



What do MSU, U-M need to do to reach the Final Four? Caputo tells all

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The Associated Press
David Sudek (left), a retired UAW member, marches with members of the local National Association of Letter Carriers and other supporters in front of a post office Sunday in Southfield.

Postal Service employees protest end to Saturday mail

SOUTHFIELD (AP) — Hundreds of postal workers who oppose plans to cut home delivery from six days to five picketed Sunday outside U.S. Postal Service offices in Michigan. About 600 U.S. Postal Service employees and their supporters marched in protest at a post office in Southfield, while about 100 from around the state demonstrated in Grand Rapids. "It's about saving lot of jobs," letter car-

Attorney: Phoenix Center report altered

■ Pontiac emergency financial manager denies tampering with findings to favor demolition

By **DUSTIN BLITCHOK**
Of The Oakland Press

The owners of office buildings next to the Phoenix Center who are suing to prevent the structure's demolition claim an engineering report was altered by the city to make the condition of the structure appear worse than it really was.

"We're saying that he improperly altered the report. He's not an engineer," attorney Michelle Harrell said of Emergency Financial Manager Lou Schimmel.

Harrell represents the Ottawa Towers, the two office buildings adjacent to the parking garage and amphitheater.

"They fundamentally changed the report where it said things were in good or very good condition," Harrell said of a study of the Phoenix Center that was commissioned by the city and issued last May by the engineering firm Desman Associates.

"They removed Desman's conclusion that no immediate repairs were required," Harrell said. "I think that it proves that one of the major (criteria) for the emergency manager's order to demolish the



Schimmel

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MODEL BEHAVIOR

Rochester Hills fashion show benefits nonprofit

PHOENIX

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Phoenix Center is without any basis."

Schimmel took issue with the Ottawa Towers' claims.

"I don't agree with any of it, but it's litigation, and I have no comment," he said. "I had the Desman study (completed) for safety reasons. I wanted to determine the safety of the facility. Beyond that — it's in litigation."

John Clark, an attorney who is defending the city and Schimmel in the suit, did not respond to calls for comment last week.

A motion by the Ottawa Towers to compel discovery from the city said: "A review of the comments discloses that the (Desman) report was fundamentally and comprehensively altered to remove references to the Phoenix Center being in 'good' to 'very good' condition, and to remove Desman's conclusion that no immediate repairs were required at all."

"The \$6 million estimated demolition cost was also removed," the motion said. A \$2 million demolition contract for the Phoenix Center with Adamo Demolition Co. has not been signed because of the suit.

Harrell said she thinks the demolition costs for the Phoenix Center have

been "significantly understated."

The Ottawa Towers subpoenaed Desman Associates for its records related to the Phoenix Center, Harrell said. The court filing claims that:

■ "The city defendants withheld this complete report and the related emails from plaintiffs."

■ On May 17 and 18, Desman Associates shared the report with the city, including Schimmel: "The city defendants then directed Desman to change their complete report."

■ A revised report was then sent to the city on May 21, when Schimmel emailed Desman Associates: "We are good with the changes, other than the picture on the first page," he wrote. "We would like the cover to be picture 4.02. We need the document sent with the picture change ASAP."

■ The picture on the cover of the Desman Associates report was changed from "an attractive, panoramic picture of the Phoenix Center" to "an unattractive picture of a ceiling corner inside the (parking) deck that has suffered some wear."

Harrell said the motion to compel will be heard by Oakland County Circuit Judge Michael Warren in the coming weeks.

"I want full disclosure," Harrell said. "I asked them to disclose these documents and they did not do so, and then I found this out, which



Oakland Press file photo/TIM THOMPSON

Owners of Ottawa Towers, the buildings next to Pontiac's Phoenix Center, claim the city altered an engineering report of the center to make its condition appear worse than it is. The group said Emergency Financial Manager Lou Schimmel wants the Phoenix Center demolished and tampered with the report to ensure that outcome.

makes me question their (the city) being forthright with us."

The Ottawa Towers sued Schimmel, the city, Oakland County and the Oakland County Building Authority after Schimmel announced demolition plans for the structure in July.

The emergency financial manager has said the parking garage and amphitheater costs the city \$175,000 per year and needs \$8 million in repairs.

The Oakland County Building Authority holds title to the Phoenix Center

after the county refinanced bonds and issued debt for the city in 2006.

The suit seeks \$9 million in damages if the Phoenix Center is demolished.

Attorneys for the Ottawa Towers have argued that Schimmel lacks authority to tear down the Phoenix Center, and that a demolition would physically damage the Ottawa Towers, violate the buildings' easement rights and leave them with inadequate parking.

The Michigan Department of Human Services is a tenant at the Ottawa Tower I at 51111

Oakland County has several programs focused

board that examines the causes of each infant death

many years after their construction in the early 1980s.

The Phoenix Center's electrical system was recently damaged by metal scrapers who removed copper wiring, leaving the structure in the dark and leading the city to indefinitely close the section of Orchard Lake Road that runs underneath the parking garage.

Lights using power from the Ottawa Towers have been strung up on the south side of the garage for the roughly 250 cars that park there daily.

The city has estimated the cost of repairing the electrical damage to be \$276,000.

Warren granted a preliminary injunction on Nov. 30 that maintains the status quo until the matter has been litigated.

Contact staff writer Dustin Blichok at 248-745-4685 or dustin.blichok@oakpress.com. Follow him on Twitter @SincerelyDustin.

Woodward Ave., while Ottawa Tower II at 31 East Judson St. is vacant. The buildings were occupied by General Motors Corp. for



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