

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES
AUGUST 3, 2015 WORK STUDY MEETING, TENTATIVE AGENDA**

ROLL CALL:

Supervisor Combs	_____	Trustee McClanahan	_____
Clerk Wright	_____	Trustee Miller	_____
Treasurer Budd	_____	Engineer Nummer	_____
Trustee Hart	_____	Attorney McCauley	_____
Trustee Jahr	_____	Secretary Montgomery	_____

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Discussion on the Job Description and Personal Services Agreement between Ronald A. Akers and the Township.
2. Discussion on the Special Land Use request by Denton Partners, LLC for a Gas Station and Drive-Thru Restaurant at 49230 Michigan Ave. and 5825 Denton Rd.
3. Discussion on the Job Description for the Fire Inspector-Permanent Part-Time.
4. Discussion on the Job Description for the Fire Marshall.
5. Discussion on Resolution 2015-33 assignment of the Detroit Water & Sewer Department Contract to the Great Lakes Water Authority.

PUBLIC COMMENT:

ADJOURNMENT:

CLOSED SESSION:

1. To discuss ongoing negotiations and administrative proceedings involving the POLC Command Officers.

ADJOURNMENT:

Charter Township of Van Buren

Agenda Item: _____

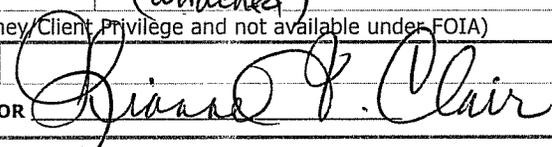
Work Study: August 3, 2015
Board Meeting Date: August 4, 2015

REQUEST FOR BOARD ACTION

	Consent Agenda	New Business	Unfinished Business	Public Hearing
ITEM (SUBJECT)	Planning and Economic Development Director			
DEPARTMENT	Planning and Economic Development			
PRESENTER	Supervisor Combs			
PHONE NUMBER	734.699.8910			
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)				

Agenda topic

ACTION REQUESTED:	
Consider approval of the Job Description and Personal Services Agreement between Ronald A. Akers and the Township, and authorize Supervisor Combs and Clerk Wright to execute the agreement.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
<p>The position has been vacant since May 22, 2015.</p> <p>Mr. Akers comes from the public sector, where he has worked in planning and economic development since 2008. His roles include Capital Improvement plans, zoning administration and compliance, industrial development, and site plan reviews.</p> <p>Mr. Akers graduated from Eastern Michigan University with a Bachelor's in Science in Urban and Regional Planning. He is currently finishing up his graduate degrees in Public Administration and Economic Development fall of 2015. In addition he has receive extraordinary references from his current and past employers who all unanimously agree that he is always exceeding expectations.</p>	

BUDGET IMPLICATION	Salary \$70,000
IMPLEMENTATION NEXT STEP	Execution of Personal Services Agreement
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	(attached)
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR
JOB DESCRIPTION**

Position Summary:

Under the general supervision of the Township Supervisor, the Director of Planning & Economic Development is responsible for overall direction and management of the Planning & Economic Development Department and performs responsible professional and administrative work in planning, reviewing, organizing and coordinating development activities. The Director is also responsible for the overall management of the building department, its supervisors and staff, and for the handling of environmental matters. Additionally, the Director oversees contract employees and Township employees responsible for planning and development-related operations to protect the health and safety of the public.

The Director of Planning and Economic Development serves as staff liaison to the Planning Commission, Board of Zoning Appeals and local Development Authority. The Director acts as Zoning Administrator and is responsible for the administration and enforcement of applicable local ordinances and State laws; and he/she acts as coordinator of the Site Plan Committee review process involving various outside agencies, departments, consultants and the Planning Commission.

Essential Job Functions, Duties and Responsibilities:

An employee in this position may be called upon to perform any or all of the following essential job functions, duties and responsibilities. These examples do not include all of the duties, which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each function satisfactorily.

1. Directs or participates in studies regarding development in the Township; prepares reports and makes recommendations to the Township Board, Planning Commission, BZA, LDFA; and is responsible for environmental matters
2. Reviews site plans and consults with developers and appropriate reviewing agencies to ensure quality and compliance with policies, regulations, ordinances and modern planning standards
3. Receives and processes zoning application variance requests, land division requests (in coordination with Assessing Dept.), and development plans; prepares case files and is responsible for publication notices and notifying property owners, as necessary; makes recommendations to Planning Commission, BZA, LDFA and Township Board based on professional planning principles and the comments of other reviewing agencies

4. Counsels and advises the Township Board, Planning Commission, BZA, LDFA, planning consultants, architects, engineers, contractors, developers, realtors, property owners, and the general public on planning and zoning matters; represents Township in legal actions involving zoning ordinance violations
5. Recommends and prepares amendments to Township ordinances, as necessary
6. Assists with implementing and administering the Township Zoning Ordinance
7. Prepares special reports and studies as requested by the Township Supervisor, Township Board, Planning Commission, the BZA and the LDFA
8. Oversees the recruitment, selection, training and evaluation of subordinate department personnel, including matters of discipline and/or termination
9. Responsible for direct supervision of subordinate employees assigned to the Department
10. Maintains cooperative relationships with other departments, peer agencies, private contractors, property owners, architects and other parties to coordinate planning and zoning functions; Coordinates development and construction issues with Building Department, as required
11. Develops and coordinates the Township's economic development strategies; serves as the Township's liaison with local, state, county and federal agencies responsible for economic growth
12. Prepares and recommends annual department budgets and monitors the department budget throughout the fiscal year. Ensures department compliance with established Township policies and procedures for all financial transactions and budget expenditures
13. Researches, recommends and prepares grant applications and ensures compliance with grant requirements and reporting
14. Keeps abreast of professional developments, new administrative techniques, legal issues and other current events through continued education and professional growth. Attends conferences, workshops, and seminars as appropriate
15. Develops goals and objectives of the Department
16. Attends Township Board and other meetings, as required

17. Serves as staff representative to the Planning Commission, Site Plan Review Committee, Board of Zoning Appeals, LDFA, Environmental Commission, and attends other meetings as required.
18. Ensures compliance with Open Meetings and Freedom of Information Acts
19. Performs related work, as required

The above list of job requirements, duties and responsibilities, physical abilities and other abilities are meant to be representative and not all encompassing. The Township reserves the right to add to, delete from, change and/or amend the requirements, duties and responsibilities, physical abilities, and other abilities herein above set forth at any time and without prior notice.

Required Knowledge, Skills, Abilities and Minimum Qualifications:

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential job functions, duties and responsibilities of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

Requirements include the following:

1. Bachelor's degree with major in Planning, Public Administration, Public Policy, Environmental Science or related field and a minimum of five years of related work experience. Professional designation as Community Planner preferred. American Institute of Certified Planners and/or Michigan Professional Certified Planner designations desirable
2. Must demonstrate superior analytical, organizational, and interpersonal communication skills to interact effectively with developers, Township Engineer, Township Planners, attorneys, realtors, various department heads, other township staff at all levels and residents and/or developers. Occasionally called upon to demonstrate tact and patience in explaining the Township planning process to those lacking in knowledge.
3. Writing skills to prepare ordinance interpretations and revisions, rezoning recommendations, site plan reviews and various other reports and memorandum
4. Ability to plan, organize, schedule, supervise and complete work assignments on a timely basis in an environment where interruptions may occur; requires a high level of analytical skill as well as ability to comprehend, interpret, and process detailed information and data
5. Thorough knowledge and understanding of progressive planning methods, professional planning standards and related trends

6. Thorough knowledge of the principles, practices and procedures of plan review and ordinance creation, revision and adoption
7. Thorough knowledge and understanding of the Michigan Zoning Enabling Act and the Michigan Planning Enabling Act as the acts may be amended
8. Skill in maintaining complex record keeping and document retention systems, and in compiling comprehensive reports
9. Ability to comprehend complex issues and identify alternative solutions and prepare appropriate recommendations
10. Ability to effectively communicate and exercise a high degree of diplomacy in contentious or confrontational situations including the ability to recognize and handle challenging or stressful situations
11. Supervisory skills to effectively lead staff, coordinate work assignments and monitor performance to achieve departmental goals
12. Ability to establish effective working relationships and use good judgment, initiative and resourcefulness when dealing with builders, architects, planners, property owners, the public, other professional contacts and municipal officials
13. Ability to critically assess situations, solve problems, and work effectively within deadlines and changes in work priorities
14. Ability to calculate figures and amounts such as proportions, percentages, area, circumference and volume. Ability to apply correct mathematical concepts and calculations as needed
15. Ability to use a variety of technologies including computers, related word processing, spreadsheet and database software, GIS and CAD software, telephones, facsimile machines, pagers, radios and similar type equipment
16. Ability to maintain confidential information
17. A valid Michigan Vehicle Operator's License

Physical Demands and Work Environment:

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential job functions, duties and responsibilities. Reasonable accommodations may be made to

enable individuals with disabilities to perform the essential functions, duties and responsibilities.

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to stand and walk. The employee may be required to use hands to finger, handle or feel; and to reach with hands and arms. The employee is occasionally required to stoop, kneel, crouch or crawl. The employee must occasionally lift and/or move items of light to moderate weight.

While performing the duties of this job, the employee works mostly in an office setting; however, the employee may, in the course of conducting site inspections and other field activities, be occasionally exposed to outside weather conditions and may work near moving mechanical parts and/or machinery. The employee is occasionally exposed to high, precarious places and fumes or airborne particles. The noise level in the work performance is usually quiet in the office, but may become loud in the field.

Van Buren Charter Township is an Equal Opportunity Employer.

Charter Township of Van Buren
46425 Tyler Road
Belleville, Michigan 48111
www.vanburen-mi.org

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE: 8/3/15

BOARD MEETING DATE: 8/18/15

Consent Agenda _____

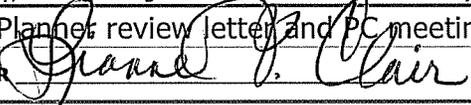
New Business X

Unfinished Business: _____

Public Hearing _____

ITEM (SUBJECT)	Consider Granting Special Land Use Approval to Denton Partners, LLC for a Gas Station and Drive-Thru Restaurant at 49230 Michigan Ave. and 5825 Denton Rd.
DEPARTMENT	Planning
PRESENTER	Sally Hodges, McKenna Associates
PHONE NUMBER	(248) 596-0920
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	Approval of request for special use approval for a new gas station and drive-thru restaurant at 49230 Michigan Ave. and 5825 Denton Rd. in the C-1 Zoning District as Required By Section 12.03 of the Township Zoning Ordinance 06-02-92, as amended, subject to conditions of preliminary site plan approval.
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	The applicant proposes to a new gas station with a convenience store and a drive-thru restaurant on an existing 1.99-acre parcel at the northeast corner of Michigan Avenue (US 12) and Denton Road. This site was recently rezoned to C-1 (General Business) District in order for the applicant to apply for the proposed uses. Because gas stations and drive-thru restaurants are special land uses in the C-1 district, special land use approval is required. The Planning Commission held a duly noticed public hearing at its July 8, 2015 meeting. At its July 22, 2015 meeting, the Planning Commission unanimously voted to recommend that the Board of Trustees grant Special Land Use approval for this request, subject to final site plan approval. Minutes of the July 8, 2015 meeting and draft minutes of the July 22, 2015 Planning Commission meeting are attached, along with the referenced McKenna Associates review letters for Site Plan Review and Special Land Use Review (both letters dated July 16, 2015). A reduced sheet from the site plan is also enclosed. Full size sheets may be reviewed at the Developmental Services department or copied upon request.
BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	If the Special Land Use is approved, the project returns to the Planning Commission for Final Site Plan review and approval.
DEPARTMENT RECOMMENDATION	Approval of Special Land Use permit, subject to final site plan approval
COMMITTEE/COMMISSION RECOMMENDATION	Approval
ATTORNEY RECOMMENDATION	N/A
<small>(May be subject to Attorney/Client Privilege and not available under FOIA)</small>	
ADDITIONAL REMARKS	Planner review letter and PC meeting minutes are attached.
APPROVAL OF SUPERVISOR	

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
July 8, 2015
MINUTES**

Chairperson Thompson called the meeting to order at 7:30 p.m.

ROLL CALL:

Present: McKenna, Budd, Kelley, Boynton, Johnson, Franzoi and Thompson.

Excused: None.

Staff: Secretary Harman.

Planning Representatives: McKenna Associate, Sally Hodges.

Audience: Seven (7).

APPROVAL OF AGENDA:

Motion McKenna, Boynton second to approve the agenda of July 8, 2015 as presented.

Motion Carried.

APPROVAL OF MINUTES:

Motion Boynton, Johnson second to approve the minutes from June 24, 2015 as presented.

Motion Carried.

PUBLIC HEARINGS:

ITEM # 1 CASE# 15-013 RZ

TITLE: THE APPLICANTS, DOMINIC AND REGINA FERRAIUOLO, REQUEST REZONING OF A PARCEL FROM C-1 (GENERAL BUSINESS) DISTRICT TO R-2 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

LOCATION: PARCEL TAX ID NUMBER V-125-83-021-01-0006-001, ALSO KNOWN AS 50081 MOTT ROAD, IS THE SUBJECT OF THIS HEARING. THE SITE MEASURES APPROXIMATELY 0.37 ACRES AND IS LOCATED ON THE SOUTH SIDE OF MOTT ROAD, JUST WEST OF DENTON.

Motion McKenna, Budd second to open the public hearing. Motion Carried.

Applicant Regina Ferraiuolo gave the presentation. Their property has a duplex located on it (addresses 50081 and 50083 Mott Road). The neighboring properties are zoned R-2 (single family residential), the Ferraiuolo's would like their property rezoned to R-2 (single family residential) from the current zoning of C-1 (general business).

No comments from commissioners or the audience.

Motion Franzoi, Boynton second to close the public hearing. Motion Carried.

ITEM # 2 CASE# 14-025 (SLU & SPR)

TITLE: THE APPLICANT, DENTON PARTNERS LLC, REQUESTS SPECIAL LAND USE APPROVAL FOR THE CONSTRUCTION OF A NEW DRIVE-THROUGH RESTAURANT. A DRIVE THROUGH RESTAURANT IS A SPECIAL LAND USE IN A C-1 DISTRICT. THIS HEARING IS BEING HELD IN ACCORDANCE WITH SECTION 12.03 (PERMITTED USES WITH SPEICAL APPROVAL) OF THE ZONING ORDINANCE.

LOCATION: PARCEL NUMBERS V125-83-018-02-0134-006, -007, -008, -009 AND -010, ALSO KNOWN AS 49230 MICHIGAN AVE. AND 5825 DENTON ROAD, ARE THE SUBJECT OF THIS HEARING. THE SUBJECT PARCELS COMBINED MEASURE APPROXIMATELY 1.99 ACRES. THIS PROPERTY IS LOCATED AROUND THE NORTHEAST CORNER OF MICHIGAN AVE. AND DENTON ROAD.

Motion Johnson, Budd second to open the public hearing. Motion Carried.

Tom Demond of Boss Engineering gave the presentation for the applicant. Denton Partners LLC is requesting special approval to build a USA 2 Go (convenience store/gas station/drive-through restaurant) and demo the existing convenience store currently located on the site. The applicant has received MDOT approval and is working with Wayne County on approval. Mr. Demond discussed the two (2) access drives, one (1) on Michigan Avenue and one (1) on Denton Road, the masonry wall, trees and evergreens as a buffer and the exterior façade consisting of brick and masonry block. A color rendering was displayed to commissioners and the audience.

Commissioners inquired about the hours of operation and the detention pond area.

Resident inquired about the gas pump canopys and if a drive-through restaurant had been selected.

Motion Boynton, Johnson second to close the public hearing. Motion Carried.

OLD BUSINESS: None.

NEW BUSINESS: None.

GENERAL DISCUSSION:

Commissioners discussed the black chain link fence located at Hannan and Ecorse Roads. The fence was to be black chain link, however looks shiny and stands out. The commission will look into this.

Motion Boynton, McKenna second to adjourn at 7:46 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

July 16, 2015

Planning Commission
Charter Township of Van Buren
46425 Tyler Road
Belleville, MI 48111

Subject: VBT-14-025 SLU; Michigan and Denton Development; Special Approval Review #1; Plans Dated May 14, 2015.

Dear Commissioners:

The applicant proposes a new gas station with convenience store and a drive-through restaurant on an existing 1.99 acre parcel at the northeast corner of Michigan Avenue (US 12) and Denton Road. The site was recently rezoned to C-1 (General Business) District. Within C-1 (General Business) Districts, drive-through restaurants require special approval.

COMMENTS

Special approval uses must meet both the specific non-discretionary standards of Section 12.03.d. and the discretionary standards listed in Section 18.08.f. of the Ordinance. We have reviewed the proposal and have the following comments based on the requirements of the Zoning Ordinance, observation of the site and surroundings and accepted principles of good planning and design.

1. General Standards for Special Approval.

- a. Promotes the use of land in a socially and economically desirable manner for those persons who will use the proposed land or activity; for those landowners and residents who are adjacent; and for the Township as a whole.** The site is located on the northeast corner of Denton Road and Michigan Ave., and abuts Canton Township. The immediate vicinity is mostly residential uses to the south and north. To the east and west along Michigan Ave. is undeveloped commercial zoned property. A run-down party store was the site's previous use, and the land was recently rezoned from C to C-1 at the request of the applicant. No gas stations currently exist in the vicinity, and the proposed drive-thru restaurant use will add a dining option in a relatively underserved portion of the Township. The use proposed will improve the overall appearance of the site and replacing a blighted structure.
- b. Is necessary for the public convenience at that location.** The use will offer fuel and food, a public convenience for commuters, residents of the neighborhood, travelers and others in the northeast quadrant of the Township.
- c. Is compatible with adjacent uses of land.** The C-1, General Business District permits a variety of uses, including drive-through uses by special approval. Landscaping, circulation, signs, infrastructure and other elements on the site will be upgraded to comply with the Zoning Ordinance. The single family residential zoned to the north in Canton Township will be

buffered with landscaping and a six foot screening wall to minimize off site impacts. Residential uses south of Michigan Ave. are separated from the site by the divided highway with a 204 foot wide right-of-way; the well-designed site will not negatively impact those residences. The proposed use will be compatible with the commercial zoned land to the east and west.

- d. **Is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.** The improvements will conform to industry standards for modern gas stations with convenience stores and drive-through restaurants. This proposed development will not pose a hazard to the public health, safety and welfare of Township residents. The site plan provides for appropriate circulation and bypass for the drive-through facility. The plan will close a dangerous informal driveway at the corner of Denton Road, and it provides significant upgrades including landscaping and storm water management, all benefits to public health, safety and welfare.
 - e. **Can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area.** The site's requirements will not negatively impact the provision of public services and facilities in the vicinity.
 - f. **Will not cause injury to other property in the neighborhood in which it is to be located.** With the improvements to circulation, removal of a blighted building and increased landscaping, we do not anticipate any adverse effects to the existing uses. The development will increase the marketability and desirability of other commercial and residential properties in the neighborhood.
 - g. **Considers the natural environment and helps conserve natural resources and energy.** As part of site plan approval, modifications will be required to bring the site into greater compliance with the landscaping, design, and other standards of the Zoning Ordinance. The installation of an on-site storm water pond will significantly improve the site's storm water management features. Significant landscaping will be added to the site as a part of the site plan approval process that will provide perimeter trees, landscaping beds, and landscaping around the storm water pond. These alterations will result in more manicured site, improved circulation and other improvements that will have no adverse effects on the natural resources.
 - h. **Is within the provisions of uses requiring special approval in the zoning district, is in harmony with the purposes and conforms to the applicable regulations of the zoning district, and meets applicable site design standards for special approval uses.** If our site plan comments under separate cover are adequately addressed, this condition will be met.
 - i. **Is related to the valid exercise of the Township's police power and purposes which are affected by the proposed use or activity.** The proposed use is expected to be consistent with the Township's police power.
2. **Specific Standards for Special Approval.** Section 12.03.d. gives specific standards for drive-in restaurants in the C-1 District. The proposal's compliance with those standards is evaluated below.
- a. **Entrances and exits must be 100 feet from the intersection of any two streets.** The west driveway (off Denton Road) is approximately 180 feet from the intersection with Michigan Ave.

The southern driveway is over 250 feet from the intersection with Denton Road.

- b. **Must have direct access to a major thoroughfare.** The site has direct access to Michigan Ave, a major arterial road.
- c. **No lighting or illuminated display shall reflect onto a residential zone.** The site abuts R-1 residential zoning to the north in Canton Township and R-1C to the south across Michigan Ave. All developments must conform with the zoning ordinance requirement that limits all light levels to no more than 0.5 fc at the property line.
- d. **Consideration must be given to proximity of existing places of congregation of children regarding traffic safety and sanitation.** The site is located in an area of zoned for intensive commercial uses. Although there are single family dwellings to the north, these are few in number and not areas that would facilitate congregation of large number of children. The addition of perimeter sidewalks will create added pedestrian safety.

RECOMMENDATION

Based on the above, we find that the proposed gas station and drive-through meets the criteria for special approval. Therefore, we recommend the Planning Commission recommend special approval to the Township Board, subject to the following:

1. Final site plan approval.

Respectfully submitted,

McKENNA ASSOCIATES



Sara J. Hodges, AICP, IAP2
Senior Vice President

July 16, 2015

Planning Commission
Charter Township of Van Buren
46425 Tyler Road
Belleville, MI 48111

Subject: VBT-14-025 SPR; Michigan and Denton Development; Site Plan Review #4; Plans Dated July 16, 2015

Dear Commissioners:

The applicant proposes a new gas station with convenience store and a drive-through restaurant on an existing 1.99 acre parcel at the northeast corner of Michigan Avenue (US 12) and Denton Road. The site was recently rezoned to C-1 (General Business) District. Our comments follow:

- 1. Use.** The site is zoned C-1 (General Business). Gas Stations are permitted by right while Drive-through restaurants are permitted subject to special approval. Special approval, with public hearing by the Planning Commission and recommendation to and approval by the Township Board, is required. The public hearing was held on July, 8, 2015. Our special approval comments are under separate cover.
- 2. Dimensional Requirements.** The required front yard setback is 75 feet with 15 foot wide side yard setbacks, and 25 foot rear yard setback and a maximum height of 40 feet. Although the site appears to comply with these requirements, please add a dimension on the plan from the pump canopy to the southern property line.
- 3. Circulation.** The site has direct access to Michigan Ave. (a divided highway) and secondary access to Denton Road. The south driveway (off Michigan Ave.) is over 250 feet from the intersection with Denton Road. The west driveway (off Denton Road) is approximately 180 feet from the intersection with Michigan Ave.

A future cross access connection on the east side of the parking lot is provided, and the cross access easement is delineated on the plan. Cross access easement documents must be submitted for Township review and approval prior to final site plan approval. These agreements must be finalized and the recorded version must be presented to the Township prior to certificate of occupancy.

- 4. Landscaping and Screening.** It is our understanding that the proposed storm water pond design is under review by Wayne County, and changes to the design may be required due to the County's requirements. Those changes must be included on the plans prior to final site plan approval. The land west of the storm water pond is planted with trees and shrubs adequate to meet the right-of-way landscaping requirements, and other plantings are provided to enhance the pond.

The details of the species, size at planting, and number of plantings provided are noted on the landscape plan. The total number of Acer rubrum - "Armstrong" and Carpinus betulus - "Frans Fontaine" in the Plant List on Sheet C6 does not match the plan and must be corrected.

Sidewalk is proposed along the site’s entire frontage. As the Denton Road sidewalk will be partially on the applicant’s site, a sidewalk easement must be provided for the review of the Township prior to final site plan approval. Evidence of recording of easement must be provided prior to issuance of a certificate of occupancy.

Other Ordinance landscaping requirements have been met.

5. Parking. The parking requirements are as noted below:

Standard	Applicable Measurement	# of Spaces Required	# of Spaces Provided
<i>Gas Station</i>			
1 space per 200 sq. ft. of gross retail space	5,398 sq. ft. of gross floor area for the C store	27	27
2 spaces per pump island	5 pump islands	10	10
1 space per employee in maximum shift	3 employees	3	3
<i>Drive-Through Restaurant</i>		40	40
22 spaces per 1,000 sq. ft. usable floor area	368 sq. ft. of usable floor area	8	0
1 space per employee in maximum shift	4 employees	4	4
		Minimum Required:	52 spaces (est.)
		Total Proposed:	44
		Deficiency:	8 spaces
<i>Drive-Through Stacking</i>			
5 between pick-up window & order station	-	5 stacking	4 stacking
10 per order station	1 order station	10 stacking	9 stacking
		Minimum Required:	15 stacking
		Total Proposed:	13 stacking
		Deficiency:	2 stacking

There are 2 fewer stacking spaces and 8 fewer parking spaces than required. The applicant notes that the potential tenant proposed for the drive-through restaurant requires less time to fill orders on average in comparison to the typical fast food restaurant, and that existing conditions on the site are satisfactory to meet the parking needs of customers and not cause traffic problems. The Planning Commission may modify the numerical parking and stacking requirements based on satisfactory written evidence from the applicant that another standard would be more reasonable, given the expected employment and/or customer traffic.

6. Drive-Through Speakers. The site plan must include a note that volume and frequency controls will be provided, along with other ways to ensure the speakers do not become a nuisance.

7. Lighting. All light poles measure 22 feet tall and conform to the Township’s 25 foot maximum height requirement. The site lighting plan indicates conformance with the Township’s requirement

for lighting to be shielded from the adjacent rights of way and from adjacent residentially zoned properties.

8. **Elevations.** The new gas station/convenience store building elevations have been revised to incorporate red brick veneer as the primary facade material with accent bands of stone. Stone is also used as an accent material and the main material framing the building entrance and drive through window area. Samples of the proposed façade materials and colors for the building and gas canopy must be presented at the Planning Commission meeting for approval.

The roof plan illustrates rooftop mechanicals, but no screening is shown. The site plan must clarify where the mechanical units will be located and provide details of the screening. Use of the parapet for screening is preferred.

The gas canopy support columns are covered in cultured stone with a limestone base and the canopy is EIFS with a metal cornice. The elevations note most materials will “match building”. However, the primary materials - cultured stone and EIFS - are not on the main building; even the cornice proposed is different. The gas canopy elevations must be revised to better match building materials and colors. Excessive use of EIFS is discouraged. Colors and materials must be noted on the plan.

9. **Site Amenities.** All commercial uses in the Township must provide site amenities to serve the comfort of the public and future users. An outdoor seating area for the drive-through restaurant is proposed as an amenity; details of the proposed outdoor furniture, trash cans, umbrellas, etc., are illustrated on Sheet C12.
10. **Signs.** The allowable sign area is 1 sq. ft. per linear foot of lot frontage up to 200 linear feet, plus 0.25 square foot for each subsequent linear foot. For the 283.86’ of linear frontage, this equals 221 sq. ft. of available sign area. This total includes all wall signs, canopy signs and the ground monument sign. Current measurements illustrate 200 sq. ft. of signage and comply.

Dimensions of the proposed signs are on the plan as required. The permitted sign area is shared between the convenience store, gas station and drive-through restaurant. The proposed signs comply with the maximum sign area permitted by the Zoning Ordinance in Section 20.409(4) (b).

Per Sheet C11, the south and west elevations of the canopy will each have a 16 sq. ft. logo sign. The plan notes that an additional sign will be located on the east elevation of the canopy; this must be added to the elevation. The gas pump island detail was removed from Sheet C11 in the revised version of the site plan and must be restored to the submission.

Details for the menu board, order station, and the ground monument sign were provided. Details for the directional signs must be provided.

11. **Permits and Approvals.** Site plan approval will be subject to evidence of all required State permits and approvals for the storage, disposal, and transfer of gasoline, including the size, construction, overflow protection, and underground fuel tanks.

RECOMMENDATION

The site plan has been revised to address previous concerns and make the overall site more functional. Therefore, we recommend that the Planning Commission grant preliminary site plan approval subject to the following items being addressed on the plan prior to final site plan approval:

1. Provide a dimension from the Michigan Ave. property line to the canopy;
2. Correct landscape plan to address inconsistencies between the planting list and the landscape plan, as described in Comment 4. above;
3. Any changes to the storm water pond required by Wayne County must be addressed on the plan prior to final site plan approval;
4. Planning Commission approval of the proposed 2 stacking space deficiency and 8 parking space deficiency based upon satisfactory written evidence from the applicant as to why the proposed spaces will be sufficient for the use due to special considerations regarding customers and employees, or revision of the site plan to comply with the requirements;
5. Statement on the site plan regarding how the drive-through speakers will be controlled to prevent them from becoming a nuisance to neighboring properties;
6. Samples of the proposed façade materials and colors for the building and gas canopy must be presented at the Planning Commission meeting and are subject to the Commission's approval;
7. The gas canopy elevations must be revised to better match building materials and colors, with colors and materials noted on the plan.
8. Clarification on the plan regarding where the mechanical units will be located and provide details of the screening. If there will be no rooftop mechanicals, the plan must so note;
9. Provision of all sign items, as noted in Comment 10 above;
10. Submission of proposed easements for cross access and the sidewalk for Township review and approval prior to final site plan approval. These agreements must be finalized and the recorded version must be presented to the Township prior to certificate of occupancy.
11. Provide evidence of State permits for the operation of a gasoline service station prior to issuance of building permits;
12. Approval of the Township engineer; and
13. Special approval by the Township Board.

Respectfully submitted,

McKENNA ASSOCIATES



Sara J. Hodges, AICP, IAP2
Senior Vice President

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING

DATE: AUGUST 3, 2015

BOARD MEETING DATE:

AUGUST 18, 2015

Consent Agenda _____

New Business _____

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	Job Description – Fire Inspector – Permanent Part-Time
DEPARTMENT	Public Safety, Fire Department
PRESENTER	Fire Chief Dan Besson
PHONE NUMBER	734-699-8916
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	Approval
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	<p>The Van Buren Department of Public Safety – Fire Division formally requests approval of a job description for the position of Fire Inspector – Permanent Part-Time.</p> <p>The Fire Inspector Permanent Part-Time position’s job description and collective bargaining agreement (CBA) language have been tentatively agreed to by both the management and union negotiation teams. The Fire Inspector Permanent Part-Time position replaces language referred to in Article XVI (Wages, Holidays, and Bonuses) Section 7 <i>Part Time Firefighter Working As Fire Inspector</i> recognized within the CBA.</p> <p>The Fire Inspector Permanent Part-Time will be responsible for pre-incident plan development, commercial and multi-family life & safety inspections, fire suppression & detection system tests, and other fire inspections. This position will be permanent part-time averaging 24 hours a week.</p>
BUDGET IMPLICATION	NA
IMPLEMENTATION NEXT STEP	Approval
DEPARTMENT RECOMMENDATION	Yes
COMMITTEE/COMMISSION RECOMMENDATION	N/A
ATTORNEY RECOMMENDATION	Yes
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	Please see attached documentation for additional information.
APPROVAL OF SUPERVISOR	_____

**CHARTER TOWNSHIP OF VAN BUREN
JOB DESCRIPTION
PUBLIC SAFETY DEPARTMENT
FIRE DEPARTMENT – PERMANENT PART TIME FIRE INSPECTOR**

Position Summary:

The Fire Inspector is a skilled inspection and enforcement position which is responsible for promoting fire safety and securing compliance with fire prevention laws and ordinances. The work emphasizes the inspection of commercial and industrial establishments and places of public assembly. The position usually works independently but is under the direct supervision of the Fire Marshal, and the general supervision of the Deputy Director of Public Safety – Fire Services.

Essential Job Functions:

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Performs fire prevention inspections and investigations on local places of public assembly, multiple family dwellings, business and industrial establishments for existing or potential fire hazards; orders correction of dangerous conditions.
2. Reviews site plans for proposed new construction or renovation for the purpose of gathering information for pre-fire/incident plans to be used internally by Van Buren Township firefighters.
3. In the absence of a Fire Marshal, and within the scope of training, may conduct Plan Reviews – reviewing and evaluating new construction or renovation project site plans for fire apparatus access, ability to access water to fight a fire, life safety, alarm detection, fire suppression systems.
4. Works closely in joint cooperation with the Developmental Services Department to review plans for the purpose of pre-fire planning and systems testing (i.e. inspects existing fire escapes, existing portable extinguishers, and existing fire protection hood systems and equipment for proper maintenance, etc.) Coordinating with Building Inspectors to make sure that the building is fire code ready and all of the life safety items are in place.
5. Evaluating fire suppression systems making sure that there was a flush, suppression rough, hydro, and a final to make sure they match submitted plans.
6. Works with the Fire Marshal to establish a coordinated tracking system and schedule to conduct the regular fire testing and fire system walk-through of buildings, after the final certificate of occupancy has been issued by the Developmental Services Department.
7. Interprets and enforces Township codes, ordinances, including the latest adopted Fire Prevention and Life Safety Code, and state regulations. Along with the Fire

Marshal makes recommendations on changes to ordinances and regulations.

8. Conducts investigations and mitigates complaints relative to fire hazards. This not only include complaints such as blocked exits, greasy hood and ducts, or blocked fire lanes, but also the neighbor complaint on open burning.
9. Along with the Fire Marshal investigates suspicious fires, high-value loss, fatal fires, or when required by the Fire Chief to determine the cause and origin. Documents findings and preserves evidence. Coordinates investigative efforts with private investigators and insurance agents and testifies in court when necessary.
10. Assists with the development and implementation of fire prevention programs.
11. Prepares reports of inspections and investigations performed.
12. Receives and transmits radio and telephone messages and calls for service to the Fire Department. Provides information to the general public, electronically, in-person, and via telephone.
13. Operates portable fire extinguishers, and similar equipment.
14. Raises, lowers, and climbs ground ladders.
15. Drives and operates departmental vehicles in compliance with P.A 300.
16. Attend training programs pertinent to fire inspector/investigator duties.
17. Performs other related duties as required and assigned within knowledge, skills and abilities set forth.
18. Where necessary, coordinates and completes Sara Title III planning to comply with applicable MIOSHA laws.

Additional Job Duties:

1. Participates in pre-incident surveys and fire prevention programs. Assists with and participates in the fire department's training program. Participates in fire drills; attends classes in fire inspection, emergency medical, hazardous materials and related subjects; assists in developing plans for special assignments such as emergency preparedness, hazardous materials, and other relevant topics.
2. Participates in public fire education programs. They may present programs to the community on safety or fire prevention topics. They may be called upon to assist the department supervisory and administrative activities as assigned; may assist to coordinate, instruct, or supervise work of fire fighters, new paid-on-call or other department personnel conducting pre-incident plans or other safety programs assigned.
3. Performs other related duties as required and assigned within knowledge, skills, and abilities set forth.

4. Attend various township meetings (i.e.: Work Study, Board of Trustee, or Planning Commission) where required by the Fire Chief.

Required Knowledge, Skills, Abilities and Minimum Qualifications:

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

Requirements include the following:

- NFPA certification as a Fire Inspector I and Fire Inspector II. Employee must maintain these certifications during the course of their employment as Permanent Part-time Fire Inspector.
- Licensed State of Michigan Fire Inspector. Employee must maintain this license during the course of their employment as Permanent Part-time Fire Inspector.
- Certified (preferred) Fire Investigator with a minimum of the 16 hour Investigator Class and State of Michigan EMS license to level provided by dept. or higher.
- Must be able to obtain and maintain state certification as required by law for fire inspection/fire prevention work.
- Must possess a current, valid Michigan Driver's License with a driving history that does not create liability concerns; i.e. convictions of reckless driving, careless driving, suspended license, or convictions involving drinking and impaired driving. Must have and maintain a good driving record.
- Considerable knowledge of the principles, practices and procedures of modern fire prevention, inspection, and arson detection.
- Knowledge of Michigan Right to Know laws and SARA Title III.
- Knowledge of Township buildings and related codes and ordinances.
- Knowledge of major types of building construction, materials, and equipment, as well as their associated hazards.
- Ability to communicate and work effectively with department personnel, building owners, and the general public and to effect and maintain positive working relationships regarding inspections and regulatory matters.
- Ability to enforce rules and regulations firmly, tactfully, and impartially.
- Ability to maintain accurate and legible records and prepare reports in a timely manner.

- Ability to read, understand, and interpret plans, diagrams, specifications, and blueprints or use available sources of assistance, where necessary.
- Ability to understand and follow oral and written directions, instructions, and procedures.
- Ability to establish effective working relationships and use good judgment, accept lines of authority, and utilize initiative and resourcefulness when dealing with all Department of Public Safety personnel, township personnel, and the public.

Physical Demands and Work Environment:

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee's environment can range from the fire station office setting, walking inside large buildings or warehouses, to walking outside in a variety of terrain. A fire inspector may expect to face a variety of physical demands.

The following physical demands and/or environmental characteristics will be encountered by employees at varying frequencies while performing the duties of this job: standing; walking; running; using hands to handle or feel; reaching with hands and arms; climbing or balancing; stooping, kneeling, crouching, or crawling; talking or hearing; and smelling. The employee is also required to lift and/or move objects of heavy weight. Vision requirements for this position include close vision, distance vision, peripheral vision, and depth perception (corrections such as glasses or contacts are acceptable). The employee must maintain the physical ability to perform the duties of this job.

While unlikely the employee may be exposed to fire, wet and/or humid conditions; high, precarious places; small, dark, enclosed areas; fumes or airborne particles; toxic or caustic chemicals; outside weather conditions; extreme heat, moving mechanical parts, vibration, and risk of electrical shock. The noise level in the work environment can vary from quiet while in the station house to very loud at fire scenes.

Typical hours of work shall be 8am-4pm Tuesday, Wednesday, and Thursdays but the Fire Inspector shall have the ability to work flexible hours and potentially extra hours up to 29 hours per week.

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING

DATE: AUGUST 3, 2015

BOARD MEETING DATE:

AUGUST 18, 2015

Consent Agenda _____

New Business x

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	Job Description – Fire Marshal
DEPARTMENT	Public Safety, Fire Department
PRESENTER	Fire Chief Dan Besson
PHONE NUMBER	734-699-8916
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
Approval	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
<p>The Van Buren Department of Public Safety – Fire Division formally requests approval of a job description for the position of Fire Marshal.</p> <p>The Fire Marshal position’s job description and collective bargaining agreement (CBA) language have been tentatively agreed to by both the management and union negotiation teams. The Fire Marshal position replaces the previous job title of “Full-Time Fire Inspector” recognized within the CBA.</p> <p>The Fire Marshal will be responsible for fire plan reviews, pre-certificate of occupancy inspections, fire suppression & detection system tests, and fire inspections. This position will be full-time and, upon approval, the line item 101-336-705-000 description will be changed to “Fire Marshal Wages”.</p> <p>Position schedule changed from 106 hour two-week pay period to 80 hour two-week pay period. 2013 Actual Fire Inspector Wages was \$81,958 including overtime (proposed was \$75,500) 2016 proposed budget for Fire Marshal Wage line item is \$49,800 including overtime.</p>	
BUDGET IMPLICATION	Saving estimated at \$25, 700 annually by switching the position to a 40-hour a week administrative position (includes projected overtime)
IMPLEMENTATION NEXT STEP	Approval
DEPARTMENT RECOMMENDATION	Yes
COMMITTEE/COMMISSION RECOMMENDATION	N/A
ATTORNEY RECOMMENDATION	Yes
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	Please see attached documentation for additional information.
APPROVAL OF SUPERVISOR	_____

**CHARTER TOWNSHIP OF VAN BUREN
JOB DESCRIPTION
PUBLIC SAFETY DEPARTMENT
FIRE DEPARTMENT – FIRE MARSHAL**

Position Summary:

The Fire Marshal is a skilled inspection and enforcement position which is responsible for promoting fire safety and securing compliance with fire prevention laws and ordinances. The work emphasizes the inspection of commercial and industrial establishments and places of public assembly. The position usually works independently but is under the supervision of the Fire Chief, and the general supervision of the Director of Public Safety.

Essential Job Functions:

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Performs fire prevention inspections and investigations on local places of public assembly, multiple family dwellings, business and industrial establishments for existing or potential fire hazards; orders correction of dangerous conditions.
2. Reviews site plans for proposed new construction for the purpose of gathering information for pre-fire/incident plans to be used internally by Van Buren Township firefighters.
3. Works closely in joint cooperation with the Building Dept. to review plans for the purpose of pre-fire planning and systems testing (i.e.: inspects existing fire escapes, existing portable extinguishers, and existing fire protection hood systems and equipment for proper maintenance, etc.)
4. Establishes a coordinated tracking system and schedule to conduct the regular fire testing and fire suppression & detection system walk-through of buildings, after the final certificate of occupancy has been issued by the Building Department.
5. Interprets and enforces Township codes and ordinances, and state regulations. Has the ability to make recommendations on changes to ordinances and regulations.
6. Conducts investigations and mitigates complaints relative to fire hazards. This not only includes complaints such as blocked exits, greasy hood and ducts, or blocked fire lanes, but also the neighbor complaint on open burning.
7. Investigates suspicious fires, high-value loss, fatal fires, or when required by the Fire Chief to determine the cause and origin. Documents findings and preserves evidence. Coordinates investigative efforts with private investigators and insurance agents and testifies in court when necessary.

8. Coordinates the development and implementation of fire prevention programs.
9. Prepares reports of inspections and investigations performed.
10. Receives and transmits radio and telephone messages and calls for service to the Fire Department. Has the ability to provide information to the general public over the counter and by telephone.
11. Operates portable fire extinguishers and similar equipment.
12. Raises, lowers, and climbs ground ladders.
13. Drives and operates departmental vehicles in compliance with P.A 300
14. Attend training programs pertinent to fire inspector/investigator duties.
15. Performs other related duties as required and assigned within knowledge, skills and abilities set forth.

Required Knowledge, Skills, Abilities and Minimum Qualifications:

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

Requirements include the following:

- Associate Degree in fire science, public administration, or related field from an accredited college or university or any combination of experience and training which will provide the desired knowledge, skills, and abilities.
- Five or more years of progressively more responsible experience and training in various phases of firefighting work and at least two years as a command officer that would provide the following knowledge, skills and abilities. Experience from other agencies may be considered at the discretion of the Director of Public Safety.
- State of Michigan Fire Fighter I and II certification.
- Michigan Fire Officer I & II certification (or be able to attain within a reasonable time period as determined by the Director or Public Safety).
- NFPA Certification as a Fire Inspector I, Fire Inspector II and Fire Plans Examiner for fire prevention work. Must maintain certification during course of employment.
- State Certification as a Fire Inspector. Must maintain certification during course of employment.
- Certified Fire Investigator with a minimum of the 80 hour Investigator Class (or be able to attain within a reasonable time period as determined by the Director or

Public Safety).

- State of Michigan EMS license to level provided by dept. or higher.
- Must be able to obtain and maintain state certification as required by law for fire inspection/fire prevention work.
- Must possess a current, valid Michigan Driver's License with a driving history that does not create liability concerns; i.e. convictions of reckless driving, careless driving, suspended license, or convictions involving drinking and impaired driving. Must have and maintain a good driving record.
- Considerable knowledge of the principles, practices and procedures of modern fire prevention, inspection, and arson detection.
- Knowledge of Michigan Right to Know laws and SARA Title III.
- Knowledge of Township buildings and related codes and ordinances.
- Knowledge of major types of building construction, materials, and equipment.
- Basic understanding of the Michigan building codes.
- Considerable knowledge of fire hazards involved in various types of construction and in the storage of flammables, combustibles, and explosives.
- Ability to communicate and work effectively with department personnel, building owners, and the general public and to effect and maintain positive working relationships regarding inspections and regulatory matters.
- Ability to enforce rules and regulations firmly, tactfully, and impartially.
- Ability to maintain accurate and legible records and prepare reports in a timely manner.
- Ability to read, understand, and interpret plans, diagrams, specifications, and blueprints.
- Ability to react quickly and calmly in emergencies.
- Ability to understand and follow oral and written directions, instructions, and procedures.
- Ability to establish effective working relationships and use good judgment, accept lines of authority, and utilize initiative and resourcefulness when dealing with other fire fighters, all Department of Public Safety personnel, and the public.
- Aptitude for mechanical work.

Physical Demands and Work Environment:

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is occasionally required to: climb or balance, stoop, kneel, crouch, or crawl. Frequently, the employee is required to stand, walk, reach with hands and arms, and smell. It is crucial to the outcome of job tasks that the employee is able to: talk or hear or use hands to handle, feel, or operate objects / equipment on an extensive basis.

The employee in this classification will be required to lift objects of up to 10 pounds extensively. Furthermore, the employee will frequently lift objects of up to 50 pounds. Occasionally, the employee will need to lift/move objects weight up to 100 pounds. Vision requirements for this position include close vision, distance vision, peripheral vision, and depth perception (corrections such as glasses or contacts are acceptable). The employee must maintain the physical ability to perform the duties of this job.

While unlikely the employee may be exposed to fire, wet and/or humid conditions; high, precarious places; small, dark, enclosed areas; fumes or airborne particles; toxic or caustic chemicals; outside weather conditions; extreme heat, moving mechanical parts, vibration, and risk of electrical shock. The noise level in the work environment can vary from quiet while in the station house to very loud at fire scenes.

Charter Township of Van Buren

Agenda Item _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE:
2015-08-03

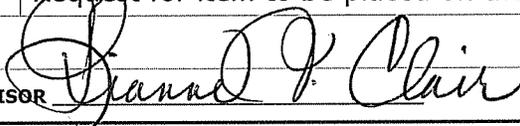
BOARD MEETING DATE:
2015-08-17

Consent Agenda _____ New Business X Unfinished Business _____ Public Hearing _____

ITEM (SUBJECT)	Approve Resolution 2015-33 for Assignment of DWSD Water Contract to GLWA
DEPARTMENT	Public Services
PRESENTER	Director James T. Taylor
PHONE NUMBER	734-699-8947
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
Board approval of Resolution 2015-33 authorizing the reassignment of existing DWSD Water Contract to the GLWA	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
The requested approval process is according to the 2015 lease agreement reached by the Detroit Water & Sewer Department and the Great Lakes Water Authority. (see attachments for further details)	

BUDGET IMPLICATION	none
IMPLEMENTATION NEXT STEP	Approval of Resolution 2015-33
DEPARTMENT RECOMMENDATION	Township Board Approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	reviewed and recommended
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	Request for item to be placed on the Board Agenda of August 17, 2015
APPROVAL OF SUPERVISOR	



CHARTER TOWNSHIP OF VAN BUREN DEPARTMENT OF PUBLIC SERVICES

DATE: August 3, 2015
TO: Township Board of Trustees
FROM: James T. Taylor, Director of Public Services
RE: Request for Board Action – Approval of Resolution 2015-33

As noted in the attached memo from DWSD Director and GLWA Interim CEO Sue McCormick, the GLWA / DWSD lease agreement was approved on June 12, 2015. This agreement requires that all wholesale suburban customers approve by resolution the transfer of responsibility for the water service provided for under the water contract agreements that each community have with the Detroit Water & Sewer Department to the Great Lakes Water Authority. Once the contracts have been transferred, the GLWA will assume the legal authority to continue the services called for in our existing water contract. The contract, agreed to by the Van Buren Township Board in 2008, with the amendments of 2011 and 2013, will not have any changes, other than the transfer of responsibility for services to the GLWA.

The targeted date for the initial transfer of operations to the GLWA is January 1, 2016. There has been a tremendous amount of work to prepare for this transfer by DWSD staff and management and suburban customers. It is expected that a full transition of all management, operations and technology will take about three to five years. It is an unprecedented task with multiple layers of organizational and operational restructuring, so far requiring hundreds of man hours to plan and coordinate the transition.

I have also attached additional information on the process of transition and work that has been put into this effort. Let me know if you have any questions.

MISSION STATEMENT

“The Van Buren Public Services Department is committed to a clean and safe environment, enhanced service delivery to its customers and protection of the significant public investment in the township’s buildings and grounds, and water distribution and sanitary collection systems.”

**Charter Township of Van Buren Resolution 2015-33
Regarding Assignment Agreement with the City Of Detroit
And The Great Lakes Water Authority**

Whereas, on September 9, 2014, a Memorandum of Understanding Regarding the Formation of the Great Lakes Water Authority was adopted by the City of Detroit, the State of Michigan and the counties of Wayne, Oakland and Macomb; and

Whereas, the Memorandum of Understanding required, among other things, that the City of Detroit and the counties of Wayne, Oakland and Macomb adopt Articles of Incorporation no later than October 10, 2014, and that the City of Detroit and the Great Lakes Water Authority execute a lease agreement regarding the operation and management of the Detroit water supply and sewage disposal systems; and

Whereas, on October 10, 2014, the City of Detroit and the counties of Wayne, Oakland and Macomb adopted the Articles of Incorporation of Great Lakes Water Authority; and

Whereas, on June 12, 2015, the City of Detroit and the Great Lakes Water Authority executed two 40-year lease agreements regarding (1) the operation and management of the Detroit water supply system ("Water Lease") and (2) the operation and management of the Detroit sewage disposal system; and

Whereas, Pursuant to Sections 4.1(a)(i), 4.1(d) and 4.4 of the Water Lease, the City of Detroit assigned and the Great Lakes Water Authority assumed all of Detroit's rights, duties, liabilities, responsibilities and obligations under the wholesale customer water contracts without any impairment to said contracts; and

Whereas, Article III of the Water Lease provides that the effective date of the Water Lease is dependent upon the satisfaction of certain conditions precedent, including obtaining the consent of the wholesale water customers to the assignment of their 30-year water service contracts to the Great Lakes Water Authority pursuant to Section 3.2(j) of the Water Lease; and

Whereas, pursuant to the Water Lease, and as provided in Article 13 of the Water Service Contract, the City of Detroit has presented an Agreement to Assign Wholesale Customer Water Service Contract between the City of Detroit Water and Sewerage Department, the Great Lakes Water Authority and this community for the assignment of the Water Service Contract with the City of Detroit Water and Sewerage Department to the Great Lakes Water Authority with a request for approval; and

Whereas, this Honorable Body finds it is in the best interests of this community to consent to the assignment of the Water Service Contract to the Great Lakes Water Authority;

NOW THEREFORE BE IT RESOLVED, that the attached Agreement to Assign Wholesale Customer Water Service Contract between the City of Detroit Water and Sewerage Department, the Great Lakes Water Authority, and Charter Township of Van Buren is approved; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution and the executed Agreement to Assign Wholesale Customer Water Service Contract be returned to the City of Detroit Water and Sewerage Department within seven (7) days of the date of this Resolution.

Yeas: _____

Abstain: _____

Nays: _____

Absent: _____

I certify that the above Resolution was adopted by the Charter Township of Van Buren Board of Trustees on

_____.

BY: _____

Signature

Date

June 25, 2015

Regarding: Request for Consent to Assignment of Water Contract

Dear Valued Water Customer:

I write to you today with exciting news about the future of your existing water service contract with the City of Detroit Water and Sewerage Department. On June 12, 2015, a historic agreement to lease the assets of the Detroit water supply and sewage disposal systems was reached between the City of Detroit and the Great Lakes Water Authority. Under the terms of the Regional Water Supply System Lease Agreement, the Great Lakes Water Authority has assumed responsibility for the operations of the Detroit-owned water system and will be the provider of future water service to our wholesale customers.

Rest assured that your community will continue to receive the high quality drinking water that you have come to rely on. However, as may be expected in such matters, certain actions must be taken by your community in order to assure that the Great Lakes Water Authority may legally continue to provide your water service. While the Regional Water Supply System Lease Agreement assigned all City of Detroit wholesale water service contracts to the Great Lakes Water Authority, Article 13 of your existing water service contract requires your written consent to this assignment. This letter is intended to serve as the City of Detroit's request to provide your community's consent to the assignment of its contract to the Great Lakes Water Authority. Aside from the change in service provider, the terms of your water service contract will not be changed by this assignment.

As you may imagine, the transition in operating responsibility from the Detroit Water and Sewerage Department to the Great Lakes Water Authority is on a "fast track" for completion and we need your help. Attached to this letter is an Agreement to Assign Wholesale Customer Water Service Contract between the City of Detroit Water and Sewerage Department, the Great Lakes Water Authority and your community, and a form of resolution approving the agreement; which resolution you may choose to utilize in your discretion. We have also attached a summary of both Lease Agreements for your use as background material. If you wish to consent to the assignment of your contract to the Great Lakes Water Authority, please have the attached Agreement to Assign Wholesale Customer Water Service Contract approved by your legislative body as soon as possible. The management and staff of the Detroit Water and Sewerage Department are willing and available to assist you in this process, including providing subject matter experts to meet with and discuss this matter with you and/or your legislative body, if you desire.

Please contact me at (313) 224-4701, or our contracted facilitator, Teresa Newman, at (248) 476-7577 with any questions you may have regarding this request. Finally, thank you for your continued cooperation and support as we move forward to implementing the Lease Agreements between the City of Detroit and the Great Lakes Water Authority.

Sincerely,

Sue F. McCormick
Director, Detroit Water and Sewerage Department
Interim CEO, Great Lakes Water Authority

Agreement to Assign Wholesale Customer Water Service Contract

This Agreement to Assign Wholesale Customer Water Service Contract (“Agreement”) is entered into by and between the City of Detroit Water and Sewerage Department, a Michigan municipal corporation (“Detroit”), and the Great Lakes Water Authority, a Michigan municipal authority and public body corporate created pursuant to Act 233 of 1955 (“GLWA”), and The Charter Township of Van Buren, a Michigan municipal corporation (“Customer”) (collectively, the “Parties”), and states as follows:

Recitals

A. Detroit and Customer entered into a water service contract dated 05-30-2008, as subsequently amended (“Contract”), which is fully incorporated by reference; and

B. On June 12, 2015, Detroit and the GLWA entered into a lease agreement whereby the GLWA was conveyed, amongst other items, a leasehold interest in all Detroit water facilities (“Water Lease Agreement”); and

C. Pursuant to Sections 4.1(a)(i), 4.1(d) and 4.4 of the Water Lease Agreement, Detroit has assigned and the GLWA has assumed all of Detroit’s rights, duties, liabilities, responsibilities and obligations (collectively, “Rights and Obligations”) under the Contract without any impairment to the Contract; and

D. Article III of the Water Lease Agreement provides that the effective date of the Water Lease Agreement is dependent upon the satisfaction of certain conditions precedent, including obtaining the consent of Customer to the assignment of its Contract to the GLWA as provided in Section 3.2(j); and

E. The Parties intend to achieve a novation of the Contract by the substitution of the GLWA for Detroit with respect to all rights and Obligations under the Contract; and

Accordingly, in consideration for Detroit’s agreement to assign its Rights and Obligations under the Contract, and the GLWA’s agreement to assume those Rights and Obligations, and the Customer’s agreement to accept this substitution, the Parties agree as follows:

1. The GLWA shall be assigned Detroit’s Rights and Obligations under the Contract as of the date upon which the conditions precedent to the Water Lease Agreement have been met, which date shall be the effective date of the novation and of this Agreement (“Effective Date”). All terms and conditions of this Agreement shall take effect only upon the Effective Date. In the event that the conditions precedent necessary to effectuate the Water Lease Agreement are not met, then this Agreement shall become null and void and shall have no legal effect.

2. The Rights and Obligations of Detroit under the Contract shall be extinguished and Detroit waives any claims and rights against the Customer that it now has or may have in the future in connection with the Contract and shall not be permitted to bring any such claims against Customer. Any claim brought in violation of this Agreement shall be controlled by the terms of the Water Lease Agreement.

3. The GLWA shall be bound by and perform the Contract in accordance with the terms and conditions of the Contract. The GLWA assumes all Rights and Obligations of, and all claims against, Detroit under the Contract as if the GLWA were the original party to the Contract. The GLWA ratifies all previous actions taken by Detroit with respect to the Contract, with the same force and effect as if the action had been taken by the GLWA.

4. The Customer recognizes the GLWA as Detroit's successor in interest in and to the Contract and that the GLWA is entitled to all rights, titles and interests of Detroit in and to the Contract as if the GLWA were the original party to the Contract.

5. All terms, conditions, and covenants of the Contract shall remain in full force and effect, and the GLWA shall fulfill all such terms, conditions and covenants.

6. This Agreement and all actions arising under it shall be governed by the law of the State of Michigan.

7. This Agreement may be executed and delivered in counterparts, including by facsimile transmission, each of which will be deemed an original.

In Witness Whereof, the Parties, by their duly authorized officers and representatives, indicate their concurrence with the terms and conditions of this Agreement:

City of Detroit, Water and Sewerage Department:

By: _____
Sue F. McCormick
Its: Director

Great Lakes Water Authority:

APPROVED BY GLWA
BOARD OF DIRECTORS ON:

By: _____
Sue F. McCormick
Its: Interim Chief Executive Officer

_____ Date

Charter Township of Van Buren:

By: _____
Its: Supervisor

By: _____
Its: Clerk

APPROVED BY
CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES ON:

_____ Date



City of Detroit-Great Lakes Water Authority Water & Sewer Leases & Service Agreement

WATER AND SEWER FACILITIES LEASES:

- GLWA to be conveyed (via a leasehold interest) all regional water and sewerage facilities.
- GLWA to be conveyed interest in all water and sewer system revenues including City of Detroit retail revenues.
- DWSD bonds to be assigned to GLWA and are payable solely from Net Revenues of the System, no full faith and credit pledge.
- GLWA revenue requirements that are targeted not to increase by more than 4 percent per year include \$50M lease payment, \$4.5M Water Residential Assistance Program payment and GLWA employee related frozen Pension Obligation as expenses shared regionally (on a “common-to-all” basis).
 - Per an independent study conducted by Plante & Moran the 4-percent revenue increase cap is sufficient to support these payments and provide funds for “common-to-all” revenue-financed capital.
- The \$50M lease payment may only be used, at City’s discretion, to pay for Detroit local capital improvements or Detroit’s debt service obligations for bonds issued to pay for local or regional improvements.
- A budget stabilization fund to be created and funds set aside from Detroit retail revenues to ensure Detroit meets its customer collection responsibilities.
- GLWA to be assigned existing wholesale service contracts (subject to any required customer approvals not to be unreasonably withheld), vendor contracts, and labor contracts. GLWA is a successor employer.

WATER AND SEWER SERVICES AGREEMENT:

- City of Detroit is delegated, as Authority’s agent, responsibility for setting retail rates, billing, collection and enforcement. Revocable by Authority in event of failure to satisfy requirements.

- Authority to establish two-year budget (periodically adjusted) and require quarterly financial reporting on Detroit retail performance with a Reconciliation Committee to address significant budget to actual variances, if necessary.
- Recent changes in the rate-setting policies of DWSD have provided additional assurances that wholesale and Detroit retail revenues will be realized.

*Leases become effective with the completion of conditions precedent including bondholder consents, contract assignments, permit transfers, Master Bond Ordinance, etc.



GREAT LAKES WATER AUTHORITY

Water Residential Assistance Program (WRAP)

Frequently Asked Questions

1.) What is WRAP?

The Water Residential Assistance Program (WRAP) was conceived by the Great Lakes Water Authority (GLWA) and required by the GLWA incorporating documents. The WRAP program was designed by a team of exceptionally knowledgeable and experienced agencies from Macomb, Oakland, and Wayne Counties. WRAP was developed to be an unbiased program for the disbursement of available funds and will be managed by a qualified Program Administrator.

2.) How is WRAP funded?

WRAP will receive 0.5% of the total GLWA annual operating revenue, the amount for operating year 2016 is \$4.5 million.

3.) When will WRAP funds be available for distribution?

The WRAP funds will become available when the GLWA becomes operational. The WRAP Program Administration is targeted to be operational by January 1, 2016.

4.) Who is eligible for WRAP?

To be eligible for the WRAP assistance program, a household must meet all of the following criteria:

- Households must be within the GLWA customer region and must provide proof of residency.
- A qualifying household must be living at 150% of poverty or below. The Program Administrator will review the past 30 days of household income to determine eligibility.
- A qualifying head of household must provide appropriate proof of identity for all members of the household 18 years and older.
- The water bill must be in past due status.
- A payment of at least 5% of the amount owed or \$50 must be paid, whichever is lower, within the last 90 days toward the account balance.
- The WRAP payment assistance must bring the account status to current with no past due amount owed.

5.) How long will it take to process eligibility?

After being deemed eligible for assistance, the household’s water service provider will be asked to place a hold on the account. Payment to the water company on behalf of the individual will be made within thirty days of confirmation of eligibility.

6.) What forms of assistance are available?

There are several factors that determine the type of assistance a household will receive:

- Payment assistance is available for each qualifying household one time per year.
- Water Use Conservation informational packets are available for all households.
- Water Use Conservation Classes are available once per household.
- Residential Water Audits are required for households that have water usage above 20% of average water usage. The household must agree to attend a water use conservation class and have the home water audit performed.
- If the water audit determines that plumbing repairs are creating high usage, the household may be eligible to receive up to \$1000 in home water utility repairs. Repairs cannot include services that will change the infrastructure of a property.

7.) How often can I receive assistance?

Due to limited funding, WRAP will assist each qualifying household one time per year.

8.) What if my household is ineligible for WRAP?

WRAP will assist individuals in locating other assistance programs they may qualify for if they are ineligible to receive WRAP funding.

Form of Assistance	Eligibility Requirement	MAXIMUM Annual Benefit
Payment Assistance	<ul style="list-style-type: none">• Household at 150% of poverty of below• Proof that household is within the GLWA Service Area	Up to \$1,500 per year.
Water Use Conservation Class	<ul style="list-style-type: none">• Open to all registering with Administrating Agency	One class per household
Residential Water Audit	<ul style="list-style-type: none">• Household with water usage 20% above average household usage	One water audit per household
Residential Plumbing Repairs	<ul style="list-style-type: none">• Water audit determines plumbing issues are responsible for high usage.	Up to \$1,000 per structure (lifetime)

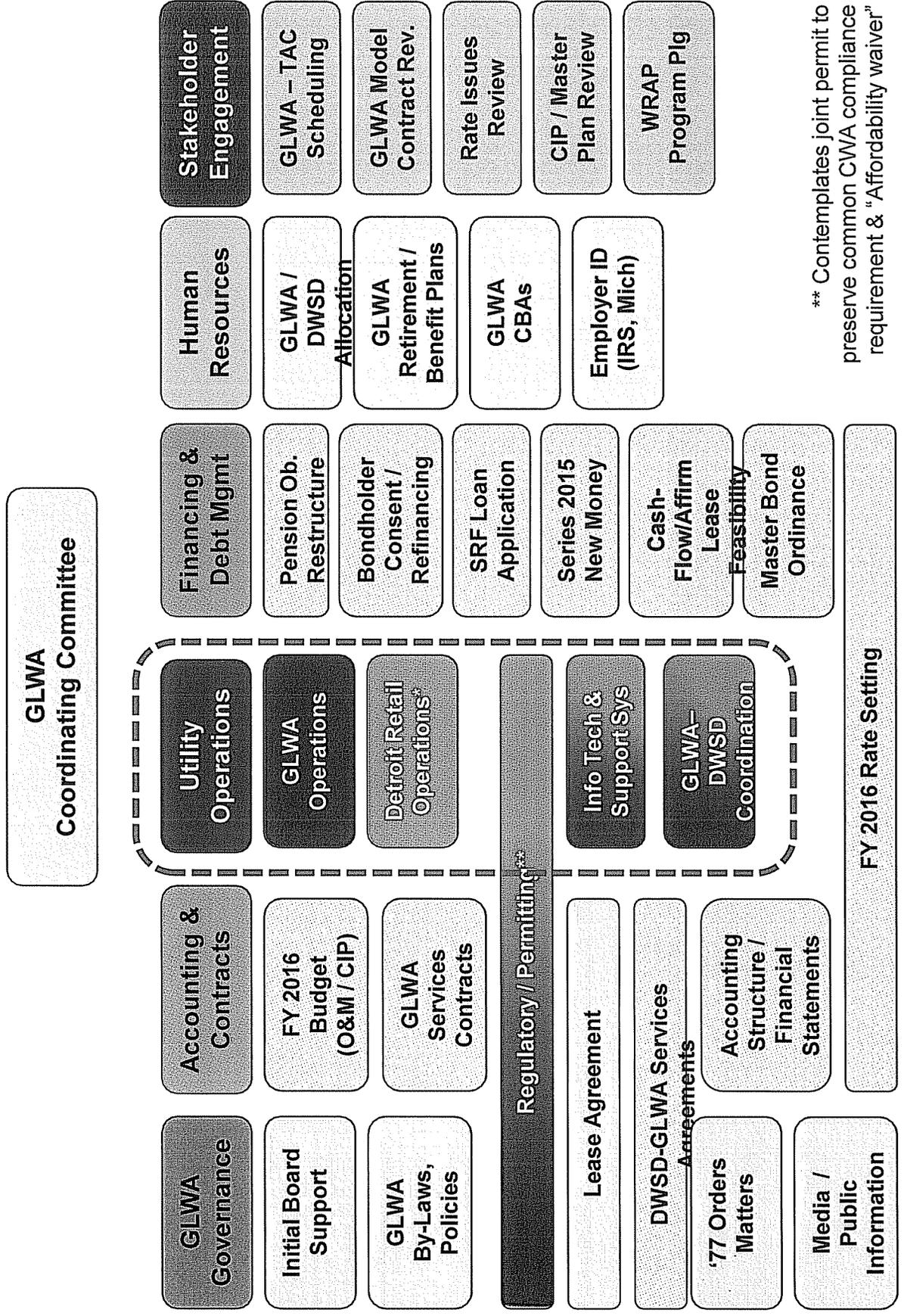
9.) Who do I contact to apply for assistance?

Please contact your water service provider for additional information on WRAP assistance.

GLWA

Implementation Planning Structure

- Separate planning structure for Detroit retail operations



** Contemplates joint permit to preserve common CWA compliance requirement & "Affordability waiver"

Revision Date: January 29, 2015

GLWA/DWSDR OPERATIONS STUDY GROUP

Priority	Current DWSD Functional Area	Service / Transitional Agreement Needed?	Expected Start Date	Expected Completion Date	Operations Core Work Team: The Operations Core Work Team will meet to populate the "Operations Planning Template" and to begin identifying issues and questions related to the topic.	Operations Planning	Subject Matter Experts (SMEs): The SMEs will be invited to participate with the Core Work Team to evaluate that particular functional area and assist in completing the "Operations Planning Template". When this template is finalized and/or significant questions exist, this template will be presented to the larger Operations Study Group. The Operations Study Group will provide input into the template and ultimately recommend submission to the Coordinating Group for further consideration. An attempt was made to place the individuals previously identified as SMEs in the Initial Operational Study Group meetings on the appropriate Function Area work teams.
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10	Public Affairs (PA)	No	3/1/2015	4/1/2015	Jody Caldwell (248) 296-9092 jcaldwel@oakgov.com Sue Coffey (248) 388-1995 scoffey@oakgov.com	Robert Presnell (313) 224-1737 rpresnell@detroitmi.gov Nikie Bateson (313) 364-9225 nbateson@dwsd.org Vyo Kounellis (313) 466-4435 vkounellis@h-m-advisors.com	John Haglick (313) 224-4153 jhaglick@detroitmi.gov Laura Verona (313) 224-4382 lverona@michigan.gov Katy Cave (313) 224-4382 kcave@voynycoun.gov
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