



AGENDA - City Council

DATE: September 19, 2022 7:00 PM City Council
Chambers

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Consent Agenda
 - I. Approval of August 15, 2022 Minutes
 - II. Approval of August 22, 2022 Minutes
 - III. Committee & Commissions Report
 - IV. Finance Report
- V. Public Comment (Agenda Items)
- VI. Managers' Report
- VII. Unfinished Business
 - I. OHM Sewer Update
 - II. Public Hearing-Vacation of Wayburn
 - III. Resolution to Vacate a portion of Wayburn
 - IV. Council Comment
- VIII. New Business
 - I. Bid Award: Mack Avenue Water Main
 - II. Cost Recovery Ordinance #233
 - III. Planning Commission Appointments
 - IV. Donation Policy
 - V. City Attorney Review
 - VI. Council Comment
- IX. Public Comment (Non-Agenda Items)
- X. Adjournment

Public Comment: Public Comments are limited to three minutes.

Live Stream: The meeting will be livestreamed to the Official City of Grosse Pointe Park YouTube Channel.

CITY COUNCIL MEETING - August 15, 2022
7:00 PM

CALL TO ORDER

The meeting was called to order by Mayor Hodges and opened with the Pledge of Allegiance to the Flag. Popcorn was provided to the City Council by local business Cabbage Patch Saloon and iced tea was provided by local business O'Flaherty's.

ROLL CALL

The following were present: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

Excused Absence: Councilmember Relan.

Also present: Nick Sizeland, City Manager; Jane M. Blahut, Finance Director/Clerk; Erica Shell, Assistant City Attorney; Bryan Jarrell, Director of Public Safety; Patrick Droze, OHM Advisors, City Engineer; Warren Rothe, Assistant City Manager; and Courtney Delmege, Deputy Clerk.

APPROVAL OF CONSENT AGENDA

Motion by Councilmember Wiener, seconded by Councilmember Brenner to approve the consent agenda consisting of the following: July 18, 2022 minutes; committee and commissions report; and the finance report; and the budget report including invoices paid through July.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

EXCUSED: Councilmember Relan

PUBLIC COMMENT (AGENDA ITEMS)

There were no public comments.

MANAGERS' REPORT/PUBLIC SAFETY

City Manager Sizeland presented a brief overview of the status of issues since the last meeting: City Master Plan; DPW building update; Parks & Recreation update; Alley paving and separating; August primary election update; proposal for water main project at next meeting; FEMA Funding; FEMA Grant update; and infrastructure update.

Public Safety Director Jarrell presented a brief overview on the following: Crossing Guards; alley safety; child safety seat technicians; babysitting class on September 17, 2022; SEMCOG meeting for crossing on Kercheval between Defer Elementary and Pierce Middle school; Public Safety open house on September 25, 2022; staffing update; and cost recovery ordinance.

UNFINISHED BUSINESS

OHM SEWER UPDATE

City Engineer Patrick Droze presented a storm progress report including: sewer televising and manhole condition assessment; coordination with EGLE; St. Clare Montefalco Church; sewer relief system at Patterson Park (aka EERV); downspout disconnections; model development – hydrology & hydraulics; flow metering; 2023 projects; and future project development.

COUNCIL COMMENT

Councilmember Gallagher commented on the following: why is the proposed millage for only 10 years instead of 20 years to cover costs of lead service line replacement; what happens to residents who have already replaced their own lead service lines; why was consideration of fees for millage based on property value instead of lot frontage.

Councilmember Brenner responded with the following: the millage is for 10 years in hopes that there will be grants available to help with costs.

Councilmember Caulfield also brought forth that the millage will provide time to properly allocate funds from Baker Tilly, who is looking at our capital improvement plan.

Councilmember Wiener responded with the following: the infrastructure is in dire need of a lot of work across the board; multiple avenues are being pursued to achieve funding; repairs are consuming reserve funds; time to update and replace instead of patching; millage is the least-burdensome financial request of residents compared to a bond where the City is paying interest; millage also allows for a longer term action plan; and Infrastructure committee is also looking into other avenues in the event the millage does not pass.

Mayor Hodges responded with the following: Great questions being asked to be incorporated into the FAQ; City Council approved putting the infrastructure millage proposal on the ballot to put the decision in the hands of the voters and it was also a recommended avenue by Baker Tilly.

NEW BUSINESS

GLWA WATER SERVICES CONTRACT AMENDMENT NO.1

City Manager Sizeland presented GLWA water services contract amendment number 1, which would: establish an annual volume of 58,000 million cubic feet; reduce the maximum daily volume from 3.23 million gallons per day (MGD) to 3.09 MGD; and maintain the maximum peak hour volume from 5.31 MGD.

CITY OF GROSSE POINTE PARK WAYNE COUNTY, MICHIGAN RESOLUTION AUTHORIZING GLWA WATER CONTRACT AMENDMENT

WHEREAS, GLWA leases, operates, and maintains the public water supply system owned by the City of Detroit ("System"); and

WHEREAS, On March 24, 2021, the Parties entered a Water Service Contract ("Contract")

reflecting the terms and conditions governing the delivery and purchase of potable water, as subsequently amended and assigned; and

WHEREAS, GLWA has determined that its charge methodology renders irrelevant the “minimum take or pay” terms of Section 5.06 of the Contract; and

WHEREAS, Article 15 of the Contract permits the Parties to amend the Contract by mutual agreement; and

WHEREAS, In consideration of the mutual undertakings of the Parties and for the benefit of the public, it is the mutual desire of the Parties to enter this Amendment to amend the Contract.

NOW, THEREFORE, BE IT RESOLVED, that Mayor Hodges and the City Council of Grosse Pointe Park on August 15, 2022 authorizes Amendment No.1 to Water Service Contract between the Great Lakes Water Authority and the City of Grosse Pointe Park.

Motion by Councilmember Wiener, seconded by Councilmember Gallagher to approve the resolution authorizing GLWA contract amendment.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

EXCUSED: Councilmember Relan

RESOLUTION DECLARED ADOPTED

BID PROPOSAL FOR ALLEY RESURFACING

In June of 2022, OHM solicited bids on BidNet (an online, electronic bidding platform) for the milling and paving of 5 alleys throughout the City of Grosse Pointe Park. The proposed fixes included milling off 1.5-3.0 inches of pavement and replacing with MDOT 5E1 HMA. Failed concrete pavement beneath will be removed and replaced with HMA where necessary. An emulsion-based asphaltic binder will be placed between existing and new pavement, as well as between any lifts greater than 3 inches, to ensure proper adhesion. The work also includes replacement of sanitary sewer manhole covers to reduce stormwater inflow. While 19 vendors viewed the bid, the City did not receive any bids for the work.

In 2021, the City requested estimates for future road planning in 2022 as the funds for 2021 had been allocated to other road resurfacing projects. 2021 estimates ranged in value from \$87,656.40 to \$181,567.00 with Hutch Paving being the low bidder.

Due to the lack of bids received for 2022 work, OHM contacted the three bidders from 2021 and requested updated pricing and interest in the project. To date, pricing has only been obtained from Hutch Paving (the low bidder in 2021), which is now quoted at \$141,000. Jeffrey and Allied are not interested. The increase is due to the well documented cost escalation of material, labor costs and petroleum.

Motion by Councilmember Wiener, seconded by Councilmember Gallagher to approve the bid proposal for alley resurfacing from Hutch Paving for \$141,000.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

EXCUSED: Councilmember Relan

FIRE CODE ORDINANCE #232

The Ordinance Committee has prepared the following ordinance that amends Chapter 7 of the City Code by formally adopting the International Fire Code, 2021 Edition. This is the most up-to-date fire code available, and its adoption is intended to provide effective and continuing safeguards against the hazards of fire and to thereby protect public health, safety and welfare. The adoption of the International Fire Code reinforces existing Building Code requirements. The City Attorney's Office believes that, as presented, the Ordinance brings the City's Code up to the most current standard for fire safety. The Public Safety Director and Building Official will work together to enforce these requirements and related ordinances.

CITY OF GROSSE POINTE PARK Ordinance No. 232

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GROSSE POINTE PARK BY AMENDING CHAPTER 7 RELATING TO BUILDINGS

TABLE OF CONTENTS: THE CITY OF GROSSE POINTE PARK ORDAINS:

ARTICLE 1 – In General

Sec. 7-3. International Fire Code Adopted. The International Fire Code, 2021 Edition, as published by the International Code Council, printed copies of which are on file in the office of the City Clerk, is hereby adopted as the fire prevention code of the City, in order to provide effective and continuing safeguards against the hazards of fire and to thereby protect the public health, safety and welfare. The City hereby automatically incorporates subsequent editions of the International Fire Code, as published and updated by the International Code Council from time to time, as the fire prevention code of the City. Such code, as amended from time to time, shall be in full force and effect in the city as if set out in full in this section, subject to the revisions prescribed in Section 7-4.

Sec. 7-4. Revision.

The following section of the adopted International Fire Code, 2021 Edition, is hereby revised as follows:

Sec. 101.1 Title. These regulations shall be known as the Fire Code of the City of Grosse Pointe Park, hereinafter referred to as "this Code."

Sec. 7-5. Enforcement Officer.

The fire prevention code shall be enforced by the director of the department of public safety or the director's designee. The director may assign appropriate aspects of the enforcement

requirements to the City building official or the building official's designee. The designated enforcement officer of such code is referred to as the "code official."

Sec. 7-6. Modifications.

(a) The director of public safety shall have the power to modify any of the provisions of the fire prevention code upon application, in writing, by the owner or lessee, or a duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done.

(b) The particulars of such modification, when granted or allowed, and the decision of the office of the director of public safety on such modification shall be entered upon the record of the department of public safety, and a signed copy shall be furnished to the applicant.

Sec. 7-7. Appeals.

Whenever the office of the director of public safety shall disapprove an application, refuse to grant a permit applied for or where it is claimed that the meaning of the fire prevention code has been misconstrued or wrongly interpreted, the applicant may appeal the decision to the City Council within 30 days from the date of the decision appealed.

Motion by Councilmember McMillan, seconded by Councilmember Gallagher to adopt ordinance 232 relating to the fire code as presented.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

EXCUSED: Councilmember Relan

SET PUBLIC HEARING TO VACATE WAYBURN

In 2019, the City entered into a purchase agreement with the Urban Renewal Initiative Foundation ("URIF"), under which it agreed to convey certain property on Jefferson Avenue between Alter Road and Maryland Avenue for development by URIF as a non-profit community center for the arts (the "Schaap Center"). That property is the present location of the City's Department of Public Works ("DPW") facility. Under the Purchase Agreement, the City is required to convey the property within ninety (90) days of the date the URIF provides documentation that it has met its funding targets. URIF has provided those documents to the City, and the City is preparing to convey the property.

The property to be conveyed to URIF includes an unused segment of Wayburn north of Jefferson Avenue. To comply with its obligations under the Purchase Agreement, City Administration proposes the vacation of this segment of Wayburn, as described in the attached resolution. URIF is unable to begin construction of the Schaap Center until the City relocates the current DPW facility and conveys legal ownership of the property to URIF.

Motion by Councilmember Wiener, seconded by Councilmember Gallagher to set a public

hearing date of September 19, 2022 for approving the resolution to vacate Wayburn.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

EXCUSED: Councilmember Relan

COUNCIL COMMENT

Councilmember McMillan commented on the following: Excited to see residents applying for boards and commissions and encouraged more residents to do so.

Councilmember Gallagher commented on the following: Councilmembers are not to be interrupted except by a point of order or point of privilege; received correspondence from the Mayor regarding management of the previous meeting and desire to professionalize and be most productive; emails including two scenarios, one where there is no limit on debate and one with a limit on debate and if needed, the council rules and code of conduct can be amended; a motion to end the debate was made which is not on the rules of order; and Councilmember Gallagher does not want a limit on debate.

Councilmember Wiener responded to Councilmember Gallagher on the following: Commended Mayor Hodges on running tight, organized meetings; when running for Council, one of the platforms that both Councilmember Wiener and Councilmember Gallagher ran on was that micromanagement was a problem; meetings were four or five hours with not a lot to show for it; there is an effective way to debate; no questions were sent to anyone on infrastructure; there is a very big difference on constructive action and constructive dialogue and commiseration between a group; inappropriate to suggest that Mayor Hodges is doing anything untoward and it was an unfounded attack and accusation.

Mayor Hodges responded to Councilmember Gallagher on the following: Remains committed to working with Councilmember Gallagher and has since the last meeting, reached out and asked to meet, which Councilmember Gallagher declined; both City Manager Sizeland and Mayor Hodges reached out for her questions and she declined to submit; organizational culture is really important; and importance of efficiency in meetings.

Councilmember Caulfield commented on the following: It is part of the Council's job to make the time to review the consent agenda and council packet, everyone is busy but it must be done.

PUBLIC COMMENT (NON-AGENDA ITEMS)

There were two public comments made.

ADJOURNMENT

Motion by Councilmember Wiener, seconded by Councilmember McMillan, to adjourn the meeting.

AYES: Councilmembers Brenner, Gallagher, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

EXCUSED: Councilmember Relan

With no further business, the meeting adjourned at 8:48 p.m.

DRAFT PENDING APPROVAL

CITY COUNCIL MEETING - August 22, 2022
6:00 PM

CALL TO ORDER

The meeting was called to order by Mayor Hodges and opened with the Pledge of Allegiance to the Flag.

ROLL CALL

The following were present: Councilmembers Brenner, Caulfield, Wiener, and McMillan, and Mayor Hodges.

Excused Absence: Councilmembers Gallagher and Relan.

Also present: Nick Sizeland, City Manager; Jane M. Blahut, Finance Director/Clerk; Jake Howlett, City Attorney; and Bryan Jarrell, Director of Public Safety.

PUBLIC COMMENT

There were four public comments made.

NEW BUSINESS

ACCEPTANCE OF DONATIONS FROM GROSSE POINTE PARK FOUNDATION

The Grosse Pointe Park Foundation has approved donating \$157,650 to the City of Grosse Pointe Park to be applied as follows: \$27,650 for Public Safety Shields, \$130,000 for Sluice Gate and Backflow Prevention Device for the EERV sewer project located at Patterson Park.

Motion by Councilmember Wiener, seconded by Councilmember Caulfield to accept the donation of \$157,650 made by the Grosse Pointe Park Foundation to be applied towards \$27,650 for Public Safety Shields, \$130,000 for Sluice Gate and Backflow Prevention Device for the EERV; authorize the necessary budget amendments to complete the transaction; and approval to purchase the materials.

AYES: Councilmembers Brenner, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

EXCUSED: Councilmembers Gallagher and Relan.

ADJOURNMENT

Motion by Councilmember Wiener, seconded by Councilmember McMillan, to adjourn the meeting.

AYES: Councilmembers Brenner, Caulfield, Wiener, and McMillan, and Mayor Hodges.

NAYS: None

ABSENT: Councilmembers Gallagher and Relan.

With no further business, the meeting adjourned at 6:25 p.m.



COMMITTEE & COMMISSION REPORTS

DATE: September 19, 2022

Ordinance Review Committee – August 16, 2022

- Committee met on August 16, 2022, to discuss the cost recovery ordinance. Unanimous decision to send to the September Council meeting. Ordinance committee will be reviewing updates to the garbage and solicitation sections of the City Code on September 20 at 4:00 PM.

Downtown Development Authority Board – August 16, 2022

- Discussion took place regarding future DDA Parking lot with a brief history overview
- A Request For Proposal was approved to have a future design rendering of the City Campus area including the City Hall, Public Safety and Library

Beautification Commission – September 7, 2022

- Grosse Pointe Farms and Garden Club pledge to plant "90 trees for 90 years" on track for this fall. Colter has identified the planting locations and species (over 20 different types of trees will be planted).
- Park resident Paul Van Tol has generously propagated 100 trees from seed for donation to GPP. Trees are now 7 years old and ready to be transplanted from his tree farm in Clinton Township to GPP this spring. Colter is working on the logistics.
- Commissioners Pat Deck and Kim Clextan reported that GPP will host the December 8 meeting of the Beautification Council of Southeastern Michigan at the Tompkins Center.
- Chair Kim Clextan and Vice President Lisa Kyle reviewed the process to prepare for the Annual Beautification Awards program.

Recreation Commission – September 14, 2022

- Installed new pool boiler for next season
- Halloween in the Park tickets on sale October 1, 2022
- Pickleball, Volleyball, and Cornhole leagues are available in October, Basketball league started on September 14, 2022



COMMITTEE & COMMISSION REPORTS

DATE: September 19, 2022

- Started installing Wi-Fi upgrade at Windmill Pointe Park
- Camp Wind-Y-Mill had the best turn out this year with over 100 camp sites.

Infrastructure Town Hall

- Town Hall meeting on September 20, 2022 at 7:00pm in Council Chambers

Grosse Pointe Park Infrastructure General Updates and Status Report August/September 2022:

Here are some bullet points of current projects, work and planning is not limited to this.

Infrastructure/Millage Town Hall

There will be an infrastructure meeting/townhall conducted September 20th at 7pm at city hall. This meeting will be streamed, residents are encouraged to attend or feel free to submit questions through the infrastructure website or cityclerk@grossepointepark.org.

EERV

The Grosse Pointe Park Foundation provided an incredibly generous donation covering the material cost of the Sluice Gate and Backflow Preventer. These components have now been ordered. They represent the longest lead time items for the installation of the EERV and having the fabrication underway clears a major timing hurdle. Our goal is to work towards having additional flooding protections online for the 2023 rainy season.

We continue to work closely with EGLE to finalize work for a permit approval, unfortunately, the weather has not been compliant, but knowing that the engineering team has held recent meetings to try and make modeling adjustments.

The further significance of the Sluice Gate and Backflow preventer is they represent equipment components, that while intended for the EERV, also have a secondary use designed that is installation ready and would also provide added flooding protection to residents and does not require a permit, so both paths are being pursued simultaneously.

Communications:

The Infrastructure website has gone live. The site is part of the city website, <https://www.grossepointepark.org/infrastructure/index.php>

It currently has an index of our monthly updates, downspout FAQ, a button to communicate concerns, the PASER Rating map for roads and the millage FAQ. This is a work in progress and will be a dynamic site, as we receive more community questions, we will work to update it with responses and we will also try and incorporate other community feedback.

Large Capital Projects

Water Main Work

Bids are being received to conduct the Mack-Cadieux water main replacement, this is the most pressing area of need for water mains, the intention is to begin replacement work this year. Furthermore, as we change watermain lines we will be piggy backing lead line work in that area greatly improving efficiency and reducing cost to the city.

Alleyway Repaving

The Alley behind DPW resurfacing project will commence in the next few weeks and the Alleys for resurfacing approved by Council at our last meeting will be done the first two weeks of October, weather permitting.

Grants and External Funding

EGLE presented their draft plan for funding of communities. While Grosse Pointe Park did go up one spot we WILL NOT receive funding, even with \$255,000,000 in additional dollars from ARPA allocated to communities. We will continue to aggressively pursue any and all options, but this underscores our current focus on self-determination.

DPW Building

GPP portion of work is completed, move in is being dictated by completion of DTE work, city is being assured that we will be able to move in during October.

Scoping/Jetting and Flow Monitoring of Sewers:

There were some decent sized storms in August (although somehow GPP was spared the brunt of most of them), they did not cross the threshold for the EGLE permit, however, the strength of the storms did provide useful data which we are using for our modeling and we will use to reinforce our data to EGLE.

Sewer jetting was primarily focused on the north side of Jefferson this period, with further cleaning and removal of substantial debris.

External Discussions

DTE met with the City to discuss electric reliability and will continue working to trim trees near utility lines and continue upgrades to their poles.

August 2022

Invoices over \$5,000 for Acceptance

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Current Payment</u>	<u>Fiscal year to Date or Project to Date</u>
08/02/22	Bodman	Pros. Atty. & Retainer fee	10,000	10,000
08/05/22	Aquatic Source	Chemical order & valve repairs	10,945	10,945
08/05/22	Pipetek Services	Sanitary Sewer Televising Program	108,762	600,871
08/05/22	Arbor Pro	Tree Work	20,110	20,110
08/05/22	The Safety Company, LLC	Street sweeper	280,535	280,535
08/05/22	Great Lakes Water	Water charges- June	132,535	1,449,698
08/05/22	Hartford and Ratliff Co.	Balance on pool boiler	22,397	44,794
08/10/22	MML Workers Comp Fund	Policy Premium	8,394	8,394
08/10/22	Asphalt Control Corp.	Roadway repairs from catch basin replacement- June	8,673	34,978
08/11/22	Snider Recreation	Playground Equipment	12,135	12,135
08/17/22	Asphalt Control Corp.	Concrete repairs for watermain breaks/sidewalk replacements	23,440	23,440
08/17/22	Great Lakes Water	Waste water- July	158,700	158,700
08/17/22	Green for Life	Recycle for August	26,325	52,650
08/17/22	Green for Life	Rubbish for August	39,202	78,404
08/17/22	VC3, INC.	Annual Contract	29,532	29,532
08/26/22	Grosse Pointe Farms	Radio bill	43,142	43,142
08/26/22	OHM Advisors	Sewer Study/ CCTV Program	14,937	14,937
08/29/22	Ainsworth	Heating & Cooling unit for Schaap Theater- pmt. #1	11,255	11,255
08/29/22	Canfield Equipment	Furnish/install equipment on 2022 Ford Utility	18,590	52,727
08/31/22	Cascade Engineering	Toters	17,599	17,599
08/31/22	Green Meadows Landscape	Lawn maintenance at Parks	6,000	6,000
08/31/22	GP Clinton Refuse	Refuse disposal- July	17,802	17,802

memorandum

Date: September 13, 2022

To: Nick Sizeland, City Manager

cc: File

From: Patrick M. Droze, P.E.

Re: Monthly Progress Report

This monthly progress report is provided for the period of August 8, 2022 through September 13, 2022. This report includes a summary of ongoing efforts with system assessment, sewer model development, active site projects and community engagement.

SEWER TELEVISIONING AND MANHOLE CONDITION ASSESSMENT

Pipetek crews have completed CCTV inspections of all accessible portions of the City's sanitary sewer system. This has generally included a cleaning crew, televising crew, and a manhole inspection crew. As an overview, the contract included inspection of 230,000 feet of sanitary sewer within the City. Approximately 50,000 feet (25%) of sanitary sewer could not be inspected due to inaccessible structures or heavy debris that requires additional cleaning. Current work efforts are primarily focused on performing additional heavy cleaning of sewers previously attempted for inspection. Over the next period, work is expected to complete. Residents can find updates regarding this work on the City website.

https://www.grossepointepark.org/departments/public_works/sewer_televising_program.php

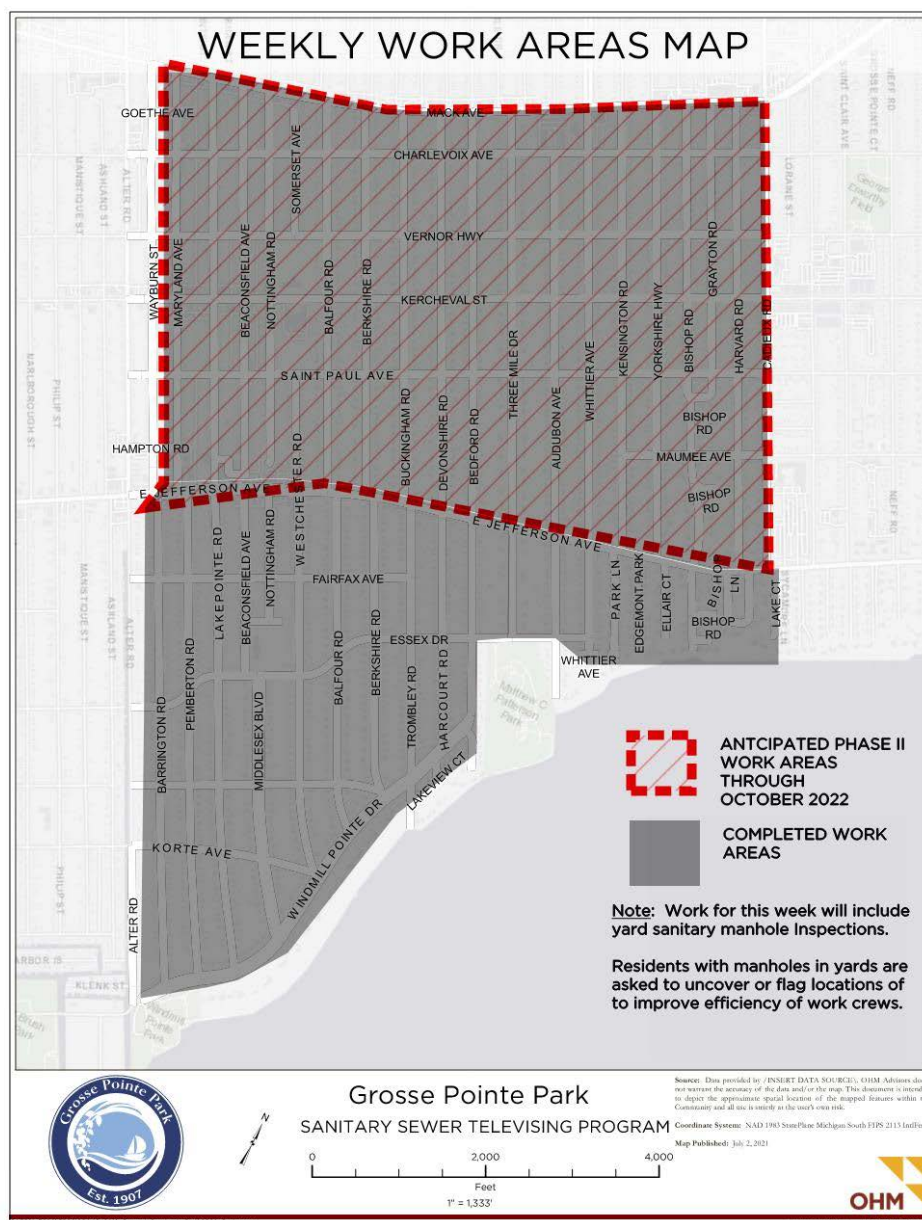


Figure 1 - Progress Map

Progress Report on Inspection

A summary of the work and findings to date are as follows:

- Inspections were attempted on all 12-inch to 84-inch diameter sewer in the City.
 - Approximately 50,000 feet (25%) of all sewers planned for inspection could not be inspected due to restrictions in access or heavy debris.
- Inspections of approximately 490 manholes has been completed.



- This represents **72%** of all the manholes planned for inspection. The remaining manholes could either not be found or were buried. Locating and excavating buried structures to bring them to grade should be put on a future maintenance program.
- The recommended contract payments to date are approximately 81% of the amount authorized by Council. Most items are within the anticipated ranges of the approved contract quantities. A contract change order was issued to account for the higher than anticipated volume of solids removal and higher than anticipated quantity for heavy cleaning.

General Findings on Condition:

- The contractor has had limited success getting through entire segments without additional debris removal. These segments will be identified for future cleaning programs so they can be fully inspected and rehabilitated, as necessary. The focus during this period has been on performing additional heavy cleaning activities.

Problems Encountered

- Accumulation of debris continues to be an issue as the Contractor worked through completion of sewer inspections in the southwest part of the City. Future operation and maintenance plans should include routine cleaning. Additional heavy cleaning of these sewers will be required to complete full inspections and identify other potential areas of concern.
- Locating structures in rear yards continues to be an issue. Access to these structures is necessary to fully clean and inspect rear yard sewers. Many structures are believed to be buried and are inaccessible without excavation. Locating and adjusting these structures to grade will be required to continue proper operation and maintenance activities on the system as well as making needed structural repairs to some of the sewers. Future capital improvement plans should include a combination of repair programs to restore the integrity of the system. In general, these may include manhole locating and adjustment programs, point repair sewer replacement, grouting, spot lining, full-length lining, slip lining, and sewer separation projects.

Additional Cleaning Work

Pipetek continues to work daily to perform additional heavy cleaning work. The work has targeted segments that were previously identified for additional heavy cleaning required. At this time, a contract balance of approximately \$35,000 remains at this time. In total Pipetek has removed over 800 cubic yards of material throughout the course of the project, with 99 cubic yards of debris removed over the last period.



Figure 2 - Locations of Additional Heavy Cleaning Work

Asset Management

With the completion of the majority of pipeline and manhole inspection, OHM proposes to moving forward with an assessment of the system. As part of this, OHM would review the condition assessment data for sanitary sewer pipes and manholes investigated under the program. Specific work tasks would include the following:

- ▶ Identify specific needs related to structural, I/I and operation and maintenance defects within sewers and manholes
- ▶ Prepare recommendations related to the type and method of rehabilitation for the manholes and pipe. The typical options for manholes include spray-in liners or manhole inserts, as well as isolated chimney repairs and adjustments. Typical options for pipe rehabilitation include spot liners, full pipe liners, slip lining, pipe joint grouting, and open cut repairs.
- ▶ Prioritize the needed improvements and forecast deterioration.
- ▶ Prepare conceptual level maps identifying the proposed pipe and manhole rehabilitation projects.
- ▶ Prepare a Conceptual Opinion of Construction Cost for a rehabilitation project.
- ▶ Identify projects for 2023 construction (pending funding).

COORDINATION WITH AGENCIES

▶ Department of Environment, Great Lakes and Energy (EGLE)

A meeting was held on 8/16/2022 with EGLE to discuss the model approach. OHM provided a meeting summary on 8/23/2022 and followed up with staff to check on their review of the data and understood that the technical documentation is still under review. A follow-up modeling meeting will be held on 09/29/2022 with EGLE and OHM.



ST CLARE MONTEFALCO CHURCH

Construction plans were been approved on September 9, 2022. The project can advance to construction upon approval of the water main by EGLE.

SEWER RELIEF SYSTEM AT PATTERSON PARK PROJECT (aka EERV)

As noted earlier, OHM met with EGLE on 07/20/22 to discuss the EGLE comments, sanitary sewer project update, and the EERV model. Other updates are provided below:

Advance Purchase of Long Lead items

OHM has coordinated with a vendor for the purchase of long-lead time elements of the relief system.

SCADA System

City Staff, Kennedy Industries, RESA Power and OHM will work over a 2-day period September 21-22, 2022 to perform a full system evaluation of the Patterson Park Stormwater Pumping station. This work will include documentation of the SCADA system and identifying future upgrades to accommodate system modernization. This will also include considerations for the addition of pumps.

BRIC Grant

On August 1, 2022, FEMA announced the selected BRIC Grant applicants. Unfortunately, Grosse Pointe Park did not receive a grant for the EERV. FEMA selected 53 projects from the 788 national applicant pool.

DOWNSPOUT DISCONNECTIONS

OHM and City staff have completed the city's downspout disconnection work. The downspout inspection findings to date are the following:

- ▀ Roughly 300 properties were inspected in the City
 - 63% of the properties are fully disconnected
 - 37% of the properties are partially disconnected (one or more downspout connected to the sewer system)

OHM met with DPW on August 8, 2022 to discuss the next steps for the downspout disconnection program. OHM has drafted a letter for the properties that did not participate in the inspection program early this year (March-May 2022). It is proposed that the City send letters to property owners as a reminder to coordinate downspout removals.

MODEL DEVELOPMENT – HYDROLOGY AND HYDRAULICS

OHM continues to update the hydraulic model based on City drawings and Pipetek data. In June, Pipetek performed manned entries into the Jefferson Avenue diversion chambers to record elevations of the side-flow weir lengths and height.

Using GLWA flow data from 2019 through 2021 and flow meter data from City meters, a hydrologic flow model for the Jefferson Pump Station has been completed. Hydrologic flow models will be developed for the flow meter locations once the flow metering is completed. OHM has used this to build 4 separate models for the 10-year, 25-year, 50-year and 100-year recurrence intervals. Based on the hydrologic model, a hydraulic model has been prepared for the existing and proposed condition for all recurrence intervals described above. A technical



memorandum on the model operations and EERV effectiveness was presented to EGLE. This technical memorandum will be expanded to be part of the Basis of Design. This modeling demonstrates the potential level of service for the improvement.

The OHM modeling team is also reviewing alternatives for other hydraulic improvements within the southern section of the City. Depending on effectiveness of these improvements, these may be added to the future CIP.

FLOW METERING

Flow data continues to be collected on a monthly basis. To date, the majority of rain events have been relatively light. There were smaller rain events throughout the summer such as June 6-8 (2.34”), June 20 (0.38”), July 5 (0.49”), July 24 (0.48”), August 8 (0.74”), August 21 (0.97”), and September 11 (0.32”). A summary of the monthly rainfall is below.

Month	Monthly Total
June	3.61 inches
July	1.55 inches
August	2.83 inches
September (as of 9/13)	0.42 inches

A review of the flow metering confirms that to date, no storm event has been significant enough to divert flow to the lower trunk sewer system.

The flow metering contract is set to expire within the next month. OHM is working with the meter vendor HESCO to identify options for continuing the metering of the system. This includes an alternative to buy-out the rental meters. These meters would be maintained with the goal to capture significant rain events. As noted above, the City has not experienced a significant storm during the 2022 growing season.

CAPITAL IMPROVEMENT PROGRAM

In late August, the team met with BakerTilly to discuss the rate study work that is analyzing the existing water/sewer rates. To support the rate setting work, OHM is developing 5 and 20-year horizon CIP projects to establish a framework of projects going forward.

FUNDING

City staff and OHM are looking into other funding opportunities such as State Revolving Fund (SRF) for Asset Management. A community can receive up to \$2 million for communities that did not participate in the State Stormwater, Asset Management and Wastewater (SAW) Grant. The fundings can be used for manholes and pipes that have a MACP or PACP score greater than or equal to 4. An intent to apply is due in November 2022.

LOOK AHEAD

Within the next month, we anticipate the following items will be completed:

- Work to gain acceptance of the hydrologic and hydraulic model with EGLE.
- Advance manhole cover replacement as part of the 2022 alley paving project.
- Work with staff on future projects to asset management and rate setting assistance



DOWNSPOUT DISCONNECTION PROGRAM

The City of Grosse Pointe Park has been working to address and implement preventive measures to reduce the potential for flooding during future storm events. A component for preventing flooding involves residents to participate in the **Downspout Disconnection Program**. From March through May 2022, letters were sent to residents to sign up for the City DPW to complete volunteer inspections of their property's downspouts.

Downspout disconnection is the process of disconnecting downspouts from the City of Grosse Pointe Park Sanitary System and directing the runoff from rain and snowmelt to an area where it can soak into the ground. Redirecting downspouts to a pervious area will restrict stormwater runoff from entering and flooding the sanitary sewer system and will help reduce basement flooding.

The *Grosse Pointe Park Ordinance Section 23-33.1 (Water and Sewer Connection Permits)*, paragraphs (a), (b) and (c) and the *State of Michigan Law* both require the isolation of downspouts from the sanitary sewer system. **If you are receiving this letter, then the City does not have record of downspout compliance. To comply with the ordinance, you can do one of the following:**

- Call Department of Public Works to come and inspect your property and have your status reported.

OR

- Use the web link to report your property downspouts connected or disconnected. The How-To instructions are provided in the web link.

HOW CAN I DISCONNECT? A diagram with more detailed information regarding downspout disconnection and the process and materials needed to disconnect a downspout can be found below:

[GPP Downspout Disconnection Flyer](#)

CONTACT INFORMATION Residents with questions or concerns regarding this work, please do not hesitate to contact the City of Grosse Pointe Park DPW

City of Grosse Pointe Park
Department of Public Works
313-822-5100



CITY COUNCIL MEETING

DATE: September 19, 2022

SUBJECT: Public Hearing-Vacation of Wayburn

SUMMARY: In 2019, the City entered into a purchase agreement with the Urban Renewal Initiative Foundation ("URIF"), under which it agreed to convey certain property on Jefferson Avenue between Alter Road and Maryland Avenue for development by URIF as a non-profit community center for the arts (the "Schaap Center"). That property is the present location of the City's Department of Public Works ("DPW") facility. Under the Purchase Agreement, the City is required to convey the property within ninety (90) days of the date the URIF provides proof that it has met its funding targets. URIF has provided those proofs to the City, and the City is preparing to convey the property.

The property to be conveyed to URIF includes an unused segment of Wayburn north of Jefferson Avenue. To comply with its obligations under the Purchase Agreement, City Administration proposes the vacation of this segment of Wayburn, as described in the attached resolution. URIF is unable to begin construction of the Schaap Center until the City relocates the current DPW facility and conveys legal ownership of the property to URIF. A public hearing is required to be held before the resolution can be adopted.

FINANCIAL IMPACT: None

RECOMMENDATION: Motion to adopt the resolution as presented to vacate the unused portion of Wayburn.

PREPARED BY: Nick Sizeland, City Manager



Urban Renewal Initiative Foundation (URIF)
26622 Woodward Ave., Suite 225
Royal Oak, MI 48067

Date: June 22, 2022
To: Nick Sizeland, City Manager
CC: Thomas J. Howlett, City Attorney
From: A. Paul Schaap, President
CC: Stephen J. Pokoj, Esq.
Subject: Notification

Dear Mr. Sizeland,

In accordance with the fully executed Purchase Agreement between Urban Renewal Initiative Foundation (URIF) and the City of Grosse Pointe Park (GPP), dated October 29, 2019, specifically Section 10 – Notices; this letter shall serve to fulfill Section 6 - Obligations, Item A, that URIF has sufficient funding to commence development of a non-profit community center for the arts in Grosse Pointe Park on a site located on Jefferson Avenue between Alter Road and Maryland Avenue (the “Schaap Center and Manoogian Gallery”).

Therefore, GPP shall convey to URIF the real property described in Exhibit B of the Purchase Agreement, and as further described below:

1. (ADDRESS #1005 WAYBURN) LOT 202 TURNBULL AND EPSTEAN’S JEFFERSON AVE SUB PC 570 L26 P98 WCR;
2. (ADDRESS #14927 JEFFERSON) LOT 201 TURNBULL AND EPSTEAN’S JEFFERSON AVE SUB PC 570 L26 P98 WCR;
3. (ADDRESS #14917 JEFFERSON) E. 47.21 FT OF S. 90 FT OF THAT PT OF LOT 1 LYG N. OF & ADJ JEFFERSON AVE, ALTERS PLAT L7 P85 WCR;
4. (ADDRESS #14901 JEFFERSON) W. 77.75 FT OF S. 90 FT OF THAT PT OF LOT 1 LYG N. OF & ADJ JEFFERSON AVE, ALTERS PLAT L7 P85 WCR.

URBAN RENEWAL INITIATIVE FOUNDATION,

A Michigan non-profit corporation

By: A. Paul Schaap

A. Paul Schaap

Its: President

RESOLUTION TO VACATE A PORTION OF WAYBURN

City of Grosse Pointe Park

**At a regular meeting of the City Council for the City of Grosse Pointe Park, Michigan,
held in the City Hall on the 19th day of September 2022 at 7:00 PM, Eastern Time.**

Present Members:

Absent Members:

**Motion by Councilmember _____, seconded by Councilmember _____ to
adopt the following resolution:**

WHEREAS, MCL 117.4h provides that a Home Rule City may, in its Charter, provide for the “use, regulation, improvement and control of the surface of its streets, alleys and public ways, and of the space above and beneath them;” and

WHEREAS, the City of Grosse Pointe Park is a Home Rule City, the Charter of which provides that “Council action to vacate, discontinue or abolish any highway, street, lane, alley or other public place or part thereof shall be by resolution,” City Charter, at § 7.6(a);

WHEREAS, the Charter further requires that the Council shall “appoint a time when it shall meet and hear objections” to a proposed vacation, and “notice of the time, place and purpose of such meeting shall be published either separately or as part of any published proceedings of the Council,” City Charter, at § 7.6(a); and

WHEREAS, the City has entered into a Purchase Agreement with the Urban Renewal Initiative Foundation (“URIF”), under which the City has agreed to convey certain property located on Jefferson Avenue between Alter Road and Maryland Avenue (the “Property”) to the URIF to develop a non-profit community center for the arts (the “Schaap Center”); and

WHEREAS, the Council finds that the Property includes an unused portion of Wayburn Street legally described on the attached Exhibit A (“Unused Wayburn Street”), and that vacating Unused Wayburn Street is necessary for the City to convey the Property to URIF; and

WHEREAS, URIF has agreed to construct a sidewalk along Jefferson Avenue across Unused Wayburn Street; and

WHEREAS, notice of this Council meeting was given in the manner prescribed by the Open Meetings Act, Act No. 267, Public Acts of Michigan 1976, as amended;

NOW THEREFORE BE IT RESOLVED that:

1. The City shall hear any objections to the proposed vacation of Unused Wayburn Street at its next regularly scheduled council meeting, on September 19, 2022 at 7:00 PM;
2. After the public meeting is held, a vote will be held on this Resolution at the Council meeting to be held on September 19, 2022 at 7:00 PM; and
3. That the City Council, pursuant to the authority granted to it by MCL 117.4h and Section 7.6 of the City Charter, hereby vacates Unused Wayburn Street, as legally described on the attached Exhibit A.

At a Council meeting held on September 19, 2022, following a public hearing to address any objections or concerns to the proposed vacation of Unused Wayburn Street was held on September 19, 2022, at 7:00 PM, and after discussion, the following roll call vote was taken:

RESOLUTION DECLARED ADOPTED.

Jane Blahut, City Clerk
City of Grosse Pointe Park

EXHIBIT A
UNUSED WAYBURN STREET
TO BE VACATED BY RESOLUTION

LAND SITUATED IN THE CITY OF GROSSE POINTE PARK, COUNTY OF WAYNE,
STATE OF MICHIGAN, LEGALLY DESCRIBED AS FOLLOWS:

ALL OF WAYBURN AVENUE (60 FEET WIDE) OF “TURNBULL AND EPSTEAN’S JEFFERSON AVE. SUB. OF PART OF LOT 1 OF ALTERS SUB. P.C. 570”, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 26 OF PLATS, PAGE 98, WAYNE COUNTY RECORDS, ADJACENT TO LOTS 202 AND 203 OF SAID “TURNBULL AND EPSTEAN’S JEFFERSON AVE. SUB. OF PART OF LOT 1 OF ALTERS SUB. P.C. 570” AND NORTH OF JEFFERSON AVENUE (120 FEET WIDE) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF JEFFERSON AVENUE (120 FEET WIDE) AND THE WESTERLY RIGHT OF WAY LINE OF WAYBURN AVENUE (60 FEET WIDE); THENCE NORTH 21 DEGREES 15 MINUTES 00 SECONDS WEST, 255.26 FEET; THENCE SOUTH 81 DEGREES 35 MINUTES 38 SECONDS EAST, 69.04 FEET; THENCE SOUTH 21 DEGREES 15 MINUTES 00 SECONDS EAST, 217.69 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 56 SECONDS WEST, 60.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,188.66 SQUARE FEET OR 0.325 ACRES OF LAND.



September 15, 2022

CITY OF GROSSE POINTE PARK
15115 East Jefferson Avenue
Grosse Pointe Park, MI 48230

Attention: Nick Sizeland
City Manager

Regarding: Mack Avenue Water Main
Recommendation Letter
OHM Job No.: 7508-22-0040

Dear Mr. Sizeland:

Bids for the Mack Avenue Water Main Replacement project from Cadieux to Kensington on Mack Avenue were received, opened and read aloud at 11:00 AM on Tuesday, September 12, 2022, at the City of Grosse Pointe Park offices. Bids were received from four (4) bidders, with the bid pricing ranging from \$454,473.91 to \$689,962.00, as shown on the attached tabulation. The low bid was received Inner City Contracting located at 18715 Grand River Ave. Detroit, MI 48223 in the amount of \$454,473.91. The low bid amount is approximately 7% above the engineer's opinion of probable cost.

The City has worked with Inner City Contracting on recent projects and we understand a generally favorable contracting experience. OHM contacted several references for current and past projects and the received similar favorable responses for projects in Oakland County and the City of Detroit (Homrich Construction) where the Contractor performed water service work. OHM has also made inquiries to the City of Ecorse and State of Michigan to get a better understanding of the contractor's current capabilities and active projects. OHM anticipates this information will be available by the time of the Council meeting. Pending additional, favorable references, it is recommended that the Mack Avenue Water Main Replacement contract be awarded to Inner City Contracting in the amount of \$454,473.91.

Cadieux to Kensington

Should there be any questions, please contact this office at (313) 481-1252.

Sincerely,
OHM Advisors, Inc.

A handwritten signature in blue ink that reads "Patrick M. Droze". The signature is fluid and cursive, with a horizontal line underneath it.

Patrick M. Droze, P.E.
Project Manager

encl: Bid Tabulation



cc: Tom Jenny, Department of Public Works Supervisor
Zack Hampton, P.E., OHM
File

BID FORM for Mack Avenue Water Main Replacement City of Grosse Pointe Park, Michigan OHM Job Number: 7508-22-0040			Inner City Contracting, LLC 18715 Grand River Ave. Detroit, MI 48223		Bidgare Contractors, Inc. 939 S. Mill St. Plymouth, MI 48170		FDM Contracting, Inc. 49156 Van Dyke Shelby Twp., MI 48317		Bricco Excavating Co., LLC 21201 Meyers Rd. Oak Park, MI 48237	
Item	Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
Division 1 - General Bid Items										
1	General Conditions, Max. 10% of Bid	1 LSUM	\$ 7,500.00	\$ 7,500.00	\$ 25,000.00	\$ 25,000.00	\$ 40,000.00	\$ 40,000.00	\$ 62,000.00	\$ 62,000.00
2	Audiovisual Tape Coverage	1 LSUM	\$ 1,075.00	\$ 1,075.00	\$ 2,500.00	\$ 2,500.00	\$ 1,500.00	\$ 1,500.00	\$ 7,500.00	\$ 7,500.00
3	Minor Traffic Control	1 LSUM	\$ 12,000.00	\$ 12,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,500.00	\$ 10,500.00	\$ 15,000.00	\$ 15,000.00
4	Soil Erosion Control	1 LSUM	\$ 1,000.00	\$ 1,000.00	\$ 1,350.00	\$ 1,350.00	\$ 1,500.00	\$ 1,500.00	\$ 4,500.00	\$ 4,500.00
5	Construction fence, snow fence w/stakes	200 Ft	\$ 2.50	\$ 500.00	\$ 8.00	\$ 1,600.00	\$ 10.00	\$ 2,000.00	\$ 15.00	\$ 3,000.00
6	PVC C900, DR14	1667 Ft	\$ 137.06	\$ 228,479.02	\$ 160.00	\$ 266,720.00	\$ 168.00	\$ 280,056.00	\$ 160.00	\$ 266,720.00
7	DR14	219 Ft	\$ 82.14	\$ 17,988.66	\$ 240.00	\$ 52,560.00	\$ 140.00	\$ 30,660.00	\$ 160.00	\$ 35,040.00
8	C900, DR14	48 Ft	\$ 84.93	\$ 4,076.64	\$ 225.00	\$ 10,800.00	\$ 120.00	\$ 5,760.00	\$ 120.00	\$ 5,760.00
9	8 inch Gate Valve in Box	10 Ea	\$ 2,350.00	\$ 23,500.00	\$ 5,000.00	\$ 50,000.00	\$ 3,200.00	\$ 32,000.00	\$ 5,400.00	\$ 54,000.00
10	Fire Hydrant Assembly	6 Ea	\$ 5,998.00	\$ 35,988.00	\$ 9,500.00	\$ 57,000.00	\$ 8,500.00	\$ 51,000.00	\$ 8,300.00	\$ 49,800.00
11	Connect to Existing Water Main	7 Ea	\$ 7,979.57	\$ 55,856.99	\$ 5,000.00	\$ 35,000.00	\$ 8,500.00	\$ 59,500.00	\$ 6,600.00	\$ 46,200.00
12	with Flowable Fill	1850 Ft	\$ 3.91	\$ 7,233.50	\$ 8.00	\$ 14,800.00	\$ 10.00	\$ 18,500.00	\$ 3.00	\$ 5,550.00
13	Water Service Lead Replacement, 1 inch	6 Ea	\$ 1,286.50	\$ 7,719.00	\$ 2,500.00	\$ 15,000.00	\$ 3,500.00	\$ 21,000.00	\$ 5,200.00	\$ 31,200.00
14	6 inch	60 Syd	\$ 90.33	\$ 5,419.80	\$ 100.00	\$ 6,000.00	\$ 105.00	\$ 6,300.00	\$ 102.00	\$ 6,120.00
15	4 inch	1077 Sft	\$ 11.20	\$ 12,062.40	\$ 10.00	\$ 10,770.00	\$ 10.00	\$ 10,770.00	\$ 11.00	\$ 11,847.00
16	Ramp, 6-inch	300 Sft	\$ 31.07	\$ 9,321.00	\$ 14.00	\$ 4,200.00	\$ 35.00	\$ 10,500.00	\$ 36.00	\$ 10,800.00
17	Remove and Replace Concrete Curb	50 Ft	\$ 66.40	\$ 3,320.00	\$ 50.00	\$ 2,500.00	\$ 75.00	\$ 3,750.00	\$ 55.00	\$ 2,750.00
18	Clean Up & Restoration	1 LSUM	\$ 14,100.00	\$ 14,100.00	\$ 20,000.00	\$ 20,000.00	\$ 30,000.00	\$ 30,000.00	\$ 65,000.00	\$ 65,000.00
Division 2 - Allowance Items										
19	HMA Top Course, 1 1/2" MDOT 13A	6 Ton	\$ 350.00	\$ 2,100.00	\$ 225.00	\$ 1,350.00	\$ 450.00	\$ 2,700.00	\$ 350.00	\$ 2,100.00
20	21AA Aggregate Base (CIP)	35 Syd	\$ 149.54	\$ 5,233.90	\$ 175.00	\$ 6,125.00	\$ 150.00	\$ 5,250.00	\$ 145.00	\$ 5,075.00
Total Bid Amount (ITEMS 1-20 incl.):			TOTAL:	\$ 454,473.91	TOTAL:	\$ 593,275.00	TOTAL:	\$ 623,246.00	TOTAL:	\$ 689,962.00

Bidder's multiplication error was corrected



CITY COUNCIL MEETING

DATE: September 19, 2022

SUBJECT: Cost Recovery Ordinance #233

SUMMARY: The Ordinance Committee has been preparing a cost recovery ordinance that would allow the City to recover costs incurred in specific emergency response situations. At its August 2022 meeting, the committee unanimously voted to bring the proposed ordinance to the City Council for their consideration.

Why has this ordinance been prepared?

This ordinance is intended for recovering costs incurred by the City in certain circumstances. These costs would be recovered through charges to *Responsible Parties* as defined by the ordinance. Costs recovered under this ordinance are primarily intended to be recovered when a bonded company or insurance policy is responsible for paying the charges.

If the intention of this ordinance is to recover costs through payments from insurance companies, why are insurance companies not included in the definition of *Responsible Party*?

Insurance companies only issue payment when the insured (homeowner, vehicle owner, contractor, utility company) is liable to pay the charges. Therefore, the definition of *Responsible Party* must be specific and mention individuals among other types of parties such as corporations, partnerships, and representatives. This is known in the insurance world as subrogation.

What emergency responses are eligible for cost recovery?

The ordinance defines an *Emergency Response Event* as one of eleven (11) possible situations. If the situation is not defined as an *Emergency Response Event*, cost recovery charges cannot be sought. Situations *not* listed include:

- False alarm calls
- Domestic calls
- Checking on suspicious activities
- Taking reports of stolen cars, break-ins, damaged property, neighbor disputes
- Resolving a trespass complaint

If one of the defined emergency responses happens, is a bill for cost recovery charges automatically generated?

No, the Public Safety Director has discretionary authority to seek cost recovery charges. This authority is contained in Section 4(a) of the Ordinance. Other model ordinances have the word "shall" instead of "may."

Is there an appeal process?

Yes, there is a two-stage process for Responsible Parties to appeal assessed Emergency Response Costs. After receiving a bill, the party has thirty (30) days to appeal to the City Manager. If the party is unsatisfied with the City Manager's decision, they have an additional thirty (30) days to appeal to the City's Public Safety Committee.

Is there an exemption for property owners/renters who either directly or indirectly pay taxes to receive Public Safety Services?

Yes, Section 7 of the Ordinance contains language that exempts property owners and occupants of property registered as a rental unit from cost recovery charges. This exemption does not apply in situations where the property owner/occupant broke a law which triggered the Emergency Response. Additionally, costs associated with the medical transport of persons is an exempt activity. Recovering costs from ambulance runs is a long-standing practice of both municipal and private ambulance providers. These costs are a significant revenue source for the Public Safety Department and bring in about \$72,000 annually.

Do the other Grosse Pointe communities have cost recovery ordinances?

Yes, the other Grosse Pointe communities all have cost recovery ordinances.

FINANCIAL IMPACT: Adopting this ordinance would allow for the Public Safety Department to recover costs associated with certain emergency responses, and have a positive financial impact on City finances.

RECOMMENDATION: Adopt Ordinance #233 as presented.

PREPARED BY: Warren Rothe, Assistant City Manager

ORDINANCE NO. _____

CITY OF GROSSE POINTE PARK

COUNTY OF WAYNE, MICHIGAN

AN ORDINANCE OF THE CITY OF GROSSE POINTE PARK, WAYNE COUNTY, MICHIGAN TO AMEND CHAPTER 2 OF THE CODE OF ORDINANCES, “ADMINISTRATION;” ARTICLE II, “ADMINISTRATIVE SERVICE;” DIVISION 8, “DEPARTMENT OF PUBLIC SAFETY;” BY ADDING SECTION 2-98 “COST RECOVERY.”

THE CITY OF GROSSE POINTE PARK ORDAINS:

SECTION 1. AMENDMENT.

Chapter 2, Article II, Division 8 of the City’s Code of Ordinances, is hereby amended by adding section 2-98 “Cost Recovery” to read as follows:

DIVISION 8. – DEPARTMENT OF PUBLIC SAFETY.

Sec. 2-98. Cost Recovery.

1. Name. This Section shall be known as the Grosse Pointe Park Emergency Response Cost Recovery Ordinance.
2. Purpose. This Ordinance is adopted to enable the Public Safety Department to invoice for and collect cost recovery charges from Responsible Parties, particularly where cost recovery charges are attributable to bonded companies, or are covered by applicable insurance policies.
3. Definition. The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
 - a. *City* means the City of Grosse Pointe Park, Wayne County, Michigan, or any officer, employee, board, commission, or agent, acting within the scope of actual or apparent authority.

- b. *Emergency Response Event* shall mean any of the following occurrences:
- i. Motor Vehicle Accident Under the Influence. Providing, sending and/or utilizing public works, police, firefighting and/or rescue services by the City to an accident involving a motor vehicle where one or more of the drivers were operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and controlled substance.
 - ii. OWI Stops. The making of a traffic stop and arrest by a public safety officer when the driver was operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and controlled substance.
 - iii. Motor Vehicle Accident. Providing, sending and/or utilizing public works, police, firefighting and/or rescue services by the city to an accident involving a motor vehicle.
 - iv. Water, Sewer, Gas and Electrical Utility Emergencies. Any failure, disruption, collapse, fire, damage, explosion, or downing of any pipeline, utility pole, wires or lines, or device used in the transmission of electricity, gas, electronic signals, water, or sewage; or the emission, leak or discharge, outage or hazard arising out of or related to any gas, electrical, communication, cable, or other utility service, whether accidental or non-accidental or caused by natural or unnatural causes.
 - v. Explosions, Collapses. Any explosion or collapse of any home, building or other structure, or any other explosion or collapse of any other nature of

from any other cause, which destroys, damages, or encroaches public or private property or pedestrian or vehicular access.

- vi. Medical Treatment of Persons. City costs incurred as a result of medical services provided to persons requiring medical assistance for an injury or illness, or transport to a medical facility. This includes persons in custody, confined, or incarcerated by the City, including, but not limited to: individuals who are i) under arrest, ii) incarcerated; iii) escaped from confinement, including escape while being transported during the course of confinement or while held in confinement by a judge; v) while under supervised release; vi) on medical furlough; vii) residing in a half-way house or mental health facility; viii) living under home detention; ix) or confined completely or partially in any way under a penal statute or rule, for medical, including, without limitation, costs of accompanying the person to or from a medical or psychiatric treatment facility or medical or psychiatric practitioner.
- vii. Any obstruction, removal, defacement, damage, restriction from access of a fire hydrant or Public Safety Department connections for the pressurization of fire suppression system located on public or private streets, access lanes or private property. When feasible, the Public Safety Department will provide a notice and opportunity to remove the obstruction or encroachment, and upon failure to comply, the Public Safety Department may have the necessary work performed, and the Emergency Response Costs will be sought from the Responsible Party.

- viii. **Illegal or Preventable Fires.** A fire caused i) by a knowing and intentional violation of a federal, state or local law or regulation, including, without limitation, an arson fire, ii) by the negligent or uncontrolled operation, use or ignition of a fire pit, bonfire or open burning container or barbecue, including the use of a barbecue in the garage or outdoor structure; or iii) by the ignition, discharge or launch of legal or illegal fireworks.
 - ix. **Technical Rescue.** Complex search and/or rescue incidents requiring specially trained personnel and special equipment to complete the mission. Technical Rescue Incidents include, without limitation, vehicle and machinery rescue, collapse rescue, trench rescue, water rescue, rope rescue, confined space rescue, wild or vicious animal search and rescue, dive search and rescue, and other search and/or rescue operation requiring specialized operations.
 - x. **Fire investigation and Administration Costs.** All costs to investigate and prepare reports of an arson or fire.
 - xi. Any response by the Public Safety Department, entity operating at the request of the Public Safety Department, or any other responder as set forth in the national incident management system (Homeland Security Presidential Directive 5), to any call or request for assistance, including medical emergencies, from any person, property owner, government agency, emergency service provider, or other entity.
- c. *Emergency Response Costs* shall mean the actual necessary costs attributed to an Emergency Response Event, except as may be limited by any policy adopted by the City. Costs include any labor, equipment, or material associated with the

investigation, removal, repair, abatement, mitigation, monitoring, cleanup, analysis, collection and sampling, and attorney fees, associated with an Emergency Response Event.

- d. *Responsible Party* shall mean any individual or entity, including without limitation, any corporation, firm, partnership, association, limited liability company, agency, business, public or private utility, video service or telecommunications provider or owner or manager of telecommunications, equipment, professional, agency or governmental entity, joint venture, partnership or any other person or entity responsible for, contributing to or proximate causing, an Emergency Response Event or necessitating the Emergency Response. This definition will include any owner, manager, lessee or lessor of property who is responsible for, or contributes to an Emergency Response Event; any registered owner, lessor, lessee, or operator of any motor vehicle, the operation of which resulted in an Emergency Response Event, or a passenger there of whose actions were proximate cause of an Emergency Response Event; any public or private utility or any owner, installer, or manager of a cellular tower, telecommunications equipment, or related facilities; a bank mortgagee or other lien holder which acquired legal or equitable rights to the property. Responsible party shall include their heirs, estates, successors, assigns and legal and personal representatives, receivers, and principals and officers.

4. Assessment of Cost.

- a. All Emergency Response Costs associated with an Emergency Response Event which are incurred by the City may be jointly and severally assessed to any or all Responsible Parties.
- b. The City Finance Director, and/or the Finance Director's designees shall certify the total Emergency Response Costs incurred by the City. The Public Safety Director shall then decide whether to assess any, all, or part of the costs against any of the Responsible Parties. In making a determination, the Public Safety Director shall consider the following factors:
 - i. The total cost incurred by the City, including, but not limited to, materials, equipment, manpower, administration, assistance from other sources, etc.
 - ii. The risks to the City, its residents, their property, or any other people or property which results from the Emergency Response Event which caused the City to incur Emergency Response Costs.
 - iii. Any injuries or damage to people or property which resulted from the situation which caused the City to incur Emergency Response Costs.
 - iv. Whether the situation which caused the City to incur Emergency Response Costs necessitated an evacuation.
 - v. Whether the situation which caused the City to incur Emergency Response Costs resulted in damage to the environment.
- c. The Public Safety Director may, after consideration of the factors listed in subsection 4(b) above, allocate the cost among and between the Responsible Parties.

- d. The Public Safety Director shall direct the City Clerk to send a statement of cost assessed pursuant to this Ordinance to all Responsible Parties so assessed. Such statement shall be dated and sent first class U.S. Mail, postage prepaid, to the last known address of each Responsible Party. The costs shall be paid in full within 30 days of receiving the statement. The City shall have the option to contract with a third-party contractor to manage and collect outstanding assessed costs on behalf of the City; any contracting agreement shall be approved by City Council and the contractor's performance shall be subject to periodic review by City Council. Any third-party contractor hired by the City pursuant to this section is not authorized to collect outstanding fees through self-help measures.
- e. The City may charge any cost assessed pursuant to the Ordinance to the insurer of any Responsible Party. The submission of an invoice for the assessed cost to an insurer does not limit or extinguish the liability of a Responsible Party for the cost assessed pursuant to this Ordinance until such time as the assessed cost or damages are paid in full.

5. Notice and Right to Appeal.

- a. Any Responsible Party receiving an invoice for Emergency Response Costs may appeal all or a portion of the amount to the City Manager or his designee by filing a written request for an appeal with the City Clerk. The request must be received by the City Clerk within 30 days of receiving the invoice. The request must be accompanied by a written explanation as to why the invoiced amount should not be charged to the Responsible Party. After hearing the Responsible Party, the City Manager shall review the Emergency Response Costs assessed to the Responsible Party and may affirm or waive any or all of the assessed Emergency Response

Costs. This decision shall be submitted to the Responsible Party in writing. If the City Manager decides not to assess all or part of the Emergency Response Costs, such decision shall not, in any way extinguish or limit the Responsible Party's liability to any third party for any other cost or damages arising from the same incident.

- b. Following a timely appeal to the City Manager, a Responsible Party may further appeal to the Public Safety Committee by filing a written request for an appeal with the City Clerk. The request must be received by the City Clerk within 30 days of receiving the City Manager's decision, and must include a copy of the City Manager's decision and a written explanation as to why the invoiced amount should not be charged to the Responsible Party. The City Clerk shall inform the Responsible Party of the date of the next regularly scheduled Public Safety Committee meeting, where the secondary appeal shall be heard. After hearing the Responsible Party and any response by the City Manager, the Public Safety Committee shall review the Emergency Response Costs assessed to the Responsible Party and may affirm or waive any or all of the assessed Emergency Response Costs. This decision shall be submitted to the Responsible Party in writing. If the Public Safety Committee decides not to assess all or part of the Emergency Response Costs, such decision shall not, in any way extinguish or limit the Responsible Party's liability to any third party for any other cost or damages arising from the same incident.
6. Failure to Pay; Procedure to Recover. If no request for an appeal is received within the time specific, or if the Responsible Party does not pay the assessed costs within 30 days of receiving the statement:

- a. The City Attorney may proceed to initiate a suit in a court of competent jurisdiction to collect the monies owed;
 - b. The Responsible Party shall be deemed to be in default to the City, until full payment is received by the City;
 - c. If the assessed costs relate to real property, the amount due may be certified to the City Treasurer and assessed against the lot or parcel of land to be collected or returned in the same manner as municipal taxes against real estate are certified, assessed, collected, and returned. The City may also seek collection of the outstanding costs by levying a special assessment on the property pursuant to Section 20-12 of the City Code. Upon receipt of the full amount owed, any lien placed upon the property pursuant to this section shall be extinguished.
7. Exemption. Emergency Response Events that occur within the City limits that are provided to or performed for a property owner or taxpayer of the City, or an occupant of a property registered as a rental unit under Section 13-49 of Chapter 13 of this Code, are exempt from cost recovery charges under this ordinance. This exemption is made due to the fact that City property owners/taxpayers provide *pro rata* support for public safety services through taxes paid to the City. Provided however, this exemption does not apply if the Emergency Response Event involved any act that violates any ordinance, local, state, or federal statute. This exemption also does not apply to costs associated with medical transport provided by the Public Safety Department, which shall continue to be submitted to health insurance companies for reimbursement.

SECTION 2. SEVERABILITY.

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or

clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 3. RATIFICATION.

All other provisions of the code of Ordinances of the City of Grosse Pointe Park, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

SECTION 4. PUBLICATION.

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of Grosse Pointe Park, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of Grosse Pointe Park.

ORDINANCE DECLARED ADOPTED.

Michele Hodges, Mayor
City of Grosse Pointe Park, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Grosse Pointe Park, County of Wayne, State of Michigan, at a regular meeting of the City Council held on the ____ day of ____, 2022, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present:

Members Absent:

It was moved by Member _____ and supported by Member _____ to adopt the Ordinance.

Members voting yes:

Members voting no:

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of Grosse Pointe Park.

Jane Blahut, City Clerk
City of Grosse Pointe Park, Michigan

INTRODUCED:

ADOPTED:

PUBLISHED:

EFFECTIVE:



CITY COUNCIL MEETING

DATE: September 19, 2022

SUBJECT: Planning Commission Appointments

SUMMARY: Jimmy Saros-3 Year Term Expiring 2025
Janet Attarian- 3 year Term Expiring 2025

FINANCIAL IMPACT: None

RECOMMENDATION: Council consider Mayor recommendations for appointment to the Planning Commission.

PREPARED BY: Nick Sizeland, City Manager

**City of Grosse Pointe Park
15115 E. Jefferson
Grosse Pointe Park, MI 48230**

BIOGRAPHICAL SKETCH

X I am interested in making an application to serve as a member of the following Board/Commission

Beautification Commission	☒	Planning Commission
Board of Review	☐	Tax Increment Finance Authority (T.I.F.A.)
Recreation Commission	☐	Downtown Development Authority (D.D.A.)
Other:	☐	

NAME: Jimmy Saros

ADDRESS: [REDACTED]

TELEPHONE: Home: _____ Office: [REDACTED]

EMAIL: [REDACTED]

OCCUPATION: Real Estate Broker

OF YEARS RESIDENT OF GROSSE POINTE PARK: 21 Years

PERSONAL SKILLS OR AREAS OR EXPERTISE RELATIVE TO THE COMMISSION:

Transacted on over \$400 Million in real estate since entering the brokerage business in 2012.
Over \$50 Million in transactions completed on development/ redevelopment of multi family, mix use, and office sites alone. Built ground up multi-use office building at Mack & Cadieux in 2019 while obtaining several zoning variances.
Investor in several properties across The Park and throughout Metro-Detroit.

EDUCATION: Brown University

PROFESSIONAL/SERVICE CLUB AFFILIATIONS: Grosse Pointe Board of Realtors

Karmanos Cancer Institute Partners Committee, GP South Grid Iron Club

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

I was born and raised in The Park, moved home from New York City after a successful start to my real estate career to raise my growing family in The Park, and am heavily invested in and am a believer in this community. I feel my real estate background in brokerage and development will positively contribute to the planning commission for our great community.

Signature of Applicant

 **James B Saros**

Return to Clerk's Office



City of Grosse Pointe Park

Board and Commission Application

First Name: Janet Last Name: Attarian
Address: [REDACTED] City/State/Zip: Grosse Pointe Park, MI 48230
Home Phone: [REDACTED] Cell Phone: [REDACTED]
Email: [REDACTED]

AREAS OF INTEREST

Please check the Boards/Commission you are interested in serving on:

- | | |
|---|---|
| ☐ Downtown Development Authority | ☐ Tax Increment Finance Authority |
| ☐ Beautification Commission | ☒ Parks and Recreation Commission |
| ☒ Planning Commission | ☐ Board of Review |
| ☐ Ethics Review Board | |
| ☐ Other: _____ | |
| ☐ Other: _____ | |

If you are applying due to a current vacancy, how did you hear about the vacancy?

- ☐ City Website ☐ Social Media ☒ Other: _____

Have you attended meeting(s) of the board and/or commission you are applying to sit on?

- ☐ YES ☒ NO But watch recordings

Why do you want to serve on this board and/or commission?

(Please attach an additional page if more space is needed)

I care deeply about my community and believe in civic participation.
I feel GPP is at a critical moment with the recent up ~~grade~~ date of the master plan and getting the precedent of how the city will adopt + implement the plan and future zoning, housing, and parking studies and I believe that my experience and knowledge in these areas could be a benefit to the community, the commission + the council.
I also believe in public process and good governance and I see the city making strides in these areas that I would continue to support.
In particular, the need for infrastructure/stormwater needs in the community and how this can dovetail w/ goals in the M.P. is a place where I would like to add value.

15115 EAST JEFFERSON AVENUE • GROSSE POINTE PARK • MICHIGAN • 48230 • 313.822.6200



City of Grosse Pointe Park

Board and Commission Application

Please provide a brief summary of the areas of expertise you would bring to the board and/or commission:

I am a licensed architect and have worked at and for cities my entire 30 year career. This includes being the Complete Streets Director for the City of Chicago ; the Deputy Director for the Planning & Development Department for the City of Detroit, and in private practice. I specialize in urban design, mobility, stormwater management, and neighborhood planning.

ADDITIONAL INFORMATION

Please briefly summarize the following information:

Education History

See attached resume

Occupation (if retired list former occupation)

See attached resume

Current and/or Former Volunteer Experience (including previous civic involvement)

See attached resume



City of Grosse Pointe Park

Board and Commission Application

CITY CHARTER REQUIREMENTS

Registered to vote in the City of Grosse Pointe Park?

☒ Yes

☐ No

How long of you been a resident of Grosse Pointe Park (enter month and year when moved to City)

August 2016

Are you related and/or married to any current elected officials or City staff?

☐ Yes

☒ No

If you answered yes, name the person and/or people you are related to and the relationship(s):

The following questions are applicable if you are applying to serve on the Downtown Development Authority or Tax Increment Finance Authority Boards:

Do you own property within the TIFA and/or DDA?

☐ Yes

☐ No

If yes, please provide the property address(es):

Do you own a business or work at a business within the TIFA and/or DDA?

If yes, please provide the property address(es):

Are you a resident within the TIFA and/or DDA?

☐ Yes

☐ No



City of Grosse Pointe Park

Board and Commission Application

APPLICATION CERTIFICATION

PLEASE NOTE: Applications are kept on file for a period of 2 years. If you are not appointed within that period, you must reapply. Resumes and cover letters can be attached to this application but are not required for consideration.

Signed and completed applications can be returned via email to clerk@grossepointepark.org or by US mail to: City of Grosse Pointe Park

ATT: City Clerk

15115 East Jefferson Ave.

Grosse Pointe Park, MI 48230

By submitting this application, I certify the foregoing statements and answers are true and complete. I agree in advance that any misrepresentation or falsification of any of the above information shall be cause for rejection of this application or depending upon when the falsification is discovered. I consent for City of Grosse Pointe Park to verify the information provided.

Janet H. Attarian
Signature of Applicant

9.15.22
Date

Janet L. Attarian, AIA, LEED AP BD+C

• Grosse Pointe Park, Michigan 48230 •

URBAN INNOVATION AND TRANSPORTATION PROFESSIONAL

Internationally Recognized Leader with 27 years' experience delivering effective city strategies, great civic design, and urban planning through team management, community engagement and creative problem-solving.

Results-driven visionary with proven ability to oversee and manage every aspect of innovative urban planning and design, including policy and program development, data-driven performance metrics, team coordination, construction administration, and strategic communications. Passionate about transportation and mobility and dedicated to sustainable design, with a wide range of project experience bringing these concepts together to make great places for people. Experience managing an office of multi-disciplinary team members, including development of budgets, scopes of work, and requests for proposals. Excellent leadership and communication skills, technical & design aptitude, and organizational & management abilities. Committed to public process; not only to inform, but to listen and engage. Invited by numerous federal, state and industry organizations to participate in highly-selective leadership forums, and regularly speak with press, at conventions, and at public engagements.

SCOPE OF PROJECTS

Led innovative, first-of-their-kind projects including:

- **Millennium Park (now McDonald's) Cycle Center** - a bike parking station & bike-police station, with full-service locker-room facilities, bike repair, solar cells and passive cooling.
- **Pilsen Sustainable Street Project** – the greenest street in America addressing a full-suite of aggressive environmental, mode share and placemaking goals on two heavy truck routes.
- **Argyle Shared Street** – retrofitting a ¼ mile commercial corridor into a walkable urban plaza shared by all modes and with 95% stormwater capture.
- **Lawrence Avenue Streetscape** – a 1.5-mile commercial corridor transformed with a road diet, bike lanes, 11 pedestrian refuge islands, stormwater capture and streetscape improvements.
- **Roosevelt Road Transit Center & Cycle Track** – a raised cycle track, widened sidewalks, pedestrian refuge islands and new gateway bus shelters for a major transit transfer station.
- **Green Alley and Sustainable Street Programs** – incubated and developed new programs that drove the inclusion of sustainable best management practices in all capital projects.

In charge of large-scale, transformative projects, including:

- **Detroit Neighborhood Plans** – 10 strategic plans to create walkable retail districts, equitable development, and public open space in historically underserved, minority neighborhoods.
- **Navy Pier Flyover** - a ¾ mile long newly elevated multi-use trail along Chicago's lakefront, in the heart of the loop.
- **Bloomington Trail and 606** – a transformation of a 2.7-mile elevated rail line with 38 bridges into a multi-use trail and park through the heart of four Chicago neighborhoods.
- **East-West Wacker Drive and Congress Parkway** – roadway reconstruction projects, each carrying 60K cars/day in Chicago Loop area. Included streetscape & Riverwalk improvements.

EXPERIENCE

SmithGroup, Detroit, MI

2019 - present

Principal, Senior Mobility Strategist and Sustainable Infrastructure Specialist

National cross-discipline leader within the Urban Design, Waterfront, and Resilient Systems practices crafting SmithGroup's vision for multi-modal mobility and resilient infrastructure that is focused on people and planet, and synthesizing the multiple disciplines required to create vibrant public places, and innovative policy and programs.

Strategic Planning, Leadership & Management

- Help develop and lead SmithGroup's mobility strategy and practice, expanding it to a national practice.
- Principal planner on the Pittsburgh Downtown Partnership Mobility Plan
- Principal in charge of the Green Infrastructure Leadership Exchange Green Infrastructure Library, working with 50 cities and institutions across the U.S. and Canada

Public Relations & Community Engagement

- Help lead the company's virtual engagement strategy to ensure just, equitable engagement.
- Serve on the Detroit Justice, Equity, Diversity & Inclusion Committee
- Worked with special service area providers and the City of Chicago to help create a more flexible permit process to allow small businesses to implement customized expanded outdoor dining, curb-side pick-up, shared seating and outdoor retail sales.
- Working with the Mercy Education Project to support high school girls implement their winning competition entry for the Ford City:One Competition to build neighborhood mobility hubs.

Technical & Project Experience

- Provided technical assistance to the Downtown Phoenix Partnership to develop curbside policies and regulations to ensure highest and best use of the curbside reflecting the shared values of the City, and recommendations for changes to existing policies and regulations to ensure desired outcomes.
- Craft mobility strategies and design for innovation campuses in the United States and China.
- Worked with SPIN to develop a mechanism to install electric charging stations for scooters in the public right of way.
- Working with the City of Kalamazoo to create Street Design Guidelines.

Planning & Development Department, City of Detroit, Detroit, MI

2016 - 2019

Deputy Director

Led a team of over 35 planners, landscape architects, architects, and urban designers for the City of Detroit, including budgeting, human resources, grants, strategic planning, neighborhood development, transportation, zoning, environmental, business & economic development, historic preservation, land use, and arts & culture planning.

Strategic Planning, Leadership & Management

- Presented departmental efforts to the Mayor, cabinet, City Council, sister departments, funders, and the community; and helped lead joint cabinet meetings between the Mayor's Office and the Governor's Office.
- Developed yearly Capital and Operational budgets, including securing 21 additional positions for the department, and the funding for and creation of new Transportation Planning and Urban Research Divisions.
- Developed a biennial 5-year capital plan. The inclusion of anticipated implementation dollars in the 2016 plan help lead to the development of a Road Bond and the second Strategic Neighborhood Fund, a public, private and philanthropic initiative to finance the implementation of the Department's neighborhood plans.
- Overseen scope development, issued RFP's, selected consultant teams, and secured contracts.
- Hired over 15 new staff and created a 21-point staff development & retention strategy to support office culture.

Public Relations & Community Engagement

- Served as key negotiator of an agreement between the Windsor Detroit Bridge Authority, MDOT, and the City of Detroit to construct the Gordie Howe International Bridge. Benefits included \$12M in transportation enhancements, \$57M in housing relocation benefits, \$10M in job training, and \$2.5M in health monitoring.
- Drove the development of a five-year capital plan for the Detroit Department of Public Works, including a three-year capital bond for \$125M that included \$80M in placed-based funding for the support of walkable retail corridors in 15 strategic neighborhoods, and development of a streetscape program.
- Staffed the Mayor's *Sustainability Council* in Detroit to help coordinate environmental best practices and policies across departments. (Played a similar role while at the Chicago Department of Transportation.)
- Worked with staff to create standardized guidelines and processes for Detroit's Community Benefits Ordinance.

Technical & Project Experience

- Directed the development of plans for 10 strategic neighborhoods focused on delivery and implementation around eight key strategies: *Parks & Greenways, Streetscapes & Small Business Development, Multi-Family Housing & Mixed-Use, Single Family Housing Stabilization, Innovative Zoning, Historic Preservation & Tactical Occupancy, Innovative Landscapes & Productive Land, and Affordable Housing Preservation.*
- Collaborated with MDOT to re-envision and redesign the downtown I-94 and I-375 reconstruction projects; illuminating miles of service drives and below-grade limited access highway to reconnect the city street network, provide non-motorized transportation options, create development opportunities, improve aesthetics, and reduce costs for both projects.
- Directed the Jefferson Transit Oriented Development plan to align neighborhood and retail development and land use strategies with transit planning and infrastructure improvements.
- Helped lead the development and implementation of the City's Strategic Plan for Transportation.
- Facilitated re-envisioning and re-designing the Jefferson Ave. protected bike lanes and east side bike network, which added more miles of protected bike lanes in one year than any other city in the country.
- Supported the development of the Joe Louis Greenway and a greenway network for the City. Assisted in the purchasing of the Conrail right-of-way and BUILD grant application.

Chicago Department of Transportation, Chicago, IL

1997- 2016

Complete Streets Director

Served as Program Director and Lead Urban Designer responsible for complete streets & streetscapes; sustainable streets & green alleys; masterplans and policy development; placemaking & plazas; river walks; greenways & pedestrian bridges; bicycle lanes & facilities; pedestrian safety & planning; tree planting & floral displays.

Strategic Planning, Leadership & Management

- Directed the acquisition and oversight of \$200M - \$400M in project funds annually.
 - Managed a diverse group of City personnel and consultants who were 100% reimbursable;
 - Led projects and programs from concept, through planning, design, construction administration, and long-term maintenance; required rigorous inter- and intra-departmental, as well as sister agency coordination;
 - Established strong community engagement process to work closely with community groups and elected officials.
- Developed guidelines and instituted project delivery process to ensure comprehensive and strategic implementation of complete street, sustainability, and placemaking goals across all project types.
- Partnered with Mayor's Office to develop the *Make Way for People* program to create vibrant public spaces that cultivated community and culture in Chicago neighborhoods through tactical urbanism and cultural programming.
- Envisioned and implemented innovative programs to incorporate sustainable best practices in urban infrastructure, including Green Alley Program and Sustainable Streets Program.

Public Relations & Community Engagement

- Implemented teambuilding approach to empower staff to work to their full potential and to find solutions rather than simply present problems; to be accountable, and to share their expertise in a professional manner.
- Implemented scalable public engagement processes and worked closely with local representatives. Regularly led meetings with businesses, small community task forces, large public meetings, and multi-day charrettes.
- Worked to maximize MBE/WBE participation on design and construction contracts. Was first to implement neighborhood hiring initiative on locally funded projects aimed to diversify workforce.
- Staffed the Mayor's *Pedestrian* and *Bicycle Advisory Councils* to engage stakeholders and the public in the implementation of safe, walkable, bike-friendly policies and projects.

Technical & Project Experience

- Drove accountability through the development of a “commercial corridor index” for rating proposed projects. Provided a wide range of urban design criteria to help prioritize funding and established a streetscape moratorium process to ensure utility coordination and restoration.
- Implemented the City’s *Pedestrian Plan* to achieve goal of zero fatalities in 10 years and the *Bike 2020 Plan* to achieve the goal of installing over 100 miles of protected and buffered bike lanes.
- Secured CMAQ, TAP, and other grant sources and ensured grant requirements were met, including project development reports and environmental clearances.
- Executed the City’s first Riverwalk Master Plan and Guidelines and several streetscape master plans.

DLK Architecture, Chicago, IL

1994 - 1997

Project Architect for Daley Plaza, Job Corp Center dormitories, and bridge houses.**Angelini & Associates, Ann Arbor, MI**

1992 - 1994

Project Architect for Spring Arbor College dormitory and theater.**BOARDS & VOLUNTEERING****Via/Remix** – Advisory Council Member

2020 - present

MoGo Detroit Bike Share – Board Member

2019 - present

FHWA Sustainable Pavement Technical Working Group – Committee Member

2010 - present

Great Lakes Commission – Mentor

2020 - present

University of Michigan, Taubman College of Architecture + Urban Planning**Alumni Board of Governors** – Board Member & Secretary

2007-2016

EDUCATION & TRAINING*Master of Architecture, Graduate with Distinction* – University of Michigan, MI

1992

Bachelor of Science in Architecture, University of Michigan, MI

1990

Exchange Student, Technical University of Vienna, Austria

1991

Leadership NACTO, National Association of City Transportation Officials, NY

2018

Mayor’s Management Institute - Fellow, Government Assistance Program, DePaul University, IL

2000

REGISTRATION AND PROFESSIONAL AFFILIATIONS*Licensed Architect* – State of Illinois, 1996*Member*, American Institute of Architects, American Planning Association, Transportation Research Board**NOTABLE HONORS AND AWARDS***Woman of the Year* – WTS Greater Chicago Chapter*Chicago Innovation Award* – Chicago Sun Times*Special Service Award* – South East Chicago Commission*Patron of the Year for Governmental Building* – Chicago Architectural Foundation*Sustainability in Civil Engineering Achievement Award* – American Society of Civil Engineers*Honor Award for Outstanding Regional and Urban Design* – American Institute of Architects*Full Academic Scholarship* – University of Michigan



CITY COUNCIL MEETING

DATE: September 19, 2022

SUBJECT: Donation Policy

SUMMARY: Councilmember Wiener requested a consideration for the City Council to revoke the current city donation policy adopted by the City Council in January of 2021.

Councilmember Wiener stated while despite good intentions, the donor policy has proven to be an encumbrance to the work of the City Council and is open to thoughtful and considered discussion at the September 19th City Council meeting. Attached for councils review is the current donation policy.

FINANCIAL IMPACT: None

RECOMMENDATION: Motion to revoke the Donor Policy adopted by City Council in January of 2021

PREPARED BY: Nick Sizeland, City Manager

City of Grosse Pointe Park

Gift and Donation Acceptance Policy

I. Introduction

The City of Grosse Pointe Park welcomes and encourages support from individual donors, foundations and entities that support the programs and services of the City and recognizes that those contributions enhance, beautify, improve, supplement, support, or otherwise benefit all walks of life, enhancing community prosperity in Grosse Pointe Park, and make life better for all.

The City of Grosse Pointe Park truly appreciates the generosity of donors who wish to make Grosse Pointe Park a nicer community for all. The residents have a proven track record in donating their time and resources to bettering the community. These efforts often make the difference between a good community and a great community.

A gift to the City of Grosse Pointe Park will assist in the enhancement of City parks, facilities, programs, and the experience of visitors. The City takes pride in maintaining and improving public facilities, and any level of donation - time, effort, or gift - is appreciated.

II. Purpose and Policy

This Policy's purpose is to establish the guidelines and process for acceptance and documentation of Donations made to the City, including the installation, long-term maintenance and operation of donated elements to the City, which, as determined by the Grosse Pointe Park City Council or City Manager, will enhance the quality of life in the community. This Policy provides guidance to the City for the acceptance of gifts and donations from the Grosse Pointe Park Foundation, individuals, community groups and businesses who wish to make Donations or gifts to the City.

Guidelines/Standards for Accepting Gifts or Donations established by this Policy will apply to all donations or gifts made after the effective date of this Policy. The Policy may be amended or repealed, in whole or in part, by the Grosse Pointe Park City Council.

III. Definitions

“Gift or Donation”- For the purpose of this Policy, the terms gift or Donation shall be synonymous and hereafter shall be referred to as “Donations.” Donations are any tangible or intangible asset, including money, in whatever condition, the City is prepared to accept under this Policy set forth herein and administrative guidelines, if any, promulgated this Policy. All Donations or gifts shall become the sole property of the City unless determined otherwise by the City Council and the Donor prior to the actual Donation. The City has no duty to return any Donation unless otherwise provided for in an agreement executed by or on behalf of the Donor and the City. All Donations are irrevocable and otherwise final upon receipt by the City. The City Council has the final authority to relocate, remove or dispose of any Donation at any time, with or without

notice to the Donor, unless otherwise provided for in an agreement executed by or on behalf of the Donor and the City.

“Donor” means an individual or legal entity making a Donation of money or real and/or personal property to the City.

IV. Consistency with City Interests

Donations should have a purpose consistent with the goals and objectives of the City and Master Plan and Recreation Master Plan, to the extent those exist, including the City Master Plan and Recreation Plan and are in the best interest of Grosse Pointe Park and its residents.

V. Guidelines/Standards for Accepting Donations

Donations intended to either pay for or become incorporated into City parks as well as donations of artwork, equipment, vehicles, or facilities (or funding for those assets) intended to supplement those of the City often involve considerations of aesthetics, costs, and compatibility whose features shall be evaluated using the following criteria:

1. The Donation will not be in conflict with any provision of the law
2. The Donation will not materially add to the City’s workload or costs unless it provides a net benefit to the City as determined by the City Manager and the City Finance Director, subject to City Council approval.
3. The Donation places no restrictions on the City, unless agreed to by the City Council.
4. All Donations or gifts shall become the sole property of the City unless determined otherwise by the City Council and the Donor prior to the actual Donation. The City has no duty to return any Donation, as all Donations are irrevocable gifts and otherwise final upon receipt by the City. City Council has the final authority to relocate, remove, or dispose of any Donation at any time, with or without notice to the Donor, unless otherwise provided for in a Donor or gift agreement.
5. All Donations may receive recognition appropriate to the level and nature of the Donation as determined by the City Council. For those of a capital nature, that may be in the form of signage, plaques, markings, or other means the City should deem appropriate. If a Donor wishes to remain anonymous, the donation shall take place through the Grosse Pointe Park Foundation. The Foundation will work on an appropriate level of

recognition that respects the individual's privacy. Regardless of the recognition strategy selected, the intent shall be to appropriately honor the Donor for the contribution to the City. Donation acknowledgments and memorial plaques shall be of the highest quality, life, and durability. The appearance of traditional commercial advertising shall be avoided.

6. The City has an interest in ensuring the best appearance and aesthetic quality of public lands and facilities. Donations shall reflect the character, be consistent with the intended surroundings, and complement the aesthetics of the proposed site unless otherwise considered by the City Council.
7. Since donated elements and their associated recognition become City property, the City has an interest in ensuring that all elements remain in good repair and are maintained appropriately. In addition, Grosse Pointe Park has an interest in ensuring that the short and long-term repair costs are reasonable and that repair parts and materials be readily available. So too, elements must be of a quality to ensure a long life, be resistant to weather, wear and tear, and acts of vandalism.
8. The City also has an interest in knowing in advance the cost, which may be associated with a Donation, namely those costs that concern the installation, maintenance and operation during the Donation's expected life cycle. The projected costs to install, operate, repair, and/or maintain a mechanical and/or electric system proposed for use in conjunction with a Donation shall, to the greatest extent possible, be identified prior to acceptance by the City Manager and or City Council.
9. Monetary donations approved by the City Manager and/or City Council will be deposited to the fund in which the intended use of the Donation is to be achieved. This money shall be placed into a restricted fund in the Department's budget responsible to achieve such intended use. Neither purchase nor installation shall commence until the donor's gift has been completed and funds have been received by the City for such purposes.
10. The City Manager shall not consider approval of any donation that may meet one or more of the following criteria:
 - A. Be offensive or of morally questionable material to a reasonable person;

- B. Donations that are connected with a restriction that entails special considerations or favors beyond any other resident, donating or non-donating;
- C. Any other concern, real or perceived, that may result in the loss of reputation, appearance of impropriety, or other negative impact on the City from accepting the Donation or gift.

VI. City Manager Authority to Approve Donations

The City Manager shall be authorized to accept or reject offers of donated money, equipment and in-kind Donations to City Departments or to the City in general up to \$25,000 per Donation. Donated money will be expended for general purposes within the department or specified purposes, if agreed upon with the Donor, as one-time supplements to the department's operating budget. Donations of equipment will be considered based upon program outcomes, and department goals and needs. Each Donation will be evaluated for usefulness and potential replacement costs.

When approving donations with a value of less than \$25,000, the City Manager shall base his/her decision upon the Guidelines/Standards in Section V. Such donations shall be properly documented, which documents shall be approved by the City Attorney and communicated to City Council

VII. Procedures for Making and Accepting Gifts

For all Donations not covered by Section V of this Policy, the City Council shall have the full and final authority to approve or deny Donation proposals. Prior to submitting a Donation Application Form (Attachment A), the Donor or Donor's representatives shall contact the City Manager's Office to discuss a proposed Donation. Such pre-application meeting shall assist both the prospective Donor and the City in determining whether a Donation will meet the criteria contained in this policy. If a Donation appears to be in accordance with this Policy, the Donor or Donor's representative will then submit a Donation Application Form and meet with City Staff members to determine the specific nature of the Donation and proposed location. The city will review projected yearly maintenance and operational costs for processing. The written proposal, including a Staff report, will be sent to City Council for its decision (in the case of gifts below the \$25,000 threshold, for its information). Any denial or rejection of any Donation or gift shall state the reasons for such denial or rejection by vote of council.

City Staff or the City Council may request additional information including, but not limited to: scaled drawings; artist's renditions; or other documents to better illustrate the exact nature of the Donation. The City may choose to consult with other agencies or organizations in the review process. The City Council may also send any proposal to the appropriate City board or commission for review with subsequent recommendation to the City Council.

Donation Application Form

Attachment A

Thank you for your interest in donating to the City of Grosse Pointe Park. Your gift or donation will be considered by the City Manager or City Council after this form is filled out and a Staff report is completed. All donations shall become the sole property of the City and the City has no duty to return the donations unless provided for in an agreement. All donations are also subject to the Gift and Donation Acceptance Policy adopted by the City.

1. **Name, Address and Phone Number of Donor:** _____

2. **Description of Gift or Donation:** _____

3. **Value of the Gift or Donation (market value):** \$ _____
4. **What is the intended purpose or use for this gift or donation?** _____

5. **If applicable, what are the projected yearly maintenance and operational costs associated with this gift or donation? (City Review)** \$ _____
6. **Do you have or are currently seeking to establish a contractual relationship with the City of Grosse Pointe Park? If so, please disclose the nature of the contractual relationship:**

Date:

Signature and Title of Donor or Donor Representative

Internal City of Grosse Pointe Park use only

Date application was received: _____
Date

This application is: Accepted by the City of Grosse Pointe Park on _____

Rejected by the City of Grosse Pointe Park on _____

City Manager Signature/Date



CITY COUNCIL MEETING

DATE: September 19, 2022

SUBJECT: City Attorney Review

SUMMARY: The City of Grosse Pointe Park publicly posted a RFP for City Attorney services after the City Council directed the administration to draft an RFP in January. The City received and reviewed 8 responses. The Personnel Committee completed this work and was assisted by a volunteer Park resident with municipal attorney experience. Factors used to identify firms to interview included: adherence to the proposal guidelines, number of assigned attorneys, fees, and the firms current municipal clients. Four firms were identified and interviews were held by the personnel committee. In the end, the Committee unanimously voted to recommend that The Kelly Firm be considered by the Council to serve as the City Attorney. A timeline of the Personnel Committee's activities is as follows:

Timeline

January 10th: City Council meeting, motion to go out for Request for Proposals for City Attorney Services

March 25th: Request For Proposal closed.

May 11th: Personnel Committee reviewed proposals and recommended four firms for an interview.

June 14th: Personnel Committee Interviews with firms

June 20th: Personnel Committee Interview with a firm

August 29th: Personnel Committee met to conclude next steps and bring to City Council a formal recommendation

If council approves the transition and pending contract for services, The Kelly Firm could start services in November or December of this year.

FINANCIAL IMPACT: New financial impact will be available according to the terms of the future negotiated contract. Currently, the City is paying an annual retainer of \$70,000 for City Attorney services and an annual retainer of \$50,000 for prosecution services in Fiscal Year 2023.

RECOMMENDATION: Motion to select The Kelly Firm, authorize the City Manager to enter into contract negotiations and bring a contract before the City Council for their approval at the October Council meeting.

PREPARED BY: Nick Sizeland, City Manager



**THE
KELLY
FIRM**

March 24, 2022

Response to City of Grosse Pointe Park's Request for
Proposals for Legal Services

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1. LETTER OF TRANSMITTAL



Daniel J. Kelly
Ralph (Skip) Maccarone
Brittney K. Ellis
Wallace G. Long
Nancy L. Olind
2825 University Drive
Auburn Hills, Michigan 48326
Office: (248) 655-7025
Cell: (248) 217-6740
Email: Dan@KellyFirmPC.com

March 24, 2022

Nick Sizeland, City Manager
City of Grosse Pointe Park
15115 E. Jefferson Avenue
Grosse Pointe Park, MI 48230

**Re: The Kelly Firm Letter of Transmittal in Response to
City of Grosse Pointe Park Request for Proposals for Legal Services**

Dear Mr. Sizeland:

The Kelly Firm provides this transmittal letter and the attached proposal in response to the City of Grosse Pointe Park's Request for Proposals for Legal Services.

The Kelly Firm is proud to provide the City with the necessary experience, knowledge, and expertise needed for municipal legal representation and is committed to providing legal services at an affordable and efficient rate. We have reviewed the RFP, understand the scope of work, and accept the contract terms and conditions.

Accordingly, our proposal includes the performance of legal services, collectively or individually, for general City Attorney Services, Prosecution Services, and other legal services as may be required or requested by the City of Grosse Pointe Park. This packet constitutes our entire submission for consideration to serve as legal representatives for the awarded term. The included pricing offered shall be binding upon the Firm for a period of no less than 120 days from the date of submission.

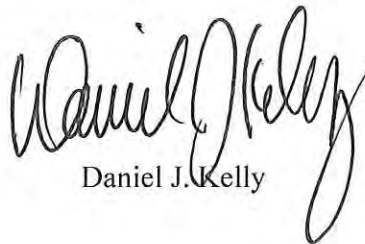
As President of The Kelly Firm, PLC, it would be a privilege to serve as the City's attorney in any manner awarded. I will serve as the single-point-of-contact to address any questions regarding this Response. We will not subcontract any portion of the municipal work assigned to The Kelly Firm. All members of the Firm concentrate their practice in the areas of general municipal and municipal labor law and proudly represent several local communities in this capacity. The Firm is prepared to accept all, or any, individual areas for which the City has sought a proposal.

City of Grosse Pointe Park
Re: Response to RFP for Legal Services
March 24, 2022
Page 2

I want to take this opportunity to thank the City of Grosse Pointe Park for considering our proposal. On behalf of myself and the entire Kelly Firm, it would be an honor and privilege to employ our skills as legal representatives for the City. As set forth herein, our Office is readily available to represent the City in a competent and efficient manner. Again, we thank you for your consideration.

Very truly yours,

THE KELLY FIRM, PLC


Daniel J. Kelly

2. EXECUTIVE SUMMARY

a. City Attorney Services

For almost 30 years, Mr. Kelly worked for one of the largest law firms in the Detroit Metropolitan area. At the time he left to form his own firm in 2018, Mr. Kelly was an equity partner, had sat on the firm's seven-member Board of Directors for over fifteen years, and was head of the firm's Municipal Law Department. Throughout his career, Mr. Kelly has focused his practice on general municipal and labor law. His love of municipalities and local governance is reflected in his public service; which includes having served eight years as a Trustee on the Independence Township Board of Trustees. Frustrated with the bureaucracy and inefficiencies of large law firms, The Kelly Firm was founded to address the specific needs of local municipalities. While the Firm continues to grow under Mr. Kelly's leadership, its competitive rates and dedication to local government remains its primary focus. Mr. Kelly encourages the City and its Administration to contact his references (see, Section 6) to verify the Firm's commitment and legal expertise, including any Orion, Oakland, Independence, or Macomb Township Board Member.

The Kelly Firm will provide professional and experienced interpretation of statutes and regulations, such as the Home Rule City Act, Michigan Election Law, Open Meetings Act, Freedom of Information Act, Michigan Zoning and Enabling Act 110 of 2006, Executive Orders, and all other applicable State and federal laws and regulations.

Firm Members regularly review and prepare documents for the purchase and sale of real and personal property, including review and preparation of Development Agreements (Planned Unit Development Agreements, Conditional Rezoning Agreements, etc.), Bylaws and Deeds, and interpretation of related public acts, tax assessing, and/or tax implications. The Firm is typically involved in advising municipalities and its Clerk's offices on all notices, postings, and procedural regulations. On a regular basis, the Firm provides advice and guidance on the procedures and creation of Special Assessment Districts, Corridor Improvement Authorities, and other taxing authorities. The Firm will provide legal advice on contracts, leases, insurance, bankruptcy, foreclosure, rehabilitation loans, and tax collection.

Recognizing the increased regulations and impacts of environmental law, The Kelly Firm has experience in all matters regarding environmental regulation, intergovernmental relationships, zoning and development, and all matters related to land use developments before City Councils, Departments, Planning Commissions, and all other Boards/Commissions.

Recent developments in marihuana law have created repeated questions and matters for local municipalities. The Kelly Firm has been at the forefront of developing marihuana ordinances and policies that both allow (with reasonable regulations) or prohibit marihuana facilities, depending on the client's preference. The Kelly Firm will provide professional and experienced interpretation of statutes and regulations regarding marihuana, such as the Michigan Medical Marihuana Act, Michigan Medical Marihuana Facilities Licensing Act, and Michigan Regulation and Taxation of Marihuana Act, and all other applicable State and federal marihuana laws and regulations.

Furthermore, The Kelly Firm provides legal advice on election law and general financial matters. While Mr. Kelly has been involved in many municipal bond approvals, the Firm does not provide bond counsel services. However, Mr. Kelly has worked with most of the local bond attorneys and can certainly assist the City in selecting outside bond counsel, should that become necessary.

b. Prosecutions

The Kelly Firm handles hundreds of prosecutions on behalf of its clients each year. Currently, The Firm provides prosecution and code enforcement services for three Oakland County municipalities, which include Oakland, Orion, and Oxford Townships. These services include the prosecution of civil infractions, ordinance violations, misdemeanors, condemnation matters, and code compliance procedures and/or violations.

On behalf of the Firm, Skip Maccarone would serve as principal in providing in-court prosecution services. Skip has an extensive background as a public servant, police officer, and elected official. Mr. Maccarone served for eight years as Township Supervisor for Shelby Township and was the Executive Director of the Macomb County Charter Commission. He also served as Macomb County's interim Chief Assistant Prosecutor. As a Township Prosecutor, Skip is repeatedly recognized for his professionalism and preparedness. Mr. Maccarone is routinely recognized by the 52nd District Court and its Judges for his professionalism and knowledge of the criminal legal system. Numerous local courts have adopted the forms, policies, and procedures created by Skip to handle prosecutions. His background as a police officer provides valuable insight to all parties. He is respected by the Judges, police officers, and code enforcement officers whom he works with daily. As evidenced by the support of the court and police agencies, the Firm's handling of criminal and ordinance enforcement is second to none.

The Kelly Firm also handles condemnation, abatement, and demolition matters under local ordinances and the Housing Law of Michigan from start to finish. Attorney Brittney Ellis has assisted many of the Firm's municipal clients providing representation at all stages of the condemnation process, including advising on the condemnation, abatement, and/or demolition noticing process, assisting with compliance and enforcement proceedings at all stages of the process, and orchestrating and participating in hearings before a duly qualified hearing officer.

3. RESPONDENT HISTORY

For almost 30 years, Mr. Kelly worked for one of the largest law firms in the Detroit Metropolitan area. At the time he left to form his own firm in 2018, Mr. Kelly was an equity partner, had sat on the firm's seven-member Board of Directors for over fifteen years, and was head of the firm's Municipal Law Department. Throughout his career, Mr. Kelly has focused his practice on general municipal and labor law. His love of municipalities and local governance is reflected in his public service, which includes having served eight years as a Trustee on the Independence Township Board of Trustees. Frustrated with the bureaucracy and inefficiencies of large law firms, The Kelly Firm was founded to address the specific needs of local municipalities. While the Firm continues to grow under Mr. Kelly's leadership, its competitive rates and dedication to local government will remain its primary focus. Mr. Kelly encourages the City and its Administration to contact his references (*see*, Section 6) to verify the Firm's commitment and legal expertise, this would include any Orion, Oakland, Independence, or Macomb Township Board Member.

The Firm has expanded its client roster each year since its founding and has developed a stellar reputation as a reliable and trustworthy municipal firm. While our base clientele is located mostly within Oakland County and surrounding communities, we expect to continue to grow as a specialty firm for local government authorities. We take exceptional pride in our commitment to prompt attention and response to client needs and believe our references will confirm these attributes.

4. RESPONDENT IDENTIFYING INFORMATION

a. Contact Information

Daniel J. Kelly, Project Manager
The Kelly Firm
2825 University Drive
Auburn Hills, Michigan 48326
(248) 655-7025; Cell: (248) 217-6740
Dan@Kellyfirmpc.com

b. Firm Experience, Competence, and Reputation

The Kelly Firm is experienced in providing the legal services enumerated in the City's RFP and offers experienced and qualified municipal attorneys to represent, assist, and counsel the City. Each attorney is licensed to practice law in the State of Michigan, is in good standing with the State Bar of Michigan, and is admitted to practice in Federal Courts in Michigan. The Firm's attorneys work predominantly in the municipal arena and have extensive experience in providing consultation to municipal administrators, elected officials, and leaders of Cities, Townships, and Villages, County Departments, as well as other public boards and commissions. The Kelly Firm's current client base includes several similarly situated municipal clients, which positions the Firm's attorneys to provide the City of Grosse Pointe Park with effective and efficient general legal, prosecutorial, and consultation services. In short, The Kelly Firm's philosophy is to help municipalities get from point A to point B in a legal, ethical, and cost-efficient manner.

We understand that time is of the essence. As such, each assigned attorney will make themselves available via email and telephone virtually all hours of the day - - evening or weekends. The Kelly Firm understands the importance of building and nurturing the client relationship and views our role as a true partner with the City of Grosse Pointe Park.

5. RESPONDENT PROPOSALS

a. Conflict of Interest

The Kelly Firm has several municipal clients based in both Oakland and Macomb Counties. At this time, The Kelly Firm does not have any known conflict of interest in representing the City of Grosse Pointe Park. Our practice is to utilize an extensive conflict check in all retained matters. We also acknowledge the City will not waive conflicts should The Kelly Firm be determined as the successful bidder. We do not foresee any existing client or matters constituting a potential conflict of interest in representing the City of Grosse Pointe Park.

We consistently consider our current and potential future obligations to existing clients whenever we evaluate new client opportunities. In other words, when approached with a matter relevant to our municipal and public sector practice, The Kelly Firm does not accept matters that may result in court actions or other conflicts with any local municipality.

If a client of the Firm has a dispute with the City of Grosse Pointe Park in the future, the client (not the City) would be asked to retain separate counsel. To confirm our position, we note that Client References are provided with this submission and invite the City's independent verification of a potential conflict of interest.

b. Municipal Experience

The Kelly Firm will assign five qualified lawyers to perform services on behalf of the City of Grosse Pointe Park. All are qualified, licensed Michigan attorneys, with experience and a passion for municipal law. Assigned Kelly Firm attorneys will make themselves accessible to clients via email, text, telephone, video conferencing, and in-person meetings at the convenience of our clients. We are flexible and accommodating to client matters - - both scheduled and emergent. As a general guideline, the City should expect a same-day response acknowledging matters and can usually expect a conclusive response within two business days. When necessary, we will provide transparent updates that additional time is needed to respond to more complex legal matters or longer-term projects. We believe communication is key and will always communicate with clients to ensure timelines are met.

As it relates to attending City meetings, it is a guiding principle of our Firm that to represent our clients properly, we must know the community and issues it is facing. As such, at the request of the City Manager, a Firm Member is available and will commit to attending all assigned regular and special meetings, executive sessions, and other City-related meetings. As it relates to ad hoc meetings, we repeat our commitment to being available and responsive. We will make an attorney available for urgent matters within the same day to attend, virtually or in-person when needed.

The Firm will make available all contact information, including email addresses, work, and cellular telephone numbers, and will be available all hours of the day, night, or weekend. The Kelly Firm

understands the importance of the client relationship and intends to be a strong, reliable partner with the City of Grosse Pointe Park.

c. Case Summary

With over 30 years of experience representing municipal and governmental entities, members of the Kelly Firm have a long list of documented success relevant to the City's scope of services. Below is a sampling of cases and accomplishments listed by the field of practice:

MUNICIPAL LAW

Mr. Kelly has negotiated and/or tried several significant land use and civil rights lawsuits over his years of practice. He has negotiated and overseen several multi-million-dollar developments, which have required Development Agreements, Master Deeds and Bylaws, Maintenance Agreements, Easements, and Consent Judgments. He is well-regarded throughout the judicial and legal community and is "AV Pre-Eminent" by Martindale Hubbell, the highest possible rating in legal ability and ethical standards. His reputation and extensive network of legal resources has allowed him to obtain successful results quickly and efficiently.

Pulte v Orion Township

In a zoning and land use dispute, the developer sued the Township on various land use and civil rights claims seeking significant money damages. The lawsuit was negotiated to a satisfactory conclusion, with the Township obtaining many concessions; including, a reduction in density, donation of parkland, and improved public amenities.

Tiburon Orion, LLC v Orion Township

A zoning and land use suit, which was satisfactorily resolved for the Township with significant concessions made by the plaintiff.

Moceri v Oakland Township

A significant zoning and land use lawsuit involving claims of civil rights violations, age, and disability discrimination. In a complicated resolution of various interests, the lawsuit was resolved with both the developer and the Third-Party Plaintiff, Veterans of America, to the satisfaction of the Township. The resulting development became Blossom Ridge, one of the State's premier elderly and assisted living communities.

Detroit Free Press v Orion Township

The Detroit Free Press sued Orion Township under significant constitutional and freedom of speech claims. Despite a highly publicized lawsuit and claims of significant financial exposure, the case was resolved by dismissal with no payment by the Township and significant compromises by the Plaintiff Free Press.

McNabb v Orion Township

In a longstanding dispute with the Township, a Township resident sued the Township under land use and writ of mandamus claims. The case was successfully litigated and dismissed by way of motions for summary disposition.

Skalnek Ford v Orion Township

Plaintiff Skalnek Ford filed suit against the Township regarding an easement dispute alleging the Township ignored Plaintiff's request to amend or correct a final site plan. The Township took the position it was within its discretion to interpret the easement and moved for Summary Disposition. The Circuit Court agreed and issued an order dismissing the Township.

Clarkston Auto Wash v Independence Township

The Township's DPW conducted an internal audit of its sewer accounts and discovered Plaintiff had been inaccurately billed for water and sewer services for several years. Following this discovery, the Township billed Plaintiff retroactively to collect the sanitary sewer service charges. The commercial customer disputed the retroactive charges and filed a civil lawsuit in the Circuit Court. The Circuit Court upheld the Township's position, granted the retroactive collection of sewer charges, awarded attorney fees, and dismissed Plaintiff's case.

Michalski v Oakland Township (Open Meetings Act and Freedom of Information Act)

A civil lawsuit was filed for alleged violations of the Freedom of Information Act and Open Meetings Act. The matter was litigated and dismissed by the Oakland County Circuit Court. On appeal to the Michigan Court of Appeals, the case was resolved in favor of the Township, and the Court of Appeals ruling established a significant ruling of law in the areas of Freedom of Information and Open Meetings Acts.

LABOR AND EMPLOYMENT

The Kelly Firm has been involved in the successful negotiation of numerous contracts and dispute settlements. Our Firm has represented management in negotiations with service, technical, professional, public safety, and supervisory labor unions. We have successfully represented our municipal clients in matters before MERC, such as arbitrations, unfair labor practices, and bargaining unit clarifications.

We are also well equipped to tackle new issues involving labor and employment. Since the onset of the pandemic, we have assisted our clients in navigating through the ever-changing regulations around COVID-19 (leave plans, federal and state payroll credits, vaccination requirements and status, masks mandates and health screenings, etc.) to support our clients in order to operate efficiently while effectively managing its workforce.

Osstyn v Orion Township

Following the termination of a Union employee, a grievance and arbitration proceeding was initiated by the Union on behalf of the terminated employee. After lengthy litigation and an arbitration hearing, the arbitrator ruled in favor of the Township and awarded no damages to the terminated employee.

American Federation of Firefighters v Oakland Township

A grievance by the Oakland Township Fire Department proceeded to a multi-day arbitration hearing with the IAFF's legal counsel claiming potential damages in the seven figures. Following the testimony of numerous witnesses and submittal of legal briefs, the arbitrator ruled in favor of Oakland Township's interpretation of the Collective Bargaining Agreement and awarded no relief nor money to the IAFF members.

Our Firm has successfully represented clients in various unpublished matters. For example, we recently defended a bargaining representation petition in front of MERC to exclude leaders of the command team from the bargaining unit. Additionally, we have successfully reached letters of understanding to exclude newly created positions from the Union ranks.

CONTRACT NEGOTIATIONS

The Firm also has a plethora of experience working with organized labor groups and has successfully participated in or led negotiations. A sample of the labor groups we have negotiated with are:

- American Federation of State, County, and Municipal Employees (AFSCME)
- Fraternal Order of Police (FOP)
- Government Administrators Association
- International Association of Fire Fighters (IAFF)
- Michigan Association of Fire Fighters (MAFF)
- International Brotherhood of Teamsters
- Michigan Association of Police (MAP)
- Michigan Association of Public Employees (MAPE)
- United Auto Workers (UAW)
- Service Employees International Union (SEIU)

ASSESSING AND TAX TRIBUNAL

Indianwood Golf and Country Club v Orion Township (Administrative and Tax Tribunal)

A complex tax evaluation dispute involving a significant 36-hole private Golf Club.

Virginia Mayhew v Orion Township

In an appeal of a special assessment district assessment, the Township prevailed in a challenge to the district creation and assessment.

d. Other Relevant Experience

Members of The Kelly Firm have organized community work sessions, presentations, and community informational sessions on pending matters of public interest, including hearings designed to obtain public sentiment through comments upon which officials can consider alternative courses of action for projects under review before a particular action is undertaken. We are experienced in interpreting the numerous intersecting guidance that the City may rely on such as statutes, local ordinances, internal policies, and labor contracts.

Members of the Firm are available to offer training and development, policy review and development, and charter review and revision. We will also offer educational services and training to the City regarding the Open Meetings Act, Freedom of Information Act, and other areas of the law that may be beneficial to the City and its employees.

6. CLIENT REFERENCES

The Kelly Firm welcomes and encourages contact or follow-up with any Board Member, Administrator, Chief or Director of any of our listed municipal references.

To the best of our knowledge, there is no existing conflict of interest that would prevent The Kelly Firm and any of its attorneys from fully servicing the City of Grosse Pointe Park. Our practice is to utilize an extensive conflict check in all retained matters. We consistently consider our current and potential future obligations to existing clients whenever we evaluate new client opportunities. In other words, when approached with a matter relevant to our municipal and public sector practice, The Kelly Firm does not accept matters that may result in court actions or other conflicts with any local municipality.

We also acknowledge the City will not waive conflicts should The Kelly Firm be determined as the successful bidder. If a client of the Firm has a dispute with the City in the future, the client (not the City) would be asked to retain separate counsel. To confirm our position, please consider our Client References below and we invite the City's independent verification of a potential conflict of interest.

Charter Township of Orion

Address:	2323 Joslyn Road, Lake Orion, MI 48360
Contact:	Chris Barnett, Township Supervisor
Telephone:	(248) 309-6901
Email:	cbarnett@oriontownship.org
Dates of Service:	2009 to present
Type of Service:	Township Attorney and Counselor
Scope of Work:	General Legal Services, Labor and Employment Services, Tax Tribunal Legal Services, Prosecution and Code Enforcement
Number of Staff:	All Firm attorneys participate in representing Orion Township
Lead Attorney:	Daniel J. Kelly

Charter Township of Oakland

Address: 4393 Collins Road, Rochester, MI 48306
Contact: Adam Kline, Township Manager
Telephone: (248) 218-6959
Email: akline@oaklandtownship.org; dabbate@oaklandtownship.org
Dates of Service: 2014 to present
Scope of Work: General Legal Services, Labor and Employment Services, Tax Tribunal
Legal Services, Prosecution and Code Enforcement
Type of Service: Township Attorney and Counselor
Number of Staff: All Firm attorneys participate in representing Oakland Township
Lead Attorney: Daniel J. Kelly

Charter Township of Independence

Address: 6483 Waldon Center Drive, Clarkston, MI 48346
Contact: Cari Neubeck, Township Clerk
Telephone: (248) 625-5111, Ext. 203
Email: cneubeck@indtp.com
Dates of Service: January 2020 to present
Scope of Work: General Legal Services, Labor and Employment Services
Type of Service: Township Attorney and Counselor
Number of Staff: All Firm attorneys participate in representing Independence Township
Lead Attorney: Daniel J. Kelly

Charter Township of Macomb

Address: 54111 Broughton, Macomb Township, MI 48042
Contact: Frank Viviano, Township Supervisor
Telephone: (586) 586-992-0710, Ext. 2294
Email: VivianoF@macomb-mi.gov
Dates of Service: March 2021 to present
Scope of Work: Labor and Employment Services
Type of Service: Township Labor & Employment Counsel
Number of Staff: All Firm attorneys participate in representing Oakland Township
Lead Attorney: Daniel J. Kelly

City of Auburn Hills

Address: 1827 N. Squirrel Road, Auburn Hills, MI 48326
Contact: Tom Tanghe, City Manager
Telephone: (248) 370-9440
Email: ttanghe@auburnhills.org
Dates of Service: March 2019 to present
Scope of Work: Labor and Employment Services
Type of Service: Township Labor & Employment Attorney and Counselor
Number of Staff: Dan Kelly and Skip Maccarone represent Auburn Hills
Lead Attorney: Skip Maccarone

Oakland County Water Resources Commissioner

Address: One Public Works Drive, Bldg. 95W, Waterford, MI 48328
Contact: Kelsey Cooke, Attorney, Special Projects Manager
Phone: (248) 296-1406
Email: cookek@oakgov.com
Dates of Service: February 2022 to present
Scope of Work: Municipal/public sector law, real estate and property law, environmental law
Type of Service: Municipal Attorney and Counselor
Lead Attorneys: Daniel J. Kelly and Brittney Ellis

Charter Township of Oxford

Contact: Township Supervisor
Name: Jack Curtis, Supervisor
Address: 300 Dunlap Road, Oxford, MI 48371
Telephone: (248) 628-9787, Ext. 109
Email: jcurtis@oxfordtownship.org
Dates of Service: 2011 to present
Scope of Work: Prosecutions and Code Enforcement Services
Type of Service: Township Prosecuting Attorney
Lead Attorney: Skip Maccarone

7. ORGANIZATIONAL AND STAFFING PLAN

Dan Kelly has a long history of service on governmental boards, including eight years on the Independence Township Board of Trustees and Planning Commission and six years on the Oakland Community College Board of Trustees, where he also served as Board Chair. Currently, Dan serves as Vice-Chair on Michigan State University’s Board of Trustees. Dan is well respected throughout the judicial and legal community and has been rated for many years as “AV Pre-eminent” by Martindale Hubbell, the highest possible rating by judges and lawyers in both legal ability and ethical standards. Additionally, Mr. Kelly has been a “Super Lawyer” in municipal law since 2006 and one of the nation’s Top Lawyers based on a survey of his peers by Leading Lawyers.

Ralph “Skip” Maccarone has an equally long and extensive background as a public servant, police officer, and elected official. Mr. Maccarone served for eight years as Township Supervisor for Shelby Township and was the Executive Director of the Macomb County Charter Commission. He also served as Macomb County’s interim Chief Assistant Prosecutor.

Brittney Ellis serves as the Director and Vice-Chair on the County-wide elected office of the Oakland County Conservation District Board. She also sits on the Oakland County Bar Association’s Municipal Law Committee and is a 2022 Michigan Political Leadership Fellow at Michigan State University. Ms. Ellis previously worked as a Law Clerk for the Association of Fish & Wildlife Agencies. She has also worked as a Fellow at the Nature Conservancy and an Americorps legal fellow at Michigan’s Department of Environmental Quality. Brittney was recently named as one of 40 elite professionals living and working in Oakland County who are under 40 years of age (Oakland County’s 40 under 40 list) and made the Super Lawyers 2022 Rising Stars list.

Nancy L. Olind has an extensive municipal service background through her 16-plus years of service at Wayne County, where she last served as a Director of Organizational Effectiveness leading strategic business plan development, employee relations, training and development, result-based budgeting, as well as labor and employee disputes. Nancy has served as Deputy Human Resources Director for the City of Cincinnati, where she was responsible for Civil Service recruitment, testing, and selection, as well as all personnel issues and other employment-related issues. Her role at the City included serving as Chief of Labor, working with front line, service, technical, public safety, and supervisory unions on all labor issues, such as contract negotiations, grievance resolutions, and arbitrations. She has served as a facilitator for Civil Service Commission meetings and hearings.

Finally, **Wallace “Wally” Long** served as the Corporate Counsel for the City of Trenton for over 30 years. His extensive experience and knowledge in the governmental field provides an invaluable resource to the City.

Additionally, the Firm is well equipped to provide all legal services required by the City of Grosse Pointe Park. The Firm’s attorneys are supported by competent and experienced staff, including legal assistants, both of whom have over 30 years of experience working in the legal field. The Firm’s offices are well equipped with the necessary technology to communicate and provide security and confidentiality to our clients.

No complaints have been filed with the Michigan Bar Association against The Kelly Firm or any of its attorneys. All Kelly Firm attorneys have a stellar record of service. No grievances or ethics complaints have ever been filed against its attorneys.

a. Staff Resumes

As illustrated in the included attorney experience summaries, The Kelly Firm’s attorneys have more than six decades of collective experience in providing legal services to various municipal clients. We have included additional attorney information, specific to certain services areas, below. Detailed biographies for each Kelly Firm Attorney follow:

DANIEL J. KELLY

Mr. Kelly concentrates his practice in the areas of municipal and public sector labor law. Currently, Dan represents the Townships of Orion, Oakland, Oxford, Independence, Macomb, and the City of Auburn Hills. Over his 30 years as an attorney, he has successfully defended numerous townships, municipalities, school districts, police agencies, and employers at all levels of the litigation process in front of numerous State, federal, and appellate courts. Dan has focused his practice on the representation of local municipalities, primarily due to his love of local government. With his extensive trial experience, Mr. Kelly has been asked to serve as a court-appointed mediator and lecturer on numerous issues involving governmental entities, risk management, labor, and liability exposure.



Dan puts a premium on preventative techniques to avoid the high costs of litigation. He has completed two associate programs in Risk Management and Risk Management for Public Entities certified by AICPCU/IIA. Additionally, he has completed the training and certification by the Michigan Supreme Court as a court-appointed mediator/facilitator. His unique experience in law and having sat as an elected official at the local, county, and state levels give him a unique perspective with regard to the representation of townships and local municipalities. Currently, Mr. Kelly sits on the State-wide elected Board of Trustees for Michigan State University, where his fellow Board members selected him as the Board's Vice-Chair.

Areas of Practice

- Township Municipal Law
- Employment and Labor Law
- Land Use and Real Estate Law
- Tax Tribunal
- Business and Commercial Law Litigation

Bar Admissions

- State Bar of Michigan, admitted 1988
- U.S. District Court, Eastern District of Michigan
- Sixth Circuit Court of Appeals
- Michigan Supreme Court
- Associate Degrees in Risk Management for Public Entities and Risk Management, certification testing authorized by AICPCU/IIA
- MSU one-year fellowship Governmental Leadership; Michigan Political Leadership Program (MPLP)
- Supreme Court of Michigan certified and selected as mediator/facilitator for Oakland, Macomb, and Wayne County Courts.
- Invited speaker and instructor for numerous public entities involving governmental law issues, including Michigan Association of School Boards (statewide teleconference on civil rights claims), Michigan Townships Association, and various local municipalities and school districts

Professional Leadership/Memberships

- Michigan State University Board of Trustees (Vice-Chair)
- Oakland Community College Board of Trustees (Chair)
- State Bar of Michigan
- Oakland County Bar Association
- Michigan Townships Association
- Association of School Lawyers
- Former Trustee, Independence Board of Trustees
- Former Independence Township Planning Commission
- Independence Township Parks and Recreation Advisory Commission
- Independence Township Representative for union, cable, and ordinance revision committees
- Lake Board representative for Lake Oakland, Van Norman, Waumegah, and Mill Ponds
- Auburn Hills Chamber of Commerce Board member

Honors/Awards

- Martindale-Hubbell Highest Award for Peer and Judicial Review Rated “AV-Preeminent”
- Super Lawyers 2010 to Present
- Business Metro Detroit “Top Lawyers” 2010 to Present

Education

- University of Detroit Mercy School of Law, Detroit, Michigan, J.D.

RALPH ‘SKIP’ MACCARONE

A former member of the Detroit Police Department, Ralph “Skip” Maccarone has been a practicing attorney for over thirty-five years. He was Supervisor of the Charter Township of Shelby for eight years. He is a Michigan Employment Relations Commission arbitrator, fact-finder, and grievance administrator; and a Commercial Panel Member Arbitrator of the American Arbitration Association. He has served as interim legal counsel to the Macomb County Board of Commissioners, interim Macomb County Corporation Counsel, and was Executive Director of the Macomb County Charter Commission, responsible for creating the Executive form of government for Michigan’s third most populous county.



As a former member of Walsh College’s adjunct faculty, he has taught American Public Administration and Governmental Management. He is a member of the State Bar of Michigan Alternative Dispute Resolution, Business Law, Labor & Employment Law, Public Corporation Law, Real Property Law, and Master Lawyers Sections, and is Martindale-Hubbell Peer and Judicial Review Rated “AV Preeminent.” Mr. Maccarone also serves as a Macomb Circuit Court Civil and Neutral Labor and Employment Law Case Evaluator. On behalf of The Kelly Firm, Mr. Maccarone provides labor law advice to the Firm’s municipal clients and is the Township prosecutor for Oakland, Orion, and Oxford, in the 52-3 District Court.

Areas of Practice

- Employment & Labor Law
- Prosecutions and Municipal Law
- Land Use and Real Estate Law
- Business Law

Experience

- State Bar of Michigan, admitted 1983
- United States District Court for the Eastern District of Michigan
- United States Court of Appeals for the Sixth Circuit
- United States Supreme Court
- Business, Employment, Labor and Real Estate Law Practice 1983-2000
- Township Supervisor - Charter Township of Shelby, Macomb County, Michigan 2000-2008
- Executive Director of Macomb County Charter Commission 2009
- Interim Independent Legal Counsel to the Macomb County Board of Commissioners 2011
- Michigan 41-A District Court Civil Case Evaluator 2012
- Interim Macomb County Corporation Counsel 2013
- Adjunct Faculty Member, Walsh College, Troy, Michigan 2009-2014
- Macomb Circuit Court Civil and Neutral Labor and Employment Law Case Evaluator

Professional Leaderships/Memberships

- Focus Macomb Transportation Committee Member 2007-2008
- Member of Michigan Legislative Commission on Statutory Mandates 2008
- American Arbitration Association National Roster Commercial Arbitration Panel Member
- Michigan Employment Security Commission Act 312 and Municipal Sector Labor Arbitrator, Fact Finder, and Grievance Administrator
- State Bar of Michigan Alternative Dispute Resolution, Business Law, Labor & Employment Law, Public Corporation Law, Real Property Law, and Master Lawyers Sections Member

Honors/Awards

- Listed in “dBusiness” Magazine as one of Metro Detroit’s Top Lawyers 2010
- Martindale-Hubbell Peer and Judicial Review Rated “AV Preeminent”

Education

- Detroit College of Law, J.D.
- Wayne State University, B.S. in Criminal Justice

BRITTNEY K. ELLIS

Ms. Ellis concentrates her practice in all areas of municipal law. At The Kelly Firm, she is considered the resident expert in general municipal law, real property law, and marihuana law and ordinances. She has experience advising and guiding clients through the process of ordinance drafting; contract review and administration; planning, zoning, and development; compliance with Open Meetings Act and FOIA requirements; special assessments; property maintenance/nuisance abatement; property transactions for local governmental entities, including acceptance of new roads and public utilities in connection with new developments; as well as the acquisition of land for public projects; and all aspects of general municipal litigation.



Brittney received her J.D. from Michigan State University College of Law. While in law school, she gained valuable experience interning in the legal departments of the Michigan Department of Environmental Quality, Diplomat Specialty Pharmacy, and the Nature Conservancy. She was an Associate Editor of Michigan State's Journal of Animal and Natural Resource Law and the Jeffrey and Cynthia Littman Fellow at The Nature Conservancy. Prior to joining the Firm, she worked as a Law Clerk at The Association of Fish & Wildlife Agencies. Ms. Ellis was elected to sit on the Oakland County Conservation District Board in 2018 and elected as the Board's Vice-Chair by her fellow board members. She is also an active member of the Oakland County Bar Association's Municipal Law Committee. She is a 2022 Michigan Political Leadership Fellow at Michigan State University. Brittney was recently named as one of 40 elite professionals living and working in Oakland County who are under 40 years of age (Oakland County's 40 under 40 list) and made the Super Lawyers 2022 Rising Stars list.

Areas of Practice

- General Township and Municipal Law
- Real Property, Land Use Planning, and Zoning
- Environmental and Administrative Law
- Employment and Labor Law
- Prosecutions

Bar Admissions

- State Bar of Michigan, admitted 2018
- U.S. District Court, Eastern District of Michigan, admitted 2019

Professional Leadership/Memberships

- Oakland County Conservation District Board of Directors (Vice-Chair)
- Current Fellow in MSU's Michigan Political Leadership Program (MPLP)
- Oakland County Bar Association
- Oakland County Bar Association Municipal Law Committee
- Young Lawyers Section of the State Bar of Michigan
- Michigan Townships Association
- Former Associate Editor of the MSU Journal of Animal & Natural Resource Law
- Former Editor of the Wildlife Law Call
- MSU Michigan Political Leadership Program (MPLP)

Honors/Awards

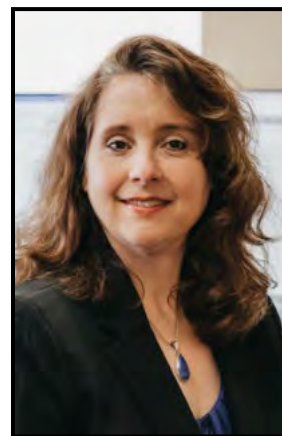
- Oakland County's 40 Under 40
- Super Lawyers 2022 Michigan Rising Stars
- Equal Justice Works Public Interest Law Scholarship Recipient
- Jeffrey and Cynthia Littman Scholarship Recipient
- Lake Forest College Outstanding Senior Thesis Award
- Gates Center Leadership Scholar Award

Education

- Michigan State University College of Law, East Lansing, Michigan, J.D.
- Lake Forest College, Lake Forest, Illinois, B.A. in Environmental Science

NANCY LYNN OLIND

Nancy's wide range of professional experience in law and general employment practices gives her a unique perspective when advising and representing municipal clients. During her 30 years as a professional, Nancy has worked predominantly in the public sector for local municipalities. Nancy's experience serving as a government employee and leader provides her with enhanced labor and employee relations experience as a result of working on both sides of the table. Nancy's work history includes a wealth of experience advising leaders on best employment practices, including labor relations, employee relations, discrimination and harassment, strategic planning, conflict management and mediation, training, and development, executive coaching, employee engagement, and performance management. Ms. Olind participated in Charter revisions to include the resulting amendments, civil service, and ordinances.



Prior to joining the Kelly Firm, Ms. Olind most recently worked as a Senior Employee Relations Consultant for the Detroit Medical Center where she was responsible for employment services impacting more than 3000 employees. Ms. Olind's municipal experience includes her executive leadership role as Assistant Human Resources Director and Chief of Labor for the City of Cincinnati. Nancy led the City's labor initiatives and managed its workforce employee relations issues, as well as serving the Civil Service Commission. Closer to home, Nancy worked in various positions at Wayne County for more than 16 years where she supported all County departments, and elected offices. Nancy retired from Wayne County as the Director of Organizational Effectiveness. Nancy's experience in the public and private sector have provided her with the experience and resource to effectively partner with her clients to resolve employment concerns.

Ms. Olind graduated cum laude from the Thomas M. Cooley Law School and is a licensed member of the State Bar of Michigan. She also holds a master's degree in Organizational Management and a Bachelor's Degree in Psychology and Communications.

Areas of Practice

- General Township and Municipal Law
- Employment Law
- Labor Law
- Prosecutions
- Tax Tribunal

Bar Admissions

- State Bar of Michigan, admitted 2010

Professional Leadership/Memberships

- State Bar of Michigan Labor and Employment Section
- Michigan Townships Association
- Former Associate Moot Court Teaching Assistant
- Society of Human Resource Management

Honors/Awards

- Wayne County Outstanding Employee Award
- Wayne County Outstanding Team Award

Education

- Bachelor of Science, Psychology/Communications, Ypsilanti, Michigan
- Master of Arts, Organizational Management, Spring Arbor University
- Thomas M. Cooley Law School, cum laude, Auburn Hills, Michigan

WALLACE ‘WALLY’ LONG

Mr. Wallace Long has extensive experience in the governmental field, having served as a Staff Assistant to the Judiciary Committee of the U.S. Senate in Washington, D.C., Chief of Staff for the Majority Leader of the Michigan Senate, as well as Corporate Counsel to the City of Trenton for over 30 years. Mr. Long provides the Firm with valuable insight and expertise in the field of municipal law.



Areas of Practice

- Municipal & Government

Bar Admissions

- State Bar of Michigan, admitted 1982
- American Bar Association
- Michigan Association of Municipal Attorneys
- International Municipal Lawyers Association
- City Attorney, Prosecutor – City of Trenton, Michigan

Professional Leadership/Memberships

- Certified arbitrator for the American Health Lawyers Association Dispute Resolution Service
- Former Staff Assistant, U.S. Senate Judiciary Committee
- Former Legislative Staff, Michigan Senate Majority Leader's Office

Honors/Awards

- Super Lawyers 2006-2014
- The New York Times Top Attorney

Education

- University of Michigan, B.A., 1971
- Michigan State College of Law, J.D., cum laude, 1981

b. **Summary of Staff Qualifications**

All of the Firm's attorneys are qualified, licensed Michigan attorneys with experience and a passion for municipal law. Each attorney is skilled and knowledgeable concerning the issues that confront a modern and growing City. The Kelly Firm's commitment to representing its municipal clients is uniquely based on our experience as elected officials

c. **Principal Attorney Qualifications**

The principal attorney, **Dan Kelly**, has been practicing law in the State of Michigan for over 30 years.

d. **Assigned Staff**

It is understood by The Kelly Firm that all assigned staff shall be reasonably acceptable to the City and that the replacement of key personnel must be of equal or superior experience as the person replaced. Any staff substitutions must include a resume and be approved in writing in advance of work on the project by the City Manager.

8. PROJECT MANAGER

The Kelly Firm offers **Daniel J. Kelly** as the Project Manager for the City of Grosse Pointe Park. He will be supported by Kelly Firm attorneys, as mentioned herein.

a. Length of Service with the Firm

The Kelly Firm was founded by Dan Kelly in 2018.

b. Education, Experience, and Responsibilities

Mr. Kelly has over 30 years of experience as an attorney licensed in the State of Michigan. He serves as the General and Labor Attorney for Orion, Oakland, and Independence Townships, and is Labor Counsel for Macomb Township and the City of Auburn Hills. As the President of The Kelly Firm, Dan oversees the day-to-day operations of the Firm, maintains an open line of communication with the staff, and conducts the final overview and approval of the work product and legal opinions before providing them to the client.

c. Martindale-Hubbell Rating

Dan Kelly is proud to report that he maintains Martindale-Hubbell's Highest Award for Peer and Judicial Review Rating of "AV-Preeminent."

d. Other Relevant Proposals

Mr. Kelly puts a premium on preventative techniques to avoid the high costs of litigation and is certified by AICPCU/IIA in Risk Management and Risk Management for Public Entities. His experience in practicing law and having sat as an elected official at the local, county, and state levels, gives him a unique perspective for the representation of local municipalities. Currently, Mr. Kelly sits on the elected Board of Trustees for Michigan State University, where he was recently selected as the Board's Vice-Chair. He is a 25+-year resident of Independence Township, where he raised his four children and resides with his wife of more than 30 years.

A detailed biography setting forth Dan's education and qualifications follows.

DANIEL J. KELLY

Mr. Kelly concentrates his practice in the areas of municipal and public sector labor law. Currently, Dan represents the Townships of Orion, Oakland, Oxford, Independence, Macomb, and the City of Auburn Hills. Over his 30 years as an attorney, he has successfully defended numerous townships, municipalities, school districts, police agencies, and employers at all levels of the litigation process in front of numerous State, federal, and appellate courts. Dan has focused his practice on the representation of local municipalities, primarily due to his love of local government. With his extensive trial experience, Mr. Kelly has been asked to serve as a court-appointed mediator and lecturer on numerous issues involving governmental entities, risk management, labor, and liability exposure.



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- Association of School Lawyers
- Former Trustee, Independence Board of Trustees
- Former Independence Township Planning Commission
- Independence Township Parks and Recreation Advisory Commission
- Independence Township Representative for union, cable, and ordinance revision committees
- Lake Board representative for Lake Oakland, Van Norman, Waumegah, and Mill Ponds
- Auburn Hills Chamber of Commerce Board member

Honors/Awards

- Martindale-Hubbell Highest Award for Peer and Judicial Review Rated “AV-Preeminent”
- Super Lawyers 2010 to Present
- Business Metro Detroit “Top Lawyers” 2010 to Present

Education

- University of Detroit Mercy School of Law, Detroit, Michigan, J.D.

9. COMPENSATION

For general City Attorney legal services, the Firm proposes an hourly rate of \$165.00 per chargeable hour for senior attorneys of the firm and \$145.00 per chargeable hour for firm associates. For prosecution services, the firm proposes an hourly rate of \$130.00 per chargeable hour and, if desired, will work with the City to agree upon an acceptable flat rate for prosecution services based on past averages.

Upon receiving additional information, the Firm is also willing to discuss alternate pricing, including a flat fee, monthly retainer or hybrid of same. The Kelly Firm is confident a savings in legal expenses for the City will be obtained.

10. AGREEMENT

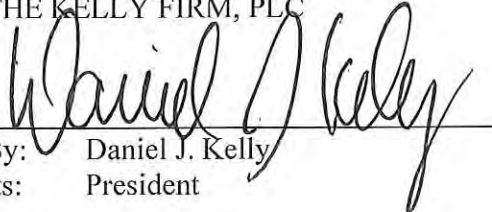
The Kelly Firm's preferred method of engagement is on an hourly basis. The Firm has found that while monthly retainers work well for defined services such as prosecutions, an hourly rate for all other services allows the City to allocate the costs within its department budgets easily. Additionally, an hourly rate guarantees the City only pays for the services requested and, thus, the City controls its legal costs. The Firm is agreeable to a term of up to four (4) years, with billing to the City of Grosse Pointe Park. Payment of legal invoices is net 30 days.

NON-COLLUSIVE PROPOSAL CERTIFICATION STATEMENT

By submission of this proposal, The Kelly Firm, PLC certifies that:

1. This proposal has been independently arrived at without collusion with any other law firm or with any competitor or potential competitor.
2. This proposal has not been knowingly disclosed and will not be knowingly disclosed to any other law firm, competitor, or potential competitor prior to the opening of Proposals for this service.
3. No attempt has been or will be made to induce any other person, partnership, or corporation to submit a Proposal.
4. The person signing this proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the law firm as well as the person signing on its behalf.

THE KELLY FIRM, PLC


By: Daniel J. Kelly
Its: President

2825 University Drive
Auburn Hills, Michigan 48326

Contact:

Daniel J. Kelly
dan@kellyfirmplc.com
(248) 655-7025

Dated: March 24, 2022

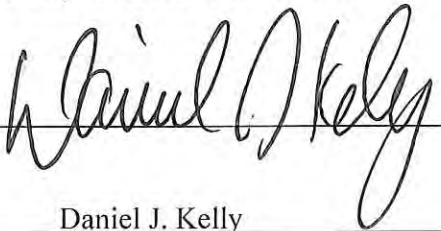
VENDOR CERTIFICATION THAT IT IS NOT AN "IRAN LINKED BUSINESS"

Pursuant to Michigan law (the *Iran Economic Sanctions Act*, 2012 PA 517, MCL 129.311 et seq.), The Kelly Firm certifies that it is not an "IRAN LINKED BUSINESS," as defined by law.

VENDOR	
Legal Name	The Kelly Firm, PLC
Street Address	2825 University Drive
City	Auburn Hills
State, ZIP	Michigan 48346
Corporate ID Number/State	802211701
Taxpayer ID #	83-1194612

The undersigned, with (1) full knowledge of all of the Firm's business activities, (2) full knowledge of the requirements and possible penalties under the law, MCL 129.311 et seq., and (3) the full and complete authority to make this certification on behalf of the Firm, by his signature below, certifies that: The Kelly Firm PLC is **NOT** an "IRAN LINKED BUSINESS" as required by MCL 129.311 et seq. and as such that the Firm is legally eligible to submit a bid and be considered for a possible contract to supply goods and/or services to the City of Grosse Pointe Park.

Signature of Vendor's
Authorized Agent:


Daniel J. Kelly

Printed Name of Vendor's
Authorized Agent:

Witness Signature:



Printed Name of Witness:

Joan Peters

Dated: March 24, 2022

