

**TYRONE TOWNSHIP
REGULAR BOARD MEETING
APPROVED MINUTES – DECEMBER 6, 2022 – PAGE 1**

CALL TO ORDER

Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on December 6, 2022 at 7:00 p.m. at the Tyrone Township Hall.

ROLL CALL

Present: Supervisor Mike Cunningham, Clerk Pam Moughler, Treasurer Jennifer Eden, Trustees Herman Ferguson, Kurt Schulze, Zach Tucker and David Walker.

APPROVAL OF AGENDA – OR CHANGES

Trustee Walker moved to approve the agenda as amended. (Treasurer Eden seconded.) The motion carried; all ayes.

The amendments were as follows:

The 2023 sewer rates were revised from those included in the board packet.
Board of Review appointments to include an alternate.

APPROVAL OF CONSENT AGENDA

**Regular Board Meeting Minutes – November 1, 2022
Treasurer’s Report – September 30, 2022
Treasurer’s Report – October 31, 2022
Clerk’s Warrants and Bills – December 1, 2022**

Trustee Schulze moved to approve the consent agenda as presented. (Trustee Tucker seconded.)
The motion carried; all ayes.

COMMUNICATIONS

- 1. Planning Commission Meeting Synopsis- November 2, 2022**
- 2. Livingston County Sheriff Report- October 31, 2022**
- 3. Fire Service Report – November 30, 2022**

Trustee Tucker moved to received and place on file Communications #1-3 as presented.
(Trustee Schulze seconded.) The motion carried; all ayes.

PUBLIC REMARKS

Residents voiced opinions.

UNFINISHED BUSINESS

None.

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NEW BUSINESS

1. Resolution to adopt the Consumers Energy Gas Franchise Ordinance.

RESOLUTION #221201
TYRONE TOWNSHIP, LIVINGSTON COUNTY

ORDINANCE NO. 32.B

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF TYRONE ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Township on account of the permission herein given, Consumers shall, upon notice, defend the Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its gas distribution system within said Township, and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.

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SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide gas service to the inhabitants of the Township at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas service in the Township and those rules and regulations preempt any term of any ordinance of the Township to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' gas franchise ordinance adopted by the Township including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on May 14, 2023.

RESOLVED BY: Trustee Walker
SUPPORTED BY: Trustee Ferguson

VOTES: Cunningham, yes; Walker, yes; Eden, yes; Schulze, yes; Ferguson, yes; Tucker, yes; Moughler, yes.

ADOPTION DATE: December 6, 2022

PUBLISHED DATE: December 18, 2022

CERTIFICATION OF THE CLERK

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on December 6, 2022, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file

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in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



Pamela Moughler
Township Clerk

2. Resolution to Authorize Negotiating for Summer Tax Collection with Schools.

RESOLUTION #221202
TYRONE TOWNSHIP, LIVINGSTON COUNTY

TO AUTHORIZE NEGOTIATING FOR
SUMMER TAX COLLECTION WITH SCHOOLS

WHEREAS, Act 333, Public Acts of Michigan, 1982, provides that townships may negotiate the collection of summer property taxes upon request of the local school districts; and

WHEREAS, in previous years school districts within the boundaries of Tyrone Township have requested one-half or all of the tax levy;

WHEREAS, school districts within the boundaries of Tyrone Township have indicated they will request one-half or all of the 2023 tax levy, including debt services; and

WHEREAS, the 2023 summer property tax collection shall not be an additional expense to Tyrone Township;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The negotiations for the collection of the 2023 summer school tax, as certified by school districts within Tyrone Township, are authorized.
2. The Supervisor, Mike Cunningham, and Treasurer, Jennifer Eden, are authorized and directed to negotiate on behalf of Tyrone Township.
3. These taxes will be levied commencing July 1, 2023.
4. Should an agreement not be determined to cover reasonable expenses, Tyrone Township will not be responsible for the collection of the above tax.

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RESOLVED BY: Trustee Schulze
SUPPORTED BY: Trustee Tucker

VOTE: Walker, yes; Schulze, yes; Ferguson, yes; Tucker, yes; Cunningham, yes; Eden, yes; Moughler, yes.

ADOPTION DATE: December 6, 2022

CERTIFICATION OF THE CLERK

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on December 6, 2022, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



Pamela Moughler
Tyrone Township Clerk

3. Authorization for credit service to take legal action for two fire service fees.

Trustee Walker moved to authorize the township's credit service to take legal action to collect two fire service fees owed. (Trustee Ferguson seconded.) The motion carried; all ayes.

4. Approval of the 2023 sewer rates.

Trustee Schulze moved to approve the 2023 sewer rates as revised. (Trustee Ferguson seconded.) The motion carried; all ayes.

5. Reappointment of Board of Review members.

Trustee Walker moved to approve the Supervisor's reappointment of Marcia Dicks, Eugene Rodgers, John Wiese and the appointment of an alternate, Kim Veenstra, to the Board of Review. (Trustee Schulze seconded.) The motion carried; all ayes. The appointments are for a two-year term, expiring December 31, 2024.

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6. Authorization for the Treasurer to attend the MMTA Winter Workshop.

Trustee Schulze moved to authorize the Treasurer to attend the Michigan Municipal Treasurers Association Winter Workshop. (Trustee Tucker seconded.) The motion carried; all ayes.

MISCELLANEOUS BUSINESS

None.

PUBLIC REMARKS

Residents made comments.

CLOSED SESSION- to discuss a claim for alternative dispute resolution and litigation.

RESOLUTION #221203
TYRONE TOWNSHIP, LIVINGSTON COUNTY

CLOSED SESSION

Trustee Schulze resolved to go into closed session to discuss a claim for alternative dispute resolution and litigation. (Trustee Tucker seconded.)

Roll call: Walker, yes; Schulze, yes; Ferguson, yes; Tucker, yes; Cunningham, yes; Moughler, yes, Eden, yes.

The board convened in closed session at 7:24 p.m.

* * * * *Closed Session Minutes* * * * *

The board reconvened in open session at 7:45 p.m.

ADJOURNMENT

Trustee Schulze moved to adjourn. (Trustee Tucker seconded.) The motion carried; all ayes. The meeting adjourned at 7:45 p.m.