

# the review

September/October 2016

the official magazine of the  michigan municipal league

**MICHIGAN PARKS**  
Create Healthy Lifestyles

Revamped  
**LAKESIDE PARK**

Hannah's  
**BARK PARK**

**THREE OAKS**  
Performing Arts Center

**EAST LANSING**  
Percent for Art

**LINDEN**  
Mural

## AN ARTISTIC INVITATION

Ann Arbor Draws in the Community





## Features

**6**  
**Come Out and Play:**  
Michigan Parks Create  
Healthy Lifestyles  
By Tina Berisha

**9**  
Royal Oak Explores Crowd-  
funding for Transformational  
Placemaking Project  
By Judy Davids



**13**  
**Hannah's Bark Park:**  
A Place Where Dogs  
and People Can Run  
By Molli Ferency

**16**  
Pooling People and  
Resources Makes Lakeside  
Park Improvements a Reality  
By Douglas R. Schultz



**19**  
**Metroparks Summer Fun:**  
Program Gets Urban  
Dwellers Out into Nature  
By Lisa Croff

**22**  
**The Power of Public Art:**  
Linden Mural Brightens  
Spirits and Culture  
By Lisa Donovan

**26 COVER STORY**  
**An Artistic Invitation:**  
Ann Arbor Draws the  
Community into Placemaking  
By Deb Polich

**30**  
**Creatively Funding Public  
Art:** How the Percent for  
Art Ordinance is Transforming  
East Lansing  
By Samantha Audia

**33**  
**Hitting the Right Note:**  
Three Oaks Realizes the Dream  
of a Performing Arts Center  
By Adam Umbrasas

**36**  
Michigan Supreme Court Rules  
in Favor of Prevailing Wage  
Ordinances in Cities  
By William Mathewson

### ON THE COVER:

Susan Pollay, executive director  
of the Ann Arbor DDA, Ann  
Arbor Mayor Christopher Taylor,  
and Deb Polich, president/CEO  
of The Arts Alliance and Artrain,  
show off one of the new  
PowerArt! projects in down-  
town Ann Arbor.

Cover photo by Doug Coombe  
of Concentrate Ann Arbor



## Columns

- 5 Executive Director's Message**
- 38 Northern Field Report**
- 40 Municipal Finance**
- 42 Legal Spotlight**
- 46 Municipal Q&A**





## Thriving Communities Don't Happen by Accident

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

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

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

ATTORNEYS & COUNSELORS AT LAW

**AUDREY J. FORBUSH**

Governmental Law Practice Group Leader

810.342.7014 | [aforbush@plunkettcooney.com](mailto:aforbush@plunkettcooney.com)



DETERMINED. DISTINCTIVE. FEARLESS.®

Bloomfield Hills

Detroit

East Lansing

Flint

Grand Rapids

Kalamazoo

Marquette

Mt. Clemens

Petoskey

[www.plunkettcooney.com](http://www.plunkettcooney.com)



# ONE PAGER PLUS



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

## Add to our growing collection!

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

If so, submit them to  
the League as possible

### **One-Page Plus Fact Sheets**

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



# the review

The official magazine of the Michigan Municipal League

Volume 89, Number 5

## **We love where you live.**

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

### **BOARD OF TRUSTEES**

**President:** John B. O'Reilly, Jr., Mayor, Dearborn

**Vice President:** Rosalynn Bliss, Mayor, Grand Rapids

#### **Terms Expire in 2016**

Dan Greer, Councilmember, Jackson  
Bobby Hopewell, Mayor, Kalamazoo  
Edward Klobucher, City Manager, Hazel Park  
Mark Vanderpool, City Manager, Sterling Heights

#### **Terms Expire in 2017**

Catherine Bostick-Tullius, Commissioner, Lapeer  
Kim Corcoran, Mayor Pro Tem, Ironwood  
Ken Hibel, City Manager, Clare  
Marcus Peccia, City Manager, Cadillac  
Jeff Thornton, City Manager, Negaunee  
Adam J. Umbrasas, Village Manager, Three Oaks

#### **Terms Expire in 2018**

Wendell Dompier, Village President, Baraga  
Maureen Donker, Mayor, Midland  
Jason Eppler, City Manager, Ionia  
Rebecca Fleury, City Manager, Battle Creek  
Melanie Piana, Mayor Pro Tem, Ferndale  
Rusty Showalter, Councilmember, West Branch

### **MAGAZINE STAFF**

Lisa Donovan, Editor  
Terri Murphy, Advertising  
Tawny Pearson, Copy Editor  
Monica Drukis, Editorial Assistant  
Laura Koroncey, Graphic Design

### **TO SUBMIT ARTICLES**

*The Review* relies on contributions from municipal officials, consultants, legislators, League staff and others to maintain the magazine's high quality editorial content. Please submit proposals by sending a 100-word summary and outline of the article to Lisa Donovan, [ldonovan@mml.org](mailto:ldonovan@mml.org). Information is also available at: [www.mml.org/marketingkit/](http://www.mml.org/marketingkit/).

### **ADVERTISING INFORMATION**

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

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

### **SUBSCRIPTIONS**

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

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



Please recycle this magazine



## Arts and Parks Create Communities' Colorful Nature

Arts and parks—they go together like peanut butter and chocolate (my fav). They are vital building blocks in creating a sense of place. When both are present, they can serve up cohesive neighborhoods and create the kind of community that is engaged and attracts people. Every place has its own rich story, and by enhancing its assets and strengths a community creates a uniqueness all its own.

The arts bring huge economic value to a community. In a survey conducted by the Joint Legislative Committee on Cultural Affairs, 99 percent of the CEOs who were questioned stated that the availability of cultural activities in an area is an important consideration in choosing a new location. (*Project for Public Spaces*)

Parks and the recreational activities that go along with them foster significant health and wellness benefits. Having access to parks and open green spaces is known to reduce mortality over one's lifespan. (National Recreation and Park Association) Studies show that just having trees in one's neighborhood provides advantages to our physical and mental well-being. From small pocket parks to larger activity parks, they all contribute to the social fabric of a community. Like most folks, I spend more time than I would like in my car, so having access to parks and being able to enjoy cultural events in my town of Northville is a great respite from the daily grind.

Beyond the enjoyment and health benefits, many of our social challenges can be met through the power of art and the accessibility of parks. Blight, safety issues, property values, crime, and educational challenges can be addressed and aided by investing in these two important assets.

In the pages ahead, we share some great inspiring projects of what Michigan communities are doing to create their own unique experiences around the arts and parks. Our cover story puts Ann Arbor in the spotlight through the power of partnerships and community engagement. A program called PowerArt! will give traffic-signal boxes an artistic upgrade. Ann Arbor also created the Canoe Imagine Art program, used to repurpose canoes as inspiration for an installation in the city's parks along the Huron River.

East Lansing was successful in creating a Percent for Art program, which earmarks money from public works projects for public art; Linden tells its city's history through a community mural project; and the village of Three Oaks was able to repurpose an old village hall into the new Arts & Education Center, partially funded by a crowdfunding campaign. Ironwood's Art Park is also featured, which provides a public location to display art and hold performances and art classes within the city.

On the park side, Michigan Recreation & Park Association emphasizes the importance and benefits of parks. They recently published a guidebook, "Partnering for Parks" which outlines options and resources for providing parks and recreation services in Michigan. Projects in Mt. Pleasant, Port Huron and Royal Oak all are also profiled.

We often take for granted that all adults and kids grow up having access to parks, but unfortunately, many do not. Recognizing this, Huron Clinton Metroparks brings people out to the parks for a free day of sun, fun, and food for all ages.

On a final note, our annual Convention is just around the corner. If you haven't already registered, please do. Looking forward to seeing everyone on the Island. You will have an opportunity to connect, engage, and discover creative solutions to local challenges. You won't want to miss it!



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





A photograph of children playing on a sandy beach with the ocean in the background. A boy in blue patterned shorts and a girl in a striped swimsuit stand in the center, looking down at the sand. Another child is visible in the background on the left, and a boy is on the right, digging with a red bucket. Various colorful beach toys like buckets and shovels are scattered on the sand. The text 'COME OUT & PLAY' is overlaid in white, with the ampersand being a large, stylized font.

# COME OUT & PLAY

Michigan Parks  
Create Healthy  
Lifestyles





BY TINA BERISHA

**M**ichigan Recreation & Park Association (mParks) provides advocacy, resources, and professional development opportunities to a devoted and diverse membership of more than 2,200 park and recreation agencies, professionals, vendors, and advocates. mParks exists to advocate, teach, and inspire the profession and to prove that parks, recreation, and leisure services matter.

Parks and recreation have a positive impact on all aspects of a community's health: physical, social, and economic. Numerous studies have shown that when people have access to parks, they exercise more. Parks also play an important role in our environment, helping to improve both water and air quality. Additionally, parks and recreation can build and strengthen community and contribute to placemaking.

### Partnering For Parks

In 2012, mParks and Land Information Access Association (LIAA) joined forces to create *Partnering for Parks: Intergovernmental Options in Providing for Parks and Recreation – A Guidebook for Michigan Municipalities*. The book contains information on the importance of parks and recreation, types of parks and programming, tools for cooperation and partnerships, and information on accessing funds.

*Partnering for Parks* explains that despite the well-known benefits of physical activity, 53 percent of Michigan residents reported to have less than 30 minutes a day of leisure-time physical activity five or more times a week, and 24 percent reported no leisure-time physical activity. The sedentary lifestyle and unhealthy diet of many Americans has produced an epidemic of obesity. According to 2010 statistics from the Centers for Disease Control (CDC), one-third of U.S. adults are considered obese and 12.5 million children and adolescents are considered obese. In Michigan, more than 26 percent of the population is considered obese.

The 2010 U.S. Surgeon General Report states, "Americans need to live in places and work in environments that help them practice healthy behaviors. The social, cultural, physical and economic foundations of a community are important factors in its ability to support a healthy lifestyle for its citizens—government and private organizations should pool their resources to increase access to healthy foods, such as ensuring that all neighborhoods, especially in low-income areas, have full service and safe options for physical activities such as walking and bike paths, sidewalks and parks."

Parks, recreation facilities, and recreational programming contribute greatly to a community's sense of place. In some instances, parks become iconic symbols that help define a community and shape its identity. Increased property values,



Above: Gallup Park in Ann Arbor

Left: Martindale Beach at Kensington Metropark



increased tourism, and increased municipal revenue are just a few ways parks aid a community's economic growth.

A 2009 study conducted by the Michigan State University Land Policy Institute found that property values in Oakland County saw a 3.2 percent, or \$8,198.21, increase if it was located within 15-75 meters of a recreation area. Properties 150-300 meters from a recreation area saw a 2.6 percent increase.

Social benefits such as reducing crime, supporting child development, and creating stable neighborhoods are also cited in the book.

## Partnerships In Michigan

Throughout the state, communities are working together to increase accessibility to parks.

Detroit, for instance, is working on a two-year initiative to revitalize 40 parks to help strengthen neighborhoods and make the city greener and more walkable. The city is engaging citizens to create the parks they want, asking for park designs, hosting public meetings, as well as collecting comments and input on plans posted online.

Perhaps the most impressive partnership in Michigan is the Iron Belle

Trail, a state trail which allows people to hike or bike between Belle Isle Park in Detroit and Ironwood in the Upper Peninsula. The trail is 70 percent complete and currently spans 1,273 miles. Despite being a statewide initiative, the control and direction is truly at the community level which keeps the trail as unique as the places it crosses.

## A Statewide Initiative

In December 2014, mParks was awarded \$1.1 million for a *Pathways to a Healthier Michigan* grant. With funding from the Michigan Health Endowment Fund, mParks developed and implemented an evidence-based curriculum, and provided resources, materials, and support to enhance and capitalize on existing infrastructure that offered access to affordable programs and places for people of all ages and abilities to be active.


The goals of the program are to help youth and seniors meet the Physical Activity Guidelines for Americans by reaching measurable levels of daily physical activity and showing improvement in fitness levels by using their local parks, trails, and recreation areas.

In 2015, 21 agencies participated in *Come Out And Play* (COAP) as an after

school and/or summer camp program. Through COAP, mParks developed a standardized, universal pre- and post-measurement tool—part of the resources provided to partner agencies. This tool provides a baseline assessment of each participant's fitness level, and their knowledge of parks and recreation agencies as a resource for health and wellness. In summer 2015, COAP impacted 1,433 youth, logged nearly 12 million steps, and reached statistically significant results from the pre-post measures in aerobic capacity, muscular strength, and daily step count (increasing from 7,000 to 9,000).

Additionally, mParks connected 25 senior centers with local park and recreation departments to provide programs that incorporate physical activity into their lifestyle. The goals of the senior initiative are to guide seniors in establishing and achieving fitness goals, while also monitoring the health impact of their fitness activities. *Pathways* also aims to remove barriers to physical activity that are heightened within the senior population, such as decreased mobility, lack of transportation, and greater personal assistance needs.

Forty seven communities participated in COAP during the summer of 2016. The growth and continuation of the program has allowed for constructive feedback and input from community partners. Adaptive changes, such as a streamlined method to collect step data for both youth in COAP and seniors, allows for real-time data.

As a result of *Pathways*, program sustainability and meaningful impact from evidence-based resources and tools will provide Michigan parks and recreation agencies with the ability to continue advocating for their role in changing the culture of health for generations to come. 



Ann Arbor Farmers Market

Tina Berisha is the communication & marketing manager for mParks-Michigan Recreation and Park Association. You may contact her at 517-485-9888 or [tberisha@mparks.org](mailto:tberisha@mparks.org).



# Royal Oak

## Explores Crowdfunding for Transformational Placemaking Project

By Judy Davids

In Royal Oak, much of the funding needed to transform a run-down pedestrian plaza into a technologically-friendly green space is coming from citizen philanthropists.

Roughly a year ago, Royal Oak city officials launched an online crowdfunding campaign with Michigan-based Patronicity to attract public donations for a unique project that will bring public WiFi, mobile device charging stations, an interactive kiosk, green infrastructure, and more to a 5,300-square-foot site adjacent to the Center Street parking deck in the heart of Royal Oak's vibrant downtown.

The crowdfunding goal for the public project was ambitious—to raise \$60,000 in just a month's time.

The challenge quickly became a matter of civic pride and generosity. In 30 days, more than \$100,000 in online donations poured in from community businesses and residents to support the project. When Royal Oak reached its goal, an additional \$60,000 grant from the Michigan Economic Development Corporation (MEDC) followed as part of Public Spaces Community Places, a collaborative

effort with Patronicity and the Michigan Municipal League.

The cutting-edge sustainable plan, which includes a series of rain gardens, also secured a commitment for a \$50,000 grant from the Fred A. and Barbara M. Erb Family Foundation, which supports projects that are environmentally healthy and culturally vibrant. The rain gardens will act like a sponge to trap storm water and pollutants and prevent the site's runoff from entering the Clinton River watershed and Lake St. Clair.

"The design is transformational," said Todd Fenton, Royal Oak's economic development manager. "We've been collaborating with local businesses, local technology experts, and landscape architects and planners from livingLAB Detroit for more than a year to create this exciting downtown gathering space that incorporates technology and smart environmental practices."

The revitalization project will offer residents, students, professionals, and visitors opportunities to connect in smart new ways, Fenton said.





## GOALS FOR THE SMART PARK INCLUDE:

- Sustainable
- Attractive and active
- Technologically smart
- Appropriate for space
- Used by all ages
- Dynamic and flexible
- A place to gather and sit

"We believe this project has potential on so many fronts," said Mayor Jim Ellison. "We're thrilled to have so much community support."

### COMMUNITY HIGH FIVE FOR WI-FI

Even the youngest of the city's residents are inspired by the project, Ellison said.

Royal Oak elementary school students gave the site its name. Eagle Plaza was selected from recommendations submitted by dozens of children to the Royal Oak Naming Committee. The eagle is a symbol of boldness, strength, and a willingness to soar into the future, explained students from Oak Ridge Elementary.

College students are also involved with the project. A group of interns at Royal Oak-based Vectorform designed an augmented reality app that will allow visitors to play interactive 3D pass-and-play checkers when the park opens later this year.

The mayor likes to point out that even the original inspiration for the park came from the community.

In 2014, the Royal Oak Commission for the Arts began closing Center Street between Third and Fourth Streets to host its weekly summer concert series. By closing the road and bringing in flowers, picnic tables, and green carpeting to create a faux lawn, Center Street was reshaped into an exciting pop-up park.

For six weeks that summer, the picnic tables used for the pop-up park were locked together in chains and staged in the pedestrian plaza next to the Center Street parking deck. Despite the inconvenience of having to climb over chains, people used the picnic tables throughout the week to meet friends for lunch, check cellphone messages, enjoy nice weather, and merely relax.



The simple act of adding a few picnic tables had a dramatic effect on the plaza. When the concert series ended, local retailers approached city officials and asked that the tables remain in place, and the concept for Eagle Plaza was born.

City officials viewed the Public Spaces Community Places crowdfunding initiative as an opportunity to give the public what it wanted and much more.

"We are extremely happy with the design of Eagle Plaza and look forward to seeing its completion later this year," said City Manager Don Johnson. "It's been a very rewarding project."

### CROWDFUNDING JUST ONE PIECE OF THE PUZZLE

While Johnson is pleased by the success of the crowdfunding campaign, he warns it is not a permanent solution to funding city parks.

"A great deal of staff time went into the marketing of our Patronicity campaign. I wouldn't want anyone to think we just put up a website and the donations started pouring in," Johnson said.

To ensure success, staff personally recruited key donors in advance of the launch to ensure the campaign would have

momentum. A series of incentives—from T-shirts to donor plaques on benches to the naming rights of key design components—was established to attract donations of \$10 to \$10,000.

"The matching grant from the MEDC proved to be instrumental in securing larger donations," Johnson said.

A strategic media blitz for the crowdfunding campaign was prepared in advance of the launch, which included a promotional video by Ruben Rodriguez, of VideoWorks Production Services. The 2-minute video was even shown with movie trailers at the Emagine Theatre in Royal Oak.

"This was a special project. We got the response we did because it was so unique," Johnson said. "I do not see crowdfunding as a permanent solution moving forward. I don't think we will be able to go back to the well on a regular basis."

**"THIS WAS A SPECIAL PROJECT. WE GOT THE RESPONSE WE DID BECAUSE IT WAS SO UNIQUE."**


Patronicity's president and co-founder, Ebrahim Varachia, agrees.

"You can't just put up a website and watch the dollars start coming in," he said. "But there are always shortcomings in city budgets and crowdfunding is a unique tool that can drive residents and businesses to get involved and give a desirable project that final push."

All residents enjoy being patrons, he said.

"It used to be something only the wealthy enjoyed. But it's not just one person or business that can make a difference anymore—it's dozens and dozens of people working together. It's an entire community."

More than \$200,000 of the \$300,000 budget for Eagle Plaza is coming from citizen patrons and grants. Construction work is expected to begin this year after Labor Day weekend.

City officials expect to hold a ribbon-cutting event at Eagle Plaza with all donors—large and small—at the end of October to celebrate this transformational place-making project. 

Judy Davids handles community engagement for the City of Royal Oak. You may contact her at 248-246-3201 or [judyd@romi.gov](mailto:judyd@romi.gov).



ROYAL OAK  
pop. 57,236



## Software Based on How You Do Your Job

BS&A financial management experts are focused on developing software that meets the needs of financial, utility and HR professionals with integrated, flexible and efficient applications. 1,585 municipal customers across the state have learned that BS&A provides innovative solutions backed by unmatched service and support. Our Financial Management Suite delivers real world solutions, resulting in:

Increased efficiency through built-in, integrated and customizable features  
Instant data access through clickable reports with drill down capability  
Integrated functions for easy tracking, quick analysis and less repetition  
Improved accuracy to reduce errors and provide immediate information



(855) BSA-SOFT  
[www.bsasoftware.com](http://www.bsasoftware.com)



## Attorneys are not created to fit every need

For 20 years we have been assisting local governments with labor relations and employment issues. During this time founder Howard L.

Shifman, has represented many cities, counties and townships. He has been involved in legislative initiatives including the drafting of Act 312 and other legislative reforms, as well as being recognized by the Michigan Municipal League with a Special Award of Merit for his dedication to the cause of local government.

Mr. Shifman is aided by Brandon Fournier who has extensive experience in municipal operations, including both public safety and general municipal operations. Prior to joining the firm, Brandon served as the City Administrator for the City of Southgate.

Also with the firm is Attorney Robert J. Nyovich with over 30 years of experience in public sector labor and employment law. Prior to joining the firm, Mr. Nyovich also served previously as a public safety officer and as the Oakland County Undersheriff.

**An unparalleled and unique group of diverse backgrounds to represent the interests of local governments.**

*Howard L. Shifman, P.C.*

370 East Maple Rd. Suite 200 • Birmingham, MI 48009  
(248) 642-2383 • [hshifman@howardlshifmanpc.com](mailto:hshifman@howardlshifmanpc.com)





September 14-16  
2016

JOIN THE  
CONVERSATION

Grand Hotel  
MACKINAC  
ISLAND



# MICHIGAN MUNICIPAL LEAGUE CONVENTION

We hope to see you on Mackinac Island! Check out the November/December issue of *The Review* for highlights and photos of this year's exciting Convention.



MT. PLEASANT  
pop. 26,016



Hannah Simons Scalise

# HANNAH'S BARK PARK

A Place Where Dogs and People Can Run

By Molli Ferency

Enveloped by trees on the north side of the City of Mt. Pleasant is a place with 3.6 acres of open terrain specially designed for local dog owners to run and play with their canine companions. No matter the season, this space—known as Hannah's Bark Park—is filled with four-legged friends whose tails wag enthusiastically and smiles span from floppy ear to floppy ear.

Constructed in 2015, Hannah's Bark Park features two fenced-in areas to accommodate dogs big and small. Hundreds of dog owners pay an annual fee to access the space, which also includes a pavilion and water fountains to keep both the hounds and their humans hydrated.





“Hannah would have loved it and just laughed at the animal merriment!”



## A Selfless Spirit

Less than 10 years ago, this place for dogs and humans to share was merely a vision in the young mind of Hannah Simons Scalise, a lifelong Mt. Pleasant resident. While she loved all animals, Hannah had a special fondness for dogs. “We had dogs in the home all of her life—often rescuing the hard to place dog and giving it a good home,” said Lynn Simons, Hannah’s mother. “Hannah came to know all sorts of dogs and all sorts of dog behavior. She grew up accepting them for who they were.”

As a young girl, Hannah made donations to the local animal shelter with funds she raised selling lemonade. When she was old enough, Hannah spent time volunteering at the shelter. “She never met a dog she did not like,” said Simons.

Shortly after she turned 15, Hannah was diagnosed with a rare and aggressive form of bone cancer. Over the next several years, she endured a number of surgeries, and countless chemotherapy and radiation treatments. Yet

Hannah remained focused on her academics, graduating from high school with her class and enrolling in courses at Central Michigan University. She stayed involved with the cross country team while in high school and maintained a part-time job in college. “Hannah seemed determined to live each day of her life and to be as normal as possible for as long as she could,” said Simons.

As her illness progressed, Hannah requested that her parents forego a funeral for her and instead donate funds toward the development of a place “where dogs and people can run,” hoping this could be part of her legacy.

Hannah died in 2011 at the age of 19. Following her passing, Hannah’s parents and siblings diligently explored potential ways to fulfill her wish. “Many options were presented to us by community members, but none produced the instantaneous tears and sense of ‘this is it’ as the idea of a dog park,” said Simons. “For each of us, the reaction was the same. We knew a dog park was the right idea.”



## Collaborating For A Common Goal

Inspired by Hannah's dream, the grassroots organization, Friends of the Dog Park, was established with the goal of funding and maintaining a dog park for local residents.

A survey of Isabella County residents conducted by the Mt. Pleasant Area Community Foundation revealed that 89 percent of the respondents were in favor of the development of a dog park. "Community dog parks are reported to enhance economic value of the area and are often viewed as an amenity by families looking to relocate," said Chris Bundy, director of parks and public spaces for the City of Mt. Pleasant. "Families benefit from playing with dogs in off-leash areas. It increases community socializing and connections, and is frequented by dog owners representing all backgrounds."

In an effort to maximize resources, the City of Mt. Pleasant and the Charter Township of Union entered into a cooperative agreement with Friends of the Dog Park to each contribute up to one-third of the \$117,500 project cost to construct the park. The township and city also committed to allocating funds annually for the maintenance of the park, which would be located in the City of Mt. Pleasant's Mission Creek Park.



For the next two years, city staff and the Friends of the Dog Park worked closely with local engineering firms to develop a community-supported park design and attended seminars on dog park development, and the Friends group hosted a variety of fundraisers to exceed their \$39,000 goal. "We never imagined the community could raise this amount of money for such a park. Each step of the way, others stepped up, volunteered, asked others to help and together we made it over each hurdle," said Simons. "Hannah always believed how a community treated its animals spoke volumes about the quality of that community."


## Let The Barking Begin

Hannah's Bark Park officially opened in July 2015 with generous support from Union Township, Friends of the Dog Park, the City of Mt. Pleasant, Isabella County, and many other community supporters. Hannah's family also donated \$10,000 to the project, including her personal funds and life savings.

Since then, Friends of the Dog Park has continued to enhance the park, adding benches, improving turf, and working with the city to offer community education classes on dog socialization and behavior. The city's Parks & Recreation Department manages the memberships to Hannah's Bark Park, which are available to all residents of Isabella County.

Mt. Pleasant area resident Deanna Gaudio brings her two dogs, an English Labrador retriever and a golden retriever, to the park daily. "We come here because the dogs love it," she said. "I love being able to let them run free and socialize with other dogs. It's good for people too! I've met a lot of people I didn't even know lived here, and I've lived here 22 years."

Hannah's parents visit the park on a regular basis and believe its success would have exceeded Hannah's expectations. "One night this past year, we went to the park and watched the crazy dogs leaping, running, slobbering and chasing each other," said Simons. "Hannah would have loved it and just laughed at the animal merriment!"

For more information about Hannah's Bark Park, please visit [www.mt-pleasant.org](http://www.mt-pleasant.org) or call the City of Mt. Pleasant at (989) 779-5300. 

Molli Ferency is the public relations coordinator for the City of Mt. Pleasant. You may reach her at 989-779-5322 or [mferency@mt-pleasant.org](mailto:mferency@mt-pleasant.org).



 **ABILITA**<sup>®</sup>  
Independent Communications Expertise  
 | 888.910.2004 | [Abilita.com](http://Abilita.com)





POOLING  
PEOPLE and  
RESOURCES  
MAKES...

# Lakeside Park

By Douglas R. Schultz

**A**ttactions that bring people to town from miles away are precious to cities, but inadequate funding and staffing to maintain and improve those gems can create hurdles. With a grant, private donations, and two city departments combining their knowledge, the City of Port Huron has overcome these challenges to spruce up one of its star local attractions: Lakeside Park.

The city quickly saw that its hard work was making a difference. During summer 2015, 3,000-5,000 people visited the park each weekend. On Memorial Day this year, the attraction drew 7,000 guests for the day.

## SEEING THE NEED

Lakeside Park is an 18-acre recreation area located along Gratiot Avenue and the shores of Lake Huron. The park has continued to receive increased attendance and become a regional destination. However, the former concession/restroom building was not

meeting the needs for visitors. Its location blocked part of the scenic view of the lake and also created blind spots that hid vandals at work. In addition, the waterfront was not Americans with Disabilities Act (ADA)-accessible, limiting the number of people who could enjoy the beach. The city developed a master plan for the park that addressed these issues as well as plans for a splash pad.

With a master plan in place, city staff submitted an application for a Michigan Department of Natural Resources Trust Fund grant and was awarded \$295,000 in 2015. The funds were complemented with a donation from the Stebbins Family Fund, \$75,000 from the Community Foundation for Southeastern Michigan, and a \$25,000 grant from the Community Foundation of St. Clair County for





barrier-free improvements and creation of the splash pad. Then the race began to complete design, permitting, and construction in an approximately one-year time period.

"The city is so thankful for the DNR grant and all the donations that were given by the community," said Nancy Winzer, City of Port Huron parks and recreation director. "The community came together in a big way for this project to happen. Donations came in from \$5 all the way to large donations. It really showed the amount of love that this park has with this community."

## ADDRESSING THE NEED

The entire master plan includes \$2.5 million of improvements, but the following items totaling over \$500,000 were completed in time for a May 19 ribbon-cutting:

- Replacement of an aged restroom/concession building with an angled building that allows a view of the lake, reducing potential for crime and adding accessible changing areas and bathrooms for the park
- Construction of a universally-accessible splash pad incorporating replicas of local features, such as a lighthouse and the Bluewater Bridge

- Construction of a police substation to increase security
- Creation of universally-accessible beach showers, drinking fountains, a boardwalk for beach access, and lakefront overlook

Sanitary sewer improvements were necessary for the building and splash pad. City crews completed this work as part of the project and also took the opportunity during construction to relocate and replace the existing volleyball courts.

The Blue Water Center for Independent Living was consulted regarding the universal accessibility aspects of the project. In the end, the accessibility features far exceeded ADA requirements.

"It was nice to add ADA accessibility to this park," Winzer said. "People of all abilities need to be afforded the same recreation opportunities as everyone else. The Blue Water Center for Independent Living has commented many times on how impressed they are with all the improvements for so many. The accessible walkway has been used so much and is a great asset for the ability for all to access the Great Lakes."



PORT HURON  
pop. 30,184



## TACKLING THE WISH LIST

The City of Port Huron Parks and Recreation Department took the lead on this project with assistance from the city's engineering department and consulting team. ROWE Professional Services Company personnel began the design in March 2015 with architectural assistance from Ehresman Associates, Inc. S.A. Torello, Inc. completed demolition in the fall of 2015. Superior Contracting Group, LLC was the prime contractor, coordinating with Penchura, LLC, and Michigan Recreational Construction, Inc. for the splash pad to complete construction through unpredictable winter weather along the Lake Huron shoreline.

The project opened on schedule for the busy Memorial Day 2016 weekend. The magnitude of improvements, not to mention a daunting short timeframe, was a significant achievement for the parks and recreation department.

There was great teamwork between city departments, demonstrated by:

- ▶ Evaluating and selecting splash pad systems to meet aesthetics as well as water usage needs
- ▶ Helping coordinate the concession/restroom building demolition
- ▶ Performing construction materials testing and observation
- ▶ Completing electrical upgrades for new building, site, and additional concession equipment

"The City of Port Huron was so happy to see this great project come together," said Ben Pionk, City of Port Huron parks and forestry supervisor. "Lakeside Park is the crown jewel of our park system but had not seen improvements since the early 80s. With the improvements that have been made, it has made Lakeside not only a resident hot spot but a visitors' destination."

## ROWE PROFESSIONAL SERVICES COMPANY

[www.rowepsc.com](http://www.rowepsc.com)


ROWE Professional Services Company is a full-service firm of more than 140 professionals specializing in civil engineering, surveying, aerial photography/mapping, landscape architecture, planning, and land development. Founded in 1962, its headquarters is in Flint, Mich.; additional offices are located in Lapeer, Mt. Pleasant, Farmington Hills, Lansing, Grayling, and the tri-cities area in MI, and Myrtle Beach, SC.



business alliance program

## THE TAKE-AWAY

Everyone involved in the park improvements project was breathing a sigh of relief at the ribbon-cutting. It was a big project and a prime example of a city accomplishing something great by coming together as a group. A local community college student even donated his time to paint a mural on the electrical transformer that was relocated for the project—a beach scene, of course.

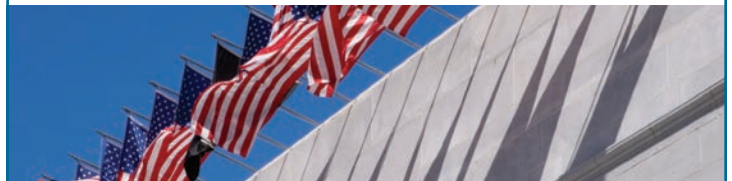
"The city is looking forward to continuing to seek funding to keep the master plan of this project in motion," Pionk explained. "Still on the list to accomplish is three pavilions, new walkways, a new parking lot, and a new entranceway. We know that with the love this park has, we will continue to work to meet our goals because great communities make great parks and great parks make great communities." 

*Douglas R. Schultz, PLA, is the director of landscape architecture for ROWE Professional Services Company. You may contact him at 810-341-7500 or [dschultz@rowepsc.com](mailto:dschultz@rowepsc.com)*

For more information about the project, or tips for your community, contact Nancy Winzer, City of Port Huron parks and recreation director, at 810-984-9760 or [winzern@porthuron.org](mailto:winzern@porthuron.org)

## Mika Meyers <sup>PLC</sup>

Attorneys at Law



### Legal counsel that helps local government work effectively.

For more than 50 years, skilled Mika Meyers attorneys have helped public-sector entities meet the ever-increasing demands of their constituents and communities. We provide expertise in areas as diverse as zoning and land use planning, bond issues, special assessments, tax increment financing, labor contracts and arbitration, employee benefits, elections, environmental regulation and many other matters.

For more information on how our **Local Government Law team** can assist your community, visit [mikameyers.com](http://mikameyers.com).

900 Monroe NW Grand Rapids, MI 49503 (616) 632-8000  
[mikameyers.com](http://mikameyers.com)

# METRO PARKS

## SUMMER FUN

PROGRAM  
GETS URBAN  
DWELLERS  
OUT INTO  
NATURE

By Lisa Croff



Delhi Metropark

Living in the Great Lakes state comes with some perks. All four seasons exist, in full force, allowing everything from morel mushroom hunting in the spring and boating in the summer to apple picking in the fall and skiing in the winter. Michigan is covered with hiking trails that are stunning no matter what time of year you roam. Of course, it would be imprudent to discuss Michigan's natural beauty without mentioning the water – the lakes, the rivers, the nation's longest freshwater coastline at 3,288 miles.





Wolcott Mill Metropark

## What Science Tells Us About Being In Nature



People who take time to reconnect with nature understand how it makes them feel. Some experience a sense of peace, while others feel exhilarated. For many, unplugging from their high tech lives allows a sense of being part of something bigger and greater. Scientific research validates those experiences.

Our environment has a significant impact on our stress levels. What we see, hear, taste, or smell changes our moods by altering our nervous, endocrine, and immune systems. People who live in urban areas experience an elevated amount of social stress situations compared to those who live outside of cities. In high stress situations, the brain must work harder to regulate emotions and reactions and can cause anxiety, sadness, and feelings of helplessness.

Being in nature, or even looking at nature scenes, reduces negative feelings and contributes to physical well-being. Escaping to a natural setting reduces blood pressure, heart rate, muscle tension, and the production of stress hormones. A recent study, published in the journal *BioScience*, finds that immediate contact with nature is directly related to stronger communities and reduced crime rates. These effects are partially due to a deeper connection between the individual and their community as a result of lower stress levels and reduced depression and anxiety.



Kensington Metropark



**FOR MOST MICHIGANDERS, ACCESS TO NATURAL SETTINGS IS SIMPLE... BUT WHAT ABOUT THOSE WHO MAY NOT HAVE RESOURCES?**



Lower Huron Metropark

Studies also show that being near a body of water makes humans feel happier and more creative. In his book, *Blue Mind: The Surprising Science That Shows How Being Near, In, On, or Under Water Can Make You Happier, Healthier, More Connected, and Better at What You Do*, author Dr. Wallace J. Nichols explains two modes within which most people reside, the “red mind” mode and the “blue mind” mode. In the “red mind” mode, “we live our indoor lives,” says Dr. Nichols, “We’re overstimulated, we’re captivated, we’re connected, and we’re stressed.” In contrast, when we unplug and let go of life’s demands, we operate in the “blue mind” mode. The “blue mind” mode encourages what neuroscientists refer to as mind wandering, where ideas flow and connect and where innovation is possible.

## Improving Access

Why does this science matter? It matters because understanding the benefits of the human-nature connection brings up some things to consider. Knowing that spending time in nature makes happier and healthier citizens, does park access serve more than a recreational function? Does encouraging access to nature become a necessary part of leadership? If so, how can access be improved for those who live within urban environments or face challenges?

For most Michiganders, access to natural settings is simple. You hop in your car and zip over to your favorite park. But what about those who may not have resources? What if a family can't afford a daily pass or a car to get there?




George Phifer, director of the Huron-Clinton Metroparks, has begun to explore getting people, who may not typically have access, out to one of the Metroparks. "We have 13 parks in 5 counties, Wayne, Oakland, Macomb, Washtenaw, and Livingston", says Phifer. "Each county has a population of people who can't get to one of our parks. Their challenge may be economic, physical, or even age-related. I wanted to come up with a way to give people time with nature, to reconnect."

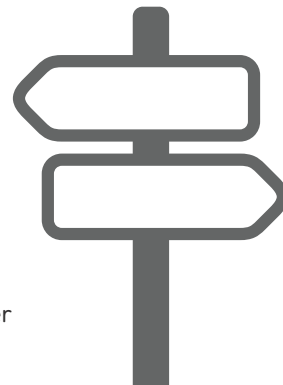
George employed his staff to develop a program called *Summer Fun at the Metroparks*. On 24 different days throughout the summer, the Metroparks provide four buses to designated meeting spots in each of the five served counties. From there, approximately 200 people are transported to one of the Metroparks. Youth and families can enjoy the beaches, nature trails, and splash parks. Seniors can play a round of golf, enjoy yoga on the beach, or stroll on a walking path. Each participant is provided a free lunch and snacks throughout the day.

"The idea is to provide community members with everything they need to get out to one of our parks and enjoy the day, worry-free and cost-free," said Phifer.

"Many people don't realize that there are 13 parks and that each one has unique things to offer. We simply want to share that with those who may not have the resources to do it on their own. The people who live in the five counties we serve are why our board members serve. When presented with this initiative, they approved it unanimously."

## Getting Involved

Many local leaders and administrators are already involved with programs at the Metroparks. Phifer tells us that there is an open invitation for conversation with leaders not yet involved. "2016 is just the beginning of *Summer Fun at the Metroparks*. My hope is that more people get involved as we move forward to grow this program and other programs that best serve all the members of our communities." 



Lisa Croff is the media relations specialist for the Huron-Clinton Metroparks. You may reach her at [lisa.croff@metroparks.com](mailto:lisa.croff@metroparks.com) or 810-494-6011.

 **CARLISLE**

 **WORTMAN**  
associates, inc.

**Community Planners**







*Committed to Michigan communities  
for more than 25 years.*

**Contact Us Today**  
[www.cwaplan.com](http://www.cwaplan.com) • 734-662-2200





Gemma Amendola





# THE POWER OF PUBLIC

# ART

Linden Mural Brightens Spirits and Culture

By Lisa Donovan

**“I’m painting the mural today.  
Come on down and help!”**

Throughout the summer of 2014, Gemma Amendola’s messages zipped through cyberspace as text messages or Facebook posts to residents all over Linden. Everyone from little children to Mayor David Lossing and his wife would come downtown, grab a paint brush, and start bringing symbols of the city’s history and character to life.



“I had a lot of help. Students and community members frequently came by,” said Amendola, an art teacher at Linden High School who designed the mural. “It was fun to have the community help and do things with me.”

The outdoor mural had a big job to fill. The one-of-a-kind creation was covering a 2-story wall of city hall—a whopping 22 ft. x 56 ft.! But perhaps more importantly, the mural had a morale boosting role to play. Seven years earlier, a fire had destroyed a historic block of businesses on Broad Street and left many residents feeling disheartened. City officials felt the power of art could go a long way in lifting people’s spirits as well as reviving interest in the community from residents and visitors alike.

“There was hardly anything left of downtown Linden after the fire. Morale was low,” said Amendola. “The idea of a mural to bring people in offered possibilities. Let’s start new.”





## PLANNING THE PAINTING

A community art project was on the minds of city officials when the idea of a mural was presented by one of the planners for the annual Linden Mills Days. Amendola's creative vision was tapped to design the mural. Through several meetings with city officials, she presented the design first on a small canvas, then superimposed on a photo of city hall for a more realistic view. All the while, she kept the design simple so everyone could participate when it came time to paint.

"We wanted the mural to depict the history of the community and portray our hospitality and friendly people," said City Manager Paul Zelenak.

"We wanted the mural to depict the history of the community and portray our hospitality and friendly people," said City Manager Paul Zelenak.

And indeed it does. After approvals from the city and the Historic District Commission, the final design included images uniquely representative of Linden

*Linden Mayor David Lossing*

as well as Michigan. Lakes and water sports have a special place, as well as orchards, native plants and wildlife, and the car industry. The central figure is a teapot representing the friendliness and hospitality of local residents.

"It was something new and innovative," said Zelenak. "We were reaching out to do something different in town. You can't always stay exactly the same. You have to grow and lure people to the area."

## ALL TOGETHER NOW

Under the bright summer sun, Amendola chalked the design onto the bumpy wall of city hall. Then Linden residents of all ages and abilities began filling in the shapes with a variety of colors. Austin Fish, one of Amendola's art students, was one of those volunteers. His height came in especially handy for completing the highest parts of the mural.

"It was nice to be able to get out there and put a little of me into the community and put a little art into the community at the same time," said Fish, who recently graduated from the Art Institute of Michigan. "It's nice to drive by there and be able to tell people that I helped with the mural. It was definitely a rewarding experience."

Mural artist Carol Severn also lent her expertise to the project. For weeks, she watched the mural taking shape and all the interest it was drawing from people walking and driving by the site. She introduced herself to Amendola, grabbed a paint brush, and stayed with the project until the last spot was filled with color.



Not to be outdone, the business community stepped up with its own brand of generosity. All the paint, supplies, and scaffolding the volunteers needed was either donated or provided at a big discount. Local business owners were as anxious as everyone else to see the completed mural.

"Not only does everything symbolize our community, but the whole community jumped in," said Severn, owner of Uncommon Murals and resident artist for the Flint Children's Museum. "People came by with iced tea and said 'good job,' or painted, or donated supplies. Everyone is a part of it in some way."

"We were reaching out to do something different in town. You can't always stay exactly the same."

### MURAL DRAWS COMMUNITY FORWARD


By the end of the summer, the mural was complete but a steady stream of visitors was just beginning. Word of the mural—unique for both its content and the community involvement that brought it to life—had spread far beyond Linden's borders.

"During the first year, there was a constant flow of people taking pictures in front of it—everything from weddings and graduations to visitors," said Zelenak. "It did what we wanted it to do—call attention to the town. We've had calls from communities across the state asking about how we did it."

Despite its popularity, the mural did elicit a negative reaction from some residents because they felt it didn't accurately represent the city's history. But Sue Turpen, president of the Linden Arts Council, sees that as an essential part of the art experience.

"All art, especially outdoor art, is controversial. That's the most exciting part," said Turpen. "Part of the positivity of the mural is its negativity. It has gotten people talking about it that never would have talked about art."

The Linden Arts Council, which Turpen leads, grew out of the mural project. Turpen, along with Amendola, Severn, and others formed the council with the aim of bringing more art into the community at all levels. They have organized art walks with local artists, brought art into businesses, and even held a pumpkin painting contest at Halloween.

"We're fortunate that our mayor and city manager are appreciative of the arts," said Turpen. "They're forward thinking in wanting to elevate our community." 

*Lisa Donovan is the communications specialist/editor for the League. You may contact her at 734-669-6318 or [ldonovan@mml.org](mailto:ldonovan@mml.org).*

Trusted professionals  
delivering America's  
infrastructure solutions



WADETRIM

Engineering | Landscape Architecture  
Operations | Planning | Sciences | Surveying

800.482.2864 • [www.wadetrim.com](http://www.wadetrim.com)



Vision. Plan.  
Manage.

Community Development Services Since 1992

Building Department Services

Comprehensive Planning,  
Transportation & Zoning

Code Enforcement

Offices in Muskegon, Grand Rapids, Royal Oak, Troy,  
Hamtramck, Wixom, Harper Woods, Lincoln Park

877-230-5019

**SAFEbuilt.com**



SAFEbuilt.



# An Artistic Invitation

By Deb Polich

There are cities that burst alive for me simply by typing their names: Chicago, Seattle, San Antonio, Denver, Oslo, Edinburgh, London, Bologna, and more. It is because of their sights, streetscapes, architecture, art, music, and feel that they remain so memorable. It is also a testament to the way they attract and embed themselves in people, even those just visiting, which makes them urban enclaves.

These cities are masters of place-making, commonly defined as “turning a neighborhood, town, or city from a place you can’t wait to get through to one you never want to leave.”

Today, placemaking is an almost ubiquitous pursuit for municipalities across the world looking to quality of life and place to sustain and improve their economies while making their town a place where people want to live and work. It took decades, though, for the promise of placemaking to catch fire.

A quick online search reveals that early placemaking concepts originated in the late 1950s when Jane Jacobs and William “Holly” Whyte, her *Fortune Magazine* editor, began to espouse pioneering ideas on urban design. Theirs was a community and place-based approach to urban planning that criticized the then-current vogue of planning cities to service automobiles and draw



## Ann Arbor Draws the Community into Placemaking

This page: 1. Pedestrian by Tim Gralowski (photo by Matt Bach) 2. Tulip by Ray Katz (photo by Allison Buck) 3. Traffic Light 1 by Thomas Rosenbaum (photo by Matt Bach) 4. Pen Pal by David Zinn (photo by Allison Buck)  
Facing page: Starry Sky by Cathy Jacobs (photo by Allison Buck)





*"...one of the primary tenets of a public art and design program—engaging citizens to define a project, set goals, and ensure the project authentically reflects the community."*



people to the suburbs and shopping centers. Jacob's 1961 book *The Death and Life of Great American Cities* is said to have had greatly influenced urban planners of the late 20th century.

## Placemaking Old World Style

I did not even know the term placemaking in 2003 when I traveled to Bratislava, Slovakia with my husband and two friends. Slovakia was just 10 years old when I visited, as it had been part of the former Czechoslovakia, and under Communist rule for more than four decades.

We set out to explore Bratislava's pedestrian-only old town center on the Danube River and were immediately smitten. With its cobblestoned streets and buildings dating back centuries, Bratislava had us at "hello." The Old Town Hall, with its origins in the 13th century, anchors the town square. The Bratislava Castle, built in the 9th century, is a beacon that rises high on a hill above the Danube. It is visible from almost everywhere in the town center.

Yet what was truly an unexpected surprise was what we literally stumbled across – public art installations scattered throughout the town. Their public art welcomed us and provided a glimpse into the humor and warmth of its people, as we would soon learn firsthand. But it was followed by a shocking wake-up when we went outside of the city center another day.

There we were, surrounded suddenly not by charming old-world architecture, but Cold War-era buildings. The antithesis of the town center, the landscape of the outskirts was dominated by prefabricated housing blocks that we later learned are referred to as "panelaks." It was a true example of function over form; just functional enough to put a roof over your head, but entirely absent of aesthetic.

As an arts and creative industries administrator and advocate, I learned on that very day the importance of placemaking. I could not imagine coming home to those sterile buildings, let



1



2



3

alone wanting to live in them indefinitely. Sadly, these residents probably had no other option. But it was clear to me that I could never live or work in a community filled with "panelaks" with nothing around me to stimulate my senses and fill me with joy.

## Placemaking Ann Arbor Style

Fast forward to 2012 when I became the director of The Arts Alliance, the local agency championing the arts and creative industries in Washtenaw County.

By this time, placemaking had met the tipping point. Whether sparked by Richard Florida's *The Rise of the Creative Class*, Daniel Pink's *A Whole New Mind: Why Right-Brainers Will Rule the Future*, or other publications, the public sector and foundations were setting placemaking initiatives to incubate cool cities that attracted and retained people and businesses. Public art and design was one of its core components, and in my role

with The Arts Alliance I became directly involved in community placemaking.

One of our recent placemaking endeavors was given the catchy title of Canoe Imagine Art. The Arts Alliance was contracted to manage a project to repurpose canoes retired by the City of Ann Arbor Parks Department as art and celebrate the history and attributes of the Huron River and the City's park system. The Arts Alliance set up a call for art and invited artists from around the country to submit proposals.

Believing strongly in one of the primary tenets of a public art and design program—engaging citizens to define a project, set goals, and ensure the project authentically reflects the community—a two-step jurying and selection process was established. A community member jury selected the finalists and then the public voted on the final selections to be installed along the Huron River. Canoe Imagine Art was a collaboration of the community, the City of Ann Arbor, its Parks and





1. Public art in Bratislava, Slovakia (photo by Julie Van Camp)
2. Canoe-vue by Jeff Zischke (photo by Bob Miller)
3. Sending by Brian Oxender (photo by Matt Bach)
4. People in the City by Xiang Li (photo by Matt Bach)
5. Canoe Fan by Victoria Fuller (photo by Allison Buck)



**ANN ARBOR**  
pop. 113,934



Recreation department, and the Ann Arbor Public Art Commission, and was supported by the Michigan Council for Arts and Cultural Affairs (MCACA).


The Ann Arbor Downtown Development Authority (AADDA) has also emerged as a pro-public art and design champion. Frustrated by how the electrical traffic boxes in its downtown had become unsightly spaces cluttered with flyers and graffiti, the AADDA turned to The Arts Alliance for help. They asked The Arts Alliance to turn 42 electrical boxes into canvases displaying local art by local artists. The public was again at the core of the project: more than 2,000 people voted on the final selections. PowerArt! was warmly received and the AADDA and the City of Ann Arbor report that the boxes rarely get tagged with graffiti, and if they do, the vinyl wraps are easy to clean.

PowerArt! involved four government agencies: AADDA, The City of Ann Arbor and its Public Arts Commission, and the Michigan Department of

Transportation, and was funded in part by the Michigan Council for Arts and Cultural Affairs.

## Keeping Place-making Authentic

Another commonly quoted definition of placemaking states that placemaking is a multi-faceted approach to the planning, design and management of public spaces. Placemaking capitalizes on a local community's assets, inspiration and potential, with the intention of creating public spaces that promote people's health, happiness and well-being.

I like this definition, but I would add that a comprehensive placemaking initiative requires the involvement and cooperation of all aspects of the community, including the creative, economic development, education, environment, health, safety, government, philanthropic, and tourism sectors. Most importantly, citizens who define the quality of life and place they desire, keep placemaking authentic. 

*Deb Polich is the president/CEO of The Arts Alliance and Artrain, both located in Ann Arbor. You may contact her at 734-213-2733 ext. 701 or [deb.polich@a3arts.org](mailto:deb.polich@a3arts.org).*





By Samantha Audia

Nestled downtown along East Lansing's busy Grand River Avenue, a structure is currently under development that will serve as a mixed-use retail and apartment space for the city's young professionals. Unknown to most of East Lansing's residents and visitors, the building will also serve as a piece of public art, adding a pop of color and a creative embellishment to the city's already thriving downtown space.

On track to be open to the public by fall 2016, the project's completion is a long time coming for city officials, who enacted the Percent for Art Ordinance in 2014 to make ventures like this possible. After months of careful planning, collaboration, and construction, the exterior wall of 300 Grand River will feature a piece of contemporary, sculpted art, only the first of many creative additions the ordinance will bring to East Lansing's vibrant landscape.

## THE FRAMEWORK

Although innovative and tailored to East Lansing's specific needs, the city's Percent for Art Ordinance is by no means the first of its kind. In fact, Percent for Art programs have been successfully implemented throughout the nation since the 1930s, when the United States Department of the Treasury mandated that one percent of the cost of federal buildings would go specifically toward decorative art. Today, cities like Philadelphia and Chicago successfully use similar systems, and several states maintain state-based Percent for Art programs.

Generally, most Percent for Art programs mandate that in all public development and improvement projects, one percent of the project's budget is dedicated to the production of public art. The public art can be part of the ongoing development, or displayed at an entirely different location within the community that would particularly benefit from the artwork. In other cases, the developer may simply dedicate money from their budget straight

# CREATIVELY FUNDING PUBLIC ART

How the Percent for Art Ordinance  
is Transforming East Lansing



to the city's public art fund, to be used as the city's arts commission chooses in future projects.

Many cities using Percent for Art programs have taken the liberty of elaborating on the general structure, tailoring the system to their community's particular goals. In East Lansing's case, this personalization encourages collaborative dialogue between city officials, developers, and residents to enhance the city's unique character.

## MAKING IT HAPPEN

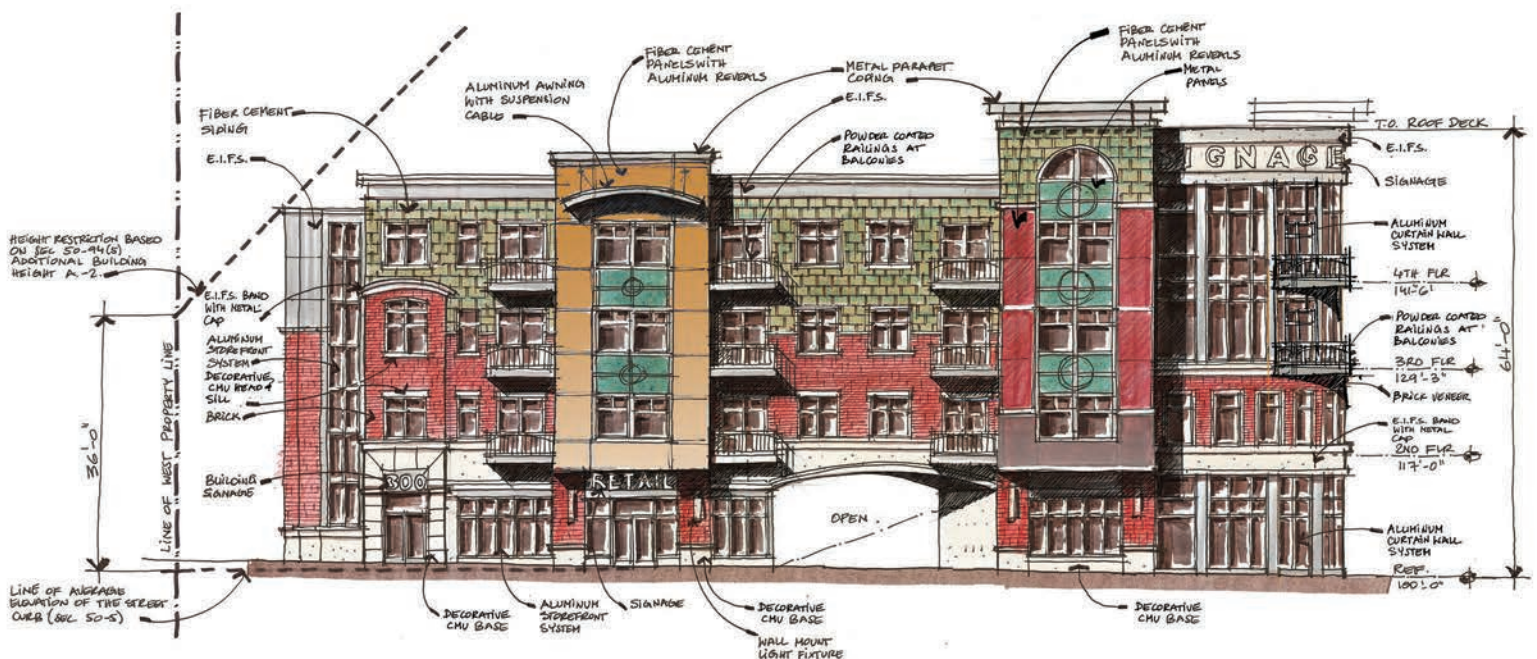
In his former role as mayor, Nathan Triplett identified that his city was in need of ways to build upon East Lansing's existing framework to create a more vibrant and attractive setting, capable of attracting and retaining talent. Turning to public art as an avenue through which a community can share its authentic attributes, he realized that he needed a method of sustainably financing the already existing Public Art Fund with enough capital to leave an innovative and lasting mark on the city.

Sarah Triplett, director of public policy for Creative Many, indicates that East Lansing was lucky to have a mayor that recognized and advocated for the importance of art in a community. She identified the Arts Commission and City Council as instrumental in implementing the program and giving input to ensure that the process specifically

## “WE’LL BE BUILDING OUT SOME SHAPES AND DETAIL, AND TURNING THE SIDE OF THE BUILDING INTO SCULPTED ART.”

suit the city's needs. “Some Percent for Art programs fail because their language is vague and not adapted to a specific community,” she said. “[East Lansing’s] ordinance is well-drafted and tailored to reflect the community’s specific needs and goals.”

Indeed, the system itself is intuitive, offering developers of public facilities, or those budgeting for capital improvement projects, three main avenues through which to comply with the ordinance. In most cases, they would dedicate one percent of their budget to the general fund. The money would then be channeled into the Public Art Fund, which is administered by the East Lansing Public Arts Commission. However, if the budget for a project





exceeds \$500,000, developers may instead choose to use up to \$25,000 to either incorporate public art into the project or donate a work of art to the city.

East Lansing's Percent for Art Ordinance certainly has learned lessons that other cities could both use and build upon. Specifically, although not all programs use it, the \$25,000 cap is key to maintaining a positive, collaborative program, according to Sarah Triplett. For development projects with extremely large budgets, the one percent mandate without any cap could result in developers having to relinquish an unbelievable amount of money to the art fund. Additionally, Triplett says, "We realized the importance of creating unifying signage to better identify pieces of public art."

## A PROJECT IN PROGRESS

This fall, almost two years after the Percent for Art Ordinance was originally enacted, the first public development project to go through the process of integrating art into the finished design will reach completion. Colin Cronin, with DTN Management Company, expressed excitement regarding the artwork that will appear on the side of 300 Grand Apartments, a mixed-use apartment and retail structure.

Of the process, Cronin said that being the first team to follow through with the ordinance meant cooperation and communication with city officials, learning from both ends of the dialogue, and making sure that the art meshed with the overall building design. "The wall was essentially a giant blank canvas for us," said Cronin. "We'll be building out some shapes and detail, and turning the side of the building into sculpted art."

Even more exciting? The finished artwork will face a community park and the farmers market, serving to enhance the vibrant environment already existing in downtown East Lansing. "This stuff can be really cool from a developer standpoint," said Cronin, reflecting on his team's overall experience. "There's a lot that can be done if you're cognizant of the area and how the art can be used." 



*Samantha Audia is a freelance writer. You may contact her at 734-787-1916 or [saudia@umich.edu](mailto:saudia@umich.edu).*

# The Law Firm For MUNICIPALITIES

CAPITAL PROJECTS & INFRASTRUCTURE  
CONSTRUCTION AGREEMENTS & LITIGATION  
DOWNTOWN/ECONOMIC DEVELOPMENT  
ELECTIONS  
ENVIRONMENTAL & REGULATORY LAW  
HOSPITALS & HOUSING

INTERGOVERNMENTAL AGREEMENTS  
LABOR & EMPLOYEE BENEFITS  
LOCAL, STATE & FEDERAL TAX  
OMA/FOIA  
REAL ESTATE  
TAX INCREMENT FINANCING

**MILLER  
CANFIELD**

[millercanfield.com/PublicLaw](http://millercanfield.com/PublicLaw)

From innovative projects and municipal bonds to collaborative agreements and tax increment financing, cities and villages and their attorneys throughout Michigan rely on Miller Canfield's 160+ years of collective wisdom and diverse expertise.

DETROIT ANN ARBOR TROY LANSING KALAMAZOO GRAND RAPIDS CHICAGO





# *Hitting the* **RIGHT NOTE**

THREE OAKS  
pop. 1,622



## Three Oaks Realizes the Dream of a Performing Arts Center

**T**he idea for an arts and education center in the Village of Three Oaks began to take shape in 2011. That's when the village adopted a 2030 Master Plan that included a call to establish a community center to serve area teens and other residents. In practice, however, a sustainable community center is a difficult concept. Who runs it? How are they paid? How is it funded? These issues face every municipality—a need for age-inclusive programming, but inherently high costs for a service program that relies on paid staff, paid teachers, and pays market rent.

The goal of establishing the Three Oaks Arts & Education Center (A&E Center) was to create a collaboration between government and local residents to develop a community center with a sustainable, low-cost business model. In fall 2014, a site for the center became available when the Three Oaks Village government announced its move to a new location. They offered the former Village Hall as the site for an Arts & Education Center operated by the School of American Music.



## Arranging A Musical Partnership

Since winter 2012, the Three Oaks Township Public Library had made space available to the School of American Music (SAM)—a local 501(c)3 nonprofit—to provide high-quality music education at a below-market cost. SAM's business model relies on retired volunteers and board members to administer the program, steeply-reduced rental costs, and tuition to enable them to pay teachers the prevailing instructional rate. In addition, faculty from the school provide public performances and other community services to raise scholarship money for students.

The Village offered the space to SAM at a steeply-reduced rental cost, providing the opportunity to realize the dream of building a recording studio as well as indoor and outdoor performance areas for student and faculty recitals. But it was also clear that the space could be much more important than that. It could become a broader symbol of the quality of life in the village. The structure, centrally located in the main "downtown" park, could accommodate programming well

beyond music instruction. In fact, it could fill the need for the community center described in the 2030 Master Plan.

So in fall 2014, the SAM board expanded its vision (and work!) to take on the task of building and operating the Three Oaks Arts & Education Center. SAM board volunteers conducted visioning sessions for potential users of the space; worked with a volunteer local architecture firm to re-design the interior and exterior; developed public relations and marketing materials to present anywhere they were invited to speak; and submitted a proposal to the *Public Spaces Community Places* creative funding program, offered by the Michigan Economic Development Corporation and Michigan State Housing Development Authority. If successful, the \$20,000 crowdfunding campaign would be matched by funds from MEDC and MSHDA.

The crowdfunding campaign on Patronicity was indeed successful. After six weeks, more than 200 individuals donated a total of about \$22,000. The \$20,000 match helped the project get off the ground.

## A Community Composition

But for a volunteer-driven community center to be sustainable in the long run, financial support has to come from a broad base of local area residents and organizations. The board's mantra was: "We will help you build it," not "Build it and they will come." This meant we relied not only on the crowdfunding campaign, but also on donated labor and materials and whatever discounts we could get from lumber yards to test the concept that the community really wanted the A&E Center to be built.

Three Oaks is lucky to have philanthropic foundations that serve the area, and individuals who are willing to make substantial charitable gifts. After it was clear that there was enough broad-based community support to build out the



**BUT IT WAS ALSO CLEAR  
THAT THE SPACE COULD  
BE MUCH MORE  
IMPORTANT ... IT COULD  
BECOME A BROADER  
SYMBOL OF THE  
QUALITY OF LIFE  
IN THE VILLAGE.**





space, we decided to approach these sources for program funding to cover expenses such as classroom supplies, scholarships, and internships.


## Transforming Village Hall

The aim was to transform the place where you used to go to pay your water bills into an attractive indoor and outdoor space for leisure, recreation, and learning. The area outside the building was reconfigured with a 600 sq. ft. performance stage facing into a large park located in the center of the village. The exterior appearance was improved with donated professional landscaping; upbeat signage; a new, industrial chic paint job, and an elegant ADA access ramp that leads from the front of the building all the way to the stage and seating area in back. The inside area was redesigned to include a 589 sq. ft. general program room for large group activities; a 127 sq. ft. all-digital recording studio; and a 361 sq. ft. room for smaller group activities.

The business model of the Center is designed to provide an ongoing source of revenue for the center. Teachers offer classes and workshops, for which they charge tuition. The teacher keeps 70 percent of the revenue, and the other 30 percent goes to the A&E Center to pay operating and

marketing costs. Some teachers generously donate all of their proceeds.

Since the spring, the A&E Center has been in use every day. Recent activities include student recitals, teen night, movies, public meetings, storytelling workshops, writer workshops, Spanish language classes, yoga, tai chi, choir rehearsal, and local musicians recording a soundtrack for a local history video, veteran's histories, and oral histories. Meanwhile, the board continues to recruit teachers in order to fill the capacity.

The A&E Center is young, so its impact is just beginning to be felt. People and organizations want to take advantage of the resource. A locally-sponsored talent show was held on the outdoor stage; a donor wants to set up a free movie night every Friday; and a long-established civic improvement organization has committed to financial support and ongoing board membership. If we are successful, in five years 25 local residents will be on the A&E board of directors, there will be a locally-driven finance committee, and people will gravitate to the center as a place for leisure, education, and enjoyment. We are here to help that happen. 

---

*Adam Umbrasas is village manager of the Village of Three Oaks. You may contact him at [villagemgr@threeoaksvillage.org](mailto:villagemgr@threeoaksvillage.org) or 269-756-9221.*

## Member Insurance Programs

### Our Mission:

To be a long-term, stable, cost-effective risk management alternative for members and associate members of the Michigan Municipal League.

### Programs:

- › MML Liability & Property Pool
- › MML Workers' Compensation Fund
- › MML Sponsored Blue Cross Blue Shield Program
- › MML Unemployment Fund Group Account



[www.mml.org](http://www.mml.org)

800-482-2726



# MICHIGAN SUPREME COURT

## Rules in Favor of Prevailing Wage Ordinances in Cities

by William Mathewson

In a case involving a contractors' group and the City of Lansing, the Michigan Supreme Court recently ruled that local prevailing wage laws—which require workers on state financed construction projects to be paid local wage and benefit rates, which are based on union contracts—are constitutional.

In 2012, the Associated Builders and Contractors sued Lansing in an attempt to overturn the city's prevailing wage ordinance as unconstitutional. The Ingham County Circuit ruled in favor of the contractors, but that decision was reversed by the Michigan Court of Appeals, which in a split decision upheld the right of the city to pass such an ordinance. On May 17, the Supreme Court said the Court of Appeals was wrong in the way it dealt with the prevailing wage issue, but it said the result the appeals court arrived at was the correct one.

The Michigan Supreme Court has provided an answer to one of the most important questions concerning the authority of Michigan's cities and villages. In its unanimous decision, the Court underscored the significance of language in the 1963 Constitution related to local government home rule powers. While the decision is important in

upholding the city of Lansing's prevailing wage ordinance, the impact should far exceed this one ordinance.

The League's Legal Defense Fund was requested to file an amicus brief with the Supreme Court. The brief, by Paul Hudson of Miller Canfield and Cliff Taylor, of counsel at the firm, was especially well written. Given the partisan political nature of the ordinance and the Court's conservative inclinations, the brief began:

"This case is not about the merits of a 'prevailing wage' ordinance. Instead, it is about *who decides* the merits of such an ordinance. Were the residents of the City of Lansing, through their elected representatives, permitted to decide how their city government spends city funds on city projects? Or do courts, from on high, get to decide for them, striking down their duly enacted ordinances whenever the ordinance brushes upon a matter that might also be of 'state' concern?" Ultimately, the brief set forth a rationale for the Court to uphold Lansing's ordinance...and that is what the Court did.

### City of Lansing Prevailing Wage Ordinance (excerpt)

No contract, agreement or other arrangement for construction on behalf of the City and involving mechanics and laborers, including truck drivers of the contractor and/or subcontractors, employed directly upon the site of the work, shall be approved or executed by the City unless the contractor and his or her subcontractors furnish proof and agree that such mechanics and laborers so employed shall receive at least the prevailing wages and fringe benefits for corresponding classes of mechanics and laborers, as determined by statistics compiled by the United States Department of Labor and related to the Greater Lansing area by such Department.





In considering the extent of local home rule authority, it is often debated whether cities and villages may only do those things *explicitly permitted* by the State – or whether they may exercise all authority not *explicitly denied* by the State. The Supreme Court in the *Lennane* decision from 1923, interpreting the former Constitution of 1908, held that cities and villages had only the power explicitly granted.


In overruling the previous decision, this dichotomy was addressed by the Court in the *Lansing* decision:

“...the *Lennane* Court held that the regulation of wages paid to third-party employees working on municipal construction contracts was exclusively a matter of state, not municipal, concern. In concluding that a municipality’s powers did not include the power to enact such laws, the *Lennane* Court appears to have concluded that municipalities have only the powers relating to local concerns that were not expressly denied, and could wield only those powers expressly and explicitly granted. This conclusion found no support in the 1963 Constitution... Furthermore, the plain language of the 1963 Constitution grants cities and villages broad powers over municipal concerns, property, and government whether those powers are enumerated or not, and the relevant constitutional language does not state that a matter cannot be a municipal concern if the state might also have an interest in it. Thus, if *Lennane*’s holding was ever on firm constitutional ground, it no longer had sound footing after the people ratified the 1963 Constitution...” (From the Court’s Syllabus)

“Furthermore, *Lennane*’s holding appears to rest on an implicit dichotomy: if something is a matter of ‘state concern’ it cannot also be a matter of ‘local concern’... While a binary understanding of state and local governmental power might have been common 100 years ago, the ratifiers of the 1963 Constitution do not appear to have worked under the same apprehension — instead we are left with their words: ‘The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor.’” (From the Opinion of the Court)

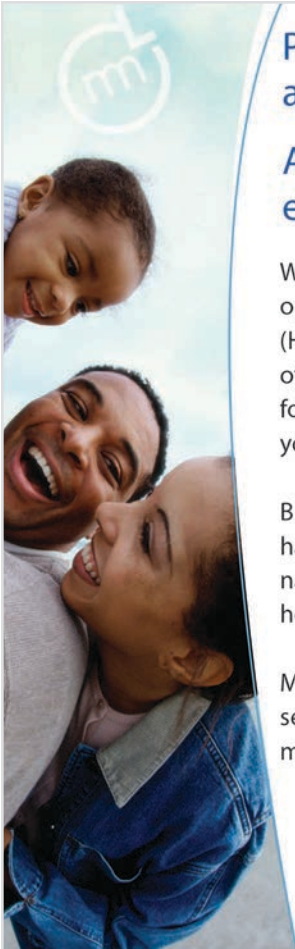
In short, the Supreme Court in the *Lansing* decision concluded:

“We therefore declare that *Lennane* has no continuing viability and repudiate its conception of municipal authority in light of the ratification of the 1963 Constitution.” (From the Opinion of the Court)

There will no doubt be future cases, with different facts, that will offer the Court other opportunities to interpret the proper relationship between Michigan’s local governments and the State, in the context of the 1963 Constitution. Until then, the powerful and insightful language of this Court in this decision should go a long way in supporting the authority of local government officials to make choices about the nature and extent of their local governments services, on behalf of the citizens who elected those officials. 

The Opinion of the Court can be viewed at <http://courts.mi.gov/Courts/MichiganSupremeCourt/Clerks/Recent%20Opinions/15-16%20Term%20Opinions/149622.pdf>

*William Mathewson is general counsel for the League. You may contact him at 734-669-6305 or [wmathewson@mml.org](mailto:wmathewson@mml.org).*




**Plans to cover groups and individuals.**

**A promise to cover everyone.**

We have a broad range of group plan options, including PPO, Flexible Blue (HSA), HMO, Dental and Vision. We also offer affordable individual health care for you and your family, at any stage of your life.

Blues group and individual members have unparalleled statewide and nationwide access to the doctors and hospitals they need.

MML has provided employee benefit services to its members since 1987. For more information, call 800-678-4456.

 **Blue Cross  
Blue Shield  
Blue Care Network  
of Michigan**

Nonprofit corporations and independent licensees  
of the Blue Cross and Blue Shield Association



# MANCELONA MATTERS

By Sarah Craft



Felix and Sandy Bockhorst with employee Gerrard Dechamp

## Florida Transplants' Fresh Energy Rallies the Community

Sandy Bockhorst and her husband, Felix, did something unheard of to most Michiganders. About four years ago, after she and Felix retired, they moved from Florida to Michigan.

And not just anywhere in Michigan—to Mancelona, where neither of them had ever taken up residence.

"My family used to camp in Mancelona when I was a child and I always loved it," said Sandy. "The heat was getting too extreme for us down in Florida and one day Felix looked at me and said, 'I'm dying here, get me out of here.' I hadn't been back to Mancelona since I was a kid, but if he wanted cold and snow, I knew right away that this is where I wanted to be."

With cooler weather and a fresh start, she and Felix started their encore careers. Although many communities place emphasis on retaining and attracting Millennials, Boomers also bring incredible value. In the United States, nine million people over 50 have re-joined the workforce in careers that give personal fulfillment and have a social impact. And like Sandy and Felix, Boomers are starting businesses. In 2013, 35 percent of all new businesses in the U.S. were started by entrepreneurs over 50.

Over a few years, Sandy and Felix purchased two buildings in Mancelona's small downtown. They opened Sandy's Candies, a candy and ice cream store, in one building, and the Nickelodeon Community and Welcome Center in the other. They live in an apartment behind the candy shop and rent out a second apartment above the Nickelodeon.

Housing demand for smaller, downtown apartments like this is growing across the country. In fact, fewer than 10 percent of Millennials, GenXers, and Boomers want to live in traditional, auto-dependent suburban areas. That's good news for even

small towns like Mancelona. Sandy said she's never had trouble renting her extra unit.

"When the apartment became available, we filled it immediately," she said. "There were even people knocking on our door for weeks after it was filled because they heard there was an opening. I just wish more of the downtown building owners would rent out their spaces too."

The two storefronts and increased residential density truly supports the local community and gives visitors traveling on U.S. Route 131 a reason to stop in Mancelona.

"Tourists stop for an ice cream cone now and get to see the downtown," Sandy said. "And we open up the Nickelodeon for people in the community to use however they want. We host meetings and job fairs, kids come to play with toys or watch movies, the quilting club meets here in the colder months, things like that. Just this weekend, we had two different fathers spend visitation time with their children here. It was rainy so they needed a place to play and have fun with their kids."

## STRONGER TOGETHER

This alone would be a great story, but Sandy's work didn't stop there. When she opened Sandy's Candies about three years ago, she wasn't gaining as much business as she hoped and was worried about how to keep the doors open. She knew she wasn't the only one in town struggling, so Sandy organized a group of residents and business owners to figure out what to do.



"People are coming together and so many have gone out of their way to make the community stronger."

Together, they started Mancelona Matters, a grassroots organization of volunteers dedicated to strengthening the community by supporting individuals and businesses, hosting events, and making tourists' experience a great one. In just three years, Mancelona Matters has grown to more than 600 members and hosts fun events, festivals, and beautification projects throughout the year.

"Mancelona Matters is encouraging community," said Sandy. "People are getting back together, meeting up with neighbors, and getting more united. Mancelona has a very poor image and people were feeling like their town was dying. We're doing things that bring people together to support each other and have some fun. And it's working—things seem to be coming together."

## COMPLEMENTING LOCAL GOVERNMENT

Mike Allison is Mancelona's Village President and knows how lucky he is to have someone like Sandy move into the community. He's lived in Mancelona since 1976 and has seen the village struggle.

"Mancelona went from heavy manufacturing to major unemployment," he said. "We've lost many jobs, but things have started to pick up speed again. There's a whole new drive to get things going and we have an opportunity to be involved in a lot of the work here along the 131 corridor. Anything moving us forward is a plus."


The local government is working with regional and statewide partners to get large-scale projects to come to fruition. But they also play a role in supporting the more community-based initiatives like Mancelona Matters. Allison and his colleagues recognize the importance of unique businesses and fun events and have started to see what things like placemaking can do for the community.

"Mancelona Matters has become a nice way to get things done in the village," said Allison. "They're trying, along with a lot of other people, to make our community better and we try to be as supportive as we possibly can."

This support rarely comes in the form of dollars, because there aren't many to go around. Instead, the village closes roads during events, offers department of public works staff to help with set-up and tear-down, and brings leaders to the table to better partner with government initiatives.

Communities across the state can learn from Mancelona. It often takes just one person to get things going, and placemaking initiatives like Mancelona Matters can bring more people to the table. Everyone in the village is working towards the same vision, and Sandy said residents are starting to feel ownership and pride in the good things happening in the community.

Despite a few bad weather days, the village is having a good summer. "People are coming together and so many have gone out of their way to make the community stronger," Sandy said. "Mancelona takes care of its own."

Mancelona Matters is hosting its annual Mancelona Days beginning Oct. 8, the height of the color change. The community will be full of life with a street fair, great food, local music, and much more. "It's a beautiful time of year to come up," said Sandy. And if you do, be sure to stop in Sandy's Candies to enjoy an ice cream cone from the local shop. 

---

*Sarah Craft is a program coordinator for the League. You may contact her at 734-669-6328 or [scraft@mml.org](mailto:scraft@mml.org).*



By Rick Haglund

# The Great Driverless *CAR RACE*



## *ESTIMATES OF WHEN DRIVERLESS CARS WILL HIT THE ROAD ARE ALL OVER THE MAP.*

In July, German automaker BMW said it would offer fully autonomous vehicles in 2021, the first automaker to announce a specific timeline for selling self-driving cars. But some industry analysts say it could be 30 years or more before automakers surmount all the complex hurdles involved with autonomous vehicle technology and put driverless cars in dealer showrooms.

"You can get diametrically opposed answers to these questions," said Luke Forrest, director of civic innovations at the Michigan Municipal League.

Regardless of how quickly driverless cars begin to appear, automakers will need to run up millions more miles on their odometers to ensure their

safe operation in the real world. States, municipalities, and universities looking to be the center of autonomous vehicle development are developing what are known as "fake cities," test beds where automakers and suppliers can simulate real-world driving conditions for self-driving cars.

"There's a battle going on, primarily involving Michigan, northern California, and Austin, Texas" to lead in autonomous vehicle technology, said Tim Johnson, director of transportation initiatives at NextEnergy. Former Gov. John Engler created NextEnergy in 2002 to conduct research on alternative energy, including electric vehicle technology.

## **MICHIGAN GETS IN THE DRIVER'S SEAT**

And Michigan, threatened by the potential loss of its automotive future, is gearing up for the fight. At stake are jobs, economic development, and tens of millions of dollars in government money for testing programs.

"Michigan's dominance in auto research and development is under attack from several states and countries who desire to supplant our leadership in transportation. We can't let that happen," said Sen. Mike Kowall, R-White Lake, who is leading efforts in the Legislature to promote the development of autonomous vehicle technology here.

Last year, the University of Michigan created "Mcity," a 32-acre simulated urban and suburban environment that includes a network of roads, buildings, intersections, and traffic signals designed to duplicate real-world driving conditions.

Located on the university's North Campus, Mcity claims to be "the world's first controlled environment specifically designed to test the potential of connected and automated vehicle technologies that will lead the way to mass-market driverless cars." It's being used by several automakers to test vehicles and is closed to the public.

Mcity is part of the university's Mobility Transformation Center, a partnership with the Michigan Department of Transportation. The MTC has an ambitious goal of putting a fleet of autonomous vehicles that can communicate with each other on the streets of Ann Arbor by 2021.

"We believe that this transformation to connected and automated mobility will be a game changer for safety, for efficiency, for energy, and for accessibility," said Peter Sweatman, founding director of the MTC. "Our cities will be much better to live in, our suburbs will be much better to live in. These technologies truly open the door to 21st century mobility."

A much larger test bed for autonomous vehicles is taking shape a few miles east of Ann Arbor at the former Willow Run manufacturing complex where thousands of workers once built B-24 bombers, cars, and transmissions for internal combustion vehicles. The 335-acre American Center for Mobility is a joint venture of the Michigan Department of Transportation, the University of Michigan, the Michigan Economic Development Corporation, Business Leaders for Michigan, and Ann Arbor Spark.



The center, announced in March, will become a “national-scale advanced automotive testing and product development center that can accommodate the broad needs of industry and government” when it is completed next year, its founders said. It will also work to establish safety and other technology standards for self-driving cars. Officials are seeking state and federal money to help fund the estimated \$80 million project.

“We need standards before we’ll see widespread deployment of these vehicles and the benefits they are expected to provide in terms of safety, energy use, and mobility,” said John Maddox, the center’s chief executive officer.

## PLANET M STEERS STATE TOWARD FUTURE OF TRANSPORTATION

The American Center for Mobility is the centerpiece of a marketing effort by the state, called Planet M, to promote

Michigan globally as the nerve center of autonomous vehicle technology.

In Flint, Kettering University is building a 19-acre autonomous-vehicle testing facility on the former site of the massive Chevrolet manufacturing complex. The project, which will include research lab space on Kettering’s campus, is being financed with \$4 million in grants from General Motors Co. and the General Motors Foundation.


Google, which has been testing self-driving cars for years in California, is establishing an autonomous vehicle development center in Novi. Google also announced a partnership in May with Fiat Chrysler Automobiles to develop a self-driving Chrysler Pacifica hybrid minivan.

Even the U.S. Army is working on developing driverless military vehicles in Michigan. In June, the U.S. Army Tank Automotive Research Development and Engineering Center in Warren conducted a seven-mile-long test involving semi-autonomous technology for large trucks and embedded communication signals on I-69 near Flint.

In May, Kowall introduced legislation that would make Michigan the first state

to allow autonomous vehicles—with no driver at the wheel—to operate on the state’s public roads. His legislation also would allow tight convoys of driverless commercial trucks to operate on the road and for ride-hailing services such as Uber to pick up passengers in driverless cars. The bills have been referred to the Senate’s economic development and international investment committee.

Several recent crashes involving Tesla’s semi-autonomous cars, including one in which the driver died, have raised new questions about the safety and viability of driverless vehicles. The National Transportation Safety Board is investigating Tesla’s Autopilot, a partial self-driving feature that was involved in the fatal crash.

But with so many automakers investing billions of dollars in self-driving-car technologies, Michigan is smart to make itself as welcoming to those investments as possible. 

---

*Rick Haglund is a freelance writer. You may contact him at 248-761-4594 or [haglund.rick@gmail.com](mailto:haglund.rick@gmail.com).*



*Realistic driving scenario at Mcity autonomous vehicle testing center (photo courtesy of Mcity)*



# Sixth Circuit affirms excessive force claim involving taser

## FACTS:

Michael Kent's father, Rick Kent, died a natural death while visiting at his son's home in Commerce Township. After Michael Kent, who is a physician, determined that his father had died after not responding to any stimulus for several hours, a call was made to non-emergency dispatch. The EMT/firefighter arrived and asked whether a hospice nurse was present and whether Kent had a do-not-resuscitate order or power of attorney paperwork. Kent explained that his parents were visiting from out of state and that his mother did not have the living will directive or durable power of attorney with her. The EMT then radioed for his partner to assist him in attaching an Automated External Defibrillator to determine if there were signs of life and to do "everything" they could for the patient. Kent began yelling at the EMTs and the deputies, telling them they "were not going to assault [his] dead father" and the situation escalated at that point. Ultimately one of the deputies pulled out his taser and stunned Kent who fell to the floor. Kent was not arrested nor was he ever told he was under arrest. Kent sued the deputies in federal court claiming that they had violated his Fourth Amendment rights in the use of excessive force. The defendant officers moved for summary judgment on the basis of qualified immunity.

## QUESTIONS:

Did the officers' use of force violate Kent's constitutional rights under the Fourth Amendment? Was it clearly established, at the time of the incident, that Kent had a right not to be tased under the circumstances?

**ANSWERS ACCORDING TO THE FEDERAL DISTRICT JUDGE:** Yes. The court found that it was clearly established that the use of a taser on an individual who was "not under arrest, posed no safety threat to officers or others, made no such verbal threats, was not physically resistant, and may have actually shown physical compliance, constituted excessive force."

**ANSWERS ACCORDING TO THE SIXTH CIRCUIT COURT OF APPEALS:** Yes. The Sixth Circuit affirmed the district court's decisions. The Court concluded that the "the nature and quality of the intrusion on [Kent's] Fourth Amendment interest[s]" outweigh "the countervailing governmental interests at stake." After an examination of prior Sixth Circuit opinions and the facts underlying the opinions, the Court found that, at the time of the incident, it was clearly established that it was excessive force to "tase an individual who refused to comply with officers' commands to calm down and yelled at emergency responders, but was never told he was under arrest, never demonstrated physical violence, and had his arms in the air and his back to the wall when tased."

*Kent v Oakland County*, No. 14-2519, January 6, 2016.

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

## Michigan Association of Municipal Attorneys

### Upcoming Events

September 9, 2016 - Marquette  
**Upper Peninsula Conference**

October 13, 2016 - Lansing  
**Municipal Law Program  
& Annual Meeting**

For more information & to register, visit [www.mama-online.org](http://www.mama-online.org)

## Attorneys

**GARAN  
LUCOW  
MILLER P.C.**  
GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

**John J. Gillooly**  
**Municipal Law**  
[jjgillooly@garanlucow.com](mailto:jjgillooly@garanlucow.com)  
**313.446.5501**  
[www.garanlucow.com](http://www.garanlucow.com)  
ANN ARBOR • DETROIT • GRAND BLANC  
GRAND RAPIDS • LANSING • MARQUETTE  
PORT HURON • TRAVERSE CITY • TROY  
AND MERRILLVILLE INDIANA

## Engineers & Engineering

STATE OF MICHIGAN • CITY OF SOUTH HAVEN • CITY OF BE  
F SOUTH BEND • CITY OF KALAMAZOO • VILLAGE OF KALEV  
CALHOUN COUNTY ROAD COMMISSION • LAKE TOWNSHIP  
CITY OF ALLEGAN **WE HELP COMMUNITIES** CITY OF PORTAG  
Y OF BOYNE CITY **CREATE GREAT PLACES** CITY OF MANISTE  
E  
**JUST ASK OUR CLIENTS**  
ARCADIA  **ABONMARCHE** LELAND T  
OF STURGIS CITY OF K  
CITY OF LUDINGTON • CITY OF MUSKEGON • MICHIGAN DE  
LE RIVER BAND OF OTTAWA INDIANS • BERRIEN SPRINGS P  
Y OF FENNVILLE • CITY OF FRANKFORT • CITY OF PAW PAW  
CITY OF ST. JOSEPH • CITY OF BENTON HARBOR • HABITAT  
OF DOWAGIAC **WWW.ABONMARCHE.COM** CITY OF NILES •  
STEE TOWNSHIP • CITY OF GRAND HAVEN • HARBOR SHORE



**engineering strong communities**  
**anderson, eckstein & westrick, inc.**  
**www.aewinc.com 586.726.1234**

engineers



surveyors



architects





**B R**  **Beckett&Raeder**  
*Landscape Architecture  
 Planning, Engineering &  
 Environmental Services*

Ann Arbor  
 734.663.2622

Petoskey  
 231.347.2523

Traverse City  
 231.933.8400

[www.bria2.com](http://www.bria2.com)

## Engineers & Engineering



**FLEIS & VANDENBRINK**  
DESIGN • BUILD • OPERATE

Transportation solutions that keep you moving.

800.494.5202 [www.fveng.com](http://www.fveng.com)

**FISHBECK, THOMPSON, CARR & HUBER**  
 engineers | scientists | architects | constructors  
 ftch.com | 1.800.456.3824

in   

The Giffelswebster logo is on the left, featuring the company name in a sans-serif font with a green square icon containing a white grid pattern. To the right, the text "Dedicated to Making Communities Better" is at the top. Below it, a list of services is presented: "Civil Engineering | Landscape Architecture", "Land Development Consulting | Planning", and "Municipal Consulting | Surveying". At the bottom left is the website "www.giffelswebster.com", and at the bottom right are the LinkedIn, Twitter, and Facebook social media icons.



**Engineering. Environment. Excellence.**

A TRADITION OF PERSONAL SERVICE & SUCCESSFUL PROJECTS

Hubbell, Roth & Clark, Inc. provides **innovative** and **sound solutions** to today's engineering challenges.

For over **100 years**, HRC has serviced municipal, industrial and private clients and has completed a multitude of large and complex projects, which have been widely recognized for their innovation and engineering **excellence**.



**HRC**  
HUBBELL, ROTH & CLARK, INC.  
CONSULTING ENGINEERS SINCE 1915

**(248) 454-6300 | [www.hrc-engr.com](http://www.hrc-engr.com)**



**Mannik Smith GROUP**  
TECHNICAL SKILL.  
CREATIVE SPIRIT.

[www.manniksmithgroup.com](http://www.manniksmithgroup.com)

- Civil Engineering
- Environmental Engineering
- Geotechnical Engineering
- Landscape Architecture
- Construction Support
- Surveying

1771 N. Dixie Hwy.  
Monroe, MI 48162  
Tel: (734) 289-2200



## Engineers & Engineering

RELATIONSHIPS ■ REPUTATION ■ RESULTS

Municipal | GIS | Planning / Landscape Architecture | Land Surveying  
Civil Engineering | Land Acquisition | Ecological Services



**METRO CONSULTING ASSOCIATES**  
800.525.6016 ■ [www.metroca.net](http://www.metroca.net)

## Environmental Consultants

United Water is  
now SUEZ

[mysuezwater.com](http://mysuezwater.com)  
616-940-2405



**SPALDING DeDECKER**



**Engineering & Surveying Consultants**  
Infrastructure | Land Development  
Surveying  
(800) 598-1600 | [www.sda-eng.com](http://www.sda-eng.com)

**Tt TETRA TECH**

Serving Michigan's Municipalities  
for More Than 100 Years!

Ann Arbor - 734.665.6000  
Brighton - 810.220.2112  
Detroit - 313.964.0790  
Lansing - 517.316.3930  
Port Huron - 810.956.9300

[www.tetratech.com](http://www.tetratech.com)




Spicer's Mobile Mapping Solutions can  
help you map all of your Community Assets

Contact us for an efficient solution for your survey needs  
800.833.0062 [www.SpicerGroup.com](http://www.SpicerGroup.com)

**Spicer group**

**BUILDING COMMUNITIES.**



Wightman & Associates, Inc. has delivered first-class  
engineering, architecture and survey solutions to  
clients since 1946. We've made our mark by building  
strong, vibrant communities. Let our dynamic  
team of 80 professionals assist your community.

**WAI** WIGHTMAN & ASSOCIATES, INC.  
ENGINEERING • SURVEYING • ARCHITECTURE

269-927-0100  
[www.wightman-assoc.com](http://www.wightman-assoc.com)

**williams&works**  
engineers | surveyors | planners

[williams-works.com](http://williams-works.com) (616) 224 -1500

## Financial Services

**{A trusted advisor.}**

For over 70 years, state and local governments have trusted Plante Moran to provide independent technology, operational, and financial services. We provide practical solutions to complex issues, and you can have confidence in the objectivity of our recommendations.

**plante moran**  
audit • tax • consulting • wealth management

government.plantemoran.com

## Planning &amp; Zoning

**COMMUNITY PLANNING & DESIGN**

**McKenna ASSOCIATES**

Economic Development  
Landscape Architecture  
Public Engagement  
Urban Design  
Zoning Administration  
Downtown Revitalization  
Zoning and Form-Based Codes  
Building Inspection / Administration

NORTHVILLE • DETROIT • KALAMAZOO • 888.226.4326 • MCKA.COM

**OHM**  
Advancing Communities®

888.522.6711 | OHM-Advisors.com

Leaders rely on OHM Advisors' forward thinking and proven expertise to create thriving places for people.

## Landscape Architecture

**B R i**  
**Beckett&Raeder**  
Landscape Architecture  
Planning, Engineering & Environmental Services

Ann Arbor  
734.663.2622  
Petoskey  
231.347.2523  
Traverse City  
231.933.8400  
www.bria2.com

**williams&works**  
engineers | surveyors | planners

williams-works.com (616) 224-1500

## Planning &amp; Zoning

**CARLISLE** **WORTMAN**  
associates, inc.

Community Planning • Zoning • Recreation Plans  
Building Department Management & Staffing

**www.cwaplan.com | 734.662.2200**

*Just what you need, just when you need it.*

**B R i**  
**Beckett&Raeder**  
Landscape Architecture  
Planning, Engineering & Environmental Services

Ann Arbor  
734.663.2622  
Petoskey  
231.347.2523  
Traverse City  
231.933.8400  
www.bria2.com

## Water &amp; Wastewater

**F&V operations**  
and resource management

www.fv-operations.com | 888.773.8806

Water & Wastewater Operations  
Plant Optimization | Operator Training

**Gibbs Planning Group**  
Urban Planning + Market Research  
Retail + Hotel + Residential  
248.642.4800  
gibbsplanning.com

**WANT TO GET YOUR RFPs**  
into the hands of the League's preferred vendors with one click?

Contact Terri Murphy 800-653-2483

**cm**

**giffels webster**

Dedicated to Making Communities Better

Civil Engineering | Landscape Architecture  
Land Development Consulting | Planning  
Municipal Consulting | Surveying

www.giffelswebster.com

in tw f



**Q:** We are going to have a millage proposal on the ballot at our next election. What can we do to publicize it?

**A:** The Campaign Finance Act prohibits a public body from using public funds to support a ballot question campaign. Public officials can generally issue communications to voters using public dollars if the communications **contain factual information regarding the election/proposal, and what impact either its passage or defeat will have on the public body.** Moreover, the prohibition on using public monies to support or defeat a ballot proposal does not prevent certain high level officers and employees from expressing their opinions. For example, nothing prevents a city council member or city manager from standing up at a public meeting and telling the gathering that, in his or her opinion, the city needs to ask for a millage increase and the voters need to support it.

Although there are opportunities to carefully use public time and money to further educate the electorate on a proposal, public employees and officials should also keep these guidelines in mind:

- Non-policy making staff may not take “official” time (i.e., time away from their regular jobs) to participate in campaign committee activities, as this would constitute an inappropriate expenditure of public funds. Nothing would restrict the ability of these individuals to work in any way on the campaign on their own time.
- The public body may provide information to individuals and/or a campaign committee which is publicly available in the same manner as it would provide information to anyone else requesting the information.
- The campaign committees may meet at public facilities only to the extent that, and on the same terms as, any other group could use the same facilities. If the public body incurs any expense in providing meeting space, the committee must reimburse the public for that expense.
- The public body should not place links to campaign-related websites on its website.

(Campaigning with a Purpose: Public Employees/Officials Support of Ballot Proposals, *The Review*, January/February 2015; for the full article visit [mml.org](http://mml.org) or contact [info@mml.org](mailto:info@mml.org))

**Q:** I heard that there was a change to the FLSA in regards to overtime pay. What are the details?

**A:** There has been a significant change to the Fair Labor Standards Act (FLSA) that will go into effect on December 1, 2016. The U.S. Department of Labor’s final overtime rule updates the salary level required for the executive, administrative, and professional (“white collar”) exemption to ensure that the FLSA’s intended overtime protections are fully implemented. The final rule raises the salary threshold from \$455 a week (\$23,660 for a full-year worker) to \$913 a week (\$47,476 for a full-year worker) effective **Dec. 1, 2016.** Future automatic updates to these thresholds will occur every three years, beginning on Jan. 1, 2020.

The Department does not dictate what option employers should use to comply with the revised regulations. The options include:

- **Raise salaries:** For workers whose salaries are close to the new threshold and who pass the duties test, employers may choose to raise these workers’ salaries to meet the new threshold and maintain their exempt status.
- **Pay overtime above a salary:** State and local government employers also can continue to pay newly-eligible employees a salary and pay overtime, or provide comp time for overtime hours in excess of 40 per week. The law does not require that newly overtime-eligible workers be converted to hourly pay status. This approach works for employees who usually do not work overtime, but have occasional “spikes” or periods that require overtime hours. State and local government employers can either plan and budget the extra pay during those periods or provide comp time.

Source: U.S. Department of Labor Overtime Final Rule and State and Local Governments. Request a copy of this Fact Sheet at [info@mml.org](mailto:info@mml.org). For more information on the rule, visit the U.S. Department of Labor’s website at: [www.dol.gov/whd/overtime/final2016/](http://www.dol.gov/whd/overtime/final2016/) or call the Detroit office at 313-309-4500.

---

*The League’s Information Service provides member officials with answers to questions on a vast array of municipal topics. Email inquiries to [info@mml.org](mailto:info@mml.org), or call 734-662-3246 or 800-653-2483.*



VORTEX

**A CLEAR  
SOURCE  
OF  
FUN**

BLUE HERON BAY SPLASHPAD - INDEPENDENCE LAKE PARK | WHITMORE LAKE, MICHIGAN

## BRING COMMUNITIES TOGETHER

Bring people of all ages together with fun aquatic play.  
**All through the wonder of water.**



World leader in aquatic play solutions with over 500 installations in the Midwest and over 6,000 installations worldwide  
1.877.586.7839 ext. 362 | [cory@vortex-midwest.com](mailto:cory@vortex-midwest.com)

**VORTEX-INTL.COM**





Flood of Community Benefits Realized for

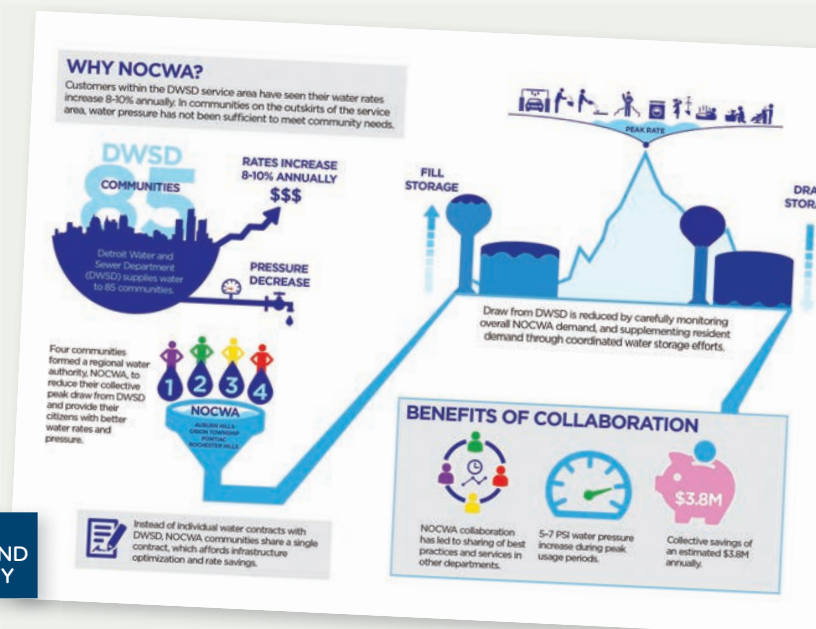
# NOCWA MEMBERS

After a decade of individual efforts to overcome rising costs, low water system pressures, and system reliability issues, four neighboring Metro Detroit communities are providing better service to their residents and saving over \$5 million annually by sharing resources and working together as the regional water authority known as the North Oakland County Water Authority (NOCWA). NOCWA includes the cities of Auburn Hills and Rochester Hills, Charter Township of Orion, and the Oakland County Water Resources Commissioner's Office, owner and operator of the city of Pontiac's water system.

NOCWA members share a contract with the Great Lakes Water Authority (GLWA) and rely on coordinated system operations and optimization of existing infrastructure to reduce peak hour demand from the supplier, GLWA helps increase supply pressure and lower costs. Uniquely, no single entity oversees system operations. NOCWA members own and operate their own infrastructure, and control peak usage through coordinated storage tank filling and draining cycles. Success relies on each community working with one another



NORTH  
OAKLAND  
COUNTY



to coordinate the members' five storage tanks fill and drain times to keep NOCWA's overall peak draw below the allowable rate. Oversized storage tanks in Pontiac and storage tanks in Orion Township and Auburn Hills supplement resident demand during peak periods, when residents use most water, and smart water tools provide system operators with information to make day-to-day decisions in support of these coordinated operations.

This win-win partnership embodies the power of collaboration and resourcefulness. Managed peak usage has allowed NOCWA communities to negotiate a better water rate with GLWA, increase supply pressure, and reduce future capital expenditures. Perhaps the most surprising benefit is that this partnership has led to a number of other shared cost-savings initiatives between these communities.

COMMUNITY  
Excellence Awards

Celebrating  
2015 FINALISTS