



AGENDA

CHARTER TOWNSHIP OF
MERIDIAN
TOWNSHIP BOARD
REGULAR MEETING
December 1, 2015
6:00 P.M.



1. CALL MEETING TO ORDER⁺
2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS
3. ROLL CALL
4. PRESENTATION
 - A. Darla Jackson, Human Services Specialist – Meridian Cares Program
5. PUBLIC REMARKS*
6. TOWNSHIP MANAGER REPORT
7. BOARD COMMENTS & REPORTS
8. APPROVAL OF AGENDA
9. CONSENT AGENDA (SALMON)
 - A. Communications
 - B. Bills
 - C. Disposal of Surplus Equipment
10. QUESTIONS FOR THE ATTORNEY
11. HEARINGS (CANARY)
12. ACTION ITEMS (PINK)

**Public Comment

 - A. Personnel Policy Manual – Final Document
 - B. Rezoning #15030 (Sumbal) – **Final Adoption**
 - C. Rezoning #15060 (McCurdy) – **Introduction**
 - D. Sale of Township Property Adjacent to 4444 River Glen Drive
 - E. The Square, 2655 Grand River Avenue – Brownfield (Set Public Hearing Date)
13. BOARD DISCUSSION ITEMS (ORCHID)

**Public Comment

 - A. Rezoning #15040 (Mayberry Homes)
 - B. Essential Wetland Determination - Sierra Ridge Subdivision
 - C. Proposed Mobile Food Units Ordinance
 - D. Zoning Amendment #15070 (Planning Commission) Wireless Communication
 - E. 2016 Township Health Care Plan
14. FINAL PUBLIC REMARKS*
15. FINAL BOARD MEMBER COMMENT
16. ADJOURNMENT
17. POSTSCRIPT – RON STYKA

*PUBLIC REMARKS (Any topic - 3 minutes per person)

**PUBLIC COMMENT (Agenda item specific - 3 minutes per person)

*Individuals with disabilities requiring auxiliary aids or services should contact the Meridian Township Board by writing or calling the following:
Township Manager Frank L. Walsh, 5151 Marsh Road, Okemos, MI 48864-1198 (517-853-4258) – Ten Day Notice is Required.*

Meridian Charter Township: 5151 Marsh Road, Okemos, MI 48864-1198, (517) 853-4000 Township Hall Room; www.meridian.mi.us

⁺ Appointment of President Pro Tem and/or Temporary Clerk if necessary

Meridian Township exists to create a sustainable community through the most effective use of available resources that achieve the highest quality of life.

TOWNSHIP BOARD REGULAR MEETING COMMUNICATIONS, DECEMBER 1, 2015

(1) Board Information (BI)

- BI-1 Jerry Fedewa, GS Fedewa Builders, 5570 Okemos Road, East Lansing; RE: Sierra Ridge Lift Station Payment Extension
- BI-2 Joyce Van Coevering, 5530 Strawberry Lane, Haslett; Feedback regarding the Kansas Road Sanitary Sewer Special Assessment District
- BI-3 Thomas J. Dart, Jr., 3569 Cabaret Trail, Okemos; Re: Ponderosa Estates Connection

(2) Staff Communications (SC)

- SC-1 Associate Planner Wyatt; RE: Site Plan Review Decisions as of November 19, 2015
- SC-2 Parks and Land Management Coordinator Jane Greenway; RE: Ingham County Board of Commissioners' Resolution Authorizing Deer Hunting on the Ingham County Farm, 3860 Dobie Road, Okemos

(3) On File in the Clerk's Office (OF)

Material handed out at the November 17, 2015 Board Meeting

Steven Freemire, 3622 Kansas Road, Okemos; RE: Kansas Road Sanitary Sewer Project

Material submitted at the November 17, 2015 Board Meeting

Linda Kraai, 3657 Kansas Road, Okemos; RE: Opposition to the sewer project on Kansas Road

Mike McCurdy, 5458 Okemos Road; RE: Additional petition signatures in support of Rezoning #15060



MERIDIAN Cares

Meridian Cares and Meridian Township offers several opportunities to help those in need. According to the 2013 U.S. Census, about 13% or 5,000 people in Meridian Township live below the poverty level and could use our help.

Our goal is to raise \$10,000 for the emergency needs fund by December 16th. This really goes a long way and will meet the needs of our most vulnerable population for an entire year.

There are lots of ways you can help join the Meridian Cares movement including donating a winter coat, being a Santa to a Senior, purchasing raffle tickets, financial donations and spreading the word including liking and sharing the Meridian Cares fanpage <https://www.facebook.com/MeridianCaresFundraiser>. Here are ways to get involved in the Meridian Cares movement:

Winter Coat Collection: The Meridian Cares Team is collecting winter coats to keep our residents warm during the most vulnerable time of year. Please find it in your heart to drop off a coat at the Meridian Township Municipal Building and help keep someone warm this winter. Please drop off coat donations in the lobby of the Municipal building at 5151 Marsh Road Okemos, MI. 48864

Be a Santa to a Senior: The holidays are a time of giving and holiday spirit signifies a giving heart. Meridian Cares for everyone in our Township and we believe that no matter the circumstance we could find ourselves' in, all families should be afforded the opportunity to receive the spirit of giving. Adopt a senior this year and celebrate the spirit of giving. The Adopt a Senior Tree is located in the lobby of the municipal building. Purchase an item on the Santa card and return your item with card by December 10th to the Meridian Township Municipal building 5151 Marsh Rd. Okemos, MI. 48864

Emergency Needs Fund: Through our Meridian Cares campaign last year, we were able to raise \$8,300.00 to help those with emergency needs in Meridian Township. We helped provide hundreds of gifts to seniors, helped families celebrate the season and help meet the needs of families. Purchase a raffle ticket to win a gift basket donated by a local business or simply give a financial donation. Raffle tickets are 1 for \$10 or 3 for \$20. Each raffle ticket enters you to win a \$50 or above gift basket. Raffle tickets can be purchased at the Meridian Township Municipal building at the Treasurer's office 5151 Marsh Rd. Financial donations can be made out to Meridian Township c/o Meridian Cares program and sent to Meridian Township c/o Darla Jackson 5151 Marsh Rd. Okemos, MI. 48864

Sponsor a Holiday Food Basket \$50 in groceries goes a long way to sponsor a family this holiday season. This year, we are asking for your help to fill holiday food baskets for 25 Meridian Township families. Food baskets will be distributed to low-income Meridian Township households, mainly to families, seniors, and individuals with disabilities. Nonperishable items are suggested and donations should be submitted by December 23rd to the Meridian Township Municipal building located at 5151 Marsh Rd. Okemos. List of suggested items: <http://bit.ly/FoodBasketItems>

We thank you for being part of the Meridian Cares spirit and community bond. If you have any questions about sponsoring a holiday basket, sponsoring a senior, volunteering, and/or making a financial donation, contact Human Services Specialist Darla Jackson at jackson@meridian.mi.us or 517.853.4204.

**CLERK'S OFFICE
BOARD COMMUNICATIONS
DECEMBER 1, 2015**

Board Information (BI)

Sandy Otto

From: Jerry Fedewa <gsfedewa@gmail.com>
Sent: Wednesday, November 18, 2015 10:56 AM
To: Board
Cc: Mark Kieselbach
Subject: Sierra Ridge Lift Station Payment Extension

Dear Meridian Township Board Members,

The reimbursement schedule for the Sierra Ridge Lift Station is set to expire this year. We have only been reimbursed a small portion of the additional cost of supersizing the lift station due to the "great recession". I'm requesting an extension of the reimbursement of payments until we have been fully reimbursed. This will probably take at least another 10 years. Please approve this extension request..

Sincerely,
Jerry Fedewa

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Jerry Fedewa
Jerry Fedewa Homes Inc. and G S Fedewa Builders
Michigan Licensed and Green Certified Residential Builder
5570 Okemos Rd., East Lansing, Mi. 48823
517-339-0020 office
517-719-6300 cell
gsfedewa@gmail.com



DEC 0 1 2015

BI - 1

DEC 0 1 2015

Sandy Otto

From: Frank Walsh
Sent: Wednesday, November 18, 2015 11:34 AM
To: Board
Subject: FW: Feedback

Please see the attached comments addressed to the Township Board from Ms. Van Coevering.

Frank

Frank L. Walsh
Township Manager
Charter Township of Meridian
P: (517) 853-4254
F: (517) 853-4251

www.meridian.mi.us
www.facebook.com/MeridianTownship
www.twitter.com/Meridiantwp
<https://www.linkedin.com/in/frankwalsh3>
<https://managersperspective.wordpress.com/>

From: jvc5530@comcast.net [mailto:jvc5530@comcast.net]
Sent: Wednesday, November 18, 2015 11:26 AM
To: Frank Walsh
Subject: Feedback

Township Board:

I am writing as a citizen of Meridian Township, not in my official role as a Planning Commissioner.

I watched the Township Board meeting on 11/17/15 and want to voice my concern related to the discussion of the Kansas Rd. special assessment district. I am opposed to using Township funds to offset the cost of that district. In my opinion, doing this would set a negative precedent for the township. If we do it for one district what prevents others assessment districts from asking the same thing? The available funds in the revolving fund are for the benefit of the entire township, not a specific group. Director Perry articulated the "risk " to the Township very succinctly.

If we move forward using Township funds I believe we are exposing ourselves to potential litigation. I also heard discussion related to "financial means" testing. That too is problematic.

I strongly encourage you to come up with some creative options that would be equitable for all.

DEC 01 2015

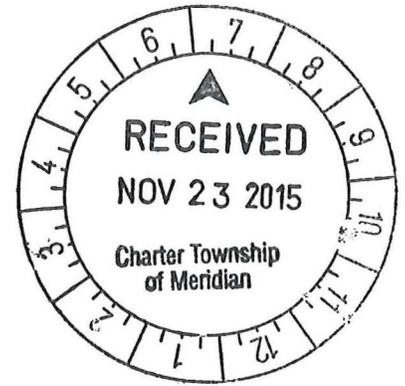
BI-2

Joyce Van Coevering

DEC 01 2015

Thomas Jay Dart, Jr
3569 Cabaret Trail
Okemos, MI 48864

November 23, 2015



Meridian Township Board
5151 Marsh Road
Okemos, MI 48864

RE: Ponderosa Estates connection

Dear Meridian Township Board,

I write to support your actions with respect to the prospects of offering alternative solutions to the Ember Oaks/Ponderosa Estates Forsberg Drive connection. I was particularly pleased to see your resolution supporting the Ponderosa neighbors in their petition to abandon Forsberg Drive. I support any alternative solution to the connecting proposal for various reasons.

As a property owner adjacent to Ponderosa Estates (I reside in the Ember Oaks development), I believe I can offer a few unique observations worthy for your consideration.

Ember Oaks, as a new and developing community, is better situated to handle the more modern requirements many communities desire (including a broader use of vehicle traffic as I suspect the number of cars per family has dramatically increased since the original Ponderosa Estates design phase). For example, we enjoy relatively wide roads coupled with side walks on either side. In particular, the availability of sidewalks makes a world of difference with respect to safe usage.

Furthermore, from my experience of residing in the Ember Oaks community, I have found many drive very quickly. As the Ember Oaks community continues to develop (adding over 100 new homes), I suspect such similar issues will only be compounded. I fear transferring some of said traffic into neighborhoods designed by individuals not contemplating such use seems unwise. Therefore, before sending traffic on roads designed several decades ago (and correspondingly not done so with the kinds of use we now regularly experience) seems at odds with the communities safety.

Fortunately, alternatives are available. In furtherance with those alternatives, I encourage and support this Board to instead opt for a bike/walking trail solution.

Kindest Regards,

A handwritten signature in blue ink, appearing to read "Thomas J Dart, Jr."

Thomas J Dart, Jr.

P.s. I regularly use the connecting pass through the Hiawatha neighborhood adjacent to

DEC 01 2015

BI-3

DEC 01 2015

Ember Oaks. Similarly situated to Ponderosa, Hiawatha has narrow streets without sidewalks. Due to its access to Dobie Road, it draws a fair amount of Ember Oaks traffic. However, when I do use this connecting pass, I also exercise a higher level of caution. From time to time, I have experienced kids and walkers in or around the middle of the road including sharp corner routes. Thankfully, I don't know of any incidents but the level of danger is materially larger than in similar communities that include sidewalks.

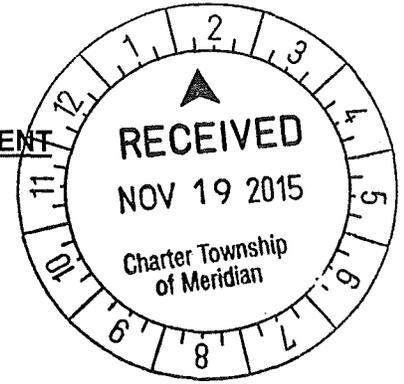
DEC 0 1 2015
BI-3
(page 2 of 2)
DEC 0 1 2015

**CLERK'S OFFICE
BOARD COMMUNICATIONS
DECEMBER 1, 2015**

Staff Communications (SC)

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT

SITE PLAN REVIEW DECISIONS



Site Plan Review Approvals (as of 11/19/15):

#15-96-30 (Sparrow Facilities Development)

Request to construct an approximate 400 square foot occupational shelter in the parking lot of the Michigan Athletic Club at 2900 Hannah Boulevard, East Lansing

Approved: 7/27/15

#15-98-11 (Dr. Lonier)

Request to add an approximate 323 square foot addition to the existing dental office at 601 Grand River Avenue, Okemos

Approved: 9/8/15

#15-14-07 (Meridian Township Parks Dept.)

Request to construct a new /replacement pavilion at Wonch Park at 4555 Okemos Road, Okemos

Approved: 9/21/15

#15-00-17 (Luigi Baldino)

Request to remodel existing building for an outpatient surgical facility at 5668 Okemos Road, East Lansing

Approved: 10/5/15

#15-01-2 (Fedewa Builders)

Request to modify approved plans (SPR #15-01) for a 5-unit townhouse at 2043 Hamilton Road, Okemos

Approved: 10/30/15

#15-09 (Xuan Lui)

Request to establish a used car dealership at 1800 Grand River Avenue, Okemos

Approved: 11/2/15

#15-10 (First Housing Corporation)

Request to convert 38 studio apartments to 1-bedroom apartments by adding 90 square feet to each unit and convert 4 apartment units into an office building at Grange Acres at 6101 Marsh Road, Haslett

Approved: 11/12/15

DEC 01 2015

SC-1

DEC 01 2015

**ADOPTED - NOVEMBER 10, 2015
AGENDA ITEM NO. 5**

Introduced by the County Services Committee of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION AUTHORIZING DEER HUNTING AT PROPERTY LOCATED
WITHIN THE INGHAM COUNTY FARM, 3860 DOBIE ROAD, OKEMOS**

RESOLUTION # 15 – 426

WHEREAS, overpopulation of white tailed deer negatively impacts natural communities and associated wildlife which requires management of the deer herd; and

WHEREAS, the Michigan Department of Natural Resources has provided research data that supports the appropriate management of deer; and

WHEREAS, the over-population of white tailed deer in Meridian Township has resulted in an increase in deer-car accidents, destruction of natural and residentially planted vegetation and concern over potential health risks to the community; and

WHEREAS, Meridian Township has conducted successful deer hunts within their properties and surrounding properties; and

WHEREAS, Meridian Township wishes to partner with the Ingham County to conduct a deer hunting program within the boundaries of the Ingham County Farm located at 3860 Dobie Road, Okemos.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby authorizes the hunting of white tailed deer within the 56 huntable acres of land, as determined by the State of Michigan requirements, within the boundaries of the Ingham County Farm located at 3860 Dobie Road during the 2015 Archery Deer Season.

BE IT FURTHER RESOLVED, that hunters must meet all requirements of the Meridian Township deer hunting program and may only use crossbows, guns will not be permitted.

COUNTY SERVICES: Yeas: Celentino, Crenshaw, Banas, Bahar-Cook, Hope, Maiville
Nays: None **Absent:** Koenig **Approved 11/03/15**

DEC 01 2015

SC-2

DEC 01 2015

9.B

GGOM

**Charter Township of Meridian
Board Meeting
12/1/2015**

**MOVED THAT THE TOWNSHIP BOARD APPROVE THE MANAGER'S
BILLS AS FOLLOWS:**

COMMON CASH	\$ 144,805.00
PUBLIC WORKS	14,745.95
TRUST & AGENCY	30.00
TOTAL CHECKS:	\$ 159,580.95
CREDIT CARD TRANSACTIONS	6,971.45
TOTAL PURCHASES:	<u>\$ 166,552.40</u>
ACH PAYMENTS	<u>\$ 59,183.95</u>

11/24/2015 10:30 AM
 User: hudecek
 DB: Meridian

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF MERIDIAN
 EXP CHECK RUN DATES 12/01/2015 - 12/01/2015
 BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID
 BANK CODE: GF

Vendor Name	Description	Amount	Check #
1. A C & E RENTALS INC	RENTAL OF AIR COMP WINTERIZE PAVILION RESTROOMS	95.00	
2. AIRGAS GREAT LAKES	STANDING PO - MEDICAL OXYGEN	91.58	
3. ASSOCIATION OF FLOODPLAIN MANAGERS	2016 ASFPM MEMBERSHIP FOR M KIESELBACH	140.00	
4. AT & T	LONG DISTANCE CHARGES	39.83	
5. AVI SYSTEMS INC	AUDIO ENGINEERING PROJECT FOR TOWNHALL	17,112.00	
	AUDIO ENGINEERING PROJECT FOR TOWNHALL	715.00	
	AUDIO ENGINEERING PROJECT FOR TOWNHALL	4,515.00	
	TOTAL	22,342.00	
6. B & H PHOTO-VIDEO	NEW TRIPODS - LIBEC LX5 HEAD/TRIPOD W/ MIDLEVEL SP	696.00	
7. BAY AREA RECYCLING FOR CHARITIES	ELECTRONIC WASTE COLLECTING	500.00	
8. BECKS PROPANE	PROPANE FOR GLENDALE CEMETERY OFFICE	166.48	
9. BENSON HILLS APARTMENTS	CRC FUNDS-PAST DUE RENT	281.93	90981
10. CAPITOL AREA RIFLE CLUB	RIFLE CLUB ANNUAL DUES X6 MEMBERS	360.00	
11. CARES-EMPLOYEE ASSISTANCE	EAP SERVICES 10/31/15	1,094.00	
12. CBI INC	PHOTO COPIER MAINTENANCE FOR HNC	23.35	
13. CINTAS CORPORATION #725	MECHANICS UNIFORM RENTAL	25.70	
14. CITY PULSE	TWP NOTICES	213.69	
15. CONVERGENT MEDIA DESIGNS, LLC	AUDIO ENGINEERING PROJECT TOWN HALL - LABOR	8,500.00	
16. COTY KENNETH	MARKETING - POLLUTION ISN'T PRETTY CAMPAIGN	131.05	
17. CROWN TROPHY	RETIREMENT PLAQUE - J FREE	75.00	
18. DAN THOMAS LAWN SPRINKLER CO	FALL TURN OFF OF WATER	90.00	
	FALL TURN OFF OF WATER	67.50	
	TOTAL	157.50	
19. DBI	OFFICE SUPPLIES	19.50	
	MISC SUPPLIES	60.11	
	TOTAL	79.61	
20. DEBORAH GUTHRIE	REIMB MKTG POLLUTION ISN'T PRETTY CAMPAIGN	47.11	
21. DISCOUNT ONE HOUR SIGNS	SIGNS	240.00	
22. DRAKE	HD TRANSMISSION EQUIPMENT TO COMCAST	2,474.96	
	HD TRANSMISSION EQUIPMENT TO COMCAST	1,117.26	
	TOTAL	3,592.22	
23. FAHEY SCHULTZ BURZYCH RHODES PLC	LEGAL FEES & LABOR RELATIONS - NOV	11,257.28	
24. FIRE SERVICE MANAGEMENT	STANDING PO - FIRE GEAR CERTIFICATION/REPAIRS	1,568.40	
25. FIRST ADVANTAGE LNS OCC HEALTH	MISC CHARGES	75.00	

11/24/2015 10:30 AM
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Vendor Name	Description	Amount	Check #
26. GOODYEAR COMMERCIAL TIRE	REPLACE KING PINS	1,271.83	
	EMERGENCY FRONTEND WORK ENG 92	371.12	
	TOTAL	1,642.95	
27. GOV OFFICE	WEBSITE	2,200.00	
28. GRANGER	SERVICE FOR VARIOUS LOCATIONS	496.35	
	CURBY RECYCLER	9.00	
	TOTAL	505.35	
29. GRANICUS INC	DEC MONTHLY SERVICE	325.00	
30. HASLETT ANIMAL HOSPITAL	PHYS EXAM - GERMAN SHEPARD	42.50	
31. JEFFORY BROUGHTON	REPAIR PANEL ON CAR #100	90.00	
32. JOHNSON & ANDERSON INC	CONVERSION OF FLEET SERVICES CMMS TO CITYWORKS PER	610.00	
33. JOSEPH FRANK PENNONI	REMOVE 28 INCH SPRUCE AND TRIM DEAD BRANCHES FROM	670.00	
34. KELSEY DILLON	REIMB FOR PESTICIDE APPLICATORS TEST	75.00	
35. LANSING SANITARY SUPPLY INC	PALLET ICE MELTER	1,331.89	
	RESTROOM SUPPLYS	1,106.55	
	TOTAL	2,438.44	
36. LUKE LANDSCAPE CO	MOWING SERVICES	370.00	
37. MICHIGAN ASSOC OF MUNICIPAL CLERKS	2016 CLERK MEMB - DREYFUS & HORVATH	120.00	
38. MICHIGAN MUNICIPAL LEAGUE	WORKER COMP 4TH QTR	31,828.19	
	WORKER COMP 4TH QTR	141.41	
	WORKER COMP 4TH QTR	1,285.31	
	WORKER COMP 4TH QTR	57.57	
	WORKER COMP 4TH QTR	16.72	
	WORKER COMP 4TH QTR	335.84	
	WORKER COMP 4TH QTR	625.34	
	TOTAL	34,290.38	
39. MICHIGAN MUNICIPAL LEAGUE	CDL CONSORTIUM DRIVERS FEE - 2016	1,330.00	
40. MICHIGAN STATE FIREMEN'S ASSOC.	MI FIREMAN'S 2016 MEMBERSHIP	75.00	
41. OFILIA DIAZ	FARM MARKET VENDOR	50.00	
42. POSTMASTER	PERMIT #28 - ABSENTEE BALLOT PRES PRIMARY	1,500.00	
43. PRO-TECH MECHANICAL SERVICES	SERVER ROOM A/C REPAIR	468.05	
	REPLACE SOLENOID VALVE PER QUOTE	1,660.00	
	TOTAL	2,128.05	
44. REFPAY TRUST ACCOUNT	REF PAY WILLIAMSTON 7&8 GIRLS BASKETBALL	780.00	
45. SINCLAIR RECREATION LLC	ADDITIONAL PLAY EQUIPMENT FOR ORLANDO PARK	33,825.55	91115
46. SPARROW HOSPITAL DEPT OF PHARMACY	PHARMACY SUPPLY TO POLICE DEPT	124.40	
47. SPARROW OCCUPATIONAL	OCTOBER - EXAMS AND TESTING	6,394.06	

11/24/2015 10:30 AM
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Vendor Name	Description	Amount	Check #
48. STATE OF MICHIGAN	RENEWAL OF ASSESSOR CERT - GROCE/UPCHURCH	350.00	
	APPL FOR PP EXAMINER - GROCE/UPCHURCH	300.00	
	TOTAL	<u>650.00</u>	
49. SUPERIOR SAW	SAW REPAIR - LEAKING FUEL	173.70	
50. THE POLACK CORPORATION	COPIER USAGE 9/10 TO 11/9	1,647.89	
51. U.S. BANK EQUIPMENT FINANCE	COPIER CONTRACT	954.00	
TOTAL - ALL VENDORS		144,805.00	

11/24/2015 10:31 AM
User: hudecek
DB: Meridian

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BANK CODE: PW

Vendor Name	Description	Amount	Check #
1. ETNA SUPPLY COMPANY			
	CREDIT FOR DOUBLE PAYMENT PW CHECK #26087	(283.50)	
	CURB BOX AND INSTALLATION PARTS	472.00	
	WATER SERVICE INSTALLATION PARTS	3,860.84	
	TOTAL	4,049.34	
2. JOHNSON & ANDERSON INC			
	UPDATE & ENHANCE TOWNSHIP'S GIS INFORMATION PER YO	117.00	
	SCADA PROTOCOL UPGRADE PROPOSAL 10-5-15 J&A#17678	495.00	
	TOTAL	612.00	
3. KIRBY PERRAULT			
	CUSTOMER OVERPAID FINAL BILL	52.10	
4. KYLE WILKINS			
	REIB FOR PESTICIDE CETIFICATION RENEWAL	75.00	
5. MANNIK AND SMITH			
	GENERAL SERVICES - SEWER & HNC	897.75	
	MARSH RD/INTER-URBAN POCKET PARK	1,298.00	
	TOTAL	2,195.75	
6. MICHIGAN METER TECHNOLOGY GROUP			
	2" HP TRU/FLO METER ECODER PIT WITH STRAINER	3,799.94	
7. MICHIGAN MUNICIPAL LEAGUE			
	WORKER COMP 4TH QTR	1,272.90	
8. MICHIGAN MUNICIPAL LEAGUE			
	WORKER COMP 4TH QTR	2,654.72	
9. SARAH SKILLING			
	CUSTOMER OVERPAID ON FINAL BILL	34.20	
TOTAL - ALL VENDORS		14,745.95	

CREDIT CARD TRANSACTIONS - November 12 to November 23,2015

<u>Date</u>	<u>Merchant Name</u>	<u>Amount</u>	<u>Name</u>
11/12	ALPHA DOG CUSTOMS LLC	\$80.00	ANDREW MCCREADY
11/17	AMAZON MKTPLACE PMTS	\$20.94	CHRISTOPHER DOMEYER
11/18	B&H PHOTO, 800-606-6969	\$83.91	DARKUS BEASLEY
11/13	BRIGHTCARD INC	\$100.00	KRISTI SCHAEDING
11/12	CARTRIDGE WORLD #210	\$85.00	WADE PRESTONISE
11/20	CARTRIDGE WORLD #210	\$90.00	STEPHEN GEBES
11/21	COMCAST OF LANSING	\$9.54	KRISTI SCHAEDING
11/21	COMCAST OF LANSING	\$127.59	DEBORAH GUTHRIE
11/18	CTC*CONSTANTCONTACT.COM	\$79.00	ANDREA SMILEY
11/18	CWC CHEMICAL INC	\$225.00	JANE GREENWAY
11/18	DOMINO'S 1206	\$37.76	BRANDON WIRTH
11/13	HAMMOND FARMS LAND	\$62.88	DENNIS ANTONE
11/13	HAMMOND FARMSLANDS	\$41.92	LAWRENCE BOBB
11/18	HAMMOND FARMSLANDS	\$13.75	LAWRENCE BOBB
11/19	HAMMOND FARMSLANDS	\$42.00	LAWRENCE BOBB
11/13	HAMMOND FARMSLANDS	\$12.75	PETER VASILION
11/16	HAMMOND FARMSLANDS	\$68.75	KEITH HEWITT
11/16	HAMMOND FARMSLANDS	\$44.90	KEITH HEWITT
11/16	HASLETT TRUE VALUE HDW	\$17.99	LAWRENCE BOBB
11/16	HASSEL FREE FUELS	\$332.85	DARLA JACKSON
11/17	HOBBY LOBBY #360	\$51.26	DARKUS BEASLEY
11/17	HOBBY LOBBY #360	\$32.80	DARKUS BEASLEY
11/18	IN *SIGN A RAMA	\$57.26	JANE GREENWAY
11/16	MCALISTERS DELI Q81	\$467.50	CAROL HASSE
11/20	MEIJER INC #025 Q01	\$28.56	ANDREA SMILEY
11/12	MI EMS LICENSE	\$50.00	WILLIAM PRIESE
11/17	MI EMS LICENSE	\$50.00	WILLIAM PRIESE
11/14	MICHAELS STORES 9987	\$55.78	ROBIN FAUST
11/20	MICHIGAN MUNICIPAL LEAGUE	\$275.00	CAROL HASSE
11/19	MICHIGAN MUNICIPAL LEAGUE	\$110.00	DEREK PERRY
11/19	MICHIGAN MUNICIPAL LEAGUE	\$275.00	DEREK PERRY
11/19	MIDWEST POWER EQUIPMEN	\$100.13	LAWRENCE BOBB
11/19	MIDWEST POWER EQUIPMEN	\$85.00	LAWRENCE BOBB
11/19	OFFICEMAX CT*IN#001404	\$187.85	CAROL HASSE
11/16	OFFICEMAX/OFFICEDEPOT #61	\$15.89	KATHERINE RICH
11/17	OFFICEMAX/OFFICEDEPOT #61	\$57.20	DARKUS BEASLEY
11/20	OFFICEMAX/OFFICEDEPOT #61	\$23.31	ANDREA SMILEY
11/20	OFFICEMAX/OFFICEDEPOT #61	\$54.03	ANDREA SMILEY
11/16	OFFICEMAX/OFFICEDEPOT #61	\$59.94	DEREK PERRY
11/20	OHIO TURNPIKE	\$13.00	TAVIS MILLEROV
11/13	PETSMART INC 724	\$8.50	CATHERINE ADAMS
11/20	QUALITY DAIRY 31280027	\$54.83	JANE GREENWAY
11/20	QUALITY TIRE	\$114.34	KEN PUNG
11/20	QUALITY TIRE	\$228.68	TODD FRANK
11/20	QUIZNOS PA-TPK11564705	\$8.89	TAVIS MILLEROV
11/13	SOLDAN'S FEEDS & PET S	\$6.70	CATHERINE ADAMS
11/16	SOLDAN'S FEEDS & PET S	\$7.45	CATHERINE ADAMS
11/12	SS STORAGE JOLLY	\$128.00	DENNIS ANTONE
11/22	TARGET 00003616	\$1,098.87	WILLIAM PRIESE
11/22	TARGET 00006163	\$1,259.98	WILLIAM PRIESE

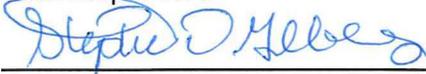
11/14	THE HOME DEPOT 2723	\$21.88	CATHERINE ADAMS
11/18	THE HOME DEPOT 2723	\$7.77	PETER VASILION
11/12	THE HOME DEPOT 2723	\$35.57	JANE GREENWAY
11/20	TRACTOR-SUPPLY-CO #0122	\$3.99	TODD FRANK
11/12	TREE WORLD, INC.	\$154.85	JANE GREENWAY
11/20	TRUE VALUE HARDWARE	\$19.99	TODD FRANK
11/20	TRUE VALUE HARDWARE	\$0.79	TODD FRANK
11/17	USPS 25698008630809271	\$6.74	DEREK PERRY
11/20	WAL-MART #2866	\$5.77	JANE GREENWAY
11/12	WAL-MART #2866	\$10.57	PETER MENSER
11/13	WW GRAINGER	<u>\$161.25</u>	PETER VASILION
		<u>\$6,971.45</u>	

ACH Transactions

November 14, 2015 - November 23, 2015

<u>Date</u>	<u>Payee</u>	<u>Amount</u>	<u>Purpose</u>
11/18	Consumers Energy	\$ 28,940.05	Utilities
11/17	Elan Financial	30,243.90	Credit Card Bill Pmt
		-	
		-	
	Total ACH Payments	\$ 59,183.95	

MEMORANDUM

TO: Township Board
FROM: 
Stephen Gebes, Director of Information Technology
DATE: November 24, 2015
RE: **Authorization for Disposal of Decommissioned Computer Equipment**

During the past few months, the following pieces of technology have been decommissioned. Due to advancing technology, the equipment pieces no longer provide any functional use for Township operations:

- A. Two (2) Compac Proliant ML-370 servers purchased 2005
- B. Five (5) Compac Proliant ML-350 servers purchased 2003-2004
- C. One (1) Dell PowerEdge 1800 server purchased 2004
- D. Three (3) Dell PowerEdge 2650 servers purchased 2002
- E. One (1) Compac Proliant 7000 server purchased 1999
- F. One (1) Promise RM8000 Disk array purchased 2004
- G. One (1) Dell Precision 370 workstation purchased 2005
- H. Twelve (12) Dell Optiplex 745 personal computers purchased 2003-2004
- I. Five (5) Dell Optiplex GX 270 personal computers purchased 2002
- J. Three (3) CF-18 Panasonic Toughbook laptop computers purchased 2002
- K. One (1) Dell Optiplex GX 260 personal computer purchased 2001
- L. Four (4) HP VL 420 Personal computers purchased 2001
- M. Five (5) 17" Cathode Ray Tube PC SVGA monitors purchased 2000-2002

All of these items have been replaced with newer technology because of inadequate capacity to perform intended tasks, excessive cost of repair, excessive power consumption, sub-standard reliability, and other forms of obsolescence. There is no foreseeable use for any of these resources in our existing technology environment.

As such, the following motion is presented for Board consideration:

MOVE TO AUTHORIZE THE DIRECTOR OF INFORMATION TECHNOLOGY TO DISPOSE OF DECOMMISSIONED COMPUTER EQUIPMENT AS REQUESTED.

MEMORANDUM

TO: Township Board

FROM: 
Joyce A. Marx, Human Resources Director

DATE: November 24, 2015

RE: **Charter Township of Meridian Final Personnel Policy Document**

The final Personnel Policy document is attached and reflects the agreed upon changes as noted from the November 17, 2015 Board meeting. The changes have also been approved by legal counsel in attendance at that Board meeting.

In an effort to expedite the Personnel Policy approval process, please note the two (2) major draft changes requested by the Board that have been re-written to provide clarity.

- (1) Page 20 C – Conflicts of Interest
- (2) Page 24 K – Solicitation, Distribution and Posting of Material

**MOVE TO APPROVE THE PERSONNEL POLICY FINAL DOCUMENT DATED
NOVEMBER 24, 2015 AS PRESENTED TO THE TOWNSHIP BOARD.**

Attachment: Personnel Policy Final Document dated November 24, 2015

Charter Township of Meridian

Personnel Policy Manual



November 24, 2015

THE CHARTER TOWNSHIP OF MERIDIAN PERSONNEL POLICY MANUAL

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THE CHARTER TOWNSHIP OF MERIDIAN PERSONNEL POLICY MANUAL

I. WELCOME AND INTRODUCTION

Welcome to the Charter Township of Meridian (also referred to as “Meridian Township” and the “Township”). As an employee of the Township, your mission is to serve the people of the community in a friendly, respectful, dedicated, and effective manner so they may fully enjoy an attractive, clean, safe, secure, and enriching environment. All employees contribute to making Meridian Township a community of choice.

The primary purpose of this manual is to introduce new employees to the work rules, policies, procedures, and benefit plans that cover all Township employees, as well as to serve as a reference for current employees. It is also intended to serve as a communication tool for promoting positive employee relations by providing comprehensive information to employees regarding their employment. This manual does not and cannot provide a policy for every situation that may arise; rather, it is designed to give an overall understanding of Township policies.

This Policy Manual supersedes any and all prior practices and policies of the Township, oral or written. Any and all statements and policies herein are subject to unilateral change in whole or in part by the Township at any time. The Township retains the right to change, modify, suspend, interpret, or cancel in whole or in part any of the published or unpublished Personnel Policies or Procedures of the Township without advance notice, in its sole discretion as approved by the Township Board. Recognition of these rights of the Township is a term and condition of employment and of continued employment.

This manual, or any other written or verbal communication by the Township, is not intended as and does not create a contract of employment, either expressed or implied, and does not constitute contracted obligations between the Township and employees unless specifically addressed in a formal employment contract or collective bargaining agreement (CBA). Where such documents specifically differ from these policies, then the applicable provision(s) of the subject agreement shall govern.

No person, other than the Township Manager as authorized by the Township Board, has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the provisions of this manual.

A. Severability

If one or more provisions of this manual are superseded by or become in conflict with a formal employment contract, collective bargaining agreement, insurance plan document, federal, state, or local law, or if a provision is determined by a court of competent jurisdiction to be unenforceable or void, then the balance of the manual shall remain in effect.

B. Distribution and Revisions

A copy of this manual will be provided to each employee, who will be required to sign a standard form certifying his/her receipt and review of the manual.

Revisions or updates to the manual will be provided to all employees in either paper form, by email, or by other electronic communication such as posting on the Township website. Employees are expected to review all changes and updates and remain knowledgeable of all current personnel policies. Periodically, employees may be required to sign an update form that they have received and reviewed the manual and changes in policy.

II. EQUAL EMPLOYMENT OPPORTUNITY (EEO) STATEMENT AND NON-DISCRIMINATION POLICY

Meridian Township is firmly committed to non-discriminatory employment practices, including with respect to disabilities, for all employees and applicants for employment. The Township will comply with all federal, state, and local laws with respect to the employment relationship. The goal of the Township is to provide a positive work environment that demonstrates respect for human differences and guarantees that all employees are treated with dignity, respect, and professionalism.

Every employee has an obligation to promote an inclusive workplace free from discrimination in all employment activities. Management is responsible and accountable to identify and correct any discriminatory actions and to ensure that non-discrimination policies are followed. The Township is responsible to take prompt and immediate remedial action to maintain a work environment that is free of unlawful discrimination, harassment, intimidation, or retaliation.

Employees are expected to immediately bring forth any concerns about discrimination, retaliation, or harassment in any form, to the attention of management and the Human Resources (HR) Director. All allegations are taken seriously and management is responsible to immediately report concerns to the Human Resources Director for a prompt response and investigation. Please refer to specific employment policies contained in this manual that address compliance.

The Township has an Open Door Policy in effect and employees are encouraged to bring concerns and issues forward for discussion with any member of management, including the Human Resources Director and the Township Manager. The Township encourages employees to make suggestions and provide feedback for mutual understanding and quick resolution.

A. Meridian Township Human Relations Ordinance Article I. In General, Section 30-1 Intent

It is the intent of the Township that no person be denied equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil or political rights or be discriminated against or harassed because of actual or perceived race, color, religion, national origin, sex, age, height, weight, condition of pregnancy, marital status, physical or mental limitation, disability, source of income, familial status, education association, sexual orientation, gender identity or expression, or HIV status.

B. Open Door Policy

It is the Township's desire to provide good working conditions and maintain harmonious working relationships among employees, as well as between employees and management, because doing so helps to ensure the orderly and efficient operation of Township business. In order to correct any work-related problems, the Township must be fully informed about them. Therefore, the Township has an "open door" policy. You are encouraged to discuss concerns or suggestions with your Department Head. If you believe that your Department Head has not, or cannot, adequately address the situation, you are encouraged to discuss it with the Human Resources Director and/or the Township Manager. This procedure should in no way foreclose the direct discussions Department Heads have always had on an informal basis with employees.

III. EMPLOYMENT

A. At-Will Employment

All employees (with the exception of previously approved employment agreements) are considered at-will, unless a different status is conferred by a collective bargaining agreement or a specific employment agreement. This means that the employment relationship is for an indefinite period of time and can be terminated at any time, with or without cause and with or without notice by you or the Township. The provisions in this policy manual supersede any and all contrary representations that have been made by either the Township or you. No employee, supervisor, member of management, or other person except the Township Manager, in writing, and approved by the Township Board, has the authority to enter into any employment agreement on behalf of the Township for any specified period of time, pursuant to any particular conditions or to make any agreement contrary to the terms expressed here and in this manual.

B. Training Period

Up to the first six (6) months of employment (please see specific training period designations in individual collective bargaining agreements (CBA's) for clarification) is considered to be a period of training. This training period provides intensive training efforts and frequent feedback and written evaluations at 30-60-90 day and six (6) month intervals. You are encouraged to ask questions and seek additional help during this period to better understand your job expectations, policies, procedures, and goals of the department and Township.

C. 182-Day Limitations Period for Employment-Related Claims

As a condition of employment, you agree not to commence any action, claim, or suit relating to your employment or termination of employment against the Township more than 182 days after the date you knew or should have known that a claim existed or later than the applicable limitations period established by law, whichever is less. Your written acknowledgement of these policies is also your written agreement to this limitation.

D. Hours of Work

Township Administrative offices (Municipal Building and Public Safety Building) operate on a regular eight (8) hour day, forty (40) hour work week, Monday through Friday, from 8:00 a.m. to 5:00 p.m. The Service Center operates on a regular eight hour day, forty (40) hour work week, Monday through Friday, from 7:30 a.m. to 4:30 p.m. In the interest of efficiency or special situation, a Director may deviate from the above prescribed hours, with the approval of the Township Manager.

It is the responsibility of the Director to assure that employees work the required hours and that any absences are properly accounted for on absence forms, which are forwarded to the Human Resources Department/Payroll.

E. Time Reporting

The workweek covers seven consecutive days beginning on Saturday at 12:01 a.m. and ending on Friday at 12:00 midnight. The usual workweek period is 40 hours.

Overtime is defined as hours worked by an hourly or non-exempt employee in excess of 40 hours in a workweek and should be recorded to the nearest quarter of an hour. Overtime must be approved in advance by the Director to whom the employee reports.

Employees will submit their bi-weekly timesheets as required by their Director. Each employee is to maintain an accurate daily record of his or her hours worked. All absences from work schedules should be appropriately recorded.

F. Flexible Work Schedule and Temporary Flexible Work Hours

Flexible work schedules are those that vary from the regular work schedule of the Township. Prior approval from the department Director must be obtained before use of a flexible work arrangement. Adjustments to an employee's regular work schedule may be altered on a permanent basis or for an extended period of time, however, the revised schedule must continue to support the operational needs of the department and the Township. In the event of work schedule changes, a plan for continued fulfillment of work expectations, including how communications with co-workers, customers, and the Director will occur and how to handle departmental needs that arise during the employee's absence, must be addressed. Due to the nature of the work being performed, some options may not be available to all employees.

A permanent or long term work schedule adjustment must be approved, in writing, by the Director and Human Resources Director. All permanent work schedule alterations will be documented in the personnel file and the information provided to payroll for accurate record keeping. Flexible work schedule adjustments may be revised or revoked by the Director, Human Resources Director, or Township Manager as needed.

Flexible work hours are temporary changes in an employee's regular work schedule in order to adjust for an unplanned, short-notice, or special circumstance. When an unforeseen event or special circumstance occurs, the Director may approve an adjustment to the employee's schedule that may include altering the start and/or end time, or reducing an unpaid lunch period to allow for work hours to total no more than 8 hours in a workday. For unanticipated use of leave time, the Director may approve leave time to be used during flexible work hours. Although a late arrival or leave early may still be considered tardiness, the employee can, with the Director's approval, work additional time on that day or sometime that week to make up the missed time.

G. Lunch, Rest Periods and Breaks

The schedule of lunch periods and breaks at Meridian Township is set by the employee's supervisor or Director with the goal of providing the least possible disruption to Township operations.

Employee lunch periods are important to employee productivity and employee health. Full-time employees will be provided an unpaid one (1) hour lunch break. The lunch period will not be included in the total time of work per day. Part-time employees working a minimum of six (6) hours

per day will be provided an unpaid one-half (1/2) hour lunch break. Non-exempt employees are to be completely relieved of all job duties while on lunch breaks.

Non-exempt employees are permitted a 15-minute rest break for each four hours of work as scheduled or permitted by their supervisor or Director. Non-exempt employees on rest breaks are not required to clock in and clock out because this time is considered "time worked" and is compensable.

H. Impermissible Use of Meal Period and/or Rest Breaks

Neither the lunch period nor rest break(s) may be used to account for an employee's late arrival or early departure or to cover time off for other purposes. For example, rest breaks may not be accumulated to extend a meal period and rest breaks may not be combined to allow a one half hour break.

I. Emergency Closings

In cases where a Township office is ordered to be closed because of inclement weather, a state of emergency, natural disaster, or other order by the Township Manager, all regularly scheduled employees will receive their regular pay based upon hours scheduled to be worked that day. If an employee has a pre-approved scheduled day off, he or she shall not receive an additional day off or additional pay for the day of the emergency closing.

Declared closures may not apply to "essential employees" such as Police, Fire, Public Works, and others as designated by the Township Manager.

J. Anniversary Date

For all purposes regarding the Township, including but not limited to, pay and longevity benefits, an employee's anniversary date is defined as the day (day/month/year) work began as a regular full-time or regular part-time employee for the Township.

K. Performance Evaluations

The Human Resources Director shall prepare a system for evaluating the work performance of all employees. The primary purpose of the employee performance evaluation is to inform employees on how well they are doing their work and how they can improve their work performance. Employees will sign the evaluation form as an indication that the evaluation was made, but not to necessarily indicate agreement with the rating.

Employees will typically be evaluated annually by their immediate supervisors, however, the Human Resources Director and management may participate in employee evaluations. The Township endeavors to provide all employees with an evaluation at least once per calendar year and the Township retains the right to evaluate employees more than once per calendar year. Copies of all performance evaluations will be given to evaluated employees, as well as the Human Resources Department to retain in employee personnel files. Employees wishing to appeal their performance evaluations must contact the Human Resources Director within five (5) days after

receiving their performance evaluation. The Human Resources Director will handle appeals on a case-by-case basis and will retain any additional documentation regarding the performance evaluation appeal.

L. Promotions

Township management may choose to promote Township employees on the basis of factors such as, but not limited to, positive performance evaluations, merit, and terms in individual collective bargaining agreements. A promotion is defined as a change to a position in a class having a higher salary range than the class from which the employee left. When employees are promoted to a position in a higher class, their annual salary shall be increased by an amount as determined in the salary range. The new rate of pay becomes effective upon the date of promotion; the next step increase (if applicable) will occur one year from the promotion date. All provisions contrary to this policy in any employee's collective bargaining agreement shall prevail and be applied to covered collective bargaining agreement employees.

M. Personnel Files/ Data Changes

The Township keeps personnel files on all employees. Personnel files may include job applications and related hiring documents, training records, performance documentation, salary history, and other employment records. Personnel files are the property of the Township. Because personnel files contain confidential information, the only people who can see them are people with a legitimate business reason. If employees wish to review their own file, employees will need to contact the Human Resources Director. Once a request is received by the Human Resources Department, it will be documented in writing and an appointment will be set up within five (5) working days for the employee to review their file. Employees may review their file only when a representative of the Human Resources Department is also present. Copies of the file may be requested, and the Township may charge a reasonable copying fee to the employee. Documents will be copied and issued to the employee within five (5) working days.

It is important for the Township to have certain personal information about employees in personnel records. Employees must notify the Township Human Resources Department as soon as there is a change to their mailing address, telephone number, marital status, dependents' information, educational accomplishments, emergency contacts, and other possibly related information. Personal data will be stored by the Human Resources Department in a confidential manner.

N. Social Security Number Privacy and Protection

Meridian Township values privacy and will take all necessary steps to ensure compliance with the provisions of the Michigan Social Security Number Privacy Act. To protect employee personal information, the Township will not use Social Security numbers to identify employees. However, Social Security numbers may be included in job applications and forms sent by mail.

The Township will not:

- Publicly post or publicly display employee Social Security numbers.

- Require employees to send their Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.
- Require employees to use their Social Security number to access an Internet Website, unless a password or unique personal identification number or other authentication device is also required to access the Internet Website.
- Print employee Social Security numbers on any mailed materials, unless state or federal law requires the Social Security number to be on the document that is mailed.

The Township will continue to collect, use, or release Social Security numbers as required by state or federal law, and may use Social Security numbers for Township identification or authorization purposes.

If you have questions about this policy, please contact the Human Resources Director.

O. Layoffs and Recalls

This policy shall govern all recalls and layoffs of Township employees who are not covered by a recall or layoff procedure in a collective bargaining agreement. Language in any of the collective bargaining agreements regarding layoff and recall procedures of covered Township employees shall prevail and be applied over any conflicting language in this policy. In the event of a reduction in force, consideration will be given to the quality of each employee's past performance, the need for the service, and the employee's seniority in that classification, in determining which employees will be retained. Employees to be laid off will be notified at the earliest date possible of that decision, but not less than 14 calendar days' notice will be given.

All layoffs and recalls of positions will be based upon the Township's operational needs and financial position. Employee employment history, performance and job related qualifications, abilities as determined by the Township, and seniority may also be considered in making layoff and recall determinations.

P. Internal Vacancies

When there is an internal vacancy, the Township will post the position both internally and externally through the "all employees" e-mail notification system and listings on the Township website. External advertisements will be posted on the iApplicant system and all other sources as necessary. Postings will be maintained for seven (7) workdays or as defined in collective bargaining agreements. Internal and external requests to interview are received simultaneously. The Township will attempt to schedule interviews with internal candidates first, however, internal and external candidates may be interviewed during the same time period. Internal candidates will be required to submit a resume and cover letter to the Human Resources Director for consideration. Such materials must be submitted by the interview deadline or the employee will not be considered an applicant.

The interview process may include Supervisors, Managers, Directors, and Human Resources. If necessary, candidates will be called back for a second interview. The overall most qualified candidate, as determined by the Township, will be selected.

When hiring or undergoing a promotional procedure specified in a collective bargaining agreement, all provisions of the CBA shall prevail and be applied first should they conflict with the hiring procedures stated above.

Prior to a conditional job offer, the Township will conduct a criminal background check, driving record check, and reference checks. In addition, a post-offer physical examination including a drug screen will be conducted by Township selected medical professionals. Where appropriate, certain positions require a more complete background and credit history check. In addition, employees who possess certain licenses will be subject to on-going tests for drugs and alcohol use. Certain jobs require different essential functions, therefore, physical examinations are customized to evaluate abilities to perform the essential functions of a particular job. A successful candidate will be notified by the Human Resources Department and an official start date will be determined at that time.

Q. Orientation for New Employees

An orientation with Human Resources will be scheduled the first day of employment. New employees will be required to submit documentation necessary for the I-9 process (Immigration and Naturalization through Homeland Security) to verify legal status to work in the Township. Paperwork including W-4s for federal withholdings, state and local withholdings, internet policy guidelines, insurance documents, authorization for direct deposit of paychecks, and other necessary documents will be completed at orientation with Human Resources.

R. Hiring of Family/Relatives

The Township permits the employment of qualified individuals who are related to a current employee provided that a supervisory/subordinate relationship does not exist as a result of that employment.

Family/relatives includes spouse, child, father, mother, sister, brother, step-parents, step-siblings, half-siblings, mother or father in-law, son or daughter in-law, grandparents, grandchildren, and brother or sister in-law.

If an employee is involved in a dating relationship and works in the same area/department, it may cause difficulties at work. A dating relationship is a relationship that may casually lead to a consensual romantic or sexual relationship. If two employees become relatives, or start a dating relationship and one of them supervises the other, the one who is the supervisor is required to tell Human Resources about the relationship. The Township will then ask the two employees to decide which one of them is to be transferred to another available position. If they do not make that decision within 30 calendar days or there is no other available position, the Township will decide which one will be transferred or, if necessary, terminated from employment.

There may also be situations when there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct reporting relationship or authority involved. In that case, the Township may separate the employees by reassignment or termination of employment.

S. Employment Classification Categories

Meridian Township has established the following classifications for employees:

- **Regular, full time:** Employees who are not in a temporary status and who are regularly scheduled to work a full-time schedule of 40 hours per week. Generally, these employees are eligible for the full benefits package, subject to the terms, conditions, and limitations of each benefits program.
- **Regular, part time:** Employees who are not in a temporary status and who are regularly scheduled to work less than the full-time schedule. These employees are eligible for pro-rated leave time and holiday pay. Depending on the number of hours worked over the course of a year, these employees may also be eligible for health insurance coverage.
- **Temporary, full time:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work a schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.
- **Temporary, part time:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work less than a full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.
- **Seasonal Workers/Interns:** Employees who are hired as interim workers during the summer months, or on a limited work schedule throughout the year, for a limited duration. Temporary and/or seasonal workers are not eligible for Township benefits.

All employees are also designated as either nonexempt or exempt under state and federal wage and hour laws. The following is intended to help employees understand their employment classification.

Nonexempt employees are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are NOT exempt from the law's requirements concerning minimum wage and overtime.

Exempt employees are generally managers or professional, administrative, or technical staff who ARE exempt from the overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

T. Background and Reference Checks

To ensure that individuals who join Meridian Township are well qualified and to ensure that we maintain a safe and productive work environment, it is our policy to conduct pre-employment background checks on all applicants who are considered for employment. Background checks may include verification of any information on the applicant's resume or application form, a driving record check, a criminal background check, and in certain positions, a credit report.

All offers of employment are conditional based on a successful background check. All background checks are conducted in compliance with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal privacy and anti-discrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

The Township also reserves the right to conduct a background check for current employees to determine eligibility for promotion or reassignment in the same manner as described above.

U. Progressive Discipline

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established.

Meridian Township supports the use of progressive discipline to address issues such as poor work performance or misconduct. The Township's progressive discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. The Township's progressive discipline policy has been designed consistent with Township values, Human Resources best practices, and employment laws.

The Township believes it is important to make sure that all employees are treated fairly and that disciplinary actions are prompt, consistent, and impartial. The major purpose of a disciplinary action is to correct the problem, prevent it from happening again, and prepare the employee for satisfactory performance in the future. This policy describes the procedure for administering fair and consistent discipline for unsatisfactory conduct or performance at the Township. Any language regarding disciplinary procedures governing covered employees in collective bargaining agreements contrary to this policy shall prevail over the language of this policy.

Disciplinary action may be any of the following four types:

- 1) Verbal warning
- 2) Written warning
- 3) Suspension with or without pay
- 4) Termination of employment

When deciding which discipline to impose, the Township will administer disciplinary actions on a case-by-case basis depending on how severe the problem is and how often it has happened. There may be circumstances when one or more levels of discipline are bypassed. In many cases, progressive discipline means that the Township will normally take action through a warning for a first offense, with more significant discipline for later offenses, up to and including termination.

In very serious situations, some types of employee problems may justify either a suspension, or, in extreme situations, termination of employment without going through the progressive discipline. Employees should consult this Personnel Policy Manual and the Township's and their department's work rules and expectations to understand the impact of these guidelines. Meridian Township reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including verbal and written warnings, suspension with or without pay, demotion and termination.

By using progressive discipline, however, the goal is that most employee problems can be corrected at an early stage, benefiting both the employee and the Township.

The Township retains the right to retain any documents related to employee disciplinary actions in employee personnel files in accordance with all applicable federal, state, and local laws.

V. Separation of Employment

Separation of employment can occur for several different reasons.

- **Voluntary Resignation:** Although the Township hopes employment will be a mutually rewarding experience, varying circumstances cause employees to voluntarily resign. Resigning employees must provide two weeks' notice, in writing, to facilitate a smooth transition. Management reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where job or business needs warrant such action. If an employee provides less than two weeks' notice, the employee is disqualified from any payout for accrued vacation or other leave payments and the Township may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given.
- **Retirement:** Employees who wish to retire are required to notify their Director and the Human Resources Department in writing at least one (1) month before the planned retirement date.
- **Job Abandonment:** Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays will be considered to have abandoned their job and voluntarily quit without notice, effective at the end of their normal shift on the third day. The Supervisor will notify the Human Resources Department at the expiration of the third workday and initiate the paperwork to document the employee's termination. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.
- **Termination:** Except as may be provided in a collective bargaining agreement or by contract, employees are employed on an at-will basis and the Township retains the right to terminate an employee at any time.

Employees covered by a collective bargaining agreement may be subject to different separation of employment procedures than stated in this policy and are advised to refer to individual collective bargaining agreements for separation of employment procedures.

Health insurance terminates the last day of the month of employment, unless an employee requests immediate termination of benefits. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be provided.

W. Exit Interview

All Township employees who terminate employment with the Township are encouraged to take part in an exit interview. Exit interviews will take place with the Human Resources Director. The Human Resources Director will coordinate the time and dates of all exit interviews.

The Township utilizes exit interviews to assess outgoing employee experiences while working for the Township. The Township may utilize some information discovered during exit interviews to improve employment practices at the Township.

The separating employee must return all Township property at the time of separation, including credit cards, uniforms, Township cell phones, keys, computers, identification cards, etc.

X. Rehire

Employees who leave the Township in good standing may be considered for reemployment. An application must be submitted to the Human Resources Department, and the applicant must meet all minimum qualifications and requirements of the position.

Supervisors must obtain approval from the Human Resources Director or designee prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee. Previous tenure will not be considered in calculating longevity, leave accruals, or any benefits unless approved in advance by the Township Manager.

An applicant or employee who was terminated for violating policy or who resigned in lieu of termination from employment is not eligible for rehire.

IV. WORKPLACE SAFETY

A. Drug-Free Workplace

Meridian Township has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, Meridian Township is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

Meridian Township prohibits all employees from manufacturing, distributing, dispensing, possessing, or using an illegal drug in or on Township premises or while conducting Township business. This prohibition applies to medical marijuana. Employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs.

The policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of the Township. The Human Resources Department is responsible for administration of the drug and alcohol policy.

B. Employee Assistance and Drug-Free Awareness

Illegal drug use, abuse of legal medications, and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems are available from the Human Resources Department, which can make referrals and assist employees with drug/alcohol problems.

The Township will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid time off, be placed on leaves of absence, referred to treatment providers, and otherwise be accommodated as required by law. Such employees will be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restriction to their supervisor. In some positions, employees will not be permitted to return to work if they have restrictions. The Human Resources Department will make the final determination regarding return to work restrictions. The following work rules apply to all employees:

- Whenever employees are working, are operating any Township vehicle, are present on Township premises, or are conducting related work off-site, they are prohibited from:
 - Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (which includes possession of drug paraphernalia).
 - Being under the influence of alcohol or an illegal drug or abusing over-the-counter drugs.

- The presence of any detectable amount of any illegal drug or illegally controlled substance in an employee's body while performing Township business or while in a Township facility or vehicle is prohibited.
- Meridian Township will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform his or her job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist, or provide other proof of the prescribed medication, and be prepared to produce it if asked.
- Any illegal drugs or drug paraphernalia will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

C. Required Drug and Alcohol Testing

The Township retains the right to require the following tests:

- **Pre-employment:** All applicants must pass a drug test after receiving an offer of employment. Refusal to submit to testing will result in disqualification for further employment consideration.
- **Reasonable Suspicion:** Employees are subject to testing based on observation of apparent workplace use, possession, or impairment by a supervisor. The Human Resources Department must be consulted before sending an employee for reasonable suspicion testing.
- **Random Drug and Alcohol:** Employees in safety-sensitive positions requiring a CDL are subject to random testing as required by the U.S. Department of Transportation.
- **Post-accident:** Employees may be subject to testing when they cause or contribute to accidents that damage a company vehicle, machinery or equipment, and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing will take place immediately or within two (2) hours at the clinic, urgent care, emergency room, or hospital.
- **Follow-up:** Depending on the circumstances and the employee's work history/record, the Township may offer an employee who violates this policy or tests positive the opportunity to return to work on terms acceptable to the Township, which could include follow-up drug testing at various times and frequencies for a minimum of one (1) year.

D. Consequences

Applicants who fail to take a valid drug test or who test positive will not be hired. Employees who fail to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy are subject to termination. If an employee tests positive for alcohol or illegal drug use in violation of this policy, the employee will be subject to discipline up to and including termination.

Employees will be paid for regularly scheduled work hours when they are sent for alcohol/drug testing and during any paid suspension pending the results of the drug/alcohol test. After the results of a test are received, a date/time will be scheduled to discuss the results of the test. This meeting will include a member of management, union (if applicable), and the Human Resources Department. Should the results prove to be negative, the employee will be informed and reinstated without loss of pay.

E. Confidentiality

Information and records relating to test results, drug and alcohol dependencies, and medical explanations provided to the Human Resources Department shall be kept confidential to the extent required by law and maintained in secure files separate from regular personnel files.

F. Workplace Bullying

Meridian Township defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates Meridian Township’s Code of Conduct, which clearly states that all employees will be treated with dignity and respect.

The purpose of addressing bullying is to communicate to all employees, including Supervisors, Managers, and Directors, that the Township will not tolerate bullying behavior. Employees found in violation will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when administering discipline. As in sexual harassment, it is the effect of the behavior upon the individual that is more important. The following are examples of bullying behavior:

- **Verbal bullying:** Slandering, ridiculing, or maligning a person or his/her family; persistent name calling that is hurtful, insulting, or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Cyber bullying:** The same definition of verbal bullying, including cyber threats and harassment.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault; damage to a person’s work area or property.
- **Gesture bullying:** Nonverbal threatening gestures or glances that convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

G. Violence in the Workplace

All employees, residents, and vendors must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous to others.

The Township encourages employees to bring their disputes to the attention of their supervisors and the Human Resources Department before a situation escalates.

Conduct that threatens, intimidates, or coerces another employee, resident, or a vendor will not be tolerated. Township resources may not be used to threaten, stalk, or harass anyone at the workplace or outside the workplace. The Township handles threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities should be reported as soon as possible to supervisory personnel, Human Resources, or the Police Department. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in danger during an incident.

Employees should promptly inform the Human Resources Department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regards to domestic violence. Meridian Township is committed to supporting victims of domestic violence. The Township will not retaliate against employees making good-faith reports.

Meridian Township will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence, and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. In order to maintain workplace safety and the integrity of its investigation, the Township may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to disciplinary action up to and including termination of employment.

H. Safety

It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all federal, state, and local safety and health regulations and Township standards, and with any special safety concerns for use in a particular area.

Although most safety regulations are consistent throughout each department, each employee has the responsibility to identify and familiarize her/himself with the emergency plan for his/her working area. Each facility shall have posted an emergency plan detailing procedures in handling emergencies such as fire, weather-related events, and medical crises.

It is the responsibility of the employee to complete an Incident and Accident Report within 24 hours for each safety and health incident/accident that occurs by an employee or that the employee witnesses. Failure to report such an incident/accident may result in employee disciplinary action up to and including termination.

The Human Resources Department and Township shall have the responsibility to develop and the authority to implement the safety and health program in the interest of a safer work environment.

I. Right to Know

Meridian Township adheres to all applicable Michigan Occupational Safety and Health Administration (MIOSHA), federal, state, and local regulations concerning workplace safety. Township employees shall be informed of what hazardous substances are in the workplace and shall also be trained how to properly work with these substances, label these substances as appropriate, and document these substances. Employees who have concerns regarding the Township's workplace safety guidelines are encouraged to contact supervisory personnel, Managers, Directors, or the Human Resources Director.

J. Smoke-Free Workplace

It is the policy of Meridian Township to prohibit smoking and use of tobacco products on all Township premises. Smoking is defined as the "act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind, including e-cigarettes." Tobacco products include chewing tobacco, all smoked tobacco products, and all other forms of smokeless tobacco products.

The smoke-free workplace policy applies to

- All areas of Township buildings.
- All Township-sponsored off-site conferences and meetings.
- All vehicles owned or leased by the Township.
- All visitors to the Township premises.
- All contractors and consultants and/or their employees working on Township premises.
- All employees, temporary employees, interns, seasonal workers, and visitors.

Smoking and use of tobacco products is only permitted in parking lots that are at least 50 feet from any municipal building including, but not limited to, the Township Hall, the Public Safety Building, the Service Center, and all Fire Stations. Meridian Township is not required to give employees any additional breaks for smoking other than the breaks granted to employees outlined in this Personnel Policy Manual. Littering after the use of smoking and tobacco products (including cigarette butts) will not be tolerated on any Township property and offenders may be subject to disciplinary action up to and including termination.

V. WORKPLACE EXPECTATIONS

A. Code of Conduct/ Workplace Etiquette and Work Rules

The Township has a strong commitment to providing an inclusive, non-discriminatory, and professional workplace. Employees of different backgrounds and perspectives add unique insights to the workplace and help foster innovation while providing great value to the Township.

The Township serves its residents best when functioning as a strong team. As such, the Township expects that staff from all departments, at every level of the Township, treat each other as respected and valuable colleagues. To promote an inclusive and well-functioning workplace, the Township requires employees to act in a professional and courteous manner to each other and the public. Although it is impossible to create an all-encompassing list of prohibited behaviors, below is a list of examples of unacceptable workplace behaviors that may result in discipline up to and including termination.

- Falsification of timekeeping records and any employment application statements.
- Any discourteous treatment of the public, other Township employees or officials, or residents.
- Working under the influence of alcohol, illegal drugs, or medical marihuana.
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs or medical marihuana in the workplace, while on duty, or while operating employer-owned vehicles or equipment.
- Theft in any form is not acceptable.
- Fighting or threatening violence in the workplace.
- Violation of safety or health rules.
- Sexual or other unlawful harassment or discrimination.
- Extensive absenteeism or any absence without notice.
- Unauthorized use of employer telephones, mail system, Internet, or computer networks.
- Unauthorized use of employee personal telephones, Internet, or computers during work hours.
- Unauthorized disclosure of confidential Township information.
- Unsatisfactory performance or conduct including insubordination.
- Abuse of Township property.
- Violation of personnel policies, Township ordinances, department rules, or federal, state, or local laws.

In general, the Township expects that common sense, professionalism, and general decency will govern personal conduct. Please contact the Human Resources Director if you have any questions regarding the Township's Code of Conduct.

B. Confidentiality

Employees at the Township may overhear or have knowledge of confidential information from various sources (e.g. residents, businesses, etc.). It is the Township's policy that all information employees receive should be considered confidential unless the context clearly indicates otherwise. Confidential information will not be disclosed to external parties or to other employees without a legitimate business reason. If a Township employee has any questions about whether information is considered confidential, he/she should check with his or her supervisor, Director, or the Human Resources Director.

This policy is to alert employees to the need for discretion at all time and is not intended to inhibit normal Township communications.

All inquiries from the media should be referred to the Township Manager, Chief of Police, EMS/Fire Chief, or the Communications Director as applicable.

C. Conflicts of Interest

Township employees must avoid any relationship or activity that might impair, or even appear to impair their ability to make objective and fair decisions when performing their jobs. At times, an employee may be faced with situations in which actions taken on behalf of the Township may conflict with the employee's own personal interest. Township property, information, or business opportunities may not be used for personal gain.

Listed below are examples that may lead to conflicts of interest, but not limited to:

- Obtaining or continuing outside employment that may impair an employee's Township work responsibilities.
- Hiring family members or closely related persons, where the employee may have a personal interest.
- Serving as a board member or elected official for an outside organization, where the employee's responsibilities to the organization could conflict with the employee's responsibilities to the Township.
- Accepting gifts, discounts, favors, or services from a business based on one's status as a Township employee.

D. Gifts and Favors

No elected or appointed official or employee shall solicit directly or indirectly or accept any gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation, in order to influence his/her Township decision-making.

E. Outside Employment

Employees may engage in outside employment in accordance with the following limitations. In no case shall outside employment conflict with or impair work responsibilities to the Township.

Outside employment is defined as any paid employment a Township employee participates in outside of their Township work responsibilities. Approval shall be reviewed at least on an annual basis.

Any full-time employee desiring to participate in outside employment must obtain written permission from his/her Director and the Human Resources Director prior to beginning his/her outside employment. Unless granted expressed written permission from the Director and Human Resources Director, a Township employee shall not be allowed to engage in any outside employment while on a paid or unpaid leave of absence from the Township where benefits may be maintained.

Employees engaged in outside or supplemental employment shall:

- Not use Township facilities as a source of referral for private customers or clients.
- Not be engaged in outside employment during the employee's regularly scheduled working hours.
- Not use the name of the Township or any Township agency as a reference or credential in advertising or soliciting customers or clients.
- Not use any Township supplies, facilities, staff, or equipment, including computers or technology, with any outside employment or private practice.
- Maintain a clear separation of outside or supplemental employment from activities performed for the Township.
- Not cause any incompatibility, conflict of interest, or any possible appearance of a conflict of interest.

The Township shall not be liable, either directly or indirectly, for any activities performed by an employee participating in outside employment. Additionally, the Township retains the right to review and change any decisions granting a Township employee permission to obtain or participate in outside employment while employed by Township.

F. Attendance and Punctuality

Attendance and punctuality are critical to the service the Township provides to its residents. Therefore, employees are expected to be on time and present at work when able. Patterns of absenteeism or tardiness may result in discipline even if the employee has not yet exhausted available paid time off. Absences due to illnesses or injuries that qualify under the Family and Medical Leave Act (FMLA) will not be counted against an employee's attendance record. Medical documentation within the guidelines of the FMLA may be required in these instances. Vacation and personal leave must be scheduled with one's supervisor in advance. Sick leave may be used in the case emergency or sudden illness without prior scheduling.

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no-call/no-show will result in not less than a written warning. The second separate offense may result in more serious discipline up to termination of employment. **A no-call/no-show lasting three days will be considered job abandonment and will be deemed an employee's voluntary resignation of employment.**

G. Attire and Grooming

As public servants, it is important for all employees to project a professional image while at work by being appropriately attired. Meridian Township employees are expected to be neat, clean, and well-groomed while on the job. Clothing must be consistent with the standards for a business environment and must be appropriate to the type of work being performed. Employees in Township departments required to wear uniforms must do so and apply by all uniform policies implemented by the specific department.

The Township is confident that employees will use their best judgement regarding attire and appearance. Management reserves the right to determine appropriateness. Any employee who is improperly dressed will be counseled or in some cases may be sent home to change clothes.

Examples of unprofessional attire include but are not limited to:

- Sweatpants, leggings, yoga pants, exercise wear (spandex), shorts, and any pants or jeans that are worn or that have tears or holes.
- Beachwear, crop tops, clothing showing midriff, tops with spaghetti straps, and sleeveless t-shirts.
- Any clothing with a printed message, slogan, political message/endorsement, picture, or art depicting drugs, alcohol, sex, weapons, violence, or anything that is obscene, disrespectful, or offensive.

In keeping with appropriate attire and grooming, the Township allows reasonable self-expression through personal appearance unless it conflicts with an employee's ability to perform his or her position effectively or it is regarded offensive or harassing towards co-workers, residents or others with whom the Township conducts business.

The Township permits employees to wear jewelry or to display tattoos at the workplace with the following guidelines. Factors that management will consider to determine whether jewelry or tattoos may pose a conflict with an employee's job or work environment include:

- Personal safety of self or others.
- Productivity or performance expectations.
- Offensiveness to co-workers, customers, residents, vendors, or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature.
- Customer or resident complaints.

If management determines an employee's jewelry or tattoos may present such a conflict, the employee will be encouraged to identify appropriate options, such as removal of excess or offensive jewelry, covering of tattoos, or other reasonable means to resolve the conflict.

H. Electronic Communication and Internet Use

The following guidelines have been established for using the Internet, Township-provided cell phones, and e-mail in an appropriate, ethical, and professional manner:

- All technology systems used by the Township (telephones, facsimile machines, photocopiers, computers, printers, voice mail, e-mail systems, and other technology) are for Township business purposes and are provided to further our goals and service to the public. Employees must use common sense and adhere to appropriate work behavior when using the Township's technology systems.
- Any personal use of personal communication devices should be limited in duration and frequency so that it does not interfere with the employee's work responsibility or adversely affect the productivity of the employee or the employee's co-workers.
- Internet, company-provided equipment (e.g., cell phone, laptops, computers), and services may not be used for transmitting, retrieving, or storing any communications of a defamatory, discriminatory, harassing, or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane, or offensive language; creating, viewing, or displaying material that might adversely or negatively reflect upon the Township or be contrary to the Township's best interests; and engaging in any illegal activities, including piracy, hacking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and Township-provided equipment such as cell phones and laptops.
- Employees may not copy, retrieve, modify, or forward copyrighted materials, except with permission or as a single copy reference only.
- Employees should not open suspicious e-mails, pop-ups, or downloads. Employees may not install hardware or software, or engage in any other sort of file downloading or uploading without permission of the Township Manager, or his or her designee. Contact IT with any questions or concerns to reduce the release of viruses or to contain viruses immediately.
- Internal and external e-mails are considered to be public records and may be subject to discovery in the event of litigation and to the Freedom of Information Act (FOIA). Be aware of this possibility when sending e-mails within and outside the Township.

I. Right to Monitor

All Township-supplied technology and Township-supplied work records belong to the Township and not to the employee. The Township may routinely monitor the use of Township-supplied technology. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment.

J. Inspection

Meridian Township reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband. All employees may be asked to cooperate in inspections of their persons, work

areas, and property that might conceal drugs, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspection are subject to appropriate discipline up to and including termination.

K. Solicitation, Distribution, and Posting of Materials

Except with respect to protected labor relations activities, Meridian Township prohibits the solicitation, distribution, and posting of material on or at Township property by or to an employee during worktime, except as may be permitted by this policy. The sole exceptions to this policy are Township-sponsored programs related to Meridian Township's employee activities.

Provisions: Except for protected labor relations activity,

- Non-employees may not solicit employees or distribute literature of any kind in the workplace during worktime.
- Employees may only admit non-employees to work areas with management approval or as part of a Township-sponsored program. These visits should not disrupt workflow. An employee must accompany the non-employee at all times. Former employees are not permitted in Township workspaces unless on official business or invited by management. Protected labor relations activities are not permitted during scheduled working hours in the workplace unless prior approval is received.
- Employees may not solicit other employees during work times, except in connection with a Township-approved or sponsored event for employees.
- Employees may not distribute literature of any kind during work times or in any work area at any time, except in connection with a Township-sponsored employee event, or approved by the Township Manager.
- The posting of material or electronic announcements related to employees are permitted with approval from the Township Manager or the Human Resources Department.

Violations of this policy should be reported to the Human Resources Department and are subject to disciplinary actions up to and including termination of employment.

L. Employee Travel and Reimbursement

Employees will be reimbursed for reasonable expenses and applicable IRS mileage reimbursements incurred in connection with Township Manager approved travel on behalf of the Township.

M. Use of Township Equipment

The use of Township equipment for other than official Township business is strictly prohibited.

N. Township Vehicles

Vehicles are authorized for use in conjunction with official duties or while in service only, unless otherwise specified within Department policy, subject to review and approval of the Township Manager, or by Township Board action.

All other Township vehicles, assigned or pool vehicles, will be used for official business only. Trips for personal business, other than breaks when the employee is in the field, will not be permitted. Employees shall not permit persons to drive Township vehicles who are not approved to do so.

All vehicles will be operated in accordance with applicable federal, state, and local traffic laws. Operators are responsible for reasonable vehicle maintenance checks (gas, oil, fluid levels, tires, unusual operation symptoms, noises, interior and exterior cleaning, etc.) and reporting vehicle problems to the Township mechanic.

Employees who receive a moving violation(s) may have the use of Township vehicles restricted by the Township Manager and may be subject to discipline.

O. Energy Efficient Workplace

Meridian Township is committed to raising awareness among employees on how to make better energy saving choices during the workday. The following list, although not all inclusive, will assist in making the Township a more green work environment:

- Make energy efficiency a habit.
- Lights will be turned off in employee offices, restrooms, storage areas, etc., when not occupied.
- Unplug unused electrical devices.
- Turn off computers overnight.
- Limit printer use and reduce paper usage.
- Use less electricity wherever possible.
- Utilize the recycle bins throughout the workplace.

VI. TIME OFF/LEAVES OF ABSENCE

A. Holiday Pay

Meridian Township recognizes paid holidays each year:

- New Year's Day
- Martin Luther King Jr. Day
- Good Friday (4 hours)
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Eve
- Christmas Day
- New Year's Eve

Should a holiday fall on a weekend, the holiday will be observed on the work day closest to the holiday.

To qualify for holiday pay, employees must report to work on his/her regularly scheduled work day immediately preceding and immediately after his/her scheduled holiday, unless he/she is on vacation or is otherwise excused by his/her supervisor, except that holiday pay will not be paid to an employee who is on a leave of absence of one (1) week or more during which the holiday falls.

If an employee terminates his/her employment, he/she will not receive pay for holidays occurring after the last day worked.

Time off may be granted by the Township Manager to employees who desire to observe a religious holiday that is not recognized by the Township.

B. Vacation

All full-time and part-time employees are eligible for vacation leave benefits. Part-time employees working 20 to 29 hours per week will earn vacation on a pro-rated basis. For purposes of vacation leave, full-time employees are those working over 30 hours per week. Vacation accrual begins on the first day of the month following the hire date for full-time or permanent part-time employment. Vacation is accrued according to the schedule in this policy. Vacation can be used only after an employee has completed six months of continuous employment. Vacation leave will not be earned during an unpaid leave of absence.

To schedule vacation time, employees should submit a completed leave form to the employee's supervisor at least two weeks before the requested leave (refer to collective bargaining units for clarification).

Employees must ensure that they have enough accrued leave available to cover the dates requested. Requests will be approved based on a number of factors, including department operating and staffing requirements. The supervisor should return the leave request to the employee within three business days of the date it is submitted indicating that the request has been approved or denied. If the request for vacation leave is denied, the supervisor should provide an appropriate reason on the form returned to the employee.

Non Union Personnel Vacation Benefits Schedule

Each full-time employee shall accumulate vacation monthly up to a maximum of 25 working days (200 hours). The Township Manager may waive the maximum accumulation of vacation time upon written request of the employee. Vacation shall be earned according to the following schedule of continuous and completed years of service:

- Start through 4 years = 8 hours per full month worked
- 5 years through 9 years = 10 hours per full month worked
- 10 years and over = 14 hours per full month worked

Regular part-time employees earn vacation in a pro-rated amount.

If employment is terminated, accrued unused vacation leave earned through the last day of active employment will be paid at the employee's base rate of pay at termination.

C. Personal Leave

Personal leave days are made available to provide for pressing personal business which cannot be conveniently scheduled on the employee's time off. Each full-time employee shall be allowed three (3) paid personal leave days (24 hours) each calendar year with full pay and pro-rated if the employee is employed for less than one year. Regular, part-time employees receive pro-rated hours based on hours worked. Paid personal leave days must be used by the end of the calendar year. Personal leave may not be changed to sick or vacation leave, and shall not be cumulative. Personal leave also may not be used in conjunction with regularly established vacation periods and may not be scheduled consecutively at the end of the calendar year. Unused leave will be forfeited at the end of the calendar year.

D. Sick Leave

All regular full-time employees accrue sick leave beginning on the first day of the month following the employee's first day of work after hire for a maximum of 12 days per year. Regular, part-time employees accrue sick leave the first day of the month following the employee's first day of work after hire in a pro-rated amount using the full-time total of 12 days per year and the average number of hours the part-time employee works per week. Leave can be accumulated up to a total of one hundred ten (110) working days.

Employees may use sick leave if their presence is needed at home because of the illness of a member of their immediate family or they have a medical appointment of a routine or preventative nature. "Immediate family" is defined as parents, spouse, children, stepchildren, and any family members

living in the employee's household or any other relative for whom the employee is legally responsible for as a dependent or guardian.

Directors may require substantiation of sick leave as they deem necessary, including a certificate from a physician or an examination by a physician duly appointed by the Township. If such examination is required, the Township will pay the cost if not covered by insurance.

Sick leave may not be used during a vacation period or immediately before or after a vacation or holiday, unless substantiated by a doctor's certificate.

Upon separation of employment, the employee shall receive payment of 1/4 of his/her accumulated sick leave which is paid into the employee's ICMA/RHS account, provided at least two (2) weeks written notice of separation is given by the employee, and providing no abuse of sick leave takes place during the final two (2) weeks of his/her employment. Employees who are terminated by the Township due to misconduct are not entitled to any payout for unused sick leave and all such leave is forfeited. Employees who retire shall receive payment for one-half of his/her accumulated sick leave, which shall be paid into the employee's ICMA/RHS account, provided the employee has given the Township 30 days prior notice of retirement.

Employees who have accumulated 500 or more hours of unused sick leave at the beginning of any calendar year, have the option to sell back to the Township up to forty hours of sick leave at the end of the calendar year. Payment shall be based on the employee's current hourly rate of pay as of December 31 of that year.

E. Bereavement Leave

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor immediately.

Paid bereavement leave is granted according to the following schedule:

- Employees are allowed three days of paid leave in the event of the death of the employee's spouse, child, father, father-in-law, mother, mother-in-law, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, stepdaughter, grandparent, grandchild, or spouse's grandparent. Based on extenuating circumstances, a Director, the Human Resources Director, or the Township Manager may grant leaves in excess of three days for bereavement.
- Employees are allowed one day of paid leave in the event of death of the employee's aunt, uncle, nephew, or niece.

F. Jury Duty

Upon receipt of notification from the state or federal courts of an obligation to serve on a jury, employees must notify their supervisor and provide him/her with a copy of the jury summons. The Township will pay a regular full-time and regular part-time employee his/her regular straight time rate which he/she would have earned if working. If jury duty ends before an employee's scheduled shift ends, he/she may either return to work or take personal or vacation leave for the remainder of

the day. In order to receive payment, an employee must give the Township at least two (2) days' prior notice that he/she has been summoned for jury duty, furnish satisfactory evidence that he/she reported for or performed jury duty on the day(s) for which he/she claims payment, and submit payment(s) received for jury duty, less mileage paid, to Human Resources/Payroll.

G. Election Leave

Employees who are chosen to serve as an election official at polling sites will be permitted to take required time off to serve in this capacity. It is incumbent on employees who are chosen to act as election officials to notify their supervisor or Director a minimum of seven (7) days in advance of the need for time off in order to accommodate the necessary rescheduling of work periods. Time engaged as an election official should be reported and coded appropriately on timekeeping records.

H. Military Leave of Absence

Meridian Township is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the Township's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or company policy. If any employee believes that he or she has been subjected to discrimination in violation of company policy, the employee should immediately contact Human Resources.

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the Uniformed Services, including Reservists and National Guard members, for training, periods of active military service and funeral honors duty, as well as time being spent being examined to determine fitness to perform such service.

Employees requesting leave for military duty should contact the Human Resources Department to request leave as soon as they are aware of the need for leave.

I. Lactation/Breastfeeding

For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby. The Township will designate a private room for this purpose. Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

VII. BENEFITS

For more information regarding benefits programs, please contact the Human Resources Department or refer to the Township Summary Plan Descriptions, which were provided to employees upon hire. In the event of a conflict between the provisions of this Manual and the terms of any insurance or plan document, the insurance or plan document shall apply.

A. Medical and Dental Insurance

The Township currently offers regular full-time employees regularly scheduled to work a minimum of 30 hours per week enrollment in medical and dental insurance coverage options in effect the first day of the month following their first day of work after hire.

Insurance elections are fixed for the remainder of the plan year. Changes in family status, as defined in the Plan document, allow employees to make midyear changes in coverage consistent with the family status change. Please contact the Human Resources Department to determine if a family status change qualifies under the Plan document and IRS regulations.

During open enrollment, employees may change medical, dental, and vision elections for the following year. An employee may refuse medical insurance coverage at his/her will. Such refusal must be documented in writing and submitted to the Human Resources Department. NOTE: if employees waive coverage considered affordable and the minimum essential under the Patient Protection and Affordable Care Act ("ACA"), they will not qualify for government credits and subsidies to purchase individual health insurance on the Marketplace. Employees should be aware of the individual responsibility requirement under the ACA. If employees refuse the offer of the Employer's health coverage and do not obtain coverage on their own, they will be subject to a penalty.

The Township will pay an employee \$375.00 per month if medical coverage is refused, but an employee waiving coverage must acknowledge that the Township has offered him or her affordable minimum essential coverage, as defined under the ACA and that he or she understands the consequences of the waiver of coverage.

The Township reserves the right to change insurance carriers and terms and conditions of insurance coverage at any time with the goal that the fundamental provisions of the coverage will not be changed.

The Human Resources Department is available to answer benefits plan questions and assist in enrollment as needed.

B. Flexible Spending Account

The Township currently offers an employee-funded flexible spending account (FSA) to regular full-time employees. Plan participants may elect an annual amount of flexible dollars to pay for eligible health care expenses, including medical or dental insurance deductibles, copayments, and out-of-pocket costs for vision care and other types of care.

If eligible medical or dental expenses are less than the elected annual amount of flex dollars for that calendar year, the balance may be held over to use for 2 months 15 days in the next calendar year. Claims must be submitted by March 31 for the previous calendar year to be applied to that balance.

C. Group Life Insurance

The Township provides regular full-time employees an employer-paid basic group term life policy along with an accidental death and dismemberment policy. Each policy pays a death benefit equal to the employee's salary to the next multiple of \$1,000, subject to the terms of the policy as to an age reduction in benefits and other terms.

D. Long-Term Disability Benefits

The Township offers regular full-time employees who are regularly scheduled to work a minimum of 30 hours per week a non-contributory long-term disability (LTD) base plan. This non-contributory base plan provides for monthly LTD benefits of 60% of basic monthly earnings to a pre-determined maximum benefit less any other offsets. Eligible employees are automatically enrolled as of the first day of the calendar month following their first date of work after hire. Long-term disability coverage terminates on the last day of employment.

Please direct any questions about long-term disability benefits to the Human Resources Department.

E. Pension Plans

Please refer to any applicable Collection Bargaining Agreement.

F. Retirement

- **401(a) Defined Contribution Plan:** The Township offers a contribution plan, requiring employee contributions and Township contributions, for eligible employees.
- **457 Deferred Compensation Plan:** Available to eligible employees.

The benefits are outlined in the plan documents which are available in the Human Resources Department. Please direct any questions about retirement benefits to the Human Resources Department.

G. Workers' Compensation Benefits - Coordination with Township Benefits

An employee who receives compensation under the Michigan Workers' Compensation Act may supplement workers' compensation benefits with the use of sick leave but only to the extent that the sick leave, together with workers' compensation benefits, does not result in regular take home

pay that exceeds what the employee would have received for working his or her regular shift. An employee will not accrue additional vacation, sick leave, personal leave, or holiday pay while receiving workers' compensation. The Township will provide health, dental and vision insurance benefits equivalent to those received by active employees for up to a total of six (6) months while an employee is on a leave covered by workers' compensation.

H. CARES Employee Assistance Program (EAP)

Through the CARES employee assistance program, the Township provides confidential access to professional counseling services. The EAP, available to all employees, offers problem assessment, short-term counseling and referral to appropriate community and private services. This service is provided on behalf of the Township by Sparrow Health System.

The EAP is confidential and is designed to safeguard an employee's privacy and rights. Contacts to and information given to the EAP counselor may be released to the Township only if requested by the employee in writing. There is no cost for an employee to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

I. COBRA

Eligible employees shall have the right to continue group health coverage for themselves and their dependents when they terminate employment at the Township. Such coverage is subject to the provisions of the COBRA laws and will be at the employee's expense.

Employees who terminate their employment with the Township or who experience another qualifying event under the provisions of the COBRA law will be advised of their rights by the Township.

VIII. COMPENSATION

A. Overtime Pay

Non-exempt employees who work more than 40 hours in a workweek will be paid time and one half for all hours worked over 40 in a workweek.

Employees who anticipate the need for overtime to complete their work must notify their supervisor in advance and obtain approval before working hours that extend beyond their normal schedule.

B. Compensatory Time

Non-exempt employees paid at an overtime rate for hours worked over 40 in a workweek may elect to receive compensatory time to be used for additional time off. Time worked over 40 hours in a workweek will be eligible for compensatory time if the additional time worked is approved in advance by the Director or Human Resources Director. Compensatory time is earned at the rate of one and one-half hour for each hour worked over 40 hours in a workweek. Accumulated compensatory time may be taken off only upon approval of the Director or Human Resources Director. Compensatory time may not be used before or after a scheduled vacation or a holiday.

An employee may not carry over more than forty (40) hours of compensatory time from one calendar year to the following calendar year. If it is not convenient to grant the use of compensatory time prior to the end of a calendar year, the Township Manager, in his or her sole discretion, may pay an employee for such compensatory time as he or she determines appropriate.

C. Longevity

The Township will pay longevity pay to employees according to the following schedule of continuous and completed years of service:

- 5 through 9 years = \$320
- 10 through 13 years = \$640
- 14 through 17 years = \$960
- Over 17 years = \$1280

Longevity payments must be earned (as of the end of five (5) years and paid in the first pay period thereafter) of any calendar year. For the purposes of computation, years of service shall be measured from the last date of continuous employment with the Township. Elected Officials are not eligible to receive longevity payments. Pro-rated longevity payments shall be made to an employee at retirement or to an employee who is currently, or has been, on an unpaid leave within the previous year who is otherwise eligible for longevity.

IX. UNLAWFUL HARASSMENT POLICY

A. Objective

The objective of the Township in implementing and enforcing this policy is to define workplace harassment, prohibit it in all forms, provide procedures for lodging complaints about conduct that violates this policy, investigate claims of unlawful harassment, and carry out appropriate disciplinary measures in the case of violations.

B. Scope

This policy applies to all employees, Full-Time, Part-Time, Seasonal, Interns, and Volunteers of the Township, as well as for citizens, vendors, visitors, or contracted employees. All employees, including Supervisors, Managers, and Directors will be subject to discipline, up to and including termination, for any violation of this Policy.

C. Workplace Harassment

The Township expects employees to respect the dignity and rights of others. Consistent with our policy of equal employment opportunity, harassment or discrimination in the workplace based on a race, color, ancestry, religion, sex, sexual orientation, national origin, age, physical or mental disability, citizenship status, veteran status, gender identity or expression or any other characteristic protected by applicable law (workplace harassment, including cyber harassment and cyber sexual harassment) will not be tolerated. It is the Township's policy that all employees are responsible for assuring that the workplace is free from discrimination and unlawful harassment against any employee, including sexual harassment and harassment on the basis of their protected characteristics. Actions, words, jokes, or comments based on or ridiculing an individual's protected characteristic will not be tolerated. Any employee found in violation of this policy will be subject to disciplinary action, up to and including termination.

D. Defining Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or creates an intimidating, hostile, or offensive working environment. Sexual harassment is defined by the Equal Employment Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Under Title VII of the Civil Rights Act of 1964, there are two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment can be physical and psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the

incidents considered on its own would not be harassing. Employees are prohibited from sexually harassing other employees whether or not the incidents of harassment occur on Township premises and whether or not the incidents occur during working hours. Meridian Township adheres to all federal, state, and local laws applying to sexual harassment including Michigan's Elliot-Larsen Civil Rights Act.

E. Examples of Prohibited Conduct

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
- Unwelcome sexual advances, propositions, or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Sexual or discriminatory displays or publications anywhere in the Township workplace.
- Retaliation for sexual harassment complaints.

F. Complaint Resolution Procedures

1. Employees

If an employee believes that he or she has been subjected to unlawful harassment on the basis of sex or any other protected characteristic or any unwelcome attention on the basis of a protected characteristic, he or she may address the situation directly and immediately to the harasser, if possible. If the inappropriate conduct does not cease, or if the employee is unable to or is uncomfortable with addressing the alleged harasser directly, he or she must report the incident to his or her own supervisor or manager and the Human Resources Director. If the alleged harassment complaint is directly related to an employee's Supervisor, Manager or Director, the employee may report the incident to the Human Resources Director, Township Manager, or any other Director or Supervisor.

It is important to report any and all concerns of unlawful harassment or inappropriate conduct to the Human Resources Director or a supervisor/director as soon as possible, but no later than 182 days from the initial event. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

To initiate a formal investigation into an alleged violation of this policy, employees are asked to provide a statement about the alleged misconduct to the Human Resources Director. The Human Resources Director may assist the complainant in completing or documenting the statement.

To ensure the prompt and thorough investigation of a complaint of unlawful harassment, the complainant should provide as much of the following information as is possible:

- The name, department, and position of the person or persons allegedly engaging the harassment.
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
- The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
- The names of the other individuals who might have been subject to the same or similar harassment.
- Any other information the complainant believes to be relevant to the harassment complaint.

2. Directors, Managers, and Supervisors

Directors, Managers, and Supervisors must deal expeditiously and fairly with allegations of unlawful harassment within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- Ensure that harassment or inappropriate sexual oriented conduct is immediately reported to the Human Resources Director or Human Resources Department (also referred to as "Human Resources") so that a prompt investigation can occur.
- Take appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Directors, Managers and Supervisors who knowingly allow and tolerate unlawful harassment or retaliation, including the failure to immediately report such conduct to Human Resources, are in violation of this policy and subject to discipline up to and including termination.

3. Human Resources

The Human Resources Director is responsible for:

- Ensuring that both the individual filing the complaint and the allegedly accused individual are aware of the seriousness of a harassment complaint.
- Explaining this policy and investigation procedures to the complainant and the respondent.
- Exploring informal means of resolving harassment complaints.

- Arranging for and conducting an investigation of the alleged harassment and the preparation of a written report.
- Submitting a written report summarizing the results of the investigation and making recommendations to the Township Manager.
- Notifying the complainant and the accused of the corrective actions to be taken, if any, and administering those actions.

G. Confidentiality

In order to protect the interests of all involved, confidentiality will be maintained to the extent practicable and deemed appropriate by the Township. The Human Resources Director shall take adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation. All the information pertaining to a harassment complaint or investigation is maintained by the Human Resources Director.

H. Discipline

Employees who violate this policy are subject to appropriate discipline. If an investigation results in finding that this policy has been violated, the mandatory minimum discipline is a written warning. The discipline for very serious or repeat violations is termination of employment.

Y. FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY

A. About

The function of this policy is to provide Township employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes related to this policy, you must contact the Human Resources Director in writing.

B. General Provisions

Under this policy, Meridian Charter Township will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

C. Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the Township for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven (7) years. Separate periods of employment will be counted if the break in service exceeds seven (7) years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave will not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

D. Types of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child, or parent with a serious health condition.
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven (7) days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year. Pregnancy (including pre-natal medical appointments, incapacity due to related sickness, and medical required bedrest) is also covered. Employees with questions about what illnesses are covered under this FMLA policy or under the Township's sick leave policy are encouraged to consult with the Human Resources Director.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the Township may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- 5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

The qualifying exigency must be one of the following:

- a. Short-notice deployment
- b. Military events and activities
- c. Child care and school activities
- d. Financial and legal arrangements
- e. Counseling
- f. Rest and recuperation
- g. Post-deployment activities
- h. Additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member. Any employee with specific eligibility questions should seek assistance from the Human Resources Department.

E. Amount of Leave

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The Township will measure the 12-month period as a rolling 12-month period measured forward from the date an employee uses any leave under this policy.

An eligible employee can take up to 26 weeks for the FMLA circumstance military qualifying exigencies during a single 12-month period. For this military caregiver leave, the Township will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the Township and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the Township and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

F. Employee Status and Benefits during Leave

While an employee is on leave, the Township will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the Township may require the employee to reimburse the Township the amount it paid for the employee's health insurance premium during the leave period.

The Township shall have no obligation to pay health care premiums for the employee on unpaid leave for any time after the employee's approved FMLA absence from work. Employees may continue insurance coverages at their own expense during approved, unpaid leave of absence. An employee will not accumulate sick or vacation leave, nor be paid for holidays which may fall during the unpaid leave period.

If the employee does not continue these payments, the Township may discontinue coverage during the leave. If the Township maintains coverage, the Township may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work. The Township will provide 15 calendar days' notice prior to the employee's loss of coverage.

G. Employee Status after Leave

In order to return to work an employee who takes leave under this policy will be asked to provide a fitness for duty without restrictions from the health care provider. This requirement will be included in the Township's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is equivalent in terms of pay, benefits and working conditions. The Township may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

H. Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid sick leave prior to the use of personal and vacation leave. FMLA leave will be unpaid except that employees must exhaust any accumulated sick leave time as compensation during the FMLA leave. FMLA leave will run concurrently with all paid sick leave that must be exhausted or that is voluntarily taken, all workers compensation leave and all long-term disability leaves. An employee who is using military FMLA leave for a qualifying exigency must use all paid sick leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid sick leave prior to being eligible for unpaid leave.

I. Intermittent Leave or a Reduced Work Schedule

Township employees may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take time when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period). In all cases, the leave must be qualified leave under the FMLA.

The Township may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the Township and its employees must mutually agree to a schedule before any employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If an employee is taking leave for a serious health condition or because of a serious health condition of a family member, the employee should try to reach agreement with the Township before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

J. Certification for the Employee's Serious Health Condition/ Family Member/ Qualifying Military Exigency

The Township will require certification for an employee's/family member's serious health condition or qualifying exigency. The employee must respond to such a request within 15 calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the U.S. Department of Labor (DOL) Certification of Health Care Provider for Employees/Family Members Serious Health Condition and the DOL Certification of Qualifying Exigency.

The Township may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, a Human Resources employee, leave administrator, or management official. The Township will not use the employee's direct supervisor for this contact. Before the Township makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the Township will obtain the employee's permission for clarification of individually identifiable health information.

The Township has the right to ask for a second opinion if it has reason to doubt the certification. The Township will pay for the employee to get a certification from a second doctor, which the Township will select. The Township may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion.

If necessary to resolve a conflict between the original certification and the second opinion, the Township will require the opinion of a third doctor. The Township and the employee will mutually select the third doctor, and the Township will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA policy pending the second or third medical opinion.

K. Recertification

The Township may request recertification for the serious health condition of an employee or the employee's family member, or military/family service member no more frequently than every 30 days unless circumstances have changed significantly, or if the Township receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of the leave.

L. Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Human Resources Department. Within five (5) business days after the employee has provided this notice, the Human Resources Department will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the Township with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the Township's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

M. Designation of FMLA Leave

Within five (5) business days after the employee has submitted the appropriate certification form, the Human Resources Department will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

N. Intent to Return to Work from FMLA Leave

The Township may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Prior to returning to work, an employee must provide a fitness for duty release from the physician.

XI. REASONABLE ACCOMMODATION/ AMERICANS WITH DISABILITIES ACT (ADA) AND AMENDMENTS ACT (ADAAA) POLICY

A. Reasonable Accommodation/ Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA), the State of Michigan's Persons With Disabilities Civil Rights Act, and Meridian Charter Township's Human Relations ordinance provide an opportunity for greater economic security for a significant number of citizens by providing Equal Employment Opportunity (EEO) protection for achieving and maintaining employment. The Township strives to demonstrate its commitment to this concept by requiring the removal of unnecessary and artificial barriers to employee selection and work access and by maintaining an orderly and structured process for working with employees in an interactive process to make reasonable accommodations that allow an otherwise qualified individual with a disability to perform the essential functions of a job assignment. It is the policy of the Township to provide reasonable accommodations in employment to qualified individuals with disabilities unless the accommodation would impose an undue hardship on Township operations or would change the essential functions of the position. Retaliation against an individual with a disability for using this policy is prohibited.

B. Notification and Medical Documentation

In general, it is the responsibility of an applicant or employee with a disability to inform the Human Resources Director that a need for an accommodation exists or that some adjustment or change is needed to perform the essential function of a job because of limitations caused by a disability. A reasonable accommodation refers to change or adjustment in the job or the work environment that allows a qualified employee with a disability to perform the essential functions of his or her job. While it has been our experience that supervisors and employees often informally work through issues surrounding limitations caused by a disability, this policy has been developed to provide a formal process through which the employee notifies the Human Resources Director for assistance.

Generally speaking, any request for an accommodation should be made in writing within 182 days or sooner after you know or reasonably should have known of the need for accommodation.

When the Human Resources Director is so notified, the Human Resources Department initiates the interactive process with the individual by requesting the employee to identify what accommodations are requested (if known) and to provide appropriate medical documentation. A form for accommodation requests (to be supported by medical documentation) is available from Human Resources. Employees can also provide requests in another format so long as the necessary information is provided.

Appropriate medical documentation should:

1. Describe the nature, severity, and duration of the employee's impairment.
2. Describe the activity or activities that the impairment limits.
3. Describe the extent to which the impairment limits the employee's ability to perform any specific employment activity or activities.
4. Substantiate the need for accommodation and makes suggestions, if reasonably possible, for any specific accommodations.

Employees seeking accommodation will be notified if their documentation is insufficient. In obtaining this information, employees are cautioned that the Township is not requesting nor should the employee provide part of his or her medical documentation any genetic information regarding the employee or a family member protected by the Genetic Information Nondiscrimination Act (GINA).

C. Interactive Process

Once a request has been made and appropriate medical documentation supporting the need for accommodation has been provided, then the circumstances will be addressed on a case-by-case basis. This process may encompass one or more of the following steps or other efforts not listed below that are reasonably needed to determine where an applicant's or employee's needs can be met through the reasonable accommodation process:

- Job analysis, job description review, and review of any other relevant data regarding job requirements and functions.
- Consultations with the appropriate supervisor and Human Resources, and others as necessary, to define possible accommodation that might be reasonably necessary to permit or allow an otherwise qualified person with a disability to participate in the screening process in the case of applicants, or to perform the job assignment under consideration for employees.
- Applicant accommodation requests will be handled by Human Resources in conjunction with the selection manager.
- Among the points to be addressed in the analysis are whether, based on the information available, the employee is otherwise qualified to perform the essential job functions; the physical and/or mental work requirements; physical barriers, if any, based on the work location; the effect of accommodations on related jobs or individuals; any possible threats to the health/safety of the person with a disability or to others in the work place; any undue hardship on the Township in providing the accommodation; and estimated dollar costs (if any) to accomplish the desired accommodation.

All applicants and employees are expected to cooperate in the interactive process. As part of the process, employees should also remember that the Township is not obligated to and will not provide personal use items needed in accomplishing daily activities, such as eye glasses or hearing aids, but will consider work-specific equipment, such as but not limited to, voice-activated software or adaptive technology where appropriate.

D. Decision on Accommodation and Recordkeeping

Once the interactive process is complete and a decision is made regarding accommodations, the employee will be notified by Human Resources. The employee will also be notified if/when documentation needs to be renewed or updated.

Human Resources will also produce the decision in writing and document it in the employee's confidential medical file. The supervisor is responsible for providing support in completing appropriate written documentation to Human Resources. Information regarding an employee's disability and requests for accommodations will be kept confidential and shared with others only if they have a legitimate business reason to know.

E. Terms Used in This Policy

- **Disability:** A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
- **Major life activities:** Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- **Major bodily functions:** Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness and specific learning disabilities.
- **Substantially limiting:** In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under US Equal Employment Opportunity Commission (EEOC) final ADA Amendments Act of 2008 (ADAAA) regulations.

- **Direct threat:** A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- **Qualified individual:** An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- **Reasonable accommodation:** Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

F. Appeals

If the employee disagrees with the accommodation selected or has been denied an accommodation to which the employee believes he/she is entitled to, the employee may appeal the decision to the Township Manager within twenty (20) working days of the date of the decision.

XII. SOCIAL MEDIA POLICY

A. Introduction

In order to provide residents timely information about activities, news, and events regarding Meridian Township, the Township may administer various social media accounts. The Township also acknowledges and honors employees' rights to have their own personal social media accounts.

To promote an inclusive work environment, the Township has developed a policy for official Meridian Township social media accounts. The Township has also drafted guidelines for employees to consider while using their own personal social media accounts. If there are any questions regarding this policy, please feel free to contact the Human Resources Director.

B. "Official" Township Social Media Accounts

An official Township social media account is defined as a social media account representing the Township in an official capacity (e.g. a social media account representing the Police Department). The Township retains the rights to alter any employee's access to any social media platform at the workplace and to also republish or re-use any content posted on an official Township social media account. Although not all-encompassing, the following is a list of Township regulations regarding employee use of official Township social media accounts.

- **Approval** – The creation of any official Township social media accounts must be approved by the Township Manager or by a designated appointee of the Township Manager.
- **Adherence to Departmental Policies** – Township departmental guidelines regarding official Township social media accounts may not usurp the Township Social Media Policy. However, employees must adhere to any additional official Township social media policies set by their department. Additionally, employees operating official Township social media accounts must adhere to all Information Technology (IT) policies.
- **Identification** – When relevant, all employees representing the Township on an official Township social media account, must identify themselves by name and role within the Township.
- **Confidential Information** – Operators of official Township social media accounts shall not share any confidential Township information including, but not limited to, pending Township litigation or personnel matters.
- **Obscene Content** – Although not an all-encompassing list, Township employees operating official Township social media accounts shall not share any content that is deemed harassing, libelous, defamatory, discriminatory, pornographic, or any material which may cause a hostile work environment.
- **Endorsements** – Employees operating official Township social media accounts shall not, without prior written approval from the Township Manager or by a designated appointee of the Township Manager, share any content that endorses political candidates, political causes, ballot proposals, or businesses and services.

- **Usage** – Content posted by operators of official Township social media accounts shall not be a substitute for any public notice requirements mandated by federal, state, or local law.
- **Intellectual Property** – Official Township social media accounts shall adhere to all federal and state laws that govern intellectual property including, but not limited to, copyright and trademark protections.
- **Document Storage** – All official Township social media content shall adhere to existing Township electronic document storage procedures and all Township Freedom of Information Act (FOIA) policies and procedures.
- **Right to Monitor** – Operators of official Township social media accounts shall have the right to monitor all content shared by these accounts as well as content contributed by the public. Additionally, operators have the right to remove content contributed by the public if deemed vulgar, harassing, or threatening. Threats or harassing material shall be reported to the proper law enforcement agency.
- **Press Requests** – Meridian Township honors employees’ rights to speak to the press. However, the Township asks employees operating official Township social media accounts to consider forwarding all requests from the media or press to a supervisor or the Communications Department.
- **Work Responsibilities** – Operators of official Township social media accounts shall only use these accounts for work-related purposes. Excessive use of non-work related use of social media platforms during work hours is subject to discipline.

C. Personal Social Media Use

Meridian Township respects employees’ rights to express themselves through social media and additionally adheres to all provisions in Michigan’s Internet Privacy Protection Act. *However, all content shared by Meridian Township employees on their personal social media accounts should be considered public and permanent, and may be monitored by the Township.*

Personal social media use is considered as employees using social media on their own personal accounts, not representing the Township in an official capacity. Although not all-encompassing, the following is a list of guidelines for an employee to consider when using personal social media.

- **Identification** – If an employee of Meridian Township identifies themselves as an employee of Meridian Township on a personal social media account, the employee should note that the account is non-official.
- **Disclaimer Recommendation** – Employees who identify themselves as Township employees on personal social media accounts may want to consider posting a disclaimer on their account stating, “The views and opinions expressed here are the views of the writer and do not necessarily reflect the views and opinions of Meridian Charter Township.”
- **Be Respectful** - Always be fair and courteous to fellow employees, the public, vendors or people who work on behalf of the Township. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage co-workers, customers, associates or suppliers, or that might constitute harassment or bullying.
- **Obscene Content** – Township employees should refrain from publicly sharing obscene content on personal social media accounts (as defined in the “Official” Township Social Media Accounts).
- **Confidential Information** – Township employees may not publicly share confidential Township information on personal social media accounts (as defined in the “Official” Township Social Media Accounts).
- **Use of Township Logos** – Township employees may not use any Township logos on their personal social media accounts without the expressed written permission by the Township Manager or by a designated appointee of the Township Manager.

XIII. Military Leave Policy (USERRA)

Meridian Charter Township values its employees who also serve in the military. It is the policy of Meridian Charter Township to comply with the Uniformed Services Employment and Reemployment Act of 1994 (USERRA), as revised, and applicable state laws that protect job rights and benefits for veterans and members of the reserves. The laws cover all persons serving in the Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service commissioned corps, and the reserve components of these services, and the National Guard.

USERRA provides protection to employees who are absent from work for active duty, active duty for training, initial active duty for training, funeral honors duty, inactive duty training, full-time National Guard duty under federal direction, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any of those duties. In addition, also protected are those in service in the commissioned corps of the Public Health Service, those attending a military service academy, and those participating in a ROTC active or inactive duty training program. Covered service also includes an employee's service as an intermittent disaster-response appointee upon activation of the National Disaster Medical System (NDMS) or as a participant in the authorized NDMS training program. Finally, in times of war or national emergency, the President has the authority to designate any category of persons called into the country's service at such times as a service member covered by USERRA's rights and protections.

A. Notice Required

An employee taking leave provided in USERRA (or appropriate commanding officer of the employee) must provide as much advance written or oral notice as possible of the need for leave, unless impossible because of military necessity or otherwise impracticable or unreasonable. Consistent with the Department of Defense recommendations, the Township requests at least thirty (30) days' notice.

B. Documentation

An employee taking leave provided in USERRA is required to provide documentation confirming his or her military service for leave that is longer than thirty (30) days. The Township requests that employees provide documentation for all leave taken under USERRA.

C. Confirmation of Service

An employee taking leave provided in USERRA must provide the name and contact information of his or her commanding officer. The Township reserves the right provided in USERRA to contact the commanding officer of an employee to confirm the service related to any leave.

D. Employment and Pay

Upon presentation by a regular full-time employee of compensation records identifying the date of and payment made for the training program, the Township shall pay the difference between the compensation received for the training and the compensation that would have been received

had the regular full-time employee worked as scheduled for up to ten (10) working days annually. In the event that the annual training required for an employee exceeds the ten (10) days specified above, the additional days shall be granted as a leave of absence without pay (or charged against the employee's accumulated vacation leave, if requested by the employee).

E. Reemployment

Under USERRA, an employee is entitled to reemployment upon separation from military leave, if the employee:

- Was honorably discharged or terminated from service;
- Was employed in a position for which there was an expectation of continued employment;
- Has not been absent for duty in the military for longer than a cumulative period of five years, unless involuntarily retained in the military;
- Reported to work or notified his or her supervisor of an intention to return to work, at the proper time, as indicated within this policy.

Period of Service	Required Employee Action	When Action Must Be Taken
1 – 30 days	Report to work	(1) On the next regularly scheduled work shift on the first full calendar day after service ended, plus the time for safe transportation back to his/her residence and eight hours of rest – OR – (2) As soon as possible after the eight hour rest period, if, through no fault of the employee, it would be impossible or unreasonable to report within the time described in (1)
31 – 180 days	Notify his or her supervisor in writing of the employee's intent to return to work	Within 14 calendar days (Unless impossible or unreasonable through no fault of the employee, then the next first full calendar day that submitting the request becomes possible)
181+ days	Submit a written request for reemployment	Within 90 days after completing service

This policy may not address all issues concerning your rights during military leave. If issues arise that are not addressed in this policy, the Township will abide by USERRA and other applicable laws. Should you have any questions or require further information, please see the Human Resources Director.

THE CHARTER TOWNSHIP OF MERIDIAN PERSONNEL POLICY MANUAL

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MEMORANDUM

TO: Township Board

FROM: Mark Kieselbach
Mark Kieselbach
Director of Community Planning and Development

DATE: November 23, 2015

RE: Rezoning #15030 (Sumbal) – Final Adoption

Attached for the Board's approval is a resolution for final adoption of Rezoning #15030. As directed by the Board, the Clerk has had the proposed amendment published in the form in which it was introduced.

Attachment

1. Resolution

G:\Community Planning & Development\Planning\REZONINGS (REZ)\2015\REZ #15030 (Sumbal)\Staff Reports\REZ 15030 TB final.doc

RESOLUTION

At a regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 1st day of December 2015, at 6:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, Ghulum H. Sumbal requested the rezoning (Rezoning #15030) of 1.4 acres addressed as 1998 Jolly Road from RR (Rural Residential) to RA (Single Family-Medium Density) with the voluntary offer of a condition which would allow the property to revert to RR (Rural Residential) if the applicant was not successful in obtaining a variance to allow a shared driveway; and

WHEREAS, the Planning Commission held a public hearing on the request at its September 28, 2015 meeting and recommended approval at its October 12, 2015 meeting; and

WHEREAS, the Township Board discussed the rezoning at its meeting on November 3, 2015 and has reviewed the staff and Planning Commission material forwarded under cover memoranda dated October 29, 2015 and November 12, 2015; and

WHEREAS, the subject site is designated in the Residential 1.25 to 3.5 dwelling units per acre classification on the 2005 Master Plan Future Land Use Map; and

WHEREAS, the proposed rezoning to RA (Single Family-Medium Density) is consistent with the 2005 Future Land Use Map designation of Residential 1.25 to 3.5 dwelling units per acre; and

WHEREAS, properties surrounding the subject site are zoned RA (Single Family-Medium Density); and

WHEREAS, rezoning 1998 Jolly Road to RA (Single Family-Medium Density) is consistent with the existing uses located east, west, and north of the subject site; and

WHEREAS, public utilities and services are available to serve the site; and

**Resolution to Approve RA
Rezoning #15030 (Sumbal)
Page 2**

WHEREAS, the Township Board introduced Rezoning #15030 for publication and subsequent adoption on November 17, 2015.

NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby **FINALLY ADOPTS** Ordinance No. 2015-08 entitled "Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #15030" from RR (Rural Residential) to RA (Single Family-Medium Density) with the voluntary offer of a condition which would allow the property to revert to RR (Rural Residential) if the applicant was not successful in obtaining a variance to allow a shared driveway.

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.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Clerk of the Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Township Board on the 1st day of December 2015.

Brett Dreyfus, CMMC
Township Clerk

**ORDINANCE NO. 2015-08
ORDINANCE AMENDING THE ZONING DISTRICT MAP
OF MERIDIAN TOWNSHIP
PURSUANT TO REZONING #15030**

The Charter Township of Meridian ordains:

Section 1. Amending the Zoning District Map.

A. The Zoning District Map of Meridian Township, as adopted in Section 86-312 of the Code of the Charter Township of Meridian, Michigan, as previously amended, is hereby amended by changing the RR (Rural Residential) District symbol and indication as shown on the Zoning District Map, for the property legally described as:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 33, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN, THENCE WEST 66 FEET, THENCE NORTH 330 FEET, THENCE EAST 198 FEET, THENCE SOUTH 330 FEET, THENCE WEST 132 FEET TO THE POINT OF BEGINNING.

to that of the RA (Single Family-Medium Density) and a corresponding use district is established for 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 Section 402 of the Michigan Zoning Enabling Act (MCL 125.3402) after filing of a notice of intent to file a petition for a referendum.

Elizabeth LeGoff, Township Supervisor

Brett Dreyfus, CMMC, Township Clerk

Legal description confirmed by:

Mark Kieselbach, Director
Community Planning and Development

Stephen O. Schultz, Township Attorney

MEMORANDUM

TO: Township Board

FROM: 
Mark Kieselbach
Director of Community Planning and Development


Gail Oranchak, AICP
Principal Planner

DATE: November 24, 2015

RE: Rezoning #15060 (McCurdy), request to rezone 5458 Okemos Road from RAAA (Single Family-Low Density) to RR (Rural Residential) - *Introduction*

Rezoning #15060 (McCurdy) is a request to rezone approximately six acres from RAAA (Single Family-Low Density) to RR (Rural Residential). The site, addressed as 5458 Okemos Road, is located on the east side of Okemos Road, south of the Consumers right-of-way and Inter-urban pathway. The Township Board discussed the rezoning at its November 17, 2015 meeting.

Township Board Options

The Township Board may approve or deny the proposed rezoning from RAAA (Single Family-Low Density) to RR (Rural Residential). If the Board amends the proposal, the case may be referred to the Planning Commission for its recommendation. A resolution to approve is attached.

Attachments

1. Resolution to approve

RESOLUTION TO APPROVE - INTRODUCTION

**Rezoning #15060
Jon Michael McCurdy
5458 Okemos Road**

RESOLUTION

At a regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 1st day of December 2015, at 6:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, Jon Michael McCurdy requested the rezoning (Rezoning #15060) of approximately six acres addressed as 5458 Okemos Road from RAAA (Single Family-Low Density) to (Rural Residential); and

WHEREAS, the Planning Commission held a public hearing on the request at its October 12, 2015 meeting and recommended denial at its November 9, 2015 meeting; and

WHEREAS, the Township Board discussed the rezoning at its meeting on November 17, 2015 and has reviewed the staff and Planning Commission material forwarded under cover memorandum dated November 12, 2015; and

WHEREAS, RR (Rural Residential) zoning is compatible and consistent with other existing uses surrounding the site; and

WHEREAS, rezoning the subject site to RR (Rural Residential) will not result in significant adverse impacts to the Township's natural environment; and

WHEREAS, the rezoning addresses a proven community need to see and interact with farm animals.

NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby **INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION** Ordinance No. _____, entitled "Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #15060" from RAAA (Single Family-Low Density) to RR (Rural Residential).

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 introduced at least once prior to the next regular meeting of the Township Board.

**Resolution to Approve -Introduction
Rezoning #15060 (McCurdy)
Page 2**

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Clerk of the Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Township Board on the 1st day of December 2015.

Brett Dreyfus, CMMC
Township Clerk

ORDINANCE NO. _____
ORDINANCE AMENDING THE ZONING DISTRICT MAP
OF MERIDIAN TOWNSHIP
PURSUANT TO REZONING #15060

The Charter Township of Meridian ordains:

Section 1. Amending the Zoning District Map.

A. The Zoning District Map of Meridian Township, as adopted in Section 86-312 of the Code of the Charter Township of Meridian, Michigan, as previously amended, is hereby amended by changing the RAAA (Single Family-Low Density) District symbol and indication as shown on the Zoning District Map, for the property legally described as:

A parcel of land in the Northeast ¼ of Section 16 T4N, R1W, Meridian Township, Ingham County, Michigan: the boundary of said parcel being described as commencing at the Northeast corner of said Section 16; thence North 89 deg. 00'00" West along the North line of said Section 16 a distance of 1342.91 feet to the West line of the Northeast ¼ of the Northeast ¼; thence South 01 deg. 32'28" West along said West line 16.50 feet to the point of beginning of this description; thence South 89 deg. 00'00" East parallel to said North line 579.00 feet; thence South 01 deg. 32'28" West 451.50 feet; thence North 89 deg. 00'00" West parallel with said North line 579.00 feet to said West line; thence North 01 deg. 32'28" East along said West line 451.50 feet to the point of beginning.

to that of the RR (Rural Residential) and a corresponding use district is established for 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 Section 402 of the Michigan Zoning Enabling Act (MCL 125.3402) after filing of a notice of intent to file a petition for a referendum.

Elizabeth LeGoff, Township Supervisor

Brett Dreyfus, CMMC, Township Clerk

Legal description confirmed by:

Mark Kieselbach, Director
Community Planning and Development

Stephen O. Schultz, Township Attorney

MEMORANDUM

TO: Township Board

FROM: Mark Kieselbach
Mark Kieselbach
Director of Community Planning and Development

Peter Menser
Peter Menser
Associate Planner

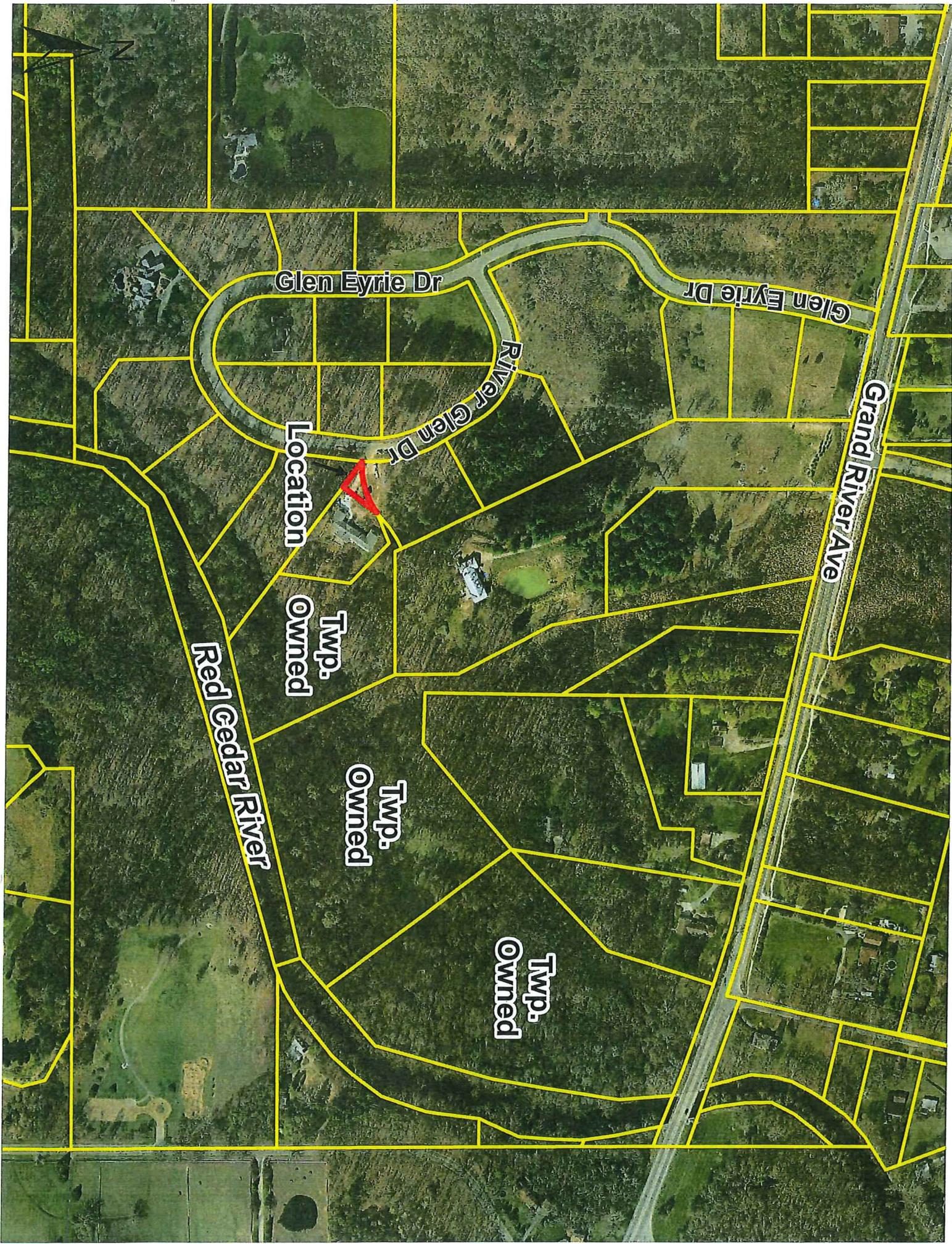
DATE: November 23, 2015

RE: Sale of Township property adjacent to 4444 River Glen Drive

The Township Board discussed the sale of a 0.09 acre parcel adjacent to 4444 River Glen Drive at the November 17, 2015 meeting. The sale price of the parcel is \$106.29. The Township Attorney has reviewed the proposal and did not have any concerns. At its meeting on November 10, 2015 the Park Commission recommended approval of the sale.

Attachments

1. Site map.
2. Resolution to approve property sale.



Glen Eyrie Dr

Glen Eyrie Dr

Grand River Ave

Location

River Glen Dr

Red Cedar River

Twp.
Owned

Twp.
Owned

Twp.
Owned

RESOLUTION TO APPROVE

**River Glen Drive
Property Sale**

RESOLUTION

At a regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building in said Township on the 1st day of December, 2015 at 6:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, the Township owns 0.09 acre parcel of property located adjacent to 4444 River Glen Drive; and

WHEREAS, the Township acquired the 0.09 acre parcel from the State of Michigan via tax foreclosure in 2005 and the Park Commission then bought the property from the Township using Park millage funds; and

WHEREAS, Mr. Brian Fleming, the property owner at 4444 River Glen Drive is interested in purchasing the 0.09 acre parcel from the Township and combining it with his property; and

WHEREAS, the only access to the house at 4444 River Glen Drive is via an existing driveway that crosses the 0.09 acre Township owned parcel; and

WHEREAS, the Township Board and Park Commission has determined the 0.09 acre parcel has no potential future use to the Township; and

WHEREAS, the Park Commission review and voted to recommend approval of the property sale at its November 10, 2015; and

WHEREAS, the Township Board, at its meeting on November 17, 2015 reviewed and discussed staff material forwarded under a cover memorandum dated November 12, 2015; and

WHEREAS, the sale price of the 0.09 acre parcel under consideration would be \$106.29 due to a deed restriction limiting the sale price of the property to no more than what the Township paid for it; and

NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby authorizes the Township Manager to proceed with an agreement to sell the 0.09 acre parcel adjacent to 4444 River Glen Drive to Mr. Brian Fleming, subject to the following conditions:

1. The buyer is responsible for all closing, recording, and transfer fees.

ADOPTED: YEAS: _____

NAYS: _____

MEMORANDUM

TO: Township Board

FROM: Mark Kieselbach
Mark Kieselbach
Director of Community Planning and Development

Peter Menser
Peter Menser
Associate Planner

DATE: November 24, 2015

RE: Brownfield Plan For The Square – Set Public Hearing Date

At a meeting on November 23, 2015 the Ingham County Brownfield Redevelopment Authority (BRA) voted to approve the brownfield plan for The Square on Grand River, formerly known as The Avenue on Grand River, a mixed use redevelopment project in the Meridian Pointe shopping center at 2655 Grand River Avenue. The plan proposes to reimburse the developer for eligible activities including costs associated with the removal of environmental contamination and wide-spread fill and debris. A summary of the Brownfield Plan is attached. The approval process for a brownfield plan requires a public hearing at the municipality where the project is located, approval by the Township Board, and approval by the County Board of Commissioners.

The applicant has requested a meeting as soon as possible to accommodate closing on the sale of the property by the end of December. Ten day notice is required for the public hearing. To meet the proposed timeline the Township Board would need to consider scheduling a special meeting to hold the public hearing on the brownfield request. The Town Hall Room has been reserved for Thursday, December 17, 2015 if the Board decides to hold the special meeting. A motion has been provided for the Board's consideration.

- **MOTION TO CALL A SPECIAL MEETING FOR DECEMBER 17, 2015 AT 6:00 P.M. TO HOLD A PUBLIC HEARING ON THE PROPOSED BROWNFIELD PLAN FOR THE SQUARE ON GRAND RIVER.**

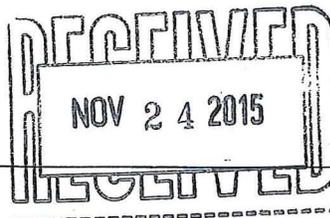
Attachments

1. Letter from Campus Village Communities
2. Letter from Ingham County Brownfield Redevelopment Authority
3. The Square on Grand River Brownfield Plan (Summary)

**Campus
Village**



919 W. University Drive
Suite 700
Rochester, MI 48307



Telephone: (248) 651-4190
Fax: (248) 609-0438
www.campusvillage.com

November 23, 2014

Mr. Mark Kieselbach, Director
Community Planning & Development
Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

Dear Mr. Kieselbach;

The purpose of this letter is to request a special meeting of the Meridian Township Board of Trustees for the purpose of reviewing a brownfield plan presented by Campus Village Communities for the redevelopment site located at 2655 Grand River Avenue. Timing is critical for this project because the developers purchase option for the site expires on December 31st. We are requesting brownfield credits for this project because our detail investigation of the site uncovered significant environmental issues and unstable fill located throughout the site.

Thank you for your consideration!

A handwritten signature in blue ink that reads "Ernie Schaefer". The signature is fluid and cursive.

Ernie Schaefer
Campus Village Communities
248 609 0401



INGHAM COUNTY
Brownfield Redevelopment Authority

121 E. Maple St., Mason, Michigan 48854 phone: 517-676-7285 www.ingham.org



The Authority's mission is the maintenance and implementation of a Brownfields redevelopment program throughout Ingham County and to support the cleanup and redevelopment of environmentally contaminated and previously used development sites, that promote the economic development goals of Ingham County.

DAN GOUGH
Chairman

BRUCE MOORE
Vice Chair

AARON HARRIS
Treasurer

**CHONG-ANNA
CANFORA**
Secretary

BRIAN MCGRAIN
Commissioner/Member

MARK POLSDOFER
Member

**MICHAEL
FREDERICK**
Member

THOMAS MORGAN
Member

Member

Member

Member

November 23, 2015

Mr. Frank Walsh, Manager
Meridian Charter Township
5151 Marsh Rd.
Okemos, MI 48864

RE: Square on Grand River Brownfield Plan

Dear Mr. Walsh:

The Ingham County Brownfield Redevelopment Authority (ICBRA) at its meeting on November 23, 2015 approved a Brownfield Plan for the Square on Grand River development in Meridian Township. The ICBRA is pleased to be able to assist with this project. The plan is being forwarded to you under separate cover by Eric Helzer.

As per Act 381, the plan must also be approved by the Township Board and the Ingham County Board of Commissioners. Both entities must hold a public hearing before adopting the plan. The taxing jurisdictions whose taxes will be captured must also be notified in writing of the public hearing. The County will hold its public hearing after the Township has approved the plan.

Please let me know when you have a date set for the public hearing. I will plan on attending that hearing. If you have any questions please do not hesitate to contact me.

I look forward to working with the Township on this project.

Sincerely,

Sandra L. Gower
Economic Development Coordinator

Sandra L. Gower
Economic Development
Coordinator

PROJECT SUMMARY SHEET: BROWNFIELD PLAN – THE SQUARE ON GRAND RIVER

Project Name: The Square on Grand River

Applicant/Developer: Entity Name: Campus Village Communities
Contact: Ernest Schaefer
Mailing Address: 919 W. University, Rochester MI 48307
Phone: (248) 609-0401

Eligible Property Location: The eligible Property consists of three (3) parcels located at:
2671 Grand River (ID No. 33-02-02-20-205-018); and
2655 Grand River (ID No. 33-02-02-20-205-015); and
2655 Grand River (ID No. 33-02-02-20-205-019)
East Lansing, MI 48823.

Property Size: Approximately 12.521 acres
(5.87 acres {-018} + 3.151 acres {-015} + 3.50 acres {-019})

Type of Eligible Property: Facility (Contaminated)

Project Description: **The Square on Grand River Project**

This Brownfield Plan (the "Plan") anticipates significant future investments by Campus Village Communities, a Rochester-based developer that primarily builds housing. This Plan contemplates redevelopment upon all three (3) Eligible Properties with a majority of the investment occurring on the 5.87-acre parcel located at 2671 Grand River (ID No. 33-02-02-20-205-018) which has been vacant for 17 years and is underutilized.

The Square on Grand River (previously called "The Avenue on Grand River") is a mixed-use redevelopment project with apartments and retail space which will span 223,000 square feet over 12.5 acres on a site east of Dawn Avenue and west of Park Lake Road. The plan contains 146,532 square feet of apartment containing 184 apartments ranging between one and four bedrooms (401 total beds) plus approximately 10,000 square feet of commercial retail space in a four-story mixed-use building with frontage and access on Grand River Avenue. The development is just west of a shopping center at Park Lake Road and Grand River Avenue that contains Foods for Living, State of Fitness and a Salvation Army store.

The estimated \$21 plus million project (not including land) is different because it will include work space for Michigan State University student entrepreneurs. This unique Entrepreneurial Hub and Young Professional Community Development concept will retain a number of those students in the area. As such, the apartments are geared toward young professionals or recent college graduates, with 75 percent of the units having one or two bedrooms.

Eight apartments will be available to those with low incomes, two will be designated as barrier-free and three others are labeled handicapped accessible. The barrier-free units will be on the upper floors of one building, accessible by an elevator. Low-income and handicap-

accessible apartments will be equipped with roll-in showers.

Once complete, 51 immediate new full time jobs will be created and an undetermined number of additional new full time jobs will be phased in as a result of the Entrepreneurial Hub and Young Professional Community Development.

Added project features include pocket parks, public seating plaza adjacent to Grand River Avenue (includes public wi-fi, an art sculpture, planters and benches), public dog park, sidewalk planters, fitness park, pool and clubhouse, fitness center, business center, community conference rooms and kitchen space, and access to the new public loop trail.

Construction was scheduled to begin this fall, with occupancy available by August 2016. However, environmental contamination and widespread fill and debris was found across most of the parcel located at 2671 Grand River. The project is currently on hold until alternative site construction methods are evaluated and tax increment financing through the Brownfield Redevelopment Financing Act (Public Act 381 of 1996) is secured, which is the subject of this Plan.

**Eligible Activities
and Eligible Costs:**

\$4,599,702 of eligible activity costs made up of: Baseline Environmental Assessment Activities, Due Care Activities, Additional Response Activities, Demolition Activities, Brownfield Plan Preparation, Contingency, Interest and Ingham County Brownfield Redevelopment Authority ("ICBRA" or "Authority") Application Fees. \$4,829,687 in total capture with adding the capture for Authority Local Site Remediation Revolving Fund ("LSRRF").

Estimate Job Creation:

51 immediate new jobs will be created upon completion of the project and an undetermined number of additional new full time jobs will be phased in.

Duration of Plan:

16 years (2031), total estimated Plan duration with capture for reimbursement of Eligible Activities and LSRRF deposits.

Property Taxes

Generated By Project:
(for the life of Plan)

Over 16 Years - 2016 to 2031:
Approximately **\$9,823,786** in new Incremental Property Taxes Paid.

Gain in Taxes (by Year 2031): Cumulative

100% Pass-through	\$ 30,391	To Meridian Charter Township: Debt millage
100% Pass-through	\$ 2,724,495	To Okemos School District: Local School Operating (LSO) millage
100% Pass-through	\$ 1,063,671	To Okemos School District: School Debt millage
100% Pass-through	\$ 911,718	To State Education Tax (SET)
	\$ 263,824	Additional Taxes to All Local Millages on a Pro-rata Basis (excluding any Taxing Unit levying a millage not allowed for tax capture)
	\$ 4,994,099	Total New Tax Revenue to Others

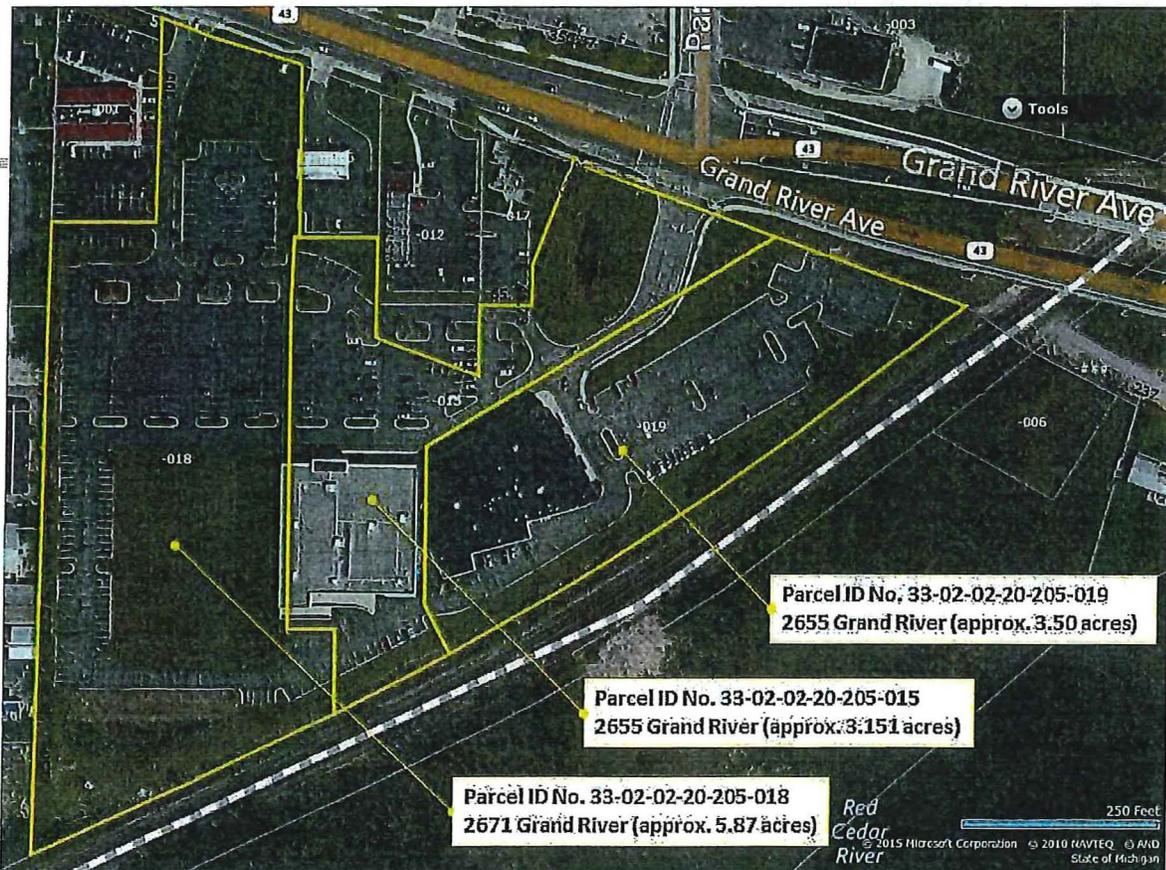
Taxes Captured (by Year 2031): Cumulative

\$ 229,985	For Authority LSRRF
\$ 4,599,702	Local Taxes To Developer (Eligible Activities)*
\$ 0	Sch. Taxes To Developer (Eligible Activities)*
\$ 4,829,687	Total New Tax Capture - Authority (see Table 2)

Total New Taxes (by Year 2031): \$9,823,786 (\$4,994,099+ \$4,829,687)

* Interest is included and will be calculated on all eligible activities.

1. DESCRIPTION OF THE ELIGIBLE PROPERTY (SECTION 13(1)(H))



MEMORANDUM

TO: Township Board

FROM: 
Mark Kieselbach
Director of Community Planning and Development


Gail Oranchak, AICP
Principal Planner

DATE: November 24, 2015

RE: Rezoning #15040 (Mayberry Homes)

Mayberry Homes has requested the rezoning of approximately 25.5 acres of a larger 46 acre site from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family Low Density) with the voluntary offer of a condition limiting the number of residences to no more than one unit per acre.

The Planning Commission held the public hearing on the rezoning request at its August 24, 2015 meeting. During its discussion, the Planning Commission commented on the impact of the Daniels Drain improvement project on future development of the site, the possible use of a community septic system, the need for large lot development versus infill development, the proposed Urban Service Management Area (USMA) boundary along Powell Road, the proximity of the driving range, the extent of wetlands on the site, possible long term preservation of open space, and possible paving of Powell Road as part of the site's future development.

On September 14, 2015, the Planning Commission voted 9-0 to recommend approval to rezone approximately 25.5 acres from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family Low Density) with the voluntary offer of a condition limiting the number of residences to no more than one unit per acre. Due to a notification error, a second public hearing was held on October 12, 2015. At the same meeting, the Planning Commission again voted 9-0 to recommend approval of the rezoning citing the following reasons for its decision:

1. The subject site is designated in the Residential 0.5 to 1.25 dwelling unit per acre classification on the 2005 Master Plan Future Land Use Map.
2. The proposed rezoning to RAA (Single Family, Low Medium Density) with the voluntary offer of a condition to limit the number of residences to no more than one unit per acre is consistent with the 2005 Future Land Use Map designation of Residential 0.5 to 1.25 dwelling units per acre.
3. Rezoning the subject site to RAA (Single Family, Low Density) is compatible with the variety of single family residential zoning districts found along Powell Road including RR (Rural Residential) north of the site and RA (Single Family, High Density) on the west side of Powell Road and at the southeast corner of Powell and Tihart Roads.

4. The Township's traffic consultant reviewed the applicant's traffic assessment concluding no further traffic reports will be necessary based on the low number of trip increases and the lack of sight distance concerns.
5. Public water is available to serve the site but public sanitary sewer service is not available to serve the site and the applicant has proposed to use on-site systems.
6. The rezoning will result in a logical and orderly development pattern for the Powell Road area.

Since the Planning Commission's decision, a land division was approved splitting the 25.5 acres from the original 46 acres. Staff memorandums outlining the rezoning and minutes from Planning Commission meetings are attached for the Board's review.

Township Board Options

The Township Board may approve or deny the proposed rezoning from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family Low Density) with the voluntary offer of a condition limiting the number of residences to no more than one unit per acre. If the Board amends the proposal, the case may be referred to the Planning Commission for its recommendation. A resolution will be provided at a future meeting.

Attachments

1. Staff memorandums dated August 20, 2015 and September 10, 2015 and October 8, 2015
2. Planning Commission minutes dated August 24, 2015 (public hearing), September 14, 2015 (decision), and October 12, 2015 (public hearing and decision)

**Rezoning #15040
(Mayberry Homes)
August 20, 2015**

APPLICANT: Mayberry Homes
1650 Kendale Blvd, Suite 200
East Lansing, MI 48823

STATUS OF APPLICANT: Purchaser

REQUEST: Rezone to RAA (Single Family Low Density)

CURRENT ZONING: RR (Rural Residential) and CR (Commercial Recreation)

LOCATION: East side of Powell Road, north of Grand River

AREA OF SUBJECT SITE: 25.5 acres (1,110,780 sq. ft.)

EXISTING LAND USE: Undeveloped/Golf Driving Range

**EXISTING LAND USES
IN AREA:** North: Undeveloped
South: Single Family Residence, Golf Driving Range,
Undeveloped
East: Single Family Residence
West: Single Family Residences

CURRENT ZONING IN AREA: North: RR (Rural Residential)
South: RR (Rural Residential) and CR (Commercial
Recreation)
East: RR (Rural Residential)
West: RA (Single Family Medium Density)

**FUTURE LAND USE
DESIGNATION:** Residential 0.5-1.25 du/a

FUTURE LAND USE MAP: North: Residential 0.5-1.25 du/a
South: Residential 0.5-1.25 du/a
East: Agriculture/Residential 0.0-0.5 du/a
West: Residential 3.5 – 5.0 du/a

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM

Gail Oranchak

Gail Oranchak, AICP
Principal Planner

DATE: August 20, 2015

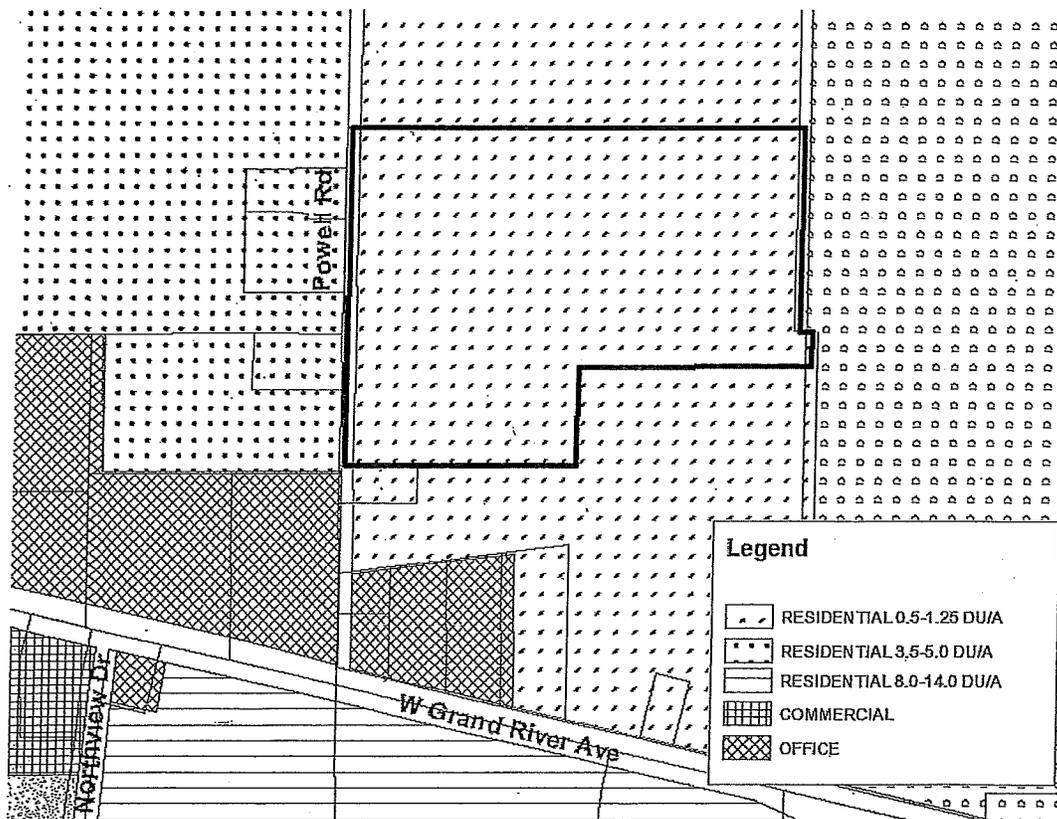
RE: Rezoning #15040 (Mayberry Homes)

Mayberry Homes, represented by Robert K. Schroeder, has requested the rezoning of approximately 25.5 acres of a larger 46 acre site from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family Low Density) with the voluntary offer of a condition limiting the number of residences to no more than one unit per acre.

Master Plan

The 2005 Master Plan designates the site in the Residential 0.5 – 1.25 du/a category.

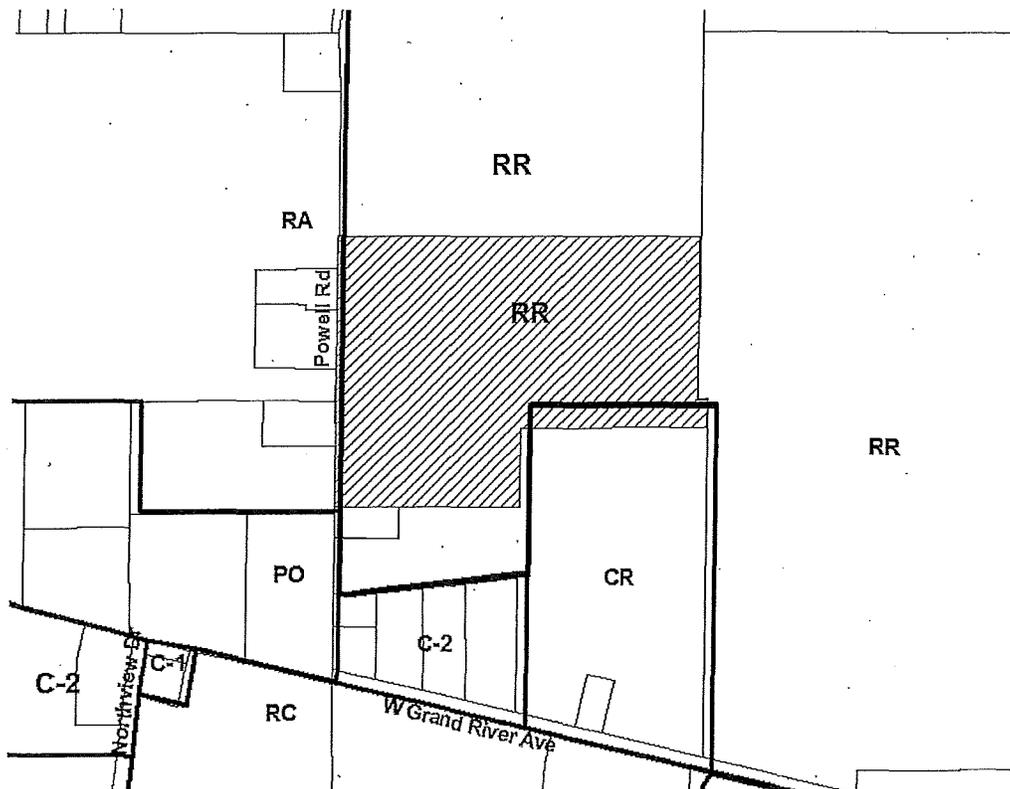
FUTURE LAND USE MAP



Zoning

The site is zoned RR (Rural Residential) and CR (Commercial Recreation). Lot area and lot width requirements for RR zoned sites are 200 feet of lot width and 40,000 square feet of lot area while land zoned CR requires a minimum lot width of 100 feet and 10,000 square feet of lot area. By comparison, RAA zoned lots require a minimum 90 feet of lot width and 13,500 square feet of lot area. With approximately 1,000 feet of frontage along Powell Road and 25.5 acres (1,110,780 sq. ft.), the site exceeds minimum lot width and lot area requirements for all districts.

ZONING MAP



Physical Features

The site is undeveloped. Vegetation consists of trees, shrubs and grasses. The five CR zoned acres lie north of the fence that stops golf balls from the golf driving range on Grand River Avenue however the area appears to mowed in order to retrieve golf balls that go beyond the fence..

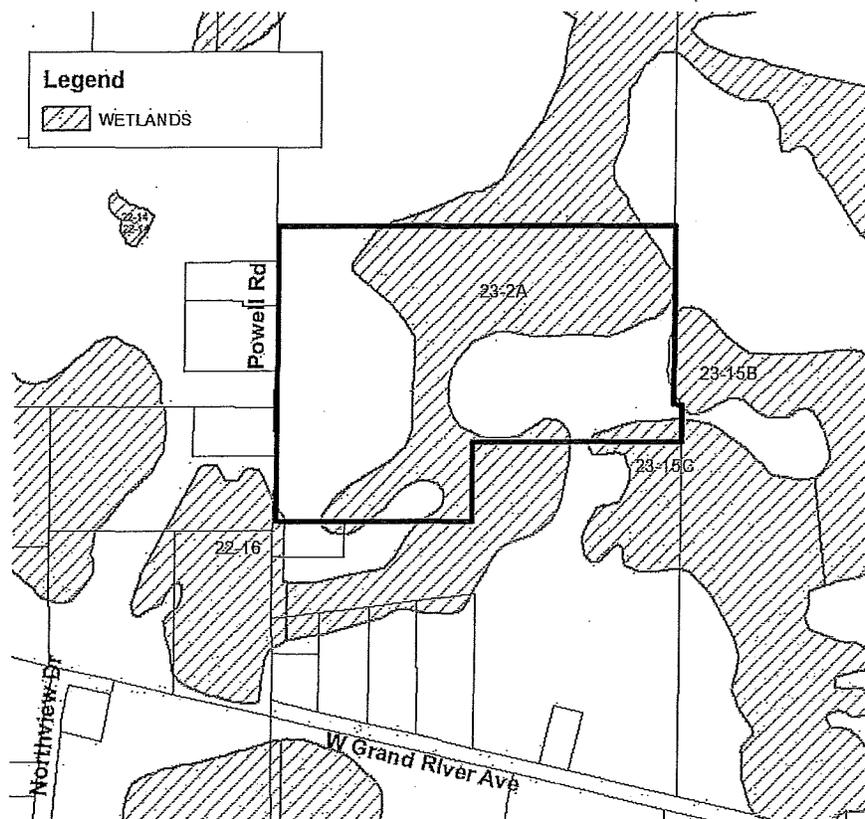
The survey shows easements associated with the Unruh Drain and Daniels Drain cover areas on the western half of the site while the irregular centerline of the Hathaway Drain is shown on the eastern half of the site. Drain easements are typically 100 feet wide and the Ingham County Drain Commissioner controls activities within a drain easement. The FEMA Flood Insurance Rate Map does not show areas of floodplain on the site.

Wetlands

The Township Wetland Map shows Wetland #23-2A and 23-15C may impact future development of the site while Wetlands 22-16 and 23-15B may encroach onto the southwest and eastern site boundaries. A wetland delineation is not required to evaluate a rezoning request but will be required with a future plat application.

WETLAND	SIZE	ATTRIBUTES
23-2A	41.78	Emergent
23-15C	9.64	Shrub-Scrub/Emergent
22-16	5.51	Forested/Shrub-Scrub
23-15B	22.96	Shrub-Scrub/Emergent

WETLAND MAP



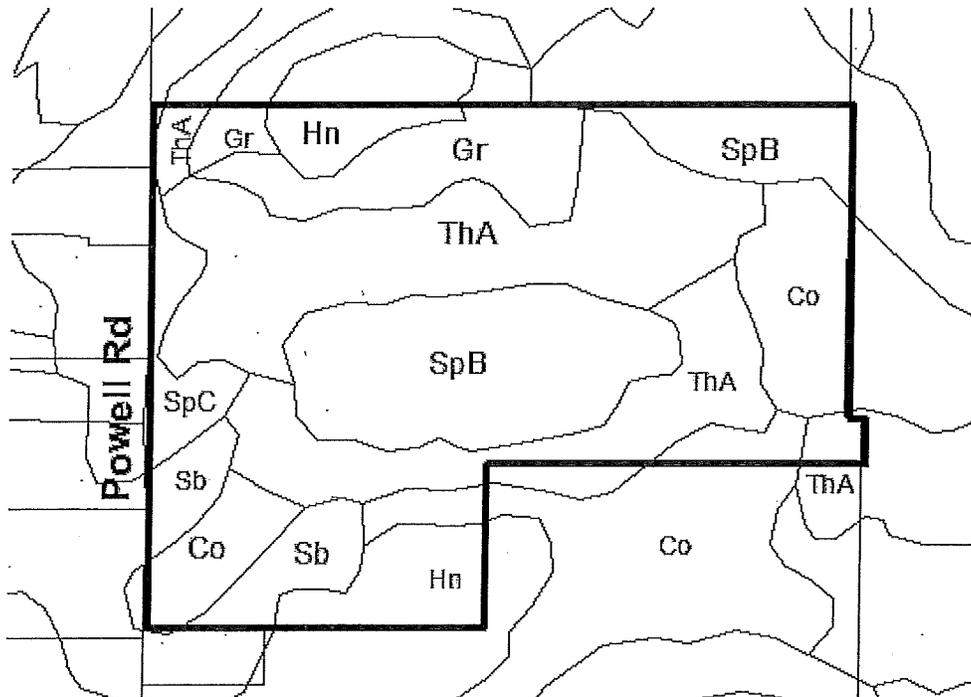
Soils

The following predominant soil types are found at the subject site:

SOIL ASSOCIATION	SEVERE LIMITATIONS
Co (Colwood-Brookstone)	Ponding
Gr (Granby)	Ponding
Hn (Houghton)	Subsides, Ponding, Low Strength
Sb (Sebewa)	Ponding
SpB (Spinks)	None
ThA (Thetford)	Wetness

Source: Soil Survey of Ingham County, Michigan. 1992.

SOILS MAP

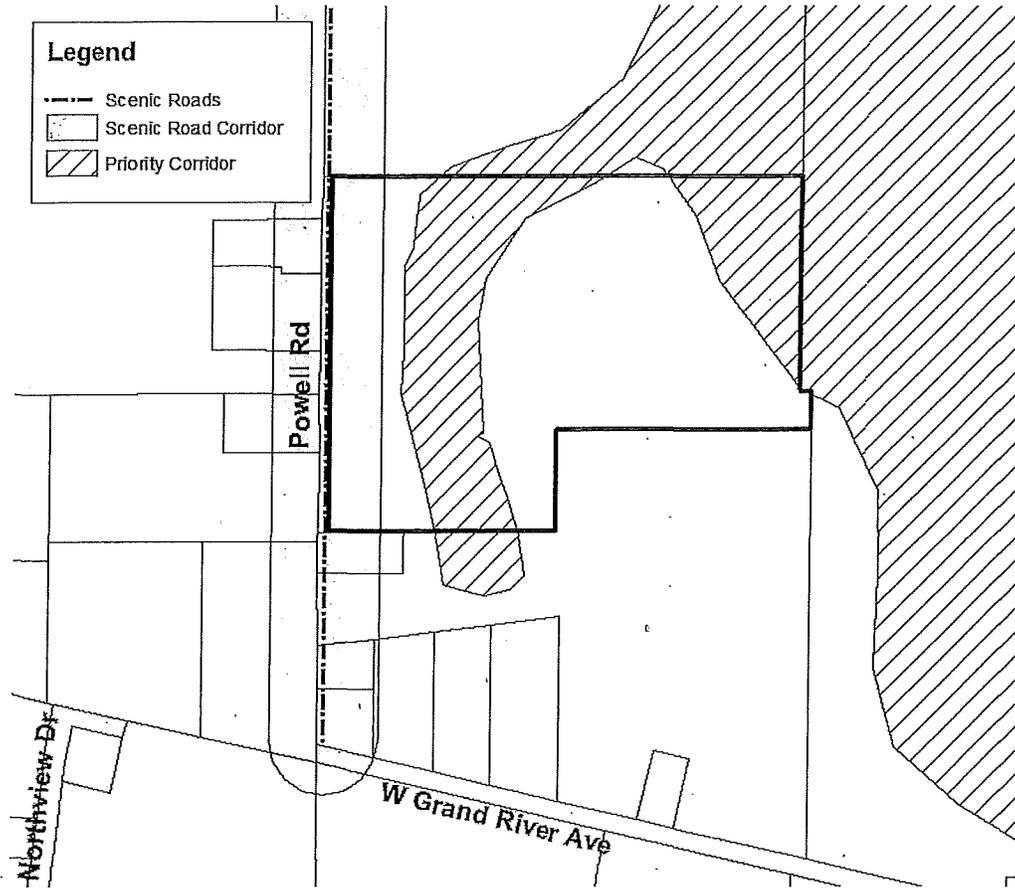


Greenspace Plan

The Township Greenspace Plan shows a Priority Conservation Corridor (PCC) associated with wetlands in the vicinity of the Unruh Drain and the Hathaway Drain. A PCC is a network of ecologically significant open spaces. Powell Road is identified as a Scenic Road and Scenic Road Corridor.

The Township Greenspace Plan, like the Township Wetland Map, is a guide; it is not intended to serve as a detailed map at the parcel level. Instead it should be used as a general guide in determining the possible location of listed features.

Greenspace Plan



Streets and Traffic

Powell Road will provide access to the site. Powell Road is classified as a Collector street on the map titled Street Setbacks and Service Drives, Section 86-367, in the zoning ordinance. Powell Road is a two lane gravel road from Grand River Avenue northward for approximately .7 of a mile. The subject site fronts on the gravel road portion of the site. Ingham County Road Department's most recent traffic count taken in 2008 showed a total of 121 northbound and southbound vehicle trips along the length of Powell Road.

The applicant's traffic consultant prepared a rezoning traffic assessment comparing potential uses permitted in the RR zoning district to those permitted in the RAA district for the entire 25-acre parcel. The consultant estimated the site's buildable area would result in 17 RR zoned lots compared to the applicant's offered condition which will limit the number of RAA zoned lots to 25. The following chart derived from the Traffic Assessment's Table 1 compares trip generation resulting from the two zoning districts.

	RR	RAA	Change
	17 units	25 units	
AM Peak Hour	22	27	+5
In	6	7	+1
Out	16	20	+4
PM Peak Hour	21	30	+9
In	13	19	+3
Out	8	11	+3
Weekday Vehicle Trips	206	293	+87

The Township's traffic consultant reviewed the applicant's assessment concluding no further traffic reports will be necessary based on the low number trip increases and the lack of sight distance concerns.

Utilities

Neither public water nor sanitary sewer services currently extend to the site. Public water service is available in the vicinity and connection to future homes will be required. The closest sanitary sewer connections are approximately 3,500 feet to the north or 1,300 feet to the south and west. Because of the distance from connections, the applicant has indicated he is considering a community septic system for the site.

Prior to an applicant installing a community septic system, the Township has been advised to adopt a policy that does not place responsibility for operation and maintenance and replacement if such a system fails on the Township. Section 230.4 of the Ingham County Health Department code requires a "governing body" accept perpetual responsibility for such a system but a governing body may be a homeowners association.

Whether the site is connected to the public sanitary sewer, lots are served by individual septic systems, or by a community system will be decided before or at the time of plat review.

Staff Analysis

The applicant has requested the rezoning of approximately 25.5 acres located on the east side of Powell Road from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family-Medium Density) with a condition to limit development to one unit per acre.

The 25 acres is currently part of a 46.2 acre site that extends to Grand River Avenue. If the site is rezoned, a land division will be required prior to submitting an application to subdivide the land into platted lots.

When evaluating the rezoning request, the Planning Commission should consider all uses permitted by right and by special use permit in the current and proposed zoning districts as well as topics listed on the rezoning application such as changing conditions in the vicinity of the site;

REZ #15040 (Mayberry Homes)
Planning Commission (8/20/2015)
Page 7

consistency with the Master Plan; furtherance of health, safety and welfare; compatibility with surrounding uses; potential adverse impacts to the environment; identified community need; logical and orderly development pattern; and/or better and more efficient use of land. In support of the rezoning, the applicant responded to applicable topics in the attached application materials.

Planning Commission Options

The Planning Commission may recommend approval or denial of the request or it may recommend a different zoning designation to the Township Board. A resolution will be provided for a future meeting.

Attachments

1. Application and supporting materials
2. Township traffic consultant's report dated July 14, 2015

**CHARTER TOWNSHIP OF MERIDIAN
DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT
5151 MARSH ROAD, OKEMOS, MI 48864
PHONE: (517) 853-4560, FAX: (517) 853-4095**

REZONING APPLICATION

Part I, II and III of this application must be completed. Failure to complete any portion of this form may result in the denial of your request.

Part I

A. Owner/Applicant Mayberry Homes
Address of applicant 1650 Kendale Blvd, Suite 200, East Lansing, MI 48823
Telephone: Work 517-371-5000 Home _____
Fax 517-371-5001 Email Bob@Mayberryhomes.com

If there are multiple owners, list names and addresses of each and indicate ownership interest. Attach additional sheets if necessary. If the applicant is not the current owner of the subject property, the applicant must provide a copy of a purchase agreement or instrument indicating the owner is aware of and in agreement with the requested action.

B. Applicant's Representative, Architect, Engineer or Planner, responsible for request:
Name / Contact Person Enger Survey and Engineering / Debbie / Scott Fairman
Address 805 N. Cedar, Mason, MI 48854 517 927 0203
Telephone: Work 517-676-6565 Home 517-927-0203
Fax 517-676-6675 Email sfairman@icloud.com
ESE@acd.net

C. Site address/location East side of Powell Road, North of Grand River
Legal description (Attach additional sheets if necessary) see attached sheet
Parcel number 33 02 02 23 301 008 (Northern part of) Site acreage 25.5 acres

D. Current zoning RR Requested zoning RAA (conditioned on density no more than 1 unit per acre)

E. The following support materials must be submitted with the application:

1. Nonrefundable fee.
2. Evidence of fee or other ownership of the subject property.
3. A rezoning traffic study prepared by a qualified traffic engineer based on the most current edition of the handbook entitled *Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities*, published by the State Department of Transportation, is required for the following requests:
 - a. Rezoning when the proposed district would permit uses that could generate more than 100 additional directional trips during the peak hour than the principal uses permitted under the current zoning.
 - b. Rezoning having direct access to a principal or minor arterial street, unless the uses in the proposed zoning district would generate fewer peak hour trips than uses in the existing zoning district.
(Information pertaining to the contents of the rezoning traffic study will be available in the Department of Community Planning and Development.)
4. Other information deemed necessary to evaluate the application as specified by the Director of Community Planning and Development.

Part II

REASONS FOR REZONING REQUEST

Respond only to the items which you intend to support with proof. Explain your position on the lines below, and attach supporting information to this form.

A. Reasons why the present zoning is unreasonable:

- 1) There is an error in the boundaries of the Zoning Map, specifically: No
- 2) The conditions of the surrounding area have changed in the following respects: YES - Land directly east is now zoned RA; Central Park Estates and Georgetown have been developed off of Powell Road
- 3) The current zoning is inconsistent with the Township's Master Plan, explain: NO - But the requested zoning is also consistent with the Township's Master Plan
- 4) The Township did not follow the procedures that are required by Michigan laws, when adopting the Zoning Ordinance, specifically: Not Applicable
- 5) The Township did not have a reasonable basis to support the current zoning classification at the time it was adopted; and the zoning has exempted the following legitimate uses from the area: Not Applicable
- 6) The current zoning restrictions on the use of the property do not further the health safety or general welfare of the public, explain: The current zoning does not benefit the general welfare of the public because the RR land use requirements do not allow this site to be developed efficiently - harmful for school district (not enough students) and public resources.

B. Reasons why the requested zoning is appropriate:

- 1) Requested rezoning is consistent with the Township's Master Plan, explain: Master Plan calls for .5 to 1.5 units per acre. We are conditioning the rezoning on 1 unit per acre.
- 2) Requested rezoning is compatible with other existing and proposed uses surrounding the site, specifically: RA is directly west. The subdivisions north are RA/RAA, Okemos Schools owns the property adjacent. CR to the south.
- 3) Requested rezoning would not result in significant adverse impacts on the natural environment, explain: Correct. We will protect the wetlands, buffers and low density housing will minimize adverse impacts on the natural environment.
- 4) Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation or other public services, explain: Correct.
- 5) Requested rezoning addresses a proven community need, specifically: There are NO new subdivisions in Meridian Township with Okemos Schools that have large lots (100 ft. frontage, 13,500 sq. ft). Existing "new" sub's. are mostly sold out.
- 6) Requested rezoning results in logical and orderly development in the Township, explain: This site is adjacent to a school property and close to two subdivisions (Central Park and Georgetown). It is near the central core of the Township.
- 7) Requested rezoning will result in better use of Township land, resources and properties and therefore more efficient expenditure of Township funds for public improvements and services, explain: We propose 25 residential lots using a public road in a platted subdivision. This is more efficient use of the land than what RR would generate.

Part III

I (we) hereby grant permission for members of the Charter Township of Meridian's Boards and/or Commissions, Township staff member(s) and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purpose of gathering information including but not limited to the taking and the use of photographs.

Yes No (Please check one)

By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate

Robert K. Schroeder, President - Mayberry Homes

June 29, 2015

Signature of Applicant

Date

Type/Print Name

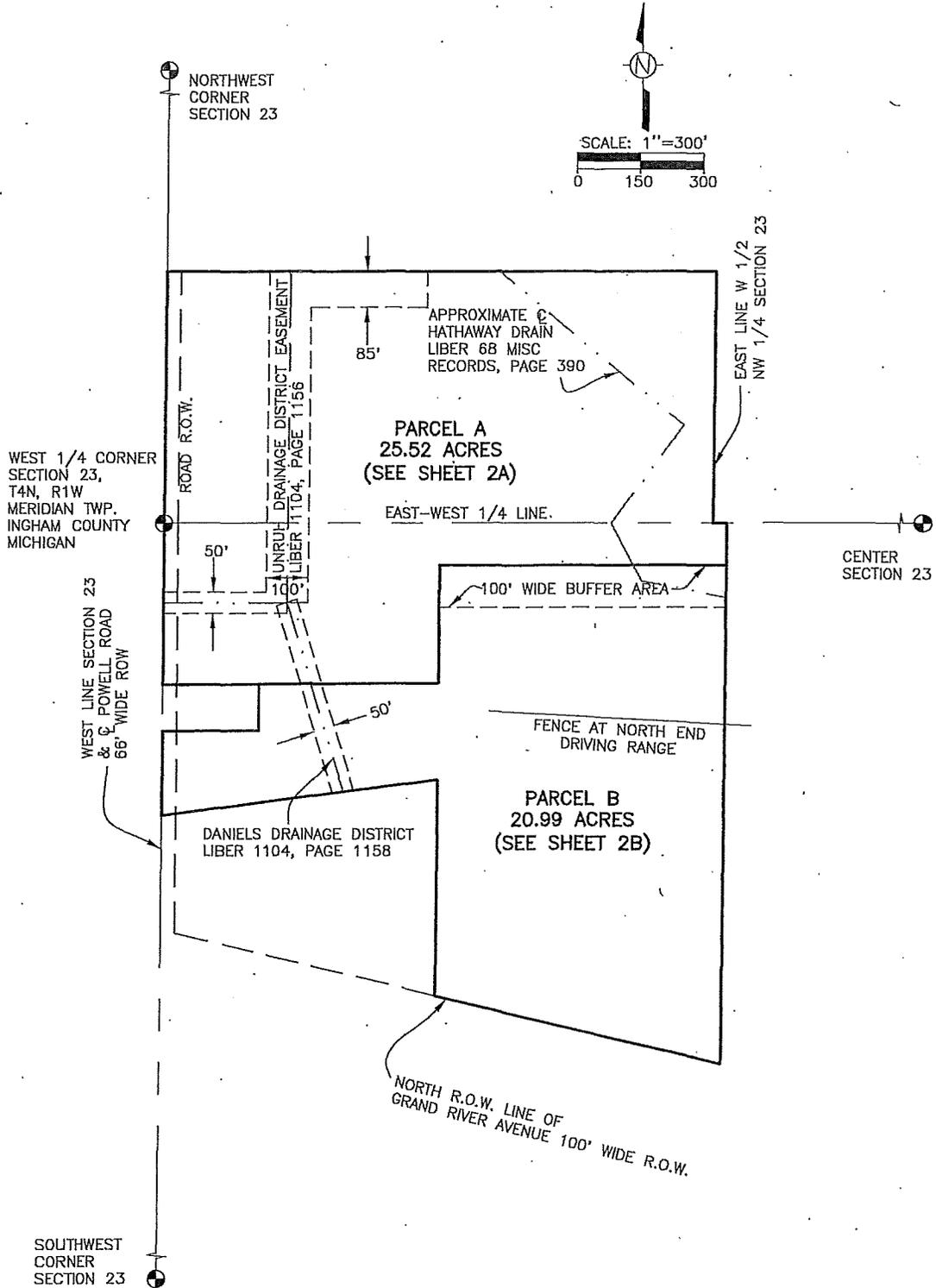
Fee: \$1720.00

Received by/Date:

Gail Orndorff 7/2/15

CERTIFICATE OF SURVEY

For: Mayberry Homes



805 N. CEDAR PO BOX 87
MASON, MICHIGAN 48854-0087
517-676-6565

NW 1/4 & SW 1/4 Section 23, T4N, R1W
Meridian Twp., Ingham Co., Michigan

April 29, 2015
REV1: May 8, 2015

Job No. 33-2952
Sheet 1 of 3



TRAFFIC ASSESSMENT

For the

Proposed Rezoning of

25 Acres on Powell Road

Meridian Charter Township, Ingham County, MI

July, 2015

Prepared by:

**Traffic Engineering
Associates, Inc.**

PO Box 100 • Saranac, Michigan 48881
517/627-6028 FAX: 517/627-6040

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PROJECT DESCRIPTION

The purpose of this study is to determine the difference in the traffic being generated between the existing zoning, One-Family Rural Residential District (RR), and the proposed zoning, One-Family/ Low-Density Residential (RAA), of a 25 acre parcel of land where there is approximately 16 buildable acres. The property is located on the east side of Powell Road approximately one quarter mile north of Grand River Avenue (M-43), in Meridian Charter Township, Ingham County, Michigan.

The traffic analysis consists of the following items:

- Comparison of trips being generated with the existing zoning One-Family Rural Residential District (RR) versus the requested new zoning One-Family/ Low-Density Residential (RAA).
- Discussion of any potential sight distance issues.

This study was conducted in accordance with the guidelines set forth in "Evaluating Traffic Impact Studies, A Recommended Practice for Michigan Communities," sponsored by the Tri-County Regional Planning Commission and the Michigan Department of Transportation, and the Meridian Charter Township Zoning Ordinance.



EXISTING CONDITIONS

Powell Road is a gravel road with no ditches or sidewalks. Powell Road is under the jurisdiction of the Ingham County Department of Roads. The roadway is not posted; therefore it is assumed that the prima facie speed limit is 55 MPH.

LAND USE

The project site is vacant. Surrounding land uses are primarily residential with commercial and office land uses to the south along Grand River Avenue.



TRAFFIC GENERATION

In order to determine how many lots could be constructed under the existing zoning, this study utilized the Meridian Charter Township zoning ordinance. The existing zoning (RR) has a minimum lot size of 40,000 square feet. Given the buildable acreage of approximately 16 acres, the existing zoning would allow 17 units.

For the purposes of this study, the proposed site plan was utilized for the maximum buildable lots for the proposed zoning (RAA), with the condition that there will be no more than one (1) acre per lot. The site plan shows a maximum of 25 units for the development.

For this analysis, trip generation rates were derived from the ITE TRIP GENERATION MANUAL (9th edition). The ITE Trip Generation rates for Single-Family Detached Housing (ITE Code 210) were selected to represent both zoning categories. The ITE description of Single-Family Detached Housing is as follows:

Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

A comparison of trip generation for the existing zoning to the proposed zoning is summarized in **Table 1**. Based on this data, it is projected that the proposed rezoning (RAA) will generate higher traffic volumes than the current zoning (RR) by 5 vehicle-trips in the AM peak hour and 9 vehicle-trips in the PM peak hour with a difference in the weekday volume of 87 trips.



**Table 1
Traffic Generation Summary**

	Existing Zoning – (RR)	Proposed Zoning – (RAA)	Change in Traffic Volumes
IITE Code	Single-Family Detached Housing (210)	Single-Family Detached Housing (210)	
Size	17 Units	25 Units	
AM Peak Hour Vehicle Trips	22	27	+5
In	6	7	+1
Out	16	20	+4
PM Peak Hour Vehicle Trips	21	30	+9
In	13	19	+6
Out	8	11	+3
Weekday Daily Vehicle Trips	206	293	+87



SIGHT DISTANCE

A field review shows that there are no sight distance issues with this property.

CONCLUSIONS

A summary of the findings of this study are listed as follows:

- The traffic volumes generated by the proposed rezoning (RAA) will be higher than the existing zoning category (RR).
- The sight distance at the site meets the Ingham County Department of Roads requirements.



**William F. Savage, P.E.
Savage Traffic Engineering, Inc.**

Summer Address

6401 Timber Ridge Trail
East Lansing, MI 48823
Phone & Fax: 517-339-3933

e-mail: MSUSavage@aol.com

Winter Address

6611 Stone River Road, #206
Bradenton, FL 34203
Phone & Fax: 941-755-4681

July 14, 2015

**Gail Oranchak, AICP
Charter Township of Meridian
5151 March Road
Okemos, MI 48864**

RE: Rezoning on Powell Road

Hi Gail:

The proposed zoning (RAA) increases morning traffic by only 5 trips (22 to 27), and afternoon traffic by only 9 Trips (21 to 30). Daily traffic will increase 87 trips (206 to 293). And, there is no sight distance concern.

There is no need for further traffic studies.

Sincerely,

WFSavage

William F. Savage, P.E.

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

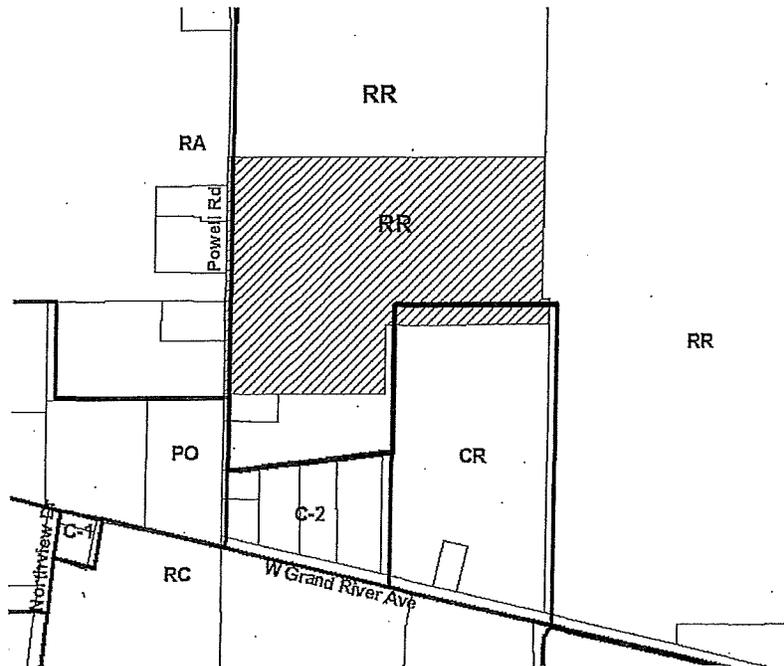
TO: Planning Commission

FROM: Gail Oranchak
Gail Oranchak, AICP
Principal Planner

DATE: September 10, 2015

RE: Rezoning #15040 (Mayberry Homes)

On August 24, 2015, the Planning Commission held a public hearing regarding Mayberry Homes request to rezone approximately 25.5 acres from RR Rural Residential and CR (Commercial Recreation) to RAA (Single Family Low Density) with the voluntary offer of a condition limiting the number of residences to no more than one unit per acre. The site is located on the east side of Powell Road approximately 600 feet north of Grand River Avenue.



If approved, the offer of the condition eliminates the site being used for any other use allowed in the RAA district except single family residential development at a density of one unit per acre. Thus, when evaluating the rezoning request, the Planning Commission should consider all uses permitted in the current RR (Rural Residential) district and the proposal for RAA zoning subject to the condition limiting development to one residential unit per acre. Additionally, consideration should be given to topics listed on the rezoning application such as changing conditions in the vicinity of the site; consistency with the Master Plan; furtherance of health, safety and welfare; compatibility with surrounding uses; potential adverse impacts to the environment; identified

**REZ #15040 (Mayberry Homes)
Planning Commission (9/10/2015)
Page 2**

community need; logical and orderly development pattern; and/or better and more efficient use of land.

Planning Commission Options

The Planning Commission may recommend approval or denial of the request or it may recommend a different zoning designation to the Township Board. A resolution to approve has been provided.

Attachments

1. Resolution to approve

G:\Planning\REZ\REZ 15040 (Mayberry Homes)\Staff Reports\REZ 15040.pc2.doc

RESOLUTION TO APPROVE

**Rezoning #15040
Mayberry Homes
E. side of Powell Road N. of Grand River**

RESOLUTION

At a regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 14th day of September 2015, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____

WHEREAS, Mayberry Homes requested the rezoning (Rezoning #15040) of approximately 25.5 acres located on the east side of Powell Road, north of Grand River Avenue from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family, Low Density) with the voluntary offer of a condition limiting the number of residences to no more than one unit per acre; and

WHEREAS, the Planning Commission held a public hearing and discussed the request at its August 24, 2015 meeting; and

WHEREAS, the Planning Commission reviewed the staff material forwarded under cover memorandums dated August 20, 2015 and September 10, 2015; and

WHEREAS, the subject site is designated in the Residential 0.5 to 1.25 dwelling unit per acre classification on the 2005 Master Plan Future Land Use Map; and

WHEREAS, the proposed rezoning to RAA (Single Family, Low Medium Density) with the voluntary offer of a condition to limit the number of residences to no more than one unit per acre is consistent with the 2005 Future Land Use Map designation of Residential 0.5 to 1.25 dwelling units per acre; and

WHEREAS, rezoning the subject site to RAA (Single Family, Low Density) is compatible with the variety of single family residential zoning districts found along Powell Road including RR (Rural Residential) north of the site and RA (Single Family, High Density) on the west side of Powell Road and at the southeast corner of Powell and Tihart Roads; and

WHEREAS, the Township's traffic consultant reviewed the applicant's traffic assessment concluding no further traffic reports will be necessary based on the low number of trip increases and the lack of sight distance concerns; and

WHEREAS, public water is available to serve the site but public sanitary sewer service is not available to serve the site and the applicant has proposed to use on-site systems; and

**Resolution to Approve
Rezoning #15040 (Mayberry Homes)
Page 2**

WHEREAS, the rezoning will result in a logical and orderly development pattern for the Powell Road area:

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Rezoning #15040 to rezone approximately 25.5 acres located on the east side of Powell Road, north of Grand River Avenue from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family Low Density) with the voluntary offer to condition the rezoning on not more than one dwelling unit per acre.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Chair of the Planning Commission of the Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 14th day of September 2015.

John Scott-Craig
Planning Commission Chair

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: *Gail Oranchak*
Gail Oranchak, AICP
Principal Planner

DATE: October 8, 2015

RE: Rezoning #15040 (Mayberry Homes)

Due to a notification error, a new public hearing must be held for Rezoning #15040. The Planning Commission recommended approval at its meeting on September 14, 2015. The original staff reports have been updated and are attached, as is an updated resolution to recommend approval again.

Planning Commission Options

The Planning Commission may recommend approval or denial of the request or it may recommend a different zoning designation to the Township Board. A resolution to approve has been provided.

Attachments

1. Resolution to approve
2. Staff Reports dated August 20, 2015 and September 10, 2015
3. Planning Commission minutes dated August 20, 2015 and September 14, 2015

RESOLUTION TO APPROVE

**Rezoning #15040
Mayberry Homes
E. side of Powell Road N. of Grand River**

RESOLUTION

At a regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 12th day of October 2015, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____

WHEREAS, Mayberry Homes requested the rezoning (Rezoning #15040) of approximately 25.5 acres located on the east side of Powell Road, north of Grand River Avenue from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family, Low Density) with the voluntary offer of a condition limiting the number of residences to no more than one unit per acre; and

WHEREAS, the Planning Commission held a public hearing and discussed the request at its August 24, 2015 meeting; and

WHEREAS, the Planning Commission reviewed the staff material forwarded under cover memorandums dated August 20, 2015 and September 10, 2015; and

WHEREAS, due to a notification error the Planning Commission held a public hearing on October 12, 2015 and reviewed staff material forwarded under cover memorandum dated October 8, 2015; and

WHEREAS, the subject site is designated in the Residential 0.5 to 1.25 dwelling unit per acre classification on the 2005 Master Plan Future Land Use Map; and

WHEREAS, the proposed rezoning to RAA (Single Family, Low Medium Density) with the voluntary offer of a condition to limit the number of residences to no more than one unit per acre is consistent with the 2005 Future Land Use Map designation of Residential 0.5 to 1.25 dwelling units per acre; and

WHEREAS, rezoning the subject site to RAA (Single Family, Low Density) is compatible with the variety of single family residential zoning districts found along Powell Road including RR (Rural Residential) north of the site and RA (Single Family, High Density) on the west side of Powell Road and at the southeast corner of Powell and Tihart Roads; and

WHEREAS, the Township's traffic consultant reviewed the applicant's traffic assessment concluding no further traffic reports will be necessary based on the low number of trip increases and the lack of sight distance concerns; and

**Resolution to Approve
Rezoning #15040 (Mayberry Homes)
Page 2**

WHEREAS, public water is available to serve the site but public sanitary sewer service is not available to serve the site and the applicant has proposed to use on-site systems; and

WHEREAS, the rezoning will result in a logical and orderly development pattern for the Powell Road area.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Rezoning #15040 to rezone approximately 25.5 acres located on the east side of Powell Road, north of Grand River Avenue from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family Low Density) with the voluntary offer to condition the rezoning on not more than one dwelling unit per acre.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Chair of the Planning Commission of the Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 12th day of October 2015.

John Scott-Craig
Planning Commission Chair

RESOLUTION TO APPROVE

**Rezoning #15040
Mayberry Homes
E. side of Powell Road N. of Grand River**

RESOLUTION

At a regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 12th day of October 2015, at 7:00 p.m., Local Time.

PRESENT: Chair Scott-Craig, Vice-Chair Jackson, Secretary Cordill, Commissioners DeGroff, Deits, Honicky, Ianni, Tenaglia, Van Coevering

ABSENT: None

The following resolution was offered by Commissioner Deits and supported by Commissioner Tenaglia.

WHEREAS, Mayberry Homes requested the rezoning (Rezoning #15040) of approximately 25.5 acres located on the east side of Powell Road, north of Grand River Avenue from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family, Low Density) with the voluntary offer of a condition limiting the number of residences to no more than one unit per acre; and

WHEREAS, the Planning Commission held a public hearing and discussed the request at its August 24, 2015 meeting; and

WHEREAS, the Planning Commission reviewed the staff material forwarded under cover memorandums dated August 20, 2015 and September 10, 2015; and

WHEREAS, due to a notification error the Planning Commission held a public hearing on October 12, 2015 and reviewed staff material forwarded under cover memorandum dated October 8, 2015; and

WHEREAS, the subject site is designated in the Residential 0.5 to 1.25 dwelling unit per acre classification on the 2005 Master Plan Future Land Use Map; and

WHEREAS, the proposed rezoning to RAA (Single Family, Low Medium Density) with the voluntary offer of a condition to limit the number of residences to no more than one unit per acre is consistent with the 2005 Future Land Use Map designation of Residential 0.5 to 1.25 dwelling units per acre; and

WHEREAS, rezoning the subject site to RAA (Single Family, Low Density) is compatible with the variety of single family residential zoning districts found along Powell Road including RR (Rural Residential) north of the site and RA (Single Family, High Density) on the west side of Powell Road and at the southeast corner of Powell and Tihart Roads; and

WHEREAS, the Township's traffic consultant reviewed the applicant's traffic assessment concluding no further traffic reports will be necessary based on the low number of trip increases and the lack of sight distance concerns; and

**Resolution to Approve
Rezoning #15040 (Mayberry Homes)
Page 2**

WHEREAS, public water is available to serve the site but public sanitary sewer service is not available to serve the site and the applicant has proposed to use on-site systems; and

WHEREAS, the rezoning will result in a logical and orderly development pattern for the Powell Road area.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Rezoning #15040 to rezone approximately 25.5 acres located on the east side of Powell Road, north of Grand River Avenue from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family Low Density) with the voluntary offer to condition the rezoning on not more than one dwelling unit per acre.

ADOPTED: YEAS: Commissioners Cordill, DeGroff, Deits, Honicky, Ianni, Jackson,
Tenaglia, Van Coevering, Chair Scott-Craig
NAYS: None

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Chair of the Planning Commission of the Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 12th day of October 2015.

John Scott-Craig
Planning Commission Chair

Brad Williams, 2568 Tekonsha Trail, Okemos, stated when he purchased his home three (3) years ago, he was not aware his property was in the floodplain, but was aware the sun room had a flat roof and leaked. He noted he is adding a stairway to the replacement deck, as the existing deck did not have a stairway into the yard.

Planning Commission discussion:

Commissioner Jackson stated since there is a change to the floodplain, is it necessary to obtain a Letter of Map Revision (LOMR).

Associate Planner Brown responded LOMRs are requested for larger scale projects and the house is not being taken out of the floodplain. He added the amount of structural volume is being reduced, which increases the storage capacity of the floodplain.

Chair Scott-Craig expressed appreciation the applicant has received all necessary approvals from the Michigan Department of Environmental Quality (MDEQ), the Township Chief Engineer, etc. He indicated his review clearly demonstrates this project provides an improvement in the floodplain and water carrying capacity, while acknowledging many of homes located in that subdivision would not be allowed if built today.

Commissioner Deits stated the applicant was unaware his home was in the floodplain, and inquired how a purchaser would become aware of that circumstance.

Associate Planner Brown hoped the previous owner and or realtor would divulge such information, stating lending institutions usually err on the side of caution where flood insurance is required.

Mr. Williams added the previous residents owned their home for 20 years, and may not have been aware flood lines had been drawn to include the home and, consequently, did not purchase flood insurance.

Associated Planner Brown stated that long term homeowners often do not know their property is in the floodplain until they refinance their home.

Chair Scott-Craig closed the public hearing at 7:15 P.M.

- 
- B. Rezoning #15040 (Mayberry Homes), request to conditionally rezone approximately 25.5 acres located on the east side of Powell Road from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family-Low Density)

Chair Scott-Craig opened the public hearing at 7:15 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the proposed rezoning request as outlined in staff memorandum dated August 20, 2015.

Chair Scott-Craig inquired if the drain to the south flows north and, if so, the Ingham County Drain Commissioner would need to be involved.

Principal Planner Oranchak responded she believed that was the case and as the project moves forward, ICDC involvement would be part of the review.

- Applicant

Scott Fairmont, 4429 Apache Drive, Okemos, indicated the area north of the proposed site is owned by Okemos Public Schools and the site is planned for a future elementary school. He added that further north on Powell Road is the Georgetown subdivision, so the area is starting to develop. Mr. Fairmont added the proposed site is constrained by wetlands and drains, adding the ICDC has given tentative approval for a drain crossing and relocation of the drain on the eastern edge of the site to "work" with the neighborhood. He indicated the preliminary layout of the neighborhood avoids all wetlands short of crossing the drain. Mr. Fairmont noted the rezoning to RAA would allow for lots 100 feet in width and 167 feet in depth conditioned on no more than 25 lots. He placed the layout on the overhead projector.

- Public

Cindy Liu, 1575 Maiden Lane, Okemos, and owner of the vacant parcel on the other side of Powell Road, inquired if the developer would be paving Powell Road between the entrance and Grand River Avenue, if there would be the option to have public water and sewer and if a natural gas line would installed for homes in the development.

Planning Commission discussion:

Commissioner Van Coevering asked if the proposed development would be impacted by the study of the Daniels Drain, the drain which goes under Grand River Avenue.

Principal Planner Oranchak responded The Ponds drain which is being looked at on the south side of Grand River is part of the Daniels Drain. She was unclear whether the study would extend to the north side of Grand River Avenue and did not know if it would have an impact on the subject project.

Commissioner Deits addressed staff mention of establishing a policy with respect to the perpetuation of this hypothetical community septic system. He inquired if this was something the Planning Commission would develop.

Principal Planner Oranchak replied the language would be prepared by staff and go before the Township Board for adoption. She added it could take the form of either a policy or part of the Code of Ordinances.

Commissioner Deits asked if such action would need to precede Planning Commission deliberations.

Principal Planner Oranchak answered such action would take place after Planning Commission deliberations but prior to a development project. She suggested it may take place in conjunction with a plat review.

Commissioner Deits expressed support for infill development in the western portion of the Township. He asked the developer why he was planning for such large lots.

Mr. Fairmont responded the Master Plan designates the site in the residential 0.5-1.25 dwelling units per acre category, there is an abundance of small lots in the Township and many individuals are requesting a larger lot. He added the community drain field requires suitable soils to handle the drain field, and this property has the cleanest, finest sand in the northeast section of the parcel, which is where the drain field would be located. Mr. Fairmont added the applicant's engineers stated there should be less than 10,000 gallons per day going through a community drain field and, assuming an average of 300 gallons per residence for the 25 lots, the amount used would total 7,500 gallons per day, 25% less than the maximum desired. Although not part of the rezoning request, he offered it is the applicant's intent to bring public water, gas and electric to the site as well as have a discussion with the ICRD regarding the paving of Powell Road up to the entrance.

Commissioner Jackson believed it a reasonable request to go from RR to RAA zoning and is an efficient and effective use of the land.

Commissioner Ianni clarified the applicant is seeking RAA zoning, not RAAA.

Chair Scott-Craig noted the Planning Commission has discussed an Urban Services Management Area (USMA) and the edge of it runs down Powell Road, so properties along the west side are within the USMA while properties on the east side of the road are not. He believed it will be a long time before the school land will be utilized, and is not an argument in favor of the development.

Mr. Fairmont understood the Chair's comment relative to the land owned by the school, which is why the applicant asked Okemos Public Schools if it was interested in selling, but administration indicated it wanted to keep the land

Chair Scott-Craig asked the applicant to clarify whether there were 22 or 25 proposed lots as depicted on the map included in the packet.

Mr. Fairmont determined three (3) of the lots were not numbered on the map.

Chair Scott-Craig inquired why the applicant was not leaving the northern end of the driving range as part of the driving range.

Mr. Fairmont explained the driving range fence stops 150 feet south of the shared property line.

Chair Scott-Craig asked how many feet from the back of the lots to Grand River Avenue. He suggested the possibility of a fence to prevent children from wandering onto the driving range.

Chair Scott-Craig noted the wetland map contained in the packet shows the community drain field as part of the wetlands.

Mr. Fairmont responded the proposed community drain field is not part of the wetland. He offered to provide the Planning Commission with a interpretation of the soils provided by the Township's Chief Engineer before the next meeting.

Chair Scott-Craig stated with only 25 lots proposed, a certain amount of greenspace will be maintained. He inquired if there was a way to guarantee in perpetuity the greenspace would not later be developed.

Principal Planner Oranchak replied the Township will need to wait until the developer submits the plat application to determine how it will be subdivided and how the open spaces are defined.

Mr. Fairmont added a planned unit development isn't a good fit for this land, as it requires 50% of the upland to be reserved, resulting in the 25 homes being clustered on the remaining 50% of the upland thereby eliminating the goal of larger lots. He stated the applicant intends to have a fully functioning homeowners association which will maintain the public drain field and the common open spaces.

Commissioner Deits asked if it is staff's intent to include in the recommendation to the Board a condition of no more than 25 lots.

Principal Planner Oranchak responded it is not necessary for the Planning Commission to condition the recommendation as the applicant has proposed 25 lots as part of the rezoning application. She noted by recommending approval of the rezoning, the Planning Commission is accepting the applicant's offer with the condition.

Commissioner Van Coevering inquired if SpB on the soils map means good soil as it has no limitations. She inquired as to who prepared the soils map.

Principal Planner Oranchak replied it is based on a soil survey of Ingham County.

Commissioner Jackson noted there appears to be a conflict of information between the soils map and the wetland map.

Principal Planner Oranchak reiterated the wetland map is a guide based on aerial photographs and other natural resource maps and is not based on an actual on-site evaluation. She stated there may not be wetlands on the site.

Commissioner Cordill inquired if the county soils map was more definitive than the wetland map.

Principal Planner Oranchak responded that question will be answered when an official wetland delineation is available to evaluate.

Commissioner Cordill believed the number of homes which can be built will be determined when the plat is laid out, as that number may be limited due to wetlands once delineated.

Principal Planner Oranchak indicated when the plat and the wetland delineation come to the Township, the limitations will be visible.

Commissioner Cordill inquired why the applicant wouldn't just place one lot per acre on the already zoned RR property.

Principal Planner Oranchak added the applicant is stating there are limitations on the parcel which would not allow them to obtain one lot per acre. She pointed to the traffic study which estimated the site's buildable area would result in 17 RR zoned lots, and the rezoning to RAA would allow for an additional eight (8) lots.

Chair Scott-Craig asked if the applicant was committing to the entire cost of paving Powell Road from Grand River Avenue up to the subdivision entrance.

Mr. Fairmont replied if the ICRD agrees that Powell Road can be paved up to the entrance, the applicant wants to pave Powell from Grand River up to the entrance of the subdivision.

Chair Scott-Craig asked if the applicant would be willing to pave beyond the entrance to create pavement for the two properties to the north.

Mr. Fairmont replied that during internal discussions, paving of the two lots to the north was considered as a marketing tool. He indicated the existing neighbors who have rejected previous attempts to pave Powell Road should not bear the burden of this paving.

Chair Scott-Craig added the Daniels Drain pipe under Grand River Avenue has collapsed. He noted if the ICDC replaces that pipe, the result could be considerably more water coming north on that drain line and onto the applicant's property.

Mr. Fairmont added the main drain which is 10-15 feet deep and has a trickle of water. The ICDC will give approval for a Daniels Drain crossing if it is properly engineered and built.

Chair Scott-Craig closed the public hearing at 7:57 P.M.

- C. Rezoning #15050 (Stockwell Development Group), request to rezone two parcels totaling approximately nine acres located on the northwest corner of Grand River Avenue and Powell Road from PO (Professional and Office) to C-3 (Commercial)

Chair Scott-Craig opened the public hearing at 7:57 P.M.

- Summary of subject matter

Principal Planner Oranchak summarized the proposed rezoning request as outlined in staff memorandum dated August 20, 2015.

- Applicant

Ken Stockwell, Stockwell Development Group, 4277 Okemos Road, Okemos, believed this area is not marketable as PO and is requesting a rezoning to C-3 (commercial). He reiterated the applicant is strictly seeking a rezoning at this time. Mr. Stockwell added there are not many parcels left near the mall which can be developed. He noted with the wetland acreage, there is approximately seven (7) acres of developable land.

Amanda Hopper, 5485 Martinique Circle, East Lansing, offered her background and qualifications as a developer. She expressed concern with the timing relative to Township processes. She believed a restaurant would be a good use of this property.

- Public

Cindy Liu, 1575 Maiden Lane, Okemos, expressed support for development of this land, but questioned whether the applicant would develop near Grand River Avenue, or set the development back on the property. She believed nearby residents desire to keep the quiet feeling of the area.

Planning Commission discussion:

Commissioner Ianni asked how long the property has been zoned PO.

Principal Planner Oranchak responded that she does not have an exact date, but it has been a long time.

Commissioner Ianni inquired if the land has been undeveloped the entire time it has been zoned PO.

Principal Planner Oranchak replied there is a building on the site previously used for office purposes more than a decade ago.

Commissioner Deits inquired if C-3 zoning is confined to the immediate environs of the Meridian Mall.

Principal Planner Oranchak responded in the affirmative, as C-3 is appropriate for larger uses primarily in the commercial core area designated on the Master Plan map.

Commissioner Deits noted he will not support rezoning to C-3 as it is not in a commercial core area and is intended for local clientele. He stated he would be more comfortable with a lower zoning designation.

- Amend the second WHEREAS clause to read: WHEREAS, a special use permit is required pursuant to Section 86-436(l)(5) of the Conservancy District of the Code of Ordinances; and

The friendly amendment was accepted by the maker of the motion.

ROLL CALL VOTE: YEAS: Commissioners Cordill, DeGroff, Deits, Honicky, Ianni, Jackson, Tenaglia, Van Coevering, Chair Scott-Craig

NAYS: None

Motion carried unanimously.

- 
- B. Rezoning #15040 (Mayberry Homes), request for conditional rezoning of approximately 25.5 acres located on the east side of Powell Road from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family-Low Density)

Commissioner Deits moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Rezoning #15040 to rezone approximately 25.5 acres located on the east side of Powell Road, north of Grand River Avenue from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family Low Density) with the voluntary offer to condition the rezoning on not more than one dwelling unit per acre. Seconded by Commissioner Ianni.

Planning Commission and applicant discussion:

- Parcels are located outside of the proposed urban services management area (USMA)
- Extending sewer lines would promote adjacent upzoning to the east
- Applicant is not requesting to install sewer lines
- Rezoning is consistent with the Master Plan
- Requested soil report is more appropriate at the time the applicant presents the preliminary plat, which is the next step in the process

ROLL CALL VOTE: YEAS: Commissioners Cordill, DeGroff, Deits, Honicky, Ianni, Jackson, Tenaglia, Van Coevering, Chair Scott-Craig

NAYS: None

Motion carried unanimously.

- C. Rezoning #15050 (Stockwell Development Group), request to rezone two parcels totaling approximately nine acres located on the northwest corner of Grand River Avenue and Powell Road from PO (Professional and Office) to C-3 (Commercial)

Commissioner Tenaglia moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Rezoning #15050 to rezone two parcels totaling approximately nine acres located on the north side of Grand River Avenue, west of Powell Road from PO (Professional and Office) to C-2 (Commercial). Seconded by Commissioner Ianni.

Planning Commission discussion:

- Applicant has compromised from the original request
- Overabundance of PO currently exists in the Township
- Applicant is amenable to the C-2 zoning designation

5. Communications

- A. Adam Whitz, Broker/Owner, RE/MAX Commercial Group, 300 W. Lake Lansing Road, East Lansing; RE: Rezoning #00150 (St. King)
- B. Joy and Rich Schaberg, 5596 Star Flower, Haslett; RE: Rezoning #15060 (McCurdy)

6. Public hearings

- A. Rezoning #15040 (Mayberry Homes), request for conditional rezoning of approximately 25.5 acres located on the east side of Powell Road from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family-Low Density with a request for a decision the same night as the hearing.

Chair Scott-Craig opened the public hearing at 7:11 P.M.

- Introduction by the Chair (announcement of procedures, time limits and protocols for public participation and applicants)
- Summary of subject matter
Principal Planner Oranchak summarized the rezoning request as outlined in staff memorandum dated October 8, 2015.
- Applicant
Scott Fairmont, 4429 Apache Drive, Okemos, noted concerns voiced during earlier public comment will be addressed during site plan review.
- Planning Commission discussion:
Chair Scott-Craig inquired as to the components updated within the resolution.

Principal Planner Oranchak replied all dates have been updated as well as changes which may have been made at the last meeting.

Commissioner Deits inquired if the Planning Commission could condition the rezoning on the presence of the community septic system.

Principal Planner Oranchak replied it is the applicant's decision to offer conditions for the rezoning.

Commissioner Deits asked what would be the effect in the event the applicant chose to go into a different direction for the sewer system.

Principal Planner Oranchak believed the issue would be handled during the plat review portion of the project, which goes before both the Planning Commission for a recommendation and to the Board for a final decision. She noted the decision concerning any sewer will not be made until the plat is approved.

Chair Scott-Craig closed the public hearing at 7:19 P.M.

- B. Special Use Permit #15131 (Pairolero), request to construct a non-residential use in a residential district (optometry clinic) on two undeveloped platted lots located on the east side of Marsh Road north of Haslett Road

Chair Scott-Craig opened the public hearing at 7:19 P.M.

[Commissioner Cordill left the room at 9:08 P.M.]

- 
- B. Rezoning #15040 (Mayberry Homes), request for conditional rezoning of approximately 25.5 acres located on the east side of Powell Road from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family-Low Density. Decision the same night as the hearing.

Commissioner Jackson moved to suspend Planning Commission Bylaw 6.4a to consider Rezoning #15040 the same night as the public hearing. Supported by Commissioner Tenaglia.

VOICE VOTE: Motion carried unanimously.

Commissioner Deits moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Rezoning #15040 to rezone approximately 25.5 acres located on the east side of Powell Road, north of Grand River Avenue from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family Low Density) with the voluntary offer to condition the rezoning on not more than one dwelling unit per acre. Seconded by Commissioner Jackson.

[Commissioner Cordill reentered the room at 9:10 P.M.]

Planning Commission discussion:

- Planning Commission oversight of the community septic system v. sewer will take place during the plat process

ROLL CALL VOTE: YEAS: Commissioners Cordill, DeGroff, Deits, Honicky, Jackson, Ianni, Tenaglia, Van Coevering, Chair Scott-Craig

NAYS: None

Motion carried unanimously.

- C. Rezoning #15030 (Sumbal), request to rezone approximately 1.4 acres addressed as 1998 Jolly Road from RR (Rural Residential) to RA (Single Family, Medium Density) with the offer of a condition to retain RR zoning if a variance for a shared driveway is not granted by the Zoning Board of Appeals

Commissioner DeGroff moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Rezoning #15030 to rezone approximately 1.4 acres located at 1998 Jolly Road from RR (Rural Residential) to RA (Single Family-Medium Density) with a voluntary offer of a condition which would allow the property to remain RR (Rural Residential) if the applicant should be unsuccessful in obtaining a variance to allow a shared driveway. Seconded by Commissioner Ianni.

Planning Commission discussion:

- No imposition on surrounding landowners if the land remains zoned RR
- Condition requested respects the wishes of the applicant
- Importance of individuals who donate land to the Township "playing by the rules"
- Inquiry if the shared driveway issue can be resolved prior to the rezoning
- If the parcel is not rezoned and not split, there is no reason for the Zoning Board of Appeals to consider the variance
- Inquiry if a RR parcel is taxed at a lower rate than RA

MEMORANDUM

Re: Essential Wetland Determination (Fedewa),
Sierra Ridge, Ph. III, Lots 62, 63 & 64

MEMORANDUM

TO: Township Board

FROM: Mark Kieselbach
 Mark Kieselbach
 Director of Community Planning and Development

Harmony Gmazel
 Harmony Gmazel, AICP
 Associate Planner

DATE: November 20, 2015

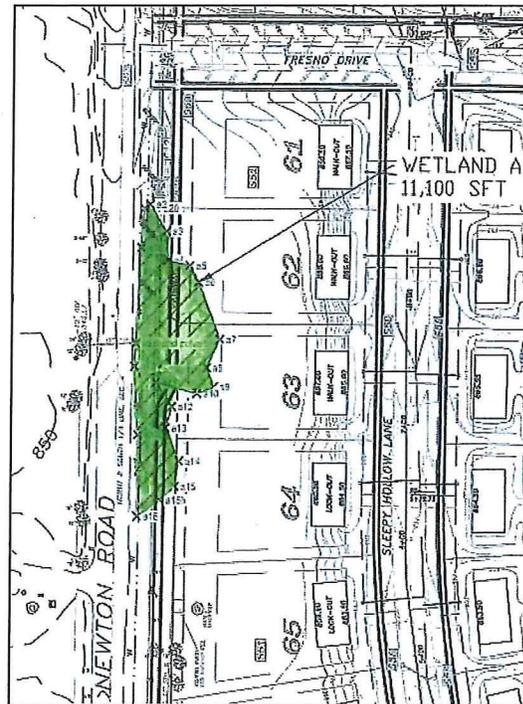
RE: Essential Wetland Determination (Fedewa), Sierra Ridge, Ph. III, Lots 62, 63 & 64

As part of Phase III of the Sierra Ridge Subdivision, for the creation of a non-motorized pathway, G.S. Fedewa Builders Inc. proposes construction activities within Township-regulated wetland #4-46 located east of Newton Rd., and north of Lake Lansing Rd. The pathway design details are not yet known. The wetland was delineated by Lapham Associates and verified by Fishbeck, Thompson, Carr & Huber, Inc. as 11,000 square feet, or 0.255 acres in size. The wetland is located within a ditch system along Newton Road, and is served with a 12" culvert extending west under the road, discharging into an adjacent 8.73 acre wetland (#4-43).

LOCATION MAP



WETLAND LOCATION MAP



TOWNSHIP WETLAND #	APPROXIMATE SIZE	WETLAND TYPE
4-46	0.92 acres	Forested and Emergent

**Essential Wetland Determination
Township Board (11/20/15)
Page 2**

Township Wetland #4-46 is more than 0.25 acres in size deeming it a regulated feature by the Township. The Township Wetland Protection Ordinance states where an applicant proposes to perform a regulated activity in a wetland less than two acres in size, the Township Board must determine whether the wetland is essential to the preservation of the natural resources of the Township. The determination is based on a finding that one or more of the criteria cited in Section 22-156 of the Ordinance are met. If a wetland is determined to be essential, the applicant will be required to obtain a wetland use permit from the Township prior to development of the site. As part of the determination process, the Township Environmental Consultant, Fishbeck, Thompson, Carr & Huber, Inc., provides a report as to whether the wetland is essential or not. A copy of the consultant's report has been attached for the Board's review. The Township Environmental Consultant's report indicates that none of the essentiality criteria have been met for the wetland. The following table summarizes the consultant's findings.

Essential Wetland Findings

Criteria Number	Criteria Description	Wetland #4-46
1	The site supports State or Federal endangered or threatened species.	No
2	The site represents what is identified as a locally rare or unique ecosystem.	No
3	The site supports plants or animals of an identified local importance.	No
4	The site provides groundwater recharge documented by a public agency.	No
5	The site provides flood and stormwater control by the hydrologic absorption and storage capacity of the wetland.	No
6	The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl and rare, threatened, or endangered species.	No

**Essential Wetland Determination
Township Board (11/20/15)
Page 3**

Criteria Number	Criteria Description	Wetland
7	The site provides protection of subsurface water resources and provision of valuable watershed and recharging ground water supplies.	No
8	The site provides pollution treatment by serving as a biological and chemical oxidation basin.	No
9	The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.	No
10	The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.	No

Township Board Options

The Township Board may determine a wetland is essential if one or more of the criteria set forth in Section 22-156 of the Ordinance have been found to exist at the site. Should the Township Board determine a wetland is not essential to the preservation of natural resources in the Township, then the decision would be noted on the Township Wetland Maps and no wetland use permit would be required. A resolution consistent with the Township Environmental Consultant's recommendation will be provided at a subsequent meeting for consideration.

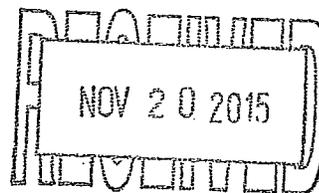
Attachment

1. Essential wetland determination report, dated November 20, 2015



November 20, 2015
Project No. G150126W07

Ms. Gail Oranchak, AICP
Principal Planner
Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864-1198



Re: Letter of Essentiality
Sierra Ridge Community Phase 3, Lots 62, 63, and 64
Sleepy Hollow Lane, East Lansing, MI 48823

Dear Gail:

As requested by your office, Fishbeck, Thompson, Carr & Huber, Inc. (FTCH) reviewed application materials from G.S. Fedewa Builders and Lapham Associates regarding the presence of a wetland located along the western edge of Lots 62, 63, and 64 in the Sierra Ridge Estates residential subdivision. The wetland is located directly east of Newton Road, approximately 750 feet north of the Newton Road/Sacramento Way intersection. It is located in Section 4 of the Charter Township of Meridian (Township) and is noted on the Township's wetland inventory map as Wetland Number 4-46, a 0.92-acre, forested and emergent wetland complex. Lapham Associates wetland delineation and FTCH's wetland boundary verification confirmed the wetland is actually approximately 0.26 acre in size.

Lapham Associates delineated the wetland on August 21, 2015, and FTCH verified the wetland boundary on September 28, 2015. The site slopes down to a depressional area along the lots' western property boundaries. FTCH concurred that most of Lapham Associates' wetland boundary flags accurately represented the wetland boundary. FTCH placed 3 additional wetland flags at the south end of the delineated area (labeled WB-1 through WB-3) to slightly extend the wetland boundary to the south. The emergent portion of the wetland is located in a drainageway along Newton Road. The drainageway discharges through a road culvert to an emergent wetland on the west side of the road. The eastern half of the delineated wetland grades up and contains wetland-ranked trees and shrubs.

Based upon FTCH's September 28, 2015, field investigation, the identified wetland is approximately 0.26 acre in size and is not contiguous with a body of water. Therefore, a determination of essentiality is necessary to determine the regulated status of this wetland under the Township's Wetland Ordinance.

The purpose of this letter is to relay FTCH's preliminary findings as to whether one or more of the essentiality criteria are likely to apply to the identified wetland. The criteria are listed below, followed by our assessment.

(1) The wetland supports state or federal endangered or threatened plants, fish, or wildlife appearing on a list specified in Part 365 of the Natural Resources and Environmental Protection Act (MCL 324.36501 et seq.).

- FTCH did not conduct a thorough inventory of species present within the wetland. Aerial photographs dating back to the 1990s indicate the site formerly contained agricultural fields. Therefore, it is not likely that state or federal endangered or threatened species are present at this location.

(2) The wetland represents what is identified as a locally rare or unique ecosystem.

- FTCH has no knowledge that this wetland has been identified as a locally rare or unique ecosystem.



(3) *The wetland supports plants or animals of an identified local importance.*

- The wetland supports common wetland species, such as eastern cottonwood (*Populus deltoides*, FAC), green ash (*Fraxinus pennsylvanica*, FACW), and poison ivy (*Toxicodendron radicans*, FAC). Several invasive, non-native wetland species are also present in it, including common buckthorn (*Rhamnus cathartica*, FAC) and reed canary grass (*Phalaris arundinacea*, FACW). No species of local importance have been identified.

(4) *The wetland provides groundwater recharge documented by a public agency.*

- FTCH is not aware that a public agency has documented this wetland as providing groundwater recharge.

(5) *The wetland provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.*

- The emergent portion of the wetland is located in a roadside ditch and receives stormwater from the surrounding landscape and the adjacent road. Water flows through the wetland into a 12-inch culvert under Newton Road, and is discharged into Township Wetland 4-33, an approximately 8.73-acre, forested and emergent wetland located on the west side of Newton Road. Because stormwater leaves the wetland fairly quickly, the wetland provides little flood and storm control through hydrologic absorption.

(6) *The wetland provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife or waterfowl, including migratory waterfowl and rare, threatened, or endangered wildlife species.*

- The wetland provides limited and poor quality habitat for wildlife and waterfowl, due to its small size and location adjacent to Newton Road. Its proximity to a road is a detriment with regards to wildlife habitat, due to the potential for roadkill. The wetland does not contain open water that may be used by waterfowl. It is not likely that rare, threatened, or endangered wildlife species are present in this wetland.

(7) *The wetland provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.*

- The configuration of the wetland encourages movement of stormwater down the hillside, through the ditch and into the road culvert, with flow being discharged into the adjacent wetland to the west. Therefore, retention of stormwater within the delineated wetland is very limited, with minimal associated infiltration and groundwater recharge.

(8) *The wetland provides pollution treatment by serving as a biological and chemical oxidation basin.*

- The delineated wetland does not have a basin configuration. Water is not trapped in the wetland but flows out through the road culvert. Therefore, it is not likely the wetland provides significant pollution treatment.

(9) *The wetland provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.*

- The adjacent hillsides to the north, east, and south contain old fields and are well vegetated. No evidence of erosion was observed in these areas. Newton Road is paved with gravel adjacent to the delineated wetland and appeared stable. Sediment originating from the roadway may be deposited by stormwater into the wetland. However, suspended solids within stormwater likely do not settle out within the delineated wetland to a significant extent, due to drainage through the culvert into the adjacent wetland to the west.

(10) *The wetland provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.*

- The delineated wetland is not associated with a lake, pond, river, or stream. It does not appear to contain standing water for extended periods of time. No fish are present in this wetland. Therefore, the delineated wetland does not provide sources of nutrients in water food cycles or nursery grounds and sanctuaries for fish.

Ms. Gail Oranchak
Page 3
November 20, 2015



We conclude that the delineated wetland does not provide significant function for the above listed criteria, and, therefore, the wetland is not essential to the preservation of the natural resources of the Township.

If you have any questions or require additional information, please contact me at 616.464.3738 or ehtripp@ftch.com.

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.

A handwritten signature in black ink, reading "Elise Hansen Tripp". The signature is written in a cursive style with a horizontal line underlining the name.

Elise Hansen Tripp, PWS

pmb
By email

MEMORANDUM**TO:** Township Board**FROM:** 
Mark Kieselbach
Director of Community Planning and Development
Peter Menser
Associate Planner**DATE:** November 23, 2015**RE:** Mobile Food Units

The Township Board last discussed mobile food units at its October 20, 2015 meeting. At the meeting the Board reviewed a draft ordinance. Based on Township Board discussion the following changes were made to the draft ordinance:

- Licenses will be valid for 120 days from the date of issuance. When the license expires the operator would be required to renew the license and pay another application fee.
- Mobile food vending units will be able to operate from 6:00 a.m. to midnight. These are the hours established in the C-1 (Commercial) zoning district.
- Set the application fee at \$60 per month. For an applicant requesting the full 120 days the application fee would be \$240. An applicant will have the option to request a license for less than 120 days; however the minimum application fee will be \$60. This fee will need to be added to the fee schedule.
- Added the term "responsible party" to Section 38-172(1)(c) titled "Application."
- Removed the provision limiting the number of mobile food units at any one location.
- Added recycling bins to Section 38-177 titled "Requirements."
- Changed the number of days to file an appeal from 10 days to 15 days in Section 38-180(a) titled "Appeals."
- Changed the number of days the Township must provide notice of an appeal from five days to 10 days in Section 38-180(C) titled "Appeals."
- Added exemptions to Division I (Generally) and Division II (License) of Chapter 38, Article IV to exempt mobile food units from licensing under the provisions for other types of vending.

Mobile Food Units
Township Board (12/1/15)
Page 2

Staff has forwarded the draft ordinance to the Township Attorney for review. If the Township Board approves of the draft ordinance a resolution will be prepared for a future meeting.

Attachment

1. Draft ordinance dated November 23, 2015

G:\Community Planning & Development\Planning\POLICY RESEARCH\Mobile Food Units

Chapter 38

LICENSES, PERMITS, AND MISCELLANEOUS REGULATIONS

ARTICLE IV, VENDORS

DIVISION 1. Generally.

Sec. 38-121. Conduct Defined as Vending.

For the purposes of this chapter, the following conduct, **EXCEPT MOBILE FOOD VENDING AS DEFINED IN DIVISION 3 OF THIS ARTICLE**, shall be defined to be vending and persons engaged in such conduct shall be deemed to be vendors:

(1) through (2) Remains as written.

Sec. 38-122 through Sec. 38-150 - Remains as written.

DIVISION 2. License.

Sec. 38-151. Required; exception.

(a) Remains as written.

(b) The provisions of subsection (a) of this section do not apply to:

(1) through (7) Remains as written.

(8) MOBILE FOOD VENDING UNITS

DIVISION 3. MOBILE FOOD UNITS.

Sec. 38-165. Title.

This article shall be known and cited as the Mobile Food Unit Ordinance of the Charter Township of Meridian.

Sec. 38-166. Definitions.

The following words, terms, and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

1. *Mobile Food Vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit.

2. *Mobile Food Vending Unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.

3. *Vendor* shall mean any individual engaged in the business of mobile food vending; if more than one individual is operating a single stand, cart, trailer, or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart, trailer, or other means of conveyance.

4. *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

Sec. 38-167. Purpose.

In the interest of allowing and encouraging mobile food units that add to the vibrancy and desirability of Meridian Township, while providing a framework under which such businesses operate.

Sec. 38-168. Location.

Mobile food vending shall be permitted in the C-1 (Commercial), C-2 (Commercial), C-3 (Commercial), RP (Research Park), and PO (Professional and Office) zoning districts.

Sec. 38-169. License Required.

No vendor shall engage in mobile food vending without a license issued by the Director of Community Planning and Development authorizing the vending. All licenses shall be prominently displayed on the mobile food vending unit. No vending by a mobile food vending unit of food and/or other consumables shall be permitted unless it meets the definition of mobile food vending as defined by this article.

Sec. 38-170. Exceptions to License Requirement.

Mobile food vending occurring at the Meridian Township Farmers' Market or in conjunction with a Township sponsored event is exempt from the license requirement. Written permission from the Director of Community Planning and Development to operate at the Farmers' Market or Township sponsored event is required.

Sec. 38-171. Duration; Non-Transferability.

Licenses may be issued by the Director of Community Planning and Development for a period of 120 days from the date of issuance. The license may be renewed by a vendor in good standing. Any license issued under this article is non-transferable between vendors, properties, and mobile food vending units.

Sec. 38-172. Application.

A vendor desiring to engage in mobile food vending shall submit an application to the Department of Community Planning and Development. No application shall be processed until it is complete.

1. A mobile food vending application form available in the Department of Community Planning and Development containing the following information:

- a. The address and/or parcel number of the subject property.
- b. The applicant's name, address, phone number, and email.
- c. The name, address, phone number, and email of the party responsible for operating the mobile food vending unit, if different from the applicant.
- d. Written permission from the owner of the property on which the vending will occur.
- e. A site plan, drawn to a legible scale, showing the location of the mobile food vending unit, existing buildings, parking, streets, driveways, and sidewalks.
- f. Zoning of the subject property.
- g. Other information the Director of Community Planning and Development deems necessary to thoroughly evaluate the application.

Sec. 39-173. Fees.

An application for a permit under this ordinance shall be accompanied by a fee in the amount established in the schedule of fees adopted by the Township Board. There shall be no proration of fees. Fees are non-refundable once a license is issued by the Director of Community Planning and Development.

Sec. 38-174. Requirement of state license.

Prior to issuance of a mobile food vending license, an applicant shall submit evidence of a license issued by the Ingham County Health Department or any other relevant agencies to engage in mobile food vending.

Sec. 38-175. Setbacks.

A mobile food vending unit shall be setback a minimum of 10 feet from any property line, street right-of-way line, structure, or mobile food vending unit.

Sec. 38-176. Signage.

One non-illuminated freestanding portable sign that is no more than three feet in height and six square feet or less in surface display area per side may be used by a mobile food vending unit. Under no circumstances shall such sign be placed upon a sidewalk or pathway or impede pedestrian and vehicle safety.

Sec. 38-177. Requirements.

Any persons engaging in mobile food vending shall comply with the following requirements:

1. A waste receptacle and a recycling bin shall be provided at the site of the mobile food vending unit. The vendor shall remove all litter, debris, and other waste attributable to the operation on a daily basis.
2. Products shall not be displayed outside the mobile food vending unit.
3. Mobile food vending may only occur between the hours of 6:00 a.m. to 12:00 midnight, seven days a week.

4. Outdoor seating, including but not limited to tables, chairs, booths, stools, benches, or stand up counters, shall not be permitted.
5. No banners, streamers, flags, flashing lights, blinking lights, or strobe lights shall be permitted on the mobile food vending unit or on the site where the mobile food vending unit is parked.
6. All exterior lighting associated with the mobile food vending unit, whether on the mobile food vending unit itself or placed on the site where the mobile food vending is occurring, shall be shielded to direct the illumination downward.
7. A mobile food vending unit shall not make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vending units shall be in compliance with the Township noise ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.
8. The vendor shall not utilize any electricity or power without the prior written authorization of the power customer; power cables or similar devices shall not be extended across any street, alley, sidewalk, or pathway.
9. A mobile food vending unit when parked on a street, alley, or roadway shall be parked in conformance with applicable parking regulations and shall not hinder the lawful parking or operation of other vehicles.
10. The mobile food vending unit shall not be located so as to block a public sidewalk or pathway, designated fire lane, or otherwise impede pedestrian or vehicular movement.

Sec. 38-178. Other licenses or permits.

A permit obtained under this article shall not relieve any vendor of the responsibility for obtaining any other license, permit, or authorization required by any other ordinance, statute, or administrative rule.

Sec. 38-179. Revocation.

The Director of Community Planning and Development shall revoke the license of any vendor who ceases to meet any requirement of this article or violates any other federal, state, or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare. Immediately upon such revocation, the Director shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

Sec. 38-180. Appeals.

Any person aggrieved by an order, requirement, decision or determination of the Director of Community Planning and Development as it relates to this article, may appeal to the Township Board in accordance with the following procedure:

- a. A written statement containing the specific reason for the appeal must be filed with the Township Clerk within 15 days of the date of the decision sought to be appealed.
- b. The Township Board shall hold a hearing on the appeal, which shall be open to public comment and shall include an opportunity for the appealing party to present their appeal.
- c. Notice of the time and place for consideration of an appeal shall be sent by mail or personal delivery not less than 10 days prior to the date of the hearing to the parties making the appeal. All notices shall be sent to addresses listed on the most recent assessment roll.
- d. The Township Board shall issue its decision on the appeal within a reasonable time. In its determination of the appeal, the Township Board may take, but is not limited to, any of the following actions:
 1. Affirm the decision of the Director of Community Planning and Development with or without modification and with or without such conditions as the Board deems necessary or appropriate to further the intent and purposes of this article.
 2. Reverse the decision of the Director of Community Planning and Development and state its reasons for reversal.
 3. Make any other decision, determination, order, or requirement that the Director of Community Planning and Development could have made with respect to the subject matter of the appeal.
- e. The Township Clerk shall notify the parties making the request in writing of the Township Board's decision.

Sec. 38-181. Penalties.

A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine of \$75, plus costs including all direct and indirect expenses incurred by the Township in connection with the municipal civil infraction as provided in Section 1-8 of the Township Code of Ordinances. Repeat offenses under this section shall be subject to increased fines as provided by Section 1-8 of this Code. As to violations of this article that are continuous with respect to time, each day that the violation continues is a separate offense. Abatements shall not be considered as payment or part of a violation's penalty. In addition to all other remedies, including the penalties provided in this article, the Township may commence and prosecute appropriate actions in the county circuit court or any other court having

jurisdiction to restrain or prevent any noncompliance with or violation of any of the provisions of this article or to correct, remedy, or abate such noncompliance or violation.

Sec. 38-182 through Sec. 38-185 (Reserved)

MEMORANDUM

TO: Township Board

FROM: 
Mark Kieselbach
Director of Community Planning and Development


Gail Oranchak, AICP
Principal Planner

DATE: November 24, 2015

RE: Zoning Amendment #15070 (Planning Commission)

Zoning amendment #15070 was initiated to bring the Township's Wireless Communications Facilities Overlay District into compliance with the amended Michigan Zoning Enabling Act (MZEA). An amendment to the MZEA signed into law in 2012 added a new section which addresses the regulation of wireless communications facilities. The proposed zoning amendment affects Section 86-2 Definitions and Section 86-438 Wireless Communications Overlay District.

The Planning Commission held a public hearing on the revised amendment on October 12, 2015 and on October 26, 2015 voted 7-0 to recommend approval to the Township Board. During discussion, the Planning Commission commented on the continuing ability to apply special use permit requirements in certain circumstances, height limitations, applicability to radio towers, determination of a complete application, the need to bring the ordinance into compliance with the amended MZEA and possibly initiating an amendment to Section 86-438 at a later date to address site location concerns. The following reasons were cited by the Planning Commission in its recommendation to approve the amendment:

- The Michigan Zoning Enabling Act is the legal basis for the Township's zoning ordinance
- The proposed zoning amendment brings the zoning ordinance into compliance with the amended Michigan Zoning Enabling Act.

Prior to adoption, the Planning Commission deleted Section 86-438(a)(1)c shown in the "public hearing draft." The text as recommended by the Planning Commission is attached.

A copy of staff memorandums dated October 8, 2015 and October 22, 2015 and minutes from the Planning Commission's October 12, 2015 (public hearing) and October 26, 2015 (decision) are attached.

Township Board Options

The Township Board may approve, deny, or amend the proposed text. If the Board amends the proposed text, it may be referred to the Planning Commission.

ZA #15070 (Planning Commission)

November 24, 2015

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Attachment

1. ZA #15070 as recommended by the Planning Commission
2. Staff memorandums dated October 8, 2015 and October 22, 2015
3. Planning Commission meeting minutes dated October 12, 2015 (public hearing) and October 26, 2015

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Zoning Amendment #15070

Sec. 86-2 – Definitions.

Collocate or collocation means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

Equipment compound means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communication equipment is located.

Stealth wireless facility design means a wireless communication facility which is not recognizable as a conventional facility (e.g., a metal lattice or monopole), but instead disguised, or concealed, or architecturally integrated into a building's design in such a fashion as to conform to its surroundings.

Wireless communications equipment means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless communications facility means a site where a wireless communications support structure, wireless communication equipment, or a wireless communications equipment compound is located.

Wireless communications support structure means a structure that is designed to support, or is capable of supporting wireless communications equipment, including monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

Sec. 86-438. - Wireless communications facilities overlay district.

(a) *Purpose:*

- (1) The purpose of the wireless communications facilities overlay district is to:
 - a. Provide standards and regulations pertaining to the location, construction, design, and maintenance of wireless communication facilities within the township;
 - b. Minimize adverse effects of wireless communications facilities through careful design, siting, and screening;

- c. Avoid potential damage to adjacent properties from structural failure of a wireless communications support structure through proper engineering and careful siting of structures; and
- d. Minimize the total number of towers throughout the Township by encouraging the joint use of any new or existing wireless communication facility or other suitable structure.

(b) *Applicability.*

- (1) The regulations and standards of this overlay district shall apply to any wireless communication facility permitted by right or by special use permit in the Township and which is utilized to send or receive communications, including, but not limited to, cellular towers, paging towers, radio and television broadcasting transmission towers, microwave towers, and antenna, satellite antenna towers, digital communication towers, whip antenna, panel antenna, dish antenna, mounted antenna, personal communication services (PCS), or other similar wireless communications towers, antennas, and facilities.
 - a. Police, fire, and emergency communications, citizen band radio, shortwave, ham and amateur radio, or personal antennas are exempt from this section.
 - b. In no case shall any portion of a wireless communications facility be permitted within the required natural vegetation strip per section 86-471, a floodway, a heritage neighborhood, a property or structure listed on the national register of historic places or eligible property or structure, Native American burial sites, or within 300 feet of a designated natural beauty road.

(c) *Uses permitted by right.*

- (1) Wireless communications support structures which incorporate stealth design.
- (2) Wireless communications equipment if all of the following requirements are met:
 - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure or the existing equipment compound is in compliance with the Township zoning ordinance or has been previously approved by the Township.
 - c. The proposed collocation will not result in any of the following:
 - 1. An increase in the overall height of the wireless communications support structure by more than 20 feet or 10 percent of its original height, whichever is greater.

2. An increase in the width of the wireless communications support structure by more than the minimum required to permit collocation.
 3. An increase in the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Township.
- (3) Roof-mounted antenna
- a. Not exceeding 20 feet in height above the average height of the roof line, located on nonresidential buildings at least two stories in height.
 - b. Not exceeding ten feet in height above the average height of the roof line, located on nonresidential buildings at least four stories in height.
- (4) Mounted antenna not located on a roof which have a total height of three feet or less. With the exception of one whip antenna, mounted antenna shall not be permitted on business signs without a special use permit.
- (5) Collocation of a wireless communication antenna on a public water tower, athletic field light standard, electrical utility transmission tower or distribution pole, or on an existing tower or pole within the right-of-way or easement of an electrical utility corridor.

Where freestanding wireless communication facilities are permitted to locate by an electric utility within an electrical utility easement, the wireless communication tower shall meet the minimum setback requirements in this section.

- (d) *Uses permitted by special use permit.* Any proposed wireless communications facility not described under uses permitted by right.
- (e) Special use permit review process.
- (1) A completed special use permit application shall be submitted to the director community planning and development pursuant to the requirements of section 86-124.
 - (2) After the special use permit application is filed, the Planning Commission or the Planning Commission's authorized designee shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the planning commission or the planning commission's authorized designee makes that determination or 14 business days

after the planning commission or the planning commission's authorized designee receives the application, whichever is first.

- (3) Before the expiration of the 14 business days, the planning commission or the planning commission's authorized designee shall notify the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notify the applicant that a fee required to accompany the application has not been paid, specifying the amount due. The running of the 14 business days is tolled until the applicant submits to the planning commission or the planning commission's authorized designee the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
- (4) After the application is determined to be administratively complete, the planning commission shall hold a public hearing. Notice of the public hearing shall comply with the provisions of subsection 86-65(b) of the code of ordinances.
- (5) The planning commission shall approve or deny a special use permit not more than 60 days after the application is considered to be administratively complete, except a special use permit for a new wireless communications facility shall be approved or denied not more than 90 days after the application is considered to be administratively complete. If the planning commission fails to approve or deny the special use permit within the time period, the special use permit shall be considered approved and the planning commission shall be considered to have made any determination required for approval.
- (6) Conditions placed on a special use permit approval shall be limited to meeting the requirements of this section, other Township ordinances, and state and federal laws.

(f) *Standards applying to wireless communications facilities.*

(1) General requirements:

- a. The applicant shall demonstrate to the township by means of an architect's or engineer's report the proposed wireless communications facility is no more than the minimum height necessary. This report shall be certified and sealed and shall at a minimum include details on the support structure's design and safety, location and topography constraints, expected usage or cell range, potential interference sources, collocation needs, safety, and siting need and requirements.
- b. Applicants for a wireless communications facility shall disclose any potential impact on the environment in an environmental assessment for the following categories:

Wetlands.

Floodplains, including floodway and floodway fringe.

Wildlife preserves and corridors.

Endangered species.

Historical sites.

Native American religious sites.

Groundwater recharge areas.

Woodlands.

- c. At wireless communications facilities with a freestanding wireless communications support structure, a minimum of two off-street parking spaces shall be provided on the site. An additional off-street parking space for each two employees required as on-site personnel shall be provided at the facilities.
- d. All wireless communications facilities with a freestanding wireless communications support structure located in a residential zoning district shall be located on a separate parcel of land which meets the lot area and width requirements of the residential zoning district where it is located or the minimum setbacks in this section, whichever is greater.
- e. All wiring connecting a freestanding wireless communications support structure with buildings and equipment within the equipment compound shall be placed underground or fully enclosed.
- f. All applicants proposing a wireless communications facility are recommended to schedule a pre-site selection conference with the department of community planning and development.
- g. The applicant shall provide the Department of Community Planning and Development with copies of all Federal Communications Commission (FCC) and other regulatory approvals.
- h. Accessory mechanical buildings associated with a wireless communications facility shall be designed in a manner which is architecturally compatible with the surrounding neighborhood.

(2) Collocation.

- a. In order to maximize the efficiency of wireless communication services, while also minimizing the impact of such facilities on the township, all applicants for wireless communication facilities shall be required to provide information regarding the feasibility of collocation at all proposed or existing sites in the Township. Furthermore, all applicants shall be required to provide a notarized letter of intent to commit itself to:
 - 1. Respond to any requests for information from another potential shared use applicant;
 - 2. Negotiate in good faith and allow for leased shared use if an applicant or the Township as a user, demonstrates that it is technically feasible; and

3. Make no more than a reasonable charge for a shared use lease.
- b. Should collocation be proposed at a wireless communication facility, accessory mechanical buildings shall either be situated directly adjacent to or abutting each other and separated by a firewall, shall be placed underground, or shall be designed in a manner which limits the number and size of the buildings on the site. On-site constraints, such as existing topographical and other natural features, may be considered when reviewing a proposed collocation design. Accessory mechanical buildings shall be designed to be consistent in design, style, and exterior appearance. Review and approval of accessory mechanical buildings at a collocation site shall be made by the director of community planning and development.

(3) Site development requirements.

- a. All wireless communications facilities shall be subject to site plan review.
- b. *Height.* Unless otherwise provided for in this section, the antenna and towers associated with wireless communication facilities shall be exempt from the maximum height requirements of the zoning district where they are located.
- c. *Setbacks.* Freestanding wireless communication facilities shall be subject to the following minimum setback requirements:
 1. Freestanding wireless communications support structures employing guy anchors shall be sited so that the guy anchors for the structure meet the minimum setback requirements of the zoning district where they are located and do not cross into another zoning district.
 2. When a monopole, self-supporting lattice tower, or guyed towers is used as the wireless communications support structure, it shall be setback from all property lines a distance equal to the height of the monopole, self-supporting lattice tower, or guyed tower or the minimum setback required by the zoning district, whichever is greater.
 3. Mounted wireless communication equipment shall meet the required setbacks for the structure upon which they are located and shall be situated to provide for maximum safety on the site.
- d. *Safety and security requirements.*
 1. The applicant shall, in conjunction with the application, submit a statement that is certified and sealed by a licensed architect or engineer indicating that the proposed wireless communications facility is in compliance with all Federal Communications Commission (FCC) regulations and all building and code requirements.

2. All wireless communication facilities shall be fitted with anticlimbing devices.
 3. Proof of adequate insurance coverage, sufficient to cover any potential damages done by or to the facility shall be provided.
 4. Security fencing, compatible with the township's fence regulations of section 86-506 shall be installed completely around freestanding wireless communications facilities, including guy anchors. Access shall be provided only by a locked gate. Security fencing shall not be required for mounted facilities.
 5. When a monopole, self-supporting lattice tower, or guyed tower is used as the wireless communications support structure, a statement verifying that the tower, including any and all attachments, shall comply with all building code and Electronics Industry Association (ETA) (222-E) requirements and shall be certified and sealed by a licensed architect or engineer and furnished with the application.
 6. The wireless communications facility shall not block areas which will hamper firefighting or emergency equipment or maintenance of other utilities.
 7. All wireless communication facilities shall receive regular and routine care and maintenance.
- e. *Landscaping and visual impact requirements.*
1. Landscaping consisting of native species approved by the township shall be provided in sufficient quantity around the perimeter of the required security fencing, as well as adjacent to any buildings and anchors. Site access entrances shall also be landscaped with native materials. This information shall be presented on a landscape plan and subject to the approval of the Director of Community Planning and Development.
 2. When located on an otherwise undeveloped site, the existing natural vegetation of the property shall be maintained to the greatest extent possible. The applicants shall provide information on a landscape plan regarding existing vegetation which is proposed to be removed and methods for replacement. In no case shall an entire site be graded and/or cleared for installation of a wireless communication facility.
 3. Where a wireless communications facility is proposed, the applicants shall demonstrate how the accessory building's design will limit adverse visual impacts to neighboring property owners. Appropriate landscaping shall also be provided.

4. Lighting at the wireless communications facility shall be designed so not to adversely affect adjacent property owners and shall be in compliance with FAA standards and Chapter 38, Article VII as applicable.
5. When a monopole, self-supporting lattice tower, or guyed tower of 200 feet or less in height is used as the wireless communications support structure a design utilizing light sky-blue, sky-mist gray, or a similar unobtrusive color shall be required, unless otherwise directed by the FAA.

(g) *Abandonment.*

- (1) Wireless communications facilities which have been abandoned or are unused or disconnected from the network for a period of six months shall be immediately removed from the site at the cost of the facility applicant or their successor.
- (2) Upon removal of the wireless communications facility from the site all foundations shall also be removed to a depth of at least six feet in residentially zoned districts. In all other zoning districts, the foundation shall be removed to a depth of at least three feet. Additionally, the fencing and accessory structures shall be demolished and removed from the site at the cost of the applicant, or their successor.
- (3) The siting of any antenna or tower shall require the applicant to deposit with the Township Clerk security of a performance guarantee (in a time duration and with financial institution deemed acceptable to the Township) in the form of cash, a certified check, or irrevocable bank letter of credit, which will ensure full compliance with this Ordinance and any conditions of approval. The security shall cover removal of the facility when it has been abandoned, or unused or disconnected from the network as provided herein. The amount of security shall be sufficient to remove the entire facility, equipment, equipment compound and related improvements and satisfactory to the Township.

The security shall be kept in full force and effect and irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the antenna, tower or related facility) during the entire time while the antenna or tower exists or is in place. The applicant and owner shall further agree as a condition of the security that the applicant and owner are responsible for the payment of any costs and attorney fees incurred by the Township in securing removal.

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

DATE: October 8, 2015

TO: Planning Commission

FROM: 
Gail Oranchak, AICP
Principal Planner

RE: Zoning Amendment #15070 (Planning Commission), amend Section 86-2 Definitions and Section 86-438 Wireless Communication Facilities Overlay District to comply with federal and state regulations

In 2012, the Michigan Zoning Enabling Act (MZEA) was amended adding a new section which addressed the regulation of wireless communications facilities. This zoning amendment proposes to bring zoning ordinance definitions and the Township's Wireless Communications Facilities Overlay District into compliance with the amended MZEA.

Generally, the amendment to the Michigan Zoning Enabling Act provided for the following:

- Wireless communications equipment is a permitted use of property and therefore not subject to special use permit or any other approval required subject to the MZEA provided all of the following are met:
 - The equipment would be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - The existing structure or compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or local official.
 - The proposed collocation would not do any of the following:
 - Increase the overall height of the support structure by more than 20 feet or by 10 percent of its original height, whichever is greater.
 - Increase the width of the support structure by more than the minimum necessary to permit collocation.
 - The proposed collocation complies with the terms and conditions of any previous final approval of the support structure or compound by the appropriate zoning body or local official.
- The amendment to the MZEA also:
 - Provides that equipment that meets the first two conditions above but not the last two would be a permitted use of property if it received special use permit approval.
 - Required the zoning body or local official to determine whether an application is administratively complete within 14 business days after receiving the application. If no determination is made within the time period, the application will be considered as being complete. The 14-day period will be tolled if the applicant is notified (in writing or electronically) that the application is not administratively complete as well as the

ZA #15070 (Planning Commission)

Planning Commission (10/8/14)

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information necessary to make it complete, and also if the applicant is notified that the required fee has not been paid and the amount due.

- Require the zoning body or local official to approve or deny the application within 60 days of determining the application to be administratively complete. Failure to timely approve or deny an application will result in the application being considered approved.
- Allow a 90-day application approval process if a local unit of government requires special land use approval for equipment that does not meet the requirements for wireless communication support structure or that is not collocated on an existing wireless communications support structure or in an existing equipment compound.
- Allow a local unit of government to authorize wireless communications equipment as a permitted use of property not subject to special land use approval.
- Define "collocate," "equipment compound," "wireless communications equipment," and "wireless communications support structure."

The attached draft which shows changes to the ordinance with "CAPS and ~~strikeouts~~" also includes the Township attorney's revisions to the draft in red and his comments relative to topics for consideration in the right-hand margin.

Planning Commission Options

The Planning Commission may recommend approval of the draft as proposed or a revised draft to the Township Board. A resolution will be provided for a future meeting.

Attachments

1. MZEA Section 3514
2. ZA #15070 Public Hearing Draft dated 10/12/15 CAPS and ~~Strikeouts~~
3. ZA #15070 Public Hearing Draft dated 10/12/15 – Clean

MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3514 Wireless communications equipment as permitted use of property; application for special land use approval; approval or denial; authorization by local unit of government; definitions.

Sec. 3514. (1) Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this act if all of the following requirements are met:

(a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.

(b) The existing wireless communications support structure or existing equipment compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit of government.

(c) The proposed collocation will not do any of the following:

(i) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.

(ii) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.

(iii) Increase the area of the existing equipment compound to greater than 2,500 square feet.

(d) The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.

(2) Wireless communications equipment that meets the requirements of subsection (1)(a) and (b) but does not meet the requirements of subsection (1)(c) or (d) is a permitted use of property if it receives special land use approval under subsections (3) to (6).

(3) An application for special land use approval of wireless communications equipment described in subsection (2) shall include all of the following:

(a) A site plan as required under section 501, including a map of the property and existing and proposed buildings and other facilities.

(b) Any additional relevant information that is specifically required by a zoning ordinance provision described in section 502(1) or 504.

(4) After an application for a special land use approval is filed with the body or official responsible for approving special land uses, the body or official shall determine whether the application is administratively complete. Unless the body or official proceeds as provided under subsection (5), the application shall be considered to be administratively complete when the body or official makes that determination or 14 business days after the body or official receives the application, whichever is first.

(5) If, before the expiration of the 14-day period under subsection (4), the body or official responsible for approving special land uses notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (4) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the local unit of government's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

(6) The body or official responsible for approving special land uses shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the body or official fails to timely approve or deny the application, the application shall be considered approved and the body or official shall be considered to have made any determination required for approval.

(7) Special land use approval of wireless communications equipment described in subsection (2) may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.

(8) If a local unit of government requires special land use approval for wireless communications equipment that does not meet the requirements of subsection (1)(a) or for a wireless communications support structure, subsections (4) to (6) apply to the special land use approval process, except that the period for approval or denial under subsection (6) is 90 days.

(9) A local unit of government may authorize wireless communications equipment as a permitted use of property not subject to a special land use approval.

(10) As used in this section:

(a) "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.

(b) "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

(c) "Wireless communications equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

(d) "Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

History: Add. 2012, Act 143, Imd. Eff. May 24, 2012.

Compiler's note: Sec. 3514. should evidently read "Sec. 514."

Zoning Amendment #15070

Sec. 86-2 – Definitions.

COLLOCATE "OR COLLOCATION" MEANS TO PLACE OR INSTALL WIRELESS COMMUNICATIONS EQUIPMENT ON AN EXISTING WIRELESS COMMUNICATIONS SUPPORT STRUCTURE OR IN AN EXISTING EQUIPMENT COMPOUND. ~~"COLLOCATION HAS A CORRESPONDING MEANING."~~

~~Collocation means locating wireless communications equipment from more than one provider at a single facility.~~

EQUIPMENT COMPOUND MEANS AN AREA SURROUNDING OR ADJACENT TO THE BASE OF A WIRELESS COMMUNICATIONS SUPPORT STRUCTURE AND WITHIN WHICH WIRELESS COMMUNICATION EQUIPMENT IS LOCATED.

~~Stealth wireless facility design means a wireless communication facility which is not recognizable as a conventional facility (e.g., a metal lattice or monopole), but instead disguised, or concealed, OR ARCHITECTURALLY INTEGRATED INTO A BUILDING'S DESIGN in such a fashion as to conform to its surroundings. Examples of stealth wireless facility design include, but are not limited to, towers which resemble trees, flag poles, light poles, facilities concealed in church steeples, or facilities which are architecturally integrated into a building's design.~~

WIRELESS COMMUNICATIONS EQUIPMENT MEANS THE SET OF EQUIPMENT AND NETWORK COMPONENTS USED IN THE PROVISION OF WIRELESS COMMUNICATIONS SERVICES, INCLUDING, BUT NOT LIMITED TO, ANTENNAS, TRANSMITTERS, RECEIVERS, BASE STATIONS, EQUIPMENT SHELTERS, CABINETS, EMERGENCY GENERATORS, POWER SUPPLY CABLES, AND COAXIAL AND FIBER OPTIC CABLES, BUT EXCLUDING WIRELESS COMMUNICATIONS SUPPORT STRUCTURES.

~~Wireless communicationS facility means A SITE WHERE A WIRELESS COMMUNICATIONS SUPPORT STRUCTURE, WIRELESS COMMUNICATIONS EQUIPMENT, OR A WIRELESS COMMUNICATION EQUIPMENT COMPOUND IS LOCATED. a broad range of freestanding and mounted telecommunication structures, including antennas, towers, satellite antennas, and related accessory equipment structures or similar structures, designed or erected to enable people to utilize devices to communicate independent of location. The term "wireless communication facility" includes, but is not limited to, facilities related to cellular, microwave, paging, mobile radio, satellite antenna, digital, analog, and broadcast technologies.~~

WIRELESS COMMUNICATIONS SUPPORT STRUCTURE MEANS A STRUCTURE THAT IS DESIGNED TO SUPPORT, OR IS CAPABLE OF SUPPORTING WIRELESS COMMUNICATIONS EQUIPMENT, INCLUDING MONOPOLE, SELF-SUPPORTING LATTICE TOWER, GUYED TOWER, WATER TOWER, UTILITY POLE, OR BUILDING.

Sec. 86-438. - Wireless communicationS facilities overlay district. DRAFT

(a) Purpose:

(1) The purpose of the wireless communications facilities overlay district is to:

- a. Provide standards and regulations pertaining to the location, construction, design, and maintenance of wireless communication facilities within the township;
- b. Minimize adverse effects of wireless communicationS facilities through careful design, siting, and screening;
- c. Protect residential areas, agricultural or natural areas, and protect future land uses from potential adverse impacts of towers and antennas;
- gd. Avoid potential damage to adjacent properties from wireless communication tower structural failure **OF A WIRELESS COMMUNICATIONS SUPPORT STRUCTURE** through proper engineering and careful siting of structures; and
- de. Minimize the total number of towers throughout the Township by encouraging the ~~Maximize~~ the joint use of any new or existing wireless communication facility or other suitable structure to reduce the number of facilities necessary.

~~(2) This section applies to the wireless communications facilities overlay district.~~

(b) Applicability.

(1) The regulations and standards of this overlay district shall apply to any wireless communication facility permitted by right or by special use permit in ~~this section~~ **THE TOWNSHIP** and which is utilized to send or receive communications, including, but not limited to, cellular towers, paging towers, radio and television broadcasting transmission towers, microwave towers, ~~wireless communication towers and antenna,~~ satellite antenna towers, digital communication towers, whip antenna, panel antenna, dish antenna, mounted antenna, personal communication services (PCS), or other similar wireless communicationS towers, antennaS, and facilities.

~~a. Freestanding wireless communication facilities shall include those with or without guy wires.~~

~~B A. Police, fire, and emergency communications, citizen band radio, shortwave, ham and amateur radio, or personal television receiving receive only antennas are exempt from this section.~~

~~C B. In no case shall any **PORTION OF A** wireless communicationS tower or related facility covered by this section be permitted within the required natural~~

Commented [G01]: Attorney commented: What was the intent behind "portion of a"? Un reading the definition of wireless communications facility, any portion of one would also fall within this definition . If there is a specific concern, other language may be better.

vegetation strip per section 86-471, a floodway, within a heritage neighborhood, ~~on the site of a state or~~ **A PROPERTY OR STRUCTURE LISTED ON THE** national register of historic places listed or eligible property or structure, Native American burial sites, or within 300 feet of a designated natural beauty road.

Commented [G02]: Attorney commented: What is the intent of this phrase? Without any additional phrases, one doesn't know what is an eligible property or structure unless it is property "eligible" to be listed on the national register of historic places. Even then, is there a specific time when property becomes "eligible"?

(c) ~~Uses permitted by right, subject to site plan review.~~

- (1) Wireless communicationS facilities **SUPPORT STRUCTURES** which incorporate stealth design.
- (2) ~~Collocation at ON an existing wireless communication facility~~ **WIRELESS COMMUNICATIONS EQUIPMENT IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:**
 - A. **THE WIRELESS COMMUNICATIONS EQUIPMENT WILL BE COLLOCATED ON AN EXISTING WIRELESS COMMUNICATIONS SUPPORT STRUCTURE OR IN AN EXISTING EQUIPMENT COMPOUND.**
 - B. **THE EXISTING WIRELESS COMMUNICATIONS SUPPORT STRUCTURE OR THE EXISTING EQUIPMENT COMPOUND IS IN COMPLIANCE WITH THE TOWNSHIP ZONING ORDINANCE OR HAS BEEN PREVIOUSLY APPROVED BY THE TOWNSHIP.**
 - C. **THE PROPOSED COLLOCATION WILL NOT RESULT IN ANY OF THE FOLLOWING:**
 1. **AN INCREASE IN THE OVERALL HEIGHT OF THE WIRELESS COMMUNICATIONS SUPPORT STRUCTURE BY MORE THAN 20 FEET OR 10 PERCENT OF ITS ORIGINAL HEIGHT, WHICHEVER IS GREATER.**
 2. **AN INCREASE IN THE WIDTH OF THE WIRELESS COMMUNICATIONS SUPPORT STRUCTURE BY MORE THAN THE MINIMUM REQUIRED TO PERMIT COLLOCATION.**
 3. **AN INCREASE IN THE AREA OF THE EXISTING EQUIPMENT COMPOUND TO GREATER THAN 2,500 SQUARE FEET.**
 - D. **THE PROPOSED COLLOCATION COMPLIES WITH THE TERMS AND CONDITIONS OF ANY PREVIOUS FINAL APPROVAL OF THE WIRELESS COMMUNICATIONS SUPPORT STRUCTURE OR EQUIPMENT COMPOUND BY THE TOWNSHIP.**

~~freestanding, stealth, or mounted provided all accessory buildings are architecturally compatible with the surrounding neighborhood~~

~~(4)~~ (3) Roof-mounted antenna

- a. Not exceeding 20 feet in height above the average height of the roof line, located on nonresidential buildings at least two stories in height.
- b. Not exceeding ten feet in height above the average height of the roof line, located on nonresidential buildings at least four stories in height.

(4) Mounted antenna not located on a roof which have a total height of three feet or less. With the exception of one whip antenna, mounted antenna shall not be permitted on business signs without a special use permit.

(5) Collocation of a wireless communication antenna on a public water tower, athletic field light standard, electrical utility transmission tower or distribution pole, or on an existing tower or pole within the right-of-way or easement of an electrical utility corridor.

Where freestanding wireless communication facilities are permitted to locate by an electric utility within an electrical utility easement, the wireless communication tower shall meet the minimum setback requirements in this section.

(d) *Uses permitted by special use permit.* Any proposed wireless communications facility not described under uses permitted by right:

(E) SPECIAL USE PERMIT REVIEW PROCESS.

- (1) A COMPLETED SPECIAL USE PERMIT APPLICATION SHALL BE SUBMITTED TO THE DIRECTOR COMMUNITY PLANNING AND DEVELOPMENT PURSUANT TO THE REQUIREMENTS OF SECTION 86-124.
- (2) AFTER THE SPECIAL USE PERMIT APPLICATION IS FILED, THE PLANNING COMMISSION OR THE PLANNING COMMISSION'S AUTHORIZED DESIGNEE SHALL DETERMINE WHETHER THE APPLICATION IS ADMINISTRATIVELY COMPLETE. THE APPLICATION SHALL BE CONSIDERED TO BE ADMINISTRATIVELY COMPLETE WHEN THE PLANNING COMMISSION OR THE PLANNING COMMISSION'S AUTHORIZED DESIGNEE MAKES THAT DETERMINATION OR 14 BUSINESS DAYS AFTER THE PLANNING COMMISSION OR THE PLANNING COMMISSION'S AUTHORIZED DESIGNEE RECEIVES THE APPLICATION, WHICHEVER IS FIRST.

- (3) BEFORE THE EXPIRATION OF THE 14 BUSINESS DAYS, THE PLANNING COMMISSION OR THE PLANNING COMMISSION'S AUTHORIZED DESIGNEE SHALL NOTIFY THE APPLICANT THAT THE APPLICATION IS NOT ADMINISTRATIVELY COMPLETE, SPECIFYING THE INFORMATION NECESSARY TO MAKE THE APPLICATION ADMINISTRATIVELY COMPLETE, OR NOTIFY THE APPLICANT THAT A FEE REQUIRED TO ACCOMPANY THE APPLICATION HAS NOT BEEN PAID, SPECIFYING THE AMOUNT DUE. THE RUNNING OF THE 14 BUSINESS DAYS IS TOLLED UNTIL THE APPLICANT SUBMITS TO THE PLANNING COMMISSION OR THE PLANNING COMMISSION'S AUTHORIZED DESIGNEE THE SPECIFIED INFORMATION OR FEE AMOUNT DUE. THE NOTICE SHALL BE GIVEN IN WRITING OR BY ELECTRONIC NOTIFICATION.
- (4) AFTER THE APPLICATION IS DETERMINED TO BE ADMINISTRATIVELY COMPLETE, THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING. NOTICE OF THE PUBLIC HEARING SHALL COMPLY WITH THE PROVISIONS OF SUBSECTION 86-65(B) OF THE CODE OF ORDINANCES.
- (5) THE PLANNING COMMISSION SHALL APPROVE OR DENY A SPECIAL USE PERMIT NOT MORE THAN 60 DAYS AFTER THE APPLICATION IS CONSIDERED TO BE ADMINISTRATIVELY COMPLETE, EXCEPT A SPECIAL USE PERMIT FOR A NEW WIRELESS COMMUNICATIONS FACILITY SHALL BE APPROVED OR DENIED NOT MORE THAN 90 DAYS AFTER THE APPLICATION IS CONSIDERED TO BE ADMINISTRATIVELY COMPLETE. IF THE PLANNING COMMISSION FAILS TO APPROVE OR DENY THE SPECIAL USE PERMIT WITHIN THE TIME PERIOD, THE SPECIAL USE PERMIT SHALL BE CONSIDERED APPROVED AND THE PLANNING COMMISSION SHALL BE CONSIDERED TO HAVE MADE ANY DETERMINATION REQUIRED FOR APPROVAL.
- (6) CONDITIONS PLACED ON A SPECIAL USE PERMIT APPROVAL SHALL BE LIMITED TO MEETING THE REQUIREMENTS OF THIS SECTION, OTHER TOWNSHIP ORDINANCES, AND STATE AND FEDERAL LAWS.

(F) Standards applying to all wireless communications facilities.

(1) General requirements:

- a. The applicant shall demonstrate to the township by means of an architect's or engineer's report that the proposed wireless communications facility is no more than the minimum height necessary. This report shall be certified and sealed and shall at a minimum include details on the support structure's design and safety, location and topography constraints, expected usage or cell range,

potential interference sources, collocation needs, safety, and siting need and requirements.

b. All Applicants for a wireless communications facility shall disclose any potential impact on the environment in an environmental assessment for the following categories:

- Wetlands.
- Floodplains, including floodway and floodway fringe.
- Wildlife preserves and corridors.
- Endangered species.
- Historical sites.
- Native American religious sites.
- Groundwater recharge areas.
- Woodlands.

c. At freestanding wireless communications **FACILITIES WITH A FREESTANDING WIRELESS COMMUNICATIONS SUPPORT STRUCTURE**, a minimum of two off-street parking spaces shall be provided on the site. An additional off-street parking space for each two employees required as on-site personnel shall be provided at the facilities which require on-site personnel.

d. All freestanding wireless communications facilities **WITH A FREESTANDING WIRELESS COMMUNICATIONS SUPPORT STRUCTURE** located in a residential zoning district shall be located on a separate parcel of land which meets the lot area and width requirements of the residential zoning district where it is located or the minimum setbacks in this section, whichever is greater.

e. All wiring ~~connecting a freestanding wireless communications facility~~ **SUPPORT STRUCTURE WITH mechanical buildings AND EQUIPMENT WITHIN THE EQUIPMENT COMPOUND** shall be placed underground or fully enclosed.

Commented [G03]: Attorney commented: What about wiring that comes off-site to connect the facility or equipment in the equipment compound, such as power lines? Should these be buried to the extent possible?"

f. All applicants proposing a wireless communications facility are recommended to schedule a pre-site selection conference with the department of community planning and development.

h. ~~Accessory mechanical buildings associated with a wireless communication facility shall be designed in a manner which is architecturally compatible with the surrounding neighborhood.~~

g. The applicant shall provide the township DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT WITH COPIES OF ALL FEDERAL COMMUNICATIONS COMMISSION (FCC) AND OTHER REGULATORY APPROVALS.

H. Accessory mechanical buildings ~~associated with a wireless communicationS~~ facility shall be designed in a manner which is architecturally compatible with the surrounding neighborhood.

Commented [G04]: Attorney commented: Do you want these building to also comply with Township building code and permitting?

(2) COLLOCATION.

a. In order to maximize the efficiency of ~~the provision~~ of wireless communication services, while also minimizing the impact of such facilities on the township. ~~collocating (i.e., the provision of more than one facility at a single location and on a single tower) shall be encouraged by the township. shall be encouraged by the township.~~ All applicants for wireless communication facilities shall be required to provide information regarding the feasibility of collocation at all proposed or existing sites in the Township. ~~furthermore~~ Furthermore, all applicants shall be required to provide a notarized letter of intent to lease ~~excess space on the facility to the township~~ and commit itself to:

1. Respond to any requests for information from another potential shared use applicant;
2. Negotiate in good faith and allow for leased shared use if an applicant or the Township as a user, demonstrates that it is technically feasible; and
3. Make no more than a reasonable charge for a shared use lease.

b. Should collocation be proposed at a wireless communication facility, accessory mechanical buildings shall either be situated directly adjacent to or abutting each other and separated by a firewall, shall be placed underground, or shall be designed in a manner which limits the number and size of the buildings on the site. On-site constraints, such as existing topographical and other natural features, may be considered when

reviewing a proposed collocation design. Accessory mechanical buildings shall be designed to be consistent in design, style, and exterior appearance. Review and approval of accessory mechanical buildings at a collocation site shall be made by the director of community planning and development.

(3) *Site development requirements.*

A. **ALL WIRELESS COMMUNICATIONS FACILITIES SHALL BE SUBJECT TO SITE PLAN REVIEW.**

B. *Height.* ~~Unless otherwise provided for in this section, the antenna and towers associated with wireless communication facilities shall be exempt from the maximum height requirements of the zoning district where they are located.~~

Commented [G05]: Attorney commented: Are you concerned with any maximum tower height?

C. *Setbacks.* Freestanding wireless communication facilities shall be subject to the following minimum setback requirements:

1. Freestanding wireless communications facilities **SUPPORT STRUCTURES** employing guy anchors shall be sited so that the guy anchors for the structure meet the minimum setback requirements of the zoning district where they are located and do not cross into another zoning district.
2. ~~Towers associated with freestanding~~ **WHEN A MONOPOLE, SELF-SUPPORTING LATTICE TOWER, OR GUYED TOWERS IS USED AS THE** wireless communications facilities **SUPPORT STRUCTURE, IT** shall be setback from all property lines a distance equal to the height of the **MONOPOLE, SELF-SUPPORTING LATTICE TOWER, OR GUYED** tower or the minimum setback required by the zoning district, whichever is greater.
3. Mounted wireless communication facilities **EQUIPMENT** shall meet the required setbacks for the structure upon which they are located and shall be situated to provide for maximum safety on the site.

D. Safety and security requirements.

1. The applicant shall, in conjunction with the application, submit a statement that is certified and sealed by a licensed architect or engineer indicating that the proposed wireless communicationS facility is in compliance with all Federal Communications Commission (FCC) regulations and all building and code requirements.
2. All wireless communication facilities shall be fitted with antilimbing devices.
3. Proof of adequate insurance coverage, sufficient to cover any potential damages done by or to the facility shall be provided.
4. Security fencing, compatible with the township's fence regulations of ~~section 86-506~~ shall be installed completely around freestanding **WIRELESS COMMUNICATIONS** facilities, ~~any accessory utility structures, and~~ **INCLUDING** guy anchors. Access shall be provided only by a locked gate. Security fencing shall not be required for mounted facilities.
5. ~~For tower facilities,~~ **WHEN A MONOPOLE, SELF-SUPPORTING LATTICE TOWER, OR GUYED TOWER IS USED AS THE WIRELESS COMMUNICATIONS SUPPORT STRUCTURE,** a statement verifying that the tower, including any and all attachments, shall comply with all building code and Electronics Industry Association (ETA) (222-E) requirements and shall be certified and sealed by a licensed architect or engineer and furnished with the application.
6. The **WIRELESS COMMUNICATIONS** facility shall not block areas which will hamper firefighting or emergency equipment or maintenance of other utilities.
7. All wireless communication facilities shall receive regular and routine care and maintenance.

E. Landscaping and visual impact requirements.

1. Landscaping consisting of native species approved by the township shall be provided in sufficient quantity around the perimeter of the required security fencing, as well as adjacent to any buildings and anchors. Site access entrances shall also be landscaped with native materials. This information shall be presented on a landscape plan. ~~THIS INFORMATION SHALL BE PRESENTED ON A LANDSCAPE PLAN AND~~ AND SUBJECT TO THE APPROVAL OF THE DIRECTOR OF COMMUNITY PLANNING AND DEVELOPMENT.

2. When located on an otherwise undeveloped site, the existing natural vegetation of the property shall be maintained to the greatest extent possible. The applicants shall provide information on a landscape plan regarding existing vegetation which is proposed to be removed and methods for replacement. In no case shall an entire site be graded and/or cleared for installation of a wireless communication tower FACILITY.

3. ~~Whether a freestanding or mounted~~ **WHERE A WIRELESS** telecommunications facility is proposed, the applicants shall demonstrate how the accessory building's design will limit adverse visual impacts to neighboring property owners. Appropriate landscaping shall also be provided

4. Lighting at the **WIRELESS COMMUNICATIONS** facility and ~~accessory structures~~ shall be designed so not to adversely affect adjacent property owners and shall be in compliance with FAA standards **AND CHAPTER 38, ARTICLE VII AS APPLICABLE.**

5. ~~The township encourages, but does not require, that wireless communication facilities incorporate stealth design. Should a nonstealth (conventional) design be employed, efforts shall be made by the applicant to minimize the impact of the wireless communication facility on the surrounding neighborhood. When freestanding, conventional, wireless communications facilities which are~~ **WHEN A MONOPOLE, SELF-SUPPORTING LATTICE TOWER, OR GUYED TOWER OF 200 feet or less in height are IS USED AS THE WIRELESS COMMUNICATIONS SUPPORT STRUCTURE** ~~proposed, a monopole~~ A design utilizing light sky-blue, sky-mist gray, or a similar unobtrusive color shall be required, unless otherwise directed by the FAA.

Commented [G06]: Attorney commented: What if the tower is higher than 200 feet? I see no maximum height provision that would prevent a tower greater than 200 feet.

(f G) Abandonment.

(1) Wireless communicationS facilities which have been abandoned or are unused or disconnected from the network for a period of six months shall be immediately removed from the site at the cost of the facility applicant or their successor.

(2) Upon removal OF THE WIRELESS COMMUNICATIONS FACILITY from the site of a tower, the ALL foundationS shall also be removed to a depth of at least six feet in residentially zoned districts. In all other zoning districts, the foundation shall be removed to a depth of at least three feet. Additionally, the fencing and accessory structures shall be demolished and removed from the site at the cost of the facility applicant, or their successor.

Commented [G07]: Attorney commented: For purposes of restoration, would you prefer that they remove the entire foundation?

(3) The siting of any antenna or tower shall require the applicant to deposit with the Township Clerk security of a performance guarantee (in a time duration and with financial institution deemed acceptable to the Township) in the form of cash, a certified check, or irrevocable bank letter of credit, which will ensure full compliance with this Ordinance and any conditions of approval. The security shall cover removal of the facility when it has been abandoned, or unused or disconnected from the network as provided herein. The amount of security shall be sufficient to remove the entire facility, equipment, equipment compound and related improvements and satisfactory to the Township.

The security shall be kept in full force and effect and irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the antenna, tower or related facility) during the entire time while the antenna or tower exists or is in place. The applicant and owner shall further agree as a condition of the security that the applicant and owner are responsible for the payment of any costs and attorney fees incurred by the Township in securing removal. The applicants shall post a continuously-enforced bond, or other instrument of financial guarantee, with the township to assure removal of the wireless communicationS facility.

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Zoning Amendment #15070

Sec. 86-2 – Definitions.

Collocate or collocation means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

Equipment compound means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communication equipment is located.

Stealth wireless facility design means a wireless communication facility which is not recognizable as a conventional facility (e.g., a metal lattice or monopole), but instead disguised, or concealed, or architecturally integrated into a building's design in such a fashion as to conform to its surroundings.

Wireless communications equipment means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless communications facility means a site where a wireless communications support structure, wireless communication equipment, or a wireless communications equipment compound is located.

Wireless communications support structure means a structure that is designed to support, or is capable of supporting wireless communications equipment, including monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

Sec. 86-438. - Wireless communications facilities overlay district.

(a) *Purpose:*

(1) The purpose of the wireless communications facilities overlay district is to:

- a. Provide standards and regulations pertaining to the location, construction, design, and maintenance of wireless communication facilities within the township;
- b. Minimize adverse effects of wireless communications facilities through careful design, siting, and screening;
- c. Protect residential areas, agricultural or natural areas, and protect future land uses from potential adverse impacts of towers and antennas;

- d. Avoid potential damage to adjacent properties from structural failure of a wireless communications support structure through proper engineering and careful siting of structures; and
- e. Minimize the total number of towers throughout the Township by encouraging the joint use of any new or existing wireless communication facility or other suitable structure.

(b) *Applicability.*

- (1) The regulations and standards of this overlay district shall apply to any wireless communication facility permitted by right or by special use permit in the Township and which is utilized to send or receive communications, including, but not limited to, cellular towers, paging towers, radio and television broadcasting transmission towers, microwave towers, and antenna, satellite antenna towers, digital communication towers, whip antenna, panel antenna, dish antenna, mounted antenna, personal communication services (PCS), or other similar wireless communications towers, antennas, and facilities.
 - a. Police, fire, and emergency communications, citizen band radio, shortwave, ham and amateur radio, or personal antennas are exempt from this section.
 - b. In no case shall any portion of a wireless communications facility be permitted within the required natural vegetation strip per section 86-471, a floodway, a heritage neighborhood, a property or structure listed on the national register of historic places or eligible property or structure, Native American burial sites, or within 300 feet of a designated natural beauty road.

(c) *Uses permitted by right.*

- (1) Wireless communications support structures which incorporate stealth design.
- (2) Wireless communications equipment if all of the following requirements are met:
 - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure or the existing equipment compound is in compliance with the Township zoning ordinance or has been previously approved by the Township.
 - c. The proposed collocation will not result in any of the following:
 - 1. An increase in the overall height of the wireless communications support structure by more than 20 feet or 10 percent of its original height, whichever is greater.

- 2. An increase in the width of the wireless communications support structure by more than the minimum required to permit collocation.
 - 3. An increase in the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Township.
- (3) Roof-mounted antenna
- a. Not exceeding 20 feet in height above the average height of the roof line, located on nonresidential buildings at least two stories in height.
 - b. Not exceeding ten feet in height above the average height of the roof line, located on nonresidential buildings at least four stories in height.
- (4) Mounted antenna not located on a roof which have a total height of three feet or less. With the exception of one whip antenna, mounted antenna shall not be permitted on business signs without a special use permit.
- (5) Collocation of a wireless communication antenna on a public water tower, athletic field light standard, electrical utility transmission tower or distribution pole, or on an existing tower or pole within the right-of-way or easement of an electrical utility corridor.

Where freestanding wireless communication facilities are permitted to locate by an electric utility within an electrical utility easement, the wireless communication tower shall meet the minimum setback requirements in this section.

- (d) *Uses permitted by special use permit.* Any proposed wireless communications facility not described under uses permitted by right.
- (e) Special use permit review process.
- (1) A completed special use permit application shall be submitted to the director community planning and development pursuant to the requirements of section 86-124.
 - (2) After the special use permit application is filed, the Planning Commission or the Planning Commission's authorized designee shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the planning commission or the planning commission's authorized designee makes that determination or 14 business days

after the planning commission or the planning commission's authorized designee receives the application, whichever is first.

- (3) Before the expiration of the 14 business days, the planning commission or the planning commission's authorized designee shall notify the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notify the applicant that a fee required to accompany the application has not been paid, specifying the amount due. The running of the 14 business days is tolled until the applicant submits to the planning commission or the planning commission's authorized designee the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
- (4) After the application is determined to be administratively complete, the planning commission shall hold a public hearing. Notice of the public hearing shall comply with the provisions of subsection 86-65(b) of the code of ordinances.
- (5) The planning commission shall approve or deny a special use permit not more than 60 days after the application is considered to be administratively complete, except a special use permit for a new wireless communications facility shall be approved or denied not more than 90 days after the application is considered to be administratively complete. If the planning commission fails to approve or deny the special use permit within the time period, the special use permit shall be considered approved and the planning commission shall be considered to have made any determination required for approval.
- (6) Conditions placed on a special use permit approval shall be limited to meeting the requirements of this section, other Township ordinances, and state and federal laws.

(f) *Standards applying to wireless communications facilities.*

(1) General requirements:

- a. The applicant shall demonstrate to the township by means of an architect's or engineer's report the proposed wireless communications facility is no more than the minimum height necessary. This report shall be certified and sealed and shall at a minimum include details on the support structure's design and safety, location and topography constraints, expected usage or cell range, potential interference sources, collocation needs, safety, and siting need and requirements.
- b. Applicants for a wireless communications facility shall disclose any potential impact on the environment in an environmental assessment for the following categories:
 - Wetlands.
 - Floodplains, including floodway and floodway fringe.
 - Wildlife preserves and corridors.
 - Endangered species.

Historical sites.

Native American religious sites.

Groundwater recharge areas.

Woodlands.

- c. At wireless communications facilities with a freestanding wireless communications support structure, a minimum of two off-street parking spaces shall be provided on the site. An additional off-street parking space for each two employees required as on-site personnel shall be provided at the facilities.
- d. All wireless communications facilities with a freestanding wireless communications support structure located in a residential zoning district shall be located on a separate parcel of land which meets the lot area and width requirements of the residential zoning district where it is located or the minimum setbacks in this section, whichever is greater.
- e. All wiring connecting a freestanding wireless communications support structure with buildings and equipment within the equipment compound shall be placed underground or fully enclosed.
- f. All applicants proposing a wireless communications facility are recommended to schedule a pre-site selection conference with the department of community planning and development.
- g. The applicant shall provide the Department of Community Planning and Development with copies of all Federal Communications Commission (FCC) and other regulatory approvals.
- h. Accessory mechanical buildings associated with a wireless communications facility shall be designed in a manner which is architecturally compatible with the surrounding neighborhood.

(2) Collocation.

- a. In order to maximize the efficiency of wireless communication services, while also minimizing the impact of such facilities on the township, all applicants for wireless communication facilities shall be required to provide information regarding the feasibility of collocation at all proposed or existing sites in the Township. Furthermore, all applicants shall be required to provide a notarized letter of intent to commit itself to:
 - 1. Respond to any requests for information from another potential shared use applicant;
 - 2. Negotiate in good faith and allow for leased shared use if an applicant or the Township as a user, demonstrates that it is technically feasible; and

3. Make no more than a reasonable charge for a shared use lease.
- b. Should collocation be proposed at a wireless communication facility, accessory mechanical buildings shall either be situated directly adjacent to or abutting each other and separated by a firewall, shall be placed underground, or shall be designed in a manner which limits the number and size of the buildings on the site. On-site constraints, such as existing topographical and other natural features, may be considered when reviewing a proposed collocation design. Accessory mechanical buildings shall be designed to be consistent in design, style, and exterior appearance. Review and approval of accessory mechanical buildings at a collocation site shall be made by the director of community planning and development.

(3) Site development requirements.

- a. All wireless communications facilities shall be subject to site plan review.
- b. *Height.* Unless otherwise provided for in this section, the antenna and towers associated with wireless communication facilities shall be exempt from the maximum height requirements of the zoning district where they are located.
- c. *Setbacks.* Freestanding wireless communication facilities shall be subject to the following minimum setback requirements:
 1. Freestanding wireless communications support structures employing guy anchors shall be sited so that the guy anchors for the structure meet the minimum setback requirements of the zoning district where they are located and do not cross into another zoning district.
 2. When a monopole, self-supporting lattice tower, or guyed towers is used as the wireless communications support structure, it shall be setback from all property lines a distance equal to the height of the monopole, self-supporting lattice tower, or guyed tower or the minimum setback required by the zoning district, whichever is greater.
 3. Mounted wireless communication equipment shall meet the required setbacks for the structure upon which they are located and shall be situated to provide for maximum safety on the site.
- d. *Safety and security requirements.*
 1. The applicant shall, in conjunction with the application, submit a statement that is certified and sealed by a licensed architect or engineer indicating that the proposed wireless communications facility is in compliance with all Federal Communications Commission (FCC) regulations and all building and code requirements.

2. All wireless communication facilities shall be fitted with anticlimbing devices.
 3. Proof of adequate insurance coverage, sufficient to cover any potential damages done by or to the facility shall be provided.
 4. Security fencing, compatible with the township's fence regulations of section 86-506 shall be installed completely around freestanding wireless communications facilities, including guy anchors. Access shall be provided only by a locked gate. Security fencing shall not be required for mounted facilities.
 5. When a monopole, self-supporting lattice tower, or guyed tower is used as the wireless communications support structure, a statement verifying that the tower, including any and all attachments, shall comply with all building code and Electronics Industry Association (ETA) (222-E) requirements and shall be certified and sealed by a licensed architect or engineer and furnished with the application.
 6. The wireless communications facility shall not block areas which will hamper firefighting or emergency equipment or maintenance of other utilities.
 7. All wireless communication facilities shall receive regular and routine care and maintenance.
- e. *Landscaping and visual impact requirements.*
1. Landscaping consisting of native species approved by the township shall be provided in sufficient quantity around the perimeter of the required security fencing, as well as adjacent to any buildings and anchors. Site access entrances shall also be landscaped with native materials. This information shall be presented on a landscape plan and subject to the approval of the Director of Community Planning and Development.
 2. When located on an otherwise undeveloped site, the existing natural vegetation of the property shall be maintained to the greatest extent possible. The applicants shall provide information on a landscape plan regarding existing vegetation which is proposed to be removed and methods for replacement. In no case shall an entire site be graded and/or cleared for installation of a wireless communication facility.
 3. Where a wireless communications facility is proposed, the applicants shall demonstrate how the accessory building's design will limit adverse visual impacts to neighboring property owners. Appropriate landscaping shall also be provided.

4. Lighting at the wireless communications facility shall be designed so not to adversely affect adjacent property owners and shall be in compliance with FAA standards and Chapter 38, Article VII as applicable.
5. When a monopole, self-supporting lattice tower, or guyed tower of 200 feet or less in height is used as the wireless communications support structure a design utilizing light sky-blue, sky-mist gray, or a similar unobtrusive color shall be required, unless otherwise directed by the FAA.

(g) Abandonment.

- (1) Wireless communications facilities which have been abandoned or are unused or disconnected from the network for a period of six months shall be immediately removed from the site at the cost of the facility applicant or their successor.
- (2) Upon removal of the wireless communications facility from the site all foundations shall also be removed to a depth of at least six feet in residentially zoned districts. In all other zoning districts, the foundation shall be removed to a depth of at least three feet. Additionally, the fencing and accessory structures shall be demolished and removed from the site at the cost of the applicant, or their successor.
- (3) The siting of any antenna or tower shall require the applicant to deposit with the Township Clerk security of a performance guarantee (in a time duration and with financial institution deemed acceptable to the Township) in the form of cash, a certified check, or irrevocable bank letter of credit, which will ensure full compliance with this Ordinance and any conditions of approval. The security shall cover removal of the facility when it has been abandoned, or unused or disconnected from the network as provided herein: The amount of security shall be sufficient to remove the entire facility, equipment, equipment compound and related improvements and satisfactory to the Township.

The security shall be kept in full force and effect and irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the antenna, tower or related facility) during the entire time while the antenna or tower exists or is in place. The applicant and owner shall further agree as a condition of the security that the applicant and owner are responsible for the payment of any costs and attorney fees incurred by the Township in securing removal.

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

DATE: October 22, 2015

TO: Planning Commission

FROM: 
Gail Oranchak, AICP
Principal Planner

RE: Zoning Amendment #15070 (Planning Commission), amend Section 86-2
Definitions and Section 86-438 Wireless Communication Facilities Overlay District
to comply with federal and state regulations

The purpose of this zoning amendment is to bring the Township's Wireless Communications Facilities Overlay District into compliance with the amendment to the Michigan Zoning Enabling Act adopted in 2012. If the Planning Commission wishes to make changes to the Wireless Communications Facilities Overlay District unrelated to compliance with the recent Michigan Zoning Enabling Act amendment, a new zoning amendment should be initiated.

Attached is a revised draft. Any change made to the public hearing draft will appear in red.

Planning Commission Options

The Planning Commission may recommend approval of the draft as proposed or a revised draft to the Township Board. A resolution to approve has been provided.

Attachments

1. Resolution to approve
2. Draft – Public Hearing revisions dated October 26, 2015

RESOLUTION TO APPROVE

**Zoning Amendment #15070
Planning Commission
Section 86-2 Definitions and
Section 86- 438 Wireless Communications Facility Overlay District**

RESOLUTION

At the regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 26th day of October, 2015, at 7:00 p.m., Local Time.

PRESENT: Chair Scott-Craig, Secretary Cordill, Commissioners DeGroff, Deits, Ianni,
Tenaglia, Van Coevering

ABSENT: Commissioners Honicky, Jackson

The following resolution was offered by Commissioner Cordill and supported by Commissioner Ianni.

WHEREAS, a zoning amendment (ZA #15070) was initiated to amend Section 86-2 Definitions and Section 86-438 Wireless Communications Facility Overlay District to comply with a recent amendment to the Michigan Zoning Enabling Act, P.A. 110 of 2006 regulating activities associated with the installation of wireless communications facilities; and

WHEREAS, the Planning Commission held a public hearing on the proposed zoning amendment on October 12, 2015, and reviewed staff material forwarded under cover memorandums dated October 8, 2015 and October 22, 2015; and

WHEREAS, the Michigan Zoning Enabling Act is the legal basis for the Charter Township of Meridian's Zoning Ordinance; and

WHEREAS, consistency with the Michigan Zoning Enabling Act is imperative to insure the accuracy of Township decisions related to zoning.

NOW THEREFORE BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Zoning Amendment #15070, to amend Section 86-2 Definitions and Section 86-438 Wireless Communications Facility Overlay District of the Code of Ordinances to insure consistency with the Michigan Zoning Enabling Act, P. A. 110 of 2206.

ADOPTED: YEAS: Commissioners Cordill, DeGroff, Deits, Ianni, Tenaglia, Van Coevering,
Chair Scott-Craig

NAYS: None

ZA #15070 (Planning Commission)

October 22, 2015

Page 2

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Chair of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 26th day of October, 2015.

John Scott-Craig
Planning Commission Chair

Zoning Amendment #15070

Sec. 86-2 – Definitions.

Collocate or collocation means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

Equipment compound means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communication equipment is located.

Stealth wireless facility design means a wireless communication facility which is not recognizable as a conventional facility (e.g., a metal lattice or monopole), but instead disguised, or concealed, or architecturally integrated into a building's design in such a fashion as to conform to its surroundings.

Wireless communications equipment means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless communications facility means a site where a wireless communications support structure, wireless communication equipment, or a wireless communications equipment compound is located.

Wireless communications support structure means a structure that is designed to support, or is capable of supporting wireless communications equipment, including monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

Sec. 86-438. - Wireless communications facilities overlay district.

(a) *Purpose:*

- (1) The purpose of the wireless communications facilities overlay district is to:
 - a. Provide standards and regulations pertaining to the location, construction, design, and maintenance of wireless communication facilities within the township;
 - b. Minimize adverse effects of wireless communications facilities through careful design, siting, and screening;
 - c. ~~Protect residential areas, agricultural or natural areas, and protect future land uses from potential adverse impacts of towers and antennas;~~

- d. Avoid potential damage to adjacent properties from structural failure of a wireless communications support structure through proper engineering and careful siting of structures; and
- e. Minimize the total number of towers throughout the Township by encouraging the joint use of any new or existing wireless communication facility or other suitable structure.

(b) *Applicability.*

- (1) The regulations and standards of this overlay district shall apply to any wireless communication facility permitted by right or by special use permit in the Township and which is utilized to send or receive communications, including, but not limited to, cellular towers, paging towers, radio and television broadcasting transmission towers, microwave towers, and antenna, satellite antenna towers, digital communication towers, whip antenna, panel antenna, dish antenna, mounted antenna, personal communication services (PCS), or other similar wireless communications towers, antennas, and facilities.
 - a. Police, fire, and emergency communications, citizen band radio, shortwave, ham and amateur radio, or personal antennas are exempt from this section.
 - b. In no case shall any portion of a wireless communications facility be permitted within the required natural vegetation strip per section 86-471, a floodway, a heritage neighborhood, a property or structure listed on the national register of historic places or eligible property or structure, Native American burial sites, or within 300 feet of a designated natural beauty road.

(c) *Uses permitted by right.*

- (1) Wireless communications support structures which incorporate stealth design.
- (2) Wireless communications equipment if all of the following requirements are met:
 - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure or the existing equipment compound is in compliance with the Township zoning ordinance or has been previously approved by the Township.
 - c. The proposed collocation will not result in any of the following:
 - 1. An increase in the overall height of the wireless communications support structure by more than 20 feet or 10 percent of its original height, whichever is greater.

- 2. An increase in the width of the wireless communications support structure by more than the minimum required to permit collocation.
- 3. An increase in the area of the existing equipment compound to greater than 2,500 square feet.
- d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Township.

(3) Roof-mounted antenna

- a. Not exceeding 20 feet in height above the average height of the roof line, located on nonresidential buildings at least two stories in height.
- b. Not exceeding ten feet in height above the average height of the roof line, located on nonresidential buildings at least four stories in height.

(4) Mounted antenna not located on a roof which have a total height of three feet or less. With the exception of one whip antenna, mounted antenna shall not be permitted on business signs without a special use permit.

(5) Collocation of a wireless communication antenna on a public water tower, athletic field light standard, electrical utility transmission tower or distribution pole, or on an existing tower or pole within the right-of-way or easement of an electrical utility corridor.

Where freestanding wireless communication facilities are permitted to locate by an electric utility within an electrical utility easement, the wireless communication tower shall meet the minimum setback requirements in this section.

(d) *Uses permitted by special use permit.* Any proposed wireless communications facility not described under uses permitted by right.

(e) Special use permit review process.

- (1) A completed special use permit application shall be submitted to the director community planning and development pursuant to the requirements of section 86-124.
- (2) After the special use permit application is filed, the Planning Commission or the Planning Commission's authorized designee shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the planning commission or the planning commission's authorized designee makes that determination or 14 business days

after the planning commission or the planning commission's authorized designee receives the application, whichever is first.

- (3) Before the expiration of the 14 business days, the planning commission or the planning commission's authorized designee shall notify the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notify the applicant that a fee required to accompany the application has not been paid, specifying the amount due. The running of the 14 business days is tolled until the applicant submits to the planning commission or the planning commission's authorized designee the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
- (4) After the application is determined to be administratively complete, the planning commission shall hold a public hearing. Notice of the public hearing shall comply with the provisions of subsection 86-65(b) of the code of ordinances.
- (5) The planning commission shall approve or deny a special use permit not more than 60 days after the application is considered to be administratively complete, except a special use permit for a new wireless communications facility shall be approved or denied not more than 90 days after the application is considered to be administratively complete. If the planning commission fails to approve or deny the special use permit within the time period, the special use permit shall be considered approved and the planning commission shall be considered to have made any determination required for approval.
- (6) Conditions placed on a special use permit approval shall be limited to meeting the requirements of this section, other Township ordinances, and state and federal laws.

(f) *Standards applying to wireless communications facilities.*

(1) General requirements:

- a. The applicant shall demonstrate to the township by means of an architect's or engineer's report the proposed wireless communications facility is no more than the minimum height necessary. This report shall be certified and sealed and shall at a minimum include details on the support structure's design and safety, location and topography constraints, expected usage or cell range, potential interference sources, collocation needs, safety, and siting need and requirements.
- b. Applicants for a wireless communications facility shall disclose any potential impact on the environment in an environmental assessment for the following categories:

Wetlands.

Floodplains, including floodway and floodway fringe.

Wildlife preserves and corridors.

Endangered species.

Historical sites.

Native American religious sites.

Groundwater recharge areas.

Woodlands.

- c. At wireless communications facilities with a freestanding wireless communications support structure, a minimum of two off-street parking spaces shall be provided on the site. An additional off-street parking space for each two employees required as on-site personnel shall be provided at the facilities.
- d. All wireless communications facilities with a freestanding wireless communications support structure located in a residential zoning district shall be located on a separate parcel of land which meets the lot area and width requirements of the residential zoning district where it is located or the minimum setbacks in this section, whichever is greater.
- e. All wiring connecting a freestanding wireless communications support structure with buildings and equipment within the equipment compound shall be placed underground or fully enclosed.
- f. All applicants proposing a wireless communications facility are recommended to schedule a pre-site selection conference with the department of community planning and development.
- g. The applicant shall provide the Department of Community Planning and Development with copies of all Federal Communications Commission (FCC) and other regulatory approvals.
- h. Accessory mechanical buildings associated with a wireless communications facility shall be designed in a manner which is architecturally compatible with the surrounding neighborhood.

(2) Collocation.

- a. In order to maximize the efficiency of wireless communication services, while also minimizing the impact of such facilities on the township, all applicants for wireless communication facilities shall be required to provide information regarding the feasibility of collocation at all proposed or existing sites in the Township. Furthermore, all applicants shall be required to provide a notarized letter of intent to commit itself to:
 - 1. Respond to any requests for information from another potential shared use applicant;
 - 2. Negotiate in good faith and allow for leased shared use if an applicant or the Township as a user, demonstrates that it is technically feasible; and

3. Make no more than a reasonable charge for a shared use lease.
- b. Should collocation be proposed at a wireless communication facility, accessory mechanical buildings shall either be situated directly adjacent to or abutting each other and separated by a firewall, shall be placed underground, or shall be designed in a manner which limits the number and size of the buildings on the site. On-site constraints, such as existing topographical and other natural features, may be considered when reviewing a proposed collocation design. Accessory mechanical buildings shall be designed to be consistent in design, style, and exterior appearance. Review and approval of accessory mechanical buildings at a collocation site shall be made by the director of community planning and development.

(3) Site development requirements.

- a. All wireless communications facilities shall be subject to site plan review.
- b. *Height.* Unless otherwise provided for in this section, the antenna and towers associated with wireless communication facilities shall be exempt from the maximum height requirements of the zoning district where they are located.
- c. *Setbacks.* Freestanding wireless communication facilities shall be subject to the following minimum setback requirements:
 1. Freestanding wireless communications support structures employing guy anchors shall be sited so that the guy anchors for the structure meet the minimum setback requirements of the zoning district where they are located and do not cross into another zoning district.
 2. When a monopole, self-supporting lattice tower, or guyed towers is used as the wireless communications support structure, it shall be setback from all property lines a distance equal to the height of the monopole, self-supporting lattice tower, or guyed tower or the minimum setback required by the zoning district, whichever is greater.
 3. Mounted wireless communication equipment shall meet the required setbacks for the structure upon which they are located and shall be situated to provide for maximum safety on the site.
- d. *Safety and security requirements.*
 1. The applicant shall, in conjunction with the application, submit a statement that is certified and sealed by a licensed architect or engineer indicating that the proposed wireless communications facility is in compliance with all Federal Communications Commission (FCC) regulations and all building and code requirements.

2. All wireless communication facilities shall be fitted with anticlimbing devices.
 3. Proof of adequate insurance coverage, sufficient to cover any potential damages done by or to the facility shall be provided.
 4. Security fencing, compatible with the township's fence regulations of section 86-506 shall be installed completely around freestanding wireless communications facilities, including guy anchors. Access shall be provided only by a locked gate. Security fencing shall not be required for mounted facilities.
 5. When a monopole, self-supporting lattice tower, or guyed tower is used as the wireless communications support structure, a statement verifying that the tower, including any and all attachments, shall comply with all building code and Electronics Industry Association (ETA) (222-E) requirements and shall be certified and sealed by a licensed architect or engineer and furnished with the application.
 6. The wireless communications facility shall not block areas which will hamper firefighting or emergency equipment or maintenance of other utilities.
 7. All wireless communication facilities shall receive regular and routine care and maintenance.
- e. *Landscaping and visual impact requirements.*
1. Landscaping consisting of native species approved by the township shall be provided in sufficient quantity around the perimeter of the required security fencing, as well as adjacent to any buildings and anchors. Site access entrances shall also be landscaped with native materials. This information shall be presented on a landscape plan and subject to the approval of the Director of Community Planning and Development.
 2. When located on an otherwise undeveloped site, the existing natural vegetation of the property shall be maintained to the greatest extent possible. The applicants shall provide information on a landscape plan regarding existing vegetation which is proposed to be removed and methods for replacement. In no case shall an entire site be graded and/or cleared for installation of a wireless communication facility.
 3. Where a wireless communications facility is proposed, the applicants shall demonstrate how the accessory building's design will limit adverse visual impacts to neighboring property owners. Appropriate landscaping shall also be provided.

4. Lighting at the wireless communications facility shall be designed so not to adversely affect adjacent property owners and shall be in compliance with FAA standards and Chapter 38, Article VII as applicable.
5. When a monopole, self-supporting lattice tower, or guyed tower of 200 feet or less in height is used as the wireless communications support structure a design utilizing light sky-blue, sky-mist gray, or a similar unobtrusive color shall be required, unless otherwise directed by the FAA.

(g) *Abandonment.*

- (1) Wireless communications facilities which have been abandoned or are unused or disconnected from the network for a period of six months shall be immediately removed from the site at the cost of the facility applicant or their successor.
- (2) Upon removal of the wireless communications facility from the site all foundations shall also be removed to a depth of at least six feet in residentially zoned districts. In all other zoning districts, the foundation shall be removed to a depth of at least three feet. Additionally, the fencing and accessory structures shall be demolished and removed from the site at the cost of the applicant, or their successor.
- (3) The siting of any antenna or tower shall require the applicant to deposit with the Township Clerk security of a performance guarantee (in a time duration and with financial institution deemed acceptable to the Township) in the form of cash, a certified check, or irrevocable bank letter of credit, which will ensure full compliance with this Ordinance and any conditions of approval. The security shall cover removal of the facility when it has been abandoned, or unused or disconnected from the network as provided herein. The amount of security shall be sufficient to remove the entire facility, equipment, equipment compound and related improvements and satisfactory to the Township.

The security shall be kept in full force and effect and irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the antenna, tower or related facility) during the entire time while the antenna or tower exists or is in place. The applicant and owner shall further agree as a condition of the security that the applicant and owner are responsible for the payment of any costs and attorney fees incurred by the Township in securing removal.

Commissioner Van Coevering requested additional information regarding the Township's response to Mr. McCurdy's FOIA requests.

Commissioner Deits urged the Township to hold the court case in abeyance until there is a decision on the rezoning request.

Chair Scott-Craig closed the public hearing at 8:58 P.M.

Without objection, Agenda Items #7C and #7B will be taken up at this time to allow the applicants to go home.

[Chair Scott-Craig recessed the meeting at 9:13 P.M.]

[Chair Scott-Craig reconvened the meeting at 9:19 P.M.]

 D. Zoning Amendment #15070 (Planning Commission), amend Section 86-2 Definitions and Section 86-438 Wireless Communication Facilities Overlay District to comply with federal and state regulations

Chair Scott-Craig opened the public hearing at 9:19 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated October 8, 2015.
- Planning Commission discussion:
Commissioner Van Coevering inquired if the 60 and 90 day time periods were 60 and 90 business days.

Principal Planner Oranchak responded the draft states 90 days.

Commissioner Deits expressed concern Sec. 86-438 (a) (1) c. does not include commercial areas, which was the argument brought forth by the business owner adjacent to the proposed cell tower recently reviewed by the Planning Commission and Township Board. He also voiced concern with the use of the blanket term "protect" in that same subsection. Commissioner Deits suggested a rewrite of Sec. 86-438 (a) (1) c. to read: "Avoid potential adverse impacts of towers and antennas on future land uses." He suggested it may be beneficial to point out somewhere in the ordinance that protection does not extend to the concept of direct or indirect health impacts.

Commissioner Jackson asked what kind of land "protections" are referred to in this section.

Commissioner DeGroff believed Sec. 86-438 (a) (1) c. does not add anything which is not already covered by Sec. 86-438 (a) (1) b.

Commissioner Ianni suggested (a) (1) c. be deleted, and there was general consensus from the other Commissioners.

Commissioner Jackson requested clarification whether Section 3514. (1) of the Michigan Zoning Enabling Act (MZEA) speaks specifically to colocation not being subject to special land use approval or any other approval because the tower is already in place. She believed it does not mean a new tower is a permitted use by right in every zoning district.

Principal Planner Oranchak responded that Commissioner Jackson was correct.

Chair Scott-Craig asked for clarification about the statement in the staff memorandum which spoke to the equipment meeting the first two conditions but not the last two as there were only three (3) listed.

Principal Planner Oranchak responded she will look into it prior to the next meeting.

Commissioner Deits noted the attorney's comment about apparent ambiguity regarding tower height on page 10. He inquired if a maximum height was contained in the ordinance.

Principal Planner Oranchak did not believe there is a maximum height designated in the ordinance.

Commissioner Jackson asked if the maximum structural height within a specific zoning district applied.

Principal Planner Oranchak responded it did not.

Commissioner Jackson inquired if the ordinance specifically states that the maximum structural height within a specific zoning district cannot be applied.

Principal Planner Oranchak noted if the tower is stealth, it is a use by right except for site plan review. She indicated any other type of tower would require a special use permit (SUP) where height can be a consideration.

Chair Scott-Craig inquired if the Township would be allowed to regulate the height of a tower.

Principal Planner Oranchak believed the attorney's comment speaks to a possible maximum height limit.

Commissioner Honicky inquired if we have height limits on other structures, e.g., windmills.

Principal Planner was unsure there was anything in the ordinance which speaks specifically to windmills. She did share there are certain things (i.e., church spire) which are not subject to a maximum height requirement of the zoning ordinance.

Commissioner DeGroff stated that, in some ways, it does not make sense to place a restriction on towers with a height of 200 feet or less as noted in the attorney's comment for subsection (F)(3) E.5. He believed the rationale behind that language is that if a tower is taller than 200 feet, it cannot be disguised as looking like the sky as a safety feature for planes.

Principal Planner Oranchak added the Federal Aviation Administration (FAA) requires lights to be installed on a cell tower if it is taller than 200 feet.

Commissioner Deits pointed out this ordinance speaks to wireless telecommunication, and was fairly certain it would not apply to radio towers, e.g., the radio tower at Vann Atta and Jolly Roads.

Principal Planner Oranchak concurred with Commissioner Deits assumption.

Commissioner Deits asked if the Township had a radio tower ordinance.

Principal Planner Oranchak was unsure whether the Township had a radio tower ordinance in place, but apprised the aforementioned radio tower has a SUP.

Commissioner Deits asked on what grounds the applicant applied for the SUP.

Principal Planner Oranchak replied she will go back and look at which section of the ordinance was used to apply for the SUP.

Commissioner DeGroff inquired as to why the automatic approval period in Section 86-438 (E) (5) is necessary.

Chair Scott-Craig stated the automatic approval period is in the law.

Commissioner DeGroff requested the meaning of "minimum height necessary" used in Section 86-438 (F)(1) a.

Commissioner Jackson responded that there were specific increments required between collocators.

As an addendum to Ms. Oranchak's comment relative to the FAA requirement for lights on a cell tower taller than 200 feet, Commissioner Jackson stated there is a "typical" range where cell towers are built, and thought keeping the height requirement less than 200 feet was in response to the FAA requirement. She believed the range took into account the area between the height of most buildings and the height at which airplanes fly.

Commissioner Deits noted language in Section 86-438 (F)(1) a. states the report will discuss a number of issues relative to the necessary height, among them which is colocation needs, which would include both current and future colocation needs.

Commissioner Jackson added that the Township is encouraging permission for colocation as a means to have less towers within the Township, which would require height for the primary provider and additional height for collocators.

Principal Planner Oranchak explained the use of the word necessary means what is necessary to deliver service they are looking to provide in the designated area. She reminded Commissioners that for the proposed cell tower case which recently came before the Planning Commission, the applicant's engineer provided documentation and maps showing the service area and the justification for the height needed for good coverage to that area.

Commissioner DeGroff believed without defining "minimum height necessary", an applicant could select the desired height and show what that height would provide, and then use that criteria to justify the desired height.

Commissioner Van Coevering reminded fellow Commissioners of the graphs provided by Neil Bowlby during Planning Commission discussion on the recent cell tower request, which depicted the service areas for different heights.

Commissioner Deits added while Mr. Bowlby made a case that while the proposed tower was not of a height "necessary" for current service, it was made taller because of a desire to collocate in the future.

Commissioner Honicky recalled that during the most recent Planning Commission hearing on the application for a cell tower, the cell tower was requested in order to take some of the load off a current tower to better process high speed data. He added each increase in height provided additional coverage. Commissioner Honicky also recalled there was a direct correlation between the cell tower height and the required infrastructure, and believed sharing the associated cost could come through collocation. He believed language within the ordinance should reflect best engineering practices relative to the minimum necessary.

Commissioner Cordill believed cell tower applicants ascertain what capacity they can have in an effort to "edge" out their competitors. She stated there are land use implications from this competitive industry.

Commissioner Jackson urged caution in taking a position within the Township's ordinance which unfairly impacts business competition; however, she believed the Township should also have leverage within the process. She believed state and federal law has taken away the Township's ability to weigh and leverage these interests. Commissioner Jackson stated ways must be found for the Township to be involved in the decision making process to help manage how this resource is being used.

Commissioner Jackson inquired as to the decision making process to determine whether the Planning Commission or planning staff finds an application to be complete with the 14 day time period.

Principal Planner Oranchak replied planning staff already determines whether any application is administratively complete, and the new language now has a time limit of 14 days to do so.

Commissioner Cordill asked if the 90 day application approval process included the 14 days allowed for the application to be considered administratively complete.

[Commissioner Tenaglia left the room at 9:59 P.M.]

Chair Scott-Craig explained the 90 day application approval process begins when the staff determines the application to be administratively complete.

Commissioner Deits offered an alternative to the standard staff process for an application to be considered complete by allowing the Planning Commission to review the application and ask questions.

Principal Planner Oranchak inquired if the Planning Commission was willing to hold special meetings under the aforementioned scenario.

Commissioner Deits responded only in the event needed and there was not likely to be very many of them.

Commissioner Ianni believed the Township's professional planning staff is competent to determine whether an application is administratively complete prior to it coming before the Planning Commission.

Commissioner DeGroff expressed concern cell tower applicants have a distinct advantage and the onus is on the Township to hire experts to take issue with the information provided. He stated all the applicant needs to do is "run out the clock" and not ultimately provide answers.

Chair Scott-Craig reminded fellow Commissions the zoning amendment is being presented by staff to bring the current Township ordinance into compliance with the 2012 state law and the other issues raised are not part of the proposed zoning amendment. He suggested future discussions for the Planning Commission to reinsert some control over cell tower location may be to designate cell tower compatible zones.

Principal Planner Oranchak stated she did not believe the Township could set up a negotiation period within the initial 14 days, as the ordinance should state exactly what makes an application complete.

Commissioner Jackson pointed out that Section 86-438 (F)(1) a. specifically states what makes for a complete application. She also disagreed with the Chair that the proposed zoning amendment only deals with bringing our ordinance into compliance with state law as there are changes being proposed which support that effort.

Principal Planner Oranchak clarified that the proposed language being offered is for compliance with the state law which was passed in 2012.

Commissioner Deits believed the attorney's comment about tower height is relevant and needs to be addressed. He voiced concern with being able to revisit the issue of cell towers again.

Commissioner Jackson added the Planning Commission is the applicant for this zoning amendment.

Commissioner Honicky requested clarification if there is a standard for best engineering practices with regard to cell tower height.

Commissioner Van Coevering believed there needs to be clarification of what the Planning Commission is asking itself to do as there is confusion among Commissioners as to what is the Planning Commission's role.

Chair Scott-Craig explained the zoning amendment was prepared by planning staff and submitted to the Township attorney, who has clarified or "tweaked" the ordinance to bring the Township into compliance with state law. He outlined the remainder of the process for the proposed zoning amendment.

Commissioner Jackson noted that since the Township has been out of compliance with state law since 2012, the compliance argument is no reason not to look at other concerns already expressed by commission members.

Commissioner Van Coevering suggested focusing on compliance now and revisiting the entire ordinance at some point in the near future.

Commissioner DeGroff suggested changing "recommended" to "required" in 86-438 (F)(1) f.

Chair Scott-Craig closed the public hearing at 10:18 P.M.

7. Unfinished Business

- A. ~~Special Use Permit #15131 (Pairolero), request to construct a non-residential use in a residential district (optometry clinic) on two undeveloped platted lots located on the east side of Marsh Road north of Haslett Road~~

A. Rezoning #15060 (McCurdy), request to rezone 5458 Okemos Road from RAAA (Single Family Low Density) to RR (Rural Residential)

Planning Commission discussion:

- Planning Commissioner belief this case is similar to a recent rezoning request which was approved
- Need for consistency in the Planning Commission's decision making
- The proposed rezoning centers around non-conforming use
- Planning Commissioner belief the proper forum would be for the Township Board to allow this type of use in the RAAA zoning district
- Rezoning will likely make more problems for the area
- Trend for more "checkerboarding" of uses in the future (e.g. Detroit)
- Policy and ordinance based issues regarding pocket agricultural uses
- Previous case mentioned earlier was a default RR zoning where this case is an affirmative decision to rezone to RR
- Four (4) rabbits and chickens are currently allowed in residential zones
- Quantity v. nature of the type of animal
- Planning Commissioner preference to allow the Board to answer the policy question
- In the case previously compared, this area has a very different development pattern than the Hiawatha neighborhood
- Planning Commissioner opposition to the process, not the goats
- Reading of the Board minutes seemed to indicate the Board asked the applicant to request the rezoning as a means to solve the code violation with the keeping of goats
- Reminder that the Township Board is requesting the Planning Commission's advice on this rezoning request
- Planning Commissioner belief neighbor's support for this rezoning request is relevant
- All uses within the RR zoning category would be allowed by right if this rezoning request was approved
- No limit to the number of goats allowed in the RR zoning district, and the applicant has indicated he plans to engage in a small commercial operation selling goat milk and goat cheese
- Special use permit (SUP) process is more appropriate than a rezoning in this instance, although one is not currently available in our ordinance
- Planning Commission should look at land use when considering a rezoning request, thoroughly vetting all possible uses permitted within the zoning category
- Reminder that the zoning runs with the property, irrespective of the current owner
- Concern with what all future owners would have a right to do within the RR zoning category
- Surrounding residential subdivisions were developed according to the Master Plan, and this rezoning would be contrary to the Master Plan
- Township will not move forward with any legal process until this issue is resolved
- E-mail complaint about the keeping of goats is not subject to a Freedom of Information Act (FOIA) request as determined by the Township Attorney

It was the consensus of the Planning Commission to place this item on for action at its November 9, 2015 meeting.



B. Zoning Amendment #15070 (Planning Commission), amend Section 86-2 Definitions and Section 86-438 Wireless Communication Facilities Overlay District to comply with federal and state regulations.

Commissioner Cordill moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Zoning Amendment #15070, to amend Section

86-2 Definitions and Section 86-438 Wireless Communications Facility Overlay District of the Code of Ordinances to ensure consistency with the Michigan Zoning Enabling Act, P. A. 110 of 2006. Seconded by Commissioner Ianni.

Planning Commission discussion:

- Amendment would bring the Township into compliance with state law
- Concern with language in Section 86-438 (c) (2) c. 1. regarding the restriction in adding height when there is no restriction to the height itself
- Section 86-438 (c) (2) c. 1. is a requirement in state law

ROLL CALL VOTE: YEAS: Commissioners Cordill, DeGroff, Deits, Ianni, Tenaglia, Van Coevering, Chair Scott-Craig

NAYS: None

Motion carried 7-0.

8. Other Business

A. Corridor Improvement Authority (CIA)

Associate Planner Menser summarized the proposed CIA concept as outlined in staff memorandum dated October 22, 2015.

Chris Buck, 2642 Loon Lane, Okemos and Economic Development Corporation Chair, noted this is an opportunity to have a group of volunteers help vet the future of the CIA and collaborate with neighboring municipalities.

Planning Commission and staff discussion:

- Township Board will approve the final CIA boundary
- Staff will review if the boundary meets all the criteria outlined in state law
- Concern with forfeiting local control over development in the Township with a CIA inter-local agreement
- CIA would review the project and provide an informal recommendation to the Planning Commission and Township Board
- Meridian Township is under no obligation to join neighboring communities
- Single family residences on Grand River Avenue would likely be affected by a CIA
- Property within the CIA must be contiguous
- Planning Commissioner recommendation to have a substantial reduction along the eastern edge
- Planning Commissioner recommendation to stop on the south side at the east end near Northwind Drive
- Planning Commissioner recommendation to stop on the north side at the west end of the driving range
- Planning Commissioner suggestion for staff to review the possibility of the boundary being contiguous with the Okemos Downtown Development Authority (DDA)
- Discussions have taken place for some time about expanding the Okemos DDA and many of the areas listed in the CIA have been considered for inclusion in the expanded Okemos DDA
- Planning Commissioner suggestion to make the CIA the Okemos DDA
- Proposed boundary does not mean that all lands contained within will be rezoned to commercial, but would provide more uniformity for lighting and use of form based code
- Planning Commission inquiry if the street can connect the corridor, since the bridge over the railroad tracks essentially has not property on either side of Grand River Avenue
- Staff response there is no clear guidance in the state act regarding this situation, and it appears it could be separate pieces
- Municipalities are allowed to have more than one (1) CIA

MEMORANDUM

TO: Township Board

FROM: 
Joyce A. Marx, Human Resources Director

DATE: November 24, 2015

RE: **Charter Township of Meridian 2016 Health Care Plan**

Over the past two months, I have led a collective effort to extensively research the Township's options under the Affordable Care Act to maintain our current level of healthcare coverage without requiring employee contributions toward premium costs. Township Manager Frank Walsh, Finance Director Gretchen Gomolka, Human Resources Specialist Heather Baker and I had several meetings with representatives from Ballard Benefit Works, Inc., the Township's Benefits Consultants. As a result of these meetings, we have concluded that the only option enabling us to provide the same benefits and Health Savings Account (HSA) contributions, while containing costs, will be to self-fund the insurance.

If the Township elects to renew the existing fully insured plan, not only will employees have a bi-weekly paycheck premium contribution, the Township will be unable to contribute anything to the employees' Health Savings Accounts (HSA's) due to the hard cap restrictions under the Affordable Care Act.

Representatives from Ballard Benefit Works, Inc., our current Health Care Benefits Consultants, will provide a presentation to address your questions related to the self-funding plan.

The presentation will provide information comparing the cost of renewing our current plan to the cost of self-funding the plan and how self-funding protects the Township to a greater degree than an insured plan for catastrophic risk.

Both methods of funding provide for the same coverage for health and vision, through the same carrier, BCBSM.

Additionally we are renewing our existing plan with Delta Dental of Michigan for dental benefits.