

Charter Township of Canton Board Proceedings-July 14, 2009

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, July 14, 2009, at 1150 Canton Center S., Canton, Michigan. Supervisor LaJoy called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag. **Roll Call** Members Present: Anthony, Bennett, Caccamo, LaJoy, McLaughlin, Taj, Williams Staff Present: Executive Director Santomauro, Director Eva, Director Conklin, Director Faas, Debbie Bilibrey-Honsowetz, Fire Chief Rorabacher **Adoption of Agenda** Motion by Bennett, supported by Anthony to approve the agenda as amended; adding a closed session for discussion purposes of purchase of property at the end of the General Calendar and deleting item G-5. Adoption of Zoning Ordinance Amendments and adding item G-11 Consider Budget Amendment and Offer to Purchase Property Under Wayne County Tax Foreclosure. Motion carried unanimously. Approval of Minutes Motion by Bennett, supported by Taj to approve the Board Study Minutes of June 16, 2009. Motion carried unanimously. Motion by Bennett, supported by Caccamo to approve the Board Minutes of June 23, 2009. Motion carried unanimously. Citizen's Non-Agenda Item Comments: Senator Patterson presented a State recognition to Clerk Terry Bennett as 2009 Township Clerk of the Year through the Michigan Associations of Municipal Clerks. Director Eva stated the Canton Township's bond rating through Standard & Poor's has been upgraded from a Double A to a Double A+. **Payment of Bills** Motion by McLaughlin, supported by Taj to approve payment of the bills as presented. Motion carried unanimously.

PUBLIC HEARING: Item 1. CONSIDER EXTENSION OF THE TAX ABATEMENT FOR POINTE SCIENTIFIC, INC. Motion by Bennett, supported by McLaughlin to open the public hearing at 7:12 p.m. to hear comment on the extension of the tax abatement for Pointe Scientific, Inc. Motion carried unanimously. Debbie Bilibrey-Honsowetz stated in response to the current economy the State is trying to assist businesses with allowing an extension. Motion by Bennett, supported by McLaughlin to close the public hearing at 7:18 p.m. to hear comment on the extension of the Tax Abatement for Pointe Scientific, Inc. Motion carried unanimously. Motion by Bennett, supported by Williams to adopt the resolution to extend the Tax Abatement for Pointe Scientific, Inc. Motion carried unanimously. **CONSENT CALENDAR: Item 1. SECOND READING TO AMEND CHAPTER 1, SECTION 1-7(c) AND CHAPTER 46, SECTION 46-2 TO PROVIDE THAT A VIOLATION OF AN ORDINANCE IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH, IF THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION OF A STATE LAW THAT IS A MISDEMEANOR FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS 93 DAYS; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND SAVING OF ALL PENDING MATTERS; AND TO PROVIDE FOR PUBLICATION AND THE EFFECTIVE DATE. (CLERK)** Motion by Bennett, supported by Williams to remove from the table and adopt the second reading of the 93-Day Misdemeanors an ordinance to amend Chapter 1, Section 1-7(c) and Chapter 46, Section 46-2; to provide that a violation of an ordinance is punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of a state law that is a misdemeanor for which the maximum period of imprisonment is 93 days; to provide for repeal of conflicting ordinances, severability, and saving of all pending matters; and to provide for publication and the effective date. Publication and effective date will be July 23, 2009. Motion carried unanimously. **STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, 93-DAY MISDEMEANORS. AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1-7(c) AND CHAPTER 46, SECTION 46-2; TO PROVIDE THAT A VIOLATION OF AN ORDINANCE IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH, IF THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION OF A STATE LAW THAT IS A MISDEMEANOR FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS 93 DAYS; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND SAVING OF ALL PENDING MATTERS; AND TO PROVIDE FOR PUBLICATION AND THE EFFECTIVE DATE. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1: AMENDMENT TO CHAPTER 1, SECTION 1-7(c) OF THE CANTON TOWNSHIP CODE OF ORDINANCES** This section provides that Chapter 1, Section 1-7(c) is amended to read that the general penalty for a violation of an ordinance is up to \$500.00 and/or 90 days imprisonment plus court costs, but for an ordinance that substantially corresponds to a violation of state law for which the maximum period of imprisonment is 93 days, the penalty for violation of such ordinance is up to \$500.00 and/or 93 days imprisonment plus court costs. It also specifically lists the current ordinance provisions that have such corresponding state law 93 day offenses. **SECTION 2: AMENDMENT TO CHAPTER 46, SECTION 46-2 OF THE CANTON TOWNSHIP CODE OF ORDINANCES** This section provides that Chapter 46, Section 46-2 is amended to read that every act prohibited by state law and which is punishable by not more than 90, 92, or 93 days imprisonment is prohibited by this Section, and that the punishment for a violation under this section is the same as under state law. **SECTION 3. REPEAL.** 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 4. SEVERABILITY.** This section provides that any unenforceable section can be severed from the rest of the Ordinance. **SECTION 5. 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 6. PUBLICATION.** This section provides that the Clerk shall cause this Ordinance to be published. **SECTION 7. EFFECTIVE DATE.** This section provides that this Ordinance shall take full force and effect upon publication. **SECTION 2: AMENDMENT TO CHAPTER 46, SECTION 46-2 OF THE CANTON TOWNSHIP CODE OF ORDINANCES** This section provides that Chapter 46, Section 46-2 is amended to read that every act prohibited by state law and which is punishable by not more than 90, 92, or 93 days imprisonment is prohibited by this Section, and that the punishment for a violation under this section is the same as under state law. **SECTION 3. REPEAL.** 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 4. SEVERABILITY.** This section provides that any unenforceable section can be severed from the rest of the Ordinance. **SECTION 5. 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 6. PUBLICATION.** This section provides that the Clerk shall cause this Ordinance to be published. **SECTION 7. EFFECTIVE DATE.** This section provides that this Ordinance shall take full force and effect upon publication. Introduced: June 23, 2009 Published: July 23, 2009 Adopted: July 14, 2009 Effective upon Publication: July 23, 2009 **GENERAL CALENDAR: Item 1. CONSIDER PURCHASING A THERMAL IMAGING CAMERA (FIRE). (PSD)** Motion by Bennett, supported by Anthony to approve the purchase of an MS 5200 Thermal Imaging Camera from Apollo Fire Equipment, 12584 Lakeshore Dr, Romeo, Michigan in the amount of \$9,894.31. Funding to come from Fire Capital Equipment Account # 206 336 50 970 0030. Motion carried unanimously. **Item 2. APPROVE WESTERN WAYNE COUNTY FIRE DEPARTMENT MUTUAL AID ASSOCIATION DUES. (PSD)** Motion by Bennett, supported by McLaughlin to pay the Western Wayne County Mutual Aid Associations dues in the amount of \$6,108.40 from Fire Fund Account #206-336-50-960. Payments to Other Units of Government. Motion carried unanimously. **Item 3. CONSIDER PURCHASING 2-RESCUE SQUADS. (PSD)** Motion by Bennett, supported by Anthony to purchase two rescue squads from Roland Specialty Vehicles, PO Box 688, Toledo, OH 43612 in the amount of \$279,000 which includes a \$9,000 credit for the trade-in of unit 03-S1, and further to purchase related EMS and required radio equipment for a total amount not to exceed \$290,000 (Fire Capital Outlay Vehicles Account # 206-336-50-970 0040). Motion carried unanimously. **Item 4. AWARD THE BID FOR THE FINAL PHASE OF THE WARNING SIRENS UPGRADE. (PSD)** Motion by Bennett, supported by McLaughlin to award the bid for the final phase of Canton's Outdoor Warning Siren System to American Signal Corporation, 4801 W. Woolworth Ave, Milwaukee, WI 53218 in the amount of \$99,995. Funds are budgeted in the amount of \$100,000 in General Emergency Management Capital Outlay Account #101-426-970 0060. Motion carried unanimously. **Item 5. ADOPTION OF ZONING ORDINANCE AMENDMENTS. (MSD) DELETED Item 6. CONSIDER AWARD OF CONTRACT FOR DESIGN SERVICES FOR SOFTBALL CENTER PARKING LOT TO MICHAEL L. PRIEST & ASSOCIATES, INC. (MSD)** Motion by Bennett, supported by McLaughlin to enter into a contract for design only services for the Softball Center Parking Lot Rehabilitation Project with Michael L. Priest & Associates Inc. in accordance with their proposal for an amount not to exceed \$10,000.00 (Community Improvement Fund, account number 246-750-970 0050). Motion carried unanimously. **Item 7. CONSIDER AUTHORIZING TOWNSHIP ATTORNEY TO ACQUIRE RIGHT-OF-WAY (ROW) FOR THE CONSTRUCTION OF THE 2009 INTERSECTION ACTION COMMITTEE PROGRAM. (MSD)** Motion by Bennett, supported by Anthony to authorize the Township Attorney to have appraisals completed and to prepare purchase agreements in accordance with the appraisal for the purchase of right-of-way along Cherry Hill and along Lilley Roads involving parcels 71-064-99-0016-000, 71-055-99-0016-002, 71-051-99-0013-701 and 71-089-99-0001-003, and I further move that should the negotiation to purchase the subject property be unsuccessful, the Township Attorney at the direction of the Township Supervisor be authorized to initiate a condemnation action to acquire the property. Motion carried unanimously. **Item 8. APPROVAL OF TRANSFER FROM PUBLIC IMPROVEMENT FUND (#245) TO COVER DEFICIT IN THE UNRESTRICTED FUND BALANCE, GOLF COURSE FUND (#584). (FBD)** Motion by Bennett, supported by McLaughlin to approve the transfer of \$334,423 from the Public Improvement Fund (#245), to the Golf Course Fund (#584), to eliminate the unrestricted fund balance deficit from the December 31st, 2008 Audit. Motion carried unanimously. **Item 9. AWARD FOUR HOUSING REHABILITATION CONTRACTS. (FBD)** Motion by Bennett, supported by Caccamo to award the contract for a housing rehabilitation on Turnberry Ct. to Complete Construction Co. in the amount of \$11,187.00 plus a 10 percent contingency of \$1,118.00 for a purchase order total of \$12,305.00 (Affordable Housing Contingency #274-666.970_0070). Motion carried unanimously. Motion by Bennett, supported by Caccamo to award the contract for a housing rehabilitation on Penney Ct. to Complete Construction Co. in the amount of \$19,122.00 plus a 10 percent contingency of \$1,912.00 for a purchase order total of \$21,034.00 (Affordable Housing Contingency #274-666.970_0070). Motion carried unanimously. Motion by Bennett, supported by Caccamo to award the contract for a housing rehabilitation on Forest Trails to Trademark Building Co. in the amount of \$17,230.00 plus a 10 percent contingency of \$1,723.00 for a purchase order total of \$18,953.00 (Affordable Housing Contingency #274-666.970_0070). Motion carried unanimously. Motion by Bennett, supported by Caccamo to award the contract for a housing rehabilitation on South Sheldon to Frank's Construction, Inc. in the amount of \$23,330.00 plus a 10 percent contingency of \$2,333.00 for a purchase order total of \$25,663.00 (Affordable Housing Contingency #274-666.970_0070). Motion carried unanimously. **Item 10. CONSIDER RETAINING PARSONS-BRICKERHOFF (TRANSPORTATION CONSULTANT) TO PREPARE A TIGER GRANT APPLICATION FOR THE I-275 @ FORD ROAD INTERCHANGE IMPROVEMENT. (MSD)** Motion by Bennett, supported by Caccamo to retain the professional services of Parsons-Brinckerhoff to prepare a TIGER grant application for the I-275 @ Ford Road interchange improvements for a cost not-to-exceed \$10,000. Further, I move to waive Finance Policy #F:15 which requires a minimum of three (3) written proposals for professional services over \$5,000 in value as said requirement would delay obtaining the services needed to meet the 9/15/09 grant deadline, and further, the above consultant is the most familiar company with the study as it authored the study. Motion carried unanimously. Motion by Bennett, supported by Anthony to move from open session to closed session at 8:13 p.m. for discussion of the purchase of property. Motion carried unanimously. **Roll Call** Members Present: Anthony, Bennett, Caccamo, LaJoy, McLaughlin, Taj, Williams Staff Present: Director Eva, Director Conklin, Director Faas, Director Conklin Motion by Bennett, supported by Anthony to move from closed session to open session at 8:45 p.m. Motion carried unanimously. **Roll Call** Members Present: Anthony, Bennett, Caccamo, LaJoy, McLaughlin, Taj, Williams Staff Present: Director Eva, Director Conklin, Director Faas **Item 11. CONSIDER BUDGET AMENDMENT AND OFFER TO PURCHASE PROPERTY UNDER WAYNE COUNTY TAX FORECLOSURE. (MSD)** Motion by Bennett, supported by McLaughlin to approve the following budget amendment from the Public Improvement Fund for this purchase: Increase Revenues: Fund Balance Appropriation 245-000.695_0001 \$110,467 Increase Appropriations: Capital Outlay - Land 245-265.970_0070 \$110,467 This budget amendment increases the Public Improvement Revenue budget from \$1,446,150 to \$1,556,617 and the Public Improvement - Expense budget from \$1,446,150 to \$1,556,617. Motion carried unanimously. Motion by Bennett, supported by McLaughlin to approve the offer to purchase the following parcel of land under Wayne County tax foreclosure at the minimum bid amount listed; Parcel #1 (Tax ID # 120-99-0001-000) for an amount of \$38,214.69; Parcel #2 (Tax ID # 076-99-0006-000) for an amount of \$14,995.74; Parcel #3 (Tax ID # 076-99-0007-706) for an amount of \$57,256.19; Further, I authorize the Municipal Services Director to make the written offer on behalf of the Township Board. Motion carried unanimously. **OTHER:** Supervisor LaJoy stated there will be a study session on Monday, July 20, 2009 at 7:00 p.m. at the Administration Building, First Floor, Board Room, 1150 Canton Center S., Canton, Michigan. The study session on Tuesday, July 21, 2009 has been cancelled. **ADJOURN:** Motion by Caccamo, supported by Williams to adjourn at 8:45 p.m. Motion carried unanimously.

- Thomas J. Yack, 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.

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