

Call to order by Chairwoman Cindy Lou Poquette at 7:01 pm

Roll call:

Present: Dan Nivelt, Diana Mallory, Cindy Poquette, Mike Ridley, Brett Lindgren, Mike Saker, John Breitbarth and public guests.

Absent: Sheree Lincoln and Scott Lange

Approval of today's Agenda: One Addition was made to the Agenda by Mike Ridley. Update from Dan on MEDC was added to New Business. Motion to approve was made by Brett Lindgren, supported by Diana Mallory, all in favor.

Approval of the January 12, 2015 Minutes: John Breitbarth requested three corrections be made. Corrections are as follows: The **Unfinished Business** section labeled **Update on White Pines/Holophane light fixtures (Mike Ridley and Dan Nivelt)**. 1. Holophane was misspelled once with 2 l's, and was corrected. 2. "Needless to say" was deleted from the same paragraph in that section. 3. Cindy also inserted a sentence stating: "Discussion was brief and unfinished due to the remaining date that needs to be collected." under **New Business, Discussion on Streetscape Survey**. A Motion to approve was made by Mike Ridley and supported by Dan Nivelt, all in favor.

Financials for January 2015: Scott Lange absent, no report to be given and tabled at this time.

Checking account 01/31/2015 ending balance is	\$13,068.86
IMMA savings account 01/31/2015 ending balance is	\$267,161.52
Total D.D.A. available funds equal	\$280,230.38

UNFINISHED BUSINESS:

Update on the Streetscape Project: 3 traffic study proposals were supposed to be available by this meeting. That is not the case. Dan was going to look at the curb cuts with Brian, and he has not been available. MDOT is in a disagreement about what they want studied and if there is one needed. Brian is to talk to Alex again to get with Dale Spencley to see what needs to be studied. It is difficult to get studies done when we don't know what we are asking for. Cindy asked if there is any idea when this may take place. Mike R will contact someone tomorrow to see what direction we need to go. Everyone is waiting on the Federal guidelines. The reverse angle parking met the standards per Dan Nivelt, but they may have issues with the bump outs in relation to the distance from the streets but again we don't know because they won't tell us what they want. The Grant is still tabled pending this study.

Reversal of Benches/Bollards: Cindy did call and speak with John on the reversal of the benches and they simply will be unbolted and spun around. He is not sure why they were installed that way. The bench was ordered on January 30th for the hillside up near ILS, and it came in last Friday was delivered

to IRSC. The ordinance for the non-motorized pathway was presented by Cindy and will be kept with these minutes. (Attached)

The one way street issue is still up in the air and a request from the TT Board was requested to move forward. Energy efficiency was addressed regarding the lighting, and the cost and financing.

NEW BUSINESS:

Reimbursement on the Pathway Expenditures: A reimbursement check on the pathway project for \$21,455 was received from Tuscarora Township for expenses the DDA paid for during this project. This check will be given to Scott Lange to be deposited into the DDA account.

Update on the MEDC: Last week Dan and Mike R met with them and discussed grants available to help with the Streetscape, sign relocation and also said they would be happy to come and talk to the DDA at the March 2015 meeting about "placemaking" and how streetscapes help a community and things like that. Mike has a MI Place flyer that is a workshop that will be forwarded to the DDA Board Members. (Attached) This grant would help with facades and whether it brings new jobs to the area etc. Mike advised we tried 20-25 years ago, and the guidelines were not followed. The Tuscarora Township would be the administrator of these funds.

Mike Saker made a motion for Dan Leonard to come speak to us from the MEDC at the March DDA Meeting, supported by Diana Mallory and all in favor. Cindy checked with the board to see if there was any objection to Dan coming in to speak at 6pm as to get him on his way in a timely fashion. There were no objections. It will be highlighted in the March 2015 Agenda.

Discussion on the Streetscape Survey: Sheree was not in attendance and 35 surveys have been collected. We still do not have them all. One survey was reviewed that we did receive back in the mail. It has been determined that Sheree needs to get all the survey results back to even look at getting the results tallied. John Breitbarth commented that he wasn't sure what we were gaining by this survey, and didn't know how it was decided to do the survey. He was questioning the validity of the survey and what the results would tell us. There was much discussion. But the reasoning behind this was to get an idea of what business owners in the district actually knew about this project and to get their opinion and answers to these questions. John asked if a summary of the project be mailed to all in the district would be more informative than the survey. Mike Ridley agrees perhaps mailing a summary of the plans to the DDA District Businesses would help everyone in the district understand that if we are capturing their money that this would be a project that they would buy into. There is a big concern regarding attendance at the DDA meetings by these business owner's impacts their knowledge and understanding of what is happening with this project. The minutes of the DDA meetings are available to the public. The mailing will be put on hold until MDOT gets back to us on what needs to be done regarding the traffic study, which will determine if this project is even possible. Mike Saker made the motion appointing Mike Ridley, John Breitbarth and Dan Nivelto to draft a project summary for possible mailing by the next meeting. This motion was seconded by Diana Mallory, all in favor.

Jacob VanBoxel, the new Chamber Director introduced himself. He is a graduate of Ferris State University originally from Newago.

Public Comment: There was a comment received.

Motion to adjourn: Dan Nivelte motioned to adjourn at 7:48 p.m. & Diana Mallory seconded. Motion carried.

Next meeting: *****Monday March 16, 2015 at 7:00pm*****

Tuscarora Township D.D.A. Treasurer's Report January 31, 2015

Checking Account:

Citizens National Bank		Acct. # xxxxxx1656
12/31/2014 Beginning Balance	\$	13,068.86
Debits: (Checks Written, Etc.)		
Check #1070 - DESCRIBE; 1/31/2015	\$	-
Describe		-
Describe		-
Total Debits		-
Credits: (Deposits, Etc.)		
Describe	\$	-
Describe		-
Total Credits		-
1/31/2015 Ending Balance	\$	13,068.86

IMMA Savings Account:

Citizens National Bank		Acct. # xxxxxx3062
12/31/2014 Beginning Balance	\$	267,139.56
Debits: (Checks Written, Etc.)		
Describe	\$	-
Describe		-
Total Debits		-
Credits: (Deposits, Etc.)		
Describe	\$	-
1/30/2015		21.96
Total Credits		21.96
1/31/2015 Ending Balance	\$	267,161.52

Checking Account Balance (From Above) \$ 13,068.86

Total D.D.A. Available Funds \$ 280,230.38

ORDINANCE NO. 30

AN ORDINANCE TO REGULATE THE USE OF NON-MOTORIZED PATHWAYS WITHIN THE TOWNSHIP, AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF

THE TOWNSHIP OF TUSCARORA ORDAINS:

Section 1. DEFINITIONS

The following words and terms in this ordinance are defined as follows:

- (a) "Bicycle" means a device propelled exclusively by human power upon which a person may ride, having two, three, or four wheels arranged in a tandem or tricycle fashion.
- (b) "Motor vehicle" means a vehicle which is self-propelled including, but not limited to motorized scooters, all terrain vehicles, automobiles, trucks, tractors, mopeds, snowmobiles, golf carts and Segway Personal Transporters.
- (c) "Motorcycle" means a motor vehicle having a saddle or seat for use of a rider and designated to travel on not more than three wheels in contact with the ground, but excluding a tractor.
- (d) "Non-motorized pathway" shall mean any public way operated and maintained by the Township or the road authority having jurisdiction, for bicycle and pedestrian use.
- (e) "Person" shall mean any person, or any firm, corporation (profit or nonprofit), or any association (incorporated or unincorporated), or any other type of business entity.
- (f) "Sign" shall have the same meaning as provided in the Cheboygan County Zoning Ordinance.
- (g) "Snowmobile" means a motor-driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled-type runners or skis, or a revolving belt tread, or any combination of these or similar means of contact with the surface upon which is operated.
- (h) "Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved exclusively by human power.

Section 2. PROHIBITION OF MOTOR VEHICLE USE

No person shall operate an automobile, truck, tractor, moped, snowmobile, motorcycle or any other type of motor vehicle or golf cart upon any non-motorized pathway within the Township, except directly to enter or depart from adjacent property; provided, however, this section shall not prohibit the use of sidewalks and pedestrian pathways by persons using motorized wheelchairs or similar devices used to facilitate access and travel by handicapped persons.

Section 3. SAFE BICYCLE OPERATION

No person shall operate a bicycle on a non-motorized pathway at a speed greater than what is reasonable and prudent under the conditions then existing. Any person operating a bicycle on a non-motorized pathway shall yield the right-of-way to motor vehicles that are crossing the non-motorized pathway, and also shall yield the right-of-way to pedestrians who are using or are on the non-motorized pathway.

Section 4. PROHIBITION OF HORSE RIDING

No person shall ride or walk a horse, or lead a horse, on a non-motorized pathway or within the designated easement for the non-motorized pathway.

Section 5. TOWNSHIP POLICIES REGULATING PATHWAY USE

The Township Board may adopt policies for regulating the use of non-motorized pathways, consistent with the terms of this ordinance. Such policies may include provisions regulating the occurrence and scope of gatherings and events on, near or associated with a non-motorized pathway.

Section 6. DAMAGE

(a) No person shall willfully or maliciously, or wantonly and without cause, destroy, injure, mutilate, deface, paint on, write on, alter, remove or otherwise damage or carry away a non-motorized pathway, on any part thereof, or any sign, or part thereof, relating thereto.

(b) At the Township's option, the Township may either repair the damage caused by a person who violates subsection (a), and such person shall be responsible for reimbursing the Township for such repair work, or alternatively, the Township may require the person who caused the damage to repair the non-motorized pathway to its prior state within thirty days of the date of the damage. All such repair work shall be performed in accordance with the standards of Michigan Department of Transportation (MDOT).

Section 7. NON-MOTORIZED PATHWAY OBSTRUCTION

- (a) **PARKING.** No person shall stop, stand or park or cause to be stopped, standing or parked, any vehicle, trailer, mobile home, motor home, camper or boat upon a non-motorized pathway so as to obstruct the free passage of pedestrians, vehicles or other persons or conveyances.
- (b) **DEBRIS.** No person shall deposit or burn, or cause to be deposited or burned, any leaves, branches, grass, brush or other yard debris upon a non-motorized pathway, or deposit, or cause to be deposited, any earth, stone, sand, gravel, trash, rubbish, cans, bottles, broken glass, nails, garbage cans or any other objects or debris upon a non-motorized pathway or within the designated easement for the non-motorized pathway.
- (c) **DEPOSIT OF ICE OR SNOW.** No person, in removing snow, ice or slush from private property, or from public property under his or her control, such as a driveway, vehicle parking area or approach area, shall dump or deposit, or cause to be dumped or deposited, such snow, ice or slush, either temporarily or permanently, on any non-motorized pathway without the prior written permission of an authorized Tuscarora Township official.

Section 8. FISHING PROHIBITION

No person shall fish or otherwise attempt to catch fish or other aquatic animals while on a non-motorized pathway, or the appurtenances of a non-motorized pathway. Appurtenances of a non-motorized pathway shall include, but are not limited to, any bridges or other structures which touch, adjoin or abut a non-motorized pathway or within the designated easement for the non-motorized pathway

Section 9. ANIMALS

- (a) Any person who owns or exercises any control over an animal shall, if the animal deposits any fecal matter on any non-motorized pathway or within the designated easement for the non-motorized pathway, immediately and completely remove such matter. This section shall not prohibit the presence of animals on non-motorized pathways, except as otherwise prohibited in Section 4 of this ordinance.
- (b) Pets must be leashed and under the control of the owner at all times so as not to interfere with other pathway users.

Section 10. VEGETATION

No person shall plant any trees, shrubs or other vegetation within the designated easement for the non-motorized pathway. No person shall allow trees, shrubs or other vegetation to grow to a size that obscures view or obstructs passage along a non-motorized pathway. Tuscarora

Township reserves the right to maintain trees and shrubs within the designated easement of the non-motorized pathway.

Section 11. IRRIGATION

No person shall leave any garden hose, lawn sprinkler or other irrigation device or similar implement unattended when such hose, sprinkler, device or implement is in contact with or runs across or over the surface of a non-motorized pathway.

Section 12. CONSTRUCTION PROJECTS

- (a) If any construction project on lands adjoining a non-motorized pathway results in damage to the non-motorized pathway, then all such damage shall be fully repaired and the non-motorized pathway shall be restored to its former condition within 10 days after the damage occurs, unless otherwise authorized by Tuscarora Township; provided, however, that if weather conditions prevent full restoration of the non-motorized pathway within such 10-day period, then the non-motorized pathway shall be temporarily patched and restored so as to permit reasonable use by bicycles, skates and pedestrians, and full repair and restoration shall then be completed as soon as weather permits.
- (b) An occupancy permit shall, not be granted under the Cheboygan County zoning ordinance or building code for any building or structure unless and until any non-motorized pathway damaged in connection with the construction of such building or structure has been fully repaired and restored to its former condition; provided, however, that if weather conditions then prevent full repair and restoration of the non-motorized pathway, an occupancy permit may be granted if (i) the non-motorized pathway has been temporarily patched and restored so as to permit reasonable use by bicycles and pedestrians, and (ii) the Township is provided with adequate financial security in the form of a cash deposit, letter of credit or performance bond, to guarantee full repair or restoration of the non-motorized pathway as soon as weather permits.
- (c) Repair of all damage, as required by this Section, shall be performed in compliance with Michigan Department of Transportation.

Section 13. CUTS OR OPENINGS IN SIDEWALK OR PEDESTRIAN PATHWAY

- (a) All persons shall complete a Non-motorized Pathway Opening Permit if it is necessary to make a cut or opening in a non-motorized pathway. Such cut or opening shall not be made until a Non-motorized Pathway Opening Permit has been completed and returned to the Michigan Department of Transportation, with payment of any required fee.

- (b) If an emergency requires an immediate utility cut or opening to be made, the Michigan Department of Transportation shall be notified, the permit completed and the applicable fee paid on the next business day during which the MDOT office is open.
- (c) When the work within a cut or opening is completed, the cut or opening shall be promptly compacted and restored as required in accordance with the trail standards set by the Michigan Department of Transportation.

Section 14. SIGNS

- (a) No person shall suspend any sign, banner, printed leaflet or similar object above a non-motorized pathway or within the designated easement for the non-motorized pathway, nor shall any person tape or affix any sign, banner, printed leaflet or similar object to a non-motorized pathway or within the designated easement for the non-motorized pathway without the prior written approval of the Township official authorized by ordinance or Township policy to grant such approval
- (b) The provisions of this Section shall not prohibit the Township from installing and maintaining signs and markers pertaining to the non-motorized pathway or painting words or markings on the pathway if necessary for the proper use of the pathway or for public safety purposes.

Section 15 EXEMPTION

This ordinance shall not apply to work being done by an authorized Township official or employee on a non-motorized pathway and this ordinance shall not be construed to prohibit the Township, or any officer, employee or agent thereof, from exercising all reasonable and necessary governmental powers with respect to the use, maintenance and repair of non-motorized pathways.

Section 16. VIOLATIONS AND PENALTIES

- (a) A violation of this ordinance is a municipal civil infraction, for which the fine shall not be less than \$100, nor more than \$500 for the first offense, and not less than \$500 nor more than \$1,000 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance. For purpose of this section, a "subsequent offense" means a violation of this ordinance committed with respect to a separate incident by the same person within 12 months after a previous violation of the ordinance for which such person admitted responsibility or was adjudicated to be responsible. Each day the violation occurs shall constitute a separate offense.
- (b) The following persons are authorized to issue municipal civil infraction citations for violation of provisions of this ordinance. If such person or any of them have reasonable

cause to believe that a violation or infraction has occurred, based on personal observation or on the report of a person who has allegedly witnessed the violation or infraction:

- (1) The Township Supervisor.
- (2) The Tuscarora Township Police Department.

- (c) If a citation for violation of this ordinance is based solely upon the complaint of a person who allegedly witnessed the violation, and not upon the personal observation of any of the persons authorized to issue municipal civil infraction citations hereunder, then such citation shall be approved in writing by the Township Supervisor prior to its issuance.
- (d) Municipal civil infraction citations for violations of this ordinance shall be served upon the alleged violator as provided by law and Township ordinance.
- (e) The issuance of a municipal civil infraction citation shall not be an exclusive remedy, but may be undertaken by the Township in addition to other means of enforcement, as provided by law, including, but not limited to, the seeking of injunctive and other relief.

Section 17. SEVERABILITY

This ordinance and the sections and subsections thereof are severable. If any portion of this ordinance is adjudged invalid, the remainder of the ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 18. REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 19. PUBLICATION AND EFFECTIVE DATE

This ordinance or a summary of its regulatory effect shall be published in a newspaper of general circulation in the Township, within 30 days after adoption. The ordinance shall become effective 30 days after such publication.