



BOARD OF COMMISSIONERS

1 S. Main St., 9th Floor
Mount Clemens, Michigan 48043
586.469.5125 FAX 586.469.5993
macombcountymi.gov/boardofcommissioners

ECONOMIC DEVELOPMENT COMMITTEE

WEDNESDAY, OCTOBER 24, 2012

SPECIAL FINAL AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda, as amended, to include item #6A
4. Public Participation (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda)
5. Complete Streets Ordinance Proposed Timeline **(page 1)** **(mailed)**
6. Review "Draft" Complete Streets Enrolled Ordinance No. 2012-___ with Corporation Counsel. **(mailed)**
Provide an Opportunity by the Department of Roads to Provide Feedback. **(page 2)**
(No action or amendments)
- 6A. Adopt Proclamation Commending Angela Venditti on the Honor of Being Named Miss Michigan 2012 (offered by Carabelli) **(page 6)** **(attached)**
7. New Business
8. Public Participation (five minutes maximum per speaker or longer at the discretion of the Chairperson)
9. Adjournment

MEMBERS: Carabelli-Co-Chair, Flynn-Co-Chair, Miller, Moceri, Gralewski, Sabatini, Smith, Tocco and Vosburg (ex-officio)

MACOMB COUNTY BOARD OF COMMISSIONERS

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Joe Sabatini- District 13



BOARD OF COMMISSIONERS

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Mount Clemens, Michigan 48043
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October 10, 2012

TO: Honorable Commissioners

FROM: Commissioners Dave Flynn and Jim Carabelli, Co-Chairs, Economic Dev. Committee

RE: Complete Streets Ordinance Proposed Timeline

Please note the below-listed timeline for consideration and action on the Complete Streets Ordinance. Opportunities for the Office of County Executive, Department of Roads and Planning & Economic Development Departments to provide feedback/input to the Economic Development Committee will take place on October 24th, November 19th and November 20th.

- October 10 - Receive & File Draft Ordinance and Proposed Timeline.
Forward to Office of County Executive.
(No action or amendments)
- October 24 - Immediately following Finance Committee meeting, meet to review Ordinance with Corporation Counsel.
Provide an opportunity by the Department of Roads to provide feedback. (No action or amendments)
- November 19 - Accept amendments and forward to Full Board for Final Adoption.
- November 20 - Final adoption by Board of Commissioners

A copy of the Draft Ordinance is included on the following pages.

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ENROLLED ORDINANCE

NO. 2012-

INTRODUCED BY COMMISSIONER(S):

AN ORDINANCE TO ENCOURAGE THE IMPLEMENTATION OF A NON-MOTORIZED NETWORK PLAN TO PROVIDE WALKABLE-BIKEABLE COMPLETE STREETS THAT ACCOMMODATE BICYCLISTS, PEDESTRIANS, PUBLIC TRANSPORTATION PASSENGERS, AND USER OF ALL ABILITIES

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CHARTER COUNTY OF MACOMB:

SECTION 1. PURPOSE AND DEFINITIONS

Sec. 1.1. Purpose.

The purpose of this ordinance is to promote a safe network of access for pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.

Sec. 1.2. Definitions.

Complete streets means roadways, streets and/or public rights of way that incorporate complete streets infrastructure.

Complete streets infrastructure means roadways and/or public rights of way planned, designed, and constructed to provide appropriate access to all legal users in a manner that promotes safe and efficient movement of people and goods whether by car, truck, transit, assistive device, foot of bicycle.

County means the Macomb County Department of Roads or designee of the Office of the County Executive.

Public streets mean streets owned by Macomb County or streets to which County resources have been allocated.

Street project means construction, reconstruction, retrofit, or alteration and includes the planning, design, approval and implementation processes, *except* that the term "street project" does not include maintenance such as cleaning sweeping, mowing, spot repair or interim measures on detour routes.

Users means legal users of the roadways, streets and public rights-of way, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers and people of all ages and abilities including children, youth families, older adults and individuals with disabilities.

SECTION 2. REQUIREMENT OF INFRASTRUCTURE ENSURING SAFE TRAVEL.

Sec 2.1. The County shall develop and review standards to implement complete streets infrastructure. The County shall make complete streets practices a routine part of its operations, shall approach every transportation project and program as an opportunity to implement complete street practices and infrastructure in order to improve public streets to reach the goal of a transportation network for all users, and shall work in coordination with other departments, agencies, and jurisdictions to achieve complete streets in Macomb County.

Sec. 2.2. The County shall prioritize complete streets projects that are located near public service areas and institutions (*e.g.*, schools, government facilities, libraries, public health facilities, parks, hospitals, etc.) and that provide improved access to healthy food (*e.g.*, farmers markets, full service groceries, community gardens, etc.).

Sec. 2.3. Every street project on public streets shall incorporate complete streets infrastructure sufficient to enable reasonably safe travel along and across the right-of-way for each category of users; *provided, however*, that such infrastructure may be excluded upon presentation by the Department of Roads to the Board of Commissioners documentation and data available to the County that indicate that:

- A. Use by non-motorized users is prohibited by law;
- B. The cost would be excessively disproportionate to the need or probable future use over the long term;
- C. There is an absence of current or future need; or
- D. Inclusion of such complete streets infrastructure would be unreasonable or inappropriate in light of the scope of the project.

The Board of Commissioners will have 28 days after receipt of the presentation by the Department of Roads to consider the exclusion. If the Board of Commissioners does not act within the 28 days, then the exclusion will be deemed approved.

Sec. 2.4. As feasible, the County shall incorporate complete streets infrastructure into existing public streets to improve the safety and convenience of users, construct and enhance the transportation network for each category of users, and create employment.

Sec. 2.5. If the safety and convenience of users can be improved within the scope of pavement resurfacing, re-striping, or signalization operations on public streets, such projects shall incorporate complete streets infrastructure to increase safety for users.

SECTION 3. DATA COLLECTION, STANDARDS, AND PUBLIC INPUT.

Sec.3.1. The County shall collect data measuring how well the roadways, streets and public rights-of-way within the County are serving each category of users, as outlined in the current non-motorized plan.

Sec. 3.2. The County shall develop and implement performance standards with measurable benchmarks reflecting the ability of users to travel in safety and comfort to be approved by the Board of Commissioners.

Sec. 3.3. The County shall establish procedures to allow public participation in policy decisions and transparency in individual determinations concerning the design and use of roadways, streets and public rights-of-way.

Sec. 3.4. All initial planning and design studies, health impact assessments, environmental reviews, and other project reviews for projects requiring funding or approval by the County shall:

- A. evaluate the effect of the proposed project on safe travel by all users, and
- B. identify measures to mitigate any adverse impacts on such travel that are identified.

Sec. 3.5. The County will be charged with the drafting and review of policies to implement the complete streets practices by:

- A. addressing short-term and long-term steps and planning necessary to create a comprehensive and integrated transportation network serving the needs of all users;
- B. assessing potential obstacles to implementing complete streets practices throughout the County, and identifying alternative solutions to those obstacles;
- C. if useful, recommending adoption of policies containing additional steps; and

County staff shall report on the matters within its purview to the Board of Commissioners.

Sec. 3.6. An assessment will be presented to the County Board of Commissioners by County staff within one year following the effective date of this ordinance regarding:

- A. the steps taken to implement this ordinance;
- B. outcomes of the measures mentioned in subsections 3.1 and 3.2 above;
- C. additional steps planned; and
- D. any desired actions that would need to be taken by the County or other agencies or departments to implement the steps taken or planned.

SECTION 4. OTHER PROVISIONS.

Sec. 4.1. Nothing in this ordinance authorizes the County to impose any duties or conflict with limitations on authority established by federal or state law at the time such action is taken. Further, nothing in this ordinance shall be construed as creating any rights in and/or liability to third parties.

Sec. 4.2. If a court of competent jurisdiction declares any provision of this ordinance, or a statutory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision.

Sec. 4.3. This ordinance shall become effective immediately upon publication of a notice of adoption.



Mark A. Hackel
County Executive

CORPORATION COUNSEL

1 South Main St., 8th Floor
Mount Clemens, Michigan 48043
Phone: (586) 469-6346 ♦ Fax: (586) 307-8286

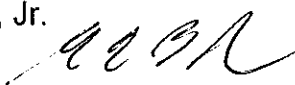
Item #6
special Econ. Dev.
October 24, 2012
DISTRIBUTED

Corporation Counsel
George E. Brumbaugh, Jr.

Assistant Corporation Counsel
Frank Krycia
John A. Schapka
Jill K. Smith

MEMORANDUM

TO: David Flynn, Co-Chair of the Economic Development Committee
James Carabelli, Co-Chair of the Economic Development Committee

FROM: George E. Brumbaugh, Jr.
Corporation Counsel 

DATE: October 22, 2012

RE: Complete Streets

You requested that this office review the proposed Complete Streets Ordinance.

In reviewing the proposed ordinance, this office reviewed documents containing information concerning "Complete Streets", state statutes and the County Charter.

In reviewing the County Charter, it is our opinion that the proposed Complete Streets Ordinance is beyond the scope of authority granted to the Board of Commissioners by the County Charter. Section 4.6 of the Charter reads as follows, "The commission shall act by ordinance if required by this Charter or law, otherwise by resolution." In reviewing the requirements of the Charter and state law, there is no requirement that an ordinance be passed in order to have the Complete Streets concept considered by a County.

While the County Board is without authority to pass a specific ordinance regarding this matter, it is our opinion that the County Commission could pass a resolution which would encompass a recommendation and opinion that consideration of any future street projects should incorporate the "Complete Streets" concept.

The proposed ordinance, if one were allowed to be adopted, incorporates specific directives to a County department, specifically, Sections 2.3 and 3.5. Such directives and controls would seem to be in conflict with Section 3.5 of the Charter, which gives the Executive the authority, duty and responsibility to supervise and control all County departments except those headed by Countywide Elected Officials.

David Flynn, Co-Chair of the Economic Development Committee
James Carabelli, Co-Chair of the Economic Development Committee
October 22, 2012
Page 2

If you wish, this office would work with your committee in developing a resolution which is in harmony with the County Charter and state law to provide a public statement of the Board of Commissioners' desire to have the County Department of Roads incorporate the Complete Streets objectives into future street projects.

GEB/mla

cc: Kathy Vosburg, Chair

ITEM #6

special Economic Development
October 24, 2012

DISTRIBUTED

----- Forwarded message -----

From: **Pamela Lavers** <lavers@macombgov.org>
Date: Mon, Oct 22, 2012 at 4:11 PM
Subject: RFI 10-15-12 ED Complete Streets Ord DoR PED
To: Patti Dib <patti.dib@macombgov.org>, Kathy Vosburg <kathy.vosburg@macombgov.org>
Cc: Mark Deldin <deldin@macombgov.org>, Al Lorenzo <lorenzo@macombgov.org>, Melissa Roy <Roy@macombgov.org>, Bob Hoepfner <BHoepfner@rcmcweb.org>, Stephen Cassin <Cassin@macombgov.org>

Dear Chair Vosburg,

In response to 10-15-12 ED Complete Streets Ord DoR PED, We have been informed by independent counsel and corporation counsel that to use an ordinance to address this type of discussion is not appropriate and therefore we will not assign personnel to attend the requested committee meeting.

Per established communication protocol, please confirm receipt of this message via return email.

Best regards,

Pamela J. Lavers
Assistant County Executive
One South Main, 8th Floor
Mount Clemens, MI 48043
Phone: [586.493.4877](tel:586.493.4877)
Fax: [586.469.7257](tel:586.469.7257)

Website: www.MacombCountyMi.gov

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Official Proclamation
Of the Board of Commissioners
Macomb County, Michigan

ITEM #6A
special Econ. Dev.
October 24, 2012

A Proclamation Commending Angela Venditti DISTRIBUTED
On the Honor of
Being Named Miss Michigan 2012

Commissioner James L. Carabelli,
On Behalf of the Board of Commissioners,
Offers the Following Proclamation:

Whereas, the Macomb County Board of Commissioners would like to congratulate **Angela Venditti** for the honor of being chosen Miss Michigan 2012 and for the opportunity to represent the great state of Michigan in the Miss America contest in 2013; and

Whereas, Macomb County has very good reason to be proud of Angela Venditti and commends her for this impressive accomplishment. Angela chose to bring attention to the disturbing, increasing trend of drug use in the youth of the community. She is going to spend her year as Miss Michigan publicizing her platform: "Above the Influence: Keeping Kids Drug-Free"; and

Whereas, **Angela Venditti** spent her high school years doing volunteer work in substance abuse prevention settings. She has been traveling around the state bringing her message to groups of students of varying ages; and

Whereas, **Angela Venditti** has proven she is an excellent choice to represent Michigan with her inner and outer beauty, outstanding talent and commitment to community service.

Now, Therefore, Be It Proclaimed By The Board Of Commissioners, Speaking For And On Behalf Of All County Residents As Follows:

I

That By These Presents, the Macomb County Board of Commissioners hereby publicly commends, acknowledges and expresses congratulations to **Angela Venditti** on the honor of her selection as Miss Michigan 2012 .

II

Be It Further Resolved that a suitable copy of this Proclamation be presented to **Angela Venditti** in testimony of the high esteem in which she is held by the Board of Commissioners.