

**City of Swartz Creek  
AGENDA**

**Regular Council Meeting, Monday February 25, 2008 7:00 P.M.  
City Hall 8083 Civic Drive, Swartz Creek Michigan 48473**

1. **CALL TO ORDER:**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **MOTION TO APPROVE MINUTES:**
  - 4A. Regular Council Meeting, February 11, 2008 MOTION Pg. 7, 21-30
5. **APPROVE AGENDA**
  - 5A. Proposed / Amended Agenda MOTION Pg. 7
6. **REPORTS & COMMUNICATIONS:**
  - 6A. [City Manager's Report](#) (Agenda Item) MOTION Pg. 7, 2-6
  - 6B. REI Reports, Projects & Estimates, GM-SPO TIP Project Pg. 31-33
  - 6C. County EMS Ordinance Data (Agenda Item) Pg. 34-45
  - 6D. Trison Engineering, Overhead Utility Project (Agenda Item) Pg. 46-63
  - 6E. Police Chief Report, Miller-Morrish Intersection Pg. 64-67
  - 6F. County MPO CDBG Plan Pg. 68-102
  - 6G. County Beautification Grant Package Pg. 103-119
  - 6H. Notice, Flint Hate Crimes Seminar Pg. 120
  - 6I. Legislative Updates(6) Pg. 121-132
  - 6J. Thank-You Letter, Mrs. Cooper Pg. 133
7. **MEETING OPENED TO THE PUBLIC:**
  - 7A. General Public Comments
8. **COUNCIL BUSINESS:**
  - 8A. Presentation, Mr. Swartz (Swartz Ambulance), County EMS Ordinance PRES. Pg. 34-45
  - 8B. Appropriation & Agreement, Expert Fees, Overhead Utility Project RESO. Pg. 8, 46-63
  - 8C. Agreement, Delinquent Personal Property Collection, County RESO. Pg. 15
  - 8D. Ordinance #399, Codify City Ordinances RESO. Pg. 19
9. **MEETING OPENED TO THE PUBLIC:**
  - 9A. General Public Comments
10. **REMARKS BY COUNCILMEMBER'S:**
11. **ADJOURNMENT:**

**City of Swartz Creek**  
**CITY MANAGER'S REPORT**  
Regular Council Meeting of Monday February 25, 2008 7:00 P.M.

**TO:** Honorable Mayor, Mayor Pro-Tem & Council Members  
**FROM:** PAUL BUECHE // City Manager  
**DATE:** 22-February-2008

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## **OLD / ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS**

- ✓ **PERSONNEL POLICIES & PROCEDURES** (*Status*)  
Pending.
- ✓ **DISASTER, EMERGENCY RESPONSE POLICY COMMITTEE** (*Status*)  
A panel discussion meeting will be scheduled at the Small Cities meeting on Wednesday March 5<sup>th</sup>, at Logan's, 4404 Miller Road (in front of the Mall), 5:30 PM. Mike Senyko, Tammie York and John Daly will be present to give a presentation on the Fenton tornado and hopefully, some tips related to things that may need addressing in local disaster plans. The Council is encouraged to attend.
- ✓ **VETERANS MEMORIAL** (*Status*)  
Nothing new.
- ✓ **FEES, RATES & SERVICE CHARGES** (*Status*)  
Water, sewer and various service fees need some adjustments. I am waiting for the official notice from the County on water and sewer rate increases before doing our calculations.
- ✓ **NON-RESIDENT SERVICES STUDY, RAUBINGER BRIDGE** (*Status*)  
Pending.
- ✓ **OVERHEAD UTILITY REORGANIZATION PROJECT** (*Resolution*)  
At the last meeting, Mr. Figura presented a draft professional services agreement, scope of services and rate structure for "Trison Engineering" of Traverse City. Mr. Figura recommends this firm as very competent to serve as the City's expert witness in the case preparation of the overhead utility project. Mr. Dale Stevens is the point of contact as recommended by Mr. Figura. I have spoke with him and have a meeting scheduled for later this week. I have resolutions for appropriation and appointment of Trison.
- ✓ **MAJOR STREET FUND, TRAFFIC IMPROVEMENTS** (*See Individual Category*)
  - BRISTOL ROAD T.I.P. PROJECT, BRISTOL EXTENSION** (*Status*)  
REI is working on final payouts. I am trying to get a handle on what, if any additional costs that were added to the project due to Verizon's lack of cooperation.
  - SEYMOUR RE-SURFACING PROJECT** (*Status*)  
We've picked a date of Wednesday March 12<sup>th</sup> @ 6:00 here at City Hall for a meeting with residents of Seymour Road to discuss construction schedules, traffic control, ingress, egress and both long term and short term parking solutions. A principal of the contractor Pyramid Construction & Mr. Flourey will attend to cover issues related to construction.

- ELMS ROAD RE-SURFACING PROJECT** *(Status)*  
 Design is completed and into MDOT for approval. This project, as planned, is a pull ahead wherein we will be borrowing funds from the state at 4% interest until the scheduled year of project fund release from the Fed's (2010). We are also looking at constructing the first phase of our trail system while we are doing this project. We are still searching for additional grant funding to offset the local match.
- MORRISH ROAD RE-CONSTRUCTION PROJECT** *(Status)*  
 We need to begin the planning on this project. As you may be aware, this has been submitted to the TIP as a total reconstruction project with a request for a very low amount of funding. Because of this, it has been approved. Meijer's will be making a sizeable contribution (\$1.5 Million). This money, coupled with funding that we would have had to pay if Meijer had not been approved should be ample to pay the costs of widening, storms, curbs, gutters and traffic signals. Right now, we are awaiting a draft development agreement from Mr. Gildner that we will enter into with Meijer's that covers many of these items.
- GM-SPO ISLAND CUTS** *(Status)*  
 Although approved for TIP funding, no timetable has been drafted. Lou took the liberty of creating some cost estimates on this project... and it is ugly. This is the first project where we will see the full effect of the County's reduction of the gas & weight monies on our road projects. The estimated total cost of this project is \$187,000 with a local match portion of \$112,000. The bottom line is as I had predicted when the County went to this formula, we are paying 60% and the grant portion is 40%, as opposed to 80% grant funded with 20% match under the old formula. When we finish with Seymour, Elms & Morrish in the pull-ahead program, assuming we'll have enough match funds for these projects, which are about 70% - 30% funding, we will be out of the major street repair business for a very long time. Miller Road will be enormously expensive and with a 60% match ratio, it's likely to be 10-15 more years before we have the money. Ten more years on this road will turn it back to dust. I'm working on some long term revenue and expense calculations. When I get them done, I'll be back for some conversation on this topic.
- MILLER ROAD REPAIRS** *(Status)*  
 We will look to do this work in the spring.
- LOCAL STREET FUND, TRAFFIC IMPROVEMENTS** *(Status)*
  - 2008 REPAIR ROSTER** *(Status)*  
 Chesterfield from Seymour to Winston, Jennie Lane, Worchester from Winston to Daval (a portion of this is a Major Street, eligible for 202 funding) and Daval from Oakview to Winshall. Bid returns from the Seymour Project are in and the project has been awarded. REI is working with the contractor and should be back in the near future with a contract.
  - NEIGHBORHOOD IMPROVEMENT - T.I.F. DISTRICT** *(Status)*  
 Adam is looking into this. We will be back for additional discussion in the near future.
- FIRE DEPARTMENT EVALUATION, 2008 CONTRACT RENEWAL** *(Status)*  
 Mr. Nottley will be present at the Fire Board Meeting on Tuesday February 26, 7:00 PM for a workshop session with the Fire Board, Fire Chief and maybe command officers or other firefighters. The cost for this extra session that includes the Fire Chief Consultant is \$750. I have scheduled the meeting and as of writing, have not gotten a commitment from the Township on half of the \$750. I will attempt to get their approval, but either

way, I think this meeting needs to happen, even if we have to pay the \$750. Mr. Nottley will have a scope of work and agenda of items he intends to cover in discussion.

- ✓ **WATERMAIN SALE** (*Status*)  
Pending.
- ✓ **SEWER REHABILITATION PROJECT, I&I, PENALTIES** (*Status*)  
Pending bid preparation and return tabulations.
- ✓ **WWS INTERGOVERNMENTAL JURISDICTION ORDINANCE** (*Status*)  
The County has turned up the pressure to adopt both the ordinance and the agreement that transfer enforcement (and probably anything else they deem fit) over to them. We are working with Mr. Figura evaluating our options.
- ✓ **HERITAGE PARK & NON-MOTORIZED TRAIL SYSTEM** (*Status*)  
We are also looking at constructing the first phase of our trail system in conjunction with the Elms Road Re-surfacing Project. We are still searching for additional grant funding to offset the local match
- ✓ **SR. CENTER, LEVY, BUILDING & FUTURE FUNDING PLAN** (*Status*)  
Nothing new.
- ✓ **SPRINGBROOK, HERITAGE STREET-LIGHTING** (*Status*)  
Mr. Gildner is still working on a draft development agreement for Heritage. In conjunction with the agreement, a resolution of dedication of the streets in Phase I will accompany the agreement. Springbrook streetlights are tied with an agreement for service and maintenance of their water system. We will have something shortly for Council consideration.
- ✓ **SWARTZ CREEK SCHOOLS, CAPITAL IMPROVEMENT CAMPAIGN** (*Status*)  
It appears that due to the state's economy, the school district has placed a hold on their capital improvements.
- ✓ **LABOR CONTRACTS** (*Status*)  
On Mr. Kehoe, he is currently a payroll employee and needs an employment agreement. I will look to get something together and back before the Council soon. Additionally, the Police have a wage re-opener for the July 1, 2008 through June 30, 2009 segment of their contract. I have begun negotiations with them and will be back as soon as I have something concrete.  
  
On my contract, it probably needs revisiting for update purposes. I would like to take a pass on any rate increases for another year or two and until we are on better financial ground. I am not sure how the Council desires to handle an evaluation. As you recall, a couple of years ago I created a list of accomplishments and shortfalls as I saw them. I could bring the list up to date and then bring it back to the Council for discussion and review. Unless the Council has strong input one way or the other, I will do this and set it for a discussion item, hopefully soon. We can then go from here.
- ✓ **RETIREE HEALTH CARE** (*Status*)  
Mr. Gildner has prepared a base agreement that leaves only the specifics to be filled in by the staff. I am working on tailoring them in line with specific contracts to which the specific employee went out on. I should have them back soon for Council review.

- ✓ **MEIJER'S** (*Status*)  
Pending.

- ✓ **MARATHON STATION BLIGHT & NON-CONFORMING USE** (*Status*)

As an update, we have cited the property owner for blight and have given a 60-day notice of non-compliance on the pylon sign. We have also notified in writing, billed and discussed the amount due to the City. As an incentive to cure the eyesore, we have offered to negotiate the due bill and the pylon sign in exchange for the demolition of the building. The property owner has been unwilling to do anything and via his "representative", continues to assert, since 2003, that the property will be developed "in the very near future". The notice to comply on the sign has expired and the fine for the municipal infraction has not been paid. There is not enough value to redevelop via Brownfield and although there is some contamination, it has been mitigated and declared with the state. Frankly speaking, we are a bit stuck between the power of government to keep a city appealing and blight free and a property owners rights. Another matter to consider... most likely we will soon have another abandoned and boarded building on the southeast corner. As you recall from the last meetings discussions, Mr. Figura has indicated that there is some case law regarding this matter and he feels that we can ask our District Court Judge, the Honorable Mark McCabe, for relief in the form of ordering cleanup and/or removal of the sign. We are preparing the paperwork for such.

- ✓ **DELINQUENT PERSONAL PROPERTY TAXES** (*Resolution*)

We have a final draft in our possession. The City of Flint is on board with the agreement and in order to make the summer rolls, we need to move on it now. In review, it seems like a good idea to join this initiative. It is voluntary, in that we can back out any time we want. Briefly, the County would retain any administrative and penalty fees and we would get the principal. Given that we have no formal collection process on personal property taxes, I do not see that we can lose on this. A resolution to enter into an agreement with the County is included with tonight's agenda.

- ✓ **ORDINANCE #399, ORDINANCE CODIFICATION** (*Resolution*)

Mr. Figura reviewed the codified form and endorses it. An ordinance that provides for the codification is included with tonight's agenda. The actual codified code is included on your CD's as a separate file. The size was too great (500+ pages) to add it to the copies run. If you desire a paper copy, give me a call and I will run one.

- ✓ **GENERAL LEDGER & ACCOUNTING SOFTWARE** (*Status*)  
Pending.

## **NEW BUSINESS / PROJECTED ISSUES & PROJECTS**

- ✓ None

## **Council Questions, Inquiries, Requests and Comments**

- *Park & Ride Improvements, Miller & I-69.* Pending
- *Z.B.A. Compensation.* Pending.

- *Miller – Morrish Right Turn.* Included with tonight's packet is a report from Chief Clolinger. It is self-explanatory. If anyone desires additional discussion, feel free to bring it up. If I cannot answer the questions, I will have Rick attend the next meeting.
- *Signs, Blackmore & Rowe (in right of way?).* We are still checking into the Blackmore and Rowe sign.
- *Sunoco, 5012 Holland, Yellow Drop Box.* There may not be much we can do about this drop box other than to see if the owners will voluntarily relocate it. The box is so small that flies below the scrutiny lines of our ordinance. To regulate these, we would have to prohibit many things in commercial zones such as benches or planters. We will see if we can get voluntary compliance on the boxes removal.

**City of Swartz Creek**  
**RESOLUTIONS**  
**Regular Council Meeting, Monday February 25, 2008 7:00 P.M.**

**Resolution No. 080225-4A            MINUTES, FEBRUARY 11, 2008**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held February 11, 2008, to be circulated and placed on file.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_  
Voting Against: \_\_\_\_\_

**Resolution No. 080225-5A            AGENDA APPROVAL**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council approve the Agenda as presented / printed / amended for the Regular Council Meeting of February 25, 2008 to be circulated and placed on file.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_  
Voting Against: \_\_\_\_\_

**Resolution No. 080225-6A            CITY MANAGER’S REPORT**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council approve the City Manager’s Report of February 25, 2008, to be circulated and placed on file.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_  
Voting Against: \_\_\_\_\_

**APPROPRIATION & PROFESSIONAL SERVICES  
AGREEMENT, TRISON ENGINEERING, OVERHEAD  
UTILITY PROJECT**

Motion by Councilmember: \_\_\_\_\_

**WHEREAS**, the City of Swartz Creek directed the City Attorney and City Manager to correct serious concerns with overhead utility infrastructure including, but not limited to safety, substandard workmanship, aesthetics, damage and overloading; and

**WHEREAS**, on December 10, 2007, the City Council appropriated funding under the following resolution:

**Overhead Utility Reorganization Project**

**Resolution No. 071210-07**

**(Carried)**

*Motion by Councilmember Porath  
Second by Councilmember Adams*

**WHEREAS**, the City of Swartz Creek was incorporated in 1959 as parts of three surrounding rural townships; and

**WHEREAS**, prior to its incorporation, Swartz Creek’s land use, streets and rights of way were largely unregulated; and

**WHEREAS**, baseline overhead utility infrastructure, consisting of electrical and telephone communication lines, were installed in rights of way long before the City was incorporated; and

**WHEREAS**, the City is a nucleus for a variety of overhead and underground utilities that seem to cluster and concentrate and then filter into surrounding townships; and

**WHEREAS**, growth sprawl in surrounding townships has ballooned over several decades causing additions to baseline overhead utilities located within the City rights of way; and

**WHEREAS**, the City has been increasingly concerned over the last two decades that capital repairs and upgrades to overhead utilities have suffered in the wake of supplying service to meet increasing demands; and

**WHEREAS**, in the summer of 2007, the City conducted an inventory of overhead utilities in several sections of the City and identified and documented numerous concerns posing safety risks, consisting of, but not limited to, poor workmanship, out of code makeshift repairs, unfinished work, open and exposed bare wires, damaged junction boxes, unstable and eroded poles and abandoned structures, and further, negative aesthetic and subsequent economic impact that cannot be quantified; and

**WHEREAS**, the City has been unsuccessful in the regular course of business in addressing concerns with companies that own or are responsible for the maintenance, upgrade and repair of such overhead utilities and further, state and federal legislation have eliminated the City’s authority to regulate and police overhead utility infrastructure thus leaving little remedy to address safety and aesthetic concerns.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek direct the City Attorney and City Manager to seek address of the concerns as identified within, up



to and including litigation, and further, solicit and locate expert witnesses and consultants to assist with additional evaluation, documentation and testimony, and further, develop a plan with all such recommendations to be brought back before the Council for action.

**BE IT FURTHER RESOLVED**, that the City of Swartz Creek appropriate an amount not to exceed \$50,000 from unencumbered unreserved General Fund balance, funds to be used for legal fees and associated pre-litigation investigation and expert consulting, and further, direct the City Manager to make the necessary budget amendments and account creations to set up a new project.

Discussion took place.

YES: Abrams, Adams, Christie, Hicks, Hurt, Porath, Shumaker  
NO: None. Motion Declared Carried.

**WHEREAS**, in the course preparation for litigation, expert evaluations and opinions are required and the City Attorney has recommended a firm that is qualified to make such evaluations and subsequent documentation and further, has drafted a Professional Services Agreement along with a scope of WORK.

**NOW, THEREFORE, I MOVE** the City of Swartz Creek enter into an agreement with Trison Engineering Group Inc., of Traverse City Michigan, as follows:

**PROFESSIONAL SERVICES AGREEMENT**  
**Between**  
**The City of Swartz Creek**  
**and**  
**Trison Engineering Group, Inc.**

This agreement is made and is effective as of the 21<sup>st</sup> day of December, 2007, by and between the **City of Swartz Creek**, a Michigan Municipal Corporation, with principal offices at 8083 Civic Drive, Swartz Creek, Michigan 48473 ("The City") and Trison Engineering Group, Inc., a Michigan corporation, with principal offices at 3301 Veterans Drive, Suite 201, Traverse City, MI 49684 ("The Contractor")

**WHEREAS**, the City is attempting to resolve a problem caused by a proliferation of utility poles within the City and wants to cause changes in the placement and condition of those utility poles in order to protect the public safety (the "Project"); and

**WHEREAS**, the City has directed the City Attorney to review all applicable law and develop a course of action for the City to follow for the Project; and

**WHEREAS**, the City and the City Attorney are in need of certain professional services in connection with the development of a recommended course of action; and

**WHEREAS**, the Contractor has the necessary experience and qualifications to assist the City and the City Attorney in those efforts and is willing to provide those services.

**NOW, THEREFORE**, the City and the Contractor **AGREE AS FOLLOWS**:

**1. Agreement Term.**

The term of this Agreement shall be for the length of the Project, or three (3) years, whichever is less; except that this contract may be extended by the parties in one beyond said three (3) year term if the Project extends beyond three (3) years.

**2. Scope of Services:**

The scope of services to be performed by the Contractor are set forth in the attached Exhibit A, Scope of services – Trison.

**3. Compensation:**

Contractor shall be compensated at the rates provided for in the Contractor's Standard Hourly Fee Agreement - 2007, a copy of which is attached as Exhibit B. While the City understands that the Contractor reserves the right to change that fee schedule, the Contractor agrees that such right shall be exercised no more often than once per year and no such change, if any, shall be made until after January 1, 2009, at the earliest.

**4. Direction.**

The Contractor acknowledges that the development of a strategy for the Project is under the general management and control of the City Attorney and the Contractor will look to the City Attorney for any direction that may be required in the performance of the Scope of Work.

**5. Disclaimer of Contractual Relationship.**

Nothing contained in the Agreement Documents shall create any contractual relationship between the City and any Subcontractor or Sub-subcontractor.

**6. Hold Harmless and Indemnification:**

To the fullest extent permitted by law, the Contractor agrees to defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury or death and/or property damage including loss of use thereof, which may arise as a result of his act, omissions, faults and negligence or any of his employees, agents and representative in performance of this Agreement.

**7. Independent Contractor.**

No provision of this Agreement herein contained shall be construed by the parties or by any other person as one creating an employer-employee relationship. It is hereby expressly understood and agreed that the Contractor is an independent contractor as that phrase has been defined and interpreted by the Courts of the State of Michigan, and, as such, he/she is not entitled to any benefits not otherwise specified herein.

**8. Insurance.**

The Contractor shall not commence work under this Agreement until he/she or it has procured and provided evidence of insurance required under this section. All coverages shall be placed with insurance companies licensed and admitted to do business in the State of Michigan unless otherwise approved by the City. Policies shall be reviewed by the City for completeness and limits of coverage. All coverages shall be with insurance carriers acceptable to the City. The Contractor has agreed to provide the following coverages, which are acceptable to the City:

- A. Commercial General Liability: \$1,000,000 per occurrence and \$2,000,000 aggregate.
- B. Workers Compensation Insurance: statutory amount; employer's liability: \$1,000,000.
- C. Automobile Liability Insurance: \$1,000,000 combined single limit; and
- D. Professional Liability Insurance - Errors and Omissions: \$1,000,000 per claim/\$1,000,000 aggregate.

The Contractor shall furnish the City with certificates of insurance for all coverages requested and with original endorsements for those policies requiring the Additional Insured status. All certificates of insurance must provide the City with not less than 30 days advance written notices in the event of cancellation, non-payment of premium, non-renewal or any material change in policy coverage. If any of the above coverages expire during the term of this Agreement, the Contractor shall deliver renewal certificates and/or policies to the City at least ten days prior to the expiration date of such policy. The Contractor shall ensure that all Subcontractors utilized obtain and maintain all insurance coverages required by this Agreement.

**9. Interpretation.**

In the event any provision contained herein shall be determined by a court of competent jurisdiction or an appropriate administrative tribunal or official to be contrary to any provision of law or to be unenforceable for any reason, then, to the extent necessary and possible to render the remainder of this agreement enforceable, such provision may be modified or severed by such court or administrative tribunal or official having jurisdiction over this Agreement and the interpretation thereof, or the parties hereto, so as to, as nearly as possible, carry out the intention of the parties to this Agreement, considering the purpose of the entire Agreement as it relates to such provision.

**10. Laws and Ordinances.**

The Contractor shall obey and abide by all of the laws, rules and regulations of the Federal Government, State of Michigan, Genesee County and the City of Swartz Creek, applicable to the performance of this agreement, including, but not limited to, labor laws and laws regulating or applying to public improvements.

**11. Confidential Information.**

The City may disclose certain of its confidential and proprietary information (the "Confidential Information") with respect to this agreement to the Contractor. Confidential Information shall include all data, materials, products, technology, computer programs and software, specifications, manuals, business plans, work product and any other information disclosed or submitted orally, in writing, or by any other media, to the Contractor by the City.

The Contractor agrees that the Confidential Information is to be considered confidential and proprietary to the City and the Contractor shall hold the same in confidence, shall not use the Confidential Information other than for the purposes of this Agreement, and shall disclose the Confidential Information only to its officers, directors, or employees with a specific need to know. The Contractor will not disclose, publish or otherwise reveal any of the Confidential Information received from the City to any other party whatsoever, including, but not limited to, any and all related entities of the Contractor, except with the specific prior written consent of the City or by order of a court with jurisdiction. Confidential Information furnished in tangible form shall not be duplicated by the Contractor except for purposes of this agreement. Upon the request of the City, the Contractor shall return all Confidential Information received in written or tangible form, including copies, or reproductions or other media containing such Confidential Information, within ten (10) days of such request.

**12. Use As Adverse Witness or Adverse Subpoena.**

If the Contractor or any officer, director, employee or agent of the Contractor is called as a witness by any party in any proceeding, other than a matter between the Contractor and the City, related to the services provided to the City, the City shall pay any and all costs of the Contractor related to compliance with that subpoena, including any and all copy costs and third party charges related to compliance with the subpoena.

**13. Modifications/Changes.**

Any modification to this Agreement must be in writing and signed by the authorized employee, officer, board or council representative authorized to make such contractual modifications pursuant to the state law and local ordinances.

**14. Non-Assignability.**

The Contractor shall not assign or transfer any interest in this Agreement without the prior written consent of the City Manager.

**15. Nondiscrimination.**

The Contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital status, or status with regard to public assistance. The Contractor will take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment, or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

**16. Notices.**

Notices to the City shall be deemed sufficient if in writing and mailed, postage prepaid, addressed to the City Manager, City of Swartz Creek, 8083 Civic Drive, Swartz Creek Michigan 48473, or to such other address as may be designated in writing by the City Manager from time to time.

Notices to the Contractor shall be deemed sufficient if in writing and mailed, postage prepaid, addressed to the Contractor at 3301 Veterans Drive, Suite 201, Traverse City, MI 49684, or to such other address as may be designated in writing by the Contractor from time to time.

**17. Records.**

All documents, information, reports and the like prepared and/or generated by the Contractor as a result of this Agreement shall become the sole property of the City.

**18. Applicable Law.**

This Agreement shall be governed by and in accordance with the laws of the State of Michigan applicable to contracts made and to be performed in this state.

**19. Severability.**

The invalidation of one or more terms of this Agreement shall not affect the validity of the remaining terms.

**20. Standards of Performance.**

The Contractor agrees to exercise independent judgment and to complete performance under this Agreement in accordance with sound professional practices. In entering into this Agreement, the City is relying upon the professional reputation, experience, certification and ability of the Contractor and, in particular, Dale A. Stevens. The Contractor agrees that all of the obligations required by it pursuant to this Agreement shall be performed by or under the direction of Dale A. Stevens. The continued effectiveness of this Agreement during its term or any renewal term shall be contingent, in part, upon the Contractor maintaining any required certifications in accordance with the requirements of state law.

**21. Subcontracting.**

No subcontract work shall be started prior to written approval by the City Manager. The City reserves the right to accept or reject any subcontractor.

**22. Termination.**

This Agreement may be terminated by either party hereto by submitting a notice of termination to the other party. Such notice shall be in writing and shall be effective thirty (30) days from the date it is submitted unless otherwise agreed to by the parties hereto. The Contractor, upon receiving such notice and prorated payment upon termination of this Agreement shall turn over and give to the City all pertinent records, data and information to the date of termination.

**23. Time of Service/Performance.**

The Contractor's services have commenced as of the 21<sup>st</sup> day of December , 2007, and the Contractor shall continue to perform the activities constituting the Scope of Work forthwith and without unreasonable delay.

**24. Whole Agreement Clause.**

This written agreement embodies the entire agreement between he parties hereto, and additions, deletion or modification hereto must be in writing and signed by both parties.

The City and the Contractor have executed this Agreement as of the date first above written.

**THE CITY OF SWARTZ CREEK**

**TRISON ENGINEERING GROUP, INC.**

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

Paul Bueche, City Manager

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

Its:

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

Juanita Aguilar, City Clerk

Approved as to form:

\_\_\_\_\_  
Richard J. Figura, City Attorney

**EXHIBIT A**

**SCOPE OF WORK - TRISON**

1. Augment report done by intern to:
  - a. Determine owner of each pole
  - b. Determine each service using each pole where pole serves more than one user
  - c. List poles still in place but not being used
  - d. Develop a map or maps showing location of each pole with color coding to indicate owner, user, type of problem (i.e., leaning, too many wires, etc.)
2. Determine the existence of any industry or local, state or federal regulatory standards (including any building codes applicable) regarding placement, construction, maintenance, use, etc. of utility poles. Are the standards the same or different for type of use (for example: electrical, telephone, other communications, etc.)
3. Identify recognized experts who can testify as to compliance of the existing poles with any industry or regulatory standards.
4. Perform any other assignments received from the City or from legal counsel for the City.

**EXHIBIT B**

TRISON Engineering Group, Inc.

**FORENSIC ENGINEERING  
STANDARD HOURLY FEE AGREEMENT - (2007)**

Compensation shall be computed on an Hourly Rate Basis in quarter hour increments as follows:  
Hourly Rates:

- Forensic Consulting Services \$100.00  
Including: Travel, Telephone Consults, Inspections, Meeting Time,  
Documentation Review, Drafting and Reviewing Reports,  
Consultations with Client, and/or Attorney, or Agents
- Court or mediation time \$150.00
- Administrative - Report typing, etc. \$ 40.00

Overtime Rates:

All overtime, when authorized by the Client, shall be charged at one and one-half (1-1/2) times the above rates.

REIMBURSABLE EXPENSES

1. Reimbursable Expenses are in addition to Compensation for Basic and Additional Services and include actual expenditures made by Trison, its employees and independent contractors in connection with the services rendered under this agreement, including but not limited to the following:
2. Expense of transportation and living when traveling in connection with his Part of the Project. Such expenses are, but not limited to, airfare, rental car, food, lodging, etc.
3. Long Distance Telephone and Fax communications.
4. Fees paid for securing approval of authorities having jurisdiction over the Project.
5. Expense of reproductions, postage and handling of Drawings, Plots and Specifications including duplicate sets at the completion of each Phase for the Owner's review and approval. Expenses of preparing special drawing paper or forms requested by the Client.
6. Expense of models for the Owner's use.
7. Expense of outside consulting services such as surveying, soil boring, environmental testing and analysis, or any other consulting service.
8. Approved Overtime charges will be invoiced at a premium time billing rate.

REIMBURSABLE EXPENSE SCHEDULE

Air Travel		Amount Expended
Mileage		\$.50 per mile
Lodging		Amount Expended
Long Distance -(Telephone & Fax Charges)		Cost + 10%
Special mailing/Express charges		Cost + 10%
Photos		Cost + 10%
Outside Consulting & Computer Services		Cost + 10%
Outside Plotting & Printing Services		Cost + 10%
Special Equipment		Cost + 10%
Blue Prints (In Office)		\$0.20/ft2
Plots (In Office)		\$1.50/ft2
Sepias (In Office)		\$0.40/ft2
Copies (In Office)	8 1/2" x 11"	\$0.10 ea.
	8 1/2" x 14"	\$0.15 ea.
	11" x 17"	\$0.20 ea.

Travel, Time and Expenses shall be charged from the office and shall be prorated with other projects in the area whenever feasible. The total fee, if stated, shall be understood to be an estimate, and shall not be exceeded by more than ten percent (10%) without authorization of the Client. If unforeseen circumstances or conditions encountered during the course of furnishing the services will cause the total fee to exceed the estimate by more than ten percent (10%), TRISON will notify Client as soon as practical, and shall proceed with services only after authorization from Client.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**AGREEMENT, GENESEE COUNTY TREASURER,  
DELINQUENT PERSONAL PROPERTY TAX  
COLLECTIONS**

Motion by Councilmember: \_\_\_\_\_

**I Move** the City of Swartz Creek enter into an agreement with the County of Genesee, for the collection of delinquent personal property taxes, agreement as follows:

**CONTRACT BETWEEN  
THE CITY OF SWARTZ CREEK  
AND  
COUNTY BOARD OF COMMISSIONERS OF GENESEE COUNTY  
  
FOR  
  
COLLECTION BY COUNTY TREASURER  
OF CITY TAXPAYER DELINQUENT  
PERSONAL PROPERTY TAXES  
AND  
BUILDINGS ON LEASED LAND PROPERTY TAXES**

**THIS AGREEMENT** is between the City of Swartz Creek and the County Board of Commissioners of the County of Genesee, Michigan, having a mailing address of 312 County Administration Building, 1101 Beach Street, Flint, Michigan 48502 with the concurrence of the Genesee County Treasurer. [cf.MCL 211.56(3)]

**THIS AGREEMENT** is effective as of March 1, 2008 and shall continue for the period of thirty-six months, and may be renewed upon request by the City of Swartz Creek, for the additional period of thirty-six months upon approval in writing by the County Board of Commissioners of the County of Genesee, Michigan, said request to be provided by written notice to the County by the City of Swartz Creek at least sixty days prior to the conclusion of the original period.

**WHEREAS**, MCL 211.56 provides: “....upon an agreement entered into by the governing body of the local property tax collecting unit and the county board of commissioners with the concurrence of the county treasurer, the county treasurer shall be responsible for the collection of the delinquent personal property taxes of the city or township. The agreement shall specify the period during which the county treasurer shall be responsible for the collection of delinquent personal property taxes and buildings on leased land property. However, a county may condition such an agreement upon the county entering into similar agreements with other local property tax collecting units in the county.....”; and

**WHEREAS**, the Genesee County Board of Commissioners desires, with the concurrence of the Genesee County Treasurer, to assist the local property tax collecting unit with the collection of delinquent personal property, and buildings on leased land property, taxes of the City of Swartz Creek; and

**WHEREAS**, the City of Swartz Creek, as the local property tax collecting unit, desires to contract with the County of Genesee Board of Commissioners, with the concurrence of the County Treasurer, for the County Treasurer to be responsible for the collection of delinquent personal property, and buildings on leased land property, taxes of the City of Swartz Creek.

**NOW, THEREFORE**, it is agreed by and between the parties as follows: Subject to the terms of this Agreement, after the accounting has been made and the other duties required by Michigan Compiled Laws § 211.56 are performed, the Genesee County Treasurer will collect the delinquent personal property, and buildings on leased land property, taxes of the City of Swartz Creek for the year 2007 or earlier taxes. Within 120 days after March 1 of each year, the county treasurer shall send notices to all known delinquent personal property, and buildings on leased land property, taxpayers, demanding payment of the delinquent personal property, and buildings on leased land property, taxes. Failure to send or receive the notice shall not in any way prejudice the right to collect or enforce the payment of the tax. If a delinquent personal property, and buildings on leased land property, taxpayer neglects or refuses to pay the tax, the Genesee County Treasurer shall have powers of distraint and sale identical to those given to the township or city treasurer in Michigan Compiled Laws § 211.47. The Genesee County Treasurer may also use whatever remedies there may be at law or equity for the collection of any indebtedness in order to enforce the payment of the tax. The Genesee County Treasurer shall, on a monthly basis, add to the amount of the assessed tax any collection or administrative fee, distraint and sale fee, interest, penalty or charge provided by The General Property Tax Act and shall collect whatever costs, fees, or expenses allowed by a court in which action was taken. The Genesee County Treasurer will deposit all fees, interest, penalties, costs, charges, or expenses the Genesee County Treasurer collects into a County delinquent personal property, and buildings on leased land property, tax administrative fund to be established, and the money in the fund shall be used by the Genesee County Treasurer to pay the costs of collecting delinquent personal property, and buildings on leased land property, taxes. To the extent that money in this fund exceeds the cost of collecting delinquent personal property, and buildings on leased land property, taxes, as determined by the Genesee County Treasurer, the Genesee County Treasurer shall intermittently transfer the excess money to the general fund of the County. The amount of the assessed taxes collected by the Genesee County Treasurer shall be distributed to the different taxing units on a monthly basis.

The Board of Commissioners, with the concurrence of the Genesee County Treasurer, reserves the right to enter into similar agreements with other governing bodies of local property tax collecting units.

**HOLD HARMLESS AND INDEMNIFICATIONS PROVISIONS:** The City of Swartz Creek agrees to indemnify, defend and save harmless Genesee County, its officers, agents and employees, from any liability of any kind other than acts of the County's own negligence or other tortuous behavior regarding collection efforts and all claims against Genesee County, its officers, agents and employees, in connection with the performance of this Agreement, and from any and all claims or losses accruing or resulting to any person, firm, or corporation incurring injury or damage by the Genesee County Treasurer, its agents or employees, in connection with the performance of this Agreement, including, but not necessarily limited to attorney's fees and administrative costs.



**SEVERABILITY OF PROVISIONS:** If any portion of this Agreement is held invalid by appropriate authority, the remainder of this Agreement shall be unaffected thereby if such remainder would continue to conform to the terms and requirement of applicable law.

**CONFIDENTIALITY:** The City of Swartz Creek and the County Treasurer agree to abide with all Federal statutes and regulations and State statutes regarding confidentiality.

**CANCELLATION OF AGREEMENT:** Either party to this Agreement may terminate the Agreement upon sixty (60) days written notice to the other party anytime prior to the completion of the Agreement period, except as otherwise provided in this Agreement.

**REPORTS:** Genesee County Treasurer shall submit to the City of Swartz Creek Treasurer, no later than May 1, 2009, and each year thereafter no later than May 1<sup>st</sup>, a report specifying the delinquent personal property, and buildings on leased land property, taxes collected and the activities undertaken pursuant to this Contractual Agreement, and actual expenses of such collection. The County Treasurer shall, upon reasonable notice, have access to the books and records of the City of Swartz Creek as necessary to enable Treasurer to determine the proper collection activities. The City of Swartz Creek Treasurer and the County Treasurer's Office will maintain records and provide access to them as necessary for the City or the Genesee County Treasurer to review to assure that collection efforts are being conducted in accordance with the purposes and provision of this Agreement.

The City of Swartz Creek will have adequate administrative and accounting controls, and personnel assistance deemed necessary by the County Treasurer to perform the objectives of this Agreement.

**CLOSEOUT:** When this Agreement is terminated or concluded, Genesee County Treasurer shall provide the City of Swartz Creek Treasurer with such reports as the City's Treasurer desires and shall do so within sixty (60) days of such termination or conclusion unless written extension is granted for extenuating circumstances.

**BONDING:** Genesee County Treasurer agrees that to the extent that any employee or agent has access to or control over funds, such person shall be covered by a bond or insurance of sufficient sureties to protect against loss resulting from employee dishonesty or by such self-bonding or insuring as may be provided by State law.

**NON-ASSIGNABILITY:** It is hereby understood and agreed by the Genesee County Treasurer and the City of Swartz Creek that this Agreement and the duties, responsibilities and obligations contained herein, are non-assignable.

This Contractual Agreement shall be binding upon the parties hereto, their representatives, and agents.

The parties hereto agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Breach of this covenant may be regarded as a material breach of this contract. Michigan Compiled Laws section 37.2209 (MCL 37.2209).

**COMPATIBILITY OF DATA**

MCL 211.42a(2)(i) requires the local computerized data base system to be compatible with the system used by the county treasurer for the collection of delinquent taxes.

The following formats, codes, database backups and rounding conventions are agreed for the Contractual Agreement:

1. PARCEL NUMBER FORMATS: Parcel number format shall be ## - ## -### - ### for all municipalities except the City of Flint which may use the alternate format of P-##### - # for personal property accounts.
2. SCHOOL DISTRICTS: The standard school district codes established by the State of Michigan shall be used.
3. PROPERTY CLASSIFICATIONS: The standard property classification codes established by Genesee County should be used.
4. GOVERNMENTAL UNIT CODES: Standard unit number codes assigned by the State of Michigan shall be used as the Governmental Unit Codes.
5. DATABASE BACKUPS: Complete copies of current assessing and tax database backups must be provided to Genesee County when requested.
6. NAME/ADDRESS INFORMATION: Owner name and mailing address information to be kept current and physical property addresses to be listed for all personal property locations.
7. ROUNDING: Standard rounding options should be set to round Real and Personal to the nearest 100 and round Capped to the nearest 1.

**WITNESSES**

**CITY OF SWARTZ CREEK**

\_\_\_\_\_  
Juanita Aguilar, City Clerk

\_\_\_\_\_  
RICHARD B. ABRAMS, Mayor

Dated:\_\_\_\_\_

**COUNTY OF GENESEE**

\_\_\_\_\_

\_\_\_\_\_  
WOODROW STANLEY, Chairperson  
Board of County Commissioners

Dated:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
DANIEL T. KILDEE, Treasurer  
(concurring)

Dated:\_\_\_\_\_

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_  
Voting Against: \_\_\_\_\_

**Resolution No. 080225-8D**

**ADOPT ORDINANCE #399, CODIFICATION OF THE CITY'S CODE OF ORDINANCES**

Motion by Councilmember: \_\_\_\_\_

**I Move** the City of Swartz Creek adopt Ordinance #399, An Ordinance Adopting and Enacting a New Code of Ordinances for the City of Swartz Creek, Michigan; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing Penalties and sanctions for the Violation Thereof; Providing for the Manner of Amending Such Code and Providing When Such Code and This Ordinance Shall Become Effective, as follows:

**CITY OF SWARTZ CREEK  
Ordinance No. 399**

An Ordinance Adopting and Enacting a New Code of Ordinances for the City of Swartz Creek, Michigan; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing Penalties and sanctions for the Violation Thereof; Providing for the Manner of Amending Such Code and Providing When Such Code and This Ordinance Shall Become Effective.

**The City of Swartz Creek Ordains:**

**Section 1.** The Code entitled "Code of Ordinances of the City of Swartz Creek, Michigan," published by Municipal Code Corporation consisting of the City Charter Sections 1 to 15, City Ordinances Chapters 1 to 20 and Appendices A & B, each inclusive, is hereby adopted.

**Section 2.** All ordinances of a general and permanent nature enacted on or before June 30, 2007, and not included in the Code or recognized and continued in force by reference therein are repealed.

**Section 3.** The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

**Section 4.** Unless another penalty is expressly provided, and except for those provisions the violation of which is designated to be a municipal civil infraction, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00), or imprisonment for a term not exceeding ninety (90) days, or both. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is enacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

**Section 5.** As to those provisions of the Code the violation of which is a municipal civil infarction, the penalties and sanctions for such violation are those set forth in said Code and/or those provided by state law. In addition to such penalties and sanctions, the city may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

**Section 6.** Any and all additions and amendments to the Code, when passed in the form as to indicate the intention of the council to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code shall be understood and intended to include the additions and amendments.

**Section 7.** Ordinances adopted on or after July 01, 2007, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code being adopted hereby

**Section 8.** This ordinance shall take effect on April 1, 2008

Moved:  
Second:  
Voting For:  
Voting Against:  
Absent:

The Mayor declared the ordinance adopted.

\_\_\_\_\_  
Richard B. Abrams, Mayor

\_\_\_\_\_  
Juanita Aguilar, City Clerk

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. 399 which was enacted by the Swartz Creek City Council at a regular meeting held on the 25<sup>TH</sup> day of February, 2008.

\_\_\_\_\_  
Juanita Aguilar  
City Clerk

**Publish Date:**  
**Paper: The Swartz Creek News**  
**Effective Date: April 1, 2008**

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**City of Swartz Creek**  
**Regular Council Meeting Minutes**  
*Of the Meeting Held*  
**Monday February 11, 2008 7:00 P.M.**

**CITY OF SWARTZ CREEK**  
**SWARTZ CREEK, MICHIGAN**  
**MINUTES OF THE COUNCIL MEETING**  
**DATE 02/11/2008**

The meeting was called to order at 7:00 p.m. by Mayor Abrams in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance to the Flag.

Councilmembers Present: Mayor Abrams, Adams, Mayor Pro-Tem Christie, Hicks, Hurt, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: Assistant City Manager Zettel, City Attorney Figura, Treasurer/Deputy Clerk Deanna Korth, Engineer Lou Fleury.

Others Present: Ron Schultz, Bob Plumb, Jim Florence.

**APPROVAL OF MINUTES**

**Resolution No. 080211-01** **(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held January 28, 2008, to be circulated and placed on file.

YES: Adams, Christie, Hicks, Hurt, Porath, Shumaker, Abrams.  
NO: None. Motion Declared Carried.

**APPROVAL OF AGENDA**

**Resolution No. 080211-02** **(Carried )**

Motion by Mayor Pro-Tem Christie  
Second by Councilmember Hicks

**I Move** the Swartz Creek City Council approve the Agenda as presented for the Regular Council Meeting of February 11, 2008 to be circulated and placed on file.

YES: Christie, Hicks, Hurt, Porath, Shumaker, Abrams, Adams.  
NO: None. Motion declared carried.

## REPORTS AND COMMUNICATIONS:

### City Manager's Report

**Resolution No. 080211-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the City Manager's Report of February 11, 2008, to be circulated and placed on file.

Discussion Took Place.

YES: Hicks, Hurt, Porath, Shumaker, Abrams, Adams, Christie.  
NO: None. Motion declared carried.

Mayor Abrams read aloud a letter sent to him by Ms. Joanne Holmquist:

Dear Mayor and respected members of Council;

This is a letter of appreciation for police officer Jeff Storms for his heroic efforts in administering to our beloved Father Wischmeyer on January 27, 2008. Jeff not only did everything possible to save "Papa", but he gently but firmly quieted panicked parishioners, who although well intended, may have been in the way.

The shock of the situation was overwhelming for those waiting to attend Mass. Jeff's presence and demeanor assured them that whatever could be done was being done. We know Officer Storms grew up in Swartz Creek and had to put his own personal hurt aside and do his job. He did it well, with kindness and compassion. Not only that, he knew of my feelings of heartbreak, so he stopped at my house later that day to make sure I was "OK."

For these reasons, I would like my words of gratitude read into the minutes of your next meeting and ask that each of you extend a hand or give Jeff a hug of thanks the next time you see him.

Thanking you in advance for your kind attention, I remain

Sincerely,

Joanne Holmquist

All other reports and communications were accepted and placed on file.

**MEETING OPENED TO THE PUBLIC:**

Mayor Abrams presented a Proclamation for Father Wischmeyer to his sister-in-law Bonnie Wischmeyer.

**COUNCIL BUSINESS:**

**Construct Phase #1, Non-Motorized Trail System**

**Resolution No. 080211-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**WHEREAS**, it is in the best interest of the public's health, safety, and welfare to create a viable non-motorized transportation network, locally and regionally, to provide residents with safe alternatives to driving, recreational opportunities, and opportunities to connect communities and the natural environment; and

**WHEREAS**, the City of Swartz Creek has adopted a non-motorized trail-way plan that has also been included into the Genesee County Regional Trail Plan; and

**WHEREAS**, the City of Swartz Creek has made investments according to this plan, such as the Miller Road bike lanes, an off-street path on Miller near Elms, improved pedestrian street crossings, and implementation of a sidewalk maintenance program; and

**WHEREAS**, Section 10K of Act 51 requires that 1% (~\$30,000) of the City's Act 51 allocation be spent on non-motorized engineering or construction over a ten year period; and

**WHEREAS**, the City of Swartz Creek intends to bid out a large amount of work to resurface and make other improvements to Elms Road between the city limits and I-69; and

**WHEREAS**, the Elms Road corridor and Elms Park are crucial links in the City's, and the County's trail-way system; and

**WHEREAS**, the City's staff and engineer have been working diligently to make conceptual plans, estimates, and funding arrangements to complete a phase of the trail from the Elms and Miller intersection to the Consumer's Power Company easement at the northeast end of Elms Park; and

**WHEREAS**, the State of Michigan awards Enhancement Grants to assist in the construction of these trails by matching up to 80%; and

**WHEREAS**, the Ruth Mott Foundation may also be able to assist with the local match portion of the grant.

**NOW, THEREFORE, BE IT RESOLVED** that the Swartz Creek City Council approve the City staff to pursue Option #2 of the trail proposals, being a total estimated project cost of \$178,980 with estimated local match portion of \$73,294, a copy of which is attached hereto, and further, apply to the State of Michigan and Ruth Mott for funding assistance.

Discussion Ensued.

YES: Hurt, Porath, Shumaker, Abrams, Adams, Christie, Hicks.

NO: None. Motion Declared Carried.

**MDOT Trunk-Line Right of Way Performance Resolution for Governmental Bodies**

**Resolution No. 080211-05**

**(Carried)**

Motion by Councilmember Adams  
Second by Councilmember Hurt

**WHEREAS**, the City has applied for and received funding to repair and resurface a section of Elms Road from the I-69 Viaduct to the North City Limit, a section of which will cause for work in the Interstate No 69 Right-of-way under the control and jurisdiction of the Michigan Department of Transportation; and

**WHEREAS**, in order to secure such permits for work within Michigan Department of Transportation Rights of Way, a Performance and Resolution for Governmental Bodies is required.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Swartz Creek approve application to the Michigan Department of Transportation for a Performance Resolution as follows:

**PERFORMANCE  
RESOLUTION FOR GOVERNMENTAL BODIES**

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Trunkline Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Trunkline Right of Way" (form 2205B).

**RESOLVED WHEREAS**, the City of Swartz Creek, hereinafter referred to as the GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to Construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;



**NOW THEREFORE**, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

2. The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

**BE IT FURTHER RESOLVED**, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL BODY:

City Manager  
Assistant City Manager  
Director of Department of Public Services  
City Engineer

**I HEREBY CERTIFY** that the foregoing is a true copy of a resolution adopted by the Swartz Creek City Council of the City of Swartz Creek, Genesee County Michigan, at a Regular City Council Meeting held on the 11<sup>th</sup> Day of February, 2008 A.D.

Signed \_\_\_\_\_, Juanita Aguilar, City Clerk for the City of Swartz Creek

Discussion Took Place.

YES: Porath, Shumaker, Abrams, Adams, Christie, Hicks, Hurt.  
NO: None. Motion Declared Carried.

**Agreement To Extend Garbage Collection, Swartz Creek Estates**

**Resolution No. 080211-06**

**(Failed)**

Motion by Councilmember Hurt  
Second by Councilmember Shumaker

**WHEREAS**, the City is a municipal corporation that provides a variety of community services, including the collection of refuse, yard waste and recyclables under a contract with Republic Waste of Wayne Michigan; and

**WHEREAS**, the City funds its waste collection program with a levy set by the City Council, limited to a maximum of 3 mills, as defined by the Michigan Headlee Amendment, across all real and personal property tax rolls, such levy collected with the summer tax; and

**WHEREAS**, the City limits the collection of waste to single family residential parcels, or such parcels that substantially correspond to a single family residential parcel; and

**WHEREAS**, the City, under individual agreements, has extended its waste collection program to private subdivisions that were developed under the Michigan Condominium Association Act, provided, such associations substantially correspond to a single family or duplex residential development; and

**WHEREAS**, Swartz Creek Estates, a manufactured housing community to which a single housing unit is located on an individual lot, has formally requested to receive waste collection services and is willing to enter into an agreement with the City for such services; and

**WHEREAS**, the City staff has reviewed the request and determined that Swartz Creek Estates is substantially similar to other single-family residential parcels, or such parcels that substantially correspond to a single-family residential parcel or subdivision, inclusive of both private associations and platted subdivisions.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Swartz Creek hereby extend its curbside waste collection program to Swartz Creek Estates, under an agreement to which a copy is attached hereto, in accordance with the terms of the agreement the City has with its contracted waste collection provider, and further, direct the Mayor and City Clerk to execute the agreement with Swartz Creek Estates on behalf of the City.

Discussion took place.

YES: Hicks.

NO: Shumaker, Abrams, Adams, Christie, Hurt, Porath. Motion Declared Failed.

### **Affirmation of Mayor's Proclamation, Law Day Observance**

**Resolution No. 080211-07**

**(Carried)**

Motion by Councilmember Porath

Second by Councilmember Hurt

**I Move** the City of Swartz Creek Council affirm the Mayor's Proclamation in observance of Law Day, as follows:

**WHEREAS**, this country was founded that the principle that voluntary adherence to the rule of law expands, rather than, limits, the opportunities for freedom; and

**WHEREAS**, a viable democracy required understanding of the nature and basis of our freedoms and recognition of the individual responsibilities which those freedoms impose; and

**WHEREAS**, Law Day 2008's 50<sup>th</sup> anniversary theme of "The Rule of Law: Foundation of Communities, Opportunity, and Equity" encourages all to examine the rule of law, our role in its sustainability, and its role in protecting our communities, our democracy, opportunity, equity, and all that is most precious to us.

**NOW THEREFORE I Richard B. Abrams**, the Mayor of the City of Swartz Creek do hereby proclaim Thursday, May 1 2008 as Law Day. I urge the citizens, schools, businesses, legal professionals, and the media for the City of Swartz Creek to use this occasion to preserve and strengthen he rule of law.

**IN WITNESS WHEREOF** I have hereunto set my hand this 11<sup>th</sup> day of February, in the year of our lord 2008, and the independence of the United States of America, the two-hundred and thirty second.

YES: Abrams, Adams, Christie, Hicks, Hurt, Porath, Shumaker.

NO: None. Motion Declared Carried.

### **Veterans Park Committee, Recognize As Community Charitable Organization**

**Resolution No. 080211-08**

**(Carried)**

Motion by Mayor Pro-Tem Christie  
Second by Councilmember Hicks

I Move the City of Swartz Creek, at the request of the Veterans Park Committee, a not-for-profit charitable organization located in Swartz Creek, Genesee County, Michigan, hereby recognize and proclaim that the organization is a not-for-profit charitable entity engaged in the business of community service by raising funds and construction of a public memorial for veterans of all branches of the United States Military, and further, recommends that the Michigan State Lottery and Gaming Commission consider and approve a license to conduct raffles for the purpose of raising funds.

Discussion Ensued.

YES: Adams, Christie, Hicks, Hurt, Porath, Shumaker, Abrams.

NO: None. Motion Declared Carried.

### **Annual Membership, Genesee County Recycling Coalition**

**Resolution No. 080211-09**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

I Move the City of Swartz Creek continue its membership in the Genesee County Recycling Coalition and further, approve the annual membership payment of \$750 to the organization.

Discussion Took Place.

YES: Christie, Hicks, Hurt, Porath, Shumaker, Abrams, Adams.

NO: None. Motion Declared Carried.

**Proposed I.P.P. Sewer Ordinance**

**(Discussion Topic)**

Assistant City Manager Zettel made a brief presentation about the Industrial Pollution Prevention Sewer Ordinance.

Discussion Ensued.

**Overhead Utility Project**

**(Discussion Topic)**

Attorney Figura gave the City Council an update on the project. He went over the points of the draft of a contract with Trison Engineering.

Discussion Took Place.

**Abandoned Marathon Station, Blight Options**

**(Discussion Topic)**

Assistant City Manager Zettel spoke about the basic options that the City could use to approach the blight problem with the Marathon station. He talked about the “do nothing” approach with the sign; the option to take the Marathon owner to circuit court; enforcement of the ordinance to take the sign down and charge the cost against the property; or to use the municipal civil infraction process, which is recommended by Mr. Figura as it is much faster and cheaper.

**MEETING OPENED TO THE PUBLIC:**

None.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Porath questioned the May 6<sup>th</sup> elections; wondering if it applies to the City in any way. Mayor Abrams advised that it was for school elections.

Councilmember Shumaker talked about the reminder notices that were sent out for the Winter 2007 taxes. He questioned the word “delinquent” on the notices. Mr. Shumaker also talked about the turn lane on Miller Rd. He stated that the turn lane doesn’t get plowed. He expressed concern and stated that he would like it looked into.

Councilmember Hicks questioned whether Heritage Park belonged to the City at this time. Asst. City Manager Zettel stated that the City has the property but not officially a park yet. Mr. Zettel stated that it is still in the planning stages at this time. Ms. Hicks questioned the decals in the bike lane on the road—whether they had to be maintained as well as the signs. Mr. Zettel stated that they would be replaced as needed.

Councilmember Hurt spoke about a traffic incident that he witnessed on Miller Rd. near Seymour. He stated that he hoped when the county did the re-striping on the roads, that the problem would be taken care of.

**ADJOURNMENT:**

There being no objection, Mayor Abrams declared the meeting adjourned at 8:48 p.m.

Richard B Abrams, Mayor

Deanna Korth, Treasurer/Deputy Clerk

# CITY OF SWARTZ CREEK

## STATUS OF ROWE PROJECTS

February, 2008

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1. **CONSTRUCTION – S. Seymour Road Project:**

- A public informational meeting has been scheduled for March 12, 2008 from 6:00 to 7:00 pm. Rowe and the contractor will be in attendance to discuss the project and answer any questions.

2. **DESIGN – Elms Road Improvement Project:**

- Final plans have been submitted to MDOT and the project will be let April 4, 2008.
- The approximate construction schedule will be July, 2008 thru October, 2008.

3. **SANITARY SEWER REHABILITATION:**

- Two proposals were received. City staff is currently evaluating the submittals and will have a recommendation to council for the March 10, 2008 meeting.
- The goal of the RFP will be to establish a 4 year contract for sewer rehabilitation in the Winchester Village Subdivision.

4. **SAFETY PROJECTS:**

- Rowe has completed two grant applications for the following safety projects that have been identified by City staff:
  - Morrish and Fortino intersection realignment – This project will involve relocating approximately 500 feet of Fortino Drive further north to increase left hand turn visibility.
  - Miller and Seymour signal upgrade – The proposed scope of work will include replacement of the span-wire signals with mast arm signals, pavement markings and ADA accessible sidewalk ramp upgrades.

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Prepared by:



Rowe Incorporated • Post Office Box 3748 • Flint, MI 48502 • 810-341-7500

**CITY OF SWARTZ CREEK  
BRISTOL ROAD TIP PROJECT**

February, 2008

The Genesee County Planning Organization has contacted us for the status of the Bristol Road project. This project has been programmed on the County's TIP list for FY 2008, (in our application for funding we requested funding for FY 2009). Construction will involve the mill and resurface of Bristol Road from Miller Road to the prior phase of Bristol Road constructed in 2006. The following summarizes the funding breakdown for this project (see TIP list attached):

CONSTRUCTION:

Federal	\$75,000
<b>Local</b>	<b>\$81,000</b>
<hr/>	
TOTAL	\$156,000

DESIGN:

<b>Local</b>	<b>\$7,000</b>
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INSPECTION:

<b>Local</b>	<b>\$24,000</b>
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Total Local Match     $\$81,000 + \$7,000 + \$24,000 = \mathbf{\$112,000}$

The following options could be applied to this project:

1. Construct the project this year (plans would need to be in to MDOT by 3/31 for an August letting, this would allow for a fall construction).
2. Obligate the funds this fiscal year and construct in '09 – The cost to the city this fiscal year would be \$7,000 for design, plans would need to be in to MDOT by 4/25 for a September letting).
3. Request the project be pushed back to a later year.



# 2008-2011 Genesee County Transportation Improvement Program

County	Jurisdiction	Project Name	Limits	Length	Primary Work Type	Phase	Advance Construct	Federal Costs (\$1000s)	Federal Fund Source	State Costs (1000s)	State Fund Source	Local Costs (1000s)	Local Fund Source	Total Costs (1000s)	MDOT Job No.	Local ID No.
<b>2008</b>																
Genesee	City of Grand Blanc	Bella Vista Dr. Advanced Construction Conversion	Saginaw Street to West of Via Catherina Drive	0.10	Reconstruct	CON	ACC 2008	309	STU	0		77	CITY	386	84672	836
Genesee	City of Swartz Creek	Bristol Road	Eastern GM Entrance to Miller Road	0.10	Resurface	CON		75	STU	0		19	CITY	94		1121
Genesee	City of Swartz Creek	S. Seymour Rd. Advanced Construction Conversion	Miller Road to North Hill Road	1.00	Reconstruct	CON	ACC 2008	501	STU	0		125	CITY	627		853
Genesee	FSAMM	Purchase Vehicles	Genesee County	0.00	Transit Vehicle Replacement	T-Cap		73	5310	18	M	0		91		1287
Genesee	GCARC	Purchase Vehicles	Genesee County		Transit Vehicle Replacement	T-Cap		137	5310	34	M	0		171		1277
Genesee	GCMPC	I-475 Extension Feasibility Study - HPP #1762	Study		Studies	PL		480	HPP	0		120	CNTY	600	86891	692
Genesee	GCMPC	Rideshare Program	Genesee and Lapeer Counties		Miscellaneous	CON		75	CMG	0		0		75		875

**HENNEKE, MCKONE, FRAM & DAWES**

ATTORNEYS AND COUNSELORS AT LAW

PROFESSIONAL CORPORATION

2377 SOUTH LINDEN ROAD

SUITE B

FLINT, MICHIGAN 48532

www.hmfdlaw.com

EDWARD G. HENNEKE  
CHARLES R. MCKONE  
SCOTT R. FRAM  
BARBARA CONFER DAWES  
MATTHEW S. MCKONE

TELEPHONE  
(810) 733-2050

FACSIMILE  
(810) 733-0100

January 22, 2008

Patriot Ambulance Service, Inc.  
Attention: Ms. Shirley Burchett

RE: Genesee County EMS Ordinance

Shirley:

I wanted to write to you to update you on matters regarding the new Genesee County EMS Ordinance ("Ordinance"). As you know, the Genesee County Board of Commissioners adopted the Ordinance on December 4, 2007. I wanted to point out certain provisions of the Ordinance and certain legal issues that are applicable.

1. The Ordinance splits Genesee County into two "zones": A "North Zone" and a "South Zone". The boundary would be at the mid-lines of Pasadena and Potter Roads. The City of Flint is included in the North Zone, while Bishop Airport is included in the South Zone.
2. The Ordinance requires the County to contract with a single ambulance operation in the North Zone and a single ambulance operation in the South Zone or even a single ambulance operation for the entire County. Only the ambulance operation selected by the County will be permitted to conduct both emergency and non-emergency ambulance transports within the County. Any other ambulance provider, even though fully licensed by the state, which attempts to provide any service in the County will be punished by a fine of \$500.00 and imprisonment not to exceed 90 days, or both, for each violation.

Almost all of the current ambulance providers are smaller local businesses, some of which have been in business in this County for over 30 years. I do not know if any of the current providers are large enough to

cover the entire North or South zones. As you know, many of the current ambulance providers requested the County to draft the Ordinance to allow current ambulance operations to continue to operate. Obviously, the County rejected this request and instead adopted an Ordinance that will likely result in none of the current ambulance providers being able to perform ambulance services even though they are fully licensed to do so.

3. The Ordinance requires the County to take bids from ambulance operations to determine which ambulance operation will be awarded either the entire County or one of the zones. Unfortunately, the Ordinance does not set forth any bid criteria and therefore it is unknown how the County would select this provider. The selection criteria is further problematic as Genesee County will not be paying for, or providing any subsidies, for, ambulance services. Therefore, traditional bid criteria, such as low bidder, would be inapplicable. Since it is presumed that all companies bidding for the contract would be properly licensed by the state, it is unknown how the County would determine how it would select one ambulance provider over the others.
4. The Ordinance provides that it is adopted under the authority of MCL 333.20948 (1) and (3). This statute provides that "a local governmental unit" may contract with a person to furnish ambulance services and/or may enact an ordinance regulating ambulance operations so long as such an ordinance is not in conflict with or less stringent than the requirements of the public health code. The statute defines a local governmental unit to mean a county, city, village, charter township, or township. This statute does not provide that only a county may adopt an ordinance such as the one adopted by Genesee County, it does not provide that only the county can contract for ambulance services, nor does it provide that the county can contract for ambulance services to the exclusion of any other licensed ambulance operations conducted in the County. Therefore, under this statute any city, village, charter township, or township within Genesee County has the same authority as the County itself to contract for ambulance services and to enact ordinances regulating ambulance operations to the extent allowed by the statute.

I understand a number of local municipalities have taken issue with this Ordinance. Many municipalities have long-standing relationships with current ambulance providers who provide high-quality and localized service to the residents of the local municipalities. Under the Ordinance, all local municipalities would lose the right to engage their own preferred ambulance provider and would have no right to alter, change, or terminate the services provided by the ambulance provider selected by the County if the local municipality were unhappy with those services. The cities, villages, charter townships, and townships in Genesee County should know they each have the same authority regarding contracts with

ambulance operations and ordinances regulating ambulance operations as the County does. I do not believe the County Ordinance maintains any priority over the other local governmental units in this regard and therefore local units of government can consider if they wish to opt-out of the Ordinance. Michigan law is clear that a county ordinance may not interfere with the local affairs of a township, city, or a village within the limits of the County. Local units of government that do not actively oppose the Ordinance may by default lose their right to choose their own ambulance provider. Local units of government that feel the County Ordinance is not right for the residents of their jurisdiction or believe that it interferes with their local affairs should consider opting out of the Ordinance, should consider contracting with an ambulance operation of their own choosing, and/or establishing their own ordinance relating to ambulance operations.

5. The Ordinance creates a new County department entitled "Office of Emergency Medical Services" headed by a newly created position titled "Emergency Medical Services Coordinator". The EMS Coordinator is appointed by the Board of Commissioners. The office is intended to assist the Board of Commissioners in oversight of the new EMS system as envisioned by the Ordinance.

The Michigan Public Health Code, MCL 333.20918, provides that the Michigan Department of Public Health shall designate a local medical control authority ("MCA") for each Michigan County. Under MCL 333.20919, the local MCA is entrusted with the authority to establish protocols for the practice of life support agencies and licensed emergency medical services personnel within its region. These include the responsibility to establish protocols regarding the acts, tasks, and functions of ambulance service providers, dispatching of ambulance service providers, and defining the process, actions, and sanctions that may be used in holding a life support agency or personnel accountable. Therefore, under Michigan law, the appropriately designated MCA has the responsibility of regulating emergency medical operations in this County. It would appear the Ordinance infringes upon MCA's authority.

6. The Ordinance establishes new equipment standards for ambulance providers, requiring automatic vehicle locators, 800 MHz radios, and any other equipment the office of Emergency Medical Services requires.

Under a federal grant from the Health Resources Services Administration for Bio-Terrorism and Disaster Preparedness, in approximately August 2006 enough 800MHz radios were purchased so that each ambulance in this county would have one. These radios will enable direct radio contact with 9-1-1 centers, other emergency vehicles and even other agencies not only within Genesee County, but across the entire state as well. These

radios were meant to be put into service at the earliest possible time to enable emergency service providers to communicate with one another.

The ambulance providers have repeatedly requested that the 800 MHz radios be distributed and have requested cooperation from the Genesee County 9-1-1 consortium and MCA to allow installation of automobile vehicle locators (AVL's) so that the ambulance closest to a scene might be dispatched to it. These requests have repeatedly been refused without adequate explanation. Even the county's consultant recommended in his report in September 30, 2005, that the county immediately allow ambulances to install radio communications that interface with 9-1-1. As you know, had the radio and AVL equipment been put into use, concerns regarding the closest, most appropriate unit being dispatched to emergencies in a timely manner, would have been eliminated, and the few instances of prolonged response times, as reported by the news media, could have been avoided.

I would note that when the Ordinance is implemented by the County, it will then allow the ambulance provider selected by the county, to use the 800 MHz radios and AVL equipment long sought by the current providers.

7. It is unknown how the County will fund the implementation of this Ordinance. I would expect there would be significant increased costs for the implementation and operation of this Ordinance as compared to the cost of the current emergency medical system. The Ordinance creates the new County office of Emergency Medical Services and the new position of Emergency Medical Services Coordinator. We also heard Lloyd Fayling speak at the local municipal township's association the other day explaining the additional costs that will be incurred to bring Flint City 9-1-1 into the County 9-1-1 system, the cost for necessary upgrades and equipment and the additional six dispatchers that will be required to operate the new system. Further, Mr. Fayling indicated that the cost of bringing City of Fenton 9-1-1 into the County 9-1-1 system is unknown as the Fenton 9-1-1 system is completely incompatible with the County 9-1-1 system. The only indications of current sources of funding are Mr. Fayling's comments that the Board of Commissioners intend to use funds from the paramedic's millage for these purposes and the reference in the Ordinance itself that the County levies the "EMS" millage (formerly known as the Paramedics Millage). Other municipalities we have reviewed across the country that have gone to a countywide EMS system generally appear to result in a much greater expense to operate.
8. The Ordinance contemplates there will be one countywide 9-1-1 system. This, of course, would require the City of Flint and City of Fenton 9-1-1 centers to consolidate with Genesee County's 9-1-1 (assuming City of Fenton can be incorporated since we are advised it is completely

incompatible with the County system). All local units of government have the choice of utilizing the County 9-1-1 system or establishing their own 9-1-1 system (as cities of Flint and Fenton currently do). Statutes pertaining to 9-1-1 systems allow local units of government to combine forces to operate a 9-1-1 center but do not allow a county to force separate centers to combine together. At the local municipal township's meeting, Mr. Fayling was asked how his office would handle 9-1-1 calls originating in a local municipality that had chosen to opt out of the County's ordinance. Mr. Fayling indicated he did not know how his office would handle that or whether the County had the authority to preclude 9-1-1 from dispatching an ambulance provider contracted by the local municipality as opposed to the ambulance provider selected by the County. It should be noted that both the State 9-1-1 Act and the MCA protocol require a 9-1-1 dispatch center to notify the closest most appropriate emergency vehicle and dispatch according to their emergency medical dispatch system. There is nothing in the 9-1-1 Act that would allow 9-1-1 to refuse to dispatch an ambulance provider selected by a local municipality (rather than the County) if the provider was closest to the origin of the call and was adequately equipped for that particular emergency. I would certainly hope the County would never take a position that they would refuse to dispatch an ambulance provider selected by a local municipality to an emergency call within that municipality simply because the ambulance provider was not one selected by the County.

As always, should you, any ambulance provider, or any local governmental unit have any other questions regarding these matters or require additional information, please do not hesitate to contact me.

Sincerely,



SCOTT R. FRAIM

/bb



Office: 810.742.5391 Fax: 810.742.5366  
 Emergency 24 hour Dispatch 810.742.5449  
 Lapeer County Residents dial 810.664.6601

FAX

Date: 2/19/08  
 To: Paul Fax#: 635-2887  
 From: Jim Grady Phone #: \_\_\_\_\_  
 Pages (including Cover Sheet): 6  
 Re: follow up

General    Informational    For Review    Please Comment    Please Reply

The information in this transmission may contain confidential information that is privileged and legally protected from disclosure. This information is intended only for the use of the individual or entity named above. If you have received this information in error, please notify the sender and destroy this facsimile. Thank You. Patriot Ambulance Service

[www.patriotambulance.net](http://www.patriotambulance.net)

[www.patriotambulance.net](http://www.patriotambulance.net)

# Steps Leading to adoption of EMS Ordinance

- In early 2005, the Genesee County Board of Commissioners (County) published a request for bids to audit the EMS millage in Genesee County. For reasons that are still unknown, the county selected the highest out-of-state bidder over local, more affordable consulting firms. An EMS consulting firm from Missouri by the name of Fitch and Associates (Fitch), owned and operated by Jay Fitch was contracted on June 6, 2005 for the amount of \$94,700.00. This fee was paid for by the County
- On September 30, 2005, Fitch issued its consultant's report. This report attempted to profile the current EMS system, make recommendations for immediate actions, address identified critical issues, and explore options for the future of the Genesee County EMS system. Listed below are four key points to what the Fitch report found.
  - Data captured does not support meaningful analysis
  - The three 911 centers function independently of each other
  - The Genesee County Medical Control Authority (EMS governing body) is understaffed and underfunded. This severely limits its ability to provide meaningful oversight
  - Fitch could only provide estimates of response times based upon the documentation that was available and could neither warrant nor independently validate response times for the current EMS system
- The September 30, 2005, report recommended the following immediate actions be taken by the County:
  - Require radio contact between ambulances and 911 dispatchers.
  - Redefine response times to start with medical call receipt and end with arrival of transport unit and express response times as minutes and seconds.
  - Gain agreement from Genesee County 911 to provide raw data and monthly reports to MCA and providers based on CAD data.
- To date, none of these immediate actions were ever implemented by Genesee County.
- On December 22, 2005, Fitch was contracted (without a bid process) to identify operational and financial models for delivery of emergency medical transport services countywide for an additional \$35,294.59.
- On February 22, 2006, a Fitch-escorted party of County officials, including Commissioners, took a County-paid trip to Pinellas County, Florida to view the EMS system there. The vast economical and operational differences between Pinellas County and Genesee County were pointed out to them by the providers. The providers also questioned why they did not go to an area more like Genesee County.



- On April 5, 2006, Fitch presented its Ambulance Transport Option Analysis Report to the Genesee County Board of Commissioners. The Board of Commissioners restricted Fitch's consulting task and as a result, this report reviewed and made recommendations only with regard to ambulance transport options and neither addressed nor made recommendations as to any other deficiencies in the EMS system (i.e. the roll and authority of MCA, corrections to the operations of the county 911 center, the most efficient use of EMS millage funds, etc). It appeared as though all of the governmental units were "hands off" and the focus turned to eliminating the very ambulance providers that the MCA and the County should be supporting. This report also leaned heavily towards setting up a cumbersome and cost prohibitive Public Utility Model EMS system similar to that of Pinellas County, Florida and Richmond, Virginia. This is essentially an EMS system that would be "owned" by the County, transportation subcontracted to one large ambulance company and supported by a subsidy. This type of system makes it illegal for any other licensed ambulance provider to perform any services in the county.
- On April 9, 2006, a similar party of County officials took a County-paid trip to Richmond, Virginia to view the EMS system there. While the economical situation (based on census data) is more similar to Genesee County than Pinellas County, the Richmond EMS system is still a Public Utility Model which is very expensive for the tax payers to operate and does not result in an improvement in services.
- On April 20, 2006, a cooperation of ambulance providers submitted to the Genesee County Board of Commissioners, a seventeen page document titled "Ambulance Providers' Reply" to the Fitch Reports. In it, the vast differences between the first and second Fitch reports are outlined along with the major inaccuracies in the raw data that was "estimated" by Fitch. The Ambulance Providers' Reply was so overwhelmingly irrefutable that the County had no other choice but to agree to invite ambulance providers to attend the EMS Subcommittee that had been formed to restructure the EMS system in the county.
- On May 1, 2006, the ambulance providers submitted a letter to the Genesee County 911 Consortium at their regular board meeting. This letter was a request for permission to start the research and purchasing phases of 800 MHZ radios and Automatic Vehicle Locators (AVLs) with the assistance and direction of the Consortium. The 911 Consortium stated that a subcommittee would be formed and they would discuss our request with us. That never occurred.
- The providers started to research large, county-wide monopolies across the country. Below is a sample of the information uncovered about these systems.
  - Redwood City, Santa Cruz County California: Contracted AMR Ambulance (a large, nation wide conglomerate) failed to meet response times for three months amassing fines of \$167,000. It was also a regular occurrence that ambulances were not available or come from distant cities. Additionally, there have been times that fire department first responders were required to transport patients because the responding ambulances were not adequately staffed. AMR vowed to increase their staffing, increasing costs.

- Fort Worth, Texas: Contracted Rural/Metro Ambulance (a large nation wide conglomerate) defaulted on their contract with the city because of failure to meet contractual obligations, amassing almost one million dollars in response time fines. Rural/Metro decided to pull out of Fort Worth shortly thereafter with no word on who would replace them. It was reported that the decision to leave Fort Worth reflected the company's desire to get a strong balance sheet and have only profitable contracts.
  - Kansas City, Missouri: Metropolitan Ambulance Services Trust (MAST,) a large Public Utility Model in Fitch's home state, hired a new executive director to try and "overcome a financial collapse..." and stabilize its financial situation. Current budget plans call for a shortfall of more than one million dollars. Officials hope to narrow that deficit with a health levy increase (subsidy).
  - For a local example of a failed conglomerate, AMR ambulance (operating in Oakland County) abruptly ceased operation on December 31, 2006. AMR purchased several smaller providers in southern Michigan before abandoning Oakland County, leaving other providers in and around Oakland County scrambling to cover the area.
- These examples paled in comparison to these two facts that were discovered about Fitch and Associates and Jay Fitch, PhD:
1. The Fitch and Associates website (which has since been changed after this information was discovered) and Fonemed (a leader in personal health management) state Jay Fitch, PhD earned his PhD degree with specialization in Organizational Development from William Lyon University in San Diego, California in 1987. The problem with this fact is William Lyon University is contended by many to be a diploma mill and was shut down. It later became American Commonwealth University. When this information was brought to the attention of not only the EMS Subcommittee, but the Chairman of the Board of Commissioners, nothing ever came of it. The County did not act upon this information.
  2. It appears that Fitch and Associates were key in helping several other ambulance providers in the counties surrounding Genesee County set up a large ambulance cooperative called Mobile Health Resources (MHR.) This company was formed by seven large Michigan ambulance companies to compete with the nationwide ambulance companies for healthcare system and municipality contracts. MHR could likely become a competitor seeking to obtain the contract from Genesee County to provide all ambulance services in this county.
- June 2006, Bobby Pestronk, Director of the Genesee County Health Department, met with all of the EMS providers in the County and submitted a document to them asking for all of their information in regards to collection rates, prices, amount collected, transport volume, response times, who they have contracts with and hospitals that the providers service. When asked, Mr. Pestronk confirmed that this information would be given to

Fitch. In light of the information uncovered about Fitch along with the advice of legal counsel, most of this information was deemed private and proprietary and most of the providers would not submit this information to Mr. Pestronk in fear of it being used against them.

- August 2006, Genesee County Medical Control received enough 800 MHZ radios (through a federal grant) to outfit every ambulance and supervisor's vehicle in the County. These radios were promptly placed in a closet at Medical Control and never disbursed to the providers, despite the providers' pleas. NOT disbursing them as was indicated during the grant approval process, is likely a violation of the grant that funded their purchase. When the tornado hit the Fenton area on August 24, 2007 ambulance providers had no direct communication with fire, police, 911 or other emergency personnel. This exposed residents and ambulance providers to potential harm and unnecessary delay. The providers informed the Medical Control that this was inexcusable. Still, the radios were never disbursed.
- September 2006, providers contract the very well known governmental consultant group Rehmann-Robson (Mark Nottley, CPA) of Kalamazoo, MI to provide their own assessment of the system and make recommendations on improvements to the system. Mr. Nottley was instructed to give a completely open, unbiased assessment of the system and the Fitch reports.
- November 1, 2006, Mark Nottley and the providers made a Presentation on System Options to the EMS Subcommittee. One of the Commissioners expressed her displeasure with the providers bringing someone else in on the EMS issue and left halfway through the presentation. The presentation outlined the flaws and strengths of the present Genesee County EMS system and offered excellent alternative means of fixing the problems in the system as opposed to re-inventing the wheel, without putting anyone out of business and without an ordinance. Below are examples of those deficiencies outlined by Mr. Nottley:
  - Lack of oversight by an underfunded, understaffed Medical Control agency
  - Loosely defined metrics and performance measurement system
  - Lack of solid performance data to continue forward from this point
- The November 1, 2006 providers' report also outlined recommendations to improve the current EMS system. Some of those recommendations:
  - Generate the data necessary to make an informed decision on the future of the System by requiring 911 upgrades, MCA administration and funding, streamlining and enhancing MCA operating procedures and protocols.
  - Continue to utilize the current system with some enhancements that address noted deficiencies.

- Develop Data Management System for 911 to generate response data
  - Require AVL, direct 800MHZ radio communication, and Computer Aided Dispatch (CAD) technology for all ambulances
  - Move away from requiring ambulances to respond from bases and toward allowing ambulances to post at identified locations throughout the county. This single improvement would cut minutes from response times regardless of what they may currently be
- From November 2006, until July 2007, there were semi-regular EMS subcommittee meetings in which discussion about ways to implement suggestions and overall system design were discussed. The providers even introduced a well structured two year plan to systematically address each system deficiency. Most of these suggestions would require the provider to incur costs to themselves without causing the County to bear any costs. There were several e-mails sent back and forth from the providers to the Chairman of the Board of Commissioners. E-mails from the Chairman urged the providers to lay low and “don’t let anyone in your group make waves at this time,” the details of the new system are being worked out. During this time frame, the EMS Subcommittee was presented with a letter from Lloyd Fayling, director of the Genesee County 911 Center, announcing its intent to work with the County on consolidating medical dispatching into one center.
  - In July of 2007, the Genesee County Corporate Counsel along with Bobby Pestronk, present a draft of an EMS Ordinance to the Genesee County Board of Commissioners. Upon reviewing this draft ordinance with legal council, the providers submitted a detailed reply through their attorney addressing the numerous legal issues and operational shortfalls of this proposed ordinance. Again, the providers professed their willingness to be included in the process of restructuring the EMS system in Genesee County, while at the same time expressing grave concern over the language of the proposed ordinance.
  - November 7, 2007, Attorney Celeste Bell, Genesee County Corporation Counsel, presented an Ordinance Concept Summary to the Board of Commissioners. In essence, it suggested a hybrid system that utilizes both the ambulance providers’ and the County’s system designs. It would provide for a system without flaws that would not cost the County an unbearable amount of money and would not put any ambulance services out of businesses or put any EMTs/Paramedics out of a job. Some of the providers met with Ms. Bell immediately after the meeting to discuss the next step. Ms. Bell also asked Jim Grady, Director of Operations for Patriot Ambulance Service Inc. to evaluate the document, submit his opinion on it and determine where the next step should lead. Mr. Grady submitted that documentation the next day.
  - November 13, 2007, An EMS Subcommittee meeting was scheduled to work out the final details of the ordinance and the providers were invited to attend by the Chairman of the Board. When the providers arrived for the meeting, they were promptly turned away and

told that the meeting was a “closed meeting.” Several commissioners were observed walking into this meeting along with County department heads.

- December 4, 2007, The Genesee County Board of Commissioners met to provide the public hearing on and to vote in favor of adopting the Genesee County Ambulance Operations and Emergency Medical Services Ordinance. This ordinance was completely opposite from the Ordinance Concept Summary that the providers were lead to believe would be voted on. This ordinance was no more than an elaborated version of the July, 2007 ordinance draft. The legal issues and operational shortfalls had not been remedied. The vote was 9-0 in favor of this ordinance.

The County has promoted this ordinance based on its contention that there is a lack of quality service by current providers and inadequate response times. However, Fitch did not find any significant quality of service problems with the current providers and without the use of AVLs and CAD technology, there is no way for the County to determine if current response times are adequate or inadequate.

**Date: February 20, 2008**

**To: Dick Figura**

**From: Dale Stevens**

**RE: Swartz Creek Utility Pole Inventory**

First of all, thank you for the opportunity to discuss Swartz Creek's utility pole inventory goals. As discussed we have reviewed the draft of the scope and have sent the proposed contract to our attorneys for review. Though we have yet to hear back regarding the contract, we do have observations regarding the scope that we would like to get your thoughts on.

A number of months ago we reviewed the thesis performed by Nathan Beauchamp which questions the durability and safety of 458 utility poles located along, Bristol, Dye, Elms, Morrish and Miller Roads in Swartz Creek. As a result, generally we understand that Swartz Creek is looking for a firm to oversee deeper research of these poles and coordinate the various experts that may be needed in the event the issue ends up in litigation. (i.e. it is possible y that Structural and Electrical Engineers would end up having to testify as to the accuracy of Trison's findings.)

More specifically, Trison needs to obtain more information on the desired scope. Would it be true for example that the presumed report depth requested may be considered similar to the 8/12/2002 report performed by Peter J. Derkos of the Michigan Public Service Commission which involved MPSC case number U-13522? Unlike U-13522 though, specifically Swartz Creek may also be looking for additional structural information also which we would like to verify ahead of time.

Disputes over ownership and maintenance responsibilities of utility poles are as old as the poles themselves. The reason is that, in some cases, the government has legislated how pole attachments are to be rented and that pole owners must make poles available to other companies "for their attachments" so as to limit the amount of utility poles in use. While questions like who is using the pole for what reason, are simple questions to answer, questions like "who actually is responsible for maintenance" is less easy to understand.

For example if TCLP puts up a 70' high wood utility pole for transmission lines, or if they put up a 40' pole for distribution, other entities can use it if they are willing to rent space on the pole. Examples include; Comcast or Verizon for communication lines or the City of Traverse City for Street lights, Cross Walk Signs or Street Signs.

The point is, use of an existing pole often cannot be denied. All too often though, when something breaks on the pole, each party points their fingers at the other party as to who should fix it. The argument then often becomes who then is responsible for maintenance? For example, if a communications lines and distribution lines loosen and become

entangled, who is responsible to fix it, the communications company or the distribution line and pole owner? Likewise who then maintains the rot level of the post it when for example the power company re-routes their lines and abandons their post, and communication companies continue to use the post.

Questions like these drive many disputes. Questions like these also keep the Public Services Commission's busy which drive the need to continually update the National Electric Safety Codes.

In a perfect world these disputes would be solved through a simple reading of the required Shared Use Agreements AKA Pole Attachment Agreements that are supposed to be on record each attachment. The agreements are supposed to spell out who is responsible for maintaining what. Unfortunately records get lost or the issues get clouded with incomplete records and disputes between utility companies and public safety commissions. As a result, many utility poles do not get adequate maintenance and then become injury issues when they fall and hurt someone. These injuries fuel organizations such as the Inner Circle of Forensic Investigators who specialize in injury related plaintiff 8500 Pena Blvd Denver, CO 80249work. [www.icinvestigators.com](http://www.icinvestigators.com).

**The following is the scope of work provided to Trison**

SCOPE OF WORK - TRISON

1. Augment report done by intern to:
  - a. Determine owner of each pole
  - b. Determine each service using each pole where pole serves more than one user
  - c. List poles still in place but not being used
  - d. Develop a map or maps showing location of each pole with color coding to indicate owner, user, type of problem (i.e., leaning, too many wires, etc.)
2. Determine the existence of any industry or local, state or federal regulatory standards (including any building codes applicable) regarding placement, construction, maintenance, use, etc. of utility poles. Are the standards the same or different for type of use (for example: electrical, telephone, other communications, etc.)
3. Identify recognized experts who can testify as to compliance of the existing poles with any industry or regulatory standards.
4. Perform any other assignments received from the City or from legal counsel for the City.

**Of the hundreds of code requirements found in the NESC or MSPE requirements the following are the ones that most often become problems: Swartz Creek is not expected to be different at this time: 1) Post Base Decay, 2) Guy Tension, 3) Line Clearances, 4) Line Separation**

**In the event that Trison decides to pursue this opportunity, the following questions regarding scope, should be addressed first so as to give some level of comfort to TRISON and Confidence to Swartz Creek. These procedures are largely based on the procedures that ic-investigators use to establish fault during a personal injury claim. Also: see the example of proposed comp pages at the end of this memo. Identify Pole, Log Species and Measure Condition**

Record Pole Location w/Unique ID Number and provide directional photo(s) & Time  
Record older “Burned Brand” for Length & Pole Grade (i.e. 35-5) = (35 Long - #5 Grade)

Record newer metal tagged poles for: Treatment date (i.e. 6 69 means June of 1969)  
Type or species of Pole (SP = Southern Pine)  
Type of Treatment (C = Creosote, CCA or ACQ)  
Company Name (Consumer’s Energy, Verizon, etc)

Record pole height – using a utility grade telescoping fiberglass pole calibrated in inches  
Measure Original Base Diameter 24” above ground by using a \_\_\_\_\_

Measure Minimum Base Diameter – using a \_\_\_\_\_

Measure Vertical Tilt using Plum-bob.

Establish Outside Air Time, Temp and Humidity using a \_\_\_\_\_

Measure M.C. at Pole base and at 48” using a \_\_\_\_\_

Obtain Bore Sample Below Grade for Treatment using a \_\_\_\_\_

Obtain Bore Sample Above Grade for Species using a \_\_\_\_\_

### **Visual Inspection and Observed Condition**

Describe level of exterior base decay observed (i.e. minimal, partial, extensive decay)

Describe level of decay observed 18” below grade (i.e. minimal, partial, extensive decay)

Minimal = 0% - 5%, Partial = 5% -10%, Extensive = 10% -

Sound Pole with Hammer 48” above grade to determine if hollow

Mechanically Prod Pole Shell. Strong Shell = Strong Pole, Soft Shell = Soft Pole

Observe & Record Camber Using a Plum Bob

Observe and Record Split Tops, Shank Cracks, Wood Pecker Holes, Plant Life, Algae

### **Record Attachments**

Primary Lines - Estimate Attachment Height and measure sag between parallel poles

Measure perpendicular line sag over road                      Establish owner(s) of Primary Lines

Secondary lines -Estimate Attachment Height and measure sag between parallel poles

Measure perpendicular line sag over road                      Establish owner(s) of Secondary

Communication lines - Estimate Attachment Height and measure parallel sag between

Measure perpendicular line sag over road                      Establish owner(s) of Com. Lines

Document Number of Horizontal Guys wires & Angular Guy wires

Document Guy Locations (N,S,E,W)

Document Guy heights \_\_\_\_\_ and distances from bases \_\_\_\_\_

Document Guy tensions using a \_\_\_\_\_

Document Street Signs Heights Mounted to Pole

Document Street Light Heights and Type (Surface Mounted or Cantilevered?)

Document Antennas Mounted to Pole (Height and Owner)

Document Cross Walks Lights (Height and Manufacturer)

Document Shank Conduit for underground connections.

Record if NESC Inspection Maintenance & Replacement Cycles were followed (R214)



Record if MPSC Inspection, Maintenance & Replacement Cycles were followed

## What is a transmission line?



A transmission line is a high-voltage overhead power line - the lines operated by National Grid for long-distance transmission of electricity. In England and Wales there are 7000 km of overhead transmission lines at 275 kV and 400 kV. Virtually all of these lines carry two separate circuits, one each side of the towers, each with three wires or bundles of wires.

High Voltage Transmission Lines Often 275 kV & 400 kV

## What is a distribution line?



Distribution lines are at lower voltages than transmission and are used by Distribution Network Operators for distributing electricity round an area. Some are still on steel pylons but many are wood poles.

Primary Distribution Lines Often 35' – 40' above ground with 750V to 22kV  
7200, 12470, 25000, and 34500 volt distribution is common in the United States

Transformer to Secondary Often 23' - 24' High



Open Secondary Distribution Often 20' High up to 750 Volts  
Minimum 18.5 above roads / drives  
Minimum 14.5 above walkways  
Minimum 26.5 above railroads



MF House Power Connection Line Often 15' High with 400 V  
Open Com. Lines and Up to 750 V Minimum 16 above roads and drives  
Minimum 12 above walkways  
Minimum 24 above railroads

SF House Power Connection & Typically 16' High with 230 V  
Insul Com Lines up to 300V Minimum 15,5 ' above roads  
Minimum 9.5' above walkways and yards  
Minimum 23.5' above railroads

**Tools and assistance that will be needed for thorough inspections will include**

Shovel	Own
Digital Camera	Own
GPS Equipment	\$400 (Ben Meadows Catalog)
Measuring Tape	Own
Increment Boring Tool	\$150 (Ben Meadows Catalog)
Telescopic Fiberglass Measuring Pole	\$700 (Geo Data Systems)
Protimeter to Check M.C.s of Poles	Own
Screw Driver Probe to Check Shell Strength	Own
Thermo-Hygrometer For RH & Temp	Own
Guy Tension Meter	\$1500 ( <a href="http://www.checkline.com">www.checkline.com</a> )
MSU SPECIES RESEARCH COSTS	See Below

Dale's question to MSU

The amount of post core samples we would want to have tested would depend on the clients desire, which I assume would depend on the cost. Is it possible to give me a ballpark cost to identify the:

- a) species, chemical treatment and residual retention of 10 Core Samples
- b) species, chemical treatment and residual retention of 50 Core Samples
- c) species, chemical treatment and residual retention of 500 Core Samples

Pascal Kamdem (MSU' Wood Science's Director) Answer

For the species identification, usually it is 100 per samples and 100 per residual retention if it is treated with a copper based preservatives and 150 if it is pentachlorophenol or creosote treated. for 10 core samples it will cost about 2000 US dollars if no creosote or penta treated or 2500 if Creo or PCP. You should know if it is creosote by the dark color and the odor of the creosote (smoke-chimney-fire place).For 50 cores, about 10,000 and so on.

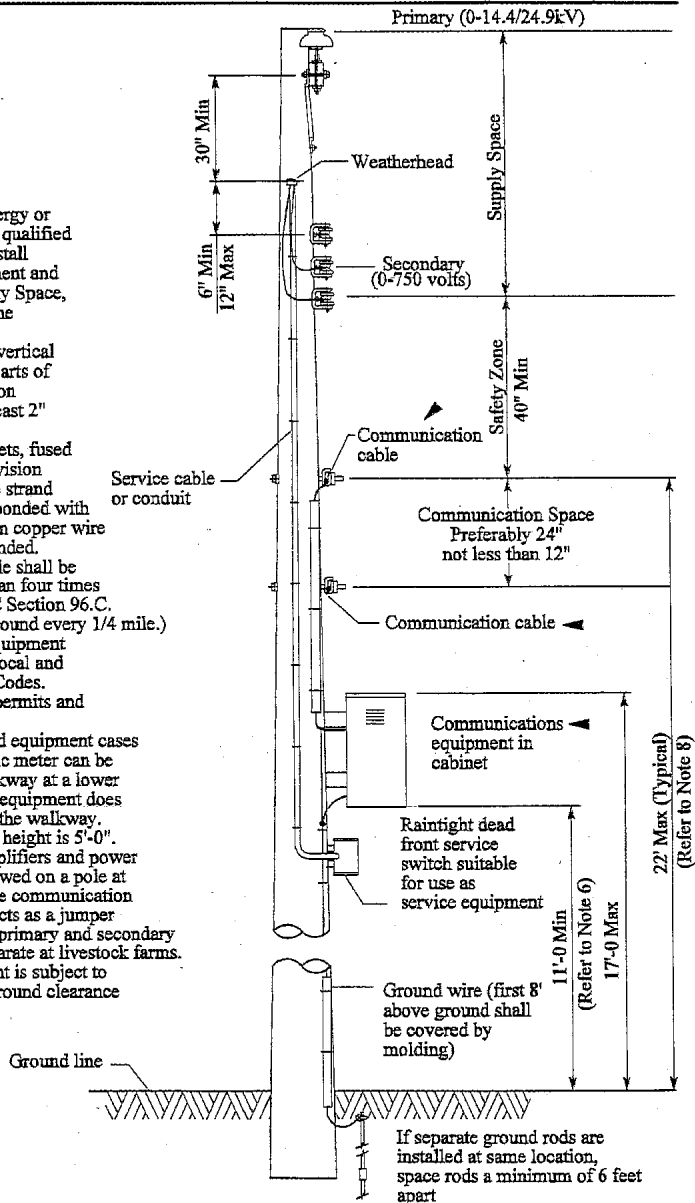
**Examples of a Comparable Checklist page can be found on pages 16-18.**

# Communication Cable & Equipment Spacings

Exhibit A, P.1

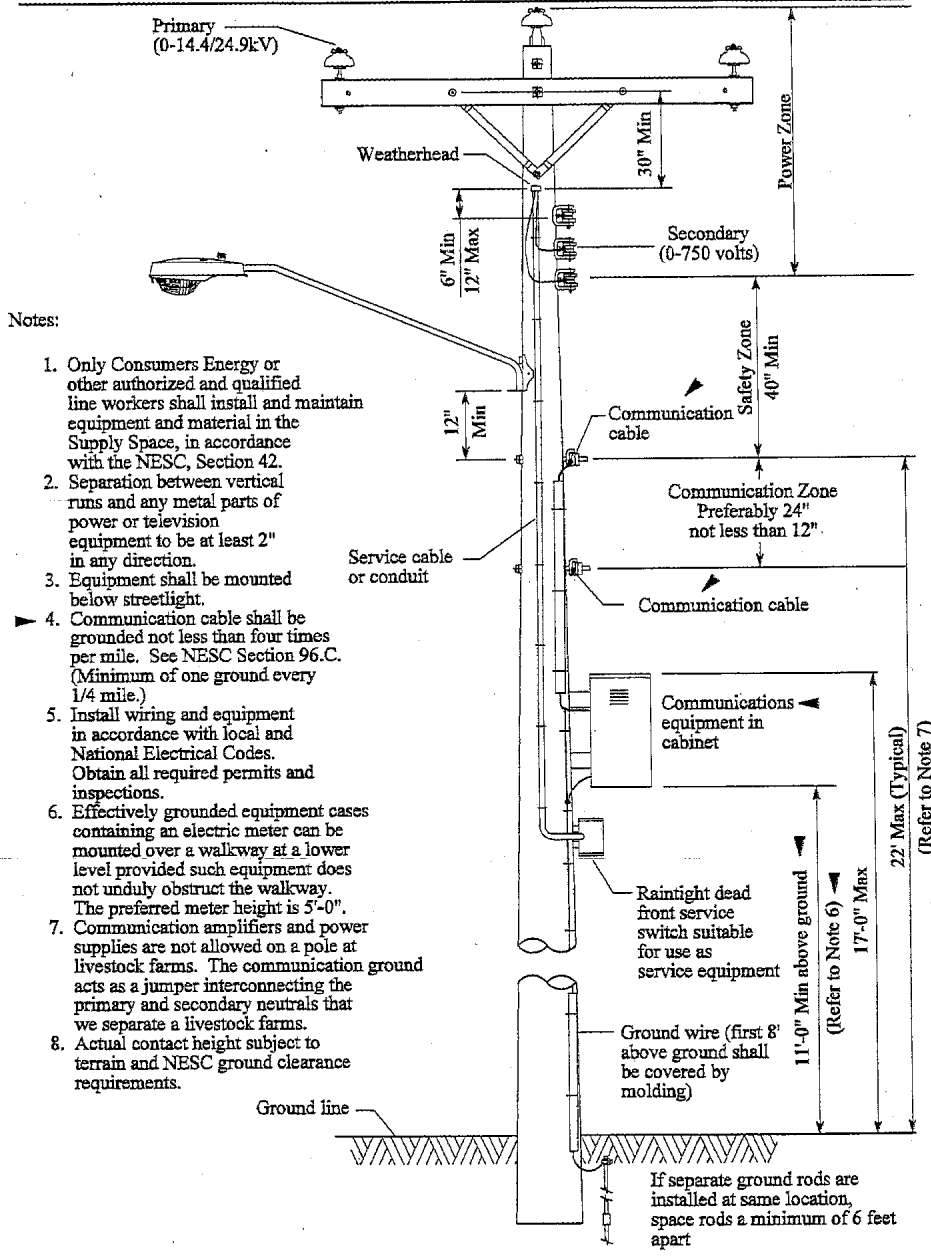
**Notes:**

1. Only Consumers Energy or other authorized and qualified line workers shall install and maintain equipment and material in the Supply Space, in accordance with the NESC, Section 42.
2. Separation between vertical runs and any metal parts of telephone or television equipment to be at least 2" in any direction.
3. All equipment cabinets, fused cutout cabinets, television strand and telephone strand shall be commonly bonded with No.6 solid soft drawn copper wire and effectively grounded.
4. Communication cable shall be grounded not less than four times per mile. See NESC Section 96.C. (Minimum of one ground every 1/4 mile.)
5. Install wiring and equipment in accordance with local and National Electrical Codes. Obtain all required permits and inspections.
6. Effectively grounded equipment cases containing an electric meter can be mounted over a walkway at a lower level provided such equipment does not unduly obstruct the walkway. The preferred meter height is 5'-0".
7. Communication amplifiers and power supplies are not allowed on a pole at livestock farms. The communication equipment ground acts as a jumper interconnecting the primary and secondary neutrals that we separate at livestock farms.
8. Actual contact height is subject to terrain and NESC ground clearance requirements.



**Communication Cable Equipment & Spacing on Streetlight Pole**

**Exhibit A, P.2**



**Notes:**

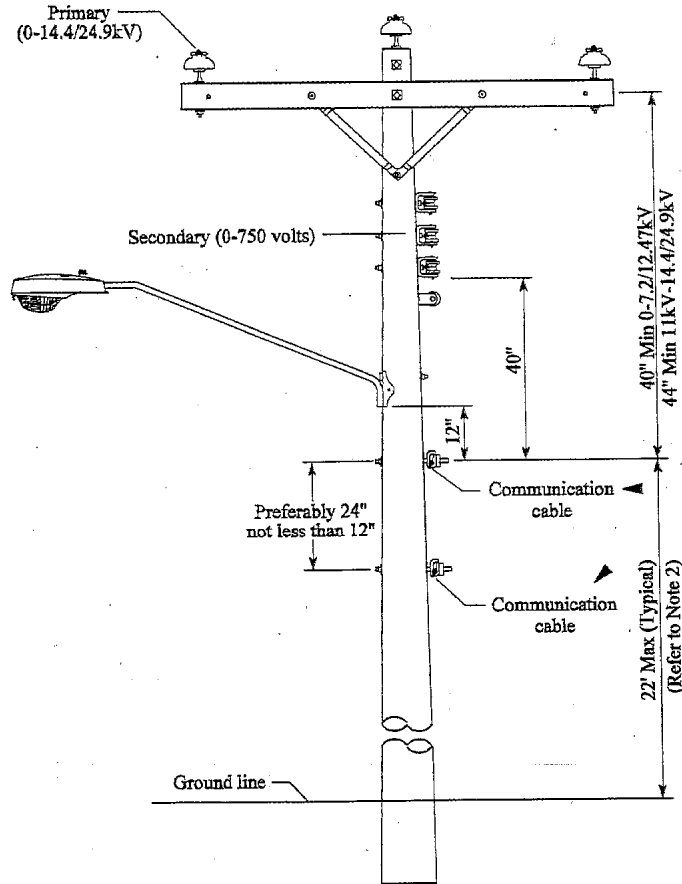
1. Only Consumers Energy or other authorized and qualified line workers shall install and maintain equipment and material in the Supply Space, in accordance with the NESC, Section 42.
2. Separation between vertical runs and any metal parts of power or television equipment to be at least 2" in any direction.
3. Equipment shall be mounted below streetlight.
4. Communication cable shall be grounded not less than four times per mile. See NESC Section 96.C. (Minimum of one ground every 1/4 mile.)
5. Install wiring and equipment in accordance with local and National Electrical Codes. Obtain all required permits and inspections.
6. Effectively grounded equipment cases containing an electric meter can be mounted over a walkway at a lower level provided such equipment does not unduly obstruct the walkway. The preferred meter height is 5'-0".
7. Communication amplifiers and power supplies are not allowed on a pole at livestock farms. The communication ground acts as a jumper interconnecting the primary and secondary neutrals that we separate a livestock farms.
8. Actual contact height subject to terrain and NESC ground clearance requirements.

Consumers Energy  
June 2002

Electric Distribution Engineering  
4311003.EDE

Communication Cable Spacing  
on Streetlight Pole

Exhibit A, P.3

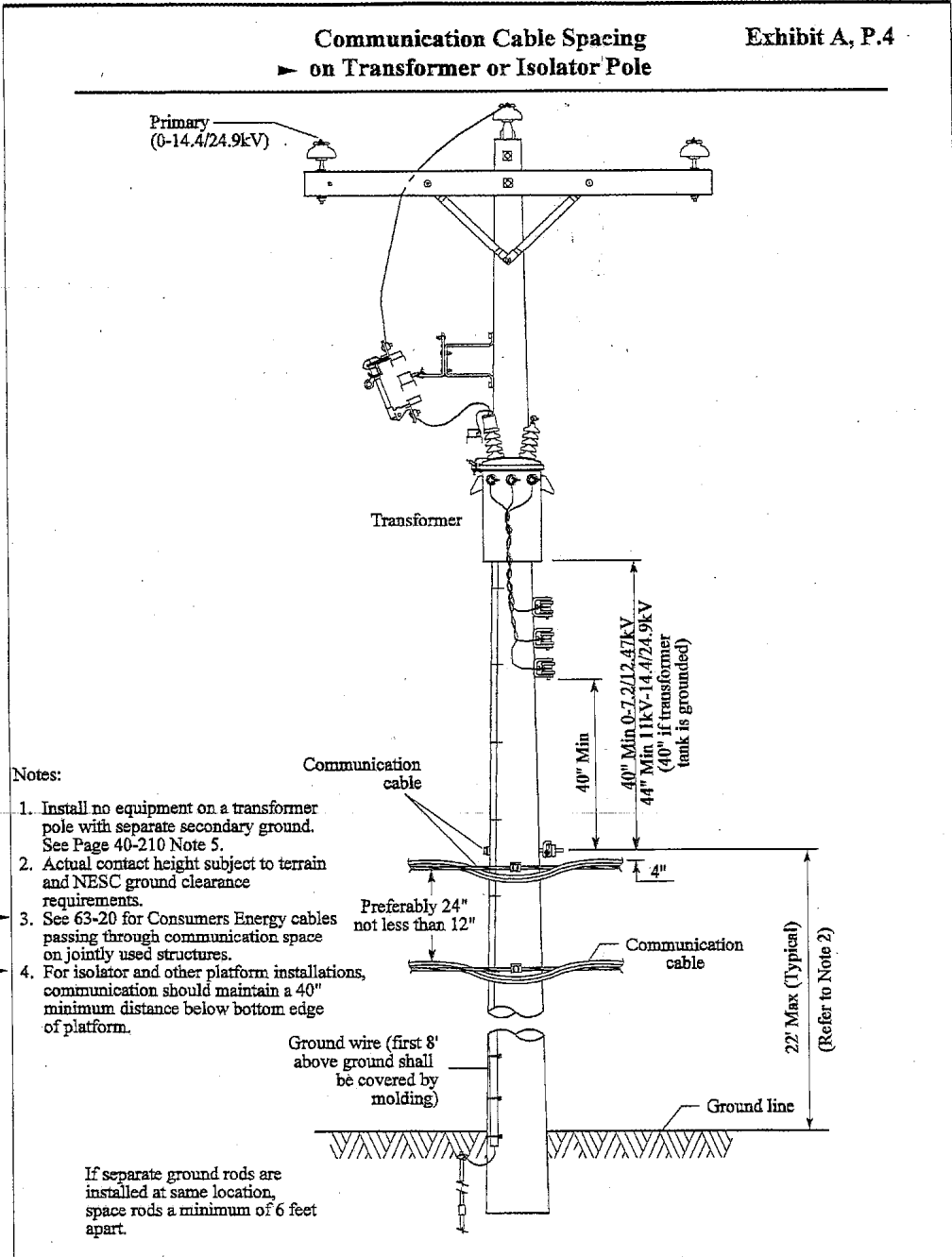


Notes:

- ▶ 1. Communication cable can be mounted either above or below the streetlight if proper clearance is maintained.
- 2. Actual contact height subject to terrain and NESC ground clearance requirements.

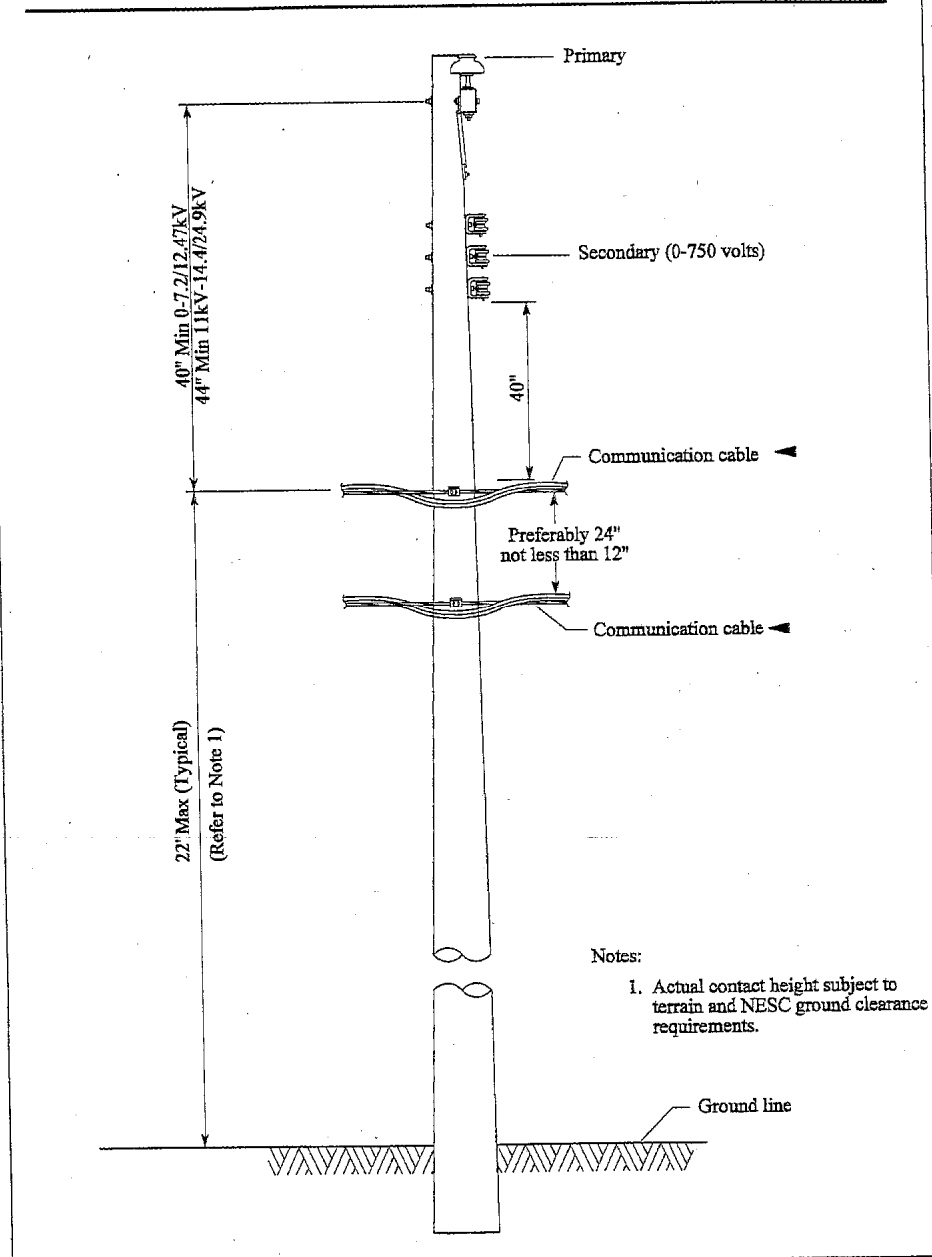
**Communication Cable Spacing  
on Transformer or Isolator Pole**

**Exhibit A, P.4**



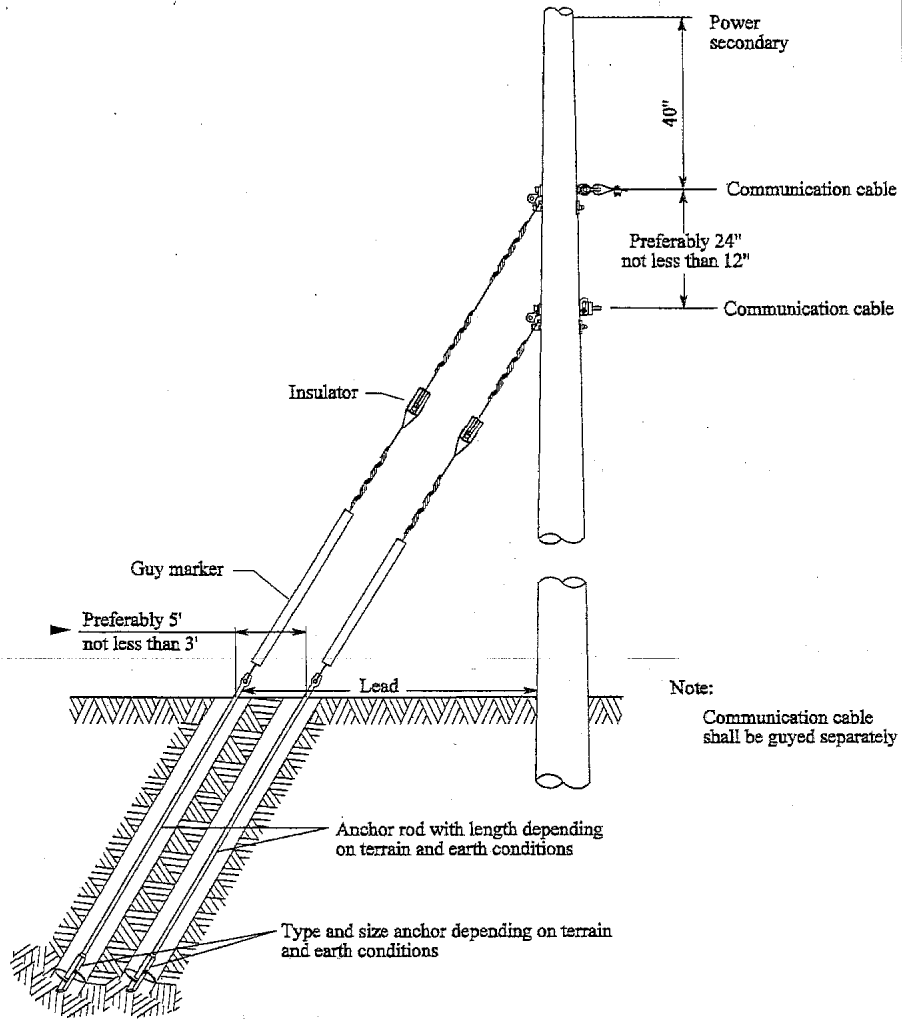
Communication Cable Spacing

Exhibit A, P.5



**Communication Cable Anchor  
& Guy Installation**

**Exhibit A, P.6**



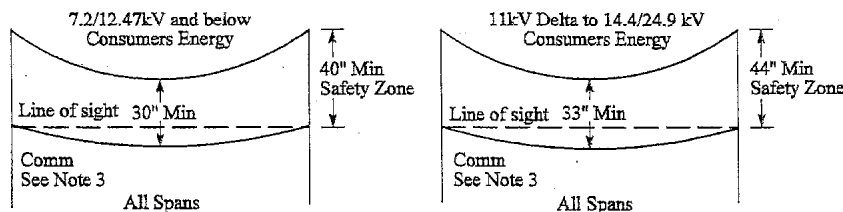


## Overhead Clearances Required with Communication Cable

Exhibit A, P.7

### Primary

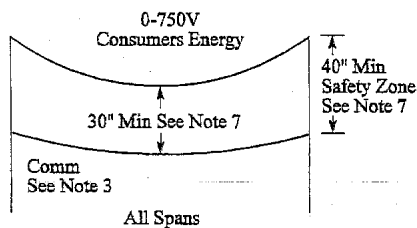
- Supply conductor at greater of ice loaded or highest operating temperature final sag (Electric Distribution Engineering Manual pages 7-65-1 thru 7-65-6) and communication cable at 32°F final sag. Use communication attachment line of sight for mid-span clearance determination when communication company sag information is not available.



NOTE: In primary and 46kV spans greater than 150 ft, the supply conductor, at 60° final sag, must be at or above the line of sight.

### Secondary and Neutral

- Consumers Energy conductor at greater of ice loaded or highest operating temperature final sag (EDEM pages 7-65-1 thru 7-65-6) and communication cable at 32°F final sag. Use communication attachment line of sight for mid-span clearance determination when communication company sag information is not available.



#### Notes:

1. Use most restrictive of the clearance requirements.
2. The spacing at a pole between messengers supporting communication cables must be not less than 12 inches. The clearances between the conductors, cables and equipment of one communication utility to those of another, anywhere in the span, must be not less than four inches.
- ▶ 3. Clearances required above ground are the same for insulated communication cables as for guys. Refer to EDEM page 7-15-1.
4. Refer to the applicable joint-use agreement for clearance requirements between Consumers Energy and foreign supply circuits.
- ▶ 5. Underbuilding transmission lines with communication cable is only permitted on 46kV lines. When there is a distribution circuit below the 46kV line, the above clearances should be used. Notification to Transmission Lines Design and Standards is required using Form 391. Refer to EDEM page 6-85-1. When there is no distribution circuit, contact the Transmission Lines Design and Standards to determine whether there is sufficient pole height to go joint with communications and still provide space for future distribution needs.
6. Reduced clearances may apply for communication cables installed and maintained by Consumers Energy or its contractors. Contact the EDEM Group to discuss such installations.
- ▶ 7. The system neutral (but not duplex, triplex or quadruplex) may have a reduced clearance to communication of 30 inches at the structure and 12 inches in the span where the neutral and cable messengers are bonded together.

---

## REQUIREMENTS

The following is intended to respond to the items raised by some cable licensees and is not nor intended to be, a complete specification of requirements.

1. The vertical clearance at road crossings shall not be less than 15.5 feet under any operating condition. Licensee must determine additional sag due to increased loading. Clearance of 17 feet may be appropriate where additional sag is limited to 1.5 feet. This clearance requirement is based on a metal-sheathed cable supported on a messenger, which has at least 4 grounds in each mile or is based on an insulated cable. Otherwise, the least allowable clearance is 16.0 feet rather than 15.5 feet (Refer to 1997 NESC Table 232-1). Effectively grounded equipment cases require 15.0 feet of clearance above ground (Refer to 1997 NESC Table 232-2).
2. At highway crossings, the vertical clearance must not be less than 18 feet as required by the Michigan Department of Transportation.
3. The vertical clearance between power supply and communications conductors at any point in the span must not be less than 30 inches with supply conductors at greatest sag and communications conductors at 32° F final unloaded sag. Refer to 1997 NESC Rule 235C2b.(1)(a) and 1997 NESC Table 235-5. The 30 inch requirement applies to supply lines operating at 7200/12470 volts grounded wye and below. For Consumers Energy distribution lines above this voltage, this requirement is 33 inches.


The vertical clearance between power supply conductors and the top of skip span poles at any point in the span must not be less than 54 inches with supply conductors at greatest sag.

The Licensee must contact the owner to determine the greatest sag due to increased loading of the power supply conductors. Supply conductors can have as much as 6 more feet of sag when ice loaded or at the highest operating temperature than they have at 60°F (Refer to EDEM Pages 7-15-10, 7-15-11 and 7-25-1).

4. The vertical clearance over driveways and fields must not be less than 15.5 feet under any operating conditions. Refer to 1. (above) for discussion.
  5. The attaching party must install guying to offset the additional load introduced by new attachments. Even if other guying exists, additional guying is still required for the new load at the attachment point before attachment is made. Also, the attaching party must install their own anchors. Attaching guys to existing anchors is not permitted. Guying is normally required at corners, angles, dead ends, large differences in span lengths, and changes in grade of construction. Refer to 1997 NESC Rule 264A.
  6. A 7 foot or 8 foot guy marker is required on down guys. Refer to 1997 NESC Rule 264E.
-

7. The communications facilities must be bonded at all locations where a power supply system grounding electrode conductor is available (refer to 1997 NESC Rule 99), but not less than 4 connections in each mile (refer to 1997 NESC Rule 92C1). On transformer poles with a SPLIT NEUTRAL sign, there are two vertical grounding electrode conductors. Communications should only bond to the primary grounding conductor that connects to the distribution system neutral.
8. For supply lines operating at 7200/12470 volts grounded wye and below, the vertical clearance to communications conductors at the support (pole) must not be less than 40 inches. Refer to 1997 NESC Table 235-5. Where Consumers Energy distribution lines operate above this voltage, this requirement is 44 inches. Refer to 3. (above) for discussion on clearances required between conductors at any point within the span.
9. Strain insulators must be installed in all down guys and pole to pole span guys.
10. Bolts must not extend more than 1-1/2 inches beyond nuts.
11. Based on a Consumers Energy multiplex service cable and 40 inches of clearance at the pole, the vertical clearance to the communications service drop must not be less than 12 inches. This clearance requirement applies at any point in the span including the attachment point at the building. Open-wire supply services are not considered insulated and therefore require 40 inches of vertical clearance. Refer to 1997 NESC Rule 235C1 Exc,3.
12. The system neutral (but not secondary triplex or quadruplex) may have a reduced clearance to communication of 30 inches at the structure and 12 inches in the span when the neutral and cable messengers are bonded together.
13. Communication services are not permitted to be attached to service masts. Refer to 2002 NEC Rule 230-28.
14. Standoff brackets are not allowed as an alternative to pole replacement. Each communication cable must be attached vertically and adhere to the normal spacing of one foot between cables.
15. To provide for climbing space safety and pole replacements, the placement of cables on both sides of a pole or "boxing" of poles is prohibited. All pole attachments shall be made to provide for unobstructed vertical climbing space.
16. Communications cabinets should not be installed on poles with existing cabinets or underground riser cables. Mounting the cabinet on a riser pole may be a safety hazard because there is nothing to protect the installer from drilling into our underground cable.
17. Attachments are to be made on the street side of street poles, the alley side of alley poles and the "open lot" side of easement or back lot line poles. "Open lot" side is the side opposite the rear lot line, not obstructed by fences, garages etc.
18. Communication cables are only allowed to dead end on dead end riser poles if their equipment does not interfere with operation or maintenance of existing equipment on the pole.
19. Vertical supply cables passing through communication space on jointly used riser structures must be guarded with molding from 40 inches above the highest

- 
20. Contact Consumers Energy regarding installation of midspan poles within its pole line and required clearance specifications. |
  21. Attachments on Consumers Energy poles shall be identified with the owners name either by marking the cable itself or attaching an appropriate means of identification to the cable at every pole. All such identifications shall be visible by the naked eye from the ground. |
  22. Consumers Energy must approve all system expansions, upgrades, rebuilds, overlashing or alterations. The original attachment permit is issued for a specific cable. Any alterations, such as overlashing additional cable, require an engineering evaluation to determine the impact of increased wind loading on the iced conductors that requires increased pole strength and the impact of additional sag on clearances. |
  23. Reserve cable shall be stored in horizontal configurations (i.e. snow shoe storage loop). Storing reserve cable in vertical coil configurations is not acceptable. |
  24. Aerial cable, conduit, hardware and associated equipment must be solid black, silver or grey in color. |
-

Project ID# _____	Fungi / Algae _____	Post Spacing _____
Pole ID # <u>_1_</u>	Prim. Height _____	Max Volts _____
Date _____	Prim. Sag _____	Street <u>Wadsworth</u>
Time _____	Prim. Owner _____	Info Source <u>Rollenhagen</u>
Branded #s _____	Trans Height _____	
Alum Tag #s <u>4970</u>	Trans Owner _____	
<u>TCLP 76</u>	Sec.. Height _____	
Insp Tag <u>Osrose -</u>	Secondary Sag _____	
<u>2002</u>	Sec. Owner _____	
Species _____	Com 1 Height _____	
Treatment <u>Creosote</u>	Com 1 Sag _____	
Pole Height <u>78'</u>	Com 1 Owner _____	
Base Diameter <u>18"</u>	Com 2 Height _____	
Decayed Dia. _____	Com 2 Sag _____	
Camber / Tilt _____	Com 2 Owner _____	
Temperature _____	Guy Number _____	
Humidity _____	Guy Types _____	
M.C. at 48" _____	Guy Tensions _____	
Boring UG _____	Guy Locations _____	
Boring at 48" _____	Conduit _____	
Base Decay % _____	Street Signs _____	
Shank Sound _____	Cross Walks _____	
Shell Prod _____	Street Lights _____	
Top Splits _____	Photo Taken: <u>2/16/08</u>	
Shank Cracks _____	By: <u>DGS</u>	


Project ID# _____	Fungi / Algae _____	Post Spacing _____
Pole ID # <u>2</u>	Prim. Height _____	Max Volts _____
Date _____	Prim. Sag _____	Street: <u>Front</u>
Time _____	Prim. Owner _____	Info Source <u>Rollenhagen</u>
Branded #s _____	Trans Height _____	
Alum Tag #s <u>4454</u> <u>TCLP 86</u>	Trans Owner _____	
Insp Tag _____	Sec.. Height _____	
Species _____	Secondary Sag _____	
Treatment <u>ACQ/CCA</u>	Sec. Owner _____	
Pole Height <u>45</u>	Com 1 Height _____	
Base Diameter _____	Com 1 Sag _____	
Decayed Dia. _____	Com 1 Owner _____	
Camber / Tilt _____	Com 2 Height _____	
Temperature _____	Com 2 Sag _____	
Humidity _____	Com 2 Owner _____	
M.C. at 48" _____	Guy Number _____	
Boring UG _____	Guy Types _____	
Boring at 48" _____	Guy Tensions _____	
Base Decay % _____	Guy Locations _____	
Shank Sound _____	Conduit _____	
Shell Prod _____	Street Signs _____	
Top Splits _____	Cross Walks _____	
Shank Cracks _____	Street Lights _____	

Photo Taken: By:  
2/16/08 DGS

Project ID# _____	Fungi / Algae _____	Post Spacing _____
Pole ID # <u>  3  </u>	Prim. Height _____	Max Volts _____
Date _____	Prim. Sag _____	Street <u>  Front  </u>
Time _____	Prim. Owner _____	Info Source Rollenhagen
Branded #s _____	Trans Height _____	
Alum Tag #s <u>  4455  </u> <u>  TCLP 87  </u>	Trans Owner _____	
Insp Tag _____	Sec.. Height _____	
Species _____	Secondary Sag _____	
Treatment <u>  ACQ/CCA  </u>	Sec. Owner _____	
Pole Height _____	Com 1 Height _____	
Base Diameter _____	Com 1 Sag _____	
Decayed Dia. _____	Com 1 Owner _____	
Camber / Tilt _____	Com 2 Height _____	
Temperature _____	Com 2 Sag _____	
Humidity _____	Com 2 Owner _____	
M.C. at 48" _____	Guy Number _____	
Boring UG _____	Guy Types _____	
Boring at 48" _____	Guy Tensions _____	
Base Decay % _____	Guy Locations _____	
Shank Sound _____	Conduit _____	
Shell Prod _____	Street Signs _____	
Top Splits _____	Cross Walks _____	
Shank Cracks _____	Street Lights _____	



Photo Taken: By: 2/16/08 DG

# City of Swartz Creek

## Department of Police

**Chief RICK CLOLINGER**

8100-A Civic Drive

Swartz Creek, Michigan 48473

Phone: (810)635-4401

Fax: (810)635-3728

**TO: Paul Bueche, City Manager**  
**FROM: Rick Clolinger, Chief of Police**  
**DATED: February 12, 2008**  
**REF: Received correspondence from Jennie Moench**

Sir,

I am writing this report to you in reference to the correspondence received from Jennie Moench by you. The first correspondence was February 13, 2007 and the second correspondence was October 5, 2007. Jennie Moench had requested of you that 'No Right Turn on Red' signs be posted at all four corners of the intersection at Miller and Morrish Roads in the City of Swartz Creek. As you recall these correspondences were turned over to R/O for an investigation as well as a recommendation on the requests from Jennie Moench.

R/O reviewed two accident reports that had been filed at the Swartz Creek Police Department.

The first accident was complaint #06-785 which involved a bicyclist accident at the corner of Miller and Morrish Roads involving a Devyn Deanne Schmieder. Devyn Schmieder is the daughter of the letter writer, Jennie Moench. Upon review of this report it was observed that this accident occurred on September 6, 2006 whereas the bicyclist had crossed the intersection of Miller and Morrish Road within a crosswalk and was struck by a vehicle that had entered into the crosswalk.

The second report reviewed was #07-947 which involved a bicyclist as well, identified as Timothy Ivan Moench Loftis. Timothy is the son of letter writer Jennie Moench. This accident occurred on October 5, 2007 whereas the bicyclist had rode across the intersection of Miller and Morrish Roads within the crosswalk and was struck by a motor vehicle that had entered the crosswalk at Miller and Morrish Roads.

Upon reviewing both UD-10 accident reports R/O went back through all reported UD-10 crashes at the intersection of Miller and Morrish Roads from the years of 2002 through 2007. The two above mentioned accident reports involving Ms. Moench's children are the only two accidents that are related to 'No Right Turn on Red' at the intersection of Miller and Morrish Roads. There are no other accidents that were caused at the intersection of Miller and Morrish Roads between the years of 2002 and 2007 as it relates to 'No Right Turn on Red.'



Upon reviewing the MI Motor Vehicle Code there are two sections of law that pertain to the bicyclists on the road that pertain to these two accidents involving Ms. Moench's children.

Number 1 Code is 257.657 explaining the rights of the roadway whereas bicyclists must obey all traffic laws the same as motor vehicles.

Number 2 Code is 257.660(3) which requires a person under 16 years old to use a bicycle lane if one is provided.

It should also be noted that they are required to ride in the same direction as the traffic flow on the roadway.

The investigation led me to a bulletin put out by the MI State Police Traffic Service Section, Field Update #32 which talks about progressive ideas and the future of traffic control. It relates to the most prudent course of action is often to leave an intersection uncontrolled. It further states that there is increasing evidence that a less regulated driving environment makes drivers more attentive to their driving task and to other road users in that driving environment. It also eliminates the false sense of security created by some signs causing pedestrians and bicyclists to pay more attention as well. Several towns across Europe and in particularly in the Netherlands and Germany have experimented with removing all traffic control devices in order to increase traffic safety and improve traffic flow. Results to date have been generally positive. It is also noted that a number of communities in the State of MI are beginning to re-examine their use of traffic control devices, many of which have been in place for decades. Although not warranted at the time of their installation such traffic control devices were frequently placed due to public misperception and resultant of political pressures. Decades of research have shown that unwarranted signs and signals often have unintended consequences and create an opposite effect on driver behavior of that intended. Drivers generally attempt to make up for lost time by rolling through unwarranted stop signs and driving faster in between. Drivers also tend to accelerate for improperly progressed yellow signals to avoid be trapped by a subsequent series of red lights. In addition to creating a more dangerous driving environment, these unwarranted traffic control devices increase fuel consumption, air pollution and noise pollution through more frequent braking and acceleration. Traffic signals actually tend to increase the number of serious traffic crashes at intersections.

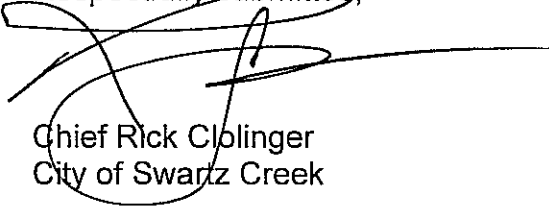
On December 14, 2007 at approximately 10:50 a.m. R/O met with Jennie Moench at the Swartz Creek Police Department. The above listed information was discussed with Jennie Moench and an explanation of the law, as well as the progressive ideas for future traffic control was discussed with Ms. Moench. R/O advised Ms. Moench that a review of the last five years of accident reports revealed that there was only two accidents which were the two that involved her children at the corner of Miller and Morrish Roads involving bicyclists and/or related turns to 'No Right on Red.' I suggested to her that she enroll both of her children in the Swartz Creek Police Department Bicycle Rodeo which is a free event and training that is held every summer. R/O also gave her several articles of bicycle safety information for her to share with her children. R/O advised her that my recommendation was going to be to the Swartz Creek City Council that no changes be made within the intersection as it relates to posting of signs for 'No Right Turn on Red.'

Upon discussing all this information with Ms. Moench she seemed to be satisfied with the end result as she stated that there was a lot of this information and fact of law that she was not aware of.

RECOMMENDATION:

It is the recommendation of the Chief of Police that no changes be made within the intersection of Miller and Morrish Roads as it pertains to posting 'No Right Turn on Red' at any of the four corners of the intersection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick Clolinger", is written over a horizontal line. The signature is stylized and somewhat illegible.

Chief Rick Clolinger  
City of Swartz Creek



# Traffic Services Section Michigan State Police Field Update #32

Providing Traffic Related Information and Services to Michigan Law Enforcement

Section Phone (517) 336-6171

[www.michigan.gov/msp-traffic](http://www.michigan.gov/msp-traffic)

Fax (517) 336-6259

[Field Update Archive](#)

## **Power Loss at a Signalized Intersection (Dark Signal)**

The Traffic Services Section continues to receive questions regarding the right-of-way at intersections where a traffic signal has lost power. When a signal loses power, **the intersection becomes uncontrolled** and reverts back to the basic right-of-way requirements found in MCL 257.649(1) and (2). It does **not** become a four-way stop, as is frequently reported in the media.

A number of factors must be taken into account when determining the appropriate course of action in response to the loss of power at a signalized intersection. The Michigan Department of Transportation has issued a memorandum for response to power outages involving traffic signals on state trunkline highways, which accounts for a variety of factors that can influence if, when, and how temporary traffic control devices may be posted. While the memorandum is not binding on county road commissions or municipal road authorities, many have adopted a similar position. Check with your local road authority for their policy prior to the occurrence of an event.

The Michigan Department of State Police has adopted Official Order 49, Enclosure (9), to provide guidance to department members when responding to the loss of power at an intersection. Contact Sgt. Lance Cook, Vehicle Code Unit, for additional information.

## **Progressive Ideas and the Future of Traffic Control**

As outlined above, the most prudent course of action often is to leave an intersection uncontrolled. While counterintuitive to the average driver, there is increasing evidence that a less regulated driving environment makes drivers more attentive to the driving task and to other road users in that driving environment. This also eliminates the false sense of security created by some signs, causing pedestrians and bicyclists to pay more attention as well. Several towns across Europe, particularly in The Netherlands and Germany, have experimented with removing nearly all traffic control devices in order to increase traffic safety and improve traffic flow. Results to date have generally been positive.

A number of communities in Michigan are also beginning to reexamine their use of traffic control devices, many of which have been in place for decades. The city of Livonia, for example, has begun a systematic process of removing existing signs and signals that do not meet the warrants of the Michigan Manual on Uniform Traffic Control Devices. Despite the fact that the sole intended purpose of stop signs and traffic signals is to assign right-of-way, similar devices in many communities were erected under the old paradigm of using stop signs, signal timing, and signal progression to attempt to control vehicle speeds in neighborhoods.

Although not warranted at the time of their installation, such traffic control devices were frequently placed due to public misperception and resultant political pressure. Decades of research have shown that unwarranted signs and signals often have unintended consequences and create an opposite effect on driver behavior of that intended. Drivers generally attempt to "make up for lost time" by rolling through unwarranted stop signs and driving faster in between. Drivers also tend to accelerate for improperly progressed yellow signals to avoid being trapped by a subsequent series of red signals. In addition to creating a more dangerous driving environment, these unwarranted traffic control devices increase fuel consumption, air pollution, and noise pollution through more frequent braking and acceleration. Traffic signals actually tend to increase the number of serious traffic crashes at intersections.

Because traffic safety is often counterintuitive, the biggest hurdle to effective traffic management and a safer driving environment continues to be interference by well-meaning but misinformed citizen groups and politicians. Education of these parties is the key to allowing the traffic engineer to maximize traffic safety and reduce traffic crashes.

Alcohol Enforcement Unit  
Grant Administration Unit  
Section Commander  
Speed Measurement Unit

(517) 336-6338  
(517) 336-6121  
(517) 336-6611  
(517) 336-6651

Crash Reconstruction Unit (517) 336-6579  
Field Support Unit (517) 336-6685  
Section Technician (517) 336-6171  
Vehicle Code Unit (517) 336-6660

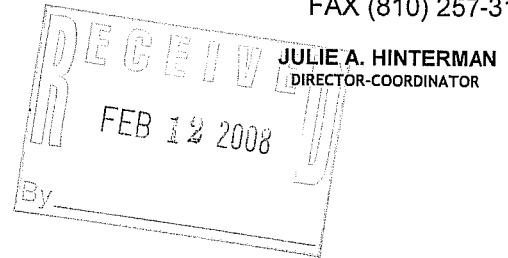


## COMMUNITY DEVELOPMENT PROGRAM

ROOM 223 – 1101 BEACH STREET  
FLINT, MICHIGAN 48502-1470

TELEPHONE (810) 257-3010  
FAX (810) 257-3185

February 8, 2008



### MEMORANDUM

**TO:** Clerks, Participating Local Units of Government  
Genesee County Libraries

**FROM:** Julie Hinterman, Director-Coordinator  
Genesee County Metropolitan Planning Commission

**SUBJECT:** Genesee County Community Development Draft 2008 Genesee County  
Action Plan

Enclosed is a draft copy of Genesee County's 2008 Action Plan for the Community Development Program. **This draft copy should be kept accessible to the public for review beginning on February 11.** Contained within the plan is a description of all activities proposed for 2008 Community Development Block Grant (CDBG), HOME, and Emergency Shelter Grant funds.

Staff is requesting input from the local units of government concerning the plan itself. A public hearing for the purpose of obtaining comments on the Consolidated Plan will be held on February 20, 2008 at 9:00 a.m. in the Genesee County Administration Building, Harris Auditorium, Third Floor, 1101 Beach Street, Flint. A comment sheet has been provided for your use. Additional copies of this form may be made for the use of your citizens. Any written comments received will be attached to the plan and submitted to the U.S. Department of Housing and Urban Development. Comments are due no later than March 14, 2008 at 5:00 p.m. They may be faxed (810-257-3185) or mailed to the attention of Ms. Christine A. Kiesling, Principal Planner, Community Development Program, 1101 Beach Street, Room 223, Flint, Michigan, 48502.

Please contact Ms. Christine A. Kiesling, Principal Planner, if you have any questions concerning this matter.

Thank you.

Attachment

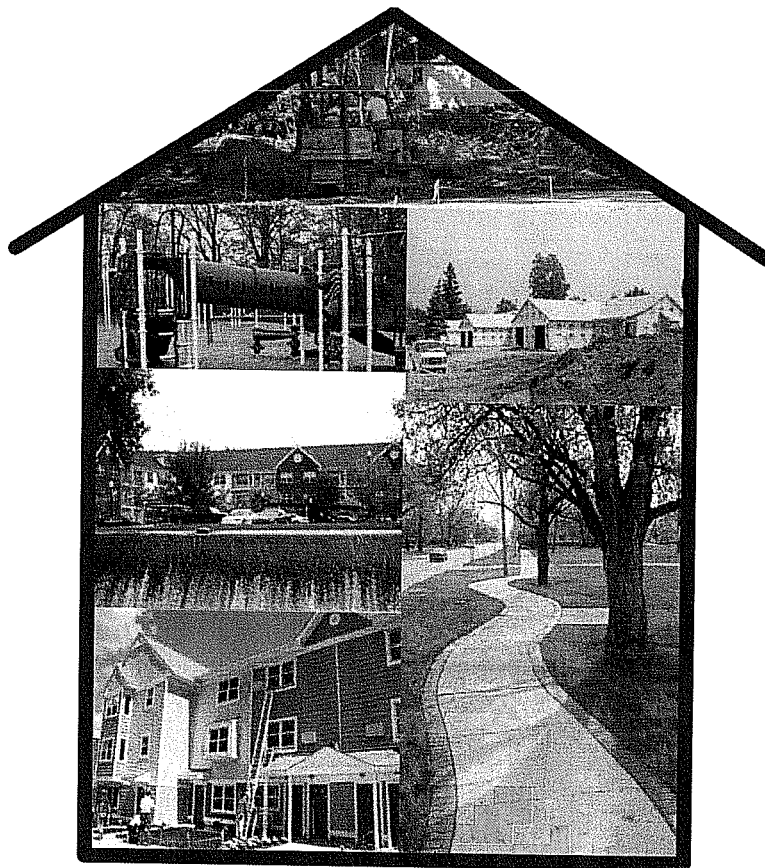
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# Genesee County 2005-2009 Consolidated Plan

## Genesee County Metropolitan Planning Commission Community Development Program

### 2008 Action Plan



FOR PUBLIC COMMENT  
February 11, 2008 to March 14, 2008



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## **Genesee County 2005-2009 Consolidated Plan 2008 ACTION PLAN**

### **Executive Summary**

The Genesee County Metropolitan Planning Commission (GCMPC), acting through the Community Development Program, served as the lead agency in the development of the 2005-2009 Genesee County Consolidated Plan. GCMPC has prepared the 2008 Action Plan to provide information for the fourth year of the current Consolidated Plan, regarding administration of Community Development Block Grant (CDBG), Emergency Shelter Grants (ESG), HOME Investment Partnerships (HOME), and American Dream Downpayment Initiative (ADDI) Programs; Supportive Housing Program (SHP), and other local fiscal resources. The 2008 Action Plan provides information regarding the use of these funds to implement programs and activities throughout the 2008 Program Year (PY) (May 1, 2008 through April 30, 2009).

Genesee County, with a total population in 2000 of 436,141 persons, is situated in southeastern Michigan, approximately 50 miles north of Detroit and 45 miles east of the State Capitol in Lansing. Genesee County covers approximately 649 square miles. Genesee County is considered an urbanized area with an average of 682 persons per square mile, compared to 175 persons per square mile in the State of Michigan. From 1980 to 1990, Genesee County experienced a marked decrease in population (minus 19,990 residents), which was due in large part to a declining industrial and manufacturing employment base. However, from 1990 to 2000, Genesee County posted a slight increase of 5,682 residents, or a 1.3 percent increase. Genesee County currently ranks as the 5th most populous County in Michigan.

Through the Consolidated Planning process, GCMPC has identified five aspects of community development, each equally important, which need to be addressed to produce healthy, thriving communities and neighborhoods. These five major areas are: Suitable Living Environment/Neighborhood Revitalization; Economic Opportunities; Independence and Life Enrichment; Housing and Ending Chronic Homelessness. Desired outcomes and proposed activities are outlined in the Consolidated Plan for each of the five major areas of community development. It is apparent from the outline, that the activities may be shared by two or more of the major community development areas. This "overlap" reinforces the idea that each of the areas is equally important and that achieving the desired goals of one area is not possible without attention to the other four.

Opportunities for citizen participation were provided during the development of the 2008 Action Plan. On Tuesday, December 18, 2007, the County held a Public Needs Hearing at the Genesee County Administration Building, where comments were taken. In addition, each local unit of government that applies for funds from Genesee County was required to hold a public needs hearing where local officials and the public are given the opportunity to state how they feel the funds should be allocated within their jurisdictions. Information on these hearings was provided to GCMPC staff. A 30-day Public Comment Period will begin on February 11, 2008, to provide more opportunities for the public to provide input on the 2008 Plan. Advertisements for the 30-day Public Comment Period will be placed in *The Flint Journal* on Sunday, February 10, 2008, and the *Family Times*, a local minority business owned news publication, on Thursday, February 14, 2008. Notice of the 2008 Action Plan will be posted on the GCMPC website at [www.gcmnpc.org](http://www.gcmnpc.org). A copy of the Draft Plan will be provided to the City of Flint as the adjacent entitlement community, for display and public comment. A second Public Needs Hearing will be held during the 30-day time period, on February 20, 2008 prior to the Community and Economic Development Committee meeting.



## **I. General Information**

### **a. Geographic Area**

Genesee County Metropolitan Planning Commission (GCMPC) administers U.S. Department of Housing and Urban Development (HUD), Community Planning and Development (CPD) grant Programs on behalf of the Genesee County Board of Commissioners. The three CPD grant Programs consist of Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Shelter Grants (ESG). Genesee County targets these Program funds towards low-to-moderate income areas, individuals, and households as determined by HUD, based on Genesee County demographics. The largest concentrations of low-to-moderate income populations participating in the Genesee County CDBG Program reside in the City of Burton, Flint Township, Genesee Township, and Mt. Morris Township. Each of these areas has a common boundary with the City of Flint. These areas also have the highest concentrations of minority populations.

Genesee County's CDBG grant is allocated to 30 local units of government participating in the Genesee County Community Development Block Grant (CDBG) Program; to the Genesee County Home Improvement Program (HIP); and to Legal Services of Eastern Michigan (LSEM) that administers the Genesee County Fair Housing Center. Local units of government and LSEM participate as sub-recipients of the Genesee County CDBG grant, and the HIP is administered by GCMPC staff.

In Program Year (PY) 2008, (May 1, 2008 through April 30, 2009), Genesee County will continue to utilize a County adopted formula to determine the amount of CDBG funds allocated to each participating local unit of government. The formula is based on population, poverty and overcrowded housing. Each local unit will receive funding once every three years, on a rotating schedule. This allows local units to undertake larger projects and allows more time for project planning. The 2008 CDBG Program funds will be received by "Group 2", which includes: the City of Mt. Morris, the Villages of Lennon and Gaines, as well as the Townships of Flushing, Mt. Morris, Clayton, Flint, Gaines and Mundy.

In addition to the funds directed towards HUD-designated low-moderate income areas, Genesee County and the participating local units of government will carry out direct-benefit CDBG activities that reach households considered to have low-to-moderate incomes, but that are not necessarily located in a designated low to moderate-income geographical area. As a public service, the Fair Housing Center will utilize 2008 CDBG Program funds to provide fair housing counseling services in efforts to further reduce barriers to affordable housing in Genesee County. In addition, the Fair Housing Center will continue to implement recommendations presented in the 2006 Genesee County/City of Flint Impediments to Fair Housing Study.

Under the HOME Investment Partnerships (HOME) Program, funds will be utilized in PY 2008 to develop affordable housing through new construction and/or rehabilitation of rental and single family housing; and down payment assistance directly assisting low to moderate income homebuyers; and tenant based rental assistance to special needs populations. HOME Program assisted activities will be based on housing priorities and needs within Genesee County as identified in the 2005-2009 Consolidated Plan.

Genesee County Emergency Shelter Grants (ESG) 2008 Program Year funds will be allocated to sub-recipient agencies to provide emergency needs' assistance to homeless and near homeless individuals and families in Genesee County.

**b. Actions taken to Address Obstacles to Meeting Underserved Needs**

In Genesee County, a substantial portion of the population is either not served, or has difficulty accessing "market driven services". In this case, underserved is related to the level any particular population is served by the current area housing and mortgage markets. Underserved populations in Genesee County include: persons paying in excess of 30% of their income on rent and/or living in substandard housing; persons with disabilities; persons being discriminated against in housing, employment, and transportation; and homeless persons. In many cases this lack of access to traditional services is due to household income that is less than the Area Median Family Income (AMFI).

The following table depicts selected populations and the number of households below the 2000 AMFI.

<b>Renters</b>	<b>Elderly Households</b>	<b>Small Households</b>	<b>Large* Households</b>	<b>Other** Households</b>	<b>Total Renters</b>
Extremely Low-Income	2,127	3,081	568	2,940	8,716
Very Low-Income	960	1,501	188	1,733	4,382
Low-Income	1,167	1,580	380	1,207	4,334
Moderate-Income	740	1,797	263	2,156	4,956
Middle-Income***	843	4,331	402	4,974	10,550

<b>Owners</b>	<b>Elderly Households</b>	<b>Small Households</b>	<b>Large* Households</b>	<b>Other** Households</b>	<b>Total Owners</b>
Extremely Low-Income	4,603	3,601	728	1,837	10,769
Very Low-Income	1,739	1,471	270	1,028	4,508
Low-Income	2,864	2,130	458	809	6,261
Moderate-Income	5,410	5,322	1,305	1,908	13,945
Middle-Income	10,769	41,259	7,223	8,544	67,795

\*Large Households consist of five or more persons

\*\*Householders that are considered single persons, disabled, or have HIV/AIDS

\*\*\*Middle Income refers to those whose incomes are between 80% and 100% and less than the AMFI

Source: 2000 CHAS (Community Housing Affordability Strategy) DATA (Census Data Specifically Prepared for HUD)

Genesee County HOME Program funds will provide assistance towards development and implementation of affordable housing activities.

The provision of HOME assisted Tenant Based Rental Assistance (TBRA) will further the County's outreach to underserved populations. The population to be served by the funds will include youth who have aged out of foster care, living in transitional housing, and who are living in emergency shelter. Genesee County HOME funds, totaling \$80,000 over a two-year period, will provide additional rental vouchers, beyond those requested from MSHDA, to extend the length of tenancy beyond the 24 months permitted by MSHDA.

TBRA funding will provide an important resource in Genesee County, for several reasons. Economic conditions in Genesee County have rapidly declined due to the loss of several thousand General Motors and manufacturing jobs over the last decade. These conditions have lead to not only an increase in unemployment, but also a dilapidated housing stock, a shortage of decent affordable housing, less funding from private and public resources, and limited resources for essential services.

Obstacles to meeting the needs of the underserved include the reduction in Federal and State of Michigan Community Development Program allocations, decrease in State Revenue Sharing Funds, and the challenges associated with overcoming widespread lack of public participation and the climate of public disinterest, particularly from those persons in need of community development services.

In addition, through utilization of CDBG assisted Genesee County Home Improvement Program (HIP), lead-based paint abatement and weatherization activities, Genesee County will be enabled to reach out and provide services to underserved populations.

## **2. Managing the Process**

### **a. Lead Agency**

The 2008 Action Plan is being implemented as the fourth year of the 2005-2009 Consolidated Plan by Genesee County, acting through the Genesee County Metropolitan Planning Commission (GCMPC). Genesee County is responsible for administering federal, U.S. Department of Housing and Urban Development (HUD) Community Planning and Development Grant Programs and their associated funding allocations for the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), American Dream Downpayment Initiative (ADDI), and Emergency Shelter Grants (ESG) Programs for Genesee County, for activities outside of the municipal boundary of the City of Flint.

The 2008 Action Plan was developed with input from local units of government; citizens; representatives of area service providers; Community Housing Development Organizations (CHDO); and other non-profits and for-profit developers. GCMPC staff reviews applications/proposals for eligibility, and assesses their ability to be effective in reaching one or more of the desired outcomes developed for the third year of the Five-Year Consolidated Plan.

### **b. Enhancing Coordination Between Public and Private Partners**

During 2008, GCMPC staff will continue to provide information to local units of government and assist them in identifying and coordinating funding opportunities with a focus on increasing actions aimed at expanding community development improvements and services to low-to-moderate income persons and limited clientele populations. GCMPC will continue to coordinate the provision of CPD grant resources in efforts to further affordable housing development and homebuyer assistance, as well as continuing fiscal assistance to individuals and families who are either homeless or in risk of becoming so. Genesee County will continue to work with local financial lending institutions and HUD Certified Housing Counseling Agencies in our partnership efforts to further affordable housing funds and initiatives.

GCMPC staff will provide information from HUD and Michigan State Housing Development Authority (MSHDA) to those public agencies, individuals and/or for profit developers who may be interested in utilizing their programs for producing affordable housing projects. Staff will continue to review and approve appropriate requests for Certifications of Consistency with the Consolidated Plan to ensure that proposed Programs meet the goals and objectives of the Genesee County Community Development Program. Staff will continue to work with staff of the U.S. Department of Agriculture (USDA) – Rural Development Program in coordinative efforts to provide appropriate referrals to their housing Programs in areas of Genesee County that are within the USDA's jurisdiction. Regular meetings will be held with regional staff from MSHDA to assist in coordinating Genesee County housing activities. In addition, GCMPC staff will continue to provide technical assistance and information about fair housing issues to local units of government, non-profit organizations, CHDO, and for profit developers regarding the advancement of housing related projects for populations in need of affordable and barrier-free housing.

GCMPC staff efforts will increase in 2008 as staff continues to work in partnerships developed during 2006 towards the formation of the Genesee County "10 Year Plan to End Homelessness". These partnerships will include furthering institutional structure through working with the local Continuum of Care, as well as MSHDA designated "Region 5" Continua agencies to fulfill requirements of MSHDA's Campaign to End Homeless Housing Initiatives grant funds. GCMPC will work with the regional Continuum of Care, Community Collaborative Agencies; the Michigan Department of Community Health (MDCH), the Department of Human Services (DHS), the Michigan Department of Corrections (MDOC); and MSHDA staff in efforts to provide needed assistance to chronically homeless individuals and other special needs populations across not only Genesee County, but throughout the MSHDA Region as well.

Working with the City of Flint Human Relations Commission staff, GCMPC will continue to lead coordinative efforts and conduct quarterly Fair Housing Meetings that will be held at various locations, (typically at local municipality offices) around the County. These meetings provide a forum for local units of government and interested agencies to meet with staff of the Genesee County Fair Housing Center, HUD Fair Housing representatives, community development lenders, and other agencies interested in furthering Fair Housing in our community. These meetings are held for the purposes of providing and receiving education and information on Fair Housing topics and areas of concerns, and as a means to enhance area efforts to reduce barriers to fair, accessible, and affordable housing in the Genesee County community.

GCMPC will continue to participate as an active member of the Community Housing Resource Board (CHRB). The CHRB is a Committee made up of representative members such as: participating financial lenders, The Disability Network, homeless service providers, faith based organizations, CHDO, and local units of government, who meet to discuss issues related to housing and associated fiscal resources in Genesee County.

The next year will show an increase in efforts towards the advancement of current partners, and development of new affiliations to assist in serving low-to-moderate income populations more effectively. This will be done with increased education and technical assistance for all programs (CDBG, HOME, ADDI, and ESG). Education initiatives will focus on disseminating information through workshops, conferences and meetings between partners; and advertising through both traditional and innovative media to inform the public, each as part of the overall efforts to further knowledge about Genesee County's Community Development Program opportunities. Technical assistance will focus on improvements to Program application processes, refining methods of determining eligibility; ensuring correct processes are performed; monitoring; measuring performance outcomes; coordinating and enhancing collaboration efforts between multiple partners, as well as assisting partners to build their capacity in order to more effectively serve targeted populations.

### **3. Citizen Participation**

#### **a. Citizen Participation Process**

Several opportunities for citizen participation were provided during the development of the 2007 Action Plan. On Tuesday, December 18, 2007, the County held a Public Needs Hearing at the Genesee County Administration Building. The Hearing was held during the Genesee County Board of Commissioners meeting, to obtain comment from the public regarding proposed activities during the upcoming 2008 PY. In addition, a second Public Needs Hearing will be held February 20, 2008 at the same location, prior to the Genesee County Community and Economic Development Committee (C&ED) with opportunity provided to the public for their comments and input on the Draft 2008 Action Plan. Notices of these hearings will be published in *The Flint Journal*, a local news publication of general circulation. GCMPC maintains an internet web page as one tool used to communicate with the public. The web page identifies dates, times and locations of all meetings. Notice of the 2008 Action Plan will be posted on the GCMPC website at [www.gcmnpc.org](http://www.gcmnpc.org).

#### **b. Public Comments**

Public comments were taken at the December 18, 2007 County-wide Public Needs Hearing. Comments will also be taken at the February 20, 2008 Public Needs Hearing. Minutes of the County-wide Public Needs Hearings will be included in the Appendix of this Plan.

In addition to the County-wide Public Needs Hearings, each local unit of government that applies for CPD funds from Genesee County is required to hold a local Public Needs Hearing, during which local officials and the public are given the opportunity to state how they feel Genesee County CPD Program funds should be allocated within their municipalities. Only those projects mentioned at the local Public Needs Hearings are eligible to be applied for from local units of government, particularly those requesting CDBG Program funds. Local Public Needs Meeting notices were advertised by the local units of government in *The Flint Journal* and/or other, local newspapers.

**c. Efforts to Broaden Public Participation**

Genesee County continues to provide information to all parties interested in the public planning processes. Opportunities for public involvement are welcomed by Genesee County and staff will continue to assist local units of government, non-profit agencies, for-profit firms and individuals by offering opportunities for public involvement. GCMPC staff will provide technical assistance to the aforementioned groups as requested. In addition, GCMPC will continue to publish a quarterly newsletter that will be mailed to over 1,900 interested parties that will include articles on CPD grant funded activities and informational items.

**4. Institutional Structure**

In 2008, Genesee County will continue to work within an array of partnerships to execute activities outlined in the 2005-2009 Consolidated Plan. These partnerships are developed, maintained, and managed by GCMPC staff.

Staff will continue to encourage the formation of new and innovative partnerships in efforts to leverage additional resources for each of the CDBG, HOME, ADDI and ESG Programs. Genesee County works with its partners to assure that both sides are able to contribute in a productive way. GCMPC staff conducts CDBG and HOME Program workshops to keep partners current on new developments and policies. These workshops provide sub-grantees and developers opportunities to ask questions, share ideas, and give feedback to staff. In addition to workshops that are open to all Program sub-recipients and developers, GCMPC will also host smaller "working meetings" and has committed to providing individualized, technical assistance where necessary to any of our partners.

Pre-bid meetings and Pre-construction meetings will be held with partners prior to CDBG and HOME Program activities to provide education and technical assistance in a timely manner and to ensure that affirmative marketing, procurement, and Davis-Bacon requirements are adhered to during the process. GCMPC will coordinate and conduct a mandatory workshop for those homeless service providers who wish to apply for ESG Program funds. GCMPC will continue efforts to produce workshops and to update Community Development Program "marketing materials" designed to provide education and awareness to agencies and the general public. Technical assistance will be provided by GCMPC staff with a focus on defining CPD Program eligibility requirements; establishing and undertaking correct Program processes; measuring performance of all Program activities; furthering collaboration between multiple partners; and building capacity of our partners.

Genesee County will continue to enhance coordination between multiple partners of the ESG Program in efforts to ensure that our communities' needs and priorities are addressed by taking appropriate supportive actions for persons and families that are homeless or at risk for becoming so. Genesee County will continue to act in 2008 as the guiding agency in the annual allocation process of ESG Program funds. Projects to serve needs of the homeless populations are selected for allocation through a prioritization process that incorporates: homeless participation, homeless service providers' input, recommendations made by a review committee that typically consists of impartial volunteer representatives of such entities as area universities, career and job training agencies, and the Community Collaborative, which culminates with approval by the local Continuum of Care committee members. GCMPC staff will continue to provide technical assistance throughout each step of the eligibility determination, prioritization and project award process.

## **5. Monitoring Standards and Procedures**

Genesee County will continue to implement a monitoring policy designed to ensure that all CDBG, HOME, ADDI and ESG funds received by recipients, will be utilized in compliance with applicable Program requirements. Three primary goals have been established as a basis for all monitoring visits: (1) To evaluate project performance; (2) To ensure accountability for all funds expended; (3) To ensure that applicable regulations and other Federal requirements are being met. Within this section, recapture procedures will be instituted in order to ensure that regulatory requirements are met under each CPD Program administered by Genesee County.

### **a. Community Development Block Grant (CDBG) Program:**

CDBG Program projects will be monitored from the time that the written, subrecipient agreement is signed, prior to any work beginning, and/or the disbursement of any funds for eligible project expenditures. Once a project has started, the funding recipient is to submit a Performance Report with each reimbursement request. A desk review is conducted by staff at this time to ensure ongoing compliance and eligibility of expenditures, prior to any fiscal disbursements. Regular site visits will be made by GCMPC staff to activities for purposes of evaluating progress, ensuring compliance with Program requirements, and to provide any technical assistance that may be needed. The frequency of these visits will depend on the length and complexity of the activity being undertaken. A minimum of one annual site visit will be made to each subrecipient to monitor their project(s).

For all construction Projects, monitoring will begin at the time of the project Pre-Bid meeting where proper procurement and affirmative business outreach practices are emphasized. At the Pre-Construction meetings, GCMPC staff provides documentation and technical assistance for all projects requiring Davis-Bacon Act compliance. Technical assistance and meetings with sub-recipients will continue on a regular basis through the course of each project until completion. GCMPC staff will conduct regular site visits to evaluate project progress and compliance with applicable regulations such as labor standards.

For all Public Service and Non-Construction Projects, GCMPC staff will conduct monitoring throughout the project, at the time the requisite Performance Report is submitted with each Reimbursement Request for eligible project activities. If necessary, telephone and "person to person" meetings will be held by GCMPC staff with sub-recipients to discuss staff's concerns, resolve issues, and provide any necessary technical assistance found as a result of the desk review.

If compliance issues are found, GCMPC staff will issue a written statement to the sub-recipient addressing all concerns. The sub-recipient will be required to address and correct any issues within a specified time frame, but no more than 30 days.

Genesee County will recapture 100% of all unexpended CDBG Program funds from sub-recipients for projects that are not performed and/or not required for CDBG projects within a twenty-four month written Agreement cycle. Recaptured funds will be transferred to open projects for use on eligible activities.

### **b. HOME Investment Partnerships (HOME) Program:**

HOME assisted Single Family housing and Multi-Family Rental Housing, whether new construction and/or rehabilitation activities, will be monitored throughout each of the project phases, and annually throughout the periods of affordability. Single family housing construction projects are monitored during all phases of the activity, beginning with the Pre-bid and Pre-construction meetings, continuing during construction phases, and ending with the sale or rental of the home to eligible homebuyer(s) / renter(s).

GCMPC staff attends all construction draw meetings and monitors activities through desk reviews at the time each requisite Performance Report and Reimbursement Request is received. If compliance issues are found, staff will issue a written statement to the developer addressing all concerns. The developer will be required to address and correct any issues within a specified time frame, prior to any disbursement of HOME funds by the County.

As with single family housing construction projects, staff conducts a Pre-Bid and Pre-Construction meeting with each multi-family rental housing developer; attends construction draw meetings; and monitors daily activities throughout the construction/rehabilitation phases.

Once a Certificate of Occupancy approval has been given by the local building inspection providers, and annually throughout the entire designated period of affordability, GCMPC staff monitors each HOME assisted rental housing activity. Monitoring emphasis is placed on rent and occupancy requirements such as: monthly unit rents, utility allowances, tenants' annual income, low/high HOME rents, tenant eligibility and leases; affirmative marketing and tenant selection policy; and documentation of property standard inspections.

#### Community Housing Development Organization (CHDO)

Monitoring and CHDO designation/Certification will occur in 2008 and on an annual basis in order to ensure compliance and accuracy in the following regulatory areas:

- 1) Organizational By Laws/Articles of Incorporation
- 2) Most current listing of board members with evidence of at least 1/3 low to moderate-income membership
- 3) Documentation that no more than 1/3 of the board is made up of public officials
- 4) Evidence of a formal, written, and recorded process for program beneficiaries to advise the organization of its decisions, and recommendations
- 5) Minutes from meetings held within the last 12 months
- 6) Information on staff capacity and organizational experience
- 7) Copy of 501(c)(3) or 501(c)(4) tax exemptions ruling from the Internal Revenue Service
- 8) Copy of organization's most recent audit/financial management statement
- 9) Information on sponsorship; relationship with for-profit entities, if any

If a CHDO provides all required documentation and requested updates during the monitoring time period as designated by staff, GCMPC staff will issue a letter to the respective CHDO of their Certification as a County designated CHDO. CHDO Certification does not in itself mean that an agency will automatically receive CHDO funding awards.

#### Recapture Requirements

Genesee County will continue to utilize recapture provisions based on the nature of activities assisted with HOME funds, utilizing the recapture guidelines listed below.

#### Down Payment Assistance (DPA) / ADDI Program:

- (1) Assisted through Deferred Payment Loans that are secured by an associated Lien / Promissory Note recorded on each HOME assisted property, Genesee County requires that during the required period of affordability, assisted homebuyers will maintain HOME assisted properties as his or her (their) principal place of residence. In situations where the homebuyer voluntarily sells the home, the County will require immediate payment of the entire loan as a condition for release of the property. Fair market return to the homebuyer will be calculated based on net proceeds that acknowledge capital improvements invested by the homebuyer, with the net proceeds recaptured to the local HOME Investment Trust Fund.

- (2) In the event of foreclosure, Genesee County will institute net proceeds procedures in order to recover its initial Down Payment Assistance (Net proceeds are resale prices minus the first mortgage repayments, but exclude HOME monies). In circumstances where the net proceeds are less or below the County's contributions to the purchase of the buyer's home, the County shall receive the net proceeds that are available, in order to meet requirements of 24 CFR 92. 254 (a) (5) (ii).

New Construction/Rehabilitation of Single Family Housing or Rental Housing:

Whether developed by a non-profit or a for-profit entity, the HOME investment is recaptured to the local HOME Investment Trust Fund, according to the established terms of each written agreement. These investments are offered in the form of a very low interest Deferred Payment Loan, payable to the County after the final mortgage with the lender has been signed and the units have been rented. A Lien and a Promissory Note secure these Deferred Payment Loans.

**6. Lead-based Paint**

Genesee County's CDBG funded Home Improvement Program (HIP) and all housing rehabilitation activities assisted with HOME and ESG funds will be implemented in a manner to reduce lead-based paint hazards within Genesee County. All Genesee County CPD grant Programs require that a risk assessment be done on all housing units built prior to 1978 to determine lead-based paint hazards. Any identified lead hazards are dealt with either by the implementation of interim controls or abatement to ensure the safety of assisted residents and other participants including those at emergency shelter facilities. GCMPC has entered into a written agreement with a certified, lead based paint firm to conduct assessments of all properties that have applied for HIP funds. Staff anticipates conducting approximately 50 lead based paint assessments for homeowners in the process of applying for HIP funds to improve their residences.

Genesee County Metropolitan Planning Commission (GCMPC), Community Development Program staff will continue to collaborate with State of Michigan Lead Hazard Reduction Program staff to identify methods of reaching a broader population of Genesee County residents that may be impacted by lead-based paint hazards. This collaboration has the potential to provide additional leveraged resources to be utilized for housing rehabilitation activities to be performed under the Home Improvement Program.

**7. Housing**

**a. Housing Priorities in 2008**

The following housing priorities will be addressed under the HOME and CDBG Programs during the 2008 Program Year. Following is a list of housing activities that were identified in the 2005-2009 Consolidated Plan. These activities were identified through the Planning process as providing benefit to individuals and families by ensuring decent, safe and sanitary housing; opportunities for homeownership; affordable rents; accessibility to supportive housing for persons with special needs and offering a range of housing choices.

**Decent Housing**

***Decent Housing activities provide benefits to individuals and families by ensuring decent, safe and sanitary housing, opportunities for homeownership, affordable rents and a range of housing choices.***

- OUTCOME:** *Increased homeownership*  
**Activity:** Down Payment Assistance Programs (Priority: HIGH)  
**Activity:** Construction of Affordable Single-Family Homes (Priority: MEDIUM)



**OUTCOME:** *Increased Supportive Rental Units*

**Activity:** Work with housing developers and social service providers to provide housing to individuals and families with special needs. (Priority: HIGH)

**OUTCOME:** *Improve housing conditions for homeowners and renters*

**Activity:** Bring single and multi-family residential structures into compliance with Housing Code (Priority: HIGH)

**Activity:** Demolition and Clearance activities (Priority: HIGH)

**Activity:** Screening for Lead Based Paint/Lead Hazards (Priority: MEDIUM)

**OUTCOME:** *Decrease impediments to homeownership and rental housing*

**Activity:** Encourage Construction of Barrier Free Housing (Priority: MEDIUM)

**b. Resources**

Funded with CDBG and HOME Program funds, Genesee County will continue the Home Improvement Program (HIP), administered by the GCMPC, which provides emergency home repair assistance and deferred payment loans to owners occupying their homes. Genesee County CDBG and HOME funds are not eligible for expenditure on homes located within the non-participating Cities of Flint, Flushing, and Linden. The HIP will assist approximately 70 low-to-moderate income homeowners during the 2008 PY. To utilize the HIP, the homeowner must be within 80% of the Genesee County Median Income for 2008. The use of these funds assist in leveraging local revenues and general funds that are used for the benefit of improving Genesee County communities.

Funded with CDBG Program funds, and in efforts to ensure Fair Housing laws are considered and complied with in our community, Genesee County will continue to provide funds for the following activities at the community Fair Housing Center: counseling, testing for occurrences of discrimination, data collection, studies, training, workshops, quarterly reports, advertising, and salaries and fringe benefits of staff. The Center will be administered by Legal Services of Eastern Michigan.

To address and take action towards meeting the Genesee County housing priorities identified through the Consolidated Planning process, the following activities and funding allocations of HOME Program funds are proposed for the 2008 PY.

HOME PJ Administration \$77,926

In 2008, Genesee County proposes to set aside 10% of the HOME funds for administration purposes.

HOME CHDO Operating \$38,963

Genesee County proposes to set aside 5% of the HOME funds for reasonable and necessary operating expenses for Community Housing Development Organizations (CHDO) carrying out Genesee County housing activities.

HOME CHDO Reserve \$116,888

Genesee County proposes to set aside 15% of the 2008 HOME Program funds for use by designated Genesee County CHDO. The CHDO will complete approximately six units through the new construction of single family homes, and/or mortgage buy down assistance. Genesee County proposes to supplement the 2008 PY funds with previous HOME PY funds.

Genesee County Home Improvement Program \$300,000

Genesee County proposes to set aside a portion of the HOME funds to be utilized to assist senior citizens and very-low income homeowners in Genesee County to rehabilitate their homes. Homes will be brought up to Section Housing Quality Standards.

HOME New Construction/Acquisition/Rehabilitation Projects \$205,480

Genesee County proposes to set aside funding for affordable housing developers to complete affordable, new construction housing, acquisition, and rehabilitation projects. Genesee County proposes to supplement the 2008 PY funds with previous HOME PY funds.

HOME ADDI \$6,410

Genesee County proposes to assist first time homebuyers with downpayment assistance up to \$8,000 per household. Genesee County proposes to supplement the 2008 PY funds with previous HOME PY funds.

Tenant Based Rental Assistance (TBRA) \$40,000

Genesee County proposes to commit 2008 HOME funds for Tenant Based Rental Assistance activities to be utilized by populations with special needs. Genesee County also provided 2007 PY funds in the amount of \$40,000.00.

## **8. Needs of Public Housing**

Public Housing Activities are administered by the City of Flint Public Housing Commission and will be addressed in the City of Flint Five-Year Consolidated Plan.

## **9. Barriers to Affordable Housing**

### **Tax Policies**

As the lead agency for administering HUD CPD Grant Program funding allocations, GCMPC does not have the authority to change tax policies, but does provide local units of government with the most up-to-date information regarding Census Data and any surveys conducted. In addition, GCMPC coordinates the quarterly Fair Housing meetings held at local units of government where information on barriers to affordable housing are discussed, including tax policies. These numbers help the local units to develop an understanding of trends and projections, upon which policy decisions, regarding the affect of tax policies on low and moderate income persons.

### **Zoning Ordinances and Land Use Controls:**

Local municipalities in Genesee County develop and enforce Zoning Ordinances for each of their respective communities. Local Zoning Ordinances can create affordability barriers such as in those that are implemented when there are density requirements for a subdivision plat. For example, when the density requirement encourages low density development, it has the effect of increasing construction costs for new homes, which are subsequently passed on to homebuyers through market pricing. On the other hand, when zoning ordinances allow a high density usage, construction costs are often decreased, which in turn can lead to a decrease in the sales (and purchase) price of homes. To remove affordability barriers associated with zoning ordinances, local municipalities may want to incorporate Planned Unit Developments, which emphasize a mixture of high and low density housing, which in return will contribute to housing affordability.

Land use controls can in effect, limit access to affordable housing if there is limited availability of employment opportunities, or public transportation services are not accessible by residents of affordable housing stock.

Land Use controls are beyond the scope of GCMPC's regulatory authority. However, GCMPC can assist local units of Genesee County government in updating their Master Plans, Future Land Use Plans and Zoning Ordinances with the use of Community Development Block Grant funds and through education on Fair Housing concerns about impediments resulting from certain types of zoning and land usage.

GCMPC will continue to work with the U.S. HUD and City of Flint Human Relations Commission staff to coordinate quarterly Fair Housing Informational Workshops that will be held throughout Genesee County.

**Fees and Charges:**

Fees and Charges such as permit fees and tap-in charges are seen as a small barrier, for which, through the use of its HOME Program funds, Genesee County can reduce the negative impact. HOME Program funds are used to pay these fees and charges for qualifying homebuyers and agencies utilizing HOME funds.

Encouraging local units of government to waive various fees only minimally helps property become more affordable to low and moderate income families. Fees are minimal when compared to costs of land, infrastructure improvements, and construction.

**Policies Affecting Return on Residential Investment:**

This is not identified as a barrier towards the provision of affordable housing in Genesee County. The market itself determines the return on residential investment. There are not policies instituted by any of the local units of government that relate to the return on residential investment. However, Genesee County is able to help retain Residential Investment in older neighborhoods by rehabilitating a variety of housing units in many locations. This helps to improve and revitalize the overall condition of neighborhoods.

**Cost of Housing and Incentive Programs:**

According to the 2000 Census, almost fifty percent (50%) of all owner occupied housing in Genesee County is valued from \$70,000 to \$149,000, with the median value of \$95,000. Approximately 25% of the mortgages payments for owner occupied housing costs homeowners \$1,000 to \$1,500 per month. For the average low-income family of four (\$34,700) in Genesee County this yields a payment that ranges from 35% to more than 50% of their monthly income. As a result, low-income persons and families are limited in their choice of community and are sometimes forced into affordable rental units or substandard housing that is predominantly aging housing stock. According to the 2005 American Community Survey conducted by the U.S. Bureau of the Census, 105,799 units or 61% of all occupied housing structures in Genesee County were constructed from 1940 to 1979. According to this same survey, only 12,834 units or 11.1% of the occupied housing units have been constructed since 2000. This information include both owner occupied homes and rental housing units.

Housing costs are a barrier not only for homeowners, but for renters as well. According to U.S HUD, the 2007 Fair Market Rent for a one bedroom apartment is \$541 per month; a two bedroom apartment is \$649 per month; and \$804 per month for a three bedroom apartment. With an increase in the senior age population, housing costs are becoming non-affordable to the elderly population of Genesee County. Many senior citizens are becoming renters in multi family housing complexes and are relying on subsidies to supplement their monthly incomes. Also, households with children necessitate two and three bedroom homes. According to the 2000 Census, almost 50% of the households with female heads of households that have related children under five years of age living in their homes live at incomes below the poverty level in Genesee County. Affordable housing is a critical need in Genesee County for many populations residing in our community. In order to reside in a three bedroom apartment, the average very low-income family of four (\$28,900), may have to pay in excess of 32% of their income towards rent to live in market rate rental units. As a result, very low-income individuals are often forced to live in substandard rental units or subsidized housing. Also, low-income households paying in excess of 35% of their income towards the cost of rental housing, often find it impossible to save for homeownership.

There are a number of programs available in Genesee County to assist families and individuals in purchasing a new home. GCMPC administers a HOME Program funded, Downpayment Assistance Program (DPA) that provides up to \$5,000 in downpayment assistance and closing costs for the purchase of a home outside of the City of Flint. GCMPC also administers the American Dream Downpayment Initiative (ADDI) Program, providing up to \$8,000 for first time homebuyers seeking to purchase homes outside of the City of Flint. In addition to financial assistance, homeownership training empowers the purchaser in skills such as preventive maintenance and monthly budgeting skills. Financial assistance, together with homeownership training, will provide a means for overcoming housing barriers. Through written agreements with local, financial lending institutions, Genesee County refers prospective

homebuyers to HUD Certified Counseling Agencies for homeownership training, assistance and a wide range of housing information. GCMPC will ensure that homebuyers anticipating assistance through the Genesee County HOME DPA and ADDI Programs will receive housing counseling prior to release of any funding assistance.

## **10. American Dream Down Payment Initiative (ADDI)**

### **a. Planned use of ADDI Funds**

Since 2003, Genesee County has administered the American Dream Down Payment Initiative (ADDI) Program. ADDI funds are committed for the purpose of making down payment assistance available to low income individuals and families that are prospective first-time homebuyers. ADDI funds can be used to provide funding assistance for eligible costs associated with the purchase of single family housing that will serve as buyers' principal residences. ADDI assistance will be offered only to first-time home buyers whose incomes do not exceed 80% of the current median income for Genesee County households. ADDI funding assistance up to \$8,000.00 per homebuyer, will be offered in the form of a Deferred Payment Loan. The ADDI loan is secured by a Lien and Promissory Note, and is subordinate to the first mortgage offered through a variety of Lender products offered to prospective homebuyers by any one of the Lenders participating in the Genesee County ADDI Program. The Lien will be considered a "life time Lien" which means that the Lien will be held on the property until the ADDI loan is paid back to the HOME Investment Trust Fund, typically upon the sale of the property. ADDI assistance may be used for pre-pays, closing costs, and down payment costs and other eligible costs according to ADDI regulations.

A qualifying home and homebuyer will have to meet the following requirements in order to be eligible to receive ADDI assistance:

- 1) Participants must be first time homebuyers, as defined under HUD regulations.
- 2) Initial purchase price must not exceed 95% of the medium purchase price for a single-family housing unit in the market area census tract, or the neighborhood
- 3) Must meet HUD's lead based paint standards (for homes constructed prior to 1978)
- 4) Must be the homebuyer's principal residence
- 5) Must be located in Genesee County, but outside the City of Flint municipal boundary
- 6) Application for ADDI assistance must be initiated through a participating Genesee County lender
- 7) Participants will be required to attend and complete training provided from HUD certified housing counseling agency.
- 8) Borrowers' Mortgage to Income ratios must not exceed 33% and Overall Debt Ratio must not exceed 41% of monthly income.
- 9) Must be a member of a household earning 80% or less of the current, annual median income limits for Genesee County.

For those homebuyers who are do not fulfill the "first-time" homebuyer requirement for ADDI assistance, Genesee County will offer up to \$5,000.00 per purchase of an affordable home subject to provision of each of the other requirements listed above.

### **b. Recapture Guidelines**

Genesee County will continue to utilize recapture provisions based on the nature of activities assisted with HOME DPA and ADDI funds, utilizing the recapture guidelines listed below.

- 1) Assisted through Deferred Payment Loans that are secured by an associated Lien / Promissory Note recorded on each HOME assisted property, Genesee County requires that during the required period of affordability, assisted homebuyers will maintain HOME assisted properties as his or her (their) principal place of residence. In situations where the homebuyer voluntarily sells the home, the County will require immediate payment of the entire loan as a condition for release of the property. Fair market return to the homebuyer will be calculated based on net proceeds that acknowledge capital improvements invested by the homebuyer, with the net proceeds recaptured to the local HOME Investment Trust Fund.

- 2) In the event of foreclosure, Genesee County will institute net proceeds procedures in order to recover its DPA/ADDI assistance (Net proceeds are resale prices minus the first mortgage repayments, but exclude HOME monies). In circumstances where the net proceeds are less or below the County's contributions to the purchase of the buyer's home, the County shall receive the net proceeds that are available, in order to meet requirements of 24 CFR 92. 254(a)(5)(ii).

**c. Targeted Outreach**

Genesee County will continue to provide public outreach about HOME DPA and ADDI funds to residents in general. There will also be a focus to ensure that tenants of public housing complexes, mobile home parks, and families who are assisted by public housing agencies, have access to the information about ADDI and HOME DPA Programs. This will occur through the use of Public Service Announcements, newsletters mailed to over 1,500 contacts in GCMPC's public mailing list, and through requirements that participating lending institutions conduct marketing efforts on DPA and ADDI Programs. Genesee County provides a list of HUD Certified Housing Counseling Agencies to participating lenders, as an attachment to their written Agreements and will require that all homebuyers receiving Genesee County DPA and/or ADDI assistance attend housing counseling prior to disbursements of any funds.

**d. Ensuring Homeowner Suitability**

In order to ensure that homebuyers are successful in sustaining homeownership under the ADDI program, lenders review all income information, credit history, and ability to pay, as well as coordinating housing counseling sessions with one of the HUD Certified Housing Counseling Agencies. GCMPC staff will review that information before approving and/or disbursing funding assistance to each eligible homebuyer.

**11. Homeless**

**a. Resources**

Genesee County will administer the Emergency Shelter Grants (ESG) Program in 2008. GCMPC will continue to work cooperatively with the City of Flint's ESG Program staff in efforts to address Program objectives and provide funding for comprehensive services to our community's homeless populations.

Genesee County participates as an active member of the Continuum of Care Committee. Annually, the activities proposed to utilize Genesee County and City of Flint ESG Program funds are presented to the Continuum of Care agencies and interested participants for their support and approval. Additionally, homeless services and shelter providers annually apply for HUD Supportive Housing Program (SHP) awards through the Continuum of Care process. SHP awards are used by homeless service agencies, as well as Genesee County and City of Flint ESG funds, to provide shelter and other forms of assistance to homeless persons and families. In addition, local charitable organizations and community foundations provide private funding resources to homeless service and shelter providers to assist them in maintaining services for area homeless populations.

The Michigan State Housing Development Authority (MSHDA) identified the City of Flint and Genesee County in 2006 to be a large urban area where a large number of individuals and families are considered to be without adequate housing and chronically homeless. This Initiative has enabled Genesee County to receive one million dollars (\$1,000,000) in funding resources to be used towards meeting needs of the Chronically Homeless populations. The Genesee County Continuum of Care has identified Metro Housing Partnership, Inc. as the lead, non-profit agency to assume responsibility for coordinating the Chronically Homeless Initiative pilot project. Homeless service providers are working in cooperation with the Continuum of Care, the Michigan Department of Human Services, the Community Collaborative, Community Mental Health, and Metro Housing Partnership to perform this Initiative. In 2007 and future years, Tenant Based Rental Assistance (TBRA) offered through this initiative by MSHDA will serve Chronically Homeless individuals in sustaining housing while receiving supportive services. Genesee County actively participates in the Chronically Homeless Initiative as a member of the Continuum of Care, and a participant in the Community Collaborative, offering technical assistance.

As a member of the Continuum of Care, GCMPC staff will continue to participate in the core committee that developed the "10-Year Plan to End Homelessness In Genesee County", that was submitted to MSHDA as part of the statewide effort dedicated to end homelessness in local communities. As a result of this participation, Michigan has been acclaimed as the first State in the Nation to have 100% participation of all Counties towards this initiative. GCMPC staff will continue to work during the 2007 PY in efforts to implement the "10-Year Plan" within our community.

**b. Homeless Objectives in 2008 as Identified in the 2005-2009 Consolidated Plan**

***End Chronic Homelessness***

***Chronic homelessness is a subcategory of Decent Housing and requires a dual approach of affordable housing and supportive services.***

**OUTCOME:** *Reduce the number of homeless individuals and families.*

Activity: Support emergency shelters (Priority: HIGH)

Activity: Support transitional housing (Priority: HIGH)

Activity: Support needed supportive services (Priority: HIGH)

Activity: Permanent Supportive housing (Priority: HIGH)

To address these goals, several activities will take place within the County utilizing funding from Genesee County Emergency Shelter Grants funds and HOME Investment Partnership (HOME) funds (Section 7. of this Plan), MSHDA funds and SHP Grant funds awarded directly to agencies from HUD. The following projects are proposed for funding assistance with Genesee County ESG Program during the 2007 PY:

Administration **\$4,085**

The County of Genesee is proposing to set aside 5% of the total ESG funds to be used for administrative purposes. Funds will be used for administration, reporting, and monitoring of the PY 2007 Emergency Shelter Grants Program.

Genesee County-ESG - Shelter of Flint **\$46,154**

The Shelter of Flint proposes to use Genesee County ESG funds for Essential Services and Operations to assist homeless families and individuals. Services to be provided include: case management and follow-up, transportation assistance, as well as funds for operational costs at the shelter facility.

Genesee County-ESG – My Brother’s Keeper **\$7,000**

My Brother’s Keeper proposes to use Genesee County ESG funds for Essential Services. Services to be provided include: case management and follow-up services, job training, and education.

Genesee County-ESG - Genesee County Community Action Resource Department **\$24,454**

The Genesee County Community Action Resource Department (GCCARD) proposes to use ESG funds for Homeless Prevention. Services to be provided include: rent, mortgage, and utilities arrearage, first months rent and security deposit assistance.

The Flint/Genesee County Homeless Continuum of Care recently received award information under the 2007 HUD Supportive Housing Program (SHP) and Shelter Plus Care process. Under the grant, several projects had requested renewal funding to continue necessary services for the homeless mentally ill, those with substance abuse issues, the chronically homeless and those who became homeless due to abuse. The agencies receiving renewal funding include Genesee County Community Mental Health, Genesee County Community Action Resource Department, YWCA of Greater Flint, the Shelter of Flint, Genesee County Youth Corporation, Genesee County Community Mental Health Authority and the Michigan Department of Community Health. The level of funds allocated to the Flint/Genesee County Homeless Continuum agencies totals \$1,600,126.00.

**c. Chronic Homelessness**

The Flint/Genesee County Continuum of Care recognizes the following areas as critical in eliminating chronic homelessness:

1. Developing community framework and increasing capacity of the service and homeless providers.
2. Increasing the methods of financing that will make permanent supportive housing the central vehicle for addressing the long-term homelessness, and particularly homelessness among those with persistent or chronic health challenges and multiple barriers to housing stability.
3. Increase the coordination among various service systems into real prevention efforts that will diminish the future flow of people into homelessness.
4. Enhance efforts to educate the community about homelessness thereby building public capital.
5. Increase the effectiveness and impact of the community planning for programming, both new and existing that works towards ending chronic homelessness.
6. Designate a service agency to provide core services to supportive housing.

#### **d. Homelessness Prevention**

The Flint/Genesee County Continuum of Care has utilized several agencies in addressing the needs of persons with characteristics of chronic homelessness. For instance, Genesee County Community Mental Health (GCCMH) has a Homeless Daily Living Program that provides the services of Consumer Technicians, who are recent or former consumers of GCCMH. Under the supervision of professional staff, counseling and assistance is offered to mentally ill and homeless individuals. GCCMH, through its Transitional Boarding House, provides assistance to disabled clients who are seeking independent living arrangements. Other agencies, such as New Passages, provide intensive life skill training and guidance. Carriage Town Ministries has established a computer training program for the homeless and acts as job training center.

Legal Services of Eastern Michigan utilizes MSHDA, ESG, Fair Housing Center, HUD and CDBG funds to expand its training to staff of homeless care providers regarding the appeal process for public benefits, especially SSI, to homeless consumers. Catholic Charities provides the North End Soup Kitchen (NESK) that serves meals to approximately 300 men, women, and children each day at the Main Kitchen as well as serves over 450 sack lunches each day from three satellite locations. Of these populations, recent surveys by NESK indicate that of the total persons needing their food distribution services, 44% have been homeless within a thirty day period, and 90% have been homeless within the past year. Of those homeless, 28% were living on the streets, 18% in shelters, and 21% with family and friends.

Genesee County Youth Corporation (GCYC) provides services that address the needs of runaway, homeless and other youth aged 10-17 years with crisis and emergency shelter services. It is estimated that in 2008 PY, GCYC will serve 260 unduplicated youth with 130 of those requiring shelter services. In 2008, GCYC in partnership with Catholic Charities and Metro Housing Partnership, Inc. as fiduciary, was awarded \$200,000.00 towards a two-year grant as part of the MSHDA NOFA to End Homelessness to provide Tenant Based Rental Vouchers to youth currently housed in their transitional housing facility and to youth aging out of foster care. Genesee County will provide \$40,000.00 of HOME Program TBRA towards each year of the MSHDA grant.

Addressing chronic homelessness is a challenge in the Flint/Genesee County area. The economic conditions continue to decline with a corresponding increase in unemployment. In 2005, 15.9% of people were in poverty (an increase of 1.9% since 2003) and 46.4% of families were headed by a female with children under 18 years of age (an increase of 10.4% since 2003).

In addition, to the above problems associated with homelessness, the following challenges face the homeless consumer:

- 1) Lack of a coordinated discharge policy between the State and County.
- 2) Lack of affordable housing in the City of Flint, where more than 30% of the housing stock is in substandard condition.
- 3) Insufficient resources for mainstream programs.
- 4) Cuts in funding for assistance by Federal and State government.
- 5) Decline in private resources, particularly from United Way and the Community Foundation of Greater Flint, local businesses, and fiscal contributors, who have each provided funds directly related to charitable contributions.
- 6) Limited resources for essential services such as health care and transportation.
- 7) Lack of employment opportunities.

8) Prolonged length of time to qualify for public benefits such as SSI, which takes up to 18 months.

**e. Discharge Coordination Policy**

Local homeless service agencies require the completion of a survey for all clients at the time of completion/ departure from the program. A summary of client surveys must be submitted to GCMPC on an annual basis. For the 2008 ESG PY, applicants were required to provide assurance of a Discharge Coordination Policy in order to be considered eligible for ESG Program funds.

**12. Community Development**

**a. Priority Community Development Needs**

In 2005, through the Consolidated Planning process, the Genesee County Metropolitan Planning Commission identified five aspects of community development, all equally important, which need to be addressed in order to produce healthy, thriving communities and neighborhoods. These five major areas are: Suitable Living Environment/Neighborhood Revitalization, Economic Opportunities, Independence and Life Enrichment, Housing, and Ending Chronic Homelessness. Since the creation of our 2005-2009 Consolidated Plan, HUD has issued guidance for a nationwide Performance Measurement System, allowing for the aggregation of collected data at the national level. HUD's performance measurement system consists of three "Objectives": Suitable Living Environment, Decent Housing, and Economic Opportunities. The objectives of HUD and the five aspects of community development needs developed during Genesee County's Consolidated Planning process are very similar. To avoid confusion, Genesee County's five objectives have been generalized into HUD's three. Desired outcomes and proposed activities are outlined below for each of the three objectives as described by HUD.

**Suitable Living Environment**

***A suitable living environment is a neighborhood characterized by a healthy real estate market, attractive public amenities, a sense of safety and security, and one in which residents are involved in neighborhood concerns.***

**OUTCOME:** *Improved functionality and appearance of public infrastructure*  
**Activity:** Water/sewer improvements in low/mod income areas (Priority: HIGH)  
**Activity:** Sidewalk Improvements in low/mod income areas (Priority: HIGH)  
**Activity:** Street Improvements in low/mod income areas (Priority: HIGH)

**OUTCOME:** *Increased and/or improved community facilities, green spaces, and neighborhood residential and commercial districts*  
**Activity:** Improvements/additions to neighborhood parks/recreational facilities (Priority: HIGH)  
**Activity:** Construction/Rehabilitation of community centers (Priority: HIGH)  
**Activity:** Boarding, Securing and Weed & Trash Abatement (Priority: HIGH)  
**Activity:** Streetscape improvements in neighborhoods/commercial districts (Priority: MEDIUM)

**OUTCOME:** *Increased Public Safety*  
**Activity:** Reduce incidence of pedestrian/auto accidents (Priority: HIGH)  
**Activity:** Improve road conditions (Priority: HIGH)  
**Activity:** Improvements to lighting in public places (Priority: HIGH)  
**Activity:** Purchase firefighting equipment (Priority: HIGH)  
**Activity:** Demolition of Blighted Structures (Priority: HIGH)  
**Activity:** Crime Awareness Programs (Priority: MEDIUM)

**OUTCOME:** *Increased public participation in community life*  
**Activity:** Encourage formation of block clubs and neighborhood organizations (Priority: MEDIUM)

**OUTCOME:** *Increase academic and social success/development in children and youth*



Activity: Provide free after school programming for areas youth (Priority: HIGH)  
Activity: Provide facilities for after school programming (Priority: HIGH)  
Activity: Increase parenting skills and family independence (Priority: MEDIUM)

**OUTCOME:** *Enhanced employability of youth, seniors, and individuals with special needs*  
Activity: Provide Employment Training opportunities (Priority: MEDIUM)

**OUTCOME:** *Increase involvement of seniors and persons with special needs in community activities.*

Activity: Provide activities for senior citizens (Priority: MEDIUM)

Activity: Provide facilities for seniors and persons with special needs (Priority: MEDIUM)

Activity: Formation of volunteer programs (Priority: MEDIUM)

**OUTCOME:** *Sustain independent living for seniors and those with special needs*

Activity: Bring single and multi-family residential structures into compliance with Housing Codes (Priority: HIGH)

Activity: Work with developers to construct barrier free housing. (Priority: HIGH)

Activity: Make pedestrian areas of public places compliant with the Americans with Disabilities Act. (Priority: HIGH)

Activity: Increase free activities available to seniors and those with special needs (Priority: MEDIUM)

**OUTCOME:** *Produce well thought-out communities and neighborhoods*

Activity: Financial assistance to communities to be used for the development of planning documents (master plan, zoning ordinances, recreation plans, etc.) (Priority: HIGH)

### **Decent Housing**

***Decent Housing activities provide benefits to individuals and families by ensuring decent, safe and sanitary housing, opportunities for homeownership, affordable rents and a range of housing choices.***

**OUTCOME:** *Increased homeownership*

Activity: Down Payment Assistance Programs (Priority: HIGH)

**OUTCOME:** *Increased Supportive Rental Units*

Activity: Work with housing developers and social service providers to provide housing to individuals and families with special needs (Priority: HIGH)

**OUTCOME:** *Improve housing conditions for homeowners and renters*

Activity: Bring single and multi-family residential structures into compliance with Housing Code (Priority: HIGH)

Activity: Exteriors of owner-occupied housing brought up to Housing Code standards through code enforcement (Priority: MEDIUM)

### **Economic Opportunities**

***The goal of economic opportunities is to build economic power within the neighborhood, from supporting the development of small businesses to assisting people in getting and keeping quality jobs.***

**OUTCOME:** *Expand employment opportunities*

Activity: Offer low-interest loans from a revolving loan fund for small businesses to improve business/sales and expand workforce. (Priority: MEDIUM)

OUTCOME: *Strengthen ability of individuals to maintain employment*  
 Activity: Provide Employment Training opportunities (Priority: MEDIUM)  
 Activity: Subsidize childcare for newly employed, low-income individuals (Priority: MEDIUM)

**PY 2007 - Project Descriptions of Proposed Activities by Objective:**

CDBG Planning and Administration \$364,092

In 2008, Genesee County proposes to set aside 20% of the total allocation for Planning and Administration purposes.

**I. Suitable Living Environment**

Street and Sidewalk Improvements \$22,000

Flint Township proposes to repair and replace sidewalk as needed on Dixon Drive between Lindenwood Drive and Hansen Drive. Burnell Street to Stalker Community Center and sections of sidewalk on Brobeck Street will be replaced. Lavelle Road east of Mackin Road to the city limits, will be replaced. Several sections are crumbled, cracked and heaved and are a hazard to pedestrians.

Flint Township proposes to use funding to repave the following streets: Dartmouth Avenue (1,782 lineal feet), Ryan Street (1,709 lineal feet), Orr Street (780 lineal feet), Mackin Road (0.90 miles to the city limits) East of Lavelle Road

Street and Sidewalk Improvements \$43,638

Gaines Township proposes to use funding to regravell Beers Road between Ray Road and Baldwin Road. An income survey was completed to determine project eligibility.

Mt. Morris Township proposes to make improvements to the following streets: Parkton (O'Brien to the end). Improvements will include repair to catch basins and repaving of streets.

Fire Equipment Purchase \$14,430

The City of Mt. Morris proposes to use funding to purchase fire equipment. Equipment will include: Turn-out gear, fire helmets, and fire boots for the safety and protection of their fire fighters. The fire station is located at 11649 N. Saginaw Street, Mt. Morris, Michigan.

Fire Equipment Purchase \$2,000

Flint Township proposes to use funds to purchase smoke detectors and carbon monoxide detectors to be distributed to the low to moderate income residents located in the CDBG areas in Flint Township. A sign-in sheet will be used detailing the addresses of those receiving safety equipment.

Fire Equipment Purchase \$60,000

Mt. Morris Township proposes to purchase fire equipment to be utilized at Station # 2 located at 4136 Jennings Road, Mt. Morris. This equipment will be utilized in low to moderate areas of the Township. Equipment to be purchased will include: Scuba sets, 25 Nomad hoods, 24 helmet fronts, 30 pairs of gloves, 5 sets of turnout gear and 11 pagers.

Mt. Morris Township proposes to purchase fire equipment for Station #3 located at 1027 Louis Avenue. The equipment will be utilized in low to moderate income areas of the Township. Equipment to be purchased includes: 8 sets of Janesville-Lions Apparel model CPM, 1 CO Detector Model, 6 sets of boots, 12 pairs of gloves, 250' of 3/4 booster line, 2 Rits bags, 4 - 50' of 1 3/4 blue fabric hose, 4 - 50' of 1-3/4 red fabric hose, 1 - 4" Gate valve, 1 Hurst light weight spreader, 2 - 3/4" Marauder nozzles

Waterline Improvements \$18,000

Clayton Township proposes to use funding to assist three (3) households with septic tank abandonment, sewer hook-up and restoration. The area in which CDBG funding will be utilized is Seymour Road south of Bristol Road; Morrish Road south of American Legion Hall.

Senior Center Improvements \$54,726  
Montrose Township proposes to utilize CDBG funds to partially fund the purchase of the senior center facility, currently owned by the Montrose School district. The building is located at 200 Alfred Street, Montrose, MI 48433. This project will be funded with \$54,726 of 2006 Genesee County CDBG funds and pre-award funding from the Township's 2009 CDBG allocation.

Ditching Improvements \$24,000  
Flint Township proposes to complete ditching improvements on Dartmouth Avenue, Donaldson Boulevard, Heatherly Avenue and McCollum Avenue. The streets are located in designated low to moderate income areas. The improvements will assist in preventing street flooding.

Barrier Free Improvements \$4,246  
Clayton Township proposes to improve the accessibility of its Township Hall. This project will allow the Township to be in compliance with American with Disabilities Acts (ADA) requirements. Improvements will include: Front and Back Door Improvements. The Township is located at: 2011 Morrish Road, Swartz Creek, MI. This project will be funded with \$4,246.00 of 2008 CDBG funds.

Removal of Slum Blight \$5,000  
Clayton Township proposes to utilize CDBG funds to demolish substandard properties in the township. The area in which CDBG funding will be utilized is Corunna Road area west of Nichols Road. Two structures have been identified by the Township. This project will be funded with \$5,000 of 2008 funds.

Removal of Slum Blight \$95,000  
Flint Township proposes to demolish blighted structures at the following addresses: 2157 S. Dye Road, 1374 Benard Street, 3192 Herrick Street, 3064 W. Dartmouth, 3489 Larchmont, and 2475 Lavelle. The owners of these structures have been identified and information has been provided to GCMPC by Flint Township. This project will be funded with \$95,000.00 of 2008 CDBG funds.

Code Enforcement \$14,431  
Code enforcement will be performed throughout the entire City of Mt. Morris. Funds will be used to create one Code Enforcement position to perform code enforcement duties. The position will consist of one individual working one day a week, eight (8) hours a day, at \$14.00 per hour plus minimal fringe benefit costs. The Code Enforcement Officer will utilize a City vehicle and will perform all follow up correspondence and miscellaneous duties related to code enforcement violations such as ticket write-ups, etc. These activities will be funded with \$14,431.00 of 2008 Genesee County CDBG funds.

Code Enforcement \$29,000  
Funds will be used to assist in paying the salary of one code enforcement officer for two (2) years. The officers will work in areas designated for CDBG funding only. The officers will carry out the following activities: Identify blighted structures and ensure that local codes are being followed. This project will be funded with \$29,000.00 of 2008 CDBG funds.

Code Enforcement \$90,000  
Mt. Morris Township proposes to assist in funding salaries and fringe benefits for one Building Inspector and one Code Enforcement Officer to carry out enforcement activities in low to moderate areas of the Township. (Approximately 500 stops per month). This project will be funded with \$90,000.00 of 2008 CDBG funds.

## **II. Independence and Life Enrichment**

Senior Center Operations \$14,693  
The City of Burton is proposing to pay for the salary and fringe benefits of the Senior Citizens Center staff of the Burton Senior Citizen Activity Center, located at 3410 S. Grand Traverse, Burton, Michigan. In

addition to CDBG funds, the City of Burton will apply \$105,712 of General Revenue for activities totaling \$120,521.

Senior Center Operations \$14,319

The City of Grand Blanc is proposing to pay for the salary and fringe benefits of the Senior Citizens Center staff. The Grand Blanc Senior Citizens Center is located at 12632 N. Pagels Drive, Grand Blanc, Michigan.

Senior Center Operations \$6,771

The City of Swartz Creek proposes to help fund the operations of the Senior Citizens Center located at 8095 Civic Drive, Swartz Creek, Michigan including:

1. Salary and fringe benefits of the senior center staff
2. Purchase of supplies and equipment
3. Education, health and other activities for senior citizens

In addition to CDBG funds, approximately \$33,728 will be leveraged from City of Swartz Creek Senior Center Millage for activities totaling \$40,552.

Senior Services \$2,861

The Township of Atlas is proposing to enhance the suitable living environment by making beneficial services available to seniors in the Community. Atlas Township is proposing to make the following service available to its senior citizens:

1. Educational classes (health, safety, exercise, computer, CPR, driving safety, etc.)
2. Health screening (bone-density, cholesterol, blood pressure, etc.)
3. Program materials/instructors/transportation expenses
4. First aid kits
5. Reflective address signs
6. Salary/fringe benefits for program staff

Senior Center Operations \$1,507

The Township of Clayton is proposing to provide funding for operating costs at the Flushing Area Senior Center located at 120 N. Maple in Flushing, Michigan. Funds will be used for the following items:

1. Salary and fringes of senior center staff
2. Utilities
3. Supplies
4. Postage

Senior Center Operations \$10,117

The Township of Davison is proposing to pay the salaries and fringe benefits of the administrative staff of the Davison Richfield Senior Citizens Activity Center, located at 10115 Lapeer Road in Davison, Michigan.

Senior Center Operations \$11,411

The Township of Fenton is proposing to help fund the operations of the Loose Senior Center located at 707 N. Bridge Street in Linden, Michigan including:

- |   |                                  |
|---|----------------------------------|
| 1. Salaries and fringes for the staff           | 8. Furniture                     |
| 2. Lawn service, trash removal and pest control | 9. Office Equipment              |
| 3. Utilities                                    | 10. Copy Machine                 |
| 4. Insurance                                    | 11. Telephone                    |
| 5. Printing                                     | 12. Fax Machine                  |
| 6. Postage                                      | 13. Computer/software            |
| 7. Supplies                                     | 14. Auditing/Accounting services |

Crime Prevention \$5,833

The Township of Flint is proposing to implement a crime prevention program in eligible areas. Eligible expenditures include the following:

1. Equipment
2. Crime prevention materials
3. Brochures, flyers
4. Crime watch neighborhood programs
5. Educational Programming
6. Selective Enforcement Unit – target at low-to-moderate income areas

Senior Center Operations \$1,627

The Township of Forest is proposing to continue to provide funds toward the operation of the Senior Center located at 130 E. Main in Otisville, Michigan. Funds will be used to pay for the following items:

1. Salary and benefits of Senior Center staff
2. Purchase of office & program supplies

Senior Center Operations \$11,825

The Township of Genesee is proposing to help fund the operational expenses at the Eastside Senior Center located at 3085 N. Genesee Road in Genesee Township, Michigan. Funds will assist with the following items:

- |                          |  |
|--------------------------|--|
| 1. Utilities             | 6. Inspections (fire safety)           |
| 2. Janitor               | 7. Security services                   |
| 3. Maintenance           | 8. Auditor services                    |
| 4. Insurance             | 9. Operating expenses                  |
| 5. Conferences/Education | 10. Staff salaries and fringe benefits |

Senior Services \$3,597

The Township of Montrose is proposing to pay for senior services at the Community Center, which is located at 200 Alfred Street, Montrose, Michigan. The proposed services include the following:

1. Seminars to inform seniors about financial and tax assistance, legal rights such as simple wills, elder abuse, home and vehicle safety, and a two-day training seminar for senior leaders.
2. Travel to classes at an outside location and or instructors' travel expenses to the Center.
3. Videotapes for seniors such as exercise, health, safety and travel
4. Health related screenings and information including but not limited to: CPR/First Aid, Skin Cancer, Cholesterol, Diabetes, Hearing/Vision tests.
5. Salary and fringe benefits of senior services staff.

Senior Center Operations \$39,950.95

The Township of Mt. Morris is proposing to fund operational expenses at the Krapohl Senior Center located at G-5473 Bicentennial Drive, Mt. Morris, Michigan. Funds will pay for the salaries and fringe benefits of the Senior Center staff.

Senior Safety Program \$3,061

The Township of Mundy is proposing to operate a senior safety program through the Township fire department. This program will purchase and install home safety equipment and the dissemination of safety information for senior citizens (62 and older) residing in Mundy Township. Home safety equipment will include (50) 10-year lithium battery smoke detectors and (25) Nighthawk CO<sub>2</sub> Detectors. Eligible CDBG expenses include equipment and wages of Township employees associated with the installation of safety equipment.

**III. Decent Housing**

Home Improvement Program (HIP) \$900,000

The County of Genesee is proposing to continue its Home Improvement Program (HIP), administered by the GCMPC, which provides emergency home repair assistance and deferred payment loans to owners occupying their homes. Genesee County CDBG funds are not eligible for homes located within the non-participating Cities of Flint, Flushing, and Linden. This program will assist approximately 50 low-to-

moderate income homeowners with eligible improvements to their homes, and approximately 60 lead based paint inspections utilizing CDBG funding. CDBG funds in the amount of \$600,000 and HOME funds in the amount of \$300,000 will be utilized to assist eligible low and moderate income homeowners with repairs to their homes.

Housing Rehabilitation \$70,965

Mundy Township proposes to set aside a portion of their 2008 allocation to be utilized to provide housing rehabilitation funds to eligible homeowners in their township. The same eligibility criteria as the County HIP program will be utilized.

Fair Housing Center \$30,000

The County of Genesee is proposing to provide funds for the following items at the Fair Housing Center: counseling, testing for occurrences of discrimination, data collection, studies, training, workshops, quarterly reports, advertising, and salaries and fringe benefits of staff. The Center will be administered by Legal Services of Eastern Michigan.

In addition to CDBG funded projects proposed to meet the Decent Housing Objective, HOME Investment Partnership Program and ADDI funds and Emergency Shelter Grants Program funds are proposed to be implemented in the 2008 PY. These Program activities are presented in the narrative respectively within the sections 7., 10., and 11. of this Action Plan.

**IV. Economic Opportunities**

Youth Employment Program \$22,579

The Township of Flushing is proposing to provide job training and real world experience to low-to-moderate income youth living within Flushing Township through the Youth Employment Program. The Youth Employment Program will be housed at the Flushing Township Nature Park, 8301 N. McKinley Road, Flushing Michigan. Individuals participating in this program will gain valuable hands on experience plus many professional attributes including self confidence, team building, problem solving, public speaking, public teaching, and networking.

Programs to be implemented by the Youth Employment Program will be based on environmental education. Formats of the programs will include in-school classrooms, after school enrichment and latchkey programs, and special events or programs offered to the general public. Other eligible activities for CDBG funds will include chores around the nature center incidental to the Youth Employment Program. CDBG funds will be used to pay salaries and fringe benefits of youths employed through the Youth Employment Program, and program supplies.

**13. Anti-Poverty Strategy**

The Genesee County Community Development Program will play a role in assisting with funding to reach poverty level individuals and families. The Emergency Shelter Grant Program provides assistance for homeless persons to receive shelter and services, which will eventually help them to attain self-sufficiency. Along with the ESG program is tied the Supportive Housing Program, which provides funding to many different service agencies whose goal is to lead homeless persons through a support system to permanent housing. The County HOME program provides funding for non-profits, local units of government and developers to provide affordable housing opportunities for eligible citizens. The CDBG program allows local units of government to develop and offer services to low income residents. Some services will help create opportunities for these citizens including transportation, job training, economic development projects, and housing rehabilitation funding.

**14. Non-homeless Special Needs**

Non-Homeless Special Needs populations require both housing and supportive services. In Genesee County non-homeless populations requiring special needs include: elderly, frail elderly, persons with

severe mental illness, developmentally disabled, physically disabled, those with alcohol and drug addictions, persons with HIV/AIDS and their families, and residents of public housing.

Genesee County shall pursue the following outcomes, identified in the 2005-2009 Consolidated Plan, during the 2007 PY to meet the needs of the non-homeless special needs populations

*OUTCOME: Increased Supportive Rental Units*

Activity: Work with housing developers and social service providers to provide housing to individuals and families with special needs (Priority: HIGH)

*OUTCOME: Sustain independent living for seniors and those with special needs*

Activity: Bring single and multi-family residential structures into compliance with Housing Code (Priority: HIGH)

Activity: Work with developers to construct barrier free housing (Priority: HIGH)

Activity: Make all pedestrian areas of public places compliant with the Americans with Disabilities Act (Priority: HIGH)

*OUTCOME: Decrease impediments to homeownership and rental housing*

Activity: Operation of a Fair Housing Center (Priority: HIGH)

Activity: Encourage construction of barrier free housing (Priority: HIGH)

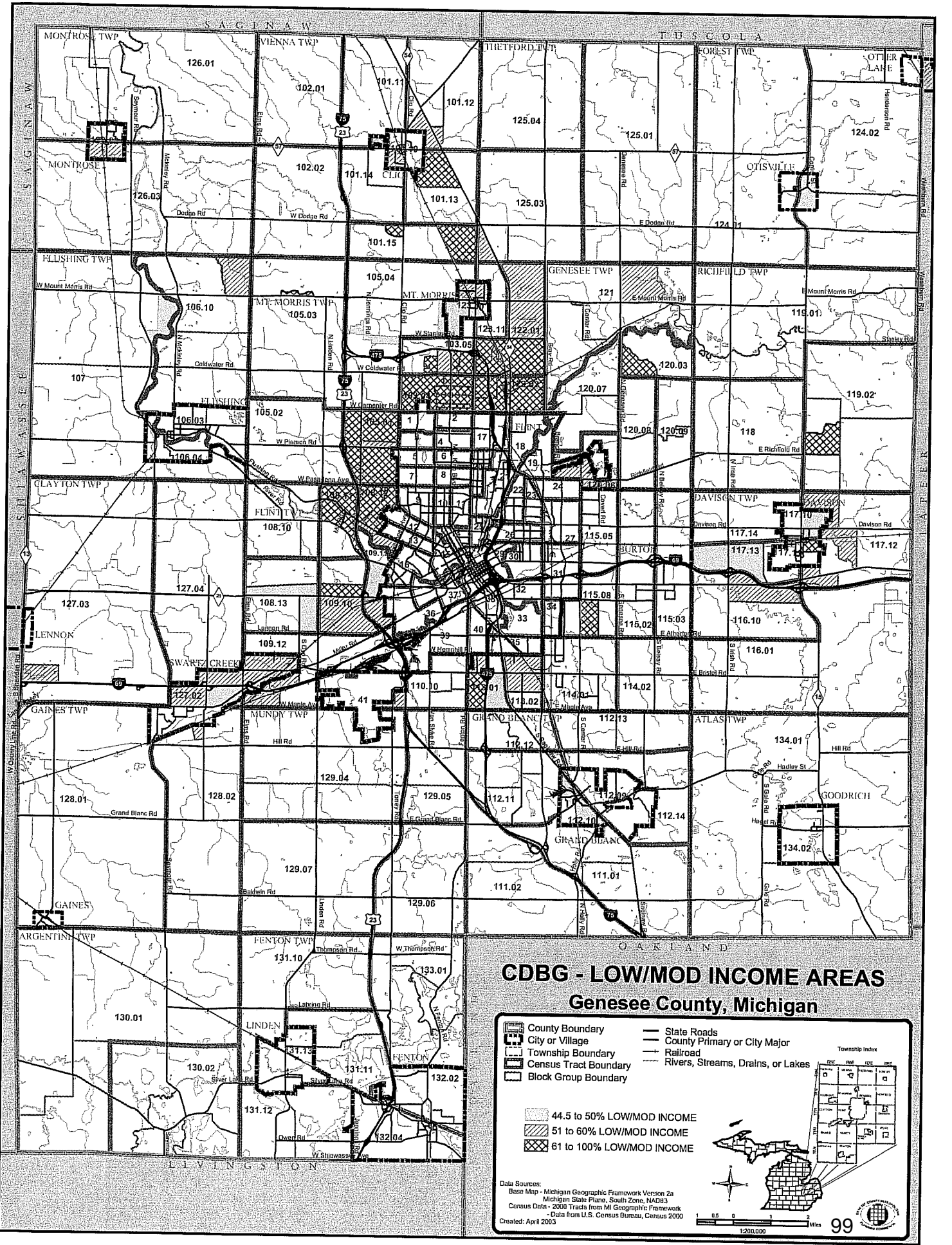
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## APPENDICES



**APPENDIX "A"**  
**CERTIFICATIONS**

**APPENDIX "B"**  
**MAPS**

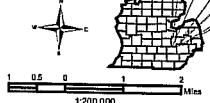
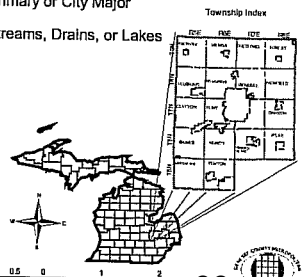


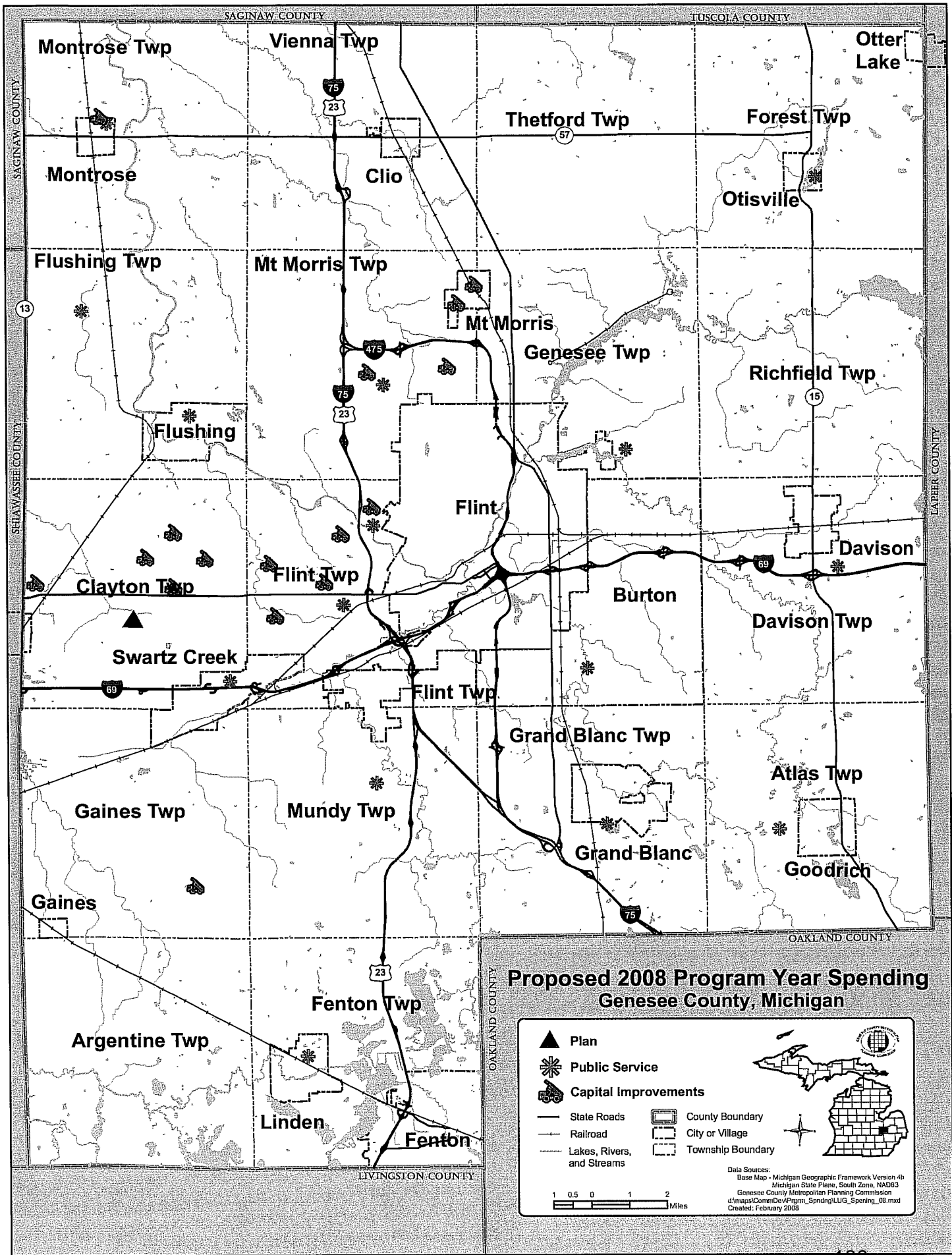
## CDBG - LOW/MOD INCOME AREAS Genesee County, Michigan

<ul style="list-style-type: none"> <li> County Boundary</li> <li> City or Village</li> <li> Township Boundary</li> <li> Census Tract Boundary</li> <li> Block Group Boundary</li> </ul>	<ul style="list-style-type: none"> <li> State Roads</li> <li> County Primary or City Major</li> <li> Railroad</li> <li> Rivers, Streams, Drains, or Lakes</li> </ul>
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- 44.5 to 50% LOW/MOD INCOME
- 51 to 60% LOW/MOD INCOME
- 61 to 100% LOW/MOD INCOME


Data Sources:  
 Base Map - Michigan Geographic Framework Version 2a  
 Michigan State Plane, South Zone, NAD83  
 Census Data - 2000 Tracts from MI Geographic Framework  
 Data from U.S. Census Bureau, Census 2000  
 Created: April 2003



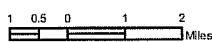


### Proposed 2008 Program Year Spending Genesee County, Michigan

	Plan		County Boundary
	Public Service		City or Village
	Capital Improvements		Township Boundary
	State Roads		
	Railroad		
	Lakes, Rivers, and Streams		



Data Sources:  
 Base Map - Michigan Geographic Framework Version 4b  
 Michigan State Plane, South Zone, NAD83  
 Genesee County Metropolitan Planning Commission  
 d:\maps\CommDev\Program\_Spndng\LUG\_Spndng\_08.mxd  
 Created: February 2008



**APPENDIX "C"**  
**PUBLIC HEARINGS/PUBLIC COMMENTS**



## **2008 County-Wide Community Development**

### **Public Needs Hearing**

**Genesee County Administration Building  
3<sup>rd</sup> Floor, Harris Auditorium  
Monday, December 18, 2007 at 9:00 a.m.**

#### **GENESEE COUNTY**

#### **HOME INVESTMENT PARTNERSHIPS PROGRAM**

HOME Planning and Administration  
Development of Affordable Housing  
Homebuyer Down Payment Assistance  
Community Housing Development Organizations  
Affordable Senior Housing Activities  
Single Family Housing Rehabilitation/New Construction  
Tenant Based Rental Assistance (TBRA) for Special Needs Populations

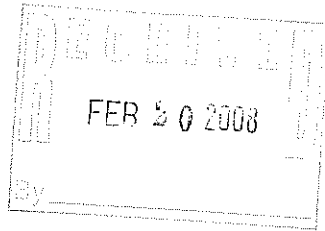
#### **EMERGENCY SHELTER GRANT PROGRAM**

ESG Planning and Administration  
Essential Services, Homeless Prevention, and Operations

#### **COMMUNITY DEVELOPMENT BLOCK GRANT**

Rental Rehabilitation Program -- Monitoring  
Planning and Administration  
Home Improvement Program  
Flint/Genesee County Fair Housing Activities  
Montrose Township – Senior Center Acquisition

Senior Citizen Activities (City of Burton, City of Fenton, City of Grand Blanc, City of Montrose, City of Mt. Morris, City of Swartz Creek, Argentine Township, Clayton Township, Davison Township, Fenton Township, Flint Township, Forest Township, Gaines Township, Genesee Township, Grand Blanc Township, Montrose Township, Mt. Morris Township, Mundy Township, Richfield Township, Village of Gaines)



February 18, 2008

**Board of Directors**

Linda Barber  
*Flint Township*  
Gordon Barden  
*Village of Otisville*  
Ron Butler  
*United Way of Genesee County*  
Larry Casler  
*Genesee Intermediate  
School District*  
Dan Emerton  
*UAW Local 599*  
Greg Gaines  
*Mr. Rogers Program*  
Gary Haggart  
*Shelter of Flint*  
Kay Kelly  
*City of Flint,  
Kearsley Park Project*  
Michael Kelly  
*Mott Community College*  
John McGarry  
*Community Volunteer*  
Roxy Moreno  
*Community Volunteer*  
Cary Rouse  
*Michigan Department of  
Transportation*  
Dale Scanlon  
*Citizens Nuisance Task Force*  
John Summers  
*Community Volunteer*  
Sheila Taylor  
*Genesee County Metropolitan  
Planning Commission*  
Brian VanPatten  
*Genesee County Parks and  
Recreation Commission*  
Betty Walker  
*Walker Farms & Greenhouse*  
Rence Zientek  
*UM-Flint University Outreach*

Dear Community Partners:

Keep Genesee County Beautiful is pleased to open the application process for the 2008 Ruth Mott Beautification Mini-Grant Project in Genesee County. Each beautification grant awarded will be for amounts of \$500 or \$1,000. Priority will be given to initiatives that include one or more of the following elements:

- Graffiti removal and prevention
- Beautification through planting, vegetable gardens, gardens as "art" and/or murals
- Minimization of waste through recycling efforts

Application requirements, criteria and additional information are available in the attached application package. Specific information on how to fill out the application will take place at a workshop at the Community Beautification Leadership Conference on March 1, 2008 or on two other March dates yet to be determined. To register for the conference, call Chris Monk at 767-7184 by February 28, 2008. Details are included in the application procedures.

All applications are due by 5:00 p.m. on March 14, 2008. The 2008 grants will be awarded in mid April. Projects may start May 1, 2008 and must end no later than October 15, 2008. If you have additional questions about the application process call Karen West, Program Director at 767-9696 or Chris Monk, Program Assistant at 767-7184.

We look forward to receiving projects that will continue to improve the visual landscape of Genesee County. Together we can take positive steps and make long lasting changes in the beautification of our community.

Building Hope with Beauty,

Karen West  
Program Director

Karen West  
Program Director

## NOTICE

### **KEEP GENESEE COUNTY BEAUTIFUL ANNOUNCES THE RELEASE OF THE 2008 RUTH MOTT BEAUTIFICATION MINI GRANT APPLICATION**

Keep Genesee County Beautiful (KGCB), through grants from the Ruth Mott Foundation and Community Foundation of Greater Flint (Neighborhood Small Grants Program Endowment Fund), invites neighborhood block clubs and associations, community and civic groups, non-profit organizations, school groups or other interested parties to propose planned projects that will support beautification efforts in Genesee County. Priority will be given to initiatives that include one or more of the following elements:

- Graffiti removal and prevention
- Beautification through planting, vegetable gardens, gardens as "art" and/or murals. (We continue to emphasize the "Cultivating Our Community Project", which is a collaborative effort to develop a planned and coordinated approach to beautification in Genesee County and set higher standards for the visual landscape of our community. Any group applying for a grant that involves planting must use the specified plant/tree palette in their project. The complete plant list can be found on page 2 or on our websites at [keepgeneseecountybeautiful.org](http://keepgeneseecountybeautiful.org) and [cultivatingourcommunity.org](http://cultivatingourcommunity.org).)
- Minimization of waste through recycling efforts

Based upon your previous experience, KGCB may also require that your project partner with a technical assistant from the Applewood Initiative for Community and Gardening (AICG) program before you receive funding. This partnership will assist you in the planning stages of your project so you may learn what steps to take for a successful outcome. Groups may also request technical assistance from the AICG program.

A description of the project should indicate how it will:

- Use the "Cultivating Our Community" plant list (if a gardening project)
- Involve and empower people to come together and take responsibility for beautification
- Build, enhance or preserve what adds beauty to an environment
- Educate others (individuals, organizations, communities, and/or local governments) about how to build and sustain beauty in diverse environments
- Leverage other partnerships, resources and pursue projects in a manner that can sustain the effort well into the future, after the grant has ended.

This year we are offering two funding levels for projects: \$500 and \$1,000. If you are requesting \$1,000, a minimum of two (2) groups/organizations must partner and sign the application.

Projects must be completed between May 1, 2008 and October 15, 2008. A final written report accompanied by pictures taken before, during, and at the completion of the proposed project must be submitted no later than October 31, 2008. Failure to submit a final report or return any unspent money will result in ineligibility for 2009 funding.

**Funds may not be used for the purchase of power tools, the hiring/wages of staff or workers, the purchase of silk/plastic flowers, gasoline, or planting at privately owned homes/businesses.**



We will not be funding clean up projects through the mini grant process this year. If your organization or group is interested in a neighborhood cleanup project, we encourage you to contact our office for garbage bags, yard waste bags, loaned litter grabbers and gloves at no cost as supplies are available. If you live in the City of Flint, contact Arnold Brown at the Sanitation Division for additional information on neighborhood clean ups.

### Cultivating our Community Core Plant List

These plants are perennials and will come back every year. They have been selected because they tolerate dry conditions well. AICG technical assistants can assist you with incorporating these plants into your project. Be sure to take this list with you when you go to the nursery for price quotes for your project.

- 'Dutch Mater' Daffodil  
*Narcissus 'Dutch Master'*  
Grows 14" tall  
Large yellow flowers  
Blooms April  
Will naturalize and multiply
- Day lily 'Happy Returns'  
*Hemerocallis 'Happy Returns'*  
Grows 18" tall  
Flowers are 3" across  
Cheerful true yellow flowers  
Re-blooms from June to September
- Coneflower 'Magnus'  
*Echinacea purpurea 'Magnus'*  
Grows to 3' tall  
Rose pink flowers  
Attracts butterflies and goldfinches  
Blooms from July to September
- 'Autumn Joy' Sedum  
*Sedum spectabile 'Autumn Joy'*  
Grows 18" tall  
Attracts butterflies  
Dark pink flowers that age to bronze  
Blooms August – October
- Black – eyed Susan 'Goldsturm'  
*Rudbeckia fulgida 'Goldsturm'*  
Grows 2' tall  
Golden yellow flowers  
Attracts butterflies  
Blooms July – September
- Maiden Grass  
*Miscanthus sinensis 'Gracillimus'*  
Grows 5' to 7' tall  
Flower is copper red turning to silver in  
Late September. Fall foliage is golden  
yellow. Decorative in winter
- Bayberry  
*'Myrica pensylvanica'*  
Up to 3' tall  
Medium ornamental shrub  
Upright rounded growth habit  
Extremely salt tolerant
- Juniper 'Buffalo'  
*Juniperus Sabina 'Buffalo'*  
Grows 1' tall up to 8' wide  
Clean green foliage  
Branches not easily broken  
Evergreen  
Disease resistant
- 'Nigra' American Arborvitae  
*Thuja occidentalis 'Nigra'*  
Grows 20' to 30' tall  
Upright pyramidal growth habit  
Evergreen with deep green color  
Tolerates a wide range of  
planting conditions
- Serviceberry  
*Amalanchier x grandiflora selection*  
Grows 15' tall with a 25' spread  
White flowers in May  
Fruit red in fall  
Great bird habitat  
Beautiful orange fall color

## **Application Procedures:**

**Only one application will be accepted per organization or group.**

## **Technical Assistance Sessions**

All applicants are invited to attend a free Technical Assistance session to assist you in the completion of the grant application.

Saturday, March 1, 2008 Community Beautification Leadership Conference Grant Writing Workshop at UM-Flint (call 767-7184 for information on conference registration), or  
Two additional sessions will be held in early March and announced at the conference workshop. Call KGCB at 767-7184 for details.

## **Application Requirements**

Submit one signed original and one stapled copy of the grant application (pages 4-14) which must include:

Proposal Coversheet (page 4)

Project Narrative, Project Planning, Project Activities and Timeline and Project Budget worksheets (pages 5-14)

Copy of minutes from your group's meeting in which the decision was made to submit the proposal, with the names of group members (or board members) in attendance at the meeting.

Other supporting documentation (letters of support or donations)

## **Application Deadline**

All proposals must be submitted by 5:00 p.m. March 14, 2008 to:

2007 Ruth Mott Beautification Grant Application  
Keep Genesee County Beautiful  
432 N. Saginaw St. Suite 1001  
Flint, MI 48502

## **Selection of Projects**

Selection of projects and notification to grantees will be made in mid-April.

## **Project Training Session**

All funded grantees are required to attend a training session on April 21 or 22, 2008 at the Keep Genesee County Beautiful offices located in the Northbank Center. A presentation by staff will include the following information:

Reporting requirements

Final report format

Grant agreement letter

Signature for check authorization

Provide project notebooks, disposable cameras, signs and other items to assist with the project reporting requirements

## Proposal Coversheet

### 2008 Ruth Mott Beautification Grant Application Form

#### Instructions for Completion

Read through the entire application before completing. Print or type the information requested below and fill out each section completely.

<b>Organization Name:</b>	
<b>Address:</b>	<b>Contact Person/Title:</b>  <b>Alternate Contact Person/Title:</b>
<b>Phone Number:</b>  <b>Alternate Phone Number:</b>	<b>E-Mail:</b>
<b>Geographic Location of Project:</b> Check one box City of Flint      Genesee County (outside the City of Flint) Provide specific location such as city, township, school district, ward, county commissioner district, etc:	
<b>Project Title:</b>	
<b>Amount Requested:</b> (Either \$500 or \$1,000)	
<b>Time Period of Project</b> <b>Start Date:</b> <b>End Date:</b>	
<b>Project Purpose:</b> (one sentence)	
<b>Brief Summary of Project:</b>	



5. Provide a detailed description of your project. Define the need/problem and discuss how you will attempt to solve the need/problem.

*A description of the project should indicate how it will:*

- *Use the "Cultivating Our Community" plant list (if a gardening project)*
- *Involve and empower people to come together and take responsibility for beautification*
- *Build, enhance or preserve what adds beauty to an environment*
- *Educate others (individuals, organizations, communities, and/or local governments) about how to build and sustain beauty in diverse environments*
- *Leverage other partnerships, resources and pursue projects in a manner that can sustain the effort well into the future, after the grant has ended*

**Beautification Projects Only**

(For those projects incorporating beautification through planting, vegetable gardens, gardens as "art" and/or murals)

Provide a sketch or plan for the area you plan to beautify (*examples: a landscaping or garden plan, formal design or drawing of the finished project, etc.*). In addition, you may also attach a photo of the proposed site to this page.



We understand that funding of this project will commit our group/organization to:

1. Attend the training session on April 21 or 22, 2008.
2. Implement only the activities described in this proposal and spend grant dollars only on items listed in the proposal and understand that funds may not be used for the purchase of power tools, the hiring/wages of staff or workers, the purchase of silk/plastic flowers, gasoline, or planting at privately owned homes/businesses.
3. Actively engage other appropriate parties/individuals in our planned project.
4. Complete the project between May 1, 2008 and October 15, 2008.
5. Complete an evaluation of our project.
6. Submit a final report with visual documentation of our activities (before, during and after pictures) no later than October 31, 2008 and understand that failure to submit a final report will make us ineligible for future funding.
7. Provide receipts for all items purchased for this project and return any unspent money with the final report and understand that failure to return unspent money will make us ineligible for future funding.
8. Share our activities and lessons learned with other organizations/groups.

**For \$500 request, only 1 set of signatures are required**

**For \$1,000 request, a minimum of two (2) sets of signatures are required**

**(If more than 2 groups are involved, please copy this page and secure the additional signatures).**

1. Submitted by:

---

Name of Chairperson/Contact Person

Signature

---

Name of Co-Chairperson/Officer/Alternate Contact

Signature

---

Name of Treasurer

Signature

---

Date

2. Submitted by:

---

Name of Chairperson/Contact Person

Signature

---

Name of Co-Chairperson/Officer/Alternate Contact

Signature

---

Name of Treasurer

Signature

---

Date



## **Project Planning**

Complete the Project Planning worksheet to assist you in determining what you want to happen/change as a result of your project. This form will be used at the end of the project to determine how well you achieved your goal. (A sample completed Project Planning worksheet is available on page 15).

<b>Project Goals</b> <i>What would you like to see happen and/or change as a result of your project?</i>	<b>Activity(ies)</b> <i>How will you make your project happen?</i>	<b>Project Outcomes</b> <i>How will you know that the project was completed successfully? What changes in attitudes, behaviors, knowledge and/or skills will have occurred?</i>
1.		
2.		

3.		
4.		
5.		

**Project Activities and Timeline**

Complete the Project Activities and Timeline Worksheet. Provide a detailed description of the activities (how you will make your project happen) and the timeline (approximate dates of activities) of your project. Indicate the individuals and/or groups responsible for carrying out the activities (example: neighborhood residents, youth, senior citizens, students, community organizations, schools, churches, businesses, etc.) If possible, attach letters of support or agreements to participate from the leaders of partnering organizations, schools, government, businesses, churches, clubs and/or groups. (A sample completed Project Activities and Timeline worksheet is available on page 15).

<b>Activity Description</b>	<b>Timeline/Dates of Activity</b>	<b>Individual/Group Responsible for Carrying out Activity</b>
1.		
2.		
3.		

4.		
5.		
6.		
7.		

**Project Budget**

Complete the Project Budget worksheet. Include all costs associated with this project. If there are additional sources of funding or matching funds (such as other grants or cash from businesses) or in-kind support (such as donations of services or materials from area businesses, volunteers, government or organizations) list them in the appropriate column. (A sample completed Project Budget worksheet is available on page 16).

Items to be purchased for this project	Funds from KGCB	Matching Support / Cash	In-kind Donations (Type, Source and Value of Donations)	Total Costs
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
			Total Project Costs	

### Sample Completed Project Planning Worksheet

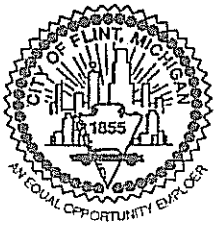
<b>Project Goals</b> What would you like to see happen and/or change as a result of your project?	<b>Activity(ies)</b> How will you make your project happen?	<b>Project Outcomes</b> How will you know that the project was completed successfully? What changes in attitudes, behaviors, knowledge and/or skills have occurred?
1. 1000 tulips and daffodils are planted and will bloom next spring	Plant bulbs	The flowers will bloom every year and brighten up the neighborhood
2. Improve the image of our community	Edge sidewalks and sweep around planted areas	The neighborhood will appear cleaner and well maintained
3. Encourage residents to become involved and participate in making our community a better place to live	Involve residents in the project and have a thank you picnic at the end of the day	Residents will begin to take pride and improve their yards and surrounding areas and keep up the planted areas.
4. Build partnerships	Ask businesses and individuals to become involved and make a donation	Donors will see the results and be willing to work with us on other projects.

### Sample Completed Project Activity and Timeline Worksheet

<b>Activity Description</b>	<b>Timeline/Dates of Activity</b>	<b>Individual/Group Responsible for Carrying out Activity</b>
1. Order bulbs, confirm donations, sign up residents and businesses to participate.	August 2008	President of organization and a list of names of specific individuals.
2. Send flyer to residents with details on the project and reminder of date, time and items needed.	September 15, 2008	Children of families who live in the area, coordinated by (name of individual).
3. Plant the bulbs, edge sidewalks and general cleanup of project area, with picnic at the end of the event.	October 4, 2008	Include names of all groups, businesses, and projected number of volunteers who will be participating in the project and their responsibilities.

### Sample Completed Project Budget Worksheet

Items to be purchased for this project	Funds from KGCB	Matching Support / Cash	In-kind Donations (Type, Source and Value of Donations)	Total Costs
1. 1000 tulip and daffodil bulbs @ \$.50/each	\$500			500.00
2. Bulb planting tools		\$50 from a local business (include the name) and tools loaned from Salem Housing Tool Bank		\$50.00
3. Food for Volunteers			\$200 from a local business (include the name)	\$200.00
4. Volunteers for site prep and planting			2 volunteers for site prep using their own equipment 15 volunteers for planting	
			Total Project Costs	\$750.00



HUMAN RELATIONS COMMISSION

Donald J. Williamson  
MAYOR



Cleora Magee  
EXECUTIVE DIRECTOR

February 18, 2008

Paul Bueche  
City Manager, City of Swartz Creek  
8083 Civic Dr.  
Swartz Creek, MI 48473

Mr. Bueche:

The Flint City Council passed an ordinance in 1993 that enhanced the City's Crime Violation Code to include hate crimes. In 1994 the Governor of the State of Michigan responded to reports of increased hate and violence by requesting the Michigan Civil Rights Commission and the Department of Civil Rights to establish the Bias Crime Task Force to develop a comprehensive report that outlines best method recommendations for combating hate crimes.

As a result of the 1993 Hate Crime Enhancement ordinance the City of Flint Human Relations Commission created the "Hate Crime Task Force" to develop a rapid response team to assist victims of the hate/bias crimes in the Flint/Genesee community.

This invitation is for you to be an active participant on Tuesday March 11, 2008 from 9:00 a.m. – 11:00 a.m. at a Community Forum and breakfast; sponsored by the Flint/Genesee Hate Crime Response Task Force Team. It will be held at First Presbyterian Church located at 946 S. Saginaw St., Flint, MI. Please RSVP by contacting Laura Moreno at (810) 766-7430.

Regards,

Edward Bullard, Chairperson  
Flint/Genesee Hate Crime Task Force



## Paul Bueche

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**From:** MML Legislative Link [LEGISLATIVELINK@LISTSERV.MML.ORG] on behalf of Andrea Messinger [amessinger@mml.org]  
**Sent:** Monday, February 11, 2008 4:46 PM  
**To:** LEGISLATIVELINK@LISTSERV.MML.ORG  
**Subject:** MML Link - 2/11/2008



February 11, 2008

### State Affairs Report

#### Budget Update – Governor Calls for 4-Percent Increase in Statutory Revenue

**Sharing** – The 2008-9 executive budget calls for a 4-percent boost in the statutory portion of revenue sharing, \$16 million more to communities! Released last week, the governor's recommendations also include a \$3.42 billion transportation budget, \$1.5 billion of which would support 25-26 identified Michigan Department of Transportation (MDOT) projects. And, communities that receive Fire Protection Grants would receive payments equal to the appropriated FY 2007-8 level (\$10.9 million). With this promising first-step toward determining the FY 2008-9 budget, League staff are now focused on working with the Michigan Legislature to advocate for the recommended increase in revenue sharing and gaining increases in funding for Fire Protection Grants, transportation and other priorities that create vibrant communities. [Click here](#) to read more. Contact: [Summer Minnick](#)

#### Annexation Package up for Vote, Contact your Senator Today!

– Last week, the Senate Natural Resources Committee heard testimony on [SBs 1078-83](#), which would greatly restrict annexation throughout Michigan. Holland Mayor Al McGeehan, Durand City Manager Lynn Markland and League staff testified in opposition to the package because it would prevent community growth, stifle new jobs, and hurt economic development opportunities. League staff also suggested the committee instead should consider passing legislation to rectify a loophole in law that allows developers to pit developed communities against each other. In testimony, Northville Township Supervisor Mark Abbo provided an example of this in his community and Meridian Township Supervisor Susan McGillicuddy spoke about the necessity to restructure the annexation laws in

### The Buzz

[Forum: Focus on all of state's resources](#)

T.C. Record Eagle, 2/09/08

#### Save the Date

[2008 MML Capital Conference](#)

Detailed Agenda Now Available!  
 April 1-2, Lansing...*Register by March 5 for early bird rate!*

[2008 Brownfields Conference](#)

May 5-7, Detroit...FREE!  
*Register by April 4*

[MI Highway Safety Planning Summit](#)

March 11-13, East Lansing

[Best Construction Practices for Chip Seals Seminar](#)

March 18, Lansing

[Stormwater Floodplain Annual Conference](#)

March 18-21, Grand Rapids  
*Register by Feb. 16 for early bird rate*

[Michigan Transportation Asset Management Conference](#)

April 3, Lansing; May 21, Marquette

general, saying SBs 1078-83 would not accomplish what is needed for Michigan. These bills are expected to receive a vote in committee this week and possibly even a vote of the full Senate. PLEASE ASK YOUR [SENATOR](#) TO OPPOSE THE PACKAGE AS INTRODUCED.  
Contact: [Andy Schor](#)

**Checkout the New Digs, League Moves to Bigger, Better Capital Office** – The League has moved its state and federal affairs team from 320 N. Washington Square to the historic Mutual Building, first floor, 208 N. Capitol Avenue, just a stone's throw from the Capitol Dome. Our grand opening, the Capital Conference Open House/Reception, will be April 2, 2008, but feel free to stop in anytime! The entire space was designed with members in mind so, whether you want to shoot the breeze with staff or need a place to hang your hat for a few hours, please, be our guest! [Read more...](#)

**League's Guest Blogger has an Eye for the Possible** – "Whether I'm looking at Ruby Bridges or the aerial shot of Fall Creek Place, both pictures remind me of the fact that every day in many communities across the country, the impossible is possible," said Carolyn Coleman, National League of Cities director of federal relations, in her first post of this week, "The Art of the Possible." [Read more...](#)

**Planning & Zoning Bills Moving Through Committee this Week** – [SB 206](#) (Birkholz, R-Saugatuck), which consolidates the three planning acts into one Planning Enabling Act, will be considered in House Intergovernmental, Urban and Regional Affairs Committee Wednesday at 10:30 a.m. [HB 5032](#) (Byrum, D-Onondaga), a clean-up bill that would fix several problems resulting from the consolidation of the three zoning acts into one Zoning Enabling Act (PA 110 of 2006), will be considered in the Senate Local, State, and Urban Affairs Committee Tuesday at 3 p.m. Both bills are expected to move through the Legislature and be sent to the governor quickly. The League supports both SB 206 and HB 5032; if you would like to provide comment or have questions on either bill, please contact League staff. Contact: [Andy Schor](#)

**Waterfront TIF Bill Passes Committee** – The House New Economy Committee passed [SB 47](#) (Allen, R-Traverse City) which will allow communities to set up tax increment finance (TIF) authorities around lakes in order to capture dollars for invasive species cleanup. The bills were narrowed in committee to ensure TIF authority infrastructure work is restricted to redevelopment and cleanup. League staff testified in support of the bill as another economic development tool – one lakefront communities could use to cleanup invasive species. Although the bill passed out of committee unanimously (with one member choosing not to vote), this legislation is expected to be amended further on the House floor to

[Michigan Youth Symposium](#)  
April 4-5, Warren

#### Grants & Projects

[Waterfront Redevelopment Grant Funds Available](#)  
*Apply by March 26*

[MSHDA Loans, Grants & Technical Assistance](#)

[MDOT Soliciting Local Bridge Program Project Applications](#)  
*Apply by June 2*

MDOT Seeking High Risk Rural Road Project Apps, Contact: [Dave Worthams](#)

MDOT Collecting '09 Local Safety Program Apps, Contact: [Dave Worthams](#)  
*Apply by Feb. 29*

#### What's New

[2009 Budget Proposal](#)

Guest Blogger

[Community Design and Education Program Center](#)

#### Related Links

[Michigan Legislature](#)

[Michigan Senate](#)

[House of Representatives](#)

[Links to Resources](#)

address questions of committee members. Contact: [Andy Schor](#)

### **League Partnering on Entrepreneurial Cities**

**Research** – The League is proud to partner with the University of Michigan-Dearborn Center for Innovative Research to create the 2008 Entrepreneurial Cities Index (eCities), an annual study examining the community factors influencing entrepreneurship, economic development and job growth. Using data provided by local governments, the eCities Index, a collection of best practices, supports local communities with the tools and skills to assist in attracting entrepreneurial firms. To find out more about participating in this project, local governments should contact Tim Davis at [tadavis@umd.umich.edu](mailto:tadavis@umd.umich.edu) or (313) 593-4060. Contact: [Arnold Weinfeld](#)

### **Saline Mayor Appointed to Governor's Alternative Funding Task Force –**

Congratulations to Saline Mayor Gretchen Driskell for her recent appointment to represent the League on the governor's Alternative Funding Task Force Citizen's Advisory Committee (created by PA 221 of 2007). This group will lead the effort to analyze Michigan's transportation system and develop ways to better fund roads, transit and airports. We know Mayor Driskell will carry forward our message that local roads need help! Contact: [Dave Worthams](#)

### **Save the Date: Brownfields 2008, Roadmap to Revitalization**

– The 12th National Brownfields Conference will be in Detroit's Cobo Center, May 5-7, 2008. The League is proud to sponsor this free event which features educational, networking, business development and deal-making opportunities. The "Brownfields Transaction Forum," for example, is a chance for communities to interact with developers, investors and financiers about properties available for purchase or lease. To register and to have your properties listed at no cost for the Transaction Forum or for more information on the conference, [click here](#). Contact: [Arnold Weinfeld](#)

### **MDOT Soliciting Local Bridge Program**

**Project Applications** – The Michigan Department of Transportation (MDOT) is accepting project applications for the Local Bridge Program. Selected projects will be funded during FY 2011 and must be committed to construction within FY 2011. Postmark applications by June 2, 2008. For more information [click here](#) or contact MDOT Bridge Program Manager Mark Harrison at (517) 373-2346. Contact: [Dave Worthams](#)

### **Save the Date: MI Highway Safety Planning**

**Summit** – The Michigan Office of Highway Safety Planning (OHSP) 2008 Traffic Safety Summit will be March 11-13 at the Kellogg Hotel and Conference Center,

East Lansing. For agenda details and registration form, [click here](#). Contact: [Dave Worthams](#)

## Federal Update

### **President's Budget Offers Little for Locals –**

President George W. Bush released his FY 2009 budget proposal which, like other budgets of recent past, does not hold great news for local communities. Once again it includes reductions in funding for programs such as the Community Development Block Grant (cut 18 percent) and crime prevention (cut 61 percent). Also, \$2 billion less in transportation funding was authorized and funds from the transit account are being taken to offset the anticipated shortfalls in the Highway Trust Fund. These and other issues important to Michigan communities will be topics of discussion during the March National League of Cities Congress of Cities Conference in Washington. [Click here](#) for additional information on the president's proposed budget. Contact: [Arnold Weinfeld](#)

## Email Management

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If you no longer wish to receive any type of email notice from the Michigan Municipal League, [please click here](#).

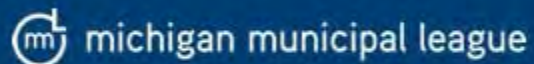
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Michigan Municipal League, 1675 Green Road, Ann Arbor, MI 48105

**Paul Bueche**

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**From:** MML Legislative Link [LEGISLATIVELINK@LISTSERV.MML.ORG] on behalf of Andrea Messinger [amessinger@mml.org]  
**Sent:** Tuesday, February 12, 2008 4:01 PM  
**To:** LEGISLATIVELINK@LISTSERV.MML.ORG  
**Subject:** MML Action Alert - 2/12/2008  
**Importance:** High

**Action Alert****Annexation Package up for Vote, Contact your Senator Today!**

The Senate Natural Resources Committee, and possibly the entire Senate, will be taking up SBs 1078-83 which would make annexation much more difficult for cities and villages.

The same legislation that passed in 2001 and 2003 (but died at the end of both sessions), these bills only address annexations in areas with less than 100 citizens. They would:

- Require that any proposed annexation be voted on by the citizens in the affected area, the entire city, and the entire township - taking the decision out of the hands of the Boundary Commission.
- Create new lengthy timelines that would greatly delay the annexation process and cost Michigan jobs.

These bills would hurt city and village growth and stifle economic development (needed by businesses who want to locate on our borders to use our services).

This legislation is an overly broad approach to solve one problem happening in one urban township. The League has indicated a willingness to address the specific issue in a more targeted way.

Please ask your senator to oppose hurting economic development and jobs in your community by voting against SBs 1078-83.

**The League has a new online tool to assist you in contacting your legislator; the entire process takes approximately two minutes. Just click the link below to enter your information and email a message to your senator. Although the League provided suggested text, we encourage you to add comments and local examples prior to sending the message.**

**Click this link to contact your senator:** <http://capwiz.com/mml/issues/alert/?alertid=10978541&type=ST>

Thank you for your assistance in working to defeat this legislation. Please contact [Andy Schor](#) on League staff with any questions or concerns.

Better Communities. Better Michigan.

## Paul Bueche

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**From:** MML Legislative Link [LEGISLATIVELINK@LISTSERV.MML.ORG] on behalf of Andrea Messinger [amessinger@mml.org]  
**Sent:** Monday, February 18, 2008 3:00 PM  
**To:** LEGISLATIVELINK@LISTSERV.MML.ORG  
**Subject:** MML Link - 2/18/2008



February 18, 2008

### State Affairs Report

#### Housing Inspection Restriction Bill in Committee

– Wednesday, the Senate Economic and Regulatory Reform Committee will consider [SB 635](#) (Garcia, R-Howell), which would remove local control in housing inspections for municipalities by prohibiting inspections for five years unless there is a complaint. Please contact your senator to oppose this bill. Contact: [Andy Schor](#)

#### House Public Transit Subcommittee Releases Transit Report

– The House Public Transit Subcommittee released a report of its yearlong efforts investigating the status of transit in Michigan ([click here](#) for the report). During the committee's work, MML Executive Director Dan Gilmartin suggested that the state promote transit-oriented development and support efforts to allow locals to support transit operations. We applaud Subcommittee Chair Rep. Marie Donigan (D-Royal Oak) for including these recommendations in the report and for spearheading the effort to improve transit in our state. The subcommittee is expected to meet Wednesday, February 20, to officially adopt the report. League staff will monitor the legislative implementation of this report and keep members posted. Contact: [Dave Worthams](#)

#### The League Commercial Rehab Fix Signed Into Law!

– Communities that have prepared a commercial rehabilitation abatement can now move forward with sending it to the state for approval! After learning months ago the MI Department of Treasury would not approve Commercial Rehabilitation Act abatements unless the property was “obsolete” (which was never the intention of the Act), the League approached Rep. Steve Bieda (D-Sterling Heights) about sponsoring an amendment to fix this Act. This legislation, with League

### The Buzz

[Boost cities to help turn state around](#)

Detroit Free Press, 2/15/08

### Save the Date

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March 18-21, Grand Rapids  
*Register by Feb. 16 for early bird rate*

[Michigan Transportation Asset Management Conference](#)

April 3, Lansing; May 21, Marquette



support, passed the House and Senate unanimously and was signed by Governor Granholm. Contact: [Andy Schor](#)

### Ask Your Senator to Oppose Annexation

**Package** – Legislation to make annexations more difficult passed the Senate Natural Resources Committee last week. The League expressed opposition because the bills, [SBs 1078-83](#), would negatively effect growth and economic development (jobs) in our member communities; we called for a targeted fix for the specific problems that lead to this package. These bills mostly passed on a 3-0-2 vote, with the three Republicans in support and the two Democrats passing on the vote. League staff will continue to monitor and work on these bills. Please contact your senator and ask for a vote in opposition. The League has a new online tool to assist you in contacting your legislator; the entire process takes approximately two minutes. Just [click here](#) to enter your information and email a message to your senator. Contact: [Andy Schor](#)

### Planning & Zoning Bills Move Through

**Legislature** – Legislation to fix the problems created by the Michigan Zoning Enabling Act ([HB 5032](#), Byrum, D-Onondaga) passed the Senate Local Government Committee last week. And, legislation combining the three planning acts into one Michigan Planning Enabling Act ([SB 206](#), Birkholz, R-Saugatuck) passed the House Intergovernmental Committee. Both bills are expected to be considered in their respective chambers, concurred in by the original house, and sent to the governor in the next two weeks. Contact: [Andy Schor](#)

### False Claims Bill Moves Through House

**Committee** – [HB 4773](#) (Polidori, D-Dearborn), which allows a local unit of government to recover three times the amount of damages awarded in a false claim against it, moved through the House Government Operations Committee last week. This is a proactive move to prevent fraud against municipalities and the state. The League testified as neutral on the bill as League members had some questions; we are working with Rep. Polidori's office to address these concerns. Contact: [Samantha Jones](#)

### Asset Management Conference Pre-Workshop Sessions

– The MI Transportation Asset Management Council is offering workshops the day before each Asset Management Conference (April 2 in Lansing and May 20 in Marquette), that will prime conference participants on the concepts and principles being discussed in the agency presentations. [Read more...](#)

### League Partnering on Entrepreneurial Cities

**Research** – The League is proud to partner with the University of Michigan-Dearborn Center for Innovative Research to create the 2008 Entrepreneurial Cities Index (eCities), an annual study examining the community

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April 4-5, Warren

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*Apply by Feb. 29*

### What's New

[The League's Guest Blogger says Plan Now for Aging Boomers...](#)

[House Public Transit Subcommittee Releases Transit Report](#)

[Service Grant Opportunities Announced by Partnerships for Change \(PFC\)](#)

[Checkout the New Digs, League Moves to Bigger, Better Capital Office](#)

### Related Links

[Michigan Legislature](#)

[Michigan Senate](#)

[House of Representatives](#)

[Links to Resources](#)



factors influencing entrepreneurship, economic development and job growth. Using data provided by local governments, the eCities Index, a collection of best practices, supports local communities with the tools and skills to assist in attracting entrepreneurial firms. To find out more about participating in this project, local governments should contact Tim Davis at [tadavis@umd.umich.edu](mailto:tadavis@umd.umich.edu) or (313) 593-4060. Contact: [Arnold Weinfeld](#)

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### **Federal Update**

Visit MML's [Federal Webpage!](#)

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Michigan Municipal League, 1675 Green Road, Ann Arbor, MI 48105

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**Paul Bueche**

**From:** MML Legislative Link [LEGISLATIVELINK@LISTSERV.MML.ORG] on behalf of Andrea Messinger [amessinger@mml.org]  
**Sent:** Tuesday, February 19, 2008 12:31 PM  
**To:** LEGISLATIVELINK@LISTSERV.MML.ORG  
**Subject:** MML Action Alert - 2/19/08 (Rental Housing Inspection Bill)  
**Importance:** High

**Action Alert**

**Senate Committee to Consider Legislation to Greatly Restrict Local  
Rental Housing Inspections**

***Contact Senators Today!***

Tomorrow, February 20, the Senate Economic Development and Regulatory Reform Committee will take testimony on [SB 635](#) (Garcia, R-Howell). This bill would prohibit locals from performing rental housing inspections more often than every five years if the Department of Housing and Urban Development (HUD) does inspections, unless complaints are received by the local unit of government.

The League and several members will be testifying against this legislation as it would remove local control for inspections that could result in health and safety risks in rental properties. Locals each approach rental inspections differently - some inspect every three years, others every two years and a some do it every year. College towns, especially, need to inspect more frequently than others. This legislation will eliminate the local ability to determine the best length of time between inspections for the health and safety of the citizens.

Concerns will be raised that the complaint-based provision will not work because people (especially college students) are afraid of being evicted or not having their lease renewed, so they will never complain. The HUD inspections provision also is problematic because HUD inspections are not often strict enough and do not always cover all of the rental units.

PLEASE CONTACT YOUR SENATOR ASAP AND ASK HIM/HER TO OPPOSE SB 635. [CLICK HERE](#) to email your senator. Also, please call your senator immediately if they are a member of the committee (Sens. Sanborn, Gilbert, Richardville, Allen, Thomas, Hunter and Jacobs).

If you have questions or concerns, please contact Andy Schor on League staff at [aschor@mml.org](mailto:aschor@mml.org) or (517) 908-0300.

Better Communities. Better Michigan.

**Paul Bueche**

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**From:** Pestle, John W [jwpestle@varnumlaw.com]  
**Sent:** Tuesday, February 19, 2008 2:46 PM  
**To:** Pestle, John W  
**Subject:** Contact Lansing re PEG Fee Bills

Please contact your state legislators and ask them (1) to support and (2) have an immediate committee vote on HB 5087 and SB 636 which confirm municipality's option to get a fee of up to 2 percent of gross revenues to support public, education, and government access channels.

Legislators who worked on the Uniform Video Services Local Franchise Act (Public Act 480 of 2006) agree that it was the intent of that Act to give local units of government the option to get a fee of up to 2 percent of gross revenues for public, education, and government access (PEG) channels. Many legislators repeated this commitment to municipalities in their district. However, after the law was passed, some cable companies refused to pay the fee, arguing (incorrectly) that they do not have to do so.

House Bill 5087 and Senate Bill 636 make clear that all cable and video providers have to follow the legislature's intent and pay a fee of up to 2 percent to support PEG channels. The bills apply to all municipalities in Michigan and assure that they get what they and legislators were promised. House committee hearings are occurring this week on other amendments to Public Act 480 of 2006 - - committee votes on the 2% PEG fee bills need to occur at the same time.

So please contact your State Representative and State Senator and ask them to do two things.

1--Support HB 5047 and SB 636, and

2--Have them brought up for a committee vote immediately.

If you have questions, please give us a call.

Regards,

John Pestle  
 Varnum, Riddering, Schmidt & Howlett LLP

ADDRESS FOR REGULAR MAIL:  
 Bridgewater Place  
 PO Box 352  
 Grand Rapids, Michigan 49501-0352

ADDRESS FOR OVERNIGHT DELIVERY, UPS:  
 Bridgewater Place  
 333 Bridge Street, N.W.  
 Grand Rapids, Michigan 49504

phone 616-336-6000 ex 6725  
 direct 616-336-6725  
 fax 616-336-7000  
 email jwpestle@varnumlaw.com  
 web site www.varnumlaw.com

**Paul Bueche**

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**From:** Pestle, John W [jwpestle@varnumlaw.com]  
**Sent:** Tuesday, February 19, 2008 3:16 PM  
**To:** Pestle, John W  
**Subject:** Contact Lansing - - Correct Bill Number

Our email to you of a few minutes ago regarding cable legislation incorrectly referred to House Bill 5087.

The correct bill number is HB 5047. We apologize for the error.

John Pestle  
Varnum, Riddering, Schmidt & Howlett LLP

ADDRESS FOR REGULAR MAIL:  
Bridgewater Place  
PO Box 352  
Grand Rapids, Michigan 49501-0352

ADDRESS FOR OVERNIGHT DELIVERY, UPS:  
Bridgewater Place  
333 Bridge Street, N.W.  
Grand Rapids, Michigan 49504

phone 616-336-6000 ex 6725  
direct 616-336-6725  
fax 616-336-7000  
email jwpestle@varnumlaw.com  
web site www.varnumlaw.com

2-20-08

City of Swartz Creek,  
just want to thank the snow  
Removal Dept. for keeping  
our roads so clean so we can  
get out. you do a good job

Thanks again  
Mary M. Cooper