



Internal Memo

February 4, 2016

TO: Mayor and City Council

FROM: Mark C. Meyers, City Administrator *WMM*

SUBJECT: February Information Update

1. MML Capital Conference – Please be reminded that the Michigan Municipal League Capital Conference will be held Wednesday, March 23, 2016 at the Lansing Center in Lansing, Michigan. Attached is a list of conference sessions. Please contact Shelly Stibitz to register.
2. Spring Clean-up Day – The City is hosting its annual Spring Clean-up Day on Saturday, April 23, 2016 from 8:00 a.m. to 12:00 p.m. at the Department of Public Works Facility, 1174 E. Mt. Garfield Road. As in previous years, in addition to accepting refuse, other items such as batteries, electronics, scrap metal and usable items will be collected. The City plans to partner with Batteries Plus and Goodwill Industries in an effort to reuse and recycle items.
3. PA 269 Update – This week the City Council approved a resolution asking for portions of Public Act 269 to be repealed, specifically, the “gag order” on local governments’ ability to use public funds to communicate information regarding local ballot initiatives. A lawsuit challenging the constitutionality of the law has been filed on behalf of a number of school districts and cities. Attached is information regarding the suit including the introductory statement. The suit requests, among other things, an injunction, as several local governments have pending March ballot issues. Also, legislation (HB5219) will be offered in committee which provides clarifying language that certain communications by a public body are not intended to be included in the general prohibition. This includes the language of the ballot, the date of the election, and “factual and strictly neutral information” concerning the impact of the ballot initiative.
4. Black Lake Park Phase II Trails Update – Construction has continued through the winter on the Phase II trail system in Black Lake Park. The new trail has been cut and boardwalk structures are under construction. Work remaining includes spreading aggregate on the trail and construction of the trail head. Attached are photos of the project which will be completed by the spring thaw.

5. Welcome New Employees – In December Carrie Wilcox was hired to train and take over the Account Clerk III position following Karen Hutton’s resignation. Carrie holds a Bachelor of Business Administration degree from Baker College and has over 13 years of customer service and accounting experience.

Taylor Hobby was selected in January to fill a recently vacated Clerk Typist II position in the Administrative Services Department. Taylor graduated with an Associate of Science and Arts degree from Muskegon Community College and earned a Bachelor of Science degree from Grand Valley State University and previously held teller positions at two area financial institutions.

6. City Council Requests’ List – Attached is a revised list for City Council’s attention.
7. Nearly \$17 Million Invested in Major Street System – Attached is a recently updated spreadsheet from Public Works Director Jerry Bartoszek that illustrates the amount and location of investment over the past 13 years in the City’s major street system. Total investment is nearly \$17 million. Significantly, of that amount, more than \$12 million, or 71% came from grants or private funding. Jerry and his staff deserve credit for recommending, planning, and managing these improvement projects and identifying funding for them.

MCM/ss
Attachments



[Home](#) [Conference Info](#) [Workshops](#) [Speakers](#) [Vendor Opportunities](#) [Blog](#) [Register](#)

Conference Sessions

Click on a speaker's name to view a short biography.

Tuesday, March 22

2:45 – 4:30 pm

League Legislative Team Breaks it Down

See today's political landscape through the eyes of your Michigan Municipal League lobbyists. We'll decode the challenges and opportunities ahead and explain how communities can influence the biggest legislative issues of 2016.

Speakers

Chris Hackbarth, Director, State Affairs
Michigan Municipal League

John LaMacchia II, Legislative Associate, State Affairs
Michigan Municipal League

Summer Minnick, Director, External Relations & Federal Affairs
Michigan Municipal League

Wednesday, March 23

8:30 – 9:45 am

GENERAL SESSION

Meet TED: New Department Design Focuses on Community Development

Talent attraction, retention, and training are the currency for the State's future economic growth. The Department of Talent and Economic Development (TED) allows the state to leverage its ability to build talent with in-demand skills while helping state businesses grow and thrive. Joining job creation and economic development efforts under one umbrella, TED consists of the Michigan Economic Development Corporation, the Michigan State Housing Development Authority, the Michigan Strategic Fund, and the newly-created Talent Investment Agency (TIA). In this session, you'll learn how TED can help your community grow and prosper.

Moderator

Speakers

Steve Arwood, CEO, Michigan Economic Development Corporation

Kevin Elsenheimer, Executive Director, Michigan State Housing Development Authority

10:30 – 11:45 am

The Case for Fixing Municipal Finance in Michigan

The League has made a substantial commitment to reform the state's broken municipal finance system and provide a fiscally strong future for Michigan's local governments. The first phase of this effort involved a comprehensive evaluation of why communities are vital to the economic future of our state and what factors are preventing them from being able to provide the services and development that lead to prosperity. Come hear experts discuss the findings of their research and lay out the case for fixing municipal finance in Michigan.

Moderator

Tony Minghine, Associate Executive Director & COO, Michigan Municipal League

Speakers

The Emerging New Mobility Industry

We're quickly moving past the auto-dominated transportation system of the 20th century, and disruptively transitioning to a smart, integrated, IT-enabled multi-modal system that can move people more efficiently, in the ways they prefer to travel, and allows them to do the things they need to do, on demand. Learn about the assets Michigan has in place to lead this revolution and what communities will need to do to put the right policies in place to deploy the platforms that will support the new mobility industry.

Moderator

Rick Haglund, President, Haglund Communications

Speakers

Lobbying 2.0

The Legislature is constantly changing and taking on new issues. How can you keep up with it all? Join members of the League's lobbying staff as we discuss the ins and outs of understanding the Michigan Legislature. This session is for members who are just diving into the Lansing arena as well as veterans seeking a refresher. Earn an Elected Officials Academy Advocacy Credit in this session!

Speakers

Chris Hackbarth, Director, State Affairs
Michigan Municipal League

John LaMacchia II, Legislative Associate, State Affairs
Michigan Municipal League

Collaborative Community Development

Collaborative Community Development focuses on working with communities to create vibrant, sustainable, and unique places through providing economic development services and programs. By encouraging a compact mixture of uses and a walkable urban fabric, we decrease the impact of sprawling development and efficiently utilize infrastructure. In this session, we'll take a look at the state's focus on community development as well as grants and loans available to redevelop Michigan's downtowns and foster historic preservation.

Moderator

Speakers

Meet Your State Representative

This time is set aside for you to meet with your State Representatives. We encourage you to contact your representatives beforehand and make arrangements to meet and discuss issues of importance to you and your community.

1:45 – 3:00 pm

Dark Stores: What Are They and How Do They Impact Your Community?

The “Dark Store” theory of appealing property tax assessments is looming large over communities throughout the state of Michigan. Unfortunately, it could soon be coming to a city, village, township or county near you. In fact, it may already be there. Learn more about this important issue and the steps being taken in Lansing to protect Michigan communities from these unfair property tax assessments.

Moderator

Speakers

Delivering Value-Based Solutions for Michigan Communities

The **Michigan Municipal Services Authority (MMSA)** is a public-private partnership created to deliver shared services and functions to local units of government throughout the state of Michigan. Learn about their vision to revolutionize the delivery of services and functions by local governments across the state through access to best practices and shared services in order to contain costs, manage resources, and enhance the quality of life, as well as state funding available to participating communities.

Moderator

Bob Brunner, CEO, Michigan Municipal Services Authority

Speakers

Lobbying 3.0

The League is a successful grassroots organization largely because of the involvement of active members. In the Lobbying 2.0 session, you heard about the nuts and bolts of lobbying. Now, learn about upcoming issues we will be working on in this legislative session and how you can become actively engaged in the conversation.

Speakers

Chris Hackbarth, Director, State Affairs
Michigan Municipal League

John LaMacchia II, Legislative Associate, State Affairs
Michigan Municipal League

Fact or Advocacy: Communicating with Your Residents about a Local Ballot Question

Communicating factual information to residents about a local millage, annexation, or a charter amendment, is a critical function of local government. Recent actions in Lansing have raised significant questions about how a community can provide that information to their residents. Hear from the experts about how your community can comply with state law and still effectively communicate with your citizens.

Moderator

Speakers

Meet Your State Representative

This time is set aside for you to meet with your State Representatives. We encourage you to contact your representatives beforehand and make arrangements to meet and discuss issues of importance to you and your community.

3:30 – 4:45 pm

GENERAL SESSION

The Detroit Grand Bargain Panel

In 2013, Detroit filed for bankruptcy, marking the largest municipal bankruptcy in U.S. history. This case culminated in the creation and approval of the \$194.8 million Detroit Grand Bargain. The Grand Bargain allowed the city to accept more than \$800 million from nonprofit foundations, the state, and others over two decades. That deal protected the city from selling a noted art collection at the Detroit Institute of Arts and reduced the size of pension cuts. In this session, judges involved in Detroit's bankruptcy case will discuss the complexities of arranging the Grand Bargain.

Moderator

Chad Livengood, Political Reporter, The Detroit News

Speakers

Judge Michael F. Gadola, Michigan Court of Appeals, Fourth District

Judge Steven W. Rhodes, Retired, U.S. Bankruptcy Court for the Eastern District of Michigan

Chief Judge Gerald E. Rosen, U.S. District Court for the Eastern District of Michigan

Share:



Capital Conference Blog



Conference Workshops
Dive Deep on Vital

Community Topics
February 1, 2016



Meet TED, the State's New
Hub for Community

Development
January 27, 2016

Follow us on the web!



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT TAYLOR, Mayor, City of Roseville;
DOUGLAS R. ALEXANDER, City Manager, City of Algonac;
MATTHEW BIERLEIN, County Commissioner, Tuscola County;
DONALD LYONS, Mayor, City of Dowagiac;
TODD R. ROBINSON, Superintendent, New Haven Community Schools;
RUSSELL PICKELL, Superintendent, Riverview Community Schools;
GARY O'BRIEN, School Board President, Riverview Community Schools;
KELLY COFFIN, Superintendent, Tecumseh Public Schools;
KIMBERLY AMSTUTZ-WILD, School Board President, Tecumseh Public
Schools; KEITH WUNDERLICH, Superintendent, Waterford School District;
ROBERT SEETERLIN, School Board President, Waterford School District;
MICHELLE IMBRUNONE, Superintendent, Goodrich Area Schools;
DAVID P. PRAY, Superintendent, Clinton Community Schools;
PATRICIA MURPHY-ALDERMAN, Superintendent, Byron Area Schools;
AMY LAWRENCE, School Board President, Byron Area Schools;
ROBERT D. LIVERNOIS, Superintendent, Warren Consolidated School District;
YVONNE CAAMAL CANUL, Superintendent, Lansing School District,
in their individual and official capacities; and
STEPHEN PURCHASE, *in his individual capacity*.

Plaintiffs,

Hon.

v.

Case No.

RUTH JOHNSON, *in her official
capacity as* Secretary of the State of Michigan;
and the STATE OF MICHIGAN,

Defendants.

**CLAIM OF
UNCONSTITUTIONALITY**

Miller, Canfield, Paddock and Stone, P.L.C.

Scott R. Eldridge (P66452)

Michael J. Hodge (P25146)

Attorneys for Plaintiffs

One Michigan Avenue

Lansing MI 48933

eldridge@millercanfield.com

hodge@millercanfield.com

Miller, Canfield, Paddock and Stone, P.L.C.

Jerome R. Watson (P27082)

Brian M. Schwartz (P69018)

Attorneys for Plaintiffs

150 West Jefferson, Suite 2500

Detroit, MI 48226

(313) 963-6420

schwartzb@millercanfield.com

watson@millercanfield.com

**VERIFIED COMPLAINT FOR DECLARATORY,
INJUNCTIVE, AND OTHER RELIEF**

INTRODUCTORY STATEMENT

1. Plaintiffs file this civil rights action to challenge the constitutionality of a recent amendment to § 57 of the Michigan Campaign Finance Act, 2015 P.A. 269, MCL 169.257 (“Act 269”), which took effect on January 6, 2016.

2. Subsection 57(3) of Act 269 is an unprecedented gag order on public bodies and public officials that prohibits them from communicating with and informing their constituents about ballot questions in an objectively neutral way during the two months before an election; and Act 269 makes it a crime to do so.

3. Thus, Subsection 57(3) of Act 269 violates the First Amendment to the United States Constitution, guaranteeing free speech, because it prohibits the free flow of objectively neutral, core political speech.

4. Subsection 57(3) of Act 269 also violates the Fourteenth Amendment to the United States Constitution, which guarantees due process, because Subsection 57(3)'s overly broad and vague language subjects public officials to criminal prosecution for engaging in protected speech without adequate notice or guidance about what conduct amounts to a crime, further chilling free speech.

5. The United States Supreme Court and courts across the country have struck down broad restrictions of political speech because they violate the First Amendment right to freedom of speech, particularly when it prohibits core political speech.

6. Michigan's Attorney General has opined that public officials have a constitutional right and obligation to communicate to the people on controversial subjects so that their constituents can be fully informed by them and be better able to access their qualifications for office because "in a representative government it is imperative that the members of the public be informed completely on all issues." OAG, 1969-1970, No. 4647 (Sept. 29, 1969).

BLACK LAKE PARK

Phase II Trails



North
Observation Deck



Wetland
Boardwalk



Path to
Parking Area



South
Observation Deck

City Council Requests – February 2016

Date Requested	Requested By	Received Via	Request	Action Taken	Date Completed	Completed By
03/25/14	Council Member Jurkas	Email	Reconsideration of Rental Inspection Program.	<p>The City Attorney was asked to research and render a legal opinion. He presented options to the City Council at the April 22, 2014 work session. At the September 22, 2015 work session Council Member Martines requested the subject be brought back for reconsideration. It was placed on the October 2015 work session agenda and City Council directed staff to research it further. Muskegon Township staff presented their experience with implementing a rental inspection program at the January 26, 2016 work session. City Council had questions that staff will follow up on and this item will be placed on a future work session agenda for further discussion.</p>	Pending	City Administrator
05/26/15	Council Member Ostrom	Email	Explore opportunities to assist the City of Muskegon Heights with their boat launch facility.	<p>Initial contact has been made with Muskegon Heights staff who appear willing to discuss the topic. Our staff will schedule a meeting with the new City Manager when one is hired.</p>	Pending	City Administrator and Parks & Rec Director

*Revisions since the last update are highlighted

City of Norton Shores Major Street Investments Projects

Project Funding From Outside Sources 2003-2015 2/2/2016 Construction Costs

Year	Project	Grant Sources (Federal Portion of Grant Amount Only)	CMAQ	Safety	Enhancement	Reconst/Improve w/ Outside Funds	Grant/Private Fund Totals	Total Construction Cost
2015	Saw Grant**					620718.49	620,718.49	\$ 689,687.21
2014	Saw Grant**					\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
	Getty Reconstruction, Phase 2	\$ 657,650.00				\$ 375,000.00	\$ 657,650.00	\$ 866,576.88
	Grand Haven Reconstruction					\$ 375,000.00	\$ 375,000.00	\$ 913,577.60
2013	Norton Avenue, Phase 2	\$ 500,000.00					\$ 500,000.00	\$ 777,977.09
2012	Henry Street Sidewalks			\$ 29,948.74			\$ 29,948.74	\$ 37,435.93
	Getty Reconstruction, Phase 1					\$ 375,000.00	\$ 375,000.00	\$ 889,885.46
	Norton Avenue, Phase 1*	\$ 669,000.00					\$ 669,000.00	\$ 1,014,395.01
	Black Lake Bike Lane*				\$ 259,555.78		\$ 259,555.78	\$ 389,801.02
2011	none					\$ -	\$ -	\$ -
2010	Safety Project: Additional Lanes			\$ 208,500.00			\$ 208,500.00	\$ 260,574.27
	Harvey Street: Farr to Pontaluna	\$ 431,208.27					\$ 431,208.27	\$ 530,717.87
	Pontaluna Road: US-31 to Wood	\$ 437,610.61				\$ 325,875.69	\$ 763,486.30	\$ 936,136.34
2009	Harvey Street: Mt. Garfield to Farr	\$ 680,000.00					\$ 680,000.00	\$ 825,727.13
	Grand Haven-Pontaluna Traffic Signal		\$ 72,589.08				\$ 72,589.08	\$ 72,589.08
2008	Grand Haven-Sternberg Traffic Signal		\$ 68,163.64				\$ 68,163.64	\$ 68,163.64
2007	Henry-Hile Traffic Signals		\$ 62,522.00				\$ 62,522.00	\$ 62,522.00
	Henry Street: Summit-Seminole	\$ 708,254.00				\$ 267,409.00	\$ 975,663.00	\$ 1,776,161.00
	Norton Avenue: BR-31 to Henry	\$ 248,924.00				\$ 62,231.00	\$ 311,155.00	\$ 285,959.00
	Porter Woods (Stemberg Extended)*					\$ 325,000.00	\$ 325,000.00	\$ 500,000.00
	Porter/Martin Bike Lanes				\$ 247,204.00		\$ 247,204.00	\$ 309,383.00
2006	Churchill Woods (Stemberg Extended)					\$ 360,000.00	\$ 360,000.00	\$ 575,000.00
	Grand Haven Rd. Sternberg to Byron	\$ 456,123.00				\$ 1,734,822.30	\$ 1,734,822.30	\$ 1,734,822.30
	Henry Street: Sherman to Summit					\$ 100,351.00	\$ 556,474.00	\$ 1,019,864.65
2005	Harvey-Pontaluna Traffic Signals			\$ 200,000.00		\$ 10,528.51	\$ 210,528.51	\$ 241,497.99
	Harvey Street Seal Coat					\$ 26,000.00	\$ 26,000.00	\$ 37,142.31
	Harvey-Mt. Garfield Traffic Signals		\$ 117,381.63			\$ 4,411.04	\$ 121,792.67	\$ 117,381.63
2004	Henry-Broadway Traffic Signals		\$ 35,000.00				\$ 35,000.00	\$ 37,250.00
	Seminole Road: Henry to High School	\$ 237,220.00				\$ 203,653.00	\$ 237,220.00	\$ 275,171.00
	Judd's Estates (Stemberg Extended)					\$ 203,653.00	\$ 203,653.00	\$ 269,012.35
	Henry Traffic Signal Interconnect		\$ 36,000.00				\$ 36,000.00	\$ 37,599.00
2003	Forest Park Bike Lanes				\$ 324,596.00		\$ 324,596.00	\$ 350,733.91
	Henry-Hile Intersection		\$ 200,000.00				\$ 200,000.00	\$ 345,432.50
	Guardrail Replacement over US-31		\$ 70,002.42				\$ 70,002.42	\$ 87,503.02
	Henry: Porter to Hile	\$ 644,000.00					\$ 644,000.00	\$ 832,425.65
	Martin Road: Pontaluna to Farr					\$ 242,214.00	\$ 242,214.00	\$ 403,627.00
	Harvey-Hile TS					\$ 28,644.52	\$ 28,644.52	\$ 56,840.73
	Total:	\$ 5,669,989.88	\$ 391,656.35	\$ 708,451.16	\$ 831,355.78	\$ 4,446,140.06	\$ 12,047,593.23	\$ 16,943,846.36

* Estimated, final to be determined based on construction costs