



**CITY OF YPSILANTI
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, OCTOBER 17, 2017
7:00 p.m.**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Bashert	P A	Council Member Robb	P A
Mayor Pro-Tem Brown	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Edmonds	P A
Council Member Richardson	P A		

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. AGENDA APPROVAL –

VI. INTRODUCTIONS –

VII. AUDIENCE PARTICIPATION –

VIII. REMARKS BY THE MAYOR –

IX. PRESENTATION –

Visit to China - Economic Development Director Beth Ernat

X. ORDINANCES – FIRST READING –

Ordinance No. 1295

An ordinance to establish the Ypsilanti Citizens Police Advisory Commission

- A. Resolution No. 2017-230, determination
- B. Open public hearing
- C. Resolution No. 2017-231, close public hearing

XI. CONSENT AGENDA –

Resolution No. 2017-232

1. Resolution No. 2017-233, approving Traffic Control Order# 2017-09 to place "No Parking 10:00 p.m. to 6:00 a.m. signs on both sides of the driveway for dirt lot on S. Grove by the Border-to-Border Trail.
2. Resolution No. 2017-234, approving Traffic Control Order# 2017-10 to install "Reserved Parking – Handicapped" sign and blue stripe symbol on pavement in front of 824 Harriet Street.
3. Resolution No. 2017-235, postponing the approval of the purchase agreement with Norfolk for 220 N. Park.

4. Resolution No. 2017-241, approving the Fireworks Display Permit for ACE Pyro, LLC on Behalf of Eastern Michigan University Athletic Department.
5. Resolution No. 2017-242, reappointing John Gilbreath as Chief AHB Hearing Officer.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2017-222, approving appointment to Boards and Commissions.
2. Resolution No. 2017-236, approving escrow agreement with Fidelity National Title.
3. Resolution No. 2017-237, approving contract for Professional Legal Services – China Trip Funding Investigation
4. Resolution No. 2017-238, approving the recommendations from the Sustainability Commission for the working definition of sustainability.
5. Resolution No. 2017-239, approving recommendations from the Sustainability Commission for sustainable development requirements.

XIII. LIAISON REPORTS –

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Urban County
- D. Ypsilanti Downtown Development Authority
- E. Eastern Washtenaw Safety Alliance
- F. Police-Community Relations/Black Lives Matter Joint Task Force
- G. Friends of Rutherford Pool
- H. Housing Equity Leadership Team
- I. Economic Development Coordinating Committee

XIII. COUNCIL PROPOSED BUSINESS –

XIV. COMMUNICATIONS FROM THE MAYOR –

XV. COMMUNICATIONS FROM THE CITY MANAGER –

Reschedule the November 7th Regular Council Meeting

XVI. COMMUNICATIONS –

- Traffic Review Board Minutes:
 - Approved August 1, 2017
 - Draft October 18, 2017
- The Untold History of Ypsilanti: Our Native American Past
- Native American Tribal Resources
- Sustainability Commission October 2, 2017 Draft Minutes

XVII. AUDIENCE PARTICIPATION –

XVIII. REMARKS FROM THE MAYOR –

XIX. CLOSED SESSION -

Closed Session for the purpose of discussing litigation strategy, pursuant to MCL 15.268(e)

XX. ADJOURNMENT –

Resolution No. 2017-240, adjourning the City Council meeting.



**Barr,
Anhut &
Associates, P.C.**
ATTORNEYS AT LAW

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John M. Barr
Karl A. Barr
~~~~~

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jane A. Slider ~ Legal Assistant

**REQUEST FOR LEGISLATION**

DATE: September 22, 2017

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Ypsilanti Citizens Police Advisory Commission

**SUMMARY/BACKGROUND**

A special City Committee recently recommended the formation of a Citizens Police Board. The recommendation was reduced to a proposed ordinance that has gone through a number of revisions. The latest revision that has been reviewed by the Mayor, CM Murdock and the Police Chief is attached.

The name of the Commission is the Ypsilanti Citizen Police Advisory Board.

The functions of the Commission are to serve as liaison with the Police Department, review and report findings of police complaint investigations, collect and review data, public education, to review the annual Police Academy and other matters as shown by the proposed ordinance.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance

DATE RECEIVED: \_\_\_\_\_ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: \_\_\_\_\_ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

October 13, 2017  
Page 2

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RESOLUTION NO. 2017- 230  
October 17, 2017

RESOLUTION TO ADOPT AN ORDINANCE TO ESTABLISH  
THE YPSILANTI CITIZENS POLICE ADVISORY COMMISISON

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

An ordinance entitled "An ordinance to establish the Ypsilanti Citizens Police Advisory Commission" be adopted on first reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



**CITY OF YPSILANTI  
Ordinance No. 1295**

An ordinance to establish the Ypsilanti Citizens Police Advisory Commission

**1. THE CITY OF YPSILANTI HEREBY ORDAINS** that Chapter 2, Article IV of the Ypsilanti City Code of Ordinances is hereby amended to add a new Division 6, as follows:

DIVISION 6. CITIZENS POLICE ADVISORY COMMISSION  
Section 2.200. Created.

Pursuant to Ypsilanti City Charter section 9.03, there is hereby created a commission known as the "Ypsilanti Citizens Police Advisory Commission."

Section 2.201. Purpose.

The purpose of the Ypsilanti Citizens Police Advisory Commission is:

- a. To strengthen the relationship between the citizens of the City of Ypsilanti and the Ypsilanti Police Department.
- b. To serve as a liaison to enhance community and police relations and serve as an advocate for programs, ideas, and methods to improve the relations between the police and the community
- c. To Review police complaint investigatory findings, and report to council on the Commission's analysis of these findings
- d. To collect, review, and audit summary data and compile aggregate statistics relating to individual or community police complaints and other issues of importance
- e. To educate the public about complaint process, and ensure and recommend ways to make the process accessible to all
- f. To make recommendations to the Chief of Police with regard to organizational matters and procedures.
- g. To participate in annual review of the Ypsilanti Police Department's Citizen Police Academy.
- h. To consult and advise the Chief of Police on the Ypsilanti Police Department's strategic plan.

Section 2.202. Appointment and Terms.

The Ypsilanti Citizens Police Advisory Commission shall consist of 7 members and a

non-voting youth member. All members to the Ypsilanti Citizens Police Advisory Commission shall be appointed by the Mayor, with the approval and confirmation of a majority of City Council. There shall be at least one member from each Ward.

The term of members of the Ypsilanti Citizens Police Advisory Commission shall be three years, except that of the members first appointed. Terms shall be staggered as far as practicable. Members shall be appointed for a maximum of two full terms.

#### Section 2.203. Duties.

The duties of the Ypsilanti Citizens Police Advisory Commission shall be to:

- a. Establish and update rules by-laws for the transaction of its business, subject to the approval of the City Council. Such rules and by-laws shall be in a manner not inconsistent with this Article, other City ordinances, the City Charter, or laws of the state and federal government.
- b. Elect officers, including a president.
- c. Establish and maintain a meeting schedule and meet at least quarterly.
- d. Take all necessary action to fulfill the purpose for the Ypsilanti Citizens Police Advisory Commission as stated in this Division.
- e. To file a written report of its activities, findings, and recommendations, if any, to City Council at least annually.

#### Section 2.204. Procedure.

Procedure for the operation of the Ypsilanti Citizens Police Advisory Commission shall be as follows:

- a. A majority of the Ypsilanti Citizens Police Advisory Commission members appointed shall constitute a quorum.
- b. No meeting of the Ypsilanti Citizens Police Advisory Commission shall commence or continue in the absence of a quorum.
- c. A majority vote of those forming a quorum shall be required for any action by the Ypsilanti Citizens Police Advisory Commission, except where otherwise specified in this Article, other City ordinances, or the City Charter.
- d. Regular meetings of Ypsilanti Citizens Police Advisory Commission shall be held no less than quarterly. Any scheduled meeting may be rescheduled at the preceding regular meeting.
- e. The records of the Ypsilanti Citizens Police Advisory Commission shall be public and subject to the Freedom of Information Act, Act No. 442 of the Public Acts of Michigan of 1976 (MCL 15.231 et seq.), as amended.
- f. All meetings of the Ypsilanti Citizens Police Advisory Commission shall be public and subject to the Open Meetings Act, Act No. 267 of the Public Acts of Michigan of 1967 (MCL 15.261 et seq.), as amended.
- g. The Ypsilanti Citizens Police Advisory Commission shall provide an opportunity for public comment as to the business being conducted by the Ypsilanti Citizens Police Advisory Commission, pursuant to its established rules and by-laws.

Sections 2.205 – 2.225 - Reserved.

**2 Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3 Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4 Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5 Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

**6 Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_\_ was published according to Section 11.13 of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



RESOLUTION NO. 2017- 231  
October 17, 2017

**The public hearing** for an ordinance entitled "An ordinance to establish the Ypsilanti Citizens Police Advisory Commission" be **officially closed**.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



Resolution No. 2017-232  
October 17, 2017

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the following items be approved:

1. Resolution No. 2017-233, approving Traffic Control Order# 2017-09 to place "No Parking 10:00 p.m. to 6:00 a.m. signs on both sides of the driveway for dirt lot on S. Grove by the Border-to-Border Trail.
2. Resolution No. 2017-234, approving Traffic Control Order# 2017-10 to install "Reserved Parking – Handicapped" sign and blue stripe symbol on pavement in front of 824 Harriet Street.
3. Resolution No. 2017-235, postponing the approval of the purchase agreement with Norfolk for 220 N. Park.
4. Resolution No. 2017-241, approving the Fireworks Display Permit for ACE Pyro, LLC on Behalf of Eastern Michigan University Athletic Department.
5. Resolution No. 2017-242, reappointing John Gilbreath as Chief AHB Hearing Officer.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



Resolution No. 2017-233  
October 17, 2017

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

THAT Traffic Control Order (TCO)# 2017-09 to place "No Parking 10:00 p.m. to 6:00 a.m. signs on both sides of the driveway for dirt lot on S. Grove by the Border-to-Border Trail be approved.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



## CITY OF YPSILANTI TRAFFIC CONTROL ORDER

**DATE:** July 13, 2017

**ORDER NO:** 2017-09

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**LOCATION:** Driveway for dirt lot on South Grove, by the Border-to-Border Trail

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**ORDER:** Place R7-2 "No Parking 10pm to 6am" sign on both sides of the driveway.

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**REASON:** Lot is designated for users of the trail and not local residents. This ensures that vehicles are not stored or abandoned in the lot and spaces are available for trail users.

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Approved by: \_\_\_\_\_  
Darwin McClary, City Manager

Prepared by: A. DeGiusti, Chief of Police

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Date Completed: \_\_\_\_\_ By: \_\_\_\_\_

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cc: Darwin McClary, City Manager  
Max Anthouard, YFD  
Janice Beckett, DPS

Traffic Review Committee:  
Nan Schuette, Committee Chair  
Stan Kirton, DPS  
Bonnie Wessler, Planning  
Tony DeGiusti, YPD



Resolution No. 2017-234  
October 17, 2017

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

THAT Traffic Control Order (TCO)# 2017-10 to install "Reserved Parking – Handicapped" sign and blue stripe symbol on pavement in front of 824 Harriet Street.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



**CITY OF YPSILANTI  
TRAFFIC CONTROL ORDER**

**DATE:** July 13, 2017

**ORDER NO:** 2017-10

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**LOCATION:** In front of 824 Harriet Street

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**ORDER:** Install R7-8 "Reserved Parking - Handicapped" sign and blue stripe street and apply handicapped symbol to pavement.

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**REASON:** Resident at 824 Harriet Street has serious documented health issues and cannot walk a distance greater than the front of their residence.

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Approved by: \_\_\_\_\_  
Darwin McClary, City Manager

Prepared by: A. DeGiusti, Chief of Police

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Date Completed: \_\_\_\_\_ By: \_\_\_\_\_

---

cc: Darwin McClary, City Manager  
Max Anthouard, YFD  
Janice Beckett, DPS

Traffic Review Committee:  
Nan Schuette, Committee Chair  
Stan Kirton, DPS  
Bonnie Wessler, Planning  
Tony DeGiusti, YPD



RESOLUTION TO POSTPONE CONSIDERATION OF PURCHASE AGREEMENT

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

Whereas, on September 5, 2017, City Council considered Resolution No. 2017-195, concerning a purchase agreement with Norfolk Development for the sale of certain City-owned property located at 220 N. Park; and

Whereas, at this meeting City Council held a public hearing and heard a presentation from the purchaser; and

Whereas, City Council ultimately determined to postpone consideration of this resolution to a date certain of October 17, 2017 in order that the language of the purchase agreement be revised to provide for the negotiation and execution of a development agreement prior to conveyance; and

Whereas, Norfolk has requested that consideration of Resolution No. 2017-195 be further postponed to the next available meeting in November;

NOW THEREFORE BE IT RESOLVED that consideration of Resolution No. 2017-195 is postponed to the next regular meeting of City Council.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



**REQUEST FOR LEGISLATION**

October 17, 2017

TO: Mayor and Council  
FROM: Frances McMullan, City Clerk  
SUBJECT: Fireworks Display Permit Application from Eastern Michigan University

On October 13, 2017, a request for a Fireworks Display Permit was received from Andrew Espenshade of ACE Pyro, LLC, on behalf of the Eastern Michigan University Athletic Department. The University would like to have a fireworks display at Rynerson Stadium 799 North Hewitt Rd on November 2, 2017 and November 21, 2017 at approximately 7:00 p.m.

Attached is proof of public liability insurance for the proposed display with coverage set at \$10,000,000 and with the City being added as an additional insured.

The City Clerk's office recommends approval of the application subject to inspection and approval of the Ypsilanti Fire Department.

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CITY MANAGER APPROVAL \_\_\_\_\_

FINANCE DIRECTOR APPROVAL: \_\_\_\_\_

For Agenda of: October 17, 2017

Agenda Item No. 2017



Resolution No. 2017-241  
August 17, 2017

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS**, Andrew Espenshade of ACE Pyro, LLC, on behalf of the Eastern Michigan University Athletic Department has applied for a fireworks permit to allow a firework display at Eastern Michigan University Rynerson Stadium 799 North Hewitt Rd on November 2, 2017 and November 21, 2017 at approximately 7:00 p.m.; and

**WHEREAS**, ACE Pyro, LLC will operate the display and has obtained public liability insurance in the amount of \$10,000,000 and has added the City of Ypsilanti as an additional insured.

**THEREFORE**, Be It Resolved that Ypsilanti City Council approves the Fireworks Display Permit to allow the requested display of fireworks on November 2, 2017 and November 21, 2017, subject to the inspection and approval of the Ypsilanti Fire Department.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:

## EMU Football Fall 2017 Proximate Pyrotechnics Display

### Display Date(s) & Time(s):

- November 2, 2017 & November 21, 2017, approximately 7:00pm

### Display Location:

- Rynearson Stadium, 799 North Hewitt Road, Ypsilanti, MI 48197
- Pyrotechnics will be fired from 5 rooftop positions at north end of stadium-see attached diagram

### Display Description:

- Pyrotechnics will be employed for EMU team intro and touchdowns
- Duration will be 10 seconds for EMU team intro and 1 instantaneous hit for each touchdown

### Type of Fireworks:

- Display will consist entirely of products certified UN0431, 1.4G Articles Pyrotechnic
- Pyrotechnics are designed for use on buildings, stages, and other proximate environments
- Pyrotechnics specifically designed to produce no fallout debris and low smoke

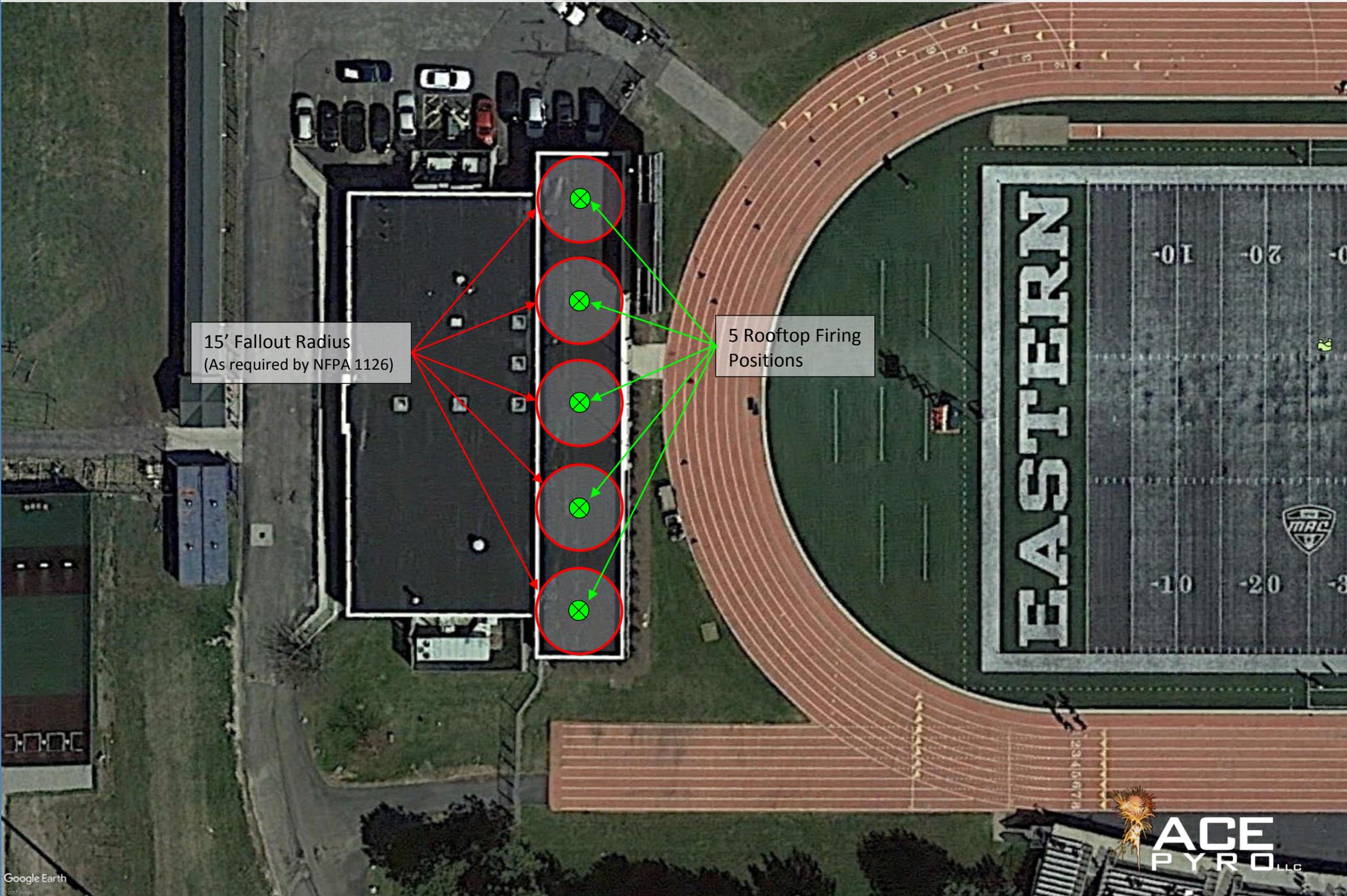
### Display Operator Qualifications:

- Display Sales & Production Manager ACE Pyro, LLC
- Certified by the Pyrotechnics Guild International 'Display Operator Certification Course'
- Pyrotechnic Operator License – City of Detroit, Michigan
- Display choreographer
- System developer and industrial engineer – StarFire digital firing system
- 8 years of experience on 100+ professional fireworks displays

### Safety Precautions:

- Compliance with NFPA 1126: Standard for the Use of Pyrotechnics Before a Proximate Audience
- Firing positions will be setback from rooftop edge to provide required fallout radius
- Rooftop access will be limited to essential personnel only
- Rooftop surface under each firing position will be protected with flame retardant material
- Personal protective equipment will be worn by all rooftop personnel
- Pyrotechnics will be fired using a computer controller digital firing system
- ABC and water firing extinguishers will be pre-positioned on rooftop

# EMU Football Fall 2017 Fireworks Site Map



15' Fallout Radius  
(As required by NFPA 1126)

5 Rooftop Firing  
Positions





**EMU Football Fall 2017**

**November 2, 2017**

**Permit Forms**



## 2017 Permit for Fireworks Other than Consumer or Low Impact

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Authority: 2011 PA 256 | The <b>LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD</b> will not discriminate against any individual or group because of race, sex, religion, age, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board. |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

*This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only through permit expiration date.*

|                                                                                                                                                                                                                                                                                                                                                                           |  |                                                                                                |                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------|-------------------------------|
| TYPE OF PERMIT(S) (Select all applicable boxes)                                                                                                                                                                                                                                                                                                                           |  | <b>FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY.</b>                    |                               |
| <input type="checkbox"/> Agricultural or Wildlife Fireworks <input checked="" type="checkbox"/> Articles Pyrotechnic <input type="checkbox"/> Display Fireworks<br><input checked="" type="checkbox"/> Public Display <input type="checkbox"/> Private Display<br><input type="checkbox"/> Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes |  | PERMIT(S) EXPIRATION DATE<br>(ENTER DATE OF EXPIRATION)                                        |                               |
| NAME OF PERSON PERMIT ISSUED TO<br><b>Drew Espenshade</b>                                                                                                                                                                                                                                                                                                                 |  | AGE (18 YEARS OR OLDER)<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |                               |
| ADDRESS OF PERSON PERMIT ISSUED TO<br><b>9700 Burmeister Rd, Saline, MI 48176</b>                                                                                                                                                                                                                                                                                         |  |                                                                                                |                               |
| NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION<br><b>ACE Pyro, LLC</b>                                                                                                                                                                                                                                                                                                  |  |                                                                                                |                               |
| ADDRESS<br><b>9700 Burmeister Rd, Saline, MI 48176</b>                                                                                                                                                                                                                                                                                                                    |  |                                                                                                |                               |
| NUMBER AND TYPES OF FIREWORKS (Please attach additional pages if necessary)<br><br><b>Approximately 50 - Close Proximity Articles Pyrotechnic Effects</b>                                                                                                                                                                                                                 |  |                                                                                                |                               |
| EXACT LOCATION OF DISPLAY OR USE<br><b>Rynearson Stadium 799 North Hewitt Road, Ypsilanti, MI 48197</b>                                                                                                                                                                                                                                                                   |  |                                                                                                |                               |
| CITY, VILLAGE, TOWNSHIP<br><b>Ypsilanti</b>                                                                                                                                                                                                                                                                                                                               |  | DATE<br><b>11/2/2017</b>                                                                       | TIME<br><b>7:00 PM</b>        |
| BOND OR INSURANCE FILED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                                                                                                            |  |                                                                                                | AMOUNT<br><b>\$10,000,000</b> |

|                                                                                                                                                                                          |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Issued by action of the Legislative Body of a<br><br><input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township of _____ on the _____ day of _____ |  |
| _____<br>(Signature and Title of Legislative Body Representative)                                                                                                                        |  |

**\*THIS FORM IS VALID UNTIL THE DATE OF EXPIRATION OF PERMIT\***



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**EMU Football Fall 2017**

**November 21, 2017**

**Permit Forms**



## 2017 Permit for Fireworks Other than Consumer or Low Impact

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Authority: 2011 PA 256 | The <b>LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD</b> will not discriminate against any individual or group because of race, sex, religion, age, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board. |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

*This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only through permit expiration date.*

|                                                                                                                                                                                                                                                                                                                                                                           |                           |                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------------------------------------------------------|
| TYPE OF PERMIT(S) (Select all applicable boxes)                                                                                                                                                                                                                                                                                                                           |                           | <b>FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY.</b>                    |
| <input type="checkbox"/> Agricultural or Wildlife Fireworks <input checked="" type="checkbox"/> Articles Pyrotechnic <input type="checkbox"/> Display Fireworks<br><input checked="" type="checkbox"/> Public Display <input type="checkbox"/> Private Display<br><input type="checkbox"/> Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes |                           | PERMIT(S) EXPIRATION DATE<br>(ENTER DATE OF EXPIRATION)                                        |
| NAME OF PERSON PERMIT ISSUED TO<br><b>Drew Espenshade</b>                                                                                                                                                                                                                                                                                                                 |                           | AGE (18 YEARS OR OLDER)<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| ADDRESS OF PERSON PERMIT ISSUED TO<br><b>9700 Burmeister Rd, Saline, MI 48176</b>                                                                                                                                                                                                                                                                                         |                           |                                                                                                |
| NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION<br><b>ACE Pyro, LLC</b>                                                                                                                                                                                                                                                                                                  |                           |                                                                                                |
| ADDRESS<br><b>9700 Burmeister Rd, Saline, MI 48176</b>                                                                                                                                                                                                                                                                                                                    |                           |                                                                                                |
| NUMBER AND TYPES OF FIREWORKS (Please attach additional pages if necessary)<br><br><b>Approximately 50 - Close Proximity Articles Pyrotechnic Effects</b>                                                                                                                                                                                                                 |                           |                                                                                                |
| EXACT LOCATION OF DISPLAY OR USE<br><b>Rynearson Stadium 799 North Hewitt Road, Ypsilanti, MI 48197</b>                                                                                                                                                                                                                                                                   |                           |                                                                                                |
| CITY, VILLAGE, TOWNSHIP<br><b>Ypsilanti</b>                                                                                                                                                                                                                                                                                                                               | DATE<br><b>11/21/2017</b> | TIME<br><b>7:00 PM</b>                                                                         |
| BOND OR INSURANCE FILED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                                                                                                            |                           | AMOUNT<br><b>\$10,000,000</b>                                                                  |

|                                                                                                                                                                                          |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Issued by action of the Legislative Body of a<br><br><input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township of _____ on the _____ day of _____ |  |
| _____<br>(Signature and Title of Legislative Body Representative)                                                                                                                        |  |

**\*THIS FORM IS VALID UNTIL THE DATE OF EXPIRATION OF PERMIT\***



In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

|                                                   |                                                                   |                          |                             |
|---------------------------------------------------|-------------------------------------------------------------------|--------------------------|-----------------------------|
| Direct ATF<br>Correspondence To                   | ATF - Chief, FELC<br>244 Needy Road<br>Martinsburg, WV 25405-9431 | License/Permit<br>Number | <b>4-MI-161-20-0D-12625</b> |
| Chief, Federal Explosives Licensing Center (FELC) | [Redacted]                                                        | Expiration<br>Date       | <b>April 1, 2020</b>        |

Name  
ACE PYRO LLC

|                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Premises Address (Changes? Notify the FELC at least 10 days before the move.)</b><br><b>13001 E AUSTIN RD<br/>MANCHESTER, MI 48158-</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------|

Type of License or Permit  
20-MANUFACTURER OF EXPLOSIVES

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Purchasing Certification Statement</b></p> <p>The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. <u>The signature on each copy must be an original signature.</u> A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."</p> | <p><b>Mailing Address (Changes? Notify the FELC of any changes.)</b></p> <p>ACE PYRO LLC<br/>13001 E AUSTIN RD<br/>MANCHESTER, MI 48158-</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|

Licensee or permittee responsible person signature: [Redacted]

Position/Title: **President**

Printed Name: [Redacted]

Date: **1/3/2017**

ATF Form 5400.14/5400.15 Part I  
Revised October 2011

Previous Edition is Obsolete ACE PYRO LLC:13001 E AUSTIN RD:48158-4 MI:161-20-0D-12625:April 1, 2020:20 MANUFACTURER OF EXPLOSIVES

**Federal Explosives License (FEL) Customer Service Information**

|                                                                                            |                                                                                                  |                           |
|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------|
| Federal Explosives Licensing Center (FELC)<br>244 Needy Road<br>Martinsburg, WV 25405-9431 | Toll-free Telephone Number: (877) 283-3352<br>Fax Number: (304) 616-4401<br>E-mail: FELC@atf.gov | ATF Homepage: www.atf.gov |
|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------|

**Change of Address (27 CFR 555.54(a)(1)).** Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

**Right of Succession (27 CFR 555.59).** (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

**Cut Here ✂**

|                                                                         |                                      |
|-------------------------------------------------------------------------|--------------------------------------|
| <b>Federal Explosives License/Permit (FEL) Information Card</b>         |                                      |
| License/Permit Name:                                                    | <b>ACE PYRO LLC</b>                  |
| Business Name:                                                          |                                      |
| License/Permit Number:                                                  | <b>4-MI-161-20-0D-12625</b>          |
| License/Permit Type:                                                    | <b>20-MANUFACTURER OF EXPLOSIVES</b> |
| Expiration:                                                             | <b>April 1, 2020</b>                 |
| Please Note: Not Valid for the Sale or Other Disposition of Explosives. |                                      |



Resolution No. 2017-242  
October 17, 2017

RESOLUTION APPROVING THE APPOINTMENT OF CHIEF  
ADMINISTRATIVE HEARINGS OFFICER

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, City Manager Darwin McClary has appointed John S. Gilbreath Jr. P33945 as a City of Ypsilanti Administrative Hearings Officer for a two year term subject to the approval of City Council; and

WHEREAS, City Manager Darwin McClary has designated John S. Gilbreath Jr. P33945 as the City of Ypsilanti Chief Administrative Hearings Officer subject to the approval of City Council; and

WHEREAS, John S. Gilbreath Jr. meets the qualifications for the position as required by law; and

WHEREAS, the Ypsilanti City Council determines that John S. Gilbreath Jr. is qualified for the position of Chief Administrative Hearings Officer and desires to approve his appointment;

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the two year appointment beginning November 3, 2017 of John S. Gilbreath Jr. as a City of Ypsilanti Administrative Hearings Officer and further approves that he be designated during his appointment as the Chief Administrative Hearings Officer.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:              VOTE:



**Tabled October 3rd**  
Resolution No. 2017 - 222  
October 17, 2017

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

THAT, the following individuals be appointed to the City of Ypsilanti Boards and Commissions as indicated below:

| <b><u>NAME</u></b>                                       | <b><u>BOARD</u></b>             | <b><u>TERM EXPIRATION</u></b> |
|----------------------------------------------------------|---------------------------------|-------------------------------|
| Amanda Marshall<br>413 S Hamilton<br>Ypsilanti, MI 48197 | Parks and Recreation Commission | 10/17/2017                    |

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:

**Print**

**Citizen Advisory Boards and Commissions Participation Resume - Submission #307**

**Date Submitted: 8/31/2017**

The people of Ypsilanti are involved in their City government and are an important part of the community's achievements. Individuals interested in receiving more information in regards to serving on an advisory board or commission are invited to contact the City Clerk's Office at 734-483-1100. Alternatively, citizens who would like to participate can submit their information in the form below.

**Name\***

Amanda K Marshall

**Email Address\***

akmarsha@umich.edu

**Address**

413 S Hamilton

**City**

Ypsilanti

**State**

MI

**Zip Code**

48197

**Phone Number\***

7343348322

**Fax Number**

**Number of Years in the Community**

27

**Ward You Live In**

1

**Education**

BS in Biology, minor in Chemistry. Current MS in Environmental Science

**Occupation**

Student

**Employer**

n/a

**Are you applying for youth membership?**

Three Commission Allow Youth Membership (Sustainability, Parks and Recreation, & Human Relations)

- Yes
- No

**I would like to be considered and could devote sufficient time to serve on the following board or commission:**

- |                                                                                              |                                                                  |                                                                             |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> Review and Tax Assessment Board                                     | <input type="checkbox"/> Historic District Commission            | <input type="checkbox"/> Property Maintenance Construction Board of Appeals |
| <input type="checkbox"/> Board of Ethics                                                     | <input checked="" type="checkbox"/> Ypsilanti Housing Commission | <input checked="" type="checkbox"/> Parks and Recreation Commission         |
| <input type="checkbox"/> Fire Civil Service Commission                                       | <input checked="" type="checkbox"/> Human Relations Commission   | <input type="checkbox"/> Ann Arbor Area Transit Authority                   |
| <input checked="" type="checkbox"/> YCUA                                                     | <input type="checkbox"/> Sidewalk Review Board                   | <input type="checkbox"/> Police and Fire Pension Board                      |
| <input checked="" type="checkbox"/> Ypsilanti Downtown Development Authority                 | <input type="checkbox"/> Planning Commission                     | <input checked="" type="checkbox"/> Huron River Watershed Council           |
| <input type="checkbox"/> Economic Development Corporation/Brownfield Redevelopment Authority | <input type="checkbox"/> Non-motorized Advisory Committee        | <input checked="" type="checkbox"/> Sustainability Commission               |

**Why are you interested in serving on these boards/commissions?\***

My passion for access to resources that meet basic human needs including, but not limited to housing, clean water, and sustainable resources drive my interests to serve on the boards/commissions. I specifically would like to serve within the City of Ypsilanti because I have a long term investment in property within ward 1 and Ypsilanti is my hometown. I long to serve my community and increase community access to resources.

**Work/volunteer experience related to the board or commission:**

MY experience through the Environmental Science graduate program with academic service learning courses, serving the homeless population through paid and non-paid work, volunteer experience through ReLeaf and climate change research in Iceland makes me a strong candidate that is committed to the greater good of the community. I additionally will begin a volunteer assignment at UMHS next week and currently am working on a public health thesis project relating to developmental disabilities linked to lead contamination in the soil at the University of Michigan. A combination of work experience at the Shelter Association of Washtenaw County and Eastern Michigan University along with several volunteer initiatives provide deep roots related to serving the City of Ypsilanti.

**I understand that appointment to a City of Ypsilanti board or commission requires regular attendance at board meetings.**

Yes

**I hereby certify that all of the information above is true.**

Yes



**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

105 Pearl Street  
Ypsilanti, MI 48197  
(734) 481-1234  
Fax (734) 483-3871  
www.barrlawfirm.com  
e-mail: dduchene@barrlawfirm.com

John M. Barr  
Karl A. Barr  
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: October 13, 2017

FROM: Daniel DuChene, Assistant Ypsilanti City Attorney

SUBJECT: Escrow Agreement with Fidelity National Title

SUMMARY/BACKGROUND

On September 18, 2017, City Council adopted Resolution No. 2017-208, approving a purchase agreement with International Village for the sale of the Water Street. Accordingly, this purchase agreement was executed by the parties on September 20, 2017. Paragraph 4 of the agreement provided that the purchaser is to deposit \$5,000 with the Title Company every thirty days during the contingency as an earnest money deposit ("EMD"). Briefly, an EMD is generally a payment made to escrow to show the purchaser's commitment to the sale and is usually applied to the purchase price at the time of closing. In this particular case, the EMD is also being used as consideration to the City for taking the subject property off the market. Thus, if the sale of this property does not commence due to either the seller's election to terminate during the contingency period or for failure of the execution of a development agreement, then \$10,000 of the EMD is to be held by the City.

Because the purchase agreement has already been executed, the parties have already agreed to the terms of the EMD discussed herein. However, the Title Company, Fidelity National Title, requires that the parties to the sale execute the attached escrow agreement in order to protect their interests as an escrow agent. This is the standard course in such transactions and the agreement does not substantively alter the terms that the buyer and seller have already agreed to in the purchase agreement.

RECOMMENDED ACTION: Adoption

DATE RECEIVED: \_\_\_\_\_ AGENDA ITEM NO.  
CITY MANAGER COMMENTS:



**Barr,  
Anhut &  
Associates,  
P C**

October 13, 2017  
Page 2

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FOR AGENDA OF: \_\_\_\_\_ FINANCE DIR. APPROVAL  
COUNCIL ACTION TAKEN:



Resolution No. 2017-236  
October 17, 2017

RESOLUTION APPROVING ESCROW AGREEMENT WITH FIDELITY NATIONAL TITLE

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that: the certain escrow agreement with Fidelity National Title, copy attached, is hereby approved and the city manager is authorized to sign the same, subject to the approval of the city attorney.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:

Fidelity National Title Company, LLC  
39533 Woodward Ave, Suite 333  
Bloomfield Hills, MI 48304  
Phone: (248)594-9390 Fax:

**Date:** September 25, 2017  
**File No.:** A0718293  
**Seller(s):** City of Ypsilanti  
**Purchaser(s):** International Village, LLC

Seller and Purchaser are depositing with Fidelity National Title Company, LLC ("Escrow Agent") the sum of **\$5,000.00 initial EMD to be increased per purchase agreement** ("Escrow Funds"), to be held in escrow by Escrow Agent in connection with the sale and purchase of the real property described in Commitment No. A0718293, in accordance with the terms of the Purchase Agreement. Escrow Agent agrees to hold the Escrow Funds in escrow in accordance with the terms of this Agreement and the Purchase Agreement.

The Escrow Funds shall be released as follows:

- A. At closing, in accordance with the Purchase Agreement and closing statements approved and signed by Seller and Purchaser.
- B. If closing has not occurred, then according to the Purchase Agreement and upon written instructions approved and signed by Seller and Purchaser.
- C. In the event of any disagreement between any of the parties resulting in conflicting or adverse claims or demands made in connection with the Escrow Funds and/or this Agreement, Escrow Agent may, at its option, refuse to comply with any such claims or demands so long as the disagreement shall continue, and in so doing Escrow Agent shall not be liable for its failure or refusal to comply with such conflicting or adverse claims or demands until the rights of the claimants have been finally adjudicated or the differences adjusted between the parties and Escrow Agent shall have been notified thereof in writing signed by the Purchaser and Seller named herein. Escrow Agent shall also have the right, in its sole discretion, to bring an action in interpleader to obtain the right to pay said sum to a court of competent jurisdiction, deducting from said sum the costs incurred in bringing such an action.
- D. In the event of conflict between the terms of this Escrow Agreement and the terms of the Purchase Agreement, the terms of this Escrow Agreement shall control.

In the event of any dispute or litigation affecting Escrow Agent's duties relating to this escrow, Escrow Agent may consult legal counsel and shall incur no liability and shall be fully protected in acting in accordance with the opinion of counsel. Escrow Agent shall be indemnified and saved harmless by Seller and Purchaser, jointly and severally, from all losses, costs and expenses incurred, including attorney's fees, as a result of its involvement in any litigation arising from performance of its duties hereunder, provided that such litigation shall not result from any action taken or omitted by Escrow Agent and for which it shall have been adjudged negligent; such indemnification shall survive termination of this Agreement until extinguished by an appropriate statute of limitations.

The fee for said escrow services shall be \_\_\_\_\_ Dollars (\$\_\_\_\_\_) and shall be paid by N/A.

This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

Upon the delivery of the funds deposited herewith, this escrow shall terminate and Escrow Agent shall be released from any liability hereunder.

**ESCROW AGREEMENT**  
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

**SELLER(S):**

City of Ypsilanti

BY: \_\_\_\_\_

\_\_\_\_\_  
Date

**PURCHASER(S):**

International Village, LLC

BY: \_\_\_\_\_

\_\_\_\_\_  
Date

Fidelity National Title Company, LLC

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Print Name

Its: \_\_\_\_\_  
Print Title



**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

105 Pearl Street  
Ypsilanti, MI 48197  
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e-mail: dduchene@barrlawfirm.com

John M. Barr  
Karl A. Barr  
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

**REQUEST FOR LEGISLATION**

DATE: October 16, 2017

FROM: Daniel DuChene, Assistant Ypsilanti City Attorney

SUBJECT: Resolution Regarding Selection of Special Counsel

**SUMMARY/BACKGROUND**

As Council is aware, six properly submitted proposals have been submitted in response to the October 5, 2017 RFP for special counsel. Below is a summary of some the basic information provided regarding the proposals. The summary consists of the quantifiable cost and deliverable information provided by each firm. I did not perform any estimates and I did not summarize any of the qualitative information.

| Firm                            | Hourly Rate - Attorney | Hourly Rate- Staff | Estimated Hours | Estimated Completion | Estimated Total Amount        |
|---------------------------------|------------------------|--------------------|-----------------|----------------------|-------------------------------|
| Clark Hill                      | \$275                  | \$90-150           | 30              | 3 weeks              | \$8,250 plus costs            |
| ContiLegal                      | \$150                  | N/A                | 40-120          | 6 - 9 months         | \$8,000-\$20,000 plus costs   |
| Hafeli Staran & Christ          | \$125-175              | N/A                | N/A             | 45 days              | \$5,000 - \$10,000 plus costs |
| Kirk, Huth, Lange & Badalamenti | \$155                  | N/A                | 50              | N/A                  | N/A                           |
| Plato Law                       | \$135-165              | N/A                | 25-40           | 1 month              | N/A                           |
| Seglund Gabe Pawlak & Groth     | \$300                  | \$100              | 40-50           | 90 days              | N/A                           |

Attached is a resolution authorizing this office and the City Manager to engage a firm of Council's selection to present a contract with the firm for Council consideration. As Council has been previously advised, the direction of the investigation is at the discretion of Council. The advice of this office has been that unless City Council has enough information to know that it doesn't believe any action should be taken, outside special counsel should be engaged. This provides the opportunity for an independent party to conduct a thorough



**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

October 16, 2017  
Page 2

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investigation efficiently and effectively. The benefit of an independent party performing this work is to avoid any appearance or accusation of bias (i.e. an individual or public argues this office or City Council reached a conclusion due to previous relationship, whether it be an allegation of positive or negative bias). Additionally, an individual or firm would likely be able to carry out an investigation and issue a report with greater ease than the entire body of City Council, but with the same authority under the City Charter.

Based on the previous investigative actions of Council, the scope of work for a potential firm might be narrowed, if Council were so inclined. This might be able to be discussed, with direction from City Council, through negotiations with a selected firm or firms. It might also be addressed through an interview with a selected firm or firms, if this is the desire of City Council. Again, the scope and direction of the investigation is at City Council's discretion and the guidance from this office may change depending on the will of Council.

Pursuant to these issues raised above and other matters that may arise during discussion, City Council may modify the attached resolution and adopt according to its discretion.

RECOMMENDED ACTION: Review and Consideration

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DATE RECEIVED: \_\_\_\_\_ AGENDA ITEM NO.  
CITY MANAGER COMMENTS:  
FOR AGENDA OF: \_\_\_\_\_ FINANCE DIR. APPROVAL  
COUNCIL ACTION TAKEN:



Resolution No. 2017-237  
October 17, 2017

RESOLUTION REGARDING SELECTION OF SPECIAL COUNSEL

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

Whereas City Council has initiated an investigation into the funding of an international trip of officials of the City of Ypsilanti; and

Whereas as part of this investigation, City Council (with the Mayor and Mayor Pro-tem absent) unanimously adopted Resolution 2017-229 on October 3, 2017, which authorized the City Manager and City Attorney to draft and publicize a request for proposal for investigation among Michigan law firms to conduct a full and complete investigation and report to City Council; and

Whereas, acting pursuant to this direction, an RFP was issued on October 5, 2017 and publicized by posting the City's webpage, BidNet, and the listserve for the Michigan Association of Municipal Attorneys; and

Whereas, sealed responses to this RFP were due to the City Clerk no later than 3 p.m. on Friday, October 13, 2017; and

Whereas, six properly submitted bids were accepted and received by staff and other was not accepted due to being not timely submitted and not sealed; and

Whereas, City Council, having reviewed these responses;

Now, Therefore, the Ypsilanti City Council authorizes and directs the City Manager, with the help and aid of the City Attorney, to engage with the firm \_\_\_\_\_ to present a contract for legal services of special counsel as discussed and contemplated herein for City Council consideration.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:

CLARK HILL

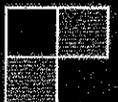
# City of Ypsilanti

Response to Request for Proposal  
For Professional Attorney Services  
(Special Counsel)

October 13, 2017

Joseph W. Colaianne

212 East Grand River Avenue  
Lansing, MI 48906  
[jcolaianne@clarkhill.com](mailto:jcolaianne@clarkhill.com)



## Table of Contents

|                                              |    |
|----------------------------------------------|----|
| Cover Letter .....                           | 1  |
| Executive Summary.....                       | 2  |
| Responses to the Requested Information ..... | 4  |
| Appendix .....                               | 10 |
| Attorney Resumes                             |    |
| Certificates of Insurance                    |    |

# CLARK HILL

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Joseph W. Colaianne  
T | (517) 318-3029  
E | jcolaianne@clarkhill.com

212 East Grand River Avenue  
Lansing, MI 48906

Darwin McClary, City Manager  
City of Ypsilanti  
One South Huron Street  
Ypsilanti, MI 48197

October 12, 2017

RE: Request for Proposal For Professional Attorney Services (Special Counsel)

Dear Mr. McClary:

We would like to express our interest in being taken into consideration for providing Special Counsel legal services to the City of Ypsilanti (the "City"), with respect to the review and investigation of city officials and contractors concerning a trip to China in connection with the Water Street International Village proposal. Please find enclosed our completed response to the Request for Proposal.

We welcome the opportunity for an in-person interview. Please feel free to contact me directly should you have any questions about the enclosed materials or would like to schedule a time to meet with me and the other attorneys on our team. Thank you for your time and consideration.

Warm Regards,



Joseph W. Colaianne  
Senior Counsel

## EXECUTIVE SUMMARY

Clark Hill represents a wide range of Michigan governmental entities, including cities, villages, township, counties, utilities, and state, regional and local authorities. We have the governmental and municipal expertise to provide the services under consideration and are committed to using this wealth of experience to provide the City with high quality legal representation at a reasonable cost.

Should the City choose to engage our services Joseph W. Colaianne would act as the City's primary contact, whose extensive municipal experience would allow him to maintain communication between the proposed team and the City. Joe is a former Cook County (Illinois) States' Attorney and Assistant Oakland County Prosecutor, and prior to joining the Clark Hill Team, served as assistant corporation counsel in Oakland County and as attorney for the Oakland Water Resources Commissioner. Joe has over 25 years' experience in municipal and governmental law. Joe is a Hartland Township Trustee and also serves on the Hartland Township Planning Commission. Our team will also include Kenneth P. Lane, and Jason R. Canvasser. Ken's area of practice is municipal and public sector law, and municipal litigation. Ken serves as general and special counsel to cities, townships, villages and counties across the state. He also serves on the Meridian Charter Township Zoning Board of Appeals. Jason's area of practice is litigation. He also focuses on advising clients on best practices for managing and avoiding potential risks and liabilities. Jason serves on the City of Birmingham Board of Zoning Appeals.

Our proposed plan of action would be to obtain the relevant charter and ordinance provisions, assembling and reviewing documentation and prepare a list of persons to interview. We would then undertake interviews. Following such interviews, we would then prepare a memorandum with recommendations to the City Council based on our compilation of facts and research of the legal issues.

We are proposing a blended hourly rate of \$275 per hour for all attorneys working on this matter. These rates represent a significant discount from our standard hourly rates for our members, senior counsel and associates, and reflect the value of our relationship with the City and potential complexity of this matter. Some of the work required by our representation will also be completed by paralegals at hourly rates that range from \$90-150 per hour.

Given the nature of case as described in the Request for Proposal, we anticipate an estimated 30 hours to conduct the investigation, leading to an estimated preliminary cost of \$8,250 for the City.

Should the City decide to accept this proposal, it is understood that the City will reimburse the firm for all costs advanced and expenses incurred which are related to the performance of the legal services undertaken. These may include costs of messengers, investigations, service of process, filing fees, deposition expenses (including the services of a court reporter), travel, fees for expert witnesses, fees for local counsel, and all other out-of-pocket expenses. With respect

to any such disbursements which are more than \$100.00, we may forward the bills directly to you and request that you pay such disbursements promptly.

Our team is positioned to immediately begin work on the investigation by a projected Engagement Date, and we anticipate an approximate three (3) weeks until completion. Regular reports and updates will be consistently provided to the City with respect to progress and findings.

Thank you very much for considering Clark Hill. We welcome the opportunity to represent the City in this matter and look forward to working with you.

## RESPONSES TO THE REQUESTED INFORMATION

**1. Name, address, telephone number (main and fax) and email address of the firm.**

Clark Hill PLC  
212 East Grand River Avenue  
Lansing, MI 48906  
Phone: (517) 318-3100  
Fax: (517) 318-3099  
Email: email@clarkhill.com

**2. Name, email and telephone number of primary attorney.**

Joseph W. Colaianne  
Phone: (517) 318-3029  
Fax: (517) 318-3065  
Email: JColaianne@clarkhill.com

**3. Martindale Hubbell rating of the firm.**

Peer Reviews: 4.8/5.0 (380)  
Client Reviews: 75% Recommended (8)

**4. Number of years the firm has been in practice.**

127

**5. Brief history of the firm and practice areas.**

Clark Hill is a full-service law firm assisting clients in all areas of business legal, personal legal and government and public affairs services. We recently successfully merged with Morris Polich & Purdy, a prestigious West Coast law firm, and have expanded our geographical footprint to 17 offices. We are also a member of two international member organizations – Globalaw and Mackrell International – that provide our clients with access to attorneys around the world when needed.

Clark Hill combines the specialized offerings of a boutique firm with the full range of services provided by a mid-size national firm with global reach. Our firm is organized into 16 practice groups serving clients in all industries. Working as a team, our attorneys and professionals from each of the practices and industries listed below regularly collaborate to assess current and future legal issues.

Since 1890, clients have received an unparalleled level of service that is thorough and appropriately focused. Our team approach extends across our firm's practice areas which

provides the specialized expertise necessary to resolve client issues. Our firm's practice areas and industry teams include:

- Administrative Law
- Appellate
- Behavioral Health Care Law
- Commercial & Real Estate Finance Transactions
- Chemical Industry Law
- Construction Law
- Corporate & Business Law
- Corporate Restructuring & Bankruptcy
- Digital Risk Management
- Economic Development Services
- Environment, Energy & Natural Resources
- Estate Planning & Probate
- Family Law
- Food & Beverage
- Government & Public Affairs
- Health Care Law
- Immigration Law
- Insurance & Reinsurance
- Intellectual Property
- International Legal Services
- International Trade
- Labor & Employment Law
- Litigation
- Municipal Finance
- Political Law
- Product Liability
- Professional Ethics & Risk Management
- Real Estate
- Real Estate Litigation
- Tax
- Tax Exempt Organizations
- Transportation
- White Collar Criminal Defense

#### **6. Experience of the firm in representing municipalities.**

The firm's Municipal Law Group specializes in the legal representation of municipalities and their respective authorities throughout the jurisdictions we reside in and beyond. Our attorneys are experienced at handling all legal matters for municipalities and their respective authorities serve the firm's municipal clients. The Firm's attorneys have represented over 200 municipalities and school districts as general counsel, special counsel or bond counsel.

Clark Hill's municipal attorneys do not serve in a manner typical of outside counsel. They understand that, under many municipal charters and enabling statutes, as a "city attorney" they often serve as "officers" of the city. While they are legal advisers, they also become part of a "team" to fully inform the city council, city officers and other city bodies of legally available options, of legal impacts and consequences, of risk assessments, etc., but, once the policy direction is given and decision made, they serve as part of that team to help implement that enunciated policy or decision.

Clark Hill's attorneys offer not only the experience and expertise gained over decades of public sector law practice, but also the significant resources of Clark Hill's other specialties, cutting edge practice technology, and an array of other resources. Clark Hill's experience,

expertise and resources result in more cost-effectiveness and more timeliness than other firms. Where other lawyers might expend hours in researching a question or in finding a suitable “pattern” to follow in a transaction, our attorneys can often answer a question over the phone and have vast data bases to use to address a particular issue or transaction.

➤ *General City Counsel Experience*

Clark Hill serves as general and special counsel to cities, villages and townships across the state. Additionally, we represent numerous other governmental and inter-governmental entities including brownfield redevelopment authorities, downtown development authorities, economic development corporations, fire and other emergency services boards and authorities, libraries, local development finance authorities, sanitary sewer authorities, tax increment financing authorities, utility authorities, water authorities, etc.

Therefore, our proposed team has a wealth of expertise and experience advising our clients on land use and development matters, coordinating and participating with assessing officers regarding property tax disputes (including Michigan Tax Tribunal appeals) and assisting in economic development efforts, as well as representing our clients’ interests at a state and federal level.

**7. Municipalities currently represented.**

We serve as general municipal counsel to the following communities:

- City of Otsego
- City of Portland
- City of Greenville
- Village of Sparta
- Village of Mackinaw City
- Village of Pewamo
- Village of Hubbardston
- Village of Eastlake
- Village of Martin
- Campbell Township

We provide specialized legal services to the following municipalities:

- Allegan (city)
- Bangor
- Belding
- Berrien County
- Berrien County Drain Commissioner
- Brevort Township
- Carson City
- Cedarville Township
- Cedar Springs
- Charlotte
- Charter Township of Grand Blanc
- Clark Township
- Corunna
- Croton Township
- Delta Township
- Detroit
- Detroit Public Library
- Dorr Township
- Dowagiac
- Eaton County
- Eau Claire
- East Lansing
- Egelston Township
- Elm River Township

- Grand Haven
- Grand Rapids
- Grant
- Gratiot County Drain Commissioner
- Grosse Pointe Shores
- Hesperia
- Hudson Township
- Ingham County
- Ingham County Drain Commissioner
- Lake Isabella
- Lake Odessa
- Lake Odessa Community Library
- Lake Township
- L'Anse
- Lansing
- Lapeer County Road Commission
- Lee Township
- Leighton Township
- Mackinac County
- Manton
- Montcalm County
- Mt. Pleasant
- Norway Township
- Oakland County
- Oakland County Water Resources Commissioner
- Oakland County Road Commission
- Perry
- Plainfield Charter Township
- Rolland Township
- St. Joseph
- Sand Lake
- Saugatuck Township
- Southfield DDA
- South Haven
- Stanton
- Three Oaks
- Walker
- Warren
- Washtenaw County Drain Commissioner
- Watervliet
- Wayne County
- Wyoming

**8. Municipalities represented in the past.**

- City of Plainwell

**9. Location of firm offices.**

Clark Hill has four (4) offices in Michigan (Detroit, Lansing, Grand Rapids and Birmingham). The City would primary be served from our Lansing office. A list of all offices includes:

151 S. Old Woodward  
Suite 200  
Birmingham, MI 48009

Fitzwilliam Hall  
Fitzwilliam Place  
Dublin, D02 T292

130 E. Randolph St.  
Suite 3900  
Chicago, IL 60601

200 Ottawa NW  
Suite 500  
Grand Rapids, MI 49503

500 Woodward Ave  
Suite 3500  
Detroit, MI 48226

212 East Grand River Ave  
Lansing, MI 48906

3800 Howard Hughes Parkway  
Suite 500  
Las Vegas, NV 89169

1055 West Seventh Street  
Suite 2400  
Los Angeles, CA 90017

1290 Suncrest Towne Centre  
Morgantown, WV 26505

2005 Market St, Suite 1000  
Philadelphia, PA 19103

301 Grant St, 14th Floor  
Pittsburgh, PA 15219

210 Carnegie Center  
Suite 102  
Princeton, NJ 08540

600 West Broadway, Suite 500  
San Diego, CA 92101

One Embarcadero Center  
Suite 400  
San Francisco, CA 94111

14850 N. Scottsdale Rd  
Suite 500  
Scottsdale, AZ 85254

1001 Pennsylvania Ave NW  
Suite 1300 South  
Washington, DC 20004

824 N. Market St  
Suite 710

Wilmington, DE 1980

**10. Firm composition.**

**a. names of attorneys**

- Kenneth P. Lane, Member
- Jason R. Canvasser, Senior Attorney
- Joseph W. Colaianne, Senior Counsel

**b. number of support staff**

- Lauren K. Degan

**11. Firm practice. List any features of your firm that would recommend your firm.**

We embrace a collaborative approach that incorporates the expertise of a core team of attorneys who would represent the City on a consistent basis. This multidisciplinary approach enables us to access a comprehensive knowledge base relevant to the City's needs. By identifying a lead attorney, Clark Hill ensures that the City will have regular access to a key contact who is both familiar with the agency's government affairs activities and regularly accessible, as well as able to respond to the City's needs in a timely manner.

As strategic counsels and trusted advisors, our proposed core client team members will begin by gaining a thorough understanding of the City's existing strategy, as stated by its

leaders, objectives and unique risks/challenges. We will use that knowledge proactively to aid in identifying, avoiding and resolving conflicts in a manner that will help the agency achieve its objectives, and effectively manage risks, costs, and other factors that could hinder the City's ability to implement a transit plan.

As part of our commitment to transparency and accountability, we engage our clients in a consistent stream of communication, including a standing series of scheduled meetings/calls.

**12. Resumes. Attach a current resume for each firm attorney to work on the project.**

Please find these provided within the Appendix.

**13. Insurance. Does the firm have mal-practice insurance? If so attach a copy of the declaration page.**

Yes; please find our Certificates of Insurance provided within the Appendix.

**14. Discipline. Indicate for each firm attorney if there has ever been any disciplinary case against the attorney that resulted in a finding of misconduct. Indicate whether the legal license to practice law of any firm attorney has ever been suspended. Provide details of dates and causes.**

Not applicable; none of the proposed attorneys for the City have ever been involved in a disciplinary case that resulted in the finding of misconduct, nor have their licenses to practice law ever been suspended.

**15. Give the name, address and telephone number of three references.**

Kip Walby, Mayor  
St. Clair Shores  
27600 Jefferson Circle Drive  
St. Clair Shores, MI 48081  
(586) 447-3311

George Bosanic, City Manager  
City of Greenville  
411 South Lafayette Street  
Greenville, MI 48838  
(616) 754-6320

Keith Lerminaux, Corporation Counsel  
County of Oakland  
1200 N. Telegraph  
Pontiac, MI 48341  
(248) 858-0557

# APPENDIX

Attorney Resumes

CLARK HILL

# Joseph W. Colaianne

## Senior Counsel

Joseph W. Colaianne is Senior Counsel with Clark Hill's Education and Municipal Group. Joe is an attorney with over 20 years' experience in municipal and public sector law. Prior to joining the Clark Hill team, Joe served as corporation counsel for the Huron-Clinton Metropolitan Authority, and as counsel and insurance administrator for the Oakland County Water Resources Commissioner.

Joe has extensive experience with public works projects. As counsel and insurance administrator for the Oakland County Water Resources Commissioner (WRC), Joe was directly involved with the negotiation and transfer of the Oakland-Macomb Interceptor from the City of Detroit to the Oakland-Macomb Interceptor Drain Drainage District. This transfer was the first step in the \$160 Million rehabilitation of a 37-year old 21-mile sewer serving 830,000 residents in 24 separate communities in Oakland and Macomb Counties. Joe served as the WRC's legal representative overseeing the municipal and legal affairs of the OMI drainage district. Joe was also involved in the monetization and transfer of the City of Pontiac wastewater treatment facility; George W. Kuhn Drain rehabilitation project; and various other public work projects throughout Oakland County. As the WRC representative, Joe was directly involved in the negotiation of intergovernmental water and sewer contracts with the Detroit Water and Sewerage Department (DWSD).

Joe received his Juris Doctor from DePaul University College of Law in 1990, and is a graduate of James Madison College at Michigan State University, 1987. Joe has significant experience with assisting public clients understand the available options and process for financing improvements such as water, sewer and drainage projects. His legal experience includes managing multiple and complex projects with conflicting priorities, real estate acquisitions, environmental issues, construction litigation and the finance of public works projects. In the area of municipal law, Joe counsels clients in matters of Open Meetings Act and Freedom of Information Act compliance, and general municipal governance. He has practiced before the federal and state courts, and administrative agencies.

Joe is a Hartland Township Trustee and also serves on Hartland's Planning Commission. He is co-founder of the non-profit Hartland Enrichment and Recreation Organization (HERO). HERO was established for the purpose of enhancing and enriching educational, recreational and athletic opportunities in the Hartland Consolidated School District. The organization operates the Next Door Hartland Teen Center which provides an afterschool haven for teens.

Joe has been a presenter at Michigan Association of County Drain Commissioner conferences and "New Drain Commissioner's School." His last presentation was in January 2013, entitled "Chapter 20 Drains."

### Practices, Industries & Services

Construction  
Environment, Energy & Natural Resources  
Litigation  
Municipal Law  
Real Estate

### Memberships

- Michigan Association of County Drain Commissioners
- Michigan Association of Municipal Attorneys
- Michigan Association of Planning
- National Association of Bond Lawyers
- Oakland County Bar Association

### Presentations

- Chapter 20 Drain - MACDC New Drain Commissioners School



### Office

Lansing  
212 East Grand River Ave  
Lansing, MI 48906

517.318.3029 (phone)  
517.318.3065 (fax)  
jcolaianne@clarkhill.com

### Education

J.D., DePaul University College of Law, Chicago, Illinois, 1990

B.A., James Madison College, Michigan State University, 1987

### State Bar Licenses

Michigan

### Court Admissions

U.S. District Ct., E.D. of Michigan

# Kenneth P. Lane

## Member

**Kenneth P. Lane** is a Member in Clark Hill's Lansing office in the Education and Municipal Law Practice Group where he concentrates his practice in the areas of municipal law, municipal litigation, planning and zoning, public pension law and condemnation law.

Kenneth serves as general and special counsel to cities, townships, villages and counties across the state. Kenneth also has extensive experience in representing planning commissions, zoning boards, drain commissioners and drainage districts, brownfield authorities, and other municipal public bodies and entities. Additionally, Kenneth has a broad range of experience in various complex investment transactions and serves as general counsel for two large public employee pension systems.

Kenneth has spoken at numerous conferences and seminars on such topics as legislation affecting local governments, open meetings and freedom of information issues, zoning, planning and land use, ordinance enforcement and public pension regulation.

Prior to joining Clark Hill, Kenneth served as the Assistant Township Manager for Delta Charter Township where he focused on economic development and land use. Prior to that, Kenneth worked for the City of Lansing in the Office of the City Attorney focusing on ordinance prosecution and civil matters pertaining to housing and neighborhood issues.

Kenneth received his B.A. in History from Western Michigan University. He received his J.D. from Michigan State University College of Law and is a member of the Michigan Bar Association.



### Office

Lansing  
212 East Grand River Ave  
Lansing, MI 48906

517.318.3062 (phone)  
517.318.3078 (fax)  
klane@clarkhill.com

### Education

J.D., Michigan State University  
College of Law, East Lansing,  
Michigan

B.A., Western Michigan University,  
Kalamazoo, Michigan

### State Bar Licenses

Michigan

### Practices, Industries & Services

Economic Development Services  
Education  
Litigation  
Municipal Law  
Real Estate

### Areas of Emphasis

Consolidation & Restructuring  
Eminent Domain  
Land Use & Zoning  
Municipal Services

### Memberships

- State Bar of Michigan
- Ingham County Bar Association
- Member, Meridian Charter Township Planning Commission
- Michigan Association of Municipal Attorneys
- Michigan Association of Public Employee Retirement Systems

# Jason R. Canvasser

## Senior Attorney



Jason R. Canvasser is a Senior Attorney in Clark Hill's Detroit office where he practices in the Litigation Practice Group. Jason's practice focuses on advising clients on best practices for managing and avoiding potential risks and liabilities. Jason has broad experience representing clients in general litigation matters that include complex commercial cases, contractual disputes, defense of premise liability and auto negligence claims, landlord-tenant matters, and issues relating to bankruptcy/creditor's rights. Jason has significant experience in state, federal, and bankruptcy courts and has been admitted pro hac vice in multiple out of state matters.

As part of his practice, Jason also routinely represents national clients on a number of issues relating to the sale of alcohol, both on-site and off-site. These clients include restaurants, bars, pharmacies, grocery stores, manufacturers, distributors, hotels, and convenience stores. As part of that representation, Jason regularly advises clients, among other things, on issues relating to alcohol promotions, tasting events, sampling promotions, charity events, and zoning issues. As a result of Jason's vast experience, he is in frequent contact with the Michigan Liquor Control Commission (MLCC) and works closely with the MLCC commissioners to achieve his client's desired goals.

Jason received his B.A. from the University of Michigan and his J.D. from Wayne State University Law School, where he was a member of the Wayne State Law Review. He is admitted to practice in Michigan and the U.S. District Courts for the Eastern and Western Districts of Michigan. He is also a frequent lecturer for Lorman Education Services on the Enforcement of Judgments.

### Practices, Industries & Services

Corporate Restructuring & Bankruptcy  
Food, Beverage & Hospitality  
Litigation  
Real Estate

### Areas of Emphasis

Commercial Litigation

### Memberships

- State Bar of Michigan
- International Council of Shopping Centers
- Detroit Symphony Orchestra's NextGen Committee
- City of Birmingham Board of Zoning Appeals

### Office

Detroit  
500 Woodward Ave  
Suite 3500  
Detroit, MI 48226

313.965.8257 (phone)  
313.309.6857 (fax)  
jcanvasser@clarkhill.com

### Education

J.D., Wayne State University Law School, Detroit, Michigan, 2006  
B.A., University of Michigan, Ann Arbor, Michigan, 2003

### State Bar Licenses

Michigan

### Court Admissions

U.S. District Ct., E.D. of Michigan  
U.S. District Ct., W.D. of Michigan

Certificates of Insurance

CLARK HILL





# EVIDENCE OF PROPERTY INSURANCE

DATE (MM/DD/YYYY)  
05/26/2017

THIS EVIDENCE OF PROPERTY INSURANCE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS EVIDENCE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE ADDITIONAL INTEREST.

|                                                                                                                                    |                    |                                              |                                                                                   |                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------------------------|
| AGENCY<br><b>Henderson Brothers, Inc.</b><br>920 Ft Duquesne Blvd<br>Pittsburgh, PA 15222<br>James L. Conn                         |                    | PHONE<br>(A/C, No, Ext): <b>412-261-1842</b> | COMPANY<br><b>CNA Insurance Cos.</b><br>P. O. Box 16020<br>Reading, PA 19612-6020 |                                                                   |
| FAX<br>(A/C, No): <b>412-261-4149</b>                                                                                              | E-MAIL<br>ADDRESS: |                                              |                                                                                   |                                                                   |
| CODE: <b>020-019829</b>                                                                                                            | SUB CODE:          |                                              |                                                                                   |                                                                   |
| AGENCY<br>CUSTOMER ID #: <b>CLAR-11</b>                                                                                            |                    |                                              |                                                                                   |                                                                   |
| INSURED<br><br><b>Clark Hill PLC</b><br><b>Attn: Donna Perry</b><br><b>500 Woodward Ave Suite 3500</b><br><b>Detroit, MI 48226</b> |                    | LOAN NUMBER                                  | POLICY NUMBER<br><b>596473539</b>                                                 |                                                                   |
|                                                                                                                                    |                    | EFFECTIVE DATE<br><b>06/01/17</b>            | EXPIRATION DATE<br><b>06/01/18</b>                                                | <input type="checkbox"/> CONTINUED UNTIL<br>TERMINATED IF CHECKED |
| THIS REPLACES PRIOR EVIDENCE DATED:                                                                                                |                    |                                              |                                                                                   |                                                                   |

## PROPERTY INFORMATION

LOCATION/DESCRIPTION

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS EVIDENCE OF PROPERTY INSURANCE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

## COVERAGE INFORMATION

| COVERAGE / PERILS / FORMS                      | AMOUNT OF INSURANCE | DEDUCTIBLE |
|------------------------------------------------|---------------------|------------|
| PARTNER OR EMPLOYEE THEFT                      | 5000000             | 25000      |
| THEFT DISAPPEARANCE & DESTRUCTION              | 5000000             | 10000      |
| FORGERY OR ALTERATION                          | 5000000             | 10000      |
| ROBBERY OR SAFE BURGLARY - PROPERTY OTHER THAN | 5000000             | 10000      |
| MONEY & SECURITIES                             |                     |            |
| COMPUTER SYSTEMS FRAUD                         | 5000000             | 10000      |
| MONEY ORDER & COUNTERFEIT CURRENCY             | 5000000             | 10000      |
| WIRE TRANSFER WITH VOICE PLUS                  | 5000000             | 10000      |
| CLAIMS EXPENSE                                 | 250000              | 5000       |
| SOCIAL ENGINEERING FRAUD                       | 250000              | 10000      |

## REMARKS (Including Special Conditions)

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

## ADDITIONAL INTEREST

|                                                           |                                                                                                                   |                                             |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| NAME AND ADDRESS<br><br><b>FOR INFORMATIONAL PURPOSES</b> | <input type="checkbox"/> MORTGAGEE                                                                                | <input type="checkbox"/> ADDITIONAL INSURED |
|                                                           | <input type="checkbox"/> LOSS PAYEE                                                                               |                                             |
|                                                           | LOAN #                                                                                                            |                                             |
|                                                           | AUTHORIZED REPRESENTATIVE<br> |                                             |



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
07/03/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                                                      |                                                                                                                                            |  |
|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>PRODUCER</b><br>Willis of Michigan, Inc.<br>c/o 26 Century Blvd<br>P.O. Box 305191<br>Nashville, TN 372305191 USA | <b>CONTACT NAME:</b><br>PHONE (A/C, No, Ext): 1-877-945-7378      FAX (A/C, No): 1-888-467-2378<br>E-MAIL ADDRESS: certificates@willis.com |  |
|                                                                                                                      | <b>INSURER(S) AFFORDING COVERAGE</b> NAIC#                                                                                                 |  |
| <b>INSURED</b><br>Clark Hill, PLC<br>Attn: Donna Perry<br>500 Woodward Avenue, Suite 3500<br>Detroit, MI 482263435   | <b>INSURER A:</b> National Fire & Marine Insurance Company      20079                                                                      |  |
|                                                                                                                      | <b>INSURER B:</b> Starr Surplus Lines Insurance Company      13604                                                                         |  |
|                                                                                                                      | <b>INSURER C:</b>                                                                                                                          |  |
|                                                                                                                      | <b>INSURER D:</b>                                                                                                                          |  |
|                                                                                                                      | <b>INSURER E:</b>                                                                                                                          |  |
| <b>INSURER F:</b>                                                                                                    |                                                                                                                                            |  |

**COVERAGES**      **CERTIFICATE NUMBER:** W2922572      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                | ADDL INSD | SUBR WVD | POLICY NUMBER    | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                   |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|------------------|-------------------------|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | <b>COMMERCIAL GENERAL LIABILITY</b><br><input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC<br>OTHER: |           |          |                  |                         |                         | EACH OCCURRENCE \$<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$<br>MED EXP (Any one person) \$<br>PERSONAL & ADV INJURY \$<br>GENERAL AGGREGATE \$<br>PRODUCTS - COMP/OP AGG \$<br>\$ |
|          | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> OWNED AUTOS ONLY<br><input type="checkbox"/> HIRED AUTOS ONLY<br><input type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> NON-OWNED AUTOS ONLY          |           |          |                  |                         |                         | COMBINED SINGLE LIMIT (Ea accident) \$<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>\$                                    |
|          | <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR<br><b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE<br>DED    RETENTION \$                                                                                                                            |           |          |                  |                         |                         | EACH OCCURRENCE \$<br>AGGREGATE \$<br>\$                                                                                                                                                 |
|          | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                       |           |          | N/A              |                         |                         | PER STATUTE    OTH-ER<br>E.L. EACH ACCIDENT \$<br>E.L. DISEASE - EA EMPLOYEE \$<br>E.L. DISEASE - POLICY LIMIT \$                                                                        |
| A        | Lawyers Professional Liability                                                                                                                                                                                                                                   | N         | N        | 42-EPP-303929-01 | 07/01/2017              | 07/01/2018              | First Loss Limit \$10,000,000                                                                                                                                                            |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Lawyers Professional Liability - Layer Participant Carriers

Berkshire - 40.0%

Berkley - 17.5%

Brit Syndicate - 20.0%

ProSight/Gotham - 11.25%

SEE ATTACHED

**CERTIFICATE HOLDER**      **CANCELLATION**

|                      |                                                                                                                                                                |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Evidence of Coverage | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
|                      | AUTHORIZED REPRESENTATIVE<br>                                              |

AGENCY CUSTOMER ID: \_\_\_\_\_

LOC #: \_\_\_\_\_



**ADDITIONAL REMARKS SCHEDULE**

|                                    |                         |                                                                                                                   |  |
|------------------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------|--|
| AGENCY<br>Willis of Michigan, Inc. |                         | NAMED INSURED<br>Clark Hill, PLC<br>Attn: Donna Perry<br>500 Woodward Avenue, Suite 3500<br>Detroit, MI 482263435 |  |
| POLICY NUMBER<br>See Page 1        |                         | EFFECTIVE DATE: See Page 1                                                                                        |  |
| CARRIER<br>See Page 1              | NAIC CODE<br>See Page 1 |                                                                                                                   |  |

**ADDITIONAL REMARKS**

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
 FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

Sompo/Endurance - 11.25%

INSURER AFFORDING COVERAGE: Starr Surplus Lines Insurance Company NAIC#: 13604  
 POLICY NUMBER: 1000600008171      EFF DATE: 07/01/2017      EXP DATE: 07/01/2018

ADDITIONAL INSURED:      N  
 SUBROGATION WAIVED:    N

| TYPE OF INSURANCE:       | LIMIT DESCRIPTION: | LIMIT AMOUNT: |
|--------------------------|--------------------|---------------|
| Lawyers Excess Liability | Each Occurrence    | \$30,000,000  |
|                          | Excess             | \$10,000,000  |

ADDITIONAL REMARKS:  
 Other Layer Participant Carriers  
 Aspen - 15%  
 Crum - 17%  
 QBE - 17%  
 Sompo/Endurance - 14%  
 Prosight - 14%



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
07/05/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                                                     |                                                                                                                                                                        |  |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>PRODUCER</b><br>Willis of Michigan, Inc.<br>c/o 26 Century Blvd<br>P.O. Box 305191<br>Nashville, TN 37205191 USA | <b>CONTACT NAME:</b><br>PHONE (A/C, No, Ext): 1-877-945-7378      FAX (A/C, No): 1-888-467-2378<br>E-MAIL ADDRESS: certificates@willis.com                             |  |
|                                                                                                                     | <b>INSURER(S) AFFORDING COVERAGE</b> NAIC#<br>INSURER A: Continental Casualty Company      20443<br>INSURER B:<br>INSURER C:<br>INSURER D:<br>INSURER E:<br>INSURER F: |  |
| <b>INSURED</b><br>Clark Hill, PLC<br>Attn: Donna Perry<br>500 Woodward Avenue, Suite 3500<br>Detroit, MI 482263435  |                                                                                                                                                                        |  |

**COVERAGES**      **CERTIFICATE NUMBER:** W2947136      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                        | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                    |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|---------------|-------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | <b>COMMERCIAL GENERAL LIABILITY</b><br><input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC<br>OTHER:                         |           |          |               |                         |                         | EACH OCCURRENCE \$<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$<br>MED EXP (Any one person) \$<br>PERSONAL & ADV INJURY \$<br>GENERAL AGGREGATE \$<br>PRODUCTS - COM/PROP AGG \$<br>\$ |
|          | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY<br><input type="checkbox"/> AUTOS ONLY |           |          |               |                         |                         | COMBINED SINGLE LIMIT (Ea accident) \$<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>\$                                     |
|          | <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR<br><b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE<br>DED    RETENTION \$                                                                                                                                                    |           |          |               |                         |                         | EACH OCCURRENCE \$<br>AGGREGATE \$<br>\$                                                                                                                                                  |
|          | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                               |           | N/A      |               |                         |                         | PER STATUTE    OTH-ER<br>E.L. EACH ACCIDENT \$<br>E.L. DISEASE - EA EMPLOYEE \$<br>E.L. DISEASE - POLICY LIMIT \$                                                                         |
| A        | Cyber Liability                                                                                                                                                                                                                                                                          | N         | N        | 596774909     | 07/01/2017              | 07/01/2018              | See Below                                                                                                                                                                                 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Media - \$10,000,000  
 Network Security - \$10,000,000  
 Privacy Injury Liab - \$10,000,000  
 Privacy Regulation Fines/ \$10,000,000  
 Privacy Event Expense \$10,000,000  
 Extortion Demand \$10,000,000

|                                                                      |                                                                                                                                                                                           |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CERTIFICATE HOLDER</b><br><br><br>For Informational Purposes only | <b>CANCELLATION</b><br><br>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
|                                                                      | AUTHORIZED REPRESENTATIVE<br>                                                                         |

AGENCY CUSTOMER ID: \_\_\_\_\_

LOC #: \_\_\_\_\_



### ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

|                                    |                         |                                                                                                                   |  |
|------------------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------|--|
| AGENCY<br>Willis of Michigan, Inc. |                         | NAMED INSURED<br>Clark Hill, PLC<br>Attn: Donna Perry<br>500 Woodward Avenue, Suite 3500<br>Detroit, MI 482263435 |  |
| POLICY NUMBER<br>See Page 1        |                         | EFFECTIVE DATE: See Page 1                                                                                        |  |
| CARRIER<br>See Page 1              | NAIC CODE<br>See Page 1 |                                                                                                                   |  |

#### ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

Business Interruption and Extra Expense \$10,000,000

Including Third Party Vicarious Liability and Assumed Liability  
subject to \$25,000/ Retro date 9/17/2015

**PROPOSAL FOR PROFESSIONAL ATTORNEY  
SERVICES (SPECIAL COUNSEL)**

Submitted by:

Guy T. Conti

ContiLegal

2045 Hogback Road

Ann Arbor, MI 48105

(888) 489-3232

(888) 848-8228 (fax)

[gconti@contilegal.com](mailto:gconti@contilegal.com)

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## **EXECUTIVE SUMMARY**

Guy T. Conti, licensed to practice law in the State of Michigan since November 16, 2005, proposes to serve as Special Counsel in response to the Request for Proposal issued on Oct. 5, 2017 by Darwin McClary, Ypsilanti City Manager, to investigate and report on the funding and ethical/legal implications of the trip to China by certain City Officials in mid-late September 2017.

Mr. Conti has previously represented the City of Ypsilanti from November 2005 through January 2008 and is familiar with its Charter and its Ordinances. As Counsel for the City of Ypsilanti, he won summary judgment in the Stop the City Income Tax case in 2007 and represented the City in the Parkview Apartments bankruptcy case. He has also served as Assistant City Attorney for the City of Belleville, Assistant Township Attorney for the Charter Township of Lodi (for which he successfully litigated in U.S. District Court) and Counsel to the Milan and Saline Area Fire Departments. Mr. Conti currently represents no municipalities although he counsels individual members of Township Boards concerning their participation in government.

Mr. Conti, while primarily practicing bankruptcy law since establishing his firm on February 8, 2008, has experience in a wide breadth of law. Municipal law was once explained to Mr. Conti as “an inch deep and a mile wide.” So, too, is

bankruptcy law. Some of the areas of law that Mr. Conti has had the opportunity to practice in are: municipal, property, civil rights, RICO, liens and secured interests, employment, labor, probate, unemployment compensation, criminal defense and prosecution, contract, landlord/tenant and mental health.

Mr. Conti does not have a Martindale Hubbell rating but is rated a 10.0 (Superb) by Avvo.com and is a 2016 and 2017 Super Lawyer honoree. Mr. Conti was honored by the Washtenaw County Bar Association with their 2017 Pro Bono and Public Service Award. He has also been recognized by the United States Bankruptcy Court for the Eastern District of Michigan with their Pro Bono Award.

## **DETAILS OF PROPOSED INVESTIGATION**

Mr. Conti intends to use the City's subpoena power to assemble all pertinent documents and communications and to interview relevant persons. All four attendees must be interviewed and the acquisition of emails and other written communications is vital. The use of the subpoena power, however, does not preclude the use of informal interviews, which Mr. Conti intends to conduct as well.

What is critical here is to determine the facts as they are and apply those facts to the law, providing essentially a finding of facts and conclusions of law.

The RFP asks two questions:

1. Was there a violation of the City Charter or Code of Ordinances by any party with regard to the trip and, if so, by who?
2. Was there a violation of law by any party with regard to the trip, and if so, by who?

These two questions involve a whole host of sub-questions. For instance, as an example: the ordinance prohibiting the acceptance of gifts by City elected officials and staff requires that the gift, other than *de minimus* gifts, be given in return for influence or a vote. So, the first inquiry here is: did an official accept a gift or consideration? Only after that question is answered can we delve into whether or not the official did so in return for a vote or influence. So, the assembling of a list of questions at the outset is critical.

In sum, the methodology will be to:

- a. Compile a list of questions.
- b. Compile a list of resources and methods to use in gathering information to answer the questions.
- c. Use the resources and methods to gather the information required.
- d. Electronically organize the information.
- e. When enough information is acquired, make proposed findings of fact.
- f. Apply the proposed findings of fact to the law.
- g. Draft a final report, including exhibits and recommendations.

h. Present the report and answer questions.

Mr. Conti believes the investigation should last six to nine months, at a minimum. He believes that attorney hours, billed at \$150.00 per hour (in 1/10 increments) will be between forty and one hundred and twenty. He may also use the services of a private investigator and/or an accountant. There will be expenses for court reporters, transcripts, mail, and postage. Mr. Conti believes the total cost to the City will be between \$8,000.00 and \$20,000.00.

#### **SUMMARY (OF INFORMATION REQUESTED IN RFP)**

1. ContiLegal, 2045 Hogback Road, Ann Arbor, MI 48105. (888) 489-3232 voice, (888) 848-8228 fax, email is gconti@contilegal.com
2. The primary attorney is Guy T. Conti, gconti@contilegal.com, (888) 489-3232.
3. The firm has no Martindale Hubbell rating.
4. The firm has been in practice since February 6, 2008. That is nine years and eight months.
5. The firm was founded on February 6, 2008 as a solo practice firm. From the start, bankruptcy was a specialty. This afforded the firm the opportunity to litigate well over 500 cases in the last nine years in all types of courts: federal district, federal bankruptcy, state probate, state circuit, state district and the state Court of Appeals. The firm has enjoyed a sterling reputation

over those years, achieving a 10.0 (Superb) rating with Avvo.com. At times, the firm has had interns and associate attorneys but Mr. Conti, the founding attorney, has been the main presence.

6. The firm has not represented municipalities but Mr. Conti has prior to the firm's creation. See above.
7. The firm currently does not represent any municipalities.
8. Mr. Conti, not the firm, has previously represented: the City of Ypsilanti, the City of Belleville, Lodi Charter Township, Milan Area Fire Department and the Saline Area Fire Department. The firm has litigated against the Dexter Area Fire Department.
9. The firm maintains a single office at 2045 Hogback Road, Ann Arbor, MI 48105 (Township of Pittsfield).
10. The firm is composed of Attorney Guy T. Conti and Legal Assistant Christian Usera, both full time employees. The firm maintains a third, part-time employee as cleaning staff. Her name is Marcia Hargrove.
11. The firm and Mr. Conti individually, bring an excellent work ethic, a great reputation and a deep knowledge of the City of Ypsilanti and its institutions to the table. Mr. Conti's 2+ years of representing the City created with him a deep love and passion for the City.
12. Mr. Conti's resume is attached.

13. The firm maintains premium malpractice insurance. The declarations are attached.

14. No firm attorney has ever been disciplined. In fact, Mr. Conti serves as a panelist on the Attorney Discipline Board.

15. References:

- a. City Councilman Dominic Hamden, Esq. of Milan, 18 W. Main Street, Milan, MI 48160, (734) 439-8884.
- b. Attorney Thomas Daniels, 24 Frank Lloyd Wright Drive, Lobby D, Ann Arbor, MI 48105, (734) 665-4441.
- c. Hon. David Rutledge, 8585 Durham Court, Ypsilanti, MI 48198, (734) 646-5954.

I certify that the information contained in this proposal is true to the best of my knowledge, information and belief and hereby submit this proposal.

October 12, 2017

  
ContiLegal  
By: Guy T. Conti, its Managing Member

**GUY T. CONTI**

**RESUME**

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# GUY THOMAS CONTI

2045 Hogback Road, Ann Arbor, MI 48105 \* 888-489-3232 \* gconti@contilegal.com

## LEGAL EMPLOYMENT

*Managing Attorney, ContiLegal, Ann Arbor, MI, 02/15/2008 - present*

- Representation in over 300 bankruptcies and/or adversary proceedings (Chapters 7, 11 and 13)
- General Counsel for multi-state entity and other corporate entities. Duties include direct advice, document drafting, litigation, and acquiring and managing outside counsel
- Represent clients on Guardianship, Conservatorship and Mental Health Dockets
- Extensive litigation experience
- Conduct property tax appeals in the Michigan Tax Tribunal
- Litigation in the Michigan district, circuit and probate courts as well as Federal courts (bankruptcy, civil RICO, FDCPA, other areas)
- Won several cases on Summary Judgment
- Built a successful practice from the ground up
- Participates in regular continuing legal education in several fields of law
- Serves as fiduciary Guardian and Conservator for wards appointed by the Probate Court

*Attorney, Barr, Anhut & Associates, P.C., Ypsilanti, MI, 11/16/2005 - 2/15/2008 (40+ hours per week)*

- Assistant City/Township Attorney, City of Belleville & Township of Lodi and Attorney Of Counsel, City of Ypsilanti (Belleville contract ended March of 2006)
  - Trial prosecution of city ordinances
  - Advising governmental entities on Open Meetings Act, Freedom of Information Act, Home Rule Cities Act, taxation, governmental immunity, zoning, regulatory takings and free exercise of religion
  - Contract negotiation and litigation
  - Ordinance drafting
- Won the Stop the City Income Tax v City of Ypsilanti suit on Summary Judgment
- All aspects of discovery
- Motion drafting and practice
- Civil trial litigation
- Estate planning, including document drafting
- Federal litigation, including building, blight and housing maintenance law:
  - Kircher v. City of Ypsilanti, et al., 05-73425.
  - Lodi Township v. Robert Lindow, 06-13662

*Law Clerk, Barr, Anhut & Associates, P.C., Ypsilanti, MI, 8/2005 - 12/7/2005 (20 hours per week)*

- Researched and prepared memos in several areas of law
- Reviewed documents
- Drafted ordinances
- Developed trial strategy
- Participated on the Legal Committee of the Joint Management Committee of the Downriver Water Treatment Facility

*Student Staff Attorney, William Booth Legal Aid Clinic, Detroit, MI, 6/2004 - 8/2004 (12 hours per week)*

- Managed family law, contract, property, tort, civil infraction, and misdemeanor criminal cases for clients who met the national poverty guidelines

- Interviewed clients and assessed legal issues
- Prepared pleadings and motions

*Legal Intern, Equal Employment Opportunity Commission, Detroit, MI, 6/2004 - 8/2004 (20 hours per week)*

- Enforced Title VII, ADA, EPA and ADEA claims
- Evaluated charges and position statements for litigation-worthy determination
- Researched cutting-edge legal issues and generated corresponding memoranda
- Reviewed enforcement division investigations
- Reviewed and amended conciliation agreements
- Drafted legal briefs

## **OTHER EMPLOYMENT**

- From 1986 - 2000: Operations and Technology Manager with large New York City limousine companies. Managed large call centers and associated technology. Included hiring, firing and training employees.
- From 2000 -2002: Senior Operations Manager at New Jersey based national collection agency. Managed all employees and associated technology. Sourced and managed relationships with vendors.

## **BAR ADMISSIONS**

*Bar of the State of Michigan, November 16, 2005*

*Bar of the State of New Jersey, December 5, 2005*

*United States Supreme Court*

*Eastern District of Michigan*

*Western District of Michigan*

*District of New Jersey*

*Northern District of Illinois*

*United States Court of Appeals for the Sixth Circuit*

*United States Tax Court*

## **EDUCATION**

*Juris Doctor, magna cum laude*

*Ave Maria School of Law, Ann Arbor, MI, May 2005*

- 3.63/4.00 G.P.A. (Ranked 8th of 68)
- Moot Court Board (2003 - 2005), Trial Division Chair (2003 - 2004 & 2004 - 2005)
- Dean's Honor Roll
- Full Tuition Academic Scholarship (2002 - 2005)
- Italian-American Bar Association of Michigan Scholarship (2004)
- Ranked 8<sup>th</sup> of 66 in Oral Advocacy, Gabrielli National Family Law Appellate Competition (2005)

*Graduate Certificate in Human Resources with emphasis in Organizational Development*

*Eastern Michigan University, May 2012*

*Bachelor of Science, Computer Science*

*Pace University, New York, NY, 1988*

## **LAW-RELATED AFFILIATIONS**

- Washtenaw County Bar Association

- Delta Theta Phi National Legal Fraternity
- Consumer Bankruptcy Association

### **CHARITABLE AFFILIATIONS**

- Treasurer, Mensa Education and Research Foundation (2015 – present)
- Member, National Alliance on Mental Illness

### **PUBLICATIONS**

*The Chapter 13 Plan - Roadmap to Discharge, 40(1) Res Ipsa Loquitor 22 (2010).*

**MALPRACTICE  
INSURANCE  
DECLARATIONS**

Imperium Insurance Company  
A Stock Company  
800 Gessner St. Suite 600  
Houston, Texas 70024  
1-800-203-1179

# Lawyers Professional Liability Insurance Policy Declarations

Hereinafter known as the Company

*THIS IS A CLAIMS MADE AND REPORTED POLICY. PLEASE REVIEW THE POLICY CAREFULLY.*

*NOTICE: EXCEPT AS MAY BE OTHERWISE PROVIDED HEREIN, THE COVERAGE OF THIS POLICY IS LIMITED TO LIABILITY FOR COVERED ACTS COMMITTED SUBSEQUENT TO THE RETROACTIVE DATE, IF APPLICABLE, FOR WHICH CLAIMS ARE FIRST MADE AGAINST YOU WHILE THE POLICY IS IN FORCE AND WHICH ARE REPORTED TO US NO LATER THAN SIXTY (60) DAYS AFTER THE TERMINATION OF THIS POLICY. THE COVERAGE OF THIS POLICY DOES NOT APPLY TO CLAIMS FIRST MADE AGAINST YOU AFTER THE TERMINATION OF THIS POLICY UNLESS, AND IN SUCH EVENT ONLY TO THE EXTENT, AN EXTENDED REPORTING PERIOD OPTION APPLIES.*

POLICY NUMBER: IFI 770978-04

Replacing: IFI 770978-03

Producer Code:

1. NAMED INSURED: ContiLegal  
ADDRESS: 2045 Hogback Road  
  
Ann Arbor, MI 48105

2. PERIOD OF INSURANCE: FROM: 2/15/2017 TO: 2/15/2018  
12.01AM STANDARD TIME AT THE ADDRESS SHOWN IN ITEM 1 ABOVE.

3. LIMITS OF LIABILITY

(a) \$1,000,000 EACH CLAIM  
(b) \$2,000,000 in the AGGREGATE

4. DEDUCTIBLE

(a) \$2,500 PER CLAIM

5. PREMIUM US: \$1,485.00

6. RETROACTIVE DATE: See Form

7. Notice to insurer:

York Professional Liability Group.  
YorkPro, Inc.  
One Whitehall Street, 14<sup>th</sup> Floor, New York, NY, 10004  
Email: yorkproclaims@yorkrsg.com  
Phone: 646-313-4063 Fax: 646-224-8358

8. Forms and endorsements attached at inception of coverage. Refer to schedule of forms.

IIC LP 20 28

**PROPOSAL TO PROVIDE PROFESSIONAL ATTORNEY SERVICES**

**TO THE**

**CITY OF YPSILANTI  
WASHTENAW COUNTY, MICHIGAN**

**DARWIN McCLARY, CITY MANAGER**

**CITY OF YPSILANTI**

**ONE SOUTH HURON STREET**

**YPSILANTI, MI 48197**

**Hafeli Staran & Christ, P.C.  
2055 Orchard Lake Road  
Sylvan Lake, Michigan 48320  
(248) 731-3080  
(248) 731-3081 (fax)**

**October 12, 2017**

## **Scope of Work**

HSC has reviewed the City of Ypsilanti's Charter, including Article II, Section 2.07 regarding investigations, and its code of ordinances, including Chapter 46 regarding ethics. HSC is qualified, experienced and capable of providing legal counsel to the City of Ypsilanti concerning all municipal matters including investigations and administrative hearings. We propose on an hourly rate of \$175 for partners and \$125.00 for associates. We anticipate that the background investigative aspect of this assignment may entail legal fees of approximately \$5,000. If it is determined appropriate that the Council should conduct hearings regarding any alleged violation of the City's Charter or code of ordinances, it is estimated it may require additional legal fees of an approximately \$5,000. The anticipated costs for these two potential phases of service should be less than \$1,000. It seems reasonable that the investigative phase and administrative hearings, if deemed necessary, could be completed within forty five days from the commencement date.

## **Firm Profile**

Hafeli Staran & Christ, P.C. ("HSC"), located in Oakland County at 2055 Orchard Lake Road, Sylvan Lake, Michigan 48320, is a law firm committed to providing prompt and superior legal services to our clients in the metro-Detroit area in an efficient and economical manner. Our clients benefit from our broad knowledge base and experience. We strive to develop creative solutions to achieve our clients' goals and objectives. Our attorneys adhere to the strictest personal and professional ethics as evinced by the firm's and our individual AV peer-review ratings in the *Martindale Hubbell Law Directory*. Members have been featured in *Super Lawyers* and *DBusiness* Top Lawyers edition. Our attorneys are committed to the needs of our clients and focus on each client's circumstances and needs with respect to every matter and service provided.

We work on a variety of legal matters covering a number of practice fields. However, we specialize in advising and representing local government agencies. Our local government attorneys have acquired considerable expertise in local government law matters including advising boards and commissions and attending their meetings, annexation, administrative hearings, cable television, charter amendment, civil rights, code enforcement, construction, contract drafting and negotiation, elections, eminent domain, environmental, Freedom of Information and Open Meetings Acts, historic preservation, intergovernmental cooperation, land division, litigation, ordinance drafting, property taxation, prosecutions, public finance, real estate transactions, special assessments, telecommunications, and zoning and land use. HSC currently serves as the City Attorneys for Berkley, Eaton Rapids, Ferndale, Rochester Hills and as Village Attorney for Franklin. In addition, HSC attorneys have served as special counsel for other local government agencies including the Road Commission for Oakland County, Orion and West Bloomfield Townships. HSC has advised and counseled the Berkley, Oxford and Walled Lake Downtown Development Authorities. We prosecute municipal ordinance violations for our municipal clients in the 43<sup>rd</sup>, 44<sup>th</sup> and 52-3<sup>rd</sup> Division District Courts. HSC has previously served as special counsel for the City of Ypsilanti on various legal matters from 2008 through 2015.

Integrity, communication, responsiveness and quality are cornerstones for effective legal service. It is HSC's policy to reply promptly to client calls and emails. We strive to provide

same-day responses. Once a legal issue is framed and discussed with our client, we commonly provide a time estimate for when our client may expect the legal service to be completed. HSC's office is open for business 8:30 a.m. to 5:00 p.m., Monday through Friday. But, our attorneys also attend to client matters before or after regular business hours and on weekends. Our attorneys have direct dial phone numbers, smart phones, email, voice mail and remote access to the firm's computer network.

We anticipate that if selected to provide legal services for the City, P. Daniel Christ will be the lead attorney responsible for coordinating and overseeing the legal assignment, assisted and supported primarily by John D. Staran. Resumes for Dan and John are included with this proposal.

## **Qualifications**

The following HSC attorneys meet or exceed all the qualifications prescribed in the RFP and will be available to assist in providing legal services to the City:

**Ann D. Christ** (associate), rated AV Preeminent (highest rating) by *Martindale Hubbell*, concentrates her practice principally representing municipal clients in ordinance enforcement and prosecutions. She is a member of the Oakland County Bar Association, State Bar of Michigan and Women Lawyers Association of Michigan. Ms. Christ graduated from Michigan State University and received her Juris Doctor from the University of Detroit in 1991.

**P. Daniel Christ** (principal), rated AV Preeminent (highest rating) by *Martindale Hubbell*, and named in *Super Lawyer*. He concentrates his practice in local government, zoning and land use, construction law, business and general commercial litigation. He is the City Attorney for the City of Ferndale and assistant City Attorney for the firm's other municipal clients. He has advised various government clients on election matters and has represented government clients before District and Circuit Courts; the Michigan Court of Appeals, U.S. District Court, U.S. Court of Appeals, the Michigan Tax Tribunal, State Board of Education and other administrative agencies. He has lectured and written on matters concerning the Michigan Freedom of Information Act, Michigan Open Meetings Act and zoning and land use matters. He is a member of the Oakland County Bar Association's Municipal Law Committee, Michigan Association of Municipal Attorneys, and is a past President of the Michigan Council of School Attorneys. He is a member of the Public Corporation and Real Property Law Sections of the State Bar of Michigan. Mr. Christ graduated from Michigan State University and earned his Juris Doctor at the University of Detroit in 1991.

**Mark W. Hafeli** (principal), rated AV Preeminent (highest rating) by *Martindale Hubbell*, has been a trial attorney for the last thirty-eight years trying lawsuits in a number of areas, including negligence and other tort claims, professional liability and general liability lawsuits, discrimination cases, including §1983 civil rights, Elliott Larsen Act discrimination, §504 and ERISA violation cases and a variety of commercial cases including bankruptcy, breach of contract, promissory estoppel, labor and statutory violations, and real estate disputes. He received a Bachelor of Business Administration degree (with distinction) from the University of

Michigan and passed the Michigan CPA exam following graduation. He attended Wayne State University Law School, where he served as Editor-in-Chief of the Moot Court Board and received his Juris Doctorate degree. Mr. Hafeli has served as a court appointed mediator in Wayne, Oakland and Genesee Counties. He has also served as an instructor in Oakland University's paralegal certification program.

**John D. Staran** (principal), rated AV Preeminent (highest rating) by *Martindale Hubbell* and named in *Super Lawyers*, 2009 - 2012, concentrates his practice in most aspects of local government law. He also maintains a general civil practice, with areas of concentration including civil litigation, business, construction, zoning and land use, environmental, historic preservation, property taxation, and real property law matters. Mr. Staran is the City Attorney for the City of Rochester Hills, Berkley and Village Attorney for the Village of Franklin. He is former chairperson and vice-chairperson of the Oakland County Bar Association's Municipal Law Committee. He has written and lectured at seminars and conferences on zoning and land use, land division, historic preservation, sign regulation, ordinance enforcement, property taxation and other municipal topics. Mr. Staran has represented local government units in District and Circuit Courts, Michigan Court of Appeals, Michigan Supreme Court, U.S. District Court, U.S. Court of Appeals, Michigan Tax Tribunal, State Tax Commission, State Historic Preservation Review Board and other administrative agencies. He is a member of the Public Corporation and Real Property Law Sections of the State Bar of Michigan, and the Municipal Law Committee of the Oakland County Bar Association. Mr. Staran graduated from the University of Michigan-Dearborn (with distinction) and earned his Juris Doctor from the University of Notre Dame in 1983.

As part of our team, HSC also employs skilled and courteous administrative assistants to provide prompt and efficient support for our legal services to our local government clients. We are pleased and proud to report that none of our HSC attorneys have ever been sued by a client for improper representation, malpractice nor had any disciplinary action brought against any firm attorney resulting in a finding of misconduct.

## **Relevant Cases**

HSC has represented its municipal and governmental clients in administrative hearings and litigation matters at all levels of State and Federal Courts. The following are examples of cases involving municipal issues:

1. *City of Detroit, et al. v State Farm Development Group, LLC, et al.*: Wayne County Circuit Court Case No. 00-021062-CE. Successfully enjoined proposed developer from developing racetrack which would violate adjacent communities' zoning ordinance, violate MEPA and create nuisance per se.
2. *Susan R. Bruley Trust v City of Birmingham*: Oakland County Circuit Court Case No. 01-030934-CK/Court of Appeals No. 241299. Successfully defended Historic District

designation and Historic District ordinance against multifaceted takings challenge from property owner.

3. *Adams/Hamlin Development v City of Rochester Hills*: Oakland County Circuit Court Case No. 04-060730-CZ. Defended municipality against allegations of denial of rezoning requests, violation of due process rights under the Michigan Constitution, taking of property without just compensation and violation of equal protection rights. Negotiated resolution of dispute providing for less intensive use of subject property with buffers and development concessions and extensive environmental remediation to protect the community.
4. *City of Rochester Hills v Schultz*, 459 Mich 486 (1999). Successfully litigated constitutionality of municipality's sign ordinance. Supreme Court upheld City's ordinance banning signs in residential areas as a legitimate restriction on defendant's commercial speech rights because it was necessary to advance municipality's legitimate interest in protecting character of residential neighborhoods.
5. *Franklin Historic District Study Committee v Village of Franklin*, 241 Mich App 184 (2000). Successfully defended challenge to municipality's amended ordinance removing certain open space from a historic district which had been identified as an appropriate location for a new police station by the Village Council. The Village had filed an application for a building permit with the Historic District Study Commission which had denied the application.
6. *City of Ferndale v Florence Cement*, Oakland County Circuit Court Case No. 03-046556-CK. Successfully litigated a breach of contract and surety claim against a construction contractor and its surety regarding unsatisfactory concrete and road replacement work.
7. *City of Rochester Hills v Elite Cleanroom Services, LLC*, Oakland County Circuit Court Case No. 2006-078586-CK. Successfully litigated and recovered damages in connection with a public sewer collapse and remediation.
8. *In the matter of Glo Night Club Midwest, LLC*, Case ID No. 798315. Successfully conducted an administrative hearing on behalf of the City of Ferndale before the Michigan Liquor Control Commission regarding revoking the liquor license of Glo Night Club.

## References

Mr. Dave Coulter  
Mayor  
City of Ferndale  
300 E. Nine Mile Road  
Ferndale, Michigan 48220  
(248) 546-2360

Mr. Matthew Baumgarten  
City Manager  
City of Berkley  
3338 Coolidge Hwy.  
Berkley, Michigan 48072  
(248) 658-3359

Mr. Jon Stoppels  
City Manager  
City of Eaton Rapids  
200 Main Street  
Eaton Rapids, MI 48827  
(517) 663-8118

Mr. James Creech  
Village Administrator  
Village of Franklin  
32325 Franklin Road  
Franklin, Michigan 48025-1199  
(248) 626-9666

Mr. Bryan K. Barnett  
Mayor  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309  
(248) 656-4664

Mr. Ed Korynzo  
Michigan Dept. of Treasury  
Bureau of Local Government and  
School Services  
Lansing, MI 48922  
(517) 335-4141

## Existing or Potential Conflicts

Avoiding conflicts of interest or even the appearance of impropriety is integral to maintaining our high ethical standards. We routinely perform conflict checks in regard to prospective clients or new legal matters. We are presently unaware of any existing or potential conflicts of interest that would prevent or interfere with our engagement by the City.

If you have any questions or comments with respect to our firm or this proposal, please feel free to contact P. Daniel Christ at (248) 731-3085 ([dchrist@hsc-law.com](mailto:dchrist@hsc-law.com)) or John D. Staran at (248) 731-3088 ([jstaran@hsc-law.com](mailto:jstaran@hsc-law.com)). Thank you for the opportunity to present our qualifications.

Very truly yours,

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes or dates.

P. Daniel Christ

**P. DANIEL CHRIST**  
**HAFELI STARAN & CHRIST, P.C.**

CONTACT  
INFORMATION:

Hafeli Staran & Christ, P.C.  
2055 Orchard Lake Road  
Sylvan Lake, MI 48320

Office: (248) 731-3080  
Direct: (248) 731-3085  
Fax: (248) 731-3085  
Mobile: (248) 227-5421  
Email: [dchrist@hsc-law.com](mailto:dchrist@hsc-law.com)



**EDUCATION:**

University of Detroit School of Law, Detroit, MI; Juris Doctorate 1991  
London Law Program, Regent's Park, England; Study of International law and EEC.  
Michigan State University, East Lansing, MI; B.A. Arts and Letters 1987

**LAW EXPERIENCE:**

Co-Founder and Principal of Hafeli Staran & Christ, P.C., Sylvan Lake, Michigan – Sept. 2005 to present  
Beier Howlett, P.C., (1993-2005)-Principal  
DeNardis, McCandless & Muller, P.C. (1991-1992) Associate Chrysler Corporation, Office of the General Counsel (1990-1991); Internship in  
Manufacturing, Marketing and Corporate Affairs Legal Department.  
Shearson Lehman Hutton, Inc. (1990); London, England; Internship regarding EEC regulations on mergers and acquisitions.

**LAW PRACTICE AREAS:**

Municipal/School/Governmental; real estate; zoning and land use matters; general commercial and construction litigation; title disputes and construction liens; Open Meetings Act and Freedom of Information Act litigation; property annexation matters; property taxation; election matters.

**REPRESENTATIVE CLIENTS:**

Cities of Berkley, Ferndale and Rochester Hills

**SEMINARS/PUBLICATIONS:**

National Business Institute, 1997; School Law Seminar  
Lorman Education Services, 2002; Public Records and Open Meetings  
Lorman Education Services, 2006; Zoning and Land Use in Michigan

**PROFESSIONAL MEMBERSHIPS / AFFILIATIONS:**

Oakland County Bar Association  
State Bar of Michigan  
Michigan Council of School Attorneys (Past President (2000-2001))  
Oakland County Municipal Law Committee

**PROFESSIONAL REFERENCES:**

Available upon request

**JOHN D. STARAN**  
**HAFELI STARAN & CHRIST, P.C.**

CONTACT  
INFORMATION:

Hafeli Staran & Christ, P.C.  
2055 Orchard Lake Road  
Sylvan Lake, Michigan 48320

Office: (248) 731-3080  
Direct: (248) 731-3088  
Fax: (248) 731-3081  
Mobile: (248) 760-3281  
Email: [jstaran@hsc-law.com](mailto:jstaran@hsc-law.com)



EDUCATION:

University of Notre Dame Law School, J.D., 1983  
University of Michigan-Dearborn, B.A., with distinction, 1980

PRACTICE  
AREAS:

Municipal, eminent domain, land use and zoning, real estate, property taxation, historic preservation, construction, business, environmental and general civil law.

EXPERTISE:

Experienced practitioner in all aspects of municipal law, including advice, representation and litigation on behalf of public officials, boards and commissions. General practice includes business transactions, zoning and land use, environmental, real estate, property taxation, construction, and general civil.

LEGAL  
EMPLOYMENT:

Co-Founder and Principal of Hafeli Staran & Christ, P.C., Sylvan Lake, Michigan -- September 2005 to present  
Principal of Beier Howlett, P.C., Bloomfield Hills, Michigan -- December 1987 to August 2005  
Associate of Patterson & Patterson, Whitfield, Manikoff, Ternan & White -- November 1983 to November 1987

MEMBERSHIPS/  
ASSOCIATIONS:

U.S. District Court  
State Bar of Michigan  
Public Corporation Law Section  
Real Property Law Section  
Oakland County Bar Association  
Municipal Law Committee (past chairperson)

CREDENTIALS:

Martindale Hubbell Rating: AV (Highest Rating)  
Michigan Super Lawyers 2008-15

SPEAKING  
ENGAGEMENTS /  
SEMINAR  
PRESENTATIONS:

"Zoning and Land Use in Michigan," Lorman Education Services; "Historic Preservation in Michigan: Easements, Tax Incentives and Litigation," Lorman Education Services; "Michigan Land Use: Current Issues in Subdivision Annexation and Zoning Law," National Business Institute; "Home Rule," League of Women Voters - Oakland Area; and others.

PERSONAL  
INFORMATION:

Born in Framingham, Massachusetts. Resides in Farmington Hills, Michigan. Happily married with two children. Bicycling enthusiast; Long-time youth ice hockey and baseball coach; Former House Director of Farmington Hills Hockey Association.

**KIRK, HUTH, LANGE  
& BADALAMENTI, PLC**

ATTORNEYS AT LAW

19500 HALL ROAD  
SUITE 100  
CLINTON TOWNSHIP, MICHIGAN 48038

(586) 412-4900

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

WRITER'S E-MAIL: [rhuth@KHLBlaw.com](mailto:rhuth@KHLBlaw.com)  
FACSIMILE: (586) 412-4948

ROBERT W. KIRK \*  
ROBERT S. HUTH, JR.  
CRAIG W. LANGE  
RAEHEL M. BADALAMENTI  
MARYANNE J. DENEWETH  
MICHAEL C. TAYLOR  
ROSEMARY V. DAVIS  
PATRICK S. MCKAY  
ELIZABETH P. ROBERTS  
ROBERT T. CAROLLO, JR.  
ROBERT J. MORRIS  
SALVATORE D. DEBLASI  
RYAN J. L. FANTUZZI \*\*

\* Also Member of Florida Bar  
\*\* Also Member of Virginia Bar

October 10, 2017

Mr. Darwin McClary  
Ypsilanti City Manager  
One South Huron Street  
Ypsilanti, MI 48197

**RE: Proposal - Kirk, Huth, Lange & Badalamenti re: Professional Attorney Services  
(Special Counsel)**

Dear Mr. McClary:

Please let this serve as our Firm's response to the RFP referenced above. We do not know any of the parties involved in your matter. Also, we are uniquely qualified for this assignment as the undersigned was appointed in July of 2017, as City of Fraser Special Counsel to initiate proceedings that eventually led to the removal of the Mayor and a City Councilman for misconduct. The appointment was challenged in Circuit Court, the matter has been investigated and as of September 2017 the Mayor and City Councilman are no longer in office. Enclosed are articles from The Detroit News and Detroit Free Press. Local channels 2, 4 and 7 covered most of the proceedings.

The Fraser matter was investigated, pursuant to the Charter provision in the City of Fraser that is nearly identical to the one in Ypsilanti, which provides as follows:

The City Council may make investigations into the affairs of the city and the conduct of any City department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the Council shall be a misdemeanor punishable by a fine as provided by State law or local ordinance.

With the Fraser appointment our Firm successfully defended in Circuit Court the City's ability to investigate and, because appropriate, seek removal of the Mayor and Councilman. The matter in Ypsilanti would likely follow a similar track. Initially, there will be an investigation conducted of those witnesses that will have knowledge of the events surrounding the trip in China. The report will be compiled and presented to City Council. As it is an opinion from an attorney,

Council will have the option to have the report presented to it in closed session. Afterward, City Council can determine whether or not it wants to release the report to the public. (The City Council of Fraser did make the report public.)

Our firm was chosen for Fraser assignment because we have represented more than 30 municipal corporations, with respect to matters pertaining to labor and, as such, have investigated a number of alleged improper incidents. Our estimate to prepare the report at issue would be approximately 50 hours at \$155 per hour. Should there be further proceedings, then additional time will be required.

Enclosed is our firm resume, along with the biographies of the attorneys. Further, to be clear, we will address the individual requirements of this RFP.

1. Kirk, Huth, Lange & Badalamenti, PLC  
19500 Hall Rd., Ste. 100  
Clinton Township, MI 48038  
Phone: (586) 412-4900  
Fax: (586) 412-4949  
[www.KHLBlaw.com](http://www.KHLBlaw.com)
2. Rob Huth  
[rhuth@khlblaw.com](mailto:rhuth@khlblaw.com)  
Phone: (586) 412-4900 x 105  
Cell: (586) 212-1188
3. The firm's Martindale Hubbell rating is AV.
4. 25 years (The firm was established in 1992.)
5. The firm's experience is extensive in representing municipalities. More than thirty municipal corporations throughout the State of Michigan are served as clients by Kirk, Huth, Lange & Badalamenti, PLC. Practice areas include employment and other civil litigation.
6. The firm's work representing municipalities was noted and Rob Huth was appointed by the Michigan Department of Treasury as a founding member of the Municipal Government Turnaround Association. Robert Kirk and Rob Huth have been appointed as Public Administrators for Macomb County. The firm is among the leader in the State of Michigan, with respect to the number of municipalities it represents.
7. The firm's Public Sector Client List:

**Municipalities**

Charter Township of East China  
Charter Township of Frenchtown  
Charter Township of Harrison  
Charter Township of Oscoda

**Insurance Pools**

Michigan Municipal Risk Management Authority  
Michigan County Road Commission Self-Insurance Pool

Charter Township of Shelby  
Charter Township of Tuscarora  
City of Algonac  
City of Auburn Hills  
City of Bloomfield Hills  
City of Fraser  
City of Grosse Pointe Shores  
City of Manton  
Marine City  
City of Pleasant Ridge  
City of Roseville  
City of St. Clair Shores  
City of Warren (litigation only)

**School Districts**

Harper Woods  
Lake Shore Public Schools  
Lakeview Public Schools

**Road Commissions**

Allegan County Road Commission  
Antrim County Road Commission  
Ionia County Road Commission  
Lake County Road Commission  
Manistee County Road Commission  
Mason County Road Commission  
Mecosta County Road Commission  
Missaukee County Road Commission  
Osceola County Road Commission  
Oscoda County Road Commission  
Wexford County Road Commission

**Authorities**

Sanilac County Mental Health Authority  
Southeastern Oakland County Resource  
Recovery Authority  
Southeastern Oakland County Water  
Authority

**Courts**

41-A District Court  
Isabella County Trial Court

8. Please see response to Number Six. We are not able to label any as former clients as the firm continues to get assignments from these Municipal corporations.
9. 19500 Hall Rd., Ste. 100, Clinton Township, MI 48038
10. Firm composition.

**Lawyers:**

- a. Robert W. Kirk  
Robert S. Huth, Jr.  
Craig W. Lange  
Raechel M. Badalamenti  
Maryanne J. Deneweth  
Michael C. Taylor  
Rosemary V. Davis  
Patrick S. McKay  
Elizabeth P. Roberts

Robert T. Carollo, Jr.  
Robert J. Morris  
Salvatore D. DeBlasi  
Ryan J.L. Fantuzzi

b. Six (6) support staff

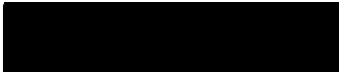
11. Attorney Rob Huth has recently conducted the hearing that included, among other things, calling witnesses regarding improper conduct by elected officials in the City of Fraser. Rob Huth was appointed as Special Prosecuting Counsel to proffer evidence regarding alleged misconduct by elected officials in the City of Fraser.
12. Biographies are attached for all of the attorneys in the brochure included herein. Rob Huth's biography is additionally set forth here:

Rob Huth graduated from Murray State University (B.S. 1985 and chosen "Outstanding Student Leader" on campus by Faculty) and received his Juris Doctorate from the Michigan State University College of Law (*cum laude*) in 1989. (State Bar of Michigan member since 1989). While in law school, Mr. Huth wrote for the Law Review. Mr. Huth was ranked first academically in his class when he accepted an offer to join the Detroit location of Dykema-Gossett as a Summer Associate in 1988. From 1988 until 1992, Mr. Huth served as a Harrison Township Trustee. In August of 1992 he joined Robert Kirk in private practice. Mr. Huth has been appointed by the Attorney General as a Macomb County Public Administrator and Special Assistant Attorney General. Mr. Huth is a member of the Municipal Law Section of the Michigan Bar Association. He has served as Shelby Township Attorney for more than nineteen years and Harrison Township Attorney since 2006. His expertise is in municipal matters relating to litigation, ordinance drafting and misdemeanor prosecutions and general litigation.

13. Yes. See attached copy of Declarations page.
14. There has never been one disciplinary case brought against a member of our Firm.
15. Wayne O'Neal, City of Fraser City Manager 586-293-3100  
Rick Stathakis, Charter Township of Shelby Supervisor 586-731-5145  
Anthony Wickersham, Macomb County Sheriff 586-469-5151

Very truly yours,

**KIRK, HUTH, LANGE & BADALAMENTI, PLC**

  
Robert S. Huth, Jr.

RSH/smh  
Enclosures



**LAWYERS PROFESSIONAL LIABILITY POLICY  
DECLARATIONS**

Agency:  
738021

Branch:  
912

Policy Number:  
287197043

Insurance is provided by Continental Casualty Company,  
333 S. Wabash Ave. Chicago IL 60604  
A Stock Insurance Company.

1. **NAMED INSURED AND ADDRESS:**  
Kirk, Huth, Lange & Badalamenti, PLC  
19500 Hall Road  
Suite 100  
Clinton Township, MI 48038

**NOTICE TO POLICYHOLDERS:**

This is a Claims Made and Reported policy. It applies only to those claims that are both first made against the insured and reported in writing to the Company during the policy period. Please review the policy carefully and discuss this coverage with your insurance agent or broker.

2. **POLICY PERIOD:**

Inception: 12/11/2016

Expiration: 12/11/2017

at 12:01 A.M. Standard Time at the address shown above

3. **LIMITS OF LIABILITY:**

*Inclusive of Claims Expenses*

Each Claim: \$1,000,000

Aggregate: \$2,000,000

Death or Disability and Non-Practicing  
Extended Reporting Period Limit of Liability:

Each Claim: \$1,000,000

Aggregate: \$2,000,000

4. **DEDUCTIBLES:**

*Inclusive of Claims Expenses*

Aggregate: \$15,000

5. **POLICY PREMIUM:**

Annual Premium:

\$30,984.00

Total Amount:

\$30,984.00

*Includes CNA Risk Control Credit of*

\$ 0.00

*Includes Lawyers Data Breach and Network Security Premium, see coverage endorsement if applicable*

6. **FORMS AND ENDORSEMENTS ATTACHED AT INCEPTION:**

G-118011-A (Ed. 06/2015), G-118012-AC (Ed. 03/1999), G-118016-ACC (Ed. 12/2011), G-118024-A (Ed. 04/2008),  
G-118039-A21 (Ed. 06/2008), G-121011-AC (Ed. 04/2008), G-144292-A (Ed. 03/2003), GSL-3238-MI (Ed. 06/2015),  
GSL-3567-MI (Ed. 06/2015)

7. **WHO TO CONTACT:**

To report a claim:  
CNA - Claims Reporting  
P.O. Box 8317  
Chicago, IL 60680-8317  
Fax: 866-773-7504 / Online: [www.cna.com/claims](http://www.cna.com/claims)  
Email: [SpecialtyProNewLoss@cna.com](mailto:SpecialtyProNewLoss@cna.com)  
Lawyers Claim Reporting Questions: 800-540-0762

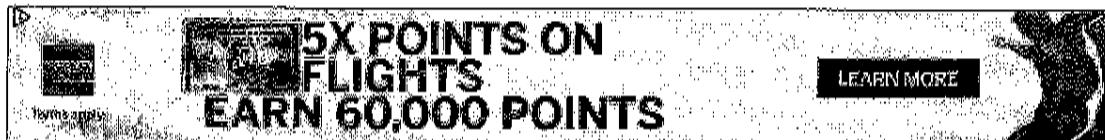
[Redacted Signature]

Authorized Representative

12/05/2016  
Date

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## 'The truth will come out,' attorney to Fraser councilman accused of sexual harassment

Christina Hall, Detroit Free Press

Published 2:04 p.m. ET Sept. 13, 2017 | Updated 9:47 p.m. ET Sept. 13, 2017



(Photo: Christina Hall, Detroit Free Press)

Things turned snippy today between a Fraser councilman accused of sexually harassing city workers and the attorney hired by the city to conduct a tribunal hearing to determine if the councilman will be removed from office.

"They were afraid to tell their side of the story," attorney Rob Huth said of Fraser Mayor Joe Nichols and Councilman Matt Hemelberg -- both accused of sexual harassment -- after a hearing in Macomb County court where the pair asked a judge to cancel the tribunal.

"You're crazy," Hemelberg replied in the hallway outside the courtroom.

"You are not gonna intimidate me," Huth said. "The truth will come out."

The brief back-and-forth came as Huth spoke with reporters after the hearing before Judge Richard Caretti on the politicians' request for a temporary restraining order to cancel the tribunal scheduled for Monday.

If the city council finds the elected officials committed misconduct, it can remove them from office.

### Read more:

Fraser mayor faces recall battle amid sexual harassment allegations

[\(http://www.freep.com/story/news/local/michigan/macomb/2017/09/07/recall-battle-starts-fraser-mayor-aftproposed-recall-petition-language-fraser-mayor-approved-decline/641117001/\)](http://www.freep.com/story/news/local/michigan/macomb/2017/09/07/recall-battle-starts-fraser-mayor-aftproposed-recall-petition-language-fraser-mayor-approved-decline/641117001/)

Fraser mayor, councilman ask court to stop tribunal that could remove them from office

[\(http://www.freep.com/story/news/local/michigan/macomb/2017/09/10/2-fraser-officials-ask-court-cancel-tribunal-to-remove-them-office/650038001/\)](http://www.freep.com/story/news/local/michigan/macomb/2017/09/10/2-fraser-officials-ask-court-cancel-tribunal-to-remove-them-office/650038001/)

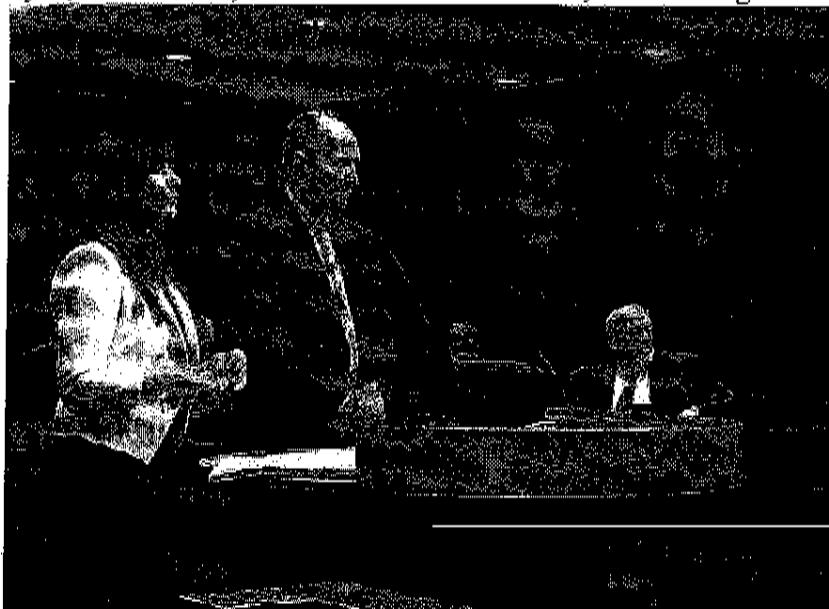
Caretti said he would issue a written opinion within 24 hours.

Angela Mannarino, who represents the politicians, argued that none of the reasons for removal from office in the city charter apply in this situation.

She told Caretti that she hasn't been given specifics from Huth on what witnesses will be called and how the hearing will be run.

"It doesn't allow them to do anything they feel like on a whim," she said. "The hearing itself is a huge unknown for my clients."

Mannarino argued that three of the four council members who voted to have the tribunal have already "made their decision painfully clear." And it's not in favor of her clients.



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Angela Mannarino, left, attorney for two Fraser politicians accused of sexual harassment, and Rob Huth, an attorney who will oversee a city council tribunal hearing to decide if the politicians are removed from office, argue about the tribunal in Macomb County Circuit Court on Sept. 13, 2017. (Photo: Christina Hall, Detroit Free Press)

After the court hearing, she said that she doesn't believe her clients will get a fair shake at the tribunal.

Huth said he will be calling about seven witnesses and Thomas Fleury, the Southfield attorney who investigated the allegations for the city.

Huth told Caretti that he would be a special prosecutor like Ken Starr, the independent counsel who headed the investigation that led to the impeachment of President Bill Clinton.

Huth said Mannarino would be able to present witnesses and that the city attorney, most likely, would be presiding over the hearing, which Huth believed would be like a civil service hearing.

He told Caretti that the elected officials are accused of hugging, kissing and massaging shoulders of the female workers, adding that he wanted to keep what he said "G-rated."

The two attorneys disagreed on whether these alleged acts constituted misconduct in office.

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source=BEAZoct&utm\\_medium=agilityzone&utm\\_source=bounce-  
exchange&utm\\_campaign=UWEB2017](http://offers.freep.com/specialoffer?gps-source=BEAZoct&utm_medium=agilityzone&utm_source=bounce-exchange&utm_campaign=UWEB2017))

Mannarino said she would have preferred a ruling today and thought Caretti's questions may lead him to deny the motion for a restraining order. She said she hasn't talked about any appeals if the ruling isn't in her clients' favor.

Huth said he believed "this smokescreen to cover up poor behavior will not be successful."

He said there is no reason council shouldn't make a decision on the pair's political futures after the tribunal hearing. If the council decides to remove the politicians from office, their removal would be effective immediately, Huth said.

In a court filing, attorneys for Nichols and Hemelberg stated that if the men are removed from office, they will be prohibited from holding office for three

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Many residents are preparing to circulate four recall petitions against Nichols that were approved last week. They are trying to get a recall election on the ballot in May.

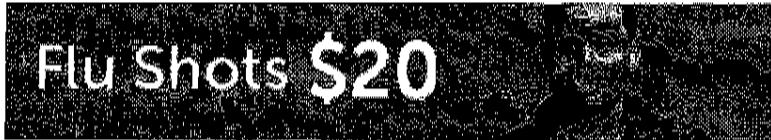
LEARN MORE (HTTP://OFFERS.FREEP.COM/SPECIALOFFER?GPS-SOURCE=BNBOCT&UTM\_MEDIUM=NANOBAR&UTM\_SOURCE=BOUNCE-EXCHANGE&UTM\_CAMPAIGN=READLOCAL17)

Nichols is in the middle of his four-year term, which he won in November 2015. Hemelberg cannot be recalled because his term expires in November. He is seeking re-election.

"This bullying has to stop," Fraser resident Ray Wojciechowski said, referring to the behavior of the targeted politicians.

Contact Christina Hall: [chall99@freepress.com](mailto:chall99@freepress.com). Follow her on Twitter: [@challreporter](https://twitter.com/challreporter).

Read or Share this story: <http://on.freep.com/2w9tJQ8>



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## Fraser council votes to oust mayor, councilman

Leonard N. Fleming and Nicquel Terry, Published 5:14 p.m. ET Sept. 18, 2017 | Updated 1:11 a.m. ET Sept. 19, 2017



(Photo: Rachel Woolf, Special to The Detroit News)

Fraser — The mayor and a councilman were removed from office Monday night by their colleagues following a “tribunal” hearing over allegations of sexual misconduct and harassment of city employees.

Both men, Mayor Joseph Nichols and Councilman Matthew Hemelberg, who did not testify at the hearing that featured five witnesses who testified before council members of sexual harassment, said they will seek refuge in the court system. They remained defiant about the process, calling it a “kangaroo court” with no legitimacy. Both had sought an injunction to halt the proceedings.

Nichols told media following the hearing that he had predicted the outcome.

“It was a kangaroo court,” he said. “The reality is we didn’t get due process. Any other time you take a case to trial when the two star witnesses with the most complaints or allegations don’t show up, typically, that case falls apart. In here, you’ve got a majority that has been against us since we were elected that made up their own rules tonight.”

Hemelberg said “we’re not very surprised by this.”

“You can see credible witnesses that didn’t show up,” he said. “It’s biased.”

Nichols said that the council members were afraid of him and Hemelberg exposing corruption in the city.

Angela Mannarino, the attorney for both the mayor and the councilman who represented them at the hearing, said afterward that “leaving them in office and taking some action against them to say, let’s make sure this doesn’t happen again” would have been the appropriate move and said Fraser City Manager Wayne “dropped the ball on this.”

“... He sat on it for months before he took any action,” she said. “I think that’s a huge issue. I don’t think that removing Mayor Nichols and Councilman Hemelberg is the solution.”

Robert Huth Jr., an attorney, was hired by the city to conduct the hearing and interview five witnesses about the alleged sexual harassment and comments. The council made its decision even though two city workers didn’t testify. Both had claimed they had been sexual harassed, according to a report filed by attorney Thomas L. Fleury, who conducted an independent investigation for the city. Fleury said in his report that seven women alleged they had been subjected to sexual conduct at work.

Councilwoman Yvette Foster made an impassioned plea to take the information under advisement but not remove Nichols and Hemelberg because of insufficient evidence. She blamed some of the women’s supervisors for dropping the ball.

“This could have been handled differently,” Foster said. “My heart goes out to anybody that feels uncomfortable. I’m very sympathetic. I don’t want anybody to work anywhere where they feel threatened or uncomfortable.” But, she said, she’s had plenty “male employees hug me.”

“Now we are taking it upon ourselves, who the residents of Fraser elected on this council, if we like it or not, to remove (an official) ... one thing is to feel uncomfortable, but I don’t think we have sufficient evidence.”

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When asked why her clients didn't testify, Mannarino said, "I think it was clear based on everything we knew before this hearing occurred exactly what was going to happen. For them to put themselves in a position where they are going to be attacked, we just decided that it wasn't enough."

But Councilwoman Patrice Schornak, who voted to remove Nichols but not Hemelberg because one of his accusers didn't attend and testify at the hearing, said it was a difficult decision.

"We are here as council to defend the individuals who work for this city," she said. "And whether or not we think they should have done something, the fact that they didn't ...that doesn't stop the way that they felt, and we do have to take that under consideration."

Some residents who attended the meeting applauded the vote.

"This is one of the best things that has happened in Fraser in a long time. It is long overdue," said Susan Wheeland. "We have a chance to have a new start and get this city going in a new direction. No woman should have to put up with it, over even (a) man, in the workplace, and work in a hostile environment. This is 2017. This is not OK."

Fleury said the women had devised maneuvers to avoid Nichols and Hemelberg. "These individuals, they didn't like coming to work," he said. "If they (the two public officials) were employees, I would have recommended termination."

Donald Gasiorek, an attorney for Nichols and Hemelberg, said he believes council members who voted on their removal were biased and should have passed the case on to Gov. Rick Snyder's office.

It's uncommon for municipal governments to oust elected officials, but most towns have a removal provision for inappropriate behavior, said Clark Andrews, a Sterling Heights-based municipal law attorney. If the provision is outlined in a city charter, then it overrides the voters' will, Andrews said.

"Ordinarily you don't remove people because you don't agree with what they did," Andrews said. "But if they do something that's really egregious then there has to be a process to get rid of people."

Fraser's city charter calls for a hearing when council members have been accused of misconduct. The council reserves the right to remove that member, according to the charter.

The sexual harassment allegations stem to January, when Fraser City Manager Wayne O'Neal reportedly witnessed Nichols giving city Finance Director Mary Jaganjac a "bear hug" and a kiss on the lips after a council meeting. O'Neal also reported seeing Hemelberg massage the shoulders of Fraser Library director Lorena McDowell.

O'Neal met with McDowell and Jaganac and ordered an independent investigation by Fleury.

Fleury said in a report June 8 that he interviewed the seven female employees, who cited alleged behavior such as the men fugging, kissing, touching and massaging them or making sexual remarks on numerous occasions.

"The behavior was also unwelcome by employees," Fleury wrote in the report. "... The employees endured the behavior because of fear or retaliation. At no time did the employees encourage or participate voluntarily in such behavior."

Nichols and Hemelberg, the report said, created a "hostile" work environment.

Gasiorek said Nichols and Hemelberg had no sexual intentions with their conduct toward the women.

"Not one person complained until O'Neal came to them," Gasiorek said. "They weren't offended by it."

# Special Fraser meeting could decide fate of mayor, councilman

He also said there was no evidence of either politician retaliating against the women for reporting the sexual behavior, as alleged in Henry's report.

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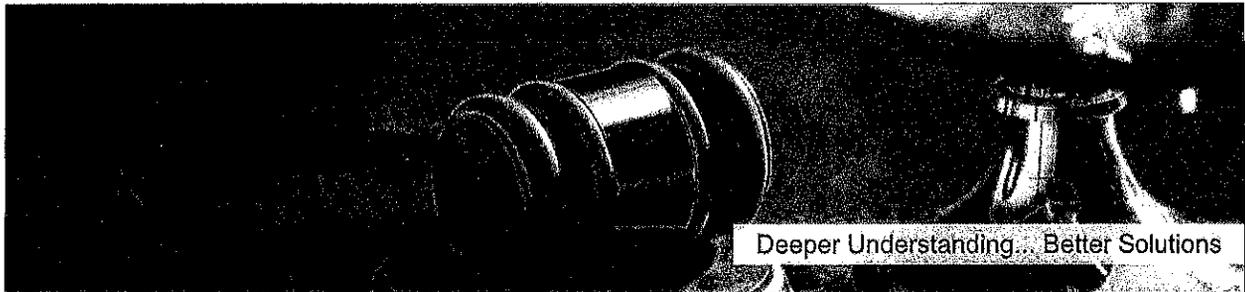
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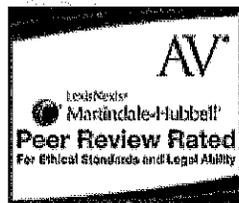
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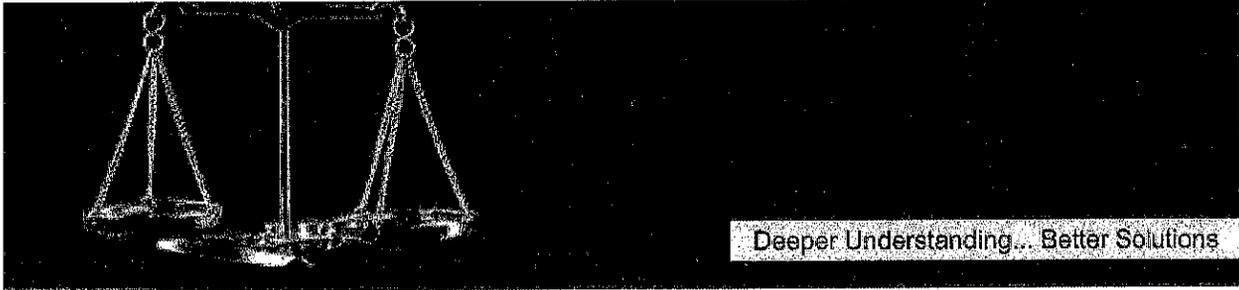
We are an AV-rated, multi-practice Metro-Detroit law firm providing full-service legal consultation and representation in many areas of civil practice. Those areas include civil litigation, municipal law and litigation, real estate, land use, business law and probate and estate issues. Feel free to explore our brochure and learn a little about who we are. As our clients can attest, we believe you will

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find that our firm represents a broad range of clients, including individuals, governmental entities, and businesses. We take pride in upholding standards of integrity and excellence in every area of our practice, for every client. If you would like to know more, we invite you to contact us with your questions.

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- Broadspire
- Citizens-Hanover
- CNA
- Direct General
- Hartford
- Merchants Casualty
- Merchants Insurance Group
- Sedgwick
- Specialty Claims Services
- Trident Insurance
- One Beacon Insurance Group



## **Brief History of Kirk, Huth, Lange & Badalamenti, PLC**

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Robert W. Kirk and Robert S. Huth, Jr. began practicing together in 1992. They formed their law firm to make available in Macomb County those professional legal services offered by "silk stocking" firms in other areas of metropolitan Detroit. The Firm's founding philosophy has since been based upon the belief that professional and aggressive legal services can be provided by a small or mid-size law firm with solid experience.

Craig W. Lange has, since 1977, prided himself on being able to serve as a creative and innovative problem solver in resolving labor and employment disputes, and on being able to establish close professional relationships with his clients. He has always offered not only quality representation, but also uniquely personalized legal services.

Raechel M. Badalamenti joined the firm in 2002 and became a partner in 2011. Her concentration is in civil litigation and corporate dispute resolution. Her practice includes trial and appellate matters in the state and federal courts. As a zealous advocate, she tackles the clients' issues while being aware of, and responsive to, the anxiety that the client feels when faced with a legal challenge.

Robert Kirk, Robert Huth, Craig Lange and Raechel Badalamenti are proud to have combined their talents and shared goals with the formation of Kirk, Huth, Lange & Badalamenti, PLC. By integrating our different areas of legal expertise, we are able to provide a full range of services to individual, corporate and government clients while upholding the highest standards of ethics, quality and personalized service.

### **Kirk, Huth, Lange & Badalamenti, PLC Guiding Principles**

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At Kirk, Huth, Lange & Badalamenti, we believe that client relationships are key to superior legal representation. We strive to build strong, long-term relationships with our clients, with an emphasis on individual attention, open dialogue, and affordable rates. Individual attention allows us to fully understand our clients' legal needs and develop comprehensive solutions across practice areas to address them. On this basis, we provide quick responses to client questions and candid assessments of client issues.

The law firm is comprised of motivated, dedicated and experienced attorneys. In respecting the original principals of its partners, our law firm will achieve the best result for every client without charging excessive fees for unnecessary work.

### **Availability of Services from Kirk, Huth, Lange & Badalamenti, PLC**

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Kirk, Huth, Lange & Badalamenti, PLC, is a Michigan law firm located in Macomb County, between the M-53 and I-94 highways in Clinton Township. The law firm serves the entire metropolitan Detroit area.

We have now expanded to fourteen (14) attorneys and a full-time staff of legal assistants, paralegals, legal secretaries and law clerks. This growth will ensure adherence to our strong guiding principles while guaranteeing the best results for our clients.

Whether it is handling the paperwork to start a new venture or a buyout, applying for reclassification of real estate, handling a complex labor or other government dispute, or litigating a complex civil case, we have the experience and knowledge to meet all of our clients' needs. Our attorneys assist in both state and federal forums with Business Formation, Commercial Transactions and Contracts, Municipal Law, Disputes and Litigation, Personal Injury Cases, Insurance Defense, Labor Disputes, Employment Law, Probate Administration, Probate Litigation, Estate Planning, Real Estate Law, and Land Use Law.

### **Our Professional Legal Services Include Expertise In:**

- ❖ Automobile Negligence and No-Fault Actions
- ❖ Civil Litigation
- ❖ Business and Banking Law
- ❖ Labor and Employment Law
- ❖ Municipal Law and Litigation
- ❖ Personal Injury Claims
- ❖ Probate Administration, Litigation and Estate Planning
- ❖ Real Estate, Zoning and Land Use Law

# Areas of Expertise

## **Metro Detroit Business Law and Litigation Attorneys**

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Kirk, Huth, Lange & Badalamenti, PLC represents the interests of large and small Michigan businesses. This includes a broad range of banks and lenders, restaurants, franchisee/franchisors, manufacturers, technology companies, distributors, automobile suppliers, automobile and boat dealers, marinas and residential/commercial real estate developers, contractors and subcontractors.

We handle every aspect of commercial litigation for our corporate clientele. Our experience includes banking law and auto supplier litigation. We also assist our corporate clients with all of their major and/or day-to-day transactional matters, including the following:

- **Incorporation/Organization of Michigan business entities**
- **Sale or purchase of businesses, asset purchases and buy/sell agreements**
- **Business reorganization and dissolution**
- **Banking collection/workout**
- **Commercial leases**
- **Employment Contracts**
- **Operating, Distributorship, Franchise Contracts**
- **Membership and Shareholder agreements**



## Metro Detroit Civil Litigation Attorneys

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Kirk, Huth, Lange & Badalamenti PLC represents insurance carriers and insured, in the public and private sectors, against lawsuits claiming an injury on an insured premises, government-owned premises, in a public building, as a result of an insured's negligence, arising out of an automobile accident, asserting a violation of local, state or federal law or resulting from a defective product. We also pursue claims on behalf of an insured for indemnity and/or contribution. The attorneys at Kirk, Huth, Lange & Badalamenti PLC have extensive experience defending the insured in the following practice areas:

- Automobile Negligence
- Premises Liability
- Contract Disputes
- Highway/Sidewalk Liability
- Public Building Claims
- Unlawful Arrest and Police Brutality Claims
- Defective Workmanship Claims
- Emergency Services Provider Liability
- Zoning Disputes/Unlawful Taking Claims
- Termination of Employment Actions
- Employment Discrimination Cases
- Indemnity, Contribution and Subrogation Actions
- First Amendment and Equal Protection Claims
- No Fault Claims and No Fault Priority Disputes
- Manufacturer Defect Actions
- Homeowner Liability



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Representative Clients in these practices areas include City of Warren, City of Warren Police Department, Macomb County Public Works, Macomb County Sheriff's Department, Charter Township of Shelby, Shelby Township Police Department, Harrison Township, Rizzo Services, Inc., Broadspire, Citizens Insurance Company, CAN Insurance Group, Hartford, Trident Insurance Co., First State Bank, F&M Construction, Inc., Specialty Claims Management, Foam Factory, Inc., Andiamo Restaurant Group, William Beaumont Hospital, ACIS of Michigan, United Lawnscape, Inc., Landscape Services, Inc., UUSI LLC a/k/a Nartron, Harbor Companies, Merchants Insurance and ABA Insurance Group.

## **Metro Detroit Labor and Employment Law Attorneys**

At Kirk, Huth, Lange & Badalamenti PLC, the nature of our Labor and Employment Law practice often immerses us in complex relationships between organizations and individuals. Our primary goal is to serve as creative and innovative problem solvers in resolving labor and employment disputes. We strive to bring closure to labor and employment law problems in a manner that is not only in the best interest of the organization in the short term but also over time. We seek integrative solutions to complex issues, helping employers explore the full range of their options in order to find answers that meet their needs. In this way, we can often bring cost-effective resolutions to issues without the need for expensive and time-consuming litigation.

While our primary focus is on integrative problem solving, no effective law firm can expect to be successful in these efforts without being prepared, when necessary, to litigate on behalf of its clients. To this end, our attorneys have extensive courtroom experience.



## **Metro Detroit Municipal Law and Litigation Attorneys**

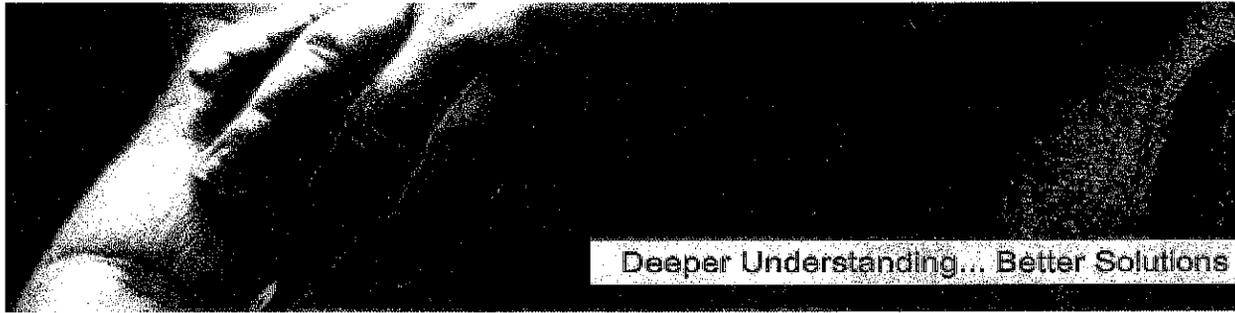
Kirk, Huth, Lange & Badalamenti, PLC has served as general counsel or special counsel for several Michigan municipalities, Counties and other public entities. We have experience in a great range of issues including zoning and planning, civil litigation defense, labor law, environmental disputes and actions, construction and zoning law and litigation, drafting of ordinances, resolutions and policies, ordinance enforcement, licensing, contract drafting and enforcement, administration of police and fire, criminal prosecutions, drain law and litigation and eminent domain.

We also represent individuals, developers and entities in matters involving municipalities including zoning and planning, eminent domain, environmental law, ordinance violations and real estate. We have extensively appeared before legislative and administrative bodies for re-zoning and site plan approvals, special use permits and variances.

Our experience is in administrative law and litigation and include:

- **Drafting charter, statutory and ordinance language**
- **Negotiating agreements with utility providers**
- **Drafting zoning and land use regulations**
- **Condemnation actions**
- **Litigating at the trial and appellate levels**
- **Intergovernmental Disputes and Litigation**

Contact us today to discuss your municipal law issues.



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## **Metro Detroit Probate Administration, Litigation and Estate Planning Attorneys**

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Kirk, Huth, Lange & Badalamenti PLC probate and estate planning and administration practice includes a full range of probate and trust administration matters, representing fiduciaries, beneficiaries and other interested parties in Michigan probate courts. Our firm performs many services including initiating decedents' wills in probate, administration and distribution, preparing documents and other necessary filings. When an individual is rendered unable to handle his or her affairs, Kirk, Huth, Lange & Badalamenti PLC also has experience in assisting fiduciaries as well as in serving as trustee, guardian or guardian ad litem. In addition, probate courts have appointed our principals as fiduciaries in thousands of cases. Some of the matters handled by our Probate Team include:

- **Wills and Trusts**
- **Powers of Attorney**
- **Medical Powers of Attorney**
- **Guardianships**
- **Living Wills**
- **Life Insurance Trusts**
- **Family Limited Partnerships**
- **Living Trusts**
- **Educational Trusts**
- **Bypass Trusts**
- **Business Succession**
- **Medicaid Planning**
- **Special Needs Trusts**
- **Probate Administration**
- **Will and Trust Disputes**

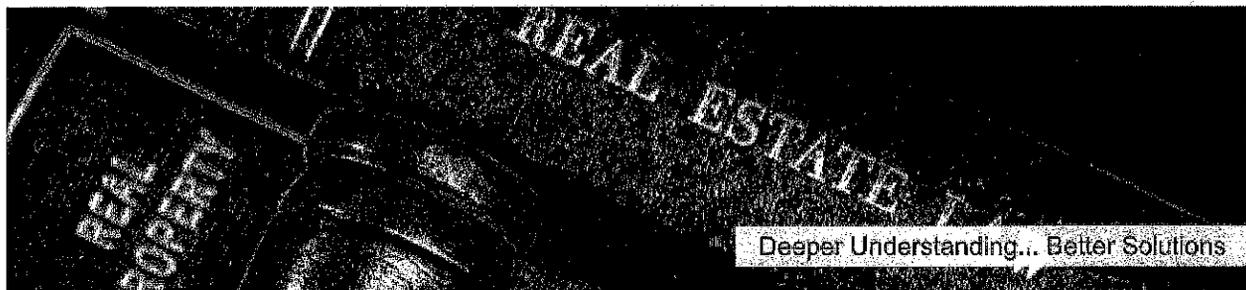
## **Metro Detroit Real Estate and Land Use Attorneys**

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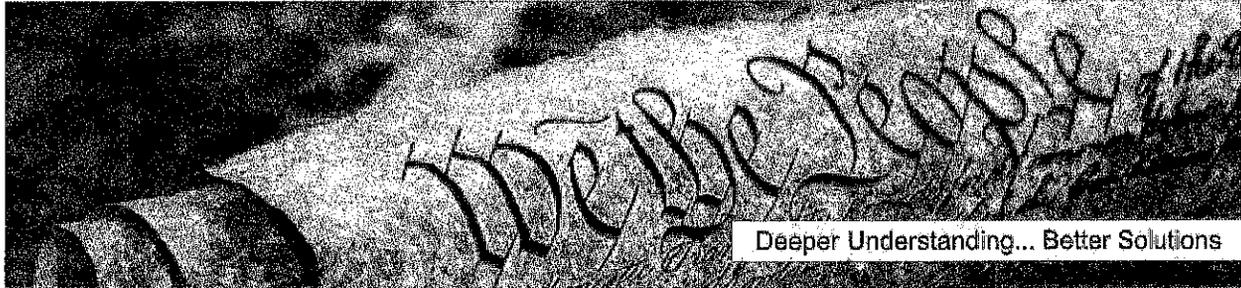
Kirk, Huth, Lange & Badalamenti PLC attorneys are ready to assist you or your business with all of the various aspects of real estate transactions, including purchase or lease through construction, leasing and disposition, including, but not limited to, financial structuring and refinancing.

Our firm handles all forms of general real estate law, both transactional and litigation matters involving residential and commercial property, and all phases of development. We practice in the areas of construction law, lien law, and contracts law, and our experience includes Land Use and Planning for both municipal clients as well as individual property owners and developers, including the following:

- **Purchase and sale of improved and unimproved property**
- **Shopping center development**
- **Land development**
- **Landlord and tenant disputes, for residential and commercial clients**
- **Commercial lease negotiation and litigation**
- **Professional agreements**
- **Development of condominiums and planned unit developments**
- **Construction (contracts, disputes, loans)**
- **Development of unimproved property**
- **Environmental issues**
- **Equipment finance and leasing**
- **Foreclosure**
- **Zoning and land use, including variance special land use**



## Our Attorneys



**Robert W. Kirk**

Bob Kirk attended Western Michigan University and received a Bachelor of Science Degree in Business Administration in 1979. In 1983, he received his Juris Doctorate from Detroit College of Law/Michigan State University College of Law. (State Bar of Michigan member since 1983).

His experience includes the following: National Bank of Detroit, Bank Management from 1979-1980, Michigan State Senate Legislative Aide from 1980-1983 and Comerica Bank, Commercial Lending, Legal Counsel from 1983-1984. He has served as Secretary of the St. Clair Shores Tax Increment Finance Committee and as a member of the Shelby Township Zoning Board of Appeals. He has been appointed by the Attorney General to serve as Special Assistant Attorney General, and currently serves as a Macomb County Public Administrator. Mr. Kirk served as Assistant Macomb Township Attorney for four years (1984-1988). Since 1996, he has assisted as Township Attorney for Shelby Township, and since 2003 for Harrison Township, with an emphasis in land use. In April, 1995, he was elected to the Board of Directors of the First State Bank in Macomb County, Michigan and continues to serve in that capacity.



Mr. Kirk's specialties include municipal land use, business, banking and probate law. He also acts as a mediator and facilitator in civil matters. Mr. Kirk is also licensed to practice in the State of Florida.

### Primary Areas of Practice

- ❖ **Business & Banking Law**
- ❖ **Business Organizations**
- ❖ **Eminent Domain**
- ❖ **Land Use & Zoning**
- ❖ **Landlord/Tenant**
- ❖ **Litigation & Appeals**
- ❖ **Probate & Estate Administration**
- ❖ **Real Estate Law**
- ❖ **Trusts**
- ❖ **Wills**
- ❖ **Business Litigation**
- ❖ **Probate Litigation**
- ❖ **Municipal Law**





**Robert S. Huth, Jr.**



Rob Huth graduated in 1981 from L'Anse Creuse High School in Harrison Township. He attended Murray State University (B.S. 1985 and chosen "Outstanding Student Leader" on campus by Faculty) and received his Juris Doctorate from the Detroit College of Law (*cum laude*) in 1989. (State Bar of Michigan member since 1989). At the Detroit College of Law, Mr. Huth wrote for the Law Review. Mr. Huth was ranked first academically in his class when he accepted an offer to join the Detroit location of Dykema-Gossett in 1988. From 1988 until 1992, Mr. Huth served as a Harrison Township Trustee. In August of 1992 he joined Robert Kirk in private practice. He then served as a member of the Shelby Township Zoning Board of Appeals. Mr. Huth has been appointed by the Attorney General as a Macomb County Public Administrator and Special Assistant Attorney General. Mr. Huth is a member of the Municipal Law Section of the Michigan Bar Association. He has served as Shelby Township Attorney for more than nineteen years and Harrison Township Attorney since 2006. His expertise is in municipal matters relating to litigation, ordinance drafting and misdemeanor prosecutions and general litigation.

#### **Primary Areas of Practice**

- ❖ **Commercial and Business Litigation**
- ❖ **General Counsel Corporate Services**
- ❖ **General Litigation**
- ❖ **Government Affairs**
- ❖ **International Traffic in Arms Regulation ("ITAR")**
- ❖ **Motor Vehicle Accidents – Plaintiff and Defendant**
- ❖ **Municipal Law**
- ❖ **Personal Injury – Claims and Defense**
- ❖ **Probate Litigation**
- ❖ **Wills**



**Craig W. Lange**



Mr. Lange graduated from the Detroit College of Law (cum laude) in 1976 and Michigan State University in 1972.

Craig Lange has represented private and public sector employers in labor and employment-related matters since 1977. He has substantial, wide-ranging experience in labor and employment litigation, at both the administrative and judicial levels. He regularly acts as chief spokesperson at the collective bargaining table on behalf of clients and advises employers on a wide variety of matters, including discipline and discharge, contract interpretation and legislative compliance. He has advocated on behalf of public sector employers in enumerable Act 312 and fact finding proceedings. Mr. Lange has served more than fourteen years as an adjunct professor of law at the University of Detroit Mercy Law School, teaching negotiation theory and practice. He is also a frequent lecturer and contributor. He lectures for the Institute of Continuing Legal Education, the American Arbitration Association, the Michigan Public Employment Labor Relations Association, the Michigan Negotiator's Association, and the National Public Employment Labor Relations Association.

Mr. Lange is past-Chairman of the Troy Chamber of Commerce and the Troy Foundation for Educational Excellence. He is past-President of the Troy Rotary Club. Mr. Lange currently serves as Chairman of a Panel of the Attorney Disciplinary Board. He is a member of the State Bar of Michigan (Labor and Employment Law and Public Corporation Law Sections).

### **Primary Areas of Practice**

#### **❖ Traditional Labor Matters**

- **Collective Bargaining**
- **Contract Administration and Arbitration**
- **Grievance Arbitration**
- **Alternative Dispute Resolution**
- **Practice before the NLRB and MRC in unfair labor practice and representation election proceedings**
- **Act 312 Interest Arbitrations**
- **Act 78 Hearings**



**Raechel M. Badalamenti**



Raechel M. Badalamenti graduated from Eisenhower High School in Shelby Township. She received her Bachelor of Arts in less than 3 years from Oakland University. In 2004, she received her Juris Doctor from Wayne State University (cum laude). While in law school, she excelled in the moot court program and was awarded first place in the Law Day Competition before the Justices of the Michigan Supreme Court.

Ms. Badalamenti joined the firm as a law clerk in 2002 and expanded her practice through to becoming a partner in 2011. Her practice focus is in General Civil Litigation including Auto Negligence claims; Premises Liability/Slip & Fall claims; Civil Rights defense; First Amendment litigation; Municipal and Governmental Law and Litigation; Business Contracts, both negotiations and enforcement; Employment Litigation; Insurance Claims; and Construction Law. Ms. Badalamenti is a member of the Macomb County Bar Association and Young Lawyers Section.

Ms. Badalamenti has practiced in all levels of the Michigan state courts, the multiple Michigan federal district courts and the Sixth Circuit Court of Appeals. As a matter of course, she handles the pre-trial, trial and appellate stages of all types of civil litigation matters.

Ms. Badalamenti also specializes in a range of business services for start-up companies or large existing companies which are designed to avoid the potential for lawsuits in the future. This includes the creation of detailed business plans, partnership contracts, customer proposals, employment agreements and organizing documents. Her experience also includes Sale or Purchase of Businesses, Stock or Assets; Buy/Sell transactions; Collections; Commercial Lease preparation and enforcement; Non-Compete plans and enforcement; and Membership and Shareholder agreements.

**Primary Areas of Practice**

- ❖ **Civil Litigation Concentrations:**
  - Civil Rights Defense
  - Premises Liability
  - Auto Negligence
  - Construction Law
  - Contract Enforcement
  - Employment Disputes
  - Insurance Claims
- ❖ **Government Practice:**
  - First Amendment/Civil Rights Claims
  - Auto Negligence Claims
  - Premises Liability Claims
  - Recoupment/Indemnity
  - Zoning Enforcement
  - Claims Involving Unfair Bidding Practices
  - Fraud
  - Racketeering or Antitrust Violations



2014 Top Women Attorneys in Michigan, as published in Hour Detroit magazine



**Rosemary V. Davis**

Rosemary V. Davis is an associate of the firm and concentrates her practice in the areas of general municipal law. Mrs. Davis graduated in 1989 from the James Madison College at Michigan State University with a Bachelor of Arts Degree. She obtained her Juris Doctorate Degree from the University of Detroit Mercy in 1992. She served on the District Character and Fitness Committee of the State Bar of Michigan. Mrs. Davis is a member of the Macomb County Bar Association and the State Bar of Michigan. Mrs. Davis has more than 15 years of experience with municipal zoning and ordinance prosecution matters and has previously served the City of Sterling Heights and the City of Fraser and currently serves the Township of Shelby and Township of Harrison. She handles matters in many areas of municipal, eminent domain, and land use and zoning law.

**Linked .**

**Primary Areas of Practice**

- ❖ **Land Use & Zoning**
- ❖ **Criminal Law**
- ❖ **DUI/DWI**
- ❖ **General Litigation**
- ❖ **Government Affairs**
- ❖ **Municipal Law**
- ❖ **Municipal Litigation**
- ❖ **Real Estate Law**



**Maryanne J. Deneweth**



Maryanne Deneweth graduated from L'Anse Creuse North High School in Macomb Township, Michigan and received a Bachelor of Science Degree from Michigan State University. Ms. Deneweth graduated from Thomas M. Cooley Law School in 1999, receiving a Juris Doctorate (with Distinction). While attending Cooley, she was a member of the Journal of Practical and Clinical Law and wrote for the Cooley Environmental Journal. She has acted as a legal research clerk for the Macomb Circuit Court, working for the Hon. John B. Bruff, and as a research clerk with the Michigan Department of Natural Resources. A State Bar of Michigan member since 2000, Ms. Deneweth is also a member of the Macomb County Bar Association. She has served as a Special Assistant Attorney General.

Ms. Deneweth has successfully drafted briefs and argued before the Michigan Court of Appeals and the Michigan Supreme Court. A lifelong resident of the State of Michigan, she is a member of the Real Property and Appellate Sections of the State Bar of Michigan, as well as a member of the Women Lawyers Association of Michigan and the American Agricultural Law Association.

Her primary practice areas include Business and Commercial matters, Zoning/Land Use, Eminent Domain and Municipal matters, as well as legal research, drafting and transactional matters.

#### **Primary Areas of Practice**

- ❖ **Business & Commercial Law**
- ❖ **Business Organizations/Formations**
- ❖ **Civil Appeals**
- ❖ **Business and Commercial Litigation**
- ❖ **Contracts**
- ❖ **Eminent Domain**
- ❖ **Landlord/Tenant**
- ❖ **Land Use & Zoning**
- ❖ **Municipal Law**
- ❖ **Real Estate Law**
- ❖ **Business Organizations**
- ❖ **Commercial Litigation**



**Michael Taylor**

Michael Taylor graduated in 2001 from Lutheran High School North in Macomb Township. He graduated with a Bachelor of Arts in Economics from Kalamazoo College in Kalamazoo, Michigan in 2005. During his time at Kalamazoo College, Mr. Taylor played for its Division III Football Team and studied abroad in Oaxaca, Mexico.

In 2008 he received a Juris Doctor from Wayne State University Law School. During law school he clerked for the Hon. Colleen A. O'Brien of the Oakland County Circuit Court. Mr. Taylor began his legal career in 2008 as an associate attorney at the law firm of Burket Savage, P.C. in St. Clair Shores. By 2015, he was joined as a partner in Davis Burket Savage Listman Taylor in Mt. Clemens with his primary focus being in the areas of probate, estate planning and business law. Mr. Taylor joined the law firm of Kirk, Huth, Lange & Badalamenti, PLC as a Senior Associate in 2017 where he continues to represent individuals and families in guardianship and conservatorship proceedings, probate and trust administration, fiduciary representation and estate planning including drafting wills, trusts, powers of attorney and medical directives. Mr. Taylor also practices in the areas of business planning, mergers and acquisitions, succession planning, commercial transactions and litigation, real estate law and property tax appeals.

In addition to practicing law, Mr. Taylor currently serves as the Mayor of the City of Sterling Heights. He was first elected to the Sterling Heights City Council in 2009 at the age of 26. In 2014 he was appointed as mayor and was elected to his first full term in 2015. Mr. Taylor holds the distinction of being the youngest mayor of any city with more than 100,000 residents in the United States.

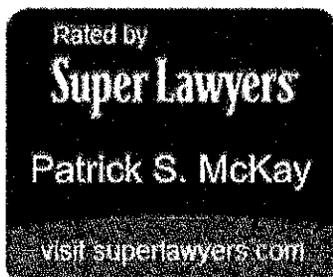
He is a member of the State Bar of Michigan, the Macomb Probate Bar Association, the South East Michigan Council of Governments and the Michigan Mayors Association. He is the former presiding officer of the Millennial Mayors Congress, and is actively involved with the Sterling Heights Chamber of Commerce and many other local organizations and charities.

In his spare time he enjoys golfing and spending time with his wife Christina and their three children, Clara, Hudson and Theodore.



**Patrick S. McKay**

**Linked in.**



Patrick McKay graduated in 2001 from Notre Dame High School in Harper Woods. He attended Marian University in Fond du Lac, Wisconsin and graduated (cum laude) in 2005 with a Bachelor of Science in Business Administration with a double-major in Marketing and Management. In 2005, he was chosen "Marketing Student of the Year" by the Marian University Faculty and was a finalist for Student-Athlete of the Year and Student of the Year. While attending law school he worked as a law clerk for Kirk, Huth, Lange & Badalamenti, PLC. In 2008, he received his Juris Doctor from the University of Detroit Mercy School of Law and was hired as an attorney by Kirk, Huth, Lange & Badalamenti, PLC.

Mr. McKay is a member of the State Bar of Michigan (Real Property and Labor & Employment Sections), the Macomb County Bar Association, and has been admitted to practice in the United States District Court for the Eastern District of Michigan and the United States Court of Appeals for the Sixth Circuit. In 2013 and 2014 he was rated as a Rising Star by SuperLawyers.

Mr. McKay has a vast array of experience in civil litigation cases, some of which have focused on employment, contracts, construction lien foreclosure, shareholder/member disputes, personal injury, and municipal claims and defenses. He has worked alongside banks and court appointed receivers regarding Receivership litigation, business operations, real property management, collections and the liquidation and sale of real and personal property.

Mr. McKay also provides advice and services to business entities. This includes the creation and review of bylaws, operating agreements, buy/sell agreements, stock and asset redemption agreements, employment agreements, non-compete agreements and manufacturing and supply contracts. Further, he has represented individuals and corporate entities regarding their real estate transactions and associated needs.

#### **Primary Areas of Practice**

- ❖ **Receiverships**
- ❖ **Business & Banking Law**
- ❖ **Shareholder Disputes**
- ❖ **Labor & Employment Law**
- ❖ **Civil Litigation**
- ❖ **Municipal Defense**
- ❖ **Personal Injury, including, Motor Vehicle Accident, Slip & Fall and Products Liability**
- ❖ **Landlord/Tenant & Land Contracts**
- ❖ **Real Estate Law**
- ❖ **Land Use & Zoning**
- ❖ **International Traffic in Arms Regulations ("ITAR")**



**Elizabeth Roberts**



Elizabeth P. Roberts graduated from Eisenhower High School in Shelby Township, Michigan. She received her Bachelor of Arts in Political Science from Oakland University in just 2 years with honors. At Oakland University, Ms. Roberts was a member of the National Political Science Honor Society, Nu Omega/Oakland University Chapter and was elected Secretary of Pi Sigma Alpha. In 2011, she received her Juris Doctor from Wayne State University Law School.

Ms. Roberts joined Kirk, Huth, Lange & Badalamenti, PLC as a clerk in 2007. She was offered the position of Associate Attorney upon graduation from law school. Ms. Roberts is now a member of the State Bar of Michigan and Macomb County Bar Association.

Her practice includes all aspects of general, insurance and business litigation in the state and federal courts. Ms. Roberts is both a trial and appellate advocate. Ms. Roberts also routinely assists business clients with organization, contract drafting, business plans, partnerships, employment agreements and pre-suit contract enforcement.

#### **Primary Areas of Practice**

- ❖ **General Civil and Commercial Litigation**
- ❖ **Civil Rights Defense**
- ❖ **First Amendment Claims**
- ❖ **Municipal Defense**
- ❖ **Personal Injury, including, Motor Vehicle Accident, Slip & Fall and Products Liability**
- ❖ **Land Use & Zoning**
- ❖ **Contract Disputes**



**Robert Carollo**



**Super Lawyers**

Robert Carollo graduated from Chippewa Valley High School in Clinton Township in 2005. He obtained a Bachelor of Arts in Economics and Business in 2009 from Kalamazoo College in Kalamazoo, Michigan. Apart from his studies, Mr. Carollo was a four-year letter winner for the Kalamazoo College Division III Football Team.

In 2012, he received a Juris Doctor from the Michigan State University College of Law. He was a Captain on the Michigan State Appellate Moot Court Executive Board, ranking #12 nationally by the Law School Advocacy Group during his tenure and his team placed 2nd Overall in the John Marshall Information Technology and Privacy Law International Moot Court Competition.

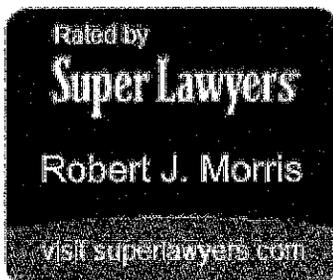
Mr. Carollo began his career as a Clerk for the Honorable David Viviano of the Macomb County Circuit Court. He was also the Senior Law Clerk at the Lansing law firms Dalimonte Law, P.C. and The Senior Citizen Law Center, P.C. where he assisted in matters ranging from civil litigation to real property disputes.

In the summer of 2012, he joined the litigation team of Kirk, Huth, Lange & Badalamenti, PLC, specializing in civil and commercial litigation matters including contract disputes, personal and business tort claims, personal injury cases, probate litigation, municipal law and litigation, association, condominium law, labor and employment law, products liability and real property matters. Mr. Carollo practices at both the trial and appellate levels of the Michigan and Federal judiciary. He also routinely assists business clients with organization and formation, contract drafting, business plans, partnerships, employment agreements and pre-suit contract enforcement.

Mr. Carollo is a member of the State Bar of Michigan, the Macomb County Bar Association, and has also been admitted to practice in the United States District Court for the Eastern District of Michigan. In his spare time he is an avid golfer and Detroit sports fan. He also is involved with the local community having assisted in coaching multiple youth sports programs in and around Clinton Township.



**Robert Morris**



Robert J. Morris graduated from Notre Dame Preparatory School in Pontiac in 2002. In 2006, he obtained his Bachelor of Arts from Michigan State University. Mr. Morris acquired his Resident Producer License in 2008 and worked as a property and casualty agent with Morris Insurance Group. In 2011, he received his Juris Doctor from Michigan State University College of Law. While at Michigan State University, Mr. Morris served as Treasurer of Pi Kappa Alpha. He was also a Student Clinician in the Small Business and Non-Profit Clinic at Michigan State University College of Law.

Mr. Morris began his legal career as an intern for the Honorable Linda Davis of the 41-B District Court. He subsequently completed a judicial clerkship for the Honorable Peter J. Maceroni of the Macomb County Circuit Court.

Mr. Morris joined Kirk, Huth, Lange & Badalamenti P.L.C. in 2012. Given his insurance background, his practice focus is in General Civil Litigation including Insurance Claims; Auto Negligence Claims; Premises Liability/Slip & Fall Claims; Civil Rights Defense; First Amendment Litigation; Municipal and Governmental Law and Litigation; Business Contracts; and Construction Law.

Mr. Morris is a member of the State Bar of Michigan, the Macomb County Bar Association and the Oakland County Bar Association. In his spare time he enjoys hockey. In addition to his love of hockey, he enjoys golf and he is an avid angler, enjoying both fresh and salt-water fishing. He is also a reserve officer with the Macomb County Sheriff's Department.

**Primary Areas of Practice**

❖ **Civil Litigation Concentrations:**

- **Civil Rights Defense**
- **Premises Liability**
- **Auto Negligence**
- **Contract Enforcement**
- **Construction Law**
- **Insurance Claims**

❖ **Government Practice:**

- **First Amendment/Civil Rights Claims**
- **Auto Negligence Claims**
- **Premises Liability Claims**
- **Zoning Enforcement**



**Salvatore D. DeBlasi Jr.**



Salvatore D. DeBlasi Jr. graduated from Notre Dame Preparatory School in Pontiac in 2006. He received a Bachelor of Arts degree in Sport Management from the University of Michigan. In addition to his studies, Mr. DeBlasi served on the Executive Board of the Sport Business Association and gained experience working in the New Media Department for the Detroit Red Wings. Mr. DeBlasi received his Juris Doctor from the University of Miami School of Law (magna cum laude) while being a member of the Intellectual Property Law Society.

Mr. DeBlasi began his career at Levant & Levant P.L.L.C. where he assisted in business, real property and foreclosure disputes. From there, he clerked for the Honorable Annette Berry of the Third Judicial Circuit Court of Michigan, Criminal Division. Mr. DeBlasi joined Kirk, Huth, Lange & Badalamenti, PLC as a law clerk in 2012 and was offered an Associate Attorney position upon becoming a member of the State Bar of Michigan.

His legal practice is focused on civil litigation matters including business & municipal law, contract claims, insurance coverage disputes, real property disputes and copyright and trade secret claims. Mr. DeBlasi is a passionate Detroit sports and Michigan fan and continues his love for sports by also working for the Detroit Lions Game Day Operations Staff.



**Ryan J.L. Fantuzzi**

Ryan J. L. Fantuzzi graduated valedictorian from Stevenson High School in 2004. He went on to the University of Michigan where he obtained a Bachelor of Arts Degree in 2008. Mr. Fantuzzi's undergraduate studies included work amending the state constitution, which gained him the prestigious title of one of U of M's "Students of the Year" by the Michigan Daily alongside NFL top draft pick Jake Long and Olympic gold medalist Michael Phelps. Upon graduation, he taught high school Algebra for two years in Ann Arbor.

Mr. Fantuzzi next attended law school at the American University in Washington D.C. from which he obtained a Juris Doctor magna cum laude in 2013. He passed the Virginia Bar Examination and was admitted to practice there in 2013. While in D.C., Mr. Fantuzzi worked on e-Discovery matters at the Environmental Protection Agency in the Office of Enforcement and Compliance Assurance. He also worked on a variety of political causes, including matters regarding children's rights with the non-profit organization First Star. From 2012 to 2014, he was a consultant for the American Civil Rights Union on matters of law and policy with a focus on voting rights and entitlement programs.

In 2014, Mr. Fantuzzi moved back to Michigan to join the law firm of Kirk, Huth, Lange & Badalamenti, PLC. He passed the Michigan Bar Examination and was admitted to practice the same year. As an associate at KHLB, Mr. Fantuzzi specializes in municipal law and state/federal litigation with a focus on contract and business disputes. He has also been published in the Labor and Employment Lawnotes (Volume 25, No. 2). He is presently a member of the American Bar Association, the Macomb County Bar Association and actively supports the Macomb County's Young Lawyers Section and Women's Lawyers Association.

He treasures calling Michigan home and enjoys spending time with his family. In his spare time, he writes fiction with a creative writing group and enjoys weight-lifting.

# KIRK, HUTH, LANGE & BADALAMENTI, PLC



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International Traffic in Arms Regulation • Appellate Law

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## HIGHLIGHTS FROM RECENT LITIGATION MATTERS

### I. UNLAWFUL ARREST AND POLICE BRUTALITY ACTIONS

#### *Plaintiff Individual and Plaintiff Business v. Township:*

In this federal case, Plaintiffs alleged selective enforcement of municipal and state laws against them and their patrons resulting in loss of business and profits, substantive and procedural due process violations, a violation of the equal protection laws and libel/slander.

In discovery, Plaintiffs were able to show hundreds of instances of police presence. However, Defendant Township was able to secure cooperation of the State Liquor Control Commission and other local governmental agencies with findings, statistics and information regarding Plaintiffs to demonstrate the legitimacy of police presence and criminal investigations at Plaintiff's tavern. At the close of discovery, Defendant Township's Motion for Summary Judgment was granted on all counts. The decision was affirmed by the Sixth Circuit Court of Appeals.

#### *Plaintiff v. City and City Police Officers A, B, C, D, E, F, G and H:*

In this federal case, Plaintiff alleged he was pulled out of his vehicle, thrown to the ground and then beaten by police officers in violation of 42 USC §1983 after he stopped the vehicle and submitted to an arrest on an outstanding burglary warrant. Plaintiff had a fractured ankle in a soft cast at the time of the arrest. He claimed that the officers stomped on that ankle after he was

on the ground which necessitated surgery. He also claimed neck, back and head injuries. Plaintiff claimed to be in constant pain and was still treating. He also submitted evidence of discharge from employment and replacement employment due to his inability to perform certain essential functions of a general labor position.

Prior to the close of discovery it was revealed that 6 of the named-Defendants had no physical contact with Plaintiff. Following the filing of a Motion for Sanctions, Plaintiff dismissed all claims against these Defendants. After the close of discovery, Defendants' Motion for Summary Judgment was granted in its entirety resulting in dismissal of the case as to the remaining 2 named-Defendants. Specifically, Defendants used a slow-version video that combined the multiple views from the squad cars involved in the arrest to discredit Plaintiff's version of events. Defendants also supported the Motion by retaining an expert to attest that the ankle fracture was essentially unchanged pre and post arrest. The Judge reviewed the video with counsel during the 1.5 hours of oral argument on the Motion before dismissing all claims.

**Plaintiff v. Township Police Officer**

In this state case, Plaintiff asserted claims for stalking pursuant to MCL 600.2954, trespass, assault and intentional infliction of emotional distress regarding Defendant-Officer's investigation for her estranged husband in connection with a robbery case. She claimed that the Defendant-Officer had caused her to be in imminent fear for her safety by conducting round-the-clock surveillance, pounding on her windows in the middle of the night, scaring her children, detaining her on her front porch without cause, entering her home without consent, verbally assaulting her and stopping her vehicle without any legitimate basis. She introduced evidence of psychological treatment and sought damages for harassment/emotional distress.

Defendant filed a Motion for Summary Disposition discounting Plaintiff's story and describing in detail the "knock and talk" procedures used by the Defendant-Officer. The Motion asserted that Plaintiff's refusal to cooperate during the 13 month robbery investigation created a legitimate basis for the Officer's surveillance and other actions which completely barred the claims for harassment stalking under MCL 750.411(h)(1)(c). The Judge agreed and dismissed the case in its entirety.

**Plaintiff v. City Police Officers A and B**

In this federal case, Plaintiff alleged he was beaten by Officer A and held in a restraint chair for eight hours by Officers A and B while in police custody on a misdemeanor urinating in public offense. Police video showed the incident. All parties agreed that Officer A used a 'take down' technique when Plaintiff did not stop talking to another inmate in the booking room. Plaintiff claimed he sustained a chipped tooth, cracked rib and other injuries. He claimed he was unable to return to work as a result of the injuries. Plaintiff also alleged false arrest and malicious prosecution in connection with his 45 day incarceration on the basis that Officers A and B added an assault upon a police officer charge to cover up their purported misconduct. Plaintiff pled guilty to urinating in public and the prosecutor dismissed the assault and battery charges. His demand at facilitation was \$200,000.00.

Defendants' Motion for Summary Judgment resulted in dismissal of the false imprisonment and false arrest claims as to Officers A and B and a complete dismissal of Officer B. In preparation for trial, Defendants shared the evidence they would present regarding the Plaintiff's history of

alcohol abuse, past-medical conditions and sketchy work history that eliminated, in large part, any claim of work loss. Defendants' trial pleadings asserted that since Plaintiff was intoxicated at the time of the incident they had reasonable cause to believe that he was a threat when he refused to follow simple instructions. To preserve the Defendants' right to recoup sanctions in the event of a favorable trial verdict, Defendants made an Offer of Judgment pursuant to Fed.R.Civ. P. 68 for the sum of \$10,000.00 which was accepted on the eve of Trial.

**Plaintiffs 1 and 2 v. Township Police Officers A, B and C.**

In this federal case, Plaintiffs alleged that they were wrongfully arrested and beaten when Township Police left their jurisdiction to respond to an off-duty officer's call reporting that Plaintiff 1 was threatening her on her front porch. Plaintiffs claimed they left the off-duty officer's residence without incident and had no intention to return when three men they did not know to be undercover police officers accosted them in their driveway. Given that he was on parole at the time, Plaintiff 1 was incarcerated for 18 months before the charges related to the incident were dismissed. He sought damages for contusions and lacerations received in the struggle, humiliation, emotional distress and the loss of his freedom for 18 months. Plaintiff 2 sought compensation for alleged injuries to his face, head, tooth and back in the struggle and post-traumatic stress disorder. Plaintiffs demanded \$2,000,000.00 at the close of discovery.

Defendants' Motion for Summary Judgment was denied after the Court found questions of fact regarding jurisdictional limitations, probable cause to detain post-incident and whether there had been a use of excessive force. After 6 days in Trial, the parties settled for \$250,000.00.

**II. FIRST AMENDMENT AND EQUAL PROTECTION CASES**

**Plaintiff Organization and Plaintiff Member v. City and City's Mayor**

In this federal case, Plaintiffs sought an emergency order enjoining City from putting up a Christmas display in the atrium of City Hall because it included a nativity scene without a counter-representation of non-religion. Plaintiffs also sought damages for an alleged violation of their First and Fourteenth Amendment rights after City denied their request have an offensive "Winter Solstice" sign placed immediately next to the nativity scene.

Defendants successfully opposed the request for an emergency injunction and the usual Christmas display was permitted in City Hall. Defendants then moved for summary judgment of the claim on the basis that the atrium of City Hall is a non-public forum so that the offensive sign could be excluded based on content or, at best, a limited public forum such that the offensive sign was properly rejected for legitimate business reasons. The Judge agreed and dismissed the case in its entirety. Plaintiffs appealed. In response to some of the new arguments raised by Plaintiffs on appeal, Defendants asserted that the Christmas display constituted government speech such that the City had a right to control the message that will be attributed to it as the speaker. In the landmark decision, the Sixth Circuit agreed to hold that (a) the atrium inside City Hall is a limited public forum in which disruptive or distracting speech can be excluded for legitimate business reasons; and (b) a municipal holiday display constitutes government speech.

### **Plaintiffs 1 and 2 v. City**

In this federal case, Plaintiffs asserted a violation of the First Amendment and 42 USC §1983 after City denied a permit to erect a topless cabaret in its Downtown District. City had ordinances in place prior to Plaintiff's acquisition of the property that already excluded a topless cabaret in the District but were amended concurrent with Plaintiffs application for a sexually oriented business license. Based on a record, Plaintiff asserted certain members of City Council had a desire to eliminate sexually oriented business from the City. Plaintiffs' sought damages for lost profits and the inability to develop/use their commercial property. At facilitation, Plaintiffs demanded in excess of \$5,000,000.00.

Using experts in land use, Defendants asserted that the City's Ordinances before and after Plaintiffs' acquisition of the property were constitutionally valid in that they were (a) aimed at negative secondary effects of sexually oriented business; (b) not enacted for an improper purpose; and (c) provided for adequate alternative avenues of expression. Plaintiffs also retained an expert in the area of topless cabarets. Using his 6,000 page report, Plaintiffs' filed a Counter-Motion for Summary Judgment. Holding that the City did not violate the First Amendment, the federal Judge granted Defendant City's Motion for Summary Judgment, denied Plaintiffs' Cross-Motion for Summary Judgment and dismissed the case in its entirety. Plaintiffs appealed and the Sixth Circuit affirmed.

### **Plaintiff v. District Judge**

In this federal case, Plaintiff asserted that he was denied equal protection when the District Judge presiding over his criminal prosecution was biased, did not provide him adequate defense counsel and did not act appropriately under the judicial canons. He asserted he was incarcerated for over two years as a result of the improper judicial conduct and lost his home in foreclosure during this time period. He sought \$700,000.00 in damages.

Despite feverish opposition, Defendant successfully had this case dismissed after Plaintiff was unable to provide a more definite statement of his claims or participate in meaningful discovery as required by the federal rules. When Plaintiff appealed, the Sixth Circuit affirmed dismissal recognizing Defendant's alternative argument that the case was barred by qualified and/or absolute immunity in addition to the procedural basis for dismissal. Plaintiff's writ for review by the United State Supreme Court was denied.

## **III. PREMISES LIABILITY**

### **Plaintiff Homeowners v. Contractor**

In this state case, Plaintiffs claimed defective workmanship, failure to disclose latent conditions and breach of warranty in connection with Defendant's construction of their manufactured home approximately 2 years prior. An initial motion based on the contractual obligations of the parties narrowed the claims to only warranty and fraud.

Discovery revealed the conditions being complained of did exist but the nature of them created questions on causation. Defendants were able to subsequently uncover certain modifications by homeowners and show that these caused or contributed to the conditions in issue. These

modifications voided the remaining warranty claims and extinguished any fraud claim where Defendant could not have known about a defect that did not exist pre-modification. Defendant's Motion for Summary Disposition was granted.

**Plaintiffs v. Condominium Site Developer Defendant**

In this state case, Plaintiffs asserted poor workmanship, fraudulent misrepresentation and breach of warranties by Defendant condominium site developer after mold developed and/or was found in the pre-existing crawl space of a condominium building. The development project included new buildings and condominium conversions. The purchase contracts made express disclosures about the conversion buildings that were shown to be contrary to the conditions in existence at the time of the lawsuit. Plaintiffs demanded remediation of the property at substantial expense and damages for purportedly resulting medical conditions. However, discovery and retained experts discounted all claims of illness and illustrated the less costly remediation alternatives available. The matter was settled for \$100,000.00.

Defendant recovered a portion of the settlement paid as a result of a third-party action for indemnity and recoupment against the former owner of the site.

**Plaintiff v. City**

In this state case, Plaintiff claimed that he sustained a spiral ankle fracture requiring surgery when he fell in a defective portion of the roadway under the City's jurisdiction. There were no witnesses to the fall and Plaintiff was unsure of what defect in the roadway specifically caused him to fall. The concrete roadway at the location had been flagged as defective a year prior and was replaced shortly after Plaintiff fell. After the fall, Plaintiff did not treat the injury for weeks and had still not had the recommended surgery due to lack of insurance. Either as a result of the fall itself or the delay in treatment, it was undisputed that Plaintiff's limitations and pain would be permanent. Plaintiff claimed he was unable to work for two-years and sustained a loss of earning capacity. He demanded \$300,000.00 at the close of discovery.

When the proofs revealed a substantial criminal history and unrelated reasons for the lack of employment, Plaintiff stipulated to waive any claim for lost income or earning capacity in response to a Motion to Strike. Defendants then moved to dismiss the case given how confused Plaintiff had become during his deposition. Specifically, Defendant asserted that Plaintiff did not fall in a portion of the "highway" to avoid government immunity using the exception at MCL 691.1402 and/or "slipped" on a natural accumulation of ice in the cracks of the roadway which does not give rise to governmental liability under MCL 691.1402. Defendant stressed that the Plaintiff could not allege a speculative theory of his fall that was contrary to the record evidence in order to try to fit within the exception. After oral argument, but before the Judge issued a ruling, the matter settled for the nominal sum of \$10,000.

**Plaintiff v. City and Utility Company**

In this state case, the adult Plaintiff claimed he fell off his bicycle upon encountering a plastic utility box with a lip edge over three-inches above the level of the concrete sidewalk. He sought to hold the Defendant-City liable for allowing the sidewalk to exist in a dangerous condition as permitted by the highway exception at MCL 691.1402 to governmental immunity. He sought to hold the Defendant-Utility Company liable for negligence in constructing/failing to maintain the utility box.

Plaintiff was thrown from his bicycle and landed on his side. He sustained multiple contusions, a concussion and a fracture of his left humerus that required a shoulder reconstruction surgery with placement of a prosthetic.

Defendants gathered evidence regarding Plaintiff's history of drug and alcohol dependency and maintained that Plaintiff's claim would, at a minimum, be discounted based on his comparative negligence. Defendants also showed that Plaintiff had been disingenuous with respect to his employment history and claim for lost wages. Plaintiff's lowest demand was \$230,000.00 from each Defendant. However, the case evaluation process resulted in an award of only \$30,000.00 against each Defendant. The City then filed a Motion for Summary Disposition asserting that the utility box was a fixture separate and apart from the sidewalk such that the exception at MCL 691.1402 could not apply. Prior to hearing on these Motions, Plaintiff accepted a settlement of \$22,000.00 from the City Defendant.

#### **Plaintiff v. City**

In this state case, the adult Plaintiff claimed that he sustained serious arm and shoulder fractures necessitating surgery after he fell off his bicycle due to a 2 inch deep crack in the middle of the roadway. His lowest demand prior to Trial was \$100,000.00.

Defendant's Motion for Summary Disposition was denied on the basis that there were questions of fact regarding whether (a) the City knew or should have known about the defect; and (c) the defect constituted a dangerous and defective condition of the roadway. The jury trial lasted 3 days before a verdict of no cause for action was returned in favor of the City.

#### **IV. CLAIMS FOR NO-FAULT BENEFITS**

##### **Plaintiff Insurance Company v. Self-Insured City**

Plaintiff Insurance Company filed suit to recoup certain personal insurance protection benefits paid on behalf of its insured under a medical plan after he was injured in a motor vehicle accident. The insured was the occupant of an uninsured vehicle and was not covered by any automobile insurance policy. Plaintiff originally demanded \$80,000, but increased its demand to \$110,000 as treatment continued. The City acknowledged that it was first in priority to pay medical bills but disputed necessity and the relationship of the treatment to the motor vehicle accident. The matter was settled for a one-time payment of \$40,000.00 in exchange for a waiver and release of all claims for future personal insurance protection benefits.

##### **Plaintiff v. Insurer A and Self-Insured City B**

Plaintiff filed suit against Insurer A and Self-Insured City B for past due medical bills exceeding \$76,000 for injuries sustained in an automobile accident. The Defendants disputed priority given the competing coordination of benefit terms in their respective policies. After full briefing, the parties settled the matter after recognizing that the government plan is not covered by the ERISA coordination rule.

## V. AUTOMOBILE NEGLIGENCE

### *Plaintiffs 1 and 2 v. Driver and Employer/Vehicle Owner*

In this state case, Plaintiff 1 claimed injuries resulting from a serious highway accident wherein her vehicle was struck from behind by a full size garbage truck traveling in excess of 30 miles per hour. Plaintiff 2 claimed a loss of consortium from his wife's injuries. The evidence showed that the Plaintiff 1 had switched lanes in front of the Defendant-Driver when she observed an 18 wheel car-hauler stopping in front of a car dealership on the highway. The Defendant-Driver did not notice Plaintiff 1 or the car hauler until he had insufficient time to avoid colliding with the rear end of Plaintiff's vehicle. Plaintiffs claimed that Plaintiff 1 was limited in all activities of daily living as a result of injuries to her head, neck, shoulders, arms, knees, back and chest. Medical records corroborated her injury claim.

Medical records revealed that Plaintiff 1 may have had pre-existing conditions. At her deposition, she was unable to adequately describe the differences in her day-to-day limitations pre versus post motor vehicle accident. Thus, Defendants moved for summary disposition on the basis that she did not sustain a serious impairment of an important body function as is required by MCL 500.3135(1) to recover against a third-party in the motor vehicle accident context. Prior to hearing on the Motion, the parties attended court-ordered facilitation whereupon the matter settled for the sum of \$50,000.00.

### *Plaintiff v. Driver and Employer/Vehicle Owner*

In this state case, Plaintiff claimed she sustained injuries when she collided with an on-duty police vehicle responding to a motor vehicle accident on the opposite side of the same intersection. Plaintiff was proceeding on green. The police vehicle had flashers on but no siren as he proceeded through a red light without yielding or stopping. Plaintiff claimed she sustained a fractured rib, herniations at various levels of her spine and internal injuries. She was still being treated 2 years after the accident. She had also reduced work to a part-time, lower-pay position as a result of physical limitations.

The Defendant-Driver was dismissed on summary disposition on the basis he was immune from liability under MCL 691.1407(2) where there was no evidence of gross negligence on his part in the accident. The City's liability, need only an ordinary negligence standard, was resolved before Trial for a total sum of \$15,000.00.

### *Plaintiff v. Driver and Employer/Vehicle Owner*

Plaintiff alleged serious injuries to his face, head and torso, including internal injuries, after he ran his moped/motorcycle into the side of a vehicle making a left turn in his path. Plaintiff had the right of way but was not stable given the lack of proper lighting on his moped/motorcycle. Discovery substantiated the claim of injury but also provided evidence of possible intoxication. The defense focused on whether the moped, which was registered with the State of Michigan, had to be insured. An adverse inference was requested against Plaintiff because he scrapped the bike post-accident but pre-suit and could not locate any manual or purchase information.

At his deposition, Plaintiff demanded \$1Million after the filing of Defendants Motions for Adverse Inferences and Partial Summary Disposition. The case was settled for a total of \$15,000.00.

## **VI. GENERAL BUSINESS CASES**

### **Plaintiff Insurance Company v. City A, Insurance Company B and Employee C**

In this state case, Plaintiff insurance company sought to recoup for damages to its insured's building and business resulting from a fire that originated on City's property when a vehicle being modified by Employee C exploded. The claim exceeded \$250,000 and was still open. City A and Insurance Company C were granted summary disposition after establishing that Employee C was not engaged in a work activity or authorized to be modifying the vehicle on City property. Employee C was unrepresented.

### **Plaintiff v. Former Employer A and Managers B and C**

In this state case, Plaintiff filed suit against her former employer and two of its principals/managers alleging wrongful discharge, breach of contract, gender discrimination and hostile work environment. Defendants unsuccessfully tried to resolve the case using an in-house attorney. After retaining outside counsel, Defendants conducted aggressive discovery that revealed that Plaintiff had taken employment in violation of a Non-Compete Agreement. When Defendants served the proposed Counter-Complaint and a Subpoena to Plaintiff's current employer, the Plaintiff dismissed all claims in exchange for a mutual release.

### **Plaintiffs 1 and 2 and Plaintiff Company v. Former Partners A and B**

Plaintiffs filed this state claim to counter a then-pending lawsuit by Former Partners A and B to compel certain releases and transfer documents signed in conjunction with a buy-out following a default upon the parties' bank loan. Plaintiffs asserted that the buy-out constituted a sham transaction for which Former Partners A and B should be liable for conversion, breach of fiduciary duties and breach of contract. The case was combined with the pre-filed lawsuit by Former Partners A and B. Relying on the releases signed by Plaintiffs and executed on behalf of the Plaintiff Company, each of the claims against Former Partners A and B were dismissed for lack of factual and/or legal merit.

### **Plaintiff Company v. Former Employees and Former Employees new Employer and Owners**

Plaintiff filed this state action seeking injunctive and monetary damages against former employees, who were not subject to a non-compete agreement, and their newly-formed competitive business claiming unfair trade practices, conversion and misappropriation of trade secrets. Plaintiff moved for entry of a preliminary injunction early on in the case and evidentiary hearing was held whereupon the Court enjoined the Defendants use of certain customer contact lists that they had claimed to have created independent of Plaintiff. Defendants appealed and then violated the injunction. The appeal was denied and sanctions were awarded for each instance of violation. The parties then agreed to facilitate which resulted in settlement for injunctive relief for a period of 3 years plus an award of \$90,000.00 in damages.

**Plaintiff Former Employee v. Employer and Principals of Employer**

In this state case, Plaintiff asserted that he was constructively terminated in violation of the Whiteblower's Protection Act (WPA) after reporting coworker misconduct, discriminated against based on his gender and discriminated against due to a medical disability.

The gender claim was premised on Plaintiff's subjective view of preferred positions within his department. The disability claim was supported by medical records but there had been no request for accommodation and existed no link between the disability and Plaintiff's constructive discharge from employment. Mid-discovery the Defendants filed a motion for partial summary disposition on the claims for gender and disability discrimination which was granted.

Further discovery regarding the incident giving rise to the WPA claim revealed that Plaintiff had been inconsistent in his position against his co-workers while still employed and a disconnect between this incident and the disciplinary investigation that led to his resignation. At the close of discovery, Plaintiff demanded \$4.5 Million in damages. However, a case evaluation panel awarded only \$25,000.00 which he rejected. Defendants then filed a Motion for Summary Disposition on the remaining claims which was granted in its entirety.

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# **The Plato Law Firm**

## **PROPOSAL FOR INVESTIGATIVE LEGAL SERVICES FOR THE CITY OF YPSILANTI**

**October 12, 2017**

**THE PLATO LAW FIRM, PLLC**  
[www.platolawfirm.com](http://www.platolawfirm.com)

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## EXECUTIVE SUMMARY

The Plato Law Firm has decades of experience in the area of municipal law and will provide the City of Ypsilanti with the highest quality legal services in a personalized, efficient and cost-effective manner.

The founder of the firm, Ed Plato, has had the privilege of representing municipalities for over 30 years. Ed currently serves as Township Attorney for Salem Township and Sharon Township and also currently serves as special litigation counsel for the Cities of Lincoln Park and Allen Park. He also previously served as Corporation Counsel for the City of Taylor for 4 years and as its litigation counsel for 16 years. Ed has defended multiple other municipalities in litigation through their liability insurance carriers including the Cities of Taylor, Garden City, Inkster, and Novi. In Garden City, Ed Plato had the privilege of working with City Manager Darwin McClary on basement flooding litigation. Ed has also represented cities and townships through the Michigan Municipal Risk Management Authority and the Michigan Municipal League. He has been appointed as Special Assistant Attorney General for the State of Michigan for the purpose of representing the Michigan Department of Transportation.

Ed Plato has been honoured to be designated as a Michigan "Super Lawyer" for thirteen consecutive years by the national publications, Law & Politics and Thomson Reuters. He was selected for the areas of government/municipal law and construction law. Ed has also been voted a Top Lawyer by his peers in DBusiness, Hour Magazine and Crain's in the area of municipal law every year from 2012 - 2017. Ed Plato has consistently been granted a rating of "AV" by the National Law Directory, Martindale-Hubbell, the highest possible rating for legal ability and ethical standards, for over 30 years.

Ed has significant prior experience in investigating possible ethics violations and potential official and employee misconduct. In 2013, Ed Plato was retained as special counsel for the City of Allen Park to investigate a trio of ethics complaints filed by two police officers against one of the members of the City Council. The Board of Ethics, after two public hearings, found that the Council member was guilty of violating the ethics ordinance. As the prior Corporation Counsel for the City of Taylor, Ed Plato was

also responsible for the final drafting of the ethics ordinance for the City of Taylor and subsequently conducting the initial review of ethics complaints filed against employees and officers in Taylor and making recommendations to the Taylor Board of Ethics for further handling. In Salem Township, Ed Plato investigated alleged improprieties and misconduct of two township firefighters and the Fire Chief.

The Firm proposes to use the power of the City Council under the City Charter of Ypsilanti to subpoena and interview or depose witnesses at City Hall and subpoena documents and such other evidence as may be relevant. We would then prepare a summary of our findings and an analysis of the facts under the potentially applicable ethics standards. Finally, the Firm would provide all of its findings and evidence obtained, along with its non-binding recommendations, to the City's Board of Ethics for further action. It is estimated that this investigation would take between 25 and 40 hours to complete, depending on the number and availability of witnesses. The work could be completed by the end of the month. The Firm proposes that the work will be done at the following rates for the following attorneys:

Ed Plato - \$165 per hour

Jessica Bond - \$135 per hour

The billing statement will detail the attorney performing the work, the matter on which the attorney worked, a description of the work performed and the time on the task. The time for legal services will be billed in increments of 1/10 of an hour (6 minutes). There is no minimum charge for legal services.

The quoted rates include all applicable overhead. However, expenses such as copying costs, witness fees, courier services, postage, et cetera, will be itemized and billed separately from attorney time. The firm does not charge for mileage or computer research fees charged by Westlaw. All charges will be consistent with the City of Ypsilanti's requirements and specifications.



## **Additional Plato Law Firm Information:**

### **Firm Composition:**

Ed Plato formed The Plato Law Firm in September 2011 after having specialized in municipal law and litigation with the law firm of Secrest Wardle for 26 years and the law firm of Johnson Rosati for 6 years. The Plato Law Firm is composed of two full time attorneys, Ed Plato and Jessica Bond, and four attorneys who regularly work with the Firm on an as-needed contract basis; Gerald (Jerry) Fisher, Patrick McCauley, Sam Morgan and David Greco. Mr. McCauley, Mr. Morgan and Mr. Greco share the office suite with The Plato Law Firm. In addition, the Firm employs two full time administrative assistants and a part time bookkeeper and computer technician.

### **Resumes of Firm Attorneys Who Will Work on the Project:**

The resumes of Edward Plato and Jessica Bond are attached as **Exhibit A** to this proposal.

### **Professional Liability Insurance:**

The Plato Law Firm maintains legal malpractice insurance for the Firm and all attorneys in an amount not less than \$1 million per claim and \$2 million aggregate per occurrence. We will provide documentation of the Firm's insurance in the amounts required by the City upon request.

### **Disciplinary Action:**

No attorney in the Firm has ever had a finding of misconduct in any disciplinary action nor has any attorney ever been suspended from the practice of law.

### **Professional and Personal References:**

The professional and personal references of Ed Plato are attached as **Exhibit B**. The City of Ypsilanti is encouraged to contact any and all of Ed Plato's references.

### **Testimonials of Plato Law Firm Clients:**

"I have worked with Ed for several years and have been impressed with his professionalism as well as his high level of integrity offered the client. He is very well prepared during public meetings and in arbitration hearings that our firm has been involved in with him. I am also Township Treasurer in the Township in which I live and I am pleased that Ed serves as our Township Attorney."

*– Brian Simons, Stantec Engineering and Treasurer,  
Sharon Township*

"I have been associated with Ed Plato for well over 30 years. My acquaintance with this extremely learned and talented lawyer extends back to our days in high school where we performed together in a successful Jazz Band. Ed was a terrific drummer, a young man the other musicians referred to as "the doctor", because of his highly-sophisticated, technical approach to providing the rhythm and holding the band together.

Ed displays these skills as a lawyer. I have worked with him in municipal law cases since the early 1980's and find his approach, his logical analysis, his artful crafting of argument and position and, most importantly, his unflappable demeanor, an incredible asset. I have utilized him as co-counsel, outside counsel and lead counsel in dozens of cases, all with successful results. The governmental entities (politicians and ego-purveyors notwithstanding) revere and respect the professionalism and skill of Ed Plato. I expect to be using his services for years to come."

*– Ed Zelenak, City Attorney for Cities of Lincoln Park and Southgate*

"The day we met with Ed Plato we felt confident that our case (involving the death of a six year old student) was going to be handled professionally, competently, and with compassion. We couldn't have asked for a better attorney. He is an excellent attorney, but an even better human being. He gave us a total understanding of the case and an overview of the subsequent legal procedures."

*– Katy Esterline, Former Principal, Prairie Elementary School, Adrian Public Schools*

"The first person I think of when asked to recommend an attorney is Ed Plato. His thoroughness, dedication to his clients, and command of the law are a perfect complement to his availability and genuine concern for humanity. This man wins for me."

*– John E. Delo, retired Councilman, City of Taylor, Michigan*

"I've had the pleasure of having Ed Plato represent various commercial insureds for over 15 years and can recommend the Plato Law Firm without reservation. Ed Plato has handled a wide range of claims involving construction defects, employment practice liability, fatal auto and industrial accidents, law enforcement liability, manufacturing plant explosions, and municipal law claims. Ed has always been extremely thorough in his communications and his recommendations are always on the mark, without fail. Most of all, he is one of the most genuine people you will ever hope to meet."

*– Jim Siatczynski, Tristar Risk Management*

"On behalf of Dan's Excavating, Inc., I have been working with Ed Plato for over a decade. I can never remember a time where our best interests were not served. We have settled cases when we needed to and fought them when we wanted to ... always with a positive outcome. Good advice and no surprises is what you want from a business partner, and that is exactly what Ed has delivered to us time and again."

*– Paul Navetta, Vice President, Dan's Excavating*

"Ed Plato worked for the City of Taylor as Corporation Counsel while I served as Councilwoman for the city. I have served on the city council for 15 years and have worked with 2 other Corporation Counsels and I feel Ed Plato is by far the absolute best. Ed is very well versed on municipal law and is very helpful in answering any and all questions that we asked. I would want to have Ed represent me professionally and/or personally in any legal matters."

*– Jackie Molner, retired Councilwoman, City of Taylor*

"Ed Plato has handled several sewer overflow cases on behalf of my municipal clients. In each case, Ed has shown a superior level of expertise in a complex area of the law. Most importantly, he has obtained a successful result in each case. I highly recommend Ed Plato for any municipal related litigation."

*– Chris Forsyth, Former City Attorney for City of Allen Park and City of Woodhaven*

"Just a quick note to let you know how pleased we were with the services we received from your law firm. The Plato Law Firm provided us with an amazing, valuable resource and experience.

I have worked with numerous law firms in my 33 year career but the experience with your firm was professional and personal. Frankly speaking, you and your staff were available, down to earth, and cut through a lot of the B.S. lines.

I have nothing but good things to say about our experience with your firm."

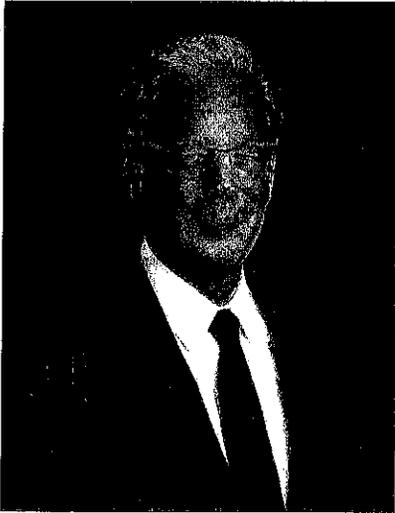
*– Leonard Dixon, Director/Past President, National Juvenile Detention Association*

**Thank you for your consideration of this proposal.**

For any additional information that may be needed, please contact:

Ed Plato  
The Plato Law Firm  
30500 Northwestern Hwy, Suite 425  
Farmington Hills, MI 48334  
(248) 855-6650 (Office)  
(248) 980-4466 (Mobile)  
[eplato@plato-lawfirm.com](mailto:eplato@plato-lawfirm.com)

## Edward D. Plato



### Principal of The Plato Law Firm

Office: 248-855-6650

Mobile: 248-980-4466

Email: [eplato@platolawfirm.com](mailto:eplato@platolawfirm.com)

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

Ed Plato, the founder of The Plato Law Firm, has successfully litigated cases for over 30 years in both the state and federal courts. He has been admitted and practiced before all Michigan trial courts, the Michigan Court of Appeals and the Michigan Supreme Court. In the federal system, Mr. Plato has been admitted and practiced before the United States District Courts in Michigan and the U. S. Sixth Circuit Court of Appeals.

Mr. Plato has been designated as a Michigan "Super Lawyer" for twelve consecutive years (2006-2017) by the national publications, Law & Politics and Thomson Reuters. He was selected for the areas of municipal/government law and liability defense. He has also been voted a Top Lawyer by his peers in Crain's Detroit Business and DBusiness Magazine for the years 2012 – 2017 in municipal law. Ed Plato has been nominated and selected for inclusion in Best Lawyers in America for six consecutive years. He has been consistently granted the highest rating of "AV" by the National Law Directory, Martindale-Hubbell, the best possible rating for legal ability and ethical standards.

Mr. Plato has had the privilege of representing municipalities for over 30 years. Ed currently serves as Township Attorney for Salem Township and Sharon Township, and previously served as Corporation Counsel for the City of Taylor. He also currently serves as liability defense counsel for the Cities of Lincoln Park and Allen Park and has defended multiple other municipalities through their liability insurance carriers. Ed Plato is actively involved with the Michigan Municipal League, the Michigan Association of Municipal Attorneys and the Michigan Townships Association. Ed currently serves on the Legislative Committee of the Michigan Municipal League and its FOIA and OMA Task Force for its members.

Ed Plato is a member of the Public Corporation and Negligence Sections of the State Bar of Michigan. He is a frequent speaker at the annual conventions of the Michigan Municipal League and the Michigan Association of Municipal Attorneys and is also a regular speaker for the Institute for Continuing Legal Education.

### **Education**

- Michigan State University College of Law, JD with honors.
- Recipient of American Jurisprudence Achievement Award
- Central Michigan University, BS with honors.

### **Professional Activities / Memberships**

- The Michigan Association of Municipal Attorneys
- Legislative Committee of the Michigan Municipal League
- State Bar of Michigan, Negligence, Employment and Municipal Sections
- The Michigan Municipal League
- The Michigan Townships Association
- Oakland County Bar Association
- The FOIA and Open Meetings Act Task Force of the Michigan Municipal League
- Southeast Michigan Council of Governments

### **Awards**

- 2014, 2015, 2016 & 2017- Named Top Lawyer by Crain's Business Magazine in the areas of municipal law and liability defense.
- 2006 - 2017 - Designated as a Michigan Super Lawyer by Thomson Reuters for twelve consecutive years in the areas of government/municipalities.
- 2012 - 2017 - Selected by peer nomination and election for inclusion in Best Lawyers in America.
- 2012 - 2017 - Named Top Lawyer by DBusiness and Hour Magazine in the areas of municipal law, construction law and personal injury defense.

### **Community Activities / Involvement**

- Board of Directors of Angels Place, a Michigan non-profit corporation providing homes and life care for adult developmentally disabled individuals in Southeast Michigan
- Volunteer and teacher for Angels Place for 19 years.
- President, Board of Directors, Country Ridge Homeowners Association, Farmington Hills
- Legal advisor for and member of Oak Pointe Church in Novi, legal advisor for Oak Pointe Church in Milford and The Lakes Community Church in Walled Lake

## Jessica J. Bond



Office: 248-855-6650

Email: [jbond@platofirm.com](mailto:jbond@platofirm.com)

Jessica Bond is an associate attorney with the Plato Law Firm. Her practice focuses on municipal law and liability defense. In addition to her litigation work for the Firm's clients, she also serves as Assistant Township Attorney for Salem Township.

Prior to joining the Plato Law Firm, Ms. Bond worked for a Detroit-area firm specializing in land use and municipal law matters. Jessica contributed to the writing and editing of a book on the Religious Land Use and Institutionalized Persons Act. She also previously worked at the Wayne County Prosecutor's Office and as an intern for the Honorable Kelley R. Kostin, 52-2 District Court.

Jessica Bond graduated *magna cum laude* from the University of Detroit Mercy School of Law. She was inducted into the Frank Murphy Honor Society for graduating in the top 10% of her class. She served as the Law Review's Executive Editor of Inside Articles and as a member of the Moot Court Board of Advocates. During this time, she published her law review note, "Some Thoughts in the Wake of *U.S. v. Stevens*," 90 U. Det. Mercy L. Rev. 59 (2012) and was a quarterfinalist in the Patrick A. Keenan Memorial Appellate Advocacy Tournament.

As a law student, she achieved book awards for receiving the highest grade in Advanced Advocacy, Corporate Governance, Advising Entrepreneurs in Business, Federal Jurisdiction, Immigration Law Clinic, National Security Law, Payment Systems, and Remedies.

Jessica is a Member of the State Bar of Michigan and admitted to practice before all Michigan trial courts and the U.S. District Court, Eastern District of Michigan. She regularly engages in civil litigation in her areas of specialization in the Wayne, Oakland and Macomb County Circuit Courts.

Jessica has also been elected to the Board of Directors of Camp Casey, a Michigan nonprofit organization that provides therapeutic horse experiences and programs for children undergoing treatment for cancer, sickle cell disease, and/or aplastic anemia.

**PROFESSIONAL REFERENCES FOR EDWARD D. PLATO:**

Gary Whittaker  
Salem Township Supervisor  
(248) 909-3200 (mobile-preferred)  
(248) 349-1690 (office)

Del Wensley  
Salem Township Clerk  
(734) 637-8902 (mobile - preferred)  
(248) 349-1690 Ext. 9 (office)

Dale Converse  
Salem Township Treasurer  
(248) 349-1690 Ext 8 (office)  
(734) 718-4766 (mobile)

Brian Simons  
Sharon Township Treasurer  
(734) 368-3114 (mobile – preferred)  
(734) 428-7591 (office)

Chelsea Mikel  
Sharon Township Clerk  
(248) 910-5527 (mobile – preferred)

Edward Zelenak  
Lincoln Park City Attorney  
(313) 386-6400 (office)  
(313) 971-1565 (mobile)

Honorable Jeffrey Matis  
Oakland County Circuit Court Judge  
248-858-0368 (courtroom)  
(Mobile number may be provided  
with permission)

Honorable Gershwin Drain  
U.S. District Court Judge  
(313) 234-5215 (courtroom)  
(Mobile number may be provided  
with permission)

Matt Coppler  
Lincoln Park City Manager  
(313) 386-1800 Ext. 1230 (office)  
(313) 475-1722 (mobile)

William (Bill) Mathewson  
General Counsel,  
Michigan Municipal League  
(734) 669-6305 (office)  
(734) 649-6069 (mobile)

Dave Eichbrecht  
Project Manager  
Dan's Excavating  
(586) 254-2040 (office)  
(810) 217-3034 (mobile)

Rick Kincaid  
Project Manager  
Dan's Excavating  
(586) 254-2040 (office)

PERSONAL REFERENCES FOR EDWARD D. PLATO:

Pastor Bob Shirock  
Senior Pastor  
Oak Pointe Church, Novi  
(248) 912-0043 (office)  
(248) 640-1021 (mobile)

Pastor Daryl Rice  
Executive Pastor  
Oak Pointe Church, Novi  
(248) 207-0054 (mobile – preferred)  
(248) 912-0043 (office)

Pastor Blaine Dennison  
Community Pastor  
Oak Pointe Church, Novi  
(734) 353-0764 (mobile)

Robert Mangus  
Personal Friend  
(248) 310-2274 (mobile)

Steve Brown  
Wixom City Manager  
Personal Friend  
(248) 251-8466 (mobile)

Steve Smith  
Personal Friend  
(248) 462-4395 (mobile)

Dan Dubin  
Neighbor  
(248) 788-9725 (home)  
(248) 752-6095 (mobile)

Nick Boyko  
Personal Friend  
(248) 943-5643 (mobile)

**RESPONSE OF SEGLUND GABE PAWLAK & GROTH, PLC  
TO THE CITY OF YPSILANTI, WASHTENAW COUNTY,  
REQUEST FOR PROPOSAL**

**Executive Summary:**

The firm would propose to conduct the investigation and review as follows in the order listed:

1. Thorough review of all relevant law, including, City Charter and Ordinances, Home Rule statute, and Federal statute, rules and regulations regarding Federal EB-5 development funding,
2. Review of all relevant minutes and communications relative to the proposed development and offered trip to China.
3. Interview all witnesses, including, but not limited to, the four City staff who took the trip, representatives of the Wayne State University Chinese Students organization and Wayne State staff; developer's representatives, all City council members, City attorney, and Chinese Consulate staff.
4. Preparation of written summary and findings for City Council.
5. Attendance at any executive sessions as required by City Council.

Services do not include, nor anticipate, any travel outside the State of Michigan, court appearances, nor costs of an interpreter, and assume the cooperation of any individual or entity in possession of relevant information and/or documents.

Total estimated time involved is 40 to 50 hours. Timeframe for completion is approximately 90 days, and assumes timely cooperation of witnesses and third parties in providing testimony and documents.

Hourly rate is \$300.00 per hour for attorney time and \$100.00 for legal assistant time.

Anticipated costs for a court reporter to record and transcribe testimony at approximately \$500.00 per witness at a minimum of 10 witnesses for a total estimate of \$5,000.00.

Fees and costs may vary greatly depending on the cooperation of parties and any additional issues that may be raised during the course of the investigation.

**1. Name, address, telephone number, fax number, email address of the firm.**

Seglund Gabe Pawlak & Groth, PLC  
28345 Beck Road, Suite 401  
Wixom, MI 48393  
Phone: (248) 869-0030  
Fax: (248) 869-0039  
Email Address: [main@michlaw.biz](mailto:main@michlaw.biz)

**2. Name, email and telephone number of primary attorney.**

Paul V. Groth  
[pvgroth@michlaw.biz](mailto:pvgroth@michlaw.biz)  
Phone: (248) 869-0030

**Secondary attorney:**

Bruce R. Seglund  
[bseglund@michlaw.biz](mailto:bseglund@michlaw.biz)  
Phone: (248) 869-0030

**3. Martindale Hubbell rating of the firm.**

The overall firm rating is 4.5. Paul V. Groth and Bruce R. Seglund have a rating of 5.

**4. Number of years the firm has been in practice.**

**5. Brief history of the firm and practice areas.**

**6. Experience of the firm in representing municipalities.**

**7. Municipalities currently represented.**

**8. Municipalities represented in the past.**

**Questions 4 thru 8 are answered in this brief synopsis of the firm:**

The origin of the firm began in the 1950's, when it was founded by now-retired Oakland County Circuit Court Judge Gene Schnelz. Judge Schnelz formed the firm with two other partners, Harold Bulgarelli and Gary Allen, both of whom were later elected or appointed to the judiciary. Thomas J. Connelly continued the practice, beginning in the late 1970's, representing municipalities that included the Village of Milford, Township of Milford, Village of Wolverine Lake and City of Wixom, as general counsel and prosecutor. In 2010, Mr. Connelly became "Of Counsel" to the firm and has subsequently retired. The firm also represented Highland Township in its misdemeanor prosecutions, ordinance violations and code enforcement matters.

In May 2013, the attorneys associated with the long established Royal Oak firm of Gabe Quinn & Seymour, PLC, joined the firm, expanding the firm's municipal practice to include the Township of Lyon, Lathrup Village and criminal prosecutions for the City of Novi. The firm had represented the City of Novi in its criminal misdemeanor prosecutions since 1974 and had been City Attorney for Lathrup Village since 1996 and the Township Attorney for Lyon Township since 1998.

In addition to its municipal practice, the firm's attorneys also handle real estate and business matters, individual bankruptcies, family law and probate/estate planning/elder law. The firm now consists of four attorneys, one "of counsel" attorney and three experienced support staff. The firm's main office is located in Wixom, Michigan and a satellite office is located in Bloomfield Hills.

As noted above, the firm has an extensive history of representing municipal clients dating back more than 50 years. Over the years, our experience has ranged from representing small villages with little industrial-zoned land and extensive residential issues, to medium-sized cities with a large industrial base, to townships with a rapidly growing and expanding development in both residential and commercial properties, to urban villages with limited expansion possibilities, to wide-open townships with growth limitation issues.

The firm's past and/or present clients include the following municipalities: City of Wixom, Village of Franklin, Green Oak Township, Township of Milford, Village of Milford, Village of Wolverine Lake, Township of Highland, City of Novi – Prosecutions, Lathrup Village and the Township of Lyon.

At the present time, due to the retirement of Matt Quinn (who has since become "of counsel" to the firm) at the end of 2015, and the unexpected departure of two attorneys who started their own firm, we are currently only representing the Township of Highland in its misdemeanor prosecutions, ordinance violations and code enforcement matters in the 52-1 District Court.

The members of the firm have extensive litigation/court experience in all State and Federal courts in this State at both the trial and appellate levels. Bruce Seglund and Paul Groth have handled trial court matters involving municipal criminal prosecutions as well as municipal and general civil matters of various kinds. Charles Gabe began his career as an Assistant Prosecutor in Oakland County. Since then, he has also handled municipal criminal prosecutions as well as general civil matters. Gerald Pawlak handled insurance defense litigation for the first half of his career and has spent the last fifteen years handling litigation primarily involving business and real estate disputes. All firm members have considerable appellate experience as well.

**9. Location of firm offices.**

Main Office: 28345 Beck Road, Suite 401, Wixom, MI 48393

Satellite Office: 36400 Woodward Avenue, Suite 220, Bloomfield Hills, MI 48304

**10. Firm composition.**

a. Names of Attorneys:

Bruce R. Seglund, managing member

Charles H. Gabe, member

Gerald A. Pawlak, managing member

Paul V. Groth, member

Matthew C. Quinn, of counsel

b. Number of Support Staff: Three

Elizabeth Nash (Liz) has been the office manager of the firm for more than 7 years, with 20 years of total legal experience.

Christine Jones (Chris) is Legal Secretary with more than 30 years of experience.

Ashley Poikey has worked with members of this firm for 9 years.

**11. Firm Practice.**

We have extensive prosecution experience, including courtroom and trial practice. We also have experience in conducting internal investigations into the actions of municipal officials. Finally, we have a long-standing reputation of honesty and integrity in the practice of municipal law, having represented 9 different municipalities over the last 35 years.

**12. Resumes.**

See attached.

**13. Insurance.**

The firm carries malpractice coverage of \$1M/\$3M. A copy of the current policy is attached.

**14. Discipline.**

No member of the firm has ever been part of any disciplinary case against them that resulted in a finding of misconduct. No member of the firm has ever had their law license suspended.

**15. References.**

Richard A. Hamill, Supervisor  
Highland Township  
205 North John Street  
Highland Township, MI 48357  
(248) 887-3791  
rick.hamill@highlandtwp.org

Lieutenant Matt Snyder  
Commander – Highland Township  
165 North John Street  
Highland Township, MI 48357  
(248) 887-6327  
snyderm@oakgov.com

Kevin Hinkley, Mayor  
City of Wixom  
49045 Pontiac Trail  
Wixom, Michigan 48393  
Phone: (248) 624-0894  
khinkley@wixomgov.org

Respectfully submitted,

 **SEGLUND GABE  
PAWLAK & GROTH, PLC**

By.   
Paul V. Groth  
28345 Beck Road, Suite 401  
Wixom, MI 48393  
(248) 869-0030

Dated: October 12, 2017



## **Paul V. Groth**

**[pvgroth@michlaw.biz](mailto:pvgroth@michlaw.biz)**

Paul V. Groth has been practicing law for nearly three decades.

His experience and knowledge on legal issues concerning criminal, domestic relations, real estate, bankruptcy, and municipal matters has made him a valuable asset to the firm. Paul covers a wide range of legal issues and has the experience that is necessary to effectively represent his clients fairly.

### **Education**

Paul received his Bachelor of Arts degree in Sociology from Wayne State University. He later went on to earn his Juris Doctor degree in 1984 from the Detroit College of Law.

### **Experience**

Paul was a law clerk for the Honorable Martin L. Boyle for three years prior to his admission to the State Bar of Michigan in 1985. He has been admitted to practice before the United States Supreme Court and the United States District Court in both the Eastern and Western Districts of Michigan.

For more than ten years, Paul served as the lead Prosecutor for the Charter Township of Highland, the Charter Township of Milford, the Village of Milford, the Village of Wolverine Lake and the City of Wixom in the 52-1 District Court. He also has more than ten years experience as Charter Township of Milford Tax Tribunal Attorney. Paul currently serves as Prosecuting Attorney for the Charter Township of Highland.

### **Legal Services Offered**

- Municipal Law
- Bankruptcy Law
- Family Law
- Real Estate Law
- Litigation
- Personal Injury
- Criminal Law

## **Memberships**

- State Bar of Michigan, 1985 to present
- Admitted to the United States District Court-Eastern District of Michigan in 1985
- Admitted to the United States District Court-Western District of Michigan in 2011

## **Community Involvement**

- Charter Township of Lyon – Trustee, 1988-1992
- Lyon Township Zoning Board of Appeals, 1992-1996

## **Contact**

Paul V. Groth may be contacted by email at [pvgroth@michlaw.biz](mailto:pvgroth@michlaw.biz) or by phone at (248) 869-0030.



## **Bruce R. Seglund**

**bseglund@michlaw.biz**

Bruce R. Seglund has been practicing law for over three decades.

He has demonstrated the "Highest Possible Peer Review Rating in Legal Ability & Ethical Standards", being an AV – Preeminent Rated attorney for more than 15 years. He has received multiple awards in Oakland County for his pro-bono work.

Bruce concentrates his practice in providing legal advice and assistance in Probate law; Wills, Trusts and Estate Planning; Business Formation & Operations, Real Estate and Non-Profit Organizations.

Bruce currently resides in Commerce Township with his wife, Connie. He is an active member of the community and has been involved with numerous committees and organizations.

### **Education & Experience**

Bruce received his Bachelor of Science degree from Michigan State University in 1973. He later went on to earn his Juris Doctor degree from Thomas M. Cooley Law School in 1979. His legal achievements and background include the following...

- Charter Township of Milford General Legal Counsel.
- Village of Milford General Legal Counsel.
- Village of Wolverine Lake General Legal Counsel.
- City of Wixom General Legal Counsel, 1999-2007.
- Village of Franklin General Legal Counsel, 1993 – 1996.
- Private Practice (including Estate and Business Planning), 1981-current.
- Charter Township of Highland General Legal Counsel, 1996-2007.
- Green Oak Charter Township General Legal Counsel, 1995-2006.
- General Legal Counsel, Lakes Area of Oakland County Community Foundation, 2000 – current.

### **Representative Cases:**

- El-Husseini vs. FNMA – Wayne County Circuit Court 10-001074, MI Court of Appeals 303165
- Smith v. Chase Manhattan Mortgage Co., Oakland County CC 2005-068280, MCOA 286668
- Green Oak Township v. Dept. of Natural Resources, Livingston County CC 2004-020782, MCOA 268424, 259262.
- Rashid v. City of Wixom, Oakland County CC 2003-053720, MCOA 257664.

- Fonda Island and Briggs Lake Water Authority v. Green Oak Township, Livingston County CC 00-018275; MCOA 248594, 248592.
- Green Oak Township v. Green Oak MHC, Livingston County CC 00-017990; MCOA 231704.
- Mystic Creek Golf Club v. Township of Milford, Tax Tribunal 00-244466; MCOA 225492.
- Lake O Woods Condo Assoc v. James David, Oakland County CC 96-523379; MCOA 212141.
- Adell v. Marotta, Oakland County CC 515531; MI Court of Appeals 197514.
- Friend v. Friend, Oakland County CC 93-459046, MI Court of Appeals 178583.
- Ogg v. Fournier, Oakland County CC 453292; MI Court of Appeals 176452.
- Testani v. City of Wixom ZBA, Oakland County CC 92-436398; MI Court of Appeals 164563.

### **Memberships & Achievements**

- State Bar of Michigan
  - District J Character and Fitness Committee, 1996-2004
  - Admitted into the State Bar in 1981
- Oakland County Bar Association Speakers Bureau in 1988
- Admitted into the United States District Court-Eastern District of Michigan in 1981
- Admitted into the United States District Court-Western District of Michigan in 2011
- Pro Bono Service Award from the Oakland County Bar Association in 1992
- General Civil Mediator Training in 2011

### **Community Involvement**

- Knights of Columbus, Charter member, Council 4064-Advocate, 1982-1998
- Former President, Vice President and Member of the Walled Lake Area Jaycees
- Lakes Area Chamber of Commerce Scholarship Fund Committee
- Lakes Area of Oakland County Community Foundation, General Legal Counsel
- Involved in Friends of the Foster Farmhouse/Banks-Dolbeer Historic Home
- Outstanding Service Award from the American Diabetes Association in 1992
- St. Williams Catholic Church, Parish Council, 2012 – current.

### **Contact**

Bruce R. Seglund may be contacted by email at [bseglund@michlaw.biz](mailto:bseglund@michlaw.biz) or by phone at (248) 869-0030.



## **Gerald A. Pawlak**

**gpawlak@michlaw.biz**

Gerald A. Pawlak has focused his practice on matters involving Civil Litigation as well as on Real Estate transactions involving residential and commercial properties for the residents and businesses of Wixom and the surrounding communities.

### **Education**

Mr. Pawlak received his Bachelor of Science degree from Eastern Michigan University in 1978 and his Juris Doctor degree, with honors, from Wayne State University in 1986.

### **Experience**

Following his admission to the Michigan Bar in 1986, Mr. Pawlak has represented clients involved in civil litigation in trial courts across the State of Michigan, the United States Bankruptcy Courts and the United States District Courts for the Eastern and Western Districts of Michigan. His appellate experience includes handling matters in the Michigan Court of Appeals, the Michigan Supreme Court and the United States Court of Appeals for the Sixth Circuit. In addition, Mr. Pawlak has more than 15 years' experience in the handling of commercial and residential real estate transactions including sales/purchases, leases, re-financings and mortgage foreclosures.

- Connelly Groth Elowsky Kelley Pawlak and Seglund – Attorney 2007-2010
- Nedelman Pawlak, PLLC – Co-founding Member, 2000-2007
- Nedelman, Romzek, Smith & Wolf, P.C. – Associate, 1999-2000
- Collins, Einhorn, Farrell & Ulanoff, PC – Associate, 1986-1999

### **Legal Services Offered**

- Civil Litigation
- Real Estate
- Business Law

## **Memberships/Admissions**

- State Bar of Michigan, 1986-present.
- Admitted to United States District Court for the Eastern District of Michigan.
- Admitted to the United States District Court for the Western District of Michigan.
- Admitted to the United States Sixth Circuit Court of Appeals.

## **Contact Information**

Gerald A. Pawlak may be contacted by email at [gpawlak@michlaw.biz](mailto:gpawlak@michlaw.biz) or by phone at (248) 869-0030.



## **Charles H. Gabe**

**cgabe@michlaw.biz**

Charles H. Gabe has practiced law in the State of Michigan for many years.

He has been recognized as the Best Divorce Attorney in the area by Metro Times. A member of the Oakland County Bar Association for more than forty years, Chuck has received several awards over the course of his career due to his extensive knowledge and ability to provide his clients with quality results.

Mr. Gabe has served as Chief of the District Court Operation. He has also handled prosecutions for Oak Park, as well as the City of Novi.

### **Education & Experience**

Chuck received his Juris Doctor degree from Wayne State University Law School in 1967. Before he began practicing law, he took on various roles within the community, including

- Instructor at the Oakland County Community College Police Academy
- Junior High School Teacher
- PTA President
- Member of the Birmingham Cable Commission
- Member of the Common Ground Advisory Board
- Chairman of the Oakland County Bar Association Juvenile Law Committee

### **Awards**

- 1988 – current – Martindale-Hubbell AV Preeminent Attorney, which is the highest possible peer review rating in legal ability and ethical standards.
- 2010 – dbusiness TopLawyers – recognized as a TopLawyer in Family Law.

### **Legal Services Offered**

- Family Law
- Divorce Law
- Custody Disputes
- Criminal Law
- Corporate Law
- Estate Planning
- Municipal Law

## **Memberships/Admissions**

- The State Bar of Michigan
- United States District Court – Eastern District of Michigan
- United States Supreme Court
- Oakland County Bar Association

## **Contact Information**

Charles H. Gabe may be contacted by email at [cgabe@michlaw.biz](mailto:cgabe@michlaw.biz) or by phone at (248) 869-0030.



## ASPEN AMERICAN INSURANCE COMPANY

Administrative Offices

Statutory Home Office

590 Madison Avenue, 7th Floor  
New York, NY 10022

350 North St. Paul Street  
Dallas, TX 75201

### THIS IS BOTH A CLAIMS MADE AND REPORTED INSURANCE POLICY.

THIS IS A CLAIMS MADE AND REPORTED POLICY. THIS POLICY APPLIES TO THOSE CLAIMS THAT ARE FIRST MADE AGAINST THE INSURED AND REPORTED IN WRITING TO THE COMPANY DURING THE POLICY PERIOD. UNLESS THIS POLICY IS OTHERWISE ENDORSED, CLAIM EXPENSES ARE WITHIN AND REDUCE THE LIMITS OF LIABILITY. PLEASE READ THIS POLICY CAREFULLY.

### LAWYERS PROFESSIONAL LIABILITY POLICY DECLARATIONS

COMPANY: ASPEN AMERICAN INSURANCE COMPANY

POLICY NUMBER: LPP003246-01

RENEWAL OF: New

**PRODUCER NAME & ADDRESS:**

B&B Protector Plans, Inc.  
d/b/a The Lawyer's Protector Plan  
655 North Franklin Street  
Suite 1900  
Tampa, FL 33602

**1. NAMED INSURED:**

Seglund Gabe Pawlak & Groth, PLC

**2. ADDRESS:**

28345 Beck Road  
Suite 401  
Wixom, MI 48393

**3. POLICY PERIOD:**      **EFFECTIVE DATE:** 10/03/2017      **EXPIRATION DATE:** 10/03/2018  
12:01 A.M. Standard Time at the address of the **Named Insured** as stated in Item 1. above.

**4. LIMITS OF LIABILITY** (Inclusive of claim expenses , or; exclusive of claim expenses ):  
A. \$1,000,000 Limit of Liability - Each Claim  
B. \$3,000,000 Limit of Liability - Policy Aggregate

5. **DEDUCTIBLE** (Inclusive of **claim expenses** , or; exclusive of **claim expenses** ):

A. \$5,000 Each **Claim**

B. \$N/A Aggregate

6. **PREMIUM:** \$11,844.00

**TAXES and/or SURCHARGES:** \$0.00

**TOTAL:** \$11,844.00

7. **NOTICES TO BE SENT TO:**

**Report a Claim in Writing:**

Claims Department  
Lawyer's Protector Plan  
655 North Franklin Street  
Suite 1900  
Tampa, FL 33602  
Fax 888-239-2663

Email: lppclaims@bbprograms.com

**All Other Notices:**

Lawyer's Protector Plan  
655 North Franklin Street  
Suite 1900  
Tampa, FL 33602  
800-282-6955  
Fax 813-223-9547

Email: lpp@bbprograms.com

**For claims related questions, please call:**

813-222-4291

Toll Free: 800-336-5529 ext. 14291

8. **RETROACTIVE DATE** (if applicable): Full Prior Acts

9. **FORMS AND ENDORSEMENTS ATTACHED AT POLICY EFFECTIVE DATE:**

ASP LPP 062 DEC (12 13) Lawyers Professional Liability Declarations

ASP CO 098 (02 13) AAIC Signature Page

ASP LPP 063 (11 13) Lawyers Professional Liability Policy

ASP LPP 064 (11 13) OFAC Endorsement

ASP LPP 076 MI (11 13) Michigan Amendatory Endorsement

ASP LPP 077 MI (11 13) Michigan Policyholder Notice

ASP LPP 019 (11 13) Claim Expense in Addition to the Limit of Liability Endorsement

ASP LPP 026 (11 13) First Dollar Defense Endorsement - Each Claim

ASP LPP 039 (11 13) Predecessor Firm Endorsement

By acceptance of this policy, the **Insured** agrees that the statements in the Declarations, the Application and any attachments hereto are the **Insured's** agreements and representations and that this policy embodies all agreements existing between the **Insured** and the **Company** or any of its Authorized Representatives relating to this insurance.



## REQUEST FOR LEGISLATION

October 17, 2017

**To:** Honorable Mayor and Ypsilanti City Council

**From:** Darwin D. P. McClary, City Manager

**Subject: SUSTAINABILITY COMMISSION RECOMMENDATION – WORKING DEFINITION OF 'SUSTAINABILITY'**

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### **SUMMARY & BACKGROUND:**

The Ypsilanti Sustainability Commission met on October 2, 2017, and approved a recommendation to the city council to adopt the following working definition of 'sustainability':

"SUSTAINABILITY: Achieving a balance of ecological, social, and economic considerations to provide for an equitable path for the growth and improvement of our community in the uses of our resources, remaining conscious of the historical context, while ensuring the availability and vitality of those resources for future generations."

The city council received a presentation from Commissioner Brett Zeuner on this recommendation at council's October 3, 2017, meeting.

It is important that the city council approve a working definition of 'sustainability' so that the commission can continue its work on drafting a sustainability plan for city council review and approval.

### **PREVIOUS COUNCIL ACTION:**

10/03/2017 – City council received a presentation from Commissioner Zeuner on the recommendation from the Sustainability Commission to approve the working definition of 'sustainability'.

### **FINANCIAL IMPACT:**

None

### **RECOMMENDED ACTION:**

Approve the working definition of 'sustainability' as recommended by the Ypsilanti Sustainability Commission.

**ATTACHMENTS:**

None

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**CITY MANAGER APPROVAL:** DDPM

**COUNCIL AGENDA DATE:** 10/17/2017

**CITY MANAGER COMMENTS:** Approve as recommended by the Sustainability Commission

**FISCAL SERVICES DIRECTOR APPROVAL:** \_\_\_\_\_



Resolution No. 2017 - 238  
October 17, 2017

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City of Ypsilanti Sustainability Commission was created by ordinance of the city council on January 24, 2017, to create a model of sustainability for our community, prepare a sustainability plan, and prioritize sustainability policies, among other tasks; and

WHEREAS, to undertake its responsibilities delegated to it by ordinance, the Sustainability Commission must work with clear direction from the city council, including an approved working definition of the term 'sustainability' as its meaning is to be applied to the City of Ypsilanti; and

WHEREAS, the Sustainability Commission prepared and approved for recommendation to the city council a proposed working definition of 'sustainability';

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the following working definition of the term 'sustainability' as recommended by the Ypsilanti Sustainability Commission is hereby approved to guide the work of the commission:

"SUSTAINABILITY: Achieving a balance of ecological, social, and economic considerations to provide for an equitable path for the growth and improvement of our community in the uses of our resources, remaining conscious of the historical context, while ensuring the availability and vitality of those resources for future generations."

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



## REQUEST FOR LEGISLATION

October 17, 2017

**To:** Honorable Mayor and Ypsilanti City Council

**From:** Darwin D. P. McClary, City Manager

**Subject: SUSTAINABILITY COMMISSION RECOMMENDATION ON SUSTAINABLE DEVELOPMENT**

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### **SUMMARY & BACKGROUND:**

The Ypsilanti Sustainability Commission met on October 2, 2017, and approved a recommendation to the city council to ensure all development within the city is sustainable development and is consistent with the working definition of sustainability approved by the commission and city council. Until a specific Sustainability Plan is adopted, the commission recommends that the city council ensures that all development plans meet the following requirements, where applicable:

- LEED rating of at least silver
- Solar energy
- Waste stream reduction and/or diversion, including recycling
- LED lighting in all public spaces
- Energy-Star rated appliances
- Bike-friendly roads
- Access to public transportation for housing developments
- Bio-swales or rain gardens upstream of storm water drains and wetlands
- Property tax relief and rent protection for low income and retirement-age residents
- Incentives in zoning (expedited review, density bonus, tax reduction, etc.) for community benefits (e.g., open space conservation, affordable housing, and sustainable development beyond these minimum requirements)

The city council received a presentation from Commissioner Brett Zeuner on this recommendation at council's October 3, 2017, meeting.

I requested a legal opinion regarding the requirements for property tax relief and rent protection, as I was concerned that these requirements may be illegal. Attached is the City Attorney's opinion dated October 3, 2017. The City Attorney indicated that he may issue additional opinions regarding the remainder of the commission's recommendations.

**PREVIOUS COUNCIL ACTION:**

10/03/2017 – City council received a presentation from Commissioner Zeuner on the recommendation from the Sustainability Commission to establish sustainable development requirements.

**FINANCIAL IMPACT:**

None

**RECOMMENDED ACTION:**

Discuss the recommendation from the Sustainability Commission regarding establishing requirements for sustainable development, as well as the legal and other concerns of the City Attorney and city staff. Schedule the matter for further consideration at council's November 9, 2017, regular meeting to provide direction to the Sustainability Commission on necessary changes to any requirements the council may desire to adopt. The City Attorney should advise as to the proper form in which the city council would establish such regulations (i.e., ordinance versus resolution).

**ATTACHMENTS:**

None

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**CITY MANAGER APPROVAL:** DDPM

**COUNCIL AGENDA DATE:** 10/17/2017

**CITY MANAGER COMMENTS:** Discuss the recommendation of the Sustainability Commission to establish requirements for sustainable development, City Attorney and staff concerns, and proper form for adopting such regulations, and schedule the matter for further consideration at city council's November 9, 2017, regular meeting.

**FISCAL SERVICES DIRECTOR APPROVAL:** \_\_\_\_\_



**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City of Ypsilanti Sustainability Commission was created by ordinance of the city council on January 24, 2017, to create a model of sustainability for our community, prepare a sustainability plan, and prioritize sustainability policies, among other tasks; and

WHEREAS, the Sustainability Commission has prepared recommendations for the city council to ensure all development within the city is sustainable development and is consistent with the working definition of sustainability approved by the commission and the city council; and

WHEREAS, the City Attorney has expressed concerns regarding the legality of some of the proposed regulations for sustainable development presented by the commission;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council hereby schedules the recommendation from the Sustainability Commission for establishment of certain requirements for sustainable development for further consideration at its November 9, 2017, regular meeting to address legal and other city staff concerns and to provide direction to the commission on any change to the requirements that may be desired by the city council.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

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Ypsilanti, MI 48197  
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Fax (734) 483-3871  
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e-mail: jbarr@barrlawfirm.com

---

John M. Barr  
Karl A. Barr  
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

## **MEMORANDUM**

**To: Darwin McClary, Ypsilanti City Manager**  
**From: John M. Barr, Ypsilanti City Attorney**  
**Date: October 3, 2017**  
**Re: Recommendations of Ypsilanti Sustainability Commission**

---

This memo is in response to your request for a legal opinion regarding the legality of the recommendations of the Ypsilanti Sustainability Commission made at the Commission meeting of Monday, October 2, 2017.

You have specifically requested opinion on two recommendations concerning property tax relief and rent protection. The Commission recommendations on those items are: PROPERTY TAX RELIEF AND RENT PROTECTION FOR LOW INCOME AND RETIREMENT-AGE RESIDENTS.

This memo will answer first those two items and future memos will address the balance of the recommendations.

In my opinion, both recommendations are not within the legal power of the Ypsilanti City Council.

Property Tax Relief. The Michigan Constitution of 1963 in Section 3, provides that "The legislature shall provide for the uniform general ad valorem taxation of real and personal property..." This principle was followed in the Michigan General Property Tax Act, Public Act 206 of 1893. County and State review of local assessments is required to make sure assessments are based on true cash value.



**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

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e-mail: [jbarr@barrlawfirm.com](mailto:jbarr@barrlawfirm.com)

---

John M. Barr  
Karl A. Barr  
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

It would be illegal to provide a lower assessment or rate of tax to a property owner based on the owner's financial condition.

Rent Control. Local rent control is prohibited by state law. MCL 123.411 provides: "A local governmental unit shall not enact, maintain, or enforce an ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential property."

Note however, that the statute also provides: This section does not impair the right of any local governmental unit to manage and control residential property in which the governmental unit has a property interest."

**TRAFFIC REVIEW COMMISSION  
MEETING MINUTES  
August 1, 2017  
4<sup>th</sup> floor Conference Room  
10:00 a.m.**

**I. CALL TO ORDER**

The meeting was called to order at 10:00 a.m.

**II. ROLL CALL**

**Present:** Chief DeGiusti, DPS Director Kirton, DDA Director Meyers, City Planner B. Wessler, D. McClary, City Manager

**Staff:** Nan Schuette, Executive Secretary

**III. APPROVAL OF MINUTES**

No minutes available from last meeting. No decisions were made.

**IV. OLD BUSINESS**

None

**V. NEW BUSINESS**

1. Stop Sign at Corner of N. Congress and Elm

Bonnie Wessler, City Planner, stated that this is a request for a stop sign to control speed, which is something we do not usually do for a problem that only occurs approximately two hours a day during the summer. It is her opinion that this is not a very effective way to resolve the problem. Staff did do some pedestrian crossing signs during the summer months while the pool is in operation, which seems to be pretty effective. In the upcoming reconstruction of Congress, bump-outs are being placed on Congress and Elm, which will improve visibility and cut down on speed. Ms. Wessler continued by stating that she would like to see how effective this is before considering installation of a stop sign. We do not have any crash data since the signs have gone up yet. She recommended not installing a stop sign at this time and DPS Director Kirton, concurred.

Bonnie Wessler moved to decline the request for a stop sign at the intersection of Congress and Elm with the following findings:

- a. Crash history does not warrant one.
- b. Stop signs are generally unsupported for speed control

- c. Conditions have changed in the past year and will continue to change again in the coming year.
- d. We will continue to review the conditions in the coming year.

The motion was supported by T. DeGiusti. A roll call vote was taken and carried unanimously.

## 2. Stop Sign at Middle and Ferris

Chief DeGiusti stated that this is the third time this issue has been brought to the attention of the Traffic Review Committee. There are no traffic crashes there. Mr. Kirton added that there is a five-way stop sign configuration there. Chief DeGiusti added that street engineering does not lend itself to putting a stop sign there and there is also a site distance problem at Ferris.

Ms. Wessler stated that we had discussed the possibility of installing actual speed bumps asking if this should be brought up again. DeGiusti said Mr. Kirton will have to weigh in on this for budget purposes, etc. He also asked if Council had ever adopted the speed bump policy, to which Ms. Wessler responded in the negative. DeGiusti continued that it is his opinion that council has to adopt that before we go any further on installation of speed bumps. We need more specificity, guidance and conditions; where the money will come from and how it will be maintained, etc. It is unfair to take street money from the city at large for a specific street and should be a special assessment if a street wants speed bumps.

After further discussion, Chief DeGiusti moved to decline the request to install a stop sign at Middle and Ferris with the following findings:

- a. No need for signage

The motion was supported by S. Kirton. A roll call vote was taken and carried unanimously.

## 3. Summit and Grant

Ms. Wessler stated that for the past number of years, the residents at 113 Summit (on a corner lot) which is a 4 apartment unit, have been allowed to park on either Grant or Summit. We have received a complaint from a resident on Grant asking that they be restricted to only parking on Summit because the resident on Grant has problems with her visitors who are unable to find any parking.

After further discussion by committee members, it was decided to keep the current configuration at 113 N Summit, with the residents permitted to choose an Area 3 or 4 permit based on their preference, due to them being on the corner and the driveway and parking area being off Grant, with the acknowledgement that the Residential Parking Program is not able to, nor designed to, guarantee parking availability for all residents or their guests.

B. Wessler moved that we do not change the status quo since there is no compelling reason (Support: J. Meyers). A roll call vote was taken and carried unanimously.

**VI. FUTURE BUSINESS DISCUSSION/UPDATES**

None.

**VII. ADJOURNMENT**

Since there was no further business, Ms. Wessler moved to adjourn the meeting (Support: T. DeGiusti) and the motion carried unanimously. The meeting adjourned at 10:27 am.

**TRAFFIC REVIEW COMMISSION  
MEETING MINUTES  
October 4, 2017  
4<sup>th</sup> floor Conference Room  
3:00 pm.**

**I. CALL TO ORDER**

The meeting was called to order at 3:20 pm

**II. ROLL CALL**

**Present:** Lt. Gress, DPS Director Kirton, DDA Director Meyers,

**Staff:** Nan Schuette, Executive Secretary

**III. APPROVAL OF MINUTES**

Director Kirton moved to approve the minutes of August 1, 2017 (Support: J. Meyers) and the motion carried unanimously.

Director Kirton moved to amend the agenda to add a fourth item (Support: J. Meyers) and the motion carried unanimously.

**IV. OLD BUSINESS**

None

**V. NEW BUSINESS**

1. Removal of Handicap Sign at 91 Oakwood

Ms. Schuette stated that a phone call had been received from a neighbor who informed her that the property at 91 Oakwood was now a rental and that the owner had moved to Dexter. He also stated that the handicap parking space had been necessary for the daughter of the owner who no longer lived there. Ms. Schuette agreed to contact the owner to get more details.

2. Request from Council Member Murdock – follow-up on truck route signs

Director Kirton stated that the request for a “No trucks” sign at Holmes and Prospect could not be installed since that corner is actually part of Ypsilanti Township. Further discussion was held on the other concerns of truck routes; Forest at Prospect; N. Adams between Forest and Pearl; and N. Washington between Pearl and Cross and S. Adams between Ferris and Harriet. Lt. Gress stated that he will continue to monitor traffic flow on these streets and will contact the

owner of Bay Logistics reminding them to inform their truck drivers on the allowed truck routes in the city.

3. Request from Council Member Murdock - Signage at Crosswalk on Maple

Council Member Murdock requested that due to increased enrollment at Ypsilanti International School on Prospect, and the fact that recently a pedestrian was hit at the crosswalk at Maple, that Traffic Committee approve installation of pedestrian signage. After some discussion, Director Kirton moved to install pedestrian signage at the location of Maple and Prospect (Support: D. Gress) and the motion carried unanimously.

4. No motorcycle parking on Cross in Depot Town

Director Kirton stated that complaints had been received regarding motor cycles parking in the middle of Cross Street in Depot Town on both ends from the clock. A "no parking" sign was requested. Director Kirton stated that it was his opinion that there was no place to install a sign in the middle of the street and requested that the Police Department monitor the location, especially on Tuesdays and Thursdays when there was a tendency of motor cyclists to visit this location on these evenings. Lt. Gress agreed to inform his staff to monitor the area on a regular basis, giving tickets when necessary.

**VI. FUTURE BUSINESS DISCUSSION/UPDATES**

None.

**VII. ADJOURNMENT**

Since there was no further business, Lt. Gress moved to adjourn the meeting (Support: J. Meyers) and the motion carried unanimously. The meeting adjourned at 3:40 p.m.

ABOUT ARCHIVE SHOP CONTACT



## The Untold History of Ypsilanti: Our Native American Past

By Mark | April 21, 2014

*As I mentioned a few days ago, two articles were recently brought to my attention (one from 1901, and the other from 1914) about the discovery of what appeared to be Native American remains on the property in downtown Ypsilanti we today call Water Street. Well, I followed up with the fellow who sent these articles to me, a local historian by the name of Matthew Siegfried, in hopes of learning more about Ypsilanti's Native American past, and what was found on the Water Street site 100 years ago. What follows is our admittedly lengthy, but thoroughly fascinating discussion.*

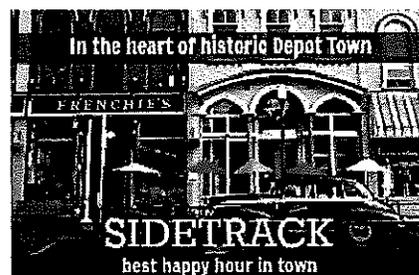


**MARK:** Over the years, I've heard a few different people suggest that, while a number of tribes passed through Ypsilanti, either by way of the Huron River, or one of the numerous Indian trails, like the Pottawatomi Trail (*see map below*), none really called this area home. "Sure," I've been told, "they may have hunted here and buried their dead along the banks of the river, but they didn't actually live here." Would you consider that an accurate assessment?



**MATT:** No. On the contrary, there's overwhelming evidence for Indian habitation of this area over the past several centuries. The mounds and burial tumuli that were located on the banks of the Huron River, between Catherine and Pearl streets, as well as other area mounds, like those on the campus of Concordia College, which were determined, during early 20th century investigations, to be of the Late Woodland period, would indicate that Indian peoples have had long-term occupations in this area. The existence of local burial grounds, the springs in the area, the large number of converging trails, the cultivated land along the Huron River, and the placement of a French trading post here, all point to significant Native presence in what is now Ypsilanti. The Hinsdale Atlas of Michigan Archaeology also places a Native American village site directly in the area of downtown Ypsilanti, stating bluntly that, "the Wyandot had a village in Ypsilanti." !

CONNECT



RECENT COMMENTS

- Maria Huffman on Trump, from the comfort of his New Jersey golf club, calls out the men and women of Puerto Rico for being lazy and ungrateful as they fight for their lives
- Hyborian Warlord on Trump, from the comfort of his New Jersey golf club, calls out the men and women of Puerto Rico for being lazy and ungrateful as they fight for their lives
- Hyborian Warlord on Trump, from the comfort of his New Jersey golf club, calls out the men and women of Puerto Rico for being lazy and ungrateful as they fight for their lives
- Maria Huffman on Trump, from the comfort of his New Jersey golf club, calls out the men and women of Puerto Rico for being lazy and ungrateful as they fight for their lives

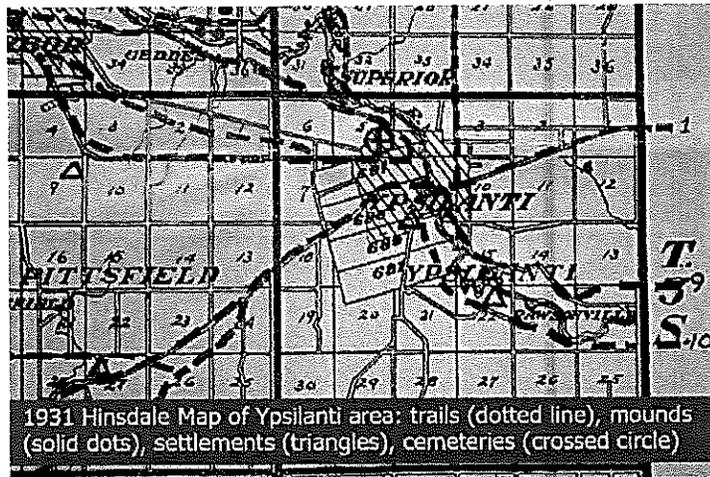
believe that there were multiple habitation sites, including villages, from a number of different cultures, stretching back thousands of years. There could also have been long periods where the immediate area was unoccupied. It's also worth noting that the habitation areas indicated on the Hinsdale maps are just an approximation.

**MARK:** You reference the work of Wilbert B. Hinsdale, who, among other things, authored *The Indians of Washtenaw County* in 1927. What can you tell us about his research?

**MATT:** Hinsdale was, like a lot of pioneering archaeologists, not trained in the field, but a well-to-do professional (a medical doctor in this case) with a passion for archaeology. He began collecting artifacts and visiting sites with the aim of consolidating information and systematizing it. Much of his information came from amateur collectors and local informants. After he retired as a doctor, he worked for the University of Michigan as custodian of their collection. He published the atlas in 1931, and is considered a founder of modern archaeological practices in Michigan. His atlas has long been referenced and contains much valuable material. (Much of his work has been superseded as more has been learned and understood, but it's still a valuable resource.) The atlas gives a good, if limited, view of the Native landscape of Michigan. While a good tool, it is not an exact atlas, and certainly shows only a small fraction of Michigan's Native sites.

**MARK:** What does the Hinsdale atlas tell us about Ypsilanti?

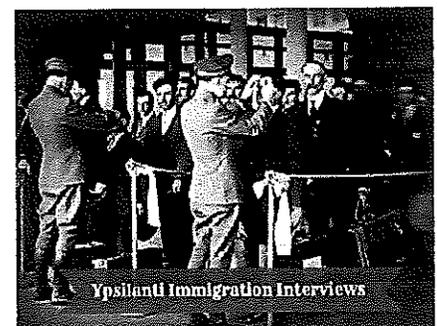
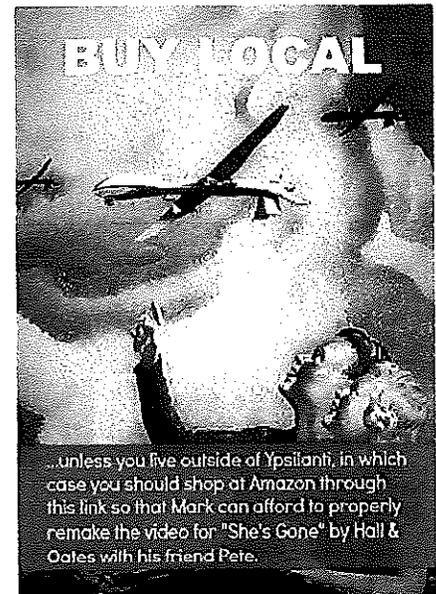
**MATT:** The atlas places a village and a cemetery close to downtown Ypsilanti, where multiple native trails converge. It also shows another village just to the south of Ypsilanti, another cemetery off a trail that is now Prospect Road, and the mounds off Geddes Road, on the present-day campus of Concordia College.



**MARK:** You mention that Hinsdale's placement of the Native American village on his map was just an approximation. What, to your knowledge, did he base that approximation on? I suspect, for instance, that he collected oral histories from people who grew up in the area, having heard stories from their grandparents, and I'm curious to know if any record of those interviews still exists.

**MATT:** Yes, much of his information came from those kind of sources. He also did exhaustive traveling and surveying. The map symbols themselves would cover many acres with the scale he uses, so we take it for granted that he means the general area marked. Whether or not his interviews and notes still exist is a good question. Given his stature and the nature of the institution he worked for, though, I would imagine so.

- Maria Huffman on Trump, from the comfort of his New Jersey golf club, calls out the men and women of Puerto Rico for being lazy and ungrateful as they fight for their lives
- Frosted Flakes on Trump, from the comfort of his New Jersey golf club, calls out the men and women of Puerto Rico for being lazy and ungrateful as they fight for their lives
- Lynne on Trump, from the comfort of his New Jersey golf club, calls out the men and women of Puerto Rico for being lazy and ungrateful as they fight for their lives
- Jean Henry on Trump, from the comfort of his New Jersey golf club, calls out the men and women of Puerto Rico for being lazy and ungrateful as they fight for their lives
- Frosted Flakes on Trump, from the comfort of his New Jersey golf club, calls out the men and women of Puerto Rico for being lazy and ungrateful as they fight for their lives
- wobble on Trump, from the comfort of his New Jersey golf club, calls out the men and women of Puerto Rico for being lazy and ungrateful as they fight for their lives



**MARK:** I'm just curious if, based upon those interviews, we might be better able to pinpoint the exact position of the village he shows as being in what we now consider to be the downtown area.

**MATT:** Perhaps. It would be good to find out. This quote, which would have been available to him, from the History of Washtenaw County (1881), makes clear that the current downtown area was the site of what the author calls an "ancient burial ground":

*"This ancient burial ground is now concealed by the four important blocks forming the center of the city. The ground on which Mr. Joslin's residence [now the Gilbert Residence on South Huron] is built was the nucleus of this old cemetery."*

There may be a number of sites, from different eras and different cultures, located in central Ypsilanti. The most recent occupations would have been by Potawatomi, and anything we could learn about them would be invaluable to our understanding of the region, given their role in the history of the area, including the War of 1812.

**MARK:** According to research shared by the Huron River Watershed Council, it sounds as though several tribes crossed paths in Ypsilanti. From what I've read, there were three major tribes in the area; the Ottawa (Odawa), the Ojibwe (Chippewa), and the Potawatomi, who together formed a loose alliance known collectively as the Three Fires. In addition, as you mentioned earlier, the Wyandot (Huron) were also known to have been in the area. Are there other tribes that may have had a presence here that I'm not aware of?

**MATT:** It all depends on what period we're talking about, but, in the "historic period," many of the villages along the Huron River, all the way to Lake Erie, would have been multi-tribal to some degree. I should note that the term "tribe" is problematic, as these are village societies. In the Ypsilanti area, for most of this period, it would have been the Potawatomi, who were roughly divided into three areas; northern Indiana, western Michigan, and, the smallest group, in the villages along the Huron. We know, for instance, that this area is included in treaty negotiations between the government and the "Huron Potawatomi."

By the time whites really came into physical contact with Native Americans in Ypsilanti, traditional societies had already undergone large-scale, post-contact dislocation, and each village was also, in part, a refugee camp. They also went through dramatic political, cultural and social changes as they responded and adapted to these new realities, with an increasing tendency toward confederation in the century before their ultimate removal in the 1830s.

**MARK:** So, which tribes might we have seen here in the 1700s?

**MATT:** Along the Huron, the Potawatomi and Wyandot predominated by mid-1700s, but there were also members of the Miami, Delaware, Ojibwe, Shawnee (who had a village near the mouth of the Huron), Sauk, Odawa, and a number of other bands in the Detroit area. Generally speaking, the Wyandot predominated closer to the lakeshore, and the Potawatomi in the interior.

It's important to emphasize that these groups had, and made, their own history. We know, for instance, that smallpox decimated the local Potawatomi villages 1752. And, in 1787, the disease struck the Wyandot villages. And another epidemic in 1813 further weakened an already hard hit population.

And the groups around Ypsilanti would have been active in the defining events of that era. They debated how to use the rivalries between the French, English, and later



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Americans, to protect and further their own interests. The Wyandot were particularly divided over these questions.

**MARK:** Let's talk about those rivalries and how our local Native American population engaged politically with the French, the British, and then the Americans.

**MATT:** Well, nearly all the local groups were allied with the French against the British in the French and Indian War (1755–1763). And, after the French were defeated in 1763, the Potawatomi were the leading force locally in Pontiac's War (1763), again trying to drive British soldiers and settlers from the region. And tribal members from the Ypsilanti area would have undoubtedly participated. I should add, it was the Wyandot decision to make a separate truce with the British that helped lead to the collapse of the siege.

The Potawatomi of Michigan also played a large role during the Northwest Indian War (1785–1795), in which a confederation of tribes led by Little Turtle and Blue Jacket fought American expansion into the Ohio River Valley after the Revolutionary War. Eastern Michigan's Potawatomi also played a conspicuous role in the defeat of the United States Army at Ohio's Fort Recovery in 1791. This was the largest defeat ever suffered by the American army at the hands of Indians, and warriors from right here in the Ypsilanti area likely fought there. The Huron Potawatomi refused to leave land ceded in the 1795 Treaty of Greenville that ended the war, and, in the following decades, would become strong supporters of Tecumseh's confederacy.

During the War of 1812, it was the (somewhat reluctant) decision of local Wyandot villages to ally with Tecumseh's confederation that allowed for the successful siege and capture of Detroit, this time in alliance with the British against the Americans. Among the most important leaders of the confederacy was the Indiana Potawatomi, Main Poc. His forces were concentrated in this area during the runup to the siege and these wartime villages would have included warriors of a dozen tribes from all over eastern America. Huron Valley Potawatomi were, unlike the their more wavering Wyandot neighbors, considered strong allies of the militant Shawnee position led by Tecumseh and his brother during the war.

**MARK:** And, by the 1830s, they were forced from the area?

**MATT:** Yes, most Native Americans were removed from southern Michigan by the 1830s. However, the closing of the last Wyandot reservation on the Huron River was not until in 1842 (near present-day Flat Rock), and there were individual Wyandot living on or near their former reservations for years. Some still live in the area. Most of the Wyandot that lived on the Huron were removed first to Kansas and then to Oklahoma, where their descendants live in a community which bears their name.

Some Potawatomi, true to their long-time refusal to leave, continued to live in Michigan, particularly in the area of the St. Joseph River, after the the 1830s. The Huron Potawatomi were removed first to western Michigan, then, in 1840, to Kansas. In Kansas, a number of Huron Potawatomi escaped and returned to Michigan, where they lived near Athens, in Calhoun County, eventually gaining government recognition. And there they remain as the Nottawaseppi Huron Band of Potawatomi, the descendants of generations who called the Ypsilanti area home.



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[1909 photo of a Potawatomi community, "after a dance," in Athens, Michigan. According to Matt, "These are the direct descendants of the Potawatomi of the Huron River. They escaped forced removal in 1840-41 in Kansas, and returned to Michigan." The image is from the family of Abram B. Burnett, Chief of the Potawatomis (1812-1870).]

**MARK:** And, going further back, Native American activity in the area dates back some 11,000 years, when the glaciers began to recede, correct?

**MATT:** Yes, there is definitely evidence, in the form of highly scattered hunting camps, of Native Americans in Michigan since the end of the last Ice Age. It is assumed they were also in the area of the Huron River at that time, though conclusive evidence of Native Americans on the Huron can be dated to around 5,000 years ago.

**MARK:** But, in terms of mass migration to the area, I've heard mention of Algonquian peoples being forced south from Canada's Georgian Bay by the Iroquois.

**MATT:** Yes, that would have been during what is commonly referred to as the Beaver Wars, in the 1600s, and before white settlement of the area. There were undoubtedly other, earlier, periods of big population moves that we know nothing about, though. During the Beaver Wars, growing trade with the French brought native groups into intense competition for beaver (and other items) and the trade routes and posts associated with them. These rivalries were fostered by competition among the French, Dutch and English traders themselves, and involved wide swathes of northeastern North America.

The wars resulted in large scale population movements and realignments as Iroquoian groups expanded west from their heartland in New York and Canada. This affected Michigan, and the whole region, including the abandonment and repopulation of much of the state. Many, like the Ojibwe, Odawa, and what would become the Wyandot, were pushed into lower Michigan, while others were pushed out. The Potawatomi moved east from their base around present-day Chicago into southern and eastern Michigan, arriving in the area of the Huron River valley in the century after the Beaver Wars, probably returning to former homelands.

These were a cataclysmic series of wars and would have had profound effects the societies living along the Huron at the time and for generations after.

**MARK:** And, just to be clear, when we say "Algonquin" we're talking about tribes, including the Ottawa, Ojibwe and Potawatomi, that all would have shared a common linguistic ancestry.

**MATT:** Yes, Algonquin is a linguistic definition. As many cultural differences can exist between Algonquian speakers, though, as between Algonquian speakers and others. The Odawa, Ojibwe and Potawatomi speak different languages, but they're from the same branch of the Algonquian family. Groups like the Shawnee, Miami and Fox spoke other Algonquian languages. However, the Wyandot, Erie and others who lived in the

region spoke languages of the Iroquoian family. There were even some Siouan speakers like the Ho-Chunk (Winnebago) in the area of Detroit.

**MARK:** So, these early inhabitants of this area were primarily nomadic hunters and gatherers who would pursue large mammals and other game across SE Michigan. And, at some point, groups began cultivating crops and establishing less transient communities. As I understand it, of the Three Fires tribes, the Potawatomi were the most inclined to settle down in such a way, and commit to agriculture. Assuming this is true, would it, in your opinion, be most likely that, if there were an agricultural Native American community in what we now call Ypsilanti, it would have been Potawatomi?



1931 Hinsdale Map the lower Huron River Valley, including the Potawatomi Trail. Includes locations of former reservations, mounds, settlements, and cemeteries.

**MATT:** Cultivation really got going in Michigan during the Late Woodland period, which, in this area, would have been around 600-800 CE. Though I would not assume, given the nomadic nature of this people, that there's any direct connection between the populations doing the cultivating and those who were here at the end of the ice age. Thousands of years separate the two periods and there were undoubtedly great movements and mixtures of peoples in the interim.

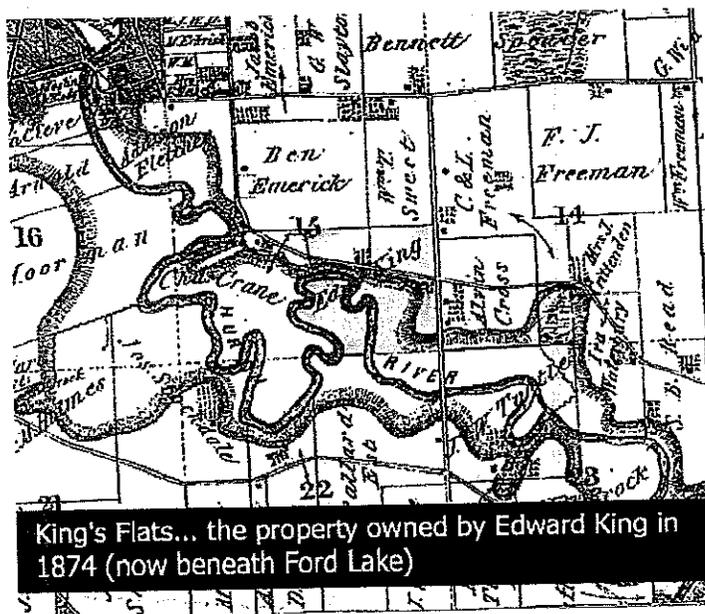
For example, a recent genetic test of 2,000 year old burials in the Hopewell Mound in Ohio found, that along with the main genetic groupings, "links also are indicated between one or more of the individuals from the Hopewell site and tribes as diverse and widespread as the Apache, Iowa, Micmac, Pawnee, Pima, Seri, Southwest Sioux, and Yakima," indicating the kind of movement that was undertaken by some Native populations over generations (and even individuals over a lifetime).

While nearly all Michigan Native American groups were practicing some form of agriculture by the time of contact, it would be natural for those like the Potawatomi and Wyandot who inhabited the southern Great Lakes, for agriculture to be a greater part of their lifeways. The Odawa and Ojibwe were generally living in the northern Great Lakes, with a far shorter growing season which meant that they were more reliant on hunting and forage.

Given what we know of the region's Indian history, it's possible that earlier Wyandot settlements were later replaced by the Potawatomi (who may have been returning to ancestral homelands). It's also possible that both groups were living nearby at the same time. By the early 18th century, the immediate Ypsilanti area was probably inhabited by Potawatomis, however it should be noted that there were well established Wyandot villages north of Flat Rock, less than twenty miles down the Huron at the same time.

There was evidence of native cultivation in King's Flats (where Ford Lake is now), which was undoubtedly used by groups living where the city of Ypsilanti now is. Many areas could have been used for garden beds utilizing the rich soil along the bottomlands of the Huron, including in Ypsilanti proper. The Wyandot in this region called the Huron River "Giwitigweiasibi," meaning something like "burnt-grove region." Native peoples were managing the forests, especially through fire, all along the Huron. They did this in order to attract game, clear brush and trees so that they could plant crops, and to enrich the soil. The whole of the area would have been part of a landscape that was made use of by groups living in and around what is now Ypsilanti.

Even after agriculture firmly took hold, hunting and foraging continued. Many villages remained seasonal affairs, as Native peoples would often relocate to coastal areas or disperse into interior hunting camps, depending on the season to regather at planting and harvesting times, which were also times of ceremony and celebration.



[Image from Dusty Diary.]

**MARK:** When is the first documented interaction between Native Americans and Americans of European ancestry in what we know today to be Ypsilanti? Do we, for instance, have entries in journals kept by French fur traders? Do we have letters written by the first settlers of Woodruff's Grove in 1823, in which they describe their interactions?

**MATT:** I believe someone in the party of de La Salle documented their trip when they came down the Huron in the 1680. These would have been the first Europeans in this area. There is also quite a bit of documentation of the area surrounding Detroit, which would be pertinent to the study of any groups living on the Huron at the time. Much of the earliest interactions between local Indians and Europeans was through the French, including diaries from the French traders in Fort Detroit during Pontiac's War in 1763. These offer some of the earliest and most vivid, if flawed, contemporary accounts of Indian actions in the area.

**MARK:** After that, the first report I'm aware of was penned by a British officer who, in 1772, was traveling on the Sauk Trail, heading toward the Mississippi River from Detroit. In the report, according to information shared by the Ann Arbor District Library, he described an area 40 miles west of Detroit which the the Indians called "Nandewine

Sippy." He also described six large cabins of "Puttawateamees" near the Huron River. And the Huron, he said, was about fifty feet wide and about one and a half to two feet deep. And the road, he added, was "very bad in this place." [note: According to other sources, Nandewine Sippy was the native name for the Huron, and not the Native community where Ypsilanti now stands. It's conceivable, however, that it was used to refer to both.]

**MATT:** There are also accounts from the 1780s and 90s in the Michigan Pioneer Collection... While they weren't the first, Frenchmen Gabriel Godfroy and Romaine La Chambre are probably the best known fur traders in what is now Ypsilanti. They opened their post near the Huron River (just north of Michigan Avenue) in 1809, most likely in close proximity to a Potawatomi settlement. It's also worth noting that evidence exists to suggest that it's likely a continuation an earlier trading post.

**MARK:** Back to the British officer in 1772, is it just coincidence, in your opinion, that "Nandewine Sippy" sounds somewhat like "Ypsilanti"?

**MATT:** Yes, but if it ever came up for a vote I'd enthusiastically pull the lever for Nandewine Sippy.

**MARK:** You mentioned Blue Jacket earlier. Do I understand correctly that there may be evidence of him having spent time in Ypsilanti?



GEN. WINCHESTER AND WHITMORE KNABOB RUMBLEYER TO BLUE JACKET.

**MATT:** There are a number of accounts that Blue Jacket was here, somewhat ironically, as an honored guest in what is supposed to have been the first Fourth of July celebrated in the area, on July 4, 1824. As Blue Jacket died sometime right before the war of 1812, though, it's likely his son Jim who was here. Jim married a Wyandot woman and moved with the Wyandot to the reservation on the Huron around 1818 (along with Blue Jacket's widow). Jim, Blue Jacket's oldest surviving son, became a prominent leader of the reservation and it was probably him who the settlers reference. He was a leading supporter of Tecumseh and was removed with the Wyandot in 1842. His wife died during removal and Jim died in Kansas around 1845.

Blue Jacket himself, though, likely spent time in the area as well. He had a village on the Detroit River in the the late 1700s, and, though a Shawnee, he held great authority over many of the Wyandot and other groups of the area. Though he would come to make his peace with the United States, he was a brilliant political and military leader during the Northwest Indian Wars and helped to organize many of the villages in the vicinity of the Huron River to fight the Americans. He may even have traveled to Nandewine Sippy on just such a mission.

On a related note; my wife's direct maternal ancestors (a mother and her daughter) first arrived to the Detroit area as captives of Blue Jacket from Kentucky, during the American Revolution. They lived at his village for many years, by all accounts doing the cooking and learning the Shawnee language. They ended up going to Canada after the American victory, along with the British loyalists and defeated Indians.

**MARK:** You noted earlier that some archaeological work had been done on the Concordia campus in the early 1900s. Are you aware of any significant archeological work ever having been done along the Huron River, though, in hopes of determining how significant the Native American presence may have been in the area?

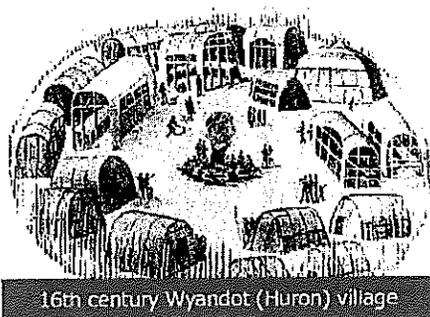
**MATT:** Very little archaeological work of any kind has been done, either in the City, or in the immediate vicinity. So much of the Native landscape was destroyed in the first decades of white settlement that many assumed the City to be devoid of surviving archaeology. And, most of what was done, was done in a time when archaeology looked a lot like looting. And then, of course, there was the straight-up looting, which was practiced by many early Ypsilantians. A series of survey pits were dug in Riverside Park In 1980, and the area around the old Worden House on Huron Street was looked at in 2002. Work has been done in the Huron Metroparks, south of Ypsilanti, much of it by EMU's Archaeology Field School. Most of it has been survey-type work, but they've uncovered hundreds of artifacts and documented a number of sites. That said, there is probably not a mile along the Huron River between here and Lake Erie without some evidence of the area's Native past.

**MARK:** What's your background?

**MATT:** I received a BS in History and an MS in Historic Preservation from Eastern Michigan University. I've volunteered at various local archaeological sites, including at Native American sites in the Huron Metro Parks, where I also worked with the Archaeology Field School. As part of a Fellowship in Graduate School, I also worked at the Michigan Historical Center while getting my Masters. There I researched and wrote dozens of Michigan Historical Markers, including for a number of Native American sites. The main focus of research while in college, and the subject of my Masters project, has been Ypsilanti's historic African American community.

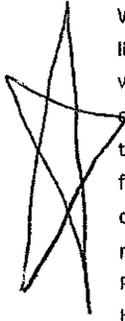
I grew up in Cincinnati, Ohio and spent much time at my Grandfather's farm just up the road from Serpent Mound. His farm gave up stone axes, grinding stones, and points. He used one big stone axe he found as a door stop. I'm sure that's where my appreciation and curiosity of the region's Native American world began. Over the years, I've have travelled Ohio extensively visiting dozens of mounds, earthworks and other sites and have written more school papers than I care to mention on the subject.

**MARK:** Aside from the mounds which were documented along the Huron, and the fact that, over the years, a significant number of artifacts have been discovered by Ypsilanti residents, does any physical evidence exist that a village, or any kind of semi-permanent Native American community, may have existed here?



16th century Wyandot (Huron) village

**MATT:** The kind of evidence that would determine a village (multiple, contemporaneous dwellings) would almost certainly require excavations. Given that almost all native building materials were biodegradable, most of what would be left of a Native structures would be different colored dirt from rotted posts defining holes used in the building of structures, and hearths used for cooking. Middens, or trash deposits, are also tell-tale signs of habitation, and can give enormous amounts of information on the daily lives of the people then living here.



While much of this evidence may have been lost, it is surprising what survives, and it's likely that Ypsilanti still sits atop substantial archaeology. Recently, an entire Tequesta village was uncovered right in downtown Miami, Florida during new construction. Much of the site will be saved and incorporated into the development. Often in archaeology, the very best decision is to let things be. However, developments like the ones proposed for Water Street, which could potentially destroy these remains, demand that -if we can't protect the site- we do what we can to mitigate any destruction with a careful recording of what remains before it's destroyed. This was enshrined in the Historic Preservation Act of 1966 which stipulated that any project receiving federal funds would be reviewed for potential impact on historic and archaeological resources.

**MARK:** As I noted on the site a few days ago, there were two relatively significant discoveries of what appear to be Native American burial sites on the property we currently refer to as Water Street. One was in 1901. The other was in 1914. What can you tell us about what was found, and what inferences, if any, can be drawn from these discoveries?

**MATT:** For all discussion of the location of the site, I think it's important that we remain a little obtuse and say the cemetery was in the present Water Street Development site, and nothing too much more specific. In both cases, bodies, and what are assumed to be grave items, were discovered when gravel was being dug for a railway bed in the Water Street area. The site was publically looted after the bodies were uncovered, and many of the items went into private collections, or sat on Ypsilanti mantelpieces, and are now lost to history. Mark Jefferson, the emanant Geography professor at the Normal College, took pictures, collected items and made some notes. If there is any hope of tracking down further information on the cemetery it will be through Jefferson's records.

The number of bodies and the amount of goods indicate a cemetery at the location. It would have been within eyesight, as every place was in this part of the Huron River, of the towering forty-foot bluff across the Huron that held a large number of mounds and burials, centered on where the Gilbert Residence now is, and extending north to Pearl Street. These mounds were probably earlier, and perhaps much earlier, burial sites than those found on Water Street area.

While it is entirely possible that the two sites are cemeteries of the very same people, the mounds may have been from a different (and unknown) culture to those whose graves were unearthed in the early 1900s. It is also possible that some of the earthworks and features on the bluff were misinterpreted as burial mounds and performed other functions.

We can only speculate on why the bodies were buried where they were, but it could well have been a reflection that the area was already considered "sanctified" by the earlier graves. Our culture has done the same thing; many early Christian cemeteries in southern Ohio were placed around ancient Indian mounds and include them as centerpieces in their layouts.

It should also be noted that the possible cemetery would have been close to the Potawatomi Trail, a main route from Lake Erie along the Huron River into the interior, and in close proximity to where we know Native settlements and the trading post were. Though, they may not have been contemporaneous with these.

**MARK:** What was found on the Water Street site?



**MATT:** Seven bodies were uncovered in 1901, and three more in 1914, with similar artifacts found with the bodies on both occasions. The items found, as described, are an exceptionally rich collection and point to a historic or proto-historic cemetery, making

the most likely candidates Wyandot or Potawatomi, though it could be others. The fact that intact cloth was said to have survived (until it turned to dust when removed) also points to a later cemetery, perhaps one utilized by the last native group to live in Ypsilanti, the Potawatomi.

Some of the bodies were said to have been wearing beads about their necks and ankles. And some were buried with knives, tomahawks, projectiles, and, in one case, a soapstone pipe. The weapons would indicate the graves of men or warriors. If they are Potawatomi warriors, this would be significant not just for Native history, but for the region's history in the formation of the United States as well. Shells seem to be ubiquitous, and some could have come over vast distances.

Included with items that would be considered traditional, many metal ornamental items were discovered, indicating that this cemetery was well after Europeans began trading with Native Americans (though it would certainly be possible for a Native group to get these items without ever directly trading with Europeans). While it is not true that native North Americans worked no metal (they were among the first peoples in the world to mine and fashion copper), the metals described in the articles, except for the copper, would all have only been available after in post-contact America.

They include buckles, pots, silver ornaments, knives, utensils and an item that was said to have had "King of Spain" written on it, next to a "picture". It's not said if it was written in English or Spanish. If it were written in English that would be odd to say the least. It should be remembered that it was the Spanish who first traded with native North Americans and continued to have a presence in places like Missouri all the way until 1800. If we had that object, we could learn a great deal from it about trade, and help to establish a timeframe for the cemetery.



**MARK:** Given all of what we've discussed, would I be correct to assume that you'd like to see the City do more to recognize our Native American history?

**MATT:** Obviously, it's not just Ypsilanti that needs to do more in this regard; the country has never approached coming to terms with this past. However, the myth developed over almost two hundred years of brave French traders and tenacious pioneers taming a wild and largely uninhabited land is not just factually false, but it's rooted in the racist denial of the Native American birthright that allows their disenfranchisement to continue today. It's not just a question of the past, but of the present, and the future.

The real story shows that everything, from the reason Ypsilanti is where it is, to why it was founded when it was, is entirely contingent on Native Americans and their history; a

history which is still evident in the landscape of the City. The story of Ypsilanti is not just incomplete without this perspective, in fact it is false.

Ypsilanti owes the descendants of those removed an acknowledgement at the very least that there would be no Ypsilanti without a long history of Native American life on the Huron well before the first European set foot in Michigan, and the genocidal removal of those people who were already here. Furthermore, the descendants of those who called this place home are still very much alive and should be included in discussions as to how the City grows to view itself and rectify its past.

*[Matt has kindly agreed to lead a walking tour of the Huron River in downtown Ypsilanti, talking about our Native American predecessors, as part of our May Day festivities. So, if you'd like to know more, please plan on joining us at 7:00 PM on May 1 at the Water Street Commons.]*

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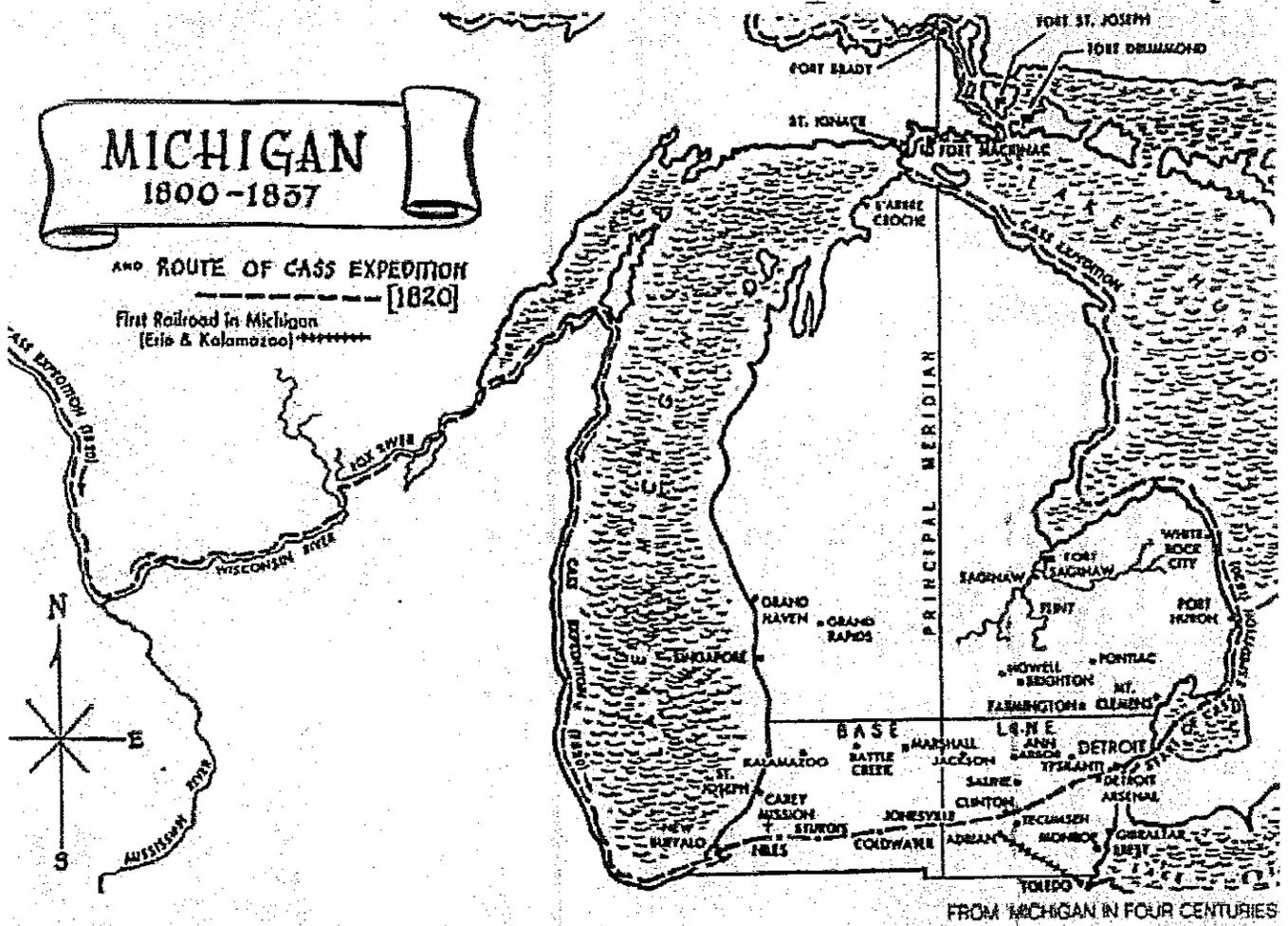
Posted April 21, 2014 at 10:19 pm | [Permalink](#)

Matt has indicated to me that he welcomes discussion on the points which have been raised, so, by all means, if you want to add something, or challenge something said above, please do.

wobbie

Posted April 22, 2014 at 4:22 am | [Permalink](#)

I live on Summit St. on Godfrey's property. Brandy's (Ave. Liquor) sits on top of what was called the "Old French Cemetery" which could explain all the bad luck associated with that store. We had to put a new sewer in a few years ago. While digging up the old sewer we uncovered a number of bones which were identified as bovine. Since we live across the street from Maurers house (part of their house is Godfrey's log cabin), we figure our property was his garbage lot. Being on the highest point on the west bank over looking the river I have always assumed the spot has been occupied by native Americans for centuries and that Godfrey and La Chamber settled down next to an existing native American community.



- Environmental Impact  
 - Historical  
 - Economic  
 - Community

~~\_\_\_\_\_~~  
 ✓ Dawagac  
 ✓ Huron  
 Gen Lake

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**anonymous**

Posted April 22, 2014 at 6:54 am | [Permalink](#)

Looting graves is vile. No wonder the Water Street development is cursed.

---

**Elf**

Posted April 22, 2014 at 8:25 am | [Permalink](#)

It sounds like something out of a Steven King novel -- a retirement home built on an Indian burial ground.

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**M.**

Posted April 22, 2014 at 8:54 am | [Permalink](#)

The talk of "Native curses" and cemeteries comes across as a racist throwback to Victorian era ignorance. The "curse" is capitalist development.

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**Elliott**

Posted April 22, 2014 at 9:05 am | [Permalink](#)

I love Nandewine Sippy. Is there any way to find out with some degree of certainty whether that was the name for the river, or the community that existed on the banks of the river where Ypsi now stands? Either way, I think we need to invest in some local signage.

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**anonymous**

Posted April 22, 2014 at 9:24 am | [Permalink](#)

Sorry if my comment came across as racist. It wasn't intended that way. I can see how you might react negatively to my use of the word "curse", but my point had less to do with the Native American haunting of Water Street, and more to do with karma. I was suggesting that when our European ancestors started jumping into graves and pulling out the teeth and beads of the death, they didn't exactly win us any points with the powers that be.

Do I believe there's an actual curse? No. Do I believe that our ancestors acted abhorrently to the point that we should be punished? Yes.

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**Irony Patrol**

Posted April 22, 2014 at 9:55 am | [Permalink](#)

Maybe our city leaders could insist that the section eight housing complex planned for Water Street put a plaque somewhere.

---

**Matt Siegfried**

Posted April 22, 2014 at 10:13 am | [Permalink](#)

Nottawaseppi was also the name given to the village in Calhoun County settled by the returning Potawatomi in the 1840s near Athens.

We have to remember that the village name is not, like with us, a geographical indication, but the indication of the village as a community. Wherever the village

traveled it would be Nottawaseppi. The same was true of many native groups, for example the Shawnee had a number of towns named Chillicothe all in different locations, but they were the same village as it relocated.

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**Michelle**

Posted April 22, 2014 at 12:11 pm | [Permalink](#)

This is a really great read. I would think something bigger than a plaque is needed. Like a protected few acres or something like that. ;)

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**734**

Posted April 22, 2014 at 12:15 pm | [Permalink](#)

Does anyone know if a cultural impact study of Water Street was done? If so, is it available online?

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**John Galt**

Posted April 22, 2014 at 1:39 pm | [Permalink](#)

I wish you had taken Steve Pierce as seriously when he tried to share his scholarship on the white slaves brought to Ypsilanti against their will.

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**Frosted Flakes**

Posted April 22, 2014 at 1:43 pm | [Permalink](#)

Anonymous—

Don't worry, you probably just didn't realize, that around here, one of the requirements of sounding like a liberal intellectual is to accuse others of being racist at every conceivable opportunity.

Oh, and don't hold your breath for an apology. That is not how the game works. Wrongly accusing another person of being a racist is low risk and high reward FOR THE ACCUSER.

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**Peter Larson**

Posted April 22, 2014 at 2:13 pm | [Permalink](#)

I was thinking that anonymous was referring to the movie Poltergeist.

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**Matt Siegfried**

Posted April 22, 2014 at 5:27 pm | [Permalink](#)

The reason the "curse" comments are a problem is because these were real people, right here, engaged in real events with real consequences, not more than 200 years ago. If we are to understand our history and ever get a grip on how we got to where we are now, we have to shed the mysticism about the past, and this is no more true than with Native American pasts.

And more than that, these real people had real descendants who ARE still very much alive and living just counties away who could very well read these, maybe innocent or even well-meaning, but profoundly dismissive and ignorant comments. My rant.

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**Peter Larson**

Posted April 22, 2014 at 5:36 pm | [Permalink](#)

Again, I thought he was referring to Poltergeist, or perhaps Pet Semetary.

I'm pretty sensitive to such things but I think that both works are far more problematic than the comment from anonymous and much more deserving of derision.

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**Matt Siegfried**

Posted April 22, 2014 at 5:59 pm | [Permalink](#)

I am not singling out anonymous comment for derision and take it for granted that they meant to malice, and I've never read a King novel so can't comment on that (though I did like The Dead Zone with Chris Walken). However, Google "Indian cemetery" and "curse" and see what that throws up, it's utterly common and always obscures the past and the present in unhistorical and dehumanizing contexts. It has come up on this thread and the previous post on this topic. The reason Mark and I wanted to do this interview is precisely to give the peoples who occupied the banks along this river some real historical context and a sense that the decisions they made, not some myth of a curse, shaped Ypsilanti.

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**Matt Siegfried**

Posted April 22, 2014 at 5:59 pm | [Permalink](#)

should say "no malice"!

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**Peter Larson**

Posted April 22, 2014 at 8:04 pm | [Permalink](#)

OK, fair enough.

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**Tim**

Posted April 23, 2014 at 6:54 am | [Permalink](#)

Thank you. This is the most comprehensive thing I've ever read on the subject.

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**Kristin**

Posted April 23, 2014 at 2:25 pm | [Permalink](#)

I swear we have mounds on our property but the Mr. says it's just a place where the river went around land. But why would the river go around land there and form mounds? At any rate, nobody is bothering them, so I suppose it's neither here nor there.

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**Lisele**

Posted April 23, 2014 at 5:26 pm | [Permalink](#)

Many thanks to Kristen C for posting this to Facebook. Anthropology focusing on modern native culture was my degree back in the day. I've been deeply interested to learn more about earlier Native culture in Ypsi — part of my love of local history in general. I've read several times that the name of the river for

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some culture was the Washtenaw. I believe Keewaydinokway, a native herbalist and UM grad from Garden Island (near Beaver Island) wrote that in her book. I also have a map of the Traverse City area with Ojibwe place names that points off the map to the Washtenaw River in SE Michigan. Any comments on the name Washtenaw and its relationship to the river, Matt?

So grateful to have this overview. Thanks for posting, Mark.

**Matt Slegfried**

Posted April 23, 2014 at 6:08 pm | [Permalink](#)

Lisele,

My understanding is that the word Washtenaw comes from the Ojibwe and means something like "the land beyond" or "the land over there", which would be a perfect way of describing this area to people traveling here from the Detroit area where there would have been many Ojibwe speakers, including as guides. I have read other explanations, but this seems the most plausible. One of the difficulties with getting to the root of Indian names of areas is that they are almost always the European understanding of the words and how they were used. Just as today, a region can have multiple names meaning different things.

We might live in the United States, in the Midwest (or Great Lakes), in southeast Michigan, in the Greater Detroit area, in Washtenaw county, in the Huron Valley, on the Huron River in a town called Ypsilanti, on the west side in an apartment building called Tudor Manor on Normal Street which sits near the top of Summit Hill. All of those names (and more) could describe where we live depending on what we were trying to communicate and to whom.

Many more names (given the richness and variety of languages and cultures involved) would have described this area to Native Americans in the 1700s.

**Matt Slegfried**

Posted April 23, 2014 at 6:34 pm | [Permalink](#)

Another note on county names; a number of Michigan names we take for granted as being Native American, like Arenac or Oscoda, or Kalkaska or Leelanau (28 county names, all told), are completely made-up constructs in the mind of Henry Schoolcraft. Perhaps he thought he knew Natives Americans so well, he could make up words for them.

Lisele

Posted April 24, 2014 at 1:14 pm | [Permalink](#)

Wow. Those are all great thoughts. Wish I could do the southside tours, but I work on Saturdays, sadly. But perhaps the May Day tour is a possibility.

I loved your description of the great variety of names we use to describe the same place — and of course, you might also say, "I live in normal park," since neighborhood associations are very important geographic boundaries in Ypsilanti (Nandewine Sippy).

**Kim**

Posted April 27, 2014 at 8:26 pm | [Permalink](#)

Just read at Gizmodo:

A 4,500-year-old American Indian burial ground—one of the richest and best preserved found in California in the past century—has been paved over for a

multimillion dollar housing development in the Bay Area. And archeologists are pissed.

One angry archeologist had this amazing quip in the San Francisco Chronicle, which broke the story.

"The developer was reluctant to have any publicity because, well – let's face it – because of 'Poltergeist,'" said [archeologist Dwight] Simons, referring to the 1982 movie about a family tormented by ghosts and demons because their house was built on top of a burial ground.

<http://gizmodo.com/rare-indian-burial-ground-quietly-destroyed-for-million-1567902076>

#### Meta

Posted May 2, 2014 at 10:09 am | [Permalink](#)

I had to put this somewhere.

If you've been to a music festival in the last few years, you've probably noticed young, white people parading around in traditional Native American headdresses. It is a gross bit of cultural appropriation. Because the drummer for the Flaming Lips thought so, he was kicked out of the band after 12 years, in a controversy that involves the daughter of Oklahoma governor Mary Fallin.

On March 6, Christina Fallin—Mary's daughter and the lead singer of the band Pink Pony—proudly posted a photo to Instagram that showed her wearing a headdress, seemingly unaware that it might anger scores of people in her mother's state, which is still 9 percent American Indian. In response to social media blowback against that picture, Fallin, who is 27, released a statement along with her band, asking Oklahoma's native community to "forgive us if we innocently adorn ourselves in your beautiful things."

On March 22, the Flaming Lips played a show without Kliph Scurlock, who had drummed with the psych-rockers since 2002. On April 2, a commenter on the indie rock blog Brooklyn Vegan wrote that legendary frontman Wayne Coyne had fired Scurlock from the band, and that Fallin's headdress stunt was to blame:

"Kliph wasn't fired for calling Wayne out on his midlife crisis b.s. (although if anyone in that band had the nuts to bring it up to Wayne, it would be Kliph!) He was fired for taking a stand against Wayne's new buddy – the daughter of OK's tea-bagging, homophobe governor Mary Fallin – when she donned a Native headdress for a racist publicity stunt. When Kliph called her out on social media for being a shthead to the Oklahoma Native community who complained about her headdress publicity stunt, she tattled on him to Wayne. Wayne actually told Kliph he was fired for insulting Fallin publicly."

Five days after that post, the Flaming Lips officially announced that Scurlock had separated from the band. No reason was given for the departure, and perhaps because bands splinter all the time, the issue wasn't probed by the music press. According to a source who spoke with Gawker, Scurlock had left comments on Fallin's Instagram that expressed his displeasure with her photo.

Coyne, on the other hand, was supportive. In late March, he posted a since-deleted photo to Instagram showing three of his friends and a (sad-looking) dog wearing a headdress. The caption was "did our best @christinafallin pose."

On April 26, Pink Pony performed at the Norman Music Festival in Oklahoma. The crowd included not just festival attendees and those curious to see a band led by the governor's daughter, but also members of the activist group Eradicating Offensive Native Mascotry, who had organized a protest of the set because of Fallin's recent history. At the festival, protestors held signs that said "NOT A FASHION ACCESSORY" and "CULTURE IS NOT COSTUME."

Rather than shaming Fallin, the protests apparently egged her on. According to witnesses, Fallin, who was wearing a shawl with the word "SHEEP" stitched on the back, "performed a fake war dance while her boyfriend Steven Battles ridiculed the protestors and flipped them off from the stage."

Watching the performance was Coyne, who had the same reaction as his friend Fallin. Sources told to BuzzFeed that Coyne was seen "pointing and laughing at the protestors."

After Fallin's performance, the Oklahoma gossip blog Red Dirt Report reported that it, too, had multiple sources that said Scurlock had been fired for calling Fallin out. A few days after that, we received a screenshot of a Facebook message Scurlock sent to an acquaintance in which he stated that he had indeed been sacked from the band for that reason.

Untethered from the Lips, Scurlock retweeted messages supporting the Fallin protestors after her performance. In an April 28 tweet to a supporter, Scurlock, addressing the state's Native American community, alluded to his dismissal from his band of a dozen years: "I will always stand by your side. And the greater the ignorance, the louder my mouth will get, rock bands be damned."

When asked for comment, a representative for the Flaming Lips said, "Apart from acknowledging that Kliph has parted ways w/ THE LIPS, I have no further info on this." Scurlock did not respond to an inquiry.

UPDATE: Kliph Scurlock confirmed to Indian Country Today Media Network that he was fired by Wayne Coyne for criticizing Christina Fallin. "I was fired for telling Christina to go fuck herself after her lame-ass 'apology' when people got upset at her stupid headdress photo," he wrote. "That happened in mid-March. I wasn't anywhere around during the performance [at Norman Music Festival] the other night."

Read more:  
<http://gawker.com/how-the-flaming-lips-lost-a-drummer-over-native-america-1570423161>

#### Anonymous

Posted May 2, 2014 at 1:50 pm | [Permalink](#)

Wayne Coyne is kind of douche. Ask Erykah Badu.

<http://jezebel.com/5916667/erykah-badu-to-flaming-lips-frontman-kiss-my-glittery-ass>

#### Tim Frisbie

Posted November 23, 2014 at 12:24 am | [Permalink](#)

I lived on Tuttlehill Rd. in the 50's, 6612 to be exact. There is a woods there, once part of the Ira Fuller Farm. There are Mounds near the back of the woods that I think should be looked at. It is close to the River. The Cosgrove Farm (6612) was also an Underground Railroad House. I tried to save it, but failed. I think the House might have been built by one of the Tuttle Bros. If you find anything I would like to know. good Luck.

#### D'Real

Posted November 23, 2014 at 12:28 pm | [Permalink](#)

Rev. Mr. Harvey C. Colburn penned, "The Story of Ypsilanti" to commemorate Ypsilanti's Centennial in 1923; the 1920's census report documents seven thousand residents dwelling in the historic East Side and around the outskirts Woodruff's Grove pre-WWI.

Chapter One, the Wilderness Prelude describes the path of the glacier, mound builders and primitive Americans. Below are a few excerpts:

"The coming of the white man found him still in the rude hunter stage of existence, but skilled in certain barbaric arts, possessed of an interesting social

life, and, along with his savagery, marked by some admirable qualities. His story, at least as idealized in romance and poetry, is of lasting interest to his white supplanters."

"In 1851 the boys of Ypsilanti became enthusiastic over the unearthing of Indian relics and the homes of the village [extending along the west bank of the Huron River between Pearl and Catharine Streets] became archaeological museums."

"In the month of April, 1680, the foot of the white man first pressed the soil of the future Washtenaw County." This juncture in time marks the end of wigwam developments, the moccasin wearing pre-Ypsilantian and her culture without delay was discredited and replaced by "strange stories that have been carried by traveler's gossip over unimaginable distances, quite incredible, surely, stories of strange men of pale complexion who wear clothing even when the sun shines most hotly...foolishly drive away game by cutting timber and making fences, and carry fire-sticks that explode with a loud bang, working swift devastation among their enemies."

"The Story of Ypsilanti" (originally published in 1923) is available for rental at the Michigan Avenue YDL.

"it's not just Ypsilanti that needs to do more in this regard; the country has never approached coming to terms with this past. However, the myth developed over almost two hundred years of brave French traders and tenacious pioneers taming a wild and largely uninhabited land is not just factually false, but it's rooted in the racist denial of the Native American birthright that allows their disenfranchisement to continue today. It's not just a question of the past, but of the present, and the future." (Well said, Matt!)

#### Downtown Library

Posted February 23, 2015 at 9:14 am | [Permalink](#)

This Thursday night at 6:30 Matt will be presenting his research on Ypsilanti's Native American history at the downtown library.

#### INFORMATION:

<https://www.facebook.com/events/407562842741454>

"Ypsilanti's place on the Huron River was once the site of an eighteenth and early nineteenth century Potawatomi village in an area rich in evidence of a variety of Native American cultures.

Trails, mounds, cemeteries, village sites and fields dot the local landscape and are testimony to the different ways the landscape was seen and used over thousands of years.

In more recent times, from the founding of Detroit in 1701 to Tecumseh and the War of 1812, the peoples who called the Huron River the Nottawaseppi played a central role in the region's history.

Many of the descendants of those Potawatomi continue to live in Michigan today.

Join local historian Matt Siegfried as we discuss Ypsilanti's Native American landscape and the story of the peoples who lived here."

#### George Hammond

Posted November 7, 2015 at 11:35 am | [Permalink](#)

W. B. Hinsdale died in 1942, and at least some of his notes and papers were donated to U of M's Bentley Library. They are accessible there:  
<http://quod.lib.umich.edu/b/bhlead/umich-bhl-851538?rgn=main;view=text>

Nate

Posted December 10, 2015 at 9:51 am | [Permalink](#)

I realize this is a year old, but I'm just finding this post. Is there anywhere that artifacts from the Ypsilanti/Ann Arbor/Washtenaw County area are stored or on display?

## 9 Trackbacks

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By [May Day festivities planned for Water Street](#) on April 28, 2014 at 8:06 am

[...] 7:00 PM Our Local Native American History walking tour with Matt Siegfried  
[...]

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By [Stuff you likely won't hear about at the Ypsi Historical Society, Volume I: The presence of the KKK](#) on June 16, 2014 at 9:07 pm

[...] just now, I was given a terrific opportunity to do just that when my friend, the local historian Matt Siegfried, posted the following two newspaper scans to the South Adams Street page he maintains on [...]

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By [Bringing life back to the Huron River](#) on November 7, 2014 at 9:43 pm

[...] note: The above video, which features Ypsi's Schultz Outfitters, was just recently produced by the Huron River Watershed Council as part of the RiverUp! campaign... And, if you'd like to know more about the history of the river, check out my recent interview with historian Matthew Siegfried. [...]

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By [Antiques Road Show: historic Ypsilanti edition](#) on November 19, 2014 at 10:35 pm

[...] ago I received an email from a fellow by the name of Roger Pellar. He'd apparently read my interview with historian Matt Siegfried about Ypsilanti's Native American past, and was hoping that, through this site, I might be able to help him identify a few artifacts that [...]

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By [In spite of it all, there really is stuff to be thankful for](#) on November 27, 2014 at 10:28 pm

[...] artists and makers. We live in a community where our local waters are getting cleaner. We live in a community rich with history. We live in a community full of thriving locally-owned businesses. We live in a community where [...]

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By [Exploring Ypsilanti's place on the Underground Railroad: part one](#) on November 30, 2014 at 10:49 pm

[...] the evening of December 1, our friend Matt Siegfried, who I interviewed here not too long ago about Ypsilanti's Native American past, will be at the downtown branch of the Ypsilanti District Library, presenting his research on the [...]

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By [The second "Saturday Six Pack with Mark Maynard," this Saturday evening at 6:00, on AM 1700](#) on January 23, 2015 at 12:03 am

[...] with Matt's work, here are links to two conversations that he and I have done in the past on Ypsilanti's Native American past and the lives of former slaves in Ypsilanti. I think they should give you a pretty good idea of how [...]

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By The Saturday Six Pack with Mark Maynard: episode two on January 25, 2015 at 11:03 pm

[...] guest, local historian Matthew Siegfried, who I've interviewed here on the blog before about Ypsilanti's Native American past and the lives of former slaves in Ypsilanti. Our discussion was kind of all over the place. From [...]

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By International Village on September 20, 2017 at 10:19 pm

[...] Not only have I posted several dozen articles and in-depth interviews here about Water Street, it's history, and the various twists and turns the development has taken over the years, but I've also [...]

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### Leave a Reply

Your email address will not be published. Required fields are marked \*

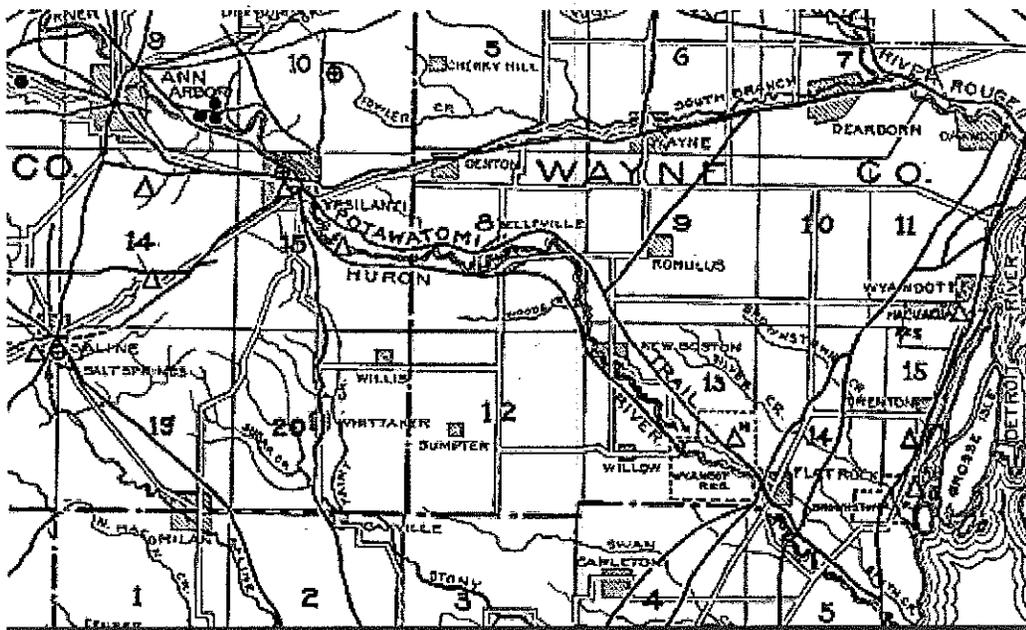
Comment

Name \*

Email \*

Website

+ three = eleven 



1931 Hinsdale Map the lower Huron River Valley, including the Potawatomi Trail. Includes locations of former reservations, mounds, settlements, and cemeteries.

## **NATIVE AMERICAN TRIBAL RESOURCES**

Native American Grave Protection & Repatriation Act: NAGPRA

National Historic Preservation Act

**\*\*Intertribal Council of Michigan: representing the 12 federally**

### **Recognized Tribes in Michigan**

**(906) 632 6896**

- **Nottawaseppi Band of Huron Potawatomi**

2221 1 ½ Mile Road Fulton, MI 49052

**Tribal Chairman: Jamie Stuck**

Fred Jacko Jr- Cultural Preservation

**(269) 704 8384**

(269)704 8407

- \* **Pokagon Band of Potawatomi**

57392 M-63 S Dowagiac, MI 49047

**Tribal Chairman: John Warren**

Jason S Wesaw- Historic Preservation

**(800) 517 0777**

(269) 462 9041

- \* **Gun Lake Potawatomi**

2880 Mission Drive Shelbyville, MI 49344

**Tribal Chairman: Scott Sprague**

**(269) 397 1780**



Resolution No. 2017-240  
October 17, 2017

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the City Council meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:      NO:      ABSENT:      VOTE: