

Charter Township of Canton Board Proceedings-June 12, 2012

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, June 12, 2012 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, Demopoulos, LaJoy, McLaughlin, Taj, Williams Staff Present: Director Bilibrey-Honsowetz, Director Trumbull, Director Faas, Director Nemecek, Kristin Kolb **Adoption of Agenda** Motion by Williams, supported by Anthony to approve the agenda as amended moving General Calendar Item 7. Proposed Amendment to Consent Judgment in the Matter of Charter Development Company, LLC v Canton Township to Allow for an Expansion of the National Heritage Academy Located on the Northeast Corner of Ford Road and Ridge Road, and Other Improvements to the Property to Item 1 with all other items moved consecutively afterwards. Motion carried unanimously. **Approval of Minutes** Motion by Bennett, supported by Taj to approve the Board Minutes of May 15, 2012. Motion carried unanimously. **Citizen's Non-Agenda Item Comments:** George Miller, 1946 Briarfield, had questions regarding demolition of a house, Canton's Police Department gun range and ditch and drain cleaning. **Payment of Bills** Motion by McLaughlin, supported by Williams to approve payment of the bills as presented. Motion carried unanimously. **PUBLIC HEARING; Item 1.PUBLIC HEARING FOR APPROVAL OF 2012 CDBG PROGRAM YEAR AND ANNUAL PLAN. (FBD)** Motion by Bennett, supported by Demopoulos to open the public hearing at 7:07 p.m. to hear comment on 2012 CDBG Program Year and Annual Plan. Motion carried unanimously. Director Trumbull stated this is the 2nd required public hearing for the grant requirements. This plan is also posted. There was no public comment either in favor or against the plan. The funding for 2011 was \$312,000 and for 2012 it is projected at \$318,094. The spending is very similar to the 2011 plan. There were no public comments either in favor or opposition to this 2012 CDBG Program Year and Annual Plan. Motion by Bennett, supported by Anthony to close the public hearing at 7:10 p.m. to hear comment on 2012 CDBG Program Year and Annual Plan. Motion carried unanimously. Motion by Bennett, supported by Taj to accept the recommendations of the Canton CDBG Advisory Council for the PY 2012 Community Development Block Grant Program and to forward the adopted program to the Department of H.U.D. as the Canton PY 2012 Final Statement:

Activity	Funding	Activity	Funding
First Step	\$21,000	Wayne-Metro CAA	\$6,000
Growth Works	\$6,000	Summit Scholarships	\$2,500
Neighborhood Legal Services	\$8,214	Program Administration	\$63,619
Volunteer Coordinator	\$4,000	Housing Rehabilitation	\$206,761
		TOTAL:	\$318,094

Motion carried unanimously. **CONSENT CALENDAR; Item 1. RESOLUTION RECOGNIZING JUNE AS SCLERODERMA AWARENESS MONTH. (SUPERVISOR)** Motion by Bennett, supported by McLaughlin to adopt the resolution declaring June 2012 as "Scleroderma Awareness" Month. Motion carried unanimously. **Item 2. CONSIDER REAPPOINTMENT OF DOWNTOWN DEVELOPMENT AUTHORITY BOARD MEMBER. (SUPERVISOR)** Motion by Bennett, supported by McLaughlin to reappoint Mark Waldbauer to the Canton Downtown Development Authority Board for a term of 4 years to expire on June 12, 2016. Motion carried unanimously. **Item 3. REQUEST FOR RESOLUTION OF LOCAL BODY OF GOVERNMENT TO RECOGNIZE "SALEM LINEBACKERS CLUB, INC.", 1492 HENDRIE, CANTON, MICHIGAN 48187 AS A NONPROFIT IN THE COMMUNITY FOR PURPOSES OF MAKING APPLICATION FOR A "CHARITABLE GAMING LICENSE" TO THE BUREAU OF STATE LOTTERY. (CLERK)** Motion by Bennett, supported by McLaughlin to approve the request from the "Salem Linebackers Club Inc.", 1492 Hendrie, Canton, Michigan 48187, to be recognized as an organization exempt from Federal income tax under section 501 (c) (3) of the Internal Revenue Code for the purpose of obtaining a charitable gaming license. Motion carried unanimously. **GENERAL CALENDAR; Item 1. PROPOSED AMENDMENT TO CONSENT JUDGMENT IN THE MATTER OF CHARTER DEVELOPMENT COMPANY, LLC V CANTON TOWNSHIP TO ALLOW FOR AN EXPANSION OF THE NATIONAL HERITAGE ACADEMY LOCATED ON THE NORTHEAST CORNER OF FORD ROAD AND RIDGE ROAD, AND OTHER IMPROVEMENTS TO THE PROPERTY. (MSD)** Motion by Bennett, supported by McLaughlin to move approval of the proposed Amendment to Consent Judgment in the matter of Charter Development Company, LLC v Canton Township, subject to the following conditions: 1. Continuation of the sidewalk along the east side of the driveway to connect to the new Ford Road sidewalk. 2. Modification of the fire lane turning radius on the north side of the building per the Fire Prevention Division. 3. Address the inadequacies identified with the traffic study relative to internal stacking and traffic back-ups on Ford Road during morning drop off and afternoon pick up periods. Upon submission of an exhibit that addresses these conditions to the satisfaction of the Planning Services Division, the Township Attorney is authorized to execute the Amendment to Consent Judgment on behalf of Canton Township. Motion carried unanimously. **Item 2. CONSIDERATION OF AN EMERGENCY ORDINANCE BANNING THE POSSESSION, USE, AND TRAFFICKING IN K2/SPICE, "BATH SALTS," AND OTHER SIMILAR SYNTHETIC HALLUCINOGENIC DRUGS. (SUPERVISOR)** Motion by Bennett, supported by Taj in light of the serious threat to public health, safety and welfare to the Canton Township residents I hereby declare an emergency and move to introduce and adopt the attached proposed ordinance prohibiting the possession, use and trafficking in synthetic marijuana, synthetic hallucinogens, and other similar products or materials. Further, I move to publish said amendment on June 21, 2012, at which time this emergency ordinance will become effective. Motion carried unanimously. **STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, CHAPTER 46, AN EMERGENCY ORDINANCE TO PROHIBIT THE POSSESSION, USE, AND TRAFFICKING IN, SYNTHETIC MARIJUANA, SYNTHETIC HALLUCINOGENS, AND OTHER PRODUCTS OR MATERIALS THAT ARE IN A FORM THAT ALLOWS FOR HUMAN CONSUMPTION BY INHALATION OF SMOKE OR VAPORS, INGESTION, INJECTION OR APPLICATION, AND THAT CONTAIN CHEMICAL SUBSTANCES, COMPOUNDS, OR AGENTS THAT CAUSE OR MAY CAUSE AN INTOXICANT, NARCOTIC, STIMULANT, DEPRESSED AND/OR HALLUCINOGENIC EFFECT AND AN IMMINENT THREAT TO THE SAFETY OF PERSONS THAT CONSUME SUCH PRODUCTS OR MATERIALS AND/OR PERSONS THEY COME IN CONTACT WITH. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1 OF ORDINANCE** An Ordinance to amend Chapter 46, Offenses and Miscellaneous, Article IV, Offenses Involving Public Safety, by adding a new Division 4 entitled, "Synthetic Marijuana and Other Synthetic Hallucinogenic Drugs," to read as following. **Division 4. – Synthetic Marijuana and Other Synthetic Hallucinogenic Drugs Sec. 46-70. Findings, Intent and Purpose.** (a) The township finds that synthetic marijuana, consisting of plant or other material treated with chemicals or other substances that have not been approved for human consumption is being marketed and sold as herbal incense and is being used in the same manner and for the same purposes as marijuana, with that use having become increasingly popular, particularly among teens and young adults. (b) The township further finds that other synthetic hallucinogenic drugs, including but not limited to substituted cathinones or synthetic cocaine, consisting of a crystallized powder treated with chemicals or other substances that have not been approved for human consumption are being marketed and sold as bath salts, plant food, and other similar products are being used in the same manner and for the same purposes as cocaine. (c) The township further finds based on information and reports from poison control centers, emergency room doctors, and police agencies, that individuals who use synthetic marijuana and other synthetic hallucinogenic drugs experience dangerous side effects, including convulsions, tremors, seizures, hallucinations, unconsciousness, anxiety attacks, dangerously elevated heart rates, increased blood pressure, vomiting, and disorientation, evidencing that these herbal incense products are harmful if consumed and present an imminent and significant public health danger to persons consuming such products and other persons coming in contact with them. (d) The township further finds that, notwithstanding the high potential for abuse, and lack of any accepted medical use, the ability of the state to prohibit all forms of synthetic marijuana and other synthetic hallucinogenic drugs as controlled substance has been frustrated due to the changing nature of the chemicals used in the manufacturing process. (e) The township further find that in addition to synthetic marijuana and other synthetic hallucinogenic drugs, there may be other products or materials containing chemicals or substances, that while not approved for human consumption, are or may be marketed and sold in a form that allows for such consumption and which, upon consumption, may result in the same serious side effects and public health dangers as synthetic marijuana and other synthetic hallucinogenic drugs. (f) Based on these findings, this ordinance is adopted for the purpose and with the intent to protect the public health and safety of the township and its residents from the threat posed by the availability and use of synthetic marijuana and other dangerous products by prohibiting persons from trafficking in, possessing, and using them in the township. Sec. 46-71. – Definitions. As used in this division, the following words and phrases shall have the meaning indicated. Act shall mean the controlled substances provisions in Article 6 of the Public Health Code, Public Act No. 368 of the Public Acts of 1978, MCL 333.7101 to 333.7545, as amended, which is hereby adopted by reference as part of this division. Chemical agent shall mean any chemical or organic compound, substance, or agent that is not made, intended or approved for consumption by humans. Consumable product or material shall mean a product or material that, regardless of packaging or disclaimers, is not for human consumption or use, is in a form that readily allows for human use by inhalation, ingestion, injection, or application, through means including, but not limited to, smoking or ingestion by mouth with or without mixing with food or drink. Controlled substance shall mean a substance included as a controlled substance in schedules 1 through 5 of the Act, or a substance temporarily scheduled or rescheduled as a controlled substance as provided in the Act. Controlled substance analogue shall have the same meaning as defined in the Act, which is a substance, the chemical structure of which is substantially similar to that of a controlled substance in schedules 1 and 2 of the Act. Dangerous product shall mean a consumable product or material containing a dangerous substance. Dangerous substance shall mean: (i) a chemical agent that under 2451 of the Act, MCL 333.2451, has been determined by the local health official to be or present an imminent danger to the health or lives of humans which present in a consumable product or material; and (ii) a chemical agent in a consumable product or materials unless that chemical agent is conspicuously identified and described in writing on the packaging of the product, and has not been previously determined by the township or other governmental authority to be or present an

imminent danger to the health or lives of humans when present in that type of consumable product or material. Substituted Cathinones shall mean any compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propranone by modification in any of the following ways: (i) Substitution in the phenyl ring to any other extant with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) Substitution at the 3-position with an alkyl substituent; (iii) Substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure. Substituted Cathinones shall include chemicals with the following trade names: Mephedrone, Mephadrone or 4-MMC; Methacathinone; MDVP; Methylone; Methedrone; Flephdrone; 3-FMC; HMMC; MPBP; Ephedrone; 4-EMC; 3,4-DMMC; alpha-PVP; Naphryone; Butylone; Pentylone; Eutylone; Ethylone, MDEC beta-Keto-MDEA; MDAI; Pyrovalerone; Ethcathinone or Ethylpropion; Metamfepramone; ALPHA-PPP; MOPPP; MDPPP; Alpha-PVP or O-2387; Bromomethcathinone, 4-BMC, or 4-romomrhcathinone; Buphedrone or MABP; Dimethylcathinone, Metafepramone, demethylpropion, or dimepropion; MDPBP; MPHP; and other substances with a structure and effect that is substantially similar to those listed. The terms shall not include substituted cathinones that require a prescription, are approved with the United State Foods and Drug Administration and are dispensed in accordance with state and federal law. Synthetic cannabinoid shall mean any of the following chemical compounds, substances, or agents identified below, as may be amended from time to time by Resolution of the Township Board: "AM Cannabinoids" being synthetic chemical compounds, substances or agents created by Alexandros Makriyannis or his research group and identified as any of the following: AM-087; AM-251; AM-281; AM-316; AM-374; AM-404; AM-411; AM-630; AM-661; AM-678; AM-679; AM-694; AM-855; AM-881; AM-883; AM-905; AM-906; AM-959; AM-926; AM-938; AM-1116; AM-1172; AM-1220; AM-1221; AM-1235; AM-1241; AM-1248; AM-2201; AM-2212; AM-2213; AM-2232; AM-2233; AM-3102; AM-4030; and other substances with a structure and effect that is substantially similar to those listed. The terms shall not include synthetic cannabinoids that require a prescription, are approved with the United State Foods and Drug Administration and are dispensed in accordance with state and federal law. "CP Cannabinoids" being synthetic chemical compounds, substances, or agents identified as CP-47, 497; (C6)-CP-47, 497; (C7)-CP-47, 497; (C8)-CP-47, 497; (C9)-CP-47-497; CP-50, 556-1; CP-55, 244; CP-55, 940; CP-945, 980; and other substances with a structure and effect that is substantially similar to those listed. The terms shall not include synthetic cannabinoids that require a prescription, are approved with the United State Foods and Drug Administration and are dispensed in accordance with state and federal law. "HU Cannabinoids" being synthetic chemical compounds, substances or agents synthesized at the Hebrew University and identified as HU-210; HU-211; HU-243; HU-308; HU-320; HU-331; HU-336; HU-345; and other substances with a structure and effect that is substantially similar to those listed. The terms shall not include synthetic cannabinoids that require a prescription, are approved with the United State Foods and Drug Administration and are dispensed in accordance with state and federal law. "JWH Cannabinoids" being synthetic chemical compounds, substances or agents created by John W. Huffman or his research group and identified as JWH-007; JWH-015; JWH-018; JWH-019; JWH-030; JWH-047; JWH-048; JWH-051; JWH-057; JWH-073; JWH-081; JWH-098; JWH-116; JWH-120; JWH-122; JWH-133; JWH-139; JWH-147; JWH-148; JWH-149; JWH-161; JWH-164; JWH-166; JWH-167; JWH-171; JWH-175; JWH-176; JWH-181; JWH-182; JWH-184; JWH-185; JWH-189; JWH-192; JWH-193; JWH-194; JWH-195; JWH-196; JWH-197; JWH-198; JWH-199; JWH-200; JWH-203; JWH-205; JWH-210; JWH-213; JWH-229; JWH-234L JWH-249L JWH-250; JWH-251; JWH-253; JWH-258; JWH-300; JWH-302; JWH-307; JWH-336; JWH-350; JWH-359; JWH-387; JWH-398; JWH-424; substances with a structure and effect that is substantially similar to those listed. The terms shall not include synthetic cannabinoids that require a prescription, are approved with the United State Foods and Drug Administration and are dispensed in accordance with state and federal law. Synthetic Cocaine shall mean a consumable product or material that contains a substituted cathinone or other dangerous substance, which on the date this division was added to the Code included the substance commonly known as bath salts and plant food. Synthetic Marijuana shall mean a consumable product or material that contains a synthetic cannabinoid or other dangerous substance, which on the date this division was added to the Code included herb and herbal incense products marketed and most commonly known as K2 and Spice. Traffic and trafficking shall mean to manufacture, distribute, dispense, sell, transfer, or possess with intent to manufacture, distribute, sell or transfer. Transfer shall mean to dispose of a controlled substance to another person without consideration and not in furtherance of any commercial purpose. Sec. 46-72. – **Trafficking prohibitions.** It shall be unlawful for any person to traffic, or knowingly allow trafficking on property owned or controlled by that person, in any of the following: (a) A consumable product or material containing a controlled substance or controlled substance analogue. (b) A dangerous product. (c) Synthetic marijuana. (d) Substituted cathinone. Sec. 46-73. – **Possession and use prohibitions.** It shall be unlawful for any person to possess or use, or knowingly allow the possession and use on property owned or controlled by that person, of any of the following: (a) A consumable product or material containing a controlled substance or controlled substance analogue. (b) A dangerous product. (c) Synthetic marijuana. (d) Substituted cathinone. Sec. 46-74. – **Probable cause evidentiary presumption.** In recognition that the presence of a controlled substance, controlled substance analogue, synthetic cannabinoid, substituted cathinone, or dangerous substance in a consumable product or material may require laboratory testing that cannot be done at the time a violation of this division is believed to have occurred, for purposes of determining the existence of probable cause, it shall be presumed that a consumable product or material contains one or more of those substances if it is being or has been marketed or sold for a price that is substantially higher than the price at which the same quantity of a similar and comparable product or material that is known to not contain such substances can be purchased. Sec. 46-75. – **Penalty.** The penalty for violation of this division shall be a misdemeanor, punishable by a fine of not more than \$500, imprisonment for a period of not more than 90 days, or both, as provided for in Section 1-7(c) of this Code. **SECTION 2. SEVERABILITY** If any clause, sentence, section, paragraph or part of this Ordinance, or the application of 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. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this ordinance. **SECTION 4. REPEAL OF CONFLICTING ORDINANCES** All Ordinance or parts of Ordinance is conflict herewith is hereby repealed only to the extent necessary to give this Ordinance full force and effect. **SECTION 5. SAVINGS CLAUSE** All rights and duties which have matured 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 6. PUBLICATION** The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. **SECTION 7. EFFECTIVE DATE** This Ordinance shall take full force and effect upon publication as required by law. **Certification** The foregoing Ordinance was duly adopted as an emergency ordinance by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on the 12th day of June, 2012, and was ordered to be given publication in the manner required by law. Terry Bennett, Clerk Introduced: June 12, 2012 Adopted: June 12, 2012 Published: June 21, 2012 Effective: June 21, 2012 **Item 3. CONSIDER AWARD OF A CONTRACT TO OHM ADVISORS INC. TO PERFORM A DETAILED WATER STORAGE TANK FEASIBILITY STUDY. (MSD)** Motion by Bennett, supported by Williams to award a contract to OHM Advisors, Inc. to perform a detailed Water Storage Tank feasibility study for an amount not to exceed \$9,800.00 (account 592-536.801_0040, Professional and Contractual Services-Engineering). Motion carried unanimously. **Item 4. CONSIDER APPROVAL OF A BUDGET AMENDMENT FOR ADDITIONAL ENGINEERING SERVICES TO WADE TRIM ASSOCIATES. (MSD)** Motion by Bennett, supported by McLaughlin to approve a budget amendment to Wade Trim's existing contract for an additional amount not to exceed \$80,000 (Sewer Bond Account 402-302.801_0040). Motion carried unanimously. **Item 5. CONSIDER INCREASE TO CAPITAL EXPENSE ACCOUNT FOR THE VILLAGE THEATER. (CLS)** Motion by Bennett, supported by Taj to approve a budget amendment as follows: Increase to Revenue: 101-760-50.539 Grant Revenue \$4,500 101-000.695 Fund Balance Appropriation \$1,700 Increase in Expense: 101-760-50.970_0030 Capital Outlay Machinery & Equipment \$6,200. Motion carried unanimously. **Item 6. CONSIDER BUDGET AMENDMENT FOR ENERGY EFFICIENCY PROJECT. (FBD)** Motion by Bennett, supported by McLaughlin to approve the creation of a new capital project fund 401. Motion carried unanimously. Motion by Bennett, supported by McLaughlin to approve the following purchase orders: \$4,398,406 to Chevron Energy Solutions \$13,200 to Dickinson Wright, PLLC \$10,000 to Bendzinski & Co. Motion carried unanimously. Motion by Bennett, supported by Williams to approve the following \$4,421,606 budget amendment: Increase Revenue: Bond Proceeds #401-000.698 for \$4,421,606, Increase Expenditures: Capital Outlay Machinery & Equipment #401-900.970_0030 for \$4,398,406, Increase Expenditures: Paying Agent Fees #401-900.998 for \$23,200 Motion carried unanimously. **Item 7. APPROVAL OF TRANSFER FROM GENERAL FUND (#101) TO COVER DEFICIT IN GOLF COURSE FUND (#584). (FBD)** Motion by Bennett, supported by McLaughlin to approve the transfer of \$570,362 from the General fund to the Golf Course fund (#584), to eliminate the unrestricted net asset deficits from December 31st 2011. Motion carried unanimously. Motion by Bennett, supported by Taj to approve the following \$570,362 budget amendment: Increase Revenues: Appropriation from Fund Balance #101-000.695 Increase Expenditures: Transfers Out Golf Course #101-969.999_5840 Increase Revenues: Transfers In General #584-756.699_1010 Increase Expenditures: Transfer to Fund Balance #584-000.990 Motion carried unanimously. **OTHER:** Director Bilibrey-Honsowetz stated the Liberty Fest is this upcoming weekend with lots of food, entertainment, carnival, and the fireworks on Saturday, June 16, 2012 at 10:00 p.m. The Liberty Fest begins Thursday, June 14, 2012 and runs through Saturday, June 16, 2012. The pancake breakfast the Lions Club sponsors, Kiwanis Club, Chicken Dinner, Canton Firefighters Spaghetti Dinner, 911 Memorial, and 5K and 10K Run sponsored by Running Fit. The next Board study session is Tuesday, June 19, 2012 at 7:00 p.m. at the Administration Building, First Floor, Board Room, 1150 Canton Center S., Canton, Michigan. **ADJOURN:** Motion by Bennett, supported by Williams to adjourn at 8:00 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 Clerk's 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: June 21, 2012 EC062112-0576 5 x 11.091