

Charter Township of Canton Board Proceedings-August 14, 2012

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, August 14, 2012 at 1150 Canton Center S., Canton, Michigan. Supervisor LaJoy called the meeting to order at 7:15 p.m. and led the Pledge of Allegiance to the Flag. **Roll Call** Members Present: Bennett, LaJoy, McLaughlin, Taj, Williams Members Absent: Anthony, Demopoulos Staff Present: Director Bilbrey-Honsowetz, Director Trumbull, Director Faas, Director Nemecek, Kristin Kolb, Todd Muchler, Kristen Thomas **Adoption of Agenda** Motion by Bennett, supported by Williams to approve the agenda as amended, adding C-7 Receive and File the Board of Canvasser's Report for the August 7, 2012 Primary Election Results. Motion carried by all members present. **Approval of Minutes** Motion by Bennett, supported by Taj to approve the Board Minutes of July 10, 2012. Motion carried by all members present. **Citizen's Non-Agenda Item Comments:** George Miller, 1946 Briarfield, had questions regarding ditches being cleaned, wood chips, dog ordinance, and gun range lead cleanup. Deborah Bach-Sante, Community Care Department Training Manager for the Senior Alliance, shared the Annual Report from the Senior Alliance. **Payment of Bills** Motion by McLaughlin, supported by Williams to approve payment of the bills as presented. Motion carried by all members present. **PUBLIC HEARING: Item 1. CONSIDER TAX ABATEMENT FOR WALGREENS SPECIALTY PHARMACY. (ECONOMIC DEVELOPMENT)** Supervisor LaJoy stated his sons do business with Walgreens in the Ann Arbor area and have for several years. Kristin Kolb stated the Supervisor has disclosed a business relationship between his children and an entity pending before the Board. As an elected official you are required to disclose the conflicts of interest that they may have regarding business matters in the Township. The legal standard for conflict of interest as a matter in front of the Board, an elected official or immediate member of their family will gain a direct financial benefit. If the Board feels there is a conflict based on the disclosure you must vote to allow that elected official to abstain from voting. Ms. Kolb stated her legal opinion is that this disclosure does not rise to a conflict of interest. Ultimately, the Board will have to decide, if there is some disagreement with members of the Board, Ms. Kolb would recommend taking a vote. If the Board does not believe this is a conflict of interest no action is required. Trustee Taj stated the relationship between Supervisor LaJoy's children was developed long before this abatement came up. Personally, Trustee Taj stated he does not feel Supervisor LaJoy has a relationship with Walgreens. There were no disagreements and no need for a vote. Motion by Bennett, supported by McLaughlin to open the public hearing at 7:26 p.m. to hear comment for a PA 328 Tax Abatement for an Exemption Certificate for Personal Property for Walgreens Specialty Pharmacy. Motion carried by all members present. Judie Kral, General Manager Walgreens, Ann Arbor and will be managing the facility in Canton. Trustee Taj inquired what services will be offered at the Canton facility. Ms. Kral stated Walgreens will be a Specialty Pharmacy dispensing medications and function similar to a mail-order facility. There will be call-center agents for patients and physicians, patient care coordinator, pharmacist, and pharmacy technicians. The space will be approximately 60-70% office space and remainder of the space will be the actual pharmacy and warehouse for dispensing the medications and shipment. Ms. Kral stated 90-day medications will be supplied. Trustee Williams inquired if retail will also be at this location. Ms. Kral stated this is not a retail location. Treasurer McLaughlin inquired how does Walgreens provide security of their drugs at this warehouse. Ms. Kral stated Walgreens has a robust security system with the building and contents. Internal and external cameras, alarms, and not a lot of exterior signage will provide security. These systems are all monitored by our security office. Trustee Williams inquired if the facility will be operating 24/7. Standard hours of operation will be Monday-Friday, 8:00 a.m. - 8:00 p.m., Saturday, 8:00 a.m. - 5:00 p.m. Access to the facility outside of those hours would be on-call emergencies only. There were no public comments either in favor or opposition of this PA 328 Tax Abatement for an Exemption Certificate for Personal Property for Walgreens Specialty Pharmacy. Motion by Bennett, supported by Williams to close the public hearing at 7:30 p.m. to hear comment for a PA 328 Tax Abatement for an Exemption Certificate for Personal Property for Walgreens Specialty Pharmacy. Motion carried by all members present. Motion by Bennett, supported by McLaughlin to adopt the resolution to approve the application of Walgreens Specialty Pharmacy, for a PA 328 Tax Abatement for a Personal Property Exemption. Motion carried by all members present. **CONSENT CALENDAR: Item 1. RESOLUTION TO APPROVE SENIOR ALLIANCE ANNUAL IMPLEMENTATION PLAN. (SUPERVISOR)** Motion by Bennett, supported by McLaughlin to adopt the resolution to approve Senior Alliance Annual Implementation Plan. Motion carried by all members present. **Item 2. SECOND READING ON FIREWORKS ORDINANCE. (SUPERVISOR)** Motion by Bennett, supported by McLaughlin to remove from the table and adopt the second reading of the amendment to the Township Code of Ordinances, Chapter 54, Article IV, Division 3, entitled Fireworks. Further, I move to publish said amendment on August 23, 2012, which shall be the effective date for the amendment. Motion carried by all members present. **STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, CHAPTER 46 AN ORDINANCE TO AMEND CHAPTER 46, ARTICLE IV, DIVISION 3, FIREWORKS, TO UPDATE AND BRING THE ORDINANCE INTO COMPLIANCE WITH STATE LAW FOLLOWING THE ENACTMENT OF PUBLIC ACT 256 OF THE PUBLIC ACTS OF 2011 THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE.** Article IV, Offenses Involving Public Safety, Division 3, Fireworks, is hereby amended to read as follows: **Sec. 46-261. - Definitions.** The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Act 256* shall mean Act 256 of the Public Acts of 2011, being MCL 28.451. *Articles pyrotechnic* shall mean pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction, but are not intended for consumer use, that meet the weight limits for consumer fireworks, but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101. *Consumer Fireworks* shall mean firework devices that are designed to provide visible effects by combustion, that are required to comply with the construction chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. *Consumer fireworks* do not include low-impact fireworks. *Consumer Fireworks Certificate* or *Certificate* shall mean a certificate issued under Section of Act 256. *Department* shall mean the Michigan Department of Licensing and Regulatory Affairs. *Display Fireworks* shall mean large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1. *Fireworks* shall mean any composition or device, except for a starting pistol, a flare gun, or a flare designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low impact fireworks, articles pyrotechnic, display fireworks, and special effects. *Low-Impact Fireworks* shall mean ground and handheld sparking devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5. *Novelties* shall mean the term defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following: (i) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap. (ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion. (iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter. *National Holiday* shall mean the following legal holidays: (i) New Year's Day, January 1 (ii) Martin Luther King, Jr., Day, the third Monday in January (iii) George Washington's Birthday, the third Monday in February (iv) Memorial Day, the last Monday in May (v) Independence Day, July 4 (vi) Labor Day, the first Monday in September (vii) Columbus Day, the second Monday in October (viii) Veteran's Day, November 11 (ix) Thanksgiving Day, the fourth Thursday in November (x) Christmas Day, December 25. *Person* shall include an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated association, or any other legal or commercial entity. *Special Effects* shall mean a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment. **Sec. 46-262. - Exemptions.** A permit is not required under this division for the possession, ignition or discharge of novelties, low-impact fireworks, or consumer fireworks. **Sec. 46-263. - Permit or registration required.** (a) No person shall sell consumer fireworks in the Township without having obtained a consumer fireworks certificate from the Department as required under Act 256. The consumer fireworks certificate shall be prominently displayed at the retail location for which the certificate was issued. (b) No person shall sell low-impact fireworks without having registered with the low impact fireworks retail registry maintained by the Department. **Sec. 46-264. - Discharge of novelties, low-impact fireworks and consumer fireworks.** (a) Except in the case of a permit issued by the Township under Sec. 46-266, consumer fireworks shall not be ignited, discharged, or used by any person at any time, except on the day preceding, the day of, or the day after a National Holiday. (b) When permitted, consumer fireworks shall not be ignited or discharged on public property, school property, church property, or property of another person without that organization's or person's written permission to use consumer fireworks on the premises. (c) No fireworks shall be ignited or discharged within 70 feet of any building, or on any public street. (d) Minors shall be prohibited from possessing, using, igniting or discharging consumer fireworks. (e) No person shall use low-impact or consumer fireworks while under the influence of alcoholic liquor or a controlled substance or both. **Sec. 46-264. - Permit for pyrotechnic displays or other use.** (a) The township board, upon application in writing, on forms provided by the department may grant a permit for the use of fireworks otherwise prohibited by section 46-263, within the township, manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks, or other organizations or groups of individuals approved by the township board, if the applicable provisions of this division and the Act are complied with. After a permit has been granted, the possession or transportation of fireworks for the purposes described in the permit only may be made. A permit granted under this subsection shall not be transferable, nor shall a permit be issued to a person under the age of 18 years. (b) Before a permit for articles pyrotechnic or display fireworks is issued, the person making application therefor shall furnish proof of financial responsibility by a bond or insurance in an amount deemed necessary by the township board, to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, or any agent or employee thereof, in the amount, character and form the township board determines necessary for the protection of the public. (c) No permit shall be issued under this section to a nonresident person for conduct of articles pyrotechnic or display fireworks until such person has appointed in writing a resident member of the bar of this state or a resident agent to be his legal representative upon whom all process in an action or proceeding against him may be served. (d) The township board shall rule on the competency and qualifications of operators of articles pyrotechnic or display fireworks as the operator has furnished in his application form, and on the time, place and safety aspects of the displays, before granting permits. **Sec. 46-266. - Permit for discharge of consumer fireworks.** (a) Persons wishing to discharge Consumer Fireworks on a day other than the day preceding, day of, or day after a National Holiday shall do so only after paying a fee and obtaining a permit from the township. (b) Application for a permit to discharge Consumer Fireworks under this section shall be made on forms available from the township clerk. (c) Approval of a permit to discharge Consumer Fireworks shall be subject to the following minimum conditions: (1) A minimum radial setback of 70 foot per 1 inch of the largest aerial device proposed to be discharged from the proposed launch site to the nearest occupied structure. (2) Satisfactory inspection by the fire prevention division of the township fire department upon delivery of the Consumer Fireworks to the proposed launch site. (3) Written permission of the property owner, if different than the applicant, shall be provided. (4) Additional reasonable conditions the fire prevention division deems necessary to protect the public health, safety and welfare. (d) A permit under this section shall not be issued to a minor. (e) A permit shall not be issued for any public property, including roads, road rights-of-way, or sidewalks. (f) The required inspection shall be requested by the applicant not later than 24 hours prior to the proposed discharge. For a proposed discharge on a Saturday or Sunday, the request shall be made not later than 8:30 am of the Thursday preceding the proposed day of discharge. **Sec. 46-267. - Transportation and storage.** Transportation and storage of fireworks through and in the township shall be in accordance with the requirements set forth in Act 256. **SECTION 2. VIOLATION AND PENALTY** Any person or entity that violates any provision of this Ordinance may, upon conviction, be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not more than Ninety (90) days, or both, in the discretion of the court. **SECTION 3. SEVERABILITY** If any clause, sentence, 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 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, as amended, 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 24th day of July, 2012, and was ordered to be given publication in the manner required by law. Introduced: July 10, 2012 Adopted: August 14, 2012 Published: August 23, 2012 Effective: August 23, 2012 **Item 3. SECOND READING ON PEDDLERS AND SOLICITORS ORDINANCE. (SUPERVISOR)** Motion by Bennett, supported by McLaughlin to adopt Chapter 54 - Peddlers and Solicitors Ordinance, an ordinance to amend Chapter 54, Article I, in General, and Article II, License. In order to update the registration and licensing requirements, modify permissible solicitation hours, and add a provision to allow suspension prior to revocation of a license. Motion carried by all members present. **STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, CHAPTER 54 - PEDDLERS AND SOLICITORS, AN ORDINANCE TO AMEND CHAPTER 54, ARTICLE I, IN GENERAL, AND ARTICLE II, LICENSE, IN ORDER TO UPDATE THE REGISTRATION AND LICENSING REQUIREMENTS, MODIFY PERMISSIBLE SOLICITATION HOURS, AND ADD A PROVISION TO ALLOW SUSPENSION PRIOR TO REVOCATION OF A LICENSE THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE.** Article I. In General, Section 54-1 is hereby amended to add the following defi-

nitions: **Sec. 54-1. Definitions. Charitable, religious or political organization** means a not-for-profit charitable, religious, political, benevolent, educational, philanthropic, humane, patriotic, or civic organization of persons, registered and in good standing under Section 501(c) of the Federal Internal Revenue Code, that solicits or obtains contributions solicited from the public for charitable, religious or political purposes. *Commercial purposes* means any business or activity carried on for profit. *Non-commercial purposes* means any purpose other than that involving a business or activity carried on for profit, including, but not limited to, a political, religious or charitable purpose, or an activity sponsored by a political, religious, not-for-profit charitable, benevolent, educational, philanthropic, humane, patriotic or civic organization of persons, registered and in good standing under Section 501(c)(3) of the Federal Internal Revenue Code. **Sec. 54-4. Hours of Operation.** It shall be unlawful for any person to conduct, or attempt to conduct, any canvassing, soliciting or peddling before the hours of 9:00 a.m. and after the hours of 8:00 p.m., according to the official time followed by the township, at any location within the township. **Sec. 54-5. Use and restrictions of stops, scales, bells, horns, etc.** (a) No person shall stop in any one place longer than is necessary to make a sale, stop on private property without the consent of the property owner, and/or stop for a period of longer than 30 minutes at any time. No person shall stop for the purposes of selling or offering to sell any food products within a distance of 300 feet from any public, private or parochial school building, or the lands on which such buildings are located in the township on any day during which school is in session. No person operating as a solicitor, canvasser or peddler shall interfere with traffic or cause or permit large numbers of persons, especially children, to congregate upon the public streets. (b) It shall be unlawful for any person to call out or make any noise of any kind whatsoever, or to use a bell, horn or other noise making device so as to unreasonably disturb persons in the immediate vicinity for an extended period of time with the purpose of attracting persons to buy goods such licensee has for sale. **Sec. 54-7. Supervision of minors.** Where minors are brought to an area of the Township for purposes of peddling and soliciting for a commercial purpose at the request of and under the direction of an adult, such minors shall at all times be under the direct supervision of a responsible adult who has obtained a license as required by section 54-31. **Sec. 54-8. Misrepresentation.** (a) No fraudulent or misleading representations to any person shall be made in connection with any peddling or soliciting activities, including, but not limited to, any misleading representation concerning the product or service involved, the purposes for which contributions solicited will be used, the name of the peddler or solicitor, the trade name and nature of the parent organization, or the purposes for which the parent organization was organized. (b) No person shall represent that the issuance of a solicitor registration certificate under this chapter is an endorsement by the township of the particular parent organization, solicitor or purposes of the soliciting involved, and any such representation is declared to be a misrepresentation of fact. **Sec. 54-9. Fixed stands prohibited.** No peddler or solicitor shall establish a fixed stand and/or store for soliciting upon any street, road, highway, lane, sidewalk, driveway, alley or publicly-owned property, unless said stand and/or store shall be in compliance with all applicable provisions of Appendix A to this Code, the Zoning Ordinance. **Sec. 54-31. Required.** (a) Unless exempt, it shall be unlawful for any person to engage in or carry on the business of soliciting, canvassing or peddling for commercial purposes in the township as defined section 54-1, without first obtaining a license in compliance with the provisions of this chapter. (b) Unless exempt, it shall be unlawful for any person to operate as a solicitor, canvasser, or peddler without first having obtained a license for each vehicle, piece of equipment or container used in connection therewith. **Sec. 54-33. Investigation; issuance or denial; appeal of denial.** (a) [Unchanged.] (b) The clerk may refuse to issue a license to: (1) [Unchanged.] (2) A person unless the application is fully and completely filed, and the applicant discloses fully all arrests and convictions other than those that are traffic related. Failure to completely and truthfully complete the application shall result in a denial. (3) [Unchanged.] (4) A person who has been convicted of a felony or any crime related to or involving larceny, assault, fraud, receiving and concealing stolen property, embezzlement, robbery, home invasion, breaking and entering, theft, dishonesty, false statement or fraudulent scheme, trick or device, a violation of any municipal soliciting ordinance within the 2 years prior to the application being submitted to the township, or any crime that is an unreasonable threat to persons or property within the township. (c) - (d) [Unchanged.] **Sec. 54 - 34. Exemptions; registration of charitable and nonprofit organizations.** (a) Persons involved in soliciting, canvassing or peddling for any noncommercial purpose, and/or delivery of handbills are hereby exempt from the licensing, registration and fee requirements of this chapter, but shall be subject to the other sections of this chapter. (b) Persons under the age of 18 years old shall be exempt from registering or licensing as a solicitor, canvasser or peddler. Each person under 12 years of age must be accompanied by his parent or legal guardian during all times of soliciting, canvassing or peddling. (c) Any person who has obtained a peddler's license from the state pursuant to Public Act No. 359 of 1921 (MCL 35.441 et seq.), on account of such person being honorable discharged from the armed forces of the United States of America shall be exempt from the licensing provisions of this article. **Sec. 54-35. - Fees.** (A) A license fee for soliciting, canvassing and peddling for commercial purposes shall be established by resolution of the township board. The township board may, from time to time, modify the established fee schedule. This fee is separate from the application fee described in section 54-32. (b) [Unchanged.] **Sec. 54-36. - Term and limitation.** (a) [Unchanged.] (b) [Unchanged.] (c) *A permit issued under this chapter shall not entitle the applicant to peddle or solicit for commercial purposes at any township or Downtown Development Authority sanctioned event. Rather, a separate application must be made to the appropriate Township department or the Downtown Development Authority to be a vendor at any such event. A representative list of events is attached to this ordinance; however, it shall be the responsibility of the applicant to verify the events and the specific dates on which they will be held each year. Soliciting at any township or Downtown Development Authority event without a proper application may result in suspension or revocation of a license issued under this chapter.* **Sec. 54-39. License suspension or revocation.** (a) The township clerk may suspend a license for a period not to exceed ninety (90) days upon determining, based on his or her own investigation or upon certification by the police department that any of the following circumstances exists: (1) The licensee failed to truthfully provide in his or her application the information required in this chapter, or that the licensee has engaged in a fraudulent transaction or enterprise; (2) The licensee has been convicted of a violation of federal, state or local laws, ordinances, or regulations reflecting adversely on the licensee's ability to conduct the business for which the license has been issued in an honest and legal manner, including, but not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, any form of actual or threatened physical harm against another person, or any type of criminal sexual conduct; (3) The licensee is listed on any criminal sex offender registry or has any outstanding warrants for any misdemeanor or felony and such information was not disclosed on the application; (4) If the licensee will be engaging in peddling from or out of a motor vehicle in the streets and roads of the township, the licensee's drivers license has been suspended or revoked or the licensee has been convicted of a misdemeanor or felony moving violation; or (5) The licensee has, in the course of peddling in the township, engaged in conduct that is contrary to the peace, privacy, safety, health and welfare of the residents, businesses and persons in the township. (b) A licensee shall be given written notice of the cause and term of the suspension and of the right to have such suspension reversed, modified or affirmed following a hearing to be conducted by the township board at the next available board meeting, but in all cases not later than twenty-one (21) days following receipt of a written request by the licensee. At the hearing, the licensee shall have the right to hear the evidence relied upon by the clerk and the right to present evidence and witnesses on his or her behalf. At the hearing, or at an adjourned date, the township board shall determine whether to reverse, modify or affirm the suspension and shall put its decision and the reasons therefore in the form of a resolution, which the township clerk shall forward to the licensee. (c) Before a license or registration can be revoked, the township board shall serve the license holder or registered applicant, by first class mail, mailed not less than four days prior to the hearing with a notice of hearing, which notice shall contain the following: (1) Notice of proposed action. (2) Reason for the proposed action. (3) Date, time and place of hearing. (4) A statement that licensee may present evidence and testimony and confront adverse witnesses. Following the hearing, the township board shall submit to such person a written statement of its findings and determination. (d) The township board shall revoke a license by registration issued under this article upon determination by it that based upon competent, material and substantial evidence presented at the hearing, either of the following exists: (1) A violation of any of the prohibitions set forth in this article. (2) The person, entity or organization is engaged or has engaged in any fraudulent scheme, device or trick in any place in the township to obtain money or other valuable things, or is aiding or abetting any person engaged in such scheme, device or trick **SECTION 2. VIOLATION AND PENALTY** Any person or entity that violates any provision of this Ordinance may, upon conviction, be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not more than Ninety (90) days, or both, in the discretion of the court. **SECTION 3. SEVERABILITY** If any clause, sentence, 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 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, as amended, 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 24th day of July, 2012, and was ordered to be given publication in the manner required by law. Introduced: July 10, 2012 Adopted: August 23, 2012 Published: August 23, 2012 Effective: August 23, 2012 **Item 4. APPOINTMENT TO DOWNTOWN DEVELOPMENT AUTHORITY BOARD. (SUPERVISOR)** Motion by Bennett, supported by McLaughlin that the Canton Township Board of Trustees appoint Seth Kleinglass to serve on the Board of Directors of the Downtown Development Authority of the Charter Township of Canton for a four-year term ending August 14, 2016. Motion carried by all members present. **Item 5. APPOINTMENT TO ZONING BOARD OF APPEALS. (MSD)** Motion by Bennett, supported by McLaughlin to appoint Dawn Zuber to the Zoning Board of Appeals, term to expire October 31, 2015. Motion carried by all members present. **Item 6. CONSIDER ACCEPTANCE OF JUSTICE ASSISTANCE GRANT (JAG) 2011. (PSD)** Motion by Bennett, supported by McLaughlin to approve acceptance of the Justice Assistance Grant #2011-DJ-BX-2481 in the amount of \$10,045. Motion carried by all members present. **Item 7. RECEIVE AND FILE THE BOARD OF CANVASSER'S REPORT FOR THE AUGUST 7, 2012 PRIMARY ELECTION RESULTS. (CLERK)** Motion by Bennett, supported by McLaughlin to receive and file the report of the Board of Canvasser's meeting on August 9, 2012 and to attach this certification to the August 7, 2012 Primary Election to the meeting minutes of the Board of Trustees on August 14, 2012. Motion carried by all members present. **GENERAL CALENDAR: Item 1. RESOLUTION AUTHORIZING SUPERVISOR AND CLERK TO SIGN DEED TO FELLOWS CREEK AS PART OF TAX TRIBUNAL SETTLEMENT. (MSD)** Motion by Bennett, supported by Williams to authorize the Township Clerk and Supervisor to sign the deed of property from the Township to Robertson Brothers in order to satisfy the terms of the agreement made by the parties within the Michigan Tax Tribunal. Motion carried by all members present. **Item 2. DECLARATION OF TAKING AND STATEMENT OF NECESSITY FOR DENTON ROAD WATER MAIN. (MSD)** Motion by Bennett, supported by McLaughlin to adopt the resolution declaring a public necessity for the proposed easement for installation of a water main across the property located at 4655 Denton Road (Sidwell No. 126-99-0012-000). Motion carried by all members present. **Item 3. CONSIDER ADOPTION OF THE TOWNSHIP'S 2012-2017 CAPITAL IMPROVEMENT PROGRAM. (MSD)** Motion by Bennett, supported by McLaughlin to adopt the Township's Capital Improvement Program for 2012 through 2017 as presented. Motion carried by all members present. **Item 4. CONSIDER PURCHASE OF DISPATCH CENTER FURNITURE. (PSD)** Motion by Bennett, supported by McLaughlin to approve the purchase of dispatch center furniture and flooring as proposed by JEM Tech Group, 95 S. Rose, Ste B., Mt. Clemens, MI, in the amount of \$50,222 (E-911 Capital Outlay Office Equipment & Furniture #261-346-50.970.0060), utilizing funds budgeted in the E-911 Capital Outlay Office Equipment & Furniture. Motion carried by all members present. **Item 5. CONSIDER APPROVAL OF PAYMENT OF WESTERN WAYNE COUNTY MUTUAL AID ASSOCIATION DUES. (PSD)** Motion by Bennett, supported by Williams to approve payment of the 2012 Western Wayne County Mutual Aid Association dues in the amount of \$10,400.26 from Fire Account # 206-336-50.960. Motion carried by all members present. **Item 6. REQUEST TO APPROVE PURCHASE ORDER TO ELECTION SYSTEMS AND SOFTWARE FOR CODING FOR THE AUGUST 7, 2012 PRIMARY ELECTION. (CLERK)** Motion by Bennett, supported by Williams to approve the request for a purchase order to Election Systems and Software, 6055 Papsphere Circle, Chicago, IL 60674 for \$6,557.80 from account Contracted Services - #101-191.801.0050 for coding for the August 7, 2012 Primary Election. Motion carried by all members present. **Item 7. CONSIDER BUDGET AMENDMENT FOR EECBG RAOH PROJECCT LED LIGHTING. (CLS)** Motion by Bennett, supported by McLaughlin to approve a purchase order for \$78,403 for Rauhorn Electric, Inc., 17171 23 Mile Rd, Macomb, MI 48042. I further move to approve the following budget amendment: Increase Revenue: Federal Grants #275-448.501 \$78,403 Increase Expense: Capital Outlay Infrastructure #275-448.970.0050 \$78,403. Motion carried by all members present. **Item 8. AWARD THE BID FOR THE ADMINISTRATION BUILDING FRONT DOOR REPLACEMENT. (CLS)** Motion by Bennett, supported by Williams to award bid in the amount of \$16,500 to Calvin & Company, Inc., 5076 Pilgrim Rd., Flint, MI 48507 for Sliding Front Door replacement on the Administration Building with funds from account #101-265-56.930.0030 Maintenance/Repair of Machinery & Equipment. Motion carried by all members present. **OTHER:** Treasurer McLaughlin stated she would like to commend Terry Bennett and her staff on the August 7, 2012 Primary Election. The complexity and details that has to be done to conduct an election gets harder every day. Staff barely got to take a deep breath and now have to do it all over for the September 5, 2012 Special Election. The next Board Study meeting will be held on Tuesday, August 21, 2012 at 7:00 p.m. in the Administration Building, First Floor, Board Room, 1150 Canton Center S., Canton, Michigan. **ADJOURN:** Motion by McLaughlin, supported by Williams to adjourn at 7:57 p.m. Motion carried by all members present. - Philip LaJoy, Supervisor - Terry G. Bennett, Clerk