

Charter Township of Canton Board Proceedings-September 27, 2011

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, September 27, 2011 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, LaJoy, McLaughlin, Taj, Williams Staff Present: Director Bilbrey-Honsowetz, Director Eva, Director Faas, Director Nemecek, Audrey Robinson, Greg Hohenberger, Jon LaFever **Adoption of Agenda** Motion by Bennett, supported by Williams to approve the agenda as amended adding C-7 Consider Signing an Agreement Amendment with S.R. Jacobson for Pond Modifications at the Hamptons. Motion carried unanimously. **Approval of Minutes** Motion by Bennett, supported by Taj to approve the Board Minutes of September 13, 2011 Motion carried unanimously. Motion by Bennett, supported by Anthony to approve the Board Study Minutes of September 20, 2011. Motion carried unanimously. **Payment of Bills** Motion by McLaughlin, supported by Taj to approve payment of the bills as presented. Motion carried unanimously. **PUBLIC HEARING: Item 1. PUBLIC HEARING AND APPROVAL OF MILLAGE RATES FOR DECEMBER 1, 2011 TAX LEVY. (FBD)** Motion by Bennett, supported by Williams to open the public hearing at 7:03 p.m. to hear comment on millage rates for the December 1, 2011 tax levy. Motion carried unanimously. Director Eva stated these rates will furnish the tax revenue that is used for the budget for 2012. Trustee Williams stated as we go into multi-year budgeting, what values are you carrying in 2013. Trustee Williams stated he sees Canton taking a harder look at this next year. Tax payers helped us out last year and again next year with police and fire. Director Eva stated as we put together our budgets for 2014, we will come back to the Board to determine what tax rate is needed. If it needs a reduction to meet those expenses, it will be recommended. There were no public comments either in favor or opposition of this approval. Motion by Bennett, supported by Anthony to close the public hearing at 7:08 p.m. to hear comment on a millage rates for the December 1, 2011 tax levy. Motion carried unanimously. Motion by Bennett, supported by Williams to accept the millage rates to be levied by Canton Township on December 1, 2011 be set as follows: Charter Mills (General Fund) 2.3660, Fire Protection Special Assessment 3.1080, Police Protection Special Assessment 4.9260, Total 10.4000. Motion carried unanimously. **CONSENT CALENDAR: Item 1. SECOND READING TO TOWNSHIP CODE OF ORDINANCES, ADDING CHAPTER 46, ARTICLE IV, DIVISION 2 WEAPONS, SUBDIVISION 1 IN GENERAL, PROHIBITING THE UNLAWFUL USE AND DISPLAY OF REPLICA OR FACSIMILE OF FIREARMS. (PSD)** Motion by Bennett, supported by Williams to remove from the table for approval of the "Second Reading" of the Township Code of Ordinances, Chapter 46, Article IV, Division 2 Weapons, Subdivision 1 In General to prohibit the unlawful use and display of replica or facsimile of firearms. Further, I move to publish said ordinance with an effective date of October 6, 2011. Motion carried unanimously. **STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, CHAPTER 46 AN ORDINANCE TO ADD TO THE CHARTER TOWNSHIP OF CANTON CODE OF ORDINANCES; CHAPTER 46 OFFENSES AND MISCELLANEOUS PROVISIONS; ARTICLE IV OFFENSES INVOLVING PUBLIC SAFETY; DIVISION 2 WEAPONS; SUBDIVISION 1 IN GENERAL; PROHIBITING THE UNLAWFUL USE AND DISPLAY OF REPLICA OR FACSIMILE OF FIREARMS; PROVIDING FOR DEFINITION, SEVERABILITY, PUBLICATION AND EFFECTIVE DATE THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. ORDINANCE Chapter 46 Offenses and Miscellaneous Provisions, Article IV Offenses Involving Public Safety, Division 2 Weapons, Subdivision 1 In General, is hereby amended to include: Section 46-224. Replica or facsimile of firearm (a) *Definition.* "Replica or facsimile of firearm" means any device or object made of plastic, wood, metal or any other material which is a replica, facsimile, imitation or toy version of any firearm including but not limited to, a replica, facsimile or toy version of a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, assault weapon, starter pistol, machine gun, rocket launcher, air gun, BB gun inoperative firearms, or other firearm. As used in this article, "replica or facsimile firearm" shall include, but are not limited to toy guns, theatrical production props models, or any other device or object which might reasonably be perceived to be real firearms. (b) Unlawful use of replica or facsimile of firearm (1) *Unlawful display of replica, toy or imitation gun.* It shall be unlawful for any person to carry, possess, brandish, aim, point, exhibit or display to any other person a replica or facsimile of a firearm in such a manner as to frighten, threaten, harass, panic or annoy any other person. (2) *Unlawful to carry or possess imitation gun in motor vehicle.* It shall be unlawful for any person to carry or possess, whether concealed or displayed, in a motor vehicle in an area of the vehicle accessible to the occupants thereof, a replica or a facsimile of a firearm with intent to brandish, use, aim or point such firearm to frighten, panic, threaten, harass or annoy any other person. Carrying or concealing of any such replica or facsimile firearm under or near the driver's seat, glove box or dashboard shall be a prima facie rebuttable inference of such intent. (3) *Unlawful to brandish replica or facsimile of firearm in presence of police officer, firefighter or emergency medical technician.* No person shall draw, exhibit or brandish a replica or facsimile of a firearm in the presence of a police officer, firefighter, medical emergency technician or paramedic who is engaged in the performance of his duties and the person committing such brandishing knows or has reason to know that such police officer, firefighter, medical emergency technician or paramedic is engaged in the performance of his duties. SECTION 2. SEVERABILITY If any clause, sentence, section, paragraph or part of this Ordinance, or application thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. SECTION 3. REPEAL All Ordinance 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. SAVINGS CLAUSE All rights and duties which have mattered, penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance. SECTION 5. PUBLICATION The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. SECTION 6. EFFECTIVE DATE This Ordinance shall take full force and effect upon publication as required by law. Certification: The foregoing Ordinance was duly adopted by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on the 27th day of September, 2011, and was ordered to be given publication in the manner required by law. Terry Bennett, Clerk Introduced: August 23, 2011, Adopted: September 27, 2011, Published: October 6, 2011, Effective: October 6, 2011 **Item 2. CONSIDER APPROVAL OF ANNUAL BLOCK PARTY ROAD CLOSURE PERMIT. (PSD)** Motion by Bennett, supported by Williams to adopt the resolution for approval of the annual block party road closure permit. Motion carried unanimously. Now, therefore, be it resolved that the Canton Board of Trustees does hereby resolve that: 1. The Township of Canton requests an annual permit to temporarily close certain County local roads for a block party or similar activity. 2. The Township of Canton shall indemnify, save harmless, and defend Wayne County, the Wayne County Department of Public Services, its officials, agents, and employees against any and all claims, suits, and judgments of every name and description arising out of the temporary road closures authorized by this permit. Such responsibility of the Township shall not be construed as a liability for damage caused by or resulting from the sole negligence of the County, its agents, or its employees. 3. The Township of Canton designates and authorizes, Terry G. Bennett, Clerk to sign this permit on its behalf. **Item 3. A REQUEST TO TRANSFER OWNERSHIP OF THE 2011 CLASS C LICENSED BUSINESS, LOCATED AT 2240 N. CANTON CENTER, CANTON, MI 48187, CANTON TOWNSHIP, WAYNE COUNTY, FROM MAX & ERMAS RESTAURANTS, INC. (A DELAWARE CORPORATION) TO AMERICAN BLUE RIBBON HOLDINGS, LLC (A DELAWARE LIMITED LIABILITY COMPANY). (CLERK)** Motion by Bennett, supported by Williams to approve the request for the transfer of the 2011 Class "C" Licensed Business, located at 2240 N. Canton Center, Canton, MI 48187, Canton Township, Wayne County, from Max & Erma's Restaurants, Inc. (A Delaware Corporation) to American Blue Ribbon Holdings, LLC (A Delaware Limited Liability Company). Motion carried unanimously. **Item 4. SET PUBLIC HEARING DATE FOR GREENFIELD DIE & MANUFACTURING CORPORATION INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE. (SUPERVISOR)** Motion by Bennett, supported by Williams to set the public hearing for October 25, 2011, to consider the Industrial Facilities Exemption application of Greenfield Die & Manufacturing Corporation for new personal property at their facility located at 7295 Haggerty Road. Motion carried unanimously. **Item 5. SET PUBLIC HEARING FOR MERIT TECHNOLOGIES WORLDWIDE, FOR EXEMPTION OF PERSONAL PROPERTY CERTIFICATE. (SUPERVISOR)** Motion by Bennett, supported by Williams to set the public hearing for October 25, 2011, to consider the Personal Property Exemption application for Merit Technologies Worldwide, for personal property at their facility located at 7261 Commerce Drive. Motion carried unanimously. **Item 6. SET PUBLIC HEARING DATE TO CONSIDER REQUEST FROM GIL-MAR TO AMEND INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE. (SUPERVISOR)** Motion by Bennett, supported by Williams to set the public hearing for October 25, 2011, to consider the amendment of Gil-Mar's industrial Facilities Certificate for personal property at their facility located at 7925 Ronda Drive. Motion carried unanimously. **Item 7. CONSIDER SIGNING AN AGREEMENT AMENDMENT WITH S.R. JACOBSON FOR POND MODIFICATIONS AT THE HAMPTONS. (MSD)** Motion by Bennett, supported by Williams to authorize the township clerk to sign the agreement amendment with SR Jacobson for the proposed detention basin modifications at the Hamptons site condominium development. Motion carried unanimously. **GENERAL CALENDAR: Item 1. WTUA ANNUAL BUDGET APPROVAL. (SUPERVISOR)** Motion by Bennett, supported by Anthony to adopt the resolution for the WTUA Annual Budget. Motion carried unanimously. Resolution of the Charter Township of Canton WHEREAS, on August 22, 2011 the Board of Commissioners of the Western Township Utilities Authority adopted a budget for the fiscal year ending September 30, 2012; and WHEREAS, the Authority is required to present its budget to each of its member Townships for approval. NOW, THEREFORE BE IT RESOLVED that the budget for the Authority for the fiscal year ending September 30, 2012 in the amounts presented, is hereby approved. **Item 2. CONSIDER REQUEST TO RECLASSIFY LEISURE SERVICES POSITIONS AND CREATE & FILL FACILITY SPECIALIST POSITION. (CLS)** Motion by Bennett, supported by Williams to approve the following reclassifications: Supervisor of Administration to Operations Manager - Salary Grade 10 Recreation Coordinator Programs/Special Events) to Recreation Supervisor - Salary Grade 8. I further move to create and fill the position of Facility Specialist - Salary Grade 3. Motion carried unanimously. **Item 3. APPOINTMENT OF NEW TRUSTEE. (SUPERVISOR)** Motion by Bennett, supported by Anthony to appoint Gregory Demopoulos to the Canton Board of Trustees to fill the remainder of Todd Caccamo's term. The term will expire in November of 2012. Motion carried unanimously. **OTHER:** Treasurer McLaughlin stated on October 18, 2011 celebrate the Music of Rod Stewart as Partnership for the Arts and Humanities Hosts Benefit Performance Featuring "Danny D and the Vagabonds". Tickets to this gala event are \$30 per person. Get your tickets online at www.cantonvillageheater.org or by calling 734/394-5460. Trustee Taj stated "Canton To Celebrate Life and Legacy of Mahatma Gandhi at the Village Theater" is on October 2, 2011 at 2:00 p.m. Admission to this Gandhi Jayanti Celebration is a \$2 donation at the door and includes a punch and cookies pre-show reception starting at 1:15 p.m. Tickets are still available. The funds raised will support programs at the Theater. The next Board meeting will be October 11, 2011 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 7:25 p.m. Motion carried unanimously. - 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. Publish: October 6, 2011