

Referrals
1/15/19

**PUBLIC HEALTH
AND SAFETY
STANDING
COMMITTEE**

January 7, 2019

TO: HONORABLE CITY COUNCIL

Re: Contracts and Purchase Orders Scheduled to be considered at the Recess Session for January 8, 2019

Please be advised that the Contract listed was submitted on November 7, 2018 for the City Council Agenda for November 13, 2018 has been amended as follows:

1. The contractor's **Demolition Locations** were removed from the Submitted Listing of Locations to be Demolished. Please see the correction(s) below:

Submitted as: Page 10

HOUSING AND REVITALIZATION

3028705 100% City Funding – To Provide Emergency Demolition at **14716 Lamphere**, 15751 Chatman, 15464 Virgil, 15707 Riverdale Dr., and 15341 Beaverland. – Contractor: – Dore & Associates Contracting, Inc. – Location: 900 Harry Truman Pkwy., Bay City, MI 48706 – Contract Period: Upon City Council Approval through April 21, 2019 – Total Contract Amount: \$145,300.00.

Should read as: Page 10

HOUSING AND REVITALIZATION

3028705 100% City Funding – To Provide Emergency Demolition at **14716 Lamphere**. – Contractor: – Dore & Associates Contracting, Inc. – Location: 900 Harry Truman Pkwy., Bay City, MI 48706 – Contract Period: Upon City Council Approval through April 21, 2019 – Total Contract Amount: **\$30,000.00**.

Respectfully Submitted,



Boysie Jackson
Chief Procurement Officer
BJ/CD

BY COUNCIL MEMBER: _____

RESOLVED, that **Contract #3028705** referred to in the foregoing communication dated January 8, 2019 be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3030359 100% City Funding – To Provide Furniture (Couches and Recliners) for the Fire Department. – Contractor: Audio Visual Equipment & Supplies, DBA AVE. – Location: 25325 Shiawassee Cir., Ste. 203, Southfield, MI 48033 – Contract Period: Upon City Council Approval through January 21, 2020 – Total Contract Amount: \$30,166.00. **FIRE**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER BENSON

RESOLVED, that Contract No. 3030359 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

44

**OFFICE OF CONTRACTING
AND PROCUREMENT**

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001689 100% City Funding – Revenue – To Provide Emergency Medical Services Billing. – Contractor: Advanced Data Processing, Inc. DBA Intermedix – Location: 6451 N. Federal Hwy., Ft. Lauderdale, FL 33308 – Contract Period: Upon City Council Approval through January 15, 2021 – Total Contract Amount: Not to Exceed \$3,900,000.00. **FIRE**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER BENSON

RESOLVED, that Contract No. 6001689 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

45

**OFFICE OF CONTRACTING
AND PROCUREMENT**

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3028920 100% City Funding – To Provide Emergency Residential Demolition at 5579 Guilford, 11535 Nottingham, and 11566 Wayburn. – Contractor: Smalley Construction, Inc. – Location: 1224 Locust St., Jackson, MI 49203 – Contract Period: Upon City Council Approval through November 12, 2019 – Total Contract Amount: \$56,670.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER BENSON

RESOLVED, that Contract No. 3028920 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

OFFICE OF CONTRACTING
AND PROCUREMENT

46

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3029823 100% City Funding – To Provide Residential Demolition at 13835 French Rd., 13851 Mackay, and 13857 Mitchell. – Contractor: DMC Consultants, Inc. – Location: 13500 Foley, Detroit, MI 48227 – Contract Period: Upon City Council Approval through December 17, 2019 – Total Contract Amount: \$74,600.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER BENSON

RESOLVED, that Contract No. 3029823 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

OFFICE OF CONTRACTING
AND PROCUREMENT

47

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3030015 100% City Funding – To Provide Residential Demolition at 7400 Arcola, and 19322 Ferguson. – Contractor: Adamo Demolition Co. – Location: 320 E. Seven Mile, Detroit, MI 48203– Contract Period: Upon City Council Approval through January 14, 2020 – Total Contract Amount: \$37,400.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER BENSON

RESOLVED, that Contract No. 3030015 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

48

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3030021 100% City Funding – To Provide Residential Demolition at 7318 Cahalan, 17185 Syracuse, and 13539 Maine. – Contractor: DMC Consultants, Inc. – Location: 13500 Foley, Detroit, MI 48227 – Contract Period: Upon City Council Approval through December 19, 2019 – Total Contract Amount: \$81,660.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER BENSON

RESOLVED, that Contract No. 3030021 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

OFFICE OF CONTRACTING
AND PROCUREMENT

49

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3030033 100% City Funding – To Provide Residential Demolition at 7160, and 7164 Palmetto. – Contractor: DMC Consultants, Inc. – Location: 13500 Foley, Detroit, MI 48227 – Contract Period: Upon City Council Approval through December 19, 2019 – Total Contract Amount: \$62,250.00.
HOUSING AND REVITALIZATION

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER BENSON

RESOLVED, that Contract No. 3030033 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

OFFICE OF CONTRACTING
AND PROCUREMENT

50

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3030049 100% City Funding – To Provide Additional Work for Hazardous and Regulated Materials. – Contractor: Professional Service Industries, Inc. – Location: 1435 Randolph St., Ste. 404, Detroit, MI 48226 – Contract Period: Upon City Council Approval through December 20, 2019 – Total Contract Amount: \$25,531.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER BENSON

RESOLVED, that Contract No. 3030049 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

51

**OFFICE OF CONTRACTING
AND PROCUREMENT**

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3030211 100% City Funding – To Provide Residential Demolition at 21180
Margareta. – Contractor: DMC Consultants, Inc. – Location: 13500 Foley,
Detroit, MI 48227 – Contract Period: Upon City Council Approval
through December 17, 2019 – Total Contract Amount: \$16,650.00.
HOUSING AND REVITALIZATION

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **BENSON**

RESOLVED, that Contract No. 3030211 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

52

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3030244 100% City Funding – To Provide Residential Demolition at 2233-35 Fairview, 20489, and 20495 Keating. – Contractor: Adamo Demolition Co. – Location: 320 E. Seven Mile, Detroit, MI 48203– Contract Period: Upon City Council Approval through January 14, 2020 – Total Contract Amount: \$90,750.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **BENSON**

RESOLVED, that Contract No. 3030244 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3030446 100% City Funding – To Provide Residential Imminent Danger Demolition at 5668 Seminole, and 5674 Seminole. – Contractor: Adamo Demolition Co. – Location: 320 E. Seven Mile, Detroit, MI 48203– Contract Period: Upon City Council Approval through June 1, 2019 – Total Contract Amount: \$62,700.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **BENSON**

RESOLVED, that Contract No. 3030446 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3030452 100% City Funding – To Provide Commercial Demolition at 18901
Pembroke (Group 81). – Contractor: Adamo Demolition Co. – Location:
320 E. Seven Mile, Detroit, MI 48203– Contract Period: Upon City
Council Approval through January 1, 2020 – Total Contract Amount:
\$584,540.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **BENSON**

RESOLVED, that Contract No. 3030452 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

55

**OFFICE OF CONTRACTING
AND PROCUREMENT**

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3030488 100% City Funding – To Provide Emergency Residential Demolition at 2226-28 Taylor, and 6313-15 30th. – Contractor: Adamo Demolition Co. – Location: 320 E. Seven Mile, Detroit, MI 48203– Contract Period: Upon City Council Approval through January 21, 2020 – Total Contract Amount: \$93,600.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **BENSON**

RESOLVED, that Contract No. 3030488 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

56

**OFFICE OF CONTRACTING
AND PROCUREMENT**

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3030492 100% City Funding – To Provide Demolition of Commercial Group 82,
Three Properties- 18050 Ryan, 18100 Ryan, and 19609 John R. –
Contractor: Blue Star, Inc. – Location: 21950 Hoover, Warren, MI 48089
– Contract Period: Upon City Council Approval through January 3, 2020 –
Total Contract Amount: \$441,471.02. **HOUSING AND
REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **BENSON**

RESOLVED, that Contract No. 3030492 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

57

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001822 100% Street Funding – To Provide the Delivery of Cold Patch Asphalt Material. – Contractor: Cadillac Asphalt, LLC – Location: 2575 S. Haggerty Rd., Suite 100, Canton, MI 48188 – Contract Period: February 7, 2019 through February 6, 2020 – Total Contract Amount: \$408,000.00.
HOUSING AND REVITALIZATION

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **BENSON**

RESOLVED, that Contract No. 6001822 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3029687 80% Federal Funding, 20% State Funding – To Provide Premium Labor, and Additional Materials Required to Complete 2018 DDOT Bus Wrap Project. – Contractor: Accuform Printing & Graphics, Inc. – Location: 7231 Southfield Rd., Detroit, MI 48228 – Contract Period: Upon City Council Approval through January 1, 2020 – Total Contract Amount: \$113,977.50. **DEPARTMENT OF TRANSPORTATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **BENSON**

RESOLVED, that Contract No. 3029687 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

59

**OFFICE OF CONTRACTING
AND PROCUREMENT**

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001175 100% City Funding– AMEND 1 – To Provide Waste Removal Services (For all Spills and Liquid Waste) for the City of Detroit, Department of Transportation. – Contractor: Birks Works Environmental, LLC – Location: 19719 Mt. Elliot, Detroit, MI 48234 – Contract Period: Upon City Council Approval through January 1, 2020 – Contract Increase: \$240,000.00 – Total Contract Amount: \$440,000.00. **DEPARTMENT OF TRANSPORTATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **BENSON**

RESOLVED, that Contract No. 6001175 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.



**OFFICE OF CONTRACTING
AND PROCUREMENT**

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001477 100% City Funding – AMEND 1 – To Provide Additional Services to the Gilbert Transit Center. (Additional Carpet, Painting of Doors and Walls to the Union Room, and Adding LED Lighting to the Breastfeeding Room).
– Contractor: The Diamond Firm – Location: 19115 W. Eight Mile Rd., Detroit, MI 48219 – Contract Period: Upon City Council Approval through October 31, 2020 – Contract Increase: \$12,675.00 –Total Contract Amount: \$96,996.00. **DEPARTMENT OF TRANSPORTATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **BENSON**

RESOLVED, that Contract No. 6001477 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.

61

**OFFICE OF CONTRACTING
AND PROCUREMENT**

January 8, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001625 80% Federal, 20% State Funding – To Provide Bus Shelter Advertising Services. – Contractor: Brooklyn Outdoor, LLC – Location: 2501 Russell St., Ste. 400, Detroit, MI 48207 – Contract Period: Upon City Council Approval through November 14, 2020 – Total Contract Amount: \$864,904.00. **DEPARTMENT OF TRANSPORTATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **BENSON**

RESOLVED, that Contract No. 6001625 referred to in the foregoing communication dated January 8, 2019, be hereby and is approved.



CITY OF DETROIT
LAW DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 500
DETROIT, MICHIGAN 48226-3437
PHONE 313•224•4550
FAX 313•224•5505
WWW.DETROITMI.GOV

62

January 9, 2019

Detroit City Council
1340 Coleman A. Young Municipal Center
Detroit, Michigan 48226

Re: Amendment To Chapter 26, *Housing*, by adding Article IX, *Senior Citizen Housing*, Sections 26-9-1 through 26-9-5.

Honorable City Council:

The Law Department has prepared an ordinance proposed by Council Member Roy McCalister, which addresses implementation of alternative emergency energy sources in senior housing facilities within the City of Detroit. This local law will be amending Chapter 26 of the 1984 Detroit City Code, *Housing*; by adding Article IX, *Senior Citizen Housing*, by adding Sections 26-9-1 through 26-9-5, to indicate the purpose of the ordinance; set forth definitions; to require alternative emergency energy sources; and to address the enforcement of this ordinance. A copy of the ordinance, which has been approved as to form, is attached for your consideration.

I look forward to discussing this important legislation with this Honorable Body.

Respectfully Submitted,

Mary Parisien
Assistant Corporation Counsel
City of Detroit Law Department
Municipal Section

CITY CLERK 2019 JAN 9 PM 3:44

S U M M A R Y

AN ORDINANCE to amend Chapter 26 of the 1984 Detroit City Code, *Housing*; by adding Article IX, *Senior Citizen Housing*, by adding Sections 26-9-1 through 26-9-5, to indicate the purpose of the ordinance; set forth definitions; to require alternative emergency energy sources; and to address the enforcement of this ordinance.

1 **BY COUNCIL MEMBER** _____ :

2 **AN ORDINANCE** to amend Chapter 26 of the 1984 Detroit City Code, *Housing*; by
3 adding Article IX, *Senior Citizen Housing*, by adding Sections 26-9-1 through 26-9-5, to indicate
4 the purpose of the ordinance; set forth definitions; to require alternative emergency energy sources;
5 and to address the enforcement of this ordinance.

6 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

7 **Section 1.** Chapter 26 of the 1984 Detroit City Code, *Housing*; Article IX, *Senior Citizen*
8 *Housing*, by adding Sections 26-9-1 through 26-9-5, to read as follows:

9 **CHAPTER 26. HOUSING**

10 **ARTICLE IX. SENIOR CITIZEN HOUSING**

11 **Sec. 26-9-1. Purpose.**

12 The purpose of this ordinance is to require senior housing facilities to install alternative
13 emergency energy sources in order to be prepared for an interruption of normal electrical supply,
14 which will decrease the probability of injury and death among residents of senior housing facilities.

15 **Sec. 26-9-2. Definitions.**

16 For the purpose of this article, the following words and phrases shall have the meanings
17 respectively ascribed to them by this section:

18 *Emergency generator* means a stationary combustion device, such as a reciprocating
19 internal combustion engine or turbine that serves solely as a secondary source of mechanical or
20 electrical power whenever the primary energy supply is disrupted or discontinued during power
21 outages or natural disasters as defined by *Environmental Protection Act, 40 CFR §98.6.*

1 Fuel cell energy system means one or more fuel cells or fuel cell stacks and an inverter or
2 other power conditioning unit. A fuel cell energy system may also include a fuel processor. As
3 used in this subdivision and in accordance with MCL 207.822(t):

4 (1) Fuel cell means an electrochemical device that uses an external fuel and
5 continuously converts the energy released from the oxidation of fuel by
6 oxygen directly into electricity without combustion and consists of an
7 anode, a cathode, and an electrolyte.

8 (2) Fuel cell stack means an assembly of fuel cells.

9 (3) Fuel processor means a device that converts a fuel, including, but not
10 limited to, methanol, natural gas, or gasoline, into a hydrogen rich gas,
11 without combustion for use in a fuel cell.

12 Senior Citizen means a resident that is 55 years of age or older.

13 Senior Housing facility means an institution other than a hospital or hotel that provides
14 housing or room and board to persons aged 55 years or older. Senior housing may include any of
15 the following:

16 (1) Assisted Living means a residential care facility designed primarily for older
17 people who typically have no serious health problems but who may have
18 chronic or debilitating conditions requiring assistance with daily activities.
19 Permitted services include but are not limited to staff-supervised meals,
20 housekeeping, personal care, medication supervision, and social activities.
21 Both private and shared sleeping rooms may be provided. Facilities
22 providing regular care under supervision of physicians are not considered
23 assisted living facilities;

1 (2) Congregate Care means a dependent elderly housing facility with cooking
2 facilities within the unit, but with a central dining service option;

3 (3) Home for the Aged means a supervised personal care facility, other than a
4 hotel, adult foster care facility, hospital, nursing home, or county medical
5 care facility that provides room, board, and supervised personal care to 21
6 or more unrelated, non-transient, individuals 55 years of age or older. Home
7 for the aged includes a supervised personal care facility for 20 or fewer
8 individuals 55 years of age or older if the facility is operated in conjunction
9 with and as a distinct part of a licensed nursing home, as defined by the
10 Public Health Code, MCL 333.21335;

11 (4) Independent Living means a multiple-family housing form with full
12 facilities for self-sufficiency in each individual dwelling unit; or,

13 (5) Nursing Home means a facility that provides organized nursing care and
14 medical treatment to seven or more unrelated individuals suffering or
15 recovering from illness, injury, or infirmity, and which is not a unit in a
16 correctional facility that is operated by the Michigan Department of Public
17 Health, as set forth in Section 44-5-1 of this Code.

18 Storage battery means a battery that is used to start an internal combustion engine or as the
19 principal electrical power source for a vehicle, in which the electrodes are grids of lead containing
20 lead oxides that change in composition during charging and discharging, and the electrolyte is
21 dilute sulfuric acid, as set forth in MCL 324.17101(c).

22 Uninterruptible power supply or uninterruptible power source means an electrical
23 apparatus that provides emergency power to a load when the input power source or main power
24 fails.

1 **Sec. 26-9 –3. Alternative emergency energy source required.**

2 All senior housing facilities as defined in Section 26-9-2 of this Article shall have an
3 alternative emergency energy source as listed in either Subsection 26-9-4 (a) or Section 26-9-4
4 (b) of this Article.

5 **Sec. 26-9 –4. Alternative emergency energy source options.**

6 (a) All senior housing facilities under this section shall have an alternative emergency
7 energy source under Subsection (a) or under Subsection (b) of this Section. In accordance with
8 the *National Electrical Code 70, Article 700.12(A)-(E)*, an alternative emergency energy source
9 shall include at least one of the following:

10 (1) A storage battery shall be used as a source of power for emergency systems and
11 shall be of suitable rating and capacity to supply and maintain the total load for a
12 minimum period of one and a half hours.

13 a. The storage battery may be alkali or acid type and shall be designed and
14 constructed to meet the requirements of emergency service and shall be
15 compatible with the charger for that particular installation as in accordance
16 with *NEC 70, Article 700.12(A)*.

17 b. Automotive type batteries shall not be used.

18 c. An automatic battery charging means shall be provided by the senior
19 housing facility.

20 (2) An uninterruptable power supply shall be used to provide power for emergency
21 systems and shall comply with the applicable provisions of *NEC 70, 700.12(A)*.

22 (3) A separate service shall be a service conductor sufficiently remote electrically and
23 physically from any other service conductors to minimize the possibility of

1 simultaneous interruption of supply, and shall be in accordance with the standards
2 set forth in the Article 230 of the NEC.

3 (4) A fuel cell system used as a source of power for emergency systems shall be of
4 suitable rating and capacity to supply and maintain the total load for not less than
5 two hours of full demand operation.

6 a. Installation of a fuel cell system shall meet the requirements of Parts II
7 through VIII of Article 692 of the NEC.

8 b. Where a single fuel cell system serves as the normal supply for the building,
9 it shall not serve as the sole source of power for the emergency standby
10 system.

11 (b) All senior housing facilities as defined in this Article shall have an emergency
12 generator in accordance with Subsection (b) of this Section, or an alternative emergency energy
13 source under Subsection (a) of this Section.

14 (1) The generator shall provide no less than four hours of service.

15 (2) The generator shall generate enough power to provide lighting at all entrances and
16 exits and to operate equipment to maintain fire detection, alarm, and extinguishing
17 systems, telephone switchboards, heating and cooling plant controls, and other
18 critical mechanical and medical equipment essential to the safety and welfare of the
19 residents, personnel, and visitors.

20 (3) The senior housing facility shall implement a monthly emergency generator system
21 inspection, testing, and maintenance procedure.

22 a. The generators are to be exercised for a minimum of 30 minutes each
23 month, in compliance with National Fire Protection Association, 110 (12)
24 Section. 7.9.2.4.

b. A written record of generator inspections, tests, exercising, operation and repairs is to be maintained by the senior housing facility for three years and available for review upon request by a City official or employee. These records must also include:

(i) The date of the testing and inspection; and

(ii) The name(s) and the credentials of the person(s) providing the service, identification of unsatisfactory conditions and corrective action taken, including parts replaced, and any testing of repairs recommended by the manufacturer.

(4) The senior housing facility shall maintain an onsite fuel source to power emergency generators that will keep emergency power systems operational during the loss of electricity. The onsite fuel source shall be stored in compliance with state regulations.

(5) The City of Detroit's Buildings, Safety Engineering and Environmental Department and the City of Detroit Fire Marshal or agent, shall be present to witness the initial acceptance testing of the generator in accordance with *National Fire Protection Association, 110*.

Sec. 26-9-5. Enforcement.

(a) The City of Detroit's Buildings, Safety Engineering and Environmental Department has the authority to inspect the senior housing facility to ensure compliance with this ordinance should a complaint be made regarding the alternative emergency energy sources.

1 (b) The City of Detroit Fire Marshal has the authority to inspect the senior housing
2 facility to ensure compliance with this ordinance during an annual inspection and any other
3 inspection of the facility.

4 (c) In accordance with Section 41(3) of the Michigan Home Rule Cities Act, being MCL
5 117.41(4) and Sections 1-1-9(c) and 8.5-2-1, of the 1984 Detroit City Code, a violation of this
6 article is deemed to be a blight violation.

7 (d) Owners of the senior housing facility who violate any section of this article may be
8 issued a blight violation notice pursuant to Chapter 8.5 of the 1984 Detroit City Code for each day
9 that the violation continues.

10 **Secs. 26 -9-6- 26-9-30. Reserved.**

Section 2. This ordinance is hereby declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

Section 3. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective March 1, 2020 in accordance with paragraph 3 of Section 4-118 of the 2012 Detroit City Charter.

Approved as to form:



Lawrence T. García
Corporation Counsel



63

CITY OF DETROIT MEMORANDUM

To: Mary Sheffield, Council President Pro Tempore
Detroit City Council

From: Lawrence T. García *LTG*
Corporation Counsel
City of Detroit Law Department

Mary Parisien *MAP*
Assistant Corporation Counsel
City of Detroit Law Department

Date: January 9, 2019

Re: **50% Parking Fine Discount For Detroit Residents.**

City Council President Pro Tempore, Mary Sheffield, requested an opinion on the legality of an ordinance that would give individuals who can demonstrate that they are domiciled in the City of Detroit, a 50% parking fine reduction for overstaying at a metered space.

SHORT ANSWER

The City of Detroit is authorized by state law to regulate parking within City limits. Equal protection challenges to an ordinance that provides a 50% fine reduction to residents would be decided by use of the "rational basis" test, and the ordinance's purposes of assisting Detroiters of limited means and providing better access to City services on metered streets (like City offices located downtown) may be adequate to provide a rational basis for disparate treatment. However, the ordinance may have a difficult time with a challenge under the Privileges and Immunities analysis. There, a 50% discount may seem too great, as demonstrated in case law, and a lesser amount may be easier to defend. In order to avoid being such an outlier, Detroit's interests in this may be better served with a 25% discount; this could be closer to the 20% discount offered in the City of Miami.

CITY CLERK 2019 JAN 9 10:00 AM



DISCUSSION

I. EQUAL PROTECTION CLAUSE

A. Residency Is Not A Protected Class

An ordinance reducing parking citation fines only for Detroit residents may be subject to a constitutional challenge on a variety of fronts. The Fourteenth Amendment of the United States Constitution and Article I of the Michigan Constitution, guarantees equal protection of the law to citizens.¹ The courts have interpreted the state constitution's equal protection to be coextensive with its federal counterpart.² When a claim regarding equal protection is made, the court presumes a statute is constitutional; but, when challenged, it must withstand the operative test administered by the reviewing court.³

The standard of review to be applied depends on the classification scheme of the challenged legislation. Here, the classification scheme involves Detroit residents v. non-residents. Residency as a classification does not require a heightened level of scrutiny and the strict scrutiny test should apply, as residency is not deemed a suspect classification. *Michigan State Employees Ass'n v Civil Serv Comm*, 91 Mich App 135, 141 (1979). Classifications such as gender, race, immigration status, sexual orientation, and national origin are considered protected classes, in which a higher level of scrutiny attaches. "[S]trict scrutiny of a legislative classification is required only when the classification impermissibly interferes with the exercise of a fundamental right or operates to the peculiar disadvantage of a suspect class."⁴

In *Harvey v. State, Dep't of Mgmt. & Budget, Bureau of Ret. Servs.*, the Michigan Supreme Court explained that classifications not involving a protected class or a protected right are subject to a rational basis test.⁵ Legislation permitting residents to receive a parking fine reduction, does not bring into question a fundamental right, nor is residency considered a protected class. Therefore, the legislative scheme need only bear a rational relationship to legitimate governmental goals to avoid violating Equal Protection laws.

B. Standard Of Review – Rational Basis

In an Equal Protection challenge, the City of Detroit would bear the burden of demonstrating what legitimate government interest is reflected in providing a 50% parking citation

¹ U.S. Const., Am. XIV and Michigan Constitution, Const. 1963, art. 1, § 2.

² *Harvey v. State, Dep't of Mgmt. & Budget, Bureau of Ret. Servs.*, 469 Mich. 1, 6, 664 N.W.2d 767, 770 (2003).

³ *Thoman v. Lansing*, 315 Mich. 566, 576, 24 N.W.2d 213 (1946).

⁴ *Citizens for Unif. Taxation v. Northport Pub. Sch. Dist.*, 239 Mich. App. 284, 289, 608 N.W.2d 480, 483 (2000).

⁵ *Harvey v. State, Dep't of Mgmt. & Budget, Bureau of Ret. Servs.*, 469 Mich. 1, 12, 664 N.W.2d 767, 773 (2003).



fine reduction and what rational goal the reduction seeks to achieve that could not be achieved by affording non-residents the same treatment.

In 1977 the Supreme Court ruled in *Arlington County Board v. Richards*, a residential parking ordinance enacted by Arlington County, Virginia, did not on its face violate the Equal Protection guarantee of the federal Constitution, because it bore a reasonable relationship to its objective, which was to reduce air pollution, noise, traffic and litter resulting from non-residents and commuter traffic. Although the ordinance only stood to benefit residents and discriminated against non-residents, the court found that “the Constitution does not outlaw these social and environmental objectives, nor does it presume distinctions between residents and nonresidents of a local neighborhood to be invidious. The Equal Protection Clause requires only that the distinction drawn by an ordinance like Arlington's rationally promote the regulation's objectives.”⁶

In order for a discounted parking fine rate to be upheld under a rational basis standard of review, the ordinance would have to further a legitimate governmental interest.⁷ Council President Pro Tem seeks to address at least three concerns: (1) alleviate economic hardship felt by Detroiters who are disproportionately affected by poverty; (2) make it easier for residents to access buildings and governmental facilities where parking is enforced (e.g. at City Hall); and (3) combat the effects of red-lining and inequality in auto insurance faced by Detroiters. A court will look to see if a reasonable relationship exists between these concerns and the City's interests. Should a court determine that there is no rational nexus between a parking fine reduction and achieving the objectives President Pro Tem pursues, the ordinance would fail.

II. PRIVILEGES AND IMMUNITIES CLAUSE

The Privileges and Immunities Clause of the U.S. Constitution provides that, “[T]he Citizens of each State shall be entitled to all the Privileges and Immunities of citizens of the United States.”⁸ The objective of the Privileges and Immunities clause is “plac[ing] the citizens of each State upon the same footing with the citizens of other States, so far as the advantages resulting from citizenship in those States are concerned.”⁹ Applying the principle established under the Privileges and Immunities Clause to the matter at hand, the court will look to see whether a parking fine discount for City residents is closely related to substantial reasons to grant such a discount.

The seminal Supreme Court case of *Toomer v. Whitsell*, sets forth the standard that is followed in modern case law.¹⁰ In *Toomer*, plaintiff challenged South Carolina's excessive fees for out of state shrimpers. South Carolina attempted to justify its licensing fee scheme, in which

⁶ *Cty. Bd. of Arlington Cty., Va. v. Richards*, 434 U.S. 5, 7, 98 S. Ct. 24, 26, 54 L. Ed. 2d 4 (1977).

⁷ *Phillips v. Mirac, Inc.*, 470 Mich. 415, 433, 685 N.W.2d 174, 184 (2004).

⁸ *US Constitution*, Art IV, § 2.

⁹ *Citizens for Unif. Taxation v. Northport Pub. Sch. Dist.*, 239 Mich. App. 284, 289, 608 N.W.2d 480, 483 (2000).

¹⁰ *Toomer v. Whitsell*, 334, U.S. 385, 68 S. Ct. 1156, 92 L.Ed. 1460 (1948).



South Carolina residents were charged \$25.00 per boat and out of state residents were charged \$2,500.00 per boat, under the basis that the fee differential was necessary for shrimp preservation and to avoid the threat of excessive trawling. *Toomer* resulted in a test for reviewing Privileges and Immunities challenges when presented and states:

Like many other constitutional provisions, the privileges and immunities clause is not an absolute. It does bar discrimination against citizens of other States where there is *no substantial reason for the discrimination* beyond the mere fact that they are citizens of other States. But it does not preclude disparity of treatment in the many situations where there are perfectly valid independent reasons for it. Thus the inquiry in each case must be concerned with *whether such reasons do exist and whether the degree of discrimination bears a close relation to them. The inquiry must also, of course, be conducted with due regard for the principal that the States should have considerable leeway in analyzing local evils and in prescribing appropriate cures.*¹¹(Emphasis Added)

The Supreme Court in *Toomer* found, “[B]y that statute South Carolina plainly and frankly discriminates against non-residents, and the record leaves little doubt but what the discrimination is so great that its practical effect is virtually exclusionary.”¹² The Court concluded there existed no record indicating non-residents use larger boats or different fishing methods than residents, [or] that the cost of enforcing the laws against them is appreciably greater, or that any substantial amount of the State's general funds is devoted to shrimp conservation. As such, no substantial reason existed for the drastic fee differential, let alone a “reasonable reason” to achieve the state’s objective of shrimp conservation. If however, there was a substantial reason for the differential treatment between residents and non-residents, the Supreme Court indicated that the state must demonstrate, “there is something to indicate that non-citizens constitute a peculiar source of the evil at which the statute is aimed.”¹³ South Carolina could not justify its treatment of non-resident shrimpers and the Supreme Court barred continued enforcement of the fee.

Applying the test set forth in *Toomer* here, the City may be able to defeat a Privileges and Immunities challenge by demonstrating that there is “a perfectly valid independent reason for it.”¹⁴ However, unless a substantial reason can be provided to validate a parking fine differential for residents, the amount of parking fines assessed against non-residents may be deemed unconstitutional. As demonstrated in *Toomer*, the greater the differential, the more disparate the impact, and the greater the risk of an adverse decision.

¹¹ *Id.* at 396.

¹² *Id.* at 397.

¹³ *Id.* at 398.

¹⁴ *Id.* at 396.



Accommodating the less fortunate in a City with disproportionate poverty rates and helping to provide access to City offices to City residents are substantial reasons for the discount. The City of Detroit provides various means of parking for residents and non-residents in Detroit, including: parking meters, parking garages and parking lots. Generally, most citations are received by individuals parking in the metered areas, many of those areas surround governmental buildings where residents need to conduct business.

Research reveals that there are no communities in Michigan which offer a residency preference for a reduction for parking citation fines. However, there are many communities that provide a discount for *all* individuals who pay the parking ticket within a specific time frame. Some of those communities include: Ferndale, Grosse Pointe Park, Grand Rapids and Ann Arbor. Additionally, research has identified there are national cities that have implemented a residency preference for parking citations received. Those cities include: Lexington, City of Miami and Washington D.C.; however, none of the communities researched have anything as large as a 50% reduction for residents. If the City of Detroit were to impose a 50% reduction for parking citations for its residents, it would be an outlier, and that may increase the likelihood of potential lawsuits. Given the size of the discount, it may be difficult for the City to demonstrate a substantial reason for the law when the impact of the ordinance so heavily burdens non-residents.

III. STATE LAW

State law, MCL 257.606, specifically allows the local governing body to regulate parking. The language in MCL 257.606 states:

Sec. 606 (1) This chapter *does not prevent* a local authority with respect to streets or highways under the jurisdiction of the local authority and within the reasonable exercise of the police power from doing any of the following:

- (a) Regulating the standing or parking of vehicles. (Emphasis Added)

In interpreting the statute, the pertinent language is “this chapter does not prevent” that sentence explicitly gives local governing bodies broad authority to regulate parking of vehicles so long as the vehicles are located on roads and streets that fall under the City’s jurisdiction. The statute is silent in regards to the manner in which the local governing body may regulate a discount to residents, or provide a discount if a parking citation is paid within a certain amount of time. The seminal case of *Chevron USA, Inc. v. Natural Resources Defense Council, Inc.*, sets forth the standard for statutes that are silent on a question. “Rather, if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency’s answer is based on



a permissible construction of the statute.”¹⁵ Applying the standard set forth in *Chevron* to the lack of specificity in the statute regarding parking regulations, courts will likely look to see whether the City interpreted state law reasonably when constructing the ordinance to allow for the parking citation discount.

Notably, MCL 257.606, authorizes local units of government to regulate standing and parking of vehicles on streets within the City’s jurisdiction. Therefore, City Council, as the local governing body has the authority to allow parking fine reductions if they so choose. This is similar to the practice implemented by the City in 1998, when Council enacted an ordinance reducing parking citations for everyone if the individual receiving the citation paid within a specified shorter time. This practice was replaced in 2014, when the Emergency City Manager authorized an amendment to the City’s parking fine schedule, specifically fine increases.¹⁶

CONCLUSION

In sum, pursuant to state law, the City has the authority to regulate parking on streets within its jurisdiction and may enact ordinances implementing parking regulations. However, state law is silent about parking fine rates. An analysis under constitutional principles indicates the City would likely be required to show (1) that a legitimate governmental interest exists for distinguishing between residents and non-residents, and (2) that the differential fine system reasonably relates to carrying out that purpose. Given all of these considerations, a 20% or 25% discount for Detroiters would be legally defensible and consistent with other municipalities, (e.g. City of Miami 20% discount).

¹⁵ *Chevron USA, Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 844, 104 S.Ct. 2778, 81 L.Ed.2d 694 (1984).

¹⁶ *Emergency Order 24*, April 3, 2014.



COUNCIL MEMBER AT-LARGE

JANEÉ L. AYERS

64

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 1340
Detroit, Michigan 48226

Phone 313•224•4248
Fax 313•224•1787
www.detroitmi.gov/janeeayers

MEMORANDUM

TO: Alexis Wiley, Chief of Staff
Mayor's Office

THRU: Scott Benson, Chair
Public Health and Safety Standing Committee

FROM: Janee' Ayers, Vice Chair
Public Health and Safety Standing Committee

DATE: January 8, 2019

RE: Request for a Summary of the Fire Board of Appeals

Could you please provide a summary of the Fire Board of Appeals, specifically addressing the members of the board, their scope, and the length of terms of appointment?

Thank you in advance for your time and effort,

Janee' Ayers
Detroit City Council

cc: Colleagues
City Clerk
Stephanie Washington, Mayor's Office

CITY CLERK 2019 JAN 8 PM 1:20



COUNCIL MEMBER AT-LARGE

JANEÉ L. AYERS

65

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 1340
Detroit, Michigan 48226

Phone 313-224-4248
Fax 313-224-1787
www.detroitmi.gov/janeeyers

MEMORANDUM

TO: Gary Brown, Director
Detroit Water and Sewage Department

Ron Brundidge, Director
Department of Public Works

THRU: Scott Benson, Chair
Public Health and Safety Standing Committee

FROM: Janee' Ayers, Vice Chair
Public Health and Safety Standing Committee

DATE: January 8, 2019

RE: Request for a Rodent Mitigation Plan

I am requesting the Detroit Water and Sewage Department, to please provide a rodent mitigation plan for impact areas when sewage system renovation begins.

Thank you in advance for your time and effort,

Janee' Ayers
Detroit City Council

cc: Colleagues
City Clerk

CITY CLERK 2019 JAN 8 PM 1:20



COUNCIL MEMBER AT-LARGE
JANEÉ L. AYERS

66

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 1340
Detroit, Michigan 48226

Phone 313•224•4248
Fax 313•224•1787
www.detroitmi.gov/janeeyers

MEMORANDUM

TO: Gary Brown, Director
Detroit Water and Sewage Department

Ron Brundidge, Director
Department of Public Works

James Jemison, Director
Department of Housing and Revitalization

Beth Niblock, Chief Information Officer
Department of Innovation and Technology

THRU: Scott Benson, Chair
Public Health and Safety Standing Committee

FROM: Janee' Ayers, Vice Chair
Public Health and Safety Standing Committee

DATE: January 8, 2019

RE: Request for a Coordinated IT Plan for DWSD Infrastructure Projects

I am requesting all respective departments to please provide a coordinated IT plan for DWSD infrastructure projects, so that the existing IT structures may operate together under one cohesive structure.

Thank you in advance for your time and effort,

Janee' Ayers
Detroit City Council

cc: Colleagues
City Clerk

CITY CLERK 2019 JAN 8 PM 1:20



City of Detroit

CITY COUNCIL

MARY SHEFFIELD
COUNCIL PRESIDENT PRO TEM MARY SHEFFIELD
DISTRICT 5

MEMORANDUM

TO: David Bell
Director, BSEED

THRU: Council Member Scott Benson

FROM: Council President Pro Tem Mary Sheffield *MS*

DATE: January 9, 2019

RE: Senior Building Safety Inspections

Several senior buildings throughout District 5, and possibly city-wide, have immediate health & safety concerns. Residents, family members, and other concerned residents have raised several concerns including non-functioning elevators, non-functioning hot water in buildings, property security issues and other building environmental matters.

This communication is to request that BSEED investigate for immediate remediation of all District 5 senior buildings for possible code & safety violations. Additionally, I am requesting a detailed report with past and future inspection dates and safety findings.

If you have any further questions, please contact my office.

CC: Honorable Colleagues
CC: Honorable City Clerk, Janice Winfrey