## Charter Township of Canton Board Proceedings-December 10, 2013

6:30 P.M.: FIRE PREVENTION POSTER CONTEST AWARDS Canton Fire Department's annual Fire Prevention Poster Contest winners were honored on Tuesday, December 10, with a small ceremony held at Canton's Administration Building. A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, December 10, 2013 at 1150 Canton Center S., Canton Michigan. Supervisor LaJoy called the meeting to order at 7:03 p.m. and led the Pledge of Allegiance to the Flag. Roll Call Members Present: Anthony, Bennett, LaJoy, McLaughlin, Sneideman, Williams Members Absent: Yack Staff Present: Director Bilbrey-Honsowetz, Director Trumbull, Director Faas, Director Mutchler, Kristin Kolb, Carolyn Cox, Gwyn Belcher Adoption of Agenda Motion by Bennett, supported by Sneideman to approve the agenda as amended moving Recognition ahead of Citizen Comments and adding G-8 Consider Acceptance of Turf Field Donation from Canton Soccer Club. Motion carried by all members present. **Approval of Minutes** Motion by Bennett, supported by Williams to approve the Board Minutes of November 26, 2013 as presented. Motion carried by all members present. Motion by Bennett, supported by Williams to approve the Board Study Minutes of December 3, 2013 as presented. Motion carried by all members present. RECOGNITION: Item 1. PUBLIC SAFETY BADGE PRESENTA-TION - DEPUTY POLICE CHIEF DEBRA NEWSOME. Motion by Bennett, supported by Anthony to recognize the badge presen tation to Deputy Police Chief Debra Newsome. Motion carried by all members present. **Citizen's Non-Agenda Item Comments:** Sandra Miller, Woodbridge Estates, thanked Canton for their assistance with issues on the pond and ditches. Jessica Kowalewski, 41989 Metaline Drive, stated she has issues with the language in the animal ordinance. **Payment of Bills** Motion by McLaughlin, supported by Anthony to approve payment of the bills as presented. Motion carried by all members present. <u>CONSENT CALENDAR</u>: Item 1. CONSIDER APPOINTMENT OF FIVE MEMBERS TO THE FIRE BOARD OF APPEALS. (PSD) Motion by Bennett, supported by Williams to approve the appointment of Timothy Blackwood, Jr., Eugene L. Chan, Bruce Hermanson, David St. Germain, and Greg Stanley, to the Fire Board of Appeals for the designated term of years. Motion carried by all members present. Item 2. CON-SIDER SECOND READING FOR APPROVAL OF AN AMENDMENT TO APPENDIX A - ZONING OF THE CODE OF ORDINANCES FOR THE LAKE REZONING. (MSD) Motion by Bennett, supported by Williams to remove from the table, declared the second reading held and adopt the ordinance to amend the zoning map pursuant to Section 27.06 of Appendix A- Zoning, of the Code of Ordinances for the Lake Rezoning as provided in the attached ordinance and map. The ordinance amendment shall take effect seven days after publication. Motion carried by all members present. STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON AN ORDINANCE AMENDING ARTICLE 8.00 OF APPENDIX A - ZONING, OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF CANTON, MICHIGAN WHICH AMENDS THE ZONING DISTRICT BOUNDARIES ON THE ZONING MAP THE CHARTER TOWNSHIP OF CANTON ORDAINS: PART I.\_ARTICLE 8.00 ESTABLISHMENT OF ZONING DISTRICTS AND MAP Pursuant to Section 27.06 of Appendix A – Zoning, the zoning map is hereby amended by changing the zoning on parcel no. 018-99-0006-000 from RR, Rural Residential to R-1, Single-Family Residential District as shown on the attached zoning map. PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated. **PART III. Savings Clause.** The amendment of the Canton Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture or pun ishment, pending or incurred prior to the amendment of the Canton Code of Ordinances set forth in this Ordinance. PART IV. Repealer. All other Ordinances or part of Ordinances in conflict herewith are hereby repealed only to the extent to give this Ordinance full force and effect. PART V. Publication. The Clerk for the Charter Township of Canton shall cause the ordinance to be published in the man ner required by law. Part VI. Effective Date. A public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption of publications of a notice in a newspaper circulated in Canton Township stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the Township Clerk during the hours of 8:30 AM to 4:30 PM, Local Time. The provision of this Ordinance shall become effective seven (7) days after its publication. 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 10th day of December, 2013, and was ordered to be given publication in the manner required by law. Introduced: November 26, 2013, Adopted: December 10, 2013, Published: December 19, 2013, Effective: December 26, 2013



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Item 4. SECOND READING AND ADOPTION OF AN AMENDMENT TO THE CANTON TOWNSHIP CODE OF ORDINANCES, CHAPTER 30 - EMERGENCY SERVICES, ARTICLE II - ALARM SYSTEMS. (PSD) Motion by Bennett, supported by Williams to remove from the table and hold the second reading of an amendment to the Township Code of Ordinances, Chapter 30, Emergency Services, Article II, Alarm Systems. I further move to declare the text amendment adopted, and direct the publication of the text amendment on December 19, 2013, which shall be the effective date. Motion carried by all members present. STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, CHAPTER 30 – EMERGENCY SERVICES AN STATE OF ORDINANCE TO AMEND CHAPTER 30, EMERGENCY SERVICES, OF THE CHARTER TOWNSHIP OF CANTON CODE OF ORDINANCES TO PROVIDE A COST RECOVERY PROVISION FOR THE RESPONSE TO A FALSE ALARM. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1 – AMENDMENT TO CODE Sec. 30-31. - Definitions. The fol-lowing words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Alarm system means any electrical board, control system, or device, which a reasonable informed individual of common experience would refer to as a burglar alarm system or police alarm system, that will, upon activation, emit a sound or transmit a signal or message. Alarm user means any person using the services of a fire alarm system and/or burglar alarm system and/or police alarm system. False alarm means any activation of an alarm system or its components which does not signal an actual fire or an actual criminal act or its attempt or does not provide evidence for investigative officers to determine if a crime was com-mitted or attempted; also an alarm system activation which indicates a situation other than that which the alarm system was designed to indicate. An alarm activation caused by severe weather or other unexpected emergencies or electrical power failure, beyond the control of the owner or lessee, shall not be considered a false alarm. Public safety personnel means Charter Township of Canton police officers, dispatchers, fire personnel and other employees of the township who provide emergency services to persons and/or property in the township. Telephone number means any numbers assigned by a public utility company engaged in the business of providing communications services, and facilities to be used by means of a rotary or other system to connect with the police division and/or fire division of the township. Sec. 30-32. - Automatic dialing prohibited. No person shall use or operate, attempt to use or operate or arrange, adjust, program or otherwise install any alarm system that will, upon activation, either mechanically, electronically or by any other automatic means, initiate the intrastate calling, dialing or connection to any telephone number assigned to the police division, fire division, or 911 Emergency Number which connects or assigns the number to the public safety department or its dispatchers without the prior approval of the director of public safety. Sec. 30-33. - Activation without cause; prohibited audible alarms. (a)It shall be unlawful for anyone to activate any alarm system for the purpose of summoning the police or fire division except in the event of a fire or what is reasonably believed to be an unlawful act and/or an unauthorized entry on the premises. Whenever an alarm system has been designed and commonly understood to alert others to a fire or the commission of a particular crime, it shall be unlawful for anyone to activate such alarm system for the purpose of summoning the police or fire division except in the event of what is reasonably believed to be such particular crime or fire. (b)It shall be unlawful to install or use an alarm system which, upon activation, emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes. (c) The provisions of this section shall not be applicable to audible alarms affixed to motor vehicles Sec. 30-34. – Designated agent for audible or visible alarms. An alarm user who owns or maintains an alarm system which when activated causes a signal to be emitted which can be heard or seen outside the premises protected by the alarm system shall designate an agent who, upon thirty-minute (30) notice, can access the premises in which the alarm system is installed and deactivate the audible and/or visible signal. The telephone number and address of the designated agent who will be available at any time, day or night shall be provided to the public safety department. Any changes in the designated agent shall be immediately communicated to the public safety department. Sec. 30-35. - False alarm fees. In order to defray the expense incurred by the township in responding to false alarms, an alarm user who owns or maintains an alarm system which has transmitted a false alarm which has resulted in a response by the public safety department shall pay to the township a fee as established by this section. The fee shall be based on the number of occur rences within a rolling twelve (12) month period. First occurrence No charge Second occurrence No charge Third occurrence \$100.00 Fourth occurrence \$200.00 Subsequent responses \$300.00 Sec. 30-36. – False alarm fees. a. The false alarms fees specified in section 30-35 shall be charged in the following instances: The absence of evidence of an illegal entry or an attempt thereof; (2) The absence of evidence of a fire; A malfunction in the alarm system; Activation of the alarm system by mistake; and (5) Activation of the alarm system by persons working on the alarm system where the public safety personnel have not been previously notified. The false alarms fees specified in section 30-35 shall not be required in the following cases: (1) Activation of the alarm system due to severe storm conditions; Alarm system malfunction, if corrective measures have been instituted within five (5) days thereafter, and a copy of a repair order by a licensed alarm system contractor is provided to the township police department within thirty (30) days of the false alarm; (2) Evidence of activation of the alarm system by disruption or disturbance of utility company facilities such as, but not limited to accidents involving utility poles; (3) The director of public safety or their designee is hereby authorized and empowered to waive the requirement for false alarm fees upon presentation of evidence of the existence of circumstances in any given instance that the alarm system was activated by conditions beyond the control of the alarm user which could not have been reasonably foreseen or prevented. Sec. 30-37. Collection of false alarm fees. False alarm fees imposed under this article shall be paid within thirty (30) days of an invoice sent to the address to which public safety personnel were sent in response to the false alarm. In the event the fees are not paid within one year or exceed two hundred dollars (\$200.00), the unpaid fee(s) shall be considered a lien on the property and shall be collected as delinquent ad valorem real property taxes. Sec. 30-38. - Monthly alarm report. The director of public safety shall cause to be maintained a monthly alarm report in which shall be recorded all of the alarms to which the police have responded. Sec. 30-39. License required of alarm installers.No person may engage in the business of installing an alarm system unless they have been licensed by the State of Michigan in accordance with Act No. 190 of the Public Acts of Michigan of 1975, as amended, [MCL 338.1051, et seq.; MSA 10.185(1), et seq.] No person acting as an alarm contractor or installer, or its agent, may knowingly misrepresent any services offered or rendered to an alarm user. Sec. 30-40. - Township under no obligation. The township shall be under no duty or obligation to any person under this article by reason of any provisions of this article, including any delays in response or failure to respond to any alarm. SECTION 2. VIO-LATION 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, 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 invalid 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 un tutional 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 pub-Ished 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 10th day of December, 2012, and was ordered to be given publication in the manner required by law. Introduced: November 26, 2013, Adopted: December 10, 2013, Published: December 19, 2013, Effective: December 19, 2013 Item 5. SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND CHAP-TER 46, ARTICLE I, DIVISION 3, FIREWORKS, IN ORDER TO BRING THE PENALTY PROVISION INTO COMPLI-ANCE WITH STATE LAW. (SUPERVISOR) Motion by Bennett, supported by Williams to remove from the table and hold the sec ond reading of an amendment to the Township Code of Ordinances, Chapter 46, Article I, Division 3, "Fireworks." I further move to declare the text amendment adopted, and direct the publication of the text amendment on December 19, 2013, which shall be the effective date. 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 ADD CORRECT THE PENALTY PROVISION AND BRING THE ORDINANCE IN COMPLIANCE WITH PA 256 OF 2011 THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE. Chapter 46, Article IV, Division 3 "Fireworks" is hereby amended to add a new section 46-268 to read as follows: Sec. 46-268 – Penalty. A violation of sec. 46-263 and/or sec. 46-265 is a municipal civil infraction, punishable by a civil fine not to exceed \$500.00 in accordance with MCL §28.457. 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 unconstitu-tional or invalid, said judgment shall not affect, impair or invalid 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 un tutional provisions not have been included in this ordinance. SECTION 3. 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 4. 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 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, as amended, shall take full force and effect upon publication as required by law. <u>CERTIFICATION</u> 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 10<sup>th</sup> day of December, 2013, and was ordered to be given publication in the manner required by law. Introduced: November 26, 2013 Adopted: December 10, 2013 Published: December 19, 2013 Item 6. AUTHORIZATION TO PAY BILLS THROUGH THE END OF 2013. (FBD) Motion by Bennett, supported by Williams to authorize the payment of the Township's bills on December 27, 2013, as normally sched uled, subject to prior review by the Clerk and Treasure. Motion carried by all members present. <u>GENERAL CALENDAR:</u> Item 1. CONSIDER SPECIAL LAND USE REQUEST FOR THE PLYMOUTH CANTON MIDDLE SCHOOL. (MSD) Motion by ennett, supported by McLaughlin to adopt the special land use request for the Plymouth Canton Middle School. Motion carried by al members present. Item 2. CONSIDER AWARD FOR COMMUNITY SURVEY AND BENCHMARK ANALYSIS. (CLS) Motion by Bennett, supported by McLaughlin to approve the following budget amendment: Increase Revenue 101-000.686\_0004 Reimbursement Misc. \$10,000 Increase Expense 101-750-801\_0050 Contracted Services \$10,000 I further move to authorize the Community Needs Assessment and Benchmark Analysis from ETC Institute, 725 W. Frontier Circle, Olathe, Kansas, 66061 in an amoun not to exceed \$24,000 to be taken from account # 101-750-801,0050. Motion carried by all members present. Item 3. CONSIDER APPROVAL OF AN INTER-GOVERNMENTAL AGREEMENT BETWEEN WAYNE COUNTY AND CANTON TOWNSHIP FOR THERAPEUTIC RECREATION PROGRAM SERVICES. (CLS) Motion by Bennett, supported by McLaughlin to author ize the Township Supervisor to sign the Intergovernmental Agreement between Wayne County and Canton Township for Therapeutic Recreation Program Services. I further move to authorize the Finance Department to make necessary 2014 & 2015 budget adjustments to record the Wayne County contribution and the related expenditures: Increase to Revenues: 101-691-63.538 Other Grant Revenue \$75,000 Increase in Expenses: 101-691-63.705 0015 Salaries and Wages - Part time \$40,000 101-691-63.742 Program Activity Supplies \$15,000 101-691-63.801\_0050 Contracted Services \$10,000 101-691-63.860 Transportation \$10,000. Motion carried by all mbers present. Item 4. CONSIDER AUTHORIZATION OF LEASE OF CARDIOVASCULAR FITNESS EQUIPMENT. (CLS) Motion by Bennett, supported by Williams to authorize the 3-year lease-to-own agreement for two treadmills with Fitness Things 1160 W. Ann Arbor Road, Plymouth, MI 48170 in the amount of \$12,210.51 (3 annual payments of \$4,070.17). Motion carried by all members present. Motion by Bennett, supported by Williams to authorize the 3-year lease-to-own agreement for two Expresso HD Bikes with Direct Fitness Solutions, 600 Tower Road, Mundelein, IL 60060 in the amount of \$11,689.14 (3 annual payments of \$3,896.38) Motion carried by all members present, Motion by Bennett, supported by Sneideman to authorize the 3-year lease-to-own agreement for two pieces of cardiovascular fitness equipment with All Pro Exercise, 45255 Five Mile Road, Plymouth MI 48170 in the amount of \$10,444.05 (3 annual payments of \$3,481.35).. Motion carried by all members present. **Item 5. 2013 BUDGET ADJUST-MENTS. (FBD)** Motion by Bennett, supported by McLaughlin to approve the listing of budget adjustments to the 2013 budget. Motion carried by all members present. Item 6. APPROVE CDBG HOUSING REHAB CHANGE ORDER. (FBD) Motion by Bennett, supported by Sneideman to approve the change order for Stratton Home Improvement in the amount of \$7,854 for a housing rehabilitation at 301 Buckingham. Motion carried by all members present. Item 7. APPROVE PROPOSAL FOR TOWNSHIP TELEPHONE CARRIER SERVICES. (FBD) Motion by Bennett, supported by Williams to approve a new contract with Telnet World Wide for telephone carrier services for a three year period from the date January 4, 2014 through January 3, 2017. Motion carried by all members present. Item 8. CONSIDER ACCEPTANCE OF TURF FIELD DONATION FROM CANTON SOCCER CLUB. (CLS) Motion by Bennett, supported by McLaughlin to accept the donation by the Canton Soccer Club for the purchase and installation of a turf field at Independence Park. Motion carried by all members present. **OTHER:** The December 17, 24 & 31, 2013 and January 7, 2014 Board meetings are cancelled. The next Board meeting is scheduled for January 14, 2014 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 Anthony to adjourn at 8:06 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 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: December 19, 2013 EC121913-0857 2.5 x 1.903

DEVELOPMENT STANDARDS FOR THE CORPORATE PARK OVERLAY DISTRICT; TO AMEND THE APPLICABLE AREA. THE CHARTER TOWNSHIP OF CANTON ORDAINS: <u>PART I.</u>\_ARTICLE 6.00 – SITE DEVELOPMENT STAN-DARDS APPLICABLE TO SPECIFIC USES Sec. 6.08. - Site development standards for the corporate park overlay district. A [Unchanged.] Applicable Area. The proposed Canton Corporate Park overlay district encompasses the area east of I-275, west of the township line, south of the industrial zoning south of Warren Koppernick Road, and north of the Detroit Edison ITC power lines, just area located east of the railroad right-of-way, as illustrated in figure 6.08B.1. C. - G. north of Cherry Hill Road, not inclusion [Unchanged.] PART II. Severability, Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated. PART III. Savings Clause. The amendment of the Canton Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Canton Code of Ordinances set forth in this Ordinance. PART IV. Repealer. All other Ordinances or part of Ordinances in conflict herewith are hereby repealed only to the extent to give this Ordinance full force and effect. PART V. Publication. The Clerk for the Charter Township of Canton shall cause the ordinance to be published in the manner required by law. PART VI. Effective Date. A public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended the provisions of this Ordinance shall be published within fifteen (15) days of its adoption of publications of a notice in a newspaper circulated in Canton Township stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a com plete copy of the Ordinance is available for public purchase, use and inspection at the office of the Township Clerk during the hours of 8:30 AM to 4:30 PM, Local Time. The provision of this Ordinance shall become effective seven (7) days after its publication. 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 10th day of December, 2013, and was ordered to be given publication in the manner required November 26, 2013 Adopted: December 10, 2013 Published: December 18, 2013 Effective: December 26, by law.Introduced: 2013

nance amendment shall take effect seven days after publication. Motion carried by all members present. STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, AN ORDINANCE AMENDING APPENDIX A – ZONING, OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF CANTON, MICHIGAN, BY AMENDING ARTICLE

6.00 - SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES, SPECIFICALLY SECTION 6.08, SITE



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