

1. Packet

Documents: [PHS 3-2-16 \(1\).PDF](#)

GRAND TRAVERSE COUNTY
PUBLIC HEALTH & SAFETY

Wednesday, March 2, 2016 @ 6:00 p.m.
Commission Chambers, 2nd Floor, Governmental Center
400 Boardman, Traverse City, MI 49684

***Grand Traverse County provides mandated and necessary services
that ensure safety and add value to our community.***

General Meeting Policies:

- Please turn off all cell phones or switch them to silent mode.
- Any person may make a video, audio or other record of this meeting. Standing equipment, cords, or portable microphones must be located so as not to block audience view.

Pages

CALL TO ORDER

1. OPENING CEREMONIES OR EXERCISES

2. ROLL CALL

3. APPROVAL OF MINUTES:

- a. February 3, 2016 (regular session) 3

4. FIRST PUBLIC COMMENT

Any person shall be permitted to address a meeting of the Board of Commissioners which is required to be open to the public under the provision of the Michigan Open Meetings Act. Public Comment shall be carried out in accordance with the following Board Rules and Procedures:

Any person wishing to address the Board shall state his or her name and address.

No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioners' questions, if any. The Chairperson shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes. The Chairperson may, at his or her discretion, extend the amount of time any person is allowed to speak.

Public comment will be solicited during the two public comment periods noted in Rule 5.4, Order of Business. However, public comment will generally be received at any time during the meeting regarding a specific topic currently under discussion by the board. Members of the public wishing to comment should raise their hand or pass a note to the clerk in order to be recognized, and shall not address the board until called upon by the chairperson.

5. APPROVAL OF AGENDA

6. CONSENT CALENDAR:

The purpose of the Consent Calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the Consent Calendar be removed and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected.

If any item is not removed from the consent calendar, the action noted (receive & file or approval) is approved by a single Committee action adopting the consent calendar.

(All information identified on the Consent Calendar can be viewed in its entirety @ www.grandtraverse.org.)

- a. Receive and File:
 - 1) Commission on Aging Monthly Report 6
- b. Approval:
- c. Action on Consent Calendar
- 7. SPECIAL ORDERS OF BUSINESS:
- 8. ITEMS REMOVED FROM CONSENT CALENDAR:
- 9. DEPARTMENT AND OTHER ACTION ITEMS:
 - a. GTSO:
 - 1) Vehicle Purchase 8
 - b. CONSTRUCTION CODE:
 - 1) Vehicle Purchase 10
 - c. PROSECUTING ATTORNEY:
 - 1) Soil Erosion Ordinance – Withdrawal of Ordinance Review Request 12
- 10. UNFINISHED BUSINESS:
- 11. NEW BUSINESS:
 - a. March Meeting Schedule (Menzel / Maxbauer) 24
- 12. SECOND PUBLIC COMMENT (Refer to Rules under Public Comment/Input above.)
- 13. COMMISSIONER COMMITTEE REPORTS:
- 14. NOTICES AND/OR ANNOUNCEMENTS:
- 15. CLOSED SESSION:
- 16. ADJOURNMENT:

Although this Committee includes all members of the Grand Traverse County Board of Commissioners, recommendations are made, and final action is taken at the Board Meeting at the end of the month.

2016 Public Health & Safety Committee:

Addison “Sonny” Wheelock, Chair
Ron Clous, Vice Chair Christine Maxbauer
Dan Lathrop Alisa Kroupa
Carol Crawford Bob Johnson

If you need auxiliary aid assistance, contact 231-922-4760.

GRAND TRAVERSE COUNTY
PUBLIC HEALTH & SAFETY

February 3, 2016

Chairman Wheelock called the meeting to order at 6:00 p.m. at the Governmental Center.

OPENING CEREMONIES AND EXERCISES

The Pledge of Allegiance to the Flag of the United States of America was recited.

PRESENT: Carol Crawford, Bob Johnson, Alisa Kroupa, Ron Clous, Christine Maxbauer and Addison Wheelock, Jr.

EXCUSED: Dan Lathrop

APPROVAL OF MINUTES

There being no corrections to the December 2, 2015 minutes, they were approved as presented.

PUBLIC COMMENT

None

APPROVAL OF AGENDA

Addition: Under New Business item #b, Confirmation of Appointments.

Moved by Kroupa, seconded by Maxbauer to approve agenda with addition of confirmation of appointments under New Business.

Motion carried.

CONSENT CALENDAR

The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or public may ask that any item on the consent calendar be removed and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected.

If any item is not removed from the consent calendar, the action noted (receive and file or approval) is approved by a single Committee action adopting the consent calendar.

A. RECEIVE AND FILE

None

B. APPROVAL

1. Commission on Aging Monthly Report

2. Commission on Aging Accept \$25,000 Donation

C. ACTION ON THE CONSENT CALENDAR

The Chief Deputy County Clerk read the Consent Calendar for the record.

Moved by Kroupa, seconded by Maxbauer to approve the Consent Calendar as presented. Motion carried.

SPECIAL ORDERS OF BUSINESS

None

ITEMS REMOVED FROM THE CONSENT CALENDAR

None

DEPARTMENT AND OTHER ACTION ITEMS

A. ADMINISTRATION

1) Proposed Meeting Structure

John Sych, Planning and Development Director, reviewed proposal for revised Board of Commissioners meeting structure and answered Commissioners' questions.

Moved by Maxbauer, seconded by Crawford to recommend approval establishing two regular meetings on the 1st and 3rd Wednesday of each month effective April 2016 and two study sessions per month on the 2nd and 4th Wednesday of each month. Further, direct staff to present an amended Board Rules of Order and post a new meeting schedule.
Motion carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

a. Ad Hoc Committee Appointment Recommendations (Parks & Recreation, BATA)

Moved by Maxbauer, seconded by Crawford to recommend appointment of Rodetta Harrand and Tom Kachadurian to Parks and Recreation Board for a 3 year term ending December 31, 2018.

Motion carried

BATA appointment recommendation will be brought to Resource Management and Administration meeting, February 10, 2016.

b. Confirmation of Appointments – Immediate Effect

Moved by Johnson, seconded by Kroupa, to appoint Jennifer DeHaan to serve as Administrator designee on Land Bank Authority for the remainder of the 3 year term ending December 31, 2016 and as Administrator designee on Building Authority for the remainder of the 6 year term ending December 31, 2017, effective immediately.

Roll Call Vote: Yes 6, Excused 1

SECOND PUBLIC COMMENT

None

COMMISSIONER COMMITTEE REPORTS

Commissioners gave updates on meetings and events they attended.

NOTICES AND/OR ANNOUNCEMENTS

Commission on Aging and Senior Center Network are offering tax assistance, for additional information please call (231) 922-4688 or (231) 922-4911.

CLOSED SESSION

None

ADJOURNMENT

Meeting adjourned at 6:46 p.m.

Sarah B. Lutz, Chief Deputy Clerk

Addison Wheelock, Jr., Chairperson

APPROVED: _____
(Date) (Initials)



GRAND TRAVERSE COUNTY
COMMISSION ON AGING
520 W. FRONT STREET, SUITE B
TRAVERSE CITY, MI 49684-2237
(231) 922-4688 • FAX (231) 929-1645
E-MAIL ADDRESS: gtcoa@grandtraverse.org
HOMEPAGE: www.grandtraverse.org

PUBLIC HEALTH & SAFETY COMMITTEE

COMMISSION ON AGING REPORT

February 23, 2016

1. COMMISSION ON AGING STAFF DELIVERS VALENTINES BAGS -

The Commission on Aging Staff delivered Valentine bags from the COA and Hagerty for two weeks prior to Valentine's Day. This is the second year that the employees of Hagerty Insurance have put together individual bags for our clients. The delivery of the "Valentines Surprise" brings a smile to everyone's face with the delivering staff member's being the biggest. TV Channels 7&4 covered five client deliveries on February 12 as a featured Valentine story for the weekend. Many thanks to the 80 employees from Hagerty who took the time put together thoughtful and amazing gifts.

2. MEDICATION MANAGEMENT PILOT -

The 30 day pilot will be completed on March 1, 2016. The Board of Directors will review and discuss the continuation of this program at the Committee of the Whole meeting. The medication management pilot program was covered by 7&4 news on February 11, 2016.

3. AARP TAX RETURN PREPERATION PROGRAM CONTINUES -

The AARP Volunteers are staying busy preparing tax returns again this year at our Front Street office. Appointments will continue through Monday, April 18. The hours are 9:30 a.m. to 3:00 p.m. As of February 23, 78 Tax Returns have been completed by the Volunteers from our office.

4. NMC BAR-B-Queue -

Sunday, May 22 is the annual NMC Bar-B-Queue. The planning meetings began on December 3, 2015 for this summer's Bar-B-Queue. The COA has several categories of volunteers we recruit for the day. One group is needed to help prep the food in the kitchen. A second bags and packs the food for pick-up. The third group delivers the meals to a specific route of seniors who are waiting for their hot noon meal. We delivered 254 meals in 2015.

5. **The BASA Expo – “Ideas for Life: Senior Expo 2016” -**

The BASA Expo is May 18, 2016 at the Civic Center 10:00 a.m. – 3:00 p.m.

The Theme for the Expo is America the Beautiful. In 2015 our booth was a team effort with the Senior Center Network and we won for the best booth at the Expo.

So this year since we will be exhibiting separately – game on - a little friendly competition this year. At the Expo we promote information on our services for attendees and their families.

6. **ACTION ITEMS**

None at this time.

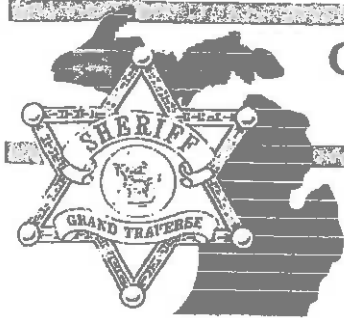
Respectfully submitted

Laura M. Green

Deputy Director

Commission on Aging

February 23, 2016



GRAND TRAVERSE COUNTY SHERIFF'S OFFICE
Thomas J. Bensley, Sheriff • Nathan Alger, Undersheriff

Administration

851 Woodmere Avenue, Traverse City, MI 49686-3349 • (231) 995-5000 • FAX (231) 995-5010

Corrections

320 Washington Street, Traverse City, MI 49684-2583 • (231) 922-4530 • FAX (231) 922-4415

Board of Commissioners Committee Agenda Item

Committee: Public Health and Safety
From: Undersheriff Nathan Alger
RE: Vehicle Purchases
Meeting Date: March 2, 2016

Information

The Grand Traverse Sheriff's Office has identified twelve patrol vehicles in the fleet of vehicles that need to be replaced due to a combination of age and mechanical/body issues. This list consists of the following vehicles:

1. #66- 2006 Charger with 136,000 + miles
2. #48- 2007 Crown Vic with 144,000 + miles
3. #50- 2007 Crown Vic with 130,000 + miles
4. #35- 2007 Crown Vic with 145,000+ miles
5. #56- 2007 Crown Vic with 130,000+ miles (broken odometer)
6. #12- 2008 Crown Vic with 144,000+ miles
7. #44- 2009 Crown Vic with 160,000+ miles
8. #87- 2009 Crown Vic with 160,000+ miles
9. #36- 2008 Crown Vic with 130,000+miles
10. #45- 2007 Crown Vic with 140,000+ miles (Reserve car)

We would like to replace the first 9 vehicles on this list.

The Grand Traverse Sheriff's Office has sent out requests for bids for Dodge Chargers to be used in the Patrol Division. Those bids were due to us by Monday, February 22, 2016 at 3:00pm. At the bid deadline we had received bids from four vendors. Below is the breakdown of the bids received:

Bill Marsh Traverse City

- 2016 V8 5.7L Hemi-AWD - \$25,172.00 (snow tires are \$164.00 each or an additional \$656.00)
- 2016 V8 5.7L Hemi-RWD- \$24,554.00 (snow tires are \$164.00 each)
- 2016 V6 3.6L-RWD - \$23,536.00 (snow tires are \$164.00 each)



Feeny Gaylord

- 2016 V8 5.7L Hemi-**AWD**- \$24,892.00 (Snow tires are \$149 each and tinting is \$169)
- 2016 V8 5.7L Hemi-**RWD**- \$24,274.00 (Snow tires are \$149 each and tinting is \$169)
- 2016 V6 3.6L-**RWD**- \$23,256.00 (Snow tires are \$149 each and tinting is \$169)

Van Dyke Dodge- Warren

- 2016 V8 5.7L Hemi-**AWD**- No Bid
- 2016 V8 5.7L Hemi-**RWD**- No Bid
- 2016 V6 3.6L-**RWD**- \$24,041.00

Watson Benzie

- 2016 V8 5.7L Hemi-**AWD**- \$24,688.00
- 2016 V8 5.7L Hemi-**RWD**- \$24,070.00
- 2016 V6 3.6L-**RWD** - \$23,052.00

Disposition

Upon speaking with Cherry Wolf from Finance I learned that there is \$225,000 in the Capital Improvement Fund for the purchase of vehicles. The Grand Traverse Sheriff's Office is requesting that the Board of Commissioners approve the purchase of nine (9) 2016 V8 rear wheel drive Dodge Chargers from either Watson Benzie at a cost of \$24,070.00 each for a total amount of \$216,630, or Bill Marsh at a cost of \$25,210.00 each for a total of \$226,890.

Bill Marsh is an in county vendor and would be eligible for the local vendor preference of five percent. Bill Marsh's bid is 4.5% (\$1140 per car) over the Watson Benzie bid. Assuming we purchase 9 cars that would be a total of \$10,260.00 more than the low bid from Watson Benzie.

NAA/mdf

Public Health and Safety Committee

SUBJECT: Vehicle Purchase – Construction Code
FROM: Jean Derenzy
FOR MEETING DATE: March 3, 2016

Request for Proposals (RFP) were sought for four (4) 4X4 pick-up trucks for Construction Code Inspectors. There are 8 trucks that are part of the construction code fleet. The reason for this RFP was based on:

1. Mileage. The four trucks proposed to be replaced have mileage of: 151,581, 163,241; 180,117; and 220,320.
2. Age of trucks: Two trucks are 2004 and two trucks are 2005.
3. Maintenance Costs: Over the last 3 years \$17,348 has been spent on maintenance costs.

Based on the age, mileage and maintenance costs, recommendation is to purchase four trucks to replace the aging, high mileage vehicles.

The cost to purchase will come from the Construction Code enterprise fund. As a reminder, Construction Code is a self-sustaining from the Fund. The current balance within this fund is \$1,100,000.

Five bids were received which complied with the RFP (summary of bids attached).

The Fox Motors provides the response to the RFP, being providing a GPS within the vehicle, F-150 provides room for Inspectors. The cost per vehicle is \$25,009.

Consideration for lease vehicles was also investigated, however the use of the trucks and the duration of time that the Department keeps the trucks, the lease option was not the preferred option for a self-sustaining operation.

RECOMMENDATION: Approval to purchase four F-16 Trucks from Fox Motor's for a total of \$100,036.



**ROBERT A. COONEY
PROSECUTING ATTORNEY**

324 COURT STREET
TRAVERSE CITY, MICHIGAN 49684-8958
(231) 922-4600 • FAX (231) 922-4698

MEMORANDUM

TO: Board of Commissioners
FROM: Bob Cooney, Chief Civil Counsel
RE: Soil Erosion Ordinance – Withdrawal of Ordinance Review Request
DATE: February 23, 2016

I am writing to request that this Board place on its March Public Health and Safety agenda the following item: **Withdrawal of soil erosion ordinance review request.**

As you are aware, on January 8, 2016, MDEQ sent a letter to the County containing the results of the County's Soil Erosion and Sedimentation Control (SESC) Program Review and MDEQ's intention to commence proceedings to place the County's SESC program on probation (attachment 1). Since then, a conference call was had with MDEQ, County Administration, SESC Director Jean Derenzy, SESC Supervisor Bruce Remai and myself. As a result of that conversation, the County agreed not to contest the probation and to work with MDEQ to develop an Administrative Consent Order (ACO) to resolve this matter (attachment 2). Jean Derenzy is currently putting together a draft ACO for MDEQ approval. In addition, on February 2, 2016, MDEQ sent its formal notice of intent to disapprove the County's SESC program and to place the program on probation (attachment 3). That notice specifically indicates that the County "does not have an ordinance that meets the requirements of Part 91 and is not approvable at this time."

Jake Riley, a compliance officer with MDEQ, contacted me last week and recommended that the County withdraw its request for MDEQ to review the draft ordinance this board approved in December 2015. That ordinance was approved by this board subject to MDEQ review and approval as required by State law.

Mr. Riley gave several reasons for requesting that the ordinance be withdrawn at this time:

1. The terms of the ACO will possibly affect the provisions of the ordinance.
2. The ACO will be easier and faster to work through without the issues raised by the ordinance being a factor in the discussion.
3. The ordinance will not be approved at this time because it calls upon the health department to act as county enforcing agent (CEA) and MDEQ is unwilling to consider allowing a change in CEA at least until the ACO is agreed upon.
4. The ACO itself may require some changes to the draft ordinance.

Mr. Riley also indicated that once the ACO is agreed upon, it would be appropriate at that time to re-submit the ordinance with any changes necessitated by the ACO.



For the above reasons, it is my recommendation that this Board rescind its resolution approving the SESC ordinance and place the matter on the table until such time as the County and MDEQ have agreed upon an ACO.



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
CADILLAC DISTRICT OFFICE



KEITH CREAGH
DIRECTOR

January 8, 2016

CERTIFIED MAIL

Mr. Bruce Remai
Grand Traverse County
2650 Lafranier Road
Traverse City, Michigan 49686

Dear Mr. Remai:

Subject: Grand Traverse County (County) CEA SESC Program Review

A review of the Grand Traverse County's Enforcing Agency (CEA) Soil Erosion and Sedimentation Control (SESC) Program was conducted on July 28 and July 29, 2015, by the Department of Environmental Quality (DEQ) Water Resources Division (WRD), pursuant to Section 9105(6) of Part 91, Soil Erosion and Sedimentation Control (SESC), of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended. The review included an evaluation of the County's SESC ordinance, staff training, program funding, program documents, project files, compliance and enforcement efforts, and on-site conditions.

A summary of the July 28 and 29, 2015, review is enclosed for your information. The County's CEA and SESC program cannot be approved at this time because the following items or program elements do not meet the requirements set forth in Part 91 for an "approvable" program:

- SESC applications were found to be incomplete.
- Compliance and enforcement efforts were considered to be unsatisfactory. Compliance and enforcement cannot be achieved when SESC inspections are not being performed.
- The County does not have sufficient funding to support the number of permits the County issued.
- SESC inspections must be documented to assure proper administration of the SESC Program. SESC inspections are not being performed on sites during active construction.
- The County's current ordinance does not meet the requirements of Part 91.
- SESC permits must contain all the required information under Rule 1707 (4). SESC permits were issued based on incomplete SESC applications and failed to include the SESC approved plan.

- SESC plans were missing information required under Rule 1703.
- Site conditions were non-complaint with Part 91. SESC measures were not installed, or were in need of maintenance on every active site inspected.

Additional information pertaining to the areas evaluated during the review is in the enclosed post inspection report.

Please be advised that based on the County's significant program deficiencies, the DEQ will commence proceedings to place on probation the County's SESC program for failure to meet its obligations as a County Enforcing Agency in violation of Part 91 of the NREPA. Under separate cover, the DEQ will be sending the County the notification of the commencement of these proceedings. In accordance with Section 92 of the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.201 et seq., the County will be provided an opportunity to request an informal hearing, where the County will have a chance to show compliance with the provisions of Part 91, and to show cause why formal proceedings seeking the placement of the County's SESC on probation should not be commenced.

However, the DEQ would like to resolve this matter amicably by offering the County an opportunity to voluntarily agree to be placed on probation for a set period of time. This would be accomplished through entry of an Administrative Consent Order. The Consent Order is a legally enforceable document between the County and the DEQ, in accordance with Sections 9105(8) and 9112(7) of Part 91. The Consent Order would not require payment of civil penalties as part of the resolution of this matter.

If this approach is agreeable to the County, please notify the DEQ within 21 days of receipt of this letter. If the County chooses to not respond or indicates that it does not have an interest in entering into a Consent Order, the DEQ will continue with the initiation of the probation proceedings. The County's cooperation and assistance during the review was appreciated.

If you have any questions regarding this matter, please contact me at 231-429-0982; jankowsklb@michigan.gov; or DEQ, WRD, 120 West Chapin Street, Cadillac, Michigan 49601.

Sincerely,



Brian Jankowski
District Supervisor
Water Resources Division
Cadillac District Office

BJ:sh

Enclosure

cc: Mr. Robert A. Cooney, Prosecuting Attorney, Grand Traverse County
Ms. Bonnie Scheele, County Clerk, Grand Traverse County



**GRAND TRAVERSE COUNTY
ADMINISTRATION OFFICE
BOARD OF COMMISSIONERS**

400 BOARDMAN AVENUE
TRAVERSE CITY, MI 49684-2577

ADMINISTRATION 231-922-4780
BOARD OF COMMISSIONERS 231-922-4787

January 25, 2015

Karen Boase
Michigan Department of Environmental Quality
Constitutional Hall
525 West Allegan Street
P.O. Box 30473
Lansing, MI 48909-7973

RE: Grand Traverse County CEA SESC Program

Dear Ms. Boase:

On behalf of the County, I want to thank you and the other DEQ staff for your time today to discuss the County's next-steps related to the issues identified in the State's review of the Soil Erosion and Sedimentation Control (SESC) Program. As we indicated, the County would like to take a proactive and collaborative approach to ensure the program meets all of the local and State requirements.

As stated during our phone conference, Grand Traverse County is committed to bringing the SESC back into compliance and desires to enter into a Voluntary Consent Agreement. Through this Agreement, the County will ensure the program is in compliance and ensure accountability to the DEQ and the citizens of Grand Traverse County.

As my team briefly outlined, upon notification from the State, we immediately began working on a plan of action/work plan to implement positive steps to ensure compliance with the SESC program requirements. In reviewing the State's findings the County is initially proposing to implement the following steps in coordination with the consent of the DEQ:

- 1) Reorganizing staff and management to ensure adequate training, implementation and oversight of program procedures.
- 2) Implementation of software improvements that will identify and track the timeline and completion of permit applications and plans, inspections, violations, enforcement efforts and all necessary steps to ensure program compliance.
- 3) Utilization of all State approved forms in the permitting process
- 4) Ensuring the SESC Program is accountable to the County Board of Commissioners through regular reports and updates.
- 5) Developing additional reporting standards that will ensure compliance is being met by providing regular reports to the DEQ.

These are just five examples of the steps that the County looks forward to discussing with the DEQ during our joint creation of the Voluntary Consent Agreement.



Karen Boase, DEQ
Grand Traverse County CEA SESC Program
January 25, 2016/Page 2

Again, I want to thank you and the other DEQ staff for your time and continued willingness to work with Grand Traverse County to improve our services.

Sincerely,



Tom Menzel, County Administrator
Grand Traverse County

Pc: Brian Jankowski, DEQ District Supervisor Water Resource Division
Robert Cooney, County Prosecuting Attorney
Jean Derenzy, Deputy Director Planning and Development



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
CADILLAC DISTRICT OFFICE



KEITH CREAUGH
DIRECTOR

February 2, 2016

CERTIFIED MAIL

Mr. Tom Menzel, County Administrator
Grand Traverse County
Administration Office
Board of Commissioners
400 Boardman Avenue
Traverse City, Michigan 49684

Dear Mr. Menzel:

Subject: Grand Traverse County (County) CEA SESC Program Review

This letter is being sent as a follow-up to the meeting held via conference call on January 25, 2016, with the Department of Environmental Quality (DEQ), Water Resources Division (WRD), and Grand Traverse County. The purpose of the meeting was to discuss the DEQ's January 8, 2016, letter containing the results of the County's Soil Erosion and Sedimentation Control (SESC) Program Review and the DEQ's intention to commence proceedings to place on probation the County's SESC program and to discuss the next steps.

The DEQ believes the meeting was productive and appreciates the County's willingness to take the necessary corrective action to address the SESC program deficiencies identified in the DEQ's January 8, 2016, letter. The County indicated that upon receiving the DEQ's letter, it immediately began working on an action plan to address the program deficiencies. The County also indicated that it would like to work with the DEQ in a collaborative manner and agreed to enter an Administrative Consent Order (ACO) to resolve this matter, recognizing the terms and conditions of the ACO would be discussed at a later date.

Both parties agreed to work together to resolve this matter amicably, but the DEQ did explain that it would still proceed with sending a follow-up letter offering the County the opportunity to request an informal hearing as part of the probation proceedings and to ensure the County's due process was being met in accordance with the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.201 et. seq. In response, the County indicated that it would rather spend its resources working with the DEQ on a mutually beneficial settlement agreement rather than proceed with a contested case hearing. The County stated it would respond to the Notice of Intent letter indicating its willingness to waive its rights to an informal hearing and provide a corrective action plan that details specifically what actions it was taking to address the SESC program deficiencies.

RECEIVED

FEB 08 2016

G.T. COUNTY PAO

Enclosed please find the Notice of Intent To Disapprove Soil Erosion And Sedimentation Control Program, Notice of Intent To Place on Probation and Notice of Informal Hearing letter (Notice of Intent) for the County's review. Once the DEQ receives a response and corrective actions from the County, it will draft the ACO and send it to the County for review and comment.

If you have any questions regarding this matter, please contact me at 231-429-0982; jankowskb@michigan.gov; or DEQ, WRD, 120 West Chapin Street, Cadillac, Michigan 49601.

Sincerely,



Brian Jankowski
District Supervisor
Water Resources Division
Cadillac District Office

BJ:sh

Enclosures

cc: Mr. Robert A. Cooney, Prosecuting Attorney, Grand Traverse County
Mr. William Creal, DEQ
Mr. Michael Masteron, DEQ
Ms. Karen Boase, DEQ
Mr. Justin Bragg, DEQ
Mr. Jake Riley, DEQ
Ms. Cheryl Petroski-Wilson, DEQ



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
CADILLAC DISTRICT OFFICE



KEITH CREAGH
DIRECTOR

February 2, 2016

CERTIFIED MAIL

Mr. Tom Menzel, County Administrator
Grand Traverse County Administration Office
Board of Commissioners
400 Boardman Avenue
Traverse City, Michigan 49684

Dear Mr. Menzel:

**NOTICE OF INTENT TO DISAPPROVE SOIL EROSION AND
SEDIMENTATION (SESC) CONTROL PROGRAM, NOTICE OF
INTENT TO PLACE ON PROBATION
AND NOTICE OF INFORMAL HEARING**

Grand Traverse County Enforcing Agency (RESPONDENT) IS HEREBY ADVISED that the Department of Environmental Quality (DEQ), Water Resources Division (WRD), intends to commence proceedings to place on probation the Respondent's Soil Erosion and Sedimentation Control (SESC) program for failure to meet its obligations as an County Enforcing Agency (CEA) in violation of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1944 PA 451, as amended, MCL 324.9101 *et seq.* and the administrative rules (Part 91).

The RESPONDENT IS FURTHER ADVISED that the enforcement actions are predicated upon DEQ auditing the Respondent's SESC program and finding that the Respondent has failed to meet its obligations under Part 91, as detailed in the DEQ's letter dated January 8, 2016, and additional letters dated July 22, 2015, and November 3, 2014.

Specifically, it is alleged that:

1. Pursuant to Section 9105(6)(c) of Part 91, the Respondent has failed to demonstrate and submit evidence of its ability to effectively administer and enforce its SESC program based on the following determination:
 - a) The Respondent failed to ensure that SESC applications were complete and that SESC plans contained all of the required elements prior to issuing permits as required under Part 91, resulting in sites failing to have adequate SESC measures installed. Pursuant to

Section 9105(6)(c)(iv) of Part 91, Rule 1702(3) 1988 AACS R 323.1702(3) and Rule 1703 1988 AACS R 323.1703, promulgated under Part 91, the Respondent failed to ensure it accepted complete SESC applications including adequate and effective soil erosion plans that contained all of the plan requirements.

- b) The Respondent issued SESC permits that did not contain all state prescribed and general permit conditions. The Respondent failed to attach the approved SESC Plan to the Permits and did not provide a copy to the permittee as required. Pursuant to Section 9105(6)(c)(v) of Part 91 and Rule 1707(3), 2007 AACS R 323.1707(3) promulgated under Part 91, the Respondent failed to ensure adequate SESC permits were issued.
- c) Site inspections were inadequate and ineffective. DEQ observed evidence of sedimentation occurring off-site. The Respondent failed to demonstrate that it was implementing the inspection schedule provided to the DEQ as part of the audit. Furthermore, Respondent failed to conduct site inspections during active construction and closed SESC permits prior to the site achieving permanent stabilization. Pursuant to Section 9105(6)(c)(ii) of Part 91, and Section 9105(6)(c)(v), the Respondent failed to ensure adequate inspections to assure minimization of soil erosion and off-site sedimentation and to effectively conduct site inspections.
- d) Site conditions were found to be in noncompliance. The SESC measures were determined to be inadequate and/or not maintained properly, and/or not installed in accordance with issued SESC permit and plans. Discharges of sediment off site were observed at multiple locations. Pursuant to Section 9105(6)(c)(vi) of Part 91, the Respondent failed to ensure adequate site conditions under the jurisdiction of the Respondent.
- e) The Respondent failed to implement its compliance and enforcement procedures. DEQ conducted site inspections and file reviews and confirmed that the Respondent failed to demonstrate it was taking appropriate compliance and enforcement actions due to the Respondent failing to conduct site inspections during active construction and prior to closing out SESC permits, numerous sites were found to be in noncompliance, including evidence of discharges of sediment, and Respondent failed to take the required escalate enforcement actions to bring these sites into compliance. Pursuant to Section 9105(6)(c)(iii) of Part 91, the Respondent failed to ensure adequate and effective compliance and enforcement efforts.

- f) The Respondent does not have adequate funding to support an approvable program based on the Respondent's failure to conduct site inspections to ensure adequate site conditions and the minimization of soil erosion and off-site sedimentation. The Respondent admitted the fees collected were not adequate to administer the SESC program. The Respondent also admitted that the current staffing levels could not support the minimum inspection recommendations of once per month, along with other responsibilities required by Part 91. Pursuant to Section 9105(6)(c)(i) of Part 91, the Respondent failed to provide adequate funding to administer an approvable program.
- g) The Respondent does not have an ordinance that meets the requirements of Part 91 and is not approvable at this time. The County is required to administer the program with an ordinance or resolution that was reviewed and approved by the DEQ. Furthermore, the Respondent has administratively transferred the CEA from the Construction Code Office to County Planning & Development without seeking the review and approval by the DEQ. The transfer of the CEA is not valid without the DEQ's approval. Pursuant to Sections 9105(1),(2),(3),(4), and 9105(6)(a) of Part 91, the Respondent failed to have an ordinance that meets the requirements of Part 91 and failed to seek approval by the DEQ before it transferred the CEA.

THE RESPONDENT IS HERBY ADVISED that in accordance with Section 92 of the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.201 et seq. (Administrative Procedures Act), you are being provided an informal hearing, opportunity to show compliance with the provisions of Part 91, and to show cause why formal proceedings to place the Respondent on probation should not be commenced. The Respondent has thirty (30) days from the receipt of this letter to request an informal hearing or submit written response to the deficiencies detailed in this letter and the above-mentioned DEQ letters in lieu of attending an informal hearing.

The following persons have been designated to represent DEQ at the informal hearing:

Ms. Sarah Ehinger, DEQ, Informal Hearing Officer
Mr. Jacob Riley, DEQ
Mr. Justin Bragg, DEQ
Ms. Cheryl Petroski-Wilson, DEQ
Mr. Brian Jankowski, DEQ

THE RESPONDENT IS FURTHER ADVISED that, pursuant to the provisions of the Administrative Procedures Act, the Respondent is entitled to a formal hearing

concerning placement of the Respondent on probation, if this matter cannot be satisfactorily resolved after the informal hearing in a manner consistent with statutory and regulatory requirements. Additionally, if the RESPONDENT fails to attend the informal hearing, the Respondent's right to an informal hearing and opportunity to show compliance with Part 91 is waived. Furthermore, if the Respondent fails to provide additional information prior to, during or within seven days of the hearing that was held, the Respondent's opportunity to show compliance with Part 91 is deemed satisfied. Upon completion of the informal hearing and issuance of a decision based on the informal hearing, the DEQ may file a Petition for a Contested Case and a formal hearing may be scheduled, pursuant to the contested cases provisions of the Administrative Procedures Act and Part 91, seeking a final determination of the placement of the Respondent's on probation.

If you have any questions regarding this matter and to schedule the informal hearing, please contact me at 231-429-0982; jankowskib@michigan.gov; or DEQ, WRD, 120 West Chapin Street, Cadillac, Michigan 49601.

Sincerely,



Brian Jankowski
District Supervisor
Water Resources Division
Cadillac District Office

BJ:sh

Enclosures

cc: Mr. Robert A. Cooney, Prosecuting Attorney, Grand Traverse County
Mr. William Creal, DEQ
Mr. Michael Masterson, DEQ
Ms. Karen Boase, DEQ
Mr. Justin Bragg, DEQ
Mr. Jacob Riley, DEQ
Ms. Cheryl Petroski-Wilson, DEQ

Board of Commissioners Committee Agenda Item

COMMITTEE: Public Health & Safety Committee

FROM: Tom Menzel/Christine Maxbauer

FOR MEETING DATE: March 2, 2016

SUBJECT: Meeting Schedule – change for March 2016

SUMMARY OF ITEM TO BE PRESENTED:

As you know, we have a report regarding pensions coming to us from Mary Lannoye on Wednesday March 16th. Since this is going to be an extremely important topic and a great deal of information will be presented to you that has an immense impact of the future of the county's financial health, we would like to designate that evening to this subject alone.

Your regular Ways & Means Committee meeting would normally be held on March 16th but since we have an additional Wednesday in March, we would like to reschedule that meeting to Wednesday, March 23, 2016.

RECOMMENDATION:

1. Approve a special meeting on Wednesday, March 16, 2016 for the purpose of discussing Pension options as presented by Mary Lannoye; and
2. Reschedule the March meeting of the Ways & Means Committee to March 23, 2016.