

the review

July/August 2016

the official magazine of the  michigan municipal league

FEEDING A NEED

Funds and
FRIENDS

CREATIVE LEASE ON LIFE

Old Dearborn City Hall

**DELFT
THEATER**
Transformation

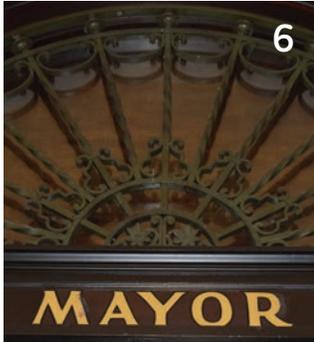
VACANT TO VIBRANT

Niles and UltraCamp Team Up to Restore Downtown Gem



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the review

The official magazine of the Michigan Municipal League

Volume 89, Number 4

We love where you live.

The Michigan Municipal League is dedicated to making Michigan's communities better by thoughtfully innovating programs, energetically connecting ideas and people, actively serving members with resources and services, and passionately inspiring positive change for Michigan's greatest centers of potential: its communities.

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Please recycle this magazine

Change is the Only Constant

When I first became executive director of the League, one of the first things I shared with staff was that “change is the only constant.” I think that pretty much defines how I roll. Change can oftentimes be threatening, get our defenses up, and make us nostalgic, but it can also reinvigorate, motivate, and lead to greater things.

This isn't an “out with the old, in with the new” philosophy. In our community building world, we've seen too much of this. It has led to urban sprawl and diminishing green fields, often leaving behind struggling, hollowed-out neighborhoods and cities. But what is also left behind are buildings—many of them architectural gems—that housed our favorite restaurant, hardware store, school, or place of work. They are relics of another time that can elicit emotional feelings decades later, but now stand isolated from human activity. Years of economic volatility and changes have rendered so many of these uses obsolete. What once served a different time, does not meet the needs and demands of the 21st century.

This is a topic that we feel is important to recycle (no pun intended) every so often because it's a critical economic development strategy as municipalities continue to build and rebuild communities that will attract future generations. In this issue, we showcase some excellent examples of innovative projects around Michigan that can be reimagined for communities big and small.

Downtown department stores that eventually went the way of the dodo are now finding new life in places like Niles. This city's Gallery Building is being turned into tech offices and ground floor retail. The funding for projects like these can be as creative as the project itself. UltraCamp acquired the building from the City of Niles in a swap for land the company owned near Plym Park. Ypsilanti is using crowdfunding as a means to finance the adaptive reuse of a long-vacant downtown warehouse and drive-through bank building into a year-round indoor/outdoor market.

Other stories include the Argus Farm Stop, once a gas station, but now a local food store with a unique business model which makes a strong connection between the producer and the consumer. It allows farmers to bring

their products to the store on a weekly basis, but not have to stick around to sell it. Farmers get 80 percent of the proceeds. This business was an instant success, and in less than a year is already expanding. The city of St. Louis is in the process of renovating a former grocery store—a functionally obsolete building—into a new City Hall. Mason has two 19th century buildings being restored and repurposed into a financial firm and apartments. By repurposing and redefining the look and feel of a place, the newly created energy and activity is breathing new life into downtowns.

Now we're gearing up for our annual Convention on Mackinac Island, September 14-16. It's shaping up to be one you won't want to miss, with discussions around citizen engagement, Redevelopment Ready Communities®, anchor institutions and community relations, and much more. There will also be some focus on more nuts and bolts issues including a municipal finance update, a look at the retiree health care changes, and Millennials as local government leaders. If you haven't registered yet, look for the information in this issue!



Daniel P. Gilmartin

Daniel P. Gilmartin
League executive director and CEO
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CITY HALL ARTSPACE LOFTS

Conversion of the former Dearborn City Hall into 53 lofts with space for artists as well as additional space for commercial tenants, art galleries and meeting rooms.

BUILDING ADDRESS:

13615 Michigan Ave., Dearborn

SIZE OF BUILDINGS:

100,000 square feet

YEAR ORIGINALLY BUILT:

1920s; concourse in 1981

PROJECT COMPLETED:

December 2015

RENOVATION COST:

\$14.85 million

BUILDING PURCHASE COST:

\$1.65 million

TOTAL PROJECT COST:

\$16.5 million

RENT:

From \$307 for a studio apartment to \$975 for a 3-bedroom. Applicants must meet certain income requirements to be considered in the federal, subsidized housing project.

Old Dearborn City Hall Now Filled with Artists

CREATIVE LEASE

on Life



DEARBORN
pop. 98,153

BY MATT BACH

Seasoned artist Carl George has lived in Los Angeles and New York, and he's coming home to Southeast Michigan for family and inspiration. He's especially inspired by his new digs as a tenant in the recently opened City Hall Artspace Lofts in Dearborn.

Millennial Kate Sample was one of the first people to move into Artspace Lofts when it opened in January. The dance instructor saw it as the perfect place to begin life on her own while expanding her artistic horizons.

George and Sample are among the first 35 of 53 eventual tenants in the former Dearborn City Hall and municipal complex located in the heart of the east Dearborn neighborhood. Their stories are vastly different but their goals are the same—to immerse themselves in an artistic community. They are exactly the type of tenants Artspace wants and the type of residents that communities like Dearborn seek.

"I liked the idea of coming back home and living within a group of artists," said George, who does experimental film as well as painting and collage-making. "Artists feed off each other, we collaborate, we can learn from each other."

Sample, a part-time dance instructor who walks from her new home to her other part-time job at the East Dearborn DDA,

added similar sentiments: "If you would have asked me before if I would live in the old city hall building I would call you crazy, but it's historic and it's beautiful and it's just a fantastic opportunity."

PURSUING ARTSPACE

The project has been many years in the making, with strong support from the East Dearborn Downtown Development Authority and Dearborn Mayor Jack O'Reilly Jr., current president of the Michigan Municipal League Board of Trustees. After seeing the success of Artspace in other cities, in 2009 O'Reilly asked the Minnesota-based nonprofit organization to consider developing a project in Dearborn. After the city completed the organization's six-step, intensive application process, Artspace agreed to add Dearborn to





WE PURSUED ARTSPACE BECAUSE WE KNEW THEY HAD A TERRIFIC TRACK RECORD ACROSS THE COUNTRY OF DRAWING PEOPLE INTO THE AREAS WHERE THEY DEVELOP THEIR INNOVATIVE LIVE, WORK, AND EXHIBIT SPACES.

Brownfield Loan Program, and assisted with financing applications for the Michigan State Housing Development Authority (MSHDA), Michigan Economic Development Corp. (MEDC), the Michigan Council for the Arts and Cultural Affairs, Kresge Foundation, Ford Foundation, and National Endowment for the Arts. Local manufacturer AK Steel was also a major contributor. Some of the grants required matches from the East Dearborn DDA. They also worked with the city to get the needed zoning changes to allow for the mixed-used development, and helped secure low income tax credits and historic tax credits, said East Dearborn DDA Executive Director Mike Bewick.

“We knew it would be a lot of work, but once we started pushing, things began coming together,” Bewick said. “I’m not a visionary in artistic development, but I’m a true believer in working right alongside those that have the vision. The state, particularly MSHDA and MEDC, was very supportive because the governor’s focus was on the idea of place-making and this was an opportunity for a project very few people have done around Michigan.”

LOCATION IS EVERYTHING

Bewick continues to be very involved in the project, including giving regular tours of the 100,000-square-foot Artspace site to prospective tenants and commercial renters with an artistic focus. The East Dearborn DDA’s office is right across the street from the Artspace complex, which includes the former City Hall, former police station, and the concourse that connects the two buildings. Plus, it’s within easy walking distance to a variety of ethnically diverse restaurants and businesses, including a large grocery store.

Artspace is also located near many of Dearborn’s major cultural institutions, including The Henry Ford and the Arab American National Museum, as well as those of downtown and Midtown Detroit, including Wayne State University. There also are two public transit stops on the site with routes into Detroit. These were all major attractors in selecting Dearborn and this site for an Artspace project. The site even sits in City Hall Park, which has events throughout the summer, including the super popular Jazz on the Ave concert series, said Kim Moore, asset manager for Artspace.

its network of more than 38 affordable arts facilities in 15 states. Describing itself as a leader in artist-led community transformation, Artspace rents more than 1,300 affordable live/work spaces to artists across the country.

At first, 24 various buildings in the city were proposed as possible Artspace sites. The City Hall site wasn’t even on this original list. Eventually, Artspace zeroed in on the historic City Hall as Dearborn officials were moving offices in September 2014 to the newly renovated Dearborn Administration Center at 16901 Michigan Ave.

FUN FACT

A gun range was housed on the fourth floor of an annex building. Bullet-riddled walls have been repaired in the redevelopment.

For additional information on leasing a residential or commercial space or other Artspace projects around the country, go to www.artspace.org or call (612) 333-9012.

“We pursued Artspace because we knew they had a terrific track record across the country of drawing people into the areas where they develop their innovative live, work, and exhibit spaces,” O’Reilly said. “And we knew they offered something unique that’s not found anywhere else in Michigan, so that would be another reason for people to visit Dearborn.”

The project was truly a partnership between the East Dearborn DDA, city officials, and Artspace. To make it possible, local officials had to initially contribute more than \$750,000 for a predevelopment contract. Community leaders also provided monetary assistance from the City of Dearborn HOME funds and

PRESERVING THE PAST

The development includes 53 residential units, artist work spaces, gallery space, public performance space, business spaces, and more. They've been carved out of the Georgian revival structure primarily built in the 1920s. Many of its historical features have been preserved, including its tall windows that fill the spaces with natural light, as well as exposed brick, 18-foot ceilings, and original cement floors. The breathtaking marble spiral staircase central to the city hall building remains, as do a lot of the quirky cubbyholes and storage cabinets set into the walls. They even left the original etched "mayor" sign.

In May, the development was among six projects from around the state to receive the 2016 Governor's Award for Historic Preservation from Gov. Rick Snyder and the Michigan State Housing Development Authority. The groups receiving the award for the rehabilitation of the Dearborn City Hall complex were the City of Dearborn; Artspace Projects Inc.; Neumann/Smith Architecture; the Monahan Company; and the East Dearborn Downtown Development Authority.

THE SPILLOVER EFFECT

In recent months, Dearborn's east downtown has started to see an uptick in economic development and this growth may be due to the Artspace project, Bewick said, adding this trend should continue as some 20,000 square feet of available commercial area in the Artspace development begins filling up.

"I see a whole lot more people walking the streets and enjoying themselves in east Dearborn than I have in the past. Now there's a nightlife. I see people walking their dogs. It's getting more animated and I have to give the credit to this project," said Bewick, who moved to east Dearborn in the mid-1970s. "We've seen at least six buildings that I know of that have been completely gutted and rehabbed in recent months."



A furnished model apartment provides prospective tenants with ideas on how to bring the lofts to life.

Moore said Artspace developments often see economic growth in the surrounding area.

"People want to be where creatives are," Moore said. "At the end of the day we're developers. We build spaces. But what makes all of this fantastic are the people who move into those spaces and activate those spaces with their fantastic ideas and partnerships with the community and each other."

People like George and Sample.

"I love the idea of living in an old public building," George said. "Being in Dearborn was an attraction, too. Being half Lebanese, you're all about the food and I'm in walking distance of a lot of good things. Being in Dearborn and the Detroit metro area is very appealing. In relocating back home, I wanted to do it in a way where I would have an art community to be with."

Sample added: "As a part-time artist working as a dance teacher, the prospect of meeting other artists and not being insulated and just having the opportunity to meet and work with so many other people was very enticing." 

Matt Bach is the media relations director for the League. You may reach him at 734-669-6317 or mbach@mml.org.





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► Grand Hotel Housing Reservation Process

Housing reservations will only be accepted for those who have registered for Convention. After registering for Convention, a deposit of one night's daily rate is required at the time of reservation.

► Grand Hotel Housing Rates

Standard – \$215 per person (double), \$355 per person (single)

Deluxe – \$245 per person (double), \$415 per person (single)

Group room rate cutoff is August 12, 2016.

Room rate includes breakfast and dinner, as well as lunch on September 14 & 15, 2016. Rates do not include \$8 baggage handling fee, 6% Michigan Sales Tax, 19.5% Service Charge, and 2% Mackinac Island Occupancy Tax.

► Additional Travel Information

Shepler's Ferry – \$20 round-trip ferry ride purchased through the Michigan Municipal League. Outdoor unsecured lot is free for up to 5 nights with a drop-off service charge of \$10.

Outdoor fenced parking is \$15 per night, and indoor parking is \$30 per night.

Arnold Ferry – \$18 round-trip ferry ride. Parking is free daily for self-park outside lot. Valet parking available to any lot for \$7. Outdoor secured lot is \$5 per night and indoor garage is \$15 per night.

Carriage Taxi – The fare is \$5 per person to the Grand Hotel from the ferry docks (cash only).

AGENDA

Wednesday, September 14

8:30 am-5:30 pm	Registration Hours
9 am-Noon	Convention Workshops
9 am	Board of Trustees Meeting
1-1:30 pm	Delegate Check-in
1:30-2:30 pm	Annual Business Meeting
3-5 pm	Welcoming General Session
5:30-6:30 pm	Elected Officials Academy Board Meeting
5:30 pm	Civic Meet-ups

Thursday, September 15

7:30 am-5 pm	Registration Hours
7:30-8:30 am	MAM Breakfast
8:30-9:45 am	Breakout Sessions
10 am-Noon	General Session
Noon-1 pm	Lunch
Noon-1 pm	MBC-LEO Lunch
1:30 pm	Civic Meet-ups
2-3:30 pm	General Session
3:45-5 pm	Breakout Sessions
5:30 pm	Civic Meet-ups
6-7 pm	Foundation Reception

Friday, September 16

7:30-11 am	Registration Hours
7:30-8:30 am	MUWIG Breakfast
9-10:15 am	Breakout Sessions
10:30-Noon	Closing General Session
Noon	Adjourn

Visit convention.mml.org to register online.



BY RICHARD MURPHY

FUNDS *and* FRIENDS

Crowdgranting Generates
Both in Building
Renovations

Communities across the state are bringing neglected public spaces to life through crowdfunding. The Public Spaces Community Places “crowdgranting” program, backed by MSHDA and MEDC matching funds, has raised over \$2.3 million for nearly 70 projects. While most of these projects focus on recreational or aesthetic improvements to outdoor spaces—parks, trails, alleys, pavilions—a few enterprising nonprofit organizations have leveraged the program to support the overhaul of vacant buildings into community gathering spaces.

Cultivate Coffee And Tap House Provides Craft, Community, And Cause

This community gathering place provides “space for whatever you need,” according to Director of Community Bekah Wallace, whether that’s a city councilmember’s ward meeting, weekly math and physics tutoring, public lectures, or social knitting nights. The nonprofit offers pour-over coffee and espresso, as well as 36 microbrews on tap. Proceeds and tips go to hunger relief efforts.



YPSILANTI
pop. 19,435

Cultivate's founders—Wallace, her husband Ryan, and friend Billy Kangas—spent a year trying to secure a storefront in downtown Ann Arbor before turning to Ypsilanti. They struck on an unassuming brick and cinderblock garage at the edge of Ypsilanti's historic Depot Town district, which had housed Ted's Auto Electric for 50 years.

Putting a café in an old auto shop involved several unusual hurdles: going through a Phase 2 Environmental Site Assessment to test for brownfield contamination, for example. Wallace notes that internal demolition and cleaning of the space added five months to the schedule before buildout could begin. However, the unusual property also offered advantages: the rollup doors and high ceilings of the garage bay offer a sense of spaciousness and lots of natural light, and the parcel also offers plenty of room for outdoor seating, gardens, and parking.

Crowdfunding “was always part of the plan” for Cultivate, says Wallace—a plan that began five years before the café opened. Beyond the dollars, crowdfunding was a way for community members to become emotionally bought-in to

the café and its mission well before it opened, supporting a successful launch. And while the crowdfunding ask focused on community-building, hunger relief, and sharing the crafts of coffee and brewing, the building also played a role. “Isn't she beautiful?” asks the Patronicity campaign page, challenging contributors to share in the vision of converting a vacant repair shop into a thriving community space.

After a soft opening in September 2015, Cultivate's grand debut a few months later demonstrated the breadth of community functions such a place can hold: the café hosted an afternoon press conference for MEDC to announce the City of Ypsilanti's Redevelopment Ready Communities® certification, then a few hours later was filled with art and live music as part of the community's “First Fridays” art crawl.

Ypsilanti Farmers MarketPlace Activates Lost Downtown Spaces

After ten years of operating out of tents set up in the street, the downtown Ypsilanti farmers market moved



to a permanent home in 2015: a drive-through bank branch that had been vacant for over a decade. The tiny 15x35-foot bank building now holds the “YpsiPlanti” retail garden supply shop and an accessible bathroom. The basement holds a basic produce washing station and walk-in refrigerator that farmers can use for storage of produce awaiting delivery to local restaurants, schools, or grocers.

“A popup market can only go so far,” notes Amanda Edmonds, who is both executive director of nonprofit Growing Hope and mayor of Ypsilanti. With over 20,000 visitors in 2014, the downtown market needed a permanent, off-street location. These properties had been on the radar for some time before they became available, as Edmonds had “scoped out every possible location in downtown” for potential market sites. Additionally, notes redevelopment manager Laura Gillis, “farmers market growth is leveling off nationally, but aggregation/distribution is a huge opportunity for local growers.” The MarketPlace offers Ypsilanti’s first “food hub” site for those activities.

CROWDFUNDING WAS A WAY FOR COMMUNITY MEMBERS TO BECOME EMOTIONALLY BOUGHT-IN TO THE CAFÉ AND ITS MISSION WELL BEFORE IT OPENED



The new home of Ypsilanti Farmers MarketPlace is colorful, inviting, offers new products and services... and best of all, it's a permanent space.

Rather than take on substantial debt to acquire the properties, Growing Hope partnered with local property manager Bob Barnes. Barnes acquired the vacant bank drive-through property for use by the marketplace, as well as an adjacent, long-unused 1930s-era warehouse building. (The next phase of development will finish the warehouse as year-round event space, including a small commercial kitchen.)

The reuse of existing buildings has presented some challenges. In particular, the setback of the old bank building means that the site has limited street visibility, a situation they have attempted to remedy through iconic signs and bright colors. Connecting the two sites—which face two different streets—also required carving a new entrance through the rear wall of the warehouse structure.

Crowdfunding the initial buildout of the marketplace was especially important in raising awareness of the market's relocation. The crowdfunding campaign was launched at the beginning of the 2015 market season, at the same time that the farmers market was moved from its on-street location to the outdoor portions of the new site. This allowed crowdfunding outreach to double as advertising of the change in location, and also got marketgoers onto the site during the crowdfunding campaign so that they could share in the vision in person.

Lessons For Placemaking

These projects offer some lessons for creating attractive community spaces:

- » Crowdfunding serves a critical “friendraising” role in building awareness and support for a community placemaking project. Having supporters who are both literally and emotionally “bought in” even before ground is broken increases the chance of success.
- » This awareness is especially valuable when a space has been “lost” in people’s minds: both of these sites are less than a block from active commercial main streets, but were effectively invisible prior to the crowdfunding efforts.
- » For an adaptive reuse project, the mismatch between the site’s current state and the vision can be an asset—people want to be a part of a dramatic project—but organizers must share the path to that vision. 

Richard Murphy is a program coordinator for the League.

You may contact him at 734-669-6329 or rmurphy@mml.org.



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FEEDING A NEED

Old Grocery Store Grows into Multi-Purpose City Facility

BY PHILIP HANSEN

The City of St. Louis recently completed an adaptive reuse project that produced a new city hall, police department, and community center out of a vacant retail store, created a new fire department facility, and helped save a local grocery store.

St. Louis' three-block traditional downtown was recently listed on the National Register of Historic Places and is the location of these projects.

First, the only grocery store in St. Louis was going out of business because it could no longer afford to occupy its 18,000 square foot building. Utility costs were often over \$10,000 per month, and sales did not support continuing their business.

Meanwhile, for years the city had been looking for a solution to the problems of the existing city hall building. The facility was more than 60 years old and had some structural issues, including a serious water and mold problem in the basement. The building was home to city offices as well as the police department and Mid-Michigan Community Fire Department, whose offices were in the moldy basement.



City, state, and USDA Rural Development representatives kick-off the new city hall groundbreaking on Sept. 3, 2014.



ST. LOUIS
Pop. 7,482



LEFT and BELOW:
The building's picturesque setting was incorporated into the design with a deck overlooking the Pine River.

RIGHT: Mayor Jim Kelly cuts the ribbon to officially open the new St. Louis City Hall on October 6, 2015.



THIS WAS TRULY AN EXAMPLE OF A COMMUNITY WORKING TOGETHER TO SOLVE MULTIPLE PROBLEMS.

MEETING MULTIPLE NEEDS

The City came up with a unique solution to this situation by purchasing the grocery store building in 2012 for \$150,000 and transferring ownership of another building that the City owned in the middle of downtown to new grocery store owners. The new owners invested in major improvements in the empty 6,000-square-foot building, which was the perfect size for a small grocery store. The Corner Market now serves the St. Louis and Gratiot communities with a wonderful meat market, produce, and groceries. They also acquired a takeout liquor, beer, and wine license. A spin-off business—The Bakers Dozen of Mid Michigan—opened in 2015 right across the street from the grocery store, which did not have room to include a bakery.

The St. Louis Area Fire Department relocated operations by building a new facility on the south side of downtown on another under-utilized piece of property. The department is a collaborative effort that includes the

City of St. Louis, Bethany, Pine River, and Jasper Townships. The total cost of the new fire hall was \$1,228,760, which was financed with accumulated savings as well as grants from the Herbert H. & Grace A. Dow Foundation (\$140,000), the Rollin M. Gerstacker Foundation (\$40,000), the Charles J. Strosacker Foundation (\$20,000), the Gratiot County Community Foundation (\$10,000), and additional contributions from each member community (\$623,000). The new facility provides much-needed updates and efficiencies and allows for storage of all vehicles and equipment.

CAPITALIZING ON CITY HALL

The key feature of the project, however, is the beautiful new city hall that was created in the former grocery store building. It provides more space for city offices as well as the police department.

The interior of the building includes beautiful council chambers which feature 17 paintings of historic scenes created by local artist Michael Patterson in 2001. The St.



Louis Area Historical Society is in the process of doing a project to commemorate the fact that the new city hall is located at the former site of the famous Magnetic Mineral Springs and Park Hotel. They are having historic photos enlarged and framed for the Community Room. They are also having a local woodworker create a beautiful display case for items from that era, which will be located at the main entrance so that the public can see it every day.

The new facility also features two large community rooms that are for rent to the public. They can be used for family gatherings, business meetings, small wedding receptions, training sessions, and more. The building includes a warming kitchen and also features a beautiful back deck overlooking the Pine River. Acquiring this property also allowed the city to clean up a stretch of the riverbank that had been neglected for years.

In addition to being next to the river, the location of the new City Hall is ideal in that it sits at the north end of the downtown business district, so most visitors get to the front door by traveling right down “main street.” The hope is that they will notice our downtown businesses and stop to shop or eat while they are here. Finally, the building is right next to the city’s electric plant and municipal swimming pool, making it part of a bigger complex of services. Partially because of the new location, a developer is planning a new 24-unit senior housing apartment building right across the street, also on the river.

The price tag for the new city hall complex was \$2,472,540, which was financed with accumulated savings (\$872,540) plus a \$1.6 million low-interest loan from USDA Rural Development. An additional grant of \$12,500 was obtained from the Gratiot County Community Foundation to purchase tables and chairs for the community rooms and appliances for the warming kitchen.

LOOKING AHEAD

The city is now in the process of preparing plans to renovate the old city hall for a potential new use. There

has already been interest from developers, and the City is confident that it can help bring another successful business into the downtown area at this site.

The City feels sure that the quality and appearance of the new city hall will be a source of pride to the St. Louis community. It is a key feature of the downtown landscape as well as extremely visible entering St. Louis from the north. The design and color scheme fits well with the historic character of the downtown without pretending to be an historic building.

Response to these projects from the community has been extremely positive. Open houses for the new facilities have been well attended and use of the Community Rooms continues to increase. Visitors from other towns are amazed at the quality of the facilities available for a smaller town. This was truly an example of a community working together to solve multiple problems, and St. Louis should reap the benefits of this for years to come. 

Philip Hansen is the downtown development and economic development director for the City of St. Louis. You may contact him at 989-681-3017 or phansen@stlouismi.com.

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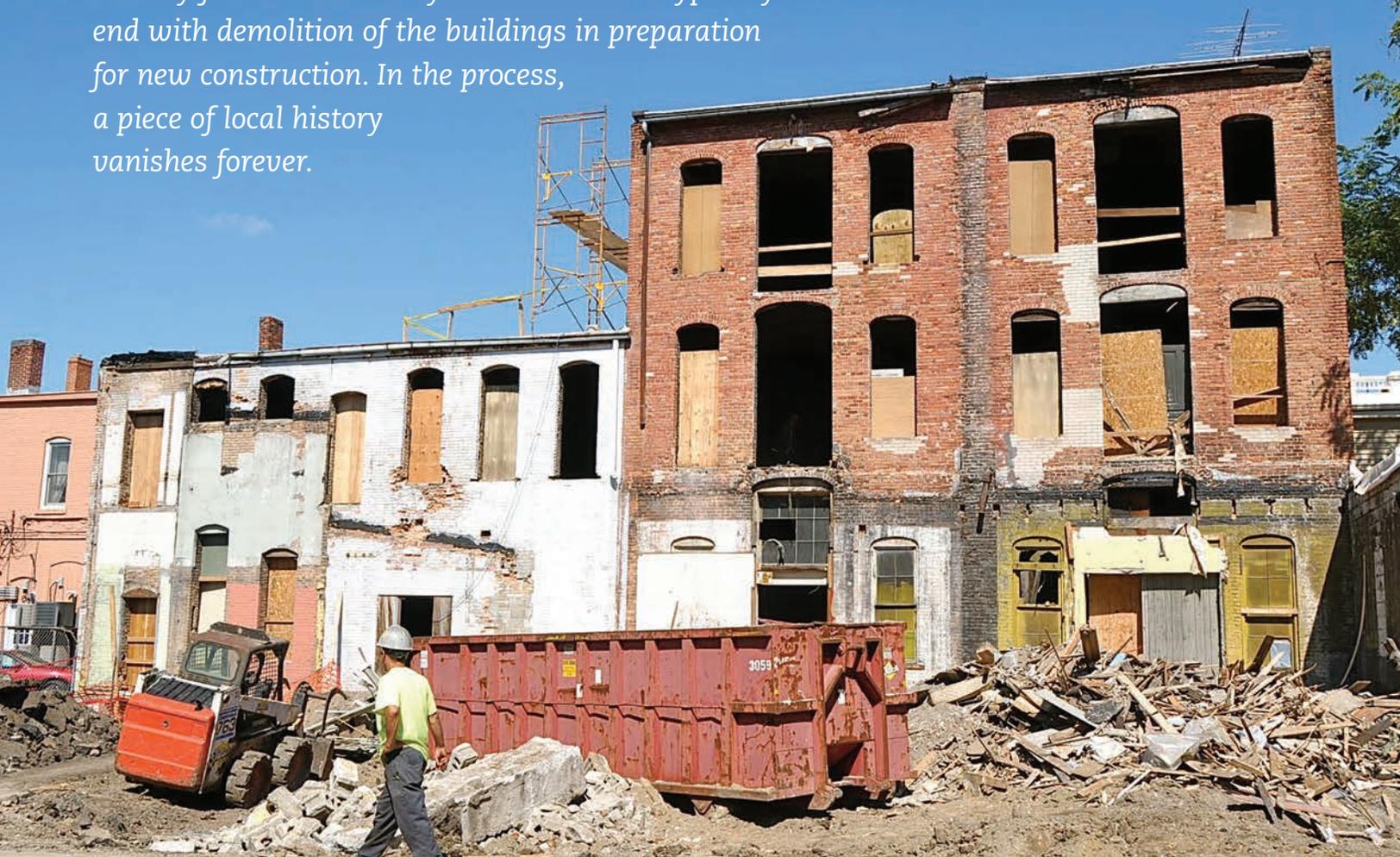
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BY MIKE WALTZ

RESCUING THE PAST

This tale of two historic downtown buildings took place in the City of Mason, but it could have happened in many small towns across the country. Vacant for almost a decade and delinquent on taxes, these crumbling structures had become an eyesore and a liability for the community. Stories like this typically end with demolition of the buildings in preparation for new construction. In the process, a piece of local history vanishes forever.

**A RESTORATION
CAMPAIGN FOR
CIVIL WAR-ERA
BUILDINGS**



Not so this time. Due to the vision and perseverance of numerous dedicated individuals and organizations, and a seemingly impossible and complex strategy of funding, 124 and 140 E. Ash Street gained a new lease on life.

A COLORFUL PAST

The three-story building at 140 E. Ash Street was constructed in 1863 for Charles Sackrider and N. T. McGeorge. Sackrider was a Mason physician from 1855 to 1881. Sackrider, McGeorge & Co. opened a mammoth dry goods and grocery store there. By October 1867, it was called Sackrider and McRobert. Half of this building became a farm implement business around 1884 and continued until 1963.

The exact year when the two-story building at 124 E. Ash Street was constructed is unknown, but it's estimated to be during the mid-1870s. The first occupant is a mystery, too, but for nearly 100 years it housed a furniture business spanning several generations of the same family. The two buildings eventually merged and the front façades were changed in 1964.

A take-out pizza franchise would be the last business to occupy a portion of the premises, after which they sat empty for almost a decade. During that time, then-City Manager Marty Colburn worked with the owner of the two buildings in an effort to return them to a useful function in downtown. Efforts were unsuccessful and, due to the poor condition that the buildings had evolved into, Colburn had no choice but to proceed with actions to enforce city code violations. Minor improvements resulted, however it turned out to be too little too late.

WHITE ELEPHANT

In 2009, the buildings were finally foreclosed upon for non-payment of taxes. The situation was further complicated by IRS liens on the properties that would need to be addressed and resolved. Ingham County Treasurer Eric Schertzing had limited options. "The city and the state didn't want to purchase them," said Schertzing. "I had mixed emotions on an auction, and due to the volume of dollars necessary, an auction wasn't the way to do it."

Schertzing, who is also chairman of the Ingham County Land Bank, enlisted the expertise of Bruce Johnston, then-executive director of the Ingham County Housing Commission, and Ryan Henry of Kincaid Henry Building Group, which specializes in mixed-use development, historic rehabilitation, and brownfield redevelopment. The group,



From front to back, inside and out, these 19th century buildings received a complete facelift.

working closely with Colburn, assessed the present condition and future potential of these buildings while Colburn continued to market them for re-use.

Henry, referring to the buildings as a “white elephant,” analyzed them and delivered a financial reality check. The rehabilitation costs would run into the multi-million dollar range. Johnston explored several housing grant options, actually securing a grant at one time, but was unable to move forward without a private partner and end user.

“The condition of the buildings was quite scary. You could fall through floors in many places if you weren’t careful where you walked,” said Johnston. “But it never was a question of could it or should it be done, it was simply that it had to be done.”

In addition, it was determined that the original façade had not just been covered up, it had physically been removed from the buildings and replaced with materials that were modern for 1964. And the biggest hurdle of all still had to be crossed—developing a funding strategy. Grants would be difficult to obtain without first identifying an end user occupant for the main level. “If we can figure out how to do this here, we could do this elsewhere,” said Henry.

A POSITIVE SOLUTION

Colburn’s continued efforts to market the blighted properties eventually attracted the attention of a local business, Oracle Financial Solutions, which at that time was leasing office space in downtown Mason and nearby Lansing. Their interest soon led to a commitment to purchase the buildings, renovate them, and occupy the main level of both buildings and part of the top level of the taller building. “There are resources and partners in the community so it becomes a matter of matching up the right resources with the right project,” said Colburn. “Community connections can make the difference.”

But IT NEVER WAS A QUESTION of could it or should it be done, it was simply that IT HAD TO BE DONE.



Now that an end user with private capital had been identified, a funding plan could begin to take shape. MEDC grants became an option, as did MSHDA grants for 10 new rental apartments. During this phase, Land Bank Executive Director Mary Ruttan also identified and secured a one-time Michigan Housing and Community Development Fund grant from MSHDA. As the project transitioned from a blighted, foreclosed vacant property to blueprints by Hooker DeJong

Architects, it also gained the support of many city, county, and state organizations. The Mason City Council, Planning Commission, and Historic District Commission were on board. So was the Downtown Development Authority, which provided a façade improvement grant. Many Ingham County departments and the State Historic Preservation Office also lent their support.

Six years, and about \$3.75 million later, the “white elephant” has been transformed into a completely renovated mixed-use building. The structure is now home to approximately 10,000 square feet of modern commercial space and 10 loft-style apartments. There is also a large roof-top patio on top of the shorter building accessible from one of Oracle’s conference rooms on the top floor of the taller building. The patio offers a spectacular view of downtown Mason and the surrounding area.

“If not for the dogged determination of those involved in those early phases, it would have seemed far easier to give up,” said Johnston. The City of Mason thanks the dedicated and relentless efforts of all that had a role in this restoration project, as a piece of Civil war-era history still stands proudly across from the courthouse square. 

Mike Waltz is mayor of the City of Mason. You may contact him at 517-676-5396 or mikew@mason.mi.us.



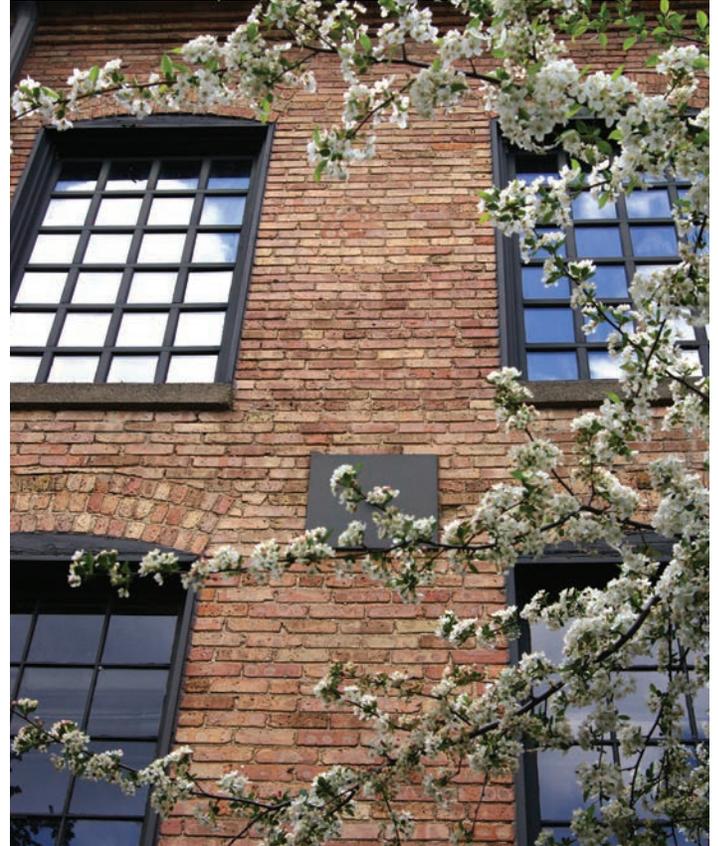
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BY ERIK WILSON



TAKING A RISK

PLAINWELL INVESTS IN CLOSED PAPER MILL

PLAINWELL
pop. 3,804



It's hard to encapsulate what the Plainwell Paper Mill meant to the City of Plainwell and surrounding communities. The mill had been tied to so many facets of Plainwell's existence—socially, culturally, historically, and economically. Generations of Plainwell residents either worked at the mill or had family members who worked there. At one point, the mill employed over 400 people and accounted for 18 percent of the city's tax base.

The Plainwell Paper Mill had provided employment and prosperity to the City of Plainwell for more than 100 years, but that all came to an end in November 2000. The mill announced it was shutting down operations due to poor profitability. That year, the city's General Fund balance was 22 percent; two years later it was a mere 3 percent. The closure forced residents to move out of town to find employment, the city experienced a significant loss in utility revenue, and the Downtown Development Authority collapsed. By June 2003,

Government Finance Review was reporting that Plainwell

was the fourth worst fiscally distressed city in Michigan.

No one envisioned such an outcome when the mill first opened as Michigan Paper Company in 1886. The mill site occupies 36-acres adjacent to Plainwell's Central Business District on the shores of the Kalamazoo River. It's often considered the "front door" to the community. Throughout the years, it underwent 32 expansions, at one point increasing production from eight tons of paper a day to 15 tons. In 1912, the company added two new machines, increasing production to 50 tons of paper a day. From 1954 to 2000, six other companies owned and operated the mill including Philip Morris and Weyerhaeuser Corporation.

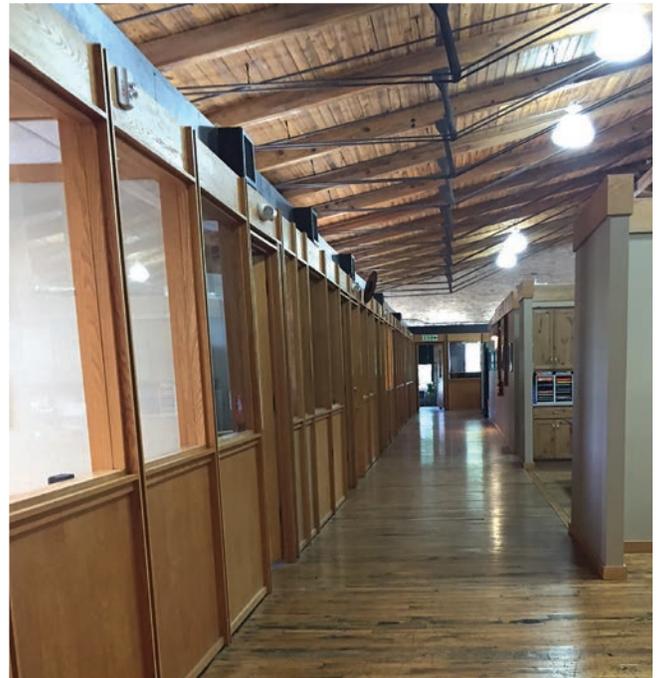
But in August 1990, the United States Environmental Protection Agency listed the mill on the National Priorities List, a list of hazardous waste sites eligible for



While ownership would give the City control of the property, it would also come with significant environmental liability. Since the mill is a Superfund site, there is no protection like there is at the state level. Despite these concerns, and with community support, the City acquired the property through bankruptcy court in 2006. It took six years for the community to prepare for acquisition from both a financial and planning perspective.

There aren't a lot of communities that would pursue ownership of a Superfund site outside of adverse possession, but the Plainwell community is different. The city council provided wonderful leadership and the community was very supportive.

A Kalamazoo newspaper praised Plainwell's purchase of the mill property. "Instead of wringing their hands, as have other communities when a major industrial plant shuts its doors and puts people out of work, Plainwell's leaders are doing something about it," read the editorial.



long-term remedial action financed by the federal Superfund program. Perhaps that was a sign of things to come.

Strategic Investment— Asset Or Anchor?

After the closure of the mill, the community hoped that another company would purchase the business and continue operations; it became clear that was not going to happen. There was simply no market for former paper mills and Plainwell was not the only community to experience the closure of a paper mill. On top of that, the property's status as a Superfund site made environmental liability a problem for any potential buyer.

City officials wrestled with what the next steps should be and it was determined that if the private market was not going to step up, the city would. "The mill was too important to let it rot in the middle of the city," said Mayor Richard Brooks. "This was either going to be an asset or an anchor—we choose asset."

THE MILL WAS TOO IMPORTANT TO LET IT ROT IN THE MIDDLE OF THE CITY. THIS WAS EITHER GOING TO BE AN ASSET OR AN ANCHOR—WE CHOOSE ASSET.

Community Engagement

The City engaged the community early and often during pre- and post-acquisition. The city council formed a 32-member Mill Committee to represent community perspectives and guide the reuse planning process. The committee represented a diverse spectrum of the community that included the general public, business owners, school and elected officials, and community organizations such as Rotary. Additionally, EPA and Michigan Department of Environmental Quality staff participated as resource members. Representatives of Weyerhaeuser Corporation—the Potential Responsible Party (PRP) for the site—were also involved.

During this process, city staff and elected officials reached out to EPA Region 5 and MDEQ to learn more about the status of the mill property. “The community was informed and motivated,” recalled Tom Bloom, EPA Region 5’s Superfund redevelopment coordinator. “While the regional cleanup was going to be a long-term effort, there was also an opportunity to link cleanup and reuse in Plainwell.”

The City applied for funding from EPA Region 5 and the Superfund Redevelopment Initiative (SRI) to conduct a community-based reuse plan. The funding awarded in early 2004 enabled Plainwell to move forward. The Mill Committee researched the property’s history, assessed local land use trends and market conditions, and developed reuse guidelines and a reuse strategy for the paper mill property.

The Vision For Tomorrow

From the reuse planning process a plan was formed:

- Promote community gathering
- Provide a mix of residential, commercial, recreational, and civic uses
- Promote commerce and attract visitors
- Provide access to the Kalamazoo River and protect the natural environment
- Recognize and celebrate the Plainwell Paper Mill as an important part of the community’s history and heritage
- Ensure the protection of the health and safety of community residents
- Linkage of CBD, neighborhoods, mill site, and surrounding communities through a riverwalk

City Hall Takes The First Step

Through the reuse planning process, the city made the decision that it would relocate city hall to the mill site. City officials wanted to send the message to the development community that it was not going to let this project fail. Not only does the City own the entire mill property, it will become an occupant post-bankruptcy.

“If there were negative implications to ownership, the City would be standing side by side with future occupants,” said Brooks.

Significant Accomplishments

City officials recognize there is still a lot of work to accomplish and it will take years. However, Plainwell is undeterred and points to several redevelopment accomplishments:

- Secured a development partner for a portion of the mill buildings bringing 50 jobs to the site
- Significant demolition of unviable portions of the mill buildings
- Relocated city hall with increased parking and public bathrooms
- Renovated a former mill building for the Public Safety headquarters
- Mill is listed on the National Register of Historic Places

Lessons Learned

- Pre- and post-acquisition community input was vital
- Partnerships—you can’t do it alone
- There is a cost to do nothing
- PATIENCE 

Erik Wilson is the city manager for the City of Plainwell. You may contact him at 269-685-6821 or ewilson@plainwell.org.



Contact us at mml@abilita.com for a free consultation





VACANT *to Vibrant*

Niles and UltraCamp Team Up
to Restore Downtown Gem

BY LISA DONOVAN

NILES
pop. 11,430





UltraCamp owner Daniel Ashley points out design details as Richard Huff, Niles city administrator, Lisa Croteau, DDA Main Street Program manager, and Jason Payne, UltraCamp employee, look on.



Stephanie Reno had her heart set on the long-vacant Gallery Building for years. She just knew that its location in the heart of downtown Niles would be the perfect spot to expand her SLR Pilates studio. She would even tease Lisa Croteau, manager of the Niles DDA Main Street Program, that she should lease it to her. Then one day last year, Croteau told her the building had been sold and the new owner was looking for tenants. He would even renovate the space to meet her needs.

Reno's dream was coming true.

So was Daniel Ashley's.

With help from the city of Niles, Ashley is transforming the Gallery Building into retail space and the new headquarters for his growing tech company, UltraCamp.

"I can tell you without a doubt that without the city's assistance, this project never would have happened," said Ashley, who started the company in 2000 during his college days in Maryland. "They worked hard on financial issues like grants and tax credits, which were critical to getting this project off the ground."

GRADUATING FROM HOME WORK

For several years, Ashley had been searching for a new company home, but he was running into as many twists

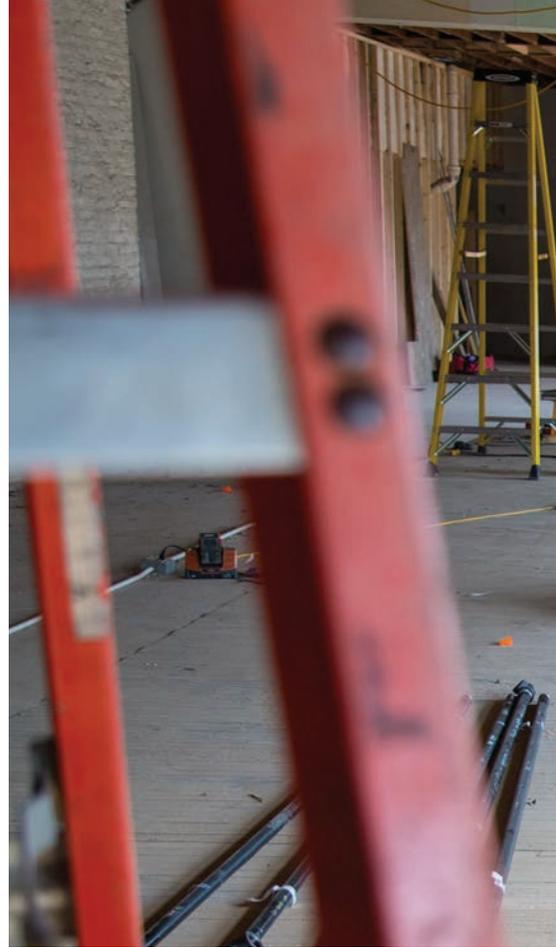
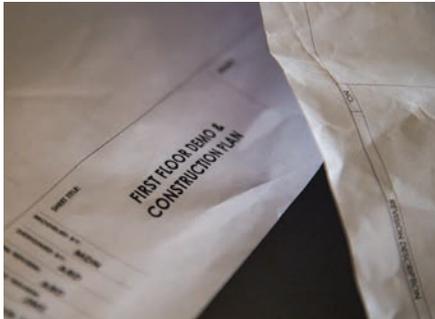
and turns as a camp trail through the woods. When Ashley launched UltraCamp, office space wasn't even on his radar. He and three employees were happily developing online camp management tools from the comfort of their homes.

But by 2009, things had changed dramatically. Ashley had moved to Niles for its wonderful housing options and proximity to family. Around the same time, his business was taking off and adding employees, so the work-from-home model was presenting challenges. Now, he said, an office scenario was sounding like a good idea to keep everyone on the same page. So they rented office space from the City with an eye toward eventually obtaining their own building.

Enter Plym Park. Ashley came up empty in his search for an existing building that would accommodate his company's growth and the office environment he wanted to create. That brought the option of building UltraCamp's headquarters from scratch into view—and an attractive view it would be on the site he purchased next to the city's Plym Park. He hired an architect and got him busy drawing up plans for the ideal office space.



SLR Pilates (left) is up and running in the freshly remodeled first floor space, a far cry from the building's pre-renovation state (below). The second floor (right) will soon be a showcase of modern, open-concept office space.



That's when the real twists and turns came into play. Despite the success of Ashley's company, getting the building project off the ground turned out to be quite challenging on two fronts: financing and appraisal value.

"For cloud-based services like ours, we don't make concrete things so the value of our company isn't something you can see. It's data and services. Banks don't view it as collateral," said Ashley. "The second challenge—in many respects the nail in the coffin—is that appraisal values for commercial buildings are much less than the cost of construction. In fact, the appraised value of our finished building was 40 percent less than the cost of construction."

NILES SPRINGS INTO ACTION

Niles city officials had not been sitting on the sidelines during this process. They were well aware of the success of Ashley's company and the struggles he was facing to find a suitable company home. "We were keeping track of them, going to banks with them, and we kept thinking we'd get over the hump. We didn't, but Daniel stuck with us," said Richard Huff, Niles city administrator.

That's when Huff suggested the Gallery Building, which was showing the ill effects of sitting dormant for an extended period of time. Several years earlier, the building had come up for auction in a county tax sale and Croteau appealed to city officials to purchase the site. It sat on a primary downtown corner and ran the risk of falling into the hands of an out-of-town buyer for a low ball price. City council agreed. They paid \$120,145 for the building, fixed the leaky roof, and spent several years searching for an appropriate buyer. In 2015, UltraCamp appeared to be the ideal candidate.

"When you visit their office, you quickly see that they think out of the box," said Huff. "When you think of the Gallery Building, you need someone with that ability."

"They were waiting for someone to come along who had a plan and a means to accomplish it," said Ashley. "They were trying to be selective about who they were going to put in that building."

Now a new plan was set in motion that began with a land swap. UltraCamp deeded their Plym Park property to the city and in return got the keys to the Gallery Building. But the city didn't

stop there. They worked hand-in-hand with Ashley to help him overcome the double challenges of financing and low appraisal values.

The appraised value of the Gallery Building with all the planned renovations came in at \$600,000, but it was going to take \$900,000 in construction costs and about \$150,000 in office equipment to get to the finish line. That's a huge gap, requiring Ashley to dip significantly into business and personal funds.

But the city stepped up to help bridge the divide. They loaned UltraCamp \$60,000, gave them \$40,000 from an anonymous donor for roof repairs, and provided them with a \$59,000 façade grant from the DDA Main Street program, which was used as a match for a \$210,000 grant from the Michigan Economic Development Corporation. In addition, the city was instrumental in helping Ashley obtain historic preservation tax credits through the State Historic Preservation Office. Those credits will help him recoup about 15 percent of his investment in the building.



**A LOT OF
THE VALUE
IN WHAT
DANIEL IS
DOING IS
ABOUT THE
FUTURE
OF NILES.**

“Without historic district tax credits, you end up investing more in the building than it’s worth,” said Ashley. “Those credits are key in getting old buildings renovated and useful.”

FROM FADED TO FABULOUS

Now, construction is in full swing. Reno’s first floor pilates studio opened in November and she has already signed up 245 new clients. She credits the studio’s increased visibility over her former second floor location and the beautifully renovated space.

“In my long-term goals, that would have been the studio I designed in 5-10 years, but it happened much quicker,” said Reno. “I always said that corner was the best spot. For us to have it, we’re extremely grateful.”

The UltraCamp space on the second floor is still a work in progress, with an anticipated completion date of late summer. But it won’t be your average cookie-cutter office space. Ashley, with input from his staff, has plans for an open concept with lots of diversions to make the work environment inviting.

Some of those diversions include a rock-climbing wall in the 35-foot high atrium and a family wellness center complete with a weight room, exercise equipment, trampoline, and a foam pit for kids. He wants the office to be a family-friendly place where employees can bring their children during school breaks.

Justin Rhode, support specialist for UltraCamp, is very excited about the new building. Not only did he help design the rock-climbing wall, he also assisted with demolition and laid some flooring for the pilates studio. “I think our work environment will be enhanced with the cool family atmosphere,” he said. “And the location is awesome—close to the park and the downtown coffee shop, pizza places, and other businesses.”

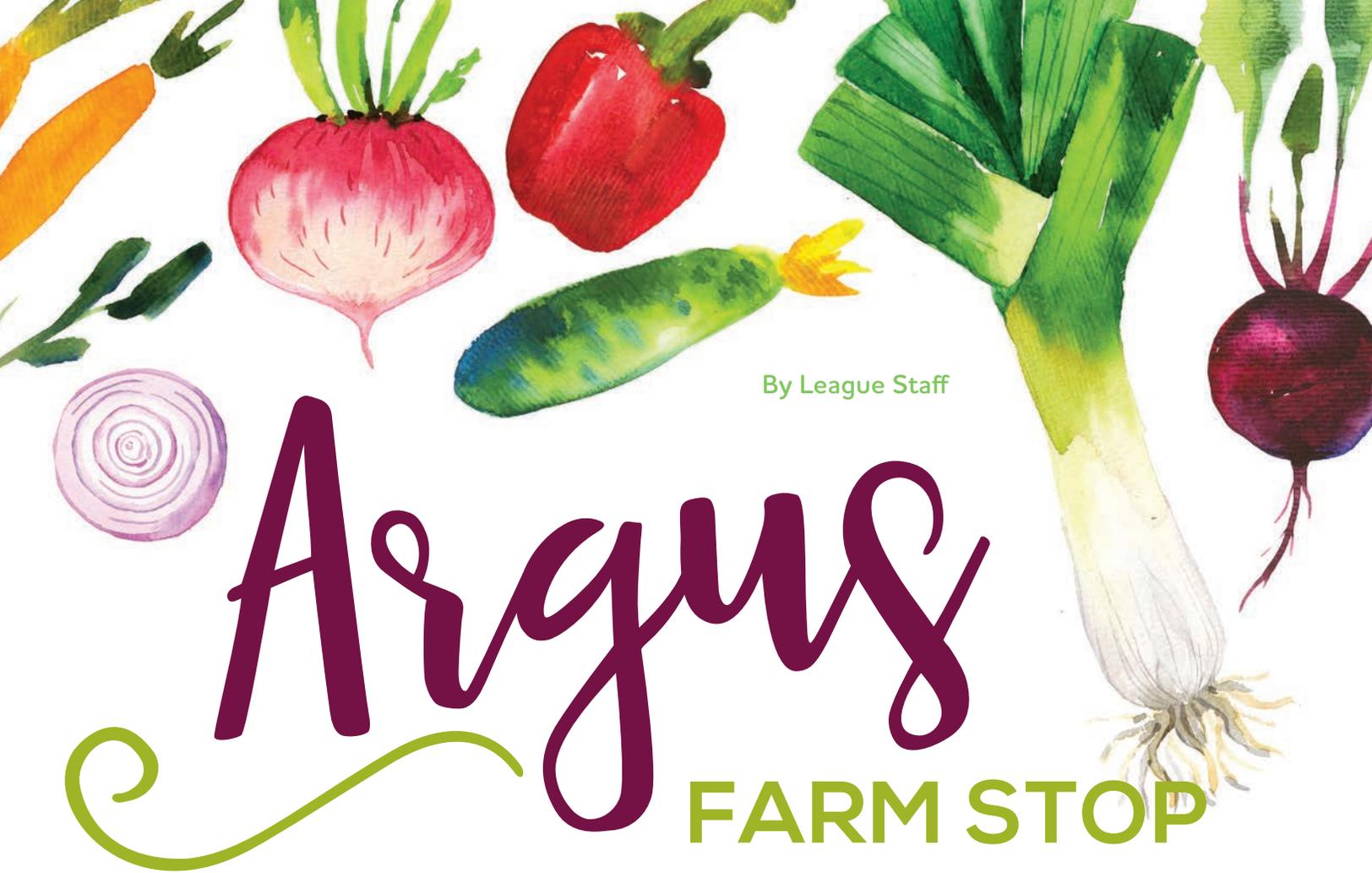
Ashley has his eye on the bigger picture. “I hope that by cleaning up and raising the quality of our business space

that we can be a test case to show the community how it can be done,” he said.

Huff is confident that Ashley’s project will indeed have a positive ripple effect on the community. “His \$1.2 million investment will have a significant impact on raising property values, so we hope to see increased investment,” said Huff. “We’re already seeing interest by Daniel in other downtown properties.”

Croteau concurs. “A lot of the value in what Daniel is doing is about the future of Niles. Our hope is that other people will want to invest and do similar cutting-edge things.” 

Lisa Donovan is a communications coordinator and editor for the League. You may contact her at 734-669-6318 or ldonovan@mml.org.



By League Staff

Argus

FARM STOP



Argus Farm Stop features a frequently refreshed array of produce delivered by local farmers.

Argus Farm Stop introduces a new model for farmers markets in a professional environment designed to help grow Ann Arbor's local food ecosystem by connecting producers with consumers through a year round neighborhood farmers market. This model allows farmers to drop off their products at a market and not have to be present to sell their food. They can control their own display and signage, just as if they were selling at a traditional farmers market.

Perched on the edge of Ann Arbor's Old West Side neighborhood and downtown, Argus Farm Stop has quickly become a magnet for the community. Formerly a gas station (and most recently a medical marijuana dispensary), this repurposed store is a local food paradise all wrapped up into one small dynamic package.

With a life-long interest in local food, aided by a background in marketing and business planning, owners Bill Brinkerhoff and Kathy Sample were able to turn their vision into reality. Their social mission

is to provide an attractive outlet for producers where they can keep more of the margin. Their inspiration came from Local Roots in Wooster, Ohio, a similar model that connects the consumer with seasonal and sustainable foods and crafts from more than 150 Ohio farmers, bakers, cheesemakers, fermenters, and artists.

Argus Farm Stop currently has over 140 producers selling produce, dairy products, meats, grocery items, and artisanal foods. There is also a small coffee shop with indoor and outdoor seating. In addition, they host school groups from the Ann Arbor Public Schools as well as from the University of Michigan. Once the expansion is completed, they will have room for farmer talks and programs around local produce.

HOW-TO

Extensive research and on-the-ground work in the community is a must. The owners shared their farm market concept and sought feedback by reaching out to over 200 people in the community, as well as to the University of Michigan and the Slow Food movement. Their ideas began to crystallize and by the time they opened, they had already built a foundation of customer support throughout the community and region. They also sought guidance and direction from the Michigan Small Business Development Center (SBDC).



Fresh bread, artisanal foods, and meats round out the store's selections.

BUDGET

Sample and Brinkerhoff were able to purchase the former gas station outright from the owner, who was building a small condominium unit across the street. He was holding on to this old gas station property until he found the right buyer. Once a brownfield, he had six tanks removed, and the land received a clean bill of health from the Environmental Protection Agency.

The first year, the store grossed over a million dollars from the local farmers' products, which included produce, dairy, meat, and prepared foods.

The store employs 16 people—this includes 7 full-time and 9 part-time. They are all paid above minimum wage, with starting salaries at \$10/hour. Full-time employees also receive health benefits.

FUNDING

The farmers price their own goods. The producers receive 80 percent of gross sales. They stop by to deliver food at least once a week and have input on how their products are displayed.

LESSONS LEARNED

Personal engagement on all levels is critical to the success of this business. All staff are required to get to know the farmers personally, and given the opportunity to visit their farms and become very familiar with their products and practices. Connecting with the community and clientele on a personal level is also very important. One endearing example is how they occasionally get a call from a parent in the neighborhood who is sending their kids to the store to pick up something, and asking that the staff watch for them. Staff is only too happy to oblige!

ACCOMPLISHMENTS

Argus Farm Stop became a success story in a very short time. Now, less than a year after opening, the owners are already expanding their footprint, which should be completed in time for the summer season. The expansion includes a 16x35 foot greenhouse to allow for an increase in café seating as well as more space for educational programs.

The store was named retail winner at the 2014 Deals of the Year—hosted by the *Ann Arbor News*.

Sample and Brinkerhoff have a goal to help replicate this model, not franchise it. Currently, they are advising seven groups around the country. Two of these groups are in southeast Michigan—one in Detroit’s Corktown (The Farmer’s Hand) and the other in Ypsilanti. They would like to better facilitate the help they offer to others interested in opening a similar business. With this in mind, they are working with the Local Food Promotion Program (LFPP) to qualify for a grant of \$100,000 through the United States Department of Agriculture to fund the development of a “duplication model” for the Argus Food Stop concept. The LFPP grants focus on helping to grow the local food economy around the country, especially as it affects farms. 

For more information on this Case Study, contact Colleen Layton, a policy development consultant to the League, at clayton@mml.org. To see a full listing of the League’s Case Studies, please visit placemaking.mml.org.

Facts

Exponential growth in farmers markets:
2008—5,000 farmers markets
2015—8,411 farmers markets

99.7 PERCENT of food in the U.S. is purchased indirectly from producers:

Farmers receive only 17 CENTS on the dollar; middlemen and distributors take the remaining 83 percent.

Food travels long distances from farm to table—
 an average **1,500 MILES**

ONLY 0.3 PERCENT of food is purchased directly from **producers** through channels such as farmers markets and Community Supported Agriculture (CSA). These traditional models have their limitations (seasonality and one day/week), while farms can produce year-round in Michigan, but need additional outlets.

61 PERCENT of farms with **direct-to-consumer** (DTC) sales in 2007 were in business under the same operation in 2012, compared with 55 percent of farms without DTC sales.



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DETROIT ANN ARBOR TROY LANSING KALAMAZOO GRAND RAPIDS CHICAGO

LEGAL DEFENSE FUND

By Kim Cekola

THE LEAGUE'S ADVOCACY ARM IN THE COURTS

The Legal Defense Fund (LDF) is an advocacy program for Michigan's local governments in the courtrooms. It provides support and assistance to municipalities, and their attorneys, in court cases where the issues have a broad impact on both the municipality involved in the case and on other municipalities in the state. LDF cases represent a broad range of issues such as medical marijuana; protecting local zoning authority; reducing municipal liability; protecting local cable television franchise authority; clarifying and protecting local interests regarding the Open Meetings Act and the Freedom of Information Act; and local control of billboards.

Typically, *amicus curiae* briefs are filed on behalf of the League in state and federal courts and financed in whole or in part by the LDF. *Amicus curiae* briefs are, literally, friend of the court briefs and are a way of presenting the court with arguments, information, and authority, and to assist the court with the broad perspective of the case in terms of the impact on municipalities generally, as well as the litigant municipality. Generally, *amicus* briefs may only be filed by an *amicus* party with a court if that court grants permission for the *amicus* party to do so. From time to time, the Michigan Supreme Court has, on its own, specifically invited the League to file an *amicus* brief. In 2007 alone, the Court requested the League to file *amicus*



Roseville Mayor Robert Taylor (at podium) and other local government leaders speak out against PA 269 at a press conference. The LDF spearheaded the municipal concern in an *amicus* brief, joined by the Michigan Association of Counties, the Michigan Townships Association, and the Conference of Western Wayne.

briefs in six cases (the highest number yet). And, in 2008, in a very unprecedented act, the Court requested the League to participate in oral argument in a case involving municipal labor law issues.

MEMBERSHIP AND ASSISTANCE

Any member city, village, or township of the Michigan Municipal League may join the Legal Defense Fund for a modest annual fee. The fee is 10 percent of a municipality's annual League dues (with a minimum amount of \$50). Currently, 76 percent of League members are also members of the LDF. Members seek assistance by filling out an application (available at mml.org) and sending it to William C. Mathewson, the fund administrator. The important part of the application is describing the statewide impact of your case.

HOW THE FUND WORKS

The Fund is governed by a 13-member board of directors, consisting of the president, vice president, secretary-treasurer, and directors of the Michigan Association of Municipal Attorneys, and the president and executive director of the Michigan Municipal League. The board meets regularly to review applications for assistance from cities and villages that are members of the Fund. Designed to assist, not replace, the municipal attorney, the Fund offers various types of aid. Assistance is given at the discretion of the board, and can consist of:

- *Amicus curiae* briefs financed in whole, or in part, by the Fund;
- The provision of legal counsel designated by the board; and
- Such other assistance as the board may deem reasonable and proper.

The League Board of Trustees established operating rules and procedures for the Fund that are aimed at identifying those cases which could affect the organization, operation, powers, duties or financing of Michigan's local governments. These rules and procedures include:

- Whether the case involves important questions of law, the favorable decision of which could provide substantial benefit for a significant number of Michigan local governments.
- The extent to which the case, at its current level, would serve as a persuasive precedent in similar future litigation or controversy before the courts or other adjudicative bodies having jurisdiction in the state of Michigan.
- Whether aid is currently being provided in other litigation or controversies involving substantially similar issues or questions of law.

The Fund board of directors developed additional criteria, which include:

- The soundness of the legal position being asserted by the applicant;
- The lack of any alternative remedies available to the municipality; and
- The ability of the municipality to provide adequate defense for itself, either financially or otherwise, including the extent to which the matter may be covered by an insurance policy. 

For additional information, please contact William C. Mathewson, MML general counsel and LDF fund administrator, at 734-662-3246.

Kim Cekola is a research specialist/editor in the legal affairs department of the League. You may reach her at 734-669-6321 or kcekola@mml.org.

EXAMPLES OF LDF AMICUS BRIEF TOPICS

- ▶ Adverse possession
- ▶ Billboards
- ▶ Cable/telecommunications
- ▶ "Dark Stores"
- ▶ Detachment
- ▶ Eminent domain
- ▶ Governmental immunity
- ▶ Labor
- ▶ Local control
- ▶ Medical Marihuana
- ▶ Religious Land Use and Institutionalized Persons Act (RLUIPA)
- ▶ Right-of-way control
- ▶ Open Meetings Act
- ▶ Freedom of Information Act
- ▶ Taxation
- ▶ Zoning



RECENT LDF CASES

PA 269 GAG ORDER

PA 269 dramatically limited the ways local officials could inform their voters about local ballot measures by placing a restriction on local governments' communication with voters 60 days prior to a ballot proposal. More than 100 school districts and local governments had issues on the March 8 ballot and were affected by the timing of the Act. On April 28, 2016, federal Judge John Corbett O'Meara permanently enjoined the Secretary of State from enforcing the law. Groups joining the League in leading the fight to provide citizens with factual information on ballot issues included the Michigan Association of Counties, Michigan Townships Association, Michigan Association of School Boards, Michigan Association of School Administrators, Michigan Association of Intermediate School Administrators, and Michigan Library Association.

– *Taylor v State of Michigan*

DEFINITION OF A PUBLIC OFFICIAL UNDER MICHIGAN'S OPEN MEETINGS ACT

A resident alleged a village clerk violated the Open Meetings Act (OMA) when the clerk altered the minutes of a village council meeting after the minutes had been approved by the village council. This case argues whether a municipal clerk is a "public official" within the meaning of the OMA. The circuit court agreed that a municipal clerk is not a public official under the definition of a public official in the OMA, and ruled in the clerk's favor. The Court of Appeals affirmed. The Michigan Supreme Court heard arguments and on April 26, 2015, denied the application because they weren't persuaded that they should review the question. The order leaves the decision the circuit court judge issued that the village clerk is not considered a public official under the OMA.

– *Bitterman v Bolf*

BILLBOARD BANS

A sign company alleged that the City of Livonia illegally banned billboards in its municipal limits. International Outdoor sought to erect a billboard in Livonia, but was denied a permit and also denied a variance by the Zoning Board of Appeals. The city is fighting for its right to govern its growth under the Home Rule City Act, whereas the company is arguing that the city practiced exclusionary zoning tactics. The city's ordinance permits billboards that were in existence before the ordinance was amended. (The Michigan Townships Association, Public Corporation Law Section of the State Bar of Michigan, and Scenic America and Scenic Michigan joined the LDF in this *amicus* brief.)

– *International Outdoor Inc. v City of Livonia*

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DELFT THEATER

By Mona Lang

Gets a Dramatic Transformation



Tom Vear's latest project in Downtown Marquette is more than a restoration of an old building—it's a gift to the community. Vear and his wife, Jennifer Ray, have big plans for the renovation of the Delft Theater. The theater and its marquee are significant landmarks on Downtown Marquette's Washington Street. As one local resident describes it, "The city's downtown is a valuable broach and the Delft marquee is the diamond in that broach." Vear and Ray have played a large part in designing that broach.

MARQUETTE
pop. 21,355



The developers have a successful history of redevelopment and reuse of historic and underutilized buildings in Marquette's Downtown. Vear says he's a "true believer that downtowns need to be restored and cared for." His passion for Marquette's downtown is evident. The Delft Project will be the sixth project that Vear and Ray have undertaken. In 2000, they renovated a 120-year-old sandstone livery stable that now houses professional offices. Their next undertaking was another century-old underutilized building on Washington Street, which now houses an optometrist office and retail space. Their reach includes several buildings on Marquette's Third Street Corridor as well, most notably the restoration of a neglected old building that is now home to the Black Rocks Brewery tap room.

Their most significant undertaking was seven years ago when the Vears bought the 120-year-old Donckers candy store. They refurbished the building to recreate a family-oriented candy store, old time soda fountain, and trendy restaurant. Vear laughs when he remembers the day old Fred Doncker approached him with the idea of buying the store. He becomes animated when he talks about finding the treasures that he was able to integrate into the shop, including the original booths and soda fountain hidden away in the basement. At the time, Vear and Ray had no intention of actually running the store and restaurant, but their hands-on style couldn't keep them away. A visit to Donckers will catch both Vears serving customers, clearing tables, and busily keeping visitors happy.



Owners Tom Vear and Jennifer Ray serve up sweet treats behind the counter at Donckers candy store.

A PASSION FOR PRESERVATION

It's clear that Vear views preservation as much more than just bricks and mortar. It's about family, community, and a way of life. "I want to see the downtown prosper and grow. We need more activity, more investment, more residents," said Vear.

After two decades of working in the financial field and living in Chicago, the Vears decided to make a lifestyle change and move their family to Ray's hometown of Marquette. "It's about the quality of life that Marquette has to offer. It's a wonderful place to raise a family. It's the lake, it's the people, it's just a great place."

When the opportunity to purchase the Delft Theater building became available in 2012, Vear couldn't resist purchasing it. According to Tom it may be "a cool old building," but it was in terrible condition.



**THE CITY'S
DOWNTOWN
IS A VALUABLE
BROACH AND
THE DELFT
MARQUEE IS
THE DIAMOND
IN THAT
BROACH.**

The theater was built in 1914 on Washington Street, the city's main business core. In 1920, an expansion was built which moved the theater to a side street and the old theater became the lobby connected to the new theater by a covered bridge. Interestingly, the building actually encompasses two addresses and is in essence two distinct buildings. When the theater was later developed into five screens in 1998 and the entry to the theater was relocated to West Main Street, the Washington Street façade and building were basically abandoned and the marquee fell into disrepair. For over a decade, the DDA and the city worked without success with the former owners to encourage them to make improvements, or at the very least maintain the Washington Street side of the building.

LIGHTS, CAMERA, ACTION

This was a perfect project for Vear. He and Ray began to develop their vision for a full-service restaurant and bar with a twist. It was important to Vear to preserve the building's historical integrity, so he plans to integrate film and entertainment into the mix.

The total project cost is estimated to be \$1.8 million, so Vear turned to several sources for financing. The Marquette Downtown Development Authority worked with the Michigan Economic Development Corporation to secure

\$481,000 in funding for the project. The MEDC is a great partner in helping to keep Michigan's downtowns strong and vital. They embraced this project because it has all the elements that they are looking for in a downtown project: historic preservation, economic development, job creation, and placemaking.

Vear is also working with Michigan Energy Options for Energy Optimization Program funding for rebates in savings for using LED lights. That's a significant savings considering the marquee alone contains 1,700 light bulbs. Financing for the project is provided through local banking institution Range Bank.

After a year-and-a-half of delays and some design changes due to costs, project construction finally began in April. The Vears hope to have the restaurant complete by the end of September. The Vears believe in keeping it local and, while the menu for the new Delft Bistro isn't set yet, it is sure to offer local brews and locally grown and produced products. The community is looking forward to seeing the marquee lit once again and adding the Delft Bistro to their list of favorite Marquette spots. 

Mona Lang, MBA, is executive director of the Marquette Downtown Development Authority. You may contact her at 906-228-9475 or Mlang@downtownmarquette.org.

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TWO- WHEELING IT

Rolling Cycling into the Transportation Mix

BY RICK HAGLUND



Ken Martinek started riding his bike to work a couple days a week nearly a decade ago in support of his daughter's high school "eco-challenge" science assignment. He never stopped.

Martinek commutes daily all year on his bicycle from his home in Birmingham to his job as a senior news producer at Fox 2 Detroit television in Southfield, an 18-mile round trip that takes him through several high-traffic Oakland County communities. The only thing that stops him from riding is freezing rain.

In nice weather, Martinek said it takes him only about 10 minutes longer to ride his bike to work than it does to drive.

"I thought I'd ride to work a couple days a week to reduce my carbon footprint and save on gas," he said. "In the middle of this, my doctor said I needed to lose weight and exercise. I just kind of got carried away."

EXPANDING MOBILITY OPTIONS

Michigan put America on (four) wheels. Today, state government and communities are trying to encourage more of their residents like Martinek to use just two.

They're doing this for a variety of reasons that include placemaking, reducing traffic congestion, boosting recreational opportunities, and improving the health of the state's residents.

Cities are building recreational bike trails, sponsoring biking events, marking bike routes, designating bike lanes on streets, encouraging bike commuting to jobs in downtown areas, and starting bike-sharing programs.

These steps are part of a larger effort to improve “mobility,” helping people to get around by biking, walking and public transportation, in addition to traveling in cars.

In 2010, then-Gov. Jennifer Granholm signed into law a Complete Streets bill, requiring the state to consider the needs of bicyclists and pedestrians in the design of streets and roads. Since then, the state and 77 communities have adopted ordinances, policies, plans, and resolutions supporting the concept.

Even a handful of Upper Peninsula communities, where the weather can be inhospitable for much of the year, have embraced Complete Streets to make their streets friendlier to bicyclists.

“We want to make sure that through our planning effort, especially in road construction, we take into consideration the needs of non-motorized traffic,” said Ray Anderson, city manager of Norway, a Western Upper Peninsula town of about 3,000 residents. “It forces the community to take a step back and not just reconstruct what was there.”

Ann Arbor, Battle Creek, Flint, Grand Rapids, Houghton, Lansing, Marquette, Midland, and Portage have been recognized as bicycle-friendly communities by the League of American Bicyclists.

But Michigan slipped four spots to 18th in the League’s 2015 Bicycle Friendly State survey. The League gave Michigan high marks for “policies and programs,” and “education and encouragement.” But it said the state lagged in “legislation and enforcement,” “evaluation and planning” and “infrastructure and funding.”

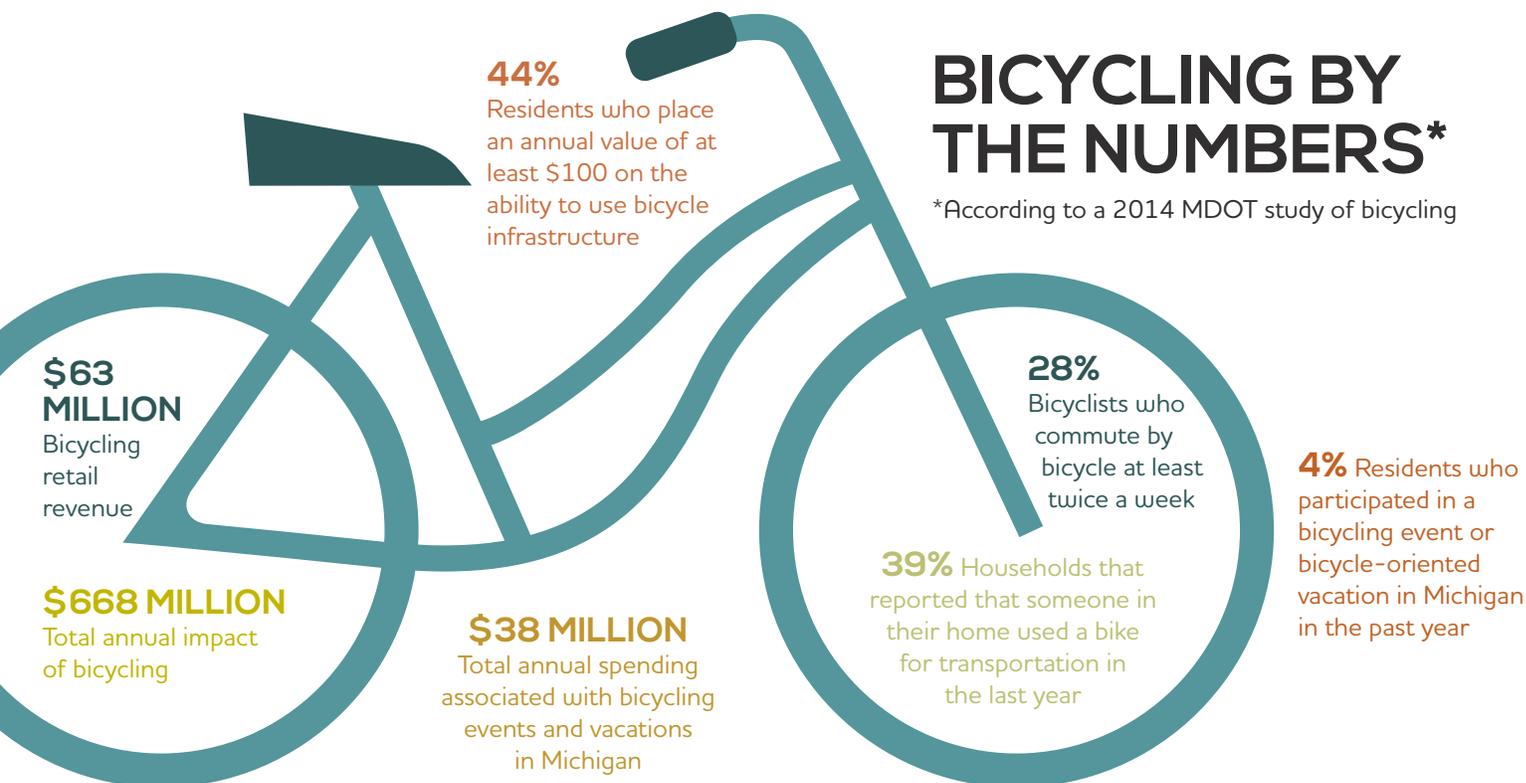
Lawmakers have struggled to provide adequate funding for the state’s crumbling transportation infrastructure. Last November, the Legislature approved a \$1.2 billion road-funding package, but the spending plan has been criticized for not being big enough to meet the state’s needs.

“It’s one of those things where, given how constrained our transportation system dollars are in general, it’s hard to find where more money for bike lanes and paths will come from,” said Richard Murphy, a program coordinator at the Michigan Municipal League.

THE BROADER IMPACT

No one is quite sure exactly how many Michigan residents ride bicycles. But a 2014 survey of more than 3,200 state households found that only about 20 percent of Michigan residents rode a bike in the past year. But the survey also found that 28 percent of those who rode said they used bicycles to commute to work at least twice a week. And 39 percent said they used their bikes for basic transportation over the past year.

The survey was part of a larger Michigan Department of Transportation study that found the annual economic and health benefits of bicycling in Michigan totaled \$668 million. That figure included \$175 million in household spending for bicycles and accessories, \$256 million in avoided health care costs, \$187 million in reduced worker absenteeism, \$38 million in tourism and bicycle event spending, and \$11 million in bicycle manufacturing.



“Even in spite of the funding challenges, Michigan is viewed as a leader in adopting bicycle-friendly policies,” the report said. “Bicycles are increasingly seen as viable transportation options, not just recreational vehicles.”

Some communities, notably Ann Arbor and Grand Rapids, encourage residents to commute by bicycle to jobs in their central business districts. Ann Arbor, for example, offered lunch parties and other prizes to workplaces with the most alternative transportation commuters in May, which was National Bike Month. And metro Detroit has a similar program, sponsored by the Southeast Michigan Council of Governments.

A number of communities, including Ann Arbor, Battle Creek, Lansing, and Traverse City have established bike-sharing programs to serve tourists and workers in their downtowns. Detroit is preparing to launch a bike-sharing program in 2017, featuring 350 bicycles available at 35 stations downtown and in adjacent neighborhoods.

“We want to change the way people think about biking,” said Lisa Nuzskowski, executive director of Detroit Bike Share at the Downtown Detroit Partnership.

In a bit of irony, the Motor City also is planning to shut down major streets to vehicular traffic for a few hours on certain days as a way to encourage walking and biking. The dates for the street shutdowns haven’t been selected.

Some say promoting more bicycle use for transportation as well as recreation is a way to make Michigan more attractive to well-educated millennials who seek active lifestyles. The most bicycle-friendly states in the country, as ranked by the League of American Bicyclists, are Washington and Minnesota, which are millennial magnets.

Michigan, the home of the domestic auto industry, needs a cultural shift in order to boost its bike-friendliness image. Martinek said he’s seen a big improvement over the years in Southeast Michigan’s biking infrastructure. But he said motorists need to be more careful around bicyclists, who by law have a right to share the road.

Martinek has been lucky. He has been hit only once by a car and wasn’t injured. “But now I have the attitude that every car is out to get me,” he said. 

Rick Haglund is a freelance writer. You may contact him at 248-761-4594 or haglund.rick@gmail.com.



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Sue Jeffers is a legal consultant to the League. You may contact her at sjeffers@mml.org.

Noise ordinance is unconstitutionally void for vagueness

FACTS:

Two owners and two employees of the Tip Top Deluxe Bar and Grill were criminally charged with violating § 9.63(3) of the Grand Rapids Noise Ordinance on several nights in 2012 and 2013. The section provides as follows:

(3) No person shall use any premises or suffer any premises under his or her care or control to be used which shall destroy the peace and tranquility of the surrounding neighborhood.

The arresting officers testified that they understood a violation of § 9.63(3) occurred if noise could be heard from the street regardless of the actual decibel level if the noise “destroyed the peace and tranquility of the surrounding neighborhood.” The Noise Ordinance also contained a separate section, § 9.63(11), that prohibited measurable maximum sound levels. The officers, however, did not record the decibel level of the noise on the nights in question and the defendants were not charged with violating that section.

The defendants argued that § 9.63(3) was unconstitutionally vague since it did not provide adequate notice of what conduct was prohibited and allowed police officers broad latitude in enforcing the section based on their subjective determination that the peace and tranquility of a neighborhood had been destroyed.

QUESTION:

Is the ordinance void for vagueness under the Due Process Clause of the Fourteenth Amendment of the United States Constitution?

ANSWER ACCORDING TO THE DISTRICT COURT: YES. Although the district court determined that there was a question of fact for the jury regarding whether the bar’s music on the nights in question had actually destroyed the peace and tranquility of the surrounding neighborhood, it also concluded that the ordinance was unconstitutionally vague because reasonable minds could differ regarding what destroys the peace and tranquility of a neighborhood and there was no objective way for police to make that determination.

ANSWER ACCORDING TO THE CIRCUIT COURT: NO. The court reversed the district court finding that § 9.63(3) was not unconstitutionally vague, reasoning that the section when read in conjunction with other provisions and specifically § 9.63(11), the section that provided notice of maximum sound levels during the day and night, provided notice to residents of maximum sound levels and how those levels would be measured.

ANSWER ACCORDING TO THE MICHIGAN COURT OF APPEALS: YES. The Court of Appeals reversed the ruling of the circuit court, finding that § 9.63(3) was unconstitutionally void for vagueness. Noting that there are three ways in which a statute may be found to be unconstitutionally vague: (1) failure to provide fair notice of what conduct is prohibited, (2) encouragement of arbitrary and discriminatory enforcement, or (3) being overbroad and impinging on First Amendment freedoms, the court found the section to be void for vagueness under the standards set forth in (1) and (2). The court reasoned that the section provided no explicit standards for determining what *destroys* the peace and tranquility of a neighborhood and that, as a consequence, law enforcement officers and finders of fact (juries) are vested with “virtually complete discretion” in determining whether a violation has occurred. The court distinguished this case from challenges to disturbing the peace statutes on the basis that the ordinance at issue does not proscribe conduct that *disturbs* or *disrupts* the peace but rather that which *destroys* the peace on the basis that a reasonable person is sufficiently aware of what disturbs the peace but would not be sufficiently aware of what totally destroys the peace.

People v Gasper, Nos. 324150, 324152 and 328165, March 8, 2016.

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.

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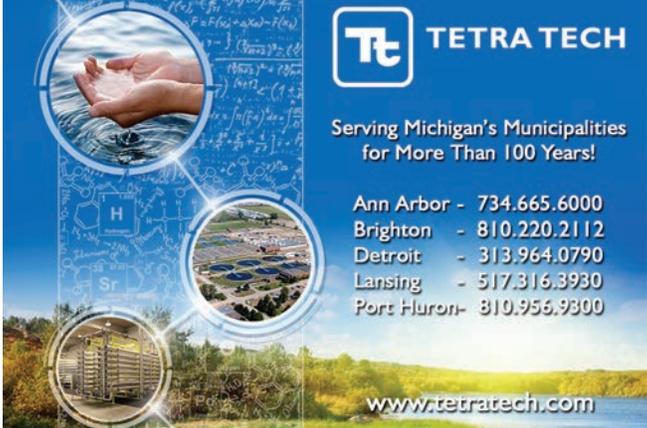


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Q: The council wants to have a special meeting but does not want to limit the subject matter of the meeting. Does the notice have to provide the reasons for the meeting?

A: There is nothing in the Open Meetings Act which requires that the notice provide the subject of a special meeting. In fact, the Act does not require an agenda at all. It simply states that, for a special meeting, public notice must indicate who is meeting and provide the date, time, and place and be posted 18 hours before the meeting, including on the website if the community has one. However, good practice dictates that the reasons for the special meeting be included in the notice. In addition, check your charter and council rules. Some municipalities have made the decision to require reasons for a special meeting to be included in the posting of the meeting notice—but this would be a local rule.

Q: What is the definition of a quorum?

A: A quorum is the minimum number of people in attendance at a meeting of a public body to allow the body to conduct business. The number of members of a public body that make up the quorum varies, depending on your charter. For instance, the General Law Village Act, which is the “charter” of general law villages, states a quorum to be four trustees for a seven person council. If the GLV has only a five-member council, three will constitute a quorum. Whereas, home rule cities define the number of councilmembers that constitute a quorum anywhere from four to seven, depending on the size of the council. Of particular note: charter language can specify this number to be of the total constituting the council, not the total of the number of the council at present. In other words, the quorum for a council of seven would be four, even if there were a vacancy.

Q: Our council rules of procedure require that a person attending a public meeting must provide his or her name and address. Is this enforceable?

A: No. Since the Open Meetings Act prohibits that information be provided as a condition of merely attending a meeting, the Act supersedes this provision, as well as any other charter/ordinance/resolution that is in conflict with the Act.

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

Q: The city/village council (or any other board or commission of the city/village) desires to meet in a “work session” to discuss with the staff a need for a particular ordinance. No final decision is to be made. Does such a meeting need to follow the Open Meetings Act?

A: Yes. Any special meeting, workshop meeting, or any other gathering of a quorum of the public body for the purpose of deliberating towards a decision on public policy is subject to the Act. Therefore, even though the meeting is to discuss issues without ultimately rendering a decision, the Act is applicable. See the League's One Pager Plus: Work Sessions—Use by Legislative Bodies, available at mml.org.

Q: What is the role of the zoning board of appeals?

A: It is nearly impossible to write a set of regulations affecting the development of land that can be universally applied. Many communities in Michigan and throughout the country had hundreds or thousands of parcels of land to which zoning standards had to be applied. As a result, it was clear that a means of providing relief from the strict requirements of the zoning ordinance was needed for property owners with unique conditions related to their property. So, each state's zoning enabling act required that any community which adopted a zoning ordinance must also have a zoning board of appeals. The zoning board of appeals exercises three basic roles/functions:

- Interpreting the ordinance (text and map);
- Deciding appeals from administrative decisions; and
- Granting variances (use and non-use).

Q: What is a variance?

A: A variance is the permission granted to deviate from the requirements of the zoning ordinance. There are two types of variances—use variances and non-use variances. Non-use variances are often referred to as dimensional variances. The authority to grant variances rests with the zoning board of appeals.

Q: If we grant a variance and the person to whom we granted the variance sells the property, is the variance still in force?

A: Zoning runs with the land, not the person. Like any zoning decision, the variance granted is generally permanent and stays with the property, not with the property owner.

RFP SHARING SERVICE

Michigan Municipal League
Better Communities. Better Michigan.



DO YOU KNOW about the League's RFP Sharing Service? Through our Request For Proposal (RFP) Sharing Service, League members can use the League's Business Alliance Program (BAP) to help get their community's RFPs to more prospective bidders.

The League's BAP is a collection of companies that specialize in serving the municipal marketplace and they can all be accessed through the League. If you are relying only on traditional advertising to reach them, you are missing a free opportunity to improve the competitiveness of your bid process.



HOW IT WORKS

To get your RFP distributed to the right companies in our BAP program, simply email a PDF version of the RFP or bid specifications to rpfsharing@mml.org and we will do the rest.

That's right. No more long hours searching for the right companies to receive your RFP. No more copy, postage, and handling costs to compile and mail all those packets. Just one easy step is all it takes.

To enhance this new service, we have also created a sample RFP page. If you've never written an RFP before, or you want to take a peek at what others have written, check out our new information page. We have sample RFPs available on our website, www.mml.org.

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Michigan Municipal League

COMMUNITY Excellence Awards

Hurry! Voting for 2016 projects
is open until July 30.

To vote—and to see the four finalists
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