

CITY OF GROSSE POINTE WOODS
Electronic Committee-of-the-Whole Agenda
Monday, March 22, 2021
7:00 p.m.

Mayor Pro-Tem Arthur W. Bryant has called a meeting of the City Council, meeting as a Committee-of-the-Whole. The meeting will be conducted by video (Zoom) and telephone conference in accordance with the City of Grosse Pointe Woods City Council Resolution adopted November 16, 2020, establishing rules for remote attendance pursuant to the Open Meetings Act, as amended. This notice is being provided to ensure that those wishing to participate in the meeting have an opportunity to do so. Additional instructions are listed below.

Join Zoom Meeting:

<https://zoom.us/j/95891509734?pwd=MOVqa2JnVG9lM1dFQ2JiczVZcGpudz09>

Meeting ID: 958 9150 9734

Passcode: 928392

Join by phone:

Dial by your location

877 853 5247 US Toll-free

888 788 0099 US Toll-free

Meeting ID: 958 9150 9734

Passcode: 928392

Facilitator's Statement.

1. Call to Order
2. Roll Call
3. Acceptance of Agenda
4. Sponsorship: Grosse Pointe Chamber of Commerce 2021 Community Public Art Project – Heartbeat of Grosse Pointe
 - A. Press Release 02/01/21 – Grosse Pointe Chamber of Commerce
 - B. Call for Sponsors
 - C. Email 03/12/21- Treasurer/Comptroller
5. 2021/23 Engineering Hourly Rates
 - A. Letter 03/08/21 w/attachments – City Engineer
6. Vacancy – Office of the Mayor and Council
 - A. Letter 03/15/21 – City Attorney
 - B. List of Mayoral Roles - Committees/Boards/Organizations
7. Consideration of Items to be Removed:
 - A. Winterfest
 - B. City Attorney Charles Berschback – Retirement
 - C. Generator Ordinance
 - D. Employee Handbook
 - E. Medstar Update
 - F. FOIA Procedures
 - G. Honeywell Energy Savings

- H. Proposed Ghesquiere Improvements (Concession Stand)
- I. Road Projects: Beaufait and Oxford -Mack to West City Limit
- J. Public Safety Dispatch/Lockup Consolidation
- K. Fire Truck
- L. Elevator
- M. Residential Parking Permits – Overnight only
- N. Credit Card Policy
- 8. New Business/Public Comment
- 9. Adjournment

**Lisa Kay Hathaway, MiPMC-3/MMC
City Clerk**

cc:
Council – 5
Anderson
Smith
Hathaway

Rec. Secretary
Email Group
Media – Email
Post – 8
File

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 to individuals with disabilities. Closed captioning and audio will be provided for all electronic meetings. All additional requests must be made in advance of a meeting.

Instructions for meeting participation

1. **To join through Zoom:** The meeting may be joined by clicking on the link provided on the agenda at the start time posted on the agenda, enter the meeting identification number, and password. Zoom may provide a couple of additional instructions for first time use. As an alternative to using the link, accessibility to the meeting may be obtained by using the browser at join.zoom.us. If having trouble logging in, try a different browser e.g. Chrome.

Join Zoom Meeting:

<https://zoom.us/j/95891509734?pwd=M0Vqa2JnVG9lM1dFQ2JiczVZcGpudz09>

Meeting ID: 958 9150 9734

Passcode: 928392

2. **Join by telephone:** Dial the toll-free conferencing number provided and enter the meeting identification number, and password. Dial *9 to be heard under Public Comment.
Dial by your location
877 853 5247 US Toll-free
888 788 0099 US Toll-free
Meeting ID: 958 9150 9734
Passcode: 928392

In an effort to alleviate feedback and disruption of the meeting, choose one of the media options, either phone or Zoom, not both.

Meeting notices are posted on the City of Grosse Pointe Woods website home page at www.gpwmi.us and the on-line calendar, both containing a link to the agenda. The agenda contains all pertinent information including business to be conducted at the meeting, a hyperlink to participate using Zoom, and call-in telephone number with necessary meeting identification, and a password. Agendas will also be posted on six (6) City bulletin boards along Mack Avenue.

The following are procedures by which persons may contact members of the public body to provide input or ask questions:

1. To assist with meeting flow and organization, all public comment will be taken at the end of the meeting unless it is moved to a different location on the agenda upon a consensus of the Committee;
2. The phone-in audience, when making public comment please state your name (optional) when called upon;
3. Audience participants will be muted upon entry and will have a chance to speak during the public comment portion of the meeting at the end of the agenda, at which time the microphones will be unmuted.
4. Those joining by Zoom will also be muted and may use the virtual raised “hand” to request to be heard under Public Comment.
5. Those joining by telephone need to dial in using the phone number provided on the agenda. When prompted, enter the meeting number and the password also located on the agenda. Dial *9 to be heard under Public Comment.
6. The published agenda invites participants from the community to provide written questions, comments, and concerns in advance of the meeting to any Elected Official or the City Clerk regarding relevant City business and may be read under Public Comment. Emails may be sent to:

Art Bryant, Mayor Pro-Tem	arthurwbryant@gmail.com	313 885-2174
Ken Gafa, Council Member	kgafa@comcast.net	313 580-0027
Vicki Granger, Council Member	grangergpw@aol.com	313 460-5250
Mike Koester, Council Member	koester.gpw@gmail.com	313 655-4190
Todd McConaghy, Council Member	todd.mcconaghygpw@yahoo.com	248 765-0628
Lisa Hathaway, City Clerk	lhathaway@gpwmi.us	313 343-2447

You may contact Lisa Hathaway, City Clerk, at lhathaway@gpwmi.us should you have any questions prior to the meeting starting.

<p>NOTE TO PETITIONERS: YOU, OR A REPRESENTATIVE, ARE REQUESTED TO BE IN ATTENDANCE AT THE MEETING SHOULD COUNCIL HAVE QUESTIONS REGARDING YOUR REQUEST</p>
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RECEIVED
FEB 26 2021
CITY OF GROSSE POINTE WOODS
CLERK'S DEPARTMENT

4

FOR IMMEDIATE RELEASE

CONTACT: Jenny Boettcher

Executive Director

Grosse Pointe Chamber of Commerce

Phone: (313) 881.4722

jboettcher@grossepointechamber.com

FEBRUARY 1, 2021

Grosse Pointe Chamber Unveils Theme for Community Art Project:

"The Heartbeat of Grosse Pointe"

All Artists Encouraged to Apply by March 12, 2021

Grosse Pointe Farms, Michigan – The Grosse Pointe Chamber of Commerce announced the 2021 community public art project: The Heartbeat of Grosse Pointe. The exhibit will showcase decorated installations throughout the Pointes of heart sculptures – featuring a big, solid heart, as well as a smaller, open heart. The exhibit theme was inspired by the spirit of the Grosse Pointes following a challenging year. This year's "Heartbeat Celebrity" is Fox 2 reporter and co-host of The Nine, Ryan Ermanni.

"Last year was a difficult time for our community and our businesses," said Grosse Pointe Chamber Executive Director Jenny Boettcher. "In discussing the objective of this year's project, it was abundantly clear we should be celebrating our community's heart, which proved resilient, steadfast and strong. This is truly a celebration of our collective community strength, and we are excited to look to the future and share this exciting exhibit."

All interested artists are encouraged to apply to design and decorate a heart sculpture. Applications are due March 12, 2021 to the Chamber office. Prospective artists can find information on submissions by visiting [The Heartbeat of Grosse Pointe](#) or by calling (313) 881-4722.

Once the Chamber receives all the artwork submissions, they will compile them for review by project sponsors, who will in turn, select their artist and design. The works will commence with a kick-off party, and all work will be completed in time for the display in June 2021. Heart sponsorships are also available and range from \$1,000-\$5,000. Information on sponsorships may be obtained by emailing info@grossepointechamber.com.

The Heartbeat of Grosse Pointe project benefits the Grosse Pointe Chamber Foundation, which provides critical funding to programs throughout the Pointes, including support for local police departments and community campaigns to promote Grosse Pointe businesses, among other things. After the conclusion of the display, the sculptures will be sold at a special auction in the fall, more details to come.

The Heartbeat of Grosse Pointe art project is a continuation of a series of successful community installations in the Pointes, including the fish (2012) and butterfly benches (2015) and dogs (2018). Many of the earlier years' installations can be seen in public parks, businesses and private homes throughout the community.



Call For Sponsors

A Public Art Exhibition Benefiting
Grosse Pointe Chamber Foundation

A public art exhibit featuring larger than life original, throbbing hearts embellished by local artists - displayed throughout the Pointe's during the 2021 summer season. As a sponsor, you will be recognized as a heartthrob for your generosity. This pulsing art exhibit will pull the heartstrings of every resident and friend visiting the Pointes, therefore becoming a hearty catalyst for economic development and business growth. Each level of sponsorship entitles the sponsor to an unfinished heart, selection of an artist including their artistic rendition from the heartbeat of Grosse Pointe Portfolio, and their choice of location to rest their heart during public viewing.

Selected artists will be commissioned by the Grosse Pointe Chamber Foundation.

Schedule - 2021

Sponsorship Deadline: **April 9**

Heartbeat Kick-off Party: **May**

Public Display: **June**

Heartbeat of Grosse Pointe Auction: **September**

Pulling Sponsors Heartstrings

The Grosse Pointe Chamber of Commerce is seeking heartfelt support of Individuals, businesses, and organizations to fill the streets with beating hearts.

Two hearted options are available: 4-ft and 22-inch.



A Big Heart: 4 foot

Whole Hearted \$5,000

- ♥ A large 4-ft. heart and a 22-inch heart
- ♥ You wholeheartedly own both hearts at the end of the street art project
- ♥ Company/Individual Name on each heart
- ♥ Company/Individual Name on the Throbbing Walk/Bike Map
- ♥ Company/Individual Name on the Chamber's Heartbeat webpage & social media outlets
- ♥ Invitation to the Kick-off party in May and the opportunity to meet your artist
- ♥ 4 Tickets to the Heartbeat Auction event in September.

Heavyhearted \$3,000

- ♥ A large 4-ft. heart
- ♥ Own your heart at the end of the street art project
- ♥ Company/Individual Name on the heart
- ♥ Company/Individual Name on the Throbbing Walk/Bike Map
- ♥ Company/Individual Name on the Chamber's Heartbeat webpage & social media outlets
- ♥ Invitation to the Kick-off party in May and the opportunity to meet your artist
- ♥ 2 Tickets to the Heartbeat Auction event in September.

Kindhearted \$2,000

- ♥ A large 4-ft. heart
- ♥ Your kindhearted goes up for transplant at the end of the street art project.
- ♥ Company/Individual Name on heart
- ♥ Company/Individual Name on the Throbbing Walk/Bike Map
- ♥ Company/Individual Name on the Chamber's Heartbeat webpage & social media outlets
- ♥ Invitation to the Kick-off party in May and the opportunity to meet your artist
- ♥ 2 Tickets to the Heartbeat Auction event in September.

An Open Heart: 22-inch

Sweetheart \$1,500

- ♥ A 22-inch heart
- ♥ You own your sweetheart at the end of the street art project.
- ♥ Company/Individual Name on the heart
- ♥ Company/Individual Name on the Throbbing Walk/Bike Map
- ♥ Company/Individual Name on the Chamber's Heartbeat webpage & social media outlets
- ♥ Invitation to the Kick-off party in May and the opportunity to meet your artist
- ♥ 2 Tickets to the Heartbeat Auction event in September.

Lighthearted \$1,000

- ♥ A 22-inch heart
- ♥ Your Lighthearted goes up for transplant at the Auction in September.
- ♥ Company/Individual Name on the heart
- ♥ Company/Individual Name on the Throbbing Walk/Bike Map
- ♥ Company/Individual Name on the Chamber's Heartbeat webpage & social media outlets
- ♥ Invitation to the Kick-off party in May and the opportunity to meet your artist
- ♥ 2 Tickets to the Heartbeat Auction event in September.

Become a Sponsor!

To become an sponsor, please complete the sponsorship form and return to:

Grosse Pointe Chamber/heartbeat
106 Kercheval, Grosse Pointe Farms
MI 48236

For more information, call 313 881.4722 or email info@grossepointechamber.com. Check out our website at www.grossepointechamber.com for sponsor applications and details.





Call For Artist's

A Public Art Exhibition Benefiting
Grosse Pointe Chamber Foundation

Pulling Artists Heartstrings

The Grosse Pointe Chamber of Commerce is pulling local heartstrings to commission artists to embellish a statue of an oversized heart that will be displayed throughout the Pointes during the summer of 2021.

Entry Deadline is March 12, 2021

To Participate:

Submit your rendering using the provided template including your contact information (more than one design may be submitted).

Upon receipt of your submission(s), designs will be compiled into the heartbeat of Grosse Pointe's portfolio. Sponsors will preview the renderings and select their artist from the throbbing hearts. Artists whose designs have been selected will receive a stipend for their work and detailed instructions regarding the Kick-Off/Pick-Up party at which point 50% of the stipend will be disbursed. The remaining 50% balance of the stipend will be disbursed when the completed heart structure is delivered for display in June.

The Hearts will be pulsing outdoors for the summer months, fully accessible to the public. Artists should consider the weather elements, including sun, rain, wind, dirt, and of course, other kindhearted friends who will be touching, hugging, and kissing the vibration of the hearty hearts.

Artists will be responsible for maintaining their heartbeat of Grosse Pointe throughout the time it is throbbing in the community.

About the Heart

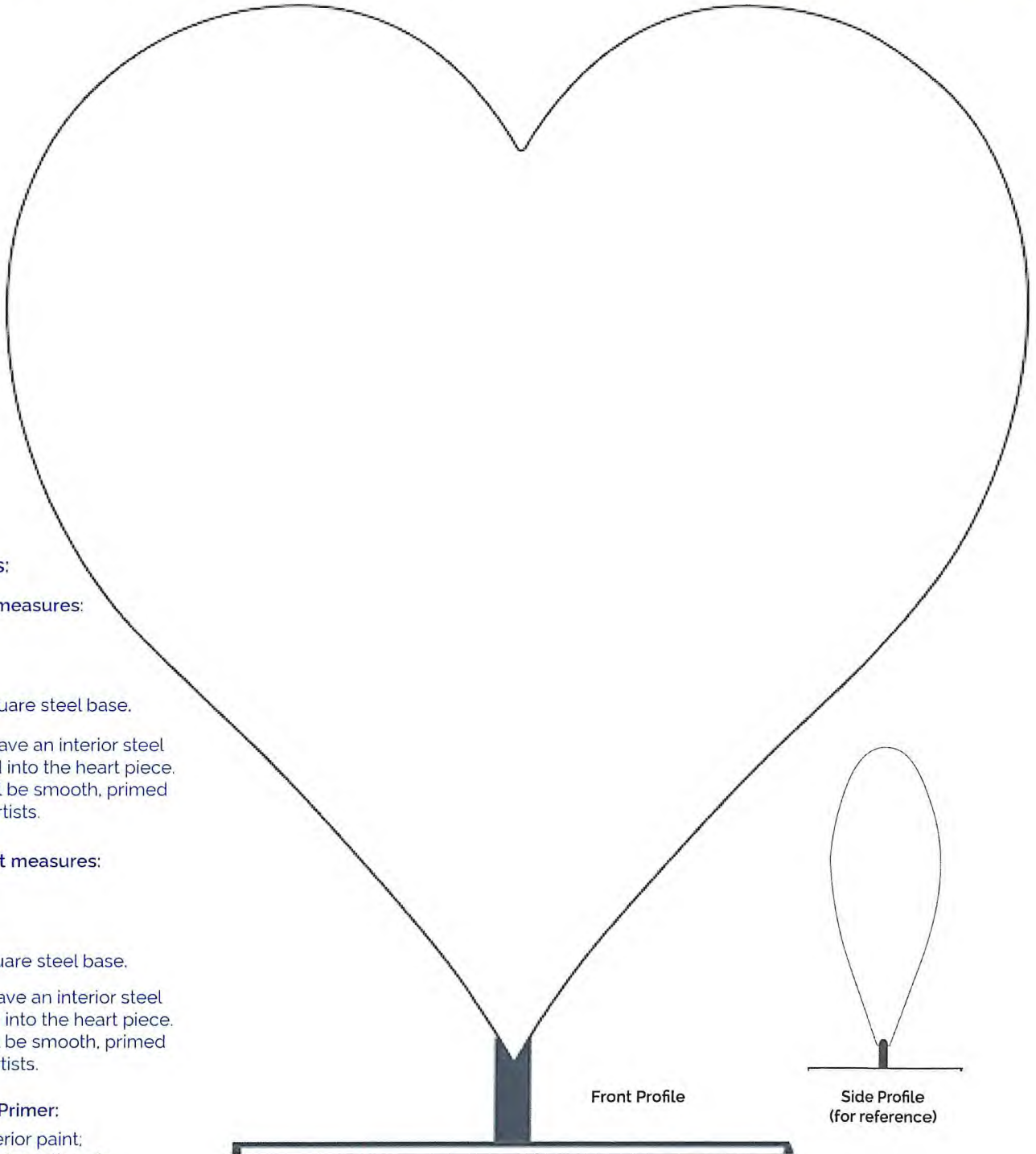
Two hearts will be created by Prop Art Studio located in Detroit. The Big Heart is 4ft tall weighing approximately 60lbs and the Open Heart is 22-inches tall weighing approximately 20lbs. Both hearts will arrive with a rough factory priming on them. Detailed tips on prep and finished will be provided to artists whose designs are selected for completion. See next page for template and dimensions.

Please return designed template to:
106 Kercheval Ave., Grosse Pointe Farms, MI 48236
www.grossepointechamber.com

GrossePointe
CHAMBER OF COMMERCE



Artist's Name: _____
Phone Number: _____
Name of Heart Work: _____
Email: _____



Specifications:

The Big Heart measures:

4-ft tall
43" widest
16" deep
24"x24"x1/4" square steel base.

The heart will have an interior steel armature cased into the heart piece.
The surface will be smooth, primed and ready for artists.

The Open Heart measures:

22" tall
19.75" widest
8" deep
12"x12"x1/8" square steel base.

The heart will have an interior steel armature cased into the heart piece.
The surface will be smooth, primed and ready for artists.

Exterior Based Primer:

Any type of exterior paint;
Latex, acrylic, automotive etc.

*the higher quality exterior paint the better the finish and durability.

The prime that is on the GP Heart is a lacquer primer (automotive).
They are ready to lightly sand and paint with an exterior paint listed above.

Lisa Hathaway

From: Shawn Murphy
Sent: Friday, March 12, 2021 10:27 AM
To: Lisa Hathaway
Subject: RE: Council agenda item 03/15- Chamber of Commerce Sponsorship

Lisa,

The City paid \$2,500 for the Adopt a Dog Program in 2018 and it was charged to 101-101-881.000

Shawn Murphy
Treasurer/Comptroller
City of Grosse Pointe Woods
313-343-2604
smurphy@gpwmi.us

From: Lisa Hathaway <LHathaway@gpwmi.us>
Sent: Friday, March 12, 2021 10:03 AM
To: Shawn Murphy <smurphy@gpwmi.us>
Cc: Frank Schulte <fschulte@gpwmi.us>; Bruce Smith <bsmith@gpwmi.us>
Subject: RE: Council agenda item 03/15- Chamber of Commerce Sponsorship

It was one of the lowest two costs previously I believe. That having been said, this item may be pulled and placed on the next COW but the information will be needed regardless.

Thanks Shawn.

*Lisa Kay Hathaway, MiPMC-3/MMC
City Clerk/F.O.I.A. Coordinator
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236
313 343-2447
313 343-5667 (Fax)*

*"It always seems impossible . . . until it's done."
~ Nelson Mandela*

From: Shawn Murphy <smurphy@gpwmi.us>
Sent: Friday, March 12, 2021 9:12 AM
To: Lisa Hathaway <LHathaway@gpwmi.us>
Cc: Frank Schulte <fschulte@gpwmi.us>; Bruce Smith <bsmith@gpwmi.us>
Subject: RE: Council agenda item 03/15- Chamber of Commerce Sponsorship

Lisa,

How much is the sponsorship?

Shawn Murphy
Treasurer/Comptroller
City of Grosse Pointe Woods
313-343-2604
smurphy@gpwmi.us

From: Lisa Hathaway <LHathaway@gpwmi.us>
Sent: Thursday, March 11, 2021 8:05 PM
To: Shawn Murphy <smurphy@gpwmi.us>
Cc: Frank Schulte <fschulte@gpwmi.us>; Bruce Smith <bsmith@gpwmi.us>
Subject: Council agenda item 03/15- Chamber of Commerce Sponsorship
Importance: High

Hi,

The subject is similar to the prior Skip the Dog, butterfly bench, and fish statues only it is a "heart". Are there funds available for this in any amount budgeted in possibly Council's budget or another budget? If yes, account name and number please.

Thank you,

*Lisa Kay Hathaway, MiPMC-3/MMC
City Clerk/F.O.I.A. Coordinator
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236
313 343-2447
313 343-5667 (Fax)*

*"It always seems impossible . . . until it's done."
~ Nelson Mandela*



ANDERSON, ECKSTEIN & WESTRICK, INC.
CIVIL ENGINEERS - SURVEYORS - ARCHITECTS

51301 Schoenherr Road, Shelby Township, MI 48315
586.726.1234 | www.aewinc.com



March 8, 2021

Bruce Smith, City Administrator
City of Grosse Pointe Woods
20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236

AEW PER YR 2020
\$ 860,000
RECEIVED
MAR 11 2021
CITY OF GROSSE POINTE WOODS
CLERK'S DEPARTMENT
\$ 43,000
\$ 24,000

Reference: 2021-2023 Engineering Hourly Rates
AEW Project No. 0160-0000

Dear Mr. Smith:

We appreciate the opportunities the City of Grosse Pointe Woods has afforded us to provide consulting engineering services. Anderson, Eckstein and Westrick, Inc. (AEW) has enjoyed the privilege of growing with the community, as an integral part of your team!

In accordance with our contract, our hourly fees are subject to be adjusted annually to reflect inflationary increases, typically based upon the United States Department of Labor Detroit Metropolitan Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI). According to our records, the last rate increase that was approved by the City was in 2005. Since then the CPI has increased 25.8% (see attached).

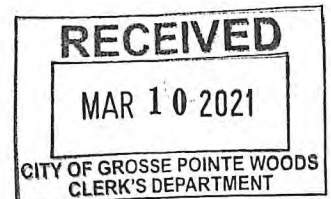
It is understood the City is in the process of preparing the 2021-2022 budget. At this time, we are requesting the City consider an hourly rate increase of 5% for 2021 and an incremental increase for the next 2 fiscal years of 2.8% (proposed rates attached, Exhibit "A").

We request your approval of the proposed hourly rate modifications. We sincerely appreciate the opportunity to work with the City of Grosse Pointe Woods and are very grateful for your consideration. If you have any questions or would like further information, please advise.

Sincerely,


Scott Lockwood, PE

Enclosure: CPI Marked up
Exhibit "A"- Proposed Hourly Rates



M:\0160\0160-0000\Contracts\2021-2023 Hourly Charge Rate Adjustment.docx



U.S. BUREAU OF LABOR STATISTICS

Databases, Tables & Calculators by Subject

Change Output Options: From: 2005 To: 2020 GO

☐ include graphs
 ☐ include annual averages

[More Formatting Options](#)

Data extracted on: March 1, 2021 (4:00:24 PM)

CPI for Urban Wage Earners and Clerical Workers (CPI-W)

12-Month Percent Change

Series id: CWURS23BSA0,CWUSS23BSA0

Not Seasonally Adjusted

Series Title: All items in Detroit-Warren-Dearborn, MI, urban wage earners and clerical workers, not seasonally adjusted

Area: Detroit-Warren-Dearborn, MI

Item: All items

Base Period: 1982-84=100

Download: [CSV](#) [XLS](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2005		2.5		3.3		2.4		3.4		4.1		4.0	3.2	2.7	3.7
2006		3.8		3.8		4.0		3.4		0.4		1.6	2.9	3.9	2.0
2007		1.6		1.7		2.4		0.4		2.6		2.5	1.9	1.9	1.8
2008		2.6		2.9		3.5		5.5		2.2		-1.6	2.7	2.9	2.5
2009		-0.7		-1.9		-1.7		-2.6		-0.1		3.5	-0.8	-1.4	-0.2
2010		1.4		1.9		0.4		0.6		0.8		1.3	1.1	1.5	0.8
2011		2.0		3.6		4.8		4.5		3.7		3.9	3.6	3.2	4.1
2012		4.5		2.7		0.8		2.2		3.0		1.7	2.6	2.9	2.2
2013		1.9		1.0		3.3		1.0		0.5		0.7	1.4	1.9	1.0
2014		0.5		1.9		1.2		0.9		0.6		-0.7	0.8	1.2	0.4
2015		-2.6		-2.8		-3.2		-1.3		-0.9		-0.5	-2.0	-2.8	-1.1
2016		0.6		1.0		2.0		1.2		1.4		2.5	1.3	1.2	1.5
2017		3.1		2.3		1.0		1.1		1.8		2.5	2.1	2.3	1.8
2018		2.2		2.3		3.5		3.2		2.5		1.3	2.5	2.6	2.4
2019		1.1		1.3		0.5		1.5		2.2		2.8	1.4	0.9	1.9
2020		3.0		-1.0		0.5				1.9		0.6	1.1	1.2	1.0
													25.8		

U.S. BUREAU OF LABOR STATISTICS Postal Square Building 2 Massachusetts Avenue NE Washington, DC 20212-0001

Telephone: 1-202-691-5200, Federal Relay Service: 1-800-877-8339, www.bls.gov [Contact Us](#)



EXHIBIT "A"

**CITY OF GROSSE POINTE WOODS
HOURLY CHARGE RATES**

<u>EMPLOYEE CLASSIFICATION</u>	<u>CURRENT (2005)</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
PRINCIPAL ENGINEER / SURVEYOR / ARCHITECT	103.00	108.20	111.20	114.30
SENIOR PROJECT ENGINEER / SURVEYOR / ARCHITECT	103.00	108.20	111.20	114.30
LICENSED ENGINEER / SURVEYOR / ARCHITECT	103.00	108.20	111.20	114.30
GRADUATE ENGINEER / SURVEYOR / ARCHITECT	83.50	87.70	90.20	92.70
TEAM LEADER	83.50	87.70	90.20	92.70
ENGINEERING AIDE III	70.00	73.50	75.60	77.70
ENGINEERING AIDE II	62.00	65.10	66.90	68.80
ENGINEERING AIDE I	56.00	58.80	60.40	62.10
ENGINEERING AIDE TRAINEE	40.50	42.50	43.70	44.90
SECRETARIAL (Special Projects)	33.00	34.70	35.70	36.70
SURVEY FIELD (3 PERSON CREW)	169.50	178.00	183.00	188.10
SURVEY FIELD (2 PERSON CREW)	141.00	148.10	152.20	156.50
CONFINED SPACE ENTRY CREW	185.50	194.80	200.30	205.90
DATA COLLECTOR (SURVEY CREW)	22.50	23.60	24.30	25.00
COMPUTER SYSTEM	11.50	12.10	12.40	12.70
GPS SURVEY EQUIPMENT	57.50	60.40	62.10	63.80

EFFECTIVE JULY 1 OF INDICATED YEAR

LISA A. ANDERSON
landerson@rsjalaw.com

27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
rsjalaw.com



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

March 15, 2021

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

RE: Vacancy in the Office of the Mayor

Dear Mayor Pro Tem and Council:

I was asked to review and advise on the legal process for filling a vacancy in the Office of the Mayor. Charter Sections 3.5 and 4.1 provide that Council consists of seven elected officers, which include the Mayor and six councilmembers. Section 4.4 of the City Charter applies to the absence or disability of the Mayor and states that the Mayor Pro Tem performs the duties of the Mayor in the Mayor's absence or disability.

While Section 4.4 of the City Charter addresses the absence or disability of the Mayor, vacancies in office are addressed under separate Charter provisions. Section 5.2 of the City Charter provides the following with regard to vacancies in office:

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

(a) For any reason specified by statute or by this Charter as creating a vacancy in office.

The Michigan Legislature has determined that the death of an incumbent during the term of their office creates a vacancy in office. MCL 201.3. The untimely death of Mayor Novitke during his term of office creates a vacancy in the Office of Mayor under State law and the City Charter.

Section 5.4 of the City Charter establishes the following procedure for filling vacancies in office:

(b) Vacancies in elective offices other than [the] Municipal Judge shall be filled by appointment by Council, of a person possessing the qualifications for office. Any person appointed to a vacancy in any such elective offices shall hold office until such vacancy is filled at the next regular city election.

Summarizing the relevant provisions, the Charter states that:

- Council must consist of seven elected officers, one of whom is the Mayor (Sections 3.5, 4.1);
- Council must declare a vacancy in office upon the death of a Councilmember before the expiration of the term of office (Section 5.2); and
- The vacancy in office is filled by appointment of Council (Section 5.4(b)).

As Council knows from discussions at previous Council and Committee of the Whole meetings, the City Charter does not establish a procedure for appointing an individual to a vacant Council seat or Mayoral office. The Charter also does not establish a timeline for making an appointment. In 1979, the Attorney General issued an opinion which considered the duty to make appointments to vacant offices under the General Law Village Act. The Attorney General concluded that there is a duty to fill a vacancy in office within a reasonable amount of time and held that a seven-month period was unreasonable. OAG, 1979–1980, No 5613, p 517 (December 21, 1979). Attorney General opinions are not binding precedent but provide some guidance on how issues may be viewed.

While the Mayor Pro Tem does not automatically fill the Mayor's vacant seat (unless appointed), he will continue to fulfill the duties of the Mayor until such appointment is made. As a practical consideration, a Councilmember who is appointed to the Office of Mayor would resign his or her current Council position and would serve out the Mayor's remaining term through November 2021, at which time that individual would run for election to the Mayor's seat or for re-election to Council. If a Councilmember is appointed who currently serves through 2023, that individual loses the benefit of that longer term and must run for election in November.

Appointing a Councilmember to serve as Mayor will create a new vacancy on Council, which may be filled by Council appointment. The newly appointed Councilmember would hold office until the vacancy is filled at the November 2021 election. If no appointment is made to the two vacant seats, the vacancies will be filled at the November election. Although the law is not entirely clear, as a matter of good form, any new Mayoral appointee from among the members of Council should take a new oath for the Office of Mayor.

This leads to yet another question. If the Mayor Pro Tem is appointed to the Office of Mayor, must Council elect a new Mayor Pro Tem? Section 4.3 of the City Charter provides that Council elects a Mayor Pro Tem from among its members at the first Council meeting following each regular election. In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability. Council is not required under Section 4.3 to elect a new member to serve as Mayor Pro Tem if the present Mayor Pro Tem is appointed to the Office of Mayor. A new Mayor Pro Tem will be elected by Council in November.

I will be available at the Council meeting to address any questions.

Mayor and City Council
March 15, 2021
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Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

A handwritten signature in cursive script, appearing to read "Lisa A. Anderson".

Lisa A. Anderson

Robert E. Novitke
Roles in GPW City Government 2021

Position	Role	Authority	Term Expires
Mayor	Elected Officials	Elected	21-Nov
Chair/Trustee	Pension Board & Retiree Healthcare Trust Fund	By virtue of Position	21-Nov
Member	Ad Hoc Public Safety Committee	N/A	21-Nov
Chair	Community Events Committee	By appointment by Mayor	21-Nov
Member	Compensation & Evaluation Committee	By appointment by Mayor	21-Nov
Member	Construction Committee	By appointment by Mayor	21-Nov
Member	Finance Committee	By appointment by Mayor	21-Nov
Member	Judicial Liaison Committee	By appointment by Mayor	21-Nov
Member	Mayor's Mack Avenue Business Study Committee	By appointment by Mayor	21-Nov
Member	Public Relations Committee	By appointment by Mayor	21-Nov
Member	General Organizations: Grosse Pointe Chamber of Commerce	By appointment by Mayor	21-Nov