

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING – **APPROVED** –
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall
TUESDAY, AUGUST 3, 1999, **7:00 P.M.**

PRESENT: Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger, Trustees McGillicuddy,
McCullough

ABSENT: Trustees Squiers, Such

STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Roger Buell

1. CALL MEETING TO ORDER

Supervisor Little called the meeting to order at 7:06 P.M.

2. APPROVAL OF AGENDA – OR CHANGES

TREASURER KLUNZINGER MOVED TO APPROVE THE AMENDED AGENDA AS FOLLOWS: DELETE ITEM #17.3.E. REMOVAL OF IMPLEMENTATION OF EMPLOYEE MEDICAL HEALTH INSURANCE PROGRAM; ADD ITEM 16.E MANAGER’S REPORT TO INCLUDE WASTEWATER TREATMENT PLANT UPGRADING. SUPPORTED BY CLERK HELMBRECHT.

VOICE VOTE. Motion carried 5-0

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

July 20, 1999 Regular meeting

Trustee McGillicuddy made the following corrections: page 8, item 10 A. the second and third sentence she would like to see the results of the elections of July 15, 1999 and July 19, 1999 in the minutes. Page 9 had Trustee McGillicuddy voting YES on the Community Resources Resolution, and was not at that meeting.

TREASURER KLUNZINGER MOVED THAT THE MINUTES BE APPROVED WITH THE ABOVE CORRECTIONS. SUPPORTED BY CLERK HELMBRECHT.

VOICE VOTE. Motion carried 5-0

4. COMMUNICATIONS

Clerk Helmbrecht stated a letter from Newman Equities was placed before the Board at the start of the meeting, which was not listed and will be placed in the communications.

TREASURER KLUNZINGER MOVED THAT THE COMMUNICATIONS BE RECEIVED AND PLACED ON FILE, AND ANY COMMUNICATIONS NOT ALREADY ASSIGNED FOR DISPOSITION BE REFERRED TO THE TOWNSHIP MANAGER OR SUPERVISOR FOR FOLLOW-UP OR FURTHER DISPOSITION. SUPPORTED BY CLERK HELMBRECHT.

Trustee McGillicuddy stated a communication was received from Mrs. Maynard concerning her fruit market and what the closing of Lake Lansing road would do to her business.

Township Manager Richards stated there was a meeting with Mrs. Maynard, the LPGA officials and the Road Commission. It will be opened for customers from the west to get to the market. There will be signage by the Road Commission and passes to get through will be given out to her customers ahead of time.

VOICE VOTE. Motion carried 5-0

5. QUESTIONS FOR THE ATTORNEY

Township Manager Richards stated he provided out to the Board Members the Telecommunications Ordinance resolution and a resolution authorizing the Telecommunications Permit Agreement with Phone Michigan which is now McLeodUSA.

Supervisor Little asked if the Township had the authority to grant access if someone owns a meets and bounds description, which is owned to the center of the road and that excludes that portion used for public right-of-way purposes. Does the Township have the authority to grant that easement to other profit making companies?

Attorney Brian Goodenough stated yes under the Federal Telecommunications Act and the Telecommunication Act.

Trustee McGillicuddy asked who was currently running the cable on Central Park Drive east of Marsh Road. She stated there were a lot of companies that say they aren't going to disturb the land very much and do it by directional boring but it looks like they are trenching because they have a bulldozer covering the lines up.

Engineer Buell stated it was a sub-contractor for Consumers Energy. They are running two cables on the West Side outside of the right-of-way. He stated the Township was not informed of this job. Upon inspection they noticed some cracks in the pathway and will back charge them for that. He stated he talked to the Road Commission, which stated that the company was working outside out of the right-of-way, therefore a permit was not required.

Trustee McGillicuddy stated the Board received a communication from Martha Mertz requesting an informational hearing for her property known as Newman Equities. She asked how to address this issue?

Mark Kieslebach stated he talked to Ms. Mertz and she felt the people who signed the referendum petitions didn't know all the information that was relative to this rezoning request. She felt the Board should hold an informational hearing to discuss it. He stated there was no requirement to hold this hearing under state statute or the ordinance.

Trustee McCullough stated the Board should not hold a hearing. If there was information to get to the people, then Newman Equities should do a press release.

Treasurer Klunzinger stated Newman Equities could have a ballot committee, which could conduct informational hearings.

Attorney Goodenough stated the Township Board was not required under the Charter Township Act or the Township Zoning Act to hold an informational hearing.

Clerk Helmbrecht stated the petitions for this referendum have been validated.

6. PUBLIC REMARKS

Supervisor Little opened Public Remarks.

Bob Homan, 2176 Hamilton Road, stated he was available if the Board had any questions regarding Rezoning #99070 (Genex).

Cathy Iansiti, 5340 Van Atta Road, stated they had put in an above ground pool with a deck not attached to the house not realizing a permit was needed. In the ordinance, she stated nothing was mentioned about permit fees and whether an inspection was necessary was up to the supervisor if he deemed it necessary. They were told an inspection was needed and the permit fee was \$85.00. She thought the fees were high and did not understand why were they necessary.

Supervisor Little stated any permit fees were to cover the cost of the inspections and cost of training of inspectors. He stated she should ask the Building Department her questions, and that he would also talk to the Building Department.

Eleanor Luecke stated informational hearing notices were in the paper on July 25 and August 1 stating there would be an informational hearing tonight on an open space millage proposal. She stated the State Journal said it was for August 17. She wanted to know what date the hearing was to be.

Supervisor Little stated it was August 17.

Supervisor Little closed Public Remarks.

7. CONSENT AGENDA

There was no consent agenda.

8. BOARD MEMBER COMMENTS

There were no Board Member comments.

9. SUPERVISOR'S REPORT

Supervisor Little stated he watched the last Planning Commission meeting and wished to clarify statements made by the public during the meeting.

Supervisor Little stated he was not “in the developer’s pocket”, he didn’t take contributions from the developers and doesn’t intend to when he runs for re-election and he will not be asking the Chamber of Commerce or the developers for support.

10. CLERK'S REPORT

Clerk Helmbrecht stated that Paul Cassidy was not here tonight taking the minutes. He is a member of the first Army Reserve Unit in the whole country to go to Kosovo. She stated he will be gone for 3-6 months and looked forward to his safe return.

Clerk Helmbrecht stated that tonight was “National Night Out.” This is the night the police encourage people to turn on their porch lights, go outside and meet their neighbors. This helps people to get to know each other and in turn increases the safety of a neighborhood as others are more likely to watch your house when you are not there.

Clerk Helmbrecht reported Chief Gibbons had asked her to announce that the second Citizens Policy Academy is going to be starting September 16 and will be Thursday nights, 6:30 p.m. to

9:30 p.m. She stated she attended the first one, which was outstanding. Brochures are available at the Clerk's Office.

Clerk Helmbrecht stated that Gerri Snell, Director of Snell Recreation, had suffered the loss of her daughter-in-law suddenly, and visiting hours would be at the East Lansing Gorsline-Runciman Funeral Home.

Clerk Helmbrecht reported that HOM TV received another four National First Prize Awards for the Meridian Magazine, for the Open Line Candidate Debates, for the Open Line 8th Congressional District Debate and the Judges Choice Award for the Meridian Magazine series. She congratulated Matt Schuster and the other people in the Cable Department and encouraged others to do the same.

Clerk Helmbrecht stated the Board Policy was in the packet and would like Board members to review and make comments to the Personnel Committee.

11. TREASURER'S REPORT

Treasurer Klunzinger stated there were several letters in the packet asking the Board to vote no on expanding the Urban Service Boundary. He stated this document has never come before the Township Board.

12. TOWNSHIP BOARD

A. Ordinance Amendment to Chapter 113 Human Resources Commission – Final Adoption

TREASURER KLUNZINGER MOVED TO ADOPT THE FOLLOWING RESOLUTION:

RESOLUTION CHANGING THE NAME OF THE HUMAN RESOURCES COMMISSION TO THE COMMUNITY RESOURCES COMMISSION

WHEREAS, The Human Resource Commission was established by the Adoption of Chapter 113 Human Resources Commission by the Township Board; and

WHEREAS, The term "Human Resources" has come into common usage for Personnel Functions, and as such "Human Resources Commission" no longer communicates the true function and intent of the Commission; and

WHEREAS, The proposed name "Community Resources Commission" will more accurately describe the true function and intent of the Commission; and

WHEREAS, The Ordinance Amendment changing the name of the Human Resources Commission to the Community Resources Commission was introduced for publication and subsequent adoption by the Township Board on July 20, 1999.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby **FINALLY ADOPTS** Ordinance No. 1999-26, entitled "Ordinance Amending Chapter 113 Human Resources Commission by Amending the Title of Human Resources to Community Resources and the Name of the Human Resources Commission to the Community Resources Commission Throughout the Ordinance Where Applicable.

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is finally adopted at least once prior to the next regular meeting of the Township Board.

ORDINANCE NO. 1999-26

**BY AMENDING THE TITLE OF HUMAN RESOURCES
TO COMMUNITY RESOURCES
AND THE NAME OF THE HUMAN RESOURCES COMMISSION
TO THE COMMUNITY RESOURCES COMMISSION
THROUGHOUT THE ORDINANCE WHERE APPLICABLE**

THE CHARTER TOWNSHIP OF MERIDIAN ORDAINS:

Section 1. Amendment of Chapter 113 and Throughout the Ordinance Where Applicable. Chapter 113 entitled Human Resources Commission, of the Code of the Charter Township of Meridian, Michigan, under the heading “Human Resources”, is hereby amended by amending the title to Community Resources Commission, under the heading “Community Resources.” All other references to the “Human Resources Commission” throughout the Ordinance shall be amended to read “Community Resources Commission.”

Section 2. Validity and Severability. Should any portion of the Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 3. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun before its effective date.

Section 5. Effective Date. This Ordinance shall be effective upon its publication.

SECONDED BY CLERK HELMBRECHT.

ROLL CALL VOTE: YEAS: Supervisor Little, Clerk Helmbrecht
Treasurer Klunzinger, Trustees McGillicuddy,
McCullough
NAYS: None
Motion carried: 5-0

13. SPECIAL HEARINGS/APPEALS
None

14. UNFINISHED BUSINESS
None

15. DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

A. Unfinished Business

(1) Rezoning #99070 (Genex)

Director Kieselbach introduced the request to rezone the southeast corner of Marsh Road and Mack Avenue from RB (Single-Family High Density) to RDD (Multiple Family-Low Density)

TRUSTEE McCULLOUGH MOVED TO ADOPT THE FOLLOWING RESOLUTION:

RESOLUTION

WHEREAS, Genex Investments L.L.C. initiated a rezoning of an approximate 1.4 acre parcel located at the southeast corner of Marsh Road and Mack Avenue from RB (Single Family-High Density) to RDD (Multiple Family-Low Density); and

WHEREAS, the Planning Commission held a public hearing on May 10, 1999 and recommended approval of the rezoning from RB (Single Family-High Density) to RDD (Multiple Family-Low Density) on May 24, 1999; and

WHEREAS, the Township Board has reviewed the staff and Planning Commission material forwarded under cover memorandum dated July 13, 1999; and

WHEREAS, rezoning the subject site to RDD (Multiple Family-Low Density) provides for orderly development along the frontage of Marsh Road, a major street; and

WHEREAS, the proposed rezoning will provide a buffer between Marsh Road and the existing single-family development to the east; and

WHEREAS, the proposed RDD (Multiple Family-Low Density) zoning will provide a comparable density to the existing RB (Single Family-High Density) zoning to the east, southeast, south, southwest, and west; and

WHEREAS, the proposed rezoning will produce only a minor increase in the estimated number of vehicle trips per day compared to single-family development; and

WHEREAS, the subject site meets the minimum lot area and width requirements of the RDD (Multiple Family-Low Density) district; and

WHEREAS, public water and sanitary sewer are available to serve the site and the site is located within the Urban Service Boundary; and

WHEREAS, Rezoning #99070 (Genex) was introduced for publication and subsequent adoption by the Township Board on July 20, 1999.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby **FINALLY ADOPTS** Ordinance No. 1999-27, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #99070 from RB (Single Family-High Density) to RDD (Multiple Family-Low Density).

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is finally adopted at least once prior to the next regular meeting of the Township Board.

ORDINANCE NO. 1999-27

**ORDINANCE AMENDING THE ZONING DISTRICT MAP
OF MERIDIAN TOWNSHIP
PURSUANT TO REZONING #99070**

The Charter Township of Meridian ordains:

Section 1. Amending the Zoning District Map #99070.

The Zoning District Map of Meridian Township, as adopted in Section 82-1.3 of the Code of the Charter Township of Meridian, Michigan, as previously amended, is hereby amended by changing the RB (Single Family-High Density) District symbol and indication as shown on the Zoning District Map, for the property legally described as:

A part of Lot 15, Block 3, Hickory Grove Park, a subdivision of a part of the Northeast ¼ of Section 3, T4N, R1W, Meridian Township, Ingham County, Michigan, as recorded in Liber 9 of Plats, Page 2, Ingham County Records described as: Commencing at the North ¼ corner of said Section 3; thence S00°08'54"E along the North-South ¼ line of said Section a distance of 1275.26 feet to the point of beginning of this description; thence N89°59'14"E along the centerline of Mack Avenue 329.97 feet; thence S00°00'48"W 33.00 feet to the Northeast corner of Lot 15; thence S40°06'40"W along the Southeasterly line of said Lot 15 a distance of 319.75 feet to the corner between Lots 9 and 10 of said Hickory Grove Park; thence N49°55'10"W on an extension of the line between said Lots 9 and 10 a distance of 114.57 feet to the West line of Lot 15; thence West 35.79 feet to said North-South ¼ line; thence N00°08'54"W along said North-South ¼ line 203.70 feet to the point of beginning; said parcel containing 1.39 acres more or less; said parcel subject to all easements and restrictions of record if any.

to that of RDD (Multiple Family-Low Density) District, and a corresponding use district is established in the above-described property.

Section 2. Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 3. Repealer Clause. All ordinances or parts of ordinances in conflict therewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. Effective Date. This Ordinance shall be effective seven (7) days after its publication or upon such later date as may be required under 1996 Public Act 297 after filing of a notice of intent to file a petition for a referendum.

SUPPORTED BY TRESURER KLUNZINGER.

VOICE VOTE. Motion carried 5-0

16. MANAGER’S REPORT, INVOICES & BILLS

A. BILLS

Supervisor Little asked if they were buying a Blazer for the Fire Department? He stated that last week it was a Tahoe.

Township Manager Richards stated they are part of the vehicles due to an increase of fire administrative staffing.

Supervisor Little asked about the dollar amount showing as the Township’s portion of Lake Lansing’s 1999 special assessment. He thought there was a maximum of \$5,000.

Township Manager Richards stated he would check on it before the transfer was made.

Supervisor Little asked why riot helmets were purchased from the MSU police?

Township Manager Richards stated they were replacing old units the Police Department has.

CLERK HELMBRECHT MOVED THAT THE TOWNSHIP BOARD APPROVE THE MANAGER’S BILLS AS FOLLOWS:

General Fund/Special Revenue	\$204,198.21
<u>Public Works</u>	<u>\$ 95,934.05</u>
Total	\$300,132.26

SECONDED BY TRUSTEE McCULLOUGH.

ROLL CALL VOTE: YEAS: Supervisor Little, Clerk Helmbrecht,
Treasurer Klunzinger, Trustee McGillicuddy
Trustee McCullough
NAYS: None
Motion carried 5-0

B. ROAD CLOSURE APPLICATION, OLDSMOBILE CLASSIC/LPGA

Township Manager Richards stated that the Ingham County Road Commission approved the road closure for the Oldsmobile Classic/LPGA pending the Township Board’s action on this application.

TREASURER KLUNZINGER MOVED THE FOLLOWING RESOLUTION:

WHEREAS, Section 247.323 of the Michigan Road Laws provides that highways may be temporarily closed on a request of an official authorized by the governing body of a city, village or township; and

WHEREAS, The Oldsmobile Classic/LPGA has requested that Lake Lansing Road between Hagadorn and Park Lake Road be temporarily closed on August 23 through August 29, 1999, from 5 AM until 8 PM;

AND, WHEREAS, additional steps have been taken to ensure that customers to Maynard’s market will be able to access the business.

THEREFORE, BE IT RESOLVED that the Township Manager’s Office be authorized to request to the Ingham County Road Commission to temporarily close Lake Lansing Road between Hagadorn and Park Lake Road on August 23 through August 29, 1999, from 5 AM until 8 PM for the Oldsmobile Classic/LPGA.

SECONDED BY TRUSTEE McCULLOUGH.

Clerk Helmbrecht asked Mrs. Maynard if she had additional suggestions to please let the Township know.

ROLL CALL VOTE: YEAS: Supervisor Little, Clerk Helmbrecht
Trustees McGuillicuddy, McCullough
NAYS: Treasurer Klunzinger
Motion carried 4-1

C. TELECOMMUNICATIONS ORDINANCE

Township Manager Richards stated there was a Telecommunications Ordinance Resolution and a Resolution authorizing the Telecommunications Permit Agreement with Phone Michigan (McLeodUSA) before the Board.

TREASURER KLUNZINGER MOVED THE RESOLUTION TO INTRODUCE THE TELECOMMUNICATIONS ORDINANCE. SECONDED BY CLERK HELMBRECHT.

RESOLUTION

WHEREAS, the Township General Ordinance Statute, Michigan Public Act 246 of 1945, as amended, authorizes a township board to adopt ordinances regulating the public health, safety and general welfare of persons and property, and

WHEREAS, the Township believes that the Telecommunications Ordinance is necessary to regulate access to the ongoing use of the public rights-of-way by telecommunications providers to ensure and protect the public health, safety and welfare.

BE IT RESOLVED BY THE BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, AS FOLLOWS:

1. Introduction. The Telecommunications Ordinance is hereby introduced.
2. Publication. The Township Clerk is hereby directed to forthwith publish the Telecommunications Ordinance as required by law.
3. All resolutions in whole or in part inconsistent herewith are hereby rescinded.

ORDINANCE NO. _____

TELECOMMUNICATIONS ORDINANCE

On Tuesday, August 3, 1999, the Charter Township of Meridian introduced an ordinance entitled Telecommunications (“Ordinance”). The following is a summary of the Ordinance. A true copy of the Ordinance is available for inspection at the offices of the Charter Township of Meridian, located at 5151 Marsh Road, Okemos, Michigan, 48864.

ARTICLE I. PURPOSE

The purpose of the Ordinance is to regulate the access to and ongoing use of the public right-of-way by a telecommunications provider to ensure and protect the public health, safety and welfare and to exercise reasonable control of the public rights-of-way pursuant to the Michigan law. The Ordinance fulfills that purpose by (1) minimizing disruption of the public rights-of-way by regulating the access to and ongoing use by a telecommunications provider; (2) ensuring that the Township and the public are protected from liability for use of the public rights-of-way by the telecommunications providers; (3) providing for the payment of a non-discriminatory permit fee; and (4) assisting the telecommunications provider in understanding the Township’s requirements for the use of public rights-of-way and providing a fair and non-discriminatory policy for permitting the use of the public rights-of-way by such providers.

The issuance of the permit does not constitute a waiver of or otherwise adversely affect the right to require a franchise or the rights regarding any takings claims.

ARTICLE II. DEFINITIONS

Article II contains definitions of the meaning of various terms in the Ordinance including the permit, the permittee, the public right-of-way, the telecommunications provider and telecommunications services.

ARTICLE III. PERMITS

Article III requires that the telecommunications provider obtain a permit before using the public rights-of-way. The telecommunications provider may also enter into a consent agreement with the Township that would satisfy the requirement of the permit under the Ordinance. The Ordinance sets forth a defined application procedure. The application must contain certain information including but not limited to the name of the applicant, copies of the recent financial statements of the applicant, description of the applicant’s existing and proposed telecommunications systems and the telecommunications systems in the Township and a map setting forth the location of the facility and the public rights-of-way within the Township. An application fee is also required. The Township Board will have a public hearing on the application. Following the public hearing, the Township Board will approve with conditions or deny the application.

In addition to the application fee and any other fees for permits authorized by the Township Code, the permittee shall also pay an annual fee in the amount established by an ordinance or resolution of the Township Board. The fee will be paid on a quarterly basis. The permittee may also elect to pay a fee on an annual percentage of its gross revenues in lieu of the annual fee established by the Township Board. All records reasonably necessary to verify the accuracy of the annual fee must be made available to the Township. Any person who provides misleading information shall be deemed to be in violation of the Ordinance.

The permit shall remain in effect until December 31, following the tenth year of the issuance of the permit unless the permit otherwise expires or is revoked. Applications for renewal shall be filed in the same manner as the original applications.

The permit shall be non-exclusive. The Permittee shall not use the public rights-of-way in a way not expressly authorized by the permit.

The permittee shall not unduly burden or interfere with the right-of-way and the permittee shall immediately restore at the permittee's expense any portion of the public right-of-way that is in any way damaged, disturbed or injured by the construction. Any easements over the private property necessary for the construction of the telecommunications system shall be arranged and paid for by the permittee. The permittee may trim trees upon and overhanging the public rights-of-way. Further, the permittee shall coordinate the construction in the public rights-of-way with Livingston County's program. The permittee shall comply with all laws, statutes, ordinance rules and regulations regarding the installation, construction, ownership and use of the telecommunications system. To the maximum extent possible, the telecommunications system shall be placed underground. To the extent that the permittee establishes to the satisfaction of the Township in the Township's sole discretion that the telecommunications system cannot be placed underground, the telecommunications system shall be placed within or along the existing facilities of Detroit Edison or Consumers Energy. Further, if the permittee has its facilities on poles of Detroit Edison, Consumers Energy or other public utility and those utilities relocate underground, the permittee shall relocate underground.

ARTICLE IV. LIABILITY AND INSURANCE

The Township is not liable for the permittee or its affiliates or customers for any interference or disruption with the operation of the telecommunications system. As a condition of the permit, the permittee shall defend, indemnify, protect and hold harmless the Township, its officers, agents, employees and officials for any damages arising out of the acts or omissions of the permittee. The permittee shall maintain in full force sufficient insurance covering all insurable risks associated with its ownership.

ARTICLE V. ASSIGNMENT OF PERMIT PROHIBITED; REVOCATIONS AND REMOVAL OF FACILITIES

The permittee shall not assign or transfer a permit or any of its rights under the permit. The township reserves as an additional and separate remedy, the right to revoke the permit for a number of reasons.

Upon revocation or expiration of the permit, or if the permit is not renewed, the permittee may remove all underground cable from the public right-of-way. Upon revocation of the permit or expiration of the permit, the permittee at its sole cost and expense shall, unless relieved of the obligation by the Township, remove from the public right-of-way all ground elements of its telecommunications system.

ARTICLE VI. MISCELLANEOUS

Nothing in the Ordinance shall be construed as a waiver of any ordinance code or regulation of the Township or the Township's right to require the permittee or persons utilizing the telecommunications system to secure appropriate permits or authorization for use. The Township reserves its police powers to ensure and protect the public health, safety and welfare, and the Township reserves the right to amend the Ordinance at any time. The Ordinance shall not limit the Township's right to acquire property of the telecommunications provider by eminent domain.

The Ordinance becomes effective on its publication.

Final Adoption is scheduled for August 17, 1999.

Trustee McGillicuddy stated it was her understanding that the Township would be able to control tree trimming.

Attorney Goodenough stated there would be control over tree trimming to the extent that would not interfere with the telecommunications. The Township has to be careful to allow the telecommunications provider the ability to provide service. The ordinance is designed so that in the process of trimming trees that they may safely provide their service. The Township would have some type of an oversight but couldn't interfere with their ability to provide a safe environment for people who are driving down the streets.

Trustee McGillicuddy asked why they couldn't state in the ordinance that the permittee may trim trees with township supervision.

Attorney Goodenough stated that was taken into consideration and he believed that they had given the Township the maximum level of control it can enforce. One of the ways to control these particular developments is through the permit process granted to these individual telecommunications providers and within the permit process have the ability to be somewhat more specific. If you take a look at the permit process as it relates to tree trimming, you can see that that the permittee may trim trees upon an overhanging of a public ways so as to prevent the branches of such trees from coming into contact with the telecommunications system. The permittee shall minimize the trimming of trees, trimming only those trees that are directly affecting the integrity of the telecommunications system. No trimming shall be done in the public ways without previously informing the Township. The Township may request the permittee to move and replace, at permittee's sole expense, trees that necessitate trimming and are significantly damaged, all brush, branches and trunks and trimming materials should be removed and disposed of by the permittee.

ROLL CALL VOTE: YEAS: Supervisor Little, Clerk Helmbrecht, Trustees
McGillicuddy, McCullough, Treasurer Klunzinger
NAYS: None
Motion carried 5-0

Township Manager Richards stated the Telecommunications Permit Agreement was with Phone Michigan, which has now been acquired by McLeodUSA.

TREASURER KLUNZINGER MOVED THE RESOLUTION AUTHORIZING TELECOMMUNICATIONS PERMIT AGREEMENT ITH PHONE MICHIGAN NOW AQUIRED BY McLEODUSA PURSUANT TO THE TELECOMMUNICATIONS ACT. SECONDED BY CLERK HELMBRECHT.

**RESOLUTION AUTHORIZING
TELECOMMUNICATIONS PERMIT AGREEMENT**

WHEREAS, Phone Michigan, now acquired by McLeodUSA, requested consideration of a proposal, entitled Telecommunications Permit Agreement

(“Agreement”), to enter into a telecommunications right-of-way agreement that would allow McLeodUSA to install a fiber optic cables in the Charter Township of Meridian (“Township”), and

WHEREAS, pursuant to the Michigan Telecommunications Act, the Township should approve or not unreasonably deny access for the use of public right-of-ways to providers of telecommunication services; and

WHEREAS, the Agreement defines the duties of McLeodUSA with regard to the use of the right-of-way and provides for the payment of a fee for the use of the right-of-way; and

WHEREAS, executing the Agreement would be in the best interest of the public health safety and general welfare of the residents of the Township.

NOW, THEREFORE, the Township Board of the Charter Township of Meridian hereby resolves as follows:

1. The Township Board hereby authorizes and directs the Township Clerk and Township Supervisor to execute the Telecommunications Permit Agreement once approved as to final form by the Township Attorneys.
2. All resolutions in whole or in part inconsistent herewith are hereby rescinded.

ROLL CALL VOTE: YEAS: Supervisor Little, Clerk Helmbrecht
 Trustees McGillicuddy, McCullough
 Treasurer Klunzinger
 NAYS: None
 Motion carried 5-0

D. ASSESSING STIPULATIONS
 TRUSTEE McCULLOUGH MOVED THAT THE TOWNSHIP ASSESSOR BE AUTHORIZED TO SIGN A TAX TRIBUNAL STIPULATION WITH JARCO, INC., ON THE FOLLOWING COMMERCIAL PROPERTY:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
1998/1999	260834	4321 Okemos Road
Assessment/Taxable	1999	\$416,200/382,834
	1998	390,000/376,806
Proposed Asmt/Taxable	1999	\$330,000/330,000
	1998	330,000/330,000

SECONDED BY CLERK HELMBRECHT.

ROLL CALL VOTE: YEAS: Supervisor Little, Clerk Helmbrecht
 Trustees McGillicuddy, McCullough
 Treasurer Klunzinger
 NAYS: None
 Motion carried 5-0

E. EAST LANSING WASTE WATER TREATMENT PLANT OPTIMIZATION STUDY

Trustee McGillicuddy stated her concerns regarding the East Lansing Waste Water Treatment Plant Optimization Study. Due to the cost aspect, she felt the Township and the residents should be involved, and she would like East Lansing Public Works Director Peter Eberz to attend one of the Board's work sessions.

Trustee McCullough asked that the Township's Engineer Roger Buell take a look at the proposal and give his view on what is being proposed.

Supervisor Little stated it should be sent to the Infrastructure Committee and invite Mr. Eberz to attend that meeting.

TRUSTEE MCGILLICUDDY MOVED THAT MR. EBERZ ATTEND THE AUGUST 17, 1999 WORK SESSION.

Motion died from lack of support.

Supervisor Little asked Township Manger Richards to invite Mr. Eberz to attend the next Infrastructure Committee Meeting.

17. BOARD MEMBER, BOARD COMMITTEE AND LIAISON REPORTS

A. Standing Committee Reports

(1) Physical Operations & Activities

Trustee McGillicuddy stated there was a forum last night regarding the library issue and the residents had a lot of good ideas and information. The residents preferred the Central Park Drive site. The next meeting will be August 16 at 7 p.m. in the Town Hall Room. David Milling & Associates will be back with a simple design of what could be placed on that property. She stated she would like the Board to visit the Kalamazoo Libraries and maybe Farmington's libraries.

(2) Financial Planning and Budgeting

Treasurer Klunzinger stated they had a meeting last week with Delta Township representatives regarding their library system. There will be another meeting regarding continuing exploration of library funding on August 10, 1999 at 8:30 a.m.

(3) Personnel

a. Paramedic/Fire Fighter Appointments

TREASURER KLUNZINGER MOVED TO RATIFY THE APPOINTMENT OF SUSAN VAN HECK AND DANNY KOMM TO THE POSITION OF PARAMEDIC/FIRE FIGHTER CONTINGENT UPON SUCCESSFUL COMPLETION OF THOSE ITEMS STIPULATED IN THE CONDITIONAL OFFER OF EMPLOYMENT. SECONDED BY TRUSTEE McCULLOUGH.

VOICE VOTE: Motion carried 5-0

b. Assistant EMS/Fire Chief Appointment

TREASURER KLUNZINGER MOVED TO RATIFY THE APPOINTMENT OF DALE MONNIER TO THE OF ASSISTANT EMS/FIRE CHIEF CONTIGENT UPON SUCCESSFUL COMPLETION OF THOSE ITEMS STIPULATED IN THE CONDITIONAL OFFER. SECONDED BY BILL McCULLOUGH.

ROLL CALL VOTE: YEAS: Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger, Trustees McCullough POSITION, McGillicuddy

NAYS: None
Motion carried 5-0

c. Police Officer Appointment

TREASURER KLUNZINGER MOVED TO RATIFY THE APPOINTMENT OF BARTON J. CRANE TO THE POSITION OF POLICE OFFICER UPON SUCCESSFULLY COMPLETING THE ITEMS STIPULATED IN THE CONDITIONAL OFFER OF EMPLOYMENT. SECONDED BY CLERK HELMBRECHT.

VOICE VOTE: Motion carried 5-0

d. Authorization to Advertise and Fill the Open Position of Project Engineer

TREASURER KLUNZINGER MOVED TO AUTHORIZE THE TOWNSHIP MANAGER TO ADVERTISE AND FILL THE VACANT PROJECT ENGINEER POSITION. SECONDED BY TRUSTEE McCULLOUGH.

VOICE VOTE: Motion carried 5-0

e. Employer Delegate to Attend MERS Annual Conference

TREASURER KLUNZINGER MOVED TO DESIGNATE THE PERSONNEL SPECIALIST, LYNETTE CONNER, AS THE EMPLOYER DELEGATE TO THE MERS ANNUAL CONFERENCE AS RECOMMENDED BY THE PERSONNEL COMMITTEE. SECONDED BY TRUSTEE McCULLOUGH.

VOICE VOTE: Motion carried 5-0

(3) Planning and Development

Trustee McCullough stated a meeting was scheduled for Thursday, August 5 at 8:30 a.m. in the Administrative Conference Room.

(4) Infrastructure

a. 1999 Pathway Installation “To Order” Program – Resolution #2

Engineer Buell stated the Office of Engineering has identified three gaps in the pathway system between Northview Drive and Washington Heights Drive along Grand River Avenue. In an effort to maximize the amount of pathway that can be constructed with pathway millage revenue, his office recommends that the Township Board order the construction of the pathway in this area and have the total costs of construction assessed against the properties. On July 20, 1999 a public hearing was held and no comments for or against the project were received.

Supervisor Little asked if there was anyone in the audience who would like to speak on this issue. No one spoke, Supervisor Little closed the hearing.

TRUSTEE McGILLICUDDY MOVED THE FOLLOWING RESOLUTION:

1999 Pathway Installation “To Order” Program
Resolution #2

Purpose: To order the construction of a public pathway and to establish a special assessment district for said construction if the property owner fails to install the pathway within 60 days.

WHEREAS, township personnel have performed field investigations on the public sidewalk and has determined that several locations may present a hazard to non-motorized traffic and,

WHEREAS, Public Act # 80 of 1989 and Township Ordinance 99A-7(c) states that the Township Board may order the construction, repair, or maintenance of, or may construct, repair, or maintain sidewalks in a designated area within the Township because of the health, safety, or welfare of the residents of the Township; and,

WHEREAS, the Township Board of the Charter Township of Meridian deems it advisable and necessary for the public health, safety, and welfare of the Township and its inhabitants to install pathway in portions along Grand River Avenue and Central Park Drive of the Township, and to defray the cost thereof by special assessment against the properties specially benefited thereby; and,

THEREFORE, BE IT RESOLVED:

- 1. The assessment roll showing the improvement and location thereof and an estimate of the cost thereof is filed with the Township Clerk and be available for public examination.**
- 2. The Township Board declares its intention to make pathway installation improvements and defray a portion of the cost thereof by special assessment against the properties specially benefited thereby if the property owners fail to install the 7’ concrete pathway within 60 days of notice.**
- 3. There is hereby designated a special assessment district against which the cost of said improvement is to be assessed, consisting of the lots and parcels of land along Grand River Avenue and Central Park Drive, T4N, R1W, Meridian Township, Ingham County, Michigan.**

4. **The Township Board has met in the Meridian Municipal Building, 5151 Marsh Road, Okemos, MI on Tuesday July 20, 1999 at 7:00 p.m. at which time and place the Township Board heard any and all comments on the improvement and to the special assessment district therefore.**
5. **The Director of Public Works and Engineering shall send notice to install a 7' concrete pathway to each record owner.**
6. **Said notice shall be in substantially the following form: (See Attached)**
7. **All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.**

MERIDIAN CHARTER TOWNSHIP PROPERTY OWNER

1999 PATHWAY INSTALLATION “TO ORDER” PROGRAM

NOTICE TO INSTALL

TO THE RECORD OWNERS OF, OR PARTIES WITH INTEREST IN, THE FOLLOWING PROPERTY CONSTITUTING THE PROPOSED SPECIAL DISTRICT:

Parcels 22-327-008 (1699 Grand River Ave.), 22-428-001 (1553 Grand River Ave.), 22-401-005 (1652 Grand River Ave.), Section 22, T4N, R1W, Meridian Township, Ingham County, Michigan;

PLEASE TAKE NOTICE that on August 03, 1999 the Township Board of the Charter Township of Meridian has determined to make the following described public improvement:

INSTALLATION OF 7' CONCRETE PATHWAY “TO ORDER”

And to defray the cost thereof by special assessment against the properties specially benefited thereby.

The proposed special assessment roll has been prepared and is on file with the Township Clerk for public examination.

TAKE FURTHER NOTICE that the Township Board has met on Tuesday, July 20, 1999 at 7:00 p.m. at the Meridian Municipal Building, 5151 Marsh Road, Okemos, Michigan 48864-1198, for the purpose of hearing comments on the improvement and the special assessment district therefore.

IN ACCORDANCE WITH TOWNSHIP ORDINANCE 99A-7(C) THE PROPERTY OWNER HAS 60 DAYS TO PERFORM THE WORK IN ACCORDANCE WITH THIS CHAPTER. IF THE WORK IS NOT COMPLETED IN 60 DAYS, THE TOWNSHIP SHALL PROCEED WITH THE WORK AND ASSESS THE COST TO THE PROPERTY OWNER.

FOR PURPOSES OF THIS PROJECT, THE AMOUNT TO BE ASSESSED AGAINST YOUR PROPERTY IS ESTIMATED TO BE APPROXIMATELY \$35 PER LINEAR FOOT OF PATHWAY.

SECONDED BY TRUSTEE McCULLOUGH.

ROLL CALL VOTE: YEAS: Supervisor Little, Clerk Helmbrecht
Trustees McGillicuddy, McCullough
NAYS: Treasurer Klunzinger
Motion carried 4-1

(5) Public Safety

Clerk Helmbrecht stated a meeting was scheduled for Wednesday, August 11 at Noon. Treasurer Klunzinger stated he was not available at that time. Clerk Helmbrecht stated the meeting would be rescheduled to assure a quorum

(6) Recreation (No Report)

B. Special Committees

C. Liaison Representative Reports

18. OTHER REPORTS

19. NEW BUSINESS

20. PUBLIC REMARKS

Supervisor Little opened public remarks.

Pat Hagen, 4135 Wabaningo, spoke regarding the sound system. She also requested a certain communication.

Wayne McLellen, 1459 Cheboygan Road, spoke regarding public hearings. He asked when the Public Safety Committee was meeting.

Clerk Helmbrecht stated it was scheduled for August 11, but it has been cancelled since Treasurer Klunzinger couldn't meet that day.

Charles Willems, Haslett, spoke regarding the current sound system, public hearings and the process of hiring employees.

Supervisor Little closed public remarks.

21. FINAL BOARD MEMBER COMMENTS

Treasurer Klunzinger stated the question of the sound system had come up before and someone should consult with the Cable Department.

22. ADJOURNMENT

Supervisor Little adjourned the meeting at 8:20 p.m.

BRUCE A. LITTLE
TOWNSHIP SUPERVISOR

MARY M.G. HELMBRECHT
TOWNSHIP CLERK

Teresa A. Brazee, Deputy Clerk