

# the review

November/December 2012

the official magazine of the  michigan municipal league

**STURGIS:**  
LOW IMPACT  
DEVELOPMENT

**FARMINGTON HILLS:**  
LEED-CERTIFIED CITY HALL

**GRAND RAPIDS:**  
URBAN GREEN  
INFRASTRUCTURE

“WE’RE **WORKING...TO**  
**PROTECT** AND **PROMOTE**  
THE **SHIAWASSEE RIVER...”**

—MAYOR DAVID LOSSING  
Kayaking on Linden’s mill pond



**SUSTAINABILITY**

What does it mean to you?

# the review

The official magazine of the Michigan Municipal League

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**On the Cover:**  
David Lossing, Mayor of Linden, is the new 2012-2013 League President. Lossing (at his job as director of governmental relations at U of M-Flint) brings his dual passions for government and higher education to his leadership role at the League, where he hopes to build momentum for "town-gown" initiatives across the state.



Photo by Karen Majewski

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Photo by Rachel Smaller Photography



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# the review

The official magazine of the Michigan Municipal League

Volume 85, Number 6

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## You Say “Sustainability,” I Say “Grilled Cheese”

Here's a quick survey. Which would you prefer: “Coagulated proteins and fats derived from a bovine mammary liquid, heated to high temperature inside a gluten-based covering”... some “yellow gooey stuff with a hard, hot coating”...or a grilled cheese sandwich?

It might seem like a no-brainer that the best way for a restaurant to sell its grilled cheese sandwich is to make sure customers clearly understand that's what they're ordering on the menu. But for some reason, many of our brightest minds seem to lose sight of that simple fact when they're trying to sell the American public on important policy issues like sustainability.

Wait a sec. There's a perfect example of yellow gooey coagulated protein right there: *sustainability*. What does that word even *mean* to the average citizen? One person might say it's all about recycling. Another might tell you that it's green technology. Still another might shrug their shoulders and say it's got something to do with left-wing liberal love beads left over from the sixties.

If you're a planner or smart growth advocate, you've probably got a very good definition for the concept, like this one from a recent *Citiwire* article: “A sustainable community is an urban, suburban or rural community that has more housing and transportation choices, is closer to jobs, shops or schools, is more energy independent and helps protect clean air and water.”

Now, *that* sounds like a grilled cheese sandwich that people can sink their teeth into. Who wouldn't want to support initiatives that resulted in communities like that?

In fact, when a 2011 Collective Strength, Inc. survey used that exact definition to poll opinions on sustainability, a whopping 79 percent of respondents indicated their support, with only 5 percent opposed. That same survey went on to demonstrate that people also respond more positively when they clearly understand how sustainable planning practices result in more jobs, lower housing and transportation costs, and wiser uses of public funds.

The same thing is true of placemaking. If we want the public to buy these concepts, we need to make sure they clearly understand what they mean, and how they will benefit. Vague, esoteric words and phrases like “green,” “livable,” and “quality of life” can be the soft kiss of death to people and policy makers struggling to find solutions to hard economic realities. We need to help them understand these are not feel-good distractions—these are the solutions they are seeking.

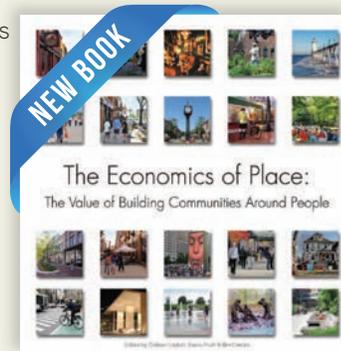
As you're reading through this issue, think about how these so-called “green” initiatives and projects clearly demonstrate solid socioeconomic value—and how their successful implementation depends on the public making that vital connection.

Hopefully, that's the same kind of grilled cheese sandwich our members brought home from the League's 2012 Convention, which you'll read about elsewhere in this issue, along with a profile on the League's new president and the course he's setting for us in the year ahead.

Grilled cheese, anyone? We've got it right here, hot off the press. Feed your head. 

### The Economics of Place

We believe that our communities are at the core of our state's economic turnaround, and that “place” is the huge economic driver. In 2011, the League published *The Economics of Place: The Value of Building Communities Around People*, available at Amazon.com and [economicsofplace.com](http://economicsofplace.com).



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# 'Sustainability'

## Takes Over the English Language

By Jason Schneider

**T**he city of Marquette is reviewing our master plan, and during the public input process there's been an overwhelming interest in sustainability. Great! As a commissioner, I don't need to wait for publication to see the writing on the wall. I care about sustainability, I can start some initiatives. But how do Marquette citizens define the term? Could my ideas of sustainability be different than theirs? Probably so.

Using social media, I invited citizens to come talk with me about sustainability, to tell me what it means to them, and what they think elected leaders can do about it. Thirty-five people showed up. I heard concerns ranging from sustainable mining jobs to everyone should be living in earth ships (maybe I was hoping for too much out of the group; or perhaps I should have chosen a place other than our local, hip micro-brewery to have our discussion). Either way, the writing is on the wall: sustainability is in our master plan and there's a good chance that it's in yours, too.

Since the '60s, sustainability has become an increasingly used buzzword. A quick Google search produced a highly scientific graph of how the word will take over the English language in less than 100 years. It has so permeated our culture that it is impossible to get through a municipal or business meeting without hearing it multiple times. To some, it's like fingernails on a chalk board—indefinable, ambiguous, and part of a left-wing, United Nations Agenda 21 to take over the world. To others, it's something that should have been implemented decades ago, and if it had been, we would all be living in an abundant utopia.

Fortunately, as elected leaders and municipal administrators we know better that to take extreme positions. We can look at the concept of sustainability from a purely neutral, practical point of view (insert sarcasm). We are the lucky ones that get to decide what is sustainable and what isn't. Or at least, what gets approved and funded. Sustainability has not only permeated our language, it has taken root in our culture.

What was once only a buzzword to environmentalists has evolved into action by all levels of decision-makers. Why? Because 1) we can





spend fewer tax dollars by choosing more energy efficient designs, 2) our beaches are cleaner if we use swales to catch the water instead of storm drains, 3) our citizens are healthier, happier, and can save a bit of their paychecks if they can bike to work, and 4) to be sustainable is more efficient, cost effective, and has longer term benefits than our traditional, less sustainable practices.

The steps that our cities, businesses, and citizens are taking today would have been unthinkable 10 plus years ago. Cities were unwilling to act until someone else tested it and implementation costs came down. The more each of us takes

on these projects, the more innovation we will see and the costs of implementation will come down. The move towards sustainability is growing at a geometric rate. It's a good thing because whether you believe in climate change, peak oil, or depletion of other natural resources, the prices of these resources are only going up. It's getting harder to cover the costs of the energy we need and harder to dispose of the waste we create.

But, these are only the first steps toward sustainability. In talking with Marquette residents, the general consensus on sustainability came to "a system that is at least net zero or even net positive to the resources it consumes." We are a long way off. This is where some people get scared—we think in a paradigm of regression or progress. So far, progress has meant increased consumption. But, when does consumption reach diminishing returns and create an unsustainable and

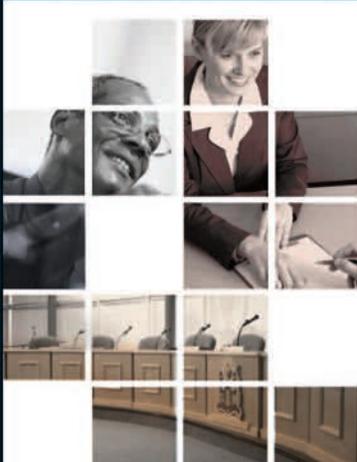
*During a series of public forums seeking input on updating Marquette's master plan, the citizens spoke: their number one priority was waterfront preservation and public access.*

unpleasant place to live? There are plenty of people that will argue for or against sustainability, but what are the long-term costs of cleaner energy? What are the costs of a cleaner environment? What are the costs of spending fewer taxpayer dollars in the long run to maintain an infrastructure that helps our citizens improve their lives? Can we afford not to take steps that make our cities better places to live for future generations?

The programs that you will read about in the following pages are great examples of what we can all do to make our cities better places to live for our residents. Of all the things you'll read in this article, the most important one to remember is that these are our neighbors implementing their projects. They are wrestling with the same difficulties as the rest of us. They have tight budgets that are only getting tighter; they have contracts with partners that don't want to change, and citizens who don't want to change. We're all facing similar constraints but just looking around Michigan there are communities making some really great changes and we can learn from each other and lean on each other to create a more sustainable Michigan. 

*Jason Schneider is a Marquette city commissioner. You may contact him at 906-361-0857 or [jascneider@mqctcy.org](mailto:jascneider@mqctcy.org).*

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# SUSTAINABLE BUILDING

## *A Practical Approach*

By Nate Geinzer

**S**ustainability is smart government and smart business. This is the attitude the city of Farmington Hills took when it decided to move forward with its City Hall Revitalization Project (CHRP). As Farmington Hills grew, the original township hall, built in the 1950s, was added on to four times. By 2007, city hall was literally falling apart with a failing building envelope, inefficient and high maintenance HVAC systems, poor public and staff spaces, little daylight, and noncompliance with ADA or Michigan barrier-free requirements. In 2008, city council and the administration decided to not just “put lipstick on a pig” as noted by former Mayor Jerry Ellis, but invest in a comprehensive revitalization that better reflected the quality of the community.



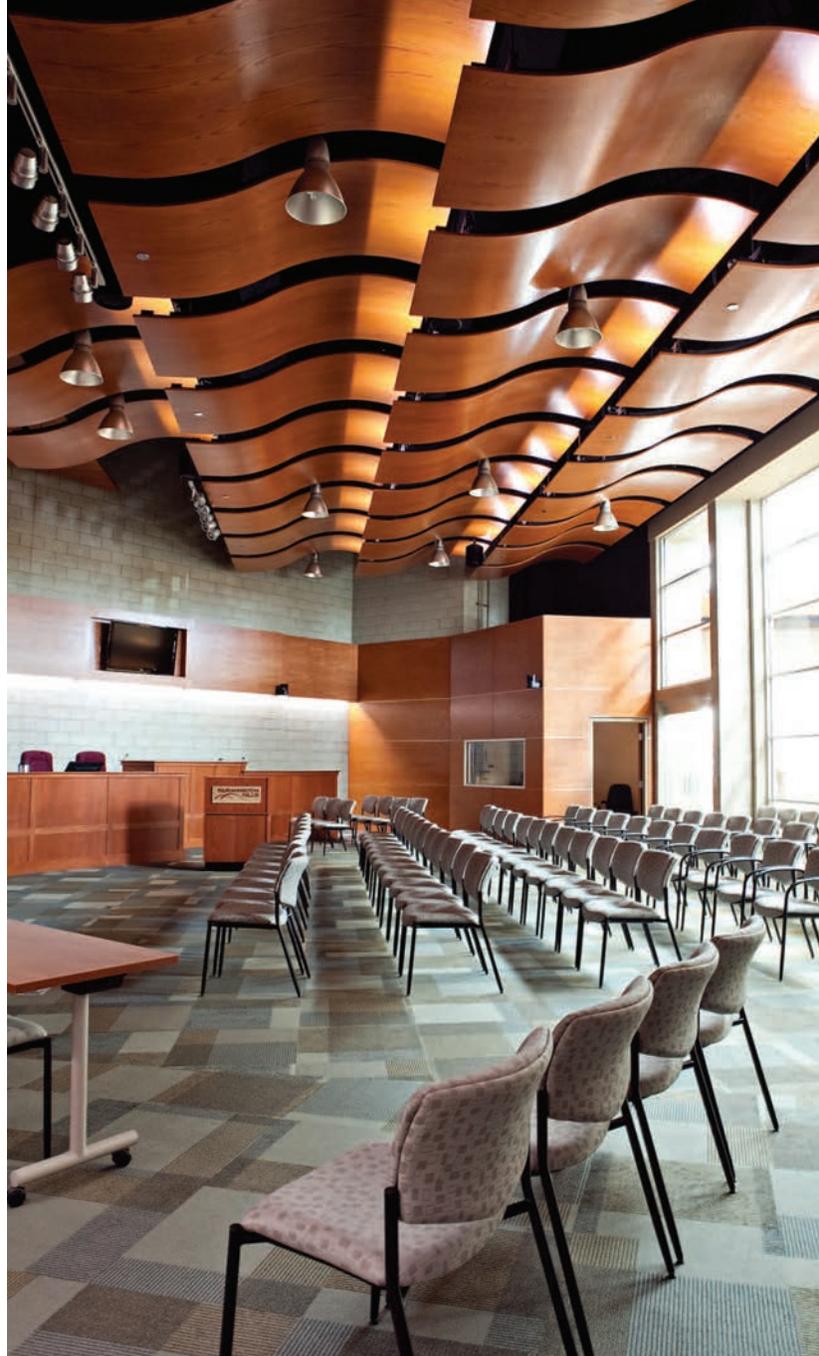
Through an extensive RFP and design competition, the city enlisted the architect and construction management team of Lindhout Associates and Contracting Resources of Brighton, MI. Little guidance was given to the team other than to create a “green” energy, operationally efficient, and accessible building. It needed to reuse as much of the existing building as possible and remain open during construction. The design philosophy as described by the building’s architect, Dave Richardson, was to mimic sun tracking or “heliotropism” as seen in some flowers and leaves. Thus the building seems to open toward the sun while at the same time leveraging the existing geometry of the city campus. In maintaining most of the existing building shell, internal courtyards were considered in order to bring in more daylight. However, after further study it was found that skylights with nanogel insulation were more effective to help open up the old structure. The building needed to exemplify the triple-bottom-line of sustainability—balance economic, environmental, and social interests.

### Economic

City leaders set funds aside years before the project began in 2008. This foresight allowed the city to invest in the building without an estimated \$3.7 million in financing costs. Additionally, the market downturn created a highly competitive bid environment—securing a high quality building for a cost below the construction budget. The result was a 52,000 square foot LEED® Gold certified building that cost approximately \$150 per square foot, an exceptional value for taxpayers when compared to other green buildings.

### Environmental

The CHRP became a showcase for sustainable building practices. Numerous technologies were used, including green roofs, rain gardens, and pervious pavers that reduce stormwater runoff. In fact, despite the building’s larger



*Farmington Hills’ city hall was literally falling apart from old age. The city had wisely set aside funds years before construction on a new green building began. For \$150 per square foot, the city now has a stunning 52,000 square foot LEED Gold certified building. All photos by Rachel Smaller Photography.*

footprint, there was no net increase in impervious surfaces. Green and white roofs, shade trees, and light colored pavers help to reduce the “heat island effect,” which occurs when a metropolitan area’s temperature is higher than surrounding rural areas due to the heat absorbed by parking lots and buildings. No-mow grass, climate appropriate and natural landscaping, rain sensors, low flow fixtures, dual flush toilets, and one-pint urinals helped reduce water usage by 15 percent compared to the old building.

Tours of city hall now showcase an energy efficient, yet practical building. One of the most remarkable features is daylighting—why spend money on lighting when the sun can provide it? A combination of glass, translucent wall panels, skylights, and daylight sensors adjust light usage as needed. When there is enough daylight, lights shut off in some areas and dim by 50 percent in others. When a space is not in use, lights shut off. But lighting is only a small

portion of a building's energy consumption; heating and cooling is the biggest user. To provide efficient heating and cooling, the city used a ground source heat pump system, utilizing 40 285' deep wells and a series of heat pumps, which operate at 200 to 400 percent efficiency and a significantly reduced utility rate. Additionally, by employing the ground source system and a solar hot water heater, city hall has been disconnected from the natural gas grid. The sun also provides 3 percent of city hall's electricity via 90 solar photovoltaic panels. Thanks to a utility Renewable Energy Credit (REC) program, this system will see an approximate eight year payback.

Sustainable building is not about starting with a clean slate and building from the ground up. The city took a more pragmatic and minimalist approach—82 percent of the old building was saved and reused. The building showcases structural features using burnished block walls (sourced 3.5 miles away), stained concrete floors, exposed ceilings, and existing brick walls. In fact, one of the most complimented features is the concrete floor, because it tells the story of the building with both existing and new concrete floors stained and polished.



*Energy costs at city hall have been slashed through the use of photovoltaic panels, a solar hot water heater, and a ground source heat pump system. The city realized a 54 percent reduction in utility-derived energy and a reduction in energy costs of 37 percent.*

### Social

Buildings are built for people, a fact not lost during the design process. Much care was taken to provide significantly improved staff and public spaces. Daylight and natural views provide a brighter and more productive atmosphere. Indoor air quality is improved via better ventilation and low VOC (volatile organic compounds) finishes. A wellness center provides an opportunity for employees to exercise before and after work or during lunch. Probably the most significant aesthetic feature was the incorporation of art. A call to artists brought in over 600 pieces in various media for consideration; 73 are now on display throughout the building.

### The Point

The year before the project began, (FY 07/08) the energy costs of the old, nearly 38,000 square foot building was \$86,744 on 4.6 billion BTUs of energy (electricity and natural gas) or \$2.29 per square foot. Today, (FY 11/12) the bill for the 52,000 square foot building's energy costs was \$52,284 on 2.1 billion BTUs of energy (electric only), in addition, it produced and used another 73.4 million BTUs via the sun (photovoltaic only). This is a reduction of utility-derived energy of 54 percent and a reduction in energy costs of 37 percent. Keep in mind the new building has 37 percent more space. The \$7.8 million investment for better quality and more operationally and energy efficient space, which reduced energy costs by 54 percent per square foot, was a good investment of taxpayer dollars. This proves that sustainable, green development can be done practically and cost competitively.

If you're interested in learning more, or taking a tour of the building, contact the city manager's office at 248-871-2500. 

*Nate Geinzer is the management assistant for Farmington Hills. You may contact him at 248-871-2500 or [ngeinzer@fhgov.com](mailto:ngeinzer@fhgov.com).*



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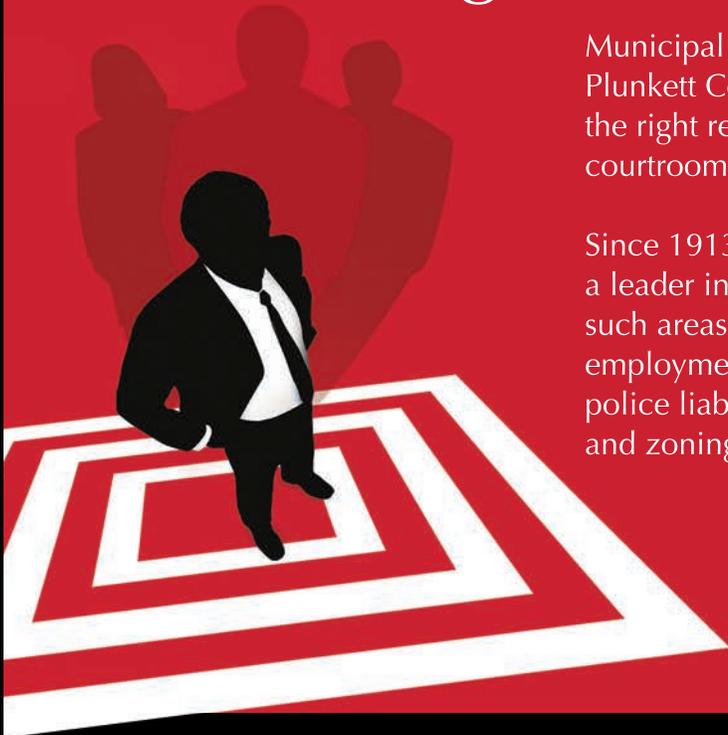
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# Evolutionary CHANGE



## IN STURGIS

By Andrew Kuk

**T**here are differing approaches to change. Revolutionary change is quick, massive, and often contentious, whereas evolutionary change happens slowly and, hopefully, more naturally. Today there is fervor over the “green revolution” in our society. Green alternatives to everything from cleaning products to cars are being marketed with varied results. While the impact or necessity of these changes is subject to opinion, it is clear that the outcome of this “revolution” is a renewed focus on doing things in a more ecologically responsible way.

St. Joseph County is blessed by a number of natural resources, not the least of which is the Fawn River. The river has a number of tributaries, including the Nye Drain near Sturgis. Like many rivers and streams near local communities, the Nye Drain and Fawn River receive stormwater discharges from Sturgis—this means not only rainwater, but road dirt, fertilizers, salt, and other runoff collected as the rainwater moves through the storm sewer system.

### IS NECESSITY THE MOTHER OF EVOLUTION?

Sturgis seeks creative and cost-effective ways to solve problems. The city has been looking to replace an aging public services facility, address flooding associated with storm events in areas throughout the city, and to provide greater access to one of its parks. How will this mixed bag be addressed, and what does it have to do with helping protect the Fawn River?

Sturgis received a grant from the Michigan Department of Environmental Quality Nonpoint Source Program for a Low Impact Development (LID) demonstration project. The grant included funds for LID techniques, including a green roof, to be installed at a new Public Services and Utilities Building (PSUB) and a rain garden installation demonstration in Memorial Park near downtown. In addition, the project includes a porous pavement parking lot and sidewalk.

Without grant funding, these projects almost certainly would have been constructed with traditional processes. Regular asphalt is familiar to most contractors and designers. Green roofs are not the first thought when building a vehicle storage facility, and parking lots and storm sewer are not the typical targets of the green revolution.

### TOOLS OF THE TRADE

Most people don't consider what happens to the rainwater that falls on our streets, buildings, and property. They may recall evaporation or the hydrologic cycle from past science classes, but what happens between here and there are just unneeded details. Finding a greener replacement for stormwater does not resonate with the general public. However, these hidden processes can have big impacts. In Sturgis, a variety of LID techniques were implemented to demonstrate ways storm sewer and runoff can be reduced.



## ■ RAIN GARDENS AND BIORETENTION BASIN

Bioretention basins are concave dips in the ground filled with compost and topsoil mixtures, topped by vegetation. They collect rainwater and the soil mix and plantings allow water to filter to the water table, removing runoff through a natural process. The rain garden is the prettier cousin of the bioretention basin, featuring plants and shrubs (often native) that are beautiful to the eye and can handle filtering runoff. The plainer bioretention basins consist mostly of grasses and while they are less beautiful, are often somewhat easier to maintain.

Memorial Park will feature a large rain garden as both a focal point of the stormwater infiltration efforts and the park aesthetics. Signage at the rain garden will explain how the rain garden works, why it is important, and how residents can include one at their own home. At the Public Services and Utilities Building (PSUB), a bioretention basin at the rear of the site will be one part of a site-wide system for stormwater collection.

## ■ POROUS ASPHALT AND CONCRETE

New mixes of both concrete and asphalt now allow for roads, sidewalks, and parking lots to filter more stormwater directly to the ground instead of into a storm sewer. The mixes have space between the paving materials that allow water to permeate through the surface and into the ground to filter and infiltrate. At Memorial Park, a new parking lot of porous asphalt and a sidewalk segment of porous concrete will provide better access to the park and help manage rain water from the surrounding neighborhood during storms.



## ■ GREEN ROOF

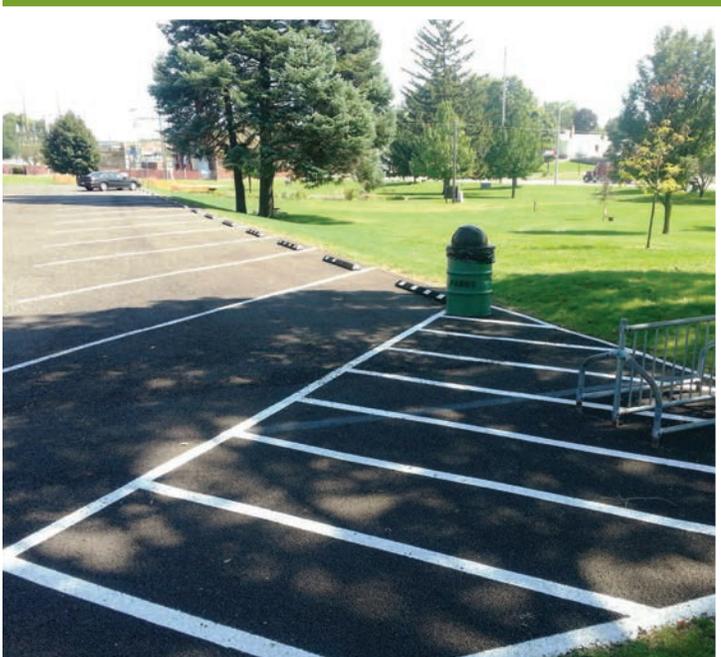
“Green” or vegetated roofs have a variety of benefits. They may serve as rooftop gardens and an added public space, or simply as a vegetative covering that helps to absorb rainfall, reduce runoff and heating costs, and extend the life of a roof. Sturgis’ PSUB facility will feature a demonstrative green roof over a portion of the facility. The vegetative covering will be the more basic option, helping to limit runoff from the facility’s roof.

## ■ STORMWATER REUSE

In addition to aiding natural infiltration of stormwater, reusing it for other purposes is a great way to limit the impact of stormwater. For most residences, this can come in the form of a rain barrel which can be used to irrigate a lawn. The big brother of a rain barrel is a full reuse cistern. Placed underground, such a system can store many times more water and is ideal for large facilities. At the Sturgis PSUB, a reuse cistern is being installed which will collect rainwater directly from the roof downspout. Plans are to use the rainwater collected to irrigate portions of the site’s landscaping.

## ■ ADDITIONAL STORMWATER COLLECTION SYSTEMS

At the PSUB, the city is implementing a stormwater system for the site that makes use of a variety of LID techniques. In addition to the stormwater reuse cistern and green roof, other site runoff will run through storm sewer to the bioretention basin on site. Within the storm sewer system are oil and grit separators that reduce the particulates fed to the basin. Infiltration trenches will also be used to help control and filter stormwater without having to send it out to the Fawn River via the traditional storm sewer system.





## DEMONSTRATING CHANGE, INSPIRING FURTHER ACTION

The PSUB and Memorial Park LID demonstration projects will result in less stormwater runoff to the Fawn River and make an incremental impact on the health of that water system. The key to this project is the demonstration—showing these new techniques to developers, contractors, and citizens. Hopefully, the rain garden at Memorial Park inspires someone to build one in his/her yard and the porous pavement parking lot leads a developer to ask “why not?” when considering paving material. LID demonstration projects bank on showing people that evolutionary change can have revolutionary impacts.

The city would like to thank the skilled engineers and contractors that aided in this project: Fishbeck, Thompson, Carr & Huber, Inc.; Wieland-Davco Corporation, J. Allen & Company; Green Legacy Landscapes; Premium Concrete Services, Inc.; and Bryant Excavating. 

*Andrew Kuk is the assistant to the city manager for the city of Sturgis. You may reach him at 269-659-7234 or [akuk@sturgismi.gov](mailto:akuk@sturgismi.gov).*

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# re-FORMING *Transportation*

BY SCOTT CLEIN, PE, LEED AP, AND MICHAEL DARGA, PE

**T**he last quarter of the 19th century and the first quarter of the 20th century were defined by the 'good roads movement.' Some thought the movement was started by the automobile industry; but in reality, it was brought about by bicyclists attempting to improve the poor quality roads in rural areas outside of and between cities to make them suitable for biking. The early leaders of the good roads movement in Michigan became the founding fathers of the modern highway movement. With the growth of the automobile came the need for roads to meet the demands of the new vehicles' higher speeds and safety requirements. This need was met at the expense of bicyclists and pedestrians. As a result, the right-of-ways of American roadways became increasingly car centric at the expense of other modes.



## COMPLETE STREETS

As we move through the 21st century, there is a new movement to restore balance to our transportation infrastructure. Known as “complete streets,” this philosophy holds that roads should be designed and operated to provide access for all users, regardless of age and ability. The entire roadway right-of-way should accommodate vehicles, transit users, bicyclists, and pedestrians as deemed necessary by the community. Real-world examples of this philosophy are showing up in redesigned roadways from Detroit to Grand Rapids to the Upper Peninsula.

Michigan took a significant step in the right direction in 2010 with the passage of Public Acts 134 and 135. As required by these two Acts, the State Transportation Commission adopted a complete streets policy for the Department of Transportation on July 26, 2012. But in the day-to-day world of municipal officials, can complete streets work?

## YES, THEY CAN!

Two projects recently completed within the city of Detroit are showing that they can work. The Southwest Detroit Greenway provides connectivity within and between three historic neighborhoods. Similarly, the Second/Third Avenue project offers the opportunity to greatly increase access to numerous amenities within one of Detroit’s hottest areas.

The Southwest Detroit Greenway was composed of two distinct projects, Corktown-Mexicantown Greenlink and the West Vernor Greenway. Together they added about 16 miles of bicycle routes and bike lanes. These lanes were created by restriping the existing pavement to add the bike lane. Existing traffic patterns and on-street parking were essentially unchanged.

Working with the local residents and businesses, Second and Third Avenues in Midtown were converted from one-way operation to two-way operation. The roads originally had three lanes in one direction with on-street parking on both sides of the traveled way. Under the new configuration, the roads now have one lane of traffic in each direction with bike lanes and on-street parking. The project also created center turn lanes and removed on-street parking at signalized intersections. It preserved existing bus stops throughout the corridor.

Each project is a great example of how Complete Streets can positively impact a community. Cyclist activity throughout Corktown and Mexicantown and along Vernor continues to increase as people become accustomed to the changes.

## PLANNING IS KEY

Yogi Berra once said, “If you don’t know where you’re going, you’ll likely end up someplace else.” In the case of complete streets, this Yogi-ism is certainly true as each of these projects are part of the city’s Non-motorized Transportation Master Plan, prepared in 2006.

During the preparation of that master plan, we quickly realized that the Motor City was ripe for a transformation, due at least in part, to some painful facts. Detroit’s population has decreased significantly since the 1950s. The corresponding decline in vehicle traffic on city streets corridors, along with the construction of an advanced interstate network in southeastern Michigan, provides significant opportunities to repurpose pavement.

Indeed, the majority of the improvements mentioned above were accomplished with pavement markings and signs. A small amount of road construction was required on each project to transition to adjacent sections of roadway, but very little in comparison to the entire project. The most significant costs were associated with the conversion of traffic signals to two-way operation. The point is, the improvements are not terribly expensive. The Southwest Detroit Greenlink cost \$555,000 to construct, while the conversions of Second/Third Avenue cost \$1,044,000. With municipal budgets shrinking, the ability to achieve so much for so little is important.



*The Corktown-Mexicantown-Southwest Detroit Greenlink is part of the city’s Urban Non-motorized Transportation Master Plan. Linking Corktown, Mexicantown, and Southwest Detroit will provide people with convenient, safe access to three of the city’s most historic and vibrant neighborhoods.*

## Giffels-Webster

Giffels-Webster is a collection of people—civil engineers, landscape architects, planners and surveyors—who choose every day to make communities better. The firm is headquartered in Detroit and has a 55-year history of serving municipalities and governmental agencies throughout Michigan. For more information on Giffels-Webster, visit [giffelswebster.com](http://giffelswebster.com).



business alliance program



More importantly, the fact that Detroit had adopted a master plan including these changes was vital in actually getting them implemented. Anyone involved in the design of public improvements has likely heard his or her fair

share of complaints. This is certainly the case when attempting to repurpose pavement long thought to be the sole purview of the vehicle.

Since Detroit had gone through the steps needed to produce a proper master plan, many of these complaints disappeared as we attempted to implement the improvements. The community at large had numerous opportunities to comment on non-motorized transportation improvements during the preparation of the master plan. At that scale, the public was able to judge the proposed improvements more objectively because we were not talking about a specific project in their backyard.

Furthermore, once the plan was adopted by city council, the department of public works began its efforts to implement the new plan at every turn. From the creation of a non-motorized task force to creation of standard details, the city has embraced the concepts so long as they are accompanied by sound engineering logic. 

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SOUTHEAST MICHIGAN MAYORS

# Stump for Lower Utility Bills

By Mike Nowlin



**S**outhgate Mayor Joseph Kuspa and Eastpointe Mayor Suzanne Pixley have spent their fall hitting the campaign trail, distributing brochures and greeting homeowners in local neighborhoods.

But the elected officials were not going door-to-door in search of votes.

They were waging a friendly competition to outdo each other in knocking doors as part of a statewide effort to save southeast Michigan residents money on their energy bills.

The two mayors canvassed neighborhoods in their respective communities encouraging residents to participate in BetterBuildings for Michigan (BBFM), a state program that through December 31 is offering \$100 home energy assessments that identify ways for homeowners to reduce utility bills and energy consumption. BBFM is funded by a \$30 million federal grant the state received through the American Recovery and Reinvestment Act.

“Most homeowners are continually looking for ways to save money,” said Kuspa. “I’m proud to make my constituents aware about the safe, affordable opportunities that BetterBuildings for Michigan provides. The program lowers utility costs and at the same time aids the environment by preserving our natural resources.”

The BBFM information campaign is geared to dispel concerns prompted by a recent national survey that found solicitations for home improvement work disguised as “free” energy audits are among the newest complaints that local and state consumer protection agencies dealt with during the past 12 months.

“One of my responsibilities as mayor is to keep constituents informed about programs that can benefit their pocketbooks,” Pixley said. “I’m happy to help promote awareness about the reliability of this valuable state initiative.”

BBFM partners include the U.S. Department of Energy, the state of Michigan Energy Office, the city of Detroit’s Economic Development Corporation, the Southeast Michigan Regional Energy Office (SEMREO), Michigan Saves, Michigan Association of REALTORS, and DTE Energy.

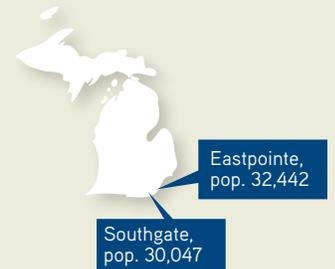
The program starts with low-cost inspections of homes—also called energy audits—that pinpoint where homes are losing energy and measure the efficiency of a home’s heating and cooling systems. A certified building analyst uses a variety of techniques and equipment during the evaluation, including blower doors that evaluate the extent of structural leaks and infrared cameras, which reveal hard-to-detect areas of air infiltration and inadequate insulation.

The BBFM energy assessment costs homeowners \$100, a discount from the typical price of \$350 for such inspections.

“We’re making this great program as affordable and accessible as possible,” said Jacob Corvidae, co-director of SEMREO. “Our experience shows the assessments more than pay for themselves because of the energy-saving materials that are installed. The program is saving homeowners an average of \$235 annually, with some homeowners reporting savings of as much as \$800 a year or more on their utility bills.”

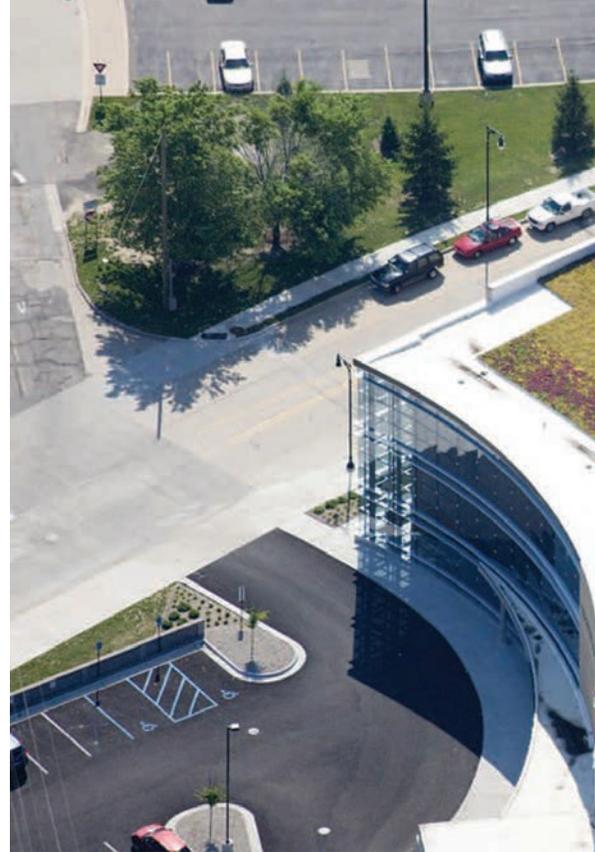
Analysts who conduct the assessment issue a personalized report with their findings to the homeowner. They will also install energy-efficient light bulbs, showerheads, faucets and programmable thermostats—at no extra cost—and suggest additional cost-effective, energy-saving improvements, such as insulation and energy-efficient appliances.

To learn more about the BetterBuildings for Michigan program, call 313-566-4801, email [info@MIHomeEnergy.org](mailto:info@MIHomeEnergy.org) or visit [MIHomeEnergy.org](http://MIHomeEnergy.org). 



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**G**rand Rapids has been lucky, through intentional actions and cultural shifts, to have a development community that has largely embraced concepts of sustainability and building an environment that is good for its citizens as well as the planet. The city boasts the largest number of LEED-certified buildings per capita in the world. It has an environmentally-minded and civically engaged populace (over 2,000 residents took part in the recent “Green Grand Rapids” master plan update). The mayor and city commission have made sustainability a top priority; in fact, when developers come before them seeking tax credits, one of the first questions asked is whether the building will be LEED-certified. To that end, regulatory changes have been implemented in Grand Rapids’ zoning ordinance to facilitate and encourage the employment of green infrastructure strategies.



# URBAN GREEN

## The Importance of Urban Green Infrastructure

There are several key reasons why urban green infrastructure (UGI) is important. Urban green infrastructure interventions:

- **Mitigate the heat island effect;** the heat island effect is shown to increase energy consumption, elevate emissions of air pollutants and greenhouse gases, compromise human health and comfort, and impair water quality.
- **Manage urban stormwater peaks;** which can be responsible for flooding, infrastructure damage, erosion and associated turbidity, and contamination.
- **Positively impact property values;** one urban researcher, Jeff Speck, famously remarked that “if mayors understood the correlation between tree cover and real estate value, our cities would look like forests.” Trees and greenspace can have enormous aesthetic value (their stormwater and cooling environmental benefits notwithstanding).

## Why Zoning?

Grand Rapids’ planning department has adopted a general philosophy of “make it easy to build it right.” Zoning is special among local ordinances in that it reaches onto private property, allowing the potential for a greater citywide impact. Zoning ordinance regulations were created to incentivize and, in some cases, require consideration of UGI in the land development process. Trees, greenspace, native plantings, and green roofs are several of the components addressed in the ordinance.

Zoning allows the city to be sensitive to neighborhood context. For example, residential zoning districts in the city are divided into three neighborhood classifications which respect the character and desired qualities of the neighborhoods. Administrative and board approval processes contained in the ordinance allow flexibility when faced with special situations, of which there are many. Finally, through a strong commitment to public process, the planning department had been fortunate to receive community input (and subsequent sense of ownership) of hundreds of citizens during the writing of the zoning



family housing in the larger-lot, suburban character modern neighborhoods. Commercial and industrial districts also have a greenspace requirement ranging from 5 percent in the densely built central business district (where buildings often fill much of the parcel) to 15 percent in modern commercial or industrial areas (a requirement which can usually be met by parking lot landscaping).

Greenspace requirements were intentionally developed to avoid being especially onerous. The pros and cons of requiring more or less greenspace were considered in each district; there is a thin line between requiring more greenspace versus affecting the viability of a project, particularly where land costs are higher. Environmental concerns warrant a larger proportion of greenspace, yet urban development pressures tend to push in the direction of full-site development. The demolition of structures for the simple purpose of creating greenspace was also not desirable in a community that encourages infill development.

A system of “credits” and “exceptions” are also utilized for flexibility. A stormwater credit allows up to 25 percent of pervious surfaces, including grass pavers, uncovered decks, brick pavers with a sand base, or pervious concrete or asphalt,

# INFRASTRUCTURE REGULATIONS AND INCENTIVES

by Landon Bartley and Suzanne Schulz, AICP

Grand Rapids,  
pop. 188,040



ordinance in 2006-2007. It made sense that extensive public input would result in more widespread acceptance of, commitment to, and action for, implementing UGI regulations.

## Greenspace Regulations

Instead of viewing paved or rooftop areas as pervious or impervious surfaces as traditional ordinances do, the planning department decided upon a different approach. The city created greenspace regulations to encourage UGI best management practices. The definition of “greenspace” is broad—lawn, permanent planters, vegetated walls, rain gardens, landscape islands, and green roofs are considered greenspace. In fact, the city’s stormwater ordinance recognizes the value of a green roof to be the same as a grassy lawn in stormwater calculations.

In residential districts, the requirement for total greenspace (the footprint of structures, driveways, walkways, and patios all count against the requirement) ranges from 20 percent for higher density housing in traditional neighborhoods close to the central core of the city up to 60 percent for detached single-



*Grand Rapids' mayor and city commission have made sustainability a top priority. The city implemented regulatory changes in its zoning ordinance to facilitate and encourage the employment of Urban Green Infrastructure (UGI) strategies.*

to be applied toward greenspace requirements. The code also allows for a 50 percent reduction of greenspace if either of the following conditions is met:

1. A stormwater mitigation plan is submitted which includes the retention of 100 percent of stormwater on site and a LEED checklist and registration paperwork for LEED certification is submitted; or,
2. Payment is made to the Purchase of Development Rights program administered by Grand Valley Regional Biosolids Authority (GVRBA). The GVRBA is a cooperative effort between the cities of Grand Rapids and Wyoming to manage wastewater biosolids on a regional basis. Wastewater biosolids are dewatered and supplied to agricultural users in the region whose development rights have been purchased by the authority.

### Application and Outlook

The planning department found that, combined with other site design regulations such as building setbacks and parking lot screening, the UGI requirement plays a key role in site design. Green roofs, in particular, are more widely utilized as a method of meeting the greenspace requirement in commercial districts. Savvy developers find that they can maximize their leasable space, meet greenspace requirements, and increase the



*Grand Rapids' UGI requirements are playing a key role in site design. Green roofs, in particular, are more widely utilized as a method of meeting the greenspace requirement in commercial districts.*

building's thermal resistance and comfort by incorporating green roofing into their design. Moving the greenspace onto the building itself still reaps the benefits of UGI, but allows a property to truly be built to its "highest and best use," and at densities that make sense in regard to our goals for economic growth and quality of life. It is hoped that encouragement of green roofs and other forms of urban green infrastructure will help to promote new UGI products

and lower manufacturing costs (and subsequent greater adoption across markets) over the long term. For now, the city's current UGI program, combined with forward-thinking citizens and developers, is working to make Grand Rapids a more sustainable city. 

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# Green Ratings System Launched

By Laura Matson and Luke Forrest

**M**ichigan local governments have a new tool to earn recognition for and measure their progress in implementing energy and environmental improvements. The updated Michigan Green Communities Challenge—a rating system that recognizes sustainability accomplishments and serves as a guide for municipalities looking to go green—launched this August. Participation is free and open to all local governments in Michigan.

Every community that participated in the Challenge receives positive recognition. Communities earn points for their green initiatives, and can earn bonus points for reporting quantitative data, such as energy consumption and recycling percentage. These point totals are then compared to similar communities (for instance, small cities are compared only to other small cities) to determine Gold, Silver, Bronze, or Member ratings. Top achievers will receive an emblem to display on their website and promotional documents and will be recognized through press releases, social media, conferences, and webinars.

## Updating the Challenge—Beyond Energy Efficiency

The original Challenge launched in 2009, and emphasized energy efficiency projects in an effort to help local governments prepare for and make the best use of federal Energy Efficiency and Conservation Block Grant (EECBG) funds. During 2011-12, a team of graduate students from the University of Michigan

worked with Challenge participants, Michigan Municipal League staff, and partner organizations to update the program. The updated Challenge reflects broader topics (such as green economic development, resource conservation, and water quality) in addition to maintaining a strong energy component. The updated Challenge maintains an easy-to-complete checklist format and was designed so one person can complete reporting in one sitting.

## Green Network

The growth and evolution of the Challenge parallels the growth of the Michigan Green Communities network. When the Challenge was first launched, the League, supported by a grant from the Michigan Energy Office (MEO), catalogued and supported a growing number of community sustainability projects. The League, MEO, and Challenge participants identified a need for ongoing support for these efforts, as well as a need to address environmental issues beyond energy.

In 2010, the cities of Ann Arbor and Dearborn received a small grant from the Urban Sustainability Directors Network to hire a dedicated staff person to coordinate this work and organize a conference. In September 2011, the city of Ann Arbor, in collaboration with the League, received a pollution prevention grant from the Michigan Department of Environmental Quality. This grant provides additional staff support and event funding for Michigan Green Communities over two years.

Today, Michigan Green Communities operates as a peer-to-peer network of



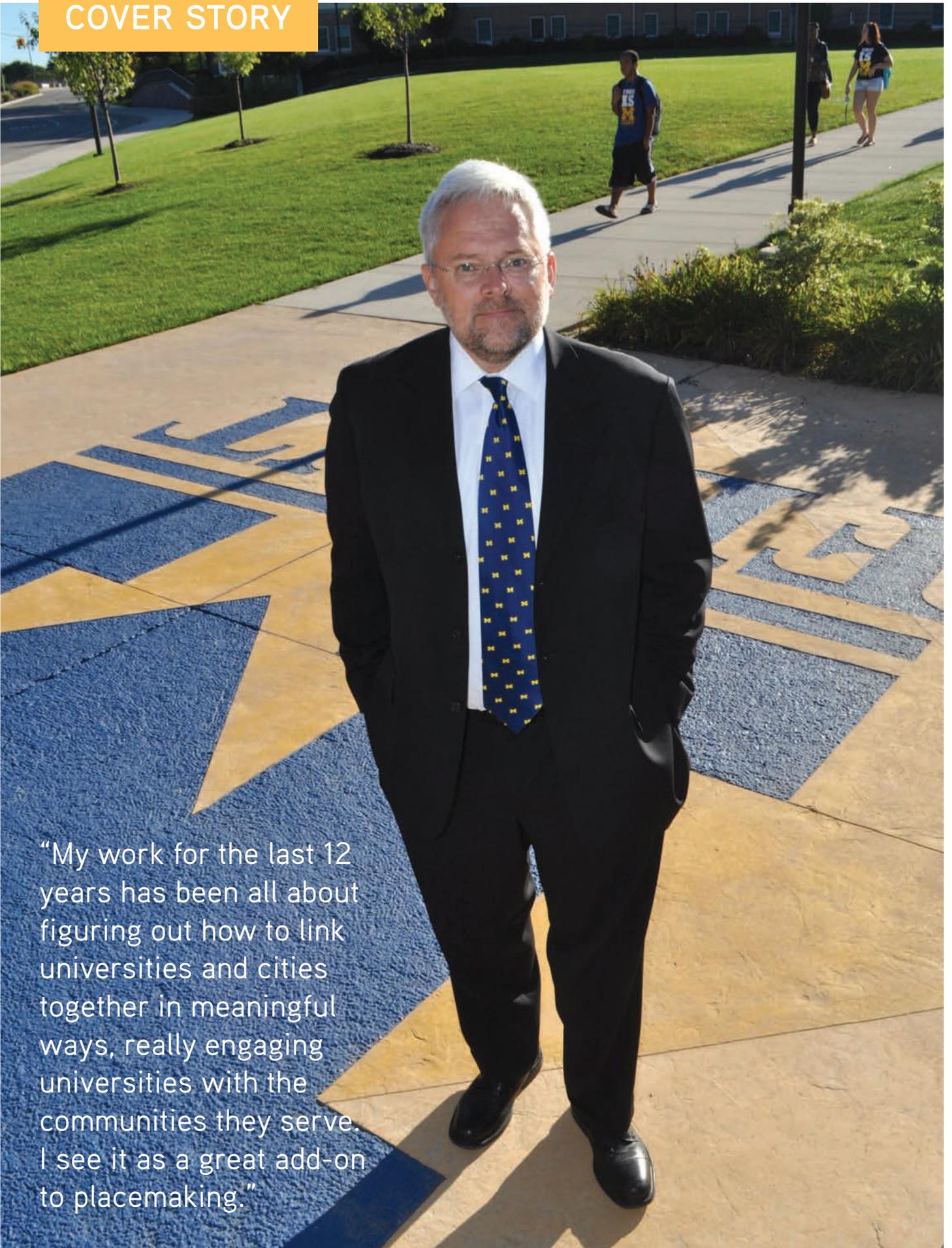
local governments that collaborate to promote innovative solutions and move sustainability initiatives forward at the local, regional, and state level. The network is a partnership of the League, MEO, Michigan Association of Counties, Michigan Townships Association, and the Michigan Department of Environmental Quality.

One of the Green Communities network's key roles is hosting and supporting the Challenge. In addition, Michigan Green Communities holds monthly webinars, produces resources and case studies, hosts an annual conference and other events, and publishes a monthly newsletter to facilitate peer learning and information sharing. For more information about Michigan Green Communities, the Challenge, and how your community can get involved, visit [www.mml.org/green](http://www.mml.org/green). 

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*Laura Matson is the Michigan Green Communities fellow for the city of Ann Arbor. You may contact her at [lmatson@a2gov.org](mailto:lmatson@a2gov.org).*

*Luke Forrest is project coordinator for the League's Center for 21st Century Communities. You may reach him at 734-669-6323 or [lforrest@mml.org](mailto:lforrest@mml.org).*



“My work for the last 12 years has been all about figuring out how to link universities and cities together in meaningful ways, really engaging universities with the communities they serve. I see it as a great add-on to placemaking.”

# New League President: “TOWN-GOWN” CHAMPION

By Elizabeth Shaw

**L**inden Mayor David Lossing paddles his pale blue kayak across the city’s mill pond, deftly weaving his way through a flotilla of brightly colored boats. Many are first-time visitors, here for a moonlight paddle sponsored by a local kayaking club. Like a gracious host greeting guests, he’s happily making small talk and answering questions about the waterway.

Some ate dinner first at the historic Linden Hotel a block away on East Broad Street. One man asks about the local fishing. An Oakland County woman is curious about the Linden Mill, another historic building that now houses the public library and city council chambers. Bystanders on shore are reading a decorative sign about the Shiawassee River Heritage Water Trail, a paddling route that may eventually provide historic and cultural signage from northwest Oakland County all the way to Saginaw Bay.

## Placemaking

In just a few short years, Linden’s mill pond has gone from a non-descript spot that only locals knew, to the scenic center of action at the heart of this quaint community with a turn-of-the-century feel. This is what placemaking is all about, said Lossing.

“We’re working with our friends in Holly, Fenton, Fenton Township, and Argentine Township to protect and promote this great natural resource we share in the Shiawassee River, and we’re now finding new interest in our blue water trail for local economic development,” he said. “Residents and visitors come the first time to paddle, and then they keep coming back.”

It’s a vision he hopes to extend through the Union Block project, where the city plans to rebuild an entire block of the historic downtown destroyed in a 2007 fire, creating a mixed-



use development that revitalizes the downtown aesthetically, socially, and economically. “We lost a huge piece of our history. Our goal is to replace it in such a way that 100 years from now, residents will say we did a good job restoring what was lost.”

## Public Service

It’s exactly the kind of visioning that launched the new League president into a career of public service at the ripe old age of 19, when he ran unsuccessfully for a seat on the Mott Community College Board of Trustees in 1983.

“I was a student at Mott Community College at the time, a year out of high school. My friends talked me into it. Tuition was a concern and we wanted to be sure we had a voice in



## What Does **TOWN-GOWN** Mean?

Town-gown is the interaction of the inhabitants of a college or university town (Town) and the students and personnel of the college (Gown). Universities and host towns have an incentive to cooperate, as the schools require city services and need city approval for long-range plans, while the university towns need remuneration for public services provided.

Source: [towngownworld.com](http://towngownworld.com)

how policies were being set. So I circulated petitions, got on the ballot, did all the interviews with the newspapers and unions. I came in fifth out of seven candidates. It was an interesting first brush with active campaigning.”

Four years later, he’d earned a degree in political science and economics from the University of Michigan-Flint and took an administrative job with the Boy Scouts of America in Ohio. He came home in 1990 to work on the Michigan Senate campaign of current U.S. Congressman Gary Peters, and then spent the next nine years on U.S. Senator Carl Levin’s Michigan staff.

“It was a great learning experience where I came in contact with all types of leaders at the state and local level, from large suburban to very rural areas, working on community development projects and grant funding for organizations in the region.”

Lossing and wife Suzanne settled in Linden in 1996. He was first elected to the city council in 1998 and has served as mayor since 2004.

From 2000 to 2006, he was associate director for state outreach within the office of government relations at the University of Michigan in Ann Arbor.

“Our mission was to reach out to mayors, superintendents, nonprofits, and other local leaders to figure out their concerns and how the university’s assets in faculty and research could

help do problem-solving for them,” he said. In 2006, he was named to his current position as the University of Michigan-Flint’s director of government relations. He also went on to earn a Master’s degree in public administration in 2008 and an Education Specialist degree in 2012.

## Town-Gown Passion

Lossing brings his dual passions for government and higher education to his leadership role at the League, where he hopes to build momentum for “town-gown” initiatives across the state.

“My work for the last 12 years has been all about figuring out how to link universities and cities together in meaningful ways, really engaging universities with the communities they serve. I see it as a great add-on to placemaking.”

Lossing hopes to connect key League staff with the Presidents Council State Universities of Michigan, to discuss public policy issues of mutual concern. “We have 15 public-funded universities and 15 host cities that house these great institutions of higher education. Combined, it’s a civilian population of 1.3 million and a student population of 400,000. That’s pretty significant.”



He also wants to encourage interaction through a joint blog for mayors and university presidents, and a presentation on town-gown partnerships at the 2013 Capital Conference.

“We need to get them talking and sharing in a very programmatic way. They work well together on a case-by-case basis but they need to be a little closer overall because a lot of policy decisions coming out of Lansing impact both. We all need to see that we’re joined at the hip, that this is a marriage that can’t be allowed to fail.”

And failure is not a word in Lossing’s vocabulary.

“My personality has always been to get out front and act. I see this as a great challenge. I have just one year of service to make sure the conversation continues on beyond next year.” 

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*Elizabeth Shaw is communications coordinator for the League. You may reach her at 734-669-6318 or [eshaw@mml.org](mailto:eshaw@mml.org).*

# 2012 ANNUAL CONVENTION



Newly elected and re-elected Michigan Municipal League board members from left are Nathan Triplett, East Lansing Mayor Pro Tem; Steve Brock, Farmington Hills City Manager; Kathie Grinzinger, Mt. Pleasant City Manager; Susan Baldwin, Battle Creek Mayor; Rebecca Hopp, Ferrysburg councilmember; and Steve Baker, Berkley councilmember. The six officials were sworn into office during the MML's annual meeting October 3, 2012 on Mackinac Island.

## NEW LEAGUE BOARD OF TRUSTEES

The Board is responsible for developing and guiding the organization's strategic public policy initiatives, legislative agenda, and internal workings, all leading to Better Communities. Better Michigan.

### Completing our 19-member Board of Trustees, the following new members will serve three-year terms, effective October 3, 2012:

Steve Baker, Councilmember, Berkley  
Susan Baldwin, Mayor, Battle Creek  
Steve Brock, City Manager, Farmington Hills  
Kathie Grinzinger, City Manager, Mt. Pleasant  
Rebecca Hopp, Councilmember, Ferrysburg  
Nathan Triplett, Mayor Pro Tem, East Lansing

For more information on the League's Board of Trustees, visit [www.mml.org/about/mmlboard.htm](http://www.mml.org/about/mmlboard.htm)

### Term expires in 2013

Deb Greene, Mayor Pro Tem, Rogers City  
Dan Greer, Councilmember, Jackson  
David Lossing, Mayor, Linden  
Jacqueline Noonan, Mayor, Utica  
Amos O'Neal, Councilmember, Saginaw  
Suzanne Pixley, Mayor, Eastpointe  
Charles Pugh, City Council President, Detroit

### Term expires in 2014

Lois Allen-Richardson, Mayor Pro Tem, Ypsilanti  
Ricci Bandkau, Councilmember, Brighton  
Dick Bolen, Councilmember, Wakefield  
Scott Erickson, City Manager, Ironwood  
Pauline Repp, Mayor, Port Huron  
Adam Umbrasas, Village Manager, Kingsley

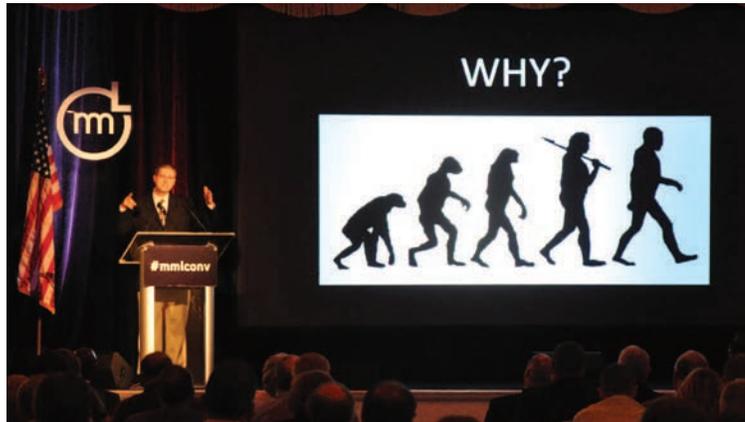


League President David Lossing and Vice President Elect Jacqueline Noonan.



# 2012 ANNUAL CONVENTION

From civic engagement and health care plans to an update on new illegal drug issues, the League's 2012 Annual Convention offered in-depth educational opportunities for local officials and staff. The Convention focused on the "Tools of Placemaking" and what Michigan's municipalities' need to be economically competitive in the 21st century.



We gathered together world-class experts from the public, business, and nonprofit sectors to fill your municipal toolbox with creative solutions for challenges of every scale.



# OCTOBER 3-5, 2012 • GRAND HOTEL, MACKINAC ISLAND



Sessions topics included: Leading Local, Thinking Global; The Rise of Walkable Urbanism; Physical Design & Sustainability; and Civic Engagement: Putting People into Place.



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For all the photos from this year's Convention and other League events, go to [mml.org/flickr](http://mml.org/flickr).

# MML FOUNDATION

## ANNUAL SILENT AUCTION & BOAT CRUISE

Each year since 1993, the Foundation has hosted a silent auction at the League's Annual Convention. The nearly \$100,000 raised by this popular event has been used to support the Foundation's general fund and to respond to special requests from the MML and other government-related organizations in Michigan. This annual event presents a great opportunity to bring home unique gifts representing communities across Michigan and to donate an item that highlights local businesses and talent within the community. Also, the Foundation hosts a boat cruise when the Convention takes place on Mackinac Island. Funds raised through the auction and boat cruise help support the League's mission to enhance and develop leadership in local government.



The Foundation was organized in 1991 to enhance and develop leadership in local government. It serves as the fundraising arm of the Michigan Municipal League, and is a registered 501(c)(3) charitable organization.

The vision of the Foundation is that every elected official will receive the clear, accurate, up-to-date information they need in a way that is immediately accessible to them, delivered in a variety of media they will use, and offered at a price they can afford.

In 2011, the Foundation helped support the cost of the following training programs:

- Regional meetings attended by 216 people.
- Elected Officials Academy (EOA) attended by 42 people.
- Northern Michigan Public Service Academy's EOA Workshops attended by 30 people.
- 6 educational workshops attended by 1,191 people.
- Nine educational workshops in the Upper Peninsula attended by 204 people.

# AWARDS



## THE COMMUNITY EXCELLENCE AWARD CUP

Convention attendees voted for one of seven community projects, and when the votes were in, the city of Grandville was chosen as the winner of the 2012 “Race for the Cup.” Grandville’s expansion and renovation project created a clean water plant that incorporated innovative wastewater treatment technology.



Race for the Cup Winner—Grandville



Alpena



Port Huron



Bessemer



Durand



Utica



Grandville

Our seven regional presenters and projects were:

**REGION 1:** Utica, Utica’s Riverwalk

**REGION 2:** Baroda, Gateway to Wine Country

**REGION 3:** Grandville, Clean Water Plant Expansion

**REGION 4:** Durand, Streetscape and Placemaking Campaign

**REGION 5:** Port Huron, Parks and Recreation Collaboration

**REGION 6:** Alpena, Arts and Culture Northeast: ARTown, Michigan

**REGION 7:** Bessemer, Water Improvement Partnership



Plante Moran, official CEA auditors, at the voting booth.



Baroda

# AWARDS

## Honorary Lifetime Membership Award



Deb Doyle, Mayor, Durand

## Legislator of the Year Awards



Representative Wayne Schmidt (R-Traverse City) and Representative Rudy Hobbs (D-Lathrup Village)

## Special Awards of Merit



Spencer Nebel, City Manager, Sault Ste. Marie and Beach Hall, Mayor, Rogers City  
Not pictured: Peter Allen, President, Peter Allen & Associates

## The Jim Sinclair Exceptional Service Award

Jim Buck, Mayor, Grandville (right)



## Guido Leadership Award

Frank Brock, Mayor, Lathrup Village (left)

## Elected Officials Academy



### Level 1 Graduates

Linda TerHaar, Catherine Zaring, Maureen Hammond, Frances Schuleit, and Lois Allen-Richardson

Not pictured: Tina Bacon, Ken Bush, Elaine Ferris, Lawrence Hollenbeck, Lori Snyder



### Level 3 Graduates

Joshua Meringa and Rebecca Hopp



### Level 2 Graduates

Michael Misteravich, Lois Allen-Richardson, Kathleen Ling, and Karen Majewski

Not pictured: Karen Banks, Brian Boggs



### Level 4 Graduates

Deb Doyle and David Lossing

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# SAVE THE DATE



## MICHIGAN MUNICIPAL LEAGUE CAPITAL CONFERENCE

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# Are Municipal Leaders **READY TO PLUG-IN?**



By Brett Sciotto and Heather Seyfarth

**A**s the national leader in car manufacturing, Michigan has the potential to both drive the market and benefit from the success of electric vehicles. Michigan can proudly send the message that it is ready to meet the 21st century needs of today's generation and beyond—a message that is attractive to entrepreneurs and the youth that we are currently losing to other areas of the country. But first we must be ready.

The Plug-In Ready Michigan Plan provides the necessary tools to Michigan's leaders to properly prepare for increased electric vehicle use. The plan explores the opportunities and issues related to electric vehicle readiness, and the considerations necessary for electric vehicle infrastructure planning.

Michigan was one of 16 locations granted funding through the Federal Department of Energy Clean Cities program. Clean Energy Coalition partnered with Greater Lansing Area Clean Cities and NextEnergy to apply for and receive these funds. The project team worked with over 40 stakeholders, made up of representatives from private industry, municipalities, and non-profit agencies, and received consulting services from Pike Research and the collaborative team of Orchard, Hiltz & McCliment and Governing Dynamic.

## **Surveying the Attitudes of Municipal Officials**

In order to understand where Michigan's municipalities stood on the topic of electric vehicles, Governing Dynamic led the team through the development and dissemination of a statewide survey. Government officials from more than 100 cities, townships, and villages responded to the survey. The survey showed that although few communities have Electric Vehicle (EV) infrastructure available for public use today, municipal officials have positive beliefs about EVs and their future. Sixty-six percent of those polled believe that EVs are currently a viable alternative to petroleum-fueled cars and trucks, and the percentage increases to 71 percent when the same question is asked about the long-term. Fifty-six percent of these officials also support the use of public funds to build infrastructure (i.e. charging stations) to facilitate the use of EVs and 58 percent believe their community should even take a leadership role in doing so.

While nearly half (48 percent) of local government officials believe incorporating EVs into their fleet will save their jurisdiction

tax dollars over time, cost savings was not necessarily the only reason for supporting community-wide charging station integration. A majority of government officials ranked 'environmentally-friendly' as the top reason for building the infrastructure in their jurisdiction and they also believe it will help them promote the image of their community. Reducing dependence on foreign oil and, to a lesser extent, economic development reasons, rounded out their rationale. Very few jurisdictions viewed EV infrastructure as a possible revenue source.

## **Master Plans**

While it is clear many local government officials support EVs and the integration of charging stations into their community—there remain some hurdles that the Plug-in Ready Michigan Plan endeavors to overcome. Over 65 percent of public officials who took the survey answered that their community's master plan does not currently contain language that would support the incorporation of an electric vehicle charging station. The good news is that is easily changed and the plan lays out specific guidance on how to begin the process of considering EVs in future development.

## **Zoning**

Zoning codes also need updating. Although 40 percent reported their current zoning code would allow for the installation of EV charging stations—the plan provides best-practice language and guidance for ensuring it is done correctly. Almost three-quarters of local government officials surveyed said they believe their government would be willing to integrate EV charging stations in the community if sample master plan and language was provided to them. They also made they prefer language be flexible and accommodating of EV infrastructure rather than aggressive or restrictive. For this reason, the plan provides different options for master planning and zoning code language so that communities can customize their language.

## **Funding**

Although there is widespread support for EVs and the infrastructure they require—their incorporation is not without obstacles. Not surprisingly, the biggest perceived barrier to

*Continued on page 37*

# AUBURN HILLS:

## Preparing for Plug-In Electric Vehicles

By Steven J. Cohen, AICP, PCP

**A**uburn Hills has been at the forefront in raising awareness about the fueling needs of plug-in electric vehicle owners. In July 2011, it was the first municipality in Michigan to adopt a comprehensive electric vehicle infrastructure ordinance. Auburn Hills has been very proactive in encouraging developers, builders, homeowners, and business owners to make electric car charging stations a regular part of construction.



The roll out of plug-in electric vehicles, which also includes plug-in hybrid gas/electric vehicles, has been compared to the growth of the cell phone industry. Like cell phones, electric vehicles need an inter-connected network of charging stations to support their use. It will be important to place stations in homes, workplaces, downtowns, malls, hotels, and other appropriate locations so that future vehicles owners have a reliable refueling network that they can count on.

Therefore, community planning and zoning needs to adapt to this paradigm shift in vehicle refueling. Auburn Hills expects the electric drive revolution will become accepted and advance over time, just like computers and cell phones. Municipalities need to prepare for this change and Auburn Hills would like to share their lessons learned.

### Who to Involve

It is important to bring this new concept to the attention of your city planner, so that he/she can make recommendations to the municipal planning commission and legislative body for change. Auburn Hills included a team of business leaders and industry professionals in its planning process since the topic was so new. Such a comprehensive approach may not be necessary for those who wish to move forward and adopt some form of the Auburn Hills' model regulation.

### Project Costs

There is little cost to amend a local ordinance and implement this policy. A local planner or planning commission can create a version of the Auburn Hills' law now or wait until sample language/best practices are distributed by the Clean Energy Coalition.

### What to Do

The Auburn Hills electric vehicle infrastructure ordinance encourages, but does not require, property owners to "rough-in" their home garages or parking lots for future charging station installation. It raises awareness, cuts red tape, and makes them easy to install. For example, making charging stations part of a home garage is simple and similar to the electric lines needed to power something like a refrigerator or air conditioning unit, but is much cheaper to prep when the home is being built.

### Submission Requirements

Charging stations are allowed without special zoning approval, just an administrative building permit is needed to ensure safety. Stations are allowed in all zoning districts.

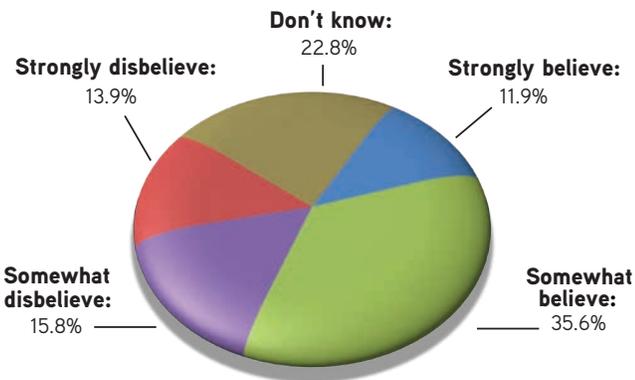
### Spotlight

Since the ordinance was adopted, a number of businesses have volunteered to incorporate electric vehicle infrastructure into their projects. Some have chosen to install charging stations in their parking lots. Most property owners have decided to "rough-in" their parking lots with the installation of conduit from the future station location to the power source. This smart approach allows for the stations to be installed without costly or cost-prohibitive retrofits when consumer demand increases. 

*Steven J. Cohen, AICP, PCP, is director of community development for Auburn Hills. You may reach him at 248-364-6941 or [scohen@auburnhills.org](mailto:scohen@auburnhills.org).*

incorporating EV charging stations is funding. Local officials do not believe their government should be primarily responsible for funding EV charging stations. Many (41 percent) felt that private industry should be responsible, followed by the federal government and consumers (both 12 percent), and automobile makers (10 percent). While no one yet has the answer to who will fully fund the infrastructure—the likely answer is everyone will play an important role. The Plug-in Ready Michigan Plan provides insight into best practices for communities who want to work with the private sector to prepare, but that are not ready to commit funds toward the charging stations themselves. The plan is about getting ready...and there are steps governments can take today without incurring costs.

**Do you believe the integration of electric vehicles into your fleet could be a cost saving measure over time?**



The project team surveyed local government officials' attitudes on EVs.

EVs are on the way, and research indicates Michigan will be a national leader in making them a consumer reality. Local government plays a critical role in ensuring the infrastructure is in place to make EVs a viable choice for a majority of consumers over time. While there are still challenges to overcome, the Plug-in Ready Michigan Plan goes a long way to providing a path to making Michigan the model for national incorporation. The survey revealed that local government officials support the concept and 65 percent of them are willing to personally advocate for the incorporation of EV infrastructure into their communities. With that level of support, anything is possible.

The continued collaboration of government, the private sector, and organizations like Clean Energy Coalition, NextEnergy, and Greater Lansing Area Clean Cities, will help usher in a new era of environmentally-friendly, efficient cars. The Plug-in Ready Michigan Plan puts our state on the forefront of this new frontier and provides the tools we need to lead. 

To review the plan or the complete survey results, visit: [cec-mi.org/](http://cec-mi.org/).

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Heather Seyfarth, AICP, is project manager for Clean Energy Coalition. You may contact her at [heather@cec-mi.org](mailto:heather@cec-mi.org).



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# TRAILS

## As Economic Development Catalysts

**A**s this issue of *The Review* focuses on sustainability, I'm excited to write about Michigan's quest to become the #1 trail state in the nation. Trail development is a green option that first and foremost provides a great health and quality-of-life value to residents. Trails also serve multiple user groups (ORV riders, snowmobilers, equestrians, skiers, hikers and bicyclists) of all ages, encourages social connectivity across generations, and perhaps even more importantly can serve as a powerful catalyst for economic development in communities along the route.

Trail use is growing nationwide. Michigan has a well-established network of trails and is working to provide even more connections, ensure reliable maintenance and grooming, and develop proper way-finding. Just like any service, delivering a great user experience brings repeat customers and Michigan is well on its way to becoming number one.

Top of Michigan Trails Council coordinator Emily Meyerson has worked tirelessly on all aspects of the North Central and Northeastern State Trails in the northern Lower Peninsula. The North Central State Trail, for example, passes through seven communities along its route—which all benefit economically from trail users. The popularity of trails is an excellent opportunity for local businesses to market their amenities and to maximize the trail user's exposure to each community's sense of place.

### **NORTH CENTRAL STATE TRAIL** ([trailsCouncil.org/index.php?page=north-central-state](http://trailsCouncil.org/index.php?page=north-central-state))

The North Central State Trail is a 61-mile trail linking the well-established destination cities of Gaylord and Mackinaw City—connecting through Wolverine, Vanderbilt, Indian River, Topinabee, and Cheboygan. Each community offers a distinctive history, different restaurants, and various sights and activities to enjoy,

while providing trail riders of all skill levels the confidence of knowing that each leg of the journey does not exceed their capability and that assistance is never far off.

### **NORTH EASTERN STATE TRAIL** ([trailsCouncil.org/index.php?page=north-eastern-state-trail](http://trailsCouncil.org/index.php?page=north-eastern-state-trail))

The North Eastern State Trail (NEST) is 71 miles, linking Alpena with Cheboygan via Posen, Hawks, Millersburg, Onaway, and Aloha State Park. NEST traverses wetlands, crosses rivers and bisects forests that are otherwise inaccessible, providing incredible opportunities for birding, wildlife viewing and veritable solitude. Since the trails were once railroad routes, the charming communities along the way were once bustling hubs of industry and now hold the cherished reminders of Michigan's proud and treasured past. One thing trail communities can do to enhance the user experience is highlight their history

through historical markers, kiosks, or more high tech methods such as smart-phone apps and QR codes.

## TRAILS AS PARTNERSHIP CATALYST

The village of Millersburg is establishing a very special trailhead downtown, using their historic railroad depot-turned museum as the site. This is one of many fine examples of trail-inspired partnerships. The state, county, village, historical society, and trails council came together to provide for the development of parking and restroom facilities serving both the museum and trail users. The trailhead will feature an open fire pit and a sea-



sonal skate park/ice rink—effectively creating a charming town square for Millersburg's 200 residents and their very welcome guests. Not only does this help the trail users, but it brings customers right into the downtown. The historic depot will now be widely enjoyed and less of a best-kept secret.

## SIMPLY SENSATIONAL

What I find so sensational about trails is exactly this: they bring people into communities of all sizes—not only for amenities, but to learn of our great state's heritage. A quality learning experience combined with health benefits, the great outdoors, the social camaraderie of other trail users, and the anticipation of discovery all leads to a positive experience to keep trail users coming back.



*Alpena's trailhead provides respite and serves as a vital connector to downtown amenities. An interactive NOAA (National Oceanic & Atmospheric Administration) monitor showcases the area's shipwrecks and national marine sanctuary, while highlighting another unique community asset, the Great Lakes Marine Heritage Center.*

"Our goal," says Onaway City Manager Joe Hefele, "is to provide so much that users can't possibly experience it all in one trip. They'll have to return." Hefele says the North Central Trail is a shining example of what can be accomplished working together and taking a reasonable approach with local jurisdictions. "First and foremost, the trails are for the people who call the area

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[michigantrails.org/michigander-bicycle-tour/](http://michigantrails.org/michigander-bicycle-tour/)

home," he says, "but they're also a great economic tool. It's up to the community now to promote growth and increase the tax base."

Meyerson agrees, "Not only do we hope trail users keep coming back, we hope some of them will like it enough to relocate or build a second home in the area."

My personal favorite has been the Little Traverse Wheelway ([trailsCouncil.org/index.php?page=little-traverse-wheelway](http://trailsCouncil.org/index.php?page=little-traverse-wheelway)). I stay overnight, eat everywhere possible, and bring my friends and family. I am hooked and—judging by the number of rides and runs on any given weekend in every region of this state—I'd say it's a swiftly spreading addiction. If you haven't caught trail fever yet, get out, give it a try, and think about promoting your community's unique sense of place within the region, while developing this economically-friendly green option at the same time. 

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*Caroline Weber Kennedy is manager of field operations for the League. You may contact her at 906-428-0100 or [ckennedy@mml.org](mailto:ckennedy@mml.org).*

# Does the lowest bidder have a business expectancy?

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.

## FACTS:

Davison Community Schools, a public school district, contracted with an architectural firm for services on a construction project. As part of the contract, the firm agreed to assist the school district with the bid selection process by evaluating the bids submitted by contractors and recommending to the school district which contractor should be awarded the project. Based on the firm's recommendation, the school district awarded the project to US Construction and Design Services, the contractor that had submitted the second-lowest bid. Cedroni Associates, Inc., the contractor that submitted the lowest bid, sued the firm for tortious interference with a business expectancy.

The architectural firm said that it recommended US Construction rather than Cedroni based on negative feedback from references provided by Cedroni and that US Construction had performed adequate work on projects designed by the firm. Cedroni, conversely, claimed that the recommendation was based on the firm's desire to "punish" Cedroni because of circumstances on another project during which the firm had been replaced by another architect.

Both the advertisement for bids and the instructions for bidders in the project manual stated that the school district "reserves the right to accept or reject any or all offers." In addition, the school district's fiscal management policy stated multiple times that the school district has the "right to reject any or all bids" and that "the lowest dollar cost bidder may not always receive award of the bid." The policy also stated, however, that "[b]ids shall be awarded in compliance with applicable bidding obligations imposed by law to the 'lowest responsible bidder.'" In this case, the school district retained the right to choose the "lowest responsible bidder." The policy provided a list of factors for the school district to consider, including its architect's input.

In addition to the documents, longstanding case law provides that a disappointed low bidder on a public contract has no standing to sue in order to challenge the award of a contract to another bidder. Also, MCL 380.1267(6) provides that a bidder on a school construction project should know that its submission of the lowest bid does not create a reasonable probability that it will be awarded the contract.

## QUESTION 1:

**Does a disappointed lowest bidder on a public contract have a valid business expectancy for the purpose of sustaining a claim of tortious interference with a business expectancy?**

### Answer According to the Trial Court:

No.

### Answer According to the Court of Appeals:

Possibly. The court of appeals determined that there was a genuine issue of material fact that 1) Cedroni, as a disappointed low bidder on a public contract, had a valid business expectancy and 2) the architectural firm's communications with the school district amounted to intentional and improper conduct sufficient to sustain a claim of tortious interference with a business expectancy. By virtue of its ruling, the case was to be remanded to the trial court for determination of the issues by the court or by a jury.

### Answer According to the Michigan Supreme Court:

No. The Court held that Cedroni, as the lowest bidder on a public contract, did not have a valid business expectancy. The Court stated that "[t]he expectancy must be a reasonable likelihood or probability, not mere wishful thinking." The Court cited case law, statutory authority, and the documents submitted in this case in arriving at its decision. In particular, the Court cited *Talbot Paving Co v Detroit* in which the Court reached a similar result even though the Detroit charter stated that "it was the duty of the city to let the contract to the lowest responsible bidder."

Significantly, with respect to public contracts, the Court held that the school's retention of the broad discretionary right to reject the lowest bidder precluded the court, absent any evidence of fraud, injustice or violation of trust, from substituting its judgment for the judgment of the school district. "The school district determined that [Cedroni] was not a 'responsible contractor' in this specific circumstance, and it is not our job to second-guess this determination."

*Cedroni Associates, Inc. v Tomblinson, Harburn Associates, Architects & Planners, Inc., No. 142339 (July 27, 2012).*

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Sue Jeffers is a legal consultant to the League. You may reach her at [sjeffers@mml.org](mailto:sjeffers@mml.org).

# MUNICIPAL ATTORNEY AWARDS



**THE WILLIAM L. STEUDE ETHICS AND CIVILITY IN LOCAL GOVERNMENT AWARD** went to Ronald Keefe, Marquette City Attorney (*on left*). The Steude award is recognizes individuals for significant and tangible achievement in the field of local government ethics and civility.

**DISTINGUISHED MUNICIPAL ATTORNEY AWARDS** were given to (*above second from left to right*) Timothy Currier, Birmingham City Attorney; Debra Walling, Dearborn Corporation Counsel; William Beach, Rockwood and Milan City Attorney; and MAMA President Randy Brown, Portage City Attorney (*far right*). This award honors municipal attorneys who have reached the highest level of professional accomplishment in the representation of cities or villages.

The Michigan Association of Municipal Attorneys (MAMA) honored members with the following awards, given on September 20, 2012:

**ACADEMY OF MUNICIPAL ATTORNEY RECOGNITION** went to (*pictured below left to right*) Gregory Stremers, Brown City Attorney; Lori Grigg Bluhm, Troy City Attorney; Steven Joppich, Farmington Hills City Attorney; Catherine Mish, Grand Rapids City Attorney; Andrew Mulder, Holland City Attorney; and Carol Rosati, of Johnson, Rosati, Schultz and Joppich.



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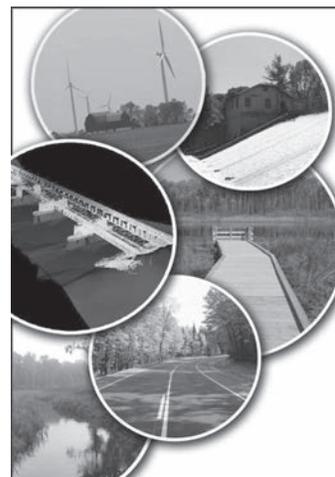


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2012 Wage & Salary Survey – Now

The Michigan Municipal League is currently conducting its annual Statewide Pay and Benefits Survey of 143 titles. Once the responses are in, this online searchable database will be available to full member communities who participated in the survey, with automatic access provided to managers, department heads, and elected officials. [www.mml.org](http://www.mml.org)

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# Michigan Cable and Cell Tower Law: What's New and What Opportunities Await Alert Communities?

By Michael J. Watza, attorney

## CABLE LAW

Q: What are the changes to Michigan's Cable Act?

A: The Uniform Video Services Local Franchise Act (PA 480) was adopted in 2007. The Act largely wrote local government out of the cable regulatory process. In 2008, several municipalities obtained a federal court order which determined that certain provisions of Michigan's statute were preempted by federal statute. In 2012, the city of Detroit, building on the 2008 case, obtained a detailed opinion and order from the federal court also finding that several provisions of the Michigan Act were preempted by federal law and calling several others into question.

Q: What are the most significant impacts to my municipality under the latest federal court ruling?

A: 1. Municipalities have authority to challenge the Uniform Video Services Act.  
2. The modification language of the Michigan Act is preempted by federal law.  
3. Based upon the position taken by the Michigan Attorney General, municipalities may refuse a renewal via a uniform agreement and negotiate mutually acceptable terms.  
4. The reduction of enforceable customer service standards and the severely watered down anti-discrimination provisions may violate the Federal Act.

Q: What should I do now regarding existing franchises and requests for renewal?

A: 1. If operating under a pre-2007 franchise, list all the items in your franchise which the incumbent cable company is no longer doing and you wish reinstated/compensated (elimination of free drops, closed PEG centers, closed customer service centers, etc.).  
2. If operating under a renewed franchise (uniform agreement), review the differences between it and your former franchise and make a list of those differences, plus any additional or new requirements you would have otherwise requested in a "normal/pre PA 480" franchise negotiation.  
3. Review current or past customer service standards and anti-discrimination provisions, and if current providers are not abiding by those, make a list of violations.  
4. Consult your legal counsel with a copy of your historical and current franchises and have an analysis of your particular circumstances done in light of this new Federal Court Opinion which is now the second time PA 480 has been found preempted!

5. Consider asking legal counsel to draft a demand letter to your cable/video service providers outlining these issues and demanding appropriate and immediate action. Keep an eye on developments in the Detroit v Comcast case as you consider this option.

6. Consider seeking protection of the Federal Court in the event your cable/video service providers decline your demand.

## CELL TOWERS

Q: What federal and state law changes have occurred recently?

A: Congress passed and President Obama signed sec 6409(a) of the MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012 providing: "a state or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station..."

Shortly thereafter, as if the federal law was not bad enough, Michigan's Legislature adopted and Governor Snyder signed, 2012 PA 143 which greatly expanded the industry advantages by arguably removing even substantial changes to existing towers from local regulation. However, while curtailing some of your regulatory responsibility, regarding which you should consult counsel, these new acts do not affect your role and opportunity as tower landlords.

Q: What opportunities await diligent communities with respect to cell towers?

A: Because the mobile/cellular/wireless industry is in desperate need of antennas to meet the increasing demands of all our smart phones and smart machines etc., the value of your towers and available buildings and similar elevated structures is at an all-time premium. When confronted by an industry request for expanded easements or other lease modifications, take the opportunity to renegotiate those leases for rates matching the current hot market prices.

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*Municipal Q & A guest contributor: Michael J. Watza of the law firm of Kitch Drutchas. You may contact him at 313-965-7983 or [mike.watza@kitch.com](mailto:mike.watza@kitch.com).*

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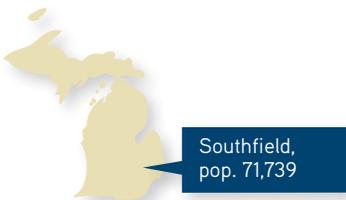


## The 'field Zone Youth Center

The 'field Zone is a unit of the Boys and Girls Clubs of South Oakland County. The Center is a collaborative effort that provides a place for youth, after school, to showcase their talent in leadership, recreation, creativity, community involvement, academics, technology, arts, and music. This center is quickly becoming the 'hub' of community activity, and is open to middle school and high school students, who reside in or attend the city of Southfield and Lathrup Village schools.

The mission of the Boys & Girls Clubs of South Oakland County is to inspire and enable all young people, especially those who need us most, to realize their full potential as productive, caring and responsible citizens.

The Club provides, at its core, meaningful staff relationships that encourage members to reach their full potential. It is a fun, safe, drug and violence free environment where teens are welcome to hang out and become involved with a variety of positive recreational choices. The 'field Zone center features a snack bar, internet café, game room and lounge area, music studio and practice rooms, activities room (such as dance and martial arts), theater, and group study rooms.

The 'field Zone is located on the campus of Southfield Civic Center, directly below the Southfield Pavilion, close to the library, baseball diamonds, public pool, sand volley-ball, tennis courts, and other recreational activities. 

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For more information, visit [boysandgirlsclubs.us/locations-2/southfield.aspx](http://boysandgirlsclubs.us/locations-2/southfield.aspx) or send an email to [fieldzone@fieldzone.org](mailto:fieldzone@fieldzone.org).

