

Charter Township of Canton Board Proceedings-April 14, 2009

6:45 P.M. – CLOSED SESSION – EMPLOYEE NEGOTIATIONS Motion by Taj, supported by Williams to move from open session to closed session at 6:45 p.m. Motion carried by all members present. **Roll Call** Members Present: Anthony, Bennett, Caccamo, LaJoy, Taj, Williams Members Absent: McLaughlin Staff Present: Director Eva Motion by Anthony, supported by Caccamo to move from closed session to open session at 7:02 p.m. Motion carried by all members present. A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, April 14, 2009, at 1150 Canton Center S., Canton, Michigan. Supervisor LaJoy called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance to the Flag. **Roll Call** Members Present: Anthony, Bennett, Caccamo, LaJoy, Taj, Williams Members Absent: McLaughlin Staff Present: Executive Director Santomauro, Director Eva, Director Conklin, Director Faas, Kathleen Salla, Tom Casari, Greg Pyle, Debbie Bilbrey-Honsowetz Others Present: Paul Denski Jr., Canton Waste Recycling **Adoption of Agenda** Motion by Bennett, supported by Anthony to approve the agenda as presented. Motion carried by all members present. **Approval of Minutes** Motion by Bennett, supported by Taj to approve the Board Study Minutes of March 17, 2009. Motion carried by all members present. Motion by Bennett, supported by Caccamo to approve the Board Minutes of March 24, 2009. Motion carried by all members present. **Citizen's Non-Agenda Item Comments:** John Stewart made comments on the Michigan Economic Growth Authority meeting in Lansing. Supervisor LaJoy and Debbie Bilbrey-Honsowetz promoted Canton to a company who will make batteries for electric cars. **Payment of Bills** Motion by Bennett, supported by Caccamo to approve payment of the bills as presented. Motion carried by all members present. **CONSENT CALENDAR: Item 1. SECOND READING OF CHAPTER 18 AMENDMENTS AND REPEAL SECTIONS TO THE MESSAGE ORDINANCE AMENDING SECTIONS 18-81, OF CHAPTER 18, ARTICLE III, MESSAGE ORDINANCE; PROVIDING FOR DEFINITIONS, PROVIDING FOR APPLICATIONS FOR PERMITS AND LICENSES PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE TO THE CODE OF ORDINANCE.** (CLERK) Motion by Bennett, supported by Taj to remove from the table and adopt the second reading of Chapter 18 Amendments and Repealing Sections to the Message Ordinance Sections 18-81 through 18-91 the Message Ordinance; providing for the regulation of massage establishments; providing for exemptions; providing for the definition of terms; providing for an application and license process; providing for issuance of licenses; providing for approval/denial of an application; providing for posting of licenses, records of employees, revocation or suspension of licenses, renewal of licenses; providing for facilities necessary and operating requirements of a massage establishment; prohibiting persons of age eighteen or under and alcoholic beverages; providing for the hours of operation, inspections prohibiting unlawful acts, transfers of licenses, change of location or name of licensee; providing for penalties, repeal, or severability, publication and effective date. Publication and effective date will be April 23, 2009. Motion carried by all members present. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON MESSAGE ESTABLISHMENT ORDINANCE SUMMARY OF ORDINANCE CHAPTER 18 AN ORDINANCE OF THE CHARTER TOWNSHIP OF CANTON REPEALING ORDINANCE CHAPTER 18, THE MESSAGE ORDINANCE; PROVIDING FOR THE REGULATION OF MASSAGE ESTABLISHMENTS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE DEFINITION OF TERMS; PROVIDING FOR AN APPLICATION AND LICENSE PROCESS; PROVIDING FOR THE ISSUANCE OF LICENSES; PROVIDING FOR APPROVAL/DENIAL OF AN APPLICATION; PROVIDING FOR POSTING OF LICENSES, RECORDS OF EMPLOYEES, REVOCATION OR SUSPENSION OF LICENSES, RENEWAL OF LICENSES; PROVIDING FOR FACILITIES NECESSARY AND OPERATING REQUIREMENTS OF A MASSAGE ESTABLISHMENT; PROHIBITING PERSONS OF AGE EIGHTEEN OR UNDER AND ALCOHOLIC BEVERAGES; PROVIDING FOR THE HOURS OF OPERATION, INSPECTIONS, PROHIBITING UNLAWFUL ACTS, TRANSFERS OF LICENSES, CHANGE OF LOCATION OR NAME OF LICENSEE; PROVIDING FOR PENALTIES, REPEAL, OR SEVERABILITY, PUBLICATION AND EFFECTIVE DATE. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. REPEAL OF MESSAGE ORDINANCE.** This section repeals Ordinance Chapter 18, the Message Ordinance. **Sec. 18-81. Short title.** This section provides that this article shall be known and may be cited as the "Massage Establishment Ordinance". **Sec. 18-82. Definitions.** This section provides the meanings for words and phrases used in this article. **Sec. 18-83. Massage establishment.** This section provides that no person shall engage in or carry out the business of massage unless he/she has a valid massage business license issued by the Township. **Sec. 18-84. Exemptions.** This section provides for individuals that are exempt while engaged in the personal performance of the duties of their respective professions. **Sec. 18-85. Application for massage establishment license.** This section provides that applicants for a license to maintain, operate or conduct a massage establishment shall file an application with the Township Clerk's office and pay a nonrefundable application investigation fee. **Sec. 18-86. License application procedures.** This section provides for license application procedures. **Sec. 18-87. Issuance of license for a massage establishment.** This section provides that the Township Clerk shall issue a license for a massage establishment if all requirements for a massage establishment are met. **Sec. 18-88. Approval or denial of application.** This section provides that the Township Clerk shall act to approve or deny an application for a license within a reasonable period of time and that the license shall be valid for 2 years. **Sec. 18-89. Posting of license/permit.** This section provides that the license/permit must be posted in accordance with P.A. 471. **Sec. 18-90. Records of employees.** This section provides a register of all persons employed or engaged as massage therapists must be kept at the massage establishment and be available to Township representatives. **Sec. 18-91. Revocation or suspension of license.** This section provides that the Township may revoke or suspend any license issued for a massage establishment after notice and a hearing. **Sec. 18-92. Renewal of massage establishment license permit.** This section provides for the requirements to renew a massage establishment license permit. **Sec. 18-93. Facilities necessary.** This section provides that no massage establishment license shall be issued unless inspectors of the Township reveal that the massage establishment complies with certain requirements. **Sec. 18-94. Operating requirements.** This section provides for the operating requirements for a massage business establishment. **Sec. 18-95. Persons under age 18 prohibited on premises.** This section provides that persons under the age of 18 are prohibited at any massage business establishment. **Sec. 18-96. Alcoholic beverages prohibited.** This section provides that no alcoholic beverages shall be brought into or upon the premises of a massage establishment. **Sec. 18-97. Hours.** This section provides that no massage establishment shall be kept open for any purposes between the hours of 11:00 p.m. and 6:00 a.m. **Sec. 18-98. Employment of massagist.** This section provides that no person shall employ as a massage therapist any person unless he/she has obtained and has in effect a permit issued pursuant to Public Act 471. **Sec. 18-99. Inspection required.** This section provides that authorized inspectors from the Township shall from time to time make inspection of each massage business establishment for the purposes of determining that the provisions of this article are fully complied with. **Sec. 18-100. Unlawful acts.** This section describes unlawful acts in a massage business establishment. **Sec. 18-101. Sale, transfer or change of location.** This section provides that upon sale, transfer or relocation of a massage establishment, the license shall be null and void unless approved as provided by this article. **Sec. 18-102. Name and place.** This section provides that no person granted a license shall operate the massage establishment under a name or in a designation not specified in their license. **Sec. 18-103. Transfer of license.** This section provides that no license shall be transferable except with the consent of the Township Clerk or Township Supervisor and ratified by the Township Board. **Sec. 18-104. Violation and penalty.** This section provides that any person, except those who are specifically exempted by this article, that violates any provisions of this article may, upon conviction be fined not more than \$500 or imprisoned not more than 90 days, or both, in the discretion of the court and that each day that a violation is permitted to exist shall constitute a separate offense. **Sec. 18-105. Applicability of regulations to existing business.** This section provides that the provisions of this article shall be applicable to all persons and businesses described herein, whether the herein described activities were established before or after the effective date of this article. **SECTION 2. REPEAL OF INCONSISTENT ORDINANCES.** This section provides that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. **SECTION 3. SEVERABILITY.** This section provides that any unenforceable section can be severed from the rest of the Ordinance. **SECTION 4. SAVINGS CLAUSE.** This section provides that adoption of this Ordinance does not affect proceedings, prosecutions for violation of law, penalties and matured rights and duties in effect before the effective date of this Ordinance. **SECTION 5. PUBLICATION.** This section provides that the Clerk of the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. **SECTION 6. EFFECTIVE DATE.** This section provides that this Ordinance shall take full force and effect upon publication as required by law. Copies of the complete text of this Ordinance are available at the office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, Michigan, 48188, during regular business hours. **Item 2. SPECIAL COMMUNITY EVENT STATUS FOR R.O.S.E.'S (RELIEVING ORPHAN SUFFERING EVERYWHERE) YARD SALE.** (MSD) Motion by Bennett, supported by Taj to approve special event status and placement of signs at the various locations for R.O.S.E.'s (Relieving Orphan Suffering Everywhere) yard sale which will be held on May 15 through May 17th, 2009 and June 12th through June 14th, 2009 at Canton Charter Academy 49100 Ford Road. Motion carried by all members present. **GENERAL CALENDAR: Item 1. CONSIDER SPECIAL LAND USE REQUEST FOR COIN OPERATED AMUSEMENT DEVICE ESTABLISHMENT – CHUCK E. CHEESE'S EXPANSION.** (MSD) Motion by Bennett, supported by Taj to adopt the resolution for special use for Chuck E. Cheese's Expansion Motion carried by all members present. **Item 2. CONSIDER THE PURCHASE OF UPGRADES**

FOR EXISTING GIS SOFTWARE LICENSES AND ADDITIONAL SOFTWARE TOOL SET. (MSD) Motion by Bennett, supported by Williams to award the bid for the purchase of ArcMap GIS software upgrades and Tool Set from ESRI, Redlands California and approve a purchase order for a not-to-exceed amount of \$30,563 (Account #'s 592-536.140 (60%) or \$19,110) and 592-537.140 (40% or \$12,740), the Water and Sewer funds). Motion carried by all members present. **Item 3. CONSIDER APPROVAL OF A CHANGE ORDER FOR INTERSECTION IMPROVEMENTS AT LILLEY AND HANFORD TO PETER A. BASILE SONS, INC.** (MSD) Motion by Bennett, supported by Caccamo to approve a change order and issue a Purchase Order in the amount of \$ 14,131.53 (capital account number 403-506-00970-0090) to Peter A. Basile Sons, Inc. to cover the final payment for additional work performed on the Lilley / Hanford Intersection Improvement Project. Motion carried by all members present. **Item 4. CONSIDER PURCHASE F NEW MAINTENANCE TRUCK AND SERVICE BODY FOR PUBLIC WORKS WATER SECTION.** (MSD) Motion by Bennett, supported by Williams to accept the bid from Signature Ford and to approve a purchase order for a not-to-exceed amount of \$29,900.00 (Account # 592.536.970.0040) and to authorize the Public Works Division to purchase a 2009 F-450 DRW-chassis cab during the 2009 calendar year and to also accept the bid from Knapheide Truck Equipment and to approve a purchase order not to exceed \$14,843.00 (Account # 592.536.970.0040) and to authorize the Public Works Division to purchase and install the service body during the 2009 calendar year. Motion carried by all members present. **Item 5. CONSIDER AWARD OF CONTRACT FOR 2009 DUST CONTROL PROGRAM AND LOCAL GRAVEL ROADS.** (MSD) Motion by Bennett, supported by Caccamo to award a contract to Suburban Oil Co. to provide Canton's 2009 dust control program for an amount not to exceed \$13,230 (Account Number 101-521.801.0090). Motion carried by all members present. **Item 6. CONSIDER RESOLUTION OF SUPPORT FOR THE VAN BORN ROAD PAVING IMPROVEMENTS.** (MSD) Motion by Bennett, supported by Taj to adopt the resolution in support of the Van Born Road Paving Improvements. Motion carried by all members present. **Item 7. FIRST READING, AMENDMENT TO THE ORDINANCE NO. 161, CODE OF ORDINANCES PART 1, CHAPTER 74 ENTITLED "UTILITIES", ARTICLE II, DIVISION 2, SUBDIVISION II ENTITLED "RATES AND CHARGES", SECTION 74-83 AND SECTION 74-84, WATER BILLING; WATER METERS.** (MSD) Motion by Bennett, supported by Williams to introduce the first reading of the AMENDMENT TO THE CODE OF ORDINANCES, PART I, CHAPTER 74 ENTITLED "UTILITIES", ARTICLE II, DIVISION 2, SUBDIVISION II ENTITLED "RATES AND CHARGES", SECTION 74-83, AND SECTION 74-84 ENTITLED "WATER BILLING; WATER METERS" with publication on April 23, 2009, the second Reading will be on April 21, 2009, with publication date of April 30, 2009 and effective date of May 1, 2009. Motion carried by all members present. Motion by Bennett, supported by Williams to table the first reading of the AMENDMENT TO THE CODE OF ORDINANCES, PART I, CHAPTER 74 ENTITLED "UTILITIES", ARTICLE II, DIVISION 2, SUBDIVISION II ENTITLED "RATES AND CHARGES", SECTION 74-83, AND SECTION 74-84 ENTITLED "WATER BILLING; WATER METERS" with publication on April 23, 2009, Second Reading will be on April 21, 2009, with publication date of April 30, 2009 and effective date of May 1, 2009. Motion carried by all members present. **SUMMARY CHARTER TOWNSHIP OF CANTON AMENDMENT TO UTILITIES ORDINANCE, CODE OF ORDINANCES, PART I, CHAPTER 74 AN ORDINANCE AMENDING THE CHARTER TOWNSHIP OF CANTON CODE OF ORDINANCES PART I, CHAPTER 74 ENTITLED "UTILITIES", ARTICLE II, DIVISION 2, SUBDIVISION II ENTITLED RATES AND CHARGES, SECTION 74-83. THIS SECTION PROVIDES FOR REVISED WATER CONSUMPTION RATES, REVISED WATER METER CHARGES, REVISED SEWER TREATMENT RATES, REVISED WASTEWATER COST OF SERVICE CHARGES, REVISED MINIMUM SEWAGE DISPOSAL BILLS IF NOT CONNECTED TO THE TOWNSHIP WATER SYSTEM, REVISED INDUSTRIAL WASTE CHARGE (IWC) RATES, AND REVISED INDUSTRIAL SURCHARGE RATES; ALSO AMENDING SECTION 74-84, WATER BILLING; WATER METERS. THIS SECTION PROVIDES FOR REVISED LATE PAYMENT PENALTY CHARGES; AND PROVIDING FOR THE SAVINGS OF ALL PENDING PROCEEDINGS AND BALANCE OF ORDINANCES; PROVIDING FOR VIOLATION AND PENALTY; PROVIDING FOR SEVERABILITY OF ORDINANCE; PROVIDING FOR THE CONSTRUCTION OF THE ORDINANCE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO SUBDIVISION II RATES AND CHARGES** This Ordinance is hereby adopted to amend Part I, Chapter 74, Article II, Division 2, Subdivision II, Section 74-83 of the Utilities Ordinance, entitled Rates and Charges and Section 74-84, entitled Water Billings; Water Meters and to provide as follows: This section provides for revised water consumption rates, revised water meter charges, revised sewer treatment rates, revised wastewater cost of service charges, revised minimum sewer bills for customers not connected to the township water system, revised industrial waste charge (IWC) rates, revised industrial surcharge rates and revised late payment penalty charges. **SECTION 2. SAVINGS OF ALL PENDING PROCEEDINGS AND BALANCE OF THE ORDINANCE.** The balance of Code of Ordinances, Part I, Chapter 74, except as herein amended, shall remain in full force and effect. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this amendatory Ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced. This amendatory Ordinance shall not be construed to affect any right pending before the effective date of this amendatory Ordinance. **SECTION 3. VIOLATION AND PENALTY.** Any person, corporation, partnership or any other legal entity who shall violate or fail to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, shall be guilty of a misdemeanor and upon conviction thereof may be fined not more than \$500.00 or imprisonment for not more than ninety (90) days, or both, in the discretion of the Court. **SECTION 4. SEVERABILITY.** If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portion hereof. **SECTION 5. CONSTRUCTION OF ORDINANCE.** This Ordinance shall be liberally construed in such manner as to best effectuate its purpose. The provisions of this Ordinance shall be construed, if possible, in such manner as to make such provisions compatible and consistent with the provisions of all existing Ordinances of the Township and all amendments thereto. **SECTION 6. REPEAL OF CONFLICTING SECTIONS.** Portions of the Code of Ordinances, Part I, Chapter 74 are hereby repealed only to the extent necessary to give this amendatory Ordinance full force and effect. **SECTION 7. EFFECTIVE DATE.** This section provides that this Ordinance becomes effective after publication. Copies of the complete text of this Ordinance are available at the office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, Michigan, 48188, during regular business. **Item 8. CONSIDER RESOLUTION OF SUPPORT FOR THE DDA LOTZ TO LILLEY STREETSCAPE. (SUPERVISOR)** Motion by Bennett, supported by Williams to adopt the resolution for I-275 Beatification and Ford Road Streetscape Extensions from Morrison Road to City of Westland West Border Canton Downtown Development Authority District. Motion carried by all members present. **Item 9. APPROVAL OF UNION CONTRACT FOR THE TECHNICAL, PROFESSIONAL AND OFFICE WORKERS OF MICHIGAN (TPOAM).** (FBD) Motion by Bennett, supported by Caccamo to approve the collective bargaining agreement between Canton Township and the Technical, Professional and Office Workers Association of Michigan (TPOAM). Motion carried by all members present. **Item 10. AUTHORIZE THE PURCHASE OF SOFTBALLS FOR CANTON SPORTS CENTER. (CLS)** Motion by Bennett, supported by Taj to approve the purchase of 316 dozen 12" softballs from Worth Sports, 1915 Wendell, Lima, OH 45805 in the amount of \$8,990.20 with the expense charged to Canton Sports Center Budget -Operating Supplies Account # 101-755-65.740. Motion carried by all members present. **Item 11. APPROVE GOOSEWORK'S CONTRACT FOR GOOSE CONTROL. (CLS)** Motion by Bennett, supported by Caccamo to award the contract for humane goose control services at Pheasant Run Golf Club and Heritage Park to Gooseworks, LLC, 12040 Crooked Lane, South Lyon, MI 48178 in the amount of \$8,000 to be paid from Pheasant Run account #584-756-57.801_0050 (\$5,000) and Parks Division account #101-270-79.801_0050 (\$3,000). Roll Call Vote: Ayes: Anthony, Bennett, Caccamo, LaJoy, Taj Nays: Williams Motion carried. **Item 12. APPROVE LAWN AND LANDSCAPE MAINTENANCE OF TOWNSHIP PROPERTIES CONTRACT. (CLS)** Motion by Bennett, supported by Caccamo to approve the 2009 mowing and bed maintenance contract to Louie's Landscaping, Inc, 18336 Cedar Island Blvd, Brownstown, MI 48174 in the amount of \$32,525. Motion carried by all members present. **Item 13. APPROVE PURCHASE AND INSTALLATION OF STORM WINDOWS FOR CHERRY HILL SCHOOL. (CLS)** Motion by Bennett, supported by Taj to approve the purchase and installation of storm windows at Cherry Hill School from Robertson's Storm and Screen Products, 585 South Maple Road, Ann Arbor, MI 48103 for an amount not to exceed \$6,599.28 to be taken from account #101-803.970_0020 Capital Outlay Buildings and Improvements Historic District Commission. Motion carried by all members present. **Item 14. PRESENTATION – SINGLE STREAM RECYCLING PROGRAM. OTHER:** Supervisor LaJoy stated there will be a study session next week, Tuesday, April 21, 2009 at 7:00 p.m. in the Administration Building, First Floor, Board Room, 1150 Canton Center S. Canton, Michigan. **ADJOURN:** Motion by Bennett, supported by Williams to adjourn at 8:37 p.m. Motion carried by all members present. – Philip LaJoy, Supervisor – Terry G. Bennett, Clerk – Copies of the complete text of the Board Minutes are available at the office of the Charter Township of Canton, 1150 S. Canton Center Rd, Canton, MI 48188, during regular business hours and can also be accessed through our web site www.canton-mi.org after Board Approval.