

the review

May/June 2014

the official magazine of the  michigan municipal league

**RESILIENCY AND
PLACEMAKING**

**WHITEHALL'S
GREEN ROAD**

**CHALLENGES TO
MARINAS & HARBORS**

**TRAFFIC IMPACT
STUDIES**

**GRAND RAPIDS:
A LEADER RESPONDS TO
CLIMATE CHANGE**

RESILIENCY:

WHAT IS IT, AND WHY DO YOU NEED IT?

the review

The official magazine of the Michigan Municipal League

Features

6

Resiliency for Decision Makers

By Michael Stevens

8

Whitehall's Green Road

By Elizabeth Ann-Philips Foley

11

Marinas and Harbors:

Standing the Test of Time

By Amy Samples

14

Planning Through the Lens of Resilience

By Joe VanderMeulen

17

Capital Conference Highlights

21

Resilient Monroe!

By Dan Swallow
and Terry Beamsley

24 COVER STORY

Planning and Implementing Climate Resiliency in Grand Rapids

By Haris Alibašić

28

The Emergency Manager Process:

The Demise of PLACE

By Anthony Minghine

30

Germany Wants Thriving Cities, Too

By Kim Cekola

34

Getting Rid of Gridlock

By Debi Turley

37

Around Michigan

38

Traverse City State Theatre

By League Staff

38



Columns

5 **Executive Director's Message**

42 **Legal Spotlight**

46 **Municipal Q&A**



24 Cover Story

On the Cover:

The city of Grand Rapids has responded to the challenges of climate change with a range of climate mitigation and adaptation strategies to increase its resilience. From left to right: Grand Rapids Mayor George Heartwell, City Commissioner and League Board Member Rosalynn Bliss, and Haris Alibašić, the city's energy and sustainability director.

Photographs by
Johnny Q Photography.



11



Thriving Communities Don't Happen by Accident

Public officials across Michigan work with Plunkett Cooney to develop healthy business districts and safe neighborhoods that residents are proud to call home.

Whether in council chambers or in the courtroom, your community can count on Plunkett Cooney for the right result.

- City Attorney Services
- Labor & Employment Law
- Civil Litigation
- Public Safety Liability
- Zoning, Planning & Permitting

ATTORNEYS & COUNSELORS AT LAW

MICHAEL S. BOGREN

Governmental Law Practice Group Leader

269.226.8822 | mbogren@plunkettcooney.com



DETERMINED. DISTINCTIVE. FEARLESS.™

Bloomfield Hills Detroit East Lansing Flint Grand Rapids Kalamazoo Marquette Mt. Clemens Petoskey

www.plunkettcooney.com

One-Pager *Plus* Fact Sheets

Municipal Attorneys...
Managers...
Department Heads...

Add to our
growing
collection!

Do you write one-page
explanations of
municipal topics for
your council or staff?

If so, submit them to
the League as possible
**One-Pager *Plus*
Fact Sheets**

These one-page information
sheets offer a clear and
concise explanation of
a variety of municipal topics.
The "*Plus*" is an additional
piece of information, such
as a sample ordinance,
policy, or resolution.
These fact sheets are
available online at mml.org.
Email kcekola@mml.org
for details.



michigan municipal league

the review

The official magazine of the Michigan Municipal League

Volume 87, Number 3

Better Communities. Better Michigan.

The Michigan Municipal League is the one clear voice for Michigan communities. Our goals are to aid them in creating desirable and unique places through legislative and judicial advocacy; to provide educational opportunities for elected and appointed officials; and to assist municipal leaders in administering community services. Our mission is that of a nonprofit, but we act with the fervor of entrepreneurs to passionately push change for better communities and a better Michigan.

Board of Trustees

President: Jacqueline Noonan, Mayor, Utica

Vice President: Richard Bolen, Mayor Pro Tem, Wakefield

Terms Expire in 2014

Lois Allen-Richardson, Mayor Pro Tem, Ypsilanti
Ricci Bandkau, Councilmember, Brighton
Scott Erickson, City Manager, Ironwood
Pauline Repp, Mayor, Port Huron
Adam J. Umbrasas, Village Manager, Three Oaks

Terms Expire in 2015

Steven Baker, Councilmember, Berkley
Susan Baldwin, Commissioner, Battle Creek
Steve Brock, City Manager, Farmington Hills
Bobby Hopewell, Mayor, Kalamazoo
Rebecca Hopp, Councilmember, Ferrysburg
Nathan Triplett, Mayor, East Lansing

Terms Expire in 2016

Rosalynn Bliss, Commissioner, Grand Rapids
Dan Greer, Councilmember, Jackson
Edward Klobucher, City Manager, Hazel Park
John B. O'Reilly, Jr., Mayor, Dearborn
Dan Ralley, City Manager, Petoskey
Mark Vanderpool, City Manager, Sterling Heights

Magazine Staff

Kim Cekola, Editor
Laura Koroncey, Graphic Designer
Terri Murphy, Advertising
Tawny Pearson, Copy Editor

To Submit Articles

The Review relies on contributions from municipal officials, consultants, legislators, League staff and others to maintain the magazine's high quality editorial content. Please submit proposals by sending a 100-word summary and outline of the article to Kim Cekola, kcekola@mml.org. Information is also available at: www.mml.org/marketingkit/.

Advertising Information

The Review accepts display advertising.
Business card-size ads are published in a
special section called Municipal Marketplace.

Classified ads are available online at
www.mml.org. Click on "Classifieds."
For information about all MML marketing
tools, visit www.mml.org/marketingkit/.

Subscriptions

\$24 per year for six issues. Payable in advance by
check, money order, Visa/MasterCard/American
Express. Make checks payable to Michigan
Municipal League. Phone 734-669-6371;
fax 734-669-4223 or mail new subscription
requests & checks to the Michigan Municipal
League, P.O. Box 7409, Ann Arbor, MI 48107-7409.

The Review (ISSN 0026-2331) is published bi-monthly by the Michigan Municipal League, 1675 Green Rd, Ann Arbor, MI 48105-2530. Periodicals postage is paid at Ann Arbor MI. POSTMASTER: Send address changes to THE REVIEW, 1675 Green Rd, ANN ARBOR MI 48105-2530.



Please recycle this magazine

Resilient Communities Are Tough, Pliant, and Durable

Floods. Wildfires. Droughts. Hurricanes and tornadoes. Fuel shortages. Energy blackouts. Extreme heat and cold. You can get tons of information about what's going wrong in the world—and even more opinions on who or what is to blame. Enough of both, in fact, to fill Noah's Ark and sink it, all before you've loaded up a single dodo bird or humpbacked whale.

So forget all that for now. What matters is how we deal with whatever gets thrown at us, so that we survive and yes, even *thrive*, in the face of it. And that takes planning and preparation. That's what resilient communities are all about.

When it comes to dealing with natural disasters, cities are literally on the front line—taking the hit full in the face from extreme weather events, environmental catastrophes, public health emergencies, you name it. Wherever you have large concentrations of people and infrastructure and you have not planned for the unexpected, you have a critically vulnerable soft spot—like exposing your community's jugular and just hoping nothing bites. And that attacker could be coming in armed to the teeth with blizzards, floods, and gale force winds.

Back before Katrina hit New Orleans, the popular attitude was to view natural disasters and their aftereffects as horrible, but rare and unavoidable, events. There was a kind of passive fatalism about it all—reactive rather than proactive.

We can't afford that kind of attitude anymore. In the last few years we've seen that extreme weather, energy, and economic challenges have become the new norm. So how many times can Dorothy's house land on the Wicked Witch before she learns to get out of the way? Whether you want to call it climate change, global bad luck, or the Wrath of Khan, it's a brave new world out there, kids. Emergency planning takes a whole lot more than hiding out in a storm shelter under the city library. Good emergency plans include sustainability, proactive infrastructure investments, and continual updating with the latest information and innovations.

Here in this issue of *The Review*, you'll find lots of great articles on a wide range of topics, including a wrap-up of the 2014 Capital Conference. You're also going to learn what smart, proactive local leaders are doing to prepare their communities for the worst.

You'll read about Whitehall's "green road" that has effectively mitigated the city's decades-long history of stormwater flooding and industrial pollution. You'll hear how the Land Information Access Association (LIAA) worked with Monroe, Ludington, and several other cities to develop resiliency plans.

You'll learn how the city of Grand Rapids came through a major flood in April 2013 with relatively little damage, largely due to preemptive investments in floodwalls and storm sewer improvements, sustainable infrastructure, and a rapid-response emergency action plan. In fact, the city's proactive efforts to protect itself and its residents from flooding and other extreme weather events prompted President Obama to appoint Grand Rapids Mayor George Heartwell to the Task Force on Climate Preparedness and Resilience in November of 2013.

Looking for a way to start? The Resilient Communities for America campaign (resilientamerica.org) is calling on the leaders of local government "to take effective, wide-ranging local actions to prepare for climate change impacts, improve local energy independence, renew America's infrastructure, and strengthen their economies in the process." The campaign will also provide members with critical resources to help them achieve those goals. It's worth a look...

...Because we don't need to be Chicken Little yelling that the sky is falling down. But it helps to have those umbrellas handy in case it does. ☔



Daniel P. Gilmartin
League executive director and CEO
734-669-6302, dpg@mml.org



RESILIENCY

for Decision Makers



Study finds municipalities could save billions of dollars by investing in resilience

By Michael Stevens

Damages caused by extreme weather phenomena are increasing around the globe. In 2012, the costs of such damages totaled approximately \$160 billion worldwide. With dense populations, cities are particularly vulnerable to natural hazards. For example, Superstorm Sandy alone was responsible for damages of some \$50 billion, mostly in the New York Metropolitan area.

To show how cities can better protect themselves against natural disasters like Sandy, Siemens has joined forces with Regional Plan Association (RPA) and the consulting firm Arup to prepare a study on resilient urban infrastructure. Results to-date show that technology is a key component of resilient and efficient infrastructure protection. Cities should integrate resilience into all aspects of their planning and normal investment and maintenance cycles. This would reduce potential damages, enhance productivity, create a safe place to live, and can save billions of dollars.

"We can't prevent natural disasters, but with our knowledge and our technologies, we can better protect our infrastructures. Particularly in difficult economic times, cities have to invest efficiently while minimizing risks and making them calculable. Resilient infrastructure is not an option but a must. What you get is a city that is better protected and at the same time more efficient and reliable!" said Roland Busch, CEO of Siemens' Infrastructure & Cities Sector and member of the executive board of Siemens AG, at the presentation of the report's initial results in New York City.

California Academy of Sciences, San Francisco. Photo courtesy of Siemens.

The Toolkit for Resilient Cities, a study on resilient urban infrastructure, is available at www.siemens.com.

The report shows that only repairing damaged infrastructures without incorporating resiliency measures is extremely cost-intensive. Investments in resilient solutions, on the other hand, not only protect against damage, but also make urban infrastructure more cost-efficient, energy-efficient, and reliable. Initial calculations based on a study of New York City's power grid show that—without protective measures—the repair costs of natural disasters like Sandy could reach up to \$3 billion over the next 20 years. However, investing this same amount in measures to protect against wind and flood and in technologies that make power grids more robust, flexible, and smarter can actually reduce damage by up to \$2 billion and also generate efficiency gains of about \$4 billion due to enhanced grid availability, stability, and energy efficiency.

Co-op City in the Bronx, a residential development with 14,000 apartments and an independent power grid, is a prime example of how a proactive resilient infrastructure proved its worth during Superstorm Sandy. Electricity for the district is generated by an on-site 40-megawatt combined heat and power plant. When Sandy hit, Co-op City was not affected by the power cuts experienced by the rest of New York.

THE REPORT SHOWS THAT ONLY REPAIRING DAMAGED INFRASTRUCTURES WITHOUT INCORPORATING RESILIENCY MEASURES IS EXTREMELY COST-INTENSIVE.

Siemens has a broad portfolio for urban infrastructure that helps cities become more resilient and sustainable. Solutions like smart grids and software solutions for rail automation, traffic management, evacuation management, and building management systems contribute the most to minimizing the impact of natural hazards primarily because intelligent automation of infrastructures is a key success factor in making systems more flexible and easier to control and coordinate.

The need for investment in resilient infrastructures is increasing due to the growing hazards posed by extreme weather phenomena. In the last 40 years, the frequency and strength of natural disasters have risen




business alliance program

SIEMENS

Siemens can modernize building systems and infrastructures improving comfort, safety, security, and energy efficiency funded with savings in operating and energy costs. We give your municipality an advantage by addressing long-term operational needs balanced with immediate need and service delivery to your citizens.
www.usa.siemens.com

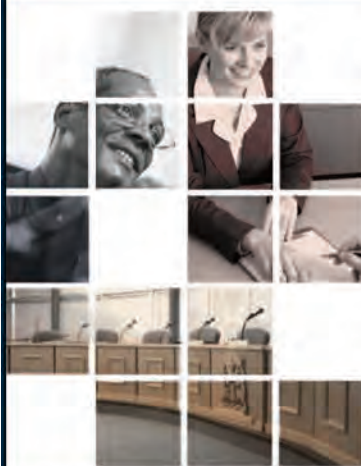
considerably. According to the United Nations, the number of major hazards in the first decade of the new millennium is more than twice as high as between 1980 and 1989. Experts attribute the increase in the number and impact of natural disasters to climate change. A growing world population aggregated more and more in cities is increasing the potential for damage many times over due to the resulting urban density.

The advantages of resilient infrastructure able to withstand natural hazards and disasters are obvious. First, resilient cities are better equipped to recover quickly during and after crises. Second, robust infrastructures are generally more resource efficient, powerful and reliable. And third, resilient

technologies stabilize the operation of the most important systems—especially during a crisis. 

Michael Stevens, Siemens Infrastructure and Cities, may be contacted at Michael.stevens@siemens.com.

THE LAW OFFICES OF
SHIFMAN & CARLSON, P.C.
Representing Cities and School Districts
for over 40 years.



Experienced in:
General Counsel Services
Bonds and Finance
Discrimination
Special Education Issues
Elections
Construction
Employee Relations

Location:
31700 Middlebelt Road
Suite 126
Farmington Hills, MI 48334
Just north of Northwestern
Highway on Middlebelt.

www.shifmancarlsonlaw.com
800-799-8851 | 248-406-0620

Whitehall's

green



ROAD

By Elizabeth Ann-Philips Foley

Forget about those mythical places where the streets are paved with gold. The city of Whitehall is proving the real road to the future is solid green.

In the summer of 2012, Whitehall transformed a ½-mile stretch of its shoreline Lake Street into Michigan's first fully integrated "green road." The innovative engineering design features a state-of-the-art stormwater system that collects runoff from 60 acres of surrounding streets and industrial property. Rain gardens, bioswales, and porous pavements are among the many methods incorporated to filter and absorb as much of the runoff as possible before the stormwater reaches White Lake—reducing both pollution and flooding.



Whitehall's green road features bioswales and a new lakeshore pedestrian pathway that connects with the main pathway at the bridge in the background.

"We are very proud to be the first complete green street in the state and hope other municipalities will follow suit," said Whitehall Mayor Emery Hatch. "Public support was 100 percent."

The area has been listed as an EPA Area of Concern (AOC) since the mid-1980s. Lake Street runs between White Lake and a large industrial zone that includes the site of a former tannery on White Lake's southern shore (see article in the March/April 2010 issue of *The Review*). Effective filtration is critical to the city's effort to protect the environmentally sensitive lake and lakeshore from ecological damage. The system is designed to filter the stormwater as many times as possible, and by as many methods as possible, before it enters White Lake.

The project was designed by Prein&Newhof, a Grand Rapids-based engineering firm offering a wide range of civil engineering, environmental consulting, surveying, GIS, and laboratory services to municipal and private clients across West Michigan. The system integrates bioswales, naturalized detention, filter strips, treatment wetlands, permeable concrete, and permeable pavers to reduce sediments, nutrients, and other contaminants from entering the lake through typical "first flush" stormwater discharge. The vast majority of harmful pollutants no longer reach the lake: 95 percent of all metals; 90 percent of suspended solids, organics, and bacteria; 80 percent of phosphorus and ammonium; and 75 percent of nitrogen.

"Natural strategies, like those implemented on Lake Street, reduce the impact to the environment caused by development," said project manager Jason Washler. "These

strategies are necessary to preserve the extraordinary natural resources that we are blessed with in Michigan.”

The system has done its job so well that the city anticipates the site will be officially removed from the EPA’s AOC list sometime this summer, said Whitehall City Manager Scott Huebler.

But to the casual visitor or uneducated eye, Whitehall’s green road is simply a beautiful new place to enjoy the scenic lakeshore, one of the city’s most prized assets. The project connects to the northern third of the existing pedestrian pathway where a railroad spur once branched off from the main line onto the tannery property. The White Lake Pathway is part of a larger trail network that interconnects with the DNR’s Hart-Montague Trail to the north and the Berry Junction Trail to the south.

“The pathway portion provides a scenic venue along the near shoreline,” said Huebler. “The green street embraces the environmental consciousness and activism of the entire White Lake area.”

“Our original grant application was denied. Our second attempt included much more community partnering and funding. What can other cities learn from Whitehall? Other cities can learn not to give up.”

—Whitehall City Manager Scott Huebler

Indeed, the real genius of the project lies in the low-impact design created by Prein&Newhof. Rather than imposing on the landscape a series of artificial constructs to perform the filtering functions, these innovative engineers looked to nature’s own toolbox for solutions.

“Engineers of this generation are very environmentally conscious,” said Washler. “There are countless examples of how today’s engineer is a good steward of natural resources. For example, many of the materials specified in public works projects are recycled.”

Runoff is first diverted into a series of bioswales along both sides of the street. A bioswale is a gently sloped drainage course that mimics the look of a natural landscape element. From there the runoff is directed into detention zones lined with native trees and plants. The water then flows into the newly created Tannery Bay Wetlands. Each step along the way more and more of the runoff is filtered and absorbed by the plants and soil. By



In addition to bioswales, the green road system integrates naturalized detention, filter strips, treatment wetlands, permeable concrete, and permeable pavers to reduce sediments, nutrients, and other contaminants from entering the lake through typical “first flush” stormwater discharge.

“We are very proud to be the first complete green street in the state and hope other municipalities will follow suit.”

—Whitehall Mayor Emery Hatch

the time it reaches the lake the remaining runoff is greatly reduced and far, far cleaner than when it began its journey.

New filtration chambers were also added to the existing storm sewers running underground from the industrial facilities on the east side of Lake Street, and now divert that captured stormwater into the Tannery Bay wetlands rather than directly into White Lake. The chambers also allow the city to monitor the system.

Alcoa Howmet, the county's largest employer, partnered with the city in the environmental restoration.

“A very large parking lot owned by Alcoa Power and Propulsion runs adjacent to the street. We simply approached them about how best to integrate the street and its environmental enhancements with their parking lot and asked for possible funding,” said Huebler. “Alcoa provided a \$40,000 grant.”

Some of the runoff from the Alcoa Howmet facility now flows into the rain gardens, through adjacent bioswales, and out to the Tannery Bay wetlands.

Whitehall also won a \$376,000 grant—50 percent of the construction cost—from the EPA's Great Lakes Restoration Initiative (GLRI). Lake Street was the first road project to receive a grant from the \$450-million GLRI fund.

Whitehall officials hope that access to such grants will make similar “green roads” possible all across the state, for communities willing to do the hard work to get there.

“Our original grant application was denied. Our second attempt included much more community partnering and funding,” said Huebler. “What can other cities learn from Whitehall? Other cities can learn not to give up.”



Elizabeth Ann-Philips Foley is a freelance writer. You may contact her at eshaw@mml.org.

Community Developmentality

City by city; town by town; community by community; we are impacting the perception of what community development *is* to what it *can become*.

Partner with SAFEbuilt – nearly 200 communities already do!

SAFEbuilt®



Building Department Services •
Community Planning & Zoning • Code Enforcement

Connect with us!



877-230-5019 • SAFEbuilt.com

Trusted professionals
delivering America's
infrastructure solutions



WADETRIM

Engineering | Landscape Architecture
Operations | Planning | Sciences | Surveying

800.482.2864 • www.wadetrtrim.com



BY AMY SAMPLES

MARINAS AND HARBORS

STANDING THE TEST OF TIME



Much of Michigan's coastal infrastructure—including marinas, boat launches and shore protection—was built during the 1960s, '70s and '80s. A lot has changed in the years since. Water levels have fluctuated, but generally decreased to reach historic lows. Winters are shorter. Temperatures are warmer. Storms have become more intense.

Marinas and harbors are vulnerable to climate change impacts that affect infrastructure, navigability, and public perception of aesthetics. If a marina looks unsafe or unappealing, patrons will go elsewhere. These realities, paired with changing policy and budgeting norms (e.g., limited funding for infrastructural repairs and dredging), challenge marina and harbor operators. For most operators, finding additional money to guard against a potential future mishap is often difficult. An overall lack of confidence in assessing or adopting potential responses to changing environmental and social conditions complicates, and sometimes deters, responsive actions. When a harbor or marina operator is ready to apply adaptive measures to address impacts climate change could bring, they need resources to make informed decisions. Operators may ask: What low-cost methods should I implement now? How should I prepare for the future?



With funding from the Great Lakes Integrated Sciences and Assessment Center, Michigan Sea Grant is leading a team that will help answer some of those questions. The team is working to identify adaptation strategies specifically for marina and harbor operators. Michigan is home to more than 800 public and privately operated marinas and harbor facilities. In 2007, the Great Lakes Commission reported that Great Lakes boating contributed nearly \$2.4 billion to the Michigan economy. Boating in the Great Lakes is big business and a prized cultural resource.

Private marinas and small municipal harbors are struggling to fund needed improvements. Aging infrastructure, fluctuating lake levels, and increased storm damage only amplify this economic hardship. Available funds should be directed to informed, efficient purposes. In recent years a variety of adaptation and resiliency tools have been introduced, but may be overwhelming to the end user. The Sea Grant team has identified that marina and harbor managers and

local decision makers need planning guidance for maintenance, repair, dredging, and general management.

RESPONDING TO CHANGE

An informal poll of marina and harbor operators in Michigan indicated the following top environmental changes perceived to influence waterfront operations:

- lake level changes,
- structural repairs due to impact from storms,
- increased need for dredging and maintenance, and
- operations scheduling changes due to changes in seasonal weather patterns.

Respondents indicated interest in assistance with pursuing small grants for adaptation; collaborative development of best management practices; coordination of dredging efforts; infrastructure/construction recommendations; and guidance on how to discuss policy, budget, and planning issues with decision makers.

Using this information, the project team will assist marina and harbor operators in problem identification, decision-making, and planning related to climate change adaptation. The team will deliver an online training module, workshop series, print resources, and final report. Training materials will feature information on assessing risks and impacts, infrastructure recommendations (e.g., stormwater control measures, softshore engineering, floating docks); dredging; policy, zoning, coding options; planning; and visioning. Featured tools will include resources developed by the National Oceanic and Atmospheric Administration, U.S. Army Corps of Engineers, and the Sustainable Working Waterfronts Network.

Active engagement with stakeholders is an important component of the project. A workshop series, scheduled for April-September 2014, is supported by the Michigan Coastal Management Program and Michigan Boating Industries Association. Marina and harbor operators and local decision



An informal poll of marina and harbor operators in Michigan indicated the following top environmental changes perceived to influence waterfront operations: lake level changes, structural repairs due to impact from storms, increased need for dredging and maintenance, and operations scheduling changes due to changes in seasonal weather patterns.

GET INVOLVED

FOCUS GROUP

If you are interested in participating in a focus group on communicating with local decision makers, please contact Amy Samples (asamples@umich.edu) or 734-647-0766).

WORKSHOPS

Six workshops from April-September; Locations: Harbor Springs, Bay City, Detroit, Port Huron, Muskegon, and Traverse City. Visit Sea Grant website for details miseagrant.umich.edu.




makers who help guide management of waterfront facilities are invited to share their best management practices for addressing changing conditions. An overview of resources on adaptation will be included. Please check the Sea Grant website for more details on the workshop series: miseagrant.umich.edu

Additionally, the research team is currently recruiting local decision makers for a focus group to gather insight on marina and harbor-related policy, zoning, and coding options. This group will also be asked for input on visioning waterfronts as a community resource and assistance with harbor planning and budgeting.

FORWARD THINKING

As an outcome of this project, marina and harbor operators will increase

their knowledge of climate change impacts. Through collaborative development of best management practices and exploration of available tools and technology, operators will identify sector-specific responses to variable conditions. With insight to communications with local planners and decision makers, operators will be prepared to effect change in their community. Empowering our state's marinas and harbors to increase resiliency to a variable future is the surest path to ensuring they will stand the test of time. 

Amy Samples is a project coordinator at Michigan Sea Grant. You may contact her at 734-647-0766 or asamples@umich.edu.

RESOURCES FOR COASTAL COMMUNITIES AND PLANNERS

VIBRANT WATER- FRONT COMMUNITIES CASE STUDIES

Coastal community leaders share the challenge of balancing economy, ecology, and aesthetics along their shorelines—a new case study resource aims to help. Eleven case studies of Michigan waterfronts are available as free PDF downloads here: www.miseagrant.umich.edu/explore/coastal-communities/vibrant-waterfront-communities-case-studies/.

CLEAN MARINA PROGRAM

(www.michigancleanmarina.org):

Participants voluntarily pledge to maintain and improve Michigan's waterways by reducing or eliminating releases of harmful substances and phasing out practices that can damage aquatic environments. The certification program is a collaboration between Michigan Sea Grant, Michigan Department of Environmental Quality, and Michigan Boating Industries Association.



By Joe VanderMeulen

Planning



THROUGH
THE LENS
OF RESILIENCE

Plan A

Plan B



The shifting global economy and statewide recession are forcing big changes for businesses and local governments. At the same time, extreme weather events and climate variability are threatening agriculture, infrastructure, and human health all across the state. How should communities respond to these challenges? The Land Information Access Association (LIAA) and a number of partnering organizations suggest the place to start is Planning for Resilient Communities.

PARTNERSHIP FOR RESILIENCE PLANNING

Last year, LIAA joined with the Michigan Municipal League, Michigan Townships Association, Michigan Association of Planning, and the Urban and Regional Planning program of the University of Michigan to launch a new technical support program to help communities update their master plans for greater resilience. This project partnership and community planning program is funded by grants from the Kresge Foundation, the Americana Foundation, the Margaret A. Cargill Foundation, and the Coastal Zone Management Program (Office of Great Lakes, Michigan Department of Environmental Quality).

The project partnership calls on communities to look at their future through the lens of resilience. Resilient communities are able to learn from

adversity and adapt quickly to change. Some of the most important characteristics of community resilience are:

- 1. strong and meaningful social relations;**
- 2. social, economic, and environmental diversity;**
- 3. innovation and creative problem solving; and**
- 4. extensive use of ecosystem services.**

Working with a small number of coastal communities, the project is providing professional planning services and technical assistance to support community-wide planning processes that review and update municipal master plans, taking into consideration the potential impacts of extreme weather events, climate variability, and sudden shifts in local economies. This new planning process focuses on the cooperative preparation, adaptation, and creative development of community systems to assure a more robust response to extreme weather events and climate variability.

Although there is a good deal of political debate, 97 percent of climate scientists have concluded that human-caused climate change is happening, according to a new report by the American Association for the Advancement of Science (AAAS). The report stated emphatically that “Climate change is happening now. And it’s going to get worse.” Similarly, the Great Lakes Integrated Sciences Assessment (GLISA) consortium at the University of Michigan notes that communities are already experiencing an increasing frequency of extreme rain events and serious heat events. In addition to looking for ways to mitigate this problem, communities should begin working on ways to better manage extreme weather events and adapt to a much more volatile climate.

Through the Planning for Resilient Communities project, communities are moving through a comprehensive review of their master plans as a part

of a broad public process that includes extensive educational and outreach efforts. Where possible, the project brings city and township planning commissions together for cooperative planning as one pathway to greater community resilience. As the process proceeds, several public information sessions lead up to a community leadership forum for educational and team-building processes. For example, the Monroe Community Leadership Forum offered presentations on: Michigan’s changing climate by Dr. Jeffrey Andresen, Michigan’s state climatologist; ecosystem changes anticipated by Laura Rubin, director of Huron River Watershed Council; the health implications of climate change by Dr. Lorraine Cameron, Michigan Department of Community Health; and building entrepreneurial and desirable communities by the League’s Executive Director & CEO Daniel Gilmartin.

Following public outreach efforts, dozens of local leaders and citizens work together in one of five to seven different community action teams over several facilitated sessions to identify locally relevant options for increasing resilience. The project team helps the community complete vulnerability analyses to identify populations at risk

Planning Pathways to Resilience

There are a number of “pathways” to greater resilience:

- » Prepare for Climate Variability & Extreme Weather
- » Increase Energy Efficiency & Renewable Supplies
- » Renew & Strengthen Infrastructure (e.g., green infrastructure/ecosystem services)
- » Strengthen the Local Economy (e.g., diversify, increase local production)
- » Build Social Connections & Social Capital

Modified from ICLEI-USA’s “Resilient Communities for America”





Planning for Resilient Communities Project Sites, May 2014

MONROE COMMUNITY

City of Monroe, Monroe Charter Township, and Frenchtown Charter Township

LUDINGTON COMMUNITY

City of Ludington, Pere Marquette Charter Township, Hamlin Township, and Mason County

GRAND HAVEN COMMUNITY

City of Grand Haven and Grand Haven Charter Township

EAST JORDAN COMMUNITY

City of East Jordan

ST. JOSEPH COMMUNITY

City of St. Joseph

during extreme weather events, as well as local economic assessments and leakage analyses to identify opportunities for enhancing the local economy (e.g., greater self-reliance, energy savings, and local retention of funds).

COMMON SENSE RESILIENCE


Planning for resilience does not require brand new tools or techniques. Most of the policies and programs needed by municipalities to increase resilience are familiar and well tested. The challenge communities face is in finding the cooperative spirit and collective resolve to improve local capacity for absorbing and managing both economic storms and weather events.

For example, municipalities have required low impact design and development (LID) in some circumstances for many years. LID techniques for managing stormwater such as rain gardens, bioswales, constructed wetlands, and other stormwater detention measures have been used with great success. With true resolve, communities can re-write master plans and land use controls to upgrade and expand the application of LID, potentially matching the demands presented by increasing seasonal precipitation and larger rain events without huge new infrastructure projects.

PLACEMAKING AND RESILIENCE

In the last few years, several state departments have joined with the League and others to promote

placemaking as a cornerstone of municipal economic development. Local governments are encouraged to support new development and redevelopment projects that add aesthetic appeal, new amenities and recreational alternatives to attract and retain talented people and entrepreneurs. Looking at placemaking through the lens of resilience, these projects should incorporate porous and cool pavements, buildings that are LEED certified and storm resistant, multi-modal transportation connections, the extensive use of trees and shrubbery for shade and cooling, LED street lighting, on-site power generation, and support for local emergency shelters (e.g., cooling centers, storm shelters).

Resilience planning should touch every part of the community, from public service delivery systems to municipal capital improvement projects. For small-to medium-sized communities, the municipal master planning process presents the best opportunity to consider all aspects of development and change while engaging public officials and citizens in a broad, educational discussion about alternatives. Communities have survived and will survive extreme weather events and global economic shocks, but *resilience thinking* in cooperative planning, preparation and adaptation will help communities thrive through all types of weather. 

Joe VanderMeulen, Ph.D., is the executive director of LIIA. You may reach him at 231-929-3696 or jvander@liaa.org.



Monroe River Raisin Heritage Master Plan East 2013 ASLA-Michigan Chapter Merit Award-Landscape Design

Placemaking
Community Planning
Parks & Recreation
Urban Design
Civil Engineering
Downtown Revitalization
Grant Writing
Landscape Architecture

www.bria2.com

CAPITAL CONFERENCE

MARCH 18-19, 2014 • LANSING CENTER, LANSING



CAPITAL CONFERENCE

Capital Conference 2014 Recap

This year's conference was structured around the League's Partnership for Place policy agenda which proposes a partnership of action between the state and its municipalities to facilitate economic growth and develop places with a high quality of life, while using a regional approach to services, resources, and systems.



March 18-19, 2014 • The Lansing Center, Lansing



More than 400 city, village, and urban township leaders attended this year's conference, which offered education sessions on revenue sharing, the personal property tax, crowdfunding, transportation, retaining talent in Michigan, municipal funding, and many other issues.

2014 REGIONAL COMMUNITY EXCELLENCE AWARD REGIONAL FINALISTS



Seven projects from multiple Michigan communities have been selected as finalists for the 2014 Michigan Municipal League Community Excellence Award (CEA) competition, affectionately known as the “Race for the Cup.”

Region 1: Fenton; Fenton Fire Hall

Region 2: A group of six Lansing-area jurisdictions; Metro Connection–Greater Lansing Shared Services Fire Initiative

Region 3: Grandville; Downtown Streetscape Project

Region 4: Ithaca; Flower Beautification Community Project

Region 5: Harbor Beach; Dredging Project

Region 6: Cadillac; Bicycle Rental Project

Region 7: Gladstone; After-School Ski Hill Program

The winners will now move on to the final round for the statewide winner at the League’s Annual Convention at Northern Michigan University, Marquette, October 14-17.

Representatives of the seven regional CEA communities are (from left): Gladstone Mayor Pro Tem Hugo Mattonen; Fenton Mayor Sue Osborn; Ithaca Councilmember L.D. Hollenbeck; Grandville Mayor Pro Tem Josh Meringa; East Lansing Mayor Nathan Triplett; Cadillac Mayor Carla Filkins; and Harbor Beach Mayor Gary Booms.

Capital Projects + Infrastructure

Construction Agreements + Litigation

Downtown/Economic Development

Elections

Environmental + Regulatory

LAW

Hospitals + Housing

Intergovernmental Agreements

Labor + Employee Benefits

Local, State + Federal Tax

OMA/FOIA

Real Estate

Tax Increment Financing



THE LAW FIRM FOR MUNICIPALITIES

From innovative projects and municipal bonds to collaborative agreements and tax increment financing, cities and villages and their attorneys throughout Michigan rely on Miller Canfield’s 160 year collective wisdom and diverse expertise. We are where you are. Local firm. Global resources.

MILLER CANFIELD

millercanfield.com/PublicLaw

DETROIT • ANN ARBOR • TROY • LANSING • KALAMAZOO • GRAND RAPIDS • CHICAGO

By Dan Swallow and Terry Beamsley

Resilient MONROE!



Like many Michigan communities, the city of Monroe has faced growing challenges over the last decade. Significant employment reductions in its manufacturing base and the collapse of the housing market that marked the beginning of the Great Recession, have stressed the community's ability to respond to ever-increasing needs. Monroe's population and workforce were getting older, and due to an uncertain job market, younger talent increasingly pursued out-of-state opportunities in locations like Chicago and other urban centers.

Meeting Multiple Challenges

Monroe County manufacturing sector employment was estimated at 10,500 jobs in the year 2000. By 2013, the estimates had plummeted to around 5,200 manufacturing jobs. For a small community, that type of change sends a shock through the local economy and severely impacts tax revenues. A recent resurgence in manufacturing has occurred, thanks to the presence of a skilled workforce, reinvestment by key businesses, and the attraction of new industries including wind power. However, the number of jobs lost is not likely to be replaced. Monroe has realized, along with the rest of Michigan, that it must diversify its economy to avoid similar problems in the future.

Changes in the natural environment have also impacted the economy and quality of life in the area. Monroe County is a leading agricultural region, and increased weather variability has affected farm operations and yields. Extended heat waves put vulnerable populations at risk of heat-related illnesses. Larger than average storm events increase demands on aging infrastructure, causing localized flooding and overwhelming wastewater systems. The number of algae blooms on Lake Erie has also increased. Monroe is already sensitive to environmental concerns; and has learned a great deal from

efforts like the improvement of the River Raisin. The community recognized the need to address the potential impacts of climate change.

City leaders responded to the realities of economic and climate challenges by searching for ways to adapt and thrive. When approached with the chance to participate in a new kind of planning process that emphasizes adaptability and collaboration, they embraced the opportunity. The Monroe community united to explore ways to shape a more "resilient" economy, one that could bounce back from future setbacks,



CITY LEADERS RESPONDED TO THE REALITIES OF ECONOMIC AND CLIMATE CHALLENGES BY SEARCHING FOR WAYS TO ADAPT AND THRIVE



Monroe
pop. 20,733

and to develop land use planning as a tool for adaptation to climate variability. “We want our master plans to encourage the development of a stronger, more diverse local economy,” said Monroe Mayor Robert E. Clark. “At the same time, our community needs to consider the impacts of climate change and the effects of severe storm events or extended heat waves. It’s just good planning.”

Resilient Monroe Project

Resilient Monroe is the first of several innovative master planning projects facilitated by Traverse City-based nonprofit LIAA (Land Information Access Association). This project brought together planning commissions and elected officials in three adjacent governments—the city of Monroe, and Monroe and Frenchtown Charter Townships—to address a wide range of shared concerns and develop new ways to manage the impacts of both economic and climate variability. Project funding includes \$145,000 in grants awarded by the Kresge and Americana Foundations, and local match from participating governments. The Michigan Municipal League, Michigan Townships Association, Michigan Association of

Planning, and the University of Michigan also partnered on the project. Additional support for Resilient Monroe has been provided by a number of community organizations including the Community Foundation of Monroe County, the County Planning Department, the Monroe County Intermediate School District, Monroe County Community College, the Monroe County Convention and Tourism Bureau, and the Monroe County Business Development Corporation.

Public input has been a key to the success of the project. Community members actively participated in a number of brainstorming events including public briefings, a day-long summit attended by over 100 community leaders, a series of topic-oriented Citizen




Action Teams, focus group sessions with students from two area high schools, a survey distributed to 11,000 area residents, and a three-day design charrette addressing a struggling commercial corridor that traverses all three municipalities. These efforts and ongoing research by LIAA has generated a “Resource Atlas” that informs each of the three municipal partners in updating their master plans and incorporating more resiliency strategies.

Community members actively participated in brainstorming events including public briefings, a day-long summit attended by over 100 community leaders, a series of topic-oriented Citizen Action Teams, and focus group sessions with students from two area high schools.

Resilient Monroe Outcomes

The overarching goal of Resilient Monroe is to provide leaders and citizens with ideas and tools that allow them to develop a more resilient local economy and to adapt to a more unpredictable climate. The city is engaged in a comprehensive rewrite of its 10-year-old master plan, and the participating townships are reviewing and revising their plans. The Resource Atlas includes information on existing human, natural, and economic resources; options for increasing resilience through economic diversification and placemaking efforts; identification of community vulnerabilities; and options for local action that can be used to achieve the goals of governments and citizens. It has been tremendously useful in updating the community master plans, and has already proven valuable to other community organizations. The County Health Department and local American Red Cross chapter have used it in targeting their education and response plans, for example.

The effect of Resilient Monroe on master planning is leading to new policy directions. Connecting and enhancing the major cultural and natural resource assets of the three jurisdictions (including the River Raisin National Battlefield and Sterling State Park on Lake Erie) will now be a higher priority in all three master plans. There is also greater emphasis on placemaking projects that take advantage of these unique resources. This will expand tourism in the area, create quality of life amenities that attract and retain talented people, and provide environmental benefits. The city of Monroe is also considering new zoning standards that will encourage more mixed-use developments which appeal to changing demographic preferences, particularly those of younger workers.

Expanded idea sharing and collaboration between the city and participating townships has been another benefit of Resilient Monroe. Planning commissions and elected leaders met regularly throughout the project, airing differences and sharing visions. Despite the occasional impasse, these interactions have helped forge professional relationships and dispel misconceptions. The three municipalities have come together to recognize their common challenges, and develop new strategies to make each community stronger and more resilient. 

For more information, visit www.resilientmonroe.org.

Dan Swallow, AICP, is the director of economic and community development for the city of Monroe. You may contact him at 734-384-9134 or dan.swallow@monroemi.gov.

Terry Beamsley is a trustee for the Community Foundation of Monroe County. You may reach him at terry.beamsley@gmail.com

Zoning Administration Services

from



CARLISLE

WORTMAN
associates, inc.

Keep *small* zoning enforcement
mistakes from turning into *big*
DEVELOPMENT DISASTERS!



COST-EFFECTIVE
TRAINED, CERTIFIED PROFESSIONALS
CONTRACTS TO FIT ANY SIZE COMMUNITY

Get just what you need, just when you need it.

Contact Doug Lewan
734-662-2200 • dlewan@cwaplan.com

When it comes to
advising municipalities,
we're all in.



It's time to count on more.

From our integrated business systems and tools, to our dedicated teams of experienced attorneys and professionals, our full-service municipal law and public finance practice never stops delivering the results you deserve.

clarkhill.com

CLARK HILL

Planning and Implementing Climate Resiliency in **GRAND RAPID**

By Haris Alibašić



In April 2013, the Grand River crested at 21.85 feet downtown, nearly three feet above the flood stage. Above, Grand Rapids Firefighter Jason Kelley and Walker Police Officer Shannon Vandenneuvel carry children from Barbara Jones' partially submerged car on April 18, 2013.



WHAT IS RESILIENCY?

More importantly, what does it mean to have a resilient community? Resiliency can be best described as an attempt to prepare for the worst and to be able to rebuild from disaster. Resiliency should be viewed in the context of effective strategies undertaken by communities to prepare for unforeseen and unpredicted events as a result of climate change and extreme weather events, and their ability to revive after the disaster in a sustainable manner. The consequences of not preparing for long-term disasters can be devastating for human resources, buildings, and infrastructure.

A slew of high profile announcements and reports stemming from the results of extreme weather events have brought resiliency into the forefront. Cities are seeing large-scale, local impact from climate change. Extreme heat events often result in hospital stays, emergency room visits, and deaths. Higher temperatures in our region have led to reduced levels of Great Lakes ice formation, resulting in great water loss through evaporation. Heavy rain events often cause flooding and damage to infrastructure and pose a threat to residents and businesses. All of these issues combined cause additional cost considerations for cities.

President Obama emphasized the importance of resiliency in his Climate Action Plan—mentioning *resilient* and *resilience* over 40 times in as many as 21 pages of the report. The plan provides a broad framework to combat climate change and to “help bridges and shorelines so we can better protect state and local governments, strengthen [our] roads, people’s homes, businesses, and way of life from severe weather.” As part of the plan, the President issued an Executive Order in November of 2013 creating the State, Local, and Tribal Leaders Task Force On Climate Preparedness and Resilience. Grand Rapids Mayor George Heartwell was appointed to the task force.

Resilient Communities for America, local communities, and a wide range of national organizations have rallied together in recognition that action must be taken to address threats arising from climate change. As noted on the group’s website, “Cities and counties can take strong steps to become more prepared and able

(Sally Fineran | MLive.com) MLIVE.COM /Landov



Volunteers fill sand bags April 21, 2013 at the city’s public works facility.

to bounce back from extreme weather, energy, and economic challenges.” Supporting cities in development of a resilience strategy to be better prepared for potential catastrophic disasters in the future is being recognized as the top priority nationally and internationally.

These activities are not meant to be fatalistic in nature, but a simple recognition of new realities. Climate change brings new tests to emergency planning and response for municipalities, and resiliency planning considers emergency preparedness, energy, sustainability, health, and safety into a single focus area. By observing climate trends, it becomes evident that impacts of climate change will be far-reaching—especially in urban areas with a higher concentration of population. As such, emergency plans constantly evolve to incorporate climate data and sustainability-related efforts to enable cities to respond

The Effects of Climate Change in Grand Rapids

IMPACTS

■ Increasing average temperatures in the Great Lakes region put vulnerable populations at risk and can lead to higher insurance costs, emergency management budgets, and greater property damage leading to clean-up and rebuilding costs, loss of tourism and recreation, and lower rates of businesses locating in the community.

■ Hotter summers and more frequent and severe storms are straining energy infrastructure.



(Chris Clark | MLive.com) MLIVE.COM / Landov

Alpine Ave. near Ann St. in Grand Rapids April 18, 2013

ACTIONS

■ Developed energy conservation strategies to focus on energy efficiency to further reduce its energy consumption and demand throughout the organization and in the community. Current consumption levels are at 100,757 MWh. Since 2006, the city reduced its electric consumption by over 10 percent.

■ Set a goal to achieve 100 percent of the city's power from renewable sources by 2020 to diversify energy sources. Currently, the city's mix of renewables is over 25 percent of the entire city's electricity demand.

■ Reduced total fuel consumption by 19 percent over the last eight years. This equates to an annual savings of over \$500,000.

■ To offset the urban heat island effect, the city plans to increase its tree canopy cover to at least 37.5 percent between 2011 and 2015, and diversify the type of tree species planted.

■ Incorporated climate adaptation and mitigation strategies and considerations into its Sustainability Plan and its Emergency Action Guidelines.

■ Developed a Community Resiliency Report as part of its Sustainability Plan to further provide focus on energy, economy, emergency planning, and transportation.

Adapted from Resilient Communities for America's Local Governments, Extreme Weather, and Climate Change Fact Sheet

to more extreme weather events, including heat waves, and hazardous rain events and flooding. Assessing the impact of changing climate and ways that the city can adapt to a changing climate future is critical. Planning for resilience takes mitigating and adapting measures, but also has an added element of post-disaster recovery and preparedness.

Michigan Communities' Resiliency

Some communities have already started planning for resiliency to address more frequent and severe heat waves, excessive rain events, and changes in temperature and precipitation patterns. Counteracting the negative impacts of Greenhouse Gas Emissions (GHG) on social systems, environment, and the economy is done through various efforts: energy conservation, reusing and recycling of materials, sustainable transportation, planting trees, building resilient infrastructure and green buildings. In response to climate-related trials, Grand Rapids has undertaken a range of actions to increase its resiliency.

It is evident that cities involved in sustainability are concerned about the long-term impact of climate change and that they plan for unforeseen circumstances. By using a dynamic approach to resiliency planning, cities are able to continually adjust and adapt to flux economic, environmental, and social conditions as a result of new realities. Emergency preparedness and climate resiliency are linked, as the impact of the climate-related events on the environment, and public and private property, cause cities to adopt preventive measures.

Putting Plans into Action

Grand Rapids' plans were recently put to the test. For example, as a result of a recent heat wave threat, the city of Grand Rapids' Emergency Action Guidelines were amended to include additional considerations and planning procedures related to climate change:


- Coordinating with the American Red Cross and other agencies to establish cooling shelters that provide air conditioning and relief from extreme heat events.
- Issuing public statements informing residents of ways to avoid heat-related illness/injury, encouraging them to check on vulnerable neighbors and family members, and providing them with information regarding shelter locations.
- Issuing public statements to encourage lowering emissions during prolonged heat events to improve air quality.
- Coordinating with utility companies to ensure timely response in the case of power outages during severe weather events.

In April 2013, the Grand River crested at 21.85 feet downtown, nearly 3 feet above the flood stage. The importance of preventive investments, sustainability, and emergency planning in infrastructure were evident. Destruction from the flood threat could have been greater had it not been for the infrastructure improvements made by the city, emergency preparedness and planning, and many volunteers who came to assist the city in preventive measures undertaken during the

flood. More importantly, the investments made over the years in infrastructure really paid off for the city.

Over the past 15 years, the city of Grand Rapids invested in infrastructure including \$12 million to raise the floodwall protection and over \$300 million over a period of time to reduce combined sewer overflows. The city continues to invest in flood management infrastructure and emergency preparedness. In addition to planning, investments made in preventive measures and in infrastructure are crucial to the city's ability to avoid further damage and respond to disaster. Additional investments are being planned for future preventive measures along the river.

Partnering with West Michigan Environmental Action Council, the city developed a Community Resiliency Report to enhance decision making and policies on climate, energy issues, economy, transportation, infrastructure, and sustainability. Bringing the climate science into emergency planning and preparedness is critical for cities' projects, policies,

programs, and planning actions enabling them to mitigate the effects of climate change, to adapt to its impacts, and to utilize emerging sustainability opportunities. Localization of climate change impact, and a specific set of recommendations to build resiliency in the local community and to strengthen disaster recovery and resilience by local government, are key components of the report. In a resiliency-oriented world, communities must take into account annual climate change issues and focus beyond the standard emergency preparedness. Sustainable communities and organizations need to prepare to adapt and mitigate new events and occurrences. Beyond planning, there needs to be an orchestrated effort made to invest in infrastructure that will enable resilient communities to continue to thrive. 

Haris Alibašić, Ph.D., directs the office of energy and sustainability for Grand Rapids and teaches courses and workshops in the Graduate Certificate in Sustainability program at Grand Valley State University. You may reach him at halibasi@grcity.us

National Climate Change Task Force

In December of 2013, the Task Force of State, Local, and Tribal Leaders on Climate Preparedness and Resilience began its work. Consisting of 8 governors, 14 mayors, 2 county leaders and 2 tribal leaders, the task force is charged with making recommendations to President Obama for helping local governments become more resilient to impacts of climate change.

"The President is looking for recommended actions that he can accomplish through the use of Executive Order," said Grand Rapids Mayor George Heartwell. "It is apparent that getting congressional support for large legislative initiatives is difficult. Recognizing this fact, and wishing to do all he can to protect communities against the consequences of climate change, President Obama has asked us to deliver a set of recommendations to him by fall."

Mayor Heartwell described the immense span of impacts represented on the task force. "Governor Abercrombie of Hawaii talks about losing islands to sea level rise. Tribal Chairman Seule says his people's sustenance food stock of fish and seals is vanishing. Mayor Garcetti of Los Angeles is worried about

too little water while Mayor Cownie of DeMoines is worried about flooding. The salt coasts talk about rising water levels while Governor Quinn of Illinois and I talk about falling Great Lakes levels. One cause with multiple, diverse impacts."

The task force met in December and February, and is working across four topical areas: disaster recovery; built systems; natural resources and agriculture; and human health and community development. Heartwell reported, "I am serving on the built systems sub-group. We have further subdivided our work into energy, transportation, water, facilities, and coastal infrastructure. I am focusing my efforts on transportation and coastal infrastructure, the latter so that no one forgets the "fresh coast" of the Great Lakes with our unique climate change issues. Haris Alibašić, who is staffing my work on the task force, has taken the added responsibility of co-chairing the energy sector group."

Task force members are responsible for tapping their own networks to gain a deeper understanding of the impacts, and to explore opportunities for the federal government to partner with

cities on addressing those impacts. Mayor Heartwell sent members of the League's Green Communities a survey seeking input, giving them an opportunity to participate in shaping the recommendations that will be delivered to the President. In addition, Heartwell surveyed the Great Lakes St. Lawrence Cities Initiative, the Urban Sustainability Directors Network, the West Michigan Sustainable Business Forum, the Community Sustainability Partners (of Greater Grand Rapids), Urban Core Mayors, and the Mayors Innovation Project.

"The pace is rapid and the demands are great," said Heartwell, "but it is an honor to serve the President and to work at a high level in an area of my passion."



The Demise of PLACE

By Anthony Minghine



How can we help communities facing financial emergencies succeed?

Forget the political ramifications of emergency management. Ignore the arguments about circumventing democracy. Set aside discussion about who is to blame for the fiscal crisis. The bottom line is: we need a new approach because emergency management hasn't worked, isn't working, and won't ever work. It's not the fault of the emergency managers. The emergency manager program can't work because it is fundamentally flawed.

I can already hear the shouts of outrage from those that think if we would only run cities like a business there would be no real problems. No business would ever embark on a cost-cutting strategy that significantly and permanently impairs its earning capacity more than it decreases costs. That, however, is precisely the model that is employed under Michigan's current emergency manager process.

The EM Balances the Books

I sense more skepticism, so indulge me for a moment. If my goal was to turn around a struggling business, I would look to identify areas where I could reduce costs and be more efficient. I might shed the company of ancillary business lines, and focus on core services. However, I would never fundamentally undermine the earning capacity of the business, or take actions that disrupt it at its core. Imagine if a turnaround expert attempted to "balance" the books of a manufacturing company by closing all of a company's manufacturing facilities. This would effectively eliminate the company's future ability to generate income. While the books would conceivably be "balanced," they have effectively destroyed any opportunity for productivity and growth. This, however, is exactly what happens to distressed communities in Michigan.


The Service-Cutting Spiral

Allow me to put all of this in a municipal context. Ask yourself: How does a city fund itself? Obvious answer: Property taxes. Property taxes are a function of millage rate and taxable value. What makes taxable value higher in one community versus another? PLACE. Great places command higher prices or greater taxable value, which in turn generates more revenue. It is simple math. Or good business, if you will. When an emergency manager balances the books by closing parks, eliminating programs and services, and foregoing investments in infrastructure, they make it a less desirable place. This, of course, diminishes the value of the city. Consequently, the city offers fewer and fewer services, which further diminishes it as a place where people want to live, which diminishes value...and so on, and so on...It's a death spiral—a fundamentally flawed process that will never work given Michigan's municipal finance model.

Our current model for distressed communities is a one-sided review of expenditures without merit to the long-term ramifications that draconian cuts will have on the community or its residents. If there is any doubt, one only need take note of the number of municipalities that went through a previous state intervention only to find themselves back in that same position a few short years later.

Invest in Communities for Greater Returns

So, if we were serious about running government like a business, what would we do? We would definitely look for efficiencies in the delivery of services (even eliminate unnecessary ones), but more importantly, we would look to maximize our earning potential. We would do that by investing in areas that provide the greatest returns, so we would address how we fund local government. We would help create a great place that people choose to live in because this is the only long-term solution, and it will provide the best return on assets. No amount of cooperation will achieve that result.

If our goal is for Michigan to thrive in the long run, as opposed to barely hanging on, then we need a new strategy. We need a balanced approach of effective and thoughtful cost-saving measures, with real investment in revenue generation. We must strive to be the best, not the cheapest. We must invest in cities and provide an appropriate funding model to make them great places. If we succeed in doing so, emergency managers will go the way of the dinosaur. They will become embarrassing relics from a different time that future generations will look back on and wonder how, or why, we ever thought that would work. 

Anthony Minghine is the associate executive director & COO of the League. You may contact him at 734-669-6360 or aminghine@mml.org.

Legal counsel that helps local governments work effectively.

Our Local Government Law practice group works with local governments and public authorities to ensure the efficient and cost-effective delivery of vital public services. We provide specialized legal expertise in areas as diverse as zoning and land use planning, bond issues, special assessments, tax increment



financing, DDA's and other public authorities, labor contracts and arbitration, employee benefits, elections, environmental regulation and many other matters affecting local governments. For more than 50 years, skilled Mika Meyers attorneys have helped public-sector entities meet the ever-increasing demands of their constituents and communities.

For more information on how our Local Government Law team can assist your community, visit mmbjlaw.com.

Mika Meyers
Beckett & Jones PLC

900 Monroe Ave NW Grand Rapids, MI 49503
mmbjlaw.com 616-632-8000



YOU supply great WATER

WE supply great SERVICE

**Inspections
Routine Repair
Extended Warranty**

**Repainting
Leasing
Service Agreements**

Pittsburg Tank
270-826-9000 Ext. 228

EMERGENCY SERVICE
270-748-1343
www.watertank.com



Germany

Wants Thriving Cities, Too

By Kim Cekola

Germany is invested in creating and supporting strong cities. According to the Deutscher Städtetag (the Association of German Cities), one of the primary focuses of its lobbying and educational efforts is to strengthen German cities through regionalism and economic development, with the ultimate goal of attaining thriving cities. The cities of Dusseldorf, Oldenburg, Cottbus, and Munich are all putting effort into these areas. In quality of living ratings, Dusseldorf was ranked sixth in global comparison and the top city in Germany.

Since so many large city centers were destroyed during World War II, German cities had to develop these areas all over again. Today, German cities are attracting people by focusing on the quality of life they offer. Quality of life can be improved through the practical application of placemaking. The principle of placemaking is to make your city a destination where people want to live, work, and play. I will focus on physical design and walkability. This is a broad category, since it encompasses the whole geographic boundary of a city; however, there are some special projects to draw attention to and learn from.

► DUSSELDORF

Dusseldorf has an old town and new town; 85 percent of Dusseldorf was destroyed in WWII. City planners have an incredible model of the city, filling an entire room, which gives them a birds-eye-view of the city to help them plan future development. A current project is the development of the Media Harbor; the city is transforming the harbor into a modern business and residential district. It is being billed as a project that positions Dusseldorf as a center for the creative industries, including advertising, art, and media. City planners are operating under a flexible code—there is architectural diversity and each lot will be individually adapted for its future use.

Dusseldorf is on the Rhine River. The most important north-south connecting highway, which moved up to 55,000 vehicles a day, was located right next to the river. But city council wanted citizens to be able to enjoy the Rhine right up to the riverbank, so they built a tunnel and put the highway underground. They added pedestrian and bicycle paths, and planted 600 trees. People want to enjoy the amenities, so apartments, restaurants, and outdoor cafes were put in. The city considered the ability to enjoy the river as a quality of life issue, and also wanted to reduce traffic in the city center. City council did not want any buildings or new construction in this area—they wanted green space and nice views from the buildings on the other side of the promenade to the river. The Apollo theatre, a beloved local staple, wanted to stay as



Oldenburg sells city-owned property on a first-come, first-served basis to private developers and individuals for housing. The houses above are required to have a shared wall.



(Left) By converting parts of the old harbor into first-class office spaces and trendy meeting places, Dusseldorf has achieved an urban planning success. Instead of forcing the area into an architectural straightjacket, the city carefully adapted the harbor concept to specific user requirements by developing each lot individually. Above: model of the city.

close to its previous location as possible. An ingenious solution was hatched—to rebuild the theatre under the bridge. It was complicated, engineering-wise, but they accomplished it.

► OLDENBURG

In the area of adaptive re-use, in Oldenburg we visited a former landfill that is in the process of a complete transformation. The garbage was covered and sealed with six feet of clay, and the city plans to create an ice skating rink there. There are also trails enjoyed by many joggers, walkers, and bicyclists, and a playground and physical fitness area. Last but not least, the landfill's transfer station is the subject of debate. One idea is to make a climbing wall with a café on the roof of the building.

The city is close to being built out. Though home ownership is not the norm (only 40 percent of Germans overall own their own homes), in Oldenburg the figure is much higher. The city responded to this situation by making city-owned property available for development. The city sells plots of land to both private



DUSSELDORF

population 593,682; the capital city of the state of North Rhine-Westphalia.

OLDENBURG

population 157,706; an independent city in the state of Lower Saxony.

COTTBUS

population 99,913; in the state of Brandenburg.

MUNICH

population 1,388,308; the capital and largest city in the state of Bavaria.

developers and individuals. The system is run on a first-come, first-served method—those who get their applications in early get first pick of a lot. The city does not make a profit, it only recoups what it spends for infrastructure. There are some restrictions, such as footprint requirements (the home cannot exceed 30 percent of the total area); some houses are required to have a shared wall (usually the garage wall); some homes are clustered in threes and fours and will share a common green space for barbecues, outdoor dining, recreating, etc. When buyers sign a contract they are obligated to build a home within two years and live in it for five years.

► COTTBUS

Cottbus has been renovating its buildings and doing façade improvements. Color and beauty was not a priority in the past. Now the city is experiencing an appreciation for the architectural style and design of its buildings. There are several lovely walking malls, with cobblestone streets, shops, banners announcing upcoming festivals, and the photo on the side of the building contrasting the old and the new. Improvement associations and active city government have transformed Cottbus little by little into one of the greenest cities in Germany.

City Hall was originally a Presbyterian Church, but almost as soon as it was built, it was turned into a hospital for soldiers; its next use was as a hospital for prisoners; then an entrepreneur wanted to turn it into a




The Isar River in an urban area of Munich was prone to disastrous floods. A hundred years ago it was “straightened” and power was obtained through a system of walled river banks, dykes, and weir systems. When citizens called for a more natural environment, the city came up with a plan they call “renaturation.”

brewery and restaurant. He zealously took a hammer to it and starting knocking things down. His business did not pan out, so the city had an abandoned, gutted building on its hands. They brought in architects and artists and restored it to its original beauty.

► MUNICH

The city is hard at work on a critical water project in the city—the “renaturation” of the Isar River. The river was prone to disastrous floods, so a hundred years ago it was “straightened” and power was obtained through a system of walled river banks, dykes, and weir systems (obstructions smaller than dams). This worked for the most part until the 1980s, when citizens called for a more natural environment, and the flood prevention had shown its limitations. The city came up with a plan they call “renaturation.” They improved the protection against flooding, developed a more natural river landscape, and improved recreational quality. They literally doubled the width of the river in parts, took the weirs out, stabilized the banks with huge rocks covered with earth (and now grass) and a path next to the river. The area gets a lot of recreational use, and there is even a river surfing area, which has become a popular sport here.

Conclusion

The German cities I was privileged to visit had very compelling projects to share. While we all want to put our best foot forward, there are problems and complications in German cities, just as there are in the U.S. As one German official told us, Germans have a serious case of NIMBY (Not in My Backyard). He said whenever a new project is proposed, no matter in what field, there is always a loud public outcry. Germans don’t like change. What I appreciated and respected was the genuine effort to tackle a problem and keep going at it until a feasible solution was put in place. 

Kim Cekola is a research specialist/editor for the League. You may contact her at 734-669-6321 or kcekola@mml.org.

McCloy Fellowship

The McCloy Fellowships in Urban Affairs allow local government officials/organizations to meet with their transatlantic counterparts in order to gain a better understanding of issues faced by cities and policy solutions. www.acgusa.org



Local government risk management: where danger meets opportunity, *we'll make sure you don't end up as someone's lunch.*



The Liability & Property Pool. You own it.

GETTING RID OF GRIDLOCK

Mattawan
pop. 1,997



Small community. Big traffic problems. Easy solution.

By Debi Turley

Sometimes it really can be that simple. Just ask Tom Anthony, superintendent of Public Works for the village of Mattawan.

"We were convinced our traffic signal at a busy intersection was not operating properly as we were experiencing long traffic queues and vehicle delays," recalled Anthony. "The intersection is controlled by an eight-phase, fully traffic-actuated controller. We were sure we would need to come up with at least \$100,000 to fix our traffic problems."

Mattawan, located on the eastern border of Van Buren County, is typical of most villages in Michigan. With around 2,000 people calling it home, Mattawan is picturesque in any season and the residents and tradespeople are friendly and proud of their small-town atmosphere. A problem with gridlock didn't fit in with the village's image.

As many municipal leaders are discovering, proper planning not only leads to a stronger community, it can also lead to some pleasant results. Anthony called on Mike Labadie, PE from Fleis and VandenBrink (F&V) for assistance and advice. Labadie has seen his share of gridlock and congestion and has been performing traffic impact studies for nearly 40 years.

After F&V's team studied the village's traffic patterns and reviewed the traffic counts provided by their staff, Labadie came to a very different (and affordable) conclusion. The gridlock problem was caused by the village's schools all letting out at the same time. Stagger the release times, and the problem basically went away.

Anthony indicated that, "For once, we were happy to be wrong. F&V forced us to think through our future vision for Mattawan and focus on what developments could also affect our traffic and traffic patterns."

Through the use of the transportation software called SYNCHRO, Labadie was able to show Anthony Mattawan's traffic Level of Service (LOS), for different times of the day—all while Anthony looked over his shoulder.

It is not uncommon for a municipality to find itself in a situation similar to Mattawan. Congestion and gridlock can become the daily norm, with local leaders finding themselves facing unhappy citizens. The issues can seem overwhelming.

Without a proper traffic impact study, the community's vision of what needs to be fixed can be a bit out of focus. Mattawan's study is an example of how future development can be addressed and issues can be mitigated before they become problems. Traffic impact studies can help for a variety of issues:

► **Identify where the current traffic problems are located –**

- Complex intersection capacity and signal operations
- Large event traffic management
- Signal system studies
- Corridor and downtown street planning
- Parking
- Traffic and parking operations at schools

► **Develop a plan for fixing existing issues.**

► **Assess what changes might be necessary to specifically accommodate a new development or existing traffic problems.**

► **Determine budgets to fix the current problems; develop budgets to address future traffic issues.**

► **Determine budgets that should be the responsibility of the developer when they are responsible for putting a burden on the local road systems.**

Traffic impact studies should be conducted by an experienced traffic/transportation engineer that understands transportation problems. Many of these studies and their associated analyses lead to modifications of the municipality's roadway network, traffic signals, signs, and road geometry. As many officials learn, the answer that seems to be obvious is not always the correct one.



This intersection in Mattawan used to be plagued by traffic gridlock. A traffic study revealed that congestion only occurred when all the village's schools let out at the same time. Staggering release times basically solved the problem.

FLEIS & VANDENBRINK:

F&V provides a multi-disciplined team assisting municipalities throughout Michigan. We focus on improving the communities we work in by providing sustainable, economical and efficient designs. Our expertise includes architecture, civil and environmental engineering, transportation and drainage, water and wastewater systems, landscape architecture, planning, emergency management planning, surveying, and construction management.
www.fveng.com




business alliance program

The professional performing the study can help municipal officials make sound decisions regarding their transportation issues and plans, whether they need advice regarding complete streets, roundabouts, traffic calming or road rehabilitation, not to mention the ever-important funding for these changes.


The lack of a traffic impact study can sometimes have a negative impact on not just a proposed development, but a much wider area of the community. With gridlock, there is traffic congestion, increased air pollution, more accidents, and traffic that diverts onto neighboring streets.

As was the case in Mattawan, the completion of a study can save multiple times the cost of infrastructure itself. The bottom line is that studies can help communities protect their current infrastructure, plan for the future, and get to the root of their problems. A proper evaluation of traffic conditions can provide many benefits to a community, including reduced costs for fixing problems, traffic that flows more smoothly and less congestion—making everyone happy. And that is a great basis for building a strong, resilient community.



If you would like to discuss how a traffic impact study could be useful for your community, please call Michael Labadie, PE, at 248-536-0080. Michael is a senior traffic engineer with Fleis & VandenBrink, heading up the Farmington Hills office. 

Debi Turley is a marketing assistant for Fleis & VandenBrink. You may contact her at 616-977-1000 or dturley@fveng.com.



That's BS&A Software


Unmatched Service and Support

Value-Driven Innovation

Industry-Leading Software

Software developed with Municipality Professionals in mind

Municipalities are being challenged to do more with less every day. Our software is designed with the features needed to perform tasks more easily and effectively. New features are added to our software suites regularly, many times in response to customer feedback, keeping our products at the leading edge of the industry. And though BS&A Software's fully integrated applications deliver cutting-edge solutions, our technology never compromises the ability to get things done.

 **BS&A SOFTWARE**


For more information:
(855) BSA-SOFT
www.bsasoftware.com



THE SUM OF ALL MY HARD WORK is the reason.

Carrying a card from Blue Cross Blue Shield of Michigan or Blue Care Network means you have a health plan that provides access to practically any doctor or hospital in Michigan. Our wide range of health plans are flexible. Simply put, it's a card you can count on.

Your Association Exclusively Endorses

 Blue Cross Blue Shield of Michigan
Blue Care Network at Michigan
Confidence comes with every card.

For more information, contact your local BCBSM licensed agent or the MML Risk Management Department at 800-653-2483.

INDIVIDUAL PLANS | GROUP HEALTH PLANS | DENTAL | VISION | bcbsm.com

Blue Cross Blue Shield of Michigan and Blue Care Network are nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association.

Around MICHIGAN

32,557 Acres of Sleeping Bear Dunes National Lakeshore Designated as Wilderness

Legislation Protects Park's Backcountry While Continuing Hiking, Fishing, and Other Non-Motorized Recreational Activities.

Secretary of the Interior Sally Jewell today commended President Obama for signing into law S.23, legislation designating 32,557 acres of Sleeping Bear Dunes National Lakeshore in Michigan as wilderness, the first congressional designation under the Wilderness Act since 2009.

"President Obama and Congress have given the American people a priceless gift by ensuring that this extraordinary landscape with its towering sand dunes and bluffs will be preserved forever as wild and primitive," Jewell said. "Hikers, anglers, paddlers and others who venture into this wilderness will find it just as the Ottawa and Chippewa tribes have for the past 3,000 years—a place of quiet solitude, spectacular views, and abundant wildlife."

"As we celebrate the 50th anniversary of the 1964 Wilderness Act this year, Sleeping Bear Dunes National Lakeshore is now our 50th national park with wilderness areas," National Park Service Director Jonathan B. Jarvis said. "Thanks to the commitment of local advocates and the Michigan congressional delegation, we can now improve our preservation efforts for this beautiful and significant national treasure."

The Wilderness Act, signed into law in 1964, established the highest level of conservation protection for federal lands. It prohibits permanent roads and commercial enterprises, except

commercial services that may provide for recreational or other purposes of the Wilderness Act. Wilderness areas generally do not allow motorized equipment, motor vehicles, mechanical transport, temporary roads, permanent structures or installation. Visitors can engage in non-motorized recreation in wilderness areas, including hiking, fishing, camping, and hunting.

DNR Awards \$761,600 in Recreation Passport Grants

The Michigan Department of Natural Resources announced that 19 communities (6 cities and 13 townships) across the state will share \$761,600 in Recreation Passport grants for park improvements. Money for this fund is derived from the sale of the Recreation Passport, which replaced the resident motor vehicle permit—or window sticker—for state park entrance in 2010. Grants have been awarded to these cities: Escanaba, Norway, Mason, Evart, Garden City, and Trenton.

The cities, counties, and townships selected to receive a Recreation Passport grant clearly demonstrated projects that are designed to provide better public outdoor recreation opportunities or facilities, infrastructure and economic development plans that support public outdoor recreation activity. The successful entries were chosen from a field of 87 grant applications seeking some \$3.2 million in funding.

Applicants sought funding for a broad range of public recreation projects, including playground development and renovations, picnic areas and pavilions, replacement of bathroom facilities, and improved access for those with

disabilities. The DNR expects that, in future years, the maximum grant amount will increase as revenue from sales of the Recreation Passport also increases.

Michigan Grabs \$3.9 Million for Brownfields

Nine Michigan communities won \$3.9 million in EPA Brownfield Assessment, Revolving Loan Fund, and Cleanup Funds that totaled \$62.53 million nationally: Albion, Battle Creek, Traverse City and Garfield Charter Township, Hastings, Macomb County, Marquette County, Oakland County, Ottawa County, and Wayne County.

Free Mercury Collection Program

The Great Lakes Mercury Collection Program is providing free mercury collection services to residents and business in the state of Michigan, running through September 30, 2014. This is an on-going effort to collect and properly recycle mercury. The Environmental Quality Company (EQ) will ensure proper recycling methods which will reduce the amount of mercury from entering our environment.

The program is easy. Upon request, EQ will send a free collection bucket with a shipping box to your door via common carrier. Each bucket contains easy-to-follow return instructions. Once the bucket is filled with the mercury containing device(s) it can safely be returned in the shipping box to EQ. Interested parties should call or email EQ for a free collection container 877-960-2025 or email mercurybucket@eqonline.com.



Traverse City STATE THEATRE

By League Staff

Like many cities, Traverse City saw its downtown grow darker as development and activity moved away. A prominent symbol of downtown decline was the once-grand State Theatre on East Front Street. Originally built in 1918, its brightly lit marquee had served as a familiar beacon to a much-loved gathering place for generations of local residents. By the '60s and '70s, the State Theatre became less utilized and struggled to compete with modern movies complexes. It closed for good in 1991 when the modern multiplex cinema opened at Grand Traverse Mall.



Traverse City
pop. 14,674

Recognizing that movies are made to be a communal experience—and that a great place to see really good movies can become a community's vital core—recent transplant Michael Moore started the Traverse City Film Festival. With the success of the film festival, Moore and partners recognized the potential positive impacts of a year-round movie and entertainment destination in downtown Traverse City.

In 2007, Rotary Charities sold the building for \$1 to the Traverse City Film Festival. The community-based nonprofit now owns and operates both the theatre and annual festival. Area benefactors kicked in the majority of the restoration money out of their own pockets, bolstered by countless smaller donations from the community at large. Over the next six weeks, hundreds of local volunteers hung curtains and hammered nails in a massive restoration of the 1940s art deco décor, complete with a new balcony, 584 new made-in-Michigan seats, state-of-the-art sound and projection, and the biggest screen within 150 miles.

The theatre and year-round activity it brings to downtown Traverse City has been a key player in the area's commercial revival with retail vacancy rate now below four percent. All along Front Street, and for blocks in every direction, downtown Traverse City is thriving. Eclectic art shops and restaurants, locally-owned eateries, coffee shops and bars, new and renovated homes and office buildings now cozy up against each other in a colorful urban hub that combines the best of classic small town Americana with a trendy, vibrant feel that rivals any resort town on the continent.

» ACCOMPLISHMENTS

- One million people have passed through the doors of the State Theatre since it opened 5 1/2 years ago. For a town of 16,000 year-round residents, this is nothing short of incredible.
- The film festival draws over 100,000 attendees to downtown Traverse City.
- The Theatre has consistently been one of the top-grossing independent art houses in North America, managing to stay in the black as movie attendance continues to drop nationwide.
- In 2013, it was named the #1 movie theatre in the world by TheCredits.org, a website of the Motion Picture Association of America.
- All of this success is despite an old deed restriction that prohibits showing any movies at the State that open on more than 200 screens across the country, which includes most big films released by Hollywood.



» FUNDING

Four families contributed \$200,000 each, making up the bulk of the million dollars raised to rehab the theatre. Ongoing funding of the theatre is largely through tickets, which are \$8 for adults, \$6 for students, with frequent specials including 25 cent matinees to keep it affordable.

» ORGANIZATION

The Theatre is owned by Traverse City Film Festival, a 501(c)3 nonprofit. The board is made up of international players in the film world. The nonprofit also has a local advisory group to help with planning, visioning, and volunteer recruitment.

» PARTICIPANTS

Two full-time staff members work on both the theatre and film festival, splitting their time between the two projects evenly over the course of the year. The theatre also employs two full-time managers, two projectionists, a full-time maintenance person, and a part-time volunteer coordinator. The volunteer coordinator helps with organizing, training, and scheduling of over 500 volunteers each year, who are essential to the operation and success of the organization.

» UTILIZING A HISTORIC THEATRE TO MAKE THE GREATEST IMPACT

Listen to What the Community Wants: It's essential to listen to your community to understand what they want to best ensure you are servicing their needs and tastes.

President, State Theatre and Traverse City Film Festival Michael Moore, "We've created a comfortable, pleasant place to disappear into the dark and be transported by an excellent movie. Shouldn't every town—especially the small ones—have this? We'd be happy to share with anyone who'd like our help."



Must Be Nonprofit and Volunteer-Based: The economics of maintaining these historic structures and the cost of showing first-run movies people want to see, makes it imperative to have a nonprofit, volunteer-driven business model.

Be Strategic About Fundraising: When possible, avoid a community fundraising drive for the renovation. Instead, look for five wealthy citizens who love their city, see its potential, and are capable of writing big checks that will cover the bulk of restoration costs.

Don't Drag Out the Restoration: The renovations should not take longer than three months. Use local contractors who support the project.

Don't Be Afraid to Expose Audiences to New Things: The State Theatre's live from the Met Opera series has been one of its biggest hits and regularly sells out.


Make the Theatre Financially Accessible: Be community-minded by keeping prices low, below typical multiplex prices. The State Theatre offers specials like free popcorn on Tuesdays, matinees for only a quarter, and free admission when temperatures top 100 degrees to give people respite from the heat.

Make it a Quality Experience: Seating must be "outrageously comfortable," with sight lines and leg room that

accommodates people of all sizes. The projection and sound must be perfect and the screen must be gigantic.

Use Your Volunteers: Utilize your volunteers as ambassadors. Make sure they are aware of what is going on because they are enthusiasts who will share your message throughout the community.

Treat Your Volunteers Right: Your volunteers are the most crucial aspect of the successful operation of the theatre. Be sure to reward them with free tickets to special screenings and volunteer appreciation nights. Treating your volunteers the right way is the best volunteer recruitment tool you can have.

Since its rehabilitation and relaunch in 2007, the State Theatre has become not only the focal point of the Traverse City Film Festival, but a year-round destination bringing thousands to main street Traverse City and helping to spur a retail and commercial revival. 

For more information on the Traverse City State Theatre, contact Heather Van Poucker, director of information & policy research at 734-669-6326 or hvanpoucker@mml.org.

To see a full listing of the League's Case Studies please visit placemaking.mml.org.



michigan municipal league

PUBLICATIONS

This manual addresses effectively dealing with litter, overgrown weeds, and dangerous, unsafe, and abandoned buildings. Every community leader faces concerns about the attractiveness and safety of their downtowns and neighborhoods. The tools to remedy these concerns are available for all Michigan communities. The goal of this manual is to encourage community leaders to 1) identify the problems that hinder your community's progress and 2) develop a strategy or plan of action that addresses your community's problems, including the adoption of tools and enforcement procedures necessary to fulfill that plan.

Table of Contents:

- The Problem
- The Solution—Step by Step
- Step 1—Identify problems
- Step 2—Inventory your existing tools and enforcement procedures
- Step 3—Develop a plan
- Step 4—Put your plan in place

The Big Picture

- Appendix A—Tools and enforcement procedures
- Appendix B— State Housing Law
- Appendix C—Redevelopment tools



DOES IT MAKE A DIFFERENCE (\$\$\$) IF A MUNICIPALITY...

- charges a violation under its ordinance as opposed to a statute?
- prosecutes a violation in a municipal ordinance violations bureau or administrative hearings bureau as opposed to the district court?

The answer to each of these questions is “yes.”

This report is intended to tell you why under Michigan law, and to provide background so that your municipality can make basic prosecutorial decisions, including whether to:

- adopt the Michigan Vehicle Code as an ordinance
- adopt the Uniform Traffic Code as promulgated by the Michigan State Police
- adopt a municipal civil infraction ordinance and designate the penalty for a violation of specific ordinances as a municipal civil infraction as opposed to a criminal misdemeanor
- designate the penalty for a violation of certain ordinances as a blight violation
- establish an Administrative Hearings Bureau
- establish a Municipal Ordinance Violations Bureau



Ordinance is preempted by Michigan's Medical Marihuana statute

FACTS:

John Ter Beek, a resident of the city of Wyoming, filed an action seeking to have the city's zoning ordinance declared void. The ordinance generally prohibits uses that are contrary to federal law, state law, or local ordinance, and permits punishment of violation by civil sanctions.

The Michigan Medical Marihuana Act (MMMA), enacted pursuant to a voter initiative, affords certain protections under state law for the medical use of marijuana. In particular, section 4(a) immunizes registered qualifying patients from "penalty in any manner" for specified MMMA-compliant medical marijuana use. In 2010, Wyoming adopted an ordinance (the ordinance) amending the zoning chapter of the city code and providing:

Uses not expressly permitted under this article are prohibited in all districts. Uses that are contrary to federal law, state law or local ordinance are prohibited.

The federal controlled substances act (CSA) classifies marijuana as a Schedule I controlled substance and largely prohibits its manufacture, distribution, or possession. By prohibiting all "uses that are contrary to federal law," the ordinance incorporates the CSA's prohibition of marijuana. The ordinance further provides that certain violations of that prohibition are punishable by civil sanctions and subject to injunctive relief.

QUESTION 1:

Does the CSA preempt section 4(a) of the MMMA?

A: Answer according to the Michigan Supreme Court:

No. The trial court rejected Ter Beek's challenge to the ordinance, finding that section 4(a) of MMMA is preempted by the CSA. The Michigan Court of Appeals reversed. The Michigan Supreme Court affirmed the judgment of the Court of Appeals, noting that the issue of federal preemption is grounded in the Supremacy Clause of the U.S. Constitution which "invalidates state laws that 'interfere with, or are contrary to' federal law." The Court framed the issue of whether the MMMA is preempted

by the CSA as requiring a finding of a "positive conflict" between the two statutes. The Court found that it was not impossible to comply with both the CSA and the MMMA and further that the MMMA was not an obstacle to the execution of the CSA. The state's limited state-law immunity for medical use of marijuana was not found to frustrate the purpose of the CSA.

QUESTION 2:

Does the MMMA preempt the ordinance?

A: Answer according to the Michigan Supreme Court:

Yes. According to the Court, a city is precluded from enacting an ordinance if the ordinance is in direct conflict with a statutory scheme or if the statutory scheme occupies the field of regulation which the municipality seeks to enter even if no direct conflict exists. The Court noted that "[a] direct conflict exists when 'the ordinance permits what the statute prohibits or the ordinance prohibits what the statute permits.'" The Court found that the ordinance directly conflicted with the state statute (MMMA) and was invalid. "The ordinance directly conflicts with the MMMA not because it generally pertains to marijuana, but because it permits registered qualifying patients, such as Ter Beek, to be penalized by the city for engaging in MMMA-compliant medical marijuana use."

In a footnote, the Court stated that "[c]ontrary to the city's concern, this outcome does not 'create a situation in the State of Michigan where a person, caregiver, or a group of caregivers would be able to operate with no local regulation of their cultivation and distribution of marijuana.'"

Ter Beek v City of Wyoming, No. 145816 (Feb. 6, 2014)

This column highlights a recent judicial decision or Michigan Municipal League Legal Defense Fund case that impacts municipalities. The information in this column should not be considered a legal opinion or to constitute legal advice.

Architects



OHM
Advancing Communities™

ARCHITECTS. ENGINEERS. PLANNERS.

Leaders rely on OHM Advisors' proven public and private sector expertise, insightful counsel and forward thinking to create thriving places for people.



OHM-Advisors.com

888.522.6711

Engineers & Engineering



ABONMARCHE

Confidence
by design


www.abonmarche.com
888.333.3281

Engineering • Architecture • Land Surveying • Marina/Waterfront
Community Planning • Landscape Architecture • Development Services



**ANDERSON, ECKSTEIN
AND WESTRICK, INC.**

Civil Engineers • Surveyors • Architects



Engineering Strong Communities

www.aewinc.com
51301 Schoenherr Road • Shelby Township • Michigan 48315 • (586) 726-1234

Attorneys

Groth Elowsky Kelley Pawlak & Seglund, PLC
and
Gabe, Quinn & Seymour, P.L.L.C.
*are pleased to announce they have combined their legal practices.
The new firm is known as:*

Seglund Gabe Quinn Gatti & Pawlak, PLC

- General Municipal Services
- Zoning and Planning
- Public Improvements
- FOIA & Open Meetings

- Millages & Elections
- Special Assessments
- Litigation
- Certified Mediation



28345 Beck Road, Suite 401
Wixom, Michigan 48393
(248) 869-0030
www.michlaw.biz



fishbeck, thompson, carr & huber

engineers • scientists • architects • constructors

1.800.456.3824 www.ftch.com Follow us on:   

THE LAW OFFICES OF
SHIFMAN & CARLSON, P.C.

Representing Cities and School Districts for over 40 years.



Experienced in:
General Counsel Services
Bonds and Finance
Discrimination
Special Education Issues
Elections
Construction
Employee Relations

Location:
31700 Middlebelt Road, Suite 126
Farmington Hills, MI 48334
Just north of Northwestern Highway on Middlebelt.

www.shifmancarlsonlaw.com | 800-799-8851 | 248-406-0620



**Your Community...
Our Passion**

- Asset Management
- Grants & Loans
- Roads & Transportation
- Park & Recreation
- Survey
- Water & Wastewater


FLEIS & VANDENBRINK
DESIGN. BUILD. OPERATE.
800.494.5202 • fveng.com



What does your community aspire to be?

Giffels Webster chooses every day to make communities better.

civil engineers • landscape architects • planners
surveyors • environmental specialists



giffelswebster.com Detroit / Oakland / Macomb

Engineers & Engineering

HRC
HUBBELL, ROTH & CLARK, INC.
Consulting Engineers
TRUSTED ENGINEERS, ENVIRONMENTAL SCIENTISTS, ARCHITECTS



A Tradition of Personal Service & Successful Projects
Established in 1915
Engineering. Environment. Excellence. (248) 454-6300
www.hrc-engr.com

Spalding DeDecker Associates, Inc.



Engineering & Surveying Consultants
Infrastructure | Land Development
Surveying | Landscape Architecture
(800) 598-1600 | www.sda-eng.com



OHM
Advancing Communities™
ARCHITECTS. ENGINEERS. PLANNERS.

Leaders rely on OHM Advisors' proven public and private sector expertise, insightful counsel and forward thinking to create thriving places for people.



OHM-Advisors.com 888.522.6711

ENGINEERS SURVEYORS PLANNERS



Construction Services
Community Planning
GIS
Grant Writing
Municipal Engineering
Roadways & Pavement
Site Development
Structural Engineering
Survey
Wastewater
Water
Water Resources

WWW.SPICERGROUP.COM ~ (800) 833-0062

Dealing with testing requirements can hold up your projects and distract you from the big picture.

Let P&N make your job easier by taking care of the details. We've been doing analytical testing since 1974, and you can count on us for high quality, well-documented, scientifically-sound data.

Prein & Newhof
www.preinnewhof.com (616) 364-7600



Williams & Works
engineers . planners . surveyors a tradition of service

www.williams-works.com 616.224.1500 Phone
800.224.1590 Toll Free

Environmental Consultants

TETRA TECH complex world CLEAR SOLUTIONS™

Water • Wastewater • CSO / SSO
Rate Studies • Energy Management
Watershed Management
Environmental Services
Roads and Bridges

Ann Arbor - 734.665.6000
Brighton - 810.220.2112
Detroit - 313.964.0790
Lansing - 517.394.7900
Port Huron - 810.956.9300
www.tetrattech.com



Environmental Consultants

**MAKING THE PLANET
SUSTAINABLE
IS THE BEST JOB
ON EARTH**

**UnitedWater.com
616-940-2405**



**Practical Solutions
Based on Common Sense**

Water & Wastewater Design ■ Wetland Management & Mitigation
Municipal Engineering ■ Master Plans ■ Roadway & Bridge Design ■
Construction Observation ■ Architectural Design ■
Surveying ■

WIGHTMAN & ASSOCIATES, INC.
ENGINEERING • SURVEYING • ARCHITECTURE

2303 Pipestone Road Phone: 269.927.0100
Benton Harbor, MI 49022 Toll Free: 877.927.0109
www.wightman-assoc.com Fax: 269.927.1300

Financial Services

{A trusted advisor.}

For over 65 years we've served government, and we have the experience, expertise and independence to help you chart a course for the future. We offer practical solutions to complex issues, providing you with

A higher return on experience.

plantemoran.com



Planning & Zoning

CARLISLE | **WORTMAN**
associates, inc.

Community Planning • Zoning • Recreation Plans
Web-based Public Participation

www.cwaplan.com | 734.662.2200

Just what you need, just when you need it.

What does your community aspire to be?

Giffels Webster chooses every day to make communities better.

civil engineers • landscape architects • planners
surveyors • environmental specialists

giffels webster

giffelswebster.com Detroit / Oakland / Macomb

**COMMUNITY
PLANNING
& DESIGN**

McKenna
ASSOCIATES

ECONOMIC DEVELOPMENT
LANDSCAPE ARCHITECTURE
PUBLIC ENGAGEMENT
WIRELESS SERVICES
URBAN DESIGN
DOWNTOWN REVITALIZATION
ZONING AND FORM-BASED CODES
BUILDING AND ZONING ADMINISTRATION

NORTHVILLE • KALAMAZOO • 888.226.4326 • MCKA.COM

Williams & Works

engineers . planners . surveyors *a tradition of service*

www.williams-works.com

616.224.1500 Phone
800.224.1590 Toll Free

Water & Wastewater

F&V Operations
and resource management

fv-operations.com 616.588.2900

**Water & Wastewater Operations
Plant Optimization • Operator Training**

Municipal Expenditures

Q: What are the restrictions for municipalities regarding paying for public celebrations and events? Or giving money to the local Little League team?

A: There are very specific guidelines regarding local government expenditures. Appendix H of the *Audit Manual for Local Units of Government in Michigan* (revised February 2012) by the state's Department of Treasury is very helpful in explaining the restrictions. The complete document can be found at www.michigan.gov.

Here is an excerpt:

Planning the compliance portion of an audit

Local units of government in Michigan are only allowed to incur expenditures for a valid public purpose. The local unit is the steward of public resources, and they may not be used for a private purpose. Determining whether an expenditure is for a valid public purpose is a legal consideration. Often the local unit's legal counsel can be helpful in making this determination.

There are numerous state statutes, court cases, and attorney general opinions that define allowable expenditures. As a guide, the following is a list of the more common types of questionable expenditures:

1. Charitable Donations to Nonprofit Organizations:

Unless the payment is in exchange for the provision of a governmental service that the local unit could have provided itself, this is not a valid public purpose. In general, such expenditures should be documented through a written agreement. This prohibition includes churches, veterans' organizations, community organizations, Little League, Boy Scouts, Big brothers/Big Sisters, etc.

2. Public Celebrations and Events:

MCL 123.851 specifically allows cities, villages, and townships to expend money for observances of Armistice (Veterans), Independence and Memorial Days, and Diamond Jubilee or Centennial celebrations. It is improper for a unit of government to expend public money for an annual picnic or other celebration that is not specifically authorized by law and does not serve a public purpose. The Michigan Supreme Court in *Wayne County v Hathcock*, 471 Mich 445; 684 NW2d 765 (2004), defined "public purpose" as having "for its objective the promotion of the public health, safety, morals, general

welfare, security, prosperity, and contentment of all the inhabitants or residents within the municipal corporation, the sovereign powers of which are used to promote such public purpose."

3. Providing Coffee, Food, etc.:

The purchase of coffee, food, etc., must be for a public, not an individual or private group or purpose. These expenditures for use at a regular or special meeting where the public is also participating in the coffee, food, etc., for firefighters, volunteer or full-time employees, when working an extended period of time or when dedicating public buildings are normally considered expenditures for a public purpose. Coffee, food, etc., for employees use during normal working hours is considered personal, not for a public purpose, and improper unless specifically provided for in a collective bargaining agreement or duly adopted employment policy of the governmental unit (fringe benefit). See the definition of "public purpose" above.

4. Retirement/Recognition Functions and Employee and Retiree Gifts:

Retirement functions, gifts or plaques for employees or officials, recognition dinners for volunteer firefighters or ambulance staff are usually not for a public purpose, therefore, not an allowable expense. Travel and meals as part of the cost of training volunteers to perform emergency services within the local unit are deemed a public purpose, payable as an expense when properly budgeted, authorized, and approved. See the definition of "public purpose" in item 2 above.

5. Flowers to the Sick or Departed:

Local governments do not have authority to expend money for floral gifts. (Attorney General Opinion Number 2346 dated July 18, 1956)

6. Training and Education:

Registration fees, lodging, travel, and meals while in attendance at useful public informational or educational workshops and seminars are appropriate.

The League's Information Service provides member officials with answers to questions on a vast array of municipal topics. Send your municipal inquiries to info@mml.org, or call 1-800-653-2483.

MML.ORG
Registration begins June 23

2014

MICHIGAN MUNICIPAL LEAGUE CONVENTION

Northern Michigan University, Marquette
OCTOBER 14-17

 michigan municipal league

Celebrating the
2013
 COMMUNITY
 EXCELLENCE
 AWARD Finalists



Belding

Community Garden



Nestled along the banks of the Flat River, tucked into the northwest corner of Ionia County, lies the quiet city of Belding. Belding is known for its passionate citizens, small groups, and successful projects that are citizen-based. Belding has experienced great advancements to the quality of life due to these groups and their ability to fund-raise locally. In the past few years, the B Foundation's "Day to Believe Blood Drive,"



the Smash Park Disc Golf Course, the award-winning Belding Children's Museum, and the Belding Community Garden have all been built from the ground up by these passionate citizens.

The Community Garden started as an "idea seed" in 2010 by a group of people

trying to meet a need in a struggling community. Over 50 percent of Belding students are enrolled in the reduced lunch program and the Food Pantry was finding it difficult to meet demand. The Community Garden is truly community and offers educational, social, and nutritional opportunities to those who may not otherwise have access. The garden is a collaborative effort between the Belding Community Garden Committee, Belding area schools, and the city. The garden also has over 50 community partners, helping to diminish a Phase 1 \$10,000 project that was completed for under \$4,000. The garden has been open since June of 2012, offering gardening to citizens absolutely free! To date, over 200 area students and

countless families have been impacted by the garden. The Belding Food Pantry & God's Kitchen donations have exceeded 30 bushels of fresh produce! The garden's impact is being felt in Belding!

The garden isn't about politics or issues that divide a community—it's about goodness and growing in partnerships for a better quality of life. The community comes together in full support year after year, offering financial assistance, garden maintenance, plants, and even produce packaging at no cost. Belding's Community Garden is an example of what a community can achieve through collaboration and community spirit, not only to build a project together, but a project that builds community! JOIN THE CULTIVATION!

