director may appeal by filing with the clerk of the court an affidavit setting forth the substance of the proceedings before the department and the errors of law upon which the person relies, and serving the director with a copy of the affidavit. The circuit court of the county in which the complainant resides shall have jurisdiction to hear and determine the questions of fact or law involved in the appeal.

Historical and Statutory Notes

Source:

P.A.1979, No. 218, § 24, Eff. March 27, 1980.
C.L.1970, § 400.724.

400.724

SOCIAL SERVICES

Library References

Asylums and Assisted Living Facilities \approx 13,
18.
Westlaw Topic No. 43.

Notes of Decisions

Validity 1

1. Validity

Dual role of Department of Social Services as investigator and adjudicator with regard to issu-

ance of licenses for adult foster care small group homes with six or fewer persons was not per se violative of guarantee of due process. *City of Livonia v. Department of Social Services* (1983) 333 N.W.2d 151, 123 Mich.App. 1, affirmed 378 N.W.2d 402, 423 Mich. 466. Constitutional Law \approx 4329

400.725. Appeal to circuit court

Sec. 25. A person aggrieved by the decision of the director following a hearing under section 22 or 23,¹ within 10 days after receipt of decision, may appeal to the circuit court for the county in which the person resides by filing with the clerk of the court an affidavit setting forth the substance of the proceedings before the department and the errors of law upon which the person relies, and serving the director with a copy of the affidavit. The circuit court shall have jurisdiction to hear and determine the questions of fact or law involved in the appeal. If the department prevails, the circuit court shall affirm the decision of the department; if the licensee, or applicant prevails, the circuit court shall set aside the revocation or order the issuance or renewal of the license.

¹ M.C.L.A. \S 400.722 or 400.723.

Historical and Statutory Notes

Source:

P.A.1979, No. 218, \S 25, Eff. March 27, 1980.
C.L.1970, \S 400.725.

Prior Laws:

C.L.1970, \S 331.689.
P.A.1972, No. 287, \S 9.

Library References

Asylums and Assisted Living Facilities \approx 16,
31.
Westlaw Topic No. 43.

Notes of Decisions

Judicial review 1

1. Judicial review

Language of license renewal provision of Adult Foster Care Facility Licensing Act, providing that on appeal from an administrative agency decision under Act, the circuit court "shall

have jurisdiction to hear and determine the questions of fact or law involved in the appeal," requires circuit courts to engage in a de novo standard of judicial review. *Palo Group Foster Care, Inc v. Michigan Dept. of Social Services* (1998) 577 N.W.2d 200, 228 Mich.App. 140, appeal denied 589 N.W.2d 284, 459 Mich. 911. Asylums And Assisted Living Facilities \approx 32

400.726. Name or designation of facility

Sec. 26. (1) An adult foster care facility shall not utilize a name or designation which implies, infers, or leads the public to believe that the facility provides nursing care.

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A Private Home Offering

An Alternative

*To Assisted
Living or
Nursing Home*



*S*erenity Way is a beautiful ranch style home located in Grosse Pointe Woods, overlooking the scenic fairways of Lochmoor Country Club.

Our Home is completely wheelchair and handicap accessible. Serenity Way offers private and semi-private rooms, which nourish the senses with lovely decor and scenic views. Our compassionate staff want nothing more than to provide for your happiness and well-being.

Our Mission is to provide a feeling of warmth and a genuine experience of belonging when you arrive at our door.

Serenity Way is your alternative choice for a more personalized way of life, while we assist you with your independence.

Our Services uniquely enhance the quality of life for those with memory impairment and will stimulate and encourage a new enthusiasm for living.


Some of the amenities we provide are:

- A private and safe environment staffed 24 hours a day by nurse aids
- RN Supervision
- Healthy home cooked cuisine
- Assistance with bathing and dressing
- Medication management
- On-site medical, dental, and podiatric services
- Daily housekeeping and personal laundry services
- Birthday and holiday celebrations
- In-home activities
- Basic cable

Transportation and Salon services available upon request

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Trust. Experience. Security.

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 **NURSING UNLIMITED**
INCORPORATED

Call to
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personal tour today!

(586) 285-0300

EXHIBIT

2

Labels

Historical and Statutory Notes

Source:

P.A.1979, No. 218, § 2, Eff. March 27, 1980.
C.L.1970, § 400.702.

400.703. Definitions; terms commencing "a"

Sec. 3. (1) "Adult" means:

(a) A person 18 years of age or older.

(b) A person who is placed in an adult foster care family home or an adult foster care small group home pursuant to section 5(6) or (8) of 1973 PA 116, MCL 722.115.

(2) "Adult foster care camp" or "adult camp" means an adult foster care facility with the approved capacity to receive more than 4 adults to be provided foster care. An adult foster care camp is a facility located in a natural or rural environment.

(3) "Adult foster care congregate facility" means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

(4) "Adult foster care facility" means a governmental or nongovernmental establishment that provides foster care to adults. Subject to section 26a(1),¹ adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include any of the following:

(a) A nursing home licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(b) A home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(c) A hospital licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(d) A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(e) A county infirmary operated by a county department of social services or family independence agency under section 55 of the social welfare act, 1939 PA 280, MCL 400.55.

(f) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:

(i) Two, if the total number of residents is 10 or fewer.

(ii) Three, if the total number of residents is not less than 11 and not more than 14.

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5(6) or (8) of 1973 PA 116.

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social welfare act, 1939 PA

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3 PA 116, MCL 722.111 to
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(iii) Four, if the total number of residents is not less than 15 and not more than 20.

(iv) Five, if the total number of residents is 21 or more.

(g) A foster family home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of 1973 PA 116, MCL 722.115.

(h) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

(i) A facility created by 1885 PA 152, MCL 36.1 to 36.12.

(5) "Adult foster care family home" means a private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

(6) "Adult foster care large group home" means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

(7) "Adult foster care small group home" means an adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

(8) "Aged" means an adult whose chronological age is 60 years of age or older or whose biological age, as determined by a physician, is 60 years of age or older.

(9) "Assessment plan" means a written statement prepared in cooperation with a responsible agency or person that identifies the specific care and maintenance, services, and resident activities appropriate for each individual resident's physical and behavioral needs and well-being and the methods of providing the care and services taking into account the preferences and competency of the individual.

Amended by P.A.1981, No. 124, § 1, Imd. Eff. July 23, 1981; P.A.1984, No. 40, § 1, Imd. Eff. March 26, 1984; P.A.1984, No. 140, § 1, Imd. Eff. June 1, 1984; P.A.1990, No. 262, § 1, Eff. March 28, 1991; P.A.1991, No. 161, § 1, Imd. Eff. Dec. 9, 1991; P.A.1995, No. 82, § 1, Imd. Eff. June 15, 1995; P.A.1996, No. 194, § 1, Eff. Aug. 1, 1996; P.A.1998, No. 442, Imd. Eff. Dec. 30, 1998.

M.C.L.A. § 400.726a.

Historical and Statutory Notes

Source:

P.A.1979, No. 218, § 3, Eff. March 27, 1980.

C.L.1970, § 400.703.

The 1981 amendment, in subsec. (1), inserted the subdivision lettering; added subsec. (1)(b); in subsec. (3), in the first sentence substituted "to be provided with" for "who shall be provid-

ed", and in the second sentence substituted "not more than" for "only"; in subsec. (4)(a), substituted "333.22181" for "333.22190"; in subsec. (5), in the first sentence deleted "not more than" preceding "6", and substituted "6 or fewer adults to be provided with" for "6 adults who shall be provided"; in subsec. (6), in the first sentence substituted "adults to be provided

R 400.14204 Direct care staff; qualifications and training.

Rule 204. (1) Direct care staff shall not be less than 18 years of age and shall be able to complete required reports and follow written and oral instructions that are related to the care and supervision of residents.

(2) Direct care staff shall possess all of the following qualifications:

(a) Be suitable to meet the physical, emotional, intellectual, and social needs of each resident.

(b) Be capable of appropriately handling emergency situations.

(3) A licensee or administrator shall provide in-service training or make training available through other sources to direct care staff. Direct care staff shall be competent before performing assigned tasks, which shall include being competent in all of the following areas:

(a) Reporting requirements.

(b) First aid.

(c) Cardiopulmonary resuscitation.

(d) Personal care, supervision, and protection.

(e) Resident rights.

(f) Safety and fire prevention.

(g) Prevention and containment of communicable diseases.

History: 1994 MR 3, Eff. May 24, 1994.

EXHIBIT

4

Historical and Statutory Notes

C.L.1970, § 400.613.

Source:

P.A.1977, No. 72, § 13, Imd. Eff. July 27, 1977.

ADULT FOSTER CARE FACILITY LICENSING ACT

Cross References

Transfer of powers and duties, see § 330.3101.

Law Review and Journal Commentaries

Natural resources, real property and trusts: State and local government law: Annual survey of Michigan law 1983. Lynn K. Richardson, 30 Wayne L.Rev. 763 (1984).
 Annual survey of Michigan law 1983. Amanda Van Dusen, 30 Wayne L.Rev. 641 (1984).

Library References

Asylums 3.
 WESTLAW Topic No. 43.

C.J.S. Asylums and Institutional Care Facilities §§ 5 to 8.

P.A.1979, No. 218, Eff. March 27, 1980

AN ACT to provide for the licensing and regulation of adult foster care facilities; to provide for the establishment of standards of care for adult foster care facilities; to prescribe powers and duties of the department of social services and other departments; to prescribe certain fees; to prescribe penalties; and to repeal certain acts and parts of acts. Amended by P.A.1992, No. 176, Imd. Eff. July 23, 1992.

The People of the State of Michigan enact:

400.701. Short title

Sec. 1. This act shall be known and may be cited as the "adult foster care facility licensing act".

Historical and Statutory Notes

Source:

P.A.1979, No. 218, § 1, Eff. March 27, 1980.
 C.L.1970, § 400.701.

Prior Laws:

C.L.1970, § 331.681.
 P.A.1972, No. 287, § 1.

Law Review and Journal Commentaries

Establishment of group homes/need for community placement. Marsha Tuck, 66 Mich.B.J. 54 (1987).

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

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Sec 23 (1)

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clerk of the city, village, or
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after receipt of the request.

Notes

2, No. 287, § 12.
6, No. 397, § 1.

mentaries

another similar institution or requiring
on of those residents whose property
within 1,500 foot radius of property
the proposed facility discriminated
disabled persons in violation of Fair
Amendments Act (FHAA) and was
ed by FHAA; by its very terms, these

statutes applied only to facilities which would
house disabled persons and not to other living
arrangements and alleged benign purpose of
helping disabled did not prevent statute from
being discriminatory on its face. *Larkin v.*
State of Mich. Dept. of Social Services, C.A.6
(Mich.)1996, 89 F.3d 285. Asylums And Assist-
ed Living Facilities ⇐ 12; Civil Rights ⇐ 1083;
States ⇐ 18.69

Michigan statute preventing licensing of resi-
dential facility for retarded adults within 1,500
feet of another similar institution or requiring
notification of those residents whose property
lines are within 1,500 foot radius of property
line of the proposed facility, which was facially
discriminatory, was not warranted by unique
and specific needs and abilities of those handi-
capped person to whom regulations applied as
would allow statutes to survive Fair Housing
Amendments Act (FHAA) challenge; integration
was not sufficient justification for maintaining
permanent quota since burden fell on disadvan-
taged minority, and there was no showing that
special needs of disabled warranted integration.
Larkin v. State of Mich. Dept. of Social Ser-
vices, C.A.6 (Mich.)1996, 89 F.3d 285. Civil
Rights ⇐ 1083

Statute on licensing adult foster care facilities
provides adequate notice to a city and nearby
property owners of a proposed licensure. *City*
of Livonia v. Department of Social Services

(1985) 378 N.W.2d 402, 423 Mich. 466. Asyl-
lums And Assisted Living Facilities ⇐ 11

2. Noncompliance

Any technical noncompliance with statute by
Department of Social Services in failure to give
city proper notice before issuance of license to
adult foster care group home, through notice to
a bureau which was not designated agent for
notification purposes, did not require license to
be rescinded where city was not prejudiced in
light of challenges made to licensure. *City of*
Livonia v. Department of Social Services (1985)
378 N.W.2d 402, 423 Mich. 466. Asylums And
Assisted Living Facilities ⇐ 16

Department of Social Services' noncompli-
ance with notice requirements P.A.1977, No. 28
(§ 125.583b) and P.A.1979, No. 218, § 32 did
not constitute grounds for reversal of its issu-
ance of a license for use of certain property as
an adult foster care small group home for six or
fewer persons where noncompliance with the
notice requirements did not result in prejudice
to plaintiffs, who had actual notice of the pro-
posed license well in advance of 45 days before
the license was issued. *City of Livonia v. De-*
partment of Social Services (1983) 333 N.W.2d
151, 123 Mich.App. 1, affirmed 378 N.W.2d
402, 423 Mich. 466. Asylums And Assisted Liv-
ing Facilities ⇐ 16

400.733. Local ordinances, regulations, or construction codes

Sec. 33. This act supersedes all local regulations applicable specifically to
adult foster care facilities. Local ordinances, regulations, or construction
codes regulating institutions shall not be applied to adult foster care large
group homes, adult foster care small group homes, or adult foster care family
homes. This section shall not be construed to exempt adult foster care facilities
from local construction codes which are applicable to private residences.

Historical and Statutory Notes

Source:

P.A.1979, No. 218, § 33, Eff. March 27, 1980.
C.L.1970, § 400.733.

Prior Laws:

C.L.1970, § 331.693.
P.A.1972, No. 287, § 13.

Library References

Asylums and Assisted Living Facilities ⇐ 12.
Municipal Corporations ⇐ 592.
Westlaw Topic Nos. 43, 268.

C.J.S. Municipal Corporations §§ 139 to 141,
143 to 144.

COMMITTEE-OF-THE-WHOLE EXCERPT
08-02-10

Under New Business and hearing no objections, the Mayor discussed a recent incident that occurred at Lake Front Park pool that is under investigation by St. Clair Shores Police. Administration was asked to get cost estimates to reconfigure bathroom areas, and to discuss with the Life Guards implementation of a new procedure whereby the guards would accompany young children through bathroom areas at the request of the parent. There was a consensus that the Recreation Commission discuss procedures and reconfiguring the design of the bathrooms to provide a recommendation to City Council.

Motion by McConaghy, seconded by Granger, regarding **bathrooms at Lake Front Park**, that this item be referred to the Recreation Commission and the Committee-of-the-Whole regarding procedures and bathrooms at Lake Front Park.

Motion carried by the following vote:

Yes:	Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher
No:	None
Absent:	None



CITY OF GROSSE POINTE WOODS

MEMORANDUM

Date: October 8, 2010

To: Mayor and Council

From: Al Fincham, Acting City Administrator *af*
Joe Ahee, Director of Public Works
Melissa Sharp, Lakefront Park Supervisor

RECEIVED
OCT 08 2010
CITY OF GROSSE PTE. WOODS

Subject: UPDATE: Safety and Security Issues in the City of Grosse Pointe Woods Municipal Lakefront Park

Signage/Design and Maintenance:

The Traffic Improvement Association has submitted a letter as requested (attached). The letter has been reviewed by staff and the suggestions considered. Although we are in agreement with the suggested solutions, some of the suggestions require budgetary action for next year.

Sue King from Risk Alliance (our Property and Liability Carrier) has also submitted a letter as requested (attached). Again, some of her suggestions require budgetary action such as a camera system (quote attached [\$6,763.98]) and a family restroom. Mr. Tom McGraw's email response is also attached regarding cameras and family restrooms.

As indicated in a previous update, one of the two pool deck access gates from the pool house to the pool deck has remained open for the summer. Feedback from visitors to the pool has been positive and moving forward, the gate will remain open for easy access by visitors and those using strollers.

Patrol:

Homeland Security/Border Patrol has been frequenting our Park.

The St. Clair Shores Police Department has increased their routine patrol presence.

Park patrol has been increased due to a new part-time security employee.

New uniform shirts for security will be implemented next summer clearly indicating Park personnel.

The existing SUV at the park will be outfitted with overhead lights and a door logo for an increased visible presence.

Training:

All Park employees have been trained in customer service protocols. Attention to procedures and instructions on assisting visitors have been established and will be reinforced for the coming summer season. Gate Guard Security has been and will continue to be coached in answering visitors' questions, eliminating the previous practice of sending them on their way to look for a supervisor in another building. Additional keys have been dispersed to Park staff for the bridge to eliminate issues experienced this past summer.

Training has been conducted for Pool and Park staff through "CARE" for public relations/conflict resolution issues. Additional training is planned.

This coming spring, Park staff will be trained in the use of Automatic External Defibrillators (AEDs), CPR, and first aid.

Weekly Activity Reports:

Weekly activity reports have been implemented giving staff a better grasp of incidents reported.

St. Clair Shores Investigation/Update:

The detective in charge has indicated this case, although still open, has dead-ended with no additional leads coming in. He will continue to carry the investigation as open.

Citizens Recreation Commission Discussion:

At the September 14, 2010 meeting, the Commission discussed the bathrooms at Lake Front Park in regards to accommodating parents/caregivers with opposite-gender children. There was a concern that school-aged children should not go through the opposite-gender bathroom. However, most parents do not feel comfortable sending these young children through the locker room alone. Some solutions discussed include the following:

1. Allow families to enter the pool deck through the gate in the fenced-in area rather than the locker room.
2. Install a self-closing latch on the gate so that young children can't run into the pool area or parking lot unattended.
3. Renovate the front bathrooms (near the parking lot) into family restrooms. This option would need to be budgeted.
4. Install poolside showers on the outside wall of the bathhouse.

By implementing the changes above, parents would have all of the amenities of the locker rooms without having to be separated from young opposite-gender children.

Further discussions will be forthcoming regarding these issues.



TRAFFIC IMPROVEMENT ASSOCIATION

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OCT - 7 2010

CITY OF GROSSE POINTE WOODS

October 4, 2010

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

Dear Mr. Fincham:

You requested the Traffic Improvement Association (TIA) review Lakefront Park, including its bike path, in regard to pedestrians and bicyclists. You, Jim Santilli (TIA) and I met on August 9, 2010 to look at pedestrian and bicyclist access to the park and within the park. We also had discussions on general signing and pavement marking items. The first items concern the pedestrian and bicyclist issues with the general signing and pavement marking issues following.

1. Pedestrian and bicyclist access to the park, including access to the internal pedestrian/bike path.
 - **Issue:** The sidewalk that comes from Jefferson Ave. to the park entrance currently ends at the entrance driveway to the park. This necessitates that pedestrians and bicyclists must merge with the entering vehicles in the entrance driveway to enter the park. They must also use the internal road to travel eastward to reach the internal bike path. When pedestrians and bicyclists exit the park they are directed down the extra drive, since the sidewalk they entered on is on a one way drive opposite of the direction they wish to travel.
Suggested Solution: It is suggested that the sidewalk from Jefferson Ave. be extended easterly into the park and connect to the internal bike path system. As part of this Bicycle (W11-1) or Pedestrian (W11-2) Advance and Crosswalk (with W16-7p) warning signs (see attached) should be installed in advance and at the crosswalk and a Zebra style (see attached-south leg of top intersection) crosswalk should be install across the entrance driveway.
2. Pedestrian/bicyclist access to the water park.
 - **Issue:** To get to the water park pedestrians and bicyclists currently have to walk or ride across the parking lot from the pedestrian/bike path to the water park entrance and where the bike racks are located.
Suggested Solution: The pedestrians and bicyclists should be separated from the vehicular traffic in the parking lot. To do this a section of pedestrian/bike path should be constructed on the southerly side of the parking lot thereby connecting the existing pedestrian/bike path to the entrance to water park.
3. Signing for pedestrian/bike path crossing of internal road.
 - a. **Issue:** Some of the pedestrian/bike path crossings are controlled by stop signs on the road and on the pedestrian/bike path. At other locations there are either Bicycle Advance signs or no signs.
Suggested Solutions: At the locations not signed with Stop signs Bicycle Advance or Pedestrian Advance signs should be installed in advance of the crossings and Bicycle or

Pedestrian Crossing signs should be installed at the crossing. The crossing should also have a crosswalk marking with the Zebra style being the preferred marking within the park. One example of where this should be installed is at the east end of the pedestrian bridge that goes across the river where the boats are moored. There are other locations that only have the Bicycle Advance signs and need the Bicycle Crossing signs at the actual crossing.

- b. **Issue:** Although not specifically reviewed, there are several bike path crossings of the internal road that have stop signs on the internal road and have stop signs on the bike path. The need for the stop signs on the internal road is questionable and the MMUTCD specifically states that stop signs shall not be used for speed control.

Suggested Solution: Give consideration to removing the stop signs on the internal road at the path crossings, first checking to make sure sight distance is appropriate. The Stop signs would be replaced by installing Bicycle or Pedestrian Advance signs and Bicycle or Pedestrian Crossing signs at these locations.

- c. **Issue:** The pedestrian crossing from the water park to the marina area has back-to-back stop signs on the east side of the road to control traffic and southbound traffic sometimes does not stop at the crossing because the stop sign is on the left side of the road instead of the right side of the road, which is standard.

Suggested Solutions: Remove one parking space on the west side of the road north of the crossing by cross-hatching it out and installing a No Parking sign for this one space. Then install a Stop sign at this location—west side of the road facing north.

- d. **Issue:** There is no intersection control where the contractor entrance drive from Jefferson Ave. intersects with the internal park drive in the southeast corner of the park.

Suggested Solution: Install a Stop sign on the east side of the contractor entrance drive at the internal park road.

- e. **Issue:** On the inside of the curve (northwest side) of the internal park road where it intersects with the driveway used by contractors there is a wide area outside of the edgeline that connects to a sidewalk just west of this location. This area should be cross-hatched so that pedestrians do not use the area—there is the designated bike path/pedestrian path for the pedestrians to use. Once this area is cross-hatched the “Watch For Pedestrians” sign can be removed.

4. Speed limit posted in Lakefront Park.

- **Issue:** The internal park road has a 10 MPH speed limit posted. Is this the legal speed limit?

Suggested Solution: The Michigan Vehicle Code states the following in regard to speed limits in parks:

MICHIGAN VEHICLE CODE (EXCERPT) Act 300 of 1949

257.629 Prima facie speed limits; establishment; limitations; signs; civil infraction; “local authority” defined. Sec. 629. (3) Local authorities are authorized to decrease the prima facie speed limits to not less than 15 miles per hour in public parks under their jurisdiction. A decrease in the prima facie speed limits is binding when adequate signs are duly posted giving notice of the reduced speeds.

Based on the Michigan Vehicle Code, the 10 MPH speed limit signs should be replaced with 15 MPH speed limit signs.

5. Pavement markings on the internal park road.

- a. **Issue:** The internal park road has a single yellow centerline and a yellow edgeline, where they are painted.

Suggested Solution: Per the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) the centerline should be double yellow for no passing zones instead of the single solid yellow line (see attached). Also per the MMUTCD the edgelines, where painted, are to be white (see attached).

- b. **Issue:** Correct lane markings at the exit from the park where there are arrow pavement markings that designate the left turn lane and the right and through lane.

Suggested Solution: The left arrow should have an "Only" legend under it per the MMUTCD. Also the separation of the lanes would be improved by painting a white, solid lane line between the two lanes.

- c. **Issue:** Much of the internal park road does not have a centerline painted on it, although there are large areas of parking along one side of the road that are also not marked. This makes a wide expanse of unmarked pavement.

- d. **Suggested Solution:** Consider marking the entire internal road from the gatehouse to the east end of the employee operated pedestrian bridge with a centerline for the road to better designate the two way operation of the road and where the vehicles are supposed to travel. From the guardhouse to the exit paint a solid white lane line designating the two exit lanes.

6. Signing at exit from the park.

- **Issue:** Currently there are black on white "One Way Do Not Enter" signs facing Lakeshore Drive instead of the standard Do Not Enter signs.

Suggested Solution: Replace the existing "One Way Do Not Enter" signs with the standard Do Not Enter (R5-1) signs shown in the MMUTCD (see attached).

If you have any questions concerning the study please feel free to contact me.

Sincerely,



David F. Allyn, P.E.
Traffic Engineer

Attachments

RECEIVED
OCT - 7 2010
CITY OF GROSSE POINTE WOODS

August 31, 2010

Mr. Alfred J. Fincham,
Acting City Administrator &
Director of Public Safety
City of Grosse Pointe Woods
20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

Dear Mr. Fincham:

Thank you for taking the time to meet with me recently to review various issues at Lake Front Park. During our visit we discussed the following issues:

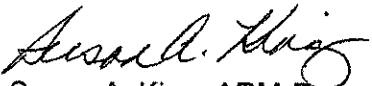
- 1) Signage – To help reduce unauthorized entrance into the Park I would suggest posting additional signage on the outside perimeter of the Park, the outside perimeter of the swimming pool and at the entrance to the Park. I would include wording that includes the hours the park is open, “no trespassing” and “residents only”. Consideration should be given to including information that the Park is patrolled by security which may help the unauthorized access issue.
- 2) Security Patrol – You indicated that Security patrols the park from 4:00 pm to 10:00 pm and from 10:00 pm to 6:00 am. I would suggest that the Security make regular rounds while on duty to help reduce possible unauthorized access to the Park. If possible, perhaps the City could increase the number of security personnel present on each shift.
- 3) 3 Meter Board – We reviewed the 3 meter board at the swimming pool during this visit. Many entities are removing 3 meter boards because of the falls to the pool deck from either the ladder or the diving platform. To help manage this issue the City has installed soft surface padding underneath the ladder and platform of the board (which according to Park Department personnel has met tests for shock absorbency). In the future, the City might also consider total removal of the 3 meter board. This could be replaced with another piece of equipment, such as a drop slide, which may be safer.
- 4) Age to be at Pool without Parent and Age to use Restrooms alone – Apparently the City now allows minors 8 years and older to come to the pool without a parent which means that this age group is using the restrooms alone. It appears that the age varies greatly among public swimming pools. In my research I have seen it as young at 8 and as old as 12. Consequently I contacted an aquatic expert for this advice. He informed me that there is no clear cut answer to this issue. His advice was to check the state laws addressing the age where a child can be left alone (at home or in a car). However, I could not find anything that specifically addresses this in Michigan.

His other piece of advice is to follow the YMCA Guidelines. However, in doing research I noted that various YMCA rules also vary greatly. Consequently, I am unable to make a recommendation to address this issue. (It might be helpful to contact neighboring communities or the local YMCA's to find out how they handle this).

We also discussed the issues of the cameras around the swimming pool area and the issue of turning the Ladies Room into a Family Restroom. These issues were addressed directly by attorney Tom McGraw and sent to you via email.

Again, I appreciate the time that you took out of your busy schedule to meet with me. If you have any questions or need additional information, please do not hesitate to call.

Sincerely,



Susan A. King, ARM-P
Vice President, Risk Control

Cc: Joe Ahee, City of Grosse Pointe Woods
Bob Bucko, The Stephenson Company

Any inspections are done solely for internal purposes and are not intended to be relied upon by any other person for any other reason.

Alfred Fincham

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OCT - 7 2010

CITY OF GROSSE POINTE WOODS

From: King, Sue [sking@kenrickcorp.com]
Sent: Monday, August 30, 2010 5:17 PM
To: Alfred Fincham
Cc: rbucko6067@aol.com
Subject: FW: City of Grosse Pointe Woods

Good Afternoon Al,

I just received the following email from Tom McGraw. Just as I thought - there is much to be considered when altering a public restroom into a family restroom. He also has additional recommendations regarding the cameras at the swimming pool. I will address the remainder of the issues we discussed during our meeting in a letter. Could you please forward this email on to Joe and Missy? I am home right now and don't have their email addresses. Thanks and please let us know if you have any questions. Have a great evening.

Sue King, ARM-P

Vice President of Alliance Risk Control
G.B. Kenrick & Associates Inc.
A subsidiary of HCC Insurance Holdings, Inc.

Mailto:sking@kenrickcorp.com
Tel: (248) 371-3709-----Original Message-----
From: Thomas J. McGraw [mailto:tmcgraw@mcgrawmorris.com]
Sent: Mon 8/30/2010 3:17 PM
To: King, Sue
Subject: FW: City of Grosse Pointe Woods

Sue, In response to your questions regarding the City's park and pool, below are my recommendations:

ADA

Titles II and III of the ADA require, among other things, that newly constructed and altered State and local government facilities, places of public accommodation, and commercial facilities be readily accessible to and usable by individuals with disabilities. The ADA accessibility regulations apply to dressing, fitting and locker rooms. The regulations provide that locker/changing rooms must be ADA accessible in the following manner:

Benches. The locker/changing room must have benches that are fixed and must have seats that are 20 inches minimum to 24 inches maximum in depth and 42 inches minimum in length. The benches must have back support that is 42 inches minimum in length and that extends from a point 2 inches maximum above the seat to a point 18 inches minimum above the bench. Benches must be 17 inches minimum to 19 inches maximum above the floor or ground.

Benches must be strong enough to withstand a vertical or horizontal force of 250 pounds applied at any point on the seat, fastener, mounting device, or supporting structure. The surface of benches must be slip-resistant and shall not accumulate water.

Wheelchair Turning Space. The locker/changing room must have sufficient space for individuals in wheelchairs to turn around.

Door Swing. The ADA regulations require that doors shall not swing into any part of the clear floor space around an ADA accessible bench.

In addition, bathroom stalls, sinks, showers and dressing areas must be accessible to disabled individuals. The shower must have an ADA compliant bench and must allow sufficient space for disabled individuals to enter and exit. There must be bathroom stalls that are ADA compliant. The sinks must be low enough for disabled individuals to use them while in a wheelchair.

Multi Gender Use

The City should develop rules regarding use of the family/changing restroom. In order to prevent unrelated members of the opposite sex from using the changing room at the same time, the City should limit access to the changing room by use of a key or entry code that must be obtained from the City's pool attendant or other designated employee. In addition, the City should post rules similar to the following:

1. City rules do not permit mixed sexes in our locker rooms. However, we have provided a family change room for adults (parents and grandparents) with children under the age of 10 of the opposite sex. Users may request access from the pool attendant.
2. The family changing room may only be used with a parent/guardian present; adults may request access from the pool attendant.
3. If a parent of the opposite sex must assist a child, they are welcome to use the family changing rooms.
4. The family changing rooms are intended for parents with opposite gender children who are under the age of 10 and patrons who need ADA accessible facilities.

Cameras

Many municipalities prohibit pool users from possessing and using cameras and cell phones with cameras in its locker rooms and pool areas. Therefore, the City should post signs to warn pool users that cameras are being utilized for their safety. The sign should inform users that various cameras are in use, the general locations of the cameras and who monitors the cameras. The City should also have an internal policy regarding the reasons that the cameras are in place, whether the cameras are monitored by City employees, that no one other than City employees are permitted to monitor the cameras, if a recording is kept of the monitored areas, how long the recordings are kept and the location where they are maintained. Because these recordings do not document a government function, the City would not be required to maintain them pursuant to a state or local records retention schedule. However, the City's policy regarding cameras would be subject to FOIA.

Please let me know if you have any other questions regarding these issues.

Thomas J. McGraw

McGraw Morris P.C.

2075 West Big Beaver Road

Suite 750

Troy, Michigan 48084

Phone: (248) 502-4000

Fax: (248) 502-4001

e-mail: tmcgraw@mcgrawmorris.com

website: www.mcgrawmorris.com

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COMMITTEE-OF-THE-WHOLE EXCERPT
01-25-10

The next item discussed was **Lake Front Park Group Permit**. The Director of Public Works and Park Supervisor provided an overview. Currently allowed are 5 group permits with up to 30 people, and pass punches: 20 winter and 14 summer. Additionally, Gate Guards have been accepting a list containing non-resident names with Gate Guards punching the park passes of the residents.

Administration is recommending increasing the number of group permits in order to manage current level group permit requests (permit requests requiring a list) and to enable administration to schedule the appropriate number of staff. The Chair asked if a more balanced approach to managing the numbers, such as residents submitting a legible (typed or printed) list of names presented in advance would help.

The Director of Public Works stated group requests would be more manageable if permit requests were required to be typed/printed, provided in advance of the weekend, or residents were required to be present when nonresidents check in at the gate.

There was a consensus of the Committee to not increase group permits. Guest punches and group permits with a list is to remain on the Committee-of-the-Whole Agenda. Joe Ahee will address the issue of residents submitting a list of nonresidents to enter Lake Front Park.

70-2

COUNCIL EXCERPT
01-18-10

Motion by McConaghy, seconded by Granger, regarding **Lake Front Park Activities Building Winter Hours**, that the City Council adopt the current hours of operation, 8 a.m. to 9 p.m., for the Lake Front Park Activities Building Winter Hours (November 1 to May 1.)

Motion by McConaghy, seconded by Granger, to amend the prior motion regarding Lake Front Park Activities Building Winter Hours, by adding, ". . . and that this item be sent to the Committee-of-the-Whole, and directed administration to provide a detailed study of park attendance during winter hours and usage in the mornings and evenings."

Hearing no objections, the following individuals were heard:

Chris Cassidy
1825 Hampton

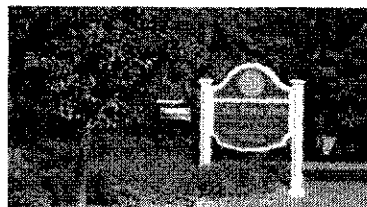
Steve Hamilton
19766 E. Ida Lane

James Oleksinski
738 Briarcliff

Motion carried by the following vote:

Yes:	Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher
No:	None
Absent:	None

A member of the Recreation Commission was requested to be in attendance at the Committee-of-the-Whole Meeting.



City of Grosse Pointe Woods Parks and Recreation

7B

Memorandum 152-10

RECEIVED

OCT - 7 2010

CITY OF GROSSE POINTE WOODS

Date: October 7, 2010
To: Al Fincham, City Administrator
From: Melissa Sharp, Recreation Supervisor
Subject: 2010 Park Use Summary

The attendance at Lake Front Park from May 1 – September 30 is broken down below:

	Residents	Non-Residents
May	26,353	5,238
June	39,342	7,568
July	53,336	12,987
August	38,655	10,382
September	10,563	3,347
Total	168,249	39,522

With the improved system of requiring all picnics to register at the LFP office, we were able to obtain accurate numbers of picnics throughout the summer. Below are some statistics for the period of May 1 through September 30:

Total number of registered picnics:	416
Total number of group permits:	206
Total number of non-residents:	12,559
Average number of picnics per Sat/Sun:	10
Average number of people per picnic on weekends:	30*

*Although the average number of non-residents per picnic is 30, this number is deceiving because people who had small gatherings of 10 people or less were listed in this report.

Attached is a summary of all weekend picnics.

City of Grosse Pointe Woods
Parks and Recreation
Park Use Summary

Date	# of picnics	# of non-residents	Average # of people
12-Jun-2010	8	350	43.75
13-Jun-2010	8	272	34
19-Jun-2010	10	271	27.1
20-Jun-2010	10	258	25.8
26-Jun-2010	13	475	36.53846154
27-Jun-2010	10	58	5.8
3-Jul-2010	7	184	26.28571429
4-Jul-2010	8	169	21.125
9-Jul-2010	6	125	20.83333333
10-Jul-2010	8	273	34.125
11-Jul-2010	7	268	38.28571429
17-Jul-2010	8	218	27.25
18-Jul-2010	10	333	33.3
24-Jul-2010	6	212	35.33333333
25-Jul-2010	11	375	34.09090909
31-Jul-2010	8	217	27.125
1-Aug-2010	8	313	39.125
7-Aug-2010	8	293	36.625
8-Aug-2010	10	417	41.7
14-Aug-2010	14	423	30.21428571
15-Aug-2010	16	414	25.875
21-Aug-2010	7	311	44.42857143
22-Aug-2010	16	385	24.0625
28-Aug-2010	10	444	44.4
29-Aug-2010	11	373	33.90909091
4-Sep-2010	7	180	25.71428571
5-Sep-2010	14	294	21

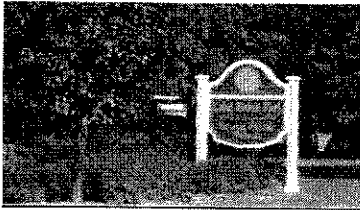
7C

COUNCIL EX~~D~~ERPT
06-01-09

Motion by Granger, seconded by Waldmeir, regarding **platform tennis user fee**, that the City Council concur with the recommendation of the Citizens Recreation Commission at their meeting on April 14, 2009, to consider implementation of a platform tennis user fee and that this item be referred to the Committee-of-the-Whole.

Motion carried by the following vote:

Yes:	Bryant, Dickinson, Granger, Howle, Novitke, Sucher, Waldmeir
No:	None
Absent:	None



City of Grosse Pointe Woods Parks and Recreation

7C

Memorandum 153-10

Date: October 7, 2010
To: Skip Fincham, City Administrator
From: Melissa Sharp, Recreation Supervisor
Subject: Platform Tennis Courts

RECEIVED
OCT - 7 2010
CITY OF GROSSE PTE WOODS

During cost containment discussions, the Committee-of-the-Whole requested information about the Platform Tennis court usage and expenses. Additionally, the Citizens Recreation Commission recommended at their April 14, 2009 meeting to consider implementing user fees for the courts.

Attached is a chart with usage data since 1998. It should be noted, however, that we do not have records of the names of the people using the courts. We only track the number of people who use it daily. Based on discussions with gate attendants, I believe about 20-30 people actually use the courts on a weekly basis.

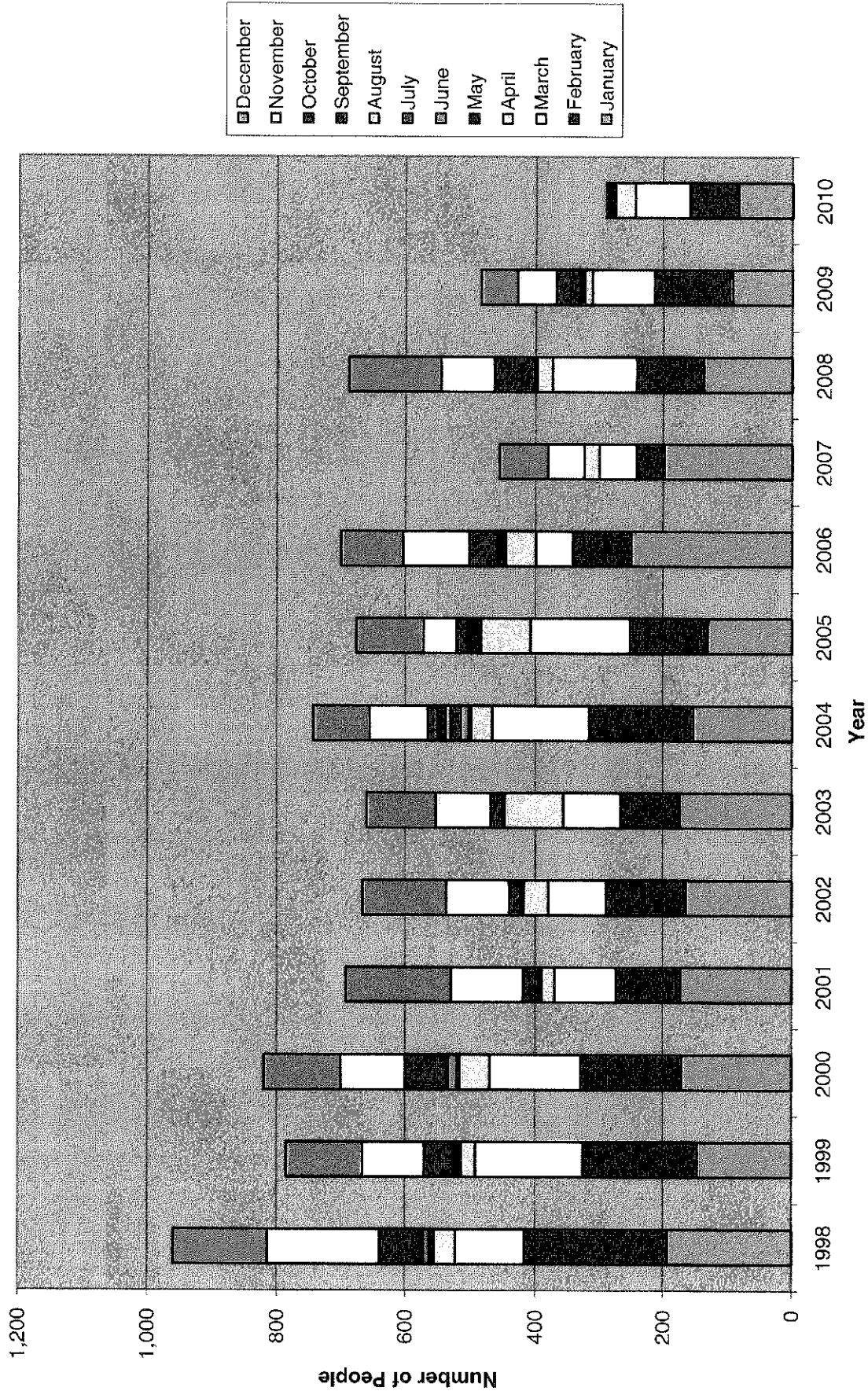
Currently, we have a quote for repairs to the courts for \$8,500 to cover re-surfacing the courts and adjusting the screens and nets. Additionally, the utility costs are about \$130 per month for electricity and about \$500 per month for gas. For roughly six months, this amounts to about \$3,800 per year.

Grosse Pointe City currently charges a membership fee for the use of their courts at Elworthy Park. Grosse Pointe Farms installed new courts at Pier Park in 2009; which cost \$131,000 to build, not including the heaters. Grosse Pointe Farms does not charge any fees to use their courts.

Below is a breakdown of GPC fees:

Annual pass (resident)	\$75
Annual pass (non-resident)	\$125

I recommend implementing a fee system which includes an annual membership and a daily fee.

[illegible]



COUNCIL EXCERPT
03-17-08

Motion by Granger, seconded by Waldmeir, regarding **Lake Front Park Pool Use – Gators**, that the City Council refer to the Committee-of-the-Whole a policy discussion regarding rental and/or utilization of the City's facilities by non-residents.

Motion carried by the following vote:

Yes:	Bryant, Dickinson, Granger, Howle, Novitke, Sucher, Waldmeir
No:	None
Absent:	None

Hearing no objections, under new business the following items were addressed:

- Request Lake Front Park pool use – Ferry Elementary School

Mayor Novitke introduced a letter received by Karen Sullivan, Ferry Elementary School, regarding the use of the Lake Front Park pool. Ms. Sullivan is requesting the use of the pool the week of June 13, 2011.

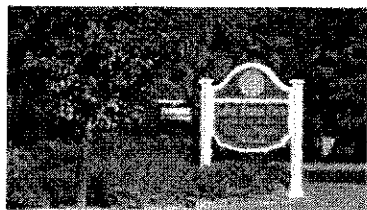
Motion by Howle, seconded by Granger, regarding **Lake Front Park pool use – Ferry Elementary School**, that the City Council refer this item to the Finance Committee.

Motion carried by the following vote:

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

No: None

Absent: None



City of Grosse Pointe Woods Parks and Recreation

7D.3

Memorandum 154-10

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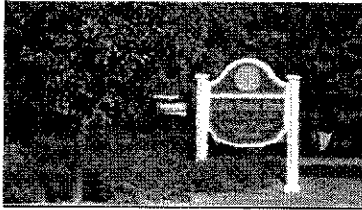
OCT - 7 2010

CITY OF GROSSE PTE. WOODS

Date: October 7, 2010
To: Al Fincham, City Administrator
From: Melissa Sharp, Recreation Supervisor
Subject: Request to use pool

I received a call from the Grosse Pointe Gators Swim Coach, John Fodell, regarding the possibility of renting our pool next summer. He also inquired about offering a Long Course swim meet that would be open to the public. Below are some of the details. I would like to know if this is something that the City is interested in pursuing.

1. The swim team would be interested in renting the pool from mid-June through early August from 6 or 6:30 a.m. until 8 or 8:30 a.m. They would only need 5 lanes.
2. Since we have ten lanes, the coach would be interested in offering our residents a Master's Swim Program in the other 5 lanes, which is something residents have asked about. The Master's program could run from 6 a.m. until 8 a.m.
3. The Gators Swim Team is also interested in hosting a long-course meet at the pool because our pool is one of the few long-course pools in the area. It would be a weekend event sometime after Memorial Day and before schools get out. This could be a source of income that we could share with the swim team. The only down-side is that it would be opened up to the general public, however, this would not be much different than the tennis tournaments that are held on our courts and hosted by Grosse Pointe North.



City of Grosse Pointe Woods
Parks and Recreation

70-4

Memorandum 155-10

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OCT - 7 2010

CITY OF GROSSE PTE WOODS

Date: October 7, 2010
To: Al Fincham, City Administrator
From: Melissa Sharp, Recreation Supervisor
Subject: School Picnic Use of Pool Request

During cost containment discussions in March 2009, it was decided to cut the pre-season pool hours from 12 - 8 p.m. to 4 - 8 p.m. on weekdays prior to school getting out for the summer.

If the main pool is open from 12 - 4 p.m., the cost would be approximately \$450 per day. To include the diving well and baby pools, an additional \$170 would be incurred per day for four hours. Adding the waterslide would be an additional \$170 as well.