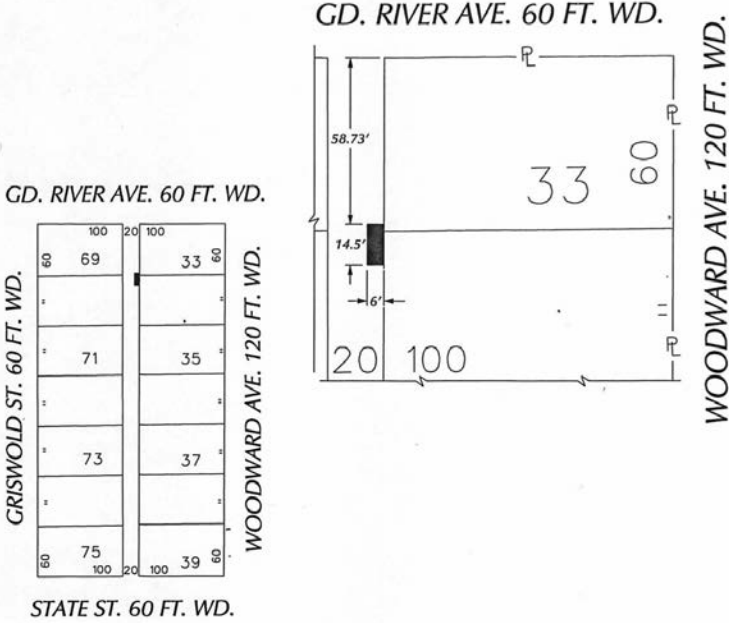


PETITION NO. 1098
 GIFFELS WEBSTER
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 C/O DEIRDRE CLEIN
 PHONE NO. 313 962-4442



- REQUEST ENCROACHMENT
 (With Ramp, Railing and Bollards)

(FOR OFFICE USE ONLY)

CARTO 28 B

B				REQUEST ENCROACHMENT INTO THE NORTH/SOUTH PUBLIC ALLEY AT 1261 WOODWARD (With Ramp, Railing and Bollards)		CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A						JOB NO. 01-01 DRWG. NO. X 1098	
DESCRIPTION: REVISIONS				DRAWN BY: WLW CHECKED:		DATE: 04-28-16 APPROVED:	

Adopted as follows:
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate, and President Jones — 9.
 Nays — None.

**Department of Public Works
 City Engineering Division**
 May 6, 2019

Honorable City Council:
 Re: Petition No. 1748 — Vanguard Community Development, request to construct "The Historic North End" sign at the entrance of Woodward and E. Grand Boulevard.
 Petition No. 1748 — Vanguard Community Development, request for an

encroachment with a neighborhood entrance sign on the median of East Grand Boulevard, 150 feet wide, 47 feet east of Woodward Avenue, variable width.
 The petition was referred to the City Engineering Division — DPW for investigation and report. This is our report.
 The request is being made for the installation of a permanent sign at the entrance to the historic "North End" neighborhood.
 The request was approved by the Solid Waste Division — DPW, and City Engineering Division — DPW, and Traffic Engineering Division — DPW (TED).
 Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no objection provided the

DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

All other involved City Departments, including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
RICHARD DOHERTY, P.E.
City Engineer

City Engineering Division — DPW
By Council Member:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Vanguard Community Development or their assigns to install and maintain an encroachment with a neighborhood entrance sign on the median of East Grand Boulevard, 150 feet wide, 47 feet east of Woodward Avenue, variable width and being land in the City of Detroit, Wayne County, Michigan: median of East Grand Boulevard, 150 feet wide, lying between 47.00 feet and 47.50 feet easterly of the easterly line of Woodward Avenue, and lying between 69.66 feet and 80.46 feet southerly of the southerly line of Lot 1 "Atkinson's Subdivision of South part of Lot 1 of the Subdivision of Quarter Section 57 Ten Thousand Acre Tract, Township of Hamtramck, Wayne County, Michigan" as recorded in Liber 7, Page 33 of Plats, Wayne County Records. The sign dimensions are: 10.8 feet long, 6 inches wide and 87 inches in height.

Provided, That if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

Provided, That by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection caused by the encroachment shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the right-of-way, shall be borne by DWSD; and be it further

Provided, That all construction per-

formed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours' notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and be it further

Provided, That construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and be it further

Provided, That if DWSD facilities located within the right-of-way shall break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

Provided, That the petitioner shall hold DWSD harmless for any damages to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

Provided, Vanguard Community Development or their assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division — DPW prior to any public right-of-way construction; and further

Provided, That the necessary permits shall be obtained from the City Engineering Division — DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Vanguard Community Development or their assigns, and further

Provided, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by Vanguard Community Development or their assigns. Should damages to utilities occur Vanguard Community Development or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed

Adopted as follows:
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.
 Nays — None.

REQUIRED HEARINGS REGARDING REPRESENTATION AND INDEMNIFICATION OF CERTAIN MEMBERS OF THE DETROIT POLICE DEPARTMENT

By Council Member McCalister:
 Whereas, Section 7.5-203, *Civil Litigation*, of the 2012 Detroit City Charter provides, in relevant part, that “[upon request, the Corporation Counsel may represent any officer or employee of the city in any action or proceeding involving official duties;]” and

Whereas, Section 13-1 1-5, *Civil Service and Personnel Regulations*, of the 1984 Detroit City Code provides, in pertinent part, that “the city council shall consider and determine whether the corporation counsel shall represent the officer or employee in the matter and find and determine whether or not the claim, demand or suit arises out of or involves the performance in good faith of the official duties of such officer or employee[;]” and

Whereas, Arbitration awards issued by the Voluntary Labor Arbitration Tribunal recognize the past practice of City Council holding hearings for police officers who have been denied representation (see Grievance Nos. 79-237, 82-055, 90-047 and 92-200/92-202);

Now Therefore Be It

Resolved, That pursuant to the above and MCL 15.268(a), a closed session is to be held on Tuesday, **June 11, 2019** for the purpose of conducting hearings related to the following:

Legal Representation and Indemnification in lawsuit of **William Anderson/Betty Taylor vs. City of Detroit, Civil Action Case No. 18-009696-CD for (retired) Captain Octaveious Miles, Badge N/A;**

And Be It Further

Resolved, That the Law Department’s recommendation is to **APPROVE** indemnification of **(retired) Captain Octaveious Miles** in this matter, which will be discussed with Law Department attorneys, representatives from the Detroit Police Department, Octaveious Miles and counsel, representatives from the Detroit Police Command Officers Association, as well as attorneys from the Legislative Policy Division;

And Be It Further

Resolved, That the hearings are scheduled at **2:00 p.m.**;

And Be It Finally

Resolved, That a copy of this resolution be timely provided to the Detroit Police Command Officers Association and Corporation Counsel.

Adopted as follows:
 Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate, and President Jones — 9.
 Nays — None.

RESOLUTION TO CALL CLOSED SESSION

By Council Member McCalister:
 Resolved, That a closed session of the Detroit City Council is called in accordance with Section 8(h) of the Open Meetings Act, 1976 PA 267. MCL 15.268(h), for the purposes of discussing a privileged and confidential memorandum titled *Premature Light Failures of LEDs Purchased from Leotek Electronics USA Corp.*, dated April 5, 2019. This memorandum is an attorney-client communication prepared by the Law Department and therefore is exempt from disclosure under Section 13(g) of the Freedom of Information Act, MCL 15.243(1)(g). Law Department attorneys, representatives from the Public Lighting Authority, as well as attorneys from the Legislative Policy Division may be present. The closed session will be held on:

Tuesday, June 25, 2019 at 2:00 P.M.

Note: A 2/3 Roll Call vote of members elected and serving (6 votes) is required pursuant to MCL 15.267(1).

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate, and President Jones — 9.

Nays — None.

RESOLUTION IN SUPPORT OF HOUSE BILL 4326 OF 2019

By Council Member Sheffield, joined by Council President Jones and Council Members Castaneda-Lopez and McCalister.

WHEREAS, The mission of the Detroit City Council is to promote the economic, cultural and physical welfare of Detroit’s citizens through Charter-mandated legislative functions; and

WHEREAS, Formerly incarcerated people need stable jobs, access to affordable housing for the same reasons as everyone else: to support themselves and their loved ones, pursue life goals, which culminates in strengthening our community; and

WHEREAS, In April 2011, The Pew Research Center released the report, *Revolution Door of America’s Prisons* suggests that states could lower recidivism rates by just 10 percent, they could save an average of \$635 million annually; and