

City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Agenda - Final

Monday, September 23, 2019

4:30 PM

Committee Room

SPECIAL AFFAIRS COMMITTEE

Monica Galloway, Chairperson, Ward 7

*Eric Mays, Ward 1
Santino J. Guerra, Ward 3
Jerri Winfrey-Carter, Ward 5
Allan Griggs, Ward 8*

*Maurice D. Davis, Ward 2
Kate Fields, Ward 4
Herbert J. Winfrey, Ward 6
Eva L. Worthing, Ward 9*

Inez M. Brown, City Clerk

ROLL CALL

REQUEST FOR CHANGES AND/OR ADDITIONS TO AGENDA

Council shall vote to adopt any amended agenda.

PUBLIC SPEAKING

Members of the public shall have no more than two (2) minutes to address the City Council on any subject.

RESOLUTIONS (POSTPONED)

[NOTE: Resolutions No. 180590, 180591, 190011, 190345.1, 190376, 190403, 190404, 190405, 190406, 190407, 190408, 190409, and 190415 were POSTPONED from the September 18, 2019 Committee meetings to this Special Affairs agenda due to the lack of a quorum.]

- 180590** Approval/City of Flint Statement of Policy/Anti-Bullying
- Resolution resolving that the Flint City Council agrees to adopt the Anti-Bullying Policy, as requested by Human Resources.
- 180591** Approval/City of Flint Statement of Policy/Harassment and Discrimination in the Work Place/Complaint Procedure
- Resolution resolving that the Flint City Council agrees to adopt the Harassment and Discrimination in the Work Place Policy, and Complaint Procedure, as requested by Human Resources. [NOTE: Policy last adopted on April 22, 2015.]
- 190011** Approval/City of Flint Statement of Policy/Alcohol & Drug Free Workplace & Testing Policy
- Resolution resolving that the Flint City Council agrees to adopt the Alcohol & Drug Free Workplace & Testing Policy, as requested by Human Resources.
- 190345.1** Approval/Obsolete Property Rehabilitation Exemption Certificate/2957 Carr Street
- Resolution resolving that the Flint City Council hereby approves and grants a 12-year Obsolete Property Rehabilitation Exemption for the real property, excluding land, located within the 2957 Carr Street District, beginning after project completion and continuing for a 12-year period, as requested by the Community and Economic Development.
- 190376** Sale of Properties/Acquired from the Genesee County Treasurer
- Resolution resolving that the Flint City Council is authorized to do all things necessary to approve the sale of the following properties in the following amounts: Jefferson School, 5306 North Street, Flint, for \$1,000.00. [NOTE:

The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "Disposition of Acquired Genesee County Treasurer Properties," to handle the sale of said property.]

190403 **Detroit Salt Co./Bulk Salt**

Resolution resolving that the Department of Purchases and Supplies, upon City Council's approval, is hereby authorized to issue a purchase order to Detroit Salt Co. for bulk salt, as requested by Transportation in an amount NOT-TO-EXCEED \$300,000.00 [Major Street Fund Acct. No. 202-449.203-726.000 = \$150,000.00 and Local Street Fund Acct. No. 203-449.203-726.000 = \$150,000.00]. [NOTE: The purchase of bulk salt for FY2019-2020 is a cooperative effort with the Genesee County Road Commission.]

190404 **Contract/Sorensen Gross Construction Co./East Pump Station Pump Replacement**

Resolution resolving that the appropriate city officials, upon City Council's approval, are hereby authorized to do all things necessary to enter into a contract with Sorensen Gross Construction Co. for pump replacement at the East Pumping Station, in an amount NOT-TO-EXCEED \$515,000.00, as requested by Utilities/Water Pollution Control [Sewer Fund Acct. No. 590-550.300-801.000].

190405 **MDOT Contract No. 19-5400/Michigan Department of Transportation (MDOT)Reconstruction Work/Saginaw Street/Court Street to the Flint River**

Resolution resolving that the appropriate city officials are authorized to do all things necessary to enter into MDOT Contract No. 19-5400 (Job No. 130632PE) for the purpose of fixing the rights and obligations of the parties in agreeing to the preliminary engineering activities for the reconstruction work along Saginaw Street from Court Street to the Flint River, and all together with necessary related work, in the amount of \$185,180.01, AND, resolving that Mayor Karen W. Weaver is the duly authorized city official authorized to sign MDOT Contract No. 19-5400, Job No. 130632PE, on behalf of the City of Flint [Major Street Acct. No. 202-441.702-801.000.] [NOTE: The contract is for fixing the rights and obligations of the parties in agreeing to the preliminary engineering activities for the reconstruction work along Saginaw Street, from Court Street to the Flint River, together with any necessary related work.] [NOTE: The City of Flint's obligation for the work totals \$175,180.01.]

190406 **Grant Acceptance/Budget Amendment/Transfer of Funds/U.S. Department of Health & Human Services (DHHS)Michigan State University/Flint Lead Exposure Registry Grant**

Resolution resolving that the appropriate city officials, upon City Council's approval, are hereby authorized to do all things necessary to accept the Flint Lead Exposure Registry grant, to amend the FY2020-2021 adopted budget, to appropriate the funding for revenue and expenditures in future fiscal years, as long as funds are available from the funder, and to abide by terms and

conditions of the grant from Michigan State University, through a grant awarded by DHHS, in the amount of \$43,391.00, for a cumulative total of \$80,277.00, under Grant Code FFLEXR-MSU19, as requested by the Mayor's Office. [NOTE: The city was awarded grant funding from DHHS in the amount of \$18,418.00 for FY2018 and \$18,418.00 FY2019. The amount for FY2020 was increased to \$43,391.00.]

190407 Budget Amendment/Transfer of Funds/General Fund

Resolution resolving that the appropriate city officials, upon City Council's approval, are hereby authorized to do all things necessary to amend the FY2019-2020 budget of the City of Flint to reflect the changes requested above the city's General Fund (101), for a total change of \$75,000.00.

190408 Contract/Vanguard Utility Service, Inc./Water Meters/Installation Services/New Cellular Remote Read Water Meters

Resolution resolving that the proper city officials, upon City Council's approval, are authorized to include executing a contract to Vanguard Utility Service, Inc. for water meters and installation services to install new cellular remote read water meters at all residential accounts, as requested by Public Works/Utilities, in an amount NOT-TO-EXCEED \$2,221,216.00 [Water Infrastructure Improvements for the Nation (WIIN) Grant Fund Acct. No. 496-556.000-801.061.] [NOTE: City Council approved a separate purchase order to Vanguard Utility Service, Inc. for said work in Resolution No. 190316. This resolution just adds a contract -- there is no change to the budget.]

190409 Contract/Reliance Building Co./Design/Procurement/Construction Start-Up Services/Distribution System Water Quality Monitoring Panels

Resolution resolving that the proper city officials, upon City Council's approval, are authorized to include executing a contract to Reliance Building Co. for design/procurement/construction start-up services-distribution system water quality monitoring, as requested by Public Works/Utilities, in an amount NOT-TO-EXCEED \$374,400.00, contingent upon funding from the State of Michigan. [Water Infrastructure Improvements for the Nation (WIIN) Grant Fund Acct. No. 496-557.000-801.062.] [NOTE: City Council approved a separate purchase order to Reliance Building Co. for said work in Resolution No. 190317. This resolution just adds a contract -- there is no change to the budget.]

190415 Public Hearing/Consolidated Annual Performance and Evaluation Report (CAPER)

Resolution resolving that the Department of Planning and Development, Division of Community and Economic Development, will hold a public hearing on Monday, October 14, 2019, at 5:30 p.m., in the City Council Chambers, 1101 S. Saginaw Street, Flint, Michigan, to allow review and receive public comment on the Consolidated Annual Performance and Evaluation Report (CAPER).

RESOLUTIONS

190393 Sale of Properties/Acquired from the Genesee County Treasurer

Resolution resolving that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts: 1710 W. Home Avenue, Flint, for \$1,000.00. [NOTE: The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties," to handle the sale of such properties.]

190394 Sale of Properties/Acquired from the Genesee County Treasurer

Resolution resolving that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts: 6722 Fleming Road, Flint, for \$1,000.00. [NOTE: The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties," to handle the sale of such properties.]

190395 Sale of Properties/Acquired from the Genesee County Treasurer

Resolution resolving that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts: 1113 W. Hamilton Avenue, Flint, for \$100.00. [NOTE: The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties," to handle the sale of such properties.]

190396 Sale of Properties/Acquired from the Genesee County Treasurer

Resolution resolving that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts: 1814 W. Hobson Avenue, Flint, for \$500.00. [NOTE: The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties," to handle the sale of such properties.]

190397 Sale of Properties/Acquired from the Genesee County Treasurer

Resolution resolving that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts: 1901 Laurel Oak Drive, Flint, for \$1,000.00. [NOTE: The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties," to handle the sale of such properties.]

190398 Sale of Properties/Acquired from the Genesee County Treasurer

Resolution resolving that the Flint City Council authorizes the appropriate City

Officials to do all things necessary to facilitate the sale of the following properties in the following amounts: 1736 W. Hobson Avenue, Flint, for \$1,000.00. [NOTE: The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties," to handle the sale of such properties.]

- 190401** Grant Acceptance/Budget Amendment/Michigan Department of Environment, Great Lakes, and Energy (EGLE)/Service Line Replacement Project

Resolution resolving that the appropriate City Officials are authorized to do all things necessary to amend the \$29,000,000.00 Service Line Replacement grant award and accept the \$7,700,000.00 additional State funds, for a revised total grant amount of \$36,700,000.00, with the proper revenue and expenditures and roll forward any future fiscal years, and abide by the terms and conditions of the grant from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), under Grant Code SDEQ-18LEAD1, for the Service Line Replacement Project.

APPOINTMENTS (POSTPONED)

[NOTE: Appointment No. 190197 was POSTPONED from the September 18, 2019 Committee meetings to this Special Affairs agenda due to the lack of a quorum.]

- 190197** Reappointment/Hurley Board of Managers/Dr. Ronald Stewart/Ward 2

Resolution resolving that the Flint City Council approves the reappointment of Dr. Ronald Stewart (2425 Welch Blvd., Flint, MI 48504 - Ward 2) to a five-year term on the Hurley Board of Hospital Managers, commencing May 15, 2019, and expiring April 30, 2024, as recommended by Mayor Karen W. Weaver.

APPOINTMENTS

ORDINANCES (POSTPONED)

[NOTE: Ordinances No. 190239, 190323, 190412, and 190413 were POSTPONED from the September 18, 2019 Committee meetings to this Special Affairs agenda due to the lack of a quorum.]

- 190239** Amendment/Ordinance/Chapter 46 (Utilities)/Article V (Wastewater Disposal Regulations)/Division I (Use of Storm Sewers)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 46 (Utilities), Article V (Wastewater Disposal Regulations), Division I (Use of Storm Sewers), by adding new sections 46-125 through 46-150.

- 190323** Amendment/Ordinance/Chapter ____/Article ____/_/_____/Add Section ____ (Ethics and Accountability Board By-Laws)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter ____, Article ____, _____, by adding Section ____ (Ethics and Accountability Board By-Laws).

- 190412** Ordinance/Amendment/Chapter 50 (Zoning)/Communities First, Inc./1207 North Ballenger Highway/PC 19-346/Ward 6

Ordinance to amend Chapter 50 (Zoning) of the Code of the City of Flint as requested by Communities First, Inc. (PC 19-346), for a zoning change for the property of 1207 North Ballenger Highway (Parcel ID 40-11-155-014) legally described as THE HIGHLANDS LOTS 144 THRU 147; ALSO LOTS 160 THRU 165 INCL., from "D-2" Neighborhood Business District to "D-5" Metropolitan Commercial Service District. [Planning Commission recommends APPROVAL.]

- 190413** Ordinance/Amendment/Chapter 50 (Zoning)/SecureCann LLC/2502 South Dort Highway/PC 19-344/Ward 9

Ordinance to amend Chapter 50 (Zoning) of the Code of the City of Flint as requested by SecureCann LLC (PC 19-344), for a zoning change for the property of 2502 South Dort Highway (Parcel ID 41-20-278-030) legally described as UNPLATTED PART OF THE NE 1/4 OF SEC 20, T7N, R7E, DESC AS: BEG AT A PT ON E LINE OF SD SEC, N 0 DEG 28' 0" E, 1199.82 FT FROM THE E 1/4 COR OF SD SEC; TH N 88 DEG 19' 0" W, 350FT; TH N 0 DEG 28' 0" E, 57.50 FT; TH S 88 DEG 19' 0" E, 350 FT TO THE E SEC LINE; TH ALG SD LINE 0 DEG 28' 0" W, 57.50 FT TO POB, from "D-6" General and Highway Commercial Services District to "E" Heavy Commercial Limited Manufacturing District. [Planning Commission recommends DENIAL.]

ORDINANCES

DISCUSSION ITEMS

ADDITIONAL COUNCIL DISCUSSION

ADJOURNMENT

180590

RESOLUTION NO.: _____

PRESENTED: 11-20-18

ADOPTED: _____

RESOLUTION TO ADOPT THE ANTI-BULLYING POLICY

BY THE MAYOR:

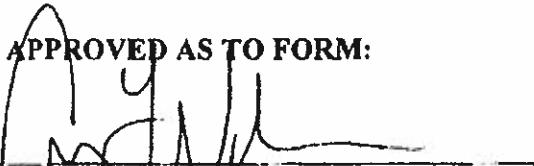
WHEREAS, The City of Flint intends to protect the rights of public servants and employees by adopting policies and procedures regarding bullying.

WHEREAS, The City has prepared an Anti-Bullying Policy. The policy is attached.

WHEREAS, Mayor, Karen W. Weaver recommends adopting the Anti-Bullying Policy.

THEREFORE, BE IT RESOLVED that the Flint City Council agrees to adopt the Anti-Bullying Policy.

APPROVED AS TO FORM:



Angela Wheeler, Chief Legal Officer

FOR THE CITY OF FLINT:



Dr. Karen W. Weaver, Mayor

APPROVED AS TO FINANCE:



Hughey Newsome, Chief Financial Officer

APPROVED BY CITY COUNCIL:

Herbert Winfrey, City Council President

Resolution Routing

TO: Resolution Signatories
FROM: **Law Department**
SUBJECT: RESOLUTION FOR APPROVAL

This RESOLUTION has been forwarded to you for your respective review and approval.

Date recorded: 11/15/2018 18-6470

All documents should be reviewed within three working days after receipt by your office.

Anti-Bullying Policy

The attached resolution is submitted to the Legal Dept. for approval as to form only:

Review and Approval:	IN	OUT	<u>Approval</u>
1. City Attorney (Form Only):		11/15/2018	
2. Finance		11/15/2018	
3. City Administrator			

Please call Jennifer at ex. 2082



City of Flint

Policy: Anti-Bullying Policy	Original Date:
Issued by the City of Flint Legal Department and the Human Resources & Labor Relations Department	Revision Date:

Disclaimer: No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees or to establish an exception to the employment-at-will doctrine beyond that specified in contracts or pertinent collective bargaining agreements. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence.

INTRODUCTION

The following is the City of Flint's policy prohibiting bullying of City public servants¹, employees or job applicants. The Complaint/Report Procedure described in this policy should be utilized to report bullying. The City will take appropriate action to prevent bullying and will protect the rights of public servants and employees who file complaints.

PURPOSE

The City of Flint ("City") considers workplace bullying unacceptable and will not tolerate it under any circumstances. This policy shall apply to all public servants, employees, contractors, interns, externs, and volunteers. Any employee found in violation of this policy will be disciplined, up to and including discharge.

A. Work Place Bullying Defined

The City defines bullying as persistent, malicious, unwelcome, severe and pervasive mistreatment that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, physical or otherwise, at the place of work and/or in the course of employment.

The City promotes a healthy workplace culture where all employees are able to work in an environment free of bullying behavior.

The City encourages all public servants and employees to report any instance of bullying behavior. Any reports of this type will be treated seriously, investigated promptly and impartially. The complaint and procedure policy will be followed as found in this policy.

B. Work Place Bullying Behavior

The City considers the following types of behavior as workplace bullying. Please note, this list is not meant to be exhaustive and is only offered by way of example:

1. Exclusion or social isolation;
2. Excessive monitoring or micro-managing;
3. Personal attacks (angry outbursts, excessive profanity, or name-calling);
4. Encouragement of others to turn against the targeted employee;
5. Sabotage of a co-worker's work product or undermining of an employee's work performance;
6. Stalking;

¹ Public Servants: All persons employed or otherwise engaged by the Corporation of the City of Flint to conduct business on its behalf including but not limited to elected officials, appointed employees, members of boards and commissions, classified employees, contractual employees, and volunteers. Flint City Charter §1-405

7. Unwelcome touching or uncontested-to touching;
8. Invasion of another's person's personal space;
9. Unreasonable interference with an employee's ability to do his or her work (i.e., overloading of emails);
10. Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets; and
11. Conduct a reasonable person would find hostile, offensive, and unrelated to the employer's legitimate business interests

C. Complaint/Report Procedure

The following procedure shall be utilized by the City public servants and employees for the processing of complaints relating to bullying in the work place. This procedure shall apply only to those complaints directed against a person who at the time of the filing of the complaint is a City of Flint employee or public servant. The procedure may be utilized with regard to complaints covering administrators, supervisory personnel and co-employees. While the procedure itself is not directly applicable to complaints involving non-employees of the City of Flint, any bullying from such individuals in the City of Flint work place should be brought to the attention of the employee's supervisor and/or the Human Resources Director.

1. City of Flint Fact Finding Procedure

- i. An employee, regardless of position, who feels he or she is being or has been subjected to bullying is expected to notify the Human Resources Director or his/her supervisor (or a higher level supervisor if the immediate supervisor is the offending party) immediately by issuing their complaint in writing or verbally. All complaints will be forwarded to the Human Resources Director if the offending party. If the Human Resources Director is believed to have violated the City's Anti-Bullying Policy, the employee should immediately file a written or verbal complaint with the City Attorney.
- ii. The written complaint must provide the following:
 - a. The dates and times the instances of bullying have occurred;
 - b. The identity of the perpetrators;
 - c. Any known witnesses;
 - d. The nature of the conduct amounting to bullying; and
 - e. A request for an investigation
- iii. If a verbal complaint is made then the person who took the complaint must reduce the complaint to writing and provide the requirements listed under Section E(1)(ii)

The Human Resources/Labor Relations Director then assigns an Investigator to the complaint. Information received during the complaint process will be treated as confidentially as may be permitted under the circumstances, giving due regard to an employee's right to be apprised of and respond to allegations made against him or her.

2. Investigation Process

- i. During the investigation a statement of public servants and/or employees or others with any possible knowledge of the situation are obtained through interviews. The statement may be reduced to writing for signature by the maker of the statement recorded or transcribed at the discretion of the investigator.
- ii. The complainant and the accused employee may be accompanied at the time of the statement by his or her union steward. Other persons may not be allowed at the time the statement is made.
- iii. Any physical and/or documentary evidence is collected or secured.
- iv. Upon completion of the investigation, a summary report of the findings and the investigator's recommendation is prepared and submitted to the Human Resources Director.
- v. The Human Resources Director in consultation with the City Administrator will issue the final determination as to whether the City's Anti-Bullying Policy has been violated.
- vi. If it is found the Policy has been violated, the Human Resources and Labor Relations Director in consultation with the City Administrator will determine what amount of disciplinary action is appropriate, and initiate implementation of discipline.

Although confidentiality will be maintained to the extent practicable throughout the investigation process, notification to the accused may occur at any step of this investigation process.

At any stage in the process an investigation may be discontinued or held in abeyance due to conflicting or insufficient evidence, improper motivation or lack of jurisdiction as determined by the investigator. The Human Resources Director, in consultation with the City Administrator, shall have final authority to determine whether an investigation proceeds or is discontinued. If the Human Resources Director is the subject of such investigation, final authority shall rest with the City Attorney.

3. Unsubstantiated Complaints

- i. If, as a result of the investigation, it is determined no violation of the policy has occurred, or there is insufficient information from which to make a determination whether a violation has occurred: The complaint and alleged bully shall be notified of the finding and the reason(s) therefore.

D. False Allegations

- i. If after an investigation the City of Flint finds clear and convincing evidence a complainant knowingly made false complaints, the complainant may be subject to disciplinary action up to and including termination.

DRAFT

180591

RESOLUTION NO.: _____

PRESENTED: 11-20-18

ADOPTED: _____

**RESOLUTION TO ADOPT HARASSMENT AND DISCRIMINATION IN THE WORK
PLACE POLICY AND COMPLAINT PROCEDURE**

BY THE MAYOR:

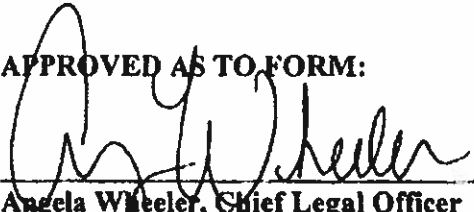
WHEREAS, The City of Flint intends to protect the rights of public servants and employees by adopting policies and procedures regarding discrimination and harassment.

WHEREAS, The City has prepared a Harassment and Discrimination in the Work Place Policy and Complaint Procedure. The policy is attached.

WHEREAS, Mayor, Karen W. Weaver recommends adopting the Harassment and Discrimination in the Work Place Policy and Complaint Procedure.

THEREFORE, BE IT RESOLVED that the Flint City Council agrees to adopt the Harassment and Discrimination in the Work Place Policy and Complaint Procedure.

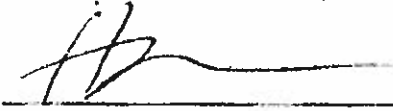
APPROVED AS TO FORM:


Angela Wheeler, Chief Legal Officer

FOR THE CITY OF FLINT:


Dr. Karen W. Weaver, Mayor

APPROVED AS TO FINANCE:


Hughey Newsome, Chief Financial Officer

APPROVED BY CITY COUNCIL:

Herbert Winfrey, City Council President

Resolution Routing

TO: Resolution Signatories
FROM: **Law Department**
SUBJECT: RESOLUTION FOR APPROVAL

This RESOLUTION has been forwarded to you for your respective review and approval.

Date recorded: 11/15/2018 18-6469

All documents should be reviewed within three working days after receipt by your office.

Harassment and Discrimination Policy

The attached resolution is submitted to the Legal Dept. for approval as to form only:

Review and Approval:	IN	OUT	<u>Approval</u>
1. City Attorney (Form Only):		11/15/2018	
2. Finance		11/15/2018	
3. City Administrator			

Please call Jennifer at ex. 2082



City of Flint

Policy: Harassment and Discrimination in the Work Place Policy and Complaint Procedure	Original Date:
Issued by the City of Flint Legal Department and the Human Resources & Labor Relations Department	Revision Date:

Disclaimer: No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees or to establish an exception to the employment-at-will doctrine beyond that specified in contracts or pertinent collective bargaining agreements. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence.

INTRODUCTION

The following is the City of Flint's policy prohibiting discrimination and harassment of City public servants¹, employees or job applicants on any basis protected by federal, state or local law. The Complaint/Report Procedure described in this policy should be utilized to report discrimination and harassment. The City will take appropriate action to prevent discrimination and harassment and will protect the rights of public servants and employees who file complaints.

PURPOSE

Because the City of Flint ("the City") is an equal opportunity employer, it is the policy of the City that public servants, officials, employees and applicants shall receive consideration and treatment consistent with all equal employment opportunity laws in all terms and all conditions of work. This includes a workplace free of discriminatory and harassing conduct as those terms are defined. The City does not discriminate against anyone on the basis of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, age, or non-disqualifying physical or mental disability, or any basis protected by federal, state, or local law.

The City strives to provide a work environment which promotes respect and in which each employee has the opportunity to develop to his or her full potential. Discrimination and harassment are strictly prohibited, not only because they violate the law, but also because they are contrary to the City's interest in attracting, retaining and promoting the most talented, effective and dedicated employees.

The City has an internal Complaint/Report Procedure to address and resolve complaints of discrimination and harassment. The City will take appropriate action to prevent discrimination and harassment, and to protect the rights of public servants who file complaints.

A. Discrimination is Prohibited

¹ Public Servants: All persons employed or otherwise engaged by the Corporation of the City of Flint to conduct business on its behalf including but not limited to elected officials, appointed employees, members of boards and commissions, classified employees, contractual employees, and volunteers. Flint City Charter §1-405

The City requires all applicants, public servants, and employees be treated as individuals, on the basis of their own qualifications, skills, abilities, conduct and performance.

Discrimination on account of any status protected by law, including but not limited to those identified in the first paragraph above, is prohibited. This Policy applies to all employment practices, including recruitment, hiring, evaluation, promotion, transfer, discipline and termination, as well as to all forms of compensation and benefits.

All personnel working for the City, including public servants, contractors, students, interns, externs and volunteers are required to comply with this Policy, including the Complaint/Report procedure. All personnel must behave in a non-discriminatory and business-like manner in all dealings with co-workers and all non-employees of the City contracted in the course of employment. The Policy also prohibits discrimination and harassment by persons doing business with the City, including vendors.

B. Harassment is Prohibited

Additionally, this Policy prohibits harassment, both in the workplace and in other work-related activities, such as business trips and business-related meetings and social events. No employee should have to tolerate harassment of the type described in this Policy and the City takes allegations of harassment seriously. The City will promptly investigate all reports and complaints of prohibited harassment. If it is determined inappropriate conduct has occurred, the City will take corrective and remedial action appropriate to the situation. If any public servant or employee engages in harassment prohibited by this Policy, they will be subject to disciplinary action, up to and including discharge.

C. Sexual Harassment is Prohibited

Sexual harassment in the workplace or in other work-related settings is illegal and is prohibited by this Policy. Sexual harassment is typically defined as unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, when:

- Submission to that conduct is made explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of that conduct is used as a basis for employment decisions; or
- The conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

For the purpose of this Policy "unwelcome" means "unwanted." An employee should never assume any such conduct is welcomed by others.

Under the definition given above, sexual harassment includes a direct or implied request by a supervisor for sexual favors in exchange for favorable job action (such as a favorable review, a salary increase or promotion) or in exchange for avoiding unfavorable job action (such as demotion, discipline or discharge). Any such requests are strictly prohibited and will result in disciplinary action or discharge. If any supervisor or manager makes any such direct or implied request, it must be reported as described in the policy. The City will take actions appropriate to fully investigate allegations of harassment.

The legal definition of sexual harassment also includes other types of conduct. While it is not possible to describe all circumstances which may constitute sexual harassment, the following are examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity and pervasiveness of the conduct:

- Sexual advances and propositions, with or without physical contact;
- Making or threatening reprisal for a negative response to sexual advances;
- Sexual epithets and jokes and written or oral remarks about a person's sex life, body or sexual activities, sexual deficiencies or prowess;
- Displaying or circulating obscene or sexually suggestive objects, pictures, cartoons, internet materials or screen-savers;
- Gossip or questions about someone's sexual experiences, gender identification, or orientation or talking about sexual experiences;
- Assaults, pinching, hugging, kissing or touching of an offensive or sexual nature or rubbing up against the body or impeding or blocking movement;
- Leering, wolf whistles, catcalls, sexual slurs or gestures, or sexually suggestive, insulting or degrading comments;
- Sexually suggestive or obscene letters, notes, e-mails or invitations; and
- Repeated solicitation, requests for dates and the like by anyone to someone who has indicated such attentions are not welcome.

Whether such conduct is deemed to be illegal or not, unwelcome and offensive conduct of these types by any individual toward anyone is prohibited by this Policy. Anyone found to be in violation of this policy is subject to disciplinary action up to and including termination and any other penalties recognized by Federal, State and Local law.

D. Other Types of Harassment are Prohibited

Not all harassment is sexual. This Policy also prohibits verbal or physical harassment of any person because of his or her race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, age, disability, height, weight, marital status, or protected status or exercise of legal rights, including the right to report violations of this Policy, where such conduct is unwelcome and has the effect

of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Whether any such conduct is deemed to be illegal or not, conduct such as that described below is prohibited:

- Epithets, slurs, ridicule, insults, or threatening, intimidating or hostile acts, including those that purport to be "jokes" or "pranks," made to or about someone because of his or her membership in a protected class or exercise of legal rights;
- Stereotyping or offensive comments, cartoons, pictures or objects that denigrate or insult members of a protected class or those who exercise legal rights; and
- Demeaning, hostile or derogatory remarks directed at someone because of his or her protected class status or exercise of legal rights.

These are just some examples of conduct which may constitute harassment, depending upon the totality of circumstances, including the severity and pervasiveness of the conduct.

E. Complaint/Report Procedure

The following procedure shall be utilized by the City public servants and employees for the processing of complaints relating to discrimination and harassment. This procedure shall apply only to those complaints directed against a person who at the time of the filing of the complaint is a City of Flint employee or public servant. The procedure may be utilized with regard to complaints covering administrators, supervisory personnel and co-employees. While the procedure itself is not directly applicable to complaints involving non-employees of the City of Flint, any discrimination or harassment from such individuals in the City of Flint work place should be brought to the attention of the employee's supervisor and/or the Human Resources Director.

1. City of Flint Fact Finding Procedure

- i. An employee, regardless of position, who feels he or she is being or has been subjected to illegal discrimination or harassment by another person on the basis of their race, color, sex, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, age, disability height, weight, marital status, is expected to notify the Human Resources Director or his/her supervisor (or a higher level supervisor if the immediate supervisor is the offending party) immediately by issuing their complaint in writing or verbally. All complaints will be forwarded to the Human Resources Director unless the Human Resources Director is the offending party. If the Human Resources Director is believed to have violated the City's No Harassment and Discrimination in the Work Place Policy, the employee should immediately file a written or verbal complaint with the City Attorney.

ii. The written complaint must provide the following:

- a. The dates and times the instances of discrimination or harassment have occurred;
- b. The identity of the perpetrators;
- c. Any known witnesses;
- d. The nature of the conduct amounting to the discrimination or harassment; and
- e. A request for an investigation

iii. If a verbal complaint is made then the person who took the complaint must reduce the complaint to writing and provide the requirements listed under Section E(1)(ii).

The Human Resources/Labor Relations Director then assigns an investigator to the complaint. Information received during the complaint process will be treated as confidentially as may be permitted under the circumstances, giving due regard to an employee's right to be apprised of and respond to allegations made against him or her.

2. Investigation Process

i. During the investigation a statement of public servants and/or employees or others with any possible knowledge of the situation are obtained through interviews. The statement may be reduced to writing for signature by the maker of the statement recorded or transcribed at the discretion of the investigator.

ii. The complainant and the accused employee may be accompanied at the time of the statement by his or her union steward. Other persons may not be allowed at the time the statement is made.

iii. Any physical and/or documentary evidence is collected or secured.

iv. Upon completion of the investigation, a summary report of the findings and the Investigator's recommendation is prepared and submitted to the Human Resources Director.

v. The Human Resources Director in consultation with the City Administrator will issue the final determination as to whether the City's No Harassment and Discrimination in the Work Place Policy has been violated.

- vi. If it is found the Policy has been violated, the Human Resources and Labor Relations Director in consultation with the City Administrator will determine what amount of disciplinary action is appropriate, and initiate implementation of discipline.

Although confidentiality will be maintained to the extent practicable throughout the investigation process, notification to the accused may occur at any step of this investigation process.

At any stage in the process an investigation may be discontinued or held in abeyance due to conflicting or insufficient evidence, improper motivation or lack of jurisdiction as determined by the investigator. The Human Resources Director, in consultation with the City Administrator, shall have final authority to determine whether an investigation proceeds or is discontinued. If the Human Resources Director is the subject of such investigation, final authority shall rest with the City Attorney.

3. Unsubstantiated Complaints

- i. If, as a result of the investigation, it is determined no violation of the policy has occurred, or there is insufficient information from which to make a determination whether a violation has occurred: The complainant and alleged harasser shall be notified of the finding and the reason(s) therefore.

F. Federal, State and Local Laws

Federal, state and local laws prohibit illegal discrimination, harassment and retaliation. It is the policy of the City to comply with all state and federal laws which prohibit illegal harassment and discrimination in the workplace, including the Elliott-Larson Civil Rights Act and Title VII of the 1964 Civil Rights Act.

G. False allegations

If after an investigation the City of Flint finds clear and convincing evidence a complainant knowingly made false complaints, the complainant may be subject to disciplinary action up to and including termination.

RESOLUTION NO. 190011

(Resolution to Adopt the Alcohol & Drug Free Workplace and Testing Policy) is being prepared by the Administration for the 2/20/2019 Legislative Committee agenda. Policy attached.

CITY OF FLINT

ALCOHOL & DRUG FREE WORKPLACE AND TESTING POLICY

1. PURPOSE

The City of Flint recognizes the importance of a drug and alcohol free workplace. The abuse of drugs, alcohol or other chemical substances by an employee endangers the safety of the public, the employee, and other City employees. The City recognizes it is in its best interest, as well as the best interest of its employees and the public, to prevent and eliminate drug, alcohol and or substance abuse in the work place. Any employee found using, possessing, selling, distributing or being under the influence of an illegal chemical substance and/or alcohol during working hours, while on City property, or while using City equipment will be subject to discipline up to and including termination of employment.

2. APPLICATION

This policy applies to all employees as well as all applicants for employment once they have received a conditional offer of employment.

Nothing in this policy shall conflict with the Collective Bargaining Agreements of any employees. If a provision of this policy conflicts, the Collective Bargaining Agreement prevails.

Because of Federal law requirements, any employee who is convicted of manufacturing, distributing, dispensing, possessing, or use of controlled substances in the workplace must report that fact within five days of the conviction to the Director of Human Resources and Labor Relations. If your job relates to, or is funded by a Federal grant or contract, the City is required to notify the Federal Government of your conviction within ten (10) days.

3. APPLICANT PRE-EMPLOYMENT TESTING

All applicants will undergo drug and or alcohol testing following a conditional offer of employment, but prior to final hiring and assignment. Refusal to undergo a test, or a positive test, will result in the City withdrawing its conditional offer of employment. In addition, adulteration of a specimen or a drug or alcohol test will be considered as a refusal to undergo a test.

4. FOR CAUSE TESTING

Drug and/or alcohol testing may be conducted on any employee at any time the City has reasonable suspicion there is cause to believe an employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:

- a. Observation of drugs or alcohol on or about the employee's person or in the employee's vicinity;
- b. Observation of conduct on the part of the employee that suggests that the employee is impaired or is under the influence of drugs or alcohol;

- c. Receipt of a report of drug or alcohol use by an employee while at work;
- d. Information that an employee has tampered with drug or alcohol testing at any time;
- e. Negative job performance patterns by the employee; or
- f. Excessive or unexplained absenteeism or tardiness.

The supervisor will verbally inform the employee of the reason for the test. Additionally, a written record of the situation leading to the drug or alcohol test will be created and signed by the supervisor(s) within 24 hours of the event. A copy of the report will be forwarded to the Human Resources and Labor Relations Department.

5. POST-ACCIDENT TESTING

Post-Accident drug and or alcohol testing may be conducted on an employee where there has been damage to City property or equipment while the employee was at work or the employee or another person has sustained an injury while at work. The post-accident test will be administered while the employee is still on duty or as close as possible. No employee required to take a post-accident alcohol or drug test may use any alcohol or drugs of any kind following the accident until the employee undergoes the post-accident testing.

6. RANDOM TESTING

The City of Flint will randomly test employees for compliance with its drug-free workplace policy. As used in this policy, "random testing" means a method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested. Furthermore, the City of Flint has no discretion to waive the selection of an employee selected by this random selection method.

The City may, at various times, randomly select members of the following employment groups, at its discretion, for unannounced random testing for drugs or alcohol:

- a. Police officers
- b. Firefighters
- c. Safety-Sensitive Employees: Persons engaged in activities that directly affect the safety of the public.
- d. Employees whose work requires possession of a CDL.

7. SCHEDULED PERIODIC TESTING

The City of Flint reserves the right to conduct periodic testing on a regularly scheduled basis for employees in designated departments, classifications or workgroups.

8. RETURN TO DUTY TESTING

When an employee has a confirmed positive test result, or has been sent to a drug dependency program at the request of the City of Flint as a condition of continued

employment, the employee will be required to be tested at least six (6) times in the first twelve (12) months following the employee's return to active duty. Return to Duty tests must be conducted under direct supervision.

9. SUBSTANCES COVERED BY DRUG AND ALCOHOL TESTING

Employees will be tested for their use of commonly abused controlled substances, which include amphetamines, barbiturates, benzodiazepines, opiates, cannabinoids*, cocaine, methadone, methaqualone, phencyclidine (PCP), propoxyphene and chemical derivatives of these substances.

Employees must advise testing lab employees of all prescription drugs taken in the past month before the test and be prepared to show proof of such prescriptions to testing lab personnel.

** Despite Michigan law, marijuana for medical or recreational use is a Drug Enforcement Administration listed Schedule I controlled substance and therefore is prohibited.*

10. MARIJUANA USE PROHIBITED

The State of Michigan has enacted legislation allowing for the recreational and medical use of marijuana. Despite Michigan law, marijuana for medical or recreational use is a Drug Enforcement Administration listed Schedule I controlled substance. Therefore, the marijuana use remains prohibited when engaged in activities governed by Federal law specifically, the U.S. Department of Transportation (DOT) Drug and alcohol testing regulations.

The City of Flint, as an employer, is required to ensure the safety and protection of the citizens served by its employees. Therefore, the enactment of the Medical Marijuana Act (MMA) and recreational marijuana usage legislation does not override existing policies concerning the following:

- The City of Flint Alcohol & Controlled Substance Testing Policies and Procedures for Employers with Commercial Driver's License (CDL) or City policies affiliated with DOT Federal Transit Administration Regulations;
- Negligent entrustment of City vehicles;
- Driving while impaired or yielding positive test results post-accident, including the operation of City vehicles or a private vehicle while conducting City business;
- Any employee engaged in conduct or action prohibited by the MMA;
- Smoking marijuana in public;
- Possession of marijuana at schools or correctional facilities;
- Operating a vehicle under the influence of marijuana;
- Selling marijuana during hours of employment, at any City work site and or on City property;
- Being in possession of marijuana while on City premises or on duty; and
- Working while under the influence of marijuana.

11. TESTING METHODS AND PROCEDURES

All testing will be conducted by a licensed independent medical laboratory, which will follow testing standards established by the state or federal government. Testing will be conducted on a urine sample provided by the employee to the testing laboratory under procedures established by the laboratory to ensure privacy of the employee, while protecting against tampering/alteration of the test results.

Employees will be considered to be engaged at work for the time spent in taking any tests and will be compensated for such time at their regular rate.

The City of Flint will pay for the cost of the testing, including the confirmation of any positive test result by gas chromatography. The testing lab will retain samples in accordance with state law, so an employee may request a retest of the sample at his or her own expense if the employee disagrees with the test result.

12. REFUSAL TO UNDERGO TESTING

Employees who refuse to submit to a test are subject to disciplinary action, up to and including immediate discharge.

13. POSITIVE TEST

If an employee tests positive on an initial screening test, the employee will be temporarily suspended while the confirmation test is being conducted. On receipt of the confirmation test, the employee will be subject to disciplinary action, up to and including discharge. Discipline selected by the City of Flint will depend on a variety of factors, including, but not limited to, the prior work record of the employee, the length of prior employment, the prior accident and attendance record of the employee, the circumstances that led to the testing, and the proposals by the employee to address the problem.

14. RIGHT TO EXPLAIN TEST RESULTS

All employees and applicants have the right to meet with the testing laboratory personnel, and with the City of Flint, to explain their test results. These discussions should be considered confidential, except information disclosed in such tests will be communicated to personnel within the City of Flint Human Resources and Labor Relations department or within the lab who need to know such information to make proper decisions regarding the test results or regarding the employment of the individual.

15. RIGHT TO REVIEW RECORDS

Employees have a right to obtain copies of all test results from the testing laboratory, or from the City of Flint. When an employee disagrees with the test results, the individual may request the testing laboratory repeat the test. Such repeat testing will be at the expense of the individual, unless the repeat test overturns the original report of the lab, in which case the City of Flint will reimburse the employee for the costs incurred for the retest.

16. CONFIDENTIALITY REQUIREMENTS

All records concerning test results will be kept in medical files that are maintained separately from the personnel file of the employee.

Testing laboratories may conduct testing only for substances included on the disclosure list provided to the individual, and may not conduct general testing related to the medical conditions of the individual that are unrelated to drug use.

17. RETESTING

Employees may request a retest of their positive test results within five (5) working days after notification by the City of Flint of such positive test result. This retest is at the expense of the individual, unless the original test result is called into question by the retest.

Where the employee or applicant believes the positive test result was affected by taking lawful or prescribed substances, the individual may be suspended without pay pending receipt of confirming information to substantiate the claims of the individual. Normally, the individual will be provided no more than five (5) business days in which to provide this additional information.

Once City of Flint has determined whether there is evidence to indicate the test results are incorrect, the City of Flint will advise the individual of its decision.

18. TREATMENT, TERMINATION AND REHIRE

Employees who test positive for any drug(s) listed on the disclosure list have two (2) choices. One, the employee may agree to enter an authorized treatment program approved by the City of Flint, and agree to subsequent retesting for a period of two (2) years after returning from treatment. Or two, the employee will be terminated immediately and will not be considered for rehire until he or she can show he or she has remained drug-free for a period of two years or more.

19. RESPONSIBILITIES OF INDIVIDUALS

In order to comply with the provisions of this policy, each employee assumes the following responsibilities:

- a. *Working under the Influence of Performance Impairing Medication:* Employees who have been prescribed legal medications that might affect the safe performance of their duties are required to notify their supervisors prior to performing any hazardous or dangerous tasks.
- b. *Reporting to Work or Working While Impaired:* Employees may not report to work and may not continue to work while impaired by any restricted substance identified in this policy.
- c. *Reporting Violations:* The services provided by certain employees are performed, at times, under hazardous and dangerous conditions. Thus,

employees are encouraged to come forward and report any violation of this policy to management. This information may be instrumental in the prevention of serious accidents and injuries on the job.

Any questions concerning this policy, its interpretation or application should be directed to the Human Resources and Labor Relations Department.

Policy Enacted: 2004

Policy Revision: November 20, 2006

Policy Revision: December 4, 2018

190345.1

Resolution No.: _____

Presented: 9-18-19

Adopted: _____

**Resolution Approving an Obsolete Property Rehabilitation Exemption
Application – Carr St. Apartments**

(Fraser Flint L.L.C. - P.A. 146 of 2000, as amended – 2957 Carr St.)

By the Mayor:

Pursuant to Public Act 146 of 2000, as amended, the City of Flint is a Qualified Local Governmental unit, eligible to establish one or more obsolete property rehabilitation districts within its boundaries. As requested by the owners of property commonly known as 2957 Carr St. and legally described in the Attachment, the City of Flint has established such district on the aforementioned property, pursuant to a hearing held on May 13, 2019.

The taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt, under public Act 146 of 2000 and under Public Act 198 of 1974 (IFTs) exceeds 5 percent of the total taxable value of the City of Flint.

Exceeding 5 percent will not have the effect of substantially impeding the operation of the City of Flint or of impairing the financial soundness of an affected taxing unit.

The application was approved subsequent to a public hearing held on September 23, 2019, as provided by Section 4(2) of P.A. 146 of 2000, as amended.

The application considered is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.

All items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the City of Flint by the applicant.

The City of Flint requires that rehabilitation of the facility shall be completed by December 31, 2019.

The commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.

The application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility within the meaning of P.A 146 of 2000, as amended, situated within

an Obsolete Property Rehabilitation District established by the City of Flint, a Qualified Local Governmental Unit, eligible under P.A. 146 of 2000 to establish such a district.

The completion of the rehabilitation facility is calculated, to, and will at the time of the issuance of the certificate, have the reasonable likelihood to increase commercial activity, to create employment, and revitalize an urban area.

The rehabilitation includes improvements aggregating 10 percent or more of the true cash value of the property at commencement of the rehabilitation as provided by Section 2(1) of P.A. 146 of 2000, as amended.

IT IS RESOLVED, That the Flint City Council hereby approves and grants a 12 year Obsolete Property Rehabilitation exemption for the real property, excluding land, located within the 2957 Carr St. District, beginning after project completion and continuing for a 12 year period.

APPROVED AS TO FORM:


Angela Wheeler, Chief Legal Officer

ADMINISTRATION


Dr. Karen W. Weaver, Mayor

CITY COUNCIL

Herbert J. Winfrey, President
Flint City Council

ATTACHMENT

The land is described premises situated in the City of Flint, County of Genesee, State of Michigan, to-wit:

2957 Carr St.

Parcel No. 47-33-302-006

Legal Description: KEARSLEY LAKE VIEW PART OF NW 1/4 OF SW 1/4 OF SEC 33, T8N, R7E LOTS 11 THRU 18 INCL

RESOLUTION STAFF REVIEW

DATE

August 2, 2019

Agenda Item Title:

1. Resolution Setting Hearing Date to Consider the Approval of an Obsolete Property Rehabilitation Exemption Application for Fraser L.L.C. (Public Act 146 of 2000, as amended - 2957 Carr St.)
- ✓ 2. Resolution Approving an Obsolete Property Rehabilitation Exemption Application (Public Act 146 of 2000, as amended – 2957 Carr St.)

Prepared By

Department of Planning and Development - Community and Economic Development Division

Background/Summary of Proposed Action:

These resolutions are to 1.) Set a public hearing date on which to allow for public comments on the application for an Obsolete Property Exemption Certificate for 2957 Carr St.; 2.) Subsequent approval of the application.

The apartment complex for which this application refers, is owned by Fraser Flint, L.L.C and is located at 2957 Carr Street in a northeast Flint neighborhood in close proximity to the Kearsley Reservoir. The complex was constructed in 1968 and consists of a mix of five 2-story California and ranch style buildings. There is a total of 42 apartments with a total square footage of 21,000. All units are currently vacant.

The Owner plans to completely renovate all units with energy efficient furnaces, tankless water heaters, new kitchens, bathrooms and other items as included in the attached application.

The owner's intent is to create a gated community, rehab the units and market them to seniors and veterans. Amenities offered or included will be onsite laundry facilities, security with security cameras, gardening area for residents, fitness/activity room, exam room for medical personnel to see patients, area for cookouts and gatherings, and an area close to the water to enjoy the view.

Obsolete Property Rehabilitation Act (OPRA)

Under the OPRA, only those properties within the district meeting the definition of "obsolete property" are eligible for an exemption certificate. The facility for which the

Flint Fraser L.L.C. – OPRA Request
2957 Carr St. District
August 2, 2019 – Page Two

OPRA exemption is being requested for this application has been deemed and described as functionally obsolete, which is defined as follows:

... the property is unable to be used to adequately perform the function for which it is intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or super inadequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property.

Financial Implications (Analysis):

If the Obsolete Property Rehabilitation Exemption Certificate is granted, property taxes would be levied using the taxable value of the building prior to rehab of the facility (i.e. the value of the building for the year prior to the approval of the application for the certificate) for the exemption period. In addition, state education taxes and school operating taxes would be levied throughout the exemption period, but always using the *current* value of the building and not the pre-rehab value.

Tax savings are realized under the exemption certificate when the owner rehabilitates the building, resulting in an increased taxable value. The owner would then be paying taxes based on the pre-rehabilitated value of the building as opposed to the current higher rehabilitated value.

Budgeted Expenditure: Yes ____ No X ____ Please explain, if no: N/A

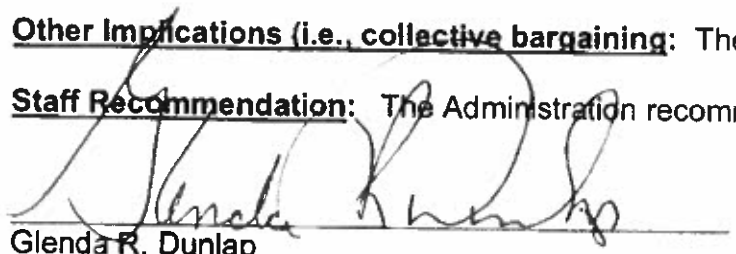
Account #:

Date Reviewed and approved by Carissa Dotson ____ N/A ____

Pre-encumbered: Yes ____ No ____ **Requisition #** ____ N/A ____

Other Implications (i.e., collective bargaining): There are no known implications

Staff Recommendation: The Administration recommends approval.


Glenda R. Dunlap
Program Manager

Itemized cost

Name:	Lakeside	Date	1/13/19
Location:	2957 Carr St	Sq Feet	21000
	Flint, MI		

BUDGET GRAND TOTAL **706225**

OVERALL ITEMS	323200
Demolition, after rehab deep cleaning	14700
Curbs, Gutters, sidewalks	3600
Landscaping	3500
Asphalt Paving, Parking lot	16,000
Metal Fencing and Automatic Security Gates	28000
Security Cameras, Monitors and Lighting	1280
exterior painting, power washing gutter&down sprouts, siding	12500
Roofing and roofing related rough carpentry	63440
Gas plumbing (including individual metering)	50400
Electrical (including individual metering)	63000
Onsite Laundry and Equipment (coin operated washers and dryers)	0
Onsite fitness/activity room with equipment office	6220
Gazebo, grills, flag	2180
maintenance shed	4200
signage	820
pest control	960
Permit	5000
Architect's drawing	25400
Site Management Fee	22000

EQUIPMENT per unit (home depot purchase order) incl tax ship/handeli TOTAL	96245
Labor (including drywall, paint)	178000
Units	
KITCHEN	
Double Bowl Kitchen Sink	42
Kitchen faucet with sprayer	42
Double outlet waste drains center style with P traps	42
Sink Basket Strainers	84
20 in. supply lines	84
1/4 turn shutt offs, pex style	84
6ft counter tops (item 3 CTOP)	42
60 inch Cabinet base	
15x30 in Wall Cabinets	84
Over the fridge double cab nets	42
Stainless vent hoods (item 2 HD)	42
Apartment Size gas ranges	42
Standard Refrigerators	42
BATH	
Standard Bath tubes	42
bath wall Surrounds	42
Shower Faucets, Single Handles	42
Toilets	42
bathroom cabinet	42
Wax Rings	42
Toilet Supply lines	42
1/4 turn shut offs	84
FLOOR/DOOR	
Flooring Plank style with adhesive on each piece type	
Standard steel front doors 32 inch (item 4)	42

RESOLUTION REVIEW FORM

FROM: DCED/- GRD
Department/Author

DATE
NO.

August 2, 2019
19-8127
Law Office Login #

RESOLUTION NAME: **Resolution Approving an Obsolete Property Rehab Application for Carr St. Apartments**

Date in:

1. RESOLUTION REVIEW - PLANNING AND DEVELOPMENT DIRECTOR

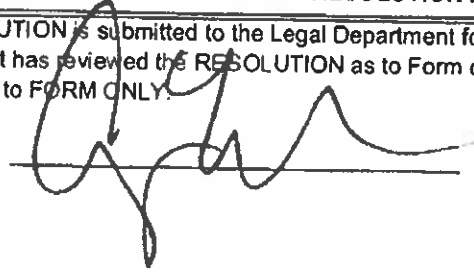
By: Suzanne Wilcox 
Planning and Development Director

DATE: 8/5/19
(Date)

Date in:

2. RESOLUTION REVIEW - LEGAL

The attached RESOLUTION is submitted to the Legal Department for Approval as to FORM ONLY.
The Legal Department has reviewed the RESOLUTION as to Form on this form approves as to FORM ONLY.

By: 
Legal Officer

8/7/19, and by signing
(Date) 8/7/19
DATE:

RESOLUTION NO.: **190376**

PRESENTED: 9-09-2019

ADOPTED: _____

**Resolution Authorizing the Sale of Properties Acquired by
the City of Flint from the Genesee County Treasurer**

BY THE FLINT CITY COUNCIL:

The Flint City Council adopted Resolution 170588.1 on December 31, 2017, to keep seven (7) properties that were scheduled to be transferred to the Genesee County Treasurer; and

The Flint City Council adopted a policy, Resolution No. 180627 on April 8, 2019, entitled "Disposition of Acquired Genesee County Treasurer Properties" to handle the sale of said property.

IT IS RESOLVED, that the Flint City Council is authorized to do all things necessary to approve the sale of the following properties in the following amounts:

_____Jefferson School_____ 5306 North Street, Flint_____ for \$1,000.00_____.

Angela Wheeler
Chief Legal Officer

Tamar Lewis
Acting Deputy Financial Officer

Karen W. Weaver, Mayor

Herbert Winfrey, Council President

190403

Proposal #20000023

SUBMISSION NO.:

PRESENTED: 9-18-19

ADOPTED:

BY THE CITY ADMINISTRATOR:

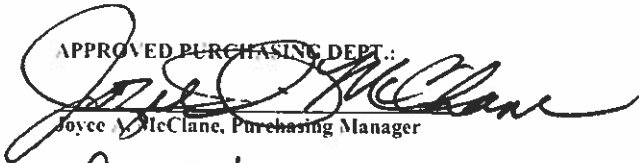
RESOLUTION TO DETROIT SALT COMPANY FOR BULK SALT

RESOLUTION

The Department of Purchases & Supplies has received notification from Genesee County Road Commission that the Bulk Salt AGREEMENT WITH Detroit Salt Company, 12841 Sanders Street, Detroit, Michigan has been negotiated for the City of Flint to procure bulk salt as part of a cooperative purchase. Funding for the request will come from the following accounts: 202-449.203-726.000 (\$150,000.00) and 203-449.203-726.000 (\$150,000.00); and

IT IS RESOLVED, that the Department of Purchases and Supplies, upon Council's approval, is hereby authorized to issue a purchase order to Detroit Salt Company for Bulk Salt in an amount not to exceed \$300,000.00 from FY19/20 budget. (Major Fund, Local Street Fund)

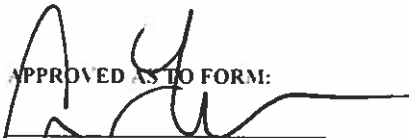
APPROVED PURCHASING DEPT.:


Joyce A. McClane, Purchasing Manager

APPROVED AS TO FINANCE:


Tamar Lewis
Deputy Chief Financial Officer

APPROVED AS TO FORM:


Angela Wheeler
Chief Legal Officer


Steve Branch, City Administrator

CITY COUNCIL:

Herbert J. Winfrey, Council President

FY19/FY20 jam

RESOLUTION STAFF REVIEW

DATE: September 5, 2019

Agenda Item Title: Detroit Salt

Prepared By: Au Lisa W. McGovern for Betty Wideman

Background/Summary of Proposed Action:

The purchase of road salt for FY20 is a cooperative effort with the Genesee County Road Commission and is necessary in the winter months to maintain a safe and hazard free driving surface.

Financial Implications: None

Budgeted Expenditure? Yes ☒ No ☐ Please explain if no:

Account No.: 202-449.203-726.000, 203-449.203-726.000

*150,000.-
Major St.*

*150,000.-
Local St.*

mmp

Pre-encumbered? Yes ☒ No ☐ Requisition # 190001734 -

*300,000. JAM
Requisition*

Other Implications (i.e., collective bargaining): None

Staff Recommendation: Recommend Approval

Staff Person:

Betty Wideman

Betty Wideman, Transportation Division Manager

12.14.2019 BNA28



**GENESEE COUNTY ROAD COMMISSION
PURCHASING OFFICE**

April 16, 2019

City of Flint
1101 S. Saginaw Street, Room #304
Flint, MI 48502

Subject: 2019-2020 - Winter Season—Item #32--Bulk Rock Salt

Ms. Betty Wideman:

This correspondence is to inform you that the Genesee County Road Commission Board of Commissioners approved the 2019-2020 Winter Season—Bulk Rock Salt Bid to the following company:

Detroit Salt Company
12841 Sanders Street
Detroit, MI 48217
Phone: (313) 841-5144

Due to the partnering/business relationship with the Genesee County Road Commission and the agencies that piggyback from our contract, Detroit Salt Company/CEO and the GCRC Purchasing negotiated the unit price of \$59.07/ton for the 2019-2020 Budget Year.

Each agency that is cooperatively purchasing from our salt bid will be responsible for ordering their salt separately. Salt will be ordered on an as needed basis.

Your projected usage of Salt for the 2019-2020 Winter Season is **8,000 tons**.

Please understand that this was a negotiated pricing. We cannot guarantee that this unit price will be the same again next year.

I would like to reiterate that you will be dealing directly with the vendor for ordering and invoicing of your salt.

If you have any questions, please contact me at (810) 767-4920, ext. 271 or email: sjaeger@gcrc.org.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Jaeger".

Stephanie Jaeger
Purchasing Administrator

190404

Proposal #19000547

SUBMISSION NO.: _____

PRESENTED: 9-18-19

ADOPTED: _____

BY THE CITY ADMINISTRATOR:

RESOLUTION SORENSEN GROSS COMPANY FOR EAST PUMP STATION PUMP REPLACEMENT

RESOLUTION

The Department of Purchases & Supplies has solicited proposals for the EAST PUMP STATION PUMP REPLACEMENT as requested by the Utilities Maintenance Department; and

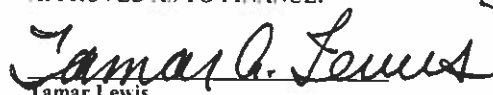
Sorensen Gross, 3407 Torrey Road, Flint, Michigan was the lowest responsive bidder for an open solicitation for said services. Funding for said services will come from the following account: 590-550.300-801.000 (\$515,000.00); and

IT IS RESOLVED, that the proper City Officials are hereby authorized to do all things necessary to enter into a contract with Sorensen Gross Company for the East Pump Station Pump Replacement in an amount not to exceed \$515,000.00 for FY19/FY20 budget.

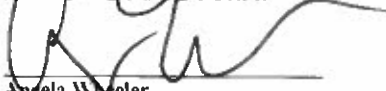
APPROVED PURCHASING DEPT.:


Joyce A. McClane, Purchasing Manager

APPROVED AS TO FINANCE:


Tamar Lewis
Deputy Chief Financial Officer

APPROVED AS TO FORM:


Angela Wheeler
Chief Legal Officer


Steve Branch, City Administrator

CITY COUNCIL:

Herbert J. Winfrey, Council President

FY19/FY20 jam



Dr. Karen Weaver
Mayor

CITY OF FLINT
DEPARTMENT OF PUBLIC WORKS
WATER POLLUTION CONTROL



Jeanette Best
WPC Manager

MEMORANDUM

September 6, 2019

TO: Joyce A. McClane, Purchasing Manager
THRU: Jeanette Best, WPC Manager *JMBest*
FROM: John Florshinger, Utilities Maintenance & SCADA Supervisor
RE: **WPC Sewer Pump Replacement at East Pump Station
Proposal 19-547, Requisition ID 190002411**

Four (4) bids were received and reviewed:

Sorenson Gross Company	\$515,000.00
Reliance Building Company	\$668,500.00
MK Construction Company, Inc.	\$689,000.00
JF Cavanaugh Company	\$789,000.00

I recommend the lowest qualified bidder, Sorenson Gross Company, be awarded the bid in the amount \$515,000.00 for the WPC sewer pump replacement at East pump station.

Please issue a contract in the amount of \$515,000.00 using funds from account 590-550.300-801.000.

cc: file

RESOLUTION STAFF REVIEW

September 6, 2019

Agenda Item Title: WPC Sewer Pump Replacement at East Pumping Station

Prepared By: John Florshinger, Utilities Maintenance/SCADA Supervisor

Background/Summary of Proposed Action:

WPC utilizes vertical dry-pit pumps, isolation valves, and check valves in all of its main pumping stations. The existing pumps, valves and check valves in the East pumping station are old, obsolete, and in urgent need of replacement. The new pumps are of a new more efficient design and have already been purchased. Once installed they will increase reliability and reduce operational and maintenance costs.

This contract will cover the installation services needed to install all of the pumps and valves.

Financial Implications:

There is adequate funding for this contract in the FY2020 budget. Use account 590-550-300-801.000 (\$515,000.00) when approving this purchase.

Budgeted Expenditure? Yes ☒ No ☐ Please explain if no:

Account No.: 590-550.300-801.000 - \$515,000.00

Pre-encumbered? Yes ☒ No ☐ Requisition: 190002411

Other Implications (i.e., collective bargaining): None.

Staff Recommendation: Approve

Staff Person: 
(Jeanette Best, WPC Manager)

SECTION 00300

BID FORM

ARTICLE 1 – BID RECIPIENT

- 1.01 This Bid is submitted to:

City of Flint, Michigan

- 1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS

- 2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation, those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER'S REPRESENTATIONS

- 3.01 In submitting this Bid, Bidder represents that:

- A. Bidder has examined and carefully studied the Bidding Documents, other related data identified in the Bidding Documents, and the following Addenda, receipt of which is hereby acknowledged:

<u>Addendum No.</u>	<u>Addendum Date</u>
<u>One</u>	<u>8-08-19</u>
<u>Two</u>	<u>8-20-19</u>
<u> </u>	<u> </u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions relating to existing surface or

subsurface structures at the Site (except Underground Facilities) that have been identified in SC-4.02 as containing reliable "technical data," and (2) reports and drawings of Hazardous Environmental Conditions, if any, at the Site that have been identified in SC-4.06 as containing reliable "technical data."

- E. Bidder has considered the information known to Bidder; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and the Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents; and (3) Bidder's safety precautions and programs.
- F. Based on the information and observations referred to in Paragraph 3.01.E above, Bidder does not consider that further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.

ARTICLE 4 – BIDDER'S CERTIFICATION

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:

1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process;
2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

- 5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

<u>Five Hundred & fifteen Thousand</u>	<u>(\$ 515,000)</u>
<i>Use Words</i>	<i>Use Figures</i>

All specified cash allowances are included in the price(s) set forth above, and have been computed in accordance with Paragraph 11.02 of the General Conditions.

1. Included in the Bid Price is an Allowance for SCADA programming in the amount of \$35,000.00.

ARTICLE 6 – TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 7 – ATTACHMENTS TO THIS BID

- 7.01 The following documents are submitted with and made a condition of this Bid:

A. Required Bid security in the form of 5%;
Bid Bond

ARTICLE 8 – DEFINED TERMS

8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9 – BID SUBMITTAL

9.01 This Bid is submitted by:

If Bidder is:

An Individual

Name (typed or printed): _____

By: _____
(Individual's signature)

Doing business as: _____

A Partnership

Partnership Name: _____

By: _____
(Signature of general partner -- attach evidence of authority to sign)

Name (typed or printed): _____

A Corporation

Corporation Name: Sorensen Gross Company (SEAL)

State of Incorporation: Michigan

Type (General Business, Professional, Service, Limited Liability): General Contractor

By: Sahar Abdallah
(Signature -- attach evidence of authority to sign)

Name (typed or printed): Sahar Abdallah

Title: Director of Estimating & Contracting
(CORPORATE SEAL)

Attest Julie A. Rushton
Julie A. Rushton

Date of Qualification to do business in Flint, Michigan
05 / 19 / 14 is [State where Project is located]

A Joint Venture

Name of Joint Venture: _____

First Joint Venturer Name: _____ (SEAL)

By: _____
(Signature of first joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Second Joint Venturer Name: _____ (SEAL)

By: _____
(Signature of second joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

(Each joint venturer must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above.)

Bidder's Business Address 3407 Torry Rd., Flint, MI 48507

Phone No. 810-767-4821 Fax No. 810-238-6222

E-mail sabdallah@sgcs.net

SUBMITTED on August, 23, 2019



**Sorensen Gross
Company**

10-1209 10-1209 10-1209 10-1209

**RESOLUTIONS ADOPTED BY OFFICERS OF:
SORENSEN GROSS COMPANY**

The undersigned, being the officers of Sorensen Gross Company, hereby adopt the following resolutions:

1. Resolved, that Sahar Abdallah is authorized to sign construction proposals, bid bonds, and construction contracts on behalf of Sorensen Gross Company.
2. Resolved, that all the acts taken above and resolutions are approved, ratified, and adopted.

Members Signatures:

Ghassan M. Saab
Richard Sly

Printed Name:

Ghassan M. Saab

Richard Sly

Date:

3/20/18

3/20/18

19-8142

SUBMISSION NO.:

190405

PRESENTED:

9-18-19

ADOPTED:

Resolution Authorizing Appropriate City of Flint Officials to Do All Things Necessary to enter into MDOT Contract 19-5400, Job No. 130632PE for the purpose of fixing the rights and obligations of the parties in agreeing to improvements, in the City of Flint for the Saginaw St. from Court St. to the Flint River reconstruction

BY THE MAYOR:

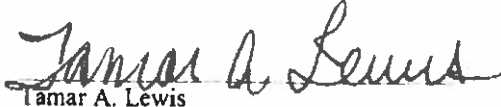
MDOT has submitted to the City of Flint Contract 19-5400, Job No. 130632PE, to be executed for the purpose of fixing the rights and obligations of the parties in agreeing to the preliminary engineering activities for the reconstruction work along Saginaw St. from Court St. to the Flint River; and all together with necessary related work.

The present estimated project cost is \$301,303.00, with a Federal share of \$126,122.99 and the City of Flint is obligated to pay \$175,180.01 (the City share total), which is the equivalent of 41.8% of the project cost after a deduction of Federal aid. The State of Michigan allows overruns without City of Flint authorization, so the City of Flint has allowed an additional \$10,000 to be used if necessary. Funding is available in account 202-441.702-801.000.

IT IS RESOLVED, that appropriate City Officials are authorized to do all things necessary to enter into MDOT Contract No. 19-5400, Job No. 130632PE for the purpose of of fixing the rights and obligations of the parties in agreeing to the preliminary engineering activities for the reconstruction work along Saginaw St. from Court St. to the Flint River; and all together with necessary related work in the amount of \$185,180.01.

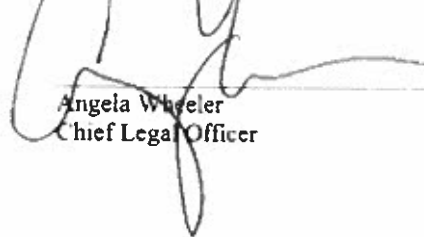
IT IS FURTHER RESOLVED THAT, I, Dr. Karen W. Weaver, Mayor, am the duly authorized City official authorized to sign MDOT Contract 19-5400, Job No. 130632PE on behalf of the City of Flint.

APPROVED AS TO FINANCE:



Tamar A. Lewis
Deputy Finance Director

APPROVED AS TO FORM:



Angela Wheeler
Chief Legal Officer



Steve Branch, City Administrator

Herbert Winfrey, Council President

2019-KRN

RESOLUTION STAFF REVIEW

DATE: August 27, 2019

Agenda Item Title: Resolution Authorizing Appropriate City of Flint Officials to do all things necessary to enter into MDOT Contract 19-5400, Job No. 130632PE

Prepared By: Kathryn Neumann for Betty Wideman

Background/Summary of Proposed Action: MDOT has submitted to the City of Flint Contract 19-5400, Job No. 130632PE, to be executed for the purpose of fixing the rights and obligations of the parties in agreeing to the preliminary engineering activities for the reconstruction work along Saginaw St. from Court St. to the Flint River; and all together with necessary related work.

Part A: State \$126,122.99, City \$175,180.01

MDOT has indicated Federal funds programmed as Michigan Transportation Economic Development (TED) Funds shall be applied to the eligible items of the project costs at an amount not-to-exceed \$126,122.99 (TED Funds 41.8%); City of Flint shall be 58.1% responsible for payment of the remaining project costs, which are estimated to total \$175,180.01

Financial Implications: The city is responsible for 58.1% of the projected cost after deduction of State and Federal aid. MDOT has the authority under Public Act 51 of 1951 to request the Treasurer to withhold City's MTF payment to secure the City's participation in the project.

Budgeted Expenditure? Yes ☒ No ☐ Please explain if no:

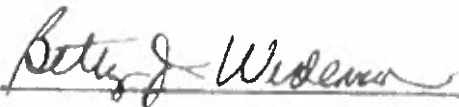
Account No.: 202-441.702-801.000 

Pre-encumbered? Yes ☒ No ☐ Requisition # 190002386

Other Implications (Le., collective bargaining): None

Staff Recommendation: Recommend Approval

Staff Person:



Betty Wideman, Transportation Division Manager

RESOLUTION STAFF REVIEW

DATE: September 11, 2019

Agenda Item Title: Resolution Authorizing a budget amendment

Prepared By: Kathryn Neumann for Robert Bincsik

Background/Summary of Proposed Action: The City of Flint re-bid janitorial services in March, 2019 after the vendor the City had been using for seven years gave notice they were no longer interested in continuing janitorial services.

The new bids were twice as much as what Maintenance had paid in the past, the last time they were bid the low bidder was \$75,000.00. This time the low bidder was \$150,000.00. Because the requested budget for FY20 had already been input in was input in January, additional monies were not requested.

Financial Implications: If the budget amendment is not approved, the Maintenance Division will be unable to operate.

Budgeted Expenditure? Yes ☐ No ☐ Please explain if no:

Account No.: 101-753.200-801.000

Pre-encumbered? Yes ☐ No ☒ Requisition #

Other Implications (i.e., collective bargaining): None

Staff Recommendation: Recommend Approval

Staff Person:



Robert Bincsik, Director of Public Works

190406

SUBMISSION N: _____

PRESENTED: 9-18-19

ADOPTED: _____

**RESOLUTION TO ACCEPT THE FLINT LEAD EXPOSURE REGISTRY GRANT FROM
THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES, THROUGH MICHIGAN
STATE UNIVERSITY, IN THE AMOUNT OF \$80,227.00, AND AMEND THE FY20
BUDGET TO ACCOMMODATE YEAR 3 INCREASE**

BY THE MAYOR:

Whereas, The City of Flint was awarded funding from Genesee Michigan State University, through a grant awarded by US Department of Health and Human Services; and

Whereas, the amounts awarded were \$18,418.00 for FY18 and \$18,418.00 for FY19; and

Whereas, the FY20 funding has been increased from \$18,418 to \$43,391.00; and

Whereas, the cumulative awarded amount is \$80,227.00 as of FY20; and

Whereas, the grant is renewable on a yearly basis and based on performance;

IT IS RESOLVED that the appropriate City officials are authorized to do all things necessary to accept the Flint Lead Exposure Registry grant, amend the 2020-21 adopted budget, appropriate the funding for revenue and expenditure in future fiscal years as long as funds are available from the funder, and abide by the terms and conditions of the grant from The US Department of Health and Human Services, in the amount of \$80,227.00 under grant code FFLExR-MSU19.

ADMINISTRATION:

Approved as to Form:

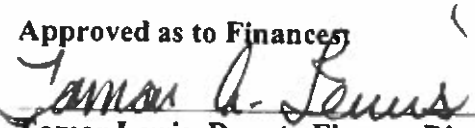


Angela Wheeler, Chief Legal Officer



Steve Branch, City Administrator

Approved as to Finances:



Tamar Lewis, Deputy Finance Director



Dr. Karen W. Weaver, Mayor

CITY COUNCIL:

Herbert Winfrey, Council President

RESOLUTION STAFF REVIEW

DATE: August 28, 2019

Agenda Item Title: Resolution to accept the Flint Lead Exposure Registry grant from the US Department of Health and Human Services, through Michigan State University, in the amount of \$80,227.00, and amend the FY20 budget to accommodate year 3 increase.

Prepared By: Chay Linseman

Background/Summary of Proposed Action:

The resolution based on the subcontract between Michigan State University, and the City of Flint, to conduct activities for the Flint Lead Exposure Registry Program.

This program is for the development and implementation of a registry in response to the recent public health emergency involving Flint residents' exposure to lead drinking water. This is meant to provide a succinct description of the current situation in Flint and the overall proposed approach to build upon the pilot registry previously implemented.

The Flint Lead Exposure Registry (FLExR) program was created to address the exposure to lead in the drinking water, which addresses a critical need to create a comprehensive list which can be used to identify exposed individuals for long-term surveillance, and determine the neurodevelopmental, medical and socioeconomic impacts of the crisis. Through a community-engaged and community-collaborative process, a team has been established a leadership team that has created connections between numerous and diverse stakeholder groups to ensure that this effort addresses the health concerns of the Flint community, improves the health and developmental outcomes among registrants, and expands the use of lead exposure reduction methods. Michigan State University (MSU) – Hurley Children's Hospital Pediatric Public Health Initiative (PPHI) and the Greater Flint Health Coalition (GFHC) have been collaborating closely since the onset of the Flint Water Crisis to coordinate and strengthen the network of available community, state, federal, and academic partners and resources to support the creation of a registry. In December 2016, a registry pilot study was funded by the Robert Wood Johnson Foundation and in January 2017, the Michigan Dept. of Health and Human Services (MDHHS) awarded a registry planning grant to MSU.

Building on the registry pilot and planning efforts, MSU proposes to establish FLExR to specifically accomplish the following aims: 1) register eligible Flint residents; 2) conduct baseline health and development assessments on all registrants; 3) assess service needs and eligibility of all registrants and refer them to available clinical, preventive and lead-elimination services; and 4) track and evaluate improvements in population lead exposure and in health and development outcomes in response to service utilization, via follow-up assessment.

Financial Implications

The FY20 budget will increase from \$18,418.00 to \$43,391.00 for Fund 296 Department 17.550 with grant code FFLEXR-MSU19.

Budgeted Expenditure? No. Only \$18,418 was budget as there was an increase from MSU for this grant year.

Account No.: Fund 296 Department 171.550 **Grant Code:** FFLEXR-MSU19 *mm8*

Pre-encumbered? n/a Yes No ☒ Requisition #

Other Implications (i.e., collective bargaining):

Staff Recommendation:

Approval of this resolution is recommended

Staff Person: 

Approval: _____

Subcontract Modification

Prime Recipient

Subcontractor

Institution/Organization ("Prime Recipient")

Name: Michigan State University
426 Auditorium Rd, Room #2
Hannah Administration Building
East Lansing, MI 48824

Institution/Organization ("Subcontractor")

Name: City of Flint
1101 South Saginaw Street
Flint, Michigan 48502

Prime Award No.

5 NUE2EH001370-02-00

Agreement No.
RC107653-CF

Principal Investigator

Pamela Pugh

Effective Date of Modification

Date of Last Signature

Modification No.

3

Modification(s) to Original Terms and Conditions

THIS SUBCONTRACT MODIFICATION is between Michigan State University, located in East Lansing, Michigan, hereafter referred to as "MSU" and City of Flint, hereafter referred to as "Subcontractor" and

WHEREAS, the Prime funder has provided the supplemental funding for Year 3 under Prime Award No. 5 NUE2EH001370-02-00, and

WHEREAS, The total funding and Year 3 documents related to the work entitled 'Flint Lead Exposure Registry (FLExR),' are modified and defined to reflect changes applicable, as agreed to by the parties,

NOW THEREFORE, the parties mutually agree to modify this Agreement in the following manner:

Article II.A DEFINITIONS, and Article IV.A CONSIDERATION:

The allowable costs for Year 3 shall not exceed Forty-Three Thousand, Three Hundred, Ninety-One U.S. Dollars (\$43,391), bringing the total funding to date to Seventy-Five Thousand, Seven Hundred Ninety U.S. Dollars, and Ninety-Eight Cents (\$75,790.98).

Article III PERIOD OF PERFORMANCE

The period of performance referenced in Article III is extended through July 31, 2020.

Year 3 Budget and Statement of Work

The Year 3 Budget and Statement of Work (SOW) are attached hereto as Appendix A.

All other terms and conditions of this Subcontract remain in full force and effect.

In accepting this Subcontract Modification, the Subcontractor certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this type of transaction by any Federal department or agency. Consistent with 45 CFR 75.113, Subcontractor must disclose, in a timely manner all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Any change in the debarred or suspended status of the Subcontractor during the Term of this Subcontract must be reported immediately to MSU, to the CDC, and to the HHS OIG. The Subcontractor agrees to incorporate the Debarment and Suspension certification into any lower-tier subcontract that they may enter into as a part of this Subcontract.

IN WITNESS WHEREOF, Michigan State University and City of Flint have each caused this Modification to be signed and delivered by its duly authorized representative, as signed below.

By an Authorized Official of Prime Recipient

Name

Date

Title

By an Authorized Official of Subcontractor:

Name

Date

Title

Karen W. Weaver

Mayer

Karen W. Weaver, PhD

RC107653-CF
Appendix A
Budget & SOW

SUBCONTRACTOR: City of Flint

Total Contract \$43,391

Method of Selection: This is a sole source contract. The City of Flint will provide leadership and ensure coordination with other lead-elimination activities throughout the City.

Period of Performance: 8/1/2019-7/31/2020

Scope of Work: The City of Flint will attend monthly registry calls and participate in the Leadership Team and Lead Elimination Workgroup. The City of Flint will provide expertise related to existing services and established referral networks. They will collaborate on data sharing strategies to address health, development, and service participation. The City of Flint will assist with identifying, recruiting, and enrolling eligible residents.

Method of Accountability: The progress and performance of this contractor will be monitored by the Registry Director and will include regular attendance at workgroup meetings, responsiveness to assigned action items, and timeliness of deliverables. This contract will be supervised by Dr. Mona Hanna-Attisha, Dr. Nicole Jones, the MSU Contracts and Grants Administration Office, and MSU Purchasing.

Itemized Budget and Justification:

Salaries and Wages

Position Title and Name	Annual Salary	Time	Months	Amount Requested
Chief Public Health Advisor/Co-Investigator Pamela Pugh	\$100,000	10%	12 months	\$10,000
Public Health Coordinator TBN	\$35,000	10%	12 months	\$3,500
Family Navigator TBN	\$31,000	10%	12 months	\$3,100
Family Navigator TBN	\$31,000	10%	12 months	\$3,100

RC107653-CF
Appendix A
Budget & SOW

Family Navigator TBN	\$31,000	10%	12 months	\$3,100
Family Navigator TBN	\$31,000	10%	12 months	\$3,100
Family Navigator TBN	\$31,000	10%	12 months	\$3,100
Total Personnel	\$29,000			

Job Description: Chief Public Health Advisor/Co-Investigator – (Pamela Pugh)
Dr. Pugh will participate in the leadership team and provide guidance on the overall scope and direction of the registry. She will help develop a City of Flint 'lead elimination report' that will be updated regularly. She will assist with identifying existing lead-related programming (services and training opportunities) and connect the registry to the FAST start pipe replacement program. She will serve as a liaison between City of Flint and community partners working on this project. She will attend planning and organization meetings and then share that information with City of Flint and their partners.

Job Description: Public Health Coordinator – (TBN)

This position is responsible for providing support and coordination for the City of Flint Chief Public Health Advisor. This position will involve working with Flint Registry outreach and service partners, attending monthly Flint Registry Outreach and All Group meetings, and assuring that City programming and activities align with Flint Registry activities.

Job Description: Family Navigator – (TBN, 5 staff at 10% each)

This position assists families impacted by the Flint Water Crisis in accessing and navigating available resources. This position works closely with families and community partners. The Family Navigator will assure that Flint Registry enrollees, especially those of special populations, identifying as needing assistance with City services (i.e., water bill payment, service line replacement, lead based paint hazard reduction/healthy homes activities, etc.) are linked to such services. The Family Navigator will assure that the appropriate City personnel/contractor addresses referrals from Flint Registry. Furthermore, the "Family Navigator" will:

- Be trained on the community referral platform and ensure that referrals from the Registry team for City of Flint services are accepted and completed within a timely manner.
- Identify Flint based families who qualify for the Flint Registry and assist them with pre-enrollment in the Registry.
- Assist the Flint Registry team in creating an environment that promotes community resilience and trauma informed principles.
- Assist families referred from the Flint Registry in enrolling and maintaining enrollment in programs sponsored by the City of Flint.

RC107653-CF
Appendix A
Budget & SOW

- Assist special population families (Spanish Speaking and American Sign Language) with completing surveys for the Flint Registry so they can be linked to medical and social programs.
- Attend community meetings, outreach and networking events to gather input and share information about the Flint Registry in coordination with the Director of Outreach at Greater Flint Health Coalition.
- Assist Chief Recovery Officer, Chief Public Health Advisor, Public Health Coordinator and other City of Flint Administration staff in planning and implementing citywide programs and events pertaining to public health and water recovery.
- Other duties assigned.

Fringe Benefits

Position Title and Name	Requested Salary Amount	Fringe %	Total Fringe Requested
Chief Public Health Advisor/Co-Investigator Pamela Pugh	\$10,000	33.46%	\$3,346
Public Health Coordinator TBN	\$3,500	28.57%	\$1,000
Family Navigator TBN	\$3,100	32.26%	\$1,000
Family Navigator TBN	\$3,100	32.26%	\$1,000
Family Navigator TBN	\$3,100	32.26%	\$1,000
Family Navigator TBN	\$3,100	32.26%	\$1,000
Family Navigator TBN	\$3,100	32.26%	\$1,000
Total Fringe			\$9,346

Supplies

Item Requested	Type	Number	Unit Cost	Amount
----------------	------	--------	-----------	--------

RC107653-CF
Appendix A
Budget & SOW

		Needed		Requested
General office supplies	Paper, ink cartridges, pens	12 months	\$50/mo	\$600
Total Supplies	\$600			

General office supplies supporting project activities and objectives at \$600 will be used to carry out daily activities related to program objectives.

Travel

Travel (In-State and Out-of-State)

Total \$500

Travel (In-State): Total \$500

Number of Trips	Number of People	Cost of Airfare	Number of Total Miles	Cost per Mile	Amount Requested
Mileage for local travel	7	n/a	862	\$0.58	\$500
Total					\$500

Local travel at the federal mileage reimbursement rate for project personnel is calculated at approximately 72 miles every month for 12 months at \$0.58/mile, totaling \$500.

Direct Costs

\$ 39,446

Salaries and Wages	\$ 29,000
Fringe Benefits	\$ 9,346
Supplies	\$ 600
Travel	\$ 500

Indirect (10% MTDC)

\$ 3,945

A de minimis rate of 10 percent of modified total direct costs (MTDC), totaling \$3,945.

Resolution Routing

TO: Resolution Signatories
FROM: Mayor's Office
SUBJECT: RESOLUTION FOR APPROVAL

This RESOLUTION has been forwarded to you for your respective review and approval.

Date recorded: August 28, 2019 **No.** 19-8139

** All documents should be reviewed within **three (3) working days** after receipt by your office.

Contractor:

Department of Health

Resolution Content:

FLEXR Acceptance and Year 3 Adopted Budget

The attached resolution is submitted to the Legal Dept. for approval as to form only:

The **Legal Department** reviewed this **RESOLUTION**, as to form and by signing this form approves as to **FORM ONLY**.

Review and Approval:

IN

OUT

APPROVAL

1. City Attorney (Form Only):

8/28/19

8/28/19

A.W.

2. Finance/Budget

3. City Administrator:

8/24/19

EB

4. Mayor:

*** Please call Chay, ext. 2050, Thank You. ***

190407

SUBMISSION NO. _____

PRESENTED: 9-18-19

ADOPTED: _____

BY THE CITY ADMINISTRATOR:

RESOLUTION AUTHORIZING THE AMENDMENT OF THE 2019-2020 ADOPTED BUDGET IN THE
AMOUNT OF \$75,000.00

Additional funds are required in the 2019-2020 adopted budget for the General Fund (101) in the amount of \$75,000.00 to be transferred from the 101 Fund Balance into account number 101-753.200-801.000; and

In accordance with Budget Ordinance # 3856 adopted 1-25-15, transfers from Fund Balance qualify as budget amendments; and

In accordance with Budget Ordinance #3856 adopted 1-25-15, budget amendments in excess of \$25,000 shall be submitted to City Council for its approval;

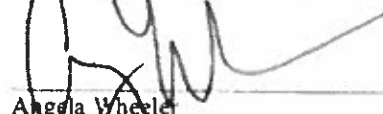
IT IS RESOLVED, that the appropriate city officials are hereby authorized to do all things necessary to amend the 2019-2020 budget of the City of Flint to reflect the changes requested above the City's General Fund (101) for a total change of \$75,000.00.

APPROVED AS TO FINANCE:


Tamar A. Lewis
Deputy Finance Director


Steve Branch, City Administrator

APPROVED AS TO FORM


Angela Wheeler
Chief Legal Officer

Herbert Winfrey, Council President

FY19 – KRN

Proposal #19000567

RESOLUTION NO:

190408

SUBMISSION NO.:

PRESENTED:

9-18-19

ADOPTED:

BY THE CITY ADMINISTRATOR:

RESOLUTION AMENDMENT

The Department of Purchases & Supplies has solicited bids for **AMI Water Meter Program Management and Implementation** as requested by various departments; and

The original Resolution was presented on: 08/07/2019 and adopted on date: 08/12/2019.

WHEREAS, The City Council has adopted a request to authorize Purchases and Supplies on behalf of the Public Works and Utilities Department to issue a purchase order to **Vanguard Utility Service, Inc. for installation for water meters for installation services to install new cellular remote read water meters at all residential accounts. Funding for said services were requested to come from the following accounts: 496-556-000-801-061. \$2,221,216.00; and**

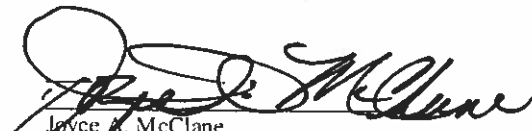
WHEREAS, The Purchasing Department desires to make adjustments to the above Proposal to cover not only authorizing a purchase order, but to include authorizing all things necessary to execute a contract as a result of **Proposal# 19000567 and Resolution# 190316, Adopted: 08/12/2019.**

WHEREAS, The Purchasing Department is requesting no change to the budget nor to transfer the above expense appropriation amount from/to accounts as listed above.

IT IS RESOLVED, that the Proper City Officials, upon City Council's approval, are authorized to include executing a contract to **Resolution# 190316.**

BE IT FURTHER RESOLVED, that appropriate City Officials are authorized to do all things necessary to include executing a contract to the above **Resolution# 190316, Amendment#1** as listed above on this request.

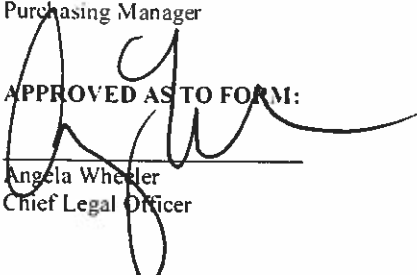
APPROVED PURCHASING DEPT.:


Joyce A. McClane
Purchasing Manager

APPROVED AS TO FINANCE:


Tamar A. Lewis
Deputy Finance Director

APPROVED AS TO FORM:


Angela Wheeler
Chief Legal Officer


Steve Branch, City Administrator

Herbert J. Winfrey, Council President

190316

PROPOSAL 19000567

SUBMISSION NO

PRESENTED

8-7-19

ADOPTED

8-12-2019

BY THE CITY ADMINISTRATOR

RESOLUTION TO VANGUARD UTILITY SERVICE, INC FOR AMI WATER METER
PROGRAM MANAGEMENT AND IMPLEMENTATION

RESOLUTION

The Department of Purchases and Supplies has solicited a proposal for AMI Water Meter Program Management and Implementation, as requested by Public Works and Utilities, and


The City of Flint bid out installation for water meters for installation services to install new cellular remote read water meters at all residential accounts. The City received three bids for these services. Vanguard Utility Service, Inc. was the lowest responsive bidder. Funding for said services will come from the following accounts: 496-556,000-801 061, \$2,221,216.00; and

IT IS RESOLVED, Department of Purchases and Supplies is requesting authorization to issue a purchase order to Vanguard Utility Service, Inc., in the amount not to exceed \$2,221,216.00.

APPROVED PURCHASING DEPT


Joyce A. McClane
Purchasing Manager

APPROVED AS TO FINANCE

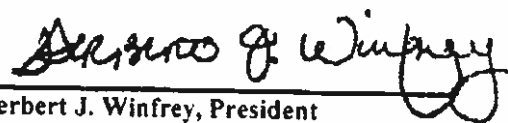

Tamar A. Lewis
Deputy Finance Director

APPROVED AS TO FORM


Angela Wheeler
Chief Legal Officer

APPROVED AS TO FINANCE


Steve Branch
City Administrator


Herbert J. Winfrey, President
City Council

Proposal #19000572

RESOLUTION NO:

190409

SUBMISSION NO.:

PRESENTED:

9-18-19

ADOPTED:

BY THE CITY ADMINISTRATOR:

RESOLUTION AMENDMENT

The Department of Purchases & Supplies has solicited bids for **Design/Procurement/Construction/Start-Up Services Distribution System Water Quality Monitoring Panels** as requested by various departments; and

The original Resolution was presented on: **08/07/2019** and adopted on date: **08/12/2019**.

WHEREAS, The City Council has adopted a request to authorize Purchases and Supplies on behalf of the Public Works and Utilities Department to issue a purchase order to **Reliance Building Company for Design/Procurement/Construction/Start-up Services-Distribution System Water Quality Monitoring** in the amount not to exceed \$374,400.00 contingent upon funding from the State of Michigan.

WHEREAS, The Purchasing Department desires to make adjustments to the above Proposal to cover not only authorizing a purchase order, but to include authorizing all things necessary to execute a contract as a result of **Proposal# 19000572** and **Resolution# 190317**, Adopted: **08/12/2019**.

WHEREAS, The Purchasing Department is requesting no change to the budget nor to transfer the above expense appropriation amount from/to accounts as listed above.

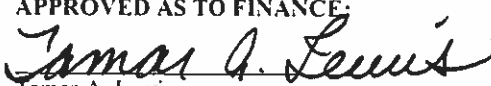
IT IS RESOLVED, that the Proper City Officials, upon City Council's approval, are authorized to include executing a contract to **Resolution# 190317**.

BE IT FURTHER RESOLVED, that appropriate City Officials are authorized to do all things necessary to include executing a contract to the above **Resolution# 190317, Amendment# 1** as listed above on this request.

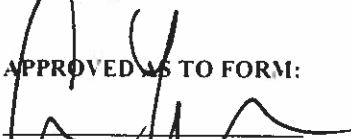
APPROVED PURCHASING DEPT.:



Joyce A. McClane
Purchasing Manager

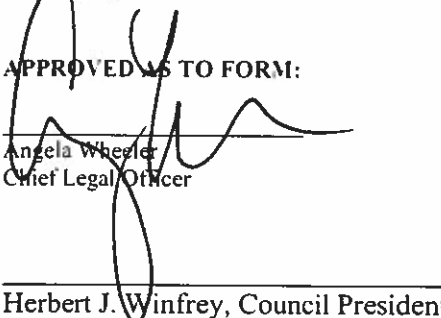
APPROVED AS TO FINANCE:


Tamar A. Lewis
Deputy Finance Director

APPROVED AS TO FORM:


Angela Wheeler
Chief Legal Officer


Steve Branch, City Administrator


Herbert J. Winfrey, Council President

190317

PROPOSAL 19000572

SUBMISSION NO

PRESENTED

8-7-19

ADOPTED

8-12-2019

BY THE CITY ADMINISTRATOR

**RESOLUTION TO RELIANCE BUILDING COMPANY FOR
DESIGN/PROCUREMENT/CONSTRUCTION/START-UP SERVICES
DISTRIBUTION SYSTEM WATER QUALITY MONITORING PANELS**

RESOLUTION

The Department of Purchases and Supplies has solicited a proposal for Water Quality Monitoring Panels, as requested by Public Works & Utilities, and


The City of Flint posted a request for proposal to build and install water quality monitoring panels at six predetermined locations throughout the City of Flint. We received one response from Reliance Building Company, 26200 Town Center Drive, Suite 195, Novi, Michigan, to complete the requested work to account #496-557.000-801.062 \$374,400.00 FEPA 18W11N 1, and

IT IS RESOLVED, Department of Purchases and Supplies is requesting authorization on behalf of the Public Works and Utilities Department to issue a purchase order to **Reliance Building Company** for Design/Procurement/Construction/Start-Up Services-Distribution System Water Quality Monitoring in the amount not to exceed \$374,400.00 contingent upon funding from the State of Michigan


APPROVED PURCHASING DEPT.


Joyce McClane
Purchasing Manager

APPROVED AS TO FINANCE


Tamar A. Lewis
Deputy Finance Director

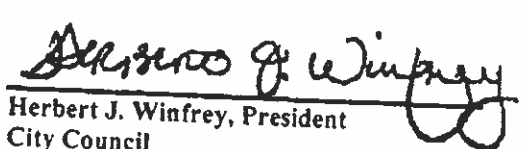
APPROVED AS TO FORM


Angela Wheeler
Chief Legal Officer

APPROVED AS TO FINANCE:


Steve Branch
City Administrator

FY20


Herbert J. Winfrey, President
City Council

RESOLUTION NUMBER: 190415

PRESENTED: 9-18-19

ADOPTED: _____

Resolution to Set a Public Hearing on October 14, 2019 in the City of Flint Council Chambers, 1101 S. Saginaw Street, Flint, Michigan, to Allow Review and Receive Public Comment on the Consolidated Annual Performance and Evaluation Report (CAPER).

BY THE MAYOR:


The City of Flint receives Community Development Block Grant (CDBG); HOME Investment Partnerships Program funds (HOME), and Emergency Solutions Grant (ESG) from the U.S. Department of Housing and Urban Development and is required to report on the use of such CDBG, HOME, and ESG funds each year. The City is also required to provide interested citizens the opportunity to examine the Consolidated Annual Performance and Evaluation Report (CAPER) and to make comments on the use of these funds.

The City of Flint will make copies of the report available to the public in the main branch of the Flint Public Library, Flint Housing Commission, Genesee County Metropolitan Planning Commission, the Division of Community and Economic Development, and the Office of the City Clerk.

A public hearing will be held on the 14th day of October at 5:30 p.m. in the City of Flint Council Chambers, 1101 S. Saginaw Street, Flint, Michigan, to allow review and receive public comment on the Consolidated Annual Performance and Evaluation Report.

IT IS RESOLVED, that the Department of Planning and Development, Division of Community and Economic Development, will hold a Public Hearing on October 14, 2019 for the purposes of allowing comments of the Consolidated Annual Performance and Evaluation Report and to receive public comment.

APPROVED AS TO FORM:



Angela Wheeler, City Attorney

ADMINISTRATION:



Dr. Karen W. Weaver, Mayor

CITY COUNCIL:

Flint City Council

RESOLUTION STAFF REVIEW

Date: September 17, 2019

Agenda Item Title: Resolution to set a public hearing on October 14th at 5:30 p.m. in the City of Flint Council Chambers, 1101 S. Saginaw Street, Flint, Michigan, to allow review and receive public comment on the Consolidated Annual Performance and Evaluation Report (CAPER).

Prepared by:
Deyhana Thompson

Summary of Proposed Action:

The Department of Planning and Development, Division of Community and Economic Development, is required to hold a public hearing each year to all review and receive public comment on the Consolidated Annual Performance and Evaluation Report (CAPER). This resolution authorizes the public hearing.

Financial Implications:

None

Pre-encumbered?: Yes ___ No ___ NA Requisition:

Account No.

Accounting Coordinator Signature:

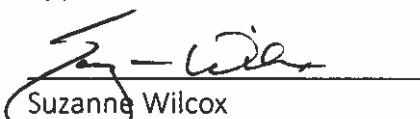


Other implications (i.e. collective bargaining):

No other implications are known at this time.

Staff Recommendation: Recommend Approval

Approval:



Suzanne Wilcox
Planning and Development Director

RESOLUTION REVIEW FORM

FROM: CED
Division

DATE
NO.

September 17, 2019

Law Office Login #

Resolution to hold public hearing

RESOLUTION NAME:

Date in:

1. RESOLUTION REVIEW - CED PROGRAM MANAGER

The attached RESOLUTION is approved by a Program Manager in the Division. By signing, the Program Manager approves this resolution to be processed for signatures.

By: Sarah Quellmalz
Program Manager

DATE:

9/17/19

(Date)

Date in:

2. RESOLUTION REVIEW - DEPT OF PLANNING AND DEV DIRECTOR

The attached RESOLUTION is approved by the DPD Director. By signing, the DPD Director approved this resolution to be processed for signatures.

By: Suzanne Wilcox
Director

DATE:

9/17/19

(Date)

Date in:

3. RESOLUTION REVIEW - LEGAL

The attached RESOLUTION is submitted to the Legal Department for Approval as to FORM ONLY:

The Legal Department has reviewed the RESOLUTION as to Form on this form approves as to FORM ONLY.

9-17-19, and by signing
(Date)

By: Angela Wheeler
Chief Legal Officer

DATE:

9-17-19

190393

RESOLUTION NO: _____

PRESENTED: 9-23-2019

ADOPTED: _____

**RESOLUTION AUTHORIZING THE SALE OF PROPERTIES ACQUIRED BY
THE CITY OF FLINT FROM THE GENESEE COUNTY TREASURER**

BY THE FLINT CITY COUNCIL:

The Flint City Council adopted Resolution 170588.1 on December 13, 2017, to keep seven (7) properties that were scheduled to be transferred to the Genesee County Treasurer; and

The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties" to handle the sale of such properties.

IT IS RESOLVED, that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts:

_____ 1710 W. Home Avenue for \$1,000.00.

APPROVED AS TO FORM:

APPROVED AS TO FINANCE:

Angela Wheeler
Chief Legal Officer

Tamar Lewis
Deputy Finance Director

Karen W. Weaver, Mayor

Herbert J. Winfrey, Council President

190394

RESOLUTION NO: _____

PRESENTED: 9-23-2019

ADOPTED: _____

**RESOLUTION AUTHORIZING THE SALE OF PROPERTIES ACQUIRED BY
THE CITY OF FLINT FROM THE GENESEE COUNTY TREASURER**

BY THE FLINT CITY COUNCIL:

The Flint City Council adopted Resolution 170588.1 on December 13, 2017, to keep seven (7) properties that were scheduled to be transferred to the Genesee County Treasurer; and

The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties" to handle the sale of such properties.

IT IS RESOLVED, that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts:

_____ 6722 Fleming Road for \$1,000.00.

APPROVED AS TO FORM:

APPROVED AS TO FINANCE:

Angela Wheeler
Chief Legal Officer

Tamar Lewis
Deputy Finance Director

Karen W. Weaver, Mayor

Herbert J. Winfrey, Council President

190395

RESOLUTION NO: _____

PRESENTED: 9-23-2019

ADOPTED: _____

**RESOLUTION AUTHORIZING THE SALE OF PROPERTIES ACQUIRED BY
THE CITY OF FLINT FROM THE GENESEE COUNTY TREASURER**

BY THE FLINT CITY COUNCIL:

The Flint City Council adopted Resolution 170588.1 on December 13, 2017, to keep seven (7) properties that were scheduled to be transferred to the Genesee County Treasurer; and

The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties" to handle the sale of such properties.

IT IS RESOLVED, that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts:

_____ 1113 W. Hamilton Avenue for \$100.00.

APPROVED AS TO FORM:

APPROVED AS TO FINANCE:

Angela Wheeler
Chief Legal Officer

Tamar Lewis
Deputy Finance Director

Karen W. Weaver, Mayor

Herbert J. Winfrey, Council President

190396

RESOLUTION NO: _____

PRESENTED: 9-23-2019

ADOPTED: _____

**RESOLUTION AUTHORIZING THE SALE OF PROPERTIES ACQUIRED BY
THE CITY OF FLINT FROM THE GENESEE COUNTY TREASURER**

BY THE FLINT CITY COUNCIL:

The Flint City Council adopted Resolution 170588.1 on December 13, 2017, to keep seven (7) properties that were scheduled to be transferred to the Genesee County Treasurer; and

The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties" to handle the sale of such properties.

IT IS RESOLVED, that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts:

_____ 1814 W. Hobson Avenue for \$500.00.

APPROVED AS TO FORM:

APPROVED AS TO FINANCE:

Angela Wheeler
Chief Legal Officer

Tamar Lewis
Deputy Finance Director

Karen W. Weaver, Mayor

Herbert J. Winfrey, Council President

190397

RESOLUTION NO: _____

PRESENTED: 9-23-2019

ADOPTED: _____

**RESOLUTION AUTHORIZING THE SALE OF PROPERTIES ACQUIRED BY
THE CITY OF FLINT FROM THE GENESEE COUNTY TREASURER**

BY THE FLINT CITY COUNCIL:

The Flint City Council adopted Resolution 170588.1 on December 13, 2017, to keep seven (7) properties that were scheduled to be transferred to the Genesee County Treasurer; and

The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties" to handle the sale of such properties.

IT IS RESOLVED, that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts:

_____ 1901 Laurel Oak Drive for \$1,000.00.

APPROVED AS TO FORM:

APPROVED AS TO FINANCE:

Angela Wheeler
Chief Legal Officer

Tamar Lewis
Deputy Finance Director

Karen W. Weaver, Mayor

Herbert J. Winfrey, Council President

190398

RESOLUTION NO: _____

PRESENTED: 9-23-2019

ADOPTED: _____

**RESOLUTION AUTHORIZING THE SALE OF PROPERTIES ACQUIRED BY
THE CITY OF FLINT FROM THE GENESEE COUNTY TREASURER**

BY THE FLINT CITY COUNCIL:

The Flint City Council adopted Resolution 170588.1 on December 13, 2017, to keep seven (7) properties that were scheduled to be transferred to the Genesee County Treasurer; and

The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties" to handle the sale of such properties.

IT IS RESOLVED, that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts:

_____ 1736 W. Hobson Avenue for \$1,000.00.

APPROVED AS TO FORM:

APPROVED AS TO FINANCE:

Angela Wheeler
Chief Legal Officer

Tamar Lewis
Deputy Finance Director

Karen W. Weaver, Mayor

Herbert J. Winfrey, Council President

SUBMISSION NO. _____

190401

PRESENTED: 9-23-2019

ADOPTED: _____

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING FROM MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY (EGLE) TO AMEND THE
BUDGET FOR THE SERVICE LINE REPLACEMENT PROJECT**

BY THE MAYOR:

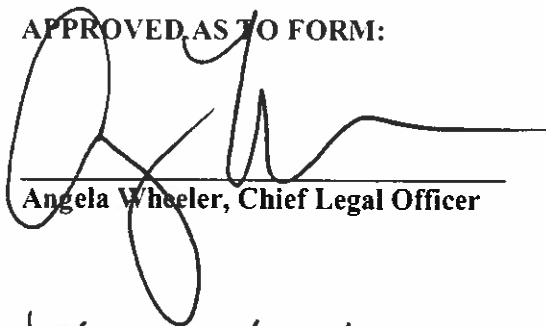
The City of Flint was awarded a \$29,000,00.00 grant from Michigan Department of Environment, Great Lakes, and Energy (EGLE), for the Service Line Replacement Project.

WHEREAS, required state funds from CHIP have lapsed; and

WHEREAS, additional state funds in the amount of \$7,700,000.00 have been committed for the service line replacement project.

IT IS RESOLVED that the appropriate City officials are authorized to do all things necessary to amend the \$29,000,000.00 Service Line Replacement grant award and accept the \$7,700,000.00 additional state funds for a revised total grant amount of \$36,700,00.00 with the proper revenue and expenditures and roll forward any future fiscal years , and abide by the terms and conditions of the grant from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), under the Grant Code SDEQ-18LEAD1.

APPROVED AS TO FORM:



Angela Wheeler, Chief Legal Officer

APPROVED AS TO FINANCE:



Tamar Lewis, Deputy Finance Director



Dr. Karen W. Weaver, Mayor



Steve Branch, City Administrator

CITY COUNCIL:

Herbert Winfrey, Council President

RESOLUTION STAFF REVIEW

DATE: September 10, 2019

Agenda Item Title: Resolution Authorizing the Acceptance of Grant Funding from Michigan Department of Environment, Great Lakes, and Energy (EGLE) to Amend the Budget for the Service Line Replacement Project

Background/Summary of Proposed Action The City of Flint was awarded \$29,000,000.00 for the Service Line Replacement Project from Michigan Department of Environment, Great Lakes, and Energy (EGLE). Required State CHIP funding has lapsed and additional stated funds in the amount of \$7,700,000.00 has been committed.

Financial Implications: MDEGLE has committed funds in the amount of \$7,700,000.00 to continue the Service Line Replacement Project. Funding will be available under the Grant Code **SDEQ-18LEAD1**

Pre-encumbered?: Yes___ No **x** **Requisition:**

Other Implications (i.e., collective bargaining):

Staff Recommendation: Recommend Approval_

Staff Person: RS Brunell
(Dept Head or other authorized staff)



Division/Office
Amendment Request No.

Finance
02

AMENDMENT TO THE SERVICE LINE REPLACEMENT GRANT AGREEMENT
BETWEEN
THE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, and ENERGY
AND
THE CITY OF FLINT

This Amendment modifies the grant agreement between the Michigan Department of Environment, Great Lakes and Energy (hereafter "State"), formerly Michigan Department of Environmental Quality, and the City of Flint (hereafter "Grantee"), signed by the State on May 23, 2018 for the Service Line Replacement Project. This Amendment does not take effect until signed by both parties.

The revisions to the grant agreement are limited to those specified below. All other provisions of the agreement remain in effect.

PROJECT SCOPE (WORK PLAN)

The project scope is not amended.

AGREEMENT PERIOD (END DATE)

The project agreement period is not amended.

COMPENSATION (BUDGET)

The State and the Grantee agree to the budget modifications described below in order to comply with the terms of the Concerned Pastors settlement agreement. As required state funds from CHIP have lapsed, additional state funds have been committed for the service line replacement project. This amendment is to fulfill the requirements of the settlement agreement.

Service Line Replacements: Increase \$7,700,000

Current Total Grant: \$29,000,000

Increase: \$7,700,000

Revised Total Grant: \$36,700,000

AUTHORIZED SIGNATURES

The individuals signing below certify by their signatures that they are authorized to sign this Agreement on behalf of their agencies and that the parties will fulfill the terms of this Agreement, including any attached appendices, as set forth herein.

FOR THE GRANTEE:

Signature

Date

Name/Title

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

BUDGET REVISION

Grantee Organization Name: City of Flint

Project Name: Service Line Replacement

Tracking Code Number:

Period Cover

Date Submitted

BUDGET CATEGORIES	GRANT			MATCH			TOTAL
	Approved Budget	Proposed Change	Revised Project Grant Funds	Approved Local Match	Proposed Change	Revised Local Match Funds	
STAFFING AND FRINGE							
Staffing	\$ 783,575.00	\$ -	\$ 783,575.00	\$ -	\$ -	\$ -	\$ 783,575.00
Fringe	\$ 352,680.00	\$ -	\$ 352,680.00	\$ -	\$ -	\$ -	\$ 352,680.00
Subtotal	\$ 1,136,255.00	\$ -	\$ 1,136,255.00	\$ -	\$ -	\$ -	\$ 1,136,255.00
CONTRACTUAL SERVICES							
Service Line Replacements	\$ -	\$ 7,700,000.00	\$ 7,700,000.00	\$ -	\$ -	\$ -	\$ 7,700,000.00
Goyette	\$ 4,772,077.00	\$ -	\$ 4,772,077.00	\$ -	\$ -	\$ -	\$ 4,772,077.00
WT Stevens	\$ 9,370,074.00	\$ -	\$ 9,370,074.00	\$ -	\$ -	\$ -	\$ 9,370,074.00
Lang	\$ 4,117,493.00	\$ -	\$ 4,117,493.00	\$ -	\$ -	\$ -	\$ 4,117,493.00
Super	\$ 2,105,687.00	\$ -	\$ 2,105,687.00	\$ -	\$ -	\$ -	\$ 2,105,687.00
Waldorf	\$ 2,245,768.00	\$ -	\$ 2,245,768.00	\$ -	\$ -	\$ -	\$ 2,245,768.00
Future Phase VI	\$ 2,212,646.00	\$ -	\$ 2,212,646.00	\$ -	\$ -	\$ -	\$ 2,212,646.00
Restoration	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Contracted	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
City	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Planning/Management/Oversight	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
AECOM	\$ 3,040,000.00	\$ -	\$ 3,040,000.00	\$ -	\$ -	\$ -	\$ 3,040,000.00
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 27,863,745.00	\$ 7,700,000.00	\$ 35,563,745.00	\$ -	\$ -	\$ -	\$ 35,563,745.00
SUPPLIES & MATERIALS (itemize)							
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
EQUIPMENT							
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TRAVEL							
MILEAGE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
LODGING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
MEALS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
OTHER (tolls parking, etc.)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PROJECT							
Subtotal	\$ 29,000,000	\$ 7,700,000	\$ 36,700,000	\$ -	\$ -	\$ -	\$ 36,700,000
INDIRECT RATE							
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
GRANT AND MATCH BUDGET							
TOTAL	\$ 29,000,000.00	\$ 7,700,000.00	\$ 36,700,000.00	\$ -	\$ -	\$ -	\$ 36,700,000.00
Project Percentage Split			100.00%				

Resolution Routing

TO: Resolution Signatories
FROM: UTILITIES-DPW
SUBJECT: RESOLUTIONs FOR APPROVAL

This RESOLUTION have been forwarded to you for your respective review and approval.

Date recorded: September 10, 2019 **No.** 19-8143

** All documents should be reviewed within **three (3) working days** after receipt by your office.

Contractor:

Michigan Department of EGLE


Resolution Content:

**Resolution Authorizing Acceptance of Grant Funding
to amend the budget for the Service Line
Replacement Project**

The attached resolution is submitted to the Legal Dept. for approval as to form only:

The **Legal Department** reviewed this **RESOLUTION**, as to form and by signing this form approves as to **FORM ONLY**.

Review and Approval:

	<u>IN</u>	<u>OUT</u>	<u>APPROVAL</u>
1. City Attorney (Form Only)	<u>9/10/19</u>	<u>9/10/19</u>	<u></u>
2. Finance	<u>9/10/19</u>	<u>9/13/19</u>	<u>See Reso.</u>
3 Mayor			

Mayor has already signed, needs Steve Branches signature.

Please call Yolanda Gray @ ext.3503 for pick up Thank You.

190197

RESOLUTION NO. _____

PRESENTED: 5-22-19

ADOPTED: _____

**RESOLUTION APPROVING THE RE-APPOINTMENT OF DR. RONALD STEWART
TO
THE BOARD OF HOSPITAL MANAGERS**

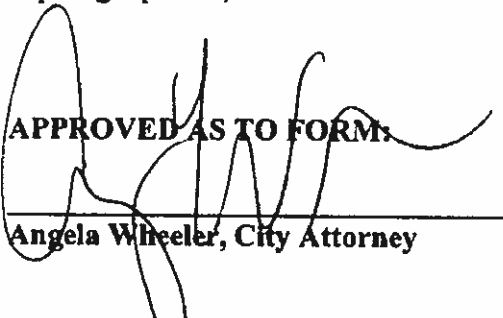
BY THE MAYOR:

Mayor Karen W. Weaver desires to re-appoint Dr. Ronald Stewart, (2425 Welch Blvd., Flint, MI 48504) to the Board of Hospital Managers, and,

Mayor Karen W. Weaver recommends the appointment of Dr. Ronald Stewart to serve another five-year term on the Board of Hospital Managers, commencing May 15, 2019, and expiring April 30, 2024.

IT IS RESOLVED, that the Flint City Council approves the appointment of Dr. Ronald Stewart to a five-year term on the Board of Hospital Managers, commencing May 15, 2019, and expiring April 30, 2024.

APPROVED AS TO FORM:



Angela Wheeler, City Attorney

FOR THE CITY OF FLINT:



Dr. Karen W. Weaver, Mayor

APPROVED BY CITY COUNCIL:

Herbert Winfrey, City Council President

EM SUBMISSION NO.: EME2732014

PRESENTED: 5-14-14

ADOPTED: 5-15-14

**RESOLUTION APPROVING THE APPOINTMENT OF DR. RONALD STEWART TO
THE BOARD OF HOSPITAL MANAGERS**

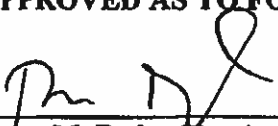
BY THE EMERGENCY MANAGER:

Emergency Manager Darnell Earley desires to appoint Dr. Ronald Stewart to the Board of Hospital Managers to replace Dr. Samuel Dismond whose term expired April 30, 2014; and,

Emergency Manager Earley recommends the appointment of Dr. Ronald Stewart (2425 Welch Blvd., Flint, MI 48504) to a five-year term on the Board of Hospital Managers, commencing May 15, 2014, and expiring April 30, 2019.

IT IS RESOLVED, that Emergency Manager Darnell Earley approves the appointment of Dr. Ronald Stewart (2425 Welch Blvd., Flint, MI 48504) to a five-year term on the Board of Hospital Managers, commencing May 15, 2014, and expiring April 30, 2019.

APPROVED AS TO FORM:



Peter M. Bade, City Attorney

EM DISPOSITION:

ENACT X FAIL _____



Darnell Earley, Emergency Manager

DATED: 5-15-14

ORDINANCE NO. _____

An ordinance to amend the Code of the City of Flint by amending Chapter 46, Utilities, Article V, Wastewater Disposal Regulations, Division 1, Use of Storm Sewers, by adding new Sections 46-125 through 46-150.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the Code of the City of Flint shall be amended by amending Chapter 6, Utilities, Article V, Wastewater Disposal Regulations, Division 1, Use of Storm Sewers, by adding new Sections 46-125 through 46-150, to read in their entirety as follows:

ARTICLE V. WASTEWATER DISPOSAL REGULATIONS

DIVISION 1. USE OF STORM SEWERS

§46-125 TITLE

THIS ORDINANCE SHALL BE KNOWN AS THE "CITY OF FLINT STORMWATER MANAGEMENT ORDINANCE" AND MAY BE SO CITED.

§46-126 Findings

THE CITY OF FLINT FINDS THAT:

WATER BODIES, ROADWAYS, STRUCTURES, AND OTHER PROPERTY WITHIN, AND DOWNSTREAM OF THE CITY OF FLINT ARE AT TIMES SUBJECTED TO FLOODING;

FLOODING IS A DANGER TO THE LIVES AND PROPERTY OF THE PUBLIC AND IS ALSO A DANGER TO THE NATURAL RESOURCES OF THE CITY OF FLINT AND THE REGION;

LAND DEVELOPMENT ALTERS THE HYDROLOGIC RESPONSE OF WATERSHEDS, RESULTING IN INCREASED STORM WATER RUNOFF RATES AND VOLUMES, INCREASED FLOODING, INCREASED STREAM CHANNEL EROSION, AND INCREASED SEDIMENT TRANSPORT AND DEPOSITION;

STORM WATER RUNOFF PRODUCED BY LAND DEVELOPMENT CONTRIBUTES TO INCREASED QUANTITIES OF WATER-BORNE POLLUTANTS;

INCREASES OF STORM WATER RUNOFF, SOIL EROSION, AND NON-POINT SOURCE POLLUTION HAVE OCCURRED AS A RESULT OF LAND DEVELOPMENT;

INCREASED STORM WATER RUNOFF RATES AND VOLUMES, AND THE SEDIMENTS AND POLLUTANTS ASSOCIATED WITH STORM WATER RUNOFF FROM FUTURE DEVELOPMENT PROJECTS WITHIN THE CITY OF FLINT WILL, ABSENT REGULATION AND CONTROL, ADVERSELY AFFECT THE CITY OF FLINT'S WATER BODIES AND WATER RESOURCES;

STORM WATER RUNOFF, SOIL EROSION, AND NON-POINT SOURCE POLLUTION CAN BE CONTROLLED AND MINIMIZED BY THE REGULATION OF STORM WATER RUNOFF FROM DEVELOPMENT;

THE STANDARDS, CRITERIA AND PROCEDURES CONTAINED IN THIS ORDINANCE ADDRESS THE DELETERIOUS EFFECTS OF STORM WATER RUNOFF;

THESE STANDARDS ARE NECESSARY FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE AND THE PROTECTION OF WATER BODIES IN THE CITY OF FLINT.

THE CONSTITUTION AND LAWS OF THE STATE OF MICHIGAN AUTHORIZE LOCAL UNITS OF GOVERNMENT TO PROVIDE STORMWATER MANAGEMENT SERVICES AND SYSTEMS THAT WILL CONTRIBUTE TO THE PROTECTION AND PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO THE PROTECTION OF THE STATE'S NATURAL RESOURCES.

PROPERTY OWNERS INFLUENCE THE QUANTITY, CHARACTER AND QUALITY OF STORM WATER FROM THEIR PROPERTY IN RELATION TO THE NATURE OF THE ALTERATIONS MADE TO PROPERTY.

§46-127 PURPOSE

IT IS THE PURPOSE OF THIS ORDINANCE TO ESTABLISH STORM WATER MANAGEMENT REQUIREMENTS AND CONTROLS TO ACCOMPLISH, AMONG OTHERS, THE FOLLOWING OBJECTIVES:

(A) TO REDUCE ARTIFICIALLY INDUCED FLOOD DAMAGE;

(B) TO MINIMIZE STORM WATER RUNOFF RATES AND VOLUMES FROM IDENTIFIED NEW LAND DEVELOPMENT;

(C) TO MINIMIZE THE DETERIORATION OF EXISTING NATURAL

WATERCOURSES, CULVERTS AND BRIDGES, AND OTHER STRUCTURES;

(D) TO ENCOURAGE WATER RECHARGE INTO THE GROUND WHERE GEOLOGICALLY FAVORABLE CONDITIONS EXIST;

(E) TO MINIMIZE AND CONTROL STORM AND SURFACE WATER POLLUTANT LEVELS;

(F) TO PROTECT THE INTEGRITY OF STREAM CHANNELS FOR THEIR BIOLOGICAL FUNCTIONS, AS WELL AS FOR DRAINAGE AND OTHER PURPOSES;

(G) TO MINIMIZE THE IMPACT OF DEVELOPMENT UPON STREAM BANK AND STREAMBED STABILITY;

(H) TO REDUCE EROSION FROM DEVELOPMENT OR CONSTRUCTION PROJECTS; AND

(I) TO REDUCE STORM WATER RUNOFF RATES AND VOLUMES, SOIL EROSION, AND WATER POLLUTION, WHEREVER PRACTICABLE, FROM LANDS THAT WERE DEVELOPED WITHOUT STORM WATER MANAGEMENT CONTROLS MEETING THE PURPOSES AND STANDARDS OF THIS ORDINANCE.

(J) TO REDUCE THE ADVERSE IMPACT OF CHANGING LAND USE ON WATER BODIES AND, TO THAT END, THIS ORDINANCE ESTABLISHES STANDARDS TO PROTECT WATER BODIES FROM DEGRADATION RESULTING FROM CHANGING LAND USE WHERE THERE

ARE INSUFFICIENT STORM WATER MANAGEMENT CONTROLS.

§46-128 APPLICABILITY, EXEMPTIONS AND GENERAL PROVISIONS

(A) THIS ORDINANCE SHALL APPLY TO USE OF THE CITY OF FLINT MUNICIPAL SEPARATE STORM SEWER SYSTEM, ALSO KNOWN AS THE FLINT MS4.

(B) THIS ORDINANCE SHALL ALSO APPLY TO ANY EARTH CHANGE (I) GREATER THAN OR EQUAL TO 1 ACRE (≥ 1 AC.) IN CONNECTION WITH NEW DEVELOPMENT OR REDEVELOPMENT PROJECTS, AND (II) LESS THAN 1 ACRE (≤ 1 ACRE) IN CONNECTION WITH NEW DEVELOPMENT OR REDEVELOPMENT PROJECTS THAT ARE PART OF A LARGER COMMON PLAN FOR DEVELOPMENT OR SALE.

(C) THIS ORDINANCE SHALL NOT APPLY TO THE FOLLOWING:

(1) THE INSTALLATION OR REMOVAL OF AN INDIVIDUAL MOBILE HOME WITHIN A MOBILE HOME PARK. THIS EXEMPTION SHALL NOT BE CONSTRUED TO APPLY TO THE CONSTRUCTION, EXPANSION, OR MODIFICATION OF A MOBILE HOME PARK OR TO THE FEES PAYABLE BY AN INDIVIDUAL MOBILE HOME UNDER §46-149.

(2) LANDSCAPING AND FARM PLANTING, TILLING, PLOWING AND HARVESTING. EARTH DISTURBANCES THAT ARE NOT ACTUAL FARMING AND LANDSCAPING ARE NOT EXEMPT FROM THIS ORDINANCE.

§46-129 DEFINITIONS

FOR THE PURPOSE OF THIS ORDINANCE, THE FOLLOWING WORDS AND PHRASES SHALL MEAN:

(A) BEST MANAGEMENT PRACTICES (BMPS) - NON-STRUCTURAL AND STRUCTURAL PREVENTIVE ACTIONS, OTHER ACTIONS, MANAGEMENT, CONTROLS AND DESIGNS THAT FURTHER THE PURPOSES OF THIS ORDINANCE. BMPS INCLUDE SCHEDULES OF ACTIVITIES, PROHIBITIONS OF PRACTICES, MAINTENANCE PROCEDURES AND OTHER MANAGEMENT PRACTICES TO PREVENT OR REDUCE POLLUTION OF THE WATERS OF THE STATE. EXAMPLES OF NON-STRUCTURAL BMPS INCLUDE, BUT ARE NOT LIMITED TO, BUFFERS ALONG WATER BODIES, MINIMIZATION OF THE DISTURBANCE OF SOILS AND VEGETATION, AND RESTRICTIONS ON DIRECTLY CONNECTED IMPERVIOUS SURFACE AREAS. EXAMPLES OF STRUCTURAL BMPS INCLUDE, BUT ARE NOT LIMITED TO, WET PONDS, EXTENDED DETENTION OUTLET STRUCTURES, FILTRATION VIA GRASSED SWALES, SAND FILTERS, UNCOVERED GROUND FILTER STRIPS, INFILTRATION BASINS AND INFILTRATION TRENCHES.

(B) BUILDING OPENING - ANY OPENING OF A SOLID WALL SUCH AS A WINDOW OR DOOR, THROUGH WHICH FLOODWATERS COULD PENETRATE.

(C) CITY - THE CITY OF FLINT, MICHIGAN, A MUNICIPAL CORPORATION.

(D) CITY DIRECTOR - THE DIRECTOR OF UTILITIES OF THE CITY OR OTHER PERSON OR PERSONS DESIGNATED BY THE DIRECTOR OF UTILITIES TO EXERCISE CONTROL OVER THE CITY'S STORM SEWERS AND MATTERS RELATING TO THE CITY MS4.

(E) CITY ENFORCEMENT OFFICER - ANY EMPLOYEE OF THE WATER POLLUTION CONTROL DIVISION OF THE DEPARTMENT OF UTILITIES OF THE CITY OF FLINT HOLDING THE TITLE OF WATER POLLUTION CONTROL SUPERVISOR, ASSISTANT WATER POLLUTION CONTROL SUPERVISOR, ENVIRONMENTAL COMPLIANCE SUPERVISOR, ENVIRONMENTAL COMPLIANCE INSPECTOR, SENIOR ENVIRONMENTAL COMPLIANCE ANALYST, ENVIRONMENTAL COMPLIANCE ANALYST, OR WATER QUALITY SUPERVISOR.

(F) CITY WATER POLLUTION CONTROL SUPERVISOR (CWPCS) - THE SUPERVISOR OF THE DEPARTMENT OF UTILITIES OF THE CITY OR OTHER PERSON OR PERSONS DESIGNATED BY THE CWPCS OR BY THE CITY ADMINISTRATOR TO EXERCISE CONTROL OVER THE CITY MS4.

(G) CONSTRUCTION SITE STORM WATER RUNOFF - STORM WATER RUNOFF FROM A DEVELOPMENT SITE DURING OR FOLLOWING AN EARTH CHANGE.

(H) DETENTION - A SYSTEM WHICH IS DESIGNED TO CAPTURE STORM WATER AND RELEASE IT OVER TIME THROUGH AN OUTLET STRUCTURE AT A CONTROLLED RATE.

(I) DEVELOP OR DEVELOPED OR DEVELOPMENT - THE INSTALLATION OR CONSTRUCTION OF IMPERVIOUS SURFACES ON A DEVELOPMENT SITE THAT REQUIRE, PURSUANT TO STATE LAW OR LOCAL ORDINANCE, CITY APPROVAL OF A SITE PLAN, PLAT, SITE CONDOMINIUM, SPECIAL LAND USE, PLANNED UNIT DEVELOPMENT, REZONING OF LAND, LAND DIVISION APPROVAL, PRIVATE ROAD APPROVAL OR OTHER APPROVALS REQUIRED FOR THE DEVELOPMENT OF LAND OR THE ERECTION OF BUILDINGS OR STRUCTURES; PROVIDED, HOWEVER, THAT FOR PURPOSES OF ARTICLE V, DIVISION 1 ONLY, DEVELOPED OR DEVELOPMENT SHALL NOT INCLUDE THE ACTUAL CONSTRUCTION OF, OR AN ADDITION, EXTENSION OR MODIFICATION TO, AN INDIVIDUAL SINGLE-FAMILY OR A TWO-FAMILY DETACHED RESIDENTIAL USE DWELLING OR APPURTENANCES TO THE SAME, IF THE EARTH CHANGE IS LESS THAN ONE ACRE, AND IF THE CITY DIRECTOR FINDS THAT SUCH CONSTRUCTION, ADDITION, EXTENSION OR MODIFICATION WILL NOT RESULT IN ADVERSE STORM WATER RUNOFF.

(J) DEVELOPER - ANY PERSON PROPOSING OR IMPLEMENTING THE DEVELOPMENT OF LAND.

(K) DEVELOPMENT SITE - ANY LAND THAT IS BEING OR HAS BEEN DEVELOPED, OR THAT A DEVELOPER PROPOSES FOR DEVELOPMENT.

(L) DISCHARGE - THE DIRECT OR INDIRECT INTRODUCTION (INCLUDING INFILTRATION) OF POLLUTANTS, GROUNDWATER,

WASTEWATER OR STORM WATER (WHETHER OR NOT IT IS CONTAMINATED AND WHETHER OR NOT IT CONTAINS POLLUTANTS) INTO THE CITY MS4 WHICH IS EITHER INTENTIONAL OR UNINTENTIONAL.

(M) DISCHARGER - ANY PERSON OR ENTITY WHO DISCHARGES.

(N) DRAIN - ANY DRAIN AS DEFINED IN THE DRAIN CODE OF 1956, AS AMENDED, BEING MCL 280.1, ET. SEQ., OTHER THAN AN ESTABLISHED COUNTY OR INTERCOUNTY DRAIN.

(O) DRAINAGE - THE PASSIVE OR ACTIVE COLLECTION AND CONVEYANCE OF WASTEWATER, GROUNDWATER, STORM WATER AND/OR SURFACE WATER.

(P) DRAINAGEWAY - THE AREA WITHIN WHICH SURFACE WATER OR GROUND WATER IS CARRIED FROM ONE PART OF A LOT OR PARCEL TO ANOTHER PART OF THE LOT OR PARCEL OR TO ADJACENT LAND.

(Q) EARTH CHANGE - ANY HUMAN ACTIVITY WHICH REMOVES GROUND COVER, CHANGES THE SLOPE OR CONTOURS OF THE LAND, DISTURBS THE GROUND SURFACE, OR EXPOSES THE SOIL SURFACE TO THE ACTIONS OF WIND AND RAIN. EARTH CHANGE INCLUDES, BUT IS NOT LIMITED TO, ANY EXCAVATING, SURFACE GRADING, FILLING, LANDSCAPING, OR REMOVAL OF VEGETATIVE ROOTS.

(R) EPA - THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(S) EXEMPTED DISCHARGES - DISCHARGES AS SPECIFIED IN §46-143(C)-(D), OF THIS ORDINANCE.

(T) FLOOD OR FLOODING - A CONDITION OF PARTIAL OR COMPLETE INUNDATION OF NORMALLY DRY LAND AREAS.

(U) FLOOD PROTECTION ELEVATION (FPE) - THE BASE FLOOD ELEVATION PLUS ONE (1) FOOT AT ANY GIVEN LOCATION. THE BASE FLOOD ELEVATION IS THE COMPUTED ELEVATION TO WHICH FLOOD WATERS ARE ANTICIPATED TO RISE DURING THE BASE (1% ANNUAL CHANCE) EVENT.

(V) GRADING - ANY STRIPPING, EXCAVATING, CONTOURING, FILLING, AND STOCKPILING OF SOIL OR ANY COMBINATION THEREOF.

(W) HAZARDOUS SUBSTANCE - ANY SUBSTANCE AS DEFINED IN PART 201 OF THE MICHIGAN NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT 451 OF 1994, AS AMENDED.

(X) ILLICIT CONNECTION - ANY METHOD OR MEANS FOR CONVEYING AN ILLICIT DISCHARGE INTO THE CITY MS4, OTHER THAN INFILTRATION.

(Y) ILLICIT DISCHARGE - ANY DISCHARGE TO THE MS4 THAT DOES NOT CONSIST ENTIRELY OF (I) DISCHARGES IN COMPLIANCE WITH THE TERMS OF AN NPDES PERMIT HELD BY THE DISCHARGER, (II) EXEMPTED DISCHARGES, OR

(III) UNCONTAMINATED STORM WATER, OR A COMBINATION OF THESE. UNCONTAMINATED STORM WATER IS STORM WATER WHICH DOES NOT CONTAIN POLLUTANTS WHICH ARE PRESENT ABOVE BACKGROUND CONCENTRATIONS REPRESENTATIVE OF THE AREA HAD A DISCHARGE OR RELEASE OF POLLUTANTS NOT OCCURRED.

(Z) IMPERVIOUS SURFACE – IMPERVIOUS MEANS A SURFACE AREA WHICH IS COMPACTED OR COVERED WITH MATERIAL THAT IS RESISTANT TO OR IMPEDES PERMEATION BY WATER, INCLUDING BUT NOT LIMITED TO, MOST CONVENTIONALLY SURFACED STREETS, ROOFS, SIDEWALKS, PATIOS, DRIVEWAYS, PARKING LOTS, AND ANY OTHER OILED, GRAVELED, GRADED, OR COMPACTED SURFACES.

(AA) MS4 – MUNICIPAL SEPARATE STORM SEWER SYSTEM.

(BB) MS4 PERMIT - A PERMIT ISSUED UNDER §46-134 AND OTHER APPLICABLE PROVISIONS OF THIS ORDINANCE.

(CC) MDEQ - MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY.

(DD) MUNICIPAL SEPARATE STORM SEWER SYSTEM. THE SYSTEM OF CONVEYANCES USED FOR COLLECTING AND TRANSPORTING STORM WATER OWNED BY THE CITY AND WHICH DISCHARGES TO SURFACE WATER OF THE STATE OR TO ANOTHER ENTITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM, BUT NOT INCLUDING (1) ANY

FACILITIES INTENDED TO BE USED FOR COLLECTING AND TRANSPORTING SANITARY OR OTHER WASTE WATER OR (II) ANY PRIVATELY OWNED SEWERS.

(EE) NATURAL WATERCOURSE – A WATERCOURSE THAT HAS NOT BEEN ALTERED ARTIFICIALLY IN A SIGNIFICANT MANNER.

(FF) NON-STORM WATER – WATER OTHER THAN STORM WATER.

(GG) NON-STORM WATER USE CHARGE – NON-STORM WATER USE CHARGE IS THE CHARGE APPLICABLE TO ANY NON-STORM WATER USE OF THE STORM WATER SYSTEM, AS DEFINED BY THE CITY DIRECTOR.

(HH) NPDES - NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM.

(II) PERSON - AN INDIVIDUAL, FIRM, PARTNERSHIP, ASSOCIATION, PUBLIC OR PRIVATE CORPORATION, PUBLIC AGENCY, INSTRUMENTALITY, OR ANY OTHER LEGAL ENTITY.

(JJ) PLANNING BOARD/COMMISSION - MEANS A CITY PLANNING COMMISSION CREATED UNDER THE MICHIGAN ZONING ENABLING ACT, 2006 PA 110, MCL 125.3101 ET. SEQ.

(KK) POLLUTANT - ANY DREDGED SPOIL, SOLID WASTE, VEHICLE FLUIDS, YARD WASTES, ANIMAL WASTES, AGRICULTURAL WASTE PRODUCTS, SEDIMENT, INCINERATOR RESIDUE, SEWAGE, GARBAGE, SEWAGE SLUDGE, MUNITIONS, CHEMICAL WASTES,

BIOLOGICAL WASTES, RADIOACTIVE MATERIALS, HEAT, WRECKED OR DISCARDED EQUIPMENT, ROCK, SAND, CELLAR DIRT, AND INDUSTRIAL, MUNICIPAL, COMMERCIAL AND AGRICULTURAL WASTE, ANY OTHER CONTAMINANT OR OTHER SUBSTANCE DEFINED AS A POLLUTANT UNDER THE CLEAN WATER ACT, AND ANY HAZARDOUS SUBSTANCE.

(LL) PROPERTY OWNER - ANY PERSON HAVING LEGAL OR EQUITABLE TITLE TO PROPERTY.

(MM) RETENTION - A SYSTEM WHICH IS DESIGNED TO CAPTURE STORM WATER AND CONTAIN IT BEFORE AND UNTIL IT INFILTRATES THE SOIL OR EVAPORATES OR IS DISCHARGED IN COMPLIANCE WITH AN MS4 PERMIT.

(NN) RUNOFF - MEANS THE WATER FLOW THAT OCCURS (I) WHEN SOIL IS INFILTRATED TO FULL CAPACITY AND EXCESS WATER FROM RAIN, SNOW/ICE MELT, OR OTHER SOURCES FLOWS OVER THE LAND SURFACE OR (II) OVER AND FROM AN IMPERVIOUS SURFACE.

(OO) SITE PLAN - MEANS A PLAT, A SITE DEVELOPMENT PLAN, CONSTRUCTION DRAWINGS, A BUILDING PERMIT, AND ANY OTHER PERMITS THAT NEED TO BE PREPARED BY A DEVELOPER AND APPROVED BY THE CITY BEFORE DEVELOPMENT CAN OCCUR.

(PP) STATE OF MICHIGAN WATER QUALITY STANDARDS - THE WATER QUALITY STANDARDS

PROMULGATED PURSUANT TO PART 31 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, AS AMENDED.

(QQ) STORM DRAIN - A SYSTEM OF OPEN OR ENCLOSED CONDUITS AND APPURTENANT STRUCTURES INTENDED TO CONVEY OR MANAGE STORM WATER, STORM WATER RUNOFF, GROUND WATER AND DRAINAGE.

(RR) STORM WATER - RAIN WATER AND SNOW/ICE MELT.

(SS) STORM WATER PLAN - WRITTEN NARRATIVES, SPECIFICATIONS, DRAWINGS, STANDARDS, OPERATING PROCEDURES, OR ANY COMBINATION OF THESE WHICH CONTAIN INFORMATION REGARDING THE MANAGEMENT OF STORM WATER.

(TT) STORM WATER RUNOFF FACILITY - THE METHOD, STRUCTURE, AREA, SYSTEM, OR OTHER EQUIPMENT OR MEASURES WHICH ARE DESIGNED TO RECEIVE, CONTROL, STORE, CAPTURE, CONTAIN, CONVEY OR TREAT STORM WATER.

(UU) STORM WATER MANAGEMENT PROGRAM - MEANS ONE OR MORE ASPECTS OF STORM WATER MANAGEMENT UNDERTAKEN FOR THE PURPOSE OF COMPLYING WITH APPLICABLE FEDERAL, STATE AND LOCAL LAW AND REGULATION OR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE RELATED TO STORM WATER RUNOFF.

(VV) STORM WATER SYSTEM - MEANS ROADS, STREETS, CATCH BASINS, CURBS, GUTTERS, DITCHES, STORM SEWERS AND APPURTENANT FEATURES, LAKES, PONDS, CHANNELS, SWALES, STORM DRAINS, CANALS, CREEKS, CATCH BASINS, STREAMS, GULCHES, GULLIES, FLUMES, CULVERTS, SIPHONS, RETENTION OR DETENTION BASINS, DAMS, FLOODWALLS, LEVEES, PUMPING STATIONS, AND OTHER LIKE FACILITIES, AND NATURAL WATERCOURSES AND FEATURES LOCATED WITHIN THE GEOGRAPHIC LIMITS OF THE CITY OF FLINT WHICH ARE DESIGNED OR USED FOR COLLECTING, STORING, TREATING OR CONVEYING STORM WATER OR THROUGH WHICH STORM WATER IS COLLECTED, STORED, TREATED OR CONVEYED, OR ANY OTHER PHYSICAL MEANS BY WHICH STORM WATER MANAGEMENT IS ACHIEVED.

(WW) STREAM - A RIVER, STREAM OR CREEK WHICH MAY OR MAY NOT BE SERVING AS A DRAIN, OR ANY OTHER WATER BODY THAT HAS DEFINITE BANKS, A BED, AND VISIBLE EVIDENCE OF A CONTINUED FLOW OR CONTINUED OCCURRENCE OF WATER.

(XX) SURFACE WATERS OF THE STATE - ALL OF THE FOLLOWING, BUT NOT INCLUDING DRAINAGE WAYS AND PONDS (DETENTION AND RETENTION PONDS OR LAGOONS) USED SOLELY FOR STORM WATER AND/OR WASTEWATER CONVEYANCE, TREATMENT, OR CONTROL:

- THE GREAT LAKES AND THEIR CONNECTING WATERS**
- ALL INLAND LAKES**

- RIVERS**
- STREAMS**
- IMPOUNDMENTS**
- OPEN DRAINS**
- OTHER SURFACE BODIES OF WATER WITHIN THE CONFINES OF THE STATE**
- WETLANDS**

§46-130 STORM WATER MANAGEMENT PROGRAM

THE CITY DIRECTOR MAY ADOPT, AMEND, OR EXTEND A STORM WATER MANAGEMENT PROGRAM FROM TIME TO TIME. ANY SUCH ADOPTION, AMENDMENT, OR EXTENSION SHALL BE APPROVED BY RESOLUTION OF THE CITY COUNCIL.

§46-131 CHARGES FOR NON-STORM WATER DISCHARGES

THE CITY DIRECTOR MAY IMPOSE FEES FOR THE USE OF THE STORM WATER SYSTEM FOR NON-STORM WATER DISCHARGES PERMITTED BY THE CITY OF FLINT UNDER §46-134 OF THIS ORDINANCE. CHARGES SHALL BE PROPORTIONATE TO THE CAPACITY OF THE STORM WATER SYSTEM THAT IS USED BY THE NON-STORM WATER FLOW THAT WOULD OTHERWISE BE AVAILABLE FOR STORM WATER, AND ANY ADDITIONAL CHARGES RELATED TO PREPARING, MONITORING, AND ENFORCING ANY PERMITS RELATED TO NON-STORM WATER DISCHARGES.

§46-132 OTHER CHARGES

CHARGES FOR OTHER SERVICES PROVIDED BY THE CITY OF FLINT SHALL BE ON A TIME AND MATERIALS BASIS, INCLUDING DIRECT AND INDIRECT COSTS, AS ESTABLISHED BY THE CITY DIRECTOR. THE CITY DIRECTOR MAY ALSO SET CHARGES FOR THE FAIR SHARE RECOVERY OF THE COST, INCLUDING DIRECT AND INDIRECT COSTS, FROM DISCHARGERS FOR THE IMPLEMENTATION AND OPERATION OF ANY OF THE FOLLOWING:

(A) MONITORING, INSPECTION AND SURVEILLANCE PROCEDURES;

(B) REVIEWING ACCIDENTAL DISCHARGE PROCEDURES AND CONSTRUCTION;

(C) DISCHARGE PERMIT APPLICATIONS FOR STORM WATER AND NON-STORM WATER;

(D) ANNUAL CHARGES FOR MULTI-YEAR PERMITS, AND

(E) OTHER CHARGES AS THE CITY DIRECTOR MAY DEEM NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS ORDINANCE.

§46-133 REGULATIONS

(A) THE CITY DIRECTOR MAY ADOPT REGULATIONS IMPLEMENTING THIS ORDINANCE. THESE REGULATIONS MAY INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING TOPICS:

(1) THE DESIGN, OPERATION, MAINTENANCE, AND MAINTENANCE OF THE STORM WATER SYSTEM AND FOR CONNECTIONS TO THAT SYSTEM.

(2) CONTROL OF THE QUALITY AND QUANTITY OF STORM WATER FROM INDUSTRIAL SITES BY ESTABLISHING MANAGEMENT PRACTICES, DESIGN AND OPERATING CRITERIA.

(3) PROCEDURES FOR UPDATING BILLING DATA BASED UPON CHANGES IN PROPERTY BOUNDARIES, OWNERSHIP, AND STORM WATER RUNOFF CHARACTERISTICS.

(4) POLICIES ESTABLISHING THE TYPE AND MANNER OF SERVICE DELIVERY THAT WILL BE PROVIDED BY THE UTILITY.

(5) REGULATIONS GOVERNING THE RESOLUTION OF STORM WATER MANAGEMENT ISSUES AMONG SEVERAL PROPERTY OWNERS WITHIN THE DISTRICT.

(6) ENFORCEMENT POLICIES AND PROCEDURES.

(B) THESE REGULATIONS SHALL TAKE EFFECT THIRTY (30) DAYS AFTER BEING FILED WITH THE CITY CLERK UNLESS MODIFIED OR DISAPPROVED BY THE CITY COUNCIL. REGULATIONS WHICH ARE MODIFIED BY CITY COUNCIL TAKE EFFECT THIRTY (30) DAYS AFTER THE MODIFICATION.

§46-134 MS4 PERMITS

(A) NON-STORM WATER DISCHARGES:

(1) AN MS4 PERMIT IS REQUIRED FROM THE CITY DIRECTOR FOR A PERSON TO DISCHARGE NON-STORM WATER INTO THE MS4 EXCEPT AS EXEMPTED OR OTHERWISE ALLOWED UNDER THIS ORDINANCE.

THE CITY DIRECTOR MAY REQUIRE EACH PERSON THAT IS REQUIRED TO OBTAIN AN MS4 PERMIT FOR NON-STORM WATER TO APPLY FOR AN MS4 PERMIT ON THE FORM PRESCRIBED BY THE CITY DIRECTOR. AN MS4 PERMIT MAY BE ISSUED FOR A PERIOD NOT TO EXCEED FIVE (5) YEARS. THE PERMIT SHALL BE SUBJECT TO MODIFICATION OR REVOCATION FOR FAILURE TO COMPLY OR PROVIDE SAFE ACCESS OR PROVIDE ACCURATE REPORTS OF THE DISCHARGE CONSTITUENTS AND CHARACTERISTICS. PERMITS ARE ISSUED TO SPECIFIC PERSONS FOR SPECIFIC OPERATIONS AND ARE NOT ASSIGNABLE TO ANOTHER PERSON WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CITY DIRECTOR. MS4 PERMITS ARE NOT TRANSFERABLE TO ANOTHER LOCATION. ANYONE SEEKING AN MS4 PERMIT TO DISCHARGE NON-STORM WATER INTO THE STORM WATER SYSTEM MUST DO THE FOLLOWING:

(A) FILE A WRITTEN STATEMENT WITH THE CITY DIRECTOR SETTING FORTH THE NATURE OF THE ENTERPRISE, THE AMOUNT OF WATER TO BE DISCHARGED WITH ITS PRESENT OR EXPECTED BACTERIAL, PHYSICAL, CHEMICAL, RADIOACTIVE OR OTHER PERTINENT CHARACTERISTICS;

(B) PROVIDE A PLAN MAP OF THE BUILDING, WORKS OR COMPLEX WITH EACH OUTFALL TO THE SURFACE WATERS, SANITARY SYSTEM, STORM SEWER, NATURAL WATERCOURSE OR GROUND WATERS NOTED, DESCRIBED AND THE DISCHARGE STREAM IDENTIFIED; AND

(C) SAMPLE, TEST AND FILE REPORTS WITH THE CITY DIRECTOR AND THE APPROPRIATE

FEDERAL, STATE AND COUNTY AGENCIES ON APPROPRIATE CHARACTERISTICS OF DISCHARGES ON A SCHEDULE, AT LOCATIONS, AND ACCORDING TO METHODS APPROVED BY THE CITY DIRECTOR.

(1) THE CITY DIRECTOR IS AUTHORIZED TO OBTAIN INFORMATION CONCERNING INDUSTRIAL PROCESSES OR OTHER PROCESSES AND ACTIVITIES WHICH HAVE A DIRECT BEARING ON THE KIND AND SOURCE OF THE DISCHARGE TO THE STORM WATER SYSTEM. THE DISCHARGER MAY REQUEST THAT CERTAIN INFORMATION, IF IT CAN ESTABLISH TO THE SATISFACTION OF THE CITY DIRECTOR THAT RELEASE OF THE INFORMATION WOULD REVEAL TRADE SECRETS OR WOULD OTHERWISE PROVIDE AN ADVANTAGE TO COMPETITORS, BE KEPT CONFIDENTIAL BY THE CITY, EXCEPT THAT DISCHARGE CONSTITUENTS WILL NOT BE CONFIDENTIAL INFORMATION.

(2) AT THE PERMITTEE'S EXPENSE, THE CITY DIRECTOR SHALL CARRY OUT INDEPENDENT SURVEILLANCE AND FIELD MONITORING, IN ADDITION TO THE SELF-MONITORING REQUIRED IN THE MS4 PERMIT TO ASCERTAIN WHETHER THE PERMIT TERMS ARE BEING MET.

(3) THE METHOD OF DETERMINING FLOW OF DISCHARGE TO THE STORM WATER SYSTEM SHALL BE APPROVED BY THE CITY DIRECTOR.

(B) DEVELOPING LAND AND EARTH CHANGES

(1) NO PERSON SHALL DEVELOP LAND OR CONDUCT AN EARTH CHANGE SUBJECT TO §46-128(B) (I) UNLESS THAT PERSON OBTAINS AND COMPLIES WITH AN MS4 PERMIT FROM THE CITY AND THAT PERSON OBTAINS APPROVAL FROM THE CITY OF A STORM WATER PLAN FOR THE DEVELOPMENT SITE, OR (II) UNLESS SUCH EARTH CHANGE OR DEVELOPMENT SITE IS EXEMPTED UNDER THIS ORDINANCE FROM THE REQUIREMENT TO OBTAIN AN MS4 PERMIT.

(2) THE CITY DIRECTOR MAY ISSUE AN MS4 PERMIT TO A DEVELOPER, WHICH MAY IMPOSE TERMS AND CONDITIONS IN ACCORDANCE WITH THIS ORDINANCE, PROVIDED THAT THE DEVELOPER:

A. SUBMITS DETAILED INFORMATION ABOUT THE DEVELOPER, DEVELOPMENT SITE, PROPOSED DISCHARGES AND/OR EARTH CHANGES, AND ANY OTHER INFORMATION REQUIRED BY THE CITY DIRECTOR IN AN MS4 PERMIT APPLICATION, NOT LESS THAN ONE HUNDRED EIGHTY (180) DAYS PRIOR TO COMMENCEMENT OF DEVELOPMENT.

B. SUBMITS, ALONG WITH THE MS4 PERMIT APPLICATION, A STORM WATER PLAN FOR POST-CONSTRUCTION STORM WATER MANAGEMENT AND BMP IMPLEMENTATION, IN ACCORDANCE WITH THE DESIGN AND PERFORMANCE STANDARDS SET FORTH IN §46-135 AND §46-136, FOR REVIEW AND APPROVAL BY THE CITY DIRECTOR. THE STORM WATER PLAN SHALL ALSO COMPLY WITH §46-131. THE STORM WATER PLAN SHALL INCLUDE ONE OF THE FOLLOWING BMPS:

A PERMANENT ON-SITE STORM WATER RUNOFF FACILITY THAT INCLUDES ON-SITE DETENTION OF STORM WATER RUNOFF AND A DIRECT CONNECTION FOR ALL STORM WATER RUNOFF THAT WILL BE DISCHARGED FROM AND THROUGH THE DEVELOPMENT SITE; OR

A PERMANENT ON-SITE STORM WATER RUNOFF FACILITY WITH A RESTRICTED OUTLET DESIGNED TO RESULT IN NO NET INCREASE IN STORM WATER RUNOFF VOLUME OR RATE ONTO ANY ADJACENT PROPERTY.

C. PAYS THE STORM WATER PERMIT APPLICATION REVIEW FEE.

D. PAYS OR POSTS THE APPLICABLE FINANCIAL GUARANTEE.

E. PROVIDES, ALONG WITH THE MS4 PERMIT APPLICATION, COPIES OF ALL PROPOSED OR EXISTING EASEMENTS NECESSARY TO IMPLEMENT THE APPROVED STORM WATER PLAN AND TO OTHERWISE COMPLY WITH THIS ORDINANCE INCLUDING, BUT NOT LIMITED TO, §46-135. ALL EASEMENTS SHALL BE ACCEPTABLE TO THE CITY IN FORM AND SUBSTANCE AND SHALL BE RECORDED WITH THE GENESEE COUNTY REGISTER OF DEEDS NO LATER THAN FIVE (5) DAYS AFTER THE MS4 PERMIT IS ISSUED.

F. PROVIDES, ALONG WITH THE MS4 PERMIT APPLICATION, A MAINTENANCE AGREEMENT FOR ROUTINE, EMERGENCY, AND LONG-TERM MAINTENANCE OF ALL STORM WATER

RUNOFF FACILITIES WHICH MEETS THE REQUIREMENTS OUTLINED IN §46-147(C).

(1) A PERSON WHO IS REQUIRED TO HAVE AN MS4 PERMIT FOR A DISCHARGE UNDER (1) OF THIS SECTION SHALL APPLY FOR THE MS4 PERMIT ON A FORM PROVIDED BY THE CITY. THE APPLICATION FORM SHALL REQUIRE INFORMATION CONCERNING THE DISCHARGE WHICH INCLUDES BUT IS NOT LIMITED TO:

(A) THE PROPERTY FROM WHICH THE DISCHARGE WILL ORIGINATE OR AT WHICH IT WILL OCCUR.

(B) THE STRUCTURES AND CONNECTIONS TO THE MS4.

(C) A DESCRIPTION OF THE EXPECTED COMPOSITION OF THE DISCHARGE, INCLUDING INFORMATION REGARDING POLLUTANTS IN THE DISCHARGE.

(D) A DESCRIPTION OF THE AREAS AND IMPROVEMENTS AT THE PROPERTY WHICH WILL BE IN CONTACT WITH THE WATER THAT COMPRISES THE DISCHARGE.

(E) THE BMPS, IF ANY, THAT THE DISCHARGER HAS IMPLEMENTED OR WILL IMPLEMENT.

(F) THE EXPECTED VOLUMES AND FLOW RATES OF THE DISCHARGE.

§46-135 DISCHARGER STORM WATER PLAN

THE DISCHARGER STORM WATER PLAN SHALL DESCRIBE MINIMUM DESIGN STANDARDS FOR STORM WATER DISCHARGE RELEASE RATES AND ON-SITE RETENTION, DETENTION OR OTHER METHODS TO CONTROL THE QUALITY, RATE AND VOLUME OF RUNOFF DISCHARGED INTO THE MS4. THE DISCHARGER STORM WATER PLAN SHALL IDENTIFY AND CONTAIN ALL OF THE FOLLOWING:

(A) THE LOCATION OF THE DEVELOPMENT SITE AND WATER BODIES THAT WILL RECEIVE RUNOFF, THE DRAINAGE DISTRICT IDENTIFICATION, ZONING, AERIAL IMAGERY, SOILS AND FLOODPLAIN MAPS, TRAFFIC AND UTILITY INFORMATION FOR THE DEVELOPMENT SITE.

(B) THE EXISTING AND PROPOSED NATURAL FEATURES OF THE DEVELOPMENT SITE, INCLUDING THE VEGETATION, TOPOGRAPHY, AND ALIGNMENT AND BOUNDARY OF THE NATURAL DRAINAGE COURSES, WITH CONTOURS HAVING A MAXIMUM INTERVAL OF TWO (2) FEET (USING USGS DATUM). THE INFORMATION SHALL BE SUPERIMPOSED ON THE PERTINENT GENESEE COUNTY SOIL MAP.

(C) THE DEVELOPMENT DRAINAGE AREA TO EACH POINT OF DISCHARGE FROM THE DEVELOPMENT.

(D) CALCULATIONS FOR THE EXISTING AND FINAL PEAK DISCHARGE RATES (BASED ON DESIGN CRITERIA).

(E) CALCULATIONS FOR ANY FACILITY OR STRUCTURE SIZE AND CONFIGURATION.

(F) A DRAWING SHOWING ALL PROPOSED STORM WATER RUNOFF FACILITIES WITH EXISTING AND FINAL GRADES, AS WELL AS STORM WATER EASEMENTS.

(G) THE SIZES AND LOCATIONS OF UPSTREAM AND DOWNSTREAM CULVERTS SERVING THE MAJOR DRAINAGE ROUTES FLOWING INTO AND OUT OF THE DEVELOPMENT SITE. ANY SIGNIFICANT OFF-SITE AND ON-SITE DRAINAGE OUTLET RESTRICTIONS OTHER THAN CULVERTS MUST BE NOTED ON THE DRAINAGE MAP.

(H) AN IMPLEMENTATION PLAN FOR CONSTRUCTION AND INSPECTION OF ALL STORM WATER RUNOFF FACILITIES NECESSARY TO THE OVERALL STORM WATER PLAN, INCLUDING A SCHEDULE OF THE ESTIMATED DATES OF COMPLETING CONSTRUCTION OF THE STORM WATER RUNOFF FACILITIES SHOWN ON THE PLAN AND AN IDENTIFICATION OF THE PROPOSED INSPECTION PROCEDURES TO ENSURE THAT THE STORM WATER RUNOFF FACILITIES ARE CONSTRUCTED IN ACCORDANCE WITH THE APPROVED STORM WATER PLAN.

(I) DRAWINGS, PROFILES, AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE STORM WATER RUNOFF FACILITIES (BMP) REASONABLY NECESSARY TO ENSURE THAT RUNOFF WILL BE DRAINED, STORED, OR OTHERWISE CONTROLLED IN ACCORDANCE WITH THIS ORDINANCE.

(J) A MAINTENANCE AGREEMENT, IN FORM AND SUBSTANCE

ACCEPTABLE TO THE CITY DIRECTOR, FOR ENSURING MAINTENANCE OF ANY PRIVATELY-OWNED STORM WATER RUNOFF FACILITIES. THE MAINTENANCE AGREEMENT SHALL INCLUDE THE DEVELOPER'S WRITTEN COMMITMENT TO PROVIDE ROUTINE, EMERGENCY, AND LONG-TERM MAINTENANCE OF THE FACILITIES AND, IN THE EVENT THAT THE FACILITIES ARE NOT MAINTAINED IN ACCORDANCE WITH THE APPROVED STORM WATER PLAN. THE AGREEMENT SHALL AUTHORIZE THE CITY TO MAINTAIN ANY ON-SITE STORM WATER RUNOFF FACILITY AS REASONABLY NECESSARY, AT THE DEVELOPER'S EXPENSE (SEE ARTICLE VII).

(K) THE NAME OF THE ENGINEERING FIRM AND THE REGISTERED PROFESSIONAL ENGINEER THAT DESIGNED THE STORM WATER PLAN AND THAT WILL INSPECT FINAL CONSTRUCTION OF THE STORM WATER RUNOFF FACILITIES.

(L) ALL DESIGN INFORMATION MUST BE COMPATIBLE FOR CONVERSION TO STANDARD GIS SHAPE FILES.

(M) ANY OTHER INFORMATION NECESSARY FOR THE CITY DIRECTOR TO VERIFY THAT THE STORM WATER PLAN COMPLIES WITH THE CITY DESIGN AND PERFORMANCE STANDARDS FOR DRAINS AND STORM WATER MANAGEMENT SYSTEMS.

§46-136 PERFORMANCE AND DESIGN STANDARDS

A DISCHARGER STORM WATER PLAN DEVELOPED, AS SET FORTH IN §46-135, SHALL ALSO CONFORM WITH THE FOLLOWING STANDARDS.

(A) **MINIMUM TREATMENT VOLUME STANDARD:** THE MINIMUM TREATMENT VOLUME STANDARD SHALL BE ONE (1) INCH OF RUNOFF FROM THE ENTIRE SITE. TREATMENT METHODS SHALL BE DESIGNED ON A SITE-SPECIFIC BASIS TO ACHIEVE EITHER A MINIMUM OF EIGHTY (80) PERCENT REMOVAL OF TOTAL SUSPENDED SOLIDS (TSS) AS COMPARED WITH UNCONTROLLED RUNOFF OR THE LIMITATION OF DISCHARGE CONCENTRATIONS OF TSS TO NO MORE THAN EIGHTY (80) MILLIGRAMS PER LITER. A MINIMUM TREATMENT VOLUME STANDARD IS NOT REQUIRED WHERE SITE CONDITIONS ARE SUCH THAT TSS CONCENTRATIONS IN STORM WATER DISCHARGES WILL NOT EXCEED EIGHTY (80) MILLIGRAMS PER LITER.

(B) **CHANNEL PROTECTION CRITERIA:** THE CHANNEL PROTECTION CRITERIA SHALL BE ESTABLISHED TO MAINTAIN POST-DEVELOPMENT SITE RUNOFF VOLUME AND PEAK FLOW RATE AT OR BELOW EXISTING LEVELS FOR ALL STORMS UP TO THE 2-YEAR, 24-HOUR EVENT. "EXISTING LEVELS" SHALL MEAN THE RUNOFF VOLUME AND PEAK FLOW RATE OF THE LAST LAND USE PRIOR TO THE PLANNED NEW DEVELOPMENT OR REDEVELOPMENT. EVALUATION OF THIS STANDARD SHALL BE MADE BY THE APPLICANT AND REVIEWED BY THE CWPCS.

(C) **OTHER ALTERNATIVE PUBLISHED AND GENERALLY ACCEPTED TREATMENT STANDARDS** APPROVED BY THE CITY DIRECTOR, WHICH ARE APPROVED BY THE MDEQ AND INCLUDED IN THE CITY NPDES PERMIT FOR THE MS4.

§46-137 MS4 APPLICATION REVIEW FEES

(A) ALL EXPENSES AND COSTS INCURRED BY THE CITY DIRECTLY ASSOCIATED WITH PROCESSING, REVIEWING AND APPROVING OR DENYING AN MS4 PERMIT APPLICATION SHALL BE PAID (OR REIMBURSED) TO THE CITY FROM THE FUNDS IN A SEPARATE ESCROW ACCOUNT ESTABLISHED BY THE DEVELOPER, AS PROVIDED IN SUBSECTION (B). THE CITY MAY DRAW FUNDS FROM A DEVELOPER'S ESCROW ACCOUNT TO REIMBURSE THE CITY FOR EXPENSES INCURRED BY THE CITY RELATING TO THE APPLICATION. SUCH REIMBURSABLE EXPENSES INCLUDE, BUT ARE NOT LIMITED TO, EXPENSES RELATED TO THE FOLLOWING:

(1) SERVICES OF THE CITY ATTORNEY DIRECTLY RELATED TO THE APPLICATION.

(2) SERVICES OF THE CWPCS DIRECTLY RELATED TO THE APPLICATION INCLUDING INSPECTIONS FEES.

(3) SERVICES OF OTHER INDEPENDENT CONTRACTORS WORKING FOR THE CITY WHICH ARE DIRECTLY RELATED TO THE APPLICATION.

(4) ANY ADDITIONAL PUBLIC HEARINGS, REQUIRED MAILINGS AND LEGAL NOTICE REQUIREMENTS NECESSITATED BY THE APPLICATION.

(B) AT THE TIME A DEVELOPER APPLIES FOR AN MS4 PERMIT, THE DEVELOPER SHALL DEPOSIT WITH THE CITY TREASURER, AS AN ESCROW DEPOSIT, AN INITIAL AMOUNT AS

DETERMINED BY RESOLUTION OF THE CITY COUNCIL FOR SUCH MATTERS AND SHALL PROVIDE ADDITIONAL AMOUNTS AS REQUESTED BY THE CITY DIRECTOR IN SUCH INCREMENTS AS ARE SPECIFIED IN SAID RESOLUTION. ANY EXCESS FUNDS REMAINING IN THE ESCROW ACCOUNT AFTER THE APPLICATION HAS BEEN FULLY PROCESSED, REVIEWED, AND THE FINAL CITY DIRECTOR'S DENIAL OR APPROVAL AND ACCEPTANCE OF THE DEVELOPMENT HAS OCCURRED WILL BE REFUNDED TO THE DEVELOPER WITH NO INTEREST TO BE PAID ON THOSE FUNDS. AT NO TIME PRIOR TO THE CITY DIRECTOR'S FINAL DECISION ON AN APPLICATION SHALL THE BALANCE IN THE ESCROW ACCOUNT FALL BELOW THE REQUIRED INITIAL AMOUNT. IF THE FUNDS IN THE ACCOUNT ARE REDUCED TO LESS THAN THE REQUIRED INITIAL AMOUNT, THE DEVELOPER SHALL DEPOSIT INTO THE ACCOUNT THE ADDITIONAL AMOUNT NEEDED TO RESTORE THE ACCOUNT TO THE REQUIRED AMOUNT BEFORE THE APPLICATION REVIEW PROCESS WILL BE CONTINUED. ADDITIONAL AMOUNTS MAY BE REQUIRED TO BE PLACED IN THE ESCROW ACCOUNT BY THE DEVELOPER FOR THE PURPOSES DESCRIBED IN THIS SECTION 46-137, AT THE DISCRETION OF THE CITY DIRECTOR TO MAINTAIN THE INITIAL AMOUNT AND THE AMOUNT OF ANY EXPECTED REIMBURSABLE COSTS.

§46-138 FINANCIAL ASSURANCE

(A) THE CITY DIRECTOR SHALL NOT APPROVE AN MS4 PERMIT FOR A DEVELOPER UNTIL THE DEVELOPER SUBMITS TO THE CITY DIRECTOR, IN A FORM AND AMOUNT SATISFACTORY TO THE CITY DIRECTOR, A LETTER OF CREDIT OR OTHER FINANCIAL

ASSURANCE FOR THE TIMELY AND SATISFACTORY CONSTRUCTION OF ALL STORM WATER RUNOFF FACILITIES AND SITE GRADING IN ACCORDANCE WITH THE APPROVED STORM WATER PLAN. UPON CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER THAT THE STORM WATER RUNOFF FACILITIES HAVE BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED STORM WATER PLAN INCLUDING, BUT NOT LIMITED TO, THE PROVISIONS CONTAINED IN §46-141, THE CITY DIRECTOR MAY RELEASE THE LETTER OF CREDIT, OR OTHER FINANCIAL GUARANTEE UPON FINAL CITY DIRECTOR ACCEPTANCE AND APPROVAL OF SUCH STORM WATER RUNOFF FACILITIES CERTIFICATION.

(B) THE LETTER OF CREDIT OR OTHER FINANCIAL GUARANTEE MAY BE ACCESSED BY THE CITY WHEN:

(1) VIOLATION OF THIS ORDINANCE HAS OCCURRED,

(2) CORRECTIVE ACTION HAS NOT BEEN COMPLETED BY THE DEVELOPER WITHIN 30 DAYS OF NOTIFICATION OF THE VIOLATION PROVIDED BY THE CITY.

(C) EXCEPT AS PROVIDED IN SUBSECTION (E), THE AMOUNT OF THE FINANCIAL ASSURANCE SHALL BE AS DETERMINED BY THE CITY COUNCIL IN A RESOLUTION OF FEES FOR CITY SERVICES TO SATISFY §46-149, UNLESS THE CITY DETERMINES THAT A GREATER AMOUNT IS APPROPRIATE, IN WHICH CASE THE BASIS FOR SUCH DETERMINATION SHALL BE PROVIDED TO THE DEVELOPER IN WRITING. IN

DETERMINING WHETHER AN AMOUNT GREATER THAN THE AMOUNT ESTABLISHED BY RESOLUTION OF CITY COUNCIL IS APPROPRIATE, THE CITY DIRECTOR SHALL CONSIDER THE SIZE AND TYPE OF THE DEVELOPMENT, THE SIZE AND TYPE OF THE ON-SITE STORM WATER SYSTEM, AND THE NATURE OF THE OFF-SITE STORM WATER RUNOFF FACILITIES THE DEVELOPMENT WILL UTILIZE.

(D) THE LETTER OF CREDIT OR OTHER FINANCIAL ASSURANCE WILL NOT BE ALLOWED BY THE DEVELOPER TO EXPIRE UNTIL THE MAINTENANCE AGREEMENT FOR STORM WATER FACILITIES ESTABLISHED BY THE DEVELOPER HAS BEEN SIGNED BY THE DEVELOPER AND THE CITY.

(E) A MAINTENANCE BOND SHALL BE PROVIDED TO THE CITY BY THE DEVELOPER. THE MAINTENANCE BOND SHALL BE PROVIDED FOR A PERIOD OF TWO YEARS COMMENCING FROM THE DATE OF THE FINAL APPROVAL OF THE STORM WATER PLAN.

(F) THE CITY DIRECTOR MAY REDUCE OR WAIVE THE AMOUNT OF THE FINANCIAL ASSURANCE FOR A DEVELOPMENT THAT WILL NOT INCREASE THE PERCENTAGE OF IMPERVIOUS SURFACE OF THE DEVELOPMENT SITE BY MORE THAN TEN PERCENT (10%).

(G) THIS ORDINANCE SHALL NOT BE CONSTRUED OR INTERPRETED AS RELIEVING A DEVELOPER OF ITS OBLIGATION TO PAY ALL COSTS ASSOCIATED WITH ON-SITE PRIVATE

STORM WATER RUNOFF FACILITIES AS WELL AS THOSE COSTS ARISING FROM THE NEED TO MAKE OTHER STORM WATER IMPROVEMENTS IN ORDER TO REDUCE A DEVELOPMENT'S IMPACT ON A DRAIN.

§46-139 CERTIFICATE OF OCCUPANCY

NO CERTIFICATE OF OCCUPANCY FOR A DEVELOPMENT SHALL BE ISSUED BY THE CITY UNTIL STORM WATER RUNOFF FACILITIES HAVE BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED STORM WATER PLAN; PROVIDED, HOWEVER, THE CITY MAY ISSUE A CERTIFICATE OF OCCUPANCY IF AN ACCEPTABLE LETTER OF CREDIT OR OTHER FINANCIAL ASSURANCE HAS BEEN SUBMITTED TO THE CITY DIRECTOR, FOR THE TIMELY AND SATISFACTORY CONSTRUCTION OF ALL STORM WATER RUNOFF FACILITIES AND SITE GRADING IN ACCORDANCE WITH THE APPROVED STORM WATER PLAN.

§46-140 NO CHANGE IN APPROVED FACILITIES

(A) STORM WATER RUNOFF FACILITIES, AFTER CONSTRUCTION AND APPROVAL, SHALL BE MAINTAINED BY THE DEVELOPER IN GOOD CONDITION, IN ACCORDANCE WITH THE APPROVED STORM WATER PLAN, AND SHALL NOT BE SUBSEQUENTLY ALTERED, REVISED OR REPLACED EXCEPT IN ACCORDANCE WITH THE APPROVED STORM WATER PLAN, OR IN ACCORDANCE WITH AMENDMENTS OR REVISIONS IN THE PLAN APPROVED BY THE CITY.

(B) THE CITY DIRECTOR MAY TAKE CORRECTIVE ACTION IF ALTERATIONS TO APPROVED STORM

WATER FACILITIES OCCUR AND THE CITY MAY RECOVER FROM THE RESPONSIBLE PARTY ALL OF THE CITY'S COSTS ASSOCIATED WITH THE CORRECTIVE ACTION.

§46-141 TERMS AND CONDITIONS OF MS4 PERMITS

IN GRANTING AN MS4 PERMIT, THE CITY DIRECTOR MAY IMPOSE SUCH TERMS AND CONDITIONS, SUCH AS REQUIREMENTS FOR POLLUTION MONITORING, PREVENTION, CONTROL AND REPORTING, AS ARE REASONABLY NECESSARY TO IMPLEMENT THE PURPOSES OF THIS ORDINANCE. A PERSON HAVING SAID PERMIT SHALL COMPLY WITH SUCH TERMS AND CONDITIONS.

§46-142 STORM WATER SYSTEM, FLOODPLAIN AND OTHER STANDARDS, SOIL EROSION CONTROL

(A) THE CITY IS NOT RESPONSIBLE FOR PROVIDING DRAINAGE FACILITIES ON PRIVATE PROPERTY FOR THE MANAGEMENT OF STORM WATER ON SAID PROPERTY. IT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER TO PROVIDE FOR, AND MAINTAIN, PRIVATE STORM WATER RUNOFF FACILITIES SERVING THE PROPERTY AND TO PREVENT OR CORRECT THE ACCUMULATION OF DEBRIS THAT INTERFERES WITH DRAINAGE.

(B) ALL STORM WATER RUNOFF FACILITIES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE

AND LOCAL ORDINANCES, AND RULES AND REGULATIONS.

§46-143 ILLICIT DISCHARGES/ CONNECTIONS, AND EXEMPTIONS

(A) NO PERSON SHALL MAKE OR ALLOW AN ILLICIT DISCHARGE OR HAVE AN ILLICIT CONNECTION.

(B) THE CITY DIRECTOR MAY REQUIRE DISCHARGERS TO IMPLEMENT BMPS TO PREVENT OR REDUCE THE DISCHARGE OF POLLUTANTS INTO THE CITY MS4.

(C) THE FOLLOWING DISCHARGES AND FLOWS ARE EXEMPTED DISCHARGES AND SHALL NOT REQUIRE AN MS4 PERMIT UNDER §46-135(A) PROVIDED THEY ARE NOT IDENTIFIED AS SIGNIFICANT CONTRIBUTORS TO VIOLATIONS OF STATE WATER QUALITY STANDARDS:

(1) POTABLE WATER SUPPLY LINE FLUSHING

(2) LANDSCAPE IRRIGATION

(3) DIVERTED STREAM FLOWS

(4) UNCONTAMINATED GROUNDWATER INFILTRATION TO STORM DRAINS

(5) PUMPED UNCONTAMINATED GROUND WATER, EXCEPT FOR GROUNDWATER CLEANUPS SPECIFICALLY AUTHORIZED BY NPDES PERMITS

(6) DISCHARGES OF POTABLE WATER

(7) FOUNDATION DRAIN
WATER

(8) AIR CONDITIONING
CONDENSATE WATER

(9) INDIVIDUAL
RESIDENTIAL CAR WASHING WATER

(10) DECHLORINATED
SWIMMING POOL WATERS FROM
SINGLE, TWO, OR THREE FAMILY
RESIDENCES

(11) SWIMMING POOL
WATER FROM A SINGLE-FAMILY
RESIDENCE

(12) RESIDUAL CITY
STREET WASH WATER

(13) DISCHARGES FROM
EMERGENCY FIREFIGHTING
ACTIVITIES.

(D) DISCHARGES AUTHORIZED
BY AN NPDES PERMIT ARE NOT ILLICIT
DISCHARGES.

A SPECIAL PROVISION APPLIES TO
GROUNDWATER WHICH MAY
INFILTRATE THE MS4 AT A PROPERTY
COMMONLY REFERRED TO AS "CHEVY
IN THE HOLE" WHICH IS OWNED BY THE
CITY. THE CITY ENTERED INTO AN
AGREEMENT, ORDER ON CONSENT, AND
COVENANT NOT TO SUE THE CITY OF
FLINT, MI WITH THE UNITED STATES
DEPARTMENT OF JUSTICE AND THE
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY ON OCTOBER 16,
2012, AND A COVENANT NOT TO SUE THE
CITY OF FLINT, MI WITH THE MICHIGAN
DEPARTMENT OF ENVIRONMENTAL
QUALITY AND THE MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL

ON AUGUST 8, 2012, BOTH OF WHICH
ADDRESS CONTAMINATION AT THAT
PROPERTY THAT EXISTED AT THE TIME
THE CITY ACQUIRED THAT PROPERTY
("EXISTING CONTAMINATION") AND
BOTH OF WHICH ARE REFERRED TO
HERE AS THE GOVERNMENT
AGREEMENTS. NOTHING IN THIS
ORDINANCE SHALL AFFECT THE
VALIDITY, SCOPE AND EFFECT OF THE
GOVERNMENT AGREEMENTS.

§46-144 INTERFERENCE WITH NATURAL OR ARTIFICIAL DRAINAGEWAY

NO PERSON MAY STOP, FILL, DAM,
CONFINE, PAVE, ALTER THE COURSE OF,
OR OTHERWISE INTERFERE WITH ANY
PART OF THE MS4 OR ANY NATURAL OR
CONSTRUCTED DRAIN IN THE CITY IN A
MANNER THAT WILL ADVERSELY
AFFECT THE MS4, OR DRAINAGE WAY IN
THE CITY WITHOUT FIRST SUBMITTING
A STORM WATER PLAN TO THE CITY
DIRECTOR AND RECEIVING APPROVAL
OF THAT PLAN WHICH PROVIDES FOR
SUCH ACTION BY THAT PERSON. ANY
DEVIATION FROM THE APPROVED PLAN
IS A VIOLATION OF THIS ORDINANCE.
THIS SECTION SHALL NOT PROHIBIT,
HOWEVER, NECESSARY EMERGENCY
ACTION SO AS TO PREVENT OR
MITIGATE DRAINAGE THAT WOULD BE
INJURIOUS TO THE ENVIRONMENT, THE
PUBLIC HEALTH, SAFETY, OR WELFARE.
APPROVAL BY THE CITY OF SUCH PLAN
DOES NOT OBVIATE THE NEED TO
OBTAIN PERMITS OR APPROVALS FROM
OTHER GOVERNMENT AGENCIES.

§46-145 INSPECTION, MONITORING, REPORTING, AND RECORDKEEPING

(A) INSPECTIONS:

(1) AUTHORIZED REPRESENTATIVES OF THE CITY EXHIBITING PROPER CREDENTIALS AND IDENTIFICATION SHALL BE PERMITTED AT ALL REASONABLE TIMES, AND AT ANY TIME IN AN EMERGENCY, TO ENTER ANY DISCHARGER'S PROPERTY WITHOUT DELAY FOR THE PURPOSES OF INSPECTION, OBSERVATION, MEASUREMENT, SAMPLING, AND TESTING IN CONNECTION WITH THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE.

(2) WHILE ON THE PROPERTY OF THE DISCHARGER, THE AUTHORIZED REPRESENTATIVE OF THE CITY SHALL OBSERVE ALL REASONABLE SAFETY RULES APPLICABLE TO THE PREMISES ESTABLISHED BY THE DISCHARGER THAT ARE COMMUNICATED BY THE DISCHARGER TO THE CITY REPRESENTATIVE AT THE TIME OF ENTRY AND DURING THE VISIT, IF PRACTICABLE. THE AUTHORIZED REPRESENTATIVE OF THE CITY IS NOT REQUIRED TO OBSERVE SUCH SAFETY RULES IN AN EMERGENCY. THE DISCHARGER SHALL ADVISE THE CITY REPRESENTATIVE OF HEALTH AND SAFETY HAZARDS AND PRECAUTIONARY MEASURES NECESSARY TO PROTECT THE HEALTH AND SAFETY OF THE CITY REPRESENTATIVE WHILE ON THE DISCHARGER'S PREMISES. THE CITY DIRECTOR MAY ORDER ANY DISCHARGER TO PROVIDE WRITTEN INFORMATION REGARDING SUCH HEALTH AND SAFETY HAZARDS AND PRECAUTIONARY MEASURES. IF REQUIRED BY THE DISCHARGER, THE CITY REPRESENTATIVE INTENDING TO ENTER A DISCHARGER'S PROPERTY SHALL BE PROVIDED WITH AN ESCORT BY THE DISCHARGER TO ACCOMPANY THE CITY REPRESENTATIVE WHILE ON

THE DISCHARGER'S PROPERTY. THE DISCHARGER SHALL PROVIDE THE ESCORT WITHIN A REASONABLE TIME AFTER ARRIVAL AT THE DISCHARGER'S PROPERTY. IN THE EVENT OF AN EMERGENCY, OR IF THE DISCHARGER DOES NOT PROVIDE AN ESCORT WITHIN A REASONABLE TIME THE CITY REPRESENTATIVE IS NOT REQUIRED TO WAIT FOR SUCH AN ESCORT BEFORE PROCEEDING WITH THE ENTRY AND OTHER ACTIVITIES ON THE DISCHARGER'S PROPERTY. IF THE CITY REPRESENTATIVE PROCEEDS WITHOUT SUCH AN ESCORT ON THE BASIS OF AN EMERGENCY OR ON THE BASIS THAT THE DISCHARGER DID NOT PROVIDE AN ESCORT WITHIN A REASONABLE TIME UNDER THE CIRCUMSTANCES, THEN THE CITY SHALL PROVIDE SUCH DISCHARGER WITH A WRITTEN EXPLANATION OF THE SITUATION.

(3) INSPECTION BY STATE OR FEDERAL REPRESENTATIVES PURSUANT TO LAW SHALL NOT RELIEVE A DISCHARGER FROM INSPECTION BY CITY REPRESENTATIVES, AND INSPECTION BY CITY REPRESENTATIVES SHALL NOT RELIEVE ANY DISCHARGER FROM COMPLIANCE WITH LAWFUL INSPECTION BY STATE AND FEDERAL REPRESENTATIVES.

(B) STORM WATER MONITORING FACILITIES: THE CITY DIRECTOR MAY REQUIRE, BY ORDER OR BY AN MS4 PERMIT, THAT A DISCHARGER OF STORM WATER PROVIDE AND OPERATE EQUIPMENT OR DEVICES FOR THE MONITORING OF STORM WATER, SO AS TO PROVIDE FOR INSPECTION, SAMPLING, AND FLOW MEASUREMENT OF THE DISCHARGE. THE CITY DIRECTOR MAY REQUIRE A DISCHARGER TO PROVIDE AND OPERATE SUCH EQUIPMENT AND

DEVICES IF IT IS NECESSARY OR APPROPRIATE FOR THE INSPECTION, SAMPLING AND FLOW MEASUREMENT OF DISCHARGES IN ORDER TO DETERMINE WHETHER ADVERSE EFFECTS FROM OR AS A RESULT OF SUCH DISCHARGES MAY OCCUR OR TO DETERMINE VOLUME OF STORM WATER. ALL SUCH EQUIPMENT AND DEVICES FOR THE INSPECTION, SAMPLING AND FLOW MEASUREMENT OF DISCHARGES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH APPLICABLE LAWS, ORDINANCES AND REGULATIONS. ALL MONITORING RESULTS SHALL BE REPORTED TO THE CITY DIRECTOR PROMPTLY AFTER THEY ARE RECEIVED BY THE DISCHARGER.

(C) ACCIDENTAL DISCHARGES: ANY DISCHARGER WHO ACCIDENTALLY DISCHARGES INTO THE MS4, ANY WATER OR POLLUTANTS OTHER THAN A DISCHARGE PERMITTED OR ALLOWED UNDER THIS ORDINANCE OR AN EXEMPTED DISCHARGE SHALL INFORM THE CITY DIRECTOR IMMEDIATELY. IF SUCH INFORMATION IS GIVEN ORALLY, A WRITTEN REPORT CONCERNING THE DISCHARGE SHALL BE FILED WITH THE CITY DIRECTOR WITHIN FIVE (5) DAYS. THE WRITTEN REPORT SHALL SPECIFY:

(1) THE COMPOSITION OF THE DISCHARGE AND THE CAUSE THEREOF.

(2) THE EXACT DATE, TIME, AND ESTIMATED VOLUME OF THE DISCHARGE.

(3) ALL MEASURES TAKEN TO CLEAN UP THE ACCIDENTAL DISCHARGE, AND ALL MEASURES PROPOSED TO BE TAKEN TO REDUCE AND PREVENT ANY RECURRENCE.

(4) THE NAME AND TELEPHONE NUMBER OF THE PERSON MAKING THE REPORT, AND THE NAME OF A PERSON WHO MAY BE CONTACTED FOR ADDITIONAL INFORMATION ON THE MATTER.

(D) RECORD KEEPING REQUIREMENT: ANY PERSON SUBJECT TO THIS ORDINANCE SHALL RETAIN AND PRESERVE FOR NO LESS THAN THREE (3) YEARS ANY AND ALL BOOKS, DRAWINGS, PLANS, PRINTS, DOCUMENTS, MEMORANDA, REPORTS, CORRESPONDENCE AND RECORDS, INCLUDING RECORDS ON MAGNETIC OR ELECTRONIC MEDIA AND ANY AND ALL SUMMARIES OF SUCH RECORDS, RELATING TO MONITORING, SAMPLING AND CHEMICAL ANALYSIS OF ANY DISCHARGE OR RUNOFF FROM ANY PROPERTY.

§46-146 ADMINISTRATION AND ENFORCEMENT

(A) POWERS OF THE CITY DIRECTOR: THE CITY DIRECTOR IS HEREBY EMPOWERED TO:

(1) SUPERVISE AND PERFORM THE IMPLEMENTATION OF THIS ORDINANCE;

(2) INSTITUTE ACTIONS AGAINST ALL PERSONS VIOLATING THIS ORDINANCE, INCLUDING JUDICIAL PROCEEDINGS TO ENJOIN, ABATE, AND PROSECUTE VIOLATIONS OF THIS ORDINANCE;

(3) REVIEW AND APPROVE OR DISAPPROVE STORM WATER PLANS;

(4) MAKE INSPECTIONS AND TESTS OF EXISTING AND NEWLY

INSTALLED, CONSTRUCTED, RECONSTRUCTED, OR ALTERED BMPS TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS ORDINANCE;

(5) INVESTIGATE COMPLAINTS OF VIOLATIONS OF THIS ORDINANCE; MAKE INSPECTIONS AND OBSERVATIONS OF DISCHARGES; AND RECORD SUCH INVESTIGATIONS, COMPLAINTS, INSPECTIONS, AND OBSERVATIONS;

(6) ISSUE ORDERS REQUIRING COMPLIANCE WITH THIS ORDINANCE, INCLUDING ORDERS TO IMMEDIATELY CEASE AN ILLICIT DISCHARGE OR REMOVE AN ILLICIT CONNECTION OR TO DO SO WITHIN A TIME CERTAIN;

(7) DETERMINE AND ASSESS CIVIL ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THIS ORDINANCE;

(8) DETERMINE CHARGES FOR COMPENSATORY DAMAGES;

(9) RECOMMEND TO THE CITY ATTORNEY OF THE CITY THE INSTITUTION OF JUDICIAL PROCEEDINGS TO COMPEL COMPLIANCE WITH THE PROVISIONS OF THIS ORDINANCE OR ANY DETERMINATION OR ORDER WHICH MAY BE PROMULGATED OR ISSUED PURSUANT TO THIS ORDINANCE;

(10) DENY MS4 PERMITS FOR DISCHARGERS THAT DO NOT MEET THE REQUIREMENTS OF THIS ORDINANCE OR THAT WOULD CAUSE THE CITY TO VIOLATE ITS MS4 NPDES PERMIT; AND SET CONDITIONS ON NEW, INCREASED, OR CHANGED DISCHARGES TO THE CITY MS4;

(11) UNDERTAKE OR CAUSE TO BE UNDERTAKEN ANY NECESSARY OR ADVISABLE PROTECTIVE MEASURES SO AS TO PREVENT VIOLATIONS OF THIS ORDINANCE OR TO AVOID OR REDUCE THE EFFECTS OF NONCOMPLIANCE HERewith;

(12) PERFORM OTHER ACTIONS NECESSARY OR ADVISABLE FOR THE MANAGEMENT AND OPERATION OF THE CITY MS4 AND THE ENFORCEMENT OF THIS ORDINANCE AND OTHER LAWS AND REGULATIONS APPLICABLE TO THE MS4.

(B) ORDERS:

(1) WHENEVER THE CITY DIRECTOR DETERMINES THAT A PERSON HAS VIOLATED OR MAY VIOLATE THIS ORDINANCE, THE CITY DIRECTOR MAY ORDER THE PERSON TO TAKE ACTION OR REFRAIN FROM CERTAIN ACTIONS AS APPROPRIATE UNDER THE CIRCUMSTANCES.

(2) THE FOLLOWING ORDERS MAY BE ISSUED BY THE CITY DIRECTOR:

(A) IMMEDIATE CEASE AND DESIST. AN ORDER TO IMMEDIATELY CEASE AND DESIST DISCHARGING WHICH PRESENTS OR MAY PRESENT IMMINENT OR SUBSTANTIAL ENDANGERMENT TO THE HEALTH OR WELFARE OF PERSONS OR THE ENVIRONMENT OR WHICH CONSTITUTES AN ILLICIT DISCHARGE. SUCH ORDER SHALL BE FINAL AND IN EFFECT UPON ISSUANCE;

(B) CEASE DISCHARGE WITHIN A TIME CERTAIN. AN ORDER TO CEASE A DISCHARGE BY A

CERTAIN TIME AND DATE. THE ORDER MAY ALSO CONTAIN SUCH CONDITIONS AS DEEMED APPROPRIATE BY THE CITY DIRECTOR. NON-PAYMENT OF MS4 PERMIT FEES, NON-COMPLIANCE WITH ANY TERM OF AN MS4 PERMIT, AND ILLICIT DISCHARGES ARE EXAMPLES OF SUFFICIENT CAUSE FOR AN ORDER TO CEASE DISCHARGE WITHIN A TIME CERTAIN.

(C) ORDER TO PERFORM. AN ORDER REQUIRING A DISCHARGER SUBJECT TO THIS ORDINANCE TO PERFORM ANY REQUIRED ACTION OR TO COMPLY WITH ANY PROVISION OF THIS ORDINANCE, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

SAMPLING OR (1) INSTALL MONITORING EQUIPMENT;

SAMPLES; (2) SUBMIT

REPORTS; (3) SUBMIT

(4) ALLOW ACCESS FOR INSPECTION, SAMPLING, TESTS, MONITORING, AND INVESTIGATIONS;

(5) INSTALL, OPERATE, AND MAINTAIN BMPS;

(6) DEVELOP AND IMPLEMENT PROCEDURES, CONSTRUCT STRUCTURES, OR INSTALL EQUIPMENT FOR PREVENTING AND APPROPRIATELY RESPONDING TO ACCIDENTAL DISCHARGES;

(7) REDUCE OR ELIMINATE A DISCHARGE OR

POLLUTANTS IN A DISCHARGE OR A CHARACTERISTIC OF A DISCHARGE;

(8) CONTROL, RECOVER, OR MITIGATE THE EFFECTS OF POLLUTANTS ACCIDENTALLY OR INTENTIONALLY DISCHARGED TO THE CITY MS4 OR WHICH COULD POTENTIALLY BE DISCHARGED TO THE CITY MS4.

(9) CONDUCT INVESTIGATIONS AND STUDIES (I.E., ENVIRONMENTAL MONITORING, ENVIRONMENTAL RISK ASSESSMENTS, HYDRO-GEOLOGICAL STUDIES, AND THE LIKE) TO DETERMINE THE EFFECTS OR RISKS ASSOCIATED WITH ACTUAL, POTENTIAL, OR PAST DISCHARGES; THE ACTUAL OR POSSIBLE ROUTE(S) OF ENTRY OF ACTUAL OR SUSPECTED DISCHARGES (I.E., THROUGH UNDERGROUND PIPES OR BY INFILTRATION); THE EXTENT OF ENVIRONMENTAL CONTAMINATION WHICH IS OR WHICH MAY BE CAUSING A DISCHARGE; OR SUCH OTHER SIMILAR PURPOSE AS THE CITY DIRECTOR MAY DETERMINE; AND TO SUBMIT REPORTS DOCUMENTING THE FINDINGS OF SUCH INVESTIGATIONS OR STUDIES.

(10) PAY A COMPENSATORY DAMAGE CHARGE.

(11) PAY MS4 FEES.

(3) STOP WORK ORDER. AN ORDER TO PREVENT FURTHER OR CONTINUING VIOLATIONS OR ADVERSE EFFECTS.

(4) CONTENT OF ORDERS. ANY ORDER ISSUED BY THE CITY DIRECTOR SHALL GENERALLY STATE THE FACTUAL BASIS AND REASONS FOR

ITS ISSUANCE, THE REQUIRED ACTION, AND THE TIME WITHIN WHICH SUCH ACTION SHALL BE TAKEN. NO SUCH ORDER SHALL BE DEEMED INSUFFICIENT FOR INCONSEQUENTIAL ERRORS AND OMISSIONS IN THE FACTS OR REASONS FOR THE ORDER. IF ANY DISCHARGER DEEMS THE INFORMATION IN THE ORDER INSUFFICIENT, IT MAY REQUEST ADDITIONAL INFORMATION. MULTIPLE ORDERS MAY BE ISSUED SIMULTANEOUSLY, SEPARATELY, OR IN COMBINATION AS A SINGLE ORDER BY THE CITY DIRECTOR WITH RESPECT TO A SINGLE DISCHARGER OR PERSON.

(5) CONSENT ORDERS. A DISCHARGER OR A PERSON AND THE CITY MAY ENTER INTO AN ORDER BY CONSENT AND SUCH ORDER IS ENFORCEABLE BY THE CITY IN THE SAME MANNER AS ANY OTHER ORDER ISSUED BY THE CITY OF FLINT UNDER THIS ORDINANCE.

(6) DISCONNECTION. THE CITY DIRECTOR MAY PHYSICALLY DISCONNECT A DISCHARGER FROM THE CITY MS4 IF THE DISCHARGER VIOLATES ANY PROVISION OF AN ORDER, INCLUDING AN IMMEDIATE CEASE AND DESIST ORDER.

(C) NOTICES OF VIOLATION

(1) THE CITY DIRECTOR MAY ISSUE A NOTICE OF VIOLATION WITH OR WITHOUT AN ORDER AGAINST ANY DISCHARGER WHO IS OR HAS BEEN IN VIOLATION OF THIS ORDINANCE OR WHO IS OR HAS BEEN IN VIOLATION OF AN MS4 PERMIT.

(2) THE NOTICE OF VIOLATION OR THE ORDER SHALL BE SERVED UPON THE DISCHARGER OR

PERSON EITHER BY PERSONAL DELIVERY, FIRST CLASS MAIL ADDRESSED TO SUCH DISCHARGER OR PERSON, ELECTRONIC MAIL, TELECOPY, TELEPHONE, OR OTHER MEANS, INCLUDING ORALLY. IF SERVICE IS MADE ORALLY, BY TELEPHONE, OR BY ELECTRONIC MAIL, A FOLLOW-UP HARDCOPY NOTICE SHALL BE SENT BY THE CITY DIRECTOR.

(3) THE NOTICE OF VIOLATION SHALL CONTAIN THE FOLLOWING INFORMATION:

(A) DATE OF ISSUANCE;

(B) DATE(S), TIME(S), AND PLACE(S) OF THE VIOLATION; THE NATURE OF THE VIOLATION; THE POLLUTANTS OR WATER DISCHARGED; AND THE VOLUME OF SUCH DISCHARGE, TO THE EXTENT THAT SUCH INFORMATION IS KNOWN AND APPLICABLE;

(C) REFERENCE TO THE PERTINENT SECTION OF THIS ORDINANCE OR MS4 PERMIT UNDER WHICH THE VIOLATION IS CHARGED;

(D) REFERENCE TO SECTION OF THIS ORDINANCE ESTABLISHING PENALTIES FOR THE VIOLATION;

(E) POTENTIAL PENALTIES, FINES, AND COMPENSATORY DAMAGE CHARGES;

(F) THE RIGHT OF THE ALLEGED VIOLATOR TO PRESENT TO THE CITY DIRECTOR WRITTEN EXPLANATIONS, DEFENSES, INFORMATION, OR OTHER MATERIALS

IN ANSWER TO THE NOTICE OF VIOLATION;

(D) INFORMAL CONFERENCE:

(1) AN INFORMAL CONFERENCE WITH THE CITY DIRECTOR MAY BE REQUESTED IN WRITING WITHIN TWENTY (20) DAYS BY ANY DISCHARGER OR PERSON AGGRIEVED BY A NOTICE OF VIOLATION, ORDER, COMPENSATORY CHARGE, ACTION ON OR REGARDING AN MS4 PERMIT BY THE CITY. THIS SUBSECTION DOES NOT APPLY TO MUNICIPAL CIVIL INFRACTION CITATIONS AND MUNICIPAL CIVIL INFRACTION NOTICES AS DEFINED IN CHAPTER 1, § 1-12, OF THE ORDINANCES OF THE CITY OF FLINT. THE REQUEST FOR AN INFORMAL CONFERENCE SHALL BE SUBMITTED TO THE CITY DIRECTOR. THE PURPOSE OF THE INFORMAL CONFERENCE IS TO REACH A SETTLEMENT AGREEABLE TO THE DISCHARGER OR PERSON AND THE CITY. THE INFORMAL CONFERENCE SHALL BE HELD WITHIN TWENTY (20) DAYS AFTER THE DISCHARGER SUBMITS THE WRITTEN REQUEST FOR THE INFORMAL CONFERENCE TO THE CITY DIRECTOR. THE CITY DIRECTOR MAY PARTICIPATE IN THE CONFERENCE OR APPOINT A DESIGNEE TO PARTICIPATE. NEITHER THE CITY DIRECTOR NOR HIS OR HER DESIGNEE SHALL BE REQUIRED TO REACH A CONCLUSION OR PROVIDE A DECISION AS A RESULT OF THE CONFERENCE. A DISCHARGER OR PERSON IS REQUIRED TO REQUEST OR PARTICIPATE IN AN INFORMAL CONFERENCE BEFORE SEEKING JUDICIAL REVIEW. OTHER PERSONS FROM THE CITY AND REPRESENTATIVES OF THE DISCHARGER OR PERSON MAY ATTEND AND PARTICIPATE IN THE INFORMAL CONFERENCE.

(2) IF AN IMMEDIATE CEASE AND DESIST ORDER IS THE SUBJECT OF A REQUEST FOR AN INFORMAL CONFERENCE, THE INFORMAL CONFERENCE SHALL BE HELD AS SOON AS POSSIBLE, BUT NOT LATER THAN TWENTY (20) DAYS AFTER THE REQUEST IS SUBMITTED.

(E) APPEAL BOARD:

(1) THE CITY WASTEWATER APPEALS BOARD (CWAB) SHALL CONSIST OF THE CITY ATTORNEY, THE ENVIRONMENTAL COMPLIANCE INSPECTOR, AND THE CITY DIRECTOR. IF THERE IS A VACANCY IN ANY OF THESE THREE OFFICES, THE CITY ADMINISTRATOR SHALL APPOINT AN EMPLOYEE OF THE DEPARTMENT OR FUNCTIONAL GROUP WHERE THE VACANCY OCCURRED TO SERVE AS THE CWAB MEMBER ON A TEMPORARY BASIS UNTIL SUCH VACANCY IS FILLED. IF POSSIBLE, THE TEMPORARY APPOINTEE SHALL COMPLETE ANY PENDING APPEALS THAT ARISE DURING THE DURATION OF THE TEMPORARY APPOINTMENT. THE CITY ATTORNEY MAY DESIGNATE AN ASSISTANT CITY ATTORNEY TO SIT ON THE CWAB. IF THE CITY CHANGES THE TITLE OR FUNCTION OF THE FOREGOING POSITIONS, THEN THE CWAB WILL HAVE AS MEMBERS THE THREE (3) CITY EMPLOYEES WITH FUNCTIONS MOST CLOSELY RELATED TO THOSE POSITIONS. EACH OF THOSE THREE MEMBERS SHALL HAVE ONE VOTE IN ANY MATTER DECIDED BY THE CWAB.

(2) AT THE REQUEST OF A DISCHARGER OR PERSON OR ON THEIR OWN INITIATIVE, THE CWAB MAY RETAIN A PERSON WITH EXPERTISE IN THE GENERAL SUBJECT MATTER OF THE

APPEAL ("SPECIAL EXPERT MEMBER") TO PROVIDE ADVICE TO THE CWAB. THE SPECIAL EXPERT MEMBER SHALL HAVE NO VOTE IN THE PROCEEDINGS. IF THE SPECIAL EXPERT MEMBER IS REQUESTED BY THE DISCHARGER OR PERSON, THE DISCHARGER OR PERSON MAY SUGGEST ONE OR MORE PERSONS TO SERVE AS A SPECIAL EXPERT MEMBER AND SHALL DESCRIBE THEIR QUALIFICATIONS, BUT THE CWAB SHALL HAVE SOLE DISCRETION IN CHOOSING THE SPECIAL EXPERT MEMBER. ALL COSTS, FEES, AND EXPENSES ASSOCIATED WITH CHOOSING, SELECTING, AND RETAINING A SPECIAL EXPERT MEMBER REQUESTED BY THE DISCHARGER OR PERSON SHALL BE PAID BY THE DISCHARGER OR PERSON. THE CWAB MAY REQUIRE THE DISCHARGER OR PERSON TO PAY THESE COSTS IN ADVANCE. THE CITY SHALL BEAR THE COST OF ANY SPECIAL EXPERT MEMBER RETAINED ON THE INITIATIVE OF THE CWAB. THE CWAB, AT ITS DISCRETION, MAY AGREE TO SHARE ANY PERCENTAGE OF THE COST OF RETAINING A SPECIAL EXPERT MEMBER. NO PERSON SHALL SERVE AS A SPECIAL EXPERT MEMBER WHO HAS, WITHIN THE PRECEDING FIVE (5) YEARS, BEEN AN EMPLOYEE OF THE DISCHARGER OR PERSON OR THE CITY, UNLESS AGREED TO BY BOTH THE DISCHARGER OR PERSON AND THE CITY.

(F) APPEALS:

(1) A DISCHARGER OR PERSON MAY APPEAL TO THE CWAB ANY NOTICE OF VIOLATION, ORDER, COMPENSATORY CHARGE, ACTION ON OR REGARDING AN MS4 PERMIT BY THE CITY, (BUT NOT A MUNICIPAL CIVIL INFRACTION NOTICE AS DEFINED IN CHAPTER 1, § 1-12, OF THE ORDINANCES

OF THE CITY OF FLINT) BY FILING A WRITTEN REQUEST WITH THE CITY DIRECTOR WITHIN TWENTY (20) DAYS AFTER THE LATER OF:

(A) TEN (10) DAYS AFTER THE COMPLETION OF THE INFORMAL CONFERENCE;

(B) THE DATE THE NOTICE OF VIOLATION, ORDER, NOTICE OF COMPENSATORY CHARGE, ACTION ON OR REGARDING AN MS4 PERMIT BY THE CITY IS SERVED UPON SUCH DISCHARGER OR PERSON.

(2) THE WRITTEN REQUEST SHALL DESCRIBE THE MATTER APPEALED, A SUMMARY OF THE DISCHARGER'S OR PERSON'S POSITION, A COPY OF THE NOTICE OR OTHER DOCUMENT FROM THE CITY UPON WHICH THE APPEAL IS BASED, AND ANY REQUEST BY THE DISCHARGER OR PERSON FOR A SPECIAL EXPERT MEMBER.

(3) THE CITY DIRECTOR SHALL PROMPTLY FORWARD THE WRITTEN REQUEST FOR APPEAL TO THE CITY ATTORNEY WHO SHALL NOTIFY THE OTHER MEMBERS OF THE CWAB. THE CWAB MAY REJECT ANY WRITTEN REQUEST FOR APPEAL WHICH IS NOT TIMELY AND DOES NOT CONFORM TO THE REQUIREMENTS OF THIS SUBSECTION. UPON RECEIPT OF A TIMELY AND CONFORMING WRITTEN REQUEST FOR APPEAL, THE CWAB SHALL SET A TIME FOR THE CITY AND THE DISCHARGER OR PERSON TO APPEAR BEFORE THE CWAB TO PRESENT EVIDENCE AND ARGUMENTS IN SUPPORT OF THEIR POSITIONS. THE DISCHARGER OR PERSON AND THE CITY MAY PRESENT WITNESSES AND DOCUMENTARY EVIDENCE TO THE

CWAB. WITNESSES SHALL BE SWORN AND SHALL BE SUBJECT TO CROSS-EXAMINATION. THE PROCEEDINGS OF THE CWAB SHALL BE RECORDED. THE RULES OF EVIDENCE OF THE COURTS OF THE STATE OF MICHIGAN SHALL NOT BE STRICTLY APPLIED BY THE CWAB BUT SHALL BE A GUIDE FOR THE CWAB IN DETERMINING WHICH EVIDENCE TO ADMIT OR EXCLUDE AND WHAT WEIGHT TO GIVE THE EVIDENCE ADMITTED. ON RECEIPT OF A REQUEST FOR AN APPEAL, THE CWAB SHALL ESTABLISH A TIMETABLE FOR THE PROCEEDINGS AND SHALL PROMPTLY RENDER A WRITTEN DECISION STATING ITS FINDINGS OF FACT AND CONCLUSIONS SUPPORTING ITS DECISION.

(4) IF THE DISCHARGER OR PERSON REQUESTS A TRANSCRIPT OF THE PROCEEDINGS, THE DISCHARGER OR PERSON SHALL PAY THE COST OF PREPARING THE TRANSCRIPT AND SHALL PROVIDE A COPY TO THE CITY. THE DISCHARGER OR PERSON AND THE CITY SHALL PAY THEIR OWN COSTS OF THE CWAB PROCEEDING, INCLUDING BUT NOT LIMITED TO ATTORNEY FEES, EXPERT WITNESSES (EXCEPT THAT THE COSTS FOR SPECIAL EXPERT MEMBERS SHALL BE PAID AS SET FORTH IN SUBSECTION (E)(2) OF THIS SECTION), OTHER WITNESSES, DOCUMENTS, AND TESTS. THE DISCHARGER OR PERSON REQUESTING THE APPEAL TO THE CWAB SHALL PAY A FEE AS ESTABLISHED FROM TIME TO TIME BY RESOLUTION OF THE CITY COUNCIL AND KEPT ON FILE BY THE CITY CLERK. IF THE CWAB FINDS THAT THE DISCHARGER OR PERSON FILED A FRIVOLOUS APPEAL, OR IN BAD FAITH, WHICH HAS NO REASONABLE BASIS IN FACT OR LAW, THE CWAB MAY ASSESS THE DISCHARGER OR PERSON FOR ALL OF

THE COSTS OF THE CWAB AND THE CITY IN CONNECTION WITH THE APPEAL AND THE DISCHARGER OR PERSON SHALL PAY THE SAME WITHIN THIRTY (30) DAYS.

(5) THE PARTIES MAY BE REPRESENTED BY ATTORNEYS IN ALL PROCEEDINGS BEFORE THE CWAB.

(G) JUDICIAL REVIEW: APPEAL FROM A FINAL DECISION OF THE CWAB SHALL BE TO THE GENESEE COUNTY CIRCUIT COURT. JUDICIAL REVIEW SHALL BE LIMITED TO THE RECORD FROM THE CWAB PROCEEDINGS, UNLESS THE COURT ALLOWS ADDITIONAL MATERIAL. THE DECISION OF THE CWAB SHALL BE UPHELD IF IT IS SUPPORTED BY SUBSTANTIAL EVIDENCE AND IS NOT CONTRARY TO LAW. THE DISCHARGER OR PERSON SHALL BE REQUIRED TO EXHAUST ALL ADMINISTRATIVE REMEDIES AVAILABLE UNDER SUBSECTION (E) OF THIS SECTION BEFORE SEEKING JUDICIAL REVIEW.

(H) STAYS: IF A DISCHARGER OR PERSON MAKES A TIMELY REQUEST FOR AN INFORMAL CONFERENCE UNDER SUBSECTION (D) OF THIS SECTION OR FOR AN APPEAL TO THE CWAB UNDER SUBSECTION (E) OF THIS SECTION, THE ORDER, COMPENSATORY DAMAGE CHARGE, OR ACTION ON OR REGARDING AN MS4 PERMIT, WHICH IS THE SUBJECT OF A REQUEST FOR AN INFORMAL CONFERENCE OR APPEAL TO THE CWAB, SHALL BE STAYED UNTIL A FINAL DETERMINATION IS REACHED. THE FOLLOWING SHALL NOT BE STAYED, EXCEPT BY ORDER OF A COURT OF LAW:

(1) AN IMMEDIATE CEASE AND DESIST ORDER;

(2) AN ORDER OR ACTION ON OR REGARDING AN MS4 PERMIT THAT INVOLVES AN EMERGENCY SITUATION, A THREAT TO PUBLIC HEALTH OR SAFETY, A THREAT TO PROPER OPERATION OF THE MS4, OR A THREAT TO THE ENVIRONMENT.

(I) CONTINUING VIOLATIONS: EACH DAY ON WHICH A VIOLATION OF THIS ORDINANCE, AN MS4 PERMIT, OR AN ORDER OCCURS SHALL BE A SEPARATE VIOLATION. EVERY VIOLATION OF EACH SECTION OF THIS ORDINANCE SHALL BE A SEPARATE VIOLATION.

(J) PENALTIES, FINES, AND REMEDIES:

(1) CIVIL JUDICIAL RELIEF. THE CITY DIRECTOR, THROUGH THE CITY ATTORNEY, MAY PURSUE AN ACTION AT LAW OR IN EQUITY TO ENJOIN, ABATE, OR PROSECUTE ANY VIOLATION OF THIS ORDINANCE, AN MS4 PERMIT, OR AN ORDER. THE CITY DIRECTOR MAY SEEK TEMPORARY OR PERMANENT INJUNCTIVE RELIEF, DAMAGES, COMPENSATORY DAMAGE CHARGES, CIVIL PENALTIES UNDER SUBSECTION (J)(2) OF THIS SECTION, AND SUCH OTHER RELIEF AS A COURT MAY ORDER.

(2) CIVIL PENALTIES. IN AN ACTION BROUGHT BY THE CITY AGAINST A DISCHARGER OR PERSON FOR VIOLATION OF THIS ORDINANCE, AN MS4 PERMIT, OR AN ORDER, A COURT MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 PER DAY PER VIOLATION. IN CALCULATING THE AMOUNT OF THE PENALTY, THE COURT SHALL CONSIDER

THE FREQUENCY OF THE VIOLATION; THE IMPACT ON THE MS4, HUMAN HEALTH, AND THE ENVIRONMENT; THE MAGNITUDE AND DURATION OF THE VIOLATION; THE ECONOMIC BENEFIT TO THE DISCHARGER OR PERSON FROM THE VIOLATION; THE COMPLIANCE HISTORY OF THE DISCHARGER OR PERSON; AND OTHER FACTORS DEEMED APPROPRIATE BY THE COURT.

(3) CUMULATIVE REMEDIES. THE IMPOSITION OF A SINGLE CIVIL PENALTY, CIVIL FINE, CRIMINAL FINE, ORDER, DAMAGE, OR COMPENSATORY DAMAGE CHARGE UPON A DISCHARGER OR PERSON FOR A VIOLATION OF THIS ORDINANCE, AN MS4 PERMIT, OR AN ORDER SHALL NOT PRECLUDE THE IMPOSITION BY THE CITY OR BY A COURT OF ADDITIONAL SANCTIONS AND REMEDIES WITH RESPECT TO THE SAME VIOLATION EXCEPT THAT A DISCHARGER OR PERSON SHALL NOT HAVE BOTH A CIVIL PENALTY UNDER SUBSECTION (J)(2) OF THIS SECTION AND A CIVIL FINE UNDER SUBSECTION (J)(4) OF THIS SECTION IMPOSED ON IT FOR THE SAME VIOLATION.

(4) MUNICIPAL CIVIL INFRACTION; CIVIL FINE. THE CITY DIRECTOR AND CITY ENFORCEMENT OFFICERS ARE AUTHORIZED PERSONS AND AUTHORIZED LOCAL OFFICIALS TO ISSUE A MUNICIPAL CIVIL INFRACTION CITATION OR A MUNICIPAL CIVIL INFRACTION NOTICE FOR ANY VIOLATION OF THIS ORDINANCE, AN MS4 PERMIT, OR AN ORDER ISSUED UNDER THIS ORDINANCE, EXCEPT FOR VIOLATIONS PUNISHABLE UNDER SUBSECTION (L) OF THIS SECTION. THE MUNICIPAL CIVIL INFRACTION CIVIL FINE FOR ANY VIOLATION OF THIS ORDINANCE, AN MS4 PERMIT, OR AN

ORDER ISSUED UNDER THIS ORDINANCE SHALL BE UP TO \$5,000 PER VIOLATION PER DAY. IN CALCULATING THE AMOUNT OF THE MUNICIPAL CIVIL INFRACTION CIVIL FINE, THE CITY DIRECTOR, THE CITY ENFORCEMENT OFFICER, OR THE COURT, AS APPLICABLE, SHALL CONSIDER THE FREQUENCY OF VIOLATION BY THE DISCHARGER OR PERSON, THE IMPACT ON THE MS4 AND ON HUMAN HEALTH AND THE ENVIRONMENT OF THE VIOLATION, THE MAGNITUDE AND DURATION OF THE VIOLATION, THE ECONOMIC BENEFIT TO THE DISCHARGER OR PERSON GAINED BY THE VIOLATION, THE COMPLIANCE HISTORY OF THE DISCHARGER OR PERSON, AND OTHER FACTORS DEEMED APPROPRIATE BY THE COURT, THE CITY DIRECTOR, OR THE CITY ENFORCEMENT OFFICER, AS APPLICABLE. THE PROVISIONS OF CHAPTER 1, §§ 1-12 AND 1-19 SHALL APPLY TO MUNICIPAL CIVIL INFRACTION CITATIONS AND MUNICIPAL CIVIL INFRACTION NOTICES ISSUED UNDER THIS ORDINANCE.

(5) COMPENSATORY DAMAGES. IN ADDITION TO PROSECUTION AND THE IMPOSITION OF PENALTIES AND FINES FOR VIOLATIONS, A DISCHARGER OR PERSON VIOLATING THIS ORDINANCE, AN MS4 PERMIT, OR AN ORDER SHALL BE SUBJECT TO ONE OR MORE COMPENSATORY DAMAGE CHARGES IN ACCORDANCE WITH THIS ORDINANCE.

(K) VIOLATION CONSTITUTES A PUBLIC NUISANCE: VIOLATIONS OF THIS ORDINANCE, A PERMIT, OR AN ORDER ARE A PUBLIC NUISANCE.

(L) CRIMINAL VIOLATIONS:

(1) VIOLATIONS - GENERALLY. ANY DISCHARGER OR PERSON WHO WILLFULLY OR INTENTIONALLY VIOLATES ANY PROVISION OF THIS ORDINANCE OR ANY ORDER ISSUED UNDER THIS ORDINANCE OR AN MS4 PERMIT ISSUED HEREUNDER SHALL, UPON CONVICTION, BE GUILTY OF A MISDEMEANOR, PUNISHABLE AS PROVIDED IN § 1-7 OF THE CODE. EACH DAY OF VIOLATION IS A SEPARATE OFFENSE.

(2) FALSIFYING INFORMATION. ANY DISCHARGER OR PERSON WHO KNOWINGLY MAKES ANY FALSE STATEMENTS, REPRESENTATIONS, OR CERTIFICATIONS IN ANY APPLICATION, RECORD, REPORT, PLAN, OR OTHER DOCUMENT FILED OR REQUIRED TO BE MAINTAINED PURSUANT TO THIS ORDINANCE, OR AN MS4 PERMIT OR AN ORDER ISSUED UNDER THIS ORDINANCE, OR WHO FALSIFIES, TAMPERS WITH, OR KNOWINGLY RENDERS INACCURATE ANY MONITORING DEVICE OR METHOD REQUIRED UNDER THIS ORDINANCE SHALL, UPON CONVICTION, BE GUILTY OF A MISDEMEANOR PUNISHABLE AS PROVIDED IN § 1-7 OF THE CODE. EACH DAY OF VIOLATION IS A SEPARATE OFFENSE.

(M) VANDALISM AND TRESPASS: ANY PERSON WHO VIOLATES SUBSECTIONS (1) AND (2) IN THIS SUBSECTION SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN § 1-7 OF THE CITY CODE. THE NOTICE PROVISIONS OF §46-146(C) SHALL NOT APPLY TO THIS SUBSECTION.

(1) NO PERSON SHALL MALICIOUSLY, WILLFULLY, OR

NEGLIGENTLY BREAK, DAMAGE, DESTROY, UNCOVER, DEFACE, OR TAMPER WITH ANY STRUCTURE, APPURTENANCE, OR EQUIPMENT WHICH IS A PART OF THE CITY MS4.

(2) NO PERSON SHALL PARTIALLY OR FULLY ENTER OR OTHERWISE ACCESS ANY STRUCTURE, APPURTENANCE, OR EQUIPMENT WHICH IS A PART OF THE CITY MS4, EXCEPT AS SPECIFICALLY AUTHORIZED BY THE CITY DIRECTOR.

(N) LIEN FOR CHARGES AND FEES: ANY CHARGE, FEE, COST, OR OTHER AMOUNT REQUIRED TO BE PAID UNDER THIS ORDINANCE WHICH IS NOT PAID WHEN DUE, SHALL BE A LIEN UPON THE PREMISES. THE AMOUNT MAY BE CERTIFIED TO THE TAX ASSESSOR AND COLLECTED IN THE SAME MANNER THAT OTHER SPECIAL ASSESSMENTS ARE COLLECTED UNDER THE CHARTER OR BY ANY OTHER LAWFUL MEANS.

(O) RECOVERY OF COSTS AS COMPENSATORY DAMAGES: ANY DISCHARGER OR PERSON VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE, OR WHO DISCHARGES OR CAUSES A DISCHARGE PRODUCING A DEPOSIT OR OBSTRUCTION, OR CAUSES DAMAGE TO OR IMPAIRS THE CITY MS4 OR ITS OPERATION OR OTHERWISE CAUSES THE CITY TO INCUR ADDITIONAL OR NON-ROUTINE COSTS, SHALL BE LIABLE TO THE CITY FOR ANY EXPENSE, LOSS, OR COSTS OF THE DAMAGE CAUSED BY SUCH VIOLATION OR DISCHARGE, ALL OF WHICH ARE COMPENSATORY DAMAGES.

§46-147 STORM WATER EASEMENTS AND MAINTENANCE AGREEMENTS

(A) APPLICABILITY OF REQUIREMENTS: THE REQUIREMENTS OF THIS SECTION CONCERNING STORM WATER EASEMENTS AND MAINTENANCE AGREEMENTS SHALL APPLY TO ALL PERSONS REQUIRED TO SUBMIT A STORM WATER PLAN TO THE CITY DIRECTOR FOR REVIEW AND APPROVAL.

(B) STORM WATER MANAGEMENT EASEMENTS: A DEVELOPER SHALL PROVIDE ALL STORM WATER MANAGEMENT EASEMENTS NECESSARY TO IMPLEMENT THE APPROVED STORM WATER PLAN AND TO OTHERWISE COMPLY WITH THIS ORDINANCE IN FORM AND SUBSTANCE REQUIRED BY THE CITY DIRECTOR AND SHALL RECORD SUCH EASEMENTS UPON APPROVAL OF THE STORM WATER PLAN BY THE CITY DIRECTOR. THE EASEMENTS SHALL ASSURE ACCESS TO THE DEVELOPMENT SITE FOR PROPER INSPECTION AND MAINTENANCE OF STORM WATER RUNOFF FACILITIES AND SHALL PROVIDE ADEQUATE EMERGENCY OVERLAND FLOW-WAYS.

(C) MAINTENANCE AGREEMENTS:

(1) THE PURPOSE OF THE MAINTENANCE AGREEMENT IS TO PROVIDE THE MEANS AND ASSURANCE THAT MAINTENANCE OF BMPS SHALL BE IMPLEMENTED.

(2) A MAINTENANCE AGREEMENT SHALL BE SUBMITTED TO THE CITY DIRECTOR BY A DEVELOPER AS PART OF THE DEVELOPER'S STORM WATER PLAN, AND SHALL BE SUBJECT TO APPROVAL AS PART OF THE STORM

WATER PLAN. A MAINTENANCE PLAN SHALL BE INCLUDED IN THE MAINTENANCE AGREEMENT.

(3) THE MAINTENANCE AGREEMENT SHALL INCLUDE A PLAN FOR ROUTINE, EMERGENCY AND LONG-TERM MAINTENANCE OF ALL STORMWATER BMPS IN THE STORM WATER PLAN, WITH A DETAILED ANNUAL ESTIMATED BUDGET FOR THE INITIAL THREE YEARS, AND SHALL REQUIRE WRITTEN NOTICE TO THE CITY OF MAINTENANCE BY THE PARTY RESPONSIBLE FOR MAINTENANCE. THE AGREEMENT SHALL PROVIDE THAT SUCH NOTICE WILL BE GIVEN TO THE CITY AT LEAST FOURTEEN (14) DAYS IN ADVANCE OF COMMENCING THE MAINTENANCE WORK. THE MAINTENANCE AGREEMENT SHALL BE IN RECORDABLE FORM AND SHALL BE BINDING ON ALL SUBSEQUENT OWNERS OF LAND SERVED BY THE BMPS AND SHALL BE RECORDED IN THE OFFICE OF THE GENESEE COUNTY REGISTER OF DEEDS IMMEDIATELY AFTER THE APPROVAL BY THE CITY OF THE MAINTENANCE AGREEMENT. IF THERE HAS BEEN A MATERIAL FAILURE, AS DETERMINED BY THE CITY DIRECTOR, TO UNDERTAKE MAINTENANCE AS REQUIRED UNDER THE MAINTENANCE AGREEMENT, THE CITY DIRECTOR MAY HIRE A PERSON WITH QUALIFICATIONS AND EXPERIENCE IN THE SUBJECT MATTER TO UNDERTAKE THE REQUIRED MAINTENANCE, IN WHICH EVENT THE PROPERTY OWNER SHALL BE OBLIGATED TO ADVANCE OR REIMBURSE PAYMENT (AS DETERMINED BY THE CITY DIRECTOR FOR ALL COSTS AND EXPENSES ASSOCIATED WITH SUCH MAINTENANCE, TOGETHER WITH A REASONABLE ADMINISTRATIVE FEE. THE MAINTENANCE AGREEMENT SHALL

CONTAIN A PROVISION WHICH SETS FORTH THIS REQUIREMENT.

§46-148 ESTABLISHMENT OF COUNTY DRAINS

PRIOR TO FINAL APPROVAL, ALL STORM WATER MANAGEMENT FACILITIES FOR PLATTED SUBDIVISIONS SHALL BE ESTABLISHED AS COUNTY DRAINS, AS AUTHORIZED IN SECTION 433, CHAPTER 18 OF THE MICHIGAN DRAIN CODE (P.A. 40 OF 1956, AS AMENDED) FOR LONG-TERM MAINTENANCE.

§ 46-149 MS4 PERMIT FEES

(A) ANNUAL FEES: THE CITY DIRECTOR MAY ASSESS AN ANNUAL MS4 PERMIT FEE OF \$200 FOR EACH CONNECTION TO THE CITY MS4 TO DISCHARGERS PERMITTED TO DISCHARGE TO THE CITY MS4 UNDER § 46-134.

(B) MS4 PERMIT FEES: PERSONS REGULATED UNDER MS4 PERMITS, SHALL PAY A PERMIT APPLICATION OR RE-APPLICATION FEE OF \$100, A PERMIT RENEWAL FEE OF \$100, AND A PERMIT TRANSFER FEE (IN THE EVENT OF A TRANSFER OF THE MS4 PERMIT) OF \$100 TO THE CITY. IN ADDITION TO THESE FEES, SUCH PERSONS SHALL REIMBURSE THE CITY FOR ANY AND ALL OTHER EXPENSES THE CITY INCURS ARISING FROM: (A) PROCESSING INCOMPLETE, INCORRECT, OR OTHERWISE UNACCEPTABLE MS4 PERMIT APPLICATIONS; (B) ESTABLISHING CASE-SPECIFIC RESTRICTIONS ON DISCHARGES TO THE CITY MS4; (C) SAMPLING AND ANALYZING DISCHARGES TO THE CITY MS4 AND INSPECTING PERMITTEE'S FACILITIES;

(D) ENFORCING MS4 PERMITS;
(E) PRODUCING AND MAILING COPIES OF MS4 PERMITS; AND (F) OTHER ACTIVITIES IN CONNECTION WITH ISSUING, ADMINISTERING, MS4 PERMITS.

§46-150 OTHER MATTERS

INTERPRETATION: WORDS AND PHRASES IN THIS ORDINANCE SHALL BE CONSTRUED ACCORDING TO THEIR COMMON AND ACCEPTED MEANINGS, EXCEPT THAT WORDS AND PHRASES DEFINED IN §46-129 SHALL BE CONSTRUED ACCORDING TO THE RESPECTIVE DEFINITIONS GIVEN IN THAT SECTION. TECHNICAL WORDS AND TECHNICAL PHRASES THAT ARE NOT DEFINED IN THIS ORDINANCE BUT WHICH HAVE ACQUIRED PARTICULAR MEANINGS IN LAW OR IN TECHNICAL USAGE SHALL BE CONSTRUED ACCORDING TO SUCH MEANINGS.

CATCH-LINE HEADINGS: THE CATCH-LINE HEADINGS OF THE SECTIONS, SUBSECTIONS AND PARAGRAPHS OF THIS ORDINANCE ARE INTENDED FOR CONVENIENCE ONLY, AND SHALL NOT BE CONSTRUED AS AFFECTING THE MEANING OR INTERPRETATION OF THE TEXT OF THE SECTIONS, SUBSECTIONS AND PARAGRAPHS TO WHICH THEY MAY REFER.

SEVERABILITY: THE PROVISIONS OF THIS ORDINANCE ARE HEREBY DECLARED TO BE SEVERABLE, AND IF ANY PART OR PROVISION OF THIS ORDINANCE SHOULD BE DECLARED INVALID OR UNENFORCEABLE BY ANY COURT OF COMPETENT JURISDICTION, SUCH INVALIDITY OR UNENFORCEABILITY SHALL NOT AFFECT ANY OTHER PART OR PROVISION OF THE ORDINANCE.

OTHER ORDINANCES: THIS ORDINANCE SHALL BE IN ADDITION TO OTHER ORDINANCES OF THE CITY AND SHALL NOT BE DEEMED TO REPEAL OR REPLACE OTHER ORDINANCES OR PARTS THEREOF EXCEPT TO THE EXTENT THAT SUCH REPEAL IS SPECIFICALLY PROVIDED FOR IN THIS ARTICLE.

Sec. 2. This ordinance shall become effective on the _____ day of _____, 2019, A.D.

Adopted this _____ day of _____, 2019, A.D.

Dr. Karen W. Weaver, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:



Angela Wheeler, Chief Legal Officer

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190323

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter ____, _____, Article ____, _____, to add Section ____, Ethics and Accountability Board By-laws.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the Flint City Code of Ordinances shall be amended by amending Chapter ____, _____, Article ____, _____, to add Section ____, Ethics and Accountability Board By-laws, which shall read in its entirety as follows:

SECTION 1: DEFINITIONS

FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANING RESPECTIVELY ASCRIBED TO THEM BY THIS SECTION:

(a) **CONFIDENTIAL INFORMATION** MEANS INFORMATION THAT HAS BEEN OBTAINED BY A PUBLIC SERVANT IN THE COURSE OF ACTING AS A PUBLIC SERVANT, THAT IS NOT AVAILABLE TO MEMBERS OF THE PUBLIC PURSUANT TO THE MICHIGAN FREEDOM OF INFORMATION ACT, BEING MCL 15.231 *ET SEQ.* OR PURSUANT TO OTHER LAW, REGULATION, POLICY OR PROCEDURE RECOGNIZED BY LAW, AND THAT THE PUBLIC SERVANT IS UNAUTHORIZED TO DISCLOSE, INCLUDING:

(1) ANY WRITTEN INFORMATION, WHETHER IN DOCUMENT OR IN ELECTRONIC FORM, WHICH COULD BE EXEMPTED FROM DISCLOSURE PURSUANT TO STATE

LAW OR TO OTHER PERTINENT LAW, REGULATION, POLICY OR PROCEDURE RECOGNIZED BY LAW, UNLESS THE PUBLIC SERVANT DISCLOSING THE INFORMATION IS PERMITTED BY SUCH AUTHORITY TO MAKE DISCLOSURE; AND

(2) ANY NON-WRITTEN INFORMATION WHICH, COULD BE EXEMPTED FROM DISCLOSURE PURSUANT TO STATE LAW OR TO OTHER PERTINENT LAW, REGULATION, POLICY OR PROCEDURE RECOGNIZED BY LAW, UNLESS THE PUBLIC SERVANT DISCLOSING THE INFORMATION IS PERMITTED BY SUCH AUTHORITY TO MAKE DISCLOSURE; AND

(3) INFORMATION WHICH WAS OBTAINED IN THE COURSE OF OR BY MEANS OF A WRITTEN OR ELECTRONIC RECORD OR ORAL REPORT OF A LAWFUL EXECUTIVE OR CLOSED SESSION, WHETHER OR NOT THE DISCLOSURE OF THE INFORMATION WOULD VIOLATE STATE LAW, UNLESS THE PUBLIC SERVANT DISCLOSING THE INFORMATION IS AUTHORIZED BY STATE LAW TO MAKE DISCLOSURE, OR UNLESS THE PUBLIC SERVANT DISCLOSING THE INFORMATION HAS BEEN PROPERLY AUTHORIZED TO MAKE DISCLOSURE PURSUANT TO AN APPLICABLE LAW, REGULATION, POLICY OR PROCEDURE, EXCEPT THAT WHEN SUCH INFORMATION IS AVAILABLE THROUGH CHANNELS WHICH ARE OPEN TO THE PUBLIC, THIS PROVISION DOES NOT PROHIBIT PUBLIC SERVANTS FROM DISCLOSING THE AVAILABILITY OF THOSE CHANNELS.

(b)DECISION MEANS:

(1) A DETERMINATION, ACTION, VOTE, OR OTHER DISPOSITION UPON A MOTION, PROPOSAL, OR RECOMMENDATION. BY THE ETHICS AND ACCOUNTABILITY BOARD

(c)WILLFUL NEGLECT OF DUTY MEANS THE INTENTIONAL FAILURE OF A PUBLIC SERVANT TO PERFORM THE DUTIES OF HIS OR HER OFFICE.

SECTION 2: DISCLOSURE REQUIREMENTS

(1) IMPROPER USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION IS PROHIBITED.

EXCEPT AS OTHERWISE PROVIDED BY APPLICABLE LAW, AN ETHICS AND ACCOUNTABILITY BOARD MEMBER SHALL NOT KNOWINGLY USE OR DISCLOSE CONFIDENTIAL INFORMATION TO THIRD PARTIES CONCERNING THE PROPERTY, GOVERNMENT OR AFFAIRS OF THE CITY OR ANY OFFICE, DEPARTMENT OR AGENCY THEREOF, WHICH IS NOT AVAILABLE TO MEMBERS OF THE PUBLIC AND GAINED BY REASON OF HIS OR HER OFFICIAL DUTIES.

(2) LIMITATIONS ON PARTISAN POLITICAL ACTIVITY BY BOARD MEMBERS.

(a) WHILE A MEMBER OF THE ETHICS AND ACCOUNTABILITY BOARD, A BOARD MEMBER SHALL DISCLOSE ANY PARTICIPATION IN SUPPORT OF A CANDIDATE FOR ELECTION AND ANY CANDIDACY FOR OFFICE MADE BY THE BOARD MEMBER TO THE BOARD AND TO THE CITY CLERK

PURSUANT TO FLINT CITY CHARTER SECTION 1-602(D)(1)(c).

(b) PARTICIPATING IN CAMPAIGN ACTIVITIES OR THE MEMBER'S CANDIDACY FOR AN ELECTIVE OFFICE MAY DISQUALIFY THE BOARD MEMBER'S PARTICIPATION IN A MATTER BEFORE THE BOARD.

(c) THIS DETERMINATION MAY BE MADE BY THE INDIVIDUAL BOARD MEMBER TO RECUSE HIM OR HERSELF OR BY A VOTE OF THE BODY.

(3) INFORMATION PROVIDED TO BOARD TO REMAIN CONFIDENTIAL.

(4) MEMBERS OF THE ETHICS AND ACCOUNTABILITY BOARD OR ANY PUBLIC SERVANT WHO HAVE ACCESS TO ANY CONFIDENTIAL INFORMATION THAT IS RELATED TO THE FUNCTIONS OR ACTIVITIES OF THE BOARD ARE PROHIBITED FROM DIVULGING SUCH INFORMATION TO ANY PERSON WHO IS NOT AUTHORIZED TO POSSESS THE INFORMATION.

(5) VIOLATION OF THIS PROVISION IS SUBJECT TO FLINT CITY CHARTER SECTION 1-603 FORFEITURE OF OFFICE AND REMOVAL FOR CAUSE.

SECTION 3: COMPLAINTS

(1) COMPLAINT; CONTENTS THEREOF; LIMITATION OF ACTION.

(a) ANY PERSON MAY FILE A COMPLAINT WITH THE ETHICS AND ACCOUNTABILITY BOARD WHERE THE PERSON BELIEVES THAT A PUBLIC SERVANT MAY

HAVE COMMITTED MISCONDUCT IN OFFICE OR A DERELICTION OF DUTY AS DESCRIBED IN FLINT CITY CHARTER SECTION 3-503(D) IN CONNECTION WITH THE CHARTER, CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS OF CONDUCT.

(b) A COMPLAINT SHALL BE MADE IN WRITING ON A FORM THAT IS CREATED BY THE LAW DEPARTMENT, SHALL SPECIFY THE PROVISION(S) OF THE CHARTER, CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS OF CONDUCT ALLEGED TO HAVE BEEN VIOLATED AND THE FACTS ALLEGED TO CONSTITUTE THE VIOLATION, AND SHALL BE SIGNED BY THE PERSON WHO IS MAKING THE COMPLAINT AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC.

(c) SUCH A COMPLAINT SHALL BE FILED WITHIN NINETY (90) DAYS FROM THE DATE THE COMPLAINANT(S) KNEW OR SHOULD HAVE KNOWN OF THE ACTION THAT IS ALLEGED TO BE A VIOLATION OF THE CHARTER CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS OF CONDUCT. AND IN NO EVENT SHALL THE ETHICS AND ACCOUNTABILITY BOARD CONSIDER A COMPLAINT WHICH HAS BEEN FILED MORE THAN ONE (1) YEAR AFTER A VIOLATION OF THIS ARTICLE OR CHARTER IS ALLEGED TO HAVE OCCURRED.

(d) UPON MAJORITY VOTE OF THE MEMBERS-ELECT, THE BOARD MAY ACCEPT A COMPLAINT OUTSIDE THE SUBMISSION GUIDELINES PROVIDED IN SUBSECTION (C).

(e) A COMPLAINT THAT HAS BEEN FILED WITHIN THE TIME PERIOD CONTAINED IN SUBSECTION (C) OF THIS SECTION AND, WHERE DISMISSED BY THE BOARD DUE TO OTHER INVESTIGATIONS OR PENDING PROCEEDINGS, SHALL BE DEEMED DISMISSED WITHOUT PREJUDICE AND MAY BE REINSTATED AND RECONSIDERED BY THE BOARD AT THE CONCLUSION OF THE OTHER PROCEEDINGS.

SECTION 4: RETALIATION AND HARASSMENT PROHIBITED.

(a) IT SHALL BE A VIOLATION FOR ANY PUBLIC SERVANT TO RETALIATE AGAINST ANY INDIVIDUAL WHO FILES A COMPLAINT WITH THE ETHICS AND ACCOUNTABILITY BOARD ON THE BASIS THE INDIVIDUAL HAS FILED A COMPLAINT.

(b) IT SHALL BE A VIOLATION FOR AN INDIVIDUAL TO USE THIS ARTICLE, OR CHARTER TO HARASS A PUBLIC SERVANT, OR CONTRACTOR, BY FILING A COMPLAINT WITH KNOWLEDGE OF ITS FALSITY OR WITH RECKLESS DISREGARD FOR ITS TRUTH OF FALSITY.

SECTION 5: COMMUNICATION WITH THE BOARD REGARDING COMPLAINTS

COMMUNICATIONS WITH THE BOARD REGARDING A COMPLAINT IS PROHIBITED IN THE ABSENCE OF THE

**COMPLAINANT, RESPONDENT, OR HIS
OR HER RESPECTIVE COUNSEL.**

**(a) AFTER A COMPLAINT HAS BEEN
FILED AND DURING ITS PENDENCY
BEFORE THE ETHICS AND
ACCOUNTABILITY BOARD, NO
MEMBER OF THE BOARD MAY
COMMUNICATE REGARDING THE
COMPLAINT DIRECTLY OR
INDIRECTLY WITH ANY
COMPLAINANT, RESPONDENT, OR
HIS OR HER RESPECTIVE
COUNSEL, IN THE ABSENCE OF
THE OPPOSING PARTY, EXCEPT
THAT:**

**(1) THE MEMBERS OF THE
BOARD MAY DISCUSS THE
COMPLAINT WITH
ADMINISTRATIVE STAFF,
AND MAY OBTAIN LEGAL
ADVICE FROM THE LAW
DEPARTMENT OR, WHEN
NECESSARY, FROM
OUTSIDE COUNSEL;**

**(2) THE MEMBERS OF THE
BOARD MAY DISCUSS THE
COMPLAINT AT A
LAWFULLY CONDUCTED
MEETING;**

**(b) WHERE ANY COMPLAINANT OR
RESPONDENT, OR HIS OR HER
RESPECTIVE COUNSEL, ATTEMPTS
TO COMMUNICATE WITH A
MEMBER OF THE ETHICS AND
ACCOUNTABILITY BOARD
REGARDING A PENDING
COMPLAINT IN THE ABSENCE OF
THE OPPOSING PARTY, THE
BOARD MEMBER SHALL REPORT
THE SUBSTANCE OF THE
COMMUNICATION TO THE BOARD
ON THE PUBLIC RECORD AT THE
NEXT REGULARLY SCHEDULED
MEETING OF THE BOARD.**

**SECTION 6: DISPOSITION OF
COMPLAINTS.**

**(a) THE ETHICS AND
ACCOUNTABILITY BOARD SHALL
DISPOSE OF A COMPLAINT WITHIN
NINETY (90) CALENDAR DAYS
AFTER ITS RECEIPT. HOWEVER, IF
THE COMPLAINT IS ALREADY
UNDER INVESTIGATION AND
REVIEW BY ANOTHER
DEPARTMENT, BODY, OR COURT
OF LAW, OR THERE ARE
EXTENUATING CIRCUMSTANCES
PREVENTING THE INVESTIGATION
FROM PROCEEDING, THE BOARD
MAY EXTEND ITS TIME TO
RESPOND TO A SPECIFIC
COMPLAINT BY NOT MORE THAN
NINETY (90) ADDITIONAL DAYS.**

**(b) THE BOARD SHALL CONTACT THE
HUMAN RESOURCES/LABOR
RELATIONS AND LAW
DEPARTMENTS TO VERIFY IF AN
INVESTIGATION AND/OR
LITIGATION ARE ALREADY IN
PROGRESS PRIOR TO
COMMENCING ITS
INVESTIGATION.**

**(c) IN THE EVENT THE BOARD
EXTENDS ITS TIME TO RESPOND
TO A COMPLAINT, THE BOARD
SHALL NOTIFY, IN WRITING, THE
COMPLAINANT(S), AND
RESPONDENT OF THE EXTENSION
AND OF THE SPECIFIC REASONS
THEREFORE.**

**(d) AFTER GIVING DUE
CONSIDERATION TO A
COMPLAINT, THE ETHICS AND
ACCOUNTABILITY BOARD SHALL
TAKE ANY ACTION OR
COMBINATION OF ACTIONS, UPON
MAJORITY VOTE, WHICH THE
BODY DEEMS APPROPRIATE IN
ORDER TO DISPOSE OF A
COMPLAINT INCLUDING, BUT NOT**

LIMITED TO, ONE OR MORE OF
THE FOLLOWING:

(1) DISMISS THE COMPLAINT
STATING THE REASONS IN
WRITING.

(i) CONDUCT ITS
OWN
INVESTIGATION
WITH RESPECT
TO ANY
ALLEGED
VIOLATION; OR

(ii) SUBMIT THE
COMPLAINT TO
THE
OMBUDSPERSONS OFFICE FOR
INVESTIGATION

(iii) ; OR

(1) PROVIDE
RECOMMENDATIONS
FOR POLICY CHANGES
WHEN A PATTERN AND
PRACTICE OF
MISCONDUCT IS
IDENTIFIED OR

(2) ISSUE AND ADVISORY
OPINION , PUBLIC
REPORT OR
RECOMMEND FOR
REMEDIAL ACTIONS TO
THE APPROPRIATE
GOVERNMENTAL OR
JUDICIAL UNIT
INCLUDING PURSUIT OF
RECOMMENDATIONS
FOR LEGAL REMEDIES.

(3) DETERMINE, ON ITS OWN
OR UPON REQUEST OF
THE PARTY WHO HAS
HAD THE COMPLAINT
FILED AGAINST HIM OR
HER, WHETHER THE
COMPLAINT WAS FILED

WITH KNOWLEDGE OF
ITS FALSITY OR WITH
RECKLESS DISREGARD
FOR ITS TRUTH OR
FALSITY.

(e) WHERE A HEARING IS HELD THE
BOARD SHALL ISSUE WRITTEN
FINDINGS OF FACT AND
CONCLUSIONS OF LAW AS TO
WHETHER A VIOLATION OF THIS
ARTICLE OR CHARTER HAS
OCCURRED. IN ITS DECISION, THE
BOARD MAY MAKE ITS
RECOMMENDATIONS.

SECTION 7: VIOLATIONS OF
ARTICLE OR CHARTER; BOARD
PERMITTED TO MAKE PUBLIC
ADMONITION AND TO REFER
FINDINGS.

(a) IN THE EVENT THE ETHICS AND
ACCOUNTABILITY BOARD
DETERMINES A VIOLATION OF
THE CITY OF FLINT CHARTER,
CITY OF FLINT ORDINANCES,
REGULATIONS, POLICIES,
PROCEDURES AND STANDARDS
OF CONDUCT: HAS OCCURRED,
THE BOARD MAY ADOPT A
RESOLUTION OF PUBLIC
ADMONITION AGAINST AN
ELECTIVE OFFICER, OR AN
APPOINTEE, REGARDING THE
VIOLATION. IN ADDITION,
WHERE, BASED UPON AN
INVESTIGATION ARISING FROM A
COMPLAINT, THE ETHICS AND
ACCOUNTABILITY BOARD
DETERMINES THERE MAY BE
GROUNDS FOR FURTHER
INVESTIGATION FOR POSSIBLE
FORFEITURE OF OR REMOVAL
FROM OFFICE UNDER
APPLICABLE LAW, THE MATTER
MAY BE REFERRED BY THE
BOARD TO THE CITY COUNCIL
FOR CONSIDERATION OF

**FORFEITURE OR REMOVAL
PROCEEDINGS.**

(b) IN THE EVENT THE ETHICS AND ACCOUNTABILITY BOARD DETERMINES A VIOLATION OF THE CITY OF FLINT CHARTER, CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS OF CONDUCT HAS OCCURRED, THE BOARD MAY ADOPT A RESOLUTION OF PUBLIC ADMONITION AGAINST A PUBLIC SERVANT OTHER THAN AN ELECTIVE OFFICER, OR AN APPOINTEE, REGARDING THE VIOLATION. IN ADDITION, WHERE THE ETHICS AND ACCOUNTABILITY BOARD DETERMINES A VIOLATION OF THE CITY OF FLINT CHARTER, CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS OF CONDUCT BY SUCH PUBLIC SERVANT MAY PRESENT GROUNDS FOR DISCIPLINARY ACTION, THE MATTER MAY BE REFERRED BY THE BOARD TO SUCH PUBLIC SERVANT'S SUPERVISOR WITH A RECOMMENDATION THAT THE PUBLIC SERVANT'S CONDUCT BE REVIEWED FOR DISCIPLINARY ACTION.

(c) WHERE THE ETHICS AND ACCOUNTABILITY BOARD FINDS THAT A PUBLIC SERVANT MADE A DECISION IN VIOLATION OF THE CITY OF FLINT CHARTER, CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS OF CONDUCT, THE BOARD MAY RECOMMEND TO THE MAYOR, THE CITY COUNCIL, THE CITY CLERK, THE APPOINTEE, THE

VOTING BODY, OR OTHER PUBLIC SERVANT THAT SUCH DECISION BE REVIEWED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE 2018 FLINT CITY CHARTER AND THIS ORDINANCE. UPON SUCH RECOMMENDATION, THE DECISION MAY BE REVIEWED BY THE MAYOR, THE CITY COUNCIL, THE CITY CLERK, THE APPOINTEE, THE VOTING BODY, OR OTHER PUBLIC SERVANT IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE 2018 FLINT CITY CHARTER, THIS ORDINANCE, AND ANY OTHER APPLICABLE LAWS.

(d) NO REPORT OR RECOMMENDATION THAT CRITIZES AN OFFICIAL ACT SHALL BE ANNOUNCED UNTIL EVERY AGENCY OR PERSON AFFECTED IS ALLOWED REASONABLE OPPORTUNITY TO BE HEARD WITH COUNSEL.

(e) THE INVOCATION OF ONE (1) SUBSECTION OF THIS SECTION DOES NOT PRECLUDE THE APPLICATION OF ANY OTHER SUBSECTION OF THIS SECTION OR OF ANY OTHER APPLICABLE LAWS OR POLICIES.

Sec. 2. This ordinance shall become effective this _____ day of _____ 2019.

Adopted this _____ day of _____, A.D., 2019.

Karen W. Weaver, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:

Angela Wheeler, City Attorney

190412

ORDINANCE NO. _____

An ordinance to amend Chapter 50 of the Code of the City of Flint has been requested by Communities First, Inc. (PC 19-346) for a zoning change for the property of 1207 N. Ballenger Hwy. (Parcel ID # 40-11-155-014).

The Planning Commission recommends APPROVAL of a Zoning Ordinance map amendment concerning this property located in WARD 6.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the code of the City of Flint is hereby amended to change the District boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows:

1207 N. Ballenger Hwy., parcel # 40-11-155-014 legally described as THE HIGHLANDS LOTS 144 THRU 147; ALSO LOTS 160 THRU 165 INCL., from "D-2" Neighborhood Business District to "D-5" Metropolitan Commercial Service District.

Sec. 2. This ordinance shall take effect on the ___ day of _____, 2019 A.D.

Approved this ___ day of _____, 2019 A.D.

Dr. Karen W. Weaver, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:



Angela Wheeler, Chief Legal Officer

CITY COUNCIL:

Herbert Winfrey, City Council President

ORDINANCE REVIEW FORM

FROM: DPD - PLANNING & ZONING
Department

NO. 19-8146
Law Office Login #

ORDINANCE NAME: Rezoning of 1207 N. Ballenger Hwy. (PID # 40-11-155-014)
from "D-2" to "D-5" (PC # 19-346)

1. ORDINANCE REVIEW - DEPARTMENT DIRECTOR

The attached ORDINANCE is approved by the Director of the affected Department. By signing, the Director approves this ordinance to be processed for signatures and fully executed.

By: Director

[Signature]
Name
DPD
Department

DATE: 9/11/19

Department:

Date in:

2. ORDINANCE REVIEW-MAYORS OFFICE

The attached ORDINANCE is submitted to the Mayors Office for approval. By signing, the Mayor's office approves this ordinance to be processed for signatures and fully executed.

By:

Steve Branch
City Administrator

[Signature]

DATE: 9/13/19

Date in:

3. ORDINANCE REVIEW - LAW DEPARTMENT

The attached Ordinance is submitted to the Department of Law for approval.

The Department of Law reviewed this Ordinance, as to form and content, on this form approves as to form and content.

9-12-19
(Date), and by signing

By:

Angela Wheeler
Chief Legal Officer

[Signature]



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

TO: Flint City Council

CC: Steve Branch, City Administrator

FROM: Flint Planning Commission

DATE: September 11, 2019

SUBJECT: PC 19-346: Communities First, Inc. requests a rezoning of 1207 N. Ballenger Hwy. from "D-2" Neighborhood Business to "D-5" Metropolitan Commercial Service.

APPLICANT/AGENT: Communities First, Inc.
415 W. Court St.
Flint, MI 48503

At its meeting on September 10, 2019, the Flint Planning Commission **recommended** **APPROVAL** of the above captioned zoning change request, with the condition that the property be used strictly for multi-family residential use and/or D-2 district permitted uses.

The vote to recommend *Approval* for PC 19-346 was 6-0:

Yea: H. Ryan—Ward 1; L. Campbell—Ward 3; C. Blower—Ward 4; R. Wesley—Ward 5; R. Jewell—Ward 6; E. Jordan—Ward 9

No: None

A copy of the proposed ordinance, map, and other related documents are attached.

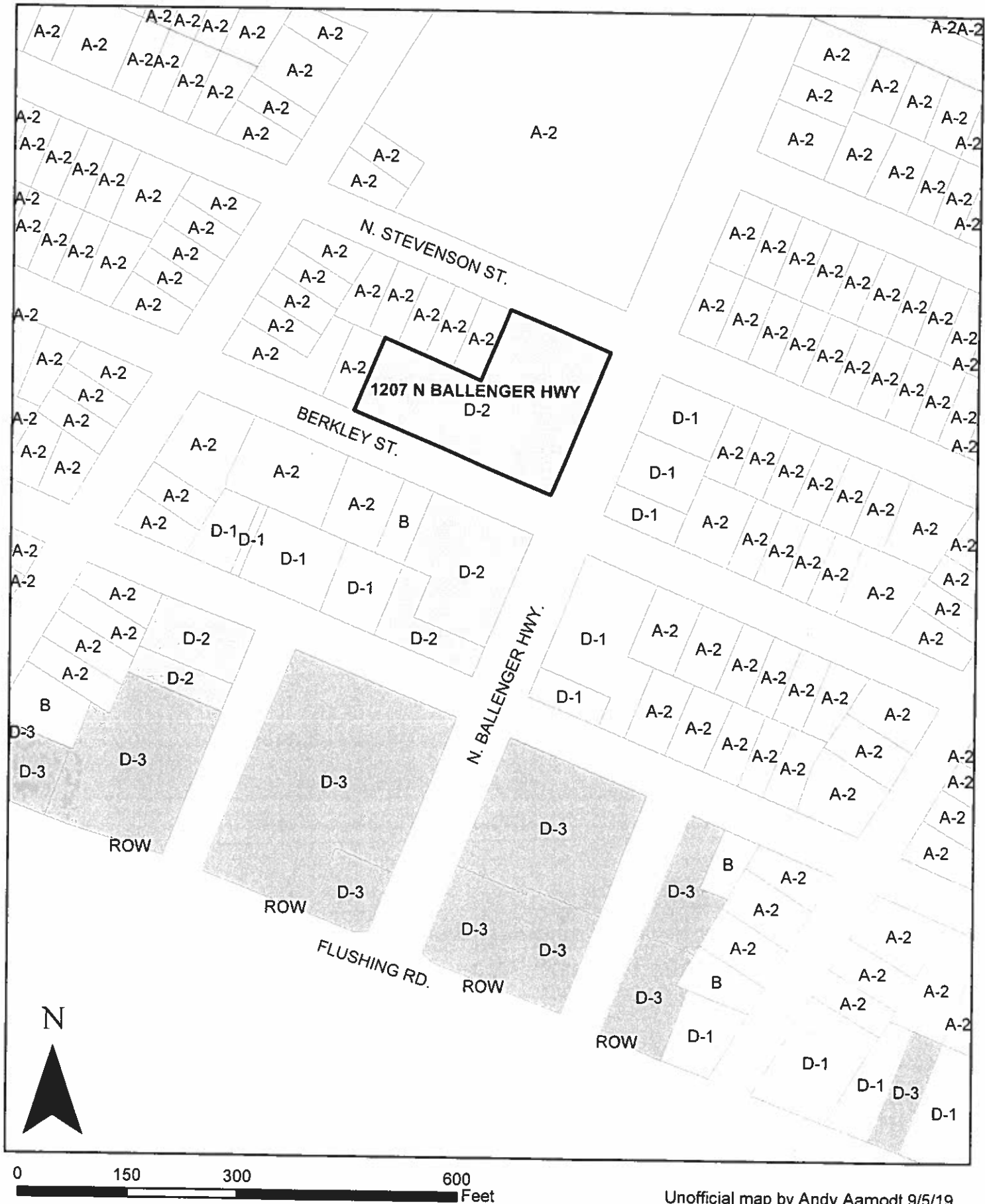
Respectfully,

Robert Wesley, Chairman
Flint Planning Commission

Attachment

XC: Communities First, Inc.
Suzanne Wilcox, Department of Planning & Development Director
File

PC 19-346 Area Map



SUBMIT TO:

City of Flint
 Zoning Office
 1101 South Saginaw Street Rm. S105
 Flint, MI 48502
 810.766.7355
 Fax: 810.766.7249 www.cityofflint.com

For Office Use Only

Case No. PC PC 19-346Date Rec'd 8/23/19

Meeting Date _____

APPLICATION FOR FLINT PLANNING COMMISSION

Concerning a request to amend, supplement, or change the district boundaries of regulations established in Chapter 50, commonly referred to as the Zoning Ordinance of the City of Flint.

Application Filing Fee due at time of submission. Fees are non-refundable.

To be completed by applicant:

<u>Applicant/Agent</u>			<u>Property Owner (if different than Applicant)</u>		
Name <u>Communities First, Inc.</u>			Name <u>Communities First, Inc.</u>		
Address <u>415 W. Court St.</u>			Address <u>415 W. Court St.</u>		
Flint	MI	48503	Flint	MI	48503
(City)	(State)	(Zip)	(City)	(State)	(Zip)
Telephone <u>(810) 422-5358</u>		Fax <u>810 519 4844</u>	Telephone <u>810 422 5358</u>		Fax <u>810 519 4844</u>
Email <u>Info@communitiesfirstinc.org</u>			Email <u>info@communitiesfirstinc.org</u>		

Requested Action and Non-refundable Filing Fee:☐ Street Name Change - \$1,002.00☐ Street/Alley Vacations - \$1,002.00☒ Rezoning - \$1,253.00☐ Conditional Use - \$1,002.00☐ Conditional Rezoning - \$1,002.00☐ Special Regulated Use - \$1,002.00**Information regarding the site:**Street Address 1207 N. Ballenger HighwayMajor Cross Streets near Ballenger Highway and Flushing RoadParcel No. ~~40-12-457-008~~ 40-11-155-014 (A.A.) Current Zoning District D-2Current Use Vacant and abandoned former medical and office building**Information regarding request:**Proposed Use Multifamily apartments and community space Proposed Zoning District D-5


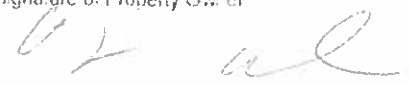
Explain Request (On Page 2)

(Please continue to complete application on page 2)

Explain Request: The property is being redeveloped into multifamily apartments using low income housing tax credit (LIHTC) equity as
as source of funds. The LIHTC equity investor is requiring the project obtain rezoning as a condition of providing funds in
order to ensure the building may be rebuilt by right in the event of total destruction.

PROPERTY OWNER MUST ATTEND PLANNING COMMISSION MEETINGS OR BE REPRESENTED BY A
PERSON WITH NOTORIZED LETTER OF REPRESENTATION TO ACT ON BEHALF OF OWNER.

I hereby affirm that the above information is correct to the best of my knowledge and grant permission for City
Officials and or City Staff to conduct an on-site inspection.

	Glenn Wilson, President & CEO	8/20/19
Signature of Property Owner	Print Name	Date
	Glenn Wilson	8/20/19
Signature of Applicant	Print Name	Date

<----- For Office Use Only ----->

Date Planning Commission Meeting is Scheduled

Date notice of Planning Commission meeting published

Date notice of Planning Commission meeting was mailed to
property owners/occupants within 300ft of parcel

Planning Commission Decision:

☐ Approved

☐ Denied

☒ Approved as Amended

☐ Other: _____

Remarks

PC RECOMMENDED APPROVAL 9/10/19, ON CONDITION
THE PROPERTY BE USED STRICTLY FOR MULTI-FAMILY RESIDENTIAL
USE &/OR D-2 DISTRICT PERMITTED USES



September 10, 2019

City of Flint Planning Commission
1101 Saginaw St. #S105
Flint, MI 48502

Andy Aamodt
Zoning Coordinator
City of Flint
1101 S. Saginaw St.
Flint, MI 48502

RE: Berkley Place Conditional Rezoning Request

Dear City of Flint Planning Commission:

The purpose of this letter is to request the property located at 1207 N. Ballenger Hwy. (PID# 40-11-155-014) be "conditionally rezoned" as D-5 Metropolitan Commercial Service district with the condition that the use be strictly multifamily residential and/or D-2 district permitted uses.

We have requested a rezoning of 1207 N. Ballenger Hwy. (PID# 40-11-155-014) from "D-2" Neighborhood Business to "D-5" Metropolitan Commercial Service in order to ensure the property is legally conforming and that we have the right to rebuild the property as it has already been approved in the event the building is destroyed.

If the Planning Commission or City Council prefers the zoning to be restricted to multifamily residential use and/or D-2 district permitted uses rather than a full D-5 Metropolitan Commercial Service district to ensure the property remains residential we fully understand and agree.

While we understand we already have approved variances to build a multifamily apartment building at the site located along the Ballenger Highway Commercial Corridor near Flushing Rd., our investor is requiring us to ensure the project complies fully with the zoning code rather than be a legal non-conforming project.

Empowering People. Building Communities.

COMMUNITIES FIRST, INC.
COMMUNITIESFIRSTINC.ORG

415 W. COURT ST.
FLINT, MI 48503

P.O. BOX 152
FLINT, MI 48501

P. 810-422-5358
F. 810-519-4844



Please contact me at your convenience with any questions or comments.

Thank You,

Glenn Wilson
President & CEO

Empowering People. Building Communities.

COMMUNITIES FIRST, INC.
COMMUNITIESFIRSTINC.ORG

415 W. COURT ST.
FLINT, MI 48503

P.O. BOX 152
FLINT, MI 48501

P. 810-422-5358
F. 810-519-4844

Ballenger Highway Neighborhood Association

March 20, 2018

Andrew Martin
Director of Rental Development
Michigan State Housing Development Authority
735 E. Michigan Ave
Lansing, MI 48909

Glenn Wilson
President & CEO
Communities First, Inc.
415 W. Court St.
Flint, MI 48503

Re: Berkley Place Apartments 1207 N. Ballenger Hwy. Flint, MI

Dear Mr. Martin and Mr. Wilson:

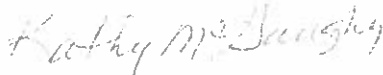
As the President of the Ballenger Highway Neighborhood Association, I am pleased to offer this letter, as requested by Communities First, Inc., in support of the proposed project as it pertains to the Ballenger Highway Neighborhood Association Neighborhood Plan. When we first met with staff from Communities First, Inc. we were excited that they were willing to redevelop the vacant eyesore located at 1207 N. Ballenger Hwy. The building used to house thriving businesses and was a community asset, but now it sits blighted. The building has been broken into several times and there have been squatters over the last few years.

We have been working with the City of Flint's planning department to create our neighborhood plan which was recently approved by the neighborhood association and presented to the Planning Commission. Our neighborhood plan represents input from the members of our neighborhood association and it was designed as a sub plan of the Imagine Flint Master Plan. Through the Imagine Flint Plan, the Planning Department is committed to working with us to translate our vision into an officially adopted neighborhood plan. We have done this and your Project is literally our Plan in action. The proposed Project involves the demolition of a vacant and blighted building and new construction of a building containing 33 affordable apartments and community space for residents of Flint.

The proposed Project's site has been targeted by the Plan as a vacant eyesore and problem. The Plan calls for the elimination of blight and urban decay and has a goal of providing a range of affordable and attractive housing options. Communities First, Inc. is fulfilling these two goals in constructing affordable rental and supportive housing units and commercial space for on-site supportive services. They have been a great partner to work with as they helped us to coordinate a community clean up at the site earlier this year. They brought volunteers from their organization, equipment, materials and food to aid us in filling an entire dumpster along with dozens of lawn bags with yard waste.

In Conclusion, I hope I have communicated the significance of the proposed Project and how important it is to the Plan. The Ballenger Highway Neighborhood Association has identified the project site as important for redevelopment and the City has identified the Ballenger Highway Neighborhood as crucial to its future. This project is important to the residents of the City of Flint in this time of recovery and revitalization. I support this application for funding and I look forward to continuing to work with Communities First, Inc. in our neighborhood.

Sincerely,



Kathy McLaughlin
President
Ballenger Highway Neighborhood Association



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

STAFF REPORT PC 19-346

DATE: September 5, 2019

TO: Flint Planning Commission

FROM: Andy Aamodt, Zoning Coordinator

CC: Suzanne Wilcox, Director of Planning and Development; Adam Moore, Lead Planner/ Planner III

ADMINISTRATIVE DEPT: Department of Planning and Development

SUBJECT: PC 19-346: Communities First, Inc. requests a rezoning of 1207 N. Ballenger Hwy. (PID # 40-11-155-014) from "D-2" Neighborhood Business to "D-5" Metropolitan Commercial Service.

LOCATION: 1207 N. Ballenger Hwy. (PID # 40-11-155-014)

AFFECTED WARD: Subject site is located in Ward 6.

PERTINENT SECTION OF THE ORDINANCE: *Zoning Ordinance Article XXVII – Changes and Amendments §50-149 to §50-151.*

EXISTING LAND USE PATTERNS:

North-	Institutional
East-	Commercial
South-	Commercial
West-	Residential

EXISTING ZONING PATTERNS:

Subject Property – "D-2" Neighborhood Business District

North-	"A-2" Single Family Medium Density District
East-	"D-1" Office District
South-	"D-2" Neighborhood Business District
West-	"A-2" Single Family Medium Density District

BACKGROUND

The applicant, Communities First, Inc., was approved to build a multi-family residential structure at 1207 N. Ballenger Hwy. By way of background, the Site Plan Review (SPR 16-866) was brought to Planning Commission November 9, 2016, referred to Zoning Board of Appeals for a height variance December 20, 2016, then finally approved December 28, 2016.

In summer 2019, Communities First requested City staff provide a zoning letter confirming the development's compliance with the zoning code. Communities First has communicated that the need of such letter is necessitated by their investors in order to secure certain funding. Per protocol, staff uses the zoning code as backing in writing zoning confirmation letters.

Upon reviewing the zoning code, present staff feels there was error in the previous interpretation (SPR 16-866) that D-2 zoning districts allow multi-family residential by-right. Present staff interprets D-2 to only allow the residential uses allowed in the properties adjoining the subject D-2 parcel [*Zoning Ordinance § 50-42 (g)*]. In this case, only A-2 zoned parcels adjoin the subject parcel therefore requiring the subject parcel to follow the A-2 zone's permitted uses. Therefore, staff interprets the use to be a legally nonconforming use in that the development can continue as approved, but if ever damaged to an extent of 51% or more of its total replacement costs, the use must discontinue and the structure cannot be rebuilt by-right (without the issuance of a variance). The applicant has expressed the need to be able to rebuild by-right for funding reasons.

Staff and the applicant discussed different processes to mend this issue, including the possibility of variances. In the end the applicant believes a rezoning is the best recourse.

APPLICANT REQUEST

Communities First, Inc. requests a rezoning of 1207 N. Ballenger Hwy. (PID # 40-11-155-014) from "D-2" Neighborhood Business to "D-5" Metropolitan Commercial Service. Communities First, Inc. owns the property.

As stated above, the applicant's request for the rezoning to D-5 is to permit the multi-family use by-right, but also for reduced setback and dimensional requirements in accordance to the original Site Plan approval. Additionally, because use variances expire if discontinued for a 12-month period, the applicant prefers a rezoning versus a variance.

Pursuant to §50-151(c), Planning Commission makes a *recommendation of approval* to City Council. City Council is the legislative body that will then formally adopt the rezoning.

STAFF RECOMMENDATION

Staff recommends Planning Commission's *recommendation of approval* to City Council.

The applicant has been given approval to develop in accordance to the approved Site Plans (SPR 16-866). The rezoning request is a matter of increasing the intensity of the property from D-2 commercial to D-5. In terms of use, this would comply with C-1 and C-2 residential zoning. The use, combined with the dimensional requirements make D-5 the desired zoning district. The property is better suited for a multi-family use than a single-family use in that it is located on a commercial corridor. A conditional rezoning, if agreed upon by the applicant, may be most appropriate in this scenario to ensure the property will be used appropriately (i.e. multi-family use and/or D-2 permitted uses) if rezoned.

190413

ORDINANCE NO. _____

An ordinance to amend Chapter 50 of the Code of the City of Flint has been requested by SecureCann LLC (PC 19-344) for a zoning change for the property of 2502 S. Dort Hwy. (Parcel ID # 41-20-278-030).

The Planning Commission recommends **DENIAL** of a Zoning Ordinance map amendment concerning this property located in WARD 9.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the code of the City of Flint is hereby amended to change the District boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows:

2502 S. Dort Hwy., parcel # 41-20-278-030
legally described as UNPLATTED PART OF THE NE 1/4 OF SEC 20, T7N, R7E
DESC AS: BEG AT A PT ON E LINE OF SD SEC, N 0 DEG 28' 0" E, 1199.82 FT FROM THE E 1/4 COR OF SD SEC; TH N 88 DEG 19' 0" W, 350 FT; TH N 0 DEG 28' 0" E, 57.50 FT; TH S 88 DEG 19' 0" E, 350 FT TO THE E SEC LINE; TH ALG SD LINE 0 DEG 28' 0" W, 57.50 FT TO POB, from "D-6" General & Highway Commercial Services District to "E" Heavy Commercial Limited Manufacturing District.

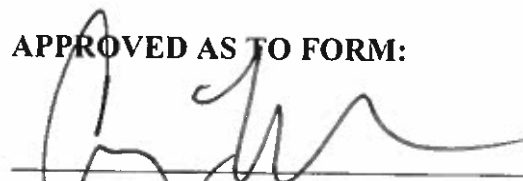
Sec. 2. This ordinance shall take effect on the ___ day of _____, 2019 A.D.

Approved this ___ day of _____, 2019 A.D.

Dr. Karen W. Weaver, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:



Angela Wheeler, Chief Legal Officer

CITY COUNCIL:

Herbert Winfrey, City Council President



CITY OF FLINT

FLINT PLANNING COMMISSION ROBERT WESLEY, CHAIRMAN

TO: Flint City Council

CC: Steve Branch, City Administrator

FROM: Flint Planning Commission

DATE: September 6, 2019

SUBJECT: PC 19-344: Welson Sarkis of SecureCann LLC requests a rezoning of 2502 S. Dort Hwy. (PID # 41-20-278-030) and 2512 S. Dort Hwy. (PID # 41-20-278-029) from "D-6" General & Highway Commercial Services to "E" Heavy Commercial Limited Manufacturing to develop a medical marijuana growing and processing facility.

APPLICANT/AGENT: Welson Sarkis, SecureCann LLC
7031 Orchard Lake Rd. Suite 103
West Bloomfield, MI 48322

At its meeting on August 27, 2019, the Flint Planning Commission **recommended DENIAL** of the above captioned zoning change request, based on their finding that the zoning change would constitute a "spot zoning" based on the current zoning code. "Spot zoning" is illegal under state law.

The vote to recommend *Denial* for PC 19-344 was 5-0:

Yea: H. Ryan—Ward 1; C. Blower—Ward 4; R. Wesley—Ward 5;
R. Jewell—Ward 6; E. Jordan—Ward 9

No: None

Absent: L. Campbell—Ward 3

A copy of the proposed ordinance, map, and other related documents are attached.

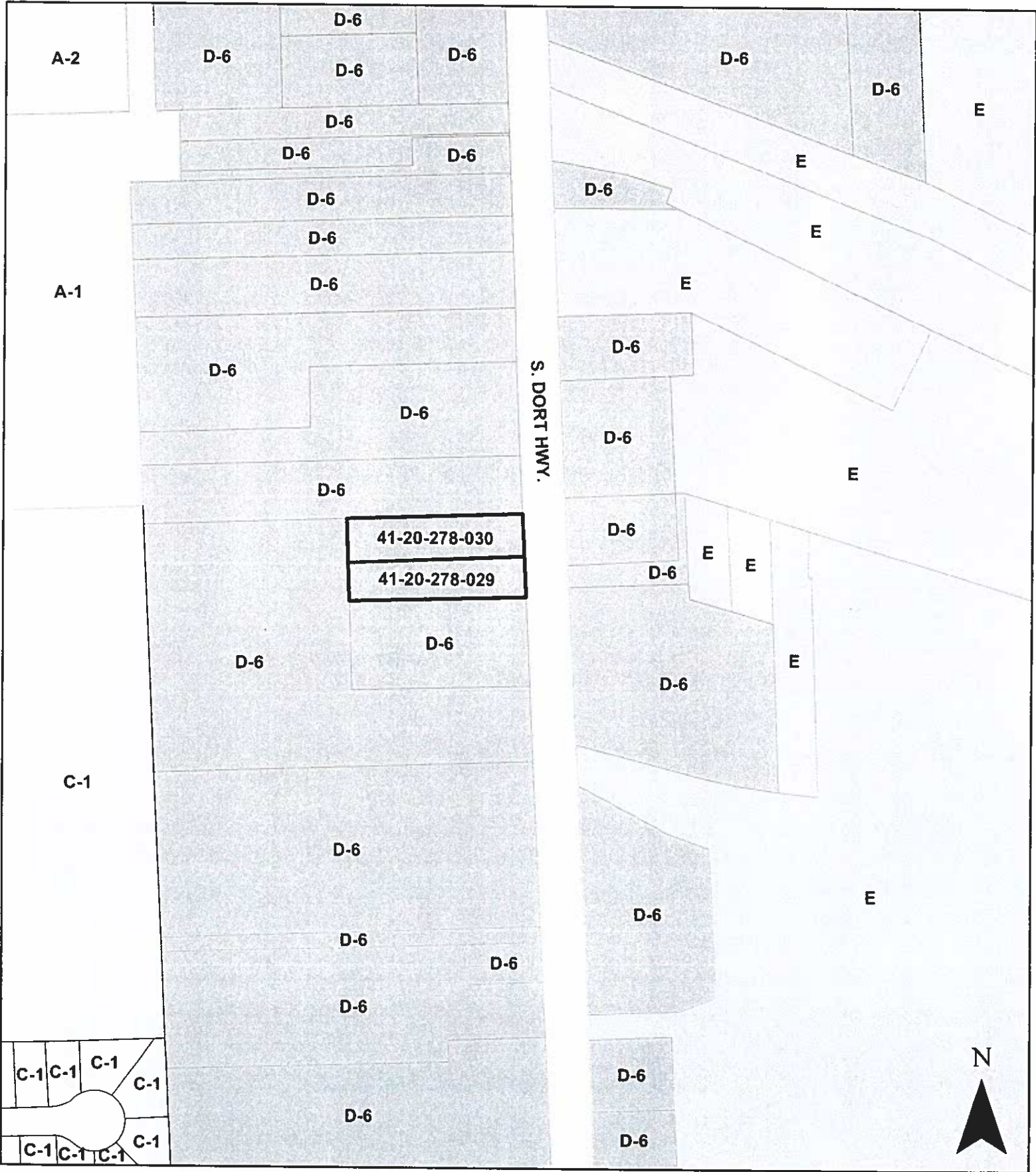
Respectfully,

Robert Wesley, Chairman
Flint Planning Commission

Attachment

XC: Welson Sarkis, SecureCann LLC
Suzanne Wilcox, Department of Planning & Development Director
File

PC 19-344 Area Zoning Map



0 150 300 600 900 Feet

Unofficial map by Andy Aamodt 8/27/19



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

TO: Flint City Council

CC: Steve Branch, City Administrator; Suzanne Wilcox, Director of Planning and Development Department; Adam Moore, Lead Planner/ Planner III

FROM: Andy Aamodt, Zoning Coordinator

DATE: September 11, 2019

SUBJECT: PC 19-344: Welson Sarkis of SecureCann LLC requests a rezoning of 2502 S. Dort Hwy. (PID # 41-20-278-030) and 2512 S. Dort Hwy. (PID # 41-20-278-029) from "D-6" General & Highway Commercial Services to "E" Heavy Commercial Limited Manufacturing to develop a medical marijuana growing and processing facility.

For your clarity, Mr. Sarkis requested in writing that 2512 S. Dort Hwy. (PID # 41-20-278-029) be removed from this rezoning request. See attached letter from Mr. Sarkis dated September 9, 2019. You will see the drafted ordinance reflects this update.

Additionally, I brought this update to Flint Planning Commission as *New Business* at the September 10, 2019 Planning Commission meeting. The Planning Commission asserted that their original recommendation of denial remains.

Respectfully,

Andy Aamodt
Zoning Coordinator

Attachment

XC: Welson Sarkis, SecureCann LLC
Suzanne Wilcox, Department of Planning & Development Director
File

Welson Sarkis Jr.
4770 Woodbine Circle
West Bloomfield, MI 48323

September 9, 2019

Dear Andy Aamondt,

We would like to remove 2512 Dort Hwy, Parcel -029 on our application for rezoning. Our plan has been to rezone property -030, to qualify for Medical Marijuana Grow and Processing.

Please contact me if you need any more information. Thank you in advance.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Welson Sarkis', with a stylized, flowing script.

Welson Sarkis

Welson Sarkis Jr.
4770 Woodbine Circle
West Bloomfield, MI 48323

August 28, 2019

Dear Flint City Council,

As the applicant for rezoning, I am providing written authorization to Berton Brown to speak as a subject matter expert.

I will allow him to answer all questions regarding our project and why this rezoning is necessary.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Welson Sarkis Jr.', written in a cursive style.

Welson Sarkis Jr.
Direct: 248-798-8334

SUBMIT TO:

City of Flint
 Zoning Office
 1101 South Saginaw Street Rm. S105
 Flint, MI 48502
 810.766.7355
 Fax: 810.766.7249 www.cityofflint.com

RECEIVED

JUL 3 2019

BY: A.A.

For Office Use Only

Case No. PC 19-344Date Rec'd 7/30/19

Meeting Date _____

APPLICATION FOR FLINT PLANNING COMMISSION

Concerning a request to amend, supplement, or change the district boundaries of regulations established in Chapter 50, commonly referred to as the Zoning Ordinance of the City of Flint.

Application Filing Fee due at time of submission. Fees are non-refundable.

To be completed by applicant:

<u>Applicant/Agent</u>			<u>Property Owner (if different than Applicant)</u>		
Name <u>SecureCann LLC</u>			Name <u>Alpine Development Group LLC</u>		
Address <u>7031 Orchard Lake Rd Suite 103</u>			Address <u>7031 Orchard Lake Rd Suite 105</u>		
<u>West Bloomfield</u>	<u>MI</u>	<u>48322</u>	<u>West Bloomfield</u>	<u>MI</u>	<u>48322</u>
(City)	(State)	(Zip)	(City)	(State)	(Zip)
Telephone <u>248-798-8334</u> Fax _____			Telephone <u>248-249-4563</u> Fax _____		
Email <u>welsonsarkis@gmail.com</u>			Email <u>welsonsarkis@gmail.com</u>		

Requested Action and Non-refundable Filing Fee:

- | | |
|--|--|
| <input type="checkbox"/> Street Name Change - \$1,002.00 | <input type="checkbox"/> Street/Alley Vacations - \$1,002.00 |
| <input checked="" type="checkbox"/> Rezoning - \$1,253.00 | <input type="checkbox"/> Conditional Use - \$1,002.00 |
| <input type="checkbox"/> Conditional Rezoning - \$1,002.00 | <input type="checkbox"/> Special Regulated Use - \$1,002.00 |

Information regarding the site:

Street Address 2502 S. Dort Flint, Michigan

Major Cross Streets _____

Parcel No. 41-20-268-030 and 41-20-268-029

Current Zoning District D-6

Current Use Abandon Property

Information regarding request:

Proposed Use Medical Marijuana Cultivation and Processing

Proposed Zoning District E

Explain Request (On Page 2)

Explain Request:

We are looking to change the property from Commercial to Industrial, for business development purpose
The current city master plan has this area identified for the change. We have secured two parcels in the the area
and have already invested over \$500,000.00 in development, from acquisition to development.

Our goal is to continue to invest in this corridor, we have partnered with the Community Foundation, Hispanic Tech Center
to encourage local employment. This project in development has created 10 full time employees, longterm
we are looking to add 30 people to our development team and 25 to our operational team. Our goal is to
hire directly from Flint.

PROPERTY OWNER MUST ATTEND PLANNING COMMISSION MEETINGS OR BE REPRESENTED BY A
PERSON WITH NOTORIZED LETTER OF REPRESENTATION TO ACT ON BEHALF OF OWNER.

I hereby affirm that the above information is correct to the best of my knowledge and grant permission for City
Officials and or City Staff to conduct an on-site inspection.


Signature of Property Owner

Thomas Shaffan
Print Name

7/26/19
Date


Signature of Applicant

Wilson Sarkis
Print Name

7-26-19
Date

----- For Office Use Only ----->

Date Planning Commission Hearing is Scheduled

Date notice of Planning Commission meeting published

Date notice of Planning Commission meeting was mailed to
property owners/occupants within 300ft of parcel

Planning Commission Decision:

☐ Approved

☒ Denied

☐ Approved as Amended

☐ Other: _____

Remarks:

PC RECOMMENDED DENIAL 8/27/19



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

STAFF REPORT PC 19-344

DATE: August 21, 2019

TO: Flint Planning Commission

FROM: Andy Aamodt, Zoning Coordinator

CC: Suzanne Wilcox, Director of Planning and Development; Adam Moore, Lead Planner/ Planner III

ADMINISTRATIVE DEPT: Department of Planning and Development

SUBJECT: PC 19-344: Welson Sarkis of SecureCann LLC requests a rezoning of 2502 S. Dort Hwy. and 2512 S. Dort Hwy. from "D-6" General & Highway Commercial Services to "E" Heavy Commercial Limited Manufacturing to develop a medical marijuana growing and processing facility.

LOCATION: Two parcels on S. Dort Hwy.: 2502 S. Dort Hwy. (PID # 41-20-278-030); and 2512 S. Dort Hwy. (PID # 41-20-278-029)

AFFECTED WARD: Subject site is located in Ward 9.

PERTINENT SECTION OF THE ORDINANCE: *Zoning Ordinance Article XXVII – Changes and Amendments §50-149 to §50-151.*

EXISTING LAND USE PATTERNS:

North-	Commercial
East-	Commercial/ Vacant
South-	Commercial
West-	Vacant

EXISTING ZONING PATTERNS:

Subject Property – "D-6" General & Highway Commercial Services

North-	"D-6" General & Highway Commercial Services
East-	"D-6" General & Highway Commercial Services
South-	"D-6" General & Highway Commercial Services
West-	"D-6" General & Highway Commercial Services

BACKGROUND

Welson Sarkis, of SecureCann LLC is proposing a co-located medical marijuana growing and processing facility on the property. However, the City's zoning ordinance and Act 281 of 2016 (State of Michigan Medical Marihuana Facilities Licensing Act) do not allow a growing facility in a commercial zoning district. This stipulation by the State means a Location Variance would not suffice either. Therefore the only option available for the applicant, at this date, is to apply for a rezoning.

If the rezoning is adopted, the applicant would then be required to go through Planning Commission for the Special Regulated Use Permit and the Site Plan Review.

APPLICANT REQUEST

This application requests a change of the zoning map, or rezoning, of two (2) "D-6" *General & Highway Commercial Services* zoned parcels to "E" *Heavy Commercial Limited Manufacturing* zoning designation. The property of 2502 S. Dort Hwy. is currently owned by Alpine Development Group, LLC, which has a purchase agreement for 2512 S. Dort Hwy.

Pursuant to §50-151(c), Planning Commission makes a *recommendation of approval* to City Council. City Council is the legislative body that will then formally adopt the rezoning.

STAFF RECOMMENDATION

Staff recommends Planning Commission's *recommendation of approval* to City Council.

An "E" zoning designation is the lowest intensity of industrial zoning that permits a medical marijuana growing and/or processing facility. Additionally, these parcels are recognized in the *Imagine Flint* Land Use Plan as "Green Innovation", a place type not aligning with traditional commercial land uses. There are industrial-zoned parcels and industrial-used properties sprinkled throughout the S. Dort Hwy. corridor therefore this would not necessarily indicate a spot zoning. Allowing for this rezoning will allow the applicant to apply for the Special Regulated Use Permit and Site Plan Review, potentially re-activating two vacant parcels.

ORDINANCE REVIEW FORM

FROM: DPD - PLANNING & ZONING
Department

NO. 19-8147
Law Office Login #

ORDINANCE NAME: Rezoning of 2502 S. Dort Hwy. (PID # 41-20-278-030)
from "D-G" to "E" (PC # 19-344)

1. ORDINANCE REVIEW - DEPARTMENT DIRECTOR

The attached ORDINANCE is approved by the Director of the affected Department. By signing, the Director approves this ordinance to be processed for signatures and fully executed.

By: Director

[Signature]
Name
DPD
Department

DATE: 9/11/19

Department:

Date in:

2. ORDINANCE REVIEW-MAYORS OFFICE

The attached ORDINANCE is submitted to the Mayors Office for approval. By signing, the Mayor's office approves this ordinance to be processed for signatures and fully executed.

By:
Steve Branch
City Administrator

[Signature]

DATE: 9/13/19

Date in:

3. ORDINANCE REVIEW - LAW DEPARTMENT

The attached Ordinance is submitted to the Department of Law for approval.

The Department of Law reviewed this Ordinance, as to form and content, on this form approves as to form and content.

9-12-19
(Date)

By:

Angela Wheeler
Chief Legal Officer

[Signature]