

DRAFT - Agenda
Tuscola County Board of Commissioners
Committee of the Whole
Wednesday, July 14, 2010 – 3:00 P.M.
Annex Board Room (207 E. Grant Caro, Mi.)

Finance

Committee Leaders-Commissioner Peterson and Bardwell

Primary Finance Items

1. **2009 County and Medical Care Facility Audit Presentation – Jerry Desloover, Rehmann Company**
2. **Update Tire Recycling - Mosquito Abatement Proposal (See A)**
3. **Financing Courthouse Security (See B)**
 - **Response from Departments**
 - **Potential Methods of Reducing Costs**
 - **Circuit/Family Court (See C)**
 - **Proportioning Method (See D)**
 - **Use of General Fund Balance**
4. **Juror Card Program Presentation – Joseph Pichla**
5. **Update DELEG Energy Grant (See E)**
 - **Approval of 3 Member Committee to Review and Approve RFP**
 - **Approval of RFP for Energy Audit and Non-Motorized Project**
6. **Friend of the Court CRP Agreement (See F)**
7. **Adult Probation Lease**
8. **MGT Cost allocation Plan Agreement (See G)**
9. **Proposed Amendment to Assessors Services Agreement with Caro (See H)**
10. **2011 Budget Development**
 - **2011 Budget Development (See I)**
 - **Financial Presentation to Elected/Appointed Officials (See J)**
11. **Consent of Lienholder for a Wind Farm Easement (See K)**
12. **Treasurer Banking Resolution Approval (See L)**
13. **Sheriff Department Request to Replace Shredder (See M)**

Secondary/On-Going Finance Items

1. **Treasurer Bank Statement Reconciliation**
2. **North Star Bank Court Related Payment Methods**
3. **LEIN Fees Paid**
4. **Scheduling of Allied Information Systems Request for Presentation**
5. **Grant Writer Services – Next Steps**
6. **Policy Development - Confidential Information on Copiers and Fax Machines**
7. **Sunset Bay Marina**
8. **Binding Arbitration Update**

9. Emergency Services – Sanilac County July 6 meeting
10. Three Year Dog License Alternative
11. Jail Prisoner Overcrowding Alternatives
 - House Arrest Services Re-Contacted – Tether Program
 - Evaluation of Housing More Prisoners in Tuscola Jail
 - Jail Diversion Program

Personnel

Committee Leader-Commissioners Peterson and Roggenbuck

Primary Personnel Items

1. **MSU Extension Reorganization and Introduction of District Coordinator – Joe Bixler (See N)**
2. **Consideration of List Psychological Services (See O)**
3. **Resolution Congratulating Michigan Bean Queen (See P)**

Secondary/On-Going Personnel Items

1. Incorporate County Personnel Policies and Other key Personnel Information on the County Web Site
4. Circuit/Family Court Personnel Policies
5. MERS Bridged Benefits Valuation

Building and Grounds

Committee Leader-Commissioners Petzold and Kern

Primary Building and Grounds Items

1. **Office Space Planning – Next Steps**
2. **Airport Zoning Update (See Q)**
3. **Niland Building**
4. **Request to use Courthouse Lawn (See R)**

Secondary/On-Going Building and Grounds Items

1. Farmers Market Update
2. Vanderbilt Park

Correspondence/Other Business as Necessary

1. **Next Board Meeting Location and Contingency Plan**
2. **Tuscola County Coastal Needs Assessment (See S)**
3. Great Lakes Restoration Initiative Grant Application
4. Other County Resolutions

Public Comment Period

Closed Session – If Necessary

Other Business as Necessary

Notes:

Except for the Statutory Finance Committee, committee meetings of the whole are advisory only. Any decision made at an advisory committee is only a recommendation and must be approved by a formal meeting of the Board of Commissioners.

If you need accommodations to attend this meeting please notify the Tuscola County Controller/Administrator's Office (989-672-3700) two days in advance of the meeting.

This is a draft agenda and subject to change. Items may be added the day of the meeting or covered under other business at the meeting.

Statutory Finance Committee

1. Claims Review and Approval (Outstanding Invoice from Last Meeting)
 - Livestock Claim

Draft Letter

Re: Proposal for Tire Disposal and Mosquito Abatement

Local Official

The purpose of this letter is to inquire to determine how many local units of government in Tuscola County are interested in partnering with the county to increase tire collection. The program objectives are to reduce the number of unsightly tires from the landscape and in the process reduce significant breeding locations for mosquitoes.

Currently, the Tuscola County Recycling operation provides a tire recycling program at the Recycling Center in Caro. Residents can bring tires to this facility during normal business hours. In order to help defray the cost of renting trailers and tire disposal recycling charges a handling fee for this program. This tire recycling program will remain in operation. Although this program has been successful, county officials are seeking methods to ratchet-up the number of tires collected and reduce mosquito breeding locations.

The proposed new program is intended to increase tire collection by making trailers available in local units of government. The County would finance the new program using Mosquito Abatement funds available from the public approved Mosquito Abatement millage. Other area County mosquito abatement programs use Mosquito Abatement millage funds for tire collection. Since each trailer costs \$1,200 to rent there would be a limit of 10 trailers per year. This program would save the individual from the travel time and costs of going to the Recycling Center in Caro.

The local unit of government is responsible to provide the labor (volunteer or paid) to coordinate loading of the trailer. By state law this type of tire collection is limited to residential tires (no commercial or business tires). Verification that a Tuscola County resident is using the trailer would be the responsibility of the local unit of government. To make the program available to as many people in the county as possible and comply with state requirements there is a limit of 7 tires per vehicle. It would be the responsibility of the local unit of government to advertise through all appropriate methods to make the public aware of the day and time the trailer is available. A more detailed outline of the new program as currently envisioned is explained in the attached proposal.

If there is interest the county would like to launch this program in the next few weeks. Please indicate if you are or are not interested by calling the Tuscola County Controller's Office at 989-672-3700 or emailing mhoagland@tuscolacounty.org and simply explain if you are or are not interested. If you need additional information please contact your county commissioner or call the Controller/Administrator's office at the number above. A response by July 16, 2010 would be appreciated.

Thank you for your review and consideration of this matter.

Tire Collection Program Update			
Townships	Interested	Not Interested	No Response To Date
AKRON TWP			X
ALMER TWP			X
ARBELA TWP		X	
COLUMBIA TWP			X
DAYTON TWP	X		
DENMARK TWP			X
ELKLAND TWP			X
ELLINGTON TWP			X
ELMWOOD TWP			X
FAIRGROVE TWP	X		
FREMONT TWP	X		
GILFORD TWP			X
INDIANFIELDS TWP			X
JUNIATA TWP			X
KINGSTON TWP			X
KOYLTON TWP			X
MILLINGTON TWP			X
NOVESTA TWP			X
TUSCOLA TWP			X
VASSAR TWP	X		
WATERTOWN TWP			X
WELLS TWP			X
WISNER TWP			X
Cities and Villages			
AKRON	X		
CARO			X
CASS CITY			X
FAIRGROVE			X
GAGETOWN			X
KINGSTON			X
MAYVILLE			X
MILLINGTON			X
REESE			X
UNIONVILLE			X
VASSAR	X		

DRAFT FOR DISCUSSION ONLY

PROPOSAL FOR TIRE DISPOSAL AND MOSQUITO ABATEMENT

Current Tire Disposal Program

Tuscola County Recycling currently provides an on-going tire recycling program where residents can bring tires to the facility during normal business hours. The cost to rent one trailer is \$1,200. There are several trailers that are rented during the year. In order to help defray the cost of renting a trailer for tire storage/disposal, residents are charged a fee according to the type and number of tires. Revenues generated by the program have been sufficient to cover costs of renting trailers. In addition to the county program, appreciation is expressed to local unit of government officials who have conducted satellite tire collection programs in the past for their residents.

Problem

The current program has been successful. However, there are still huge numbers of tires throughout the county. Not only are tires unsightly, they also are a major contributor to mosquito breeding by holding water which provides an ideal mosquito breeding location. For many parts of the county, the driving distance to the Recycling Center in combination with the cost of disposal is reducing the number of tires that could be collected.

Proposal

It is the belief of both Tuscola County Recycling and Tuscola County Mosquito Abatement that providing satellite tire collection centers and working in conjunction with local units of government, the number of tires that are collected could be significantly increased. Tuscola County Mosquito Abatement in conjunction with Tuscola County Recycling, would like to work collaboratively to provide annual tire collections throughout the County. These collections would take place at various local units of government throughout the County and would be open to any and all local governments that are interested. However, only ten collections would be held through this program each calendar year. The program will provide residents with the opportunity to properly dispose of and recycle their tires without having to haul them to the Tuscola County Recycling Center in Caro.

The County Recycling Center current tire recycling vendor, Environmental Rubber, is willing to provide a 53-foot semi trailer for each satellite collection. Environmental Rubber has requested one week's advance notice before the local unit of government tire collection event so that they will have a trailer available. By law, the tire collection trailer may stay at the local units designated site for only one day, so an effective advertising program would be necessary to make sure local residents use the trailer.

Proposal Parameters

1. Local units of government must provide the County with the exact location of where they want the tire collection trailer delivered, the date of when they want the tire collection trailer delivered and the times when residents are allowed to bring tires.
2. Labor to load the tire collection trailer is the responsibility of the local unit of government. The County will not be liable or responsible for any injuries that may occur and a waiver holding the county harmless must be signed prior to the collection event.

3. By law, tire trailers are allowed to stay at the designated location for one day.
4. Mosquito Abatement will pay for the rental of one trailer and disposal of the tires for one local unit of government per year because it is an important component of the overall mosquito abatement program. (Other county mosquito abatement programs in Michigan finance tire disposal programs as important method used for mosquito control).
5. Tuscola County Recycling will assist the local unit of government in coordinating with our local tire recycling contractor (Environmental Rubber).
6. Collection is limited to household and residential tires only – no commercial or business tires allowed per the Michigan Department of Natural Resources and Environment. Handling commercial tires requires additional paperwork and special permitting.
7. Any Tuscola county resident is allowed to use any satellite collection center. Local units of government are strongly urged to require proper identification from any resident participating in their collection. This will limit out of county residents from taking advantage of a Tuscola County funded program.
8. Residents are limited to bringing seven tires per vehicle. This is a state statute per the Department of Natural Resources and Environment.
9. It will be the responsibility of the local unit of government to advertise regionally and notify residents of the date of the program and other conditions that must be followed.
10. Only one trailer will be provided to each local unit of government. Local units may opt to have another trailer delivered at their own expense.
11. For financial purposes, the program is limited to ten local units of government per year. The County will insure that all local units of government have an opportunity to utilize this program, but depending on demand this may take several years. For the first year, priority will be given to those local units of government that are the farthest distance from the County Recycling Center in Caro. All local units of government will be entitled to use this program on a rotating basis.
12. The program is open to all local units of government located within Tuscola County.
13. Tuscola County Recycling will continue to accept residential tires for a fee year-round at their facility located at 1123 Mertz Road in Caro, Michigan.

Next Steps if Board Desires to Proceed

Potential next steps would include Board of Commissioner approval to submit a letter to all local units of government in the county making inquiry of their interest in this proposal. If there is sufficient interest expressed by local units of government, then the next step may be to prepare draft agreements for signature that defines specific responsibilities. After agreements are signed, implementation of the program could begin.

Note: Tuscola County Mosquito Abatement and Tuscola County Recycling is County owned and operated millage funded programs.

**Mike Hoagland**

From: Mike Hoagland [MHoagland@TuscolaCounty.org]
Sent: Friday, June 25, 2010 12:07 PM
To: Bob Mantey (drain-commissioner@tuscolacounty.org); Brian Nueville (briann@hdc-caro.org); Dan Grimshaw (dgrimshaw@tuscolacounty.org); Donna Fraczek (Donna Fraczek); 'Glen Skrent (undersheriff@tuscolacounty.org)'; Gretchen Tenbusch (Gretchen Tenbusch); Hal Hudson (Hal Hudson); 'Jenifer Robb'; Jim Matson (scac@avci.net); Jim Mcloskey (Jim Mcloskey); Kate Neese (recycle@tuscolacounty.org); 'Lee Teschendorf (sheriff@tuscolacounty.org)'; Len Richards (richardsl@michigan.gov); Margie White (MWhite@TuscolaCounty.org); Margot Roedel (Margot Roedel); 'Mark Reene'; Mary Lou Burns; Mike Miller (Mike Miller); Mike Tuckey (mtuckey@tuscolaroad.org); Pat Donovan (Pat Donovan); Pat Finn (Pat Finn); Paul Keast (Paul Keast); Robert Klenk (Robert Klenk); Ronald Amend (ramend@tchd.us); Sharon Beals (sebeals@tbhs.net); Sherri Hoy (Sherri Hoy); Steven Lark; Walt Schlichting (Walt Schlichting)
Cc: Amanda Roggenbuck (aroggenbuck@tuscolacounty.org); 'Jerry Peterson'; 'Tom Bardwell (tbardwell@hillsanddales.com)'; Tom Kern (commishkern@gmail.com)
Subject: Security

The Board of Commissioners requested that I prepare this communication to seek your help in determining methods of funding the costs to re-establish Courthouse security for the balance of 2010. The last year that Courthouse security was operated was in 2009. The cost was \$135,607. (See attached audited line item detail security budget). For the remaining six months of 2010 costs are estimated at \$68,000. The specific Board request is for you to review your 2010 operating budget and determine if any reductions can be made and reallocated to help defray the cost of re-establishing security. Please identify the line item that can be reduced and the amount of reduction.

Your response by July 2 is appreciated.

Michael R. Hoagland
Tuscola County Controller/Administrator
207 E. Grant St.
Caro, MI 48723

(989) 672-3700 Phone
(989) 672-4011 Fax
mhoagland@tuscolacounty.org E-mail

June 3, 2010
1:38 PM

BUDGET STATUS REPORT

Fund 101 GENERAL FUND
Department 303 COURTHOUSE SECURITY

Tuscola County

Period Ending Date: May 31, 2010

Account	2009 Actual	2010 Appropriated Budget	2010 Total Amended Budget	Month-to-date Actual	2010 Year-to-date Actual
Department 303 COURTHOUSE SECURITY					
Expenses					
303-704-000 SALARIES PERMANENT	58,442.40	0.00	0.00	0.00	0.00
303-704-030 DISABILITY PLAN	811.21	0.00	0.00	0.00	0.00
303-705-000 SALARIES - PT/TEMP	11,191.87	0.00	0.00	0.00	0.00
303-706-000 SALARIES - OVERTIME	22,585.23	0.00	0.00	0.00	0.00
303-711-000 HEALTH & DENTAL INSURANCE	26,045.69	0.00	0.00	0.00	0.00
303-715-000 FICA	7,096.47	0.00	0.00	0.00	0.00
303-717-000 LIFE INSURANCE	139.20	0.00	0.00	0.00	0.00
303-718-000 RETIREMENT	6,734.48	0.00	0.00	0.00	0.00
303-727-000 SUPPLIES, PRINTING, POSTAGE	250.00	0.00	0.00	0.00	0.00
303-814-000 LAUNDRY - EMPLOYEE	538.75	0.00	0.00	0.00	0.00
303-932-000 EQUIPMENT REPAIR & MAINTENANCE	1,772.50	0.00	0.00	0.00	0.00
Expenses Total	135,607.80	0.00	0.00	0.00	0.00
COURTHOUSE SECURITY Dept Total	135,607.80	0.00	0.00	0.00	0.00



Account	2009 Actual	2010 Appropriated Budget	2010 Total Amended Budget	Month-to-date Actual	2010 Year-to-date Actual	2010 Budget Balance	Percentage Spent/Received
Department 132 CIRCUIT/FAMILY							
Expenses							
132-703-000 SALARIES - SUPERVISION	105,171.81	45,724.00	45,724.00	3,517.22	23,395.69	22,328.31	51.17%
132-704-000 SALARIES - PERMANENT	404,263.71	377,690.00	390,016.00	31,893.90	190,084.34	199,931.66	48.74%
132-704-020 HEALTH INSURANCE INCENTIVE	3,976.66	3,900.00	3,900.00	299.98	1,649.89	2,250.11	42.30%
132-704-030 DISABILITY PLAN	5,913.23	4,568.00	4,736.00	428.21	2,514.53	2,221.47	53.09%
132-704-040 UNUSED SICK TIME PAYOUT	4,356.13	3,673.00	3,673.00	0.00	0.00	3,673.00	0.00%
132-705-000 SALARIES - TEMPORARY	26,160.00	32,000.00	32,000.00	1,800.00	12,420.00	19,580.00	38.81%
132-710-000 WORKERS COMPENSATION	0.00	2,423.00	0.00	0.00	0.00	0.00	0.00%
132-711-000 HEALTH & DENTAL INSURANCE	97,916.99	82,995.00	89,745.00	6,704.64	42,577.95	47,167.05	47.44%
132-715-000 F.I.C.A.	39,789.31	33,575.00	34,509.00	2,804.10	17,264.14	17,244.86	50.03%
132-717-000 LIFE INSURANCE	923.68	761.00	805.00	70.69	425.59	379.41	52.87%
132-718-000 RETIREMENT	26,605.30	29,238.00	30,010.00	2,405.24	14,628.05	15,381.95	48.74%
132-727-000 SUPPLIES, PRINTING, & POSTAGE	9,292.49	8,000.00	8,000.00	1,086.68	4,645.73	3,354.27	58.07%
132-727-010 POSTAGE FOR COLLECTIONS	1,166.81	2,731.00	2,731.00	165.90	1,282.03	1,448.97	46.94%
132-728-000 LEIN ACCESS FEES	800.00	800.00	800.00	0.00	0.00	800.00	0.00%
132-729-000 WESTLAW	0.00	2,500.00	2,500.00	0.00	0.00	2,500.00	0.00%
132-746-000 UNIFORMS & ACCESSORIES	15.00	35.00	35.00	0.00	0.00	35.00	0.00%
132-801-000 CONTRACTED SERVICES	10,664.16	55,500.00	55,500.00	63.98	268.98	55,231.02	0.48%
132-801-010 COURT APPOINTED COUNSEL	471,734.53	237,200.00	237,200.00	26,353.25	158,005.76	79,194.24	66.61%
132-801-020 CRT APPT APPEAL OF RIGHT	19,837.57	25,000.00	25,000.00	0.00	7,805.88	17,194.12	31.22%
132-801-030 GAL ATTORNEY FEES	61,218.08	56,000.00	56,000.00	6,023.32	30,898.41	25,101.59	55.18%
132-805-010 STENO TRANSCRIPTS	24,012.85	25,000.00	25,000.00	2,952.85	16,436.20	8,563.80	65.74%

Account	2009 Actual	2010 Appropriated Budget	2010 Total Amended Budget	Month-to-date Actual	2010 Year-to-date Actual	2010 Budget Balance	Percentage Spent/Received
132-805-020							
STENO APPEAL TRANSCRIPTS	1,613.85	7,500.00	7,500.00	249.95	5,990.10	1,509.90	79.87%
132-805-030							
SUB STENO SERVICE	0.00	2,500.00	2,500.00	0.00	0.00	2,500.00	0.00%
132-806-000							
JURY FEES	36,354.18	30,000.00	30,000.00	0.00	15,546.93	14,453.07	51.82%
132-807-000							
WITNESS FEES	7,380.25	7,000.00	7,000.00	0.00	1,133.00	5,867.00	16.19%
132-809-000							
MEMBERSHIP & SUBSCRIPTIONS	1,790.00	2,000.00	2,000.00	240.00	546.97	1,453.03	27.35%
132-820-000							
VISITING JUDGE	9,177.75	58,500.00	58,500.00	0.00	6,281.53	52,218.47	10.74%
132-851-000							
TELEPHONE	1,471.70	2,500.00	2,500.00	120.77	871.11	1,628.89	34.84%
132-851-010							
CELLULAR PHONES	484.66	500.00	500.00	268.05	1,131.07	-631.07	226.21%
132-861-000							
TRAVEL	2,234.64	2,500.00	2,500.00	111.45	626.10	1,873.90	25.04%
132-901-000							
ADVERTISING	0.00	350.00	350.00	25.00	115.00	235.00	32.86%
132-934-000							
OFFICE EQUIPT REPAIRS & MAINT	1,232.06	2,000.00	2,000.00	80.23	733.70	1,266.30	36.69%
132-935-000							
JUDICIAL TECH IMPROVEMENT	1,022.57	2,151.00	1,128.00	0.00	0.00	1,128.00	0.00%
132-957-000							
EMPLOYEE TRAINING	1,980.88	2,300.00	2,300.00	215.00	497.88	1,802.12	21.65%
132-971-000							
IMAGING/DATWORKFLOW	0.00	25,000.00	25,000.00	0.00	9,587.46	15,412.54	38.35%
132-982-000							
BOOKS	888.99	1,000.00	1,000.00	98.87	98.87	901.13	9.89%
132-990-000							
LEASE PAYMENTS	2,061.38	2,066.00	2,066.00	0.00	898.71	1,167.29	43.50%
Expenses Total	1,381,511.22	1,177,180.00	1,194,728.00	87,979.28	568,361.60	626,366.40	47.57%
CIRCUIT/FAMILY Dept Total	1,381,511.22	1,177,180.00	1,194,728.00	87,979.28	568,361.60	626,366.40	47.57%

**Mike Hoagland**

From: Mike Hoagland [MHoagland@TuscolaCounty.org]
Sent: Thursday, July 01, 2010 1:49 PM
To: Tom Bardwell (tbardwell@hillsanddales.com; Jerry Peterson (jerry58c@yahoo.com)
Subject: Security

Attachments: Security Funded by Proportioning Budget Reductions.xls
Finance Commissioners

Per your request attached is a spreadsheet that proportions a reduction to departmental budgets in attempting to recover \$68,000 to pay for the re-establishment of Courthouse security for the balance of 2010.

Several cost centers were removed from the reduction because they are grant funded or they have to be funded at a certain level such as Behavioral Health and drain-at-large.

This approach has problems because in most cases there is no guarantee the budgeted cost center reduction will actually materialize. We are probably just squeezing harder and taking any flexibility out of budgets. This tightening down just increases the likelihood that actual expenditures will reach or exceed budgeted cost center amounts.

I have been working with the Circuit/Family Court Administrator to determine if the Visiting Judge and Contractual Line Items in the Circuit/Family Court Budget can be used to fund security. Combined there is \$114,000 budgeted in these two line items. Only small amounts have been expended to date. The Judge wants to meet with commissioners for further discussion.

Michael R. Hoagland
Tuscola County Controller/Administrator
207 E. Grant St.
Caro, MI 48723

(989) 672-3700 Phone
(989) 672-4011 Fax
mhoagland@tuscolacounty.org E-mail

Funding Security by Proportioning Departmental Reductions			
		Department	
	2010 Amended	Budget	Percent of
Cost Center	Budget	Reduction	Total
Jail	\$ 2,183,945	\$ 14,394	21.17%
Circuit/Family Court	\$ 1,194,728	\$ 7,874	11.58%
District Court	\$ 1,095,878	\$ 7,223	10.62%
Building & Grounds	\$ 749,113	\$ 4,937	7.26%
Prosecutor	\$ 473,830	\$ 3,123	4.59%
Child Care fund Probate	\$ 470,000	\$ 3,098	4.56%
Clerk	\$ 408,845	\$ 2,695	3.96%
Computer Operations	\$ 353,909	\$ 2,333	3.43%
Treasurer	\$ 337,406	\$ 2,224	3.27%
Controller/Administrator	\$ 335,692	\$ 2,212	3.25%
Friend of the Court	\$ 295,599	\$ 1,948	2.87%
Probate Court	\$ 276,088	\$ 1,820	2.68%
Health Department	\$ 263,727	\$ 1,738	2.56%
Register of Deeds	\$ 246,417	\$ 1,624	2.39%
Equalization	\$ 196,729	\$ 1,297	1.91%
Drain Commission	\$ 181,167	\$ 1,194	1.76%
Co-Op Prosecutor	\$ 171,751	\$ 1,132	1.66%
Board of Commissioners	\$ 140,357	\$ 925	1.36%
MSU Cooperative Extension	\$ 135,600	\$ 894	1.31%
Animal Shelter	\$ 125,500	\$ 827	1.22%
Child Care Human Services	\$ 87,500	\$ 577	0.85%
Emergency Services	\$ 83,241	\$ 549	0.81%
Veterans Counseling	\$ 67,395	\$ 444	0.65%
Human Services Building Maint.	\$ 67,048	\$ 442	0.65%
Legal Services	\$ 50,000	\$ 330	0.48%
Economic Development	\$ 46,302	\$ 305	0.45%
Accounting Services	\$ 45,050	\$ 297	0.44%
Medical Examiner	\$ 41,800	\$ 275	0.41%
Adult Probation	\$ 37,950	\$ 250	0.37%
Employee Sick/Vacation	\$ 30,000	\$ 198	0.29%
Soldiers & Sailors Relief	\$ 28,500	\$ 188	0.28%
Equalization Caro Assessing Contract	\$ 18,904	\$ 125	0.18%
Veterans Burial	\$ 18,000	\$ 119	0.17%
Equalization/Huron County	\$ 13,702	\$ 90	0.13%
Special Programs	\$ 12,500	\$ 82	0.12%
Medical Examiner	\$ 10,293	\$ 68	0.10%
Department of Human Services	\$ 10,000	\$ 66	0.10%
Planning Commission	\$ 5,550	\$ 37	0.05%
Jury Commission	\$ 4,718	\$ 31	0.05%
Board of Public Works	\$ 2,840	\$ 19	0.03%
Total	\$ 10,317,574	\$ 68,000	100%

**Mike Hoagland**

From: Mike Hoagland [MHoagland@TuscolaCounty.org]
Sent: Friday, July 02, 2010 10:10 AM
To: Amanda Roggenbuck (aroggenbuck@tuscolacounty.org); 'Jerry Peterson'; 'Tom Bardwell (tbardwell@hillsanddales.com)'; Tom Kern (commishkern@gmail.com)
Cc: Clayette Zechmeister (Clayette Zechmeister); Mike Miller (Mike Miller); Renee McLane; 'Carl Osentoski (carl@huroncounty.com)'; Jim Mcloskey (Jim Mcloskey); Jeremy McCallion
Subject: Energy Efficiency Grant energy Audits
Attachments: memo for energy audits.doc; Tuscola-MP-151 (PSR)_2Q 2010.xls

Commissioners

This is a brief updated as work continues on the implementation of the \$489,000 Huron, Sanilac and Tuscola Energy Grant. As you know Tuscola County is the grant recipient and fiduciary. With the assistance of AKT Peerless, planning of specific steps and a schedule of activities for implementation has been developed (see attached schedule of activities).

One of the components of the grant and first steps is to conduct energy audits. Attached is a memo and form asking local units of government to submit energy information for municipal buildings so a database can be built. There will not be enough funding in this grant to conduct energy audits for all municipal buildings in the three county area. However, some buildings will be able to be audited under this grant and by building a good data base it may help to leverage future grant funding. We are trying to have this information returned in the next 7 - 10 days (see attached memo and energy usage form).

Call or email if you want to discuss any of this further.

Have a nice 4th of July.

Michael R. Hoagland
Tuscola County Controller/Administrator
207 E. Grant St.
Caro, MI 48723

(989) 672-3700 Phone
(989) 672-4011 Fax
mhoagland@tuscolacounty.org E-mail

Tuscola County Board of Commissioners Update July 8, 2010

1.0 ACCOMPLISHMENTS

- Tuscola County's sole source request submitted to DELEG on April 6, 2010 was approved on June 18, 2010.
- Tuscola County has contracted with AKT Peerless to complete reporting requirements, prepare request for qualifications and general administrative assistance.
- Reporting requirements for last quarter have been completed
- Request for Qualifications will be prepared for:
 - ↓ ○ Energy Audits
 - Regional Energy Efficiency and Conservation Strategy
 - Oversight/Design Services for Energy Efficiency Retrofit/Renewable Energy Projects
 - Regional Non-Motorized Transportation Plan
 - Harbor Beach Pathway Design

2.0 NEXT STEPS

- Finalize Oversight/Review Committee. Currently consists of Carl Osentoski (Huron); Jamie Daws (Sanilac) and Mike Hoagland (Tuscola). Role will be to review and recommend consultants to Tuscola County for the RFQs mentioned above. Also provide and maintain regional coordination and involvement in the energy grant
- Release of Request for Qualifications is expected to be July 16th. All RFQs will due August 3rd. Recommendations from the review committee are anticipated to be completed by August 10th and final approval by the Tuscola BOC on August 24th.
- A total of 2 RFQs will be released
 - * ○ Energy audits, Strategy and Oversight will be released together, with the option of firms to apply individually or for the entire RFQ.
 - * ○ The Non-Motorized and Harbor Beach RFQ will be issued together
- After RFQ consultants are chosen the energy retrofit and renewable energy projects will be released for bid. The oversight consultant will assist in the preparation of the bids as well as complete oversight of the projects. This includes ensuring all Davis Bacon and the American Reinvestment and Recovery Act (ARRA) Buy American provisions are met.

RFQ Activities (AKT assist with preparation)	Request for Proposal / Bid Activities (After RFQ consultant chosen)
Energy Audits	Village of Caro Retrofits
Regional Energy Efficiency Conservation Strategy (EECS) Development	Village of Caro Light Emitting Diode (LED) Street Lighting Retrofits
Oversight/Design of Retrofits	Watertown Township Retrofits
Regional Non-Motorized Transportation Strategy	Tuscola County Re-lamping of Municipal Buildings
Harbor Beach Bike Path Planning/Design	Mayville Renewable Energy Installation
	Cass City Renewable Energy Installation

Memo

To: Local Units of Government in Tuscola County

From: Michael R. Hoagland, Tuscola County Controller/Administrator

Date: 7/8/2010

Re: Energy Efficiency Grant: Energy Audits

Recently Tuscola, Sanilac and Huron Counties received a Michigan Department of Energy, Labor and Economic Growth grant for Energy Efficiency.

One of the components of the grant is to provide energy audits for municipal buildings in the three county area. We are now in the process of developing a database of buildings across the three county area for these audits. The idea is to develop a plan for each of the selected buildings that can be implemented in a cost effective and timely way.

Not every building that is identified will be selected for an audit; we simply do not have enough money to do this. But by building this database, we can create a case for additional funding in the future, should funding become available.

And since this is a grant, time is critical. We hope to develop the initial listing over the next 7-10 days. This will give us an idea of the number of buildings and the scope of the work involved. We will continue to collect information over time so that we can prepare for future grant opportunities, but we will need to start the audits for this grant fairly quickly.

One of the key components to this effort is implementation. We do not want to develop a plan and have it sit on the bookcase. We would like buildings and projects that have a high likelihood of being implemented. So if you could help us prioritize that would be great. Please identify your top priority buildings first. These could be the oldest, highest used etc.... also if you had a plan for saving energy which buildings would you work on first. Those are the ones we would like to hear about.

Our goal is to spread the funding out as much as possible across our three counties.

So, please fill out the attached form and return it to our office as soon as possible. You may email to mhoagland@tuscolacounty.org, fax back to us at 989-672-4011 or put in the mail to Tuscola County Controller/Administrator Office 207 E. Grant, Caro, MI 48723.

Your assistance is appreciated as we work together to reduce energy usage.

Energy Audit Form

Community Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

Web Site: _____

Email: _____

Contact person/s: (if contact is by cell phone, please provide this): _____

Building Name: _____

Address: _____

Phone: _____

Square Footage of building: _____

Year Built: _____

Building use: (i.e. city hall, library, DPW, police, water plant, sewer plant etc....) _____

If possible please provide the last year's energy use:

Electricity: _____

Gas: _____

Other items of interest: types of heating system, cooling, refrigerators/coolers etc.

Please have one form per building.

Tire Collection Program Update

Townships	Interested	Not Interested	No Response To Date
AKRON TWP			X
ALMER TWP			X
ARBELA TWP		X	
COLUMBIA TWP			X
DAYTON TWP	X		
DENMARK TWP			X
ELKLAND TWP			X
ELLINGTON TWP			X
ELMWOOD TWP			X
FAIRGROVE TWP	X		
FREMONT TWP	X		
GILFORD TWP			X
INDIANFIELDS TWP			X
JUNIATA TWP			X
KINGSTON TWP			X
KOYLTON TWP			X
MILLINGTON TWP			X
NOVESTA TWP			X
TUSCOLA TWP			X
VASSAR TWP	X		
WATERTOWN TWP			X
WELLS TWP			X
WISNER TWP			X
Cities and Villages			
AKRON	X		
CARO			X
CASS CITY			X
FAIRGROVE			X
GAGETOWN			X
KINGSTON			X
MAYVILLE			X
MILLINGTON			X
REESE			X
UNIONVILLE			X
VASSAR	X		

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Caro, MI 48723-1660

Telephone
989-672-3700

*Energy
Audits*

Request for Statement of Qualifications

Overview

Tuscola County, in partnership with Huron and Sanilac Counties, were awarded an Energy Efficiency and Conservation Block Grant (EECBG) through the Michigan Department of Energy Labor and Economic Growth's Bureau of Energy Systems. The EECBG program is funded through the American Recovery and Reinvestment Act (ARRA), therefore the grant is subject to the Davis Bacon Act, ARRA and the National Environmental Policy Act (NEPA) requirements.

The goals of the grant include: 1) decreasing energy use, cost and greenhouse gas emissions; 2) developing a long-term, comprehensive energy program; 3) creating jobs; and 4) stimulating economic recovery and growth throughout the Thumb Region. The EECBG grant will be used for a variety of activities including energy audits, energy strategy development and oversight/design services. All EECBG Grant activities must be completed by January 7, 2011.

Tuscola County seeks to contract for consulting services to complete energy audits, energy strategy development and oversight/design services as outlined in the EECBG grant. This Request for Qualifications outlines the submission requirements and process for selecting a consultant to complete the scope of services described below. Interested companies can submit responses for all the activities identified in the Scope of Services or for activities separately. Tuscola County will be selecting consultants based on qualifications, where price is not used as the sole selection factor.

Timeline for Responses

Request release date July 16, 2010. Four (4) hard copy proposals must be submitted no later than **August 3rd at 10:00 am** to Mike Hoagland, Tuscola County Controller/Administrator at 207 E. Grant St., Caro, MI 48723. All questions must be submitted by **July 27th, 2010 by 1:00 pm** to Mike Hoagland at MHoagland@TuscolaCounty.org

It is anticipated the final award for consultant selection will be made by the Tuscola County Board of Commissioners on August 24, 2010.

Scope of Services

1.0 Energy Audits

Tuscola County has issued this Request for Statement of Qualifications for a Consultant that can

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complete a variety of energy audits. All energy audits must be conducted in accordance with the analysis and reporting procedures established by the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) Procedures for Commercial Building Energy Audits for energy audits. Data collection reporting and comparison are conducted according to sections 5, 6, and 7 of ASHRAE Standard 105-2007. It is preferable, but not required, the Consultant maintains the following certifications PE, EIT, CEM, RA/AIA, or PMP.

The Consultant must have experience completing the following levels of ASHRAE energy audits:

- Preliminary Energy Use Analysis
- Level I Walk-Through Analysis
- Level II Energy Survey and Engineering Analysis

A **Preliminary Energy Use Analysis (PEUA)** which is a basic screening tool gives you your first indication of how well (or how poorly) a particular building is performing. Monthly energy consumption information is evaluated against weather data for the region and the energy bills are checked for irregularities or abnormal energy consumption patterns, and for excessive demand charges that can dramatically skew energy bills higher. The PEUA evaluates the energy efficiency and energy cost efficiency of the Client's building relative to other, similar properties. The PEUA also establishes the baseline energy use, energy use index, energy costs and greenhouse gas emissions. This data will be used to track progress and measure the results of the energy efficiency retrofits.

The **Level I Walk-Through Analysis (Level I)** will include the results of PEUA and provides low/cost no cost energy conservation measures. This audit also includes a site walkthrough by AKT Peerless, identification of energy conservation measures (ECMs), and the development of preliminary cost and savings estimates for each ECM. Additionally, potential capital improvements that merit further consideration will be identified. Generally, the level one audit is sufficient for most investment decisions regarding energy efficiency.

The **Level II Energy Survey and Engineering Analysis (Level II)** builds on the scope of work of the Level I energy audit and also includes recommendations on changes to operation and maintenance procedures that will benefit the building. This audit requires a more detailed survey of all the building systems plus more detailed financial analysis than the Level I audit.

The buildings and types of audits have not been selected. The Consultant will assist with the development of selection criteria and complete the energy audits. Please provide an estimate of

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your professional fees based on the size of the buildings and type of audit provided in the table below. This will be used as an estimate and part of our evaluation process, however, a finalist Consultant will negotiate the project's professional services fee, type and quantity of energy audits with the County.

Table 1. Estimated Unit Pricing for Energy Audits

Building Type	Building Size (Sq. Ft)	Unit Price for PEUA	Unit Price for Level I	Unit Price for Level II
Municipal Offices (Township, village or city) and Libraries	0-10,000			
	10,000-20,000			
	20,000 +			
Public Works Facilities and Fire Stations	0-10,000			
	10,000-20,000			

PEUA – Preliminary Energy Use Analysis; Level I – Level I Walkthrough Energy Analysis; Level II – Level II Energy Survey and Engineering Analysis;

2.0 Regional Energy Efficiency and Conservation Strategy

Tuscola County has issued this Request for Statement of Qualifications for a Consultant that can complete a Regional Energy Efficiency and Conservation Strategy (EECS). The Thumb Region communities will collaborate on the development the EECS which will further the goals of the Thumb Region by identifying strategic measures to achieve the region's vision for a sustainable economy. The goal of the EECS is to provide region-wide benefits and identify long-term solutions to reduce energy use, operational costs and greenhouse gas emissions, and promote job creation. Strategies will include but are not limited to the following:

- Identifying energy efficiency activities for the municipal, commercial and industrial transportation, and residential sectors (regionally and within each county) to implement.
- Strategies will also identify and align resources to advance economic development goals in the renewable energy sector. This activity will involve significant community outreach and participation. Strategies will be developed to foster currently operating, proposed, and potential future wind development projects.

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- Strategies will be developed to include outreach to local, state and federal government entities, utility companies, operating renewable energy companies, and the business community, which will be essential to successful implementation of the strategy.

3.0 Oversight and Design Services

Tuscola County has issued this Request for Statement of Qualifications for a Consultant that can provide oversight and design services for energy efficiency retrofits and renewable energy installations.

The following is a list of the energy efficiency retrofits and renewable energy installations to be completed under the grant. The total cost for the retrofits is estimated to be \$149,020 and renewable energy installations is estimated to be \$106,000, which includes equipment and contractor costs.

Table 2. Efficiency Retrofit and Renewable Energy Activities

Activity	Equipment Type	Estimated Quantity	Description
Village of Caro Retrofits	T5 High Bay w/ occupancy sensors	44	Retrofit 400 W MH High Bay fixtures with T5 High Bay fixtures with occupancy sensors
Village of Caro LED Street Lighting Retrofits	80 Watt LED Conversions	65	Retrofit 65-150 Watt HPS street lights to 80 Watt LED street lights
Watertown Township Retrofits	Various	NA	Energy efficient vinyl casement windows, weather stripping, 95% Efficiency gas furnace with programmable thermostats, 17 SEER air conditioning, tank-less water heater, retrofit lighting to energy efficient T-8s
Tuscola County Re-lamping of Municipal Buildings	28 Watt Lamps	2,020	Retrofit interior lighting from 32 Watt to 28 Watt fixtures in several municipal buildings
Mayville Renewable Energy Installation	Wind Turbine	2	Install two 1.5kW horizontal axis, rooftop mountable wind turbines at the Municipal Building located at 5050 Fox Street, Mayville
Cass City Renewable Energy Installation	Solar Panels	48	Install 48 215 Watt rooftop solar panels at 6506 Main Street, Cass City.
Total	n/a	n/a	n/a

HPS - High Pressure Sodium; MH – Metal Halide; LED – Light Emitting Diode

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Design Services

Engineering design firm shall:

- Conduct on-site walkthrough to identify operating parameters, perform light fixture count, perform bulb count, and assess physical condition for the light fixtures included in the retrofit plan for all aforementioned properties.
- Review lighting controls for optimum controllability and potential for energy savings and make recommendations to the County. Approved recommendation shall be included in the design documents.
- If fixture replacement is required, specify new lamp fixture. Options such as trim, grille / light diffuser, trim, etc. shall be submitted to County for approval and shall be included in the in design documents for the installing contractor.
- Develop design documents to clearly communicate to the contractor / installing personnel the design intent and requirements.
- Assist the County in contractor evaluation

Oversight services will include at minimum:

- On-site inspection to ensure the equipment under contract is being installed and verifying adherence to the Davis Bacon Act
- Verification and review of weekly Davis Bacon Act timesheet submittals
- Verification that the ARRA Buy American Provisions are met
- Verification that the National Environmental Policy Act (NEPA) Waste Management Plan submitted by the Contractors is followed
- Verification of invoices and scope of work is followed
- Final on-site inspection to verify work was complete per specifications.

Submittal Requirements

All submittals must follow the section numbering format below and include the required information.

0) Cover Letter

The cover letter shall be signed by a person or persons authorized to bind the firm. It should also state that the Consultant will fulfill all the federal requirements of the grant.

1) Company Introduction / Overview

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Provide the Consultant's name, office address, and phone numbers. Provide a brief background of the company and its overall ability to complete the project.

2) Contact Information and Staff Background

Identify the Project Manager, key staff and individuals who are authorized to answer questions pertinent to the qualification statement submitted. Discuss their qualifications.

3) Qualifications of Firm to Compete the Scope of Services

Provide a brief narrative discussing the ability and competence of your firm, as it relates to providing services necessary to undertake and successfully complete this project. Please include the completed References document, which requires 3 references for each of the Scope of Services identified in Sections 1.0 -3.0 above. Please include client name, contact information, brief description of scope of services performed, cost of services and date of services.

4) Understanding of Project Requirements

Discuss your understanding and interpretation of the project requirements and any special circumstances that may influence the completion of the Scope of Services.

5) Methods for Completing Scope of Work

Discuss the process your firm will utilize to ensure that project needs will be identified and met.

6) Estimate of Professional Fees

Provide an estimate of profession fees to complete the Scope of Services. This fee estimate may be in the form of an hourly rate with a cost not to exceed or a flat lump sum fee. This will be used as an estimate and part of our evaluation process, however, a finalist Consultant will negotiate the project's professional services fee with Tuscola County. Tuscola County's selection will be not solely be based on the lowest fee rate, instead Tuscola County will review all submittals and determine the firms whose qualifications and fee meet the criteria established for this project.

7) Proposed Project Timeline

Provide a timeline for the completion of the project.

Submittal Options

Interested companies can submit responses for all the activities identified in the Scope of Services or for activities separately. Tuscola County will be selecting consultants based on qualifications, where price is not used as the sole selection factor.

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Special Conditions

Payment Schedule

This project is funded by a grant from DELEG. Payment for all invoices for work related to the project, will be issued when Tuscola County receives approval for reimbursement requests from DELEG. It is anticipated that payment for submitted invoices will be issued within 45 days from the receipt of the invoice. This is an estimate and all payment of invoices will be issued approximately 2 weeks after the reimbursement request is approved by DELEG and received by Tuscola County.

Insurance Requirements

The Contractor will be required to meet Tuscola County's standard insurance requirements. Unless otherwise specified the Consultant shall, before commencing work hereunder, procure and thereafter maintain policies of insurance satisfactory to Tuscola County with Tuscola County **an additionally named insured** in the following minimum amounts

- 1) **Worker's Compensation** insurance with the Michigan statutory limits and Employer's Liability insurance with minimum limits of **\$100,000** (One Hundred Thousand Dollars) each accident.
- 2) **Commercial General Liability Insurance** – The Consultant shall procure and maintain during the life of this contract, Commercial General Liability Insurance, Personal Injury, Bodily Injury and Property Damage on an “Occurrence Basis” with limits of liability not less than **\$1,000,000** (One Million Dollars) per occurrence combined single limit.
- 3) **Automobile Liability** insurance covering all owned, hired and non-owned vehicles with Personal Protection insurance to comply with the provisions of the Michigan No Fault Insurance Law including Residual Liability insurance with minimum bodily injury limits of **\$1,000,000** (One Million Dollars) each person and **\$1,000,000** (One Million Dollars) each occurrence and minimum property damage limits of **\$1,000,000** (One Million Dollars) each occurrence
- 4) The Consultant shall provide proof of **Professional Liability** coverage in the amount of not less than **\$1,000,000** (One Million Dollars) per occurrence and/or aggregate.

Davis Bacon Act/Prevailing Wage

Consultant agrees to comply with the requirements of the Davis-Bacon Act as it applies to Consultants and subConsultants performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. All laborers and mechanics on projects funded directly by or assisted in whole or in part by and through funding appropriated by the Act are paid wages at rates not

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less than those prevailing on projects of a character similar in the locality as determined by subchapter IV of Chapter 31 of title 40, United States Code (Davis-Bacon Act).

For information on Davis Bacon Wage Determination please reference the Department of Energy's (DOE) EECBG Notice 10-004A and/or currently effective DOE Notices. For more information and currently effective EECBG notices please visit:

http://www1.eere.energy.gov/wip/davis-bacon_act.html#eecbg

American Recovery and Reinvestment Act (ARRA)

The Consultant shall comply with the provisions of the ARRA for EECBG projects.

The Buy American provision in the American Recovery and Reinvestment Act of 2009 (section 1605 of Title XVI), provides that, subject to three listed exceptions (non-availability, unreasonable cost, and inconsistent with the public interest), none of the funds appropriated or otherwise made available by the Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all the iron, steel, and manufactured goods used are produced in the United States. The law also requires that this provision be applied in a manner consistent with U.S. obligations under international agreements.

The provisions of this guidance apply to all recipients, sub-recipients and Consultant working on projects using Recovery Act funding. The Buy American Recovery Act provisions only apply to projects funded under the Recovery Act for the construction, alteration, maintenance or repair of a public building or public work. The guidance below is designed to help applicants and recipients determine if their Recovery Act funded project is for the construction, alteration, maintenance or repair of a public building or public work.

More information can be found at the following links:

http://www1.eere.energy.gov/recovery/buy_american_provision.html

http://www1.eere.energy.gov/recovery/pdfs/eere_program_guidance_buy_american.pdf

Waste Stream Management

The Consultant shall satisfy Waste Stream Conditions by obtaining and supplying waste management plans to support NEPA reviews for EECBG projects.

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Waste management plans are not required for projects that do not generate waste (e.g., hiring a consultant, conducting an energy audit). Waste management plans are also not required for projects that generate only insignificant quantities of non-hazardous waste. For example, a waste management plan would not be necessary for a retrofit project with a waste stream comprising only small quantities of caulking and associated materials. Where it is not obvious that a project will generate only insignificant quantities of waste, the Grantee should submit (or, in the case of subgrant programs, keep on file) waste management plans or seek guidance from a DOE NEPA Compliance Officer (NCO) to determine whether a waste management plan is necessary

The NEPA EECBG website link at

http://apps1.eere.energy.gov/state_energy_program/doe_guidelines_nepa.cfm will be updated with the most current NEPA information.

More information can be found at the following links:

http://www1.eere.energy.gov/wip/pdfs/nepa_program_guidance_notice_10-003.pdf

http://www1.eere.energy.gov/wip/nepa_guidance.html

http://www1.eere.energy.gov/wip/pdfs/10-010_eecbg_waste_stream_guidance.pdf

Evaluation Model

The following criteria will be used to evaluate all respondents and proposals submitted:

Mandatory Criteria

- 1) Proposal received by the proposal deadline
- 2) Four (4) complete copies of proposal submitted

Technical Criteria

Those firms who have met each of the mandatory criteria above will be evaluated on the following criteria:

- | | Points |
|--|--------|
| 1) Understanding of the professional services to be provided. | |
| a. Comprehensiveness of work plan | 10 |
| b. Demonstration of ability to effectively provide quality, professional Consultant services | 15 |
| 2) Consultant Experience: | |
| a. Prior services of the type and size under consideration | 25 |
| b. Effective approach to managing the project requirements | 15 |

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- 3) Qualifications of staff to be assigned to the task. Education, position in the firm and years and types of experience working on similar projects and for similar clients will be considered. This will be determined from the resume and profiles submitted.
 - a. Qualifications of supervisory personnel 10
 - b. General direction and supervision to be exercised over the firm's staff by management personnel 5
- 4) Proposed Fee and timeline 15
4. Size, structure, and location of the firm 5

Total points (100 maximum)

Conditions

All costs directly or indirectly related to preparation of a response to the solicitation, any presentations required to supplement and/or clarify a submittal, and/or reasonable demonstrations which may be, at its discretion, required by the County, shall be the sole responsibility of, and shall be borne completely by the Consultant submitting a statement of qualifications.

Tuscola County reserves the right at its sole discretion to reject any and all proposals received without penalty and not to enter a contract as a result of this RFP. The County also reserves the right to negotiate separately with any source whatsoever in any manner necessary to attend to the best interests of the County, to waive irregularities in any proposal and to accept a proposal which best meets the needs of the County, irrespective of the bid price.

By submitting a bid, the bidder is acknowledging that there will be no contractual relationship between Tuscola County and the bidder until both parties have formally approved and signed a written contract to be developed by Tuscola County legal counsel. The County reserves the right to make an award without further discussion of any proposal submitted. Therefore, the proposal should be submitted initially on the most favorable terms which the offer can propose. There will be no best and final offer procedure. The County does reserve the right to contact an offer for clarification of its proposal.

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References

BIDDER'S COMPANY NAME _____

Please list at least three (3) companies or public agencies for each of the scope of services identified in Sections 1.0 – 3.0.

NAME OF COMPANY

CONTACT PERSON

ADDRESS

TELEPHONE NO.

SCOPE of WORK

CONTRACT AMOUNT (\$)

DATE OF CONTRACT

NAME OF COMPANY

CONTACT PERSON

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TELEPHONE NO.

SCOPE of WORK

CONTRACT AMOUNT (\$)

DATE OF CONTRACT

NAME OF COMPANY

CONTACT PERSON

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TELEPHONE NO.

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CONTRACT AMOUNT (\$)

DATE OF CONTRACT

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*Regional
Non-Motorized
Plan*

Request for Qualifications

Overview

Tuscola County, in partnership with Huron and Sanilac Counties, were awarded an Energy Efficiency and Conservation Block Grant (EECBG) through the Michigan Department of Energy Labor and Economic Growth's Bureau of Energy Systems. The EECBG program is funded through the American Recovery and Reinvestment Act (ARRA), therefore the grant is subject to the Davis Bacon Act, ARRA and the National Environmental Policy Act (NEPA) requirements.

The goals of the grant include: 1) decreasing energy use, cost and greenhouse gas emissions; 2) developing a long-term, comprehensive energy program; 3) creating jobs; and 4) stimulating economic recovery and growth throughout the Thumb Region. The EECBG grant will be used for a variety of activities including the development of a Regional Non-Motorized Transportation Strategy for Huron, Sanilac and Tuscola Counties and the Harbor Beach Bike & Pedestrian Path Design. All EECBG Grant activities must be completed by January 7, 2011.

Tuscola County seeks to contract for consulting services to complete the Regional Non-Motorized Transportation Strategy and the Harbor Beach Bike & Pedestrian Path Design. This Request for Qualifications outlines the submission requirements and process for selecting a consultant to complete the scope of services described below. Tuscola County will be selecting consultants based on qualifications, where price is not used as the sole selection factor.

Timeline for Responses

Request release date July 16, 2010. Four (4) hard copy proposals must be submitted no later than **August 3rd at 10:00 am** to Mike Hoagland, Tuscola County Controller/Administrator at 207 E. Grant St., Caro, MI 48723. All questions must be submitted by **July 27th, 2010 by 1:00 pm** to Mike Hoagland at MHoagland@TuscolaCounty.org

It is anticipated the final award for consultant selection will be made by the Tuscola County Board of Commissioners on August 24, 2010.

Scope of Services

The counties of Tuscola, Sanilac and Huron, located in Michigan's "Thumb" area are developing a focus of energy production and utilization that is designed to encourage and promote economic development in the region. The three counties, who share many of the same traits (largely rural with cities and villages scattered throughout and approximately 150 miles of Lake Huron shoreline), have given rise to renewable energy development over the past several years. The

TUSCOLA COUNTY

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Controller/Administrator
mhoagland@tuscolacounty.org

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989-672-3700

region is home to the first commercial scale wind energy developments and it is expected to be one of the focus location for more wind energy development in Michigan. As an outgrowth of these efforts the region's economic development offices are seeking to develop a regional energy efficiency strategy that builds on the existing efforts but will also set the region apart as a leader in this field.

1.0 Regional Non-Motorized Plan

One of the components of this effort is to highlight and showcase the region's spectacular 150 mile coastline. One of the linchpin efforts in this area is the Michigan Department of Transportation's, Cass City Service Center's work to install an eight foot shoulder ribbon suited for bicycling the entire 150 shoreline of M 25. Scattered along the 150 mile route are a large number of small shoreline communities with marina facilities. It is this combination of factors; the shoulder ribbon, waterfront state highway, marinas and tourism markets that we are dedicated to developing into a model of non-motorized transportation for the state and region.

The Regional Non-Motorized Transportation Strategy will include a specific focus on the development of non-motorized transportation at tourist and marina communities utilizing their connections to the M 25 corridor. The first regional non-motorized transportation for the upper "Thumb" region of Michigan, will include; Huron, Tuscola and Sanilac Counties. It will serve as the basis for the identifying needs and prioritizing future development of non-motorized infrastructure within the region with an initial focus on the waterfront communities and the M 25 corridor. It is anticipated that in the future, this pedestrian and other non-motorized focused infrastructure will reduce vehicle miles traveled.

The County will be creating a new, regional non-motorized plan. The plan will follow traditional master planning practices of evaluating conditions, soliciting public input, drafting a plan, reviewing and creating a final document. The plan will identify opportunities to invest in current roadways to make them safer and more desirable for bicycle traffic and identify desirable places to add non-motorized paths. The plan will also identify opportunities to connect with existing public transportation.

The project will include the following tasks at a minimum:

- Provide a background and overview of best management practices on non-motorized transportation, with an emphasis on marina related activities;
- Develop an inventory of existing and planned community paths that link to the M 25 corridor;

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- Develop goals and objectives for the implementation of development of a non-motorized transportation system:
 - Identifying potential additions and revisions to the areas zoning ordinances, code of ordinances and design and construction standards to better implement the recommendations of the plan;
 - Propose long-and-near-term improvement recommendations for a network of non-motorized facilities and supporting facilities to provide connectivity to destinations within the County and and regional networks;
- Demonstrate potential energy savings using estimating daily trips to be removed from the roadway by implementing proposed improvements;
- Identify maintenance guidelines for non-motorized facilities;
- Prepare estimated annual maintenance and operation costs and recommendations for a maintenance plan, including an itemization of these estimates by description and amount along with appropriate subtotals and totals.
- Outline the funding needed for various components of the non-motorizing transportation network;
- Identify potential funding sources;
- Develop guidelines to institute an educational program to inform residents about the existing and planned non-motorized system and the benefits to community health, fitness, energy reduction and freedom of movement through the use of the system;
- Develop a menu of marketing efforts that local communities could undertake to expand the bicycling market effort. In particular how best to integrate the waterfront/marina markets into the biking efforts.
- Develop performance evaluation tools and instruments for use by County to determine levels of success after two, five, and ten year periods;
- Conduct public outreach and document responses
- Identify sensitive areas and concerns that may have an impact on this plan and its implementation.
- Compile and analyze all data collected for a final plan document in a pdf format including:
 - Inventory
 - Phasing plan;
 - Overall routes plan;
 - Design standards;
 - Educational guidelines;
 - Supporting facilities plan; and
 - Connections to regional non-motorized facilities.

The estimated budget for completion of the Regional Non-Motorized Transportation Strategy is \$42,750.

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2.0 Harbor Beach Bike and Pedestrian Plan Design

The City of Harbor Beach Bike & Pedestrian Plan has been implemented over the past several years. Harbor Beach is a popular tourist destination with public beaches, marinas, fishing and other tourism attractions. Harbor Beach has completed Phase I & II of a four phase effort seeking to develop biking and pedestrian trails in the community. Phase I of the Bike/Pedestrian path was completed in 1997. This path runs approximately 5000' from Memorial Park in downtown Harbor Beach to North Park campground on the north end of the city. This path provides safe walking and bicycling access to downtown Harbor Beach at North Park and to boaters at the Municipal Marina. Phase II was constructed in 2003 and added a 1700' extension to the City's current Bike and Pedestrian Path. It connects the south end of the existing path at Memorial park and proceeds, south behind the Community House.

The proposed planning project would be to design Phase III & IV sections of the pathway described below:

Phase III Bike and Pedestrian Path

Phase III of the Bike and Pedestrian Path System would connect to the existing path built in 2003. It will allow people to bike or walk from a point directly east of the Murphy Museum Complex south of the county outfall. The path would follow the outfall east to the shoreline. From a point at the shoreline, it will follow the waterfront to connect with Trescott Street Pier. At Trescott Street Pier, it will then loop back to the retention basin at the base of the hill behind the Murphy Museum Complex. This section of the path will be approximately 2500' in length and will be located on property that was purchased by the City of Harbor Beach.

Phase IV Bike and Pedestrian Path

Phase IV of the Bike and Pedestrian Plan would connect to the existing path just north of the trestle, and would follow the north side of the creek to the waterfront. At that point it would follow the waterfront over to the marina and the north break wall. This extension would be approximately 1400'. As part of this Bike and Pedestrian Path project, this shoreline property would be landscaped with trees to enhance the natural beauty of the park and lake setting.

The design of the Bike and Pedestrian Path for Phase III and IV will meet all ADA standards. In addition to the path, the planning and design effort will incorporate a strategy for bike lockers and a bike rental/sharing program specific to Harbor Beach. The future bike lockers and rentals

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in Harbor Beach will foster additional non-motorized transportation and use of the bike and pedestrian paths. The bike locker etc... program is expected to be specifically targeted towards marina users and tourists in Harbor Beach.

The estimated budget for completion of the Harbor Beach Bike and Pedestrian Path Design is \$16,000.

Submittal Requirements

All submittals must follow the section numbering format below and include the required information.

0) Cover Letter

The cover letter shall be signed by a person or persons authorized to bind the firm. It should also state that the Consultant will fulfill all the federal requirements of the grant.

1) Company Introduction / Overview

Provide the Consultant's name, office address, and phone numbers. Provide a brief background of the company and its overall ability to complete the project.

2) Contact Information and Staff Background

Identify the Project Manager, key staff and individuals who are authorized to answer questions pertinent to the qualification statement submitted. Discuss their qualifications.

3) Qualifications of Firm to Compete the Scope of Services

Provide a brief narrative discussing the ability and competence of your firm, as it relates to providing services necessary to undertake and successfully complete this project. Please include the completed References document, which requires 3 references of similar projects. Please include client name, contact information, brief description of scope of services performed, cost of services and date of services.

4) Understanding of Project Requirements

Discuss your understanding and interpretation of the project requirements and any special circumstances that may influence the completion of the Scope of Services.

5) Methods for Completing Scope of Work

Discuss the process your firm will utilize to insure that project needs will be identified and met.

6) Estimate of Professional Fees

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Provide an estimate of profession fees to complete the Scope of Services. This fee estimate may be in the form of an hourly rate with a cost not to exceed or a flat lump sum fee. This will be used as an estimate and part of our evaluation process, however, a finalist Consultant will negotiate the project's professional services fee with Tuscola County. Tuscola County's selection will be not solely be based on the lowest fee rate, instead Tuscola County will review all submittals and determine the firms whose qualifications and fee meet the criteria established for this project.

7) **Proposed Project Timeline**

Provide a timeline for the completion of the project.

8) **Other**

Please highlight any past work efforts that might relate to this Request for Qualification and if your efforts have been implemented successfully. Also describe any expertise your firm has in planning in rural environments and/or small scale waterfront efforts.

Special Conditions

Payment Schedule

This project is funded by a grant from DELEG. Payment for all invoices for work related to the project, will be issued when Tuscola County receives approval for reimbursement requests from DELEG. It is anticipated that payment for submitted invoices will be issued within 45 days from the receipt of the invoice. This is an estimate and all payment of invoices will be issued approximately 2 weeks after the reimbursement request is approved by DELEG and received by Tuscola County.

Insurance Requirements

The Contractor will be required to meet Tuscola County's standard insurance requirements. Unless otherwise specified the Consultant shall, before commencing work hereunder, procure

and thereafter maintain policies of insurance satisfactory to Tuscola County with Tuscola County **an additionally named insured** in the following minimum amounts

- 1) **Worker's Compensation** insurance with the Michigan statutory limits and Employer's Liability insurance with minimum limits of **\$100,000** (One Hundred Thousand Dollars) each accident.
- 2) **Commercial General Liability Insurance** – The Consultant shall procure and maintain during the life of this contract, Commercial General Liability Insurance, Personal Injury, Bodily Injury and Property Damage on an “Occurrence Basis” with

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- limits of liability not less than **\$1,000,000** (One Million Dollars) per occurrence combined single limit.
- 3) **Automobile Liability** insurance covering all owned, hired and non-owned vehicles with Personal Protection insurance to comply with the provisions of the Michigan No Fault Insurance Law including Residual Liability insurance with minimum bodily injury limits of **\$1,000,000** (One Million Dollars) each person and **\$1,000,000** (One Million Dollars) each occurrence and minimum property damage limits of **\$1,000,000** (One Million Dollars) each occurrence
 - 4) The Consultant shall provide proof of **Professional Liability** coverage in the amount of not less than **\$1,000,000** (One Million Dollars) per occurrence and/or aggregate.

Davis Bacon Act/Prevailing Wage

Consultant agrees to comply with the requirements of the Davis-Bacon Act as it applies to Consultants and subConsultants performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. All laborers and mechanics on projects funded directly by or assisted in whole or in part by and through funding appropriated by the Act are paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by subchapter IV of Chapter 31 of title 40, United States Code (Davis-Bacon Act).

For information on Davis Bacon Wage Determination please reference the Department of Energy's (DOE) EECBG Notice 10-004A and/or currently effective DOE Notices. For more information and currently effective EECBG notices please visit:

http://www1.eere.energy.gov/wip/davis-bacon_act.html#eecbg

American Recovery and Reinvestment Act (ARRA)

The Consultant shall comply with the provisions of the ARRA for EECBG projects.

The Buy American provision in the American Recovery and Reinvestment Act of 2009 (section 1605 of Title XVI), provides that, subject to three listed exceptions (non-availability, unreasonable cost, and inconsistent with the public interest), none of the funds appropriated or otherwise made available by the Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all the iron, steel, and manufactured goods used are produced in the United States. The law also requires that this provision be applied in a manner consistent with U.S. obligations under international agreements.

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The provisions of this guidance apply to all recipients, sub-recipients and Consultant working on projects using Recovery Act funding. The Buy American Recovery Act provisions only apply to projects funded under the Recovery Act for the construction, alteration, maintenance or repair of a public building or public work. The guidance below is designed to help applicants and recipients determine if their Recovery Act funded project is for the construction, alteration, maintenance or repair of a public building or public work.

More information can be found at the following links:

http://www1.eere.energy.gov/recovery/buy_american_provision.html

http://www1.eere.energy.gov/recovery/pdfs/eere_program_guidance_buy_american.pdf

Waste Stream Management

The Consultant shall satisfy Waste Stream Conditions by obtaining and supplying waste management plans to support NEPA reviews for EECBG projects.

Waste management plans are not required for projects that do not generate waste (e.g., hiring a consultant, conducting an energy audit). Waste management plans are also not required for projects that generate only insignificant quantities of non-hazardous waste. For example, a waste management plan would not be necessary for a retrofit project with a waste stream comprising only small quantities of caulking and associated materials. Where it is not obvious that a project will generate only insignificant quantities of waste, the Grantee should submit (or, in the case of subgrant programs, keep on file) waste management plans or seek guidance from a DOE NEPA Compliance Officer (NCO) to determine whether a waste management plan is necessary

The NEPA EECBG website link at

http://apps1.eere.energy.gov/state_energy_program/doe_guidelines_nepa.cfm will be updated with the most current NEPA information.

More information can be found at the following links:

http://www1.eere.energy.gov/wip/pdfs/nepa_program_guidance_notice_10-003.pdf

http://www1.eere.energy.gov/wip/nepa_guidance.html

http://www1.eere.energy.gov/wip/pdfs/10-010_eeecbg_waste_stream_guidance.pdf

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Evaluation Model

The following criteria will be used to evaluate all respondents and proposals submitted:

Mandatory Criteria

- 1) Proposal received by the proposal deadline
- 2) Four (4) complete copies of proposal submitted

Technical Criteria

Those firms who have met each of the mandatory criteria above will be evaluated on the following criteria:

	Points
1) Understanding of the professional services to be provided.	
a. Comprehensiveness of work plan	10
b. Demonstration of ability to effectively provide quality, professional Consultant services	15
2) Consultant Experience:	
a. Prior services of the type and size under consideration	25
b. Effective approach to managing the project requirements	15
3) Qualifications of staff to be assigned to the task. Education, position in the firm and years and types of experience working on similar projects and for similar clients will be considered. This will be determined from the resume and profiles submitted.	
a. Qualifications of supervisory personnel	10
b. General direction and supervision to be exercised over the firm's staff by management personnel	5
4) Proposed Fee and timeline	15
4. Size, structure, and location of the firm	5

Total points (100 maximum)

Conditions

All costs directly or indirectly related to preparation of a response to the solicitation, any presentations required to supplement and/or clarify a submittal, and/or reasonable demonstrations which may be, at its discretion, required by the County, shall be the sole responsibility of, and shall be borne completely by the Consultant submitting a statement of qualifications.

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Tuscola County reserves the right at its sole discretion to reject any and all proposals received without penalty and not to enter a contract as a result of this RFP. The County also reserves the right to negotiate separately with any source whatsoever in any manner necessary to attend to the best interests of the County, to waive irregularities in any proposal and to accept a proposal which best meets the needs of the County, irrespective of the bid price.

By submitting a bid, the bidder is acknowledging that there will be no contractual relationship between Tuscola County and the bidder until both parties have formally approved and signed a written contract to be developed by Tuscola County legal counsel. The County reserves the right to make an award without further discussion of any proposal submitted. Therefore, the proposal should be submitted initially on the most favorable terms which the offer can propose. There will be no best and final offer procedure. The County does reserve the right to contact an offer for clarification of its proposal.

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References

BIDDER'S COMPANY NAME _____

Please list at least three (3) companies or public agencies for which you have completed similar scope of services.

NAME OF COMPANY

CONTACT PERSON

ADDRESS

TELEPHONE NO.

SCOPE of WORK

CONTRACT AMOUNT (\$)

DATE OF CONTRACT

NAME OF COMPANY

CONTACT PERSON

ADDRESS

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SCOPE of WORK

CONTRACT AMOUNT (\$)

DATE OF CONTRACT

NAME OF COMPANY

CONTACT PERSON

ADDRESS

TELEPHONE NO.

SCOPE of WORK

CONTRACT AMOUNT (\$)

DATE OF CONTRACT



STATE OF MICHIGAN

54TH JUDICIAL CIRCUIT AND FAMILY COURTS

COURT ADMINISTRATOR

440 NORTH STATE STREET

CARO, MICHIGAN 48723-1594

Phone: (989) 672-0075 Fax: (989) 672-2169

Honorable Patrick R. Joslyn
Circuit Judge

Mary Lou Burns
Court Administrator/Friend of the Court

TO: Tuscola County Board of Commissioners

FROM: Mary Lou Burns

RE: Approval of CRP Amendments

DATE: June 28, 2010

This is a request for approval of the CRP amendments to the FY2010 Cooperative Reimbursement Program Agreement, which authorizes funding for FY 2011 for the following reasons:

1. Article I of the amendment adds the IRS language for safeguarding of information to the CRP Agreement. This is already a standard practice for the Friend of the Court.
2. Article II increases the Maximum of Amount of the Agreement for the budget year 10/01/2010 through 09/30/2011. This has been the first year that the State entered into a two year agreement on the CRP.

FY2010	Approved amount	\$1,145,000
FY2011	Approved amount	\$1,194,000

Increase of \$49,000 or 4% increase

Keep in mind that the FY2010 budget was higher due to the extra expenses incurred for implementation of the imaging and document workflow system.

My request is for approval and authorization for the Chairman to sign the necessary amendments to the CRP agreement.

CC: Nancy Thane, Deputy FOC

Comparison of New Maximus and MGT Cost Allocation Plan Savings

	One Year Cost Reduction Proposals						
	Ending		New	Maximus		New	Maximus Ending
	Maximus		Maximus	Ending-New		MGT	New MGT
	Contract		Contract	Savings		Contract	Savings
Cost Allocation Plan	\$8,450		\$7,000	\$1,450		\$7,000	\$1,450
Court Administrative Cost Allocation Plan	\$5,000		\$4,500	\$500		\$4,000	\$1,000
Total One-Year	\$13,450		\$11,500	\$1,950		\$11,000	\$2,450

	Three Year Cost Reduction Proposals						
	Ending		New	Maximus		New	Maximus Ending
	Maximus		Maximus	Ending-New		MGT	New MGT
	Contract		Contract	Savings		Contract	Savings
Cost Allocation Plan	\$25,350		\$21,000	\$4,350		\$21,000	\$4,350
Court Administrative Cost Allocation Plan	\$15,000		\$13,500	\$1,500		\$12,000	\$3,000
Total Three-Year	\$40,350		\$34,500	\$5,850		\$33,000	\$7,350

CONSULTING SERVICES AGREEMENT

By and Between

Tuscola County, Michigan
and
MGT of America, Inc.

THIS AGREEMENT is made this ____ day of _____ 2010, by and between the County of Tuscola, Michigan ("Client"), and MGT of America, Inc., a Florida Corporation ("MGT").

In consideration of the mutual covenants set forth in this Agreement, the parties agree as follows:

1. Description of Services.

MGT shall, as an independent contractor, provide the services specified in section 1.1 below ("the Services"), on the schedule specified in section 1.2 below.

1.1 Scope of Services

MGT shall provide to Client the following services:

A Countywide OMB A-87 central services cost allocation plan based on actual costs for fiscal years 2009, 2010 and 2011.

A Court Administrative Cost Allocation Plan to be negotiated with the Bureau of Juvenile Justice for fiscal years 2009, 2010 and 2011.

Negotiation of the cost and court administrative allocation plans with representatives of the federal cognizant agency and/or the State, as required.

Explain calculation methods and assumptions used in the indirect CAP and CCAP. This explanation may be written or verbal as requested by the Client.

Provide recommendations on methods to enhance indirect cost revenues.

1.2 Timetable for Services

The Services shall be performed and the product(s) of the services shall be delivered on the following schedule:

The proposed services will be completed within twelve months after the fiscal year ends.

2. Compensation

For its work under this Agreement, MGT shall be paid an annual fixed fee according to the following schedule:

	Cost Allocation Plan	Court Administrative Cost Allocation Plan
FY 2009	\$7,000	\$4,000
FY 2010	\$7,000	\$4,000
FY 2011	\$7,000	\$4,000

MGT will render to Client one invoice for each Service for the fees specified herein, after acceptance of each Service by Client. Payment will be due thirty (30) days after each invoice is submitted.

3. Term, Renewal Options, and Termination.

This agreement shall become effective upon its execution and delivery by the parties and shall remain in effect until completion of, and full payment for, the Services. At Client's option and approved by MGT, the contract may be renewed for two (2) additional one (1) year periods.

This contract may be terminated prior to completion of the Services at the option of either party, upon delivery of written notice by the terminating party to the other party. In the event of early termination by Client, MGT shall be paid, upon invoicing in accordance with this Agreement, the agreed compensation. If, due to termination, there is no agreed value for the services performed to date, MGT's standard hourly rates plus expenses incurred shall apply for Services performed prior to termination.

4. Independent Contractor Status

The relationship of MGT to Client is that of an independent contractor, and nothing in this Agreement shall be construed as creating any other relationship. As an independent contractor, MGT shall comply with all laws relating to federal and state income taxes, associated payroll and business taxes, licenses and fees, workers compensation insurance, and all other applicable state and federal laws and regulations. Neither MGT nor anyone employed or subcontracted by MGT shall be, represent, act, and purport to act, or be deemed to be an agent, representative, employee or servant to Client.

5. Project Managers

Mark Epstein shall serve as Project Manager and point of contact for MGT under this Agreement.

Michael Hoagland shall serve as Project Manager and point of contact for the Client for the Cost Allocation Plans services under this Agreement.

By written notice to the other party, either party may change the identity of its project manager during the term of this Agreement.

6. Miscellaneous

6.1 No Continuing Waiver

The failure or forbearance by either party in exercising any remedy available to it upon a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent or continuing breach by either party.

6.2 Entire Agreement

This written Agreement represents the entire agreement of the parties, and neither party is relying upon any negotiation, representation, warranty, promise, or covenant not set forth in this Agreement. This Agreement may not be modified or amended except by a written instrument for that purpose duly executed by both parties.

6.3 Subcontracting and Assignment

MGT may utilize subcontractors in performing the Services, but MGT shall remain responsible to Client for performance under this Agreement. This contract shall be binding upon and inure to the benefit of both Client and MGT and their respective successors and assigns, if any, and legal representatives.

6.4 Interpretation, Venue, and Severability

This agreement shall be construed, interpreted, and enforced in accordance with Michigan law without regard to conflicts of laws principles. Should any provision of this Agreement be held invalid or unenforceable by final judgment of a court of competent jurisdiction, it is the parties' intention that the remainder of this Agreement shall nevertheless be given effect as written. Any action arising out of or relating to this Agreement may be brought only in the Michigan state court having jurisdiction. If more than one party executes this Agreement as Client, then each such party shall be jointly and severally responsible for Client's performance and payment under this Agreement.

6.5 Prior Performance

Services performed by MGT pursuant to Client's authorization, but before execution of this Agreement, shall be considered as having been performed pursuant to the terms and conditions of this Agreement.

6.6 Notices

All written notices, demands or requests pursuant to this Agreement may be served (as an alternate to personal service) by registered or certified mail or air freight services that provide proof of delivery, with postage and fees thereon fully prepaid, and addressed to the parties so to be served as follows:

If to MGT:

MGT of America, Inc.
2343 Delta Road
Bay City, Michigan 48706

If to Client:

Tuscola County
207 East Grant
Caro, MI 48723

Service of any such notice or demand so made by mail shall be deemed complete on the day of actual delivery as shown by the addressee's registry or certification receipt. Either party hereto may, from time to time, by written notice served upon the other as aforesaid, designate a different mailing address, or (a) different or additional person(s) to which or to whom all such notices or demands are thereafter to be addressed. Persons named to receive copies of notices are listed for accommodation only, and are not required to be personally served to comply with service of notice on a party.

IN WITNESS WHEREOF, this agreement has been executed and delivered by Client and MGT on the date first written above.

TUSCOLA COUNTY, MICHIGAN

By: _____

Name: _____

As its: _____

Address: 207 East Grant

City/State/Zip: Caro, MI 48723

FEID: _____

MGT OF AMERICA, INC.

By 

Name: Mark Epstein
As its: Senior Partner

Address: 2343 Delta Road

City/State/Zip: Bay City, MI 48706

FEID: 59-1576733

for review

(A)

AMENDMENT TO
ASSESSOR SERVICES AGREEMENT

This agreement made and entered into this ____ day of July 2010, by and between the City of Caro, a municipal corporation organized and existing under the laws of the State of Michigan with its' office located at 317 South State Street, Caro, Michigan 48723 (hereinafter referred to as the "CITY") and Tuscola County, a county government with its' office located at 440 North State Street, Caro, Michigan 48723 (hereinafter referred to as the "COUNTY").

WITNESSETH:

Whereas, the CITY and COUNTY have previously entered into an Assessor Services Agreement for services to be rendered by the County to the City from July of 2010 to June 30, 2011, a copy of said Assessor Services Agreement being attached hereto as Exhibit A and made a part hereof by reference; and

Whereas, the CITY and COUNTY have determined that it is in their mutual interests to amend said Assessor Services Agreement in the manner hereinafter set forth which said Amendment includes but is not limited to extending the term of said Assessor Services Agreement to June 30, 2015 and additionally, providing for complete commercial/industrial real appraisal by an outside firm and providing for full field inspection and record updating of all residential properties as hereinafter provided; and

Whereas, the parties agree that the Assessor Services Agreement attached hereto as Exhibit A continue in full force and effect with all of the rights, duties, obligations, terms and conditions as set forth therein, except as modified by this Agreement.

Now, therefore, in consideration of the mutual covenants and promises of the parties hereto it is agreed as follows:

1. The term of said Assessors Services Agreement to be amended from July 1, 2010 to June 30, 2011 so as to provide that the term now shall be July 1, 2010 to June 30, 2015.
2. Paragraph 8.0 of said Assessors Services Agreement shall be amended so as to provide as follows, to wit: "County Employees. All persons employed in the performance of such ASSESSOR SERVICES and functions pursuant to this Agreement for the CITY shall be County employees except for the services to be rendered by an independent outside firm for commercial/industrial re-appraisal as hereinafter provided."
3. Paragraph 13.0 of said Assessors Services Agreement shall be modified so as to provide as follows, to wit: "Terms and Costs. Unless sooner terminated as provided herein, this Agreement shall be effective July 1, 2010 through June 30, 2015. Total monthly payment of \$4063.50 shall commence July 1, 2010 and each month thereafter until June 30, 2015. On each anniversary date of this Agreement, the costs associated for the appraisal services set forth in said Agreement shall be readjusted with the variable being the number of parcels. For

demonstration purposes, the number of parcels is 2,322 with costs for annual amount of \$12.00 per parcel for maintenance and a premium charge of \$9.00 per parcel for a non recurring expenses for establishing the City tax roll totaling \$21.00 per parcel annually. Commencing July 1, 2012, if the number of parcels remains at 2,322, the grand total of payments annually is \$48,762.00. Said costs are for the services as set forth in the Assessors Services Agreement attached hereto as Exhibit A. There will be additional costs associated with additional services as hereinafter set forth.”

4. The parties agree to delete paragraph 14.0 for the reason that it is the intention of the parties that said Assessors Services Agreement have a term commencing July 1, 2010 and ending June 30, 2015.

5. In addition to the obligation of the COUNTY to provide assessor services as set forth in said Assessors Services Agreement attached hereto as Exhibit A, the COUNTY additionally shall have the obligation to provide a contract with an outside firm for providing assessor services to bring all of the CITY’s records in compliance with State law as follows:

A. During 2010 for 2011 assessment roll the following duties shall be performed:

1. Photograph, correct class and depreciation on all residential parcels. The obligation will be to create reasonable fairness between residential parcels assessments.
2. Complete commercial/industrial re-appraisal by an independent outside firm. The goal and obligation will be to create fairness in these classes and bring them into compliance with state law.
3. Perform full field inspection and record updating for 20 percent of residential parcels including all those that do not have calculated assessments.

B. During 2011 for 2012 assessment roll the obligation will be as follows:

1. Full field inspection and record updating for second 20 percent of residential parcels
2. Personal property canvas.

C. During 2012 for 2013 assessment roll the obligation will be as follows:

1. Full field inspection and record updating for the third 20 percent of residential parcels.

D. During 2013 for 2014 assessment roll the obligation will be as follow:

1. Full field inspection and record updating for fourth 20 percent of residential parcels.

E. 2014 for 2015 assessment roll the obligation will be as follows:

1. Full field inspection and record updating for final 20 percent of residential parcels.

6. Assessing duties associated with complete commercial/industrial appraisal shall be done by an independent outside firm chosen by the COUNTY. The cost associated with said assessment shall not exceed \$32,000.00. Said cost to be paid by the CITY and charged by the COUNTY will be an absolute pass through cost and there will be no additional fees, costs, expenses, premiums, or any other sums attached by the COUNTY to said actual costs charged by said independent outside firm.

7. All of the other assessing services hereinbefore set forth shall be performed by the COUNTY Equalization Department at an annual cost of \$10,200.00. Said annual cost to be paid monthly in the amount of \$850.00

8. The parties hereto agree that except as modified herein, the terms and conditions of said Assessors Services Agreement attached hereto as Exhibit A shall remain in full force and effect.

CITY OF CARO

COUNTY OF TUSCOLA

Thomas K. Striffler
City Mayor

Thomas Bardwell
Chairman Board of Commissioners

Karen J. Snider
City Clerk

Margie White
County Clerk

Exhibit A

ASSESSOR SERVICES AGREEMENT

Assessor Services Agreement made and entered into this first day of December, 2009, by and between the City of Caro, a municipal corporation organized and existing under the laws of the State of Michigan, with its office located at 317 South Street Caro, Michigan 48723 (hereinafter referred to as the 'CITY') and Tuscola County, a county government, with its office located at 440 North State Street, Caro, Michigan 48723 (hereinafter referred to as the 'COUNTY'). This Agreement is made under the authority of the Intergovernmental Contracts between Municipal Corporations Act, MCL 124.1 et.seq.

WITNESSETH:

Whereas, the CITY is desirous of contracting with the COUNTY for the performance of the hereinafter assessor services (hereinafter referred to as 'ASSESSOR SERVICES) for the CITY by the COUNTY; and

Whereas, the COUNTY retains qualified personnel with the proper Certified Michigan Assessor Evaluator (CMAE) certification to act in that capacity for and on behalf of the CITY; and

Whereas, the COUNTY is agreeable to rendering such services on the terms and conditions hereinafter set forth; and

Whereas, the parties wish, by this agreement, to define their respective rights and responsibilities during the term of this agreement:

Now, Therefore, It Is Agreed As Follows:

1.0 ASSESSOR SERVICES. The COUNTY agrees to provide ASSESSOR SERVICES within the CITY limits of the CITY to the extent and in the manner hereinafter set forth herein.

2.0 TERM. Unless terminated earlier as provided herein, the term of the Agreement shall be from December 1, 2009 through June 30, 2010.

3.0 DUTIES. The COUNTY agrees to provide ASSESSOR SERVICES pertaining to signing the tax roll and participating in the March Board of Review as well as providing CITY staff with any technical advice during this time period, and other duties as further described within this Agreement. Except as otherwise provided, the minimum level of basic ASSESSOR SERVICES provided by the COUNTY, will be described in subparagraphs (a) through (bb) of this Section. The ASSESSOR SERVICES includes all duties of an assessor pursuant to the City Charter, Michigan statute and law, and all other rules and guidelines established for the proper performance of this position, as may be from time to time amended, and shall conduct and perform the same in accordance with all applicable standards of professional conduct required of such ASSESSOR SERVICES,. Such duties shall include but not be limited to the following:

Page Two
Assessor Services
City of Caro and County of Tuscola

- a.) Obtain Indianfields and Almer Township record cards, transfers, Primary Resident Exemptions (PRE), and other documents.
- b.) Obtain Indianfields and Almer Township databases
- c.) Download COUNTY data.
- d.) Obtain license for BSA software.
- e.) Import COUNTY data to pre-city databases.
- f.) Create new BSA database for CITY.
- g.) Put data from twp/pre-city databases for CITY.
- h.) Verify accuracy of 2009 value in CITY database
- i.) Make any December Board of Review, Michigan Tax Tribunal, PRE changes in CITY database.
- j.) Create new CITY parcels in COUNTY database.
- k.) Merge new CITY parcel data into COUNTY database.
- l.) Update CITY and COUNTY special district codes.
- m.) Prepare and mail personal property statements.
- n.) Field check and appraise new construction.
- o.) Analyze sale data and set values for 2010 roll.
- p.) Assist CITY, as requested, in establishing a Board of Review.
- q.) Add new construction to CITY database.
- r.) Update PRE in CITY database
- s.) Export data to merge into COUNTY data.
- t.) Print and mail change in assessment notices.
- u.) Complete and certify the assessment roll.
- v.) Assist CITY in establishing Board of Review dates in accordance with the CITY Charter.
- w.) Deliver post Board of Review data and roll to COUNTY.
- x.) Complete required state assessment reports.
- y.) Complete Headlee report to COUNTY.
- z.) Deadline to notify taxpayer in writing of March Board of Review decisions.
- aa.) Update PRE in county database.
- bb.) Certify CITY summer tax roll.

4.0 LEVEL OF CERTIFICATION. In order to perform the above described duties, the COUNTY shall provide ASSESSOR SERVICES to the CITY using COUNTY personnel who have appropriate CMAE certification.

5.0 DAYS OF ASSIGNMENT. The ASSESSOR SERVICES provided by the COUNTY shall be on the basis deemed necessary by the CITY and COUNTY.

6.0 DEFENSE OF APPEALS. The CITY shall maintain ultimate control of all litigation and settlement negotiations and ASSESSOR SERVICES shall operate under the direction of the

City Manager in any litigation regarding a tax appeal including appeals to the Small Claims Division. Any appeal to the Tax Tribunal may result in the CITY obtaining competent legal counsel at its expense. The ASSESSOR SERVICES shall defend all appeals to the Small Claims Division of the Michigan Tax Tribunal. This shall include but not be limited to filing necessary petitions, preparing and submitting such materials, statistics and other information as is necessary to properly defend such appeal, and appearing at all hearings and meetings as required for the purpose of defending such an appeal.

7.0 EQUIPMENT AND OFFICE SPACE.

- a) The ASSESSOR SERVICES shall include all necessary transportation and field equipment to perform the services and meet the requirements of this Agreement.
- b) The COUNTY shall furnish at its own expense all necessary office space, and equipment for the ASSESSOR SERVICES while performing ASSESSOR SERVICES duties on behalf of the CITY under this Agreement.
- c) It is agreed that in all instances where special supplies, software licenses, stationary, tax notices, forms and the like are to be acquired or issued or bear the name of the CITY, such items shall be supplied by the CITY at its own cost.

8.0 COUNTY EMPLOYEES. All persons employed in the performance of such ASSESSOR SERVICES and functions pursuant to this Agreement for the CITY shall be COUNTY employees.

9.0 RESPONSIBILITY OF SALARIES. The CITY shall not be liable for the direct payment of any salaries, wages, benefits, or other compensation and shall not incur liability other than that provided for in this Agreement.

10.0 INJURY OR SICKNESS. The CITY shall not be liable for any compensation or indemnity to any COUNTY employee for injury or sickness arising solely out of his/her employment.

11.0 HOLD HARMLESS. Each party shall defend and hold the other harmless from damages alleged by third parties resulting from intentional or negligent acts of the other party while performing duties of their respective jurisdictions. Nothing herein, however shall be construed as a waiver of the defense of governmental immunity nor shall these provisions be interpreted to benefit any third party. The provisions of the Paragraph shall not apply to a third party's challenge of assessment against its property.

12.0 WARRANTY. The COUNTY agrees to perform the duties outlined for ASSESSOR SERVICES. If ASSESSOR SERVICES are not performed within the standards and guidelines set forth by the State of Michigan, the COUNTY will reimburse the CITY for the portion of the ASSESSOR SERVICES not completed in accordance with such standards and which are

Reasonable and necessary to bring the assessment up to the proper standards. In no event shall the COUNTY be liable to the CITY for any costs, fees, damages in excess in the amounts provided in the Section and in no event shall the COUNTY be liable to the CITY for any incidental damages, rather the out of pocket expenses described herein and the hold harmless indemnification of the preceding Paragraph shall be the CITY's sole discretion and exclusive remedy against the COUNTY under this Agreement for any breach.

13.0 FEES AND COSTS. Total monthly payment of \$4,063.50 shall commence on December 1, 2009 and each month thereafter until June 1, 2010. At the option of the CITY, with the concurrence of the COUNTY, this Agreement may be renewed for agreed upon periods not to exceed 2 years each with a mutual agreement between the parties in relation to the cost of services. For demonstration purposes, the number of parcels is 2,322 with costs for an annual amount of \$12.00 per parcel for maintenance and a premium charge of \$9.00 per parcel for non recurring expenses for establishing the CITY tax roll subtotaling \$21.00 per parcel annually. The per parcel amount is prorated to seven months to cover this Agreement time period equaling \$7.00 per parcel for maintenance and \$5.25 for non recurring expenses equaling \$12.25 per parcel for seven months. The grand total of payments is \$28,444.50. The CITY shall also reimburse the COUNTY for expenses billed by third parties incurred by the ASSESSOR SERVICES including but not limited to those described in Section 3(a), (b) i.e. for both cost of transfer of records, (d) i.e. BSA software license, (m), (t) i.e. for both cost postage for mailings above. The COUNTY shall bill those costs to the CITY on a monthly basis, and the CITY shall include reimbursement when making its next monthly payment. If this Agreement is terminated, any remaining fee shall be pro-rated and all reimbursable costs incurred by the COUNTY up until the day of termination shall be paid for by the CITY.

14.0 RIGHT OF TERMINATION. At any time following the execution of this Agreement, either party may terminate the Agreement upon forty-five (45) days notice in writing to the other party. The right of termination is specifically exercisable at the sole discretion of either party and requires no just cause or justification for exercise thereof.

15.0 TERMINATION FOR CAUSE OR BREACH. Notwithstanding anything to the contrary in the Agreement, either party may immediately terminate this Agreement in the event of material breach by the other. In such case, any party may seek such remedies as shall be available by law or equity.

16.0 RETURN OF INFORMATION AND MATERIALS. Upon receipt of notice of termination or upon termination of this Agreement by expiration of the term, the ASSESSOR SERVICES shall immediately deliver to the CITY copies or all data, paper and computer files, drawings, specifications, reports, value estimate summaries, and any other information or materials that may have been accumulated by the ASSESSOR SERVICES in performing this

Page Five
Assessor Services
City of Caro and County of Tuscola

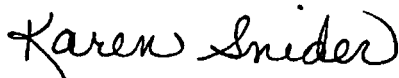
Agreement whether completed or in the process and same shall be in unaltered form, readable by the CITY. In the event of the failure or refusal of the ASSESSOR SERVICES to forthwith deliver the above-referenced materials, documents, and files, the CITY may seek a circuit court order compelling the production of same forthwith.

In Witness Whereof, the City of Caro, by resolution duly adopted by its Council has caused this Agreement to be signed by its Chief Elected Official and attested by its Clerk, and the County of Tuscola by resolution duly adopted by its Board of Commissioners has caused this Agreement to be signed by its Chairman of the Board of Commissioners and attested by its Clerk, and the government entities have affixed their respective seals hereto on the day and the year above written.

City of Caro



Thomas Striffler
Mayor




Karen Snider, City Clerk-Treasurer

County of Tuscola



Jerry Peterson,
Chairman Board of Commissioners



Margie White-Cormier, County Clerk

Date	2011 County Budget Development Calendar Summary	Entity
7/16	Presentation of financial trends/projections to county officials	Controller
7/16	Budget development calendar reviewed	Controller
7/16-7/19	Revenue forms distributed for department revenue projections	Controller
7/19-7/30	Revenue projections for 2010 and 2011 prepared	Departments
8/3	Revenue information compiled by Controller-reviewed by Board	Board
8/3	Board sets revenue budget for 2011	Board
8/4	Expenditure forms for general and other county funds distributed	Controller
8/4-8/20	Expenditure projections for 2010 and 2011 requests prepared	Departments
8/26	Expenditure requests compiled by Controller-reviewed by Board	Board
8/26	Board directs Controller to prepare draft balanced budget	Controller
8/27-9/22	Controller prepares first draft budget	Controller
9/23	Board reviews first draft balanced budget and makes changes	Board
9/24	First draft budget submitted to departments for review/comment	Controller
9/24-10/12	Departments prepare written comments regarding draft budget	Departments
10/14	Board reviews department comments and considers changes	Board
10/15	Departments notified if the Board makes budget changes	Controller
10/28	2 nd Board review of department requested changes	Board
10/28	Public hearing newspaper notice prepared/submitted	Controller
11/9	Public hearing conducted	Board
11/9 or 11/23	Final budget revisions and adoption	Board



Mike Hoagland

From: Mike Hoagland [MHoagland@TuscolaCounty.org]
Sent: Tuesday, June 29, 2010 3:07 PM
To: Bob Mantey (drain-commissioner@tuscolacounty.org); Brian Nueville (briann@hdc-caro.org); Dan Grimshaw (dgrimshaw@tuscolacounty.org); Donna Fraczek (Donna Fraczek); 'Glen Skrent (undersheriff@tuscolacounty.org)'; Gretchen Tenbusch (Gretchen Tenbusch); Hal Hudson (Hal Hudson); 'Jenifer Robb'; Jim Matson (scac@avci.net); Jim Mcloskey (Jim Mcloskey); Kate Neese (recycle@tuscolacounty.org); 'Lee Teschendorf (sheriff@tuscolacounty.org)'; Len Richards (richardsl@michigan.gov); Margie White (MWhite@TuscolaCounty.org); Margot Roedel (Margot Roedel); 'Mark Reene'; Mary Lou Burns; Mike Miller (Mike Miller); Mike Tuckey (mtuckey@tuscolaroad.org); Pat Donovan (Pat Donovan); Pat Finn (Pat Finn); Paul Keast (Paul Keast); Robert Klenk (Robert Klenk); Ronald Amend (ramend@tchd.us); Sharon Beals (sebeals@tbhs.net); Sherri Hoy (Sherri Hoy); Steven Lark; Walt Schlichting (Walt Schlichting)
Cc: ckrampits@tuscolacounty.org; Clayette Zechmeister (Clayette Zechmeister); Mari Young (Mari Young); Amanda Roggenbuck (aroggenbuck@tuscolacounty.org); 'Jerry Peterson'; 'Tom Bardwell (tbardwell@hillsanddales.com)'; Tom Kern (commishkern@gmail.com)
Subject: 2011 County Budget Development

Attachments: 2011 Budget Calendar.doc

Elected and Appointed Officials

Recently I reviewed financial trends and projections with the Board of Commissioners. They requested that we initiate the 2011 budget development process by presenting this financial information to elected and appointed officials. On **Friday, July 16, 2010 at 10:30 A.M. in the County Annex Building** the financial overview will be presented and discussed. It is believed that this background information will explain the financial problems so we can work together to find solutions and maintain a balanced budget for 2011 and future years. Please mark your calendar for this date. Also attached is a calendar that outlines the anticipated major steps for development of the 2011 County Budget.

Michael R. Hoagland
 Tuscola County Controller/Administrator
 207 E. Grant St.
 Caro, MI 48723

(989) 672-3700 Phone
 (989) 672-4011 Fax
mhoagland@tuscolacounty.org E-mail

(K)



WHITE PINE LAND COMPANY
4110 Copper Ridge Drive, Suite 255
Traverse City, Michigan 49684
Telephone (231) 929-3434
Fax (231) 929-7011
treising@whitepinecompanies.com

June 30, 2010

The Economic Development Corporation
of the County of Tuscola
c/o Tuscola County Prosecuting Attorney
Courthouse
Caro, Michigan 48723

409 8-11-10

RE: Consent of Lienholder
Our File No. 102976 (Cross Winds)
Borrower(s): Goslin Farms, Inc.

To Whom It May Concern:

Enclosed please find a copy of a Consent of Lienholder for review and execution.

Consumers Energy has obtained a Wind Farm Easement Agreement from the above named Borrower(s) for their property in Tuscola County, Michigan. You are a current lienholder on the subject property pursuant to a mortgage recorded in the County Register of Deeds office, a copy of which is enclosed.

Please review and execute the Consent of Lienholder and return to our office, using the enclosed postage paid envelope, so that we may record the document with the Register of Deeds. If the mortgage is now discharged or assigned, please enclose a copy of the discharge or assignment.

If you require a copy of the Wind Farm Easement Agreement for review, please contact me and provide your email address, and I will be happy to email a copy to you. If you have any questions or concerns, please do not hesitate to call me at (231) 929-3434, ext. 33, or email me at jdelmotte@whitepinecompanies.com.

Sincerely,

Jay W. Delmotte
Title Specialist
Agent for Consumers Energy

CONSENT OF LIENHOLDER
(Tuscola County)
Cross Winds 102976

WHEREAS, Goslin Farms, Inc., a Michigan corporation, whose address is 3351 E. Bay City Forestville Road, Gagetown, Michigan 48735, as mortgagor(s), executed and delivered to The Economic Development Corporation of the County of Tuscola, whose address is c/o Tuscola County Prosecuting Attorney, Courthouse, Caro, Michigan 48723, as mortgagee, a mortgage dated December 1, 1983 and recorded on December 30, 1983 in Liber 537, Page 1495, Tuscola County Records, covering certain land in Elmwood Township, Tuscola County, Michigan, as therein described; and

WHEREAS, Goslin Farms, Inc., a Michigan corporation, as grantor, and CONSUMERS ENERGY COMPANY, a Michigan corporation, whose address is One Energy Plaza, Jackson, Michigan 49201, as grantee, have entered into a certain Wind Farm Easement Agreement dated February 17, 2010, covering all or part of the land covered by the aforesaid mortgage. A Memorandum of said Wind Farm Easement Agreement, also dated February 17, 2010, was recorded on _____, 20____ in Liber_____, Page_____, Tuscola County Records, for purposes of giving notice of record thereof; which said Memorandum includes the complete description of the premises (being in Elmwood Township, Tuscola County, Michigan) that are covered by said Wind Farm Easement Agreement;

NOW, THEREFORE, said mortgagee, in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby consents to the grant by said mortgagor(s) to Consumers Energy Company of the rights and interests that were granted to Consumers Energy Company in said Wind Farm Easement Agreement, and agrees that in the event of the foreclosure of said mortgage, or other sale of the property covered by said mortgage (whether under judicial or non-judicial proceedings), the same shall be sold subject to said Wind Farm Easement Agreement and the rights and interests granted therein.

IN WITNESS WHEREOF, said mortgagee has caused these presents to be executed by its duly authorized representative this _____ day of _____, 20_____.

The Economic Development Corporation of the
County of Tuscola

By: _____

Name/Title: _____

STATE OF _____)
) cc
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____
by _____,
of The Economic Development Corporation of the County of Tuscola, a _____ corporation, on
behalf of the corporation.

Notary Public, _____ County, Michigan
Acting in _____ County, Michigan
My Commission Expires _____

Prepared by:
Jay W. Delmotte
White Pine Land Company
4110 Copper Ridge Drive, Suite 255
Traverse City, MI 49684

RECEIVED FOR FILING

537 1495

537 1495-1504

FILING NO.

1983 DEC 30 PM 4 30

MORTGAGE

REGISTRY OF DEEDS
TUSCOLA COUNTY, MICHIGAN

Relating to:

\$ 648,000 The Economic Development Corporation of the County of Tuscola Limited Obligation Revenue Bonds (Goslin Farms, Inc Project),

THE INTEREST (subject to certain specified exclusions) in this Mortgage of The Economic Development Corporation of the County of Tuscola (the "Issuer"), whose address is c/o Tuscola County Prosecuting Attorney, Court Courthouse, Caro, Michigan 48723 is hereby assigned to Clare E. & Donna Jean Conant (the "Secured Party"), whose address is 3780 Bay City-Forestville Rd. Gagetown, Michigan, 48735, as Secured Party under an Agreement (the "Agreement") dated as of date even herewith by and between the Obligor (as hereinafter defined), the Issuer, and the Secured Party.

THIS MORTGAGE, made as of the First day of December, 1983, between Goslin Farms, Inc. whose address is 3351 Bay City-Forestville Road, Gagetown, Michigan 48735, (herein called the "Obligor"), and the Issuer.

WITNESSETH:

WHEREAS, pursuant to Act 338, Public Acts of Michigan, 1974, as amended ("Act 338"), the Obligor, the Issuer, and the Secured Party have entered into the Agreement, the terms of which are hereby incorporated herein by reference as if the same were repeated in their entirety, under which the Issuer has agreed to lend to the Obligor the sum of \$ 648,000 (herein called the "Loan"), and pursuant to which Agreement the bonds identified in the caption hereto are being issued (the "Bonds"). Pursuant to the Agreement the Obligor has agreed to repay the Loan with interest (herein called the "Loan Repayments") and also to indemnify the Issuer and related parties and persons and to pay to the Issuer certain fees, expenses and charges (all such payments and other obligations pursuant to the Agreement being herein collectively called the "Total Obligations"); and

WHEREAS, the Obligor is providing this Mortgage pursuant to the Agreement to better secure its obligations under the Agreement; and

WHEREAS, the Issuer is assigning its rights under the Agreement to the Secured Party (except for certain rights and benefits granted for the protection of the Issuer and related parties and persons as more fully described in the Agreement) for the equal and ratable benefit of any present and future holders of the Bonds; and

*Husband and Wife

1188 537 Page 1501

IN WITNESS WHEREOF, the obligor has caused these presents to be signed the day and year first above written.

WITNESSED:

GOSLIN FARMS, INC

[Signature]
Name: FORREST GOSLIN

By [Signature]
Name: Keith J. Goslin

[Signature]
Name: David L. Clabuesch

By [Signature]
Name: Bradley Goslin

STATE OF MICHIGAN)
) ss.
COUNTY OF Tuscola)

On this 30th day of December, 1983, before me, a notary public in and for Tuscola County, appeared Keith J. Goslin and Bradley Goslin to me personally known, who, by me duly sworn, acknowledged the execution of said instrument to be their free act and deed.

[Signature]

Notary Public, Tuscola County, Michigan
My Commission Expires: 11-17-86

BOOK 537 PAGE 1502

WITNESSED:

THE ECONOMIC DEVELOPMENT CORPORATION FOR THE COUNTY OF TUSCULA, IOWA

[Signature]

Name: William J. Dwyer

[Signature]

Name: Robert Sugden

Title: CHAIRMAN

[Signature]

Name: Jane K. Baker

STATE OF MICHIGAN)
COUNTY OF TUSCULA

On this 30th day of December, 1988, before me, a notary public in and for Iowa County, appeared Robert Sugden to me personally known, who, by me duly sworn, acknowledged the execution of said instrument to be his/her free act and deed.

[Signature]

Notary Public, Iowa County, Michigan
My Commission Expires: 11-01-86

537 PAGE 1503

WITNESSED:

ACCEPTED:

David L. Clebursch
Name: _____

Clare F. Comment
Clare F. Comment

FORREST WALKER
Name: _____

Donna Jean Comment
Donna Jean Comment

STATE OF MICHIGAN)
COUNTY OF Tuscola)

On this 30th day of December, 1983, before me, a notary public in and for Michigan County, appeared Clare F. Comment and Donna Jean Comment to me personally known, who, by me duly sworn, acknowledged the execution of said instrument to be their free act and deed.

Robert V. [Signature]
Notary Public, Tuscola County, Michigan
My Commission Expires: 11-17-86

Prepared by and when recorded return to:

William J. Danhof, Esq.
MILLER, CANFIELD, PADDOCK and STONE
One Michigan Avenue
Suite 900
Lansing, Michigan 48933

WJET1-027
12-6-83

8

LIBER 537 PAGE 1504

EXHIBIT A

Land situated in the Township of Elmwood, County of Tuscola, State of Michigan, and more particularly described as follows:

The South half of the Northeast quarter of Section 4, Township 14 North, Range 10 East, Elmwood Township, Tuscola County, Michigan.

The Southeast 1/4 of the Northeast 1/4 of Section 10, Township 14 North, Range 10 East, Elmwood Township, Tuscola County, Michigan.

The West half of the Northeast quarter of Section 10, Township 14 North, Range 10 East, Elmwood Township, Tuscola County, Michigan.

The Northeast 1/4 of the Northeast 1/4 of Section 10, Township 14 North, Range 10 East, Elmwood Township, Tuscola County, Michigan.

WJDT1-022

②



MULTI-BANK SECURITIES, INC.[®]
FINRA, SIPC, MSRB

NON-CORPORATE RESOLUTION FORM

I. IDENTIFICATION OF QUALIFIED INTERMEDIARY / WITHHOLDING ENTITY

LEGAL NAME OF ORGANIZATION: TUSCOLOA COUNTY

TYPE OF ORGANIZATION: GOVERNMENT

ACCOUNT NUMBER: RMB004201

Be it resolved that each of the following has been duly elected or appointed and is now legally holding the title set opposite his/her name.

PATRICIA DONOVAN-CRAY COUNTY TREASURER
(Name of Authorized Person) (Title)

SUSAN JENSEN DEPUTY CO. TREASURER
(Name of Authorized Person) (Title)

(Name of Authorized Person) (Title)

II. CERTIFICATION

I, _____ of
(Name of Title of Officer or Partner signing this Non-Corporate Resolution)

_____ hereby certify that said organization is duly and legally
(Name of Organization)

organized and existing and that a quorum of the _____
(Name of Governing Body of Organization)

of said Organization attended a meeting duly held on the _____ day of _____, 20____

at which the following resolutions were duly adopted, and that such resolutions are in full force and effect on this date and do not conflict with the _____ of said organization.
(Name of Governing Rules)

I further certify that I have the authority to execute this Non-Corporate Resolution on behalf of said Organization, and that the _____ of the Organization which took the action called for by the
(Name of Governing Body of Organization)
resolutions annexed hereto has the power to take such action.

III. SIGNATURE

SIGNATURE: _____ DATE: _____

TITLE: _____

IV. RESOLUTIONS

Certified Copy Of Certain Resolutions by the Governing Body of Said Organization Whereby the Establishment and Maintenance of Accounts Have Been Authorized.

RESOLVED –

FIRST: That the named Authorized Persons of this organization or _____ or _____ be and they hereby are, and each of them is, authorized and empowered, for and on behalf of this organization (herein called the “Organization”), to establish and maintain one or more accounts with _____ (herein called the “Brokers”) and Pershing LLC, its successors or assigns, and for the purpose of purchasing, investing in, or otherwise acquiring, selling, possessing, transferring, exchanging, pledging, or otherwise disposing of or realizing upon, and generally dealing in and with;

(a) THIS PARAGRAPH PERMITS CASH TRANSACTIONS IN SECURITIES

any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, chooses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise;

(b) THIS PARAGRAPH PERMITS CASH AND MARGIN TRANSACTIONS IN SECURITIES

any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, chooses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise; and margin transactions, including short sales;

(c) THIS PARAGRAPH PERMITS THE ESTABLISHMENT AND MAINTENANCE OF AN ASSET MANAGEMENT ACCOUNT

the creation of a debit card and checkwriting, from which account funds are directly spent, the responsibility for which is entirely that of the Organization, such that checkwriting and debit card privileges will be limited to the following persons designated by the Organization:

_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)

The fullest authority at all times with respect to any such commitment or with respect to any transaction deemed by any of the said Authorized Persons and/or agents to be proper in connection therewith is hereby conferred, including authority (without limiting the generality of the foregoing) to give written or oral instructions to the Brokers with respect to said transactions; to bind and obligate the Organization to and for the carrying out of any contract, arrangement, or transaction, which shall be entered into by any such Authorized Persons and/or drafts drawn upon the funds of the Organization such sums as may be necessary in connection with any of the said accounts to deposit funds with the Brokers; to deliver securities and/or contracts to the Brokers; to order the transfer or delivery thereof to any other person whatsoever, and/or to order the transfer record of any securities, or contracts, or titles, to any name selected by any of the said Authorized Persons or agents; to affix the Organization's seal to any documents or agreements, or otherwise; to endorse any securities and/or contracts in order to pass title thereto; to direct the sale or exercise of any rights with respect to any securities; to sign for the Organization all releases, powers of attorney and/or other documents in connection with any such account, and to agree to any terms or conditions to control any such account; to direct the Brokers to surrender any securities to the proper agent or party for the purpose of effecting any exchange or conversion, or for the purpose of deposit with any protective or similar committee, or otherwise; to accept delivery of any securities, to borrow money and securities, if applicable, and to secure repayment thereof with the property of the Organization; to appoint any other person or persons to do any and all things which any and all things which any of the said Authorized Persons and/or agents is hereby empowered to do, and generally to do and take all action necessary in connection with the account, or considered desirable by such Authorized Persons and/or agents with respect thereto.

SECOND: That the Brokers may deal with any and all of the persons directly or indirectly by the foregoing resolution empowered, as though they were dealing with the Organization directly, except as provided in paragraph FIRST, sub-section (c).

THIRD: That the person signing this Non-corporate Resolution on behalf of the Organization be and hereby is authorized, empowered and directed to certify to the Brokers:

- (a) a true copy of these resolutions;
- (b) specimen signatures of each and every person by these resolutions empowered;
- (c) a certificate (which, if required by brokers, shall be supported by an opinion of the general counsel of the Organization, or other counsel satisfactory to the Brokers) that the Organization is duly organized and existing, that its governing rules empower it to transact the business by these resolutions defined, and that no limitation has been imposed upon such powers by the governing rules of the Organization or otherwise.

FOURTH: That the Brokers may rely upon the certified copy of the resolutions, specimen signatures, and certificate, as continuing fully effective unless and until the Brokers shall receive due written notice of change or rescission, and the dispatch or receipt of any other form of notice shall not constitute a waiver of this provision. nor shall the fact that any person hereby empowered ceases to be an Authorized Person of the Organization or becomes an Authorized Person under some title, in any way affect the powers hereby conferred, but the failure to supply any specimen signature shall not invalidate any transaction where the party authorizing the same has been actually empowered thereto by or in conformity with these resolutions.

FIFTH: That in the event of any change in the office of powers of persons hereby empowered, an Authorized Person shall certify such changes to the Brokers in writing in the manner herein above provided, which notification, when received, shall be adequate both to terminate the powers of the persons therefore authorized, and to empower the persons thereby substituted.

SIXTH: That the Authorized Persons of the Organization be, and hereby is, authorized and empowered to countersign items as aforesaid, except as provided in paragraph FIRST, sub-section (c).

SEVENTH: That the foregoing resolutions and the certificates actually furnished to the Brokers by the Authorized Person of pursuant thereto, be and they hereby are made irrevocable until written notice of the revocation thereof shall have been received by the Brokers.

Quick Reference Guide

NON-Corporate Resolution Certification

Sections of the NON-CORPORATE RESOLUTION that require information from you are described in detail below. It is important that we receive accurate and timely information. This information is kept in strict confidence, and ensures our compliance with various regulatory requirements. The accuracy of this information also ensures we can deliver assets to you without delay.

Section I. ID of Qualified Intermediary/Withholding Entity

Legal Name Of Organization: This is the name that will show up on your statements

Type of Organization: Are you a Financial Institution (Bank, Credit Union)? A Government Entity (Independent School District, Local Municipality, State Department, etc)???

We will need the names and titles of those individuals who will have the capacity to affect transactions on behalf of your organization in this section. Space for three is provided.

Section II. Certification

Someone who is **NOT** authorized to affect transactions on behalf of your organization needs to input their information in this section. **They will provide:**

- Their Title in the Organization (Director of "___", Secretary, GM, etc)
- The Name of the Organization (See the Example Provided)
- The Name of the Governing Body (Board of Directors, Executive Committee, etc)
- The Date on which a Quorum of the Governing Body was held
- The Name of the Governing Rules (most often these are your Investment Policies)

Section III. Signature

The person who is filling out this resolution and CERTIFYING in Section II shall sign in Section III. This person cannot be one of the individuals authorized to affect transactions on behalf of the organization.

Section IV. Resolutions

This section specifically points out that either the persons previously mentioned in Section I, or two (2) other persons will be authorized to establish and maintain accounts with Multi-Bank Securities, Inc. (with Pershing LLC as the Clearing Firm).

Paragraph (c) most often **WILL NOT APPLY** to your organization, leave it blank.



NON-CORPORATE RESOLUTION FORM

I. IDENTIFICATION OF QUALIFIED INTERMEDIARY / WITHHOLDING ENTITY

LEGAL NAME OF ORGANIZATION: ABCDE Federal Credit Union

TYPE OF ORGANIZATION: Credit Union

ACCOUNT NUMBER (IF ASSIGNED):

Be it resolved that each of the following has been duly elected or appointed and is now legally holding the title set opposite his/her name.

<u>Print name of person authorized</u> <small>(Name of Authorized Person)</small>	<u>Chief Financial Officer (CFO)</u> <small>(Title)</small>
<u>Print name of person authorized</u> <small>(Name of Authorized Person)</small>	<u>Treasurer</u> <small>(Title)</small>
<u>Print name of person authorized</u> <small>(Name of Authorized Person)</small>	<u>Finance Director</u> <small>(Title)</small>

II. CERTIFICATION

I, (this is a person who is NOT listed above, that has witnessed the event) of (Name of Title of Officer or Partner signing this Non-Corporate Resolution)

ABCDE Federal Credit Union hereby certify that said organization is duly and legally (Name of Organization)

organized and existing and that a quorum of the Board of Directors (Name of Governing Body of Organization)

of said Organization attended a meeting duly held on the 1st, 2nd, 3rd day of (Jun, Jul, Aug, Sep, Oct), 2010

at which the following resolutions were duly adopted, and that such resolutions are in full force and effect on this date and

do not conflict with the Investment Policy of said organization. (Name of Governing Rules)

I further certify that I have the authority to execute this Non-Corporate Resolution on behalf of said Organization, and that

the Board of Directors of the Organization which took the action called for by the (Name of Governing Body of Organization)

resolutions annexed hereto has the power to take such action.

III. SIGNATURE

SIGNATURE: _____ DATE: July 1, 2010

TITLE: (Secretary, General Manager, Director of Operations, etc.) (Same person from Section II above)

IV. RESOLUTIONS

Certified Copy Of Certain Resolutions by the Governing Body of Said Organization Whereby the Establishment and Maintenance of Accounts Have Been Authorized.

RESOLVED –

FIRST: That the named Authorized Persons of this organization or _____ (4th authorized person) _____ or _____ (5th authorized person) _____ be and they hereby are, and each of them is, authorized and empowered, for and on behalf of this organization (herein called the "Organization"), to establish and maintain one or more accounts with _____ Multi-Bank Securities, Inc. _____ (herein called the "Brokers") and Pershing LLC, its successors or assigns, and for the purpose of purchasing, investing in, or otherwise acquiring, selling, possessing, transferring, exchanging, pledging, or otherwise disposing of or realizing upon, and generally dealing in and with;

(a) THIS PARAGRAPH PERMITS CASH TRANSACTIONS IN SECURITIES

any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, choses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise;

(b) THIS PARAGRAPH PERMITS CASH AND MARGIN TRANSACTIONS IN SECURITIES

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Print name of person authorized if applicable

(Print Name)

(Signature)

Print name of person authorized if applicable

(Print Name)

(Signature)

Print name of person authorized if applicable

(Print Name)

(Signature)

The fullest authority at all times with respect to any such commitment or with respect to any transaction deemed by any of the said Authorized Persons and/or agents to be proper in connection therewith is hereby conferred, including authority (without limiting the generality of the foregoing) to give written or oral instructions to the Brokers with respect to said transactions; to bind and obligate the Organization to and for the carrying out of any contract, arrangement, or transaction, which shall be entered into by any such Authorized Persons and/or drafts drawn upon the funds of the Organization such sums as may be necessary in connection with any of the said accounts to deposit funds with the Brokers; to deliver securities and/or contracts to the Brokers; to order the transfer or delivery thereof to any other person whatsoever, and/or to order the transfer record of any securities, or contracts, or titles, to any name selected by any of the said Authorized Persons or agents; to affix the Organization's seal to any documents or agreements, or otherwise; to endorse any securities and/or contracts in order to pass title thereto; to direct the sale or exercise of any rights with respect to any securities; to sign for the Organization all releases, powers of attorney and/or other documents in connection with any such account, and to agree to any terms or conditions to control any such account; to direct the Brokers to surrender any securities to the proper agent or party for the purpose of effecting any exchange or conversion, or for the purpose of deposit with any protective or similar committee, or otherwise; to accept delivery of any securities, to borrow money and securities, if applicable, and to secure repayment thereof with the property of the Organization; to appoint any other person or persons to do any and all things which any and all things which any of the said Authorized Persons and/or agents is hereby empowered to do, and generally to do and take all action necessary in connection with the account, or considered desirable by such Authorized Persons and/or agents with respect thereto.

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Tuscola County Sheriff's Office

420 Court Street • Caro, MI 48723
Lee Teschendorf, Sheriff
Glen Skrent, Undersheriff

Phone (989) 673-8161
Fax (989) 673-8164

To: Mike Hoagland and the Tuscola County Board of Commissioners
Ref: Basement crosscut shredder
Date: 7/9/2010

The confidential paper shredder in the basement has broke. I had the maintenance department look at it and they don't think it can be fixed and it is 7 years old. Renee has checked and received a replacement cost of \$847. I looked at prices online for the same model and they were over \$1000.00

I am requesting that we purchase the item from our road patrol account for equipment account # 207-303-932-000.

Undersheriff Glen Skrent

Tuscola County Sheriff's Office
Glen Skrent



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GLITR

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Posted: Thursday, 01 July 2010 6:11PM

MSU Extension Reorganizes

After a \$1.6 million budget cut from the Michigan State University Board of Trustees June 18, the MSU Extension Thursday announced a statewide restructuring to emphasize its green programs, not administration.

"Meeting the needs of those in our state through the expertise of MSU and doing so as efficiently as possible is what MSU Extension is all about," Extension Director Tom Coon said.

The Extension redesign is meant to capitalize on the expertise that can be offered to communities around the state through its network of educators and specialists and relationships with local partners, Coon said.

MSU Extension started to examine its work and how it can focus its resources to better serve the state's residents in early 2009. The findings of that process, which included fielding more specialized educators, forging better connections between field staff and campus researchers, and a leveraging of technology to maximize effectiveness, have been shared with stakeholders around the state.

"The result is a structure that ensures that MSU Extension will remain responsive to Michigan's needs and apply research-based education to contribute to a brighter future for all Michigan residents," Coon said.

MSU Extension will be guided by the following principles:

- *Focused and specialized programs
- *Reduced administrative overhead
- *Increased responsiveness
- *Enhanced accountability
- *Continued presence across the state
- *Adoption of emerging technologies

In that vein, Coon said, MSU Extension programming will focus on four statewide program areas, each represented by a new institute. Those are:

- *Greening Michigan: Leveraging Natural and Human Assets for Prosperity
- *Enhancing Michigan's First Green Industry: Agriculture and Agribusiness
- *Preparing Michigan's Children and Youth for the Future
- *Improving the Health and Nutrition of Michigan Residents.

"These are areas where we know we can make a difference," Coon said. "They align with our expertise and with the needs and opportunities that are appropriate for a land-grant university, like Michigan State University, to address."

Institute directors have been named and officially begin July 1. However most have been working toward the transition. They are:

- *Rick Foster, Greening Michigan
- *Wendy Powers, Agriculture and Agribusiness
- *Julie Chapin, Preparing Children and Youth for the Future
- *Dawn Contreras, Improving Health and Nutrition

Rather than operate 82 county offices grouped into five regions, MSU Extension's staff are now organized into 13 multi-county districts, each overseen by a district coordinator. MSU Extension also will consolidate budget and personnel functions in one on-campus business office.

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GLITR IT CALENDAR

GLITR Newsletter

- GLITR Tuesday, June 29, 2010
- GLITR Monday, June 28, 2010
- GLITR Friday, June 25, 2010
- GLITR Thursday, June 24, 2010
- GLITR Wednesday, June 23, 2010

Archive

GLITR Podcasts

Great Lakes IT Report 07/02 WWJ's Technology Editor, Matt Roush reports 100 MPG cars chase 10 million dollars, Wayne County's first LEED Platinum home and more.



Great Lakes IT Report 07/01 WWJ's Technology Editor, Matt Roush reports state funds tech startups, new technology for problem pregnancies and a multi-product company is manufacturing in Auburn Hills.



Great Lakes IT Report (06/10) WWJ Technology Editor, Matt Roush reports a Southfield pharma center expands, MSU lands ag science grant and an announcement from the Michigan Microloan Fund program.



Great Lakes IT Report (06/08) WWJ's Technology Editor, Matt Roush reports a local Monroe IT firm is helping with tornado relief efforts.

Extension leadership has been meeting around the state with county commissioners, seeking their suggestions on how these changes can help meet the needs of residents at the county level.

"For us, July 1 is another day on the calendar," Coon said. "We'll continue to offer the services that the people of Michigan have come to rely on. Our transition will take place over the next year. At the same time, we remain steadfast to the goal of serving Michigan's needs."

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Great Lakes IT Report (06/03)
WWJ's Technology Editor, Matt Roush reporting from Detroit Regional Chamber's Mackinac Policy Conference discusses Michigan and what big changes are needed.



[>>> More Podcasts](#)

I was requested by the Board to attend a MSU Extension workshop regarding a new template for agreements between MSU Extension and County Government. The following is a summary of the meeting I attended from 4:00 to 6:00 P.M. on June 30, 2010 in Mt. Pleasant. MSU Extension State Director Thomas Coon made the presentation.

- MSU looking for methods to **strengthen partnership** with counties
- MSU has **not taken the significant 44% state cut** once thought – waiting to see what happens in the next round of state budgeting
- It was explained their recent **redesign and establishment of 13 Districts** cut administrative costs in half
- Want to **continue to reduce administration**, focus on programs and look for efficiencies
- **Tuscola District Coordinator is Joe Bixler** – who will be introduced to the Board at the July 15, 2010 committee meeting – may still need someone in charge locally
- High MSU Extension priority is to **maintain an office in each county**
- Want to **increase specialization of educators in each county** and have them work across county boundaries
- Some county officials in attendance felt **communication at the local level between Board of Commissioners and MSU Extension was poor** and counties did not have input
- A **significant portion of MSU funding comes from State and Federal sources** that providing funding for administrative and educator positions
- **Counties present stressed their own financial problems** and the difficulty they would have remaining a partner with MSU Extension at former funding levels – I stressed this point on behalf of Tuscola County
- Want to **increase speed of response to issues** and problems
- They are working to be able to **tie into other departments of the university** with problem solving abilities
- They have **19 different functional areas** where they believe they can assist counties (Called logic models – available on MSU web site)
- **Priorities** are as follows:
 - **Cutting edge agriculture** – tie to and foster economic development (Agriculture is a \$70 Billion industry that is growing)
 - **Alternative agriculture**
 - **Green energy**, how to reduce usage
 - **Health Care** – helping people to eat properly, obesity problems, improve health and nutrition
 - **4H**

- Striving to **standardize memorandums of agreement** and simplify too many different versions now
- **Several alternative approach to restructure memorandums of agreement and financial relationships between MSU Extension and counties** all of these were draft for discussion only
 - County pays for clerical staff, 4H and provides office
 - The above is reversed and MSU Extension initially pays for these costs but bills counties
 - Counties pay into a pool based on SEV or population or some other criteria for clerical and office costs and travel/training of educators
 - MSU Extension would take over all information technology functions including equipment and on-going support
- **None of the alternatives above have been decided or agree to - much of this remains unclear and what would work best for Tuscola County – all needs more discussion and clarification – hopefully more will be clarified in meetings with our District Coordinator**

Mike h.



**Letter of Agreement
Between
Tuscola County
AND
List Psychological Services
(Tax ID: 38-3206926)**

This letter of agreement is between the Tuscola County, 440 North State Street, Caro, Michigan 48723 and List Psychological Services, 467 North State Street, Caro, Michigan 48723 (hereinafter referred to as "The Agency"). The Agency agrees to provide fitness for duty evaluations and psychological services. In entering into this letter of agreement it is understood and agreed that The Agency will:

1. Receive referrals signed by Carrie Krampits, as the designee for Tuscola County, authorizing the agency to provide fitness for duty evaluations.
2. Provide Mental Health services: Fitness for Duty Evaluations - \$100.00 per hour (This will include a psychological evaluation with recommendations.)
3. A release of information to Tuscola County must be completed.
4. After the evaluation is completed, it will be mailed with an invoice to the Tuscola County Human Resource Department.
5. Payment will be mailed to List Psychological Services (443 North State Street, Caro, Michigan 48723) within 30 days of receiving the invoice.

In witness to this Agreement the parties below affix their signatures.

Carrie Krampits
Human Resource Director
Tuscola County

Diane R List Ph.D, LP 6/29/10
Diane R List, Ph.D, LP
Chief Executive Officer
List Psychological Services

DRAFT

WHEREAS, Dana Davidson, a 2010 graduate of Akron-Fairgrove High School, was named the 2010 Michigan Sugar Queen at the annual Sugar Festival held in Sebawaing, Michigan on June 18, 2010 competing against fourteen other contestants from throughout the state of Michigan to achieve this honor, and

WHEREAS, Dana Davidson has achieved numerous other honors during her lifetime and high school career, some of which include: 2nd place medal in Voice of Democracy competition, Highest Honors Award, All "A" Average Award for the majority of her classes during all four years of high school, and Academics Medals in many categories, and

WHEREAS, along with all of the above achievements, Dana Davidson has also excelled in her academic career by being involved in numerous clubs and organizations, such as National Honor Society, Student Council, Class President, Yearbook, Spanish Club, FFA, and Michigan Youth Leadership, and

WHEREAS, Dana Davidson has also contributed to her community through her many volunteer activities, such as Dig for a Cure, Breast Cancer Awareness, Pennies for Patients, and Food Drives. Dana also voluntarily tutored an elementary student, organized a day dedicated to the beautification of her school, assisted with 7th and 8th grade students on their assignments, participated in the Walk for Warmth and the HDC Senior Ball, and

WHEREAS, Dana Davidson has also achieved athletic awards for her participation in volleyball for all four years of her high school, and has held a paid position during her summers and also works on the family farm.

THEREFORE, for all of these achievements and more, this 2010 Tuscola County Board of Commissioners wish to honor Dana Davidson and congratulate her for being crowned the 2010 Michigan Sugar Queen and also wish her the very best for her future, and

BE IT RESOLVED, that this resolution be spread upon the official records of Tuscola County and that a copy be presented to Dana Davidson.

Date _____

Thomas Bardwell, Chairperson
Tuscola County Board of Commissioners

I, Margie White, Tuscola County Clerk, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Tuscola County Board of Commissioners at a regular meeting on, July 2010.

Date _____

Margie-White
Tuscola County Clerk

Original (Q)
Version

FINISHING THE AIRPORT ORDINANCE

1. Change all reference from "all county" to 10 mile radius.
2. Make other changes determined by the Board of commissioners.
3. Place new maps in ordinance.
4. Prepare headers, page numbers, and legends for new map pages.
5. Reflect changes on summary page.
6. Recheck all references, map pages, paragraphs etc.
7. Prepare copies for the Board Of Commissioners, annex, clerks office.
8. Mount large maps for display at annex building.
9. Create PDF file for county web site. See that it is posted.
10. Create portable file for screening at public hearing.

on disk

After approval of Ordinance -

Public Hearing
in paper
post 15 days

1. Remove "Draft" from header.
2. Recheck for widow lines, and table of contents correctness. - to match
blank - re-align all pages (S)
3. Make appropriate copies. Each Planning Commission member, each township involved, each zoning board of appeals members, file copy, clerks office.
(S) here - here for planning comm. + on disk
4. Create PDF file of finished ordinance. See that it is posted.
5. Make copy of large township map for each township involved.
6. Mount large maps for use in the annex building by planning commission and zoning board of appeals

MAY, 2010

DRAFTCOPY

TUSCOLA AREA AIRPORT ZONING ORDINANCE

***ADOPTED BY THE TUSCOLA COUNTY BOARD OF COMMISSIONERS
UNDER THE AUTHORITY OF***

IN COMPLIANCE WITH PA110 OF 2006

COUNTY ORDINANCE # 01-2010

ORDINANCE ADMINSTRATED BY:

The Local Municipality Zoning Administrator

or by default

The Airport Zoning Administrative Agency

DRAFT COPY

MAY, 2010

TUSCOLA COUNTY AIRPORT ZONING ORDINANCE

DRAFTED BY

Working Committee for the Tuscola Area Airport

Appointed by

Tuscola Area Airport Zoning Commission/Tuscola County Planning Commission

Under the authority of

THE TUSCOLA COUNTY COMMISSIONERS

Contributing expert direction, consultation and draft ordinance models:

Mr. Doug Van Essen, Attorney for Tuscola County

WORKING COMMITTEE FOR THE TUSCOLA AREA AIRPORT:

Chairperson

Delores Damm

Vice Chairperson

Ione Vyse

Committee

William Campbell

Brian Schriber

Bernard (Bud) Kreh

Debra Lipan

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ARTICLE 1
TITLE AND PURPOSE

1.1 Title

This Ordinance includes all airport zoning plans attached hereto and is to be known and may be cited as the "Tuscola Area Airport Zoning Ordinance."

1.2 Purpose

An Ordinance establishing airport zoning regulations for the purpose of promoting the health, safety, and general welfare of the inhabitants of the County of Tuscola by preventing the establishment of airport hazards, restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Tuscola Area Airport; providing for the allowance of variances from such regulations; designating the Airport Zoning Administrative Agency/Zoning Administrator charged with the administration and enforcement of such regulations; establishing an airport zoning board of appeals; providing for enforcement; and imposing penalties for violation of this Ordinance.

The Board of Commissioners of the County of Tuscola does hereby ordain as follows:

**ARTICLE 2
DEFINITIONS**

For the purposes of this Ordinance, the words, terms and phrases set forth in this Article mean:

2.1 ABOVE ESTABLISHED AIRPORT ELEVATION (AEAE)

Denoted elevations above the elevation of the airport (seven hundred one (701) feet).

2.2 ABOVE GROUND LEVEL (AGL)

Denotes elevations above ground level at the base of the structure.

2.3 ABOVE MEAN SEA LEVEL

Denotes elevations above sea level based upon and determined by reference to the United States Coast and Geodetic Survey datum.

2.4 AIRPORT

The Tuscola Area Airport and all appurtenances used or acquired for airport buildings or other airport facilities, and all other appurtenant rights of way or other existing or future interests.

2.5 AIRPORT ELEVATION

Seven hundred one (701) feet above mean sea level at the midpoint of the runway of the Tuscola Area Airport.

2.6 AIRPORT HAZARD

Any structure or tree within the Airport Hazard Area that exceeds the height limitations established by this Ordinance, or any use of land or appurtenances within the Airport Hazard Area that interferes with the safe use of the airport by aircraft unless a variance has been granted by the Airport Zoning Board of Appeals.

2.7 AIRPORT HAZARD AREA(AHA)

Any area of land or water, or both, lying within Tuscola County as depicted in zones A thru E on the accompanying map (see Map 1, pg. I), in which an airport hazard might exist if not prevented by this Ordinance. The Airport Hazard Area (AHA) is equivalent to the Airport Zoning Area (AZA).

2.8 AIRPORT ZONING ACT

Act no. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session).

2.9 AIRPORT ZONING ADMINISTRATIVE AGENCY

The Tuscola County Planning Commission or its Agent, the local zoning administrator.

2.10 AIRPORT ZONING BOARD OF APPEALS

An independent, five (5) member board appointed by the Tuscola County Commissioners.

2.11 AIRPORT ZONING AREA (AZA)

The area lying within Zones A through E on Map 1, Pg I.

2.12 APPROACH SURFACE

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Article 4 of this Ordinance. The perimeter of the approach surface coincides with the perimeter of the approach zone.

2.13 APPROACH ZONE

An area that commences two hundred (200) feet beyond the end of each paved runway, existing or planned, and extends outward for ten thousand (10,000) feet at a slope of thirty-four to one (34:1) and extends outward for five thousand (5,000) feet from each end of turf runways at a slope of twenty to one (20:1).

2.14 BOARD OF APPEALS

The Tuscola Area Airport Zoning Ordinance Board of Appeals.

2.15 CONICAL SURFACE

A surface starting at the periphery of the horizontal surface and at a height of one hundred fifty (150) feet above airport elevation, extending outward and upward at a slope of fifty feet outward for each foot upward (50 to 1) for a horizontal distance of seventeen thousand, five hundred (17,500) feet.

2.16 CONICAL ZONE

The area that commences at the periphery of the horizontal zone and extends outward there from, a horizontal distance of seventeen thousand, five hundred (17,500) feet.

2.17 HAZARD TO AIR NAVIGATION

An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

2.18 HEIGHT

For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall mean above ground level at the base of the structure unless otherwise specified.

2.19 HORIZONTAL SURFACE

A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

2.20 HORIZONTAL ZONE

A zone established by swinging arcs of ten thousand (10,000) feet radii for all existing or planned MAC and FAA approved, paved runways, measured from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.

2.21 LAND-USE GUIDANCE ZONE

An area or zone, in which certain types of land uses are recommended due to noise, vibrations, fumes, dust, fuel particles and other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at the Tuscola Area Airport (See Map 3, Pg III).

2.22 NON-CONFORMING USE

Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this Ordinance or any amendment thereto as of the effective date of this regulation.

2.23 OBSTRUCTION

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Article 3 of this Ordinance and FAA Regulations part 77.23.

2.24 OUTER HORIZONTAL SURFACE

A horizontal plane five hundred (500) feet above the established airport elevation, the perimeter of which coincides with the perimeter of the outer horizontal zone.

2.25 OUTER HORIZONTAL ZONE

The area lying between the outer edges of the Conical Surface and extending to a radius of 10 miles.

2.26 PERSON

Any individual, firm, partnership, corporation, company, association, joint stock association, Municipal Corporation, or other body politic, including but not limited to, any trustee, receiver, assignee or other similar representative of any of them.

2.27 PERMIT

A permit issued by the Airport Zoning Administrative Agency/ Zoning Administrator.

2.28 PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway and has a width of five hundred (500) feet . When the runway has no specially prepared hard surface, the primary surface ends at each end of that runway and has a width of two hundred fifty (250) feet.

2.29 RUNWAY

A defined area on an airport prepared for landing and takeoff of aircraft along its length, including runways that are planned and approved by the FAA and MAC per current layout plans.

2.30 STRUCTURE

Any object, including a mobile object, constructed or installed by man, including but without limitation, buildings, wind generators, towers, cranes, smokestacks, earth formations, overhead transmission lines, and radio and television aerials and antennae, but not including highways and their appurtenances.

2.31 TRANSITIONAL SURFACES

An imaginary plane perpendicular to a runway centerline and to the centerline extended through the runway's primary surface and approach surface, which plane extends outward and upward from each side of the runway's primary surface and approach surface at a slope of seven to one (7:1) extending to the intersection of the transitional surface with the inner horizontal surface.

2.32 TRANSITIONAL ZONE

The areas beneath the transitional surfaces.

2.33 TREE

Any object of natural growth.

2.34 VARIANCE

An issuance by the Airport Zoning Board of Appeals authorizing the erection of a new structure, increase in the height of an existing structure or growth of a tree or other use of property in excess of the height restrictions in Zones A through E on Map 1, Pg I or the use restrictions in this Ordinance as provided for in MCL 259.454.

2.35 ZONING ADMINISTRATOR

The Airport Zoning Administrative Agency or the local zoning administrator where a local unit of government has adopted and maintains this Ordinance, including any amendments, and elects to have its zoning administrator/board administer the Ordinance, and who is designated and charged with the administration and enforcement of this Ordinance and/or the local zoning administrator if a local unit exercises its rights under MCL §259.445 with respect to its geographic boundaries.

**ARTICLE 3
GENERAL REGULATIONS**

3.1 Airport Zoning Area

An Airport Zoning Area (AZA) is here-by established, which area or zone consists of the area between the conical zone and the circumference created by a circle with a radius of 10 miles and the center being the reference point of the airport. (See Map 1, Pg. I).

3.2 Approach Standards

The approach, transitional, conical and inner and outer horizontal surfaces that establish the height limitations under this Ordinance are denoted on Map 1, Pg. I.

3.3 Legal Height Limitations

No use or structure shall be constructed or altered or made more non-conforming in the Airport Zoning Area (AZA) that exceeds the airport clearance requirements below, unless a Determination of No Hazard has been issued by the Federal Aviation Administration (FAA) OR a Michigan Tall Structure Permit has been issued by the Michigan Aeronautics Commission, AND a variance has been issued by the Airport Zoning Board of Appeals under this Ordinance. (See Map 1, Pg. I).

Zone A. (Horizontal Zone)

The height limit is established at one hundred fifty (150) feet above the established airport elevation or eight hundred fifty-one (851) feet above sea level.

Zone B. (Conical Zone)

The height limit slopes fifty (50) feet outward for each foot upward (50:1), beginning at the periphery of the horizontal zone and extending seventeen thousand five hundred (17,500) feet horizontally. The zone begins at one hundred fifty (150) feet above established airport elevation (AEAE) and extends to a height of five hundred (500) feet above established airport elevation (AEAE).

Zone C. (Runway Approach Zone)

The height limit slopes thirty-four (34) feet outward for each foot upward (34:1), beginning two hundred (200) feet beyond the end of the paved runway, existing or planned and approved by FAA and MAC, and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

Zone D (Transitional Zone)

The height limit is established to begin at the edge of the primary surface or approach surface and increasing at a slope of seven (7) feet outward for each foot upward on a line perpendicular to the centerline of the runway and to that centerline extended, and extending to the intersection of the transitional surface with the inner horizontal surface.

Zone E (Outer Horizontal Zone)

The height limit is established at five hundred (500) feet above ground level or above the established airport elevation, whichever is the lesser.

3.4 Permit Requirement

To ensure compliance with this Ordinance, an application for an Airport Zoning Permit shall be required for all structures that are within the limits of zones A thru E and will equal or exceed the limits below and as shown on Map 2, Pg II.

Zone A. Twenty-five (25) feet above ground level (AGL) in zones 1-5 (See map 3 page III) and thirty-five (35) feet above ground level (AGL), in the remainder of Zone A.

Zone B. One hundred twenty-five (125) feet above ground level (AGL) or above established airport elevation (AEAE), whichever is the lesser, in Zone B.

Zones C and D. Twenty-five (25) feet above ground level (AGL).

Zone E. Four hundred ninety-nine (499) feet above ground level (AGL) or above established airport elevation (AEAE) whichever is the lesser, for any other part of the hazard area. A permit is not required for structures less than four hundred ninety-nine (499) feet in zone E unless a “Determination of Presumed Hazard” has been issued for the structure. This requirement is not relinquished even if a subsequent “Determination of No Hazard” has been issued.

The Airport Zoning Administrative Agency/Zoning Administrator may also require application for any structure that the Federal Aviation Administration (FAA) has required notice of under Title XIV of the Code of Regulations Part 77. No structure shall be erected or materially changed without a permit that is necessary under this ordinance.

3.5 Permit Issuance

Unless the Airport Zoning Administrative Agency/Zoning Administrator conclude that the proposed use would cause an imminent and material interference with a terminal obstacle clearance area, a departure area, turn and termination area or circling approach area, based on a study by an aeronautical engineer retained by the Administrator, a permit shall be issued for a proposed structure that is located within the Airport Zoning Area if ALL of the following requirements are met:

- A. A land-use permit has been issued by the governing municipality.
- B. The structure’s height or use is not inconsistent with this Ordinance.
- C. The landowner has obtained a determination of no hazard by the Federal Aviation Administration (FAA) if application is required.
- D. An opinion from MAC that The Michigan Tall Structure Permit could be issued, if required by the Michigan Aeronautics Commission (MAC).

Note: It is the option of the Applicant as to the order of meeting the requirements.

3.6 Unlawful Land Use

Notwithstanding any other provisions of this Ordinance, no person may use any lands within the Airport Zoning Area (AZA) which:

- A. Would create electrical interference with radio communications between the airport and aircraft or create interference with navigational aids employed by aircraft;
- B. Would make it difficult for flyers to distinguish between airport lights and others or result in glare to the eyes of flyers using the airport;

- C. Would create air pollution in such amounts as to impair the visibility of flyers in the use of the airport;
- D. Would locate or permit the operation of a dump, waste disposal site, sanitary landfill, hazardous waste facility, solid waste transfer station or recycling facility within 10,000 feet of any runway at the airport, unless the construction, location and operation of the site is approved or authorized by the Federal Aviation Administration as not being in violation of its orders, rules or regulations applicable to the airport, or unless a waiver is issued by the Federal Aviation Administration;
- E. Would otherwise endanger the landing, taking off, or maneuvering of aircraft;
- F. Would attract birds;
- G. Would raise the descent minimums of any instrument approach procedure to the airport, or otherwise limit operations at the airport, as determined by an airspace study conducted by the Federal Aviation Administration.

3.7 Non-Conforming Existing Uses

The provisions of Section 3.3 and 3.6 of this Ordinance shall not apply to structures, trees or other non-conforming uses existing in an Airport Hazard Area on the effective date of this Ordinance, unless the local Zoning Administrator determines it to be abandoned, or 80% torn down, destroyed, deteriorated, or decayed. The definition of abandon shall be the same as definition used by each respective local land-use zoning agency.

3.8 Alterations to Non-Conforming Land Use

The provisions of Section 3.3 and 3.6 of this Ordinance shall apply to changes or alterations which increase the height of existing structures, trees or other non-conforming uses after the effective date of this Ordinance, with the same force and effect as though the same were new uses.

3.9 Land-Use Guidance Zone

A. Purpose. The purpose of land-use guidance zones 1 to 5 as identified on Map 3, Pg III, hereto, is to designate areas in which certain types of land uses are recommended due to undesirable effects that may be caused by the operation of aircraft.

B. Acceptable Land-Use. The uses of land within the areas shown on the zoning plans are acceptable land-uses as outlined in the land use guidelines (see Pgs. V through IX).

ARTICLE 4 PERMITS

4.1 Permit Threshold Map

There is attached hereto as **Map 2, Pg II**, the Permit Threshold Map, showing applicable height limitations within the Airport Hazard Area (AHA) above which Airport Zoning Permits are required under this Ordinance. The Permit Threshold Map is affixed to this Ordinance for the information of and consultation by all persons proposing to make uses of land within the Airport Hazard Areas, whether the same be a new use or changes in an existing use, and it shall not be a defense in any action that a person charged with violation of this Ordinance, whether in a criminal or civil action, failed to consult this Ordinance or the permit maps prior to the action giving rise to the violation.

4.2 Application for Airport Zoning Permits

NOTE: The permit hereafter described refers to, and only to, the Airport Zoning Permit and is obtainable only after first obtaining a land use permit from the municipality in which the land use is to take place.

- A. The owner of the land on which the structure is proposed as well as any lessee, licensee or operator of the structure must execute the Application for the Permit.
- B. An application for a permit shall include a site plan and be accompanied by the Airport Zoning Permit Fee assessed by the administering agency.

Every site plan submitted to the Airport Administrative Agency/Zoning Administrator shall be in accordance with the requirements of this Ordinance and shall include the following information:

- (1) A scale of not less than one(1) inch equals fifty (50) feet if the subject property is less than three (3) acres and one (1) inch equals one hundred (100) feet if three (3) acres or more.
- (2) Date, north point and scale
- (3) The Latitude and Longitude of the base of the proposed structure or use.
- (4) The distance from and height above the Tuscola Area Airport reference point.
- (5) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (6) The uses of all surrounding property, including general topography, natural characteristics such as woods, wetlands, and floodplains, public drains, utilities and other related items.
- (7) The location of all existing structures within five hundred (500) feet of the property.
- (8) The location of existing developments, planned new development and site revisions, including grading, landscaping, pedestrian circulation and other activities.

- (9) The location of all existing and proposed drives and parking areas.
- (10) The location and right-of-way widths of all abutting streets and alleys.

(11) The names and addresses and seal of the architect, planner, designer or engineer responsible for the preparation of the site plan.

- C. Application shall be made to the Airport Zoning Administrative Agency/Zoning Administrator upon forms furnished by the Airport Zoning Administrative Agency/Zoning Administrator. Applicant shall supply copies as required.
- D. The Airport Zoning Administrative Agency/Zoning Administrator shall, within thirty (30) days from the application, determine whether the height limitations as designated by the Airport Zoning Maps and this Ordinance, would or would not be violated if the application were granted, and that all the requirements and considerations of section 3.5 have been met, shall then grant or deny the application accordingly (the Airport Zoning Administration Agency/Zoning Administrator not being vested with authority to permit a variance).
- E. The Airport Zoning Administrative Agency/Zoning Administrator shall advise applicant of its action within five (5) days after the action has been taken.
- F. In the event of a denial that is based on the violation of the restrictions of this Ordinance, the Applicant must apply to the Tuscola County Airport Zoning Board of Appeals for a certificate of variance, prior to initiation of any judicial proceedings.
- G. The issuance of a permit shall not be construed to permit a use that violates any section of this Ordinance or any general zoning ordinance or regulations of any political subdivision applicable to the same area.
- H. The permit shall be valid for a period of one (1) year from the date of issuance. An extension of up to one (1) year may be granted if sought before the first year terminates. The extension shall be based on the demonstration that the development has encountered unforeseen difficulties beyond the applicant's control.

4.3 Permit Procedures

Persons desiring to create a new use, or to change existing uses, must file an application for a permit if the proposal involves improvements that exceed the permit threshold heights as specified in Section 3.4 of this Ordinance. Such persons shall proceed with one of the following after consulting the applicable permit threshold map: (See Map 2, Pg. II)

A. Procedure One:

If it appears, after consulting the Permit Threshold Map, that the proposed new use, or changed existing use, clearly would not violate the terms of this Ordinance or require a permit, then the new use may be created, or existing use altered, without applying for a permit hereunder or taking any further action under this Ordinance.

B. Procedure Two:

Note: It is the option of the Applicant as to the order of meeting the requirements.

If it appears, after consulting the Permit Threshold Map, that the proposed new use, or change to an existing use **may** violate the terms of this Ordinance or require a permit, the new use shall not be created, or existing use changed, until a proper permit has first been obtained from the Airport Zoning Administrative Agency/Zoning Administrator in accordance with the provisions of this Ordinance.

The Administrator may consider the application before or after the Applicant(s) has obtained a Determination of No Hazard or the Federal Aviation Administration (FAA) has issued a variance, and/or the Michigan Aeronautics Commission has issued a Michigan Tall Structure Permit.

Inasmuch, as the height limitations imposed in the Airport Hazard Area steadily increase from the airport center, and at various rates according to location of approaches, the permit maps are only approximations for any given segment of the Airport Hazard Area and therefore a height limitation may be somewhat greater than accorded by the maps, depending upon the particular plat of land involved.

The purpose of this second procedure is, therefore, to enable the Airport Zoning Administrative Agency/Zoning Administrator to make exact mathematical determinations and enable users of the land within the hazard area to avoid violations of this Ordinance.

C. Procedure Three:

If it appears, after consulting the Permit Threshold Map, that the proposed new use, or change in existing use, **will** violate the provisions of this Ordinance, then no such new or changed use shall be undertaken unless the person proposing to undertake it shall first apply to the Tuscola Area Airport Zoning Board of Appeals and obtain a certificate of variance in accordance with the procedures contained in this Ordinance.

4.4 Exception for Emergency Repairs

No permit is required for the emergency repair or emergency replacement of nonconforming public utility structures, when the height of such structures will not be increased by such repair or replacement. It is intended that in the application of this provision any combination of circumstances calling for immediate action or remedy in the repair or replacement of such nonconforming public utility structures shall be deemed an emergency.

4.5 Expenses

The Airport Zoning Administrative Agency/Zoning Administrator may require the Applicant to obtain an opinion of an Aeronautical Engineer approved by the Airport Zoning Administrative Agency/Zoning Administrator or the Federal Aviation Administration (FAA). The Opinion shall address whether the proposed structure to be permitted will not violate the provisions of federal or state law or this Ordinance, and/or imminently and materially interfere with a terminal obstacle clearance area, a departure area, turn and termination area or circling approach area of the current airport. The Applicant shall pay for the costs of the Opinion, which shall be made available to the public.

ARTICLE 5
ORDINANCE ADMINISTRATION

5.1 Airport Zoning Administration

A. Primary Administration

Pursuant to Section 15 of the Airport Zoning Act, being MCL §259.445, if a local unit of government within the Airport Hazard Area adopts and incorporates this Ordinance as it is written, including any amendments, then that ordinance's administrator may serve as the Zoning Administrator pursuant to this Ordinance for all areas within the geographic boundaries of the local unit, provided that the Airport Zoning Board of Appeals as provided in Section 4.2 will continue to exercise such powers as are conferred on it by the Airport Zoning Act, as further provided below. If any municipality does not adopt the amendments to this ordinance within forty-five (45) days of their adoption by the county, that municipality shall have their authority to administer the ordinance automatically revoked. Any local unit of government that wishes to exercise its rights under Section 15 of the Airport Zoning Act, MCL §259.445, and this subsection, must file a certified copy of its adoption of the provisions of this Ordinance, accompanied by a written notice of its intention to serve as the administrator of this Ordinance within its jurisdiction with the Tuscola County Clerk, and with the Tuscola County Planning Commission.

B. Default Administration

The Tuscola Airport Zoning Administrative Agency is designated the Zoning Administrator charged with the duty of administering and enforcing this Ordinance. The Airport Zoning Administrative Agency shall act as the "administrative agency" referred to in the Airport Zoning Act, PA 23 of 1950. The duties of the Airport Zoning Administrative Agency shall include those of issuing permits as provided below, but the Airport Zoning Administrative Agency shall not have or exercise any of the powers or duties delegated to the Airport Zoning Board of Appeals. The Airport Zoning Administrative Agency may adopt such rules of procedure as may be necessary in connection with the administration and enforcement of this Ordinance.

(1) Authority

The Tuscola County Board of Commissioners does hereby establish an Airport Zoning Administrative Agency, consisting of The Tuscola County Planning Commission.

(2) Duties

It shall be the duty of the Airport Zoning Administrative Agency to administer and enforce the regulations prescribed herein. Applications for permits may be made to the Airport Zoning Administrative Agency only under the following conditions upon a form published for that purpose.

- (a) The municipality in which the property is located has chosen not to have the Local Zoning Administrator administer this ordinance.
- (b) The Zoning Administrator of the municipality in which the property is located, requests that the Airport Zoning Administrative Agency rule on the application.

Applications requiring submission to the Airport Zoning Administrative Agency by this Ordinance shall be considered and granted or denied as promptly as is feasible.

(3) Meetings

The Airport Zoning Administrative Agency shall meet only when notified by the Annex Secretary that there is a permit application requiring action. The meeting shall take place as soon as feasibly possible and shall be run in compliance with Michigan's Open Meetings Act.

C. Airport Property Land Use Administration

The Airport Authority Board is granted sole authority to approve land uses on airport property in accordance with State and Federal guidelines. This does not exempt the Airport Authority Board from complying with the decisions and authority of the Michigan Aeronautics Commission granted by the Aeronautics Code of the State of Michigan.

5.2 Board of Appeals

There is hereby created an Airport Zoning Board of Appeals consisting of an independent, five (5) person body appointed by the Tuscola County Board of Commissioners. The Board of Appeals has the powers set forth in Section 27 of the Airport Zoning Act, being MCL §259.457, and shall exercise such powers as are conferred upon it in the Airport Zoning Act and in this Ordinance.

A. Official Name:

The Board of Appeals shall be officially known as the Tuscola Area Airport Zoning Board of Appeals.

B. Compensation:

The Board of Appeals shall receive such compensation and expense reimbursement for attendance at meetings and hearings, and may employ such necessary personnel, as may be provided for by resolution of the Tuscola County Board of Commissioners.

C. Rules and Procedures:

The Board of Appeals shall adopt by-laws concerning its organization and procedure, including appeal forms, and other authorized matters, consistent with the provisions of the Airport Zoning Act and this Ordinance. Such rules shall include, but not be limited to:

- (1) The Board of Appeals shall provide a reasonable period of time from which appeal may be taken to it from an action of the Airport Zoning Administrative Agency/Zoning Administrator.
- (2) Meetings of the Board of Appeals shall be held at the call of the Chair and at such other times as the Board of Appeals may determine. Notice of all meetings shall be given to all members.
- (3) An annual meeting shall be held during the month following the anniversary date of this Ordinance.
- (4) The Chair, or in his or her absence the Vice-Chair, may administer oaths or affirmations and issue subpoenas to compel the attendance of witnesses.
- (5) All hearings of the Board of Appeals shall be public, and it shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or abstaining with cause, then so indicating and recording.
- (6) The Board shall keep records of its examinations and other official acts, all of which shall be immediately filed in the offices of the Tuscola Airport Zoning Board of Appeals, (Annex Office) and shall be a public record.

D. Powers:

The Board of Appeals, by the concurring vote of a majority of its members, shall have the power to issue certificates of variance under the provisions of this Ordinance, or to otherwise decide appeals from any order, requirement, rule, regulation, decision or determination made by the Airport Zoning Administrative Agency/Zoning Administrator under the powers conferred upon it by this Ordinance.

E. Who May Appeal:

Any person, including the governing body of any political subdivision, aggrieved by the refusal of the Airport Zoning Administrative Agency/Zoning Administrator to issue a permit or, its conclusion that a proposed use is in violation of this Ordinance or any other decision regarding the implementation of the Ordinance, may appeal to the Tuscola Area Airport Zoning Board of Appeals, including but not limited to submission of a request for a variance.

F. Appeal Procedure:

- (1) All appeals from actions of the Airport Zoning Administrative Agency/Zoning Administrator shall be taken within the time and in the manner provided by the by-laws of the Board of Appeals, by filing with the Airport Zoning Administrative Agency/Zoning Administrator and with the Board of Appeals, a notice of appeal specifying the grounds of appeal.
- (2) The Airport Zoning Administrative Agency/Zoning Administrator shall promptly transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.
- (3) An appeal shall “stay” all proceedings in furtherance of the action appealed from, unless the Airport Zoning Administrative Agency/Zoning Administrator certifies to the Board of Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a “stay” would, in the Zoning Administrator's opinion, cause imminent peril to life or irreparable damage to property.
- (4) In that case, proceedings shall not be “stayed” otherwise than by order of the Board of Appeals and on due cause shown.
- (5) The Board of Appeals shall fix a time for the hearing of the appeal, give public notice and due notice to the parties of interest, and decide the appeal within a reasonable time.
- (6) Any party may appear at the hearing in person or by agent or by attorney.
- (7) The Board of Appeals may, in conformity with the provisions of this Ordinance, reverse, affirm or modify, wholly or partly, the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator.

G. Certificates of Variance:

- (1) An application for certificate of variance is to be submitted on the form provided for by the rules of the Board of Appeals and may be submitted along with or in lieu of an appeal.
 - (a) If the application is granted, the applicant will receive a certificate of variance in the form prescribed by such rules.
 - (b) The certificate shall provide that it is not effective for a period of thirty (30) days following the date of its issuance.

(c) Immediately upon issuance, copies of the certificate shall be filed with the Airport Administrative Agency/Zoning Administrator, the Michigan Aeronautics Commission and each political subdivision affected by the certificate.

(2) In acting upon applications for variance, a variance can be granted on the condition that

The Federal Aeronautics Administration (FAA) and the Michigan Aeronautics Commission (MAC) has issued a permit or determination of non-hazard. Any conditions imposed by FAA or MAC shall automatically become a part of a variance issued. Additional conditions may be imposed.

The Tuscola County Airport Zoning Board of Appeals reserves the right to send documentation, or any other input to the Federal Aeronautics Administration (FAA) and/or to the Michigan Aeronautics Commission (MAC) that has relevance to the permit sought.

In addition, variances shall be allowed for any of the following reasons:

(a) A literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship.

(b) Relief granted would not be contrary to the public interest and approach protection.

(c) Relief granted would do substantial justice.

(d) Relief granted would be in accordance with the spirit of the regulations of this Ordinance.

Provided, however, that any variance may be allowed subject to any reasonable condition or conditions subsequent that the Board of Appeals may deem necessary to effectuate the purpose of this Ordinance. Nothing in this section shall be construed to permit a use that would conflict with any general zoning ordinance or regulation of any political subdivision applicable to the same area.

**ARTICLE 6
JUDICIAL ACTION**

6.1 Appeals to Circuit Court

Any person, including the Michigan Aeronautics Commission on behalf of and in the name of the State, aggrieved by any decision of the Tuscola Area Airport Zoning Board of Appeals, may appeal to the Circuit Court of the County of Tuscola as provided in Section 30 of the Airport Zoning Act.

6.2 Penalties

Any person who violates this Ordinance or any regulations, orders or rulings made pursuant to this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00 or imprisoned for a term not to exceed 90 days, or both. Each day a violation continues to exist after notice shall constitute a separate offense. Such notice may be given by the Airport Zoning Administrative Agency/Zoning Administrator by certified mail, return receipt requested, addressed to the person maintaining the violation at the last known address.

6.3 Appearance Ticket Authorization

Unless prohibited by state law, the following persons are empowered to issue and serve appearance tickets for violations of this Ordinance, pursuant to Act No.175 of the Public Acts of 1927, as amended by Act No.506 of the Public Acts of 1980, Act No.366 of the Public Acts of 1984 and Act No.49 of the Public Acts of 1988, being sections 764.9c and 764.9f of the Michigan Compiled Laws:

A. The Airport Zoning Administrative Agency and/ or Local Zoning Administrator if a Local Unit of Government has exercised its administration rights under this Ordinance;

OR

B. The Tuscola County Sheriff and all other Tuscola County Deputy Sheriffs

6.4 Civil Action Available

The Airport Zoning Administrative Agency/Zoning Administrator, on behalf of and in the name of the County of Tuscola, may, in addition to any criminal action taken, institute in the Circuit Court of Tuscola County, an action to prevent, restrain, correct or abate any violation of this Ordinance or the Airport Zoning Act, or of airport zoning regulations adopted under this Ordinance or under the Airport Zoning Act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order to effectuate fully the purposes of this Ordinance or the Airport Zoning Act and the regulations adopted and orders and rulings made pursuant thereto.

Such action by the Airport Zoning Administrative Agency/Zoning Administrator shall be undertaken only if the local unit's administrative body or the County Board of Commissioners, respectively, shall have authorized a civil action.

**ARTICLE 7
NON-PRE-EMPTION AND SEVERABILITY OF PROVISIONS**

7.1 Severability of Provisions

If any of the provisions of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications of the Ordinance, and to that end the provisions of this Ordinance are declared to be severable.

7.2 Non-pre-emption.

This Ordinance is not intended to pre-empt any more stringent local zoning ordinance or other land-use control. Rather, this Ordinance is designed to augment and add to existing land-use controls.

**ARTICLE 8
AMENDMENTS**

This Ordinance, and the regulations prescribed herein, may be amended by the Tuscola County Board of Commissioners after a public hearing is held in relation to the proposed amendment, pursuant to Section 19 of the Airport Zoning Act.

**ARTICLE 9
EFFECTIVE DATE**

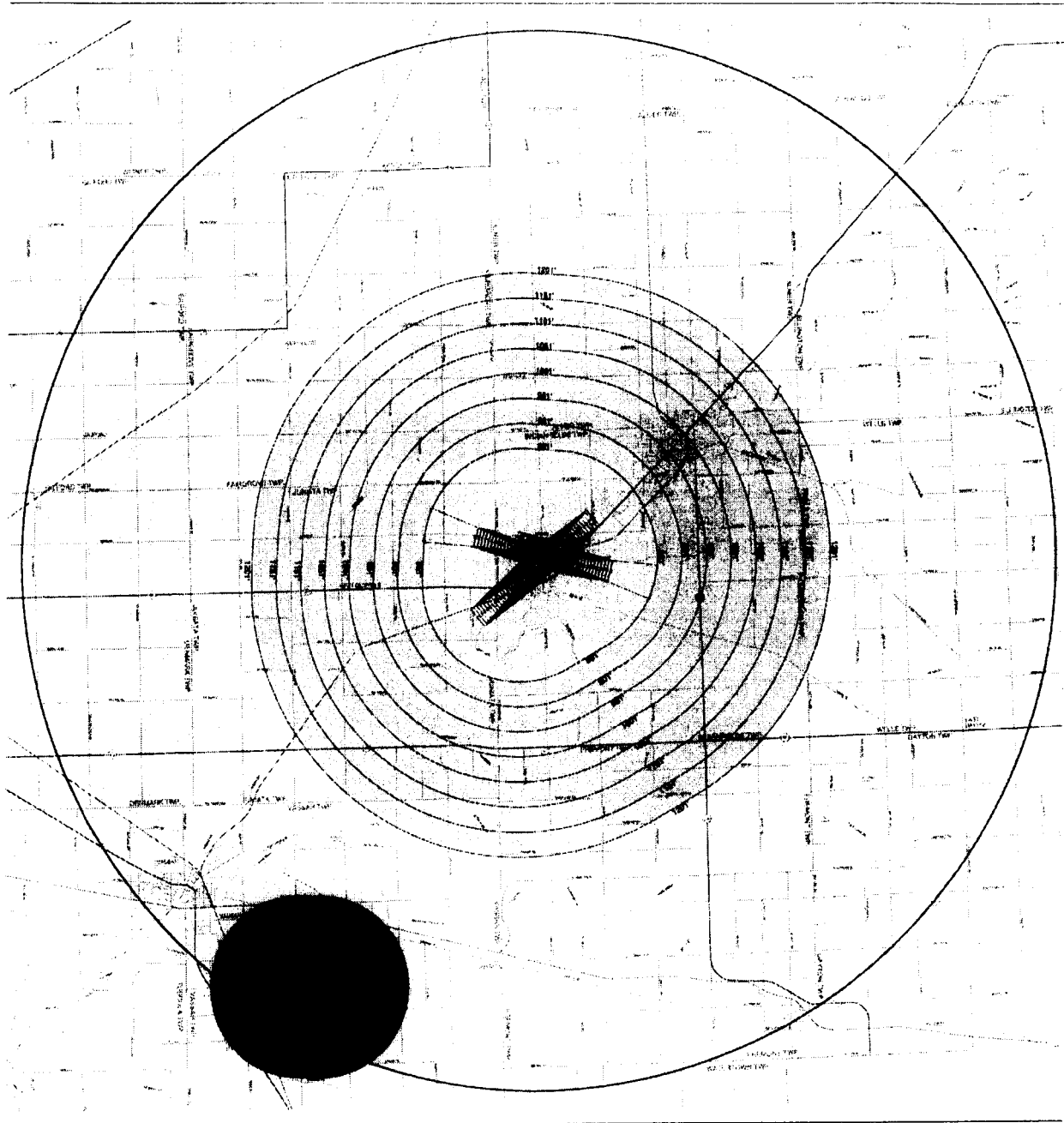
This Ordinance shall take effect on _____.

Thomas Bardwell, Chairperson,
Tuscola County Board of Commissioners

Attest:

Ms. Margie White, Tuscola County Clerk

TUSCOLA COUNTY AREA AIRPORT HEIGHT LIMITS



LEGEND

Airport elevation is established
at 701' above mean sea level



Allowable horizontal 150'
above airport elevation



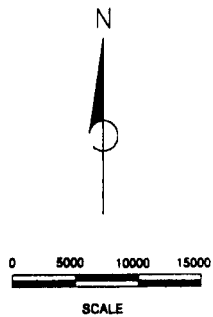
Allowable 50:1 conical
Sloping from 851' to 1201' (AMSL)



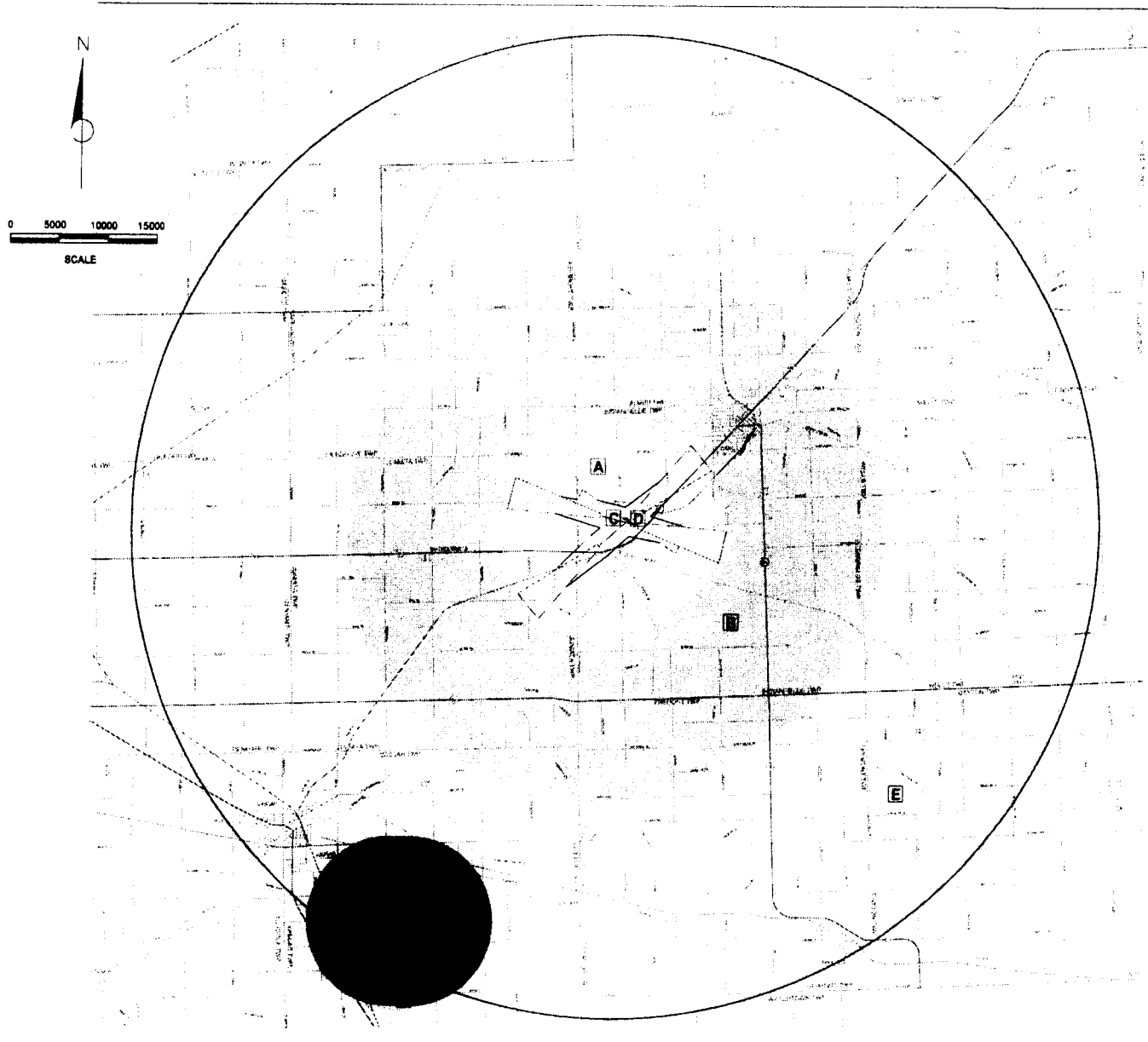
Allowable 500'



Privately Owned
Airport



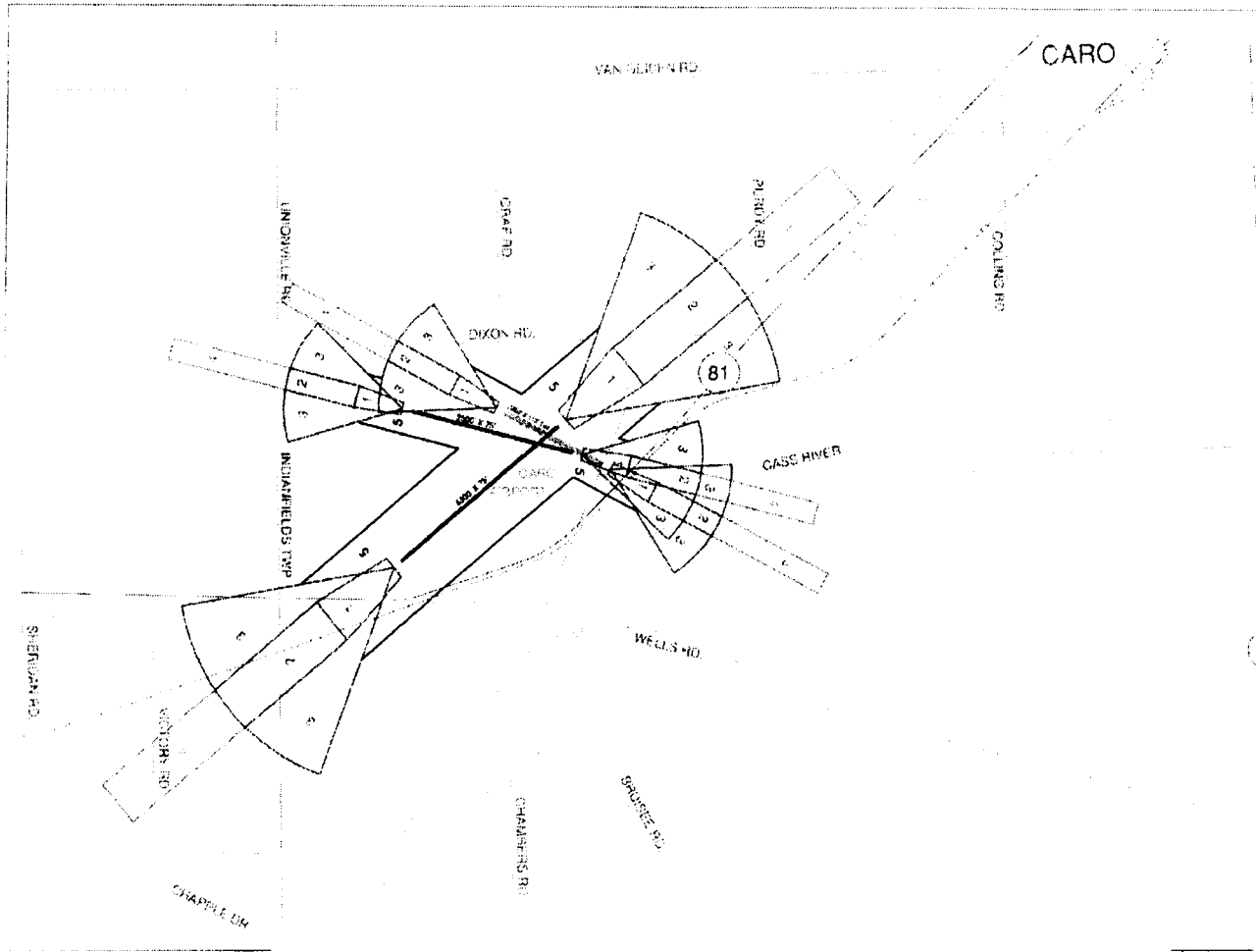
TUSCOLA COUNTY AREA AIRPORT PERMIT THRESHOLDS



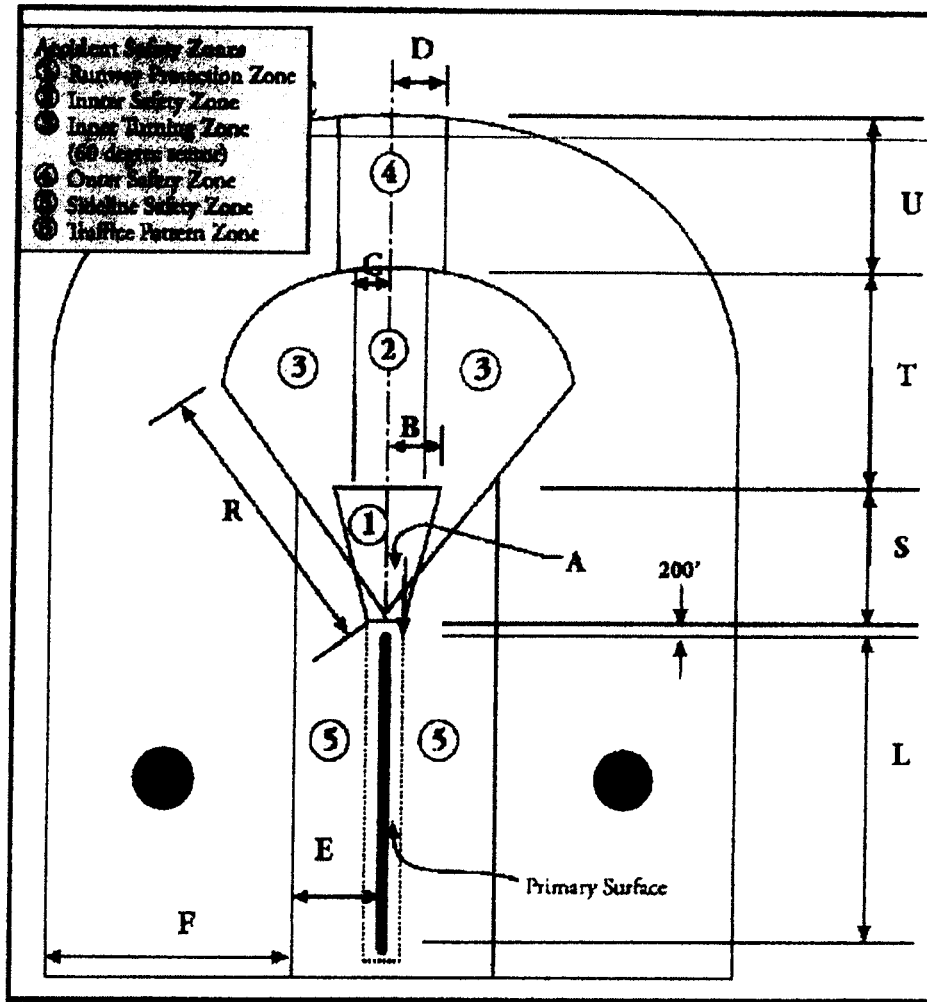
PERMIT REQUIREMENTS

- A Twenty-five (25) feet above ground level (AGL) in zones 1-5 (see map 3 page A-3) and thirty-five (35) feet above ground level (AGL) in the remainder of Zone A.
- B One hundred twenty-five (125) feet above ground level (AGL) or above established airport elevation (AEAE), whichever is the lesser.
- C- D Twenty-five (25) feet above ground level (AGL) or above established airport elevation (AEAE), whichever is the lesser.
- E Four hundred ninety-nine (499) feet above ground level (AGL) or above established airport elevation (AEAE), whichever is the lesser. An airport permit is not required for structures less than four hundred ninety-nine in zone E unless a "Determination of Presumed Hazard" has been issued for the structure. This requirement is not relinquished, even if a subsequent "Determination of No Hazard" has been issued.

LAND USE ZONES



AIRCRAFT ACCIDENT SAFETY ZONE DIAGRAM



SAFETY ZONE DIMENSION (IN FEET)

Note:
 Data Source: NTSB
 accident investigations
 1984-1991. Illustration
 Source: Hodges and
 Shurt, Institute of
 Transportation Studies,
 University of California,
 Berkeley, 1993.

Dimension	Runway Length Category (L)		
	Runway less than 4,000	Runway 4,000 to 5,999	Runway 6,000 or more
A	125	250	500
B	225	505	875
C	225	500	500
D	225	500	500
E	500	1,000	1,000
F	4,000	5,000	5,000
R (60°Sector)	2,500	4,500	5,000
S	1,000	1,700	2,500
T	1,500	2,800	2,500
U	2,500	3,000	5,000

**ACCIDENT SAFETY ZONES, LAND USE GUIDELINES AND
PLANNING STRATEGIES FOR NEW DEVELOPMENT**

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies <i>*All aviation uses are acceptable</i>
Zone 1 (See Special Note)	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 1. 0-5 people/acre. 2. Airport sponsor should purchase property if possible. 3. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	Residential vs. Non-Residential Land Use	Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> 1. Create a height hazard overlay ordinance around the airport. 2. Airport sponsor should purchase property if possible. 3. Airport sponsor should obtain aviation and obstruction easements. 4. During the site development process, shift all structures away from the runway centerlines if possible. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use
	Special Function Land Use	Prohibit all Special Function Land Uses.	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Special Note: Since the dimensions of Zone 1 are similar to the dimensions of the Runway Protection Zone (RPZ), those airports receiving Federal grant dollars from the FAA's Airport Improvement Program, should strongly consider purchasing the RPZ or otherwise acquire rights to the property for the RPZ.

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies
Zone 2	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p> <p>Special Function Land Use</p>	<p>Avoid land uses which concentrate people indoors or outdoors.</p> <p>Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.</p> <p>Prohibit all Special Function Land Uses.</p>	<p style="text-align: center;">*All aviation uses are acceptable</p> <ol style="list-style-type: none"> 1. 0-5 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots). <ol style="list-style-type: none"> 1. Create a height hazard overlay ordinance around the airport. 2. Obtain aviation and obstruction easements. 3. During site development process, shift all structures away from the runway centerlines if possible. 4. Prohibit mobile home parks. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use. <ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Special Note: Since the dimensions of Zone 1 are similar to the dimensions of the Runway Protection Zone (RPZ), those airports receiving Federal grant dollars from the FAA's Airport Improvement Program, should strongly consider purchasing the RPZ, or otherwise acquire rights to the property for the RPZ.

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies <i>*All aviation uses are acceptable</i>
Zone 3	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p>	<p>Avoid land uses which concentrate people indoors or outdoors.</p> <p>Limit residential development to Low Density housing standards. All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.</p>	<p>1. < 25 people/acre.</p> <p>2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).</p> <p>1. Create a height hazard overlay ordinance around the airport.</p> <p>2. Obtain aviation and obstruction easements.</p> <p>3. During site development process, shift all structures away from the runway centerlines if possible.</p> <p>4. Prohibit mobile home parks.</p> <p>5. Landscaping requirements shall establish only low growing vegetation.</p> <p>6. Prohibit high overhead outdoor lighting.</p> <p>7. Require downward shading of lighting to reduce glare.</p> <p>8. Evaluate all possible permitted conditional uses to assure compatible land use.</p>
	<p>Special Function Land Use</p>	<p>Prohibit all Special Function Land Uses.</p>	<p>1. Prohibit overhead utilities and all noise sensitive land uses.</p> <p>2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches.</p> <p>3. Limit storage of large quantities of hazardous or flammable material.</p> <p>4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</p>

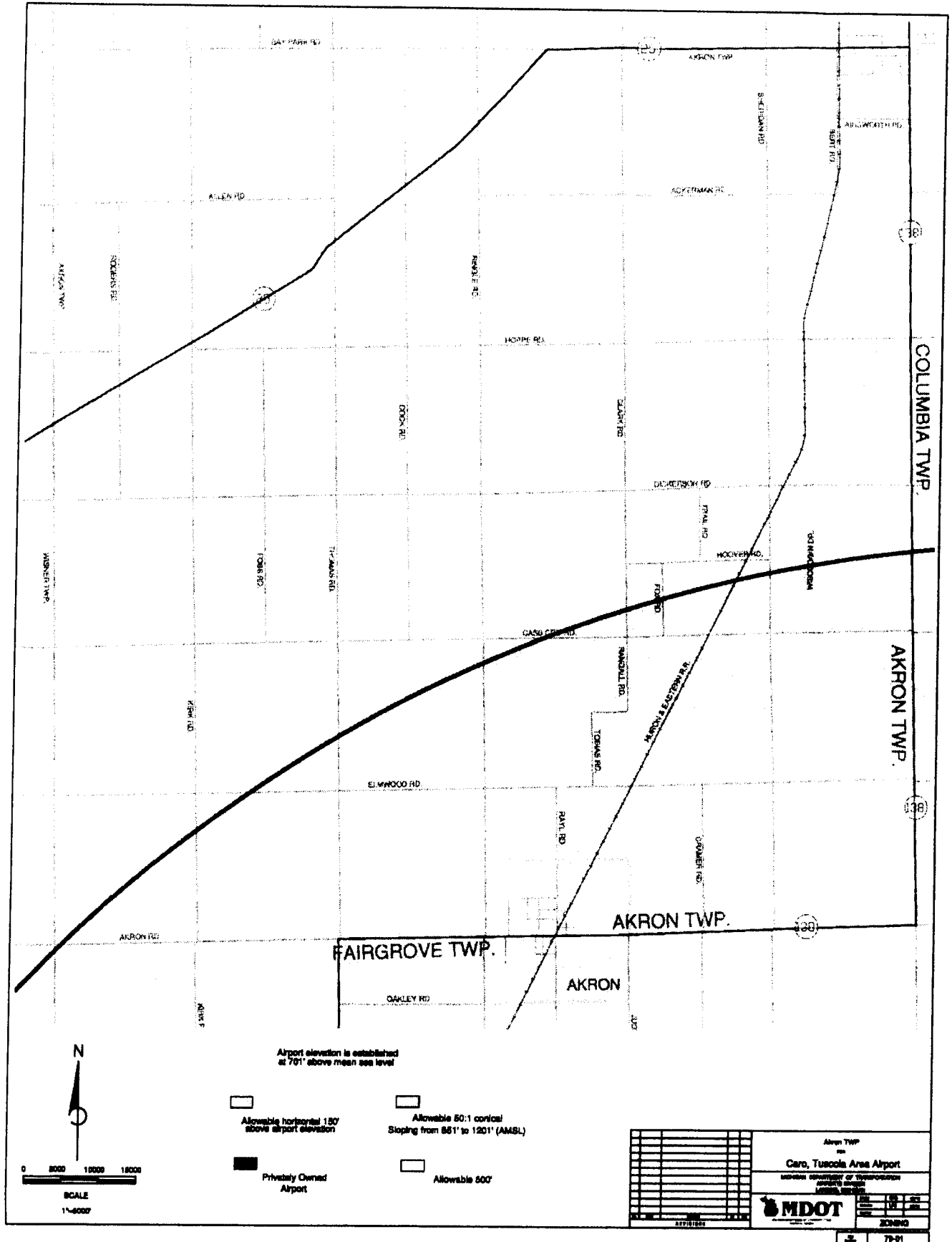
COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 4	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p>	<p>Limit population concentrations.</p> <p>Limit residential development to Low Density housing standards. All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.</p>	<p>1. < 40 people/acre in buildings, < 75 persons/acre outside buildings.</p> <p>1. Create a height hazard overlay ordinance around the airport.</p> <p>2. Obtain aviation easements.</p> <p>3. Clustered development to maintain density as long as open space remains unbuild. Place clustered development away from extended runway centerline.</p> <p>4. Prohibit mobile home parks.</p> <p>5. Require downward shading of lighting to reduce glare.</p> <p>6. Evaluate all possible permitted conditional uses to assure compatible land use.</p>
	<p>Special Function Land Use</p>	<p>Prohibit all Special Function Land Uses.</p>	<p>1. Evaluate noise sensitive land uses in light of aircraft noise contour lines (if available) when establishing new zoning.</p> <p>2. Prohibit high overhead utilities and all noise sensitive land uses.</p> <p>3. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches.</p> <p>4. Limit storage of large quantities of hazardous or flammable material.</p> <p>5. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</p>

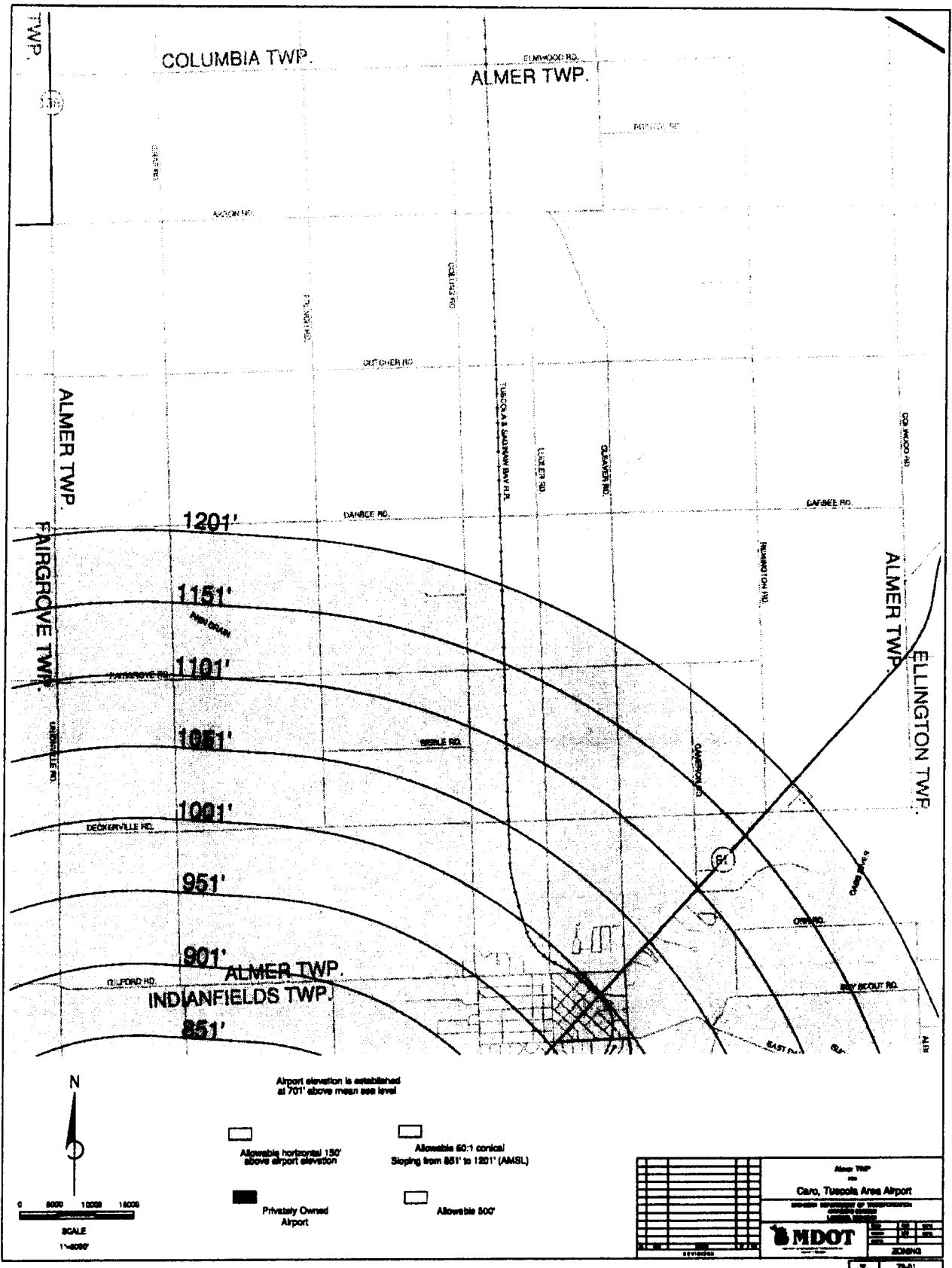
COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies <i>*All aviation uses are acceptable</i>
Zone 5	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 1. 0-5 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	Residential vs. Non-Residential Land Use	Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> 1. Airport sponsor should purchase property if possible. 2. Create a height hazard overlay ordinance around the airport. 3. Obtain aviation and obstruction easements. 4. During site development process, shift all structures away from the runway centerlines if possible. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Prohibit all Special Function Land Uses.	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

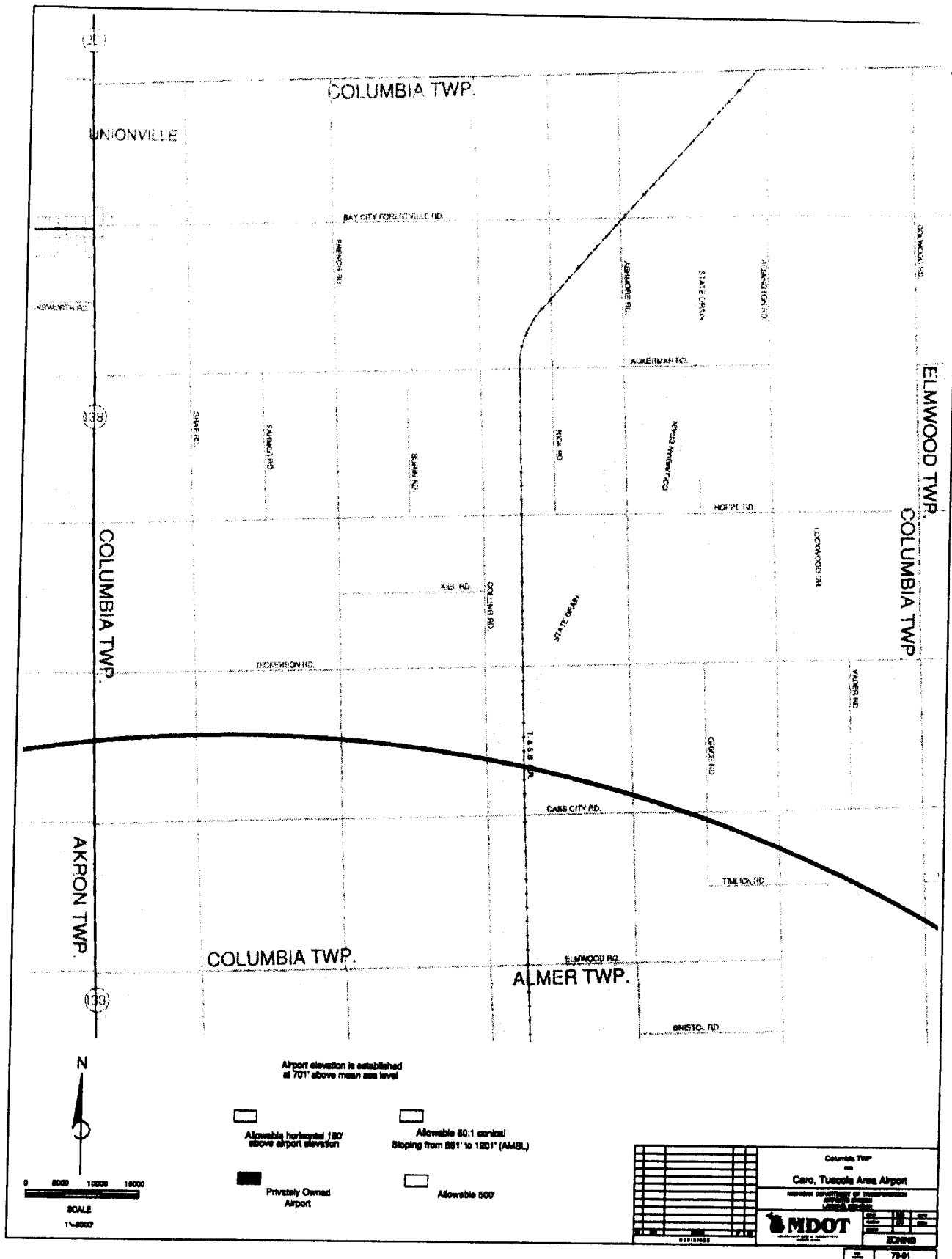
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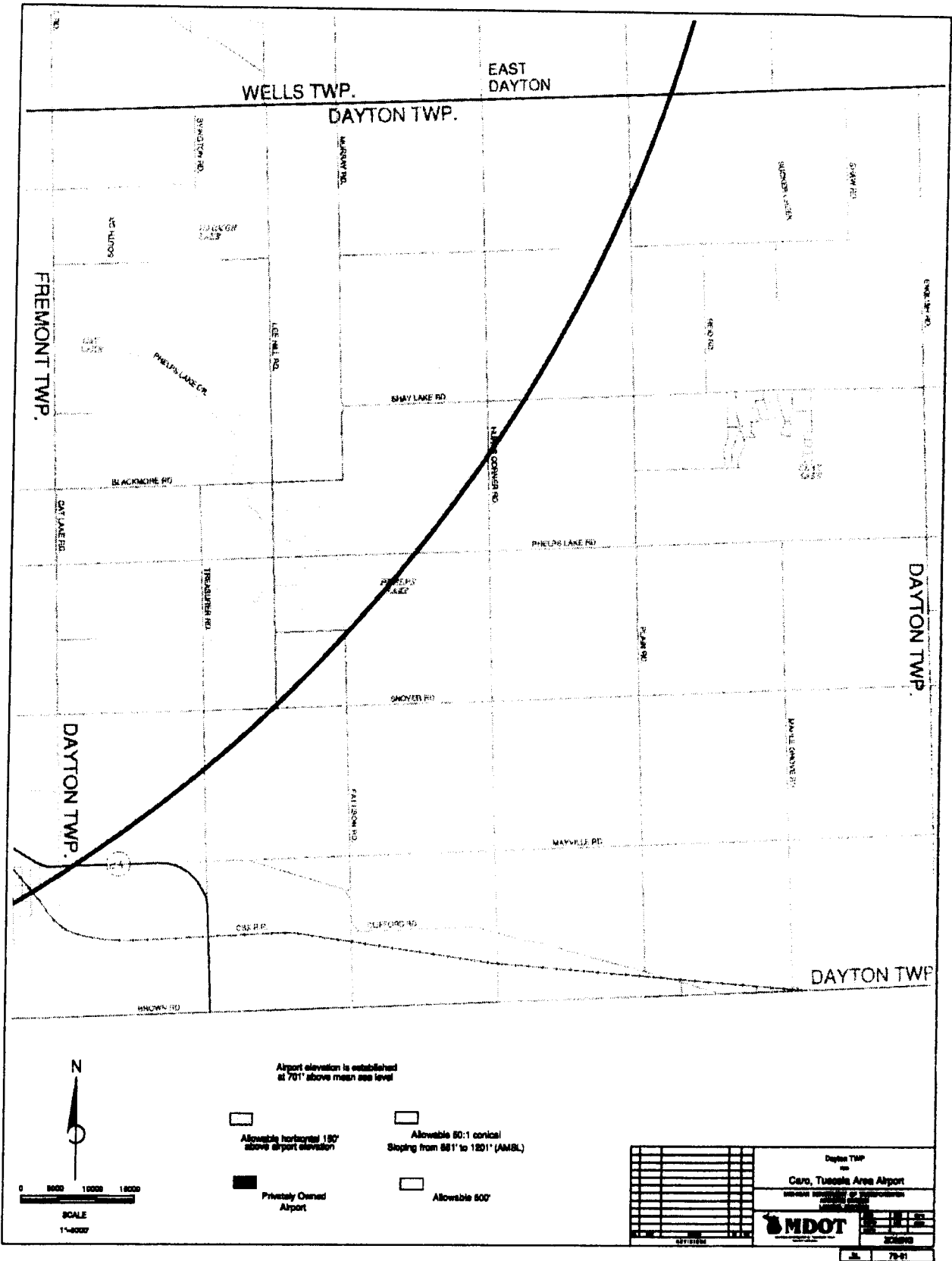
ALMER TOWNSHIP



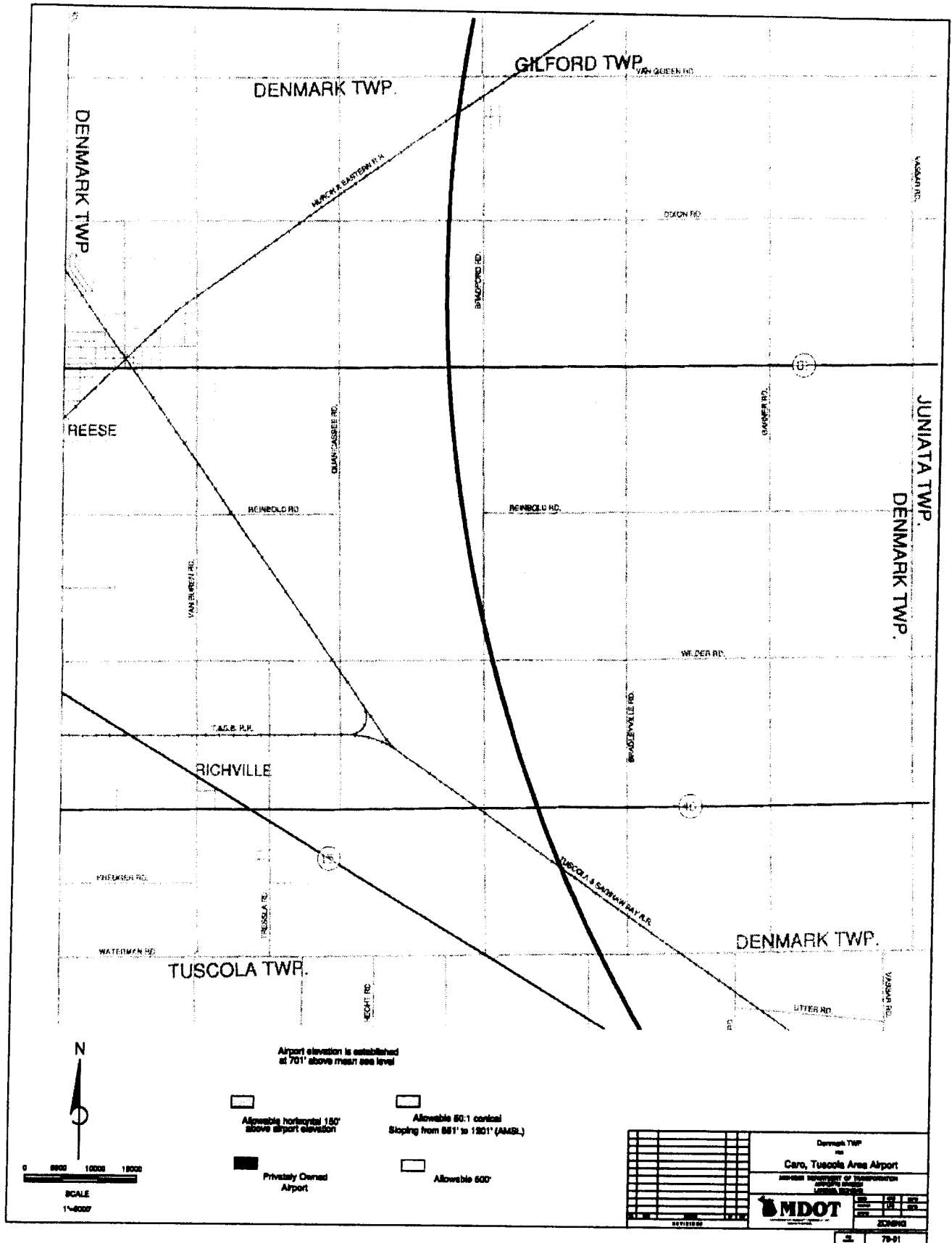
COLUMBIA TOWNSHIP



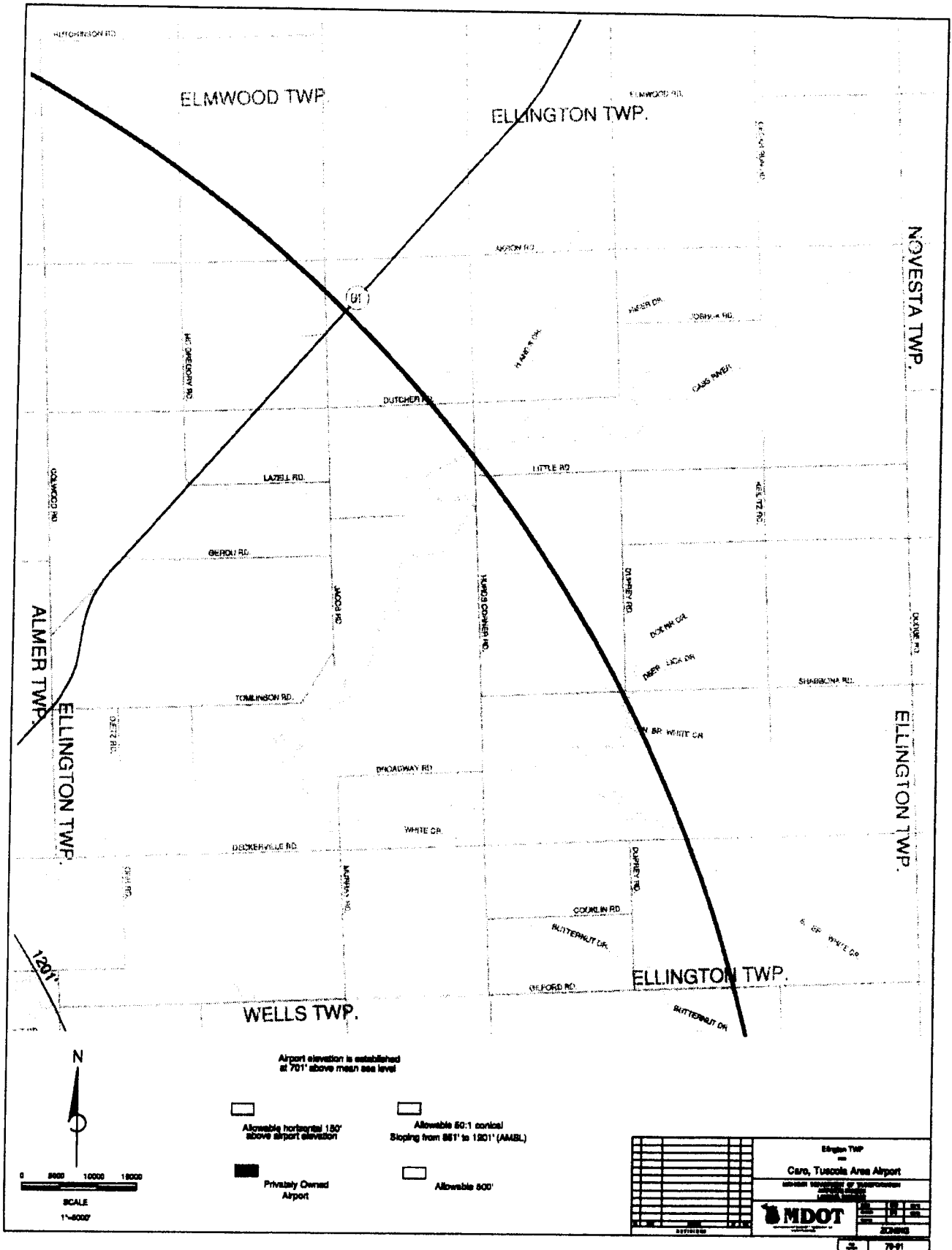
DAYTON TOWNSHIP



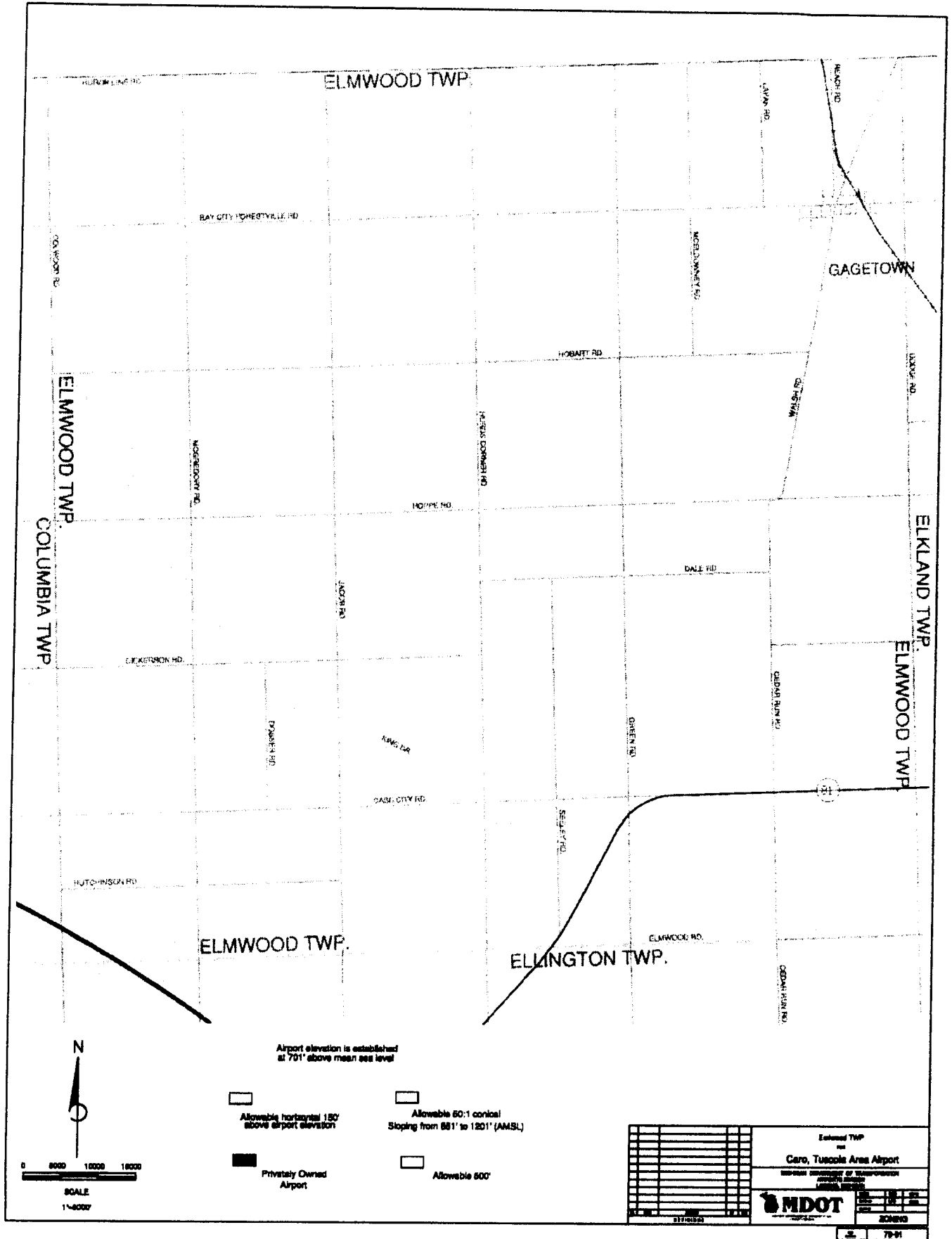
DENMARK TOWNSHIP



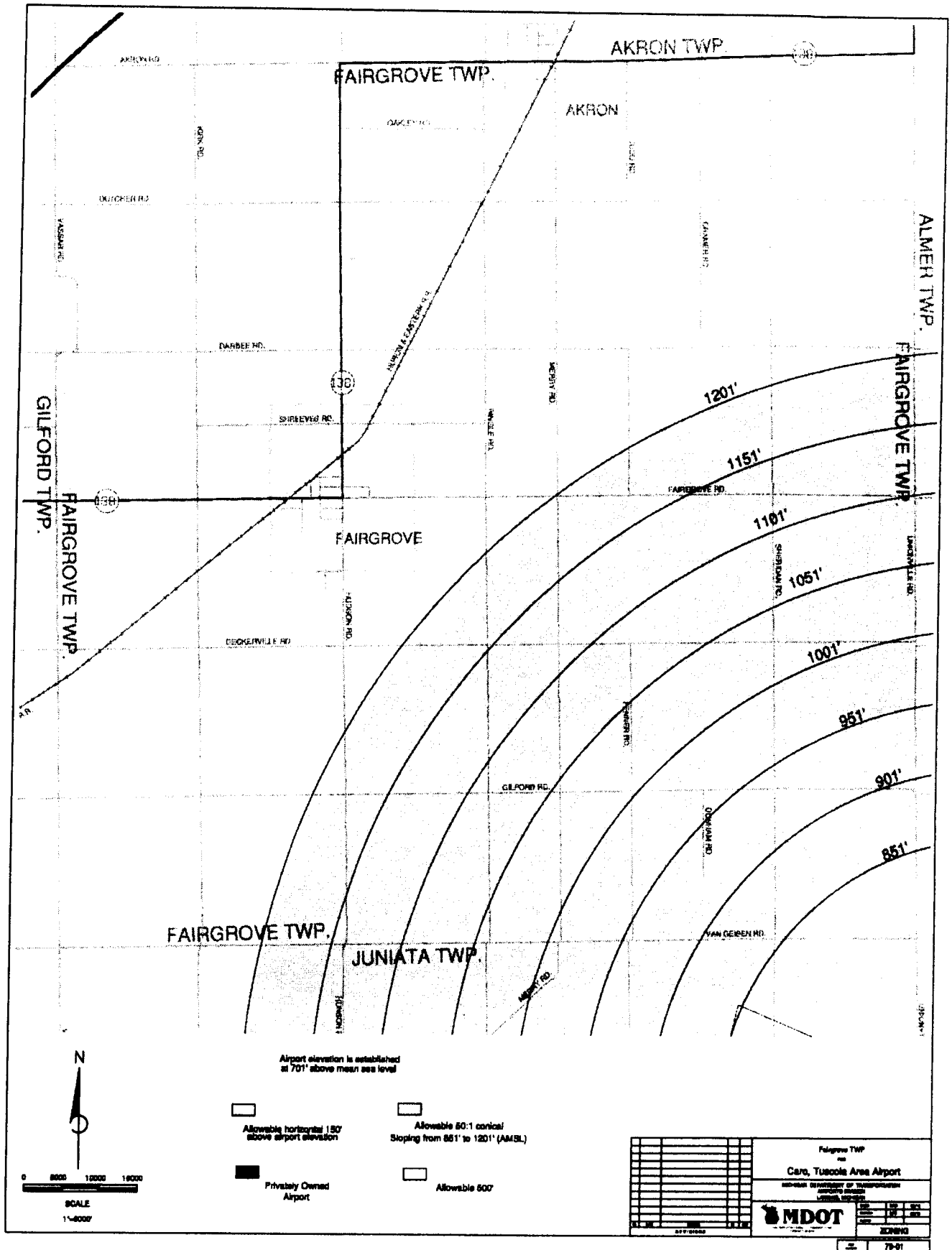
ELLINGTON TOWNSHIP



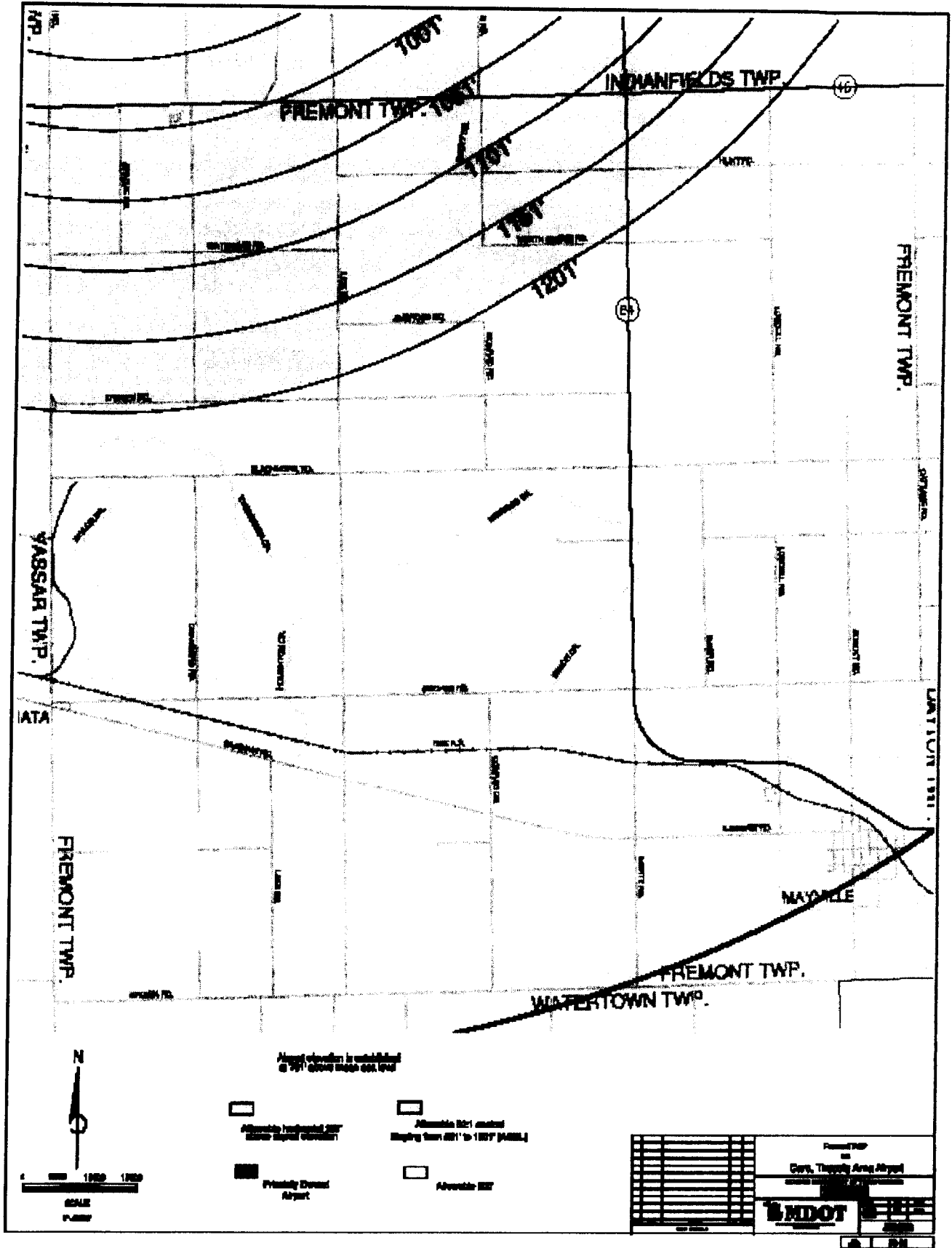
ELMWOOD TOWNSHIP



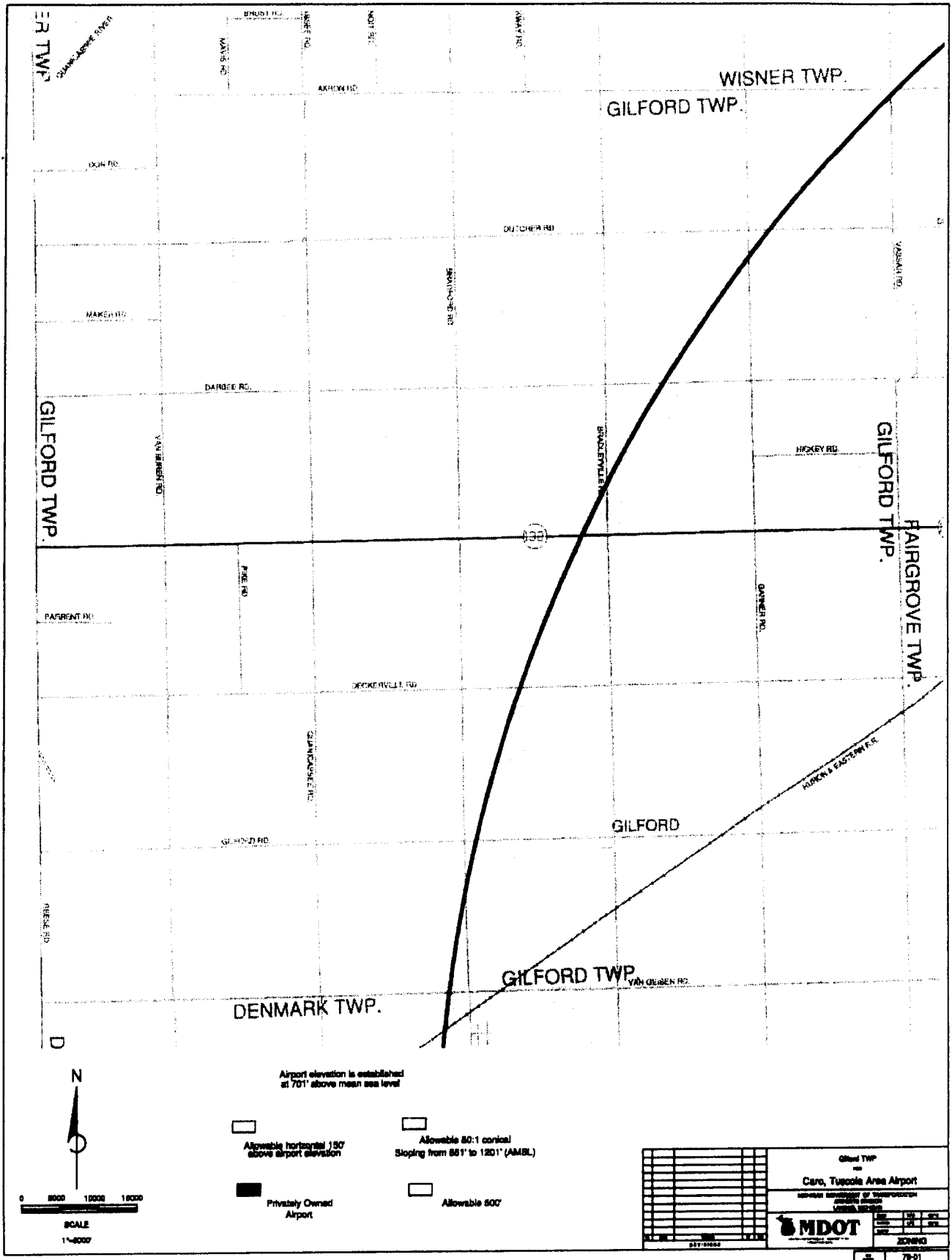
FAIRGROVE TOWNSHIP







FREMONT TOWNSHIP




GILFORD TOWNSHIP

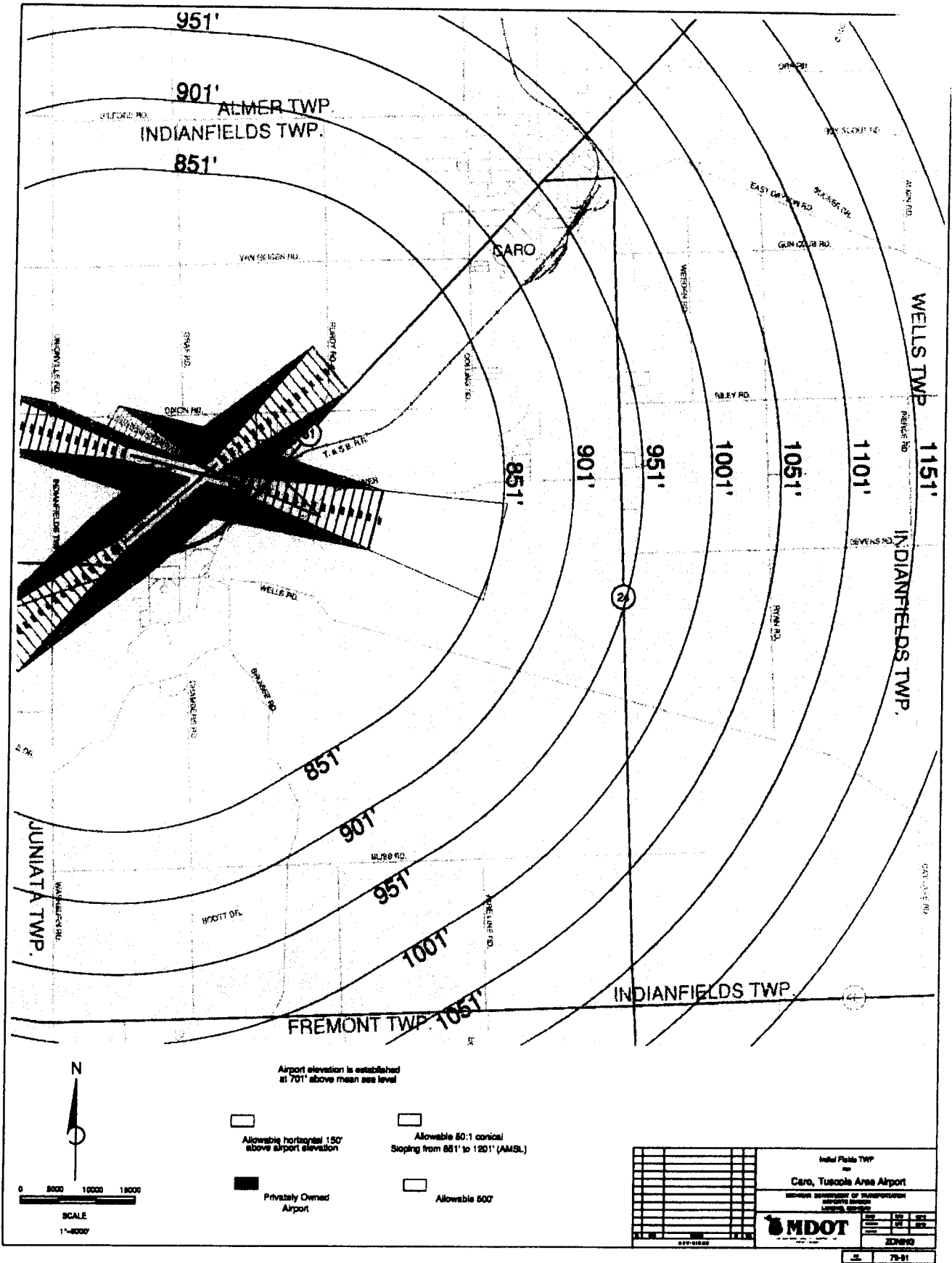


Airport elevation is established at 701' above mean sea level

-  Allowable horizontal 1/50' above airport elevation
-  Privately Owned Airport
-  Allowable 80:1 conical Sloping from 851' to 1201' (AMBL)
-  Allowable 500'





Gilford Twp. Care, Tuscola Area Airport MICHIGAN DEPARTMENT OF TRANSPORTATION AIRPORT DESIGN LANSING, MICHIGAN	
DATE: 7/9-01 DRAWN BY: [blank] CHECKED BY: [blank]	
SHEET NO. 79-01	


INDIANFIELDS TOWNSHIP



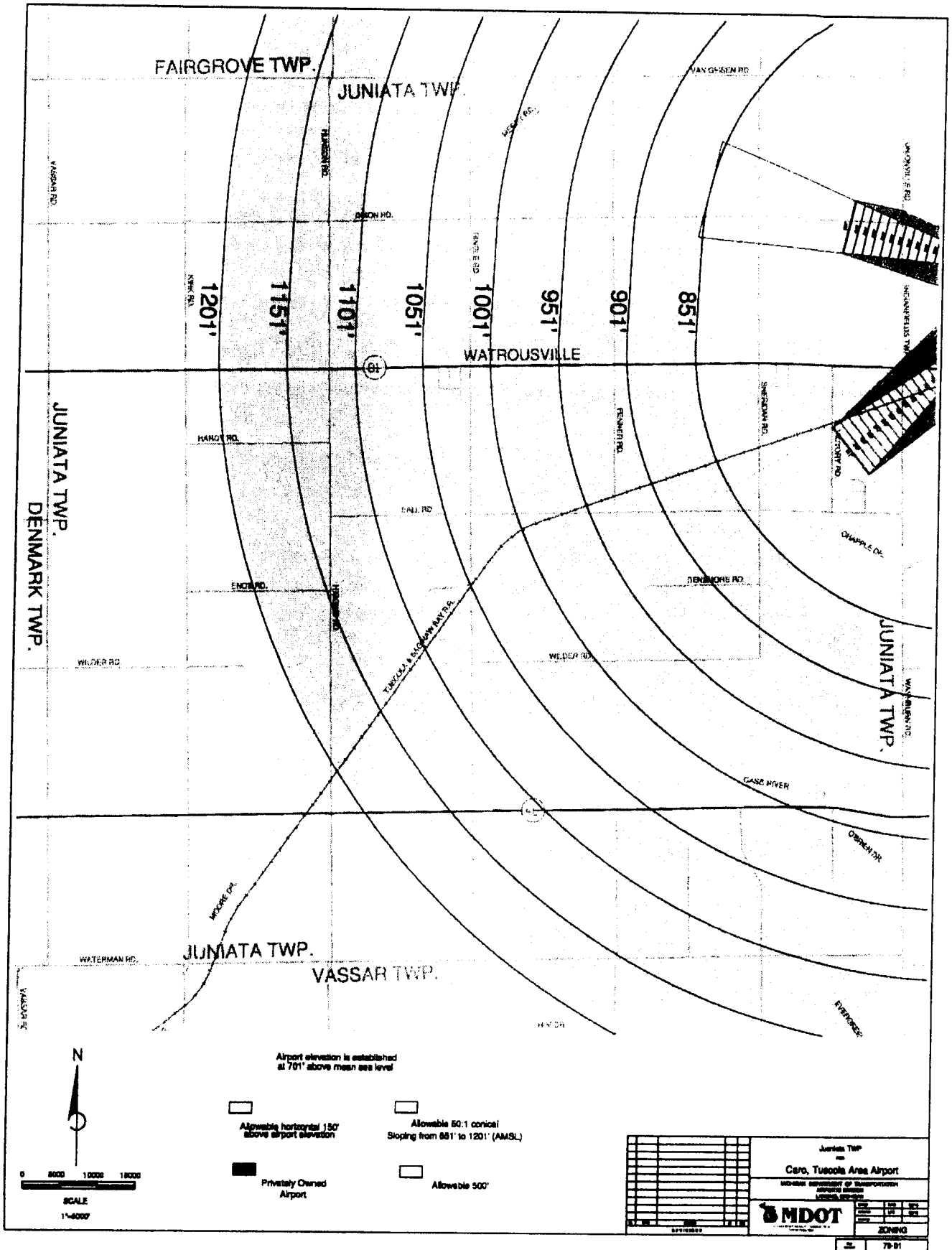
0 5000 10000 15000
SCALE
1"=4000'

Airport elevation is established
at 701' above mean sea level





-  Allowable horizontal 150' above airport elevation
-  Allowable 60:1 conical Sloping from 681' to 1201' (AMSL)
-  Privately Owned Airport
-  Allowable 600'

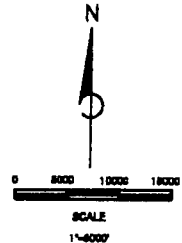
Indianfields Twp.	
Caro, Tuscola Area Airport	
MICHIGAN DEPARTMENT OF TRANSPORTATION	
LANSING, MICHIGAN	
	
DRAWING 79-91	

JUNIATA TOWNSHIP



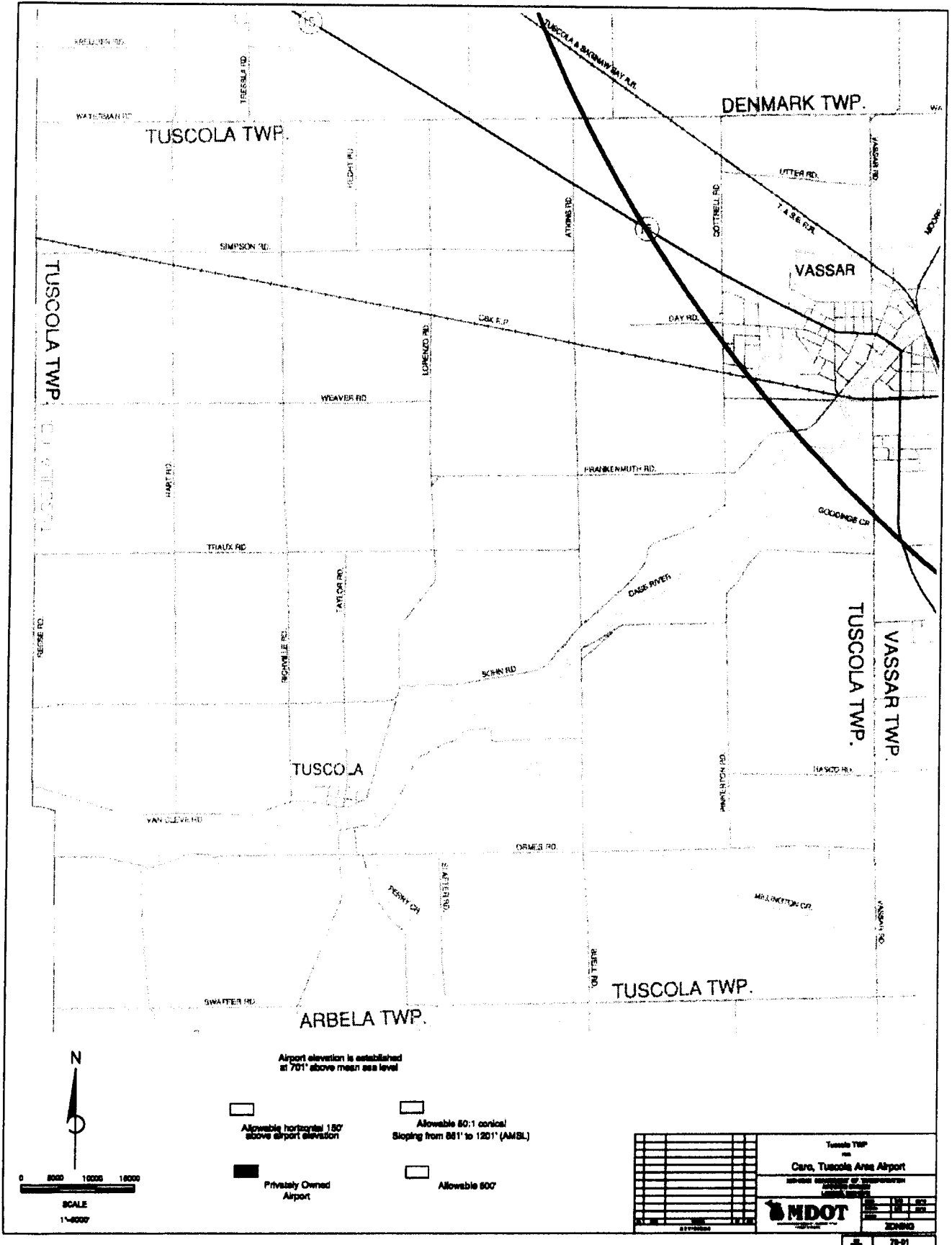
Airport elevation is established at 701' above mean sea level

-  Allowable horizontal 150' above airport elevation
-  Allowable 60:1 conical Sloping from 851' to 1201' (AMSL)
-  Privately Owned Airport
-  Allowable 500'

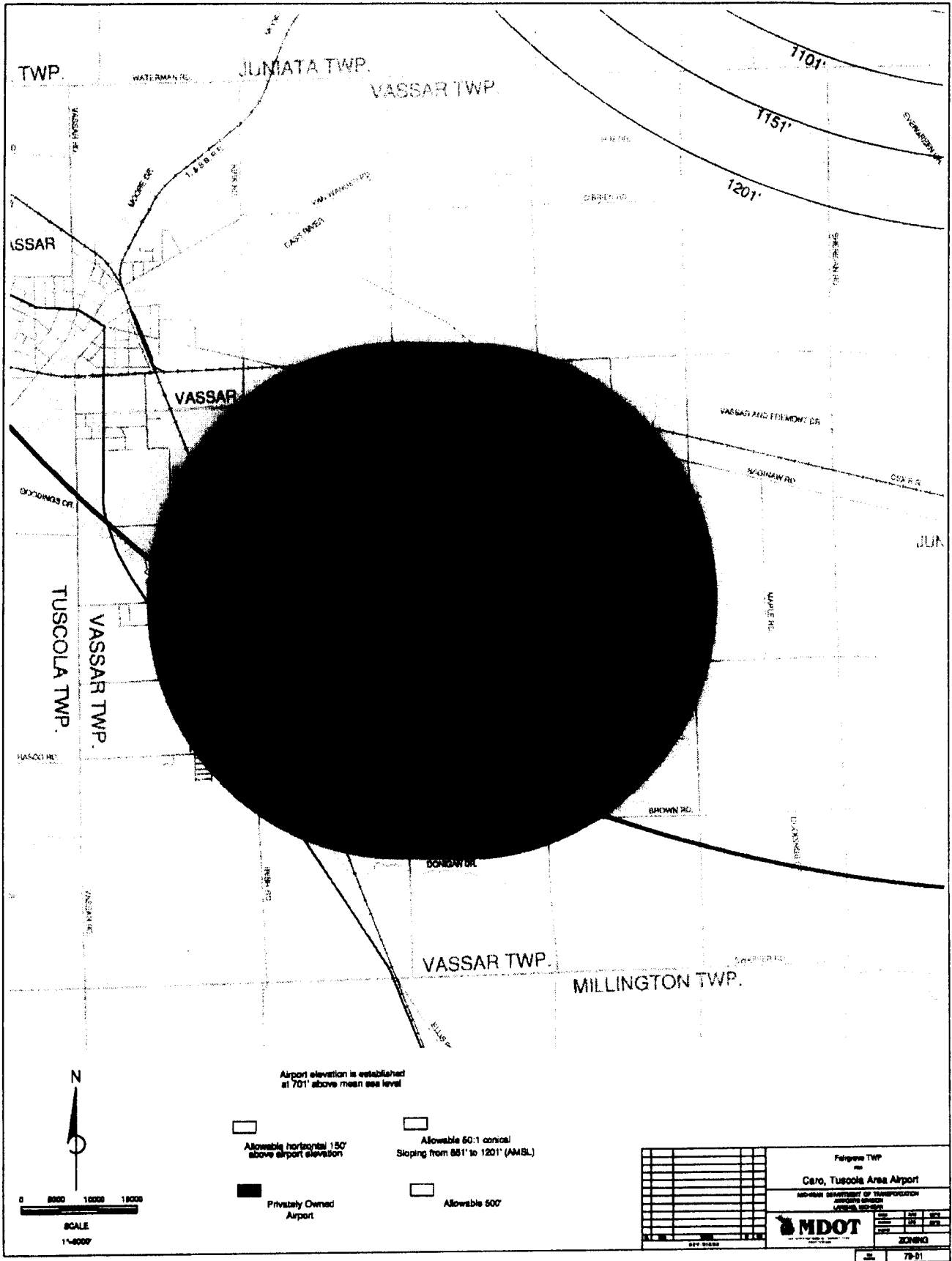


Juniata TWP or Caro, Tuscola Area Airport	
MINIMUM REQUIREMENTS FOR SUBMITTALS AIRPORT ZONING	
SHEET NO.	79-01
DATE	79-01
DRAWN BY	[Blank]
CHECKED BY	[Blank]
APPROVED BY	[Blank]
TITLE	ZONING

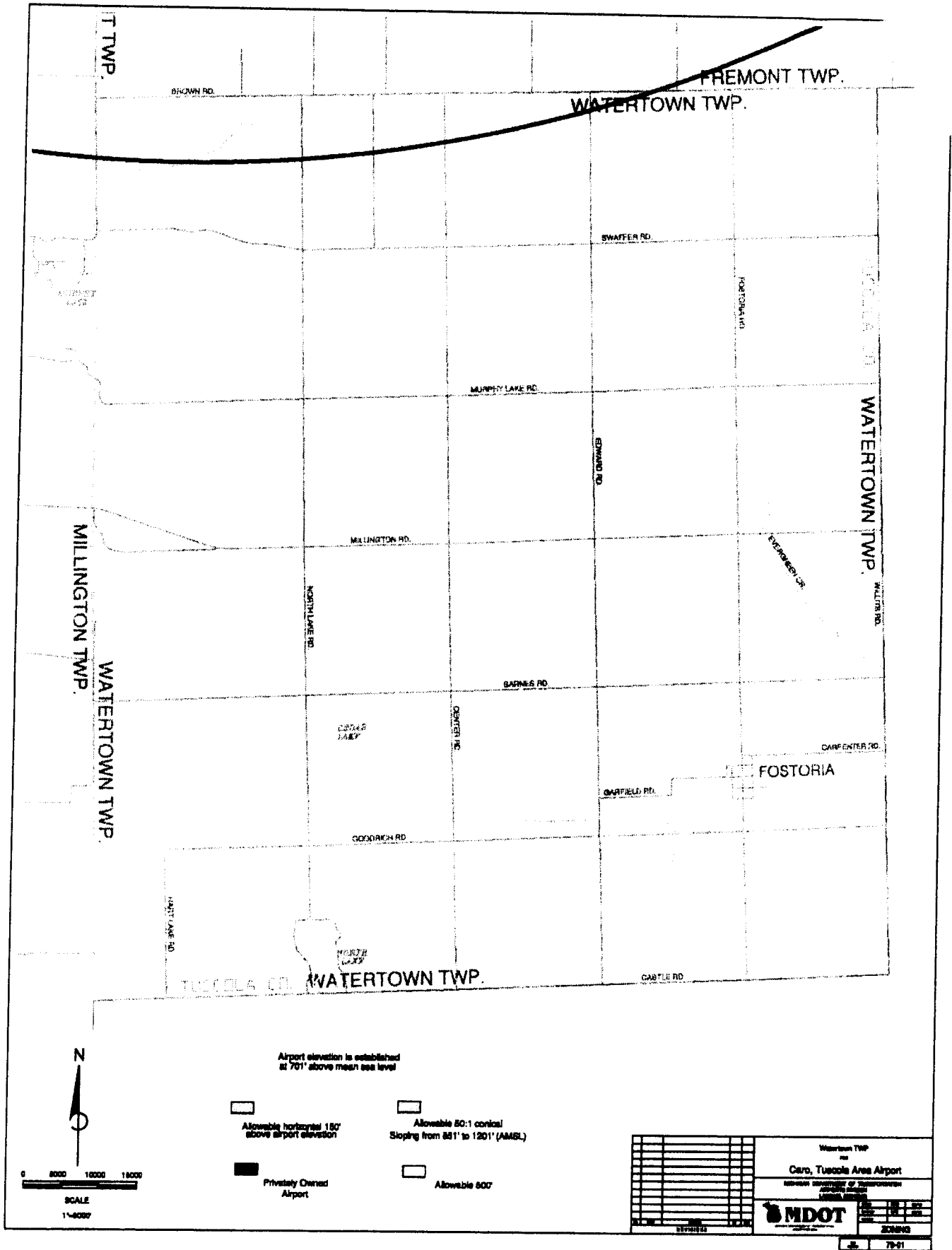
TUSCOLA TOWNSHIP



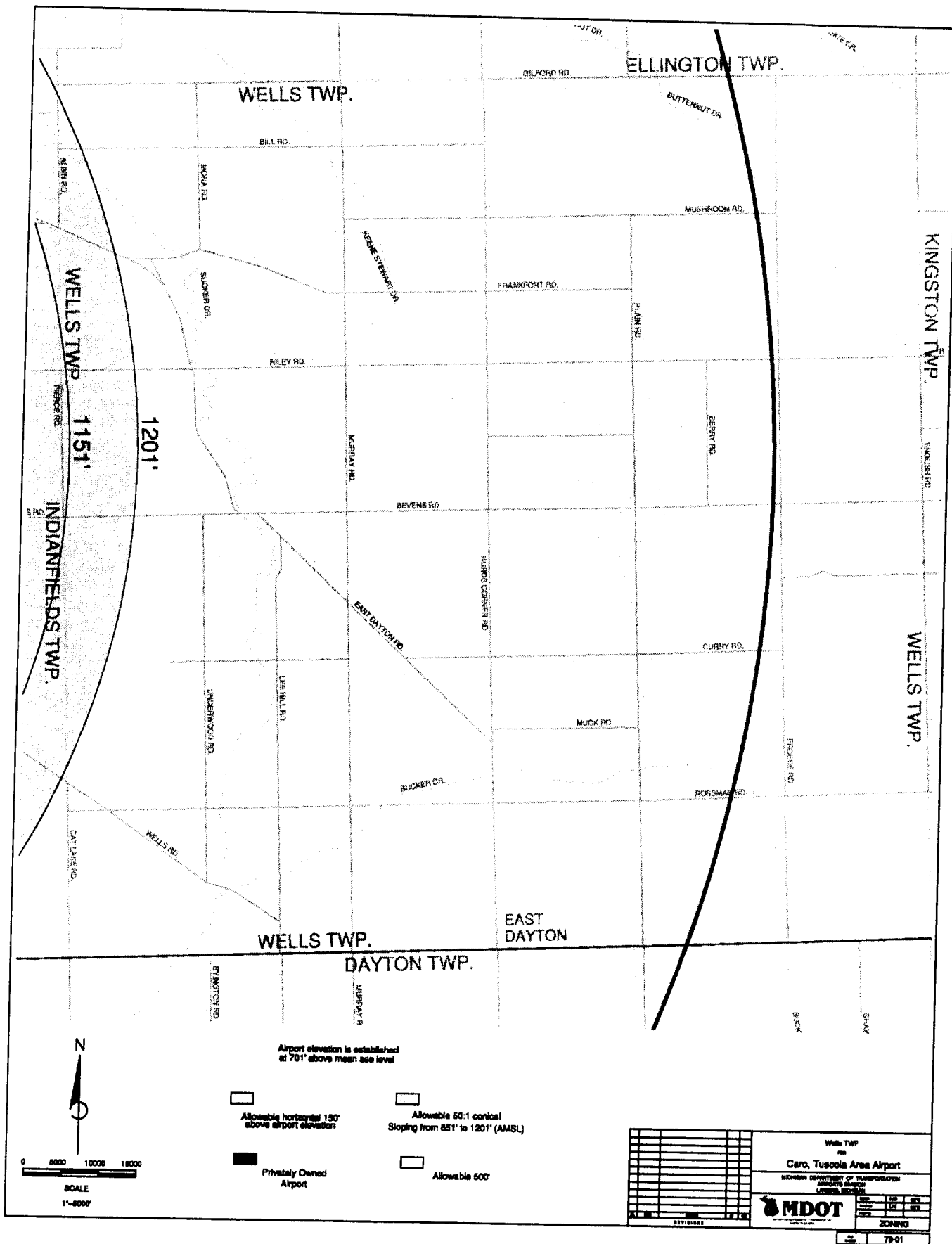
VASSAR TOWNSHIP



WATERTOWN TOWNSHIP



WELLS TOWNSHIP



*Lawyer
Version*

Mike Hoagland

From: Douglas W. Van Essen [dvw@silvervanessen.com]
Sent: Wednesday, June 23, 2010 2:28 PM
To: Tom Bardwell; Amanda Roggenbuck; Tom Kern; 'Jerry Peterson'; MHoagland@TuscolaCounty.org
Subject: Airport Ordinance
Attachments: Airport Ordinance June 23, 2010.doc

Commissioners:

The attached ordinance reflects the 10 mile radius and two changes that I inserted as a result of my January 2010 recommendation:

1. In 3.4 I changed the permit range of Section E from 499-500 to 200-500 feet. Anything above 500 feet requires a variance from the BZA. It makes no sense to have a 1 foot permit range. You want to make sure, for instance that anything over 200 feet has a light or other protections and is consistent with your land use regs. Permits are not to be feared. They are a tool.
2. I changed 5.1(b)(1) from Planning Commission to your building codes administrator or other individual appointed by the Board of Commissioners. A committee should not be your ordinance administrator--that is too awkward since a committee can only act through public meeting.

I ran the ordinance and both changes past Linn Smith and he heartily concurs in both and blesses our ordinance, generally. He is very pleased that we ended up with a quality product.

I approve the form of the ordinance for public hearing and adoption. --Doug VE

Douglas W. Van Essen
Silver & Van Essen, P.C.
300 Ottawa, N.W., Suite 620
Grand Rapids, MI. 49503
(616) 988-5600
(616) 988-5606 (fax)
dvw@silvervanessen.com

Web Page: www.silvervanessen.com

THIS TRANSMISSION MAY CONTAIN CONFIDENTIAL AND/OR PRIVILEGED MATERIAL

MAY, 2010

DRAFTCOPY

TUSCOLA AREA AIRPORT ZONING ORDINANCE

***ADOPTED BY THE TUSCOLA COUNTY BOARD OF COMMISSIONERS
UNDER THE AUTHORITY OF***

IN COMPLIANCE WITH PA110 OF 2006

COUNTY ORDINANCE # 01-2010

ORDINANCE ADMINSTRATED BY:

The Local Municipality Zoning Administrator

or by default

The Airport Zoning Administrative Agency

DRAFT COPY

MAY, 2010

TUSCOLA COUNTY AIRPORT ZONING ORDINANCE

DRAFTED BY

Working Committee for the Tuscola Area Airport

Appointed by

Tuscola Area Airport Zoning Commission/Tuscola County Planning Commission

Under the authority of

THE TUSCOLA COUNTY COMMISSIONERS

Contributing expert direction, consultation and draft ordinance models:

Mr. Doug Van Essen, Attorney for Tuscola County

WORKING COMMITTEE FOR THE TUSCOLA AREA AIRPORT:

Chairperson

Delores Damm

Vice Chairperson

Ione Vyse

Committee

William Campbell

Brian Schriber

Bernard (Bud) Kreh

Debra Lipan

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ARTICLE 1
TITLE AND PURPOSE

1.1 Title

This Ordinance includes all airport zoning plans attached hereto and is to be known and may be cited as the "Tuscola Area Airport Zoning Ordinance."

1.2 Purpose

An Ordinance establishing airport zoning regulations for the purpose of promoting the health, safety, and general welfare of the inhabitants of the County of Tuscola by preventing the establishment of airport hazards, restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Tuscola Area Airport; providing for the allowance of variances from such regulations; designating the Airport Zoning Administrative Agency/Zoning Administrator charged with the administration and enforcement of such regulations; establishing an airport zoning board of appeals; providing for enforcement; and imposing penalties for violation of this Ordinance.

The Board of Commissioners of the County of Tuscola does hereby ordain as follows:

**ARTICLE 2
DEFINITIONS**

For the purposes of this Ordinance, the words, terms and phrases set forth in this Article mean:

2.1 ABOVE ESTABLISHED AIRPORT ELEVATION (AEAE)

Denoted elevations above the elevation of the airport (seven hundred one (701) feet).

2.2 ABOVE GROUND LEVEL (AGL)

Denotes elevations above ground level at the base of the structure.

2.3 ABOVE MEAN SEA LEVEL

Denotes elevations above sea level based upon and determined by reference to the United States Coast and Geodetic Survey datum.

2.4 AIRPORT

The Tuscola Area Airport and all appurtenances used or acquired for airport buildings or other airport facilities, and all other appurtenant rights of way or other existing or future interests.

2.5 AIRPORT ELEVATION

Seven hundred one (701) feet above mean sea level at the midpoint of the runway of the Tuscola Area Airport.

2.6 AIRPORT HAZARD

Any structure or tree within the Airport Hazard Area that exceeds the height limitations established by this Ordinance, or any use of land or appurtenances within the Airport Hazard Area that interferes with the safe use of the airport by aircraft unless a variance has been granted by the Airport Zoning Board of Appeals.

2.7 AIRPORT HAZARD AREA(AHA)

Any area of land or water, or both, lying within Tuscola County as depicted in zones A thru E on the accompanying map (see Map 1, pg. I), in which an airport hazard might exist if not prevented by this Ordinance. The Airport Hazard Area (AHA) is equivalent to the Airport Zoning Area (AZA).

2.8 AIRPORT ZONING ACT

Act no. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session).

2.9 AIRPORT ZONING ADMINISTRATIVE AGENCY

The Tuscola County Planning Commission or its Agent, the local zoning administrator.

2.10 AIRPORT ZONING BOARD OF APPEALS

An independent, five (5) member board appointed by the Tuscola County Commissioners.

2.11 AIRPORT ZONING AREA (AZA)

The area lying within Zones A through E on Map 1, Pg I.

2.12 APPROACH SURFACE

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Article 4 of this Ordinance. The perimeter of the approach surface coincides with the perimeter of the approach zone.

2.13 APPROACH ZONE

An area that commences two hundred (200) feet beyond the end of each paved runway, existing or planned, and extends outward for ten thousand (10,000) feet at a slope of thirty-four to one (34:1) and extends outward for five thousand (5,000) feet from each end of turf runways at a slope of twenty to one (20:1).

2.14 BOARD OF APPEALS

The Tuscola Area Airport Zoning Ordinance Board of Appeals.

2.15 CONICAL SURFACE

A surface starting at the periphery of the horizontal surface and at a height of one hundred fifty (150) feet above airport elevation, extending outward and upward at a slope of fifty feet outward for each foot upward (50 to 1) for a horizontal distance of seventeen thousand, five hundred (17,500) feet.

2.16 CONICAL ZONE

The area that commences at the periphery of the horizontal zone and extends outward there from, a horizontal distance of seventeen thousand, five hundred (17,500) feet.

2.17 HAZARD TO AIR NAVIGATION

An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

2.18 HEIGHT

For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall mean above ground level at the base of the structure unless otherwise specified.

2.19 HORIZONTAL SURFACE

A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

2.20 HORIZONTAL ZONE

A zone established by swinging arcs of ten thousand (10,000) feet radii for all existing or planned MAC and FAA approved, paved runways, measured from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.

2.21 LAND-USE GUIDANCE ZONE

An area or zone, in which certain types of land uses are recommended due to noise, vibrations, fumes, dust, fuel particles and other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at the Tuscola Area Airport (See Map 3, Pg III).

2.22 NON-CONFORMING USE

Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this Ordinance or any amendment thereto as of the effective date of this regulation.

2.23 OBSTRUCTION

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Article 3 of this Ordinance and FAA Regulations part 77.23.

2.24 OUTER HORIZONTAL SURFACE

A horizontal plane five hundred (500) feet above the established airport elevation, the perimeter of which coincides with the perimeter of the outer horizontal zone.

2.25 OUTER HORIZONTAL ZONE

The area lying between the outer edges of the Conical Surface and extending to a radius of 10 miles.

2.26 PERSON

Any individual, firm, partnership, corporation, company, association, joint stock association, Municipal Corporation, or other body politic, including but not limited to, any trustee, receiver, assignee or other similar representative of any of them.

2.27 PERMIT

A permit issued by the Airport Zoning Administrative Agency/ Zoning Administrator.

2.28 PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway and has a width of five hundred (500) feet . When the runway has no specially prepared hard surface, the primary surface ends at each end of that runway and has a width of two hundred fifty (250) feet.

2.29 RUNWAY

A defined area on an airport prepared for landing and takeoff of aircraft along its length, including runways that are planned and approved by the FAA and MAC per current layout plans.

2.30 STRUCTURE

Any object, including a mobile object, constructed or installed by man, including but without limitation, buildings, wind generators, towers, cranes, smokestacks, earth formations, overhead transmission lines, and radio and television aerials and antennae, but not including highways and their appurtenances.

2.31 TRANSITIONAL SURFACES

An imaginary plane perpendicular to a runway centerline and to the centerline extended through the runway’s primary surface and approach surface, which plane extends outward and upward from each side of the runway’s primary surface and approach surface at a slope of seven to one (7:1) extending to the intersection of the transitional surface with the inner horizontal surface.

2.32 TRANSITIONAL ZONE

The areas beneath the transitional surfaces.

2.33 TREE

Any object of natural growth.

2.34 VARIANCE

An issuance by the Airport Zoning Board of Appeals authorizing the erection of a new structure, increase in the height of an existing structure or growth of a tree or other use of property in excess of the height restrictions in Zones A through E on Map 1, Pg I or the use restrictions in this Ordinance as provided for in MCL 259.454.

2.35 ZONING ADMINISTRATOR

The Airport Zoning Administrative Agency or the local zoning administrator where a local unit of government has adopted and maintains this Ordinance, including any amendments, and elects to have its zoning administrator/board administer the Ordinance, and who is designated and charged with the administration and enforcement of this Ordinance and/or the local zoning administrator if a local unit exercises its rights under MCL §259.445 with respect to its geographic boundaries.

**ARTICLE 3
GENERAL REGULATIONS**

3.1 Airport Zoning Area

An Airport Zoning Area (AZA) is here-by established, which area or zone consists of the area between the conical zone and the circumference created by a circle with a radius of 10 miles and the center being the reference point of the airport. (See **Map 1, Pg. I**).

3.2 Approach Standards

The approach, transitional, conical and inner and outer horizontal surfaces that establish the height limitations under this Ordinance are denoted on **Map 1, Pg. I**.

3.3 Legal Height Limitations

No use or structure shall be constructed or altered or made more non-conforming in the Airport Zoning Area (AZA) that exceeds the airport clearance requirements below, unless a Determination of No Hazard has been issued by the Federal Aviation Administration (FAA) OR a Michigan Tall Structure Permit has been issued by the Michigan Aeronautics Commission, AND a variance has been issued by the Airport Zoning Board of Appeals under this Ordinance. (See **Map 1, Pg. I**).

Zone A. (Horizontal Zone)

The height limit is established at one hundred fifty (150) feet above the established airport elevation or eight hundred fifty-one (851) feet above sea level.

Zone B. (Conical Zone)

The height limit slopes fifty (50) feet outward for each foot upward (50:1), beginning at the periphery of the horizontal zone and extending seventeen thousand five hundred (17,500) feet horizontally. The zone begins at one hundred fifty (150) feet above established airport elevation (AEAE) and extends to a height of five hundred (500) feet above established airport elevation (AEAE).

Zone C. (Runway Approach Zone)

The height limit slopes thirty-four (34) feet outward for each foot upward (34:1), beginning two hundred (200) feet beyond the end of the paved runway, existing or planned and approved by FAA and MAC, and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

Zone D (Transitional Zone)

The height limit is established to begin at the edge of the primary surface or approach surface and increasing at a slope of seven (7) feet outward for each foot upward on a line perpendicular to the centerline of the runway and to that centerline extended, and extending to the intersection of the transitional surface with the inner horizontal surface.

Zone E (Outer Horizontal Zone)

The height limit is established at five hundred (500) feet above ground level or above the established airport elevation, whichever is the lesser.

3.4 Permit Requirement

To ensure compliance with this Ordinance, an application for an Airport Zoning Permit shall be required for all structures that are within the limits of zones A thru E and will equal or exceed the limits below and as shown on Map 2, Pg II.

Zone A. Twenty-five (25) feet above ground level (AGL) in zones 1-5 (**See map 3 page III**) and thirty-five (35) feet above ground level (AGL), in the remainder of Zone A.

Zone B. One hundred twenty-five (125) feet above ground level (AGL) or above established airport elevation (AEAE), whichever is the lesser, in Zone B.

Zones C and D. Twenty-five (25) feet above ground level (AGL).

Zone E. Two hundred (200) feet above ground level (AGL) or above established airport elevation (AEAE) whichever is the lesser, for any other part of the hazard area. A permit is not required for structures less than two hundred (200) feet in zone E unless a determination of Presumed Hazard” has been issued for the structure. This requirement is not relinquished even if a subsequent “Determination of No Hazard” has been issued.

The Airport Zoning Administrative Agency/Zoning Administrator may also require application for any structure that the Federal Aviation Administration (FAA) has required notice of under Title XIV of the Code of Regulations Part 77. No structure shall be erected or materially changed without a permit that is necessary under this ordinance.

3.5 Permit Issuance

Unless the Airport Zoning Administrative Agency/Zoning Administrator conclude that the proposed use would cause an imminent and material interference with a terminal obstacle clearance area, a departure area, turn and termination area or circling approach area, based on a study by an aeronautical engineer retained by the Administrator, a permit shall be issued for a proposed structure that is located within the Airport Zoning Area if ALL of the following requirements are met:

- A. A land-use permit has been issued by the governing municipality.
- B. The structure’s height or use is not inconsistent with this Ordinance.
- C. The landowner has obtained a determination of no hazard by the Federal Aviation Administration (FAA) if application is required.
- D. An opinion from MAC that The Michigan Tall Structure Permit could be issued, if required by the Michigan Aeronautics Commission (MAC).

Note: It is the option of the Applicant as to the order of meeting the requirements.

3.6 Unlawful Land Use

Notwithstanding any other provisions of this Ordinance, no person may use any lands within the Airport Zoning Area (AZA) which:

- A. Would create electrical interference with radio communications between the airport and aircraft or create interference with navigational aids employed by aircraft;
- B. Would make it difficult for flyers to distinguish between airport lights and others or result in glare to the eyes of flyers using the airport;

- C. Would create air pollution in such amounts as to impair the visibility of flyers in the use of the airport;
- D. Would locate or permit the operation of a dump, waste disposal site, sanitary landfill, hazardous waste facility, solid waste transfer station or recycling facility within 10,000 feet of any runway at the airport, unless the construction, location and operation of the site is approved or authorized by the Federal Aviation Administration as not being in violation of its orders, rules or regulations applicable to the airport, or unless a waiver is issued by the Federal Aviation Administration;
- E. Would otherwise endanger the landing, taking off, or maneuvering of aircraft;
- F. Would attract birds;
- G. Would raise the descent minimums of any instrument approach procedure to the airport, or otherwise limit operations at the airport, as determined by an airspace study conducted by the Federal Aviation Administration.

3.7 Non-Conforming Existing Uses

The provisions of Section 3.3 and 3.6 of this Ordinance shall not apply to structures, trees or other non-conforming uses existing in an Airport Hazard Area on the effective date of this Ordinance, unless the local Zoning Administrator determines it to be abandoned, or 80% torn down, destroyed, deteriorated, or decayed. The definition of abandon shall be the same as definition used by each respective local land-use zoning agency.

3.8 Alterations to Non-Conforming Land Use

The provisions of Section 3.3 and 3.6 of this Ordinance shall apply to changes or alterations which increase the height of existing structures, trees or other non-conforming uses after the effective date of this Ordinance, with the same force and effect as though the same were new uses.

3.9 Land-Use Guidance Zone

A. Purpose. The purpose of land-use guidance zones 1 to 5 as identified on Map 3, Pg III, hereto, is to designate areas in which certain types of land uses are recommended due to undesirable effects that may be caused by the operation of aircraft.

B. Acceptable Land-Use. The uses of land within the areas shown on the zoning plans are acceptable land-uses as outlined in the land use guidelines (see Pgs. V through IX).

ARTICLE 4 PERMITS

4.1 Permit Threshold Map

There is attached hereto as **Map 2, Pg II**, the Permit Threshold Map, showing applicable height limitations within the Airport Hazard Area (AHA) above which Airport Zoning Permits are required under this Ordinance. The Permit Threshold Map is affixed to this Ordinance for the information of and consultation by all persons proposing to make uses of land within the Airport Hazard Areas, whether the same be a new use or changes in an existing use, and it shall not be a defense in any action that a person charged with violation of this Ordinance, whether in a criminal or civil action, failed to consult this Ordinance or the permit maps prior to the action giving rise to the violation.

4.2 Application for Airport Zoning Permits

NOTE: The permit hereafter described refers to, and only to, the Airport Zoning Permit and is obtainable only after first obtaining a land use permit from the municipality in which the land use is to take place.

- A. The owner of the land on which the structure is proposed as well as any lessee, licensee or operator of the structure must execute the Application for the Permit.
- B. An application for a permit shall include a site plan and be accompanied by the Airport Zoning Permit Fee assessed by the administering agency.

Every site plan submitted to the Airport Administrative Agency/Zoning Administrator shall be in accordance with the requirements of this Ordinance and shall include the following information:

- (1) A scale of not less than one(1) inch equals fifty (50) feet if the subject property is less than three (3) acres and one (1) inch equals one hundred (100) feet if three (3) acres or more.
- (2) Date, north point and scale
- (3) The Latitude and Longitude of the base of the proposed structure or use.
- (4) The distance from and height above the Tuscola Area Airport reference point.
- (5) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (6) The uses of all surrounding property, including general topography, natural characteristics such as woods, wetlands, and floodplains, public drains, utilities and other related items.
- (7) The location of all existing structures within five hundred (500) feet of the property.
- (8) The location of existing developments, planned new development and site revisions, including grading, landscaping, pedestrian circulation and other activities.
- (9) The location of all existing and proposed drives and parking areas.

(10) The location and right-of-way widths of all abutting streets and alleys.

(11) The names and addresses and seal of the architect, planner, designer or engineer responsible for the preparation of the site plan.

- C. Application shall be made to the Airport Zoning Administrative Agency/Zoning Administrator upon forms furnished by the Airport Zoning Administrative Agency/Zoning Administrator. Applicant shall supply copies as required.
- D. The Airport Zoning Administrative Agency/Zoning Administrator shall, within thirty (30) days from the application, determine whether the height limitations as designated by the Airport Zoning Maps and this Ordinance, would or would not be violated if the application were granted, and that all the requirements and considerations of section 3.5 have been met, shall then grant or deny the application accordingly (the Airport Zoning Administration Agency/Zoning Administrator not being vested with authority to permit a variance).
- E. The Airport Zoning Administrative Agency/Zoning Administrator shall advise applicant of its action within five (5) days after the action has been taken.
- F. In the event of a denial that is based on the violation of the restrictions of this Ordinance, the Applicant must apply to the Tuscola County Airport Zoning Board of Appeals for a certificate of variance, prior to initiation of any judicial proceedings.
- G. The issuance of a permit shall not be construed to permit a use that violates any section of this Ordinance or any general zoning ordinance or regulations of any political subdivision applicable to the same area.
- H. The permit shall be valid for a period of one (1) year from the date of issuance. An extension of up to one (1) year may be granted if sought before the first year terminates. The extension shall be based on the demonstration that the development has encountered unforeseen difficulties beyond the applicant's control.

4.3 Permit Procedures

Persons desiring to create a new use, or to change existing uses, must file an application for a permit if the proposal involves improvements that exceed the permit threshold heights as specified in Section 3.4 of this Ordinance. Such persons shall proceed with one of the following after consulting the applicable permit threshold map: (See Map 2, Pg. II)

A. Procedure One:

If it appears, after consulting the Permit Threshold Map, that the proposed new use, or changed existing use, clearly would not violate the terms of this Ordinance or require a permit, then the new use may be created, or existing use altered, without applying for a permit hereunder or taking any further action under this Ordinance.

B. Procedure Two:

Note: It is the option of the Applicant as to the order of meeting the requirements.

If it appears, after consulting the Permit Threshold Map, that the proposed new use, or change to an existing use **may** violate the terms of this Ordinance or require a permit, the new use shall not be created, or existing use changed, until a proper permit has first been

obtained from the Airport Zoning Administrative Agency/Zoning Administrator in accordance with the provisions of this Ordinance.

The Administrator may consider the application before or after the Applicant(s) has obtained a Determination of No Hazard or the Federal Aviation Administration (FAA) has issued a variance, and/or the Michigan Aeronautics Commission has issued a Michigan Tall Structure Permit.

Inasmuch, as the height limitations imposed in the Airport Hazard Area steadily increase from the airport center, and at various rates according to location of approaches, the permit maps are only approximations for any given segment of the Airport Hazard Area and therefore a height limitation may be somewhat greater than accorded by the maps, depending upon the particular plat of land involved.

The purpose of this second procedure is, therefore, to enable the Airport Zoning Administrative Agency/Zoning Administrator to make exact mathematical determinations and enable users of the land within the hazard area to avoid violations of this Ordinance.

C. Procedure Three:

If it appears, after consulting the Permit Threshold Map, that the proposed new use, or change in existing use, will violate the provisions of this Ordinance, then no such new or changed use shall be undertaken unless the person proposing to undertake it shall first apply to the Tuscola Area Airport Zoning Board of Appeals and obtain a certificate of variance in accordance with the procedures contained in this Ordinance.

4.4 Exception for Emergency Repairs

No permit is required for the emergency repair or emergency replacement of nonconforming public utility structures, when the height of such structures will not be increased by such repair or replacement. It is intended that in the application of this provision any combination of circumstances calling for immediate action or remedy in the repair or replacement of such nonconforming public utility structures shall be deemed an emergency.

4.5 Expenses

The Airport Zoning Administrative Agency/Zoning Administrator may require the Applicant to obtain an opinion of an Aeronautical Engineer approved by the Airport Zoning Administrative Agency/Zoning Administrator or the Federal Aviation Administration (FAA). The Opinion shall address whether the proposed structure to be permitted will not violate the provisions of federal or state law or this Ordinance, and/or imminently and materially interfere with a terminal obstacle clearance area, a departure area, turn and termination area or circling approach area of the current airport. The Applicant shall pay for the costs of the Opinion, which shall be made available to the public.

ARTICLE 5
ORDINANCE ADMINISTRATION

5.1 Airport Zoning Administration

A. Primary Administration

Pursuant to Section 15 of the Airport Zoning Act, being MCL §259.445, if a local unit of government within the Airport Hazard Area adopts and incorporates this Ordinance as it is written, including any amendments, then that ordinance's administrator may serve as the Zoning Administrator pursuant to this Ordinance for all areas within the geographic boundaries of the local unit, provided that the Airport Zoning Board of Appeals as provided in Section 4.2 will continue to exercise such powers as are conferred on it by the Airport Zoning Act, as further provided below. If any municipality does not adopt the amendments to this ordinance within forty-five (45) days of their adoption by the county, that municipality shall have their authority to administer the ordinance automatically revoked. Any local unit of government that wishes to exercise its rights under Section 15 of the Airport Zoning Act, MCL §259.445, and this subsection, must file a certified copy of its adoption of the provisions of this Ordinance, accompanied by a written notice of its intention to serve as the administrator of this Ordinance within its jurisdiction with the Tuscola County Clerk, and with the Tuscola County Planning Commission.

B. Default Administration

The Tuscola Airport Zoning Administrative Agency is designated the Zoning Administrator charged with the duty of administering and enforcing this Ordinance. The Airport Zoning Administrative Agency shall act as the "administrative agency" referred to in the Airport Zoning Act, PA 23 of 1950. The duties of the Airport Zoning Administrative Agency shall include those of issuing permits as provided below, but the Airport Zoning Administrative Agency shall not have or exercise any of the powers or duties delegated to the Airport Zoning Board of Appeals. The Airport Zoning Administrative Agency may adopt such rules of procedure as may be necessary in connection with the administration and enforcement of this Ordinance.

(1) Authority

The Tuscola County Board of Commissioners does hereby establish an Airport Zoning Administrative Agency. Unless otherwise designated by the Tuscola County Board of Commissioners or the Local Unit has assumed primary administration as noted above, the Airport Zoning Administrative Agency shall be the person or persons who have been appointed to administer any County zoning or building codes.

(2) Duties

It shall be the duty of the Airport Zoning Administrative Agency to administer and enforce the regulations prescribed herein. Applications for permits may be made to the Airport Zoning Administrative Agency only under the following conditions upon a form published for that purpose.

- (a) The municipality in which the property is located has chosen not to have the Local Zoning Administrator administer this ordinance.
- (b) The Zoning Administrator of the municipality in which the property is located, requests that the Airport Zoning Administrative Agency rule on the application.

Applications requiring submission to the Airport Zoning Administrative Agency by this Ordinance shall be considered and granted or denied as promptly as is feasible.

C. Airport Property Land Use Administration

The Airport Authority Board is granted sole authority to approve land uses on airport property in accordance with State and Federal guidelines. This does not exempt the Airport Authority Board from complying with the decisions and authority of the Michigan Aeronautics Commission granted by the Aeronautics Code of the State of Michigan.

5.2 Board of Appeals

There is hereby created an Airport Zoning Board of Appeals consisting of an independent, five (5) person body appointed by the Tuscola County Board of Commissioners. The Board of Appeals has the powers set forth in Section 27 of the Airport Zoning Act, being MCL §259.457, and shall exercise such powers as are conferred upon it in the Airport Zoning Act and in this Ordinance.

A. Official Name:

The Board of Appeals shall be officially known as the Tuscola Area Airport Zoning Board of Appeals.

B. Compensation:

The Board of Appeals shall receive such compensation and expense reimbursement for attendance at meetings and hearings, and may employ such necessary personnel, as may be provided for by resolution of the Tuscola County Board of Commissioners.

C. Rules and Procedures:

The Board of Appeals shall adopt by-laws concerning its organization and procedure, including appeal forms, and other authorized matters, consistent with the provisions of the Airport Zoning Act and this Ordinance. Such rules shall include, but not be limited to:

- (1) The Board of Appeals shall provide a reasonable period of time from which appeal may be taken to it from an action of the Airport Zoning Administrative Agency/Zoning Administrator.
- (2) Meetings of the Board of Appeals shall be held at the call of the Chair and at such other times as the Board of Appeals may determine. Notice of all meetings shall be given to all members.
- (3) An annual meeting shall be held during the month following the anniversary date of this Ordinance.
- (4) The Chair, or in his or her absence the Vice-Chair, may administer oaths or affirmations and issue subpoenas to compel the attendance of witnesses.
- (5) All hearings of the Board of Appeals shall be public, and it shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or abstaining with cause, then so indicating and recording.
- (6) The Board shall keep records of its examinations and other official acts, all of which shall be immediately filed in the offices of the Tuscola Airport Zoning Board of Appeals, (Annex Office) and shall be a public record.

D. Powers:

The Board of Appeals, by the concurring vote of a majority of its members, shall have the power to issue certificates of variance under the provisions of this Ordinance, or to otherwise decide appeals from any order, requirement, rule, regulation, decision or determination made by the Airport Zoning Administrative Agency/Zoning Administrator under the powers conferred upon it by this Ordinance.

E. Who May Appeal:

Any person, including the governing body of any political subdivision, aggrieved by the refusal of the Airport Zoning Administrative Agency/Zoning Administrator to issue a permit or, its conclusion that a proposed use is in violation of this Ordinance or any other decision regarding the implementation of the Ordinance, may appeal to the Tuscola Area Airport Zoning Board of Appeals, including but not limited to submission of a request for a variance.

F. Appeal Procedure:

- (1) All appeals from actions of the Airport Zoning Administrative Agency/Zoning Administrator shall be taken within the time and in the manner provided by the by-laws of the Board of Appeals, by filing with the Airport Zoning Administrative Agency/Zoning Administrator and with the Board of Appeals, a notice of appeal specifying the grounds of appeal.
- (2) The Airport Zoning Administrative Agency/Zoning Administrator shall promptly transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.
- (3) An appeal shall “*stay*” all proceedings in furtherance of the action appealed from, unless the Airport Zoning Administrative Agency/Zoning Administrator certifies to the Board of Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a “*stay*” would, in the Zoning Administrator's opinion, cause imminent peril to life or irreparable damage to property.
- (4) In that case, proceedings shall not be “*stayed*” otherwise than by order of the Board of Appeals and on due cause shown.
- (5) The Board of Appeals shall fix a time for the hearing of the appeal, give public notice and due notice to the parties of interest, and decide the appeal within a reasonable time.
- (6) Any party may appear at the hearing in person or by agent or by attorney.
- (7) The Board of Appeals may, in conformity with the provisions of this Ordinance, reverse, affirm or modify, wholly or partly, the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator.

G. Certificates of Variance:

- (1) An application for certificate of variance is to be submitted on the form provided for by the rules of the Board of Appeals and may be submitted along with or in lieu of an appeal.
 - (a) If the application is granted, the applicant will receive a certificate of variance in the form prescribed by such rules.
 - (b) The certificate shall provide that it is not effective for a period of thirty (30) days following the date of its issuance.

(c) Immediately upon issuance, copies of the certificate shall be filed with the Airport Administrative Agency/Zoning Administrator, the Michigan Aeronautics Commission and each political subdivision affected by the certificate.

(2) In acting upon applications for variance, a variance can be granted on the condition that

The Federal Aeronautics Administration (FAA) and the Michigan Aeronautics Commission (MAC) has issued a permit or determination of non-hazard. Any conditions imposed by FAA or MAC shall automatically become a part of a variance issued. Additional conditions may be imposed.

The Tuscola County Airport Zoning Board of Appeals reserves the right to send documentation, or any other input to the Federal Aeronautics Administration (FAA) and/or to the Michigan Aeronautics Commission (MAC) that has relevance to the permit sought.

In addition, variances shall be allowed for any of the following reasons:

(a) A literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship.

(b) Relief granted would not be contrary to the public interest and approach protection.

(c) Relief granted would do substantial justice.

(d) Relief granted would be in accordance with the spirit of the regulations of this Ordinance.

Provided, however, that any variance may be allowed subject to any reasonable condition or conditions subsequent that the Board of Appeals may deem necessary to effectuate the purpose of this Ordinance. Nothing in this section shall be construed to permit a use that would conflict with any general zoning ordinance or regulation of any political subdivision applicable to the same area.

**ARTICLE 6
JUDICIAL ACTION**

6.1 Appeals to Circuit Court

Any person, including the Michigan Aeronautics Commission on behalf of and in the name of the State, aggrieved by any decision of the Tuscola Area Airport Zoning Board of Appeals, may appeal to the Circuit Court of the County of Tuscola as provided in Section 30 of the Airport Zoning Act.

6.2 Penalties

Any person who violates this Ordinance or any regulations, orders or rulings made pursuant to this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00 or imprisoned for a term not to exceed 90 days, or both. Each day a violation continues to exist after notice shall constitute a separate offense. Such notice may be given by the Airport Zoning Administrative Agency/Zoning Administrator by certified mail, return receipt requested, addressed to the person maintaining the violation at the last known address.

6.3 Appearance Ticket Authorization

Unless prohibited by state law, the following persons are empowered to issue and serve appearance tickets for violations of this Ordinance, pursuant to Act No.175 of the Public Acts of 1927, as amended by Act No.506 of the Public Acts of 1980, Act No.366 of the Public Acts of 1984 and Act No.49 of the Public Acts of 1988, being sections 764.9c and 764.9f of the Michigan Compiled Laws:

A. The Airport Zoning Administrative Agency and/ or Local Zoning Administrator if a Local Unit of Government has exercised its administration rights under this Ordinance;

OR

B. The Tuscola County Sheriff and all other Tuscola County Deputy Sheriffs

6.4 Civil Action Available

The Airport Zoning Administrative Agency/Zoning Administrator, on behalf of and in the name of the County of Tuscola, may, in addition to any criminal action taken, institute in the Circuit Court of Tuscola County, an action to prevent, restrain, correct or abate any violation of this Ordinance or the Airport Zoning Act, or of airport zoning regulations adopted under this Ordinance or under the Airport Zoning Act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order to effectuate fully the purposes of this Ordinance or the Airport Zoning Act and the regulations adopted and orders and rulings made pursuant thereto.

Such action by the Airport Zoning Administrative Agency/Zoning Administrator shall be undertaken only if the local unit's administrative body or the County Board of Commissioners, respectively, shall have authorized a civil action.

**ARTICLE 7
NON-PRE-EMPTION AND SEVERABILITY OF PROVISIONS**

7.1 Severability of Provisions

If any of the provisions of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications of the Ordinance, and to that end the provisions of this Ordinance are declared to be severable.

7.2 Non-pre-emption.

This Ordinance is not intended to pre-empt any more stringent local zoning ordinance or other land-use control. Rather, this Ordinance is designed to augment and add to existing land-use controls.

**ARTICLE 8
AMENDMENTS**

This Ordinance, and the regulations prescribed herein, may be amended by the Tuscola County Board of Commissioners after a public hearing is held in relation to the proposed amendment, pursuant to Section 19 of the Airport Zoning Act.

**ARTICLE 9
EFFECTIVE DATE**

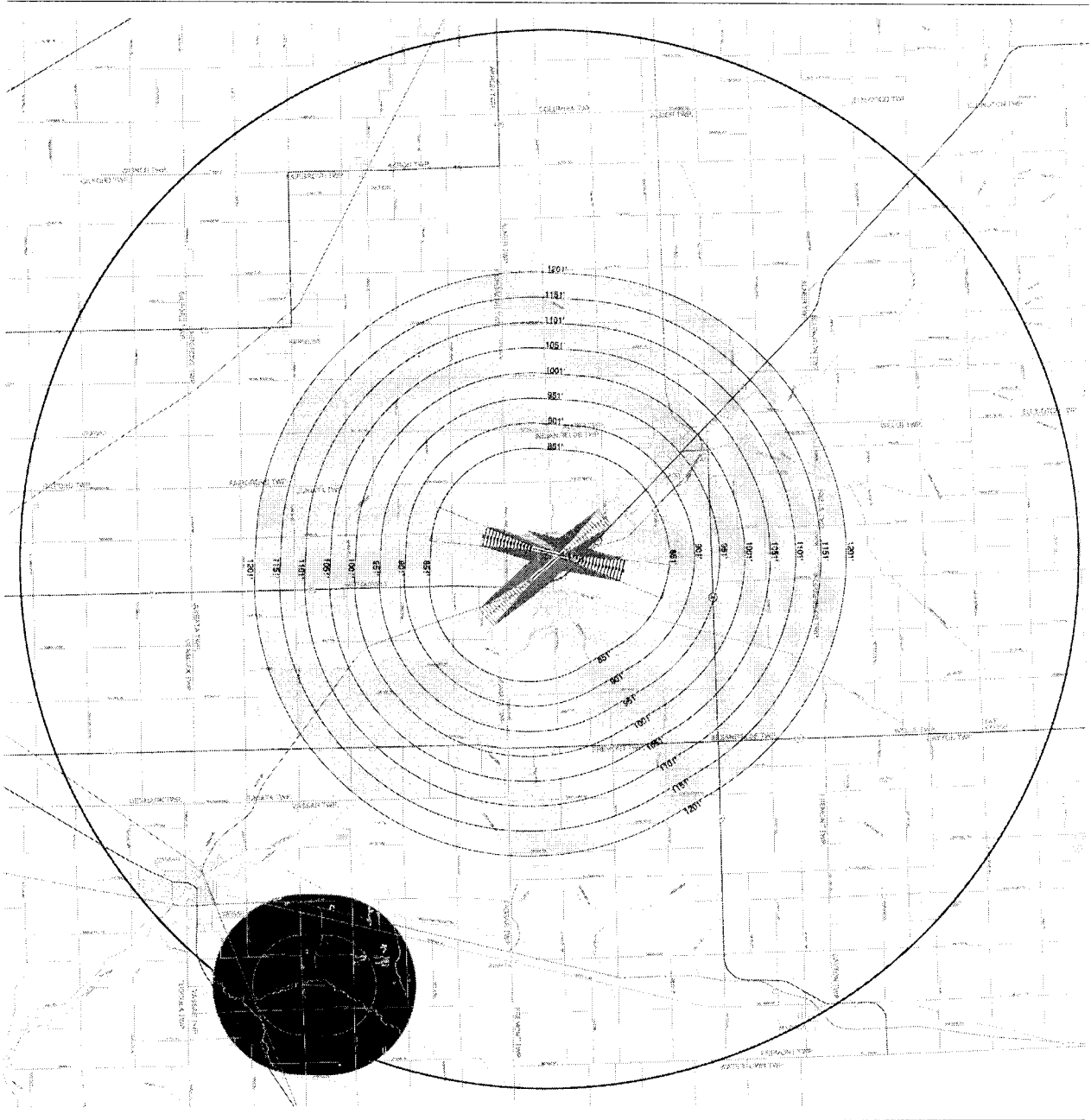
This Ordinance shall take effect on _____.

Thomas Bardwell, Chairperson,
Tuscola County Board of Commissioners

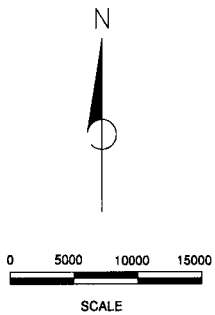
Attest:

Ms. Margie White, Tuscola County Clerk

TUSCOLA COUNTY AREA AIRPORT HEIGHT LIMITS



LEGEND



Airport elevation is established
at 701' above mean sea level

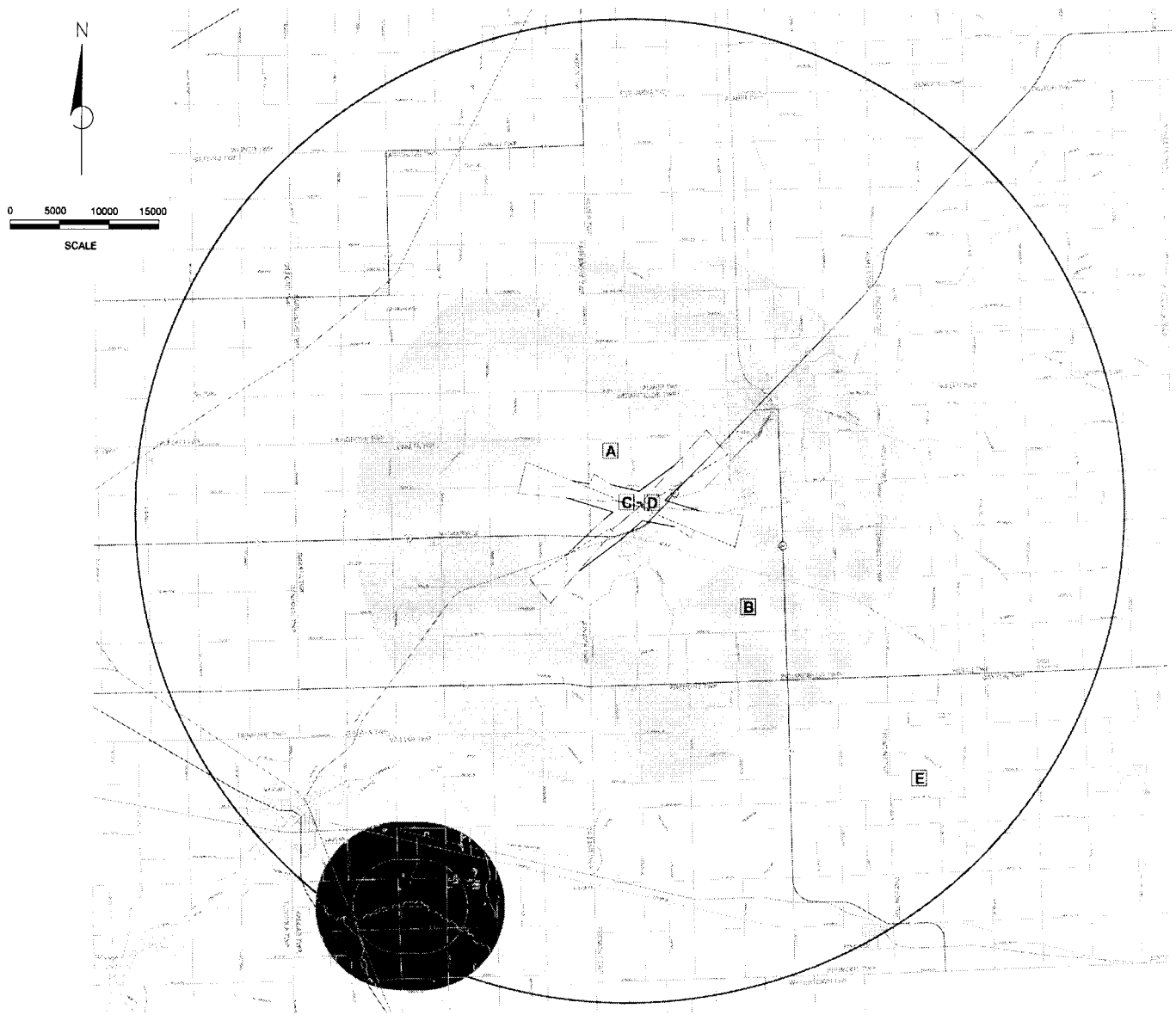
□ Allowable horizontal 150'
above airport elevation

□ Allowable 50:1 conical
Sloping from 851' to 1201' (AMSL)

□ Allowable 500'

■ Privately Owned
Airport

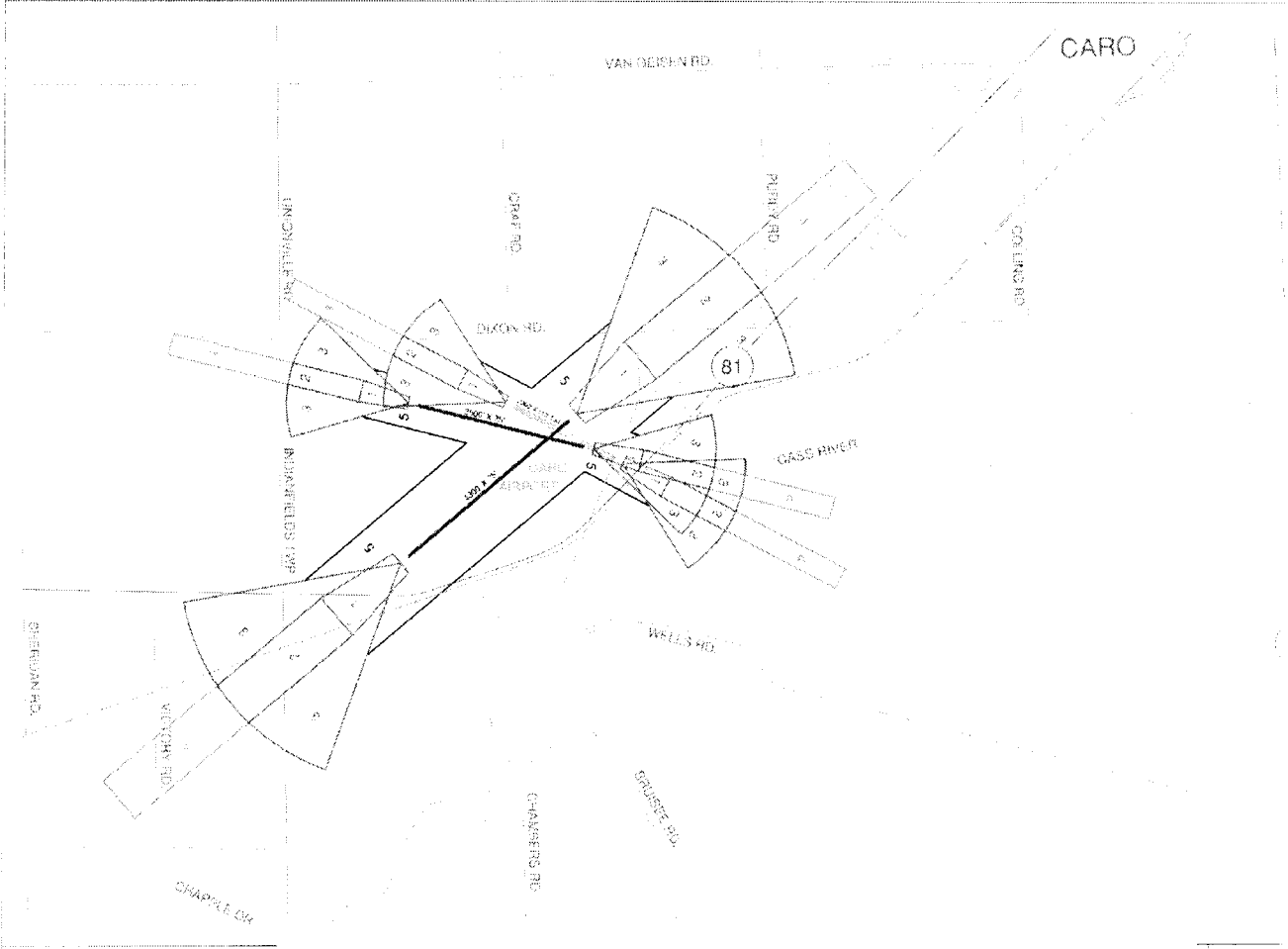
TUSCOLA COUNTY AREA AIRPORT PERMIT THRESHOLDS



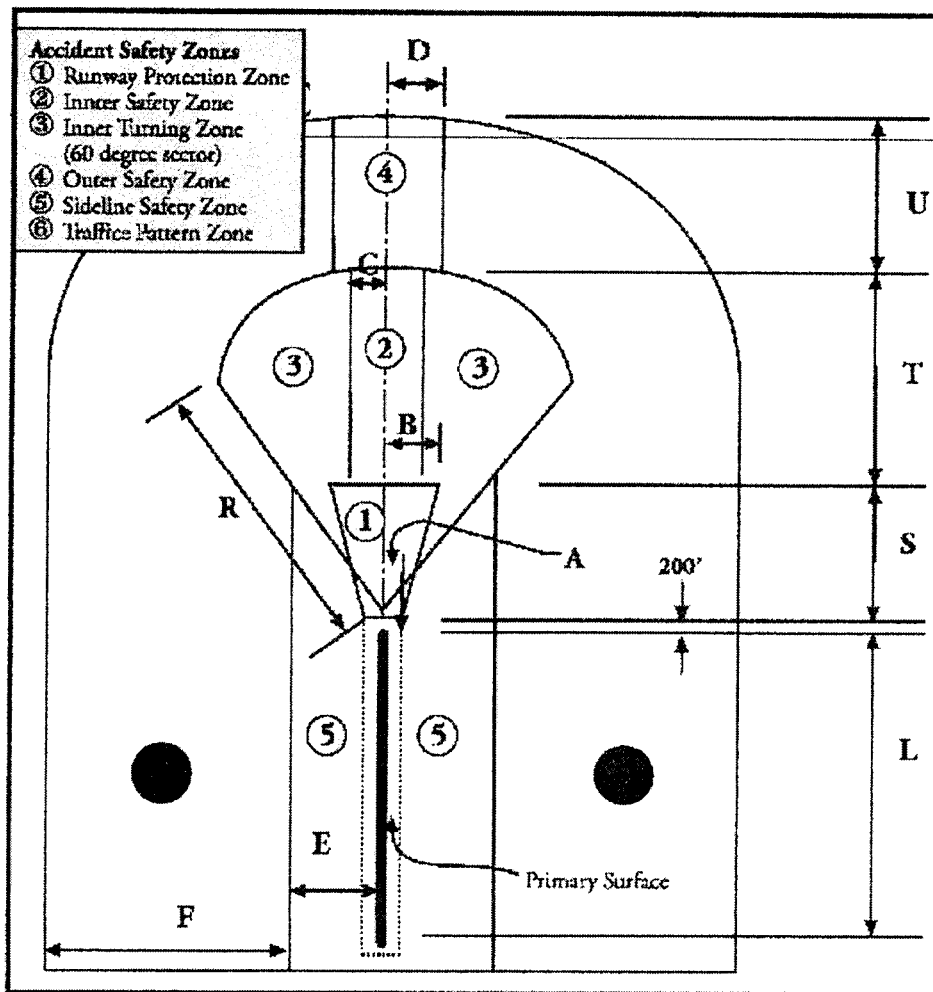
PERMIT REQUIREMENTS

- A Twenty-five (25) feet above ground level (AGL) in zones 1-5 (see map 3 page A-3) and thirty-five (35) feet above ground level (AGL) in the remainder of Zone A.
- B One hundred twenty-five (125) feet above ground level (AGL) or above established airport elevation (AEAE), whichever is the lesser.
- C- D Twenty-five (25) feet above ground level (AGL) or above established airport elevation (AEAE), whichever is the lesser.
- E Four hundred ninety-nine (499) feet above ground level (AGL) or above established airport elevation (AEAE), whichever is the lesser. An airport permit is not required for structures less than four hundred ninety-nine in zone E unless a "Determination of Presumed Hazard" has been issued for the structure. This requirement is not relinquished, even if a subsequent "Determination of No Hazard" has been issued.

LAND USE ZONES



AIRCRAFT ACCIDENT SAFETY ZONE DIAGRAM



Note:
 Data Source: NTSB
 accident investigations
 1984-1991. Illustration
 Source: Hedges and
 Shutt, Institute of
 Transportation Studies,
 University of California,
 Berkeley, 1993.

SAFETY ZONE DIMENSION (IN FEET)

Dimension	Runway Length Category (L)		
	Runway less than 4,000	Runway 4,000 to 5,999	Runway 6,000 or more
A	125	250	500
B	225	505	875
C	225	500	500
D	225	500	500
E	500	1,000	1,000
F	4,000	5,000	5,000
R (60°Sector)	2,500	4,500	5,000
S	1,000	1,700	2,500
T	1,500	2,800	2,500
U	2,500	3,000	5,000

**ACCIDENT SAFETY ZONES, LAND USE GUIDELINES AND
PLANNING STRATEGIES FOR NEW DEVELOPMENT**

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies <i>* All aviation uses are acceptable</i>
Zone 1 (See Special Note)	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 1. 0-5 people/acre. 2. Airport sponsor should purchase property if possible. 3. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	Residential vs. Non-Residential Land Use	Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> 1. Create a height hazard overlay ordinance around the airport. 2. Airport sponsor should purchase property if possible. 3. Airport sponsor should obtain aviation and obstruction easements. 4. During the site development process, shift all structures away from the runway centerlines if possible. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Prohibit all Special Function Land Uses.	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Special Note: Since the dimensions of Zone 1 are similar to the dimensions of the Runway Protection Zone (RPZ), those airports receiving federal grant dollars from the FAA's Airport Improvement Program, should strongly consider purchasing the RPZ or otherwise acquire rights to the property for the RPZ.

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies
Zone 2	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p> <p>Special Function Land Use</p>	<p>Avoid land uses which concentrate people indoors or outdoors.</p> <p>Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.</p> <p>Prohibit all Special Function Land Uses.</p>	<p style="text-align: center;">*All aviation uses are acceptable</p> <ol style="list-style-type: none"> 1. 0-5 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots). 3. Create a height hazard overlay ordinance around the airport. 4. Obtain aviation and obstruction easements. 5. During site development process, shift all structures away from the runway centerlines if possible. 6. Prohibit mobile home parks. 7. Landscaping requirements shall establish only low growing vegetation. 8. Prohibit high overhead outdoor lighting. 9. Require downward shading of lighting to reduce glare. 10. Evaluate all possible permitted conditional uses to assure compatible land use. 11. Prohibit overhead utilities and all noise sensitive land uses. 12. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 13. Limit storage of large quantities of hazardous or flammable material. 14. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Special Note: Since the dimensions of Zone 1 are similar to the dimensions of the Runway Protection Zone (RPZ), those airports receiving federal grant dollars from the FAA's Airport Improvement Program, should strongly consider purchasing the RPZ or otherwise acquire rights to the property for the RPZ.

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 3	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 1. < 25 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	Residential vs. Non-Residential Land Use	Limit residential development to Low Density housing standards. All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.	<ol style="list-style-type: none"> 1. Create a height hazard overlay ordinance around the airport. 2. Obtain aviation and obstruction easements. 3. During site development process, shift all structures away from the runway centerlines if possible. 4. Prohibit mobile home parks. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Prohibit all Special Function Land Uses.	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

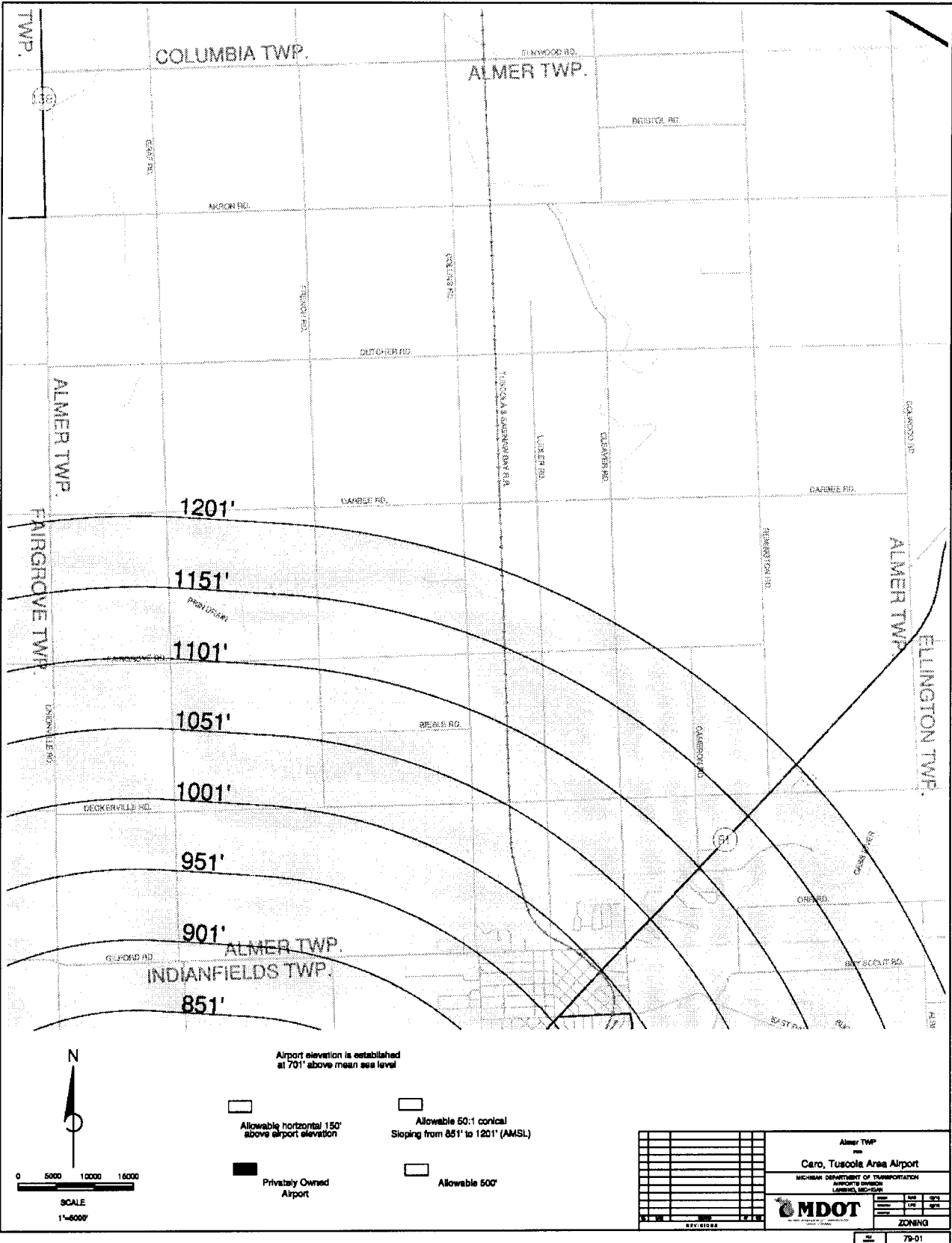
COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies <i>*All aviation uses are acceptable</i>
Zone 4	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p>	<p>Limit population concentrations.</p> <p>Limit residential development to Low Density housing standards. All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.</p>	<p>1. < 40 people/acre in buildings, < 75 persons/acre outside buildings.</p> <p>1. Create a height hazard overlay ordinance around the airport.</p> <p>2. Obtain aviation easements.</p> <p>3. Clustered development to maintain density as long as open space remains unbuild. Place clustered development away from extended runway centerline.</p> <p>4. Prohibit mobile home parks.</p> <p>5. Require downward shading of lighting to reduce glare.</p> <p>6. Evaluate all possible permitted conditional uses to assure compatible land use.</p>
	<p>Special Function Land Use</p>	<p>Prohibit all Special Function Land Uses.</p>	<p>1. Evaluate noise sensitive land uses in light of aircraft noise contour lines (if available) when establishing new zoning.</p> <p>2. Prohibit high overhead utilities and all noise sensitive land uses.</p> <p>3. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches.</p> <p>4. Limit storage of large quantities of hazardous or flammable material.</p> <p>5. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</p>

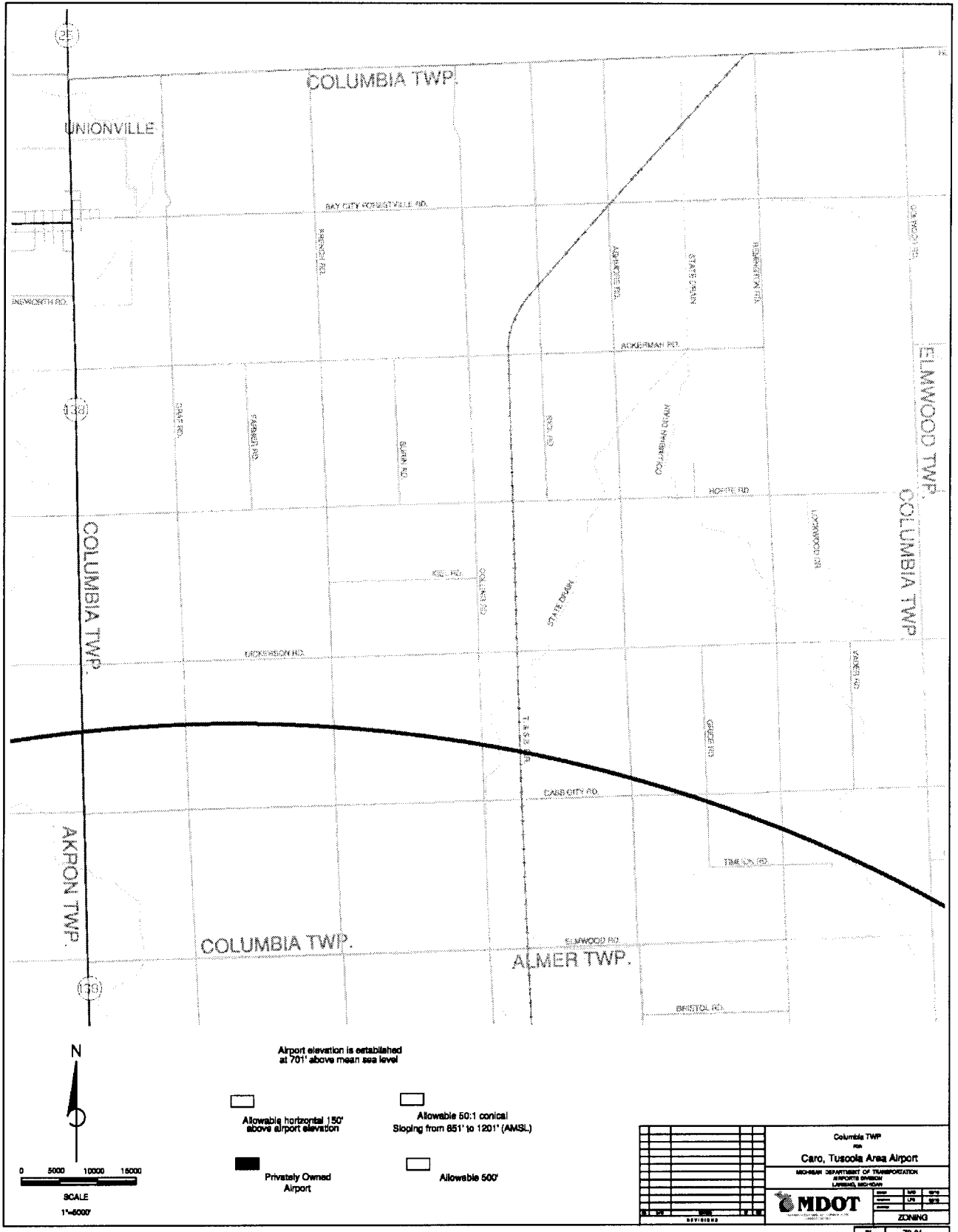
COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies
Zone 5	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p> <p>Special Function Land Use</p>	<p>Avoid land uses which concentrate people indoors or outdoors.</p> <p>Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.</p> <p>Prohibit all Special Function Land Uses.</p>	<p style="text-align: center;">*All aviation uses are acceptable</p> <ol style="list-style-type: none"> 1. 0-5 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots). 1. Airport sponsor should purchase property if possible. 2. Create a height hazard overlay ordinance around the airport. 3. Obtain aviation and obstruction easements. 4. During site development process, shift all structures away from the runway centerlines if possible. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use. 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

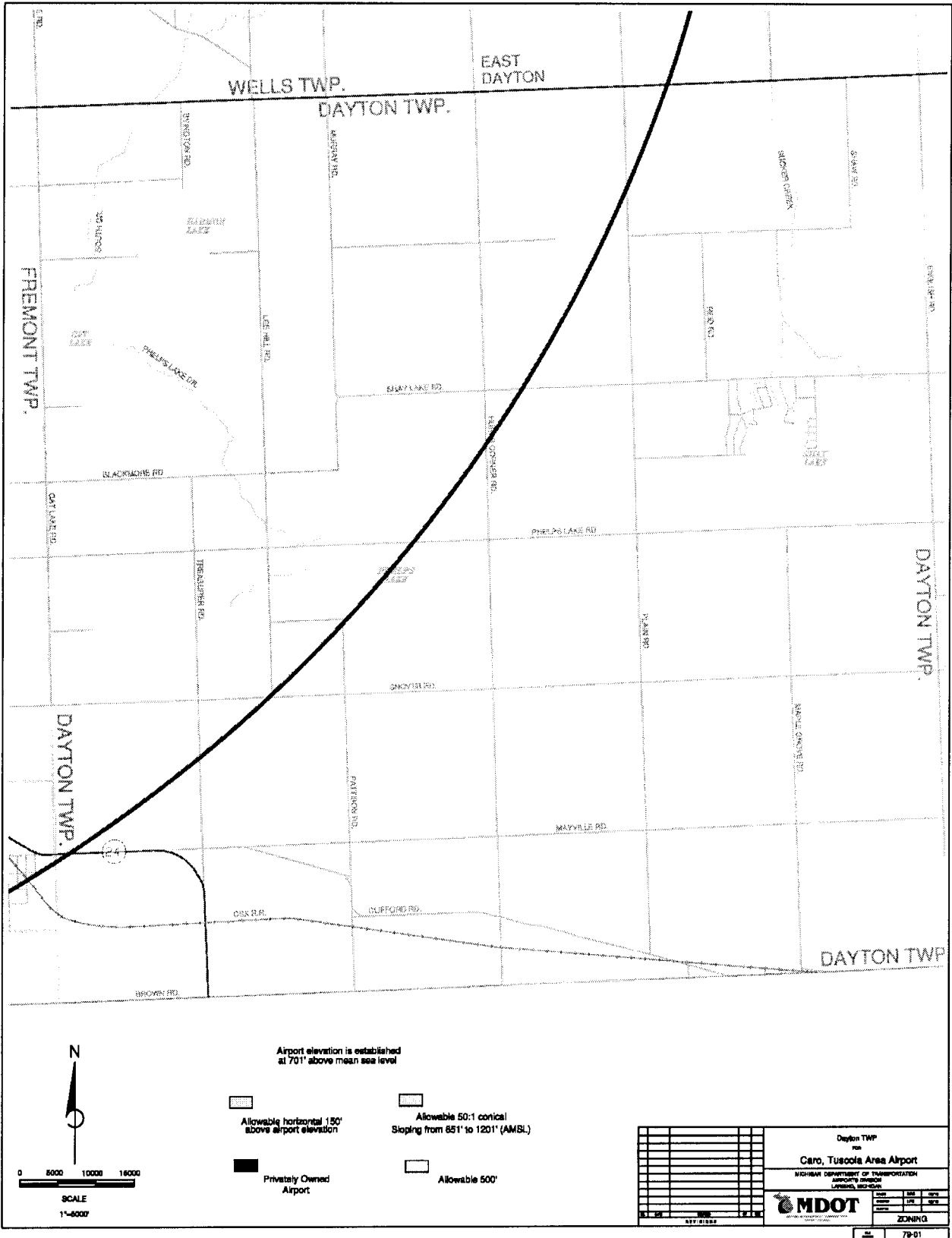
ALMER TOWNSHIP



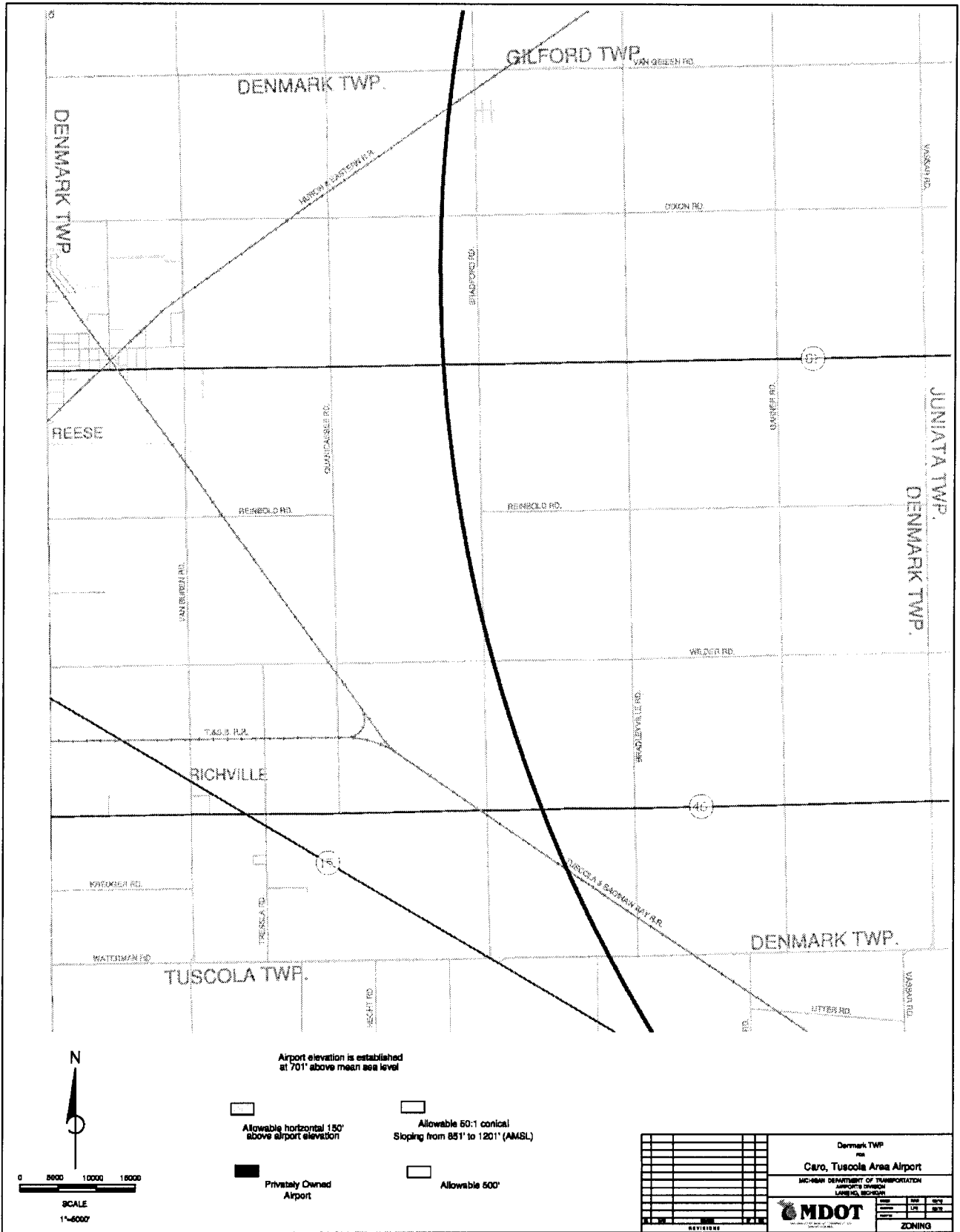
COLUMBIA TOWNSHIP



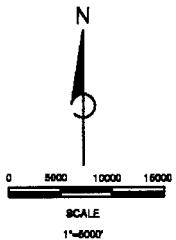
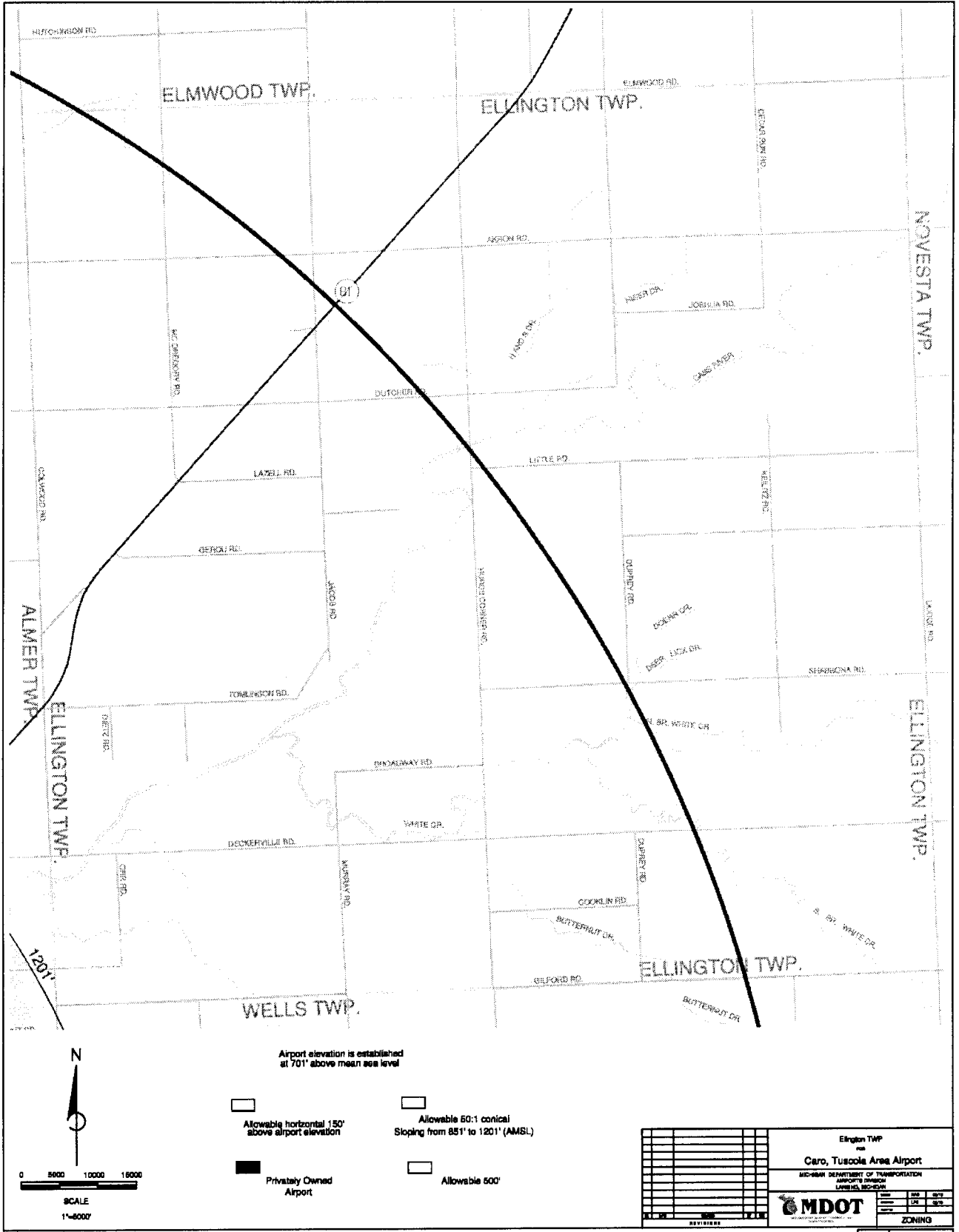
DAYTON TOWNSHIP



DENMARK TOWNSHIP



ELLINGTON TOWNSHIP



Airport elevation is established at 701' above mean sea level

Allowable horizontal 150' above airport elevation

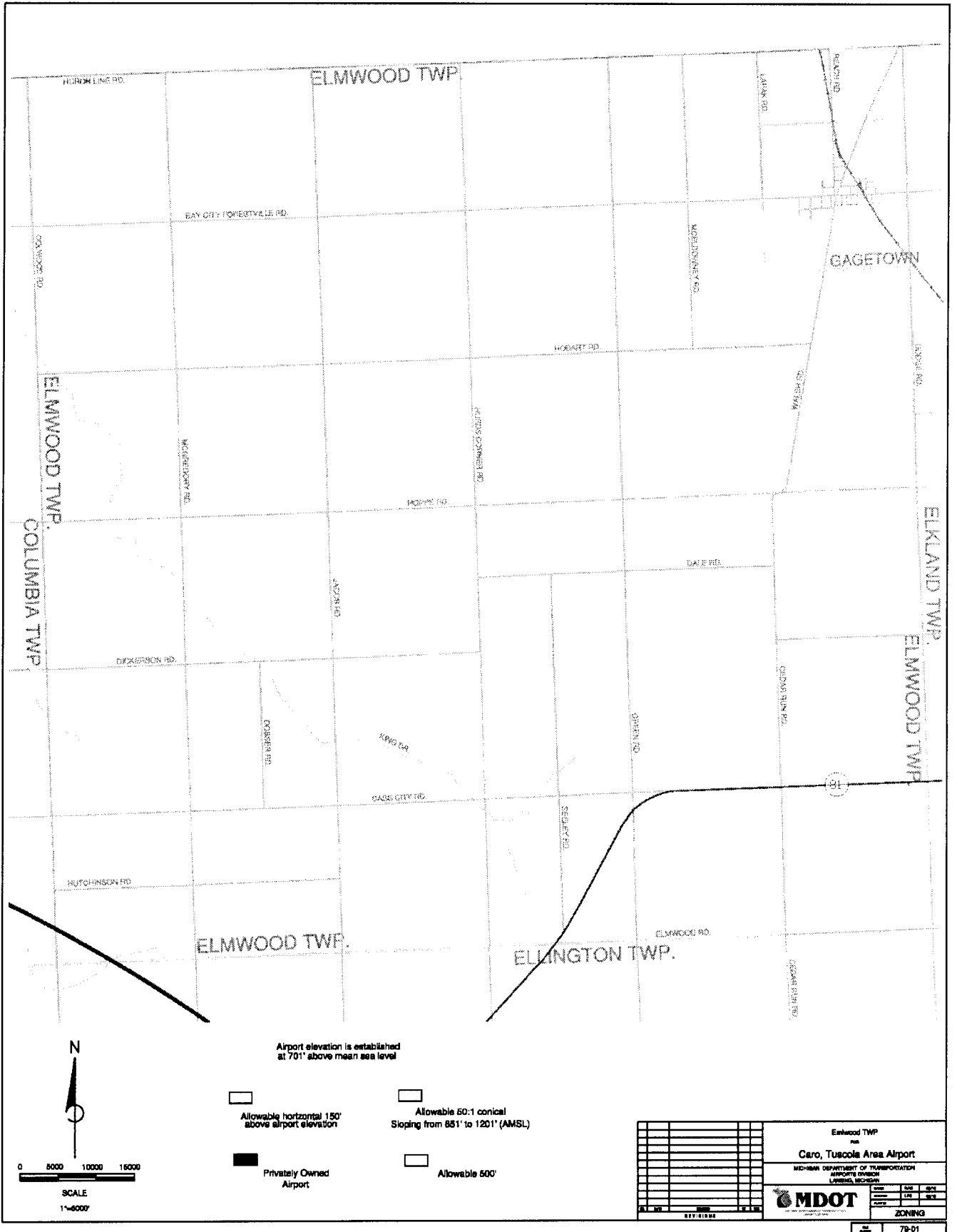
Privately Owned Airport

Allowable 50:1 conical Sloping from 85' to 120' (AMSL)

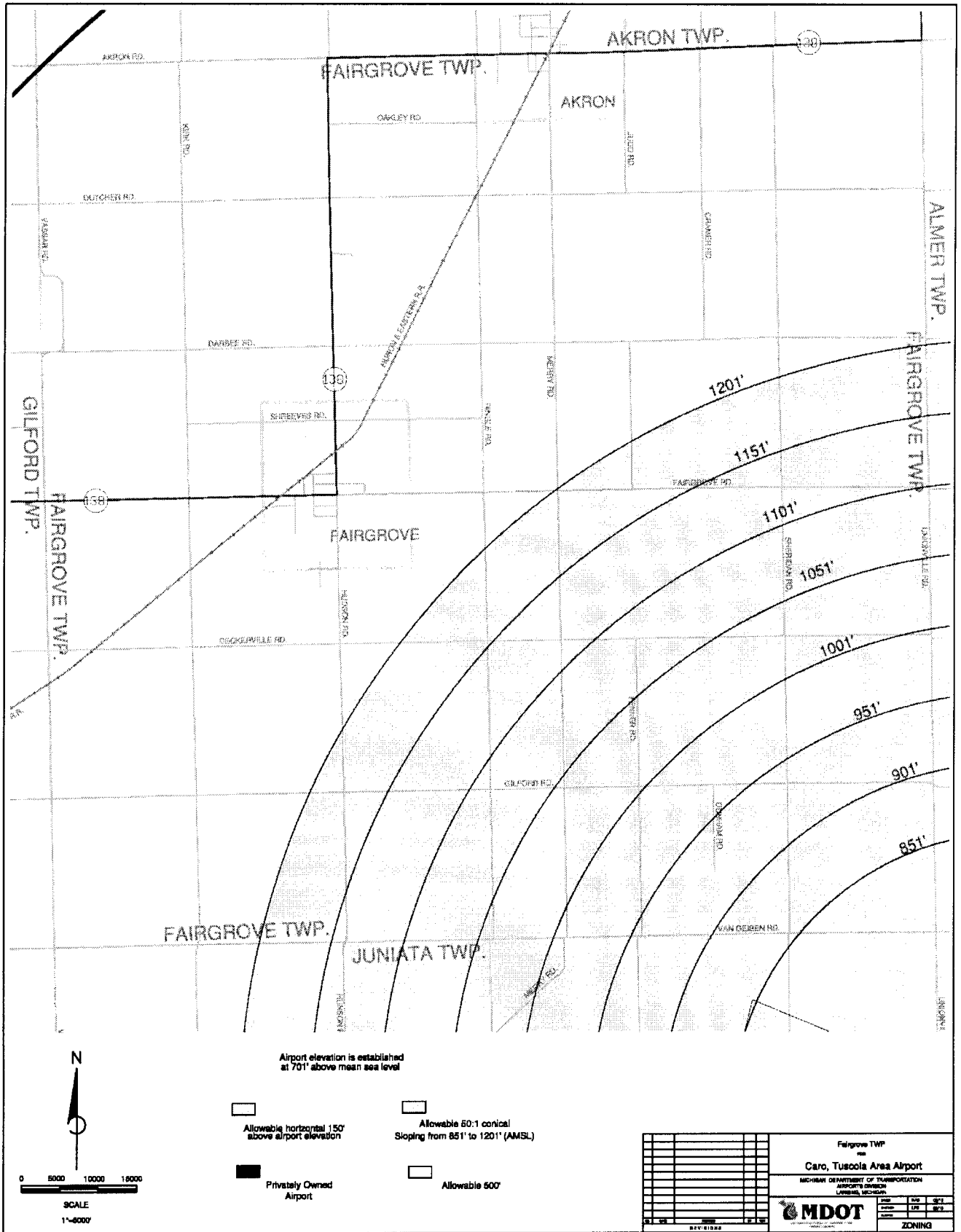
Allowable 50'

Ellington TWP and Caro, Tuscola Area Airport MDOT DEPARTMENT OF TRANSPORTATION AIRPORTS DIVISION LAWRENCE, MISSOURI 	
SHEET NO. 79-01	ZONING

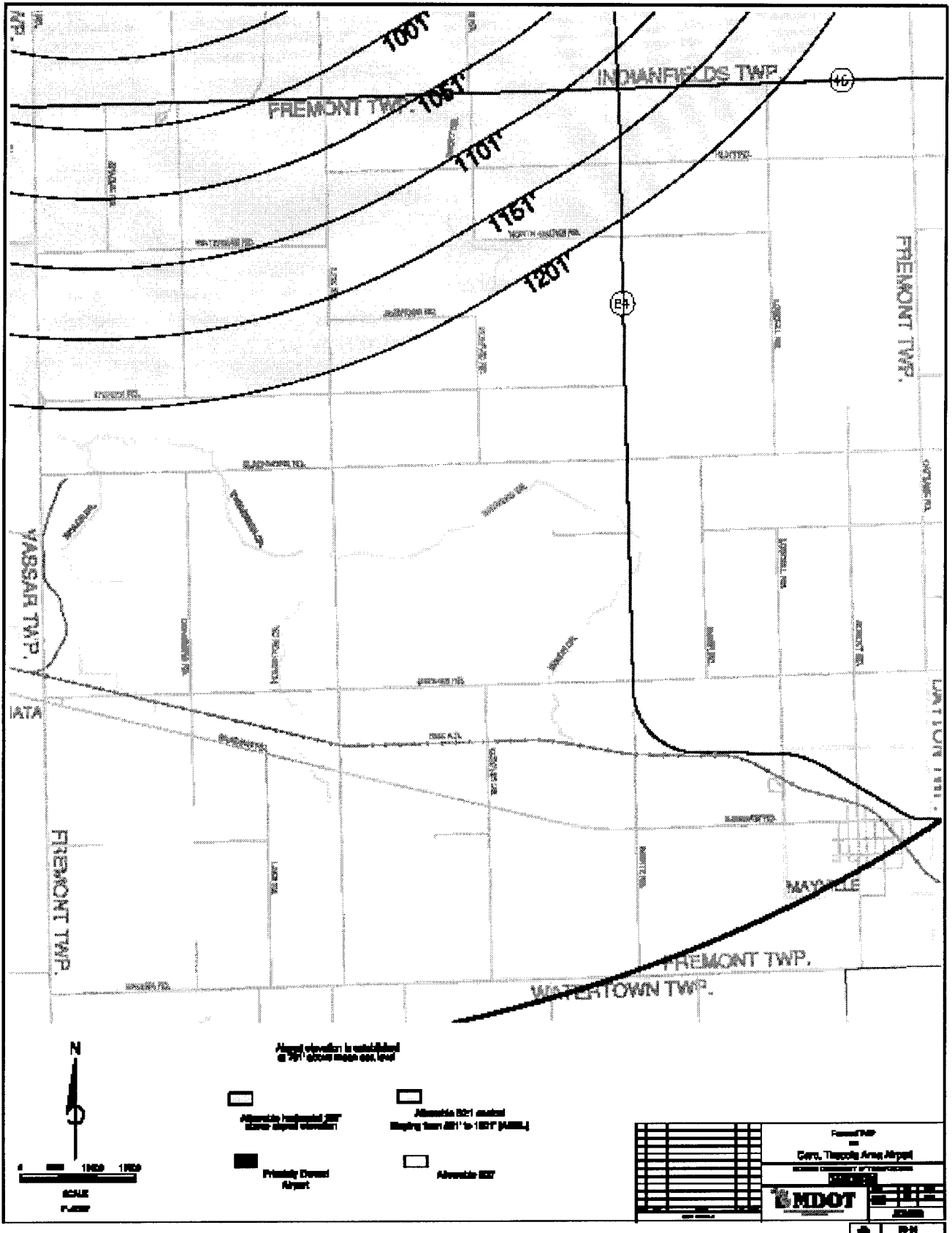
ELMWOOD TOWNSHIP



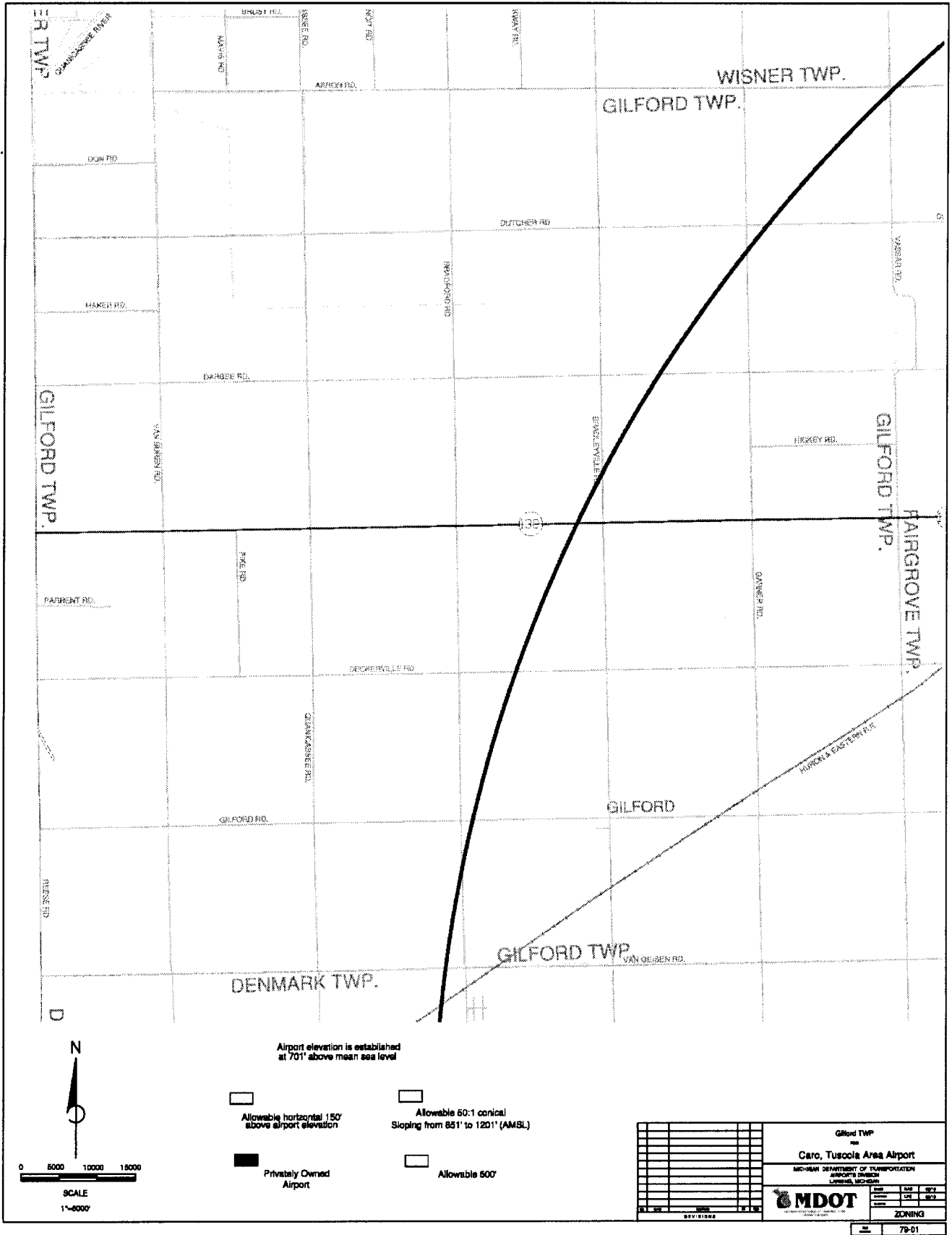
FAIRGROVE TOWNSHIP



FREMONT TOWNSHIP



GILFORD TOWNSHIP



Airport elevation is established at 701' above mean sea level

Allowable horizontal 150' above airport elevation

Privately Owned Airport

Allowable 60:1 conical Sloping from 851' to 1201' (AMSL)

Allowable 600'

NO.	DATE	BY	DESCRIPTION

Gilford TWP
 Caro, Tuscola Area Airport
 MICHIGAN DEPARTMENT OF TRANSPORTATION
 AIRPORTS BRANCH
 LANSING, MICHIGAN

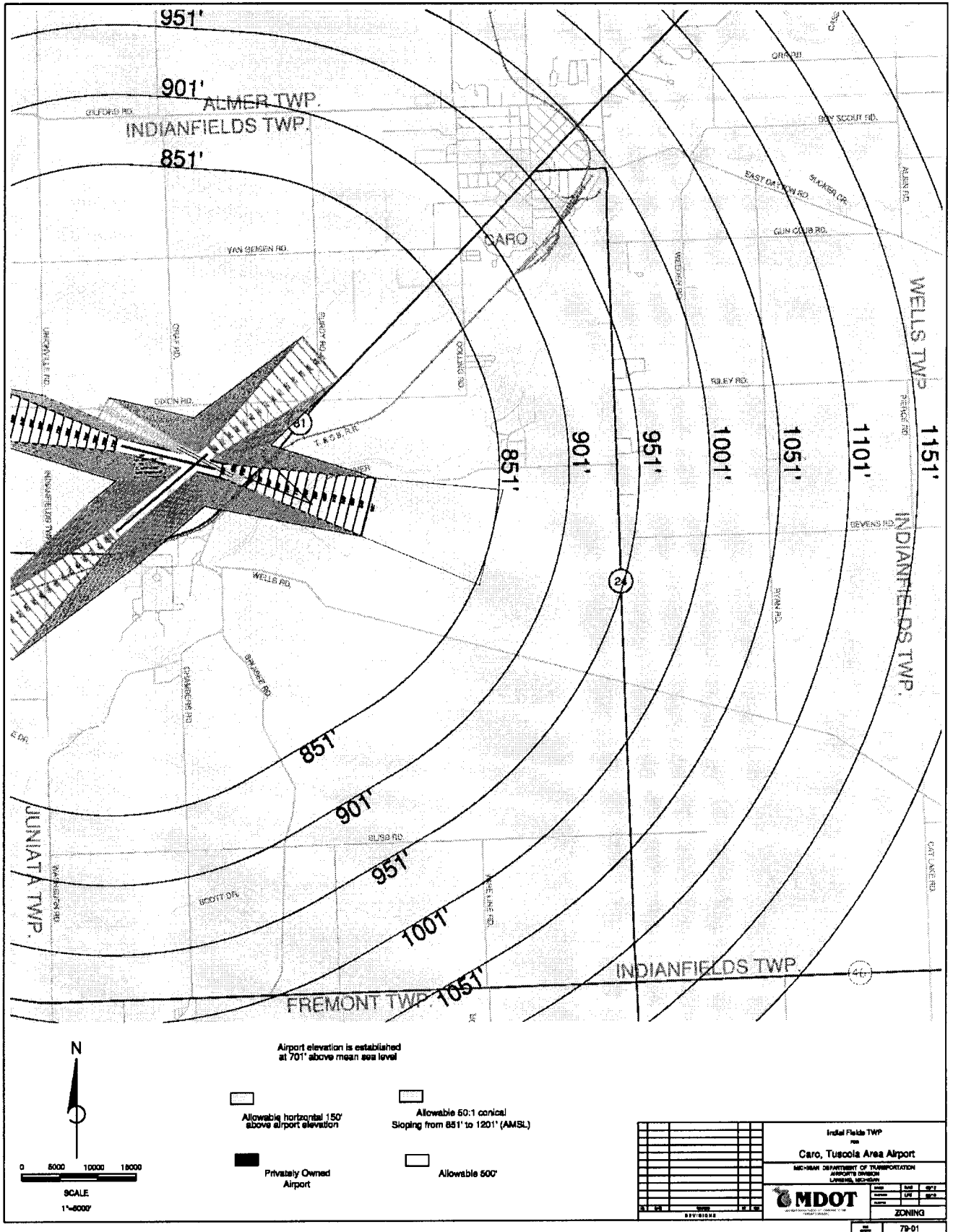
MDOT

DATE	BY	APP'D

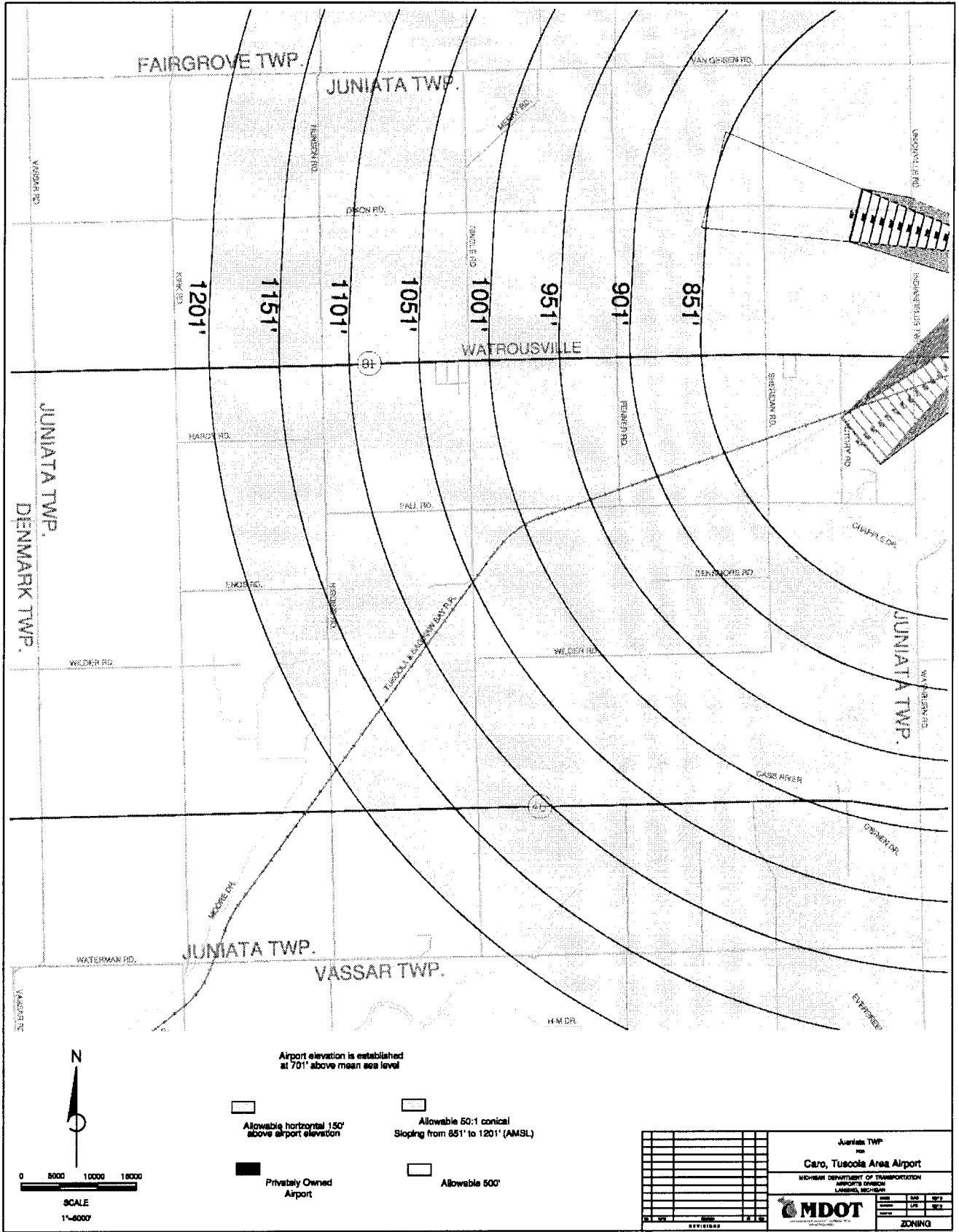
ZONING

79-01

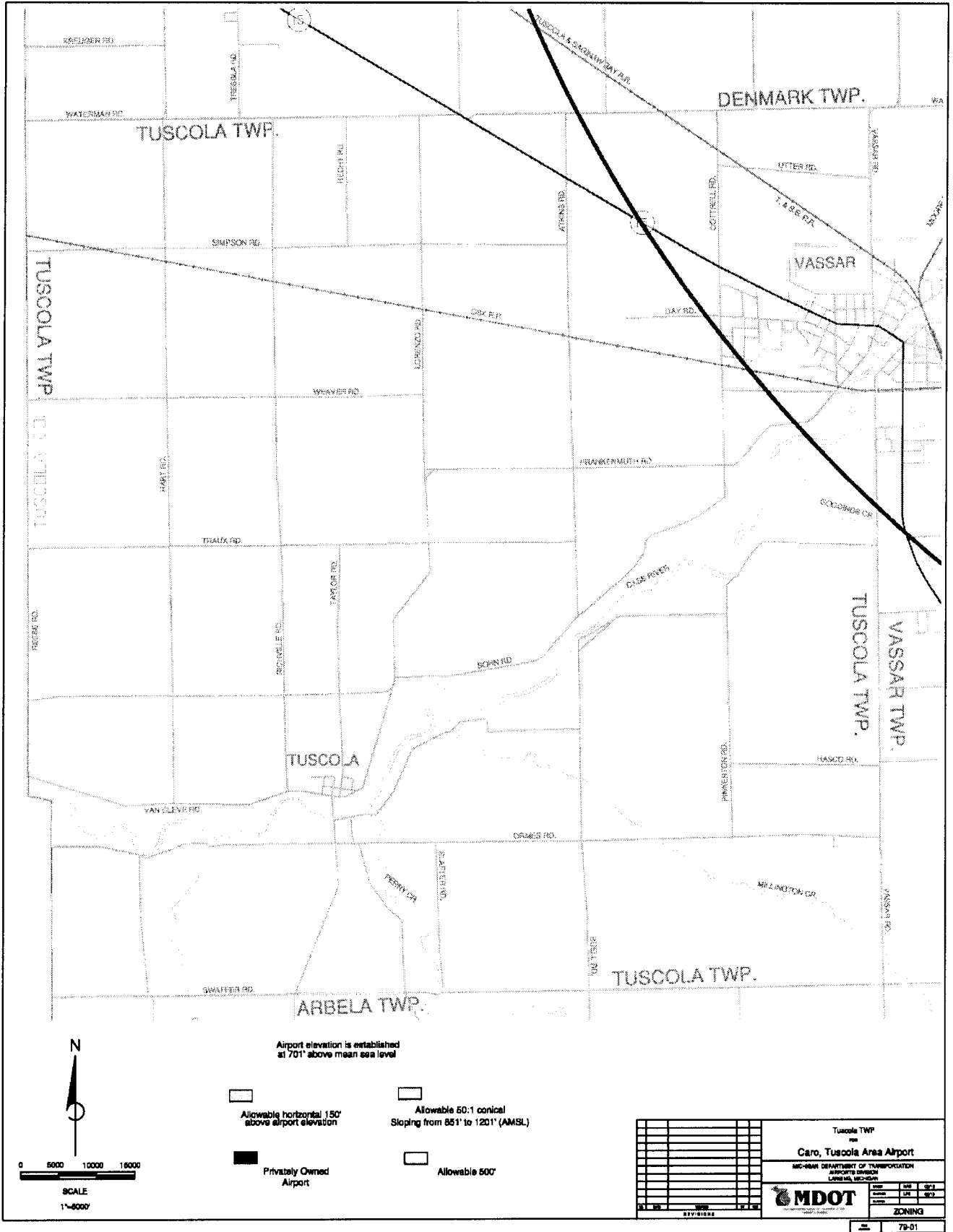
INDIANFIELDS TOWNSHIP



JUNIATA TOWNSHIP








TUSCOLA TOWNSHIP



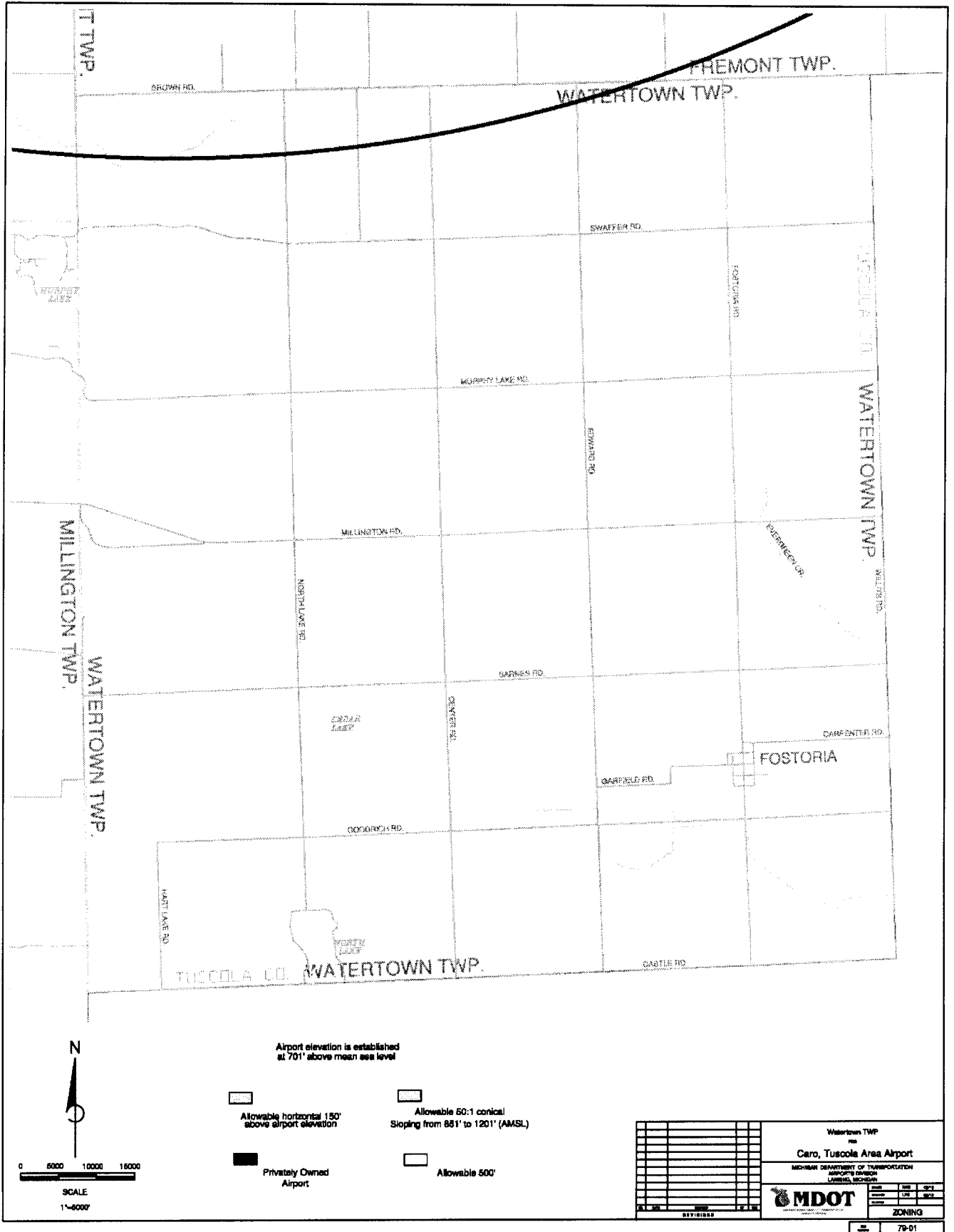
0 5000 10000 15000
SCALE
1"=6000'

Airport elevation is established at 701' above mean sea level

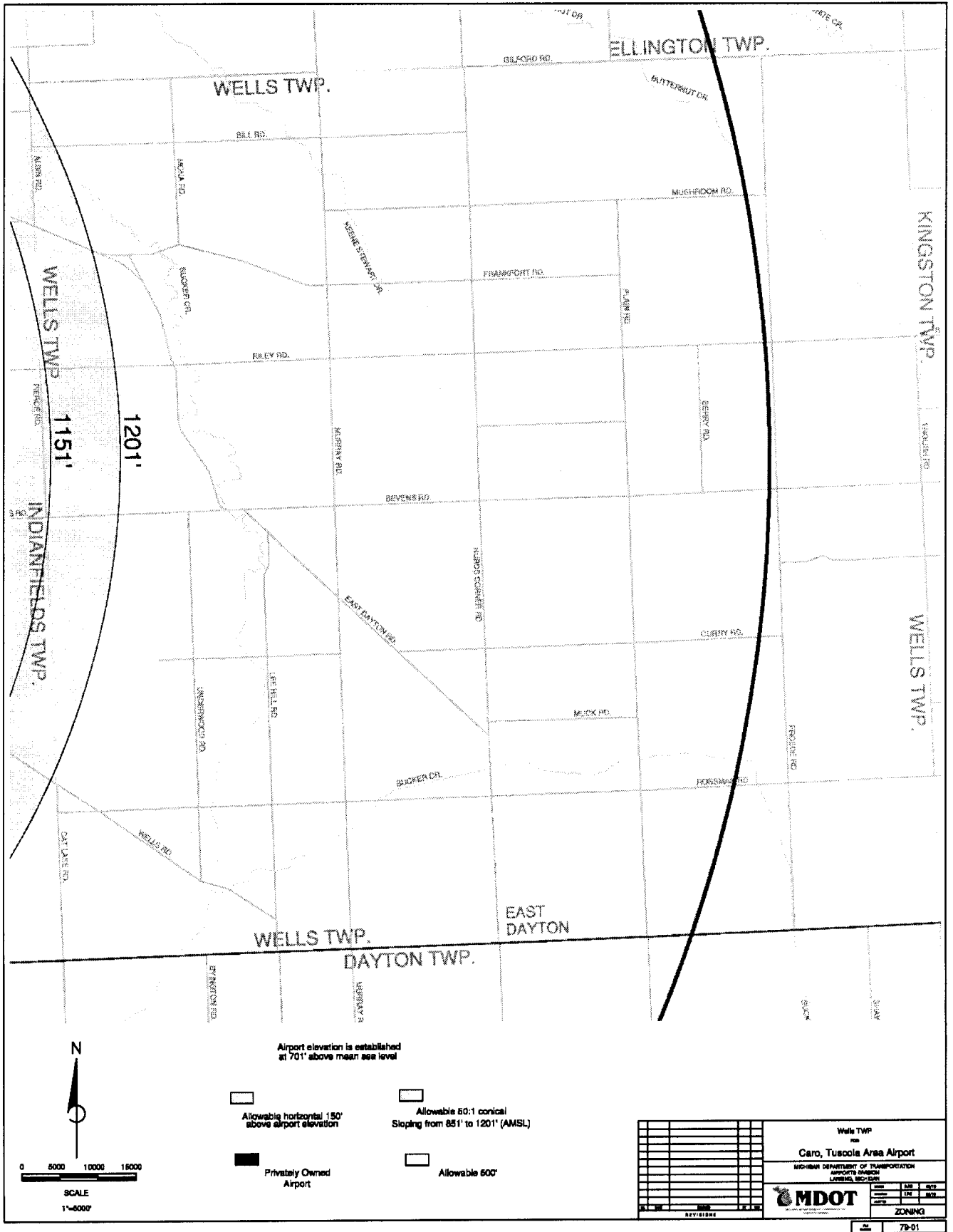
-  Allowable horizontal 150' above airport elevation
-  Privately Owned Airport
-  Allowable 60:1 conical Sloping from 651' to 1201' (AMSL)
-  Allowable 500'

Tuscola TWP	
Caro, Tuscola Area Airport	
MICHAEL DEPARTMENT OF TRANSPORTATION AIRPORTS BRANCH LANSING, MICHIGAN	
	
ZONING	
79-01	

WATERTOWN TOWNSHIP



WELLS TOWNSHIP





Theron W. Atwood, Sr., Post No. 7

Department of Michigan



Meetings On The First
Tuesday Of Each Month

110 W. Frank Street, Caro, Michigan Phone 673-0643

July 8, 2010

To: Tuscola County Board of Commissioners

From: Theron W. Atwood, Sr.
American Legion Post No. 7
Caro, Michigan

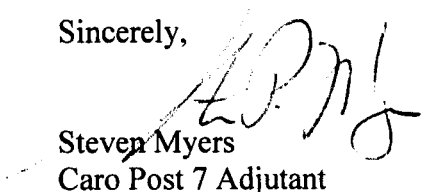
Re: Permission to conduct military honors at the Tuscola County Courthouse Veteran's Memorial on Aug 7th, 2010

The American Legion post 7 has been asked by the Caro Farmers Market committee to conduct a flag etiquette presentation as part of their Saturday morning activities. The post is more than honored to participate in this community event and would like to expand the flag etiquette presentation to include a presentation in military honors. The post is asking permission to conduct these presentations along with military honors with a rifle volley and taps at the conclusion of the presentations at the veteran's memorial on the courthouse lawn.

Even though the event will be held on a Saturday morning, the legion officers are well aware of recent events at the courthouse and deem it necessary and important to ask the commissioners permission and to let everyone be well informed first before the post brings any rifles to such an event at the courthouse.

The members of the American Legion Post 7 strongly wish that the commissioners consider and approve this request. Point of Contacts for this event will be Steven Myers and Ron Weippert. They can be reached at (989) 673-0643.

Sincerely,


Steven Myers
Caro Post 7 Adjutant

copy: Caro Farmers Market Committee

TUSCOLA COUNTY COASTAL NEEDS ASSESSMENT DRAFT
A PROJECT FUNDED BY MDNRE'S LAND AND WATER MANAGEMENT DIVISION

End of Project Report:

Project Title Tuscola County Coastal Needs Assessment

Jurisdiction Tuscola County

Project Manager Anamika Laad, Regional Planner, ECMPDR &
Zygmunt Dworzecki, Chair, Tuscola County Parks & Recreation

Project Description

The project is a part of the community goal of making Tuscola County a destination for promotion of tourism, coastal natural resource preservation and economic development. Tuscola County board and planning commission along with all the citizens desire to have better options for its existing businesses in order to provide better planned recreational facilities. The County plans to work towards achieving the common goal of economic development and better quality of life by opening the avenues of tourism and recreation to the visitors and local County residents.

M-25 Highway crosses through the northern part of the County. It runs parallel to the shoreline. It is the major route of access to the Thumb Counties. We desire to have a designation of the Heritage Route on M-25 due to the recreation options available within the area it passes through. Tuscola County relies largely of the travelers of M-25, M-81 & M-15 for outside tourism. The County is rich in natural wetlands, rare species of plants and birds. It is also a fishing (all season) destination for locals as well as visitors. The resources of the County are underutilized and in many cases not explored. This leads to avoidance and loss in business due to ignorance/less awareness. Increased analysis and awareness is thus deemed necessary.

Another problem that the County faces is insufficiently developed coastal access points. There are several existing marinas and lodges that are not very popular due to lack of basic infrastructure. They also need clarification on rules and regulations in order to be developed to their full capacity. A Needs Assessment of these aspects will put County in a position to allow their development and surrounding areas. It is the desire of this study to start the first phase of the analysis to collect, analyze and present the options available for the existing public shoreline access within the County shoreline with specific economic, infrastructure and regulations analysis.

Essential Elements of the project

1. Physical and Infrastructure Analysis

- Collect a detailed consolidated inventory of the facilities and services provided at the existing shoreline access points to the Saginaw Bay.
- Collection of data and maps from the related agencies
- Collection of transportation options and conditions
- GIS mapping of the inventory and the analysis
- Public comment/input

2. Economic Analysis

- A detailed public participation program of the business owners and landowners in the area.

3. Development Regulation Analysis

- a. A detailed collection and analysis of the rules and regulations from MDEQ, MDNR and other related entities that affect or can aid in development of the sites to their full potential.
- b. Public comment/input

4. Final Recommendations

- a. Develop a set of recommendation for the County and the businesses to aid in development of the sites to their full potential resulting in increased recreational options for the visitors.
- b. Public comment/input

Relationship to local and regional projects

This project is the Phase I of the larger County analysis project for needs assessment. The desires to do detailed land use analysis of all the properties on the shoreline and this project will serve as an element of coastal assessment.

Also the Saginaw Bay region is working towards making recreation opportunities and other coastal amenities accessible to the visitors. A detailed road-end analysis is being planned for the Bay area and this project with its analysis will very effectively merge with its outcomes and research to further the initiative. It will serve as an example to other counties for the type of infrastructure and developmental analysis needed for development and preservation of coastal assets and properties.

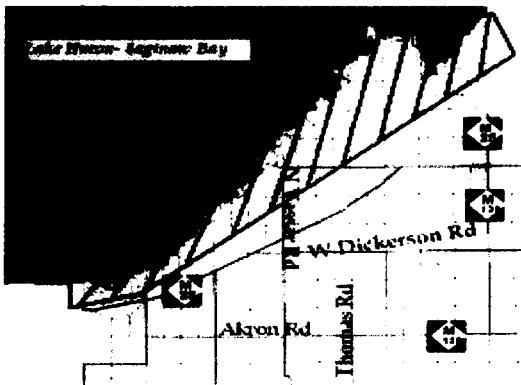
TUSCOLA COUNTY COASTAL NEEDS ASSESSMENT DRAFT
A PROJECT FUNDED BY MDNRE'S LAND AND WATER MANAGEMENT DIVISION

Schedule of completion

Physical and Infrastructure Analysis (Mapping)	Jan-Mar 2009
Economic Analysis-public participation	Mar-May 2009
Development Regulation Analysis (MDEQ, MDNR and other)	June-Sept 2009
Public comment/input sessions	Oct-Nov 2009
Recommendations	Dec 2009
Preparation of Report	Jan 2010
Additional information or feedback	Feb 2010
Project Completion with extension	June 2010

Geographic Study Area

The project analyzed the shoreline of Tuscola County that extended in the two coastal townships of Wisner and Akron.



Tuscola County

Project Location Map: County Coastline



Prepared by:



TUSCOLA COUNTY COASTAL NEEDS ASSESSMENT DRAFT
A PROJECT FUNDED BY MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION

Please see the plats for the two townships below:



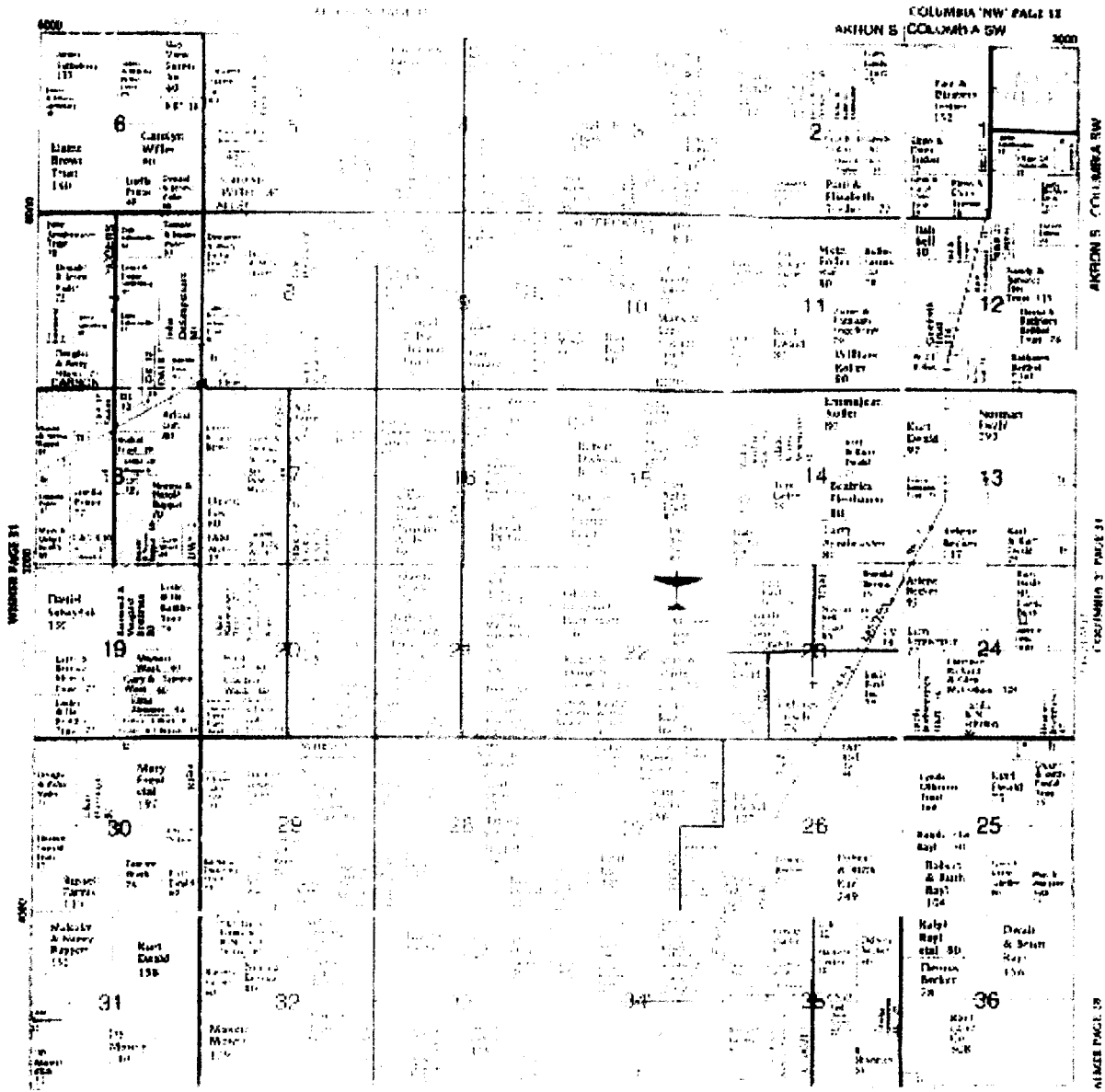
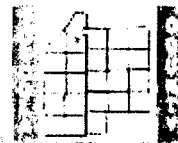
© Farm & Home Publishers, Inc.



TUSCOLA COUNTY COASTAL NEEDS ASSESSMENT DRAFT
 A PROJECT FUNDED BY MICHIGAN LAND AND WATER MANAGEMENT DIVISION



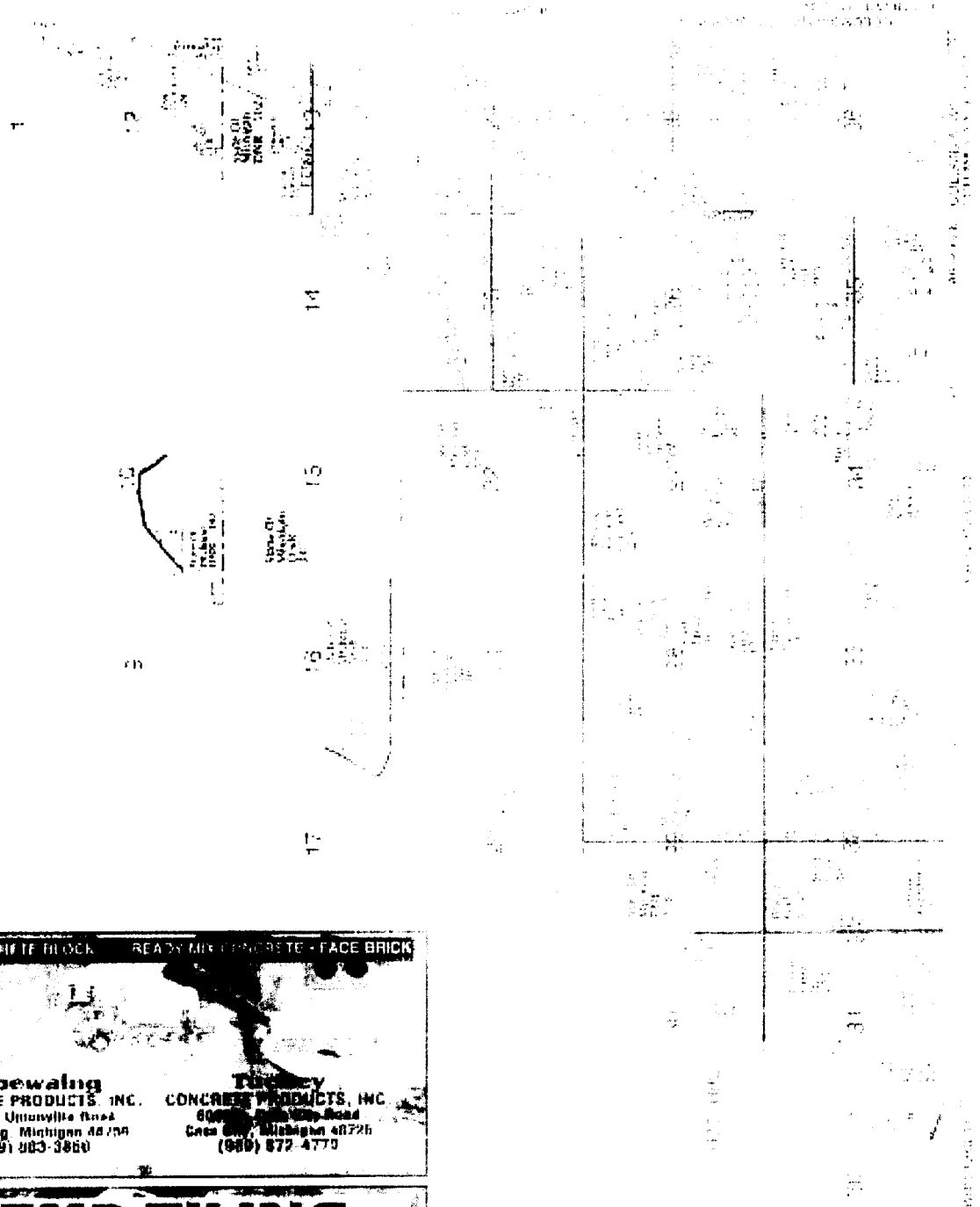
© Farm & Home Planning, Inc.



TUSCOLA COUNTY COASTAL NEEDS ASSESSMENT DRAFT
 A PROJECT FUNDED BY MDNR'S LAND AND WATER PLANNING AND DIVISION



© 1998, James P. Robinson, Ltd.



QUALITY CONCRETE BLOCK	READY MIX CONCRETE - FACE BRICK
<p>Sebewalng CONCRETE PRODUCTS, INC. 8582 S. Uttonville Road Sebewalng, Michigan 48708 (989) 883-3880</p>	<p>Tuscola CONCRETE PRODUCTS, INC. 8000 S. Park Road Cass City, Michigan 48726 (989) 872-4779</p>

KEMP TILING COMPANY INC.

Public Outreach Session

**At: Thomas Marina, 5066 Thomas Rd,
Unionville, MI 48767**

**Date: June 9th, 2009
Time: 5:30pm-7:00pm**

YOU ARE INVITED

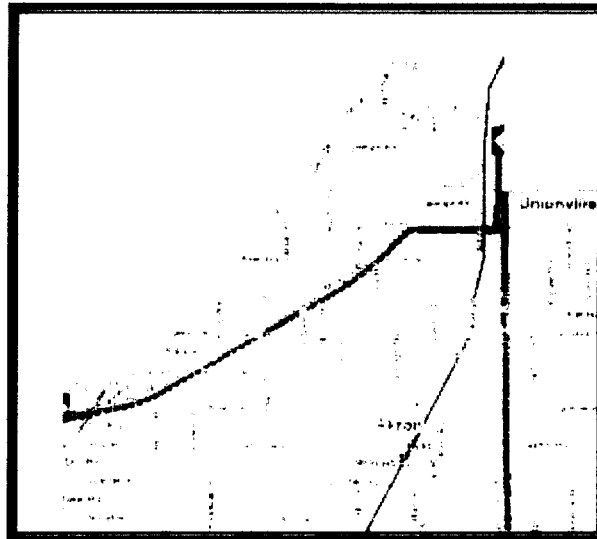
Public Outreach Session
Tuscola County Coastal Needs Assessment

If you

- ◆ Are a resident or a visitor of the shoreline
- ◆ Interested in Economic Development of the County.
- ◆ Interested in making your voice heard in public decisions
- ◆ Know what you want to see on your county shoreline.
- ◆ Have ideas about development or public access.

Then....

Come join us in discussing the existing conditions and future options for the county coastal economic growth.



Experts from Michigan Department of Environmental Quality (MDEQ), Michigan Department of Natural Resources (MDNR) & MI Sea Grant will be present to answer questions.

Refreshments will be served.

Contact person:

**Cy Thomas- 989.225.7583
Zygmunt Dworzecki- 586.246.8085**

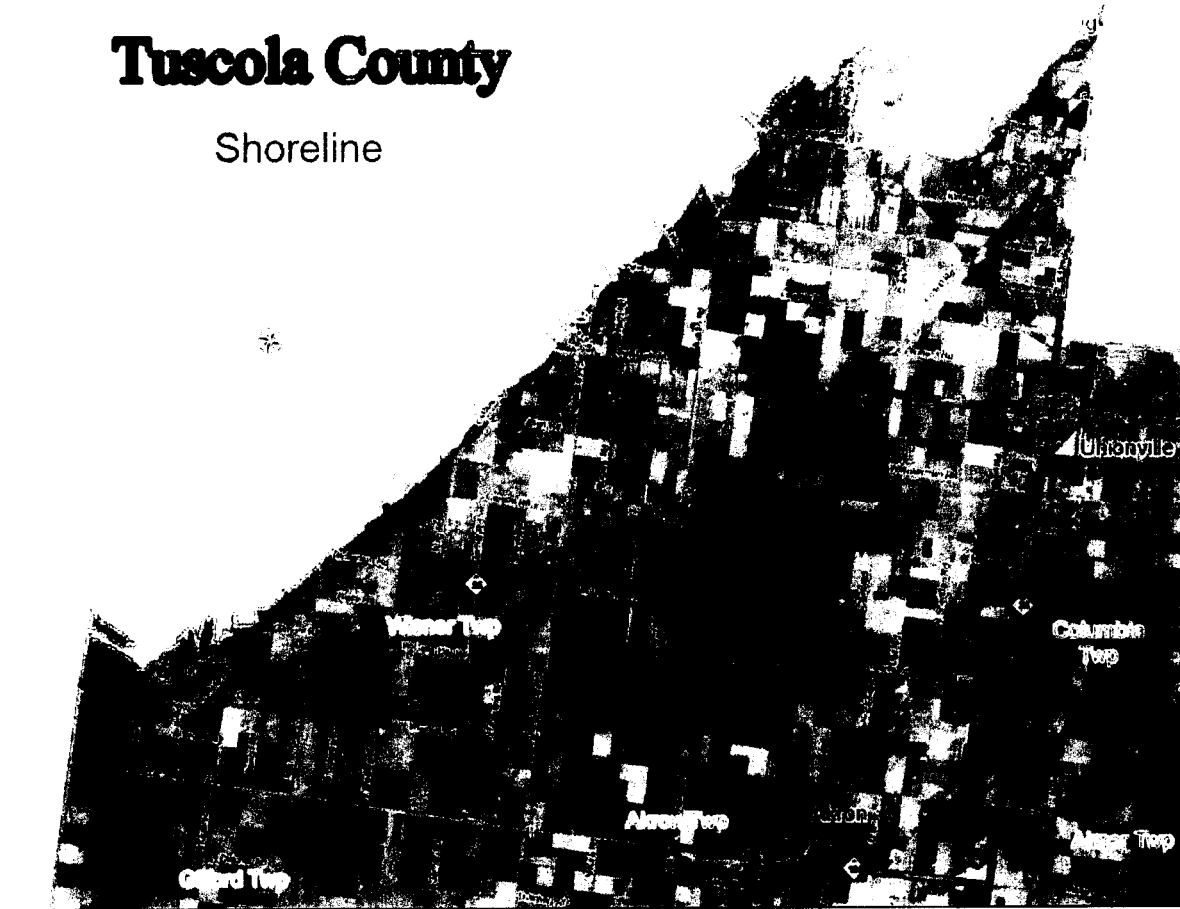
Coordinated by: Anamika Load



**East Central Michigan Planning & Development
Regional Commission**
3144 Davenport Avenue, Ste 200, Saginaw, MI 48602

Tuscola County

Shoreline



Public

Outreach Session Recommendations:

[REDACTED]	
2. Expansion of Quanicassee public access	3
3. Quanicassee Bridge alternate route	3
4. Restaurants, hotels on M-25 or close by	19
5. More public access to the Bay viewpoints & Parking	3
a. Allen Rd	4
[REDACTED] / Bath Rd	[REDACTED]
d. Van Buren Rd	2
e. Old State Rd	6
[REDACTED]	
7. Snowmobile Trail	21
[REDACTED]	
9. Trails all types Hike/Equestrian/water/nature	22
10. Rail Grade in Essexville to Akron in to Train	7

TUSCOLA COUNTY COASTAL NEEDS ASSESSMENT DRAFT
A PROJECT FUNDED BY MDNRE'S LAND AND WATER MANAGEMENT DIVISION

Committee Analysis:

Following the Public Outreach Session, the Committee members met several times to discuss the session recommendations. Analysis of these and other options for coastal preservation and development was done. Land use and zoning analysis was done with the help of local enthusiasts that studies County Master Plan and looked at the growth of areas on the shoreline. Majority of the shoreline fell under the Environmentally Significant Area as per the MDNRE wetland categorization. Also, a major portion of the shoreline is owned by MDNRE as State Game areas. Any further development on the shoreline will involve them as a major player. Road-ends were analyzed in detail with the help of local Road Commission staff. Please find the detail attached in appendix. Extension of water system from Bay County into portions of Wisner and Akron Townships will play a major role in the development, growth and hence preservation of the coastal area in the near future.

Final Recommendations from the Tuscola County Coastal Needs Assessment:

These are recommendations for local businesses, local elected officials and local units of government to promote better natural coastal resource preservation and economic development in Tuscola County cherishing its existing assets. This includes working with local land use plans, zoning ordinances and other local regulations that may effect the development and growth of the local assets.

- 1. Work on marketing its public recreation opportunities like campgrounds, marinas and parks.**
 - a. To work on promoting tourism within the County and nearby areas
 - b. To educate and market local assets online and through other modes of communication to a greater audience.
 - c. To prepare publicity package and provide to different local groups and tourism related organizations.
 - d. To work with local schools to spread awareness about local assets and outdoor activities which includes existing projects, local groups and events.

- 2. Work towards shoreline preservation through Phragmites mapping, control and management.**
 - a. To be aware of issues related to shoreline deterioration.
 - b. To work with agencies active in this issue to know more about local solutions.
 - c. To teach citizens methods of controlling 'Keep from coming back' their shoreline while maintaining the natural environment in its best possible original state.
 - d. To work with Ducks Unlimited in the future on the findings of their current project related to Phragmites control and mapping under GLRI. For E.g. Anchor Bay Project on Lake Huron in Macomb and St. Clair counties. It is a project progressing in partnership of Ducks Unlimited and MSU Sea Grant office for local education, awareness and treatment of Phragmites.

- 3. Work towards getting potable water on M-25 into north end of Tuscola County through Bay County boundaries.**
 - a. Stay abreast with local concerns and efforts of water extension in the county on M-25 into Akron Township.
 - b. Educate and spread awareness about every aspect of local liabilities, taxes, pros and cons of any such effort.
 - c. Coordination between the consultants and every local unit of government on this issue. Village of Akron will be updating the water system in the near future.

- 4. Work towards maintaining and more public access to the Bay viewpoints on suggested road-ends:**
 - Akron Township:** W Caro Street, Cottage Drive and Berger Road
 - Wisner Township:** Bath Road, Allen Rd-Canoe, King Rd-Foot Access

(Please see attached details and Road-end chart for more information)

 - a. To closely work with County Road Commission on the issue of road ends.
 - b. To study the suggested road ends further in details and work on additional maintenance, as needed.
 - c. Select Road ends for designated accesses to prevent additional nuisance to the neighbors.
 - d. To properly designate access points with parking facility to avoid any lawsuits or public inconvenience.

- 5. Work on bringing more commercial public service businesses like Hotels and Restaurants to M-25**
 - a. To work with local Economic Development Commission to promote and bring in more businesses to M-25.
 - b. To work with local business owners on M-25 on issues of their concern.

- 6. Promote all types of Trails (Hike/Bike/Equestrian/Water) in the shoreline areas and throughout the county.**
 - a. Work with MDNRE on creating more trails through the shoreline areas rich in natural vegetation. For e.g.: State Game Area on Monroe County has trails that are seasonal and for hunter's only during hunting season. They are very widely used by all types of local nature enthusiasts throughout the year.
 - b. To work with MDNRE on creation shoreline boardwalk or related amenities.
 - c. To be aware of the environmentally significant areas and plan for preservation.

- 7. Work with local enthusiasts on detailing the design, location and liability issues on proposed offshore Snowmobile Trail**
 - a. To work closely with MDNRE and local units on trail project and/or options.
 - b. To work with local Trail groups to promote and protect the shoreline.
 - c. To work with local and regional snowmobile clubs for development and promotion
 - d. To review examples like Mackinaw snowmobile club for proper implementation and development of the trail.

8. **Work with local MDNRE, MDOT and Road Commission staff to development of the following suggested projects:**
- a. **Garner Rd** site (under MDNRE ownership) for public lake access and coastal wetland restoration. Staff has detailed the location and is ready to be applied for funding. It has tremendous potential for Boat Launch, Fishing, Wildlife viewing, Wetland creation, Shoreline preservation and other related activities.
 - b. **Kirk Rd** (under MDNRE ownership) is currently used by fisherman for boat launch with cemented boat launch in place. It is all gravel space next to the canal with a clear view of the bay approximately half mile away. It has sufficient area for parking, cul-de-sac and also connects to a maintained MDNRE parking lot through a hiking trail onto Austin & Gotham Road intersection.
 - c. **Austin Rd & Gotham Rd** intersection road end is currently used by fisherman, duck, mushroom, squirrel, and other hunters, hikers and wildlife viewers. It has a potential for development and cleaning up of the canal.
 - d. **Bath Rd** ends into the Bay through Vanderbilt Park. It has tremendous opportunities for recreational development of all kinds. It is already a pint of entry on Tip of Thumb Heritage Water trail system.

TUSCOLA COUNTY COASTAL NEEDS ASSESSMENT DRAFT
 A PROJECT FUNDED BY MDNRE'S LAND AND WATER MANAGEMENT DIVISION

Following **analysis of the road-ends** is solely based on windshield survey. Detailed research needs to be done to decide final recommendations for any of the following locations.

Road Ends at Saginaw Bay							
AKRON TWP							
Rd Name	Twp	Surface Type	Turn-Around Type	Width	View of Coast	Notes	Potential Access
Bay Park Rd	Akron	Gravel	Private Driveway		No	Private driveway follows alongside county drain to bay beyond county jurisdiction.	Ownership Issues
Bay St	Akron	Gravel	Private Parking Lot		Yes	Road ends at private property alongside county drain.	No
Slocum St	Akron	Gravel	None		Yes	Road acts as a driveway for residential houses.	No
W Caro St	Akron	Gravel	None		Yes	Two tracks extend beyond pavement into flood plain of bay.	Yes
N Vassar Rd	Akron	Asphalt	None		Yes	Ends at flood plain of bay.	Yes
Loomis Rd	Akron	Asphalt	Partial Cul-De-Sac		Yes	Ends at Sunset Marina. Private road extends beyond county jurisdiction to service marina and campground.	Privately Yes
Sunset Dr	Akron	Gravel	Circle Drive		Yes	Private houses and property stretch across entire circle drive.	Ownership Issues
Austin Rd	Akron	Gravel	Intersection		No	Intersection with private property on either side. Private gate and fencing exist across northern road edge.	No
Seagull Ave	Akron	Gravel	Private Parking Lot		Yes	Ends at marina and salvage yard.	No
Thomas Rd	Akron	Gravel	Intersection		No	Intersection with private property on either side.	No

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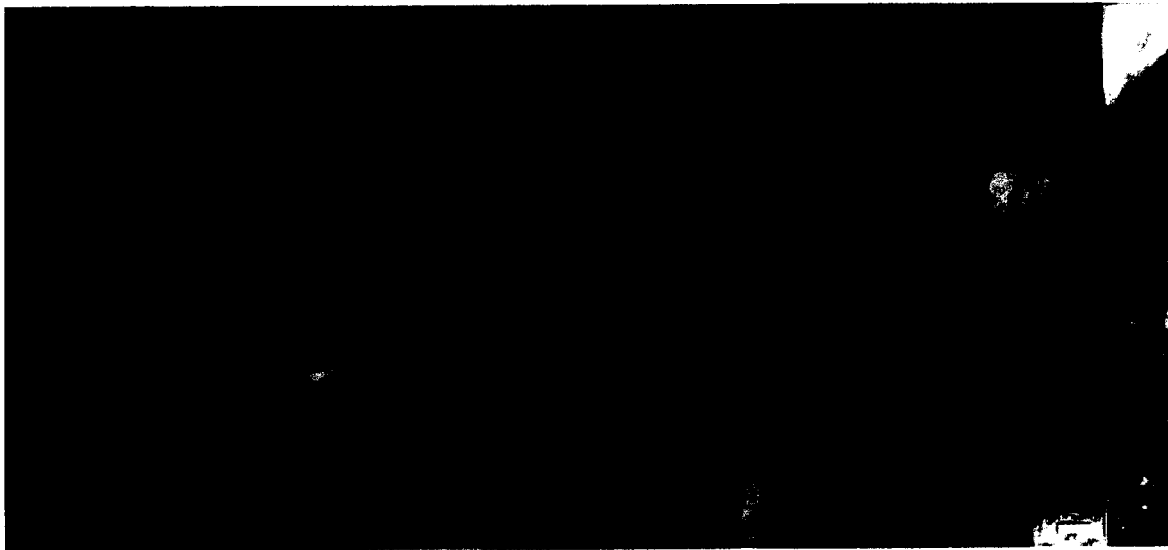
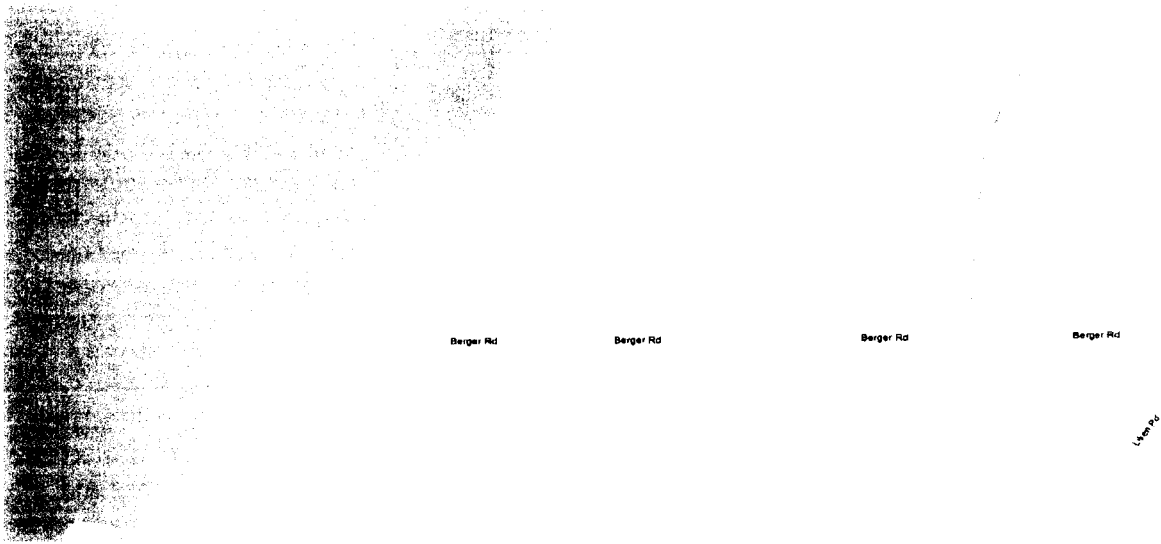
Cottage Dr	Akron	Gravel	Cul-De-Sac		Yes	Road empties out into flood plain of bay.	Yes
N Ringle Rd	Akron	Gravel	Private Parking Lot		Yes	Road turns into private road for cottages. Marina and boat launch at end of county jurisdiction.	Yes
Clark Rd	Akron	Asphalt	None		No	Private driveway extends beyond intersection. Private gate exists across driveway.	Ownership Issues
Wildner Rd	Akron	Asphalt	None		No	Turns into private two track beyond county jurisdiction. Marked no trespassing.	No
Berger Rd	Akron	Gravel	Cul-De-Sac		No	Cul-de-sac exists at road end.	Yes
Myers Rd	Akron	Gravel	None		No	Private driveways extend at road end. Marked as private.	No
WISNER TWP							
Rd Name	Twp	Surface Type	Turn-Around Type	Width	View of Coast	Notes	Potential Access
Barney Dr	Wisner	HMA	None/DNR Launch Site		No	Access to N Quanicassee River via DNR boat launch site 1/4 prior to road ending. Paved parking lot, benches, nice. Actual road ending does not provide access or a turning point.	Already Exists
Lindy's Marina	Wisner	Private Driveway	Private Property		No	Private marina already provides access to the N Quanicassee River. Development may have greater potential with property owner.	Already Exists Privately
Owen Rd	Wisner	Gravel	None		Yes	Many private homes closely constructed along canal to N Quanicassee River. No access or turning point at road ending.	No
Willett Rd	Wisner	HMA	Not a Road Ending		No	Undeveloped property along northern road edge may have potential for access and/or development leading to the Saginaw Bay.	Yes

TUSCOLA COUNTY COASTAL NEEDS ASSESSMENT DRAFT
A PROJECT FUNDED BY MDNRE'S LAND AND WATER MANAGEMENT DIVISION

N Quanicassee	Wisner	Gravel	Vanderbilt Park	Yes	Road ending beyond Vanderbilt Park is unimproved and muddy leading to the floodplain. Private drive extends to the west for houses. Jurisdictions in area are unknown.	Yes
Gilmore Rd	Wisner	Gravel	Vanderbilt Park	Yes	Road ends into Vanderbilt Park campground. Potential access could exist through county campground property.	Yes
N Bradford Rd	Wisner	Gravel	Intersection	No	Intersection restricts potential for use. Private property surrounds the site. A gate to the north is locked and prohibits trespassers.	No
N Bradleyville Rd	Wisner	Gravel	Unofficial (space available)	No	Road splits into (2) 2-tracks beyond road ending. Trash and debris scatter the area. Trails appear to be privately used.	No
King Rd	Wisner	Gravel	Unofficial (space available)	No	DNR property to the south and private property to the north of the road ending. Marked no trespassing on private property. There are (2) access points onto DNR property along King Rd prior to road ending.	Yes-DNR Property
Allen Rd	Wisner	Gravel	Cul-De-Sac	Yes	2-track extends onto floodplain beyond county road jurisdiction. Tip-of-the-Thumb canoe and kayak access site. Prime location for potential access. Clear and clean canal extends out to Saginaw Bay. Excellent potential!	Already Exists Excellent Potential
Oakhurst Rd	Wisner	Gravel	Intersection	No	Private docks along canal limit access points. Property ownership unknown along canal. Potential access sites.	Yes

Akron Twp – Berger Rd (Additional photographs available)

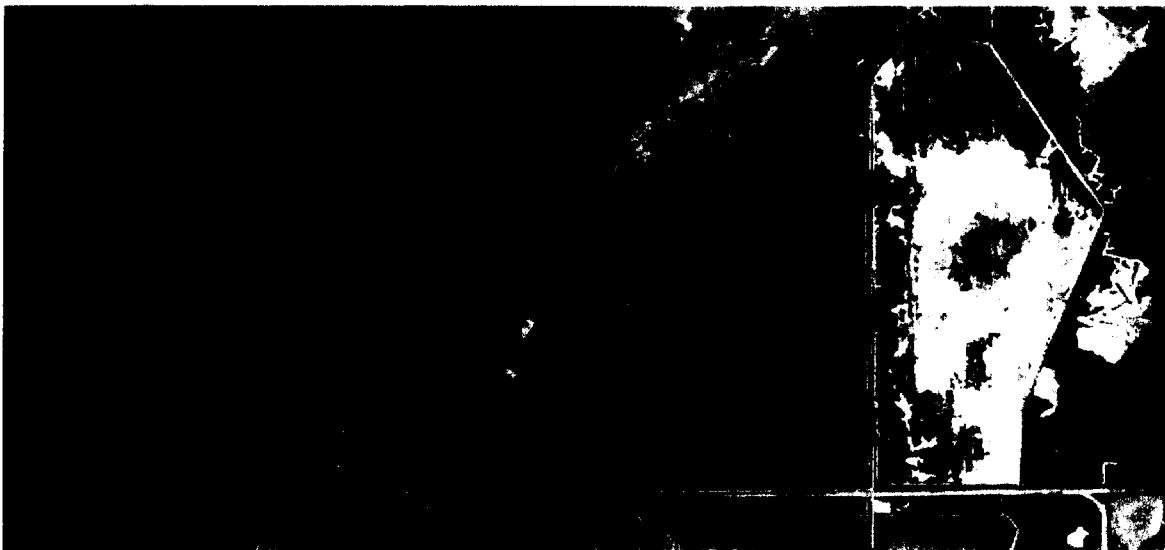
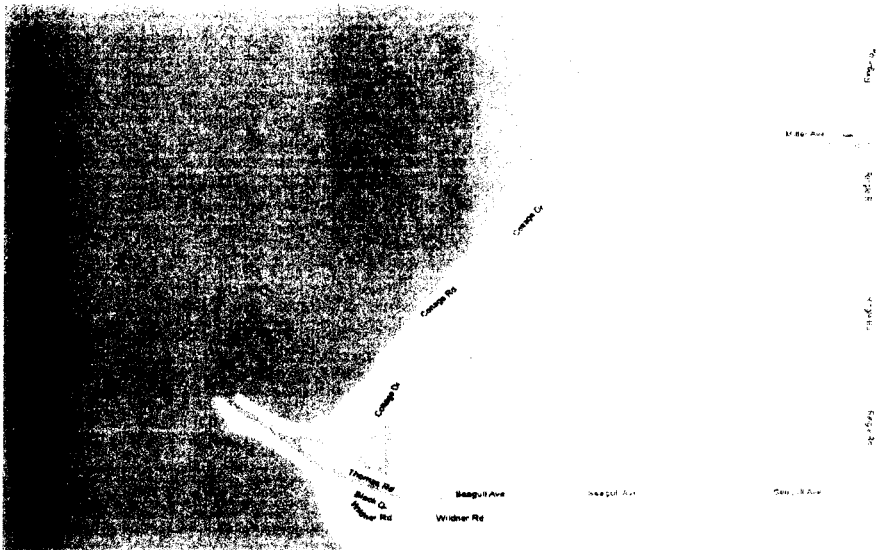
Berger Rd is a gravel county road that ends at a large cul-de-sac. A two-track extends beyond the Road Ends sign and follows the Collier Drain until it opens into a floodplain approximately 1000' to the east of the cul-de-sac. Phragmites have overpopulated the floodplain to prevent a clear sight of the bay. Walking paths are cut through the Phragmites towards the bay and a two-track continues to the northeast following the geometry of the coastline. Google Maps show a faint two-track extending northeast to the next county drain, the Werschky Drain. The heights of the Phragmites prevent any view of the Saginaw Bay. I would estimate that the edge of the coast is another 1000' from the path of the two-track running parallel to the coastline. A 2008 county plat book shows that the property in question is owned by the Michigan Department of Natural Resources.



TUSCOLA COUNTY COASTAL NEEDS ASSESSMENT DRAFT
A PROJECT FUNDED BY MDNR'S LAND AND WATER MANAGEMENT STRATEGY

Akron Twp – Cottage Dr (Additional photographs available)

Cottage Dr is a gravel county road that extends beyond residential zoning to a floodplain of the Saginaw Bay. A two-track continues after the gravel portion onto the hard packed sand of the floodplain. The path follows the geometry of the coastline to the northeast. Phragmites have overpopulated the floodplain to prevent a clear sight of the bay. Google Maps show a distinct two-track extending northeast to a private stub off of Ringle Rd (near Fish Point). The heights of the Phragmites prevented any view of the Saginaw Bay from Cottage Dr. I would estimate that the edge of the coast is 500-1000' from the path of the two-track running parallel to the coastline. A 2008 county plat book shows that all of the property is owned by the Michigan Department of Natural Resources between Cottage Dr and Fish Point.



Wisner Township- Garner Road



Garner Road Looking North



Garner Road Standing on the Bridge looking north