

CITY OF TECUMSEH  
COUNCIL MEETING  
TECUMSEH CITY HALL  
FEBRUARY 1, 2010  
7:30 P.M.

AGENDA

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Welcome Guests:
  - A. Barb Mitzel – Consumers Energy
5. Public Comment Re: Items on the Agenda
6. Report of the City Manager
7. Consent Agenda: (All matters listed under item #7 are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. However, if discussion is desired, that item will be removed from the Consent Agenda and will be considered separately). (roll call)
  1. Approve Council minutes from the regular meeting held January 18, 2010.
  2. Village of Clinton
  3. Comcast
8. New business:
  1. Resolution Re: Payment of Bills – (roll call)
  2. First reading of Ordinance #3-10 Telecommunications Providers Right-of-Way
  3. First reading of Ordinance #4 -10 Video Service Providers Right-of-Way
  4. Resolution Re: Great Tecumseh Camp Out
  5. Resolution Re: 2010-2011 City Manager Goals and Objectives
9. Public Comment Re: Items not on the Agenda
10. Miscellaneous business
11. Adjournment



**To:** Mayor and Council  
**From:** Kevin Welch, City Manager  
**Subject:** Manager's Report  
**Date:** January 27, 2010

### **Parks and Recreation Department Update**

#### **Indian Crossing Trails Selective Tree Harvest**

Shortly before Indian Crossing Trails was integrated into the Parks and Recreation department, Chuck Gross contacted Jim Hunt from Hardwoods of Michigan and the property underwent a selective tree harvest. This process helps to insure the health of a forest and promotes new growth.

I met with Jim Hunt and he has walked the property and feels the property can once again undergo a selective tree harvest. Jim would be interested in 29 trees on the west side of the River Raisin and has offered to pay us \$10,200 for the trees. The funds generated from the tree harvest would stay within the Parks and Recreation Department. Jim would like to harvest the trees during the winter months. I will investigate how this process could benefit the City and the Parks and Recreation Department.

#### **MRPA Conference**

Shelley Lim and Heather Marsh will attend the Michigan Recreation and Parks Association (MRPA) annual conference on February 3 & 4. This year the conference is located in Grand Rapids.

DPW removed the cottonwood tree, located to the East of the Community Center. The 100 year old tree has been dead for several years and for safety reasons, needed to come down. A large piece of the tree was transported to the DPW to cure for 12 to 18 months. Once it has cured, we hope to make use of the wood in a creative way at the Community Center.

### **Economic Development**

Tecumseh's 1<sup>st</sup> Annual Ice Sculpture Festival was a great success. There was a large turnout, particularly on Saturday, with visitors and residents alike enjoying the carving demonstrations as sculptors created 18 works of art. Eight pieces of art were commissioned by the Central Business Association and the DDA, with an additional ten pieces commissioned by individual businesses. There were 29 downtown businesses who participated in the cooperative advertising campaign, which allowed us to have a larger presence in the regional market, bringing in a larger audience of visitors. The eight restaurants who participated in the chili tasting "professional level" chili competition had a steady stream of visitors tasting their chili. There was tough competition for the amateur level chili cook-off with over 30 cooks participating in that event at The Boulevard Market on Saturday. We expect this is the beginning of a long-standing tradition in Tecumseh.

## Utilities

Besides working on main breaks, the crews have been doing cross connections with businesses. They try to do 50 – 60 cross connections each year.

## Economic Development

South Central Michigan Works (SCMW) has created a website link for those interested in future jobs at Consolidated Biscuit (CBC) and BioDri (the development proposed to create jobs in Blissfield.) Job seekers can register with SCMW and will be notified via email of information on job opportunities as soon as it becomes available, including which specific positions the companies are hiring for at any given time. This is a great way to streamline the communication process with job seekers; however, we want to make it clear to everyone that CBC is still in the planning stages for its Tecumseh plant. SCWM will share timely information with those registered with them as it becomes available. This information has also been sent via email to the database of interested individuals the Economic Development Department has been keeping. In the future, job seekers will be sent directly to this site to register with SCMW.

## Tecumseh Center for the Arts

Davy Jones has succeeded in making connections for the TCA with press that we have been working to build for many years. We garnered feature articles (and have been able to set up interviews with Davy Jones) for:

The Toledo Blade	Toledo Free Press
Toledo City Paper	Annarbor.com
Jackson Patriot	

We have seen ticket sales from:

London, Ontario	Grand Rapids, MI
Galsburg, MI	Parma, MI
Delphos, OH	Oregon, OH
Gahanna, OH	Geneva, IL
Fort Wayne, IN	

Keith Hoyt who is the Sinatra Tribute artist performing at the TCA in February, joined the Toledo Symphony here in October. This was a Guest Appearance set up by Jo Walker, TCA Executive Director. The Toledo Symphony was so pleased by Mr. Hoyt that they have scheduled an entire evening with him in their upcoming season! The TCA has played matchmaker yet again.

The Michigan Council for Arts and Cultural Affairs has been moved into the Michigan Economic Development Corporation. They have \$2 Million dollars to give this year, or less than 10% of what they have had in the past. Jo Walker will have additional information on this application and a resolution for the Council to pass at the next meeting.

The TCA Seat Campaign has sold 16 seats thus far. The first round of name plates has been installed. We thank Hi-Tec Engraving and Ed Clark for creating and installing these plaques.

## MLGMA

The City Manager is scheduled to attend the Winter Institute of the Michigan Local Government Management Association in Grand Rapids on Tuesday, February 2<sup>nd</sup> – Thursday, February 4<sup>th</sup>. The education program is centered around Economy, Energy and Entrepreneurship. I feel this will be beneficial for the City.

## DLEG Grant

The City of Tecumseh was awarded a grant as part of the Consortium Grant award to the Downriver Community Conference. The total grant award was \$451,000. We are not sure of the amount we will receive, but the funds will be used to retrofit our buildings to make them more energy efficient.

### **New Song Church**

New Song Church currently rents the TCA for its regular church service on Sundays. Due to their expanded program needs, they are considering other location options. Obviously, the loss of income (\$15,000 year) will need to somehow be offset at the TCA.

### **Consumers Energy**

The Street Department reported that Consumers Energy contacted them stating they will be initiating the tree trimming of right of way vegetation starting Monday, February 1<sup>st</sup>. If a citizen received a notice, either mailed or left as a door hanger, it is likely the trees will be trimmed or removed soon. Any questions should be directed to the number on the letter or door card.

### **Public Access Channel**

As you know, our channel 20 public access site has been down due to software and hardware failures for several months. While we are still exploring options to replace the software and hardware, we are not receiving much interest in maintaining it from the other users. The main users include the City, Tecumseh Public Schools, Raisin Township, Clinton Village, Tecumseh District Library and the Chamber. In addition, my office has not received a single complaint or concern about the lack of information being broadcast. The cost to replace the system could be somewhere between \$5,000 and \$10,000. The downside of not maintaining this system is that video providers like Comcast and D & P can legally then use the channel for their own purposes. We could obtain a channel in the future, but it may not be the same channel. Because of our financial constraints and the lack of interest and support of this service, it may be justified to discontinue it for now.

CITY OF TECUMSEH  
COUNCIL MEETING  
JANUARY 18, 2010  
TECUMSEH CITY HALL  
7:30 P.M.

The meeting was called to order by Mayor Schmidt.

Mayor Schmidt led the Pledge of Allegiance.

Roll call was taken as follows:

PRESENT: Mayor Schmidt, Council members Baker, Housekeeper, Johnson, Naugle,  
VanAlstine and Wright.

ABSENT: None.

Guests were welcomed to the meeting by Mayor Schmidt.

Motion VanAlstine and seconded Naugle, to receive and place on file the report of the City Manager. The following items were added or discussed: 1) Big Tree by Community Center is being removed; 2) Energy Management Study; 3) Ice Pond at Adams Park and 4) Donations for Haiti have been generous. Motion carried unanimously.

RESOLUTION

CITY COUNCIL OF THE CITY OF TECUMSEH RESOLVES: to adopt the Consent Agenda, approving, receiving and placing on file the following: (1) City Council minutes from the regular meeting held January 4, 2010; (2) Budget Report; (3) Report of the Police Department for December 2009; (4) Report of the Emergency Services Department for December 2009; (5) Reports of the Planning Commission for meeting held December 8, 2009 and special meetings held December 5 and December 12, 2009; (6) Department of Energy and (7) Merrill Lynch.

RESOLUTION was offered by Council member Johnson and supported by Council member Wright. A roll call vote was taken as follows:

YES: Housekeeper, Johnson, Naugle, Schmidt, VanAlstine, Wright and Baker.

NO: None.

RESOLUTION DECLARED ADOPTED.

RESOLUTION

CITY COUNCIL OF THE CITY OF TECUMSEH RESOLVES: to approve the January 18, 2010 list of bills to be paid.

RESOLUTION was offered by Council member Baker and supported by Council member Johnson. A roll call vote was taken as follows:

YES: Johnson, Naugle, Schmidt, VanAlstine, Wright, Baker and Housekeeper.

NO: None.

RESOLUTION DECLARED ADOPTED.

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RESOLUTION

CITY COUNCIL OF THE CITY OF TECUMSEH RESOLVES: to purchase (1) 2010 Ford Crown Victoria Police Car from Signature Ford, 1960 E. Main Street, Owosso MI 48867, through the Macomb County Bid Program, in the amount of \$21,181.00, authorizing the City Manager to sign a purchase order for the same.

RESOLUTION was offered by Council member Johnson and supported by Council member Naugle. A roll call vote was taken as follows:

YES: Naugle, Schmidt, VanAlstine, Wright, Baker, Housekeeper and Johnson.

NO: None.

RESOLUTION DECLARED ADOPTED.

RESOLUTION

CITY COUNCIL OF THE CITY OF TECUMSEH RESOLVES: to authorize the City Treasurer to amend the 2009/2010 Capital Improvement Fund to allocate up to \$21,500 to line item 420-445.000-973.100 for the purchase of a patrol vehicle.

RESOLUTION was offered by Council member VanAlstine and supported by Council member Johnson. A roll call vote was taken as follows:

YES: Schmidt, VanAlstine, Wright, Baker, Housekeeper, Johnson and Naugle.

NO: None.

RESOLUTION DECLARED ADOPTED.

RESOLUTION

CITY COUNCIL OF THE CITY OF TECUMSEH RESOLVES: to authorize the Mayor and City Clerk to sign a construction contract with Stante Excavating, located at 48400 West Road, Wixom, Michigan 48393, for an amount not to exceed \$1,824,737.37. Further, the City Manager is authorized to approve change orders up to \$5,000 on an individual basis, but no more than \$25,000 in total.

RESOLUTION was offered by Council member Johnson and supported by Council member VanAlstine. A roll call vote was taken as follows:

YES: VanAlstine, Wright, Baker, Housekeeper, Johnson, Naugle and Schmidt.

NO: None.

RESOLUTION DECLARED ADOPTED.

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RESOLUTION

CITY COUNCIL OF THE CITY OF TECUMSEH RESOLVES: to authorize the City Manager to increase the previously approved legal services contract with Joel Piell, of Miller, Canfield from \$14,700 to \$17,200.

RESOLUTION was offered by Council member VanAlstine and supported by Council member Wright. A roll call was taken as follows:

YES: Wright, Baker, Housekeeper, Johnson, Naugle, Schmidt and VanAlstine.

NO: None.

RESOLUTION DECLARED ADOPTED.

RESOLUTION

CITY COUNCIL OF THE CITY OF TECUMSEH RESOLVES: to retain Robert W. Baird & Co. of Traverse City for financial services needed to sell the ARRA Bonds for the Tecumseh Business and Technology Campus. Their fees will be \$23,100.

RESOLUTION was offered by Council member Johnson and supported by Council member VanAlstine. A roll call was taken as follows:

YES: Baker, Housekeeper, Johnson, Naugle, Schmidt, VanAlstine and Wright.

NO: None.

RESOLUTION DECLARED ADOPTED.

RESOLUTION

THE CITY COUNCIL OF THE CITY OF TECUMSEH HEREBY RESOLVES: to authorize the Mayor and the City Clerk to sign a farming agreement with Douglas Wilkins to farm up to 100 acres of the Tecumseh Business and Technology Campus, at a cost of \$117 per acre.

RESOLUTION was offered by Council member Baker and supported by Council member Housekeeper. A roll call was taken as follows:

YES: Housekeeper, Johnson, Naugle, Schmidt, VanAlstine, Wright and Baker.

NO: None.

RESOLUTION DECLARED ADOPTED.

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RESOLUTION

THE CITY COUNCIL OF THE CITY OF TECUMSEH HEREBY RESOLVES: to reappoint Michele Garner and appoint Philip Krieger to the Election Commission for a 1 year term each, until January 2011.

RESOLUTION was offered by Council member Wright and supported by Council member VanAlstine.

YES: Baker, Housekeeper, Johnson, Naugle, Schmidt, VanAlstine and Wright.

NO: None.

RESOLUTION DECLARED ADOPTED.

Motion Johnson and seconded VanAlstine, to adjourn to closed session at 7:55 p.m., regarding Public Act 267 of 1976, Section 8 (a) personnel evaluation and Section 8(e) to discuss pending litigation. A roll call vote was taken as follows:

YES: Johnson, Naugle, Schmidt, VanAlstine, Wright, Baker and Housekeeper.

NO: None.

MOTION CARRIED UNANIMOUSLY.

The regular meeting reconvened at 8:43 p.m.

Council member Johnson stated Gubernatorial candidate Rick Snyder visited Tecumseh and commented that Tecumseh was quite a "gem".

Motion VanAlstine and seconded Naugle, to extend the Employment Agreement with City Manager Kevin Welch for one year at the current salary and to change the wording in the agreement to allow him to teach a class at Baker College and remove "William Tyndale College". A roll call vote was taken as follows:

YES: Schmidt, VanAlstine, Wright, Baker, Housekeeper, Johnson and Naugle.

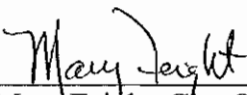
NO: None.

MOTION CARRIED UNANIMOUSLY.

Motion Wright and seconded Naugle, to adjourn the meeting at 8:48 p.m. Motion carried unanimously.

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Harvey E. Schmidt, Mayor

  
Mary Feight, City Clerk

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# ***Village* of *Clinton***

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***SERVING CLINTON'S NEEDS FOR OVER 175 YEARS***

January 22, 2010

Mr. Kevin Welch  
City of Tecumseh  
309 E. Chicago Blvd  
Tecumseh MI 49286

Dear Mr. Welch:

The Tecumseh Road construction project will generally involve removing the asphalt roadway and concrete base, replacing some curb and sidewalk, replacing some water and sewer mains, and installing several inches of asphalt roadway. Tecumseh Road will be improved from Michigan Avenue south through Pilkington's driveway, which is less than one half mile south of Macon Road. The work will likely start in June and last about six months. It will unfortunately be very disruptive to residents and businesses along Tecumseh Road.

One of the problems we ran into was the detouring of traffic during construction. We considered routing traffic to M-52 and M-50 into Tecumseh, but that was not a practical option for such an extended period. The Village investigated the concept of shifting traffic to Stieb Road and Mathews Highway, but those roads are not designed for heavy truck traffic. We looked into detouring traffic within the Village, but realized the side streets would not hold up to the heavy truck traffic. We therefore had to phase the Tecumseh Road construction so that two-way traffic can be maintained on one side of the street as work is performed on the other side.

In order to maintain two-way traffic on the road during construction, the street will be widened from Michigan Avenue south to near Gibson. The contractor will remove the curb and gutter and construct a temporary road surface about two feet wider than the existing curb. Unfortunately, several trees will need to be removed. The Village has already notified the property owners that will have a tree removed. Some of those trees are in poor condition and would need to be removed anyway. The Village would like to be able to perform the Tecumseh Road reconstruction project without removing the other trees. But since some of the trees have to be removed, we will make sure some 4-inch diameter boulevard trees are planted to help maintain the number of trees along Tecumseh Road.

Tecumseh Road will be constructed a little wider so that a center turn lane can be installed on the two lane portion of the road from Michigan Avenue south to Gibson Street. In order to reduce speeding south of Gibson Street on the four lane portion of the road, the street will be marked for three lanes. This should help reduce speeding along that section of roadway. The Village was very fortunate to receive extensive grant funds to help pay for the project. This should allow the Village to perform the work without having to increase property taxes to pay for the construction.

Please do not hesitate to contact me if you have any questions or would like to meet to discuss the construction project.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Cornish".

Kevin Cornish,  
Village Manager



January 25, 2010

Kevin Welch, Manager  
City of Tecumseh  
309 E. Chicago Blvd  
Tecumseh, MI 49286

***Re: New Triple Play Bundles***

Dear \*Mr. Welch:

In keeping with our ongoing efforts to provide regular updates regarding our service, I would like to inform you about our new bundled service offerings designed to provide more programming options and advanced digital services.

On January 7, 2010, Comcast began to offer the *XF Triple Play* in your community. The *XF Triple Play* is a new service bundle that includes a receiver, Comcast Digital Voice and Comcast High-Speed Internet Service. In order for customers to best match a bundle with their specific needs, we will offer five tiers of the *XF Triple Play*: *Starter XF*, *Preferred XF*, *HD Preferred XF*, *HD Preferred Plus XF* and *HD Premier XF*. Customers subscribing to bundles with HD service will not pay extra for HD-capable equipment. In addition, none of the *XF Triple Play* bundles require customers to sign a contract locking them in for a specific time period. This means customers can make changes to their service at anytime without being charged a termination fee.

The *Starter XF Triple Play* bundle includes the following services: Digital Starter video service with one receiver and remote, On Demand, Interactive Program Guide, High-Speed Internet Performance Service and Comcast Digital Voice® with the Unlimited calling plan. The standard price for this bundle is \$129.99 per month. The SurePrice for this bundle is \$114.99 per month and is available to customers who had *XF Triple Play* twelve month promotional packages.

The *Preferred XF Triple Play* bundle includes the following services: Digital Preferred video service with one receiver and remote, On Demand, Interactive Program Guide, High-Speed Internet Performance Service and Comcast Digital Voice® with the Unlimited calling plan. The standard price for this bundle is \$139.99 per month. The SurePrice for this bundle is \$124.99 per month and is available to customers who had *XF Triple Play* twelve month promotional packages.

The *HD Preferred XF Triple Play* bundle includes the following services: Digital Preferred video service with High-Definition, one HD receiver and remote, Starz®, On Demand, Interactive Program Guide, High-Speed Internet Performance Service and Comcast Digital Voice® with the Unlimited. The standard price for this bundle is \$149.99 per month. The SurePrice for this bundle is \$134.99 per month and is available to customers who had *XF Triple*

The *HD Preferred Plus XF Triple Play* bundle includes the following services: Digital Preferred video service with High-Definition, one HD receiver and remote, HBO<sup>®</sup>, Starz<sup>®</sup>, On Demand, Interactive Program Guide, High-Speed Internet Performance Plus Service and Comcast Digital Voice<sup>®</sup> with the Unlimited calling plan. The standard price for this bundle is \$169.99 per month. The SurePrice for this bundle is \$154.99 per month and is available to customers who had XF Triple Play twelve month promotional packages.

The *HD Premier XF Triple Play* bundle includes the following services: Digital Premier video service with High-Definition, one HD DVR receiver and remote, HBO<sup>®</sup>, Showtime<sup>®</sup>, Starz<sup>®</sup>, Cinemax<sup>®</sup> and the Sports Entertainment Package, On Demand, Interactive Program Guide, High-Speed Internet Performance Plus Service and Comcast Digital Voice<sup>®</sup> with the Unlimited calling plan. The standard price for this bundle is \$199.99 per month. The SurePrice for this bundle is \$174.99 per month and is available to customers who had XF Triple Play twelve month promotional packages.

As a result of these new bundle offerings, effective March 31, 2010, the following bundles will no longer be available for new subscription: HD Starter, HD Plus, and HD Premier.

Additionally, effective March 21, 2010, programming on Sundance (ch. 165) will move to an Eastern time-zone schedule. The digital program guide will be updated to reflect this programming change.

All customers will be receiving notice of these changes to our bundle offerings with their February billing statement. Should residents contact you with questions regarding these changes, please do not hesitate to direct them to our toll free customer service number: 1-888-COMCAST. Our Customer Account Executives are available 24 hours a day, 7 days a week to answer any questions they may have regarding Comcast products, services and prices. If you have any questions about this or any other issue, please feel free to contact me directly at 734-254-1888.

Sincerely,



Frederick G. Eaton  
Government Affairs Manager  
Comcast, Michigan Region  
41112 Concept Drive  
Plymouth, MI 48170

AGENDA ITEM REVIEW FORM

City Council  
City of Tecumseh



AGENDA ITEM NUMBER: 8. New Business, Item No. 1	SUBMITTED BY: Kevin M. Welch
ITEM: February 1, 2010 Check Register	DEPARTMENT City Manager

SUMMARY:  
Approve the February 1, 2010 list of bills to be paid.

RECOMMENDATION:  RESOLUTION  THE CITY COUNCIL OF THE CITY OF TECUMSEH HEREBY RESOLVES: to approve the February 1, 2010 list of bills to be paid.	<b>Council Action:</b> <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONTINUED  <b>Bid/Purchase Item:</b> <input type="checkbox"/> Budgeted \$ _____ _____ page(s) in FY Budget <input type="checkbox"/> Not Budgeted
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SIGNATURE: 	TITLE: City Manager	DATE: 27-Jan-10
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# Check Register Report

CITY COUNCIL MEETING-2/1/2010

Date: 01/27/2010

Time: 11:24 am

Page: 1

City of Tecumseh

BANK:

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amount
45206	01/22/2010	Printed	3958	VERIZON NORTH	POLICE-PHONE	43.89
45207	01/29/2010	Printed	1256	FIRE INSIDE PRODUCTIONS INC	TCA-DAVEY JONES PERFORMANCE	7,500.00
45208	01/29/2010	Printed	2488	THE LINCOLN NATL LIFE INS CO	LIFE INSURANCE-FEBRUARY 2010	320.69
45209	02/01/2010	Printed	1621	ACS-FIREHOUSE SOFTWARE	EMERG SVCS-SUPPORT	735.00
45210	02/01/2010	Printed	0100	ADRIAN COMMUNICATIONS	POLICE RADIO MTC FOR FEB 2010	129.25
45211	02/01/2010	Printed	0100	ADRIAN COMMUNICATIONS	POLICE/EM SVCS-GEN SUPPL-4-	376.63
45212	02/01/2010	Printed	0185	ALLIED WASTE SERVICES #270	WW SUPPLIES	341.34
45213	02/01/2010	Printed	0201	AMERICAN PAYROLL ASSOCIATION	TREASURER-MEMBERSHIP	230.00
45214	02/01/2010	Printed	0224	AMWAY GRAND PLAZA HOTEL	PARKS-CONV & EDUC	136.08
45215	02/01/2010	Printed	0409	BATTERY WHOLESALE	WATER SUPPLIES	37.04
45216	02/01/2010	Printed	0483	BERESFORD COMPANY	POLICE-BADGES	245.00
45217	02/01/2010	Printed	0586	BUSCH'S INC	CITY MGR-MEETING REFRESHMENTS	18.07
45218	02/01/2010	Printed	0706	CARGILL INC	SALT-3-	7,674.86
45219	02/01/2010	Printed	0692	CENTRAL BUS ASSOC OF TECUMSEH	ICE SCULPTURE COMMISSION	140.00
45220	02/01/2010	Printed	0687	JAMES A CLOSSER	ECON DEVP-BLDG RENT-FEB 2010	700.00
45221	02/01/2010	Printed	0751	THE COMPUTER CARE CO INC	PARKS-REWIRING	80.00
45222	02/01/2010	Printed	0773	CONSUMERS ENERGY	WWTP-ELECTRIC	12,513.46
45223	02/01/2010	Printed	0796	CORE TECHNOLOGY CORPORATION	POLICE-SUPPORT MTC CONTRACT	494.00
45224	02/01/2010	Printed	0795	COYNE TEXTILE SERVICES	DPW/UTIL-SHOP RAGS/UNIFORMS-3-	268.18
45225	02/01/2010	Printed	0685	CTE SAND & GRAVEL INC	WATER SUPPLIES	220.92
45226	02/01/2010	Printed	0883	D & N UPHOLSTERY INC	EQ MTC SUPPLIES-2-	293.30
45227	02/01/2010	Printed	1168	EMPLOYEE RESOURCE NETWORK	WATER-PROFESSIONAL SVCS	240.00
45228	02/01/2010	Printed	1213	FARM PLAN	CEM/WW/EQ MTC SUPPLIES-9-	399.43
45229	02/01/2010	Printed	1516	GOVERN FINANCE OFFICERS ASSOC	DUES	170.00
45230	02/01/2010	Printed	1589	HACH COMPANY	WW-LAB SUPPLIES	150.95
45231	02/01/2010	Printed	1604	HALT FIRE INC	EM SVCS-APPAR REP & MTC	114.92
45232	02/01/2010	Printed	1600	THE HAMBLIN COMPANY	POLICE-OFFICE SUPPLIES	174.00
45233	02/01/2010	Printed	1591	HARRISON BROS INC	TCA-THEATRE EQUIPMENT	152.98
45234	02/01/2010	Printed	1564	HI-TEC ENGRAVING	TCA-PLATE ENGRAVING	54.75
45235	02/01/2010	Printed	1641	HONEYWELL INTERNATIONAL INC	WW SUPPLIES	152.52
45236	02/01/2010	Printed	2185	JEFF'S AUTO GLASS	EQ MTC SUPPLIES	292.00
45237	02/01/2010	Printed	2193	JERRY'S MARKET	TCA-CONCESSIONS-2-	31.37
45238	02/01/2010	Printed	2216	JONES & HENRY LABORATORIES	WW-METAL TESTING	232.00
45239	02/01/2010	Printed	2317	DAVE KNAPP FORD-LINCOLN INC	EMERG SVCS-APPAR REP & MTC	1,405.80
45240	02/01/2010	Printed	2348	JEFF LEE	PARKS-CERTIFIED REFEREE	57.68
45241	02/01/2010	Printed	2480	LENAWEE COUNTY TREASURER	MOBILE HOME FEES-DECEMBER 09	265.00
45242	02/01/2010	Printed	2494	LONG'S SMALL ENGINE SERVICE	WATER SUPPLIES	19.77
45243	02/01/2010	Printed	2562	MAID FOR YOU COMPANY LLC	CITY HALL JANITORIAL-1/19-2/19	817.00
45244	02/01/2010	Printed	2579	MCGOWAN ELECTRIC SUPPLY	WWWATER SUPPLIES-3-	178.00
45245	02/01/2010	Printed	2727	MCKENNA ASSOCIATES INC	DEVP SVCS-PLANNING FEES	67.50
45246	02/01/2010	Printed	2609	MCMASTER-CARR SUPPLY COMPANY	WW SUPPLIES	42.97
45247	02/01/2010	Printed	2730	MI MUN LEAGUE WORKER COMP FUND	WORKERS COMP PREMIUM	21,404.32
45248	02/01/2010	Printed	2740	MICH RECREATION & PARKS ASSOC	PARKS-CONV & EDUC	556.00
45249	02/01/2010	Printed	2742	MICHIGAN GLASS MONTH	TCA-ADVERTISING	160.00
45250	02/01/2010	Printed	2767	MICHIGAN TASER DISTRIBUTING	POLICE TRAINING	50.00
45251	02/01/2010	Printed	2655	STATE OF MICHIGAN	POLICE-LIVESCAN FEES-DEC 09	295.50
45252	02/01/2010	Printed	2680	STATE OF MICHIGAN	DRUG ENF & TRNG-VEHICLE	770.96
45253	02/01/2010	Printed	2746	STATE OF MICHIGAN	2010 LIMOUSINE REGISTRATION	50.00
45254	02/01/2010	Printed	2746	STATE OF MICHIGAN	POLICE-TRAILER FOR COUNTY CNT	1,900.00
45255	02/01/2010	Printed	2912	NEXTEL COMMUNICATIONS	CELL PHONES-12-	418.42
45256	02/01/2010	Printed	2945	NYE UNIFORM COMPANY	POLICE-CLOTHING	57.56
45257	02/01/2010	Printed	2963	OCCUHEALTH WOLF CREEK	WW-DOT EXAMS-4-	188.00
45258	02/01/2010	Printed	3013	ORKIN PEST CONTROL	POLICE-PEST CONTROL	40.00
45259	02/01/2010	Printed	3022	ANTHONY E PALERMO	TCA-BIG BAND EXPENSE	190.00

# Check Register Report

CITY COUNCIL MEETING-2/1/2010

Date: 01/27/2010

Time: 11:24 am

Page: 2

City of Tecumseh

BANK:

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amount
45260	02/01/2010	Printed	3100	PEERLESS INC	WW SUPPLIES-2-	164.71
45261	02/01/2010	Printed	3110	PETTY CASH	MILEAGE/WATER-2-	16.50
45262	02/01/2010	Printed	3188	PRO MED UNIFORM	PARKS-BASKETBALL T-SHIRTS	1,136.00
45263	02/01/2010	Printed	3370	SAFETY SYSTEMS INC	POLICE-VIDEO REPAIR	100.00
45264	02/01/2010	Printed	3374	LAURA J SCHAEGLER	LEGAL FEES-JANUARY 2010	1,091.50
45265	02/01/2010	Printed	3482	SHINING STARS ENTERTAINMENT	TCA-SINATRA TRIBUTE SHOW	5,500.00
45266	02/01/2010	Printed	3442	SIEMENS WATER TECHNOLOGIES	WW SUPPLIES	24.00
45267	02/01/2010	Printed	3479	SOIL & MATERIALS ENGINEERS INC	TEC BROWNFIELD-CONSULT FEES	798.25
45268	02/01/2010	Printed	3542	STAPLES	TCA-OFFICE SUPPLIES	377.94
45269	02/01/2010	Printed	3603	STILL'S WELDING LLC	EQ MTC SUPPLIES	503.01
45270	02/01/2010	Printed	3670	TECUMSEH CAMERA SHOP	POLICE GENERAL SUPPLIES	20.00
45271	02/01/2010	Printed	3710	TECUMSEH HERALD	TCA-INTERNET ADVERTISING	50.00
45272	02/01/2010	Printed	3800	JIM TILTON & SON	PARKS-SLEDDING BUMPERS	25.00
45273	02/01/2010	Printed	3924	UNDERWOOD CHEVROLET	PARKS-VAN INSPECTION	70.00
45274	02/01/2010	Printed	3938	UNITED BANK & TRUST	TCA-TRUST FUND INVESTMENT FEES	916.76
45275	02/01/2010	Printed	3905	USA BLUEBOOK	WW/WATER SUPPLIES-3-	1,515.99
45276	02/01/2010	Printed	3961	VARNUM LLP	GEN/MUN PURCH-LEGAL FEES-2-	412.50
45277	02/01/2010	Printed	3958	VERIZON NORTH	PHONE-7-	1,421.11
45278	02/01/2010	Printed	3991	WADE TRIM ASSOCIATES INC	DEVP SVCS-ENGINEERING	880.00
				<b>Total Checks:</b>	<b>73</b>	
						<b>Bank Total(excluding void checks): 78,620.38</b>
				<b>Total Checks:</b>	<b>73</b>	
						<b>Grand Total(excluding void checks): 78,620.38</b>

**CITY COUNCIL MEETING  
FEBRUARY 1, 2010**

ACCOUNTS PAYABLE	2/1/2010	\$78,620.38
PAYROLL	1/29/2010	\$119,455.69
SOCIAL SECURITY TAXES	1/29/2010	\$9,091.42
WORKERS COMP	1/29/2010	\$2,919.67
EMPLOYEE'S RETIREMENT	1/29/2010	<u>\$22,350.35</u>
<b>TOTAL:</b>		<b>\$232,437.51</b>

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PAYROLL	1/29/2010	\$84,281.43
A/C PAYABLE - C.M.	2/1/2010	\$37,802.92
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$6,417.57
WORKERS COMP	1/29/2010	\$2,321.94
EMPLOYEE'S RETIREMENT	1/29/2010	\$16,202.96
TR-EQUIP RENTAL -	JAN 2010	\$0.00
TR-EQUIP MTC-Q/E	12/31/2009	<u>\$2,130.47</u>
<b>TOTAL GENERAL FUND</b>		<b>\$149,157.29</b>

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PAYROLL	1/29/2010	\$0.00
A/C PAYABLE - C.M.	2/1/2010	\$2,577.40
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$0.00
WORKERS COMP	1/29/2010	\$0.00
EMPLOYEE'S RETIREMENT	1/29/2010	\$0.00
TR-EQUIP RENTAL -	JAN 2010	\$6,486.49
TR-TRUNKLINE MTCE-QUAR		<u>\$0.00</u>

**TOTAL MAJOR STREET & TRUNKLINE FUND** **\$9,063.89**

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PAYROLL	1/29/2010	\$0.00
A/C PAYABLE - C.M.	2/1/2010	\$1,578.00
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$0.00
WORKERS COMP	1/29/2010	\$0.00
EMPLOYEE'S RETIREMENT	1/29/2010	\$0.00
TR-EQUIP RENTAL -	JAN 2010	<u>\$6,584.71</u>

**TOTAL LOCAL STREET FUND** **\$8,162.71**

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PAYROLL	1/29/2010	\$5,180.92
A/C PAYABLE - C.M.	2/1/2010	\$921.04
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$392.52
WORKERS COMP	1/29/2010	\$22.27
EMPLOYEE'S RETIREMENT	1/29/2010	\$571.64
TR-EQUIP RENTAL -	JAN 2010	\$0.00
TR-EQUIP MTC-Q/E	12/31/2009	<u>\$99.85</u>

**TOTAL ECONOMIC DEVELOPMENT FUND** **\$7,188.24**



PAYROLL	1/29/2010	\$4,476.28
A/C PAYABLE - C.M.	2/1/2010	\$981.62
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$341.86
WORKERS COMP	1/29/2010	\$42.42
EMPLOYEE'S RETIREMENT	1/29/2010	\$849.14
TR-EQUIP RENTAL -	JAN 2010	\$0.00
TR-EQUIP MTC-Q/E	12/31/2009	<u>\$13.84</u>

**TOTAL DEVELOPMENT SERVICES FUND** **\$6,705.16**

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PAYROLL	1/29/2010	\$2,054.12
A/C PAYABLE - C.M.	2/1/2010	\$776.21
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$157.14
WORKERS COMP	1/29/2010	\$48.83
EMPLOYEE'S RETIREMENT	1/29/2010	\$387.93
TR-EQUIP RENTAL -	1/29/2010	\$0.00
TR-EQUIP MTC-Q/E	JAN 2010	<u>\$0.00</u>

**TOTAL DRUG TRAINING & ENFORCEMENT FUND** **\$3,424.23**

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PAYROLL	1/29/2010	\$11,017.73
A/C PAYABLE - C.M.	2/1/2010	\$14,871.69
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$831.81
WORKERS COMP	1/29/2010	\$240.16
EMPLOYEE'S RETIREMENT	1/29/2010	\$2,166.50
TR-EQUIP RENTAL -	JAN 2010	\$0.00
TR-EQUIP MTC-Q/E	12/31/2009	<u>\$137.53</u>

**TOTAL WASTEWATER FUND** **\$32,689.65**

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PAYROLL	1/29/2010	\$6,698.46
A/C PAYABLE - C.M.	2/1/2010	\$1,587.24
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$512.03
WORKERS COMP	1/29/2010	\$201.69
EMPLOYEE'S RETIREMENT	1/29/2010	\$1,325.73
TR-EQUIP MTC-Q/E	12/31/2009	\$0.00
TR-EQUIP RENTAL -	JAN 2010	<u>\$655.58</u>

**TOTAL WATER FUND** **\$10,980.73**

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PAYROLL	1/29/2010	\$0.00
A/C PAYABLE - C.M.	2/1/2010	\$1,437.96
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$0.00
WORKERS COMP	1/29/2010	\$0.00
EMPLOYEE'S RETIREMENT	1/29/2010	<u>\$0.00</u>

**TOTAL EQUIPMENT FUND** **\$1,437.96**

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CITY COUNCIL MEETING-2/1/2010

PAGE 3

PAYROLL	1/29/2010	\$0.00
A/C PAYABLE - C.M.	2/1/2010	\$0.00
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$0.00
WORKERS COMP	1/29/2010	\$0.00
EMPLOYEE'S RETIREMENT	1/29/2010	\$0.00
TR-EQUIP RENTAL -	JAN 2010	<u>\$0.00</u>
<b>TOTAL SPECIAL ASSESSMENT FUND</b>		<b>\$0.00</b>

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WA SALES - WW COMM CHG -		\$0.00
A/C PAYABLE - C.M.	2/1/2010	<u>\$0.00</u>
<b>TOTAL WATER &amp; SEWER FUND</b>		<b>\$0.00</b>

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PAYROLL	1/29/2010	\$5,746.75
A/C PAYABLE - C.M.	2/1/2010	\$14,944.30
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$438.49
WORKERS COMP	1/29/2010	\$42.36
EMPLOYEE'S RETIREMENT	1/29/2010	\$846.45
TR-EQUIP RENTAL -	JAN 2010	<u>\$0.00</u>
<b>TOTAL TECUMSEH CIVIC AUDITORIUM FUND</b>		<b>\$22,018.35</b>

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PAYROLL	1/29/2010	\$0.00
A/C PAYABLE - C.M.	2/1/2010	\$0.00
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$0.00
WORKERS COMP	1/29/2010	\$0.00
EMPLOYEE'S RETIREMENT	1/29/2010	<u>\$0.00</u>
<b>TOTAL CIVIC AUD CAPITAL IMPROVEMENT FUND</b>		<b>\$0.00</b>

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A/C PAYABLE - C.M.	2/1/2010	<u>\$0.00</u>
<b>TOTAL MEMORIAL DAY PARADE FUND</b>		<b>\$0.00</b>

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PAYROLL	1/29/2010	\$0.00
A/C PAYABLE - C.M.	2/1/2010	\$343.75
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$0.00
WORKERS COMP	1/29/2010	\$0.00
EMPLOYEE'S RETIREMENT	1/29/2010	\$0.00
TR-EQUIP RENTAL -	JAN 2010	<u>\$0.00</u>
<b>TOTAL MUNICIPAL PURCHASE FUND, SERIES 2004</b>		<b>\$343.75</b>

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CITY COUNCIL MEETING-2/1/2010

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PAYROLL	1/29/2010	\$0.00
A/C PAYABLE - C.M.	2/1/2010	\$0.00
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$0.00
WORKERS COMP	1/29/2010	\$0.00
EMPLOYEE'S RETIREMENT	1/29/2010	\$0.00
TR-EQUIP RENTAL -	JAN 2010	<u>\$0.00</u>

**TOTAL CAPITAL IMPROVEMENT FUND** **\$0.00**

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PAYROLL	1/29/2010	\$0.00
A/C PAYABLE - C.M.	2/1/2010	\$0.00
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$0.00
WORKERS COMP	1/29/2010	\$0.00
EMPLOYEE'S RETIREMENT	1/29/2010	\$0.00
TR-EQUIP RENTAL -	JAN 2010	\$0.00
TR-EQUIP MTC-Q/E		<u>\$0.00</u>

**TOTAL WEST CHICAGO STREETScape FUND** **\$0.00**

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PAYROLL	1/29/2010	\$0.00
A/C PAYABLE - C.M.	2/1/2010	\$0.00
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$0.00
WORKERS COMP	1/29/2010	\$0.00
EMPLOYEE'S RETIREMENT	1/29/2010	\$0.00
TR-EQUIP RENTAL -	JAN 2010	\$0.00
TR-EQUIP MTC-Q/E		<u>\$0.00</u>

**TOTAL DOWNTOWN DEVELOPMENT AUTH FUND** **\$0.00**

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PAYROLL	1/29/2010	\$0.00
A/C PAYABLE - C.M.	2/1/2010	\$0.00
SOC SECURITY TAXES FOR PAYROLL	1/29/2010	\$0.00
WORKERS COMP	1/29/2010	\$0.00
EMPLOYEE'S RETIREMENT	1/29/2010	\$0.00
TR-EQUIP RENTAL -	JAN 2010	\$0.00
TR-EQUIP MTC-Q/E		<u>\$0.00</u>

**TOTAL ANDREW J SMITH FUND** **\$0.00**

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A/C PAYABLE - C.M. \$0.00

**TOTAL 2005 MTF BOND DEBT RETIRE FUND** **2/1/2010** **\$0.00**

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A/C PAYABLE - C.M. \$0.00  
**TOTAL PUBLIC ACT 48 FUND** **\$0.00**

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CITY COUNCIL MEETING-2/1/2010

PAGE 5

A/C PAYABLE - C.M.	2/1/2010	\$0.00
WIRE TR FOR MICHIGAN MUNICIPAL BOND AUTH-BOND/INT	3/25/2009	<u>\$0.00</u>

TOTAL 2007 LTGO BOND DEBT SVC FUND \$0.00

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A/C PAYABLE - C.M.	2/1/2010	<u>\$0.00</u>
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TOTAL DDA PUBLIC ART FUND \$0.00

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A/C PAYABLE - C.M.	2/1/2010	<u>\$0.00</u>
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TOTAL TEC BUS & TECH PARK CONSTR FUND \$0.00

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A/C PAYABLE - C.M.	2/1/2010	<u>\$798.25</u>
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TOTAL TEC BROWNFIELD REDEVP AUTHORITY FUND \$798.25

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AGENDA ITEM REVIEW FORM

City Council  
City of Tecumseh



AGENDA ITEM NUMBER: 8. New Business, item #2	SUBMITTED BY: Kevin Welch
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ITEM: 1st Reading of replacement to Article III of Chapter #74 - Telecommunications Right-of-Way	DEPARTMENT: City Manager
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SUMMARY:

This ordinance should replace the current Article III of Chapter 74 ( Telecommunications). The reasons these changes are needed are as follows:

When the State adopted the Metro Act a few years back, a number of Right of Way (ROW) protections to the City were eliminated. This ordinance restores some of the local control that we need in the ROW.

Treats all providers in an equal manner

Helps the City stay in compliance with the Metro Act.

Applies only to those video providers who must also be in compliance with the METRO Act.

Please see the attached letter from our Telecommunications Attorney.

RECOMMENDATION:  Motion to accept Ordinance #3-10, to replace Article III of Chapter 74, titled Telecommunication Providers with a new Article III titled Telecommunications Right of Way, for its first reading by title only.	<p><b>Council Action:</b></p> <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONTINUED
	<p><b>Bid/Purchase Item:</b></p> <input type="checkbox"/> Budgeted \$ _____ _____ page(s) in FY Budget <input type="checkbox"/> Not Budgeted

SIGNATURE: 	TITLE: City Manager	DATE: Jan. 25, 2010
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BRIDGEWATER PLACE • POST OFFICE BOX 352  
GRAND RAPIDS, MICHIGAN 49501-0352

TELEPHONE 616/336-6000 • FAX 616/336-7000 • WWW.VARNUMLAW.COM

TIMOTHY J. LUNDGREN

DIRECT DIAL 616/336-6750  
E-MAIL [tjlundgren@varnumlaw.com](mailto:tjlundgren@varnumlaw.com)

December 1, 2009

Mr. Kevin Welch  
City Manager  
City of Tecumseh  
309 E. Chicago Blvd.  
P.O. Box 396  
Tecumseh, MI 49286-0396

*Via E-mail*

**Re: Video Service Provider Right-of-Way Ordinance**

Dear Kevin:

Enclosed please find the Video Service Provider Right-of-Way Ordinance for your review. As you know, the new Uniform Video Service Local Franchise Agreement ("Uniform Franchise Agreement"), which municipalities and cable companies are required to use under the new Uniform Video Services Local Franchise Act ("Video Act"), does not have the right-of-way protections typically found in earlier cable franchises. We, therefore, feel that it is in the best interests of our clients to consider passing a separate ordinance that restores right-of-way protections with regard to video service providers.

While the Video Act precludes insertion of such right-of-way provisions back into the Uniform Franchise Agreement itself, it does allow municipalities to adopt such provisions under their police powers, that is, through a local ordinance. Thus, our recommendation is that the City adopt this ordinance in order to preserve its control over the public rights-of-way as to video service providers. By doing so, the use by Comcast (and other providers without a METRO Act permit) of the rights-of-way will continue to be subject to clear, good municipal control.

If you review the ordinance closely, you will see that we have very carefully drafted it to parallel the right-of-way protections contained in a METRO Act permit, which sets forth right-of-way protections applicable to phone companies. This was intentional, as the terms of METRO Act permits are quite good, have been adopted throughout the state, and have the official blessing of the Michigan Public Service Commission ("MPSC"), which enforces both the METRO Act and the recent Video Act. By paralleling a METRO Act permit, you will be getting good substantive terms, will be treating similarly situated providers alike (as required by both state and federal law) and will have done what you can to insulate the ordinance from legal challenge.

Adopting this ordinance is beneficial to the City for many reasons, of which two are particularly prominent. First, from an immediate financial standpoint, it provides that any costs associated with relocation of a provider's lines due to "street or utility work or other public



Mr. Kevin Welch  
December 1, 2009  
Page 2

projects" are the responsibility of the company, and not of the City. Relocation costs have the potential to be significant expenses. Without this kind of ordinance provision, Comcast could claim that it must be reimbursed by the City for such costs.

Second, without a right-of-way ordinance such as this applicable to the *cable* company, the *phone* company under federal law may claim that it need not comply with its Metro Act permit, including requirements in such permits that it pay for relocation costs. This may be especially the case once the cable company enters the phone business (as Comcast is doing). So without this ordinance, you may face claims from both the cable and phone company that you have effectively relinquished your control over the rights-of-way, including that you (not they) pay to relocate their lines in the rights-of-way due to street work.

Finally, we strongly suggest that you or your attorney not change the wording of the attached ordinance any more than is necessary to fit it into a code of ordinances. This is for several reasons:

- We have put a significant effort into adapting METRO Act permits into an ordinance format, while taking into account restrictions in that Act, the recent Video Act, and applicable MPSC orders.
- There is strength in numbers – many communities are adopting this same form of ordinance.
- Although the wording of the ordinance is occasionally mediocre and could be improved, we have not done so deliberately. In those cases it is exactly tracking the sometimes awkward language of METRO Act permits. The goal was to have the same terms apply here and under the METRO Act, not to improve the wording involved.

For these reasons, then, and for others as well, we recommend that the City adopt this ordinance.

We hope that this overview and explanation is useful. If you or your attorney have any questions, though, please let us know.

Very truly yours,

VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP

A handwritten signature in black ink, appearing to read "Timothy J. Lundgren", written in a cursive style.

Timothy J. Lundgren

ORDINANCE 3-10

Regular meeting of the City Council of the City of Tecumseh, County of Lenawee, and State of Michigan, held the    day of                    2010 at 7:30 p.m. in Council Chambers at 309 E. Chicago Boulevard, Tecumseh, Michigan 49286.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF TECUMSEH, MICHIGAN, EFFECTIVE MARCH 23, 2001, SPECIFICALLY CHAPTER 74, ARTICLE III, TELECOMMUNICATIONS PROVIDERS HAS BEEN REPEALED AND REPLACED WITH TELECOMMUNICATIONS PROVIDERS RIGHT-OF-WAY (ALL OF THE NEW TEXT CONTAINED WITHIN ATTACHED ORDINANCE NO. 3- 10).

This ordinance shall take effect ten (10) days after its adoption and upon publication thereof. The foregoing Ordinance was offered by Council member \_\_\_\_\_, and supported by Council member \_\_\_\_\_.

YES:

NO:

ORDINANCE DECLARED ADOPTED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Harvey E. Schmidt, Mayor

\_\_\_\_\_  
Mary Feight, City Clerk



**CITY OF TECUMSEH**

**ORDINANCE NO. 3-10**

**AN ORDINANCE TO REGULATE ACCESS TO AND ONGOING USE OF THE PUBLIC RIGHTS-OF-WAY BY TELECOMMUNICATIONS PROVIDERS; TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE AND EXERCISE REASONABLE CONTROL OF THE PUBLIC RIGHTS-OF-WAY IN COMPLIANCE WITH MICHIGAN AND OTHER APPLICABLE LAW; AND TO ENSURE THAT THE CITY QUALIFIES FOR DISTRIBUTIONS UNDER MICHIGAN LAW BY MODIFYING THE FEES CHARGED TO TELECOMMUNICATIONS PROVIDERS.**

**THE CITY OF TECUMSEH ORDAINS:**

**Sec. 1 Purpose.**

The purposes of this ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) ("Act") and other applicable law, and to ensure that the City qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

**Sec. 2 Conflict.**

Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

**Sec. 3 Terms Defined.**

The terms used in this ordinance shall have the following meanings:

*Act* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

*City* means the City of Tecumseh.

*City Council* means the City Council of the City of Tecumseh or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the City Council.

*City Manager* means the City Manager or his or her designee.

*Permit* means a non-exclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the City for its telecommunications facilities.

All other terms used in this ordinance shall have the same meaning as defined or as provided in the Act, including without limitation the following:

*Authority* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

*MPSC* means the Michigan Public Service Commission, and shall have the same meaning as the term "Commission" in the Act.

*Person* means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

*Public Right-of-Way* means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

*Telecommunications Facilities or Facilities* means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunications services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. § 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

*Telecommunications Provider, Provider and Telecommunications Services* mean those terms as defined in Section 102 of the Michigan Telecommunications Act, 1991 PA 179, MCL § 484.2102. Telecommunications provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of Part I of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. § 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

- (a) A cable television operator that provides a telecommunications service.
- (b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
- (c) A person providing broadband internet transport access service.

#### **Sec. 4 Permit Required.**

(a) *Permit Required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the City for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.

(b) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file a copy of the application with the City Manager. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

(c) *Confidential Information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contains trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL §§ 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(d) *Application Fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.00.

(e) *Additional Information.* The City Manager may request an applicant to submit such additional information which the City Manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the City Manager. If the City and the applicant cannot agree on the requirement of additional information requested by the City, the City or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(f) *Previously Issued Permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the City under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL § 484.2251 and authorizations or permits issued by the City to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this ordinance.

(g) *Existing Providers.* Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the City as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL § 484.2251, shall submit to the City an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

## **Sec. 5 Issuance of Permit.**

(a) *Approval or Denial.* The authority to approve or deny an application for a permit is hereby delegated to the City Manager. Pursuant to Section 15(3) of the Act, the City Manager shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 4(b) of this ordinance for access to a public right-of-way within the City. Pursuant to Section 6(6) of the Act, the City Manager shall notify the MPSC when the City Manager has granted or denied a permit application, including information regarding the date on which the application was filed and the date on which a permit was granted or denied. The City Manager shall not unreasonably deny an application for a permit.

(b) *Form of Permit.* If an application for permit is approved, the City Manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.

(c) *Conditions.* Pursuant to Section 15(4) of the Act, the City Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) *Bond Requirement.* Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the City Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

## **Sec. 6 Construction/Engineering Permit.**

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the City without first obtaining a construction or engineering permit as required under the City's ordinances, as such may be from time to time amended, for construction within the public rights-of-way. No fee shall be charged for such permit. To the extent the fee requirements of any City ordinance or resolution are in conflict with this Section 6, those fee requirements are hereby repealed.

## **Sec. 7 Conduit or Utility Poles.**

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.

## **Sec. 8 Route Maps.**

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the City, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the City. The route maps should be in paper or electronic format as determined by the MPSC under Section 6(8) of the Act.

## **Sec. 9 Repair of Damage.**

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installation of telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the City, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

## **Sec. 10 Establishment and Payment of Maintenance Fee.**

In addition to the non-refundable application fee paid to the City, as required by subsection 4(d) above, a telecommunications provider with telecommunications facilities in the City's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

## **Sec. 11 Modification of Existing Fees.**

In compliance with the requirements of Section 13(1) of the Act, the City hereby modifies, to the extent necessary, any fees charged to telecommunications providers relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the City also hereby approves modification of the fees of providers with telecommunications facilities in public rights-of-way within the City's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The City shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act.

## **Sec. 12 Savings Clause.**

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

### **Sec. 13 Use of Funds.**

Pursuant to Section 10(4) of the Act, all amounts received by the City from the Authority shall be used by the City solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the City from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the City under Act No. 51 of the Public Acts of 1951, or into such other fund or account as may be prescribed by the Authority.

### **Sec. 14 Annual Report.**

Pursuant to Section 10(5) of the Act, the City Manager shall file an annual report with the Authority regarding the use and disposition of funds annually distributed by the Authority.

### **Sec. 15 Cable Television Operators.**

Pursuant to Section 13(6) of the Act, the City shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of the Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

### **Sec. 16 Existing Rights.**

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the City may have under a permit issued by the City or under a contract between the City and a telecommunications provider related to the use of the public rights-of-way.

### **Sec. 17 Compliance.**

The City hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The City shall comply in all respects with the requirements of the Act, including but not limited to the following:

(a) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL §§ 15.231 to 15.246, as provided in Section 4(c) of this ordinance, to the extent permitted by law;

(b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this ordinance;

(c) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with Section 4(g) of this ordinance;

(d) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the City, in accordance with Section 5(a) of this ordinance;

(e) Notifying the MPSC when the City has granted or denied a permit application, in accordance with Section 5(a) of this ordinance;

(f) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this ordinance;

(g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this ordinance;

(h) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this ordinance;

(i) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5(d) of this ordinance;

(j) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this ordinance;

(k) Providing each telecommunications provider affected by the City's right-of-way fees with a copy of this ordinance, in accordance with Section 11 of this ordinance;

(l) Submitting an annual report to the Authority, in accordance with Section 14 of this ordinance; and

(m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this ordinance.

## **Sec. 18 Reservation of Police Powers.**

Pursuant to Section 15(2) of the Act, this ordinance shall not limit the City's right to review and approve a telecommunications provider's access to and ongoing use of a public right-of-way or limit the City's authority to ensure and protect the health, safety, and welfare of the public.

## **Sec. 19 Severability.**

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of

competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

**Sec. 20 Authorized City Officials.**

The City Manager or his or her designee is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal ordinance violations bureau) for violations under this ordinance as provided by the City Code and ordinances.

**Sec. 21 Municipal Civil Infraction.**

A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a violation of the City Code. Nothing in this Section 21 shall be construed to limit the remedies available to the City in the event of a violation by a person of this ordinance or a permit.

**Sec. 22 Repealer.**

(a) All ordinances and portions of ordinances inconsistent with this ordinance are hereby repealed.

(b) City Code Chapter 74, Article III is hereby repealed.

**Sec. 23 Effective Date.**

This ordinance shall take effect on \_\_\_\_\_.



AGENDA ITEM REVIEW FORM

City Council  
City of Tecumseh



AGENDA ITEM NUMBER: 8. New Business, item #3	SUBMITTED BY: Kevin Welch
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ITEM: Adopt a New Article IV to Chapter 74 – Video Service Provider Right of Way Management	DEPARTMENT: City Manager
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SUMMARY:

This ordinance applies ROW management to video service providers that are not required to hold a METRO Act Permit. This ordinance allows the city to manage its ROW regardless if a service provider is required to hold a METRO Act permit or not.

RECOMMENDATION:  Motion to accept Ordinance #4-10 , adding Article IV to Chapter 74, Video Service Provider Right-of-Way, for its first reading by title only.	<b>Council Action:</b> <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONTINUED  <b>Bid/Purchase Item:</b> <input type="checkbox"/> Budgeted \$ _____ _____ page(s) in FY Budget <input type="checkbox"/> Not Budgeted
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SIGNATURE: 	TITLE: City Manager	DATE: Jan. 25, 2010
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TIMOTHY J. LUNDGREN

DIRECT DIAL 616/336-6750  
E-MAIL [tjlundgren@varnumlaw.com](mailto:tjlundgren@varnumlaw.com)

December 1, 2009

Mr. Kevin Welch  
City Manager  
City of Tecumseh  
309 E. Chicago Blvd.  
P.O. Box 396  
Tecumseh, MI 49286-0396

*Via E-mail*

**Re: Video Service Provider Right-of-Way Ordinance**

Dear Kevin:

Enclosed please find the Video Service Provider Right-of-Way Ordinance for your review. As you know, the new Uniform Video Service Local Franchise Agreement ("Uniform Franchise Agreement"), which municipalities and cable companies are required to use under the new Uniform Video Services Local Franchise Act ("Video Act"), does not have the right-of-way protections typically found in earlier cable franchises. We, therefore, feel that it is in the best interests of our clients to consider passing a separate ordinance that restores right-of-way protections with regard to video service providers.

While the Video Act precludes insertion of such right-of-way provisions back into the Uniform Franchise Agreement itself, it does allow municipalities to adopt such provisions under their police powers, that is, through a local ordinance. Thus, our recommendation is that the City adopt this ordinance in order to preserve its control over the public rights-of-way as to video service providers. By doing so, the use by Comcast (and other providers without a METRO Act permit) of the rights-of-way will continue to be subject to clear, good municipal control.

If you review the ordinance closely, you will see that we have very carefully drafted it to parallel the right-of-way protections contained in a METRO Act permit, which sets forth right-of-way protections applicable to phone companies. This was intentional, as the terms of METRO Act permits are quite good, have been adopted throughout the state, and have the official blessing of the Michigan Public Service Commission ("MPSC"), which enforces both the METRO Act and the recent Video Act. By paralleling a METRO Act permit, you will be getting good substantive terms, will be treating similarly situated providers alike (as required by both state and federal law) and will have done what you can to insulate the ordinance from legal challenge.

Adopting this ordinance is beneficial to the City for many reasons, of which two are particularly prominent. First, from an immediate financial standpoint, it provides that any costs associated with relocation of a provider's lines due to "street or utility work or other public

Mr. Kevin Welch  
December 1, 2009  
Page 2

projects" are the responsibility of the company, and not of the City. Relocation costs have the potential to be significant expenses. Without this kind of ordinance provision, Comcast could claim that it must be reimbursed by the City for such costs.

Second, without a right-of-way ordinance such as this applicable to the *cable* company, the *phone* company under federal law may claim that it need not comply with its Metro Act permit, including requirements in such permits that it pay for relocation costs. This may be especially the case once the cable company enters the phone business (as Comcast is doing). So without this ordinance, you may face claims from both the cable and phone company that you have effectively relinquished your control over the rights-of-way, including that you (not they) pay to relocate their lines in the rights-of-way due to street work.

Finally, we strongly suggest that you or your attorney not change the wording of the attached ordinance any more than is necessary to fit it into a code of ordinances. This is for several reasons:

- We have put a significant effort into adapting METRO Act permits into an ordinance format, while taking into account restrictions in that Act, the recent Video Act, and applicable MPSC orders.
- There is strength in numbers – many communities are adopting this same form of ordinance.
- Although the wording of the ordinance is occasionally mediocre and could be improved, we have not done so deliberately. In those cases it is exactly tracking the sometimes awkward language of METRO Act permits. The goal was to have the same terms apply here and under the METRO Act, not to improve the wording involved.

For these reasons, then, and for others as well, we recommend that the City adopt this ordinance.

We hope that this overview and explanation is useful. If you or your attorney have any questions, though, please let us know.

Very truly yours,

VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP



Timothy J. Lundgren

ORDINANCE 4-10

Regular meeting of the City Council of the City of Tecumseh, County of Lenawee, and State of Michigan, held the \_\_\_\_\_ day of \_\_\_\_\_ 2010 at 7:30 p.m. in Council Chambers at 309 E. Chicago Boulevard, Tecumseh, Michigan 49286.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF TECUMSEH, MICHIGAN, EFFECTIVE MARCH 23, 2001, SPECIFICALLY CHAPTER 74, TO INCLUDE ARTICLE IV – VIDEO SERVICE PROVIDER RIGHT-OF-WAY (ALL OF THE NEW TEXT CONTAINED WITHIN ATTACHED ORDINANCE NO. 4-10).

This ordinance shall take effect ten (10) days after its adoption and upon publication thereof. The foregoing Ordinance was offered by Council member \_\_\_\_\_, and supported by Council member \_\_\_\_\_.

YES:

NO:

ORDINANCE DECLARED ADOPTED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Harvey E. Schmidt, Mayor

\_\_\_\_\_  
Mary Feight, City Clerk

**VIDEO SERVICE PROVIDER  
RIGHT-OF-WAY MANAGEMENT ORDINANCE**

**ORDINANCE NO. 4-10**

**AN ORDINANCE OF THE CITY OF TECUMSEH, MICHIGAN, TO PROMOTE  
AND PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE AND  
EXERCISE REASONABLE CONTROL OVER THE PUBLIC RIGHT-OF-WAY  
BY REGULATING THE USE AND OCCUPATION OF SUCH RIGHT-OF-WAY  
BY VIDEO SERVICE PROVIDERS WHO LACK A METRO ACT PERMIT**

**THE CITY OF TECUMSEH ORDAINS:**

1.0 Purpose:

- 1.1 Under the Uniform Video Services Local Franchise Act, Video Service Providers may obtain a franchise to provide Video Services in Municipality using a standardized, uniform form of franchise agreement established by the MPSC. This form includes the right to use the Public Right-of-Way to provide such service but does not contain right-of-way management and related provisions.
- 1.2 Telecommunications providers who obtain a standardized, uniform form of franchise agreement generally will have previously obtained from Municipality a permit under the Metro Act to construct and maintain their telecommunications facilities in the Public Right-of-Way. Such Metro Act Permits set forth the terms and conditions for such right-of-way usage, standard forms of such permits were agreed to in a collaborative process between municipalities and providers that was initiated by the MPSC, and such standard forms have since been approved by the legislature and the MPSC.
- 1.3 Because telecommunications providers typically provide Video Services over combined video and telecommunications facilities, such Metro Act Permits generally provide adequate Public Right-of-Way related protections for Municipality and the public when such providers are providing Video Services.

- 1.4 Other Video Service Providers, in particular new providers or existing Cable Operators, may not have a Metro Act Permit issued by Municipality.
- 1.5 The Uniform Video Services Local Franchise Act and the standardized, uniform franchise agreement require Video Service Providers with such an agreement to comply with all valid and enforceable local regulations regarding the use and occupation of the Public Right-of-Way in the delivery of Video Services, including the police powers of the franchising entity, and makes such right-of-way usage subject to the laws of the State of Michigan and the police powers of the franchising entity.
- 1.6 The Uniform Video Services Local Franchise Act and the standardized, uniform franchise agreement state that franchising entities shall provide Video Service Providers with open, comparable, nondiscriminatory and competitively neutral access to the Public Right-of-Way, and may not discriminate against a Video Service Provider for the authorization or placement of a Video Service or communications network in the Public Right-of-Way.
- 1.7 The Michigan Constitution reserves reasonable control of their highways, streets, alleys and public places to local units of government, which may exercise such authority through the use of the police powers.
- 1.8 The purpose of this ordinance is to promote and protect the public health, safety and welfare and exercise reasonable control over the Public Right-of-Way by regulating the use and occupation of such rights-of-way by Video Service Providers who lack a Metro Act Permit from Municipality. This ordinance does so by setting forth terms and conditions for such usage and occupation from the forms of Metro Act permit approved by the MPSC and approved by the legislature in Section 6(1) of the Metro Act, thus providing open, comparable, nondiscriminatory, and competitively neutral access to the Public Right-of-Way and not discriminating against a Video Service Provider for the authorization or placement of a Video Service or communications network in Public Right-of-Way.

2.0 Consistent Interpretation: This ordinance shall be interpreted and applied so as to be consistent with the Metro Act and corresponding provisions of the forms of Metro Act permit approved by the MPSC, including applicable MPSC, Metro Authority and court decisions and determinations relating to same.

3.0 Definitions: The following definitions apply to this ordinance, including Sections 1 and 2 above.

- 3.1 Act means the Uniform Video Services Local Franchise Act, being Act 480 of the Public Acts of 2006, MCL 484.3301 and following, as amended from time to time.
- 3.2 Cable Operator shall have the same meaning as in the Act.
- 3.3 Claims shall have the meaning set forth in Section 7.1.
- 3.4 Facilities means the lines, equipment and other facilities of a Permittee which use or occupy the Public Right-of-Way in the delivery of Video Services in Municipality.
- 3.5 Franchise Agreement means the franchise agreement entered into or possessed by a Video Service Provider with Municipality as required by Section 3(1) of the Act, if it is the standardized, uniform form of franchise agreement established by the MPSC.
- 3.6 Manager means Municipality's City Manager or his or her designee.
- 3.7 Metro Act means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, being Act No. 48 of the Public Acts of 2002, MCL 484.3101 and following.
- 3.8 Metro Act Permit means a permit to use the Public Right-of-Way issued by Municipality under its ordinance implementing the Metro Act, after a provider's application for same to Municipality as set forth in such ordinance.
- 3.9 Metro Authority shall have the same meaning as "Authority" in the Metro Act.
- 3.10 MPSC means the Michigan Public Service Commission, and shall have the same meaning as the term "Commission" in the Act and the Metro Act.
- 3.11 Municipality means the City of Tecumseh.
- 3.12 Permittee means a Video Service Provider without a currently valid Metro Act Permit, but with either (a) a Pre-Existing Agreement, or (b) a currently valid Franchise Agreement.
- 3.12.1 Upon applying to Municipality for and then obtaining a Metro Act Permit from Municipality a Video Service Provider is not a Permittee and is no longer required to comply with this ordinance. A Video Service Provider is also not a Permittee and is not required to comply with this ordinance if it and Municipality enter

into a voluntary franchise agreement as described in Section 11.2 of this ordinance.

- 3.13 Person means an individual, corporation, association, partnership, governmental entity, or any other legal entity.
- 3.14 Pre-Existing Agreement means a cable television consent agreement predating the effective date of the Act, January 1, 2007, which has not expired or been terminated.
- 3.15 Public Right-of-Way shall have the same meaning as in the Act.
- 3.16 Street Construction and Street Resurfacing shall have the meanings set forth in Section 6.9 of this ordinance.
- 3.17 Video Service shall have the same meaning as in the Act.
- 3.18 Video Service Provider shall have the same meaning as in the Act, and shall include an "incumbent video provider" as referred to in Section 5(2) of the Act.

#### 4.0 Applicability to Permittees:

- 4.1 Compliance, Insurance Exception. All Permittees shall comply with this ordinance, except that a Permittee need not comply with the insurance provisions of Section 8 of this Ordinance if it is required by Section II.J of the standardized, uniform form of franchise agreement established by the MPSC (which in accordance with the Act states that incumbent video providers shall comply with the terms which provide insurance for right-of-way related activities that are contained in its last cable franchise or consent agreement from the franchising entity entered into before the effective date of the Act).

#### 5.0 Contacts, Maps and Plans:

- 5.1 Permittee Contacts. Permittee shall provide the Manager with the names, addresses and the like for engineering and construction related information for Permittee and its Facilities as follows:
  - 5.1.1 The address, e-mail address, phone number and contact person (title or name) at Permittee's local office (in or near Municipality).
  - 5.1.2 If Permittee's engineering drawings, as-built plans and related records for the Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them.



5.1.3 The name, title, address, e-mail address and telephone numbers of Permittee's engineering contact person(s) with responsibility for the design, plans and construction of the Facilities.

5.1.4 The address, phone number and contact person (title or department) at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Facilities.

5.1.5 Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency.

5.1.6 Permittee shall notify Municipality in writing pursuant to the notice provisions of its Franchise Agreement or Pre-Existing Agreement (whichever is then in effect) of any changes in the preceding information.

5.2 Route Maps. Within ninety (90) days after the substantial completion of construction of new Facilities in Municipality, Permittee shall submit route maps showing the location of the Facilities to Municipality, in the same manner and subject to the same provisions as apply to telecommunications providers under Section 6(7) and 6(8) of the Metro Act, MCL 484.3106(7) and (8).

5.3 As-Built Records. Permittee, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Facilities.

## 6.0 Use of Public Right-of-Way:

6.1 [Reserved]

6.2 Overlapping. Permittee shall not allow the wires or any other facilities of a third party to be overlapped to Permittee's Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the MPSC under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.

6.3 No Burden on Public Right-of-Way. Permittee, its contractors, subcontractors, and the Facilities shall not unduly burden or interfere with

the present or future use of any of the Public Right-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Facilities constitutes an undue burden or interference, due to changed circumstances, Permittee, at its sole expense, shall modify the Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality shall attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

- 6.4 No Priority. This ordinance does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined (except as otherwise provided by law) by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 6.5 Restoration of Property. Permittee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Permittee's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Facilities to a reasonably equivalent (or, at Permittee's option, better) condition as that which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.
- 6.6 Marking. Permittee shall mark its Facilities installed after the effective date of this ordinance as follows: Aerial portions of the Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Permittee's name and a toll-free number indicating that there is buried cable below. Bored underground portions of the Facilities shall have a conducting wire at the same depth as the cable and

shall not be required to provide the continuous colored tape. Portions of the Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free telephone number.

- 6.7 Tree Trimming. Permittee may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.
- 6.8 Installation and Maintenance. The construction and installation of the Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or Manager's designee. Permittee shall install and maintain the Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Permittee's use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on the Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.
- 6.9 Pavement Cut Coordination. Permittee shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").
  - 6.9.1 The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.
- 6.10 Compliance with Laws. Permittee shall comply with all valid and enforceable federal and state statutes and regulations; and all valid and enforceable local regulations regarding the use and occupation of the Public Right-of-Way, including the police powers of Municipality; regarding the construction, installation, and maintenance of its Facilities, now in force or which hereafter may be promulgated. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be

required by law, including, without limitation, all utility line permits and highway permits. Municipality shall not unreasonably delay or deny issuance of any such permits, licenses or approvals. Permittee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended. This section does not constitute a waiver of Permittee's right to challenge laws, statutes, ordinances, rules or regulations now in force or established in the future.

- 6.11 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Permittee's Facilities in the vacated Public Right-of-Way, Permittee shall consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its Facilities to such alternate route as Municipality and Permittee mutually agree, applying reasonable engineering standards.
- 6.12 Relocation. If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality and Permittee mutually agree, applying reasonable engineering standards. The work shall be completed within a reasonable time period.
- 6.13 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality shall attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.
- 6.14 Miss Dig. If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 *et seq.*, and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.

6.15 Underground Relocation. If Permittee has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Permittee shall relocate its Facilities underground in the same location at Permittee's sole cost and expense.

6.16 Identification. All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

## 7.0 Indemnification:

7.1 Indemnity. Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "Claims") (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to Permittee's use of or installation of Facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.

7.2 Notice, Cooperation. Municipality shall notify Permittee promptly in writing of any such Claims and the method and means proposed by Municipality for defending or satisfying any such Claims. Municipality shall cooperate with Permittee in every reasonable way to facilitate the defense of any such Claims. Municipality shall consult with Permittee respecting the defense and satisfaction of such Claims, including the selection and direction of legal counsel.

7.3 Settlement. Municipality shall not settle any Claim subject to indemnification under the preceding two sections without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any Claim against Municipality for which Permittee is responsible hereunder.

## 8.0 Insurance:

8.1 Coverage Required. Prior to beginning any construction in or installation of Permittee's Facilities in the Public Right-of-Way, Permittee shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the term of its Franchise Agreement or Pre-Existing Agreement (whichever is then in effect). In the alternative, Permittee may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.

8.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).

8.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy. Pursuant to the 2006 MPSC decision in Case U-14720, Permittee need not comply with the preceding sentence until such time after the effective date of this ordinance that it decides to place any new or existing Facilities underground within the Public Right-of-Way in Municipality.

8.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).

8.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.

8.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the term of the Franchise

Agreement or Pre-Existing Agreement (whichever is then in effect), or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.

- 8.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.
- 8.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.
- 8.4 Deductibles. If the insurance policies required by this ordinance are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.
- 8.5 Contractors. Permittee's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 8. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee's policies).
- 8.6 Insurance Primary. Permittee's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

9.0 Performance Bond or Letter of Credit:

9.1 Municipal Requirement. Municipality may require Permittee to post a bond (or letter of credit), in the amount provided in Section 15(3) of the Metro Act, as amended, MCL § 484.3115(3).

10.0 Removal:

10.1 Removal; Underground. As soon as is practicable after the term of its Franchise Agreement or Pre-Existing Agreement (whichever is later) expires, Permittee or its successors and assigns shall remove any underground cable or other portions of Permittee's Facilities from the Public Right-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Permittee shall not remove any underground cable or other portions of the Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Permittee's sole cost and expense.

10.1.1 For purposes of Section 10.1, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.

10.2 Removal; Above Ground. As soon as is practicable after the expiration of the term of its Franchise Agreement or Pre-Existing Agreement (whichever is later), Permittee, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of its Facilities, including but not limited to poles, pedestal-mounted terminal boxes, and lines attached to or suspended from poles.

10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the expiration of the term of a Franchise Agreement or Pre-Existing Agreement (whichever is later). Portions of Permittee's Facilities in the Public Right-of-Way that are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Permittee at the address provided for in the Franchise Agreement or Pre-Existing Agreement (whichever was last in effect), title to the portions described in such notice shall vest in Municipality.

11.0 Other Items:

11.1 Duties. Permittees shall faithfully perform all duties required by this ordinance.



- 11.2 Different Terms. The Act allows local units of government and Video Service Providers to enter into voluntary franchise agreements that include terms and conditions which are different from those required under the Act or which are different from those in the standardized, uniform form of franchise agreement established by the MPSC. The Metro Act allows municipalities and providers to mutually agree to Metro Act Permit terms differing from those in the standard forms of Metro Act permit approved by the MPSC. Current or prospective Permittees who desire terms different from those in this ordinance, as applied to them, should request such a voluntary franchise agreement or a mutually agreed to Metro Act Permit from Municipality.
- 11.3 Interpretation and Severability. The provisions of this ordinance shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this ordinance be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this ordinance. If any provision in this ordinance is found to be partially overbroad, unenforceable, or invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.
- 11.4 Violations. A Permittee who violates any provision of this ordinance is responsible for a municipal civil infraction, and shall be subject to such civil infraction fines and costs as provided in Municipality's ordinances or Municipal code. Nothing in this Section shall be construed to limit the remedies available to Municipality in the event of a violation by a Permittee of this ordinance.
- 11.5 Authorized Officials. The Manager, which includes his or her designee, is hereby designated as the authorized official of Municipality to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal chapter violations bureau) for violations of this ordinance, as provided by Municipality's ordinances or Municipal code.

12.0 Repealer: All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

13.0 Effective Date:

This ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2009 unless given immediate effect.

AGENDA ITEM REVIEW FORM

City Council  
City of Tecumseh



AGENDA ITEM NUMBER: 8. New Business, item #4	SUBMITTED BY: Shelley Lim
ITEM: Resolution to hold The Great Tecumseh Campout	DEPARTMENT Parks and Recreation

SUMMARY:

We ask that City Council authorize the Parks and Recreation Department to hold a special event, "The Great Tecumseh Campout" on Saturday, June 26 at the Cal Zorn Recreation Center, located on Russell Road in Tecumseh. The Great Tecumseh Camp Out will provide the perfect backdrop for Tecumseh's annual fireworks display, also scheduled for Saturday evening, June 26.

The Great Tecumseh Camp Out will be a family friendly community event, beginning in the afternoon on Saturday. We are inviting families to select a campsite, pitch a tent and spend the day and evening at "Camp Tecumseh". Camp activities will be planned throughout the day, orchestrated and overseen by the Parks and Recreation Department. A campfire is planned during the evening and folks will be allowed to spend the night at Cal Zorn Recreation Center.

Joe Tuckey has approved the campfire, Mack Haun has been notified of our plans and we will obtain all required permits and approvals for the fireworks display.

RECOMMENDATION:  RESOLUTION	<p><b>Council Action:</b></p> <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONTINUED
<p>THE CITY COUNCIL OF THE CITY OF TECUMSEH HEREBY RESOLVES: to approve "The Great Tecumseh Campout" and annual Fireworks Display on Saturday June 26, 2010.</p>	<p><b>Bid/Purchase Item:</b></p> <input type="checkbox"/> Budgeted \$ _____ _____ page(s) in FY Budget <input type="checkbox"/> Not Budgeted

SIGNATURE: 	TITLE: Parks and Recreation Director	DATE: 21-Jan-09
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# AGENDA ITEM REVIEW FORM

## City Council City of Tecumseh



AGENDA ITEM NUMBER: 8. New Business, item #5	SUBMITTED BY: Kevin M. Welch
ITEM: 2010-11 City Manager Goals and Objectives	DEPARTMENT City Manager

**SUMMARY:**

Based on my recent performance evaluation, I would like to suggest the following goals for 2010-2011.

Continue an aggressive approach to new business attraction, for both our existing properties and the Tecumseh Business and Technology Campus. Place extra emphasis on some of our vacant properties.

Continue to build a good working relationship with the Tecumseh Public Schools and look for areas that we can share common interest and be able to help each other.

Continue to aggressively market the community to outside markets that will result in attention to our quality of life, business and retail opportunities. Tecumseh should be the main focus of our efforts, while the county as a whole is also a major draw.


Continue on a path of looking at the future for our growth and take advantage of all opportunities that will enhance all aspects of the community. Realizing that this approach may or may not always appease everyone.

Continue on a path to project a realistic budget, knowing that there will be challenges and sacrifices needed.

Implement a City wide employee recognition program that is represented by and participated in by each department.

Continue focusing on the goals of the past while we embrace new ones. Basically, don't forget what has been successful in the past.

RECOMMENDATION:  RESOLUTION  CITY COUNCIL FOR THE CITY OF TECUMSEH RESOLVES: to accept the 2010-2011 City Manager Goals and Objectives.	<b>Council Action:</b> <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> CONTINUED
	<b>Bid/Purchase Item:</b> <input type="checkbox"/> Budgeted \$ _____ _____ page(s) in FY Budget <input type="checkbox"/> Not Budgeted

SIGNATURE: 	TITLE:	DATE:
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