



Notice City Commission Study Session & Special Meeting

7:00 p.m.

Monday, February 22, 2016

Commission Chambers, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684

Posted and Published: 02-19-16

Meeting informational packet is available for public inspection at the Traverse Area District Library, City Police Station, City Manager's Office and City Clerk's Office. The City of Traverse City does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Penny Hill, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan, 49684, 922-4440, TDD: 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act and the rights provided thereunder are available from the ADA Coordinator. If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

At the request of City Manager Marty Colburn, City Clerk Benjamin Marentette has called this Study Session.

City Commission:

c/o Benjamin C. Marentette, MMC, City Clerk
(231) 922-4480

Email: tcclerk@traversecitymi.gov

Web: www.traversecitymi.gov

400 Boardman Avenue

Traverse City, MI 49684

The mission of the Traverse City City Commission is to guide the preservation and development of the City's infrastructure, services, and planning based on extensive participation by its citizens coupled with the expertise of the city's staff. The Commission will both lead and serve Traverse City in developing a vision for sustainability and the future that is rooted in the hopes and input of its citizens and organizations, as well as cooperation from surrounding units of government.

Welcome to the Traverse City Commission meeting!

Any interested person or group may address the City Commission on any agenda item when recognized by the presiding officer or upon request of any Commissioner. Also, any interested person or group may address the City Commission on any matter of City concern not on the Agenda during the agenda item designated Public Comment. The comment of any member of the public or any special interest group may be limited in time. Such limitation shall not be less than five minutes unless otherwise explained by the presiding officer.

City Commission Study Session

Agenda

Pledge of Allegiance.

Roll Call.

1. Presentation by Mayor Jim Carruthers of the Sara Hardy Humanitarian Award to Marian Kromkowski. (Mayor Jim Carruthers)
2. Overview by City Engineer Timothy Lodge and discussion regarding the Storm Water Ordinance and related guidelines. (Marty Colburn, Timothy Lodge)
3. Discussion regarding activities eligible for Brownfield incentives as requested by Mayor Pro Tem Ross Richardson. (Mayor Pro Tem Ross Richardson)
4. Continued discussion regarding a two-year strategic plan for the City. (Marty Colburn)
5. Announcements from the City Clerk. (Benjamin Marentette)
6. Public Comment.
7. Adjournment.

At the request of City Manager Marty Colburn, City Clerk Benjamin Marentette has called this Special Meeting.

Special Meeting

Agenda

Roll Call.

1. Consideration of authorizing an amendment to an agreement for additional engineering work for realignment of Garland Street south of the Traverse City Tourism Office, including reconfiguration of parking spaces. (Marty Colburn, Rob Bacigalupi) (5 affirmative votes required)
2. Public Comment.
3. Adjournment.

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The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 22, 2016

DATE: FEBRUARY 19, 2016

FROM: ^{MCB} MARTY COLBURN, CITY MANAGER

SUBJECT: FEBRUARY 22 STUDY SESSION

This memo covers the items for Monday evening's Study Session.

1. *Presentation by Mayor Jim Carruthers of the Sara Hardy Humanitarian Award to Marian Kromkowski.*

Attached is the media release announcing that the Traverse City Human Rights Commission has bestowed the 2016 *Sara Hardy Humanitarian Award* upon Marian Kromkowski. As indicated in the media release, the Traverse City Human Rights Commission will be holding a ceremony Monday evening at 6 p.m. in the Second Floor Training Room of the Governmental Center. At the beginning of the meeting Monday evening, Mayor Jim Carruthers will present the award to Ms. Kromkowski.

2. *Overview by City Engineer Timothy Lodge and discussion regarding the Storm Water Ordinance and related guidelines.*

Attached is a memo from City Engineer Timothy Lodge with a copy of the Storm Water Ordinance and the related guidelines. Mr. Lodge will provide an overview of these items Monday evening and will answer questions that arise.

3. *Discussion regarding activities eligible for Brownfield incentives as requested by Mayor Pro Tem Ross Richardson.*

Attached is a memo from Mayor Pro Tem Ross Richardson along with related attachments. As the City Commission's representative on the Brownfield Redevelopment Authority, Mayor Pro Tem Richardson would like to discuss the items referenced in his memo, particularly "... tax diversion to reimburse developers for private parking in the C-4 District." Grand Traverse County Deputy Director of Planning and Development Jean Derenzy will be in

attendance at the meeting Monday evening to observe the discussion and answer questions that arise.

4. *Continued discussion regarding a two-year strategic plan for the City.*

On Monday evening, we will continue the discussion from December 14 and January 25 regarding the development of a two-year strategic plan for the City.

MC/bcm

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copy:

Kristine Bosley, Human Resources Director

Timothy Lodge, City Engineer

Jean Derenzy, Grand Traverse County Deputy Director of Planning and Development

Russ Soyering, City Planning Director

Rob Bacigalupi, Downtown Development Authority Executive Director



MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

Subject: Sara Hardy Humanitarian Award

Contact: Taylor Nash, Traverse City Human Rights Commission Chairman –
tnash@nmc.edu

Kristine Bosley, Human Rights Commission Staff: (231) 922-4481

Issued: February 12, 2016

Marian Kromkowski is the recipient of the 2016 *Sara Hardy Humanitarian Award*. Ms. Kromkowski has worked tirelessly to protect human and civil rights. Ms. Kromkowski currently serves as a chair on the League of Women Voters and provides legal representation and advice to immigrants and their families. Ms. Kromkowski has made a positive impact on our community and is embodies the spirit of the *Sara Hardy Humanitarian Award*.

The Traverse City Human Rights Commission is holding a celebration on Monday, February 22, 2016, at 6 p.m. in the Second Floor Training Room of the Governmental Center (400 Boardman Avenue, Traverse City, Michigan) in honor of the 2016 recipient of the *Sara Hardy Humanitarian Award*. Mayor Jim Carruthers will present Ms. Kromkowski with the award at the City Commission's Study Session on Monday, February 22, 2016, at 7 p.m. in the Commission Chambers of the Governmental Center. The City of Traverse City encourages the entire community to congratulate Ms. Kromkowski on her award! All are invited to attend the celebration as well as the presentation by Mayor Carruthers.

Sara Hardy, a longtime resident, through her courageous and determined actions gave birth to the concept of a Human Rights organization in her community. Her conduct and professionalism exemplifies the philosophies and ideals of the Human Rights Commission to promote mutual understanding and respect among all people and to discourage discriminatory practices.

This award recognizes Sara Hardy's contributions to the community by honoring an individual who exemplifies the Human Rights Commission's ideals. The recipient of this award is selected by the Traverse City Human Rights Commission. We want to encourage the citizens of the Traverse City area to join with us in recognizing the contributions made by this deserving individual in the promotion of human rights.

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To: Marty Colburn, City Manager
From: Ross Richardson 
CC: Benjamin Marentette, City Clerk; Jim Carruthers, Mayor
Date: 2/1/2016
Re: Brownfield discussion for a study session

Comments: I would like to schedule a discussion of eligible brownfield activities for a City Commission study session, preferably fairly quickly.

The legislature made a number of changes to the Brownfield enabling legislation which the governor signed into law on June 19, 2013. The changes continue the expansion of brownfield activities into economic development from the original purpose of environmental clean-up. The legislation also shifts more of the responsibility for reimbursement of the developer to local taxing jurisdictions. Private underground parking (as well as public/private partnerships) is now included as an eligible activity, as well as urban stormwater management systems.

The topic that I believe merits the most attention is tax diversion to reimburse developers for private parking in the C-4 Regional District. Currently zoning ordinances for the C-4 District make no parking requirements on buildings or uses. As the City sees more residential developments downtown, the demand for dedicated parking will increase. There is potential for this issue coming up a number of times in downtown developments already proposed. As the City Commission's representative on the Brownfield Redevelopment Authority, I would appreciate knowing where other members of the Commission stand on this issue.

Included are 3 documents I received from Jean Derenzy of County Planning. The first is a policy statement adopted by the Brownfield Authority (quite recently, check with Jean for the date), the second a synopsis by Ms. Derenzy of the effect of the legislative changes, and the third is the actual legislation signed into law. I would hope that these documents would be distributed to the Commission as part of a packet when a study session is scheduled.

I look forward to discussing this with you further in the near future.

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BROWNFIELD REDEVELOPMENT AUTHORITY
PARKING STRUCTURE GUIDELINES UTILIZING
TAX INCREMENT FINANCING

The Brownfield Redevelopment Financing Act (Act 381 of 1996) was amended in 2012, which expanded the definition of infrastructure to include privately owned or operated multi-level and underground parking structures. The Brownfield Authority provides the following guidelines and principles to assist in project development of brownfield plans within the City of Traverse City.

Projects are reviewed on a case by case basis and these guidelines are not the governing public policy. There may be other factors outside of these guidelines that are considered when discussing private parking structures.

PRINCIPLES:

- Private/Public joint parking structures may be supported through the Brownfield program upon an approved agreement between the City Commission and a private developer. Developer should contact the City Manager and/or their Designee to begin this process prior to submitting an application to the Brownfield Redevelopment Authority.
- Proposed projects should further private economic activity that implement the vision of the City Master Plan and other City Commission adopted plans. As such, the City Planning Commission will be asked to provide a recommendation on the degree to which the project implements adopted plans.
- Privately held parking structures can be of benefit to the community as a whole by enabling property to be developed to its highest and best use.
- Parking structures should contribute to “Placemaking” by providing parking opportunities nearby where people gather – from housing, distinct business districts, squares, streets and plazas to parks, green spaces and waterfronts.
- Underground parking to support residential development is encouraged.

For Projects within a Downtown Development District:

- A. Parking structures may be publically held and/or managed (by the City of Traverse City and/or their designee) unless they are solely used and owned by a residential unit as part of the residential development (or mixed-use commercial/residential development) to promote the vitality of downtown by increasing residential density.
- B. Underground parking is encouraged within the current DDA TIF Districts.

For Projects outside a Downtown Development Authority

- A. Projects must have urban design elements that further the City Master Plan and/or other Sub-Area Plans. As such, the City Planning Commission will be asked to provide a recommendation on the degree to which the project implements adopted plans.
- B. Project must demonstrate an increase of tax base and the elimination of or need of surface parking spaces. Surface parking shall be minimized to no more than 15% of the entire site.
- C. Projects should demonstrate that the structure would benefit a public asset, such as a park or community institution.
- D. Additional consideration will be given to structures that alleviates on street parking demand in residential areas.
- E. Consideration that the structure be publically managed by the City of Traverse City or their Designee during reimbursement.
- F. A to be negotiated percentage of the Structures' should be considered open and accessible to the general public unless redevelopment is for residential.



Recent changes to Brownfield Legislation

1. Eliminates the sunset of December 31, 2012 for approval of a work plan, in perpetuity, as required when an authority uses tax increment financing (TIF) revenue from school operating taxes – as a local unit of government you will always have this economic development tool that will be supported at the state level as well as the local level.
2. Expands the definition of Eligible Property to include “historic resources” and “targeted development areas”

Impacts:

- Useful for properties that cannot qualify as facility, functionally obsolete, or blighted regardless of whether you are a core community or non-core community.
 - Targeted development areas would include certain areas, as designated by local resolution and approved by MSF: 40-500 contiguous parcels, City of Traverse City only. Max 2 per year, max 5 for MSF.
3. New eligible activities. Act 381 authorizes an authority to reimburse a developer for certain “eligible activities.”
 - privately owned or operated multi-level and underground parking structures and urban stormwater management systems within core communities only
 - “Response Activity” now includes corrective actions under PA 213 (LUST) within core and non-core communities

Impacts:

- This change will have a significant impact on repurposing urban infill projects with additional financing support that will positively affect infrastructure within City. New area that City needs to decide whether or not they would utilize tax increment financing for a private parking structure.
4. Streamlines the process for state and local level of government which will assist with moving development projects forward in a more timely manner with less red tape and delay's on project and developer approvals:
 - Eliminates the requirement for 2 public notices in a newspaper (this will significantly reduce cost for your community)
 - Allows approval of both local and state tax capture on eligible activities incurred prior to the approval of the brownfield plan for preliminary assessment activities (Phase I ESA, Phase II ESA, BEA, evaluation of due care obligations, and Due Care Plan).
 - Allows for MDEQ to retroactively approve state school tax capture associated with unanticipated response activities, provided that the developer consults with the MDEQ prior to incurrence of the expenses. This would apply to items like unknown UST removals, etc... discovered during excavation activities. Previously, a significant delay in the development process would occur if the development team was seeking reimbursement for these unforeseeable items.

- Allows for LUGs to approve local tax capture for reimbursement of any eligible activities incurred prior to approval of a Brownfield Plan, whether environmental or non-environmental expenses; significantly improves the timeline on completing pre-development activities: however, the developer runs the risk of not receiving reimbursement at the State level and local level if not properly documented.
- Allows for the MEDC to approve state school tax capture for reimbursement of any MEDC (non-environmental) costs incurred prior to Brownfield approval. Again, the developer runs the risk of the MEDC rejecting the reimbursement of certain eligible activities. However, this significantly reduces the hold time on predevelopment activities that are often incurred by the developer prior to approval and allows for the reimbursement of these activities.
- If a brownfield plan includes the capture of taxes levied for school operating purposes, the chairperson of the Michigan strategic fund may approve combined brownfield plans and work plans that address eligible activities described in section 13(15) totaling an amount of \$500,000.00 or less. This reduces the timeline associated with having to go before the board.

Impacts:

- Previously, only local tax capture could be approved for this purpose. This will allow for a timely payback of eligible activities with the additional assistance from the school dollars.
5. Increases reporting requirements by the developers, every year that the project receives tax increment financing (TIF) reimbursement. Effective January, 2013 for all new projects
- The owner or developer for an active project included within a brownfield plan must annually submit to the BRA a report on the status of the project. The report shall be in a form developed by the authority and must contain information necessary for the BRA to satisfy the requirements of the MDEQ and MEDC. Work with your consultant, on coming up with an appropriate format for your development projects.

Impacts:

- Requirement will be incorporated into Reimbursement Agreement.
6. A brownfield plan or plan amendment may be abolished or terminated
- The LUG may abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished.
 - The LUG may terminate a brownfield plan or plan amendment for an eligible property if the project for which eligible activities were identified in the brownfield plan or plan amendment fails to occur with respect to the eligible property for at least 5 years following the date of the resolution approving the brownfield plan or plan amendment.

Impacts:

- If a brownfield plan or plan amendment is terminated the Authority may approve a new brownfield plan or plan amendment for the eligible property under which tax increment revenues may be captured for up to 30 years, with the exception of brownfield plans that have bond debt obligations. This will affectively allow for the resetting of the 30 year period provided no activity and or reimbursement has taken place.

7. SET millage capture reduced on all new brownfield plans

- Now only three of the six SET mills are available for capture. The three non-capturable mills will create a State Brownfield Redevelopment Fund. The three mill capture would continue for the duration of state tax capture, up to 25 years.
 - The Fund would provide grants and loans for eligible activities.
 - Pay administrative expenses for the MEDC and MDEQ for TIF; also for MDEQ for Part 196 admin costs (Brownfield grant-loan).
 - Limited to 15% of annual deposits into Fund.
 - Make deposits into the MDEQ's Brownfield grant-loan program
 - MSF will administer the program; it must set up an online application process for the grant-loan portion.

Impacts:

- Might take some time before Fund has a significant amount of money.
- Potentially great source to assist with pre-development financing.
- Reduced revenue available for reimbursement to developers.
- Proportion for school/local reimbursement is still calculated on 24 school mills, so school reimbursement period will be slightly longer (may, however, roughly coincide with the local reimbursement period, which is generally drawn out by admin withholding).

8. Can now submit combined Brownfield Plan/Work Plans.

Impacts:

- Limits the ability to create base brownfield plans
- Must provide time for consultation between Authority and DEQ/MSF on front end.
- Questionable cost/time savings? In the end, it could cost developer, if accelerated schedule means that all potential eligible costs are not properly identified.

9. Increases annual admin limit that authorities that have 31 or greater active projects can capture to \$500,000. The administrative fee can be increased by a maximum of 10% if a County administers the program for 3 or more local units of government.

Act No. 67
Public Acts of 2013
Approved by the Governor
June 19, 2013
Filed with the Secretary of State
June 19, 2013
EFFECTIVE DATE: June 19, 2013

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013**

Introduced by Reps. Cavanagh, Knezek, Irwin, Kowall, Jacobsen, Haines, Price, Townsend, Crawford, McCreedy, MacMaster, Forlini, Stallworth, Santana, Singh, Haugh, Hobbs, Lipton, Kesto and Goike

ENROLLED HOUSE BILL No. 4460

AN ACT to amend 1996 PA 381, entitled "An act to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans; to create brownfield redevelopment zones; to promote the revitalization, redevelopment, and reuse of certain property, including, but not limited to, tax reverted, blighted, or functionally obsolete property; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing," by amending section 2 (MCL 125.2652), as amended by 2012 PA 502.

The People of the State of Michigan enact:

Sec. 2. As used in this act:

- (a) "Additional response activities" means response activities identified as part of a brownfield plan that are in addition to baseline environmental assessment activities and due care activities for an eligible property.
- (b) "Authority" means a brownfield redevelopment authority created under this act.
- (c) "Baseline environmental assessment" means that term as defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.
- (d) "Baseline environmental assessment activities" means those response activities identified as part of a brownfield plan that are necessary to complete a baseline environmental assessment for an eligible property in the brownfield plan.
- (e) "Blighted" means property that meets any of the following criteria as determined by the governing body:
 - (i) Has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.
 - (ii) Is an attractive nuisance to children because of physical condition, use, or occupancy.
 - (iii) Is a fire hazard or is otherwise dangerous to the safety of persons or property.
 - (iv) Has had the utilities, plumbing, heating, or sewerage permanently disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
 - (v) Is tax reverted property owned by a qualified local governmental unit, by a county, or by this state. The sale, lease, or transfer of tax reverted property by a qualified local governmental unit, county, or this state after the property's inclusion in a brownfield plan shall not result in the loss to the property of the status as blighted property for purposes of this act.

(vi) Is property owned or under the control of a land bank fast track authority, whether or not located within a qualified local governmental unit. Property included within a brownfield plan prior to the date it meets the requirements of this subdivision to be eligible property shall be considered to become eligible property as of the date the property is determined to have been or becomes qualified as, or is combined with, other eligible property. The sale, lease, or transfer of the property by a land bank fast track authority after the property's inclusion in a brownfield plan shall not result in the loss to the property of the status as blighted property for purposes of this act.

(vii) Has substantial subsurface demolition debris buried on site so that the property is unfit for its intended use.

(f) "Board" means the governing body of an authority.

(g) "Brownfield plan" means a plan that meets the requirements of section 13 and is adopted under section 14.

(h) "Captured taxable value" means the amount in 1 year by which the current taxable value of an eligible property subject to a brownfield plan, including the taxable value or assessed value, as appropriate, of the property for which specific taxes are paid in lieu of property taxes, exceeds the initial taxable value of that eligible property. The state tax commission shall prescribe the method for calculating captured taxable value.

(i) "Chief executive officer" means the mayor of a city, the village manager of a village, the township supervisor of a township, or the county executive of a county or, if the county does not have an elected county executive, the chairperson of the county board of commissioners.

(j) "Combined brownfield plan" means a brownfield plan that also includes the information necessary to submit the plan to the department or Michigan strategic fund under section 15(25).

(k) "Department" means the department of environmental quality.

(l) "Due care activities" means those response activities identified as part of a brownfield plan that are necessary to allow the owner or operator of an eligible property in the plan to comply with the requirements of section 20107a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20107a.

(m) "Economic opportunity zone" means 1 or more parcels of property that meet all of the following:

(i) That together are 40 or more acres in size.

(ii) That contain or contained a manufacturing facility that consists or consisted of 500,000 or more square feet.

(iii) That are located in a municipality that has a population of 30,000 or less and that is contiguous to a qualified local governmental unit.

(n) "Eligible activities" or "eligible activity" means 1 or more of the following:

(i) Baseline environmental assessment activities.

(ii) Due care activities.

(iii) Additional response activities.

(iv) For eligible activities on eligible property that was used or is currently used for commercial, industrial, or residential purposes that is in a qualified local governmental unit, that is owned or under the control of a land bank fast track authority, or that is located in an economic opportunity zone, and is a facility, historic resource, functionally obsolete, or blighted, and except for purposes of section 38d of former 1975 PA 228, the following additional activities:

(A) Infrastructure improvements that directly benefit eligible property.

(B) Demolition of structures that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(C) Lead or asbestos abatement.

(D) Site preparation that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(E) Assistance to a land bank fast track authority in clearing or quieting title to, or selling or otherwise conveying, property owned or under the control of a land bank fast track authority or the acquisition of property by the land bank fast track authority if the acquisition of the property is for economic development purposes.

(F) Assistance to a qualified local governmental unit or authority in clearing or quieting title to, or selling or otherwise conveying, property owned or under the control of a qualified local governmental unit or authority or the acquisition of property by a qualified local governmental unit or authority if the acquisition of the property is for economic development purposes.

(v) Relocation of public buildings or operations for economic development purposes.

(vi) For eligible activities on eligible property that is a qualified facility that is not located in a qualified local governmental unit and that is a facility, functionally obsolete, or blighted, the following additional activities:

(A) Infrastructure improvements that directly benefit eligible property.

(B) Demolition of structures that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(C) Lead or asbestos abatement.

(D) Site preparation that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(vii) For eligible activities on eligible property that is not located in a qualified local governmental unit and that is a facility, historic resource, functionally obsolete, or blighted, the following additional activities:

(A) Demolition of structures that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(B) Lead or asbestos abatement.

(viii) Reasonable costs of developing and preparing brownfield plans, combined brownfield plans, and work plans.

(ix) For property that is not located in a qualified local governmental unit and that is a facility, functionally obsolete, or blighted, that is a former mill that has not been used for industrial purposes for the immediately preceding 2 years, that is located along a river that is a federal superfund site listed under the comprehensive environmental response, compensation, and liability act of 1980, 42 USC 9601 to 9675, and that is located in a city with a population of less than 10,000 persons, the following additional activities:

(A) Infrastructure improvements that directly benefit the property.

(B) Demolition of structures that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(C) Lead or asbestos abatement.

(D) Site preparation that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(x) For eligible activities on eligible property that is located north of the 45th parallel, that is a facility, functionally obsolete, or blighted, and the owner or operator of which makes new capital investment of \$250,000,000.00 or more in this state, the following additional activities:

(A) Demolition of structures that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(B) Lead or asbestos abatement.

(xi) Reasonable costs of environmental insurance.

(o) Except as otherwise provided in this subdivision, "eligible property" means property for which eligible activities are identified under a brownfield plan that was used or is currently used for commercial, industrial, public, or residential purposes, including personal property located on the property, to the extent included in the brownfield plan, and that is 1 or more of the following:

(i) Is in a qualified local governmental unit and is a facility, historic resource, functionally obsolete, or blighted and includes parcels that are adjacent or contiguous to that property if the development of the adjacent and contiguous parcels is estimated to increase the captured taxable value of that property.

(ii) Is not in a qualified local governmental unit and is a facility, and includes parcels that are adjacent or contiguous to that property if the development of the adjacent and contiguous parcels is estimated to increase the captured taxable value of that property.

(iii) Is tax reverted property owned or under the control of a land bank fast track authority.

(iv) Is not in a qualified local governmental unit, is a qualified facility, and is a facility, functionally obsolete, or blighted, if the eligible activities on the property are limited to the eligible activities identified in subdivision (n)(vi).

(v) Is not in a qualified local governmental unit and is a facility, historic resource, functionally obsolete, or blighted, if the eligible activities on the property are limited to the eligible activities identified in subdivision (n)(vii).

(vi) Is not in a qualified local governmental unit and is a facility, functionally obsolete, or blighted, if the eligible activities on the property are limited to the eligible activities identified in subdivision (n)(ix).

(vii) Is located north of the 45th parallel, is a facility, functionally obsolete, or blighted, and the owner or operator makes new capital investment of \$250,000,000.00 or more in this state. Eligible property does not include qualified agricultural property exempt under section 7ee of the general property tax act, 1893 PA 206, MCL 211.7ee, from the tax levied by a local school district for school operating purposes to the extent provided under section 1211 of the revised school code, 1976 PA 451, MCL 380.1211.

(viii) Is a transit-oriented development.

(ix) Is a transit-oriented facility.

(x) Is located in a qualified local governmental unit and contains a targeted redevelopment area, as designated by resolution of the governing body and approved by the Michigan strategic fund, of not less than 40 and not more than 500 contiguous parcels. A qualified local governmental unit is limited to designating no more than 2 targeted

redevelopment areas for the purposes of this section in a calendar year. The Michigan strategic fund may approve no more than 5 redevelopment areas for the purposes of this section in a calendar year.

(p) "Environmental insurance" means liability insurance for environmental contamination and cleanup that is not otherwise required by state or federal law.

(q) "Facility" means that term as defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(r) "Fiscal year" means the fiscal year of the authority.

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

(t) "Governing body" means the elected body having legislative powers of a municipality creating an authority under this act.

(u) "Historic resource" means that term as defined in section 90a of the Michigan strategic fund act, 1984 PA 270, MCL 125.2090a.

(v) "Infrastructure improvements" means a street, road, sidewalk, parking facility, pedestrian mall, alley, bridge, sewer, sewage treatment plant, property designed to reduce, eliminate, or prevent the spread of identified soil or groundwater contamination, drainage system, waterway, waterline, water storage facility, rail line, utility line or pipeline, transit-oriented development, transit-oriented facility, or other similar or related structure or improvement, together with necessary easements for the structure or improvement, owned or used by a public agency or functionally connected to similar or supporting property owned or used by a public agency, or designed and dedicated to use by, for the benefit of, or for the protection of the health, welfare, or safety of the public generally, whether or not used by a single business entity, provided that any road, street, or bridge shall be continuously open to public access and that other property shall be located in public easements or rights-of-way and sized to accommodate reasonably foreseeable development of eligible property in adjoining areas. Infrastructure improvements also include 1 or more of the following whether publicly or privately owned or operated or located on public or private property:

(i) Underground parking.

(ii) Multilevel parking structures.

(iii) Urban storm water management systems.

(w) "Initial taxable value" means the taxable value of an eligible property identified in and subject to a brownfield plan at the time the resolution adding that eligible property in the brownfield plan is adopted, as shown either by the most recent assessment roll for which equalization has been completed at the time the resolution is adopted or, if provided by the brownfield plan, by the next assessment roll for which equalization will be completed following the date the resolution adding that eligible property in the brownfield plan is adopted. Property exempt from taxation at the time the initial taxable value is determined shall be included with the initial taxable value of zero. Property for which a specific tax is paid in lieu of property tax shall not be considered exempt from taxation. The state tax commission shall prescribe the method for calculating the initial taxable value of property for which a specific tax was paid in lieu of property tax.

(x) "Land bank fast track authority" means an authority created under the land bank fast track act, 2003 PA 258, MCL 124.751 to 124.774.

(y) "Local taxes" means all taxes levied other than taxes levied for school operating purposes.

(z) "Michigan strategic fund" means the Michigan strategic fund created under the Michigan strategic fund act, 1984 PA 270, MCL 125.2001 to 125.2094.

(aa) "Municipality" means all of the following:

(i) A city.

(ii) A village.

(iii) A township in those areas of the township that are outside of a village.

(iv) A township in those areas of the township that are in a village upon the concurrence by resolution of the village in which the zone would be located.

(v) A county.

(bb) "Owned or under the control of" means that a land bank fast track authority has 1 or more of the following:

(i) An ownership interest in the property.

(ii) A tax lien on the property.

(iii) A tax deed to the property.

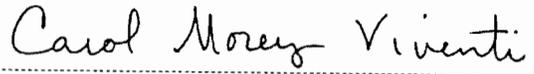
(iv) A contract with this state or a political subdivision of this state to enforce a lien on the property.

- (v) A right to collect delinquent taxes, penalties, or interest on the property.
- (vi) The ability to exercise its authority over the property.
- (cc) "Qualified facility" means a landfill facility area of 140 or more contiguous acres that is located in a city and that contains a landfill, a material recycling facility, and an asphalt plant that are no longer in operation.
- (dd) "Qualified local governmental unit" means that term as defined in the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2781 to 125.2797.
- (ee) "Qualified taxpayer" means that term as defined in sections 38d and 38g of former 1975 PA 228, or section 437 of the Michigan business tax act, 2007 PA 36, MCL 208.1437, or a recipient of a community revitalization incentive as described in section 90a of the Michigan strategic fund act, 1984 PA 270, MCL 125.2090a.
- (ff) "Response activity" means either of the following:
- (i) Response activity as that term is defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.
- (ii) Corrective action as that term is defined in section 21302 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21302.
- (gg) "Specific taxes" means a tax levied under 1974 PA 198, MCL 207.551 to 207.572; the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668; the enterprise zone act, 1985 PA 224, MCL 125.2101 to 125.2123; 1953 PA 189, MCL 211.181 to 211.182; the technology park development act, 1984 PA 385, MCL 207.701 to 207.718; the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2781 to 125.2797; the neighborhood enterprise zone act, 1992 PA 147, MCL 207.771 to 207.786; the commercial rehabilitation act, 2005 PA 210, MCL 207.841 to 207.856; or that portion of the tax levied under the tax reverted clean title act, 2003 PA 260, MCL 211.1021 to 211.1025a, that is not required to be distributed to a land bank fast track authority.
- (hh) "State brownfield redevelopment fund" means the state brownfield redevelopment fund created in section 8a.
- (ii) "Tax increment revenues" means the amount of ad valorem property taxes and specific taxes attributable to the application of the levy of all taxing jurisdictions upon the captured taxable value of each parcel of eligible property subject to a brownfield plan and personal property located on that property, regardless of whether those taxes began to be levied after the brownfield plan was adopted. Tax increment revenues do not include any of the following:
- (i) Ad valorem property taxes specifically levied for the payment of principal of and interest on either obligations approved by the electors or obligations pledging the unlimited taxing power of the local governmental unit, and specific taxes attributable to those ad valorem property taxes.
- (ii) For tax increment revenues attributable to eligible property also exclude the amount of ad valorem property taxes or specific taxes captured by a downtown development authority, tax increment finance authority, or local development finance authority if those taxes were captured by these other authorities on the date that eligible property became subject to a brownfield plan under this act.
- (iii) Ad valorem property taxes levied under 1 or more of the following or specific taxes attributable to those ad valorem property taxes:
- (A) The zoological authorities act, 2008 PA 49, MCL 123.1161 to 123.1183.
- (B) The art institute authorities act, 2010 PA 296, MCL 123.1201 to 123.1229.
- (jj) "Taxable value" means the value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.
- (kk) "Taxes levied for school operating purposes" means all of the following:
- (i) The taxes levied by a local school district for operating purposes.
- (ii) The taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.
- (iii) That portion of specific taxes attributable to taxes described under subparagraphs (i) and (ii).
- (ll) "Transit-oriented development" means infrastructure improvements that are located within 1/2 mile of a transit station or transit-oriented facility that promotes transit ridership or passenger rail use as determined by the board and approved by the municipality in which it is located.
- (mm) "Transit-oriented facility" means a facility that houses a transit station in a manner that promotes transit ridership or passenger rail use.
- (nn) "Work plan" means a plan that describes each individual activity to be conducted to complete eligible activities and the associated costs of each individual activity.
- (oo) "Zone" means, for an authority established before June 6, 2000, a brownfield redevelopment zone designated under this act.

This act is ordered to take immediate effect.



.....
Clerk of the House of Representatives



.....
Secretary of the Senate

Approved

.....
Governor

Memorandum

The City of Traverse City
Engineering Department



TO: Marty Colburn, City Manager

FROM: Timothy J. Lodge, City Engineer

A handwritten signature in blue ink, appearing to read "T. Lodge", written over the printed name of Timothy J. Lodge.

DATE: February 3, 2016

SUBJECT: Storm-Water Ordinance Chapter 1068 and Guidelines

Attached for your reference are copies of Chapter 1068 of our Code of Ordinances and the Storm-Water Ordinance Guidelines that are on file in the Engineering Department. We understand that these will be discussed at the February 8, 2016 City Commission Study Session. We will be prepared to discuss these items, discuss our role as a Municipal Enforcing Agency (MEA), the Certification requirements for staff and to discuss how this ordinance relates to other ordinances. Please let us know if you have particular items relating to these that we should be prepared to address.

CHAPTER 1068

Ground-Water Protection and Storm-Water Runoff Control

1068.01	Purposes.	1068.07	Maintenance of facilities.
1068.02	Objectives.	1068.08	Storm-water management easements.
1068.03	Definitions.	1068.09	Compliance assurances.
1068.04	Storm-water runoff control permits.	1068.10	Inspections.
1068.05	Ground-water protection and storm-water runoff control plan.	1068.11	Enforcement.
1068.06	General standards for approval of ground-water protection and storm-water control plans.	1068.12	Stop-work orders and emergency actions.
		1068.13	General requirements violations.
		1068.99	Penalty.

CROSS REFERENCES

Drains and drainage; flood control projects - see MCLA Sec. 280.429, 280.431
 Soil Erosion and Sedimentation Control Act - see MCLA Sec. 324.9101 et seq.
 Sewers generally - see S.U. & P.S. Ch. 1042
 Water generally - see S.U. & P.S. Ch. 1044
 Flood plain management - see B. & H. Ch. 1458

1068.01 PURPOSES

The purposes of this chapter are to aid in the prevention of surface and ground-water contamination, to regulate and control the construction and use of storm-water runoff facilities, to control discharges to the public storm drain system, to protect the public health, safety and general welfare and to prevent the pollution, impairment or destruction of a natural resource and the environment of the City and the State.
 (Ord. 323. Passed 12-16-91.)

1068.02 OBJECTIVES.

The specific objectives of this chapter include the following:

- (a) To prevent ground-water contamination and accelerated soil erosion and to control storm-water runoff resulting from proposed earth changes both during and after construction.
- (b) To assure that property owners control the volume and rate of storm-water runoff originating from their property so that surface-water and ground-water quality is protected, soil erosion minimized and flooding reduced.
- (c) To preserve and use where feasible the natural or existing drainage system for receiving and conveying storm-water runoff.
- (d) To preserve natural infiltration and the recharge of ground-water and to maintain subsurface flows which replenish lakes, streams and wetlands.
- (e) To assure that storm-water runoff control systems are incorporated into site planning at

an early stage in the planning design process and to aid in the proper design, construction and maintenance of all storm-water control facilities.

- (f) To reduce the need for costly maintenance and repairs to roads, embankments, ditches, streams, lakes, wetlands and storm-water control facilities, which are the result of inadequate soil erosion and storm-water runoff control.
 - (g) To reduce long-term expenses and remedial projects which are caused by uncontrolled storm-water runoff containing hazardous substances and polluting materials.
 - (h) To encourage the design and construction of storm-water control systems which serve multiple purposes, including, but not limited to, flood prevention and water quality protection.
 - (i) To reduce any detrimental impacts of storm-water flows on downstream storm-water facilities and to allow for off-site storm-water control facilities and measures if the proposals meet the requirements of this chapter.
 - (j) To designate a local enforcing agency responsible for the administration and enforcement of this chapter.
 - (k) To provide for the enforcement of this chapter and penalties for violations.
- (Ord. 323. Passed 12-16-91.)

1068.03 DEFINITIONS

Words used in the present tense include the future; the singular includes the plural and the plural the singular. In addition, as used in this chapter:

- (1) "Accelerated soil erosion" means the increased movement of soils that occurs as a result of human activities and development.
- (2) "Best management practice" or "BMP" means a structural device, measure, facility or activity which helps to achieve ground-water protection and storm-water management control objectives at a designated site.
- (3) "Channel" means the portion of a natural stream which conveys normal flows of water, or a ditch or channel excavated for the flow of water.
- (4) "City Engineer" means the City Engineer of the City of Traverse City or the authorized representative of the City Engineer.
- (5) "City Manager" means the City Manager of the City of Traverse City or the authorized representative of the City Manager.
- (6) "Commercial use" means all land uses, except for registered and permitted home occupations and one-family and two-family detached dwellings and structures accessory thereto. "Commercial use" also means the use of private property in connection with or for the purchase, sale, display or exchange of goods, merchandise or personal services, as well as the maintenance or operation of businesses or recreational or amusement enterprises.
- (7) "Depression storage" means the portion of precipitation trapped in depressions in the ground surface.
- (8) "Design standard" or "engineering design standard" means a specification that prescribes the type of design, location, mode of construction, mode of operation or other engineering detail for storm-water control facilities.
- (9) "Design storm" means a rainfall event that has a specific statistical probability of occurring in any given year. For example, a ten-year design storm is a storm with a ten percent chance of occurring during the year. Design storm figures are used to calculate

GROUND-WATER PROTECTION AND STORM-WATER RUNOFF CONTROL

the runoff volume and peak discharge rate through a detention or retention basin or other storm-water management facility.

- (10) "Detention basin" means a structure or facility, natural or artificial, which stores storm-water on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event, or it may be a body of water with a fixed minimum and maximum water elevation between runoff events.
- (11) "Discharge" means the rate of flow of water through an outlet structure at a given point and time, measured in cubic feet per second (cfs).
- (12) "Disturbed area" means an area of land subjected to erosion due to the removal of vegetative cover and/or earth-moving activities, including filling.
- (13) "Downstream" means lands, waters or storm-water facilities which receive storm-water runoff and other surface-water flows from a designated site. Downstream lands, waters and storm-water facilities are normally downgrade from the designated site.
- (14) "Drainage" means the interception and removal of ground-water or surface water by natural or artificial means.
- (15) "Drainage system" means all facilities, channels and areas which serve to convey, filter, store and/or receive storm water, either on a temporary or permanent basis.
- (16) "Drainage well" means a bed of stone or hole in the ground constructed for the purpose of trapping storm water for infiltration into the ground.
- (17) "Earth change" means a man-made change in the cover or topography of land, including grading, building construction and cut-and-fill activities or other similar activities, which may result in, contribute to or have the potential to cause unwanted storm-water problems affecting either the quality or quantity of storm-water runoff.
- (18) "Extended detention basin" means a detention basin designed to provide substantial removal of suspended solids and particulates, typically achieved by holding storm water for twenty-four hours or more.
- (19) "Flood" means an overflow of surface water onto lands not normally covered by water.
- (20) "Floodplain" means the area of land adjoining a lake or stream which is inundated when flow exceeds the capacity of the normal channel. For mapping purposes, floodplains are designated according to the frequency of the flood event, such as the 100-year floodplain.
- (21) "Grading" means any extensive stripping, site clearing, stumping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.
- (22) "Hazardous substances" and "polluting materials" means hazardous chemicals, as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids, as defined by the Michigan State Police Fire Marshal Division; critical materials, polluting materials and hazardous waste, as defined by the Michigan Department of Natural Resources; hazardous substances, as defined by the U.S. Environmental Protection Agency; and hazardous materials, as defined by the U.S. Department of Transportation.
- (23) "Impervious area" means impermeable surfaces, such as paved or gravel driveways, parking areas or any structures which, in general, prevent infiltration of water into the soil.
- (24) "Infiltration" means the downward movement or seepage of water from the surface to the subsoil and/or ground-water. The infiltration rate is expressed in terms of inches per hour.

GROUND-WATER PROTECTION AND STORM-WATER RUNOFF CONTROL

- (25) "Infiltration facility" means a structure or area which allows storm-water runoff to gradually seep into the ground (e.g. French drains, seepage pits, infiltration basins, dry wells, or perforated pipes).
- (26) "Landscaping" means moving, seeding, sodding and other planned activity which is not classified as an earth change.
- (27) "Maintenance agreement" means a binding agreement between the landowner and the City of Traverse City which sets forth the location and design of best management practices as well as the terms and requirements for storm-water control facility maintenance recorded with the County Register of Deeds.
- (28) "Non-erosive velocity" means a rate of flow of storm-water runoff, measured in feet per second, which does not erode soils. Non-erosive velocities vary for individual sites, taking into account topography, soil type and runoff rates.
- (29) "Normal maintenance" means landscaping, repairs, road leveling, minor excavation or filling at a developed site, or other activities determined by the City Engineer to be exempt from permit requirements, provided that such activities do not violate standards set forth in this chapter.
- (30) "Off-site facility" means a storm-water management or erosion control facility which is located partially or completely off of the development site.
- (31) "Outfall" means the point where water flows out from a conduit, drain or stream.
- (32) "Outlet" means a stream or facility receiving the flow from a basin, drain or other storm-water management facility.
- (33) "Owner" means the last recorded titleholder of any lot or parcel of land or the person whose name is last listed upon the tax roll as the owner of a certain lot or parcel of land.
- (34) "Peak rate of discharge" or "peak flow" means the maximum calculated rate of storm-water flow at a given point in a channel, watercourse or conduit resulting from a predetermined frequency storm or flood, measured in cubic feet per second (cfs).
- (35) "Permit" means a storm-water runoff control permit.
- (36) "Person" means any individual, firm, partnership, association, public or private corporation, company, organization or legal entity of any kind.
- (37) "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.
- (38) "Receiving body of water" means any lake, pond, stream, wetland or ground-water into which storm-water runoff is directed.
- (39) "Regional detention basin" means a basin to detain water flow from a number of development sites or a small watershed.
- (40) "Retention basin" means a wet or dry storm-water holding area, either natural or man-made, which does not have an outlet to adjoining watercourses or wetlands other than an emergency spillway.
- (41) "Runoff" means storm-water runoff.
- (42) "Sediment" means mineral or organic solid particulate matter that has been removed from its site of origin by soil erosion; suspension in water; and/or wind or water transport.
- (43) "Site" means any tract, lot or parcel of land or combination of tracts, lots or parcels of land proposed for development.
- (44) "Stop-work order" means a notice issued by the City Engineer requiring a person to cease grading or development activities.

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- (45) "Storage facility" means a basin, structure or area, either natural or man-made, which is capable of holding storm water for the purpose of reducing the rate of discharge from the site.
- (46) "Storm drain" means a conduit, pipe, natural channel or man-made structure which serves to transport storm-water runoff.
- (47) "Storm frequency" means the average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded.
- (48) "Storm sewer" means a sewer that carries storm-water, surface-water, street runoff and other runoff waters, unpolluted drainage or ground-water, but excludes domestic waste water and industrial waste water, and is also called a "storm drain."
- (49) "Storm-water" means the excess water running off from the surface of a drainage area during and immediately after a period of rain. It is that portion of the rainfall and resulting surface flow that is in excess of that which can be absorbed through the infiltration capacity of the surface of the basin.
- (50) "Storm-water control facilities and measures" means any facility, structure, channel, area or vegetative cover or measure which serves to control storm-water runoff in accordance with the purposes and standards of City regulations.
- (51) "Storm-water runoff" means waters from rains falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses or conduits, measured in depth of inches.
- (52) "Storm-water runoff control plan" means drawings and written information for a proposed land use or earth change which describe the way in which storm-water runoff will be controlled during and after completion of construction.
- (53) "Storm-water runoff control permit" means a signed written approval issued under this chapter authorizing the applicant to engage in specified earth changes.
- (54) "Stream" means a river, stream or creek which may or may not be serving as a drain which has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.
- (55) "Stream bank" means the usual boundaries, not the flood boundaries, of a stream channel.
- (56) "Swale" means a low-lying grassed area with gradual slopes which transports storm-water either on-site or off-site.
- (57) "Vegetative cover" means grasses, shrubs, trees and other vegetation which hold and stabilize soils.
- (58) "Water quality standards" means minimum standards established by the State of Michigan for water quality protection.
- (59) "Watercourse" means any natural or man-made waterway, drainage-way, drain, river, stream, diversion, ditch, gully, swale or ravine having banks, a bed and a definite direction or course, either continuously or intermittently flowing.
- (60) "Watershed" means a land area, also known as a drainage area, which collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.
- (61) "Wetland" means land characterized by the presence of water at a frequency and duration sufficient to support, and under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp or marsh. A wetland will contain a predominance, not just an occurrence, of wetland vegetation, aquatic life or

hydric soil.

(Ord. 323. Passed 12-16-91. Ord. 634. Passed 4-19-04.)

1068.04 STORM-WATER RUNOFF CONTROL PERMITS.

- (a) Regulated Land Uses and Earth Changes. Earth changes and other construction and activity requiring a ground-water protection/storm-water runoff control permit from the City Engineer include the following:
- (1) Earth changes proposed for any single-family or two-family residential site with one or more of the following characteristics:
 - A. Sites with a slope greater than ten percent (ten feet horizontal to one foot vertical).
 - B. Sites with heavy clay soils (commonly termed "hardpan clay"), and soils classified in hydrologic Group D in the Grand Traverse County Soil Survey.
 - (2) Earth changes for sites located within 100 feet of a protected wetland, stream or other body of water.
 - (3) Earth changes for other sites identified by the City as having a high potential for environmental degradation and/or flooding as a result of soil erosion, storm-water runoff or hazardous waste runoff, on-site or off-site.
 - (4) Earth changes for all multiple-family, commercial or industrial sites, including recreational and public facilities.
 - (5) All new land uses at the site of which 100 kilograms (twenty-five gallons or 220 pounds) or more of hazardous substances are generated or used per month or accumulated at one time.
 - (6) All proposed connections, direct or indirect, to the City's storm drain system.
 - (7) Landscaping and grounds maintenance as may be outlined by the City Engineer are exempt from permit requirements provided that such activities do not violate standards in this chapter.
- (b) Application Submittal.
- (1) All applications for storm-water runoff control permits shall include three copies of the proposed ground-water protection and storm-water runoff control plan, unless more copies are requested by the City Engineer. Copies of the permit application form shall be made available by the City Engineer.
 - (2) Permit applications shall be submitted to the City Engineer.
 - (3) Application for a permit shall be made prior to the start of any earth change or activity requiring a permit, including construction of access roads, driveways, tree and shrub removal or grading. Permit approval shall be given prior to the initiation of any work activity. Any unauthorized work shall be considered a violation of this chapter regardless of any later actions taken toward compliance. Soil test borings, cutting of vegetation for land surveys, percolation tests and normal maintenance shall not be considered a start of work under this chapter.
 - (4) Proposed ground-water protection and storm-water runoff control plan facilities shall be included as part of the final site plan requirements per Chapter 1252 of the Planning and Zoning Code.
 - (5) The application review period begins upon receipt of a completed application with all required drawings.

(c) Sequential Applications.

- (1) On projects which are so large or complex that a plan encompassing all phases of the project cannot reasonably be prepared prior to initial ground breaking, application for a permit on successive major incremental earth change activities may be allowed. Requests for sequential applications shall be approved by the City Engineer prior to submittal of a permit application.
- (2) Approval of sequential applications shall take place in two phases. First, the overall conceptual plan for the entire development shall be submitted for review and approval. Second, detailed plans for sections of the total project may be submitted for review and approval.
- (3) All permits processed and issued for phases of a project shall be clearly defined as to the nature and extent of work covered. Each phase of the project must be reviewed and permitted prior to construction.

(d) Permit Approval or Disapproval.

- (1) If the City Engineer determines that the proposed ground-water protection and storm-water runoff control plan complies with the standards in this chapter, a permit shall be issued specifying the work approved. If the proposed plan does not comply with the standards in this chapter, the permit request shall be modified or denied.
- (2) Upon request, the City Engineer shall furnish the applicant or other interested person with a statement, in writing, of the reasons for permit approval or denial.
- (3) A decision on a permit application will normally be made within seven to fourteen days of the time that a completed application and ground-water protection and storm-water runoff control plan have been received. The City Engineer shall determine whether the application and control plan submitted with the application provide sufficient information for review purposes. Review of permits may take longer if special engineering reviews are necessary or the development is of a large scale, thereby requiring extra time.

(e) Permit Expiration or Revocation.

- (1) Permits shall terminate automatically if construction has not commenced within one year of the date of issuance. The permit holder may request a one-year extension if there are valid reasons to support such an extension.
- (2) Any permit issued by the City Engineer under this chapter may be revoked or suspended after notice for any of the following causes:
 - A. A violation of a condition of the permit.
 - B. A misrepresentation made when obtaining a permit or failure to fully disclose relevant facts in the application or ground-water protection and storm-water runoff control plan. A change in a condition that requires a temporary or permanent change in the activity.

(f) Penalties for Initiating Earth Change Activities Without a Permit. Any person initiating a land use or earth change activity under this chapter without a valid permit shall be considered in violation of this chapter and subject to fines and other penalties as provided in this chapter.

(g) Permits and Approvals of Other Governmental Agencies. Approvals under this chapter shall not relieve a property owner of the need to obtain other permits or approvals from Federal, State, county and local agencies.

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- (h) Soil Erosion and Sedimentation Control Act. The City Engineer or his or her authorized representative shall be the local enforcing agency responsible for the administration and enforcement of Soil Erosion and Sedimentation Control (Part 91), 1994 PA 451, as amended, and all rules promulgated thereunder. All such rules are hereby incorporated by reference.
 - (i) Permit Fees. Charges for ground-water protection/storm-water runoff control permits shall be determined, from time to time, by resolution of the City Commission.
- (Ord. 342. Passed 3-15-93. Ord. 633. Passed 4-19-04.)

1068.05 GROUND-WATER PROTECTION AND STORM-WATER RUNOFF CONTROL PLAN.

- (a) Generally. A ground-water protection and storm-water runoff control plan shall be prepared for any land use or earth change subject to permit requirements. The plan for a given site shall be designed to effectively reduce problems associated with soil erosion, ground-water contamination due to hazardous substances and polluting materials, and to control the quality and quantity of storm-water runoff during and after the completion of construction.
 - (1) Any project and related improvements shall incorporate in its design measures to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, ground-water and steep slopes.
 - (2) Storm-water management practices and drainage facilities shall be designed to maintain the natural retention and storage capacity of any wetland, water body or watercourse, and shall not increase unwanted flooding potential, on-site or off-site.
 - (3) Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground-water, lakes, streams, rivers or wetlands.
 - (4) State and Federal agency requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to ground-water, including direct and indirect discharges, shall be allowed without required permits and approvals.
 - (5) The location and extent of any known contaminated soils and/or ground water on the site shall be shown on the site plan and shall be considered in the overall protection and control proposal to adequately protect the public health and the environment.
- (b) One-and Two-Family Residential Site Control Plan. Unless waived by the City Engineer, a residential site plan will need to show the following:
 - (1) The location of the site, including description, lot dimensions and ordinance-required setbacks.
 - (2) Site characteristics, including utility, building and drive locations, slopes and soil type.
 - (3) Proposed earth change activity and ground-water protection and runoff control measures proposed.
 - (4) If there are severe development limitations in regard to the existing site characteristics, the City Engineer may require that a residential development site plan be prepared by a registered professional engineer or architect licensed to

practice in the State of Michigan.

(c) Multiple-Family, Commercial and Industrial Site Control Plans.

- (1) A multiple-family/commercial/industrial site plan shall be prepared by a registered engineer or architect licensed to practice in the State of Michigan.
- (2) In addition to other required information, the submitted site plans shall show the following information:
 - A. A drawing or drawings at a scale sufficient to show all of the required information as may be determined by the City Engineer, including a legal description and site location sketch; predominant land features; and contour intervals and/or sufficient elevations or slope description.
 - B. A soils survey or written description of the soil types of the exposed land area contemplated for the earth change, and the location of the physical limits of each proposed earth change.
 - C. The location of all lakes, streams and protected wetlands partially or completely contained within the boundaries of the site.
 - D. A description and the location of all existing and proposed on-site ground-water protection and storm-water management facilities and measures, including existing public storm drain facilities and proposed method of connection.
 - E. A description and the location of all proposed temporary and permanent soil erosion control facilities and measures, including existing public storm drain facilities and proposed method of connection.
 - F. Storm-water runoff calculations.
 - G. For large sites, a program for the continued maintenance of all ground-water protection and storm-water runoff control facilities and measures, including the designation of the person or agency responsible for the maintenance and financial arrangements. A maintenance agreement shall become a part of any sales or exchange agreement for the land on which permanent soil erosion and storm-water runoff control facilities and measures are required.
 - H. Other information which the City Engineer requires to review the impact of the proposed earth change in relationship to the standards and requirements of this chapter.
- (3) In addition to the information required to be shown on site plans listed previously, the following additional provisions shall apply to all land uses and facilities, including private and public facilities, which use, store or generate substances or polluting materials in quantities greater than twenty-five gallons or 220 pounds.
 - A. Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than twenty-five gallons or 220 pounds.
 - B. Completion of the "Hazardous Substances Reporting Form for Site Plan Review."
 - C. Location of existing and proposed service facilities and structures, above and below ground, including:
 1. Areas to be used for the storage, use, loading/unloading, recycling or disposal of hazardous substances and polluting materials,

GROUND-WATER PROTECTION AND STORM-WATER RUNOFF CONTROL

- including interior and exterior areas.
- 2. Underground storage tank locations.
- 3. Location of floor drains, exterior drains, water wells, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water.

D. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.

(Ord. 323. Passed 12-16-91.)

1068.06 GENERAL STANDARDS FOR APPROVAL OF GROUND-WATER PROTECTION AND STORM-WATER CONTROL PLANS.

- (a) The City Engineer shall approve or disapprove storm-water runoff control permit applications and plans in accordance with written guidelines which shall be on file in the Traverse City Engineering Department.
- (b) All site plans subject to review under the requirement of this chapter shall be designed, constructed and maintained to aid in the protection against the detrimental effects of storm-water quality, incorporating therein best management practices (BMP's), which may include, but are not limited to, detention basins, retention ponds, infiltration basins, wet basins, drainage wells, grass swales, grass swales with check dams, filter strips, catch basins and other storm-water control facilities.
- (c) All storm-water control plans shall be designed, constructed and maintained to prevent detrimental off-site flooding of downstream properties and of the City storm-water drainage system.
- (d) The amount of storm water permitted to discharge from a site to the City's existing storm-sewer system shall be as determined by the City Engineer.
- (e) Measures required for ground-water protection and storm-water runoff control shall take into consideration natural features, proximity of the site to lakes, streams and protected wetlands, extent of impervious surfaces, potential for soil erosion and flooding and the size of the site.
- (f) Storm-water conveyance, storage facilities and infiltration facilities shall be designed to provide for non-erosive velocities of storm-water runoff. Alterations to natural drainage patterns shall not create downstream flooding or sedimentation.
- (g) Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground-water, lakes, streams, rivers or wetlands.
- (h) In lieu of complete on-site storm-water facilities and measures, the use of off-site storm-water facilities and measures may be proposed, together with on-site soil erosion, ground-water protection control and storm-water quality control.
- (i) General standards specified in this section shall be used in reviewing proposed ground-water protection and storm-water runoff control plans for storm-water facilities and measures.

(Ord. 323. Passed 12-16-91.)

1068.07 MAINTENANCE OF FACILITIES.

- (a) All ground-water protection and storm-water runoff control facilities and measures shall be maintained in accordance with applicable permit conditions.

- (b) The person(s) or organization(s) responsible for maintenance shall be designated in the ground-water protection and storm-water runoff control plan or the permit application submitted to the City Engineer. Options include:
 - (1) The owner of the property.
 - (2) A property owners association or other nonprofit organization, on the condition that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements.
- (c) Maintenance agreements shall specify responsibilities for financing maintenance and emergency repairs, including, but not limited to, the procedures specified in Sections 1068.12 and 1068.13.

(Ord. 323. Passed 12-16-91.)

1068.08 STORM-WATER MANAGEMENT EASEMENTS.

- (a) Storm-water management easements shall be provided by the property owner, if necessary, for access for facility inspections and maintenance, or for preservation of storm-water runoff conveyance, infiltration and detention areas and facilities, including flood routes, for a major storm event. The purpose of the easement shall be specified in the maintenance agreement signed by the property owner.
- (b) Storm-water management easements are required for all areas used for off-site storm-water control, unless a waiver is granted by the City Engineer.
- (c) Easements shall be recorded with the County Register of Deeds prior to the issuance of a permit by the City Engineer.

(Ord. 323. Passed 12-16-91.)

1068.09 COMPLIANCE ASSURANCES.

- (a) Performance Guarantees.
 - (1) Applicants proposing construction projects identified by the City Engineer as having high potential for storm-water related problems may be required to post a cash escrow, letter of credit or other acceptable form of performance security in an amount determined by the City Engineer to assure proper completion of the work as may be approved.
 - (2) Letters of credit, if used as a performance guarantee, shall extend for a minimum of one year with the option of renewal. Letters of credit will be returned to the applicant when the site is certified by the developer or engineer for the project that the site is completely in accordance with the approved site plan requirements as set forth by the City Engineer.
- (b) Construction Certification by Registered Professional.
 - (1) For any sites that require a professional site plan, a certification statement and plan shall be submitted after ground-water and storm-water runoff control facilities have been installed to affirm that construction has been completed in accordance with the approved ground-water protection and storm-water runoff control plan. This certification statement and plan shall be prepared by a registered engineer, or architect licensed to practice in the State of Michigan.
 - (2) If there are changes during the course of construction, the City Engineer may require final "as-built" drawings for final approval of the site work.
- (c) Certificate of Compliance. Upon receipt and approval of the certification letter, the City

Engineer shall issue a certificate of compliance to the property owner. (Ord. 323. Passed 12-16-91.)

1068.10 INSPECTIONS.

- (a) Authorized representatives of the City Engineer may enter at reasonable times upon any property to conduct on-site inspections. Such inspections may take place before, during and after any earth change or other activity for which a permit has been issued.
- (b) The permit holder shall notify the office of the City Engineer at least forty-eight hours before starting any earth change or activity for which a permit was issued.
- (c) If upon inspection existing site conditions are found not to be as stated in the permit or approved ground-water protection and storm-water runoff control plan, the permit will be invalidated and a stop-work order may be issued. No earth-disrupting work shall be undertaken or continued until revised plans have been submitted and a valid permit issued.
- (d) Requests for revisions must be submitted to and approved by the City Engineer in writing before being put into effect, unless approved by the City Engineer on the site. If this is done, a revised site plan shall be submitted for review and approval.

(Ord. 323. Passed 12-16-91.)

1068.11 ENFORCEMENT.

- (a) Notices of Violations: Administrative Adjustment. Whenever the City Engineer finds that any person or property owner has engaged in conduct which violates the requirements of the storm-water runoff control permit or of this chapter, the City Engineer shall serve or cause to be served upon such person or owner a written notice, either personally or by certified mail, stating the nature of the alleged violation. Within ten days of the date of receipt of the notice, said person or owner shall respond personally or in writing to the City Engineer, advising the City Engineer of his or her position with respect to the allegations. Thereafter, the City Engineer and said person or owner shall meet and confer to discuss the allegations and, where necessary, to establish a plan for the satisfactory correction thereof.
- (b) Hearings. Where a violation is not corrected by timely compliance by means of an administrative adjustment, the City Engineer may suspend or revoke the permit. A written notice shall be served on the property owner by personal service or by certified mail, specifying the time and place of a hearing to be held by the City Engineer regarding the violation, the reasons why the enforcement action is to be taken and the proposed enforcement action, and directing the property owner to show reasons why the proposed enforcement action should not be taken. The notice of the hearing shall be served not less than ten days before the hearing. Service may be made on any agent, officer or authorized representative of the property owner. The City Engineer shall hold a hearing, consider evidence and then enter appropriate orders with respect to the alleged improper activities of the property owner. Appeals of such orders may be taken by the property owner to the Circuit Court by filing an action within twenty-one days after the order being appealed. The Circuit Court shall review such orders on the record to determine if they are supported by material, competent and substantial evidence. If the Court finds such support, the orders shall be affirmed.
- (c) Judicial Proceedings. The City may commence an action to enforce this chapter and any

order in the Circuit Court.
(Ord. 323. Passed 12-16-91. Ord. 523. Passed 2-19-01.)

1068.12 STOP-WORK ORDERS AND EMERGENCY ACTIONS.

- (a) If necessary to assure compliance with permit requirements, standards and other provisions of this chapter, the City Engineer may issue a stop-work order for the purpose of preventing or minimizing ground-water contamination, storm-water runoff or other conditions posing imminent and substantial danger to public health, safety, welfare or natural resources.
- (b) If necessary to protect public safety or natural resources, including lakes, streams, protected wetlands and other receiving bodies of water, the City Engineer may initiate emergency action to abate imminent and substantial danger and risk, subject to the following:
 - (1) Storm-water control measures or facilities may be constructed or maintained by the City at the property owner's expense if the necessary provisions for the correction of a violation are not successfully implemented within ten calendar days after the notice of violation is mailed.
 - (2) All expenses incurred by the City to construct and maintain measures and facilities to bring the site into compliance, including actual attorney fees, shall be reimbursed by the property owner. The City shall have a lien for the expenses incurred. The lien shall have priority over all liens and encumbrances filed or recorded after the date of such expenditure. Except for single-family or multiple-family residential properties, the lien for such expenses shall be collected and treated in the same manner as provided for property tax liens.
- (c) Except as otherwise provided through maintenance agreements, the property owner may be held responsible for reimbursing the City for all costs incurred, including actual attorney fees and administrative costs, as a result of emergency action provided, that a finding is made that the property owner violated provisions of this chapter, a permit of this chapter or an approved maintenance agreement.
- (d) Violations of permit requirements will initially be brought to the attention of the individual in charge of on-site construction activities. Should efforts toward immediate compliance be unsuccessful, a stop-work order may be issued. Said order shall describe the specific alleged violation and the steps deemed necessary to bring the project back into compliance.
- (e) The stop-work order, when issued, shall require all specified earth change activities to be stopped.
- (f) If the City Engineer determines that ground-water contamination and/or sedimentation of the waters of this State has or will reasonably occur from a parcel of land in violation of this chapter, then the City Engineer, at his or her determination, may seek to enforce this chapter by notifying the person who owns the land by mail with return receipt requested. The notice shall contain a description of specific control measures which, if implemented by the property owner, would bring the owner into compliance.
- (g) The persons who own or occupy land subject to this chapter shall implement and maintain ground-water protection and storm-water runoff control measures in conformance with this chapter within ten days after the notice of violation has been given as specified in subsection (f) hereof.

GROUND-WATER PROTECTION AND STORM-WATER RUNOFF CONTROL

(Ord. 323. Passed 12-16-91.)

1068.13 GENERAL REQUIREMENTS; VIOLATIONS.

- (a) Duty. A person shall not authorize or conduct an earth change or land use which requires a storm-water runoff control permit without first applying for and receiving such a permit. A person shall not authorize or conduct an earth change or activity requiring a permit under this chapter except in conformity with a properly issued permit.
- (b) Guideline Violation. A violation of any guideline, regulation or standard adopted or authorized by this chapter or a violation of any order, notice or permit authorized by this chapter shall be deemed to be a violation of this chapter and shall be subject to the same penalty and remedies as would a violation of this chapter.

(Ord. 323. Passed 12-16-91.)

1068.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

- (a) Persons who own or occupy land that is not in compliance with this chapter and who, after notice, refuse to implement and maintain ground-water protection and storm-water runoff control measures and facilities in conformance with these regulations, shall each be subject to a fine of not more than five hundred dollars (\$500.00) or ninety days in jail, or both, plus the cost of prosecution.
- (b) Each act of violation and every day upon which any violation shall occur or continues to occur shall constitute a separate offense.
- (c) In addition to the penalties provided in this section, any person found to have violated any of the provisions of this chapter shall be liable to the City for any expense, loss, damage and actual attorney fees occasioned by such violation.

(Ord. 323. Passed 12-16-91.)

**TRAVERSE CITY GROUND-WATER PROTECTION AND
STORM-WATER CONTROL ORDINANCE
GUIDELINES**

PREAMBLE

The guidelines were developed to be used in conjunction with the Traverse City Ground-Water Protection and Storm-Water Runoff Control Ordinance. These guidelines will be updated as needed to reflect the new technology and best management practices available to deal with ground-water protection and storm-water runoff on sites within the City of Traverse City.

A. GROUND-WATER PROTECTION

1. General-purpose floor drains shall be allowed only if they are connected to: an on-site holding tank; to the public sanitary sewer system with approved oil separator system or; a system authorized through a State ground-water discharge permit.
2. Secondary containment for above-ground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
3. Outside storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism and are stored within a secondary containment system.
4. Out-of-service abandoned tanks shall be emptied and removed in accordance with the State of Michigan Underground Storage Tank Rules.

B. STORM-WATER RUNOFF CONTROL FACILITIES

1. Earth changes and related improvements shall be designed, constructed and maintained to minimize the extent and duration of earth disruption and to protect the natural environment.
2. On-site storm-water runoff control facilities which protect water quality and prevent unwanted flooding shall be required for all sites. Storm-water runoff control facilities may include but are not limited to detention basins, retention ponds, infiltration trenches, infiltration basins, drainage wells, grass swales, grass swales with check dams, filter strips and other facilities.

3. Storm-water control facilities shall be planned and designed to reproduce the pre-development hydrology of the site to the maximum possible extent.
4. Infiltration trenches, perforated pipe and infiltration basins shall be encouraged provided that (a) sediment is removed from storm-water runoff before runoff reaches the infiltration facility and (b) adequate provisions for facility maintenance have been made.
5. Infiltration basins shall be lined with a vegetative cover designed to slow the flow of runoff and to trap pollutants. Sediment traps, catch basins and/or sediment basins shall be provided for the purpose of collecting sediment before storm water reaches the infiltration basin or trench. Infiltration facilities shall be designed to distribute storm-water runoff volume evenly over the floor of the basin or trench and to prevent ponding or standing water.
6. Drainage wells, commonly known as dry wells, may be used as a storm-water control method if the use of storm-water retention or detention basins, either on- or off-site, is not feasible. All drainage wells must provide the following: (1) catch basins, sediment basins, silt traps or vegetative filter strips to remove sediment from storm water flowing to the drainage well, (2) an approved overflow system and (3) adequate provisions for maintenance.
7. Detention basins shall be designed as extended detention basins to detain runoff on the site for 24 hours or more to allow for maximum settling and removal of suspended solids and other pollutants. Vegetation shall be installed and maintained in the basin to help absorb pollutants.
8. When a downstream outlet (open channel or storm sewer) is unacceptable, minimum detention, retention and infiltration basins on the site shall have the storage capacity to hold the increase in runoff volume generated by the earth change. The required volume shall be calculated by comparing the undeveloped condition to the developed condition for a 25-year 24-hour frequency storm event. Provisions for overflow shall be made. In general, this paragraph shall apply to larger open areas where storm sewers do not exist.
9. If a quantity or capacity problem exists with an outlet as may be determined by the City Engineer, the peak rate of discharge from a site shall be as determined by the City Engineer. It should be assumed for design purposes, that such problems exist with almost all storm sewers within the City. However, in general, such runoff rate will normally not be less than the pre-developed rate, and required on-site storage shall not be greater than that required for a 10-year frequency storm event with 24 hour minimum detention. In general, a short hand design method of a 2½" rain over all impervious surfaces may be used. Drainage facilities for quantity purposes shall be designed to pass a 10-year frequency storm event.

10. As a minimum, all drainage control on all multi-family, commercial and industrial sites when developed shall be designed to allow infiltration or to retain in some acceptable manner all small storms or first-flush runoff which shall be the first one-half (1/2") inch of runoff. The City Engineer, at the written request of the Michigan Department of Environmental Quality, may reduce the minimum infiltration retention requirements if it is determined that the introduction of surface storm-water infiltration into the groundwater would increase and/or exacerbate the existing known pollution at a site.
11. A two-stage design for detention and retention basins shall be used on sites where parking lots and other impervious surfaces exceed five (5) acres in size as well as for other sites identified by the City Engineer or the Michigan Department of Environmental Quality as requiring special protection for water quality purposes. In such cases, a meeting will be set up between the property owner/developer and City Engineer to discuss details of design and requirements.
12. The use of Swirl Concentrator technology or other "new technology" systems in which the removal of a minimum of 80% of pollutants, including grit, oil, hydrocarbons and floating contaminants for on-site storm-water runoff control facilities, is encouraged. Where these "new technology" systems are designed within projects for areas where off-site receiving and conveyance facilities have adequate capacity, the City Engineer may reduce or eliminate on-site retention/detention requirements.

C. STORM-WATER CONVEYANCE FACILITIES AND RECEIVING WATERS

1. Unless otherwise approved, storm-water runoff shall be conveyed through swales, vegetated buffer strips or other approved facilities so as to decrease runoff velocity, to remove pollutants, to allow suspended sediments to settle and to encourage infiltration.
2. When storm sewers are determined to be necessary by the City Engineer, the applicant shall design the drainage system to mitigate any harmful impact on water quality by using appropriate structural devices or other best management methods.
3. Drain spouts from roofs and sump pumps from basements shall be directed to on-site swales, detention basins or other measures designed to slow the flow of storm-water runoff to non-erosive velocities whenever possible.

D. SITE CONSTRUCTION CONTROL

1. All earth changes shall be designed, constructed and maintained in such a manner as to minimize the extent and duration of earth disruption.

2. Soil erosion control facilities shall be designed to remove sediment from storm water before the storm water leaves the site of the earth-change activity.
3. Vegetative stabilization or other soil erosion control measures shall be installed and maintained throughout the development process. Critical areas exposed during construction shall be protected with temporary vegetation, mulching, filter fences or other methods of stabilization.
4. Storm-water runoff control and soil erosion control measures shall be installed before grading, filling or removal of vegetative cover is initiated.
5. Filter fences and other soil erosion control facilities installed at the perimeter of a development site shall be installed at least five (5') feet from the property boundary to allow for on-site maintenance.
6. Fill slope grades on the perimeter of the graded area adjacent to lakes, streams, wetlands and storm-water ponds, or adjoining properties shall not have a slope steeper than a 33 percent rise (3 feet horizontal to 1 foot vertical) unless approved by the City Engineer.
7. Retention and detention basins shall have an emergency overflow system. The overflow system shall be designed to accommodate flow from the 100-year storm event, or as otherwise required by the Michigan Department of Environmental Quality.
8. Side slopes of any storm-water retention or detention basin shall be no greater than 3:1 (horizontal to vertical) so as to prevent soil erosion and allow for basin maintenance.
9. Storm-water basins with depths greater than three feet shall have one or more of the following safety features: (a) Safety ledges at the basin perimeter which are at least eight feet wide for every three feet of vertical height; (b) aquatic vegetation surrounding the basin which discourages wading; or (c) fencing to prevent unauthorized access to the basin.
10. Soil erosion control measures shall be maintained throughout the duration of the earth change including the later stages of development. Maintenance activities include but are not limited to removal of accumulated sediment, structural repairs, reseeding or replacement of vegetative cover and lawn mowing.
11. Removal of natural vegetation and tree roots within twenty five (25) feet of the ordinary high water mark of any wetland, lake or stream shall be prohibited unless approved for recreational uses. A lake or stream buffer area greater than twenty five (25) feet may be required by the City Engineer if necessary for soil erosion control purposes.

12. Grading of land or other earth changes shall not be permitted in any flood plain unless approved by the Michigan Department of Environmental Quality as well as the City Engineer. Further, all approved grading of land or other earth changes within a flood plain or within the required buffer area of a lake or stream shall not reduce the storage capacity of the flood plain and shall meet the requirements of the City Zoning Ordinance.

E. DESIGN PARAMETERS FOR FACILITY CONSTRUCTION

1. Design parameters for ground-water protection, storm-water management and soil erosion facilities shall follow best management practices as identified by the City Engineer, the Grand Traverse County Soil Conservation Service and/or the Michigan Department of Environmental Quality.
2. The Michigan Department of Environmental Quality "Urban Storm-water Best Management Practices Manual" will be used as a reference along with other manuals such as "Controlling Urban Runoff" by the Metropolitan Washington Council of Governments and the Small Business Guide To Secondary Containment by the Clinton River Watershed Council.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF FEBRUARY 22, 2016

DATE: FEBRUARY 19, 2016

FROM: MARTY COLBURN, CITY MANAGER

SUBJECT: GARLAND STREET RECONSTRUCTION PROJECT

Attached is a memo from Downtown Development Authority Executive Director Rob Bacigalupi recommending a contract amendment with Fleis and Vandenbrink for additional design services associated with the Garland Street Reconstruction Project. As indicated by Mr. Bacigalupi, we recently reconfigured the alignment of the street's original design to convert the proposed parking spaces south of the Traverse City Tourism Office (Visitors' Bureau) from angle spaces to parallel spaces. Therefore, the engineering drawings and related documents need to be updated.

I recommend the following motion (5 affirmative votes required):

that the Mayor and City Clerk execute an amendment to the agreement with Fleis and Vandenbrink (originally authorized April 21, 2014, and amended October 19, 2015), in the amount of \$13,810 for additional engineering design services and to update related documents to convert the proposed parking spaces south of the Traverse City Tourism Office and realign the street design accordingly, such amendment subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the TIF 97 Fund to be reimbursed by the Traverse City Place Brownfield Plan.

MC/bcm

K:\tcclerk\city commission\agreements\garland street amendment two

copy: Rob Bacigalupi, Downtown Development Authority Executive Director
Timothy Lodge, City Engineer



To: Marty Colburn, City Manager

From: Rob Bacigalupi, Executive Director

RMB

Re: Additional Engineering Work - Garland Street

Date: Friday, February 19, 2016

Attached is a proposal from Fleis and Vandenbrink to perform additional work associated with the Garland Street Project. We recently realigned the original design to convert the proposed parking spaces south of the Visitors Center from angle spaces to parallel spaces. This allowed us to address one of Traverse City Tourism's remaining issues, and reduced the amount of land we would need to purchase from Fifth Third. The engineering drawings and associated documents therefore need to be updated to reflect this new design. This proposal provides a scope for that work and a cost of \$13,810. I ask that the City Commission consider approving this additional work with funds to come from the TIF 97 professional/contractual line item.



February 18, 2016

Timothy J. Lodge, City Engineer
City of Traverse City
400 Boardman Avenue
Traverse City, Michigan, 49684

**RE: Proposal to Provide Additional Services for the Garland Street Reconstruction Project
- Parallel Parking and R.O.W./Street Re-alignment South of the Visitor Center**

Dear Mr. Lodge,

As requested, we are providing a proposal for additional services to the Garland Street Reconstruction Project to assist with design of parallel parking and R.O.W./street re-alignment south of the Visitor Center. Based on the "January 7, 2016 Garland Street Meeting Summary" dated January 12, 2017.

PROJECT UNDERSTANDING:

The City has been in discussions with the TC Visitors Center (TCVC) and Fifth-Third Bank (5/3) regarding acquisition of property to continue Garland Street through to Union Street. The design documents submitted to the city last fall were prepared accordingly. The TCVC would like to change the angled parking on the south side of the building to parallel parking and retain the parking area as part of their property. At present, south of the TCVC the existing curb is offset 6-feet from the structure, there is an area of concrete at the back entrance and a section of green space. The TCVC would like to retain a portion of green space out from the building and the remainder as sidewalk with a snow melt system.

From that 6-foot offset, a new 2-foot wide colored concrete curb and gutter section, and 6-foot wide colored and stamped concrete parking lane will be placed. But this new construction will remain as part of the TCVC Property. The proposed street section will encompass a 30-foot Right-of-Way section with: a 2-foot wide colored concrete valley gutter, two 10-foot wide colored and stamped concrete driving lanes, another 2-foot wide colored concrete curb and gutter, and 6-foot wide colored and stamped concrete side walk.

The TCVC will retain a triangular piece of property south of this new design. The existing electric transformer, air-conditioning units, back-flow preventer, and fire suppression spigot will be relocated to this triangular area. Utility lines will be routed back to the TCVC and run under the proposed Garland Street R.O.W.

SCOPE OF WORK:

Our proposal includes the following design efforts:

1. Cross Section Sheet – Generate a new cross section of the revised R.O.W. and pavement section.
2. Removal Sheet – Revise/remove items mainly on the (5/3) property identified for removal that will now remain. Change line item quantities from removals to items that will remain. Add or remove drawing labels of identified removal items.

3. Site Plan & Profile Sheets – Modify horizontal and vertical alignment of Garland Street and Visitor Center drive. Revise/remove items, mainly on the (5/3) property, that will not be constructed. Add or remove drawing labels of identified construction items.
4. Storm Sewer Sheets – Change the proposed storm sewer to properly drain the revised alignment and section. Add or remove drawing labels of identified construction items.
5. Sanitary Sewer Sheet – The existing sanitary, sewer shown on sheet 15, is not affected by this proposed design change and this sheet will not change. Relocation of the sanitary sewer line for the TCVC has been discussed in conversations and correspondence, specific design details have not been provided to F&V. This work scope does not include design of sanitary sewer for the TCVC.
6. Grading Plan Sheets – Adjust the proposed grading to drain the site and direct stormwater flow to structures.
7. Site Concrete Plan Sheet – Adjust concrete layout to revised R.O.W. plan, add or remove drawing labels of identified pavement items.
8. Lighting Plan Sheets – Relocate light fixtures and string lights, adjust and verify electrical schematics.
9. Verify pay items, calculate revised quantities, revise cost estimate, and review specifications.
10. Preparation of R.O.W. description for property transfers are not included in this work scope and will be provided as a separate proposal.

PROJECT TIMELINE:

After receiving written authorization to proceed, four weeks are needed to complete the work as described above.

PROJECT BUDGET:

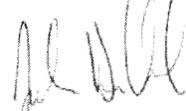
We have developed the following lump sum fee structure based on the above assumptions:

Design Engineering: \$13,810

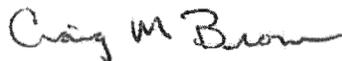
Thank you and please contact us at 231.932.8600 with any questions.

Sincerely,

FLEIS & VANDENBRINK



John DeVol, P.E.
Manager, Traverse City



Craig M Brown, P.E.
Civil Engineer